

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
June 27, 2017 – 6:00 PM

Minutes of the Regular Called City Council Meeting of June 27, 2017 at 6:00 p.m.

Present: 5 - Mayor Michael Schultz, Mayor Pro Tem Nina Woolard,
Council Member Charlie Boyd IV, Council Member Ron
Cisneros, and Council Member Craig Colvin

Absent: 1 - Council Member Joe Anzollitto

Staff Present: Ron Bowman, Siria Arreola, Pam Bransford, Lori Carroll, Kirsten Cohoon, Sandy Mattick, Doug Meckel, Mike Raute, Laura Talley, Jeff Thompson, Larry Woods, Linda Zartler, and Danny Zincke.

Recognized/Registered Guests: Karen Boyd, Yolanda Kovac, Scott Ellis, Patricia Ellis, Ed Coffey, Paul Giguere, Misty Mayo, Robert Clark, Richard McCormick, Emily Weiner, Alison Church, Nicole Allwein, Joe Granados, Tonya Vidnais, Pam and Dave Luciani, Tommy Mathews, Dale Adams, Ross Partlow, Nick Baum, Baron House, Kyle Calvano, Michael Stratis, Debbie Thomas, Pam Parish, Chuck Gregory, Mark Mason, Jim Cook, Josh Valenta, Chris Christianson, and Paul Howard.

1. CALL TO ORDER – 6:00 PM

Mayor Schultz called the City Council 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.

2. CONFLICTS OF INTEREST

No conflicts were declared.

3. PUBLIC COMMENTS:

Michael Vitti, Trails of Herff Ranch, informed Council of traffic accidents in his neighborhood. A child was recently injured by a car and there has been more of a police presence. He would like speed bumps to slow traffic down.

Yolanda Kovac, 213 E Hosack, voiced her disappointment with the City Council in reference to Chaparral Hill. The City ruled against the residents in the neighborhood.

Robert Clark withdrew his request to speak.

Emily Weiner, 624 Graham, supports the Parks Master Plan to improve the quality of life and would love to see more safe places for families and children to play.

Patti Ellis, 11 Chaparral Hill, has met with all City Council Members and the developer to ask for stipulations. Everything that was asked of the developer was answered with a no. Ms. Ellis is asking that City Council table agenda item 10 and save the acreage, trees, and character of the property.

Nicole Allweine, 108 Rolling View Drive, stated it doesn't make sense to destroy a home to build townhomes to her or the residents of Chaparral Hill. How do residents protect themselves when acreage lots are next door?

Scott Ellis, 11 Chaparral Hill, handed a petition to the City Secretary to stop the proposed permanent zoning of 16 Chaparral Hill and a second petition to oppose the road reclassification of Shooting Club. He requested City Council to zone the property R-A or postpone the zoning until a traffic analysis is completed.

Joe Granados, Boerne Chamber of Commerce, stated the Chamber is not taking a position on the zoning but housing is needed.

Josh Valenta, Civil Engineer for the developer, is in support of the project on Chaparral Hill. Bringing the property into the City puts restrictions that are not in the County.

Cindy White, Knollkamper Road, spoke in favor of the proposed permanent zoning on Chaparral Hill. She stated prices in Boerne are going up and the market will drive the prices.

Jim Cook, property owner and developer of 16 Chaparral Hill articulated that he will work with the City to lessen the impact of the development and determine entree and exists. The development consists of workforce housing not apartments.

Debbie Thomas, 13 Chaparral Hill, related that Mr. Cook has not specified what affordable housing is. She requests to leave the zoning R-A or R-1.

4. CONSENT AGENDA:

4.A. [2017-458](#) APPROVAL OF THE MINUTES OF THE SPECIAL CALLED CITY COUNCIL MEETING (RETREAT) AND REGULAR CITY COUNCIL MEETING HELD JUNE 13, 2017.

THE MINUTES WERE APPROVED.

4.B. [2017-396](#) CONSIDER ON SECOND READING ORDINANCE NO. 2017-18; 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 4.088 ACRES LOCATED AT 47 OLD SAN ANTONIO ROAD (KAD NOS. 14774 AND 14786) 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. (Priscilla Jean Heard)

THE ORDINANCE WAS APPROVED.

4.C. [2017-448](#) CONSIDER ON SECOND READING ORDINANCE NO. 2017-19; 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 31, APPLYING THE COTTAGE HOUSING DEVELOPMENT OVERLAY DISTRICT TO 530 OAK PARK (KAD NO. 15836); REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Dave Luciani)

THE ORDINANCE WAS APPROVED.

4.D. [2017-449](#) CONSIDER ON SECOND READING ORDINANCE NO. 2017-20; 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. (13.733 acres being a portion of Herff Road at the request of Judge Lux)

THE ORDINANCE WAS APPROVED.

4.E. [2017-452](#) CONSIDER RESOLUTION NO. 2017-R52; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN INTERLOCAL AGREEMENT WITH KENDALL COUNTY FOR HEALTH SANITARIAN SERVICES. (Annual Agreement for Health Inspection Services)

THE RESOLUTION WAS APPROVED.

4.F. [2017-460](#) CONSIDER RESOLUTION NO. 2017-R53; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF BOERNE, TEXAS AND KENDALL COUNTY, TEXAS FOR REGULATION OF SUBDIVISION PLATS IN THE ETJ OF BOERNE.

THE RESOLUTION WAS APPROVED.

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

Yeah: 4 - Mayor Pro Tem Woolard, Council Member Boyd IV, Council Member Cisneros, and Council Member Colvin

Absent: 1 - Council Member Anzollitto

5. [2017-462](#) RECEIVE UPDATE FROM BOERNE KENDALL COUNTY EDC PRESIDENT AND CEO, MISTY MAYO AND DEPUTY CITY MANAGER AND DIRECTOR OF ECONOMIC DEVELOPMENT, JEFF THOMPSON.

Mayor Schultz called on Ms. Misty Mayo, President and CEO of the Boerne Kendall County Economic Development (BKCEDC). Ms. Mayo recognized Chairman Pam Parish, Vice Chairman Tommy Mathews and staff member Alison Church in the audience. She presented the four goals of the BKCEDC for 2017- 2018 as: 1. Business Recruitment and Attraction; 2. Business Retention and Expansion; 3. Image and Marketing; and 4. BKCEDC Organization and Investors. Kendall County is the second fastest-growing County in the nation. Ms. Mayo reviewed all current projects to include new projects attracted, projects located, priority targets, and visits made. The BCKEDC received the Texas Economic Development Council's Economic Excellence Recognition for 2016.

Jeff Thompson, Deputy City Manager and Director of Economic Development continued with projects that have been a joint effort between both the City and BKCEDC. He presented a tactical plan which includes growing revenues, focus on in-fill development, seeking home inventory diversity, retain/improve quality of life, focus on downtown Hill Country Mile and Art al Fresco. Discussion ensued about the funding of BKCEDC and being strong partners.

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

6.A. [2017-459](#) DRAFT OF THE PARKS, RECREATION, AND OPEN SPACE MASTER PLAN FOR 2017-2027

Mayor Schultz opened the Public Hearing at 6:54 p.m.

Yolanda Kovac stated she was excited about the plan. She would like the expansion of trails to be the biggest priority and requested a dog park in the City limits. The closest dog park is in the County about 15 minutes away and she feels unsafe visiting. She encouraged Council to find the money for the plan as this is for everyone.

Ed Coffey stated the need for diversity for recreation. The YMCA is full and encourages Council Members to visit the facility. There is a need for a venue for the local youth and seniors to participate in sports.

Paul Giguere of the Boerne YMCA expressed membership is growing. The YMCA is looking at mid August to move into the new location and having an open house in September. They are meeting with Staff of the Parks Department to make sure activities are not duplicated.

Mayor Schultz called for a recess at 7:04 p.m. and asked City Manager Ron Bowman, City Secretary Lori Carroll, and City Attorney Kirsten Cohoon join him in the Executive Session Conference Room.

Mayor Schultz reconvened the City Council Meeting at 7:10 p.m.

7. [2017-457](#) DISCUSSION ON PARKS, RECREATION, AND OPEN SPACE MASTER PLAN FOR 2017-2027.

Mayor Schultz called on Mr. Danny Zincke, Community Services Director. Mr. Zincke asked for feedback on the Parks Master Plan. Discussion ensued about priorities, a single trail connection to all parks, adult and youth leagues, dog park, cost, and non-resident use of facilities. Mr. Zincke stated that the Parks Master Plan must be adopted by City Council and submitted to Texas Parks and Wildlife Department prior to submitting any grant application. The projects also must be prioritized. Mayor Schultz thanked Mr. Zincke and Paul Howard of Burditt Consultants, LLC. The master plan will be presented back in a couple of weeks.

8. [2017-461](#) REFRESHER ON THE ADOPTED 2017 LEGISLATIVE PLAN AND UPCOMING SPECIAL SESSION.

Mayor Schultz called on Kirsten Cohoon, City Attorney. She reviewed the four bills Council is actively opposing which include; eroding the authority of Texas cities to govern their own local affairs, erosion of municipal authority in any way, the imposition of a revenue cap of any type, and the erosion of municipal annexation authority. Discussion ensued about needless legislation and taking away local control. State Representative Kyle Beidermann will be at the City Council Meeting on July 11th to answer questions. Ms. Cohoon reviewed the items of special interest for the Legislative Special Session and stated the 85th Legislation Regular Session wrap up will be presented at the next meeting to the City Council.

9. RECEIVE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND SET A PUBLIC HEARING FOR JULY 25, 2017:

9.A. [2017-450](#) PROPOSED REZONING OF 25 CASCADE CAVERNS ROAD , A TOTAL OF 5 ACRES OUT OF 12.04 ACRES, FROM B-2R, HIGHWAY COMMERCIAL-RESTRICTED DISTRICT TO R-4, MULTI-FAMILY RESIDENTIAL DISTRICT, KAD 24323. (Meyers)

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER COLVIN, TO RECEIVE THE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND SET A PUBLIC HEARING FOR JULY 25, 2017. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Mayor Pro Tem Woolard, Council Member Boyd IV, Council Member Cisneros, and Council Member Colvin

Absent: 1 - Council Member Anzollitto

10. [2017-451](#) CONSIDER ON SECOND READING ORDINANCE NO. 2017-17; 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 5.505 ACRES LOCATED AT 16 CHAPARRAL HILL (KAD NO. 14932)

FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO R-3, HIGH-DENSITY RESIDENTIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Jim Cook, R-3 recommended by staff and recommendation from P&Z Commission for R-1)

Mayor Schultz called on Ms. Laura Talley, Planning and Community Development Director. Ms. Talley stated the Planning and Zoning Commission did not support Staff's recommendation for R-3 and voted 3-2 in favor of an R-1 zoning. Ms. Talley informed Council a meeting was held between Council Member Anzollitto, County Commissioner Durden, and neighboring property owners to discuss their concerns. She reminded everyone it is too early to enter into negotiations and that during the plat process the trees and lighting will be looked at in more details. Mayor Schultz reminded everyone that the only thing that may be discussed is the zoning of the property and not the proposed development. Discussion ensued about the differences between R-1 and R-3, how many homes or townhomes are allowed, and that the Master Plan is a guidebook and not law.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER CISNEROS TO APPROVE ON SECOND READING ORDINANCE NO. 2017-17; 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 5.505 ACRES LOCATED AT 16 CHAPARRAL HILL (KAD NO. 14932) FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO R-3, HIGH-DENSITY RESIDENTIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (JIM COOK, R-3 RECOMMENDED BY STAFF AND RECOMMENDATION FROM P&Z COMMISSION FOR R-1). THE MOTION TIED. MAYOR SCHULTZ VOTED TO BREAK THE TIE AND THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 3- Mayor Schultz, Mayor Pro Tem Woolard, and Council Member Cisneros

Nay: 2- Council Member Boyd IV and Council Member Colvin

Absent: 1- Council Member Anzollitto

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

City Manager Ron Bowman commented on the desirability of country living.

Council Member Craig Colvin requested Staff not include the developer site plan in the City Council agenda packet if they are not allowed to consider it during the zoning process.

Council Member Ron Cisneros gave an update of the MPO Transportation Policy Board Meeting he attended in which Bexar County Commissioner Kevin Wolff was elected as the next Chairman and City of San Antonio Councilman Rey Saldana was elected Vice- Chairman.

Mayor Schultz shared letters of appreciation received from Judge Ed Phillips and Alternate Judge Lawrence Morales accepting appointments to serve.

12. ADJOURNMENT

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER COLVIN, TO ADJOURN THE CITY COUNCIL MEETING AT 8:12 P.M. THE MOTION CARRIED BY THE FOLLOWING VOTE.

Yeah: **4 -** Mayor Pro Tem Woolard, Council Member Boyd IV, Council Member Cisneros, and Council Member Colvin

Absent: **1 -** Council Member Anzollitto

Mayor

City Secretary