

AGENDA
REGULAR CITY COUNCIL MEETING
RONALD C. BOWMAN CITY COUNCIL CHAMBERS
447 North Main Street
Boerne, TX 78006
October 26, 2021 – 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

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. [2021-885](#) RECOGNITION OF POLICE CHIEF, JIM KOHLER.

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. [2021-897](#) CONSIDER APPROVAL OF THE MINUTES FROM THE OCTOBER 12,

2021, REGULAR CITY COUNCIL MEETING.

Attachments: [Minutes.21.1012](#)

- B. [2021-898](#) CONSIDER ON SECOND READING ORDINANCE NO. 2021-33; AN ORDINANCE AUTHORIZING THE INSTALLATION OF STOP SIGNS AND YIELD SIGNS FOR THE FOLLOWING SUBDIVISIONS: SOUTHGLEN PHASE 5, CHAMPION HEIGHTS UNIT 3, SOUTHGLEN PHASE 9, SOUTHGLEN PHASE 4, OVERLOOK AT BOERNE, REGENT PARK UNIT 3, LEGACY AT CIBOLO UNIT 1, SOUTHGLEN PHASE 6A, REGENT PARK UNIT 2, SOUTHGLEN PHASE 6 & 7, COMMONS AT MENDER CREEK UNIT 5, SOUTHGLEN PHASE 8, AND SOUTHGLEN PHASE 11A; PROVIDING FOR A PENALTY NOT TO EXCEED \$200 FOR EACH VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR PUBLICATION. (Establishing new locations of stop signs and yield signs throughout the city)

Attachments: [AIS-Stop & Yield Sign Approval Ordinance No. 2021-33](#)

- C. [2021-880](#) CONSIDER RESOLUTION NO. 2021-R56; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A DELEGATE AGENCY AGREEMENT FOR FUNDING OF PUBLIC PURPOSE BETWEEN THE CITY OF BOERNE AND BOERNE HILL COUNTRY FAMILY SERVICES.

Attachments: [Hill Country Family Services - 2021-2022 Resolution No. 2021-R56 Hill Country Fam Svcs Delegate Agr-2021-2022](#)

- D. [2021-883](#) CONSIDER RESOLUTION NO. 2021-R57; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A DELEGATE AGENCY AGREEMENT FOR FUNDING OF PUBLIC PURPOSE BETWEEN THE CITY OF BOERNE AND RAINBOW SENIOR CENTER. (Kronkosky Place)

Attachments: [Rainbow Senior Center - 2021-2022 Resolution No. 2021-R57 Rainbow Sr Ctr Delegate Agr-2021-2022](#)

- E. [2021-882](#) CONSIDER RESOLUTION NO. 2021-R58; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A DELEGATE AGENCY AGREEMENT FOR FUNDING OF

PUBLIC PURPOSE BETWEEN THE CITY OF BOERNE AND BOERNE HOUSING AUTHORITY.

Attachments: [Boerne Housing Authority - 2021-2022](#)
[Resolution No. 2021-R58](#)
[Boerne Housing Authority Delegate Agr 2021-2022](#)

- F. [2021-881](#) CONSIDER RESOLUTION NO. 2021-R59; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A DELEGATE AGENCY AGREEMENT FOR FUNDING OF PUBLIC PURPOSE BETWEEN THE CITY OF BOERNE AND BOERNE PERFORMING ARTS.

Attachments: [Boerne Performing Arts - 2021-2022](#)
[Resolution No. 2021-R59](#)
[Boerne Performing Arts Delegate Agency Agreement \(FY 2022\)](#)

- G. [2021-890](#) CONSIDER RESOLUTION NO. 2021-R60; 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 FIRE PROTECTION SERVICES. (Renew interlocal agreement with Kendall County for fire protection services, term begins October 1, 2021 through September 30, 2023)

Attachments: [AIS - Fire Interlocal Agreement](#)
[Resolution No. 2021-R60](#)
[Interlocal Agreement for Fire Protection Services](#)
[Boundry Map - Fire Districts](#)

- H. [2021-884](#) CONSIDER RESOLUTION NO. 2021-R61; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF BOERNE AND FAIR OAKS RANCH FOR ANIMAL CONTROL SERVICES. (Renew annual interlocal agreement with Fair Oaks Ranch for animal control services)

Attachments: [AIS Animal Control Services agreement with FoR](#)
[Resolution No. 2021-R61](#)
[Animal Control Services Interlocal Agreement with Fair Oaks Ranch](#)

- I. [2021-889](#) CONSIDER RESOLUTION NO. 2021-R62; A RESOLUTION DESIGNATING AND AUTHORIZING CERTAIN CITY OFFICERS AS

SIGNATORIES FOR THE DEPOSITORY FINANCIAL INSTITUTION OF THE CITY OF BOERNE, TEXAS. (Authorize signatories for City bank accounts)

Attachments: [AIS - Frost Bank authorized signers - Oct 2021](#)
[Resolution No. 2021-R62](#)

6. PRESENTATIONS, PUBLIC HEARINGS, AND ORDINANCES:

- A. [2021-878](#) CONSIDER THE PROPOSED REZONING OF 1.0672 ACRES LOCATED AT 128 ARANSAS PASS (SUNRISE ADDITION BLK 6 LOT 15, 19, 20 & PT 21, KAD 26712) FROM R2-M RR, MODERATE DENSITY RESIDENTIAL RIVER ROAD OVERLAY, TO C2 RR, TRANSITIONAL COMMERCIAL RIVER ROAD OVERLAY. (Robert S. Thornton L.P.)
- I. RECEIVE THE REPORT FROM THE PLANNING AND ZONING COMMISSION.
 - II. PUBLIC HEARING (one of one hearing)
 - III. CONSIDER ON FIRST READING ORDINANCE NO. 2021-34; AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF BOERNE UNIFIED DEVELOPMENT CODE, BY AMENDING CHAPTER 3. ZONING, SECTION 3.2, ZONING MAP, REZONING 1.0672 ACRES LOCATED AT 128 ARANSAS PASS, SUNRISE ADDITION, BLK 6 LOT 15, 19, 20 AND PT 21 (KAD NO. 26712) FROM R2-M RR, MODERATE DENSITY RESIDENTIAL RIVER ROAD OVERLAY, TO C2 RR, TRANSITIONAL COMMERCIAL RIVER ROAD OVERLAY; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE.

Attachments: [Summary - 128 Aransas Pass- Rezone](#)
[Ordinance No. 2021-34](#)
[Att 1 - Location Map](#)
[Att 2 - Current Zoning](#)
[Att 3 - Proposed Zoning](#)
[Att 4 - R2-M Table of Uses](#)
[Att 5 - C-2 Table of Uses](#)
[Att 6 - Concept plan](#)
[Att 7 - Overlay District](#)
[Att 8 - Future Land Use](#)
[Att 9 - 21-0826 B.O.N.D. Report](#)

- B.** [2021-879](#) CONSIDER THE PROPOSED SPECIAL USE PERMIT FOR A DRIVE-THRU FACILITY LOCATED AT 1313 AND 1361 SOUTH MAIN STREET (WAL-MART SHOPPING CENTER BLK 1 LOT 1 AND LOT 2C (REPLAT), KAD 27528 AND KAD 27529, 7.708 ACRES) IN A C3-EC, COMMUNITY COMMERCIAL - ENTRANCE CORRIDOR DISTRICT. (Michael K. Garrott, Hill Country Square between Jiffy Lube and Eyes on Main)
- I. RECEIVE THE REPORT FROM THE PLANNING AND ZONING COMMISSION.
- II. PUBLIC HEARING (one of one hearing)
- III. CONSIDER ON FIRST READING ORDINANCE NO. 2021-35; 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 A DRIVE-THRU FACILITY TO 7.708 ACRES LOCATED AT 1313 AND 1361 SOUTH MAIN STREET, WAL-MART SHOPPING CENTER BLK 1 LOT 1 AND LOT 2C (KAD NOS. 27528 AND 27529) IN A C3-EC, COMMUNITY COMMERCIAL - ENTRANCE CORRIDOR DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE.

Attachments: [Summary - 1313 and 1361 South Main Street Ordinance No. 2021-35](#)
[Att 1 - Location Map](#)
[Att 2 - Current Zoning Map](#)
[Att 3 - Overlay District Map](#)
[Att 4 - Table of Uses C3](#)
[Att 5 - Entrance Corridors](#)
[Att 6 - Development Impact Report](#)
[Att 7 - Proposed Site Plan](#)
[Att 8 - Boundaries](#)
[Att 9 - 21-0921 B.O.N.D. Report](#)

- C. [2021-887](#) CONSIDER A ONE-TIME READING OF ORDINANCE NO. 2021-36; AS PERMITTED BY THE CITY OF BOERNE’S HOME RULE CHARTER SECTION 3.11.A. (As described below)
- D. [2021-888](#) CONSIDER ON FIRST READING ORDINANCE NO. 2021-36; AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS AUTHORIZING THE ISSUANCE OF “CITY OF BOERNE, TEXAS GENERAL OBLIGATION REFUNDING BONDS, SERIES 2021”; LEVYING AN ANNUAL AD VALOREM TAX, WITHIN THE LIMITATIONS PRESCRIBED BY LAW, FOR THE PAYMENT OF THE BONDS; DELEGATING THE AUTHORITY TO CERTAIN MEMBERS OF THE CITY COUNCIL AND CITY STAFF TO EXECUTE CERTAIN DOCUMENTS RELATING TO THE SALE OF THE BONDS; AND OTHER MATTERS INCIDENT AND RELATED THERETO. (City of Boerne, Texas General Obligation Refunding Bonds, Series 2021)

Attachments: [AIS - 2021 Refunding GO - parameter approval](#)
[Preliminary TIMELINE GO Rfdg 2021 9-14-2021](#)
[Bonds presentation](#)
[Ordinance No. 2021-36](#)
[Comptroller Letter](#)
[Paying Agent Registrar Agreement](#)
[Escrow Deposit Letter](#)
[Certificate as to Official Statement](#)
[Certificate as to Tax Exemption](#)
[General Certificate](#)
[Initial Bond](#)
[Secretary Certificate](#)
[Signature and No-Litigation Certificate](#)

7. OTHER ITEMS:

- A. [2021-896](#) UPDATE ON CITY OF BOERNE COMMUNITY OUTREACH AND INTERVENTION PROGRAM AND KENDALL COUNTY BEHAVIORAL HEALTH INITIATIVE.

Attachments: [AIS Boerne Community Outreach](#)

8. CITY MANAGER'S REPORT:

- A. [2021-893](#) AWARDS AND RECOGNITION.
- B. [2021-894](#) UPDATE ON BRUSH COLLECTION.
- C. [2021-895](#) MONTHLY PROJECTS UPDATE.

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

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

- A. [2021-891](#) SECTION 551.071 - CONSULTATION WITH CITY'S ATTORNEY REGARDING PENDING OR CONTEMPLATED LITIGATION REGARDING DEVELOPMENT AGREEMENT WITH BOERNEBAK.
- B. [2021-892](#) SECTION 551.074 - PERSONNEL MATTERS: CITY ATTORNEY'S ANNUAL EVALUATION AND POTENTIAL AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT.

- 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 22nd day of October, 2021 at 4:30 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.