

**AGENDA**  
**CITY COUNCIL MEETING**  
**RONALD C. BOWMAN CITY COUNCIL CHAMBERS**  
**447 North Main Street**  
**Boerne, TX 78006**  
**September 14, 2021 – 6:00 p.m.**

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

INVOCATION

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. 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. CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CALLED CITY COUNCIL MEETING OF AUGUST 24, 2021.

- B.** CONSIDER RESOLUTION No. 2021-R41; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE, TEXAS AND ABIP, PC FOR AUDITING THE CITY OF BOERNE'S FINANCIAL STATEMENTS FOR THE YEAR ENDING SEPTEMBER 30, 2021.
- C.** CONSIDER ON SECOND READING ORDINANCE NO. 2021-28; AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BOERNE, TEXAS, CHAPTER 2, ADMINISTRATION, ARTICLE V. ETHICS, SEC. 2.121. DEFINITIONS, ADDING THE DESIGN REVIEW COMMITTEE TO THE DEFINITION OF "CITY OFFICIAL"; AND PROVIDING AN EFFECTIVE DATE AND SAVINGS CLAUSE; AND RELATED MATTERS

#### REGULAR AGENDA

#### 5. PRESENTATIONS, PUBLIC HEARINGS, AND ORDINANCES:

- A.** PROPOSED REZONING OF 0.794 ACRES LOCATED AT 32884 INTERSTATE HIGHWAY 10 WEST (KAD 26872) FROM I-2, LIGHT INDUSTRIAL, TO C-4, REGIONAL COMMERCIAL DISTRICT. (6A Properties, LP/ Aaron A. Arnold)
- I. PRESENTATION
- II. PUBLIC HEARING (One of one hearing)
- III. FIRST READING OF ORDINANCE NO. 2021-29 ; AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BOERNE UNIFIED DEVELOPMENT CODE, BY AMENDING CHAPTER 3. ZONING, SECTION 3.2, ZONING MAP, REZONING 0.794 ACRES LOCATED AT 32884 INTERSTATE HIGHWAY 10 WEST (KAD NO. 26872) FROM I-2, LIGHT INDUSTRIAL, TO C-4, REGIONAL COMMERCIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Rezoning 0.794 acres - 32884 IH-10 from I-2 to C-4 at the request of property owners)
- B.** PROPOSED PLANNED UNIT DEVELOPMENT (PUD) OVERLAY DISTRICT FOR 1.27 ACRES LOCATED BETWEEN STAHL AND

NORTH PLANT STREETS (BETWEEN 115 STAHL STREET AND 400 ROSEWOOD - A PORTION OF KAD NO. 20028 AND ALL OF KAD NO. 63697) (Jay Parker/ Trophy Properties).

I. PRESENTATION

II. PUBLIC HEARING (One of one hearing)

III. FIRST READING OF ORDINANCE NO. 2021-30 ; AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BOERNE UNIFIED DEVELOPMENT CODE, BY AMENDING CHAPTER 3. ZONING, SECTION 3.2, ZONING MAP, APPLYING A PLANNED UNIT DEVELOPMENT (PUD) OVERLAY DISTRICT TO 1.27 ACRES LOCATED BETWEEN STAHL AND NORTH PLANT STREETS (BETWEEN 115 STAHL STREET AND 400 ROSEWOOD - A PORTION OF KAD NO. 20028 AND ALL OF KAD NO. 63697); REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (applying a PUD to 1.27 acres - between 115 Stahl and 400 Rosewood)

C. PROPOSED ANNEXATION OF 2.967 ACRES LOCATED AT 6 NORTH STAR, KAD NO. 24324, AND 0.651 ACRE OF RIGHT-OF-WAY ON NORTH STAR ROAD AT THE REQUEST OF LEO QUINTANILLA.

I. PRESENTATION

II. PUBLIC HEARING (One of one hearing)

III. CONSIDER ON FIRST READING ORDINANCE NO. 2021-31 ; AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF BOERNE, KENDALL COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY (Annexing 2.967 acres located at 6 North Star Road KAD 24324 and 0.651 acre of right of way on North Star Road at the request

of property owner)

- D.** CONSIDER ON SECOND READING ORDINANCE NO. 2021-27; AN ORDINANCE ADOPTING THE ANNUAL CAPITAL AND OPERATING BUDGETS FOR THE CITY OF BOERNE, TEXAS, FOR THE FISCAL YEAR 2021-2022, BEGINNING OCTOBER 1, 2021, AND ENDING SEPTEMBER 30, 2022; AND AUTHORIZING THE CITY MANAGER TO TRANSFER PART OR ALL OF ANY ENCUMBERED APPROPRIATION BALANCE AMONG PROGRAMS, WITHIN A FUND DEPARTMENT, OFFICE, OR AGENCY AT ANY TIME DURING THE FISCAL YEAR.

- E.** PROPOSED TAX RATE OF 0.4720/100 FOR FISCAL YEAR 2021-2022.

I. PRESENTATION

II. PUBLIC HEARING (One of one hearing)

III. RATIFY THE PROPERTY TAX REVENUE INCREASE REFLECTED IN THE FISCAL YEAR 2021-2022 BUDGET.

IV. CONSIDER A ONE-TIME READING OF ORDINANCE NO. 2021-32 ; AS PERMITTED BY THE CITY OF BOERNE'S HOME RULE CHARTER, SECTION 3.11.A. (As described below)

V. CONSIDER ORDINANCE NO. 2021-32 ; AN ORDINANCE ESTABLISHING THE TAX RATE AND THE BASIS FOR ASSESSED VALUES FOR THE CITY OF BOERNE, TEXAS FOR THE YEAR 2021 AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.  
(Ordinance adopting tax rate)

**6. OTHER ITEMS:**

- A.** CONSIDER MAYORAL APPOINTMENTS TO THE WATER PLANNING COMMITTEE.

**7. CITY MANAGER'S REPORT:**

- A. I-10 TXDOT CONSTRUCTION PROJECT UPDATE (J CARROLL)

B. DEVELOPMENT PROCESS IMPROVEMENT UPDATE  
(MONTAGNO)

C. COVID VACCINE HUB FOR THE IMMUNOCOMPROMISED, 1ST  
AND/OR 2ND SHOT (THATCHER)

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

A. EXECUTIVE SESSION UNDER SECTION 551.071 - CONSULTATION  
WITH CITY ATTORNEY TO SEEK LEGAL ADVICE REGARDING  
MATTERS INVOLVING PENDING OR CONTEMPLATED  
LITIGATION, A SETTLEMENT OFFER, AND/OR A LEGAL MATTER  
FOR WHICH THE DISCIPLINARY RULES OF PROFESSIONAL  
CONDUCT REQUIRE THE CITY ATTORNEY TO DISCUSS WITH CITY  
COUNCIL IN CLOSED SESSION RELATED TO A CLAIM BY GARY  
AND CYNTHIA NORGAN.

B. EXECUTIVE SESSION UNDER SECTION 551.071 - CONSULTATION  
WITH CITY'S ATTORNEY REGARDING PENDING OR  
CONTEMPLATED LITIGATION OR A SETTLEMENT OFFER RELATED  
TO OPIOID LITIGATION BY THE STATE OF TEXAS ON BEHALF OF  
THE CITY OF BOERNE AND OTHER ENTITIES AGAINST OPIOID  
MANUFACTURER JOHNSON & JOHNSON AND CERTAIN  
DISTRIBUTORS OF OPIOID DRUGS.

C. EXECUTIVE SESSION UNDER SECTION 551.071 -  
CONSULTATION WITH CITY'S ATTORNEY REGARDING PENDING  
OR CONTEMPLATED LITIGATION REGARDING DEVELOPMENT  
AGREEMENT WITH BOERNEBAK

D. EXECUTIVE SESSION UNDER SECTION 551.074 - PERSONNEL  
MATTERS. DISCUSSION ON PROCEDURES FOR CITY MANAGER  
EVALUATION.

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

A. CONSIDER RESOLUTION NO. 2021-R42; A RESOLUTION  
SUPPORTING THE ADOPTION OF THE TEXAS TERM SHEET  
APPROVING THE ALLOCATION OF ANY AND ALL OPIOID  
SETTLEMENT FUNDS.

- B. CONSIDER THE EXECUTION OF THE SUBDIVISION PARTICIPATION FORM FOR JOHNSON AND JOHNSON AND THE SUBDIVISION SETTLEMENT PARTICIPATION FORM FOR THE DISTRIBUTOR SETTLEMENT.

10. ADJOURNMENT

**CERTIFICATION**

I hereby certify that the above notice of meeting was posted on the 10th day of September 2021 at 5:00 p.m.

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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.