



AGENDA ITEM SUMMARY

District Impacted

- ☐ 1 = Anzollitto
- ☐ 2 = Woolard
- ☐ 3 = Boyd
- ☐ 4 = Cisneros
- ☐ 5 = Colvin
- ☒ All

DESCRIPTION

RECEIVE CERTIFICATION OF PETITION TO SUSPEND RE-ZONING CONSIDERATION OF ANY RIPARIAN PARCELS THAT HAVE THE POTENTIAL TO SET PRECEDENT FOR FUTURE DEVELOPMENT UNTIL SUCH TIME IMPLEMENTATION OF LOW IMPACT DEVELOPMENT STRATEGIES ARE ENACTED, BY ORDINANCE, TO PROTECT CIBOLO CREEK AND ITS TRIBUTARIES FROM IMMINENT HARM AND DEGRADATION.

STAFF'S RECOMMENDED ACTION (be specific)

RECEIVE CERTIFICATION OF PETITION TO SUSPEND RE-ZONING CONSIDERATION OF ANY RIPARIAN PARCELS THAT HAVE THE POTENTIAL TO SET PRECEDENT FOR FUTURE DEVELOPMENT UNTIL SUCH TIME IMPLEMENTATION OF LOW IMPACT DEVELOPMENT STRATEGIES ARE ENACTED, BY ORDINANCE, TO PROTECT CIBOLO CREEK AND ITS TRIBUTARIES FROM IMMINENT HARM AND DEGRADATION.

CONTACT PERSON SUMMARY

After thorough review of the petition received at the April 11, 2017 City Council meeting, it is determined that the petition submitted does not meet the requirements of State Statutes or City of Boerne Ordinances or City of Boerne Home Rule Charter.

Petition to City of Boerne and the Planning & Zoning Commission

"WE THE CONCERNED CITIZENS OF BOERNE RESPECTFULLY ASK CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION TO **SUSPEND RE-ZONING CONSIDERATION OF ANY RIPARIAN PARCELS** THAT HAVE THE POTENTIAL TO SET PRECEDENT FOR FUTURE DEVELOPMENT UNTIL SUCH TIME IMPLEMENTATION OF LOW IMPACT DEVELOPMENT STRATEGIES ARE ENACTED, BY ORDINANCE, **TO PROTECT CIBOLO CREEK AND ITS TRIBUTARIES FROM IMMINENT HARM AND DEGRADATION.** IN ADDITION, THIS PAUSE WILL PROVIDE TIME FOR SPECIFIC CITIZEN CONCERNS ABOUT THE PROPOSED RE-ZONING OF 17 HERFF ROAD TO BE HEARD IN FURTHER DETAIL."

"The proposed re-zoning of 26 acres located at 17 Herff Road lends itself to be either a model of forward thinking development or to be the worst culprit in the degradation of the Cibolo Creek. Cibolo Creek is the life blood of Boerne. It has sustained our community and is the reason the community exists. We are not

opposed to growth and development. **We insist that the city consider all facets of growth and keep in mind that the character and value we as citizens see in Boerne includes Cibolo Creek as a unique historical and cultural treasure worthy of protection.**"

The flyer included with the petition indicates that the property located at 17 Herff is being re-zoned. All territory annexed into the City limits is temporarily classified R-A until permanently zoned by the City Council. The property was annexed into the city limits on January 24, 2017. The City of Boerne Zoning Ordinance states that properties annexed into the city limits will be permanently zoned as soon as practical. (City of Boerne Zoning Ordinance, Article 3, Section 16). State law does not allow protest petitions for permanent zoning actions, nor is it addressed in the City of Boerne Ordinances.

As a result of the caption language in the flyer, I moved forward with reviewing the petition as an Initiative Petition. Under an Initiative Petition,

- the City of Boerne Home Rule Charter Section 9.01 provides the registered voters of the City with the "power to propose ordinances to the Council. If the Council fails to adopt an ordinance so proposed without any change in substance, the qualified voters shall have the power to adopt or reject it at a City election."
- Section 9.03 A. requires petitions "be signed by registered voters of the City equal in number to at least 10% of the total number of qualified voters registered to vote at the last regular City Election, but in no event less than 250 such petitioners. However, no signatures to any petition shall remain effective or be counted which do not comply with the provisions of the Election Code."
- Section 9.03 B. Requires the petition to "contain or have attached thereto throughout the circulation the full text of the ordinance proposed or sought to be reconsidered."
- Texas Election Code Section 277.002(a) requires a voter registration number be provided unless the date of birth and residence address is also provided for each person listed on the petition.
- 277.002(b) requires the signature appear on the petition in the signer's own handwriting.
- Furthermore, Texas State Law mandates that zoning is a legislative function and not susceptible to an initiative petition.

Findings:

- No handwritten signatures were included in the petition.
- No voter's registration numbers and/or birth dates were included in

	<p>the petition.</p> <ul style="list-style-type: none"> • 1211 names were listed on the petition, 19 entered their name twice. • 250 names on the petition were registered voters in the City of Boerne as of last election (Home Rule Charter Section 9.03). There were 8,880 registered voters in the 2016 election. • The full text of a proposed ordinance was not included in the petition. <p>Due to the lack of required information indicated above, I, Lori A. Carroll, City Secretary of the City of Boerne certifies the “petition” insufficient.</p>
COST	
SOURCE OF FUNDS	
ADDITIONAL INFORMATION	

This summary is not meant to be all inclusive. Supporting documentation is attached.