

AGENDA
REGULAR CITY COUNCIL MEETING
RONALD C. BOWMAN CITY COUNCIL CHAMBERS
447 North Main Street
Boerne, TX 78006
April 25, 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. [2023-388](#) CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CITY COUNCIL MEETING ON APRIL 11, 2023.

Presenter: City Secretary Lori Carroll

- B. [2023-390](#) CONSIDER RESOLUTION NO. 2023-R29; A RESOLUTION AUTHORIZING AN ADDITIONAL PAYMENT OF \$5,000.00 FOR A TOTAL NOT TO EXCEED \$105,000.00 TO SGR FOR RECRUITMENT OF A FIRE CHIEF AND SERVICES OF INTERIM FIRE CHIEF. (Agreement approved on December 13, 2022, for an amount not to exceed \$100,000.00, requesting an additional \$5,000.00)

Presenter: Assistant City Manager Danny Zincke

- C. [2023-395](#) CONSIDER RESOLUTION NO. 2023-R30; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND RPGA DESIGN GROUP, INC. FOR PLANNING AND PRE-DESIGN SERVICES OF FIRE STATION #2 FOR AN AMOUNT NOT TO EXCEED \$40,000.00. (Architectural Test-Fit Site Plan Study and Civil Engineering Feasibility Study for Fire Station #2)

Presenter: Assistant City Manager Danny Zincke

REGULAR AGENDA

5. PRESENTATIONS, PUBLIC HEARINGS, AND ORDINANCES:

- A. [2023-387](#) CONSIDER ON FIRST READING ORDINANCE NO. 2023-17; AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BOERNE, TEXAS, CHAPTER 2. ADMINISTRATION, ARTICLE IV. RECORDS MANAGEMENT PROGRAM; AND AMENDING THE RECORDS MANAGEMENT PLAN. (Amendments to Records Management Program and Records Management Plan)

Presenter: City Secretary Lori Carroll

- B. [2023-369](#) CONSIDER THE UN-TABLING OF ORDINANCE NO. 2023-09, AS DESCRIBED BELOW. (Tabled on March 14, 2023)

Presenter: Ty Wolosin

- C. [2023-389](#) CONSIDER ON FIRST READING ORDINANCE NO. 2023-09; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, REPEALING AND REPLACING CHAPTER 23 OF THE CODE OF ORDINANCES, CITY OF BOERNE, TEXAS, TO GOVERN SHORT-TERM RENTALS; PROVIDING REGULATIONS AND PERMITTING FOR THE OPERATION AND USE OF SHORT-TERM RENTALS; AMENDING THE UNIFIED

DEVELOPMENT CODE REGULATIONS GOVERNING SHORT-TERM RENTALS; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; PROVIDING AN EFFECTIVE DATE; AND ACKNOWLEDGING COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT. (Regulation of short-term rental properties)

Presenter:

Planning Director Laura Haning

6. RESOLUTIONS:

A. [2023-321](#)

CONSIDER RESOLUTION NO. 2023-R31; A RESOLUTION AUTHORIZING THE PURCHASE OF A VOLVO L60H LOADER FOR AN AMOUNT NOT TO EXCEED \$186,456.00 AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A LEASE/PURCHASE AGREEMENT BETWEEN THE CITY OF BOERNE AND FROST BANK. (Purchase loader for the Street Department)

Presenter:

Director of Engineering & Mobility Jeff Carroll

B. [2023-279](#)

CONSIDER RESOLUTION NO. 2023-R32; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND FREESE AND NICHOLS, INC. FOR THE ENGINEERING DESIGN AND CONSTRUCTION PHASE SERVICES FOR THE ADLER ROAD IMPROVEMENTS PROJECT FOR AN AMOUNT NOT TO EXCEED \$1,618,052.00, 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. (2022 BOND project, Reconstruction of Adler Road from N. Main St to N. Esser Road)

Presenter:

Director of Engineering & Mobility Jeff Carroll

C. [2023-314](#)

CONSIDER RESOLUTION NO. 2023-R33; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY MANAGER AND PAWELEK & MOY, INC. FOR ENGINEERING DESIGN AND CONSTRUCTION PHASE SERVICES FOR THE STREET RECONSTRUCTION PROJECTS FOR AN AMOUNT NOT TO EXCEED

\$99,620.00, 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. (2022 BOND project to include Parkway Drive, W. Kronkosky Street, W Blanco Road, and Shooting Club Road)

Presenter: Director of Engineering & Mobility Jeff Carroll

- D. [2023-371](#) CONSIDER RESOLUTION NO. 2023-R34; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN ADVANCE FUNDING AGREEMENT FOR SURFACE TRANSPORTATION BLOCK GRANT-ROAD WIDENING OFF-SYSTEM BETWEEN THE CITY OF BOERNE AND TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR CASCADE CAVERNS ROADWAY IMPROVEMENT PROJECT. (AFA for improvements on Cascade Caverns Road, Old San Antonio Road, and Scenic Loop Road)

Presenter: Director of Engineering & Mobility Jeff Carroll

- E. [2023-386](#) CONSIDER RESOLUTION NO. 2023-R35; A RESOLUTION OF THE CITY OF BOERNE RATIFYING AN EMERGENCY EXPENDITURE BY CITY STAFF AND AUTHORIZING A PAYMENT TO TAS ENVIRONMENTAL SERVICES, LP FOR CLEANING OF INFLUENT BOXES AT THE OLD SAN ANTONIO ROAD WASTEWATER TREATMENT AND RECYCLING CENTER FOR AN AMOUNT NOT TO EXCEED \$60,612.00. (Vacuum cleaning of influent boxes)

Presenter: Utilities Director Michael Mann

- F. [2023-381](#) CONSIDER RESOLUTION NO. 2023-R36; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT TO PROVIDE PROFESSIONAL SERVICES, ARCHITECTS, ENGINEERS, AND BUILDING OFFICIALS BETWEEN THE CITY OF BOERNE AND AOKA ENGINEERING LLC DBA: AOKA CODE CONSULTING FOR AN AMOUNT NOT TO EXCEED \$151,005.00. (Plan Review)

Presenter: Planning Director Laura Haning

7. CITY MANAGER'S REPORT:

- A. [2023-312](#) INTRODUCTION OF CHIEF BUILDING OFFICIAL, STEVE RIGGS.

Presenter: City Manager Ben Thatcher

- B. [2023-368](#) VISIT BOERNE ANNUAL UPDATE.

Presenter: Convention & Visitors Bureau Director Larry Woods

- C. [2023-288](#) 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. [2023-394](#) SECTION 551.072 - TO DELIBERATE THE PURCHASE 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. (Utility Easement at the north end of Ranch Drive)

Presenter: Utilities Director Michael Mann

- B. [2023-296](#) SECTION 551.071 - CONSULTATION WITH CITY ATTORNEY TO DISCUSS LEGAL ISSUES RELATED TO DELEGATE AGENCY AGREEMENTS.

Presenter: Assistant to the City Manager Nick Montagno

- C. [2023-361](#) SECTION 551.071 - CONSULTATION WITH CITY ATTORNEY AND SECTION 551.087 - DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS REGARDING DEVELOPMENT AGREEMENT BETWEEN BOERNEBAK AND CITY OF BOERNE.

Presenter: Assistant to the City Manager Nick Montagno

- D. [2023-398](#) SECTION 551.071 - CONSULTATION WITH CITY ATTORNEY REGARDING ANNEXATION, DISANNEXATION AND PROPOSED LEGISLATION.

Presenter: City Attorney Mick McKamie

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

11. ADJOURNMENT

CERTIFICATION

**I hereby certify that the above notice of meeting was posted on the 21st day of
April, 2023 at 4:00 p.m.**

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.