"City of Choice"

City Council Meeting
CIBOLO MUNICIPAL BUILDING
200 S. MAIN
May 13, 2014
7:00 P.M.

MINUTES

1. Call to Order – Mayor Jackson called the meeting to order at 7:02 p.m.

2. Roll Call – Council Present: Mayor Jackson, Councilman Pedde, Councilman Garrett, Councilman Castro, Councilman Doty, Councilman Carlton, Councilman Hogue and Councilman Dunn; Staff Present: City Manager Herrera, City Attorney Banks, City Secretary Cimics, Finance Director Miranda, ED Director Luft, Fire Chief Niemietz, Police Chief Cox, Public Works Director Fousse, City Engineer Klein and City Planner Gonzalez.

3. Invocation – Invocation was given by Mayor Jackson.

4. Pledge of Allegiance – All in attendance recited the Pledge of Allegiance.

5. Citizens to be Heard
This is the opportunity for visitors and guests to address the City Council on any issue. City Council may not debate any non-agenda issue, nor may any action be taken on any non-agenda issue at this time, however, City Council may present any factual response to items brought up by citizens.
Mara Hill a second grader read a letter she wrote to the Mayor. Mara invited everyone to a bike rodeo to be held on May 22. Maggie Titterington from the Schertz Chamber went over upcoming events. Melvin Hicks stated the truck event held on Saturday was a great event for the City. Marji Buell stated she was sorry that the council felt they needed to give their accomplishments after only being in office six months just because of a few citizens. She also felt that the City needed to move forward. Jim Russell spoke during item 11 E. Mr. Russell asked the council to take a firm stand and ask for legal fees to be paid back. Melvin Hicks also spoke on 11E stating a lot of roads in the city could have been repaired.

6. Public Hearing

   A. The City Council will hold a public hearing to receive public input on a request from Alamo Fireworks, Inc. for the purpose of entering into a Development Agreement to construct a freestanding building on S.H. 78 just west of the Wagner Booster water tanks and located in the City of Cibolo extra-territorial jurisdiction (ETJ) and allowing the selling of fireworks.

   Mayor Jackson opened the public hearing at 7:15 p.m. Chief Niemietz spoke on this item and stated that both the Cibolo Fire Department the Volunteer Fire Department and the Fire Marshalls Office were against the proposed request stating they felt it would be a fire hazard to the city and surrounding properties. The following individuals spoke during this item. Diane Wellman from Mr. W Fireworks spoke to council that they had requested the same thing back in 2006 when they were annex into the City. Did not understand how the City could enter into an agreement with another company when they were turned down. Jack Bishop and Donald Spaulding both live in the Meadow View Estates next to the area being considered. Both felt that this was not a good place as they already have a problem with the company just outside the ETJ. Dalby Fleming the attorney for Mr. W stated that the city needed to abide by its own laws and deny the request from Alamo Fireworks but if the City did approve it would like the same agreement for his clients. Michael Girdley representing Alamo Fireworks spoke in favor of the request and he did not think that this building would be a fire hazard of any kind for the City.

7. Presentation

   A. Presentation of Employee of the Year Award.

   City Manager Herrera and Mayor Jackson presented the Employee of the Year Award to Terry Lemley from the Street Department.

8. Proclamations

A. Motorcycle Safety and Awareness Month.

B. National Small Business Week

C. National Police Week

Mayor Jackson presented proclamations for Motorcycle Safety Month, Small Business Week and National Police Week.

9. Consent Agenda – Consent Items (General Items)

A. Approval of the minutes of the Regular City Council Meeting held on April 22, 2014.

Councilman Pedde made the motion to approve the consent agenda. Motion was seconded by Councilman Castro. For: Councilman Garrett, Doty, Carlton, Hogue, Dunn, Pedde and Castro; Against: None. Motion carried 7 to 0.

10. Staff Updates/Discussion

A. Fire Department

B. Court Department

C. Planning/Development Services Department

D. Administration

Fire Chief Niemietz gave a report on the Fire Departments activities for the month of April 2014.

11. Discussion/Action

A. Discussion/Action on an Interlocal Agreement with the City of Cibolo and Guadalupe County for Street Reconstruction for the following roads: Country Lane, Crystal Valley Drive and Park Valley Drive all located within the city limits of Cibolo.

This item was presented by City Manager Herrera and Commissioner Cope. Councilman Pedde made the motion to approve the Interlocal Agreement with the City of Cibolo and Guadalupe County for Street Reconstruction for Country Lane, Crystal Valley Drive and Park Valley Drive. Motion was seconded by Councilman Dunn. For: Councilman Garrett, Castro, Doty, Carlton, Hogue, Pedde and Dunn; Against: None. Motion carried 7 to 0.

B. Discussion/Action and direction to staff on the feasibility of working with the county on an agreement for road repairs on Haeckerville Road.

Councilman Garrett stated he has had numerous citizens' call or complain about this road. Both the city and county are looking at options to see if something can be done about the road.

Prior to going on to the next item Councilman Garrett ask to go back to Item 5 Citizens to be Heard. At this time a trophy was given to the kickball champions from the truck event held at Niemietz Park this past Saturday.

C. Update/Discussion on accomplishments by present council since November 2013.

Mayor Jackson stated that she was very proud to be working with the seven council members. Mayor Jackson said that a few citizens have told her that council was not listening to the citizens concerns. The mayor did not feel that this was true and felt that this council had accomplished a lot in a very small time frame. Each council member gave a list of what they felt were accomplishments in the past six months. Council felt they have been very transparent and they have given a lot of time with no pay. They do it because they care about the city and the future of the city. Council also thanked staff for working with them as they realize that it takes everyone working together to make the Cibolo the best city not only for today but for the future.

D. Discussion/Action and approval for the City Manager to enter into an Agreement with the Kingdom Life Christian Ministries/Cibolo Spartans Youth Athletic Association for the use of the football/soccer field at Niemietz Park.

Councilman Castro made the motion for the City Manager to enter into an Agreement with Kingdom Life Christian Ministries/Cibolo Spartans Youth Athletic Association for the use of the football/soccer field at Niemietz Park during the football season. Motion was seconded by Councilman Pedde. For: Councilman Garrett, Doty, Carlton, Hogue, Dunn, Pedde and Castro; Against: None. Motion carried 7 to 0.

E. Discussion on the amount of time and cost the City has spent on the Bentwood Ranch vs. City of Cibolo lawsuit.

Councilman Hogue briefed the council and those in attendance on the cost of the Bentwood Ranch Lawsuit thus far and related items to include the petitions, zoning issues and open records.

F. Discussion/Action on the removal, appointments and re-appointments to Planning and Zoning Commission, Parks Commission, Streets and Drainage Commission, Board of Adjustments Commission, Capital Improvement Program (CIP), Cibolofest Committee, UDC Committee, Cibolo Youth Council and the Cibolo Economic Development Corporation.

Councilman Dunn made the motion to appoint Paul Miller to the CIP Committee representing district 7. Motion was seconded by Councilman Garrett. For: Councilman Pedde, Garrett, Castro, Doty, Carlton, Hogue and Dunn; Against: None. Motion carried 7 to 0.

Councilman Doty made the motion to appoint Katie Cunningham to the CIP Committee representing district 4. Motion was seconded by Councilman Hogue. For: Councilman Pedde, Garrett, Castro, Doty, Carlton, Hogue and Dunn; Against: None. Motion carried 7 to 0.

Councilman Castro made the motion to appoint Harvey Hild to the CIP Committee as the ETJ representative to the CIP Committee. Motion was seconded by Councilman Dunn. For: Councilman Pedde, Garrett, Castro, Doty, Carlton, Hogue and Dunn; Against: None. Motion carried 7 to 0.

Councilman Doty made the motion to appoint Karen Hale as the Planning & Zoning representative to the CIP Committee. Motion was seconded by Councilman Pedde. For: Councilman Pedde, Garrett, Castro, Doty, Carlton, Hogue and Dunn; Against: None. Motion carried 7 to 0.

Councilman Hogue made the motion to appoint Jim Russell as the Street & Drainage representative to the CIP Committee. Motion was seconded by Councilman Castro. For: Councilman Pedde, Garrett, Castro, Doty, Carlton, Hogue and Dunn; Against: None. Motion carried 7 to 0.

Councilman Hogue made the motion to appoint Donnovan Jackson as the Economic Development Corporation representative to the CIP Committee. Motion was seconded by Councilman Carlton. For: Councilman Pedde, Garrett, Castro, Doty, Carlton, Hogue and Dunn; Against: None. Motion carried 7 to 0.

Councilman Carlton made the motion to appoint Melvin Hicks to the CIP Committee. Motion was seconded by Councilman Pedde. For: Councilman Garrett, Doty, Carlton, Hogue, Dunn, Pedde and Castro; Against: None. Motion carried 7 to 0.

Councilman Castro made the motion to appoint Glenn Weber to the Parks Commission as Alternate No. 2. This would move Joel Hicks to a regular member and Christina Miller to Alternate No. 1. Motion was seconded by Councilman Hogue. For: Councilman Garrett, Doty, Carlton, Hogue, Dunn, Pedde and Castro; Against: None. Motion carried 7 to 0.

G. Discussion/Action regarding a proposed Development Agreement with Alamo Fireworks to construct and operate a fireworks store within the City of Cibolo's extra territory jurisdiction along the S.H. 78 corridor.

Councilman Garrett made the motion to **deny** a Development Agreement with Alamo Fireworks to construct and operate a fireworks store within the City of Cibolo's extra territory jurisdiction along the S.H. 78 corridor. Motion was seconded by Councilman Pedde. For Denial: Councilman Castro, Doty, Carlton, Hogue, Dunn, Pedde and Garrett; Against: None. Motion carried 7 to 0 to deny the Development Agreement.

H. Discussion/Action and approval for the City Manager to enter into an Agreement to amend the Turning Stone Public Improvement Agreement.

Councilman Hogue made the motion to approve the City Manager to enter into an Agreement to amend the Turning Stone Public Improvement Agreement. Motion was seconded by Councilman Pedde. For: Councilman Garrett, Doty, Carlton, Hogue, Dunn, Pedde and Castro; Against: None. Motion carried 7 to 0.

I. Discussion/Action regarding the Preliminary Acceptance of Infrastructure for Cibolo Vista 4.

Councilman Pedde made the motion to approve the Preliminary Acceptance of Infrastructure for Cibolo Vista 4 with the following condition: Building permits for residential construction on Lots 4-31 Block 6, and Lots 2-39 Block 7 not be issued until the proposed sanitary sewer lift station has been completed and satisfactorily tested by the developer's contractor and accepted by the City's Public Works Department. Improvements included: Sanitary Sewer: 3,286 Lineal Feet with a valuation of $324,616.02; Drainage: 3,751 Lineal Feet with a valuation of $370,835.85; Public Street: 3,415 Linear Feet with a valuation of $565,736.91; Water (GVSUD): 4,282 Linear Feet with a valuation of $270,996.95. Motion was seconded by Councilman Dunn. For: Councilman Garrett, Doty, Carlton, Hogue, Dunn, Pedde and Castro; Against: None. Motion carried 7 to 0.

J. Discussion on the Conditional Use Permit for a Self Storage Facility located on Main Street north of FM 1103.

This was a discussion item only and the developer showed the council a site plan and design for the facility.

K. Discussion/Action regarding scrivener map corrections to the Future Land Use & Thoroughfare Map.

Councilman Dunn made the motion to approve the Future Land Use & Thoroughfare Map with the following changes:
1. The 66' ROW label that should be on Loop 539, is shown incorrectly on Pfiel Road. The Label has been relocated to Loop 539.
2. FM 78 ROW is shown as 200'. There is no documentation that this came from TxDOT. Staff is requesting from TxDOT, clarification on future FM 78 ROW width.
3. Town Creek East floodplain should reflect the FEMA approved LOMR (September 2012)
4. A proposed 66' ROW is currently shown through Buffalo Crossing Unit 4 and should be shifted north into the Koehler property.
5. A proposed 86' ROW along the west line of the SCUCISD High School (Steele) should be realigned to follow property lines rather than bisecting Adjacent property.
6. Town Creek West floodplain should reflect the FEMA approved LOMR (April 2014)
7. Recently annexed properties into the City Limits need to be updated from our ETJ: including HLH property, Saddle Creek Ranch 5-9 and the recent Schertz/Cibolo boundary agreement.
8. The proposed 66' ROW along the east boundary of HLH property is to be realigned along the property line, shifting the double curve connection to the Schertz planned collector northward.
9. Staff has updated the interconnecting collector and arterial thoroughfares that span Cibolo and Schertz based on the current Schertz Thoroughfare Plan.
10. The title block should include "Master Plan" to officially read "Master Plan, Future Land Use and Thoroughfare Map" as the map is a part of the City of Cibolo's Master Plan.
Motion was seconded by Councilman Pedde. For: Councilman Garrett, Doty, Carlton, Hogue, Dunn, Pedde and Castro; Against: None. Motion carried 7 to 0.

L. Discussion/Action and recommendation from the Street and Drainage Commission on the approval of adopting the Residential Traffic Management Plan.

Councilman Doty made the motion to approve and adopt the Residential Traffic Management Plan. Motion was seconded by Councilman Carlton. For: Councilman Pedde, Garrett, Castro, Doty, Carlton, Hogue and Dunn; Against: None. Motion carried 7 to 0.

M. Discussion/Action on approving using the remaining fund balance of the Fire Department 2009 General Obligation Bond to install a Fire Station Alerting System at Stations 1 & 2.

Councilman Pedde made the motion to approve using the remaining fund balance of the Fire Department 2009 General Obligation Bond to install a Fire Station Alerting System at Stations 1 & 2. Motion was seconded by Councilman Carlton. For: For: Councilman Garrett, Doty, Carlton, Hogue, Dunn, Pedde and Castro; Against: None. Motion carried 7 to 0.

N. Discussion/Action to re-advertise for the disposition requirements of a portion of City owned land located at the intersection of Wiedner Road at FM 1103.

Council gave staff permission to re-advertise for the disposition requirements of a portion of City owned land located at the intersection of Wiedner Road at FM 1103.

O. Discussion/Action on the review and confirmation of all upcoming special meetings and workshops and scheduling the time, date, and place of additional special meetings or workshops.

Council went over the calendar for May and June 2014.

12. Ordinance

A. Approval/Disapproval of an Ordinance amending Chapter 78, Article IV, Section 78-208 of the Cibolo Code of Ordinances – Drought Contingency Plan.

Councilman Doty made the motion to approve an Ordinance amending Chapter 78, Article IV, Section 78-208 of the Cibolo Code of Ordinances – Drought Contingency Plan. Motion was seconded by Councilman Hogue. For: Councilman Pedde, Garrett, Castro, Doty, Carlton, Hogue and Dunn; Against: None. Motion carried 7 to 0.

13. Executive Session

The City Council will meet in Executive Session as authorized by the Texas Gov't Code Section 551.071 Consultation with Attorney to discuss:

A. Discussion regarding the pending litigation of Bentwood Ranch Homeowners Association vs. City of Cibolo.

Council convened into Executive Session at 10:36 p.m. Councilman Garrett left at 11:13 p.m.

14. Open Session

Reconvened into Regular Session and take/or give direction, if necessary, on items discussed in Executive Session.

Council reconvened into Regular Session at 11:27 p.m. No action taken.

15. City Council request(s) regarding specific items to be scheduled for future agendas.

Councilman Pedde requested an item on the status of all bonds. Mayor Jackson wanted the City Managers annual evaluation which is due in May of each year on the next meeting.

16. Adjournment:

Councilman Carlton made the motion to adjourn the meeting at 11:29 p.m. Motion was seconded by Councilman Hogue. For: Councilman Pedde, Garrett, Castro, Doty, Carlton, Hogue and Dunn; Against: None. Motion carried 6 to 0.

PASSED AND APPROVED THIS 27TH DAY OF MAY 2014.

Lisa M. Jackson
Mayor

ATTEST

Peggy Cimics, TRMC
City Secretary