"City of Choice"

City Council Meeting
CIBOLO MUNICIPAL BUILDING
200 S. MAIN
September 24, 2013
7:00 P.M.

MINUTES

1. Call to Order – Mayor Pro-Tem Liparoto called the meeting to order at 7:00 p.m.

2. Roll Call – Council Present: Mayor Pro-Tem Liparoto, Councilman Pedde, Councilman Troncoso, Councilman Castro, Councilwoman Hale, Councilman Carlton and Councilman Hicks; Council Absent: Mayor Hartman; Staff Present: City Manager Herrera, City Attorney Zech, City Secretary Cimics, ED Director Luft, Finance Director Miranda, Police Chief Cox, Fire Chief Niemietz, Public Works Director Fousse, Planning/Dev. Ser. Director Stricker and Planner Anderson.

3. Invocation – Invocation was given by Pastor Webb of the Everyday Christen Fellowship.

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

5. Public Hearing

   A. The City of Cibolo City Council will hold a Public Hearing to hear testimony concerning assignment of permanent zoning from the Agricultural (AG) district to the High Intensity Single-Family Residential (SF-3) district for 119.5239 acres east of FM 1103, north of Coy Lane, east of Saddle Creek Ranch Units 1-4 and south of Green Valley Road that may be annexed into Cibolo.

   Mayor Pro-Tem Liparoto opened the Public Hearing at 7:05 p.m. No one wish to speak on the item and the Public Hearing was closed at 7:06 p.m.

   B. The City of Cibolo City Council will hold a Public Hearing to hear public testimony regarding rezoning 3.0 acres at the southeast corner of Green Valley Road and Town Creek Road from SF-1 (Rural Single-Family Residential) to SF-2 (Medium Density Single-Family Residential) to allow the platting of ten (10) residential lots.

   Mayor Pro-Tem Liparoto opened the Public Hearing at 7:06 p.m. Scott Meadows spoke in opposition of the zoning request. He stated that the property was not consistent with the other properties north of Green Valley Road. The letter he received stated that the properties were consistent with those properties immediate north of this site. Mr. Meadows also stated that there is a 12 inch water line on the property that is not shown on the plat. He was concerned with the flooding in that area. Donna Johnson also spoke in opposition of the zoning request. She stated that these would be two story homes and all the homes in that area are one story. She was also concern with run-off and flooding. Mayor Pro-Tem Liparoto closed the Public Hearing at 7:12 p.m.

6. 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.

The following citizens spoke during citizens to be heard: Trinity Torres from Kung Jung Mu Sul spoke on the recent events they have been involved in and upcoming events for the group. Marji Buell stated that Cibolo was the laughing stock of the Metrocom area for their infighting and indecisiveness not the "City of Choice". She stated that Cibolo needs a large retailer and we are running off the businesses we really need. She asked council to do what is right to act on the facts and law not with emotions. Joel Hicks also stated that Cibolo needed retail development. Mr. Hicks stated that at one time Mr. Borgfeld sold a large quantity of his land to a developer and homes are now located on that property. Citizens didn't complain then and see no reason for citizens should to complain now because an owner sold his property to Wal-Mart. Mr. Hicks wants everyone to work together not against each other. Staci Markusfeld stated that she had talked with all council members outside of the council forum and felt that some of them felt the citizens were below them. She said she has been called a liar and accused of calling names to council members even though she has been nothing but civil and respectful to all and feels she should receive the same level of respect back. Ms. Marksfeld also stated that she had received tax rolls from Guadalupe County and found that 417 Zoeller Way was on the 2009 tax rolls. Tannya Steffan did state that Cibolo does need businesses and she is not against Wal-Mart just not at the location they want to build. Ms. Steffan said that she has tried to set up a meeting with Wal-Mart, council and staff but received no answer on her request. She had a open records request that took over 30 days before she receive it and documents were missing and wants council to look into this. Ms. Steffan had several questions on why the TIA had changed so drastically from the previous version.

7. Presentation

A. Presentation/Discussion from City Engineer Rudy Klein on recommendations for minimum standards for drainage ditches/projects.

Rudy Klein, City Engineer briefed the council that his office would be attending the next Street & Drainage Meeting to give a presentation on erosion standards. The S&D Commission will be sending a recommendation to council sometime late October or early November.

8. Consent Agenda – Consent Items (General Items)

A. Approval of the minutes of the Regular City Council Meeting held on September 10, 2013.

B. Approval of the minutes of the Public Hearing held on September 12, 2013.

C. Approval of the minutes of the Special City Council Meeting held on September 16, 2013.

D. Acceptance of the Revenue & Expense Report ending August 31, 2013 pending final acceptance of the City's financial audit for the 2012/13 Fiscal Year.

E. Acceptance of the Check Register for ending August 31, 2013 pending final acceptance of the City's financial audit for the 2012/13 Fiscal Year.

Councilman Pedde moved to approve the consent agenda. Motion was seconded by Councilwoman Hale. For: Council Members: Troncoso, Castro, Carlton, Hicks, Liparoto, Hale and Pedde; Against: None. Motion carried 7 to 0.

9. Staff Updates/Discussion

A. Parks Department
B. Street Department

C. Drainage Department
D. Utility Department
E. Administration

Peggy Cimics, City Secretary gave a report to council on open records and Cibolofest.

10. Discussion/Action

A. 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), Charter Review Committee and Cibolo Economic Development Corporation.

No appointments at this time.

B. Discussion/Action on the Final Plat for Borgfeld Market.

Councilman Troncoso moved to approve the Final Plat for Borgfeld Market. Motion was seconded by Councilman Carlton. For: Council Members: Pedde, Hale, Hicks, Troncoso and Carlton; Against: Council Members: Liparoto and Castro. Motion carried 5 to 2.

C. Discussion/Action on the Final Plat for Landmark Pointe Phase 2.

Councilman Troncoso moved to approve the Final Plat for Landmark Pointe Phase 2. Motion was seconded by Councilman Pedde. For: Council Members: Castro, Hale, Carlton, Liparoto, Hicks, Pedde and Troncoso; Against: None. Motion carried 7 to 0.

D. Discussion/Action on the proposed sign for Emily's Place to Overhang the North Main Street Public Right-of-Way.

Councilman Castro moved to approve the proposed sign for Emily's Place to Overhang the North Main Street Public Right-of-Way. Motion was seconded by Councilwoman Hale. For: Council Members: Pedde, Liparoto, Carlton, Hicks, Hale and Castro; Against: Councilman Troncoso. Motion carried 6 to 0.

E. Discussion/Action and direction to staff on a Masonry Report provided by Robert Stricker, Community Development Services Director.

Robert Stricker, Planning & Dev. Services Director went over the report provided by Ms. Sigueiros. Mr. Stricker will come back to council with a proposed Masonry Ordinance.

F. Discussion/Action and direction to staff on possible procedures and types of records that would be recognized as an official document of the City and requiring the City Seal.

Discussion on official records and items placed on the web site. Council wants to make sure that all Minutes, Agendas, Ordinances, Zoning Maps, Thorough Fare Maps and City Limit Maps are signed and sealed before going on the web site.

G. Discussion/Action of an Interlocal Agreement for Fire Protection Services in Guadalupe County between the City of Cibolo, the City of Schertz and the City of Seguin.

Councilman Troncoso moved to approve an Interlocal Agreement for Fire Protection Services in Guadalupe County between the City of Cibolo, the City of Schertz and the City of Seguin. Motion was seconded by Councilman Pedde. For: Council Members: Castro, Hale, Carlton, Liparoto, Hicks, Troncoso and Pedde; Against: None. Motion carried 7 to 0.

H. Discussion/Action and approval for the City Manager to work with the Marion School District for a Inter-Local Agreement for the use of the Cibolo Multi-Event Center in the event of an Emergency Situation requiring the evacuation of students for the 2013-2014 School Year.

Councilman Pedde moved to approve having the City Manager to work with the Marion School District for a Inter-Local Agreement for the use of the Cibolo Multi-Event Center in the event of an Emergency Situation requiring the evacuation of students for the 2013-2014 School Year. Motion was seconded by Councilman Carlton. For: Council Members: Pedde, Troncoso, Castro, Hale, Carlton, Liparoto and Hicks; Against: None. Motion carried 7 to 0.

I. Discussion/Action on authorizing a 2% cost of living adjustment effective October 1, 2013 to all City employees below Department Directors and a 1% cost of living adjustment to senior staff members.

Councilman Pedde moved to approve a 2% cost of living adjustment effective October 1, 2013 to all City employees below Department Directors and a 1% cost of living adjustment to senior staff members. Motion was seconded by Councilman Carlton. For: Council Members: Hicks, Liparoto, Hale, Troncoso, Castro, Carlton and Pedde; Against: None. Motion carried 7 to 0.

J. 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 September and October 2013. A Special Meeting was scheduled for October 1 at 9:00 a.m. to receive a report from the City Secretary on the petition that were received. The regular scheduled meeting for October 8th was changed to October 7th at 7:00 p.m. due to TML.

11. Resolutions

A. Approval/Disapproval of a Resolution nominating a Cibolo citizen to the Guadalupe County Appraisal District.

Councilman Pedde moved to approve the nomination of Jay Hogue as Cibolo nominee to the Guadalupe County Appraisal District. Motion was seconded by Councilman Castro. For: Council Members: Troncoso, Castro, Pedde, Hale, Carlton, Liparoto and Hicks; Against: None. Motion carried 7 to 0.

B. Approval/Disapproval of the City Council approving an amended Investment Policy of the City of Cibolo and appointing the City's Investment Officers.

Councilman Hicks moved to approve an amended Investment Policy of the City of Cibolo and appointing the City's Investment Officers. Motion was seconded by Councilman Carlton. For: Council Members: Pedde, Troncoso, Castro, Hale, Carlton, Liparoto and Hicks; Against: None. Motion carried 7 to 0.

12. Executive Session

The City Council will meet in Executive Session as authorized by the Texas Gov't Code Sec. 551.071 Consultation with Attorney and 551.087 deliberations regarding Economic Development to discuss the following:

A. Deliberate and discuss an offer to extend a 380 Economic Development Agreement to Wal-Mart Real Estate Business Trust and legal issues associated with the agreement.

Council convened into Executive Session at 8:35 p.m.

13. Open Session

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

Council reconvened into Regular Session at 8:35 p.m.

Mayor Pro-Tem Liparoto wanted to clarify a few things with the citizens on the executive sessions. This was a time that council was able to provide the City Manager with further direction on items they wanted to see in the 380 Agreement. Councilwoman Hale stated that there was a lot of misinformation being given out. The City has never had a bond issue for Borgfeld Road. Borgfeld Road has been on the City's CIP List for approximately 8 years years and has been a top three project for at least the last few years. Councilman Troncoso, Carlton, Pedde and Hicks also added comments about the 380 Agreement and the amount of time and effort that was put into this agreement for the items the citizens have voiced concerns over would be part of the agreement.

14. Resolution

A. Approval/Disapproval of a Resolution by the City Council adopting a program under the Texas Local Government Code Chapter 380; and authorizing the City Manager to execute an Agreement made pursuant to TLGC Chapter 380 with Wal-Mart Real Estate Business Trust, relating to the development of approximately 24.75 acres located at the southwest corner of the intersection of Borgfeld Road and North Main as Retail Development; and providing an effective date.

Councilman Pedde moved to approval a Resolution by the City Council adopting a program under the Texas Local Government Code Chapter 380; and authorizing the City Manager to execute an Agreement made pursuant to TLGC Chapter 380 with Wal-Mart Real Estate Business Trust, relating to the development of approximately 24.75 acres located at the southwest corner of the intersection of Borgfeld Road and North Main as Retail Development; and providing an effective date. Motion was seconded by Councilman Carlton. For: Council Members: Pedde, Troncoso, Hale, Carlton and Hicks; Against: Councilman Liparoto and Castro. Motion carried 5 to 2.

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

Councilman Castro request to give a presentation on Light4Life at the next council meeting.

16. Adjournment:

Councilman Castro moved to adjourn the meeting at 8:50 p.m. Motion was seconded by Councilman Carlton. For: All; Against: None. Motion carried 7 to 0.

PASSED AND APPROVED THIS 7TH DAY OF OCTOBER 2013.

Jennifer Hartman

Jennifer Hartman
Mayor

ATTEST:

Peggy Cimics

Peggy Cimics, TRMC
City Secretary