

Minutes of the Regular Called City Council meeting of September 12, 2017.

**Staff Present:** Ron Bowman, Siria Arreola, Pam Bransford, Lori Carroll, Kirsten Cohoon, Armando Gonzalez, Jerry Hopf, Lissette Jimenez, Jim Kohler, Mike Mann, Sandy Mattick, Doug Meckel, Jose Moreno, Terry Nolan, Gilbert Pantoja, Jose Pinedo, Manuel Pinedo, Marco Rangel, Mike Raute, Angio Rios, Mike Sharp, Laura Talley, Jeanette Teague, Jeff Thompson, John Wallace, Larry Woods, Linda Zartler, and Danny Zincke.

**Registered / Recognized Guests:** Emily Weiner

### 1. CALL TO ORDER – 6:00 PM

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

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

Mayor Schultz stated that agenda item #5. will be moved up in the agenda to follow Public Comments. Also agenda item #18. will be moved up in the agenda before the Executive Session.

## 2. CONFLICTS OF INTEREST

No conflicts were declared.

**3. PUBLIC COMMENTS:**

No comments were received.

**5. [2017-675](#) RECOGNITION OF THE CITY OF BOERNE GAS DEPARTMENT IN RECEIVING THE 2017 AMERICAN PUBLIC GAS ASSOCIATION SAFETY AWARD.**

Mayor Schultz called on Mr. Mike Mann, Public Works Director. Mr. Mann stated that the City of Boerne's Gas Department previously was awarded a safety award at the state level from Texas Gas Association. The Gas Department is now being recognized at the national level from American Public Gas Association. The City showed that 19,629 man-hours had been expended in 2016 with no reportable accidents or injuries during this time. Mr. Mike Sharp, Water / Wastewater Natural Gas Construction Superintendent introduced the employees in attendance. Mr. Jeff Thompson, Deputy City Manager read the award to the City Council and the audience. Mayor Schultz recognized the importance of safety for the employees as well as the community.

**4. CONSENT AGENDA:****4.A. [2017-666](#) CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD AUGUST 22, 2017, SPECIAL CALLED CITY COUNCIL MEETING HELD AUGUST 25, 2017 (YMCA Ribbon Cutting), AND SPECIAL CALLED CITY COUNCIL MEETING HELD AUGUST 29, 2017 (Budget).**

THE MINUTES WERE APPROVED.

**4.B. [2017-663](#) CONSIDER ON SECOND READING ORDINANCE NO. 2017-73; 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. 2016-37 DATED SEPTEMBER 27, 2016 AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith.**

THE ORDINANCE WAS APPROVED.

- 4.C. [2017-607](#) CONSIDER RESOLUTION NO. 2017-R70; 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.

- 4.D. [2017-652](#) CONSIDER RESOLUTION NO. 2017-R71; A RESOLUTION AUTHORIZING THE CLOSURE OF A PORTION OF MAIN STREET (HWY 87) DURING CERTAIN HOURS FOR THE PRIDE OF TEXAS STREET ROD RUN AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR THE TEMPORARY CLOSURE OF STATE RIGHT-OF-WAY WITH THE TEXAS DEPARTMENT OF TRANSPORTATION.

THE RESOLUTION WAS APPROVED.

- 4.E. [2017-670](#) CONSIDER MOTION CASTING THE CITY'S VOTE IN THE ELECTION TO THE TEXAS MUNICIPAL LEAGUE MULTISTATE INTERGOVERNMENTAL EMPLOYEE BENEFITS POOL BOARD OF TRUSTEE REGION 7.

CASTING VOTE FOR TEXAS MUNICIPAL LEAGUE MULTISTATE INTERGOVERNMENTAL BENEFITS POOL BOARD OF TRUSTEE JOE CARDENAS.

- 4.F. [2017-668](#) CONSIDER RESOLUTION NO. 2017-R72; A RESOLUTION OF THE CITY OF BOERNE, TEXAS PROVIDING THAT THE TERMS OF THE KENDALL APPRAISAL DISTRICT BOARD OF DIRECTORS BE STAGGERED.

THE RESOLUTION WAS APPROVED.

A MOTION WAS MADE BY COUNCIL MEMBER BOYD IV, SECONDED BY COUNCIL MEMBER ANZOLLITTO TO APPROVE THE CONSENT AGENDA AS PRESENT. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

6. [2017-676](#) CONSIDER MAYORAL APPOINTMENTS TO THE MASTER PLAN
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**STEERING COMMITTEE AND ETHICS REVIEW COMMISSION.**

Mayor Schultz explained the importance of the Ethics Review Commission. When the commission was first established, term limits were assigned to the Commission members. Recently the Ethics Ordinance was updated removing the term limits.

Mayor Schultz also recommended the appointment of Council Member Boyd and Council Member Cisneros to the Master Plan Steering Committee.

A MOTION WAS MADE BY COUNCIL MEMBER COLVIN, SECONDED BY MAYOR PRO TEM WOOLARD, TO APPROVE THE MAYORAL APPOINTMENTS TO THE MASTER PLAN STEERING COMMITTEE, COUNCIL MEMBER CHARLIE BOYD IV AND COUNCIL MEMBER RON CISNEROS AND RE-APPOINT TIMOTHY COSTANZA, BEN WALKER, DARREN SMITH, AND ROBERT LEE TO THE ETHICS REVIEW COMMISSION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

**7. [2017-664](#) CONSIDER ON SECOND READING ORDINANCE NO. 2017-74; 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**

Mayor Schultz called on Ms. Sandy Mattick, Finance Director. Ms. Mattick reviewed highlights of the proposed FY 2017-2018 budget. She displayed a graph of the breakdown by fund for the proposed budget which totals \$77,077,320.00 and the proposed general fund budget totaling \$16,649,548.00. She reminded the City Council that the property tax rate has not increased since 2013. Ms. Mattick discussed the proposed water rate increase. Mr. Jeff Thompson, Deputy City Manager reviewed the necessity of a 4% increase due to the GBRA rate increase to treat Disinfectant By-Products (DBP). He stated that the City of Boerne may need to add additional equipment and processes to our system in the future if GBRA does not reduce the DBP to an acceptable level. At this time 3.6% is needed, leaving 0.4% or \$20,000 per year which could be additional allocation to Water Capital Reserve for future DBP treatment

costs. Discussion ensued regarding the 2015 flood being the primary cause of DBP. Mr. Mike Mann, Public Works Director further explained DBP.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER BOYD IV, TO APPROVE ON SECOND READING ORDINANCE NO. 2017-74; 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 MOTION CARRIED BY THE FOLLOWING VOTE:

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

**8. [2017-671](#) RATIFY THE PROPERTY TAX REVENUE INCREASE REFLECTED IN THE FISCAL YEAR 2017-2018 BUDGET.**

Ms. Mattick continued with the requirement of House Bill 3195 which requires the City Council to ratify the property tax revenue increase reflected in the budget to be adopted. She stated that the proposed FY 2017-2018 budget will raise more total property taxes than last year's budget by \$498,591 (6.95%) and of that amount \$352,464 is tax revenue to be raised from new property added to the tax rolls this year.

A MOTION WAS MADE BY COUNCIL MEMBER ANZOLLITTO, SECONDED BY COUNCIL MEMBER BOYD IV, TO RATIFY THE PROPERTY TAX REVENUE INCREASE REFLECTED IN THE FISCAL YEAR 2017-2018 BUDGET. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

**9. [2017-665](#) CONSIDER A ONE-TIME READING OF ORDINANCE NO. 2017-76; AS PERMITTED BY THE CITY OF BOERNE'S HOME RULE CHARTER, SECTION 3.11.A.**

A MOTION WAS MADE BY COUNCIL MEMBER BOYD IV, SECONDED BY MAYOR PRO TEM WOOLARD, THAT THIS ORDINANCE BE APPROVED CONSIDER A ONE-TIME READING OF ORDINANCE NO. 2017-76; AS PERMITTED BY THE CITY OF BOERNE'S HOME RULE CHARTER, SECTION 3.11.A.. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

**10. [2017-672](#) CONSIDER ORDINANCE NO. 2017-76; AN ORDINANCE ESTABLISHING THE TAX RATE AND THE BASIS FOR ASSESSED VALUES FOR THE CITY OF BOERNE, TEXAS FOR THE YEAR 2017 AND REPEALING ALL ORDINANCES IN CONFLICT HERewith.**

Ms. Mattick continued with the ordinance establishing the tax rate for the year 2017. She stated that the required two public hearing were held. At this time, the City Council is required to set the tax rate for the Tax Year 2017. The proposed tax rate is \$.4720 per \$100 valuation.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD THAT THE PROPERTY TAX RATE BE INCREASED BY THE ADOPTION OF A TAX RATE OF \$0.4720, WHICH IS EFFECTIVELY A 1.64 PERCENT INCREASE IN THE TAX RATE AND TO APPROVE ORDINANCE NO. 2017-76; AN ORDINANCE ESTABLISHING THE TAX RATE AND THE BASIS FOR ASSESSED VALUES FOR THE CITY OF BOERNE, TEXAS FOR THE YEAR 2017 AND REPEALING ALL ORDINANCES IN CONFLICT HERewith. COUNCIL MEMBER BOYD IV SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

**11. [2017-669](#) CONSIDER ON FIRST READING ORDINANCE NO. 2017-77; AN ORDINANCE AUTHORIZING THE INSTALLATION OF A STOP SIGN AT THE SOUTH BOUND LANE OF CHARGER BLVD AT CITY PARK ROAD; AND PROVIDING FOR A PENALTY NOT TO EXCEED \$200 FOR EACH VIOLATION OF THIS ORDINANCE.**

Mayor Schultz called on Mr. Danny Zincke, Community Services Director. Mr.

Zincke displayed a map of the location of the stop sign at the corner of Charger Blvd and City Park Road. The ordinance is necessary for the enforcement of the stop sign. Staff recommended approval on first reading of Ordinance No. 2017-77.

A MOTION WAS MADE BY COUNCIL MEMBER BOYD IV, SECONDED BY COUNCIL MEMBER ANZOLLITTO, TO APPROVE ON FIRST READING ORDINANCE NO. 2017-77; AN ORDINANCE AUTHORIZING THE INSTALLATION OF A STOP SIGN AT THE SOUTH BOUND LANE OF CHARGER BLVD AT CITY PARK ROAD; AND PROVIDING FOR A PENALTY NOT TO EXCEED \$200 FOR EACH VIOLATION OF THIS ORDINANCE. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

**12. [2017-639](#) CONSIDER RESOLUTION NO. 2017-R73; A RESOLUTION OF THE BOERNE CITY COUNCIL, KENDALL COUNTY, TEXAS ADOPTING THE 2017-2027 PARKS, RECREATION, AND OPEN SPACE MASTER PLAN AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

Mr. Zincke continued with the proposed Parks, Recreation, and Open Space Master Plan. Mr. Zincke introduced Mr. Paul Howard of Burditt Consultants, LLC in the audience. Mr. Zincke stated that staff has reviewed the public feedback and direction from the City Council and worked with Burditt Consultants, LLC to produce a final version of the document. The plan includes recommendations on projects, proposed time lines, and probable cost for these projects based on the conceptual designs. This document is to be used as a guideline and does not bind the City Council or the City of Boerne to any of these time frames, projects or funds. The Texas Parks and Wildlife Department (TPWD) requires the plan be adopted by resolution and submitted to the TPWD for their approval. A plan must have been approved a minimum of 60 days prior to any submitted grant application. Discussion ensued regarding prioritizing the projects with moving aquatics to one of the top priorities. Also discussed was the need for Kendall County and the School District to participate in the cost of these projects. City Manager Ron Bowman

stated that there will be a future discussion regarding a proposed 2018 bond issue.

A MOTION WAS MADE BY COUNCIL MEMBER BOYD IV, SECONDED BY MAYOR PRO TEM WOOLARD, TO APPROVE RESOLUTION NO. 2017-R73; A RESOLUTION OF THE BOERNE CITY COUNCIL, KENDALL COUNTY, TEXAS ADOPTING THE 2017-2027 PARKS, RECREATION, AND OPEN SPACE MASTER PLAN AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW. THE MOTION CARRIED BY THE FOLLOWING VOTE:

**Yeah:** 4 - Mayor Pro Tem Woolard, Council Member Boyd IV, Council Member Cisneros, and Council Member Colvin

**Abstain:** 1 - Council Member Anzollitto

**13. [2017-687](#) CONSIDER RESOLUTION NO. 2017-R74; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AMENDED INTERLOCAL AGREEMENT BETWEEN THE CITY OF BOERNE, TEXAS AND KENDALL COUNTY, TEXAS FOR REGULATION OF SUBDIVISION PLATS IN THE ETJ OF BOERNE.**

Mayor Schultz called on Ms. Kirsten Cohoon, City Attorney and Ms. Laura Talley, Planning and Community Development Director. Ms. Cohoon explained the specifics of the proposed interlocal agreement with Kendall County. The agreement regulates subdivision plats in the ETJ of Boerne. The Texas Local Government Code Chapter 242 requires that the City Council and Commissioners Court certify that the agreement is in compliance. Staff recommended approval of Resolution No. 2017-R74.

A MOTION WAS MADE BY COUNCIL MEMBER COLVIN, SECONDED BY MAYOR PRO TEM WOOLARD, TO APPROVE RESOLUTION NO. 2017-R74; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AMENDED INTERLOCAL AGREEMENT BETWEEN THE CITY OF BOERNE, TEXAS AND KENDALL COUNTY, TEXAS FOR REGULATION OF SUBDIVISION PLATS IN THE ETJ OF BOERNE. THE MOTION CARRIED BY THE FOLLOWING VOTE:



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

14. [2017-673](#) **RECEIVE BIDS AND AWARD CONTRACT FOR A BACKYARD DIGGER FOR THE ELECTRIC DEPARTMENT AND CONSIDER RESOLUTION NO. 2017-R75; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, AUTHORIZING THE AWARD OF A BID FOR THE PURCHASE OF A DIGGER.**

Mayor Schultz called on Public Works Director Mr. Mike Mann. Mr. Mann reminded the City Council of the item which was presented in July of this year regarding receiving bids for the purchase of a Derrick Digger. At that meeting, the City Council reject all the bids received as they did not meet the required specifications. The project was later rebid, and City Staff received four bids. Two of the low bidders did not meet the specifications. Staff recommended that the City Council authorize the City Manager to proceed with the purchase of the Mini-Derrick Digger from Terex Services-North America in the amount of \$187,379.83.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER ANZOLLITTO, TO RECEIVE BIDS AND AWARD CONTRACT FOR A BACKYARD DIGGER FOR THE ELECTRIC DEPARTMENT AND CONSIDER RESOLUTION NO. 2017-R75; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, AUTHORIZING THE AWARD OF A BID FOR THE PURCHASE OF A DIGGER TO TEREX SERVICES - NORTH AMERICAN FOR AN AMOUNT NOT TO EXCEED \$187,379.83. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

15. [2017-674](#) **RECEIVE AND CONSIDER A REQUEST FROM GENERATION SIGNS INC. FOR A VARIANCE TO THE SIGN ORDINANCE SECTION 10. RESTRICTIONS ON CERTAIN TYPES OF SIGNS. GG. GAS PRICING SIGNS. (Citgo, 942 N Main St.)**

Mayor Schultz called on Ms. Laura Talley, Planning and Community Development Director. Ms. Talley displayed a map of the location of the CITGO

gas station located at 942 North Main Street. She indicated that the current sign is located on the corner of North Main Street and North School Street. The original request was for a monument sign with LED lighting to replace the current free standing sign. After meeting with TxDOT and City Staff, it was determined that the requested monument sign would block vision of traffic and the request was denied. The owner is therefore wanting to re-face the current sign and add LED lighting to the digits of the sign. The City of Boerne's Sign Ordinance stipulates that LED lighting is permitted only in monument signs. Ms. Talley stated that the sign variance committee discussed the request and recommended approval of the sign variance with the caveats that the font size adhere to the requirement in the City's ordinance and that the kelvins be limited to 3,000. Discussion ensued regarding the location of the sign in reference to another monument sign nearby on Main Street. Also discussed was the monitoring and enforcement of kelvins. It was stated that Code Enforcement requires a certificate from the sign engineer that would be proof of the number of kelvins.

A MOTION WAS MADE BY COUNCIL MEMBER COLVIN, SECONDED BY COUNCIL MEMBER BOYD IV, TO RECEIVE AND APPROVE A REQUEST FROM GENERATION SIGNS INC. FOR A VARIANCE TO THE SIGN ORDINANCE SECTION 10. RESTRICTIONS ON CERTAIN TYPES OF SIGNS. GG. GAS PRICING SIGNS WITH THE CAVEATS THAT THE FONT SIZE ADHERES TO THE CITY ORDINANCE AND THE KELVINS BE LIMITED TO 3,000. (CITGO, 942 N MAIN ST.). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

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

Mr. Larry Woods, Boerne Convention and Visitors Bureau (CVB) presented a video commercial advertising Boerne which will be displayed at movie theaters, 30 screens for two months. A commercial advertising Dickens will be shown in November. He also mentioned to the City Council that he received a call from Allcat Claim Service that they would be needing a meeting space for 50 adjusters for training before they were heading to Florida after the hurricane.

The CVB Staff found them a meeting place at the Alamo RV Fiesta Park.

Police Chief Jim Kohler discussed an issue regarding Cibolo Elementary school traffic. He displayed a map of the intersection in question and pointed out the location of the nearest crosswalk. It was determined by the Police Department as well as the school that the issue appears to be internal with the school. The Police and school will meet to see about the possibility of getting additional school staff to help with the traffic.

**16. EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE:**

Mayor Schultz convened the City Council into Executive Session at 7:13 p.m. and asked those individuals requested to participate to adjourn to the Executive Session Conference Room.

**16.A.[2017-688](#) SECTION 551.072 (1) (A) - CONSULTATION WITH ATTORNEY AND SECTION 551.072 DELIBERATION REGARDING REAL PROPERTY.**

No action was taken.

**17. 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 7:37 p.m.

**17.A.[2017-689](#) CONSIDER RESOLUTION NO. 2017-R76; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A CONTRACTUAL AGREEMENT WITH \_\_\_\_\_ FOR THE SALE OF THE BOERNE CONVENTION AND VISITORS BUREAU BUILDING LOCATED AT 1407 SOUTH MAIN STREET, BOERNE, TEXAS.**

No action was taken.

**19. ADJOURNMENT**

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER ANZOLLITTO, TO ADJOURN THE CITY COUNCIL MEETING AT 7:38 P.M. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Approved:

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Secretary