

AGENDA
REGULAR CITY COUNCIL MEETING
RONALD C. BOWMAN CITY COUNCIL CHAMBERS
447 North Main Street
Boerne, TX 78006
September 12, 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. [2023-655](#) CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CALLED CITY COUNCIL MEETING OF AUGUST 22, 2023.

Attachments: [Minutes.23.0822](#)

- B. [2023-669](#) CONSIDER RESOLUTION NO. 2023-R66; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A SHARED SERVICES AGREEMENT FOR FUNDING OF PUBLIC PURPOSE BETWEEN THE CITY OF BOERNE AND THE RAINBOW SENIOR CENTER. (The Center)

Attachments: [AIS The Center](#)
 [Resolution No. 2023-R66](#)
 [Shared Service Agreement - Rainbow Senior Center](#)

- C. [2023-635](#) CONSIDER RESOLUTION NO. 2023-R67; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A SHARED SERVICES AGREEMENT FOR FUNDING OF PUBLIC PURPOSE BETWEEN THE CITY OF BOERNE AND BOERNE PERFORMING ARTS CENTER.

Attachments: [AIS Boerne Performing Arts 9.12.23](#)
 [Resolution No. 2023-R67](#)
 [Shared Services Agreement - BPA - 2023](#)

- D. [2023-637](#) CONSIDER RESOLUTION NO. 2023-R68; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A SHARED SERVICES AGREEMENT FOR FUNDING OF PUBLIC PURPOSE BETWEEN THE CITY OF BOERNE AND BOERNE HOUSING AUTHORITY.

Attachments: [AIS Boerne Housing Authority 9.12.23](#)
 [Resolution No. 2023-R68](#)
 [Shared Services Agreement - BHA - 2023](#)

- E. [2023-636](#) CONSIDER RESOLUTION NO. 2023-R69; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A SHARED SERVICES AGREEMENT FOR FUNDING OF PUBLIC PURPOSE BETWEEN THE CITY OF BOERNE AND HILL COUNTRY COURT APPOINTED SPECIAL ADVOCATES (CASA).

Attachments: [AIS Hill Country CASA 9.12.23](#)
 [Resolution No. 2023-R69](#)
 [Shared Services Agreement - CASA - 2023](#)

- F. [2023-661](#) CONSIDER RESOLUTION NO. 2023-R70; A RESOLUTION AUTHORIZING THE CITY MANGER TO ENTER INTO AND MANAGE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF BOERNE

AND FAIR OAKS RANCH FOR THE USE OF THE CITY OF BOERNE
ANIMAL CONTROL FACILITY.

Attachments: [AIS Interlocal Animal Control Agreement 23-24](#)
[Resolution No. 2023-R70](#)
[Contract Animal Control Interlocal 2023 2024](#)

5. PRESENTATIONS, PUBLIC HEARINGS, AND ORDINANCES:

- A. [2023-558](#) PRESENTATION AND PUBLIC HEARING ON THE PROPOSED
BUDGET FOR THE CITY OF BOERNE, TEXAS, FOR FISCAL YEAR
2023-2024.

Attachments: [AIS - Budget Presentation, Public Hearing, Ordinance](#)
[Proposed Budget Public Hearing Notice](#)

- B. [2023-666](#) CONSIDER A ONE-TIME READING OF ORDINANCE NO. 2023-25;
AS PERMITTED BY THE CITY OF BOERNE’S HOME RULE CHARTER
SECTION 3.11.A. (As described below)

- C. [2023-559](#) CONSIDER ORDINANCE NO. 2023-25; AN ORDINANCE
ADOPTING THE ANNUAL BUDGET FOR THE CITY OF BOERNE,
TEXAS, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023, AND
ENDING SEPTEMBER 30, 2024, IN ACCORDANCE WITH CHAPTER
102, LOCAL GOVERNMENT CODE; AND APPROPRIATING THE
VARIOUS AMOUNTS THEREOF. (Adopting the annual budget)

Attachments: [AIS - Reading of Ordinance to Adopt Budget](#)
[2023-25 Adopt Budget](#)
[FY 23-24 Proposed Budget](#)

- D. [2023-662](#) PRESENTATION AND PUBLIC HEARING ON THE PROPOSED AD
VALOREM PROPERTY TAX RATE FOR THE 2023 TAX YEAR AT 47.66
CENTS PER EACH \$100 OF TAXABLE VALUE. (One of one hearing)

Attachments: [AIS - 5D Tax Rate Presentation and Public Hearing](#)
[2023 Public Hearing Notice](#)

- E. [2023-663](#) RATIFY THE PROPERTY TAX REVENUE INCREASE REFLECTED IN
THE FISCAL YEAR 2023-2024 BUDGET.

Attachments: [AIS -Tax Revenue Increase Ratification](#)

- F. [2023-667](#) CONSIDER A ONE-TIME READING OF ORDINANCE NO. 2023-26;
AS PERMITTED BY THE CITY OF BOERNE’S HOME RULE CHARTER

SECTION 3.11.A. (As described below)

- G. [2023-664](#) CONSIDER ORDINANCE NO. 2023-26; AN ORDINANCE SETTING THE AD VALOREM PROPERTY TAX RATE FOR THE 2023 TAX YEAR AT 47.66 CENTS PER EACH \$100 OF TAXABLE VALUE. (Adopting the tax rate)

Attachments: [AIS - Tax Rate Ordinance](#)
 [Ordinance No. 2023-26](#)

- H. [2023-665](#) CONSIDER ON FIRST READING ORDINANCE NO. 2023-27; AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 2022-29 AND 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. (Establish fees for City of Boerne services)

Attachments: [AIS Fee Ordinance - effective 10-1-2023](#)
 [Ordinance No. 2023-27](#)
 [Fee Schedule 2024- As Adopted](#)
 [Fee Schedule 2024-Redlined version](#)

- I. [2023-656](#) PRESENTATION, PUBLIC HEARING AND CONSIDER ON FIRST READING ORDINANCE NO. 2023-28; AN ORDINANCE ANNEXING A 1.633 ACRE PORTION OF RIGHT-OF-WAY ON INTERSTATE HIGHWAY 10 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. (One of one public hearing and consider the first reading of an ordinance annexing a portion of IH 10 right-of-way, at the request of Forestar (USA) Real Estate Group, Inc., Matkin Properties, LP, Equity Trust Company Custodian FBO Harold T. duPerier III IRA, and Equity Trust Company Custodian FBO John-Mark Matkin IRA)

Attachments: [AIS - Spencer Ranch Area 1 - 1.633](#)
[Ordinance No. 2023-28](#)
[Exhibit A. Field Notes - Spencer Ranch Area 1 - 1.633](#)
[Spencer Ranch Agreement Executed Jun1621](#)
[Annexation Area Map](#)
[Location Map - IH 10 ROW \(Area 1\)](#)
[Public Hearing Notice](#)

- J. [2023-657](#) PRESENTATION, PUBLIC HEARING AND CONSIDER ON FIRST READING ORDINANCE NO. 2023-29; AN ORDINANCE ANNEXING A TOTAL OF 22.653 ACRES, MORE OR LESS, BEING 13.42 ACRES LOCATED AT 12 SPENCER ROAD (KAD NO. 37948), 2.07 ACRES LOCATED AT 2B SPENCER ROAD (KAD NO. 37947), 2.47 ACRES LOCATED AT 2 SPENCER ROAD (KAD NO. 14354), AND 4.69 ACRES LOCATED AT 8 SPENCER ROAD (KAD NO. 36891) 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. (One of one public hearing and consider the first reading of an ordinance annexing 12 Spencer Rd, 2B Spencer Rd, 2 Spencer Rd, and 8 Spencer Rd. at the request of Forestar (USA) Real Estate Group, Inc., Matkin Properties, LP, Equity Trust Company Custodian FBO Harold T. duPerier III IRA, and Equity Trust Company Custodian FBO John-Mark Matkin IRA)

Attachments: [AIS - Spencer Ranch Area 2 - 22.653](#)
[Ordinance No. 2023-29](#)
[Exhibit A and B to Ordinance - Area 2 MSP and Exhibits](#)
[Spencer Ranch Agreement Executed Jun1621](#)
[Annexation Area Map](#)
[1 - Location Map - 12 Spencer Road](#)
[2 - Location Map - 2B Spencer Road](#)
[3 - Location Map - 2 Spencer Road](#)
[4 - Location Map - 8 Spencer Road](#)
[Public Hearing Notice](#)

- K. [2023-658](#) PRESENTATION, PUBLIC HEARING AND CONSIDER ON FIRST READING ORDINANCE NO. 2023-30; AN ORDINANCE ANNEXING A 1.122 ACRE PORTION OF RIGHT-OF-WAY ALSO KNOWN AS SPENCER 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. (One of one public hearing and consider the first reading of an ordinance annexing a portion of Spencer Rd. at the request of Forestar (USA) Real Estate Group, Inc., Matkin Properties, LP, Equity Trust Company Custodian FBO Harold T. duPerier III IRA, and Equity Trust Company Custodian FBO John-Mark Matkin IRA)

Attachments:

[AIS - Spencer Ranch Area 3 - 1.122](#)
[Ordinance No. 2023-30](#)
[Exhibit A. to Ordinance - Field Notes and Exhibit - Spencer Ranch Area 3 - Spencer Ranch Agreement Executed Jun1621](#)
[Annexation Area Map](#)
[Location Map - Spencer Road ROW](#)
[Kendall County Notification - Spencer Ranch](#)
[Public Hearing Notice](#)

- L. [2023-659](#) PRESENTATION, PUBLIC HEARING AND CONSIDER ON FIRST READING ORDINANCE NO. 2023-31; AN ORDINANCE ANNEXING A 5.984 ACRE PORTION OF WEST STATE HIGHWAY 46 (KAD. NO. 14918) AND A PORTION OF 10 SPENCER ROAD (KAD NO. 14916) 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. (One of one public hearing and consider the first reading of an ordinance annexing a portion of 10 Spencer Rd. at the request of

Forestar (USA) Real Estate Group, Inc., Matkin Properties, LP,
Equity Trust Company Custodian FBO Harold T. duPerier III IRA,
and Equity Trust Company Custodian FBO John-Mark Matkin IRA)

Attachments: [AIS - Spencer Ranch Area 4 - 5.984](#)
[Ordinance No. 2023-31](#)
[Exhibits A and B to Ordinance -Area 4 MSP and Exhibits](#)
[Spencer Ranch Agreement Executed Jun1621](#)
[Annexation Area Map](#)
[Location Map - Area 4](#)
[Public Hearing Notice](#)

- M. [2023-660](#) PRESENTATION, PUBLIC HEARING AND CONSIDER ON FIRST
READING ORDINANCE NO. 2023-32; AN ORDINANCE ANNEXING
A 2.807 ACRE PORTION OF WEST STATE HIGHWAY 46 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. (One of one
public hearing and consider the first reading of an ordinance
annexing a portion of W Hwy 46, at the request of Forestar (USA)
Real Estate Group, Inc., Matkin Properties, LP, Equity Trust
Company Custodian FBO Harold T. duPerier III IRA, and Equity
Trust Company Custodian FBO John-Mark Matkin IRA.)

Attachments: [AIS - Portion of Hwy 46 - 2.807 Acres](#)
[Ordinance No. 2023-32](#)
[Exhibit A to Ordinance - Portion of Hwy 46 - 2.807acres](#)
[Spencer Ranch Agreement Executed Jun1621](#)
[Annexation Area Map](#)
[Location Map - Hwy 46 ROW](#)
[TxDOT Notification - Spencer Ranch](#)
[Public Hearing Notice](#)

- N. [2023-634](#) CONSIDER A ONE-TIME READING OF ORDINANCE NO. 2023-33;
AS PERMITTED BY THE CITY OF BOERNE'S HOME RULE CHARTER
SECTION 3.11.A. (As described below)

- O. [2023-653](#) CONSIDER ORDINANCE NO. 2023-33; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, REPEALING ARTICLE IV, "YOUTH CURFEW" OF CHAPTER 15, "OFFENSES AND MISCELLANEOUS PROVISIONS" OF THE BOERNE CITY CODE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (Repealing the curfew ordinance)

Attachments: [AIS Juvenile Curfew Ordinance No. 2023-33](#)
[Ordinance No. 2022-12 Curfew youth \(002\)](#)
[HB01819F](#)

6. OTHER:

- A. [2023-672](#) RECEIVE AND ACCEPT THE RESIGNATION FROM COUNCIL MEMBER DISTRICT 4, BRYCE BODDIE AND DECLARE A VACANCY AS PER THE CITY OF BOERNE HOME RULE CHARTER.

Attachments: [AIS fill vacancy](#)
[Resignation](#)

7. CITY MANAGER'S REPORT:

- A. [2023-652](#) INTRODUCTION TO WALTER BALL, ASSISTANT FIRE CHIEF OPERATIONS AND TRAINING.

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

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

- A. [2023-612](#) SECTION 551.072 - TO DELIBERATE THE SALE OR VALUE OF REAL PROPERTY WHERE DELIBERATION IN AN OPEN MEETING COULD AFFECT THE POSITION OF THE CITY IN NEGOTIATIONS WITH A THIRD PERSON. (Near Ammann Road)
- B. [2023-671](#) SECTION 551.072 - TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY WHERE DELIBERATION IN AN OPEN MEETING COULD AFFECT THE POSITION OF THE CITY IN NEGOTIATIONS WITH A THIRD PERSON. (Potential parks property)

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 8th day of
September, 2023 at 4:00 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.