MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
March 27, 2018 – 6:00 PM

Minutes of the Regular Called City Council meeting of March 27, 2018 at 6:00 p.m.

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

Absent: **1 -** Council Member Joe Anzollitto

Staff Present: Ron Bowman, Siria Arreola, Lori Carroll, Kirsten Cohoon, Victor Longoria, Mike Mann, Sandy Mattick, Doug Meckel, Jeff Page, Mike Raute, Angie Rios, Holly Rodriguez, Laura Talley, Jeanette Teague, Jeff Thompson, Larry Woods, Linda Zartler, and Danny Zincke.

Recognized/Registered Guests: Julianne Kugle, George Lewis, Randy Niemeier, Jim Asher, Rod Fowler, Joseph Macaluso, Lance Lira, Milan Michalec, Phillip Bell, Michael Yost, Phil Bakke, Eric Cate, Scott Stolle, Phillip Bell, and Urfan Dar.

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 the Texas Flag.

2. CONFLICTS OF INTEREST

No conflicts of interest were declared.

3. PUBLIC COMMENTS:

Michael Yost, 140 Ranch Drive spoke against the annexation of 214 Cascade Caverns Road. He feels the annexation will be a detriment to the quality of life

of his neighbors and he expressed concerns with the increase in traffic, drainage, and pollution.

Rod Fowler, 131 Ranch Drive spoke against the annexation of 214 Cascade Caverns Road. He stated that he feels the retention pond is too small and that the engineer has made a mistake regarding the size of the retention pond. He stated concerns that the subdivision will distroy the recharge feature of the property, and that the road is not identified on the Master Plan. He feels there should be a privacy fence around the property.

Milan Michalec, 12 Brandt Road stated that although he is President of the Cow Creek Groundwater Conservation District he was not speaking for the district but on behalf of himself. He spoke on the proposed creation of the Kendall County Water Control and Improvement District No. 3. He provided an article from the Rivard Report to the City Council Members. He stated no groundwater will be used in development. The water will come from Canyon Lake via an agreement with San Antonio Water Systems.

4. CONSENT AGENDA:

4.A. 2018-261 **CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD MARCH 13, 2018.**

THE MINUTES WERE APPROVED.

4.B. 2018-278 **CONSIDER RESOLUTION NO. 2018-R23; A RESOLUTION AUTHORIZING THE CITY MANAGER TO PROCEED WITH PURCHASES AS PER SECTION 6.08 OF THE CITY OF BOERNE'S HOME RULE CHARTER. (Electric transformer for Doubletree Hotel Conference Center)**

THE RESOLUTION WAS APPROVED.

4.C. 2018-279 **CONSIDER RESOLUTION NO. 2018-R24; A RESOLUTION AUTHORIZING THE CITY MANAGER TO PROCEED WITH PURCHASES AS PER SECTION 6.08 OF THE CITY OF BOERNE'S HOME RULE CHARTER. (Spare backup electric transformer)**

THE RESOLUTION WAS APPROVED.

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

Yeah: 4 - Mayor Pro Tem Woolard, Council Member Boyd IV, Council Member Cisneros, and Council Member Colvin

Absent: 1 - Council Member Anzollitto

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

5.A. 2018-271 **PROPOSED ANNEXATION OF 8.491 ACRES LOCATED AT 45 CASCADE CAVERNS ROAD, KAD NO. 24328, AT THE REQUEST OF CURREY CREEK BAPTIST CHURCH. (Second of two hearings)**

Mayor Schultz opened the Public Hearing at 6:08 p.m.

Eric Cate, 9211 Saddle Trail in San Antonio stated that he was speaking for Currey Creek Baptist Church. He explained that a portion of the Church's property is currently in the City limits. The Church wishes to annex the front portion of the property for future growth.

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

5.B. 2018-272 **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, Second of two hearings)**

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

Rod Fowler, 131 Ranch Road stated he had nothing further to add from his previous comments.

Scott Stolle, 145 Cascade Caverns Road asked that he be provided information on the City Council meeting procedures.

George Lewis, 130 Ranch Drive stated they came to the area in 1973. He built his home in 2000. He agrees with Mr. Fowler's comments.

Mayor Schultz closed the Public Hearing at 6:16 p.m.

5.C. 2018-273 **PROPOSED REZONING OF 946 ADLER STREET (1.519 ACRES, KAD NO. 14178) FROM R-E, SINGLE-FAMILY RESIDENTIAL-ESTATE DISTRICT TO B-1, HIGH-DENISTY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICT. (Linda Lira, one of one hearing)**

Mayor Schultz opened the Public Hearing at 6:16 p.m.

Lance Lira, 207 Vista Verde spoke for his mother. His mother has owned the day care located at 946 Adler Street for about 10 years. The property when annexed into the City limits was brought in under a non-confirming use. The rezoning request is to bring the property into conformance based on the City's Zoning Ordinance.

Mayor Schultz closed the Public Hearing at 6:18 p.m.

5.D. 2018-274 **PROPOSED REZONING OF A PORTION OF 34 SHOOTING CLUB ROAD (4.2 ACRES FRONTING NORTH MAIN STREET, KAD NO. 14943) FROM I, INDUSTRIAL DISTRICT TO B-2R, HIGHWAY COMMERCIAL-RESTRICTED DISTRICT. (Urfan Dar, one of one hearing)**

Mayor Schultz opened the Public Hearing at 6:18 p.m.

Philip Bell, 230 English Oaks stated that the property located at 34 Shooting Club Road was once a horse farm. The Texas Star Nut company owns a portion of property. He introduced Urfan Dar in the audience who is the owner requesting the rezoning.

Urfan Dar stated that he wishes to build a medical office on the property. His

plan is to employee physicians, nurses and technicians.

Mayor Schultz closed the Public Hearing at 6:22 p.m.

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

6.A. 2018-276 **CONSIDER ON FIRST READING ORDINANCE NO. 2018-08; 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 1.519 ACRES LOCATED AT 946 ADLER STREET (KAD NO. 14178) FROM R-E, SINGLE-FAMILY RESIDENTIAL-ESTATE DISTRICT TO B-1, HIGH-DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Linda Lira)**

Mayor Schultz called on Ms. Laura Talley, Planning and Community Development Director. Ms. Talley displayed a map of the 1.519 acres located at 946 Adler Street. She explained that before the property was annexed into the City, it was used as a daycare. Currently it remains a daycare which automatically makes it a nonconforming use under the current R-E zone. As a nonconforming use, the owner cannot make any improvements to the property because it is not an approved use. The potential rezoning to B-1 would bring the daycare into conformance. Any improvements made to a commercial site would require permitting which would trigger the need for a drainage study. The Planning and Zoning Commission recommended approval of the rezoning by a voted of 7-0. Staff also supports the rezoning.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER CISNEROS, TO APPROVE ON FIRST READING ORDINANCE NO. 2018-08; 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 1.519 ACRES LOCATED AT 946 ADLER STREET (KAD NO. 14178) FROM R-E, SINGLE-FAMILY RESIDENTIAL-ESTATE DISTRICT TO B-1, HIGH-DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (LINDA LIRA). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Mayor Pro Tem Woolard, Council Member Boyd IV, Council Member Cisneros, and Council Member Colvin

Absent: 1 - Council Member Anzollitto

6.B. 2018-275 **CONSIDER ON FIRST READING ORDINANCE NO. 2018-09; 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 4.2 ACRES LOCATED AT 34 SHOOTING CLUB ROAD (KAD NO. 14943) FROM I, INDUSTRIAL DISTRICT TO B-2R, HIGHWAY COMMERCIAL-RESTRICTED DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Urfan Dar)**

Ms. Talley continued with rezoning of the property located at 34 Shooting Club Road. She displayed a map of the 28.47 acres which is currently zoned industrial. Ms. Talley explained that only 4.2 acres would be rezoned. The property owner is requesting a rezoning to be able to use the 4.2 acres for medical office purpose. The current Zoning Ordinance does support an office use in industrial districts. The Planning and Zoning Commission recommended approval of the rezoning by a vote of 7-0. Staff also supports the rezoning.

A MOTION WAS MADE BY COUNCIL MEMBER CISNEROS, SECONDED BY COUNCIL MEMBER COLVIN, TO APPROVE ON FIRST READING ORDINANCE NO. 2018-09; 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 4.2 ACRES LOCATED AT 34 SHOOTING CLUB ROAD (KAD NO. 14943) FROM I, INDUSTRIAL DISTRICT TO B-2R, HIGHWAY COMMERCIAL-RESTRICTED DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (URFAN DAR) THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Mayor Pro Tem Woolard, Council Member Boyd IV, Council Member Cisneros, and Council Member Colvin

Absent: 1 - Council Member Anzollitto

7. 2018-260 **RECEIVE THE COMPREHENSIVE ANNUAL FINANCE REPORT (CAFR) FROM ABIP, PC FOR FY 2016-2017.**

Mayor Schultz called on Ms. Sandy Mattick, Finance Director. Ms. Mattick introduced Ms. Janet Pitman, CPA with ABIP, PC to present the results of the annual audit. Ms. Pitman recogized Mr. Jeremy Barbatto, manager of the firm in the audience. Ms. Pitman reviewed the highlights of the Comprehensive Annual Financial Report (CAFR). She stated that the CAFR is recognized across the United States and affects bond ratings. The Report shows the City of Boerne has a strong financial position with adequate resources to meet its ongoing obligations. Ms. Mattick stated that as in previous years, the CAFR will be submitted for consideration to the Government Finance Officer's Association (GFOA's) Certification of Achievement for Excellence in Financial Report Program. Mayor Schultz spoke on the Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions, the 10 year history of ad valorem tax and sales tax, and business type activities and property tax rates. He expressed his appreciation to the Finance Staff.

A MOTION WAS MADE BY COUNCIL MEMBER BOYD IV, SECONDED BY COUNCIL MEMBER COLVIN, TO APPROVE AND RECEIVE THE COMPREHENSIVE ANNUAL FINANCE REPORT (CAFR) FROM ABIP, PC FOR FY 2016-2017. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Mayor Pro Tem Woolard, Council Member Boyd IV, Council Member Cisneros, and Council Member Colvin

Absent: 1 - Council Member Anzollitto

8. 2018-270 **PRESENTATION AND UPDATE ON STREET MAINTENANCE AND SIDEWALK IMPROVEMENT PROJECTS FOR FY 2017-2018.**

Mayor Schultz called on Mr. Danny Zincke, Community Services Director. Mr. Zincke recognized Victor Longoria, Street Superintendent in the audience. Mr. Zincke stated the City Council recently approved an agreement for street crack sealing and also approved the purchased of a striping machine. He displayed a map and list of the planned city streets to be crack sealed and a map and list of streets that have been striped. He displayed a map and list of potential sidewalk projects. He asked the City Council to prioritize sidewalk projects based on a budget of $430,000. It was the consensus of the City Council to move forward with any areas involving children safety; both Bentwood bridges, East Blanco between Plant and Becker, City Park Road, and West San Antonio. Discussion ensued regarding restricting access to traffic on City Park Road and drivers cutting through the Kendall County Fairgrounds property to get to Hwy 46 East. Mayor Schultz asked Staff to bring a recommendation to City Council at the next meeting.

9. 2018-269 **CONSIDER RESOLUTION NO. 2018-R25; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE THE FIRST AMENDMENT TO THE GAS MAIN EXTENSION AGREEMENT BETWEEN THE CITY OF BOERNE, YMCA OF GREATER SAN ANTONIO AND KENDALL COUNTY.**

Mayor Schultz called on Mr. Mike Mann, Public Works Director. Mr. Mann reminded the City Council that in December 2017, the agreement with the YMCA, Kendall County and the City to extend gas mains along Plant and Adler Streets was approved. After the design was completed and the project bid, the price came in higher than was estimated. The original agreement required the City to pay for any oversizing. With this new agreement, Kendall County will be reimbursing the City for half of the oversizing cost because the County's Law Enforcement Center required gas flow has increased. Staff recommended approval of the agreement.

A MOTION WAS MADE BY COUNCIL MEMBER COLVIN, SECONDED BY COUNCIL MEMBER CISNEROS, TO APPROVE RESOLUTION NO. 2018-R25; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE THE FIRST AMENDMENT TO THE GAS MAIN EXTENSION AGREEMENT BETWEEN THE CITY OF BOERNE, YMCA OF GREATER SAN ANTONIO AND KENDALL COUNTY. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Mayor Pro Tem Woolard, Council Member Boyd IV, Council Member Cisneros, and Council Member Colvin

Absent: 1 - Council Member Anzollitto

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

Council Member Cisneros reminded the City Council that last Fall, the San Antonio Metropolitan Planning Organization (MPO) put out a call for special projects. The total number of projects exceeded the dollar amount budgeted. The City's project submitted for improvements to Cascade Caverns Road did not get approved. Although participation from Kendall County residents was high, most of the comments were negative as they thought the discussion was for the Kendall Gateway Project.

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

Mayor Schultz convened the City Council into Executive Session at 7:13 p.m. and asked those individuals requested to participate to adjourn to the Executive Session Room.

11.A.2018-280 **SECTION 551.087- DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATION.**

NO ACTION WAS TAKEN.

11.B.2018-281 **SECTION 551.071 (1) (A) - CONSULTATION WITH ATTORNEY AND SECTION 551.087- DELIBERATION REGARDING ECONOMIC**

DEVELOPMENT NEGOTIATION.

NO ACTION WAS TAKEN.

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

12.A.2018-282 **CONSIDER RESOLUTION NO. 2018-R26; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE THE FIRST AMENDMENT TO THE INFRASTRUCTURE AND DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BOERNE AND TENOTEX DEVELOPMENT CO. INC.**

Mayor Schultz called on Mr. Jeff Thompson, Deputy City Manager. Mr. Thompson stated that representatives of the Regent Park development have requested an amendment to the agreement approved in 2014. The agreement calls for cost sharing of the gas system capital improvements needed to serve the 900 homes in the subdivision. The requested amended agreement would allow the developer to split current phases into smaller pieces for reimbursement. Staff recommended approval of the amended agreement.

A MOTION WAS MADE BY COUNCIL MEMBER COLVIN, SECONDED BY MAYOR PRO TEM WOOLARD, TO APPROVE RESOLUTION NO. 2018-R26; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE THE FIRST AMENDMENT TO THE INFRASTRUCTURE AND DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BOERNE AND TENOTEX DEVELOPMENT CO. INC. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Mayor Pro Tem Woolard, Council Member Boyd IV, Council Member Cisneros, and Council Member Colvin

Absent: 1 - Council Member Anzollitto

12.B.2018-283 **CONSIDER RESOLUTION NO. 2018-R27; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS CONSENTING TO THE CREATION OF KENDALL COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 3 OVER APPROXIMATELY 332.413 ACRES OF LAND.**

Mayor Schultz stated no action will be taken on this agenda item.

13. ADJOURNMENT

A MOTION WAS MADE BY COUNCIL MEMBER COLVIN, SECONDED BY MAYOR PRO TEM WOOLARD, TO ADJOURN THE CITY COUNCIL MEETING AT 7:38 P.M. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Mayor Pro Tem Woolard, Council Member Boyd IV, Council Member Cisneros, and Council Member Colvin

Absent: 1 - Council Member Anzollitto

Approved:

_____

Mayor

Attest:

_____

City Secretary