

**MINUTES
CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
124 OLD SAN ANTONIO ROAD
BOERNE, TX 78006
October 27, 2015 - 6:00 p.m.**

Minutes of the City Council meeting of October 27, 2015 at 6:00 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.

Staff Present: Ron Bowman, Paul Barwick, Pam Bransford, Lori Carroll, Kirsten Cohoon, Melissa Grace, Maria Guerrero, Jim Kohler, Mike Mann, Mark Mattick, Sandy Mattick, Doug Meckel, Antony Moy, Mike Raute, Angie Rios, Laura Talley, Jeanette Teague, Jeff Thompson, Chris Turk, Siria Vargas, Larry Woods, Linda Zartler, and Danny Zincke.

Recognized / Registered Guests: Gail Yovanovich, Matt Pedyosa, John Grech, Mike and Sherry Mullin, Marilyn Berry, Debbie DeLoach, Paul Swan, Cristopher Brown, Sebastian Brown, and Shelby Garza.

1. CALL TO ORDER – 6:00 PM

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

2. CONFLICTS OF INTEREST

No conflicts were declared.

3. PUBLIC COMMENTS:

No comments were received.

4. CONSENT AGENDA:

4.A. Approval of Minutes of October 13, 2015 *(Regular)*.

THE MINUTES WERE APPROVED.

4.B. Consider On Second 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, Permanently 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.

THIS ORDINANCE WAS APPROVED.

4.C. Consider On Second 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)

THIS ORDINANCE WAS APPROVED.

4.D. Consider Resolution No. 2015-R103; A Resolution Authorizing The City Manager To Proceed With Purchases As Per Section 6.08 Of The City Of Boerne’s Home Rule Charter (*Reel Mower for Parks and Recreation Department*).

THIS CONSENT AGENDA WAS APPROVED.

4.E. Consider Resolution No. 2015-R104; A Resolution Authorizing The City Manager To Proceed With Purchases As Per Section 6.08 Of The City Of Boerne’s Home Rule Charter (*Leasing of in-car video cameras for Police Department*).

THIS RESOLUTION WAS APPROVED.

4.F. Consider Resolution No. 2015-R105; A Resolution Authorizing The City Manager To Proceed With Purchases As Per Section 6.08 Of The City Of Boerne’s Home Rule Charter (*Pickup Truck for Fire Marshal’s Office*).

THIS RESOLUTION WAS APPROVED.

4.G Consider Resolution No. 2015-R106; 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 Supplies for Menger Springs, G2*).

THIS RESOLUTION WAS APPROVED.

4.H. Consider Resolution No. 2015-R107; A Resolution Authorizing The City Manager To Proceed With Purchases As Per Section 6.08 Of The City Of Boerne’s Home Rule Charter (*2 Ford Explorers for the Police Department*).

THIS RESOLUTION WAS APPROVED.

Approval of the Consent Agenda

A MOTION WAS MADE BY COUNCIL 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. PRESENTATION:

A. TAAF Local Athletes of the Year

Mayor Schultz called on Mr. Danny Zincke, Parks and Recreation Director. Mr. Zincke announced that the City received a Platinum Award from the Texas Amature Athlete Federation (TAAF). He gave credit to Park's Staff, Mr. Ed Puente and Ms. Kim Wolff for the award. Mr. Zincke presented the (TAAF) Female Athlete of the Year to Presley Mullins and the Male Athlete of the Year to Austin Turgon.

6.A. PUBLIC HEARING - To Hear Comments On The Following:

A. Proposed Annexation of 3.915 acres located at 35 Cascade Caverns Road - PID 12245 - at the request of Currey Creek Baptist Church of Boerne (*First 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.

7. CONSIDER ON SECOND READING ORDINANCE NO. 2015-38; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS AMENDING CHAPTER 12, MOTOR VEHICLES AND TRAFFIC ADDING ARTICLE VI OPERATION OF VEHICLES SECTION 186 TO PERMIT THE USE OF GOLF CARTS IN THE CITY ON CERTAIN PUBLIC STREETS DURING THE HOLIDAY SEASON AND SUBJECT TO COMPLIANCE WITH PERMIT REGISTRATION, HAVING SPECIFIED SAFETY EQUIPMENT AND MOTOR VEHICLE INSURANCE; PROVIDING FOR DEFINITIONS; PROVIDING FOR A PENALTY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR A FINE OF UP TO \$500.00 PER VIOLATION.

Mayor Schultz called on Ms. Kirsten Cohoon, City Attorney and Police Chief Jim Kohler. Ms. Cohoon reminded the City Council of the discussion at the October 20, 2015 City Council Quarterly Round Table regarding the use of Golf Carts on City streets. The proposed Ordinance provided to the City Council, allows golf carts to be used within area neighborhoods for the

delivery of holiday packages for the holiday season, November 15, 2015 - January 5, 2016. The Ordinance permits the usage of golf carts on public highways within the City limits that have a posted speed limit of not more than 35 mph and are within a residential area and do not cross state designated highways or the following City roads: Adler Street, Herff Road, Johns Road, Old San Antonio Road, Ranger Creek Road, School Street, and Upper Balcones Road and only permitted during daytime hours. Golf carts must be equipped with headlamps, tail lamps, reflectors, parking brake, mirrors and slow-moving vehicle emblem. Golf cart operators must have a valid driver's license, employment must be with a package delivery service, and must have valid insurance. Discussion ensued regarding training, defining daytime hours, safety restraint, defining how the City Manager will be notified for authorization, distance restrictions, and conflicts with current Zoning Ordinance. Mayor Schultz asked Staff to research before bringing back to City Council on second reading.

A MOTION WAS MADE BY COUNCIL MEMBER BOYD IV, SECONDED BY COUNCIL MEMBER HABERSTROH, TO APPROVE ON SECOND READING ORDINANCE NO. 2015-38; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS AMENDING CHAPTER 12, MOTOR VEHICLES AND TRAFFIC ADDING ARTICLE VI OPERATION OF VEHICLES SECTION 186 TO PERMIT THE USE OF GOLF CARTS IN THE CITY ON CERTAIN PUBLIC STREETS DURING THE HOLIDAY SEASON AND SUBJECT TO COMPLIANCE WITH PERMIT REGISTRATION, HAVING SPECIFIED SAFETY EQUIPMENT AND MOTOR VEHICLE INSURANCE; PROVIDING FOR DEFINITIONS; PROVIDING FOR A PENALTY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR A FINE OF UP TO \$500.00 PER VIOLATION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4- Council Member Haberstroh, Council Member Woolard, Council Member Boyd IV, and Council Member Bergmann

Nay: 1 - Mayor Pro Tem Cisneros

8. CONSIDER ON SECOND READING ORDINANCE NO. 2015-39; AN ORDINANCE REPEALING AND REPLACING ORDINANCE NOS. 2015-28, 2015-11, 2015-02 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.

Mayor Schultz called on Ms. Sandy Mattick, Finance Director. She stated the Fee Ordinance is annually reviewed by Staff and brought to City Council for consideration. She reviewed the proposed changes for Animal Services, Parks and Recreation, Electric, and Planning and Development. Discussion ensued regarding rental of all Northrup Park if a gate fee is to be charged and non-resident fee for Boerne Lake.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY MAYOR PRO TEM CISNEROS, TO APPROVE ON SECOND READING ORDINANCE NO. 2015-39; AN ORDINANCE

REPEALING AND REPLACING ORDINANCE NOS. 2015-28, 2015-11, 2015-02 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. 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. RECEIVE FOURTH QUARTER FINANCIAL/INVESTMENT REPORTS FOR FY 2014-2015.

Ms. Mattick continued with a review of the Fourth Quarter Financial Report. For the 12 months ending September 30, 2015, revenues before transfers were above projection at 106.95%; expenditures were above projections at 103.26%; sales tax collections were up 6.58%; Ad Valorem tax collections were at 99.21%; electric sales were at 106.85% of budget and expenditures were below projections at 99.33%; water sales were at 100.34% of budget and expenditures were below projections at 93.88%; wastewater sales were at 100.25% of budget and expenditures were below projections at 97.80%; gas sales were at 112.64% of budget and expenditures were above projections at 118.39%. The Fourth Quarterly Investment Report indicated the City invested in TexPool, MBIA, Texas TERM, TexStar, Government Agencies, a municipal bond and several Certificates of Deposit. Interest earned for the quarter totaled \$30,396. Ms. Mattick stated that Staff will continue to monitor interest rate activity and act accordingly.

A MOTION WAS MADE BY COUNCIL MEMBER BOYD IV, SECONDED BY COUNCIL MEMBER WOOLARD, TO RECEIVE AND APPROVE THE FOURTH QUARTER FINANCIAL/INVESTMENT REPORTS FOR FY 2014-2015. 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. RECEIVE QUARTERLY UPDATE ON THE BOERNE CONVENTION AND VISITORS BUREAU.

Mayor Schultz called on Mr. Larry Woods, Boerne Convention and Visitors Bureau Director. Mr. Woods presented the quarterly update of the activity of the Boerne Convention and Visitors Bureau. He reviewed the social marketing and email marketing statistics and the Hotel Occupancy Performance for the second quarter. He stated that the Third Edition of Boerne Visitors Guide is nearing completion. He reviewed the advertising schedule for the upcoming year, the results of the San Antonio and the Texas Hill Country program and the Tourism and Communications

International Outreach shows. Mr. Woods stated that the EPOC Times which is primarily in the Houston area, has shown to be successful with a 10,000 circulation per week. He discussed the Strategic Marketing Plan.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY COUNCIL MEMBER BOYD IV, TO RECEIVE AND APPROVE THE QUARTERLY UPDATE ON THE BOERNE CONVENTION AND VISITORS BUREAU. 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. DISCUSSION ON PROPOSED MODIFICATION TO THE PARK ORDINANCE TO INCLUDE: THE ADDITION OF THE AMPHITHEATER TO THE LIST OF FACILITIES, RESTRICTIONS OF CITY PARK ROAD, LENGTH AND FREQUENCY OF FACILITY RENTALS, ELIGIBILITY AND INSURANCE REQUIREMENT, AND CANCELLATION PROCESS OF SCHEDULED EVENTS.

Mayor Schultz called on Mr. Danny Zincke, Parks and Recreation Director. Mr. Zincke reviewed the proposed modifications to the Parks Ordinance. Discussion ensued regarding length of rental time, eligibility and the good standing requirement proposed in the Ordinance. He remarked on the condition of the new sod after recent events. Mr. Zincke asked the City Council for input before the Ordinance is considered for approval.

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

Council Member Haberstroh announced that the Alamo Metropolitan Planning Organization Board had to cut projects but the Highway 46 East to Ammann Road project will be moving forward. The Board also received helpful information on a pedestrian/bicycle study and he hopes to bring the information to City Council in the next couple of months.

13. ADJOURNMENT

A MOTION WAS MADE BY COUNCIL MEMBER BERGMANN, SECONDED BY COUNCIL MEMBER WOOLARD, TO ADJOURN THE CITY COUNCIL MEETING AT 7:12 PM.

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

APPROVED:

Mayor

ATTEST:

City Secretary