

MINUTES
CITY COUNCIL WORKSHOP
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
March 28, 2017 – 5:00 PM

Present: 6 - Mayor Michael Schultz, Council Member Joe Anzollitto, Council Member Nina Woolard, Council Member Charlie Boyd IV, Mayor Pro Tem Ron Cisneros, and Council Member Craig Colvin

Present: Ron Bowman, Siria Arreola, Paul Barwick, Lori Carroll, Kirsten Cohoon, Jim Kohler, Mike Mann, Mark Mattick, Sandy Mattick, Doug Meckel, Kelly Skovbjerg, Laura Talley, Jeff Thompson, and Danny Zincke.

Recognized / Registered Guests: Joyce and Dan Basarich.

1. CALL TO ORDER – 5:00 PM

Mayor Schultz called the Workshop to order at 5:00 p.m.

2. WORKSHOP DISCUSSION:

2.A. [2017-292](#) Discussion On Proposed Public Facility Corporation.

Mayor Schultz called on Mr. Jeff Thompson, Deputy City Manager. Mr. Thompson reminded the City Council that last May, City Council approved an application for 210 Development Group to build Class A senior housing development on property located at 3 Shooting Club Road. Staff has received a request from the developer who would like to proceed with the apartment complex. Mr. Thompson introduced Mr. Jim Plummer, partner with Norton Rose Fulbright to present information regarding the City forming a Public Facility Corporation (PFC). Mr. Plummer discussed the use and purpose of a PFC which can provide incentives for public/private partnerships to build and own public facilities. Mr. Plummer reviewed the process to establish the corporation and project. Discussion ensued regarding the size of the development and site plan, definition of workforce housing, Staff time to manage the corporation, partnering with Kendall County and Boerne ISD.

Mayor asked Staff to provide information on the specific development to the Council Members.

3. ADJOURNMENT

Mayor Schultz adjourned the City Council Workshop at 5:50 p.m.

MINUTES

REGULAR CITY COUNCIL MEETING

CITY COUNCIL CHAMBERS

124 Old San Antonio Road

Boerne, TX 78006

March 28, 2017 – 6:00 PM

Minutes of the Regular City Council Meeting of March 28, 2017 at 6:00 p.m.

Present: 6 - Mayor Michael Schultz, Council Member Joe Anzollitto, Council Member Nina Woolard, Council Member Charlie Boyd IV, Mayor Pro Tem Ron Cisneros, and Council Member Craig Colvin

Present: Ron Bowman, Siria Arreola, Paul Barwick, Lori Carroll, Kirsten Cohoon, Jim Kohler, Mike Mann, Mark Mattick, Sandy Mattick, Doug Meckel, Kelly Skovbjerg, Laura Talley, Jeff Thompson, and Danny Zincke.

Recognized / Registered Guests: Joyce and Dan Basarich, Suzanne Young, Steve Young, Kevin Henning, Sandy Henning, Jan Wrede, Gerald McFarlen, Cecilia Fuents, Mike Nichols, Ruth McArthur, Bob Vollmer, Dani Vollmer, Rheda Boardman, Kendra Mattick, Rich McCormick, Cody Morris, Ann Dietert, Keaton Mattick, Colt Mattick, Nicole Mattick, Nancy Adkins, Pam and Dave Luciani.

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.

Mayor Schultz 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:

Steve Young, 216 Oak Knoll spoke in opposition to the proposed permanent zoning of 17 Herff Road. He discussed the various polls such as in the Boerne Star Newspaper, how the proposed development would hurt the Texas Hill Country character of the area as well as effecting property values. He stated that he felt the proposed zoning is not consistent with the Master Plan and suggested the City enter into a development agreement with the developer.

Jenny Gillespie, 309 Breckenridge spoke in opposition to the proposed permanent zoning of 17 Herff Road. She remembers visiting Boerne and all she could see is trees, the creek, and being surrounded by nature. She stated that her son asked her why the City didn't protect the area? She asked the City Council to hold off on the decision and let people know about what is being planned for the property. Once the development happens, it is gone forever.

Dani Vollmer, 524 North School Street spoke in opposition to the proposed permanent zoning of 17 Herff Road. She asked that City Council not rush into a yes vote. She suggested that another location would be more suitable for the development rather than 17 Herff Road. She asked the City Council listen to the voters and the community and vote against a land use that does not respect the creek.

Bob Vollmer, 524 North School Street spoke in opposition to the proposed permanent zoning of 17 Herff Road. He requested the City Council vote no to the proposed zoning. He referred to the information provided in the Planning and Zoning Commission packet and suggested that the usage doesn't fit. He reminded the City Council that the City controls the zoning.

4. CONSENT AGENDA:**4.A. APPROVAL OF THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF
MARCH 14, 2017.**

THE MINUTES WERE APPROVED.

- 4.B. [2017-270](#) CONSIDER ON SECOND READING ORDINANCE NO. 2017-08; 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 22.558 ACRES LOCATED AT 128 AND 214 CASCADE CAVERNS ROAD (KAD NOS. 11567 AND 42662) FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO R-2, MODERATE-DENSITY SINGLE-FAMILY RESIDENTIAL; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Remainder of Southglen Subdivision, ML&E Landquest Cascade Caverns, LLC)**

THE ORDINANCE WAS APPROVED.

- 4.C. [2017-228](#) CONSIDER ON SECOND READING ORDINANCE NO. 2017-09; 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 32, APPLYING THE SOUTH BOERNE (SOBO) OVERLAY DISTRICT DESIGNATION TO+/- 160 ACRES LOCATED AT 115 NORRIS LN, 1376 S MAIN ST, 109 WATERVIEW PKWY, 1410 S MAIN ST, 1420 S MAIN ST, 1430 S MAIN ST, 1434 S MAIN ST, 20 OLD SAN ANTONIO RD, MAIN ST, HERFF RD, 1481 S MAIN ST, 1521 S MAIN ST, 30 OLD SAN ANTONIO RD, (KAD NOS. 42559, 153703, 153704, 42558, 153705, 48830, 48829, 48828, 62206, 49469, 49470, 39338, 288416, 291873, 33697, 33698, 37636, 33695, AND 15887); REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Christus Santa Rosa Health Care, JKRK Limited Partnership, Holly Lily Holdings LLC, Compass Bank, JRR Partners Ltd, Watermark**

Enterprises Ltd, Larry Lester, Judy Calder Foundation, Willis Jay and Dawn Harpole, LFP Ventures LP - At the Request of the City of Boerne)

THE ORDINANCE WAS APPROVED.

4.D. [2017-271](#) CONSIDER ON SECOND READING ORDINANCE NO. 2017-10; AN ORDINANCE AMENDING THE CITY OF BOERNE SUBDIVISION ORDINANCE NO. 2007-56, DATED NOVEMBER 13, 2007, ARTICLE 1. GENERAL PROVISIONS, SECTION 04. DEFINITIONS, ARTICLE 2. PROCEDURES, SECTION 01. PRE-APPLICATION CONFERENCE, SECTION 02. PROCEDURES FOR PRELIMINARY PLAT, SECTION 03. DESIGN AND CONSTRUCTION PLANS, SECTION 04. FINAL PLAT APPROVAL, SECTION 05. PROCEDURES FOR FINAL PLAT, SECTION 06. PROCEDURES FOR ADMINISTRATIVE PLAT, ARTICLE 3. PLANNING AND COMMUNITY DESIGN STANDARDS, SECTION 03. OPEN SPACE SYSTEMS, SECTION 04. BLOCKS AND LOTS, ARTICLE 4. MASTER PLANNED DEVELOPMENTS/SUBDIVISIONS, ADDING SECTION 04. COTTAGE HOUSING COMMUNITIES, ARTICLE 5. STREET SPECIFICATIONS AND CONSTRUCTION STANDARDS, SECTION 02. REQUIRED STREET IMPROVEMENTS, SECTION 07. SIDEWALKS - TIMING, SECTION 11. PRIVATE STREETS, ARTICLE 6. DRAINAGE AND FLOOD HAZARDS, SECTION 01. GENERAL REQUIREMENTS, SECTION 02. REQUIRED DRAINAGE STUDY, SECTION 04. DRAINAGE SYSTEM DESIGN STANDARDS, ARTICLE 7. WATER AND SEWERS, SECTION 01. GENERAL REQUIREMENTS FOR WATER SYSTEMS, SECTION 03. WATER MAINS, SECTION 06. ON-SITE SEWAGE FACILITIES, ARTICLE 8. UTILITY EXTENSIONS AND GENERAL SUBDIVISION REQUIREMENTS, SECTION 01. GENERAL REQUIREMENTS, SECTION 03. COSTS OF UTILITY EXTENSIONS, SECTION 05. MINIMUM SIZES FOR OVER-SIZING CALCULATIONS, SECTION 06. WATER, RECLAIMED WATER AND SEWER MAIN REIMBURSEMENTS, ADDING ARTICLE 10. RECLAIMED WATER, SECTION 01. GENERAL REQUIREMENTS FOR RECLAIMED WATER SYSTEMS, SECTION 02. RECLAIMED WATER SYSTEM DESIGN STANDARDS, SECTION 03. RECLAIMED WATER SYSTEM COMPLIANCE, ADDING ARTICLE 11. GAS DISTRIBUTION, SECTION 01. GENERAL REQUIREMENTS FOR GAS DISTRIBUTION. SECTION

02. GAS MAIN DESIGN STANDARDS, SECTION 03. GAS SYSTEM COMPLIANCE.

THE ORDINANCE WAS APPROVED.

- 4.E. [2017-272](#) **CONSIDER ON SECOND READING ORDINANCE NO. 2017-11; AN ORDINANCE REPEALING AND REPLACING ORDINANCE NOS. 2016-30, 2016-28, 2012-46, 2008-23, 2008-18 AND 2006-04, 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, SECTION 12-208. PASSING PROHIBITED, SECTION 12-209. U-TURNS PROHIBITED AND SECTION 12-210. SIGNS; AND PROVIDING FOR A PENALTY NOT TO EXCEED \$200 FOR EACH VIOLATION. (School zones)**

THE ORDINANCE WAS APPROVED.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY COUNCIL MEMBER ANZOLLITTO TO APPROVE THE CONSENT AGENDA. THE MOTION CARRIED BY THE FOLLOWING VOTES:

Yeah: 5 - Council Member Anzollitto, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Colvin

5. [2017-289](#) **RECOGNITION OF MARK MATTICK FOR HIS 24 YEARS OF SERVICE TO THE CITY OF BOERNE.**

Mayor Schultz called on Mr. Ron Bowman, City Manager. Mr. Bowman recognized Mr. Mark Mattick for his 24 years of service with the City of Boerne. Mr. Bowman briefed the City Council on Mr. Mattick's career that began as a Fire Fighter with Castle Hills Fire Department. He worked as a part time Fire Inspector in Boerne on his days off. He later retired from Castle Hills and began working full time in Boerne. Mr. Bowman expressed his appreciation to Mr. Mattick for his years of service and presented him with a plaque. Mr. Mattick expressed his appreciation to his family and to the City Council for allowing him to serve his community.

6. [2017-284](#) **RECOGNITION OF THE PATRICK HEATH PUBLIC LIBRARY FOR THE**

2016 ACHIEVEMENT OF LIBRARY EXCELLENCE AWARD FROM THE TEXAS MUNICIPAL LIBRARY DIRECTORS ASSOCIATION AND UPDATE ON LIBRARY ACTIVITIES.

Mayor Schultz called on Ms. Kelly Skovbjerg, Library Director. Ms. Skovbjerg presented the six month update on the Patrick Heath Public Library (PHPL) activities. She recognized in the audience Ann Meyer who serves on the Library Board; Kevin Henning, Kendall County Library System; Sandy Henning is on the Friends Board; and Bob and Dani Vollmer who are also involved with the Friends Group; and Joe Granados is on the Foundation Board. Mr. Bowman presented Ms. Skovbjerg with a plaque from the Texas Municipal Library Directors Association (TMLDA) for Achievement of Library Excellence 2016. He stated that only 43 libraries received the award. Ms. Skovbjerg stated she was recently notified that PHPL was one of five organizations recognized for the 2017 AACOG "Above and Beyond" Air Quality Stewardship Award. She reviewed various campaigns, programs for adult and youth, community outreach services, facilities update, Library support groups, the upcoming summer program and three future special events. Mayor Schultz expressed appreciation on behalf of City Council to Ms. Skovbjerg and the Staff and volunteers at the Library.

7. [2017-290](#) UPDATE ON THE BOERNE MASTER PLAN.

Mayor Schultz called Ms. Laura Talley, Planning and Community Development Director to provide an update to the Boerne Master Plan. There have been several various focus group meetings which the Boerne Chamber and the Convention and Visitors Bureau have helped to arrange. Common themes that are heard in the meetings are expanding entertainment and dining choices, a connected network of sidewalks and trails, and protection of the unique charm and character that makes Boerne special. the project web site and Facebook page have launched and the survey will be released the first week in April. Focus group meetings will continue through mid-April. The summarized finding from the meetings will be shared at the Community Forum on May 4, 2017. Discussion ensued regarding the timeline for completion. Ms. Talley stated that the anticipated completion is scheduled for late October or early November.

8. [2017-276](#) CONSIDER ON FIRST READING ORDINANCE NO. 2017-12; 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. (6.883 acres located at 16 Chaparral Hill, a portion of Chaparral Hill, and a portion of Shooting Club Road at the request of Jim Cook)

Ms. Talley briefed the City Council on the petition received from the property owner to annex 6.883 acres located at 16 Chaparral Hill. The property owner Jim Cook was the developer of Saddlehorn which is located on Adler Road and Esser Road. Ms. Talley explained that the property is identified in the Land Use Plan as business park, but is not conducive to Industrial Development due to topography. The proposed plan for the site is to subdivide the property into approximately 35 townhome lots. Sewer and gas will be provided by the City of Boerne, Bandera Electric Cooperative will provide the electric and Kendall West Utilities will provide the water. The developer will be required to bring services to the site and also will be required to make road improvements per city standards. Discussion ensued regarding street improvements and costs to the City associated with the development and life expectancy of the roads if maintained properly.

A MOTION WAS MADE BY MAYOR PRO TEM CISNEROS, SECONDED BY COUNCIL MEMBER ANZOLLITTO, TO APPROVE ON FIRST READING ORDINANCE NO. 2017-12; 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. (6.883 ACRES LOCATED AT 16 CHAPARRAL HILL, A PORTION OF CHAPARRAL HILL, AND A PORTION OF SHOOTING CLUB ROAD AT THE REQUEST OF JIM COOK). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Nay: 1 - Council Member Boyd IV

9. [2017-288](#) CONSIDER ON FIRST READING ORDINANCE NO. 2017-13; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, AMENDING ORDINANCE 2015-03, ESTABLISHING IMPACT FEES FOR WATER AND WASTEWATER UTILITIES.

Mayor Schultz called on Mr. Mike Mann, Public Works Director. Mr. Mann stated that recently "cottage development" was added to the Subdivision Ordinance. Although the impact fee implications are referenced in the Subdivision Ordinance, modifications to the Impact Fee Ordinance are required to make the reference changes effective. Staff recommended approval on first reading of Ordinance 2017-13.

A MOTION WAS MADE BY MAYOR PRO TEM CISNEROS, SECONDED BY COUNCIL MEMBER WOOLARD, TO APPROVE ON FIRST READING ORDINANCE NO. 2017-13; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, AMENDING ORDINANCE 2015-03, ESTABLISHING IMPACT FEES FOR WATER AND WASTEWATER UTILITIES. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Anzollitto, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Colvin

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

Mayor Schultz expressed his appreciation to Joe Granados with the Boerne Chamber for their participation with the City's Master Plan. He stated that at future City Council meetings, it will not be necessary to verbalize the entire ordinances which are under consideration.

Mayor Pro Tem Cisneros provided an update to the City Council from the recent Alamo Area Metropolitan Planning Organization (MPO) meeting he attended. He discussed critical urban freight corridors. Highway 46 was identified as the largest corridor for freight movers. This has a huge impact on our community. He hoped that the community gets involved with the Kendall Gateway Project process.

Deputy City Manager Jeff Thompson stated that the tax credit application that went before City Council at the February 14, 2017 for the Cibolo Senior Gardens Housing project on Old San Antonio Road was recently withdrawn.

City Manager Ron Bowman stated that the property owner of the Main Street parking lot, which the City rents is requiring that City evacuate the premise and remove the existing building within 30 days (April 7, 2017). He updated the City Council on legislature filed by Senator Campbell regarding trees and annexation. Governor Abbott is proposing a broad base ban on regulations at the local level. He provided a list to the City Council of voters on Senate Bill 2 regarding Revenue Caps. Of the 31 Senators, 18 of the 19 Republicans voted for the Bill, one Republican and the 11 Democrats voted against. With future annexations, Staff will prepare a cost benefit analysis for the City Council in advance of the meeting.

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

Mayor Schultz convened the City Council into Executive Session at 7:26 p.m. and requested those individuals requested to participate to adjourn to the Executive Session Conference Room.

11.A.[2017-286](#) SECTION 551.072 - DELIBERATION REGARDING REAL PROPERTY.

No action was taken.

12. 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 7:57 p.m.

No action was taken.

13. ADJOURNMENT.

A MOTION WAS MADE BY COUNCIL MEMBER COLVIN, SECONDED BY COUNCIL MEMBER WOOLARD, TO ADJOURN THE CITY COUNCIL MEETING AT 7:58 P.M. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Anzollitto, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Colvin

APPROVED:

Mayor

ATTEST:

City Secretary