

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
November 22, 2016 – 6:00 PM

Minutes of the Regular Called City Council meeting of November 22, 2016 at 6:00 p.m.

Present: 5 - Mayor Michael Schultz, Council Member Joe Anzollitto,
 Council Member Nina Woolard, Council Member Charlie Boyd
 IV, and Mayor Pro Tem Ron Cisneros

Absent: 1 - Council Member Craig Colvin

1. CALL TO ORDER – 6:00 PM

Present: Ron Bowman, Siria Arreola, Pam Bransford, Lori Carroll, Kirsten
Cohoon, Jim Kohler, Mike Mann, Mark Mattick, Sandy Mattick, Doug Meckel,
Mike Raute, Laura Tally, Jeff Thompson, Larry Woods, Linda Zartler, and Danny
Zincke.

Recognized / Registered Guests: Becky Welch, Misty Mayor, Victoria Gonzalez,
Trey Jacobson, Raul Hernandez, Kim Mayfied, Ross Partlow, Troy Jacobson,
Michael Slay, and Madeline Slay.

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

Mayor Schultz asked for a Moment of Silence.

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

2. CONFLICTS OF INTEREST

No conflicts were declared.

Mayor Schultz noted that the recess scheduled for later in the meeting will not take place. The meeting will continue without a break.

3. PUBLIC COMMENTS:

No comments were received.

4. CONSENT AGENDA:

- A. [2016-106](#) APPROVAL OF MINUTES OF THE NOVEMBER 8, 2016 REGULAR
[4](#) CITY COUNCIL MEETING.

THE MINUTES WERE APPROVED.

- B. [2016-104](#) CONSIDER ON SECOND READING ORDINANCE NO. 2016-44; AN
[3](#) ORDINANCE AMENDING THE CITY OF BOERNE ZONING
ORDINANCE NO. 2007-64, CAPTIONED, "ZONING ORDINANCE OF
THE CITY OF BOERNE, TEXAS", DATED DECEMBER 18, 2007,
ARTICLE 5, SECTION 3 PERMITTED USES, TABLE 5-1, AUTHORIZING
THE USE OF AUTOMOBILE SALES IN A B-2, HIGHWAY
COMMERCIAL DISTRICT LOCATED AT 146 OLD SAN ANTONIO
ROAD AND 32120 INTERSTATE 10 (KAD NO. 22678 AND 22676).
(6.028 Acres, Continental Cars)

THE ORDINANCE WAS APPROVED.

- C. [2016-105](#) CONSIDER ON SECOND READING ORDINANCE NO. 2016-46; AN
[5](#) ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF
BOERNE, TEXAS, CHAPTER 15 - 65 RESTRICTIONS APPLICABLE TO
ALL PEDDLERS, SOLICITORS AND VENDORS; PROVIDING AN
EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND
PROVIDING FOR A PENALTY NOT TO EXCEED \$500.

THE ORDINANCE WAS APPROVED.

- D. [2016-103](#) CONSIDER RESOLUTION NO. 2016-R121; A RESOLUTION
[7](#) AUTHORIZING THE CITY MANAGER TO PROCEED WITH
PURCHASES AS PER SECTION 6.08 OF THE CITY OF BOERNE'S
HOME RULE CHARTER. (3 Vehicles for Police Department)

THE RESOLUTION WAS APPROVED.

- E. [2016-105](#) [6](#) CONSIDER RESOLUTION NO. 2016-R122; A RESOLUTION AUTHORIZING THE CITY MANAGER TO PROCEED WITH PURCHASES AS PER SECTION 6.08 OF THE CITY OF BOERNE'S HOME RULE CHARTER. (Liftstation Pump for Wastewater Treatment Recycling Center)

THE RESOLUTION WAS APPROVED.

- F. [2016-106](#) [0](#) ACCEPTANCE OF STATE ASSET FOREFEITURE REPORT FOR THE BOERNE POLICE DEPARTMENT.

THE STATE ASSET FORFEITURE REPORT WAS APPROVED.

- G. [2016-105](#) [8](#) ACCEPTANCE OF FEDERAL EQUITABLE SHARING AGREEMENT AND CERTIFICATION FOR THE BOERNE POLICE DEPARTMENT.

The Federal Equitable Sharing Agreement and Certification was approved.

THE FEDERAL EQUITABLE SHARING AGREEMENT AND CERTIFICATION WAS APPROVED.

THIS CONSENT AGENDA WAS APPROVED.

A MOTION WAS MADE BY COUNCIL MEMBER BOYD IV, SECONDED BY COUNCIL MEMBER ANZOLLITTO TO APPROVE THE CONSENT AGENDA. THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEAH: 4 - COUNCIL MEMBER ANZOLLITTO, COUNCIL MEMBER WOOLARD, COUNCIL MEMBER BOYD IV, MAYOR PRO TEM CISNEROS.

ABSENT: 1 - COUNCIL MEMBER COLVIN

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

- A. [2016-104](#) [2](#) PROPOSED ANNEXATION OF 22.558 ACRES OF LAND LOCATED AT 128 AND 214 CASCADE CAVERNS ROAD - KAD NOS. 11567 AND 42662 AT THE REQUEST OF ML&E LANDQUEST CASCADE CAVERNS, LLC. (Southglen Subdivision Phase 1- Second of Two Hearings)

Mayor Schultz opened the Public Hearing at 6:05 p.m.

No comments were received.

Mayor Schultz closed the Public Hearing at 6:06 p.m.

- B. [2016-104](#) **PROPOSED ANNEXATION OF 26.582 ACRES OF LAND LOCATED AT
1 17 HERFF ROAD - KAD NOS. 12536, 15847, 15848, AND 15849 AT
THE REQUEST OF JAMES AND DEBORAH ROERIG. (First of Two
Hearings)**

Mayor Schultz opened the Public Hearing at 6:06 p.m.

No comments were received.

Mayor Schultz closed the Public Hearing at 6:07 p.m.

6. [2016-104](#) **CONSIDER APPROVAL FOR A THREE STORY STRUCTURE 60' IN
0 HEIGHT, IN A B-2, HIGHWAY COMMERCIAL DISTRICT. (Height
Exception From the Zoning Ordinance Article 5. Zoning Districts
and Use Regulations. Section 17. B-2- Highway Commercial
District. C. Required Lot and Building Dimensions. 34000 IH 10 W
Lot 9, At The Request of Palomar Boerne, LLC)**

Mayor Schultz called on Ms. Laura Talley, Planning and Community Development Director. Ms. Talley displayed a map of the property located at 34000 IH 10 West. She stated that the Zoning Ordinance provides a caveat that the City Council can approve the additional building height for a medical center in a B-2, Highway Commercial District and she explained the necessity for the additional height needs. The Planning and Zoning Commission voted 6-0 in favor of additional height. Ms. Talley stated that Staff is also supportive of the request. Discussion ensued regarding the ordinance requirement of the 40 ft. building height, the ultimate look for the SoBo area, and design criteria for the area.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY MAYOR PRO TEM CISNEROS, TO APPROVE A THREE STORY STRUCTURE 60' IN HEIGHT, IN A B-2, HIGHWAY COMMERCIAL DISTRICT. (HEIGHT EXCEPTION FROM THE ZONING ORDINANCE ARTICLE 5. ZONING DISTRICTS AND USE REGULATIONS. SECTION 17. B-2- HIGHWAY COMMERCIAL DISTRICT. C. REQUIRED LOT AND BUILDING DIMENSIONS. 34000 IH 10 W LOT 9, AT THE REQUEST OF PALOMAR BOERNE, LLC). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 3 - Council Member Anzollitto, Council Member Woolard, and Mayor Pro Tem Cisneros

Nay: 1 - Council Member Boyd IV

Absent: 1 - Council Member Colvin

7. [2016-104](#) **CONSIDER ON SECOND READING ORDINANCE NO. 2016-45; AN**
[4](#) **ORDINANCE AMENDING THE CITY OF BOERNE ZONING**
ORDINANCE NO. 2007-64, CAPTIONED, "ZONING ORDINANCE OF
THE CITY OF BOERNE, TEXAS", DATED DECEMBER 18, 2007,
ARTICLE 5, SECTION 3 PERMITTED USES, TABLE 5-1, AUTHORIZING
THE USE OF ANY CONTRACTORS IN A B-2, HIGHWAY
COMMERCIAL DISTRICT LOCATED AT 110 OLD SAN ANTONIO
ROAD. (KAD NO. 41136) (TBRQ, LLC)

Ms. Talley continued with the proposed use of contractors in a B-2, Highway Commercial District for the property located at 110 Old San Antonio Road. The use of the property will be for office and warehouse space for contractors. The Planning and Zoning Commission voted in favor of the use with several caveats to include: that all materials will be stored inside buildings, that motion lights that are compliant with city code be used for any lighting that faces the perimeter, the driveway from Old San Antonio Road to 275 feet into the property be concrete and beyond 275 feet be asphalt, that a solid six foot fence be constructed on the perimeter of the property starting at 275 feet from Old San Antonio Road that will be built as the phases of the development are constructed, no contractors in the front 275 feet of the property, and structure facing Old San Antonio Road have rock front elevations. Ms. Talley stated that Staff also supports the request. Discussion ensued regarding monitoring the contractors using the property and whether a listing of eligible contractors or types of contractors is available.

A MOTION WAS MADE BY MAYOR PRO TEM CISNEROS, SECONDED BY COUNCIL MEMBER ANZOLLITTO, TO APPROVE ON SECOND READING ORDINANCE NO. 2016-45; 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, ARTICLE 5, SECTION 3 PERMITTED USES, TABLE 5-1, AUTHORIZING THE USE OF ANY CONTRACTORS IN A B-2, HIGHWAY COMMERCIAL DISTRICT LOCATED AT 110 OLD SAN ANTONIO ROAD WITH THE FOLLOWING A CAVEATS: THAT ALL MATERIALS WILL BE STORED INSIDE BUILDINGS, THAT MOTION LIGHTS THAT ARE COMPLIANT WITH CITY CODE BE USED FOR ANY LIGHTING THAT FACES THE PERIMETER, THE DRIVEWAY FROM OLD SAN ANTONIO ROAD TO 275 FEET INTO THE PROPERTY BE CONCRETE AND BEYOND 275 FEET BE ASPHALT, THAT A SOLID SIX FOOT FENCE BE CONSTRUCTED ON THE PERIMETER OF THE PROPERTY STARTING AT 275 FEET FROM OLD SAN ANTONIO ROAD THAT WILL BE BUILT AS THE PHASES OF THE DEVELOPMENT ARE CONSTRUCTED, NO CONTRACTORS IN THE FRONT 275 FEET OF THE PROPERTY, AND STRUCTURES FACING OLD SAN ANTONIO ROAD HAVE ROCK FRONT ELEVATIONS. (KAD NO. 41136) (TBRQ, LLC). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 3 - Council Member Anzollitto, Council Member Woolard, and Mayor Pro Tem Cisneros

Nay: 1 - Council Member Boyd IV

Absent: 1 - Council Member Colvin

8. [2016-106](#) **CONSIDER ON FIRST READING ORDINANCE NO. 2016-47; AN**
[5](#) **ORDINANCE AMENDING ORDINANCE NO. 2014-21, AUTHORIZING**
THE INSTALLATION OF STOP SIGNS, ESTABLISHING SPEED LIMITS
AND DESIGNATING NO PARKING AREAS IN CHAMPION HEIGHTS
SUBDIVISION PHASE 2 AND 3; AND PROVIDING FOR A PENALTY
NOT TO EXCEED \$200 FOR EACH VIOLATION OF THIS ORDINANCE.

Mayor Schultz called on Mr. Mike Mann, Public Works Director. Mr. Mann reminded the Council of the previous approval of the speed limit, stop signs, and no parking limitations for Champion Heights subdivision. He mentioned that the development was designed with narrow streets that only afford safe passage if parking is limited to only one side of the streets. He displayed a map

of the proposed locations of stop signs and speed limits for the new streets (Phase 2 and 3) in the development. Staff recommended approval of Ordinance No. 2016-47. Discussion ensued regarding compliance, enforcement concerns, and parking at cul-de-sacs.

A MOTION WAS MADE BY MAYOR PRO TEM CISNEROS, SECONDED BY COUNCIL MEMBER WOOLARD, TO APPROVE ON FIRST READING ORDINANCE NO. 2016-47; AN ORDINANCE AMENDING ORDINANCE NO. 2014-21, AUTHORIZING THE INSTALLATION OF STOP SIGNS, ESTABLISHING SPEED LIMITS AND DESIGNATING NO PARKING AREAS IN CHAMPION HEIGHTS SUBDIVISION PHASE 2 AND 3; AND PROVIDING FOR A PENALTY NOT TO EXCEED \$200 FOR EACH VIOLATION OF THIS ORDINANCE. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Council Member Anzollitto, Council Member Woolard, Council Member Boyd IV, and Mayor Pro Tem Cisneros

Absent: 1 - Council Member Colvin

9. [2016-103](#) [9](#) **CONSIDER ON FIRST READING ORDINANCE NO. 2016-48; 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. (21.688 Acres located at 1700 River Road at the request of the City of Boerne, Property Owner Shirley Rittimann)**

Ms. Talley displayed map of property located at 1700 River Road which is 21.88 acres. In 2013, City Council directed Staff to pursue annexation of properties that are surrounded by the City limits. The property owner is not opposed to the annexation. After the annexation is complete, Staff will be able to apply zoning and Entrance Corridor Overlay District to the property. Staff recommended approval of Ordinance No. 2016-48.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY COUNCIL MEMBER ANZOLLITTO, THAT THIS ORDINANCE BE APPROVED CONSIDER ON FIRST READING ORDINANCE NO. 2016-48; 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. (21.688 ACRES LOCATED AT 1700 RIVER ROAD AT THE REQUEST OF THE CITY OF BOERNE, PROPERTY OWNER SHIRLEY RITTIMANN). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Council Member Anzollitto, Council Member Woolard, Council Member Boyd IV, and Mayor Pro Tem Cisneros

Absent: 1 - Council Member Colvin

10. RECEIVE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND SET PUBLIC HEARINGS FOR DECEMBER 13, 2016:

- A. [2016-106](#) PROPOSED APPLICATION OF AN ENTRANCE CORRIDOR OVERLAY [8](#) DISTRICT TO 44 AND 46 OLD SAN ANTONIO ROAD, KAD NOS: 42070, 15863, 14796, AND 42069. (Howell R Moore, Michelle L Moore, Vicki Reid Moore, Leon Grivell III)
- B. [2016-106](#) PROPOSED REZONING OF 119 EBNER STREET, A TOTAL OF 1.179 [9](#) ACRES, FROM R-2, MODERATE-DENSITY RESIDENTIAL DISTRICT TO B-1, HIGH-DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICT, KAD NO. 18954. (Groff Land Enterprises LP)
- C. [2016-107](#) PROPOSED REZONING OF OUTLOT 55 ON EBNER STREET, A [0](#) TOTAL OF 1.2 ACRES, FROM R-2, MODERATE-DENSITY RESIDENTIAL DISTRICT TO B-1, HIGH-DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICT, KAD NO. 20071. (Stan Scott)

- D. [2016-107](#) [1](#) PROPOSED REZONING OF 303 EBNER STREET, A TOTAL OF 1.235 ACRES, FROM R-2, MODERATE-DENSITY RESIDENTIAL DISTRICT TO B-1, HIGH-DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICT, KAD NO. 18958. (Pico Propane Operating LLC)
- E. [2016-107](#) [2](#) PROPOSED USE OF AUTOMOBILE SALES IN A B-2, HIGHWAY COMMERCIAL DISTRICT AT INTERSTATE 10, KAD NO. 22677. (Bryan Hardeman)

A MOTION WAS MADE BY MAYOR PRO TEM CISNEROS, SECONDED BY COUNCIL MEMBER WOOLARD, TO RECEIVE THE RECOMMENDATIONS FROM THE PLANNING AND ZONING COMMISSION AND SET PUBLIC HEARINGS FOR DECEMBER 13, 2016. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Council Member Anzollitto, Council Member Woolard, Council Member Boyd IV, and Mayor Pro Tem Cisneros

Absent: 1 - Council Member Colvin

11. [2016-106](#) [3](#) 30 MINUTE RECESS.

A recess was not taken.

12. [2016-106](#) [2](#) RECEIVE BRIEFING ON CITY HALL BENCHMARKING TOURS.

Mayor Schultz called on Ms. Linda Zartler, Assistant City Manager. Ms. Zartler distributed to the City Council Members, a timeline of the Boerne City Hall schedule which includes key dates from our architects involving the Construction Manager at Risk, as well as dates provided from our financial advisors. Ms. Zartler stated that on November 7, 2016 she, City Manager Ron Bowman, Council Member Woolard, and Mayor Pro Tem Cisneros met Randall Scott and traveled to three cities, Southlake, Lewisville, and Granbury to tour their city halls. These cities offer similar services as Boerne. Council Member Woolard reviewed the specifics of each building. She stated that the common comment on all three buildings was that each ran out of space sooner than expected and also outgrew technology. Mayor Pro Tem Cisneros stated in the Lewisville City Hall, there was not enough storage space, staff space, or

technology and a lot of wasted space in the center section. The Southlake town hall was a multipurpose building housing the city, county, and library. It was warm and inviting but had mobility issues. The building is located in a work, play, live area and parking is two blocks away. Grandbury City Hall was loud with wood floors, rock wall and tin ceilings. The Council Chambers were also used by Municipal Court. It felt more like an office building than a city hall. The Police Department was also located in City Hall. Mr. Bowman stated that personality gets in the way of best practices. These tours helped the group look for ideas and also what not to do. We are looking for a building that will last another 75 years and to get it right the first time. Discussion ensued regarding taking advice from professionals for a functional building, council chamber size, ability to add on to proposed building, Hill Country style with a foot print that looks clean without wasted space, and having a person in the lobby to greet and direct individuals.

**13. [2016-107](#) DISCUSSION ON POSSIBLE ROADWAY, DRAINAGE, AND SIDEWALK
[3](#) BOND ELECTION.**

Mayor Schultz called on Mr. Jeff Thompson, Deputy City Manager. Mr. Thompson presented a list of projects from Staff that are current known issues that could be included in a future bond issue. Some of the projects listed are currently on the books. He reviewed the cost estimates for each project and displayed maps of the various properties to include proposed street, drainage, and sidewalk projects. He discussed the impact on ad valorem tax revenue rate which the City would need approximately one cent of new ad valorem tax revenue for each \$2M in bonds. These projects will require a \$0.05 increase for \$10M. On average, this increase will result in a \$150 per year tax increase for homeowners. Mr. Thompson discussed the timeline for preparing for a bond election. The last regular council meeting to order a bond election is February 14, 2016. It is hopeful that the projects come in under budget and the additional monies can be used in other needed areas. Mayor Schultz stated that the last road bond election was in 1987. Mr. Thompson asked for input from the Council Members in relation to their districts. Discussion ensued regarding breaking out mobility and drainage projects in order of immediate

needs, cost concerns, and solving transportation issues without large tax increase to include general maintenance. It was the consensus of the City Council to move forward with a \$10M bond election.

**14. [2016-106](#) DISCUSSION OF GENERAL ELECTION DATES MOVING FROM A
[1](#) MAY ELECTION TO NOVEMBER ELECTION.**

Mayor Schultz spoke on a bill introduced in legislation to move the general election from May to November. The legislature set a deadline of December 31, 2016, allowing municipalities to change their general election date from May to November. Assistant City Manager Linda Zartler stated that San Antonio plans to send a lobbyist to extend the December deadline. Staff does not have a recommendation. This agenda item is to notify Council Members of the option to change to November. It was the consensus of the City Council Members to not move forward with a change but to keep the uniform election date in May and not change to November.

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

Deputy City Manager Jeff Thompson stated that some Boerne citizens have received postcards that appears to be from the City of Boerne. These postcards are not from the City and Staff is reaching out to the business asking them to cease with their advertising.

16. ADJOURNMENT

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY COUNCIL MEMBER BOYD IV, TO ADJOURN THE MEETING. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Council Member Anzollitto, Council Member Woolard, Council Member Boyd IV, and Mayor Pro Tem Cisneros

Absent: 1 - Council Member Colvin

Approved:

Mayor

Attest:

City Secretary