

AGENDA
REGULAR CITY COUNCIL MEETING
RONALD C. BOWMAN CITY COUNCIL CHAMBERS
447 North Main Street
Boerne, TX 78006
December 14, 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. 2021-1023** CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CITY COUNCIL MEETING ON NOVEMBER 9, 2021, AND SPECIAL CALLED CITY COUNCIL MEETING ON DECEMBER 2, 2021.

- B.** [2021-1017](#) CONSIDER ON SECOND 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)
- C.** **2021-1022** CONSIDER RESOLUTION NO. 2021-R76; A RESOLUTION OF THE CITY OF BOERNE RATIFYING AN EMERGENCY PURCHASE BY CITY STAFF AND AUTHORIZING A PAYMENT TO ALTERMAN, INC. FOR REPAIRS TO THE WASTEWATER TREATMENT AND RECYCLING CENTER FOR AN AMOUNT NOT TO EXCEED \$87,791.00. (Repairs for damages caused by lightning storm at the Old San Antonio Rd. plant)
- D.** **2021-1029** CONSIDER RESOLUTION NO. 2021-R77; A RESOLUTION OF THE CITY OF BOERNE, RESCINDING RESOLUTION NO. 2018-R41 AND AMENDING AUTHORIZED REPRESENTATIVES FOR THE INVESTMENT OF FUNDS IN TEXPOOL. (Designate authorized representatives of the City to transmit funds for investment in TexPool)
- E.** **2021-1028** CONSIDER RESOLUTION NO. 2021-R78; A RESOLUTION AUTHORIZING THE PURCHASE OF MODULES FROM TANTALUS FOR ADVANCED METERING INFRASTRUCTURE (AMI) SYSTEM FOR AN AMOUNT NOT TO EXCEED \$91,140.00. (AMI software and hardware)

REGULAR AGENDA:

5. PRESENTATIONS, PUBLIC HEARINGS, AND ORDINANCES:

- A.** **2021-1031** TO RECEIVE AND PROVIDE INFORMATION, EVALUATE DEMOGRAPHICS AND TAKE POSSIBLE ACTION REGARDING REDISTRICTING OF CITY BOUNDARIES. (Para recibir y proporcionar información, evaluar los datos demográficos y tomar medidas posibles redistribución de los límites políticos de

la ciudad): Frank Reilly, Counsel, Allison, Bass & Magee, LLP

- I. **2021-1032** CONSIDER RESOLUTION NO. 2021-R79; A RESOLUTION OF FINDINGS OF FACT REGARDING POLITICAL BOUNDARIES OF CITY OF BOERNE, TEXAS FOLLOWING PUBLICATION OF 2020 CENSUS DATA AND ORDER FOR REDISTRICTING POLITICAL BOUNDARIES.
- II. **2021-975** PUBLIC HEARING: PURSUANT TO CHAPTER 552 OF THE TEXAS GOVERNMENT CODE, THE PUBLIC IS HEREBY GIVEN NOTICE THAT THE CITY COUNCIL OF BOERNE, TEXAS WILL CONVENE IN REGULAR SESSION ON THE 14TH DAY OF DECEMBER 2021 AT THE RONALD C. BOWMAN CITY COUNCIL CHAMBERS AT BOERNE CITY HALL, 447 N MAIN, BOERNE, TEXAS, 78006 AT 6:00 P.M. TO RECEIVE PUBLIC COMMENT ON REDISTRICTING OF CITY ELECTION AND CITY COUNCIL DISTRICTS. AFTER THE PUBLIC HEARING, THE CITY COUNCIL WILL TAKE UP FOR CONSIDERATION AND TO TAKE POSSIBLE ACTION REGARDING ONE OR MORE ALTERNATIVE PLANS FOR THE REDISTRICTING OF CITY COUNCIL DISTRICTS. THE CITY COUNCIL RESERVES THE RIGHT TO TAKE ANY AND ALL APPROPRIATE ACTIONS REGARDING THE REDISTRICTING OF CITY OF BOERNE POLITICAL BOUNDARIES, INCLUDING THE ACCEPTANCE OF NEW BOUNDARIES FOR THE CITY COUNCIL DISTRICTS, MODIFICATION OF ANY BOUNDARIES, AND/OR TABLING THE PENDING PROPOSALS FOR LATER CONSIDERATION AND/OR ACTION.

THE PUBLIC IS INVITED TO ATTEND AND TO PARTICIPATE IN THIS MEETING. THOSE WISHING TO ADDRESS THE COUNCIL SHOULD SIGN A SPEAKER'S REQUEST FORM PROVIDED FOR THIS PURPOSE. EACH SPEAKER WILL BE ASKED TO COME BEFORE THE COUNCIL, IDENTIFY THEMSELVES, PROVIDE THEIR ADDRESS, AND INFORM THE CITY COUNCIL DISTRICT THAT THE SPEAKER CURRENTLY RESIDES WITHIN. COMMENTS SHOULD BE REASONABLY CONCISE AND TO THE POINT. QUESTIONS WILL BE ANSWERED, BUT THE COUNCIL WILL NOT PERMIT ARGUMENT OR EXCESSIVE DISCUSSION OF ANY PARTICULAR TOPIC. THE HEARING WILL BE CONDUCTED UNDER RULES OF JUDICIAL DECORUM. A RECORDING OF THE HEARING WILL BE MADE OF THIS HEARING. YOUR COMMENTS WILL BE TRANSCRIBED AND

RETAINED AS A PART OF THE PERMANENT RECORD OF THE PROCEEDING. (One of one hearing)

- III. **2021-1018** CONSIDER A ONE-TIME READING OF ORDINANCE NO. 2021-39; AS PERMITTED BY THE CITY OF BOERNE’S HOME RULE CHARTER SECTION 3.11.A. (As described below)
- IV. **2021-1033** CONSIDER ORDINANCE NO. 2021-39; AN ORDINANCE AMENDING ORDINANCE NOS. 2011-16 AND 2009-55; CAPTIONED “AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, ADOPTING A REVISED PLAN FOR THE CITY’S COUNCIL MEMBER DISTRICTS; PROVIDING FOR RELATED MATTERS AND AN EFFECTIVE DATE.” (Redistricting the City Council Single Member Districts, altering the boundary lines of electoral districts for the City of Boerne)
- B. **2021-1034** DISCUSSION ON THE PROPOSED SPECIAL USE PERMIT FOR MEDICAL OFFICE IN A O1, NEIGHBORHOOD OFFICE DISTRICT, LOCATED AT 1002 EAST BLANCO ROAD (HIGHLAND HOMES BLK PT 1, KAD 298100). (Antonio Cavazos-Escobar).
- I. **2021-1014** RECEIVE THE REPORT FROM THE PLANNING AND ZONING COMMISSION.
- II. **2021-1021** PUBLIC HEARING (one of one hearing)
- III. **2021-1027** CONSIDER ON FIRST READING ORDINANCE NO. 2021-40; AN ORDINANCE AMENDING THE 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 MEDICAL OFFICE LOCATED AT 1002 EAST BLANCO ROAD, HIGHLAND HOMES BLK PT 1, (KAD NO. 298100) IN A O1, NEIGHBORHOOD OFFICE DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE.
- C. **2021-1015** DISCUSSION ON THE PROPOSED REZONING AND SPECIAL USE PERMIT FOR 1.9 ACRES LOCATED AT 21 OLD SAN ANTONIO ROAD (A10441 - SURVEY 183 J SMALL, KAD 15816), REZONING THE PROPERTY FROM C1-HC, NEIGHBORHOOD COMMERCIAL - HERITAGE CORRIDOR DISTRICT, TO R4-U-HC, URBAN

MULTI-FAMILY RESIDENTIAL - HERITAGE CORRIDOR DISTRICT,
AND CONSIDERING A SPECIAL USE PERMIT FOR MULTI-FAMILY
DEVELOPMENT WITH EIGHTEEN UNITS OR LESS PER ACRE.
(Guillermo Cavazos)

- I. **2021-1035** RECEIVE THE REPORT FROM THE PLANNING AND ZONING
COMMISSION.
- II. **2021-1016** PUBLIC HEARING (one of one hearing)
- III. **2021-1026** CONSIDER ON FIRST READING ORDINANCE NO. 2021-41; 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 1.9
ACRES LOCATED AT 21 OLD SAN ANTONIO ROAD (A10441 -
SURVEY 183 J SMALL, KAD NO. 15816) FROM C1-HC,
NEIGHBORHOOD COMMERCIAL - HERITAGE CORRIDOR
DISTRICT, TO R4-U-HC, URBAN MULTI-FAMILY RESIDENTIAL -
HERITAGE CORRIDOR DISTRICT; GRANTING A SPECIAL USE
PERMIT FOR MULTI-FAMILY DEVELOPMENT WITH EIGHTEEN
UNITS OR LESS PER ACRE; REPEALING ALL ORDINANCES IN
CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING
AN EFFECTIVE DATE.

6. RESOLUTIONS:

- A. **2021-1036** RECEIVE QUALIFICATIONS FOR THE TRANSPORTATION MASTER
PLAN AND CONSIDER RESOLUTION NO. 2021-R80; A
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE,
TEXAS, AWARDING THE CONTRACT FOR THE TRANSPORTATION
MASTER PLAN TO _____ FOR AN AMOUNT NOT
TO EXCEED \$_____.
- B. **2021-1025** CONSIDER RESOLUTION NO. 2021-R81; A RESOLUTION
AUTHORIZING THE CITY MANAGER TO ENTER INTO AND
MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND
JONES & CARTER, INC. FOR DESIGN, BIDDING AND
CONSTRUCTION PHASE SERVICES ON A NEW SEWER MAIN
ALONG SCENIC LOOP ROAD FOR AN AMOUNT NOT TO EXCEED
\$225,374.00. (New sewer main along Scenic Loop Rd. to serve
Corley Farms)

- C. **2021-1030** CONSIDER RESOLUTION NO. 2021-R82; A RESOLUTION APPROVING THE FINANCING BY THE NEW HOPE CULTURAL EDUCATION FACILITIES FINANCE CORPORATION OF A HEALTH FACILITY LOCATED WITHIN THE CITY OF BOERNE, TEXAS. (Town and Country Nursing and Rehabilitation Center, 625 N Main St.)

7. OTHER ITEMS:

- A. **2021-1024** CONSIDER MAYORAL APPOINTMENTS TO THE LIBRARY ADVISORY BOARD AND PLANNING AND ZONING COMMISSION.

8. CITY MANAGER'S REPORT:

- A. **2021-1012** UPDATE ON BRUSH COLLECTION.
B. **2021-1013** MONTHLY PROJECTS UPDATE.

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

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

- A. **2021-1019** SECTION 551.071 - CONSULTATION WITH CITY'S ATTORNEY REGARDING PENDING OR CONTEMPLATED LITIGATION REGARDING DEVELOPMENT AGREEMENT WITH BOERNEBAK.
B. **2021-1020** SECTION 551.072 - DELIBERATION REGARDING REAL PROPERTY, DISCUSSION ON VALUE OF LAND, IMPROVEMENTS, AND POSSIBLE SALE OF FORMER CITY HALL BUILDING.

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

12. ADJOURNMENT

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the 10th day of December, 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.