MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
September 13, 2016 – 6:00 PM

Minutes of the Regular Called City Council Meeting of September 13, 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, Pam Bransford, Lori Carroll, Kirsten Cohoon, Jim Kohler, Mike Mann, Mark Mattick, Sandy Mattick, Doug Meckel, Susana Ramos, Mike Raute, Angie Rios, Jeff Thompson, Larry Woods, Linda Zartler, and Danny Zincke.

Recogized / Registered Guests: Dub Smothers, Randall Scott, Preston Scott, Larry Gottsman, Christina Bergmann, Scott Wilson, Vic Boerner, Vickie Moore, Michelle Moore, Darold Kruse, Glenn Cummings, George Lewis, Peter Nehen, Mark Middleton, Elizabeth Carol, John Hollinshead, Charles Burditt, and Brunnyn McDougal.

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 to the Texas Flag.

Mayor Schultz stated that agenda item #16 will be moved up in the agenda in front of agenda item #7.

2. CONFLICTS OF INTEREST

Mayor Schultz stated that he has a conflict of interest with agenda item 10 and

will recuse himself from the discussion.

3. PUBLIC COMMENTS:

Glenn Cummings, 120 Doeskin Drive discussed the inconsistencies with Kendall Appraisal District's property appraisals. He has met with Shelby Presley, Chief Appraiser and members of the Board of Directors. He has also communicated with state authorities regarding his concerns. He will keep the City Council informed if requested.

George Lewis, 130 Ranch Drive resides in the area of the new subdivision Southglen. He discussed concerns with potention traffic problems at Cascade Caverns Road and Ranch Drive once the approximate 250 homes are built. He distributed a handout to the Council Members regarding "Potential Traffic Problems".

Peter Nehen, part owner of Fuzzy's Tacos spoke on the sign variance request for the new business located on Hwy 46 East. He stated that the large trees obscure the building frontage from Hwy 46. He asked that the City Council take that into consideration when voting on the sign variance request.

Scott Wilson, 31480 IH 10 stated that he was in favor of the new City Hall project and that the community deserves a new City Hall to serve the City for years to come.

Darold Kruse, 123 Ranch Drive has lived at this location since 1976. He stated that a lot of people are moving to Boerne and he is concerned about the roads. He also stated that the City should make provisions to improve the roads before subdivisions are developed.

Roy Faz, 102 Old San Antonio Road spoke on the proposed rezoning of 44 and 46 Old San Antonio Road. He stated that he was opposed to a contractor next door to his property and feels that the commerical property in the area is taking away green space.

4. CONSENT AGENDA:

4A. 2016-850 **APPROVAL OF MINUTES OF THE CITY COUNCIL MEETINGS OF AUGUST 23, 2016 (REGULAR), AUGUST 24, 2016 (PUBLIC FORUM), AUGUST 30, 2016 (QUARTERLY ROUND TABLE), AUGUST 30, 2016 (SPECIAL CALLED), AND SEPTEMBER 1, 2016 (PUBLIC FORUM)**

THE MINUTES WERE APPROVED.

4B. 2016-866 **CONSIDER RESOLUTION NO. 2016-R85; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A DELEGATE AGENCY AGREEMENT FOR FUNDING OF PUBLIC PURPOSE BETWEEN THE CITY OF BOERNE AND HILL COUNTRY FAMILY SERVICES.**

THE RESOLUTION WAS APPROVED.

4C. 2016-865 **CONSIDER RESOLUTION NO. 2016-R86; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A DELEGATE AGENCY AGREEMENT FOR FUNDING OF PUBLIC PURPOSE BETWEEN THE CITY OF BOERNE AND RAINBOW SENIOR CENTER. (Kronkosky Place)**

THE RESOLUTION WAS APPROVED.

4D. 2016-864 **CONSIDER RESOLUTION NO. 2016-R87; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A DELEGATE AGENCY AGREEMENT FOR FUNDING OF PUBLIC PURPOSE BETWEEN THE CITY OF BOERNE AND BOERNE HOUSING AUTHORITY.**

THE RESOLUTION WAS APPROVED.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY MAYOR PRO TEM CISNEROS TO APPROVE THE CONSENT AGENDA. THE MOTION WAS 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. PUBLIC HEARING – To Hear Comments On The Following:

5A. 2016-853 **PROPOSED PERMANENT ZONING OF SOUTHGLEN SUBDIVISION, A TOTAL OF 88.967 ACRES, FROM R-A, SINGLE-FAMILY RURAL RESIDENTIAL - AGRICULTURAL DISTRICT TO R-2, MODERATE-DENSITY SINGLE-FAMILY DISTRICT AND R-E, SINGLE FAMILY RESIDENTIAL ESTATE DISTRICT, KAD NOS. 11502, 11539, 11540, A PORTION OF 11567, A PORTION OF 11593, 38723, AND A PORTION OF 42662. (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- First of one hearing)**

Mayor Schultz opened the Public Hearing at 6:17 p.m.

No comments were received.

Mayor Schultz closed the Public Hearing at 6:18 p.m.

5B. 2016-854 **PROPOSED REZONING OF 44 AND 46 OLD SAN ANTONIO ROAD, A TOTAL OF 2.811 ACRES, FROM R-E, SINGLE-FAMILY RESIDENTIAL ESTATE DISTRICT TO B-2, HIGHWAY COMMERCIAL DISTRICT, KAD NOS. 42070, 15863, 14796, AND 42069. (Howard R Moore, Michelle L Moore, Vicki Reid Moore, Leon Grivell III - First of one hearing.)**

Mayor Schultz opened the Public Hearing at 6:18 p.m.

Elizabeth Carol, 9314 Jorwoods, San Antonio spoke on the proposed rezoning of 44 and 46 Old San Antonio Road. She stated that she is representing the applicant. The proposed zoning is consistent with the City's Master Plan. She asked that the City Council approve the proposed rezoning.

Vicki Moore, 46 Old San Antonio Road spoke on the proposed rezoning of 44 and 46 Old San Antono Road. She stated that the property has been listed since 2013. The majority of the potential buyers are interested in using the property for business. Commercial zoning is consistent with the issues of high traffic and noise. Most of the properties along Old San Antonio Road are zoned commercial. The property is located across from the Waterwaste

Treatment and Recycling Center. The interested buyers want to retain and use the current buildings.

Mayor Schultz closed the Public Hearing at 6:22 p.m.

5C. 2016-877 **PROPOSED ANNEXATION OF 11.828 ACRES OF LAND BEING PART OF 15 CASCADE CAVERNS ROAD– KAD NO. 24322 AT THE REQUEST OF CAROLL A. COVEY, TEMPORARY ADMINISTRATRIX OF THE ESTATE OF THOMAS W. PANKRATZ. (first of two hearings)**

Mayor Schultz explained that the property owner has withdrawn the request for annexation. The annexation process will not continue.

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

6A. 2016-856 **CONSIDER ON FIRST READING ORDINANCE NO. 2016-34; 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 87.467 ACRES BEING A PORTION OF CASCADE CAVERNS ROAD FOR KAD NOS. 11502, 11539, 11540, A PORTION OF 11567, A PORTION OF 11593, 38723, AND A PORTION OF 42662 FROM R-A, SINGLE-FAMILY RURAL RESIDENTIAL - AGRICULTURAL DISTRICT TO R-2, MODERATE-DENSITY SINGLE-FAMILY DISTRICT AND 1.50 ACRES (A PORTION OF KAD NO. 11540) TO R-E, SINGLE FAMILY RESIDENTIAL ESTATE DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (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)**

Mayor Schultz called on Mr. Jeff Thompson, Deputy City Manager. Mr. Thompson displayed a map of the location of the property. The 88.967 acres were recently annexed into the city limits. He stated that City Staff has been in discussions with the developer of Southglen Subdivision for three years. A traffic impact analysis was completed and Southglen will contribute to roadway

improvements. The Planning and Zoning Commission voted 7-0 in favor of the zoning. Staff recommended approval of the proposed zoning.

A MOTION WAS MADE BY COUNCIL MEMBER COLVIN, SECONDED BY COUNCIL MEMBER ANZOLLITTO, TO APPROVE ON FIRST READING ORDINANCE NO. 2016-34; 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 87.467 ACRES BEING A PORTION OF CASCADE CAVERNS ROAD FOR KAD NOS. 11502, 11539, 11540, A PORTION OF 11567, A PORTION OF 11593, 38723, AND A PORTION OF 42662 FROM R-A, SINGLE-FAMILY RURAL RESIDENTIAL - AGRICULTURAL DISTRICT TO R-2, MODERATE-DENSITY SINGLE-FAMILY DISTRICT AND 1.50 ACRES (A PORTION OF KAD NO. 11540) TO R-E, SINGLE FAMILY RESIDENTIAL ESTATE DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (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 Anzollitto, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Colvin

6B. 2016-857 **CONSIDER ON FIRST READING ORDINANCE NO. 2016-35; 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 2.811 ACRES LOCATED AT 44 AND 46 OLD SAN ANTONIO ROAD (KAD NOS. 42070, 15863, 14796, AND 42069), FROM R-E, SINGLE FAMILY RESIDENTIAL ESTATE DISTRICT TO B-2, HIGHWAY COMMERCIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Howard R Moore, Michelle L Moore, Vicki Reid Moore, Leon Grivell III.)**

Mr. Thompson continued with a map of the property located at 44 and 46 Old

San Antonio Road. The property owner is requesting the property be rezoned from R-E to B-2 Highway Commercial District. The property will be used for a damage restoration business. One of the existing homes on the property will be used as an office and the other buildings will be used for storage of vehicles. The owner understands that if the property is rezoned commercial, the city will apply the Entrance Corridor Overlay District to it. Mr. Thompson reminded the City Council that after the proposed rezoning is complete, the use of the property will be brought to City Council for consideration. The Planning and Zoning Commission recommended approval by a vote of 6-1. Staff also recommended approval of the rezoning. Discussion ensued regarding signage, Entry Corridor District, existing buildings, and the zoning of the neighboring properties.

A MOTION WAS MADE BY MAYOR PRO TEM CISNEROS, SECONDED BY COUNCIL MEMBER WOOLARD, TO APPROVE ON FIRST READING ORDINANCE NO. 2016-35; 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 2.811 ACRES LOCATED AT 44 AND 46 OLD SAN ANTONIO ROAD (KAD NOS. 42070, 15863, 14796, AND 42069), FROM R-E, SINGLE FAMILY RESIDENTIAL ESTATE DISTRICT TO B-2, HIGHWAY COMMERCIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (HOWELL R MOORE, MICHELLE L MOORE, VICKI REID MOORE, LEON GRIVELL III). 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. 2016-861 **RECEIVE COMMENTS FROM THE PUBLIC FORUMS FOR THE NEW CITY HALL PROJECT**

Mayor Schultz called on Ms. Linda Zartler, Assistant City Manager to provide the results from the two Public Forums regarding the New City Hall project. Ms. Zartler displayed the architectural design Option A to include view from Library and Main Street; Option B - a two storey with a 90 degree angled council chambers; and Option C - a three storey which is similar to Option A.

Two Public Forums where held with 61 people attending, 55 of which were city residents. A total of 43 people completed the comment cards relating to each Option. Ms. Zartler stated that based on Staff's review, Option A received the most positive comments. A list of the comments were provided to the City Council. Discussion ensued regarding public input being used in the design process, timing of the project, LEED Certified v. LEED Certifiable, energy efficiency, roof pitch used for mechanical storage, and architect's professional opinions. Mr. Randall Scott stated that today there are many more opportunities to build a more efficient building than two years ago in regards to insulation, more efficient mechanical, windows, etc. Mr. Ron Bowman, City Manager stated that Council Members as well as Staff have gone through a beneficial process in order to provide all the answers and resolving concerns. It is important that the building be done right the first time to last 75+ years and it is time to move forward with the project.

A MOTION WAS MADE BY COUNCIL MEMBER COLVIN, SECONDED BY MAYOR PRO TEM CISNEROS, TO RECEIVE COMMENTS FROM THE PUBLIC FORUMS FOR THE NEW CITY HALL PROJECT. 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. 2016-868 **CONSIDER THE UNTABLING OF RESOLUTION NO. 2016-R50 AS DESCRIBED BELOW. (originally tabled on 5/10/2016 , re-tabled 6/14/2016, & 6/28/2016)**

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 , RE-TABLED 6/14/2016, & 6/28/2016). 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. 2016-867 **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 referred to a book related to historical buildings at the City Council dais. He stated that this is an opportunity for the City Council to make a historic vote on an important building with an expectancy of 75 years. He reminded the City Council that Kendall County built a 44,000 square foot Courthouse building in 1997 and have purchased additional buildings and parking lots since that time. Ms. Zartler stated that with the approval of the contract with Randall Scott Architects, Inc., the City is committed to the design phase and also the process of hiring a Construction Manager at Risk. The schematic design phase process includes workshops and meetings which will be open to the public. It is anticipated that there will be several meetings to finalize the design. It is the Staff's intention to hire a Project Manager to assist in the design selections as well as oversee the day to day construction and serve as the liaison between the architect, the contractor, and the City.

A MOTION WAS MADE BY MAYOR PRO TEM CISNEROS, SECONDED BY COUNCIL MEMBER WOOLARD, TO APPROVE RESOLUTION NO. 2016-R50; 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. WITH THE OPTION A, THREE STORY AS CLOSE TO ORIGINAL DESIGN, AS PRESENTED AT THE PUBLIC FORUMS.

DISCUSSION ENSUED REGARDING USING PUBLIC RECOMMENDATION TO CHOOSE THE DESIGN; AND INCLUDE AN OPTION OF A ONE STOREY WITH ELIMINATING THE ATRIUM WHICH WAS INCLUDED IN THE ORIGINAL DESIGN.

MAYOR SCHULTZ ASKED MAYOR PRO TEM IF HE WOULD LIKE TO AMEND HIS MOTION. MAYOR PRO TEM STATED THAT HIS MOTION STOOD.

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

10. 2016-860 **CONSIDER RESOLUTION NO. 2016-R88; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A DELEGATE AGENCY AGREEMENT FOR FUNDING OF PUBLIC PURPOSE BETWEEN THE CITY OF BOERNE AND BOERNE PERFORMING ARTS**

Mayor Schultz recused himself from the discussion and vote.

Mayor Pro Tem Cisneros called on Ms. Zartler, Assistant City Manager. Ms. Zartler stated for several years the City has been funding the Boerne Performing Arts through the Hotel/Motel fund. With FY 2015-2016, the funding was moved to the Parks Fund. The amount budgeted for FY 2016-2017 is $15,000. The Boerne Performing Arts is required to provide to the City financial statements and budgets. Staff feels this is a worthwhile organization for the community.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY COUNCIL MEMBER ANZOLLITTO, TO APPROVE RESOLUTION NO. 2016-R88; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A DELEGATE AGENCY AGREEMENT FOR FUNDING OF PUBLIC PURPOSE BETWEEN THE CITY OF BOERNE AND BOERNE PERFORMING ARTS. 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

11. 2016-871 **CONSIDER ON SECOND READING ORDINANCE NO. 2016-33; AN ORDINANCE ADOPTING THE ANNUAL CAPITAL AND OPERATING BUDGETS FOR THE CITY OF BOERNE, TEXAS FOR THE FISCAL YEAR 2016-2017, BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017**

Mayor Schultz called on Ms. Sandy Mattick, Finance Director. Ms. Mattick stated that the City Charter requires the budget to be adopted by the 20th of the month. On August 30, 2016, the City held the required public hearing and approved on first reading the ordinance adopting the FY2016-2017 budget. A

copy of the proposed budget was provided to the City Council.

The Mayor asked for a recorded vote.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY COUNCIL MEMBER ANZOLLITTO, TO APPROVE ON SECOND READING ORDINANCE NO. 2016-33; AN ORDINANCE ADOPTING THE ANNUAL CAPITAL AND OPERATING BUDGETS FOR THE CITY OF BOERNE, TEXAS FOR THE FISCAL YEAR 2016-2017, BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017. 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. 2016-872 **RATIFY THE PROPERTY TAX REVENUE INCREASE REFLECTED IN THE BUDGET**

Ms. Mattick explained the requirement of the City Council to ratify the property tax revenue increase reflected in the budget.

A MOTION WAS MADE BY COUNCIL MEMBER ANZOLLITTO, SECONDED BY COUNCIL MEMBER WOOLARD, TO APPROVE RATIFICATION OF THE PROPERTY TAX REVENUE INCREASE REFLECTED IN THE BUDGET. 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. 2016-869 **CONSIDER A ONE-TIME READING OF ORDINANCE NO. 2016-36; AS PERMITTED BY THE CITY OF BOERNE'S HOME RULE CHARTER, SECTION 3.11.A.**

A MOTION WAS MADE BY COUNCIL MEMBER BOYD IV, SECONDED BY COUNCIL MEMBER WOOLARD, TO APPROVE A ONE-TIME READING OF ORDINANCE NO. 2016-36; AS PERMITTED BY THE CITY OF BOERNE'S HOME RULE CHARTER, SECTION 3.11.A. 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

14. 2016-873 **CONSIDER ORDINANCE NO. 2016-36; AN ORDINANCE ESTABLISHING THE TAX RATE AND THE BASIS FOR ASSESSED VALUES FOR THE CITY OF BOERNE, TEXAS FOR THE YEAR 2016 AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH**

Ms. Mattick stated two public hearings were held as required. At this time, the City Council needs to set the tax rate. The proposed tax rate is $.4720 per $100 valuation which is unchanged from FY 2016.

The Mayor asked for a recorded vote.

A MOTION WAS MADE BY COUNCIL MEMBER ANZOLLITTO THAT THE PROPERTY TAX RATE BE INCREASED BY THE ADOPTION OF A TAX RATE OF $0.4720, WHICH IS EFFECTIVELY A 3.80 PERCENT INCREASE IN THE TAX RATE AND TO APPROVE ORDINANCE NO. 2016-36; AN ORDINANCE ESTABLISHING THE TAX RATE AND THE BASIS FOR ASSESSED VALUES FOR THE CITY OF BOERNE, TEXAS FOR THE YEAR 2016 AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH, SECONDED BY COUNCIL MEMBER WOOLARD. 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

15. 2016-862 **CONSIDER ON FIRST READING ORDINANCE NO. 2016-37; AN ORDINANCE ESTABLISHING THE RATE CLASSIFICATIONS AND RATES TO BE CHARGED FOR WATER SERVICE PROVIDED BY THE CITY OF BOERNE UTILITIES, AND REPEALING AND REPLACING ORDINANCE NO. 2015-21 DATED AUGUST 25, 2015 AND ORDINANCE NO. 2012-26 DATED SEPTEMBER 11, 2012 AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH**

Ms. Mattick reminded the City Council of the discussion during the budget meetings regarding the approximate $55,000 a year increase in rates to be charged by Guadalupe-Blanco River Authority (GBRA). She stated to cover the

increase in cost, Staff proposed an increase in overall water rates of 1.25%. This increase will affect the high water users. She displayed graphs of the tiers for residential and commercial accounts. Discussion ensued regarding the estimated water usage for a retired couple and a family of four during winter and summer months, and whether GBRA will negotiate the rate. Staff recommended approval on first reading of the Ordinance 2016-37.

A MOTION WAS MADE BY COUNCIL MEMBER BOYD IV, SECONDED BY COUNCIL MEMBER WOOLARD, TO APPROVE ON FIRST READING ORDINANCE NO. 2016-37; AN ORDINANCE ESTABLISHING THE RATE CLASSIFICATIONS AND RATES TO BE CHARGED FOR WATER SERVICE PROVIDED BY THE CITY OF BOERNE UTILITIES, AND REPEALING AND REPLACING ORDINANCE NO. 2015-21 DATED AUGUST 25, 2015 AND ORDINANCE NO. 2012-26 DATED SEPTEMBER 11, 2012 AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH. 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

16. 2016-859 **RECEIVE AND CONSIDER A REQUEST FROM LARRY GOTTSMAN OF AETNA SIGNS FOR A VARIANCE TO THE SIGN ORDINANCE SECTION 12. PROHIBITED SIGN LOCATIONS. C. OFF-SITE SIGNAGE (1241 South Main)**

Mayor Schultz called on Mr. Thompson, Deputy City Manager to discuss the request Staff received for a variance to the sign ordinance. He displayed the location of the proposed sign. The size of the sign meets the requirements of the ordinance, but is considered an off-site sign. He explained that the property owner owns the parking lot as well as the building where the business will be located. Because of the agreement with Walgreens, until the distant future, the parking lot can only be a parking lot. He displayed a diagram of the proposed monument sign. Staff will make sure that the placement of the sign will not obstruct site of the traffic or does not encroach on existing easements or right of ways. The Sign Variance Committee recommended approval of the variance. Discussion ensued regarding consistency in approving or denying variances, location being unique, busy intersection, and additional signage on building.

A MOTION WAS MADE BY MAYOR PRO TEM CISNEROS, SECONDED BY COUNCIL MEMBER WOOLARD, TO RECEIVE AND APPROVE A VARIANCE REQUEST FROM LARRY GOTTSMAN OF AETNA SIGNS FOR A VARIANCE TO THE SIGN ORDINANCE SECTION 12. PROHIBITED SIGN LOCATIONS. C. OFF-SITE SIGNAGE (1241 SOUTH MAIN). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Nay: 2 - Council Member Anzollitto, and Council Member Boyd IV

17. 2016-858 **RECEIVE AND CONSIDER A REQUEST FROM DEEP SOUTH FOODS, LLC FOR A VARIANCE TO THE SIGN ORDINANCE SECTION 10 RESTRICTIONS ON CERTAIN TYPES OF SIGNS. S.1. SIZE OF MONUMENT SIGN AND S.4. CHANGEABLE COPY MONUMENT SIGN (1540 River Road, Fuzzy's Taco Shop)**

Mr. Thompson continued with a sign variance request from Deep South Foods, LLC. The size of the proposed sign, monument and changeable copy, is larger than allowed in the Sign Ordinance. Mr. Thompson displayed a site plan for the business located at 1540 River Road, Fuzzy's Taco. He noted that the owner redesigned the restaurant to accommodate the large stand of oak trees which may cause the signage on the building to be less effective. Staff met with the owner expressing concern primarily with the proposed changeable copy portion of the sign which is three times larger than permitted and gave the owner an opportunity to modify the request. The owner chose to move forward with the original request. The Sign Variance Committee recommended that the variance be denied.

A MOTION WAS MADE BY COUNCIL MEMBER BOYD IV, SECONDED BY COUNCIL MEMBER ANZOLLITTO, TO DENY THE REQUEST FROM DEEP SOUTH FOODS, LLC FOR A VARIANCE TO THE SIGN ORDINANCE SECTION 10 RESTRICTIONS ON CERTAIN TYPES OF SIGNS. S.1. SIZE OF MONUMENT SIGN AND S.4. CHANGEABLE COPY MONUMENT SIGN (1540 RIVER ROAD, FUZZY'S TACO SHOP). 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

18. 2016-874 **CONSIDER RESOLUTION NO. 2016-R89; A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE AN ADVANCE FUNDING AGREEMENT FOR VOLUNTARY LOCAL GOVERNMENT CONTRIBUTIONS TO TRANSPORTATION IMPROVEMENT PROJECTS WITH NO REQUIRED MATCH FOR THE PROJECT AT SH 46 FROM HERFF ROAD TO AMMANN ROAD**

Mr. Thompson reminded the City Council that in May 2015, the City hosted a Joint Transporation meeting attended by the City Council, Kendall County Commissioners, Boerne Independent School District (BISD) Board of Trustees and the Texas Department of Transportation (TxDOT). Several roadway projects were discussed including the Highway 46 East expansion project from Esser to Ammann Road. These improvements would help the mobility needs of expected future growth of homes in the area. In October 2015, the City and County jointly sent a letter to TxDOT expressing the willingness to contribute an equal share of local funding towards the Highway 46 East expansion project. A few months ago, Staff received a notice from TxDOT that they planned to move forward with the project in 2017. It is TxDOT's intention to bid the project in May 2017 therefore requiring the City and County to make the financial contribution in October. The Advanced Funding Agreement (AFA) will be between TxDOT and the City in the amount of $1.1M. The City and the County will enter into an Interlocal Agreement for joint funding of the project and the County will reimbuse the City their share of $550,000. Discussion ensued regrading widening to four lanes and timeline of the project if the City and County did not contribute.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY COUNCIL MEMBER BOYD IV, TO APPROVE RESOLUTION NO. 2016-R89; A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE AN ADVANCE FUNDING AGREEMENT FOR VOLUNTARY LOCAL GOVERNMENT CONTRIBUTIONS TO TRANSPORTATION IMPROVEMENT PROJECTS WITH NO REQUIRED MATCH FOR THE PROJECT AT SH 46 FROM HERFF ROAD TO AMMANN ROAD. 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

19. 2016-875 **CONSIDER RESOLUTION NO. 2016-R90; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN INTERLOCAL AGREEMENT WITH KENDALL COUNTY FOR THE PAYMENT OF FUNDS FOR THE PROJECT AT SH 46 FROM HERFF ROAD TO AMMANN ROAD**

Mr. Thompson noted that this Resolution is related to the previous agenda item. The City and the County will equally contribute the TxDOT Highway 46 East expansion project which is expected to commence in 2017. The City and County will both contribute $550,000 toward the project, however, the County is being credited $119,838 by TxDOT for providing the right of way for the project. Staff recommended approval of the Resolution No. 2016-R90.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY COUNCIL MEMBER ANZOLLITTO, TO APPROVE RESOLUTION NO. 2016-R90; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN INTERLOCAL AGREEMENT WITH KENDALL COUNTY FOR THE PAYMENT OF FUNDS FOR THE PROJECT AT SH 46 FROM HERFF ROAD TO AMMANN ROAD. 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

20. 2016-876 **CONSIDER RESOLUTION NO. 2016-R91; A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AN AGREEMENT FOR THE MASTER PLAN BETWEEN THE CITY OF BOERNE AND _____**

Mr. Thompson reminded the City Council of the Ad Hoc Committee that was formed to assist in choosing a consulting firm to perform an update to the City's 2006 Master Plan. Four consulting firms provided RFP's and out of the four, the Ad Hoc Committee selected Burditt Consultants and Halff Associates to make formal presentations. Following the presentation on August 25, 2016, the Committee selected Burditt Consultants. Staff is asking City Council to

authorize the City Manager to negotiate an agreement with Burditt Consultants. Mayor expressed appreciation to the members of the Ad Hoc Committee and to the City Council Members who were involved in the process.

A MOTION WAS MADE BY MAYOR PRO TEM CISNEROS, SECONDED BY COUNCIL MEMBER BOYD IV, TO APPROVE RESOLUTION NO. 2016-R91; A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AN AGREEMENT FOR THE MASTER PLAN BETWEEN THE CITY OF BOERNE AND BURDITT CONSULTANTS, LLC. 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

21. 2016-878 **CONSIDER MOTION CASTING THE CITY'S VOTES IN THE ELECTION TO THE TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL BOARD OF TRUSTEES PLACE 6, PLACE 7, PLACE 8, AND PLACE 9**

Mayor Schultz called on Mr. Ron Bowman, City Manager. Mr. Bowman explained that the each member of the Texas Municipal League Intergovernmental Risk Pool (TMLIRP) is entitled to vote for the Board of Trustee members. It is Staff's recommendation to re-elect incumbents.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY COUNCIL MEMBER BOYD IV, TO APPROVE CASTING THE CITY'S VOTES IN THE ELECTION TO THE TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL BOARD OF TRUSTEES FOR THE INCUMBENTS OF PLACE 6, PLACE 7, PLACE 8, AND PLACE 9. 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

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

Council Member Anzollitto acknowledged Police Chief Kohler and his staff in the way a situation was handled during a vehicular stop. The citizen thought the stop was illegal but with the cam, was proven wrong.

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

Mayor Schultz convened the City Council into Executive Session at 8:09 p.m. and requested those individuals directed to participate to adjourn to the Executive Session conference room.

2016-870 **A. SECTION 551.087 - DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATION.**
B. SECTION 551.072 DELIBERATION REGARDING REAL PROPERTY.

No action was taken.

24. 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 8:36 p.m.

No action was taken.

25. ADJOURNMENT

A MOTION WAS MADE BY COUNCIL MEMBER COLVIN, SECONDED BY COUNCIL MEMBER BOYD IV, TO ADJOURN THE MEETING AT 8:36 P.M. 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