

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
November 27, 2018 – 6:00 PM

Minutes of the Regular Called City Council Meeting of November 27, 2018.

Present: **6 -** Mayor Michael Schultz, Council Member Joe Anzollitto, Mayor Pro Tem Nina Woolard, Council Member Steven Tye, Council Member Ron Cisneros, and Council Member Tim Handren

Staff Present: Ron Bowman, Siria Arreola, Dan Blankenship, Pam Bransford, Lori Carroll, Kirsten Cohoon, Nick Colonna, Jim Kohler, Mike Mann, Doug Meckel, Mike Raute, Laura Talley, Jeanette Teague, Jeff Thompson, Larry Woods, Linda Zartler, and Danny Zincke.

Recognized/Registered Guest: Brian Fowler, Denise Dever, William Dever, Richard McCormick, Richard Chapman, Wanda McCarthy, Jim Asher, Jan Couch, Robert Imler, and Steve Cairns.

1. CALL TO ORDER – 6:00 PM

Mayor Schultz called the City Council Meeting 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 the Texas Flag.

2. CONFLICTS OF INTEREST

Council Member Anzollitto declared a conflict with agenda item number 8 and will recuse himself from the discussion.

3. PUBLIC COMMENTS:

Brian Fowler, 116 Pecan Street, stated he is loosing confidence that neighbors will do the right thing and is hoping City government will establish ordinances that will secure the implementation and vision of downtown Boerne. Mr.

Fowler commented on the year 2015 Main Street Study. He has concluded after reviewing documents the City has no desire to keep Pecan Street as residential. He encouraged Council to listen to the citizen's concerns.

Jeremy Diller, 11 Comanche Trail, provided a handout for Risk Management Options for the City of Boerne. The City could be overpaying if a quote hasn't been received in sometime and depending on the claim ratio for the city.

Richard McCormick, 110 Greenfield, commented on the success of Dickens on Main event. Mr. McCormick stated that the Street and Parks Departments did a fantastic job of cleaning after the event.

4. CONSENT AGENDA:

4.A. [2018-783](#) CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD NOVEMBER 23, 2018.

The Minutes were approved.

4.B. [2018-766](#) CONSIDER ON SECOND READING ORDINANCE NO. 2018-41; AN ORDINANCE AMENDING ORDINANCE NO. 2017-74 CAPTIONED "AN ORDINANCE ADOPTING THE ANNUAL CAPITAL AND OPERATING BUDGETS FOR THE CITY OF BOERNE, TEXAS FOR THE FISCAL YEAR 2017-2018, BEGINNING OCTOBER 1, 2017 AND ENDING SEPTEMBER 30, 2018.

The Ordinance was approved.

4.C. [2018-767](#) CONSIDER ON SECOND READING ORDINANCE NO. 2018-42; AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 2017-82 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 Ordinance was approved.

- 4.E. [2018-770](#) CONSIDER RESOLUTION NO. 2018-R113; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND SCHNEIDER ENGINEERING, LTD. FOR ENGINEERING AND CONSULTING SERVICES FOR DESIGN OF THE ESSER ROAD ELECTRIC FEEDER PROJECT. (Along Adler Rd. and then south of Esser Road to the Old No. 9 Greenway)

The Resolution was approved.

- 4.F. [2018-771](#) CONSIDER RESOLUTION NO. 2018-R114; A RESOLUTION AUTHORIZING THE CITY MANAGER TO PROCEED WITH PURCHASES AS PER SECTION 6.08 OF THE CITY OF BOERNE'S HOME RULE CHARTER. (Truck mounted bucket for Electric Department).

The Resolution was approved.

- 4.G. [2018-778](#) CONSIDER RESOLUTION NO. 2018-R115; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BOERNE AND ATLAS COPCO CTS FOR REPAIRS TO AN H.I.S. AERATION BLOWER AT THE WASTEWATER TREATMENT AND RECYCLING CENTER.

The Resolution was approved.

A MOTION WAS MADE BY COUNCIL MEMBER HANDREN TO APPROVE THE CONSENT AGENDA AS PRESENTED.

A MOTION WAS MADE BY COUNCIL MEMBER ANZOLLITTO TO PULL AGENDA ITEM 4.D. FROM THE CONSENT AGENDA FOR DISCUSSION, COUNCIL MEMBER CISNEROS SECONDED THE MOTION. THE MOTION CARRIED 5-0.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER TYE TO APPROVED THE CONSENT AGENDA AS PRESENTED WITHOUT ITEM 4.D. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Anzollitto, Mayor Pro Tem Woolard, Council Member Tye, Council Member Cisneros, and Council Member Handren

4.D. [2018-768](#) CONSIDER ON SECOND READING ORDINANCE NO. 2018-43; AN ORDINANCE ESTABLISHING A FOUR-WAY STOP AT THE INTERSECTION OF CASCADE CAVERNS ROAD, RANCH DRIVE, AND SOUTHGLEN PARKWAY AND THE INSTALLATION OF A YIELD SIGN AT CASCADE CAVERNS ROAD; AND PROVIDING FOR A PENALTY NOT TO EXCEED \$200 FOR EACH VIOLATION OF THIS ORDINANCE. (Intersection of Cascade Caverns Road by Southglen Subdivision)

Mayor Schultz called on Council Member Anzollitto. Council Member Anzollitto stated that he has heard from individuals regarding concerns with a four-way stop at Cascade Caverns Road, Ranch Drive, and Southglen which may cause traffic issues on Wednesdays and Sundays after church service at Currey Creek Church. A map of the area was displayed. Utilities Director Mr. Mike Mann addressed the concern. He stated that after the road to Southglen was constructed, it caused safety concerns and he has observed near misses due to traffic coming from the south not having to stop. Mr. Mann agreed that the stop sign will cause traffic to backup coming from the south, but the yield sign will remain which will move traffic coming from the main entrance to Currey Creek Church. Staff recommended approval of Ordinance No. 2018-43.

A MOTION WAS MADE BY COUNCIL MEMBER CISNEROS, SECONDED BY MAYOR PRO TEM WOOLARD, TO APPROVE ON SECOND READING ORDINANCE NO. 2018-43; AN ORDINANCE ESTABLISHING A FOUR-WAY STOP AT THE INTERSECTION OF CASCADE CAVERNS ROAD, RANCH DRIVE, AND SOUTHGLEN PARKWAY AND THE INSTALLATION OF A YIELD SIGN AT CASCADE CAVERNS ROAD; AND PROVIDING FOR A PENALTY NOT TO EXCEED \$200 FOR EACH VIOLATION OF THIS ORDINANCE. (INTERSECTION OF CASCADE CAVERNS ROAD BY SOUTHGLEN SUBDIVISION). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Mayor Pro Tem Woolard, Council Member Tye, Council Member Cisneros, and Council Member Handren

Nay: 1 - Council Member Anzollitto

5. [2018-769](#) **CONSIDER RESOLUTION NO. 2018-R116; A RESOLUTION DESIGNATING THE CITY'S ANNUAL ALLOCATION OF GROUNDWATER PRODUCTION AS IT PERTAINS TO THE CITY'S WITHDRAWAL PERMIT FROM COW CREEK GROUNDWATER CONSERVATION DISTRICT TO RETAIN THE CURRENT QUARTERLY ALLOCATION FOR CALENDAR YEAR 2019.**

Mayor Schultz called on Mr. Mike Mann, Utilities Director. Mr. Mann stated that the City Council is required annually to consider the quarterly allocation of groundwater production from Cow Creek Groundwater Conservation District. We have been able to meet consumption demands despite drought restrictions that have been imposed over the past couple of years. Staff is recommending that the Council retain the current quarterly percentage allocation of 370, 555, 555, and 370 acre feet for calendar year 2019.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER TYE, TO APPROVE RESOLUTION NO. 2018-R116; A RESOLUTION DESIGNATING THE CITY'S ANNUAL ALLOCATION OF GROUNDWATER PRODUCTION AS IT PERTAINS TO THE CITY'S WITHDRAWAL PERMIT FROM COW CREEK GROUNDWATER CONSERVATION DISTRICT TO RETAIN THE CURRENT QUARTERLY ALLOCATION FOR CALENDAR YEAR 2019. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Anzollitto, Mayor Pro Tem Woolard, Council Member Tye, Council Member Cisneros, and Council Member Handren

6. [2018-765](#) **CONSIDER RESOLUTION NO. 2018-R117; A RESOLUTION DESIGNATING THE CITY'S ANNUAL COMMITMENT FOR WATER FROM THE GUADALUPE-BLANCO RIVER AUTHORITY AS PART OF THE WESTERN CANYON REGIONAL WATER SUPPLY PROJECT TO RETAIN THE CURRENT ANNUAL COMMITMENT OF WATER FOR CALENDAR YEAR 2019.**

Mr. Mann continued stating the agreement with Guadalupe-Blanco River Authority (GBRA) requires the City to declare an annual commitment for treated water before the end of each year. GBRA water is more expensive to purchase than that which we can produce from our own treatment plant or groundwater wells. With City Council approval in 2018, the City increased the annual commitment to 1,300 acre-feet. This increase should benefit the City through 2019. Once the City increases the commitment, it can only be retained or increased. Mr. Mann explained that the relationship with GBRA and San Antonio Water System (SAWS). Staff recommends that Council retain the current annual commitment of 1,300 acre-feet from GBRA for calendar year 2019.

A MOTION WAS MADE BY COUNCIL MEMBER ANZOLLITTO, SECONDED BY MAYOR PRO TEM WOOLARD, TO APPROVE RESOLUTION NO. 2018-R117; A RESOLUTION DESIGNATING THE CITY'S ANNUAL COMMITMENT FOR WATER FROM THE GUADALUPE-BLANCO RIVER AUTHORITY AS PART OF THE WESTERN CANYON REGIONAL WATER SUPPLY PROJECT TO RETAIN THE CURRENT ANNUAL COMMITMENT OF WATER FOR CALENDAR YEAR 2019. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Anzollitto, Mayor Pro Tem Woolard, Council Member Tye, Council Member Cisneros, and Council Member Handren

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

7.A. [2018-776](#) SECTION 551.074: PERSONNEL MATTERS- TO DELIBERATE THE APPOINTMENT AND DUTIES OF A CITY ATTORNEY.

Mayor Schultz convened the City Council into Executive Session at 6:27 p.m.

Council Member Anzollitto recused himself from the discussion.

No action was taken.

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

8.A. [2018-777](#) CONSIDER APPOINTMENT TO THE POSITION OF CITY ATTORNEY AND AFFIX COMPENSATION AS PER CITY OF BOERNE CHARTER SECTION 5.02.

Mayor Schultz reconvened the City Council into Open Session at 6:36 p.m.

A MOTION WAS MADE BY COUNCIL MEMBER CISNEROS, SECONDED BY MAYOR PRO TEM WOOLARD, TO APPOINT MS. MOLLY SOLIS WITH AFFIXED SALARY WITH THE USUAL PERSONNEL BENEFITS, AND TAKING DIRECTION ON A DAY TO DAY BASIS FROM THE CITY MANAGER WITH ROUTINE AND REGULAR REPORTS TO CITY COUNCIL. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Mayor Pro Tem Woolard, Council Member Tye, Council Member Cisneros, and Council Member Handren

Recused: 1 - Council Member Anzollitto

City Manager Ron Bowman introduced Ms. Molly Solis in the audience. Ms. Solis stated she appreciated the professional interview process and she looks forward to the future with the City of Boerne.

9. DISCUSSION:

9.A. [2018-775](#) 2019 ECONOMIC DEVELOPMENT WORK PLAN

City Manager Ron Bowman mentioned that there is a list of 10 to 12 items for future discussion. Kendall County will be included in some of the discussions. The City continues to look to the future and will keep the City Council up to date on the progress.

Mayor Schultz called on Mr. Dan Blankenship, Assistant City Manager of Development. Mr. Blankenship reminded the City Council that in August 2018 City Council adopted the 2018 Boerne Master Plan which serves as future guide for development and redevelopment based on the established vision. The Plan is used to shape the guiding principles for economic development. In the 2019 City of Boerne Economic Development Work Plan, Mr. Blankenship reviewed proposed projects to include improving development review process, updating city ordinances, improving infrastructure to create more development ready

sites, enhancing tourism, placemaking, and the creation of a Unified Development Code which is expected to take approximately one year. Discussion ensued regarding the definition of Quality of Life, targeting areas to focus on, the need for workforce in Boerne, and expanding the ETJ. City Manager Ron Bowman stated that there are four or five WCID's being established and the City plans to protect our borders. However, the Legislature will dictate the future. Mr. Bowman stated the City can't control density in the ETJ. Mr. Blankenship stated that the City will coordinate with partners to included the Boerne Kendall County Economic Development Corporation (BKEDC), Boerne ISD, the Boerne Chamber of Commerce and Alamo Colleges to assist with workforce and attracting businesses. It is Staff's plan to redesign the BKEDC agreement when it expires. Mayor Schultz asked that Staff bring a proposal to the City Council for providing updates in the progress.

9.B. [2018-785](#) WATER PLANNING AND UTILITY SERVICE TERRITORIES

Mayor Schultz called on Utilities Director Mike Mann. Mr. Mann provided the City's Water Resource Planning document. He spoke on the the areas that the City supplies reclaimed water which is water used to irrigate which in turn reduces water demand. Mr. Mann spoke on other water supply alternatives such as brackish groundwater desalination, increase yield of Boerne City Lake and increase GBRA Canyon Lake water contract. Discussion ensued regarding conservation efforts, educating the citizens and incentivizing, correlation with Cow Creek Groundwater Conservation District. Mr. Mann continued with a discussion on the Utility Service Territories. He displayed a map of the PUC Water/Sewer Certificate of Convenience and Necessity (CCN). He explained that the City is not required to have a CCN unless utilities are provided outside the City limits. The Public Power Commission assigns who would serve where. He displayed a map of the City of Boerne service area, Boerne's water service area, Boerne's sanitary sewer service area, and Boerne's natural gas service area.

9.C. [2018-773](#) ANNEXATION PLAN

Mayor Schultz called on Planning and Community Development Director Laura Talley discussed the potential areas of consideration for future annexation.

There are areas where it is cost prohibitive to annex such as the west side of IH-10 where it would be costly to bring sewer to the area. Discussion ensued regarding annexing Sharon Drive. Ms. Talley stated that she will bring to the next City Council meeting, an estimated cost to annex Sharon Drive. She stated that an Annexation Plan is specifically addressed in cities of a larger size than Boerne.

9.D. [2018-779](#) MOBILITY OPPORTUNITIES

Mayor Schultz called on Deputy City Manager Jeff Thompson to discuss mobility opportunities. Mr. Thompson reviewed the current TxDOT and Kendall County projects. He stated that Highway 46 East from Esser Road to Ammann project will take approximately 18 months. Mr. Thompson displayed maps to reflect the growth from 2005 to 2015. He stated that the cost to build roads has increased and will continue to increase. He discussed the congestion levels today versus what is expected for the year 2040. Mr. Thompson continued with the Thoroughfare Plan which is in progress and Staff is seeking City Council input. Mayor Schultz stated that Council Member Cisneros and Council Member Handren will meet with Kendall County in hopes of partnering with them on the Thoroughfare Plan. Discussion ensued regarding building an overpass at Highway 3351 and IH-10, capability to measure and model traffic as we go forward, and suggestion of hiring a consultant to conduct a traffic study.

10. COMMENTS FROM COUNCIL/ STAFF – No discussion or action may take place.

Council Member Anzollitto requested that the City Council stop the appointment of the replacement of District 1. City Attorney Kirsten Cohoon reminded the City Council that the issue was not on the agenda and could not then be discussed.

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

11.A.[2018-784](#) SECTION 551.071 (1) (A) - CONSULTATION WITH ATTORNEY AND SECTION 551.087- DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS.

Mayor Schultz convened the City Council into Executive Session at 8:18 p.m.

No action was taken.

12. 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 8:54 p.m.

No action was taken.

13. EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE: CITY COUNCIL MAY, AS PERMITTED BY LAW, ADJOURN INTO EXECUTIVE SESSION AT ANY TIME TO DISCUSS ANY MATTER LISTED ABOVE INCLUDING IF THEY MEET THE QUALIFICATIONS IN SECTIONS 551.071 (CONSULTATION WITH ATTORNEY), 551.072 (DELIBERATION REGARDING REAL PROPERTY), 551.073 (DELIBERATION REGARDING GIFTS), 551.074 (PERSONNEL/OFFICERS), 551.076 (DELIBERATION REGARDING SECURITY DEVICES), AND SECTION 551.087 (DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS) OF CHAPTER 551 OF THE TEXAS GOVERNMENT CODE.

City Council did not convene into Executive Session.

14. ADJOURNMENT

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER TYE, TO ADJOURN THE CITY COUNCIL MEETING AT 8:54 P.M. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Anzollitto, Mayor Pro Tem Woolard, Council
Member Tye, Council Member Cisneros, and Council Member
Handren

Mayor

City Secretary