

AGENDA
REGULAR CITY COUNCIL MEETING
RONALD C. BOWMAN CITY COUNCIL CHAMBERS
447 North Main Street
Boerne, TX 78006
DECEMBER 10, 2024 – 6:00 PM

A quorum of the City Council will be present during the meeting at: 447 N Main, Boerne, TX 78006.

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. [2024-635](#) RECOGNIZING DONNIE BERGMANN AND HIS YEARS OF SERVICE TO OUR COMMUNITY.

4. 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)

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. [2024-638](#) CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CALLED CITY COUNCIL MEETING OF NOVEMBER 12, 2024.

Attachments: [Minutes.24.1112](#)

- B. [2024-574](#) CONSIDER RESOLUTION NO. 2024-R95; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND LOAD-POINT CORPORATION FOR THE PURCHASE, INSTALLATION AND SERVICE OF AN ELECTRIC VEHICLE CHARGING STATION FOR AN AMOUNT NOT TO EXCEED \$167,941.00.

Attachments: [CVB EV Charger AIS Dec1024](#)
[Resolution No. 2024-R95](#)
[Attachment A - Location](#)
[Attachment B - Proposed Contract](#)

- C. [2024-640](#) CONSIDER RESOLUTION NO. 2024-R96; A RESOLUTION OF THE CITY OF BOERNE, TEXAS ADOPTING THE ARTS AND CULTURE STRATEGIC PLAN.

Attachments: [AC Strategy Plan AIS Dec1024](#)
[Resolution No. 2024-R96](#)
[Attachment A - City of Boerne Arts and Culture Strategic Plan](#)

- D. [2024-601](#) CONSIDER ON SECOND READING ORDINANCE NO. 2024-23; AN ORDINANCE ESTABLISHING THE RATE CLASSIFICATIONS AND RATES TO BE CHARGED FOR WASTEWATER SERVICE PROVIDED BY THE CITY OF BOERNE UTILITIES, AND REPEALING AND REPLACING ORDINANCE NO. 2015-20 DATED AUGUST 25, 2015, AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH. (Wastewater Service)

Attachments: [AIS Sewer Rate Ordinance-2nd reading](#)
[Ordinance No. 2024-23](#)

- E. [2024-563](#) CONSIDER RESOLUTION NO. 2024-R97; A RESOLUTION OF THE CITY OF BOERNE, TEXAS CONSENTING TO THE ANNEXATION OF 116.458 ACRES OF LAND INTO KENDALL COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 2B.

Attachments: [AIS Consent to Annex Land KCWCID 2B \(AutoRecovered\)](#)
[Resolution No. 2024-R97](#)
[Map WCID 2 AND 2B OVERALL](#)
[KCWCID 2B Petition for Consent to Annex Land 10.17.2024](#)

- F. [2024-603](#) CONSIDER RESOLUTION NO. 2024-R98; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND FEDERAL HIGHWAY ADMINISTRATION (FHWA), FOR THE SAFE STREETS FOR ALL (SS4A) GRANT PROGRAM.
- Attachments:** [20241210-AIS-2025 SS4A Agreement](#)
[Resolution No. 2024-R98](#)
[City of Boerne TX SS4A Agreement for signature](#)
- G. [2024-617](#) CONSIDER RESOLUTION NO. 2024-R99; A RESOLUTION AUTHORIZING THE PURCHASE OF A GRADALL XL3100 FROM WAUKESHA-PEARCE INDUSTRIES, INC. FOR AN AMOUNT NOT TO EXCEED \$528,544.00. (Street Department)
- Attachments:** [20241210-AIS-Gradall](#)
[Resolution No. 2024-R99](#)
[gradall 3100 brochure](#)
- H. [2024-610](#) CONSIDER RESOLUTION NO. 2024-R100; A RESOLUTION DESIGNATING THE CITY'S QUARTERLY ALLOCATION OF GROUNDWATER PRODUCTION AS IT PERTAINS TO THE CITY'S WITHDRAWAL PERMIT FROM COW CREEK GROUNDWATER CONSERVATION DISTRICT TO 15, 35, 35, AND 15 PERCENT FOR CALENDAR YEAR 2025. (Annual withdrawal permit with Cow Creek)
- Attachments:** [AIS Cow Creek Allocation 2025](#)
[Resolution No. 2024-R100](#)
- I. [2024-611](#) CONSIDER RESOLUTION NO. 2024-R101; A RESOLUTION DESIGNATING THE CITY'S ANNUAL COMMITMENT FOR WATER FROM THE GUADALUPE-BLANCO RIVER AUTHORITY AS PART OF THE WESTERN CANYON REGIONAL WATER SUPPLY PROJECT TO RETAIN THE CURRENT ANNUAL COMMITMENT OF WATER FOR CALENDAR YEAR 2025 AT 2,125 ACRE-FEET. (Annual Commitment with GBRA)
- Attachments:** [AIS GBRA Allocation 2025](#)
[Resolution No. 2024-R101](#)

- J. [2024-633](#) CONSIDER RESOLUTION NO. 2024-R102; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND PUBLIC RESTROOM COMPANY TO PURCHASE AND INSTALL A NEW PUBLIC RESTROOM AT KINDERPARK FOR AN AMOUNT NOT TO EXCEED \$181,000.

Attachments: [AIS Public Restroom Co Resolution No. 2024-R102](#)
[Kinderpark Agreement](#)

- K. [2024-614](#) CONSIDER RESOLUTION NO. 2024-R103; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A CONTRACT BETWEEN THE CITY OF BOERNE AND SHI GOVERNMENT SOLUTIONS, INC. FOR THE PURCHASE OF ZSCALER SOFTWARE FOR AN AMOUNT NOT TO EXCEED \$99,924.00.

Attachments: [AIS Zscaler 2024 Resolution No. 2024-R103](#)
[Zscaler Data Protection Advanced](#)
[Zscaler Terms & Conditions](#)
[SHI Quote-25374367](#)

- L. [2024-642](#) CONSIDER RESOLUTION NO. 2024-R104; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF BOERNE, TEXAS AND KENDALL COUNTY, TEXAS FOR LIBRARY SYSTEM SERVICES.

Attachments: [2024-642 - AIS COB and Kendall County ILA Library Services 2024-2025 Resolution No. 2024-R104](#)
[Interlocal Agreement for Library Services Kendall County and City of Boer 1981 Library Agreement City of Boerne and Kendall County](#)

- M. [2024-645](#) CONSIDER RESOLUTION NO. 2024-R109; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A REFUND FROM THE KENDALL APPRAISAL DISTRICT AS REFLECTED IN THE AUDIT OF 2023 APPRAISAL AND COLLECTIONS BUDGET.

Attachments: [AIS KAD Refund Resolution No. 2024-R109](#)
[City of Boerne-Ltr Refund of Unspent Funds FY 2023 \(1\)](#)

REGULAR AGENDA:

6. PRESENTATIONS, PUBLIC HEARINGS, AND ORDINANCES:

A. [2024-644](#) CONSIDER A ONE-TIME READING OF ORDINANCE NO. 2024-25; AS PERMITTED BY THE CITY OF BOERNE'S HOME RULE CHARTER SECTION 3.11.A. (As described below)

B. [2024-641](#) CONSIDER ORDINANCE NO. 2024-25; AN ORDINANCE AMENDING ORDINANCE NO. 2003-02, CAPTIONED "CITY OF BOERNE SOLID WASTE COLLECTION AND DISPOSAL FRANCHISE AGREEMENT" AND ENACTING THE FIRST AMENDMENT TO THE SECOND AMENDED MUNICIPAL SOLID WASTE AGREEMENT.

Attachments: [WM AIS Dec1024](#)
[Ordinance No. 2024-25](#)
[Attachment A - 2019 WM Contract](#)
[Attachment B - Rate Comparison Before and After Amendment](#)
[Attachment C - 2024 Proposed WM Contract Amendment](#)

C. [2024-636](#) CONSIDER THE UN-TABLING OF ORDINANCE NO. 2024-22, AS DESCRIBED BELOW. (tabled on 11/12/2024)

D. [2024-630](#) CONSIDER ON FIRST READING ORDINANCE NO. 2024-22; AN ORDINANCE ESTABLISHING THE RATE CLASSIFICATIONS AND RATES TO BE CHARGED FOR WATER SERVICE PROVIDED BY THE CITY OF BOERNE UTILITIES, AND REPEALING AND REPLACING ORDINANCE NO. 2018-30 DATED SEPTEMBER 11, 2018, AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH. (Water Service)

Attachments: [AIS Water Rate Ordinance December 10](#)
[Ordinance No. 2024-22](#)

E. [2024-637](#) CONSIDER THE UN-TABLING OF ORDINANCE NO. 2024-24, AS DESCRIBED BELOW. (tabled on 11/12/2024)

- F. [2024-631](#) CONSIDER ON FIRST READING ORDINANCE NO. 2024-24; AN ORDINANCE ESTABLISHING THE RATE CLASSIFICATIONS AND RATES TO BE CHARGED FOR RECLAIMED WATER SERVICE PROVIDED BY THE CITY OF BOERNE UTILITIES, AND REPEALING AND REPLACING ORDINANCE NO. 2021-23 DATED JULY 27, 2021, AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH. (Reclaimed Water Service)

Attachments: [AIS Reclaimed Water Rate Ordinance-December 10th Ordinance No. 2024-24](#)

- G. [2024-547](#) RECEIVE THE FOURTH QUARTER FINANCIAL AND INVESTMENT REPORT FOR THE PERIOD ENDED SEPTEMBER 30, 2024.

Attachments: [AIS - Sept 2024 Qtrly Report](#)
[QUARTERLY REPORT - SEP 2024 AS REPORTED](#)

- H. [2024-554](#) RECEIVE THE REPORT FROM THE PLANNING AND ZONING COMMISSION, PUBLIC HEARING, AND CONSIDER ON FIRST READING ORDINANCE NO. 2024-26; AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BOERNE UNIFIED DEVELOPMENT CODE, BY AMENDING CHAPTER 3. ZONING, SECTION 3.2, ZONING MAP, GRANTING A SPECIAL USE PERMIT (SUP) TO ALLOW A MINI WAREHOUSE FACILITY IN THE C4 ZONING DISTRICT WITHIN THE SCENIC INTERSTATE OVERLAY DISTRICT GENERALLY LOCATED SOUTH EAST OF INTERSTATE 10 W AND N MAIN STREET (KAD: 35973); REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (One of one public hearing, at the request of Barry Sanditen, Sanditen & Associates, Inc., on behalf of Boerne Medical Center, LTD)

Attachments:

[AIS - Cibolo Vista Storage Unit SUP Final](#)

[Ordinance No. 2024-26](#)

[Att 1 - Aerial Map](#)

[Att 2 - Zoning Map](#)

[Att 3 - Future Land Use Map](#)

[Att 4 - Project Narrative](#)

[Att 5 - Site Plan and Elevations](#)

[Att 6 - Conceptual Landscape Plan](#)

[Att 7 - Floor Plan](#)

[Att 8 - Project Renderings](#)

[Att 9 - Lighting Plan](#)

[Att 10 - Parking Study](#)

[Att 11 - UDC Sec. 2-5.D.4 Special Use Permit Approval Criteria](#)

[12 responses](#)

- I. [2024-587](#) RECEIVE THE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION, PUBLIC HEARING AND CONSIDER ON FIRST READING ORDINANCE NO. 2024-27; AN ORDINANCE OF THE CITY OF BOERNE, TX, AMENDING THE UNIFIED DEVELOPMENT CODE ADOPTED BY ORDINANCE NO. 2020-29 ON NOVEMBER 24, 2020, INCLUDING BUT NOT LIMITED TO SECTION 2-11.B.9 - HISTORIC PRESERVATION TAX EXEMPTION, AND SECTION 3-11.G.1.A - HISTORIC DISTRICT PROHIBITED SIGN TYPES; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A PENALTY FOR VIOLATION; AND CONTAINING A SEVERANCE CLAUSE. (Amendments to Unified Development Code, Historic Preservation, Historic District)

Attachments: [AIS - 2024 UDC Historic District Amendments Ordinance No. 2024-27 Amendment Exhibit A](#)

- J. [2024-589](#) RECEIVE THE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION, PUBLIC HEARING, AND CONSIDER ON FIRST READING ORDINANCE NO. 2024-28; AMENDING THE UNIFIED DEVELOPMENT CODE ADOPTED BY ORDINANCE NO. 2020-29 ON NOVEMBER 24, 2020, INCLUDING BUT NOT LIMITED TO CHAPTER 3, ZONING SECTION 3-6. PERMITTED USES OF BUILDINGS AND LAND, E. ACCESSORY USES; SECTION 3-7 PERMITTED USE TABLES; SECTION 3-11 HISTORIC DISTRICT C. USES; SECTION 3-13 RIVER ROAD OVERLAY DISTRICT C. USES; CHAPTER 5. NONRESIDENTIAL SITES, SECTION 5-6 ON-SITE PARKING FOR NONRESIDENTIAL PROPERTIES; APPENDIX A. DEFINITIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A PENALTY FOR VIOLATION; AND CONTAINING A SEVERANCE CLAUSE (Amendment to Unified Development Code, Mobile Food Unit)

Attachments: [AIS - UDC Food Truck Amendments Att 1 - Proposed UDC Amendments - Mobile Food Trucks 2024-28 Amend UDC Section 3 & 5](#)

- K. [2024-609](#) RECEIVE THE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION, PUBLIC HEARING AND CONSIDER ON FIRST READING ORDINANCE NO. 2024-29; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, AMENDING THE CODE OF ORDINANCES, BOERNE, TEXAS, CHAPTER 15. OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE III. PEDDLERS, CANVASSERS AND SOLICITORS, SECTION 15-56. DEFINITIONS, SECTION. 15-60. USE OF STATE HIGHWAYS PROHIBITED, SECTION 15-65. RESTRICTIONS APPLICABLE TO ALL PEDDLERS, SOLICITORS AND VENDORS, AND SECTION 15-66. PERMIT, WRITTEN APPLICATION REQUIRED; ARTICLE VII. REGULATION OF FOOD ESTABLISHMENTS, SECTION 15-147. DEFINITIONS, ADDING SECTION 15-149. MOBILE FOOD UNITS AND RENUMBERING THE REMAINING SECTIONS; PROVIDING FOR A PENALTY FOR VIOLATION OF ANY PROVISION OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.
(Amendments to Code of Ordinance, Peddlers, Canvassers, Solicitors and Mobile Food Units)

Attachments: [AIS Food Truck ORD Amendments](#)
[Ordinance No. 2024-29](#)
[Att 1 - Proposed Code of Ordinance Amendments](#)

- L. [2024-588](#) RECEIVE THE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION, PUBLIC HEARING AND CONSIDER ON FIRST READING ORDINANCE NO. 2024-30; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, AMENDING THE CODE OF ORDINANCES, BOERNE, TEXAS ARTICLE V. NOISE AND SOUND REGULATION, CHAPTER 14, SECTION 14-139. AMPLIFIED SOUND AND CHAPTER 14, SECTION 14-142. METHOD OF SOUND MEASUREMENT. PROVIDING FOR A PENALTY FOR VIOLATION OF ANY PROVISION OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE. (Amendments to Code of Ordinance, Noise and Sound)

Attachments: [AIS - Code of Ordinances Noise Ordinance Amendments Ordinance No. 2024-30](#)
[Att 1 - Proposed Code of Ordinance Amendments](#)

7. RESOLUTIONS:

- A. [2024-537](#) RECEIVE BIDS AND CONSIDER RESOLUTION NO. 2024-R105; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, AWARDED THE CONTRACT FOR FY2025 STREET PRESERVATION TO _____ FOR AN AMOUNT NOT TO EXCEED \$____; AND AUTHORIZING THE CITY MANAGER TO MANAGE AND EXECUTE THE RELATED CONTRACT WITH A NOT TO EXCEED TOTAL CONSTRUCTION COST OF \$____. (Slurry Seal)

Attachments: [20241210-AIS-Slurry Seal Bid Award Resolution No. 2024-R105](#)
[Bid Tab Documentation 2025 Slurry Seal](#)

- B. [2024-264](#) RECEIVE BIDS AND CONSIDER RESOLUTION NO. 2024-R106; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, AWARDED THE CONTRACT FOR 2022 BOND ROADWAY RECONSTRUCTION TO _____ FOR AN AMOUNT NOT TO EXCEED \$____; AND AUTHORIZING THE CITY MANAGER TO MANAGE AND EXECUTE THE RELATED CONTRACT.

Attachments: [20241210-AIS-2025 Street Reconstruction Resolution No. 2024-R106](#)
[Bid Tab Documentation 2025 Street Reconstruction](#)

- C. [2024-612](#) CONSIDER RESOLUTION NO. 2024-R107; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BOERNE AND HDR ENGINEERING, INC. FOR DESIGN OF UPGRADES TO OLD SAN ANTONIO ROAD WASTEWATER TREATMENT AND RECYCLING CENTER (WWTRC) FOR AN AMOUNT NOT TO EXCEED \$4,345,790.00.

Attachments: [AIS WWTRC Expansion Design](#)
[Resolution No. 2024-R107](#)
[WWTRC Expansions Map](#)
[Boerne WWTRC Expansion OPCC Rev12-3](#)
[City of Boerne WWTRC Expansion Task Order 37 Final Draft Rev12-3-24](#)

- D. [2024-628](#) CONSIDER RESOLUTION NO. 2024-R108; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND CNG DELIVERY, LLC FOR A COMPRESSED NATURAL GAS TRAILER FOR EMERGENCY SUPPLY BACKUP FROM DECEMBER 2024 TO MARCH 2025 FOR AN AMOUNT NOT TO EXCEED \$110,000.

Attachments: [AIS CNG Trailer Rental](#)
[Resolution No. 2024-R108](#)

8. CITY MANAGER'S REPORT:

- A. [2024-549](#) MONTHLY PROJECTS REPORT.
- B. [2024-639](#) DICKENS ON MAIN UPDATE.

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

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

- A. [2024-608](#) SECTION 551.087 - DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS; POTENTIAL DEVELOPER FOR A PROPERTY LOCATED ON INTERSTATE HIGHWAY 10. (BISD new property / Acquiring ROW's)

- B. [2024-634](#) SECTION 551.071 - CONSULTATION WITH CITY ATTORNEY;
SPENCER RANCH.
- C. [2024-618](#) SECTION 551.074 - PERSONNEL MATTERS: RELATED TO THE CITY
MANAGER'S EVALUATION.

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

12. ADJOURNMENT

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the 6 day of
December, 2024 at 5:30 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.