

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
April 26, 2016 – 6:00 PM

Minutes of the Regular City Council meeting of April 26, 2016 at 6:00 p.m.

Present: Mayor Mike Schultz, Mayor Pro Tem Ron Cisneros, Council Member Christina Bergmann, Council Member Jeff Haberstroh, and Council Member Nina Woolard. Council Member Charlie Boyd IV was absent.

Staff Present: Ron Bowman, Siria Arreola, Paul Barwick, Pam Bransford, Lori Carroll, Kirsten Cohoon, Jim Kohler, Mike Mann, Mark Mattick, Sandy Mattick, Doug Meckel, Mike Raute, Angie Rios, Jeff Thompson, Linda Zartler, and Danny Zincke.

Recognized / Registered Guests: Macy McWilliams, Jan Bradley, Brittany Styles, Earl Styles, Tabitha Cuevas, Misty Mayo, Laurel Sykes, James Russell Day, Mark Keator, Lisa Lyles, Debbie DeLoach, Nikki Miller, Caroline Conner, Paige Moore, Jackson Moore, Joe Anzollitto, Cameron Pfeiffer, and Randall Scott

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. He asked Macy McWilliams and Colton Schroeder to lead the Pledge of Allegiance to the United States Flag and to the Texas Flag.

2. CONFLICTS OF INTEREST

Mayor Schultz called on Ms. Kirsten Cohoon, City Attorney. Ms. Cohoon explained that a conflict exists with Mayor Schultz, Council Member Haberstroh, and Council Member Bergmann on Agenda Item 8. Because Council Member Boyd IV is absent, there will not be a quorum at the dais for the discussion of Agenda Item 8. The Texas Local Government Code states that if a quorum is not present for an agenda item, the Council Members who have a conflict do not have to recuse themselves from the item. Council Member Haberstroh stated that he also has a conflict with Agenda Item 16.

3. PUBLIC COMMENTS: This is the opportunity for visitors and guests to address the City Council on any issue. City Council may not discuss any presented issue, nor may any action be taken on any issue at this time. (Attorney General opinion – JC-0169)

No Public Comments were received.

4. CONSENT AGENDA: All items listed below within the Consent Agenda are considered to be routine by the City Council and may be enacted with one motion. There will be no separate discussion of items unless a Council Member or citizen so requests, in which event the item may be moved to the general order of business and considered in its normal sequence.

4A. [2016-592](#) Minutes of the April 12, 2016 Regular Council Meeting and Minutes of the April 19, 2016 Special Called City Council Meeting.

THE MINUTES WERE APPROVED.

4B. [2016-578](#) Consider On Second Reading Ordinance No. 2016-20; 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 5, Section 3 Permitted Uses, Table 5-1, Authorizing The Use Of Automobile Sales In A B-2, Highway Commercial District Located At 941 North Main, A Total Of 0.088 Acres, KAD No. 24699. (James Day)

THE ORDINANCE WAS APPROVED.

4C. [2016-577](#) Consider Resolution No. 2016-R39; A Resolution Authorizing The City Manager To Enter Into An Agreement With Berges Fest For Grant Of Funds.

THE RESOLUTION WAS APPROVED.

4D. [2016-587](#) Consider Resolution No. 2016-R40; A Resolution Authorizing The City Manager To Proceed With Purchases As Per Section 6.08 Of The City Of Boerne's Home Rule Charter. (Electric Distribution Materials for Champion Heights Unit 2)

THE RESOLUTION WAS APPROVED.

4E. [2016-582](#) Consider Resolution No. 2016-R41; A Resolution Authorizing The City Manager To Proceed With Purchases As Per Section 6.08 Of The City Of Boerne's Home Rule Charter. (Body-Worn Cameras for the Police Department)

THE RESOLUTION WAS APPROVED.

APPROVAL OF THE CONSENT AGENDA.

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

YEAH 4: COUNCIL MEMBER HABERSTROH, COUNCIL MEMBER WOOLARD, MAYOR PRO TEM CISNEROS, AND COUNCIL MEMBER BERGMANN

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

5A. [2016-581](#) Proposed Annexation Of 88.967 Acres being part of Cascade Caverns Road and Ranch Drive- KAD 11502, 11539, 115540, a portion of 11567, a portion of 11593, 38723, and a portion of 42662, at the request of ML&E Landquest Cascade Caverns, L.L.C., Pulte Homes of Texas, L.P., Meritage Homes of Texas, L.L.C., Kendall West Utility, L.L.C., Terry D. Adams, and Sylvia P. Adams. (Southglen Subdivision - First Of Two Hearings)

Mayor Schultz opened the Public Hearing at 6:05 p.m.

No Comments were received.

Mayor Schultz closed the Public Hearing at 6:06 p.m.

6. [2016-598](#) CONSIDER RESOLUTION NO. 2016-R42; A RESOLUTION SUPPORTING BOERNE LEMONADE DAY ON MAY 1, 2016.

Mayor Schultz called on Ms. Kirsten Cohoon, City Attorney. Ms. Cohoon asked Colton Schroeder to distribute bags to the City Council. She explained that this is the second year that Lemonade Day will be held in Boerne. The nation wide event will take place on May 1, 2016. It teaches kids to set goals, develop a business plan, establish a budget, save for the future, and give back to the community. She introduced the participants in the audience Macy McWilliams, Colton Schroeder, and Jackson Moore. Ms. Cohoon stated that the Resolution allows the participants to operate a lemonade booth without a permit. Certificates of Occupancy will be issued to each booth. It is anticipated that

there will be 60 booths set up around the City this year. A scholarship will be given with the money raised as well as a donation to the PTO with the most participants. This Friday, April 29, 2016 will be the Best Tasting Lemonade in Boerne contest. She encouraged everyone to attend.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY COUNCIL MEMBER HABERSTROH, TO APPROVE RESOLUTION NO. 2016-R42; A RESOLUTION SUPPORTING BOERNE LEMONADE DAY ON MAY 1, 2016. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Council Member Haberstroh, Council Member Woolard, Mayor Pro Tem Cisneros, and Council Member Bergmann

7. [2016-591](#) CONSIDER MAYORAL APPOINTMENT TO THE ALAMO AREA METROPOLITAN PLANNING ORGANIZATION BOARD.

Mayor Schultz explained that with the City of Boerne's membership to the Alamo Area Metropolitan Planning Organization, the City has the opportunity to appoint an elected official to the Board as well as an alternate member. Since Council Member Jeff Haberstroh will no longer be on City Council after May 24, 2016, it is the Mayor's recommendation to appoint Mayor Pro Tem Ron Cisneros as the representative for Kendall County. The bylaws of the Organization allows a past elected official to be an alternate member. It is Mayor Schultz's recommendation to appoint Council Member Jeff Haberstroh as alternate member. Mayor Schultz expressed his appreciation to Council Member Haberstroh for his participation on the Board.

A MOTION WAS MADE BY COUNCIL MEMBER BERGMANN, SECONDED BY COUNCIL MEMBER WOOLARD, TO APPROVE THE MAYORAL APPOINTMENT OF RON CISNEROS AS KENDALL COUNTY REPRESENTATIVE AND JEFF HABERSTOH AS ALTERNATE TO THE ALAMO AREA METROPOLITAN PLANNING ORGANIZATION BOARD. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Council Member Haberstroh, Council Member Woolard, Mayor Pro Tem Cisneros, and Council Member Bergmann

8. [2016-594](#) RECEIVE UPDATE ON THE HILL COUNTRY MILE REBRANDING AND MARKETING INITIATIVE.

Mayor Schultz called on Mr. Paul Barwick, Special Projects Director. Mr. Barwick presented the Hill Country Mile (HCM) rebranding and marketing initiative which will roll out in May, 2016. He displayed the logo for "More Than Just A Mile" which will be on banners and various advertising materials as well as on the website. The launch of "More Than Just A Mile" will take place the weekend of May 12, 2016 through May 15, 2016. In addition, the month of May will be "More Than Just A Mile Month" to promote the many family friendly activities and events along the HCM. The goal of rebranding is to market the HCM as a premier destination for fun, dining, and shopping in a historic setting with Hill Country hospitality. Mr. Barwick distributed to the Council Members the "This Place Matters" handout which will be distributed throughout Boerne in conjunction with National Preservation Month.

9. [2016-596](#) **RECEIVE QUARTERLY 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 Corporation (BKCEDC) to present the second quarter report of the BKCEDC. She reviewed the goals which include priority targets, notable projects, and organizational strategy. She displayed the new logo, new website, and future initiatives. Mr. Jeff Thompson, Deputy City Manager reviewed the six month Economic Development Work Plan. He presented highlights of the Work Plan that include ad valorem and sales tax, utility systems growth, completion of roadway projects, EDC Joint Goals, recruitment, other joint goals, north main sewer project, roadway and mobility projects. Discussion ensued regarding the successful team effort between the City of Boerne and the BKCEDC. Ms. Mayo expressed her appreciation to the City Council and staff.

10. [2016-580](#) **RECEIVE AND CONSIDER A REQUEST FROM MS. TAMI KARNES FOR A VARIANCE TO THE SIGN ORDINANCE SECTION 10 RESTRICTIONS ON CERTAIN TYPES OF SIGNS. B. BANNERS. (Liberty Tax 215 W Bandera, Ste. 104)**

Mayor Schultz called on Mr. Jeff Thompson, Deputy City Manager. Mr. Thompson explained the sign variance request from Liberty Tax is to leave their banner in place year round. The City's ordinance allows banners to be up for a maximum of 30 days. He displayed a map of the location of the business and a photo of the existing signs. Mr. Thompson stated that the Sign Variance Committee recommended that request be denied. Discussion ensued regarding setting precedence to other businesses.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY COUNCIL MEMBER BERGMANN, TO DENY THE REQUEST FROM MS. TAMI KARNES FOR A VARIANCE TO THE SIGN ORDINANCE SECTION 10 RESTRICTIONS ON CERTAIN TYPES OF SIGNS. B. BANNERS. (LIBERTY TAX 215 W BANDERA, STE. 104). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Council Member Haberstroh, Council Member Woolard, Mayor Pro Tem Cisneros, and Council Member Bergmann

11. [2016-601](#) CONSIDER APPROVAL OF THE FIVE YEAR CAPITAL IMPROVEMENT PLAN AND FIVE YEAR FINANCIAL FORECAST.

Mayor Schultz called on Ms. Sandy Mattick, Finance Director to review the five year Capital Improvement Plan (CIP) which is used to prepare the five year financial forecast with the assistance from Staff. She discussed the goals of the CIP and the highlights of the five year Plan for General Government, General Fund, Parks, and Utility Funds with no rate increases programmed, and Utility Funds projects. She discussed possible future debt issues thru FY 2021 in General Government to include a new City Hall and a new Convention and Visitors Bureau with Lohmann Street Parking, financing of the new City Hall, legal debt margin information, roadway projects, and other future projects. Staff recommended approval of the Five Year CIP.

A MOTION WAS MADE BY COUNCIL MEMBER BERGMANN, SECONDED BY MAYOR PRO TEM CISNEROS, TO RECEIVE AND APPROVE THE FIVE YEAR CAPITAL IMPROVEMENT PLAN AND FIVE YEAR FINANCIAL FORECAST. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Council Member Haberstroh, Council Member Woolard, Mayor Pro Tem Cisneros, and Council Member Bergmann

12. [2016-590](#) CONSIDER A ONE TIME READING OF ORDINANCE NO. 2016-21; AS PERMITTED BY THE CITY OF BOERNE'S HOME RULE CHARTER, SECTION 3.11.A.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY COUNCIL MEMBER HABERSTROH, TO APPROVE A ONE TIME READING OF ORDINANCE NO. 2016-21; AS PERMITTED BY THE CITY OF BOERNE'S HOME RULE CHARTER, SECTION 3.11.A. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Council Member Haberstroh, Council Member Woolard, Mayor Pro Tem Cisneros, and Council Member Bergmann

13. [2016-597](#) CONSIDER ORDINANCE NO. 2016-21; AN ORDINANCE AMENDING ORDINANCE NO 2015-30; CAPTIONED "AN ORDINANCE ADOPTING THE ANNUAL CAPITAL AND OPERATING BUDGETS FOR THE CITY OF BOERNE, TEXAS FOR THE FISCAL YEAR 2015-2016, BEGINNING OCTOBER 1, 2015 AND ENDING SEPTEMBER 30, 2016."

Ms. Mattick continued with the proposed budget amendments for the current fiscal year. General Fund: to increase budget for improvements to the street maintenance shop in the amount of \$100,155; to increase budget for security camera upgrade in the amount of \$3,500; to record grants totaling \$19,500; and to the Library Fund: to record donations in the amount of \$30,623. Staff recommended approval on first reading of Ordinance No. 2016-21.

A MOTION WAS MADE BY MAYOR PRO TEM CISNEROS, SECONDED BY COUNCIL MEMBER WOOLARD, TO APPROVE ORDINANCE NO. 2016-21; AN ORDINANCE AMENDING ORDINANCE NO 2015-30; CAPTIONED "AN ORDINANCE ADOPTING THE ANNUAL CAPITAL AND OPERATING BUDGETS FOR THE CITY OF BOERNE, TEXAS FOR THE FISCAL YEAR 2015-2016, BEGINNING OCTOBER 1, 2015 AND ENDING SEPTEMBER 30, 2016.". THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Council Member Haberstroh, Council Member Woolard, Mayor Pro Tem Cisneros, and Council Member Bergmann

14. [2016-595](#) RECEIVE SECOND QUARTER FINANCIAL/INVESTMENT REPORTS FOR FY 2015/2016.

Ms. Mattick continued with the Quarterly Financial report for the second quarter. Electric revenues were at 48.44% of budget, expenditures below projections at 43.86%; Water revenues were at 49.81% of budget and expenditures were below projections at 48.53%; Wastewater revenues at 55.28%, and expenditures were at projections at 50.10%; Gas revenues were at 51.20% of budget and expenditures were below projections at 44.65%. Ms. Mattick reviewed Sales Tax three year comparison and Property Tax collection. She reviewed the Quarterly Investment report which includes investments in TexPool, MBIA, Texas TERM, TexStar, Government Agencies, a municipal bond, and several Certificates of Deposit. Interest earned for the quarter totaled \$58,215. Staff will continue to monitor interest rate activity and act accordingly when opportunities arise.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY COUNCIL MEMBER BERGMANN, TO RECEIVE AND APPROVE THE SECOND QUARTER FINANCIAL/INVESTMENT REPORTS FOR FY 2015/2016. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Council Member Haberstroh, Council Member Woolard, Mayor Pro Tem Cisneros, and Council Member Bergmann

15. [2016-588](#) CONSIDER RESOLUTION NO. 2016-R43; A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AN AGREEMENT FOR ARCHITECTURE AND ENGINEERING SERVICES FOR THE PROPOSED NEW CITY HALL.

Mayor Schultz called on Ms. Linda Zartler, Assistant City Manager. Ms. Zartler explained that staff has solicited proposals for qualifications for the architecture and engineering services required for the proposed City Hall. The Committee made up of Ms. Zartler, Information Technology Director Mr. Mike Raute, Fire Marshal Mark Mattick, Special Projects Director Mr. Paul Barwick, and Public Works Director Mike Mann reviewed the proposals received and recommended the firm of Randall Scott Architects, Inc. Staff is recommending approval of Resolution No. 2016-R43.

A MOTION WAS MADE BY MAYOR PRO TEM CISNEROS, SECONDED BY COUNCIL MEMBER WOOLARD, TO APPROVE RESOLUTION NO. 2016-R43; A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AN AGREEMENT FOR ARCHITECTURE AND ENGINEERING SERVICES FOR THE PROPOSED NEW CITY HALL. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Council Member Haberstroh, Council Member Woolard, Mayor Pro Tem Cisneros, and Council Member Bergmann

16. [2016-589](#) CONSIDER RESOLUTION NO. 2016-R44; A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AN AGREEMENT FOR PROJECT MANAGEMENT CONSULTING SERVICES FOR THE PROPOSED NEW CITY HALL PROJECT.

Council Member Haberstroh recused himself from the discussion and left the dais.

Ms. Zartler stated that staff has solicited proposals for project management consulting services for the proposed City Hall project due to the size, expense and scope of the project. The project was discussed with representatives of ECM International, Project Control, and Mr. John Krause of John Krause & Associates, LLC. Mr. Krause would provide the service at a 1.5% fee. The City Attorney is reviewing the agreement with Mr. Krause. Staff recommended approval of Resolution No. 2016-R44, for the negotiation of the agreement with Mr. John Krause of John Krause & Associates, LLC for project management consulting services for the proposed new City Hall project.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY MAYOR PRO TEM CISNEROS, TO APPROVE RESOLUTION NO. 2016-R44; A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AN AGREEMENT WITH JOHN KRAUSE & ASSOCIATES, LLC FOR PROJECT MANAGEMENT CONSULTING SERVICES FOR THE PROPOSED NEW CITY HALL PROJECT. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Absent: 1 - Council Member Haberstroh

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

Council Member Haberstroh updated the City Council on the Alamo Area Metropolitan Planning Organization Board meeting. He stated that the amendment to the long range plan was accepted and approval was received to move forward.

Mr. Danny Zincke, Parks and Recreation Director stated that the Movie in the Park this Friday will be honoring our Hometown Heros and invited everyone to attend.

Council Member Bergmann reminded everyone of the Boerne Volunteer Fire Department annual Fish Fry fundraiser will be held on May 7th.

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

Mayor Schultz convened the City Council into Executive Session at 7:20 p.m. and requested those individuals directed to participate to adjourn to the Executive Session Conference Room.

18. [2016-593](#) A. Section 551.071 (1) (a) - Consultation With Attorney and Section 551.087 Deliberation Regarding Economic Development Negotiation.

B. Section 551.071 (1) (a) - Consultation With Attorney and Section 551.087 Deliberation Regarding Economic Development Negotiation.

No action was taken.

19. 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 7:36 p.m.

19A. [2016-599](#) Consider Resolution No. 2016-R45; A Resolution Authorizing The

City Manager To Enter Into And Manage The First Amended Gas Main And Retail Reclaimed Water Extension Agreement Between The City Of Boerne And Greenland Ventures, Ltd.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY COUNCIL MEMBER HABERSTROH, TO APPROVE RESOLUTION NO. 2016-R45; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE THE FIRST AMENDED GAS MAIN AND RETAIL RECLAIMED WATER EXTENSION AGREEMENT BETWEEN THE CITY OF BOERNE AND GREENLAND VENTURES, LTD. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Council Member Haberstroh, Council Member Woolard, Mayor Pro Tem Cisneros, and Council Member Bergmann

20. ADJOURNMENT

A MOTION WAS MADE BY COUNCIL MEMBER BERGMANN, SECONDED BY COUNCIL MEMBER WOOLARD TO ADJOURN THE CITY COUNCIL MEETING AT 7:39 P.M. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Council Member Haberstroh, Council Member Woolard, Mayor Pro Tem Cisneros, and Council Member Bergmann

APPROVED:

Mayor

ATTEST:

City Secretary