

MINUTES
SPECIAL CALLED CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
December 11, 2018 – 3:00 p.m.

Minutes of the Special Called City Council meeting of December 11, 2018 at 3:00 p.m.

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, Lori Carroll, Jim Kohler, Antony Moy, Mike Raute, Molly Solis, and Linda Zartler.

Registered/Recognized Guests: Mike Luckey and Robert Imler. Candidates for City Council District 1: Darren Brehmer, Richard Gleason, Ty Wolosin, and Cayman Gentry.

1. CALL TO ORDER – 3:00 PM

Mayor Schultz called the City Council meeting to order at 3:00 p.m.

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

2.A. [2018-828](#) SECTION 551.074: PERSONNEL MATTERS- TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE OF A PUBLIC OFFICER OR EMPLOYEE (DISTRICT 1).

Mayor Schultz called the City Council into Executive Session at 3:00 p.m.

No action was taken.

3. RECONVENE INTO OPEN SESSION.

Mayor Schultz reconvened the City Council at 5:18 p.m.

4. ADJOURNMENT

A MOTION WAS MADE BY COUNCIL MEMBER TYE, SECONDED BY COUNCIL MEMBER ANZOLLITTO, TO ADJOURN THE SPECIAL CALLED CITY COUNCIL MEETING AT 5:19 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

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
December 11, 2018 – 6:00 PM

Minutes of the Regular Scheduled City Council meeting at 6:00 p.m.

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

Staff Present: Ron Bowman, Siria Arreola, Paul Barwick, Paul Bilotta, Dan Blankenship, Pam Brandsford, Lori Carroll, Nick Colonna, Jim Kohler, Mike Mann, Doug Meckel, Sandy Mattick, Antony Moy, Mike Raute, Molly Solis, Laura Talley, Jeanette Teague, Jeff Thompson, Larry Woods, Linda Zartler, and Danny Zincke.

Registered/Recognized Guests: Mike Luckey, Robert Imler, Denise L. Dever, William A. Dever, Jennifer Gentry, and Jan Couch. Candidates for City Council District 1: Darren Brehmer, Richard Gleason, Ty Wolosin, and Cayman Gentry.

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

Mayor Schultz stated that he will recuse himself from Executive Session agenda item 14.B. discussion.

3. PUBLIC COMMENTS:

Denise Dever, 53 Silent Spring stated that she spoke at the Kendall County Commissioners Court in regards to including citizens in discussions related to mobility.

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

Mayor Schultz convened the City Council into Executive Session at 6:03 p.m.

4.A. [2018-814](#) SECTION 551.074: PERSONNEL MATTERS- TO DELIBERATE THE APPOINTMENT OF A QUALIFIED PERSON TO FILL THE UNEXPIRED TERM OF THE COUNCIL MEMBER FOR DISTRICT 1 AS PER THE CITY OF BOERNE'S HOME RULE CHARTER SECTION 3.08. (C).

No action was taken.

5. 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 6:06 p.m.

5.A. [2018-815](#) CONSIDER APPOINTMENT OF A QUALIFIED PERSON TO FILL THE

UNEXPIRED TERM OF THE COUNCIL MEMBER FOR DISTRICT 1 AS PER THE CITY OF BOERNE'S HOME RULE CHARTER SECTION 3.08. (C).

A MOTION WAS MADE BY COUNCIL MEMBER ANZOLLITTO, SECONDED BY MAYOR PRO TEM WOOLARD, TO APPROVE THE APPOINTMENT OF ROBERT "TY" WOLOSIN TO FILL THE UNEXPIRED TERM OF THE COUNCIL MEMBER FOR DISTRICT 1 AS PER THE CITY OF BOERNE'S HOME RULE CHARTER SECTION 3.08. (C). 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 Schultz presented Joe Anzollitto with a gift in appreciation for his service to the community.

5.B. [2018-816](#) ADMINISTER OATH OF OFFICE.

Mayor Schultz administered the Oath of Office to Ty Wolosin as City Council Member District 1.

Present: 6 - Mayor Michael Schultz, Council Member Ty Wolosin, Mayor Pro Tem Nina Woolard, Council Member Steven Tye, Council Member Ron Cisneros, and Council Member Tim Handren.

6. CONSENT AGENDA:

6.A. [2018-830](#) CONSIDER APPROVAL OF THE MINUTES OF THE CITY COUNCIL MEETING HELD NOVEMBER 27, 2018 AND THE SPECIAL CALLED CITY COUNCIL MEETING OF DECEMBER 3, 2018.

THE MINUTES WERE APPROVED.

6.B. [2018-829](#) ANNUAL REVIEW OF THE CITY OF BOERNE'S INVESTMENT POLICY

AND BROKER-DEALER LIST.

THE INVESTMENT POLICY AND BROKER-DEALER LIST WERE APPROVED.

6.C. [2018-810](#) ACCEPTANCE OF STATE ASSET FORFEITURE REPORT FOR THE BOERNE POLICE DEPARTMENT.

THE STATE ASSET FORFEITURE REPORT FOR THE BOERNE POLICE DEPARTMENT WAS APPROVED.

6.D. [2018-811](#) ACCEPTANCE OF FEDERAL EQUITABLE SHARING AGREEMENT AND CERTIFICATION FOR THE BOERNE POLICE DEPARTMENT.

THE FEDERAL EQUITABLE SHARING AGREEMENT AND CERTIFICATION FOR THE BOERNE POLICE DEPARTMENT WAS APPROVED.

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

A MOTION WAS MADE BY COUNCIL MEMBER HANDREN, SECONDED BY COUNCIL TYE TO APPROVE THE CONSENT AGENDA AS PRESENTED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

7. [2018-827](#) DISCUSSION AND CONSIDER ACCEPTANCE OF FISCAL YEAR 2019 ECONOMIC DEVELOPMENT WORK PLAN.

Mayor Schultz called on Dan Blankenship, Assistant City Manager. Mr. Blankenship stated that he presented a draft of the 2019 Economic Development Work Plan at the November 27, 2018 City Council meeting. He addressed items that the City Council identified during that meeting that is critical to economic growth such as workforce challenge, mobility, and quality of life. He suggested that the Work Plan progress be reported to the City Council quarterly.

A MOTION WAS MADE BY COUNCIL MEMBER CISNEROS, SECONDED BY COUNCIL MEMBER HANDREN, TO APPROVE THE FISCAL YEAR 2019 ECONOMIC DEVELOPMENT WORK PLAN. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

8. [2018-823](#) DISCUSSION OF ANNEXATION STRATEGY AND PRIORITIES.

Mayor Schultz called on Ms. Laura Talley, Planning and Community Development Director. Ms. Talley displayed the Annexation Strategy map. She highlighted the properties that are most cost effective to annex, based on the Land Use Plan. She identified areas where utilities are not currently available but would not be costly to provide. She stated that there are some properties that have an Ag Exemption so a Development Agreement was created. If the exemption status changes, the City would annex the property into the city limits. Discussion ensued regarding Staff developing a priority list of properties to be annexed for the Council Members to consider, to include the cost to annex and the reason why the property should be annexed.

9. [2018-813](#) CONSIDER ON FIRST READING ORDINANCE NO. 2018-44; AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF BOERNE, TEXAS, CHAPTER 16. PARKS AND RECREATION; AND PROVIDING FOR A PENALTY OF NOT MORE THAN \$200 FOR VIOLATION OF ANY PROVISIONS OF THIS ORDINANCE.

Mayor Schultz called on Mr. Danny Zincke, Community Services Director. Mr. Zincke stated that Staff periodically reviews the Parks and Recreation Ordinance for accuracy. He reviewed the proposed modifications to the current ordinance to include a section that was inadvertently removed last year.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER HANDREN, TO APPROVE ON FIRST READING ORDINANCE NO. 2018-44; AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF BOERNE, TEXAS, CHAPTER 16. PARKS AND RECREATION; AND PROVIDING FOR A PENALTY OF NOT MORE THAN \$200 FOR VIOLATION OF ANY PROVISIONS OF THIS ORDINANCE. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

10. [2018-774](#) **CONSIDER RESOLUTION NO. 2018-R118; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF BOERNE AND PETER LEWIS ARCHITECTS & ASSOCIATES FOR CONCEPTUAL DESIGN OF THE CONVENTION AND VISITORS BUREAU FACILITY. (Additional engineering and construction services)**

Mayor Schultz called on Mr. Paul Barwick, Special Projects Director. Mr. Barwick discussed the additional expenses to the new Visitors Center project. He explained that there are additional expenses in the amount of \$3,500 for civil engineering services because the original contract from Peter Lewis Architect did not include any design services for the civil engineer to coordinate site and utility services between the Visitors Center and the TxDOT Main Street streetscape improvements. Also there are additional expenses in the amount of \$2,500 for construction administration services and expenses due to time delay for the project as a result of excessive rainfall during the months of September and October. Staff recommended approval of the expenses totalling \$6,000.

A MOTION WAS MADE BY COUNCIL MEMBER CISNEROS, SECONDED BY MAYOR PRO TEM WOOLARD, TO APPROVE RESOLUTION NO. 2018-R118; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF BOERNE AND PETER LEWIS ARCHITECTS & ASSOCIATES FOR CONCEPTUAL DESIGN OF THE CONVENTION AND VISITORS BUREAU FACILITY. (ADDITIONAL ENGINEERING AND CONSTRUCTION SERVICES). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

- 11. [2018-822](#) RECEIVE PROPOSED REVISIONS TO THE CITY OF BOERNE DEVELOPMENT PLAT REGULATIONS SECTION 02, DEFINITIONS, SECTION 06. PROCEDURES FOR DEVELOPMENT PLAT, A. SUBMITTALS, B. FORM AND CONTENT OF PLAT, SECTION 07. PROCEDURES FOR ADMINISTRATIVE PLAT.**

Mayor Schultz called on Ms. Laura Talley, Planning and Community Development Director. Ms. Talley reviewed the proposed amendments to the Development Plat Regulations. She stated the addition of the Minor Development Plat would allow for less stringent submittal requirements for properties that have been created by metes and bounds and not by a subdivision plat. Staff also recommended adding the Illumination Plan that was revised with the latest update to the Zoning Ordinance. These amendments will simply address a specific concern and the comprehensive review or update will come with the Unified Development Code. Ms. Talley stated that the Development Plat Regulations Ordinance will be brought back to the City Council in January for consideration.

- 12. RECEIVE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND SET A PUBLIC HEARING FOR JANUARY 8, 2019:**

- 12.A.[2018-812](#) PROPOSED REVISIONS TO THE CITY OF BOERNE THOROUGHFARE PLAN LAST UPDATED MAY 23, 2017 TO RECLASSIFY FREY STREET FROM A PRIMARY COLLECTOR TO A LOCAL STREET.**

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER WOLOSIN, TO RECEIVE THE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND SET THE PUBLIC HEARING FOR JANUARY 8, 2018. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

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

Planning and Community Development Director Laura Talley reviewed the status of the creation of the Unified Development Code. It will be brought to City Council in January for consideration.

Council Member Cisneros mentioned the discussion at the last Alamo Area Metropolitan Planning Organization meeting regarding the various meetings with the four surrounding counties of which Kendall County had the highest attendance. This tells a lot about our community.

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

Mayor Schultz convened the City Council into Executive Session at 6:56 p.m.

14.A.[2018-818](#) SECTION 551.087- DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS.

No action was taken.

14.B.[2018-819](#) SECTION 551.087- DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS.

Mayor Schultz recused himself from the discussion.

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 7:52 p.m.

15.A.[2018-831](#) CONSIDER RESOLUTION NO. 2018-R119; CONSIDERATION OF CONSENT/DENIAL TO THE CREATION OF KENDALL COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 3A OVER 332.413 ACRES OF LAND.

No action was taken.

A MOTION WAS MADE BY COUNCIL MEMBER HANDREN, SECONDED BY COUNCIL MEMBER TYE, TO SET AN AGENDA ITEM FOR THE REGULAR SCHEDULED CITY COUNCIL MEETING OF JANUARY 22, 2019 TO RECEIVE PUBLIC COMMENTS AND DISCUSS THE PROPOSED KENDALL COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 3 OVER 332.413 ACRES OF LAND.

THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

16. 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.

No action was taken.

17. ADJOURNMENT

A MOTION WAS MADE BY COUNCIL MEMBER HANDREN, SECONDED BY MAYOR PRO TEM WOOLARD, TO ADJOURN THE CITY COUNCIL MEETING AT 7:53 P.M. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Approved:

Mayor

Attest:

City Secretary