

AGENDA
REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
447 North Main Street
Boerne, TX 78006
February 9, 2021 – 6:00 PM

Due to the COVID-19 pandemic, this meeting is being held telephonically only as allowed by the Governor of Texas during this public health emergency. Please do not attend the meeting in person.

You may join the City Council Meeting:

Join Zoom Meeting by computer:

<https://us02web.zoom.us/j/84840195296?>

pwd=enoZNOVONFNsaEYvN2ZxcmFPRC9IZz09

Meeting ID: 848 4019 5296

Passcode: 2481532

or dial by phone:

877 853 5247 US Toll-free

888 788 0099 US Toll-free

Meeting ID: 848 4019 5296

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

ROLL CALL

INVOCATION

2. CONFLICTS OF INTEREST

3. [2021-162](#) 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. 2021-167** CONSIDER APPROVAL OF THE MINUTES OF THE SPECIAL CALLED MEETING ON JANUARY 21, 2021 (JOINT UDC) AND REGULAR CITY COUNCIL MEETING ON JANUARY 26, 2021.
- B. 2021-180** CONSIDER ON FIRST READING ORDINANCE NO. 2021-01; AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY INTO THE CITY OF BOERNE, KENDALL COUNTY, TEXAS AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN THE CITY LIMITS AND GRANTING TO SAID TERRITORY AND TO ALL FUTURE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID FUTURE INHABITANTS BY ALL OF THE ACTS AND ORDINANCES OF SAID CITY. (Ranger Creek Road - from the southwest corner of Boerne Water Treatment Plant parcel, approximately 5,890 feet west of IH 10, in a western direction approximately 4,630 feet to the southwest corner of Lake Country Subdivision, at the request of Kendall County)
- C. 2021-181** CONSIDER ON FIRST READING ORDINANCE NO. 2021-02; AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY INTO THE CITY OF BOERNE, KENDALL COUNTY, TEXAS AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN THE CITY LIMITS AND GRANTING TO SAID TERRITORY AND TO ALL FUTURE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID FUTURE INHABITANTS BY ALL OF THE ACTS AND ORDINANCES OF SAID CITY. (Upper Balcones Road northern portion - from a point approximately 150 feet south of the intersection of Upper

Balcones and Coughran Road, in a southern direction, approximately 820 feet., and Upper Balcones Road southern portion - from a point approximately 1,340 feet south of the intersection of Upper Balcones and Coughran Road, in a southern direction, approximately 1,420 feet., at the request of Kendall County)

D. 2021-182 CONSIDER ON FIRST READING ORDINANCE NO. 2021-03; AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY INTO THE CITY OF BOERNE, KENDALL COUNTY, TEXAS AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN THE CITY LIMITS AND GRANTING TO SAID TERRITORY AND TO ALL FUTURE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID FUTURE INHABITANTS BY ALL OF THE ACTS AND ORDINANCES OF SAID CITY. (E. Shooting Club Road - the portion east of Sisterdale Road (FM 1376)., at the request of Kendall County)

E. 2021-183 CONSIDER ON FIRST READING ORDINANCE NO. 2021-04; AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY INTO THE CITY OF BOERNE, KENDALL COUNTY, TEXAS AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN THE CITY LIMITS AND GRANTING TO SAID TERRITORY AND TO ALL FUTURE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID FUTURE INHABITANTS BY ALL OF THE ACTS AND ORDINANCES OF SAID CITY. (Old San Antonio Road northern portion - from a point approximately 2,710 feet south of the intersection of Old San Antonio Road and Herff Road, in a southern direction approximately 1,390 feet., and Old San Antonio Road southern portion - from a point approximately 390 feet north of the intersection of Old San Antonio Road and Industrial Drive, in a southern direction approximately 685 feet., at the request of Kendall County)

F. 2021-184 CONSIDER ON FIRST READING ORDINANCE NO. 2021-05; AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED

TERRITORY INTO THE CITY OF BOERNE, KENDALL COUNTY, TEXAS AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN THE CITY LIMITS AND GRANTING TO SAID TERRITORY AND TO ALL FUTURE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID FUTURE INHABITANTS BY ALL OF THE ACTS AND ORDINANCES OF SAID CITY. (Cascade Cavern Road - from the intersection of Cascade Caverns Road and Old Fredericksburg Road, approximately 680 feet west., at the request of Kendall County)

G. 2021-170 CONSIDER ON FIRST READING ORDINANCE NO. 2021-06; AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BOERNE, CHAPTER 13. MUNICIPAL COURT, REPEALING SECTIONS 13.10 THROUGH 13.14, ADOPTED BY ORDINANCE NO. 95-16 ON NOVEMBER 28, 1995, AND SECTION 13.15, ADOPTED BY ORDINANCE NO. 99-17 ON SEPTEMBER 28, 1999, RELATING TO THE MUNICIPAL COURT BUILDING SECURITY FUND AND THE MUNICIPAL COURT TECHNOLOGY FUND, NOW REGULATED BY ARTICLES 102.017 AND 102.174 OF THE TEXAS CODE OF CRIMINAL PROCEDURE; AND RENUMBERING THE REMAINING SECTIONS.

H. 2021-173 RECEIVE THE AMENDED RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND SET A PUBLIC HEARING FOR FEBRUARY 23, 2021:

I. PROPOSED REZONING OF 7.33 ACRES LOCATED AT 134 GARDEN STREET (KAD NOS. 20006 AND 20007), 119 AND 125 ADLER STREET (KAD NO. 20009 AND 20010) FROM R-1, MEDIUM-DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT, TO RN-1, NEIGHBORHOOD RESIDENTIAL DISTRICT. (Greenway Cottage Builders, LLC/ Dave Luciani, applicants original request was for R-2, Moderate Density Residential District Zoning.)

I. 2021-175 RECEIVE THE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION:

I. PROPOSED ADOPTION OF THE CITY OF BOERNE

ENGINEERING DESIGN MANUAL.

REGULAR AGENDA:

5. PUBLIC HEARINGS, PRESENTATIONS, AND ORDINANCES:

- A. 2021-169** PROPOSED ADOPTION OF THE REVISED CITY OF BOERNE ZONING MAP AND UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS.
- I. PRESENTATION
- II. PUBLIC HEARING
- B. 2021-176** PUBLIC HEARING ON THE PROPOSED REZONING OF 5.53 ACRES LOCATED AT 134 GARDEN STREET (KAD NOS. 20006 AND 20007) FROM R-1, MEDIUM-DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT, TO RN-1, NEIGHBORHOOD RESIDENTIAL DISTRICT AND LEAVING THE R-1 ZONING FOR 1.8 ACRES LOCATED AT 119 AND 125 ADLER STREET (KAD NOS. 20009 AND 20010) AND A SMALL NORTHWEST PORTION OF 134 GARDEN STREET. (Total project of 7.33 acres - Greenway Cottage Builders, LLC/ Dave Luciani, Property Owner Requested R-2 Zoning. THE PLANNING AND ZONING COMMISSION HAS AMENDED THEIR RECOMMENDATION AND A NEW PUBLIC HEARING WILL BE HELD ON FEBRUARY 23, 2021)
- C. 2021-177** PROPOSED REZONING OF 3.57 ACRES LOCATED AT 322 NORTH PLANT AVENUE (KAD NO. 1999) FROM R-1, MEDIUM-DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT, TO R-2, MODERATE DENSITY RESIDENTIAL DISTRICT. (At the request of Victor Sheely/ Source Texas, LLC)
- I. PRESENTATION
- II. PUBLIC HEARING
- III. CONSIDER ON FIRST READING ORDINANCE NO. 2021-07; 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 3.57 ACRES LOCATED AT 322 NORTH PLANT AVENUE (KAD NO. 1999) FROM R-1, MEDIUM-DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT, TO R-2, MODERATE DENSITY RESIDENTIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE.

D. 2021-178

PROPOSED REZONING OF 6.479 ACRES LOCATED IN THE COMMONS AT MENDER CREEK ON OLD SAN ANTONIO ROAD (KAD NO. 300529) FROM B-2, HIGHWAY COMMERCIAL DISTRICT TO R-2, MODERATE-DENSITY RESIDENTIAL DISTRICT. (At the request of Alan Naul/J-B Boerne Realty, LP)

I. PRESENTATION

II. PUBLIC HEARING (One of one hearing)

III. CONSIDER ON FIRST READING ORDINANCE NO. 2021-08; 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 6.479 ACRES LOCATED IN THE COMMONS AT MENDER CREEK ON OLD SAN ANTONIO ROAD (KAD NO. 300529) FROM B-2, HIGHWAY COMMERCIAL DISTRICT, TO R-2, MODERATE-DENSITY RESIDENTIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE.

E. 2021-179

PROPOSED PLANNED UNIT DEVELOPMENT (PUD) PLAN, FOR 6.479 ACRES LOCATED IN THE COMMONS AT MENDER CREEK ON OLD SAN ANTONIO ROAD (KAD NO. 300529) (At the request of Alan Naul/ J-B Boerne Realty, LP).

I. PRESENTATION

II. PUBLIC HEARING (One of one hearing)

III. CONSIDER ON FIRST READING ORDINANCE NO. 2021-09; 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 MENGER CREEK ON OLD SAN ANTONIO ROAD (KAD NO. 300529); REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE.

6. OTHER ITEMS:

- A. **2021-174** PRESENTATION TO DISCUSS PROPOSED ROADWAY PROJECTS FOR THE ALAMO AREA METROPOLITAN PLANNING ORGANIZATION (AAMPO) CALL FOR PROJECTS AND PROVIDE DIRECTION REGARDING PROJECT SUBMISSION.
- B. **2021-171** RECEIVE AND APPROVE THE FIRST QUARTER FINANCIAL AND INVESTMENT REPORT FOR FISCAL YEAR 2021.

7. CITY MANAGER'S REPORT:

- A. **2021-172** LEGISLATIVE SESSION UPDATE (Quirk)

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

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

- A. **2021-168** SECTION 551.072 – TO DELIBERATE MATTERS RELATED TO THE VALUE OF REAL PROERTY LOCATED AT 400 AND 402 E. BLANCO ROAD AND SECTION 551.071 – TO CONSULT WITH THE CITY'S ATTORNEY ON LEGAL MATTERS RELATED TO THE LISTING AGREEMENT FOR THE PROPERTY.

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

11. ADJOURNMENT

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the 5th day of February, 2021 at 4:30 p.m.

s/s Siria Arreola
Deputy City Secretary

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS

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.