

AGENDA
REGULAR CITY COUNCIL MEETING
RONALD C. BOWMAN CITY COUNCIL CHAMBERS
447 North Main Street
Boerne, TX 78006
December 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. [2023-818](#) RECOGNITION OF ROY BURGESS FOR HIS YEARS OF SERVICE TO THE CITY OF BOERNE.

Presenter: City Manager Ben Thatcher and Utilities Director Michael Mann

5. 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. [2023-833](#) CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CALLED CITY COUNCIL MEETING OF NOVEMBER 28, 2023.
- Presenter:** City Secretary Lori Carroll
- B. [2023-816](#) CONSIDER ON SECOND READING ORDINANCE NO. 2023-37; AN ORDINANCE OF THE CITY COUNCIL OF CITY OF BOERNE, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE, CHAPTER 2. PROCEDURES, ADDING SECTION 2.13 EXTRATERRITORIAL JURISDICTION, TO PROVIDE A PROCESS FOR PETITIONS FOR RELEASE FROM THE CITY'S EXTRATERRITORIAL JURISDICTION; AND CHAPTER 8. ENVIRONMENTAL DESIGN, SECTION 8.1 FLOODPLAIN MANAGEMENT, AND APPENDICES, APPENDIX A. DEFINITIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE OF ALL ORDINANCES; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A PENALTY FOR VIOLATION; AND PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE. (Consider second reading of ordinance creating a process to release properties from the ETJ and amending the floodplain management section.)
- Presenter:** Director of Engineering & Mobility Jeff Carroll and Planning Director Nathan Crane
- C. [2023-762](#) CONSIDER RESOLUTION NO. 2023-R93; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY MANAGER AND DELL FINANCIAL SERVICES FOR AN AMOUNT NOT TO EXCEED \$100,940.00. (Lease for computers)
- Presenter:** IT Director Mike Raute

REGULAR AGENDA:

6. PRESENTATIONS, PUBLIC HEARINGS, AND ORDINANCES:

- A. [2023-832](#) CONSIDER ON FIRST READING ORDINANCE NO. 2023-38; AN ORDINANCE AMENDING THE CITY OF BOERNE CODE OF ORDINANCES, CHAPTER 16. PARKS AND RECREATION, SECTION 16-1, GENERAL PROVISIONS AND SECTION 16-2, BOERNE CITY LAKE, TO PROHIBIT THE CONSUMPTION AND POSSESSION OF

ALCOHOLIC BEVERAGES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF NOT MORE THAN \$200 FOR VIOLATION OF ANY PROVISION OF THIS ORDINANCE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE. (Prohibit alcohol at Boerne City Lake)

Presenter:

Parks & Recreation Director Lissette Jimenez

- B. [2023-831](#) CONSIDER ON FIRST READING ORDINANCE NO. 2023-39; AN ORDINANCE AMENDING THE CITY OF BOERNE CODE OF ORDINANCES, CHAPTER 6. CEMETERY, SECTION 6-26. CEMETERY HOURS OF OPERATION AND SECTION 6-27. INTERMENT AND INURNMENT; PROVIDING FOR A PENALTY OF NOT MORE THAN \$200 FOR VIOLATION OF ANY PROVISION OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE. (Amend hours of operations and add double niche)

Presenter:

Parks & Recreation Director Lissette Jimenez

7. RESOLUTIONS:

- A. [2023-804](#) CONSIDER RESOLUTION NO. 2023-R94; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND HALFF ASSOCIATES, INC. FOR THE MENDER CREEK AT OLD SAN ANTONIO ROAD LOW WATER CROSSING AMENDMENT NO. 2 FOR AN ADDITIONAL AMOUNT OF \$280,545.00. (Amendment to agreement for Menger Creek at Old San Antonio Rd. Bridge Project for a total of \$1,299,236.00)

Presenter:

Director of Engineering & Mobility Jeff Carroll

- B. [2023-809](#) CONSIDER RESOLUTION NO. 2023-R95; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND OPEN AIR STUDIOS, LLC FOR THE ARCHITECTURAL DESIGN AND CONSTRUCTION PLAN DOCUMENTS OF THE PLANT AVENUE PARKING LOT IMPROVEMENTS FOR AN AMOUNT NOT TO EXCEED \$74,450.00. (Improvements to public parking lot behind

Dodging Duck)

Presenter: Director of Engineering & Mobility Jeff Carroll

8. OTHER:

- A. [2023-790](#) RECEIVE AND APPROVE THE FOURTH QUARTER FINANCIAL AND INVESTMENT REPORTS FOR FISCAL YEAR 2023.

Presenter: Finance Director Sarah Buckelew

- B. [2023-817](#) MAYORAL APPOINTMENTS TO THE KENDALL COUNTY LIBRARY SYSTEM ADVISORY BOARD AND THE HISTORIC LANDMARK COMMISSION.

Presenter: Frank Ritchie

9. CITY MANAGER'S REPORT:

- A. [2023-787](#) RIVER ROAD BANK STABILIZATION PROJECT UPDATE.

Presenter: Parks & Recreation Director Lissette Jimenez

- B. [2023-772](#) PRESENTATION, OVERVIEW OF THE CITY'S ENVIRONMENTAL PROGRAM OBJECTIVES WITH A FOCUS ON WATER CONSERVATION, SURFACE WATER QUALITY, URBAN FORESTRY AND DARK SKIES.

Presenter: Ryan Bass

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

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

- A. [2023-801](#) SECTION 551.072 - DELIBERATION REGARDING REAL PROPERTY: DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY. (Highway 46)

Presenter: City Manager Ben Thatcher

- B. [2023-791](#) SECTION 551.072 - DELIBERATION REGARDING REAL PROPERTY: DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY. (Ammann Road)

Presenter: Finance Director Sarah Buckelew and Utilities Director Michael Mann

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

13. ADJOURNMENT

CERTIFICATION

**I hereby certify that the above notice of meeting was posted on the 8th day of
December, 2023 at 2:30 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.