

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
May 9, 2017 – 6:00 PM

Minutes of the Regular Called City Council Meeting of May 9, 2017 at 6:00 p.m.

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

Absent: **1 -** Council Member Craig Colvin

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

Recognized / Registered Guests: Kay Moon, Bryden Moon, Dani Vollmer, Bob Vollmer, Yolanda J. Kovac, Kendra Vita, James Beene, Richard McCormick, Brent Evans, Ann Dietert, Charles Riddle, Ginger Riddle, Roy Ziegler, Randy Schmidt, Joe Granada, Emily Weiner, Suzanne Young, Ben Eldredge, Dub Smothers, Jason Kirkpatrick, Dave and Pam Luciani, Rick Taylor, Donna Taylor, Andrew Lucas, Orlon Abernathy, and Karen Tabor.

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: 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)

Brent Evans, 25 Spring Creek, speaking for the Friends of the Cibolo. Mr. Evans wanted to thank all the Council Members for taking a second look at 17 Herff Road and taking time for serious reflection.

Ben Eldredge, 212 Azalea Trail, stated there is a muted feeling about 17 Herff Road, nobody felt like they won. He hopes a development agreement will make sure whatever is built on this property is something special for the community that fits in with the area.

4. CONSENT AGENDA: All items listed below within the Consent Agenda are considered to be routine by the City Council and may be enacted with one motion. There will be no separate discussion of items unless a Council Member or citizen so requests, in which event the item may be moved to the general order of business and considered in its normal sequence.

4.A. [2017-368](#) APPROVAL OF THE MINUTES OF THE APRIL 25, 2017 CITY COUNCIL MEETING.

THE MINUTES WERE APPROVED.

4.B. [2017-365](#) CONSIDER RESOLUTION NO. 2017-R37; A RESOLUTION AUTHORIZING THE CITY MANAGER TO PROCEED WITH PURCHASES AS PER SECTION 6.08 OF THE CITY OF BOERNE'S HOME RULE CHARTER. (Seal-coat oil for the Street Department to seal-coat streets)

THE RESOLUTION WAS APPROVED.

4.C. [2017-366](#) CONSIDER RESOLUTION NO. 2017-R38; A RESOLUTION AUTHORIZING THE CITY MANAGER TO PROCEED WITH PURCHASES AS PER SECTION 6.08 OF THE CITY OF BOERNE'S HOME RULE CHARTER. (Gravel for the Street Department to

seal-coat streets)

THE RESOLUTION WAS APPROVED.

4.D. [2017-367](#) CONSIDER RESOLUTION NO. 2017-R39; A RESOLUTION AUTHORIZING THE CITY MANAGER TO PROCEED WITH PURCHASES AS PER SECTION 6.08 OF THE CITY OF BOERNE'S HOME RULE CHARTER. (Electric distribution materials for Champion Heights, Unit 3)

THE RESOLUTION WAS APPROVED.

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

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

Absent: 1 - Council Member Colvin

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

5.A. [2017-375](#) PROPOSED ANNEXATION OF 13.733 ACRES OF LAND BEING PART OF HERFF ROAD AT THE REQUEST OF JUDGE LUX FOR KENDALL COUNTY (First of Two Hearings)

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.

6. [2017-363](#) 2015 TRANSPORTATION ALTERNATIVES PROGRAM BOERNE TRAILS EXPANSION PROJECT UPDATE

Mayor Schultz called on Mr. Paul Barwick, Special Projects Director. Mr. Barwick stated the Boerne Trails Expansion Project is expected to bid early in June, it must be out for bid for a period of 21 days. If a bid is accepted by the City in

July, construction could begin in September with an estimated 10 month time for completion. This project includes two trail extensions; the longest trail is 1.7 miles and begins at the City Park trail head and extends southward to Cibolo Creek with planned connections to Boerne City Park, Samuel V. Champion High School, and Herff Ranch subdivision. The second trail extension is 0.1 miles and will connect the Patick Heath Public Library/Boerne City Campus to the Old No. 9 Trail.

7. [2017-364](#) HISTORIC DISTRICT RESTORATION PROGRAM UPDATE

Mr. Barwick continued with an update of the Historic District Restoration Program. Since the program started in 2012, a total of 21 reimbursement grants have been approved totaling \$91,201.00. Fewer program applications have been received for FY 16-17 than in previous years. Discussion ensued about feedback from property owners, increasing funding to cover larger renovations, and other ways to assist without giving more money. Staff placed at the dias, proposed changes to the program for the City Council's review which will be discussed during the City Council meeting of May 23, 2017.

8. [2017-357](#) CONSIDER ON SECOND 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. 12536, 15847, 15848, AND 15849) 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)

Mayor Schultz called on Ms. Laura Talley, Planning and Community Director. Ms. Talley displayed a map of the property located at 17 Herff Road. She referred to all the different zonings proposed for the property that were provided during the last City Council Meeting. Staff and the Planning and Zoning Commission recommended the permanent zoning be MU-2 and R-4. During the City Council meeting held April 25, 2017, it was City Council's

decision by a vote of 3-2 to permanently zone the property MU-1. Discussion ensued about lack of compromise during the process.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY COUNCIL MEMBER BOYD IV, TO APPROVE ON SECOND 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. 12536, 15847, 15848, AND 15849) 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:

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

Absent: 1 - Council Member Colvin

9. [2017-355](#) CONSIDER RESOLUTION NO. 2017-R40; A RESOLUTION AUTHORIZING THE CITY MANAGER TO PROCEED WITH PURCHASES FROM THE SEIZED ASSET FUND FOR VARIOUS LAW ENFORCEMENT EQUIPMENT

Mayor Schultz called on Mr. Jim Kohler, Chief of Police. Chief Kohler stated that the Boerne Police Department maintains a seized fund account that is regulated under Chapter 59, Forfeiture of Contraband. The money may only be used for salaries, overtime, officer training, specialized investigative equipment and supplies, and items used by officers in direct law enforcement duties. Chief Kohler reviewed the proposed purchases for the Police Department. Staff recommends approval of the expenditure.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY COUNCIL MEMBER ANZOLLITTO, TO APPROVE RESOLUTION NO. 2017-R40; A RESOLUTION AUTHORIZING THE CITY MANAGER TO PROCEED WITH PURCHASES FROM THE SEIZED ASSET FUND FOR VARIOUS LAW ENFORCEMENT EQUIPMENT FOR AN AMOUNT NOT TO EXCEED \$34,200.00. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Absent: 1 - Council Member Colvin

10. [2017-358](#) CONSIDER RESOLUTION NO. 2017-R41; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, AUTHORIZING THE AWARD OF A CONTRACT FOR THE OLD SAN ANTONIO ROAD ELECTRICAL FEEDER PROJECT

Mayor Schultz called on Mr. Mike Mann, Public Works Director. Mr. Mann related that the City has been working for several years to complete the extension of the Menger Creek Substation. The City contracted Schneider Engineering to design the Old San Antonio Feeder Project and put it out for bid. Three firms submitted bids ranging from \$268,796.72 to \$341,961.86. Staff recommended awarding the contract to Linetec Services, LLC in the amount of \$268,796.72.

A MOTION WAS MADE BY COUNCIL MEMBER BOYD IV, SECONDED BY COUNCIL MEMBER ANZOLLITTO, TO APPROVE RESOLUTION NO. 2017-R41; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, AUTHORIZING THE AWARD OF A CONTRACT FOR THE OLD SAN ANTONIO ROAD ELECTRICAL FEEDER PROJECT TO LINETEC SERVICES, LLC FOR AN AMOUNT NOT TO EXCEED \$268,796.72. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Absent: 1 - Council Member Colvin

11. RECEIVE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND SET A PUBLIC HEARING FOR JUNE 13, 2017:

11.A.[2017-359](#) PROPOSED PERMANENT ZONING OF 16 CHAPARRAL HILL, A TOTAL OF 5.505 ACRES, FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RURAL RESIDENTIAL DISTRICT TO R-1, MEDIUM-DENSITY SINGLE-FAMILY DISTRICT, KAD NO. 14932 (Jim Cook, R-3 proposed by staff)

11.B.[2017-360](#) PROPOSED PERMANENT ZONING OF 47 OLD SAN ANTONIO ROAD, A TOTAL OF 4.088 ACRES, FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RURAL RESIDENTIAL DISTRICT TO B-2R, HIGHWAY COMMERCIAL-RESTRICTED DISTRICT, KAD NO. 14774 AND 14786. (Priscilla Jean Heard)

11.C.[2017-361](#) PROPOSED APPLICATION OF A COTTAGE HOUSING DEVELOPMENT OVERLAY DISTRICT TO 530 OAK PARK, KAD NO. 15836 (Dave Luciani)

A MOTION WAS MADE BY COUNCIL MEMBER BOYD IV, SECONDED BY COUNCIL MEMBER ANZOLLITTO, TO RECEIVE THE RECOMMENDATIONS FROM THE PLANNING AND ZONING COMMISSION AND SET PUBLIC HEARINGS FOR JUNE 13, 2017. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Absent: 1 - Council Member Colvin

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

Kirsten Cohoon, City Attorney commented on the great turnout of Lemonade Day which had 40 stands this year.

Jeff Thompson, Deputy City Manager recognized Danny Zincke, Parks and Recreation Director for his comments in the article in Texas Town and City Magazine titled "Civic Leaders Plan for Stronger Communities." Each Council Member received a copy of the article.

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

Mayor Schultz convened the City Council into Executive Session at 6:34 p.m. and directed those individuals requested to participate to adjourn to the Executive Session Conference Room.

13.A.[2017-373](#) SECTION 551.072 - DELIBERATION REGARDING REAL PROPERTY

14. 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 6:50 p.m.

No action was taken.

15. ADJOURNMENT

A MOTION WAS MADE BY COUNCIL MEMBER BOYD IV, SECONDED BY COUNCIL MEMBER WOOLARD, TO ADJOURN THE CITY COUNCIL MEETING AT 6:50 P.M. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Absent: 1 - Council Member Colvin

Mayor

City Secretary