

**AGENDA**  
**REGULAR CITY COUNCIL MEETING**  
**RONALD C. BOWMAN CITY COUNCIL CHAMBERS**  
**447 North Main Street**  
**Boerne, TX 78006**  
**February 28, 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

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.

A.     [2023-221](#)           CONSIDER APPROVAL OF THE MINUTES OF THE SPECIAL CALLED

CITY COUNCIL MEETING (WINTER WORKSHOP) ON FEBRUARY 7, 2023, AND THE REGULAR CITY COUNCIL MEETING ON FEBRUARY 14, 2023.

**Presenter:** City Secretary Lori Carroll

- B. [2023-223](#) CONSIDER RESOLUTION NO. 2023-R10; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND LUCK DESIGN TEAM FOR CONSTRUCTION DOCUMENT PREPARATION DESIGN SERVICES FOR THE NORTHSIDE COMMUNITY PARK IMPROVEMENTS PHASE 2 FOR AN AMOUNT NOT TO EXCEED \$536,895.00. (2022 Quality of Life Bond project)

**Presenter:** Parks & Recreation Director Lissette Jimenez

- C. [2023-229](#) CONSIDER RESOLUTION NO. 2023-R11; A RESOLUTION ADOPTING THE 2023 CITY OF BOERNE ROLLING TEN YEAR PLAN.

**Presenter:** Assistant to the City Manager Nick Montagno

- D. [2023-228](#) CONSIDER RESOLUTION NO. 2023-R12; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND BOERNE KENDALL COUNTY ECONOMIC DEVELOPMENT CORPORATION.

**Presenter:** Assistant to the City Manager Nick Montagno

- E. [2023-212](#) CONSIDER RESOLUTION NO. 2023-R13; A RESOLUTION ADOPTING THE KENDALL COUNTY HAZARD MITIGATION ACTION PLAN UPDATE 2023 FOR THE CITY OF BOERNE. (2023 Update to the Kendall County Hazard Mitigation Action Plan)

**Presenter:** Police Chief Steve Perez

- F. [2023-213](#) CONSIDER RESOLUTION NO. 2023-R14; A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR'S PUBLIC SAFETY OFFICE FOR THE BULLET-RESISTANT SHIELD GRANT PROGRAM; DESIGNATING THE ASSISTANT TO THE CITY MANAGER AS THE OFFICIAL AUTHORIZED TO ACT ON BEHALF OF THE CITY AND

EXECUTE REQUIRED DOCUMENTS FOR PURPOSES OF THIS APPLICATION AND ANY RESULTING GRANT; AND AUTHORIZING THE PURCHASE OF BULLET-RESISTANT SHIELDS AND ANY SUBSEQUENT AMENDMENT AS NEEDED. (Purchase of Bullet-Resistant Shield and Grant Program application)

**Presenter:** Police Chief Steve Perez

REGULAR AGENDA

5. PRESENTATIONS, PUBLIC HEARINGS, AND ORDINANCES:

- A. [2023-216](#) RECEIVE THE ANNUAL COMPREHENSIVE FINANCIAL REPORT (ACFR) FROM ABIP, PC FOR FISCAL YEAR 2021-2022. (Report from the auditors)

**Presenter:** Finance Director Sarah Buckelew

- B. [2023-215](#) RECEIVE THE BOERNE POLICE DEPARTMENT 2022 ANNUAL REPORT AND THE ANNUAL REPORT ON RACIAL PROFILING.

**Presenter:** Police Chief Steve Perez

- C. [2023-194](#) RECEIVE THE REPORT FROM THE PLANNING AND ZONING COMMISSION AND HOLD A PUBLIC HEARING TO RECEIVE COMMENTS FOR OR AGAINST ORDINANCE NO. 2023-04; 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 ACRE OUT OF 4.349 ACRES LOCATED AT 12 HERFF ROAD (A10441 - SURVEY 183 J SMALL, KAD NO. 15815) FROM C1-HC, NEIGHBORHOOD COMMERCIAL HERITAGE CORRIDOR OVERLAY DISTRICT, TO C2-HC, TRANSITIONAL COMMERCIAL HERITAGE CORRIDOR OVERLAY DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE, AND CONSIDER APPROVAL OF ORDINANCE 2023-04, ON THE FIRST OF TWO READINGS. (Woodmont Boerne Academy LLC)

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

- D. [2023-195](#) RECEIVE THE REPORT FROM THE PLANNING AND ZONING

COMMISSION AND HOLD A PUBLIC HEARING TO RECEIVE COMMENTS FOR OR AGAINST ORDINANCE NO. 2023-05; 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 DAYCARE FACILITY ON APPROXIMATELY +/- 1 ACRE OF THE SITE, LOCATED AT 12 HERFF ROAD (A10441 - SURVEY 183 J SMALL, KAD NO. 15815) IN A C2-HC, TRANSITIONAL COMMERCIAL HERITAGE CORRIDOR OVERLAY DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE, AND CONSIDER APPROVAL OF ORDINANCE NO. 2023-05, ON THE FIRST OF TWO READINGS. (Woodmont Boerne Academy LLC)

**Presenter:**

Planning & Community Development Director Laura Haning

- E. [2023-224](#) CONSIDER A ONE-TIME READING OF ORDINANCE NO. 2023-06; AS PERMITTED BY THE CITY OF BOERNE'S HOME RULE CHARTER SECTION 3.11.A. (As described below)

**Presenter:**

Tim Handren

- F. [2023-230](#) CONSIDER ORDINANCE NO. 2023-06; AN ORDINANCE AMENDING ORDINANCE NO. 2022-29, CAPTIONED, "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."

**Presenter:**

Planning & Community Development Director Laura Haning

6. RESOLUTIONS

- A. [2023-220](#) CONSIDER RESOLUTION NO. 2023-R15; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND WSP USA INC. FOR ENGINEERING SERVICES OF THE JOHNS

ROAD INTERSECTION IMPROVEMENTS PROJECT FOR AN AMOUNT NOT TO EXCEED \$245,320.00, AS PART OF THE 2022 QUALITY OF LIFE BOND PROGRAM TO BE FUNDED THROUGH CAPITAL SURPLUS OF FUND BALANCE TO BE REIMBURSED UPON BOND ISSUANCE. (Improve existing intersection Johns Rd, North School Street, and Main Street)

**Presenter:** Director of Engineering & Mobility Jeff Carroll

7. CITY MANAGER'S REPORT:

- A. [2023-225](#) PATRICK HEATH PUBLIC LIBRARY RECEIVED THE 2022 ACHIEVEMENT OF LIBRARY EXCELLENCE AWARD FROM THE TEXAS MUNICIPAL LIBRARY DIRECTOR'S ASSOCIATION (TMLDA).

**Presenter:** Library Director Kelly Skovbjerg

- B. [2023-226](#) MONTHLY PROJECTS REPORT.

**Presenter:** City Manager Ben Thatcher

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

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

- A. [2023-217](#) SECTION 551.086 - DELIBERATION CONCERNING MUNICIPALLY OWNED UTILITY- DETERMINATION OF COMPETITIVE MATTER: UTILITY RATES FOR GAS.

**Presenter:** Finance Director Sarah Buckelew

- B. [2023-218](#) CONSIDER RESOLUTION NO. 2023-R16; A RESOLUTION TO RATIFY THE EXECUTION OF A CONTRACT BETWEEN THE CITY OF BOERNE AND EDF TRADING NORTH AMERICA, LLC FOR FINANCIAL HEDGING.

**Presenter:** Finance Director Sarah Buckelew

- C. [2023-227](#) SECTION 551.071 - CONSULTATION WITH ATTORNEY REGARDING CREATION OF THE RANCHES OF CREEKSIDE PUBLIC IMPROVEMENT DISTRICT AND SECTION 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS. (PID Ranches at Creekside)

**Presenter:** Assistant to the City Manager Nick Montagno

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

- A. [2023-232](#) CONSIDER A ONE-TIME READING OF ORDINANCE NO. 2023-07; AS PERMITTED BY THE CITY OF BOERNE'S HOME RULE CHARTER SECTION 3.11.A. (As described below)

**Presenter:** Tim Handren

- B. [2023-233](#) CONSIDER ORDINANCE NO. 2023-07; AN ORDINANCE ESTABLISHING THE RATE CLASSIFICATIONS AND RATES TO BE CHARGED FOR GAS SERVICE PROVIDED BY THE CITY OF BOERNE UTILITIES, AND REPEALING ORDINANCE NO. 2015-24, DATED AUGUST 25, 2015, AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith.

**Presenter:** Finance Director Sarah Buckelew

11. ADJOURNMENT

#### **CERTIFICATION**

**I hereby certify that the above notice of meeting was posted on the 24th day of February, 2023 at 4:00 p.m.**

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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.