

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
MAY 24, 2016 – 6:00 PM

Minutes of the Regular Called City Council Meeting of May 24, 2016 at 6:00 p.m.

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

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

Recognized / Registered Guests: Debbie DeLoach, Cathy Cisneros, William Paxton, Rich McCormick, Michael Stratis, Mary Kanafani, Jonathon Boyer, Victor Lemhoff, John Krause, Melissa Haberstroh, Craig Colvin, Joe Anzollitto, and Sandy Hagan.

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 and led the Pledge of Allegiance to the United States Flag and the Texas Flag.

2. CONFLICTS OF INTEREST

Mayor Schultz asked that this agenda item be moved directly after agenda item 5.

No conflicts were declared.

3. [2016-648](#) EXPRESSION OF GRATITUDE TO OUTGOING COUNCIL MEMBERS.

Mayor Schultz provided an opportunity for the City Council Members to express their thoughts and well wishes to the outgoing Council Members Christina Bergmann and Jeff Haberstroh. Mayor Schultz and City Manager Ron Bowman expressed their appreciation to Ms. Bergmann and Mr. Haberstroh for their service to the citizens of Boerne and presented both with a gift. Both Ms. Bergmann and Mr. Haberstroh thanked the Council Members and staff for their support.

4. [2016-642](#) ADMINISTER OATHS OF OFFICE - THREE COUNCIL MEMBERS

Mayor Schultz administered the Oaths of Office to Council Member Charlie Boyd IV, District 3; Council Member Craig Colvin, District 5; and Council Member Joe Anzollitto, District 1. The new Council Members took their seat at the dais.

5. [2016-641](#) CONSIDER ELECTION OF THE OFFICE OF MAYOR PRO-TEM FOR MAY 2016 -MAY 2017.

Mayor Schultz stated that the Mayor Pro Tem is elected by the City Council as per the City of Boerne Home Rule Charter following each regular election.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY COUNCIL MEMBER ANZOLLITTO, TO NOMINATE RON CISNEROS TO THE OFFICE OF MAYOR PRO-TEM FOR MAY 2016 -MAY 2017. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

6. PUBLIC COMMENTS:

Victor Lennhoff, 125 Ebensberger Avenue spoke on the proposed new city hall. He suggested that a town hall meeting be held to receive public comment. Considering the cost of the proposed building, he feels there are other options such as expanding other existing buildings or getting prices from other architects. Spending the money on projects such as parks, safety, sidewalks, streets would be more beneficial to the citizens and would be a higher priority. He feels it is important to control the growth true to the history of Boerne.

7. CONSENT AGENDA:

- 7A. [2016-639](#) **APPROVAL OF THE REGULAR CITY COUNCIL MEETING MINUTES OF MAY 10, 2016 AND THE SPECIAL CALLED CITY COUNCIL MEETING MINUTES OF MAY 13, 2016.**

THE MINUTES WERE APPROVED.

- 7B. [2016-643](#) **CONSIDER ON SECOND 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 ORDINANCE WAS APPROVED.

A MOTION WAS MADE BY COUNCIL MEMBER BOYD, SECONDED BY MAYOR PRO TEM CISNEROS, TO APPROVE THE CONSENT AGENDA. 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

8. [2016-645](#) CONSIDER MAYORAL APPOINTMENTS TO THE VARIOUS BOARDS AND COMMISSIONS.

Mayor Schultz presented a list of Boards and Commission Members noting the highlighted vacancies. He stated at this time he is recommending the following to be re-appointed:

Municipal Court Judge: Ed Phillips; Alternate Municipal Court Judge: Lawrence Morales; Municipal Court Prosecutor Kirsten Cohoon; Alternate Municipal Court Prosecutor Dana Jacobson; Cemetery Sexton Dusty Fisher; Public Housing Authority - Sara Baird and Mary Jelley; Planning and Zoning Commission - Israel Pena and Richard Sena; Zoning Board of Adjustments - Chair Bill Kessler, Chris Taylor, and Jim Terrian; Boerne Public Library - Carol Green and Susan Nelson; Convention & Visitors Bureau Advisory Board - Nancy Winchester appointed as Chair and Hilary Harper appointed as Vice Chair; Utility Group - Mike Schultz; and Governmental Round Table - Mike Schultz.

New appointments will be presented to the Council Members at the June 14, 2016 City Council meeting for consideration.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY MAYOR PRO TEM CISNEROS, TO APPROVE THE MAYORAL APPOINTMENTS TO THE VARIOUS BOARDS AND COMMISSIONS. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

9. [2016-647](#) ESTABLISH AND CONSIDER MAYORAL APPOINTMENTS FOR AN AD HOC COMMITTEE FOR THE PROPOSED NEW CITY HALL.

Following the May 10, 2016 City Council meeting, Council concluded that an Ad Hoc Committee be created for the proposed new City Hall. Mayor Schultz

asked each Council Member to name an individual from their respective district.

District 1 - David Spencer; District 2 - Barbara Racinowski; District 3 - Kerry Phillip; District 4 - Ben Adam; and District 5 - Cathy Spain. Mayor Schultz recommended Christina Bergmann to Chair the Committee. Mayor Schultz distributed to the Council a list of responsibilities of the Committee.

A MOTION WAS MADE BY MAYOR PRO TEM CISNEROS, SECONDED BY COUNCIL MEMBER WOOLARD, TO ESTABLISH AND APPROVE THE MAYORAL APPOINTMENTS FOR AN AD HOC COMMITTEE FOR THE PROPOSED NEW CITY HALL. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

10. [2016-635](#) RECEIVE AND CONSIDER A REQUEST FROM MINI TEXANS CHRISTIAN LEARNING CENTER FOR A VARIANCE TO THE SIGN ORDINANCE SECTION 12 PROHIBITED SIGN LOCATIONS. C. OFF-SITE SIGNAGE. (104 Woods of Boerne Blvd.)

Mayor Schultz called on Ms. Laura Talley, Planning and Community Development Director. Ms. Talley displayed a map of the property where the Mini Texans Christian Learning Center will be located and the location of proposed temporary off-premise sign. The developer who currently owns the lot where the sign would be located has agreed to allow the temporary sign on the lot. Ms. Talley stated that the Sign Variance Committee met and voted in favor of the off-site sign and suggested that the temporary sign only be permitted for six months and be placed outside of any easements. Discussion ensued regarding construction timeline of the facility.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY COUNCIL MEMBER BOYD IV, TO APPROVED THE REQUEST FROM MINI TEXANS CHRISTIAN LEARNING CENTER FOR A VARIANCE TO THE SIGN ORDINANCE SECTION 12 PROHIBITED SIGN LOCATIONS. C. OFF-SITE SIGNAGE. (104 WOODS OF BOERNE BLVD.) WITH THE CAVEAT THAT THE SIGN ONLY BE PERMITTED FOR A PERIOD OF UP TO SIX MONTHS AND THE SIGN BE PLACED OUTSIDE OF ANY EASEMENTS. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Council Member Woolard, Council Member Boyd IV, Council Member Colvin, and Council Member Anzollitto

Nay: 1 - Mayor Pro Tem Cisneros

11. [2016-631](#) **CONSIDER ON FIRST READING ORDINANCE NO. 2016-23; 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. (88.967 Acres Located At Cascade Caverns Road and Ranch Drive- KAD Nos. 11502, 11539, 11540, 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)**

Ms. Talley stated that Staff has received a petition for annexation of the property known as Southglen Subdivision. She explained that a Development Agreement exists between ML&E Landquest Cascade Caverns LLC and the City of Boerne for the 88.967 acres known as Southglen Subdivision. With the agreement, the City committed to extend water, sewer, and gas to the development prior to the site being annexed into the City. Also included in the Agreement was the requirement that the developer contribute to the improvements of Cascade Caverns Road. Once the property was contiguous to the City limits, they would request annexation. Staff recommended approval

on first reading of Ordinance No. 2016-23.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY MAYOR PRO TEM CISNEROS, TO APPROVE ON FIRST READING ORDINANCE NO. 2016-23; 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. (88.967 ACRES LOCATED AT CASCADE CAVERNS ROAD AND RANCH DRIVE- KAD NOS. 11502, 11539, 11540, 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). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

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

City Manager Ron Bowman stated that Staff met with representatives from Fitch and Moody to review the process for refunding, the five year CIP, and the total review of the fiscal picture for the City of Boerne. Staff is hoping to receive the rating from Fitch and Moody within 10 days.

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

Mayor Schultz convened the City Council into Executive Session at 6:35 p.m. and requested those individuals directed to participate to adjourn to the Executive Session Conference Room.

- [2016-640](#) A. SECTION 551.071 (1) (A) - CONSULTATION WITH ATTORNEY: PENDING/CONTEMPLATED LITIGATION AND SECTION 551.072 DELIBERATION REGARDING REAL PROPOERTY.
- B. SECTION 551.071 (1) (A) - CONSULTATION WITH ATTORNEY AND SECTION 551.087 - DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATION.
- C. SECTION 551.087 - DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATION.

No action was taken.

14. 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 7:32 p.m.

THIS WAS APPROVED.

A MOTION WAS MADE BY COUNCIL MEMBER COLVIN, SECONDED BY COUNCIL MEMBER BOYD IV TO APPROVE RESOLUTION NO. 2016-R55; A RESOLUTON AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT BETWEEN THE CITY OF BOERNE AND JENNINGS ANDERSON FORD. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

- 14A. [2016-644](#) CONSIDER RESOLUTION NO. 2016-R55; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT BETWEEN THE CITY OF BOERNE AND _____.**

A MOTION WAS MADE BY COUNCIL MEMBER COLVIN, SECONDED BY COUNCIL MEMBER BOYD IV, THAT THIS BE APPROVED [FILE_TITLE]. THE MOTION CARRIED BY THE FOLLOWING VOTE:

15. ADJOURNMENT

A MOTION WAS MADE BY COUNCIL MEMBER COLVIN, SECONDED BY COUNCIL MEMBER ANZOLLITTO, TO ADJOURN THE CITY COUNCIL MEETING AT 7:35 P.M. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

APPROVED:

s/s Mayor

ATTEST:

s/s City Secretary