

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
July 26, 2016 – 6:00 PM

Minutes of the Regular Called City Council meeting of July 26, 2016 at 6:00 p.m.

Present: **6 -** Mayor Michael Schultz, Council Member Joe Anzollitto,
Council Member Nina Woolard, Council Member Charlie Boyd
IV, Mayor Pro Tem Ron Cisneros, and Council Member Craig
Colvin

Staff Present: Ron Bowman, Paul Barwick, Lori Carroll, Jennifer Gentry, Ray
Hacker, Jim Kohler, Mike Mann, Mark Mattick, Sandy Mattick, Mike Raute,
Angie Rios, Laura Talley, Jeff Thompson, Larry Woods, Linda Zartler, and Danny
Zincke.

Registered / Recognized Guests: Misty Mayo, Dub Smothers, Debbie DeLoach,
Richard McCormick, Bruce Baker, Yolanda Segovia, Kimberly Mayfield, Josh
Valenta, Darrel Lux, and Linda Flores.

1. CALL TO ORDER – 6:00 PM

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

Mayor Schultz asked for a Moment of Silence and led the Pledge of Allegiance
to the United States Flag and to the Texas Flag.

2. CONFLICTS OF INTEREST

No conflicts were declared.

3. PUBLIC COMMENTS:

Linda Flores stated that she has lived in Boerne over 20 years. She frequents
the Boerne City Lake with family members. She has a concern about the loud

music with obscene lyrics which she feels is offensive and not appropriate for children to hear. She has contacted the Boerne Police on three occasions and the people playing the music will change the music and lower the volume when they see the police vehicle. When the police leave, they resume playing the loud, obscene music.

Rich McCormick spoke on the new City Hall project. He asked for a business case to determine the best solution for the taxpayers of Boerne. He suggested three alternatives: 1. remain in current facilities, 2. build one new building and sell the current city hall building, and 3. keep existing building and build a split campus. He hoped to receive the requested information before the meeting with the architects on August 23, 2016.

4. CONSENT AGENDA:

4A. [2016-753](#) APPROVAL OF THE MINUTES OF THE REGULAR CALLED CITY COUNCIL MEETING OF JULY 12, 2016

THE MINUTES WERE APPROVED.

4B. [2016-747](#) CONSIDER ON SECOND READING ORDINANCE NO. 2016-26; 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 AN AUTOMOBILE SERVICE WITH OUTDOOR STORAGE IN A I, INDUSTRIAL DISTRICT LOCATED AT 110 PARKWAY DRIVE, A TOTAL OF 1.183 ACRES. (KAD No. 40586, Randy and Michelle Barnes.)

THE ORDINANCE WAS APPROVED.

4C. [2016-755](#) CONSIDER ON SECOND READING ORDINANCE NO. 2016-27; AN ORDINANCE AMENDING ORDINANCE NO. 2010-40, REMOVING STOP SIGNS ON NORTHBOUND AND SOUTHBOUND LATTIMORE BOULEVARD AT HAMPTON RUN EAST; AND AUTHORIZING THE INSTALLATION OF STOP SIGNS ON NORTHBOUND AND SOUTHBOUND LATTIMORE BOULEVARD AT CHISHOLM DRIVE;

AND PROVIDING FOR A PENALTY NOT TO EXCEED \$200 FOR EACH VIOLATION OF THIS ORDINANCE.

THE ORDINANCE WAS APPROVED.

- 4D. [2016-756](#) CONSIDER ON SECOND READING ORDINANCE NO. 2016-28; AN ORDINANCE ESTABLISHING A SCHOOL ZONE ON JOHNS ROAD 1,050 FEET WEST OF LATTIMORE BOULEVARD TO 50 FEET EAST OF LATTIMORE BOULEVARD AND ON LATTIMORE BOULEVARD 150 FEET SOUTH OF CHISHOLM DRIVE TO 300 FEET SOUTH OF JOHNS ROAD; AND PROVIDING FOR A PENALTY NOT TO EXCEED \$200 FOR EACH VIOLATION OF THIS ORDINANCE.

THE ORDINANCE WAS APPROVED.

- 4E. [2016-745](#) CONSIDER RESOLUTION NO. 2016-R63; A RESOLUTION AUTHORIZING THE CITY MANAGER TO PROCEED WITH PURCHASES AS PER SECTION 6.08 OF THE CITY OF BOERNE'S HOME RULE CHARTER. (Purchase Electric Transformer For Franklin Park.)

THE RESOLUTION WAS APPROVED.

- 4F. [2016-744](#) CONSIDER RESOLUTION NO. 2016-R64; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF BOERNE, TEXAS AND KENDALL COUNTY FOR DETENTION SERVICES.

THE RESOLUTION WAS APPROVED.

- 4G. [2016-758](#) CONSIDER RESOLUTION NO. 2016-R65; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF BOERNE, CITY OF FAIR OAKS RANCH AND KENDALL COUNTY FOR PUBLIC SAFETY AND UTILITIES COMMUNICATION SERVICES.

THE RESOLUTION WAS APPROVED.

- 4H. [2016-737](#) CONSIDER RESOLUTION NO. 2016-R66; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN INTERLOCAL AGREEMENT WITH FAIR OAKS RANCH FOR ANIMAL CONTROL SERVICES.

THE RESOLUTION WAS APPROVED.

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

YEAH: 5 - COUNCIL MEMBER ANZOLLITTO, COUNCIL MEMBER WOOLARD, COUNCIL MEMBER BOYD, MAYOR PRO TEM CISNEROS, AND COUNCIL MEMBER COLVIN.

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

5A. [2016-748](#) PROPOSED ANNEXATION OF 40.892 ACRES OF LAND BEING PART OF SHOOTING CLUB ROAD - KAD 53712, 153713, 153714, 153715, AND 153716 AT THE REQUEST OF WILLIAM E. CANAVAN JR. (Durango Development- 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.

6. [2016-750](#) CONSIDER MAYORAL APPOINTMENTS TO THE VARIOUS BOARDS AND COMMISSIONS.

Mayor Schultz reminded the City Council of the vacancies on various Boards and Commissions. He recommended the appointment of Mr. Paul V. Certo, Jr. as an alternate member on the Zoning Board of Adjustments and Mr. Ken Dunbar as a member of the Ethics Review Commission.

A MOTION WAS MADE BY COUNCIL MEMBER BOYD IV, SECONDED BY COUNCIL MEMBER ANZOLLITTO, TO APPROVE THE MAYORAL APPOINTMENTS TO THE VARIOUS BOARDS AND COMMISSIONS AS PRESENTED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Anzollitto, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Colvin

7. [2016-757](#) RECEIVE QUARTERLY UPDATE FROM BOERNE KENDALL COUNTY EDC PRESIDENT AND CEO, MISTY MAYO AND DEPUTY CITY MANAGER AND DIRECTOR OF ECONOMIC DEVELOPMENT, JEFF THOMPSON.

Mayor Schultz called on Ms. Misty Mayo, Boerne Kendall County Economic Development Corporation (BKCEDC) President/CEO and Mr. Jeff Thompson, Deputy City Manager/Economic Development Director. Ms. Mayo reviewed the highlights of the new BKCEDC website and new brand. She expressed her appreciation to the City of Boerne Information Technology staff for their assistance with the new website and welcomes any feedback on the new website. Ms. Mayo reviewed a list of businesses the BKCEDC visited in the third quarter. Mr. Thompson discussed the success of the Business Retention and Expansion (BRE) visits as part of the long-term organizational strategy. Discussion ensued regarding office space in demand in Boerne.

8. [2016-759](#) RECEIVE PROPOSED BUDGET FOR FY 2016-2017.

Mayor Schultz called on Ms. Sandy Mattick, Finance Director. Ms. Mattick stated that the proposed budget includes changes that have been discussed during the budget process. Changes may be made up to the time that City Council adopts the Budget. She highlighted areas of the \$63,600,016.00 budget stating that there will be no increase in the tax rate. Ms. Mattick reviewed the calendar necessary to complete the budget process, noting that the budget must be adopted by September 20, 2016 as per the Home Rule Charter. The proposed budget will be filed with the City Secretary and will be available for public inspection July 27, 2016 in the City Secretary's office as well as on the City's website. Discussion ensued regarding the General Government Budget v. General Fund Budget.

A MOTION WAS MADE BY MAYOR PRO TEM CISNEROS, SECONDED BY COUNCIL MEMBER ANZOLLITTO, TO RECEIVE THE PROPOSED BUDGET FOR FY 2016-2017. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Anzollitto, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Colvin

9. [2016-749](#) RECEIVE THIRD QUARTER FINANCIAL/INVESTMENT REPORTS FOR FY 2015-2016.

Ms. Mattick continued with a review of the third quarter Financial Report stating that revenues were above projection at 83.30%, expenditures were below projections at 67.55%, sales tax collections were up 12.66% compared to the same period last year, and ad valorem tax collection was at 98.53%. In utilities, electric revenues were at 72.73% of budget and expenditures were below projections at 67.72%; water revenues were at 74.86% of budget and expenditures were below projections at 73.47%; wastewater revenues were at 86.64% of budget and expenditures were below projections at 70.47%; gas revenues were at 70.98% of budget and expenditures were below projections at 64.09%. Ms. Mattick reviewed the third quarter Investment Report stating that the Public Funds Investment Act requires that the report must be submitted to the City Council quarterly. As reflected in the Investment Report, 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 \$62,519.

A MOTION WAS MADE BY COUNCIL MEMBER BOYD IV, SECONDED BY COUNCIL MEMBER ANZOLLITTO, RECEIVE AND APPROVE THE THIRD QUARTER FINANCIAL/INVESTMENT REPORTS FOR FY 2015-2016. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Anzollitto, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Colvin

10. [2016-752](#) CONSIDER RESOLUTION NO. 2016-R67; A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE THE KENDALL APPRAISAL DISTRICT'S PROPOSED 2017 APPRAISAL AND COLLECTION BUDGETS.

Ms. Mattick presented the FY 2017 Kendall Appraisal District (KAD) proposed appraisal and collections budget. The City's allocation of the proposed

appraisal budget is \$76,666 and collection budget is \$15,638 for a total of \$92,304 which is a decrease of \$8,132 or 8.1% to the City of Boerne. This amount is included in the City of Boerne's proposed budget. Staff recommended approval of Resolution No. 2016-R67.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY MAYOR PRO TEM CISNEROS, TO APPROVE RESOLUTION NO. 2016-R67; A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE THE KENDALL APPRAISAL DISTRICT'S PROPOSED 2017 APPRAISAL AND COLLECTION BUDGETS. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Anzollitto, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Colvin

11. [2016-754](#) CONSIDER RESOLUTION NO. 2016-R68; AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN INTERLOCAL AGREEMENT BETWEEN KENDALL COUNTY AND THE CITY OF BOERNE FOR CONTRABAND FORFEITURE OF GAMBLING PARAPHERNALIA, DEVICES, EQUIPMENT AND OTHER PROPERTY (GAMBLING PROPERTY) AND PROCEEDS AND CASH (PROCEEDS), AND OTHER CHAPTER 18 CCP FORFEITURES.

Mayor Schultz called on Police Chief Jim Kohler. Chief Kohler reviewed the information included in the proposed interlocal agreement with Kendall County regarding seized gambling devices or the cash from gambling. The agreement for forfeited cash provides for 50% to the police department and 50% to the Kendall County Attorney's office. The net proceeds on the disposition of forfeited property other than cash shall be allocated as 60% to the police department and 40% to the Kendall Count Attorney's office. Staff recommended approval of the interlocal agreement.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY COUNCIL MEMBER ANZOLLITTO, TO APPROVE RESOLUTION NO. 2016-R68; AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN INTERLOCAL AGREEMENT BETWEEN KENDALL COUNTY AND THE CITY OF BOERNE FOR CONTRABAND FORFEITURE OF GAMBLING PARAPHERNALIA, DEVICES, EQUIPMENT AND OTHER PROPERTY (GAMBLING PROPERTY) AND PROCEEDS AND CASH (PROCEEDS), AND OTHER CHAPTER 18 CCP FORFEITURES. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Anzollitto, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Colvin

12. [2016-746](#) CONSIDER RESOLUTION NO. 2016-R69; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT WITH AZCON PAVING INC. FOR PAVING OF THE CITY PARKING LOT AT THE CIBOLO NATURE CENTER.

Mayor Schultz called on Mr. Mike Mann, Public Works Director. Mr. Mann explained that the City agreed to pave the main parking lot at the Cibolo Nature Center, which is located on City property. He displayed a map of the location. Staff received two bids for the paving of which Azcon Paving, Inc. was the lowest bidder. Staff recommended approval of Resolution No. 2016-R69.

A MOTION WAS MADE BY COUNCIL MEMBER ANZOLLITTO, SECONDED BY COUNCIL MEMBER WOOLARD, TO APPROVE RESOLUTION NO. 2016-R69; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT WITH AZCON PAVING INC. FOR PAVING OF THE CITY PARKING LOT AT THE CIBOLO NATURE CENTER IN THE AMOUNT NOT TO EXCEED \$29,000.00. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Anzollitto, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Colvin

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

Police Chief Kohler recognized Mike Raute, Information Technology Director, the Finance Department and Sgt. Padilla for their assistance with the body

worn camera program. It is anticipated that it will take approximately six months for the officers to get completely familiar with the use of the cameras.

City Manager Ron Bowman reminded the City Council of the recent award that the City of Boerne Electric Department received. Last week while an electric crew was working in a residential area, three employees helped a homeowner out of his garage when the garage door became inoperable. It is encouraged for employees to be approachable.

Council Member Woolard had nothing to report from AACOG as the meeting will be held tomorrow.

Mayor Pro Tem Cisneros reported that the MPO meeting will be held next month.

Mayor Schultz stated that the City is looking at options for traffic issues on Upper Cibolo Creek Road.

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

Mayor Schultz convened the City Council into Executive Session at 7:10 p.m. and requested those individuals directed to participate to adjourn to the Executive Session Conference Room.

14A. [2016-751](#) A. SECTION 551.087 - DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATION.

No action was taken.

15. 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 9:08 p.m.

No action was taken.

16. ADJOURNMENT

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY MAYOR PRO TEM CISNEROS TO ADJOURN THE CITY COUNCIL MEETING AT 9:08 P.M. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Anzollitto, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Colvin

APPROVED:

Mayor

ATTEST:

City Secretary