

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
October 23, 2018 – 6:00 PM

Minutes of the Regular Called City Council meeting of October 23, 2018 at 6:00 p.m.

Present: 5 - Mayor Michael Schultz, Council Member Joe Anzollitto,
 Council Member Steven Tye, Council Member Ron Cisneros,
 and Council Member Tim Handren

Absent: 1 - Mayor Pro Tem Nina Woolard

Staff Present: Ron Bowman, Siria Arreola, Pam Bransford, Lori Carroll, Kirsten Cohoon, Jim Kohler, Mike Mann, Doug Meckel, Mike Raute, Kelly Skovbjerg, Robin Stauber, Laura Talley, Jeanette Teague, Jeff Thompson, Larry Woods, Linda Zartler, and Danny Zincke.

Recognized/Registered Guests: Patrick and Carla Heath, Col. Bettie Edmonds, Sue Martin, Denise Dever, Kim Lodriguess, Terry Livingston-Wughom, Debbie Vetter, Bryden Moon, Paula McGehee, Martha L. Hawkins, Payton Down, Hannah Allen, Darrell Nichols, William Dever, Bob Gtrassie, Lance Kyle, Lorraine Lawrence, Donald Lawrence, Nicolas Planchet, Ben & Rene Eldredge, Frank Koehler, Michael LeJure, Annie Masterson, Luke Terry, Chopsticks Jiang, Raymond Lee, Clinton Ma, Daniel Espey, Evan Win, Trent Wisian, and Benjamin Hirsch.

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 to the Texas Flag.

Mayor Schultz recognized Former Mayor Patrick Heath in the audience.

2. CONFLICTS OF INTEREST**3. PUBLIC COMMENTS:**

Denise Dever, 53 Silent Spring spoke on the Kendall Gateway Study. She stated that she hopes that if there is any future movement from the City Council on the Kendall Gateway Study, the public will be given sufficient notice.

4. CONSENT AGENDA:

- 4.A. [2018-689](#) CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD OCTOBER 9, 2018 AND THE SPECIAL CALLED CITY COUNCIL MEETING HELD OCTOBER 15, 2018 (Kendall County Commissioners Court - Kendall Gateway Study).**

THE MINUTES WERE APPROVED.

- 4.B. [2018-692](#) CONSIDER RESOLUTION NO. 2018-R94; A RESOLUTION AUTHORIZING THE CLOSURE OF A PORTION OF MAIN STREET (HWY 87) DURING CERTAIN HOURS FOR DICKENS ON MAIN AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR THE TEMPORARY CLOSURE OF STATE RIGHT-OF-WAY WITH THE TEXAS DEPARTMENT OF TRANSPORTATION.**

THE RESOLUTION WAS APPROVED.

- 4.C. [2018-694](#) CONSIDER RESOLUTION NO. 2018-R95; 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 Truck for Electric Department)**

THE RESOLUTION WAS APPROVED.

- 4.D. [2018-699](#) CONSIDER RESOLUTION NO. 2018-R96; A RESOLUTION AUTHORIZING THE CITY MANAGER TO PROCEED WITH PURCHASES AS PER SECTION 6.08 OF THE CITY OF BOERNE'S HOME RULE CHARTER. (Backhoe for Water Department)**

THE RESOLUTION WAS APPROVED.

- 4.E. [2018-698](#) CONSIDER RESOLUTION NO. 2018-R97; A RESOLUTION AUTHORIZING THE CITY MANAGER TO PROCEED WITH PURCHASES AS PER SECTION 6.08 OF THE CITY OF BOERNE'S HOME RULE CHARTER. (Pump for Wastewater Treatment and Recycling Center)

THE RESOLUTION WAS APPROVED.

- 4.F. [2018-697](#) CONSIDER RESOLUTION NO. 2018-R98; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT WITH PANACHE LANDSCAPE AND DESIGN TO REPLACE TWO ODOR CONTROL BIOFILTER MULCH BEDS AT THE WASTEWATER TREATMENT & RECYCLE CENTER.

THE RESOLUTION WAS APPROVED.

- 4.G. [2018-700](#) CONSIDER RESOLUTION NO. 2018-R99; A RESOLUTION AUTHORIZING THE CITY MANAGER TO PROCEED WITH PURCHASES AS PER SECTION 6.08 OF THE CITY OF BOERNE'S HOME RULE CHARTER. (Advertising for CVB)

THE RESOLUTION WAS APPROVED.

- 4.H. [2018-696](#) CONSIDER RESOLUTION NO. 2018-R100; A RESOLUTION AUTHORIZING THE CITY MANAGER TO PROCEED WITH PURCHASES AS PER SECTION 6.08 OF THE CITY OF BOERNE'S HOME RULE CHARTER. (Two lawn mowers for the Street Department)

THE RESOLUTION WAS APPROVED.

A MOTION WAS MADE BY COUNCIL MEMBER ANZOLLITTO, SECONDED BY COUNCIL MEMBER TYE TO APPROVE THE CONSENT AGENDA AS PRESENTED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Council Member Anzollitto, Council Member Tye, Council Member Cisneros, and Council Member Handren

Absent: 1 - Mayor Pro Tem Woolard

5. [2018-703](#) PRESENT PROCLAMATION TO COLONEL BETTIE EDMONDS IN HONOR OF HER DECADES OF SERVICE TO THE CITY OF BOERNE IN

THE AREA OF HISTORIC PRESERVATION.

Mayor Schultz called on Ms. Kelly Skovbjerg, Library Director. Ms. Skovbjerg stated that she has worked along-side of Colonel Bettie Edmonds for 15 years. Colonel Edmonds has served with many volunteer organizations and was honored by the Texas Legislature in 1987 for the significant contributions to Boerne and the state in the fields of history, art and leadership. She spent many years drawing in pen and ink, hundreds of historic houses in the county. Mayor Schultz read aloud a proclamation declaring November 10, 2018 as Colonel Bettie Edmonds History Day. Colonel Edmonds spoke to the audience stating that she was honored to be recognized for something she loves. Ms. Skovbjerg invited everyone to a self-guided walking tour of ten buildings Colonel Edmonds has sketched on November 10, 2018.

6. [2018-704](#) ANNUAL UPDATE PRESENTATION ON THE PATRICK HEATH PUBLIC LIBRARY ACTIVITIES.

Ms. Skovbjerg continued with the annual activities of the Patrick Heath Public Library. She stated that the library had record attendance on February 5, 2018. She discussed the many events held to include new initiatives created over the last year such as the Pop-Up Dinners, city-wide book drive for the middle school in Aransas Pass that lost its entire library to Hurricane Harvey, and the inaugural Boerne Book and Arts Festival. A consultant was also hired to create a plan to expand the young adult space and add a study room on the second floor of the library. She acknowledged that the Friends of Boerne Public Library and the Library Foundation provide incredible support as well as the many volunteers.

7. PUBLIC HEARING – To Hear Comments On The Following:**7.A. [2018-701](#) REVIEW OF ORDINANCE NO. 2015-34; AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF BOERNE, TEXAS, BY AMENDING CHAPTER 15, ARTICLE IV, YOUTH CURFEW; PROVIDING FOR DEFINITIONS; ESTABLISHING DEFENSES TO**

PROSECUTION; ESTABLISHING AN ENFORCEMENT PROCEDURE; PROVIDING FOR A MAXIMUM PENALTY OF \$500.00 FOR VIOLATION OF THIS ORDINANCE. (Second of two hearings)

Mayor Schultz opened the Public Hearing at 6:33 p.m.

No comments were received.

Mayor Schultz closed the Public Hearing at 6:34 p.m.

7.B. [2018-690](#) PROPOSED REZONING OF HERFF FARM, 10 ACRES OF 60.673 ACRES AT 33 HERFF ROAD (KAD NOS. 63558, 12531, 12530, AND 15831) FROM R-A, SINGLE-FAMILY RESIDENTIAL-AGRICULTURAL DISTRICT, TO B-1, HIGH-DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICT. (One of one hearing, Carolyn Chipman Evans - Friends of the Cibolo Wilderness)

Mayor Schultz opened the Public Hearing at 6:34 p.m.

No comments were received.

Mayor Schultz closed the Public Hearing at 6:34 p.m.

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

8.A. [2018-693](#) CONSIDER ON SECOND READING ORDINANCE NO. 2018-39; AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF BOERNE, TEXAS, BY AMENDING CHAPTER 15, ARTICLE IV, YOUTH CURFEW; PROVIDING FOR DEFINITIONS; ESTABLISHING DEFENSES TO PROSECUTION; ESTABLISHING AN ENFORCEMENT PROCEDURE; PROVIDING FOR A MAXIMUM PENALTY OF \$500.00 FOR VIOLATION OF THIS ORDINANCE.

Mayor Schultz called on Police Chief Jim Kohler. Chief Kohler reminded the City Council that the state requires that the Youth Curfew Ordinance be reviewed every three years. Staff recommended that no changes be made to the

ordinance.

A MOTION WAS MADE BY COUNCIL MEMBER ANZOLLITTO, SECONDED BY COUNCIL MEMBER HANDREN, TO APPROVE ON SECOND READING ORDINANCE NO. 2018-39; AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF BOERNE, TEXAS, BY AMENDING CHAPTER 15, ARTICLE IV, YOUTH CURFEW; PROVIDING FOR DEFINITIONS; ESTABLISHING DEFENSES TO PROSECUTION; ESTABLISHING AN ENFORCEMENT PROCEDURE; PROVIDING FOR A MAXIMUM PENALTY OF \$500.00 FOR VIOLATION OF THIS ORDINANCE. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Nay: 1 - Council Member Tye

Absent: 1 - Mayor Pro Tem Woolard

8.B. [2018-691](#) CONSIDER ON FIRST READING ORDINANCE NO. 2018-40; 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 10 ACRES OUT OF 60.673 ACRES LOCATED AT 33 HERFF ROAD (KAD NOS. 63558, 12531, 12530, AND 15831) FROM R-A, SINGLE-FAMILY 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. (Carolyn Chipman Evans- Friends of the Cibolo Wilderness)

Mayor Schultz called on Ms. Laura Talley, Planning and Community Development Director. Ms. Talley displayed a map of the property located at 33 Herff Road. The property owner is requesting a B-1, High-Density Residential and Neighborhood Commercial zoning for 10 of the 60 acres. Several events are held on the property that all fall in the B-1 zoning district. They would now like to build a Nature School on the site. The rezoning request is intended to bring the current uses into conformity and to permit the development of a day care on the site. Ms. Talley stated that the zoning does

adhere to the Future Land Use Plan. As required by state statute, notifications were sent to the property owners within 200 feet and have received one response in favor of the rezoning. The Planning and Zoning Commission recommended approval by a vote of 7-1. Staff also recommended approval of the rezoning request. Discussion ensued regarding the "nay" vote at the Planning and Zoning Commission meeting. Ms. Talley stated that the Commissioner felt there should be a specific zoning for this type of use.

A MOTION WAS MADE BY COUNCIL MEMBER CISNEROS, SECONDED BY COUNCIL MEMBER ANZOLLITTO, TO APPROVE ON FIRST READING ORDINANCE NO. 2018-40; 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 10 ACRES OUT OF 60.673 ACRES LOCATED AT 33 HERFF ROAD (KAD NOS. 63558, 12531, 12530, AND 15831) FROM R-A, SINGLE-FAMILY 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. (CAROLYN CHIPMAN EVANS- FRIENDS OF THE CIBOLO WILDERNESS). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Council Member Anzollitto, Council Member Tye, Council Member Cisneros, and Council Member Handren

Absent: 1 - Mayor Pro Tem Woolard

9. [2018-695](#) CONSIDER RESOLUTION NO. 2018-R101; A RESOLUTION TO ABANDON A FIFTEEN FOOT (15') WIDE SEWER UTILITY EASEMENT LOCATED ON A PORTION OF LOTS 5 AND 7, GARDEN OAKS SUBDIVISION, BOERNE, TEXAS 78006. (Jaguar-Land Rover Site)

Mayor Schultz called on Mr. Mike Mann, Utilities Director. Mr. Mann stated that a few years ago, the City obtained a utility easement for the construction and maintenance of a sewer main to be extended from Old San Antonio Road to IH-10. The sewer main was constructed and is in operation. The property is now being development as an automobile dealership. Mr. Mann explained, to

alleviate the encroachment issue, the developer's representative requested authorization to relocate the active sewer main. Mr. Mann displayed a map of the area. A replacement easement has been executed by the landowner and filed in the deed records at Kendall County. The last step in the process is for the City to abandon the original easement. The City Attorney has drafted the appropriate abandonment document, and Staff requests that the City Council approve the document.

A MOTION WAS MADE BY COUNCIL MEMBER HANDREN, SECONDED BY COUNCIL MEMBER TYE, TO APPROVE RESOLUTION NO. 2018-R101; A RESOLUTION TO ABANDON A FIFTEEN FOOT (15') WIDE SEWER UTILITY EASEMENT LOCATED ON A PORTION OF LOTS 5 AND 7, GARDEN OAKS SUBDIVISION, BOERNE, TEXAS 78006. (JAGUAR-LAND ROVER SITE). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Council Member Anzollitto, Council Member Tye, Council Member Cisneros, and Council Member Handren

Absent: 1 - Mayor Pro Tem Woolard

10. [2018-702](#) CONSIDER RESOLUTION NO. 2018-R102; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AMENDMENT NUMBER 16 TO THE AGREEMENT BETWEEN THE CITY OF BOERNE AND KIMLEY-HORN AND ASSOCIATES, INC. FOR THE DESIGN OF THE SOBO CONNECTOR ROADWAY AND BRIDGE.

Mayor Schultz called on Mr. Jeff Thompson, Deputy City Manager. Mr. Thompson reminded the City Council of the resolution which was approved in May of 2016 with Kimley-Horn and Associates, Inc. for the design of the SoBo Herff Road connector roadway extension and bridge. He displayed a map of the location. The design costs for both the bridge and the Herff Road extension segments exceeded their original estimates due to the lengthy negotiations to purchase the property from Christus Santa Rosa Hospital, Larry Lester, and the Credit Union. The project was delayed over a year. During the process, it was recognized the total payments to Kimley-Horn had exceeded the City Council's approved amount. Steps have since been taken to assure that this will not occur again. Discussion ensued regarding competitive bid opportunity on the project. It was Staff's recommendation that Resolution No. 2018-R102 be approved.

A MOTION WAS MADE BY COUNCIL MEMBER HANDREN, SECONDED BY COUNCIL MEMBER TYE, TO APPROVE RESOLUTION NO. 2018-R102; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AMENDMENT NUMBER 16 TO THE AGREEMENT BETWEEN THE CITY OF BOERNE AND KIMLEY-HORN AND ASSOCIATES, INC. FOR THE DESIGN OF THE SOBO CONNECTOR ROADWAY AND BRIDGE IN AN AMOUNT NOT TO EXCEED \$53,654.22 FOR A TOTAL OF \$190,389.22. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Council Member Anzollitto, Council Member Tye, Council Member Cisneros, and Council Member Handren

Absent: 1 - Mayor Pro Tem Woolard

11. [2018-706](#) **CONSIDER RESOLUTION NO. 2018-R103; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A MEMORANDUM OF UNDERSTANDING TO EVALUATE REGIONAL WASTEWATER TREATMENT OPTIONS BETWEEN THE CITY OF BOERNE, THE CITY OF FAIR OAKS, AND THE GUADALUPE-BLANCO RIVER AUTHORITY.**

Mr. Thompson continued with an explanation of a Memorandum of Understanding (MOU) to evaluate regional wastewater treatment options and potentially shared capital costs to build a plant south of Boerne near Fair Oaks Ranch. The MOU would be between the City of Boerne, the City of Fair Oaks Ranch, and the Guadalupe-Blanco River Authority (GBRA). The initial discussion with the City Council was part of the budget discussion in August. The City of Fair Oaks Ranch and GBRA have approved the MOU. The 12-week study has a not to exceed total of \$45,000 to be shared equally between the three entities, \$15,000 each. Discussion ensued regarding the cost to build a new plant.

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A MOTION WAS MADE BY COUNCIL MEMBER ANZOLLITTO, SECONDED BY COUNCIL MEMBER HANDREN, TO APPROVE RESOLUTION NO. 2018-R103; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A MEMORANDUM OF UNDERSTANDING TO EVALUATE REGIONAL WASTEWATER TREATMENT OPTIONS BETWEEN THE CITY OF BOERNE, THE CITY OF FAIR OAKS, AND THE GUADALUPE-BLANCO RIVER AUTHORITY IN AN AMOUNT NOT TO EXCEED \$15,000.00. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Council Member Anzollitto, Council Member Tye, Council Member Cisneros, and Council Member Handren

Absent: 1 - Mayor Pro Tem Woolard

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

Utilities Director Mike Mann distributed a letter and documentation to the Council Members to serve as educational information regarding the City's Natural Gas Utility Program.

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

Mayor Schultz convened the City Council into Executive Session at 6:55 p.m.

13.A.[2018-705](#) SECTION 551.071 (1) (A) - CONSULTATION WITH ATTORNEY AND SECTION 551.087- DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS.

NO ACTION WAS TAKEN.

14. 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 7:26 p.m.

No action was taken.

15. ADJOURNMENT

A MOTION WAS MADE BY COUNCIL MEMBER ANZOLLITTO, SECONDED BY COUNCIL MEMBER HANDREN, TO ADJOURN THE CITY COUNCIL AT 7:26 P.M. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Council Member Anzollitto, Council Member Tye, Council Member Cisneros, and Council Member Handren

Absent: 1 - Mayor Pro Tem Woolard

Approved:

Mayor

Attest:

City Secretary