

MINUTES
CITY COUNCIL WORKSHOP
POLICE DEPARTMENT TRAINING ROOM
124 Old San Antonio Road
Boerne, TX 78006
June 12, 2018 – 12:00 p.m.

Minutes of the City Council Workshop of June 12, 2018.

Present: Mayor Mike Schultz, Mayor Pro Tem Nina Woolard, Council Member Joe Anzollitto, Council Member Steven Tye, Council Member Ron Cisneros, and Council Member Tim Handren. Council Member Steven Tye left the meeting at 4:00 p.m.

Staff Present: Ron Bowman, Siria Arreola, Pam Bransford, Lori Carroll, Kirsten Cohoon, Cody Lackey, Sandy Mattick, Doug Meckel, Steve Perez, Mike Raute, Sean Reich, Angie Rios, Kelly Skovbjerg, Laura Talley, Jeanette Teague, Jeff Thompson, Larry Woods, Linda Zartler, and Danny Zincke.

Recognized / Registered Guests: Matt Bucchin, Josh Logan, and Jim Carrillo with Halff Associates

1. CALL TO ORDER – 12:00 PM

Mayor Schultz called the City Council Workshop to order at 12:00 p.m.

Mayor Schultz announced that the Workshop includes a working lunch and asked that the City Council and Staff to fix their plate and return to the meeting.

Mayor Schultz asked City Manager Ron Bowman to introduce Mr. Mike Conduff of the Elim Group who will be discussing City Governances.

2. [2018-438](#) DISCUSSION ON OPEN MEETINGS ACT.

Mayor Schultz called on Ms. Kirsten Cohoon, City Attorney. Ms. Cohoon reviewed the make up of the City, stating that the City of Boerne is a Home Rule City, is a Council-Manager form of government, with a population greater

than 5,000. The City Charter was adopted in 1995 and amended in 2012. She discussed the Open Meetings Act noting that three or more members of the City Council is considered a quorum. If a quorum is present at an event other than a social event, the event is then considered a meeting. She also discussed a walking quorum pertaining to email conversations. Council Members should not "reply to all" in an email. Ms. Cohoon reminded the City Council of the Public Information Act. Most documents whether in the form of email or written is available to the public unless it is Attorney-Client information.

3. [2018-439](#) DISCUSSION ON COUNCIL COMMUNICATIONS.

Ms. Cohoon continued with Council Communication. She stated that according to the City's Home Rule Charter, communication between the City Council and City Staff should go through the City Manager. The City Manager has designated the Deputy City Manager, Assistant City Manager, and City Attorney to also assist Council Members.

4. [2018-440](#) DISCUSSION ON ETHICS.

Ms. Cohoon discussed ethics relating to conflicts of interest. She stated that if a Council Member has a conflict of interest in regards to an agenda item, the Council Member must, in advance of the City Council meeting complete the Affidavit of Substantial and Economic Interest and give it to the City Secretary. The Council Member must then step away from the dais during the discussion and vote. There are significant penalties for not complying with the City of Boerne Ethics Ordinance and the Texas Local Government Code.

5. [2018-450](#) DISCUSSION ON CITY GOVERNANCES.

Mayor Schultz called on Mr. Mike Conduff, President and CEO of the Elim Group. Mr. Conduff discussed various areas of City Governances. He discussed the roles of the City Council, behaviors, and the importance of working together for the betterment of the community.

Mayor Schultz called for a 10 minute recess at 2:35 p.m.

Mayor Schultz reconvened the City Council Workshop at 2:45 p.m.

6. [2018-448](#) BOERNE MASTER PLAN UPDATE.

Mayor Schultz called on Ms. Laura Talley, Planning and Community Development Director. Ms. Talley introduced representatives from Halff Associates in the audience who the City has contracted with to update the City's Comprehensive Master Plan. Ms. Talley reviewed the accomplishments thus far in the Master Plan update. The current focus is on Chapter 5. Discussion ensued regarding the current zoning districts and how certain undeveloped properties would fit in the updated Master Plan. There were concerns from the City Council that 38% of the people surveyed do not live within the city limits of Boerne. Available resources were discussed to accomplish goals set in the Master Plan, collaboration with Kendall County, and determining the priority of items. The City Council discussed Boerne as a bedroom community versus a stand along community. Ms. Talley provided a timeline for the completion of the Master Plan. The goal is to make the Plan public on June 19, 2018. There will be a public hearing at the Planning and Zoning Commission meeting on July 9, 2018 and final approval from the City Council on July 24, 2018. City Manager Ron Bowman stated that the City Council would have an additional workshop at the June 26, 2018 City Council meeting.

7. [2018-445](#) FY 2018-2019 BUDGET**A. FUND DESCRIPTIONS****B. MAJOR SOURCES OF REVENUES****C. REQUESTED PERSONNEL****D. AVAILABLE FUND BALANCE****E. MAJOR CONSTRUCTION PROJECTS****1. CONVENTION AND VISITORS BUREAU****2. CITY HALL****F. KEY FINANCIAL DATA****G. BUDGET CALENDAR**

Mayor Schultz called on Ms. Sandy Mattick, Finance Director to provide an explanation of the various funds, the major revenue sources, the number employees working for the City by department, the cost for additional personnel in the 2019 budget, and the available fund balances in the utility

funds. Boerne Convention and Visitors Bureau Director Larry Woods updated the City Council on the new Boerne Visitors Center and Lohmann Street parking lot project. He displayed a photo of the new building as well as the estimated construction costs. He reminded the City Council that Keep Boerne Beautiful was awarded a grant in the amount of \$160,000 that will be used for this project. Ms. Linda Zartler, Assistant City Manager updated the City Council on the process of the new City Hall. She displayed a photo of the building and provided the proposed budget for the construction. Ms. Zartler stated that there will be more discussion on the new City Hall later on the regular City Council meeting agenda. Ms. Mattick reviewed the Budget Calendar.

8. ADJOURNMENT

Mayor Schultz adjourned the City Council Workshop at 5:27 p.m.

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
June 12, 2018 – 6:00 PM

Minutes of the Regular City Council Meeting of June 12, 2018 at 6:00 p.m.

Present: 6 - Mayor Michael Schultz, Council Member Joe Anzollitto, Mayor Pro Tem Nina Woolard, Council Member Steven Tye, Council Member Ron Cisneros, and Council Member Tim Handren

Staff Present: Ron Bowman, Siria Arreola, Pam Bransford, Lori Carroll, Kirsten Cohoon, Cody Lackey, Sandy Mattick, Doug Meckel, Mike Mann, Steve Perez, Mike Raute, Sean Reich, Angie Rios, Kelly Skovbjerg, Laura Talley, Jeanette Teague, Jeff Thompson, Larry Woods, Linda Zartler, and Danny Zincke.

Recognized / Registered Guests: Richard McCormick, Tucker Kocurek, Michelle Issleib, Jim and Thekla Henson, Ann Dietert, Bexar Schenk, Mark Mason, Mike Morgan, Jeff Carroll, Pam and Dave Luciani, Mari O'Brien, Shawn O'Brien, Bob Grassie, and Bob Imler.

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.

Mayor Schultz asked Mr. Tucker Kucurek to lead the Pledge of Allegiance to the United States Flag and to the Texas Flag.

2. CONFLICTS OF INTEREST

No conflicts of interest were declared.

3. PUBLIC COMMENTS:

No public comments were received.

4. CONSENT AGENDA:

- 4.A. [2018-408](#) CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD MAY 15, 2018 (CANVASS ELECTION), SPECIAL CALLED CITY COUNCIL MEETING HELD MAY 21, 2018 (JOINT MASTER PLAN), AND REGULAR CITY COUNCIL MEETING HELD MAY 22, 2018.

THE MINUTES WERE APPROVED.

- 4.B. [2018-420](#) CONSIDER ON SECOND READING ORDINANCE NO. 2018-17; AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY INTO THE CITY OF BOERNE, KENDALL COUNTY, TEXAS AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN THE CITY LIMITS, AND GRANTING TO SAID TERRITORY AND TO ALL FUTURE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID FUTURE INHABITANTS BY ALL OF THE ACTS AND ORDINANCES OF SAID

CITY. (5.032 acres located at 5 Coughran Road, KAD Nos. 14889 and 14890, to include a portion of Coughran Road at the request of Alejandro Gutierrez)

THE ORDINANCE WAS APPROVED.

4.C. [2018-444](#) CONSIDER RESOLUTION NO. 2018-R40; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A SAFEKEEPING AGREEMENT BETWEEN THE CITY OF BOERNE AND FROST BANK. (Protect and secure the investment assets of the City)

THE RESOLUTION WAS APPROVED.

4.D. [2018-419](#) CONSIDER RESOLUTION NO. 2018-R41; A RESOLUTION AMENDING AUTHORIZED REPRESENTATIVES FOR THE INVESTMENT OF FUNDS IN TEXPOOL.

THE RESOLUTION WAS APPROVED.

4.E. [2018-435](#) CONSIDER RESOLUTION NO. 2018-R42; A RESOLUTION AUTHORIZING THE CITY MANAGER TO PROCEED WITH PURCHASES AS PER SECTION 6.08 OF THE CITY OF BOERNE'S HOME RULE CHARTER. (Pickup for Public Works)

THE RESOLUTION WAS APPROVED.

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

Yeah: 5 - Council Member Anzollitto, Mayor Pro Tem Woolard, Council Member Tye, Council Member Cisneros, and Council Member Handren

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

5.A. [2018-421](#) PROPOSED PERMANENT ZONING OF 140 ENTERPRISE PARKWAY, A TOTAL OF 4.987 ACRES, FROM TEMPORARY ZONING OF R-A, SINGLE-FAMILY RESIDENTIAL - AGRICULTURAL DISTRICT TO I, INDUSTRIAL DISTRICT, KAD NO. 12259 AND 12255. (Heller- Bird Real Properties LLC)

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

No comments were received.

Mayor Schultz closed the Public Hearing at 6:06 p.m.

5.B. [2018-422](#) PROPOSED PERMANENT ZONING OF THE WASTEWATER TREATMENT AND RECYCLING CENTER, KAD NO. 38976, A TOTAL OF 13.327 ACRES LOCATED AT 41 OLD SAN ANTONIO ROAD, FROM TEMPORARY ZONING OF R-A, SINGLE-FAMILY RESIDENTIAL - AGRICULTURAL DISTRICT TO B-2R, HIGHWAY COMMERCIAL-RESTRICTED DISTRICT. (City of Boerne)

Mayor Schultz opened the Public Hearing at 6:06 p.m.

No comments were received.

Mayor Schultz closed the Public Hearing at 6:07 p.m.

5.C. [2018-423](#) PROPOSED USE OF AUTOMOBILE SALES IN A B-2, HIGHWAY COMMERCIAL DISTRICT LOCATED AT 30725 AND 30775 INTERSTATE 10 WEST (.382 ACRES, KAD NO. 12202 AND +/- .71 ACRES OUT OF 1.627 ACRES KAD NO. 12288). (Michael Buie, Hovey used car dealership)

Mayor Schultz opened the Public Hearing at 6:07 p.m.

No comments were received.

Mayor Schultz closed the Public Hearing at 6:07 p.m.

5.D. [2018-424](#) PROPOSED USE OF AUTOMOBILE SALES IN A B-2, HIGHWAY COMMERCIAL DISTRICT LOCATED AT 30775 AND 30875 INTERSTATE 10 WEST (+/- .68 ACRES OUT OF 1.627 ACRES, KAD NO. 12288, AND +/- .86 ACRES OUT OF 5.587 ACRES, KAD NO.

63761.) (Michael Buie, Polaris ATV dealership)

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

No comments were received.

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

5.E. [2018-425](#) PROPOSED REZONING OF 5.48 ACRES AT 235 FREY STREET, KAD NO. 15884, FROM R-1, MEDIUM-DENSITY SINGLE-FAMILY DISTRICT TO R-2, MODERATE-DENSITY RESIDENTIAL DISTRICT. (Boerne United Pentecostal Church, Dave Luciani)

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

No comments were received.

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

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

6.A. [2018-426](#) CONSIDER ON FIRST READING ORDINANCE NO. 2018-18; 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 13, PERMANENT ZONING OF 4.987 ACRES LOCATED AT 140 ENTERPRISE PARKWAY (KAD NO. 12259 AND 12255) FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO I, INDUSTRIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Heller-Bird Real Properties, LLC)

Mayor Schultz called on Ms. Laura Talley, Planning and Community Development Agreement. Ms. Talley displayed a map of the property located at 140 Enterprise Parkway. She reminded the City Council that this property was recently annexed into the city limits and assigned the temporary zoning of

R-A, Single Family Rural Residential - Agricultural District. Staff is proposing a permanent zoning of I, Industrial District since the neighbors to the east, west and south are all zoned for industrial use. The neighbor to the north has not been annexed into the City. The Planning and Zoning Commission voted 7-0 in favor of the permanent zoning.

A MOTION WAS MADE BY COUNCIL MEMBER HANDREN, SECONDED BY COUNCIL MEMBER CISNEROS, TO APPROVE ON FIRST READING ORDINANCE NO. 2018-18; 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 13, PERMANENT ZONING OF 4.987 ACRES LOCATED AT 140 ENTERPRISE PARKWAY (KAD NO. 12259 AND 12255) FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO I, INDUSTRIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (HELLER-BIRD REAL PROPERTIES, LLC). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Anzollitto, Mayor Pro Tem Woolard, Council Member Tye, Council Member Cisneros, and Council Member Handren

6.B. [2018-427](#) CONSIDER ON FIRST READING ORDINANCE NO. 2018-19; 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 13, PERMANENT ZONING OF 13.327 ACRES LOCATED AT 41 OLD SAN ANTONIO ROAD (KAD NO. 38976) FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO B-2R, HIGHWAY COMMERCIAL-RESTRICTED DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (City of Boerne)

Ms. Talley continued with the permanent zoning of 41 Old San Antonio Road which is the City's Wastewater Treatment and Recycling Center. A map of the location of the property was displayed. This property was recently annexed into the City limits. The temporary zoning of R-A, Single-Family Rural

Residential-Agricultural District was applied to the property. Staff is proposing the permanent zoning of B-2R, High Commercial Restricted District. Ms. Talley stated that with the proximity to surrounding commercial uses, the most appropriate designation would be a transitional, relatively low-impact commercial zoning district. The Planning and Zoning Commission voted 7-0 in favor of the permanent zoning.

A MOTION WAS MADE BY COUNCIL MEMBER ANZOLLITTO, SECONDED BY COUNCIL MEMBER HANDREN, TO APPROVE ON FIRST READING ORDINANCE NO. 2018-19; 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 13, PERMANENT ZONING OF 13.327 ACRES LOCATED AT 41 OLD SAN ANTONIO ROAD (KAD NO. 38976) FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO B-2R, HIGHWAY COMMERCIAL-RESTRICTED DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (CITY OF BOERNE). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Anzollitto, Mayor Pro Tem Woolard, Council Member Tye, Council Member Cisneros, and Council Member Handren

6.C. [2018-428](#) CONSIDER ON FIRST READING ORDINANCE NO. 2018-20; 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 AUTOMOBILE SALES IN A B-2, HIGHWAY COMMERCIAL DISTRICT AT 30725 AND 30775 INTERSTATE 10 WEST (.382 ACRES, KAD NO. 12202 AND +/- .71 ACRES OUT OF 1.627 ACRES KAD NO. 12288). (Michael Buie, Hovey used car dealership)

Ms. Talley continued with the request for a use of an automobile sales in a B-2, Highway Commercial District. She displayed a map of the property under consideration located at 30725 and 30775 IH-10 West. The use would be consistent with the neighboring uses along the access road. The Planning and

Zoning Commission recommended approval of the use by a vote of 7-0. Staff is supportive of the use.

A MOTION WAS MADE BY COUNCIL MEMBER HANDREN, SECONDED BY COUNCIL MEMBER TYE, TO APPROVE ON FIRST READING ORDINANCE NO. 2018-20; 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 AUTOMOBILE SALES IN A B-2, HIGHWAY COMMERCIAL DISTRICT AT 30725 AND 30775 INTERSTATE 10 WEST (.382 ACRES, KAD NO. 12202 AND +/- .71 ACRES OUT OF 1.627 ACRES KAD NO. 12288). (MICHAEL BUIE, HOVEY USED CAR DEALERSHIP). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Anzollitto, Mayor Pro Tem Woolard, Council Member Tye, Council Member Cisneros, and Council Member Handren

6.D. [2018-429](#) CONSIDER ON FIRST READING ORDINANCE NO. 2018-21; 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 AUTOMOBILE SALES IN A B-2, HIGHWAY COMMERCIAL DISTRICT AT 30775 AND 30875 INTERSTATE 10 WEST (+/- .68 ACRES OUT OF 1.627 ACRES, KAD NO. 12288, AND +/- .86 ACRES OUT OF 5.587 ACRES, KAD NO. 63761). (Michael Buie, Polaris ATV dealership)

Ms. Talley continued with the request for a use of an automobile sales in a B-2, Highway Commercial District. She displayed a map of the property under consideration located at 30775 and 30875 IH-10 West. The property owner is seeking to use the site for an ATV dealership. The use would be consistent with the neighboring uses along the access road. The Planning and Zoning Commission recommended approval of the use by a vote of 7-0. Staff is supportive of the use.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER HANDREN, TO APPROVE ON FIRST READING ORDINANCE NO. 2018-21; 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 AUTOMOBILE SALES IN A B-2, HIGHWAY COMMERCIAL DISTRICT AT 30775 AND 30875 INTERSTATE 10 WEST (+/- .68 ACRES OUT OF 1.627 ACRES, KAD NO. 12288, AND +/- .86 ACRES OUT OF 5.587 ACRES, KAD NO. 63761). (MICHAEL BUIE, POLARIS ATV DEALERSHIP). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Anzollitto, Mayor Pro Tem Woolard, Council Member Tye, Council Member Cisneros, and Council Member Handren

6.E. [2018-430](#) CONSIDER ON FIRST READING ORDINANCE NO. 2018-22; 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 5.48 ACRES LOCATED AT 235 FREY STREET (KAD NO. 15884) FROM R-1, MEDIUM-DENSITY SINGLE-FAMILY DISTRICT TO R-2, MODERATE-DENSITY RESIDENTIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Boerne United Pentecostal Church, Dave Luciani)

Ms. Talley continued with the rezoning request for the property located at 235 Frey Street. She displayed a map of the location. The developer is requesting the property be rezoned R-2, Moderate-Density Residential District. He is proposing an infill development on the 5.48 acres. The development would consist of 25 - 1,800 sf garden homes. The neighboring property owners are concerned with lighting and traffic. They would prefer the property remain an open field. Ms. Talley stated that Staff feels this is a good location for an infill development. The Planning and Zoning Commission recommended approval of the rezoning by a vote of 6-1. Discussion ensued regarding infill developments, people are desiring this size home with smaller yards, and neighboring property owners not wanting this type of development.

A MOTION WAS MADE BY COUNCIL MEMBER CISNEROS, SECONDED BY MAYOR PRO TEM WOOLARD, TO APPROVE ON FIRST READING ORDINANCE NO. 2018-22; 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 5.48 ACRES LOCATED AT 235 FREY STREET (KAD NO. 15884) FROM R-1, MEDIUM-DENSITY SINGLE-FAMILY DISTRICT TO R-2, MODERATE-DENSITY RESIDENTIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (BOERNE UNITED PENTECOSTAL CHURCH, DAVE LUCIANI). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Anzollitto, Mayor Pro Tem Woolard, Council Member Tye, Council Member Cisneros, and Council Member Handren

7. [2018-431](#) RECEIVE AND CONSIDER A REQUEST FROM GENERATION SIGNS INC. FOR A VARIANCE TO THE SIGN ORDINANCE SECTION 10. RESTRICTIONS ON CERTAIN TYPES OF SIGNS. GG. GAS PRICE SIGNS. (Citgo, 942 N Main St.)

Mayor Schultz called on Ms. Laura Talley, Planning and Community Development Director. Ms. Talley explained that this same request for a variance to the Sign Ordinance for CITGO came before the City Council in September 2017. The City Council approved the variance to the gas pricing sign at that time. The owner did not make the approved modifications within the allowed time period, so the request expired. When the City Council previously approved the sign, caveats were made to adhere to the font size required for LED by the ordinance and that the lumens be limited. Staff recommended approval of the request with the caveats. Discussion ensued regarding the location of the sign and the lighting.

A MOTION WAS MADE BY COUNCIL MEMBER CISNEROS, SECONDED BY COUNCIL MEMBER TYE, TO APPROVE A REQUEST FROM GENERATION SIGNS INC. FOR A VARIANCE TO THE SIGN ORDINANCE SECTION 10. RESTRICTIONS ON CERTAIN TYPES OF SIGNS GG. GAS PRICE SIGNS, WITH THE CONDITION THAT THEY ADHERE TO THE FONT SIZE REQUIRED FOR LED BY THE ORDINANCE AND THAT THE LUMENS BE LIMITED. (CITGO, 942 N MAIN ST.) THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 3 - Council Member Tye, Council Member Cisneros, and Council Member Handren

Nay: 2 - Council Member Anzollitto, and Mayor Pro Tem Woolard

8. [2018-443](#) RECEIVE THE GUARANTEED MAXIMUM PRICE FROM THE CONSTRUCTION MANAGER AT RISK, LEE LEWIS CONSTRUCTION INC. AND PROVIDE NOTICE TO PROCEED FOR THE NEW CITY HALL.

Mayor Schultz called on Ms. Linda Zartler, Assistant City Manager. Ms. Zartler stated that the process for the construction of the new City Hall began in April of 2015 when the City Council agreed to proceed with a Needs Assessment. Before any design began, the original cost estimated in April 2016 was \$15,500,000.00 for construction only. Two delays caused an increase to \$17,200,000.00. Additionally, Hurricane Harvey and the tariffs on steel have dramatically impacted the cost of construction. Ms. Zartler stated that Value Management efforts continue. The contractor continues to price out value managed items. The quoted Guaranteed Maximum Price (GMP) is at \$18,765,609.00 as of June 8, 2018. This is the maximum price the City will spend on construction. Ms. Zartler mentioned the larger items that have been adjusted through value engineering without taking away from the look of the building.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER HANDREN, TO APPROVE A GUARANTEED MAXIMUM PRICE OF \$18,765,609.00 AND PROVIDE NOTICE TO PROCEED TO LEE LEWIS CONSTRUCTION, INC. FOR THE NEW CITY HALL CONSTRUCTION, AUTHORIZING THE CITY MANAGER TO EXECUTE SAME. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Anzollitto, Mayor Pro Tem Woolard, Council Member Tye, Council Member Cisneros, and Council Member Handren

9. [2018-446](#) CONSIDER MAYORAL APPOINTMENTS TO THE ZONING BOARD OF ADJUSTMENTS.

Mayor Schultz stated he recently received a letter of resignation from the Chairman of the Zoning Board of Adjustments, Bill Kessler. It is the Mayor's recommendation that Scott Lowry fill the vacancy of Chairman and appoint Mr. Jim Terrian as Vice Chair.

A MOTION WAS MADE BY COUNCIL MEMBER CISNEROS, SECONDED BY COUNCIL MEMBER ANZOLLITTO, TO APPROVE THE MAYORAL APPOINTMENTS TO THE ZONING BOARD OF ADJUSTMENTS AS PRESENTED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Anzollitto, Mayor Pro Tem Woolard, Council Member Tye, Council Member Cisneros, and Council Member Handren

10. [2018-437](#) CONSIDER RESOLUTION NO. 2018-R43; 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 UTILITY RELOCATIONS FOR THE WIDENING OF SH 46 FROM HERFF ROAD TO AMMANN ROAD.

Mayor Schultz called on Mr. Mike Mann, Utilities Director. Mr. Mann stated that Staff has been working with TxDOT over the past year regarding the relocation of City owned utilities for the widening of Hwy 46 from Herff Road to Ammann Road. TxDOT advises that execution of the Standard Utility Agreement for reimbursement of utility relocations is necessary if we want any reimbursement that would be due to the City and delaying execution could delay the project. Mr. Mann stated that he anticipates TxDOT will bid the project in the Fall of this year. Staff recommended approval of the agreement.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER ANZOLLITTO, TO APPROVE RESOLUTION NO. 2018-R43; 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 UTILITY RELOCATIONS FOR THE WIDENING OF SH 46 FROM HERFF ROAD TO AMMANN ROAD. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Anzollitto, Mayor Pro Tem Woolard, Council Member Tye, Council Member Cisneros, and Council Member Handren

11. [2018-436](#) **CONSIDER RESOLUTION NO. 2018-R44; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AMENDMENT NUMBER 14 TO THE AGREEMENT BETWEEN THE CITY OF BOERNE AND KIMLEY-HORN AND ASSOCIATES, INC. FOR THE ESTABLISHMENT AND IMPLEMENTATION OF A STORMWATER DRAINAGE UTILITY.**

Mayor Schultz called on Utilities Director Mike Mann to review the proposed professional services agreement regarding the establishment and implementation of a Stormwater Drainage Utility. As discussed at a previous City Council meeting, Staff feels a funding source is needed to construct and maintain several larger-scale improvements to manage stormwater flows. Based on recommendations from other Cities in our region, Staff selected Kimley-Horn Associates, Inc. to establish appropriate rates to fairly spread the cost to property owners in accordance with statutory requirements and limitations. Staff recommended approval of Resolution No. 2018-R44.

A MOTION WAS MADE BY COUNCIL MEMBER TYE, SECONDED BY COUNCIL MEMBER ANZOLLITTO, TO APPROVE RESOLUTION NO. 2018-R44; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AMENDMENT NUMBER 14 TO THE AGREEMENT BETWEEN THE CITY OF BOERNE AND KIMLEY-HORN AND ASSOCIATES, INC. FOR THE ESTABLISHMENT AND IMPLEMENTATION OF A STORMWATER DRAINAGE UTILITY IN AN AMOUNT NOT TO EXCEED \$113,150.00. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Anzollitto, Mayor Pro Tem Woolard, Council Member Tye, Council Member Cisneros, and Council Member Handren

12. RECEIVE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND SET A PUBLIC HEARING FOR JULY 10, 2018:

12.A. [2018-432](#) PROPOSED ACCESSORY DWELLING IN AN RE-1, LOW-DENSITY SINGLE-FAMILY DISTRICT LOCATED AT 123 VISTA VERDE DRIVE, KAD NO. 19745. (Robert and Echo Palmer)

12.B. [2018-433](#) PROPOSED REZONING OF 12 HERFF ROAD (4.349 ACRES, KAD NO. 15815) FROM R-1, MEDIUM-DENSITY SINGLE-FAMILY DISTRICT TO B-1, HIGH-DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICT. (ProCore Developments)

12.C. [2018-434](#) PROPOSED PERMANENT ZONING OF 214 CASCADE CAVERNS ROAD, A TOTAL OF 7.89 ACRES, FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RESIDENTIAL-AGRICULTURAL DISTRICT TO R-2, MODERATE-DENSITY RESIDENTIAL DISTRICT, KAD NOS. 11568 AND 288671. (Landquest Acquisitions, LLC - Southglen)

A MOTION WAS MADE BY COUNCIL MEMBER ANZOLLITTO, SECONDED BY COUNCIL MEMBER HANDREN TO RECEIVE THE RECOMMENDATIONS FROM THE PLANNING AND ZONING COMMISSION AND SET PUBLIC HEARINGS FOR JULY 20, 2018. A MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Anzollitto, Mayor Pro Tem Woolard, Council Member Tye, Council Member Cisneros, and Council Member Handren

13. [2018-447](#) CONTINUE CITY COUNCIL WORKSHOP DISCUSSION OF THE MASTER PLAN UPDATE AND/OR FY 2018-2019 BUDGET, IF NECESSARY.

The Workshop was not continued.

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

Council Member Anzollitto stated that recently AACOG disbanded the Air Quality Committee. The members will participate in a subcommittee on the AACOG Board. He also mentioned that San Antonio has not yet been designated as attainment or non-attainment status for air quality. There should be a ruling in July.

Council Member Cisneros stated that the Alamo Area of Metropolitan Planning Organization also discussed the air quality issue which Kendall County would fall in with Bexar County. If San Antonio gets a non-attainment status, the city could get penalized which would affect federal funds for highway projects.

Planning and Community Development Director Laura Talley stated the Kendall Gateway Study is complete. It will first go before the Kendall County Commissioners for approval and then to City Council in July. Ms. Talley also updated the City Council on the controversy with CVS wanting to building on the corner of Main Street and Hwy 46 East. The request will have to go before the Historic Landmark Commission for consideration of exterior elevations. Based on the proposed plan, it would then go before the Planning and Zoning Commission and then City Council. CVS will also need to get approval from TxDOT for the driveway.

Convention and Visitors Bureau Director Larry Woods stated that Hampton Inn was under new management. The General Manager won awards at the annual convention in Dallas. The Hotel also received the Presidents Award.

Utilities Director Mike Mann provided an update on the West Texas Gas Pipeline which had been turned off for maintenance and the work started today. Grey Forest Utilities made accommodations to back-feed Boerne's station. The installation of the trailers also happened today.

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

Mayor Schultz convened the City Council into Executive Session at 7:02 p.m. and asked those requested to participate to adjourn to the Executive Session meeting room.

15.A.[2018-441](#) SECTION 551.072 - DELIBERATION REGARDING REAL PROPERTY

No action was taken.

**15.B.[2018-442](#) SECTION 551.071 - CONSULTATION WITH ATTORNEY. (A)
PENDING OR CONTEMPLATED LITIGATION.**

No action was taken.

**16. 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 7:28 p.m.

No action was taken.

17. ADJOURNMENT

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER ANZOLLITTO, TO ADJOURN THE CITY COUNCIL MEETING AT 7:28 P.M. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Anzollitto, Mayor Pro Tem Woolard, Council Member Tye, Council Member Cisneros, and Council Member Handren

Approved:

Mayor

Attest:

City Secretary