

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
December 12, 2017 – 6:00 PM

Minutes of the Regular Called City Council meeting of December 12, 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, Donnie Bergmann, Pam Bransford, Jerry Carlos, Lori Carroll, Randall Cass, Kirsten Cohoon, Lissette Jimenez, Jim Kohler, Mike Mann, Sandy Mattick, Doug Meckel, Holly Rodriguez, Kelly Skovbjerg, Laura Talley, Jeanette Teague, Chris Turk, Kimberly Wolfe, Larry Woods, Linda Zartler, and Danny Zincke

Recognized / Registered Guests: Bob Vollmer, Dani Vollmer, Pat Bullinger, Suzanne Young, James Griffin, Emily Green, Ann Dietert, Steve Young, Richard McCormick, Jackson Pool, Charles Pool, Joe Granados, Northern Hendricks, Orion Abernathy, Andrew Lucas, David Kruse, Anita Kruse, Shannon Young, Ian Alexander, Kenneth Alexander, and Jonah Evans.

1. CALL TO ORDER – 6:00 PM

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

Mayor Schultz asked for a Moment of Silence.

Mayor Schultz called on Jackson Pool to lead the Pledge of Allegiance to the United States Flag and to the Texas Flag.

2. CONFLICTS OF INTEREST

Mayor Schultz stated that he will recuse himself from the discussion of Agenda

Item #8.

3. PUBLIC COMMENTS:

No public comments were received.

4. CONSENT AGENDA:

4.A. [2017-900](#) CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF NOVEMBER 28, 2017.

THE MINUTES WERE APPROVED.

4.B. [2017-898](#) CONSIDER ON SECOND 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 ORDINANCE WAS APPROVED.

4.C. [2017-901](#) ANNUAL REVIEW TO THE CITY OF BOERNE'S INVESTMENT POLICY AND BROKER-DEALER LIST.

THE POLICY AND BROKER-DEALER LIST WAS APPROVED.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, 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. PUBLIC HEARING – To Hear Comments On The Following:

5.A. [2017-908](#) 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)

Mayor Schultz opened the public hearing at 6:03 p.m.

Dani Vollmer, 524 N. School St., spoke on the proposed rezoning of 17 Herff Road and expressed concern with the welfare of Boerne and the citizens. She feels the proposed development would threaten the Cibolo Creek and cause more traffic issues on Highway 46. She questioned the deed restrictions filed with Kendall County. She would like the property to remain zoned MU-1.

James Griffin spoke on behalf of the applicant for 17 Herff Road rezoning. He stated that the zoning process began this time last year. The developer is attempting to address the public concerns with the development. He spoke on the deed restrictions and reviewed the covenants.

Rich McCormick, 417 James Street spoke on the rezoning for 17 Herff Road. He feels the best use of 14.202 acres is for residential estate lots. He expressed concerns with traffic and estate lots would minimize the impact of the development.

Emily Green who resides in District 4, spoke on the rezoning of 17 Herff Road. She stated that she reviewed the covenants placed on the property. She stated the importance of protecting the greenways and creekways and expressed concerns on how the development would impact the community and the master plan.

Mayor Schultz closed the public hearing at 6:16 p.m.

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

6.A. [2017-909](#) CONSIDER ON FIRST READING ORDINANCE NO. 2017-87; 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 14.202 OUT OF 26.654 ACRES LOCATED AT 17 HERFF ROAD (KAD NOS. 12536, 15848, AND 15849) FROM MU-1, MIXED-USE NEIGHBORHOOD DISTRICT TO R-4, MULTI-FAMILY RESIDENTIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A

SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE.

Mayor Schultz called on Ms. Laura Talley, Planning and Community Development Director. Ms. Talley stated that 17 Herff Road was permanently zoned MU-1 in May. In August, the property owner asked that 14.202 acres of the 26.654 acres be rezoned to R-4. She displayed a location map of the property. The Planning and Zoning Commission recommended approval of the R-4 zone by a vote of 3-2. The property owner asked to postpone the consideration to the City Council until now. The developer filed deed restrictions with Kendall County that include restrictions to height, lighting, uses, setbacks, architectural design and fencing while providing Low Impact Development features and provisions for future maintenance of those features. Ms. Talley stated that Staff is supportive of the R-4 zoning. Discussion ensued regarding Section 7 of the deed restrictions. City Attorney Kirsten Cohoon stated that she understood that the deed restrictions would be amended to remove Section 7. Mr. James Griffin stated that they attempted to refile, but have to file an amended document which would need to be drawn up. He stated that if the City Council wishes, the document will be amended and refiled before the City Council takes action on the second reading. Clarification was discussed regarding City Council's consideration of only an R-4 zone.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER ANZOLLITTO, TO APPROVE ON FIRST READING ORDINANCE NO. 2017-87; 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 14.202 OUT OF 26.654 ACRES LOCATED AT 17 HERFF ROAD (KAD NOS. 12536, 15848, AND 15849) FROM MU-1, MIXED-USE NEIGHBORHOOD DISTRICT TO R-4, MULTI-FAMILY RESIDENTIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Nay: 1 - Council Member Boyd IV

7. [2017-921](#) UPDATE ON THE PROPOSED NEW CONVENTION AND VISITORS BUREAU BUILDING PROJECT LOCATED ON LOHMANN STREET.

Mayor Schultz called on Mr. Larry Woods, Convention and Visitors Bureau (CVB) Director and Mr. Paul Barwick, Special Projects Director. Mr. Barwick displayed a schematic drawing of a proposed site plan for the new CVB by Peter Lewis Architects. Mr. Barwick noted on the proposed plan that the entrance to the parking lot will be moved westward to avoid stacking on Lohmann Street. There will be a fire hydrant on site. Staff is working with TxDOT on a low rock wall on the Main Street side of the property, possibly funded using the Keep Texas Beautiful Governor's Community Achievement Award grant. Mr. Woods displayed an image of the proposed building interior and exterior design. The proposed building will be 2,803 square feet. Discussion ensued regarding the size of building; the lack of ability to walk on the southside of the building to get to Main Street. Discussion also ensued regarding the neighboring property owner providing pedestrian access to Main Plaza.

8. [2017-917](#) UPDATE ON HILL COUNTRY MILE MARKETING AND ACTIVITIES.

Mayor Schultz recused himself and stepped away from the dais.

Mayor Pro Tem Woolard called on Mr. Barwick, Special Project Director to discuss features of the Hill Country Mile. He discussed marketing efforts, trying to fill the niche with day trippers and promoting events. He reviewed the social media statistics. Mr. Barwick also discussed the Historic District Improvement Program. To date there has been 23 approved projects with \$115,709 program funds approved.

9. [2017-918](#) UPDATE ON DICKENS ON MAIN.

Mr. Barwick continued with a report on the success of Dickens on Main. Many businesses reported that the weekend of Dickens on Main was a retail record. Mr. Barwick discussed the marketing for the event, funding, and volunteer help.

10. [2017-902](#) UPDATE ON WEIHNACHTS PARADE.

Mayor Schultz called on Mr. Danny Zincke, Community Services Director. Mr. Zincke introduced Ms. Lissette Jimenez, Recreation Superintendent who led the

coordination of the Weihnachts Parade. Ms. Jimenez stated there was a record 103 parade entries this year, with Police Chief Jim Kohler and Fire Chief Doug Meckel as the Grand Marshals. It was estimated that there were 10,000 spectators at the parade. She expressed appreciation to the many volunteers who helped make the evening a success. Mayor Schultz asked Mr. Zincke to recognize the Parks Department employees in the audience. Mayor Schultz stated he was proud to announce that the crowd for both the Dickens on Main and the Weihnachts Parade were orderly and no arrests had to be made.

11. [2017-907](#) **RECEIVE BIDS AND AWARD CONTRACT FOR THE 2015 TRANSPORTATION ALTERNATIVES PROGRAM CITY OF BOERNE TRAILS SYSTEM EXPANSION PROJECT CONSTRUCTION MATERIALS OBSERVATION AND TESTING SERVICES AND CONSIDER RESOLUTION NO. 2017-R125; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A CONSTRUCTION MATERIALS OBSERVATION AND TESTING SERVICES AGREEMENT 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 stated this is the last contract needing City Council approval for the Boerne Trails System Expansion project. The City advertised a Request for Qualifications (RFQ) for construction materials observation and testing services. Six Statements of Qualifications (SOQ) were received. It is Staff's recommendation to award the contract to Raba Kistner Consultants, Inc. in an amount not to exceed \$37,534.00 which includes a \$2,000.00 cushion.

A MOTION WAS MADE BY COUNCIL MEMBER ANZOLLITTO, SECONDED BY MAYOR PRO TEM WOOLARD, TO RECEIVE BIDS AND AWARD CONTRACT FOR THE 2015 TRANSPORTATION ALTERNATIVES PROGRAM CITY OF BOERNE TRAILS SYSTEM EXPANSION PROJECT CONSTRUCTION MATERIALS OBSERVATION AND TESTING SERVICES AND APPROVE RESOLUTION NO. 2017-R125; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A CONSTRUCTION MATERIALS OBSERVATION AND TESTING SERVICES AGREEMENT BETWEEN THE CITY OF BOERNE AND RABA KISTNER CONSULTANTS, INC. FOR THE 2015 TRANSPORTATION ALTERNATIVES PROGRAM (TAP) CITY OF BOERNE TRAILS SYSTEM EXPANSION PROJECT, NOT TO EXCEED \$37,534.00. 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. [2017-899](#) **CONSIDER RESOLUTION NO. 2017-R126; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A STANDARD UTILITY AGREEMENT BETWEEN THE CITY OF BOERNE AND TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR REIMBURSEMENT OF WATER AND WASTEWATER RELOCATIONS ON INTERSTATE HIGHWAY 10.**

Mayor Schultz called on Mr. Mike Mann, Public Works Director to briefly review the project for TxDOT's design to widen Frontage Roads near Scenic Loop to near SH-46. Mr. Mann stated there are two components to project, water/wastewater and gas. Because this project is federally funded, the City will be reimbursed for its expenditures. The design of the water/wastewater modifications has reached the point where the execution of the Standard Utility Agreement can be made. Staff recommended approval of Resolution No. 2017-R126.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER COLVIN, TO APPROVE RESOLUTION NO. 2017-R126; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A STANDARD UTILITY AGREEMENT BETWEEN THE CITY OF BOERNE AND TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR REIMBURSEMENT OF WATER AND WASTEWATER RELOCATIONS ON INTERSTATE HIGHWAY 10. 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. [2017-905](#) CONSIDER RESOLUTION NO. 2017-R127; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE THE FIRST AMENDED INTERLOCAL AGREEMENT FOR MUTUAL ACCESS TO BIBLIOTHECA CLOUDLIBRARY DIGITAL SERVICES BETWEEN THE CITY OF BOERNE AND A NUMBER OF OTHER CITIES.

Mayor Schultz called on Ms. Kelly Skovbjerg, Library Director. Ms. Skovbjerg stated the Patrick Heath Public Library has subscribed to Bibliotheca cloudLibrary for digital services. This has added about 1,000 items to the system. By entering into an Interlocal Agreement with 11 other libraries, this service will dramatically increase the amount of resources to approximately 86,000 items. Staff recommended approval of Resolution No. 2017-R127.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER ANZOLLITTO, TO APPROVE RESOLUTION NO. 2017-R127; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE THE FIRST AMENDED INTERLOCAL AGREEMENT FOR MUTUAL ACCESS TO BIBLIOTHECA CLOUDLIBRARY DIGITAL SERVICES BETWEEN THE CITY OF BOERNE AND A NUMBER OF OTHER CITIES. 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. [2017-910](#) CONSIDER RESOLUTION NO. 2017-R128; 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. (Wastewater Treatment and Recycling Center, KAD No. 38976, a total of 13.327 acres located at 41 Old San Antonio Rd. and the adjacent right-of-way on Old San Antonio Rd. at the request of the City of Boerne)

Mayor Schultz called on Ms. Laura Talley, Planning and Community Development Director. Ms. Talley displayed a map of the property located at 41 Old San Antonio Road. This proposed annexation consists of 13.327 acres and is home of the City of Boerne's Wastewater Treatment and Recycling Center and the adjacent right-of-way on Old San Antonio. At this time, it is necessary for the City Council to set the required public hearings.

A MOTION WAS MADE BY COUNCIL MEMBER ANZOLLITTO, SECONDED BY COUNCIL MEMBER COLVIN, TO APPROVE RESOLUTION NO. 2017-R128; 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. (WASTEWATER TREATMENT AND RECYCLING CENTER, KAD NO. 38976, A TOTAL OF 13.327 ACRES LOCATED AT 41 OLD SAN ANTONIO RD. AND THE ADJACENT RIGHT-OF-WAY ON OLD SAN ANTONIO RD. AT THE REQUEST OF THE CITY OF BOERNE). 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. [2017-919](#) **CONSIDER RESOLUTION NO. 2017-R129; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A GAS MAIN EXTENSION AGREEMENT BETWEEN THE CITY OF BOERNE, YMCA OF GREATER SAN ANTONIO AND KENDALL COUNTY.**

Mayor Schultz called on Mr. Jeff Thompson, Deputy City Manager. Mr.

Thompson stated for sometime, Staff has been in discussion with the YMCA and Kendall County regarding the extension of a gas main to serve the new Kendall County Law Enforcement Center and a planned future expansion of the YMCA. He displayed a location map for the area of the proposed gas main extension. City Staff, County Staff, and YMCA have reached a conceptual agreement to share the \$419,408 cost of the installation of a 2-inch natural gas main extension along Adler Road and Plant Street. In addition, the City would like to oversize to a 4-inch main for future growth in the area. The additional oversizing is anticipated to cost \$30,000 and will be at the expense of the City. Mr. Thompson noted that the Gas utility is the fastest growing utility of the City. Reserves from the Water Department will be used to fund the project. Staff recommended approval of Resolution No. 2017-R129.

A MOTION WAS MADE BY COUNCIL MEMBER CISNEROS, SECONDED BY MAYOR PRO TEM WOOLARD, TO APPROVE RESOLUTION NO. 2017-R129; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A GAS MAIN EXTENSION AGREEMENT BETWEEN THE CITY OF BOERNE, YMCA OF GREATER SAN ANTONIO AND KENDALL COUNTY. 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

16. [2017-922](#) **CONSIDER RESOLUTION NO. 2017-R130; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE THE SECOND AMENDMENT TO THE INFRASTRUCTURE AND DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BOERNE AND ML&E - LANDQUEST CASCADE CAVERNS, LLC. (Southglen Subdivision gas extension)**

Mr. Thompson continued with a discussion on the agreement for the Southglen Subdivision. The developers have recently acquired a 7.89 acre tract on the northeast side of the development. The City was approached to allow Southglen to incorporate the new property into their development which will allow for an additional 28 homes. The developer will deed a 900 foot long and 108 foot wide property to the City which will be an extension of Cascade Caverns Road, connecting IH-10 to Highway 46 East. The current agreement

with Southglen allows for 375 homes to be built and the proposed revision will increase that number to 403. All of the homes will have gas utility with the exception of the homes with the heating units in the attic. City Manager Ron Bowman stated that the electric service territory is limited by law and this is an opportunity to expand the City's gas utility. Staff recommended approval of Resolution No. 2017-130.

A MOTION WAS MADE BY COUNCIL MEMBER COLVIN, SECONDED BY COUNCIL MEMBER CISNEROS, TO APPROVE RESOLUTION NO. 2017-R130; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE THE SECOND AMENDMENT TO THE INFRASTRUCTURE AND DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BOERNE AND ML&E - LANDQUEST CASCADE CAVERNS, LLC. (SOUTHGLEN SUBDIVISION GAS EXTENSION). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

17. [2017-920](#) CONSIDER RESOLUTION NO. 2017-R131; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE THE SECOND AMENDMENT TO THE ANNEXATION AND DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BOERNE AND ML&E - LANDQUEST CASCADE CAVERNS, LLC. (Southglen Subdivision)

Mr. Thompson continued with discussion on the second amendment to the Annexation and Development Agreement between the City of Boerne and ML&E-Landquest Cascade Caverns, LLC. As mentioned in the previous agenda item, the developers of Southglen have recently acquired 7.89 acres on the northeast side of the development. The second amendment agreement will include the consideration that the new property will need to be annexed into the City. The agreement will need to be approved in order to move forward with the proposed 7.89 acre addition to Southglen. Staff is supportive of Resolution No. 2017-R131.

A MOTION WAS MADE BY COUNCIL MEMBER COLVIN, SECONDED BY COUNCIL MEMBER CISNEROS, TO APPROVE RESOLUTION NO. 2017-R131; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE THE SECOND AMENDMENT TO THE ANNEXATION AND DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BOERNE AND ML&E - LANDQUEST CASCADE CAVERNS, LLC. (SOUTHGLEN SUBDIVISION). 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

18. [2017-903](#) CONSIDER RESOLUTION NO. 2017-R132; A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE ALAMO AREA METROPOLITAN PLANNING ORGANIZATION (AAMPO) FOR PROJECTS TO BE INCLUDED IN THE FY 2019-2022 TRANSPORTATION IMPROVEMENT PROGRAM (TIP), AND SETTING AN EFFECTIVE DATE.

Mr. Thompson continued with discussion on the application to the Alamo Area Metropolitan Planning Organization (AAMPO) for projects to be included in the 2019-2022 Transportation Improvement Program (TIP). The Cascade Caverns, Old San Antonio Road, BISD, Scenic Loop intersections was first on the list of the City's highest priority projects. A project location map was displayed. This TIP program is a reimbursable program and it only covers the construction costs, estimated to be \$3,078,531. The City's estimated cost will be \$2,411,489. The City will know if the application is accepted in May on this project. Discussion ensued regarding the timing of the project and other potential projects if the AAMPO does approve this project.

A MOTION WAS MADE BY COUNCIL MEMBER CISNEROS, SECONDED BY MAYOR PRO TEM WOOLARD, TO APPROVE RESOLUTION NO. 2017-R132; A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE ALAMO AREA METROPOLITAN PLANNING ORGANIZATION (AAMPO) FOR PROJECTS TO BE INCLUDED IN THE FY 2019-2022 TRANSPORTATION IMPROVEMENT PROGRAM (TIP), AND SETTING AN EFFECTIVE DATE. 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

19. RECEIVE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND SET A PUBLIC HEARING FOR JANUARY 9, 2018:

19.A.[2017-911](#) PROPOSED USE OF A GYMNASIUM IN A B-2R, HIGHWAY COMMERCIAL - RESTRICTED DISTRICT LOCATED AT 129 OLD SAN ANTONIO ROAD, KAD NO. 62676.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER CISNEROS, TO RECEIVE THE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND SET A PUBLIC HEARING FOR THE PROPOSED USE OF A GYMNASIUM IN A B-2R, HIGHWAY COMMERCIAL - RESTRICTED DISTRICT LOCATED AT 129 OLD SAN ANTONIO ROAD, KAD NO. 62676. 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

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

Sandy Mattick, Finance Director stated that the sale of the 2010 Utility System Bonds was completed today with a savings of \$4.4 million. Present value of the savings is 10.8% and the true cost of refunding was 3.39%. Hill Top Securities is the lead underwriter.

Linda Zartler, Assistant City Manager updated the City Council on the new City Hall project. Staff has received 100% of the design documents from Randall Scott Architects. Staff will be reviewing the documents and then with the City Hall committee meet with Michael Dean on December 28, 2017. A meeting with Randall Scott Architects is scheduled to take place on January 4, 2018. It appears everything is on track. The construction documents should be received by January 31, 2018. Lee Lewis, Construction Manager at Risk will be working with Randall Scott to refine costs and will be in attendance at the January 4, 2018 meeting.

Ron Bowman, City Manager stated that the Low Impact Development (LID) Subcommittee with Council Member Anzollitto and Council Member Cisneros will meet with volunteers and Troy Dorman on December 18, 2017.

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

Mayor Schultz convened the City Council into Executive Session at 7:37 p.m. and asked those individuals requested to participate to adjourn to the Executive Session Conference Room.

21.A.[2017-912](#) SECTION 551.072 - DELIBERATION REGARDING REAL PROPERTY.

NO ACTION WAS TAKEN.

21.B.[2017-913](#) SECTION 551.072 - DELIBERATION REGARDING REAL PROPERTY.

NO ACTION WAS TAKEN.

21.C.[2017-914](#) SECTION 551.087 - DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS.

NO ACTION WAS TAKEN.

22. 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 8:05 p.m.

22.A.[2017-915](#) CONSIDER RESOLUTION NO. 2017-R133; 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.

22.B.[2017-916](#) CONSIDER RESOLUTION NO. 2017-R134; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A CONTRACTUAL AGREEMENT WITH _____ FOR THE PURCHASE OF REAL PROPERTY LOCATED AT _____.

Mayor Schultz called on Mr. Jeff Thompson, Deputy City Manager. City Staff reached an agreement with Larry Lester to purchase the property located at 1434 S. Main Street, which will allow the City to connect Herff Road from Main Street to Christus Parkway. The purchase will be funded from the previously approved issuance of \$1.9M tax note debt. This purchase is important to the overall mobility of our citizens.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER ANZOLLITTO, TO APPROVE RESOLUTION NO. 2017-R134; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A CONTRACTUAL AGREEMENT WITH LARRY L. LESTER FOR THE PURCHASE OF REAL PROPERTY LOCATED AT 1434 SOUTH MAIN STREET. 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

22.C.[2017-923](#) CONSIDER RESOLUTION NO. 2017-R135; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A CHAPTER 380 GRANT AGREEMENT BETWEEN THE CITY OF BOERNE AND _____.

Mr. Thompson continued with the proposed Chapter 380 Grant Agreement discussion. Perry Homes currently has 322 undeveloped lots in The Ranches at Creekside subdivision. Mr. Thompson stated that a tax consultant representative from Perry Homes approached staff regarding entering into a 380 Agreement with Perry Homes and share 50% of the local sales use tax that is paid by Perry Homes to the City of Boerne. Currently materials are purchased elsewhere and the City does not receive sales tax. The gain to the City will be approximately \$150,000 over the 10 year term of the agreement. Staff recommended approval of Resolution No. 2017-R135.

A MOTION WAS MADE BY COUNCIL MEMBER ANZOLLITTO, SECONDED BY COUNCIL MEMBER CISNEROS, THAT THIS RESOLUTION BE APPROVED CONSIDER RESOLUTION NO. 2017-R135; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A CHAPTER 380 GRANT AGREEMENT BETWEEN THE CITY OF BOERNE AND _____. 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

23. ADJOURNMENT

A MOTION WAS MADE BY COUNCIL MEMBER COLVIN, SECONDED BY COUNCIL MEMBER CISNEROS, TO ADJOURN THE CITY COUNCIL MEETING AT 8:10 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