

**MINUTES
CITY COUNCIL WORKSHOP
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
January 12, 2016 – 5:00 p.m.**

Minutes of the City Council Workshop of January 12, 2016 at 5:00 p.m.

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

Staff Present: Ron Bowman, Siria Arreola, Lori Carroll, Kirsten Cohoon, Jim Kohler, Mike Raute, Jeff Thompson, and Linda Zartler.

Recognized / Registered Guests: No guests were present.

1. CALL TO ORDER – 5:00 PM

Mayor Schultz called the City Council Workshop to order at 5:00 p.m.

2. WORKSHOP DISCUSSION:

2A. Discussion On Effectiveness Of Ordinance 2015-38 Amending Chapter 12, Motor Vehicles And Traffic And Allowing The Operation Of Golf Carts In The City On Certain Public Streets during The Holiday Season.

Mayor Schultz called on Ms. Kirsten Cohoon, City Attorney and Police Chief Jim Kohler. Ms. Cohoon reviewed the Ordinance currently in place for the operations of golf carts for the purpose of package deliveries during the holiday season. Eight golf carts were used during the holiday season by UPS. Chief Kohler stated that his office did not receive any complaints and that he had discussion with Mr. Gramm of UPS and UPS did not receive any complaints nor were there any accidents. Discussion ensued regarding the golf carts having all the required markings, the individuals wearing UPS uniforms, and the positive aspects of using golf carts. Ms. Cohoon stated that unless the City Council objects, the Ordinance will stay in place for the next holiday season November 15, 2016 through January 5, 2017. Chief Kohler will contact Mr. Gramm to let him know that the Ordinance will stay in place for the next holiday season.

3. ADJOURNMENT

Mayor Schultz adjourned the City Council Workshop at 5:12 p.m.

**MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
January 12, 2016 – 6:00 PM**

Minutes of the City Council meeting of January 12, 2016 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, Siria Arreola, Paul Barwick, Pam Bransford, Lori Carroll, Kirsten Cohoon, Jim Kohler, Mike Mann, Mark Mattick, Sandy Mattick, Doug Meckel, Mike Raute, Laura Talley, Jeff Thompson, Chris Turk, Larry Woods, Linda Zartler, and Danny Zincke.

Recognized / Registered Guests: Charlotte Olson, Alexander Olson, Jennifer Smith, Debbie DeLoach, and Gail Yovanovich.

1. CALL TO ORDER – 6:00 PM

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

Mayor Schultz asked Alexander Olson to lead the Pledge of Allegiance to the United States Flag and to the Texas Flag.

2. CONFLICTS OF INTEREST

No conflicts of interest were declared.

3. PUBLIC COMMENTS:

No comments were received.

4. CONSENT AGENDA:

4A. Approval Of Minutes Of The Regular City Council Meeting Of December 15, 2015.

THE MINUTES WERE APPROVED.

4B. Consider On Second Reading Ordinance No. 2015-46; An Ordinance Repealing And Replacing The Code Of Ordinances, City Of Boerne, Texas, By Amending Chapter 16 Parks And Recreation; And Providing For A Penalty Of Not More Than \$200 For Violation Of Any Provision Of This Ordinance.

ORDINANCE NO. 2015-46 WAS APPROVED.

4C. Consider Resolution No. 2016-R01; A Resolution Authorizing The Closure Of A Portion Of Main Street (Hwy 87) During Certain Hours For The Texas Corvette Association Show And Authorizing The Mayor To Execute An Agreement For The Temporary Closure Of State Right-Of-Way With The Texas Department Of Transportation.

RESOLUTION NO. 2015-R01 WAS APPROVED.

4d. Consider Resolution No. 2016-R02; A Resolution Authorizing The City Manager To Enter Into And Manage An Agreement With McCoy Through The Lower Colorado River Authority For Tree Trimming Services.

RESOLUTION NO. 2015-R02 WAS APPROVED.

4E. Consider Resolution No. 2016-R03; A Resolution Authorizing The City Manager To Proceed With Purchases As Per Section 6.08 Of The City Of Boerne's Home Rule Charter. (14 Automated External Defibrillators (AED)).

RESOLUTION NO. 2015-R03 WAS APPROVED.

4F. Consider Resolution No. 2016-R04; A Resolution Authorizing The City Manager To Enter Into And Manage A Professional Services Agreement With DaHill For Printer Maintenance.

RESOLUTION NO. 2015-R04 WAS APPROVED.

4G. Consider Resolution No. 2016-R05; A Resolution Authorizing The City Manager To Proceed With Purchases As Per Section 6.08 Of The City Of Boerne's Home Rule Charter. (Electric Purchase For Menger Springs Unit G2)

RESOLUTION NO. 2015-R05 WAS APPROVED.

APPROVAL OF THE CONSENT AGENDA:

A MOTION WAS MADE BY COUNCIL MEMBER BOYD IV, SECONDED BY MAYOR PRO TEM CISNEROS 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.

PUBLIC HEARING – To Hear Comments On The Following:

5A. Proposed Permanent Zoning Of 3.895 Acres Located At 137 Old San Antonio Road From R-A, Single Family Rural Residential- Agricultural District To R-2, Moderate-Density Residential District, KAD No. 41140, 46196, and 290279. (Patricia Long)

Mayor Schultz opened the Public Hearing 6:06 p.m.

No comments were received.

Mayor Schultz closed the Public Hearing at 6:06 p.m.

5B. Proposed Use Of A Trailer Court In A B-2, Highway Commercial District For 48 and 48A Old San Antonio Road (KAD: 39194 and 39193), A Total Of 5.378 Acres. (Roy Faz)

Mayor Schultz opened the Public Hearing at 6:06 p.m.

No comments were received.

Mayor Schultz closed the Public Hearing at 6:07 p.m.

5C. Proposed Application Of An Entrance Corridor Overlay District To 48 And 48A Old San Antonio Road (KAD: 39194 and 39193). (Roy Faz)

Mayor Schultz opened the Public Hearing at 6:07 p.m.

No comments were received.

Mayor Schultz closed the Public Hearing at 6:07 p.m.

5D. Proposed Annexation Of 10.598 Acres Located At 38 Cascade Caverns Road At The Request Of Hill Country Daily Bread. (First Of Two Hearings)

Mayor Schultz opened the Public Hearing at 6:07 p.m.

No comments were received.

Mayor Schultz closed the Public Hearing at 6:08 p.m.

5E. Proposed Annexation Of 3.537 Acres Of Land Being Part of Old San Antonio Road And Part Of Herff Road At The Request Of Judge Lux For Kendall County. (First of Two Hearings)

Mayor Schultz opened the Public Hearing at 6:08 p.m.

No comments were received.

Mayor Schultz closed the Public Hearing at 6:08 p.m.

5F. Proposed Permanent Zoning Of 1 Acre Located At 125 Old San Antonio Road And 1 Acre Located At 127 Old San Antonio Rd From R-A, Single Family Rural Residential- Agricultural District To I, Industrial District, KAD No. 62674 and 62675. (Wiley And Kathy Cloud)

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.

5G. Proposed Permanent Zoning Of 1 Acre Located At 129 Old San Antonio Road From R-A, Single Family Rural Residential- Agricultural District To I, Industrial District, KAD No. 62676. (SDG 129 LLC)

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.

5H. Proposed Permanent Zoning Of 6.41 Acres Located At 131 Old San Antonio Road From R-A, Single Family Rural Residential- Agricultural District To I, Industrial District, KAD No. 48169 and 152323. (Texas Ten Oaks Storage LLC) and KAD No. 17387 (Thomas Drought Trustee).

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

No comments were received.

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

6. TAKE ANY NECESSARY ACTION RESULTING FROM PUBLIC HEARING:

6A. CONSIDER ON FIRST READING ORDINANCE NO. 2016-01; 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 3.895 ACRES LOCATED AT 137 OLD SAN ANTONIO ROAD (KAD NOS. 41140, 46196, AND 290279) FROM R-A, SINGLE FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO R-2, MODERATE-DENSITY RESIDENTIAL DISTRICT;

REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE.

(Patricia Long)

Mayor Schultz called on Ms. Laura Talley, Planning and Community Development Director. Ms. Talley displayed a map of the property located at 137 Old San Antonio Road. The current use of the property is The Long Stay which is considered a Retirement Community. She explained that a retirement community is permitted in a residential district with City Council approval. The Planning and Zoning Commission voted 5-0 in favor of the R-2 district and to further allow the use of a retirement community at this location. Staff recommended approval of the permanent zoning of R-2 district.

A MOTION WAS MADE BY COUNCIL MEMBER HABERSTROH, SECONDED BY MAYOR PRO TEM CISNEROS, THAT THIS ORDINANCE BE APPROVED ON FIRST READING ORDINANCE NO. 2016-01; 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 3.895 ACRES LOCATED AT 137 OLD SAN ANTONIO ROAD (KAD NOS. 41140, 46196, AND 290279) FROM R-A, SINGLE FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO R-2, MODERATE-DENSITY RESIDENTIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE (PATRICIA LONG) 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

6B. CONSIDER ON FIRST READING ORDINANCE NO. 2016-02; 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, ARTICLE 5, SECTION 3 PERMITTED USES, TABLE 5-1, AUTHORIZING THE USE OF A TRAILER COURT IN A B-2, HIGHWAY COMMERCIAL DISTRICT LOCATED AT 48 AND 48A OLD SAN ANTONIO ROAD. (KAD 39194 and 39193), A TOTAL OF 5.378 ACRES (ROY FAZ)

Ms. Talley displayed a map of the location of the property located at 48 and 48A Old San Antonio Road. She explained that the City Council remanded the agenda item back to the Planning and Zoning Commission in September due to a lack of completed paperwork from the property owner. Since that time, the property owner submitted a site plan showing the proposed improvements. She displayed the proposed site plan. Changes have been made to the Ordinance to further define trailer courts to include a time limit in which RV's are permitted to stay. The Planning and Zoning Commission voted 5-0 to approve the use of Trailer Court in a B-2 district limiting no more than 15 travel trailer on the 5.378 acre site. Staff is supportive of the use on this site.

A MOTION WAS MADE BY COUNCIL MEMBER BERGMANN, SECONDED BY COUNCIL MEMBER BOYD IV, THAT THIS ORDINANCE BE APPROVED ON FIRST READING ORDINANCE NO. 2016-02; 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, ARTICLE 5, SECTION 3 PERMITTED USES, TABLE 5-1, AUTHORIZING THE USE OF A TRAILER COURT IN A B-2, HIGHWAY COMMERCIAL DISTRICT LOCATED AT 48 AND 48A OLD SAN ANTONIO ROAD. (KAD 39194 AND 39193), A TOTAL OF 5.378 ACRES (ROY FAZ). THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEAH 4 - COUNCIL MEMBER WOOLARD, COUNCIL MEMBER BOYD IV, MAYOR PRO TEM CISNEROS, AND COUNCIL MEMBER BERGMANN

NAY 1 - COUNCIL MEMBER HABERSTROH

6C. CONSIDER ON FIRST READING ORDINANCE NO. 2016-03; AN ORDINANCE AMENDING ORDINANCE NO. 2007-64, CAPTIONED, "ZONING ORDINANCE OF THE CITY OF BOERNE, TEXAS", DATED DECEMBER 18, 2007, BY AMENDING ARTICLE 5, SECTION 25, APPLYING AN ENTRANCE CORRIDOR OVERLAY DISTRICT DESIGNATION TO 5.378 ACRES LOCATED AT 48 AND 48A OLD SAN ANTONIO ROAD (KAD: 39194 AND 39193); REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Roy Faz)

Ms. Talley displayed a map of the property located at 48 and 48A Old San Antonio Road to include the area pertaining to Entrance Corridor Overlay District. She explained that an Entrance Corridor Overlay District pertains to only commercial properties within 350' of the right-of-way. It provides additional design requirements for buildings constructed with the 350' and additional landscape requirements in the front 25' of the property. The Planning and Zoning Commission voted 5-0 to apply the Entrance Corridor Overlay District to 48 and 48A Old San Antonio Road. Staff supports the Planning and Zoning Commission recommendation.

A MOTION WAS MADE BY COUNCIL MEMBER BOYD IV, SECONDED BY COUNCIL MEMBER BERGMANN, THAT THIS ORDINANCE BE APPROVED CONSIDER ON FIRST READING ORDINANCE NO. 2016-03; AN ORDINANCE AMENDING ORDINANCE NO. 2007-64, CAPTIONED, "ZONING ORDINANCE OF THE CITY OF BOERNE, TEXAS", DATED DECEMBER 18, 2007, BY AMENDING ARTICLE 5, SECTION 25, APPLYING AN ENTRANCE CORRIDOR OVERLAY DISTRICT DESIGNATION TO 5.378 ACRES LOCATED AT 48 AND 48A OLD SAN ANTONIO ROAD (KAD: 39194 AND 39193); REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (ROY FAZ). 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

6D. CONSIDER ON FIRST READING ORDINANCE NO. 2016-04; 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 1 ACRE LOCATED AT 125 OLD SAN ANTONIO ROAD AND 1 ACRE LOCATED AT 127 OLD SAN ANTONIO ROAD (KAD 62674 AND 62675) FROM R-A, SINGLE FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO I, INDUSTRIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Wiley and Kathy Cloud)

Ms. Talley continued with reference to the next four agenda items. These adjoining properties, 11.65 acres, Cloud Business Park, Alamo Gage, Texas Ten Oaks Storage facility were annexed at the same time. She explained the Planning and Zoning Commission voted 4-1 against the permanent zoning of I, Industrial to the four properties with no recommendation. In order to pass the permanent zoning of I, Industrial, it will require a super majority vote by City Council. Ms. Talley explained that the Planning and Zoning Commission tabled the agenda item of applying the Entrance Corridor Overlay District to properties until the City Council zoned the property. The Entrance Corridor Overlay District would only apply to commercial properties. Staff was in support of the permanent zoning of I, Industrial. Discussion ensued regarding the property fitting in to a B2 or B2-R zone with the current use.

A MOTION WAS MADE BY MAYOR PRO TEM CISNEROS, SECONDED BY COUNCIL MEMBER HABERSTROH, THAT THIS ORDINANCE BE APPROVED ON FIRST READING ORDINANCE NO. 2016-04; 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 1 ACRE LOCATED AT 125 OLD SAN ANTONIO ROAD AND 1 ACRE LOCATED AT 127 OLD SAN ANTONIO ROAD (KAD 62674 AND 62675) FROM R-A, SINGLE FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO I, INDUSTRIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (WILEY AND KATHY CLOUD). THE MOTION FAILED BY THE FOLLOWING VOTE:

YEAH 3 - COUNCIL MEMBER HABERSTROH, COUNCIL MEMBER WOOLARD, AND MAYOR PRO TEM CISNEROS

NAY 2 - COUNCIL MEMBER BOYD IV AND COUNCIL MEMBER BERGMANN

A MOTION WAS MADE BY COUNCIL MEMBER HABERSTROH, SECONDED BY COUNCIL MEMBER WOOLARD, THAT THIS ORDINANCE BE APPROVED ON FIRST READING ORDINANCE NO. 2016-04; 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 1 ACRE LOCATED AT 125 OLD SAN ANTONIO ROAD AND 1 ACRE LOCATED AT 127 OLD SAN ANTONIO ROAD (KAD 62674

AND 62675) FROM R-A, SINGLE FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO B2-R HIGHWAY COMMERCIAL RESTRICTED DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (WILEY AND KATHY CLOUD). THE MOTION PASSED BY THE FOLLOWING VOTE:

YEAH 5 - COUNCIL MEMBER HABERSTROH, COUNCIL MEMBER WOOLARD, COUNCIL MEMBER BOYD IV, MAYOR PRO TEM CISNEROS, AND COUNCIL MEMBER BERGMANN

6E. CONSIDER ON FIRST READING ORDINANCE NO. 2016-05; 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 1 ACRE LOCATED AT 129 OLD SAN ANTONIO ROAD (KAD NO. 48169, 15232 AND 17387) FROM R-A, SINGLE FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO I, INDUSTRIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (SDG 129 LLC)

Ms. Talley continued with a map of the location of the property located at 129 Old San Antonio Road. The current use of the property is Alamo Gage which is a gage manufacturing and distribution company. The current use is an industrial type use. The Planning and Zoning Commission voted 4-1 to deny the Industrial Zoning district. In order to pass the permanent zoning, it will require a super majority vote by City Council.

A MOTION WAS MADE BY COUNCIL MEMBER HABERSTROH, SECONDED BY COUNCIL MEMBER WOOLARD, THAT THIS ORDINANCE BE APPROVED ON FIRST READING ORDINANCE NO. 2016-05; 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 1 ACRE LOCATED AT 129 OLD SAN ANTONIO ROAD (KAD NO. 48169, 15232 AND 17387) FROM R-A, SINGLE FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO B2-R, HIGHWAY COMMERCIAL RESTRICTED DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (SDG 129 LLC). 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

6F. CONSIDER ON FIRST READING ORDINANCE NO. 2016-06; 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 6.41 ACRES LOCATED AT 131 OLD SAN ANTONIO ROAD (KAD NOS. 48169, 152323 AND 17387) FROM R-A, SINGLE FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO I, INDUSTRIAL DISTRICT; REPEALING ALL ORDINANCES IN

CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (*Texas Ten Oaks Storage and Thomas Drought Trustee*)

Ms. Talley continued with a map of the location of the property located at 131 Old San Antonio Road. The current use of the property is Texas Ten Oaks Storage and a small grave yard in the middle of the storage facility. The current use is an industrial type use. The Planning and Zoning Commission voted 4-1 to deny the Industrial Zoning district. In order to pass the permanent zoning, it will require a super majority vote by City Council.

A MOTION WAS MADE BY COUNCIL MEMBER HABERSTROH, SECONDED BY COUNCIL MEMBER WOOLARD, THAT THIS ORDINANCE BE APPROVED ON FIRST READING ORDINANCE NO. 2016-06; 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 6.41 ACRES LOCATED AT 131 OLD SAN ANTONIO ROAD (KAD NOS. 48169, 152323 AND 17387) FROM R-A, SINGLE FAMILY RURAL RESIDENTIAL-AGRICULTURAL DISTRICT TO B2-R, HIGHWAY COMMERCIAL RESTRICTED DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (TEXAS TEN OAKS STORAGE AND THOMAS DROUGHT TRUSTEE). 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. CONSIDER ON FIRST READING ORDINANCE NO. 2016-07; AN ORDINANCE ESTABLISHING ONE WAY TRAFFIC SOUTHBOUND ON CITY PARK ROAD FROM STATE HIGHWAY 46 (SH-46) APPROXIMATELY 550 FEET SOUTHWARD TO THE CITY PARK DRIVEWAY ENTRANCE; AND PROVIDING FOR A PENALTY NOT TO EXCEED \$200.

Mayor Schultz called on Mr. Mike Mann, Public Works Director. Mr. Mann displayed a map of the location of City Park Road. Mr. Mann explained that in an effort to improve safety at City Park Road and SH-46 an Ordinance was passed to prevent left turns from City Park Road on to SH-46. Despite additional signage, pavement markings, etc. many drivers continue to make illegal left turns from City Park Road onto westbound SH-46 and staff has received numerous complaints about drivers making U-turns at the Sharon Drive intersection. It is staff's recommendation that Ordinance No. 2016-07 be approved designating City Park Road as a one-way (southbound) street

between SH-46 and the City Park driveway. Traffic will only be able to exit City Park Road using Charger Blvd. Mr. Mann displayed a map of the proposed traffic control device installation. Discussion ensued regarding communication with the Agricultural Heritage Center, types of traffic control devices, removal of pavement, and how the closure of one lane will effect traffic during events such as the 4th of July fireworks show.

A MOTION WAS MADE BY COUNCIL MEMBER BOYD IV, SECONDED BY COUNCIL MEMBER WOOLARD, THAT THIS ORDINANCE BE APPROVED ON FIRST READING ORDINANCE NO. 2016-07; AN ORDINANCE ESTABLISHING ONE WAY TRAFFIC SOUTHBOUND ON CITY PARK ROAD FROM STATE HIGHWAY 46 (SH-46) APPROXIMATELY 550 FEET SOUTHWARD TO THE CITY PARK DRIVEWAY ENTRANCE; AND PROVIDING FOR A PENALTY NOT TO EXCEED \$200. 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

8. CONSIDER A ONE-TIME READING OF ORDINANCE 2016-08; 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 MAYOR PRO TEM CISNEROS, TO APPROVE A ONE-TIME READING OF ORDINANCE 2016-08; 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 HABERSTROH, COUNCIL MEMBER WOOLARD, COUNCIL MEMBER BOYD IV, MAYOR PRO TEM CISNEROS, AND COUNCIL MEMBER BERGMANN

9. CONSIDER ORDINANCE NO. 2016-08; AN ORDINANCE AMENDING ORDINANCE NO 2014-35; CAPTIONED "AN ORDINANCE ADOPTING THE ANNUAL CAPITAL AND OPERATING BUDGETS FOR THE CITY OF BOERNE, TEXAS FOR THE FISCAL YEAR 2014-2015, BEGINNING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2015".

Mayor Schultz called on Ms. Sandy Mattick, Finance Director. Ms. Mattick stated that two budget amendments are needed to the 2014-2015 budget which are to increase budget to recognize additional revenue and additional expenditures due to year-end payroll accrual in the amount of \$14,500 to the General Fund and \$10,000 to the Parks Fund. Staff recommended approval of the amendments.

A MOTION WAS MADE BY COUNCIL MEMBER BOYD IV, SECONDED BY COUNCIL MEMBER WOOLARD, TO APPROVE ORDINANCE NO. 2016-08; AN ORDINANCE AMENDING ORDINANCE NO 2014-35; CAPTIONED "AN ORDINANCE ADOPTING THE ANNUAL CAPITAL AND OPERATING BUDGETS FOR THE CITY OF BOERNE, TEXAS FOR THE FISCAL YEAR 2014-2015, BEGINNING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 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. CONSIDER RESOLUTION NO. 2016-R06; A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS BY THE CITY OF BOERNE IN AN AMOUNT NOT TO EXCEED \$3,412,082 WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR THE 2015 TRANSPORTATION ALTERNATIVES PROGRAM - BOERNE TRAILS EXPANSION PROJECT

Mayor Schultz called on Mr. Paul Barwick, Special Projects Director. Mr. Barwick explained that in April of 2015, the City Council authorized submittal of the 2015 Transportation Alternative Program Nomination Form for funding of the Boerne Trails Expansion project. In September of 2015, TxDOT notified City staff that it was chosen as one of the recipients of the 2015 Transportation Alternative Program Nomination Form for funding of the Boerne Trails Expansion project. The scope includes two trails expansions. The first is City Park trail head and extends southward to Cibolo Creek (1.8 miles) and the second is connection of the Patrick Heath Public Library to Old No. 9 Trail (.2 mile). The City would pay for soft costs, 20% of the construction costs, and any project construction cost overrun totaling \$1,046,816. Since this is a reimbursement program - the City would administer the program and make payments to the contractor and be reimbursed for 80% of construction payments of \$2,365,266. The total project cost is \$3,412,082. Staff recommended approval of Resolution No. 2016-R06.

A MOTION WAS MADE BY MAYOR PRO TEM CISNEROS, SECONDED BY COUNCIL MEMBER WOOLARD, TO APPROVE RESOLUTION NO. 2016-R06; A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS BY THE CITY OF BOERNE IN AN AMOUNT NOT TO EXCEED \$3,412,082 WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR THE 2015 TRANSPORTATION ALTERNATIVES PROGRAM - BOERNE TRAILS EXPANSION PROJECT. 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

11. CONSIDER RESOLUTION NO. 2016-R07; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A LOCAL PROJECT ADVANCE FUNDING AGREEMENT BETWEEN THE CITY OF BOERNE, TEXAS AND THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR DIRECT AND INDIRECT STATE COSTS NOT TO EXCEED \$77,128 INCURRED FOR PROJECT REVIEW, INSPECTION, ADMINISTRATION, AND OVERSIGHT OF 2015 TRANSPORTATION ALTERNATIVES PROGRAM - BOERNE TRAILS EXPANSION PROJECT.

Mr. Barwick explained the requirement of the Resolution authorizing the City Manager to enter into a Master Advance Funding Agreement with TxDOT relating to the trails expansion project. Staff recommended approval of Resolution No. 2016-R07.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY COUNCIL MEMBER BERGMANN, TO APPROVE RESOLUTION NO. 2016-R07; A RESOLUTION AUTHORIZING THE CITY

MANAGER TO ENTER INTO AND MANAGE A LOCAL PROJECT ADVANCE FUNDING AGREEMENT BETWEEN THE CITY OF BOERNE, TEXAS AND THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR DIRECT AND INDIRECT STATE COSTS NOT TO EXCEED \$77,128 INCURRED FOR PROJECT REVIEW, INSPECTION, ADMINISTRATION, AND OVERSIGHT OF 2015 TRANSPORTATION ALTERNATIVES PROGRAM – BOERNE TRAILS EXPANSION PROJECT IN THE AMOUNT NOT TO EXCEED \$77,128.00. 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. CONSIDER RESOLUTION NO. 2016-R08; A RESOLUTION ESTABLISHING PROCEDURES FOR A GENERAL ELECTION FOR MAY 7, 2016. (*Considerar la resolución número 2016-R08; una resolución que establece los procedimientos para las elecciones generales del 7 de Mayo, 2016 en Boerne, Texas*)

Mayor Schultz called on Ms. Lori Carroll, City Secretary. Ms. Carroll stated as part of the process to Order the General Election, City Council must pass a resolution establishing procedures for the May 7, 2016 General Election. City Council Members must also sign the Order of Election notice which will be posted at City Hall as well as on the city's website. The Resolution includes the dates, times, and location of early voting and election day voting as well as the dates a candidate can file for a place on the ballot. Ms. Carroll stated that the City will once again contract with Kendall County to conduct the election. Staff recommended approval of Resolution No. 2016-R08.

A MOTION WAS MADE BY COUNCIL MEMBER HABERSTROH, SECONDED BY COUNCIL MEMBER WOOLARD, TO APPROVE RESOLUTION NO. 2016-R08; A RESOLUTION ESTABLISHING PROCEDURES FOR A GENERAL ELECTION FOR MAY 7, 2016. (CONSIDERAR LA RESOLUCIÓN NÚMERO 2016-R08; UNA RESOLUCIÓN QUE ESTABLECE LOS PROCEDIMIENTOS PARA LAS ELECCIONES GENERALES DEL 7 DE MAYO, 2016 EN BOERNE, TEXAS). 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

13. CONSIDER RESOLUTION NO. 2016-R09; A RESOLUTION OF THE CITY OF BOERNE, TEXAS AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE ALAMO AREA COUNCIL OF GOVERNMENTS FOR A REGIONAL SOLID WASTE GRANTS PROGRAM GRANT; AUTHORIZING THE CITY MANAGER TO ACT ON BEHALF OF THE CITY OF BOERNE IN ALL MATTERS RELATED TO THE APPLICATION; AND PLEDGING THAT IF A GRANT IS RECEIVED THE CITY OF BOERNE WILL COMPLY WITH THE GRANT REQUIREMENTS OF THE ALAMO AREA COUNCIL OF

GOVERNMENTS, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND THE STATE OF TEXAS.

Mayor Schultz called on Ms. Sandy Mattick, Finance Director. Ms. Mattick explained that Resolution 2016-R09 authorizes the filing of a grant application with the Alamo Area Council of Governments (AACOG) for Household Hazardous Waste with Waste Management. The City will benefit from the grant program to assist in the proper disposal of harmful, toxic waste. If approved the City will apply for a \$10,000 grant and the City has budgeted to use \$10,000 in matching funds for the grant period. Staff recommended approval of Resolution No. 2016-R09.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY COUNCIL MEMBER BOYD IV, TO APPROVE RESOLUTION NO. 2016-R09; A RESOLUTION OF THE CITY OF BOERNE, TEXAS AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE ALAMO AREA COUNCIL OF GOVERNMENTS FOR A REGIONAL SOLID WASTE GRANTS PROGRAM GRANT; AUTHORIZING THE CITY MANAGER TO ACT ON BEHALF OF THE CITY OF BOERNE IN ALL MATTERS RELATED TO THE APPLICATION; AND PLEDGING THAT IF A GRANT IS RECEIVED THE CITY OF BOERNE WILL COMPLY WITH THE GRANT REQUIREMENTS OF THE ALAMO AREA COUNCIL OF GOVERNMENTS, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND THE STATE OF TEXAS. 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. RECEIVE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND SET PUBLIC HEARING FOR FEBRUARY 9, 2016:

- A. Proposed Use Of A Retirement Community In A R-2, Moderate-Density Residential District And R-3, High-Density Residential District For 20 Old San Antonio Road, A Total Of 5.609 Acres, Fronting East Bandera Road, KAD No. 39338. (Franklin Development Properties for Bruce Calder, Owner) Ms. Talley displayed a map of the property located at 20 Old San Antonio Road. She stated that Franklin Development is interested in developing the site as a retirement community. The Planning and Zoning Commission voted 8-0 in favor of the proposed use. At this time, the City Council is required to set the time, date, and place of a Public Hearing which will be scheduled for February 9, 2016.**

A MOTION WAS MADE BY COUNCIL MEMBER BERGMANN, SECONDED BY COUNCIL MEMBER WOOLARD, TO RECEIVE THE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND SET PUBLIC HEARING FOR FEBRUARY 9, 2016. 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. COMMENTS FROM COUNCIL/LEGAL COUNSEL/STAFF – No discussion or action may take place.

Ron Bowman, City Manager stated that the contractor hired for IH-10 Frontage Road project was terminated by TxDOT. It will take a couple of months to get back on track.

Mayor Schultz stated in June there will be 22 appointments to be made for the various Boards and Commissions. Currently there are three openings on the Zoning Board of Adjustments leaving no Alternates. Mayor Schultz stated he will be speaking at the Leadership Boerne class on January 13, 2016 and will make mention of the openings. He encouraged the Council Members to find replacements for any openings and City Secretary Lori Carroll will be happy to provide applications or the applications can be found on the City's website.

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

A. Section 551.087 - Deliberation Regarding Economic Development Negotiations: Consideration Of Offer Of Financial Incentives To A Commercial Entity Considering Development And Expansion Within The City Limits And Section 551.071 (2) - Consultation With Attorney.

B. Section 551.087 - Deliberation Regarding Economic Development Negotiations: Consideration of Offer Of Financial Incentives To A Commercial Entity Considering Development Within The City Limits.

Mayor Schultz convened the City Council into Executive Session at 7:08 p.m. and requested those individuals directed to participate to adjourn to the Executive Session Conference room.

Council Member Haberstroh left the meeting at 7:08 p.m.

No action was taken.

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

A. CONSIDER RESOLUTION NO. 2016-R10; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A CONTRACTUAL AGREEMENT FOR FINANCIAL INCENTIVES WITH _____.

Mayor Schultz reconvened the city council into open session at 7:42 p.m.

A MOTION WAS MADE BY COUNCIL MEMBER BERGMANN, SECONDED BY COUNCIL MEMBER WOOLARD, TO APPROVE RESOLUTION NO. 2016-R10; A RESOLUTION AUTHORIZING THE CITY

MANAGER TO ENTER INTO AND MANAGE A CONTRACTUAL AGREEMENT FOR FINANCIAL INCENTIVES WITH BRAZOS DE SANTOS PARTNERS, LTD. THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEAH 4- COUNCIL MEMBER WOOLARD, COUNCIL MEMBER BOYD IV, MAYOR PRO TEM CISNEROS, AND COUNCIL MEMBER BERGMANN

ABSENT: 1 - COUNCIL MEMBER HABERSTROH

ADJOURNMENT

A MOTION WAS MADE BY COUNCIL MEMBER BERGMANN, SECONDED BY COUNCIL MEMBER BOYD IV, THAT THIS MEETING BE ADJOURNED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEAH 4- COUNCIL MEMBER WOOLARD, COUNCIL MEMBER BOYD IV, MAYOR PRO TEM CISNEROS, AND COUNCIL MEMBER BERGMANN

ABSENT: 1 - COUNCIL MEMBER HABERSTROH

APPROVED:

Mayor

ATTEST:

City Secretary