

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
October 9, 2018 – 6:00 PM

Minutes of the Regular Called City Council Meeting of October 9, 2018 at 6:00 p.m.

Present: 5 - Mayor Michael Schultz, Council Member Joe Anzollitto, Mayor Pro Tem Nina Woolard, Council Member Steven Tye, and Council Member Tim Handren

Absent: 1 - Council Member Ron Cisneros

Staff Present: Ron Bowman, Siria Arreola, Dan Blankenship, Lori Carroll, Kirsten Cohoon, Jim Kohler, Mike Mann, Sandy Mattick, Doug Meckel, Mike Raute, Laura Talley, Jeff Thompson, Linda Zartler, and Danny Zincke.

Registered / Recognized Guests: Denise Dever, Brad McFarland, Bill Dever, Kelly Housley, and Stran Dutton.

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 called on Barron Cohoon to lead the Pledge of Allegiance to the United States Flag and the Texas Flag.

2. CONFLICTS OF INTEREST

No conflicts were declared.

3. PUBLIC COMMENTS:

Denise Dever, 53 Silent Spring spoke on the Kendall Gateway Study. She

announced that the Kendall County Commissioners Court will hold a special public meeting at Kronkosky Place on October 15, 2018 at 2:30 p.m. She is hopeful that the vote will be to reject the study.

Brad McFarland, 137B Spanish Pass Road spoke on the Kendall Gateway Study. He stated he moved to Boerne in June. He has seen the response from the citizens in support of rejecting the plan. He doesn't want to see the culture jeopardized that brought him to Boerne.

4. CONSENT AGENDA:

4.A. [2018-673](#) CONSIDER APPROVAL OF THE MINUTES OF THE CITY COUNCIL MEETING HELD SEPTEMBER 25, 2018.

THE MINUTES WERE APPROVED.

4.B. [2018-679](#) CONSIDER ON SECOND READING ORDINANCE NO. 2018-37; AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 2015-05, ESTABLISHING A 35 MILE PER HOUR SPEED LIMIT ALONG ESSER ROAD (HWY 474) FROM RIVER ROAD TO ADLER STREET; AND PROVIDING FOR A PENALTY NOT TO EXCEED \$200 FOR EACH VIOLATION OF THIS ORDINANCE. (Decrease speed limit from 40 miles per hour to 35 miles per hour on FM 474 between Chaparral Creek Dr. to Adler St.)

THE ORDINANCE WAS APPROVED.

4.C. [2018-680](#) CONSIDER ON SECOND READING ORDINANCE NO. 2018-38; AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF BOERNE, TEXAS, BY AMENDING CHAPTER 12. MOTOR VEHICLES AND TRAFFIC, ARTICLE VII. SCHOOL ZONES, DIVISION 1. GENERALLY, SECTION 12-206. ESTABLISHED; AND PROVIDING FOR A PENALTY NOT TO EXCEED \$200 FOR EACH VIOLATION. (Establish a school zone on FM 474 for Boerne High School)

THE ORDINANCE WAS APPROVED.

4.D. [2018-671](#) CONSIDER RESOLUTION NO. 2018-R82; A RESOLUTION AUTHORIZING THE CITY MANAGER TO PAY REGULAR INVOICES AND BILLS FROM SPECIFIC PROVIDERS OF GOODS AND SERVICES,

IN ACCORDANCE WITH THE APPROVED ANNUAL BUDGET, AND IN ACCORDANCE WITH SECTION 6.08 OF THE CITY OF BOERNE'S HOME RULE CHARTER.

THE RESOLUTION WAS APPROVED.

4.E. [2018-677](#) CONSIDER RESOLUTION NO. 2018-R83; A RESOLUTION APPROVING THE TAX LEVY ROLL OF THE CITY OF BOERNE, TEXAS FOR THE YEAR 2018.

THE RESOLUTION WAS APPROVED.

4.F. [2018-685](#) CONSIDER RESOLUTION NO. 2018-R84; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE, TEXAS AND ABIP, PC FOR AUDITING THE CITY OF BOERNE'S FINANCIAL STATEMENTS FOR THE YEAR ENDING SEPTEMBER 30, 2018.

THE RESOLUTION WAS APPROVED.

4.G. [2018-666](#) CONSIDER RESOLUTION NO. 2018-R85; A RESOLUTION AUTHORIZING THE CITY MANAGER TO PROCEED WITH PURCHASES AS PER SECTION 6.08 OF THE CITY OF BOERNE'S HOME RULE CHARTER. (3 Ford Explorers for the Police Department)

THE RESOLUTION WAS APPROVED.

4.H. [2018-640](#) CONSIDER RESOLUTION NO. 2018-R86; A RESOLUTION AUTHORIZING THE CITY MANAGER TO PROCEED WITH PURCHASES AS PER SECTION 6.08 OF THE CITY OF BOERNE'S HOME RULE CHARTER. (Avior HD Camera and recording solution for Council Chambers from Swagit Productions, LLC)

THE RESOLUTION WAS APPROVED.

4.I. [2018-641](#) CONSIDER RESOLUTION NO. 2018-R87; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND CIVIC PLUS TO REDESIGN THE CITY WEBSITE AND MOBILE APPLICATION.

THE RESOLUTION WAS APPROVED.

4.J. [2018-642](#) CONSIDER RESOLUTION NO. 2018-R88; A RESOLUTION

AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN ENTERPRISE LICENSE AGREEMENT BETWEEN THE CITY OF BOERNE AND ESRI TO RENEW GIS MAPPING SOFTWARE.

THE RESOLUTION WAS APPROVED.

4.K. [2018-675](#) CONSIDER RESOLUTION NO. 2018-R89; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A LEASE AGREEMENT BETWEEN THE CITY OF BOERNE AND DELL FINANCIAL SERVICES LLC.

THE RESOLUTION WAS APPROVED.

4.L. [2018-674](#) CONSIDER RESOLUTION NO. 2018-R90; A RESOLUTION AUTHORIZING THE CITY MANAGER TO PROCEED WITH PURCHASES AS PER SECTION 6.08 OF THE CITY OF BOERNE'S HOME RULE CHARTER. (Fifty Dell Computers)

THE RESOLUTION WAS APPROVED.

4.M. [2018-676](#) CONSIDER RESOLUTION NO. 2018-R91; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A LEASE AGREEMENT BETWEEN THE CITY OF BOERNE AND WELLS FARGO FINANCIAL SERVICES FOR IPADS.

THE RESOLUTION WAS APPROVED.

4.N. [2018-681](#) CONSIDER RESOLUTION NO. 2018-R92; 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 Software upgrade for Utility Billing and Code Enforcement /Permitting)

THE RESOLUTION WAS APPROVED.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER HANDREN TO APPROVE THE CONSENT AGENDA AS PRESENTED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Council Member Anzollitto, Mayor Pro Tem Woolard, Council Member Tye, and Council Member Handren

Absent: 1 - Council Member Cisneros

5. PUBLIC HEARING – To Hear Comments On The Following:

- 5.A. [2018-684](#) REVIEW OF ORDINANCE NO. 2015-34; AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF BOERNE, TEXAS, BY AMENDING CHAPTER 15, ARTICLE IV, YOUTH CURFEW; PROVIDING FOR DEFINITIONS; ESTABLISHING DEFENSES TO PROSECUTION; ESTABLISHING AN ENFORCEMENT PROCEDURE; PROVIDING FOR A MAXIMUM PENALTY OF \$500.00 FOR VIOLATION OF THIS ORDINANCE. (One of two hearings)

Mayor Schultz opened the Public Hearing at 6:10 p.m.

No comments were received.

Mayor Schultz closed the Public Hearing at 6:11 p.m.

6. [2018-682](#) CONSIDER ON FIRST READING ORDINANCE NO. 2018-39; AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF BOERNE, TEXAS, BY AMENDING CHAPTER 15, ARTICLE IV, YOUTH CURFEW; PROVIDING FOR DEFINITIONS; ESTABLISHING DEFENSES TO PROSECUTION; ESTABLISHING AN ENFORCEMENT PROCEDURE; PROVIDING FOR A MAXIMUM PENALTY OF \$500.00 FOR VIOLATION OF THIS ORDINANCE.

Mayor Schultz called on Police Chief Jim Kohler. Chief Kohler stated that the City established the Youth Curfew Ordinance in 1997. There is a state requirement that municipalities review the ordinance every three years. Chief Kohler stated that he feels the ordinance should remain in place to achieve a proactive approach. In the past five years, curfew violations average five annually. Discussion ensued regarding the effectiveness of the ordinance, the ordinance acting as a deterrent, and defenses listed in the ordinance.

A MOTION WAS MADE BY COUNCIL MEMBER HANDREN, SECONDED BY MAYOR PRO TEM WOOLARD, TO APPROVE ON FIRST READING ORDINANCE NO. 2018-39; AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF BOERNE, TEXAS, BY AMENDING CHAPTER 15, ARTICLE IV, YOUTH CURFEW; PROVIDING FOR DEFINITIONS; ESTABLISHING DEFENSES TO PROSECUTION; ESTABLISHING AN ENFORCEMENT PROCEDURE; PROVIDING FOR A MAXIMUM PENALTY OF \$500.00 FOR VIOLATION OF THIS ORDINANCE. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Council Member Anzollitto, Mayor Pro Tem Woolard, Council Member Tye, and Council Member Handren

Absent: 1 - Council Member Cisneros

7. [2018-683](#) CONSIDER RESOLUTION NO. 2018-R93; A RESOLUTION AUTHORIZING A CHANGE ORDER TO THE GAS MAIN EXTENSION AGREEMENT BETWEEN THE CITY OF BOERNE, YMCA OF GREATER SAN ANTONIO AND KENDALL COUNTY.

Mayor Schultz called on Mr. Mike Mann, Utilities Director. Mr. Mann displayed a map of the location of the gas main extension project on Plant Street and Adler Road which will serve the YMCA facility and the Kendall County Law Enforcement Center. The agreement with the YMCA and Kendall County require the City to pay one-third of the cost for the base project and one-half of the oversizing of the pipeline along Adler to 4-inch diameter. An unanticipated conflict on the gas main tie-in near Garden Street was discovered causing the connection to be redesigned, and resulting in an additional cost of \$5,085.00 to the City. It was Staff's recommendation to approve Resolution No. 2018-R93 authorizing the change order.

A MOTION WAS MADE BY COUNCIL MEMBER ANZOLLITTO, SECONDED BY COUNCIL MEMBER HANDREN, TO APPROVE RESOLUTION NO. 2018-R93; A RESOLUTION AUTHORIZING A CHANGE ORDER TO THE 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: 4 - Council Member Anzollitto, Mayor Pro Tem Woolard, Council Member Tye, and Council Member Handren

Absent: 1 - Council Member Cisneros

8. COMMENTS FROM COUNCIL/ STAFF – No discussion or action may take place.

Mayor Schultz stated that he is appointing a committee to revise the process and document used for the City Manager's evaluation. Council Member Handren and Mayor Pro Tem Woolard are named on the committee with Assistant City Manager Linda Zartler to assist in the process.

9. ADJOURNMENT

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER HANDREN, TO ADJOURN THE CITY COUNCIL MEETING AT 6:23 P.M. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Council Member Anzollitto, Mayor Pro Tem Woolard, Council Member Tye, and Council Member Handren

Absent: 1 - Council Member Cisneros

Approved:

Mayor

Attest:

City Secretary