

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
August 28, 2018 – 6:00 PM

Minutes of the Regular City Council meeting of August 28, 2018 at 6:00 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, Siria Arreola, Paul Barwick, Dan Blankenship, Pam Bransford, Lori Carroll, Kirsten Cohoon, Nick Colonna, Hector Hernandez, Greg Irvin, Jim Kohler, Mike Mann, Sandy Mattick, Doug Meckel, Jeff Page, Mitch Scoggins, Laura Talley, Jeanette Teague, Jeff Thompson, Larry Woods, Linda Zartler, and Danny Zinke.

Recognized/Registered Guests: Charlie Wetherbee, Scott Galliardt, Grant Meadows, Emily Gibbons, Suzanne Young, Steve Young, Greg Kuykendall, Ethan M. Smith, Eric Vickery, Mike Nichols, Matt Gurniak, Raymond White, Robert Thornton, Travis Roberson, Polly Royer, Jason and Grace Owen, Mary, Issac, and Kody Whiting, Pete, Frankie, and Ken Maloney, Hunter and Noah Shelby.

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:

Andrew Camplen, Post Commander of Private Bruno Phillip VFW Post 688.

Commander Camplen announced there will be a ceremony at Veterans Park on September 3, 2018 at 5:00 p.m. marking the 100th anniversary of Private Bruno Phillip's death. Private Phillip was born in Boerne and died due to wounds he received in France during World War I.

Steve Young, 216 Oak Knoll spoke on the Kendall Gateway Study. He stated that the County will hold public hearings to give the public an opportunity to speak. TxDOT won't revise their own recommendation, but will respond to the City Council. Mayor Schultz announced that the City Council is scheduled to receive the Kendall Gateway Study at the September 11, 2018 City Council meeting.

4. CONSENT AGENDA:

4.A. [2018-593](#) CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD AUGUST 14, 2018.

4.B. [2018-582](#) CONSIDER ON SECOND READING ORDINANCE NO. 2018-28; AN ORDINANCE ADOPTING THE 2018 AMENDED COMPREHENSIVE MASTER PLAN FOR THE CITY OF BOERNE.

4.C. [2018-592](#) CONSIDER MOTION CASTING THE CITY'S VOTE FOR THE TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL BOARD OF TRUSTEES ELECTION. (Places 11- 14)

4.D. [2018-584](#) CONSIDER RESOLUTION NO. 2018-R69; A RESOLUTION AUTHORIZING THE CITY MANAGER TO PROCEED WITH PURCHASES AS PER SECTION 6.08 OF THE CITY OF BOERNE'S HOME RULE CHARTER. (Lifepak 15 Monitor Defibrillator)

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECOND BY COUNCIL MEMBER TYE TO APPROVE THE CONSENT AGENDA AS PRESENTED. 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

5. [2018-585](#) RECOGNITION OF OFFICER LUIS HECTOR HERNANDEZ FOR HIS 21

YEARS OF SERVICE TO THE CITY OF BOERNE.

Mayor Schultz called on Police Chief Jim Kohler. Chief Kohler recognized Officer Hernandez for his service to the community. Officer Hernandez has been a School Resource Officer for 19 of his 21 years as a Police Officer. He is retiring from the City of Boerne and going to work as the Safety and Security Director for the Boerne ISD. He will remain a Reserve Officer with the Boerne Police Department. Officer Hernandez expressed his appreciation for the opportunity to work for the city and proud to be a part of the growth.

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

6.A. [2018-576](#) PROPOSED TAX RATE OF \$0.4720/\$100 FOR FISCAL YEAR 2018-2019. (Second of two hearings, final vote to be held at the Regular City Council Meeting on September 11, 2018 at 6:00 p.m.)

Mayor Schultz opened the Public Hearing at 6:14 p.m.

No comments were received.

Mayor Schultz closed the Public Hearing at 6:14 p.m.

6.B. [2018-577](#) PROPOSED BUDGET FOR THE FISCAL YEAR 2018-2019. (One of one hearing, final vote on will be held at the Regular City Council Meeting on September 11, 2018 at 6:00 p.m.)

Mayor Schultz opened the Public Hearing at 6:15 p.m.

No comments were received.

Mayor Schultz closed the Public Hearing at 6:15 p.m.

7. [2018-578](#) CONSIDER ON FIRST READING ORDINANCE NO. 2018-29; AN ORDINANCE ADOPTING THE ANNUAL CAPITAL AND OPERATING BUDGETS FOR THE CITY OF BOERNE, TEXAS FOR THE FISCAL YEAR 2018-2019, BEGINNING OCTOBER 1, 2018 AND ENDING

SEPTEMBER 30, 2019.

Mayor Schultz called on Ms. Sandy Mattick, Finance Director. Ms. Mattick reviewed changes made to the proposed budget since last discussion. Discussion ensued regarding the Projected Unrestricted Fund Balance amount; previous discussion on agreement with 17 Herff property developers to construct a right turn lane at Old San Antonio Road and Herff Road; camera system for signal light at Herff Road and Old San Antonio Road; and changing out current street lights to LED lights. There was also some discussion on the possibility of establishing an internal policy requiring payback of the funds needed to construct the new Convention and Visitor's Bureau facility.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER CISNEROS, TO APPROVE ON FIRST READING ORDINANCE NO. 2018-29; AN ORDINANCE ADOPTING THE ANNUAL CAPITAL AND OPERATING BUDGETS FOR THE CITY OF BOERNE, TEXAS FOR THE FISCAL YEAR 2018-2019, BEGINNING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2019. 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

8. [2018-591](#) **CONSIDER ON FIRST READING ORDINANCE NO. 2018-30; 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. 2017-73 DATED SEPTEMBER 12, 2017 AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith.**

Ms. Mattick continued with the proposed water rate increase. The proposed overall increase in the rates is approximately 5%. The increase will affect the higher water users more so than the lower water users.

A MOTION WAS MADE BY COUNCIL MEMBER CISNEROS, SECONDED BY MAYOR PRO TEM WOOLARD, TO APPROVE ON FIRST READING ORDINANCE NO. 2018-30; 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. 2017-73 DATED SEPTEMBER 12, 2017 AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH. 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

9. [2018-590](#) **CONSIDER ON FIRST READING ORDINANCE NO. 2018-31; AN ORDINANCE ESTABLISHING THE RATE CLASSIFICATIONS AND RATES TO BE CHARGED FOR RECLAIMED WATER SERVICE PROVIDED BY THE CITY OF BOERNE UTILITIES, AND REPEALING AND REPLACING ORDINANCE NO. 2016-09 DATED FEBRUARY 9, 2016 AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.**

Ms. Mattick continued with discussion regarding the reclaimed water rates. She stated that the City's reclaimed water service and rates were established in 2016. The rates have not increased since then. Staff is recommending an increase in the reclaimed water rates to provide funds for the maintenance of the system. The rate increase is expected to provide approximately \$6,000 in additional revenue.

A MOTION WAS MADE BY COUNCIL MEMBER HANDREN, SECONDED BY MAYOR PRO TEM WOOLARD, TO APPROVE ON FIRST READING ORDINANCE NO. 2018-31; AN ORDINANCE ESTABLISHING THE RATE CLASSIFICATIONS AND RATES TO BE CHARGED FOR RECLAIMED WATER SERVICE PROVIDED BY THE CITY OF BOERNE UTILITIES, AND REPEALING AND REPLACING ORDINANCE NO. 2016-09 DATED FEBRUARY 9, 2016 AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.. 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

10. [2018-583](#) CONSIDER ON FIRST READING ORDINANCE NO. 2018-32; AN ORDINANCE OF THE CODE OF ORDINANCES, CITY OF BOERNE, TEXAS, CHAPTER 22, UTILITIES, AMENDING ARTICLE II. WATER SYSTEM, SEC. 22-41. PROHIBITED USES OF WATER - YEAR ROUND RESTRICTIONS; SEC. 22-53. EMERGENCY ACTION BY CITY MANAGER; SEC. 22-55. CRITERIA FOR INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES (EXCEPT WHEN A CRITICAL WATER SHORTAGE EXISTS; SEC. 22-56. DROUGHT RESPONSE STAGES; (A) STAGE I; AND ESTABLISHING A PENALTY NOT TO EXCEED \$1,000 FOR VIOLATIONS OF THE ORDINANCE. (Include reclaimed water)

Mayor Schultz called on Mr. Jeff Thompson, Deputy City Manager. Mr. Thompson stated that in a review of our current Drought Management Ordinance, Staff felt clarity was needed in regards to Reclaimed Water as it relates to restrictions for irrigation of lawns. Two specific restrictions are: limiting the hours of the day that reclaimed water can be used for outdoor irrigation making it the same as potable water and wasting of water of any type is not allowed. An information sheet is provided to new customers who reside in Esperanza and Ranches at Creekside, the two developments that have access to reclaimed water at the present. Discussion ensued regarding encouraging technology for water systems and possibly offering a rebate. Staff recommended approval on first reading of Ordinance 2018-32.

A MOTION WAS MADE BY COUNCIL MEMBER ANZOLLITTO, SECONDED BY COUNCIL MEMBER HANDREN, TO APPROVE ON FIRST READING ORDINANCE NO. 2018-32; AN ORDINANCE OF THE CODE OF ORDINANCES, CITY OF BOERNE, TEXAS, CHAPTER 22, UTILITIES, AMENDING ARTICLE II. WATER SYSTEM, SEC. 22-41. PROHIBITED USES OF WATER - YEAR ROUND RESTRICTIONS; SEC. 22-53. EMERGENCY ACTION BY CITY MANAGER; SEC. 22-55. CRITERIA FOR INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES (EXCEPT WHEN A CRITICAL WATER SHORTAGE EXISTS; SEC. 22-56. DROUGHT RESPONSE STAGES; (A) STAGE I; AND ESTABLISHING A PENALTY NOT TO EXCEED \$1,000 FOR VIOLATIONS OF THE ORDINANCE. (INCLUDE RECLAIMED WATER). 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

11. [2018-581](#) **CONSIDER ON FIRST READING ORDINANCE NO. 2018-33; 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 0.48 ACRES LOCATED AT THE CORNER OF EAST HIGHLAND AND SCHWEPPE (KAD NO. 21623) FROM R-1, MEDIUM-DENSITY SINGLE-FAMILY DISTRICT TO R-4, MULTI-FAMILY RESIDENTIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Robert S. Thornton)**

Mayor Schultz called on Ms. Laura Talley, Planning and Community Development Director. Ms. Talley stated that the property owner is requesting that the property located at the corner of East Highland and Schweppe be rezoned R-4, Multi-family Residential District. She displayed a map of the location. The owner has stated that they are planning to create a condominium ownership on the lot. A draft site plan was displayed. Ms. Talley mentioned that the owner has recorded deed restrictions with the County that limits the height of the buildings to no more than 2-story and each unit will be provided with a 2-car garage. Staff sent out 15 notifications of the proposed rezoning to surrounding property owners and one response was received in favor of the rezoning. One person spoke at the Planning and Zoning Commission regarding the development who was mainly concerned about property lines. Staff received numerous calls regarding the development, but nobody spoke in opposition. It was noted that the City Council is to consider the zoning and not the project. Ms. Talley stated that the Planning and Zoning Commission voted 8-0 in favor of the rezoning. Staff recommended approval of the rezoning. Discussion ensued regarding parking, history of Oak Park, the development resembles historic buildings in Boerne, and traffic.

A MOTION WAS MADE BY COUNCIL MEMBER CISNEROS, SECONDED BY MAYOR PRO TEM WOOLARD, TO APPROVE ON FIRST READING ORDINANCE NO. 2018-33; 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 0.48 ACRES LOCATED AT THE CORNER OF EAST HIGHLAND AND SCHWEPPE (KAD NO. 21623) FROM R-1, MEDIUM-DENSITY SINGLE-FAMILY DISTRICT TO R-4, MULTI-FAMILY RESIDENTIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (ROBERT S. THORNTON). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Nay: 1 - Council Member Handren

12. [2018-579](#) CONSIDER RESOLUTION NO. 2018-R70; A RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF A RADAR PRESENCE DETECTION DEVICE FOR THE TRAFFIC LIGHT AT OLD SAN ANTONIO ROAD AND HERFF ROAD.

Mayor Schultz called on Mr. Danny Zincke, Community Services Director. Mr. Zincke stated there is an intermittent issue with the traffic light at Old San Antonio and Herff Road and it needs to be replaced. The Video Imaging Vehicle Detection System (VIVDS) was purchased and installed by Kendall County as part of the Herff Road extension a few years ago. In researching different types of systems, Staff is recommending purchasing a Radar Presence Detection Device (RPDD) system. TxDOT is moving towards the RPDD system because it lasts longer, requires less maintenance, and does not have the same issues with weather that the older VIVDS has. Based on past experience, Staff recommends awarding the bid to SAECO Electric in the amount of \$35,000. Mr. Zincke noted that once the right turn lane is in place at this location, the lights will need to be adjusted.

A MOTION WAS MADE BY COUNCIL MEMBER ANZOLLITTO, SECONDED BY MAYOR PRO TEM WOOLARD, TO APPROVE RESOLUTION NO. 2018-R70; A RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF A RADAR PRESENCE DETECTION DEVICE FOR THE TRAFFIC LIGHT AT OLD SAN ANTONIO ROAD AND HERFF ROAD AND AWARD THE BID TO SAECO ELECTRIC IN AN AMOUNT NOT TO EXCEED \$35,000. 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

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

Police Chief Kohler mentioned that Police Officers responded to a call for a person who had been electrocuted. The officers used the AED and the person survived.

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

Mayor Schultz convened the City Council into Executive Session at 7:12 p.m. and asked those requested to participate to adjourn to the Executive Session Room.

14.A.[2018-586](#) SECTION 551.074: PERSONNEL MATTERS - TO DELIBERATE THE APPOINTMENT AND DUTIES OF A CITY ATTORNEY.

NO ACTION WAS TAKEN.

14.B.[2018-587](#) SECTION 551.074: PERSONNEL MATTERS: CITY MANAGER'S ANNUAL EVALUATION, COMPENSATION, AND CONTRACT.

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 9:04 p.m.

No action was taken.

16. ADJOURNMENT

A MOTION WAS MADE BY COUNCIL MEMBER TYE, SECONDED BY COUNCIL MEMBER HANDREN, TO ADJOURN THE CITY COUNCIL MEETING AT 9:05 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

Approved:

Mayor

Attest:

City Secretary