### **AGENDA**

# REGULAR CITY COUNCIL MEETING RONALD C. BOWMAN CITY COUNCIL CHAMBERS 447 North Main Street Boerne, TX 78006 January 10, 2023 – 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. 2023-101 CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR

CALLED CITY COUNCIL MEETING OF DECEMBER 13, 2022.

**Presenter:** City Secretary Lori Carroll

CONSIDER ON SECOND READING ORDINANCE NO. 2022-36; 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 0.191 ACRES, LOCATED AT 335 EBNER ROAD (TRINIDAD ADDITION LOT 5, KAD NO. 33729) FROM R2-M DT, MODERATE-DENSITY RESIDENTIAL, DOWNTOWN COMMUNITY OVERLAY DISTRICT TO R3-D DT, DUPLEX RESIDENTIAL, DOWNTOWN COMMUNITY OVERLAY DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Ronald Mitar)

**Presenter:** Planning & Community Development Director Laura Haning

C. 2023-100 CONSIDER RESOLUTION NO. 2023-R01; A RESOLUTION

ESTABLISHING PROCEDURES FOR A GENERAL ELECTION FOR MAY

6, 2023. (Considerar la resolución número 2023-R01; una resolución que establece los procedimientos para la elección general del 6 de mayo, 2023)

**Presenter:** City Secretary Lori Carroll

**D.** 2023-102 CONSIDER RESOLUTION NO. 2023-R02; A RESOLUTION

AUTHORIZING THE CLOSURE OF A PORTION OF MAIN STREET (HWY 87) DURING CERTAIN HOURS FOR THE TEXAS CORVETTE SHOW AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN

AGREEMENT FOR THE TEMPORARY CLOSURE OF STATE

RIGHT-OF-WAY WITH THE TEXAS DEPARTMENT OF

TRANSPORTATION. (Close Main St. for Corvette Show, 5 year

agreement)

**Presenter:** Police Chief Steve Perez

# **REGULAR AGENDA:**

5. PRESENTATIONS, PUBLIC HEARINGS, AND ORDINANCES:

A. 2023-123 HOLD A PUBLIC HEARING AND CONSIDER ON FIRST READING

ORDINANCE NO. 2023-01; AN ORDINANCE ANNEXING 37

CASCADE CAVERNS ROAD (KAD NOS. 12244 AND 12246) AND A PORTION OF CASCADE CAVERNS ROAD 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. (At the request of Greg
Plummer for Currey Creek Church, 37 Cascade Caverns Road, one
of one public hearing)

Presenter:

Planning & Community Development Director Laura Haning

**B.** 2023-124

CONSIDER ON FIRST READING ORDINANCE NO. 2023-02; 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, CHANGE IN ZONING FOR A TOTAL OF 15.16 ACRES, LOCATED AT 35 CASCADE CAVERNS ROAD (J AND J ACRES LOT 1A, 3.229 ACRES, KAD NO. 12245), FROM C-3, COMMUNITY COMMERCIAL DISTRICT, 37 CASCADE CAVERNS ROAD (J AND J ACRES LOT 2A, 3.94 ACRES, KAD NO. 12244) FROM HOL, INTERIM HOLDING DISTRICT, AND 45 CASCADE CAVERNS ROAD (MILLER'S SUBDIVISION LOT 7A, 7.99 ACRES, KAD NO. 24328 AND 12246) FROM C-1, NEIGHBORHOOD COMMERCIAL DISTRICT, TO CIV, CIVIC AND INSTITUTIONAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Rezoning 35, 37, and 45 Cascade Caverns Road, Currey Creek Baptist Church of Boerne)

**Presenter:** 

Planning & Community Development Director Laura Haning

## 6. RESOLUTIONS

**A.** 2023-127

CONSIDER RESOLUTION NO. 2023-R03; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A CONTRACT BETWEEN THE CITY OF BOERNE AND MAESTAS & ASSOCIATES, LLC FOR THE ENGINEERING DESIGN AND CONSTRUCTION PHASE SERVICES FOR TASK ORDER 2, THE FLATS SIDEWALK IMPROVEMENTS PROJECT FOR AN AMOUNT NOT TO EXCEED \$54,955.00. (Proposed sidewalks along north side only of W Hosack Street from S School to S Main St. and

along the east side only of W Thessen Street from W. Hosack to

Herff Street)

**Presenter:** Development Director Jeff Carroll

7. OTHER ITEMS:

A. 2023-131 CONSIDER REQUEST FROM PANTUSA TOWING & RECOVERY, LLC

AS A THIRD PROVIDER FOR THE MASTER TOW TRUCK ROTATION

LIST.

**Presenter:** Police Chief Steve Perez

8. CITY MANAGER'S REPORT:

**A.** 2023-132 UPCOMING CITIZEN'S SURVEY.

**Presenter:** City Manager Ben Thatcher

**B.** 2023-133 ELECTED OFFICIAL/ BOARD AND COMMISSION RESOURCE.

**Presenter:** City Secretary Lori Carroll

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

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

A. 2023-134 SECTION 551.071 CONSULTATION WITH CITY ATTORNEY AND

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. (Utilities)

**Presenter:** City Attorney Mick McKamie

B. 2023-135 SECTIONS 551.071- CONSULTATION WITH CITY'S ATTORNEY

REGARDING A LEASE AGREEMENT WITH THE FRIENDS OF THE

CIBOLO WILDERNESS, INC.

**Presenter:** City Attorney Mick McKamie

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

A. 2023-138 CONSIDER RESOLUTION NO. 2023-R04; A RESOLUTION

AUTHORIZING THE CITY MANAGER TO ENTER INTO AND

MANAGE A LEASE AGREEMENT BETWEEN THE CITY OF BOERNE AND THE FRIENDS OF THE CIBOLO WILDERNESS, INC. FOR OPERATION AND MAINTENANCE OF THE CIBOLO WILDERNESS AREA LOCATED AT 140 CITY PARK ROAD, BOERNE, TEXAS, 78006-1677.

Presenter:

Assistant City Manager Danny Zincke

### 12. ADJOURNMENT

## **CERTIFICATION**

I hereby certify that the above notice of meeting was posted on the 6th day of January, 2023 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.