

**AGENDA**  
**REGULAR CITY COUNCIL MEETING**  
**CITY COUNCIL CHAMBERS**  
**124 Old San Antonio Road**  
**Boerne, TX 78006**  
**February 13, 2018 – 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.

- 4.A. [2018-172](#) CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD JANUARY 23, 2018, THE SPECIAL CALLED CITY COUNCIL MEETING HELD JANUARY 29, 2018 (HOTEL/CONFERENCE CENTER GROUND BREAKING), AND THE SPECIAL CALLED CITY COUNCIL MEETING HELD JANUARY 29, 2018 (MASTER PLAN JOINT MEETING).

**Attachments:** [Minutes 18.0123](#)  
[Minutes 18.0129 ground breaking](#)  
[Minutes 18.0129 Master plan](#)

- 4.B. [2018-151](#) CONSIDER RESOLUTION NO. 2018-R08; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND PANACHE LANDSCAPE AND DESIGN TO REPLACE MULCH AT ONE

BED IN THE WASTEWATER TREATMENT & RECYCLE CENTER.

**Attachments:** [AIS Panache Mulch Bed Replacement 3.doc](#)  
[2018-R08 replace mulch at WWTRC](#)  
[Mulch Bed Before.JPG](#)  
[Mulch Bed After 1.JPG](#)  
[Mulch Bed After 2.JPG](#)

- 4.C. [2018-176](#) CONSIDER RESOLUTION NO. 2018-R09; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND FOUR B PAVING, INC. FOR ANNUAL PAVEMENT CRACK SEALING.

**Attachments:** [2018 street department crack seal contract](#)  
[2018-R09 pavement crack sealing](#)  
[4 B paving Cracksealing Various Locations 2018](#)

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

- 5.A. [2018-179](#) PROPOSED ACCESSORY DWELLING IN AN R-3, HIGH DENSITY RESIDENTIAL DISTRICT LOCATED AT 402 YOALANA STREET, KAD NO. 23531. (Jack Hearn - One of one hearing)

**Attachments:** [PUBLIC HEARING - summary](#)  
[Public Hearing 18.0213 Yoalana, Zoning & Subdivision Ord.](#)  
[Att 1 - 402 YOALANA LOCATION MAP](#)  
[Att 2 - 402 YOALANA ZONING MAP](#)  
[Att 3 - 402 YOALANA AERIAL MAP](#)

- 5.B. [2018-180](#) PROPOSED AMENDMENTS TO THE CITY OF BOERNE SUBDIVISION ORDINANCE NO. 2007-56, DATED NOVEMBER 13, 2007, ARTICLE 1. GENERAL PROVISIONS, SECTION 04. DEFINITIONS, ARTICLE 2. PROCEDURES, SECTION 02. PROCEDURES FOR PRELIMINARY PLAT, SECTION 03. DESIGN AND CONSTRUCTION PLANS, SECTION 05. PROCEDURES FOR FINAL PLAT, ARTICLE 3. PLANNING AND COMMUNITY DESIGN STANDARDS, SECTION 03. OPEN SPACE SYSTEMS. AND ADDING SECTION 06. LOW IMPACT DEVELOPMENT FACILITIES. (One of one hearing)

**Attachments:** [Summary - Public hearing](#)  
[Public Hearing 18.0213 Yoalana, Zoning & Subdivision Ord.](#)

- 5.C. [2018-181](#) PROPOSED AMENDMENTS TO THE CITY OF BOERNE ZONING ORDINANCE NO. 2007-64, DATED DECEMBER 18, 2007, ARTICLE 1, IN GENERAL, SECTION 06. DEFINITIONS, ARTICLE 3, GENERAL PROHIBITIONS AND REQUIREMENTS, SECTION 02. OUTDOOR LIGHTING, ARTICLE 5, ZONING DISTRICTS AND USE REGULATIONS, SECTION 03. PERMITTED USES, SECTION 20. B-3 - CENTRAL BUSINESS DISTRICT, AND ADDING SECTION 33. NH - NORTH HERFF ROAD OVERLAY DISTRICT. (One of one hearing)

**Attachments:** [Summary - Public hearing](#)  
[Public Hearing 18.0213 Yoalana, Zoning & Subdivision Ord.](#)

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

- 6.A. [2018-182](#) CONSIDER ON FIRST READING ORDINANCE NO. 2018-03; 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 3, SECTION 6, ACCESSORY DWELLING, AUTHORIZING AN ACCESSORY DWELLING IN AN R-3, HIGH DENSITY RESIDENTIAL DISTRICT LOCATED AT 402 YOALANA STREET (KAD NO. 23531). (Jack Hearn)

**Attachments:** [Summary - Yoalana](#)  
[Ordinance No. 2018-03](#)  
[Att 1 - 402 YOALANA LOCATION MAP](#)  
[Att 2 - 402 YOALANA ZONING MAP](#)  
[Att 3 - 402 YOALANA AERIAL MAP](#)  
[Att 4 - Street view](#)  
[Att 5 - Letter of request](#)  
[Att 6 - Site plan](#)  
[Att 7 - R-3 Uses](#)

- 6.B. [2018-183](#) CONSIDER ON FIRST READING ORDINANCE NO. 2018-04; AN ORDINANCE AMENDING THE CITY OF BOERNE SUBDIVISION ORDINANCE NO. 2007-56, DATED NOVEMBER 13, 2007, ARTICLE 1. GENERAL PROVISIONS, SECTION 04. DEFINITIONS, ARTICLE 2. PROCEDURES, SECTION 02. PROCEDURES FOR PRELIMINARY PLAT, SECTION 03. DESIGN AND CONSTRUCTION PLANS, SECTION 05. PROCEDURES FOR FINAL PLAT, ARTICLE 3. PLANNING AND COMMUNITY DESIGN STANDARDS, SECTION 03.

OPEN SPACE SYSTEMS. AND ADDING SECTION 06. LOW IMPACT DEVELOPMENT FACILITIES.

**Attachments:** [Summary - Subd Ord](#)  
[Ordinance No. 2018-04](#)

- 6.C. [2018-184](#) CONSIDER ON FIRST READING ORDINANCE NO. 2018-05; AN ORDINANCE AMENDING THE CITY OF BOERNE ZONING ORDINANCE NO. 2007-64, DATED DECEMBER 18, 2007, ARTICLE 1, IN GENERAL, SECTION 06. DEFINITIONS, ARTICLE 3, GENERAL PROHIBITIONS AND REQUIREMENTS, SECTION 02. OUTDOOR LIGHTING, ARTICLE 5, ZONING DISTRICTS AND USE REGULATIONS, SECTION 03. PERMITTED USES, SECTION 20. B-3 - CENTRAL BUSINESS DISTRICT, AND ADDING SECTION 33. NH - NORTH HERFF ROAD OVERLAY DISTRICT.

**Attachments:** [Summary - zoning](#)  
[Ordinance No. 2018-05](#)  
[Herff Overlay -- Buffers -- Updated](#)  
[Herff Overlay -- Frontage -- Updated](#)

7. [2018-175](#) RECEIVE RECOMMENDATION FOR PURCHASE OF SCULPTURE FROM THE 2017-2018 ART AL FRESCO COMPETITION AND CONSIDER RESOLUTION NO. 2018-R10; A RESOLUTION AUTHORIZING THE CITY MANAGER TO PROCEED WITH PURCHASES AS PER SECTION 6.08 OF THE CITY OF BOERNE'S HOME RULE CHARTER. (Three art pieces; Bull, Solar Wind, and Foundation of the Doo Dah)

**Attachments:** [AIS CC PublicArt 02 13 18 2017-2018 Purchase Recommendation 2018-R10 purchase art](#)  
[2017-2018 Sculpture Purchase Recommendation - CC AIS 02-13-2018](#)

8. [2018-174](#) FY 2018-2019 PUBLIC ART COMPETITION PRESENTATION.

**Attachments:** [AIS CC 2018-2019 PublicArt Update 02 13 18](#)  
[2018-2019 Sculptures & Alternates CC 02-13-2018](#)

9. [2018-173](#) RECEIVE THE FIRST QUARTER FINANCIAL AND INVESTMENT REPORT FOR FY 2017-2018.

**Attachments:**    [AIS December 2017 Quarterly report](#)  
[Dec 2017 Quarterly Financial Report](#)  
[Quarterly Financial Report](#)

10.    [2018-189](#)            CONSIDER MAYORAL RE-APPOINTMENTS TO THE KENDALL COUNTY LIBRARY SYSTEM ADVISORY BOARD AND BOERNE KENDALL COUNTY ECONOMIC DEVELOPMENT BOARD.

**Attachments:**    [AIS Board Appointments](#)

11.    [2018-185](#)            CONSIDER ON FIRST READING ORDINANCE NO. 2018-06; AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY INTO THE CITY OF BOERNE, KENDALL COUNTY, TEXAS AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN THE CITY LIMITS, AND GRANTING TO SAID TERRITORY AND TO ALL FUTURE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID FUTURE INHABITANTS BY ALL OF THE ACTS AND ORDINANCES OF SAID CITY. (13.327 acres located at 41 Old San Antonio Rd., KAD No. 38976, Wastewater Treatment and Recycling Center at the request of the City of Boerne.)

**Attachments:**    [Summary](#)  
[Ordinance No. 2018-06](#)  
[Att 1 - Location Map](#)  
[Att 2 - Aerial](#)  
[Att 3 - CITY SEWER 20170907](#)  
[Att 4 - 13.327 ACRE FIELD NOTES 20170907](#)

12.    [2018-178](#)            RECEIVE BIDS AND AWARD CONTRACT FOR THE UPPER BALCONES WATERLINE IMPROVEMENT PROJECT AND CONSIDER RESOLUTION NO. 2018-R11; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, AUTHORIZING THE AWARD OF A BID FOR THE UPPER BALCONES WATERLINE IMPROVEMENT PROJECT.

**Attachments:**    [AIS Upper Balcones Water Main Construction.doc](#)  
[2018-R11 award bid Upper Balcones](#)  
[Upper Balcones Water Main.jpg](#)  
[Upper Balcones Rd Water Improvement Cost Estimate.pdf](#)  
[JBS Bid Tabulation.pdf](#)  
[Bid Letter of Recommendation\\_JBS Underground.pdf](#)

13. [2018-177](#) CONSIDER RESOLUTION NO. 2018-R12; A RESOLUTION AUTHORIZING THE CITY MANAGER TO PROCEED WITH PURCHASES AS PER SECTION 6.08 OF THE CITY OF BOERNE'S HOME RULE CHARTER. (Wood utility poles for the SH-46 widening utilities relocation project)

**Attachments:** [AIS SH-46 Electric Poles.doc](#)  
[2018-R12 purchase utility poles SH-46](#)  
[SH-46 Electric Reroute.jpg](#)

14. PLANNING AND ZONING COMMISSION RECOMMENDATION

- 14.A. [2018-188](#) PROPOSED USE OF A PARKING LOT IN A B-2, HIGHWAY COMMERCIAL DISTRICT FOR A PROPOSED LOT LOCATED AT 1434 SOUTH MAIN STREET. (Fronting the proposed Herff Road extension - KAD No. 49470, Larry Lester)

**Attachments:** [Public hearing summary - S Main](#)  
[Att 1 - 1434 SOUTH MAIN LOCATION MAP](#)  
[Att 2 - Aerial - site plan](#)

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

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

- 16.A. [2018-192](#) 551.071 (1) (A) - CONSULTATION WITH ATTORNEY AND SECTION 551.087 - DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATION.

- 16.B. [2018-205](#) SECTION 551.087 - DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATION.

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

- 17.A. [2018-191](#) CONSIDER RESOLUTION NO. 2018-R13; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN INFRASTRUCTURE AND DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BOERNE AND \_\_\_\_\_.

**Attachments:** [2018-R13 Development Agreement](#)

18. ADJOURNMENT

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Ronald C. Bowman  
City Manager

**CERTIFICATION**

**I hereby certify that the above notice of meeting was posted on the 9th day of  
February, 2018 at 5:00 p.m.**

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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.