

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
December 13, 2016 – 6:00 PM

Minutes of the Regular Called City Council meeting of December 13, 2016 at 6:00 p.m.

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

Absent: 1 - Council Member Joe Anzollitto

Council Member Anzollitto arrived at 6:19 p.m.

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

Recognized / Registered Guests: J. Shane Howard, Charles Burditt, Caroline Brown, Vicki Moore, Robert Thornton, Travis Roberson, Ross Partlow, Ed McClure, Dale Adams, Charles Stallcup, Richard Heard, and Taylor Covington.

Planning and Zoning Commissioners: Paula Hayward, Israel Pena, Cal Chapman, John Hollinshead, Tres Paxton, III, Richard Sena, and Ricky Gleason.

1. CALL TO ORDER – 6:00 PM

Mayor Schultz called the City Council 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 of interest were declared.

Planning and Zoning Commission Chairman Hollinshead called the Commission to order at 6:04 p.m.

3. [2016-113](#) INTRODUCTION AND PRESENTATION OF MASTER PLAN UPDATE [5](#) PROCESS AND COMMUNITY INVOLVEMENT PLAN.

Mayor Schultz called on Ms. Laura Talley, Planning and Community Development Director. Ms. Talley introduced Mr. Shane Howard of Burditt Consultants to review the process for updating the City of Boerne's Master Plan. Mr. Howard distributed to the City Council a project timeline. He spoke on the four phases that will be involved in the process which include Community Involvement which will be ongoing throughout the process; Baseline Analysis, anticipate three months to review the existing land use map; Master Plan Development, anticipate six months to provide three land plan scenarios, transportation and connectivity, community facilities and services and natural and cultural resources; and Implementation. It is anticipated the process will be completed in August or September of 2017. Discussion ensued regarding citizen input. Commission Chair Hollinshead adjourned the Planning and Zoning Commission at 6:15 p.m.

4. [2016-113](#) CONSIDER MAYORAL APPOINTMENTS TO THE MASTER PLAN [1](#) STEERING COMMITTEE.

Mayor Schultz reviewed the list of potential Master Plan Steering Committee appointments: John Hollinshead, Co-Chair; Israel Pena, Co-Chair; Ben Adam; Amy Wilson Berg; Paul De Luna; Heather Dickens; Jim Guy Egbert; Ricky

Gleason; Joe Granados; Kim Grosenbacher; Paula Hayward; Patrick Heath; Roger Hemminghaus; Jason Kirkpatrick; Amy Mangum; Misty Mayo; Barbara Racinowski; Brad Ryden; JoAnn Schroeder; Whitney Schwope; David Stelmazewski; Lisa Winters; and two BISD Students. Staff: Paul Barwick; Pam Bransford; Jim Kohler; Doug Meckel; Jennifer Medeiros; Sean Reich; Laura Talley; Jeff Thompson; Chris Turk; Larry Woods; and Danny Zincke. Mayor Schultz stated that this Committee will direct the development of the Master Plan by working with the Planning and Zoning Commission, the Planning and Community Development Department, and the consultant team.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY MAYOR PRO TEM CISNEROS, TO APPROVE THE MAYORAL APPOINTMENTS TO THE MASTER PLAN STEERING COMMITTEE. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Absent: 1 - Council Member Anzollitto

5. PUBLIC COMMENTS:

No public comments were received.

6. CONSENT AGENDA:

A. [2016-112](#) [9](#) APPROVAL OF MINUTES OF NOVEMBER 22, 2016 (Regular), MINUTES OF NOVEMBER 30, 2016 (Special Called Joint Ethics Training) AND MINUTES OF DECEMBER 1, 2016 (Transportation Meeting).

THE MINUTES WERE APPROVED.

B. [2016-111](#) [4](#) CONSIDER ON SECOND 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 ORDINANCE WAS APPROVED.

- C. [2016-111](#) [5](#) CONSIDER ON SECOND 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 ORDINANCE WAS APPROVED.

- D. [2016-107](#) [4](#) CONSIDER RESOLUTION NO. 2016-R123; A RESOLUTION AUTHORIZING THE CITY MANAGER TO PROCEED WITH PURCHASES AS PER SECTION 6.08 OF THE CITY OF BOERNE'S HOME RULE CHARTER. (Oil Distributor Truck for Street Department)

THE RESOLUTION WAS APPROVED.

- E. [2016-112](#) [6](#) ANNUAL REVIEW TO THE CITY OF BOERNE'S INVESTMENT POLICY.

THE INVESTMENT POLICY AND BROKER DEALER LIST WAS APPROVED.

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

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

ABSENT: 1- COUNCIL MEMBER ANZOLLITTO

COUNCIL MEMBER ANZOLLITTO ARRIVED AT 6:19 PM.

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

- A. [2016-109](#) [3](#) **PROPOSED ANNEXATION OF 26.582 ACRES OF LAND LOCATED AT 17 HERFF ROAD - KAD NOS. 12536, 15847, 15848, AND 15849 AT THE REQUEST OF JAMES AND DEBORAH ROERIG. (Second of Two Hearings)**

Mayor Schultz opened the Public Hearing at 6:20 p.m.

No comments were received.

Mayor Schultz closed the Public Hearing at 6:21 p.m.

- B. [2016-109](#) [4](#) **PROPOSED APPLICATION OF AN ENTRANCE CORRIDOR OVERLAY 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- First of One Hearing)**

Mayor Schultz opened the Public Hearing at 6:21 p.m.

No comments were received.

Mayor Schultz closed the Public Hearing at 6:22 p.m.

- C. [2016-109](#) [5](#) **PROPOSED REZONING OF 119 EBNER STREET, A TOTAL OF 1.179 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- First of One Hearing)**

Mayor Schultz opened the Public Hearing at 6:22 p.m.

Travis Roberson, 616 Blanco Road spoke to Public Hearings C., D., and E. He stated he was the agent for Groff Land Enterprises. He and Robert Thornton are looking for properties such as this to assist in improving the area. Mr. Thornton has purchased the property next to Mr. Groff's property and asked Mr. Groff to consider requesting the property be rezoned to B-1. Mr. Roberson and Mr. Thornton met with the neighbors regarding their vision for these properties. The neighbors expressed concerns with having access to the Old

No. 9 Trail if these properties were developed. He displayed a map of the location of the properties. Mr. Roberson stated that he and Mr. Thornton developed the property on Blanco Road known as the Schwarz Homestead and would like to construct similar structures on the property on Ebner Road.

Mayor Schultz closed the Public Hearing at 6:27 p.m.

- D. [2016-109](#) [6](#) PROPOSED REZONING OF OUTLOT 55 ON EBNER STREET, A 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, requestor. New Property Owner, Robert Thornton - First of One Hearing)

Mayor Schultz opened the Public Hearing at 6:27 p.m.

Travis Roberson previously spoke to this agenda item.

No other comments were received.

Mayor Schultz closed the Public Hearing at 6:27 p.m.

- E. [2016-109](#) [7](#) 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- First of One Hearing)

Mayor Schultz opened the Public Hearing at 6:28 p.m.

Travis Roberson previously spoke on the agenda item.

No other comments were received.

Mayor Schultz closed the Public Hearing at 6:28 p.m.

- F. [2016-109](#) **PROPOSED USE OF AUTOMOBILE SALES IN A B-2, HIGHWAY
[8](#) COMMERCIAL DISTRICT AT INTERSTATE 10, KAD NO. 22677.
(Bryan Hardeman - First of One Hearing)**

Mayor Schultz opened the Public Hearing at 6:29 p.m.

Caroline Brown, 112 F. Pecan, Suite 1360 San Antonio spoke on behalf of property owner Bryan Hardeman. She stated that Mr. Hardeman owns several automobile dealerships in Austin. He is seeking the property use for automobile sales to make the property more attractive to potential automobile dealerships.

Mayor Schultz closed the Public Hearing at 6:30 p.m.

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

- A. [2016-109](#) **CONSIDER ON FIRST READING ORDINANCE NO. 2016-49; AN
[9](#) ORDINANCE AMENDING ORDINANCE NO. 2007-64, CAPTIONED,
“ZONING ORDINANCE OF THE CITY OF BOERNE, TEXAS”, DATED
DECEMBER 18, 2007, BY AMENDING ARTICLE 5, SECTION 25,
APPLYING AN ENTRANCE CORRIDOR OVERLAY DISTRICT
DESIGNATION TO 2.811 ACRES LOCATED AT 44 AND 46 OLD SAN
ANTONIO ROAD (KAD NOS. 42070, 15863, 14796, AND 42069);
REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A
SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE.
(Howell R Moore, Michelle L Moore, Vicki Reid Moore, Leon
Grivell III)**

Mayor Schultz called on Ms. Laura Talley, Planning and Community Development Director. Ms. Talley reminded the City Council that the property was recently before Council for the approval of the use of contractor in a B-2, Highway Commercial District. She displayed a map of the property. She explained the Entrance Corridor Overlay restrictions. Any changes made to the property would require compliance to the Entrance Corridor Overlay District.

The Planning and Zoning Commission voted 6-0 in favor of applying the Entrance Corridor Overlay District to 44 and 46 Old San Antonio Road. Staff recommended approval of the Ordinance.

A MOTION WAS MADE BY COUNCIL MEMBER COLVIN, SECONDED BY COUNCIL MEMBER WOOLARD, TO APPROVE ON FIRST READING ORDINANCE NO. 2016-49; AN ORDINANCE AMENDING ORDINANCE NO. 2007-64, CAPTIONED, "ZONING ORDINANCE OF THE CITY OF BOERNE, TEXAS", DATED DECEMBER 18, 2007, BY AMENDING ARTICLE 5, SECTION 25, APPLYING AN ENTRANCE CORRIDOR OVERLAY DISTRICT DESIGNATION TO 2.811 ACRES LOCATED AT 44 AND 46 OLD SAN ANTONIO ROAD (KAD NOS. 42070, 15863, 14796, AND 42069); REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (HOWELL R MOORE, MICHELLE L MOORE, VICKI REID MOORE, LEON GRIVELL III). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Anzollitto, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Colvin

B. [2016-110](#) [0](#) **CONSIDER ON FIRST READING ORDINANCE NO. 2016-50; 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 1.179 ACRES LOCATED AT 119 EBNER STREET (KAD NO. 18954), FROM R-2, MODERATE-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. (Groff Land Enterprises LP)**

Ms. Talley continued by displaying a map of the property location. She explained that the property owner intends to continue operation of their business as a fuel storage area which is a non conforming use. The Planning and Zoning Commission voted 5-0 in favor of the rezoning to B-1, High Density Residential and Neighborhood Commercial District which is more restrictive. Discussion ensued regarding the advantage of rezoning the property, and if soil

samples have been obtained.

A MOTION WAS MADE BY MAYOR PRO TEM CISNEROS, SECONDED BY COUNCIL MEMBER WOOLARD, TO APPROVE ON FIRST READING ORDINANCE NO. 2016-50; 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 1.179 ACRES LOCATED AT 119 EBNER STREET (KAD NO. 18954), FROM R-2, MODERATE-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. (GROFF LAND ENTERPRISES LP). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Anzollitto, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Colvin

C. [2016-110](#) [1](#) **CONSIDER ON FIRST READING ORDINANCE NO. 2016-51; 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 1.2 ACRES LOCATED AT OUTLOT 55 ON EBNER STREET (KAD NO. 20071), FROM R-2, MODERATE-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. (Stan Scott, Requestor. New Property Owner, Robert Thornton)**

Ms. Talley displayed a map of the property location. She stated that Robert Thornton recently purchased the property and would like to build an office building on the vacant property. The property is located between two fuel storage facilities which is a deterrent to the use of residential. The Planning and Zoning Commission voted 5-0 in favor of the rezoning. Staff recommended approval on first reading of the ordinance. Discussion ensued regarding how the new plan for the property will improve the aesthetics of the area and the

property was the original site of the train depot.

A MOTION WAS MADE BY MAYOR PRO TEM CISNEROS, SECONDED BY COUNCIL MEMBER WOOLARD, TO APPROVE ON FIRST READING ORDINANCE NO. 2016-51; 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 1.2 ACRES LOCATED AT OUTLOT 55 ON EBNER STREET (KAD NO. 20071), FROM R-2, MODERATE-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. (STAN SCOTT, REQUESTOR. NEW PROPERTY OWNER, ROBERT THORNTON). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Anzollitto, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Colvin

D. [2016-110](#) [2](#) **CONSIDER ON FIRST READING ORDINANCE NO. 2016-52; 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 1.235 ACRES LOCATED AT 303 EBNER STREET (KAD NO. 18958), FROM R-2, MODERATE-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. (Pico Propane Operating LLC)**

Ms. Talley displayed a map of the property location. She stated that the owner plans to continue operation of their business as a non-conforming use which is a fuel storage area. The Planning and Zoning Commission voted 5-0 in favor of the rezoning. Staff recommended approval on first reading of the ordinance.

A MOTION WAS MADE BY MAYOR PRO TEM CISNEROS, SECONDED BY COUNCIL MEMBER ANZOLLITTO, TO APPROVE ON FIRST READING ORDINANCE NO. 2016-52; 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 1.235 ACRES LOCATED AT 303 EBNER STREET (KAD NO. 18958), FROM R-2, MODERATE-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. (PICO PROPANE OPERATING LLC). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Anzollitto, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Colvin

E. [2016-110](#) [3](#) **CONSIDER ON FIRST READING ORDINANCE NO. 2016-53; 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 AUTOMOBILE SALES IN A B-2, HIGHWAY COMMERCIAL DISTRICT AT INTERSTATE 10 (KAD NO. 22677), A TOTAL OF 9.963 ACRES. (Bryan Hardeman)**

Ms. Talley displayed a map of the property located at IH-10 and Cascade Caverns Road. She stated that the property owner is requesting the use for automobile sales to make the property marketable to future buyers. She explained the site design will require approval once they have a end user. The Entrance Corridor design will have to be followed. The Planning and Zoning Commission voted 6-0 in favor of the use. Staff recommended approval of the ordinance on first reading. Discussion ensued regarding right of way dedication.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY COUNCIL MEMBER COLVIN, TO APPROVE ON FIRST READING ORDINANCE NO. 2016-53; 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 AUTOMOBILE SALES IN A B-2, HIGHWAY COMMERCIAL DISTRICT AT INTERSTATE 10 (KAD NO. 22677), A TOTAL OF 9.963 ACRES. (BRYAN HARDEMAN). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Anzollitto, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Colvin

9. [2016-113](#) UPDATE ON POSSIBLE ROADWAY, DRAINAGE AND SIDEWALK BOND ELECTION.

Mayor Schultz called on Mr. Jeff Thompson, Deputy City Manager. Mr. Thompson stated that staff feels that the timing for a full scale roadway bond is likely premature. Projects such as Cascade Caverns Road and Scenic Loop Road will be impacted by the TxDOT projects and it would be prudent to wait until after TxDOT projects are complete. Other community needs identified in the Parks Master Plan such as development of the community park on Toepperwein, Animal Shelter replacement, and a second Fire Station could require a bond issue also. Mr. Thompson provided a roadway, drainage, and sidewalk project list. He discussed possible funding scenarios. Discussion ensued regarding prior commitments for early 2017, preparing for future growth, recouping funds invested in various projects, and quality of life for the community.

10. [2016-112](#) CONSIDER ON FIRST READING ORDINANCE NO. 2016-54; AN ORDINANCE AMENDING ORDINANCE NO. 2016-29, ESTABLISHING THE DESIGNATION OF NO PARKING AREAS WITHIN THE CITY OF BOERNE; AND PROVIDING FOR A PENALTY OF NOT MORE THAN \$200 FOR EACH VIOLATION. (No parking along Charger Blvd. during school days)

Mayor Schultz called on Mr. Mike Mann, Public Works Director. Mr. Mann explained that when Champion High School was built, they also built a public

street, Charger Blvd. When the City connected City Park Road and Charger Blvd, congestion began to occur therefore causing safety concerns during school hours on Charger Blvd. City Staff is recommending no parking on either side of Charger Blvd on school days from 7:00 a.m. to 5:00 p.m. to minimize conflicts with through traffic and assist with student safety. Staff contacted Boerne ISD and they are in support of this effort.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY MAYOR PRO TEM CISNEROS, TO APPROVE ON FIRST READING ORDINANCE NO. 2016-54; AN ORDINANCE AMENDING ORDINANCE NO. 2016-29, ESTABLISHING THE DESIGNATION OF NO PARKING AREAS WITHIN THE CITY OF BOERNE; AND PROVIDING FOR A PENALTY OF NOT MORE THAN \$200 FOR EACH VIOLATION. (NO PARKING ALONG CHARGER BLVD. DURING SCHOOL DAYS). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Anzollitto, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Colvin

11. 2016-1132 CONSIDER A ONE-TIME READING OF ORDINANCE NO. 2016-55; AS PERMITTED BY THE CITY OF BOERNE'S HOME RULE CHARTER, SECTION 3.11.A.

A MOTION WAS MADE BY COUNCIL MEMBER BOYD IV, SECONDED BY COUNCIL MEMBER ANZOLLITTO, TO APPROVE A ONE-TIME READING OF ORDINANCE NO. 2016-55; AS PERMITTED BY THE CITY OF BOERNE'S HOME RULE CHARTER, SECTION 3.11.A. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Anzollitto, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Colvin

12. [2016-112](#) 7 CONSIDER ORDINANCE NO. 2016-55; AN ORDINANCE AMENDING ORDINANCE NO. 2015-30; CAPTIONED "AN ORDINANCE ADOPTING THE ANNUAL CAPITAL AND OPERATING BUDGETS FOR THE CITY OF BOERNE, TEXAS FOR THE FISCAL YEAR 2015-2016, BEGINNING OCTOBER 1, 2015 AND ENDING SEPTEMBER 30,

2016.”

Mayor Schultz called on Ms. Sandy Mattick, Finance Director. Ms. Mattick reviewed the proposed budget amendments to the Economic Development Fund and to Wastewater Fund. Staff recommended approval of Ordinance No. 2016-55.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY COUNCIL MEMBER ANZOLLITTO, TO APPROVE ORDINANCE NO. 2016-55; AN ORDINANCE AMENDING ORDINANCE NO. 2015-30; CAPTIONED “AN ORDINANCE ADOPTING THE ANNUAL CAPITAL AND OPERATING BUDGETS FOR THE CITY OF BOERNE, TEXAS FOR THE FISCAL YEAR 2015-2016, BEGINNING OCTOBER 1, 2015 AND ENDING SEPTEMBER 30, 2016.” THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Anzollitto, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Colvin

13. [2016-110](#)
[4](#) **CONSIDER ON FIRST READING ORDINANCE NO. 2016-56; 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 (22.558 acres located at 128 and 214 Cascade Caverns Road at the request of ML&E Landquest Cascade Caverns, LLC - Southglen Subdivision Phase 1)**

Mayor Schultz called on Ms. Laura Talley, Planning and Community Development Director. Ms. Talley displayed a map of the last two properties that will take into the city limits the entire proposed development of Southglen. Staff recommended approval of Ordinance No. 2016-56 on first reading.

A MOTION WAS MADE BY COUNCIL MEMBER COLVIN, SECONDED BY COUNCIL MEMBER ANZOLLITTO, TO APPROVE ON FIRST READING ORDINANCE NO. 2016-56; 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 (22.558 ACRES LOCATED AT 128 AND 214 CASCADE CAVERNS ROAD AT THE REQUEST OF ML&E LANDQUEST CASCADE CAVERNS, LLC - SOUTHGLEN SUBDIVISION PHASE 1). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Anzollitto, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Colvin

14. [2016-113](#) [3](#) CONSIDER A ONE-TIME READING OF ORDINANCE NO. 2016-57; AS PERMITTED BY THE CITY OF BOERNE'S HOME RULE CHARTER, SECTION 3.11.A.

A MOTION WAS MADE BY COUNCIL MEMBER BOYD IV, SECONDED BY MAYOR PRO TEM CISNEROS, TO APPROVE A ONE-TIME READING OF ORDINANCE NO. 2016-57; AS PERMITTED BY THE CITY OF BOERNE'S HOME RULE CHARTER, SECTION 3.11.A. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Anzollitto, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Colvin

15. [2016-108](#) [6](#) CONSIDER ORDINANCE NO. 2016-57; AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF BOERNE, TEXAS, BY AMENDING CHAPTER 9 ENTITLED "FLOOD DAMAGE PREVENTION", ARTICLE 4 ADMINISTRATION, SECTION A, DESIGNATION OF THE FLOOD PLAIN ADMINISTRATOR; PROVIDING FOR A PENALTY OF NOT MORE THAN \$1,000.00 FOR EACH VIOLATION.

Mayor Schultz called on Ms. Linda Zartler, Assistant City Manager. Ms. Zartler explained that with Mr. Chris Turk's retirement as Planning and Community

Development Director it becomes necessary to modify the City's Floodplain Ordinance. The current ordinance names the Floodplain Administrator by title. It is the City Manager's intention to designate the City's Code Enforcement Officer Jesse Aguirre as the Floodplain Administrator. Mr. Aguirre has completed the necessary training. The proposed modification to the Ordinance allows the City Manager to designate the Floodplain Administrator without listing a specific title. Staff recommended approval of Ordinance No. 2016-57.

A MOTION WAS MADE BY COUNCIL MEMBER ANZOLLITTO, SECONDED BY COUNCIL MEMBER WOOLARD, TO APPROVE ORDINANCE NO. 2016-57; AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF BOERNE, TEXAS, BY AMENDING CHAPTER 9 ENTITLED "FLOOD DAMAGE PREVENTION", ARTICLE 4 ADMINISTRATION, SECTION A, DESIGNATION OF THE FLOOD PLAIN ADMINISTRATOR; PROVIDING FOR A PENALTY OF NOT MORE THAN \$1,000.00 FOR EACH VIOLATION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Anzollitto, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Colvin

16. [2016-111](#) **CONSIDER RESOLUTION NO. 2016-R124; A RESOLUTION OF THE**
[6](#) **CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, ACCEPTING THE**
PETITION AND SETTING THE DATE, TIME, AND PLACE FOR TWO
PUBLIC HEARINGS ON THE PROPOSED ANNEXATION OF CERTAIN
PROPERTY BY THE CITY OF BOERNE, TEXAS; AUTHORIZING AND
DIRECTING THE PUBLICATION OF NOTICE OF SUCH PUBLIC
HEARINGS. (4.088 acres located at 47 Old San Antonio Road at
the request of Priscilla Jean Heard)

Mayor Schultz called on Ms. Laura Talley, Planning and Community Development Director. Ms. Talley displayed a map of the property located at 47 Old San Antonio Road. As part of the annexation process, City Council needs to receive the annexation petition and set dates for two public hearings.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY COUNCIL MEMBER BOYD IV, TO APPROVE RESOLUTION NO. 2016-R124; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, ACCEPTING THE PETITION AND SETTING THE DATE, TIME, AND PLACE FOR TWO PUBLIC HEARINGS ON THE PROPOSED ANNEXATION OF CERTAIN PROPERTY BY THE CITY OF BOERNE, TEXAS; AUTHORIZING AND DIRECTING THE PUBLICATION OF NOTICE OF SUCH PUBLIC HEARINGS. (4.088 ACRES LOCATED AT 47 OLD SAN ANTONIO ROAD AT THE REQUEST OF PRISCILLA JEAN HEARD). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Anzollitto, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Colvin

17. [2016-112](#) **CONSIDER RESOLUTION NO. 2016-R125; A RESOLUTION
1 AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE
A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF
BOERNE AND _____ FOR THE PARKS AND RECREATION
MASTER PLAN 2017-2027.**

Mayor Schultz called on Mr. Danny Zincke, Parks and Recreation Director. Mr. Zincke stated that over the last five years, the City has utilized the 2012-2022 Recreation Parks and Open Space Master Plan. Many of the items identified in the current plan have been completed but with growth and the changing needs of our community, it is imperative that we regularly reevaluate and update the plan. He explained that the Texas Parks and Wildlife Department (TPWD) requires that the Plan be adopted by resolution and submitted to the TPWD for their approval. The Plan must have been approved at least 60 days prior to any grant application submittal. Staff issued a Request For Qualifications for professional services to aid in the development of the Parks and Recreation Master Plan for 2017-2027. Submittals were received from Burditt Consultants LLC and Luck Design LLC. Burditt is currently working on the City of Boerne Master Plan and Staff felt this was a unique opportunity to build continuity between the two plans. Staff recommended approval of Resolution No. 2016-R125. Discussion ensued regarding the process staff previously used in current Plan.

A MOTION WAS MADE BY COUNCIL MEMBER BOYD IV, SECONDED BY MAYOR PRO TEM CISNEROS, TO APPROVE RESOLUTION NO. 2016-R125; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BOERNE AND BURDITT CONSULTANTS LLC FOR THE PARKS AND RECREATION MASTER PLAN 2017-2027, NOT TO EXCEED \$28,500. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Anzollitto, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Colvin

18. RECEIVE RECOMMENDATIONS FROM THE PLANNING AND ZONING COMMISSION AND SET PUBLIC HEARINGS FOR JANUARY 10, 2017:

- A. [2016-112](#) [2](#) PROPOSED REZONING OF 215 WANDA STREET (LOT 13A-1), A TOTAL OF 1.44 ACRES, FROM R-1, MEDIUM-DENSITY RESIDENTIAL DISTRICT AND B-2, HIGHWAY COMMERCIAL DISTRICT TO O, OFFICE DISTRICT, KAD NO. 50728 (Fred Hausheer)
- B. [2016-112](#) [3](#) PROPOSED USE OF A LONG TERM CARE FACILITY IN A B-1, HIGH-DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICT AT 502 SCHOOL STREET, KAD NO. 14412 (Genevieve Jones) AND A PORTION OF 536 S. SCHOOL STREET, KAD NO. 14381, +/- 0.9 ACRES. (Anita Lewis Asher Et Al)
- C. [2016-112](#) [4](#) PROPOSED REVISIONS TO THE CITY OF BOERNE ZONING ORDINANCE NO. 2007-64, ARTICLE 1, IN GENERAL, SECTION 06. DEFINITIONS, ARTICLE 3, GENERAL PROHIBITIONS AND REQUIREMENTS, SECTION 02. OUTDOOR LIGHTING, SECTION 08. COMMERCIAL CENTER DESIGN STANDARDS, SECTION 09. COMBINED COMMERCIAL DESIGN STANDARDS, SECTION 10. ON-SITE PARKING REQUIREMENTS, AND ARTICLE 5, ZONING DISTRICTS AND USE REGULATIONS.
- D. [2016-112](#) [5](#) PROPOSED USE OF AN ASSEMBLY IN A RE-1, LOW-DENSITY SINGLE FAMILY DISTRICT AT 35 OLD SAN ANTONIO ROAD, KAD NO. 38977 (Belleori Holdings, LLC).

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY MAYOR PRO TEM CISNEROS, TO RECEIVE THE RECOMMENDATIONS FROM THE PLANNING AND ZONING COMMISSION AND SET THE PUBLIC HEARINGS FOR JANUARY 10, 2017. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Anzollitto, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Colvin

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

Linda Zartler, Assistant City Manager reminded the City Council that Staff had released the Request for Qualifications for the Construction Manager at Risk for the new City Hall. Ten proposals were received on December 9, 2016. Staff is in the process of reviewing the proposals and intends to interview the top three or four on December 22, 2016. A recommendation will come before the City Council on January 10, 2017.

Mayor Schultz wished everyone a Merry Christmas and stated that he was proud of what was accomplished in 2016.

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

Mayor Schultz convened the City Council into Executive Session at 7:38 p.m. and requested those individuals directed to participate to adjourn to the Executive Session room.

**A. [2016-113](#) SECTION 551.087 - DELIBERATION REGARDING ECONOMIC
[6](#) DEVELOPMENT NEGOTIATION.**

No action was taken.

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

Mayor Schultz reconvened the City Council into Open Session at 8:55 p.m.

No action was taken.

22. ADJOURNMENT

A MOTION WAS MADE BY COUNCIL MEMBER BOYD IV, SECONDED BY MAYOR PRO TEM CISNEROS, TO ADJOURN THE CITY COUNCIL MEETING AT 8:55 P.M. THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEAH: 5 - COUNCIL MEMBER ANZOLLITTO, COUNCIL MEMBER WOOLARD, COUNCIL MEMBER BOYD IV, MAYOR PRO TEM CISNEROS, COUNCIL MEMBER COLVIN.

APPROVED:

Mayor

ATTEST:

City Secretary