

AGENDA
REGULAR CITY COUNCIL MEETING
RONALD C. BOWMAN CITY COUNCIL CHAMBERS
447 North Main Street
Boerne, TX 78006
March 14, 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. [2023-272](#) CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CITY

COUNCIL MEETING ON FEBRUARY 28, 2023 AND SPECIAL CALLED MEETING ON MARCH 2, 2023 (BISD STATE OF THE DISTRICT).

Attachments: [Minutes.23.0228](#)

[Minutes.23.0302](#)

- B. [2023-239](#) CONSIDER ON SECOND READING ORDINANCE NO. 2023-04; 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, REZONING +/- 1 ACRE OUT OF 4.349 ACRES LOCATED AT 12 HERFF ROAD (A10441 - SURVEY 183 J SMALL, KAD 15815) FROM C1-HC, NEIGHBORHOOD COMMERCIAL HERITAGE CORRIDOR OVERLAY DISTRICT, TO C2-HC, TRANSITIONAL COMMERCIAL HERITAGE CORRIDOR OVERLAY DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Woodmont Boerne Academy LLC)

Attachments: [AIS - 12 Herff - Zone and SUP](#)

[Ordinanace No. 2023-04](#)

[Att 1 - Location Map](#)

[Att 2 - Current Zoning](#)

[Att 3 - Requested Zoning](#)

[Att 4 - PZ Zoning Recommendation](#)

[Att 5 - Table of Uses C1 C2](#)

[Att 6 - Overlay District Map](#)

[Att 7 - Heritage Corridor Overlay District](#)

[Att 8 - Site Plan for SUP](#)

[Att 9 - Schematic Elevations](#)

[Att 10 - 22-0920 B.O.N.D. Report - 12 Herff Road](#)

- C. [2023-240](#) CONSIDER ON SECOND READING ORDINANCE NO. 2023-05; 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 FOR DAYCARE FACILITY ON APPROXIMATELY +/- 1 ACRE OF THE SITE, LOCATED AT 12 HERFF ROAD (A10441 - SURVEY 183 J SMALL, KAD 15815) IN A

C2-HC, TRANSITIONAL COMMERCIAL HERITAGE CORRIDOR OVERLAY DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Woodmont Boerne Academy LLC)

Attachments: [AIS - 12 Herff Road - Zoning and Special Use Permit Ordinance No. 2023-05](#)
[Att 1 - Location Map](#)
[Att 2 - Current Zoning Map](#)
[Att 3 - Proposed Zoning Map \(SUP\)](#)
[Att 4 - Table of Uses](#)
[Att 5 - Overlay District Map](#)
[Att 6 - Heritage Corridor Overlay District](#)
[Att 7 - Site Plan for SUP](#)
[Att 8 - Schematic Elevations](#)
[Att 9 - 22-0920 B.O.N.D. Report - 12 Herff](#)

D. [2023-234](#) CONSIDER THE ANNUAL REVIEW OF THE CITY OF BOERNE'S INVESTMENT POLICY AND BROKER-DEALER LIST.

Attachments: [AIS - Investment Policy Review - 2023 updated](#)
[Invest Policy March 2023](#)
[Broker-Dealer List 2022-23](#)

E. [2023-280](#) CONSIDER RESOLUTION NO. 2023-R17; A RESOLUTION RELATING TO ESTABLISHING THE CITY'S INTENTION TO REIMBURSE ITSELF FOR THE PRIOR LAWFUL EXPENDITURE OF FUNDS RELATING TO CONSTRUCTING VARIOUS CITY IMPROVEMENTS FROM THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS TO BE ISSUED BY THE CITY FOR AUTHORIZED PURPOSES; AUTHORIZING OTHER MATTERS INCIDENT AND RELATED THERETO; AND PROVIDING AN EFFECTIVE DATE. (City of Boerne, Texas General Obligation Bonds, Series 2023)

Attachments: [AIS reimbursement resolution from bond proceeds](#)
[Resolution No. 2023-R17](#)

F. [2023-281](#) SET A PUBLIC HEARING FOR MARCH 28, 2023, AT 6:00 P.M. FOR THE PROPOSED ADOPTION OF THE CITY OF BOERNE MOBILITY MASTER PLAN, A LONG-RANGE PLAN FOR FUTURE TRANSPORTATION IN THE CITY.

Attachments: [20230314-AIS-MMP Set Public Hearing](#)

- G. [2023-282](#) SET A PUBLIC HEARING FOR MARCH 28, 2023, AT 6:00 P.M., FOR THE PROPOSED ADOPTION OF THE CITY OF BOERNE THOROUGHFARE PLAN SUPERSEDING THE PREVIOUS THOROUGHFARE PLAN LAST UPDATED JANUARY 8, 2019.

Attachments: [AIS-MTP Set Public Hearing](#)

- H. [2023-286](#) SET A PUBLIC HEARING FOR MARCH 28, 2023, AT 6:00 P.M. FOR PROPOSED AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE, INCLUDING BUT NOT LIMITED TO CHAPTER 1. GENERAL PROVISIONS, CHAPTER 2. PROCEDURES, CHAPTER 3. ZONING, CHAPTER 4. RESIDENTIAL SITES, CHAPTER 5. NONRESIDENTIAL SITES, CHAPTER 6. SUBDIVISION DESIGN, CHAPTER 7. INFRASTRUCTURE DESIGN, CHAPTER 8. ENVIRONMENTAL DESIGN, CHAPTER 9. SIGNAGE AND APPENDICES. (Amendments to Unified Development Code)

Attachments: [AIS - UDC](#)
[UDC - Abbreviated Edits](#)
[UDC - Highlighted Edits Full Doc](#)
[UDC - UPDATED 23-0411 - FINAL](#)

REGULAR AGENDA:

5. RESOLUTIONS

- A. [2023-278](#) RECEIVE BIDS FOR 2023 STREET PATCHING AND CONSIDER RESOLUTION NO. 2023-R18; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, AWARDING THE CONTRACT FOR 2023 STREET PATCHING TO _____ FOR AN AMOUNT NOT TO EXCEED \$_____; AND AUTHORIZING THE CITY MANAGER TO MANAGE AND EXECUTE THE RELATED CONTRACT. (2023 Street patching)

Attachments: [AIS Street Patching](#)
[Resolution No. 2023-R18](#)
[2023 Bid Tab Documentation Street Patching](#)

- B. [2023-273](#) CONSIDER RESOLUTION NO. 2023-R19; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND

MANAGE AN INTER-FUND LOAN AGREEMENT FOR A GAS UTILITY CAPITAL PROJECT.

Attachments: [AIS. Inter-fund loan agreement](#)
[Resolution No. 2023-R19](#)

- C. [2023-191](#) CONSIDER RESOLUTION NO. 2023-R20; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BOERNE AND HDR ENGINEERING, INC. FOR THE PROPOSED EASTERN NATURAL GAS MAIN PIPELINE LOOP FOR AN AMOUNT NOT TO EXCEED \$437,000.00.

Attachments: [AIS - Eastern Gas Pipeline Loop Design HDR](#)
[Resolution No. 2023-R20](#)
[HDR - Proposal City of Boerne TO 30 East Gas Main 01-13-2023 R1](#)

6. PRESENTATIONS, PUBLIC HEARINGS, AND ORDINANCES:

- A. [2023-274](#) CONSIDER ON FIRST READING ORDINANCE NO. 2023-08; AN ORDINANCE AMENDING ORDINANCE NO. 2022-27, CAPTIONED "AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE CITY OF BOERNE, TEXAS, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022, AND ENDING SEPTEMBER 30, 2023, IN ACCORDANCE WITH CHAPTER 102, LOCAL GOVERNMENT CODE; AND APPROPRIATING THE VARIOUS AMOUNTS THEREOF". (Amend budget for Fiscal Year 22-23)

Attachments: [AIS 03.14 Budget Adjustments](#)
[Ordinance No. 2023-08](#)
[Budget Amendment ordinance attachment](#)

- B. [2023-284](#) 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)

Attachments: [AIS - STR Updated](#)
[Ordinance No. 2023-09](#)

7. CITY MANAGER'S REPORT:

- A. [2023-275](#) LONE STAR LEGACY AWARD FOR VETERANS' PLAZA.
- B. [2023-276](#) BRUSH COLLECTION UPDATE.

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

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

- A. [2023-298](#) SECTION 551.071- CONSULTATION WITH ATTORNEY AND SECTION 551.087 - DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATION REGARDING DEVELOPMENT AGREEMENT BETWEEN BOERNEBAK AND CITY OF BOERNE.
- B. [2023-299](#) SECTION 551.071 - CONSULTATION WITH ATTORNEY REGARDING SHORT- TERM RENTALS.

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 10th day of
March, 2023 at 2:00 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.