

AGENDA
REGULAR CITY COUNCIL MEETING
RONALD C. BOWMAN CITY COUNCIL CHAMBERS
447 North Main Street
Boerne, TX 78006
April 26, 2022 – 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. 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.

4A. [2022-435](#) CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CALLED CITY COUNCIL MEETING OF APRIL 12, 2022.

Presenter: City Secretary Lori Carroll

REGULAR AGENDA:

5. PRESENTATIONS, PUBLIC HEARINGS, AND ORDINANCES:

- 5A. [2022-408](#) PRESENTATION FROM KENDALL APPRAISAL DISTRICT'S CHIEF APPRAISER JANA HERRERA AND BOARD MEMBER JEFF HABERSTROH.

Presenter: City Manager Ben Thatcher

- 5B. [2022-410](#) REVIEW CURRENT JUVENILE CURFEW ORDINANCE NO. 2018-39.

Presenter: Police Chief Steve Perez

- 5B.I. [2022-411](#) PUBLIC HEARING REGARDING THE CONTINUANCE OF THE CITY OF BOERNE JUVENILE CURFEW ORDINANCE. (Second of two hearings)

Presenter: Police Chief Steve Perez

- 5B.II. [2022-409](#) CONSIDER ON SECOND READING ORDINANCE NO. 2022-12; AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF BOERNE, TEXAS, BY AMENDING CHAPTER 15, ARTICLE IV, YOUTH CURFEW; PROVIDING FOR DEFINITIONS; ESTABLISHING DEFENSES TO PROSECUTION; ESTABLISHING AN ENFORCEMENT PROCEDURE; PROVIDING FOR A MAXIMUM PENALTY OF \$500.00 FOR VIOLATION OF THIS ORDINANCE.

Presenter: Police Chief Steve Perez

- 5C. [2022-417](#) PROPOSED ANNEXATION OF 27.892 ACRES LOCATED AT 1670 RIVER ROAD (KAD NOS. 14141, 14142, AND 14143) AT THE REQUEST OF SHARON STANFORD.

Presenter: Planning & Community Development Director Laura Haning

- 5C.I. [2022-420](#) PUBLIC HEARING (one of one hearing)

Presenter: Planning & Community Development Director Laura Haning

- 5C.II. [2022-427](#) CONSIDER ON FIRST READING ORDINANCE NO. 2022-13; AN ORDINANCE ANNEXING 27.892 ACRES LOCATED AT 1670 RIVER ROAD (KAD NO. 14141, 14142, AND 14143) 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.

Presenter:

Planning & Community Development Director Laura Haning

5D. [2022-418](#)

PROPOSED ZONING OF 27.7 ACRES LOCATED AT 1670 RIVER ROAD FROM HOL, HOLDING, TO R4-L, LOW-DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT. (A10298 - Survey 180 M I Leal, KAD Nos. 14141, 14142, and 14143, Jeremy Williams/ Embrey).

Presenter:

Planning & Community Development Director Laura Haning

5D.I. [2022-428](#)

RECEIVE THE REPORT FROM THE PLANNING AND ZONING COMMISSION.

Presenter:

Planning & Community Development Director Laura Haning

5D.II. [2022-421](#)

PUBLIC HEARING (one of one hearing)

Presenter:

Planning & Community Development Director Laura Haning

5D.III. [2022-433](#)

CONSIDER ON FIRST READING ORDINANCE NO. 2022-14; AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF BOERNE UNIFIED DEVELOPMENT CODE, BY AMENDING CHAPTER 3. ZONING, SECTION 3.2, ZONING MAP, ZONING 27.7 ACRES LOCATED AT 1670 RIVER ROAD (KAD NOS. 14141, 14142, AND 14143) FROM HOL, HOLDING, TO R4-L, LOW-DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE.

Presenter:

Planning & Community Development Director Laura Haning

5E. [2022-419](#)

PROPOSED SPECIAL USE PERMIT (SUP) FOR A MULTI-FAMILY DEVELOPMENT WITH LESS THAN 18 UNITS PER ACRE FOR 27.7 ACRES LOCATED AT 1670 RIVER ROAD. (A10298 - Survey 180 M I Leal, KAD Nos. 14141, 14142, and 14143, Jeremy Williams/ Embrey)

Presenter:

Planning & Community Development Director Laura Haning

- 5E.I. [2022-429](#) RECEIVE THE REPORT FROM THE PLANNING AND ZONING COMMISSION.
- Presenter:** Planning & Community Development Director Laura Haning
- 5E.II. [2022-422](#) PUBLIC HEARING (one of one hearing)
- Presenter:** Planning & Community Development Director Laura Haning
- 5E.III. [2022-434](#) CONSIDER ON FIRST READING ORDINANCE NO. 2022-15; 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 MULTI-FAMILY DEVELOPMENT WITH LESS THAN 18 UNITS PER ACRE FOR 27.7 ACRES LOCATED AT 1670 RIVER ROAD (A10298 - SURVEY 180 M I LEAL, KAD NOS. 14141, 14142, AND 14143) IN AN R4-L, LOW-DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE.
- Presenter:** Planning & Community Development Director Laura Haning
- 5F. [2022-415](#) PROPOSED ANNEXATION OF 1.994 ACRES LOCATED AT 30975 INTERSTATE HIGHWAY 10 WEST (KAD NO. 12242) AT THE REQUEST OF MICHAEL W. BUIE.
- Presenter:** Planning & Community Development Director Laura Haning
- 5F.I. [2022-423](#) PUBLIC HEARING (one of one hearing)
- Presenter:** Planning & Community Development Director Laura Haning
- 5F.II. [2022-436](#) CONSIDER ON FIRST READING ORDINANCE NO. 2022-16; AN ORDINANCE ANNEXING 1.994 ACRES LOCATED AT 30975 INTERSTATE HIGHWAY 10 WEST (KAD NO. 12242) 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.

Presenter: Planning & Community Development Director Laura Haning

- 5G. [2022-416](#) PROPOSED ZONING OF 2.0 ACRES LOCATED AT 30975 INTERSTATE HIGHWAY 10 WEST (KAD NO. 12242) FROM HOL, HOLDING, TO I2, LIGHT INDUSTRIAL DISTRICT. (Buie Subdivision, Blk 1, Lot Pt 1, Michael Buie)

Presenter: Planning & Community Development Director Laura Haning

- 5G.I. [2022-430](#) RECEIVE THE REPORT FROM THE PLANNING AND ZONING COMMISSION.

Presenter: Planning & Community Development Director Laura Haning

- 5G.II. [2022-424](#) PUBLIC HEARING (one of one hearing)

Presenter: Planning & Community Development Director Laura Haning

- 5G.III. [2022-437](#) CONSIDER ON FIRST READING ORDINANCE NO. 2022-17; AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF BOERNE UNIFIED DEVELOPMENT CODE, BY AMENDING CHAPTER 3. ZONING, SECTION 3.2, ZONING MAP, ZONING 2.0 ACRES LOCATED AT 30975 INTERSTATE HIGHWAY 10 WEST (KAD NO. 12242) FROM HOL, HOLDING, TO I2, LIGHT INDUSTRIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE.

Presenter: Planning & Community Development Director Laura Haning

- 5H. [2022-413](#) PROPOSED SPECIAL USE PERMIT FOR COMMERCIAL RECREATION (INDOOR) IN A C2, TRANSITIONAL COMMERCIAL, ENTRANCE CORRIDOR OVERLAY DISTRICT LOCATED AT 18 SCENIC LOOP ROAD (KENDALL CREEK ESTATES PHASE I, BLK 5, LOT 14, 1.19 ACRES, KAD 49177) WITH THE CONDITION OF NO ALCOHOL SALES AS LONG AS THE NEXT-DOOR DAY CARE IS IN BUSINESS. (Matthew Robinson/ Boerne Escape Rooms LLC).

Presenter: Planning & Community Development Director Laura Haning

- 5H.I. [2022-431](#) RECEIVE THE REPORT FROM THE PLANNING AND ZONING COMMISSION.

Presenter: Planning & Community Development Director Laura Haning

- 5H.II. [2022-425](#) PUBLIC HEARING (one of one hearing)

Presenter:

Planning & Community Development Director Laura Haning

5H.III. [2022-438](#)

CONSIDER ON FIRST READING ORDINANCE NO. 2022-18; 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 COMMERCIAL RECREATION (INDOOR) TO 1.19 ACRES LOCATED AT 18 SCENIC LOOP ROAD (KENDALL CREEK ESTATES PHASE I, BLK 5, LOT 14, KAD NO. 49177) IN A C2-EC, TRANSITIONAL COMMERCIAL, ENTRANCE CORRIDOR OVERLAY DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE.

Presenter:

Planning & Community Development Director Laura Haning

5I. [2022-414](#)

PROPOSED SPECIAL USE PERMIT FOR AN ACCESSORY DWELLING - GARAGE APARTMENT IN AN R2-M, MODERATE DENSITY RESIDENTIAL DISTRICT LOCATED AT 431 EAST BANDERA ROAD (EAST BANDERA RESIDENTIAL, LOT 2, 0.303 ACRES, KAD 310448). (Menger Development LLC/ Shawn Barry).

Presenter:

Planning & Community Development Director Laura Haning

5I.I. [2022-432](#)

RECEIVE THE REPORT FROM THE PLANNING AND ZONING COMMISSION.

Presenter:

Planning & Community Development Director Laura Haning

5I.II. [2022-426](#)

PUBLIC HEARING (one of one hearing)

Presenter:

Planning & Community Development Director Laura Haning

5I.III. [2022-439](#)

CONSIDER ON FIRST READING ORDINANCE NO. 2022-19; 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 AN ACCESSORY DWELLING, GARAGE APARTMENT TO 0.303 ACRES LOCATED AT 431 EAST BANDERA ROAD (EAST BANDERA RESIDENTIAL, LOT 2, KAD NO. 310448) IN AN R2-M, MODERATE DENSITY RESIDENTIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE.

Presenter: Planning & Community Development Director Laura Haning

- 5J. [2022-412](#) CONSIDER ON FIRST READING ORDINANCE NO. 2022-20; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, AMENDING ORDINANCE NO. 2022-08, ENGINEERING DESIGN MANUAL, SECTION 1.7.7. DRAINAGE STUDY CONTENTS, REVISING THE DEVELOPMENT CATEGORIES AND DRAINAGE STUDY REQUIREMENTS TIER STRUCTURE.

Presenter: Development Director Jeff Carroll

6. CITY MANAGER'S REPORT:

- 6A. [2022-405](#) MONTHLY PROJECTS REPORT.

Presenter: City Manager Ben Thatcher

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

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

- 8A. [2022-406](#) 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

- 8B. [2022-407](#) 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. (A tract of approximately 10 acres near Ammann Road)

Presenter: Utilities Director Michael Mann

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

10. ADJOURNMENT

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the 22nd day of
April, 2022 at 4:00 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.