

MINUTES
CITY COUNCIL WORKSHOP
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
October 24, 2017 – 4:00 p.m.

Minutes of the City Council Workshop of October 24, 2017 at 4:00 p.m.

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

Absent: **1 -** Council Member Charlie Boyd IV

Mayor Pro Tem Nina Woolard arrived at 4:09 p.m.

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

Registered / Recognized Guests: Jeff Carroll, Tamara Thornton, Emilie Christian, Emily Green, Ann Dietert, Jonah Evans, Alison Church, Beave Aplin, Stan Beard, and Anthony Howe.

1. CALL TO ORDER – 4:00 PM

Mayor Schultz called the City Council Workshop to order at 4:00 p.m.

2. WORKSHOP DISCUSSION:

2.A. [2017-795](#) Downtown Parking

Mayor Schultz called on Ms. Linda Zartler, Assistant City Manager. Ms. Zartler displayed various locations where parking is available in the Hill Country Mile area. There are approximately 2000 public/private parking spaces available. Ms. Zartler stated that most of the property owners have been approached but not all are cooperative. Mayor Schultz stated that he will be meeting with Judge Lux and parking issues is on the agenda. Mr. Jeff Thompson, Deputy City

Manager stated that he has met with the County Engineer and it appears the County is positive about a joint venture. Discussion ensued regarding a parking garage, signage, possible bond issue, and the only time parking seems to be a big issue is when there are special events held around the Plaza.

2.B. [2017-796](#) Convention and Visitors Bureau Facility

Mayor Schultz called on Mr. Larry Woods, Convention and Visitors Bureau Director. At a previous City Council meeting, Council Member Boyd IV asked for an additional discussion regarding the new Convention and Visitors Bureau (CVB) facility to be located on the Lohman Street parking lot and whether the building should be one or two story to include a private/public partnership. Discussions ensued regarding the City being in the landlord business, square footage of the proposed building, and concerns with a larger building taking up much needed parking spaces.

2.C. [2017-786](#) Feeding of Waterfowl in City Parks

Mayor Schultz called on Danny Zincke, Community Services Director. Mr. Zincke asked the City Council for direction on feeding the waterfowl in City Parks. In an effort to reduce the number of birds at the River Road Park, about five years ago signs were posted along the curb asking the public to not feed the waterfowl. Mr. Zincke explained that not only is feeding the waterfowl unhealthy for the birds, but it also creates other issues inside the park and in the roadway. Discussion ensued regarding moving the signs closer to the edge of the fishing pier, providing an educational panel that will educate the public and encourage bird watching instead of feeding the birds, and provide educational information on social media.

2.D. [2017-803](#) Storm Water Utilities/ Drainage Fees

Mayor Schultz called on Mr. Jeff Thompson, Deputy City Manager and Public Works Director Mike Mann. Mr. Thompson referred to a newspaper article provided to the City Council regarding San Antonio's modifications to their storm water utility fees. Mr. Mann reviewed the process in setting up a drainage utility fund. Discussion ensued regarding having more discretion with drainage fees than impact fees, incentives for capturing rain water, limitation

to just drainage projects, not everyone may benefit, impact and cost of flood events. City Manager Ron Bowman stated that the City continues to be good stewards of funds and the overall quality of life for the community. Mayor Schultz asked Staff to move forward with a consultant.

2.E. [2017-801](#) Roadway Impact Fees

Mr. Mann continued with the pros and cons of Roadway Impact Fees. These impact fees are restricted to city limits and are paid by the developer during new construction and used for specific projects. Discussion ensued regarding the concerns with impact fees being passed on to the cost of the new home which defeats low cost housing, impact should be on the new development and not current taxpayers, and the possibility of waiving the fee if a property is developed in such a way. Deputy City Manager Jeff Thompson referred to a study done by Kimley Horn for the City of Seguin. Mayor Schultz asked staff to bring back an example of roadway impact fee and how it will benefit Boerne.

2.F. [2017-787](#) Parkland Dedication and Park Impact/Improvement Fees

Mayor Schultz called on Mr. Danny Zincke, Community Services Director. Mr. Zincke stated that during the update of the City of Boerne Parks, Recreation, and Open Space Master Plan, it was recommended that the City consider reviewing and updating the current parkland dedication ordinances. He explained that a Parkland Dedication Ordinance which is a local government requirement imposed on subdivisions and site plan applications mandating the dedication of land for a park, the payment of a fee to be used by the governmental entity to acquire land, or develop park facilities. Currently the City does not have a park development fee. Discussion ensued regarding park land v. open space in subdivisions, option to take funds in lieu of taking land and using the funds at a different location, applying the ordinance to the ETJ. Mayor Schultz asked that Staff move forward with the recommendation of updating the current ordinances and bring back to City Council at a later date for consideration.

2.G. [2017-811](#) Staff Initiatives Concerning Low Impact Development and LED Lighting

Mayor Schultz called on Ms. Laura Talley, Planning and Community Development Director. Ms. Talley stated that Staff recently attended the Hill Country Alliance Dark Sky Conference and has also consulted with lighting experts. Staff is making preparations to update the current zoning ordinance to permit LED lighting. Discussion ensued regarding motion detecting lighting in parking lots. Mr. Talley also spoke on Low Impact Development (LID). Staff is establishing a map, identifying sensitive areas around Boerne. City Manager Ron Bowman asked Staff to move forward and hire an expert.

2.H. [2017-812](#) Applying an Overlay District to the North portion of Herff Road (Herff Road from River Road to Old San Antonio Road.)

Mayor Schultz stated this agenda item will be discussed at the end of the regular meeting agenda.

3. ADJOURNMENT

Mayor Schultz adjourned the City Council Workshop at 5:32 p.m.

**MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
October 24, 2017 – 6:00 PM**

Minutes of the Regular Called City Council meeting of October 24, 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, Pam Bransford, Lori Carroll, Kirsten Cohoon, Lissette Jimenez, Jim Kohler, Mike Mann, Sandy Mattick, Doug Meckel, Mike Raute, Laura Talley, Jeanette Teague, Jeff Thompson, Larry Woods, Linda

Zartler, and Danny Zincke.

Registered / Recognized Guests: Jeff Carroll, Tamara Thornton, Emilie Christian, Emily Green, Ann Dietert, Jonah Evans, Alison Church, Beaver Aplin, Stan Beard, Anthony Howe, Susan Nelson, Skipper Nelson, Tod and Sheila Wilson, Misty Mayo, Susan Allen, Dana Mathes, Carey Stewart, Carolina Perez, Robert McCreight, J R Bradshaw, Don Jackson, Brian Gessley, Miguel A. Inclan, J P Greve, Chris Hammack, Joseph Macaluso, Steve Kerr, Shawn Berry, Karan Jamison, Cheryl Ladd, and Tommy Mathews.

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

Council Member Colvin and Council Member Cisneros stated they will recuse themselves from the discussion on Agenda Item 5.A.

3. PUBLIC COMMENTS:

J P Greve, 457 Menger Springs spoke on the sign application for Buc-ee's. He and his wife object to the elevation and the light of the sign.

Chris Hammack, 449 Menger Springs stated he was not in favor of Buc-ee's. He doesn't want Boerne to be like San Antonio adding light pollution and visual distraction.

Joseph Macaluso, 317 Menger Springs spoke against the proposed Buc-ee's sign. He sent a drone shot to the City Council showing that the top of the sign would be seen from the entire subdivision and should be lower since it is on top of a hill. Mr. Macaluso stated that the City Council should not pass the variance.

Steve Kerr, 148 Bitter Springs stated that he is a current member of Historic Landmark Commission. He is opposed to the Buc-ee's sign and feels that the City Council would be opening Pandora's Box if approved. He suggested that the City Council vote no or table the request and visit with the Menger Springs residents.

Ann Dieter, 106 Green Meadows suggested the City Council pursue LID and protect all the creeks in Boerne and the City Lake.

Shawn Berry, 619 Menger Springs spoke against Buc-ee's and expressed concern with home values.

Karan Jamison, 105 Bitter Springs stated that her property will be at the foothill of Buc-ee's and will be looking up at the Buc-ee's sign. She is concerned with water runoff, property tax increase, and opposes the variance and Buc-ee's in general.

Cheryl Ladd, 157 Bitter Springs expressed concern with the Buc-ee's sign. Since moving to Boerne she has seen growth and expected progress. When she purchased her home she thought she would always have a peaceful neighborhood.

Tamara Thornton, 627 Menger Springs stated she recently moved from Katy. She spoke on the elevation of the Buc-ee's location. She is not opposed to growth but it should be done responsibly. Boerne should be a destination that people will remember. She is opposed to the variance.

Anthony Howell, 365 Menger Springs opposed the Buc-ee's sign variance. The City Council would be setting a precedence if the variance is approved. Menger Springs is an establish neighborhood with this sign coming after homes have been built. Buc-ee's doesn't need a sign that large.

Dana Mathes, 164 Creek Springs. He stated he has been a Boerne resident for three years. He expressed concerns with the Buc-ee's development. He opposed the sign height as it isn't necessary and isn't attractive.

John Bradshaw, 101 Peach Springs stated he opposed Buc-ee's sign variance. He suggested the City Council weigh the pros and cons. A pro would provide the ability to see the sign from a distance, but a con would be how it effects the neighborhood. He doesn't understand the sign request. A lower sign would not impact Buc-ee's. The tax base for his neighborhood will suffer.

4. CONSENT AGENDA:

- 4.A. [2017-785](#) CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD OCTOBER 10, 2017 AND THE SPECIAL CALLED CITY COUNCIL MEETING ON OCTOBER 17, 2017 (Master Plan Open House).**

THE MINUTES WERE APPROVED.

- 4.B. [2017-789](#) CONSIDER ON SECOND 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 ORDINANCE WAS APPROVED.

- 4.C. [2017-784](#) CONSIDER RESOLUTION NO. 2017-R98; A RESOLUTION OF THE CITY OF BOERNE, TEXAS AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE ALAMO AREA COUNCIL OF GOVERNMENTS FOR A REGIONAL SOLID WASTE GRANTS PROGRAM GRANT; AUTHORIZING THE CITY MANAGER TO ACT ON BEHALF OF THE CITY OF BOERNE IN ALL MATTERS RELATED TO THE APPLICATION; AND PLEDGING THAT IF A GRANT IS RECEIVED THE CITY OF BOERNE WILL COMPLY WITH THE GRANT REQUIREMENTS OF THE ALAMO AREA COUNCIL OF GOVERNMENTS, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND THE STATE OF TEXAS. (Household Hazardous Waste)**

THE RESOLUTION WAS APPROVED.

- 4.D. [2017-808](#) CONSIDER RESOLUTION NO. 2017-R99; A RESOLUTION AUTHORIZING THE CITY MANAGER TO PROCEED WITH PURCHASES AS PER SECTION 6.08 OF THE CITY OF BOERNE'S HOME RULE CHARTER. (Control System for the Recycled Water Fill Station at the Esser Road Wastewater Treatment Plant)

THE RESOLUTION WAS APPROVED.

- 4.E. [2017-774](#) CONSIDER RESOLUTION NO. 2017-R100; A RESOLUTION AUTHORIZING THE CITY MANAGER TO PROCEED WITH PURCHASES AS PER SECTION 6.08 OF THE CITY OF BOERNE'S HOME RULE CHARTER. (2 Police vehicles)

THE RESOLUTION WAS APPROVED.

- 4.F. [2017-809](#) CONSIDER RESOLUTION NO. 2017-R101; A RESOLUTION AUTHORIZING THE CITY MANAGER TO PROCEED WITH PURCHASES AS PER SECTION 6.08 OF THE CITY OF BOERNE'S HOME RULE CHARTER. (2 vehicles for Wastewater Department)

THE RESOLUTION WAS APPROVED.

- 4.G. [2017-781](#) CONSIDER RESOLUTION NO. 2017-R102; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A LEASE AGREEMENT WITH APPLE FINANCIAL SERVICES. (iPads)

THE RESOLUTION WAS APPROVED.

- 4.H. [2017-790](#) CONSIDER RESOLUTION NO. 2017-R103; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE THE FIRST AMENDMENT TO THE CONTRACT FOR PUBLIC RELATIONS AND MARKETING SERVICES WITH PERMANENT INK PUBLIC RELATIONS, LLC. (Extend agreement for two years)

THE RESOLUTION WAS APPROVED.

- 4.I. [2017-807](#) CONSIDER RESOLUTION NO. 2017-R104; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND SMITH PAINTING & DRYWALL FOR INTERIOR AND EXTERIOR PAINTING OF THE WATER TREATMENT PLANT AT BOERNE CITY LAKE. (Ranger Creek Road)

THE RESOLUTION WAS APPROVED.

4.J. [2017-783](#) CONSIDER ACCEPTANCE OF FY 2018 ECONOMIC DEVELOPMENT WORK PLAN.

THE ECONOMIC DEVELOPMENT WORKPLAN WAS APPROVED.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER ANZOLLITTO 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:

5.A. [2017-800](#) PROPOSED ANNEXATION OF 4.987 ACRES OF LAND LOCATED AT 140 ENTERPRISE PARKWAY, KAD NOS. 12255 AND 12259 AT THE REQUEST OF BILL BIRD. (Second of Two Hearings)

Mayor Schultz opened the public hearing at 6:26 p.m.

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

No comments were received.

Mayor Schultz closed the public hearing at 6:28 p.m.

5.B. [2017-799](#) PROPOSED USE OF MULTI-DWELLING STRUCTURES IN A B-2, HIGHWAY COMMERCIAL DISTRICT, A TOTAL OF 6.089 ACRES OUT OF 65.011 ACRES, FOR A SITE LOCATED WITHIN THE COMMONS AT MENDER CREEK MASTER DEVELOPMENT PLAN LOCATED AT 20 OLD SAN ANTONIO ROAD (KAD NO. 39338). (First of one hearing)

Mayor Schultz opened the public hearing at 6:28 p.m.

No comments were received.

Mayor Schultz closed the public hearing at 6:29 p.m.

- 5.C. [2017-797](#) 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 08. COMMERCIAL CENTER DESIGN STANDARDS, SECTION 09. COMBINED COMMERCIAL DESIGN STANDARDS. (First of one hearing)

Mayor Schultz opened the public hearing at 6:29 p.m.

No comments were received.

Mayor Schultz closed the public hearing at 6:29 p.m.

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

- 6.A. [2017-802](#) CONSIDER ON FIRST READING ORDINANCE NO. 2017-80; 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 MULTI-DWELLING STRUCTURES IN A B-2, HIGHWAY COMMERCIAL DISTRICT DESCRIBED AS 6.089 ACRES OUT OF 65.011 ACRES FOR A SITE LOCATED WITHIN THE COMMONS AT MENDER CREEK MASTER DEVELOPMENT PLAN LOCATED AT 20 OLD SAN ANTONIO ROAD (KAD NO. 39338).

Mayor Schultz called on Ms. Laura Talley, Planning and Community Development Director. Ms. Talley displayed a map of the property located at 20 Old San Antonio Road. The developer is requesting the use of multi-dwelling structures for this site. The development will be for residents that are 55 years old and older. The property is located next to the Franklin Memory Care and Assisted Living facility. The Planning and Zoning Commission voted 7-0 in favor of the use with the caveats that it doesn't exceed 36 units, that the units all be one story and with staff suggestion, that they all be cottage style homes. Discussion ensued regarding the development meeting

the SoBo Overlay District criteria.

A MOTION WAS MADE BY COUNCIL MEMBER COLVIN, SECONDED BY COUNCIL MEMBER CISNEROS, TO APPROVE ON FIRST READING ORDINANCE NO. 2017-80; 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 MULTI-DWELLING STRUCTURES IN A B-2, HIGHWAY COMMERCIAL DISTRICT DESCRIBED AS 6.089 ACRES OUT OF 65.011 ACRES FOR A SITE LOCATED WITHIN THE COMMONS AT MENDER CREEK MASTER DEVELOPMENT PLAN LOCATED AT 20 OLD SAN ANTONIO ROAD (KAD NO. 39338) WITH THE FOLLOWING CAVEATS: THAT THE TOTAL NUMBER OF UNITS NOT EXCEED 36, THAT THEY BE NO TALLER THAN ONE-STORY, AND THAT THE DESIGN OF THE STRUCTURES BE IN A COTTAGE ARCHITECTURAL STYLE. 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

6.B. [2017-810](#) CONSIDER ON FIRST READING ORDINANCE NO. 2017-81; 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 08. COMMERCIAL CENTER DESIGN STANDARDS, SECTION 09. COMBINED COMMERCIAL DESIGN STANDARDS.

Ms. Talley continued with proposed modifications to the City of Boerne's Zoning Ordinance. Ms. Talley reminded the City Council that an ordinance was previously approved which adopted design regulations for network nodes. The Zoning Ordinance needs to be updated to include this information. In addition, the proposed modifications includes design criteria for properties that are located between and adjacent to a street and creek and also updating the section that refers to LID, referring to the City of Boerne's LID design manual. The Planning and Zoning Commission voted 7-0 in favor of the modifications.

A MOTION WAS MADE BY COUNCIL MEMBER BOYD IV, SECONDED BY COUNCIL MEMBER CISNEROS, TO APPROVE ON FIRST READING ORDINANCE NO. 2017-81; 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 08. COMMERCIAL CENTER DESIGN STANDARDS, SECTION 09. COMBINED COMMERCIAL DESIGN STANDARDS. 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

7. [2017-805](#) UPDATE ON THE BOERNE MASTER PLAN.

Ms. Talley continued with an update of the Boerne Master Plan. She noted that there is one day left to complete the online survey. She reviewed the results so far. There were 73 attendees at the October 17, 2017 Open House. She reviewed the timeline and stated that we are still on schedule for the Boerne Master Plan to be approved in April. Discussion ensued regarding how the non-residents responses are considered in the survey.

8. [2017-806](#) RECEIVE AND CONSIDER A REQUEST FROM BUC-EE'S FOR A VARIANCE TO THE SIGN ORDINANCE SECTION 10. RESTRICTIONS ON CERTAIN TYPES OF SIGNS. BB. SELF -SUPPORTED SIGNS. 4.C. (Stan Beard, 33375 I-10)

Ms. Talley stated that a sign variance request for Buc-ee's has been received. The sign variance is for 100 feet in height and 490 square feet with an additional 110 square feet for a Boerne identifier. The City's Sign Ordinance allows 40 feet in height and 100 square feet for a sign located along IH-10. City Staff participated in a visibility test (balloon) which was performed on the Buc-ee's site using a red balloon at various heights. The balloon was viewed at 40 feet, 100 feet, and 125 feet. Ms. Talley stated that she was in Menger Springs Subdivision when the balloon testing was conducted. She was able to see the balloon at 40 feet. Mr. Stan Beard, director of real estate for Buc-ee's provided a photo of the current Comfort Inn sign which is similar in size. The Comfort Inn sign that they compared to was approved by variance to allow for 100 feet in height and 408 square feet. The sign review committee was in favor

of allowing the variance due to visibility issues. Discussion ensued regarding setting precedents if the sign was approved, height of other signs in the area on the interstate, removing the cobranding, signage at the new exit off IH-10, and suggesting doing a balloon test at 75 feet. Mayor Schultz called on Stan Beard to provide additional information. Mr. Beard stated that to make the sign work, it needs to be at least 100 feet especially coming from San Antonio. They are willing to compromise on the square footage.

COUNCIL MEMBER BOYD IV MADE A MOTION TO DENY THE REQUEST FROM BUC-EE'S FOR A VARIANCE TO THE SIGN ORDINANCE SECTION 10. RESTRICTIONS ON CERTAIN TYPES OF SIGNS. BB. SELF-SUPPORTED SIGNS. 4.C .

COUNCIL MEMBER CISNEROS MADE AN ALTERNATE MOTION TO APPROVE THE REQUEST WITH THE MODIFICATION THAT THE SIGN BE 77 FEET IN HEIGHT. MAYOR PRO TEM WOOLARD SECONDED THE MOTION. THE MOTION FAILED BY THE FOLLOWING VOTE:

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

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

MAYOR SCHULTZ REFERRED BACK TO THE FIRST MOTION:

COUNCIL MEMBER BOYD IV MADE A MOTION TO DENY THE REQUEST FROM BUC-EE'S FOR A VARIANCE TO THE SIGN ORDINANCE SECTION 10. RESTRICTIONS ON CERTAIN TYPES OF SIGNS. BB. SELF-SUPPORTED SIGNS. 4.C. COUNCIL MEMBER ANZOLLITTO SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

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

9. [2017-788](#) CONSIDER ON FIRST READING ORDINANCE NO. 2017-82; AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 2016-43 CAPTIONED "AN ORDINANCE ESTABLISHING AND REESTABLISHING FEES AND CHARGES FOR ACTIVITIES, GOODS AND SERVICES PROVIDED BY THE CITY; CONTAINING A

PROVISION TO AUTHORIZE THE CITY MANAGER TO ESTABLISH FEES AND CHARGES IN CERTAIN CIRCUMSTANCES, CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE SUBJECT."

Mayor Schultz called on Ms. Sandy Mattick, Finance Director. Ms. Mattick reviewed the proposed modifications to the City's Fee Ordinance. If approved the changes will be effective January 1, 2018. Discussion ensued regarding animal adoption fees, sports field rental fees, tennis courts fees, and Boerne Lake Park fees.

A MOTION WAS MADE BY COUNCIL MEMBER ANZOLLITTO, SECONDED BY COUNCIL MEMBER BOYD IV, TO APPROVE ON FIRST READING ORDINANCE NO. 2017-82; AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 2016-43 CAPTIONED "AN ORDINANCE ESTABLISHING AND REESTABLISHING FEES AND CHARGES FOR ACTIVITIES, GOODS AND SERVICES PROVIDED BY THE CITY; CONTAINING A PROVISION TO AUTHORIZE THE CITY MANAGER TO ESTABLISH FEES AND CHARGES IN CERTAIN CIRCUMSTANCES, CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE SUBJECT." WITH THE MODIFICATION THAT BALL FIELD RENTALS FOR NON CITY RESIDENTS BE \$40.00. 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. [2017-798](#) RECEIVE BIDS AND AWARD CONTRACT FOR THE RICHTER WATER MAIN AND OAK PARK SEWER MAIN AND CONSIDER RESOLUTION NO. 2017-R105; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, AUTHORIZING THE AWARD OF A BID FOR THE RICHTER WATER MAIN AND OAK PARK SEWER MAIN.

Mayor Schultz called on Mr. Mike Mann, Public Works Director. Mr. Mann displayed a location map for the Richter Street Water Main and Oak Park Sewer Main projects. Three bidders responded to the advertisement and the bids ranged from \$375,739.00 to \$496,882.90. The low bidder was M5 Utilities, LLC from Boerne. The design consultant and city staff concurs and recommended that the project be awarded to M5 Utilities, LLC in the amount, not to exceed \$375,739.00.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER ANZOLLITTO, TO RECEIVE BIDS AND AWARD CONTRACT FOR THE RICHTER WATER MAIN AND OAK PARK SEWER MAIN AND CONSIDER RESOLUTION NO. 2017-R105; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, AUTHORIZING THE AWARD OF A BID FOR THE RICHTER WATER MAIN AND OAK PARK SEWER MAIN TO M5 UTILITIES, LLC IN THE AMOUNT NOT TO EXCEED \$375,739.00. 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. [2017-794](#) CONTINUE WORKSHOP DISCUSSION IF NECESSARY.

[2017-812](#) Applying an Overlay District to the North portion of Herff Road (Herff Road from River Road to Old San Antonio Road.)

Mayor Schultz called on Mayor Pro Tem Woolard to discuss the potential for an overlay district, similar to the SoBo Overlay District, for the North Herff Road area - Herff Road from River Road to Old San Antonio Road. She feels that planning needs to be made for future development of these properties. It was the consensus of the City Council to move forward with an Overlay District.

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

Larry Woods, Convention and Visitors Bureau Director displayed an advertisement for Dickens On Main at the Convention and Visitors Bureau office across from the Alamo in San Antonio. He also showed a commercial that will be played at movie theaters beginning this weekend through the end of November.

Council Member Cisneros stated he attended the recent Alamo Area Metropolitan Planning Organization (MPO) meeting. Proposed amendments to the bylaws were read at the meeting which affects the Kendall County region. One of the proposed amendments include authorizing the Mayor of Boerne to appoint any elected official residing in Kendall County to the MPO. This

includes Boerne, Kendall County, and Fair Oaks Ranch with approval of the City Council. The meeting in November will be in Austin with the Capitol MPO members. The purpose of meeting will be connectivity between San Antonio and Austin and whether to move forward with a commuter rail between the two cities.

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

Mayor Schultz convened the City Council into Executive Session at 7:47 p.m. and asked those individuals requested to participate to adjourn to the Executive Session Conference Room.

[2017-791](#) A. SECTION 551.072 - DELIBERATION REGARDING REAL PROPERTY.

B. SECTION 551.087 - DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS.

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 8:07 p.m.

14.A.[2017-792](#) CONSIDER RESOLUTION NO. 2017-R106; 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.

15. ADJOURNMENT

A MOTION WAS MADE BY COUNCIL MEMBER BOYD IV, SECONDED BY MAYOR PRO TEM WOOLARD, TO ADJOURN THE CITY COUNCIL MEETING AT 8:07 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