

AGENDA
REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
November 8, 2016 – 6:00 PM

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. 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. [2016-1012](#) MINUTES OF THE REGULAR CALLED CITY COUNCIL MEETING OF OCTOBER 25, 2016

- B. [2016-1022](#) CONSIDER ON SECOND READING ORDINANCE NO. 2016-39; AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 2006-39 CAPTIONED, “GRANTING THE RIGHT, PRIVILEGE AND FRANCHISE TO BANDERA ELECTRIC COOPERATIVE, INC., AND ITS SUCCESSORS AND ASSIGNS, TO USE THE PUBLIC RIGHTS-OF-WAY OF THE CITY OF BOERNE, TEXAS FOR THE DISTRIBUTION OF ELECTRIC POWER AND BROADBAND SERVICES; PROVIDING FOR PERIOD OF GRANT; FOR METHOD OF ACCEPTANCE; FOR CONSIDERATION; FOR CONSTRUCTION AND RELOCATION OF SYSTEM FACILITIES; FOR ASSIGNMENT;

AND FOR REPEAL OF CONFLICTING ORDINANCES.”

- C. [2016-1023](#) CONSIDER ON SECOND READING ORDINANCE NO. 2016-40; AN ORDINANCE AMENDING THE CITY OF BOERNE ZONING ORDINANCE NO. 2007-64, CAPTIONED, “ZONING ORDINANCE OF THE CITY OF BOERNE, TEXAS”, DATED DECEMBER 18, 2007, BY AMENDING ARTICLE 3, SECTION 13, PERMANENT ZONING OF 40.892 ACRES LOCATED AT SHOOTING CLUB ROAD (KAD NOS. 153712, 153713, 153714, 153715, AND 153716) FROM R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO RN-1, NEIGHBORHOOD RESIDENTIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (William E. Canavan Jr., Durango Development)
- D. [2016-1024](#) CONSIDER ON SECOND READING ORDINANCE NO. 2016-41; AN ORDINANCE AMENDING THE CITY OF BOERNE ZONING ORDINANCE NO. 2007-64, CAPTIONED, “ZONING ORDINANCE OF THE CITY OF BOERNE, TEXAS”, DATED DECEMBER 18, 2007, BY AMENDING ARTICLE 3, SECTION 14, REZONING 4.83 ACRES LOCATED AT 502 SCHOOL STREET (KAD NO. 14412), FROM R-1, MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT TO B-1, HIGH-DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Original request was for B-2R, Highway Commercial-Restricted District, Genevieve Jones)
- E. [2016-1025](#) CONSIDER ON SECOND READING ORDINANCE NO. 2016-43; AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 2015-39 CAPTIONED “AN ORDINANCE 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.”
- F. [2016-1029](#) CONSIDER RESOLUTION NO. 2016-R114; A RESOLUTION

AUTHORIZING THE CITY MANAGER TO PROCEED WITH PURCHASES AS PER SECTION 6.08 OF THE CITY OF BOERNE'S HOME RULE CHARTER. (Electric Transformer for Franklin Park)

- G. [2016-1028](#) CONSIDER RESOLUTION NO. 2016-R115; A RESOLUTION AUTHORIZING THE CITY MANAGER TO PROCEED WITH PURCHASES AS PER SECTION 6.08 OF THE CITY OF BOERNE'S HOME RULE CHARTER. (Wipers For Sludge Press at Old San Antonio Road Wastewater Treatment and Recycling Center)

5. PUBLIC HEARING – To Hear Comments On The Following:

- A. [2016-1015](#) PROPOSED ANNEXATION OF 21.688 ACRES OF LAND LOCATED AT 1700 RIVER ROAD - KAD NOS. 15024 AND 15025 AT THE REQUEST OF THE CITY OF BOERNE. (Property Owner Shirley Rittimann- Second of Two Hearings)
- B. [2016-1016](#) PROPOSED ANNEXATION OF 22.558 ACRES OF LAND LOCATED AT 128 AND 214 CASCADE CAVERNS ROAD - KAD NOS. 11567 AND 11567 AT THE REQUEST OF ML&E LANDQUEST CASCADE CAVERNS, LLC. (Southglen Subdivision Phase 1- First of Two Hearings)
- C. [2016-1017](#) PROPOSED USE OF AUTOMOBILE SALES IN A B-2, HIGHWAY COMMERCIAL DISTRICT AT 146 OLD SAN ANTONIO ROAD AND 32120 INTERSTATE 10, KAD NO. 22678 AND 22676. (Continental Cars - First of One Hearing)
- D. [2016-1018](#) PROPOSED USE OF ANY CONTRACTOR IN A B-2, HIGHWAY COMMERCIAL DISTRICT AT 110 OLD SAN ANTONIO ROAD, KAD NO. 41136. (TBRQ, LLC- First of One Hearing)

6. TAKE ANY NECESSARY ACTION RESULTING FROM THE PUBLIC HEARING:

- A. [2016-1019](#) CONSIDER ON FIRST READING ORDINANCE NO. 2016-44; AN ORDINANCE AMENDING THE CITY OF BOERNE ZONING ORDINANCE NO. 2007-64, CAPTIONED, "ZONING ORDINANCE OF THE CITY OF BOERNE, TEXAS", DATED DECEMBER 18, 2007, ARTICLE 5, SECTION 3 PERMITTED USES, TABLE 5-1, AUTHORIZING THE USE OF AUTOMOBILE SALES IN A B-2,

HIGHWAY COMMERCIAL DISTRICT LOCATED AT 146 OLD SAN ANTONIO ROAD AND 32120 INTERSTATE 10 (KAD NO. 22678 AND 22676). (6.028 Acres, Continental Cars)

- B. [2016-1020](#) CONSIDER ON FIRST READING ORDINANCE NO. 2016-45; AN ORDINANCE AMENDING THE CITY OF BOERNE ZONING ORDINANCE NO. 2007-64, CAPTIONED, "ZONING ORDINANCE OF THE CITY OF BOERNE, TEXAS", DATED DECEMBER 18, 2007, ARTICLE 5, SECTION 3 PERMITTED USES, TABLE 5-1, AUTHORIZING THE USE OF ANY CONTRACTORS IN A B-2, HIGHWAY COMMERCIAL DISTRICT LOCATED AT 110 OLD SAN ANTONIO ROAD. (KAD NO. 41136) (TBRQ, LLC)
7. [2016-1026](#) RECEIVE QUARTERLY UPDATE ON THE BOERNE CONVENTION AND VISITORS BUREAU.
8. [2016-980](#) CONSIDER ON FIRST READING ORDINANCE NO. 2016-46; AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF BOERNE, TEXAS, CHAPTER 15 - 65 RESTRICTIONS APPLICABLE TO ALL PEDDLERS, SOLICITORS AND VENDORS; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR A PENALTY NOT TO EXCEED \$500.
9. [2016-1030](#) CONSIDER RESOLUTION NO. 2016-R116; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BOERNE AND FREESE AND NICHOLS, INC. FOR DESIGN, BIDDING AND CONSTRUCTION SERVICES RELATED TO THE RICHTER AVENUE WATER MAIN REPLACEMENT AND OAK PARK DRIVE SEWER MAIN REPLACEMENT PROJECTS.
10. [2016-1033](#) CONSIDER RESOLUTION NO. 2016-R117; A RESOLUTION DESIGNATING THE CITY'S 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 2017.
11. [2016-1032](#) CONSIDER RESOLUTION NO. 2016-R118; A RESOLUTION DESIGNATING THE CITY'S 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 2017.

12. [2016-1021](#) CONSIDER RESOLUTION NO. 2016-R119; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, ACCEPTING THE PETITION AND SETTING THE DATE, TIME, AND PLACE FOR TWO PUBLIC HEARINGS ON THE PROPOSED ANNEXATION OF CERTAIN PROPERTY BY THE CITY OF BOERNE, TEXAS; AUTHORIZING AND DIRECTING THE PUBLICATION OF NOTICE OF SUCH PUBLIC HEARINGS. (17 Herff Road at the request of James and Deborah Roerig)
13. [2016-989](#) CONSIDER RESOLUTION NO. 2016-R120; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT FOR PROJECT MANAGEMENT CONSULTING SERVICES BETWEEN THE CITY OF BOERNE AND MICHAEL DEAN CONSULTING GROUP PLLC FOR THE PROPOSED NEW CITY HALL PROJECT.

14. COMMENTS FROM COUNCIL/LEGAL COUNSEL/STAFF – No discussion or action may take place.

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

- A. [2016-1034](#) SECTION 551.072 - DELIBERATION REGARDING REAL PROPERTY.

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

17. ADJOURNMENT

s/s Ronald C. Bowman
City Manager

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the 4th day of
November, 2016 at 2 p.m.

s/s Lori A. Carroll

City Secretary

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS

The Police / Municipal Court Complex is wheelchair accessible. Access to the building and special parking is available at the front entrance of the building. Requests for 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.