

**AGENDA**  
**CITY COUNCIL MEETING**  
**RONALD C. BOWMAN CITY COUNCIL CHAMBERS**  
**447 North Main Street**  
**Boerne, TX 78006**  
**September 26, 2023 – 5:30 p.m.**

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).

**WORK SESSION: 5:30 PM**

1. CALL TO ORDER – 5:30 PM

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

- A.     [2023-695](#)           SECTION 551.074: PERSONNEL MATTERS - TO INTERVIEW AND DELIBERATE THE SELECTION AND APPOINTMENT OF A QUALIFIED PERSON TO FILL THE UNEXPIRED TERM OF THE COUNCIL MEMBER FOR DISTRICT 4 AS PER THE CITY OF BOERNE’S HOME RULE CHARTER SECTION 3.08. (C).

**Presenter:**           Frank Ritchie

3. ADJOURNMENT

**REGULAR SESSION: Immediately following work session**

1. CALL TO ORDER

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.     [2023-692](#)           CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR  
CALLED CITY COUNCIL MEETING OF SEPTEMBER 12, 2023.

**Presenter:**           City Secretary Lori Carroll

- B.     [2023-684](#)           CONSIDER ON SECOND 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. (Consider the  
second 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)

**Presenter:**           Assistant Planning Director Nathan Crane

- C.     [2023-685](#)     CONSIDER ON SECOND 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. (Consider the second 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)

**Presenter:**

Assistant Planning Director Nathan Crane

- D.     [2023-686](#)     CONSIDER ON SECOND 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. (Consider the second 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)

**Presenter:** Assistant Planning Director Nathan Crane

- E. [2023-687](#) CONSIDER ON SECOND READING ORDINANCE NO. 2023-31; AN ORDINANCE ANNEXING 5.984 ACRES BEING A 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. (Consider the second 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)

**Presenter:** Assistant Planning Director Nathan Crane

- F. [2023-688](#) CONSIDER ON SECOND 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. (Consider the second 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.)

**Presenter:** Assistant Planning Director Nathan Crane

- G. [2023-670](#) CONSIDER RESOLUTION NO. 2023-R71; 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 DAS GREENHAUS.

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

REGULAR AGENDA:

5. PRESENTATIONS, PUBLIC HEARINGS, AND ORDINANCES:

- A. [2023-700](#) 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)

**Presenter:** Finance Director Sarah Buckelew

6. RESOLUTIONS:

- A. [2023-566](#) CONSIDER RESOLUTION NO. 2023-R72; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, ACCEPTING THE REQUEST AND SETTING THE DATE, TIME AND PLACE FOR A PUBLIC HEARING ON THE PROPOSED ANNEXATION OF A 3.877 ACRE TRACT LOCATED AT 36432 INTERSTATE HIGHWAY 10 (KAD. NO. 222994) AND A 6.676 ACRE PORTION OF INTERSTATE HIGHWAY 10 RIGHT-OF-WAY, BY THE CITY OF BOERNE, TEXAS; AUTHORIZING AND DIRECTING THE PUBLICATION OF NOTICE OF SUCH PUBLIC HEARING; AND CONSIDER APPROVAL OF A MUNICIPAL SERVICE PLAN AGREEMENT. (Set Public Hearing for October 24, 2023, at 6:00 p.m. and approve Municipal Service Plan Agreement for the proposed annexation of 36432 IH 10 and portion of IH 10 right-of-way at the request of Alejandro Gutierrez)

## 7. OTHER:

- A. [2023-694](#) DISCUSSION ON POTENTIAL UPDATES TO THE CURRENT FLOODPLAIN REGULATIONS WITHIN THE UNIFIED DEVELOPMENT CODE (UDC), SECTION 8.1.

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

## 8. CITY MANAGER'S REPORT:

- A. [2023-689](#) RECOGNITION OF NATURAL GAS UTILITY FOR TEXAS GAS ASSOCIATION (TGA) AND AMERICAN PUBLIC GAS ASSOCIATION (APGA) SAFETY AWARDS.

**Presenter:** Utilities Director Michael Mann

- B. [2023-668](#) SOLAR ECLIPSE UPDATE.

**Presenter:** Police Chief Steve Perez

- C. [2023-293](#) MONTHLY PROJECTS REPORT.

**Presenter:** City Manager Ben Thatcher

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

## 10. EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE:

- A. [2023-698](#) SECTION 551.701 - CONSULTATION WITH CITY ATTORNEY AND SECTION 551.072 - TO DELIBERATE THE PURCHASE OF REAL PROPERTY WHERE DELIBERATION IN AN OPEN MEETING COULD AFFECT THE POSITION OF THE CITY IN NEGOTIATIONS WITH A THIRD PERSON. (Potential easement)

**Presenter:** Utilities Director Michael Mann

- B. [2023-696](#) SECTION 551.074 - PERSONNEL MATTERS, TO INTERVIEW AND DELIBERATE THE SELECTION AND APPOINTMENT OF A QUALIFIED PERSON TO FILL THE UNEXPIRED TERM OF COUNCIL MEMBER FOR DISTRICT 4 AS PER THE CITY OF BOERNE'S HOME RULE CHARTER SECTION 3.08. (C).

**Presenter:** Frank Ritchie

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

- A. [2023-697](#) CONSIDER APPOINTMENT OF A QUALIFIED PERSON TO FILL THE UNEXPIRED TERM OF COUNCIL MEMBER FOR DISTRICT 4 AS PER THE CITY OF BOERNE'S HOME RULE CHARTER SECTION 3.08. (C), WHICH WILL EXPIRE IN MAY 2025.

12. ADJOURNMENT

**CERTIFICATION**

**I hereby certify that the above notice of meeting was posted on the 22nd day of September, 2023 at 4:30 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.