

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

Minutes of the Regular City Council meeting of October 10, 2017 at 6:00 p.m.

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

Staff Present: Ron Bowman, Siria Arreola, Paul Barwick, Malachi Bass, Donnie Bergmann, Pam Bransford, Lori Carroll, Billy Cass, Randall Cass, Kirsten, Cohoon, Lissette Jimenz, Jim Kohler, Jerry Carlos, James Hester, Miguel Marroquin, Mike Mann, Sandy Mattick, Doug Meckel, Matt Peters, Tony Plaza, Mike Raute, Shawn Sandy, Austin Sultenfuss, Laura Talley, Jeff Thompson, Emilio Viera, Kimberly Wolfe, Larry Woods, Linda Zartler, and Danny Zincke.

Recognized / Registered Guests: Mark Lord, Emilie Green and Miguel Inclan.

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

2. CONFLICTS OF INTEREST

Council Member Cisneros and Council Member Colvin stated they have a conflict of interest with agenda item #5.A. and will recuse themselves from the discussion and step away from the dais.

3. PUBLIC COMMENTS:

No public comments were received.

4. CONSENT AGENDA:

- 4.A. [2017-759](#) CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD SEPTEMBER 26, 2017.**

THE MINUTES WERE APPROVED.

- 4.B. [2017-754](#) CONSIDER RESOLUTION NO. 2017-R89; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF BOERNE, TEXAS AND KENDALL COUNTY, TEXAS FOR FIRE PROTECTION SERVICES.**

THE RESOLUTION WAS APPROVED.

- 4.C. [2017-766](#) CONSIDER ON SECOND READING ORDINANCE NO. 2017-78; 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 6.099 ACRES LOCATED AT 36 OLD SAN ANTONIO ROAD (KAD NO. 15903), FROM R-E, SINGLE-FAMILY RESIDENTIAL ESTATE DISTRICT TO B-2R, HIGHWAY COMMERCIAL-RESTRICTED DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Cortes)**

THE ORDINANCE WAS APPROVED.

- 4.D. [2017-761](#) CONSIDER RESOLUTION NO. 2017-R90; A RESOLUTION AUTHORIZING A PAYMENT NOT TO EXCEED \$973.90 TO BURDITT CONSULTANTS LLC FOR ADDITIONAL SERVICES RELATED TO THE 2017-2027 PARKS, RECREATION, AND OPEN SPACE MASTER PLAN.**

THE RESOLUTION WAS APPROVED.

- 4.E. [2017-764](#) CONSIDER RESOLUTION NO. 2017-R91; A RESOLUTION AUTHORIZING SUPPLEMENT NUMBER 2 TO THE 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.**

THE RESOLUTION WAS APPROVED.

- 4.F. [2017-756](#) CONSIDER RESOLUTION NO. 2017-R92; A RESOLUTION APPROVING THE TAX LEVY ROLL OF THE CITY OF BOERNE, TEXAS FOR THE YEAR 2017.**

THE RESOLUTION WAS APPROVED.

- 4.G. [2017-755](#) CONSIDER RESOLUTION NO. 2017-R93; AN ANNUAL RESOLUTION AUTHORIZING THE CITY MANAGER TO PAY REGULAR INVOICES AND BILLS FROM SPECIFIC PROVIDERS OF GOODS AND SERVICES, IN ACCORDANCE WITH THE APPROVED ANNUAL BUDGET, AND IN ACCORDANCE WITH SECTION 6.08 OF THE CITY OF BOERNE'S HOME RULE CHARTER.**

THE RESOLUTION WAS APPROVED.

A MOTION WAS MADE BY COUNCIL MEMBER BOYD IV, SECONDED BY MAYOR PRO TEM WOOLARD TO APPROVE THE CONSENT AGENDA AS PRESENTED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

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

Mayor Schultz opened the public hearing at 6:05 p.m.

- 5.A. [2017-771](#) PROPOSED ANNEXATION OF 4.987 ACRES OF LAND LOCATED AT 140 ENTERPRISE PARKWAY, KAD NOS. 12255 AND 12259 AT THE REQUEST OF BILL BIRD. (First of Two Hearings)**

Council Member Cisneros and Council Member Colvin recused themselves from the discussion and stepped away from the dais.

No comments were received.

Mayor Schultz closed the public hearing at 6:06 p.m.

6. [2017-757](#) RECOGNITION OF THE PARKS AND RECREATION DEPARTMENT FOR RECEIVING THE TEXAS AMATEUR ATHLETIC FEDERATION CITY OF THE YEAR AWARD.

Mayor Schultz called on Mr. Danny Zinke, Community Services Director. Mr. Zinke explained that the Texas Amateur Athletic Federation (TAAF) is a nonprofit organization established in 1925 to promote, organize and conduct amateur athletics in the state of Texas. The City of Boerne has been a member for 15 years. Mr. Zinke introduced Mr. Mark Lord, Executive Director of TAAF. Mr. Lord stated that there are currently 165 cities that are members of TAAF. Each year the members of TAAF vote on the Member City of the Year. This is the highest award given by TAAF to a member city. This is the third year that Boerne Parks and Recreation has been awarded this honor. The award is given based on the overall representation of Boerne across the state. The Boerne Parks and Recreation department also received the Platinum City award which Boerne was one of three cities that received the award. This is the third year in a row that Boerne has received the Platinum City award. Mr. Zinke stated that it takes staff's participation in the events to win the award. He introduced and expressed his appreciation to the Parks and Recreation staff members in attendance.

7. [2017-763](#) DISCUSSION AND CONSIDER ACCEPTANCE OF FY 2018 ECONOMIC DEVELOPMENT WORK PLAN.

Mayor Schultz called on Mr. Jeff Thompson, Deputy City Manager. Mr. Thompson stated that there are a few modifications to the FY 2018 Economic Development Plan that will be made. He will continue to take input from the City Council and will bring the plan back to the City Council on the October 24, 2017 meeting for consideration. Discussion ensued regarding whether any national corporate headquarters plan to come to Boerne. City Manager Bowman stated that there is a high level of competition with any large national corporate headquarters. There are a few small corporate headquarters already present in Boerne.

8. [2017-765](#) CONSIDER ON FIRST READING ORDINANCE NO. 2017-79; 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. (In school zones, Boerne Middle School North, Johns Road, and Cibolo Creek Elementary, Herff Ranch Blvd.)

Mayor Schultz called on Police Chief Jim Kohler. Chief Kohler displayed a location map of Cibolo Creek Elementary. He pointed out the areas where there are traffic issues. He displayed the proposed areas for no parking, standing or stopping during school hours on school days along the east side of Herff Ranch Blvd. and the new route for the school buses. Chief Kohler displayed a location map of Boerne Middle School North. He pointed out the areas where traffic is double stacking on Johns Road after school due to parked cars along the curb. Chief Kohler proposed no parking, standing, or stopping along the south side of Johns Road between School Street and Live Oak Street during school hours on school days. He will be addressing the issue with the School Board next week. The discussion will also include the need for more crossing guards. The school Superintendent will visit with school staff regarding appropriate parking areas. Discussion ensued regarding recommendation of possible shuttle for students in Herff Ranch.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER ANZOLLITTO, TO APPROVE ON FIRST READING ORDINANCE NO. 2017-79; 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. (IN SCHOOL ZONES, BOERNE MIDDLE SCHOOL NORTH, JOHNS ROAD, AND CIBOLO CREEK ELEMENTARY, HERFF RANCH BLVD.) THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

9. [2017-769](#) **CONSIDER RESOLUTION NO. 2017-R94; A RESOLUTION NOMINATING CANDIDATES TO THE KENDALL APPRAISAL DISTRICT**

BOARD OF DIRECTORS.

Mayor Schultz reminded the City Council of the recent approved resolution which provides for the Kendall Appraisal District Board of Directors terms to be staggered. It is now time to nominate a candidate. Each taxing unit may nominate a candidate. It is the recommendation that Mr. Jeff Haberstroh be the City's candidate.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER ANZOLLITTO, TO APPROVE RESOLUTION NO. 2017-R94; A RESOLUTION NOMINATING JEFF HABERSTROH TO THE KENDALL APPRAISAL DISTRICT BOARD OF DIRECTORS. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

10. [2017-767](#) CONSIDER RESOLUTION NO. 2017-R95; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A FOURTH AMENDED DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF BOERNE AND LOOKOUT BOERNE HOLDINGS, LP., KENDALL COUNTY WATER CONTROL DISTRICT NO. 2, AND KENDALL COUNTY WATER CONTROL DISTRICT NO. 2-A.

Mayor Schultz called on Mr. Jeff Thompson, Deputy City Manager. Mr. Thompson displayed an area map of the Esperanza subdivision. As the subdivision is developing, changes have become necessary. This would be the fourth amendment to the Lookout Group development agreement. The Boerne ISD (BISD) no longer plans to construct a middle school in the subdivision. City Staff has expressed a desire for the future City park site to be expanded from 22.7 acres to 26 acres and reconfigured to be more useable as a park and adjacent to the elementary school. Staff recommended that the Lookout Group utilize the 16 acres that was re-conveyed by BISD as residential land, with the number of residential lots remaining the same at 2,480; the City receive 3.3 acres of additional park land for a total of 26 acres; and the Lookout Group receive an increase in the bond cap to cover its projected increase in reimbursable construction costs without increasing the time to pay off the debt.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER CISNEROS, TO APPROVE RESOLUTION NO. 2017-R95; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A FOURTH AMENDED DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF BOERNE AND LOOKOUT BOERNE HOLDINGS, LP., KENDALL COUNTY WATER CONTROL DISTRICT NO. 2, AND KENDALL COUNTY WATER CONTROL DISTRICT NO. 2-A. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

11. RECEIVE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND TAKE ANY NECESSARY ACTION:

11.A.[2017-768](#) CONSIDER DEVIATIONS FROM THE REQUIREMENTS AS SET FORTH IN THE CITY OF BOERNE SUBDIVISION ORDINANCE NO. 2007-56, ARTICLE 3, PLANNING AND COMMUNITY DESIGN STANDARDS, TABLE 3-4 STREET CROSS-SECTION STANDARDS FOR JOHNS ROAD BUSINESS PARK LOCATED AT 10038 JOHNS ROAD (KAD 12506).

Mayor Schultz called on Ms. Laura Talley, Planning and Community Development Director. Ms. Talley displayed an area map of the property located at 10038 Johns Road. She explained that the property is in the City's ETJ. The developer is asking for a deviation to the street cross-section as it relates to the City's Subdivision Ordinance. The developer will be adding three feet of pavement but would like to leave the borrow ditches for drainage. The Planning and Zoning Commission voted 7-0 in favor of the deviation. Staff is also in support of the deviation to the cross section.

A MOTION WAS MADE BY COUNCIL MEMBER BOYD IV, SECONDED BY COUNCIL MEMBER CISNEROS, TO APPROVE THE DEVIATIONS FROM THE REQUIREMENTS AS SET FORTH IN THE CITY OF BOERNE SUBDIVISION ORDINANCE NO. 2007-56, ARTICLE 3, PLANNING AND COMMUNITY DESIGN STANDARDS, TABLE 3-4 STREET CROSS-SECTION STANDARDS FOR JOHNS ROAD BUSINESS PARK LOCATED AT 10038 JOHNS ROAD (KAD 12506). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

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

Mayor Schultz read a letter he received expressing appreciation to various local groups who assisted the Rockport residents with meals after the destruction of Hurricane Harvey.

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

Mayor Schultz convened the City Council into Executive Session at 6:45 p.m. and asked those individuals requested to participate to adjourn to the Executive Session Conference Room.

- [2017-760](#) A. SECTION 551.072 - DELIBERATION REGARDING REAL PROPERTY.
B. SECTION 551.072 - DELIBERATION REGARDING REAL PROPERTY.
C. SECTION 551.071 - CONSULTATION WITH ATTORNEY (a) CONTEMPLATED LITIGATION.

No action was taken.

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 7:04 p.m.

14.A.[2017-762](#) CONSIDER RESOLUTION NO. 2017-R96; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT FOR THE SALE OF THE BOERNE CONVENTION AND VISITORS BUREAU BUILDING LOCATED AT 1407 SOUTH MAIN STREET, BOERNE, TEXAS.

No action was taken.

14.B.[2017-770](#) CONSIDER RESOLUTION NO. 2017-R97; A RESOLUTION OF THE CITY OF BOERNE, TEXAS ALLOWING ACCESS TO ALL ACCOUNTS AT WELLS FARGO BANK, N.A.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER BOYD IV, TO APPROVE RESOLUTION NO. 2017-R97; A RESOLUTION OF THE CITY OF BOERNE, TEXAS ALLOWING ACCESS TO ALL CITY OF BOERNE ACCOUNTS AT WELLS FARGO BANK, N.A. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

15. ADJOURNMENT

A MOTION WAS MADE BY COUNCIL MEMBER CISNEROS, SECONDED BY COUNCIL MEMBER COLVIN, TO ADJOURN THE CITY COUNCIL MEETING AT 7:06 P.M. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Approved:

Mayor

Attest:

City Secretary