

**COUNCIL WORKSHOP
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
September 22, 2015 – 4:30 PM**

Minutes of the September 22, 2015 City Council Workshop at 4:30 p.m.

Present: Mayor Pro Tem Cisneros, Council Member Christina Bergmann, Council Member Charlie Boyd IV, and Council Member Jeff Haberstroh. Mayor Mike Schultz arrived at 4:34 p.m. Council Member Nina Woolard arrived at 4:37 p.m.

Staff Present: Ron Bowman, Pam Bransford, Lori Carroll, Melissa Grace, Mike Raute, Mike Mann, Mark Mattick, Sandy Mattick, Laura Talley, Jeff Thompson, and Larry Woods. HDR Representatives: Paula Jo Lemonds, Fred Arce, and Cale Underberg.

Recognized / Registered Guests: Dub Smothers, Debbie DeLoach, Gale Yovanovich, Bob Webser.

1. CALL TO ORDER – 4:30 PM

Mayor Pro Tem Cisneros called the City Council to order at 4:30 p.m.

2. WORKSHOP DISCUSSION:

2. A. Water Plan 2070

Mayor Pro Tem Cisneros called on Mr. Mike Mann, Public Works Director. Mr. Mann introduced Paula Jo Lemonds with HDR to present the 2070 Water Plan. Ms. Lemonds stated that with Boerne's rapid population growth, the plan is a guide and should continue to be updated. The objective of the Plan involves three tasks: Task 1 - compile and analyze population, water demands, and existing supplies; Task 2 - identify and evaluate water supply alternatives and; Task 3 - prepare a report on water resources plan. Discussion ensued regarding cities that capture or divert flood water flows, conservation factors, treated water, capacity in the current plant, storing brackish water in the Boerne Lake, and taste of brackish water. Staff estimates that the City's current water supplies can support a total service population of about 35,000 persons.

2. B. 2016 Economic Development Work Plan

Mayor Schultz called on Mr. Jeff Thompson, Deputy City Manager to review the proposed Economic Development Work Plan. He discussed the highlights of the Work Plan. He stated that City Staff is working with the Boerne Kendall County Economic Development Corporation (BKCEDC) Board to establish joint goals to include business retention and expansion, recruitment, roadway, and mobility projects. Mr. Thompson asked the City Council for feedback on the Plan. The Plan will be on the October 13, 2015 agenda for City Council consideration. Mr. Bowman, City Manager stated that he is asking for accountability from the BKCEDC. He wants

to see measured progress. Discussion ensued regarding workforce development, CPS partnership, and possibility of partnering with SAWS.

ADJOURNMENT

Mayor Schultz adjourned the City Council Workshop at 5:37 p.m.

**MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
September 22, 2015 – 6:00 PM**

Minutes of the City Council Workshop on September 22, 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, Paul Barwick, Pam Bransford, Lori Carroll, Kirsten Cohoon, Melissa Grace, Jim Kohler, Mike Mann, Mark Mattick, Sandy Mattick, Doug Meckel, Mike Raute, Laura Talley, Jeff Thompson, and Larry Woods.

RECOGNIZED / REGISTERED GUESTS: Dub Smothers, Bob Webster, Gail Yovanovich, and Debbie DeLoach.

1. CALL TO ORDER – 6:00 PM

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

2. CONFLICTS OF INTEREST

Mayor Schultz stated that he had a conflict of interest with agenda item #9 and will step away from the dais during the discussion and vote.

Mayor Schultz stated that item #5 will not be considered at this meeting. The Planning and Zoning Commission will be considering the item after a completed application is received from the property owner.

3. PUBLIC COMMENTS:

No comments were received.

4. CONSENT AGENDA:

4.A. Approval of Minutes of September 8, 2015 *(Regular)*.

4.B. Consider on Second Reading Ordinance No. 2015-25; 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 5.378 acres located at 48 and 48A Old San Antonio Road (KAD 39194 AND 39193), from R-E, Single Family Residential Estate District to B-2, Highway Commercial District; Repealing all ordinances in conflict; Containing a severance clause; and declaring an effective date. (Roy Faz)

4.C. Consider On Second Reading Ordinance No. 2015-27; An Ordinance An Ordinance Amending Ordinance No 2012-31, Establishing The Designation Of No Parking Areas Within The City Of Boerne; North Side Of Lohmann Street (120 Lf Beginning 480 Feet East Of School Street); And Providing For A Penalty Of Not More Than \$200 For Each Violation.

4.D. Consider On Second Reading Ordinance No. 2015-28; An Ordinance Amending Ordinance No. 2015-11 And 2014-52; Captioned "An Ordinance Establishing And Reestablishing Fees And Charges For Activities, Goods And Services Provided By The City; Containing A Provision To Authorize The City Manager To Establish Fees And Charges In Certain Circumstances, Containing Findings And Other Provisions Relating To The Subject" *(Amending Brush Pick Up Fee & Cemetery Fee)*

4.E. Consider On Second Reading Ordinance No. 2015-29; An Ordinance Amending The Code Of Ordinances Of The City Of Boerne, Texas, By Amending Ordinance No. 2008 - 21 Sign Regulations An Ordinance; Section 10. Restrictions On Certain Types Of Signs And Section 11. Prohibited Sign Types.

4.F. Consider Resolution No. 2015-R84; A Resolution Authorizing The City Manager To Enter Into And Manage A Delegate Agency Agreement For Funding Of Public Purpose Between The City Of Boerne And Hill Country Family Services.

4.G. Consider Resolution No. 2015-R85; A Resolution Authorizing The City Manager To Enter Into And Manage A Delegate Agency Agreement For Funding Of Public Purpose Between The City Of Boerne And Rainbow Senior Center.

4.H. Consider Resolution No. 2015-R86; A Resolution Authorizing The City Manager To Enter Into And Manage A Delegate Agency Agreement For Funding Of Public Purpose Between The City Of Boerne And Boerne Housing Authority.

4.I. Consider Resolution No. 2015-R87; A Resolution Authorizing The City Manager To Enter Into And Manage An Interlocal Agreement Between The City Of Boerne, Texas And Kendall County, Texas For Fire Protection Services.

4.J. Consider Resolution No. 2015-R88; A Resolution Authorizing The City Manager To Enter Into And Manage A Purchase Agreement with rgVision Publications for 2016 Parks and Recreation Guide Books.

Approval of the Consent Agenda

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY COUNCIL MEMBER BOYD IV, 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. CONSIDER ON SECOND READING ORDINANCE NO. 2015-26; 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), NOT TO EXCEED 15 TRAVEL TRAILER SPACES. (Roy Faz)

This Ordinance was not taken under consideration.

6. CONSIDER ON FIRST 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)*

Mayor Schultz called on Ms. Laura Talley, Senior Planner. Ms. Talley displayed a map of the location of the properties for annexation consideration and explained that the 11.65 acres is surrounded by City limits. The annexation will allow the City to apply the entrance corridor and a zoning district to the property. Staff recommended approval of Ordinance No. 2015-32.

Council Member Bergmann stated she received numerous emails in opposition to the annexation, therefore she will not vote in favor of the annexation.

A MOTION WAS MADE BY MAYOR PRO TEM CISNEROS, SECONDED BY COUNCIL MEMBER WOOLARD, TO APPROVE ON FIRST 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: 4 - Council Member Haberstroh, Council Member Woolard, Council Member Boyd IV, and Mayor Pro Tem Cisneros

Nay: 1 - Council Member Bergmann

7. CONSIDER ON FIRST 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)

Ms. Talley displayed a map of the property located at 137 Old San Antonio Road. She stated that the property owners are in favor of the annexation. Staff recommended approval on first reading Ordinance No. 2015-33.

A MOTION WAS MADE BY COUNCIL MEMBER BERGMANN, SECONDED BY MAYOR PRO TEM CISNEROS, TO APPROVE ON FIRST 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 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. PUBLIC HEARING – To Hear Comments On The Following:

8.A. Proposed annexation of .793 acres located on Cascade Caverns Road - at the request of Preston Streicher- (a portion of PID 24326) (second of two hearings)

Mayor Schultz opened the Public Hearing at 6:16 p.m.

No comments were received.

Mayor Schultz closed the Public Hearing at 6:17 p.m.

9. CONSIDER RESOLUTION NO. 2015-R89; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A DELEGATE AGENCY AGREEMENT FOR FUNDING OF PUBLIC PURPOSE BETWEEN THE CITY OF BOERNE AND BOERNE PERFORMING ARTS.

Mayor Schultz recused himself from the discussion and stepped away from the dais.

Mayor Pro Tem Cisneros called on Ms. Kirsten Cohoon, City Attorney. Ms. Cohoon reviewed the delegate agency agreement for funding of public purpose for the Boerne Performing Arts. She explained that the City in the past, contributed funds to the Boerne Performing Arts through Hotel/Motel tax. In review of the organization it was determined that the Boerne Performing Arts is educational in that it introduces children to the arts. The artists performing are committed to come a day before or day after the performance to entertain the school children. It is staff's recommendation to approve Resolution No. 2015-R89 in the amount of \$15,000 per year.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY COUNCIL MEMBER BERGMANN, TO APPROVE RESOLUTION NO. 2015-R89; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A DELEGATE AGENCY AGREEMENT FOR FUNDING OF PUBLIC PURPOSE BETWEEN THE CITY OF BOERNE AND BOERNE PERFORMING ARTS. 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 ON FIRST 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.

Mayor Schultz called on Police Chief Jim Kohler. Chief Kohler reviewed the Youth Curfew Ordinance. He stated that it is a State requirement that the City Council review the Ordinance every 3 years. To date this year, there have been nine violations of the Youth Curfew Ordinance. Staff recommended approval of the Youth Curfew Ordinance.

A MOTION WAS MADE BY COUNCIL MEMBER BERGMANN, SECONDED BY COUNCIL MEMBER WOOLARD, TO APPROVE ON FIRST 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 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. PLANNING AND ZONING COMMISSION RECOMMENDATION

RECEIVE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND SET PUBLIC HEARING FOR OCTOBER 13, 2015:

A. 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*)

B. 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.

Ms. Talley stated that Staff recommended that the City Council receive the Planning and Zoning Recommendations and set the Public Hearings for October 13, 2015.

A MOTION WAS MADE BY COUNCIL MEMBER BOYD IV, SECONDED BY COUNCIL MEMBER BERGMANN TO RECEIVE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND SET PUBLIC HEARING FOR OCTOBER 13, 2015:

A. 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*)

B. 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.

CITY OF BOERNE PAGE 8 PRINTED ON 10/7/2015 CITY COUNCIL OFFICIAL MEETING MINUTES SEPTEMBER 22, 2015 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

12. COMMENTS FROM COUNCIL/LEGAL COUNSEL/STAFF

ADJOURNMENT

A MOTION WAS MADE BY COUNCIL MEMBER BERGMANN, SECONDED BY COUNCIL MEMBER WOOLARD, TOADJOURN THE CITY COUNCIL AT 6:25 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:

City Secretary

APPROVED:

Mayor