

AGENDA
REGULAR CITY COUNCIL MEETING
RONALD C. BOWMAN CITY COUNCIL CHAMBERS
447 North Main Street
Boerne, TX 78006
July 27, 2021 – 6:00 PM

A quorum of the City Council will be present during the meeting at: 447 N Main, Boerne, TX 78006.

During the meeting, the City Council may meet in executive session, as to the posted subject matter of this City Council meeting, under these exceptions of Chapter 551 of the Texas Government Code; sections 551.071 (Consultation with Attorney), 551.072 (Deliberation Regarding Real Property), 551.073 (Deliberation Regarding Gifts), 551.074 (Personnel/Officers), 551.076 (Deliberation Regarding Security Devices), and Section 551.087 (Deliberation Regarding Economic Development Negotiations).

1. CALL TO ORDER – 6:00 PM

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG

PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG

(Honor the Texas flag, I pledge allegiance to thee, Texas – one state under God, one and indivisible.)

2. CONFLICTS OF INTEREST

3. PUBLIC COMMENTS: This is the opportunity for visitors and guests to address the City Council on any issue, in compliance with LGC Section 551.007. City Council may not discuss any presented issue, nor may any action be taken on any issue at this time. (Attorney General opinion – JC-0169)

4. **2021-679** RECOGNITION OF COMMUNICATIONS DIRECTOR, PAM BRANSFORD.

Presenter: City Manager Ben Thatcher

5. **2021-680** RECOGNITION OF DEPUTY CITY MANAGER AND GENERAL MANAGER OF UTILITIES, JEFF THOMPSON.

Presenter: City Manager Ben Thatcher

6. CONSENT AGENDA: All items listed below within the Consent Agenda are considered to be routine by the City Council and may be enacted with one motion. There will be no separate discussion of items unless a Council Member or citizen so requests, in which event the item may be moved to the general order of business and considered in its normal sequence.

- A. **2021-675** CONSIDER THE MINUTES OF THE JULY 13, 2021 CITY COUNCIL MEETING.

Presenter: City Secretary Lori Carroll

- B. [2021-676](#) CONSIDER ON SECOND READING ORDINANCE NO. 2021-21; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, AMENDING THE BOERNE UNIFIED DEVELOPMENT CODE, ADOPTED BY ORDINANCE NO. 2020-29 ON NOVEMBER 24, 2020, PROVIDING AMENDMENTS TO CHAPTER 2. PROCEDURES, CHAPTER 3. ZONING (INCLUDES OVERLAY DISTRICTS), SECTION 3.2. ADOPTING A REVISED ZONING MAP, CHAPTER 8. ENVIRONMENTAL DESIGN, AND APPENDICES A. DEFINITIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR A PENALTY FOR VIOLATION FINES NOT TO EXCEED \$1,000 FOR EACH SEPARATE OFFENSE; AND CONTAINING A SEVERANCE CLAUSE. (Amendments to the UDC)

Presenter: Planning & Community Development Director Laura Haning

- C. [2021-677](#) CONSIDER ON SECOND READING ORDINANCE NO. 2021-22; AN ORDINANCE AMENDING THE CITY OF BOERNE ZONING ORDINANCE NO. 2007-64, CAPTIONED, "ZONING ORDINANCE OF THE CITY OF BOERNE, TEXAS", DATED DECEMBER 18, 2007, BY AMENDING ARTICLE 3, SECTION 14, REZONING 0.678 ACRES LOCATED AT THE CORNER OF OAK PARK AND SECOND STREET (PART OF KAD NO. 24880) FROM R-1, MEDIUM-DENSITY SINGLE-FAMILY DISTRICT, TO R-D, DUPLEX RESIDENTIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE.

Presenter: Planning & Community Development Director Laura Haning

- D. [2021-678](#) CONSIDER ON SECOND READING ORDINANCE NO. 2021-23; AN ORDINANCE ESTABLISHING THE RATE CLASSIFICATIONS AND

RATES TO BE CHARGED FOR RECLAIMED WATER SERVICE PROVIDED BY THE CITY OF BOERNE UTILITIES, AND REPEALING AND REPLACING ORDINANCE NO. 2018-31 DATED SEPTEMBER 11, 2018, AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith. (Change rates for use of reclaimed water service)

Presenter: Deputy City Manager Jeff Thompson

- E. 2021-691** CONSIDER RESOLUTION NO. 2021-R28; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF BOERNE AND CITY OF HURST FOR STREET PRESERVATION CONTRACTOR.

Presenter: Development Director Jeff Carroll

- F. 2021-690** CONSIDER RESOLUTION NO. 2021-R29; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, AUTHORIZING THE CITY MANAGER TO COMPLETE THE SUBMISSION FOR CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS, AND DESIGNATING THE CITY MANAGER AS THE AUTHORIZED REPRESENTATIVE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF. (Application for ARPA Funds)

Presenter: Finance Director Sandy Mattick

REGULAR AGENDA:

7. PRESENTATIONS, PUBLIC HEARINGS, AND ORDINANCES:

- A. 2021-681** CONSIDER A ONE-TIME READING OF ORDINANCE 2021-24: AS PERMITTED BY THE CITY OF BOERNE'S HOME RULE CHARTER SECTION 3.11.A. (As described below)

Presenter: Tim Handren

- B. 2021-689** CONSIDER ORDINANCE NO. 2021-24; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, REPEALING AND REPLACING ORDINANCE NO. 2021-10, CAPTIONED "ADOPTING THE ENGINEERING DESIGN MANUAL".

Presenter: Development Director Jeff Carroll

- C. **2021-682** CONSIDER A ONE-TIME READING OF ORDINANCE 2021-25: AS PERMITTED BY THE CITY OF BOERNE'S HOME RULE CHARTER SECTION 3.11.A. (As described below)
- Presenter:** Tim Handren
- D. **2021-692** CONSIDER ORDINANCE NO. 2021-25; AN ORDINANCE AMENDING ORDINANCE NO. 2020-28, CAPTIONED "AN ORDINANCE ESTABLISHING AND REESTABLISHING FEES AND CHARGES FOR ACTIVITIES, GOODS AND SERVICES PROVIDED BY THE CITY; CONTAINING A PROVISION TO AUTHORIZE THE CITY MANAGER TO ESTABLISH FEES AND CHARGES IN CERTAIN CIRCUMSTANCES, CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE SUBJECT." (Amend to include fees associated with the UDC)
- Presenter:** Finance Director Sandy Mattick
8. OTHER ITEMS:
- A. **2021-688** DISCUSS PROCESS FOR MASTER PLAN.
- Presenter:** Tim Handren
- B. **2021-694** DISCUSS AND RECEIVE THE PROPOSED BUDGET FOR FISCAL YEAR 2021-2022.
- Presenter:** Finance Director Sandy Mattick
- C. **2021-693** CALL FOR AND SET A PUBLIC HEARING ON AUGUST 24, 2021, AT 6:00 P.M. ON THE PROPOSED BUDGET FOR FISCAL YEAR 2021-2022.
- Presenter:** Finance Director Sandy Mattick
- D. **2021-695** CALL FOR AND SET A PUBLIC HEARING ON SEPTEMBER 14, 2021, AT 6:00 P.M. ON THE PROPOSED TAX RATE FOR FISCAL YEAR 2021-2022 AND DETERMINING THE PROPOSED TAX RATE TO BE INCLUDED IN THE HEARING NOTICE.
- Presenter:** Finance Director Sandy Mattick
9. CITY MANAGER'S REPORT:
- A. **2021-683** MONTHLY PROJECTS UPDATE.

Presenter: City Manager Ben Thatcher

10. COMMENTS FROM COUNCIL – No discussion or action may take place.

11. EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE:

- A. **2021-684** SECTION 551.072 - TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY WHERE DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE CITY IN NEGOTIATIONS WITH A THIRD PERSON FOR THE POTENTIAL PURCHASE OF 0.276 ACRES, MORE OR LESS, LOCATED AT 622 PLANT AVENUE FROM LCRA TRANSMISSION SERVICES CORPORATION.

Presenter: Deputy City Manager Jeff Thompson

- B. **2021-685** SECTION 551.071 - CONSULTATION WITH CITY ATTORNEY AND SECTION 551.087 - DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS, DISCUSSION ON SOUTHGLEN SUBDIVISION.

Presenter: Development & Process Improvement Director Nick Montagno

- C. **2021-686** SECTION 551.071 - CONSULTATION WITH CITY ATTORNEY AND SECTION 551.072 - DELIBERATION REGARDING REAL PROPERTY, DISCUSSION ON VALUE OF LAND, IMPROVEMENTS, AND POSSIBLE SALE OF CITY HALL CAMPUS PROPERTIES.

Presenter: Development & Process Improvement Director Nick Montagno and City Attorney Barbara Quirk

- D. **2021-697** SECTION 551.071 - CONSULTATION WITH CITY ATTORNEY REGARDING PENDING AND/OR THREATENED LITIGATION, SETTLEMENT OFFERS AND/OR MATTERS FOR WHICH THE DUTIES OF THE ATTORNEY UNDER THE TEXAS RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS REQUIRE CONFIDENTIAL COMMUNICATIONS: 1. OPIOID LAWSUIT 2. OTHER POTENTIAL LITIGATION.

Presenter: City Attorney Barbara Quirk

12. RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE.

- A. **2021-687** CONSIDER RESOLUTION NO. 2021-R30; A RESOLUTION OF THE

CITY OF BOERNE, TEXAS, AUTHORIZING THE CITY MANAGER TO PURCHASE 0.276 ACRES, MORE OR LESS, LOCATED AT 622 PLANT AVENUE FROM LCRA TRANSMISSION SERVICES CORPORATION AND EXECUTE ALL NECESSARY DOCUMENTATION.

Presenter: Deputy City Manager Jeff Thompson

13. ADJOURNMENT

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the 23rd day of July, 2021 at 4:30 p.m.

s/s Lori A. Carroll
City Secretary

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS

The City Hall is wheelchair accessible. Access to the building and special parking is available at the northeast entrance of the building. Requests for auxiliary aides and special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 830-249-9511.

Pursuant to Section 30.06 Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.

Pursuant to section 30.07 Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.