

AGENDA
REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
August 22, 2017 – 6:00 PM

1. CALL TO ORDER – 6:00 PM

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. 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.

4.A. [2017-627](#) CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD AUGUST 8, 2017.

Attachments: [Minutes.17.0808](#)

4.B. [2017-628](#) CONSIDER ON SECOND READING ORDINANCE NO. 2017-71; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, AMENDING CHAPTER 15 OF THE CODE OF ORDINANCES, ARTICLE VI. SEXUAL OFFENDERS, SEC. 15-121. DEFINITIONS; SEC. 15-122. SEXUAL OFFENDERS RESIDENCE PROHIBITION; SEC. 15-123. PROPERTY OWNERS PROHIBITED FROM RENTING TO SEXUAL OFFENDERS; SEC. 15-124. SEXUAL OFFENDERS PROHIBITED FROM ENTERING CHILD AREAS; AND PROVIDING FOR A PENALTY NOT TO EXCEED \$2000.00 FOR EACH VIOLATION OF

THIS ORDINANCE.

Attachments: [AIS SEX OFFENDER ORDINANCE
2017-71](#)

- 4.C. [2017-629](#) CONSIDER ON SECOND READING ORDINANCE NO. 2017-72; AN ORDINANCE AMENDING THE CODE OF ORDINANCE OF THE CITY OF BOERNE, TEXAS, CHAPTER 2, ADMINISTRATION, ARTICLE V. ETHICS; SEC. 2.123 ETHICS REVIEW COMMISSION; AND PROVIDING AN EFFECTIVE DATE AND SAVINGS CLAUSE; AND RELATED MATTERS.

Attachments: [AIS ETHICS
2017-72](#)

- 4.D. [2017-630](#) CONSIDER RESOLUTION NO. 2017-R62; A RESOLUTION AUTHORIZING THE CITY MANAGER TO CONTRACT FOR EXPENDITURES AS PER SECTION 6.08 OF THE CITY OF BOERNE'S HOME RULE CHARTER. (Replace odor control mulch bed at the Wastewater Treatment and Recycling Center)

Attachments: [AIS WWTRC Mulch Bed.doc
2017-R62 odor control mulch beds
Mulch Beds 1.JPG
Mulch Beds 2.JPG](#)

5. PUBLIC HEARING – To Hear Comments On The Following:

- 5.A. [2017-640](#) PROPOSED TAX RATE FOR FY 2017-2018 (0.4720/\$100). (First of Two Hearings)

Attachments: [AIS FY 2018 First Tax Rate Hearing](#)

- 5.B. [2017-645](#) DISCUSSION ON R.S. THORNTON, L.P.'S USE OF .4426 ACRES LOCATED AT 513 E. SAN ANTONIO CURRENTLY OWNED BY THE CITY OF BOERNE AND DESIGNATED AS PARKLAND FOR THE PURPOSE OF CONSTRUCTING A TRAILHEAD PLUS A PARKING LOT. (First of one hearing)

Attachments: [AIS Public Hearing Thornton
Public Hearing Notices
Att 1 - 513 E SA - location map
Att 2 - Aerial Map](#)

6. TAKE ANY NECESSARY ACTION RESULTING FROM THE PUBLIC HEARING:

- 6.A. [2017-646](#) CONSIDER RESOLUTION NO. 2017-R63; A RESOLUTION OF THE CITY OF BOERNE AUTHORIZING THE USE OF REAL PROPERTY OWNED BY THE CITY OF BOERNE AND DESIGNATED AS PARKLAND; CONFIRMING PROPER NOTICE OF AN OFFICIAL DETERMINATION TO USE THE REAL PROPERTY; CONDUCTING A PUBLIC HEARING PRIOR TO APPROVAL OF USE OF SAID PROPERTY FINDING THAT THERE IS NO FEASIBLE AND PRUDENT ALTERNATIVE TO THE USE AND THAT THE PROJECT INCLUDES ALL REASONABLE PLANNING TO MINIMIZE HARM TO THE REMAINING PARKLAND; AND AUTHORIZING THE CITY MANAGER TO ENGAGE IN FUTURE NEGOTIATIONS REGARDING THE USE OF PARK PROPERTY.

Attachments: [AIS Use parkland](#)
[2017-R63 R.S. Thornton use parkland](#)
[Exhibit B. Public Hearing Notices](#)
[Att 1 - 513 E SA - location map](#)
[Att 2 - Aerial Map](#)

7. [2017-641](#) CONSIDER ON FIRST READING ORDINANCE NO. 2017-73; 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. 2016-37 DATED SEPTEMBER 27, 2016 AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith.

Attachments: [Water Rate Ordinance - Rate increase - 8-22-17](#)
[2017-73](#)
[Utility Rate increaseses - 9-17](#)

8. [2017-626](#) CONSIDER RESOLUTION NO. 2017-R64; A RESOLUTION AMENDING THE HAZARD MITIGATION PLAN FOR THE CITY OF BOERNE.

Attachments: [AIS Mitigation Plan](#)
[2017-R64 adopt hazard mitigation plan](#)
[Kendall County HMAP APA 7.19.17](#)
[Letter of approval - Tx Dept Public Safety. Hazard Mitigation](#)

9. [2017-632](#) CONSIDER RESOLUTION NO. 2017-R65; A RESOLUTION AUTHORIZING A SUPPLEMENT TO THE AGREEMENT WITH HALFF ASSOCIATES, INC. FOR THE DESIGN AND CONSTRUCTION SERVICES OF THE INTERSTATE HIGHWAY 10 WATER AND WASTEWATER RELOCATIONS.

Attachments: [AIS Halff IH-10 contract 2.doc](#)
[2017-R65 water & wastewater relocation IH 10 change order](#)
[Upper Balcones Water Main.jpg](#)
[Boerne Supplemental Design IH-10 Utility Relocation](#)

10. [2017-634](#) CONSIDER RESOLUTION NO. 2017-R66; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BOERNE, TEXAS AND HDR ENGINEERING, INC. FOR DESIGN AND BID PHASE SERVICES FOR THE EXISTING WATER AND NATURAL GAS RELOCATIONS ALONG STATE HIGHWAY 46 EAST.

Attachments: [AIS HDR Water Gas Design for SH-46.doc](#)
[2017-R66 Agreement HDR Hwy 46 gas and water utility relocate](#)
[CityofBoerne Hwy46 Utility Relocates Task Order 07032017.Executedby](#)
[City of Boerne Hwy 46 Utility Relocates PrelimOPCC 06132017.pdf](#)
[SH-46 Esser Amman.jpg](#)

11. [2017-637](#) CONSIDER RESOLUTION NO. 2017-R67; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BOERNE, TEXAS AND HDR ENGINEERING, INC. FOR DESIGN AND BID PHASE SERVICES FOR THE EXISTING ELECTRIC DISTRIBUTION LINE RELOCATION ALONG STATE HIGHWAY 46 EAST.

Attachments: [AIS HDR Electric Design for SH-46.doc](#)
[2017-R67 Agreement HDR Hwy 46 electric relocate](#)
[City of Boerne Hwy 46 Electrical Relocates PrelimOPCC 06152017.pdf](#)
[City of Boerne Hwy 46 Electrical Relocates Task Order 07032017.Exec](#)
[SH-46 Esser Amman.jpg](#)

12. [2017-642](#) CONSIDER RESOLUTION NO. 2017-R68; A RESOLUTION AUTHORIZING AND APPROVING THE CREATION OF THE BOERNE PUBLIC FACILITY CORPORATION UNDER CHAPTER 303 OF THE TEXAS LOCAL GOVERNMENT CODE TO ACT ON BEHALF OF THE CITY OF BOERNE, TEXAS; APPROVING THE CERTIFICATE OF FORMATION AND BYLAWS RELATED THERETO; AND RESOLVING OTHER MATTERS IN CONNECTION THEREWITH.

Attachments: [AIS PFC](#)
[2017-R68 Creation of PFC](#)
[Boerne PFC Certificate of Formation](#)
[Boerne PFC Bylaws](#)

13. [2017-638](#) CONSIDER RESOLUTION NO. 2017-R69; A RESOLUTION RESCINDING RESOLUTION NO. 2015-R76 AND AUTHORIZING THE OFFERING OF HEALTH BENEFITS COVERAGE TO CITY OF BOERNE RETIREES, AND PROVIDING FOR AN EFFECTIVE DATE.

Attachments: [AIS Retiree Pre65 coverage](#)
[2017-R69 retiree benefits](#)

14. RECEIVE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND TAKE ANY NECESSARY ACTION:

- 14.A. [2017-636](#) CONSIDER DEVIATION FROM THE SUBDIVISION ORDINANCE, ARTICLE 3, SECTION 3.02.003 STREET CROSS-SECTION STANDARDS FOR THE 143 ACRES SUBDIVISION LOCATED IN THE ETJ APPROXIMATELY ONE MILE OUTSIDE OF THE CITY LIMITS ON FM 1376 (142.98 Acres).

Attachments: [Summary](#)
[Att 1 - 143 Acre Tract-Location Map](#)
[Att 2 - 143 Acre Tract, Street Section Memo](#)
[Att 3 - Gourley Street Section](#)
[Att 4 - Master Development Plan](#)

15. RECEIVE THE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND SET A PUBLIC HEARING FOR SEPTEMBER 26, 2017:

- 15.A.** [2017-633](#) PROPOSED REZONING OF 36 OLD SAN ANTONIO ROAD, A TOTAL OF 6.099 ACRES, FROM R-E, SINGLE-FAMILY RESIDENTIAL ESTATE DISTRICT TO B-2R, HIGHWAY COMMERCIAL- RESTRICTED DISTRICT, KAD NO. 15903. (Cortes)

Attachments: [Summary 36 Old San Antonio](#)
[Att 1 - LOCATION MAP](#)
[Att 2 - Aerial Map](#)
[Att 3 - ZoningMap](#)
[Att 4 - R-E Uses](#)
[Att 5 - B-2R Uses](#)

- 15.B.** [2017-635](#) PROPOSED REZONING OF 17 HERFF ROAD, A TOTAL OF 14.202 OUT OF 26.654 ACRES, FROM MU-1, MIXED-USE NEIGHBORHOOD DISTRICT TO R-4, MULTI-FAMILY RESIDENTIAL DISTRICT, KAD NOS. 12536, 15848, AND 15849. (CT 17 Herff Land LP)

Attachments: [Summary 17 Herff](#)
[Att 1 - LOCATION MAP](#)
[Att 2 - aerialmap-17 Herff](#)
[Att 3 - ZoningMap-17 Herff](#)
[Att 4 - MU-1 Uses](#)
[Att 5 - R-4 Uses](#)
[Att 6 - Legacy at Cibolo Site Plan 7.28.17](#)

16. COMMENTS FROM COUNCIL/LEGAL COUNSEL/STAFF – No discussion or action may take place.

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

- 17.A.** [2017-643](#) SECTION 551.074 - PERSONNEL MATTERS: CITY MANAGER'S ANNUAL EVALUATION, COMPENSATION, AND CONTRACT.

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

- 18.A.** [2017-644](#) CONSIDER MOTION TO RENEW THE CITY MANAGER'S

CONTRACT.

19. ADJOURNMENT

s/s Ronald C. Bowman
City Manager

CERTIFICATION

**I hereby certify that the above notice of meeting was posted on the 18th day of
August, 2017 at 4:30 p.m.**

s/s Lori A. Carroll
City Secretary

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS

The Police / Municipal Court Complex is wheelchair accessible. Access to the building and special parking is available at the front entrance of the building. Requests for 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.