

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
January 10, 2017 – 6:00 PM

Minutes of the Regular City Council meeting of January 10, 2017 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

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

Recognized / Registered Guests: Kimberly Mayfield, Caroline Brown, Robert
Thornton, Misty Mayo, Ross Partlow, and Ed McClure.

1. CALL TO ORDER – 6:00 PM

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

Mayor Schultz asked for a Moment of Silence and 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:

No comments were received.

4. CONSENT AGENDA:

- 4A. [2016-114](#) [1](#) APPROVAL OF THE MINUTES OF THE DECEMBER 13, 2016 REGULAR CITY COUNCIL MEETING.

THE MINUTES WERE APPROVED.

- 4B. [2017-126](#) CONSIDER ON SECOND 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 ORDINANCE WAS APPROVED.

- 4C. [2017-127](#) CONSIDER ON SECOND 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 ORDINANCE WAS APPROVED.

- 4D. [2017-128](#) CONSIDER ON SECOND 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 ORDINANCE WAS APPROVED.

- 4E. [2017-129](#) CONSIDER ON SECOND 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 ORDINANCE WAS APPROVED.

- 4F. [2017-130](#) CONSIDER ON SECOND 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 ORDINANCE WAS APPROVED.

- 4G. [2017-131](#) CONSIDER ON SECOND 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 ORDINANCE AS APPROVED.

- 4H. [2017-132](#) CONSIDER ON SECOND 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 ORDINANCE WAS APPROVED.

- 4I. [2017-123](#) CONSIDER RESOLUTION NO. 2017-R01; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND PETRO SWIFT LLC FOR VETERANS PLAZA "WALK OF HONOR" BRICK EXPANSION.

THE RESOLUTION WAS APPROVED.

- 4J. [2017-110](#) CONSIDER RESOLUTION NO. 2017-R02; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND CUMMINS SOUTHERN PLAINS FOR PREVENTATIVE MAINTENANCE OF BACK-UP GENERATORS.

THE RESOLUTION WAS APPROVED.

- 4K. [2017-125](#) CONSIDER RESOLUTION NO. 2017-R03; A RESOLUTION ESTABLISHING PROCEDURES FOR A GENERAL ELECTION FOR MAY 6, 2017. (Considerar la resolución número 2017-R03; una resolución que establece los procedimientos para las elecciones generales del 6 de Mayo, 2016 en Boerne, Texas)

THE RESOLUTION WAS APPROVED.

A MOTION WAS MADE BY COUNCIL MEMBER BOYD IV, SECONDED BY COUNCIL MEMBER WOOLARD 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, COUNCIL MEMBER COLVIN

ABSENT 1 - COUNCIL MEMBER ANZOLLITTO

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

5A. [2017-100](#) 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- One of One Hearing)

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

Fred Hausheer, owner of the property located at 215 Wanda Street provided to the City Secretary a plat reflecting the correct acreage of the property should be 1.242 acres.

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

5B. [2017-101](#) 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- One of One Hearing)

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

No comments were received.

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

- 5C. [2017-102](#) 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. (One of One Hearing)

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

No comments were received.

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

- 5D. [2017-103](#) 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- One of One Hearing).

Mayor Schultz opened the Public Hearing at 6:08 p.m.

No comments were received.

Mayor Schultz closed the Public Hearing at 6:09 p.m.

- 5E. [2017-104](#) PROPOSED ANNEXATION OF 4.088 ACRES LOCATED AT 47 OLD SAN ANTONIO ROAD - KAD NO. 14774 & 14786 AT THE REQUEST OF PRISCILLA JEAN HEARD. (First of Two Hearings)

Mayor Schultz opened the Public Hearing at 6:09 p.m.

No comments were received.

Mayor Schultz closed the Public Hearing at 6:09 p.m.

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

6A. [2017-105](#) CONSIDER ON FIRST READING ORDINANCE NO. 2017-01; 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 1.44 ACRES LOCATED AT 215 WANDA STREET LOT 13A-1 (KAD NO. 50728), FROM R-1, MEDIUM-DENSITY RESIDENTIAL DISTRICT AND B-2, HIGHWAY COMMERCIAL DISTRICT TO O, OFFICE DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Fred Hausheer)

Mayor Schultz called on Ms. Laura Talley, Planning and Community Development Director. Ms. Talley displayed a map of the property location. She stated that the owner is requesting rezoning to Office District which is the most restrictive commercial district.

The Planning and Zoning Commission voted 5-0 in favor of the proposed rezoning. Staff is also supportive of the proposed rezoning.

A MOTION WAS MADE BY MAYOR PRO TEM CISNEROS, SECONDED BY COUNCIL MEMBER WOOLARD, TO APPROVE ON FIRST READING ORDINANCE NO. 2017-01; 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 1.242 ACRES LOCATED AT 215 WANDA STREET LOT 13A-1 (KAD NO. 50728), FROM R-1, MEDIUM-DENSITY RESIDENTIAL DISTRICT AND B-2, HIGHWAY COMMERCIAL DISTRICT TO O, OFFICE DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (FRED HAUSHEER). 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

6B. [2017-106](#) CONSIDER ON FIRST READING ORDINANCE NO. 2017-02; 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 A LONG TERM CARE FACILITY IN A B-1, HIGH-DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICT LOCATED AT 502 SCHOOL STREET (KAD NO. 14412) AND A PORTION OF 536 S. SCHOOL STREET (KAD NO. 14381, A TOTAL OF +/- 0.9 ACRES.) (Genevieve Jones and Anita Lewis Asher Et Al)

Ms. Talley continued with a map of the property located on School Street as well as a site plan for the proposed development. She explained on the property map, the land swap between the two owners. The property was zoned B-1 in September and the owner is now requesting the use for a long term care facility which requires City Council approval. The Planning and Zoning Commission voted 5-0 in favor of the use with the following caveats: that street improvements on School Street be made at the time of development and that luminaires be installed per city regulations except that luminaires be installed at a maximum height of 20 feet and a maximum height of 10 feet at the perimeter of the development. Discussion ensued regarding the access to the property behind this proposed development.

A MOTION WAS MADE BY MAYOR PRO TEM CISNEROS, SECONDED BY COUNCIL MEMBER WOOLARD, TO APPROVE ON FIRST READING ORDINANCE NO. 2017-02; 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 A LONG TERM CARE FACILITY IN A B-1, HIGH-DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICT LOCATED AT 502 SCHOOL STREET (KAD NO. 14412) AND A PORTION OF 536 S. SCHOOL STREET (KAD NO. 14381, A TOTAL OF +/- 0.9 ACRES.) (GENEVIEVE JONES AND ANITA LEWIS ASHER ET AL) WITH THE FOLLOWING CAVEATS: THAT STREET IMPROVEMENTS ON SOUTH SCHOOL STREET, AS REQUIRED BY THE CITY OF BOERNE SUBDIVISION ORDINANCE, BE MADE AT THE TIME OF DEVELOPMENT AND THAT LUMINAIRES BE INSTALLED PER CITY OF BOERNE REGULATIONS, EXCEPT THAT LUMINAIRES SHALL BE INSTALLED AT A MAXIMUM HEIGHT OF 20 FEET AND A MAXIMUM HEIGHT OF 10 FEET AT THE PERIMETER OF THE DEVELOPMENT. 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

6C. [2017-107](#) CONSIDER ON FIRST READING ORDINANCE NO. 2017-03; AN ORDINANCE AMENDING 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.

Ms. Talley stated that there are several proposed modifications to the City of Boerne Zoning Ordinance and reminded City Council of their options in considering the changes. Ms. Talley discussed the Gateway Study used to determine the types of uses that would be attracted to Boerne. As part of the process Gateway also provided an Illustrative Concept Plan for the SoBo area. This update to the Zoning Ordinance with the Overlay is the final step in bringing this plan to fruition. Ms. Talley reviewed the proposed modifications to include definitions, outdoor lighting, Commercial Center Design Standards, Enclosure Ratios which addresses taller buildings, parking, parking for historic and river corridor districts which staff will revisit at a later date, building heights in B-2, B-3, and I districts. Staff surveyed other cities as to their building height restrictions. Discussion ensued regarding height requirements and protection for single storey retail or office buildings. The Planning and Zoning Commission voted 5-0 in favor of the proposed modifications.

A MOTION WAS MADE BY COUNCIL MEMBER BOYD IV, SECONDED BY MAYOR PRO TEM CISNEROS, TO APPROVE ON FIRST READING ORDINANCE NO. 2017-03; AN ORDINANCE AMENDING 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. 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

6D. [2017-108](#) CONSIDER ON FIRST READING ORDINANCE NO. 2017-04; 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 AN ASSEMBLY IN A RE-1, LOW-DENSITY SINGLE FAMILY DISTRICT LOCATED AT 35 OLD SAN ANTONIO ROAD (KAD NO. 38977), A TOTAL OF 14.113 ACRES. (Belleori Holdings, LLC)

Ms. Talley displayed a map of the property located at 35 Old San Antonio Road along with a proposed site plan. The owner is requesting a use of an Assembly for the property and would use the existing buildings for retreats, receptions and meetings and does not plan to add additional buildings at this time. The property is located next to the City's Wastewater Treatment and Recycle Center. The Planning and Zoning Commission voted 4-0 in favor of the proposed use with the following caveats: no amplified music, no parking within 400 feet of Old San Antonio Road, no more than 150 people per event, no outdoor activities or facilities within 150 feet from the north and east property line. The owner accepted the caveats. Discussion ensued regarding retaining trees, designated time for amplified music with the existing noise ordinance, reasoning for 150 people limitation.

A MOTION WAS MADE BY MAYOR PRO TEM CISNEROS, SECONDED BY COUNCIL MEMBER WOOLARD, TO APPROVE ON FIRST READING ORDINANCE NO. 2017-04; 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 AN ASSEMBLY IN A RE-1, LOW-DENSITY SINGLE FAMILY DISTRICT LOCATED AT 35 OLD SAN ANTONIO ROAD (KAD NO. 38977), A TOTAL OF 14.113 ACRES. (BELLEORI HOLDINGS, LLC) WITHOUT THE CAVEATS RECOMMENDED BY THE PLANNING AND ZONING COMMISSION. 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

7. [2017-109](#) **CONSIDER ON FIRST READING ORDINANCE NO. 2017-05; 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. (26.582 Acres, 17 Herff Rd. at the request of James and Deborah Roerig, new property owner CT 17 Herff Land, LP)**

Ms. Talley displayed a map of the property location for the proposed annexation located at 17 Herff Road. The proposed plan for the property is a mixed use development that will include retail, restaurants, and multi-family. Staff is working on a development agreement for the site. Staff is supportive of the annexation.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY MAYOR PRO TEM CISNEROS, TO APPROVE ON FIRST READING ORDINANCE NO. 2017-05; 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. (26.582 ACRES, 17 HERFF RD. AT THE REQUEST OF JAMES AND DEBORAH ROERIG, NEW PROPERTY OWNER CT 17 HERFF LAND, LP). 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

8. [2017-112](#) **CONSIDER RESOLUTION NO. 2017-R04; A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AN AGREEMENT FOR PROFESSIONAL ENGINEERING DESIGN SERVICES FOR THE 2015 TRANSPORTATION ALTERNATIVES PROGRAM (TAP) CITY OF BOERNE TRAIL SYSTEM EXPANSION PROJECT BETWEEN THE CITY OF BOERNE AND _____.**

Mayor Schultz called on Mr. Paul Barwick, Special Projects Director. Mr. Barwick updated the City Council on the status of the trail expansion project. The next step is to hire professional engineering design services. A total of eight Statements of Qualification were received and out of the eight, staff interviewed two teams which included Poznecki-Camarillo, Inc. and Terra Design Group. It is staff's recommendation that the City Manager be authorized to negotiate an agreement with Poznecki Camarillo, Inc.(PCI). PCI has committed to start on the project as soon as a contract is awarded and will work diligently to move this project along quickly as is feasible. Staff will bring a contract back to City Council for consideration at the January 24, 2017 meeting.

A MOTION WAS MADE BY MAYOR PRO TEM CISNEROS, SECONDED BY COUNCIL MEMBER WOOLARD, TO APPROVE RESOLUTION NO. 2017-R04; A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AN AGREEMENT FOR PROFESSIONAL ENGINEERING DESIGN SERVICES FOR THE 2015 TRANSPORTATION ALTERNATIVES PROGRAM (TAP) CITY OF BOERNE TRAIL SYSTEM EXPANSION PROJECT BETWEEN THE CITY OF BOERNE AND POZNECKI CAMARILLO, INC. 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

9. [2017-134](#) DISCUSSION ON ADOPTING A 2017 LEGISLATIVE PLAN AND CONSIDER RESOLUTION NO. 2017-R05; A RESOLUTION OF THE CITY OF BOERNE TEXAS ADOPTING THE 2017 LEGISLATIVE PLAN; ESTABLISHING A PLAN OF ACTION DIRECTING THE CITY MANAGER AND/OR HIS DESIGNEE TO ACT WITH REGARD TO THE CITY'S LEGISLATIVE PLAN IN THE UPCOMING 85TH LEGISLATIVE SESSION.

Mayor Schultz called on Ms. Kirsten Cohoon, City Attorney. Ms. Cohoon provided reasoning for establishing a Legislative Plan. She discussed highlights of the 2015 Legislative Session, reviewed 85th Legislative Session dates, and reviewed the proposed 2017 Legislative Plan to include legislative opposition and legislative support. City Manager Ron Bowman stated that he along with Mayor Schultz, Mayor Pro Tem Cisneros, County Commissioner Durden and City Officials from neighboring cities met with State Representative Kyle Biedermann to discuss the upcoming 85th Legislative Session. Discussion ensued regarding City Staff required to keep up with the legislative proposals, various organizations such as TML, CPS, and AACOG which have a similar legislative agenda as the City which lobby on the City's behalf.

A MOTION WAS MADE BY COUNCIL MEMBER BOYD IV, SECONDED BY MAYOR PRO TEM CISNEROS, TO APPROVE RESOLUTION NO. 2017-R05; A RESOLUTION OF THE CITY OF BOERNE TEXAS ADOPTING THE 2017 LEGISLATIVE PLAN; ESTABLISHING A PLAN OF ACTION DIRECTING THE CITY MANAGER AND/OR HIS DESIGNEE TO ACT WITH REGARD TO THE CITY'S LEGISLATIVE PLAN IN THE UPCOMING 85TH LEGISLATIVE SESSION. 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

10. [2017-136](#) CONSIDER RESOLUTION NO. 2017-R06; A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND _____ FOR A CONSTRUCTION MANAGER AT RISK FOR THE NEW CITY HALL PROJECT.

Mayor Schultz called on Ms. Linda Zartler, Assistant City Manager. Ms. Zartler stated that on November 14, 2016 Request For Proposals for Construction Manager at Risk were released with a deadline of December 9, 2016. Staff received a total of 10 proposals. A Staff Committee reviewed and ranked the top three firms Lee Lewis Construction, Inc., Guido Construction, and Stoddard Construction. Additionally staff felt that Whiting Turner should be interviewed due to past experience with the firm who built the Patrick Heath Public Library. Interviews were conducted on December 22, 2016. Staff recommends that negotiations proceed with the firm of Lee Lewis Construction, Inc.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY MAYOR PRO TEM CISNEROS, TO APPROVE RESOLUTION NO. 2017-R06; A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND LEE LEWIS CONSTRUCTION, INC. FOR A CONSTRUCTION MANAGER AT RISK FOR THE NEW CITY HALL PROJECT. 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

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

Jeff Thompson, Deputy City Manager referred to the memo which was distributed to the City Council providing an update on the roadway, sidewalk, and drainage bond issue. Staff proposes that we hold off on considering any type of debt funding at this time and proceed with two existing projects: the SoBo connector bridge project and the West San Antonio Street sidewalk project. Staff will also utilize and further analyze the study that was done by Kimley Horn on the drainage situation off Adler Road. He discussed the funding sources for the projects. Mr. Thompson discussed the 2017 Highlights of the San Antonio Housing Forecast he attended on January 6, 2017. San Antonio median home sales prices is up 5.8% from last year, homes under \$200,000 will be replaced by higher end pricing in the next three years, average time it takes a home to sell is 3.3 months, mortgage rates increasing a quarter to half percent, expect Boerne with a total of 250-275 new home starts in 2017, and occupancy remains in the mid-90% for apartments with rent escalating to \$1.10 per square foot in 2016. Boerne's cost of living is 14.80% higher than the national average and 8.78% higher than the Texas average.

Ron Bowman, City Manager stated that City Staff will be hosting Leadership Boerne tomorrow, Mr. Bowman and Mayor Schultz will be speaking at the annual State of City hosted by the City of Boerne and Boerne Chamber of Commerce on January 18th, and at Rotary on January 14th. He stated that Police calls for service has increased 40% and the Fire calls for service has decreased.

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

Mayor Schultz convened the City Council into Executive Session at 7:32 p.m. and requested those individuals directed to participate to adjourn to the Executive Session room.

DEVELOPMENT NEGOTIATION AND SECTION 551.071 (1) (A) -
CONSULTATION WITH AN ATTORNEY.

B. SECTION 551.087 - DELIBERATION REGARDING ECONOMIC
DEVELOPMENT NEGOTIATION AND SECTION 551.071 (1) (A) -
CONSULTATION WITH AN ATTORNEY.

No action was taken.

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

Council Member Boyd IV left the meeting at 8:13 p.m.

Mayor Schultz reconvened the City Council into Open Session at 8:15 p.m.

No action was taken.

14. ADJOURNMENT

A MOTION WAS MADE BY COUNCIL MEMBER COLVIN, SECONDED BY COUNCIL
MEMBER WOOLARD, TO ADJOURN THE MEETING AT 8:16 P.M. THE MOTION
CARRIED BY THE FOLLOWING VOTE:

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

Absent: 2 - Council Member Anzollitto, and Council Member Boyd IV

APPROVED:

Mayor

ATTEST:

City Secretary