

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
September 25, 2018 – 6:00 PM

Minutes of the Regular Called City Council meeting of September 25, 2018 at 6:00 p.m.

Present: 5 - Council Member Joe Anzollitto, Mayor Pro Tem Nina Woolard,
 Council Member Steven Tye, Council Member Ron Cisneros,
 and Council Member Tim Handren

Absent: 1 - Mayor Michael Schultz

Staff Present: Ron Bowman, Siria Arreola, Paul Barwick, Dan Blankenship, Pam Bransford, Lori Carroll, Kirsten Cohoon, Jim Kohler, Mike Mann, Sandy Mattick, Doug Meckel, Mike Raute, Laura Talley, Jeff Thompson, and Danny Zincke.

Recognized/Registered Guests: Richard Chapman, Joe Granados, and Brian Fowler MD.

1. CALL TO ORDER – 6:00 PM

Mayor Pro Tem Woolard called the City Council to order at 6:00 p.m.

Mayor Pro Tem Woolard asked for a Moment of Silence.

Mayor Pro Tem Woolard 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:

Brian Fowler, 116 Pecan Street stated that he will be submitting a letter to City

Manager Ron Bowman requesting a Historic District designation to his home at 116 Pecan Street. He provided the history of his home. He feels there is a deterioration of older homes in Boerne. Dr. Fowler encouraged the City Council to be responsible and protect the history of downtown.

4. CONSENT AGENDA:

4.A. [2018-652](#) CONSIDER APPROVAL OF THE MINUTES OF THE CITY COUNCIL MEETING HELD SEPTEMBER 11, 2018.

THE MINUTES WERE APPROVED.

4.B. [2018-644](#) CONSIDER ON SECOND READING ORDINANCE NO. 2018-34; 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 5 COUGHRAN ROAD (KAD NOS. 14889 AND 14890) FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL 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. (Alejandro Gutierrez)

THE ORDINANCE WAS APPROVED.

4.C. [2018-645](#) CONSIDER ON SECOND READING ORDINANCE NO. 2018-35; AN ORDINANCE AMENDING ORDINANCE NO. 2007-64, CAPTIONED, "ZONING ORDINANCE OF THE CITY OF BOERNE, TEXAS", DATED DECEMBER 18, 2007, BY AMENDING ARTICLE 5, SECTION 33. APPLYING THE NH - NORTH HERFF ROAD OVERLAY DISTRICT TO 4.349 ACRES LOCATED AT 12 HERFF ROAD (KAD NO. 15815); REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (ProCore Developments)

THE ORDINANCE WAS APPROVED.

4.E. [2018-643](#) CONSIDER RESOLUTION NO. 2018-R77; A RESOLUTION

AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A DELEGATE AGENCY AGREEMENT FOR FUNDING OF PUBLIC PURPOSE BETWEEN THE CITY OF BOERNE AND BOERNE PERFORMING ARTS.

THE RESOLUTION WAS APPROVED.

4.F. [2018-649](#) CONSIDER RESOLUTION NO. 2018-R78; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A DELEGATE AGENCY AGREEMENT FOR FUNDING OF PUBLIC PURPOSE BETWEEN THE CITY OF BOERNE AND RAINBOW SENIOR CENTER. (Kronkosky Place)

THE RESOLUTION WAS APPROVED.

4.G. [2018-651](#) CONSIDER RESOLUTION NO. 2018-R79; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A DELEGATE AGENCY AGREEMENT FOR FUNDING OF PUBLIC PURPOSE BETWEEN THE CITY OF BOERNE AND BOERNE HOUSING AUTHORITY.

THE RESOLUTION WAS APPROVED.

4.H. [2018-650](#) CONSIDER RESOLUTION NO. 2018-R80; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A DELEGATE AGENCY AGREEMENT FOR FUNDING OF PUBLIC PURPOSE BETWEEN THE CITY OF BOERNE AND BOERNE HILL COUNTRY FAMILY SERVICES.

THE RESOLUTION WAS APPROVED.

4.I. [2018-655](#) CONSIDER RESOLUTION NO. 2018-R81; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF BOERNE AND KENDALL COUNTY FOR HEALTH SANITARIAN SERVICE.

THE RESOLUTION WAS APPROVED.

A MOTION WAS MADE BY COUNCIL MEMBER CISNEROS, SECONDED BY COUNCIL MEMBER HANDREN TO APPROVED THE CONSENT AGENDA AS PRESENTED WITH THE EXCEPTION OF AGENDA ITEM 4.D. TO BE DISCUSSED AS A SEPARATE AGENDA ITEM. 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

4.D. [2018-654](#) CONSIDER RESOLUTION NO. 2018-R76; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A CONTRACT WITH ADVANCED WATER WELL TECHNOLOGIES TO PROVIDE AND INSTALL PUMPING SYSTEM REPLACEMENTS AT THE WATER TREATMENT PLANT. (Replacement and installation of pump, gate valve and check valve on the raw water intake)

Mayor Pro Tem Woolard called on Mr. Mike Mann, Utilities Director. Mr. Mann explained that last week a gate valve failed and needs to be replaced immediately at the Water Treatment Plant. Since the time the Agenda Item Summary was submitted to the City Council, Staff has received another bid for the replacement and installation of pump, gate valve, and check valve on the raw water intake. Staff is currently reviewing the bid. It is Staff's recommendation that Resolution No. 2018-R76 be approved without the company's name, but to include the amount not to exceed \$21,500. It is hoped that the cost will be less than the initial bid.

A MOTION WAS MADE BY COUNCIL MEMBER HANDREN, SECONDED BY COUNCIL MEMBER CISNEROS TO APPROVE RESOLUTION NO. 2018-R76; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A CONTRACT TO PROVIDE AND INSTALL PUMPING SYSTEM REPLACEMENTS AT THE WATER TREATMENT PLANT, IN AN AMOUNT NOT TO EXCEED \$21,500.00. (REPLACEMENT AND INSTALLATION OF PUMP, GATE VALVE AND CHECK VALVE ON THE RAW WATER INTAKE). 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. [2018-653](#) RECEIVE A BRIEFING ON THE PROPOSED LEGISLATIVE PLAN.

Mayor Pro Tem Woolard called on Ms. Kirsten Cohoon, City Attorney. Ms. Cohoon reminded the City Council that in 2017, the City of Boerne created its first Legislative Plan which allowed Staff to act swiftly to proposed legislation

which may affect the City. She presented highlights of the 2017 Legislation Session which included more than 6,000 Bills filed with over 2,000 of those Bills affecting cities, over 1,200 were signed into law, and 300 of those Bills impacted cities in some way. She discussed the timeline for the 86th Legislative Session dates. Ms. Cohoon reviewed the proposed City's 2019 Legislative Plan. She asked the City Council Members to contact her with feedback as soon as possible in hopes that the Plan be approved before the end of the year, before the Session begins. Discussion ensued regarding Texas Municipal League and the part they play during the Legislative Session. City Manager Ron Bowman stated that a new Speaker of the House will need to be elected to replace Joe Strauss.

6. [2018-647](#) **CONSIDER ON FIRST READING ORDINANCE NO. 2018-37; AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 2015-05, ESTABLISHING A 35 MILE PER HOUR SPEED LIMIT ALONG ESSER ROAD (HWY 474) FROM RIVER ROAD TO ADLER STREET; AND PROVIDING FOR A PENALTY NOT TO EXCEED \$200 FOR EACH VIOLATION OF THIS ORDINANCE. (Decrease speed limit from 40 miles per hour to 35 miles per hour on FM 474 between Chaparral Creek Dr. to Adler St.)**

Mayor Pro Tem Woolard called on Mr. Mike Mann, Utilities Director. Mr. Mann explained that Staff received an email from TxDOT wanting to implement a new speed limit on Esser Rd (HWY 474). This request requires the City of Boerne to pass an ordinance establishing the maximum speed limit from 40 miles per hour to 35 miles per hour between Chaparral Creek Drive to Adler Street. TxDot will install the signage. Staff is in support of the modification.

A MOTION WAS MADE BY COUNCIL MEMBER ANZOLLITTO, SECONDED BY COUNCIL MEMBER HANDREN, TO APPROVE ON FIRST READING ORDINANCE NO. 2018-37; AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 2015-05, ESTABLISHING A 35 MILE PER HOUR SPEED LIMIT ALONG ESSER ROAD (HWY 474) FROM RIVER ROAD TO ADLER STREET; AND PROVIDING FOR A PENALTY NOT TO EXCEED \$200 FOR EACH VIOLATION OF THIS ORDINANCE. (DECREASE SPEED LIMIT FROM 40 MILES PER HOUR TO 35 MILES PER HOUR ON FM 474 BETWEEN CHAPARRAL CREEK DR. TO ADLER ST.). 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. [2018-648](#) **CONSIDER ON FIRST READING ORDINANCE NO. 2018-38; AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF BOERNE, TEXAS, BY AMENDING CHAPTER 12. MOTOR VEHICLES AND TRAFFIC, ARTICLE VII. SCHOOL ZONES, DIVISION 1. GENERALLY, SECTION 12-206. ESTABLISHED; AND PROVIDING FOR A PENALTY NOT TO EXCEED \$200 FOR EACH VIOLATION. (Establish a school zone on FM 474 for Boerne High School)**

Mr. Mann continued with the request from TxDOT establishing a 25 miles per hour school zone on FM-474. City Staff is in support of the modification, since the intent is to enhance safety in the area of the Boerne High School. Mr. Mann displayed a map of the area. Discussion ensued regarding the location of the new school zone which does not extend past the main entrance drive of the school.

A MOTION WAS MADE BY COUNCIL MEMBER TYE, SECONDED BY COUNCIL MEMBER ANZOLLITTO, TO APPROVE ON FIRST READING ORDINANCE NO. 2018-38; AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF BOERNE, TEXAS, BY AMENDING CHAPTER 12. MOTOR VEHICLES AND TRAFFIC, ARTICLE VII. SCHOOL ZONES, DIVISION 1. GENERALLY, SECTION 12-206. ESTABLISHED; AND PROVIDING FOR A PENALTY NOT TO EXCEED \$200 FOR EACH VIOLATION. (ESTABLISH A SCHOOL ZONE ON FM 474 FOR BOERNE HIGH SCHOOL). 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

8. [2018-656](#) RECEIVE AND CONSIDER A REQUEST FROM BABCOCK ROAD 165, LTD. FOR A VARIANCE TO THE SIGN ORDINANCE SECTION 12.D. PROHIBITED SIGN LOCATIONS. (Woods of Frederick Creek, Johns Road)

Mayor Pro Tem Woolard called on Ms. Laura Talley, Planning and Community Development Director. Ms. Talley explained that the developer of Woods of Frederick Creek Subdivision requested a variance to the sign ordinance in January 2010 and the City Council approved the request. The developer never installed the sign, so the variance has expired. The developer is now making the same request for signage in the median at the entrance of the subdivision on Johns Road. Ms. Talley displayed a map of the location. Since the initial request, the requirements have changed and the developer now must plat the median as an official lot before a permit can be issued for the sign. Staff has received a signed agreement with the developer that the sign/median will be maintained by the HOA and that the city has the right, if necessary to remove the sign in the future because it does lie within the right-of-way. Ms. Talley stated that the Sign Variance Committee is supportive of the request for signage in the right-of-way/median.

A MOTION WAS MADE BY COUNCIL MEMBER TYE, SECONDED BY COUNCIL MEMBER HANDREN, TO APPROVE THE REQUEST FROM BABCOCK ROAD 165, LTD. FOR A VARIANCE TO THE SIGN ORDINANCE SECTION 12.D. PROHIBITED SIGN LOCATIONS. (WOODS OF FREDERICK CREEK, JOHNS 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

9. RECEIVE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND SET A PUBLIC HEARING FOR OCTOBER 23, 2018:

9.A. [2018-646](#) PROPOSED REZONING OF HERFF FARM, 10 ACRES OF 60.673

ACRES AT 33 HERFF ROAD (KAD NO. 63558, 12531, 12530, AND 15831) FROM R-A, SINGLE-FAMILY RESIDENTIAL-AGRICULTURAL DISTRICT, TO B-1, HIGH-DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICT. (Carolyn Chipman Evans - Friends of the Cibolo Wilderness)

A MOTION WAS MADE BY COUNCIL MEMBER CISNEROS, SECONDED BY COUNCIL MEMBER ANZOLLITTO, TO RECEIVE THE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND SET A PUBLIC HEARING FOR OCTOBER 23, 2018. 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. COMMENTS FROM COUNCIL/ STAFF – No discussion or action may take place.

No comments were received.

11. ADJOURNMENT

A MOTION WAS MADE BY COUNCIL MEMBER CISNEROS, SECONDED BY COUNCIL MEMBER ANZOLLITTO, TO ADJOURN THE CITY COUNCIL MEETING AT 6:38 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