

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
January 23, 2018 – 6:00 PM

Minutes of the Regular City Council meeting of January 23, 2018 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, Jim Kohler, Mike Mann, Sandy Mattick, Doug Meckel, Mike Raute, Holly Rodriguez, Laura Talley, Jeanette Teague, Larry Woods, Linda Zartler, and Danny Zincke.

Recognized / Registered Guests: Tim and Anne Handren, Esther Pais, and Joe Granados.

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

No conflicts were declared.

3. PUBLIC COMMENTS:

No comments were received.

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. [2018-149](#) **CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD JANUARY 9, 2018.**

THE MINUTES WERE APPROVED.

4.B. [2018-140](#) **CONSIDER ON SECOND 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 ORDINANCE WAS APPROVED.

4.C. [2018-134](#) **CONSIDER ON SECOND 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 ORDINANCE WAS APPROVED.

4.D. [2018-139](#) **CONSIDER RESOLUTION NO. 2018-R03; A RESOLUTION AUTHORIZING THE CLOSURE OF A PORTION OF MAIN STREET (HWY 87) DURING CERTAIN HOURS FOR THE TEXAS CORVETTE ASSOCIATION SHOW AND AUTHORIZING THE MAYOR TO**

EXECUTE AN AGREEMENT FOR THE TEMPORARY CLOSURE OF STATE RIGHT-OF-WAY WITH THE TEXAS DEPARTMENT OF TRANSPORTATION.

THE RESOLUTION WAS APPROVED.

4.E. [2018-136](#) CONSIDER RESOLUTION NO. 2018-R04; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND CUMMINS SOUTHERN PLAINS, LLC FOR PREVENTATIVE MAINTENANCE OF BACK-UP GENERATORS.

THE RESOLUTION 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. [2018-146](#) 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 - Second of two hearings)

Mayor Schultz opened the public hearing at 6:04 p.m.

No comments were received.

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

6. [2018-138](#) COMMUNICATIONS DEPARTMENT PRESENTATION.

Mayor Schultz called on Ms. Pam Bransford, Communications Director. Ms. Bransford recognized Ms. Holly Rodriguez, Communication Specialist in the

audience. Ms. Bransford presented a Year in Pictures video presentation representing various City departments. She discussed the 2018 goals for the communication department.

7. [2018-147](#) UPDATE ON STATUS OF BOERNE MASTER PLAN.

Mayor Schultz called on Ms. Laura Talley, Planning and Community Development Director. Ms. Talley presented the status on the Master Plan. She stated that Monday, January 29, 2018 at 5:30 p.m. at the Kronkosky Place, Half Associates will lead a joint meeting with the City Council Members, Planning and Zoning Commission Members and the Master Plan Steering Committee. The completion date for the Master Plan is on schedule for April, 2018.

8. [2018-137](#) CONSIDER MAYORAL APPOINTMENTS TO THE HISTORIC LANDMARK COMMISSION AND CEMETERY SEXTON.

Mayor Schultz stated that it is his recommendation to appoint Mr. Robert Newey to the Historic Landmark Commission to fill the unexpired term of Ms. Shanda Stevens. Also, Mayor Schultz recommended the appointment of Mr. William Holt as Cemetery Sexton. Mr. Holt is the new owner of Vaughan's Funeral Home.

A MOTION WAS MADE BY COUNCIL MEMBER CISNEROS, SECONDED BY MAYOR PRO TEM WOOLARD, TO APPROVE THE MAYORAL APPOINTMENTS TO THE HISTORIC LANDMARK COMMISSION AND CEMETERY SEXTON 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

9. [2018-145](#) CONSIDER RESOLUTION NO. 2018-R05; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT WITH SAMCO LEAK DETECTION FOR WATER DISTRIBUTION SYSTEM LEAK DETECTION SERVICES.

Mayor Schultz called on Mr. Mike Mann, Public Works Director. Mr. Mann stated that years ago there was water that couldn't be accounted for and the

City used SAMCO Leak Detection to detect the leak. The City's water system includes over 110 miles of pipe. Currently the City's records indicate that unaccounted water numbers are increasing again. The City has received a price quote from SAMCO to again perform a study on the water system to verify any significant leaks. The study would include half of the system this year, which consists of older metallic lines with the intent to request budget funding for the other half of the system next fiscal year. Mr. Mann displayed a map of the proposed area of study. It is Staff's recommendation to conduct a routine leak detection annually. Discussion ensued regarding conducting a study on the whole system and that Staff is looking for non-meter leaks rather than the leaks that would be detected by AMI.

A MOTION WAS MADE BY COUNCIL MEMBER CISNEROS, SECONDED BY MAYOR PRO TEM WOOLARD, TO APPROVE RESOLUTION NO. 2018-R05; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT WITH SAMCO LEAK DETECTION FOR WATER DISTRIBUTION SYSTEM LEAK DETECTION SERVICES IN THE AMOUNT NOT TO EXCEED \$36,127.00. 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. [2018-150](#) CONSIDER RESOLUTION NO. 2018-R06; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A CHAPTER 380 GRANT AGREEMENT BY AND BETWEEN THE CITY OF BOERNE, TEXAS AND HIGHLAND HOMES SAN ANTONIO, LLC.

Mayor Schultz called on Mr. Jeff Thompson, Deputy City Manager. Mr. Thompson stated that the agreement before City Council is similar to the agreement previously approved with Perry Homes. Highland Homes currently owns 91 undeveloped lots in the Ranches at Creekside subdivision. Mr. Thompson explained that when Highland Homes builds a home, they pay state and local sales tax to suppliers. Texas law requires suppliers to collect and remit local sales taxes where they have places of business and receive orders and not where they deliver or use the materials. Highland Homes is considering applying for a Texas Direct Payment Permit from the Comptroller's Office which allows a Texas company to pay a use tax on purchases of taxable

materials according to the location where materials are used. The estimated benefit to the City based on 91 lots should net about \$607.50 per home or \$55,283 over the 10-year term of the agreement. Staff recommended approval of the Agreement with Highland Homes San Antonio, LLC and Resolution No. 2018-R06.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER CISNEROS, TO APPROVE RESOLUTION NO. 2018-R06; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A CHAPTER 380 GRANT AGREEMENT BY AND BETWEEN THE CITY OF BOERNE, TEXAS AND HIGHLAND HOMES SAN ANTONIO, LLC. 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. [2018-148](#) RECEIVE AND CONSIDER A REQUEST FROM PANACHE LANDSCAPING AND DESIGN FOR A VARIANCE TO THE SIGN ORDINANCE SECTION 12. PROHIBITED SIGN LOCATIONS C. OFF-PREMISE. (6A North Star Rd., Boerne)

Mayor Schultz called on Ms. Laura Talley, Planning and Community Development Director. Ms. Talley displayed a map of the location of Panache Landscaping and Design. She also displayed the proposed location of the off premise sign and a drawing of the proposed sign. The business does not have frontage on Cascade Caverns Road. The neighbors are permitting the sign to be installed on their property in exchange for maintenance of their yard. The Sign Variance Committee met and recommended that the sign variance be denied since it is not a retail business and there is no hardship. Discussion ensued regarding other locations that Panache may have in Boerne and the size of the requested sign and whether a directional sign is needed.

A MOTION WAS MADE BY COUNCIL MEMBER BOYD IV, SECONDED BY COUNCIL MEMBER ANZOLLITTO, TO DENY THE REQUEST FROM PANACHE LANDSCAPING AND DESIGN FOR A VARIANCE TO THE SIGN ORDINANCE SECTION 12. PROHIBITED SIGN LOCATIONS C. OFF-PREMISE. (6A NORTH STAR RD., BOERNE). 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. RECEIVE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND SET PUBLIC HEARINGS FOR FEBRUARY 13, 2018:

12.A.[2018-141](#) PROPOSED ACCESSORY DWELLING IN AN R-3, HIGH DENSITY RESIDENTIAL DISTRICT LOCATED AT 402 YOALANA STREET, KAD NO. 23531. (Jack Hearn)

12.B.[2018-142](#) PROPOSED AMENDMENTS TO THE CITY OF BOERNE SUBDIVISION ORDINANCE NO. 2007-56, DATED NOVEMBER 13, 2007, ARTICLE 1. GENERAL PROVISIONS, SECTION 04. DEFINITIONS, ARTICLE 2. PROCEDURES, SECTION 02. PROCEDURES FOR PRELIMINARY PLAT, SECTION 03. DESIGN AND CONSTRUCTION PLANS, SECTION 05. PROCEDURES FOR FINAL PLAT, ARTICLE 3. PLANNING AND COMMUNITY DESIGN STANDARDS, SECTION 03. OPEN SPACE SYSTEMS. AND ADDING SECTION 06. LOW IMPACT DEVELOPMENT FACILITIES.

12.C.[2018-143](#) PROPOSED AMENDMENTS TO THE CITY OF BOERNE ZONING ORDINANCE NO. 2007-64, DATED DECEMBER 18, 2007, ARTICLE 1, IN GENERAL, SECTION 06. DEFINITIONS, ARTICLE 3, GENERAL PROHIBITIONS AND REQUIREMENTS, SECTION 02. OUTDOOR LIGHTING, ARTICLE 5, ZONING DISTRICTS AND USE REGULATIONS, SECTION 03. PERMITTED USES, SECTION 20. B-3 - CENTRAL BUSINESS DISTRICT, AND ADDING SECTION 33. NH - NORTH HERFF ROAD OVERLAY DISTRICT.

A MOTION WAS MADE BY COUNCIL MEMBER BOYD IV, SECONDED BY COUNCIL MEMBER COLVIN TO RECEIVE THE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND SET PUBLIC HEARINGS FOR FEBRUARY 13, 2018. 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

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

City Manager Ron Bowman discussed articles he read regarding parking garages, affordable housing, new jobs in San Antonio, and ongoing movement by Governor Abbott to go after cities and counties when most of the property taxes go to schools. Not sure what the future will bring since Texas House Speaker Joe Straus is not seeking re-election. He has been a proponent to cities.

Council Member Cisneros discussed his recent meeting at the Alamo Metropolitan Planning Organization. The re-do of the South 87 Bridge and Highway 46 Bridge will bid this spring, therefore moving forward quicker than anticipated.

Mayor Schultz stated that as far as he knows, the City has never received a donation from a church. Currey Creek Baptist Church made a sizeable donation to the City. He met with Pastor Free and the Church has benefited greatly by being a part of this community.

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

Mayor Schultz convened the City Council into Executive Session at 6:40 p.m. and asked those individuals requested to participate to adjourn to the Executive Session Conference Room.

14.A.[2018-131](#) SECTION 551.072 - DELIBERATION REGARDING REAL PROPERTY.

NO ACTION WAS TAKEN.

14.B.[2018-144](#) SECTION 551.071 (1) (A) - CONSULTATION WITH ATTORNEY AND SECTION 551.087 - DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATION.

NO ACTION WAS TAKEN.

15. 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 7:17 p.m.

15.A. [2018-133](#) CONSIDER RESOLUTION NO. 2018-R07; 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.

16. ADJOURNMENT

A MOTION WAS MADE BY COUNCIL MEMBER COLVIN, SECONDED BY MAYOR PRO TEM WOOLARD, TO ADJOURN THE CITY COUNCIL MEETING AT 7:17 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