

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
MAY 10, 2016 – 6:00 PM

Minutes of the Regular City Council meeting of May 10, 2016 at 6:00 p.m.

Present: 6 - Mayor Michael Schultz, Council Member Jeff Haberstroh, Council Member Nina Woolard, Council Member Charlie Boyd IV, Mayor Pro Tem Ron Cisneros, and Council Member Christina Bergmann

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

Recognized / Registered Guests: William Paxton, Paul Swan, Debbie DeLoach, Randall Scott, John Woolard, George Stavinoha, Melissa Stavinoha, Donald L. McBee, Linda McBee, Becky Welch, Boyd Welch, Darold Kruse, Dennis Kruse, Jennifer Hudson, Shane Linder, Jacob Korr, Clark Tolley, Craig Colvin, Mike Baley, Rich McCormick, Jeff Carroll, Joe Anzollitto, Jennica Colvin, Mararet Palacios, Steve Haynes, and John Arias.

1. CALL TO ORDER – 6:00 PM

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

Mayor 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:

Becky Welch of 106 Chinkapin Pass, asked City Council to consider community input on the plans for a new City Hall. The size, price tag, and the way it was done is problematic to her. She suggested waiting for the new Council Members to take office. She handed the City Secretary a Petition.

Rich McCormick of West Theissen St., stated he has been in Boerne since 2004. He feels the process for a new City Hall is being rushed and that citizens have not had an opportunity to provide input. He encouraged the City Council to wait until the new Council Members take office and to postpone the decision tonight to provide more time for public input.

4. CONSENT AGENDA:**4A. [2016-610](#) Minutes of the April 23, 2016 Special Called meeting and April 26, 2016 Regular meeting.**

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: 5 - Council Member Haberstroh, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Bergmann

5. PUBLIC HEARING – To Hear Comments On The Following:**5A. [2016-579](#) A. 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., and Kendall West Utility, L.L.C. (Southglen Subdivision - Second Of Two Hearings)**

Mayor Schultz opened the Public Hearing at 6:07 p.m.

No comments were received.

Mayor Schultz closed the Public Hearing at 6:08 p.m.

6. [2016-623](#) CONSIDER RESOLUTION NO. 2016-R46; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, SUPPORTING MISSION DG-BOERNE 1, L.P.'S APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING COMMUNITY AFFAIRS.

Mayor Schultz called on Mr. Jeff Thompson, Deputy City Manager. Mr. Thompson explained the history of the property of which Prestwick was attempting to develop. The property went through the annexation and zoning process. At the request of the property owners Mr. and Mrs. Fields, the property was zoned R-4, Multi-Family residential. Mr. Thompson displayed a map of the property located at 3 Shooting Club Road. A new developer, 210 Development and Mission DG-Boerne 1, L.P. intends to submit an application to the Texas Department of Housing and Community Affairs for 4% tax credits for the purpose of building a senior community in Boerne on the 11.762 acres. Mr. Thompson stated the 4% tax credits and bonds are non-competitive and do not need a financial contribution from the City. However, the application does require a Resolution stating the City of Boerne does not object to the 190 unit senior community. Mr. Thompson introduced Mr. Mark Tolley, partner of the developer to provide background on 210 Development. Mr. Tolley stated that the company has over 100 years of expertise in Texas regarding senior housing and mixed use. The headquarters are in San Antonio. He displayed a proposed site plan which took into consideration the heritage trees, elevation studies, and preliminary elevation. Staff recommended approval of Resolution No. 2016-R46.

A MOTION WAS MADE BY COUNCIL MEMBER HABERSTROH, SECONDED BY COUNCIL MEMBER WOOLARD, THAT THIS RESOLUTION BE APPROVED CONSIDER RESOLUTION NO. 2016-R46; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, SUPPORTING MISSION DG-BOERNE 1, L.P.'S APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING COMMUNITY AFFAIRS.. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Haberstroh, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Bergmann

7. [2016-615](#) RECEIVE PRESENTATION ON THE HVS STUDY FOR THE HOTEL CONFERENCE CENTER.

Mayor Schultz called on Mr. Larry Woods, Boerne Convention and Visitors Bureau Director. Mr. Woods stated that with the City Council's consent a market study was conducted to determine if a hotel conference center is needed in Boerne. The outcome of the report was positive. There is a demand for a hotel with a meeting space. He reviewed the highlights of the study which included the historical supply and demand trends, market and subject property average rate forecast, detailed forecast of income and expense, and the ten year forecast of income and expense. Mr. Woods stated that there are two interested parties looking at the property located at 34000 IH-10 West for a hotel conference center. Discussion ensued regarding current businesses in Boerne that provide a hotel with a meeting space. Mr. Woods stated that Ye Kendall Inn has the largest meeting space but only has a few hotel rooms. Tapatio Springs although outside the City limits has nice amenities but the City does not benefit from hotel/motel tax dollars.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY MAYOR PRO TEM CISNEROS, TO RECEIVE AND ACCEPT THE PRESENTATION ON THE HVS STUDY FOR THE HOTEL CONFERENCE CENTER. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Haberstroh, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Bergmann

8. [2016-616](#) CONSIDER ON FIRST READING ORDINANCE NO. 2016-22; AN ORDINANCE REPEALING AND REPLACING CHAPTER 5- BUILDINGS AND BUILDING REGULATIONS, ARTICLE I, IN GENERAL, SECTION 5-3 OF THE CODE OF ORDINANCES, BOERNE, TEXAS, RELATING TO ALARM SYSTEMS; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING

FOR CRIMINAL PENALTIES NOT TO EXCEED \$300 PER VIOLATION; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

Mayor Schultz called on Police Chief Jim Kohler. Chief Kohler reviewed the statistics for false alarms for burglar and fire. He stated that the police department has looked at a variety of methods to get people to comply with the ordinance currently in effect. He reviewed the proposed penalties for false alarms. There is a cost to the City for public safety to respond to false alarms. Discussion ensued regarding who would receive the Misdemeanor citation for businesses or who contract with alarm companies. Staff recommended approval on first reading of Ordinance No. 2016-22.

A MOTION WAS MADE BY COUNCIL MEMBER BERGMANN, SECONDED BY COUNCIL MEMBER BOYD IV, TO APPROVE ON FIRST READING ORDINANCE NO. 2016-22; AN ORDINANCE REPEALING AND REPLACING CHAPTER 5 - BUILDINGS AND BUILDING REGULATIONS, ARTICLE I, IN GENERAL, SECTION 5-3 OF THE CODE OF ORDINANCES, BOERNE, TEXAS, RELATING TO ALARM SYSTEMS; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR CRIMINAL PENALTIES NOT TO EXCEED \$300 PER VIOLATION; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Haberstroh, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Bergmann

9. [2016-630](#) **CONSIDER RESOLUTION NO. 2016-R47; A RESOLUTION RELATING TO ESTABLISHING THE CITY'S INTENTION TO REIMBURSE ITSELF FOR THE PRIOR LAWFUL EXPENDITURE OF FUNDS RELATING TO CONSTRUCTING VARIOUS CITY IMPROVEMENTS FROM THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS TO BE ISSUED BY THE CITY FOR AUTHORIZED PURPOSES; AUTHORIZING OTHER MATTERS INCIDENT AND RELATED THERETO; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Schultz called on Ms. Sandy Mattick, Finance Director. Ms. Mattick

explained that at the last City Council meeting the 5 Year Capital Improvement Plan (CIP) was discussed and identified roadway projects that would require funding. Resolution No. 2016-R47 would authorize the reimbursement to the General Fund for expenditures related to these roadway projects from the proceeds of tax exempt obligations. This will allow the City to proceed with studies and design of these projects and issue debt at a later date. She expressed that the Resolution does not require that the City issue debt, but will have up to 18 months to issue the debt and reimburse the General Fund from the proceeds. Discussion ensued regarding agreements with some developers that will participate in some roadway costs, the budget process, an update to the Master Thoroughfare Plan, and contracted mobility projects which have been identified to keep on track for the next 12 to 14 months. Staff recommended approval of Resolution No. 2016-R47.

A MOTION WAS MADE BY COUNCIL MEMBER BERGMANN, SECONDED BY COUNCIL MEMBER HABERSTROH, TO APPROVE RESOLUTION NO. 2016-R47; A RESOLUTION RELATING TO ESTABLISHING THE CITY'S INTENTION TO REIMBURSE ITSELF FOR THE PRIOR LAWFUL EXPENDITURE OF FUNDS RELATING TO CONSTRUCTING VARIOUS CITY IMPROVEMENTS FROM THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS TO BE ISSUED BY THE CITY FOR AUTHORIZED PURPOSES; AUTHORIZING OTHER MATTERS INCIDENT AND RELATED THERETO; AND PROVIDING AN EFFECTIVE DATE. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Nay: 1 - Council Member Boyd IV

10. [2016-628](#) CONSIDER RESOLUTION NO. 2016-R48; A RESOLUTION RESCINDING RESOLUTION NO. 2014-R66 AND ESTABLISHING THE NUMBER OF TERMS, RESIDENCY REQUIREMENTS, AND ATTENDANCE OF THE VARIOUS BOARDS, COMMITTEES AND COMMISSIONS WHERE THE MAYOR AND CITY COUNCIL OF THE CITY OF BOERNE, TEXAS APPOINT THE MEMBERS, AND THE VARIOUS BOARDS, COMMITTEES, AND COMMISSIONS ARE ESTABLISHED BY STATE LAW, CITY ORDINANCE, AND BY LAWS OF

OTHER ENTITIES.

Mayor Schultz called on Ms. Lori Carroll, City Secretary. Ms. Carroll reviewed the proposed changes to the Boards and Commissions Resolution. The changes include decreasing the number of Convention and Visitors Board Members from 11 to 5; changing the term of office for the Ethics Review Commission from June of each year to the first called meeting; and restructuring the Public Art Competition Committee to include a Juror, two City residents, and two City Staff members. The term of office will be two years. Staff recommends approval of Resolution No. 2016-R48.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY MAYOR PRO TEM CISNEROS, TO APPROVE RESOLUTION NO. 2016-R48; A RESOLUTION RESCINDING RESOLUTION NO. 2014-R66 AND ESTABLISHING THE NUMBER OF TERMS, RESIDENCY REQUIREMENTS, AND ATTENDANCE OF THE VARIOUS BOARDS, COMMITTEES AND COMMISSIONS WHERE THE MAYOR AND CITY COUNCIL OF THE CITY OF BOERNE, TEXAS APPOINT THE MEMBERS, AND THE VARIOUS BOARDS, COMMITTEES, AND COMMISSIONS ARE ESTABLISHED BY STATE LAW, CITY ORDINANCE, AND BY LAWS OF OTHER ENTITIES. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Haberstroh, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Bergmann

11. [2016-622](#) CONSIDER RESOLUTION NO. 2016-R49; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT FOR THE DESIGN OF THE SOBO CONNECTOR ROADWAY AND BRIDGE BETWEEN THE CITY OF BOERNE AND KIMLEY-HORN AND ASSOCIATES, INC.

Mayor Schultz called on Mr. Jeff Thompson, Deputy City Manager. Mr. Thompson displayed a map of the location of the proposed SoBo connector roadway from Main Street to Christus Parkway to include a bridge over Menger Creek. Mr. Thompson explained that City Council previously approved the project and that Staff is proposing to use Kimley-Horn and Associates, Inc. an engineering firm to perform the design work and provide estimates. Staff has been working with Kimley-Horn on the SoBo drainage and flood plain study

and would like to continue utilizing them for this project. The expenditure will come from the Economic Development Fund and a bond issue will refund the fund. Staff recommended approval of Resolution No. 2016-R49.

A MOTION WAS MADE BY MAYOR PRO TEM CISNEROS, SECONDED BY COUNCIL MEMBER BERGMANN, TO APPROVE RESOLUTION NO. 2016-R49; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT FOR THE DESIGN OF THE SOBO CONNECTOR ROADWAY AND BRIDGE BETWEEN THE CITY OF BOERNE AND KIMLEY-HORN AND ASSOCIATES, INC., NOT TO EXCEED \$136,735.00. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Nay: 1 - Council Member Boyd IV

12. [2016-611](#) CONSIDER RESOLUTION NO. 2016-R50; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT FOR ARCHITECTURAL AND ENGINEERING SERVICES FOR THE PROPOSED NEW CITY HALL BETWEEN THE CITY OF BOERNE AND RANDALL SCOTT ARCHITECTS INC.

Mayor Schultz called on Ms. Linda Zartler, Assistant City Manager. Ms. Zartler presented history on the current City Hall which is over 100 years old. She explained that discussion began in 1996 to build a new City Hall but the decision was made to remodel the current building instead. In 1997, the remodel was complete, but no additional space was added to the building. In 2007, the City Campus property was purchased with not only the intention to construct the Patrick Heath Public Library but also a future City Hall. In 2011, walls were moved in the current City Hall to add additional office space. In August of 2015, the City Council authorized a needs assement and conceptual design which was unanimously approved. The proposed building will provide space for future growth. Discussion ensued regarding establishing an Ad Hoc Committee with someone from each district to enable citizen input; the need to spend more time on the plans to make sure the building is a good fit for Boerne; a new City Hall was discussed during Rudat of which there were several workshops and meetings; increase in costs the longer we wait.

A MOTION WAS MADE BY COUNCIL MEMBER HABERSTROH, SECONDED BY COUNCIL MEMBER BOYD IV, TO TABLE NOT TO EXCEED 30 DAYS RESOLUTION NO. 2016-R50; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT FOR ARCHITECTURAL AND ENGINEERING SERVICES FOR THE PROPOSED NEW CITY HALL BETWEEN THE CITY OF BOERNE AND RANDALL SCOTT ARCHITECTS INC., AND ESTABLISH AN ADHOC COMMITTEE. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 3 - Council Member Haberstroh, Council Member Boyd IV, and Mayor Pro Tem Cisneros

Nay: 2 - Council Member Woolard, and Council Member Bergmann

13. [2016-612](#) CONSIDER RESOLUTION NO. 2016-R51; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT FOR PROJECT MANAGEMENT CONSULTING SERVICES FOR THE PROPOSED NEW CITY HALL BETWEEN THE CITY OF BOERNE AND JOHN KRAUSE & ASSOCIATES.

Ms. Zartler recommended tabling Resolution No. 2016-R51.

A MOTION WAS MADE BY COUNCIL MEMBER BOYD IV, SECONDED BY COUNCIL MEMBER HABERSTROH, TO TABLE NOT TO EXCEED 30 DAYS RESOLUTION NO. 2016-R51; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT FOR PROJECT MANAGEMENT CONSULTING SERVICES FOR THE PROPOSED NEW CITY HALL BETWEEN THE CITY OF BOERNE AND JOHN KRAUSE & ASSOCIATES. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Haberstroh, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Bergmann

14. [2016-624](#) RECEIVE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND SET PUBLIC HEARING FOR JUNE 14, 2016:
A. Proposed Use Of A Parking Lot In A B-2, Highway Commercial District For 1241 South Main Street, A Total Of 0.532 Acres, KAD No. 21676. (Cloverleaf Development LP)

Mayor Schultz called on Ms. Laura Talley, Planning and Community Development Director. Ms. Talley stated that the owner Cloverleaf Development is interested in developing the property located at 1241 South Main as a parking lot. Ms. Talley displayed a map of the location and a diagram of the proposed parking lot. The use of a parking lot does require City Council approval. The Planning and Zoning voted 6-0 in favor of the proposed use with the caveat that the developer limits the access off of Bandera Road to right in, right out only and add at least two speed bumps. At this time, City Council needs to receive the recommendation and set a public hearing for June 14, 2016.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY COUNCIL MEMBER HABERSTROH, TO RECEIVE AND APPROVE THE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND SET PUBLIC HEARING FOR JUNE 14, 2016: A. PROPOSED USE OF A PARKING LOT IN A B-2, HIGHWAY COMMERCIAL DISTRICT FOR 1241 SOUTH MAIN STREET, A TOTAL OF 0.532 ACRES, KAD NO. 21676. (CLOVERLEAF DEVELOPMENT LP). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Haberstroh, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Bergmann

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

Mr. Danny Zincke, Parks and Recreation Director displayed a video from Friday's, May 6th Movie in the Park recognizing our Hometown Heroes.

Mr. Larry Woods, Boerne Convention and Visitor's Bureau Director displayed a new commercial which will be used to promote Boerne.

Mr. Ron Bowman, City Manager stated that there are many major items that staff is currently working on. Sometimes the less significant issues get lost in the "bigger things". He distributed a draft of the FAQ sheet regarding the proposed new City Hall to the City Council Members. He asked the Council

Members to provide to him by 5:00 p.m. tomorrow comments which will be used to assist in open communication with the citizens of Boerne. Staff will be working on a process to establish the Ad Hoc Committee as requested by Council.

16. EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS GOVERNMENT

CODE:

Mayor Schultz convened the City Council into Executive Session at 7:31 p.m. and requested those individuals directed to participate to adjourn to the Executive Session Conference Room.

16A. [2016-625](#) A. Section 551.071 (1) (a) - Consultation With Attorney and Section 551.087 Deliberation Regarding Economic Development Negotiation.

No action was taken.

17. 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 7:38 p.m.

17A. [2016-632](#) Consider Resolution No. 2016-R52; A Resolution Authorizing The City Manager To Enter Into And Manage The First Amendment to Infrastructure and Development Agreement Between The City Of Boerne And ML&E- Landquest Acquisitions, LLC.

A MOTION WAS MADE BY COUNCIL MEMBER HABERSTROH, SECONDED BY COUNCIL MEMBER BOYD IV, TO APPROVE RESOLUTION NO. 2016-R52; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE THE FIRST AMENDMENT TO INFRASTRUCTURE AND DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BOERNE AND ML&E- LANDQUEST ACQUISITIONS, LLC. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Haberstroh, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Bergmann

18. ADJOURNMENT

A MOTION WAS MADE BY COUNCIL MEMBER BERGMANN, SECONDED BY COUNCIL MEMBER WOOLARD TO ADJOURN THE CITY COUNCIL MEETING AT 7:42 P.M. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - COUNCIL MEMBER HABERSTROH, COUNCIL MEMBER WOOLARD, COUNCIL MEMBER BOYD IV, MAYOR PRO TEM CISNEROS, COUNCIL MEMBER BERGMANN

Mayor

ATTEST:

City Secretary