

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**CITY COUNCIL CHAMBERS**  
**124 Old San Antonio Road**  
**Boerne, TX 78006**  
**January 14, 2020 – 6:00 PM**

**Present:**       6 - Mayor Tim Handren, Council Member Ty Wolosin, Mayor Pro Tem Nina Woolard, Council Member Quinten Scott, Council Member Brian Fowler, and Council Member Joseph Macaluso

**Staff Present:**     Ron Bowman, Siria Arreola, Pam Bransford, Jeff Carroll, Lori Carroll, Jim Kohler, Mike Mann, Sandy Mattick, Doug Meckel, Nick Montagno, Barbara Quirk, Mike Raute, Laura Talley, Jeff Thompson, Larry Woods and Linda Zartler.

**Recognized/Registered Guests:**     Robert Imler, Milan J. Michalec, Mike Hudson, Dakota Durden, Eli Peterson, Cystal Henry, David Docker, Mary Canavan, Amy Story, David Luciani, and Michael Hodsdon.

THIS WAS APPROVED.

**1. CALL TO ORDER – 6:00 PM**

Mayor Handren called the City Council to order at 6:00 p.m.

Mayor Handren 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:**

Milan Micallec, 12 Brandt Road and a member of the Cow Creek Groundwater Conservation District stated he was speaking for himself and not Cow Creek. He spoke on the WCID #3 and distributed his written comments to the City Council Members.

**4. CONSENT AGENDA:**

- 4.A. CONSIDER THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF DECEMBER 10, 2019.**
- 4.B. CONSIDER ON SECOND READING ORDINANCE NO. 2019-57; AN ORDINANCE AMENDING THE CITY OF BOERNE ZONING ORDINANCE NO. 2007-64, DATED DECEMBER 18, 2007, ARTICLE 1, IN GENERAL, SECTION 06. DEFINITIONS.**
- 4.C. CONSIDER ON SECOND READING ORDINANCE NO. 2019-58; AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF BOERNE, TEXAS, CHAPTER 22. UTILITIES, ARTICLE VII, MUNICIPAL STORMWATER DRAINAGE UTILITY SYSTEM; AND PROVIDING PENALTIES AND REMEDIES FOR NONPAYMENT OF CHARGES.**
- 4.D. CONSIDER RESOLUTION NO. 2020-R01; A RESOLUTION ESTABLISHING PROCEDURES FOR A GENERAL ELECTION FOR MAY 2, 2020. (Considerar la resolución número 2020-R01; una resolución que establece los procedimientos para la elección general del 2 de mayo, 2020)**
- 4.E. CONSIDER RESOLUTION NO. 2020-R02; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND DATAVOX, INC. FOR AN ACCESS CONTROL SYSTEM FOR POLICE DEPARTMENT.**

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

**Yeah:** 5 - Council Member Wolosin, Mayor Pro Tem Woolard, Council Member Scott, Council Member Fowler, and Council Member Macaluso

**5. DISCUSSION REGARDING ESTABLISHING A LONG-TERM WATER**

**PLAN.**

Mayor Handren invited representatives in the audience from Cow Creek Groundwater Conservation District to speak. He stated that in 2016, the City hired a consultant to establish a water plan. GBRA and Cow Creek were not involved in the study. He expressed concerns regarding the GBRA future water availability. He was in favor of allowing SAWS to serve the Boerne area as they could provide a backup water supply. Mayor Handren discussed future growth, noting that the Boerne School District analysis predicts 17,000 housing units in the next 10 years. He suggested establishing a committee to include Cow Creek, GBRA, the Texas Water Board and Kendall County. The goal of the committee would be to include consumption as well as conservation. Mr. Milan Michalec of Cow Creek reminded the City Council that springs are needed to produce groundwater. It is important to increase education. It doesn't matter how good a plan is if we have a severe drought. Ben Eldredge of Cow Creek stated that the state of Texas will eventually have issues if we continue to use water as we do. We need to be proactive. Mayor Handren stated that he would like the issue to be on the March City Council agenda.

**6. PUBLIC HEARING – To Hear Comments On The Following:****6.A. PROPOSED REZONING OF 2.348 ACRES LOCATED AT 87 MARKET AVENUE (KAD NO. 19961) FROM I, INDUSTRIAL DISTRICT, TO B-2R, HIGHWAY COMMERCIAL RESTRICTED DISTRICT. (UDS Thirteen LLC)**

Mayor Handren opened the Public Hearing at 6:40 p.m.

Eric - Stated he is a Civil Engineer representing the owner of the property. The owner is proposing an office building for the property located at 87 Market Avenue. The neighboring property was recently rezoned. The owner would like to create an office park. He stated that the rezoning would not impact neighboring property owners.

Mayor Handren closed the Public Hearing at 6:42 p.m.

**6.B. PROPOSED REZONING OF 1.55 ACRES LOCATED AT 614 FREY STREET (KAD NO. 18975) FROM R-1, MEDIUM-DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT, TO B-1, HIGH-DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICT. (Jon Miller)**

Mayor Handren opened the Public Hearing at 6:43 p.m.

No comments were received.

Mayor Handren closed the Public Hearing at 6:43 p.m.

**6.C. PROPOSED REZONING OF 0.412 ACRES LOCATED AT 121 ADVOGT STREET, LOT 11A (KAD NO. 24670) FROM B-2, HIGHWAY COMMERCIAL DISTRICT, TO B-1, HIGH-DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICT. (Mike Hodsdon)**

Mayor Handren opened the Public Hearing at 6:43 p.m.

Mike Hodsdon, 314 Someday Drive stated he is proposing a two family duplex on the property located at 121 Advogt. He feels this would be an improvement to the area.

Mayor Handren closed the Public Hearing at 6:44 p.m.

**6.D. PROPOSED PERMANENT ZONING OF 10.484 ACRES LOCATED AT 30-32 FM 1376, FROM TEMPORARY ZONING R-A, RESIDENTIAL-AGRICULTURAL DISTRICT TO R-1, MEDIUM-DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT. (Sherri and Rodney Yates)**

Mayor Handren opened the Public Hearing at 6:45 p.m.

Bob Imler, 215 West Bandera warned the City Council to be wary of the owner of the property. He suggested that the proposed development located at 30-32

FM 1376 be kept to a minimum density.

Dave Luciani, developer for the proposed development located at 30-32 FM 1376, stated he and the property owner have gone the extra mile to bring down the zoning to R-1. They are waiting to get the property zoned before platting. They have met with TxDOT and the Fire Department. They plan to help the area with the drainage issue with retainage facilities. He stated that they would appreciate City Council considering the zoning tonight.

Mayor Handren closed the Public Hearing at 6:52 p.m.

## **7. TAKE ANY NECESSARY ACTION RESULTING FROM THE PUBLIC HEARING:**

**7.A. CONSIDER ON FIRST READING ORDINANCE NO. 2020-01; AN ORDINANCE AMENDING THE 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 2.348 ACRES LOCATED AT 87 MARKET AVENUE (KAD NO. 19961) FROM I, INDUSTRIAL DISTRICT, TO B-2R, HIGHWAY COMMERCIAL RESTRICTED DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (UDS Thirteen LLC)**

Mayor Handren called on Ms. Laura Talley, Planning and Community Development Director. She displayed a map of the property located at 87 Market Avenue and explained that staff was not in favor of the rezoning due to the lack of industrial property in the city limits. Mr. Bob Cates, Chairman of the Planning and Zoning Commission explained the reason the Commission approved the request. He stated that this property will front Main Street and the aesthetics of a small medical office would be better than an industrial type building on the City's entry corridor. Discussion ensued regarding industrial type buildings neighboring office buildings because of potential noise and aesthetics. It was also discussed that the city is attempting to attract certain industries. The city needs a location for these industries.

A MOTION WAS MADE BY COUNCIL MEMBER WOLOSIN, SECONDED BY COUNCIL MEMBER SCOTT, TO APPROVE ON FIRST READING ORDINANCE NO. 2020-01; AN ORDINANCE AMENDING THE 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 2.348 ACRES LOCATED AT 87 MARKET AVENUE (KAD NO. 19961) FROM I, INDUSTRIAL DISTRICT, TO B-2R, HIGHWAY COMMERCIAL RESTRICTED DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (UDS THIRTEEN LLC). THE MOTION CARRIED BY THE FOLLOWING VOTE:

**Yeah:** 4 - Council Member Wolosin, Council Member Scott, Council Member Fowler, and Council Member Macaluso

**Nay:** 1 - Mayor Pro Tem Woolard

**7.B. CONSIDER ON FIRST READING ORDINANCE NO. 2020-02; AN ORDINANCE AMENDING THE 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 OF 1.55 ACRES LOCATED AT 614 FREY STREET (KAD NO. 18975) FROM R-1, MEDIUM-DENSITY SINGLE-FAMILY RESIDENTIAL 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. (Jon Miller)**

Ms. Talley continued with the rezoning request for the property located at 614 Frey Street. She displayed a map of the property. The owner is requesting B-2R, Highway Commercial - Restricted District, which according to the Land Use Plan is appropriate for this location. However, it is Staff's opinion that a B-1 zoning is more appropriate based on the proximity to the corner of Bandera Road and the neighborhood and current zoning nearby. The B-1 zoning limits uses and square footage of buildings more so than the requested B-2R. The Planning and Zoning Commission recommended B-1, High-Density Residential and Neighborhood Commercial District by a vote of 7-0.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY COUNCIL MEMBER WOLOSIN, TO APPROVE ON FIRST READING ORDINANCE NO. 2020-02; AN ORDINANCE AMENDING THE 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 OF 1.55 ACRES LOCATED AT 614 FREY STREET (KAD NO. 18975) FROM R-1, MEDIUM-DENSITY SINGLE-FAMILY RESIDENTIAL 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. (JON MILLER). THE MOTION CARRIED BY THE FOLLOWING VOTE:

**Yeah:** 5 - Council Member Wolosin, Mayor Pro Tem Woolard, Council Member Scott, Council Member Fowler, and Council Member Macaluso

**7.C. CONSIDER ON FIRST READING ORDINANCE NO. 2020-03; AN ORDINANCE AMENDING THE 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 OF 0.412 ACRES LOCATED AT 121 ADVOGT STREET, LOT 11A (KAD NO. 24670) FROM B-2, HIGHWAY COMMERCIAL 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. (Mike Hodsdon)**

Ms. Talley continued with a discussion regarding rezoning of the property located at 121 Advogt Street. She displayed a location map of the property. The owner is requesting B-1, High-Density Residential and Neighborhood Commercial District to build a duplex. This area is identified as Downtown on the Future Land Use Plan. Staff is supportive of the rezoning and the Planning and Zoning Commission recommended the B-1 zoning by a vote of 7-0.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER WOLOSIN, TO APPROVE ON FIRST READING ORDINANCE NO. 2020-03; AN ORDINANCE AMENDING THE 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 OF 0.412 ACRES LOCATED AT 121 ADVOGT STREET, LOT 11A (KAD NO. 24670) FROM B-2, HIGHWAY COMMERCIAL 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. (MIKE HODSDON). THE MOTION CARRIED BY THE FOLLOWING VOTE:

**Yeah:** 5 - Council Member Wolosin, Mayor Pro Tem Woolard, Council Member Scott, Council Member Fowler, and Council Member Macaluso

**7.D. CONSIDER ON FIRST READING ORDINANCE NO. 2020-04; 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 10.484 ACRES LOCATED AT 30-32 FM 1376 (KAD NOS. 14926 AND 14958) FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO R-1, MEDIUM-DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Sherri and Rodney Yates)**

Ms. Talley continued with the permanent zoning of the property located at 30-32 FM 1376. She displayed a location map of the property. Ms. Talley stated that the property was recently annexed. The property owner is proposing a residential development on the property. The Future Land Use Plan depicts the property as Neighborhood Residential and also Commercial. The initial request by the owner was for an RN-1 which would have allowed smaller residential lots. Staff recommended an R-1, Medium Density Single Family Residential zoning. This would allow for larger residential lots and only



requiring one access point on FM 1376. After discussion with the property owner and developer, they are comfortable with Staff's recommendation of the R-1 zoning. As required, Staff mailed notices to property owners within 200 feet of the property under consideration. There were a number of people that spoke in opposition of the development at the Planning and Zoning Commission meeting. It is Staff's recommendation that the item be tabled February 11, 2020 when the Integrated Stormwater Ordinance updates are complete and will apply to this new development. Discussion ensued regarding stormwater drainage, the need to be cautious, and making sure enforcement is in place.

A MOTION WAS MADE BY COUNCIL MEMBER FOWLER, SECONDED BY COUNCIL MEMBER MACALUSO, TO TABLE ORDINANCE NO. 2020-04; 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 10.484 ACRES LOCATED AT 30-32 FM 1376 (KAD NOS. 14926 AND 14958) FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO R-1, MEDIUM-DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE UNTIL FEBRUARY 11, 2020. (SHERRI AND RODNEY YATES). THE MOTION CARRIED BY THE FOLLOWING VOTE:

**Yeah:** 5 - Council Member Wolosin, Mayor Pro Tem Woolard, Council Member Scott, Council Member Fowler, and Council Member Macaluso

**8. PRESENTATION AND DISCUSSION REGARDING THE UNIFIED DEVELOPMENT CODE, GENERAL PROVISIONS AND AN INTRODUCTION TO OVERLAY DISTRICTS BY CARISSA COX WITH MOSAIC PLANNING & DEVELOPMENT SERVICES.**

Mayor Handren called on Ms. Laura Talley, Planning and Community Development Director. Ms. Talley asked Ms. Carissa Cox with Mosaic to brief the City Council on the General Provisions section of the Unified Development Code (UDC) and also the proposed Overlay Districts. Ms. Cox updated the City

Council on the overall UDC project. She asked the City Council for feedback on purpose, roles, responsibilities, terms, rules and procedure for the boards and commissions. Discussion ensued regarding variance requests, noise and Dark Sky ordinances. Ms. Cox stated the UDC is scheduled to be adopted in March.

**9. DISCUSSION ON TEXAS WATER DEVELOPMENT BOARD FLOOD PROGRAMS.**

Mayor Handren called on Mr. Jeff Carroll, Development Services Director. Mr. Carroll stated that he attended a workshop last week on the Texas Water Development Board potential grant information. They are still working on the details and staff will continue to follow and react on any opportunities, such as funding for automated gates during flooding. They will be accepting applications mid-April and the selection will take place in July.

**10. CONSIDER THE UNTABLING OF ORDINANCE NO. 2019-46; AS DESCRIBED BELOW. (Tabled on 10/22/2019)**

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER WOLOSIN, TO UNTABLE ORDINANCE NO. 2019-46; AS DESCRIBED BELOW. (TABLED ON 10/22/2019). THE MOTION CARRIED BY THE FOLLOWING VOTE:

**Yeah:** 5 - Council Member Wolosin, Mayor Pro Tem Woolard, Council Member Scott, Council Member Fowler, and Council Member Macaluso

**11. CONSIDER ON FIRST READING ORDINANCE NO. 2019-46; 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 4.492 ACRES LOCATED AT 23 OLD SAN ANTONIO ROAD (KAD NOS.**

**15828 AND 15829) FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (J Willis Harpole)**

Ms. Laura Talley, Planning and Community Development Director reminded the City Council that consideration of the permanent zoning of the property located at 23 Old San Antonio Road was tabled in October for the purpose of waiting for the update to the Integrated Stormwater Ordinances to be approved. The Planning and Zoning Commission did not want to apply any less restrictive zoning until the ordinance revisions were complete. Staff recommended that the City Council table this item again until February 11, 2020, to be certain the ordinance updates are complete.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER WOLOSIN, TO TABLE ORDINANCE NO. 2019-46; 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 4.492 ACRES LOCATED AT 23 OLD SAN ANTONIO ROAD (KAD NOS. 15828 AND 15829) FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (J WILLIS HARPOLE) UNTIL FEBRUARY 11, 2020. THE MOTION CARRIED BY THE FOLLOWING VOTE:

**Yeah:** 5 - Council Member Wolosin, Mayor Pro Tem Woolard, Council Member Scott, Council Member Fowler, and Council Member Macaluso

**12. CONSIDER THE UNTABLING OF ORDINANCE NO. 2019-48; AS DESCRIBED BELOW. (Tabled on 10/22/2019)**

A MOTION WAS MADE BY COUNCIL MEMBER FOWLER, SECONDED BY COUNCIL MEMBER WOLOSIN, TO UNTABLE ORDINANCE NO. 2019-48; AS DESCRIBED BELOW. (TABLED ON 10/22/2019). THE MOTION CARRIED BY THE FOLLOWING VOTE:

**Yeah:** 5 - Council Member Wolosin, Mayor Pro Tem Woolard, Council Member Scott, Council Member Fowler, and Council Member Macaluso

- 13. CONSIDER ON FIRST READING ORDINANCE NO. 2019-48; 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 4.37 ACRES LOCATED AT 36 HERFF ROAD (KAD NO. 15865) FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (J Willis Harpole)**

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER WOLOSIN, TO TABLE ON FIRST READING ORDINANCE NO. 2019-48; 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 4.37 ACRES LOCATED AT 36 HERFF ROAD (KAD NO. 15865) FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (J WILLIS HARPOLE) UNTIL FEBRUARY 11, 2020. THE MOTION CARRIED BY THE FOLLOWING VOTE:

**Yeah:** 5 - Council Member Wolosin, Mayor Pro Tem Woolard, Council Member Scott, Council Member Fowler, and Council Member Macaluso

- 14. CONSIDER A REQUEST FROM SSC SIGNS & LIGHTING, LLC FOR A VARIANCE TO THE SIGN ORDINANCE SECTION 10. RESTRICTIONS**

**ON CERTAIN TYPES OF SIGNS. (Frost Bank, 1300 S Main St.)**

Mayor Handren called on Ms. Talley, Planning and Community Development Director. She displayed a map of the property located at 1300 South Main Street, Frost Bank property. She also displayed a photo of the proposed signs. Ms. Talley explained that Frost Bank received a variance for a second sign in 2006 as the property has two street frontages. The sign company is now wanting to update and re-face the signs. The signs could have been re-faced without the need for a variance, however they wish to reconstruct and enlarge the signs. The new signs size will fall within the limits of the ordinance. The Variance Committee recommended approval of the request.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY COUNCIL MEMBER FOWLER, TO APPROVE THE REQUEST FROM SSC SIGNS & LIGHTING, LLC FOR A VARIANCE TO THE SIGN ORDINANCE SECTION 10. RESTRICTIONS ON CERTAIN TYPES OF SIGNS. (FROST BANK, 1300 S MAIN ST.). THE MOTION CARRIED BY THE FOLLOWING VOTE:

**Yeah:** 5 - Council Member Wolosin, Mayor Pro Tem Woolard, Council Member Scott, Council Member Fowler, and Council Member Macaluso

**15. CONSIDER A REQUEST FROM TAMARA OESTERLING, DVM FOR A VARIANCE TO THE SIGN ORDINANCE SECTION 12. PROHIBITED SIGN LOCATIONS, C. OFF PREMISE. (Heart of the Hills Veterinary Center, 117 Commerce Ave)**

Mayor Handren called on Ms. Laura Talley, Planning and Community Development Director. Ms. Talley displayed a map of the property located at 117 Commerce Avenue. She also displayed a photo of the proposed sign. She stated that the owner would like to place her business sign, Heart of the Hills Veterinary Center on the neighboring business sign, 2 Fat Guys which has Main Street frontage. This is not permitted by the ordinance. It is considered an off premise sign. Dr. Oesterling made the same request in 2014 which was denied by City Council. The Variance Review Committee recommended denial of the request. If this request is allowed for this property owner, it would be difficult to deny requests in the future that may come from other businesses further down the street. Discussion ensued regarding whether the business owners of

the properties in the area have considered an entrance feature on Main Street.

A MOTION WAS MADE BY COUNCIL MEMBER WOLOSIN, SECONDED BY COUNCIL MEMBER SCOTT, TO DENY THE REQUEST FROM TAMARA OESTERLING, DVM FOR A VARIANCE TO THE SIGN ORDINANCE SECTION 12. PROHIBITED SIGN LOCATIONS, C. OFF PREMISE. (HEART OF THE HILLS VETERINARY CENTER, 117 COMMERCE AVE). THE MOTION CARRIED BY THE FOLLOWING VOTE:

**Yeah:** 5 - Council Member Wolosin, Mayor Pro Tem Woolard, Council Member Scott, Council Member Fowler, and Council Member Macaluso

**16. CITY MANAGER'S REPORT:**

**A. CITY OF BOERNE - HAPPIEST SMALL TOWNS IN AMERICA  
RECOGNITION**

**B. TML MAGAZINE RECOGNITIONS**

**C. ED PHILLIPS RECOGNITION**

**D. TEXAS ASSOCIATION OF CONVENTION AND VISITORS'  
BUREAU WINTER BOARD MEETING**

**E. TRANSPORTATION PLANNING COMMITTEE UPDATE**

**F. TXDOT IMPROVEMENTS UPDATE**

**G. ECONOMIC DEVELOPMENT UPDATE**

**H. BUILDING PERMITS UPDATE AND HOUSING MARKET  
FORECAST**

**I. CITY HALL UPDATE**

**J. COMMUNITY WILDFIRE PROTECTION PLAN**

**K. UTILITIES UPDATE**

**L. WASTE MANAGEMENT UPDATE**

**M. UPCOMING 5-YEAR CIP DISCUSSION**

**N. FUTURE SIDEWALKS DISCUSSION**

Mayor Handren called on City Manager Ron Bowman to provide the monthly City Manager's Report. He briefed the City Council on the status of the various items listed.

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

Deputy City Manager Mr. Thompson stated that he and Mr. Nick Montagno, Development and Process Improvement Manager attended the Greater Area San Antonio Builders Association Conference. He provided highlights from the conference.

Council Member Wolosin stated that he spoke with a Lake Country resident and was very appreciative of the information they were provided.

Mayor Handren stated that he would like to see a Public Facilities Corporation (PFC) on the next City Council agenda. He stated that the Chamber of Commerce hosted the annual State of City on January 16, 2020 which was sold out. He express appreciation to staff and their level of professionalism.

**18. EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE:**

Mayor Handren convened the City Council into Executive Session at 9:05 p.m.

**18.A. SECTION 551.087 - DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS. (Ebensberger-Fisher Funeral Home)**

No action was taken.

**18.B. SECTION 551.087 - DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS. (Spencer Ranch)**

No action was taken.

**18.C. SECTION 551.074 - PERSONNEL MATTERS TO DISCUSS AND CONSIDER THE FUTURE CITY MANAGER POSITION, QUALIFICATIONS, DUTIES AND RESPONSIBILITIES; TRANSITIONAL**

**STEPS AND TIMELINE; PROCESS FOR RECRUITMENT IF NECESSARY.**

No action was taken.

**19. RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE.**

Mayor Handren reconvened the City Council into Open Session at 9:59 p.m.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY COUNCIL MEMBER FOWLER TO EMPOWER THE MAYOR TO SIGN AN AGREEMENT WITH SGR EXECUTIVE RECRUITMENT SERVICES FOR PLACEMENT OF INFORMATION REGARDING APPLICANTS FOR THE CITY MANAGER POSITION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

**Yeah:** 5 - Council Member Wolosin, Mayor Pro Tem Woolard, Council Member Scott, Council Member Fowler, and Council Member Macaluso

**20. EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE: CITY COUNCIL MAY, AS PERMITTED BY LAW, ADJOURN INTO EXECUTIVE SESSION AT ANY TIME TO DISCUSS ANY MATTER LISTED ABOVE INCLUDING IF THEY MEET THE QUALIFICATIONS IN SECTIONS 551.071 (CONSULTATION WITH ATTORNEY), 551.072 (DELIBERATION REGARDING REAL PROPERTY), 551.073 (DELIBERATION REGARDING GIFTS), 551.074 (PERSONNEL/OFFICERS), 551.076 (DELIBERATION REGARDING SECURITY DEVICES), AND SECTION 551.087 (DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS) OF CHAPTER 551 OF THE TEXAS GOVERNMENT CODE. (If needed)**

The City Council did not reconvened into Executive Session.

**21. ADJOURNMENT**

Mayor Handren adjourned the City Council meeting at 10:01 p.m.

Approved:

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Mayor



Attest:

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City Secretary