

Minutes of the Regular City Council meeting of January 9, 2018 at 6:00 p.m.

**Absent:**           **1 -**   Mayor Michael Schultz

**Recognized / Registered Guests:** James Griffen, Emily Green, Mary Brook, Ann Dietert, Brad Wells, Suzanne Young, Steve Young, Rich McCormick, and Susan Allen.

Mayor Pro Tem Woolard called the City Council meeting to order at 6:00 p.m.

Mayor Pro Tem Wooldard asked for a Moment of Silence and led the Pledge of Allegiance to the United States Flag and the Texas Flag.

Mayor Pro Tem Woolard stated that there will not be discussion on Agenda Items 12A. (Executive Session) or consideration on Agenda Item 13.

No conflicts were declared.

**3. PUBLIC COMMENTS:**

Ann Dietert, 106 Green Meadows questioned the reason she has not received a response from the Council Members or City Manager or Deputy City Manager when asked about the rezoning of 17 Herff Road. She stated she lives across Herff Road from the development and is concerned with traffic and dangers that exist when she attempts to turn down Green Meadows to her home. She asked if there are any plans to alleviate traffic congestion in the area, the effects of the grade of the property, and the use of Low Impact Development (LID).

**4. CONSENT AGENDA:****4.A. [2018-104](#) APPROVAL OF THE MINUTES OF THE REGULAR CALLED CITY COUNCIL MEETING HELD DECEMBER 12, 2017.**

THE MINUTES WERE APPROVED.

**4.B. [2018-114](#) CONSIDER RESOLUTION NO. 2018-R01; A RESOLUTION ESTABLISHING PROCEDURES FOR A GENERAL ELECTION FOR MAY 5, 2018. (Considerar la resolución número 2018-R01; una resolución que establece los procedimientos para la eleccion general del 5 de mayo, 2018)**

THE RESOLUTION WAS APPROVED.

A MOTION WAS MADE BY COUNCIL MEMBER BOYD IV, 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. [2018-108](#) PROPOSED ANNEXATION OF 13.327 ACRES OF LAND LOCATED AT 41 OLD SAN ANTONIO ROAD, KAD NO. 38976, AND THE ADJACENT RIGHT-OF-WAY ON OLD SAN ANTONIO ROAD AT THE REQUEST OF THE CITY OF BOERNE. (Wastewater Treatment and**

**Recycling Center - First of two hearings)**

Mayor Pro Tem Woolard opened the public hearing at 6:05 p.m.

No comments were received.

Mayor Pro Tem Woolard closed the public hearing at 6:06 p.m.

**5.B. [2018-109](#) PROPOSED USE OF A GYMNASIUM IN A B-2R, HIGHWAY COMMERCIAL - RESTRICTED DISTRICT LOCATED AT 129 OLD SAN ANTONIO ROAD, KAD NO. 62676. (One of one hearing)**

Mayor Pro Tem Woolard opened the public hearing at 6:06 p.m.

No comments were received.

Mayor Pro Tem Woolard closed the public hearing at 6:07 p.m.

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

**6.A. [2018-110](#) CONSIDER ON FIRST READING ORDINANCE NO. 2018-01; 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, ARTICLE 5, SECTION 3 PERMITTED USES, TABLE 5-1, AUTHORIZING THE USE OF A GYMNASIUM IN A B-2R, HIGHWAY COMMERCIAL - RESTRICTED DISTRICT LOCATED AT 129 OLD SAN ANTONIO ROAD (KAD NO. 62676).**

Mayor Pro Tem Woolard called on Ms. Laura Talley, Planning and Community Development Director. Ms. Talley stated the new owner of the property located at 129 Old San Antonio Road would like to convert the existing building to a child oriented obstacle course gymnasium. Ms. Talley displayed a map of the location. The proposed gym will be approximately 6,000 square feet which requires City Council approval. There is sufficient parking available and the new owners plan to add some landscaping in the Entrance Corridor area along the street. Staff is supportive of the project and the Planning and Zoning Commission voted 5-0 in favor of the project.

A MOTION WAS MADE BY COUNCIL MEMBER COLVIN, SECONDED BY COUNCIL MEMBER ANZOLLITTO, TO APPROVE ON FIRST READING ORDINANCE NO. 2018-01; 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, ARTICLE 5, SECTION 3 PERMITTED USES, TABLE 5-1, AUTHORIZING THE USE OF A GYMNASIUM IN A B-2R, HIGHWAY COMMERCIAL - RESTRICTED DISTRICT LOCATED AT 129 OLD SAN ANTONIO ROAD (KAD NO. 62676). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

**7. [2018-111](#) STAFF INITIATIVES CONCERNING LOW IMPACT DEVELOPMENT.**

Ms. Talley continued with an update on Low Impact Development (LID). Ms. Talley stated the subcommittee met with Troy Dorman and Christy Williams of Tetra Tech. Mr. Dorman led a workshop, providing a better understanding of how LID can affect water quality and also provided guidance regarding incorporating LID into the City ordinances. The City Council will consider the Subdivision Ordinance with the incorporated LID at the January 23, 2018 meeting. The Subdivision Ordinance will not cover all aspects of LID, but will provide a first step in that direction. Discussion ensued regarding providing simple guidelines and good practices for builders and developers.

**8. [2018-112](#) CONSIDER ON SECOND READING ORDINANCE NO. 2017-87; 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 14.202 OUT OF 26.654 ACRES LOCATED AT 17 HERFF ROAD (KAD NOS. 12536, 15848, AND 15849) FROM MU-1, MIXED-USE NEIGHBORHOOD DISTRICT TO R-4, MULTI-FAMILY RESIDENTIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

Ms. Talley continued with a recap of the permanent zoning and rezoning process of 17 Herff Road. The current MU-1 zone for the property would provide enough space for 100 units. The developer would like to construct more apartments than are permitted which would require a rezoning to R-4, multi-family. Ms. Talley, introduced James Griffin, a representative of the development. Mr. Griffin displayed a site plan from March 2017 and what is being proposed with R-4. Deed restrictions have been filed with Kendall County which includes restrictions to height, lighting, uses, setbacks, architectural design and fencing while providing low impact development features. Ms. Kirsten Cohoon, City Attorney stated that an amendment to the deed restrictions have been filed modifying issues discussed at the last City Council meeting. Discussion ensued regarding the deed restrictions giving the City Council authority to make changes, MU-1 layout, LID features protecting waterways, negotiation in density with high density being good for Boerne, smarter to build up than out, and infill development and less urban sprawl. The Planning and Zoning Commission voted 3-2 in favor of the R-4 rezoning for the 14.202 acres. Staff is also supportive of the rezoning.

A MOTION WAS MADE BY COUNCIL MEMBER ANZOLLITTO, SECONDED BY COUNCIL MEMBER CISNEROS, TO APPROVE ON SECOND READING ORDINANCE NO. 2017-87; 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 14.202 OUT OF 26.654 ACRES LOCATED AT 17 HERFF ROAD (KAD NOS. 12536, 15848, AND 15849) FROM MU-1, MIXED-USE NEIGHBORHOOD DISTRICT TO R-4, MULTI-FAMILY RESIDENTIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. THE MOTION CARRIED BY THE FOLLOWING VOTE:

**Yeah:** 4 - Council Member Anzollitto, Mayor Pro Tem Woolard, Council Member Cisneros, and Council Member Colvin

**Nay:** 1 - Council Member Boyd IV

9. [2018-113](#) **CONSIDER ON FIRST READING ORDINANCE NO. 2018-02; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, GRANTING A TRANSMISSION AND DISTRIBUTION ELECTRIC**

UTILITY FRANCHISE TO PEDERNALES ELECTRIC COOPERATIVE, INC. FOR A TEN YEAR TERM COMMENCING ON THE EFFECTIVE DATE; CONTAINING VARIOUS TERMS AND CONDITIONS WITH REGARD TO THE GRANT OF SUCH FRANCHISE; CONTAINING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF ANY AND ALL KINDS OF ORDINANCES, REGULATIONS, RULES, OR POLICIES THAT ARE IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

Mayor Pro Tem Woolard called on Ms. Kirsten Cohoon, City Attorney. Ms. Cohoon stated that currently there are two electric cooperatives that serve within the City limits, Bandera Electric Cooperative (BEC) and Pedernales Electric Cooperative (PEC). In order for both entities to serve in the City limits and for Boerne to collect a Franchise Fee, an ordinance must be in place. The City Council has passed an ordinance with BEC and now a similar ordinance is before the City Council for consideration with PEC. The negotiation process with PEC has taken over a year. Ms. Cohoon highlighted the specifics of the ordinance. Discussion ensued regarding other electric cooperatives serving in the City limits.

A MOTION WAS MADE BY COUNCIL MEMBER ANZOLLITTO, SECONDED BY COUNCIL MEMBER CISNEROS, TO APPROVE ON FIRST READING ORDINANCE NO. 2018-02; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, GRANTING A TRANSMISSION AND DISTRIBUTION ELECTRIC UTILITY FRANCHISE TO PEDERNALES ELECTRIC COOPERATIVE, INC. FOR A TEN YEAR TERM COMMENCING ON THE EFFECTIVE DATE; CONTAINING VARIOUS TERMS AND CONDITIONS WITH REGARD TO THE GRANT OF SUCH FRANCHISE; CONTAINING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF ANY AND ALL KINDS OF ORDINANCES, REGULATIONS, RULES, OR POLICIES THAT ARE IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE. 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. [2018-130](#) CONSIDER RESOLUTION NO. 2018-R02; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A STANDARD UTILITY AGREEMENT BETWEEN THE CITY OF BOERNE AND TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR REIMBURSEMENT OF NATURAL GAS UTILITY RELOCATIONS ON INTERSTATE HIGHWAY 10.

Mayor Pro Tem Woolard called on Mr. Mike Mann, Public Works Director. Mr. Mann reminded the City Council that with TxDOT's design to widen IH-10 Frontage Road near Scenic Loop, the natural gas utility needed to be relocated. With execution of the Standard Utility Agreement, TxDOT will reimburse the City for the expenditures. Staff recommended approval of Resolution No. 2018-R02.

A MOTION WAS MADE BY COUNCIL MEMBER BOYD IV, SECONDED BY COUNCIL MEMBER COLVIN, TO APPROVE RESOLUTION NO. 2018-R02; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A STANDARD UTILITY AGREEMENT BETWEEN THE CITY OF BOERNE AND TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR REIMBURSEMENT OF NATURAL GAS UTILITY RELOCATIONS ON INTERSTATE HIGHWAY 10. 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. **COMMENTS FROM COUNCIL/LEGAL COUNSEL/STAFF – No discussion or action may take place.**

No comments were received.

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

- 12.A. [2018-132](#) SECTION 551.087 - DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS.

No action was taken.

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

No action was taken.

**14. ADJOURNMENT.**

A MOTION WAS MADE BY COUNCIL MEMBER COLVIN, SECONDED BY COUNCIL MEMBER CISNEROS, TO ADJOURN THE CITY COUNCIL MEETING AT 6:41 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:

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Mayor Pro Tem

Attest:

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City Secretary