

**REVISED AGENDA
REGULAR CITY COUNCIL MEETING
RONALD C. BOWMAN CITY COUNCIL CHAMBERS
447 North Main Street
Boerne, TX 78006
JANUARY 14, 2025 – 6:00 PM**

A quorum of the City Council will be present during the meeting at: 447 N Main, Boerne, TX 78006.

1. CALL TO ORDER – 6:00 PM

INVOCATION

PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG

PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG

(Honor the Texas flag, I pledge allegiance to thee, Texas – one state under God, one and indivisible.)

2. CONFLICTS OF INTEREST

3. PUBLIC COMMENTS: This is the opportunity for visitors and guests to address the City Council on any issue, in compliance with LGC Section 551.007. City Council may not discuss any presented issue, nor may any action be taken on any issue at this time. (Attorney General opinion – JC-0169)

4. CONSENT AGENDA: All items listed below within the Consent Agenda are considered to be routine by the City Council and may be enacted with one motion. There will be no separate discussion of items unless a Council Member or citizen so requests, in which event the item may be moved to the general order of business and considered in its normal sequence.

A. [2024-655](#) CONSIDER APPROVAL OF THE MINUTES FROM THE REGULAR CALLED CITY COUNCIL MEETING OF DECEMBER 10, 2024.

Attachments: [Minutes.24.1210](#)

- B. [2025-005](#) CONSIDER ON SECOND READING ORDINANCE NO. 2024-22; 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. 2018-30 DATED SEPTEMBER 11, 2018, AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH. (Water Service)

Attachments: [AIS Water Rate Ordinance Jan 14 2nd reading Ordinance No. 2024-22](#)

- C. [2025-006](#) CONSIDER ON SECOND READING ORDINANCE NO. 2024-24; 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. 2021-23 DATED JULY 27, 2021, AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH. (Reclaimed Water Service)

Attachments: [AIS Reclaimed Water Rate Ordinance-Jan 14 2nd Reading Ordinance No. 2024-24](#)

- D. [2024-650](#) CONSIDER ON SECOND READING ORDINANCE NO. 2024-26; AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BOERNE UNIFIED DEVELOPMENT CODE, BY AMENDING CHAPTER 3. ZONING, SECTION 3.2, ZONING MAP, GRANTING A SPECIAL USE PERMIT (SUP) TO ALLOW A MINI WAREHOUSE FACILITY IN THE C4 ZONING DISTRICT WITHIN THE SCENIC INTERSTATE OVERLAY DISTRICT GENERALLY LOCATED SOUTH EAST OF INTERSTATE 10 W AND N MAIN STREET (KAD: 35973); REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (At the request of Barry Sanditen, Sanditen & Associates, Inc., on behalf of Boerne Medical Center, LTD)

Attachments:

[AIS - Cibolo Vista Storage Unit SUP](#)

[Ordinance No. 2024-26](#)

[Att 1 - Aerial Map](#)

[Att 2 - Zoning Map](#)

[Att 3 - Future Land Use Map](#)

[Att 4 - Project Narrative](#)

[Att 5 - Site Plan and Elevations](#)

[Att 6 - Conceptual Landscape Plan](#)

[Att 7 - Floor Plan](#)

[Att 8 - Project Renderings](#)

[Att 9 - Lighting Plan](#)

[Att 10 - Parking Study](#)

[Att 11 - UDC Sec. 2-5.D.4 Special Use Permit Approval Criteria](#)

[Att 12 - Responses to Mailings](#)

- E. [2024-651](#) CONSIDER ON SECOND READING ORDINANCE NO. 2024-27; AN ORDINANCE OF THE CITY OF BOERNE, TX, AMENDING THE UNIFIED DEVELOPMENT CODE ADOPTED BY ORDINANCE NO. 2020-29 ON NOVEMBER 24, 2020, INCLUDING BUT NOT LIMITED TO SECTION 2-11.B.9 - HISTORIC PRESERVATION TAX EXEMPTION, AND SECTION 3-11.G.1.A - HISTORIC DISTRICT PROHIBITED SIGN TYPES; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A PENALTY FOR VIOLATION; AND CONTAINING A SEVERANCE CLAUSE. (Amendments to Unified Development Code, Historic Preservation and Historic Districts)

Attachments: [AIS - 2024 UDC Historic District Amendments Final Ordinance No. 2024-27](#)
[Att 1 - Proposed UDC Updates - Historic District and Historic Landmark](#)

- F. [2024-652](#) CONSIDER ON SECOND READING ORDINANCE NO. 2024-28; AN ORDINANCE OF THE CITY OF BOERNE, TX, AMENDING THE UNIFIED DEVELOPMENT CODE ADOPTED BY ORDINANCE NO. 2020-29 ON NOVEMBER 24, 2020, INCLUDING BUT NOT LIMITED TO CHAPTER 3, ZONING SECTION 3-6. PERMITTED USES OF BUILDINGS AND LAND, E. ACCESSORY USES; SECTION 3-7 PERMITTED USE TABLES; SECTION 3-11 HISTORIC DISTRICT C. USES; SECTION 3-13 RIVER ROAD OVERLAY DISTRICT C. USES; CHAPTER 5. NONRESIDENTIAL SITES, SECTION 5-6 ON-SITE PARKING FOR NONRESIDENTIAL PROPERTIES; APPENDIX A. DEFINITIONS CHAPTER 5 - ON-SITE PARKING FOR NONRESIDENTIAL PROPERTIES, APPENDIX A - DEFINITIONS RELATED TO MOBILE FOOD UNITS AND MOBILE FOOD PARKS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A PENALTY FOR VIOLATION; AND CONTAINING A SEVERANCE CLAUSE (Amendment to Unified Development Code, Mobile Food Unit)

Attachments: [AIS - Food Truck UDC Amendments Ordinance No. 2024-28](#)
[Att 1 - Proposed UDC Amendments - Mobile Food Trucks](#)

- G. [2024-653](#) CONSIDER ON SECOND READING ORDINANCE NO. 2024-29; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, AMENDING THE CODE OF ORDINANCES, BOERNE, TEXAS, CHAPTER 15. OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE III. PEDDLERS, CANVASSERS AND SOLICITORS, SECTION 15-56. DEFINITIONS, SECTION. 15-60. USE OF STATE HIGHWAYS PROHIBITED, SECTION 15-65. RESTRICTIONS APPLICABLE TO ALL PEDDLERS, SOLICITORS AND VENDORS, AND SECTION 15-66. PERMIT, WRITTEN APPLICATION REQUIRED; ARTICLE VII. REGULATION OF FOOD ESTABLISHMENTS, SECTION 15-147. DEFINITIONS, ADDING SECTION 15-149. MOBILE FOOD UNITS AND RENUMBERING THE REMAINING SECTIONS; PROVIDING FOR A PENALTY FOR VIOLATION OF ANY PROVISION OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE. (Amendments to Code of Ordinance, Peddlers, Canvassers, Solicitors and Mobile Food Units)

Attachments: [AIS - Food Truck Code of Ordinances Amendments Final Ordinance No. 2024-29](#)
[Att 1 - Proposed Code of Ordinance Amendments](#)

- H. [2024-654](#) CONSIDER ON SECOND READING ORDINANCE NO. 2024-30; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, AMENDING THE CODE OF ORDINANCES, BOERNE, TEXAS ARTICLE V. NOISE AND SOUND REGULATION, CHAPTER 14, SECTION 14-139. AMPLIFIED SOUND AND CHAPTER 14, SECTION 14-142. METHOD OF SOUND MEASUREMENT. PROVIDING FOR A PENALTY FOR VIOLATION OF ANY PROVISION OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE. (Amendments to Code of Ordinance, Noise and Sound)

Attachments: [AIS - Code of Ordinances Noise Ordinance Amendments Ordinance No. 2024-30](#)
[Att 1 - Proposed Code of Ordinance Amendments](#)

- I. [2024-604](#) CONSIDER RESOLUTION NO. 2025-R01; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, ACCEPTING THE REQUEST AND SETTING THE DATE, TIME AND PLACE FOR A PUBLIC HEARING ON THE PROPOSED ANNEXATION OF A PORTION OF CASCADE CAVERNS ROAD (0.927 ACRES), BY THE CITY OF BOERNE, TEXAS; AUTHORIZING AND DIRECTING THE PUBLICATION OF NOTICE OF SUCH PUBLIC HEARING. (Set Public Hearing for February 11, 2025, at the request of Kendall County)

Attachments: [20250114-AIS-CascadeAnnexation](#)
[Resolution No. 2025-R01](#)
[Letter - County to City-Cascade Caverns Road](#)
[Letter - Oct - City to County-Cascade Caverns Road](#)
[202410-CascadeCavernsRoadAnnexation-LegalDoc](#)

- J. [2024-602](#) CONSIDER RESOLUTION NO. 2025-R02; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND FEDERAL HIGHWAY ADMINISTRATION (FHWA), FOR THE BRIDGE INVESTMENT PROGRAM (BIP) GRANT PROGRAM.

Attachments: [20250114-AIS-BIP Agreement](#)
[Resolution No. 2025-R02](#)
[BIP.FY 2022 -2025 GS Grant Agreement Schedules A to K. Revised FINAL.1](#)

- K. [2024-664](#) CONSIDER RESOLUTION NO. 2025-R03, A RESOLUTION OF THE CITY OF BOERNE AUTHORIZING THE CITY MANAGER TO EXECUTE AN ABANDONMENT AND TERMINATION OF UTILITY EASEMENT GRANTED TO THE CITY BY SETH FRITCHER, EXECUTED JUNE 13, 2023, RECORDED AS DOCUMENT NO. 381048 OF THE OFFICIAL PUBLIC RECORDS OF KENDALL COUNTY, TEXAS.

Attachments: [AIS Fabra Utility Easement Abandonment](#)
[Resolution No. 2025-R03](#)
[266 Fabra Easement to be Abandoned 001](#)

REGULAR AGENDA:

5. PRESENTATIONS, PUBLIC HEARINGS, AND ORDINANCES:

- A. [2024-646](#) CONSIDER THE PROPOSED CHARTER AMENDMENTS AS PRESENTED BY THE CHARTER REVIEW COMMISSION.

Attachments: [AIS charter amendments 2025](#)
[Propositions 2025](#)
[Measures](#)

- B. [2024-600](#) RECEIVE THE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION, HOLD A PUBLIC HEARING AND CONSIDER ON FIRST READING ORDINANCE NO. 2025-01; AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BOERNE UNIFIED DEVELOPMENT CODE, BY AMENDING CHAPTER 3. ZONING, SECTION 3.2, ZONING MAP, ZONING 71.12 ACRE TRACT FROM A HOL-INTERIM HOLDING ZONING DISTRICT TO R2-M MODERATE DENSITY RESIDENTIAL ZONING DISTRICT, LOCATED AT WEST STATE HIGHWAY 46 (KAD NO. 307605 AND 316184; A10360 - SURVEY 179 NEWTON & TAYLOR 71.12 ACRES) TO ALLOW FOR A SINGLE FAMILY SUBDIVISION. (FORESTAR (USA) REAL ESTATE GROUP INC. AND CONTINENTAL HOMES OF TEXAS, LP)

Attachments: [AIS -Spencer Ranch Rezone Continue CC 1-14-24](#)

6. RESOLUTIONS:

- A. [2025-023](#) RECEIVE PROPOSALS AND CONSIDER RESOLUTION NO 2025-R04; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A CONTRACT BETWEEN THE CITY OF BOERNE AND _____ AS CONSTRUCTION MANAGER AT RISK FOR NORTHSIDE COMMUNITY PARK BOND IMPROVEMENTS.

Attachments: [AIS NCP CMAR 1.14.25](#)
[Resolution No. 2025-R04](#)
[CMAR Proposal Matrix](#)

7. CITY MANAGER'S REPORT:

- A. [2025-009](#) CITY PARK PLAYGROUND EXPANSION UPDATE.
- B. [2025-010](#) WEATHER RESPONSE UPDATE.

- 8. COMMENTS FROM COUNCIL – No discussion or action may take place.
- 9. EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE:
 - A. [2025-025](#) SECTION 551.071 - CONSULTATION WITH CITY ATTORNEY REGARDING CITY POWERS AND DUTIES WITH REGARD TO PUBLIC HEALTH CONCERNS. (Cascade Cavern Road)
- 10. RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE.
- 11. ADJOURNMENT

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the 10 day of January, 2025 at 4:30 p.m.

s/s Lori A. Carroll
City Secretary

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS

The City Hall is wheelchair accessible. Access to the building and special parking is available at the northeast entrance of the building. Requests for auxiliary aides and special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 830-249-9511.

Pursuant to Section 30.06 Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.

Pursuant to section 30.07 Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.

MINUTES
REGULAR CITY COUNCIL MEETING
RONALD C. BOWMAN CITY COUNCIL CHAMBERS
447 North Main Street
Boerne, TX 78006
DECEMBER 10, 2024 – 6:00 PM

Minutes of the Regular Called City Council meeting of December 10, 2024.

Present: 6 - Mayor Frank Ritchie, Mayor Pro Tem Ty Wolosin, Council Member Sharon D. Wright, Council Member Quinten Scott, Council Member Bret A. Bunker, and Council Member Joseph Macaluso

Staff Present: Ben Thatcher, Donnie Bergmann, Sarah Buckelew, Jeff Carroll, Lori Carroll, Nathan Crane, Susan Finch, Lissette Jimenez, Mike Mann, Mick McKamie, Nick Montagno, Mike Raute, Shawn Sandy, Chris Shadrock, Natalie Shults, Kristy Stark, Chastity Valdes, and Danny Zincke.

Recognized / Registered Guests: Becky Bergmann

1. CALL TO ORDER – 6:00 PM

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

Mayor Ritchie called on Rylee Free, Missions Director for Currey Creek Church to provide the Invocation.

Mayor Ritchie led the Pledge of Allegiance to the United States Flag and to the Texas Flag.

2. CONFLICTS OF INTEREST

No conflicts were declared.

3. RECOGNIZING DONNIE BERGMANN AND HIS YEARS OF SERVICE

TO OUR COMMUNITY.

Mayor Ritchie called on Lissette Jimenez, Parks and Recreation Director to acknowledge Donnie Bergmann for his 35 years of public service in the Streets and Parks Department.

4. PUBLIC COMMENTS:

No comments were received.

5. CONSENT AGENDA:

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVED THE CONSENT AGENDA AS PRESENTED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Mayor Pro Tem Wolosin, Council Member Wright, Council Member Scott, Council Member Bunker, and Council Member Macaluso

A. CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CALLED CITY COUNCIL MEETING OF NOVEMBER 12, 2024.

THE MINUTES WERE APPROVED.

B. CONSIDER RESOLUTION NO. 2024-R95; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND LOAD-POINT CORPORATION FOR THE PURCHASE, INSTALLATION AND SERVICE OF AN ELECTRIC VEHICLE CHARGING STATION FOR AN AMOUNT NOT TO EXCEED \$167,941.00.

THE RESOLUTION WAS APPROVED.

C. CONSIDER RESOLUTION NO. 2024-R96; A RESOLUTION OF THE CITY OF BOERNE, TEXAS ADOPTING THE ARTS AND CULTURE STRATEGIC PLAN.

THE RESOLUTION WAS APPROVED.

D. CONSIDER ON SECOND READING ORDINANCE NO. 2024-23; AN

ORDINANCE ESTABLISHING THE RATE CLASSIFICATIONS AND RATES TO BE CHARGED FOR WASTEWATER SERVICE PROVIDED BY THE CITY OF BOERNE UTILITIES, AND REPEALING AND REPLACING ORDINANCE NO. 2015-20 DATED AUGUST 25, 2015, AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH. (Wastewater Service)

THE ORDINANCE WAS APPROVED.

E. CONSIDER RESOLUTION NO. 2024-R97; A RESOLUTION OF THE CITY OF BOERNE, TEXAS CONSENTING TO THE ANNEXATION OF 116.458 ACRES OF LAND INTO KENDALL COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 2B.

THE RESOLUTION WAS APPROVED.

F. CONSIDER RESOLUTION NO. 2024-R98; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND FEDERAL HIGHWAY ADMINISTRATION (FHWA), FOR THE SAFE STREETS FOR ALL (SS4A) GRANT PROGRAM.

THE RESOLUTION WAS APPROVED.

G. CONSIDER RESOLUTION NO. 2024-R99; A RESOLUTION AUTHORIZING THE PURCHASE OF A GRADALL XL3100 FROM WAUKESHA-PEARCE INDUSTRIES, INC. FOR AN AMOUNT NOT TO EXCEED \$528,544.00. (Street Department)

THE RESOLUTION WAS APPROVED.

H. CONSIDER RESOLUTION NO. 2024-R100; A RESOLUTION DESIGNATING THE CITY'S QUARTERLY ALLOCATION OF GROUNDWATER PRODUCTION AS IT PERTAINS TO THE CITY'S WITHDRAWAL PERMIT FROM COW CREEK GROUNDWATER CONSERVATION DISTRICT TO 15, 35, 35, AND 15 PERCENT FOR CALENDAR YEAR 2025. (Annual withdrawal permit with Cow Creek)

THE RESOLUTION WAS APPROVED.

I. CONSIDER RESOLUTION NO. 2024-R101; A RESOLUTION

DESIGNATING THE CITY'S ANNUAL COMMITMENT FOR WATER FROM THE GUADALUPE-BLANCO RIVER AUTHORITY AS PART OF THE WESTERN CANYON REGIONAL WATER SUPPLY PROJECT TO RETAIN THE CURRENT ANNUAL COMMITMENT OF WATER FOR CALENDAR YEAR 2025 AT 2,125 ACRE-FEET. (Annual Commitment with GBRA)

THE RESOLUTION WAS APPROVED.

J. CONSIDER RESOLUTION NO. 2024-R102; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND PUBLIC RESTROOM COMPANY TO PURCHASE AND INSTALL A NEW PUBLIC RESTROOM AT KINDERPARK FOR AN AMOUNT NOT TO EXCEED \$181,000.

THE RESOLUTION WAS APPROVED.

K. CONSIDER RESOLUTION NO. 2024-R103; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A CONTRACT BETWEEN THE CITY OF BOERNE AND SHI GOVERNMENT SOLUTIONS, INC. FOR THE PURCHASE OF ZSCALER SOFTWARE FOR AN AMOUNT NOT TO EXCEED \$99,924.00.

A RESOLUTION WAS APPROVED.

L. CONSIDER RESOLUTION NO. 2024-R104; 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 LIBRARY SYSTEM SERVICES.

A RESOLUTION WAS APPROVED.

M. CONSIDER RESOLUTION NO. 2024-R109; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A REFUND FROM THE KENDALL APPRAISAL DISTRICT AS REFLECTED IN THE AUDIT OF 2023 APPRAISAL AND COLLECTIONS BUDGET.

A RESOLUTION WAS APPROVED.

REGULAR AGENDA:

6. PRESENTATIONS, PUBLIC HEARINGS, AND ORDINANCES:**A. CONSIDER A ONE-TIME READING OF ORDINANCE NO. 2024-25; AS PERMITTED BY THE CITY OF BOERNE'S HOME RULE CHARTER SECTION 3.11.A. (As described below)**

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER SCOTT, TO APPROVE A ONE-TIME READING OF ORDINANCE NO. 2024-25; AS PERMITTED BY THE CITY OF BOERNE'S HOME RULE CHARTER SECTION 3.11.A. (AS DESCRIBED BELOW). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Mayor Pro Tem Wolosin, Council Member Wright, Council Member Scott, Council Member Bunker, and Council Member Macaluso

B. CONSIDER ORDINANCE NO. 2024-25; AN ORDINANCE AMENDING ORDINANCE NO. 2003-02, CAPTIONED "CITY OF BOERNE SOLID WASTE COLLECTION AND DISPOSAL FRANCHISE AGREEMENT" AND ENACTING THE FIRST AMENDMENT TO THE SECOND AMENDED MUNICIPAL SOLID WASTE AGREEMENT.

Mayor Ritchie called on Nick Montagno, Operations Manager. Manager Montagno referenced the previous council meeting regarding the existing Waste Management contract addressing the concerns from that meeting. He reviewed the proposed contract revisions to include the proposed rates and providing a rate survey with other neighboring communities.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE ORDINANCE NO. 2024-25; AN ORDINANCE AMENDING ORDINANCE NO. 2003-02, CAPTIONED "CITY OF BOERNE SOLID WASTE COLLECTION AND DISPOSAL FRANCHISE AGREEMENT" AND ENACTING THE FIRST AMENDMENT TO THE SECOND AMENDED MUNICIPAL SOLID WASTE AGREEMENT. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Mayor Pro Tem Wolosin, Council Member Wright, Council Member Scott, Council Member Bunker, and Council Member Macaluso

C. CONSIDER THE UN-TABLING OF ORDINANCE NO. 2024-22, AS DESCRIBED BELOW. (tabled on 11/12/2024)

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER MACALUSO, TO APPROVE THE UN-TABLING OF ORDINANCE NO. 2024-22, AS DESCRIBED BELOW. (TABLED ON 11/12/2024). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Mayor Pro Tem Wolosin, Council Member Wright, Council Member Scott, Council Member Bunker, and Council Member Macaluso

D. CONSIDER ON FIRST READING ORDINANCE NO. 2024-22; 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. 2018-30 DATED SEPTEMBER 11, 2018, AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH. (Water Service)

Mayor Ritchie called on Sarah Buckelew, Finance Director. Director Buckelew stated that the water rate and the reclaimed rate will be discussed together as they are related. She spoke on the water, wastewater, and reclaimed water study conducted by New Gen Strategies and Solutions and provided a recap of the discussion from the previous city council meeting. She provided information included in the amended ordinances based on the feedback received from the council members. A comparison of reclaimed and potable residential rates were presented. Discussion ensued regarding the new rate structure being configured into the CIP projects, encouraging businesses to conserve, and offering rebates as an incentive.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY COUNCIL MEMBER SCOTT TO APPROVE ON FIRST READING ORDINANCE NO. 2024-22; 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. 2018-30 DATED SEPTEMBER 11, 2018, AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH. (WATER SERVICE) THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Mayor Pro Tem Wolosin, Council Member Wright, Council Member Scott, Council Member Bunker, and Council Member Macaluso

E. CONSIDER THE UN-TABLING OF ORDINANCE NO. 2024-24, AS DESCRIBED BELOW. (tabled on 11/12/2024)

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER MACALUSO, TO APPROVE THE UN-TABLING OF ORDINANCE NO. 2024-24, AS DESCRIBED BELOW. (TABLED ON 11/12/2024). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Mayor Pro Tem Wolosin, Council Member Wright, Council Member Scott, Council Member Bunker, and Council Member Macaluso

F. CONSIDER ON FIRST READING ORDINANCE NO. 2024-24; 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. 2021-23 DATED JULY 27, 2021, AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH. (Reclaimed Water Service)

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY COUNCIL MEMBER SCOTT, TO APPROVE ON FIRST READING ORDINANCE NO. 2024-24; 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. 2021-23 DATED JULY 27, 2021, AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH. (RECLAIMED WATER SERVICE). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Mayor Pro Tem Wolosin, Council Member Wright, Council Member Scott, Council Member Bunker, and Council Member Macaluso

G. RECEIVE THE FOURTH QUARTER FINANCIAL AND INVESTMENT REPORT FOR THE PERIOD ENDED SEPTEMBER 30, 2024.

Director Buckelew continued with the Quarterly Financial and Investment

Report for the fourth quarter explaining that it is a requirement of the Public Funds Investment Act to present the report to the city council at least annually. She stated that the revenues were on track, sales and ad valorem tax exceeded budget and the other governmental and utility revenues were on track.

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER MACALUSO, TO RECEIVE THE FOURTH QUARTER FINANCIAL AND INVESTMENT REPORT FOR THE PERIOD ENDED SEPTEMBER 30, 2024. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Mayor Pro Tem Wolosin, Council Member Wright, Council Member Scott, Council Member Bunker, and Council Member Macaluso

H. RECEIVE THE REPORT FROM THE PLANNING AND ZONING COMMISSION, PUBLIC HEARING, AND CONSIDER ON FIRST READING ORDINANCE NO. 2024-26; AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BOERNE UNIFIED DEVELOPMENT CODE, BY AMENDING CHAPTER 3. ZONING, SECTION 3.2, ZONING MAP, GRANTING A SPECIAL USE PERMIT (SUP) TO ALLOW A MINI WAREHOUSE FACILITY IN THE C4 ZONING DISTRICT WITHIN THE SCENIC INTERSTATE OVERLAY DISTRICT GENERALLY LOCATED SOUTH EAST OF INTERSTATE 10 W AND N MAIN STREET (KAD: 35973); REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (One of one public hearing, at the request of Barry Sanditen, Sanditen & Associates, Inc., on behalf of Boerne Medical Center, LTD)

Mayor Ritchie called on Nathan Crane, Planning Director. Director Crane provided information on the request for a Special Use Permit to allow a mini warehouse facility in a C4 zoning district. He provided a map of the location, site plan, project design renderings, and landscape plan. The Planning and Zoning Commission recommended approval of the request with a 5-1 vote.

Mayor Ritchie opened the Public Hearing at 6:57 p.m.

Ashley Farrimond legal counsel representing the developer stated she or the developer are available for any questions.

Mayor Ritchie closed the Public Hearing at 6:58 p.m.

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER BUNKER, TO APPROVE ON FIRST READING ORDINANCE NO. 2024-26; AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BOERNE UNIFIED DEVELOPMENT CODE, BY AMENDING CHAPTER 3. ZONING, SECTION 3.2, ZONING MAP, GRANTING A SPECIAL USE PERMIT (SUP) TO ALLOW A MINI WAREHOUSE FACILITY IN THE C4 ZONING DISTRICT WITHIN THE SCENIC INTERSTATE OVERLAY DISTRICT GENERALLY LOCATED SOUTH EAST OF INTERSTATE 10 W AND N MAIN STREET (KAD: 35973); REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (ONE OF ONE PUBLIC HEARING, AT THE REQUEST OF BARRY SANDITEN, SANDITEN & ASSOCIATES, INC., ON BEHALF OF BOERNE MEDICAL CENTER, LTD). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Mayor Pro Tem Wolosin, Council Member Wright, Council Member Scott, Council Member Bunker, and Council Member Macaluso

I. RECEIVE THE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION, PUBLIC HEARING AND CONSIDER ON FIRST READING ORDINANCE NO. 2024-27; AN ORDINANCE OF THE CITY OF BOERNE, TX, AMENDING THE UNIFIED DEVELOPMENT CODE ADOPTED BY ORDINANCE NO. 2020-29 ON NOVEMBER 24, 2020, INCLUDING BUT NOT LIMITED TO SECTION 2-11.B.9 - HISTORIC PRESERVATION TAX EXEMPTION, AND SECTION 3-11.G.1.A - HISTORIC DISTRICT PROHIBITED SIGN TYPES; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A PENALTY FOR VIOLATION; AND CONTAINING A SEVERANCE CLAUSE. (Amendments to Unified Development Code, Historic Preservation, Historic District)

Director Crane continued with amendments to the Unified Development Code

removing the option for a historic preservation tax exemption and adding Freeway Pylon Signs to the list of prohibited signs. Both the Planning and Zoning Commission and the Historic Landmark Commission recommended approval of these amendments.

Mayor Ritchie opened the Public Hearing at 7:04 p.m.

No comments were received.

Mayor Ritchie closed the Public Hearing at 7:04 p.m.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE ON FIRST READING ORDINANCE NO. 2024-27; AN ORDINANCE OF THE CITY OF BOERNE, TX, AMENDING THE UNIFIED DEVELOPMENT CODE ADOPTED BY ORDINANCE NO. 2020-29 ON NOVEMBER 24, 2020, INCLUDING BUT NOT LIMITED TO SECTION 2-11.B.9 - HISTORIC PRESERVATION TAX EXEMPTION, AND SECTION 3-11.G.1.A - HISTORIC DISTRICT PROHIBITED SIGN TYPES; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A PENALTY FOR VIOLATION; AND CONTAINING A SEVERANCE CLAUSE. (AMENDMENTS TO UNIFIED DEVELOPMENT CODE, HISTORIC PRESERVATION, HISTORIC DISTRICT). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Mayor Pro Tem Wolosin, Council Member Wright, Council Member Scott, Council Member Bunker, and Council Member Macaluso

J. RECEIVE THE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION, PUBLIC HEARING, AND CONSIDER ON FIRST READING ORDINANCE NO. 2024-28; AMENDING THE UNIFIED DEVELOPMENT CODE ADOPTED BY ORDINANCE NO. 2020-29 ON NOVEMBER 24, 2020, INCLUDING BUT NOT LIMITED TO CHAPTER 3, ZONING SECTION 3-6. PERMITTED USES OF BUILDINGS AND LAND, E. ACCESSORY USES; SECTION 3-7 PERMITTED USE TABLES; SECTION 3-11 HISTORIC DISTRICT C. USES; SECTION 3-13 RIVER ROAD OVERLAY DISTRICT C. USES; CHAPTER 5. NONRESIDENTIAL SITES, SECTION 5-6 ON-SITE PARKING FOR NONRESIDENTIAL PROPERTIES; APPENDIX A.

DEFINITIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A PENALTY FOR VIOLATION; AND CONTAINING A SEVERANCE CLAUSE (Amendment to Unified Development Code, Mobile Food Unit)

Director Crane continued with amendments to the Unified Development Code to update the regulations for Mobile Food Units and mobile food park operations. Discussion ensued regarding street parking and pop-up stands for events. The Planning and Zoning Commission recommended approval of the amendments with a vote of 6-0.

Mayor Ritchie opened the Public Hearing at 7:12 p.m.

No comments were received.

Mayor Ritchie closed the Public Hearing at 7:12 p.m.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY COUNCIL MEMBER BUNKER, TO APPROVE ON FIRST READING ORDINANCE NO. 2024-28; AMENDING THE UNIFIED DEVELOPMENT CODE ADOPTED BY ORDINANCE NO. 2020-29 ON NOVEMBER 24, 2020, INCLUDING BUT NOT LIMITED TO CHAPTER 3, ZONING SECTION 3-6. PERMITTED USES OF BUILDINGS AND LAND, E. ACCESSORY USES; SECTION 3-7 PERMITTED USE TABLES; SECTION 3-11 HISTORIC DISTRICT C. USES; SECTION 3-13 RIVER ROAD OVERLAY DISTRICT C. USES; CHAPTER 5. NONRESIDENTIAL SITES, SECTION 5-6 ON-SITE PARKING FOR NONRESIDENTIAL PROPERTIES; APPENDIX A. DEFINITIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A PENALTY FOR VIOLATION; AND CONTAINING A SEVERANCE CLAUSE (AMENDMENT TO UNIFIED DEVELOPMENT CODE, MOBILE FOOD UNIT). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Mayor Pro Tem Wolosin, Council Member Wright, Council Member Scott, Council Member Bunker, and Council Member Macaluso

K. RECEIVE THE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION, PUBLIC HEARING AND CONSIDER ON

FIRST READING ORDINANCE NO. 2024-29; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, AMENDING THE CODE OF ORDINANCES, BOERNE, TEXAS, CHAPTER 15. OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE III. PEDDLERS, CANVASSERS AND SOLICITORS, SECTION 15-56. DEFINITIONS, SECTION. 15-60. USE OF STATE HIGHWAYS PROHIBITED, SECTION 15-65. RESTRICTIONS APPLICABLE TO ALL PEDDLERS, SOLICITORS AND VENDORS, AND SECTION 15-66. PERMIT, WRITTEN APPLICATION REQUIRED; ARTICLE VII. REGULATION OF FOOD ESTABLISHMENTS, SECTION 15-147. DEFINITIONS, ADDING SECTION 15-149. MOBILE FOOD UNITS AND RENUMBERING THE REMAINING SECTIONS; PROVIDING FOR A PENALTY FOR VIOLATION OF ANY PROVISION OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE. (Amendments to Code of Ordinance, Peddlers, Canvassers, Solicitors and Mobile Food Units)

Director Crane stated that this agenda item is related to the previous item regarding mobile food units.

Mayor Ritchie opened the Public Hearing at 7:14 p.m.

No comments were received.

Mayor Ritchie closed the Public Hearing at 7:14 p.m.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE ON FIRST READING ORDINANCE NO. 2024-29; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, AMENDING THE CODE OF ORDINANCES, BOERNE, TEXAS, CHAPTER 15. OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE III. PEDDLERS, CANVASSERS AND SOLICITORS, SECTION 15-56. DEFINITIONS, SECTION. 15-60. USE OF STATE HIGHWAYS PROHIBITED, SECTION 15-65. RESTRICTIONS APPLICABLE TO ALL PEDDLERS, SOLICITORS AND VENDORS, AND SECTION 15-66. PERMIT, WRITTEN APPLICATION REQUIRED; ARTICLE VII. REGULATION OF FOOD ESTABLISHMENTS, SECTION 15-147. DEFINITIONS, ADDING SECTION 15-149. MOBILE FOOD UNITS AND RENUMBERING THE REMAINING SECTIONS; PROVIDING FOR A PENALTY FOR VIOLATION OF ANY PROVISION OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE. (AMENDMENTS TO CODE OF ORDINANCE, PEDDLERS, CANVASSERS, SOLICITORS AND MOBILE FOOD UNITS). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Mayor Pro Tem Wolosin, Council Member Wright, Council Member Scott, Council Member Bunker, and Council Member Macaluso

L. RECEIVE THE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION, PUBLIC HEARING AND CONSIDER ON FIRST READING ORDINANCE NO. 2024-30; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, AMENDING THE CODE OF ORDINANCES, BOERNE, TEXAS ARTICLE V. NOISE AND SOUND REGULATION, CHAPTER 14, SECTION 14-139. AMPLIFIED SOUND AND CHAPTER 14, SECTION 14-142. METHOD OF SOUND MEASUREMENT. PROVIDING FOR A PENALTY FOR VIOLATION OF ANY PROVISION OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE. (Amendments to Code of Ordinance, Noise and Sound)

Director Crane provided a summary of the amendments to the Code of Ordinance regarding noise and sound. He expressed appreciation to council member Scott and the subcommittee members for their time and efforts in reviewing the current regulations and recommending the proposed amendments to impose a threshold for noise violations, measurement method for sound collection, and clarifies sound measurement locations. The Planning

and Zoning Commission recommended approval of the proposed amendments.

Mayor Ritchie opened the Public Hearing at 7:26 p.m.

No comments were received.

Mayor Ritchie closed the Public Hearing at 7:26 p.m.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY COUNCIL MEMBER BUNKER, TO APPROVE ON FIRST READING ORDINANCE NO. 2024-30; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, AMENDING THE CODE OF ORDINANCES, BOERNE, TEXAS ARTICLE V. NOISE AND SOUND REGULATION, CHAPTER 14, SECTION 14-139. AMPLIFIED SOUND AND CHAPTER 14, SECTION 14-142. METHOD OF SOUND MEASUREMENT. PROVIDING FOR A PENALTY FOR VIOLATION OF ANY PROVISION OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE. (AMENDMENTS TO CODE OF ORDINANCE, NOISE AND SOUND). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Mayor Pro Tem Wolosin, Council Member Wright, Council Member Scott, Council Member Bunker, and Council Member Macaluso

7. RESOLUTIONS:

A. RECEIVE BIDS AND CONSIDER RESOLUTION NO. 2024-R105; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, AWARDING THE CONTRACT FOR FY2025 STREET PRESERVATION TO _____ FOR AN AMOUNT NOT TO EXCEED \$____; AND AUTHORIZING THE CITY MANAGER TO MANAGE AND EXECUTE THE RELATED CONTRACT WITH A NOT TO EXCEED TOTAL CONSTRUCTION COST OF \$____. (Slurry Seal)

Mayor Ritchie called on Jeff Carroll, Engineering and Mobility Director. Director Carroll spoke on the Slurry Seal project. He stated that it is part of the city's 10 year maintenance project. Only one bid was received. It is staff's

recommendation to award the contract to Intermountain Slurry Seal, Inc. for the bid amount of \$390,245.00. The budgeted amount was \$442,000.00. It is staff's recommendation to increase the scope of the project to include additional streets for up to an additional 13% or \$440,976.85.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE RESOLUTION NO. 2024-R105; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, AWARDED THE CONTRACT FOR FY2025 STREET PRESERVATION TO INTERMOUNTAIN SLURRY SEAL, INC. FOR AN AMOUNT NOT TO EXCEED \$390,245.00; AND AUTHORIZING THE CITY MANAGER TO MANAGE AND EXECUTE THE RELATED CONTRACT WITH A NOT TO EXCEED TOTAL CONSTRUCTION COST OF \$440,976.85. (SLURRY SEAL). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Mayor Pro Tem Wolosin, Council Member Wright, Council Member Scott, Council Member Bunker, and Council Member Macaluso

B. RECEIVE BIDS AND CONSIDER RESOLUTION NO. 2024-R106; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, AWARDED THE CONTRACT FOR 2022 BOND ROADWAY RECONSTRUCTION TO _____ FOR AN AMOUNT NOT TO EXCEED \$___; AND AUTHORIZING THE CITY MANAGER TO MANAGE AND EXECUTE THE RELATED CONTRACT.

Director Carroll continued with streets that are in need of reconstruction that were addressed in the 2022 bond and approved by the voters. Staff received three bids and after checking references it is staff's recommendation to move forward with the low bidder, Bennet Paving, Inc. in the amount of \$1,177,225.00 which is under the \$1,400,000.00 city bond budget. Staff proposes an additional 5% to fund potential changes in construction scope that may be required.

A MOTION WAS MADE BY COUNCIL MEMBER BUNKER, SECONDED BY COUNCIL MEMBER WRIGHT, TO RECEIVE BIDS AND APPROVE RESOLUTION NO. 2024-R106; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, AWARDED THE CONTRACT FOR 2022 BOND ROADWAY RECONSTRUCTION TO BENNET PAVING, INC. FOR AN AMOUNT NOT TO EXCEED \$1,177,225.00; AND AUTHORIZING THE CITY MANAGER TO MANAGE AND EXECUTE THE RELATED CONTRACT WITH A NOT TO EXCEED TOTAL CONSTRUCTION COST OF \$1,236,086.25. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Mayor Pro Tem Wolosin, Council Member Wright, Council Member Scott, Council Member Bunker, and Council Member Macaluso

C. CONSIDER RESOLUTION NO. 2024-R107; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BOERNE AND HDR ENGINEERING, INC. FOR DESIGN OF UPGRADES TO OLD SAN ANTONIO ROAD WASTEWATER TREATMENT AND RECYCLING CENTER (WWTRC) FOR AN AMOUNT NOT TO EXCEED \$4,345,790.00.

Mayor Ritchie called on Mike Mann, Utilities Director. Director Mann explained that Wastewater Treatment and Recycling Center (WWTRC) located on Old San Antonio Road was constructed in 2013 and based on projected flows, WWTRC is expected to reach 75% capacity in 2025 triggering a planning requirement by the TCEQ. HDR Engineering, Inc. has been selected for its expertise and familiarity with the WWTRC for the design and permitting of the expansion.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY COUNCIL MEMBER BUNKER, TO APPROVE RESOLUTION NO. 2024-R107; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BOERNE AND HDR ENGINEERING, INC. FOR DESIGN OF UPGRADES TO OLD SAN ANTONIO ROAD WASTEWATER TREATMENT AND RECYCLING CENTER (WWTRC) FOR AN AMOUNT NOT TO EXCEED \$4,345,790.00. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Mayor Pro Tem Wolosin, Council Member Wright, Council Member Scott, Council Member Bunker, and Council Member Macaluso

D. CONSIDER RESOLUTION NO. 2024-R108; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND CNG DELIVERY, LLC FOR A COMPRESSED NATURAL GAS TRAILER FOR EMERGENCY SUPPLY BACKUP FROM DECEMBER 2024 TO MARCH 2025 FOR AN AMOUNT NOT TO EXCEED \$110,000.

Director Mann continued with the need for an emergency gas supply backup for some neighborhoods due to possible extreme cold weather causing high demand periods. Staff was able to locate a temporary compressed natural gas (CNG) trailer which will be leased from December 2024 to March 2025 if needed.

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER SCOTT, TO APPROVE RESOLUTION NO. 2024-R108; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND CNG DELIVERY, LLC FOR A COMPRESSED NATURAL GAS TRAILER FOR EMERGENCY SUPPLY BACKUP FROM DECEMBER 2024 TO MARCH 2025 FOR AN AMOUNT NOT TO EXCEED \$110,000. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Mayor Pro Tem Wolosin, Council Member Wright, Council Member Scott, Council Member Bunker, and Council Member Macaluso

8. CITY MANAGER'S REPORT:

Mayor Ritchie called on City Manager Ben Thatcher.

A. MONTHLY PROJECTS REPORT.

City Manager Thatcher provided an update and status on city projects.

B. DICKENS ON MAIN UPDATE.

City Manager Thatcher stated that it takes a lot of collaboration from various city departments to have a successful Dickens on Main event. He expressed appreciation to those employees and volunteers. He noted that 48,500 people attended the weekend event. City Manager Thatcher thanked the city council for a great year and is looking forward to 2025.

9. COMMENTS FROM COUNCIL – No discussion or action may take place.

Mayor Pro Tem Wolosin acknowledged the success of the Boerne Greyhound football team as this was their first year in 5A. He expressed appreciation to staff and the council for a good year. Mayor Pro Tem Wolosin stated that at the November council meeting, he challenged individuals to post on social media five things they like about Boerne. He said he did not receive any positive posts.

Council Member Macaluso stated that Dickens was spectacular again this year.

Mayor Ritchie wished the Greyhounds success in the playoffs in Waco. He also stated that Dickens was amazing and expressed appreciation for the efforts of everyone. He also stated that he is looking forward to 2025.

Council Member Wright stated that the Weihnachts Parade was amazing and despite the weather there was a great public turnout.

Council Member Scott suggested that the city bring back ice skating next year.

Council Member Bunkers stated that he heard good comments about Dickens and the addition of screens. He also expressed appreciation to city staff.

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

Mayor Ritchie convened the City Council into Executive Session at 8:00 p.m.

A. SECTION 551.087 - DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS; POTENTIAL DEVELOPER FOR A PROPERTY LOCATED ON INTERSTATE HIGHWAY 10. (BISD new property / Acquiring ROW's)

No action was taken.

B. SECTION 551.071 - CONSULTATION WITH CITY ATTORNEY; SPENCER RANCH.

No action was taken.

C. SECTION 551.074 - PERSONNEL MATTERS: RELATED TO THE CITY MANAGER'S EVALUATION.

No action was taken.

11. RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE.

No action was taken.

12. ADJOURNMENT

9:04

Approved:

Mayor

Attest:

City Secretary



AGENDA ITEM SUMMARY

Agenda Date	January 14, 2024
Requested Action	APPROVE ON SECOND READING ORDINANCE NO. 2024-22; 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. 2018-30 DATED SEPTEMBER 11, 2018 AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH. (Water Services)
Contact Person	Sarah Buckelew, Finance Director
Background Information	<p>During the October 22, 2024, City Council meeting, a presentation was made by Matthew Garrett, Partner and Managing Director at New Gen Strategies and Solutions as well as City Staff regarding a comprehensive rate study conducted on the Water, Sewer and Reclaimed utilities.</p> <p>The objectives of the study were:</p> <ul style="list-style-type: none"> • To ensure rate revenues are adequate to meet rising operating costs, including wholesale water purchases. • Fund capital improvements proposed over the next several years (FY 2025- 2029). • Ensure utility financial policies are met, including adequate debt service coverage ratios and fund balances. <p>Following the presentation, discussion over the study outcomes and rate impacts included:</p> <ul style="list-style-type: none"> • Council support for strategic planning and adopting a gradual rate change each year for the next 5 years that would help keep annual rate increases manageable despite growing costs. • Council support for a residential water rate increase that signals water conservation with higher increases for the largest 3 tiers of water users, with lower rate increases for the lower usage tiers. <p>This agenda item brings forward for consideration an ordinance that considers Council feedback and sets rates that would be adequate to meet costs in Fiscal Year 2025. If adopted, the rates would be updated beginning February 1, 2025.</p>

Item Justification	<input checked="" type="checkbox"/> Legal/Regulatory Obligation <input checked="" type="checkbox"/> Infrastructure Investment <input type="checkbox"/> Reduce Costs <input type="checkbox"/> Customer Pull <input checked="" type="checkbox"/> Increase Revenue <input type="checkbox"/> Service Enhancement <input checked="" type="checkbox"/> Mitigate Risk <input type="checkbox"/> Process Efficiency <input type="checkbox"/> Master Plan Recommendation <input type="checkbox"/> Other:
Strategic Alignment <i>(Example: C2 – Customer Feedback, B1 – Data Driven Decision)</i>	C1 – Quality Customer Experiences F1 - Committing to Strategic, responsible, and conservative financial management F2 – Investing in and maintaining high-quality infrastructure systems and public assets B1 – Utilizing data to drive smart decision making
Financial Considerations	The water rates proposed are included in the attached ordinance
Citizen Input/Board Review	N/A
Legal Review	N/A
Alternative Options	N/A
Supporting Documents	ORDINANCE NO. 2024-22

ORDINANCE NO. 2024-22

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. 2018-30 DATED SEPTEMBER 11, 2018, AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH

WHEREAS, the City Council of the City of Boerne, Texas deems it reasonable and necessary to revise water rates to provide adequate revenues to meet the operation and maintenance expenses, the retirement of bonded indebtedness and other financial requirements deemed necessary by the City Council of the City of Boerne, Texas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS:

SECTION 1. SERVICE RATE CLASSIFICATION

All water service provided by the City of Boerne Utilities shall be designated by the following rate schedules with descriptions, rates and conditions of service as indicated:

- (1) Residential Water Service
- (2) Residential Irrigation Water Service
- (3) Residential Multiple Unit Water Service
- (4) General Service/Commercial Domestic Water Service
- (5) General Service/Commercial Irrigation Water Service
- (6) General Service/Commercial Domestic with Irrigation Water Service
- (7) General Service/Commercial Fire Service

Each person owning, residing in, renting, leasing, operating, or otherwise using property whose water pipes connect with the water system of the City of Boerne, and who receive water service from and through the same shall be liable to the City for a monthly water service charge specified in Section 4 through Section 12.

RATES FOR OUT-OF-CITY WATER SERVICE – Per Section 201.2 of the City of Boerne Utility Rules and Regulations, water services are not extended outside the City of Boerne limits unless doing so is deemed beneficial to the City by the City Council. If such service is deemed beneficial and provided to the out-of-City customer, the current approved rates for water will be subject to a rate modifier. The rate modifier for the out-of-City customer is 20% which includes the customer, volume charge and all other specific rate elements. This rate modifier is based on the cost of service and is due to the fact that such out-of-City customers are not subject to the ownership risk for the utility system debt that is assumed by citizens served by the City of Boerne Utilities.

SECTION 2. RATE SCHEDULE ADMINISTRATION & ASSIGNMENT

Upon request for water service from a prospective customer, the City Manager, or his designee, shall assign the appropriate rate classification for water service to the applicant requesting service. This assignment may be based upon information provided by the applicant, or other information available at the time the assignment is made.

If a customer receiving service changes the nature or character of water service requirements, then the City Manager or his designee shall, upon review of the information available pertaining

to the revised water service requirement, reassign the customer to the appropriate rate schedule.

If a prospective or existing customer is eligible to receive water service under more than one of the City's rate schedules, or if the rates charged are unduly burdensome as a result of the customer's technical qualification for a specific rate schedule, then the Assistant City Manager, or duly assigned designee shall assign the most appropriate rate schedule for water service after consideration of the various service requirements, potential impact on the City's facilities, the potential relative costs of serving the customer, and other available pertinent information. The prospective or existing customer may appeal the determination made by the Assistant City Manager to the City Manager with thirty days written notice to same.

SECTION 3. EFFECTIVE DATE

The rates and charges prescribed herein shall become effective on and after the first day of each billing cycle for the February 1, 2025 billing period.

SECTION 4. RESIDENTIAL WATER SERVICE RATE SCHEDULE

(a) Availability:

This schedule is available throughout the water service territory served by the City of Boerne subject to the rules, regulations, policies and rates established by the City of Boerne.

(b) Applicability:

This rate is applicable for water service used exclusively for domestic residential purposes where each unit is individually metered for water serviced by a 5/8" or 3/4" water meter and that do not involve any nonresidential activity.

(c) Monthly Rates:

The monthly rate shall be the sum of the monthly customer charge plus the monthly volume charges, as shown below:

Customer charge (includes 0 gallons):	5/8" meter	\$30.08 per month
	3/4" meter	\$62.68 per month

Volume Charge:

The year-round volume charge for water usage will be billed under the following rates:

	Per 100 Gallons
First 0 – 6,000 gal.	\$0.223
Next 6,001 – 10,000 gal.	\$0.372
Next 10,001 – 15,000 gal.	\$0.511
Next 15,001 – 25,000gal.	\$0.560
Next 25,001 – 50,000 gal.	\$1.015
Next 50,001 – 100,000 gal.	\$1.247
All excess over 100,000 gal.	\$2.024

- d) Minimum Monthly Charge:
The minimum monthly charge shall be the customer charge.

SECTION 5. RESIDENTIAL IRRIGATION WATER SERVICE

- (a) Availability:

This schedule is available throughout the water service territory served by the City of Boerne subject to the rules, regulations, policies and rates established by the City of Boerne.

- (b) Applicability:

This rate is applicable for water service where an irrigation-only water meter is installed in addition to the domestic service and used exclusively for residential irrigation purpose for a single living unit where each unit is individually and additionally metered for water irrigation serviced by a 5/8" or 3/4" water meter and that does not involve any nonresidential activity.

- (c) Monthly Rates:

The monthly rate shall be the sum of the monthly customer charge plus the monthly volume charges, as shown below:

Customer charge (includes 0 gallons):	5/8" meter	\$30.08 per month
	3/4" meter	\$62.68 per month

Volume Charge:

The year-round volume charge for water usage is \$0.892 per 100 gallons for all water usage.

- (d) Minimum Monthly Charge:

The minimum monthly charge shall be the customer charge.

SECTION 6. RESIDENTIAL MULTIPLE UNIT WATER SERVICE RATE SCHEDULE

- (a) Availability:

This schedule is available throughout the water service territory served by the City of Boerne subject to the rules, regulations, policies and rates established by the City of Boerne.

- (b) Applicability:

This rate is applicable for water service to customers serviced by a 5/8" or larger meter who provide separate, identifiable, multiple permanent residential units which are not individually metered, which do not receive service under a different rate schedule and does not include any nonresidential activity.

(c) Monthly Rates:

The monthly rate shall be the sum of the monthly customer charge plus the unit charge plus the monthly volume charges, as shown below:

Customer charge (includes 0 gallons):

5/8" meter	\$30.08 per month
3/4" meter	\$62.68 per month
1" meter	\$67.68 per month
1 1/2" meter	\$100.29 per month
2" meter	\$160.45 per month
3" meter	\$320.93 per month
4" meter	\$400.53 per month
6" meter	\$480.12 per month
8" meter	\$625.40 per month

Unit charge: a charge per unit, per month, where units are defined and the associated charge specified in Section 6(e).

Volume Charge:

The year-round volume charge for water usage will be billed under the following rates:

	Per 100 gallons
First 0-25,000	\$0.525
Next 25,001 – 100,000	\$0.596
Next 100,001 – 250,000	\$0.646
All excess over 250,001	\$0.762

(d) Minimum Monthly Charge:

The minimum monthly charge shall be the customer charge plus the unit charge.

(e) Determination of Units and Unit Charges:

When any customer offers or provides more than one separate and identifiable permanent residential area, then each of these areas, plus each public bathroom, laundry area and service or repair area, shall be defined as a unit for billing purposes. The charge per unit shall be \$8.36 per month.

SECTION 7. GENERAL SERVICE/COMMERCIAL DOMESTIC WATER SERVICE RATE SCHEDULE

(a) Availability:

This schedule is available throughout the water service territory served by the City of Boerne subject to the rules, regulations, policies, and rates established by the City of Boerne.

(b) Applicability:

This rate is applicable for domestic water service to nonresidential customers who are serviced by a 5/8" or larger meter and have an installed, separate and additional water meter with dedicated use for irrigation only purposes and do not receive service under a different rate schedule.

(c) Monthly Rates:

The monthly rate shall be the sum of the monthly customer charge, and the monthly volume charges, as shown below:

Customer charge (includes 0 gallons):

5/8" meter	\$ 30.08 per month
3/4" meter	\$ 62.68 per month
1" meter	\$ 67.68 per month
1 1/2" meter	\$100.29 per month
2" meter	\$160.45 per month
3" meter	\$320.93 per month
4" meter	\$400.53 per month
6" meter	\$480.12 per month
8" meter	\$625.40 per month

Volume Charge:

The year-round volume charge for water usage will be billed under the following rates:

	Per 100 gallons
First 0-25,000	\$0.384
Next 25,001 – 100,000	\$0.526
Next 100,001 – 250,000	\$0.555
All excess over 250,001	\$0.589

(d) Minimum Monthly Charge:

The minimum monthly charge shall be the customer charge.

SECTION 8. GENERAL SERVICE/COMMERCIAL IRRIGATION WATER SERVICE RATE SCHEDULE

(a) Availability:

This schedule is available throughout the water service territory served by the City of Boerne subject to the rules, regulations, policies, and rates established by the City of Boerne.

(b) Applicability:

This rate is applicable for separate irrigation water service to nonresidential customers who are serviced by a 5/8" or larger irrigation meter and have an installed, separate and additional water meter with dedicated use for domestic purposes and do not receive service under a different rate schedule.

(c) Monthly Rates:

The monthly rate shall be the sum of the monthly customer charge, and the monthly volume charges, as shown below:

Customer charge (includes 0 gallons):

5/8" meter	\$ 30.08 per month
3/4" meter	\$ 62.68 per month
1" meter	\$ 67.68 per month
1 1/2" meter	\$100.29 per month
2" meter	\$160.45 per month
3" meter	\$320.93 per month
4" meter	\$400.53 per month
6" meter	\$480.12 per month
8" meter	\$625.40 per month

Volume Charge:

The year-round volume charge for water usage will be billed under the following rates:

	Per 100 gallons
First 0-25,000	\$0.631
Next 25,001 – 100,000	\$0.742
Next 100,001 – 250,000	\$0.865
All excess over 250,001	\$0.955

(d) Minimum Monthly Charge:

The minimum monthly charge shall be the customer charge.

SECTION 9. GENERAL SERVICE/COMMERCIAL DOMESTIC AND IRRIGATION WATER SERVICE RATE SCHEDULE

(a) Availability:

This schedule is available throughout the water service territory served by the City of Boerne subject to the rules, regulations, policies, and rates established by the City of Boerne.

(b) Applicability:

This rate is applicable to nonresidential customers who are serviced by a 5/8" or larger

domestic water meter that is also used for irrigation purposes and do not receive service under a different rate schedule.

(c) Monthly Rates:

The monthly rate shall be the sum of the monthly customer charge, and the monthly volume charges, as shown below:

Customer charge (includes 0 gallons):

5/8" meter	\$ 30.08 per month
3/4" meter	\$ 62.68 per month
1" meter	\$ 67.68 per month
1 1/2" meter	\$100.29 per month
2" meter	\$160.45 per month
3" meter	\$320.93 per month
4" meter	\$400.53 per month
6" meter	\$480.12 per month
8" meter	\$625.40 per month

Volume Charge:

The year-round volume charge for water usage will be billed under the following rates:

	Per 100 gallons
First 0-25,000	\$0.525
Next 25,001 – 100,000	\$0.596
Next 100,001 – 250,000	\$0.646
All excess over 250,001	\$0.762

(d) Minimum Monthly Charge:

The minimum monthly charge shall be the customer charge.

SECTION 10. GENERAL SERVICE/COMMERCIAL FIRE SERVICE RATE SCHEDULE

(a) Availability:

This schedule is available throughout the water service territory served by the City of Boerne subject to the rules, regulations, policies, and rates established by the City of Boerne.

(b) Applicability:

This rate is applicable to nonresidential customers who are serviced by a 5/8" or larger meter dedicated solely to fire service and does not receive service under a different rate schedule.

(c) Monthly Rates:

The monthly rate shall be the sum of the monthly customer charge, and the monthly

volume charges, as shown below:

Customer charge (includes 0 gallons):

3/4" meter through 8" meter \$69.68 per month

Volume Charge:

The volume charge for annual testing is waived for all water usage up to 500 gallons. All water usage for fire suppression will not be charged. All other usage other than testing and fire suppression is unauthorized usage and will be charged \$2.43 per 100 gallons. The City of Boerne reserves the right to file criminal charges against the nonresidential customer for such unauthorized usage with the appropriate authorities.

(d) Minimum Monthly Charge:

The minimum monthly charge shall be the customer charge.

SECTION 11. TERMS OF PAYMENT

The rates specified in Section 4 through Section 10 are net. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next work day. If full payment is not received at the City's offices or other approved payment location on or before the due date, all of the customer's utility services will be considered delinquent and subject to disconnection, and the customer shall pay gross rates for all utility services, where such gross rates for delinquent payments are ten percent (10%) higher than the net rates.

SECTION 12. ADJUSTMENT OF RATES

The Residential and Commercial fees charged for the second and any subsequent years from the adoption of this ordinance may be adjusted at the commencement of said years to reflect a percentage change, downward or upward, respectively, of the difference in the CONSUMER PRICE INDEX FOR URBAN WAGE EARNERS AND CLERICAL WORKERS (herein after referred to as the INDEX) as published by the U. S. Department of Labor, Bureau of Labor Statistics, the percentage adjustments for each year to be determined as follows:

- a. The difference in the INDEX for the month of June of the year immediately preceding the current year and the month of June in the current year shall be computed;
- b. Such difference computed in (a) shall be divided by the INDEX for the month of June of the year immediately preceding the current year; and,
- c. Ninety-five (95%) of the amount computed in (b) shall be taken as the adjustment percentage factor to be used to increase the rate charged for water if the INDEX has increased during June to June, or to decrease the rate charged for water if the INDEX has decreased during June to June.
- d. Example of computation of increase or decrease:
June/Current year CPI = 185.4
June/Previous year CPI = 181.0
 $(185.4 - 181.0) / 181.0 = .0243 \times 95\% = 2.31\%$ increase

or
June/Current year CPI = 180.0
June/Previous year CPI = 181.0
 $(180.0 - 181.0) / 181.0 = -.0056 \times 95\% = .54\% \text{ decrease}$

e. The increase or decrease based on (a) (b) (c) calculations will automatically become effective annually with billing beginning on and after the first day of the billing cycle for the October 1 billing period unless otherwise directed by City Council.

SECTION 13. SEVERABILITY

If for any reason any section, paragraph, subsection, clause, phrase, word, or provision of this Ordinance shall be held invalid or unconstitutional by final judgment of a Court of competent jurisdiction it shall not affect any other section, paragraph, subsection, clause, phrase, word, or provision of this Ordinance, for it is the definite intent of this City Council that every section, paragraph, subsection, clause, phrase, word, or provision hereof be given full force and effect for its purpose.

SECTION 14. REPEAL

All ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

PASSED and APPROVED on first reading this the 10 day of December, 2024

PASSED, APPROVED, and ADOPTED on second reading this the ___ day of January, 2025.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney



AGENDA ITEM SUMMARY

Agenda Date	January 14, 2024
Requested Action	APPROVE ON SECOND READING ORDINANCE NO. 2024-24; 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. 2021-23 DATED JULY 27, 2021, AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH (Reclaimed Water Service)
Contact Person	Sarah Buckelew, Finance Director
Background Information	<p>During the October 22, 2024, City Council meeting, a presentation was made by Matthew Garrett, Partner and Managing Director at New Gen Strategies and Solutions as well as City Staff regarding a comprehensive rate study conducted on the Water, Sewer and Reclaimed utilities.</p> <p>The objectives of the study were:</p> <ul style="list-style-type: none"> • To ensure rate revenues are adequate to meet rising operating costs, including wholesale water purchases. • Fund capital improvements proposed over the next several years (FY 2025- 2029). • Ensure utility financial policies are met, including adequate debt service coverage ratios and fund balances. <p>Following the presentation on October 22, and two subsequent discussions, the rate impacts included:</p> <ul style="list-style-type: none"> • Council support for strategic planning and adopting a gradual rate change each year for the next 5 years that would help keep annual rate increases manageable despite growing costs. • Rate increases to encourage conservation in the highest three tiers of reclaimed rate usage. <p>This agenda item brings forward for consideration an ordinance that considers Council feedback and sets rates that would be adequate to meet costs in Fiscal Year 2025. If adopted, the rates would be updated beginning February 1, 2025.</p>

Item Justification	<input checked="" type="checkbox"/> Legal/Regulatory Obligation <input checked="" type="checkbox"/> Infrastructure Investment <input type="checkbox"/> Reduce Costs <input type="checkbox"/> Customer Pull <input checked="" type="checkbox"/> Increase Revenue <input type="checkbox"/> Service Enhancement <input checked="" type="checkbox"/> Mitigate Risk <input type="checkbox"/> Process Efficiency <input type="checkbox"/> Master Plan Recommendation <input type="checkbox"/> Other:
Strategic Alignment <i>(Example: C2 – Customer Feedback, B1 – Data Driven Decision)</i>	C1 – Quality Customer Experiences F1 - Committing to Strategic, responsible, and conservative financial management F2 – Investing in and maintaining high-quality infrastructure systems and public assets B1 – Utilizing data to drive smart decision making
Financial Considerations	The reclaimed water rates proposed are included in the attached ordinance.
Citizen Input/Board Review	N/A
Legal Review	N/A
Alternative Options	N/A
Supporting Documents	ORDINANCE NO. 2024-24

ORDINANCE NO. 2024-24

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. 2021-23 DATED JULY 27, 2021, AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH

WHEREAS, the City Council of the City of Boerne, Texas deems it reasonable and necessary to establish reclaimed water rates to provide adequate revenues to meet the operation and maintenance expenses, the retirement of bonded indebtedness and other financial requirements deemed necessary by the City Council of the City of Boerne, Texas; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS:

SECTION 1. SERVICE RATE CLASSIFICATION

All reclaimed water service provided by the City of Boerne Utilities shall be designated by the following rate schedules with descriptions, rates and conditions of service as indicated:

- (1) Residential & Commercial Reclaimed Water Service – Inside City Limits
- (2) Residential & Commercial Reclaimed Water Service – Outside City Limits

Each person owning, residing in, renting, leasing, operating, or otherwise using property whose reclaimed water pipes connect with the reclaimed water system of the City of Boerne, and who receive reclaimed water service from and through the same shall be liable to the City for a monthly reclaimed water service charge specified in Section 4 through Section 5.

RATES FOR OUT-OF-CITY RECLAIMED WATER SERVICE – Per Section 201.2 of the City of Boerne Utility Rules and Regulations, reclaimed water services are not extended outside the City of Boerne limits unless doing so is deemed beneficial to the City by the City Council. If such service is deemed beneficial and provided to the out-of-City customer, the current approved rates for, reclaimed water will be subject to a rate modifier, unless otherwise agreed to by contract. The rate modifier for the out-of-City customer is 20% which includes the customer, volume charge and all other specific rate elements. This rate modifier is based on the cost of service and is due to the fact that such out-of-City customers are not subject to the ownership risk for the utility system debt that is assumed by citizens served by the City of Boerne utilities.

SECTION 2. RATE SCHEDULE ADMINISTRATION & ASSIGNMENT

Upon request for reclaimed water service from a prospective customer, the City Manager or designee shall assign the appropriate rate classification for reclaimed water service to the applicant requesting service. This assignment may be based upon information provided by the applicant, or other information available at the time the assignment is made.

If a customer receiving service changes the nature or character of reclaimed water service requirements, then the City Manager or designee shall, upon review of the information available

pertaining to the revised reclaimed water service requirement, reassign the customer to the appropriate rate schedule.

If a prospective or existing customer is eligible to receive reclaimed water service under more than one of the City's rate schedules, or if the rates charged are unduly burdensome as a result of the customer's technical qualification for a specific rate schedule, then the City Manager or designee shall assign the most appropriate rate schedule for reclaimed water service after consideration of the various service requirements, potential impact on the City's facilities, the potential relative costs of serving the customer, and other available pertinent information.

SECTION 3. EFFECTIVE DATE

The rates and charges prescribed herein shall become effective on and after the first day of each billing cycle for the February 1, 2025 billing period.

SECTION 4. SERVICE RATE SCHEDULE

RESIDENTIAL & COMMERCIAL RECLAIMED WATER – INSIDE CITY LIMITS:

(a) Availability:

This schedule is available within the City limits of the City of Boerne where the City's reclaimed water service is available subject to the rules, regulations, policies and rates established by the City of Boerne.

(b) Applicability:

This rate is applicable for reclaimed water service used exclusively for irrigation purposes where each unit is individually metered for water serviced by a 5/8", 3/4", 1", 1 1/2" or 2" water meter.

(c) Monthly Rates:

The monthly rate shall be the sum of the monthly customer charge plus the monthly volume charges, as shown below:

Customer charge (includes 0 gallons):

5/8" meter \$12.31 per month

3/4" meter \$15.52 per month

1" meter \$24.61 per month

1 1/2" meter \$43.07 per month

2" meter \$67.68 per month

Volume Charge:

The year-round volume charge for reclaimed water usage will be billed under the following rates:

(Per 1000 Gallons):

First 0 – 10,000 gal.	\$1.87
Next 10,001 – 30,000 gal.	\$2.13
Next 30,001 – 50,000 gal.	\$3.00
Next All excess over 50,000 gal.	\$3.23

SECTION 5. TERMS OF PAYMENT

The rates specified in Section 4 are net. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next work day. If full payment is not received at the City's offices or other approved payment location on or before the due date, all of the customer's utility services will be considered delinquent and subject to disconnection, and the customer shall pay gross rates for all utility services, where such gross rates for delinquent payments are ten percent (10%) higher than the net rates.

SECTION 6. ADJUSTMENT OF RATES

The Residential and Commercial fees charged for the second and any subsequent years from the adoption of this ordinance may be adjusted at the commencement of said years to reflect a percentage change, downward or upward, respectively, of the difference in the CONSUMER PRICE INDEX FOR URBAN WAGE EARNERS AND CLERICAL WORKERS (herein after referred to as the INDEX) as published by the U. S. Department of Labor, Bureau of Labor Statistics, the percentage adjustments for each year to be determined as follows:

- a. The difference in the INDEX for the month of June of the year immediately preceding the current year and the month of June in the current year shall be computed;
- b. Such difference computed in (a) shall be divided by the INDEX for the month of June of the year immediately preceding the current year; and,
- c. Ninety-five (95%) of the amount computed in (b) shall be taken as the adjustment percentage factor to be used to increase the rate charged for water if the INDEX has increased during June to June, or to decrease the rate charged for water if the INDEX has decreased during June to June.

d. Example of computation June/Current year CPI = 185.4

of increase or decrease: June/Previous year CPI = 181.0

$(185.4 - 181.0) / 181.0 = .0243 \times 95\% = 2.31\%$ increase

or

June/Current year CPI = 180.0

June/Previous year CPI = 181.0

$(180.0 - 181.0) / 181.0 = -.0056 \times 95\% = .54\%$ decrease

e. The increase or decrease based on (a) (b) (c) calculations will automatically become effective annually with billing beginning on and after the first day of the billing cycle for the October 1 billing period unless otherwise directed by City Council.

SECTION 7. SEVERABILITY

If for any reason any section, paragraph, subsection, clause, phrase, word, or provision of this Ordinance shall be held invalid or unconstitutional by final judgment of a Court of competent jurisdiction it shall not affect any other section, paragraph, subsection, clause, phrase, word, or provision of this Ordinance, for it is the definite intent of this City Council that every section, paragraph, subsection, clause, phrase, word, or provision hereof be given full force and effect for its purpose.

PASSED and APPROVED on first reading this the 10 day of December, 2024.

PASSED, APPROVED, and ADOPTED on second reading this the ___ day of January, 2025.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney



AGENDA ITEM SUMMARY

Agenda Date	January 14, 2025
Requested Action	<p>APPROVE ON SECOND READING ORDINANCE NO. 2024- 26; AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BOERNE UNIFIED DEVELOPMENT CODE, BY AMENDING CHAPTER 3. ZONING, SECTION 3.2, ZONING MAP, GRANTING A SPECIAL USE PERMIT (SUP) TO ALLOW A MINI WAREHOUSE FACILITY IN THE C4 ZONING DISTRICT WITHIN THE SCENIC INTERSTATE OVERLAY DISTRICT GENERALLY LOCATED SOUTHEAST OF INTERSTATE 10 W AND N MAIN STREET (KAD: 35973); REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. <i>(At the request of Barry Sanditen, Sanditen & Associates, Inc., on behalf of Boerne Medical Center, LTD)</i></p>
Contact Person	<p>Nathan Crane, AICP Planning Director (830) 248.1521 ext. 1105 ncrane@boerne-tx.gov</p>
Background Information	<p>PRIOR REVIEW:</p> <p>On December 10, 2024, the City Council received the recommendation from the Planning and Zoning Commission, held a public hearing and approved the first reading of the ordinance.</p> <p>BACKGROUND:</p> <p>Boerne Medical Center, LTD is the owner and Barry Sanditen, Sanditen & Associates, Inc., is the applicant.</p> <p>The property is designated as Transitional Residential on the Future Land Use Map.</p> <p>The property is zoned C-4 (Regional Commercial). It is also within the Scenic Interstate Corridor, Medium Elevation Area, Overlay District (IC).</p> <p>Regional Commercial (C4) is intended for commercial areas along Interstate 10, with high traffic levels, and the thoroughfare system can accommodate higher trip generation. It is intended for commercial uses</p>

serving the larger region, with larger building footprints and increased parking demand.

The purpose of the Scenic Interstate Corridor Overlay District is to preserve the natural landscape and the scenic hill country by minimizing the visual and environmental impact of auto-oriented development on the natural landscape.

The overlay district is divided into smaller areas based on elevation and existing conditions. This site is within the Medium Elevation subarea that comprises several riparian areas and Drainageway Protection Zones; however, there are no drainage way protection zones or floodplains on the site.

The overlay district and base zoning requirements combined result in the following standards:

- The maximum building height may be increased from 30 to 50 feet. Anything more than 40 feet requires increased minimum setbacks.
- Building setback of 50 feet from IH-10 right of way.
- Landscape buffer, outside of any easement, of at least 30 feet abutting IH-10.
- The minimum side and rear yard setback is 20 feet.
- A maximum impervious cover of 85%

REQUEST:

1. The applicant is requesting a special use permit for an indoor climate controlled 90,000 square foot mini warehouse. The property is 2.735 acres in size.
2. The building will include 565 individual units with on-site management and secure access The hours of operation are 8:00 am to 6:00 pm 7 days a week.
3. The site plan includes 13 parking spaces.
4. The proposed building is 36 feet in height.
5. The project faces several constraints, including a 10-ft utility easement as well as a variable drainage easement along Switchback Trail, and a required 30-ft landscaping buffer on the west side. These easements and buffers limit the buildable space on the 2.735-acre tract.

ANALYSIS:

The City Council must determine whether the proposed use meets the requirements of Section 2.5.D.4 of the UDC (Attachment 5) prior to making a recommendation on the Special Use Permit. The applicant bears the responsibility of demonstrating compliance. Below is a summary of staff analysis:

Compatibility and Consistency with Comprehensive Master Plan

- The property is designated as Transitional Residential in the Future Land Use Map. These areas are intended to provide a transition between lower density Neighborhood Residential and more intensive nonresidential uses.
- The Plan also encourages the promotion of economic development opportunities along the City’s arterial corridors and activity centers. These efforts aim to strengthen and diversify the City’s economic base, both in downtown and along major corridors like IH-10.
- While the proposed use is not consistent with the future land use map it is permitted in the C-4 Regional Commercial District subject to a special use permit.

Compatibility with Zoning District, and UDC

- The site faces IH-10 on the west, the property to the north is vacant and is zoned C-4, the property to the south is zoned R4-L which has been approved for a multi-family development, and the property to the east is a residential home but is not within the city limits.
- A minimum 30-foot landscape buffer has been provided along the IH-10 Frontage Road and a minimum 20’ landscape setback is provided along Switchback Trail. The use of these landscaped buffers and setbacks appears to mitigate impacts on neighboring properties.
- The site will be required to meet the current Dark Sky requirements which include a light level of less than one foot candle at all property lines and fully shielded lighting.

Access, Circulation, and Parking

- Access to the site will be provided via four entry points: one from the frontage road off Interstate Highway 10 W, two from

Switchback Trail, and an emergency access only to a future development to the south.

- Onsite access will be controlled through gated entry and security lighting, designed to comply with the Dark Sky Ordinance.
- Since the City's UDC does not specify parking requirements for mini warehouses, the applicant conducted a parking study to determine the typical number of spaces needed based on similar indoor storage facilities. The proposed parking layout provides 13 parking spaces, which is more than comparable facilities in the area.

Environmental Considerations

- The proposed development is expected to maintain approximately 48% impervious cover, below the maximum of 85% allowed by the UDC.
- A continuous landscape buffer covers at least 80% of the IH-10 frontage at a minimum depth of 30 feet. The plan includes a mix of new and existing trees, 4-ft and 3-ft shrubs, smaller shrubs, groundcovers, and Bermuda grass sod, providing full ground coverage and erosion control. This combination meets the visual standards for the corridor.
- Two existing trees are preserved within the buffer, and the planting design incorporates both understory trees and large shade trees to create a full screen that effectively conceals the buildings and parking areas.
- The landscaping plan complies with the Scenic Interstate Corridor Overlay District requirements.

Utilities and Drainage

- Water and wastewater service will be provided by the City of Boerne. The impact of the proposed use on water, wastewater, and public safety facilities is not an issue. The City will have the capacity to serve future demand.
- Utility service availability and location will be assessed, and any upgrades determined during the platting process and review of the construction plans.
- The site includes a variable width private drainage easement along Switchback Trail, as well as a 12,736 SF detention pond located at the north of the site to manage stormwater runoff. A

	<p>10 ft utility easement along Switchback Trail provides access for water, sewer, and electrical services.</p> <p>CONCLUSION:</p> <p>The request appears to meet the criteria required to grant a SUP listed in Section 2.5.D of the UDC.</p> <p>PLANNING AND ZONING COMMISSION:</p> <p>The Planning and Zoning Commission held a public hearing at their October 7th, 2024, meeting and voted 5-1 to recommend APPROVAL of the Special Use Permit.</p> <p>RECOMMENDATION:</p> <p>Based on the recommendation of the P&Z and the alignment with the criteria required to grant a SUP, staff recommends that the City Council accept the findings and APPROVE on second reading the Special Use Permit to allow a mini-warehouse facility within the C4 zoning district and Scenic Interstate Overlay District subject to the following stipulations:</p> <ol style="list-style-type: none"> 1. The development of the site shall conform to the site, elevation, landscape, photometric plans, and project narrative date stamped: December 4, 2024. 2. In accordance with Section 2.5.D.8, the Special Use Permit shall expire within one year from the date of approval if the use has not commenced. <p>MOTIONS FOR CONSIDERATION:</p> <p>The following motions are provided to assist the Council’s decision and motion.</p> <ul style="list-style-type: none"> - I move that the City Council accept the findings and APPROVE on second reading the special use permit subject to the two stipulations. - I move that the City Council DENY the special use permit based on the following findings: (The Council will need to state the reasons for the denial). 								
<p>Item Justification</p>	<table border="0"> <tr> <td><input checked="" type="checkbox"/> Legal/Regulatory Obligation</td> <td><input type="checkbox"/> Infrastructure Investment</td> </tr> <tr> <td><input type="checkbox"/> Reduce Costs</td> <td><input type="checkbox"/> Customer Pull</td> </tr> <tr> <td><input type="checkbox"/> Increase Revenue</td> <td><input checked="" type="checkbox"/> Service Enhancement</td> </tr> <tr> <td><input type="checkbox"/> Mitigate Risk</td> <td><input type="checkbox"/> Process Efficiency</td> </tr> </table>	<input checked="" type="checkbox"/> Legal/Regulatory Obligation	<input type="checkbox"/> Infrastructure Investment	<input type="checkbox"/> Reduce Costs	<input type="checkbox"/> Customer Pull	<input type="checkbox"/> Increase Revenue	<input checked="" type="checkbox"/> Service Enhancement	<input type="checkbox"/> Mitigate Risk	<input type="checkbox"/> Process Efficiency
<input checked="" type="checkbox"/> Legal/Regulatory Obligation	<input type="checkbox"/> Infrastructure Investment								
<input type="checkbox"/> Reduce Costs	<input type="checkbox"/> Customer Pull								
<input type="checkbox"/> Increase Revenue	<input checked="" type="checkbox"/> Service Enhancement								
<input type="checkbox"/> Mitigate Risk	<input type="checkbox"/> Process Efficiency								

	[] Master Plan Recommendation [] Other:
Strategic Alignment	B1 - Utilizing data to drive smart decision making B2 - Advancing master plan recommendations B3 - Providing streamlined and efficient processes:
Financial Considerations	N/A
Citizen Input/Board Review	A Boerne Neighborhood Discussion (BND) Meeting was held on August 20, 2024, to gather input from the community. No community members attended the meeting. Notice of the October 7, 2024 Planning & Zoning Commission meeting was posted in Boerne Star, and mail notifications were sent to the neighbors within 500 ft of the site. Seven written responses were received: five in favor, and three opposed (attached). Notice of the City Council public hearing was published in the Boerne Star on November 24, 2024. No comments were received.
Legal Review	This action is a statutory requirement for SUP approval.
Alternative Options	The Council may: approve; approve with conditions; approve in part; deny; or deny in part.
Supporting Documents	Ordinance No. 2024-26 Aerial Map Zoning Map Future Land Use Map Project Narrative Site Plan and Elevations Conceptual Landscape Plan Floor Plan Project Renderings Lighting Plan Parking Study UDC Sec. 2-5.D.4 Special Use Permit Approval Criteria Responses to Mailing of Notices

ORDINANCE NO. 2024-26

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BOERNE UNIFIED DEVELOPMENT CODE, BY AMENDING CHAPTER 3. ZONING, SECTION 3.2, ZONING MAP, GRANTING A SPECIAL USE PERMIT (SUP) TO ALLOW A MINI WAREHOUSE FACILITY IN THE C4 ZONING DISTRICT WITHIN THE SCENIC INTERSTATE OVERLAY DISTRICT GENERALLY LOCATED SOUTH EAST OF INTERSTATE 10 W AND N MAIN STREET (KAD: 35973); REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (At the request of Barry Sanditen, Sanditen & Associates, Inc., on behalf of Boerne Medical Center, LTD)

WHEREAS, under the authority of Chapter 211 of the Texas Local Government Code, the City of Boerne adopts regulations and establishes zoning to control the use of land within the corporate limits of the City; and

WHEREAS, it is the intent of the City Council of the City of Boerne to provide harmony between existing zoning districts and proposed land uses; and

WHEREAS, the subject property located Interstate 10 W and N Main Street is currently zoned an C4 Zoning District within the Scenic Interstate Overlay District; and

WHEREAS, the City has received an application for a special use permit, to allow a mini warehouse facility; and

WHEREAS, the Unified Development Code requires a Special Use Permit for an C4 Zoning District within the Scenic Interstate Overlay District; and

WHEREAS, the Planning and Zoning Commission recommended approval of the Special Use Permit by a vote of 5-1 with the following conditions: the use shall comply with the site plan, elevations, landscape, photometric plans, and project narrative date stamped December 4, 2024. 2. In accordance with Section 2.5.D.8, the Special Use Permit shall expire within one year from the date of approval if the use has not commenced; and

WHEREAS, the City Council of the City of Boerne has complied with all requirements of notice of public hearing and such hearing was held on December 10, 2024, at which time interested parties and citizens were given an opportunity to be heard; and

WHEREAS, the City Council finds the proposed special use complies with all applicable requirements and criteria of the Unified Development Code and with adopted plans and policies of the City and the application provides for mitigation of potential impact; and

WHEREAS, the City Council finds that this zoning amendment is designed to and does promote health and the general welfare of the citizens.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS:

Section 1.

The foregoing recitals are hereby made a part for all purposes as findings of fact.

Section 2.

That Chapter 3. Zoning, Section 3.2, Zoning Map, of the City of Boerne Unified Development Code is hereby amended by granting a special use permit to allow a mini warehouse facility in the C4 Zoning District within the Scenic Interstate Overlay District located South East of Interstate 10 W and N Main Street (KAD: 35973) with the following conditions: the use shall comply with the site plan, elevations, landscape, photometric plans, and project narrative date stamped December 4, 2024. 2. In accordance with Section 2.5.D.8, the Special Use Permit shall expire within one year from the date of approval if the use has not commenced; and.

Section 3.

That the Zoning Maps of the City of Boerne be amended to indicate the previously described change.



Section 4.

That all provisions of the Unified Development Code of the City of Boerne not herein amended or repealed shall remain in full force and effect.

Section 5.

That all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

Section 6.

That if any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

Section 7.

This ordinance will take effect upon the second and final reading of same.

PASSED AND APPROVED on this the first reading the 10 day of December, 2024.

PASSED, APPROVED AND ADOPTED on this the second reading the ___ day of January, 2025.

APPROVED:

ATTEST:

Mayor

City Secretary

APPROVED AS TO FORM:

City Attorney

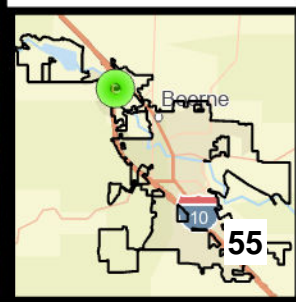


SUBJECT PROPERTY

Cibolo Vista Storage

Legend

-  Parcels
-  SUBJECT PROPERTY





SUBJECT PROPERTY
Cibolo Vista

Current Zoning
C4-SIC

Legend

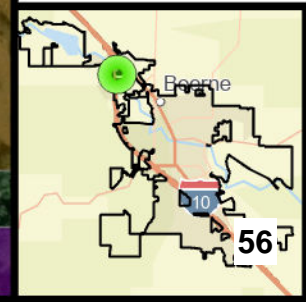
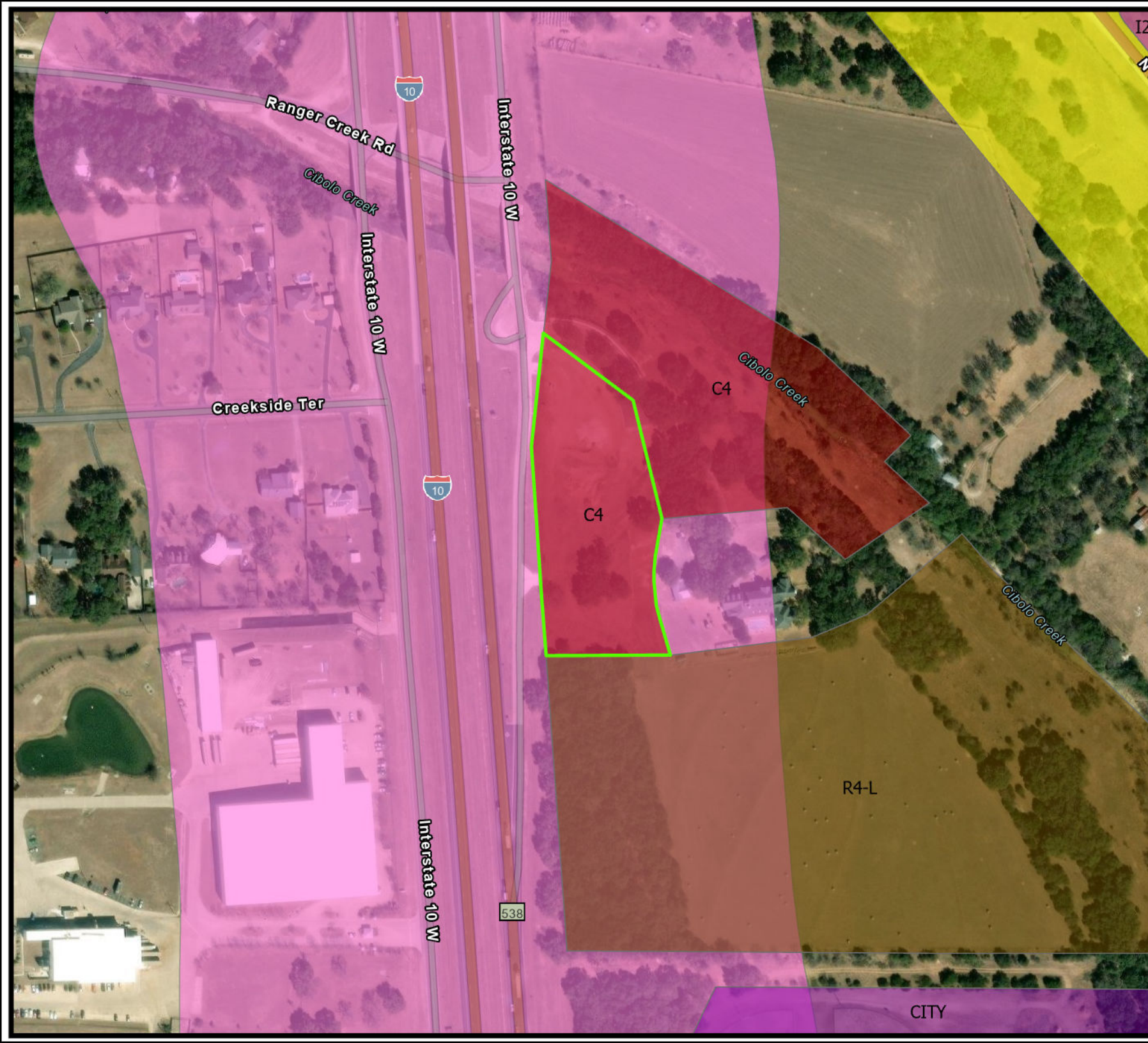
 SUBJECT PROPERTY

Boerne Zoning

-  C4
-  CITY
-  I2
-  R4-L

Overlay Districts

-  Entrance Corridor
-  Scenic Interstate Corridor



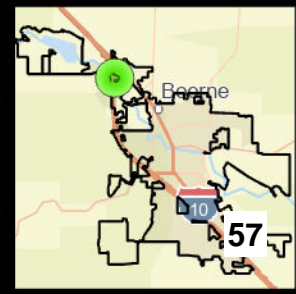
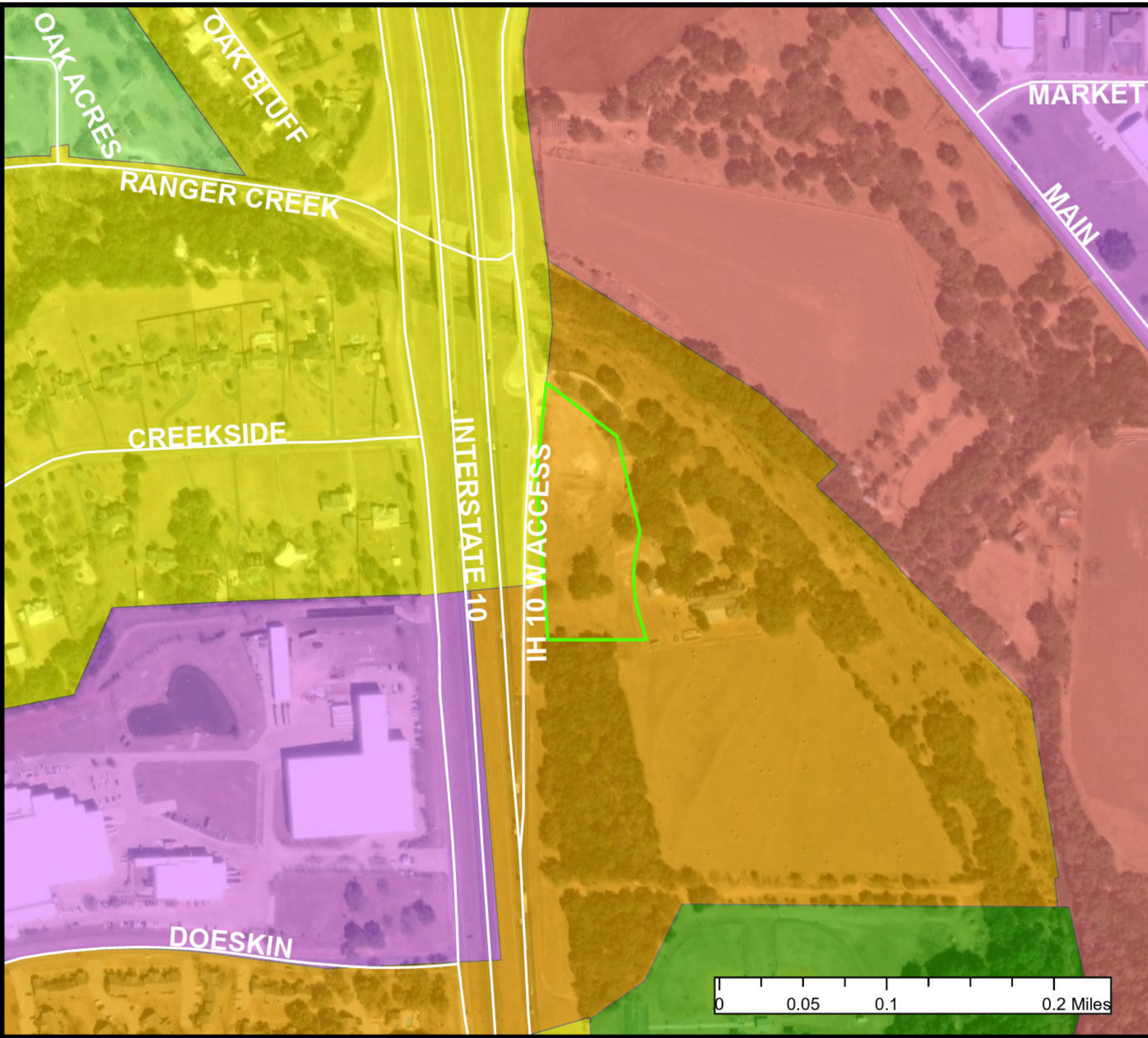


SUBJECT PROPERTY

Cibolo Vista Storage

Legend

- FLU
-  Auto-Oriented Commercial
 -  Business Park
 -  Neighborhood Residential
 -  Parks and Open Space
 -  Rural Estate
 -  Transitional Residential
 -  SUBJECT PROPERTY



Project Narrative



KILLEN, GRIFFIN
& FARRIMOND
ATTORNEYS AT LAW

ASHLEY FARRIMOND

210.641.5806
ashley@kgftx.com

August 5, 2024

City of Boerne
Planning Department
447 N. Main Street
Boerne, TX 78006

Re: Application for Special Use Permit for Approximately 2.735 Acres Generally Located Along Interstate 10, in the City of Boerne, Texas (a portion of KCAD Property ID No. 35973).

On behalf of the owner of the approximately 2.735-acre property generally located along Interstate 10 West, otherwise known as a portion of Kendall County Appraisal District Identification Number 35973 (“Property”), in the City of Boerne, Texas (“City”), Boerne Merical Center, Ltd. (“Property Owner”), and the applicant, Sanditen & Associates, Inc. (“Applicant”), we hereby respectfully request consideration by your department of a Specific Use Permit (“SUP”) for a self-storage/mini warehouse on a portion of the Property. The SUP request is further detailed in the attached application.

The Property is commercially zoned (“C-4”) and is to be developed as a portion of the Cibolo Vista project within the City. The Property Owner and Applicant desire to include a Class A storage facility with elevated landscaping, onsite management and offices within the building envelope on the Property as a part of the overall Cibolo Vista development. The Project will be three (3)-stories and fully climate controlled. We believe the proposed use is consistent and compatible with surrounding land uses, zoning, planning documents and the intent of the City’s Unified Development Code.

If you have any questions regarding this matter, please do not hesitate to email me at ashley@kgftx.com, or call me at (210) 960-2750. Thank you for your time and consideration.

Sincerely,

KILLEN, GRIFFIN & FARRIMOND, PLLC

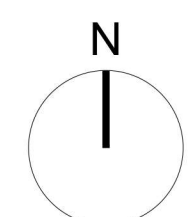
BY: 
Ashley Farrimond

Conceptual Site Plan & Elevations



SITE PLAN

SCALE: 1" = 50'-0"



10.03.2024

**I 10 BOERNE / CIBOLO VISTA
STORAGE**
SAN ANTONIO, TX

THIS DOCUMENT IS NOT FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION.

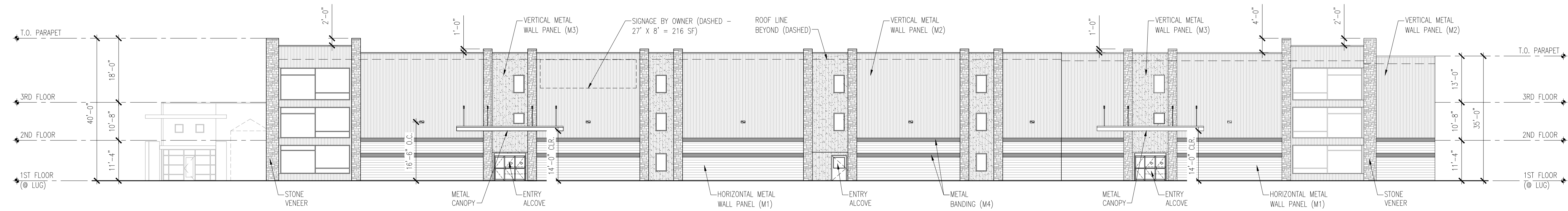
JEFFREY S. DALLENBACH, AIA
TX REGISTRATION NO. 15128

CONCEPTUAL SITE PLAN HAS BEEN DEVELOPED WITHOUT SURVEY, SETBACK, EASEMENT, OR CIVIL ENGINEERING INFORMATION.

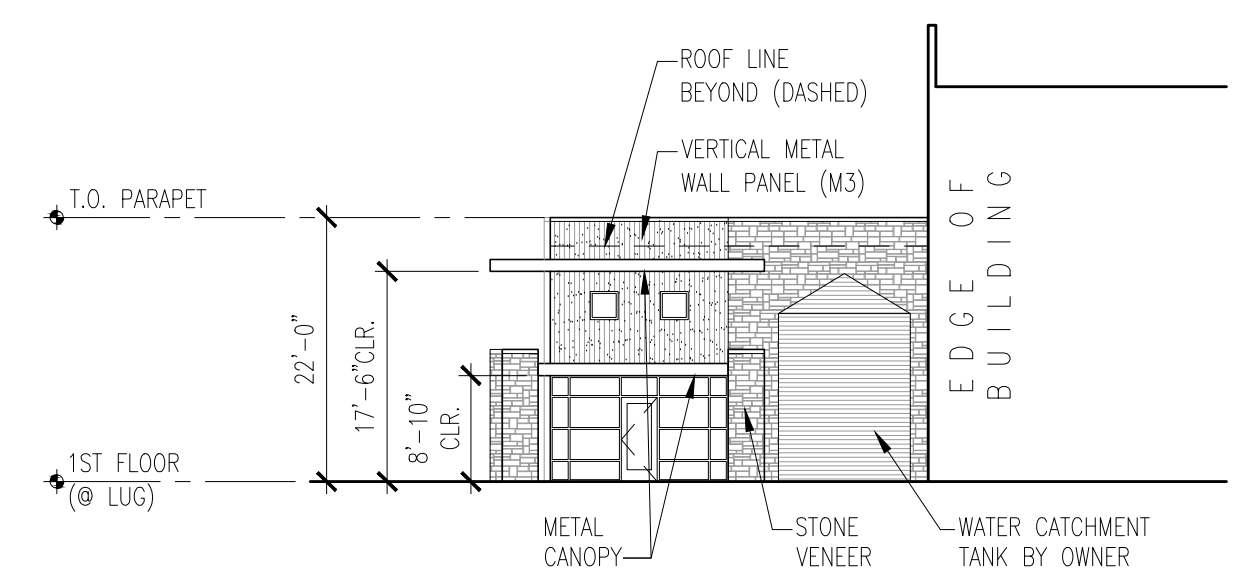
DCA 2337

DALLENBACH·COLE
ARCHITECTURE

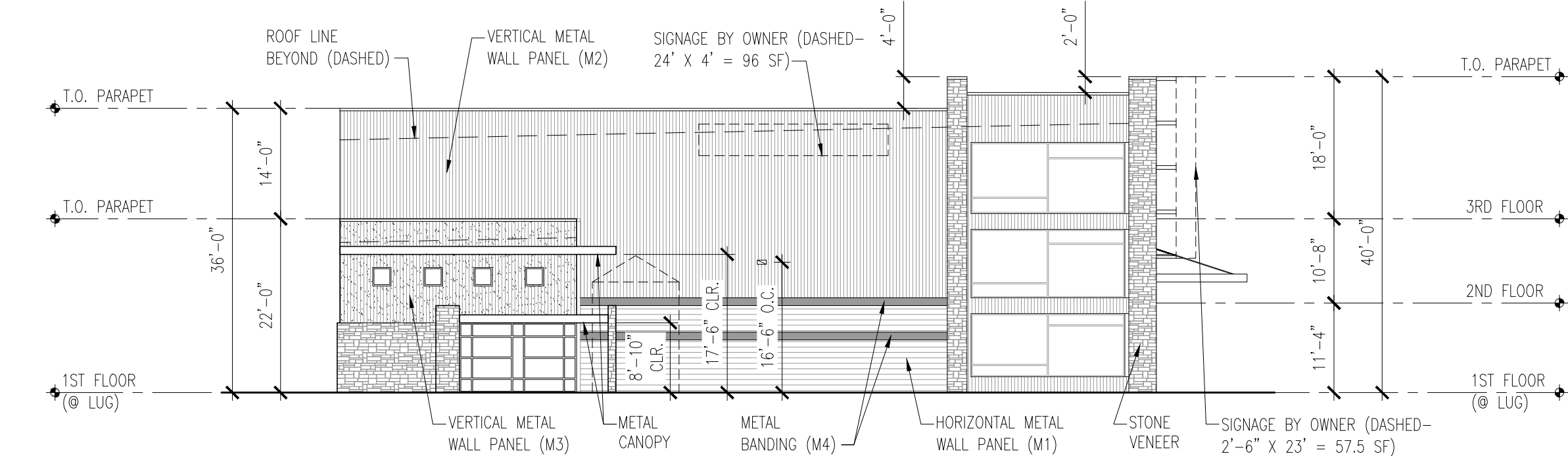
315 NINTH STREET - SUITE 1
SAN ANTONIO, TEXAS 78215
WWW.DALLENBACHCOLE.COM
P 210.493.2234



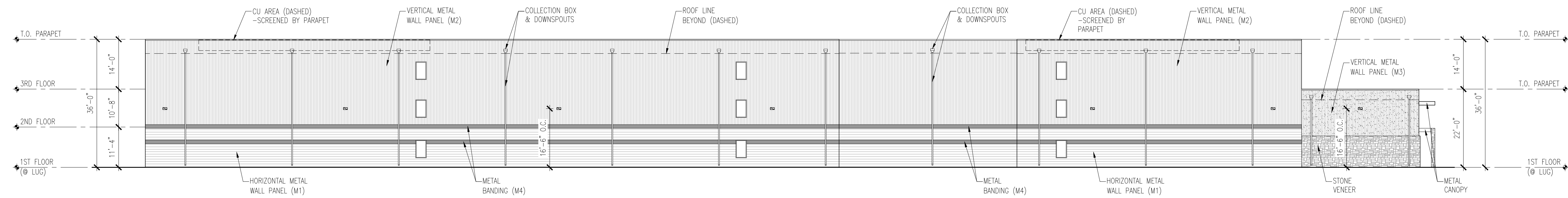
WEST ELEVATION



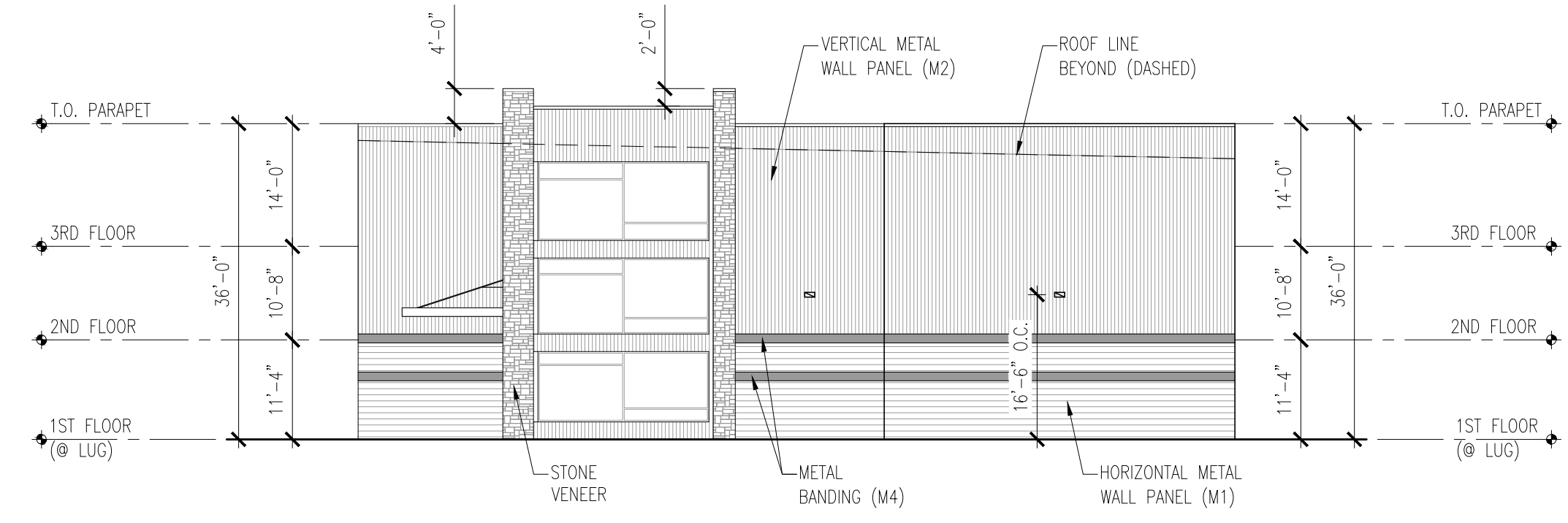
WEST ELEVATION



NORTH ELEVATION



EAST ELEVATION

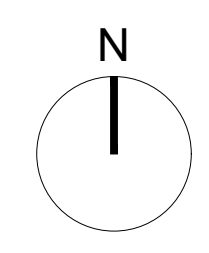


SOUTH ELEVATION

ELEVATION LEGEND	
[Pattern]	STONE VENEER
[Pattern]	HORIZONTAL METAL WALL PANEL (M1) 24 GA 7.2 WALL PANEL
[Pattern]	VERTICAL METAL WALL PANEL (M2) 24 GA PBD WALL PANEL
[Pattern]	VERTICAL METAL WALL PANEL (M3) 24 GA PBD WALL PANEL
[Pattern]	METAL BANDING (M4) 24 GA FLUSH PANEL

ELEVATIONS

SCALE: 1/16" = 1'-0"



10.29.2024

I 10 BOERNE / CIBOLO VISTA STORAGE

SAN ANTONIO, TX

THIS DOCUMENT IS NOT FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION.

JEFFREY S. DALLENBACH, AIA
TX REGISTRATION NO. 15128

CONCEPTUAL SITE PLAN HAS BEEN DEVELOPED WITHOUT SURVEY, SETBACK, EASEMENT, OR CIVIL ENGINEERING INFORMATION.

DCA 2337

DALLENBACH·COLE
ARCHITECTURE

315 NINTH STREET - SUITE 1
SAN ANTONIO, TEXAS 78215
WWW.DALLENBACHCOLE.COM
P 210.493.2234



WEST ELEVATION



WEST ELEVATION



NORTH ELEVATION



EAST ELEVATION

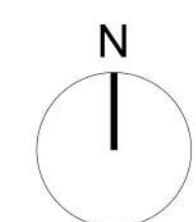


SOUTH ELEVATION

ELEVATION LEGEND	
	STONE VENEER
	HORIZONTAL METAL WALL PANEL (M1) 24 GA 7.2 WALL PANEL
	VERTICAL METAL WALL PANEL (M2) 24 GA PBD WALL PANEL
	VERTICAL METAL WALL PANEL (M3) 24 GA PBD WALL PANEL
	METAL BANDING (M4) 24 GA FLUSH PANEL

ELEVATIONS

SCALE: 1/16" = 1'-0"



10.29.2024

I 10 BOERNE / CIBOLO VISTA STORAGE

SAN ANTONIO, TX

THIS DOCUMENT IS NOT FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION.
JEFFREY S. DALLENBACH, AIA
TX REGISTRATION NO. 15128
CONCEPTUAL SITE PLAN HAS BEEN DEVELOPED WITHOUT SURVEY, SETBACK, EASEMENT, OR CIVIL ENGINEERING INFORMATION.
DCA 2337

DALLENBACH·COLE
ARCHITECTURE

315 NINTH STREET - SUITE 1
SAN ANTONIO, TEXAS 78215
WWW.DALLENBACHCOLE.COM
P 210.493.2234

Conceptual Landscape Plan



LANDSCAPE ARCHITECTURE
PLANNING
URBAN DESIGN
2722 W. BITTERS RD, STE #114
SAN ANTONIO, TX 78248
P: 210-908-6736
WWW.GOOPENAIR.COM

PROJECT:
I-10 BOERNE /
CIBOLO VISTA
STORAGE

LOCATION:
BOERNE, TEXAS

INTERIM REVIEW ONLY

Document Incomplete; Not intended for
permit, bidding or construction.
DATE: 10/02/2024
LANDSCAPE ARCHITECT:
MATTHEW MOCZYGENBA
REGISTRATION: 2484

PROJECT #: BSA20241
DESIGNED BY: ST
DRAWN BY: MK
REVIEWED BY: JS

ISSUED: OCT. 2, 2024

SHEET TITLE:
PLANTING
PLAN

SHEET NUMBER:
L1.01

BOERNE LANDSCAPE ORDINANCE

- STREET TREES (INDICATED WITH STR)**
Two (2), 2" caliper street trees required for every 100 l.f. of street frontage
Frontage Road
Total frontage = 697 l.f.
697 l.f./50 lf = 14 street trees required
Street trees provided = 14

Switchback Trail
Total frontage = 674 l.f.
674 l.f./50 lf = 13 street trees required
Street trees provided = 14
- SITE LANDSCAPE**
10% Total landscape area required
Total site = 119,087 s.f.
119,087 x 10% = 11,909 s.f. Required landscape area
Provided landscape area = 61,906 s.f. min.
- PARKING LOT TREES (INDICATED WITH PLS)**
One (1), 3" caliper tree required per every 12 surface parking spaces
Total surface parking spaces = 10 parking spaces
10/12 = 1 parking lot tree required
Provided trees = 1 3" caliper tree
- PARKING LOT SCREENING**
All parking areas along cross streets shall be screened from view from the public right of way.
- LANDSCAPE BUFFER**
A 30' wide landscape buffer, covering a minimum of 80% of the frontage, incorporating shade trees and other understory vegetation.
Total IH-10 frontage = 732 l.f.
732 x 80% = 586 l.f.
Total buffer provided = 683 l.f.

LEGEND

	EXISTING TREE TO BE PRESERVED. SEE TREE PRESERVATION PLANS
	LARGE NURSERY-GROWN, CONTAINERIZED TREES
	UNDERSTORY NURSERY-GROWN, CONTAINERIZED TREES
	4' MIN. HEIGHT SHRUB
	3' MIN. HEIGHT SHRUB
	SMALL/MEDIUM-SIZED SHRUBS/ GROUNDCOVERS/GRASSES
	TREE USED TO SATISFY STREET TREE REQUIREMENT
	TIFF 419 BERMUDA SOLID SOD

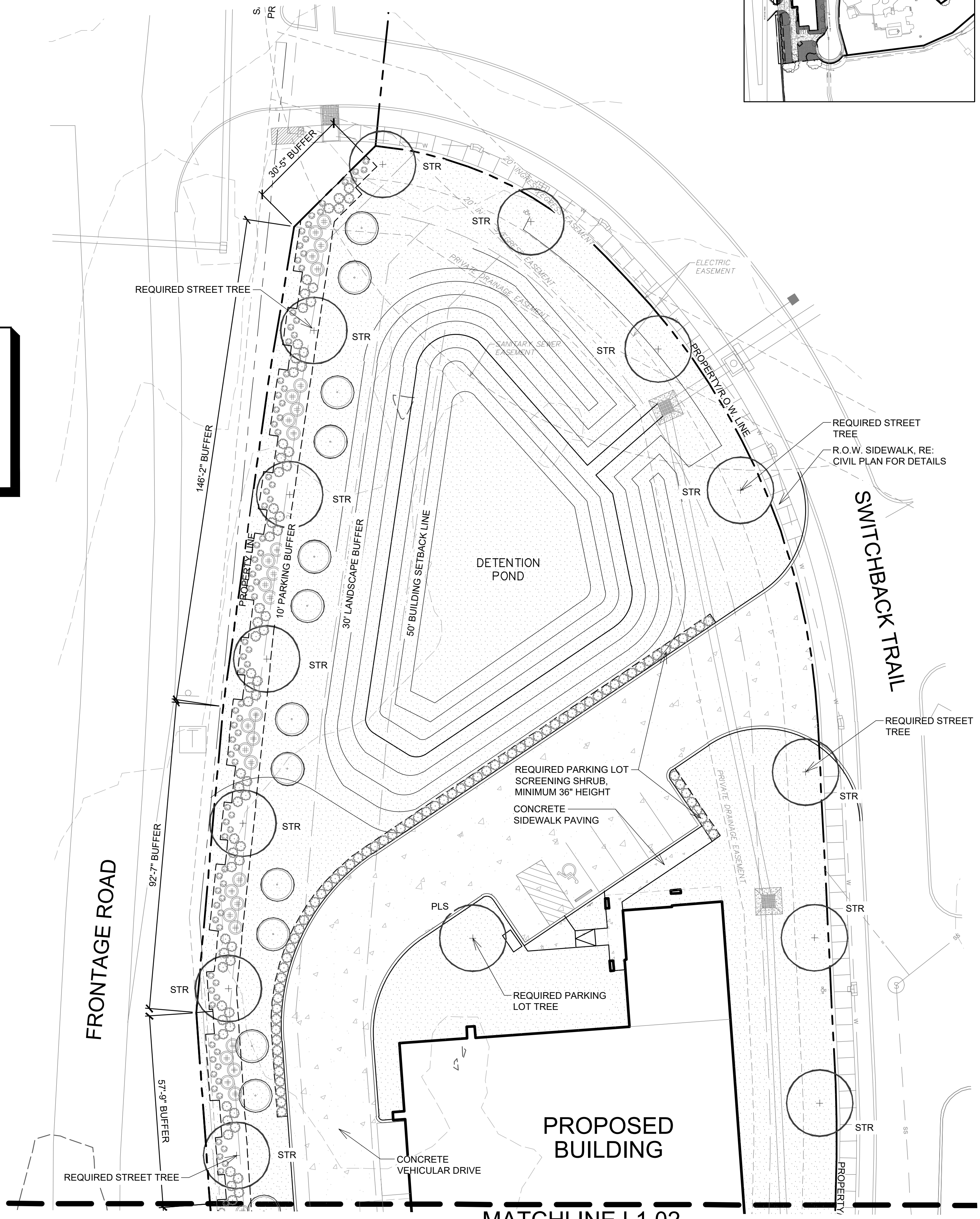
SITE PAVING LEGEND

	CONCRETE DRIVE, RE: CIVIL PLANS FOR DETAILS
	CONCRETE SIDEWALK, RE: CIVIL PLANS FOR DETAILS

NOTE:

- CONTRACTOR SHALL PROVIDE HYDROMULCH, 4" OF TOPSOIL, AND TEMPORARY IRRIGATION TO ALL DISTURBED AREAS BEYOND PROPERTY LINE UNTIL REVEGETATION IS ESTABLISHED.
- ALL PROPOSED LANDSCAPE SHALL BE IRRIGATED WITH AUTOMATIC SUB-SURFACE SYSTEM.
- ALL TREE/PLANT MATERIAL INSTALLED TO MEET CITY CODE REQUIREMENTS SHALL BE SELECTED FROM THE APPROVED CITY OF BOERNE PLANT LIST.

KEY MAP



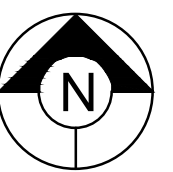
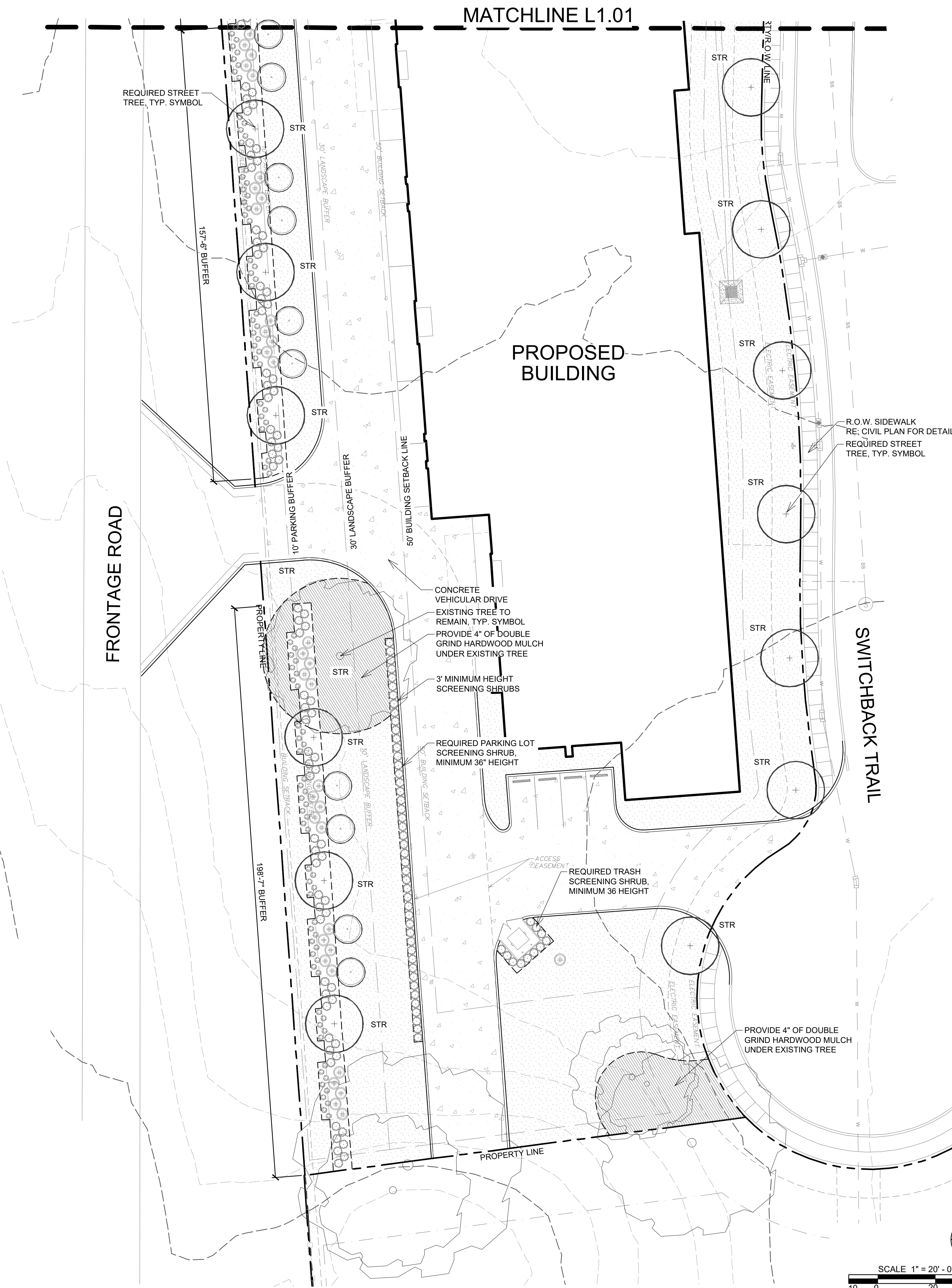
SCALE 1" = 20' - 0"



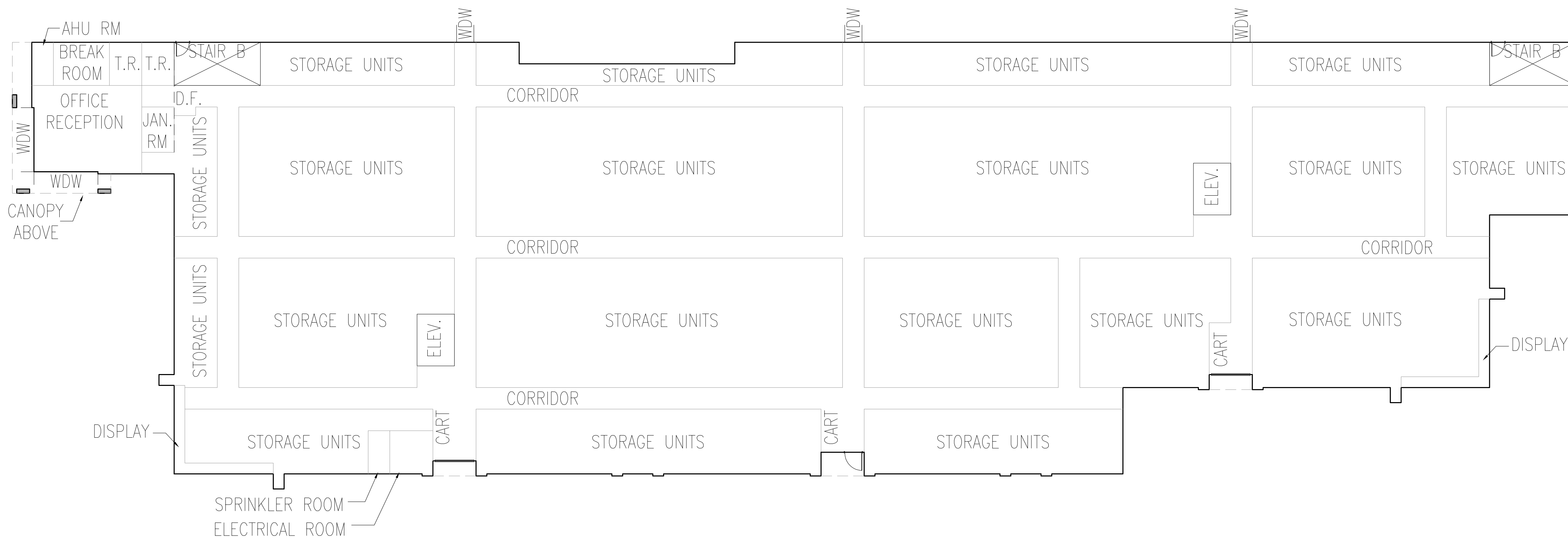
	EXISTING TREE TO BE PRESERVED. SEE TREE PRESERVATION PLANS
	LARGE NURSERY-GROWN, CONTAINERIZED TREES
	UNDERSTORY NURSERY-GROWN, CONTAINERIZED TREES
	4' MIN. HEIGHT SHRUB
	3' MIN. HEIGHT SHRUB
	SMALL/MEDIUM-SIZED SHRUBS/ GROUNDCOVERS/GRASSES
STR	TREE USED TO SATISFY STREET TREE REQUIREMENT
	TIFF 419 BERMUDA SOLID SOD

	CONCRETE DRIVE, RE: CIVIL PLANS FOR DETAILS
	CONCRETE SIDEWALK, RE: CIVIL PLANS FOR DETAILS

- NOTE:
1. CONTRACTOR SHALL PROVIDE HYDROMULCH, 4" OF TOPSOIL, AND TEMPORARY IRRIGATION TO ALL DISTURBED AREAS BEYOND PROPERTY LINE UNTIL REVEGETATION IS ESTABLISHED.
 2. ALL PROPOSED LANDSCAPE SHALL BE IRRIGATED WITH AUTOMATIC SUB-SURFACE SYSTEM.
 3. ALL TREE/PLANT MATERIAL INSTALLED TO MEET CITY CODE REQUIREMENTS SHALL BE SELECTED FROM THE APPROVED CITY OF BOERNE PLANT LIST.

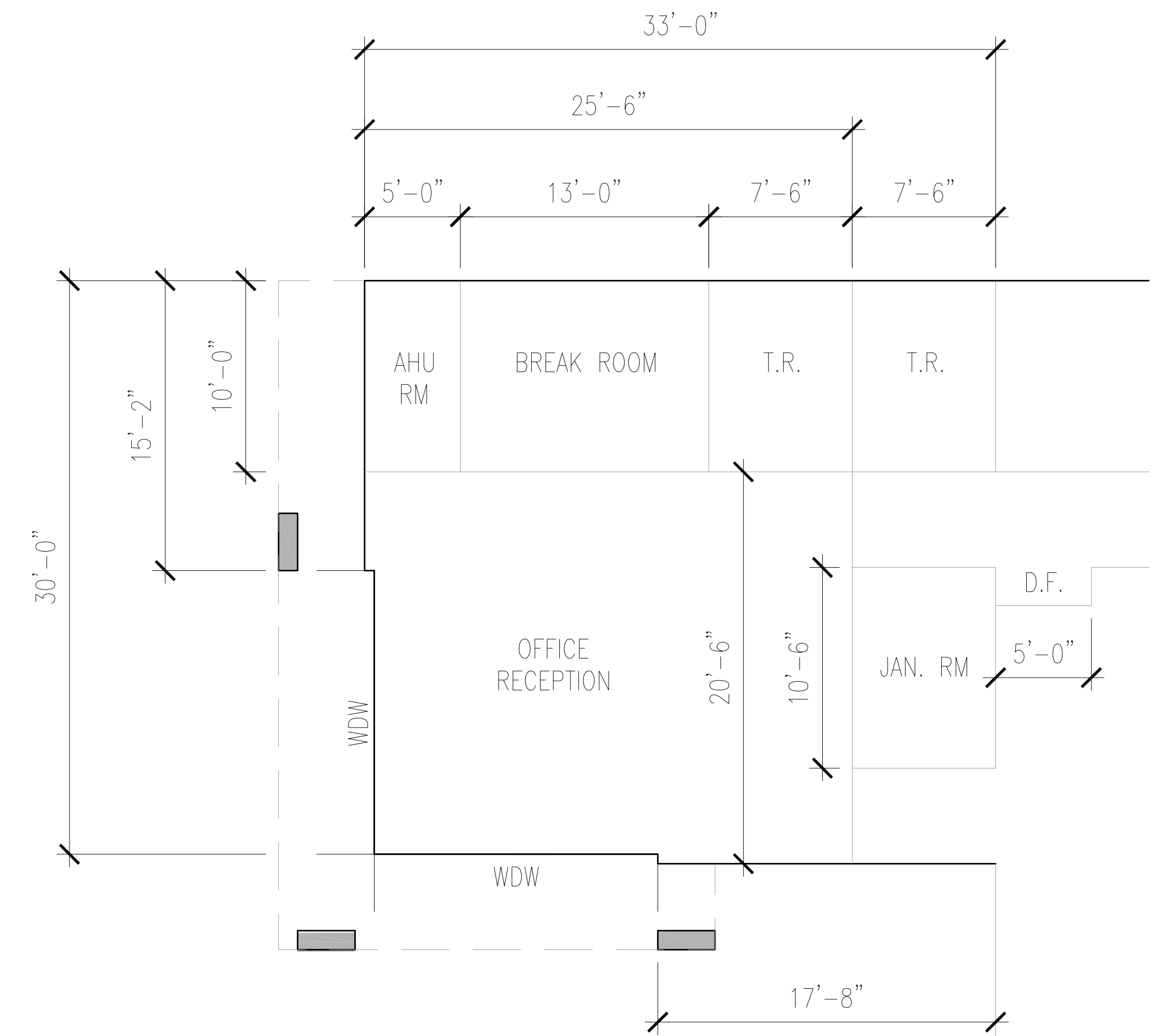


Floor Plan



FIRST FLOOR

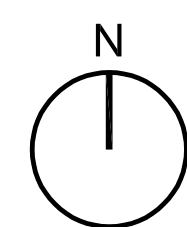
SCALE: 1' = 1/16"



ENLARGED OFFICE PLAN

SCALE: 1' = 3/16"

FLOOR PLAN



08.05.2024

I 10 BOERNE / CIBOLO VISTA STORAGE

SAN ANTONIO, TX

THIS DOCUMENT IS NOT FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION.
 JEFFREY S. DALLENBACH, AIA
 TX REGISTRATION NO. 15128
 CONCEPTUAL SITE PLAN HAS BEEN DEVELOPED WITHOUT SURVEY, SETBACK, EASEMENT, OR CIVIL ENGINEERING INFORMATION.
 DCA 2337

DALLENBACH·COLE
 ARCHITECTURE
 315 NINTH STREET - SUITE 1
 SAN ANTONIO, TEXAS 78215
 WWW.DALLENBACHCOLE.COM
 P 210.493.2234

Project Renderings



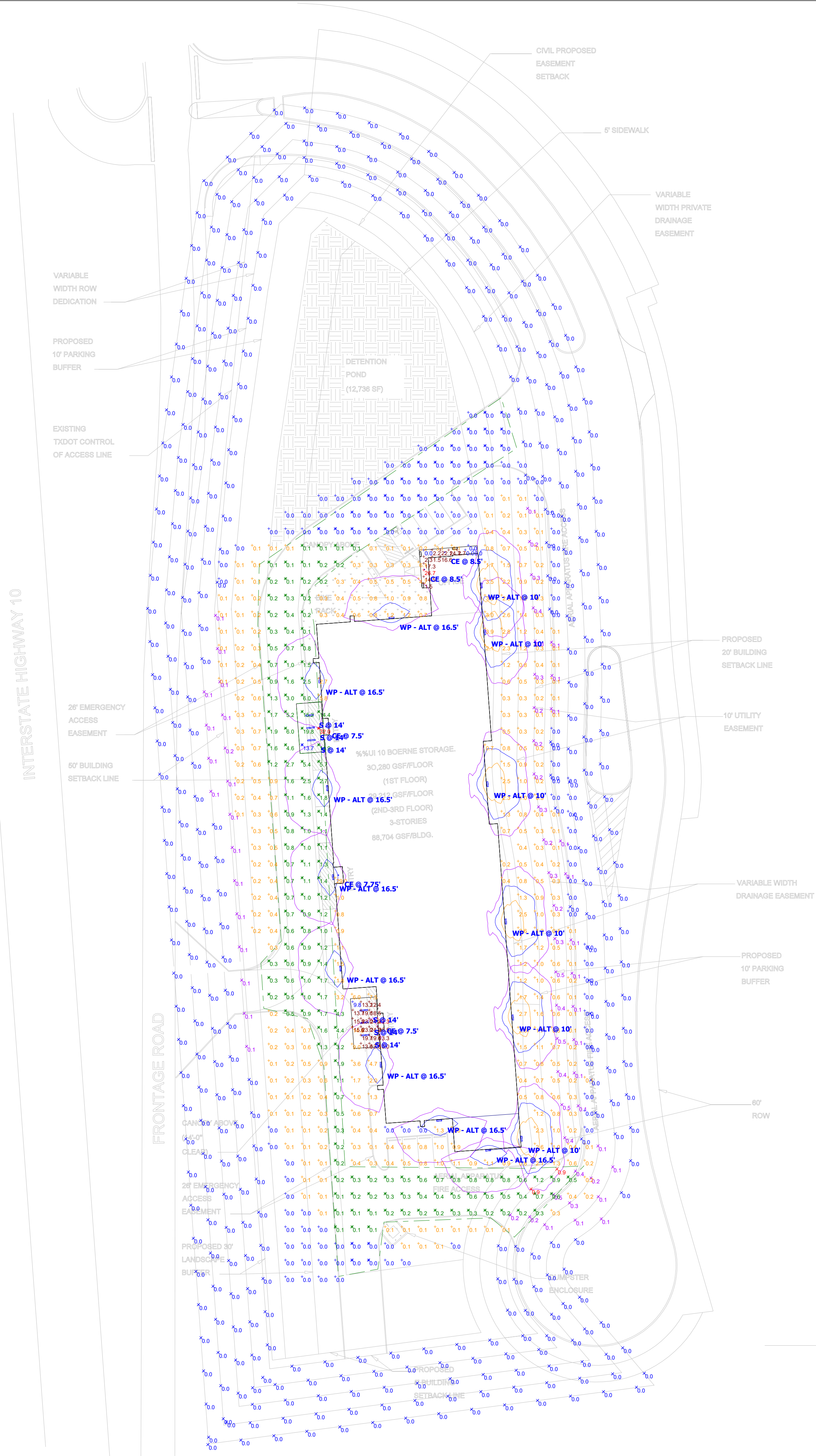


CIBOLO VISTA STORAGE FACILITY – STEETSCAPE PLANTING

Lighting Plan

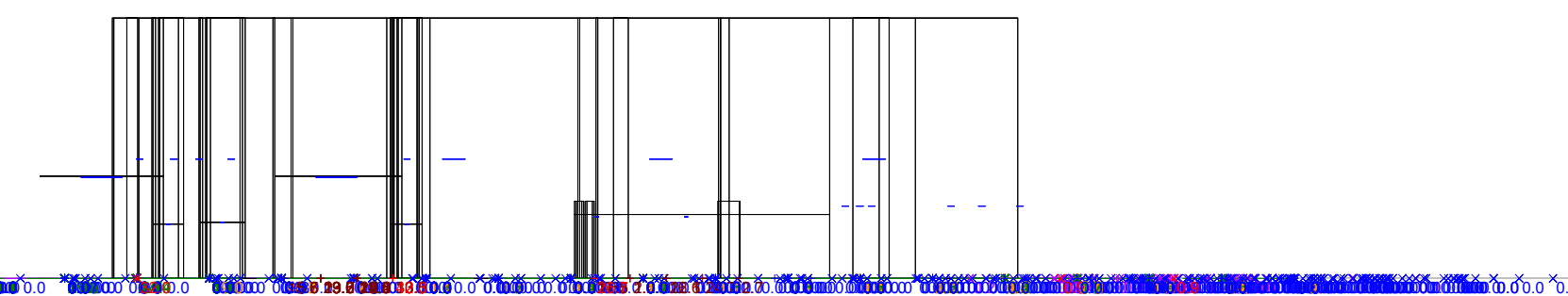
Statistics

Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Building Perimeter	+	0.9 fc	32.0 fc	0.0 fc	N/A	N/A
Drive	✖	1.3 fc	32.0 fc	0.0 fc	N/A	N/A
Norhtwest Canopy	+	9.4 fc	26.7 fc	0.0 fc	N/A	N/A
North West Canopy	✖	18.3 fc	32.0 fc	13.7 fc	2.3:1	1.3:1
Property Line	✖	0.0 fc	0.9 fc	0.0 fc	N/A	N/A
Southwest Canopy	+	18.9 fc	42.3 fc	9.8 fc	4.3:1	1.9:1



SCHEDULE - NOT FOR USE IN CONSTRUCTION DOCUMENTS

Symbol	Label	Quantity	Manufacturer	Catalog Number	Description	Lamp	Number Lamps	Filename	Lumens Per Lamp	Light Loss Factor	Wattage	Distribution
WP - ALT	WP - ALT	14	Lithonia Lighting	DSXW1 LED 20C 350 40K T3M MVOLT	DSXW1 LED WITH (2) 10 LED LIGHT ENGINES, TYPE T3M OPTIC, 4000K, @ 350mA.		1	DSXW1_LED_20C_350_40K_T3M_MVOLT.ies	2965	0.95	23.3	TYPE IV, MEDIUM, BUG RATING: B1 - U0 - G1
CE	CE	5	Lithonia Lighting	LDN6 40/25 L06AR LD	6IN LDN, 4000K, 2500LM, CLEAR, MATTE DIFFUSE REFLECTOR, CRI80		1	LDN6_40_25_L06AR_LD.ies	2244	0.95	28.25	DIRECT, SC-0=1.02, SC-90=1.03
S	S	6	Lithonia Lighting	VAP 8000LM FST WD 40K 80CRI	VAP LED with BLT Gen 2 Boards		1	VAP_8000LM_FST_WD_40K_80CRI.ies	7406	0.95	66.86	DIRECT, SC-0=1.22, SC-90=1.32



Note
 1. ALL EXTERIOR CALCULATIONS ARE ASSUMED ON EVEN OR FLAT TERRAIN.
 2. ALL EXTERIOR CALCULATIONS ARE TAKEN AT 0'-0" AFG.
 3. VALUE NEXT TO LUMINAIRE LABEL DRAWING REPRESENTS OVERALL MOUNTING HEIGHT.

This document was prepared to convey a concept and not a detail working system. Spectrum Lighting San Antonio LLC makes no representation, express or implied, with respect to the use of the information conveyed in this document, regardless of its format or the means of its distribution. Any specific information regarding the installation must be provided by the manufacturer of the equipment. There is no guarantee or representation to the user as to the accuracy, currency, suitability, or reliability of this document for any purpose.

The fixture schedule above does not contain the complete fixture nomenclature required for construction or bidding purposes. The fixture nomenclature listed in the photometric file of the base fixture.

Please contact Spectrum Lighting San Antonio for a complete fixture schedule.

Parking Memorandum

MEMO

TO: Jo-Anmarie Andrade
City of Boerne Planning Dept.

DATE: 10/3/2024

FROM: Matthew Cushman, P.E.

PROJECT NO.: 13094-00

RE: Cibolo Vista I-10 Storage
Special Use Permit (SUP) Mini-Warehouse
Parking Study Memo

The Cibolo Vista I-10 Storage project is comprised of a 2.735-acre tract along the WB IH-10 Frontage Road in the City of Boerne. The proposed development includes the construction of an approximate 90,000 square foot three-story climatized indoor storage facility. The proposed surface parking for the development shall include no less than five (5) regular parking stalls and one (1) van accessible space with a striped loading zone. All parking stalls are dimensioned in accordance with City of Boerne and ADA requirements.

The property is zoned for commercial use (C4) and the City of Boerne UDC includes Mini-Warehouse as allowed with an approved SUP. There is no designated minimum parking space requirement for Mini-Warehouse use in UDC Section 5-6(B)(6). This memorandum serves to document a typical minimum number of parking spaces for other existing indoor storage facilities in the surrounding area to support the SUP site plan.

Please reference the following limited site summary:

Site	Stor Self Storage
Address	28208 IH-10 W Fair Oaks Ranch, TX 78006
Parking Count	8 Spaces (1 ADA)



MEMO

Cibolo Vista I-10 Storage
Special Use Permit (SUP) Mini-Warehouse
10/3/2024
Page 2 of 4

Site	Stor Self Storage
Address	24171 Boerne Stage Road San Antonio, TX 78255
Parking Count	6 Spaces (1 ADA)



Site	Public Storage
Address	8123 W Hausman Road San Antonio, TX 78249
Parking Count	8 Spaces (1 ADA)



MEMO

Cibolo Vista I-10 Storage
Special Use Permit (SUP) Mini-Warehouse
10/3/2024
Page 3 of 4

Site	Public Storage
Address	12214 Starcrest Drive San Antonio, TX 78216
Parking Count	7 Spaces (1 ADA)





Site	CubeSmart Self Storage
Address	Hardy Oak Blvd San Antonio, TX 78258
Parking Count	6 Spaces (1 ADA)



MEMO

Cibolo Vista I-10 Storage
Special Use Permit (SUP) Mini-Warehouse
10/3/2024
Page 4 of 4

Site	CubeSmart Self Storage
Address	16227 Vance Jackson Road San Antonio, TX 78257
Parking Count	6 Spaces (1 ADA)



In my professional opinion, the proposed minimum of six (6) parking stall count included with this SUP is typical for other similar climatized self-storage developments and remains in harmony with the spirit and intent of the City of Boerne UDC. If you have any questions or require additional information, please do not hesitate to contact our office at your earliest convenience.

END OF MEMO

P:\130\94\00\Word\Memos\241003 - Cibolo Vista Storage SUP Parking Memo - Rev1.docx

D. SPECIAL USE PERMITS

1. Purpose and Applicability

A Special Use Permit (SUP) allows for certain uses that are not permitted in a particular base zoning category by right, but which may be permitted under certain circumstances and application of certain conditions. SUPs require individual, discretionary review of location, design, configuration and operation in order to demonstrate compatibility with neighboring uses, adequate mitigation or resolution of negative impact, consistency with the Comprehensive Master Plan, and adequate offsets of any disproportionate burden upon the public infrastructure systems of the City.

2. Special Use Permits

An owner of real property, or that owner's authorized representative, may initiate a SUP for that property by filing an application with the Planning Department. The SUP request may, upon owner's discretion, be included as a part of an overall zoning or rezoning application, provided that all of the requirements of this Chapter are met. SUPs will be processed and considered in accordance with the procedures described in Section 2.6.

3. Pre-Application Meeting

The owner or owner's authorized representative shall meet with the Planning Director or designated staff prior to submittal of the SUP application. At this pre-submittal meeting, the owner will present a preliminary, non-binding plan (conceptual or sketch plan) to the Planning Director, for discussion purposes only. The official will provide the owner or owner's authorized representative with a checklist of submittal requirements for the SUP application, including impact mitigation factors that should be addressed. The particular requirements for impact mitigation will depend on the special use being proposed, the scale of the project, and the location of the property in question. Staff may make recommendations for the presented plan based on similar projects submitted for consideration by the Commission.

a. Application Contents

- i. General Content Required for All Zoning Applications
- ii. The SUP application shall be organized into the sections defined for all zoning applications. Project Checklist, provided at the pre-application meeting, shall be included
- iii. Letter of Justification
The applicant shall include in the SUP Application, in accordance with the SUP Application Checklist, a Letter of Justification that describes the proposed project. The letter should be a summary of application content, and should include, at a minimum:
 - (a) Project owner and/or developer
 - (b) Project description
 - (c) Benefits of the proposed project to neighboring properties and to the community at large
 - (d) Description of consistency with the Comprehensive Master Plan
 - (e) Description of consistency with the other Comprehensive Master Plans of the City, including thoroughfares, utilities, parks and economic development
 - (f) Measures taken to ensure compatibility of the proposed project with surrounding (existing) uses

b. Development Impact

- i. Each SUP application shall also include information indicating how potential impacts of the requested special use will be addressed, according to the particular land use district in which the property is located, in order to promote the character, intent and right of use of neighboring properties. These potential impacts will be identified during the pre-submittal meeting and provided as a part of the checklist of application requirements and will be included in the application. For more information, see the SUP Application Checklist.
- ii. The potential impacts of special use projects on neighboring properties will be selected from the list of factors below and identified on the submittal checklist that the applicant receives from the City at the pre-submittal conference. It is the property owner's responsibility to demonstrate adequate treatment of these issues either through design or operation of the proposed special use. Council reserves the right to accept, reject, or require modification to any measures proposed in the application.
 - (a) Community safety;
 - (b) Traffic;
 - (c) Parking;
 - (d) Loading;

- (e) Driveways;
- (f) Building setbacks;
- (g) Access and curb cuts;
- (h) Development density (may include footprint, height, people dwelling onsite, or other factors);
- (i) Hours of operation;
- (j) Property values;
- (k) Viewshed protection;
- (l) Impervious cover;
- (m) Noise;
- (n) Light;
- (o) Vibration;
- (p) Hazardous or flammable materials;
- (q) Special solid waste disposal requirements;
- (r) Discharge/water contamination; and
- (s) Other

c. Application copies

The application package shall be submitted digitally. A paper copy of the document will also be required when certified documents are included. The application check list will indicate the number of paper copies required.

4. Criteria for Approval

a. Planning and Zoning Commission may recommend, and City Council may approve the application for a Special Use Permit if:

- i. the proposed special use is determined to comply with the intent of all applicable requirements of the Code and with adopted plans and policies of the City;
- ii. the application demonstrates mitigation of potential impacts; and
- iii. the following general criteria are met:
 - (a) The use complies with the purpose and intent of the zoning classification of the property, as well as any applicable supplemental regulations as required by Council.
 - (b) The use is consistent with the Comprehensive Master Plan.
 - (c) The establishment, maintenance, or operation of the proposed use shall not endanger or be detrimental to the public health, safety, morals, comfort, or general welfare of the community.
 - (d) The use shall have no more adverse effects on health, safety, or comfort of persons living or working in neighboring properties or shall be no more injurious to neighboring properties than would any other use generally permitted under the same categorical zoning designation.
 - (e) The use will not result in traffic volumes or circulation patterns that negatively affect streets and intersections likely to be used by traffic to and from the proposed development without approved mitigation of impact;
 - (f) The proposed use shall not injure the use and enjoyment of the property in the immediate vicinity for the purposes already permitted nor substantially diminish or impair the property values within the neighborhood.
 - (g) The proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted therein.
 - (h) The use will not create detrimental operational impacts, through hours of operation, management of traffic, servicing and loading operations, and any on-site operations associated with the ongoing functions of the use on the site, on neighboring properties.
 - (i) The use will not create detrimental health and safety impacts, such as noise, emissions, or vibrations, through functions within the proposed site.
 - (j) The use will not create detrimental impacts on the potential for future development of neighboring properties; and
 - (k) The public interest and welfare supporting the use shall be sufficient to outweigh the individual interests that are adversely affected by the establishment of the proposed use.

5. Public Hearings and Decisions

- a. The Planning and Zoning Commission and the City Council shall hear applications for Special Use Permits.
- b. Public hearings shall be held for applications for Special Use Permits.
- c. Notice of Public Hearings
Notice required for a public hearing before the Planning and Zoning Commission or the City Council shall be in accordance with the requirements for public notice established by this Chapter.

- d. Hearing and Recommendation by the Planning and Zoning Commission
The Planning and Zoning Commission shall hold a public hearing on the Special Use Permit application at the next meeting following notification requirements as stated in this Code. After the public hearing, the Commission shall recommend to approve, approve with conditions, approve in part, deny or deny in part the application. Where the Commission fails to render its decision at the required public hearing, the decision shall be deemed to have been rendered as a recommendation for denial of the applicant, unless the applicant has agreed in writing or on the record to an extension of time.

- e. Negative Recommendation of Planning and Zoning Commission

If the Planning and Zoning Commission recommends denial of a Special Use Permit application, the permit application shall require approval by a super majority vote by City Council.

- f. Hearing and Action by City Council

City Council shall hold a public hearing on the Special Use Permit application within forty-five (45) days of the Planning and Zoning Commission's action on the application. After the public hearing, Council shall act to approve, approve with conditions, approve in part, deny or deny in part the application, within forty-five (45) days of the council hearing, or the next scheduled meeting in which public notice can be made. In taking action, the City Council shall consider the criteria for approving a Special Use Permit. Where Council fails to render its decision within the period specified by this subsection, or fails to hold the required public hearing within forty-five (45) days from the date of the decision of the Planning and Zoning Commission, the decision shall be deemed to have been rendered in denial of the applicant, unless the applicant has agreed in writing or on the record to an extension of time. When a decision is rendered in denial of the applicant because of the failure of Council to meet or render a decision as hereinabove provided, the Planning Director shall give public notice of said decision within ten (10) days of expiration of the forty-five (45) days following the council hearing.

- g. Requirements for Approval by Three-fourths Vote

The affirmative vote of three-fourths of the members of the City Council is required for approval of a proposed Special Use Permit if:

- i. The proposed Special Use is protested in writing by the owners of at least 20% of the area of land that is either included in the proposed zoning classification or at least twenty percent (20%) of the area of land immediately adjoining the area included in the proposed zoning classification and extending 200 feet from that area. In computing the percentage of land area, the area of streets and alleys shall not be included in the computation.
- ii. Written protests must be received by the City Manager no later than 12:00 p.m. of the previous business day prior to the posted date and time for the zoning hearing on the city council's agenda.

- iii. If the written protests appear to be at least twenty percent (20%) of either the area of the lots or land covered by the proposed change or the area of the lots or land immediately adjoining the area covered by the proposed change and extending two hundred (200) feet there from, the applicant shall be entitled to, but is not required to, request a continuance if all members of the City Council are not present.

6. Subsequent Applications

- a. When an application has been withdrawn

An application for a SUP may be withdrawn at any time. If the application has been advertised in compliance with State Law, an application requesting substantially the same use on all or part of the same described land shall not be reconsidered within three months of withdrawal.

- b. When an application has been denied

In the event that the City Council denies an application for a Special Use Permit, a similar application shall not be refiled within one year from the date of the denial, unless the Planning and Zoning Commission, upon petition by the applicant, determines that significant physical, economic or land use changes have taken place within the immediate vicinity, or a significant zoning regulation text change has been adopted, or when the reapplication is for a different use than the original request. The applicant shall submit a statement in detail setting out those changes which he or she deems significant and upon which he or she relies for refiled the application.

7. Scope of Approval

- a. Once a SUP has been granted, the approved use may only be enlarged, extended, increased in intensity or relocated under the conditions of a major or minor amendment, unless, in approving the initial application for a SUP the City specifically established an alternative procedure for future expansion or enlargement. The provisions for nonconforming uses and vested rights do not supersede this requirement, unless the specially permitted use is no longer a use permitted by right or as a special use in the assigned zoning category.
- b. The terms of approval shall be set by City Council. Special Use Permits are granted to the property, and not to the landowner. Therefore, the Permit shall be transferable upon sale.

8. Expiration of Approval of Special Use Permits

- a. A Special Use Permit shall automatically lapse and become null and void if:
 - i. the applicant fails to satisfy any condition that was imposed as part of the approval of the SUP or that was made under the terms of any development agreement, within the time limits established for satisfaction of such condition or term;
 - ii. the applicant fails to submit a subsequent development application required by the Code within the time so required. If no time limit for satisfaction of conditions is specified in the decision on the development application, the time shall be presumed to be one year from the date the decision was made;
 - iii. the Special Use involves physical improvements that have not been substantially initiated within one (1) year of the date of approval or authorization approval of the SUP;
 - iv. after starting construction, the construction is discontinued for a period of one (1) year or more; or
 - v. No physical improvements are made, and a Certificate of Occupancy is not issued for the Special Use within two (2) years of the date of approval or authorization.
- b. Effect of Expiration

- i. No Certificate of Occupancy shall be issued after approval lapses unless the approval or authorization is renewed.
- ii. No physical improvements shall be made after approval lapses unless the approval or authorization is renewed.
- iii. Upon the expiration of a SUP, all previously approved permits for the same land also shall expire on the expiration date if (1) the expired permit is subordinate to such previously approved permits and (2) the filing of an application for or approval of the expired permit was required to avoid expiration for the previously approved permit or permits. Thereafter, a new application for each permit deemed expired under this Section must be approved subject to regulations in effect at the time the new application is accepted for filing.

c. Renewal after lapse

The City Council may renew its approval of a SUP for which approval has lapsed, provided that no more than one (1) year has elapsed since the date of expiration of the original approval or, in the case of discontinuance of work, since the date of discontinuance. Renewal shall require formal action, but it shall not require public notice or hearings. Renewal shall have the same effect as the original approval. If no renewal is granted with the one-year period allowed for renewals, the original approval shall be void and no further effect. Occupancy Permits shall be automatically renewed coincidentally with and for the same time periods and limitations as prescribed for SUP renewals.

9. Minor SUP Amendments

A SUP amendment is a request for any enlargement, expansion, increases in intensity, relocation, or modification of any condition of a previously approved and currently valid SUP. Amendments shall be processed as follows: shifts in on-site location and changes in size, shape, intensity, or configuration of less than 5 percent, or a 5 percent or less increase in either impervious surface or floor area over what was originally approved, may be authorized by the Planning Director, provided that such minor changes comply with the following criteria:

- i. No previous minor modification has been granted pursuant to this section;
- ii. There will be no detrimental impact on any adjacent property caused by significant change in the appearance or use of the property or any other contributing factor;
- iii. Nothing in the currently valid SUP precludes or otherwise limits such expansion or enlargement; and
- iv. The proposal conforms to all applicable requirements of Title XV and is in keeping with the spirit and intent of the Comprehensive Master Plan.

10. Major SUP Amendments

All amendments, other than those amendments provided for in this Section, shall be considered major SUP amendments and shall require approval in the same manner and under the same procedures as are applicable to the issuance of the original SUP approval.



Notice of Planning and Zoning Commission Public Hearing

Case Manager: JoAnmarie Andrade

Phone: 830-816-2040

Email: jandrade@boerne-tx.gov

The City of Boerne has received an application described below, and you are encouraged to attend the public hearing as an interested party. You will have the opportunity to express your opinion either in support or opposition to the request by mailing the response portion of this notice or by emailing the case manager listed above. Please contact the case manager if you have questions or need further information. Your participation in this process is encouraged. You may watch the proceedings of this meeting by visiting the City's official webpage.

Meeting Location: **Boerne City Hall - City Council Chambers**
447 North Main Street
Boerne, TX – 78006

Date and Time: **Monday, October 7, 2024**
6:00 p.m.

Proposal: **A request for a Special Use Permit (SUP) to allow a mini warehouse facility in the C4 Zoning District within the Scenic Interstate Overlay District generally located south east of Interstate 10 W and N Main Street (KAD: 35973).**

Authorized Agent: Barry Sanditen, Sanditen & Associates, Inc., on behalf of Boerne Medical Center, LTD

CASE: SUP – Mini Warehouse Facility (JA)
PZ – October 7, 2024

Please return this notice whether or not you plan to attend the hearing. For further information, please call 830-248-1501.

Name: MARIAM L. ARCHER - Three Sisters Land Co.

Address: _____
 In Favor Oppose

Reason: _____

INTEGRITY • COLLABORATION • RESPECT • SERVICE • EXCELLENCE

Planning Department: 447 N. Main St. | Boerne, TX 78006

Phone: (830) 816-2040 Email: iandrade@boerne-tx.gov



Notice of Planning and Zoning Commission Public Hearing

Case Manager: JoAnmarie Andrade

☎: 830-816-2040

Email: jandrade@boerne-tx.gov

The City of Boerne has received an application described below, and you are encouraged to attend the public hearing as an interested party. You will have the opportunity to express your opinion either in support or opposition to the request by mailing the response portion of this notice or by emailing the case manager listed above. Please contact the case manager if you have questions or need further information. Your participation in this process is encouraged. You may watch the proceedings of this meeting by visiting the City's official webpage.

**Meeting Location: Boerne City Hall - City Council Chambers
447 North Main Street
Boerne, TX – 78006**

**Date and Time: Monday, October 7, 2024
6:00 p.m.**

Proposal: A request for a Special Use Permit (SUP) to allow a mini warehouse facility in the C4 Zoning District within the Scenic Interstate Overlay District generally located south east of Interstate 10 W and N Main Street (KAD: 35973).

Authorized Agent: Barry Sanditen, Sanditen & Associates, Inc., on behalf of Boerne Medical Center, LTD

**CASE: SUP – Mini Warehouse Facility (JA)
PZ – October 7, 2024**

Please return this notice whether or not you plan to attend the hearing. For further information, please call 830-248-1501.

Name: Oaks at Cibolo Creek, Ltd.

Address: _____

(X) In Favor () Oppose

Reason: The Oaks at Cibolo Creek, Ltd. is in favor of a Special Use Permit to allow for a mini warehouse facility development on the parcel in question. Our opinion is that this is an appropriate land use for the parcel being that this land fronts Interstate 10 and that the residential density in the immediate area is low.

INTEGRITY • COLLABORATION • RESPECT • SERVICE • EXCELLENCE

Planning Department: 447 N. Main St. | Boerne, TX 78006

Phone: (830) 816-2040 Email: jandrade@boerne-tx.gov



Notice of Planning and Zoning Commission Public Hearing

Case Manager: JoAnmarie Andrade

☎: 830-816-2040

Email: jandrade@boerne-tx.gov

The City of Boerne has received an application described below, and you are encouraged to attend the public hearing as an interested party. You will have the opportunity to express your opinion either in support or opposition to the request by mailing the response portion of this notice or by emailing the case manager listed above. Please contact the case manager if you have questions or need further information. Your participation in this process is encouraged. You may watch the proceedings of this meeting by visiting the City's official webpage.

Meeting Location: **Boerne City Hall - City Council Chambers**
447 North Main Street
Boerne, TX – 78006

Date and Time: **Monday, October 7, 2024**
6:00 p.m.

Proposal: **A request for a Special Use Permit (SUP) to allow a mini warehouse facility in the C4 Zoning District within the Scenic Interstate Overlay District generally located south east of Interstate 10 W and N Main Street (KAD: 35973).**

Authorized Agent: **Barry Sanditen, Sanditen & Associates, Inc., on behalf of Boerne Medical Center, LTD**

CASE: SUP – Mini Warehouse Facility (JA)
PZ – October 7, 2024

Please return this notice whether or not you plan to attend the hearing. For further information, please call 830-248-1501.

Name: ROBERT TRAUTMAN

Address: _____

() In Favor () Oppose

Reason: BEST OR REASONABLE USE OF THE PROPERTY
LITTLE TRAFFIC

I AM A PARTNER/OWNER OF NEARBY PROPERTY AND
AGREE WITH APPROVING THE SUP.

INTEGRITY • COLLABORATION • RESPECT • SERVICE • EXCELLENCE

Planning Department: 447 N. Main St. | Boerne, TX 78006

Phone: (830) 816-2040 Email: jandrade@boerne-tx.gov



Notice of Planning and Zoning Commission Public Hearing

Case Manager: JoAnmarie Andrade

830-816-2040

Email: jandrade@boerne.tx.gov

The City of Boerne has received an application described below, and you are encouraged to attend the public hearing as an interested party. You will have the opportunity to express your opinion either in support or opposition to the request by mailing the response portion of this notice or by emailing the case manager listed above. Please contact the case manager if you have questions or need further information. Your participation in this process is encouraged. You may watch the proceedings of this meeting by visiting the City's official webpage.

Meeting Location: **Boerne City Hall - City Council Chambers**
447 North Main Street
Boerne, TX – 78006

Date and Time: **Monday, October 7, 2024**
6:00 p.m.

Proposal: **A request for a Special Use Permit (SUP) to allow a mini warehouse facility in the C4 Zoning District within the Scenic Interstate Overlay District generally located south east of Interstate 10 W and N Main Street (KAD: 35973).**

Authorized Agent: Barry Sanditen, Sanditen & Associates, Inc., on behalf of Boerne Medical Center, LTD

CASE: SUP – Mini Warehouse Facility (JA)
PZ – October 7, 2024

Please return this notice whether or not you plan to attend the hearing. For further information, please call 830-248-1501.

Name: Stephen Stansley

Address: _____

In Favor () Oppose

Reason: _____

INTEGRITY • COLLABORATION • RESPECT • SERVICE • EXCELLENCE

Planning Department: 447 N. Main St. | Boerne, TX 78006
Phone: (830) 816 2040 Email: jandrade@boerne.tx.gov



Notice of Planning and Zoning Commission Public Hearing

Case Manager: JoAnmarie Andrade

Phone: 830-816-2040

Email: jandrade@boerne-tx.gov

The City of Boerne has received an application described below, and you are encouraged to attend the public hearing as an interested party. You will have the opportunity to express your opinion either in support or opposition to the request by mailing the response portion of this notice or by emailing the case manager listed above. Please contact the case manager if you have questions or need further information. Your participation in this process is encouraged. You may watch the proceedings of this meeting by visiting the City's official webpage.

Meeting Location: **Boerne City Hall - City Council Chambers**
447 North Main Street
Boerne, TX – 78006

Date and Time: **Monday, October 7, 2024**
6:00 p.m.

Proposal: **A request for a Special Use Permit (SUP) to allow a mini warehouse facility in the C4 Zoning District within the Scenic Interstate Overlay District generally located south east of Interstate 10 W and N Main Street (KAD: 35973).**

Authorized Agent: **Barry Sanditen, Sanditen & Associates, Inc., on behalf of Boerne Medical Center, LTD**

CASE: SUP – Mini Warehouse Facility (JA)
PZ – October 7, 2024

Please return this notice whether or not you plan to attend the hearing. For further information, please call 830-248-1501.

Name: Suzanne Wyker

Address: 1000 N. Main St., Boerne, TX 78006

In Favor () Oppose

Reason: _____

INTEGRITY • COLLABORATION • RESPECT • SERVICE • EXCELLENCE

Planning Department: 447 N. Main St. | Boerne, TX 78006

Phone: (830) 816-2040 Email: jandrade@boerne-tx.gov

CASE: SUP – Mini Warehouse Facility (JA)

PZ – October 7, 2024

Please return this notice whether or not you plan to attend the hearing. For further information,
please call 830-248-1501.

Name: Alice Lindsay Weldel

Address: _____

() In Favor (X) Oppose

Reason: _____

INTEGRITY • COLLABORATION • RESPECT • SERVICE • EXCELLENCE

Planning Department: 447 N. Main St. | Boerne, TX 78006
Phone: (830) 816-2040 Email: jandrade@boerne-tx.gov

**CASE: SUP - Mini Warehouse Facility (JA)
PZ - October 7, 2024**

Please return this notice whether or not you plan to attend the hearing. For further information,
please call 830-248-1501.

Name: PNH RESOURCES LLC BY: NATHANIEL HUDSON, MANAGER

Address: _____

() In Favor (✓) Oppose

Reason: DESTRUCTION OF AIR QUALITY & BEAUTY - NUISANCE

INTEGRITY • COLLABORATION • RESPECT • SERVICE • EXCELLENCE

Planning Department: 447 N. Main St. | Boerne, TX 78006

Phone: (830) 816-2040 Email: jandrade@boerne-tx.gov

CASE: SUP – Mini Warehouse Facility (JA)

PZ – October 7, 2024

Please return this notice whether or not you plan to attend the hearing. For further information, please call 830-248-1501.

Name: Alice Noedon Lindsay

Address: [Handwritten address]

() In Favor Oppose

Reason: _____

INTEGRITY • COLLABORATION • RESPECT • SERVICE • EXCELLENCE

Planning Department: 447 N. Main St. | Boerne, TX 78006

Phone: (830) 816-2040 Email: jandrade@boerne-tx.gov



AGENDA ITEM SUMMARY

Agenda Date	January 14, 2025
Requested Action	APPROVE ON SECOND READING ORDINANCE NO. 2024- 27; AN ORDINANCE OF THE CITY OF BOERNE, TX, AMENDING THE UNIFIED DEVELOPMENT CODE ADOPTED BY ORDINANCE NO. 2020-29 ON NOVEMBER 24, 2020, INCLUDING BUT NOT LIMITED TO SECTION 2-11.B.9 – HISTORIC PRESERVATION PARTIAL TAX EXEMPTION, SECTION 3-11.G.1.a – HISTORIC DISTRICT PROHIBITED SIGN TYPES; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A PENALTY FOR VIOLATION; AND CONTAINING A SEVERANCE CLAUSE. (Amendment to Unified Development Code)
Contact Person	Nathan Crane, AICP Planning Director (830) 248.1521 ext. 1105 ncrane@boerne-tx.gov
Background Information:	<p>PRIOR REVIEW:</p> <p>On December 10, 2024, the City Council received the recommendation from the Planning and Zoning Commission, held a public hearing and approved the first reading of the ordinance.</p> <p>BACKGROUND:</p> <p>The City’s Unified Development Code regulates land use, establishes minimum development standards and design criteria, and identifies the procedures required for City approval. It is used to protect property values and ensure land use compatibility. It is also the primary tool for implementing the future land use policies in the Comprehensive Plan.</p> <p>The format and content of most UDC’s are similar, but the regulations within each ordinance are tailored to fit the needs of the local community.</p> <p>Staff has identified specific sections of the UDC pertaining to the Historic District Overlay that require clarification or realignment to address key issues.</p>

REQUEST:

1. The proposed amendment is summarized as follows:

- Section 2.11.B.9 Historic Preservation Tax Exemption – Removing the option for a property tax exemption.
- Section 3.11.G.1.a Historic District Prohibited Sign Types – Adding Freeway Pylon Signs to the list of prohibited signs and streamlining the section on prohibited signs.

ANALYSIS:

The primary objective of this amendment is to support City of Boerne Comprehensive Plan Goals, address key issues and simplify the Unified Development Code, while improving city management or governance.

Historic Preservation Partial Tax Exemption (Section 2.11.B.9)

This section was adopted in December of 2007. It provides an opportunity for property owners to apply for a property tax exemption if:

- The property is designated as a historic landmark or within an historic district.
- The city council has designated the property as a historically significant site in need of tax relief to encourage its preservation.
- The property has been substantially rehabilitated and/or restored as approved by the landmark commission.

To date there has been no property that has been designated as a historically significant site in need of tax relief to encourage its preservation.

As part of the 2025 Work Plan, staff will be revamping the Historic District Improvement Grant program which is a more effective way to support historic preservation.

Pole Signs (Section 3.11.G.1.a)

This section regulates types of signs that are prohibited within the Historic Overlay District. On August 27, 2024, the City Council approved an amendment to the UDC to prohibit new pole signs. The proposed amendment is needed to bring this section in alignment with the Council action.

HISTORIC LANDMARK COMMISSION ACTION:

The Historic Landmark Commission held a public hearing on the proposed amendments at their August 6th, 2024, meeting and voted 6-0 to recommend **APPROVAL** of the amendment.

PLANNING AND ZONING COMMISSION ACTION:

The Planning and Zoning Commission held a public hearing on the amendment at their November 4th, 2024, meeting and voted 6-0 to recommend **APPROVAL** of the amendment.

FINDINGS:

The proposed amendment meets the following findings:

- The proposed amendment is consistent with the city charter, state and federal law.
- The proposed amendment is consistent with the Comprehensive Plan and the other plans and initiatives of the city.
- The proposed amendment enables the city to more effectively fulfill the purpose of the UDC.
- Meets the criteria for approval as outlined in Section 2.2.C of the UDC.

STAFF RECOMMENDATION:

Based on the recommendation of the P&Z and the alignment with UDC, staff recommends that the City Council accept the findings and **APPROVE** on second reading the proposed amendment to Section 2.11.B.9 - Historic Preservation Partial Tax Exemption and 3.11.G.1.a – Prohibited Signs.

MOTIONS FOR CONSIDERATION:

The following motions are provided to assist the City Council’s decision and motion.

- I move that the City Council, accept the findings, and **APPROVE** on second reading the proposed amendment.
- I move that the City Council **DENY** the proposed amendment, based on the following findings: (The Council will need to state the reasons for the denial).

Item Justification Verify	<input checked="" type="checkbox"/> Legal/Regulatory Obligation <input type="checkbox"/> Infrastructure Investment <input type="checkbox"/> Reduce Costs <input type="checkbox"/> Customer Pull <input type="checkbox"/> Increase Revenue <input checked="" type="checkbox"/> Service Enhancement <input type="checkbox"/> Mitigate Risk <input checked="" type="checkbox"/> Process Efficiency <input type="checkbox"/> Comprehensive Plan <input type="checkbox"/> Other: Recommendation
Strategic Alignment	This request is consistent with the tenants of environmental responsibility, community charm and customer service.
Financial Considerations	There are no financial obligations related to this request.
Citizen Input/Board Review	<p>Notice of the Historic Landmark Commission meeting was published in the Boerne Star on June 16, 2024. No comments were received.</p> <p>Notice of the Planning and Zoning Commission meeting was published in the Boerne Star on October 17, 2024. No comments were received.</p> <p>Notice of the City Council public hearing was published in the Boerne Star on November 24, 2024. No comments were received.</p>
Legal Review	N/A
Alternative Options	N/A
Supporting Documents	Ordinance No. 2024-27 Proposed Amendment

ORDINANCE NO. 2024-27

AN ORDINANCE OF THE CITY OF BOERNE, TX, AMENDING THE UNIFIED DEVELOPMENT CODE ADOPTED BY ORDINANCE NO. 2020-29 ON NOVEMBER 24, 2020, INCLUDING BUT NOT LIMITED TO SECTION 2-11.B.9 - HISTORIC PRESERVATION TAX EXEMPTION, AND SECTION 3-11.G.1.A - HISTORIC DISTRICT PROHIBITED SIGN TYPES; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A PENALTY FOR VIOLATION; AND CONTAINING A SEVERANCE CLAUSE.

WHEREAS, compliance with the City of Boerne Comprehensive Master Plan (“the Plan”) necessitates the update and consolidation of the Unified Development Code (UDC) ordinance; and

WHEREAS, the City Council finds it is in the best interests of the health, safety and welfare of the citizens of Boerne that the City’s Unified Development Code (UDC) promote high quality commercial uses, transparency and protection of residential neighborhoods; and

WHEREAS, the City has complied with all requirements of Chapters 211 and 212 of the Texas Local Government Code and all other laws dealing with notice, publication, and procedural requirements for the approval of the regulations in the Unified Development Code; and

WHEREAS, the City Council of the City of Boerne conducted a public hearing in order to get public input regarding the amendments to the Unified Development Code on December 10, 2024; and

WHEREAS, the City Council of the City of Boerne finds that the Unified Development Code adopted herein accomplishes the purposes set forth above and the purpose of preserving places and areas of historical, cultural, or architectural importance and significance, and is in the best interests of the public health, safety, morals, and general welfare of the public.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS:

Section 1.

That Ordinance No. 2020-29, captioned “Boerne Unified Development Code” is hereby amended as attached hereto as Exhibit A.

Section 2.

That all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

Section 3.

That if any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

Section 4.

The fines and penalties set forth in the Unified Development Code are hereby adopted and approved

by City Council and the City Secretary shall provide for publication related to this Ordinance to the extent required by law.

Section 5.

This ordinance will take effect upon the second and final reading of same.

PASSED AND APPROVED on this the first reading the 10 day of December, 2024.

PASSED, APPROVED AND ADOPTED on this the second reading the ____ day of January, 2025.

APPROVED:

ATTEST:

Mayor

City Secretary

APPROVED AS TO FORM:

City Attorney

Section 2.11. – Historic Preservation

~~9. Historic preservation tax exemption.~~

~~a. Authorization of partial exemption.~~

~~In accordance with section 11.24 of the Texas Tax Code, the owner of a building or structure~~

~~(1) which is a designated historic landmark or which is located within an historic district,~~

~~(2) which the city council has designated as a historically significant site in need of tax relief to encourage its preservation, and~~

~~(3) which has been substantially rehabilitated and/or restored as approved by the landmark commission, may apply to city council for a tax exemption yearly.~~

~~Upon approval by city council, the assessed value of the property for ad valorem taxation shall be equal to the assessed value prior to the substantial rehabilitation or restoration, for a period not to exceed ten (10) consecutive years. This exemption shall begin on the first day of the first tax year after the completion of the rehabilitation or restoration. The deed, grant, sale, bequest, devise or other transfer of ownership of the property shall not cause the exemption provided herein to terminate.~~

~~-~~

~~b. Application for exemption.~~

~~An application for a historic preservation tax exemption shall be filed with the landmark commission.~~

~~If approved by the landmark commission, the commission shall forward the application to the city council. Each application shall be signed and sworn to by the owner of the property and shall:~~
~~i. State the legal description of the property proposed for exemption;~~
~~ii. Include an affidavit by the owner describing the historic significance of the historic landmark in need of tax relief;~~
~~iii. Include a final complete set of plans for the historic landmark's restoration or rehabilitation;~~
~~iv. Include a statement of costs for the restoration or rehabilitation;~~
~~v. Include a projection of the estimated construction time and predicted completion date of the restoration or rehabilitation;~~
~~vi. Authorize the members of the landmark commission, the city tax assessor/collector, and other city officials to visit and inspect the property as necessary to certify that the property in question is in substantial need of restoration or rehabilitation;~~
~~vii. Include a detailed statement of the proposed use for the property; and~~
~~viii. Provide any additional information to the landmark commission which the owner deems relevant or useful, such as the history of the structure or proposed access to the structure by the public.~~

~~-~~

~~c. Removal of exemption.~~

~~The landmark commission shall review annually all those properties which have been granted tax exemptions. if, in the opinion of the landmark commission, a property which has been granted an exemption is no longer being maintained in an acceptable state of repair, the commission shall contact the owners of the property and discuss the commission's concerns with them. following such discussion, the landmark commission shall make a report to the city council either recommending that the tax exemption be terminated on the last day of the tax year for that property or outlining the steps the owner must take to bring the property up to acceptable standards. City council, upon receipt of the report of the landmark commission, and after such notice as may be required by law, may remove the tax exemption if it deems such action appropriate~~

...

Section 3.11. – Historic Districts

G. Signage.

1. Sign types.

a. *Prohibited sign types.* The following sign types are prohibited in the Historic District:

- i. Detached canopy signs;
- ii. Perimeter wall signs, except for inset or engraved markers, such as building names and/or addresses;
- iii. Freestanding entry feature signs;
- iv. Portable changeable message board signs.
- v. Freeway pylon signs.
- vi. Pole signs unless already existing. ~~Existing poles may be reused for pole signs provided that:~~
 - ~~(a) They are not damaged;~~
 - ~~(b) They have not been removed from their location; and~~
 - ~~(c) They do not increase the existing sign square footage or pole height.~~



AGENDA ITEM SUMMARY

Agenda Date	January 14, 2025
Requested Action	<p>APPROVE ON SECOND READING ORDINANCE NO. 2024-28; AN ORDINANCE OF THE CITY OF BOERNE, TX, AMENDING THE UNIFIED DEVELOPMENT CODE ADOPTED BY ORDINANCE NO. 2020-29 ON NOVEMBER 24, 2020, INCLUDING BUT NOT LIMITED TO CHAPTER 3, ZONING SECTION 3-6. PERMITTED USES OF BUILDINGS AND LAND, E. ACCESSORY USES; SECTION 3-7 PERMITTED USE TABLES; SECTION 3-11 HISTORIC DISTRICT C. USES; SECTION 3-13 RIVER ROAD OVERLAY DISTRICT C. USES; CHAPTER 5. NONRESIDENTIAL SITES, SECTION 5-6 ONSITE PARKING FOR NONRESIDENTIAL PROPERTIES; APPENDIX A. DEFINITIONS CHAPTER 5 - ON-SITE PARKING FOR NONRESIDENTIAL PROPERTIES, APPENDIX A - DEFINITIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A PENALTY FOR VIOLATION; AND CONTAINING A SEVERANCE CLAUSE (<i>Amendment to Unified Development Code, Mobile Food Unit</i>)</p>
Contact Person	<p>Nathan Crane, AICP Planning Director (830) 248.1521 ext. 1105 ncrane@boerne-tx.gov</p>
Background Information	<p>PRIOR REVIEW:</p> <p>On December 10, 2024, the City Council received the recommendation from the Planning and Zoning Commission, held a public hearing and approved the first reading of the ordinance.</p> <p>BACKGROUND:</p> <p>The City’s Unified Development Code regulates land use, establishes minimum development standards and design criteria, and identifies the procedures required for City approval. It is used to protect property values and ensure land use compatibility. It is also the primary tool for implementing the future land use policies in the Comprehensive Plan.</p> <p>The format and content of most UDC’s are similar, but the regulations within each ordinance are be tailored to fit the needs of the local community.</p>

To update the regulations for Mobile Food Units (MFUs) and mobile food parks operations within the City of Boerne there are two proposed amendments:

- Code of Ordinances – Chapter 15
- UDC – Chapters 3 and 5 and Appendix A

The amendment to the Code of Ordinances will be considered as a separate agenda item.

REQUEST:

1. The proposal will amend regulations for mobile food units (MFUs) and mobile food parks, including changes to Chapter 3, Chapter 5, and Appendix A of the UDC as well as Chapter 15 of the Code of Ordinances.
2. The primary objective of these amendment is to establish clear regulations for the operation of mobile food units and mobile food parks, ensure consistency with health and safety standards, and support the growth of small businesses while maintaining compatibility with existing land uses within the City of Boerne.

ANALYSIS:

- The amendment aligns with the City Charter by supporting responsible economic growth and maintaining community standards.
- To develop this amendment, the food truck subcommittee, staff, and Lionheart Consulting reviewed feedback from Commission and Council interviews, an initial draft, and regulatory examples from San Marcos, Fredericksburg, and Buda. Key elements from other cities included limiting operations near residential areas, ensuring access to restrooms, and maintaining mobility standards for mobile units.
- The proposal complies with relevant state and federal regulations, including Texas health standards managed by Kendall County Health Inspector Services, ensuring that mobile food units meet all required health standards without duplicating regulatory oversight.
- The amendment supports the Comprehensive Plan’s goals of economic growth by creating accessible opportunities for small, locally owned mobile food businesses. Allowing mobile food units as accessory and temporary uses in commercial zones supports new entrepreneurs, boosts business diversity, and

attracts residents and visitors, driving foot traffic to nearby businesses and enhancing Boerne’s appeal as a destination.

- By clarifying zoning, parking, and operational standards for mobile food units, the amendment better supports the UDC’s goals of land use compatibility, public safety, and community character. These clear standards benefit applicants and City staff alike, streamlining mobile food unit operations while protecting local businesses and neighborhoods.
- The changes simplify the approval and enforcement process for mobile food units by establishing clear zoning and operational requirements. This structure enhances regulatory efficiency, minimizes potential conflicts, and promotes orderly operations, making compliance and oversight more manageable.
- The amendment encourages growth in Boerne’s mobile food sector, supporting small business development and providing pathways for mobile vendors to transition into permanent establishments, as seen with businesses like Z’s Pizza. These updates modernize the UDC to reflect current trends, enhance regulatory clarity, and align with Boerne’s economic and community objectives.

FINDINGS:

- The proposed amendment is consistent with the city charter, state and federal law.
- The proposed amendment is consistent with the Comprehensive Plan and the other plans and initiatives of the city.
- The proposed amendment will enable the city to more effectively fulfill the purpose of the UDC.

PLANNING AND ZONING COMMISSION ACTION:

The Planning and Zoning Commission held a public hearing on the UDC amendments at their November 4th, 2024, meeting and voted 6-0 to recommend **APPROVAL** of the amendment.

RECOMMENDATION:

Based on the recommendation of the P&Z and the alignment with the UDC, staff recommends that the City Council accept the findings and **APPROVE** on second reading the proposed amendment to the Unified Development Code (UDC) regarding regulations for mobile food units (MFUs) and mobile food parks.

	<p>MOTIONS FOR CONSIDERATION:</p> <p>The following motions are provided to assist the Council’s decision and motion.</p> <ul style="list-style-type: none"> - I move that the City Council accept the findings and APPROVE on second reading the proposed amendment. - I move that the City Council DENY the proposed amendment, based on the following findings: (The Council will need to state the reasons for the denial). 										
Item Justification	<table border="0"> <tr> <td><input checked="" type="checkbox"/> Legal/Regulatory Obligation</td> <td><input type="checkbox"/> Infrastructure Investment</td> </tr> <tr> <td><input type="checkbox"/> Reduce Costs</td> <td><input type="checkbox"/> Customer Pull</td> </tr> <tr> <td><input type="checkbox"/> Increase Revenue</td> <td><input checked="" type="checkbox"/> Service Enhancement</td> </tr> <tr> <td><input type="checkbox"/> Mitigate Risk</td> <td><input type="checkbox"/> Process Efficiency</td> </tr> <tr> <td><input checked="" type="checkbox"/> Comprehensive Plan</td> <td><input type="checkbox"/> Other:</td> </tr> </table> <p>Recommendation</p>	<input checked="" type="checkbox"/> Legal/Regulatory Obligation	<input type="checkbox"/> Infrastructure Investment	<input type="checkbox"/> Reduce Costs	<input type="checkbox"/> Customer Pull	<input type="checkbox"/> Increase Revenue	<input checked="" type="checkbox"/> Service Enhancement	<input type="checkbox"/> Mitigate Risk	<input type="checkbox"/> Process Efficiency	<input checked="" type="checkbox"/> Comprehensive Plan	<input type="checkbox"/> Other:
<input checked="" type="checkbox"/> Legal/Regulatory Obligation	<input type="checkbox"/> Infrastructure Investment										
<input type="checkbox"/> Reduce Costs	<input type="checkbox"/> Customer Pull										
<input type="checkbox"/> Increase Revenue	<input checked="" type="checkbox"/> Service Enhancement										
<input type="checkbox"/> Mitigate Risk	<input type="checkbox"/> Process Efficiency										
<input checked="" type="checkbox"/> Comprehensive Plan	<input type="checkbox"/> Other:										
Strategic Alignment	<p>B1 - Utilizing data to drive smart decision making B2 - Advancing Comprehensive plan recommendations B3 - Providing streamlined and efficient processes:</p>										
Financial Considerations	N/A										
Citizen Input/Board Review	<p>Notice of the Planning and Zoning Commission public hearing was published in the Boerne Star on October 20, 2024. No public comments were received.</p> <p>Notice of the City Council public hearing was published in the Boerne Star on November 24, 2024. No public comments were received.</p>										
Legal Review	There are no financial obligations related to this request.										
Alternative Options	N/A										
Supporting Documents	Ordinance No. 2024-28 Proposed Amendment										

ORDINANCE NO. 2024-28

AN ORDINANCE OF THE CITY OF BOERNE, TX, AMENDING THE UNIFIED DEVELOPMENT CODE ADOPTED BY ORDINANCE NO. 2020-29 ON NOVEMBER 24, 2020, INCLUDING BUT NOT LIMITED TO CHAPTER 3, ZONING SECTION 3-6. PERMITTED USES OF BUILDINGS AND LAND, E. ACCESSORY USES; SECTION 3-7 PERMITTED USE TABLES; SECTION 3-11 HISTORIC DISTRICT C. USES; SECTION 3-13 RIVER ROAD OVERLAY DISTRICT C. USES; CHAPTER 5. NONRESIDENTIAL SITES, SECTION 5-6 ON-SITE PARKING FOR NONRESIDENTIAL PROPERTIES; APPENDIX A. DEFINITIONS CHAPTER 5 - ON-SITE PARKING FOR NONRESIDENTIAL PROPERTIES, APPENDIX A - DEFINITIONS RELATED TO MOBILE FOOD UNITS AND MOBILE FOOD PARKS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A PENALTY FOR VIOLATION; AND CONTAINING A SEVERANCE CLAUSE (Amendment to Unified Development Code, Mobile Food Unit)

WHEREAS, compliance with the City of Boerne Comprehensive Master Plan (“the Plan”) necessitates the update and consolidation of the Unified Development Code (UDC) ordinance; and

WHEREAS, the City Council finds it is in the best interests of the health, safety and welfare of the citizens of Boerne that the City’s Unified Development Code (UDC) promote high quality commercial uses, transparency and protection of residential neighborhoods; and

WHEREAS, City Council finds that the amendments in this Ordinance accomplish the goals set forth in the Comprehensive Master Plan, bring the City’s zoning into closer alignment with the City’s Land Use Plan, and are in the best interest of the health, safety, and welfare of the citizens of Boerne; and

WHEREAS, the City has complied with all requirements of Chapters 211 and 212 of the Texas Local Government Code and all other laws dealing with notice, publication, and procedural requirements for the approval of the regulations in the Unified Development Code; and

WHEREAS, the City Council of the City of Boerne conducted a public hearing in order to get public input regarding the amendments to the Unified Development Code on December 10, 2024; and

WHEREAS, the City Council of the City of Boerne finds that the Unified Development Code adopted herein accomplishes the purposes set forth above and the purpose of preserving places and areas of historical, cultural, or architectural importance and significance, and is in the best interests of the public health, safety, morals, and general welfare of the public.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS:

Section 1.

That Ordinance No. 2020-29, captioned “Boerne Unified Development Code” is hereby amended as attached hereto as Exhibit A.

Section 2.

That all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

Section 3.

That if any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

Section 4.

The fines and penalties set forth in the Unified Development Code are hereby adopted and approved by City Council and the City Secretary shall provide for publication related to this Ordinance to the extent required by law.

Section 5.

This ordinance will take effect upon the second and final reading of same.

PASSED AND APPROVED on this the first reading the 10 day of December, 2024.

PASSED, APPROVED AND ADOPTED on this the second reading the ____ day of January, 2025.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney

“Exhibit A”

Chapter 3. – Zoning

...

Sec. 3-6. - Permitted uses of buildings and land.

E. Accessory uses.

7. Mobile Food Unit as an accessory use

- a. A mobile food unit accessory use shall demonstrate mobility at any reasonable time if requested by any peace officer, health officer, or designated city employee;
- b. Be located on property that is developed and improved with an existing, permanent business operating, in a building with a certificate of occupancy at all times while the mobile food vendor occupies the property. The existing business will allow access to restrooms and an indoor or outdoor seating area.
- c. Be located behind or in line with the front façade of the primary structure on the property; and
- d. Be located in a zoning district that allows accessory mobile food units.

Sec. 3-7. - Permitted use tables.

Legend for Table of Uses	Neighborhood Office	Office Park	Industrial Office	Neighborhood Commercial	Transitional Commercial	Community Commercial	Regional Commercial	Craft Commercial	Storage and Transportation	Light Industrial	General Industrial	City Property	Civic and Institutional
P = Permitted by right S = Special Use Permit T = Temporary Uses (may require a permit from Permitting and Code Compliance) (Blank) = Not permitted	O1	O2	O3	C1	C2	C3	C4	CR	II	I2	I3	CITY	CIV
Retail Use Group- See Sec. 3-6 for Use Restrictions													
Mobile food vendor park				S	S	S	S	P					
Accessory Use Group (a use that is incidental to a primary use) - See Sec. 3-6 for Use Restrictions													
Mobile food unit		P		P	P	P	P	P					
Temporary Use Group - See Sec. 3-6 for Use Restrictions													
Mobile food vendors unit	T	T	T	T	T	T	T	T	T	T	T	T	T

...

Sec. 3-11. - Historic District.

C. Uses.

- 3. Uses requiring a special use permit:
 - a. Mixed-use building.
 - b. Multi-family.
 - c. Mobile food park

...

Sec. 3-13. - River Road Overlay District.

C. Uses.

- 3. *Additional use restrictions.*
 - c. Mobile food ~~vendors~~ units as an accessory use shall be located on private property with the permission of the owner and shall not park in the right-of-way of any street or state highway within the River Road Overlay District.

Chapter 5. - Nonresidential Sites

...

Sec. 5-6. - On-site parking for nonresidential properties.

USES	MINIMUM PARKING SPACES REQUIRED
Mobile Food Vendor <u>Park</u>	2 for each vendor <u>unit</u>

Appendix A. - Definitions

...

~~Mobile food vendors: A readily movable, motorized wheeled vehicle or a towed vehicle designed and equipped to prepare, or serve, and sell food.~~

“Mobile food park” means a parcel of land where one or more mobile food vendors congregate to offer food or beverages for sale to the public as the principal use of the land. This definition shall not be interpreted to include a congregation of mobile food vendors as a secondary use, accessory use, and/or temporary use.

“Mobile food unit” means a vehicle-mounted mobile food establishment, designed to be readily moveable.

Chapter 3. – Zoning

...

Sec. 3-6. - Permitted uses of buildings and land.

E. Accessory uses.

7. Mobile Food Unit as an accessory use

- a. A mobile food unit accessory use shall demonstrate mobility at any reasonable time if requested by any peace officer, health officer, or designated city employee;
- b. Be located on property that is developed and improved with an existing, permanent business operating, in a building with a certificate of occupancy at all times while the mobile food vendor occupies the property. The existing business will allow access to restrooms and an indoor or outdoor seating area.
- c. Be located behind or in line with the front façade of the primary structure on the property; and
- d. Be located in a zoning district that allows accessory mobile food units.

Sec. 3-7. - Permitted use tables.

Legend for Table of Uses													
P = Permitted by right S = Special Use Permit T = Temporary Uses (may require a permit from Permitting and Code Compliance) (Blank) = Not permitted	Neighborhood Office	Office Park	Industrial Office	Neighborhood Commercial	Transitional Commercial	Community Commercial	Regional Commercial	Craft Commercial	Storage and Transportation	Light Industrial	General Industrial	City Property	Civic and Institutional
	O1	O2	O3	C1	C2	C3	C4	CR	I1	I2	I3	CITY	CIV
Retail Use Group- See Sec. 3-6 for Use Restrictions													
Mobile food vendor park				S	S	S	S	P					
Accessory Use Group (a use that is incidental to a primary use) - See Sec. 3-6 for Use Restrictions													
Mobile food unit		P		P	P	P	P	P					
Temporary Use Group - See Sec. 3-6 for Use Restrictions													
Mobile food vendors-unit	T	T	T	T	T	T	T	T	T	T	T	T	T

...

Sec. 3-11. - Historic District.

C. Uses.

3. Uses requiring a special use permit:
 - a. Mixed-use building.

- b. Multi-family.
- c. Mobile food park

...

Sec. 3-13. - River Road Overlay District.

C. Uses.

3. *Additional use restrictions.*

- c. Mobile food ~~vendors~~ units as an accessory use shall be located on private property with the permission of the owner and shall not park in the right-of-way of any street or state highway within the River Road Overlay District.

Chapter 5. - Nonresidential Sites

...

Sec. 5-6. - On-site parking for nonresidential properties.

USES	MINIMUM PARKING SPACES REQUIRED
Mobile Food Vendor <u>Park</u>	2 for each vendor <u>unit</u>

Appendix A. - Definitions

...

~~Mobile food vendors: A readily movable, motorized wheeled vehicle or a towed vehicle designed and equipped to prepare, or serve, and sell food.~~

“Mobile food park” means a parcel of land where one or more mobile food vendors congregate to offer food or beverages for sale to the public as the principal use of the land. This definition shall not be interpreted to include a congregation of mobile food vendors as a secondary use, accessory use, and/or temporary use.

“Mobile food unit” means a vehicle-mounted mobile food establishment, designed to be readily moveable.



AGENDA ITEM SUMMARY

Agenda Date	January 14, 2025
Requested Action	APPROVE ON SECOND READING ORDINANCE NO. 2024- 29; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, AMENDING THE CODE OF ORDINANCES, BOERNE, TEXAS, CHAPTER 15. OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE III. PEDDLERS, CANVASSERS AND SOLICITORS, SECTION 15-56. DEFINITIONS, SECTION. 15-60. USE OF STATE HIGHWAYS PROHIBITED, SECTION 15-65. RESTRICTIONS APPLICABLE TO ALL PEDDLERS, SOLICITORS AND VENDORS, AND SECTION 15-66. PERMIT, WRITTEN APPLICATION REQUIRED; ARTICLE VII. REGULATION OF FOOD ESTABLISHMENTS, SECTION 15-147. DEFINITIONS, ADDING SECTION 15-149. MOBILE FOOD UNITS AND RENUMBERING THE REMAINING SECTIONS; PROVIDING FOR A PENALTY FOR VIOLATION OF ANY PROVISION OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE. (<i>Amendments to Code of Ordinance, Peddlers, Canvassers, Solicitors and Mobile Food Units</i>)
Contact Person	Nathan Crane, AICP Planning Director (830) 248.1521 ext. 1105 ncrane@boerne-tx.gov
Background Information	PRIOR REVIEW: On December 10, 2024, the City Council received the recommendation from the Planning and Zoning Commission, held a public hearing and approved the first reading of the ordinance. BACKGROUND: The City’s Code of Ordinances serves as the framework for governing a wide range of municipal operations, including public health, safety, and welfare. It establishes specific regulations and procedures to maintain order, protect residents, and support economic and community development. These ordinances are vital for ensuring compliance with state and federal laws while addressing local priorities.

The city tailors its Code of Ordinances to reflect the unique needs and goals of its community. Updates to the Code of Ordinances occur as needed to respond to emerging issues, clarify existing standards, or align with the City's strategic objectives, ensuring regulations remain effective and relevant.

To update the regulations for Mobile Food Units (MFUs) and mobile food parks operations within the City of Boerne there are two proposed amendments:

- Code of Ordinances – Chapter 15
- UDC – Chapters 3 and 5 and Appendix A

The UDC amendment will be considered as a separate agenda item to public hearing and noticing requirements.

REQUEST:

- Definitions (Sec. 15-56 and 15-147): Introduces definitions for "mobile food unit," "mobile food park," and "roadside vendor," clarifying distinctions between MFUs and roadside vendors.
- Operational Standards (Sec. 15-149): Requires MFUs to demonstrate mobility upon request, have restroom access within 150 feet for operations exceeding one hour, and comply with zoning requirements for operations on private property.
- Location Restrictions (Sec. 15-60 and 15-65): Prohibits MFUs from operating on state highways, restricts overnight parking on public property except for reserved city park events, and limits hours of operation to 7:00 AM–12:00 AM unless otherwise approved.
- Permitting Requirements (Sec. 15-66): Mandates permits for all MFUs, with proof of compliance with Kendall County health standards and mobility verification.
- Mobile Food Parks (Sec. 15-149(b)): Establishes zoning and operational requirements for mobile food parks, requiring activity to occur on private property and compliance with all individual MFU permitting standards.

ANALYSIS:

- The amendments align with the City Charter by supporting responsible economic growth and maintaining community standards.

- The proposal complies with relevant state and federal regulations, including Texas health standards managed by Kendall County Health Inspector Services, ensuring that mobile food units meet all required health standards without duplicating regulatory oversight.
- The amendment supports the Comprehensive Plan’s goals of economic growth by creating accessible opportunities for small, locally owned mobile food businesses. Allowing mobile food units as accessory and temporary uses in commercial zones supports new entrepreneurs, boosts business diversity, and attracts residents and visitors, driving foot traffic to nearby businesses and enhancing Boerne’s appeal as a destination.
- By clarifying zoning, parking, and operational standards for mobile food units, the amendments better support the UDC’s goals of land use compatibility, public safety, and community character. These clear standards benefit applicants and City staff alike, streamlining mobile food unit operations while protecting local businesses and neighborhoods.
- The changes simplify the approval and enforcement process for mobile food units by establishing clear zoning and operational requirements. This structure enhances regulatory efficiency, minimizes potential conflicts, and promotes orderly operations, making compliance and oversight more manageable.
- The amendment encourages growth in Boerne’s mobile food sector, supporting small business development and providing pathways for mobile vendors to transition into permanent establishments. These updates modernize the UDC to reflect current trends, enhance regulatory clarity, and align with Boerne’s economic and community objectives.

PLANNING AND ZONING COMMISSION ACTION:

The Planning and Zoning Commission held a public hearing on the amendment at their November 4, 2024, meeting and voted 6-0 to recommend **APPROVAL** of the amendment.

FINDINGS:

The proposed amendment meets the following findings:

- The proposed amendment is consistent with the city charter, state and federal law.
- The proposed amendment is consistent with the Comprehensive Plan and the other plans and initiatives of the city.

	<ul style="list-style-type: none"> The proposed amendment enables the city to more effectively fulfill the purpose of the UDC. <p>RECOMMENDATION:</p> <p>Based on the recommendation of the P&Z and the alignment with the Code of Ordinances, staff recommend that the City Council accept the findings and APPROVE on second reading the proposed amendment to the Code of Ordinances regarding regulations for mobile food units (MFU's) and mobile food parks.</p> <p>MOTIONS FOR CONSIDERATION:</p> <p>The following motions are provided to assist the Council's decision and motion.</p> <ul style="list-style-type: none"> I move that the City Council accept the findings and APPROVE on second reading the proposed amendment. I move that the City Council DENY the proposed amendment, based on the following findings: (The Council will need to state the reasons for the denial).
Item Justification	<input checked="" type="checkbox"/> Legal/Regulatory Obligation <input type="checkbox"/> Infrastructure Investment <input type="checkbox"/> Reduce Costs <input type="checkbox"/> Customer Pull <input type="checkbox"/> Increase Revenue <input checked="" type="checkbox"/> Service Enhancement <input type="checkbox"/> Mitigate Risk <input type="checkbox"/> Process Efficiency <input checked="" type="checkbox"/> Comprehensive Plan <input type="checkbox"/> Other: Recommendation
Strategic Alignment	B1: Utilizing data to drive smart decision making B2: Advancing Comprehensive plan recommendations B3: Providing streamlined and efficient processes:
Financial Considerations	There are no financial obligations related to this request.
Citizen Input/Board Review	Notice of the Planning and Zoning Commission public hearing was published in the Boerne Star on October 20, 2024. No public comments were received. Notice of the City Council public hearing was published in the Boerne Star on November 24, 2024. No public comments were received.
Legal Review	N/A
Alternative Options	N/A
Supporting Documents	

	Ordinance No. 2024-29 Proposed Amendment
--	---------------------------------------------

ORDINANCE NO. 2024-29

AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, AMENDING THE CODE OF ORDINANCES, BOERNE, TEXAS, CHAPTER 15. OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE III. PEDDLERS, CANVASSERS AND SOLICITORS, SECTION 15-56. DEFINITIONS, SECTION. 15-60. USE OF STATE HIGHWAYS PROHIBITED, SECTION 15-65. RESTRICTIONS APPLICABLE TO ALL PEDDLERS, SOLICITORS AND VENDORS, AND SECTION 15-66. PERMIT, WRITTEN APPLICATION REQUIRED; ARTICLE VII. REGULATION OF FOOD ESTABLISHMENTS, SECTION 15-147. DEFINITIONS, ADDING SECTION 15-149. MOBILE FOOD UNITS AND RENUMBERING THE REMAINING SECTIONS; PROVIDING FOR A PENALTY FOR VIOLATION OF ANY PROVISION OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE. (Amendments to Code of Ordinance, Peddlers, Canvassers, Solicitors and Mobile Food Units)

WHEREAS, the City of Boerne, Texas, has determined that amendments to Chapter 15 of the Code of Ordinances are necessary to clarify and update regulations related to peddlers, canvassers, solicitors, and mobile food units; and

WHEREAS, the City Council finds that regulating the activities of peddlers, canvassers, solicitors, and mobile food units is essential for the safety, convenience, and welfare of the public while promoting economic opportunities;

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS:

That the Code of Ordinances, City of Boerne, TX is hereby amending Section 15-56, Section 15-60, Section 15-65, and Section 15-66, by adding a section to be numbered Sec. 15-149 and renumbering the remaining sections.

Chapter 15 OFFENSES AND MISCELLANEOUS PROVISIONS

Article III PEDDLERS, CANVASSERS AND SOLICITORS

Sec. 15-56. - Definitions.

Park or parking when prohibited, means to stand an occupied or unoccupied vehicle, including a mobile food vehicle unit other than temporarily while loading or unloading merchandise or passengers.

~~*Mobile food vehicle* is a vehicle mounted food establishment, designed to be readily transported, pushed, or drawn.~~

Roadside vendor is a person who operates a mobile retail store from a temporary location adjacent to a public roadway or highway. Food shall not be prepared or processed by a roadside food vendor. A roadside food vendor is classified as a mobile food establishment.

Sec. 15-60. - Use of state highways prohibited.

It shall be unlawful for any peddler, solicitor or vendor to engage in business on any state highway within the city. Furthermore, it shall be unlawful for any mobile food ~~vehicle~~ unit to park on any state highway within the city.

Sec. 15-65. - Restrictions applicable to all peddlers, solicitors and vendors.

- (a) Stands and/or ~~mobile food vehicles~~ roadside vendors shall not:
 - 1. Exceed ten (10) feet in width or thirteen (13) feet in height;
 - 2. Impede access to the entrance or driveway of an adjacent building.
- (b) Hours of operation. Hours of operation shall be between the hours of 7:00 a.m. and 12:00 a.m. unless otherwise stated herein. All stands and ~~mobile food vehicles~~ roadside vendors shall be removed during non-operation hours except those ~~mobile food vehicles~~ roadside vendors that are participating in a reserved event associated at a city park. ~~Mobile food vehicles~~ Roadside vendors are not allowed to remain on public right-of-way during overnight hours unless they are participating in a reserved event associated at a city park.

Sec. 15-66. - Permit, written application required.

- (d) For each individual involved in the peddling, vending or solicitation campaign: full legal name, telephone number, address, birth date, physical description of the stand and/or mobile food vehicle roadside vendor, if any, and either:
 - (1) Driver's license number and state; or
 - (2) Social Security number and an official, government-issued picture identification card.
- (i) Applicants engaged in the sale or distribution of food or beverages must submit a copy of the vendor's current mobile food vendor license or roadside vendor license issued by the Kendall County Sanitarian.

ARTICLE VII. - REGULATION OF FOOD ESTABLISHMENTS

Sec. 15-147. – Definitions

Mobile food park means a parcel of land where one or more mobile food vendors congregate to offer food or beverages for sale to the public as the principal use of the land. This definition shall not be interpreted to include a congregation of mobile food vendors as a secondary use, accessory use, and/or temporary use.

Mobile food unit is a vehicle mounted food establishment, designed to be readily movable.

Sec. 15-149. – Mobile food units.

- (a) Mobile food unit.
 - 1. Permit Required. All mobile food units must be permitted as a food establishment under Sec. 15-150.
 - 2. Mobility. A mobile food unit must demonstrate mobility at any reasonable time if requested by any peace officer, health officer, or designated city employee.
 - 3. Access to restroom facilities. Prior to the issuance of a permit, the operator of a mobile food vendor shall submit to the city and comply with the following:

- a. Written proof of availability of restrooms with flushable toilets connected to a public water and wastewater system for the use of the mobile food vendor employees located in a business establishment within 150 feet of each location where the mobile food unit will be in operation for more than one (1) hour in any single day.
 - 4. Private property. Operation locations on private property at which the mobile food unit will remain for more than one hour shall comply with the following:
 - a. Be located in a zoning district that allows mobile food units as a primary use; or
 - b. The private property must be developed and improved, and contain an existing, permanent business operating, in a building with a certificate of occupancy, at all times while the mobile food unit occupies the property. The existing business will allow access to restrooms and an indoor or outdoor seating area.
 - 5. Public property. Mobile food units shall not operate within a public park or publicly owned property or site without written permission from the city manager or the city manager's designee.
- (b) Mobile food park.
- 1. Each mobile food unit within the park shall independently conform with any requirements of this Code including Sec. 15-150. – Permits and Exemptions.
 - 2. A mobile food park must be located in a zoning district that permits them.
 - 3. All activity must occur on private property, outside of the public right of way. Mobile food units and their customers shall be prohibited from utilizing the public

PASSED and APPROVED on first reading this the 10 day of December, 2024.

PASSED, APPROVED, and ADOPTED on second reading this the __ day of January, 2025.

APPROVED:

Mayor

ATTESTED:

City Secretary

ARTICLE III. - PEDDLERS, CANVASSERS AND SOLICITORS

...

Sec. 15-56. - Definitions.

Park or parking when prohibited, means to stand an occupied or unoccupied vehicle, including a mobile food ~~vehicle~~ unit other than temporarily while loading or unloading merchandise or passengers.

~~*Mobile food vehicle* is a vehicle-mounted food establishment, designed to be readily transported, pushed, or drawn.~~

Roadside vendor is a person who operates a mobile retail store from a temporary location adjacent to a public roadway or highway. Food shall not be prepared or processed by a roadside food vendor. A roadside food vendor is classified as a mobile food establishment.

...

Sec. 15-60. - Use of state highways prohibited.

It shall be unlawful for any peddler, solicitor or vendor to engage in business on any state highway within the city. Furthermore, it shall be unlawful for any mobile food ~~vehicle~~ unit to park on any state highway within the city.

...

Sec. 15-65. - Restrictions applicable to all peddlers, solicitors and vendors.

- (a) Stands and/or ~~mobile food vehicles~~ roadside vendors shall not:
 - 1. Exceed ten (10) feet in width or thirteen (13) feet in height;
 - 2. Impede access to the entrance or driveway of an adjacent building.
- (b) Hours of operation. Hours of operation shall be between the hours of 7:00 a.m. and 12:00 a.m. unless otherwise stated herein. All stands and ~~mobile food vehicles~~ roadside vendors shall be removed during non-operation hours except those ~~mobile food vehicles~~ roadside vendors that are participating in a reserved event associated at a city park. ~~Mobile food vehicles~~ Roadside vendors are not allowed to remain on public right-of-way during overnight hours unless they are participating in a reserved event associated at a city park.

...

(Ord. No. 2012-12, § 1, 4-24-12; Ord. No. 2012-17, § 1, 7-24-12; Ord. No. 2016-46, § 1, 11-22-16)

Sec. 15-66. - Permit, written application required.

- (d) For each individual involved in the peddling, vending or solicitation campaign: full legal name, telephone number, address, birth date, physical description of the stand and/or ~~mobile food vehicle~~ roadside vendor, if any, and either:
 - (1) Driver's license number and state; or
 - (2) Social Security number and an official, government-issued picture identification card.
- (i) Applicants engaged in the sale or distribution of food or beverages must submit a copy of the vendor's current ~~mobile food vendor license~~ or roadside vendor license issued by the Kendall County Sanitarian.

(Ord. No. 2012-12, § 1, 4-24-12)

ARTICLE VII. - REGULATION OF FOOD ESTABLISHMENTS

Sec. 15-147. - Definitions

Mobile food park means a parcel of land where one or more mobile food vendors congregate to offer food or beverages for sale to the public as the principal use of the land. This definition shall not be interpreted to include a congregation of mobile food vendors as a secondary use, accessory use, and/or temporary use.

Mobile food -unit is a vehicle mounted food establishment, designed to be readily movable.

...

Sec. 15-149. – Mobile food units.

(a) Mobile food unit.

1. Permit Required. All mobile food units must be permitted as a food establishment under Sec. 15-150.
2. Mobility. A mobile food unit must demonstrate mobility at any reasonable time if requested by any peace officer, health officer, or designated city employee.
3. Access to restroom facilities. Prior to the issuance of a permit, the operator of a mobile food vendor shall submit to the city and comply with the following:
 - a. Written proof of availability of restrooms with flushable toilets connected to a public water and wastewater system for the use of the mobile food vendor employees located in a business establishment within 150 feet of each location where the mobile food unit will be in operation for more than one (1) hour in any single day.
4. Private property. Operation locations on private property at which the mobile food unit will remain for more than one hour shall comply with the following:
 - a. Be located in a zoning district that allows mobile food units as a primary use;
or
 - b. The private property must be developed and improved, and contain an existing, permanent business operating, in a building with a certificate of occupancy, at all times while the mobile food unit occupies the property. The existing business will allow access to restrooms and an indoor or outdoor seating area.
5. Public property. Mobile food units shall not operate within a public park or publicly owned property or site without written permission from the city manager or the city manager’s designee.

(b) Mobile food park.

1. Each mobile food unit within the park shall independently conform with any requirements of this Code including Sec. 15-150. – Permits and Exemptions.
2. A mobile food park must be located in a zoning district that permits them.
3. All activity must occur on private property, outside of the public right of way. Mobile food units and their customers shall be prohibited from utilizing the public



AGENDA ITEM SUMMARY

Agenda Date	January 14, 2025
Requested Action	APPROVE ON SECOND READING ORDINANCE NO. 2024-30; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, AMENDING THE CODE OF ORDINANCES, BOERNE, TEXAS ARTICLE V. NOISE AND SOUND REGULATION, CHAPTER 14, SECTION 14-139. AMPLIFIED SOUND AND CHAPTER 14, SECTION 14-142. METHOD OF SOUND MEASUREMENT. PROVIDING FOR A PENALTY FOR VIOLATION OF ANY PROVISION OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE. <i>(Amendments to Code of Ordinance, Noise and Sound)</i>
Contact Person	Nathan Crane, AICP Planning Director (830) 248.1521 ext. 1105 ncrane@boerne-tx.gov
Background Information	<p>PRIOR REVIEW:</p> <p>On December 10, 2024, the City Council received the recommendation from the Planning and Zoning Commission, held a public hearing and approved the first reading of the ordinance.</p> <p>BACKGROUND:</p> <p>The City of Boerne previously formed a subcommittee in 2021 to discuss noise and sound regulation and hosted an open house that solicited targeted feedback from the broader community.</p> <p>REQUEST:</p> <ol style="list-style-type: none">1. The request imposes a precise threshold for noise violations, changes the measurement method for sound collection, and clarifies appropriate sound measurement locations.

ANALYSIS:

- Maximum Volume:
The Code currently indicates that amplified sound “plainly audible at a distance of fifty (50) feet or more shall be presumed to be violative.” The proposed change introduces a precise, measurable threshold to determine incompliance: sounds that “exceed 70 decibels at any time or 65 decibels during nighttime hours.”
- Measurement Method:
The current version of the Code does not articulate a metric nor an objective method of measurement.

New recommended changes indicate that measurements must be at least 30 seconds in duration, and the highest registered decibel reading attained more than once (or sustained) during that 30-second period will be the final recorded measurement/number.

- Measurement Location:
The Code currently indicates that amplified sound “plainly audible at a distance of fifty (50) feet or more shall be presumed to be violative.”

The proposed changes remove the language that sound measurements be taken from the curb line of the nearest public street to the violating property.

Instead, the proposed changes provide a new array of options for where to properly collect a sound violation measurement:

- A minimum of ten ft. from any property line from where the sound originates, but no less than 50 ft from the sound source in non-residential areas.
- A minimum of 10 ft. from the property line nearest the sound source with the reading recorded from the complainant’s property, but no less than 50 ft. in non-residential areas.
- A minimum of 50 ft. from the sound source when property lines do not apply.

FINDINGS:

Staff finds that the proposed amendment:

- Impose a precise measure for amplified sound violations.

	<ul style="list-style-type: none"> • Provide a method for how sound will be measured, and violations will be determined; and • Redefine the measurement location to permit measurement from the property line shared with the potentially offending location and clarifies other locations where accurate sound measurement is permissible depending on the context of the offense. • Meets the criteria for approval as outlined in Section 2.2.C of the UDC. <p>PLANNING AND ZONING COMMISSION ACTION:</p> <p>The Planning and Zoning Commission then a public hearing on the amendment at their November 4th, 2024, meeting and voted 6-0 to recommend APPROVAL of the amendment.</p> <p>RECOMMENDATION:</p> <p>Based on the recommendation of the P&Z and the alignment with the Code of Ordinances, staff recommends that the City Council, accept the findings and APPROVE on second reading the proposed amendment to Code of Ordinances regarding noise regulations.</p> <p>MOTIONS FOR CONSIDERATION:</p> <p>The following motions are provided to assist the Council’s decision.</p> <ul style="list-style-type: none"> - I move that the City Council accept the findings and APPROVE on second reading the proposed amendment. - I move that the City Council DENY the proposed amendment, based on the following findings: (The Council will need to state the reasons for the denial).
Item Justification	<input checked="" type="checkbox"/> Legal/Regulatory Obligation <input type="checkbox"/> Infrastructure Investment <input type="checkbox"/> Reduce Costs <input type="checkbox"/> Customer Pull <input type="checkbox"/> Increase Revenue <input checked="" type="checkbox"/> Service Enhancement <input type="checkbox"/> Mitigate Risk <input type="checkbox"/> Process Efficiency <input type="checkbox"/> Master Plan Recommendation <input type="checkbox"/> Other:
Strategic Alignment	C2 – Seeking customer-driven feedback. C3 – Collaborating with community partners to enhance quality of life. B1 – Utilizing data to drive smart decision making. B3 – Providing streamlines and efficient processes.

Financial Considerations	N/A
Citizen Input/Board Review	Notice of the City Council public hearing was published in the Boerne Star on November 20 th , 2024. No public comments were received.
Legal Review	N/A
Alternative Options	N/A
Supporting Documents	Ordinance No. 2024-30 Proposed Amendment

ORDINANCE NO. 2024-30

AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, AMENDING THE CODE OF ORDINANCES, BOERNE, TEXAS ARTICLE V. NOISE AND SOUND REGULATION, CHAPTER 14, SECTION 14-139. AMPLIFIED SOUND AND CHAPTER 14, SECTION 14-142. METHOD OF SOUND MEASUREMENT. PROVIDING FOR A PENALTY FOR VIOLATION OF ANY PROVISION OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE. (Amendments to Code of Ordinance, Noise and Sound)

WHEREAS, the City of Boerne, Texas, has determined that amendments to Chapter 14 of the Code of Ordinances are necessary to clarify and update regulations related to amplified sound and the method of sound measurement; and

WHEREAS, the City Council finds that the proposed amendments will help establish clearer guidelines for sound measurement, enforcement, and compliance, ensuring that sound levels within the City limits remain within acceptable standards for the benefit of all residents and businesses;

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS:

That the Code of Ordinances, City of Boerne, TX is hereby amending Section 14-139 to update and clarify the regulations governing the use of amplified sound within the city limits, Section 14-142 to update the method of sound measurement.

Chapter 14 NUISANCES

Article V NOISE AND SOUND LEVEL REGULATION

Section 14-139. - Amplified sound.

- (a) It shall be unlawful for any person to make, assist in making, permit, continue, cause to be made or continued, or permit the continuance of any sound using any sound amplifier that is part of or connected to any speaker system, radio, stereo receiver, compact disc player, cassette tape player, microphone, or any other sound source, when operated: (i) in such a manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants, or (ii) at any time with louder volume than is necessary for convenient hearing for persons who are in the vehicle or within the property or premises in which such sound amplifier is operated and who are voluntary listeners thereto. The operation of any such sound amplifier in such a manner as to be plainly audible at a distance of fifty (50) feet or more from a vehicle shall be presumed to be violative of this section. The operation of any such sound amplifier in such a manner that ~~bass~~ sounds exceed 70 decibels at any time or 65 decibels during nighttime hours measured shall be presumed to be a violation of this section. ~~are plainly audible at a distance of fifty (50) feet or more~~ Measurements may be taken as provided in section 14-142 of this article. ~~shall be presumed to be violative of this section.~~

Section. 14-142. - Method of sound measurement.

(a) Whenever portions of this chapter prohibit sound over a certain decibel limit, measurement shall be made with a Type 1 or Type 2 calibrated sound level meter utilizing the A-weighting scale and the slow meter response as specified by the American Standards Association. Measurements recorded shall be taken so as to provide a proper representation of the sound being measured. The microphone of the meter shall be positioned so as not to create any unnatural enhancement or diminution of the measured sound. A windscreen for the microphone shall be used.

Traffic, aircraft, and other transportation noise shall not be considered in taking measurements except where such background noise interferes with the noise being measured and cannot reasonably be distinguished from the primary noise.

~~Measurements of sound generated shall be taken from the curb line of the nearest public street to the property where the sound is generated and taken toward the source of the sound. In the event that there is not at least fifty (50) feet of distance from the building in which sound is being generated and from which sound is being measured, then measurements shall be taken from the street curb line opposite the said building of the nearest public street to the property where the sound is generated. Measurements will be made for a duration of no less than 30 seconds. Violations will be based on the highest registered reading within such time period which is attained more than one time in said time period or sustained.~~

(b) Measurements of sound shall be taken from either:

- a. A minimum of ten feet from any property line of the property from which the sound originates, but in no event greater than 50 feet from the sound source when the sound is generated in non-residential zoned areas, and all measurements shall be taken toward the source of the sound; or
- b. A minimum of ten feet from the property line nearest the sound source of a property occupied by a person who reports a violation of this article, but in no event greater than 50 feet from the sound source when the sound is generated in nonresidential zoned areas, and all measurements shall be taken toward the source of the sound; or
- c. A maximum of 50 feet from the sound source in the event the sound violation originates from a source where property lines are not applicable.

PASSED and APPROVED on first reading this the 10 day of December, 2024.

PASSED, APPROVED, and ADOPTED on second reading this the __ day of January, 2025.

APPROVED:

Mayor

ATTESTED:

City Secretary

Chapter 14.

...

Section 14-139. - Amplified sound.

- (a) It shall be unlawful for any person to make, assist in making, permit, continue, cause to be made or continued, or permit the continuance of any sound using any sound amplifier that is part of or connected to any speaker system, radio, stereo receiver, compact disc player, cassette tape player, microphone, or any other sound source, when operated: (i) in such a manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants, or (ii) at any time with louder volume than is necessary for convenient hearing for persons who are in the vehicle or within the property or premises in which such sound amplifier is operated and who are voluntary listeners thereto. The operation of any such sound amplifier in such a manner as to be plainly audible at a distance of fifty (50) feet or more from a vehicle shall be presumed to be violative of this section. The operation of any such sound amplifier in such a manner that ~~bass sounds exceed 70 decibels at any time or 65 decibels during nighttime hours measured shall be presumed to be a violation of this section.~~ are plainly audible at a distance of fifty (50) feet or more ~~Measurements may be taken as provided in section 14-142 of this article. shall be presumed to be violative of this section.~~

...

Section. 14-142. - Method of sound measurement.

- (a) Whenever portions of this chapter prohibit sound over a certain decibel limit, measurement shall be made with a Type 1 or Type 2 calibrated sound level meter utilizing the A-weighting scale and the slow meter response as specified by the American Standards Association. Measurements recorded shall be taken so as to provide a proper representation of the sound being measured. The microphone of the meter shall be positioned so as not to create any unnatural enhancement or diminution of the measured sound. A windscreen for the microphone shall be used. Traffic, aircraft, and other transportation noise shall not be considered in taking measurements except where such background noise interferes with the noise being measured and cannot reasonably be distinguished from the primary noise. ~~Measurements of sound generated shall be taken from the curb line of the nearest public street to the property where the sound is generated and taken toward the source of the sound. In the event that there is not at least fifty (50) feet of distance from the building in which sound is being generated and from which sound is being measured, then measurements shall be taken from the street curb line opposite the said building of the nearest public street to the property where the sound is~~

~~generated.~~ Measurements will be made for a duration of no less than 30 seconds. Violations will be based on the highest registered reading within such time period which is attained more than one time in said time period or sustained.

(b) Measurements of sound shall be taken from either:

(1) A minimum of ten feet from any property line of the property from which the sound originates, but in no event greater than 50 feet from the sound source when the sound is generated in non-residential zoned areas, and all measurements shall be taken toward the source of the sound; or

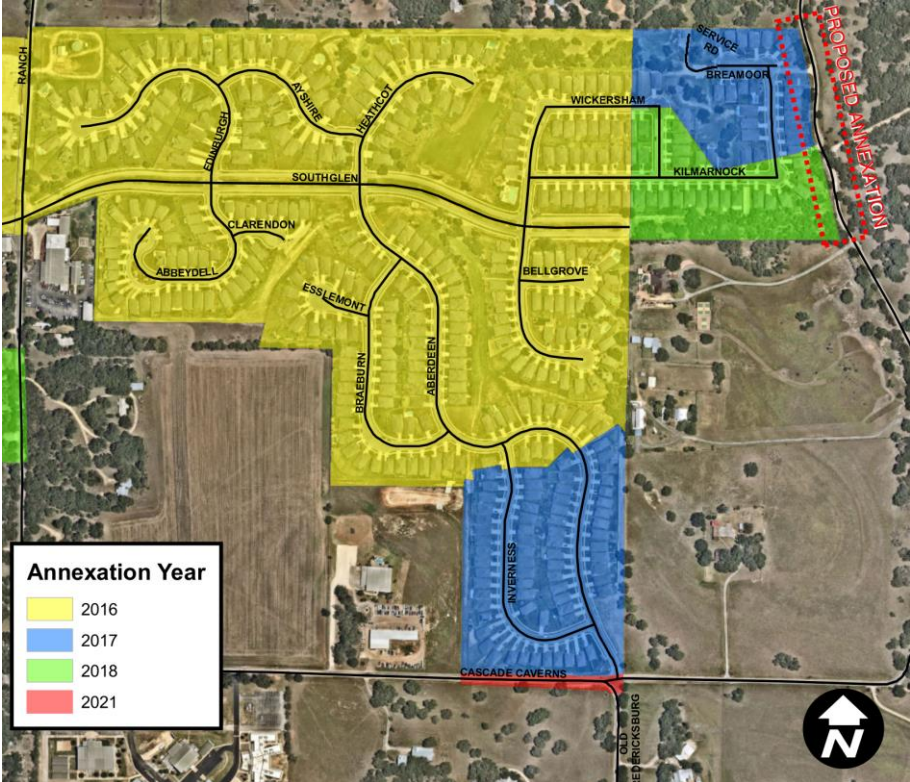
(2) A minimum of ten feet from the property line nearest the sound source of a property occupied by a person who reports a violation of this article, but in no event greater than 50 feet from the sound source when the sound is generated in nonresidential zoned areas, and all measurements shall be taken toward the source of the sound; or

(3) A maximum of 50 feet from the sound source in the event the sound violation originates from a source where property lines are not applicable.



AGENDA ITEM SUMMARY

Agenda Date	January 14, 2025
Requested Action	A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, ACCEPTING THE REQUEST AND SETTING THE DATE, TIME AND PLACE FOR A PUBLIC HEARING ON THE PROPOSED ANNEXATION OF A PORTION OF CASCADE CAVERNS ROAD (0.927 ACRES), BY THE CITY OF BOERNE, TEXAS; AUTHORIZING AND DIRECTING THE PUBLICATION OF NOTICE OF SUCH PUBLIC HEARING.
Contact Person	Jeffrey Carroll – Engineering & Mobility Director
Background Information	<p>State law regarding annexation requirements has evolved, with a significant change in 2015 (House Bill 1949) mandating that when cities annex new parcels, any adjacent county right-of-ways (ROWs) must also be annexed concurrently.</p> <p>The City of Boerne annexed the Southglen residential neighborhood in three phases in 2016, 2017, and 2018. However, for reasons unclear, the annexation boundaries did not include portions of adjacent county ROWs to the south and east of the neighborhood.</p> <p>In 2021, after discussions with Kendall County, the City annexed various county ROWs, including segments of Cascade Caverns Road adjacent to Southglen's southern boundary. On October 2, 2024, the City received a letter from the Kendall County Attorney identifying an unannexed portion of Cascade Caverns Road adjacent to Southglen's eastern boundary. The letter quoted state annexation requirements and requested the City's plan to address this discrepancy.</p> <p>After internal research, the City responded to the County on October 31, 2024, indicating its intent to annex this portion of the ROW in compliance with state law. The City's letter provided the required 60-day notice for County feedback; no comments were received. As such, City staff now request scheduling a public hearing to initiate the formal annexation process.</p>

	<p>Location Map:</p> 										
<p>Item Justification</p>	<table border="0"> <tr> <td><input checked="" type="checkbox"/> Legal/Regulatory Obligation</td> <td><input checked="" type="checkbox"/> Infrastructure Investment</td> </tr> <tr> <td><input type="checkbox"/> Reduce Costs</td> <td><input type="checkbox"/> Customer Pull</td> </tr> <tr> <td><input type="checkbox"/> Increase Revenue</td> <td><input type="checkbox"/> Service Enhancement</td> </tr> <tr> <td><input type="checkbox"/> Mitigate Risk</td> <td><input type="checkbox"/> Process Efficiency</td> </tr> <tr> <td><input type="checkbox"/> Master Plan</td> <td><input type="checkbox"/> Other:</td> </tr> </table> <p>Recommendation</p>	<input checked="" type="checkbox"/> Legal/Regulatory Obligation	<input checked="" type="checkbox"/> Infrastructure Investment	<input type="checkbox"/> Reduce Costs	<input type="checkbox"/> Customer Pull	<input type="checkbox"/> Increase Revenue	<input type="checkbox"/> Service Enhancement	<input type="checkbox"/> Mitigate Risk	<input type="checkbox"/> Process Efficiency	<input type="checkbox"/> Master Plan	<input type="checkbox"/> Other:
<input checked="" type="checkbox"/> Legal/Regulatory Obligation	<input checked="" type="checkbox"/> Infrastructure Investment										
<input type="checkbox"/> Reduce Costs	<input type="checkbox"/> Customer Pull										
<input type="checkbox"/> Increase Revenue	<input type="checkbox"/> Service Enhancement										
<input type="checkbox"/> Mitigate Risk	<input type="checkbox"/> Process Efficiency										
<input type="checkbox"/> Master Plan	<input type="checkbox"/> Other:										
<p>Strategic Alignment</p>	<p>F2 – Investing in and maintaining high-quality infrastructure systems and public assets.</p>										
<p>Financial Considerations</p>	<p>Annexing this roadway will increase the City’s annual pavement and ROW maintenance responsibilities.</p>										
<p>Citizen Input/Board Review</p>	<p>N/A</p>										
<p>Legal Review</p>	<p>N/A</p>										
<p>Alternative Options</p>	<p>N/A</p>										

Supporting Documents	<ul style="list-style-type: none">• County Letter (October 2, 2024)• City Letter (October 31, 2024)• Legal Description of Parcel
-----------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------

RESOLUTION NO. 2025-R01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, ACCEPTING THE REQUEST AND SETTING THE DATE, TIME AND PLACE FOR A PUBLIC HEARING ON THE PROPOSED ANNEXATION OF A PORTION OF CASCADE CAVERNS ROAD (0.927 ACRES), BY THE CITY OF BOERNE, TEXAS; AUTHORIZING AND DIRECTING THE PUBLICATION OF NOTICE OF SUCH PUBLIC HEARING

WHEREAS, the City Council of the City of Boerne, Texas, has been petitioned by Kendall County for the annexation of approximately 0.927 acres of land in Kendall County, Texas; and

WHEREAS, said tract of land is contiguous and adjacent to the City of Boerne, Texas

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS:

Section 1: On the 11th day of February 2025, in the Ronald C. Bowman City Council Chambers located at 447 N Main Street, Boerne, Texas, the City Council will hold a public hearing giving all interested persons the right to appear and be heard on the proposed annexation by the City of Boerne, Texas of the following described property, to wit:

BEING a 0.927 acre tract of land out of the J.R. Arocha Survey No. 171, Abstract No. 2, Kendall County, Texas, being a portion of Cascade Caverns Roadway.

Section 2: The Mayor of the City of Boerne is hereby authorized and directed to cause notice of such Public Hearing to be published once in a newspaper having general circulation in the City on or after the 10th day but before the 20th day before the date of said hearing. The notice for each hearing must be posted on the City’s Internet website on or after the 10th day but before the 20th day before the date of the hearing and must remain posted until the date of the hearing. (Section 43.063(c) Texas Local Government Code)

PASSED, APPROVED, and ADOPTED on this the ____ day of January, 2025.

APPROVED:

Mayor

ATTEST:

City Secretary



OFFICE OF GENERAL COUNSEL
Kendall County, Texas

MATTHEW L. GROVE,
General Counsel

(830) 249-9343 ext. 303
E: Matthew.Grove@co.kendall.tx.us

October 2, 2024

Ben Thatcher, City Manager
City of Boerne
447 N. Main Street
Boerne, TX 78006
Via email: bthatcher@boerne-tx.gov


RE: Cascade Caverns Road

Dear Mr. Thatcher:

I hope this letter finds you well. Recently, Kendall County begun the process of removing a cattle guard on Cascade Caverns Road. During this process, the County learned that this portion of the road was annexed by the City of Boerne in April 2016 when the Southglen subdivision was annexed. In accordance with Texas Local Government Code § 43.106(a), “[A] municipality that proposes to annex any portion of a county road or territory that abuts a county road must also annex the entire width of the county road and the adjacent right-of-way on both sides of the county road.” Thus, the portion of Cascade Caverns Road that abuts the Southglen annexation is the City of Boerne’s road as provided by Tex. Gov’t Code Ann. § 43.106.

Please advise how the City of Boerne would like to move forward to formally resolve this matter. Please feel free to reach out Please do not hesitate to contact me if you have any questions regarding this matter. I can be reached at (830) 249-9343 ext. 303 or via e-mail: Matthew.Grove@co.kendall.tx.us.

Very truly yours,

By: 
Matthew L. Grove
Kendall County General Counsel

cc: Commissioner Christina Bergmann
Commissioner Andra Wisian

October 31, 2024

Mary Ellen Schulle, P.E.
Kendall County
201 E. San Antonio Ave.
Boerne, TX 78006

RE: City of Boerne Notice of Intent to Annex a portion of the following Road Right of Way:
Portion of Cascade Cavern Road

Dear Ms. Schulle,

This letter is being sent pursuant to Texas Local Government Code §43.106(a) to notify Kendall County that the City of Boerne (“the City”) intends to annex a portion of the following County Road Right of Way (ROW) after delivery of this notice:

A portion of Cascade Caverns Road, adjacent to Southglen Unit 11B subdivision, approximate 1,630 feet north of the intersection of Cascade Cavern and Scheele Roads, see attached legal description.

As per letter received from County, dated October 2, 2024, City has been made aware that a parcel adjacent to this Kendall County Right-of-Way (ROW) was annexed into the City of Boerne in April 2016. In accordance with Texas Local Government Code § 43.106(a), “[A] municipality that proposes to annex any portion of a county road or territory that abuts a county road must also annex the entire width of the county road and the adjacent right-of-way on both sides of the county road.”

However, for unknown reasons it appears that previous City staff did not include annexation of said portion of County ROW with the annexed parcel that abuts the county road. To comply with Texas Local Government Code, the City intends to move forward with annexation of said portion of ROW at future Boerne City Council meeting, at least 61 days from this written notice.

You have received this notice because the City has been informed that you are the person designated by Kendall County for receipt of notice under Section 43.106(a). If this is not correct, or if the designated person or location for delivery has changed, please inform the undersigned immediately. If we do not here from you the City will proceed with annexation proceedings in accordance with the law.

Best Regards,



Jeffrey Carroll, P.E., CFM
Director of Engineering & Mobility



447 N. Main Street, Boerne, TX 78006
Phone: 830-249-9511 ● Fax: 830-249-9264

WWW.BOERNE-TX.GOV

PFEIFFER LAND SURVEYING

918 Adler Street, Boerne, Texas 78006

Phone: 830-249-3385

FIELD NOTES FOR A 0.927 ACRE TRACT OF LAND

Being a **0.927 acre** tract of land (including a portion of Cascade Caverns Road, a county maintained road) out of the J. R. Arocha Survey No. 171, Abstract No. 2, Kendall County, Texas being a portion of that certain 1.382 acre tract of land recorded in Volume 533, Pages 728-734, Official Records, Kendall County, Texas and a portion of that certain 50.78 acre tract of land recorded in Volume 79, Pages 225-226, Deed Records, Kendall County, Texas, said **0.927 acre** tract of land being more particularly described by metes and bounds as follows:

Beginning at a ½" iron rod found in the west line of the above mentioned 1.382 acre tract at the northeast corner of a 0.022 acre right of way dedication recorded in Document No. 2022-370952, Plat Records, Kendall County, Texas, the southeast corner of that certain 11.305 acre tract recorded in Volume 1745, Pages 703-707, Official Records, Kendall County, Texas, said point being the northwest corner of the tract herein described;

Thence, crossing the 1.382 acre tract and Cascade Caverns Road with the north line of the tract herein described, **North 89 degrees 50 minutes 12 seconds East**, a distance of **51.14 feet** to a calculated point in the east line of said 1.382 acre tract, the west line of that certain 26.278 acre tract recorded in Volume 731, Pages 609-612, Official Records, Kendall County, Texas, said point being the northeast corner of the tract herein described;

Thence, with multiple east lines of said 1.382 acre tract, and multiple west lines of said 26.278 acre tract and the west line of that certain 0.631 acre tract recorded in Document No. 2023-381500, Official Records, Kendall County, Texas, the following three (3) courses and distances:

South 12 degrees 16 minutes 54 seconds East, a distance of **238.82 feet** to a calculated point for angle;

South 01 degrees 49 minutes 30 seconds East, a distance of **207.83 feet** to a calculated point for angle;

and **South 22 degrees 58 minutes 35 seconds East**, a distance of **86.63 feet** to a calculated point at the southeast corner of said 1.382 acre tract, the southwest corner of said 0.631 acre tract, said point being in a northerly line of the above mentioned 50.78 acre tract;

Thence, crossing said 50.78 acre tract with multiple east lines of the tract herein described, the following two (2) courses and distances:

South 22 degrees 58 minutes 35 seconds East, a distance of **8.68 feet** to a calculated point for angle;

and **South 12 degrees 38 minutes 34 seconds East**, a distance of **265.68 feet** to a calculated point for the southeast corner of the tract herein described;

Thence, continuing to cross said 50.78 acre tract and Cascade Caverns Road with the south line of the tract herein described, **South 89 degrees 54 minutes 11 seconds West**, a distance of **51.22 feet** to a ½" iron rod with a "Matkin-Hoover" plastic cap found in a west line of said 50.78 acre tract for the southwest corner of the tract herein described, said point being the southeast corner of a 0.014 acre right of way dedication recorded in Document No. 2022-370952, Plat Records, Kendall County, Texas;

Thence, with the west line of the 50.78 acre tract, in part with the east line of said 0.014 acre tract and in part with the east line of Southglen, Phase 11B, recorded in Document No. 2022-370952, Plat Records, Kendall County, Texas and in part with the east line of a 0.075 acre right of way dedication recorded in Document No. 2022-370952, Plat Records, Kendall County, Texas, **North 12 degrees 38 minutes 34 seconds West**, a distance of **250.03 feet** to a ½” iron rod found for angle at the southwest corner of the aforementioned 1.382 acre tract;

Thence, with the west line of the 1.382 acre tract, in part with the east line of said 0.075 acre tract and in part with the east line of Southglen Phase 11B and in part with the east line of the aforementioned 0.022 acre tract, the following three (3) courses and distances:

North 22 degrees 58 minutes 35 seconds West, a distance of **100.13 feet** to a mag nail found for angle;

North 01 degrees 49 minutes 30 seconds West, a distance of **212.59 feet** to a ½” iron rod found for angle;

and **North 12 degrees 16 minutes 54 seconds West**, a distance of **244.98 feet** to the **Point of Beginning** containing **0.927 acres** of land.


Notes:

The bearings are based on the Texas State Plane Coordinate System, South Central Zone, 4204, NAD 83.

An exhibit of the above described tract was prepared.

This document was prepared under 22 Texas Administrative Code § 138.95, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.





 David M. Klein
 Registered Professional Land Surveyor No.5528
 Job Number: 186-24 (0.927 Acre Tract)

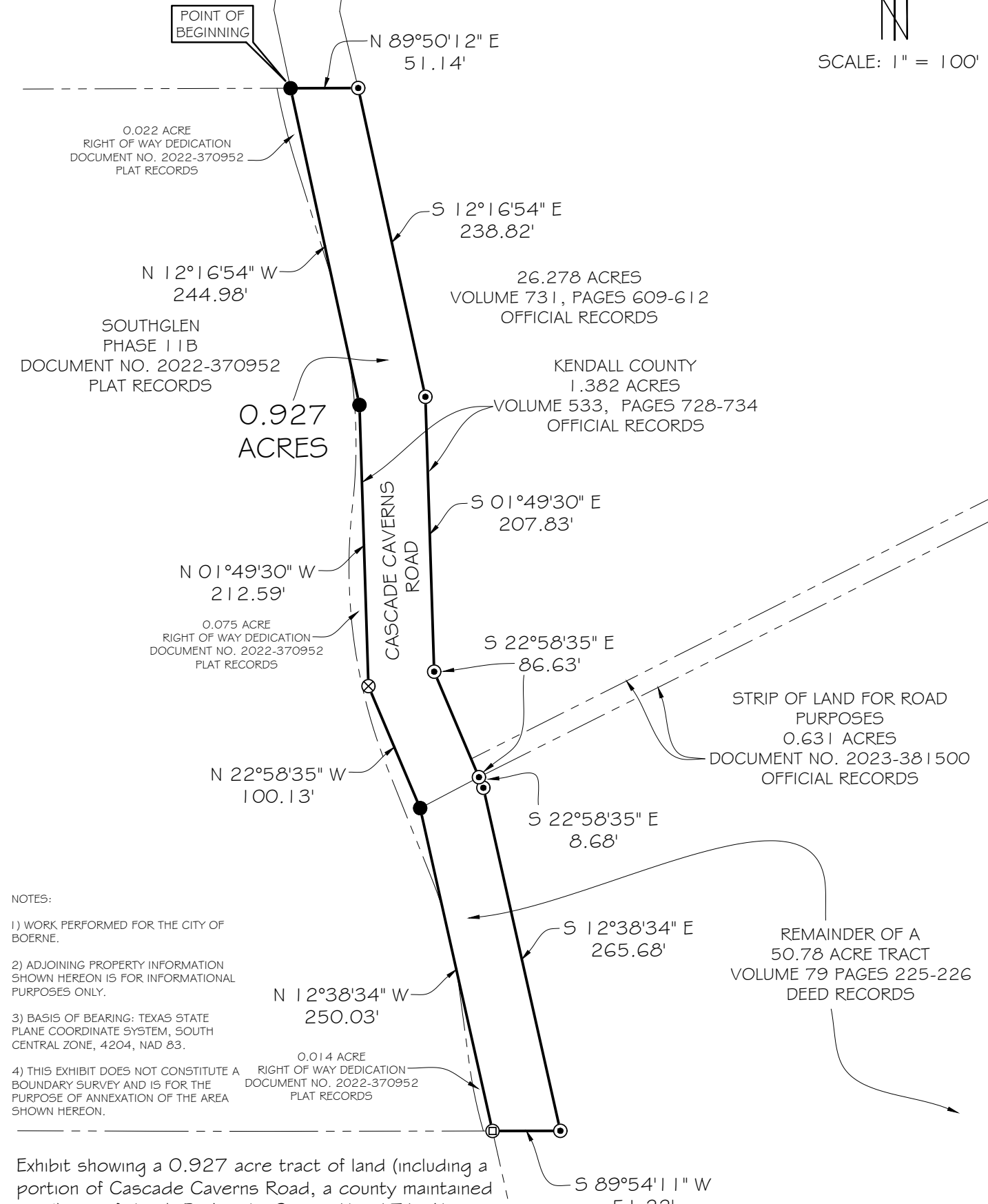
11.305 ACRES
VOLUME 1745, PAGES 703-707
OFFICIAL RECORDS

LEGEND

- FOUND 1/2" IRON ROD (UNLESS OTHERWISE NOTED)
- ⊗ FOUND MAG NAIL
- ⊙ CALCULATED POINT (NOT SET)
- ⊕ FOUND 1/2" IRON ROD WITH A "MATKIN-HOOVER" PLASTIC CAP
- FOUND 1/2" IRON ROD WITH AN ORANGE "PFEIFFER SURVEY" PLASTIC CAP



SCALE: 1" = 100'



NOTES:

- 1) WORK PERFORMED FOR THE CITY OF BOERNE.
- 2) ADJOINING PROPERTY INFORMATION SHOWN HEREON IS FOR INFORMATIONAL PURPOSES ONLY.
- 3) BASIS OF BEARING: TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, 4204, NAD 83.
- 4) THIS EXHIBIT DOES NOT CONSTITUTE A BOUNDARY SURVEY AND IS FOR THE PURPOSE OF ANNEXATION OF THE AREA SHOWN HEREON.

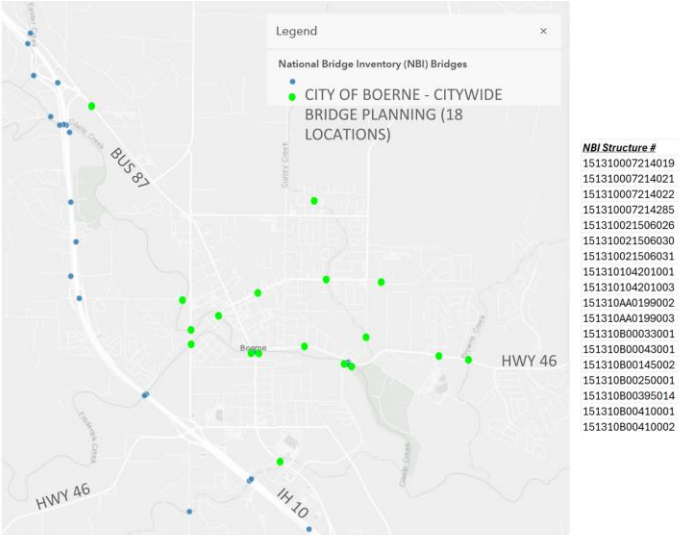
Exhibit showing a 0.927 acre tract of land (including a portion of Cascade Caverns Road, a county maintained road) out of the J. R. Arocha Survey No. 171, Abstract No. 2, Kendall County, Texas being a portion of that certain 1.382 acre tract of land recorded in Volume 533, Pages 728-734, Official Records, Kendall County, Texas and a portion of that certain 50.78 acre tract of land recorded in Volume 79, Pages 225-226, Deed Records, Kendall County, Texas,

PFEIFFER LAND SURVEYING
918 ADLER STREET
BOERNE, TX 78006
830-249-3385
FIRM NO. 10193761

DMK



AGENDA ITEM SUMMARY

Agenda Date	January 14, 2025
Requested Action	APPROVE RESOLUTION NO. 2025-R02; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND FEDERAL HIGHWAY ADMINISTRATION (FHWA) FOR THE BRIDGE INVESTMENT PROGRAM (BIP) GRANT PROGRAM.
Contact Person	Jeffrey Carroll – Engineering & Mobility Director
Background Information	<p>The Bridge Investment Program (BIP) was established under the Federal Bipartisan Infrastructure Law (BIL) with \$80 million in appropriated funds over five years (2022–2026). The program aims to reduce the number of bridges in poor condition or at risk of falling into poor condition.</p> <p>The City of Boerne applied for and was awarded a Planning Grant under the BIP. This grant supports the development of a comprehensive plan to address significant safety, transportation, and mobility challenges associated with 18 bridges located within the City. The plan will prioritize six bridges identified as being in "Fair" condition based on recent National Bridge Inventory (NBI) data.</p> <div style="text-align: center;">  </div>

RESOLUTION NO. 2025-R02

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND FEDERAL HIGHWAY ADMINISTRATION (FHWA), FOR THE BRIDGE INVESTMENT PROGRAM (BIP) GRANT PROGRAM

WHEREAS, the City of Boerne has applied for and was awarded a Planning Grant under the Bridge Investment Program (BIP) to develop a comprehensive plan for addressing significant safety, transportation, and mobility challenges associated with 18 bridges located within the city, with a focus on six bridges identified as being in "Fair" condition based on recent National Bridge Inventory (NBI) data;

WHEREAS, the BIP program is designed to support bridge preservation and improve transportation safety, efficiency, and mobility by addressing aging infrastructure, including bridges at risk of falling into poor condition;

WHEREAS, the grant will fund the following initiatives:

1. Conducting a comprehensive assessment of the city's bridge infrastructure to identify areas in need of repair or replacement;
2. Implementing a rehabilitation or replacement plan for the city's most critical bridges to ensure the safety and reliability of transportation networks;
3. Enhancing the resilience of bridges to withstand environmental and climate-related challenges;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS:

that the City Council hereby authorizes the City Manager to enter into and manage an agreement between the City of Boerne and the Federal Highway Administration (FHWA) for the Bridge Investment Program (BIP) Grant Program to receive grant funds for the assessment, repair, replacement, and rehabilitation of the city's bridges.

PASSED, APPROVED and ADOPTED on this the ___ day of January, 2025.

APPROVED:

Mayor

ATTEST:

City Secretary

*Note: Prior to completing and submitting the BIP FY 2023 and FY 2024 Grant Agreement Schedules, please review the Drafting Instructions and Additional Information sheet. Insert the required information as directed in the **Red Font** brackets. There should be no edits to the language in **Black Font** which is required language for this discretionary grant program.*

FEDERAL HIGHWAY ADMINISTRATION

FY 2022 – FY 2025 BRIDGE INVESTMENT PROGRAM

SCHEDULES A TO K TO THE GRANT AGREEMENT FOR THE

CITY OF BOERNE – CITYWIDE BRIDGE PLANNING

**SCHEDULE A
ADMINISTRATIVE INFORMATION**

1. Application.

See GrantSolutions, Schedule E, and section 26.5 of the General Terms and Conditions.

2. Recipient’s Unique Entity Identifier.

See GrantSolutions and section 25.3 of the General Terms and Conditions.

3. Recipient Contact(s).

See GrantSolutions.

4. Key Recipient Contacts.

Only language marked with an “X” is applicable.

X . The Recipient is a non-State DOT and the following are Key Recipient Contacts:

Name	Title or Position
Victor Saenz, P.E.	Assistant City Engineer
Jeff Carroll, P.E.	Director of Engineering and Mobility

____. The Recipient is a State DOT and this section 4 is not applicable to this grant.

5. FHWA Project Contact(s).

See GrantSolutions.

6. Payment System.

Only language marked with an “X” is applicable.

USDOT Payment System:

____. FMIS Current Bill (State DOT Recipient) X . DELPHI eInvoicing (non-State DOT Recipient)

7. Office for Subaward and Contract Authorization.

Only language marked with an “X” is applicable.

For a State DOT Recipient:

_____ USDOT Office for Subaward and Contract Authorization: FHWA Division Office

For a non-State DOT Recipient:

_____ FHWA Office for Subaward and Contract Authorization: FHWA Office of Acquisition and Grants Management

8. Designated Subrecipient.

Designated Subrecipient: **None**

**SCHEDULE B
PROJECT ACTIVITIES**

1. General Project Description.

All Project description changes must be documented in Schedule E. See the application in GrantSolutions.

2. Statement of Work.

All changes to the statement of work (scope) must be documented in Schedule E. This includes changes to the Project phases and components. See the application in GrantSolutions.

**SCHEDULE C
AWARD DATES AND PROJECT SCHEDULE**

1. Award Dates.

Budget Period End Date: **December 31, 2025.**

The budget period identifies the period of time when eligible costs can be incurred (work performed) on a project for reimbursement with grant funds under this grant agreement (2 CFR 200.1). See the Drafting Instructions and Additional Information sheet for more details.

Period of Performance End Date: **February 28, 2026.** Also see FMIS.

The period of performance means the interval between the start and end date of a Federal award. 2 CFR 200.1. See the Drafting Instructions and Additional Information sheet for more details.

2. Estimated Project Schedule.

All changes to the Project schedule in the application must be documented in Schedule E. See the Drafting Instructions and Additional Information sheet for more details and specific drafting instructions for “Multiple” phased obligations.

Only language marked with an “X” is applicable.

 . This is a Capital project.

Milestone	Schedule Date
Planned Construction Substantial Completion and Open to Traffic Date:	[N/A]

X. This is a Planning project.

Milestone	Schedule Date
Planned Project Completion Date:	02/28/2026

3. Special Milestone Deadlines.

Only language marked with an “X” is applicable.

X. The only critical dates are completion dates in section 2 of this schedule.

_____. There are additional critical dates to the completion dates in section 2 of this schedule identified in the table below.

If the additional critical dates include railroad coordination agreements that need to be executed for this Project, add a milestone for each agreement, prefixed with “Railroad Coordination Agreement:” See section 24.7 of the General Terms and Conditions.

Milestone	Deadline Date
N/A	N/A

**SCHEDULE D
AWARD AND PROJECT FINANCIAL INFORMATION**

1. Award Amount.

BIP Grant Amount: \$600,000

2. Federal Obligation Information.

Only language marked with an “X” is applicable.

 X . Under this grant agreement, the **Federal Obligation Type is Single** and all of the grant funds will be obligated in one obligation.

 . Under this grant agreement the **Federal Obligation Type is Multiple** and the grant funds will be obligated in project phases or by component as identified in the Obligation Condition Table in accordance with section 4.2 of the General Terms and Conditions.

If there are more than two phases or components, add as many rows as needed.

Obligation Condition Table		
Portion of the Project	Portion of the BIP Grant	Obligation Condition
Single Phase	\$600,000	
N/A	0	

3. Approved Project Budget.

Only language marked with an “X” is applicable.

_____. The Recipient is a State DOT and the Approved Project Budget is in FMIS. Also see schedule E for changes to the Project budget described in the application.

X . The Recipient is a non-State DOT and the Approved Project Budget is in the Eligible Project Costs table below.

If there is only a single component, use only the total column and remove other columns. If there are more than two components, add columns.

Eligible Project Costs

	Total
BIP Grant Funds:	\$600,000
Other Federal Funds:	
State Funds:	
Local Funds:	\$150,000
In-Kind Match:	
Other Funds:	
Total:	\$750,000

4. Approved Pre-award Costs

Only language marked with an “X” is applicable.

X . **None.** The FHWA has not approved under this award any costs incurred under an advanced construction authorization (23 U.S.C. 115), any costs incurred prior to authorization (23 C.F.R. 1.9(b)), or any pre-award costs under 2 C.F.R. 200.458.

_____. **Yes.** The FHWA authorized advance construction. See FMIS.

_____. **Yes.** On ~~[insert date]~~, ~~[Recipient]~~ sent a written request to the FHWA for pre-award approval under 2 C.F.R. 200.458 for costs to ~~[insert activity]~~. The pre-award approval request would allow the recipient to ~~[describe the reason for pre-award authority]~~. ~~[Recipient]~~ requested pre-award approval for ~~\$XXX~~ in ~~[Program Name]~~ Grant funds or non-Federal funds for match.

The FHWA Office of Acquisition and Grants Management determined that the pre-award costs were incurred directly pursuant to the negotiation and in anticipation of the Federal award and were necessary for efficient and timely performance of the scope of work. That office issued a notice to proceed with pre-award costs on ~~[insert date]~~.

5. General Terms and Conditions.

- (a) In this agreement, “**General Terms and Conditions**” means the content of the document titled “General Terms and Conditions Under the Fiscal Years 2022 - 2026 Bridge Investment Program (BIP) Grant Program” dated [insert date], which is available at [insert weblink]. The General Terms and Conditions reference the information contained in the schedules A - K to this agreement. The General Terms and Conditions are part of this agreement.
- (b) The Recipient states that it has knowledge of the General Terms and Conditions.
- (c) The Recipient acknowledges that the General Terms and Conditions impose obligations on the Recipient and that the Recipient’s non-compliance with the General Terms and Conditions may result in remedial action which may include but is not limited to terminating the BIP grant, disallowing costs incurred for the Project, requiring the Recipient to refund to the FHWA the BIP Grant, and reporting the non-compliance in the Federal-government-wide integrity and performance system.

6. Special Terms and Conditions.

Only language marked with an “X” is applicable.

 X . There are no special terms and conditions.

 . There are special terms and conditions for this grant. For each condition, identify the special term title and insert the special term text. Repeat and modify as needed.

**SCHEDULE E
CHANGES FROM APPLICATION**

The purposes of this schedule E are (1) to clearly and accurately document changes between the Project described in the application and the Project being funded, including, at minimum, the scope, schedule, and budget, and (2) to establish the parties’ knowledge and acceptance of the changes.

1. Federal Award Description: Refer to the **FY 2023 through 2026 Bridge Investment Program, Planning and Bridge Project Grants, 02/19/2024** which is incorporated by reference to the FMIS Project Agreement.

2. Changes From Application: The purpose of this section is to clearly and accurately document the changes in scope, schedule, and budget to establish the parties’ knowledge and acceptance of the changes.

Scope: (see *Drafting Instructions and Additional Information sheet for how to document scope changes*):

Schedule: (see *Drafting Instructions and Additional Information sheet for how to document schedule changes*):

The table below compares the Project milestone dates.

Only language marked with an “X” is applicable.

____. This is a Capital project:

Milestone	Application	Agreement
Planned Construction Substantial Completion and Open to Traffic Date:	N/A	N/A

X____. This is Planning project:

Milestone	Application	Agreement
Planned Project Completion Date:	09/01/2025	02/28/2026

Budget:

The table below provides a summary comparison of the Project budget.

Fund Source	Application		Schedule E	
	\$	%	\$	%
Previously Incurred Costs				
Federal Funds				

Fund Source	Application		Schedule E	
	\$	%	\$	%
Non-Federal Funds				
Total Previously Incurred Costs				
Future Eligible Project Costs				
BIP Funds				
Other Federal Funds				
Non-Federal Funds				
Total Future Eligible Project Costs				
Total Project Costs				

**SCHEDULE F
BIP PROGRAM DESIGNATIONS**

1. Urban or Rural Designation.

Urban-Rural Designation: **Urban**

2. Historically Disadvantaged Community or Area of Persistent Poverty Designation.

HDC or APP Designation: **No**

3. Funding Source.

Funding Source: **General Fund**

4. Security Risk Designation.

Security Risk Designation: **Low** - designated in accordance with section 20.1 of the General Terms and Conditions.

5. Capital or Planning Designation.

Capital-Planning Designation: **Planning**

6. Funding Act.

Infrastructure Investment and Jobs Act (Pub. L. 117–58, November 15, 2021):

Highway Trust Funds (IIJA § 11101(b)(1)(A)); and

Highway Infrastructure Program (HIP) General Funds (IIJA, division J, title VIII, HIP heading, paragraph (4)).

7. Funds Obligation.

FY 2022 Funds Obligation Deadline: September 30, 2025 for all sources of FY 2022 BIP funds

FY 2023 Funds Obligation Deadline: September 30, 2026 for all sources of FY 2023 BIP funds

FY 2024 Funds Obligation Deadline: September 30, 2027 for all sources of FY 2024 BIP funds

FY 2025 Funds Obligation Deadline: September 30, 2028 for all sources of FY 2025 BIP funds

8. Cancellation Date.

Highway Trust Funds: Available until expended.

IIJA/BIP General Funds for FY 2022: September 30, 2030

IIJA/BIP General Funds for FY 2023: September 30, 2031

IIJA/BIP General Funds for FY 2024: September 30, 2032

IIJA/BIP General Funds for FY 2025: September 30, 2033

**SCHEDULE G
BIP PERFORMANCE MEASUREMENT INFORMATION**

N/A to this planning grant with City of Boerne.

**SCHEDULE H
CLIMATE CHANGE AND ENVIRONMENTAL JUSTICE IMPACTS**

1. Consideration of Climate Change and Environmental Justice Impacts.

The Recipient states that the row(s) marked with an “X” are accurate:

	The Notice of Funding Opportunity (NOFO) did not include consideration of Climate Change and Environmental Justice Impacts under the Merit Criteria, FHWA Selection Priority Considerations, or as a condition of award.
	The NOFO included the consideration of Climate Change and Environmental Justice Impacts under FHWA Selection Priority Selection Considerations, but the Recipient did not address Climate Change and Environmental Justice Impacts in the Application.

If the NOFO required applicants to address Climate Change and Environmental Justice Impacts under the Merit Criteria, the FHWA Priority Considerations, or requires the Recipient to address these impacts as a condition of award, then use an “X” to select the applicable option(s) in the table below and provide a short narrative to support the selected option.

	The Project directly supports a State Carbon Reduction Strategy, State Electric Vehicle Infrastructure Deployment Plan, or other State, local, or tribal emissions reduction plan. <i>(Identify the plan in the supporting narrative below.)</i>
	The Project significantly reduces greenhouse gas emissions reductions relative to a no-action baseline through one of the following methods: modal shift, land-use planning to reduce trip length or frequency, traffic demand management, or incorporation of freight logistics technology. <i>(Identify the method in the supporting narrative below.)</i>
	The Project incorporates electrification infrastructure, zero-emission vehicle infrastructure, or both. <i>(Describe the incorporated infrastructure in the supporting narrative below.)</i>
	The Project promotes energy efficiency by serving the renewable energy supply chain or incorporating carbon-reducing uses of the rights-of-way. <i>(Describe how in the supporting narrative below.)</i>
X	The Project improves disaster preparedness and resiliency. <i>(Describe how in the supporting narrative below.)</i>
X	The Project avoids adverse environmental impacts to air or water quality, wetlands, and endangered species, such as with improved stormwater management or improved habitat connectivity. <i>(Describe how in the supporting narrative below.)</i>
	The Project repairs existing dilapidated or idle infrastructure that is currently causing environmental harm. <i>(Describe that infrastructure in the supporting narrative below.)</i>

	The Project includes recycling of materials, use of materials known to reduce or reverse carbon emissions, or both. <i>(Describe the materials in the supporting narrative below.)</i>
	The Recipient has taken other actions to consider climate change and environmental justice impacts of the Project. <i>(Describe those actions in the supporting narrative below.)</i>

2. Supporting Narrative.

The planning project will study bridges in the City of Boerne that were rated as “Fair” in recent NBI data. The study will provide the City with information on how to increase the bridges’ ratings and useful life, and improving disaster preparedness and resiliency.

The planning project will inform the City on the bridges’ statuses and options for rehabilitating, preserving, or replacing any of them. In addition to facilitating safer access and improving quality of life for the community, the project could identify ways to address persistent flooding issues. The bridges cross creeks located in the City and any improvements to them directly benefit the stormwater management.

**SCHEDULE I
EQUITY AND BARRIERS TO OPPORTUNITY**

1. Efforts to Improve Racial Equity and Reduce Barriers to Opportunity.

The Recipient states that the row(s) marked with an “X” are accurate:

	The Notice of Funding Opportunity (NOFO) did not include the consideration of Equity and Barriers to Opportunity under the Merit Criteria, FHWA Selection Priority Considerations, or as a condition of award.
	The NOFO included the consideration of Equity and Barriers to Opportunity under FHWA Selection Priority Selection Considerations, but the Recipient did not address Labor and Work in the Application.

If the NOFO required applicants to include Equity and Barriers to Opportunity impacts under the Merit Criteria, under the FHWA Priority Considerations, or requires the Recipient to address these impacts as a condition of award, then use an “X” to select the applicable option(s) in the table below and provide a short narrative to support the selected option.

	The Project increases affordable transportation choices or significantly reduces vehicle dependence. <i>(Describe how in the supporting narrative below.)</i>
X	The Project expands active transportation usage. <i>(Describe how in the supporting narrative below.)</i>
	The Project reduces transportation and housing cost burdens by integrating mixed use development and a diversity of housing types (including affordable housing) with multimodal transportation infrastructure. <i>(Describe how in the supporting narrative below.)</i>
	The Project coordinates and integrates land use, affordable housing, and transportation planning to create more livable communities and expand travel choices. <i>(Describe how in the supporting narrative below.)</i>
X	The Project reduces vehicle dependence and improves access to daily destinations, such as jobs, healthcare, grocery stores, schools, places of worship, recreation, or parks, such as by adding new facilities that promote walking or biking. <i>(Describe how in the supporting narrative below.)</i>
	The Project implements transit-oriented development that benefits residents and businesses. <i>(Describe how in the supporting narrative below, including a specific description of the benefits to residents and businesses.)</i>
	The project sponsor has adopted an equity and inclusion program/plan or has otherwise instituted equity-focused policies related to project procurement, material sourcing,

	construction, inspection, hiring, or other activities designed to ensure equity in the overall project delivery and implementation. <i>(Describe how in the supporting narrative below.)</i>
	The Recipient or a project partner has taken other actions related to the Project to improve racial equity and reduce barriers to opportunity. <i>(Describe those actions in the supporting narrative below.)</i>

2. Supporting Narrative.

The planning project will provide information on how to better accommodate bicycle and pedestrian traffic in the City. Boerne is taking a proactive approach to maintain the bridges and improve safety and mobility and connecting the City.

**SCHEDULE J
LABOR AND WORKFORCE**

1. Efforts to Support Good-Paying Jobs and Strong Labor Standards

The Recipient states that the row(s) marked with an “X” are accurate:

	The Notice of Funding Opportunity (NOFO) did not include the consideration of Labor and Workforce under the Merit Criteria, FHWA Selection Priority Considerations, or as a condition of award.
	The NOFO included the consideration of Labor and Workforce under FHWA Selection Priority Selection Considerations, but the Recipient did not address Labor and Workforce in the Application.

If the NOFO required applicants to include Labor and Work efforts under the Merit Criteria, under the FHWA Priority Considerations, or requires the Recipient to address these impacts as a condition of award, then use an “X” to select the applicable option(s) in the table below and provide a short narrative to support the selected option.

X	The Recipient or a project partner promotes robust job creation by supporting good-paying jobs directly related to the project with free and fair choice to join a union. <i>(Describe robust job creation and identify the good-paying jobs in the supporting narrative below.)</i>
	The Recipient or a project partner will invest in high-quality workforce training programs such as registered apprenticeship programs to recruit, train, and retain skilled workers, and implement policies such as targeted hiring preferences. <i>(Describe the training programs in the supporting narrative below.)</i>
	The Recipient or a project partner implements targeted hiring preferences that will promote the entry and retention of underrepresented populations into those jobs including women, people of color, and people with convictions. <i>(Describe the use of targeted hiring preferences that will promote the entry and retention of underrepresented populations in jobs in the supporting narrative below.)</i>
	The Recipient or a project partner will partner with high-quality workforce development programs with supportive services to help train, place, and retain underrepresented communities in good-paying jobs or registered apprenticeships including through the use of local and economic hiring preferences, linkage agreements with workforce programs that serve underrepresented groups, and proactive plans to prevent harassment. <i>(Describe the supportive services provided to trainees and employees, preferences, and policies in the supporting narrative below.)</i>
	The Recipient or a project partner will partner and engage with local unions or other worker-based organizations in the development and lifecycle of the project, including through evidence of project labor agreements and/or community benefit agreements.

	<i>(Describe the partnership or engagement with unions and/or other worker-based organizations and agreements in the supporting narrative below.)</i>
	The Recipient or a project partner will partner with communities or community groups representative of historically underrepresented groups to develop workforce strategies. <i>(Describe the partnership and workforce strategies in the supporting narrative below.)</i>
	The Recipient or a project partner has taken other actions related to the Project to create good-paying jobs with the free and fair choice to join a union and incorporate strong labor standards. <i>(Describe those actions in the supporting narrative below.)</i>

2. Supporting Narrative.

This grant will allow the City to identify improvements to bridges in Boerne. This data can help develop construction projects where actions can be taken to improve the labor force

**SCHEDULE K
TITLE VI**

As a condition of a grant award, grant recipients should demonstrate that the Recipient has a plan for compliance with Title VI of the Civil Rights Act of 1964 and implementing regulations (49 CFR part 21 and 23 CFR Part 200).

1. Recipient Type Designation.

Only language marked with an “X” is applicable.

 X . **Recipient Type Designation: Existing.** The Recipient is a State DOT recipient of apportioned (formula) Federal-aid highway funding or a non-State DOT who has received other Federal funds and has a current Title VI Plan on file with the FHWA.

 . **Recipient Type Designation: New.** The Recipient is a non-State DOT and does not have a current Title VI Plan on file with the FHWA.

2. Title VI Assessment Information.


Only language marked with an “X” is applicable.

 X . **The Recipient Type Designation is Existing.** The Recipient has submitted to FHWA, prior to signing this grant agreement, documentation showing that it has a current, approved Title VI Implementation Plan on file with FHWA.

 . **The Recipient Type Designation is New.** The Recipient is providing the required, signed DOT Title VI Standard Assurances at Exhibit B, Term B.1, of this grant agreement as of the date of execution of this grant agreement.



AGENDA ITEM SUMMARY

	AGENDA ITEM SUMMARY		
Agenda Date	January 14, 2025		
Requested Action	APPROVE RESOLUTION NO. 2025-R03; A RESOLUTION OF THE CITY OF BOERNE AUTHORIZING THE CITY MANAGER TO EXECUTE AN ABANDONMENT AND TERMINATION OF UTILITY EASEMENT GRANTED TO THE CITY BY SETH FRITCHTER, EXECUTED JUNE 13, 2023, RECORDED AS DOCUMENT NO. 381048 OF THE OFFICIAL PUBLIC RECORDS OF KENDALL COUNTY, TEXAS.		
Contact Person	Michael Mann, PE – Utilities Director		
Background Information	<p>In 2023, the property owner at 266 Fabra Street funded and executed an easement for high-voltage underground electric lines as part of site improvements. However, subsequent site modifications proposed by the owner conflicted with these facilities.</p> <p>After discussions with City staff, the property owner agreed to:</p> <ol style="list-style-type: none"> 1. Fund the relocation of the electric facilities to a new location on the property. 2. Execute a new easement aligned with the relocated facilities. <p>The physical relocation is now complete, and the owner has provided a new easement document. The previous easement, which is no longer necessary, should be formally abandoned as a public asset.</p> <p>Based on this resolution, staff recommends that the Council authorize the abandonment of the former easement.</p>		
Item Justification	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input checked="" type="checkbox"/> Legal/Regulatory Obligation <input type="checkbox"/> Reduce Costs <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Mitigate Risk <input type="checkbox"/> Master Plan Recommendation </td> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Infrastructure Investment <input type="checkbox"/> Customer Pull <input type="checkbox"/> Service Enhancement <input type="checkbox"/> Process Efficiency <input checked="" type="checkbox"/> Other: Customer Service </td> </tr> </table>	<input checked="" type="checkbox"/> Legal/Regulatory Obligation <input type="checkbox"/> Reduce Costs <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Mitigate Risk <input type="checkbox"/> Master Plan Recommendation	<input type="checkbox"/> Infrastructure Investment <input type="checkbox"/> Customer Pull <input type="checkbox"/> Service Enhancement <input type="checkbox"/> Process Efficiency <input checked="" type="checkbox"/> Other: Customer Service
<input checked="" type="checkbox"/> Legal/Regulatory Obligation <input type="checkbox"/> Reduce Costs <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Mitigate Risk <input type="checkbox"/> Master Plan Recommendation	<input type="checkbox"/> Infrastructure Investment <input type="checkbox"/> Customer Pull <input type="checkbox"/> Service Enhancement <input type="checkbox"/> Process Efficiency <input checked="" type="checkbox"/> Other: Customer Service		

Strategic Alignment	C1 – Offering quality customer experiences. F2 – Investing in and maintaining high-quality infrastructure systems and public assets.
Financial Considerations	N/A
Citizen Input/Board Review	N/A
Legal Review	The City Attorney’s office has previously confirmed that Council authorization is required for real-property transactions, including utility easement abandonments.
Alternative Options	The City could choose to leave the existing easement in place. However, this would create a building encroachment into the utility easement, which is not permitted.
Supporting Documents	Resolution No. 2025-R03 Recorded Easement Document to Be Abandoned

RESOLUTION NO. 2025-R03

A RESOLUTION OF THE CITY OF BOERNE AUTHORIZING THE CITY MANAGER TO EXECUTE AN ABANDONMENT AND TERMINATION OF UTILITY EASEMENT GRANTED TO THE CITY BY SETH FRITCHTER, EXECUTED JUNE 13, 2023, RECORDED AS DOCUMENT NO. 381048 OF THE OFFICIAL PUBLIC RECORDS OF KENDALL COUNTY, TEXAS

WHEREAS, the City of Boerne acquired an Utility Easement dated June, 13, 2023, recorded as document no. 381048 of the Official Public Records, Kendall County, Texas; and

WHEREAS, the project for which this Utility Easement was granted has been altered, and as a result, this easement is no longer necessary for the project; and

WHEREAS, the City of Boerne finds it in the best interest of the public to execute an abandonment and termination of easement previously granted to the City of Boerne.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS:

that the City Council hereby authorizes the City Manager to execute an abandonment and termination of utility easement granted to the city by Seth Fritchter, executed June 13, 2023, recorded as document no. 381048 of The Official Public Records of Kendall County, Texas.

PASSED, APPROVED and ADOPTED on this the ___ day of January, 2025.

APPROVED:

Mayor

ATTEST:

City Secretary

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

**PERMANENT EASEMENT
FOR UTILITIES**

Grantor: Seth Fritcher

Grantor's Mailing Address (including county):

266 Fabra Street
Kendall County
Boerne, Texas 78006

Grantee: City of Boerne, A Municipal Corporation,
of Kendall County, Texas

Grantee's Mailing Address (including county):

Post Office Box 1677,
Boerne, Kendall County, Texas

Property:

All those certain tracts, pieces, or parcels of land, lying and being situated in the County of Kendall, State of Texas, described as a 15.00-acre tract conveyed to Seth Fritcher by deed recorded in Document No. 2021-354688, Official Records, Kendall County, Texas (the "Property").

Grant of Easement:

For and in consideration the sum of TEN AND NO/100 DOLLARS (\$10.00), the benefits to be derived herefrom, and other good and valuable consideration, all paid to and received by the undersigned from the Grantee, the receipt and sufficiency of which is hereby acknowledged and confessed, the undersigned Grantor GRANTS, SELLS, and CONVEYS unto the Grantee an easement and right-of-way over, and upon the Property (the "Easement") for the following purposes.

Utilities, including, without limitation, electric, telephone and cable television, with all necessary and/or desirable lines, laterals and/or appurtenances thereto (the "Utilities").

Said Easement being a variable width utility easement containing 0.088 acres of land described in Exhibits "A" and "B" attached hereto and made a part hereof for all purposes.

Together with the right of ingress and egress over passable areas of the Grantor's adjacent land, when the delineated entrance point that abuts public right-of-way is obstructed and/or inaccessible, either in whole or in part, in order to access or leave the Easement for the purpose of constructing, reconstructing, inspecting, patrolling, operating, maintaining, repairing, and removing the Utilities; the right to place new or additional Utilities in the Easement and to change the size of the Utilities within the Easement; the right to relocate along the same general direction of the Utilities; the right to remove from the Easement all trees and parts thereof, or other obstructions, which reasonably endanger or may reasonably interfere with the efficiency of the Utilities;

and the right to place temporary structures for use in constructing or repairing the Utilities.

TO HAVE AND TO HOLD the above described Easement unto the Grantee, its successors and assigns, until the Easement shall be abandoned by the Grantee, as evidenced by a Certificate of Abandonment executed by the Mayor or his designated representative.

This Easement is MADE and ACCEPTED subject to the following:

1. The Grantor specifically reserves the right to use all or any part of the Easement for any purpose, which does not damage, destroy, injure, and/or unreasonably interfere with the Grantee's use of the Easement. However, the easement shall be kept clear of all structures, trees, large plants and other improvements.
2. The Grantee shall make commercially reasonable efforts to ensure the damage to the Property is minimized and will at all times, after doing any work in connection with the Utilities, restore the Property to the condition in which the Property was found before such work was undertaken to the extent that such restoration is reasonable in accordance with the Grantee's usual and customary practices.
3. The Grantee shall install double swing gates with a minimum clear opening of twelve (12) feet wide wherever fences cross the Easement.

Each person signing this Permanent Easement for Utilities represents and warrants that he or she is duly authorized and has the legal capacity to enter into and execute this Permanent Easement for Utilities. Grantor warrants and represents to Grantee that execution of this Permanent Easement for Utilities and the performance of such Grantor's obligations hereunder have been duly authorized and that the Permanent Easement for Utilities is valid and legally binding on such Grantor and is enforceable in accordance with its terms

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed on this 13th day of June, 2023A.D.

Grantor: Seth Fritcher
By: 
Title: Owner

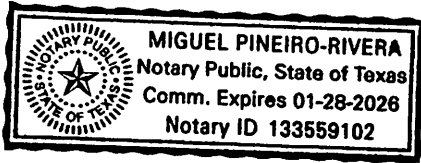
[Notary Page Follows]

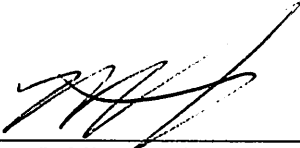
ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF Kendall §

This instrument was acknowledged before me on the 13 day of June, 2023A.D., by
Miguel Pineiro-Rivera

(Seal)





Notary Public and For
The State of Texas
My Commission Expires: 1/28/2026
Printed Name of Notary:
Miguel Pineiro-Rivera

EXHIBIT A

Donnie Boerner Surveying Company L.P.
228 Holiday Road ♦ Comfort, Texas 78013
Phone: 830-377-2492
FIRM NO. 10193963

Field Notes for a Variable Width Utility Easement Containing 0.088 Acres of Land

Being a variable width utility easement containing 0.088 acres of land out of the Antonio Lockmar Survey No. 177, Abstract No. 311, Kendall County, Texas and being part of that certain 15.00 acre tract conveyed to SETH FRITCHER by deed recorded in Document No. 2021-354688, Official Records, Kendall County, Texas, said 0.088 acre tract being more particularly described by metes and bounds as follows:

Commencing at a point in the northwest line of the above referenced 15.00 acre tract and also being the northwest corner of that certain 15' wide utility easement recorded in Volume 922, Pages 429-433, Official Records, Kendall County, Texas, said point bears, South 79 degrees 59 minutes 08 seconds West, a distance of 338.65 feet from a steel rod found with an orange "MDS SURVEY" plastic cap at the northeast corner of said 15.00 acre tract, said point also bears, North 79 degrees 59 minutes 08 seconds East, a distance of 879.77 feet from a ½" steel rod found;

Thence, departing the northwest line of said 15.00 acre tract, with the southwest line of said 15' wide utility easement, South 10 degrees 00 minutes 52 seconds East, a distance of 7.32 feet to the **Place of Beginning** at the northwest corner of the herein described easement;

Thence, continuing with the southwest line of said 15' wide utility easement, South 10 degrees 00 minutes 52 seconds East, a distance of 7.68 feet to a point at the southwest corner of said 15' wide utility easement;

Thence, with the southeast line of said 15' wide utility easement, North 79 degrees 59 minutes 08 seconds East, a distance of 53.02 feet to a point for the northeast corner of the herein described easement;

Thence, departing the southeast line of said 15' wide utility easement, the following seven (7) courses and distances,

- 1) South 10 degrees 00 minutes 52 seconds East, a distance of 6.00 feet to a point for corner,
- 2) South 79 degrees 59 minutes 08 seconds West, a distance of 46.15 feet to a point for angle,
- 3) South 41 degrees 53 minutes 33 seconds West, a distance of 49.80 feet to a point for angle,
- 4) South 27 degrees 48 minutes 32 seconds West, a distance of 82.59 feet to a point for angle,
- 5) South 17 degrees 23 minutes 56 seconds West, a distance of 59.56 feet to a point for angle,
- 6) South 07 degrees 57 minutes 44 seconds East, a distance of 20.06 feet to a point for angle,
- 7) and, South 41 degrees 49 minutes 30 seconds East, a distance of 8.01 feet to a point for the southeast corner of the herein described easement;

Thence, South 48 degrees 10 minutes 30 seconds West, a distance of 20.25 feet to a point for the southwest corner of the herein described easement;

Thence, the following six (6) courses and distances,

- 1) North 41 degrees 49 minutes 30 seconds West, a distance of 15.00 feet to a point for corner,
- 2) North 48 degrees 10 minutes 30 seconds East, a distance of 6.88 feet to a point for corner,
- 3) North 07 degrees 57 minutes 44 seconds West, a distance of 25.09 feet to a point for angle,
- 4) North 17 degrees 23 minutes 56 seconds East, a distance of 64.30 feet to a point for angle,
- 5) North 27 degrees 48 minutes 32 seconds East, a distance of 85.81 feet to a point for angle,
- 6) and, North 41 degrees 53 minutes 33 seconds East, a distance of 54.69 feet to the **Place of Beginning** and containing 0.088 acres of land.

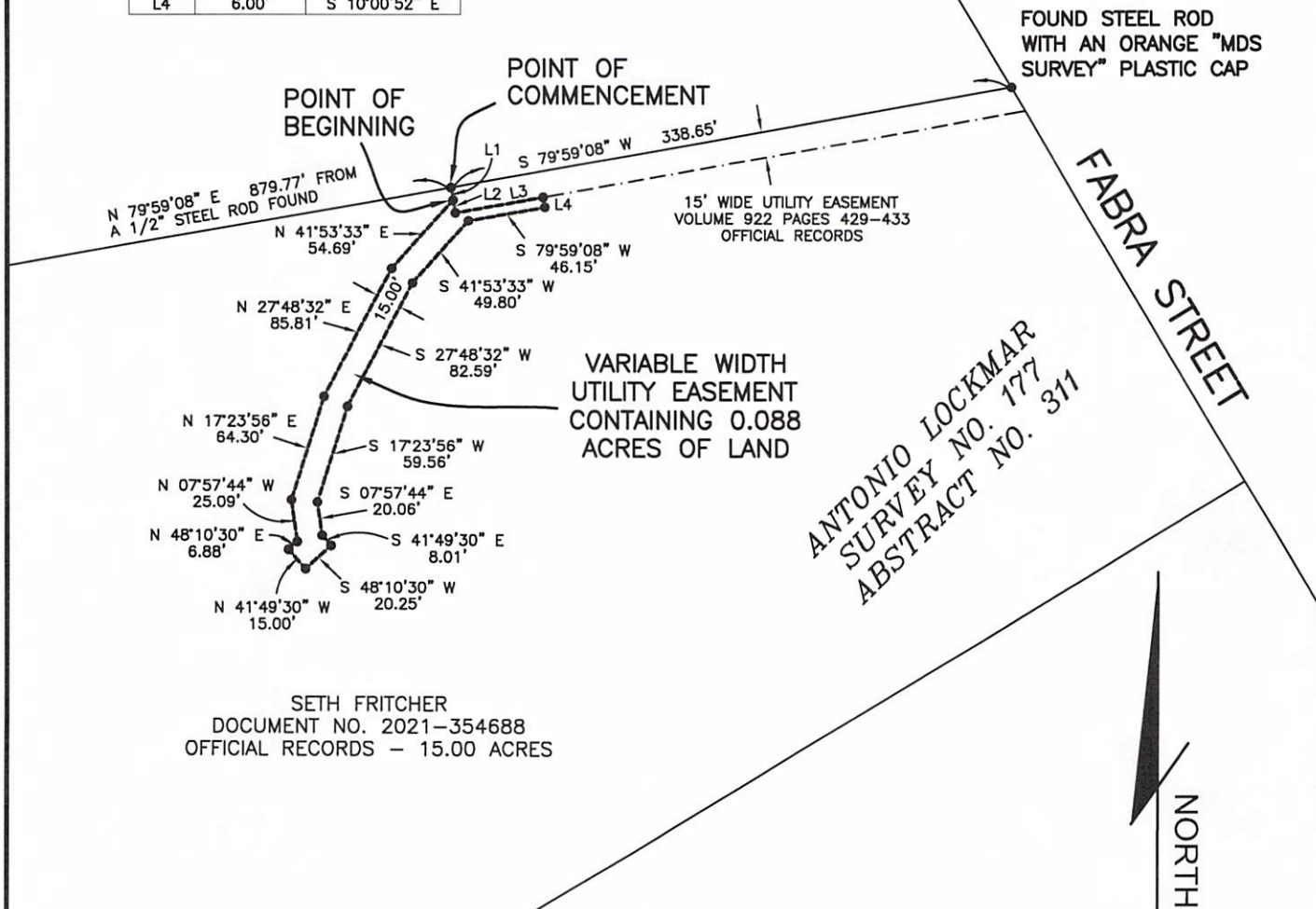
Note: A survey plat of the above described easement was prepared. Basis of bearing was established deed recorded in Document No. 2021-354688, Official Records, Kendall County, Texas.



Donald Dean Boerner
Registered Professional Land Surveyor No. 5207

EXHIBIT B

LINE	DISTANCE	BEARING
L1	7.32'	S 10°00'52" E
L2	7.68'	S 10°00'52" E
L3	53.02'	N 79°59'08" E
L4	6.00'	S 10°00'52" E



SETH FRITCHER
DOCUMENT NO. 2021-354688
OFFICIAL RECORDS - 15.00 ACRES

ANTONIO LOCKMAR
SURVEY NO. 177
ABSTRACT NO. 311



SCALE: 1" = 100'

ADDRESS: 266 FABRA STREET

GENERAL NOTES:

- 1) BASIS OF BEARING WAS ESTABLISHED FROM DEED RECORDED IN DOCUMENT NO. 2021-354688, OFFICIAL RECORDS, KENDALL COUNTY, TEXAS.
- 2) A FIELD NOTE DESCRIPTION WAS PREPARED FOR THIS EASEMENT.
- 3) CORNERS OF THE UTILITY EASEMENT ARE A POINT.

PLAT SHOWING: A variable width utility easement containing 0.088 acres of land out of the Antonio Lockmar Survey No. 177, Abstract No. 311, Kendall County, Texas and being part of that certain 15.00 acre tract conveyed to SETH FRITCHER by deed recorded in Document No. 2021-354688, Official Records, Kendall County, Texas.

DONNIE BOERNER SURVEYING COMPANY L.P.
228 HOLIDAY ROAD
COMFORT, TEXAS 78013
PH: 830-377-2492



I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THIS SURVEY.

Donald Dean Boerner
DONALD DEAN BOERNER
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5207

FIRM NO. 10193963

DATE 06-02-2023

JOB NO: 23-265



VG-186-2023-381048

Kendall County
Denise Maxwell
Kendall County Clerk

Instrument Number: 381048

Real Property Recordings

Recorded On: June 22, 2023 10:38 AM

Number of Pages: 7

" Examined and Charged as Follows: "

Total Recording: \$46.00

***** THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 381048
Receipt Number: 20230622000016
Recorded Date/Time: June 22, 2023 10:38 AM
User: Grace O
Station: cclerk07

Record and Return To:

City of Boerne



STATE OF TEXAS

Kendall County

I hereby certify that this Instrument was filed in the File Number sequence on the date/time printed hereon, and was duly recorded in the Official Records of Kendall County, Texas

Denise Maxwell
Kendall County Clerk
Kendall County, TX



AGENDA ITEM SUMMARY

	AGENDA ITEM SUMMARY		
Agenda Date	January 14, 2025		
Requested Action	APPROVE THE PROPOSED CHARTER AMENDMENTS AS PRESENTED BY THE CHARTER REVIEW COMMISSION		
Contact Person	Lori A. Carroll, City Secretary		
Background Information	<p>The Charter Review Commission convened on four separate occasions to examine the City’s Home Rule Charter, focusing specifically on Sections 3 and 4, as directed by the City Council during a regularly called council meeting.</p> <p>The Commission’s final review of the proposed amendments is scheduled for January 14, 2025, at 5:30 PM.</p> <p>If the City Council approves the proposed amendments, a Special Election will be ordered no later than February 11, 2025, for inclusion on the May 3, 2025, ballot.</p>		
Item Justification	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input checked="" type="checkbox"/> Legal/Regulatory Obligation <input type="checkbox"/> Reduce Costs <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Mitigate Risk <input type="checkbox"/> Master Plan Recommendation </td> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Infrastructure Investment <input type="checkbox"/> Customer Pull <input type="checkbox"/> Service Enhancement <input type="checkbox"/> Process Efficiency <input type="checkbox"/> Other: </td> </tr> </table>	<input checked="" type="checkbox"/> Legal/Regulatory Obligation <input type="checkbox"/> Reduce Costs <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Mitigate Risk <input type="checkbox"/> Master Plan Recommendation	<input type="checkbox"/> Infrastructure Investment <input type="checkbox"/> Customer Pull <input type="checkbox"/> Service Enhancement <input type="checkbox"/> Process Efficiency <input type="checkbox"/> Other:
<input checked="" type="checkbox"/> Legal/Regulatory Obligation <input type="checkbox"/> Reduce Costs <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Mitigate Risk <input type="checkbox"/> Master Plan Recommendation	<input type="checkbox"/> Infrastructure Investment <input type="checkbox"/> Customer Pull <input type="checkbox"/> Service Enhancement <input type="checkbox"/> Process Efficiency <input type="checkbox"/> Other:		
Strategic Alignment			
Financial Considerations			
Citizen Input/Board Review			

Legal Review	Proposed ballot language provided by city attorney Mick McKamie
Alternative Options	
Supporting Documents	Proposed propositions A-D

PENDING COMMISSION FINAL APPROVAL

Proposition A

“Shall Section 3.02 of the Boerne City Charter be amended to provide for three-year terms of office for members of the City Council, including the Mayor, effective with the next regularly scheduled municipal election to be held in May 2026, and to establish staggered terms such that no more than one-third (1/3) of the Council seats are up for election in any given year, with a transition plan to implement this change?”

- YES
- NO

Proposition B

Shall Section 3.04 of the Boerne City Charter be amended to read:
“The City Council is the final judge of all elections and the qualifications of its members.”

- YES
- NO

Proposition C

Shall Section 3.08 C Filling of Vacancies of the Boerne City Charter be amended to read:
“When a vacancy occurs in the City Council, it shall be filled as required by the Texas Constitution and other law applicable to Home-Rule cities.”

- YES
- NO

Proposition D

Shall the Boerne City Charter be amended to add new Section 10.07a, to read as follows:
“This charter shall be reviewed at ten (10) year intervals after the date of passage of this section by city council. If, in the opinion of City Council, any changes are necessary, such changes shall be submitted to the voters in accordance with Section 10.07 of this charter.”

- YES
- NO

Four (4) Proposed Charter Amendments

Pending Final Commission Approval

Measure A

The City Council shall be composed of the Mayor and five (5) Council Members (collectively referred to as “Members of City Council” and individually as “Mayor” or “Council Member”) each serving ~~two (2) year~~ three (3) year staggered terms. The terms shall be staggered as established by Ordinance. Each Council Member shall qualify and be elected by District, such Districts being numbered one (1) through five (5). Each Council Member shall be elected only by the voters residing in the area represented by the District to which the candidate seeks to be elected. Every registered voter in the City shall be entitled to vote for one candidate for Council Member for the area represented by the District in which the registered voter resides. Every registered voter in the City shall also be entitled to vote for one candidate for Mayor without regard to the District in which the voter resides.

PURPOSE: Increase terms of office from two years to three years, to provide continuity and more productive service. Terms to be staggered to provide for continuity of programs, councilmember education and transition.

Measure B

The City Council is the final judge of all elections and the qualifications of its members. ~~and of any other elected officials of the City.~~

PURPOSE: To eliminate unnecessary language, as there are no elected positions other than City Council.

Measure C

C. Filling of Vacancies. When a vacancy occurs in the City Council, it shall be filled as required by the Texas Constitution and other law applicable to Home-Rule Cities. ~~the remaining members of the Council shall, within thirty (30) days, appoint a qualified person to fill the unexpired term. At no given time shall two (2) appointed Council members serve on the Council. In the case where a vacancy has been filled by the Council prior to a subsequent vacancy or vacancies, the Council shall call a special election within thirty (30) days from the date the last vacancy occurred, to be held within forty five (45) days thereafter, unless otherwise provided by law, for the purpose of electing the successor or successors to the office or offices vacated.~~

PURPOSE: To change method of filling Council vacancies to comply with State Law for cities with three-year terms instead of two-year terms.


Measure D

Section 10.07a Review of Charter. This charter shall be reviewed at ten (10) year intervals after the date of passage of this section by the city council. If, in the opinion of City Council, any changes are necessary, such changes shall be submitted to the voters in accordance with Section 10.07 of this charter.

PURPOSE: To require review of the Charter at least every ten years.



AGENDA ITEM SUMMARY

	AGENDA ITEM SUMMARY										
Agenda Date	January 14, 2025										
Requested Action	RECEIVE THE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION, HOLD A PUBLIC HEARING AND CONSIDER ON FIRST READING ORDINANCE NO. 2025-01; AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BOERNE UNIFIED DEVELOPMENT CODE, BY AMENDING CHAPTER 3. ZONING, SECTION 3.2, ZONING MAP, ZONING 71.12 ACRE TRACT FROM A HOL-INTERIM ZONING DISTRICT TO R2-M MODERATE DENSITY RESIDENTIAL ZONING DISTRICT, GENERALLY LOCATED AT THE WESTERN INTERSECTION OF COUGHRAN ROAD AND W STATE HIGHWAY 46 TO ALLOW FOR A SINGLE-FAMILY SUBDIVISION (KAD: 307605). (Forestar (USA) Real Estate Group Inc. and Continental Homes of Texas, LP)										
Contact Person	Nathan Crane, AICP Planning Director (830) 248-1521; ncrane@boerne-tx.gov										
Background Information	The applicant is requesting that this item be continued to the January 28, 2025, Council meeting. Therefore, no Council action is required. The item will be brought forward for a public hearing and first reading of the ordinance on January 28, 2025.										
Item Justification	<table style="width: 100%; border: none;"> <tr> <td><input checked="" type="checkbox"/> Legal/Regulatory Obligation</td> <td><input type="checkbox"/> Infrastructure Investment</td> </tr> <tr> <td><input type="checkbox"/> Reduce Costs</td> <td><input checked="" type="checkbox"/> Customer Pull</td> </tr> <tr> <td><input checked="" type="checkbox"/> Increase Revenue</td> <td><input type="checkbox"/> Service Enhancement</td> </tr> <tr> <td><input type="checkbox"/> Mitigate Risk</td> <td><input type="checkbox"/> Process Efficiency</td> </tr> <tr> <td><input type="checkbox"/> Master Plan Recommendation</td> <td><input type="checkbox"/> Other:</td> </tr> </table>	<input checked="" type="checkbox"/> Legal/Regulatory Obligation	<input type="checkbox"/> Infrastructure Investment	<input type="checkbox"/> Reduce Costs	<input checked="" type="checkbox"/> Customer Pull	<input checked="" type="checkbox"/> Increase Revenue	<input type="checkbox"/> Service Enhancement	<input type="checkbox"/> Mitigate Risk	<input type="checkbox"/> Process Efficiency	<input type="checkbox"/> Master Plan Recommendation	<input type="checkbox"/> Other:
<input checked="" type="checkbox"/> Legal/Regulatory Obligation	<input type="checkbox"/> Infrastructure Investment										
<input type="checkbox"/> Reduce Costs	<input checked="" type="checkbox"/> Customer Pull										
<input checked="" type="checkbox"/> Increase Revenue	<input type="checkbox"/> Service Enhancement										
<input type="checkbox"/> Mitigate Risk	<input type="checkbox"/> Process Efficiency										
<input type="checkbox"/> Master Plan Recommendation	<input type="checkbox"/> Other:										
Strategic Alignment	C2 – Seeking customer-driven feedback. B2 – Advancing master plan recommendations.										
Financial Considerations	N/A										

Citizen Input/Board Review	
Legal Review	This action is a statutory requirement for rezoning approval.
Alternative Options	
Supporting Documents	



AGENDA ITEM SUMMARY

	<h2 style="text-align: center;">AGENDA ITEM SUMMARY</h2>
Agenda Date	January 14, 2025
Requested Action	APPROVE RESOLUTION NO. 2025-R04; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A CONTRACT BETWEEN THE CITY OF BOERNE AND _____ AS CONSTRUCTION MANAGER AT RISK FOR NORTHSIDE COMMUNITY PARK BOND IMPROVEMENTS.
Contact Person	Lissette Jimenez, Director of Parks & Recreation
Background Information	<p>Background: On November 3, 2024, a Request for Proposals (RFP) for Construction Manager at Risk (CMAR) services for the Northside Community Park Bond Improvements was released. The deadline for proposals was November 22, 2024, at 2 p.m. A total of five proposals were received by the deadline, all of which appeared to meet the outlined requirements. Staff and the project team thoroughly reviewed all submitted proposals.</p> <p>Evaluation Process: Following the review process, three firms were selected for interviews:</p> <ul style="list-style-type: none"> • Waterman Construction • Whiting Turner Contracting Co. • Marksmen General Contractors, LLC. <p>The interviews were conducted on December 12, 2024, by staff members, the project lead design consultant, and Project Control staff.</p> <p>Selection Criteria: The selection process for the CMAR was based on the following criteria:</p> <ul style="list-style-type: none"> • Understanding of City’s Objectives (15%) • Similar Facility Experience (20%) • CMAR Experience (15%) • Team Experience (20%) • Pricing (30%) <p>Proposed Fee Structure: The primary terms of the CMAR proposal include the following three fee services based on cost plus fee pricing with a guaranteed maximum:</p>

	<ul style="list-style-type: none"> • Pre-Construction Services: Covers personnel expenses, project estimates, preliminary project schedules, value engineering, constructability review, preplanning, and other related services. • Construction Fee: This fee is a percentage of the construction budget covering other costs not included in the allowable General Overhead Fee, including overhead and profit. • General Overhead Fees: Includes personnel costs, required bonds and insurance, site necessities, and field office necessities. <p>CMAR Contract Award and Cost: Based on evaluation of the scoring proposal, interview results, and fee structure, the evaluation team recommends Council award the CMAR contract to Waterman Construction with the following fee breakdown:</p> <ul style="list-style-type: none"> • Pre-Construction Services Fee: \$22,000 • CMAR Construction Fee: 2.66% of cost of work • General Conditions & Insurance: \$453,751 <p>The Guaranteed Maximum Price of the project will be determined upon the completion of the project design and the estimation of probable construction costs.</p> <p>Staff recommend that the City Council authorize the City Manager to enter into and manage a Construction Manager at Risk (CMAR) Contract with Waterman Construction for the Northside Community Park Bond Improvements.</p>										
Item Justification	<table border="0" style="width: 100%;"> <tr> <td><input checked="" type="checkbox"/> Legal/Regulatory Obligation</td> <td><input checked="" type="checkbox"/> Infrastructure Investment</td> </tr> <tr> <td><input type="checkbox"/> Reduce Costs</td> <td><input type="checkbox"/> Customer Pull</td> </tr> <tr> <td><input type="checkbox"/> Increase Revenue</td> <td><input type="checkbox"/> Service Enhancement</td> </tr> <tr> <td><input checked="" type="checkbox"/> Mitigate Risk</td> <td><input checked="" type="checkbox"/> Process Efficiency</td> </tr> <tr> <td><input checked="" type="checkbox"/> Master Plan Recommendation</td> <td><input type="checkbox"/> Other:</td> </tr> </table>	<input checked="" type="checkbox"/> Legal/Regulatory Obligation	<input checked="" type="checkbox"/> Infrastructure Investment	<input type="checkbox"/> Reduce Costs	<input type="checkbox"/> Customer Pull	<input type="checkbox"/> Increase Revenue	<input type="checkbox"/> Service Enhancement	<input checked="" type="checkbox"/> Mitigate Risk	<input checked="" type="checkbox"/> Process Efficiency	<input checked="" type="checkbox"/> Master Plan Recommendation	<input type="checkbox"/> Other:
<input checked="" type="checkbox"/> Legal/Regulatory Obligation	<input checked="" type="checkbox"/> Infrastructure Investment										
<input type="checkbox"/> Reduce Costs	<input type="checkbox"/> Customer Pull										
<input type="checkbox"/> Increase Revenue	<input type="checkbox"/> Service Enhancement										
<input checked="" type="checkbox"/> Mitigate Risk	<input checked="" type="checkbox"/> Process Efficiency										
<input checked="" type="checkbox"/> Master Plan Recommendation	<input type="checkbox"/> Other:										
Strategic Alignment	<p>F2: Investing in and maintaining high-quality infrastructure. B2: Advancing master plan recommendations. B3: Providing streamlined and efficient processes.</p>										
Financial Considerations	<p>The Northside Community Park Bond Project is a budgeted expense captured in the FY25 budget.</p>										
Citizen Input/Board Review	<p>N/A</p>										

Legal Review	Legal has reviewed the CMAR Construction Agreement.
Alternative Options	
Supporting Documents	Resolution No. 2025-R04 CMAR Proposal Matrix

RESOLUTION NO. 2025-R04

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND
MANAGE A CONTRACT BETWEEN THE CITY OF BOERNE AND
_____ AS CONSTRUCTION MANAGER AT RISK FOR NORTHSIDE
COMMUNITY PARK BOND IMPROVEMENTS**

WHEREAS, the City of Boerne received five (5) proposals for Construction Manager at Risk (CMAR) services for the Northside Community Park Bond Improvements; and

WHEREAS, City of Boerne Staff reviewed the proposals, conducted interviews, and provided a recommendation of award to _____; and

WHEREAS, the City Council finds it necessary to award the contract for the Northside Community Park Bond Improvements and authorizes the City Manager to manage and execute the related contract and documents;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS:

SECTION 1. The above recitals are true and correct and are incorporated herein and made part hereof for all purposes.

SECTION 2. The City Council hereby awards the contract for Construction Manager at Risk services for the Northside Community Park Bond Improvements to _____ for the following fee structure:

- Pre-Construction Services Fee: \$22,000
- CMAR Construction Fee: 2.66% of the cost of work
- General Conditions & Insurance: \$453,751

SECTION 3. The City Manager is hereby authorized to manage and execute the related contract and documents on behalf of the City of Boerne, Texas, with a Guaranteed Maximum Price to be determined upon completion of the project design.

PASSED, APPROVED and ADOPTED on this the ___ day of January, 2025.

APPROVED:

Mayor

ATTEST:

City Secretary

CMAR PROPOSAL MATRIX



Project: City of Boerne Northside Community Park CMAR Proposals
Bid Opening Date: November 22, 2024
Time: 2:00 PM

Company Name	Pre Construction Services	CMAR Construction Fee (%)	General Overhead Fees
Waterman Construction	\$22,000	2.66%	\$453,751
Whiting Turner Contracting Co.	\$25,000	3.80%	\$548,365
Marksman General Contractors, LLC	\$17,500	3.50%	\$587,000

*successful contractor will need to submit 1295 form, non-collusion document, and conflict of interest questionnaire