

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
November 28, 2017 – 6:00 PM

Minutes of the Regular Called City Council meeting of November 28, 2017 at 6:00 p.m.

Present: **6 -** Mayor Michael Schultz, Council Member Joe Anzollitto, Mayor Pro Tem Nina Woolard, Council Member Charlie Boyd IV, Council Member 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, Sandy Mattick, Doug Meckel, Mike Raute, Holly Rodriguez, Laura Talley, Jeanette Teague, John Thompson, Larry Woods, Linda Zartler, and Danny Zincke.

Registered/Recognized Guests: Duane Westerman, Allen Westerman, and Emily Green

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.

2. CONFLICTS OF INTEREST

Council Member Colvin stated he had a conflict of interest on agenda item #7.

3. PUBLIC COMMENTS:

No comments were received.

4. CONSENT AGENDA:**4.A. [2017-868](#) CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD NOVEMBER 14, 2017.**

THE MINUTES WERE APPROVED.

4.B. [2017-866](#) CONSIDER RESOLUTION NO. 2017-R118; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A LICENSE AND SERVICES AGREEMENT BETWEEN THE CITY OF BOERNE AND TYLER TECHNOLOGIES. (Incode 10 Hosted Solution Software for Finance and Municipal Court)

THE RESOLUTION WAS APPROVED.

4.C. [2017-882](#) ACCEPTANCE OF STATE ASSET FORFEITURE REPORT FOR THE BOERNE POLICE DEPARTMENT.

THE STATE ASSET FORFEITURE REPORT WAS RECEIVED AND APPROVED.

4.D. [2017-883](#) ACCEPTANCE OF FEDERAL EQUITABLE SHARING AGREEMENT AND CERTIFICATION FOR THE BOERNE POLICE DEPARTMENT.

THE FEDERAL EQUITABLE SHARING AGREEMENT AND CERTIFICATION WAS RECEIVED AND APPROVED.

A MOTION WAS MADE BY COUNCIL MEMBER BOYD IV, SECONDED BY COUNCIL MEMBER ANZOLLITTO TO APPROVE THE CONSENT AGENDA AS PRESENTED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

5. [2017-871](#) UPDATE ON THE BOERNE MASTER PLAN.

Mayor Schultz called on Ms. Laura Talley, Planning and Community Development Director. Ms. Talley discussed the recent Steering Committee meeting and the results of the Online Public Survey. She stated that 73 people attended the Public Open House. Discussion ensued regarding the lack of member attendance at the Steering Committee meeting.

6. [2017-782](#) SEMI-ANNUAL UPDATE OF THE BOERNE CONVENTION AND VISITORS BUREAU ACTIVITIES.

Mayor Schultz called on Mr. Larry Woods, Convention and Visitors Bureau Director. Mr. Woods presented a semi-annual update of the Convention and Visitors Bureau (CVB) activities and distributed to the Council Members a packet of various CVB brochures. He reviewed the hotel performance for the second and third quarter of year 2017 and social media and email marketing statistics. He discussed the 7th edition of the Boerne Visitor Guide, print advertising, digital advertising, and the CVB website. Mr. Woods stated that he has been working with Hilton and Double Tree to reserve dates for the new hotel and conference center for 2019. He also mentioned that he and Jeanette Teague, Assistant CVB Director attended the Texas Travel Industry Association educational class in October.

7. [2017-867](#) CONSIDER ON SECOND READING ORDINANCE NO. 2017-84; 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. (4.987 Acres located at 140 Enterprise Pkwy at the request of Bill Bird, KAD Nos. 12255 and 12259)

Council Member Colvin recused himself from the discussion and stepped away from the dais.

Mayor Schultz called on Ms. Talley, Planning and Community Development Director. Ms. Talley displayed a map of the property located at 140 Enterprise Parkway. She reminded the City Council of the agreement with the property owner to request annexation once city utilities were extended to the site. Staff recommended approval of the annexation.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER BOYD IV, TO APPROVE ON SECOND READING ORDINANCE NO. 2017-84; 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. (4.987 ACRES LOCATED AT 140 ENTERPRISE PKWY AT THE REQUEST OF BILL BIRD, KAD NOS. 12255 AND 12259). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Council Member Anzollitto, Mayor Pro Tem Woolard, Council Member Boyd IV, and Council Member Cisneros

Recused: 1 - Council Member Colvin

8. [2017-843](#) CONSIDER ON FIRST READING ORDINANCE NO. 2017-85; AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF BOERNE, TEXAS CHAPTER 21. TAXATION, ARTICLE V. HOTEL AND MOTEL OCCUPANCY TAX; PROVIDING A PENALTY NOT TO EXCEED \$500 PER OCCURRENCE.

Mayor Schultz called on Ms. Sandy Mattick, Finance Director. Ms. Mattick stated due to an increase in short-term rental establishments, Staff felt it necessary to review the city's Hotel and Motel Occupancy Tax Ordinance and are proposing modifications which are primarily for clarification purposes and ease of collection of the tax. She reviewed the proposed modifications.

A MOTION WAS MADE BY COUNCIL MEMBER ANZOLLITTO, SECONDED BY COUNCIL MEMBER BOYD IV, TO APPROVE ON FIRST READING ORDINANCE NO. 2017-85; AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF BOERNE, TEXAS CHAPTER 21. TAXATION, ARTICLE V. HOTEL AND MOTEL OCCUPANCY TAX; PROVIDING A PENALTY NOT TO EXCEED \$500 PER OCCURRENCE. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

9. [2017-869](#) CONSIDER ORDINANCE NO. 2017-86; AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS AUTHORIZING THE ISSUANCE OF "CITY OF BOERNE, TEXAS GENERAL OBLIGATION REFUNDING BONDS, SERIES 2017", LEVYING AN ANNUAL AD VALOREM TAX, WITHIN THE LIMITATIONS PRESCRIBED BY LAW, FOR THE PAYMENT OF THE BONDS; PRESCRIBING THE FORM, TERMS, CONDITIONS, AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, AND DELIVERY OF THE BONDS, INCLUDING THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT PERTAINING THERETO; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT, A PURCHASE CONTRACT, AND AN ESCROW AND TRUST AGREEMENT; COMPLYING WITH THE LETTER OF REPRESENTATIONS ON FILE WITH THE DEPOSITORY TRUST COMPANY; DELEGATING THE AUTHORITY TO CERTAIN MEMBERS OF THE CITY COUNCIL AND CITY STAFF TO APPROVE AND EXECUTE CERTAIN DOCUMENTS RELATING TO THE SALE OF THE BONDS; AUTHORIZING THE EXECUTION OF ANY NECESSARY ENGAGEMENT AGREEMENTS WITH THE CITY'S FINANCIAL ADVISORS AND/OR BOND COUNSEL; AND PROVIDING AN EFFECTIVE DATE. (Refunding the remainder of the USBR, Series 2010 Bonds issued to construct the Water Treatment and Recycling Center)

Ms. Sandy Mattick, Finance Director introduced Mr. Duane Westerman of SAMCO Capital Markets, Inc. Ms. Mattick stated that Staff has been in discussion with Mr. Westerman in regards to refunding of the remainder of the USBR, Series 2010 which is callable March 1, 2019. These bonds were issued to construct the Wastewater Treatment and Recycling Center and some of the lines to deliver the wastewater to the new plant. Mr. Westerman stated that there is some opportunity for cost savings with interest rates at the current levels. Mr. Westerman recommended that the City issue the new refunding series as General Obligation Refunding Bonds, Series 2017. This would refund the utility system debt with general obligation debt. The debt service would be provided by the wastewater utility. Mr. Westerman stated that in the proposed legislation, a provision will prevent issuers of tax exempt bonds to do advanced refundings. If the legislation passes, it will become effective

December 31, 2017. Therefore, it is necessary to complete the proposed refunding of the Series 2010 USRB before year-end. Mr. Westerman added that other municipalities are doing the same thing which is causing rates to rise. If the provision in the legislation is eliminated, the City will not have to act as fast. City Council would not be committed to the advance refunding. Discussion ensued regarding the City's rating, proposed new law affects refunding on tax exempt only, and the reason for the proposed change in the House and Senate.

A MOTION WAS MADE BY COUNCIL MEMBER BOYD IV THAT THE CITY COUNCIL ADOPT ORDINANCE NO. 2017-86 AUTHORIZING THE ISSUANCE OF "CITY OF BOERNE, TEXAS GENERAL OBLIGATION REFUNDING BONDS, SERIES 2017" PURSUANT TO A DELEGATE SALE. MAYOR PRO TEM WOOLARD SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

10. [2017-872](#) RECEIVE BIDS AND AWARD CONTRACT FOR THE CONSTRUCTION OF THE 2015 TRANSPORTATION ALTERNATIVES PROGRAM CITY OF BOERNE TRAILS SYSTEM EXPANSION PROJECT AND CONSIDER RESOLUTION NO. 2017-R119; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A CONSTRUCTION CONTRACT BETWEEN THE CITY OF BOERNE AND _____ FOR THE 2015 TRANSPORTATION ALTERNATIVES PROGRAM (TAP) CITY OF BOERNE TRAILS SYSTEM EXPANSION PROJECT.

Mayor Schultz called on Mr. Paul Barwick, Special Projects Director. Mr. Barwick reminded the City Council of the trail extension project sites and displayed maps of the areas. The City is one of the recipients of a 2015 Transportation Alternates Program project. The project scope includes 1.45 mile trail from Boerne City Park trail head to the Trails of Herff Ranch with connections to Champion High School and Cibolo Nature Center. Also included in the project is a .11 mile trail connection, trailhead and pedestrian bridge connecting the Patrick Heath Public Library/Boerne City Campus to the adjacent Old No. 9 Trail. Staff received 13 bids for this project. Staff and the Project Engineer

reviewed all the bids and recommended awarding the bid to Capital Excavation Company. The construction timeframe according to the contractor is seven months. Concrete testing costs will be brought to City Council for consideration. Mayor Schultz expressed his appreciation and noted the project is costing the City \$0.30 on the dollar.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER COLVIN, TO RECEIVE BIDS AND AWARD CONTRACT FOR THE CONSTRUCTION OF THE 2015 TRANSPORTATION ALTERNATIVES PROGRAM CITY OF BOERNE TRAILS SYSTEM EXPANSION PROJECT AND CONSIDER RESOLUTION NO. 2017-R119; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A CONSTRUCTION CONTRACT BETWEEN THE CITY OF BOERNE AND CAPITAL EXCAVATION COMPANY FOR THE 2015 TRANSPORTATION ALTERNATIVES PROGRAM (TAP) CITY OF BOERNE TRAILS SYSTEM EXPANSION PROJECT NOT TO EXCEED \$2,236,054.00. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

11. [2017-881](#) CONSIDER RESOLUTION NO. 2017-R120; A RESOLUTION AUTHORIZING SUPPLEMENT NUMBER THREE TO THE AGREEMENT BETWEEN THE CITY OF BOERNE AND HALFF ASSOCIATES, INC. FOR THE DESIGN AND CONSTRUCTION SERVICES OF THE INTERSTATE HIGHWAY 10 WATER AND WASTEWATER RELOCATIONS.

Mayor Schultz called on Mr. Mike Mann, Public Works Director. Mr. Mann displayed a map of the location of the TxDOT roadway widening on IH-10. The City currently has an agreement with Halff Associates, Inc. for the expenditures associated with the relocation of water and wastewater for this area. Halff Associates, Inc. notified Staff that due to TXDOT initiated changes to the roadway design, an amendment to the agreement needs to be made for the increased cost of these changes. The City must front the cost of expenditure, but will be reimbursed by TxDOT. Staff recommended approving Resolution No. 2017-R120.

A MOTION WAS MADE BY COUNCIL MEMBER ANZOLLITTO, SECONDED BY COUNCIL MEMBER CISNEROS, TO APPROVE RESOLUTION NO. 2017-R120; A RESOLUTION AUTHORIZING SUPPLEMENT NUMBER THREE TO THE AGREEMENT BETWEEN THE CITY OF BOERNE AND HALFF ASSOCIATES, INC. FOR THE DESIGN AND CONSTRUCTION SERVICES OF THE INTERSTATE HIGHWAY 10 WATER AND WASTEWATER RELOCATIONS NOT TO EXCEED \$9,800.00. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

12. [2017-880](#) CONSIDER RESOLUTION NO. 2017-R121; A RESOLUTION AUTHORIZING SUPPLEMENT NUMBER ONE TO THE AGREEMENT BETWEEN THE CITY OF BOERNE AND HALFF TRITEX, INC. FOR THE DESIGN AND CONSTRUCTION SERVICES OF THE INTERSTATE HIGHWAY 10 GAS RELOCATIONS.

Mr. Mann continued with an amendment to the agreement with Halff Tritex, Inc. for natural gas relocation associated expenditures for the TxDOT IH-10 widening. Mr. Mann displayed a map of the area. He stated that due to design modifications by TxDOT, there is additional costs associated with the modifications. The City is required to front the cost of the expenditure and TxDOT will later reimburse. Staff recommended approval of Resolution No. 2017-R121.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER CISNEROS, TO APPROVE RESOLUTION NO. 2017-R121; A RESOLUTION AUTHORIZING SUPPLEMENT NUMBER ONE TO THE AGREEMENT BETWEEN THE CITY OF BOERNE AND HALFF TRITEX, INC. FOR THE DESIGN AND CONSTRUCTION SERVICES OF THE INTERSTATE HIGHWAY 10 GAS RELOCATIONS NOT TO EXCEED \$24,346.00. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

13. [2017-865](#) CONSIDER RESOLUTION NO. 2017-R122; A RESOLUTION APPROVING CHANGES TO THE PERSONNEL POLICIES MANUAL

FOR THE CITY OF BOERNE, TEXAS.

Mayor Schultz called on Ms. Linda Zartler, Assistant City Manager. Ms. Zartler reviewed the proposed changes to the City's Employee Personnel Policies. She stated that Staff annually reviews the Policies and brings to City Council any modifications for consideration. Staff recommended approval of Resolution No. 2017-R122.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER CISNEROS, THAT THIS RESOLUTION BE APPROVED CONSIDER RESOLUTION NO. 2017-R122; A RESOLUTION APPROVING CHANGES TO THE PERSONNEL POLICIES MANUAL FOR THE CITY OF BOERNE, TEXAS. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

14. [2017-870](#) SET A PUBLIC HEARING FOR DECEMBER 12, 2017 FOR THE PROPOSED REZONING OF 17 HERFF ROAD, A TOTAL OF 14.202 OUT OF 26.654 ACRES, FROM MU-1, MIXED-USE NEIGHBORHOOD DISTRICT TO R-4, MULTI-FAMILY RESIDENTIAL DISTRICT, KAD NOS. 12536, 15848, AND 15849. (CT 17 Herff Land LP)

A MOTION WAS MADE BY COUNCIL MEMBER CISNEROS, SECONDED BY MAYOR PRO TEM WOOLARD, TO SET A PUBLIC HEARING FOR DECEMBER 12, 2017 FOR THE PROPOSED REZONING OF 17 HERFF ROAD, A TOTAL OF 14.202 OUT OF 26.654 ACRES, FROM MU-1, MIXED-USE NEIGHBORHOOD DISTRICT TO R-4, MULTI-FAMILY RESIDENTIAL DISTRICT, KAD NOS. 12536, 15848, AND 15849. (CT 17 HERFF LAND LP). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

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

City Manager Ron Bowman spoke on Dickens on Main. The retailers he spoke to reported record sales for the weekend. He commended City Staff, primarily Paul Barwick, Special Projects Director and Mary Woods, Project Manager for

the success of the weekend.

Communications Director Pam Bransford introduced new employee Holly Rodriguez to the Council Members. Ms. Rodriguez is the new Communication Specialist for the City.

Council Member Boyd IV stated he will not be seeking re-election next year.

Mayor Schultz announced a new subcommittee focusing on Low Impact Development (LID) for which Council Member Anzollitto and Council Member Cisneros will be members.

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

Mayor Schultz convened the City Council into Executive Session at 7:11 p.m. and asked those individuals requested to participate to adjourn to the Executive Session Conference Room.

16.A.[2017-873](#) SECTION 551.072 - DELIBERATION REGARDING REAL PROPERTY.

No action was taken.

16.B.[2017-874](#) SECTION 551.072 - DELIBERATION REGARDING REAL PROPERTY.

No action was taken.

16.C.[2017-875](#) SECTION 551.087 - DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS.

No action was taken.

16.D.[2017-876](#) SECTION 551.071 - CONSULTATION WITH ATTORNEY (a) PENDING OR CONTEMPLATED LITIGATION AND SECTION 551.087 - DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS.

No action was taken.

16.E. [2017-877](#) SECTION 551.087 - DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS.

No action was taken.

16.F. [2017-878](#) SECTION 551.087 - DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS.

No action was taken.

16.G. [2017-879](#) SECTION 551.071 - CONSULTATION WITH ATTORNEY (a) PENDING OR CONTEMPLATED LITIGATION.

No action was taken.

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

Mayor reconvened the City Council into open session at 8:48 p.m.

No action was taken.

17.A. [2017-851](#) CONSIDER RESOLUTION NO. 2017-R123; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT FOR THE SALE OF THE BOERNE CONVENTION AND VISITORS BUREAU BUILDING LOCATED AT 1407 SOUTH MAIN STREET, BOERNE, TEXAS.

No action was taken.

17.B. [2017-853](#) CONSIDER RESOLUTION NO. 2017-R124; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A CONTRACTUAL AGREEMENT WITH _____ FOR THE PURCHASE OF REAL PROPERTY LOCATED AT _____.

No action was taken.

18. ADJOURNMENT

A MOTION WAS MADE BY COUNCIL MEMBER COLVIN, SECONDED BY COUNCIL MEMBER BOYD IV, TO ADJOURN THE CITY COUNCIL MEETING AT 8:49 P.M. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Approved:

Mayor

Attest:

City Secretary