MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
May 8, 2018 – 6:00 PM

Minutes of the Regular City Council meeting of May 8, 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, Rebecca Foley, Jim Kohler, Mike Mann, Sandy Mattick, Doug Meckel, Jeff Page, Steve Perez, Mike Raute, Angie Rios, Holly Rodriguez, Mitch Scoggins, Laura Talley, Jeanette Teague, Jeff Thompson, Larry Woods, and Danny Zincke.

Recognized/Registered Guests: Renita Reavis, Andy Friedman, Ann Dietert, Tim Handren, Jeff Carroll, Jason Keetan, Javier Alonz, Cody Brown, Glen Boehm, Emily Green, Susie Allen, and Steven Tye.

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 the Texas Flag.

2. CONFLICTS OF INTEREST

No conflicts were declared.

3. PUBLIC COMMENTS:

No public comments were received.

4. CONSENT AGENDA:

4.A. 2018-352 **CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD APRIL 24, 2018.**

THE MINUTES WERE APPROVED.

4.B. 2018-361 **CONSIDER ON SECOND READING ORDINANCE NO. 2018-14; AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF BOERNE, TEXAS, BY AMENDING CHAPTER 15. OFFENSES AND MISCELLANEOUS PROVISIONS, SECTION 15-1. DISCHARGE OF FIREARMS, PELLET GUNS AND EXPLOSIVE CARTRIDGES IN THE CITY OF BOERNE; AND PROVIDING FOR A PENALTY NOT TO EXCEED $500.00 FOR EACH VIOLATION OF THIS ORDINANCE.**

THE ORDINANCE WAS APPROVED.

4.C. 2018-362 **CONSIDER ON SECOND READING ORDINANCE NO. 2018-15; AN ORDINANCE REPEALING AND REPLACING THE CODE OF ORDINANCES, CITY OF BOERNE, TEXAS BY REPEALING AND REPLACING CHAPTER 4, ANIMALS AND FOWL, ARTICLE II. FOWL; AND PROVIDING FOR A PENALTY NOT TO EXCEED $500.00 FOR EACH VIOLATION OF THIS ORDINANCE.**

THE ORDINANCE WAS APPROVED.

4.D. 2018-351 **CONSIDER RESOLUTION NO. 2018-R34; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A SECOND SUPPLEMENTAL AGREEMENT BETWEEN THE CITY OF BOERNE AND POZNECKI CAMARILLO, INC. FOR ADDITIONAL ENGINEERING DESIGN SERVICES FOR THE 2015 TRANSPORTATION ALTERNATIVES PROGRAM (TAP) CITY OF BOERNE TRAILS SYSTEM EXPANSION PROJECT.**

THE RESOLUTION WAS APPROVED.

4.E. 2018-355 **CONSIDER RESOLUTION NO. 2018-R35; A RESOLUTION AUTHORIZING THE CITY MANAGER TO PROCEED WITH PURCHASES AS PER SECTION 6.08 OF THE CITY OF BOERNE'S HOME RULE CHARTER. (Gravel for the Street Department to seal-coat streets)**

THE RESOLUTION WAS APPROVED.

4.F. 2018-354 **CONSIDER RESOLUTION NO. 2018-R36; A RESOLUTION AUTHORIZING THE CITY MANAGER TO PROCEED WITH PURCHASES AS PER SECTION 6.08 OF THE CITY OF BOERNE'S HOME RULE CHARTER. (Seal-Coat oil for the Street Department to seal-coat streets)**

THE RESOLUTION WAS APPROVED.

A MOTION WAS MADE BY COUNCIL MEMBER ANZOLLITTO, SECONDED BY MAYOR PRO TEM WOOLARD 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. 2018-353 **PROPOSED ANNEXATION OF 5.032 ACRES OF LAND LOCATED AT 5 COUGHRAN ROAD, KAD NOS. 14889 AND 14890, TO INCLUDE A PORTION OF COUGHRAN ROAD AT THE REQUEST OF ALEJANDRO GUTIERREZ. (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.

5.B. 2018-357 **PROPOSED REZONING OF 4.349 ACRES LOCATED AT 12 HERFF ROAD, KAD NO. 15815, FROM R-1, MEDIUM-DENSITY SINGLE-FAMILY DISTRICT TO B-1, HIGH-DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICT (+/- .8 ACRES) AND B-2, HIGHWAY COMMERCIAL DISTRICT (+/- 3.5 ACRES). (ProCore Developments, one of one hearing)**

Mayor Schultz opened the Public Hearing at 6:05 p.m.

Renita Reavis, 117 Green Meadows spoke against the proposed rezoning of 12 Herff Road. She stated that she bought her home on Green Meadows eight years ago. She would not have bought the home if she knew a business would be built next door. She felt that businesses don't belong in the area of her neighborhood. There are 15 houses on her street, most of the residents are retired. She expressed concerns with traffic and noise.

Andy Friedman - 16331 Dexter Point, Cypress, TX spoke on behalf of he and his partner who are the developers of 12 Herff Road. He stated their vision for the property is for a boutique type development. He stated that the City's Overlay District addresses many of the concerns.

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

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

6.A. 2018-358 **CONSIDER ON FIRST READING ORDINANCE NO. 2018-16; 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 4.349 ACRES LOCATED AT 12 HERFF ROAD (KAD NO. 15815) FROM R-1, MEDIUM-DENSITY SINGLE-FAMILY DISTRICT TO B-1, HIGH-DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICT (+/- .8 ACRES) AND B-2, HIGHWAY COMMERCIAL DISTRICT (+/- 3.5 ACRES); REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (ProCore Developments)**

Mayor Schultz called on Ms. Laura Talley, Planning and Community Development Director. Ms. Talley displayed a map of the property located at 12 Herff Road under consideration for rezoning. She also displayed the City's zoning map indicating the current zoning of the property as well as other properties in the area. Ms. Talley discussed the restrictions that would be associated with the property per the North Herff Road Overlay District if the property was rezoned. Ms. Talley stated that the Developer has committed to saving trees and working towards deed retrictions. Staff feels commercial

development is imminent since Herff Road was extended. The Planning and Zoning Commission voted 4-3 in support of the rezoning. Staff also supports the proposed rezoning. Discussion ensued regarding MU-1 and B-2 zoning districts, confusion with the term Highway Commercial District, and the zoning districts which allow drive-thrus. Discussion ensued regarding the rezoning process if the request was denied by the City Council or if the developers of the property decided to not move forward with the request.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER ANZOLLITTO TO TABLE ON FIRST READING ORDINANCE NO. 2018-16; 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 4.349 ACRES LOCATED AT 12 HERFF ROAD (KAD NO. 15815) FROM R-1, MEDIUM-DENSITY SINGLE-FAMILY DISTRICT TO B-1, HIGH-DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICT (+/- .8 ACRES) AND B-2, HIGHWAY COMMERCIAL DISTRICT (+/- 3.5 ACRES); REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (PROCORE DEVELOPMENTS). 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

7. 2018-360 **PRESENT A PROCLAMATION FOR TEXAS MUNICIPAL CLERKS WEEK MAY 6TH THROUGH MAY 12TH, 2018.**

Mayor Schultz presented Assistant City Manager Linda Zartler, Deputy City Manager Siria Arreola, and City Secretary Lori Carroll with a proclamation declaring May 6, 2018 through May 12, 2018 as Texas Municipal Clerks Week.

8. 2018-356 **RECEIVE THE SECOND QUARTER FINANCIAL AND INVESTMENT REPORTS FOR FY 2017/ 2018.**

Mayor Schultz called on Ms. Sandy Mattick, Finance Director to present the Quarterly Financial and Investment Report for the six months ending March 31,

2018. Ms. Mattick stated that in the General Fund, revenues before transfers were above projection at 59.33% and expenditures were below projections at 43.32%. Sales tax collections were up 5.50% and Ad Valorem tax collections were at 97.64%. In the Electric Fund, revenues were at 51.93% of budget and expenses were below projections at 41.99%. In the Water Fund, revenues were at 50.33% of budget and expenses were below projections at 46.08%. In the Wastewater Fund, revenues were at 50.44% of budget and expenses were above projections at 56.23%. In the Gas Fund, revenues were at 54.14% of budget and expenses were below projections at 47.57%. Ms. Mattick continued with a review of the Second Quarter Investment Activity. She stated that the City invested in TexPool, MBIA, Texas TERM, TexStar, Government Agencies, municipal bonds, commercial paper, treasurey notes and several Certificates of Deposit. Interest earned for the quarter totaled $256,803. Staff will continue to monitor interest rate activity and act accordingly.

A MOTION WAS MADE BY COUNCIL MEMBER CISNEROS, SECONDED BY COUNCIL MEMBER COLVIN TO RECEIVE THE SECOND QUARTER FINANCIAL AND INVESTMENT REPORTS FOR FY 2017/ 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

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

City Manager Ron Bowman reminded the audience that the Groundbreaking for the new City Hall will take place on May 10, 2018 at 10:00 a.m.

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

Mayor Schultz convened the City Council into Executive Session at 6:53 p.m. and asked those individuals requested to participate to adjourn to the Executive Session Conference Room.

10.A.2018-359 SECTION 551.072 - DELIBERATION REGARDING REAL PROPERTY.

NO ACTION WAS TAKEN.

11. 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 7:00 p.m.

No action was taken.

12. ADJOURNMENT

A MOTION WAS MADE BY COUNCIL MEMBER COLVIN, SECONDED BY COUNCIL MEMBER BOYD IV TO ADJOURN THE CITY COUNCIL MEETING AT 7:00 P.M. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Approved:

_____

Mayor

Attest:

_____

City Secretary