MINUTES
CITY COUNCIL WORKSHOP
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
April 25, 2017 – 4:30 PM

Minutes of the City Council Workshop of April 25, 2017 at 4:30 p.m.

Present: **6 -** Mayor Michael Schultz, Council Member Joe Anzollitto, Council Member Nina Woolard, Council Member Charlie Boyd IV, Mayor Pro Tem Ron Cisneros, and Council Member Craig Colvin

Staff Present: Ron Bowman, Siria Arreola, Ryan Bass, Pam Bransford, Lori Carroll, Kirsten Cohoon, Sheldon Cravey, Jim Kohler, Mike Mann, Sandy Mattick, Doug Meckel, Antony Moy, Jeff Page, Steve Perez, Mike Raute, Angie Rios, Steve Simon, Laura Talley, Jeff Thompson, Linda Zartler, and Danny Zincke.

Recognized / Registered Guests: Yolanda J. Kovac, Dani Vollmer, Bob Vollmer, David Kovac, Jim Beene, Amy Story, John Hollinshead, Thomas E. Bergen, Allison Church, Fred Stahl, Misty Mayo, Scott Lowry, Pete A. Cardenas, Richard McCormick, Ann Dietert, Charles Riddle, Dana Mathews, Emily Weiner, Ben Bunker, Donna Taylor, Suzanne Young, Karen Tabor, Jonah Evans, Andrew R. and Deborah Ridinger, Andrew Stoner, Kay and Bryden Moon, Juliet and Mike Krom, Marilyn Tremper, Jeannette McDougall, Sheryl Reeh, Jeff Reeh, Joe Granados, Melissa Stavinoha, Cali Redd, Lisa Barrett, Shannon Young, Gerald D. McFarden, Evan Wallace, Daniel Basarich, Chloe Young, Colt Thompson, Blake Grossman, Darren Kruse, and Zeke MacCormick.

1. CALL TO ORDER – 4:30 PM

Mayor Schultz called the City Council Workshop to order at 4:30 p.m.

2. WORKSHOP DISCUSSION:

2.A. 2017-333 **Discussion surrounding 17 Herff Road to include, but not be limited to:**

1. **Recommended Final Permanent Zoning Determination made by Planning and Zoning Commission**
2. **Potential Developments**
3. **Environmental Impacts and Safeguards**
4. **Traffic impacts, impediments and potential resolutions**
5. **Other potential permanent zoning designations**

Mayor Schultz called on Ms. Laura Talley, Planning and Community Development Director. Ms. Talley introduced Ryan Bass, Capital Projects Administrator and former Watershed Planning Coordinator for the City of Boerne; Tommy Mathews, a lifetime resident of Boerne, current president of Westward Environmental, Chairman of the Board of GBRA, serves on the Board of Directors for the Boerne Kendall County Economic Development Corporation, and formally served as President of the Cow Creek Groundwater Conservation District; Amy Avery, Traffic Engineer and Transportation Planner, and Clark Smith, Engineer for Kimley-Horn. Mr. Smith is the traffic engineer that provided the Traffic Impact Analysis for the proposed 17 Herff Road project.

Mr. Bass provided an update on the City's ongoing Upper Cibolo Creek Watershed Protection program. He reviewed the Watershed Planning efforts. Mr. Tommy Mathews spoke on the environmental impacts of development in terms of stormwater run-off. He compared single family to low density. He discussed the benefits of low impact development bioswales. Amy Avery discussed traffic trends, interacting with land uses comparing a.m. to p.m. peak times. Clark Smith provided comparisons of shoppers who walk to shopping with the percentage of residents within one-half mile of shopping. He also provided trip comparisons determined by various land uses. Ms. Talley addressed public concerns with the proposed permanent zoning and explained that City rules and regulations such as restrictive lighting ordinances, set back regulations, stormwater detention, noise ordinance, design criteria, tree preservation ordinances are in place and apply for all developments within the City limits. A Traffic Impact Analysis is required by the developer. She stated that the Developer spoke to the Planning and Zoning Commission in December and they were supportive of the proposed development. In an attempt to notify the public of any potential development, notices are posted on the City's website, in newspapers, social media, and with zoning issues, neighboring

property owners are notified by letter. Properties are impacted in the area due to the expansion of Herff Road. Discussion ensued regarding Low Impact Development (LID) Ordinance, design criteria, height restrictions, other R-4 zoning areas, traffic studies and patterns, determining a solution for the impact of traffic congestion in the area of Herff Road. Mr. Jeff Thompson, Deputy City Manager reminded the City Council that the Esperanza prepaid for their traffic impact on Hwy 46 East and Herff Road. Mayor Schultz stated that the City has a Thoroughfare Plan in place.

3. ADJOURNMENT

Mayor Schultz adjourned the City Council Workshop at 5:31 p.m.

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
April 25, 2017 – 6:00 PM

Minutes of the Regular Called City Council Meeting of April 25, 2017 at 6:00 p.m.

Present: **6 -** Mayor Michael Schultz, Council Member Joe Anzollitto, Council Member Nina Woolard, Council Member Charlie Boyd IV, Mayor Pro Tem Ron Cisneros, and Council Member Craig Colvin

Staff Present: Ron Bowman, Siria Arreola, Ryan Bass, Pam Bransford, Lori Carroll, Kirsten Cohoon, Sheldon Cravey, Jim Kohler, Mike Mann, Sandy Mattick, Doug Meckel, Antony Moy, Jeff Page, Steve Perez, Mike Raute, Angie Rios, Steve Simon, Laura Talley, Jeff Thompson, Linda Zartler, and Danny Zincke.

Recognized / Registered Guests: Jon Konrad Wert, Stan Walden, Jim Beene, Greta Lucas, Cori Brantner, Emily Weiner, Carolyn Walden, Sarah Pennington, Richard Caldwell, Andrew Stoner, Richard McCormick, Jill and Mark Mason, Melissa Stavinoh, David Knollhoff, Ben Bunker, Nash Hardeman, John Schilhab,

Casey A. Barthel, West Vita, Cheryl Vita, Kimberly Galland, Jay Pennington, John Hollinshead, Jonah Evans, Andrew Lucas, Jim Roerig, Donna Taylor, David Kruse, Fred Stahl, Mark Mason, Yolanda Kovac, James Griffin, Charles Riddle, Ann Dietert, Ben Bunker, Jeff Reeh, Michael Vitti, and Joe Davenport.

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.

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

2. CONFLICTS OF INTEREST

No conflicts were declared.

3. PUBLIC COMMENTS: This is the opportunity for visitors and guests to address the City Council on any issue. 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)

Mayor Schultz stated that he will impose a two minute timeframe on comments. He asked for sensitivity to those who have not previously spoke on the subject of 17 Herff Road.

Mike Vitti, 100 Sidewinder opposed the proposed permanent zoning of 17 Herff Road. He does not care for the Multi-use.

Joey Davenport, 412 Oak Ridge stated that he has lived in Boerne for 16 years. He spoke on 17 Herff Road. He quoted Edward McMahan and William O'Douglas stating that growth is inevitable. Growth needs to be managed for our children.

Andrew Lucas, Oak Lane has lived in Boerne all his life. He feels that the proposed zoning of MU-2 and R-4 for 17 Herff Road is not appropriate for this

site. This is where we play. We can live and work elsewhere. He feels the most appropriate zoning would be RC, River Corridor.

Jim Roerig, 17 Herff Road suggested that City Council follow the advice of professionals. The project is endorsed by City Hall, Boerne Kendall County Economic Development Corporation, the Chamber of Commerce and the Planning and Zoning Commission. He spoke in favor of the permanent zoning.

Donna Taylor, resident of Fair Oaks Ranch spoke on the permanent zoning of 17 Herff Road. She stated that everyone needs to live somewhere but not on riparian corridor. The City is in need of a riparian overlay district that will protect the boundary of the creek. The Aquifer Recharge Zone has not been mentioned in any of the comments.

Fred Stahl, 201 Fry Street stated that he was born in Boerne and has lived in Boerne since 1940. He has seen a lot of changes. He spoke on 17 Herff Road permanent zoning and the City buffer on both sides of the creek. He stated the biggest mis-information is that the Cibolo Nature Center does have a 220 foot buffer from 17 Herff site. He stated that the residents on Fry Street can see lighting from the Cibolo Nature Center.

Yolanda Kovac, 213 East Hosack stated that she likes the proposed development but doesn't think 17 Herff is the right place for the development. She is concerned with the traffic increase on Oak Park to Main Street and Schweppe. She hopes that she will be notified if the City plans to make Oak Park a major corridor. She asked that City Council save the Cibolo as well as all creeks.

Rich McCormick, 315 West Theissen stated that he felt the proposed development on 17 Herff Road is a good plan but not the right site. He suggested that the City Council table the decision until Council is satisfied with the ordinance.

Jeff Reeh, 185 Prado Crossing has been in Boerne a couple of years. He is a native of New Braunfels. He stated without some degree of development, most of us wouldn't be here. He is in support of the proposed zoning of 17

Herff Road.

Konrad Wert, 309 Brackenridge Drive stated he is not in favor of the proposed zoning of 17 Herff Road. He asked those in the audience to raise their hand if they are not comfortable with the proposed development. He suggested the City Council take time to make the right decision.

Jay Pennington, 304 Horseshoe Bend stated that he moved to Boerne 12 years ago. Herff Road was built to reduce traffic on Main Street. He feels 17 Herff Road should be purchased to become a park. Decisions should be made by the citizens and not by politicians.

John Hollinshead, 396 Estancia stated that he is the Chairman of the Planning and Zoning Commission. The Planning and Zoning Commission received significant information to assist them in making the recommendation to the City Council. After consideration of other zoning options, the Planning and Zoning Commission voted 7-1 in favor of the proposed permanent zoning. The Developer has agreed to a number of changes and low impact development. He urged the City Council approve MU-2 and R-4 zone for 17 Herff Road.

Jim Beene, 12 Herff Road referred to a post by Marzi Rust on the Boerne Informed Citizens Facebook page. He is in support of the proposed permanent zoning for 17 Herff Road. He feels we need to give new residents, retirees, workers a place to live much like what was given to those who moved to Boerne.

Emily Weiner, referred to the petition she submitted. She stated that the Petition was not intended as an Initiative but to give the public a voice. She asked that City Council listen to the citizens who show up to a meeting. She asked who the City Council truly represents? She is opposed to the permanent zoning of 17 Herff Road.

Jonah Evans, Oak Lane is with the Texas Parks and Wildlife. He has been in Boerne since 1979. He stated that few want this development on this site. A River Corridor District exists to protect the creek areas. He feels a similar overlay district should be used to protect this site. He asked that the City

Council not rush to make a decision. The zoning should be free of developer interest. He suggested the property be zoned RE which requires a minimum lot size. He is opposed to the proposed permanent zoning.

David Kruse, 8 Someday Drive. He suggested that 17 Herff be zoned River Corridor District. He applaud Mr. Riddle for being willing to work with community and the community for recognizing low impact development.

Mark Mason, 126 Spring Creek Road spoke on the Land Use Map. At the last City Council meeting, Herff Farm was presented as commercial use. Herff Farm is in a conservation easement. He feels it is important for the City Council to know the real land use for Herff Farm.

James Griffin, 112 East Pecan San Antonio, stated that he represents the developer of 17 Herff Road. He stated that the property will be developed and that with many developments there is trust factor. The developer has worked with the City, community and neighbors to create restrictions. He asked the City Council trust and support City Staff and the Planning and Zoning Commission.

Ben Bunker, 127 Sabine Road stated he was raised in Boerne at Fredericks Street and Main Street. Herff Road is going to be commerical and be developed. He is in support of the proposed zoning of 17 Herff Road.

Ann Dietert, 106 Green Meadows. There are residential areas on Herff Road. She asked if the proposed development on 17 Herff Road would be high end luxury apartments as the developer says or workforce, affordable housing like as the City says?

Charles Riddle, 19 Thunder Valley Road expressed his appreciation to the City Council and City Staff. He stated that when we take emotion out of the picture, there are facts from research that says there are a lot of benefits for the proposed development. There are restrictions in place and the low impact development will be done. He is in favor of the proposed permanent zoning.

4. CONSENT AGENDA:

4.A. 2017-322 **APPROVAL OF THE CITY COUNCIL MEETING MINUTES OF APRIL 11, 2017 (Regular Meeting) AND APRIL 19, 2017 (Boerne Chamber of Commerce Candidate Forum).**

THE MINUTES WERE APPROVED.

4.B. 2017-325 **CONSIDER ON SECOND READING ORDINANCE NO. 2017-14; 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 13, PERMANENT ZONING OF 21.688 ACRES LOCATED AT 1700 RIVER ROAD (KAD NOS. 15024 AND 15025) FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO MU-2, MIXED-USE COMMUNITY DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Shirley Rittimann)**

THE ORDINANCE WAS APPROVED.

4.C. 2017-331 **CONSIDER RESOLUTION NO. 2017-R32; A RESOLUTION SUPPORTING BOERNE LEMONADE DAY ON MAY 7, 2017.**

THE RESOLUTION WAS APPROVED.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY COUNCIL MEMBER BOYD IV TO APPROVE THE CONSENT AGENDA. 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

5. 2017-323 **RECEIVE CERTIFICATION OF PETITION TO SUSPEND RE-ZONING CONSIDERATION OF ANY RIPARIAN PARCELS THAT HAVE THE POTENTIAL TO SET PRECEDENT FOR FUTURE DEVELOPMENT UNTIL SUCH TIME IMPLEMENTATION OF LOW IMPACT DEVELOPMENT STRATEGIES ARE ENACTED, BY ORDINANCE, TO PROTECT CIBOLO CREEK AND ITS TRIBUTARIES FROM IMMINENT HARM AND DEGRADATION.**

Mayor Schultz called on Ms. Lori Carroll, City Secretary. Ms. Carroll reviewed the findings of the petition presented during the April 11, 2017 City Council meeting. The petition was reviewed as a Zoning Protest Petition as well as an Initiative Petition. The information provided in the Petition was not sufficient as per the Home Rule Charter, City Ordinance, and State Statutes for either an Initiative Petition or a Zoning Protest.

A MOTION WAS MADE BY MAYOR PRO TEM CISNEROS, SECONDED BY COUNCIL MEMBER WOOLARD, TO RECEIVE THE CERTIFICATION OF PETITION TO SUSPEND RE-ZONING CONSIDERATION OF ANY RIPARIAN PARCELS THAT HAVE THE POTENTIAL TO SET PRECEDENT FOR FUTURE DEVELOPMENT UNTIL SUCH TIME IMPLEMENTATION OF LOW IMPACT DEVELOPMENT STRATEGIES ARE ENACTED, BY ORDINANCE, TO PROTECT CIBOLO CREEK AND ITS TRIBUTARIES FROM IMMINENT HARM AND DEGRADATION.. 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

6. 2017-326 **CONSIDER THE UNTABLING OF ORDINANCE NO. 2017-15 AS DESCRIBED BELOW. (Tabled on 4/11/2017)**

A MOTION WAS MADE BY MAYOR PRO TEM CISNEROS, SECONDED BY COUNCIL MEMBER ANZOLLITTO, TO UNTABLE ORDINANCE NO. 2017-15 AS DESCRIBED BELOW. (TABLED ON 4/11/2017). 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

7. 2017-315 **CONSIDER ON FIRST READING ORDINANCE NO. 2017-15; 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 13, PERMANENT ZONING OF 26.582 ACRES LOCATED AT 17 HERFF ROAD FROM TEMPORARY**

ZONING R-A, SINGLE-FAMILY RURAL RESIDENTIAL- AGRICULTURAL DISTRICT +/-14 ACRES (KAD NOS. 15847, A PORTION OF 15848, AND 15849) TO MU-2, MIXED-USE COMMUNITY DISTRICT AND +/- 12 ACRES (A PORTION OF KAD NO. 15848 AND 12536) TO R-4, MULTI-FAMILY RESIDENTIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (CT 17 Herff Land LP)

Mayor Schultz called on Ms. Laura Talley, Planning and Community Development Director. Ms. Talley reviewed the various City ordinances that are in place that would relate to the proposed development at 17 Herff Road as well as any other developments within the City limits. It has been a six month process from the annexation to this point. She spoke to the River Corridor Overlay district which was brought up during Public Comments. The River Corridor is similar to the MU-2. She spoke on traffic concerns and the Low Impact Development which is not a City requirement, but the Developer stated they would comply. Several people have made mention of a Development Agreement. Ms. Talley addressed that issue by stating an agreement could not happen until after the property is permanently zoned. She also mentioned some people have suggested the City purchase the property and make it a park. Ms. Talley stated that the cost is prohibitive and the location does not support a park. She reminded the City Council that the Planning and Zoning Commission voted 7-1 in favor of the MU-2 and R-4 permanent zoning. Staff also supports this permanent zoning. Discussion ensued regarding building height, length of time City Staff has been considering the permanent zoning of MU-2 and R-4, the area being primarly residential, traffic concerns on Oak Park. Other zoning districts were also discussed.

A MOTION WAS MADE BY MAYOR PRO TEM CISNEROS, SECONDED BY COUNCIL MEMBER COLVIN, TO APPROVE ON FIRST READING ORDINANCE NO. 2017-15; 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 13, PERMANENT ZONING OF 26.582 ACRES LOCATED AT 17 HERFF ROAD FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RURAL RESIDENTIAL- AGRICULTURAL DISTRICT +/ -14 ACRES (KAD NOS. 15847, A PORTION OF 15848, AND 15849) TO MU-1, MIXED-USE NEIGHBORHOOD DISTRICT AND +/- 12 ACRES (A PORTION OF KAD NO. 15848 AND 12536) TO B-1, HIGH DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (CT 17 HERFF LAND LP). THE MOTION FAILED BY THE FOLLOWING VOTE:

DISCUSSION ENSUED REGARDING THE DIFFERENCES BETWEEN R-4 ZONING AND B-1 ZONING. MAYOR PRO TEM CISNEROS STATED THAT A B-1 ZONING IS MORE RESTRICTIVE.

Yeah: 2 - Mayor Pro Tem Cisneros, and Council Member Colvin

Nay: 3 - Council Member Anzollitto, Council Member Woolard, and Council Member Boyd IV

A MOTION WAS MADE BY MAYOR PRO TEM CISNEROS, SECONDED BY COUNCIL MEMBER COLVIN, TO APPROVE ON FIRST READING ORDINANCE NO. 2017-15; 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 13, PERMANENT ZONING OF 26.582 ACRES LOCATED AT 17 HERFF ROAD FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RURAL RESIDENTIAL- AGRICULTURAL DISTRICT (KAD NOS. 15847, 15848, 15849, 12536) TO MU-1, MIXED-USE NEIGHBORHOOD DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (CT 17 HERFF LAND LP). THE MOTION CARRIED BY THE FOLLOWING VOTE:

DISCUSSION ENSUED REGARDING THE ZONING ON HERFF ROAD FROM RIVER ROAD TO OLD SAN ANTONIO. COUNCIL MEMBER WOOLARD PROPOSED THAT MU-1 WOULD BE CONSISTENT WITH THE PROPERTIES ALREADY ZONED IN THE AREA.

Yeah: 3 - Council Member Anzollitto, Council Member Woolard, and Council Member Boyd IV

Nay: 2 - Mayor Pro Tem Cisneros, and Council Member Colvin

8. 2017-327 **RECEIVE SECOND QUARTER FINANCIAL AND INVESTMENT REPORTS FOR FY 2016/2017.**

Mayor Schultz called on Ms. Sandy Mattick, Finance Director. Ms. Mattick presented the Financial Report for six months ending March 2017. She stated that in the General Fund, the revenues before transfers were above projections at 59.22%, expenditures were below projections at 46.27%, sales tax collections were up 3.05% compared to the same period last year and Ad valorem tax collections were at 97.23%. The Electric revenues were at 48.64% of budget and expenses were below projections at 44.97%, Water revenues were at 50.02% of budget and expenses were below projections at 40.94%. Wastewater revenues were at 49.75% of budget and expenses were below projections at 43.81%, Gas revenues were at 52.67% of budget and expenses were below projections at 49.48%. Ms. Mattick reviewed the Quarterly Investment Report. The City of Boerne invested in TexPool, MBIA, Texas TERM, TexStar, Government Agencies, municipal bonds, commercial paper and several Certificates of Deposits. Interest earned for this quarter totaled $91,723. The

City's investment portfolio has been and is in compliance with the policies and strategies as contained in the City's Investment Policy and also the Public Funds Investment Act of the State of Texas.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY COUNCIL MEMBER ANZOLLITTO, TO RECEIVE AND APPROVE THE SECOND QUARTER FINANCIAL AND INVESTMENT REPORTS FOR FY 2016/2017. 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

9. 2017-328 **CONSIDER A ONE-TIME READING OF ORDINANCE NO. 2017-16; AS PERMITTED BY THE CITY OF BOERNE'S HOME RULE CHARTER, SECTION 3.11.A.**

A MOTION WAS MADE BY COUNCIL MEMBER ANZOLLITTO, SECONDED BY COUNCIL MEMBER WOOLARD, TO APPROVE A ONE-TIME READING OF ORDINANCE NO. 2017-16; 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

10. 2017-324 **CONSIDER ORDINANCE NO. 2017-16; AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF BOERNE, TEXAS COMBINATION TAX AND LIMITED PLEDGE REVENUE CERTIFICATES OF OBLIGATION, SERIES 2017"; PROVIDING FOR THE PAYMENT OF SAID CERTIFICATES BY THE LEVY OF AN AD VALOREM TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY AND FURTHER SECURING SAID CERTIFICATES BY A LIEN ON AND PLEDGE OF THE PLEDGED REVENUES OF THE SYSTEM; PROVIDING THE TERMS AND CONDITIONS OF SAID CERTIFICATES AND RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE, AND DELIVERY OF SAID CERTIFICATES, INCLUDING THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT PERTAINING THERETO; AUTHORIZING THE**

EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND AN OFFICIAL BID FORM; COMPLYING WITH THE REQUIREMENTS OF THE LETTER OF REPRESENTATIONS PREVIOUSLY EXECUTED WITH THE DEPOSITORY TRUST COMPANY; AUTHORIZING THE EXECUTION OF ANY NECESSARY ENGAGEMENT AGREEMENTS WITH THE CITY'S FINANCIAL ADVISORS AND/OR BOND COUNSEL; AND PROVIDING AN EFFECTIVE DATE.

Mayor Schultz stated that a petition was received this morning and the City Secretary has certified it to be sufficient. The Ordinance will not be adopted at this time.

BASED UPON THE CITY SECRETARY'S RECEIPT AND VERIFICATION THAT A VALID PETITION WITH ADEQUATE SIGNATURES HAS BEEN RECEIVED PURSUANT TO THE CERTIFICATES OF OBLIGATION ACT, I, MAYOR PRO TEM CISNEROS MAKE A MOTION THAT THE CERTIFICATE OF OBLIGATION ORDINANCE ON THE AGENDA NOT BE ADOPTED. COUNCIL MEMBER WOOLARD SECONDED THE MOTION. 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. 2017-329 **CONSIDER RESOLUTION NO. 2017-R33; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BOERNE AND HALFF ASSOCIATES, INC. FOR THE DESIGN AND CONSTRUCTION SERVICES OF THE INTERSTATE HIGHWAY 10 WATER AND WASTEWATER RELOCATIONS.**

Mayor Schultz called on Mr. Mike Mann, Public Works Director. Mr. Mann stated that TxDOT is in the design stage for widening the frontage roads along IH-10 between Scenic Loop Road and SH-46. TxDOT has determined that several water and wastewater utility lines are in conflict with that work. Because TxDOT has jurisdiction that manages that right-of-way (ROW) they have the right to require those utility conflicts to be eliminated. The City must design and construct the modifications to eliminate the conflicts. TxDOT is required to reimburse utilities for their relocation cost associated with work in interstate ROW. The City must pay for the design work and the construction

work before being reimbursed under a separate agreement with TxDOT. That agreement will be presented to the City Council for consideration at a later date. Halff Associates, Inc. was selected to do this work because of the firm's qualifications and direct involvement in the TxDOT roadway design process. The estimated cost is $114,728.70. Mr. Mann stated that the next agenda item is a companion of this agreement, but relates to natural gas utility.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY COUNCIL MEMBER BOYD IV, TO APPROVE RESOLUTION NO. 2017-R33; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BOERNE AND HALFF ASSOCIATES, INC. FOR THE DESIGN AND CONSTRUCTION SERVICES OF THE INTERSTATE HIGHWAY 10 WATER AND WASTEWATER RELOCATIONS, IN THE AMOUNT NOT TO EXCEED $114,728.70. 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. 2017-330 **CONSIDER RESOLUTION NO. 2017-R34; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BOERNE AND HALFF TRITEX, INC. FOR THE DESIGN AND CONSTRUCTION SERVICES OF THE INTERSTATE HIGHWAY 10 NATURAL GAS UTILITY RELOCATIONS.**

Mr. Mann continued with the need to relocate natural gas utility along the frontrage roads along IH-10 between Scenic Loop Road and SH-46. A companion agreement is needed for water and wastewater and was considered in the previous agenda item. TxDOT is required to reimburse utilities for their relocation cost, but the City must pay for the design and construction before being reimbursed. The firm Halff TriTex, Inc. was selected to perform this work due to the firm's qualifications and their direct involvement in the TxDOT roadway design process. The estimated relocation cost is $102,654.

A MOTION WAS MADE BY COUNCIL MEMBER BOYD IV, SECONDED BY COUNCIL MEMBER COLVIN, TO APPROVE RESOLUTION NO. 2017-R34; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BOERNE AND HALFF TRITEX, INC. FOR THE DESIGN AND CONSTRUCTION SERVICES OF THE INTERSTATE HIGHWAY 10 NATURAL GAS UTILITY RELOCATIONS, IN THE AMOUNT NOT TO EXCEED $102,654. 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. 2017-332 **CONSIDER RESOLUTION NO. 2017-R35; 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. (13.733 Acres Of Land Being A Portion Of Herff Road, At The Request Of Judge Darrel Lux)**

Mayor Schultz called on Ms. Laura Talley, Planning and Community Development Director. Ms. Talley displayed a map of the property location. At this time, City Council needs only to set the date and time for two public hearings.

A MOTION WAS MADE BY MAYOR PRO TEM CISNEROS, SECONDED BY COUNCIL MEMBER WOOLARD, TO APPROVE RESOLUTION NO. 2017-R35; 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. (13.733 ACRES OF LAND BEING A PORTION OF HERFF ROAD, AT THE REQUEST OF JUDGE DARREL LUX). 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. RECEIVE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND SET A PUBLIC HEARING FOR MAY 23, 2017:

14.A.2017-314 PROPOSED REVISION TO THE CITY OF BOERNE THOROUGHFARE PLAN LAST UPDATED FEBRUARY 10, 2015.

Mayor Schultz stated that as part of the process of receiving the recommendation from the Planning and Zoning Commission, the City Council needs to set a public hearing for the revision to the City of Boerne Thoroughfare Plan.

A MOTION WAS MADE BY COUNCIL MEMBER BOYD IV, SECONDED BY MAYOR PRO TEM CISNEROS, TO RECEIVE THE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND SET A PUBLIC HEARING FOR THE REVISION TO THE CITY OF BOERNE THOROUGHFARE PLAN LAST UPDATED FEBRUARY 10, 2015. 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. COMMENTS FROM COUNCIL/LEGAL COUNSEL/STAFF – No discussion or action may take place.

Mayor Schultz commented on an action taken at tonight's meeting. He expressed his disappointment and frustration that the action will stop the progress on the new city hall project after many hours and hundreds of thousands of dollars spent on planning and public forums over a three year period. It is estimated that the delay will cost the tax payers an additional 6%.

16. ADJOURNMENT

A MOTION WAS MADE BY COUNCIL MEMBER COLVIN, SECONDED BY COUNCIL MEMBER ANZOLLITTO TO ADJOURN THE CITY COUNCIL MEETING AT 7:45 P.M.

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

APPROVED:

_____

Mayor

ATTEST:

_____

City Secretary