

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
July 10, 2018 – 6:00 PM

Minutes of the City Council meeting of July 10, 2018.

Present: **5 -** Mayor Michael Schultz, Mayor Pro Tem Nina Woolard, Council Member Steven Tye, Council Member Ron Cisneros, and Council Member Tim Handren

Absent: **1 -** Council Member Joe Anzollitto

Staff Present: Ron Bowman, Siria Arreola, Paul Barwick, Dan Blankenship, Pam Bransford, Lori Carroll, Kirsten Cohoon, Jim Kohler, Mike Mann, Sandy Mattick, Doug Meckel, Laura Talley, Jeanette Teague, Jeff Thompson, Larry Woods, Linda Zartler, and Danny Zincke.

Recognized/Registered Guests: Michael Johnson, Ann Dietert, Jeff Carroll, Scot Wilson, Steven G. Lea, Anne Handren, Hendricks, Robert Palmer, Echo Palmer, Mary Claflin, Jack Claflin, Mark Gum, Jessica Gum, Bill McNaught, Laura Nicosia, Alyce Olson, Judy and Bob Elleson, Jason Keeton, Andy Friedman, Marilyn Harrington, Mike Smith, Dave and Pam Luciani, Bob Grassie, Denise Dever, Mark Mason, Jill Mason, Missy Polasek, Joe Polasek, Mark Benz, Emily Benz, Clyde and Mary Dexter, Estafania B., Darius Buzenas, Polly Royer, Ron Royer, Cindy Pickett, Susan Allen, Steve Roch, Peggy Hedrick, Bill Thomas, K. Hemmick, Zelda Sheldon, and Ben Aldredge.

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 stated that agenda items 5 and 7.A. regarding the Comprehensive Master Plan will not be discussed as the Planning and Zoning

Commission tabled the recommendation. The Planning and Zoning Commission will again consider the amended Plan at their August 6, 2018 meeting.

2. CONFLICTS OF INTEREST

No conflicts were declared.

3. PUBLIC COMMENTS:

Bill Thomas, 34 Old Fredericksburg Road spoke on the Proposed Amended Comprehensive Master Plan. He provided the City Council Members with his written response to the Kendall Gateway Study. He stated he was opposed to the TxDOT route. TxDOT received approximately 300 responses from Kendall Point, Old Fredericksburg Road and other eastern Kendall County residents. He said TxDOT was asked to extend the deadline for comments. TxDOT is proposing a 300 foot right of way that would go over the strongest recharge caves in Kendall County. Mr. Thomas stated it would be a huge savings if the Gateway project be established on Hwy 3351.

Kay Hemmick, 210 Lake View Drive spoke on the Proposed Amended Comprehensive Master Plan. She stated that she was against the Kendall Gateway project crossing Upper Cibolo Creek. She provided the City Council Members photos of different areas of the Creek she felt would be harmed by the project.

Michael Johnson, 47 Pfeiffer Road spoke on the Proposed Amended Comprehensive Master Plan. He stated he recently moved to Boerne from Tyler. He opposed the Kendall Gateway project. Tyler went through a similar study and ended up with a toll road on Highway 49.

Scot Wilson - 435 Paradise Point spoke on the proposed permanent zoning of 214 Cascade Caverns Road. He stated he and his partner are developing the property as a residential neighborhood. Due to conflicts with the first contracted company, the contract was terminated. They have now hired Matkin Hoover Engineers to work with TCEQ to meet the requirements. An erosion control company has also been hired to help with drainage.

Zelda Sheldon, 118 Vista Verde Drive stated she was opposed to the accessory dwelling proposed at 123 Vista Verde Drive.

Bill McNaught - 109 Branding Iron stated he was opposed to the inclusion of the Gateway map in the Master Plan. He felt that since the Gateway Study had not been approved or funded that it should not be part of the Comprehensive Master Plan.

Denise Bever, 53 Silent Springs stated she was opposed to the Kendall Gateway Study and felt it was not appropriate at this time to include it in the Master Plan. She said she talked to a lady that lost a sale on her property because the Gateway involved her property. Ms. Bever stated she does not want to see a 300 foot highway going through a county road.

Mark Mason, 126 Spring Creek Road spoke on the proposed amended Comprehensive Master Plan. He feels master planning is critical and essential to everyone. He suggested that the Kendall Gateway Study not be included in the Master Plan and referenced as a thoroughfare corridor. He stated that the Gateway is a regional plan that does little to affect Boerne's core, it will affect Boerne's community character and Boerne should leverage with TxDOT.

Polly Royer, 456 Prado Crossing spoke on the proposed amended Comprehensive Master Plan. She praised the Planning and Zoning Commission for tabling the issue. She feels the Kendall Gateway Study needs to be carefully stated in the Master Plan and it should not move forward until after the comment period is over.

Stephanie Buzenas, 122 Kendall Parkway spoke on the proposed amended Comprehensive Master Plan. She stated she moved to the area for the charm. She said it was terrifying to know that she could loose their property value because of the Kendall Gateway Study. Community opinion does not seem to matter.

4. CONSENT AGENDA:

4.A. [2018-502](#) CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR SCHEDULED CITY COUNCIL MEETING HELD JUNE 26, 2018.

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

Yeah: 4 - Mayor Pro Tem Woolard, Council Member Tye, Council Member Cisneros, and Council Member Handren

Absent: 1 - Council Member Anzollitto

5. [2018-487](#) RECEIVE THE REPORT FROM THE PLANNING AND ZONING COMMISSION FOR THE PROPOSED 2018 AMENDMENT TO THE CITY OF BOERNE'S COMPREHENSIVE MASTER PLAN.

No discussion or action took place.

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

6.A. [2018-488](#) TO CONSIDER THE PROPOSED 2018 AMENDMENT TO THE CITY OF BOERNE COMPREHENSIVE MASTER PLAN. (One of one hearing)

Mayor Schultz opened the Public Hearing at 6:37 p.m.

Denise Bever, 53 Silent Springs stated that the Kendall Gateway Study does not belong in the Master Plan. She suggested the City Council do research and that she hopes to receive responses to her emails.

Bill McNaught, 109 Branding Iron recommended removal of the Kendall Gateway Study from the Master Plan.

Steven Lea, 108 Canyon Circle has worked for Frost Bank for about 20 years. He feels the Master Plan is necessary and is a good work in progress. The Kendall Gateway Study is premature and should not be included in the Master Plan.

Ben Eldredge, 212 Azalea Trail, stated he was impressed by the Master Plan and hoped that the City would continue to receive comments. He suggested

that pedestrian and bike mobility would be considered in the near future. Bike safety is a concern. He suggested expanding buffer zones for trails in the subdivisions.

Mayor Schultz closed the Public Hearing at 6:46 p.m.

6.B. [2018-498](#) PROPOSED ACCESSORY DWELLING IN AN RE-1, LOW-DENSITY SINGLE-FAMILY DISTRICT LOCATED AT 123 VISTA VERDE DRIVE, KAD NO. 19745. (One of one hearing, Robert and Echo Palmer)

Mayor Schultz opened the Public Hearing at 6:46 p.m.

Robert Palmer, 123 Vista Verde stated he is requesting approval of an accessory dwelling at the rear of the property where his home is located. If approved, he and his wife will move into the accessory dwelling and their son and his family will move into the current house. He feels an additional driveway will not be needed because his current driveway will support four vehicles without obstructing the sidewalk. He distributed photos of the front of his home with the driveway.

Ms. Echo Palmer, 123 Vista Verde stated she is the 6th generation to live in this area. She explained that her mother originally moved into this home and turned the garage into a family room. Her mother recently decided to move to Oregon with Ms. Palmer's sister and gave the property to the Palmers so the family could live there. Ms. Palmer stated that if the request for the accessory dwelling isn't approved, they would look at adding on to the current home.

Mayor Schultz closed the Public Hearing at 6:51.

6.C. [2018-494](#) PROPOSED REZONING OF 12 HERFF ROAD (4.349 ACRES, KAD NO. 15815) FROM R-1, MEDIUM-DENSITY SINGLE-FAMILY DISTRICT TO B-1, HIGH-DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICT. (One of one hearing, ProCore Developments)

Mayor Schultz opened the Public Hearing at 6:51 p.m.

No comments were received.

Mayor Schultz closed the Public Hearing at 6:51 p.m.

6.D. [2018-496](#) PROPOSED PERMANENT ZONING OF 214 CASCADE CAVERNS ROAD, A TOTAL OF 7.89 ACRES, FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RESIDENTIAL-AGRICULTURAL DISTRICT TO R-2, MODERATE-DENSITY RESIDENTIAL DISTRICT, KAD NOS. 11568 AND 288671. (One of one hearing, Landquest Acquisitions, LLC - Southglen)

Mayor Schultz opened the Public Hearing at 6:52 p.m.

No comments were received.

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

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

7.A. [2018-490](#) CONSIDER ON FIRST READING ORDINANCE NO. 2018-23; AN ORDINANCE ADOPTING THE 2018 AMENDED COMPREHENSIVE MASTER PLAN FOR THE CITY OF BOERNE.

Item was not considered.

7.B. [2018-499](#) CONSIDER ON FIRST READING ORDINANCE NO. 2018-24; 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, ARTICLE 3, SECTION 6, ACCESSORY DWELLING, AUTHORIZING AN ACCESSORY DWELLING IN AN RE-1, LOW-DENSITY SINGLE-FAMILY DISTRICT LOCATED AT 123 VISTA VERDE DRIVE (KAD NO. 19745); REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Robert and Echo Palmer)

Mayor Schultz called on Ms. Laura Talley, Planning and Community

Development Director. Ms. Talley displayed a map of the property located at 123 Vista Verde Drive and the site plan for the property. She stated the current homeowners will move into the accessory dwelling if approved, and their son and his family will move into the current home. She reviewed the requirements for an accessory dwelling according to the city's zoning ordinance. Ms. Talley stated that the driveway is a requirement for the accessory dwelling to provide parking behind the front of the house, the owner of the property must occupy one of the homes, may not have more than two bedrooms, the accessory dwelling is limited to three people and must not be more than 1200sf, and the design of the accessory dwelling must be similar to the current home. The Planning and Zoning Commission voted 7-0 in favor of the accessory dwelling. The Planning and Zoning Commission feels this is another form of infill and another way to address the increasing need for support of extended family. Ms. Talley stated that 25 notifications were sent to neighboring properties within 200 feet. Two responses were received stating they feel there are too many houses in the area already. Discussion ensued regarding the 1/2 acre requirement that forces the request to come before the City Council for approval, setting precedence in the neighborhood, this type of dwelling will turn the area into high density multi-family lots, the zoning ordinance not addressing that the owner must occupy one of the homes on the property and there are no safeguards to regulate the requirement, and the driveway requirements. There was also discussion on what constitutes "infill". Ms. Talley stated that the property owners have signed an affidavit which was filed with Kendall County stating they will occupy one of the structures.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER CISNEROS, TO DENY ORDINANCE NO. 2018-24; 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, ARTICLE 3, SECTION 6, ACCESSORY DWELLING, AUTHORIZING AN ACCESSORY DWELLING IN AN RE-1, LOW-DENSITY SINGLE-FAMILY DISTRICT LOCATED AT 123 VISTA VERDE DRIVE (KAD NO. 19745); REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (ROBERT AND ECHO PALMER). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Mayor Pro Tem Woolard, Council Member Tye, Council Member Cisneros, and Council Member Handren

Absent: 1 - Council Member Anzollitto

7.C. [2018-495](#) CONSIDER ON FIRST READING ORDINANCE NO. 2018-25; 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 4.349 ACRES LOCATED AT 12 HERFF ROAD (KAD NO. 15815) FROM R-1, MEDIUM-DENSITY SINGLE-FAMILY 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. (ProCore Development)

Ms. Talley continued with the property located at 12 Herff Road under consideration for rezoning. She displayed a map of the location. Ms. Talley presented a brief history of the proposed rezoning. The Planning and Zoning Commission voted in favor of the combination B-1/B-2 rezoning in May by a vote of 4-3. The City Council tabled the zoning ordinance and the owner subsequently withdrew the request. In June, the Planning and Zoning Commission considered a new request for a B-1 zone and they voted 5-3 in favor of the B-1 zone. Discussion ensued regarding the current use of the property. The prior owner lived in the rock house, but due to increased traffic on Herff Road, chose to sell the 4.349 acres to ProCore Development. Discussion continued with the property owners in the neighboring subdivision Green Meadows. It was suggested that the ProCore Development create a buffer to provide privacy to those homeowners in Green Meadows and to have an open communication with the neighbors. Ms. Talley reminded the City Council that a North Herff Road Overlay District was created to enforce height and design restrictions. It was the consensus of the Council Members that the property is not conducive to residential and that having restaurants and shops within a walking distance for the neighbors will help with traffic issues.

A MOTION WAS MADE BY COUNCIL MEMBER CISNEROS, SECONDED BY MAYOR PRO TEM WOOLARD, TO APPROVE ON FIRST READING ORDINANCE NO. 2018-25; 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 4.349 ACRES LOCATED AT 12 HERFF ROAD (KAD NO. 15815) FROM R-1, MEDIUM-DENSITY SINGLE-FAMILY 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. (PROCORE DEVELOPMENT). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Mayor Pro Tem Woolard, Council Member Tye, Council Member Cisneros, and Council Member Handren

Absent: 1 - Council Member Anzollitto

7.D. [2018-497](#) CONSIDER ON FIRST READING ORDINANCE NO. 2018-26; 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 7.89 ACRES LOCATED AT 214 CASCADE CAVERNS ROAD (KAD NOS. 11568 AND 288671) FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO R-2, MODERATE-DENSITY RESIDENTIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Landquest Acquisitions, LLC - Southglen)

Ms. Talley continued with the permanent zoning of 214 Cascade Caverns Road which was recently annexed into the City limits. Ms. Talley displayed a map of the area. Staff's recommendation is that the property be zoned R-2, Moderate-Density Residential District, consistent with the approved master development plan and the zoning of the remainder of Southglen. The Planning and Zoning Commission voted 8-0 in favor of the R-2 permanent zoning.

A MOTION WAS MADE BY COUNCIL MEMBER HANDREN, SECONDED BY COUNCIL MEMBER TYE, TO APPROVE ON FIRST READING ORDINANCE NO. 2018-26; 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 7.89 ACRES LOCATED AT 214 CASCADE CAVERNS ROAD (KAD NOS. 11568 AND 288671) FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO R-2, MODERATE-DENSITY RESIDENTIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (LANDQUEST ACQUISITIONS, LLC - SOUTHGLEN). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Mayor Pro Tem Woolard, Council Member Tye, Council Member Cisneros, and Council Member Handren

Absent: 1 - Council Member Anzollitto

8. [2018-484](#) RECOGNITION OF JEANETTE TEAGUE, CONVENTION AND VISITORS BUREAU ASSISTANT DIRECTOR ON HER RECENT GRADUATION FROM THE TEXAS TRAVEL INDUSTRY ASSOCIATION COLLEGE.

Mayor Schultz called on Mr. Larry Woods, Boerne Convention and Visitors Bureau Director. Mr. Woods recognized Ms. Jeanette Teague who joined the City 3 1/2 years ago. Soon after Ms. Teague was hired at the City, she enrolled in the Texas Travel Industry Association College. She recently graduated from the three year course. Mr. Woods mentioned that out of the initial 75 students who enrolled in the course only 11 received the certification. Mayor Schultz read her certificate to the audience.

9. [2018-489](#) CONSIDER RESOLUTION NO. 2018-R56; A RESOLUTION OF THE CITY OF BOERNE REQUESTING AN INCREASE TO THE ANNUAL COMMITMENT FOR WATER BY AN ADDITIONAL 325 ACRE-FEET PER YEAR FROM GUADALUPE-BLANCO RIVER AUTHORITY AS PART OF THE WESTERN CANYON REGIONAL WATER SUPPLY PROJECT.

Mayor Schultz called on Mr. Jeff Thompson, Deputy City Manager. Mr. Thompson stated that Boerne set a new record for water production in June.

With one major well displaying stress and lack of activity, City Staff was prompted to start discussions on increasing the Guadalupe-Blanco River Authority (GBRA) commitment of 975 acre feet which has been in place since 2008. There has been substantial anticipated growth in the water system over the recent years. Mr. Thompson mentioned that the average rainfall is 25 inches but thus far, Boerne has had only 10 inches. Mr. Thompson reminded the Council Members that a water study was conducted a couple of years ago. It was determined that the City has enough water supply for a population of 35,000. The current population is approximately 15,000. Mr. Thompson noted that if the City had not put reclaimed water in place, the increase in GBRA commitment would have happened years ago. According to the discussions at the Cow Creek Groundwater meeting that Mr. Thompson attended, Cow Creek has issued approximately 1800 new permits in the last 10 years. The City is limited to the number of gallons that can be drawn from wells. This amount has not changed for quite a few years. Even with the recent rainfall, Cow Creek has moved from Stage 2 to Stage 3 as the rain didn't fall on the recharge zone. Staff is recommending that the GBRA commitment be increased to 1300 acre feet per year. Discussion ensued regarding how the increase in the GBRA commitment will affect the City's neighbors who rely on water wells. Mr. Thompson stated that the increase will protect the the well owners as purchasing additional surface water from GBRA can reduce the amount of groundwater the City is using.

A MOTION WAS MADE BY COUNCIL MEMBER HANDREN, SECONDED BY MAYOR PRO TEM WOOLARD, TO APPROVE RESOLUTION NO. 2018-R56; A RESOLUTION OF THE CITY OF BOERNE REQUESTING AN INCREASE TO THE ANNUAL COMMITMENT FOR WATER BY AN ADDITIONAL 325 ACRE-FEET PER YEAR FROM GUADALUPE-BLANCO RIVER AUTHORITY AS PART OF THE WESTERN CANYON REGIONAL WATER SUPPLY PROJECT. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Mayor Pro Tem Woolard, Council Member Tye, Council Member Cisneros, and Council Member Handren

Absent: 1 - Council Member Anzollitto

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

Deputy City Manager Jeff Thompson updated the City Council on the gas main maintenance which was completed without issue, one day early. He expressed appreciation to Grey Forest for their assistance in the process.

Community Services Director Danny Zincke announced that the month of July is National Parks and Recreation month. The City has a lot of community activities planned for the month.

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

Mayor Schultz convened the City Council into Executive Session at 7:48 p.m. and asked those requested to participate to adjourn to the Executive Session Room.

11.A.[2018-500](#) 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 7:55 p.m.

No action was taken.

13. ADJOURNMENT

A MOTION WAS MADE BY COUNCIL MEMBER TYE, SECONDED BY MAYOR PRO TEM WOOLARD, TO ADJOURN THE CITY COUNCIL MEETING AT 7:55 P.M. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Mayor Pro Tem Woolard, Council Member Tye, Council Member Cisneros, and Council Member Handren

Absent: 1 - Council Member Anzollitto

Approved:

Mayor

Attest:

City Secretary