

**MINUTES
REGULAR CITY COUNCIL
MEETING CITY COUNCIL
CHAMBERS
124 Old San Antonio
Road Boerne, TX 78006
October 13, 2015 – 6:00 PM**

Minutes of the Regular City Council Meeting of October 13, 2015 at 6:00 p.m.

Present: Mayor Mike Schultz, Mayor Pro Tem Ron Cisneros, Council Member Christina Bergmann, Council Member Charlie Boyd IV, Council Member Jeff Haberstroh, and Council Member Nina Woolard.

Staff Present: Ron Bowman, Heather Bradford, Pam Bransford, Lori Carroll, Holly Casillas, Kirsten Cohoon, Tammy Edmiston, Melissa Grace, Jim Kohler, Mike Mann, Mark Mattick, Sandy Mattick, Doug Meckel, Angie Rios, Laura Talley, Jeff Thompson, Linda Zartler, and Danny Zincke.

Recognized / Registered Guests: Gail Yovanovich, Wiley Cloud, Ed McCaffrey, Debbie DeLoach, and James McCaffrey.

1. CALL TO ORDER – 6:00 PM

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

Mayor Schultz asked James McCaffrey 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:

No comments were received.

4. CONSENT AGENDA:

- 4.A. Approval of Minutes of September 15, 2015 (*Special Called*), September 18, 2015 (*Art Al Fresco*) September 22, 2015 (*Regular*)

The Minutes were approved.

- 4.B. Consider Resolution No. 2015-R90; 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.C.** Consider On Second Reading Ordinance No. 2015-33; 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 *(3.942 Acres Located At 137 Old San Antonio Road - A Long Stay - At The Request Of The City Of Boerne)*

The Ordinance was approved.

- 4.D.** Consider On Second Reading Ordinance No. 2015-34; An Ordinance Amending The Code Of Ordinances, City Of Boerne, Texas, By Amending Chapter 15, Article IV, Youth Curfew; By Replacing Sections 15.86 Thru 15.90; 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 Ordinance was approved.

- 4.E.** Consider Resolution No. 2015-R91; A Resolution Authorizing The City Manager To Proceed With Purchases As Per Section 6.08 Of The City Of Boerne's Home Rule Charter *(Repair to a Water Supply Well)*

The Resolution was approved.

- 4.F.** Consider Resolution No. 2015-R92; A Resolution Authorizing The City Manager To Enter Into And Manage A Lease Agreement With Apple. *(For Ipads)*

The Resolution was approved.

- 4.G.** Consider Resolution No. 2015-R93; A Resolution Authorizing The City Manager To Enter Into And Manage An Enterprise License Agreement With ESRI To Renew ESRI GIS Mapping Software.

The Resolution was approved.

- 4.H.** Consider Resolution No. 2015-R94; A Resolution Authorizing The City Manager To Proceed With Purchases As Per Section 6.08 Of The City Of Boerne's Home Rule Charter *(Ford Transit Connect Van)*

The Resolution was approved.

- 4.I.** Consider Resolution No. 2015-R95; A Resolution Authorizing The City Manager To Proceed With Purchases As Per Section 6.08 Of The City Of Boerne's Home Rule Charter (*Materials and labor for Bandera Electric Cooperative Relocation of Service, Texas Star Nut and Food Texas Capital Fund Grant*)

The Resolution was approved.

APPROVAL OF THE CONSENT AGENDA

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY COUNCIL MEMBER HABERSTROH, TO APPROVE THE CONSENT AGENDA. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Haberstroh, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, And Council Member Bergmann

- 5.A.** PUBLIC HEARING - To Hear Comments On The Following:
To consider the proposed rezoning of 209 Lohmann (PID: 25696), a total of .19 acres, from R-2, Moderate-Density Residential District to B-3, Central Business District. (Bill Bird)

Mayor Schultz opened the Public Hearing at 6:08 p.m. No comments were received.
Mayor Schultz closed the Public Hearing at 6:09 p.m.

- 5.B.** PUBLIC HEARING - To Hear Comments On The Following:
Consider the proposed revisions to the City of Boerne Zoning Ordinance No. 2007-64, Article 1, In General, Section 06. Definitions, To consider the proposed revisions to the City of Boerne Zoning Ordinance No. 2007-64, Article 1, In General, Section 06. Definitions, Section 07. Categories and Description of Uses, Article 3. General Prohibitions and Requirements, Section 06. Accessory Dwellings, Section 09. Combined Commercial Design Standards, Section 10. On-site Parking Requirements, Article 5, Zoning Districts and Use Regulations, Section 03. Permitted Uses, Section 04. Residential Lot Types and Standards, Section 21. Office District, adding Section 31. Cottage Housing Development Overlay District, Article 6. Planning and Zoning Commission Section 03. Rules and Procedures of the Commission.

Mayor Schultz opened the Public Hearing at 6:09 p.m.

No comments were received.

Mayor Schultz closed the Public Hearing at 6:09 p.m.

6.A.

TAKE ANY NECESSARY ACTION RESULTING FROM THE PUBLIC HEARING: CONSIDER ON FIRST READING ORDINANCE NO. 2015-35; 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, ZONING .19 ACRES LOCATED AT 209 LOHMANN ROAD (KAD 25696) FROM R-2, MODERATE-DENSITY RESIDENTIAL DISTRICT TO B-3, CENTRAL BUSINESS DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE.

Mayor Schultz called on Ms. Laura Talley, Senior Planner. Ms. Talley displayed a map of the property located 209 Lohmann. She stated that the property owner Mr. Bill Bird has requested the property be permanently zoned B-3, Central Business District. The existing house on the property would be leased out and a laundry facility would be built on the property for Ye Kendall Inn. The Planning and Zoning Commission recommended approval by a voted 6-0 with one abstention. Staff recommended approval on first reading Ordinance No. 2015-35.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY COUNCIL MEMBER BERGMANN, TO APPROVE ON FIRST READING ORDINANCE NO. 2015-35; 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, ZONING .19 ACRES LOCATED AT 209 LOHMANN ROAD (KAD 25696) FROM R-2, MODERATE-DENSITY RESIDENTIAL DISTRICT TO B-3, CENTRAL BUSINESS DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE.. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Haberstroh, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Bergmann

6.B.

TAKE ANY NECESSARY ACTION RESULTING FROM THE PUBLIC HEARING: CONSIDER ON FIRST READING ORDINANCE NO. 2015-36; AN ORDINANCE AMENDING THE CITY OF BOERNE ZONING ORDINANCE NO. 2007-64, ARTICLE 1, IN GENERAL, SECTION 06. DEFINITIONS, TO CONSIDER THE PROPOSED REVISIONS TO THE CITY OF BOERNE ZONING ORDINANCE NO. 2007-64, ARTICLE 1, IN GENERAL, SECTION 06. DEFINITIONS, SECTION 07. CATEGORIES AND DESCRIPTION OF USES, ARTICLE 3. GENERAL PROHIBITIONS AND REQUIREMENTS, SECTION 06. ACCESSORY DWELLINGS, SECTION 09. COMBINED COMMERCIAL DESIGN STANDARDS, SECTION 10. ON-SITE PARKING REQUIREMENTS, ARTICLE 5, ZONING DISTRICTS AND USE REGULATIONS, SECTION 03. PERMITTED USES, SECTION 04. RESIDENTIAL LOT TYPES AND STANDARDS, SECTION 21. OFFICE DISTRICT, ADDING SECTION 31. COTTAGE HOUSING DEVELOPMENT OVERLAY DISTRICT, ARTICLE 6. PLANNING AND ZONING COMMISSION, SECTION 03. RULES AND PROCEDURES OF THE COMMISSION.

Ms. Talley reviewed the proposed modifications to the Zoning Ordinance. She

displayed examples of diagrams and photos of cottage housing. Discussion ensued regarding existing accessory dwellings, defining short term in regards to travel trailers, low impact development guideline reference, parking, and cottage housing perimeter circulation.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY COUNCIL MEMBER HABERSTROH, TO APPROVE ON FIRST READING ORDINANCE NO. 2015-36; AN ORDINANCE AMENDING THE CITY OF BOERNE ZONING ORDINANCE NO. 2007-64, ARTICLE 1, IN GENERAL, SECTION 06. DEFINITIONS, TO CONSIDER THE PROPOSED REVISIONS TO THE CITY OF BOERNE ZONING ORDINANCE NO. 2007-64, ARTICLE 1, IN GENERAL, SECTION 6. DEFINITIONS, SECTION 07. CATEGORIES AND DESCRIPTION OF USES, ARTICLE 3. GENERAL PROHIBITIONS AND REQUIREMENTS, SECTION 06. ACCESSORY DWELLINGS, SECTION 09. COMBINED COMMERCIAL DESIGN STANDARDS, SECTION 10. ON-SITE PARKING REQUIREMENTS, ARTICLE 5, ZONING DISTRICTS AND USE REGULATIONS, SECTION 03. PERMITTED USES, SECTION 04. RESIDENTIAL LOT TYPES AND STANDARDS, SECTION 21. OFFICE DISTRICT, ADDING SECTION 31. COTTAGE HOUSING DEVELOPMENT OVERLAY DISTRICT, ARTICLE 6. PLANNING AND ZONING COMMISSION, SECTION 03. RULES AND PROCEDURES OF THE COMMISSION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Haberstroh, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Bergmann

7. PRESENTATION OF CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING FROM THE GOVERNMENT FINANCE OFFICERS ASSOCIATION FOR FISCAL YEAR 2013-2014.

Mayor Schultz called on Ms. Sandy Mattick, Finance Director. Ms. Mattick introduced the Finance Department employees in the audience, who are responsible for the completion of the Comprehensive Annual Financial Report. She stated that this is the 29th year that the City has received the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association.

8. CONSIDER RESOLUTION NO. 2015-R96; A RESOLUTION NOMINATING CANDIDATES TO THE KENDALL COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS.

Mayor Schultz stated that Mr. Pete Peters has served on the Kendall Appraisal District Board as a City representative for 8 years and has requested to be replaced. Mayor Schultz recommended nominating Mr. Robert Weller to represent the City on the Board.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY MAYOR PRO TEM CISNEROS, TO APPROVE RESOLUTION NO. 2015-R96; A RESOLUTION NOMINATING ROBERT T. WELLER, II TO THE KENDALL COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Haberstroh, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Bergmann

9. CONSIDER RESOLUTION NO. 2015-R97; A RESOLUTION APPROVING THE TAX LEVY ROLL OF THE CITY OF BOERNE, TEXAS FOR THE YEAR 2015.

Ms. Mattick presented the official tax roll for the 2015 tax year. She reviewed the total Assessed Value, Taxable Value before freeze, the Taxable Value after freeze, and the Total 2014 Tax Levy.

A MOTION WAS MADE BY MAYOR PRO TEM CISNEROS, SECONDED BY COUNCIL MEMBER BERGMANN, TO APPROVE RESOLUTION NO. 2015-R97; A RESOLUTION APPROVING THE TAX LEVY ROLL OF THE CITY OF BOERNE, TEXAS FOR THE YEAR 2015. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Haberstroh, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Bergmann

10. UPDATE ON GVTC GIGAREGION PROJECT.

Mayor Schultz called on Mr. Jeff Thompson, Deputy City Manager. Mr. Thompson presented a six month update on the GVTC GigaRegion project to include expenditures and progress made to date. He displayed a map showing the project areas, the areas completed, and the locations currently under construction. Currently 72 homes have new service. Mr. Thompson stated that he will present another update in March, 2016. He introduced Mr. Jeff Mnick, Vice President of GVTC. Mr. Mnick stated that GVTC is on schedule to complete 1,000 homes by February, 2016. Discussion ensued regarding vehicle identification for the contractors working with GVTC on the project.

11. PRESENTATION AND CONSIDERATION OF 2016 ECONOMIC DEVELOPMENT WORK PLAN.

Mr. Thompson reminded the Council Members of the Economic Development Work Plan discussion at the September 22, 2015 City Council meeting. He reviewed the modifications made since the last meeting based on the Council Member's feedback. This Plan is the first to contain joint goals of both the City and Boerne Kendall County Economic Development Corporation (BKCEDC). Mr. Thompson introduced Mr. Ron Warden and Ms. Misty Mayo from the BKCEDC in the audience. Staff recommended approval of the Economic Development Work Plan. Mr. Warden expressed his appreciation to the City Council and to Staff.

A MOTION WAS MADE BY COUNCIL MEMBER HABERSTROH, SECONDED BY COUNCIL MEMBER WOOLARD, TO APPROVE THE 2016 ECONOMIC DEVELOPMENT WORK PLAN. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Haberstroh, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Bergmann

12. A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A DELEGATE AGENCY AGREEMENT BETWEEN THE CITY OF BOERNE AND BOERNE KENDALL COUNTY ECONOMIC DEVELOPMENT CORPORATION

Mayor Schultz called on Ms. Kirsten Cohoon, City Attorney. Ms. Cohoon reviewed the proposed modifications to the Boerne Kendall County Economic Development Corporation (BKCEDC) Delegate Agency Agreement. The annual contribution amount to the BKCEDC will be \$75,000 with payments made quarterly in the amount of \$18,750. Discussion ensued regarding the increased contribution amount.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY MAYOR PRO TEM CISNEROS, TO APPROVE RESOLUTION NO. 2015-R98; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A DELEGATE AGENCY AGREEMENT BETWEEN THE CITY OF BOERNE AND BOERNE KENDALL COUNTY ECONOMIC DEVELOPMENT CORPORATION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Council Member Haberstroh, Council Member Woolard, Mayor Pro Tem Cisneros, and Council Member Bergmann
Nay: 1 - Council Member Boyd IV

13. A RESOLUTION AUTHORIZING THE CITY MANAGER OF THE CITY OF BOERNE, TEXAS TO ENTER INTO AND MANAGE A DEVELOPMENT AGREEMENT WITH JCH 1670 RIVER ROAD INVESTMENT LLC. AS PER CHAPTER 43 AND SECTION 212.172 TEXAS LOCAL GOVERNMENT CODE

Mayor Schultz called on Ms. Cohoon to review the proposed Development Agreement with JCH 1670 River Road Investment LLC. Under the Texas Local Government Code the Agreement allows the City to manage the property's future use as though it were located in the City limits but provides the property owner the contractual guarantee that the property will remain unchanged as long as the use of the property is the same. The property owners chose to enter into the Development Agreement for a term of five years. A map of the property location was displayed.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY MAYOR PRO TEM CISNEROS, TO APPROVE RESOLUTION NO. 2015-R99; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A DEVELOPMENT AGREEMENT WITH JCH 1670 RIVER ROAD INVESTMENT LLC. AS PER CHAPTER 43 & SECTION 212.172 TEXAS LOCAL GOVERNMENT CODE. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Haberstroh, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Bergmann

14. CONSIDER RESOLUTION NO. 2015-R100; 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. *(3.915 acres located at 35 Cascade Caverns Road - PID 12245 - at the request of Currey Creek Baptist Church of Boerne)*

Ms. Talley explained that a couple of years ago the City entered into a Development Agreement with Currey Creek Baptist Church located at 35 Cascade Caverns. The Agreement permitted the extension of water to their property. The Agreement required the Church to submit a petition for the annexation when the property became contiguous to the City limits. A map of the property location was displayed.

A MOTION WAS MADE BY COUNCIL MEMBER BERGMANN, SECONDED BY COUNCIL MEMBER WOOLARD, TO APPROVE RESOLUTION NO. 2015-R100; 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. (3.915 ACRES LOCATED AT 35 CASCADE CAVERNS ROAD - PID 12245 - AT THE REQUEST OF CURREY CREEK BAPTIST CHURCH OF BOERNE).

THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Haberstroh, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Bergmann

15. CONSIDER RESOLUTION NO. 2015-R101; A RESOLUTION AMENDING THE AUTHORIZATION FOR THE CITY MANAGER TO ENTER INTO AND MANAGE NEGOTIATIONS WITH RANDALL SCOTT ARCHITECTS FOR SPACE NEEDS ASSESSMENT AND CONCEPTUAL DESIGN FOR FUTURE MUNICIPAL FACILITIES.

Mayor Schultz called on Ms. Linda Zartler, Assistant City Manager. Ms. Zartler explained that City Council authorized a budget of \$50,000 for space needs assessment and conceptual design for future municipal facilities at the September 8, 2015 Council Meeting. Randall Scott Architects drafted a proposal for professional services which includes site analysis, needs assessment, conceptual schematic design as well as cost estimating services. The proposal totaled \$87,750. The conceptual design, environment and

geotechnical studies were not factored in the initial estimate. Staff is requesting an additional \$50,000 to the budget for a total of \$100,000. Staff will request input from the City Council at the October 20, 2015 Quarterly Round Table discussion.

A MOTION WAS MADE BY MAYOR PRO TEM CISNEROS, SECONDED BY COUNCIL MEMBER WOOLARD, TO APPROVE RESOLUTION NO. 2015-R101; A RESOLUTION AMENDING THE AUTHORIZATION FOR THE CITY MANAGER TO ENTER INTO AND MANAGE NEGOTIATIONS WITH RANDALL SCOTT ARCHITECTS FOR SPACE NEEDS ASSESSMENT AND CONCEPTUAL DESIGN FOR FUTURE MUNICIPAL FACILITIES. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Council Member Haberstroh, Council Member Woolard, Mayor Pro Tem Cisneros, and Council Member Bergmann
Nay: 1 - Council Member Boyd IV

16. CONSIDER RESOLUTION NO. 2015-R102; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT FOR OVERSIZING THE WOODS OF BOERNE UNIT 3 WATER MAIN AND GAS MAIN PROJECT.

Mayor Schultz called on Mr. Mike Mann, Public Works Director. Mr. Mann explained the process for developers to loop their water main infrastructure to existing mains. He displayed a map of the location. The Woods of Boerne dedicated the necessary easement with the requirement that only Woods of Boerne contractor be allowed to work within the easement. Champion Heights, Unit 2 is currently in design and needs to connect a water main accordingly. The best way to facilitate construction of the main would be for the City to oversize the Woods of Boerne project and for Champion Heights to reimburse the City of our costs. With City Council's approval of the oversizing, the City will need to execute an agreement with Champion Heights for reimbursement of our cost for the water main. The oversizing also includes the cost of a parallel natural gas main. Since the Subdivision Ordinance does not require development to loop the gas main, the expense would be totally incumbent on the City. It is Staff's recommendation that both extensions be performed at this time for a total of \$23,662.23.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY MAYOR PRO TEM CISNEROS, TO APPROVE RESOLUTION NO. 2015-R102; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT FOR OVERSIZING THE WOODS OF BOERNE UNIT 3 WATER MAIN AND GAS MAIN PROJECT IN THE AMOUNT, NOT TO EXCEED \$23,662.23. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Haberstroh, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Bergmann

17. CONSIDER ON SECOND READING ORDINANCE NO. 2015-32; 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 *(11.65 Acres Located At 125, 127, 129 And 131 Old San Antonio Road – Cloud Business Park, Texas Ten Oaks Storage, LLC & SDG 129 – At The Request Of The City Of Boerne)*

Ms. Talley displayed a map of the location of the proposed annexation located at 125, 127, 129, and 131 Old San Antonio Road at the request of City staff. The 11.65 acres are contiguous to the existing city limits on three sides.

A MOTION WAS MADE BY COUNCIL MEMBER BERGMANN, SECONDED BY MAYOR PRO TEM CISNEROS, TO APPROVE ON SECOND READING ORDINANCE NO. 2015-32; 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 (11.65 ACRES LOCATED AT 125, 127, 129 AND 131 OLD SAN ANTONIO ROAD - CLOUD BUSINESS PARK, TEXAS TEN OAKS STORAGE, LLC & SDG 129 - AT THE REQUEST OF THE CITY OF BOERNE). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Haberstroh, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Bergmann

18. CONSIDER ON FIRST READING ORDINANCE NO. 2015-37; 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. *(.793 acres located on Cascade Caverns Road- a portion of PID 24326- at the request of Preston Streicher)*

Ms. Talley discussed the proposed annexation of the property located on Cascade Caverns Road. The owner of the property Mr. Preston Streicher requested annexation of a portion of his property, .793 acres which includes the right-of-way of Cascade Caverns Road.

A MOTION WAS MADE BY COUNCIL MEMBER BERGMANN, SECONDED BY COUNCIL MEMBER WOOLARD, TO APPROVE ON FIRST READING ORDINANCE NO. 2015-37; 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. (.793 ACRES LOCATED ON CASCADE CAVERNS ROAD- A PORTION OF PID 24326- AT THE REQUEST OF PRESTON STREICHER). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Haberstroh, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Bergmann

19. RECEIVE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND SET PUBLIC HEARING FOR NOVEMBER 10, 2015:

- A. Proposed use of an automobile gas station in a B-2, Highway Commercial District for 1381 South Main Street (PID: 46995 and 46966), a total of .6008 acres (Murphy Oil USA Inc. #6822)

Ms. Talley displayed map of the property located at 1381 South Main Street. This is the gas station in front of Wal-Mart. Because changes will be made to the existing gas station, the proposed use of an automobile gas station in a B-2, Highway Commercial District must be approved by the City Council. The Planning and Zoning Commission recommended by a vote of 6-0 that City Council approve the request. Staff recommended that the City Council received the recommendation set the public hearing for November 10, 2015.

A MOTION WAS MADE BY COUNCIL MEMBER BERGMANN, SECONDED BY COUNCIL MEMBER BOYD IV, TO RECEIVE THE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND SET PUBLIC HEARING FOR NOVEMBER 10, 2015:
PROPOSED USE OF AN AUTOMOBILE GAS STATION IN A B-2, HIGHWAY COMMERCIAL DISTRICT FOR 1381 SOUTH MAIN STREET (PID: 46995 AND 46966), A TOTAL OF .6008 ACRES (MURPHY OIL USA INC. #6822). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Haberstroh, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Bergmann

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

Mike Mann, Public Works Director stated that a preconstruction meeting was held on the Chapman Sewer Main project. This is a grant reimbursement project. A companion to the project is with the Texas Star and Nut company which should be started soon.

Ron Bowman, City Manager stated that the Rod Run was a success with approximately 475 vehicles participating. Local hotels and shops seemed to have a good weekend.

Council Member Haberstroh stated that the Alamo Metropolitan Planning Organization will hear amendments to the Transportation Plan later this month to include the Highway

46 East project from Esser Road to Ammann Road which will move up from 2019 to 2017 calendar year. TxDOT will host an open house October 22, 2015 at the Boerne Convention Center from 5:00-7:00 p.m. The public is urged to attend.

21. EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE:
- A. Section 551.071 (1) (a) – Consultation with Attorney and Section 551.072 - Deliberation regarding Real Property.
 - B. Section 551.074 - Personnel Matters: City Attorney's Annual Performance Evaluation.

Mayor Schultz Mayor Schultz convened the City Council into Executive Session at 7:39 p.m. and requested those individuals directed to participate to adjourn to the Executive Session Conference room.

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 8:26 p.m.

No action was taken.

23. ADJOURNMENT

A MOTION WAS MADE BY COUNCIL MEMBER BERGMANN, SECONDED BY COUNCIL MEMBER WOOLARD TO ADJOURN THE CITY COUNCIL MEETING AT 8:27 PM. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Haberstroh, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Bergmann

ATTEST:

APPROVED:

City Secretary

Mayor