

AGENDA
REGULAR CITY COUNCIL MEETING
RONALD C. BOWMAN CITY COUNCIL CHAMBERS
447 North Main Street
Boerne, TX 78006
JULY 9, 2024 – 6:00 PM

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

During the meeting, the City Council may meet in executive session, as to the posted subject matter of this City Council meeting, under these exceptions of Chapter 551 of the Texas Government Code; sections 551.071 (Consultation with Attorney), 551.072 (Deliberation Regarding Real Property), 551.073 (Deliberation Regarding Gifts), 551.074 (Personnel/Officers), 551.076 (Deliberation Regarding Security Devices), and Section 551.087 (Deliberation Regarding Economic Development Negotiations).

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. [2024-331](#) CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR

CALLED CITY COUNCIL MEETING OF JUNE 25, 2024.

Attachments: [Minutes.24.0625](#)

- B. [2024-336](#) CONSIDER RESOLUTION NO. 2024-R50; A RESOLUTION OF THE CITY OF BOERNE, TEXAS ESTABLISHING A CHARTER REVIEW COMMISSION AND APPOINTING MEMBERS TO SERVE ON THE COMMISSION AND ISSUING THE COMMISSION'S CHARGE.

Attachments: [AIS charter commission 2024](#)

REGULAR AGENDA:

5. PRESENTATIONS, PUBLIC HEARINGS, AND ORDINANCES:

- A. [2024-313](#) PRESENTATION FROM KENDALL APPRAISAL DISTRICT'S CHIEF APPRAISER NELIA MCNEAL AND JOHN WOOLARD.

Attachments: [AIS -KAD presentation](#)

- B. [2024-311](#) PRESENTATION OF CAPITAL IMPROVEMENT PLAN.

Attachments: [AIS -CIP presentation](#)
[CIP one-page summary](#)

- C. [2024-298](#) DISCUSSION AND DIRECTION REGARDING 2024 UNIFIED DEVELOPMENT CODE AMENDMENTS RELATING TO PLAT EXEMPTIONS, MULTI-FAMILY USES, AND FREEWAY PYLON SIGNS.

Attachments: [AIS UDC Discussion](#)

- D. [2024-344](#) CONSIDER A ONE-TIME READING OF ORDINANCE NO. 2024-11; AS PERMITTED BY THE CITY OF BOERNE'S HOME RULE CHARTER SECTION 3.11.A. (As described below)

- E. [2024-338](#) CONSIDER ORDINANCE NO. 2024-11; AN ORDINANCE AUTHORIZING THE SALE OF REAL PROPERTY AND IMPROVEMENTS LOCATED AT 329 AMMANN RD., BOERNE, KENDALL COUNTY, TEXAS TO KENDALL COUNTY, A TEXAS POLITICAL SUBDIVISION, IN THE AMOUNT OF \$10.00; AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AND SALE AGREEMENT AND SPECIAL WARRANTY DEED; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (Right-of-way dedication to Kendall County)

Attachments: [AIS Street Dedication to KC](#)
[Ordinance No. 2024-11](#)
[KC Deed](#)

F. [2024-345](#) CONSIDER A ONE-TIME READING OF ORDINANCE NO. 2024-12;
AS PERMITTED BY THE CITY OF BOERNE’S HOME RULE CHARTER
SECTION 3.11.A. (As described below)

G. [2024-337](#) CONSIDER ORDINANCE NO. 2024-12; AN ORDINANCE
AUTHORIZING THE SALE OF REAL PROPERTY AND
IMPROVEMENTS LOCATED AT 329 AMMANN RD., BOERNE,
KENDALL COUNTY, TEXAS TO THE CITY OF FAIR OAKS RANCH, A
TEXAS POLITICAL SUBDIVISION, IN THE AMOUNT OF \$10.00;
AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE
AND SALE AGREEMENT AND SPECIAL WARRANTY DEED;
PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN
EFFECTIVE DATE. (Right-of-way dedication to the City of Fair
Oaks Ranch)

Attachments: [AIS Street Dedication to FOR](#)
[Ordinance No. 2024-12](#)
[FOR Deed](#)

6. RESOLUTIONS:

A. [2024-300](#) CONSIDER RESOLUTION NO. 2024-R51; A RESOLUTION
AUTHORIZING THE CITY MANAGER TO EXECUTE A TEMPORARY
LABOR SERVICES AGREEMENT WITH MGR ACCOUNTING
RECRUITERS FOR AN AMOUNT NOT TO EXCEED \$67,793.00.

Attachments: [AIS MGR contract](#)
[Resolution No. 2024-R51](#)
[MGR-COB executed](#)
[MGR-Scope of work #2](#)

B. [2024-339](#) CONSIDER RESOLUTION NO. 2024-R52; A RESOLUTION
AUTHORIZING THE CITY MANAGER TO APPROVE THE KENDALL
APPRAISAL DISTRICT’S PROPOSED FISCAL YEAR 2025 APPRAISAL
AND COLLECTIONS BUDGET.

Attachments: [AIS -Resolution for approval of KAD budget Resolution No. 2024-R52](#)
[2025 PROPOSED KAD BUDGET - CORRECTED](#)

- C. [2024-294](#) RECEIVE PROPOSALS FOR FULLY INSURED MEDICAL, DENTAL, AND VISION INSURANCE BENEFITS AND ANCILLARY PRODUCTS AND CONSIDER RESOLUTION NO. 2024-R53; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, AWARDING THE CONTRACT FOR CITY EMPLOYEE MEDICAL, DENTAL, AND VISION INSURANCE BENEFITS, AND ANCILLARY PRODUCTS TO _____; AND AUTHORIZING THE CITY MANAGER TO MANAGE AND EXECUTE THE RELATED CONTRACT AND DOCUMENTS FOR PLAN YEAR OCTOBER 1, 2024, TO SEPTEMBER 29, 2025.

Attachments: [AIS Medical Dental Vision and Ancillary Products.FY2025 Resolution No. 2024-R53](#)

7. CITY MANAGER'S REPORT:

- A. [2024-340](#) RECOGNITION OF THE BOERNE POLICE DEPARTMENT FOR RECEIVING RE-ACCREDITATION AS AN ACCREDITED LAW ENFORCEMENT AGENCY BY THE TEXAS POLICE CHIEFS ASSOCIATION.
- B. [2024-341](#) RECOGNITION OF THE FINANCE DEPARTMENT FOR RECEIVING THE GOVERNMENT FINANCE OFFICER'S ASSOCIATION DISTINGUISHED BUDGET PRESENTATION AWARD FOR FY 23-24.

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

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

- A. [2024-324](#) SECTION 551.071 - CONSULTATION WITH CITY ATTORNEY AND SECTION 551.087 - DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS REGARDING THE FIFTH AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BOERNE, BOERNEBAK, LLC, AND BOERNEBAK II, LLC AND PULTE HOMES OF TEXAS LP.
- B. [2024-326](#) SECTION 551.071 - CONSULTATION WITH CITY ATTORNEY TO DISCUSS SB-2038, PROCESS FOR PETITIONS FOR RELEASE FROM

THE CITY’S EXTRATERRITORIAL JURISDICTION

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

- A. [2024-363](#) CONSIDER RESOLUTION NO. 2024-R54; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A FIFTH AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BOERNE, BOERNEBAK, LLC, BOERNEBAK II, LLC , AND PULTE HOMES OF TEXAS, L.P.

11. ADJOURNMENT

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the 5 day of July, 2024 at 3:30 p.m.

s/s Chastity Valdes
Deputy 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
June 25, 2024 – 6:00 PM

Minutes of the Regular Called City Council Meeting of June 25, 2024.

Present: 4 - Mayor Frank Ritchie, Council Member Joseph Macaluso, Council Member Quinten Scott, and Mayor Pro Tem Ty Wolosin

Absent: 2 - Council Member Sharon D. Wright, and Council Member Bret A. Bunker

Staff Present: Ben Thatcher, Walter Ball, Sarah Buckelew, Lori Carroll, Nathan Crane, Lissette Jimenez, Mike Mann, Mick McKamie, Mike Raute, Cheryl Rogers, Kristy Stark, Chastity Valdes, and Danny Zincke.

Recognized / Registered Guests: Joe and Heather Bateman and Grant Gary.

1. CALL TO ORDER – 6:00 PM

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

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

2. CONFLICTS OF INTEREST

No conflicts were declared.

Mayor Ritchie stated that agenda item 6A will be postponed to a future meeting.

3. PUBLIC COMMENTS:

No comments were received.

4. CONSENT AGENDA:

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

Yeah: 3 - Council Member Macaluso, Council Member Scott, and Mayor Pro Tem Wolosin

A. CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CALLED CITY COUNCIL MEETING OF JUNE 11, 2024

THE MINUTES WERE APPROVED.

B. CONSIDER ON SECOND READING ORDINANCE NO. 2024-08; AN ORDINANCE ANNEXING APPROXIMATELY 71.474 ACRES BEING A PORTION OF RIGHT-OF-WAY ON WEST STATE HIGHWAY 46 AND A PORTION OF WEST STATE HIGHWAY 46 (KAD NO. 307605) INTO THE CITY OF BOERNE, KENDALL COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY.

THE ORDINANCE WAS APPROVED.

C. CONSIDER ON SECOND READING ORDINANCE NO. 2024-09; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS DIS-ANNEXING .082 +/- ACRE TRACT OF LAND LOCATED AT 33565 IH 10 WEST FROM THE CORPORATE LIMITS OF THE CITY; AUTHORIZING NECESSARY ACTIONS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (at the request of property owners Chad and Kerri Properties LP)

THE ORDINANCE WAS APPROVED.

- D. CONSIDER RESOLUTION NO. 2024-R44; 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 APPROXIMATELY 16.612 +/- ACRES OF LAND LOCATED NORTH OF THE INTERSECTION OF DAISY LANE AND IH-10 (KAD NO. 15889, 15846, 17398, 13723, 17397, 17405), BY THE CITY OF BOERNE, TEXAS; AUTHORIZING AND DIRECTING THE PUBLICATION OF NOTICE OF SUCH PUBLIC HEARING. (SET PUBLIC HEARING FOR JULY 23, 2024, AT 6:00 P.M. FOR A PROPOSED ANNEXATION, AT THE REQUEST OF PROPERTY OWNERS BALOUS & JULIE MILLER)

THE RESOLUTION WAS APPROVED.

- E. CONSIDER RESOLUTION NO. 2024-R45; A RESOLUTION AUTHORIZING THE CITY MANAGER TO RENEW THE AGREEMENT BETWEEN THE CITY OF BOERNE AND RECON INFOSEC, FOR MANAGE, DETECTION & RESPONSE SERVICE FOR AN AMOUNT NOT TO EXCEED \$64,772.00. (IT SECURITY)

THE RESOLUTION WAS APPROVED.

REGULAR AGENDA:

5. RESOLUTIONS:

- A. CONSIDER RESOLUTION NO. 2024-R46; A REQUEST FOR A RENEWAL FOR A SPECIAL USE PERMIT FOR WOODMONT ACADEMY LLC (KIDDIE ACADEMY PRE-SCHOOL, A10441 - SURVEY 183 J SMALL, KAD NO. 15815) GENERALLY LOCATED AT 12 HERFF ROAD AND WEST OF LEGACY OAK LANE.

Mayor Ritchie called on Nathan Crane, Planning Director. Director Crane presented the renewal request for a special use permit for Kiddie Academy. The project has shown progress, including approved public infrastructure plans. The council discussed additional measures, such as rainwater catchment, to be incorporated into the project.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE RESOLUTION NO. 2024-R46; A REQUEST FOR A RENEWAL FOR A SPECIAL USE PERMIT FOR WOODMONT ACADEMY LLC (KIDDIE ACADEMY PRE-SCHOOL, A10441- SURVEY 183 J SMALL, KAD NO. 15815) GENERALLY LOCATED AT 12 HERFF ROAD AND WEST OF LEGACY OAK LANE TO INCLUDE STIPULATIONS RECOMMENDED BY STAFF: 1. THE CONDITIONS APPROVED AS PART OF ORDINANCE NO. 2023-05 REMAIN IN EFFECT, 2. THE MAXIMUM BUILDING HEIGHT SHALL NOT EXCEED 30' TO ALIGN WITH C2 (TRANSITIONAL COMMERCIAL) ZONING DISTRICT DIMENSIONAL STANDARDS, AND 3. THAT THE APPLICANT WORK WITH STAFF TO ACHIEVE RAINWATER CATCHMENT WITH THE GOAL OF A 1,000 GALLON RETENTION FACILITY OR RETENTION VEHICLE. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 3 - Council Member Macaluso, Council Member Scott, and Mayor Pro Tem Wolosin

B. CONSIDER RESOLUTION NO. 2024-R47; A RESOLUTION AUTHORIZING THE SUBMITTAL OF GRANTS TO THE TEXAS PARKS AND WILDLIFE DEPARTMENT UNDER THE LOCAL PARK GRANT PROGRAM AND DESIGNATING THE CITY'S PARKS & RECREATION DIRECTOR AS THE AUTHORIZED REPRESENTATIVE FOR THE GRANT PROGRAMS.

Mayor Ritchie called on Lissette Jimenez, Parks and Recreation Director. Director Jimenez explained that support from council is required to apply for two Texas Parks and Wildlife grants which would require a 50% match from the city. The grant request is due in August and we expect a response to the application in January 2025.

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER MACALUSO, TO APPROVE RESOLUTION NO. 2024-R47; A RESOLUTION AUTHORIZING THE SUBMITTAL OF GRANTS TO THE TEXAS PARKS AND WILDLIFE DEPARTMENT UNDER THE LOCAL PARK GRANT PROGRAM AND DESIGNATING THE CITY'S PARKS & RECREATION DIRECTOR AS THE AUTHORIZED REPRESENTATIVE FOR THE GRANT PROGRAMS. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 3 - Council Member Macaluso, Council Member Scott, and Mayor Pro Tem Wolosin

C. CONSIDER RESOLUTION NO. 2024-R48; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, RECEIVING BIDS AND AWARDING THE CONSTRUCTION CONTRACT FOR ESPERANZA SITE A, POTABLE WATER TANK MIXER PROJECT TO MGC CONTRACTORS, INC. FOR AN AMOUNT NOT TO EXCEED \$195,000; AND AUTHORIZING THE CITY MANAGER TO MANAGE AND EXECUTE THE RELATED CONTRACT.

Mayor Ritchie called on Mike Mann, Utilities Director. Director Mike Mann presented the project to install a mixer in the potable water tank at Esperanza Site A to maintain water freshness. Although several plans were picked up only one bid was received.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE RESOLUTION NO. 2024-R48; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, RECEIVING BIDS AND AWARDING THE CONSTRUCTION CONTRACT FOR ESPERANZA SITE A, POTABLE WATER TANK MIXER PROJECT TO MGC CONTRACTORS, INC. FOR AN AMOUNT NOT TO EXCEED \$205,000; AND AUTHORIZING THE CITY MANAGER TO MANAGE AND EXECUTE THE RELATED CONTRACT. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 3 - Council Member Macaluso, Council Member Scott, and Mayor Pro Tem Wolosin

D. CONSIDER RESOLUTION NO. 2024-R49; A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH SCHNEIDER ENGINEERING FOR DESIGN OF NATURAL GAS AND ELECTRIC PRIMARY DISTRIBUTION LINES ALONG IH-10 AND BUC-EE'S WAY FOR AN AMOUNT NOT TO EXCEED \$65,000.

Director Mann continued with the professional services contract with Schneider Engineering. He displayed a map of the area where gas and electric lines are currently located at Buc-ee's Way along IH-10 and also displayed the proposed area of relocation. Discussion ensued regarding underground utilities and

where gas and electric services terminate.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE RESOLUTION NO. 2024-R49; A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH SCHNEIDER ENGINEERING FOR DESIGN OF NATURAL GAS AND ELECTRIC PRIMARY DISTRIBUTION LINES ALONG IH-10 AND BUC-EE'S WAY FOR AN AMOUNT NOT TO EXCEED \$65,000. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 3 - Council Member Macaluso, Council Member Scott, and Mayor Pro Tem Wolosin

6. PRESENTATIONS, PUBLIC HEARINGS, AND ORDINANCES:

- A. PUBLIC HEARING AND CONSIDER ON FIRST READING ORDINANCE NO. 2024-10; AN ORDINANCE OF THE CITY OF BOERNE, TX, AMENDING THE UNIFIED DEVELOPMENT CODE ADOPTED ON NOVEMBER 24, 2020, INCLUDING BUT NOT LIMITED TO SECTION 2.1.E. - POSTED NOTICE, SECTION 2.6.7 - ETJ PLAT EXEMPTIONS, SECTION 3.5 - DIMENSIONAL STANDARDS FOR BASE ZONING DISTRICTS, SECTION 3.7 - PERMITTED USE TABLES, CHAPTER 3 - OVERLAY DISTRICTS RELATED TO PYLON SIGNS, CHAPTER 5.6.B.3 - ONSITE PARKING FOR NON-RESIDENTIAL PROPERTIES, SECTION 7.5 - ROADWAY ACCESS DESIGN STANDARDS, SECTION 8.2 - ENVIRONMENTAL DESIGN - WATERSHED PROTECTION RELATED TO LOW IMPACT DEVELOPMENT REQUIREMENTS, CHAPTER 9 - SIGNS RELATED TO POLE AND PYLON SIGNS. (Postponement of the public hearing and consideration of ordinance)

The public hearing and consideration of the ordinance was postponed to a future date.

- B. DISCUSSION ON BUDGET CONSIDERATIONS, PROCESS, AND CALENDAR

Mayor Ritchie called on City Manager Ben Thatcher to review the budget process. He also discussed the framework and provided an overview. Finance

Director Sarah Buckelew spoke regarding guiding principles, budget priorities, and provided an economical outlook. Discussion ensued regarding the Kendall Appraisal District.

C. DISCUSSION ON POTENTIAL HOME RULE CHARTER REVIEW

Mayor Ritchie initiated a discussion on potentially reviewing Boerne's Home Rule Charter, focusing on election procedures, term lengths, and term limits. He called on Lori Carroll, City Secretary to provide information regarding the Home Rule Charter. Council members expressed varying opinions on term limits but generally supported extending terms to three years. Council also discussed increasing the monthly stipends. The council considered forming a charter review commission or conducting the review themselves with public meetings. The discussion concluded with a plan to move forward for a November 2024 election, each council member inviting one city resident to participate.

8. CITY MANAGER'S REPORT:

Mayor Ritchie called on City Manager Thatcher.

A. MONTHLY PROJECTS REPORT.

City Manager Thatcher provided the status of various city projects.

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

Mayor Pro Tem Wolosin acknowledged the achievements of Boerne ISD athletes participating in the College World Series and Olympic trials. He also spoke on the new show on Boerne Radio called Ceasefire with Dale Adams and Ron Cisneros.

Council Member Macaluso congratulated those involved in the success of Das Festival.

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

Mayor Ritchie convened the City Council into Executive Session at 7:52 p.m.

- A. SECTION 551.072 - DELIBERATION REGARDING REAL PROPERTY: DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY. (HIGHWAY 46)**

No action was taken.

- B. SECTION 551.071 - CONSULTATION WITH CITY ATTORNEY AND SECTION 551.087 - DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS REGARDING THE FIFTH AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BOERNE, BOERNEBAK, LLC, AND BOERNEBAK II, LLC AND PULTE HOMES OF TEXAS LP.**

No action was taken.

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

Mayor Ritchie reconvened the City Council into Open Session at 8:09 p.m. No action was taken.

12. ADJOURNMENT

Mayor Ritchie adjourned the City Council Meeting at 8:10 p.m.

Approved:

Mayor

Attest:

City Secretary



AGENDA ITEM SUMMARY

	AGENDA ITEM SUMMARY
Agenda Date	July 9, 2024
Requested Action	APPROVE RESOLUTION NO. 2024-R50; A RESOLUTION ESTABLISHING A CHARTER REVIEW COMMISSION AND APPOINTING MEMBERS TO SERVE ON THE COMMISSION AND ISSUING THE COMMISSION’S CHARGE.
Contact Person	Mayor Frank Ritchie City Secretary Lori Carroll
Background Information	<p>As discussed at the June 25, 2024, City Council meeting, there is a need to review the City’s Home Rule Charter. It is Council’s recommendation that a Charter Review Commission be established to review the Charter and suggest amendments.</p> <p>The proposed charter amendments will be on the November 5, 2024, election ballot.</p> <p>The Council Review Commission members will be appointed during the July 9, 2024, regular council meeting.</p>
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 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	B1: Utilizing data to drive smart decision making. B3: Providing streamlined and efficient processes.
Financial Considerations	
Citizen Input/Board Review	

Legal Review	
Alternative Options	
Supporting Documents	The resolution will be provided and considered at the July 9, 2024 council meeting.



AGENDA ITEM SUMMARY

	AGENDA ITEM SUMMARY
Agenda Date	July 9, 2024
Requested Action	PRESENTATION FROM KENDALL APPRAISAL DISTRICT'S CHIEF APPRAISER NELIA MCNEAL AND JOHN WOOLARD.
Contact Person	Sarah Buckelew, Finance Director
Background Information	A presentation will be made during the council meeting by Nelia McNeal, Chief Appraiser of the Kendall Appraisal District. The presentation will cover the Appraisal District's budget for the next fiscal year, as well as updates on operations.
Item Justification	<input 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 type="checkbox"/> Service Enhancement <input type="checkbox"/> Mitigate Risk <input type="checkbox"/> Process Efficiency <input type="checkbox"/> Master Plan Recommendation <input checked="" type="checkbox"/> Other: <u>Presentation</u>
Strategic Alignment	C3- Collaborating with community partners to enhance quality of life.
Financial Considerations	N/A
Citizen Input/Board Review	N/A
Legal Review	N/A
Alternative Options	N/A
Supporting Documents	PowerPoint presentation to be presented during Council meeting Kendall Appraisal District proposed 2025 Budget is presented as a separate agenda item.



AGENDA ITEM SUMMARY

	AGENDA ITEM SUMMARY
Agenda Date	July 9, 2024
Requested Action	PRESENTATION OF CAPITAL IMPROVEMENT PLAN.
Contact Person	Sarah Buckelew, Finance Director Kristy Stark, Assistant City Manager
Background Information	The purpose of this presentation is a high-level overview of the Capital Improvement Plan process and proposed governmental projects to be funded for next budget year.
Item Justification	<input 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 type="checkbox"/> Service Enhancement <input type="checkbox"/> Mitigate Risk <input type="checkbox"/> Process Efficiency <input type="checkbox"/> Master Plan Recommendation <input checked="" type="checkbox"/> Other: <u>Presentation</u>
Strategic Alignment	Fiscal Excellence F1 – Committing to Strategic, Responsible, and Conservative Financial Management F2 – Investing In and Maintaining High-Quality Infrastructure Systems and Public Assets B1 – Using Data to Drive Smart Decision Making B2 – Advancing Master Plan Recommendations
Financial Considerations	N/A
Citizen Input/Board Review	N/A
Legal Review	N/A
Alternative Options	N/A
Supporting Documents	PowerPoint presentation to be presented during Council meeting

Governmental CIP Project List Proposed for Fiscal Year 2025

Project ID	Project Category	Project Name	Funding Source	2025
213	2022 Bond	Signal Improvements	Bond	200,000
214	2022 Bond	Johns Rd Intersection Improvements	Bond	1,400,000
212	2022 Bond	Street Reconstructions	Bond	1,400,000
211	2022 Bond	Adler Road Widening	Bond	3,290,000
800	2022 Bond	Northside Community Park Construction	Bond	5,760,000
377	Streets	MTP - Buc-ee's Way	Capital Fund	420,000
383	Streets	Plant Street Parking Lot	Capital Fund	358,000
300	Streets	Cascade Caverns MPO	Capital Fund	430,000
366	Drainage	Adler Road Culverts at Currey Creek and No-Name Creek	Stormwater Fund	500,000
366	Drainage	Adler Road Culverts at Currey Creek and No-Name Creek	County ARPA Contribution	1,400,000
366	Drainage	Adler Road Culverts at Currey Creek and No-Name Creek	General Fund	1,600,000
366	Drainage	Adler Road Culverts at Currey Creek and No-Name Creek	Capital fund	2,400,000
218	Facilities	Fire Station #2	Capital Fund	1,400,000
New	Parks	Kinderpark Bathroom	Capital Fund	180,000
705	Parks	Waterworks Terrace	General Fund	150,000
New	Parks	River Road Park - Dam	Capital Fund	45,000
New	Parks	Beautification - Urban Corridor	Capital Fund	550,000
Notes			Funding Summary	
			Source	Amount
			Bond	12,050,000
			General Fund	1,750,000
			Capital Fund	5,783,000
			Stormwater Fund	500,000
			County ARPA Contribution	1,400,000
Total All Sources	21,483,000			



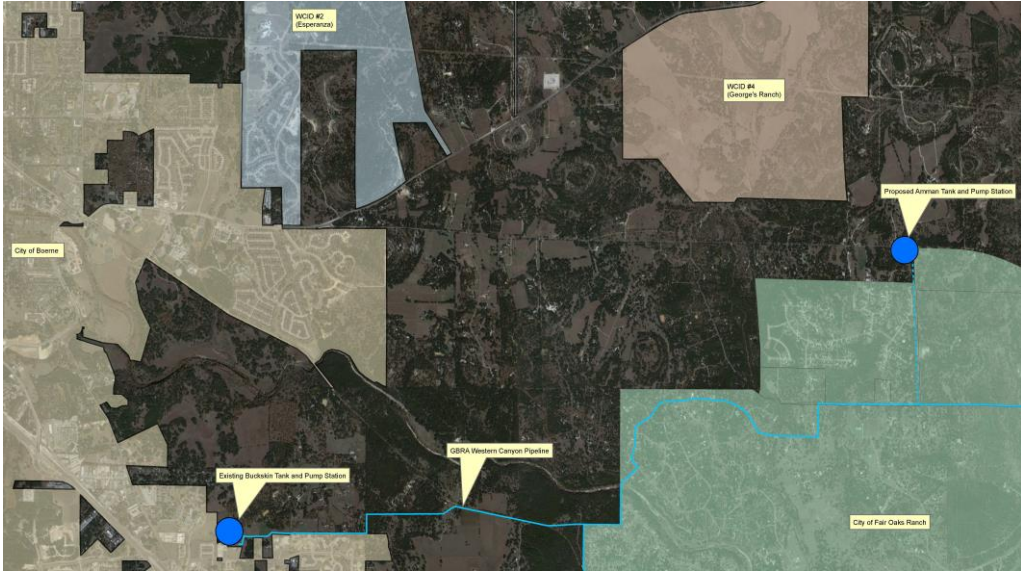
AGENDA ITEM SUMMARY

	<h2>AGENDA ITEM SUMMARY</h2>		
Agenda Date	July 9, 2024		
Requested Action	DISCUSSION AND DIRECTION REGARDING 2024 UNIFIED DEVELOPMENT CODE AMENDMENTS RELATING TO PLAT EXEMPTIONS, MULTI-FAMILY USES, AND FREEWAY PYLON SIGNS.		
Contact Person	Nathan Crane, AICP Planning Director ncrane@boerne-tx.gov (830) 248-1521		
Background Information	<p>BACKGROUND:</p> <p>The City Council discussed the proposed amendments at the June 11, 2024, meeting. The Council requested additional discussion and information regarding:</p> <ul style="list-style-type: none"> • Plat exemptions • Multi-family Uses • Freeway Pylon Signs <p>Staff will present the additional information and discuss the proposed amendments with Council.</p> <p>MOTIONS FOR CONSIDERATION:</p> <p>A motion is not needed. This item is being presented for discussion only.</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 checked="" type="checkbox"/> Master Plan Recommendation </td> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Infrastructure Investment <input checked="" type="checkbox"/> Customer Pull <input checked="" type="checkbox"/> Service Enhancement <input checked="" 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 checked="" type="checkbox"/> Master Plan Recommendation	<input type="checkbox"/> Infrastructure Investment <input checked="" type="checkbox"/> Customer Pull <input checked="" type="checkbox"/> Service Enhancement <input checked="" 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 checked="" type="checkbox"/> Master Plan Recommendation	<input type="checkbox"/> Infrastructure Investment <input checked="" type="checkbox"/> Customer Pull <input checked="" type="checkbox"/> Service Enhancement <input checked="" type="checkbox"/> Process Efficiency <input type="checkbox"/> Other:		
Strategic Alignment	B2 – Advancing Master Plan Recommendations		

Financial Considerations	N/A
Citizen Input/Board Review	N/A
Legal Review	N/A
Alternative Options	N/A
Supporting Documents	None

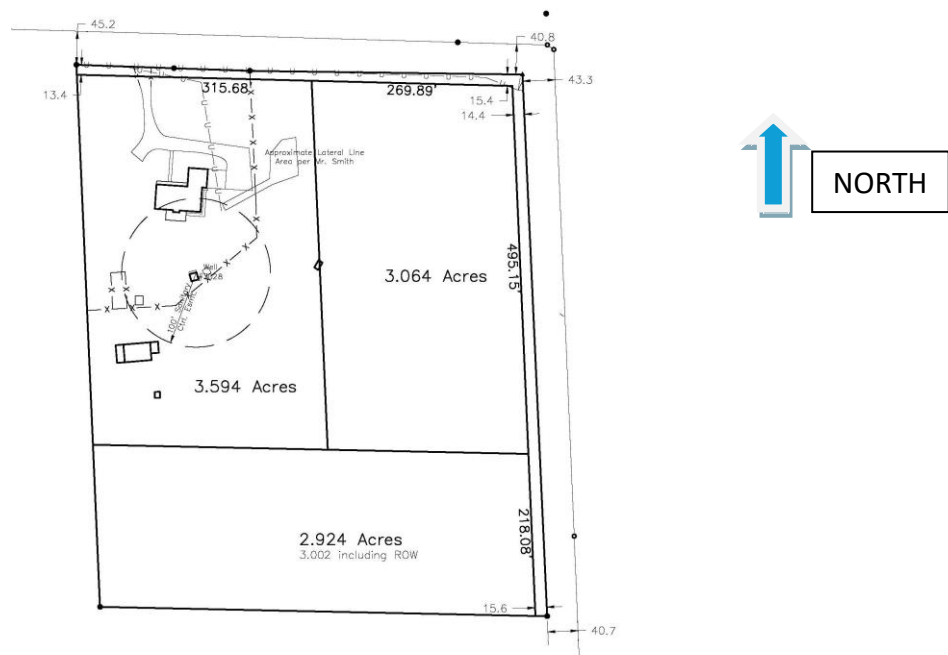


AGENDA ITEM SUMMARY

Agenda Date	July 9, 2024
Requested Action	CONSIDER ORDINANCE NO. 2024-11; AN ORDINANCE AUTHORIZING THE SALE OF REAL PROPERTY AND IMPROVEMENTS LOCATED AT 329 AMMANN RD., BOERNE, KENDALL COUNTY, TEXAS TO KENDALL COUNTY, A TEXAS POLITICAL SUBDIVISION, IN THE AMOUNT OF \$10.00; AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AND SALE AGREEMENT AND SPECIAL WARRANTY DEED; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (Right-of-way dedication to Kendall County)
Contact Person	Michael Mann, PE – Utilities Director
Background Information	<p>The City of Boerne is seeking a development permit from Kendall County to construct a new potable water storage tank and pump station on Ammann Road near Fair Oaks Ranch. These facilities will ultimately serve as a second delivery point for treated Canyon Lake water under our wholesale purchase agreement with GBRA.</p> <p>The location of the site is shown on the map below.</p>  <p>We initially attempted to subdivide the property into three lots through the County. One lot was intended for the proposed Boerne tank site, another with the existing home, and the third potentially for purchase by the City of Fair</p>

Oaks Ranch for their own water tank. However, we were unable to subdivide the property under County regulations because the existing home has a groundwater well.

We requested a variance from the average lot size requirement from the Commissioner's Court, as the other two lots would presumably be used for public water infrastructure (with no additional wells for site development). However, our variance request was not approved. The subdivision plat would have included street right-of-way (ROW) dedication along the northern and eastern perimeter of the site, as shown on the site plan below, which is a standard property development requirement when a site fronts a thoroughfare roadway.



We proceeded with plans to obtain a site development permit for the 10-acre lot as it currently exists. County staff advised that this was an administrative process. During the permitting discussions, we were advised that we would still be required to dedicate areas for future street widening, as shown on our draft plat document. Along the east side, the existing roadway is within the City of Fair Oaks Ranch. Along the north side, Kendall County remains the ROW management jurisdiction.

The County Engineer requested that instead of street ROW, we dedicate fee-simple titles to those areas via warranty deeds. We had surveys prepared for the two separate dedications, and the City Attorney has drafted the deed documents. Because this is a real-property transaction, specific approval from the City Council is required. Intergovernmental transactions such as this are

	<p>permissible under state law without the need for a public auction.</p> <p>Staff requests that the Council authorize the City Manager to execute the deed and submit it to Kendall County for their approval. A related dedication to the City of Fair Oaks Ranch is also included separately on the Council agenda. It is our understanding that we cannot obtain the desired site development permit without this property dedication.</p>										
Item Justification	<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 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 type="checkbox"/> Mitigate Risk	<input type="checkbox"/> Process Efficiency	<input type="checkbox"/> Master Plan Recommendation	<input type="checkbox"/> Other:
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<input type="checkbox"/> Mitigate Risk	<input type="checkbox"/> Process Efficiency										
<input type="checkbox"/> Master Plan Recommendation	<input type="checkbox"/> Other:										
Strategic Alignment	F2 – Investing in high-quality infrastructure										
Financial Considerations	N/A										
Citizen Input/Board Review	N/A										
Legal Review	Process and documentation approved by City Attorney.										
Alternative Options	We could choose not to proceed with the dedication, but would likely have difficulty obtaining the desired site development permit from Kendall County.										
Supporting Documents	Ordinance No. 2024-11 Proposed Deed Document Attached for Review										

ORDINANCE NO. 2024-11

AN ORDINANCE AUTHORIZING THE SALE OF REAL PROPERTY AND IMPROVEMENTS LOCATED AT 329 AMMANN RD., BOERNE, KENDALL COUNTY, TEXAS (THE "PROPERTY") TO KENDALL COUNTY, A TEXAS POLITICAL SUBDIVISION, IN THE AMOUNT OF \$10.00; AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AND SALE AGREEMENT AND SPECIAL WARRANTY DEED; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Boerne, Texas (the "City"), is a home rule city acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution, and Chapter 9 of the Local Government Code; and

WHEREAS, Kendall County, Texas (the "County"), is a political subdivision of the State of Texas; and

WHEREAS, the City and the County are governmental entities with the power of eminent domain; and

WHEREAS, the City desires to sell, and the County desires to purchase, the Property and improvements located at 329 Ammann Rd., Boerne, Kendall County, Texas (the "Property"); and

WHEREAS, the City hereby finds, declares, and certifies that (1) the Property is not a public park or public square; (2) the Property may be legally sold pursuant to Texas Local Gov't Code Ch. 253 and Ch. 272, and other applicable law.

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

SECTION 1

That the recitals above are true and correct and are hereby incorporated into this Ordinance as if fully set forth herein.

SECTION 2

That the City Manager of the City of Boerne, Texas, is hereby authorized to sell the Property to Kendall County, Texas, for \$10.00, and the City Manager of the City of Boerne, Texas, is further authorized and directed to execute a purchase and sale agreement, special warranty deed, and any other documents necessary to close the sale and convey the Property.

SECTION 3

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4

This Ordinance shall be in full force and effect from and its passage, and it so ordained.

PASSED, APPROVED and ADOPTED on this the ____ day of July, 2024.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney

NOTICE OF CONFIDENTIALITY RIGHT: 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 AND/OR YOUR DRIVER'S LICENSE NUMBER.

SPECIAL WARRANTY DEED

DATE: July ____, 2024

GRANTOR: CITY OF BOERNE, TEXAS, a home-rule municipal corporation

GRANTOR'S MAILING ADDRESS (including county):

447 N. Main Street
Boerne, Kendall County, Texas 78006

GRANTEE: COUNTY OF KENDALL, a political subdivision of the State of Texas

GRANTEE'S MAILING ADDRESS (including county):

20I San Antonio Avenue
Boerne, Kendall County, Texas 78006

CONSIDERATION:

Ten Dollars (\$10.00) and other good and valuable consideration

PROPERTY (including any improvements):

Being a variable width right-of-way dedication containing 0.179 acres out of the William D. Lusk Survey No. 211, Abstract No. 306, Kendall County, Texas and being part of that certain 10.018 acre tract conveyed to the City of Boerne by deed recorded in Document No. 2022-371461, Official Records, Kendall County, Texas, said 0.179 acre tract being more particularly described and depicted in Exhibit "A" attached hereto and made a part hereof:

RESERVATIONS FROM CONVEYANCE:

All valid matters of record in Kendall County, Texas, and all ordinances and regulations of governmental authorities, if any, to the extent that any of the foregoing relate to the Property and remain in force and effect.

EXCEPTIONS TO CONVEYANCE AND WARRANTY: None.

Grantor, for the consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs, successors and assigns to warrant

and forever defend all and singular the Property to Grantee and Grantee's successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise, except as to the Reservations from Conveyance and Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.

GRANTOR:

CITY OF BOERNE, TEXAS

A home-rule municipal corporation

By: _____
Ben Thatcher, City Manager

STATE OF TEXAS }

COUNTY OF KENDALL }

This instrument was acknowledged before me on the _____ of July by Ben Thatcher, City Manager of the City of Boerne, Texas on behalf of the Grantor.

Notary Public, State of Texas

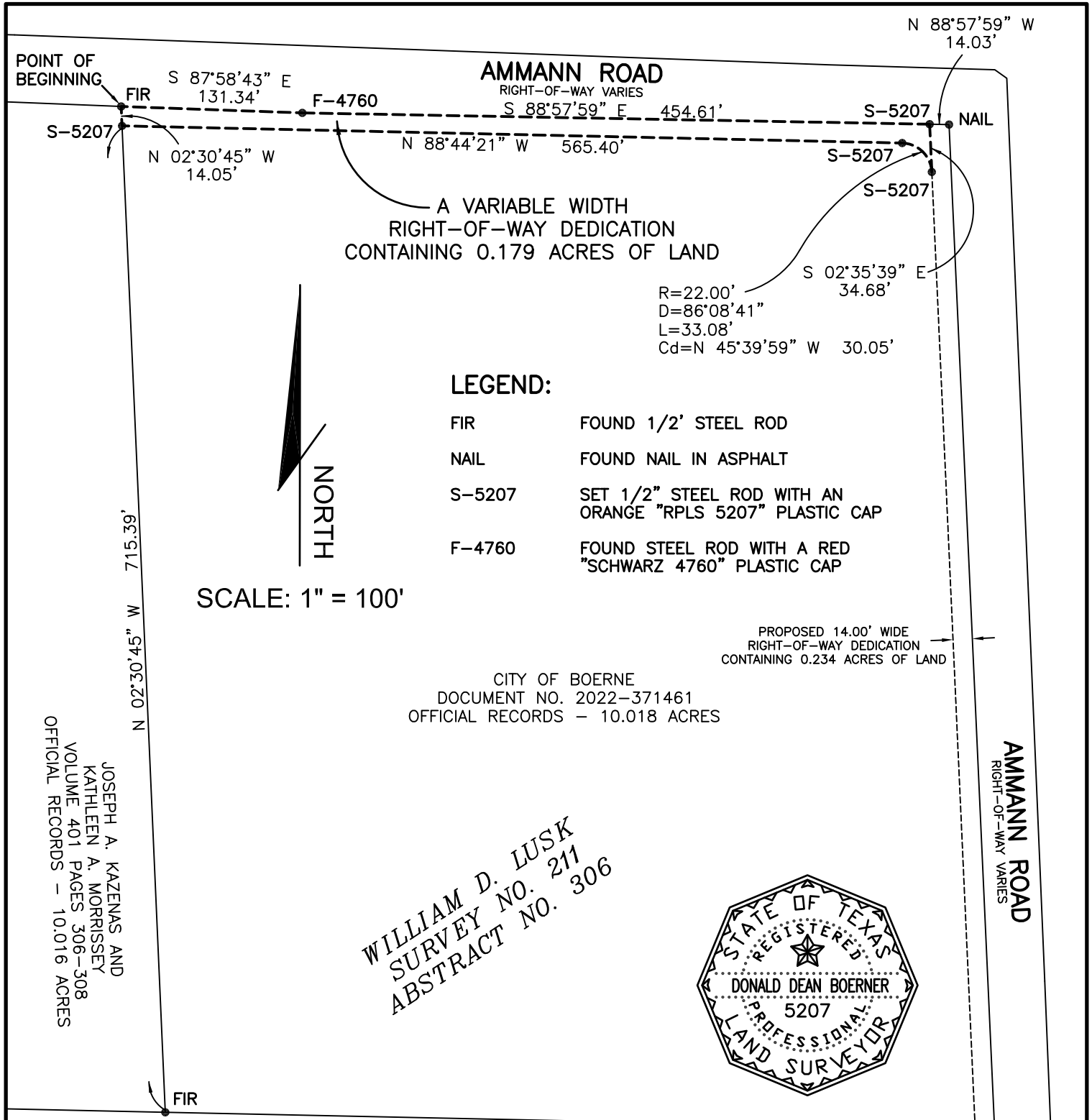
[Seal]

AFTER RECORDING RETURN TO:

County Attorney
201 San Antonio Avenue
Boerne, Texas 78006

EXHIBIT "A" LEGAL DESCRIPTION

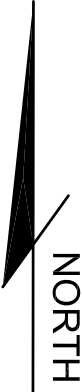
[See attached pages]



LEGEND:

- FIR FOUND 1/2' STEEL ROD
- NAIL FOUND NAIL IN ASPHALT
- S-5207 SET 1/2" STEEL ROD WITH AN ORANGE "RPLS 5207" PLASTIC CAP
- F-4760 FOUND STEEL ROD WITH A RED "SCHWARZ 4760" PLASTIC CAP

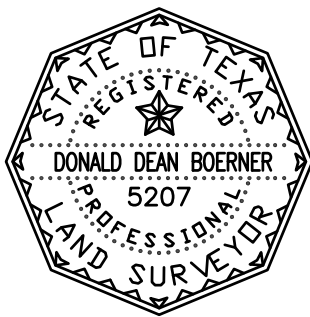
SCALE: 1" = 100'



CITY OF BOERNE
DOCUMENT NO. 2022-371461
OFFICIAL RECORDS - 10.018 ACRES

PROPOSED 14.00' WIDE
RIGHT-OF-WAY DEDICATION
CONTAINING 0.234 ACRES OF LAND

*WILLIAM D. LUSK
SURVEY NO. 211
ABSTRACT NO. 306*



JOSEPH A. KAZENAS AND
KATHLEEN A. MORRISSEY
VOLUME 401 PAGES 306-308
OFFICIAL RECORDS - 10.016 ACRES

GENERAL NOTES:

- 1) BASIS OF BEARING WAS ESTABLISHED FROM THE STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983, TEXAS SOUTH CENTRAL ZONE.
- 2) A FIELD NOTE DESCRIPTION WAS PREPARED FOR THIS TRACT.

PLAT SHOWING: A variable width right-of-way dedication containing 0.179 acres out of the William D. Lusk Survey No. 211, Abstract No. 306, Kendall County, Texas and being part of that certain 10.018 acre tract conveyed to the City of Boerne by deed recorded in Document No. 2022-371461, Official Records, Kendall County, Texas.

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

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

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 Right-of-Way Dedication Containing 0.179 Acres of Land

Being a variable width right-of-way dedication containing 0.179 acres out of the William D. Lusk Survey No. 211, Abstract No. 306, Kendall County, Texas and being part of that certain 10.018 acre tract conveyed to the City of Boerne by deed recorded in Document No. 2022-371461, Official Records, Kendall County, Texas, said 0.179 acre tract being more particularly described by metes and bounds as follows:

Beginning at a ½” steel rod found in the south line of Ammann Road for the northwest corner of the herein described tract, the northwest corner of the above referenced 10.018 acre tract;

Thence, with the south line of Ammann Road, the north line of said 10.018 acre tract, the following two (2) courses and distances,

- 1) South 87 degrees 58 minutes 43 seconds East, a distance of 131.34 feet to a steel rod found with a red “SCHWARZ 4760” plastic cap for angle,
- 2) and, South 88 degrees 57 minutes 59 seconds East, a distance of 454.61 feet to a ½” steel rod set with an orange “RPLS 5207” plastic cap for the northeast corner of the herein described tract, said point bears, North 88 degrees 57 minutes 59 seconds West, a distance of 14.03 feet from a nail found in asphalt at the northeast corner of said 10.018 acre tract;

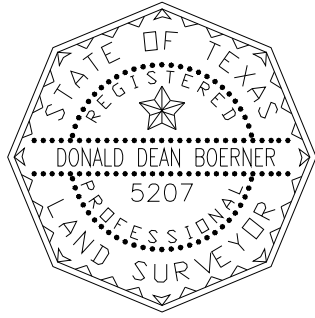
Thence, departing the south line of Ammann Road, severing said 10.018 acre tract, South 02 degrees 35 minutes 39 seconds East, a distance of 34.68 feet to a ½” steel rod set with an orange “RPLS 5207” plastic cap for the southeast corner of the herein described tract, said point being at the beginning of a curve to the left whose central angle is 86 degrees 08 minutes 41 seconds, whose radius is 22.00 feet and whose chord bears, North 45 degrees 39 minutes 59 seconds West, a distance of 30.05 feet;

Thence, along the arc of said curve to the left, a distance of 33.08 feet to a ½” steel rod set with an orange “RPLS 5207” plastic cap at the point of tangency;

Thence, North 88 degrees 44 minutes 21 seconds West, a distance of 565.40 feet to a ½” steel rod set with an orange “RPLS 5207” plastic cap in the west line of said 10.018 acre tract for the southwest corner of the herein described tract, said point bears, North 02 degrees 30 minutes 45 seconds West, a distance of 715.39 feet from a ½” steel rod found at the southwest corner of said 10.018 acre tract;

Thence, with the west line of said 10.018 acre tract, North 02 degrees 30 minutes 45 seconds West, a distance of 14.05 feet to the **Place of Beginning** and containing 0.179 acres of land.

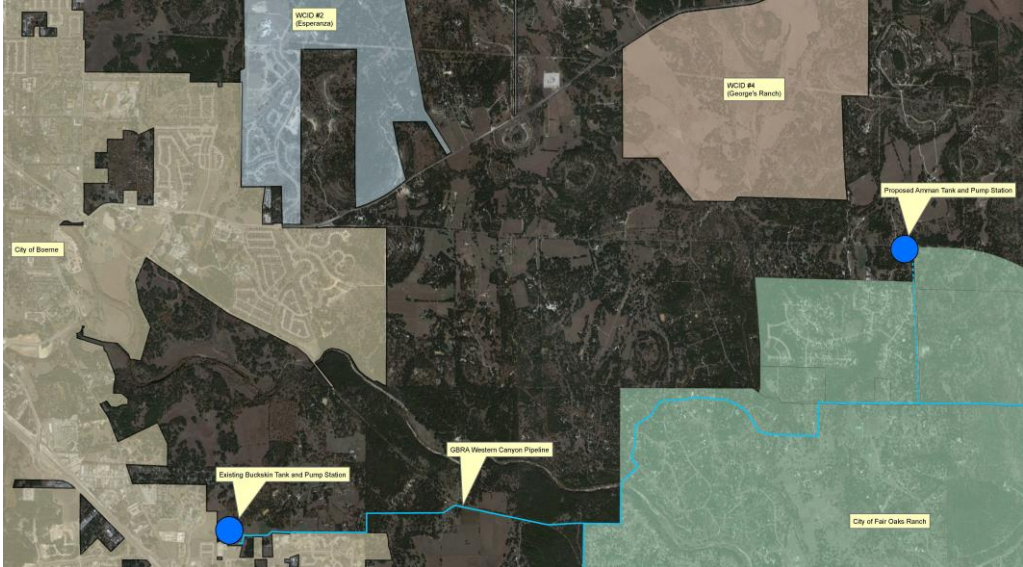
Note: A survey plat of the above described tract was prepared. Basis of bearing was established from the State Plane Coordinate System North American Datum of 1983, Texas South Central Zone.



Donald Dean Boerner
Registered Professional Land Surveyor No. 5207

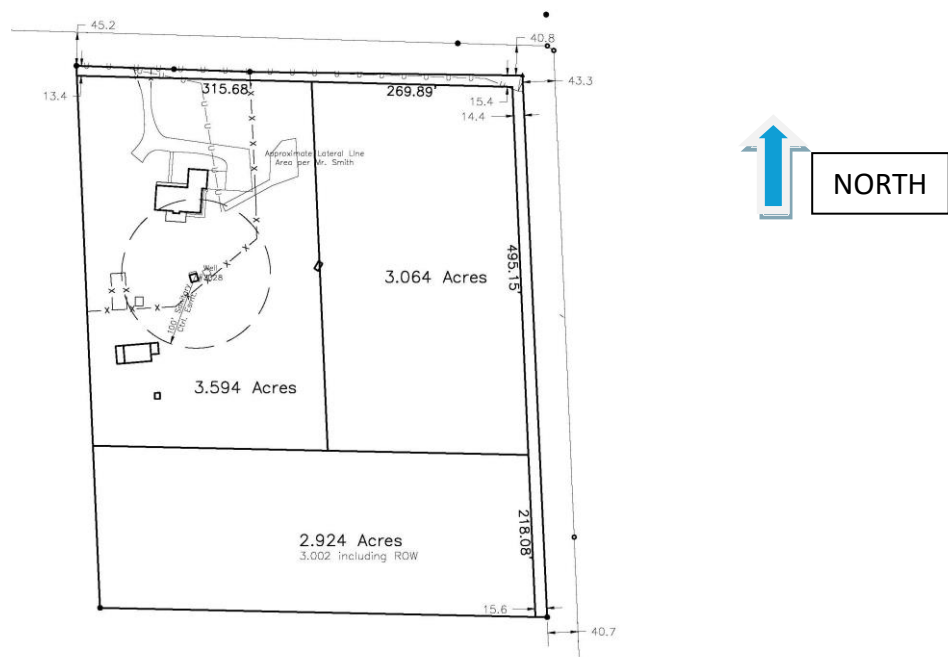


AGENDA ITEM SUMMARY

Agenda Date	July 9, 2024
Requested Action	CONSIDER ORDINANCE NO. 2024-12; AN ORDINANCE AUTHORIZING THE SALE OF REAL PROPERTY AND IMPROVEMENTS LOCATED AT 329 AMMANN RD., BOERNE, KENDALL COUNTY, TEXAS TO THE CITY OF FAIR OAKS RANCH, A TEXAS POLITICAL SUBDIVISION, IN THE AMOUNT OF \$10.00; AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AND SALE AGREEMENT AND SPECIAL WARRANTY DEED; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (Right-of-way dedication to the City of Fair Oaks Ranch)
Contact Person	Michael Mann, PE – Utilities Director
Background Information	<p>The City of Boerne is seeking a development permit from Kendall County to construct a new potable water storage tank and pump station on Ammann Road near Fair Oaks Ranch. These facilities will ultimately serve as a second delivery point for treated Canyon Lake water under our wholesale purchase agreement with GBRA.</p> <p>The location of the site is shown on the map below.</p>  <p>We initially attempted to subdivide the property into three lots through the</p>

County. One lot was intended for the proposed Boerne tank site, another with the existing home, and the third potentially for purchase by the City of Fair Oaks Ranch for their own water tank. However, we were unable to subdivide the property under County regulations because the existing home has a groundwater well.

We requested a variance from the average lot size requirement from the Commissioner's Court, as the other two lots would presumably be used for public water infrastructure (with no additional wells for site development). However, our variance request was not approved. The subdivision plat would have included street right-of-way (ROW) dedication along the northern and eastern perimeter of the site, as shown on the site plan below, which is a standard property development requirement when a site fronts a thoroughfare roadway.



We proceeded with plans to obtain a site development permit for the 10-acre lot as it currently exists. County staff advised that this was an administrative process. During the permitting discussions, we were advised that we would still be required to dedicate areas for future street widening, as shown on our draft plat document. Along the east side, the existing roadway is within the City of Fair Oaks Ranch. Along the north side, Kendall County remains the ROW management jurisdiction.

The County Engineer requested that instead of street ROW, we dedicate fee-simple titles to those areas via warranty deeds. We had surveys prepared for the two separate dedications, and the City Attorney has drafted the deed documents. Because this is a real-property transaction, specific approval from

	<p>the City Council is required. Intergovernmental transactions such as this are permissible under state law without the need for a public auction.</p> <p>Staff requests that the Council authorize the City Manager to execute the deed and submit it to the City of Fair Oaks Ranch for their approval. A related dedication to Kendall County is also included separately on the Council agenda. It is our understanding that we cannot obtain the desired site development permit without this property dedication.</p>										
Item Justification	<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 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 type="checkbox"/> Mitigate Risk	<input type="checkbox"/> Process Efficiency	<input type="checkbox"/> Master Plan Recommendation	<input type="checkbox"/> Other:
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<input type="checkbox"/> Mitigate Risk	<input type="checkbox"/> Process Efficiency										
<input type="checkbox"/> Master Plan Recommendation	<input type="checkbox"/> Other:										
Strategic Alignment	F2 – Investing in high-quality infrastructure										
Financial Considerations	N/A										
Citizen Input/Board Review	N/A										
Legal Review	Process and documentation approved by City Attorney.										
Alternative Options	We could choose not to proceed with the dedication, but would likely have difficulty obtaining the desired site development permit from Kendall County.										
Supporting Documents	Ordinance No. 2024-12 Proposed Deed Document Attached for Review										

ORDINANCE NO. 2024-12

AN ORDINANCE AUTHORIZING THE SALE OF REAL PROPERTY AND IMPROVEMENTS LOCATED AT 329 AMMANN RD., BOERNE, KENDALL COUNTY, TEXAS (THE "PROPERTY") TO THE CITY OF FAIR OAKS RANCH, A TEXAS POLITICAL SUBDIVISION, IN THE AMOUNT OF \$10.00; AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AND SALE AGREEMENT AND SPECIAL WARRANTY DEED; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Boerne, Texas, is a home rule city acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution, and Chapter 9 of the Local Government Code; and

WHEREAS, the City of Fair Oaks Ranch, Texas, is a political subdivision of the State of Texas; and

WHEREAS, the City of Boerne and the City of Fair Oaks Ranch are governmental entities with the power of eminent domain; and

WHEREAS, the City of Boerne desires to sell, and the City of Fair Oaks Ranch desires to purchase, the Property and improvements located at 329 Ammann Rd., Boerne, Kendall County, Texas (the "Property"); and

WHEREAS, the City of Boerne hereby finds, declares, and certifies that (1) the Property is not a public park or public square; (2) the Property may be legally sold pursuant to Texas Local Gov't Code Ch. 253 and Ch. 272, and other applicable law.

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

SECTION 1

That the recitals above are true and correct and are hereby incorporated into this Ordinance as if fully set forth herein.

SECTION 2

That the City Manager of the City of Boerne, Texas, is hereby authorized to sell the Property to the City of Fair Oaks Ranch, Texas, for \$10.00, and the City Manager of the City of Boerne, Texas, is further authorized and directed to execute a purchase and sale agreement, special warranty deed, and any other documents necessary to close the sale and convey the Property.

SECTION 3

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4

This Ordinance shall be in full force and effect from and its passage, and it so ordained.

PASSED, APPROVED and ADOPTED on this the ____ day of July, 2024.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney

NOTICE OF CONFIDENTIALITY RIGHT: 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 AND/OR YOUR DRIVER'S LICENSE NUMBER.

SPECIAL WARRANTY DEED

DATE: July ____, 2024

GRANTOR: CITY OF BOERNE, TEXAS, a home-rule municipal corporation

GRANTOR'S MAILING ADDRESS (including county):

447 N. Main Street
Boerne, Kendall County, Texas 78006

GRANTEE: CITY OF FAIR OAKS RANCH, TEXAS, a home-rule municipal corporation

GRANTEE'S MAILING ADDRESS (including county):

7286 Dietz Elkhorn
Fair Oaks Ranch, Kendall County, Texas 78015

CONSIDERATION:

Ten Dollars (\$10.00) and other good and valuable consideration

PROPERTY (including any improvements):

Being a 14.00' wide right-of-way dedication containing 0.234 acres out of the William D. Lusk Survey No. 211, Abstract No. 306, Kendall County, Texas and being part of that certain 10.018 acre tract conveyed to the City of Boerne by deed recorded in Document No. 2022-371461, Official Records, Kendall County, Texas, said 0.234 acre tract being more particularly described and depicted in Exhibit "A" attached hereto and made a part hereof.

RESERVATIONS FROM CONVEYANCE:

All valid matters of record in Kendall County, Texas, and all ordinances and regulations of governmental authorities, if any, to the extent that any of the foregoing relate to the Property and remain in force and effect.

EXCEPTIONS TO CONVEYANCE AND WARRANTY: None.

Grantor, for the consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs, successors and assigns to warrant

and forever defend all and singular the Property to Grantee and Grantee's successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise, except as to the Reservations from Conveyance and Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.

GRANTOR:

CITY OF BOERNE, TEXAS

A home-rule municipal corporation

By: _____
Ben Thatcher, City Manager

STATE OF TEXAS }

COUNTY OF KENDALL }

This instrument was acknowledged before me on the _____ of July by Ben Thatcher, City Manager of the City of Boerne, Texas on behalf of the Grantor.

Notary Public, State of Texas

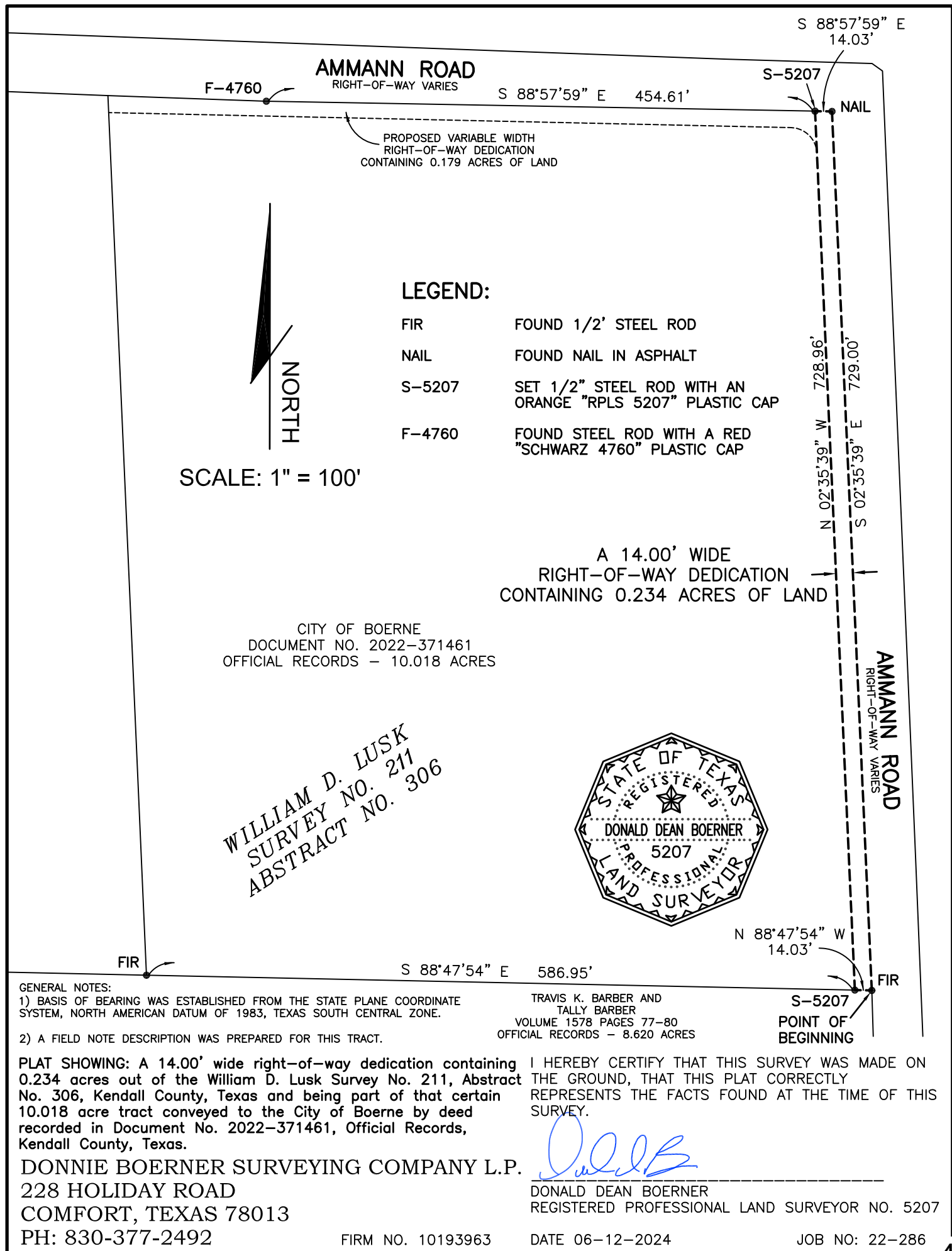
[Seal]

AFTER RECORDING RETURN TO:

City Secretary
7286 Dietz Elkhorn
Fair Oaks Ranch, Texas 78015

EXHIBIT "A" LEGAL DESCRIPTION

[See attached pages]



S 88°57'59" E
14.03'

AMMANN ROAD

RIGHT-OF-WAY VARIES

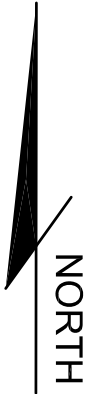
F-4760

S 88°57'59" E 454.61'

S-5207

NAIL

PROPOSED VARIABLE WIDTH
RIGHT-OF-WAY DEDICATION
CONTAINING 0.179 ACRES OF LAND



LEGEND:

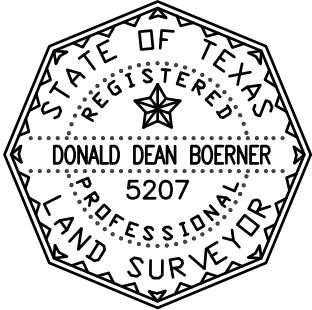
- FIR FOUND 1/2' STEEL ROD
- NAIL FOUND NAIL IN ASPHALT
- S-5207 SET 1/2" STEEL ROD WITH AN ORANGE "RPLS 5207" PLASTIC CAP
- F-4760 FOUND STEEL ROD WITH A RED "SCHWARZ 4760" PLASTIC CAP

SCALE: 1" = 100'

A 14.00' WIDE
RIGHT-OF-WAY DEDICATION
CONTAINING 0.234 ACRES OF LAND

CITY OF BOERNE
DOCUMENT NO. 2022-371461
OFFICIAL RECORDS - 10.018 ACRES

WILLIAM D. LUSK
SURVEY NO. 211
ABSTRACT NO. 306



AMMANN ROAD
RIGHT-OF-WAY VARIES

N 02°35'39" W 728.96'
S 02°35'39" E 729.00'

FIR

S 88°47'54" E 586.95'

N 88°47'54" W
14.03'

FIR

GENERAL NOTES:

1) BASIS OF BEARING WAS ESTABLISHED FROM THE STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983, TEXAS SOUTH CENTRAL ZONE.

2) A FIELD NOTE DESCRIPTION WAS PREPARED FOR THIS TRACT.

PLAT SHOWING: A 14.00' wide right-of-way dedication containing 0.234 acres out of the William D. Lusk Survey No. 211, Abstract No. 306, Kendall County, Texas and being part of that certain 10.018 acre tract conveyed to the City of Boerne by deed recorded in Document No. 2022-371461, Official Records, Kendall County, Texas.

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

TRAVIS K. BARBER AND
TALLY BARBER
VOLUME 1578 PAGES 77-80
OFFICIAL RECORDS - 8.620 ACRES

S-5207
POINT OF
BEGINNING

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
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5207

FIRM NO. 10193963

DATE 06-12-2024

JOB NO: 22-286

Donnie Boerner Surveying Company L.P.

228 Holiday Road ♦ Comfort, Texas 78013

Phone: 830-377-2492

FIRM NO. 10193963

Field Notes for a 14.00' Wide Right-of-Way Dedication Containing 0.234 Acres of Land

Being a 14.00' wide right-of-way dedication containing 0.234 acres out of the William D. Lusk Survey No. 211, Abstract No. 306, Kendall County, Texas and being part of that certain 10.018 acre tract conveyed to the City of Boerne by deed recorded in Document No. 2022-371461, Official Records, Kendall County, Texas, said 0.234 acre tract being more particularly described by metes and bounds as follows:

Beginning at a ½" steel rod found in the west line of Ammann Road for the southeast corner of the herein described tract, the southeast corner of the above referenced 10.018 acre tract;

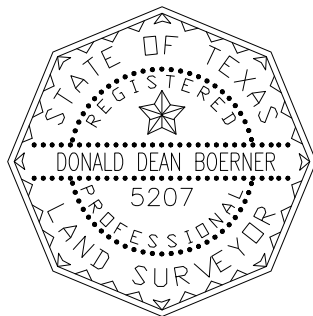
Thence, departing the west line of Ammann Road, with the south line of said 10.018 acre tract, North 88 degrees 47 minutes 54 seconds West, a distance of 14.03 feet to a ½" steel rod set with an orange "RPLS 5207" plastic cap for the southwest corner of the herein described tract, said point bears, South 88 degrees 47 minutes 54 seconds East, a distance of 586.95 feet from a ½" steel rod found at the southwest corner of said 10.018 acre tract;

Thence, severing said 10.018 acre tract, North 02 degrees 35 minutes 39 seconds West, a distance of 728.96 feet to a ½" steel rod set with an orange "RPLS 5207" plastic cap in the south line of Ammann Road, the north line of said 10.018 acre tract for the northwest corner of the herein described tract, said point bears, South 88 degrees 57 minutes 59 seconds East, a distance of 454.61 feet from a steel rod found with a red "SCHWARZ 4760" plastic cap;

Thence, with the south line of Ammann Road, the north line of said 10.018 acre tract, South 88 degrees 57 minutes 59 seconds East, a distance of 14.03 feet to a nail found in asphalt for the northeast corner of the herein described tract, the northeast corner of said 10.018 acre tract;

Thence, with the west line of Ammann Road, the east line of said 10.018 acre tract, South 02 degrees 35 minutes 39 seconds East, a distance of 729.00 feet to the **Place of Beginning** and containing 0.234 acres of land.

Note: A survey plat of the above described tract was prepared. Basis of bearing was established from the State Plane Coordinate System North American Datum of 1983, Texas South Central Zone.



Donald Dean Boerner
Registered Professional Land Surveyor No. 5207



AGENDA ITEM SUMMARY

Agenda Date	July 9, 2024		
Requested Action	APPROVE RESOLUTION NO. 2024-R51 AUTHORIZING THE CITY MANAGER TO EXECUTE A TEMPORARY LABOR SERVICES AGREEMENT WITH MGR ACCOUNTING RECRUITERS FOR AN AMOUNT NOT TO EXCEED \$67,793.00.		
Contact Person	Sarah Buckelew, Finance Director		
Background Information	<p>This resolution authorizes the City Manager to execute a Temporary Labor Services Agreement (MSA) with MGR Accounting Recruiters. The City has a current master services agreement in April 2024 and a scope of work for \$49,000 that is currently in place. To date, the City has incurred \$30,993 on the existing agreement. The current agreement will fund approximately 6 more weeks of temporary staff work for a total of \$67,793, taking the total spent with this vendor to over \$50,000 for the fiscal year for task order #1. The purpose of the temporary staffing agreement is to augment the team during the budget process as well as year end financial statement and audit processes.</p> <p>It is crucial to optimize our resources effectively. One strategy that stands out as particularly advantageous is the utilization of temporary workers. By employing temporary staff, we gain flexibility in managing fluctuating workloads and seasonal demands without the long-term commitment and overhead costs associated with permanent positions. We also have the ability to only pay for actual hours worked, and are able to avoid costs such as benefits, insurance, and paid time off. Moreover, we can easily scale our workforce up or down as needed, ensuring that we efficiently allocate our budget while maintaining productivity. This approach allows us to respond swiftly to evolving needs, ultimately contributing to the overall efficiency and effectiveness of our operations.</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 <i>(Example: C2 – Customer Feedback, B1 – Data Driven Decision)</i>	B3 – Streamlined and Efficient Processes F1 – Committing to strategic, responsible, and conservative financial management.
Financial Considerations	Payments made for fiscal year 2023-2024 total \$30,993 year to date. Staff is recommending that expenses that exceed the originally adopted finance department professional services budget will be covered by available General Fund surplus.
Citizen Input/Board Review	N/A
Legal Review	Temporary Labor Services Agreement (Master Services Agreement) was reviewed and approved by legal.
Alternative Options	N/A
Supporting Documents	Resolution No. 2024-R51 Temporary Services Agreement (under master services agreement)

RESOLUTION NO. 2024-R51

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A TEMPORARY LABOR SERVICES AGREEMENT WITH MGR ACCOUNTING RECRUITERS FOR AN AMOUNT NOT TO EXCEED \$67,793.00.

WHEREAS, the city recognizes the need for temporary staffing assistance; and

WHEREAS, by employing temporary staff, the city gains flexibility in managing fluctuating workloads and seasonal demands; and

WHEREAS, using temporary staffing allows the city to only pay for hours worked and able to avoid costs such as benefits, insurance and paid time off; and

WHEREAS, the City Council finds it necessary to enter into an agreement with MGR Accounting Recruiters for an amount not to exceed \$67,793.00;

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

The City Manager is hereby authorized to enter into and manage an agreement between the City of Boerne and MGR Accounting Recruiters for temporary labor services for an amount not to exceed \$67,793.00.

PASSED and APPROVED on this the _____ day of July, 2024.

APPROVED:

Mayor

ATTEST:

City Secretary

AGREEMENT TO PROVIDE PROFESSIONAL SERVICES ACCOUNTING SERVICES

THIS AGREEMENT ("Agreement") is entered into this 26th day of April, 2024 by and between MGR Accounting Recruiters ("PROFESSIONAL") and the CITY OF BOERNE, TEXAS, a municipal corporation of the State of Texas ("CITY"). For convenience, the PROFESSIONAL and the CITY may sometimes be referred herein collectively as "parties" and individually as a "party."

WITNESSETH

WHEREAS, CITY desires to engage the PROFESSIONAL to provide professional services as more fully described in separate Task Orders; and

WHEREAS, PROFESSIONAL agrees to provide such work and services for the CITY in accordance with the terms of this Agreement;

NOW, THEREFORE, for the mutual promises set forth herein, and for other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto mutually agree as follows:

1. Employment of PROFESSIONAL.

(a) CITY agrees to engage the PROFESSIONAL and the PROFESSIONAL hereby agrees to perform the services which will be approved as separate task orders.

(b) Notwithstanding anything to the contrary contained in this Agreement, CITY and PROFESSIONAL agree and acknowledge that CITY is entering into this Agreement in reliance on PROFESSIONAL's special and unique abilities. PROFESSIONAL accepts the relationship of trust and confidence established between it and the CITY by this Agreement. PROFESSIONAL acknowledges that PROFESSIONAL shall be solely responsible for determining the methods for performing the services described in Task Orders to be provided separately. PROFESSIONAL covenants with CITY to use its best efforts, skill, judgment, and abilities to perform the work required by this Agreement and to further the interests of CITY in accordance with CITY's requirements, in accordance with the highest standards of PROFESSIONAL's profession or business and in compliance with all applicable national, federal, state, municipal, laws, regulations, codes, ordinances, orders and with those of any other body having jurisdiction. The PROFESSIONAL warrants, represents, covenants, and agrees that all of the work to be performed by the PROFESSIONAL under or pursuant to this Agreement shall be done (i) with the professional skill and care ordinarily provided by competent professionals, as the case may be, practicing in the same or similar locality and under the same or

similar circumstances and applicable professional license; and (ii) as expeditiously as is prudent considering the ordinary professional skill and care of a competent professionals, as the case may be.

(c) PROFESSIONAL will be responsible for supplying all tools and equipment necessary for PROFESSIONAL to provide the services as authorized is separate task orders. The MGR team will use City technology to access the network, files and applications.

2. **Compensation.** The CITY agrees to pay the PROFESSIONAL the fees set forth in separate task orders. MGR pays its employees weekly and invoices its clients weekly. Our standard terms is due when received.
3. **Changes.** CITY may, from time to time require changes in the scope of services of the PROFESSIONAL to be performed hereunder. Such changes, which are mutually agreed upon by and between CITY and the PROFESSIONAL, shall be incorporated in written amendment to this Agreement.
4. **Services and Materials to be Furnished by CITY.** CITY shall furnish the PROFESSIONAL with all available information and data PROFESSIONAL requests pertinent to the execution of this Agreement. CITY shall cooperate with the PROFESSIONAL in carrying out the work herein and shall provide adequate staff for liaison with the PROFESSIONAL.
5. **Ownership of Documents.** All reports, plans, specifications, computer files and other documents prepared by PROFESSIONAL pursuant to this Agreement shall be the property of the CITY. PROFESSIONAL will deliver to the CITY copies of the prepared documents and materials. PROFESSIONAL shall make all documents and related data and material utilized in developing the documents available to CITY for inspection whenever requested. PROFESSIONAL may make copies of any and all such documents and items and retain same for its files. PROFESSIONAL shall have no liability for changes made to or use of the drawings, specifications, and other documents by anyone other than PROFESSIONAL subsequent to delivery of the prepared documents and materials. However, any such change or other use shall be sealed by the individual making the change or use and shall be appropriately marked to reflect what was changed or modified.
6. **Term and Termination of Agreement.** This agreement will be for a period of three years beginning on the effective date of this agreement. Either party may terminate this agreement at any time by providing thirty (30) days written notice to the other party.
7. **Completeness of Contract.** This Agreement and the documents incorporated herein by specific reference contain all the terms and conditions agreed upon by the parties hereto, and no other agreements, oral or otherwise, regarding the subject matter of this contract or any part thereof shall have any validity or bind any of the parties hereto.

If there is any conflict between the terms of this Agreement and the documents attached hereto, the terms of this Agreement shall control. This Agreement may not be subsequently modified except by a writing signed by both parties.

8. **CITY Not Obligated to Third Parties.** CITY shall not be obligated or liable hereunder to any party other than the PROFESSIONAL.
9. **Final Decisions.** Serving as a PROFESSIONAL to the CITY, PROFESSIONAL shall advise all parties that final decisions shall be made by the City Council and/or City Manager.
10. **Indemnification.** PROFESSIONAL DOES HEREBY COVENANT AND CONTRACT TO WAIVE ANY AND ALL CLAIMS, RELEASE, INDEMNIFY, AND HOLD HARMLESS THE CITY, ITS CITY COUNCIL, OFFICERS, EMPLOYEES, AND AGENTS, FROM AND AGAINST ALL LIABILITY, CAUSES OF ACTION, CLAIMS, COSTS, DAMAGES, DEMANDS, EXPENSES, FINES, JUDGMENTS, LOSSES, PENALTIES OR SUITS, WHICH MAY ARISE BY REASON OF DEATH OR INJURY TO PERSONS OR PROPERTY, CAUSED BY OR RESULTING FROM THE NEGLIGENCE, INTENTIONAL TORT, INTELLECTUAL PROPERTY INFRINGEMENT, OR FAILURE TO PAY A SUBPROFESSIONAL OR SUPPLIER COMMITTED BY THE PROFESSIONAL, ITS AGENTS, OR CONSULTANTS UNDER CONTRACT, OR ANY OTHER ENTITY OVER WHICH THE PROFESSIONAL EXERCISES CONTROL, SUBJECT TO THE LIMITATIONS IN TEXAS LOCAL GOVERNMENT CODE § 271.904 AND TEXAS CIVIL PRACTICE AND REMEDIES CODE, § 130.002 (B) AND PROFESSIONAL WILL, AT ITS OWN COST AND EXPENSE, DEFEND AND PROTECT CITY AGAINST ANY AND ALL SUCH CLAIMS AND DEMANDS.

THE INDEMNIFICATION UNDER THIS SECTION SHALL INCLUDE REASONABLE ATTORNEYS' FEES AND COSTS, COURT COSTS, AND SETTLEMENT COSTS IN PROPORTION TO THE PROFESSIONAL'S LIABILITY.

THE PROFESSIONAL'S OBLIGATIONS UNDER THIS SECTION SHALL NOT BE LIMITED TO THE LIMITS OF COVERAGE OF INSURANCE MAINTAINED OR REQUIRED TO BE MAINTAINED BY PROFESSIONAL UNDER THIS AGREEMENT. THIS PROVISION SHALL SURVIVE THE TERMINATION OF THIS AGREEMENT.

11. **Insurance.** PROFESSIONAL shall, at its own expense, purchase, maintain and keep in force throughout the duration of this Agreement and for a period of four (4) years thereafter the following minimum insurance:
 - a. Commercial general liability insurance, including personal injury liability, and broad or special form property damage liability in an amount of not less than \$1,000,000 per occurrence/\$2,000,000 annual aggregate.

- c. Statutory workers' compensation and employers' liability insurance as required by state law.
- d. Professional liability insurance (Errors and Omissions) with a limit of \$1,000,000 per occurrence/annual aggregate to include contract coverage for breaches of any contractual term committed by MGR implied by law concerning necessary quality, safety or fitness, or your duty to use reasonable care and skill.

PROFESSIONAL shall provide the CITY with proof of insurance required hereunder prior to commencing work for the CITY. Such policies shall name the CITY, its officers, and employees as an additional insured and shall provide for a waiver of subrogation in favor of the City. PROFESSIONAL shall provide the CITY with written notice of any coverage limit change on the insurance throughout the duration of this Agreement.

12. **Prompt Performance by Professional.** All services provided by PROFESSIONAL hereunder shall be performed in accordance with the degree of care and skill ordinarily exercised under similar circumstances by competent members of the engineering profession in the State of Texas applicable to such engineering services contemplated by this Agreement.
13. **Client Objection to Personnel.** If at any time after entering into this Agreement, the CITY has any reasonable objection to any of PROFESSIONAL's personnel, or any personnel, professionals and/or consultants retained by PROFESSIONAL, PROFESSIONAL shall promptly propose substitutes to whom the CITY has no reasonable objection, and PROFESSIONAL's compensation shall be equitably adjusted to reflect any difference in PROFESSIONAL's costs occasioned by such substitution.
14. **Timeliness of Performance** PROFESSIONAL shall perform its professional services with due and reasonable diligence consistent with sound professional practices.
15. **Personnel.** All of the services required hereunder will be performed by the PROFESSIONAL or under PROFESSIONAL's supervision, and all personnel engaged in the work shall be qualified to perform such services.
16. **Independent Contractor.** In performing the services under this Agreement, PROFESSIONAL is acting as an independent contractor. No term or provision hereof be construed as making PROFESSIONAL the agent, servant, or employee of the CITY or as creating a partnership or joint venture relationship between PROFESSIONAL and the CITY.
17. **Assignability.** The parties hereby agree that PROFESSIONAL may not assign, convey or transfer its interest, rights and duties in this Agreement without the prior written consent of CITY.

18. **Successors and Assigns.** Subject to the provisions regarding assignment, this Agreement shall be binding on and inure to the benefit of the Parties to it and their respective heirs, executors, administrators, legal representatives, successors and assigns.
19. **Governing Law/Venue.** This Agreement shall be governed by and construed in accordance with the laws of the State of Texas. Venue for any action brought to interpret or enforce the terms of this Agreement shall lie in Kendall County, Texas.
20. **No Third-Party Beneficiary.** For purposes of this Agreement, including its intended operation and effect, the parties specifically agree and contract that: (1) this Agreement only affects matters/disputes between the parties to this Agreement, and is in no way intended by the parties to benefit or otherwise affect any third person or entity, notwithstanding the fact that such third person or entities may be in a contractual relationship with CITY and PROFESSIONAL, or both; and (2) the terms of this Agreement are not intended to release, either by contract or operation of law, any third person or entity from obligations they owe to either the CITY or the PROFESSIONAL.
21. **Exhibits.** The exhibits attached hereto are incorporated herein and made a part hereof for all purposes.
22. **HB 89 and SB 252 Certifications.** PROFESSIONAL hereby certifies that the Contractor does not and will not boycott Israel during the term of this Agreement in accordance with Chapter 2270, Texas Government Code. Additionally, PROFESSIONAL hereby certifies that the PROFESSIONAL is not included on the website of the Texas Comptroller for entities doing business with foreign terrorist organizations pursuant to Chapter 2252, Texas Government Code.
23. **Conflicts of Interest.** By signature of this Agreement, PROFESSIONAL warrants to CITY that it has made full disclosure in writing of any existing conflicts of interest or potential conflicts of interest, including business or personal financial interests, direct or indirect, in property abutting the proposed project and business relations with abutting property owners, or with elected officials or employees of the CITY. PROFESSIONAL further warrants that it will make disclosure in writing of any conflicts of interest that develop subsequent to the signing of this Agreement and prior to final payment under the Agreement. PROFESSIONAL warrants that it has submitted to the CITY a completed Conflicts of Interest Questionnaire as required by Chapter 176 of the Texas Local Government Code.
24. **Authority to Sign.** The parties hereby warrant and represent that the undersigned persons have full authority and are duly authorized to sign on behalf of their respective principals and that such principals have duly authorized the transaction contemplated by this Agreement.

25. **Counterparts.** This Agreement may be executed by the parties hereto in separate counterparts, each of which when so executed and delivered shall be an original, but all such counterparts shall together constitute one and the same instrument. Each counterpart may consist of any number of copies hereof each signed by less than all, but together signed by all of the parties hereto.

[REMAINDER OF PAGE INTENTIONALLY BLANK]

IN WITNESS WHEREOF, CITY and the PROFESSIONAL have executed this Agreement as of the date first written above.

CITY OF BOERNE, TEXAS

By: Ben Thatcher

Print Name: Ben Thatcher

Title: City Manager

MGR ACCOUNTING RECRUITERS

By: ^{DocuSigned by:} Alex Adatto
90ADCA03F9D9416

Print Name: Alex Adatto

Title: President

MGR Accounting Recruiters
Engagement Letter with Terms and Conditions



April 29, 2024

Sarah Buckley
Director of Finance, City of Boerne
(delivered via email)

- This Engagement Letter falls under the Master Services Agreement dated April 29, 2024

We are excited to provide you with Accounting Support. We will be providing our employee, Yolanda Salano, to begin on Tuesday, April 30th or Wednesday, May 1st, shortly after you return this engagement letter and the accompanying MSA. At this point, we expect Yolanda to work on site at your offices using your hardware on your network.

Team Member Role and Rate

Yolanda will initially be focused on assisting the *Budget Process* and anticipate she may then pivot to *Accounting Operations* with Accounts Payable, Journal Entries, Fixed Assets and other accounting activities as directed by you and your team. We expect her involvement to be approximately 40 hours per week. Her hourly bill rate is \$115 per hour. Yolanda's total fees under this engagement letter will not exceed \$49,000.

Yolanda will obtain prior approval from you for any week where her worked hours exceed 40 hours. In that instance, her bill rate for those hours above 40 would be 1.5 times her hourly rate stated above.

Terms

We pay our employees weekly and we will bill you weekly. Payment is due on receipt as it is for wages already paid.

Conversion Fees

While it is not your or our current expectation or plan for you to hire Yolanda onto your payroll after the end of our engagement, we recognize that it is a possibility. Should you convert her over to your employment, a conversion fee of 30% of her annual compensation will be charged. This is payable regardless of whether you hire her directly, through a related entity or for contract or other temporary employment through another agency within 12 months of the end of this agreement.

Other Documents

We have already provided Yolanda's professional summary but are including it here as well to keep all the documents in one place.

At MGR, we pride ourselves on providing quality consultants for our clients and consistently meeting or exceeding your expectations. Please sign electronically below stating your understanding and acceptance of this agreement and return it to us.

Sincerely,

Authorized signature: _____

Printed name: Mike Loyelace

Title: Fractional CIO Practice Leader

Date: 4/29/2024

Email Address: MLOYELACE@MGRAR.COM

Cell: 281-216-3493

Accepted on Behalf of City of Boerne:

Authorized signature: _____

Printed name: Ben Thatcher

Title: City Manager

Date: 4/29/2024

Email Address for Billings: _____

Cell: _____

MGR Accounting Recruiters
Engagement Letter with Terms and Conditions



July 3, 2024

Sarah Buckelew
Director of Finance, City of Boerne (delivered via email)

This Engagement Letter falls under the Master Services Agreement dated April 29, 2024.

We are excited to extend **Yolanda Solano** 8 weeks, beginning July 21 through September 14. At this point, we expect to continue to work on site at your offices using your hardware on your network.

Yolanda will be focused primarily on assisting the **Budget Process** as well as some on the Accounting Operations with Accounts Payable, Journal Entries, Fixed Assets and other accounting activities as directed by you and your team. We expect her involvement to be approximately **40** hours per week. Her hourly bill rate will remain **\$115** per hour. Yolanda's total fees under this engagement letter should not exceed **\$36,800**. She will obtain prior approval from you for any week where her worked hours exceed **40** hours. In that instance, her bill rate for those hours above **40** would be **1.5** times her hourly rate stated above.

Terms

We pay our employees weekly and we will bill you weekly. Payment is due on receipt as it is for wages already paid.

Conversion Fees

While it is not your or our current expectation or plan for you to hire any of this project team onto your payroll after the end of our engagement, we recognize that it is a possibility. Should you convert any of them over to your employment, a conversion fee of **30%** of their annual compensation will be charged. This is payable regardless of whether you hire either directly, through a related entity or for contract or other temporary employment through another agency within **12** months of the end of this assignment.

Other Documents

We have already provided both professional summaries but are including them here as well to keep all the documents in one place. At MGR, we pride ourselves on providing quality consultants for our clients and consistently meeting or exceeding your expectations. Please sign electronically below stating your understanding and acceptance of this agreement and return it to us.

Sincerely,

Authorized signature: _____

Printed name: Mike Lovelace

Title: Fractional CFO Practice Leader

Date: 7/3/2024

Email Address: MLovelace@MGRAR.com

Cell: 281-216-2493

Accepted on Behalf of City of Boerne:

Authorized signature: _____ Printed name: _____

Title: _____ Date: _____

Email Address for Billings: _____ Cell: _____

(210) 826-8000 * info@mgrar.com
P.O. Box 162, Schertz, TX 78154



AGENDA ITEM SUMMARY

	AGENDA ITEM SUMMARY										
Agenda Date	July 9, 2024										
Requested Action	APPROVE RESOLUTION NO. 2024-R52 AUTHORIZING THE CITY MANAGER TO APPROVE THE KENDALL APPRAISAL DISTRICT'S PROPOSED FY 2025 APPRAISAL AND COLLECTIONS BUDGETS										
Contact Person	Sarah Buckelew, Finance Director										
Background Information	<p>A presentation will be made during the council meeting by Nelia McNeal, Chief Appraiser of the Kendall Appraisal District. The presentation will cover the Appraisal District's budget for the next fiscal year, as well as updates on operations.</p> <p>The Appraisal District provides appraisal as well as levy collection services for the City of Boerne. Attached is the FY 2025 proposed appraisal and collections budgets. Overall, the appraisal district is proposing an increase in their budget of \$361,954 over last year.</p> <p>The City's allocation of the FY 2025 Appraisal District proposed budget is \$175,973.78 for appraisal services, and \$44,104 for collections services, for a total of \$220,077.78. This represents an increase of \$37,356 over last year's allocation.</p> <p>There are 13 taxing entities that share an allocation of the appraisal budget, of which Boerne's allocation percentage for appraisal services is 8.78%. the City's allocation is based on total Levy in dollars, and the City's allocation increased by 0.149% from last year.</p> <p>There are 10 taxing entities that share an allocation of the collections budget, which is billed based on a cost per parcel billed. The proposed cost is \$4.96 per parcel, which is a \$0.35 increase per parcel over last year.</p>										
Item Justification	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"><input checked="" type="checkbox"/> Legal/Regulatory Obligation</td> <td style="width: 50%; border: none;"><input type="checkbox"/> Infrastructure Investment</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Reduce Costs</td> <td style="border: none;"><input type="checkbox"/> Customer Pull</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Increase Revenue</td> <td style="border: none;"><input type="checkbox"/> Service Enhancement</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Mitigate Risk</td> <td style="border: none;"><input type="checkbox"/> Process Efficiency</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Master Plan Recommendation</td> <td style="border: none;"><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 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 Recommendation	<input type="checkbox"/> Other:
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<input type="checkbox"/> Mitigate Risk	<input type="checkbox"/> Process Efficiency										
<input type="checkbox"/> Master Plan Recommendation	<input type="checkbox"/> Other:										

Strategic Alignment	C3- Collaborating with community partners to enhance quality of life.
Financial Considerations	Proposed cost to the City for services provided by Kendall Appraisal District for 2025 are \$361,954.
Citizen Input/Board Review	N/A
Legal Review	N/A
Alternative Options	None, Kendall County is the only provider of these services.
Supporting Documents	Resolution No. 2024-R52 Kendall Appraisal District Budget for 2025

RESOLUTION NO. 2024-R52

A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE THE KENDALL APPRAISAL DISTRICT'S PROPOSED FY 2025 APPRAISAL AND COLLECTIONS BUDGETS

WHEREAS, the City of Boerne finds it necessary to approve the Kendall Appraisal District's proposed FY 2025 Appraisal and Collections Budgets;

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 approve the Kendall Appraisal District's proposed FY 2025 Appraisal and Collections Budgets.

PASSED, APPROVED and ADOPTED on this the ____ day of July 2024.

APPROVED:

Mayor

ATTEST:

City Secretary

KENDALL APPRAISAL DISTRICT

118 Market Avenue • Boerne, Texas 78006

RECEIVED

JUN - 5 2024

WRC

May 30th, 2024

Attn: Mayor Frank Ritchie
City of Boerne
PO Box 1677
Boerne, TX 78006

Greeting

The Kendall Appraisal District combined Proposed 2025 Appraisal and Collection Budgets are enclosed. This is presented to you in accordance with Section 6.06 of the Texas Property Tax Code. Please keep in mind the Collections Budget is included for information only. Not later than September 13, 2024 the Kendall Appraisal District Board of Directors will hold a public hearing and consider adopting the 2023 Appraisal Budget. The public hearing is scheduled for June 12, 2024 at 9:00 AM. You will be notified of any changes.

Please contact me should you have any questions. On behalf of the taxpayers of Kendall County, the Kendall Appraisal District Board of Directors and the District staff your continued support of the operations of the Kendall Appraisal District is appreciated.

Respectfully,



Nelia McNeal
Chief Appraiser

Enclosure

KENDALL APPRAISAL DISTRICT PROPOSED 2025 BUDGET WITH LINE ITEM WORKSHEETS

Budget-Financial Committee First Review	5/22/2024
Budget-Financial Committee Second Review	5/29/2024
Submitted To Board of Directors	6/12/2024
Public Hearing	6/12/2024
Budget Approved by Board of Directors	
Submitted To Taxing Units	

CORRECTED

Dear Sir or Madam,

The Kendall Appraisal District will hold a public hearing on the proposed 2025 Appraisal Budget

DATE: June 12, 2024
 TIME: 9:00 AM
 LOCATION: Kendall Appraisal District
 118 Market Avenue,
 Boerne, Texas 78006

A summary of the Appraisal District Proposed Appraisal budget follows:

Total amount of the proposed budget	\$	2,447,637
Total amount of increase from the current year's budget	\$	361,954
The number of employees compensated under the proposed budget		18
The number of employees compensated under the current budget		15

The budget is supported solely by payments from the local taxing units served by Kendall Appraisal District.

If approved by Kendall Appraisal District Board of Directors following the public hearing, the proposed budget will take effect automatically unless disapproved by the majority of the governing bodies of the county, school districts and cities served by Kendall Appraisal District.

Nelia McNeal

Chief Appraiser

CORRECTED

2025

Appraisal Allocations	2023 Levy			% of Levy	Allocation
Taxing Unit					
City of Boerne	16,114,021	167,392,598	91.21883388	8.781166	\$ 175,973.78
City of Fair Oaks	1,505,366	182,001,253	99.17966665	0.820333	\$ 16,439.41
Kendall County	39,134,663	144,371,956	78.67397762	21.32602	\$ 427,371.57
Miralomas MUD	588,634	182,917,985	99.67923035	0.320770	\$ 6,428.19
Blanco ISD	1,636,796	181,869,823	99.10804525	0.891955	\$ 17,874.69
Boerne ISD	108,311,077	75,195,541	40.97701871	59.02298	\$ 1,182,815.23
Comfort ISD	13,441,086	170,065,533	92.6754216	7.324578	\$ 146,783.89
Comal ISD	18,553	183,488,066	99.98988974	0.010110	\$ 202.61
Fred ISD	33,170	183,473,449	99.98192436	0.018076	\$ 362.23
Cow Creek	514,960	182,991,659	99.71937822	0.280622	\$ 5,623.64
KCWCID #1	496,435	183,010,184	99.72947315	0.270527	\$ 5,421.33
KCWCID #2A	1,278,415	182,228,204	99.3033412	0.696659	\$ 13,960.98
Kendall County MUD 1	433,444	183,073,175	99.76379927	0.236201	\$ 4,733.44
Levy	183,506,619				
Budget	2,003,991				\$ 2,003,991

2025
Collections Allocation

Entity	Parcels	Allocation
City of Boerne	8,895	44,104
City of Fair Oaks	-	-
Kendall County	32,419	160,742
Boerne ISD	32,569	161,486
Comfort ISD	9,207	45,651
Cow Creek	Special	22,173
KCWCID #1	1,473	7,304
KCWCID #2A		-
Kendall County MUD 1	230	1,140
Miralomas MUD	211	1,046

Total Parcels	85,004	443,646
Budget	443,646	
Cost per parcel	4.958267	

Special	Budget-Cow Creek 5% of Levy=Amount to be allocated	
	443,646	22,173

421,473

	Amount to be allocated divided by number of parcels	
	421,473	85,004

4.958267

CORRECTED

2025 PROPOSED BUDGET COMPARISON WITH THE 2024 BUDGET

Budgets Presented are for Appraisal and Collections Combined

CONNECTED

Expense Category/Line Item	Worksheet Page Number	2023 Budgets	2024 Budgets	2025 Proposed Budgets	\$ Variance 2024-2025	Percent Change 2024-2025
ADVERTISING	7	\$ 2,000	\$ 2,900	\$ 5,500	\$ 2,600	89.7%
APPRAISAL REVIEW BOARD	7	13,275	25,425	26,700	1,275	5.0%
BOARD OF DIRECTORS' MTG/CHIEF APPRAISER	7	1,040	1,040	1,240	200	19.2%
BONDS AND INSURANCE	8	10,162	10,162	10,162	-	0.0%
CAPITAL LEASE PAYMENTS-PRINCIPAL & INTEREST	8	-	-	-	-	0.0%
CAPITAL OUTLAY	8	2,500	2,500	7,500	5,000.00	200.0%
COMPENSATION PROVISION*	12	33,120	33,120	50,000	16,880.00	51.0%
COMPUTER	9	134,040	193,520	269,842	76,322.00	39.4%
DATA ACQUISITION	10	4,630	4,630	9,500	4,870.00	105.2%
HEALTH INSURANCE	6	169,824	180,438	192,887	12,449	6.9%
MEDICARE TAXES	5	12,858	14,567	15,488	921	6.3%
POSTAGE	10	35,743	40,132	82,861	42,730	106.5%
PRINTING AND IMAGING	11	13,350	13,350	46,015	32,665	244.7%
PROFESSIONAL FEES & CONSULTING	11	155,536	219,686	224,186	4,500	2.0%
REPAIRS AND MAINTENANCE-BUILDING	11	15,300	16,800	24,750	7,950	47.3%
REPAIRS AND MAINTENANCE-EQUIPMENT	11	1,500	1,500	5,000	3,500	233.3%
RETIREMENT	5	106,413	120,554	128,178	7,624	6.3%
SALARIES	4	886,778	1,004,615	1,120,148	115,533	11.5%
SOCIAL SECURITY	5	54,980	62,286	66,225	3,939	6.3%
STATE UNEMPLOYMENT TAXES	5	1,778	2,110	2,243	133	6.3%
SUBSCRIPTIONS/PUBLICATIONS	12	150	150	150	-	0.0%
SUPPLIES	12	14,377	14,377	25,270	10,893	75.8%
TELEPHONES	12	8,175	8,175	9,195	1,020	12.5%
TRAINING EXPENSE	13	23,071	23,071	31,666	8,595	37.3%
TRAVEL/VEHICLE EXPENSE	14	23,867	67,479	67,429	(50)	-0.1%
UTILITIES	14	8,950	9,800	12,000	2,200	22.4%
WORKER'S COMPENSATION	5	4,932	13,298	13,502	204	1.5%
TOTALS		\$ 1,738,350	\$ 2,085,683	\$ 2,447,637	\$ 361,953	17.4%

KENDALL APPRAISAL DISTRICT
2025 PROPOSED TOTAL, APPRAISAL AND COLLECTIONS BUDGETS

CORRECTED

Expense Category/Line Item	PROPOSED 2025 Total	PROPOSED 2025 Appraisal	PROPOSED 2025 Collections
ADVERTISING	\$ 5,500	\$ 5,125	\$ 375
APPRAISAL REVIEW BOARD	26,700	26,700	-
BOARD OF DIRECTORS' MTG/CHIEF APPRAISER	1,240	1,056	184
BONDS AND INSURANCE	10,162	5,878	4,284
CAPITAL/LEASE PAYMENTS-PRINCIPAL & INTEREST*	-	-	-
CAPITAL OUTLAY	7,500	6,000	1,500
COMPENSATION PROVISION	50,000	47,500	2,500
COMPUTER	269,842	221,859	47,983
DATA AQUISION	9,500	9,320	180
HEALTH INSURANCE	192,887	150,023	42,864
MEDICARE TAXES	15,488	11,917	3,571
POSTAGE	82,861	50,297	32,565
PRINTING, IMAGING AND RECORDS MANAGEMENT	46,015	25,612	20,403
PROFESSIONAL FEES	224,186	211,173	13,013
REPAIRS AND MAINTENANCE-BUILDING	24,750	19,800	4,950
REPAIRS AND MAINTENANCE-EQUIPMENT	5,000	3,500	1,500
RETIREMENT	128,178	98,623	29,555
SALARIES	1,120,148	918,521	201,627
SOCIAL SECURITY	66,225	50,955	15,270
STATE UNEMPLOYMENT TAXES	2,243	1,726	517
SUBSCRIPTIONS	150	120	30
SUPPLIES	25,270	22,730	2,540
TELEPHONES	9,195	8,000	1,195
TRAINING EXPENSE	31,666	26,189	5,477
TRAVEL/VEHICLE EXPENSE	67,429	60,686	6,743
UTILITIES	12,000	10,800	1,200
WORKER'S COMPENSATION	13,502	9,881	3,620
TOTALS	\$ 2,447,637	\$ 2,003,991	\$ 443,646



AGENDA ITEM SUMMARY

Agenda Date	July 9, 2024
Requested Action	RECEIVE PROPOSALS FOR MEDICAL, DENTAL APPROVE RESOLUTION NO. 2024-R53; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, AWARDING THE CONTRACT FOR CITY EMPLOYEE MEDICAL, DENTAL, AND VISION INSURANCE BENEFITS, AND ANCILLARY PRODUCTS TO _____; AND AUTHORIZING THE CITY MANAGER TO MANAGE AND EXECUTE THE RELATED CONTRACT AND DOCUMENTS FOR PLAN YEAR OCTOBER 1, 2024, TO SEPTEMBER 29, 2025.
Contact Person	Susan Finch, Human Resource Director
Background Information	<p><u>BACKGROUND</u></p> <p>Before receiving renewal information from our current benefit providers, the City, with assistance from our benefits consultant Gallagher, initiated a request for proposals (RFP) for medical, dental, vision, and ancillary products to ensure optimal coverage for our employees. While many employees have expressed satisfaction with the medical benefits and customer service provided by Blue Cross Blue Shield of Texas (BCBS-TX), feedback regarding dental, vision, and ancillary products through Guardian was less favorable. Additionally, we encountered significant customer service and billing issues with these products.</p> <p><u>EVALUATION PROCESS</u></p> <p>We received proposals from various providers, including BCBS-TX, United Healthcare, Cigna, Curative, and several ancillary product providers, in response to our RFP. Each proposal underwent a thorough evaluation based on the following criteria:</p> <ul style="list-style-type: none"> ▪ Suitability of plan designs and schedule of benefits ▪ Provider network quality ▪ Competitive rates ▪ Customer service standards ▪ Reputation and references related to experience qualifications ▪ Reporting, plan administration, and billing efficiency

- Availability of wellness programs

KEY FINDINGS & RECOMMENDATIONS

Bids for medical insurance ranged from a 5.7% decrease to a 6.3% increase. After careful review and consultation with our benefits consultant, Gallagher, we recommend retaining BCBS-TX for our medical insurance and transitioning our dental, vision, and all ancillary products to them as well. This recommendation will result in a 2.3% increase in medical costs but decreases in other areas, as shown below:

- Dental: -2.0%
- Vision: -3.3%
- Life and AD&D: -7.6%
- Long Term Disability: -6.5%

Short Term Disability and Voluntary Life will remain unchanged. All previous plan coverages on medical, dental, vision, and ancillary products remain the same, with only slight modifications. We will continue to provide three medical plan options: a High Deductible Health Plan with a Health Savings Account (HSA) and two Participating Provider Option Plans with a Health Reimbursement Arrangement (HRA)

FINANCIAL IMPLICATIONS

The cost of each benefit, based on our current enrollment of 278 employees, is outlined below:

- Medical: \$3,325,519
- Dental: \$200,562
- Vision: \$34,401
- Life and AD&D: \$14,043
- Short Term Disability: \$41,877
- Long Term Disability: \$48,609

Bundling all products with BCBS-TX includes significant credits and benefits:

- ✓ \$100,000 Communication Credit for the twelve-month contract period
- ✓ \$35,000 one-time transition credit for bundling ancillary products
- ✓ \$15,000 one-time transition credit for adding dental coverage
- ✓ Ancillary Reimbursement Benefit of \$1.26 per employee per month (PEPM), totaling \$349.02 monthly until 9/30/2025

	<p>✓ Agreement that the next medical renewal will not exceed a 12.9% increase</p> <p>Considering these credits and reimbursements, our overall costs are projected to decrease by 2.0% compared to current expenditures. Additionally, the cost of transitioning to a new provider tends to be around 5%, adding further incentive to remain with BCBS-TX.</p> <p><u>EMPLOYEE IMPACT</u></p> <p>Our recommendation to the Council aligns with employee preferences, maintaining their satisfaction with medical benefits while addressing concerns with other products.</p> <p><u>CONCLUSION AND NEXT STEPS</u></p> <p>We recommend that the Council approve bundling all insurance products with BCBS-TX. This decision ensures optimal coverage, addresses employee feedback, and provides financial savings. If the Council approves the resolution, the City Manager will manage and execute the appropriate contracts. Open enrollment for employees begins the week of August 19th.</p>										
Item Justification	<table border="0"> <tr> <td><input type="checkbox"/> Legal/Regulatory Obligation</td> <td><input type="checkbox"/> Infrastructure Investment</td> </tr> <tr> <td><input checked="" 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 type="checkbox"/> Master Plan Recommendation</td> <td><input checked="" type="checkbox"/> Other: To attract and retain a skilled workforce fostering organizational growth and sustained success.</td> </tr> </table>	<input type="checkbox"/> Legal/Regulatory Obligation	<input type="checkbox"/> Infrastructure Investment	<input checked="" 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 checked="" type="checkbox"/> Other: To attract and retain a skilled workforce fostering organizational growth and sustained success.
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<input type="checkbox"/> Master Plan Recommendation	<input checked="" type="checkbox"/> Other: To attract and retain a skilled workforce fostering organizational growth and sustained success.										
Strategic Alignment	<p>We aspire to be an employer of choice; fostering a strong culture of employee engagement; emphasizing a value centric work culture.</p>										
Financial Considerations	<p>When planning for the FY2025 budget, an increase of approximately 15% was initially projected, which is more than is needed for this recommendation.</p>										
Citizen Input/Board Review											
Legal Review	<p>The City Attorney will review related contracts and associated documents.</p>										

Alternative Options	Continue with all current plans or accept other proposals.
Supporting Documents	Resolution No. 2024-R53 PowerPoint

RESOLUTION NO. 2024-R53

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, RECEIVING BIDS AND AWARDING THE CONTRACT FOR CITY EMPLOYEE MEDICAL, DENTAL, AND VISION INSURANCE BENEFITS, AND ANCILLARY PRODUCTS TO _____; AND AUTHORIZING THE CITY MANAGER TO MANAGE AND EXECUTE THE RELATED CONTRACT AND DOCUMENTS FOR PLAN YEAR OCTOBER 1, 2024, TO SEPTEMBER 29, 2025.

WHEREAS, ensuring comprehensive healthcare coverage is essential for the well-being and productivity of government employees and their families; and

WHEREAS, Blue Cross Blue Shield of Texas (BCBS) has demonstrated a track record of providing high-quality healthcare services and effective administration of benefits programs; and

WHEREAS, competitive bidding and evaluation processes have affirmed Blue Cross Blue Shield of Texas (BCBS) as the most qualified provider to deliver medical, dental, vision benefits, and ancillary products; and

WHEREAS, the City desires to award the contract to Blue Cross Blue Shield of Texas (BCBS) for medical, dental, and vision insurance benefits, and ancillary product for employees of the City for plan year October 1, 2024 to September 29, 2025; and

WHEREAS, the City Council finds it necessary to award the contract for city employees medical, dental, and vision insurance benefits and ancillary products _____ and authorize 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:

The City Council hereby awards the contract to provide medical, dental, and vision insurance benefits, and ancillary product to _____ for plan year October 1, 2024, to September 29, 2025, and authorize the City Manager to manage and execute the related contract and documents.

PASSED and APPROVED on this the ____ day of July 2024.

APPROVED:

Mayor

ATTEST:

City Secretary