

Minutes of the Regular City Council meeting of September 27, 2016 at 6:00 p.m.

Absent: **1 -** Council Member Charlie Boyd IV

Recognized / Registered Guests: Elizabeth Carol, Dub Smothers, Vicki Moore, Misty Mayo, Jeff Mnick, Steve Moffitt and Josh Valenta.

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 public comments were received.

4. CONSENT AGENDA:

4A. [2016-889](#) APPROVAL OF THE CITY COUNCIL MEETING MINUTES OF SEPTEMBER 13, 2016.

THE MINUTES WERE APPROVED.

4B. [2016-883](#) CONSIDER ON SECOND READING ORDINANCE NO. 2016-34; 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 13, PERMANENT ZONING OF 87.467 ACRES BEING A PORTION OF CASCADE CAVERNS ROAD FOR KAD NOS. 11502, 11539, 11540, A PORTION OF 11567, A PORTION OF 11593, 38723, AND A PORTION OF 42662 FROM R-A, SINGLE-FAMILY RURAL RESIDENTIAL - AGRICULTURAL DISTRICT TO R-2, MODERATE-DENSITY SINGLE-FAMILY DISTRICT AND 1.50 ACRES (A PORTION OF KAD NO. 11540) TO R-E, SINGLE FAMILY RESIDENTIAL ESTATE DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (ML&E Landquest Cascade Caverns, L.L.C., Pulte Homes Of Texas, L.P., Meritage Homes Of Texas, L.L.C., And Kendall West Utility, L.L.C.- Southglen Subdivision)

THE ORDINANCE WAS APPROVED.

4C. [2016-884](#) CONSIDER ON SECOND READING ORDINANCE NO. 2016-35; 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, REZONING 2.811 ACRES LOCATED AT 44 AND 46 OLD SAN ANTONIO ROAD (KAD NOS. 42070, 15863, 14796, AND 42069), 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. (Howell R Moore, Michelle L Moore, Vicki Reid Moore, Leon Grivell III.)

THE ORDINANCE WAS APPROVED.

- 4D. [2016-885](#) CONSIDER ON SECOND READING ORDINANCE NO. 2016-37; AN ORDINANCE ESTABLISHING THE RATE CLASSIFICATIONS AND RATES TO BE CHARGED FOR WATER SERVICE PROVIDED BY THE CITY OF BOERNE UTILITIES, AND REPEALING AND REPLACING ORDINANCE NO. 2015-21 DATED AUGUST 25, 2015 AND ORDINANCE NO. 2012-26 DATED SEPTEMBER 11, 2012 AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith

THE ORDINANCE WAS APPROVED.

- 4E. [2016-901](#) CONSIDER RESOLUTION NO. 2016-R92; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A DELEGATE AGENCY AGREEMENT BETWEEN THE CITY OF BOERNE AND BOERNE KENDALL COUNTY ECONOMIC DEVELOPMENT CORPORATION.

THE RESOLUTION WAS APPROVED.

- 4F. [2016-881](#) CONSIDER RESOLUTION NO. 2016-R93; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A LEASE AGREEMENT BETWEEN THE CITY OF BOERNE AND MITEL LEASING FOR UPGRADING THE CITY'S PHONE SYSTEM AND PROVIDING A MAINTENANCE PLAN FOR THE PHONE SYSTEM.

THE RESOLUTION WAS APPROVED.

- 4G. [2016-898](#) CONSIDER RESOLUTION NO. 2016-R94; A RESOLUTION AUTHORIZING THE CITY MANAGER TO PAY REGULAR INVOICES AND BILLS FROM SPECIFIC PROVIDERS OF GOODS AND SERVICES, IN ACCORDANCE WITH THE APPROVED ANNUAL BUDGET, AND IN ACCORDANCE WITH SECTION 6.08 OF THE CITY OF BOERNE'S HOME RULE CHARTER.

THE RESOLUTION WAS APPROVED.

- 4H. [2016-880](#) **CONSIDER RESOLUTION NO. 2016-R95; 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.**

THE RESOLUTION WAS APPROVED.

A 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: 4 - Council Member Anzollitto, Council Member Woolard, Mayor Pro Tem Cisneros, and Council Member Colvin

Absent: 1 - Council Member Boyd IV

5. [2016-900](#) **UPDATE ON PATRICK HEATH PUBLIC LIBRARY ACTIVITIES AND CONSIDER APPROVAL OF THE LIBRARY'S FY 2017 STRATEGIC PLAN.**

Mayor Schultz called on Ms. Kelly Skovbjerg, Library Director. Ms. Skovbjerg presented an update from February to August 2016 of the Patrick Heath Public Library activities. City Council Members were apprised on the progress of the library, amount of books checked out, attendance, and programs offered.

Ms. Skovbjerg reviewed the procedure for developing the library's FY 2017 Strategic Plan. Three priorities were indicated; lifelong learning and reading, viewing and listening for pleasure, and working in a quiet, comfortable space. The one constant complaint was the amount of noise in the library after school hours. The Plan will address the noise by reconfiguring existing library space. The Plan will serve as a guide for the next three years. Staff is recommending approval of the Strategic Plan.

A MOTION WAS MADE BY MAYOR PRO TEM CISNEROS, SECONDED BY COUNCIL MEMBER ANZOLLITTO, TO RECEIVE THE UPDATE ON PATRICK HEATH PUBLIC LIBRARY ACTIVITIES AND APPROVE FY 2017 STRATEGIC PLAN. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Council Member Anzollitto, Council Member Woolard, Mayor Pro Tem Cisneros, and Council Member Colvin

Absent: 1 - Council Member Boyd IV

6. [2016-888](#) GVTC GIGAREGION UPDATE.

Mayor Schultz called on Jeff Thompson, Deputy City Manager. Mr. Thompson stated this will be the final update on the GVTC GigaRegion Project as it is now complete, five months earlier than anticipated. A total of 1,642 more homes now have access to high speed fiber internet. The City of Boerne contributed \$77,500 toward upgrading our utility poles which was funded through Economic Development. Jeff Mnick from GVTC thanked Mayor Schultz and City Council Members for making Boerne an all fiber city.

7. [2016-899](#) CONSIDER RESOLUTION NO. 2016-R96; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND _____ FOR PUBLIC RELATIONS AND MARKETING SERVICES.

Mayor Schultz called on Mr. Paul Barwick, Special Projects Director. Mr. Barwick explained that in an attempt to lower costs of public relations and marketing services a Request for Proposals was issued. A total of four firms responded and submitted proposals. Staff recommended the City enter into an agreement with Permanent Ink Public Relations LLC. The recommendation is based on qualifications, pricing, and proximity of provider for on-site support. Mr. Barwick noted that the City of Boerne has a good working relationship with this company.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY MAYOR PRO TEM CISNEROS, TO APPROVE RESOLUTION NO. 2016-R96; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND PERMANENT INK PUBLIC RELATIONS LLC FOR PUBLIC RELATIONS AND MARKETING SERVICES NOT TO EXCEED \$20,500.00. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Council Member Anzollitto, Council Member Woolard, Mayor Pro Tem Cisneros, and Council Member Colvin

Absent: 1 - Council Member Boyd IV

8. [2016-887](#) **CONSIDER RESOLUTION NO. 2016-R97; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BOERNE AND SCHNEIDER ENGINEERING, LTD. FOR DESIGN AND CONSTRUCTION OBSERVATION SERVICES OF THE OLD SAN ANTONIO ROAD ELECTRICAL FEEDER PROJECT.**

Mayor Schultz called on Mr. Mike Mann, Public Works Director. Because the electrical feeder project will cost more than \$50,000, State Law requires it to be bid which requires engineering services. This is the first step of the project to build increased feeder capacity or electric line capacity along Old San Antonio Road from Industrial up to Oak Park and a piece of Cibolo Creek. Staff recommended approval of the agreement with Schneider Engineering, Ltd.

A MOTION WAS MADE BY MAYOR PRO TEM CISNEROS, SECONDED BY COUNCIL MEMBER ANZOLLITTO, TO APPROVE RESOLUTION NO. 2016-R97; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BOERNE AND SCHNEIDER ENGINEERING, LTD. FOR DESIGN AND CONSTRUCTION OBSERVATION SERVICES OF THE OLD SAN ANTONIO ROAD ELECTRICAL FEEDER PROJECT NOT TO EXCEED \$53,995.00. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Council Member Anzollitto, Council Member Woolard, Mayor Pro Tem Cisneros, and Council Member Colvin

Absent: 1 - Council Member Boyd IV

9. [2016-886](#) **CONSIDER RESOLUTION NO. 2016-R98; A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AN AGREEMENT FOR PROJECT MANAGEMENT CONSULTING SERVICES FOR THE PROPOSED NEW CITY HALL PROJECT BETWEEN THE CITY OF BOERNE AND _____.**

Mayor Schultz called on Ms. Linda Zartler, Assistant City Manager. Since the new city hall project was approved, it now falls in line to contract with a

project manager to oversee the construction. Ms. Zartler reminded Council an agreement was previously presented for a project manager. City Council at that time decided not to approve the agreement. Ms. Zartler introduced Michael Dean, owner of Michael Dean Consulting Group PLLC. Staff recommended negotiating a contract with Michael Dean Consulting Group PLLC. A brief summary of qualifications for this firm was included in the packet.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY MAYOR PRO TEM CISNEROS, TO APPROVE RESOLUTION NO. 2016-R98; A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AN AGREEMENT FOR PROJECT MANAGEMENT CONSULTING SERVICES FOR THE PROPOSED NEW CITY HALL PROJECT BETWEEN THE CITY OF BOERNE AND MICHAEL DEAN CONSULTING GROUP PLLC. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Council Member Anzollitto, Council Member Woolard, Mayor Pro Tem Cisneros, and Council Member Colvin

Absent: 1 - Council Member Boyd IV

10. RECEIVE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND SET PUBLIC HEARING FOR OCTOBER 11, 2016:

10A. [2016-891](#) PROPOSED USE OF CONTRACTORS IN A B-2, HIGHWAY COMMERCIAL DISTRICT AT 44 AND 46 OLD SAN ANTONIO ROAD, A TOTAL OF 2.811 ACRES. KAD NOS. 42070, 15863, 14796, AND 42069. (Howell R Moore, Michelle L Moore, Vicki Reid Moore, Leon Grivell III)

Mayor Schultz called on Mr. Jeff Thompson, Deputy City Manager. At this time the only action required by City Council is to set a public hearing. Staff recommended that a public hearing be set for October 11, 2016. A map of the property located at 44 and 46 Old San Antonio Road was displayed.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY COUNCIL MEMBER COLVIN, TO RECEIVE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND SET A PUBLIC HEARING FOR OCTOBER 11, 2016. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Council Member Anzollitto, Council Member Woolard, Mayor Pro Tem Cisneros, and Council Member Colvin

Absent: 1 - Council Member Boyd IV

11. RECEIVE RECOMMENDATION FROM PLANNING AND ZONING COMMISSION AND SET PUBLIC HEARINGS FOR OCTOBER 25, 2016:

11A. [2016-892](#) PROPOSED PERMANENT ZONING OF THE DURANGO TRACT SUBDIVISION, A TOTAL OF 40.892 ACRES, FROM R-A, SINGLE-FAMILY RURAL RESIDENTIAL - AGRICULTURAL DISTRICT TO RN-1, NEIGHBORHOOD RESIDENTIAL DISTRICT, KAD NOS. 153712, 153713, 153714, 153715, AND 153716. (William E. Canavan Jr. Durango Development)

Mr. Thompson asked that at this time, Council set a public hearing for October 25, 2016. A map of the property located on Shooting Club Road was displayed.

A MOTION WAS MADE BY COUNCIL MEMBER ANZOLLITTO, SECONDED BY MAYOR PRO TEM CISNEROS, TO RECEIVE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND SET PUBLIC HEARING FOR OCTOBER 25, 2016. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Council Member Anzollitto, Council Member Woolard, Mayor Pro Tem Cisneros, and Council Member Colvin

Absent: 1 - Council Member Boyd IV

11B. [2016-893](#) PROPOSED REZONING OF 502 SCHOOL STREET, A TOTAL OF 4.83 ACRES, FROM R-1, MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT TO B-1, HIGH-DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICT, KAD NO. 14412. (Original request was for B-2R, Highway Commercial-Restricted District, Genevieve Jones)

Mr. Thompson asked that at this time, Council set a public hearing for October 25, 2016. A map of the property located at 502 School Street was displayed.

A MOTION WAS MADE BY MAYOR PRO TEM CISNEROS, SECONDED BY COUNCIL MEMBER ANZOLLITTO, TO RECEIVE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND SET PUBLIC HEARING FOR OCTOBER 25, 2016. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Council Member Anzollitto, Council Member Woolard, Mayor Pro Tem Cisneros, and Council Member Colvin

Absent: 1 - Council Member Boyd IV

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

No comments were received.

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

Mayor Schultz convened the City Council into Executive Session at 6:47 p.m. and requested those individuals directed to participate to adjourn to the Executive Session conference room.

13A. [2016-890](#) SECTION 551.086 - MUNICIPAL OWNED UTILITY - COMPETITIVE MATTER-WHOLESALE POWER - ELECTRIC.

No action was taken.

14. 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 7:43 p.m.

No action was taken.

15. ADJOURNMENT

A MOTION WAS MADE BY COUNCIL MEMBER COLVIN, SECONDED BY COUNCIL MEMBER WOOLARD, TO ADJOURN THE MEETING AT 7:43 P.M. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Council Member Anzollitto, Council Member Woolard, Mayor Pro Tem Cisneros, and Council Member Colvin

Absent: 1 - Council Member Boyd IV

Mayor

City Secretary