

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**CITY COUNCIL CHAMBERS**  
**124 Old San Antonio Road**  
**Boerne, TX 78006**  
**March 13, 2018 – 6:00 PM**

Minutes of the Regular Called City Council Meeting of March 13, 2018.

**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:** Jeff Thompson, Siria Arreola, Pam Bransford, Lori Carroll, Mike Mann, Sandy Mattick, Doug Meckel, Mike Raute, Holly Rodriguez, Laura Talley, Jeanette Teague, Larry Woods, and Linda Zartler.

**Recognized/Registered Guests:** Emily Green, Joe duMenil, Randy Niemeier, Tim Handren, Jim Asher, Rene Gonzalez, Sherry Gonzalez, Greg Gonyer, Donald Boerner, Erin Hudson, Jeff Brown, Scot Wilson, Robert Jubela, and Rod Fowler.

**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**

Mayor Pro Tem Woolard stated she had a conflict of interest with agenda item number 9 and will recuse herself from the discussion.

**3. PUBLIC COMMENTS:**

Rod Fowler, 131 Ranch Drive, spoke on the proposed annexation of 214 Cascade Caverns Road. He stated the City of Boerne and Kendall County

ignored the transportation study done years ago causing the traffic issues we have now. He feels that Southglen are bad neighbors and doesn't understand why the City is allowing them to build more homes.

#### **4. CONSENT AGENDA:**

**4.A. [2018-257](#) CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD FEBRUARY 27, 2018.**

THE MINUTES WERE APPROVED.

**4.B. [2018-224](#) RECEIVE AND CONSIDER CERTIFICATION OF UNOPPOSED CANDIDATES FOR COUNCIL MEMBER DISTRICTS 1 AND 3 FOR THE MAY 5, 2018 GENERAL ELECTION.**

RECEIVED AND APPROVED THE CERTIFICATION OF UNOPPOSED CANDIDATES.

**4.C. [2018-225](#) CONSIDER AN ORDER OF CANCELLATION FOR THE MAY 5, 2018 GENERAL ELECTION FOR COUNCIL MEMBER DISTRICTS 1 AND 3.**

APPROVED THE ORDER OF CANCELLATION FOR THE MAY 5, 2018 GENERAL ELECTION.

**4.D. [2018-244](#) CONSIDER RESOLUTION NO. 2018-R19; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT WITH MCCOY TREE SURGERY, INC. THROUGH THE LOWER COLORADO RIVER AUTHORITY FOR TREE TRIMMING SERVICES.**

THE RESOLUTION WAS APPROVED.

**4.E. [2018-246](#) CONSIDER RESOLUTION NO. 2018-R20; 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.**

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. [2018-250](#) PROPOSED USE OF A PARKING LOT IN A B-2, HIGHWAY COMMERCIAL DISTRICT FOR A PROPOSED LOT LOCATED AT 1434 SOUTH MAIN STREET. (Fronting the proposed Herff Road extension, KAD No. 49470, Larry Lester, One of one hearing)**

Mayor Schultz opened the Public Hearing at 6:09 p.m.

No comments were received.

Mayor Schultz closed the Public Hearing at 6:09 p.m.

**5.B. [2018-253](#) PROPOSED ANNEXATION OF 8.491 ACRES LOCATED AT 45 CASCADE CAVERNS ROAD, KAD NO. 24328, AND A SECTION OF CASCADE CAVERNS ROAD AT THE REQUEST OF CURREY CREEK BAPTIST CHURCH. (One of two hearings)**

Mayor Schultz opened the Public Hearing at 6:10 p.m.

Donald Boerner, 228 Holiday Rd., surveyed the land that is being considered for annexation. He stated representatives for Currey Creek Baptist Church were unable to attend the meeting and half of the property is already located in the City.

Rod Fowler, 131 Ranch Drive, commented he is in favor of the proposed annexation.

Mayor Schultz closed the Public Hearing at 6:12 p.m.

**5.C. [2018-256](#) PROPOSED ANNEXATION OF 7.89 ACRES LOCATED AT 214 CASCADE CAVERNS ROAD, KAD NOS. 11568 AND 288671, AT THE REQUEST OF LANDQUEST ACQUISITIONS, LLC. (Southglen, one of two hearings)**

Mayor Schultz opened the Public Hearing at 6:12 p.m.

Robert Jubela, 122 Ranch Drive, is against the proposed annexation. He claimed this development will allow 100 homes, streets are in disrepair, water availability and quality is questionable, high density housing is a bad environment and the only reason to allow this is to make money for developers and investors and money for the City. Mr. Jubela questioned what are elected officials doing to make life better for residents of Boerne and Kendall County.

Rod Fowler, 131 Ranch Drive, declared he wakes up every morning before dawn to sound of machines working on the Southglen development and work continues until 8:45 p.m. He is opposed to the proposed annexation and is tired of nobody respecting his rights.

Jeff Brown, 403 Graham Street, developer of Southglen Subdivision stated they are a local business and care about the community. He recognized his partner, Scot Wilson in the audience. They take great pride in their projects. They have met every code, they don't cut corners and they have received many compliments on this project. Mr. Brown expressed he has not been contacted by any of the public speakers tonight. He is willing to speak with them and address any concerns they have.

Mayor Schultz closed the Public Hearing at 6:20 p.m.

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

**6.A. [2018-255](#) CONSIDER A ONE TIME READING OF ORDINANCE NO. 2018-07; AS PERMITTED BY THE CITY OF BOERNE'S HOME RULE CHARTER, SECTION 3.11.A.**

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER ANZOLLITTO, TO APPROVE A ONE TIME READING OF ORDINANCE NO. 2018-07; AS PERMITTED BY THE CITY OF BOERNE'S HOME RULE CHARTER, SECTION 3.11.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

**6.B. [2018-249](#) CONSIDER ORDINANCE NO. 2018-07; 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 PARKING LOT IN A B-2, HIGHWAY COMMERCIAL DISTRICT LOCATED AT 1434 SOUTH MAIN STREET (KAD NO. 49470) A TOTAL OF 1.426 ACRES. (Fronting the proposed Herff Road extension, Larry Lester)**

Mayor Schultz called on Ms. Laura Talley, Planning and Community Development Director. She stated this is Mr. Lester's property which was subdivided. Mr. Lester dedicated a right-of-way to the City allowing the extension of Herff Road through his property. This is the last segment of Herff Road needed to connect River Road to Christus Parkway. Only parking will be on this lot which requires City Council approval for the use. Staff is supportive of the use of a parking lot at this location.

A MOTION WAS MADE BY COUNCIL MEMBER COLVIN, SECONDED BY MAYOR PRO TEM WOOLARD, TO APPROVE ORDINANCE NO. 2018-07; 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 PARKING LOT IN A B-2, HIGHWAY COMMERCIAL DISTRICT LOCATED AT 1434 SOUTH MAIN STREET (KAD NO. 49470) A TOTAL OF 1.426 ACRES. (FRONTING THE PROPOSED HERFF ROAD EXTENSION, LARRY LESTER). 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. [2018-208](#) RECEIVE BRIEFING ON THE BOERNE POLICE DEPARTMENT 2017 ANNUAL REPORT TO INCLUDE THE ANNUAL REPORT ON RACIAL PROFILING.**

Mayor Schultz called on Police Chief Jim Kohler. Chief Kohler reviewed the 2017 Boerne Police Department Annual Report and the Racial Profiling Report which by law must be presented to City Council. He mentioned the Police Officer involvement in various community events. He reviewed statistics for offenses, accidents, and calls for service received by dispatch. Discussion ensued in regards to the decrease in traffic citations and the increase in calls for service and sexual assaults. Chief Kohler informed the City Council that the Police Department currently owns three drones, two were donated and one was purchased with seized funds. The Mayor and Council Members expressed appreciation to the Police Department for all they do for our community.

A MOTION WAS MADE BY COUNCIL MEMBER ANZOLLITTO, SECONDED BY COUNCIL MEMBER CISNEROS, TO RECEIVE AND APPROVE THE BOERNE POLICE DEPARTMENT 2017 ANNUAL REPORT TO INCLUDE THE ANNUAL REPORT ON RACIAL PROFILING. 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

**8. [2018-254](#) CONSIDER ON SECOND READING ORDINANCE NO. 2018-04; AN ORDINANCE AMENDING 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.**

Mayor Schultz called on Ms. Laura Talley the Planning and Community Development Director. She stated the Ordinance includes the modifications requested by City Council during the February 13, 2018 meeting; Waiver to LID requirements, to require City Council approval rather than the Planning and Zoning Commission. Staff recommended approval of the amended Subdivision Ordinance.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER ANZOLLITTO, TO APPROVE ON ON SECOND READING ORDINANCE NO. 2018-04; AN ORDINANCE AMENDING 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. 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. [2018-259](#) **RECEIVE BIDS AND AWARD CONTRACT FOR THE BENTWOOD AND VISTA VERDE LIFT STATION ELIMINATION PROJECT AND CONSIDER RESOLUTION NO. 2018-R21; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, AUTHORIZING THE AWARD OF A BID FOR THE BENTWOOD AND VISTA VERDE LIFT STATION ELIMINATION PROJECT.**

Mayor Pro Tem Woolard recused herself and stepped away from the dais.

Mayor Schultz called on Mr. Mike Mann, Public Works Director. The purpose of the project is to eliminate the two lift stations and to transfer the flow from the Esser Road Wastewater Treatment Plant to the Old San Antonio Road Wastewater Treatment and Recycling Center. This will extend the life of the Esser Road plant. Staff recommends that the Council receive the submitted bids and award the project to Sky Blue Utilities, Inc.

A MOTION WAS MADE BY COUNCIL MEMBER CISNEROS, SECONDED BY COUNCIL MEMBER BOYD IV, TO RECEIVE BIDS AND APPROVE RESOLUTION NO. 2018-R21; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, AUTHORIZING THE AWARD OF A BID FOR THE BENTWOOD AND VISTA VERDE LIFT STATION ELIMINATION PROJECT TO SKY BLUE UTILITIES, INC. IN AN AMOUNT NOT TO EXCEED \$202,098.62. THE MOTION CARRIED BY THE FOLLOWING VOTE:

**Yeah:** 4 - Council Member Anzollitto, Council Member Boyd IV, Council Member Cisneros, and Council Member Colvin

**Recused:** 1 - Mayor Pro Tem Woolard

**10. [2018-248](#) CONSIDER RESOLUTION NO. 2018-R22; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND HDR ENGINEERING, INC. FOR CHLORIDE AND TOTAL DISSOLVED SOLIDS SOURCE IDENTIFICATION AND REDUCTION STUDY WORK PLAN AND ANNUAL REPORTS. (Renew TCEQ permit for Wasterwater Treatment and Recycling Center)**

Mr. Mann continued, explaining the requirement to renew discharge permits is every five years. In 2016, the City began the renewal process but was advised by TCEQ of the chloride requirement added by the EPA. The City's discharge permit was renewed by TCEQ/EPA with a three year chloride testing component. At the end of the testing period the City will know the appropriate level of chloride needed. Discussion ensued about the cause and the effect of salt based water softeners on the levels of chloride in the water. Staff recommends approval of the contract with HDR Engineering, Inc. for chloride sampling associated with the City's discharge permit.

A MOTION WAS MADE BY COUNCIL MEMBER ANZOLLITTO, SECONDED BY COUNCIL MEMBER COLVIN, TO APPROVE RESOLUTION NO. 2018-R22; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND HDR ENGINEERING, INC. FOR CHLORIDE AND TOTAL DISSOLVED SOLIDS SOURCE IDENTIFICATION AND REDUCTION STUDY WORK PLAN AND ANNUAL REPORTS IN AN AMOUNT NOT TO EXCEED \$56,590.00 OVER THE COURSE OF THREE YEARS. (RENEW TCEQ PERMIT FOR WASTEWATER TREATMENT AND RECYCLING CENTER). 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 SET A PUBLIC HEARING FOR APRIL 10, 2018:**

**11.A.[2018-251](#) PROPOSED REZONING OF 20 OLD SAN ANTONIO ROAD, 15.54 ACRES SOUTH OF BANDERA ROAD, WEST OF OLD SAN ANTONIO ROAD (COMMONS AT MENDER CREEK- KAD NOS. 39338 AND 298096) FROM R-2, MODERATE-DENSITY RESIDENTIAL DISTRICT (2.25 ACRES), R-3, HIGH-DENSITY RESIDENTIAL DISTRICT (4.81 ACRES), AND B-2, HIGHWAY COMMERCIAL DISTRICT (8.48 ACRES) TO R-4, MULTI-FAMILY RESIDENTIAL DISTRICT.**

**11.B.[2018-252](#) PROPOSED REZONING OF 110 BLUEBONNET CIRCLE (2.16 ACRES- KAD NO. 22517) FROM RMO-3, MODULAR RESIDENTIAL DISTRICT TO R-4, MULTI-FAMILY RESIDENTIAL DISTRICT. (Erin Hudson)**

A MOTION WAS MADE BY COUNCIL MEMBER ANZOLLITTO, SECONDED BY MAYOR PRO TEM WOOLARD, TO RECEIVE THE RECOMMENDATIONS FROM THE PLANNING AND ZONING COMMISSION AND SET PUBLIC HEARINGS FOR APRIL 10, 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

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

No comments were received.

**13. ADJOURNMENT**

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER BOYD IV, TO ADJOURN THE CITY COUNCIL MEETING AT 6:50 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

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Mayor

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City Secretary