

AGENDA
REGULAR CITY COUNCIL MEETING
RONALD C. BOWMAN CITY COUNCIL CHAMBERS
447 North Main Street
Boerne, TX 78006
November 9, 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

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. 2021-934 CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CALLED CITY COUNCIL MEETING OF OCTOBER 26, 2021.

Presenter: City Secretary Lori Carroll

- B. [2021-930](#) CONSIDER ON SECOND READING ORDINANCE NO. 2021-34; AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF BOERNE UNIFIED DEVELOPMENT CODE, BY AMENDING CHAPTER 3. ZONING, SECTION 3.2, ZONING MAP, REZONING 1.0672 ACRES LOCATED AT 128 ARANSAS PASS, SUNRISE ADDITION, BLK 6 LOT 15, 19, 20 AND PT 21 (KAD NO. 26712) FROM R2-M RR, MODERATE DENSITY RESIDENTIAL RIVER ROAD OVERLAY, TO C2 RR, TRANSITIONAL COMMERCIAL RIVER ROAD OVERLAY; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Rezoning 1.0672 acres located at 128 Aransas Pass from R2-M RR to C2-RR, Robert Thornton, L.P.)

Presenter: Planning & Community Development Director Laura Haning

- C. [2021-931](#) CONSIDER ON SECOND READING ORDINANCE NO. 2021-35; 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, GRANTING A SPECIAL USE PERMIT FOR A DRIVE-THRU FACILITY TO 7.708 ACRES LOCATED AT 1313 AND 1361 SOUTH MAIN STREET, WAL-MART SHOPPING CENTER BLK 1 LOT 1 AND LOT 2C (KAD NOS. 27528 AND 27529) IN A C3-EC, COMMUNITY COMMERCIAL - ENTRANCE CORRIDOR DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Michael K. Garrott, Hill Country Square between Jiffy Lube and Eyes on Main)

Presenter: Planning & Community Development Director Laura Haning

- D. **2021-958** CONSIDER RESOLUTION NO. 2021-R63; A RESOLUTION AND DESIGNATING SIGNATORIES FOR THE DEPOSITORY FINANCIAL INSTITUTION FOR THE SAFE DEPOSIT BOX FOR THE CITY OF BOERNE, TEXAS. (Authorize signatories for safe deposit box)

Presenter: Finance Director Sandy Mattick

- E. **2021-956** CONSIDER RESOLUTION NO. 2021-R64; A RESOLUTION AUTHORIZING THE CITY MANAGER TO PAY REGULAR INVOICES AND BILLS FROM SPECIFIC PROVIDERS OF GOODS AND SERVICES, IN ACCORDANCE WITH THE APPROVED ANNUAL

BUDGET, AND IN ACCORDANCE WITH SECTION 6.08 OF THE CITY OF BOERNE'S HOME RULE CHARTER. (Authorize payment of regular invoices and bills)

Presenter: Finance Director Sandy Mattick

- F. 2021-886** CONSIDER RESOLUTION NO. 2021-R65; A RESOLUTION APPOINTING A CANDIDATE TO THE KENDALL APPRAISAL DISTRICT BOARD OF DIRECTORS.

Presenter: Tim Handren

- G. 2021-927** CONSIDER RESOLUTION NO. 2021-R66; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, AUTHORIZING THE PURCHASE OF A BUCKET TRUCK FOR THE ELECTRIC DEPARTMENT FROM ALTEC INDUSTRIES, INC. FOR AN AMOUNT NOT TO EXCEED \$182,965.00. (Purchase electric bucket truck through Sourcewell Cooperative Purchasing Program)

Presenter: Utilities Director Michael Mann

- H. 2021-939** CONSIDER RESOLUTION NO. 2021-R67; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BOERNE, TEXAS, AND HDR ENGINEERING, INC. FOR DESIGN AND PROCUREMENT OF ELECTRIC POWER GENERATORS FOR THE WATER TREATMENT PLANT FOR AN AMOUNT NOT TO EXCEED \$108,000.00. (Two diesel generator additions at the City's Water Treatment Plant by Boerne City Lake)

Presenter: Utilities Director Michael Mann

- I. 2021-935** CONSIDER RESOLUTION NO. 2021-R68; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, REQUESTING FROM GUADALUPE BLANCO RIVER AUTHORITY (GBRA) THAT THE 4,000-ACRE FEET OF WATER FROM THE WESTERN CANYON PROJECT BE ALLOCATED TO THE CITY OF BOERNE WHEN IT BECOMES AVAILABLE IN 2038; AND THAT THE CITY RECEIVE NOTIFICATION OF GBRA'S DECISION BY DECEMBER 31, 2025. (Request to GBRA for 4,000-acre feet of water when it becomes available in 2038)

Presenter: Utilities Director Michael Mann

- J. **2021-937** CONSIDER RESOLUTION NO. 2021-R69; A RESOLUTION DESIGNATING THE CITY'S ANNUAL ALLOCATION OF GROUNDWATER PRODUCTION AS IT PERTAINS TO THE CITY'S WITHDRAWAL PERMIT FROM COW CREEK GROUNDWATER CONSERVATION DISTRICT TO RETAIN THE CURRENT QUARTERLY ALLOCATION FOR CALENDAR YEAR 2022.

Presenter: Utilities Director Michael Mann

- K. **2021-938** CONSIDER RESOLUTION NO. 2021-R70; A RESOLUTION DESIGNATING THE CITY'S ANNUAL COMMITMENT FOR WATER FROM THE GUADALUPE-BLANCO RIVER AUTHORITY AS PART OF THE WESTERN CANYON REGIONAL WATER SUPPLY PROJECT TO RETAIN THE CURRENT ANNUAL COMMITMENT OF WATER FOR CALENDAR YEAR 2022.

Presenter: Utilities Director Michael Mann

- L. **2021-932** CONSIDER RESOLUTION NO. 2021-R71; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, RESCINDING RESOLUTION NO. 2020-R93 AND APPROVING THE CITY MANAGER'S DESIGNATION OF ACTING CITY MANAGER. (Changing the designation of Acting City Manager from Jeff Thompson to Kristy Stark and Danny Zincke in the absence or disability of the City Manager.)

Presenter: City Manager Ben Thatcher

- M. **2021-944** CONSIDER RESOLUTION NO. 2021-R72; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, IN SUPPORT OF KENDALL COUNTY BEHAVIORAL HEALTH INITIATIVE.

Presenter: City Manager Ben Thatcher

- N. **2021-933** CONSIDER CANCELING THE REGULAR CALLED CITY COUNCIL MEETINGS FOR NOVEMBER 23, 2021 AND DECEMBER 28, 2021.

Presenter: City Secretary Lori Carroll

- O. **2021-940** CONSIDER RESOLUTION NO. 2021-R73; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN ENGINEERING AND DESIGN SERVICES AGREEMENT BETWEEN THE CITY OF BOERNE AND LUCK DESIGN TEAM, LLC FOR NORTHSIDE COMMUNITY PARK IMPROVEMENTS FOR AN

AMOUNT NOT TO EXCEED \$207,000.00.

Presenter: Community Services Director Danny Zincke

- P. 2021-954** RECEIVE THE CITY OF BOERNE'S 2021 CERTIFIED APPRAISAL ROLL VALUES.

Presenter: Finance Director Sandy Mattick

- Q. 2021-949** CONSIDER RESOLUTION NO. 2021-R74; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, APPOINTING WILLIAM "MICK" MCKAMIE OF TAYLOR, OLSON, ADKINS, SRALLA, ELAM AS CITY ATTORNEY; AUTHORIZING THE CITY MANAGER TO EXECUTE THE RELATED COMPENSATION AGREEMENT; AND APPROVING THE CITY MANAGER'S DESIGNATION OF BARBARA QUIRK AS ASSOCIATE CITY ATTORNEY.

Presenter: City Manager Ben Thatcher

REGULAR AGENDA:

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

A. PROPOSED CREATION OF THE RANCHES AT CREEKSIDE PUBLIC IMPROVEMENT DISTRICT WITHIN THE CORPORATE LIMITS OF THE CITY OF BOERNE, TEXAS.

- I. 2021-950** PRESENTATION

Presenter: Assistant to the City Manager Nick Montagno

- II. 2021-951** PUBLIC HEARING (one of one hearing)

Presenter: Assistant to the City Manager Nick Montagno

- III. 2021-945** CONSIDER RESOLUTION NO. 2021-R75; AUTHORIZING THE CREATION OF RANCHES AT CREEKSIDE PUBLIC IMPROVEMENT DISTRICT; AND RESOLVING OTHER MATTERS IN CONNECTION THEREWITH.

Presenter: Assistant to the City Manager Nick Montagno

- B. 2021-941** CONSIDER A ONE-TIME READING OF ORDINANCE NO. 2021-37; AS PERMITTED BY THE CITY OF BOERNE'S HOME RULE CHARTER SECTION 3.11.A. (As described below)

Presenter: Tim Handren

- C. **2021-955** CONSIDER ORDINANCE NO. 2021-37; ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 1997-30; AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS FOR EXPENDITURES NOT TO EXCEED \$50,000.00 UNDER CERTAIN CONDITIONS; AND REQUIRING CITY COUNCIL APPROVAL FOR EXPENDITURES IN EXCESS OF \$50,000.00. (Amend dollar amount from \$15,000.00 to \$50,000.00 as approved by the voters at the November Charter Amendment Election.)

Presenter: Finance Director Sandy Mattick

- D. **2021-957** CONSIDER ON FIRST READING ORDINANCE NO. 2021-38; AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 2020-28 AND 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; AND PROVIDING FOR PUBLICATION. (Establish fees for City services)

Presenter: Finance Director Sandy Mattick

6. OTHER ITEMS:

- A. **2021-952** PRESENTATION AND DISCUSSION OF PARTNERING WITH KENDALL COUNTY ON FUNDING REGIONAL STORMWATER PROJECTS WITH AMERICAN RESCUE PLAN ACT (ARPA) FUNDS.

Presenter: Development Director Jeff Carroll

- B. **2021-936** DISCUSSION ON CITY BRANDING PROJECT.

Presenter: Communications Director Chris Shadrock

7. CITY MANAGER'S REPORT:

- A. **2021-942** “A DICKENS CELEBRATION” PRESENTATION.

Presenter: Special Projects Director Paul Barwick

- B. **2021-929** ANNUAL STAFF UPDATE FROM THE PATRICK HEATH PUBLIC LIBRARY.

Presenter: Library Director Kelly Skovbjerg

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

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

A. 2021-943 SECTION 551.071 - CONSULTATION WITH CITY'S ATTORNEY REGARDING PENDING OR CONTEMPLATED LITIGATION REGARDING DEVELOPMENT AGREEMENT WITH BOERNEBAK.

Presenter: City Attorney Mick McKamie and Assistant City Manager Kristy Stark

B. 2021-953 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.

Presenter: City Manager Ben Thatcher

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

11. ADJOURNMENT

CERTIFICATION

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

s/s Siria Arreola
Deputy 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.