

**AGENDA**  
**REGULAR CITY COUNCIL MEETING**  
**CITY COUNCIL CHAMBERS**  
**447 North Main Street**  
**Boerne, TX 78006**  
**June 8, 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

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.     [2021-535](#)           CONSIDER THE MINUTES OF THE MAY 25, 2021 REGULAR CITY COUNCIL MEETING.

**Attachments:**     [Minutes.21.0525](#)

- B.     [2021-528](#)     CONSIDER ON SECOND READING ORDINANCE NO. 2021-18; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, ENACTING GUIDELINES FOR FILMING WITHIN THE CITY LIMITS; ESTABLISHING PERMIT REQUIREMENTS AND FEES FOR THE USE OF AND/OR CLOSURE OF CITY RIGHTS-OF-WAY, STRUCTURES AND SERVICES; REQUIRING NEIGHBOR NOTIFICATION AND LIABILITY INSURANCE; CONTAINING A PENALTY PROVISION; CONTAINING A SEVERANCE CLAUSE; AND SETTING AN EFFECTIVE DATE. (Film Friendly Texas Program)

**Attachments:**     [AIS - 05-25-2021 Texas Film Friendly Certification.doc](#)  
                              [Ordinance No. 2021-18](#)  
                              [Exhibit A. City of Boerne Film Friendly Guidelines 05-19-2021.docx](#)

REGULAR AGENDA:

5. PRESENTATIONS, PUBLIC HEARINGS, AND ORDINANCES:

- A.     [2021-532](#)     PROPOSED REZONING OF 0.996 ACRES LOCATED BETWEEN 115 STAHL AND 400 ROSEWOOD (KAD NO. 63697) FROM B-2, HIGHWAY COMMERCIAL DISTRICT, TO R-3, HIGH-DENSITY RESIDENTIAL DISTRICT. (Jay Parker, Trophy Properties)

I. PRESENTATION

II. PUBLIC HEARING

III. CONSIDER ON FIRST READING ORDINANCE NO. 2021-19; AN ORDINANCE AMENDING THE CITY OF BOERNE ZONING ORDINANCE NO. 2007-64, CAPTIONED, "ZONING ORDINANCE OF THE CITY OF BOERNE, TEXAS", DATED DECEMBER 18, 2007, BY AMENDING ARTICLE 3, SECTION 14, REZONING 0.996 ACRES LOCATED BETWEEN 115 STAHL AND 400 ROSEWOOD (KAD NO. 63697) FROM B-2, HIGHWAY COMMERCIAL DISTRICT, TO R-3, HIGH-DENSITY RESIDENTIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE.

**Attachments:**    [AIS - Stahl-Plant PUD Plan](#)  
[Public Hearing Notice](#)  
[Att 1 - Location Map](#)  
[Att 2 - Aerial Map](#)  
[Att 3 - Current Zoning](#)  
[Att 4 - Proposed Zoning](#)  
[Att 5 - Perspectives - The Elevate Townhome Devt\\_ 20.0724](#)  
[Att 6 - Site PUD Plan-The Elevate Townhome Development REV-210330](#)  
[Ordinance No. 2021-19](#)

- B.**     [2021-531](#)     PROPOSED REZONING OF 0.302 ACRES LOCATED AT 606 FREY STREET (KAD NO. 18989) FROM R-1, MEDIUM-DENSITY RESIDENTIAL DISTRICT, TO B-1, HIGH-DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICT. (James S. Schuepback)

I. PRESENTATION

II. PUBLIC HEARING

III. CONSIDER ON FIRST READING ORDINANCE NO. 2021-20; AN ORDINANCE AMENDING THE CITY OF BOERNE ZONING ORDINANCE NO. 2007-64, CAPTIONED, "ZONING ORDINANCE OF THE CITY OF BOERNE, TEXAS", DATED DECEMBER 18, 2007, BY AMENDING ARTICLE 3, SECTION 14, REZONING 0.302 ACRES LOCATED AT 606 FREY STREET (KAD NO. 18989) FROM R-1, MEDIUM-DENSITY RESIDENTIAL DISTRICT, TO B-1, HIGH-DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE.

**Attachments:**    [Summary - 606 Frey Street](#)  
[Public Hearing Notice](#)  
[Att 1 - Location Map](#)  
[Att 2 - Current Zoning](#)  
[Att 3 - Proposed Zoning](#)  
[Att 4 - Survey](#)  
[Att 5 - Street View](#)  
[Ordinance No. 2021-20](#)

6. RESOLUTIONS:

- A.     [2021-479](#)            CONSIDER RESOLUTION NO. 2021-R20; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, APPROVING THE SUBMITTAL OF AN APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION'S 2021 TRANSPORTATION ALTERNATIVES PROGRAM SET-ASIDE (TA) CALL FOR PROJECTS.

**Attachments:**    [AIS - 06-08-2021 TxDOT 2021 TA detailed application](#)  
[Resolution No. 2021-R20](#)  
[TxDot detailed application estimate](#)  
[Trail Grant Constraints Map](#)

7. OTHER ITEMS:

- A.     [2021-529](#)            CONSIDER ANNUAL MAYORAL APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS.

**Attachments:**    [AIS - mayoral appt 2021](#)  
[FY 2020-2021 Appointments 6.8.21](#)

8. CITY MANAGER'S REPORT:

- A.     [2021-533](#)            STORMWATER MANAGEMENT UPDATE. (J Carroll)
- B.     [2021-534](#)            LEGISLATIVE UPDATE. (Quirk)

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

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

- A.     [2021-541](#)            SECTION 551.087 - DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS WITH SPENCER RANCH AND SECTION 551.071 - CONSULTATION WITH CITY ATTORNEY



REGARDING SAME.

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

- A. [2021-542](#) CONSIDER RESOLUTION NO. 2021-R21; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE SPENCER RANCH DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BOERNE AND FORESTAR (USA) REAL ESTATE GROUP, INC., MATKIN PROPERTIES, L.P., EQUITY TRUST COMPANY CUSTODIAN FBO HAROLD T. DUPERIER III IRA, AND EQUITY TRUST COMPANY CUSTODIAN FBO JOHN-MARK MATKIN IRA.

**Attachments:** [Resolution No. 2021-R21](#)

12. ADJOURNMENT

#### CERTIFICATION

I hereby certify that the above notice of meeting was posted on the 4th day of June, 2021 at 5:00 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.



**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**CITY COUNCIL CHAMBERS**  
**447 North Main Street**  
**Boerne, TX 78006**  
**May 25, 2021 – 6:00 PM**

Minutes of the Regular Called City Council meeting of May 25, 2021.

**Present:**       **6 -**   Mayor Tim Handren, Mayor Pro Tem Ty Wolosin, Council Member Nina Woolard, Council Member Quinten Scott, Council Member Bryce Boddie, and Council Member Joseph Macaluso

**Staff Present:**   Ben Thatcher, Siria Arreola, Paul Barwick, Pam Bransford, Jeff Carroll, Lori Carroll, Laura Haning, Mike Mann, Nick Montagno, Barbara Quirk, Mike Raute, Jeff Thompson, Larry Woods, Mary Woods, and Danny Zincke.

**Recognized/Registered Guests:**   Robert Imler, Christina Ryholm, Zachary Wright Taylor, Amy Story, and Ben Eldredge.

**1. CALL TO ORDER – 6:00 PM**

Mayor Handren called the City Council meeting to order at 6:00 p.m.

Mayor Handren led the Pledge of Allegiance to the United States Flag and to the Texas Flag.

**2. CONFLICTS OF INTEREST**

No conflicts were declared.

**3. PUBLIC COMMENTS:**

Bob Imler, 215 W. Bandera Road provided several articles to the City Council regarding managing growth. He also provided three copies of the DVD Chinatown. He spoke about concerns of how growth will effect our water resources.

**4. CONSENT AGENDA:**

- A. CONSIDER THE MINUTES OF THE REGULAR CALLED CITY COUNCIL MEETING OF MAY 11, 2021.

THE MINUTES WERE APPROVED.

- B. CONSIDER ON SECOND READING ORDINANCE NO. 2021-16; AN ORDINANCE AMENDING THE CITY OF BOERNE ZONING ORDINANCE NO. 2007-64, CAPTIONED, "ZONING ORDINANCE OF THE CITY OF BOERNE, TEXAS", DATED DECEMBER 18, 2007, BY AMENDING ARTICLE 3, SECTION 14, APPLYING A PLANNED UNIT DEVELOPMENT (PUD) PLAN OVERLAY DISTRICT DESIGNATION TO THE INDIVIDUAL PROPERTY (6.479 ACRES) LOCATED IN THE COMMONS AT MENDER CREEK ON OLD SAN ANTONIO ROAD (KAD NO. 300529); REPEALING ORDINANCE NO. 2021-09 AND ALL OTHER ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE.

THE ORDINANCE WAS APPROVED.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY MAYOR PRO TEM WOLOSIN TO APPROVE THE CONSENT AGENDA AS PRESENTED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

**Yeah:** 5 - Mayor Pro Tem Wolosin, Council Member Woolard, Council Member Scott, Council Member Boddie, and Council Member Macaluso

**REGULAR AGENDA:****5. PRESENTATIONS, PUBLIC HEARINGS, AND ORDINANCES:**

- A. CONSIDER ON SECOND READING ORDINANCE NO. 2021-17; AN ORDINANCE AMENDING THE CITY OF BOERNE SUBDIVISION ORDINANCE NO. 2007-56, AS REVISED FEBRUARY 11, 2020, ARTICLE 2. PROCEDURES, TO ADD SECTION 09. DORMANCY FOR PERMITS AND PROJECTS. (Procedures determining vesting rights and dormancy for plats and projects)

Mayor Handren called on Ms. Laura Haning, Planning and Community Development Director. Ms. Haning reminded the City Council of the discussion regarding the proposed change to the Subdivision Ordinance at the May 11, 2021 Council meeting. There has not been any changes to the ordinance since initially presented.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE ON SECOND READING ORDINANCE NO. 2021-17; AN ORDINANCE AMENDING THE CITY OF BOERNE SUBDIVISION ORDINANCE NO. 2007-56, AS REVISED FEBRUARY 11, 2020, ARTICLE 2. PROCEDURES, TO ADD SECTION 09. DORMANCY FOR PERMITS AND PROJECTS. (PROCEDURES DETERMINING VESTING RIGHTS AND DORMANCY FOR PLATS AND PROJECTS). THE MOTION CARRIED BY THE FOLLOWING VOTE:

**Yeah:** 4 - Mayor Pro Tem Wolosin, Council Member Woolard, Council Member Boddie, and Council Member Macaluso

**Nay:** 1 - Council Member Scott

**B. CONSIDER ON FIRST READING ORDINANCE NO. 2021-18; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, ENACTING GUIDELINES FOR FILMING WITHIN THE CITY LIMITS; ESTABLISHING PERMIT REQUIREMENTS AND FEES FOR THE USE OF AND/OR CLOSURE OF CITY RIGHTS-OF-WAY, STRUCTURES AND SERVICES; REQUIRING NEIGHBOR NOTIFICATION AND LIABILITY INSURANCE; CONTAINING A PENALTY PROVISION; CONTAINING A SEVERANCE CLAUSE; AND SETTING AN EFFECTIVE DATE. (Film Friendly Texas Program)**

Mayor Handren called on Mr. Larry Woods, Convention and Visitors Bureau Director. Mr. Woods discussed the advantages of the proposed ordinance. Ms. Mary Woods, Special Projects Manager stated that the Texas Film Commission requires an official document and will advocate for Boerne. Discussion ensued regarding concerns with possible interruption of traffic and cost for advertising when these production companies come to Boerne.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE ON FIRST READING ORDINANCE NO. 2021-18; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, ENACTING GUIDELINES FOR FILMING WITHIN THE CITY LIMITS; ESTABLISHING PERMIT REQUIREMENTS AND FEES FOR THE USE OF AND/OR CLOSURE OF CITY RIGHTS-OF-WAY, STRUCTURES AND SERVICES; REQUIRING NEIGHBOR NOTIFICATION AND LIABILITY INSURANCE; CONTAINING A PENALTY PROVISION; CONTAINING A SEVERANCE CLAUSE; AND SETTING AN EFFECTIVE DATE. (FILM FRIENDLY TEXAS PROGRAM). THE MOTION CARRIED BY THE FOLLOWING VOTE:

**Yeah:** 5 - Mayor Pro Tem Wolosin, Council Member Woolard, Council Member Scott, Council Member Boddie, and Council Member Macaluso

## 6. RESOLUTIONS

**A. CONSIDER RESOLUTION NO. 2021-R18; A RESOLUTION RESCINDING RESOLUTION NO. 2000-R31; AND ESTABLISHING PROCEDURES AND DECORUM FOR THE CITY COUNCIL OF THE CITY OF BOERNE.**

Mayor Handren called on Ms. Lori Carroll, City Secretary. Ms. Carroll stated that the City's Charter states that the City may determine its own rules and order of business. The current Rules of Procedure were passed by the City Council in the year 2000. Ms. Carroll highlighted the proposed updates to the Procedures and Decorum for the City Council.

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER BODDIE, TO APPROVE RESOLUTION NO. 2021-R18; A RESOLUTION RESCINDING RESOLUTION NO. 2000-R31; AND ESTABLISHING PROCEDURES AND DECORUM FOR THE CITY COUNCIL OF THE CITY OF BOERNE, TO INCLUDE MOMENT OF SILENCE/INVOCATION TO THE ORDER OF BUSINESS. THE MOTION CARRIED BY THE FOLLOWING VOTE:

**Yeah:** 5 - Mayor Pro Tem Wolosin, Council Member Woolard, Council Member Scott, Council Member Boddie, and Council Member Macaluso

## 7. OTHER ITEMS:

**A. DISCUSSION REGARDING TRANSPORTATION PLANNING COMMITTEE.**

Mayor Handren stated that the Transportation Planning Committee has once again started meeting after a break during the COVID pandemic. He stated that he feels like we are 10 to 20 years behind where we should be in regards to the growth. If any portion of the Kendall Gateway Study would have been approved, it would be 10 years before we would have seen any change. Mayor Handren mentioned that a bond issue is needed to get transportation projects completed, but doesn't want to compete with the school district who is planning a bond issue next year. He stated that a list of specific, not generic, projects are needed for a bond issue to pass. Discussion ensued regarding the Alamo Area Metropolitan Planning Organization (MPO) currently is in process of voting on projects, the need for road projects and overhaul of sidewalks sooner than later, and the need to implement the Thoroughfare Plan.

**8. CITY MANAGER'S REPORT:****A. MONTHLY PROJECT UPDATE.**

Mayor Handren called on City Manager Ben Thatcher. Mr. Thatcher provided the status of the various 2021 city projects.

**B. LEGISLATIVE UPDATE. (Quirk)**

City Manager Thatcher asked Ms. Barbara Quirk, City Attorney to provide a legislative update. Ms. Quirk stated that the last day of the session is Monday, May 31, 2021. Sunday, May 30, 2021, both houses will meet to review the bills that involve amendments. She reviewed various city related bills that have died and that are expected to pass.

**C. UNIFIED DEVELOPMENT CODE UPDATE. (Haning)**

City Manager Thatcher asked Ms. Laura Haning, Planning and Community Development Director to provide a status of the Unified Development Code (UDC). She discussed the meetings held and the outreach efforts. She stated that staff has received 30 official comments. There was a great turn out at the

UDC Open House on May 24, 2021, however only five comments were received from the open house. The UDC will go to the Planning and Zoning Commission on June 14, 2021 for a recommendation to the City Council. The City Council will receive a spreadsheet with changes from the initial document. Discussion ensued regarding the need to make sure current commercial property owners are heard and not wanting to miss small details, making sure the details don't get lost. Discussion also ensued regarding the time period that vacant commercial property owners can ask for rezoning. Mayor Handren stated that the UDC will be the single most important tool that the City will have once approved.

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

Mayor Pro Tem Wolosin congratulated all the high school graduates.

Council Member Boddie added congratulations to all of BISD for getting through the year. He also stated that the Noise Committee has met and is making progress.

Mayor Handren stated Jay Middleton is working on plans for an October Fest in Boerne to be held on October 9, 2021. He has asked for the City's support. Several events will be happening that weekend in Boerne.

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

Mayor Handren convened the City Council into Executive Session at 7:27 p.m.

Mayor Handren asked that the order of the Executive Session change, discussing item C. first, and item A. last.

- C. SECTION 551.072 - TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY WHERE DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE CITY IN NEGOTIATIONS WITH A THIRD PERSON.**



Discussion began at 7:31 p.m. and ended at 7:41 p.m. No action was taken.

**B. SECTION 551.087 - DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS WITH TEXAS STAR NUT & FOOD CO.**

Discussion began at 7:42 p.m. and ended at 8:05 p.m. No action was taken.

**A. SECTION 551.087 - DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS WITH SPENCER RANCH AND SECTION 551.071 - CONSULTATION WITH CITY ATTORNEY REGARDING SAME.**

Discussion began at 8:05 p.m. and ended at 8:07 p.m. No action was taken.

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

Mayor Handren reconvened the City Council into Open Session at 8:07 p.m.

No action was taken.

**A. CONSIDER RESOLUTION NO. 2021-R19; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE SPENCER RANCH DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BOERNE AND FORESTAR (USA) REAL ESTATE GROUP, INC., MATKIN PROPERTIES, L.P., EQUITY TRUST COMPANY CUSTODIAN FBO HAROLD T. DUPERIER III IRA, AND EQUITY TRUST COMPANY CUSTODIAN FBO JOHN-MARK MATKIN IRA.**

No action was taken.

**ADJOURNMENT**


Mayor Handren adjourned the City Council at 8:08 p.m.

Approved:

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Secretary

	<div style="text-align: center;"><b>AGENDA ITEM SUMMARY</b></div> <div style="border: 1px dashed purple; padding: 5px; float: right; margin-top: 10px;"> <b>District Impacted</b>  <input type="checkbox"/> 1 = Wolosin  <input type="checkbox"/> 2 = Woolard  <input type="checkbox"/> 3 = Scott  <input type="checkbox"/> 4 = Boddie  <input type="checkbox"/> 5 = Macaluso  <input checked="" type="checkbox"/> All </div>
<b>Agenda Date</b>	06/08/2021
<b>Requested Action</b>	APPROVE ON SECOND READING ORDINANCE NO. 2021-18; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, ENACTING GUIDELINES FOR FILMING WITHIN THE CITY LIMITS; ESTABLISHING PERMIT REQUIREMENTS AND FEES FOR THE USE OF AND/OR CLOSURE OF CITY RIGHTS-OF-WAY, STRUCTURES AND SERVICES; REQUIRING NEIGHBOR NOTIFICATION AND LIABILITY INSURANCE; CONTAINING A PENALTY PROVISION; CONTAINING A SEVERANCE CLAUSE; AND SETTING AN EFFECTIVE DATE.
<b>Contact Person</b>	Larry Woods
<b>Background Information</b>	<p><b>Film Friendly Certified Community through the Film Friendly Texas Program of the Texas Film Commission – Office of the Governor</b></p> <p>The City Manager has requested that staff pursue certification for the City of Boerne as a Film Friendly Community through the Texas Film Commission (TFC). The Film Friendly Texas program is an economic development opportunity for the City of Boerne.</p> <p>The certification process requires (1) that we attend a Film Friendly training workshop (<i>Complete</i>); (2) that we submit to TFC (a) administratively enforceable filming guidelines that promote media production within the City of Boerne in a way that is mutually beneficial for residents and industry professionals alike (<i>Requires City Council approval</i>); and (b) photos of filming locations in our community for inclusion in the Commission’s location database. (<i>Pending</i>). After certification, the Commission continues to provide ongoing training and guidance to Film Friendly communities.</p> <p>Boerne would be joining more than 150 Texas communities already certified as Film Friendly Texas communities, including San Antonio, Fredericksburg, Kerrville, Blanco, Bandera, and Wimberley to name a few. This certification will signal that Boerne is a community ready and willing to take advantage of this economic development opportunity. Moving film productions in our community would bring the opportunity to use local businesses for goods and services, and the opportunity to employ Texans in this industry. Opportunities span the entire moving</p>

	<p>picture industry from indie films, to commercials, to TV series, to full-length feature films.</p> <p>Boerne's Assets include our proximity to San Antonio and its International Airport, our Hill Country location with a beautiful, vibrant, historic downtown, our proximity to unique filming locations - ranches, event venues, back roads, City/County/State parks, show caves, and more; full-service and limited-service lodging that can handle group accommodations; and strong community partners.</p> <p>Excerpts from the Texas TFC website (<a href="https://gov.texas.gov/film/page/fftx_overview">https://gov.texas.gov/film/page/fftx_overview</a> )</p> <p><b>Background</b> The Film Friendly Texas program connects media industry professionals with skilled community liaisons across the state to provide local expertise and production support. Participation in the Film Friendly Texas program provides Texas communities with a network for fostering media production in their municipalities and sends a clear message to media industry professionals that Film Friendly certified communities are serious about attracting their business.</p> <p>With an emphasis on working with Texas' rural and suburban communities, the Film Friendly Texas program provides an elevated platform for statewide certified communities to market their unique attributes and resources directly to media industry professionals working in Texas.</p> <p><b>Program History</b> Established in 2007, the Film Friendly Texas program is a certification and marketing program administrated by the Texas Film Commission – Office of the Governor. Film Friendly Texas certified communities receive ongoing training and guidance from the Texas Film Commission regarding media industry standards, best practices and how to effectively accommodate media production in their communities. The Film Friendly Texas program serves as an invaluable resource that helps position Texas as a premier destination for media production.</p> <p><b>Generating Potential Economic Impact &amp; Job Creation for Texas Communities</b> Through the Film Friendly certification process, statewide communities are prepared to meet the opportunities and challenges of accommodating media production and are readied to help match local businesses with production-related needs and services.</p>
--	--

	<p>The media production industries of Texas stimulate local economies by creating jobs for Texas-based crew members and local residents as well as spurring on-site spending at local small businesses. This type of economic development includes but is not limited to: lodging, catering, transportation, location fees, lumber, construction supplies, shopping, dining, local hires and more.</p> <p><b>A Vast Network of Statewide Certified Communities</b></p> <p>The Film Friendly Texas program establishes an elevated platform for building relationships with community liaisons across the state who are eager to work with media industry professionals and can hit the ground running when contacted about filming in their area.</p> <p>With one e-mail, the Texas Film Commission can distribute location requests and casting calls to its network of certified communities, providing a thorough level of customer service and trademark Texas hospitality to media industry professionals and community stakeholders alike.</p>
<b>Item Justification</b>	<div> <div> <input type="checkbox"/> Legal/Regulatory Obligation  <input type="checkbox"/> Reduce Costs  <input type="checkbox"/> Increase Revenue  <input type="checkbox"/> Mitigate Risk  <input type="checkbox"/> Master Plan  Recommendation </div> <div> <input type="checkbox"/> Infrastructure Investment  <input type="checkbox"/> Customer Pull  <input type="checkbox"/> Service Enhancement  <input type="checkbox"/> Process Efficiency  <input checked="" type="checkbox"/> Other: Economic Development Opportunity </div> </div>
<b>Financial Considerations</b>	<p>The current FY 21 budget for this project is \$0</p> <p>The program will be administered by a team of current City employees. The Film Friendly team includes representatives from the CVB, Parks &amp; Recreation, and Special Projects. Special Projects will be the Film Friendly liaison for the City. The CVB will be the liaison for group accommodations and related resources. Parks and Recreation already has many processes in place to facilitate production company requests including filming applications, permitting processes, rental fees, etc.; and the Police Department has a process in place for the use of off-duty police officers.</p> <p>Production expenses are borne by the production companies either through direct services with local business or by reimbursing the City for any employee or equipment-related costs as agreed by the production company and the City. As such, we anticipate that this will be almost budget neutral for the City.</p> <p>Staff recommends a modest expense budget for FY22 of \$5,000 to</p>

	cover (1) any certification, promotional and marketing expenses such as location photography of City-owned properties (parks, trails, amphitheater, etc.) and historic downtown Boerne. These images are required as part of the TFC approval process; and (2) unanticipated non-reimbursable expenses.
<b>Citizen Input/Board Review</b>	N/A
<b>Legal Review</b>	The City Attorney has reviewed the attached “Guidelines for Filming in the City of Boerne, Texas” and “Indemnification and Hold Harmless Agreement”.
<b>Alternative Options</b>	N/A
<b>Supporting Documents</b>	Guidelines for Filming in the City of Boerne, Texas Indemnification and Hold Harmless Agreement

## ORDINANCE NO. 2021-18

**AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, ENACTING GUIDELINES FOR FILMING WITHIN THE CITY LIMITS; ESTABLISHING PERMIT REQUIREMENTS AND FEES FOR THE USE OF AND/OR CLOSURE OF CITY RIGHTS-OF-WAY, STRUCTURES AND SERVICES; REQUIRING NEIGHBOR NOTIFICATION AND LIABILITY INSURANCE; CONTAINING AN ADMINISTRATIVE PENALTY; CONTAINING A REPEALER; CONTAINING A SEVERANCE CLAUSE; AND SETTING AN EFFECTIVE DATE**

**WHEREAS**, the City Council of the City of Boerne recognizes that on-location commercial filming is good business for the community and can promote economic activity and so desires to be a Film Friendly Texas Community; and

**WHEREAS**, the filming guidelines and permit regulations are intended to create a program for promoting economic development activity while protecting the personal and property rights of Boerne citizens and business; and

**WHEREAS**, the City Council finds that it is necessary for these economic development goals and for the health, safety, and welfare of the public to adopt an ordinance governing filmmaking within and around the City of Boerne.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS:**

### Section 1.

The foregoing recitals are incorporated into this Ordinance by reference as findings of facts as if expressly set forth herein.

### Section 2.

The Guidelines for Filming in Boerne, Texas, attached as “Exhibit A” to this Ordinance (“the Guidelines”) are hereby approved and authorized by the City of Boerne for all professional filming occurring within the city limits of Boerne, Texas.

### Section 3.

Persons or entities wishing to conduct commercial movie or television production or any type of filming or taping activities in the City of Boerne shall apply for a Permit pursuant to the Guidelines and shall not conduct any such activities without first obtaining a Permit from the City. Said persons or entities shall follow all of the Guidelines while engaged in production, filming, or taping activities in the City of Boerne and shall pay all relevant fees in accordance with the City’s Fee Ordinance.

Section 4.

Failure to follow the Guidelines or failure to pay required fees may result in no permit being issued and/or the revocation of a permit issued pursuant to this Ordinance, and/or a notice to stop filming and assessment of administrative penalties as set forth in the City's Fee Ordinance.

Section 5.

That all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

Section 6.

That if any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

Section 7.

This ordinance will take effect immediately upon passage.

PASSED AND APPROVED on this the first reading the 25<sup>th</sup> day of May, 2021.

PASSED, APPROVED AND ADOPTED on this the second reading the \_\_\_\_ day of June, 2021.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney



# EXHIBIT A





## **Guidelines for Filming in Boerne, Texas**

Adopted June \_\_\_\_, 2021

- I. Purpose
- II. City Control / Authority
- III. Permit Requirements and Fees
- IV. Use of City Equipment and Personnel
- V. Use of City Property
- VI. Vehicles and Equipment
- VII. Hours of Filming
- VIII. Notification of Neighbors
- IX. Certificate of Insurance
- X. Damage to Public or Private Property
- XI. Indemnification and Hold Harmless Agreement

# **Guidelines for Filming in Boerne, Texas**

## **I. PURPOSE**

The Guidelines contained in this policy are intended to create a program for promoting economic development activity within the City of Boerne and the vicinity of the City. The following Guidelines are also intended to protect the personal and property rights of Boerne, Texas residents and businesses, and to promote the public health, safety, and welfare. The City may impose additional regulations where deemed necessary for public safety.

These Guidelines cover requests for commercial use of City-owned property, public streets, rights-of-way, parks, public areas, and/or City-owned buildings, commercial use of private property which may affect adjacent public or private property, and the use of City equipment, and personnel in all types of motion picture production, including but not limited to, feature films, and the filming or taping of movies, television programs, commercials, music videos or corporate films, and other films and related activities.

## **II. CITY CONTROL / AUTHORITY**

The City of Boerne Community Services Director over the City's Parks and Recreation Department ("the Director") is authorized to receive all applications submitted pursuant to these Guidelines, make determinations, and take other actions described herein on behalf of the City. The Director and/or his designee may authorize the use of any street, right-of-way, park, public area, or public building, equipment, or personnel for commercial uses in the filming or taping of movies, television programs, commercials, or other films and related activities. In conjunction with these uses, the Director may require that any or all the conditions and/or remuneration herein, and as specified on the Application and/or in the City's Fee Ordinance ("the Fee Ordinance"), be met as a prerequisite to that use.

The Applicant agrees that The City of Boerne, Texas shall have full control over the use of public streets, rights-of-way, parks, public areas of the City and City-owned public buildings, while being used as well as authority to regulate the hours of production and the general location of the production. The City reserves the full and absolute right to prohibit all filming or to order cessation of filming if determined to be detrimental to the public health, safety, or welfare.

The Applicant shall allow City departments (e.g., Police, Fire, Code Enforcement, Building Inspection, etc.) to inspect all structures, property, devices, and equipment to be used in connection with the production, filming and taping, if determined to be necessary for public safety.

### III. PERMIT REQUIREMENTS

Before submitting an Application for filming in the City of Boerne, Texas, the Applicant must contact the Film Friendly Liaison, located at the office of Special Projects, (830) 248-1617 to discuss the production's specific filming requirements and the feasibility of filming in Boerne, Texas.

Any commercial producer who desires to undertake a commercial film or tape production in Boerne, Texas must submit a COMPLETED permit Application (including fees) to the Boerne Parks and Recreation Department no less than five (5) business days prior to the first day of filming. The Application is located on the City of Boerne website ([www.ci.boerne.tx.us](http://www.ci.boerne.tx.us)).

**Prior to any such use of City Property, Applicant shall submit an executed Indemnification and Hold Harmless Agreement in the form attached below to the City.**

**No filming activities shall be initiated until a permit has been issued under this section and all required documents have been executed and submitted to the City.**

### IV. USE OF CITY EQUIPMENT AND PERSONNEL

The Applicant shall pay for all costs of any Police, Fire, Public Works, or other City personnel assigned to the project (whether or not specifically requested by the producer). Remuneration rates for the use of any City equipment, including police vehicles and fire equipment, will be as established in the City's Fee Ordinance. The Applicant shall pay all costs in full within ten (10) days after receipt of an invoice for said costs. **The Director may require an advance deposit for all costs related to City personnel and/or the use of City equipment based on costs established in the Fee Ordinance in effect at the time of the filming.**

The Director in consultation with the Chief of Police or Fire Chief shall have the authority to stipulate additional police or fire personnel requirements and level of staffing for same, at any time during a film project if it is determined to be in the best interest of public health, safety, and welfare, which cost shall be borne entirely by the Applicant.

Off-duty police officers shall be paid a rate as determined by the Boerne Police Department's policy for hiring off-duty officers. Off-duty officers work off-duty assignments on a voluntary basis and will be hired and paid by the production company.

All other non-police off-duty personnel who are hired by a production company must

comply with the City's policy on outside activities in effect at the time of production filming.

## **V. USE OF CITY-OWNED PROPERTY**

The Director may authorize the use of any City street, right-of-way, park, public area, or City-owned building, use of Boerne, Texas' name, trademark, or logo, and/or use of City equipment, and/or personnel for commercial uses in motion picture production, the filming or taping of movies, television programs, commercials, or other films and related activities. In conjunction with these uses, the Director may require that any or all of the conditions and/or remuneration as specified on the Application be met as a prerequisite to that use. A security or damage deposit may be required as outlined in the City's Fee Ordinance.

**Note:** Several streets/roads in Boerne are owned by the Texas Department of Transportation (TxDOT). Any total or partial disruptions of these roads require TxDOT's approval; these approvals are handled through the Boerne Police Department. Roads include Interstate Highway 10, State Highways 87 (Main Street) and 46 (River Road), FM 474 (Esser Road) and FM 1376 (Sisterdale Road).

The Applicant shall reimburse the City for inconveniences when using public property. Rates for these inconveniences are outlined in the City's Fee Ordinance. These uses include, but are not limited to

- Total or disruptive use (regular operating hours) of a public building, park, right-of-way, or public area
- Partial non-disruptive use of a public building, park, right-of-way, or public area
- Total closure or obstruction of public street or right-of-way, including parking lots and on-street parking (for filming purposes)
- Partial closure or obstruction of public street or right-of-way, including parking lots and on-street parking (for filming purposes)
- Use of City parking lots, City parking areas, and City streets (for the purpose of parking film trailers, buses, catering trucks, and other large vehicles)

In the event an Applicant wishes to conduct an activity which will require City resources for which a fee is not set out in the City's Fee Ordinance, the Applicant may enter into an agreement with the City to provide for the City to be compensated for the actual cost of use of the public resources.

## **VI. VEHICLES AND EQUIPMENT**

The Applicant shall provide a report listing the number of vehicles and types of equipment to be used during the filming including proposed hours of use and proposed parking locations. All parking locations to be used, including off-street, on-street, or public parking lots must be specifically approved in the Permit. Approval of parking will be based on traffic safety considerations.

The use of exterior lighting, power generators, or any other noise- or light-producing equipment requires on-site approval of the Director. Approval of lighting will be based on consideration of the reduction of potential nuisances to neighboring properties. Noise and sound levels must be in compliance with the City of Boerne's Ordinance for Noise and Sound Level Regulation.

## **VII. HOURS OF FILMING**

Unless permission has been obtained from the Director in advance, and affected property owners, tenants and residents have been notified, filming will be limited to the following hours:

Monday through Friday 7:00 a.m. to 9:00 p.m.

Saturday, Sunday, and holidays 8:00 a.m. to 8:00 p.m.

## **VIII. NOTIFICATION OF NEIGHBORS**

The Applicant shall provide a short, written description, approved by the Director, of the schedule for the proposed production to the owners, tenants, and residents of each property in the affected neighborhood. The Applicant, or his designee, shall make a good faith effort to notify each owner, tenant, and residents of all such property, and submit as part of this Application, a report noting owners, tenants and/or residents' comments along with their signatures, addresses and phone numbers.

## **IX. CERTIFICATE OF INSURANCE**

The producer/Applicant shall procure at a minimum the following levels and types of insurance, each naming the City of Boerne as additional insured, and each of which shall protect City of Boerne against all liability or claims due to injury to person or damage to property arising out of any activities on City property or public streets or rights-of-way or otherwise if undertaken pursuant to the terms of the Permit from the City.

1. General liability insurance with a minimum per occurrence limit of one million dollars (\$1,000,000.00),

2. Automobile Liability insurance for bodily injury or property damage for any cars driven in the City for the permitted activities of a minimum amount of one million dollars (\$1,000,000.00) per occurrence; and
3. Other appropriate insurance requested by the City of Boerne related to dangerous activities.

Additionally, the producer shall provide the City of Boerne with a certificate of insurance demonstrating the insurance coverage described above is in effect for the activities undertaken pursuant to the Permit.

#### **X. DAMAGE TO PUBLIC OR PRIVATE PROPERTY**

The Applicant shall pay in full, within ten (10) days of receipt of an invoice, the costs of repair for all damage to public or private property, resulting from, or in connection with, or arising out of the production, and shall restore the property to its original condition prior to the commencement of production, or to better than original condition.

#### **XI. INDEMNIFICATION AND HOLD HARMLESS AGREEMENT**

The Applicant and the Producer, if different individuals, shall sign the City's Indemnification and Hold Harmless Agreement holding the City harmless from any and all claim, whether for injury to person or property, that are related to or that may arise from their use of designated public property, rights-of-way, or equipment in conjunction with the permitted use.



## INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

**IN CONSIDERATION OF THE PERMISSION BEING GRANTED TO \_\_\_\_\_ BY THE CITY OF BOERNE TO USE CITY PROPERTY, I \_\_\_\_\_, HEREBY AGREE AS FOLLOWS ON BEHALF OF MYSELF AND \_\_\_\_\_ ENTITY.**

**I/WE CERTIFY THAT I/WE REPRESENT THE FIRM WHICH WILL BE PERFORMING THE PRODUCTION, FILMING/TAPING AT THE LOCATIONS SPECIFIED IN THE FILM PERMIT APPLICATION SUBMITTED BY \_\_\_\_\_. I/WE FURTHER CERTIFY THAT I/WE AND THE FIRM WILL PERFORM IN ACCORDANCE WITH THE GUIDELINES FOR FILMING IN THE CITY OF BOERNE, TEXAS, AND THAT I/WE HEREBY INDEMNIFY AND HOLD HARMLESS THE CITY OF BOERNE, TEXAS FOR AND FROM ANY LOSS, DAMAGE, EXPENSE, CLAIMS AND COSTS OF EVERY NATURE AND KIND ARISING OUT OF OR IN CONNECTION WITH THE PRODUCTION, FILMING/TAPING PURSUANT TO THE PERMIT APPLIED FOR.**

*I/we understand that the Boerne City Police shall have total control of traffic issues. I/we certify that agreements have been signed with all private property owners involved with the filming and that any property damage will be repaired to the owner's approval.*

*I/we further certify that the information provided on the Application is true and correct to the best of my/our knowledge and that I/we hold the authority to sign this and other contracts and agreements with the City of Boerne on behalf of the firm.*

Name (please print): \_\_\_\_\_

Signed: \_\_\_\_\_

Title: \_\_\_\_\_


Date: \_\_\_\_\_

Name (please print): \_\_\_\_\_

Signed: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

	<div style="text-align: center;"> <h2 style="margin: 0;">AGENDA ITEM SUMMARY</h2> </div> <div style="border: 1px dashed black; padding: 5px; margin-top: 10px;"> <p><b>District Impacted</b></p> <p><input type="checkbox"/> 1 = Wolosin</p> <p><input type="checkbox"/> 2 = Woolard</p> <p><input checked="" type="checkbox"/> 3 = Scott</p> <p><input type="checkbox"/> 4 = Boddie</p> <p><input type="checkbox"/> 5 = Macaluso</p> <p><input type="checkbox"/> All</p> </div>
<b>Agenda Date</b>	<i>June 8, 2021</i>
<b>Requested Action</b>	<p>CONSIDER ON FIRST READING ORDINANCE NO. 2021-19; AN ORDINANCE AMENDING THE CITY OF BOERNE ZONING ORDINANCE NO. 2007-64, CAPTIONED, "ZONING ORDINANCE OF THE CITY OF BOERNE, TEXAS", DATED DECEMBER 18, 2007, BY AMENDING ARTICLE 3, SECTION 14, REZONING 0.996 ACRES LOCATED BETWEEN 115 STAHL AND 400 ROSEWOOD (KAD NO. 63697) FROM B-2, HIGHWAY COMMERCIAL DISTRICT, TO R-3, HIGH-DENSITY RESIDENTIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE.</p>
<b>Contact Person</b>	<p>Laura Haning, Planning and Community Development Director</p>
<b>Background Information</b>	<p>The property under consideration is located mid-block, between Stahl Street and Plant Avenue, Old Number 9 and Rosewood Avenue. The property was recently considered by the Planning &amp; Zoning Commission and City Council for a Planned Unit Development (PUD) Plan. The Commission and Council both voted in favor of the PUD Plan. The entire PUD is 1.27 acres which includes two sections of property, .996 acres and .274 acres. Each section has a different zoning (B-2 and R-3). They are requesting a change in zoning for the commercial section of the site (.996 ac) that will bring the entire 1.27 ac project under one residential zoning of R-3.</p> <p>This request to rezone the south section of the PUD from a B-2 (Highway Commercial District), to a R-3 (High-Density Residential district) will make them consistent throughout the development. The R-3 district allows for different size lots, starting at 2,000 sf attached (townhome) lots. The Master Plan describes this area as part of the Downtown land use category.</p> <p>The previously considered PUD plan consists of 18 townhomes. The flexibility that a PUD plan offers is a way to create infill development without requiring multiple variances. This development fulfills the intention of the Downtown category and the rezoning to R-3 for the remaining .996 acres accomplishes that as well.</p> <p><i>Master Plan</i></p>

	<p><i>The Downtown future land use category is intended for areas that include a mix of uses developed with an urban character situated in a higher density/intensity, pedestrian-friendly environment. The urban character of downtown is characterized by buildings being located close to the street (i.e., build-to lines), parking is either on-street or in public parking lots, and the pedestrian environment has equal consideration, if not priority, over the vehicle.</i></p> <p><i>The appropriate primary uses allowed in areas designated as Downtown include brew pubs and night clubs, government facilities, multi-family, offices (including medical), parks and recreation, retail sales and services, restaurants, single-family attached residential (i.e., townhouses built with an urban character), safety services, and schools. Appropriate secondary uses include such things as assembly uses, local utility services, home professions, hotels, personal care homes, recreation and entertainment facilities, and transportation uses.</i></p> <p><i>New Downtown development should be subject to a “build-to” requirement as to prevent auto-oriented character from disrupting the intended urban character of the Downtown area. New Downtown development should be designed for two or more stories as to create a sense of enclosure necessary to foster an urban environment.</i></p> <p>The City held a Boerne Open Neighborhood Discussion (BOND) meeting on March 30th. Neighbors within <u>400 feet</u> from the property were notified of the meeting. Jay Parker was joined by Ken Kolacny (Matkin/Hoover Engineer) and Frank Valadez (SA Partnership Architects) to explain the proposed development to the neighbors that attended the meeting. We had five community members attend along with City Council member Scott. The link for the BOND meeting is provided below.</p> <p><a href="https://youtu.be/61zfT44HyFg">https://youtu.be/61zfT44HyFg</a></p> <p>The Planning and Zoning Commission recommended approval for the rezoning by a vote of 6-0. If Council so approves, the property owner will then proceed with approval of the PUD Overlay for the site.</p>
<b>Item Justification</b>	<div> <div> <input type="checkbox"/> Legal/Regulatory Obligation  <input type="checkbox"/> Reduce Costs  <input type="checkbox"/> Increase Revenue  <input type="checkbox"/> Drive Down Risk  <input checked="" type="checkbox"/> Master Plan  Recommendation </div> <div> <input type="checkbox"/> Infrastructure Investment  <input checked="" type="checkbox"/> Customer Demand  <input type="checkbox"/> Service Enhancement  <input type="checkbox"/> Process Efficiency  <input type="checkbox"/> Other: _____  _____ </div> </div>

<b>Financial Considerations</b>	
<b>Citizen Input/Board Review</b>	As required by State regulation, notifications were sent to the property owners within 200 ft from the subject property. A Boerne Open Neighborhood Discussion (BOND) meeting was held on March 30, 2021. While the comments made in the BOND meeting were favorable, Staff received one comment in favor and the P&Z did hear from one property owner that was not in favor of the development. He was concerned about the density and the impact on traffic.
<b>Legal Review</b>	
<b>Alternative Options</b>	
<b>Supporting Documents</b>	Supporting documentation is attached

## NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council of the City of Boerne, Texas will hold a Public Hearing on June 8, 2021 at 6:00 p.m., in the City Council Chambers, located at Boerne City Hall, 447 N Main Street, Boerne, Texas, to discuss the following:

- A. Proposed rezoning of 0.996 acres located between 115 Stahl and 400 Rosewood (KAD No. 63697) from B-2, Highway Commercial District, to R-3, High-Density Residential District. (*Jay Parker, Trophy Properties*)
- B. Proposed rezoning of 0.302 acres located at 606 Frey Street (KAD No. 18989) from R-1, Medium-Density Residential District, to B-1, High-Density Residential and Neighborhood Commercial District. (*James S. Schuepbach*)

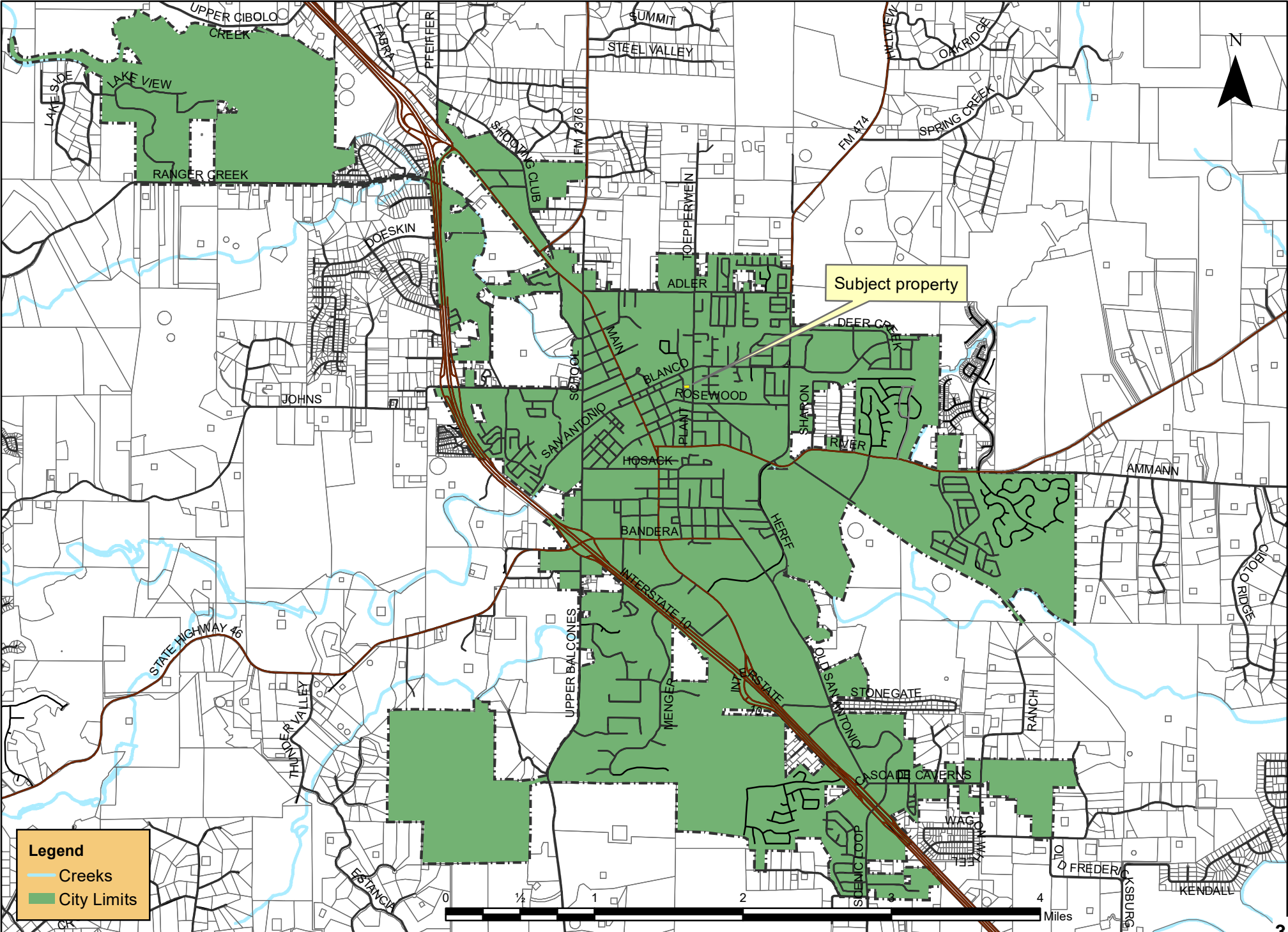
All interested parties are encouraged to attend.

s/s Lori A. Carroll  
City Secretary

### NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS

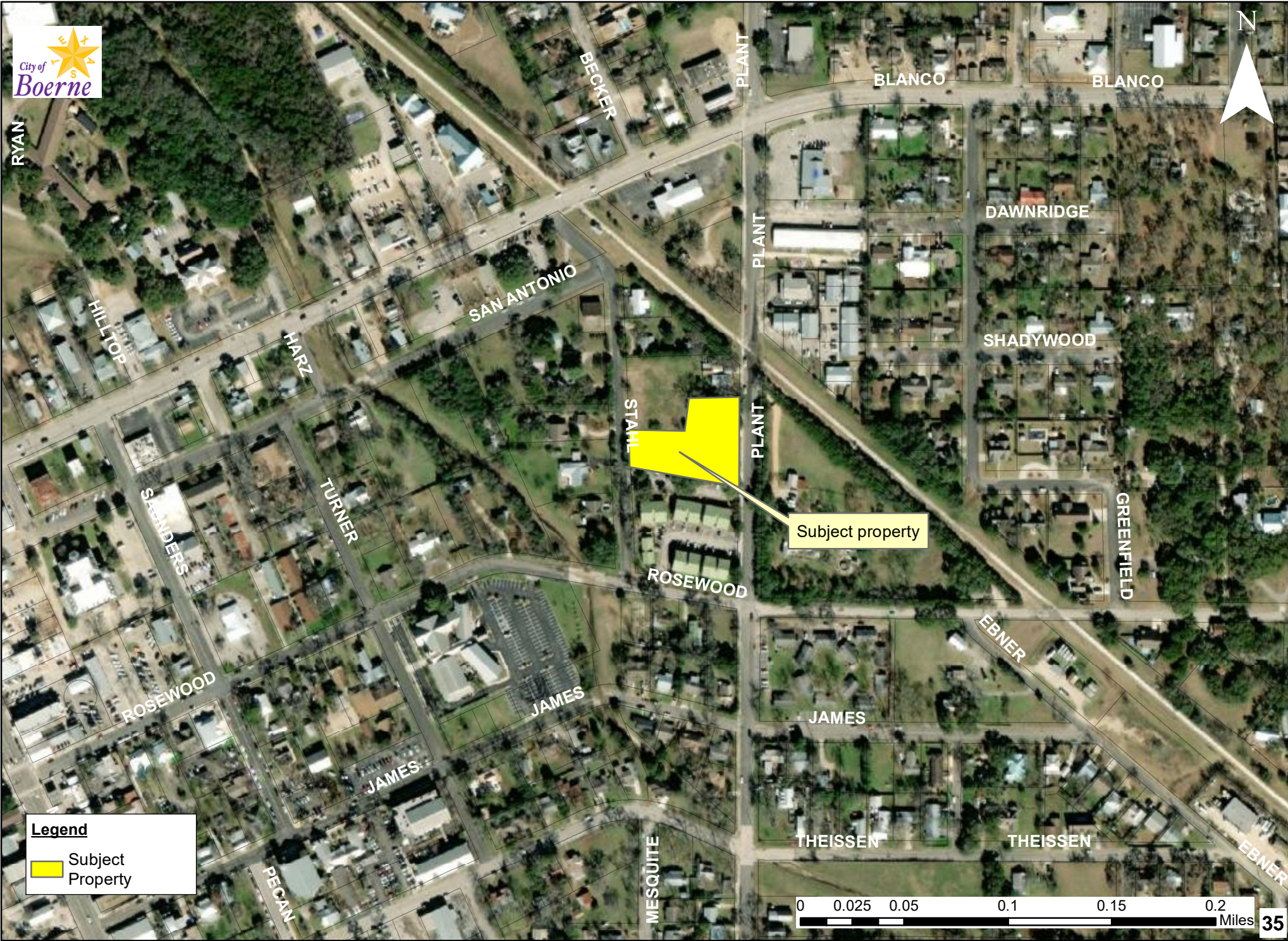
The Boerne City Hall is wheelchair accessible. Access to the building and special parking are available at the north entrance of the building. Requests for special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 830-249-9511.

# Plant - Stahl Townhome Development




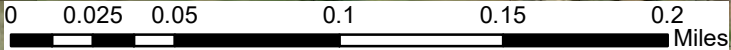


Location Map  
Plant/Stahl



**Legend**

 Subject Property





# Current Zoning Plant/Stahl





# Proposed Zoning Plant/Stahl



## Legend

- Subject Property
- B-1
- B-2
- B-3
- City Prop
- R-1
- R-2
- R-3
- R-4

0 0.01 0.02 0.04 0.06 0.08 Miles

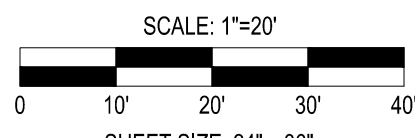
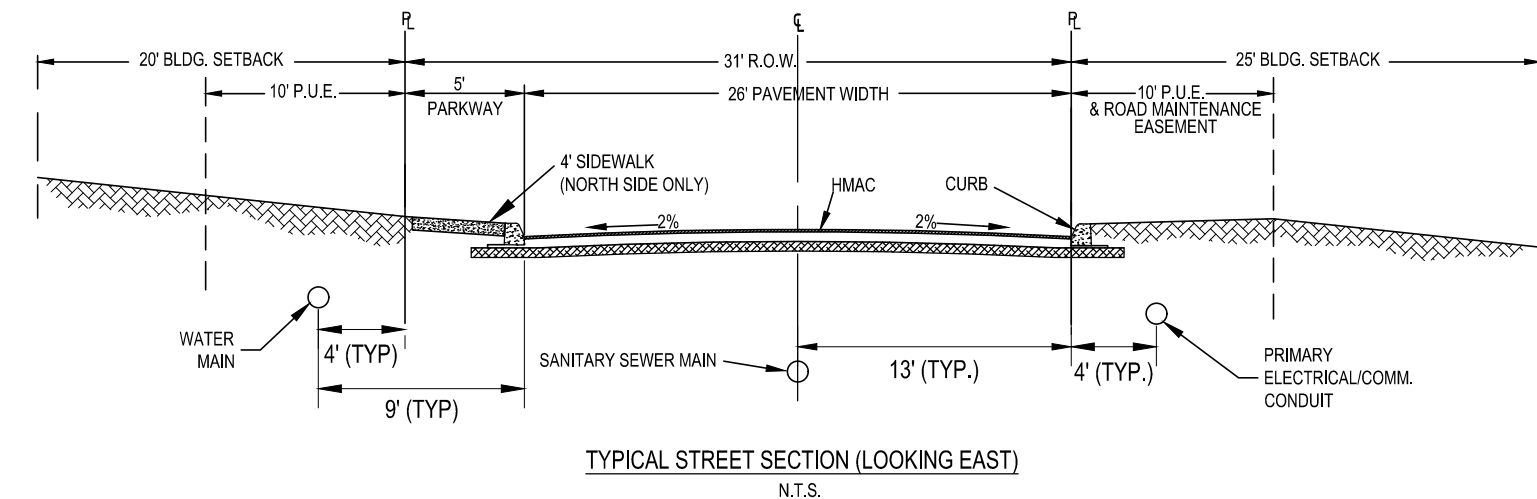




# TOWN HOUSE DEVELOPMENT BOERNE, TX

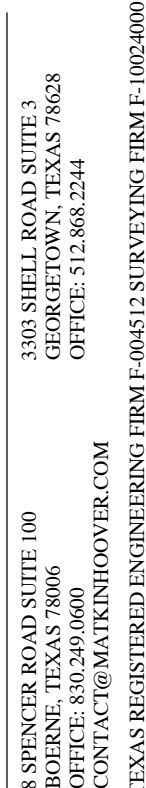
07.24.20





This document is released for  
REVIEW PURPOSES ONLY.  
NOT FOR CONSTRUCTION  
and was prepared under the  
authorization of  
Kenneth B. Kolacny,  
Registered Professional  
Engineer, State of Texas,  
Registration No. 86300.  
DATE: MARCH 2021

REVISIONS:

## PLANNED UNIT DEVELOPMENT (P.U.D)

FOR  
"THE ELEVATE" TOWNHOME DEVELOPMENT  
BOERNE, TEXAS

LAND USE SUMMARY		
NUMBER OF SINGLE FAMILY LOTS	18	
	ACRES	SQUARE FEET
TOTAL PROJECT AREA	1.27	55,477 SQFT
SINGLE FAMILY LOT AREA	0.826 +/- of an Acre	35,879 SQFT
PUBLIC STREET R.O.W.	0.104 +/- of an Acre	876 SQFT
PRIVATE STREET R.O.W.	0.193 +/- of an Acre	8,410 SQFT
OPEN SPACE	0.153 +/- of an Acre	6,650 SQFT
PERCENT OPEN SPACE	12.0%	
LOT DENSITY (LOT/ACRE) <sup>1</sup>	15.4	

NOTES:  
1. DENSITY CALCULATION EXCLUDES PUBLIC STREET ROW AREA  
2. NO PARKING WILL BE ALLOWED ON THE 26 FT. WIDE PRIVATE STREET. "NO-PARKING" SIGNAGE AND/OR FIRELANE MARKINGS WILL BE REQUIRED TO MEET FIRE CODE REQUIREMENTS.

**ENGINEER / SURVEYOR:**  
E: KEN KOLACNY  
S: KYLE PRESSLER  
MATKIN-HOOVER ENGINEERING &  
SURVEYING  
8 SPENCER ROAD SUITE 100  
BOERNE TX 78006  
O: 830.249.0600

**OWNER / DEVELOPER**  
TROPHY PROPERTIES  
MR. JAY PARKER  
10004 JOHNS ROAD  
BOERNE, TX 78006  
O: 830.386.3352

JOB NO.	3138.00
DESIGNED BY:	KBK
DRAWN BY:	RJV
CHECKED BY:	KBK
SHEET #	1 of 1

## ORDINANCE NO. 2021-19

**AN ORDINANCE AMENDING THE CITY OF BOERNE ZONING ORDINANCE NO. 2007-64, CAPTIONED, "ZONING ORDINANCE OF THE CITY OF BOERNE, TEXAS", DATED DECEMBER 18, 2007, BY AMENDING ARTICLE 3, SECTION 14, REZONING 0.996 ACRES LOCATED BETWEEN 115 STAHL AND 400 ROSEWOOD (KAD NO. 63697), FROM B-2, HIGHWAY COMMERCIAL DISTRICT, TO R-3, HIGH-DENSITY RESIDENTIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE**

**WHEREAS**, the City Council of the City of Boerne has complied with all requirements of notice of public hearing as required by the Zoning Ordinance of the City of Boerne; and

**WHEREAS**, the City Council held a public hearing on June 8, 2021 on the proposed rezoning; and

**WHEREAS**, the City Council is required to permanently zone properties that have been annexed into the City; and

**WHEREAS**, it is the intent of the City Council to provide harmony between existing zoning districts and proposed land uses; and

**WHEREAS**, the City Council desires to amend the Zoning Map by rezoning 0.996 acres located between 115 Stahl and 400 Rosewood (KAD No. 63697), from B-2, Highway Commercial District, to R-3, High-Density Residential District.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS:**

### Section 1.

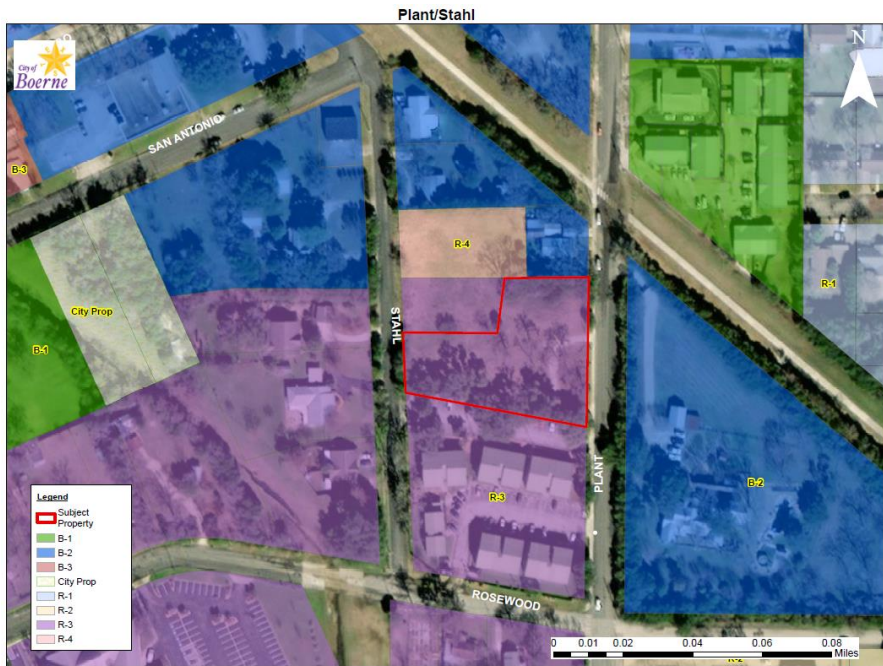
That Article 3, Section 14, of the Zoning Ordinance of the City of Boerne, Texas, and particularly the Zoning Map of the City of Boerne, is amended by rezoning the following described tract of land:

0.996 acres located between 115 Stahl and 400 Rosewood (KAD No. 63697), to R-3, High-Density Residential District.

### Section 2.

That the Zoning Maps of the City of Boerne be amended to indicate the previously described change.





### Section 3.

That all provisions of the Code of Ordinances of the City of Boerne not herein amended or repealed shall remain in full force and effect.

### Section 4.

That all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

### Section 5.

That if any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

### Section 6.

This ordinance will take effect upon the second and final reading of same.

PASSED AND APPROVED on this the first reading the \_\_\_\_ day of June, 2021.

PASSED, APPROVED AND ADOPTED on this the second reading the \_\_\_\_ day of June, 2021.

APPROVED:


ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

	<div style="text-align: center;"><b>AGENDA ITEM SUMMARY</b></div> <div style="border: 1px dashed purple; padding: 5px; float: right; margin-top: 10px;"> <b>District Impacted</b>  <input type="checkbox"/> 1 = Wolosin  <input type="checkbox"/> 2 = Woolard  <input type="checkbox"/> 3 = Scott  <input type="checkbox"/> 4 = Boddie  <input checked="" type="checkbox"/> 5 = Macaluso  <input type="checkbox"/> All </div>										
<b>Agenda Date</b>	June 8, 2021										
<b>Requested Action</b>	<p>CONSIDER ON FIRST READING ORDINANCE NO. 2021-20; AN ORDINANCE AMENDING THE CITY OF BOERNE ZONING ORDINANCE NO. 2007-64, CAPTIONED, "ZONING ORDINANCE OF THE CITY OF BOERNE, TEXAS", DATED DECEMBER 18, 2007, BY AMENDING ARTICLE 3, SECTION 14, REZONING 0.302 ACRES LOCATED AT 606 FREY STREET (KAD NO. 18989) FROM R-1, MEDIUM-DENSITY RESIDENTIAL DISTRICT, TO B-1, HIGH-DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE.</p>										
<b>Contact Person</b>	Laura Haning, Planning and Community Development Director										
<b>Background Information</b>	<p>The property owner of 606 Frey Street is requesting a rezoning. The current zoning of R-1 allows for single-family detached dwellings and the owner would like to convert the existing home into office use. His current plans are to remodel the existing home for his real estate office. The Future Land Use Plan identifies this area as auto-oriented development (B-2 or B-2R). Council has previously determined that auto-oriented this close to residential is inappropriate, but a lesser intensive commercial zoning may be considered.</p> <p>To the south the property is zoned B-1 and is being developed as an office complex, and to the north is an O zoning that is being marketed as an office. This property also abuts a residential property to the west. The Planning and Zoning Commission recommended approval of the B-1 zoning by a vote of 6-0.</p>										
<b>Item Justification</b>	<table border="0" style="width: 100%;"> <tr> <td><input type="checkbox"/> Legal/Regulatory Obligation</td> <td><input type="checkbox"/> Infrastructure Investment</td> </tr> <tr> <td><input type="checkbox"/> Reduce Costs</td> <td><input checked="" type="checkbox"/> Customer Demand</td> </tr> <tr> <td><input type="checkbox"/> Increase Revenue</td> <td><input type="checkbox"/> Service Enhancement</td> </tr> <tr> <td><input type="checkbox"/> Drive Down Risk</td> <td><input type="checkbox"/> Process Efficiency</td> </tr> <tr> <td><input checked="" type="checkbox"/> Master Plan Recommendation</td> <td><input type="checkbox"/> Other: _____</td> </tr> </table>	<input type="checkbox"/> Legal/Regulatory Obligation	<input type="checkbox"/> Infrastructure Investment	<input type="checkbox"/> Reduce Costs	<input checked="" type="checkbox"/> Customer Demand	<input type="checkbox"/> Increase Revenue	<input type="checkbox"/> Service Enhancement	<input type="checkbox"/> Drive Down Risk	<input type="checkbox"/> Process Efficiency	<input checked="" type="checkbox"/> Master Plan Recommendation	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Legal/Regulatory Obligation	<input type="checkbox"/> Infrastructure Investment										
<input type="checkbox"/> Reduce Costs	<input checked="" type="checkbox"/> Customer Demand										
<input type="checkbox"/> Increase Revenue	<input type="checkbox"/> Service Enhancement										
<input type="checkbox"/> Drive Down Risk	<input type="checkbox"/> Process Efficiency										
<input checked="" type="checkbox"/> Master Plan Recommendation	<input type="checkbox"/> Other: _____										
<b>Financial Considerations</b>											

<b>Citizen Input/Board Review</b>	As required by State regulation, notifications were sent to the property owners within 200 ft from the subject property. Staff received one comment in favor of the rezoning.
<b>Legal Review</b>	
<b>Alternative Options</b>	
<b>Supporting Documents</b>	Supporting documentation is attached

## NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council of the City of Boerne, Texas will hold a Public Hearing on June 8, 2021 at 6:00 p.m., in the City Council Chambers, located at Boerne City Hall, 447 N Main Street, Boerne, Texas, to discuss the following:

- A. Proposed rezoning of 0.996 acres located between 115 Stahl and 400 Rosewood (KAD No. 63697) from B-2, Highway Commercial District, to R-3, High-Density Residential District. (*Jay Parker, Trophy Properties*)
- B. Proposed rezoning of 0.302 acres located at 606 Frey Street (KAD No. 18989) from R-1, Medium-Density Residential District, to B-1, High-Density Residential and Neighborhood Commercial District. (*James S. Schuepbach*)

All interested parties are encouraged to attend.

s/s Lori A. Carroll  
City Secretary

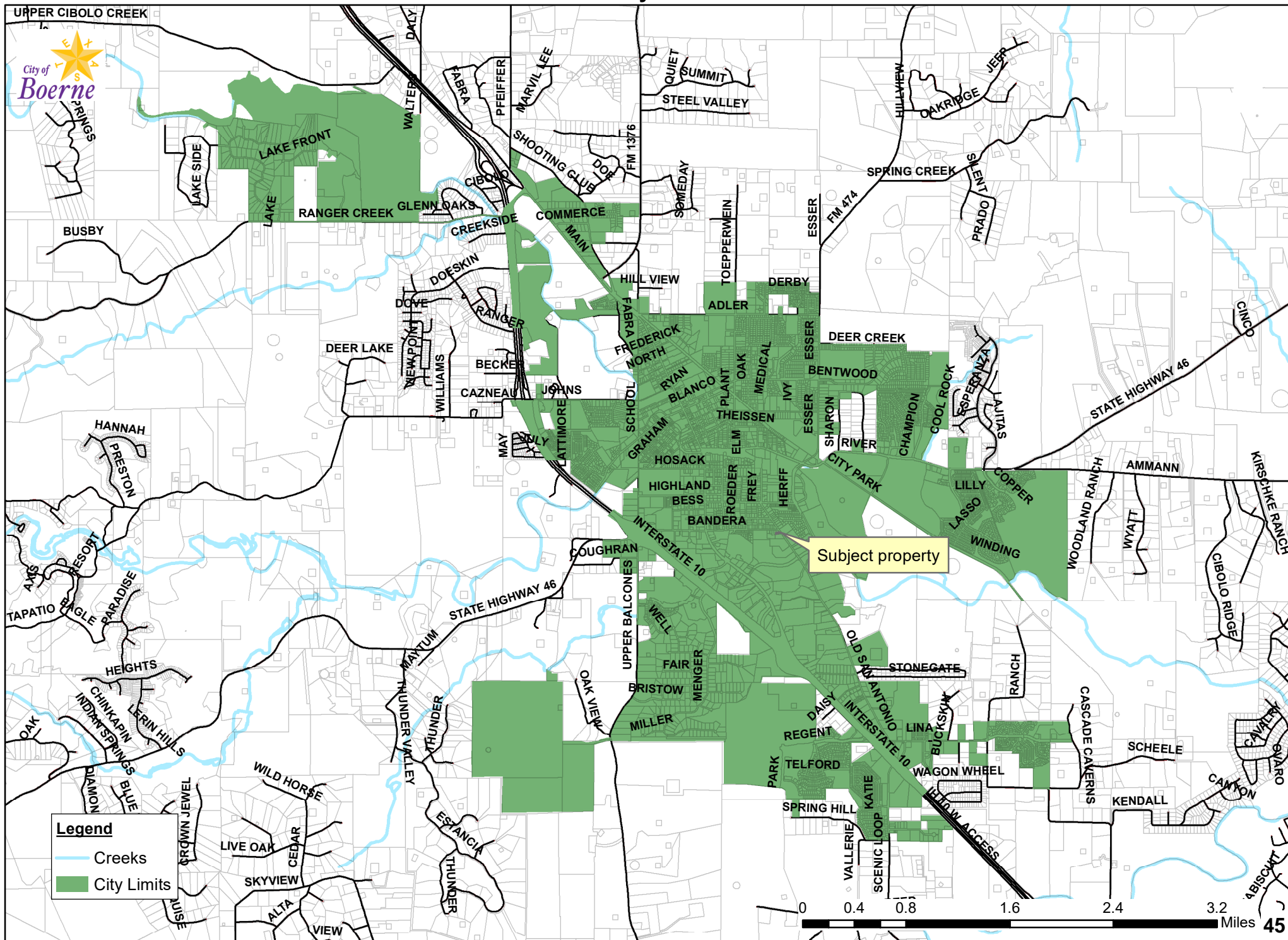
### NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS

The Boerne City Hall is wheelchair accessible. Access to the building and special parking are available at the north 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.



## Location Map

### 606 Frey Street



# Current Zoning 606 Frey Street




BANDERA







FREY

OLD SAN ANTONIO

**Legend**

 Subject Property

**Current Zoning**

-  B-1
-  B-2R
-  O
-  R-1
-  R-2
-  R-4

O

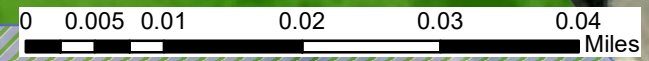
R-1

R-2

B-1

R-4

B-2R





Proposed Zoning  
606 Frey Street



BANDERA

R-1

FREY

OLD SAN ANTONIO

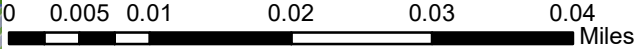
**Legend**

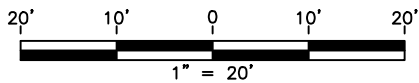
- Subject Property
- B-1
- B-2R
- O
- R-1
- R-4

R-4

B-2R

B-1





NOTE: REFER TO GRAPHIC  
"SCALE IN FEET"  
IF DRAWING WAS NOT PRINTED FROM  
THE ORIGINAL SOURCE ON  
STANDARD 11"x17" SHEET.

# LAND TITLE SURVEY

JOHN SMALL SURVEY No.183,  
ABSTRACT No.441

BURT SPONHALTZ AND  
WIFE, JOYCE SPONHALTZ  
0.341 ACRE TRACT  
VOL. 393, PG. 378, O.R.

WOOD PRIVACY FENCE (MEANDERING)  
N 77°57'13" E ~ 176.70'

0.303 ACRE TRACT

MAURICE ANDREWS AND  
WIFE, STACI ANDREWS  
0.342 ACRE TRACT  
VOL. 1670, PG. 602, O.R.

WOOD PRIVACY FENCE (TYP.)  
CHAINLINK FENCE (LEANING WEST)  
N 04°12'06" W ~ 70.00'

GARDEN  
SHED  
(ON SLAB)  
(10'x10')

S 76°52'23" W ~ 214.57'  
(RECORD: S 76°30'00" W ~ 214.93') (R1)  
(BEARING BASIS)  
CHAINLINK FENCE (MEANDERING)

MMS PROPERTIES, LLC.  
1.546 ACRES  
DOC. NO. 00332627, O.R.  
(VOL. 1701, PG. 1086)

E. BANDERA RD.

OVERHEAD POWER/ELECTRIC  
SERVICE LINE (ITEM 10.B)

DRIVEWAY  
OHP

S. FREY STREET  
(VARIABLE WIDTH - OCCUPATIONAL R.O.W. ITEM 10.C)

3.306 ACRE TRACT  
VOL. 316, PG. 239, O.R.

## LEGAL DESCRIPTION

LAND SURVEY OF 0.303 ACRE TRACT OF LAND IN THE CITY OF BOERNE, KENDALL COUNTY, TEXAS, OUT OF THE JOHN SMALL SURVEY No. 183, ABSTRACT No.441, BEING THAT SAME TRACT OF LAND CALLED 0.303 ACRES DESCRIBED IN A CONVEYANCE TO TIMOTHY S. FLYNN AND WIFE, PEARL FLYNN BY HERINDA H. FLYNN, FOUND OF RECORD IN DOCUMENT NO. 00226296 (VOLUME 1313, PAGE 100), OFFICIAL PUBLIC RECORDS OF KENDALL COUNTY, TEXAS.

## TITLE COMMITMENT

THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR. THE EXCEPTIONS FROM COVERAGE INCLUDED ON SCHEDULE B OF THE TITLE COMMITMENT HAVE BEEN LISTED BELOW. ITEMS BELIEVED TO AFFECT SUBJECT PROPERTY (ASP), ITEMS THAT ARE SPATIALLY DEFINED AND LOCATABLE ARE SHOWN HEREON (SH), ITEMS WHICH ARE NOT SPATIALLY DEFINITIVE (NSD) OR "NOT A MATTER OF SURVEY", ARE NOTED BELOW, PER COMMITMENT FOR TITLE INSURANCE G.F. NO. 20210064, ISSUED FEBRUARY 10, 2021:

### SCHEDULE 'B' EXCEPTIONS:

- 10.A NOT A MATTER OF SURVEY  
10.B OVERHEAD POWER/ELECTRIC SERVICE LINE (ASP/SH)  
10.C ADJOINS PUBLIC RIGHT-OF-WAY (ASP/SH)  
10.D NOT A MATTER OF SURVEY  
10.E NOT A MATTER OF SURVEY

## NOTES

- CLIENT: SCHUEPBACH INVESTMENTS, LTD  
SITUS: 606 FREY STREET, BOERNE, TEXAS 78006
- DATE OF FIELD SURVEY COMPLETION: MARCH 9, 2021
  - THE RECORD BASIS OF BEARINGS IS THE SOUTH LINE OF THE HEREIN DESCRIBED TRACT BASED ON CONTROLLING MONUMENTS FOUND AND SHOWN HEREON, WITH BEARING OBSERVED (RECORD: S 76° 30' 00" W).
  - THE SUBJECT TRACT APPEARS TO LIE WITHIN ZONE "X" (UNSHADED) ACCORDING TO FEMA FLOOD INSURANCE RATE MAP (FIRM) No.48259C0415F, WHICH IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA (SFHA). MAP REPORTS AN EFFECTIVE DATE DECEMBER 17, 2010. FLOODPLAIN LINES WERE NOT FIELD VERIFIED AND NO DETERMINATION WAS MADE AS TO WHETHER OR NOT ANY PORTION OF THE SUBJECT TRACT OF ANY OF THE IMPROVEMENTS SHOWN HEREON ARE ABOVE FLOOD ELEVATION.
  - VISIBLE ABOVE GROUND IMPROVEMENTS AND UTILITIES ARE SHOWN HEREON. OTHER UTILITIES MAY EXIST THAT ARE NOT SHOWN HEREON.
  - WATER DISTRICT: COW CREEK GROUND WATER CONSERVATION DISTRICT
  - R1: VOL. 1313, PG. 100, O.P.R.K.C.T.

## LEGEND & NOTES

- STEEL BAR FOUND (WITH NO IDENTIFICATION)  
⊙ STEEL BAR FOUND WITH PLASTIC CAP  
⊗ 1/2"Ø REBAR SET WITH CAP "F+R 6454"  
■ FENCE CORNER POST
- P.O.B. PLACE OF BEGINNING  
B.S.L. BUILDING SETBACK LINE  
P.U.E. PUBLIC UTILITY EASEMENT  
ESMT. RECORD EASEMENT  
C.M. CONTROLLING MONUMENT  
P.R. PLAT RECORDS, KENDALL COUNTY, TEXAS  
O.P.R. OFFICIAL PUBLIC RECORDS, KENDALL COUNTY, TEXAS  
D.R. DEED RECORDS, KENDALL COUNTY, TEXAS  
O.R. OFFICIAL RECORDS, KENDALL COUNTY, TEXAS  
R.O.W. RIGHT-OF-WAY  
S.B. SUBJECT PROPERTY  
(R#) REFERENCE TO PUBLIC RECORD INSTRUMENT/DOC.
- (N-°-'-"-E XXX') RECORD BEARING AND DISTANCE
- x---x--- Wire Fence  
--- Wood Privacy Fence  
--- Chainlink Fence  
--- OHP Overhead Powerline  
--- Road Way  
--- Survey Line  
--- Subject Tract  
--- Creek Centerline
- ⊙ Propane Valve  
⊙ Water Valve  
⊙ Septic Clean out  
⊙ Telephone Pedestal  
⊙ Light Pole  
⊙ Guy Wire  
⊙ PP Power Pole  
⊙ PT Power Pole w/ transformer
- Asphalt  
Gravel  
Electric Meter

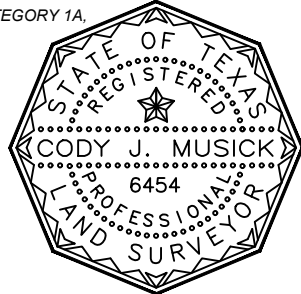
## CERTIFICATION

TO: TEXAS INVESTORS TITLE, LLC., FIRST AMERICAN TITLE INSURANCE COMPANY, ITS SUCCESSORS AND/OR ASSIGNS, AND TO JOHN SCHUEPBACH AND CHARLOTTE SCHUEPBACH. I HEREBY CERTIFY THAT THIS MAP AND ACCOMPANYING FIELD NOTES REPRESENTS A SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THERE ARE NO INTRUSIONS OR PROTRUSIONS OF IMPROVEMENTS ACROSS THE BOUNDARY LINES OF THIS TRACT OF LAND OR INTO ANY OF THOSE DEFINED EASEMENTS OR BUILDING SETBACKS LISTED IN FIRST AMERICAN TITLE INSURANCE CO., COMMITMENT FOR TITLE INSURANCE G.F. NO. 20210064, ISSUED FEBRUARY 10, 2021, AS PROVIDED BY TEXAS INVESTOR TITLE, LLC., VISIBLE OR APPARENT ON THE GROUND, EXCEPT AS SHOWN HEREON, AND THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A, CONDITION 3, LAND TITLE SURVEY.

*Cody J. Musick* 03/11/2021

Cody J. Musick, RPLS 6454  
F+R LAND SURVEYING, Firm No. 10194626  
PO Box 687, Comfort, TX 78013-9998  
F: 830-431-1905 | Cody@CodyMusick.com  
JOB No. 202012-02, GF No. 20200402

SHEET 1 OF 1







## ORDINANCE NO. 2021-20

**AN ORDINANCE AMENDING THE CITY OF BOERNE ZONING ORDINANCE NO. 2007-64, CAPTIONED, "ZONING ORDINANCE OF THE CITY OF BOERNE, TEXAS", DATED DECEMBER 18, 2007, BY AMENDING ARTICLE 3, SECTION 14, REZONING 0.302 ACRES LOCATED AT 606 FREY STREET (KAD NO. 18989), FROM R-1, MEDIUM-DENSITY RESIDENTIAL DISTRICT, TO B-1, HIGH-DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE**

**WHEREAS**, the City Council of the City of Boerne has complied with all requirements of notice of public hearing as required by the Zoning Ordinance of the City of Boerne; and

**WHEREAS**, the City Council held a public hearing on June 8, 2021 on the proposed rezoning; and

**WHEREAS**, the City Council is required to permanently zone properties that have been annexed into the City; and

**WHEREAS**, it is the intent of the City Council to provide harmony between existing zoning districts and proposed land uses; and

**WHEREAS**, the City Council desires to amend the Zoning Map by rezoning 0.302 acres located at 606 Frey Street (KAD No. 18989), from R-1, Medium-Density Residential District, to B-1, High-Density Residential and Neighborhood Commercial District.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS:**

### Section 1.

That Article 3, Section 14, of the Zoning Ordinance of the City of Boerne, Texas, and particularly the Zoning Map of the City of Boerne, is amended by rezoning the following described tract of land:

0.302 acres located AT 606 Frey Street (KAD No. 18989), to B-1, High-Density Residential and Neighborhood Commercial District.

### Section 2.

That the Zoning Maps of the City of Boerne be amended to indicate the previously described change.





### Section 3.

That all provisions of the Code of Ordinances of the City of Boerne not herein amended or repealed shall remain in full force and effect.

### Section 4.

That all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

### Section 5.

That if any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

### Section 6.

This ordinance will take effect upon the second and final reading of same.

PASSED AND APPROVED on this the first reading the \_\_\_\_ day of June, 2021.

PASSED, APPROVED AND ADOPTED on this the second reading the \_\_\_\_ day of June, 2021.

APPROVED:


ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

	<div style="text-align: center;"><b>AGENDA ITEM SUMMARY</b></div> <div style="border: 1px dashed purple; padding: 5px; float: right;"> <b>District Impacted</b>  <input type="checkbox"/> 1 = Wolosin  <input type="checkbox"/> 2 = Woolard  <input type="checkbox"/> 3 = Scott  <input type="checkbox"/> 4 = Boddie  <input type="checkbox"/> 5 = Macaluso  <input checked="" type="checkbox"/> All </div>
<b>Agenda Date</b>	06/8/2021
<b>Requested Action</b>	APPROVE RESOLUTION NO. 2021-R20; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, APPROVING THE SUBMITTAL OF AN APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION'S 2021 TRANSPORTATION ALTERNATIVES PROGRAM SET-ASIDE (TA) CALL FOR PROJECTS.
<b>Contact Person</b>	Paul Barwick
<b>Background Information</b>	<p><b>Trail Funding Opportunity</b>  A matching funds opportunity is currently available for trail design and construction. Staff submitted a preliminary application for this program on 3/8/21 and was informed on 4/13/21 that the City could proceed with submission of a detailed application that is due 6/14/21. Staff is currently working diligently with Poznecki Camarillo, Inc to prepare the final application, cost estimate and exhibits for the detailed application.</p> <p><b>Previous Trail Funding (5.05 Miles)</b></p> <ul style="list-style-type: none"> <li>• Old No. 9 Greenway (Trail) – ISTE 80/20 matching construction funding</li> <li>• Old No. 9 Greenway (Trail Amenities) - Texas Parks and Wildlife Recreational Trails Grant funding, 80/20 matching construction funding</li> <li>• Cibolo/Currey Creek Trails – 2007 Quality of Life bond funding</li> <li>• 2015 TxDOT Statewide Transportation Alternatives Program (TAP) Boerne Trail Expansion Project 80/20 matching construction funding</li> </ul> <p><b>Master Plan Support</b>  <u>Boerne 2018 Master Plan Objectives</u></p> <ul style="list-style-type: none"> <li>• Identify funding and evaluate opportunities to increase multi-modal transportation options for Boerne.</li> <li>• Provide a high-quality and well-maintained parks and recreations system to support quality of life in Boerne.</li> <li>• Enhance the appearance and character of the community through public and private section actions.</li> <li>• Prioritize the revitalization and enhancement of downtown Boerne to further strengthen it as the historical, cultural, and governmental heart of Boerne.</li> </ul>



	<p><b><u>Parks Master Plan Strategic Goal</u></b> Continue to develop pedestrian/ bikeway trails and greenbelts to connect parks and residential areas.</p> <p>Stakeholder Input</p> <ul style="list-style-type: none"> <li>• Provide bike friendly pathways that have no speed bump for motorized vehicles.</li> <li>• Increase the available bicycling opportunities between north and south Boerne.</li> <li>• Provide bike pathways and pedestrian sidewalks on existing roadways.</li> <li>• Create another bike path type in the style of a natural pathway.</li> <li>• Create greater vibrant connections to schools.</li> <li>• Provide connections between Old #9 and Creek Trail.</li> <li>• Actually 'connect' the community.</li> <li>• Create a system that allows one to ride bicycles everywhere.</li> <li>• Provide safety buffers between bicycle riders and vehicles.</li> <li>• Provide for a diversity of bicycle accessibility at highway intersections, crossings, connections, etc.</li> <li>• Make the City of Boerne VERY WALKABLE and VERY BIKEABLE.</li> </ul> <p><b>TxDOT 2021 Transportation Alternatives Set-Aside Program</b></p> <ul style="list-style-type: none"> <li>• City of Boerne qualifies for Small Urban areas (5,001-200,000)</li> <li>• Project selection will occur October 2021.</li> <li>• Funding for Small Urban areas selected projects would be made available by FY23/24.</li> </ul> <p><b><u>Project Details (0.75 miles)</u></b> <i>Old No. 9 Multi-Modal Trail Head/Shared Use Trail Extension/Trail Connection to Curington E.S. &amp; Public Library</i> - This proposed trail project consists of three improvements related to the northern portion of the Old #9 Trail. Improvements include:</p> <ul style="list-style-type: none"> <li>• 1,600 L.F. of 10' wide shared use trail extending Old No. 9 from Garden St. to intersection of Main St/Adler Rd./School St., terminating at trail head with parking lot.</li> <li>• 2,500 L.F. of 10' wide shared use trail to extending from Old No. 9 trail/public library to Curington Elementary School.</li> <li>• Prefab 12' x 100' steel pedestrian bridge would replace the narrow wooden bridge on Old No. 9 trail. <i>See attached Trail Project Exhibit</i></li> </ul> <p><b><u>Trail Easements</u></b></p> <ul style="list-style-type: none"> <li>• The trail extension to Curington E.S. is dependent on acquisition of permanent trail easement on BISD school site and adjoining property. Staff is currently working with both property representatives for a letter of commitment.</li> </ul>
--	---

	<p><u>Timeline</u></p> <ul style="list-style-type: none"><li>• 6/8/21 - COB City Council Resolution for detailed application submittal</li><li>• 6/14/21 - Detailed application submittal</li><li>• 10/21 - Conditional Projects List announced (anticipated future projects)</li><li>• FY23/24 - October 2023, funds available for Conditional Projects List</li><li>• Estimated time for design and construction starting Oct. 2023 would be 18 months.</li></ul> <p><u>Project Funding</u></p> <p>At this point the estimated construction costs total \$1,122,500. The estimated cost for trail easements (non-reimbursable expense) is \$100,000, and estimated soft costs (engineering, environmental, grant administration, project fees, etc.) is \$593,000 that comes to a Grand total of \$1,815,500. <i>See attached Preliminary Cost Estimate</i></p> <p>Eligible reimbursement costs include 80% of both construction and soft costs. To better increase the likelihood of project selection, an overmatch of only seeking 50% reimbursement of soft costs would be of benefit. With this scenario, the estimated total cost to the City for the project would be estimated to be \$621,000 and the remainder of the project costs totaling \$1,194,500 would be eligible for reimbursement.</p> <p>The City is responsible for administering the grant, any cost overruns and for all payments to the general contractor including any project change orders. Reimbursement payments will be made to the City based on the allowable percentage for qualifying expenses. This is a competitive program and there is no guarantee that the City will receive funding for this project. If this project is placed on the Conditional Projects List, funding is still not guaranteed for FY23/24.</p> <p>If this project is selected, possible matching funding sources could include future bond funds, QOL Reserve Fund and/or General Reserve funds. Depending on the overall timing of the project, which will span several fiscal years, we may be able to fund directly from the QOL Reserve without using the General Fund.</p> <p><b>Resolution</b></p> <p>Staff recommends that City Council approve the Resolution authorizing the submission of the detailed application for the 2021 TxDOT Transportation Alternatives Set-Aside Call for Projects. <i>See attached Resolution</i></p>
--	---

<b>Item Justification</b>	<input type="checkbox"/> Legal/Regulatory Obligation <input checked="" type="checkbox"/> Infrastructure Investment <input type="checkbox"/> Reduce Costs <input type="checkbox"/> Customer Pull <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Service Enhancement <input type="checkbox"/> Mitigate Risk <input type="checkbox"/> Process Efficiency <input checked="" type="checkbox"/> Master Plan <input type="checkbox"/> Other: Recommendation
<b>Financial Considerations</b>	Cost incurred for the preparation of the program detailed application to date will not exceed \$25,000.
<b>Citizen Input/Board Review</b>	Letters of support from the community have been received from BISD, BKCEDC, BCC, Principal of Curington E.S., Cibolo Center for Conservation, The AgriCultural, etc.
<b>Legal Review</b>	The City Attorney has reviewed the attached Resolution
<b>Alternative Options</b>	N/A
<b>Supporting Documents</b>	Preliminary Cost Estimate Resolution

**RESOLUTION NO. 2021-R20**

**A RESOLUTION OF THE CITY OF BOERNE, TEXAS, APPROVING  
THE SUBMITTAL OF AN APPLICATION TO THE TEXAS  
DEPARTMENT OF TRANSPORTATION'S 2021 TRANSPORTATION  
ALTERNATIVES SET-ASIDE (TA) CALL FOR PROJECTS**

**WHEREAS**, the Texas Department of Transportation issued a call for projects in January 2021 for communities to apply for funding assistance through the Transportation Alternatives Set-Aside (TA) Program; and

**WHEREAS**, the TA funds may be used for development of preliminary engineering (plans, specifications, and estimates and environmental documentation) and construction of pedestrian and/or bicycle infrastructure. The TA funds require a local match, comprised of cash or Transportation Development Credits (TDCs), if eligible. The City of Boerne would be responsible for all non-reimbursable costs and 100% of overruns, if any, for TA funds; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS THAT:**

The City of Boerne supports funding this project as described in the 2021 TA Detailed Application (including the preliminary engineering budget, if any, construction budget, the department's 15% direct state cost for oversight, and the required local match, if any) and is willing to commit to the project's development, implementation, construction, maintenance, management, and financing. The City of Boerne is willing and able to enter into an agreement with the department by resolution or ordinance, should the project be selected for funding.

PASSED and APPROVED on this the \_\_\_\_ day of June, 2021.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

<b>ATTACHMENT A</b>					
<b>2021 TxDOT Transportation Alternatives Set-Aside Call for Projects</b>					
<b>City of Boerne - Old No. 9 Multi-Modal Trail Head, Trail Extension and Curington E.S. Trail Connection</b>					
<b>06.1.21 Estimated Project Costs</b>					
<b>Estimated Construction Cost</b>					
Item	Description	Quantity	Unit	Unit Price	Item Cost
1	Mobilization	1	LS	\$90,000.00	\$90,000.00
2	Insurance and bonds	1	LS	\$45,000.00	\$45,000.00
3	ROW prep	1	LS	\$17,500.00	\$17,500.00
4	Sed control, filter dam, const. fence	1	LS	\$12,500.00	\$12,500.00
5	Tree protection	1	LS	\$7,500.00	\$7,500.00
6	Excavation	1	LS	\$15,000.00	\$15,000.00
7	Grading/embankment	1	LS	\$90,000.00	\$90,000.00
8	Drainage - RCP, inlets, wingwalls	1	LS	\$20,000.00	\$20,000.00
9	Topsoil and placement	1	LS	\$60,000.00	\$60,000.00
10	10' concrete sidewalk - 4100 lf	1	LS	\$350,000.00	\$350,000.00
11	12' x 100' prefab ped. bridge, abutment, piers	1	LS	\$230,000.00	\$230,000.00
12	Trail head & parking lot	1	LS	\$140,000.00	\$140,000.00
13	Revegetation - seeding, trees, erosion blanket	1	LS	\$40,000.00	\$40,000.00
14	Vegetation watering	1	LS	\$5,000.00	\$5,000.00
			<b>Total</b>		<b>\$1,122,500.00</b>
<b>Estimated Trail Easement Acquisition</b>					
Appraisals and Trail Easement Acquisition - 2 ea.			<b>Total</b>		<b>\$100,000.00</b>
<b>Estimated Soft Costs - Design/Management/Project Fees</b>					
Plans, Specifications & Estimates					\$320,000.00
Environmental Documentation					\$80,000.00
Grant Administration & LGPP Services					\$60,000.00
NOI/SWPPP Monitoring					\$7,000.00
Plan Review/TDLR					\$3,500.00
RFQ & Bid Advertisements					\$7,500.00
Construction Testing					\$15,000.00
Project Inspector/Documentation					\$40,000.00
TxDOT Direct State Cost for Oversight (15% PSE/Environ.)					\$60,000.00
			<b>Total</b>		<b>\$593,000.00</b>
				<b>Grand Total</b>	<b>\$1,815,500.00</b>





## CITY OF BOERNE

# Appointments 2020-2021

## Board/Commission/Entity

## Term Expires

**Statutory Officials**

City Manager	Ben Thatcher
City Attorney	Barbara Quirk
	Mick McKamie

**Official Appointments**

Municipal Court Judge	Ed Phillips -reappoint	6/22	appointed 5/20
Alternate Mun. Ct. Judge	Lawrence Morales -reappoint	6/22	appointed 5/20
Municipal Court Prosecutor	Dana Jacobson -reappoint	6/22	appointed 5/20
Alternate Mun. Ct. Prosecutor	Michael Latimer -reappoint	6/22	appointed 5/20
Cemetery Sexton	Dusty Fisher -reappoint	6/22	appointed 5/20
	William Holt -reappoint	6/22	appointed 5/20

**Public Housing Authority (2 year term)**

Chairman	Heather Ontiveroz -reappoint	6/23	appointed 5/19
Vice Chairman	Allen Taha -reappoint	6/23	appointed 6/19
Members	Sister Kathleen Higgins-reappoint	6/23	appointed 5/19
	Mary Jelley	6/22	appointed 5/20
Resident Commissioner	Anita Daniels	6/24	appointed 5/19
	Nelda de Lourdes, Arroyo-Perea	6/23	

Mayor appoints Members. Members must reside within the City limits or Kendall County. Members may serve an unlimited number of terms, Resident Commissioner may serve only two consecutive terms.

**Planning & Zoning Commission (3 year term)**

Chairman	Tim Bannwolf- Place 8	6/23	appointed 5/20
Vice Chairman	Patrick Cohoon- Place 5 -reappoint	6/24	appointed 6/18
Secretary	Bob Cates- Place 9 -reappoint	6/24	appointed 5/19
Members	Joe Anzollitto - Place 1	6/22	appointed 5/19
	Vacant – Place 2	6/20	appointed 6/17
	Bill Bird- Place 3	6/22	appointed 5/19
	Vacant - Place 4	6/22	appointed 5/19
	Charles Hiler - Place 6	6/23	appointed 6/20
	Chesney Dunning- Place 7 -reappoint	6/24	appointed 5/18



Mayor appoints Chairman. Vice Chair & Secretary are elected by the board. *Members must reside within the City limits or ETJ. No limit on number of terms served.*

---

### **Zoning Board of Adjustments (2 year term)**

Chairman	<del>Vacant</del> Jon Paul Bergman	6/23	appointed 5/19
Vice Chairman	Jim Terrian	6/22	appointed 5/20
Members	<del>vacant</del> Matt Janysek	6/22	appointed 5/20
	<del>vacant</del> Daniel Wood	6/23	appointed 5/19
	Rich McCormick	6/22	appointed 5/20
Alternates	<del>Jon Paul Bergman</del> Justin McKenzie	6/23	appointed 5/19
	vacant	6/21	appointed 5/19
	<del>Matt Janysek</del> vacant	6/22	appointed 5/20
	Steve Stewart	6/22	appointed 5/20

*Mayor appoints Chairman and Vice Chairman; Secretary elected by the Board. Members must reside within the City limits or ETJ. No limit on number of terms served.*

---

### **Boerne Public Library (4 year term)**

Members	Susan Nelson	6/24	appointed 5/20
	<del>Vacant</del> Lora Beth Escalante	6/23	appointed 5/19
	<del>Martha Schaefer</del> Jennifer Hackett	6/25	appointed 6/17
	Karen Hill**	6/22	appointed 6/14
	<del>Susan Whipple</del> Luke Rosenberger	6/25	appointed 6/17
	Greg "Woody" Woodard	6/22	appointed 5/18
	Richele Poston	6/24	appointed 5/20
	Laura Bray	6/23	appointed 5/19

*Mayor appoints Members; Chairman, Vice Chairman and Secretary elected by the Board. Members must reside within the City limits or Kendall County. No member shall serve more than two consecutive terms. The interval of one year follows two consecutive terms.*

---

### **Historic Landmark Commission (4 year term)**

Chairman	Ben Adam	6/23	appointed 5/19
Vice Chairman	Justin Boerner -reappoint	6/25	appointed 6/17
Members	Cali Redd	6/23	appointed 5/19
	<del>Shanna Bergmann</del>	6/21	appointed 6/17
	Patti Mainz	6/23	appointed 5/19
	Cesar Hance -reappoint	6/25	appointed 6/17
	Michael Nichols	6/23	appointed 5/19
	Stephen Kerr	6/23	appointed 5/19
	Vacant	6/21	appointed 6/17

*Mayor appoints Chairman & Vice Chairman. Members must reside within the City limits or ETJ. No limit on number of terms served.*



---

### **Convention & Visitors Bureau Advisory Board (2 year terms)**

Chairman	Joe Granados- <i>Limited Service Hotel</i> -reappoint	6/23	appointed 5/19
Vice Chairman	Michelle Ernst- <i>Business District</i> -reappoint	6/23	appointed 5/19
Members	<del>Bexar Schenk</del> - <i>Business District</i>	6/21	appointed 5/19
	Guy Sanders- <i>Restaurant</i>	6/22	appointed 5/20
	Mary Kanafani- <i>Venue</i>	6/22	appointed 5/20
	<del>Vacant</del> Ross Partlow - <i>Full Service Hotel</i>	6/23	appointed 6/17
	Cristal Bitar - <i>Limited Service Hotel</i>	6/22	appointed 5/20
	Elizabeth Castle - <i>Arts</i> -reappoint	6/23	appointed 6/17
	Brad Wilson- <i>B &amp; B</i> -reappoint	6/23	appointed 5/19

*Eligible members must: (1) reside within the City limits; (2) Kendall County; and/or (3) own, operate, manage or control any hotel, motel, or bed and breakfast within the City limits. 1-Full Service Hotel, 2-Limited Service Hotel, one 1-B&B, 1-Attraction/Venue, 1-Arts Community, 1-Restaurant, and 2-Business District. No limit on number of terms served. The Chairman and Vice Chairman are appointed by Mayor.*

---

### **Ethics Review Commission (3 year terms)**

Chairman	<del>Vacant</del> Carlin Friar	6/23	appointed 5/20
Vice Chairman	Ben Walker	6/23	appointed 5/20
Secretary	Darren Smith	6/23	appointed 9/17
Members	Ken Dunbar	6/22	appointed 5/19
	Robert Lee	6/23	appointed 5/20
Alternates	<del>vacant</del>	6/23	appointed 5/20
	Sue Willoughby	6/22	appointed 5/19

*Members must reside within the City limits. Mayor appoints Chair, Commission elects Vice Chair & Secretary*

---

### **Boerne - Kendall County Economic Development Board (3 year term)**

Mayor Tim Handren (Ex Officio)		
Jeff Thompson	3/23	appointed 5/17
Ben Thatcher -reappoint	3/24	appointed 1/18
Council Member Macaluso		appointed

*Individuals are nominated by the City Council and elected by the Board. Members must reside within the City limits.*

---

### **Kendall County Library System Advisory Board (2 year term)**

Members	Kevin M. Henning	1/22	appointed 12/19
	Sharon Mazurek	1/22	appointed 12/19

**Kendall County Appraisal District (2 year term)**

Jeff Haberstroh	12/21	appointed 12/19
-----------------	-------	-----------------

---

**AACOG**

Alternate Member	Garry Manitzas
------------------	----------------

---

**MPO**

Committee Members	KC Commissioner Christina Bergmann	appointed 4/19
-------------------	------------------------------------	----------------

---

**Internal Committee Assignments**

Utility Group	Tim Handren Nina Woolard	6/21	appointed 5/20
---------------	-----------------------------	------	----------------

---

**UDC Steering Committee**

Members	Ben Eldridge Travis Roberson Ross Partlow Guy Sanders Brian Fowler
	<u>Staff Members</u> Jeff Thompson Laura Talley Mike Mann Jeff Carroll

---

**Transportation Planning Study Committee** (Appointed 8/13/20 by Resolution No. 2019-R130)

Bob Manning - co-chair.  
John Kight  
Rich Sena  
Tim Bannwolf  
Jonah Evans

\*City appointed one co-chair and four residents.

---

**Water Planning Committee** (Appointed March 10, 2020 by Resolution No. 2020-R18)

Chair of the Committee: Patrick Cohoon

City of Boerne Utilities: Jeff Thompson

City of Boerne: Tom Kartrude

Kendall County: Rick Tobolka

GBRA: Tommy Mathews

Kendall West Utilities: John-Mark Matkin

Texas Water Development Board: Sam Hermitte

Cow Creek Groundwater Conservation District: Ben Eldredge, Curt Campbell

State Representative Kyle Biedermann's Office: Larry Bailey

SAWS: Donovan Burton

Edward Aquifer Authority: Marc Friberg, Executive Director, External and Regulatory Affairs

San Antonio River Authority (SARA)

WCID #1 – Comfort, Keith Marquardt, General Manager

\*Chairman may appoint up to three additional members.

---

**RESOLUTION NO. 2021-R21**

**A RESOLUTION OF THE CITY OF BOERNE, TEXAS AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE SPENCER RANCH DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BOERNE AND FORESTAR (USA) REAL ESTATE GROUP, INC., MATKIN PROPERTIES, L.P., EQUITY TRUST COMPANY CUSTODIAN FBO HAROLD T. DUPERIER III IRA, AND EQUITY TRUST COMPANY CUSTODIAN FBO JOHN-MARK MATKIN IRA**

**WHEREAS**, the City of Boerne finds it necessary to enter into and manage a Spencer Ranch Economic Development Agreement with Forestar (USA) Real Estate Group, Inc., Matkin Properties, L.P., Equity Trust Company Custodian FBO Harold T. duPerier III IRA, And Equity Trust Company Custodian FBO John-Mark Matkin IRA;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS:**

The City Council hereby authorizes the City Manager to enter into and manage a Spencer Ranch Economic Development Agreement between the City of Boerne, Texas and Forestar (USA) Real Estate Group, Inc., Matkin Properties, L.P., Equity Trust Company Custodian FBO Harold T. duPerier III IRA, And Equity Trust Company Custodian FBO John-Mark Matkin IRA.

PASSED, APPROVED, and ADOPTED on this the \_\_\_\_ day of June, 2021.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary