

MINUTES
SPECIAL CALLED CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
June 28, 2016 – 5:30 PM

Minutes of the Special Called City Council meeting of June 28, 2016 at 5:30 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

Staff Present: Ron Bowman, Siria Arreola, Pam Bransford, Lori Carroll, Kirsten
Cohoon, Mike Raute, and Linda Zartler.

Registered / Recognized Guests: None

1. CALL TO ORDER – 5:30 PM

Mayor Schultz called the City Council meeting to order at 5:36 p.m.

2. [2016-714](#) CITY COUNCIL MEMBER’S GROUP PHOTO

A group photo of the City Council Members with City Manager, Assistant City
Manager, and City Attorney was taken.

3. ADJOURNMENT

Mayor Schultz adjourned the Special Called City Council meeting at 5:40 p.m.

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
June 28, 2016 – 6:00 PM

Minutes of the Regular Called City Council meeting of June 28, 2016 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

Staff Present: Ron Bowman, Siria Arreola, Paul Barwick, Pam Bransford, Lori Carroll, Kirsten Cohoon, Jim Kohler, Mike Mann, Mark Mattick, Sandy Mattick, Doug Meckel, Steve Perez, Laura Talley, Larry Woods, Linda Zartler, and Danny Zinke.

Recognized / Registered Guests: Barbara Racinowski, Rich McCormick, Leon Brimhall, Christina Peese, Jim Westermeier, Carol Westermeier, Josh Valenta, Rob Ziegler, Daniel Hulsebusch, Glenn Cummings, Bruce Baker, Mary Himlin, Debbie DeLoach, Toby Vicknair, Preston Scott, and William Canavan Jr.

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.

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

Mayor Schultz stated that City Council will not convene into Executive Session. The discussion is postponed until the next City Council meeting.

2. CONFLICTS OF INTEREST

No conflicts were declared.

3. PUBLIC COMMENTS:

Richard McCormick, 315 W. Theissen spoke on the issue of a proposed new city hall. He stated that more public meetings were needed to provide the public an opportunity for comment.

4. CONSENT AGENDA:**4A. [2016-706](#) APPROVAL OF THE REGULAR CITY COUNCIL MEETING MINUTES OF JUNE 14, 2016.**

THE MINUTES WERE APPROVED.

4B. [2016-702](#) CONSIDER ON SECOND READING ORDINANCE NO. 2016-24; 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 5, SECTION 3 PERMITTED USES, TABLE 5-1, AUTHORIZING THE USE OF A PARKING LOT In A B-2, Highway-Commercial Business District For 1241 SOUTH Main, A Total Of 0.532 Acres, KAD No. 21676. (Cloverleaf development lp)

THE ORDINANCE WAS APPROVED.

A MOTION WAS MADE BY COUNCIL MEMBER BOYD IV, 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.

5. [2016-705](#) RECEIVE RECOMMENDATION OF THE BOERNE PUBLIC ART

**REVIEW COMMITTEE TO APPROVE THE ACCEPTANCE AND
INSTALLATION AT MAIN PLAZA WATER FEATURE OF ONE LIMITED
EDITION BRONZE SCULPTURE "LUCKY DUCKS" FROM THE
MAJESTIC RANCH ARTS FOUNDATION.**

Mayor Schultz called on Mr. Paul Barwick, Special Projects Director. The Majestic Ranch Arts Foundation (MRAF) is offering to donate the City the sculpture titled "Lucky Ducks". Mr. Barwick provided information about the local artist Marianne Caroselli. The MRAF originally suggested that the art piece be placed at River Road Park. However since feeding the ducks is discouraged at the Park, staff felt Main Plaza would be a better location. He displayed a map of the proposed installation location. MRAF will be responsible for the installation. Mr. Barwick stated that in accordance with the City's policy on accepting gifts of municipal public art, the Public Art Review Committee (PARC) met and recommended that the Council accept this gift of public art for the City's Municipal Public Art Collection.

A MOTION WAS MADE BY MAYOR PRO TEM CISNEROS, SECONDED BY COUNCIL MEMBER WOOLARD, TO RECEIVE THE RECOMMENDATION OF THE BOERNE PUBLIC ART REVIEW COMMITTEE AND TO APPROVE THE ACCEPTANCE AND INSTALLATION AT MAIN PLAZA WATER FEATURE OF ONE LIMITED EDITION BRONZE SCULPTURE "LUCKY DUCKS" FROM THE MAJESTIC RANCH ARTS FOUNDATION. 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

6. [2016-715](#) PRESENTATION FROM THE NEW CITY HALL AD HOC COMMITTEE.

Ms. Christina Bergmann, Chairman of the Ad Hoc Committee introduced Committee Members Barbara Racinowski and Cathy Spain in the audience. She reviewed the responsibilities assigned to the committee, their process and procedures for completing the task. The Committee felt the square footage is adequate but felt the public space could be altered as there was not enough public involvement in the process. The Committee felt that cost range is adequate and would like to see a quality, long lasting building. The Committee requested that City Staff present budget data reflecting how much the City can afford for a new city hall without affecting spending in other departments. The Committee requested that the appearance fit the surroundings, possibly

repositioning the building on property due to the elevation. The Committee recommended that a conceptual design charrette process be developed and implemented to provide for more citizen involvement and input. Mayor Schultz expressed his appreciation to the Committee for the time spent on this project. Ms. Bergmann also thanked the Committee Members as well as City Staff.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY MAYOR PRO TEM CISNEROS, TO RECEIVE THE PRESENTATION FROM THE NEW CITY HALL AD HOC COMMITTEE. 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

7. [2016-708](#) CONSIDER THE UNTABLING OF RESOLUTION NO. 2016-R50 AS DESCRIBED BELOW. (originally tabled on 5/10/2016 and re-tabled on 6/14/2016)

A MOTION WAS MADE BY MAYOR PRO TEM CISNEROS, SECONDED BY COUNCIL MEMBER WOOLARD, TO APPROVE THE UNTABLING OF RESOLUTION NO. 2016-R50 AS DESCRIBED BELOW. (ORIGINALLY TABLED ON 5/10/2016 AND RE-TABLED ON 6/14/2016). 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. [2016-713](#) 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 stated that she attended all of the Ad Hoc Committee meetings and after hearing the comments from the public, it is Staff's recommendation that the Resolution be tabled once again to allow time for Staff and Randall Scott Architects, Inc. to develop a contract to enhance the conceptual drawings, review the proposed changes with the City Council at a public meeting, hold two public forums for citizen's input, and review citizen's input with the City

Council in a public meeting to reach a decision. Ms. Zartler stated that a maximum of 90 days should be sufficient to complete the process. Discussion ensued regarding the Architecture and Design Contract and budget constraints. Staff recommended that the Resolution be tabled until the process is complete, but no later than September 27, 2016.

A MOTION WAS MADE BY MAYOR PRO TEM CISNEROS, SECONDED BY COUNCIL MEMBER WOOLARD, TO TABLE 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. UNTIL SUCH TIME AS STAFF HAS COMPLETED THE PROCESS BUT NO LATER THAN SEPTEMBER 27, 2016. 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

9. [2016-704](#) DISCUSSION ON THE EFFECTIVENESS OF THE STOP SIGNS AT CASCADE CAVERNS ROAD AND THE SCENIC LOOP ROAD INTERSECTION.

Mayor Schultz called on Police Chief Jim Kohler and Public Works Director Mike Mann. Chief Kohler reminded the Council Members that the four way stop was installed due to complaints about difficulty for vehicles to cross Cascade Caverns Road to enter the Boerne Independent School District driveway from Scenic Loop Road. There were concerns raised by citizens regarding vehicular and pedestrian safety. There have not been any accidents since the stops signs were placed at this location. Mr. Mann stated that it is difficult to realize the effectiveness of the stop signs while construction of Scenic Loop and I-10 is in progress. There may be some relief upon the completion of Herff Road extension. Mayor Schultz referred to the letter received from David Stelmazewski, BISD Superintendent which expressed remarks in favor of the stop signs remaining at this location.

10. [2016-712](#) **CONSIDER ON FIRST READING ORDINANCE NO. 2016-25; AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF BOERNE, TEXAS, BY AMENDING THE INTERNATIONAL RESIDENTIAL CODE 2009 EDITION, CHAPTER 5, BUILDINGS AND BUILDING REGULATIONS, ARTICLE II, CONSTRUCTION STANDARDS, SECTION 5-36, CODES ADOPTED (b).**

Ms. Zartler stated that the 2009 International Residential Code (IRC) was adopted by the City Council in February. Since that time, it has been brought to staff's attention that the section in the IRC regarding permits for accessory structures has changed. In the past, it has been the City's practice to require permits for all accessory structures, regardless of size. This practice has allowed the City to monitor both set-back requirements and utility easements. Ms. Zartler stated that other area cities were surveyed as to their procedure. It is staff's recommendation to require permits for all accessory structures to include a fee for accessory structures 50 sq. ft. and larger. Discussion ensued regarding the definition of accessory structure, timeframe for permit approval, fee charged for 50 sq. ft. and larger, and notification to the citizens regarding the requirement.

A MOTION WAS MADE BY MAYOR PRO TEM CISNEROS, SECONDED BY COUNCIL MEMBER ANZOLLITTO, TO APPROVE ON FIRST READING ORDINANCE NO. 2016-25; AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF BOERNE, TEXAS, BY AMENDING THE INTERNATIONAL RESIDENTIAL CODE 2009 EDITION, CHAPTER 5, BUILDINGS AND BUILDING REGULATIONS, ARTICLE II, CONSTRUCTION STANDARDS, SECTION 5-36, CODES ADOPTED (B). 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

11. [2016-703](#) **CONSIDER RESOLUTION NO. 2016-R59; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, SETTING THE DATE, TIME AND PLACE FOR TWO PUBLIC HEARINGS ON THE PROPOSED ANNEXATION OF CERTAIN PROPERTY BY THE CITY OF BOERNE, TEXAS; AUTHORIZING AND DIRECTING THE**

PUBLICATION OF NOTICE OF SUCH PUBLIC HEARINGS. (40.892 Acres Of Land Being A Portion Of Shooting Club Road KAD Nos. 153712, 153713, 153714, 153715 and 153716- At The Request Of William E. Canavan, Jr.- Durango Development)

Mayor Schultz called on Ms. Laura Talley, Planning and Community Development Director. Ms. Talley displayed a map of the property location. She stated that at this time the City Council needs only to set two public hearings, July 12 and July 26 to proceed with the proposed annexation.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY MAYOR PRO TEM CISNEROS, TO APPROVE RESOLUTION NO. 2016-R59; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, SETTING THE DATE, TIME AND PLACE FOR TWO PUBLIC HEARINGS ON THE PROPOSED ANNEXATION OF CERTAIN PROPERTY BY THE CITY OF BOERNE, TEXAS; AUTHORIZING AND DIRECTING THE PUBLICATION OF NOTICE OF SUCH PUBLIC HEARINGS. (40.892 ACRES OF LAND BEING A PORTION OF SHOOTING CLUB ROAD KAD NOS. 153712, 153713, 153714, 153715 AND 153716- AT THE REQUEST OF WILLIAM E. CANAVAN, JR.- DURANGO DEVELOPMENT). 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

12. [2016-710](#) CONSIDER RESOLUTION NO. 2016-R60; A RESOLUTION RENAMING THE OPTIMIST PARK TO KINDERPARK.

Mayor Schultz called on Mr. Danny Zincke, Parks and Recreation Director. Mr. Zincke stated that the renovations to the Optimist Park are nearing completion. When the Park was first constructed, the Optimist Club worked with City Staff to help prepare the site which formally had a utility water tank on it. Prior to having a re-dedication, it is Staff's recommendation that the Park be renamed to Kinderpark. The word kinder in the German language means children. Staff believes it is important to continue to recognize the efforts and dedication of the Optimist Club by having a commemorative plaque located on the site. Mr. Zincke displayed photos of the status of the Park. Discussion ensued regarding the reason for the spelling of Kinderpark and consideration of other names with possibly other clubs expressing interest in contributing to parks.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY COUNCIL MEMBER BOYD IV, TO APPROVE RESOLUTION NO. 2016-R60; A RESOLUTION RENAMING THE OPTIMIST PARK TO KINDERPARK. 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

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

Mike Mann, Public Works Director stated that TxDOT is currently repairing the pavement on West Bandera Road and will then move to repair River Road. The total project should take approximately three months. The new striping on West Bandera Road is temporary as a safety measure. The City utility crews are replacing water valves on River Road in advance of new pavement.

Mayor Pro Tem Cisneros stated that the next MPO meeting will be in August.

14 EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE:

Mayor Schultz did not convene the City Council into Executive Session.

14A. [2016-707](#) SECTION 551.071 (1) (A) - CONSULTATION WITH ATTORNEY AND SECTION 551.087 - DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATION.

15. RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE.

16. ADJOURNMENT

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY COUNCIL MEMBER BOYD IV, TO ADJOURN THE CITY COUNCIL MEETING. 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