

**AGENDA**  
**REGULAR CITY COUNCIL MEETING**  
**RONALD C. BOWMAN CITY COUNCIL CHAMBERS**  
**447 North Main Street**  
**Boerne, TX 78006**  
**December 12, 2023 – 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.     [2023-818](#)             RECOGNITION OF ROY BURGESS FOR HIS YEARS OF SERVICE TO THE CITY OF BOERNE.

5. 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.     [2023-833](#)             CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR

CALLED CITY COUNCIL MEETING OF NOVEMBER 28, 2023.

**Attachments:** [Minutes.23.1128](#)

- B. [2023-816](#) CONSIDER ON SECOND READING ORDINANCE NO. 2023-37; AN ORDINANCE OF THE CITY COUNCIL OF CITY OF BOERNE, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE, CHAPTER 2. PROCEDURES, ADDING SECTION 2.13 EXTRATERRITORIAL JURISDICTION, TO PROVIDE A PROCESS FOR PETITIONS FOR RELEASE FROM THE CITY'S EXTRATERRITORIAL JURISDICTION; AND CHAPTER 8. ENVIRONMENTAL DESIGN, SECTION 8.1 FLOODPLAIN MANAGEMENT, AND APPENDICES, APPENDIX A. DEFINITIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE OF ALL ORDINANCES; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A PENALTY FOR VIOLATION; AND PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE. (Consider second reading of ordinance creating a process to release properties from the ETJ and amending the floodplain management section.)

**Attachments:** [AIS - 2nd Reading Combined Floodplain and ETJ Ordinance No. 2023-37](#)  
[Att 1 - Floodplain Management Redline](#)  
[Att 2 - Floodplain Management Clean](#)  
[Att 3 - Texas-2023-SB2038-Enrolled](#)

- C. [2023-762](#) CONSIDER RESOLUTION NO. 2023-R93; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY MANAGER AND DELL FINANCIAL SERVICES FOR AN AMOUNT NOT TO EXCEED \$100,940.00. (Lease for computers)

**Attachments:** [23-24 Dell Lease AIS](#)  
[Resolution No. 2023-R93](#)  
[Lease schedule City of Boerne](#)  
[SBQ Exhibit A City of Boerne 810-6709932-006](#)  
[SBQ Exhibit B City of Boerne 810-6709932-006](#)

REGULAR AGENDA:

## 6. PRESENTATIONS, PUBLIC HEARINGS, AND ORDINANCES:

- A.     [2023-832](#)     CONSIDER ON FIRST READING ORDINANCE NO. 2023-38; AN ORDINANCE AMENDING THE CITY OF BOERNE CODE OF ORDINANCES, CHAPTER 16. PARKS AND RECREATION, SECTION 16-1, GENERAL PROVISIONS AND SECTION 16-2, BOERNE CITY LAKE, TO PROHIBIT THE CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF NOT MORE THAN \$200 FOR VIOLATION OF ANY PROVISION OF THIS ORDINANCE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE. (Prohibit alcohol at Boerne City Lake)

**Attachments:**     [AIS Lake Ordinance](#)  
                          [Ordinance No. 2023-38](#)  
                          [Sec. 16 2.     Boerne City Lake.](#)

- B.     [2023-831](#)     CONSIDER ON FIRST READING ORDINANCE NO. 2023-39; AN ORDINANCE AMENDING THE CITY OF BOERNE CODE OF ORDINANCES, CHAPTER 6. CEMETERY, SECTION 6-26. CEMETERY HOURS OF OPERATION AND SECTION 6-27. INTERMENT AND INURNMENT; PROVIDING FOR A PENALTY OF NOT MORE THAN \$200 FOR VIOLATION OF ANY PROVISION OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE. (Amend hours of operations and add double niche)

**Attachments:**     [AIS Cemetery Ordinance](#)  
                          [Ordinance No. 2023-39](#)  
                          [Sec. 6 26.     Cemetery](#)

## 7. RESOLUTIONS:

- A.     [2023-804](#)     CONSIDER RESOLUTION NO. 2023-R94; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND HALFF ASSOCIATES, INC. FOR THE MENDER CREEK AT OLD SAN ANTONIO ROAD LOW WATER CROSSING AMENDMENT NO. 2 FOR AN ADDITIONAL AMOUNT OF \$280,545.00. (Amendment to agreement for Menger Creek at Old San Antonio Rd. Bridge

Project for a total of \$1,299,236.00)

**Attachments:** [AIS-MengerBridge HalffContractAmendemnt Resolution No. 2023-R94](#)  
[Menger Bridge Amendment No. 2](#)

- B. [2023-809](#) CONSIDER RESOLUTION NO. 2023-R95; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND OPEN AIR STUDIOS, LLC FOR THE ARCHITECTURAL DESIGN AND CONSTRUCTION PLAN DOCUMENTS OF THE PLANT AVENUE PARKING LOT IMPROVEMENTS FOR AN AMOUNT NOT TO EXCEED \$74,450.00. (Improvements to public parking lot behind Dodging Duck)

**Attachments:** [AIS-PlantParkingLot OpenStudioContract Resolution No. 2023-R95](#)  
[Parking Lot Improvement Proposal](#)

8. OTHER:

- A. [2023-790](#) RECEIVE AND APPROVE THE FOURTH QUARTER FINANCIAL AND INVESTMENT REPORTS FOR FISCAL YEAR 2023.

**Attachments:** [AIS - Sept 2023 Qtrly Report](#)  
[Q4 Financial & Investment Report](#)

- B. [2023-817](#) MAYORAL APPOINTMENTS TO THE KENDALL COUNTY LIBRARY SYSTEM ADVISORY BOARD AND THE HISTORIC LANDMARK COMMISSION.

**Attachments:** [AIS KC library advisory board and HLC](#)

9. CITY MANAGER'S REPORT:

- A. [2023-787](#) RIVER ROAD BANK STABILIZATION PROJECT UPDATE.

- B. [2023-772](#) PRESENTATION, OVERVIEW OF THE CITY'S ENVIRONMENTAL PROGRAM OBJECTIVES WITH A FOCUS ON WATER CONSERVATION, SURFACE WATER QUALITY, URBAN FORESTRY AND DARK SKIES.

**Attachments:** [AIS - ENV Program Updates](#)  
[ENV Program Manager Work Plan FY24](#)



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

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

- A.     [2023-801](#)         SECTION 551.072 - DELIBERATION REGARDING REAL PROPERTY:  
                                  DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF  
                                  REAL PROPERTY. (Highway 46)
- B.     [2023-791](#)         SECTION 551.072 - DELIBERATION REGARDING REAL PROPERTY:  
                                  DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF  
                                  REAL PROPERTY. (Ammann Road)

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

13. ADJOURNMENT

#### **CERTIFICATION**

**I hereby certify that the above notice of meeting was posted on the 8th day of  
December, 2023 at 2:30 p.m.**

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s/s Lori A. Carroll  
City Secretary

#### **NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS**

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

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

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

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**RONALD C. BOWMAN CITY COUNCIL CHAMBERS**  
**447 North Main Street**  
**Boerne, TX 78006**  
**November 28, 2023 – 6:00 PM**

Minutes of the Regular Called City Council Meeting of November 28, 2023.

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

**Staff Present:** Ben Thatcher, Siria Arreola, Jeff Carroll, Lori Carroll, Nathan Crane, Maria Guerrero, Mike Mann, Mick McKamie, Lety Moncada, Pedro Moncado, Steve Perez, Mike Raute, Chris Shadrock, Kristy Stark, and Danny Zincke.

**Recognized / Registered Guests:** Meg Grier, Alex Rudd, Joe and Heather Bateman, Liza Way, Pat Crump, Donna and Mark Lagleder.

**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.

Mayor Ritchie stated that agenda item 6.A. will be moved before the Public Comment agenda item.

**2. CONFLICTS OF INTEREST**

No conflicts were declared.

6A. CONSIDER RESOLUTION NO. 2023-R87; A RESOLUTION OF THE CITY OF BOERNE, TEXAS TO HONOR, RECOGNIZE AND RETIRE CITY OF BOERNE K-9 "TUCKER" UPON HER COMPLETION OF SERVICE.

Mayor Ritchie called on Police Chief Perez to celebrate the accomplishments of K-9 Tucker on her retirement. The current veterinarian will continue maintenance and care plan of Tucker as she continues to reside with handler Officer Pedro Moncada. Chief Perez introduced new K-9 Chico. Officer Moncada will be his handler. K-9 Tucker and Chico were both present for a photo opportunity.

A MOTION WAS MADE BY COUNCIL MEMBER WRIGHT, SECONDED BY COUNCIL MEMBER SCOTT, TO APPROVE RESOLUTION NO. 2023-R87; A RESOLUTION OF THE CITY OF BOERNE, TEXAS TO HONOR, RECOGNIZE AND RETIRE CITY OF BOERNE K-9 "TUCKER" UPON HER COMPLETION OF SERVICE. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

### 3. PUBLIC COMMENTS:

Meg Grier, 3 Kaitlin Lane. Stated that she is a former GBRA board member. She spoke regarding the Western Canyon water supply contract and requested that the city cease the sell of water outside of the CCN and halt the water main project on Ammann Road.

Alex Rudd, 68 La Cancion Drive provided photos of the construction of the Shoreline development and expressed concerns.

### 4. CONSENT AGENDA:

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

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

- A. CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CALLED CITY COUNCIL MEETING OF NOVEMBER 14, 2023.**

THE MINUTES WERE APPROVED.

- B. CONSIDER RESOLUTION NO. 2023-R85; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF BOERNE AND KENDALL COUNTY FOR DETENTION SERVICES.**

THE RESOLUTION WAS APPROVED.

- C. CONSIDER RESOLUTION NO. 2023-R86; A RESOLUTION APPOINTING JOHN WOOLARD TO THE KENDALL APPRAISAL DISTRICT BOARD OF DIRECTORS.**

THE RESOLUTION WAS APPROVED.

**REGULAR AGENDA:**

**5. PRESENTATIONS, PUBLIC HEARINGS, AND ORDINANCES:**

- A. RECEIVE THE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION, HOLD A PUBLIC HEARING, AND CONSIDER ON FIRST READING ORDINANCE NO. 2023-37; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, AMENDING THE BOERNE UNIFIED DEVELOPMENT CODE, ADOPTED BY ORDINANCE NO. 2020-29 ON NOVEMBER 24, 2020, PROVIDING AMENDMENTS TO INCLUDE BUT NOT LIMITED TO CHAPTER 2. PROCEDURES, ADDING SECTION 2.13 EXTRATERRITORIAL JURISDICTION, TO PROVIDE A PROCESS FOR PETITIONS FOR RELEASE FROM THE CITY'S EXTRATERRITORIAL JURISDICTION, AND CHAPTER 8. ENVIRONMENTAL DESIGN, SECTION 8.1 FLOODPLAIN MANAGEMENT, AND APPENDICES, APPENDIX A. DEFINITIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE OF ALL ORDINANCES; REPEALING ALL**

**ORDINANCES IN CONFLICT; PROVIDING A PENALTY FOR VIOLATION; AND PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE. (One of one public hearing and consider first reading of ordinance creating a process to release properties from the ETJ and amending the floodplain management section.)**

Mayor Ritchie called on Nathan Crane, Planning Director and Jeff Carroll, Engineering and Mobility Director to discuss the proposed amendments to the UDC. Mr. Crane reviewed the proposed added procedures for petitions for the release from the city's ETJ related to SB 2038. Discussion ensued regarding the ETJ agreement with Kendall County. Mr. Carroll discussed the proposed floodplain amendments to the UDC. Discussion ensued regarding FEMA requirements.

Mayor Ritchie opened the Public Hearing at 6:31 p.m.

No comments were received.

Mayor Ritchie closed the Public Hearing at 6:31 p.m.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY COUNCIL MEMBER BUNKER, TO APPROVE ON FIRST READING ORDINANCE NO. 2023-37; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, AMENDING THE BOERNE UNIFIED DEVELOPMENT CODE, ADOPTED BY ORDINANCE NO. 2020-29 ON NOVEMBER 24, 2020, PROVIDING AMENDMENTS TO INCLUDE BUT NOT LIMITED TO CHAPTER 2. PROCEDURES, ADDING SECTION 2.13 EXTRATERRITORIAL JURISDICTION, TO PROVIDE A PROCESS FOR PETITIONS FOR RELEASE FROM THE CITY'S EXTRATERRITORIAL JURISDICTION, AND CHAPTER 8. ENVIRONMENTAL DESIGN, SECTION 8.1 FLOODPLAIN MANAGEMENT, AND APPENDICES, APPENDIX A. DEFINITIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE OF ALL ORDINANCES; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A PENALTY FOR VIOLATION; AND PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE. (ONE OF ONE PUBLIC HEARING AND CONSIDER FIRST READING OF ORDINANCE CREATING A PROCESS TO RELEASE PROPERTIES FROM THE ETJ AND AMENDING THE FLOODPLAIN MANAGEMENT SECTION.). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

#### 6. RESOLUTIONS:

**B. CONSIDER RESOLUTION NO. 2023-R88; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A MUTUAL AID AGREEMENT FOR MULTI-JURISDICTIONAL TACTICAL RESPONSE TEAM BETWEEN THE CITY OF BOERNE, CITY OF KERRVILLE, AND THE CITY OF FREDERICKSBURG, TEXAS.**

Chief Perez continued with a review of the proposed formal multi-jurisdictional agreement with the city of Fredericksburg and the city of Kerrville.

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER MACALUSO, TO APPROVE RESOLUTION NO. 2023-R88; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A MUTUAL AID AGREEMENT FOR MULTI-JURISDICTIONAL TACTICAL RESPONSE TEAM BETWEEN THE CITY OF BOERNE, CITY OF KERRVILLE, AND THE CITY OF FREDERICKSBURG, TEXAS. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

**C. CONSIDER RESOLUTION NO. 2023-R89; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BOERNE AND KIMLEY-HORN AND ASSOCIATES, INC. FOR THE DESIGN OF THE AMMANN ROAD GBRA WATER MAIN EXTENSION FOR AN AMOUNT NOT TO EXCEED \$365,000.00. (Design of a water main along Ammann Road to a new GBRA Western Canyon Water Supply Project delivery point.)**

Mayor Ritchie called on Mike Mann, Utilities Director. Mr. Mann explained that the city is in the process of developing a new delivery point for water from GBRA's treated water pipeline. The proposed professional services agreement with Kimley-Horn will include investigation of existing ROW areas, design services, and construction phase services.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE RESOLUTION NO. 2023-R89; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BOERNE AND KIMLEY-HORN AND ASSOCIATES, INC. FOR THE DESIGN OF THE AMMANN ROAD GBRA WATER MAIN EXTENSION FOR AN AMOUNT NOT TO EXCEED \$365,000.00. (DESIGN OF A WATER MAIN ALONG AMMANN ROAD TO A NEW GBRA WESTERN CANYON WATER SUPPLY PROJECT DELIVERY POINT.). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

- D. CONSIDER RESOLUTION NO. 2023-R90; A RESOLUTION DESIGNATING THE CITY'S QUARTERLY ALLOCATION OF GROUNDWATER PRODUCTION AS IT PERTAINS TO THE CITY'S WITHDRAWAL PERMIT FROM COW CREEK GROUNDWATER CONSERVATION DISTRICT TO 185, 740, 740, AND 185 ACRE-FEET FOR CALENDAR YEAR 2024. (Quarterly allocations of 10, 40, 40, and 10 percent)**

Mr. Mann continued with Cow Creek Groundwater Conservation District allocation. The permit requires that the city submit a proposed Quarterly Scheduled Withdrawal amount every year.

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER BUNKER, TO APPROVE RESOLUTION NO. 2023-R90; A RESOLUTION DESIGNATING THE CITY'S QUARTERLY ALLOCATION OF GROUNDWATER PRODUCTION AS IT PERTAINS TO THE CITY'S WITHDRAWAL PERMIT FROM COW CREEK GROUNDWATER CONSERVATION DISTRICT TO 185, 740, 740, AND 185 ACRE-FEET FOR CALENDAR YEAR 2024. (QUARTERLY ALLOCATIONS OF 10, 40, 40, AND 10 PERCENT). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

- E. CONSIDER RESOLUTION NO. 2023-R91; A RESOLUTION DESIGNATING THE CITY'S ANNUAL COMMITMENT FOR WATER FROM THE GUADALUPE-BLANCO RIVER AUTHORITY AS PART OF THE WESTERN CANYON REGIONAL WATER SUPPLY PROJECT TO INCREASE THE CURRENT ANNUAL COMMITMENT OF WATER FOR CALENDAR YEAR 2024 TO 2,125 ACRE-FEET. (Increase commitment of water from 1,900 acre-feet to 2,125 acre-feet)**

Mr. Mann continued with the discussion regarding the annual commitment of water from GBRA. It is staff's recommendation to increase the annual commitment from 1,900 to 2,125 AF for calendar year 2024. This increase will cover base flow which will leave more water in our wells and lake. Discussion ensued regarding doing more to conserve water.



A MOTION WAS MADE BY COUNCIL MEMBER BUNKER, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE RESOLUTION NO. 2023-R91; A RESOLUTION DESIGNATING THE CITY'S ANNUAL COMMITMENT FOR WATER FROM THE GUADALUPE-BLANCO RIVER AUTHORITY AS PART OF THE WESTERN CANYON REGIONAL WATER SUPPLY PROJECT TO INCREASE THE CURRENT ANNUAL COMMITMENT OF WATER FOR CALENDAR YEAR 2024 TO 2,125 ACRE-FEET. (INCREASE COMMITMENT OF WATER FROM 1,900 ACRE-FEET TO 2,125 ACRE-FEET). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

**F. CONSIDER RESOLUTION NO. 2023-R92; A RESOLUTION APPROVING THE FINANCING BY THE NEW HOPE CULTURAL EDUCATION FACILITIES FINANCE CORPORATION ON BEHALF OF MORNINGSIDE MINISTRIES FOR A HEALTH FACILITY LOCATED WITHIN THE CITY OF BOERNE, TEXAS.**

Mayor Ritchie called on City Manager Ben Thatcher. Mr. Thatcher stated that the city has received a request from Morningside Ministries to approve a resolution of support for their application of tax-exempt financing for capital improvements to their campus. Council Member Macaluso stated that council approved a similar request in 2019 and 2022. There is no financial risk to the city. City Attorney McKamie explained the process for applicants to obtain credits.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY COUNCIL MEMBER BUNKER, TO APPROVE RESOLUTION NO. 2023-R92; A RESOLUTION APPROVING THE FINANCING BY THE NEW HOPE CULTURAL EDUCATION FACILITIES FINANCE CORPORATION ON BEHALF OF MORNINGSIDE MINISTRIES FOR A HEALTH FACILITY LOCATED WITHIN THE CITY OF BOERNE, TEXAS. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

## **7. CITY MANAGER'S REPORT:**

Mayor Ritchie called on City Manager Thatcher to provide the monthly projects report.

**A. MONTHLY PROJECTS REPORT.**

City Manager Thatcher provided the status of various city projects.

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

Mayor Pro Tem Wolosin expressed appreciation to staff for a successful Dickens event. He spoke regarding the Shoreline Development and that the developer KB Homes gave a lot that wasn't required. He stated that city staff does monitor and test lake water.

Council Member Macaluso spoke regarding TCEQ violations and asked that the city reach out to TCEQ. City Manager Thatcher stated that at the next city council meeting there will be discussion regarding the city's environmental program.

Mayor Ritchie stated that Dickens was a wonderful event and expressed appreciation to everyone involved.

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

Mayor Ritchie convened the City Council into Executive Session at 7:09 p.m.

**A. SECTION 551.701 - CONSULTATION WITH ATTORNEY TO DISCUSS APPEALS TO VESTED RIGHTS DETERMINATIONS.**

No action was taken.

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

No action was taken.

**10. 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 7:50 p.m.

No action was taken.

**11. ADJOURNMENT**

Mayor Ritchie adjourned the City Council Meeting at 7:50 p.m.

Approved:

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Secretary



## AGENDA ITEM SUMMARY

<b>Agenda Date</b>	December 12, 2023
<b>Requested Action</b>	CONSIDER ON SECOND READING ORDINANCE NO. 2023-37; AN ORDINANCE OF THE CITY COUNCIL OF CITY OF BOERNE, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE, CHAPTER 2. PROCEDURES, ADDING SECTION 2.13 EXTRATERRITORIAL JURISDICTION, TO PROVIDE A PROCESS FOR PETITIONS FOR RELEASE FROM THE CITY'S EXTRATERRITORIAL JURISDICTION; AND CHAPTER 8. ENVIRONMENTAL DESIGN, SECTION 8.1 FLOODPLAIN MANAGEMENT, AND APPENDICES, APPENDIX A. DEFINITIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE OF ALL ORDINANCES; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A PENALTY FOR VIOLATION; AND PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE. <i>(Consider second reading of ordinance creating a process to release properties from the ETJ and amending the floodplain management section.)</i>
<b>Contact Person</b>	Jeffrey Carroll – Engineering & Mobility Director (830) 248-1638, <a href="mailto:jcarroll@boerne-tx.gov">jcarroll@boerne-tx.gov</a> Nathan Crane – Planning Director (830) 248-1501, <a href="mailto:ncrane@boerne-tx.gov">ncrane@boerne-tx.gov</a>
<b>Background Information</b>	<p><b>PRIOR REVIEW:</b></p> <p>On November 28, 2023, the City Council held a public hearing and voted 5-0 to receive the recommendation from the Planning Commission and approve the first reading of the Ordinance. No one spoke in favor or against the amendments.</p> <p><b>BACKGROUND FOR UDC AMENDMENTS:</b></p> <p><u><i>Floodplain Management Amendment</i></u> There are many residential structures and vacant lots that were developed prior to the adoption of the current floodplain ordinances. With recent updated flood models additional parcels that had not previously been within the 100-year floodplain will now be in the floodplain. City staff, as well as council members, have recently received questions on the floodplain ordinances impact to these residential parcels.</p>

	<p>After holding a discussion item at the City council meeting on September 26, 2023, staff has prepared code updates that would allow additions to existing residential structures in the floodplain as well as allow new residential construction on lots created prior to the 2020 code updates.</p> <p><u><i>ETJ Amendment</i></u></p> <p>During the 88<sup>th</sup> Legislative Session this past year, Senate Bill 2038 was passed and subsequently signed into law. This Bill created a process in which property within the Extraterritorial Jurisdiction (ETJ) can be removed from the ETJ. The Bill became effective on September 1, 2023. The purpose of this amendment is to establish the application process for these requests.</p> <p>Since September 1, there have been fourteen requests for removal from the ETJ. Ten of the requests have been approved.</p> <p><b>AMENDMENT REQUEST:</b></p> <p><u><i>Floodplain Management Amendment</i></u></p> <p>The proposed amendment amends Section 8.1 Floodplain Management. It allows for additions to existing residential structures in the floodplain as well as new residential construction on lots created prior to 2020. To mitigate the risk of flooding, the proposed amendment also includes:</p> <ul style="list-style-type: none"> <li>• increase in finished floor height above the BFE.</li> <li>• increase requirements for substantial improvements.</li> <li>• increase requirements for substantial damages.</li> <li>• new requirements for critical structures.</li> <li>• new requirements for material storage.</li> </ul> <p><u><i>ETJ Amendment</i></u></p> <p>The proposed amendment creates Section 2.13 Extraterritorial Jurisdiction. A summary of the amendment is as follows:</p> <ul style="list-style-type: none"> <li>• Requires a landowner to file request for release from the ETJ.</li> <li>• The City may voluntarily release the area or hold an election.</li> <li>• City Secretary's office will review the petition.</li> <li>• Requires a decision to be made within 45 days.</li> <li>• Designates the following areas as not eligible for removal from the ETJ. <ul style="list-style-type: none"> <li>○ In an area designated as an Industrial District; or</li> <li>○ In an area subject to a strategic partnership agreement with the City; or</li> <li>○ An area within five miles of the boundary of a military base,</li> </ul> </li> </ul>
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	<p>as defined by Section 43.0117 of the Texas Local Government Code, at which an active training program is conducted; or</p> <ul style="list-style-type: none"><li>○ Any other exceptions to release of an area by petition of a landowner or resident as described by Chapter 42 of the Local Government Code.</li></ul> <p><b>ANALYSIS:</b></p> <p><u><i>Floodplain Management Amendment</i></u></p> <p>Cities may pass floodplain ordinances to protect the public health, safety, and general welfare and to minimize public and private losses due to flood conditions.</p> <p>The 2018 Comprehensive Masterplan recommended that the City review and update drainage codes. A stormwater committee was formed and spent 12+ months discussing changes to floodplain ordinances as well as codes to protect the city’s riparian zones and improve water quality from new development. The committee’s recommendations were incorporated into the February 2020 updates to the Flood Damage Prevention and Subdivision Ordinances. Later with the adoption of the UDC in 2022, these previously approved drainage codes were included within the UDC.</p> <p>As the initial FEMA floodplain maps were not created until the late 70’s, much of the older parts of Boerne were developed without the benefit of floodplain maps or floodplain ordinances. With the adoption of floodplain maps, FEMA provided minimum floodplain rules that are required to be adopted such that the City is eligible to participate in the national flood insurance program. However, FEMA does encourage cities to adopt higher standards to further protect the City’s public from flooding events. With the 2020 code updates Boerne adopted higher standards regarding the finished floor height above the 1% annual chance (100-year) Base Flood Elevation (BFE). In addition, Boerne code requirements have additional higher standards for new construction in the floodplain as well as limiting improvements to any existing residential structures.</p> <p>Starting in Fiscal Year 2024, the City of Boerne participates in FEMA’s Community Rating System (CRS) program. Boerne is rated CRS category seven (7) which allows our residents who purchase flood insurance to receive a 15% discount. The proposed floodplain ordinance changes that will allow new residential structures on previously platted lots or additions to existing residential structures within the 100-year floodplain has potential to reduce our City’s CRS score.</p>
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	<p>To mitigate the reduction in CRS credits staff has prepared additional code requirements.</p> <p>Staff believes the proposed floodplain ordinance updates are a fair balance of protecting the public health/safety and allowing landowners of residential lots/structures created prior to the 2020 code updates a path to improve their lots or existing structures.</p> <p><u>ETJ Amendment</u></p> <p>The proposed amendment is needed to comply with Texas Local Government Code.</p> <p>The proposed text amendment will establish a formal review process for these applications.</p> <p>The proposed text amendment is consistent with the purpose of the Unified Development Code and will not adversely affect the community.</p>
<b>Item Justification</b>	<div> <div> <input checked="" type="checkbox"/> Legal/Regulatory Obligation           <input type="checkbox"/> Reduce Costs           <input type="checkbox"/> Increase Revenue           <input checked="" type="checkbox"/> Mitigate Risk           <input checked="" type="checkbox"/> Master Plan Recommendation         </div> <div> <input type="checkbox"/> Infrastructure Investment           <input checked="" type="checkbox"/> Customer Pull           <input type="checkbox"/> Service Enhancement           <input type="checkbox"/> Process Efficiency           <input type="checkbox"/> Other:         </div> </div>
<b>Strategic Alignment</b>	<p>Safety &amp; Security</p> <p>Environmental Responsibility</p>
<b>Financial Considerations</b>	<p><u>Floodplain Management Amendment</u></p> <p>Additional residential structures within the 100-year floodplain increase the city's potential for rescue and relief efforts associated with flooding at the expense of the general public.</p> <p><u>ETJ Amendment</u></p> <p>N/A</p>
<b>Citizen Input/Board Review</b>	<p>Notice for the Planning and Zoning Commission was published in the Boerne Star on 10/26/2023.</p> <p>The Planning and Zoning Commission held a public hearing on November 6, 2023. The Commission voted 7-0 to recommend approval of the Floodplain Management amendments with the recommendation for staff to research the possibility of tying the changes to the Floodplain Management to property ownership. The Commission voted 6-0 to recommend approval of the ETJ amendment (Commissioner Susan Friar recused herself from this portion of the amendment).</p>

<b>Legal Review</b>	This amendment meets the statutory requirements of the Texas Local Government Code.
<b>Alternative Options</b>	<p>Leave current code as-is which does not allow any residential improvements in the 100-year floodplain, except for rebuilding due to fire or flood.</p> <p>To meet state law, there is not an alternative option for the ETJ Amendment.</p>
<b>Supporting Documents</b>	<p>Attachment 1 – Floodplain Management Redline Ordinance</p> <p>Attachment 2 – Floodplain Management Clean Ordinance</p> <p>Attachment 3 – ETJ Amendment</p>



## **ORDINANCE NO. 2023-37**

**AN ORDINANCE OF THE CITY COUNCIL OF CITY OF BOERNE, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE, CHAPTER 2. PROCEDURES, ADDING SECTION 2.13 EXTRATERRITORIAL JURISDICTION, TO PROVIDE A PROCESS FOR PETITIONS FOR RELEASE FROM THE CITY'S EXTRATERRITORIAL JURISDICTION; AND CHAPTER 8. ENVIRONMENTAL DESIGN, SECTION 8.1 FLOODPLAIN MANAGEMENT, AND APPENDICES, APPENDIX A. DEFINITIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE OF ALL ORDINANCES; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A PENALTY FOR VIOLATION; AND PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City of Boerne, Texas is a Home Rule municipal corporation located in Kendall County, created in accordance with the provisions of Chapter 9 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the Texas Legislature passed Senate Bill 2038, which allows residents of a city's extraterritorial jurisdiction to petition for release from the municipality's extraterritorial jurisdiction; and

**WHEREAS**, Senate Bill 2038 provides a timeline for approving the release of property from the extraterritorial jurisdiction after a petition is filed with the municipality; and

**WHEREAS**, the City Council deems it appropriate to provide procedures for establishing when a petition is considered filed; and

**WHEREAS**, a petition requesting release must comply with the petition requirements of Chapter 277 of the Texas Election Code; and

**WHEREAS**, Senate Bill 2038 requires the City Secretary, or designee, to verify the petition signatures; and

**WHEREAS**, City Council finds it necessary to establish a procedure for the City Secretary to verify the signature of corporate owners; and

**WHEREAS**, with recent updated flood models additional parcels that had not previously been within the 100-year floodplain will now be in the floodplain; and

**WHEREAS**, there are many residential structures and vacant lots that were developed prior to the adoption of the current floodplain ordinances; and

**WHEREAS**, the City Council finds that the amendments as outlined herein are in the best interest of the health, safety, and general welfare of the citizens of the City and the general public.

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

**Section 1.** All the above premises are true and correct legislative and factual findings of the City Council, and they are hereby approved, ratified, and incorporated into the body of this ordinance as if copied in their entirety.

**Section 2.** The Unified Development Code is hereby amended as follows:

**Chapter 2. Procedures**

**2.13 EXTRATERRITORIAL JURISDICTION**

**Petitions for Release from Extraterritorial Jurisdiction.**

- a. A petition for release or a petition to hold an election for release from the City's extraterritorial jurisdiction may be filed by a resident or land owner within the extraterritorial jurisdiction, as provided by Chapter 42 of the Texas Local Government Code, as amended.
- b. A petition either for release or requesting an election is considered filed when it meets the following requirements:
  1. The petition must comply with the signature requirements of Chapter 42 of the Texas Local Government Code, as amended, and Chapter 277 of the Texas Election Code, as amended;
  2. The petition must include a map of the land to be released and describe the boundaries of the land by either:
    - i. Metes and bounds, or
    - ii. Lot and block number, if there is a recorded map or plat; and
  3. To permit the City Secretary to verify the petition, the petition of a corporate owner must be accompanied by the following:
    - i. Date of birth of the signor;
    - ii. Personal residence address of the signor;
    - iii. Business entity's Certificate of Good Standing from the Texas Secretary of State;
    - iv. Business entity's Articles of incorporation, certificate of formation, partnership agreement, or other corporate formation document;
  4. Business entity's Bylaws; and
  5. Resolution of the business entity authorizing the petition for release be executed and filed by the entity representative.
- c. Upon receipt of a petition, the City must verify the petition.
  1. The City shall notify the resident and landowners of the area described by the petition of its results. This may be satisfied by notifying the party who filed the petition.
- d. If the petition for release contains the requisite number of signatures, the City shall release the area from its extraterritorial jurisdiction by the later of the 45th day after the date the petition was filed or the next meeting of the City Council

that occurs after the 30th date after the petition was filed.

- e. If the resident or landowner submits a verified petition to hold an election for release, the city may either:
  - 1. Voluntarily release the area for which the election is to be held from the City's extraterritorial jurisdiction before the date on which the election would have been held; or
  - 2. Order an election for release, which must comply with Texas Election Code and Chapter 42 of the Local Government Code, as amended.
- f. This section does not apply to the following properties in the extraterritorial jurisdiction:
  - 1. In an area designated as an Industrial District under Section 42.044 of the Texas Local Government Code, as amended;
  - 2. In an area subject to a strategic partnership agreement with the city; or
  - 3. An area within five miles of the boundary of a military base, as defined by Section 43.0117 of the Texas Local Government Code,
  - 4. Any other exceptions to release of an area by petition of a landowner or resident as described by Chapter 42 of the Local Government Code."

## Chapter 8. Environmental Design

### 8.1 FLOODPLAIN MANAGEMENT

#### D. PROVISIONS FOR FLOOD HAZARD REDUCTION

##### 1. General Standards

- j. For all construction (residential and non-residential) and substantial improvements within, where allowed, or within 100' of the 1% annual chance (100-year) local or FEMA floodplain limits, the lowest floor (including basements), shall be elevated to two (2) feet above the base flood elevation as follows:

Basis of Study	Minimum building slab elevation
Atlas 14 Rainfall	1.0 feet above the Base Flood Elevation
Rainfall other than Atlas 14 Evaluation	2.0 feet above the Base Flood Elevation

A registered professional engineer, architect, or land surveyor shall submit a FEMA Elevation Certificate to the Floodplain Administrator as described in the permit procedures, section 8.1 (C)(3) that the standard of this subsection is satisfied.

- k. Filling or the disposal of any materials which will diminish the natural floodplain storage water flow capacity of any waterway or floodplain defined by this ordinance must be compensated with remedial action. An equal amount of storage volume must be created in another location of the same local watershed to compensate for the storage capacity lost, as approved by the Floodplain Administrator Any reduction in floodplain storage or conveyance capacity within the 1% (i.e. 100-Year) floodplain

must be offset with a hydraulically equivalent (one-to-one) volume of mitigation sufficient to offset the reduction. Such mitigation shall be within the same watershed and shall be provided on the same property or within the same hydrologic sub-watershed or at an alternate site meeting the approval of the Floodplain Administrator."

l. The landowner shall sign City prepared letter acknowledging the risks in building within the floodplain, acknowledging the possible delay in emergency response to the site, and agreeing to indemnify the City of Boerne against damages resulting from flooding on the owner's property or subject site.

m. All new construction (residential and commercial), or substantial improvements, within the floodplain shall require a no-rise/no-impact certification as described in Chapter 5 of the Engineering Design Manual (EDM). This requirement may be waived by the Floodplain Administrator for open style fences, additions to existing buildings within a conveyance shadow, or other minor improvements that the Floodplain Administrator determines will be insignificant to the floodplain.

n. The Floodplain Administrator may deny a permit for new or substantially improved habitable structures if the project site or vicinity has a history of high-water rescues, repetitive losses, or other historical flooding issues.

o. Depending on the proposed design and the building type, the applicant must meet all FEMA requirements related to crawl space, enclosures, openings, etc. Reference the FEMA NFIP Elevation Certificate and Instructions, 2019 Edition or subsequent updates.

## 2. Specific standards for A & AE zones

In all areas of special flood hazards where base flood elevation data has been provided as set forth in this Chapter, the following provisions are required:

### a. Residential or Other Habitable Construction

#### i. New platted lots shall comply with 8.1(D)(3)

ii. ~~ii. New Construction of a habitable primary dwelling structure on existing platted lot, platted prior to the February 11, 2020, shall have the lowest floor (including basement), elevated to a minimum of two feet above the base flood elevation together with all HVAC and supporting mechanical, electrical, and sanitary facilities. effective date of this ordinance, is allowed if the proposed structure is located outside the 1% annual chance (100-year) local or FEMA floodplain. New Construction must be in compliance with the above General Standards, 8.1(D)(1).~~

iii. Modifications (additions, redevelopment, etc.) and substantial improvements of existing habitable structure, shall have the lowest floor (including basement), elevated to a minimum of two feet above the base flood elevation together with all HVAC and supporting mechanical, electrical, and sanitary facilities. ~~other than rebuilding activity due flood or fire damage, within the 1% annual chance (100-year) local or FEMA floodplain limits is not allowed.~~

~~Rebuilding activity shall raise the finished floor above the Base Flood elevation as described in the above General Standards, Chapter 8.1(D)(1).~~  
Construction must be in compliance with the above General Standards, 8.1(D)(1).

Where allowed by zoning, new Accessory Dwelling Unit (ADU) structures, other than rebuilding activity of existing structures damaged due to flood or fire damage, within the 1% annual chance (100-year) local and FEMA floodplain limits is not allowed.

g. Mixed Use Construction

- i. Where allowed by zoning, new mixed use (habitable and commercial, parking garage, etc.) structure may be constructed under the following conditions:
  - (a) Parking garages cannot accept surface flow from outside the structure.
  - (b) Construction must be in compliance with the above General Standards, 8.1(D)(1).

9. Critical Facilities

Construction of critical facilities (see definition in appendix A) shall be, to the extent possible, located outside the limits of the 0.2% annual chance (500-year) flood plain (Shaded Zone X) and any "A" Zone. Construction of new critical facilities shall be permissible within the base flood plain if no feasible alternative site is available.

- a. Construction of critical facilities on land located in the 0.2% (500-year) flood plain or within the 1 percent or 100-year flood plain shall have the lowest floor elevated to three feet or more above the 0.2% annual chance (500- year) elevation, or twenty-four (24) inches above the crown of the adjacent road, which ever results in a higher elevation.
- b. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters.
- c. Access routes elevated to or above the level of the base flood shall be provided to all critical facilities to the extent possible.

10. Materials Storage

The following uses are prohibited within a designated floodplain:

- a. Storage or processing of materials that are hazardous, flammable, or explosive in the identified special flood hazard area.
- b. Storage of material or equipment that, in time of flooding, could become buoyant and pose an obstruction to flow in identified floodway areas.

Storage of material or equipment not otherwise prohibited shall be firmly anchored to prevent flotation. Dumpsters shall be located in an enclosure designed to withstand flood conditions. The enclosure shall be constructed to prevent the dumpster from becoming buoyant and a flood hazard. Dumpsters used during construction activities shall be anchored or located in an enclosure.

11. ~~9.~~ Severability.

If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

12. ~~40.~~ Penalties for Noncompliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance court-order and other applicable regulations. Violation of the provisions of this ordinance court-order by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance court-order or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$1,000 for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City of Boerne from taking such other lawful action as is necessary to prevent or remedy any violation.

## Appendix A: Definitions

**Critical Development:** Critical development is that which is critical to the community's public health and safety, is essential to the orderly functioning of a community, stores or produces highly volatile, toxic or water-reactive materials, or houses occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical development include jails, hospitals, schools, daycare facilities, public electric utilities, fire stations, emergency operation centers, police facilities, nursing homes, wastewater treatment facilities, water plants, gas/oil/propane storage facilities, hazardous waste handling and storage facilities and other public equipment storage facilities.

**Repetitive Loss:** Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five percent (25%) of the market value of the structure before such damage occurred.

If any nonconforming use or structure is substantially damaged or experiences a repetitive loss, as defined in this ordinance, it shall not be reconstructed except in conformity with the provisions of this ordinance.

**Substantial Damage:** damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage also means flood related damage sustained by a structure on two (2) separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before such damage occurred.

**Substantial improvement:** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "repetitive loss" or "substantial damage", regardless of the actual repair work performed. When the combined total of all improvements or repairs made after the adoption of this ordinance equals or exceeds 50 percent of a structure's market value, that structure is considered to be substantially improved. The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local

Permitting and Code Compliance official and which are the minimum necessary to assure safe living conditions or

(2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

**(3) Ordinary maintenance and repairs, not part of larger project.**

**Section 3.** This Ordinance shall be cumulative of all provisions of Ordinances of the City of Boerne, Texas except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**Section 4.** This Ordinance shall be in full force and effect from and after its passage and publication.

PASSED and APPROVED on first reading this the 28<sup>th</sup> day of November 2023.

PASSED, APPROVED, and ADOPTED on second reading this the \_\_\_\_ day of December 2023.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

## AN ACT

relating to release of an area from a municipality's extraterritorial jurisdiction by petition or election.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 42, Local Government Code, is amended by adding Subchapters D and E to read as follows:

SUBCHAPTER D. RELEASE OF AREA BY PETITION OF LANDOWNER OR RESIDENT  
FROM EXTRATERRITORIAL JURISDICTION

Sec. 42.101. APPLICABILITY. This subchapter does not apply to an area located:

(1) within five miles of the boundary of a military base, as defined by Section 43.0117, at which an active training program is conducted;

(2) in an area that was voluntarily annexed into the extraterritorial jurisdiction that is located in a county:

(A) in which the population grew by more than 50 percent from the previous federal decennial census in the federal decennial census conducted in 2020; and

(B) that has a population greater than 240,000;

(3) within the portion of the extraterritorial jurisdiction of a municipality with a population of more than 1.4 million that is:

(A) within 15 miles of the boundary of a military base, as defined by Section 43.0117, at which an active training program is conducted; and

(B) in a county with a population of more than two million;

(4) in an area designated as an industrial district under Section 42.044; or

(5) in an area subject to a strategic partnership agreement entered into under Section 43.0751.

Sec. 42.102. AUTHORITY TO FILE PETITION FOR RELEASE. (a) A resident of an area in a municipality's extraterritorial jurisdiction may file a petition with the municipality in accordance with this subchapter for the area to be released from the extraterritorial jurisdiction.

(b) The owner or owners of the majority in value of an area consisting of one or more parcels of land in a municipality's extraterritorial jurisdiction may file a petition with the municipality in accordance with this subchapter for the area to be released from the extraterritorial jurisdiction.

Sec. 42.103. APPLICABILITY OF OTHER LAW. Chapter 277, Election Code, applies to a petition requesting removal under this subchapter.

Sec. 42.104. PETITION REQUIREMENTS. (a) A petition requesting release under this subchapter must be signed by:

(1) more than 50 percent of the registered voters of the area described by the petition as of the date of the preceding uniform election date; or

(2) a majority in value of the holders of title of land in the area described by the petition, as indicated by the tax rolls of the applicable central appraisal district.

(b) A person filing a petition under this subchapter must satisfy the signature requirement described by Subsection (a) not later than the 180th day after the date the first signature for the petition is obtained.

(c) A signature collected under this section must be in writing.



(d) The petition must include a map of the land to be released and describe the boundaries of the land to be released by:

- (1) metes and bounds; or
- (2) lot and block number, if there is a recorded map or plat.

Sec. 42.105. RESULTS OF PETITION. (a) A petition requesting removal under this subchapter shall be verified by the municipal secretary or other person responsible for verifying signatures.

(b) The municipality shall notify the residents and landowners of the area described by the petition of the results of the petition. The municipality may satisfy this requirement by notifying the person who filed the petition under Section 42.102.

(c) If a resident or landowner obtains the number of signatures on the petition required under Section 42.104 to release the area from the municipality's extraterritorial jurisdiction, the municipality shall immediately release the area from the municipality's extraterritorial jurisdiction.

(d) If a municipality fails to take action to release the area under Subsection (c) by the later of the 45th day after the date the municipality receives the petition or the next meeting of the municipality's governing body that occurs after the 30th day after the date the municipality receives the petition, the area is released by operation of law.

(e) Notwithstanding any other law, an area released from a municipality's extraterritorial jurisdiction under this section may not be included in the extraterritorial jurisdiction or the corporate boundaries of a municipality, unless the owner or owners of the area subsequently request that the area be included in the municipality's extraterritorial jurisdiction or corporate boundaries.

#### SUBCHAPTER E. RELEASE OF AREA BY ELECTION FROM EXTRATERRITORIAL JURISDICTION

Sec. 42.151. APPLICABILITY. This subchapter does not apply to an area located:

(1) within five miles of the boundary of a military base, as defined by Section 43.0117, at which an active training program is conducted;

(2) in an area that was voluntarily annexed into the extraterritorial jurisdiction that is located in a county:

(A) in which the population grew by more than 50 percent from the previous federal decennial census in the federal decennial census conducted in 2020; and

(B) that has a population greater than 240,000;

(3) within the portion of the extraterritorial jurisdiction of a municipality with a population of more than 1.4 million that is:

(A) within 15 miles of the boundary of a military base, as defined by Section 43.0117, at which an active training program is conducted; and

(B) in a county with a population of more than two million;

(4) in an area designated as an industrial district under Section 42.044; or

(5) in an area subject to a strategic partnership agreement entered into under Section 43.0751.

Sec. 42.152. AUTHORITY TO REQUEST ELECTION FOR RELEASE.

(a) A resident of an area in a municipality's extraterritorial jurisdiction may request the municipality to hold an election in accordance with this subchapter to vote on the question of whether to release the area from the municipality's extraterritorial jurisdiction by filing with the municipality a petition that includes the signatures of at least five percent of the registered voters residing in the area as of the date of the preceding uniform election date.

(b) A resident may not request another election on the question of releasing the same or substantially same area from the municipality's extraterritorial jurisdiction before the second anniversary of the date the municipality receives a petition filed under Subsection (a).

(c) The petition must include a map of the land to be released and describe the boundaries of the land to be released by:

(1) metes and bounds; or

(2) lot and block number, if there is a recorded map or plat.

Sec. 42.153. ELECTION. (a) Except as provided by Section 42.156, a municipality shall order an election on the question of whether to release an area from the municipality's extraterritorial jurisdiction to be held on the first uniform election date that falls on or after the 90th day after the date the municipality receives a petition that complies with Section 42.152.

(b) The municipality shall hold the election ordered under this section in the area described by the petition at which the qualified voters of the area described by the petition may vote on the question of the release.

(c) An election ordered under this section must be held in the same manner as general elections of the municipality. The municipality shall pay for the costs of holding the election.

Sec. 42.154. RESULTS OF ELECTION. (a) The governing body of a municipality shall canvass the election returns for an election held under this subchapter in accordance with Chapter 67, Election Code.

(b) Not later than 48 hours after the canvass of an election held under this subchapter, the municipality shall notify the residents of the area proposed to be released from the municipality's extraterritorial jurisdiction of the results of the election. The municipality may satisfy this requirement by notifying the person who filed the petition under Section 42.152.

Sec. 42.155. RELEASE OF AREA AS RESULT OF ELECTION. (a) If at the election held under this subchapter a majority of qualified voters of the area to be released approve the proposed release, the municipality shall immediately release the area from the municipality's extraterritorial jurisdiction.

(b) If the municipality fails to take action to release the area under Subsection (a) by the later of the next meeting of the municipality's governing body or the 15th day after the canvass date for the election, the area is released by operation of law.

(c) Notwithstanding any other law, an area released from a municipality's extraterritorial jurisdiction under this section may not be included in the extraterritorial jurisdiction or the corporate boundaries of a municipality, unless the owner or owners of the area subsequently request that the area be included in the municipality's extraterritorial jurisdiction or corporate boundaries.

Sec. 42.156. VOLUNTARY RELEASE. Instead of holding an election under Section 42.153, the municipality may voluntarily release the area for which the election is to be held from the municipality's extraterritorial jurisdiction before the date on which the election would have been held under Section 42.153(a).

SECTION 2. Section 42.021, Local Government Code, is amended by adding Subsection (e) to read as follows:

(e) An annexation commenced after January 1, 2023, does not expand the extraterritorial jurisdiction of a municipality unless contemporaneously with the annexation the owner or owners of the area that would be included in the municipality's extraterritorial jurisdiction as a result of the annexation request that the area be included in the municipality's extraterritorial jurisdiction.

SECTION 3. Section 242.001, Local Government Code, is amended by adding Subsection (j) to read as follows:

(j) If an area subject to an agreement under Subsection (c).

is removed from a municipality's extraterritorial jurisdiction, the agreement is terminated as to the area and the county is the political subdivision authorized to regulate subdivisions in the removed area.

SECTION 4. A municipality shall release extraterritorial jurisdiction acquired from an annexation commenced after January 1, 2023, as necessary to comply with Section 42.021(e), Local Government Code, as added by this Act.

SECTION 5. This Act takes effect September 1, 2023.

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President of the Senate

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Speaker of the House

I hereby certify that S.B. No. 2038 passed the Senate on April 27, 2023, by the following vote: Yeas 20, Nays 11; and that the Senate concurred in House amendments on May 8, 2023, by the following vote: Yeas 20, Nays 11.

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Secretary of the Senate

I hereby certify that S.B. No. 2038 passed the House, with amendments, on May 3, 2023, by the following vote: Yeas 127, Nays 18, one present not voting.

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Chief Clerk of the House

Approved:

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Date

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Governor



## AGENDA ITEM SUMMARY

<b>Agenda Date</b>	December 12, 2023
<b>Requested Action</b>	APPROVE RESOLUTION NO. 2023-R93; AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A LEASE AGREEMENT BETWEEN THE CITY OF BOERNE AND DELL FOR AN AMOUNT NOT TO EXCEED \$100,940.00. (LEASE FOR COMPUTERS)
<b>Contact Person</b>	Mike Raute, IT Director
<b>Background Information</b>	<p>Several years ago, the City of Boerne began leasing with Dell Financial Services for computers. By leasing the computers, several benefits have been provided for the City of Boerne.</p> <p>Leasing with Dell Financial Services has helped to save the City money by avoiding the upfront costs associated with purchasing new equipment. Instead, the city pays a smaller, fixed monthly or annual fee for the duration of the lease, which means that the lease preserves capital by acquiring assets with a minimal initial expenditure.</p> <p>Leasing with Dell Financial Services has also provided the city access to the latest technology without the need to purchase new equipment every few years, thus ensuring that the city has up-to-date equipment that meets the needs of each department and is consistent and in compliance with our technology equipment policy, to refresh computers every four to five years.</p> <p>Finally, leasing computers has provided flexibility as the computer equipment can easily be upgraded or replaced as needed, without having to deal with the hassle of selling or disposing of outdated equipment as required by law.</p> <p>Many cities have found High-tech equipment leasing to make the most efficient use of resources.</p> <p>The city will be utilizing the Texas Department of Information Resources (DIR) for the procurement of leasing computers which offer additional benefits that include:</p> <ul style="list-style-type: none"> <li>• Competitive Pricing -the DIR has pre-negotiated pricing with approved vendors, which saves time and money in the</li> </ul>

	<p>procurement process, and;</p> <ul style="list-style-type: none"> <li>• Quality assurance - the DIR only approves vendors who meet certain quality standards, ensuring that the city receives high-quality equipment and services.</li> <li>• Utilizing the DIR also streamlines the procurement process, as the City can easily search for and select approved vendors without having to go through the lengthy bidding process.</li> <li>• Dell DIR contract DIR-TSO-3763</li> <li>• In FY 2023-2024, the current lease of 75 computers will be ending. Staff budgeted this year (FY 2023-2024) to go ahead and lease 77 computers, for multiple reasons. Replacing one fourth to one fifth of all computers each year will help stagger the lease to help balance out the replacement schedule over multiple years instead of staff having to do one massive replacement every four to five years.</li> <li>• This lease will be a for 5-year term with an annual lease payment of \$20,187.89. This lease will also have a \$1.00 buy-out option at the end of the lease. The option to purchase the computers for \$1.00 will also allow staff to warranty them for two additional years, if so desired, and use them in other departments as replacements as necessary. So, the total price of the lease and buy out at the end of the term will be \$100,939.45.</li> <li>• Each computer will have a Five-year next business day warranty and accidental damage coverage.</li> </ul>
<b>Item Justification</b>	<div> <div> <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 </div> <div> <input checked="" type="checkbox"/> Infrastructure Investment  <input type="checkbox"/> Customer Pull  <input checked="" type="checkbox"/> Service Enhancement  <input checked="" type="checkbox"/> Process Efficiency  <input type="checkbox"/> Other: <u>Mayoral Appt</u> </div> </div>
<b>Strategic Alignment</b>	<p>Safety &amp; Security</p> <p>F2 - Investing in and maintaining high-quality infrastructure systems and public assets.</p> <p>B3 - Providing streamlined and efficient processes.</p>
<b>Financial Considerations</b>	<p>Budgeted Item for FY 2023-2024</p> <p>Dell DIR contract DIR-TSO-3763</p> <p>Texas Department of Information Resources has done all of the time-consuming procurement work. All contracts have been competitively bid so government entities no longer have to prepare competitive solicitations or evaluate responses. (TGC 2054.0565 states that DIR contracts meet the competitive requirements for all governmental entities.)</p>

<b>Citizen Input/Board Review</b>	N/A
<b>Legal Review</b>	Legal review completed by Mick
<b>Alternative Options</b>	N/A
<b>Supporting Documents</b>	Dell Financial Services Agreement Dell Financial Services Lease Schedule Dell Financial Services Amortization Schedule

**RESOLUTION NO. 2023-R93**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND  
MANAGE A LEASE AGREEMENT BETWEEN THE CITY OF BOERNE AND  
DELL FINANCIAL SERVICES LLC FOR AN AMOUNT NOT TO EXCEED  
\$100,940.00**

**WHEREAS**, the City of Boerne ("City") participates in a cooperative purchasing program through the Texas Department of Information Resources ("DIR") that satisfies State Law bidding requirements; and

**WHEREAS**, Dell Financial Services LLC is a vendor of DIR; and

**WHEREAS**, the City of Boerne finds it necessary to enter into a lease agreement with Dell Financial Services LLC for computers.

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

that the City Council hereby authorizes the City Manager to enter into and manage a lease agreement with Dell Financial Services LLC for computers for an amount not to exceed \$100,940.00 over a 5-year term.

PASSED and APPROVED on this the \_\_\_\_ day of December, 2023.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary





## Dell Financial Services



**CITY OF BOERNE, TEXAS**  
**TAX EXEMPT LEASE PURCHASE SCHEDULE NO. 810-6709932-006**  
**TO MASTER LEASE AGREEMENT NO. 555594-53908**  
**APPENDIX F CONTRACT # DIR-TSO-3763**

THIS SCHEDULE, ENTERED INTO BETWEEN **DELL FINANCIAL SERVICES L.L.C.** ("Lessor") and **CITY OF BOERNE, TEXAS** ("Lessee"), IS SUBJECT TO AND INCORPORATES THE TERMS AND CONDITIONS OF THE MASTER LEASE AGREEMENT NO. **555594-53908** ("MLA" or "Agreement") BETWEEN DELL FINANCIAL SERVICES L.L.C. ("Lessor") AND THE STATE OF TEXAS ACTING BY AND THROUGH THE DEPARTMENT OF INFORMATION RESOURCES ("DIR") UNDER APPENDIX F OF CONTRACT # DIR-TSO-3763 BETWEEN THE DIR AND DELL MARKETING L.P. DATED JANUARY 10, 2018.

Lessor hereby agrees to lease and/or make available to Lessee subject to the terms, conditions and provisions set forth in this Schedule and in the MLA, the Products described below. Any capitalized term used herein and not defined herein shall have the meaning ascribed to it in the MLA.

PRODUCT DESCRIPTION AND LOCATION: See below or Exhibit "A" attached to and made a part hereof.

PRODUCT SELLER: [Dell Inc., One Dell Way, Round Rock, TX 78682]

<u>Product Description</u>	<u>Product Location</u>	<u>Lessee Purchase Order No.</u>	<u>Primary Term (Mos.)</u>	<u>Commencement Date*</u>
See Exhibit A	See Exhibit A	TBD	60	TBD

Rent is payable: ☒ X ☐ in advance; ☐ in arrears [specify]

Payment Period: ☐ Monthly ☐ Quarterly ☒ X ☐ Annually ☐ Other (specify \_\_\_\_\_)

\* Lessee is responsible for applicable taxes, shipping and other amounts as described in the MLA and, with the first payment of Rent, any prorated Rent, if applicable. Such amounts are further described in Exhibit "A".

\*\* The Commencement Date may be extended for one Payment Period until the Schedule is returned in accordance with the terms in the MLA.

### LEASE PURCHASE PROVISIONS

The following provisions shall apply with respect to this Schedule in addition to those provisions in the MLA:

#### 1. SECTION 5. RENT PAYMENTS.

Insert as a new last sentence to this Section the following:

"For the purposes of this Schedule, the Rent, as well as the principal and interest portions of each Rent payment as shown in the chart provided on Exhibit "B", attached to and made a part hereof.

#### 2. SECTION 12. OWNERSHIP.

Insert at the end of this paragraph the following:

"Notwithstanding the first sentence of this Section, upon Lessee's acceptance of the Products under this Schedule, title to the Products shall vest in Lessee subject to Lessor's rights under the MLA; provided that, upon an Event of Default or any termination of this Schedule, other than by Lessee's purchase of the Products, title to the Products shall immediately and without any action by either party vest in Lessor, and Lessee shall immediately surrender possession of the Products to Lessor. Any such transfer of title shall occur automatically without the necessity of any bill of sale, certificate of title or other instrument of conveyance. Lessee shall, nevertheless, execute and deliver any such instruments as Lessor may request to evidence such transfer.

#### 3. SECTION 20. REPRESENTATIONS AND WARRANTIES OF LESSEE.

For purposes of this Schedule, add paragraphs (h) through (r) as follows:

"(h) Lessee will comply with the information reporting requirements of Section 149(e) of the Code, including but not limited to,

the execution (and delivery to Lessor) of information statements requested by Lessor;

(i) Lessee will not do, cause to be done or fail to do any act if such act or failure to act will cause this MLA, or any transaction hereunder, to be an Arbitrage Bond within the meaning of Section 148 of the Code or a Private Activity Bond within the meaning of Section 141 of the Code;

(j) The total cost of the Products listed in this Schedule will not be less than the total Principal Portion of the Rent listed in this Schedule;

(k) The Products listed in this Schedule have or will be ordered within six months of the date hereof in order to commence such Schedule;

(l) The Products listed in this Schedule are expected to be delivered and installed, and the Seller fully paid, within one year from the date hereof;

(m) No fund or account which secures or otherwise relates to the Rent has been established;

(n) Lessee will not sell, encumber or otherwise dispose of any property comprising this Schedule prior to the final maturity or termination of such Schedule without a written opinion of nationally recognized bond counsel to the effect that any such disposition will not adversely affect the exclusion of interest on the Rent from gross income for federal income tax purposes;

(o) Lessee agrees to execute, deliver and provide Lessor with satisfactory evidence of the filing of such documentation, as may be required for the purposes of properly reporting this Schedule, including, without limitation, IRS forms 8038-G or 8038-GC, as required under the Code;

(p) It is expected that Rent under this Schedule will be paid from periodic appropriations of the Lessee deposited into the general fund of the Lessee, that such appropriations will equal the Rent due during each Fiscal Period of Lessee, and that all amounts paid for Rent will be from an appropriation made by the Lessee during the Fiscal Period in which such Rent is made;

(q) To the best of our knowledge, information and belief, the above expectations are reasonable; and

(r) Lessee will comply with all applicable provisions of the Code, including without limitation Sections 103, 141 and 148 thereof, and the applicable regulations of the Treasury Department to maintain the exclusion of the interest components of Rent from gross income for purposes of federal income taxation.

Without limiting the generality of the foregoing, Lessor hereby gives notice to Lessee that, upon execution of this Schedule by Lessor, Lessor shall assign all of its right, title and interest in, to and under this Schedule, including all Products and all payments owing under such Schedule, to Dell Equipment Funding L.P. ("DEF") pursuant to a purchase agreement between the Lessor and DEF. Lessee hereby acknowledges and consents to such assignment and shall keep, or cause to be kept, a complete and accurate record of all such assignments in a manner and form necessary to comply with Section 149(a) of the Code and the Treasury Regulations promulgated thereunder. Lessor hereby directs Lessee to continue to make any and all payments required to be made under this Schedule directly to Lessor, as servicing agent for DEF, at the same address to which Lessee is currently making payments unless and until Lessor is directed by DEF to make such payments to a different address or payee."

**TO THE EXTENT PERMITTED BY LAW, AND IN ADDITION TO LESSEE'S OBLIGATION UNDER SECTION 17 OF THE MLA, LESSEE HEREBY ASSUMES LIABILITY FOR, AND SHALL PAY WHEN DUE, AND SHALL INDEMNIFY AND DEFEND LESSOR AND ITS SUCCESSORS AND ASSIGNS AGAINST, ANY AND ALL LIABILITIES, LOSSES, DAMAGES, CLAIMS AND EXPENSES (INCLUDING REASONABLE ATTORNEY FEES) RELATING TO OR ARISING OUT OF LESSEE'S BREACH OF ANY OF ITS REPRESENTATIONS, WARRANTIES, OR COVENANTS CONTAINED IN SECTION 20 OF THE MLA AS SUPPLEMENTED HEREIN.**

#### **4. SECTION 30. MISCELLANEOUS.**

Insert the following at the end of subsection (b):

"Notwithstanding the foregoing, this Schedule may be signed in any number of counterparts each of which when so executed or otherwise authenticated and delivered shall be an original, but all counterparts shall together constitute one and the same instrument. To the extent this Schedule would constitute chattel paper as that term is defined in the UCC, no security interest may be created through the transfer or control or possession, as applicable, of a counterpart of a Schedule other than the original in Lessor's possession marked by Lessor as either "original" or "Counterpart Number 1".

Insert the following at the end of subsection (e):

"If Lessee delivers this Schedule or any amendment (each a "Document") to Lessor by facsimile transmission, and Lessor does not receive all of the pages of that Document, Lessee agrees that, except for any pages which require a signature, Lessor may supply the missing pages to the Document from Lessor's database which conforms to the version number at the bottom of the page. If Lessee delivers a signed Document to Lessor as an e-mail attachment, facsimile transmission or by U.S. mail, Lessee

acknowledges that Lessor is relying on Lessee's representation that the Document has not been altered. Lessee further agrees that, notwithstanding any rule of evidence to the contrary, in any hearing, trial or proceeding of any kind with respect to a Document, Lessor may produce a tangible copy of the Document transmitted by Lessee to Lessor by facsimile or as an e-mail attachment and such signed copy shall be deemed to be the original of the Document. To the extent (if any) that the Document constitutes chattel paper under the Uniform Commercial Code, the authoritative copy of the Document shall be the copy designated by Lessor or its assignee, from time to time, as the copy available for access and review by Lessee, Lessor or its assignee. All other copies are deemed identified as copies of the authoritative copy. In the event of inadvertent destruction of the authoritative copy, or corruption of the authoritative copy for any reason or as the result of any cause, the authoritative copy may be restored from a backup or archive copy, and the restored copy shall become the authoritative copy. At Lessor's option, this electronic record may be converted into paper form. At such time, such paper copy will be designated or marked as the authoritative copy of the Document."

**5. PURCHASE OPTION.**

Provided that no Event of Default has occurred and is continuing, and upon satisfaction of all payment obligations herein by Lessee, Lessee shall be entitled to Lessor's interest in the Products, AS IS, WHERE IS, WITHOUT WARRANTY OR RECOURSE, EXPRESS, IMPLIED OR OTHERWISE, BY OR AGAINST LESSOR, INCLUDING ANY WARRANTIES OF DESIGN, MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, OR AGAINST INFRINGEMENT, other than the absence of any liens by, through, or under Lessor.

As continuing security for Lessee's obligations hereunder, Lessee hereby grants to Lessor, a first-priority security interest in all of Lessee's rights and interest in and to the Products and all proceeds thereof, free and clear of all security interests, liens or encumbrances whatsoever.

**6. COMPLETION OF SCHEDULE.** Lessee hereby authorizes Lessor to insert or update the Commencement Date and the serial numbers of the Products from time to time as necessary.

By signing below, each of the parties hereto agrees to be bound by the terms of the MLA, this Schedule and the attached Exhibits "A" and "B".

**CITY OF BOERNE, TEXAS**  
(Lessee)

By: \_\_\_\_\_  
(Authorized Signature)  
\_\_\_\_\_  
(Name/Title)  
\_\_\_\_\_  
(Date)

**DELL FINANCIAL SERVICES L.L.C.**  
(Lessor)

By: \_\_\_\_\_  
(Authorized Signature)  
\_\_\_\_\_  
(Name/Title)  
\_\_\_\_\_  
(Date)

ACCEPTANCE CERTIFICATE

Acceptance Certificate under Schedule No. 810-6709932-006 dated TBD between Dell Financial Services L.L.C. ("Lessor") and **CITY OF BOERNE, TEXAS** ("Lessee") under Master Lease Agreement No. 555594-53908 between Dell Financial Services L.L.C and the State of Texas acting by and through the Department of Information Resources ("DIR") under Appendix F of contract # DIR-TSO-3763 between the DIR and Dell Marketing L.P. DATED JANUARY 10, 2018 (collectively, the "Lease").

1. Asset(s). The Lessee hereby certifies that the Asset(s) set forth and described in the above mentioned Schedule have been delivered to the location(s) set forth in the Schedule, inspected by the Lessee, found to be in good order and accepted, all on the Date of Acceptance set forth below:

Date of Acceptance: \_\_\_\_\_, 20\_\_

2. Representations by the Lessee. The Lessee hereby represents and warrants to the Lessor and any Assignees that on the Date of Acceptance set forth above:

(a) the representations and warranties of the Lessee set forth in the Lease are true and correct in all material respects as though made on and as of such Date of Acceptance; (b) the Lessee has satisfied or complied with all requirements set forth in the Lease to be satisfied or complied with on or prior to such Date of Acceptance; (c) no Default or Event of Default under this Lease has occurred and is continuing on such Date of Acceptance; and (d) the Asset(s) are insured in accordance with the provisions of the Master Lease Agreement.

**CITY OF BOERNE, TEXAS**  
LESSEE:

BY: \_\_\_\_\_

NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

Dell Financial Services



City of Boerne, TX  
Lease Schedule 810-6709932-006  
Exhibit A

Commencement Date: TBD  
Termination Date: TBD

November 7, 2023

Thank you for giving Dell Financial Services L.L.C. ("DFS") the opportunity to provide a technology financing solution. Enclosed is a financing proposal for your new technology needs. We look forward to discussing this opportunity in further detail with you. If you have any questions, please contact me at the phone number or email address below.

Term	60
Option	TELP
Payments:	Annual
Consolidation:	Monthly
Payments Due:	Advance
Interim Rent:	None
Rate Factor	5
	Payments

Dell Quote Number	Summary Product Description	Product Price	Quantity	Extended Price
3000161178900.6	Optiplex Micro (7010)	\$701.54	41	\$28,763.14
3000161178900.6	Precision 3460	\$1,388.35	14	\$19,436.90
3000161178900.6	Dell Latitude 5540	\$1,456.30	20	\$29,126.00
3000161178900.6	Dell Thunderbolt 4 Dock	\$213.74	20	\$4,274.80
3000161178900.6	Dell 24 Monitor - P2422H	\$151.31	14	\$2,118.34
3000161178900.6	Dell Latitude 7320 Detachable	\$1,767.44	2	\$3,534.88
3000161178900.6	Dell Case Latitude 7320	\$36.99	2	\$73.98
3000161178900.6	Dell Latitude Keyboard and Pen	\$159.83	2	\$319.66
TOTALS				\$87,647.70

Proposal Expiration Date:  
December 7, 2023

\$20,187.89



## Dell Financial Services

**City of Boerne, Texas  
Amortization Schedule  
810-6709932-006  
Exhibit B**

**Commencement Date TBD**

<b>Total Financed Amount</b>	\$87,647.70				
<b>DUE DATE</b>	<b>PAYMENT #</b>	<b>PAYMENT AMOUNT</b>	<b>PRINCIPAL</b>	<b>INTEREST</b>	<b>UNPAID BALANCE</b>
TBD	1	\$ 20,187.89	\$ 20,187.89	\$ -	\$ 80,751.56
TBD	2	\$ 20,187.89	\$ 15,058.83	\$ 5,129.06	\$ 60,563.67
TBD	3	\$ 20,187.89	\$ 16,203.77	\$ 3,984.12	\$ 40,375.78
TBD	4	\$ 20,187.89	\$ 17,435.77	\$ 2,752.12	\$ 20,187.89
TBD	5	\$ 20,187.89	\$ 18,761.43	\$ 1,426.46	\$ -



## AGENDA ITEM SUMMARY

<b>Agenda Date</b>	December 12, 2023
<b>Requested Action</b>	CONSIDER ON FIRST READING ORDINANCE NO. 2023-38; AMENDING THE CITY OF BOERNE CODE OF ORDINANCES, CHAPTER 16. PARKS AND RECREATION, SECTION 16-1, GENERAL PROVISIONS AND SECTION 16-2, BOERNE CITY LAKE, TO PROHIBIT THE CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF NOT MORE THAN \$200 FOR VIOLATION OF ANY PROVISION OF THIS ORDINANCE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.
<b>Contact Person</b>	Lisette Jimenez, Director of Parks and Recreation
<b>Background Information</b>	<p>Boerne City Lake has long been a cherished destination for families and individuals seeking a peaceful and enjoyable recreational experience. However, in recent years, the lake has witnessed a significant increase in visitation, accompanied by a decline in the overall atmosphere of the park. This alarming trend has prompted the city to consider possible changes to remedy. Several items have been identified, including lowering the cap on daily visitors, increased police presence, additional waste containers, and increased park maintenance patrols. The team also recommends implementing a ban on the consumption or possession of open containers of alcohol at Boerne City Lake. This action will require a change to the existing parks ordinances.</p> <p><b>Evidence of Declining Conditions</b></p> <p>The substantial rise in visitation to Boerne City Lake has brought about a range of concerning issues that have adversely impacted the park's environment. For reference, the number of visitors throughout the year:</p>

BOERNE CITY LAKE	
	Visitors
2023	110.1K
2022	95.7K
2021	87.5K
2020	71.5K
2019	90.6K
2018	81.8K
FY 17	64K

**Issues include:**

- Increased Trash and Litter: The surge in visitors has led to a noticeable accumulation of trash and litter, marring the natural beauty of the lake and creating a hazardous environment for wildlife. Increase time allocated to cleaning the lake by staff, resulting in productivity in other projects.
- Disorderly Conduct: Larger crowds increase incidences of disorderly conduct, including loud music, public intoxication, and violent altercations. These incidents have disrupted the tranquility of the park and created a sense of unease among visitors.
- Safety Concerns: Alcohol consumption has also contributed to safety concerns, particularly during peak season.
- Drought: Drought in surrounding lakes has increased the number of visitors to Boerne Lake.

**Impact on Family-Friendly Atmosphere**

The issues have collectively eroded the family-friendly atmosphere that Boerne City Lake once held dear. Patrons have expressed concerns about the large crowds the park now hosts, and many local families have stopped visiting the lake, especially during the summer season. This shift away from a family-centric environment is detrimental to the overall appeal of the park and its role within the community.



	<p><b>Efforts to Address Issues</b></p> <p>The Traffic and Safety Task Force has discussed these issues, and several changes have already been implemented as a result.</p> <ul style="list-style-type: none"><li>• Increased Staff Presence: The Parks and Recreation Department and Boerne Police Department have collaborated to increase staff presence at the park, particularly during peak season. Parks Dept. now doubles the presence during weekends to accommodate for increased trash.</li><li>• Additional Waste Management: two 8-yard commercial dumpsters and one 40-yard roll-off dumpster have been placed at the lake.</li><li>• Signage Changes: New and additional signage has been installed throughout the park to communicate park rules and regulations clearly.</li></ul> <p>Despite these efforts, the underlying issues persist, and the city is now proposing implementing another of the Task Force’s recommendations: an ordinance that prohibits the consumption or possession of open containers of alcohol at Boerne City Lake. The proposed ordinance will align with the City’s core values, such as service and excellence. The proposed alcohol ban represents a step towards restoring the tranquility, safety, and family-friendly atmosphere that Boerne City Lake has long been known for. This measure will help safeguard the park's natural beauty, enhance the overall visitor experience, and help ensure that Boerne City Lake remains a cherished recreational destination for our community and visitors.</p> <p>The proposed ordinance would be added to Section 16-2 – Boerne City Lake.</p> <p>(h) The consumption or possession of an open container of alcohol is prohibited within the 47.8 acres of Boerne City Lake Park, including without limitation the 100 acres of lake surface, parking lots, trails, disc golf course, playground, portable and public restrooms. This includes fermented malt beverage or malt liquor (beer); vinous liquor (wine or champagne); or spirituous liquor (hard liquor).</p>
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	<p>Additionally, staff proposes to amend section 16-2, C by adding “Boerne City Lake” to the existing ordinance. The current ordinance reads as follows:</p> <p><i>“Alcoholic beverages. The consumption or possession of alcoholic beverages within athletic field areas, their perimeter fences, skate parks, and pool area shall be prohibited.”</i></p> <p>The amended ordinance will read as follows.</p> <p><i>“Alcoholic beverages. The consumption or possession of alcoholic beverages within athletic field areas, their perimeter fences, skate parks, pool, and Boerne City Lake area shall be prohibited.”</i></p>
<b>Item Justification</b>	<div> <div> <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         </div> <div> <input type="checkbox"/> Infrastructure Investment           <input type="checkbox"/> Customer Pull           <input checked="" type="checkbox"/> Service Enhancement           <input type="checkbox"/> Process Efficiency           <input type="checkbox"/> Other: <u>Mayoral Appt</u> </div> </div>
<b>Strategic Alignment</b>	B1 – Utilizing data to drive smart decision-making, C1 – Offering quality customer experiences
<b>Financial Considerations</b>	
<b>Citizen Input/Board Review</b>	Traffic and Safety Committee
<b>Legal Review</b>	TOASE and The Jacobson Law Firm, P.C
<b>Alternative Options</b>	

<b>Supporting Documents</b>	Current Boerne City Lake Ordinance- Section 16.1 and 16.2
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## ORDINANCE NO. 2023-38

**AN ORDINANCE AMENDING THE CITY OF BOERNE CODE OF ORDINANCES, CHAPTER 16. PARKS AND RECREATION, SECTION 16-1, GENERAL PROVISIONS AND SECTION 16-2, BOERNE CITY LAKE, TO PROHIBIT THE CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF NOT MORE THAN \$200 FOR VIOLATION OF ANY PROVISION OF THIS ORDINANCE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS** from time to time it becomes necessary to update and amend ordinances; and

**WHEREAS**, the Boerne City Lake has long been a cherished destination for families and individuals seeking a peaceful and enjoyable recreational experience; and

**WHEREAS**, in recent years the Boerne City Lake has seen an increase in visitors and a decline in the overall atmosphere of the park; and

**WHEREAS**, alcohol consumption in Boerne City Lake has contributed to safety concerns; and

**WHEREAS**, an alcohol ban is a step towards restoring the tranquility, safety, and family-friendly atmosphere that Boerne City Lake has long been known for; and

**WHEREAS**, the City Council finds that the amendments as outlined herein are in the best interest of the health, safety, and general welfare of the citizens of the City and the general public.

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

**Section 1.** All the above premises are true and correct and factual findings of the City Council, and they are hereby approved, ratified, and incorporated into the body of this ordinance as if copied in their entirety.

**Section 2.** The City of Boerne Code of Ordinances is hereby amended as follows:

### **Chapter 16. Parks and Recreation**

#### **Sec. 16-1. - General provisions**

The following provisions apply to all parks, recreational areas, and other public open spaces and facilities within the city:

- (c) *Alcoholic beverages.* The consumption or possession of alcoholic beverages within athletic field areas, their perimeter fences, skate parks, pool, and **Boerne**

City Lake area shall be prohibited.

Sec. 16-2. Boerne City Lake

(h) The consumption or possession of an open container of alcohol is prohibited within the 47.8 acres of Boerne City Lake Park, including without limitation the 100 acres of lake surface, parking lots, trails, disc golf course, playground, portable and public restrooms. This includes fermented malt beverage or malt liquor (beer); vinous liquor (wine or champagne); or spirituous liquor (hard liquor).

Sec. 16-10. - Severability Clause

If any part of these regulations should be found invalid or unconstitutional, the validity of the remainder hereof shall not be impaired.

Sec. 16-11. - Penalty Clause

Any person violating any provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed two hundred dollars (\$200.00), for each day any violation of this chapter shall continue to occur. Every such additional day shall be considered a separate offense and punishment shall be assessed accordingly.

**Section 3.** This Ordinance shall be in full force and effect from and after its passage and publication.

PASSED and APPROVED on first reading this the \_\_\_\_ day of December 2023.

PASSED, APPROVED, and ADOPTED on second reading this the \_\_\_\_ day of January, 2024.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

APPROVED AS TO FORM:

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City Attorney

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**Sec. 16-2. Boerne City Lake.**

- (a) No swimming or boat launching within one thousand (1,000) feet of the water treatment plant intake is permitted.
- (b) No vehicles shall be allowed on the dam structure at Boerne City Lake except city emergency or maintenance vehicles.
- (c) No person shall locate, build or construct any dock, boat house or other structure that projects out from the shore of Boerne City Lake into the body of the lake.
- (d) No admittance will be allowed within the fenced area of the water treatment plant without proper authorization from a duly authorized official of the city.
- (e) No person, except duly authorized personnel, shall enter onto the primary spillway structure at the Boerne City Lake.
- (f) No swimming or wading allowed within fifty (50) feet of the boat ramp.
- (g) Fires are only allowed for the purposes of cooking/grilling food and such fires must be located within the permanent grilling units provided by the city. Use of personal grills for the purposes of cooking/grilling food will be allowed as long as they are self-contained above ground pits. Ashes must be extinguished. Ashes shall not be discarded in trash receptacles, on park grounds or in the lake.

(Ord. No. 2015-46, 1-12-16; Ord. No. 2016-32, 8-9-16; Ord. No. 2018-44, 1-8-19)



## AGENDA ITEM SUMMARY

<b>Agenda Date</b>	December 12, 2023
<b>Requested Action</b>	CONSIDER ON FIRST READING ORDINANCE NO. 2023-39; AN ORDINANCE AMENDING THE CITY OF BOERNE CODE OF ORDINANCES, CHAPTER 6. CEMETERY, SECTION 6-26. CEMETERY HOURS OF OPERATION AND SECTION 6-27. INTERMENT AND INURNMENT; PROVIDING FOR A PENALTY OF NOT MORE THAN \$200 FOR VIOLATION OF ANY PROVISION OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.
<b>Contact Person</b>	Lisette Jimenez, Director of Parks and Recreation
<b>Background Information</b>	<p>Staff installed a new columbarium in October of 2023, offering double niches for the first time. The current cemetery ordinances do not specifically address double niches. Staff is proposing to amend ordinances to current cemetery standards.</p> <p>The current ordinance, Section 6-27. Interment and Inurnment reads as follows:</p> <p>Application for interring a body or inurning the cremated remains of a body shall be made to a city-appointed cemetery sexton. A permit for such interment will be issued if proper certificates, as required by state law, have been provided. The cemetery sexton must provide to the City of Boerne, in writing, all burial information, including the name of the deceased, name of purchaser, exact location of the lot or niche, on or in which the remains are to be interred, burial details, payment information, and if available, next of kin information.</p> <p>a. <i>Interment.</i></p> <ol style="list-style-type: none"> <li>i. Any interment in the cemetery of the city requiring a three-foot long or longer casket shall be made in a concrete box or a nonbiodegradable casket.</li> <li>ii. Not more than two (2) bodies may be interred in one (1) grave space.</li> <li>iii. Cremated remains of one (1) or more bodies may be</li> </ol>



	<p>buried in a grave space.</p> <p>b. <i>Inurnment</i>. Only one (1) human remain may be interred in a niche in the Boerne Cemetery Urn Garden.</p> <p>The proposed ordinance would amend Section 6-27. a and b to the following:</p> <p>a.</p> <p>iii. Cremated remains of no more than four (4) bodies may be buried in a grave space.</p> <p>iv. Cremated remains of no more than two (2) bodies may be buried in a grave space containing two (2) previous interments.</p> <p>v. Cremated remains of no more than three (3) bodies may be buried in a grave space containing one (1) previous interment.</p> <p>b. <i>Inurnment</i>. Only one (1) human remain may be interred in a niche in the Boerne Cemetery Urn Garden unless a double niche is purchased.</p> <p>Additionally, staff is proposing to amend Section 6-26 to reflect the proper hours of operation.</p> <p>The current ordinance reads as follows:</p> <p>All work performed in the cemetery by any firm, partnership, corporation contractor, or any other entity not connected with the city shall be conducted and performed during the hours of 7:00 a.m. and 4:00 p.m. Monday through Friday.</p> <p>The proposed amended ordinance will read as follows.</p> <p>All work performed in the cemetery by any firm, partnership, corporation contractor, or any other entity not connected with the city shall be conducted and performed during the hours of 7:00 a.m. to 2:00 p.m. Monday through Thursday, 7:00 a.m. to 12:00 p.m. on Friday.</p>										
<p><b>Item Justification</b></p>	<table border="0"> <tr> <td><input checked="" type="checkbox"/> Legal/Regulatory Obligation</td> <td><input type="checkbox"/> Infrastructure Investment</td> </tr> <tr> <td><input type="checkbox"/> Reduce Costs</td> <td><input type="checkbox"/> Customer Pull</td> </tr> <tr> <td><input type="checkbox"/> Increase Revenue</td> <td><input 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: <u>Mayoral Appt</u></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 checked="" type="checkbox"/> Other: <u>Mayoral Appt</u>
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<input type="checkbox"/> Master Plan Recommendation	<input checked="" type="checkbox"/> Other: <u>Mayoral Appt</u>										

<b>Strategic Alignment</b>	B1 – Utilizing data to drive smart decision-making , C1 – Offering quality customer experiences, C3 – Collaborating with community partners to enhance quality of life
<b>Financial Considerations</b>	
<b>Citizen Input/Board Review</b>	Boerne Sextons; Ebensberger-Fisher Funeral Home and Holt & Holt Funeral Home
<b>Legal Review</b>	TOASE
<b>Alternative Options</b>	
<b>Supporting Documents</b>	Current Boerne City Cemetery Ordinance- Section 6-26 and 6-27

## ORDINANCE NO. 2023-39

**AN ORDINANCE AMENDING THE CITY OF BOERNE CODE OF ORDINANCES, CHAPTER 6. CEMETERY, SECTION 6-26. CEMETERY HOURS OF OPERATION AND SECTION 6-27. INTERMENT AND INURNMENT; PROVIDING FOR A PENALTY OF NOT MORE THAN \$200 FOR VIOLATION OF ANY PROVISION OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS** from time to time it becomes necessary to update and amend ordinances; and

**WHEREAS**, a new columbarium was installed in October of 2023, offering double niches for the first time; and

**WHEREAS**, it is necessary to amend the ordinance to address double niches; and

**WHEREAS**, the City Council finds that the amendments as outlined herein are in the best interest of the health, safety, and general welfare of the citizens of the City and the general public.

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

Section 1. All the above premises are true and correct legislative and factual findings of the City Council, and they are hereby approved, ratified, and incorporated into the body of this ordinance as if copied in their entirety.

Section 2. The City of Boerne Code of Ordinances is hereby amended as follows:

Chapter 6. Cemetery

### ARTICLE II. - REGULATIONS

Sec. 6-26. - Cemetery hours of operation.

All work performed in the cemetery by any firm, partnership, corporation contractor, or any other entity not connected with the city shall be conducted and performed during the hours of 7:00 a.m. and 4:00 p.m. Monday through Friday 7:00 a.m. to 2:00 p.m. Monday through Thursday, 7:00 a.m. to 12:00 p.m. on Friday.

Sec. 6-27. - Interment and inurnment.

Application for interring a body or inurning the cremated remains of a body shall be made to a city-appointed cemetery sexton. A permit for such interment will be issued if

proper certificates, as required by state law, have been provided. The cemetery sexton must provide to the City of Boerne, in writing, all burial information including the name of deceased, name of purchaser, exact location of the lot, or niche, on or in which the remains are to be interred, burial details, payment information, and if available, next of kin information.

a. *Interment.*

- i. Any interment in the cemetery of the city requiring a three-foot long or longer casket shall be made in a concrete box or a nonbiodegradable casket.
- ii. Not more than two (2) bodies may be interred in one (1) grave space.
- iii. Cremated remains of no more than four (4) ~~one (1) or more~~ bodies may be buried in a grave space.
- iv. Cremated remains of no more than two (2) bodies may be buried in a grave space containing two (2) previous interments.
- v. Cremated remains of no more than three (3) bodies may be buried in a grave space containing one (1) previous interment.

b. *Inurnment.* Only one (1) human remain may be interred in a niche in the Boerne Cemetery Urn Garden unless a double niche is purchased.

Sec. 6-35. - Ordinance violations and rule infraction procedures.

Any person, organization or commercial establishment not complying with the terms and provisions of this chapter shall be guilty of a misdemeanor. Every day in which a violation exists shall constitute a separate violation and separate offense and may result in a fine not less than ten dollars (\$10.00) or more than two hundred dollars (\$200.00).

Section 3. SEVERABILITY. If any portion of this ordinance or any section or subdivision thereof be declared unconstitutional or in violation of the general laws of the state, such declaration shall not affect the remainder of this ordinance which shall remain in full force and effect.

Section 4. This Ordinance shall be in full force and effect from and after its passage and publication.

PASSED and APPROVED on first reading this the \_\_\_\_ day of December 2023.

PASSED, APPROVED, and ADOPTED on second reading this the \_\_\_\_ day of January 2024.

APPROVED:

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Mayor

ATTEST:

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City Secretary

APPROVED AS TO FORM:

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City Attorney

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### **Sec. 6-26. Cemetery hours of operation.**

All work performed in the cemetery by any firm, partnership, corporation contractor, or any other entity not connected with the city shall be conducted and performed during the hours of 7:00 a.m. and 4:00 p.m. Monday through Friday.

(Ord. No. 2008-08, 5-13-08)

### **Sec. 6-27. Interment and inurnment.**

Application for interring a body or inurning the cremated remains of a body shall be made to a city-appointed cemetery sexton. A permit for such interment will be issued if proper certificates, as required by state law, have been provided. The cemetery sexton must provide to the City of Boerne, in writing, all burial information including the name of deceased, name of purchaser, exact location of the lot, or niche, on or in which the remains are to be interred, burial details, payment information, and if available, next of kin information.

a. *Interment.*

- i. Any interment in the cemetery of the city requiring a three-foot long or longer casket shall be made in a concrete box or a nonbiodegradable casket.
- ii. Not more than two (2) bodies may be interred in one (1) grave space.
- iii. Cremated remains of one (1) or more bodies may be buried in a grave space.

b. *Inurnment.* Only one (1) human remain may be interred in a niche in the Boerne Cemetery Urn Garden.

(Ord. No. 2008-08, 5-13-08)



## AGENDA ITEM SUMMARY

<b>Agenda Date</b>	December 12, 2023
<b>Requested Action</b>	CONSIDER RESOLUTION NO. 2023-R94; AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF BOERNE AND HALFF FOR OLD SAN ANTONIO ROAD & MENDER CREEK LOW WATER CROSSING PROJECT FOR AN AMOUNT NOT TO EXCEED \$280,545.00.
<b>Contact Person</b>	Jeffrey Carroll – Engineering & Mobility Director
<b>Background Information</b>	<p>Halff Associates, Inc. (Design Team) is a qualified engineering consulting firm that was Council had previously approved in July 2022 to perform design and construction phase services to replace the existing low water crossing with a bridge located where Menger Creek crosses Old San Antonio Road.</p> <p>Included with the design of the bridge and roadway improvements, the Design Team was originally tasked with developing plans and specifications for the relocation and modifications of existing utilities in the project area.</p> <p>The Design Team has been working thru the design portion of the project and has previously submitted their 30% and 60% design submittal packages. Within the design additional utilities were identified along with extensions, and City requested oversizing of these utilities were developed into the design plans, as were the necessary associated Surveying, Easements, and right-of-way acquisitions.</p> <p>Additionally, it was determined that the existing Menger Creek at the project location was classified as a wetland which added additional tasks on the Environmental team and design team to incorporate design elements for the stream and wetland mitigation. Compliance with these Federal requirements was not anticipated and therefore was not included within the initial contract's effort. Due to the increase in project scope and construction duration, additional construction phase services are necessary to cover the complete project duration.</p> <p>The initial project agreement with the Design Team is dated July 21, 2022 in an amount not to exceed \$1,018,691. The proposed</p>

	amendment for these additional services is \$280,545.
<b>Item Justification</b>	<input type="checkbox"/> Legal/Regulatory Obligation <input checked="" type="checkbox"/> Infrastructure Investment <input type="checkbox"/> Reduce Costs <input type="checkbox"/> Customer Pull <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Service Enhancement <input checked="" type="checkbox"/> Mitigate Risk <input type="checkbox"/> Process Efficiency <input type="checkbox"/> Master Plan Recommendation <input type="checkbox"/> Other:
<b>Strategic Alignment</b> (Example: C2 – Customer Feedback, B1 – Data Driven Decision)	F2 – Investing in and maintaining high-quality infrastructure systems and public assets.
<b>Financial Considerations</b>	N/A
<b>Citizen Input/Board Review</b>	N/A
<b>Legal Review</b>	N/A
<b>Alternative Options</b>	N/A
<b>Supporting Documents</b>	Halff Contract Amendment



**RESOLUTION NO. 2023-R94**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND HALFF ASSOCIATES, INC. FOR THE MENDER CREEK AT OLD SAN ANTONIO ROAD LOW WATER CROSSING AMENDMENT NO. 2 FOR AN ADDITIONAL AMOUNT OF \$280,545.00**

**WHEREAS**, on February 22, 2022, the City Council of the City of Boerne approved Resolution No. 2022-R11, authorizing the City Manager to enter into an Interlocal Agreement with Kendall County for the construction and funding of drainage improvement projects at this location and along Adler Road; and

**WHEREAS**, Halff Associates, Inc. is on the City of Boerne pre-qualified consulting firms for on-call engineering services approved by City Council on May 24, 2022; and

**WHEREAS**, on July 26, 2022, the Boerne City Council approved Resolution No. 2022-R32 to enter into an agreement with Halff Associates, Inc. for the Menger Creek at Old San Antonio Road Bridge Project for an amount not to exceed \$1,018,691.00; and

**WHEREAS**, due to the increase in project scope and construction duration, additional construction phase services are necessary; and

**WHEREAS**, the City Council finds it necessary to enter into an agreement for the Menger Creek at Old San Antonio Road Low Water Crossing Amendment No. 2 for an additional amount of \$280,545.00;

**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 Halff Associates, Inc. for the Menger Creek at Old San Antonio Road Low Water Crossing Amendment No. 2 for an additional \$280,545.00 for a total not to exceed \$1,299,236.00.

PASSED and APPROVED on this the \_\_\_\_ day of December, 2023.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary



July 17, 2023

Jeffrey Carroll, P.E.  
Director of Development Services  
City of Boerne  
[jcarroll@boerne-tx.gov](mailto:jcarroll@boerne-tx.gov)  
830-248-1638

**Subject: Old San Antonio Road & Menger Creek Low Water Crossing Amendment No. 2**

Mr. Carroll:

As requested, Halff (Design Team) submits herewith, Amendment No. 2 to the Original scope and fee for this Project to the City of Boerne (City), which includes required additional work outlined to cover additions to scope with providing unflooded access along Old San Antonio Road through the Menger Creek Crossing and through the Herff Road Intersection. Services include supplemental surveying services, stream and wetland mitigation design, additional water, sewer, drainage utility design, additional Right-of-Way & easement acquisition, architectural assessment, and additional construction phase services for the project.

## PROJECT SUMMARY

As Boerne continues to grow, the leadership of the City recognizes roadway improvements within the City, and its jurisdiction will be needed to establish safer roadways for the City. As such, the City wishes to remove the low water crossing at Menger Creek and Old San Antonio Road and replace it with a bridge structure that will allow for 100-year access through this road, hereinafter called amendment. This amendment is for additional Right-of-Way & easement acquisition, additional surveying services, stream and wetland mitigation design, and additional water, sewer, drainage utility design, architectural assessment, and additional construction phase services for the project associated with the Old San Antonio Road and Menger Creek bridge structure and improvements to Herff Road at the Old San Antonio Road intersection. Amendment No. 2 is an amendment to the approved contract (City Council meeting dated July 26, 2022).

## Project Assumptions

The scope of services for this amendment was prepared using the following assumptions as a basis for its preparation:

- a. The design team received comments from the client throughout the plan development phases.

## Scope of Basic Services

The Basic Supplemental Services to be provided by the Design Team are defined as follows:

### TASK 1: Project Management, Survey and Data Collection

The following scope of work will be added to the original approved contract under Task 3. After the development of the 30% schematic design & during the 60% design plans, the client added additional utility design that will require additional project management coordination, survey and data collection at outline below.

- a. **Project Management Coordination** – Additional meetings and project coordination during the development of the 30% schematic design & 60% design plans were encountered to address design constraints and changes in scope. This scope of work will only increase the effort and therefore fee to cover the additional meetings and project coordination.

- b. **Survey and Data Collection** – Additional survey and data collection will be required to cover the additional design outlined in Tasks 3 & 4 below to complete the design. Additionally, due to the increase in Right-of-Way & Easement Acquisition under task 8 outlined below, additional boundary field work will be required to complete the five (5) additional Acquisitions.

### **TASKS 3 & 4: Design Development Plan Preparation (60%) Construction Document Plan Preparation (90% & 100%) Additional Scope**

The following scope of work will be added to the original approved contract under Tasks 3 & 4. After the development of the 30% schematic design & during the 60% design plans, the client added additional design as outlined below.

- a. **Old San Antonio Sewer Line South** - To address the city's future sewer capital improvement project requirements, the limits of the sewer line to be removed and/or replaced and oversized for future developments were increased along Old San Antonio Road south of the Menger Creek crossing after the development of the 30% schematic design. The size of the sewer line was required to be revised after the development of the 60% plans to address ongoing changes in the city's future sewer commitments in the region. The proposed sewer alignment and design in the 60% plans will need to be reviewed to verify if the changes in pipe size will work when developing in the 90% and final plans.
- b. **Barbaras Way Sewer Line** - The size of the sewer line was required to be revised after the development of the 60% plans to address ongoing changes in the city's future sewer commitments in the region. The proposed sewer alignment and design in the 60% plans will need to be reviewed to verify if the changes in pipe size will work when developing the 90% and final plans.
- c. **Menger Creek Sewer Line** – When developing the 60% plans, the limits of the sewer line to be removed and relocated increased upstream of the existing Old San Antonio low water crossing to accommodate the channel grading design. The development of 90% and final plans will need to be reviewed to verify that sewer line design will work to accommodate the potential for the wetland design and/or full bank channel design.
- d. **South Old San Antonio Storm Sewer System** - The channel design was converted to a closed storm sewer system after the 30% schematic design and extended along Old San Antonio Road south of the Herff intersection to the southernmost limits of the project to address issues with future maintenance on a concrete channel and provide future capacity for widening Old San Antonio beyond the project limits.
- e. **North Old San Antonio Storm Sewer System** – The channel design was converted to a closed storm sewer system after the 60% design plans and extended along Old San Antonio Road north of the Herff intersection to the northernmost limits of the project to address issues with future maintenance at the request of the city. The development of the 90% and final plans will need to be re-designed to incorporate the closed storm sewer system.
- f. **Herff Road Water Line** – When developing the 30% schematic plans additional water line was added to the project to address the city's future water needs along Herff road for the 60% plans. The development of the 90% and final plans will need to be re-designed to incorporate the water line.
- g. **North Old San Antonio Water Line** – Due to the changes from a channel design to a closed storm sewer system at the 60% plans the water line along old San Antonio Road north of the Herff intersection will require modifications to accommodate storm inlet laterals and the storm sewer system. The development of the 90% and final plans will need to be re-designed to incorporate the water line.

- h. **Removal of Barbaras Roadway and 60% Plans** - When developing the 60% plans Barbaras Road tie into Old San Antonio Road was removed to address safety concerns and H&H modeling constraints. The finalization of the 60% plans incorporated a revised roadway plans and updated H&H modeling reflecting the changes.
- i. **Preliminary Channel Grading & Additional H&H Modeling** – When developing the 60% plans, significant channel grading was encountered due to the rapid change in topography adjacent to the proposed bridge crossing. It was anticipated that the project wouldn't require channel grading due to the selection of the bridge length that was intended to span the channel. To mitigate rises in the channel and accommodate the project parameters, several different channel grading options were required and incorporated into the development of the 60% plans.
- j. **Wetland Design for 60%, 90% and Final Plans**
  - a. **Site Visit**

Halff will conduct a field reconnaissance within the project area to obtain existing channel morphology, stream profile, thalweg, degradation/aggradation along the channel, channel cross section at key locations, terrace locations, etc. The data will also include photos, channel sketches, notes and other detail information to define the existing channel upstream and downstream to determine the appropriate profile for design. No additional field survey will be collected.
  - b. **Bankfull Determination**

Halff will use Regional Curves and site visit information staff to determine bankfull sizing of Menger Creek. At the time of writing, we are aware of the San Antonio River Authority's regional assessment of bankfull size in the area. The determination of bankfull will guide the creek profile, location of storm drain outfalls and floodplain overbank elevations. Halff will also evaluate USGS Regional Regression equations as a method to establish bankfull flow for the project site.

**Deliverables:**

    - i. Detailed H&H modeling of proposed bankfull conditions
    - ii. Stream restoration and wetland mitigation analysis.
  - c. **Design Services**

Halff will develop additional plans, specifications, and estimate (PS&E) to be incorporated into overall project construction documents for use in bidding and constructing the project by City staff.
  - d. **60% Design Submittal**

Stream Restoration and Floodplain Preliminary Grading Plan & Profile – Provide the preliminary grading plan for the expanded floodplain areas and stream along with the vertical profile showing the stream restoration design.

    - i. Preliminary Stream Restoration Plan, Profile and Cross-sections
    - ii. Streambank Stabilization layout
    - iii. Outfall energy dissipation calculations and grading to be included in stream restoration design.
  - e. **90% and Final Design Submittal**

Upon City's formal approval of the 60% Design Submittal, Halff will proceed with 90% & Final Design Submittals. The final specifications and a finalized probable construction cost estimate of the Final design submittal will be provided along with the plans which may include:

- i. Stream Restoration Plan detailed grading
- ii. Stream profile, location of grade control features
- iii. Streambank stabilization layout
- iv. Typical Cross Sections
- v. Details
- vi. Wetland mitigation design

Deliverables:

- i. 90% plans and opinion of probable construction cost.
- ii. Final plans, specification, and opinion of probable construction cost.

#### **TASK 6: Construction Phase Services Additional Scope**

The following scope of work will be added to the original approved contract under Task 6. After developing the 60% Development Plans and with additional required scope included in this amendment, the design team anticipates construction taking two years. Under the approved contract, one year was negotiated; therefore, the design team is adjusting the initially approved budget amount to cover the additional time and effort for the scope of work outlined under Task 6 of the original contract. This scope of work will only increase the fee since the additional elements will cause the construction to take longer.

#### **TASK 7: Environmental Services Additional Scope**

The following scope of work will be added to the original approved contract under Task 7. When processing of the environmental scope work Halff is currently under contract to deliver it was indicated that an Architectural Assessment would be needed to comply with the Antiquities Code of Texas and Section 106 of the National Historic Preservation Act. Below is a scope of services for the additional Architectural Assessment.

Halff will conduct an architectural assessment of the historic-age properties within and adjacent to the proposed project area described as the project. For purposes of this proposed architectural resources eligibility recommendation and assessment of direct and indirect effects, the architectural assessment area (or Area of Potential Effect – APE) is assumed to be the project area and parcels (including the district boundaries of the Herff-Rozelle Farm National Register of Historic Places (NRHP) listed district adjacent to the project area, be included in the proposed project scope.

##### **a. Archival Research and Agency Coordination**

- i. Perform basic archival research at the Texas Historical Commission (THC), the General Land Office (GLO), the National Park Service's (NPS) online National Register Information System (NRIS), and/or other relevant archives for information on previous cultural resources investigations conducted in the vicinity of the project area and historic properties within and in the vicinity of the project area. Desktop archival studies will examine a 1.0-mile radius surrounding the project area.
- ii. Review the abovementioned archives; historical, topographic, Central Appraisal District data and aerial photographs prior to initiating fieldwork to evaluate the potential for encountering historic-age (defined 45 years or older) within the APE.

##### **b. Architectural Survey Fieldwork**

- i. In lieu of conduction fieldwork, the architectural historian will use photographs and any available documentation provided by Halff to prepare descriptions and assessments of all resources within

the project APE (described as all historic-age resources within the project area and adjacent parcels to the project area).

**c. Technical Report**

- i. Assess the significance of any historic-age (those 45-years or older) cultural resources within the APE in terms of their potential eligibility for inclusion in the National Register of Historic Places and/or for designation as State Antiquities Landmarks, as appropriate.
- ii. Develop a draft technical letter report detailing the project background and cultural setting of the project area, description of the historic-age resources, recommendations for historic-age resources documented during the survey and a bibliography of references cited suitable for review by the THC and any other applicable regulatory agencies.
- iii. Submit a draft letter report describing the results of the survey to the client for review. Following approval of the draft report by the city, the design team will address comments and prepare a final report.
- iv. Respond to comments on the draft report offered by the THC and any other applicable regulatory agencies and produce a final report.
- v. Submit the final report to City, and/or the U.S. Army Corps of Engineers and THC.

**TASK 8: Right-of-Way & Easement Acquisition Additional Scope**

The following scope of work will be added to the original approved contract under Task 8. After the development of the 60% Plans, additional parcels were identified that would need Right-of-Way & Easement Acquisition to deliver the project and accommodate the change in scope of work noted in this amendment. The original scope of work included only six (6) parcels, and yet eleven (11) parcels were identified after developing the 60% plans. This scope of work will follow the original scope of work and will only increase the fee to cover the additional five (5) parcels identified after the 60% plans.

## Exclusions

Our proposal excludes the following services:

- Evaluation of the development of recommendations for infrastructure not associated with the proposed project
- No Foundation/Structural design is included for the power poles. Should Foundation/Structural design for the power poles be needed a separate proposal would be prepared and submitted.
- Creation of design standards or details
- Additional site visits except as noted herein
- Meetings or presentations not specified herein; additional meetings will require an additional fee
- Full-time construction inspection
- Quality control and material testing services during construction
- Design of telephone, or other utility improvements except as noted herein
- Construction staking except as noted herein
- City or County permit and review fees and taxes
- Revisions to plans requested by the Owner after the plans are approved
- Permit fees, filing fees, pro-rated fees, impact fees, and taxes
- Design of off-site facilities except as noted herein
- SW3P Plan or Report / Narrative
- This proposal does not include any other agency coordination or consultation services beyond what is explicitly stated.
- This proposal does not include any additional studies or deliverables beyond those already outlined. Should additional studies and deliverables be required, a separate proposal would be prepared and submitted.
- The fees associated with these scopes of work are valid for three months from the date of the proposal.

## Fee

Below is a summary of the lump-sum fee for professional services by task:

**Old San Antonio Road Improvements City of Boerne  
Level of Effort - Fee Estimate  
Design, Bid, and Construction Phase Services  
AMENDMENT NO. 2**

**SUMMARY OF FEE BY TASK**

TASK 1:	PROJECT MANAGEMENT, SURVEYING, DATA COLLECTION, AND DESIGN ANALYSIS	Original Contract	Amendment No 2	Original Contract & Amend. No. 1 & 2
	Project Administration	\$ 63,700	\$ 13,000	\$ 76,700
	Surveying	\$ 31,100	\$ 24,900	\$ 56,000
	PROJECT MANAGEMENT, SURVEYING, DATA COLLECTION, AND DESIGN ANALYSIS SUBTOTAL	\$ 94,800	\$ 37,900	\$ 132,700
TASK 2:	SCHEMATIC DESIGN PLAN PREPARATION (30%)			
	Engineering			
	Roadway	\$ 49,100		
	Bridge	\$ 28,400		
	Utility Coordination	\$ 10,300		
	Utility Design	\$ 23,200		
	H&H Analysis/Drainage	\$ 31,300		
	SCHEMATIC DESIGN PLAN PREPARATION (30%) SUBTOTAL	\$ 142,300	No change	No change
TASK 3:	DESIGN DEVELOPMENT PLAN PREPARATION (60%)			
	Engineering			
	Roadway	\$ 66,500	\$ 4,500	\$ 71,000
	Bridge	\$ 44,100		
	Utility Coordination	\$ 19,877		
	Utility Design	\$ 27,500	\$ 21,500	\$ 49,000
	H&H Analysis/Drainage	\$ 43,700		
	Traffic Control	\$ 10,600		
	Channel Grading (Amendment No. 2)		\$ 15,000	\$ 15,000
	DESIGN DEVELOPMENT PLAN PREPARATION (60%) SUBTOTAL	\$ 212,277	\$ 41,000	\$ 253,277
TASK 4:	CONSTRUCTION DOCUMENTS PLAN PREPARATION (90% & 100%)			
	Engineering			
	Roadway	\$ 70,100		
	Bridge	\$ 21,100		
	Utility Coordination	\$ 9,500		
	Utility Design	\$ 35,500	\$ 24,000	\$ 59,500
	H&H Analysis/Drainage	\$ 25,700		
	Traffic Control	\$ 6,800		
	Wetland Design (Amendment No. 2)		\$ 30,300	\$ 30,300
	CONSTRUCTION DOCUMENTS PLAN PREPARATION (90% & 100%)	\$ 168,700	\$ 54,300	\$ 223,000
TASK 5:	BID PHASE SERVICES			
		\$ 22,170		
	BID PHASE SERVICES SUBTOTAL	\$ 22,170	No change	No change
TASK 6:	CONSTRUCTION PHASE SERVICES			
		\$ 82,615	\$ 57,600	\$ 140,215
	CONSTRUCTION PHASE SERVICES SUBTOTAL	\$ 82,615	\$ 57,600	\$ 140,215
TASK 7:	ENVIRONMENTAL SERVICES			
	Section 404 of the Clean Water Act Compliance	\$ 15,455		
	Threatened & Endangered Species Habitat Assessment	\$ 5,478		
	Geologic Assessment (LGRPZ Compliance)	\$ 11,132		
	Cultural resources Services	\$ 23,102		
	Architectural Assessment (Amendment No 2)		\$ 6,500	\$ 6,500
	ENVIRONMENTAL SERVICES SUBTOTAL	\$ 55,167	\$ 6,500	\$ 61,667
TASK 8:	RIGHT-OF-WAY & EASEMENT ACQUISITION			
	ROW & Easement Acquisition (Six Parcels)	\$ 61,000	\$ 50,830	<sup>(1)</sup> \$ 111,830
	Appraisal services (Six Parcels)	\$ 25,800	\$ 21,500	<sup>(1)</sup> \$ 47,300
	Metes and Bounds for ROW (Six Parcels)	\$ 13,100	\$ 10,915	<sup>(1)</sup> \$ 24,015
	RIGHT-OF-WAY & EASEMENT ACQUISITION SUBTOTAL	\$ 99,900	\$ 83,245	\$ 183,145
TASK 9:	TRAFFIC SIGNAL DESIGN	\$ 30,543	No Change	No Change
TASK 10:	SUBSURFACE UTILITY ENGINEERING			
	Subsurface Utility Engineering (SUE) (Quality Level A)(5 Test Holes)	\$ -	<sup>(2)</sup>	
	SUE (Quality Level B)	\$ 22,500		
	SUBSURFACE UTILITY ENGINEERING SUBTOTAL	\$ 22,500		
TASK 11:	GEOTECHNICAL INVESTIGATION (incl 3 days traffic control)	\$ 28,400	No Change	No Change
TASK 12:	TDLR REVIEW / INSPECTION	\$ 8,100	No Change	No Change





SPECIFIED ADDITIONAL SERVICES		Original Contract	Amendment No 2	Original Contract & Amend. No. 1 & 2
TASK 13:	Additional Public Meeting	\$ 6,700		
TASK 14:	Section 404 Nationwide Permit Pre-Construction Notification	\$ 16,519		
TASK 15:	Construction Survey Staking For Proposed Power Poles	\$ 8,200 <sup>(2)</sup>		
TASK 16:	Overhead Power Relocation Design	\$ 19,800 <sup>(2)</sup>		
SPECIFIED ADDITIONAL SERVICES SUBTOTAL		<u>\$ 51,219</u>	<u>No Change</u>	<u>No Change</u>
GRAND TOTAL		<u>\$ 1,018,691</u>	<u>\$ 280,545</u>	<u>\$ 1,299,236</u>

Notes:

- (1) The following fee represents the five additional parcels that will need Right-Of-Way & Easement Acquisition.  
(2) The following tasks were modified under Amendment No. 1. See Amendment No. 1 for additional information.

This work will be performed in accordance with the general conditions of the prime contract documents. We hope the scope of services and fees provided above are acceptable to you and we are prepared to begin these tasks upon notification. If you have any questions or need additional information, please feel free to contact myself at (210) 704-1355 or email at [marcus.garcia@halff.com](mailto:marcus.garcia@halff.com).

Respectfully,  
Halff

Marcus Eli Garcia, PE,  
Project Manager

CC: Josh Logan, PE, CFM  
Bobby Balli, PE, PWLF

ACCEPTED BY:  
CITY OF BOERNE

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

**Exhibit A-1**



Note: The project limits are shown in red.



## AGENDA ITEM SUMMARY

<b>Agenda Date</b>	December 12, 2023										
<b>Requested Action</b>	CONSIDER RESOLUTION NO. 2023-R95; AUTHORIZING THE CITY MANAGER TO MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND OPEN AIR STUDIOS, LLC FOR THE ARCHITECTURAL DESIGN AND CONSTRUCTION PLAN DOCUMENTS FOR THE BOERNE PARKING LOT IMPROVEMENTS PROJECT, FOR A NOT TO EXCEED AMOUNT OF \$74,450.00.										
<b>Contact Person</b>	Jeffrey Carroll – Engineering & Mobility Director										
<b>Background Information</b>	<p>There is an existing public parking lot located northwest of the intersection of Plant Avenue and River Road, behind the Dodging Duck Restaurant. The parking lot is located on a parcel that was partially owned by the City and the remaining portion had been owned by LCRA which the City had a lease agreement. The City purchased the LCRA portion of the parcel in July 2021.</p> <p>In the previous fiscal year staff worked with Open Air Studios, LLC (Open Air), a qualified landscape architect company, to prepare a schematic design and concept for improvements to this parking lot. The Schematic Design was reviewed by staff as well as others in the City's Urban Corridor Design workgroup.</p> <p>Within this year's budget there were funds allocated to prepare full construction drawings, based upon the previous schematic design.</p> <p>Staff has negotiated a fee for the necessary scope of work, which totals \$74,450. Staff concurs this is appropriate compensation and recommends the Council authorize the City Manager to approve this contract amendment with Open Air.</p>										
<b>Item Justification</b>	<table border="0"> <tr> <td><input 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 checked="" type="checkbox"/> Master Plan Recommendation</td> <td><input type="checkbox"/> Other:</td> </tr> </table>	<input 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 checked="" type="checkbox"/> Master Plan Recommendation	<input type="checkbox"/> Other:
<input 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 checked="" type="checkbox"/> Master Plan Recommendation	<input type="checkbox"/> Other:										

<b>Strategic Alignment</b> (Example: C2 – Customer Feedback, B1 – Data Driven Decision)	F2 – Investing in and maintaining high-quality infrastructure systems and public assets.
<b>Financial Considerations</b>	N/A
<b>Citizen Input/Board Review</b>	N/A
<b>Legal Review</b>	N/A
<b>Alternative Options</b>	N/A
<b>Supporting Documents</b>	Open Air Studios Contract

**RESOLUTION NO. 2023-R95**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND OPEN AIR STUDIOS, LLC FOR THE ARCHITECTURAL DESIGN AND CONSTRUCTION PLAN DOCUMENTS OF THE PLANT AVENUE PARKING LOT IMPROVEMENTS FOR AN AMOUNT NOT TO EXCEED \$74,450.00**

**WHEREAS**, the City owns the parking lot located northwest of the intersection of Plant Avenue and River Road, behind the Dodging Duck Restaurant; and

**WHEREAS**, the City desires to make improvements to this public parking lot; and

**WHEREAS**, the City Council finds it in the best interest of the citizens of Boerne to enter into and manage an agreement for the Plant Avenue Parking Lot Improvements;

**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 Open Air Studios, LLC for the architectural design and construction plan documents of the Plant Avenue Parking Lot Improvements for an amount not to exceed \$74,450.00.

PASSED and APPROVED on this the \_\_\_\_ day of December, 2023.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

November 7, 2023

Cheryl Rogers, P.E.  
City Engineer  
City of Boerne  
447 N. Main Street  
Boerne, TX 78006



**RE: Proposal for Professional Services – Boerne Parking Lot Improvements – Boerne, Texas**

Cheryl:

Open Air Studios, LLC ("OAS") is pleased to provide this proposal related to the architectural services for Boerne Parking Lot Improvements. OAS's work would pertain solely to the landscape architectural services associated with the proposed improvements located on +/- .45 acres near the intersection of River Rd. and Plant Rd., Boerne, Texas.

OAS assumes our basic service fee will relate to the following parking improvements listed below and defined in the approved Conceptual Design Plan dated September 12, 2023 (attached). These services will include the following:

- Prepare and provide a Design Development Plans that will determine the final characteristics of the design elements and configuration of the parking lot including grading/drainage, electric requirements, pavement design, local and state design requirements, etc.
- Prepare and provide Construction Documents Plans which will describe the project in greater detail and are suitable for bidding and constructing the project.

Basic design services shall include the services of a Civil Engineer, MEP Engineer, and Structural Engineer. Sitework needing assistance or documentation of an architect, surveyor or geo-technical engineer are not part of the basic services and will be an additional service.

## **SCOPE OF BASIC SERVICES**

Open Air Studios basic services will be as follows:

### *Design Development Phase*

1. Meet with the project team to confirm program information that was established during the Conceptual Design Phase.
2. Coordinated design files with civil engineer and project team to establish an overall working file for the site.
3. Begin and complete necessary code research for project including entries, fire, accessibility code research, etc.
4. Prepare and finalize the site plan to determine final documentation of the following elements:

- Parking Lot Layout, Driveway Cuts, Entry and Exits
  - Special Pavement Areas
  - Parking Lot Fencing and Screening
  - Parking Lot Signage and Information Signage
  - Coordination of grading and utilities
  - Pedestrian Connections
  - Planting Design
5. Prepare and present preliminary cost estimates of probable construction costs.
  6. Attend three (3) project meetings / conference calls as required for coordination and review.

#### Construction Documents Phase

1. Prepare Construction Documents in compliance with local, state, and national codes and ordinances. Documents will include civil engineering, structural engineering, and MEP engineering plans and specifications.
2. Provide material and layout plans indicating the various materials as well as horizontal dimensioning and vertical control to construct the project.
3. Provide hardscape construction details which indicate the quality and finishes of the final product.
4. Provide planting plans to lay out trees, shrubs, vines, groundcover, and turf. This shall include a plant list with plant names, sizes, spacing, etc. This proposal does not include Tree Perseveration and/or Mitigation Plans or Methods.
5. Provide irrigation plans to lay out irrigation system and all components.
6. Provide technical sections of the specifications covering work shown within the construction documents.
7. Respond to local and/or state government review as required to obtain permitting.
8. Attend three (3) project meetings as required for coordination and review.

#### Bid and Construction Administration Phase

Bid and Construction Administration for this project will be based on an hourly rate approved by the City of Boerne at the time of services.

This proposal assumes two (2) Design Development submittal reviews and two (2) Construction Document submittal reviews will be required. Assumes project coordination will occur within Client meetings.



Consultants: Basic Services includes the services of a civil engineer, structural engineer, MEP engineer, and irrigation consultant. Sitework needing assistance or documentation of an architect, surveyor, or geo-technical engineer will be provided and compensated by the Client.

## **SCHEDULE**

The preliminary schedule for the Basic Services described above will be as follows:

<b>Project Schedule</b>	<b>Days</b>
Design Development	60 Days
Construction Documents	75 Days
Bidding	21 Days
Construction	225 Days

The time of construction is tentative and will be dependent upon the awarded contractor and time of construction start date, weather delays, material availability, etc. OAS bears no responsibility and has no control over the time of construction for proposed improvements.

In addition, this preliminary schedule is based upon proposed improvements discussed during contract negotiations. If proposed improvements are altered or added, this preliminary schedule will be affected and revised.

## **COMPENSATION**

Our fees and expenses for the Basic Services described above will be as follows:

Design Development Phase	\$28,550
Construction Documents Phase	\$45,900
<b>Total</b>	<b>\$74,450</b>

## **REIMBURSABLE EXPENSES**

In addition to the Basic Services fee, reimbursable expenses will be invoiced at our actual cost, plus 10% administrative charge. Reimbursable expenses are all monies expended specifically for and to professionally complete the project. They include, but are not limited to:

- Fees and Expenses paid for securing approval of Authorities Having Jurisdiction (AHJ) over the Project.
- Shipping, delivery and mailing of all reports, drawings, specifications, and other items in connection with the Project.
- Travel Expenses, including but not limited to automobile expenses, mileage, auto rental as necessary for moderate size category, parking, including all applicable taxes, and mileage to and from the Architect's office.
- Courier services, transmission, and reproduction of documents.

As required by the State of Texas, a project with building construction costs over \$50,000 will be submitted for review and subsequent inspection by a registered Texas Accessibility Standards licensed inspector. The State of Texas has standard fees based on construction costs. These fees are typically in the range of \$1,000 to \$1,500. Any associated registration, plan review and inspection fees will be considered direct reimbursable expenses.



## ADDITIONAL SERVICES

The following services are not included in Basic Services:

- Meetings or presentations not described specifically above including coordination and project outreach with County Officials, general public, etc.
- Special request of Administration Exceptions and/or Variances from governing agencies.
- Associated permitting fees.
- Revisions to work after prior approval by Client.
- Consultants not listed above.
- Meetings or presentations not described specifically.
- Communications and security systems design and specifications.
- Building way-finding graphics/signage design and specifications.
- Extensive drawing, survey, and digital file changes - exceeding three revisions.
- Changes to scope of work or plans after 100% submission.
- Drawing perspectives, bird's eye views, renderings not described specifically, etc.

Cheryl, we really appreciate the opportunity to provide services for this project. If you have any questions about the proposal, do not hesitate to contact me.

Sincerely,



Matthew Moczygemba, PLA  
Managing Member  
Open Air Studios, LLC

Agreed and Accepted by:		
<hr/>		
Signed	Date	
<hr/>		
Name	Title	
<hr/>		
REFER TO CITY OF BOERNE AGREEMENT TO PROVIDE PROFESSIONAL SERVICES ARCHITECTS AND ENGINEERS EXECUTATED ON:		
<hr/>		
Month	Date	Year



"A" Row Depth	19'-0"
"B" Aisle Width	13'-0"
"C" Stall Width	9'-0"
"D" Stall Length	18'-0"
"E" Curb Length	12.7'

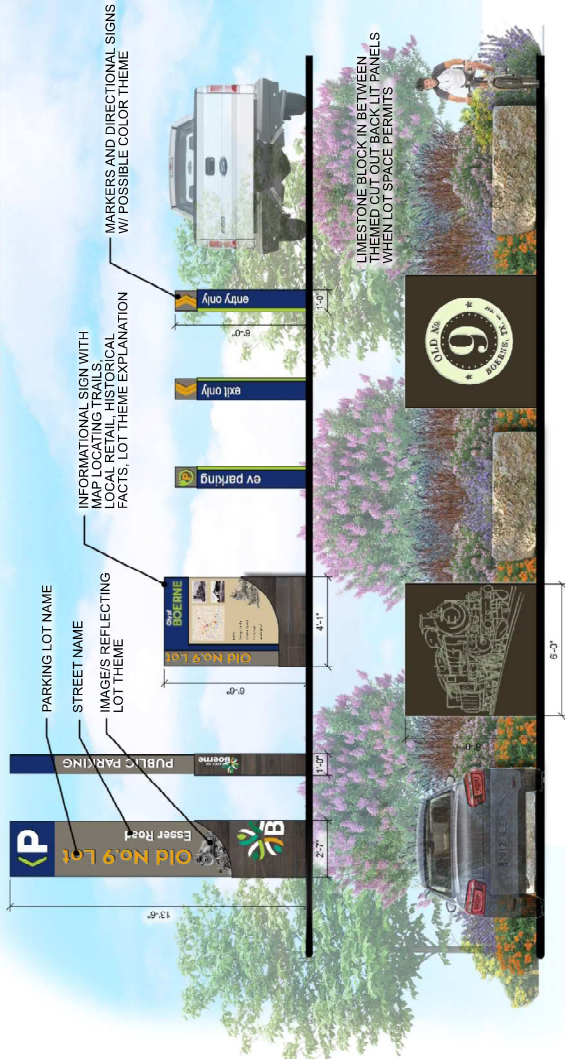
**36 TOTAL PARKING SPACES**

3 EV PARKING STATIONS (1 ACCESSIBLE SPACE)

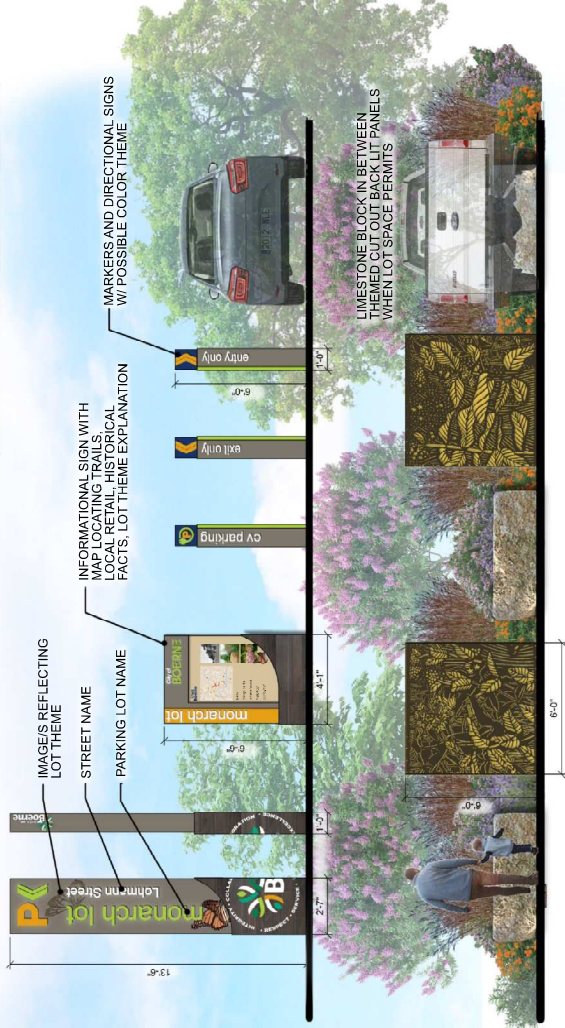
2 ACCESSIBLE PARKING



PARKING LOT SIGNAGE - CONCEPT 3



PARKING LOT SIGNAGE - CONCEPT 2



PARKING LOT REFERENCE IMAGES



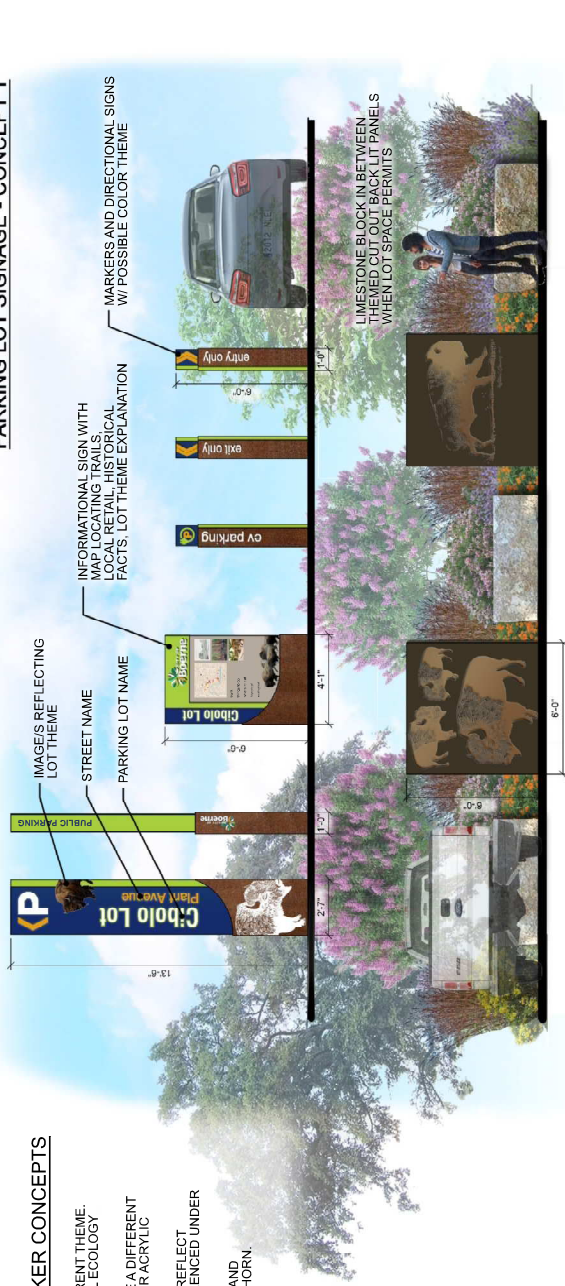
LASER CUT METAL PANELS OR CABINETS WITH INTERNALLY LIT COLORED ACRYLIC

EXAMPLE OF CUSTOM MONARCH AND MILKWEED CUT OUT PANELS BY STUDIO TUTTO

PARKING LOT MARKER CONCEPTS

- EACH LOT TO HAVE A DIFFERENT THEME, POSSIBLE THEMING: LOCAL ECOLOGY OR HISTORY.
- EACH PARKING LOT TO HAVE A DIFFERENT CUT OUT THEME WITH COLOR ACRYLIC BACKGROUND
- PARKING LOT PLANTING TO REFLECT LANDSCAPE PALETTE REFERENCED UNDER REGIONAL IDENTITY IN:
- "URBAN CORRIDORS DESIGN AND ENHANCEMENT" BY KIMLEY HORN.

PARKING LOT SIGNAGE - CONCEPT 1



CITY OF BOERNE

Parking Lot Improvements

Scale: NOT TO SCALE  
September 2023





## AGENDA ITEM SUMMARY

<b>Agenda Date</b>	December 12, 2023
<b>Requested Action</b>	RECEIVE AND APPROVE THE FOURTH QUARTER FINANCIAL AND INVESTMENT REPORT FOR THE PERIOD ENDED SEPTEMBER 30, 2023.
<b>Contact Person</b>	Sarah Buckelew, Finance Director
<b>Background Information</b>	The City is required by the Public Funds Investment Act to present an investment report to the City Council at least quarterly. The City's Quarterly Financial and Investment Report for the twelve months ended September 30, 2023 will be presented and discussed in the meeting.
<b>Item Justification</b>	<div> <input checked="" type="checkbox"/> Legal/Regulatory Obligation         <input type="checkbox"/> Infrastructure Investment       </div> <div> <input type="checkbox"/> Reduce Costs         <input type="checkbox"/> Customer Pull       </div> <div> <input type="checkbox"/> Increase Revenue         <input type="checkbox"/> Service Enhancement       </div> <div> <input type="checkbox"/> Mitigate Risk         <input type="checkbox"/> Process Efficiency       </div> <div> <input type="checkbox"/> Master Plan Recommendation         <input type="checkbox"/> Other:       </div>
<b>Strategic Alignment</b> (Example: C2 – Customer Feedback, B1 – Data Driven Decision)	F1: Commitment to strategic, responsible, and conservative financial management.
<b>Financial Considerations</b>	The City's Quarterly Financial and Investment Report for the twelve months ended September 30, 2023 will be presented and discussed in the meeting.
<b>Citizen Input/Board Review</b>	N/A
<b>Legal Review</b>	N/A
<b>Alternative Options</b>	N/A

<b>Supporting Documents</b>	Quarterly Financial & Investment Report
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# ***QUARTERLY FINANCIAL AND INVESTMENT REPORT***

***FOR THE TWELVE MONTHS ENDED  
SEPTEMBER 30, 2023***

**CITY MANAGER:**  
BEN THATCHER

**ASSISTANT CITY MANAGERS:**  
KRISTY STARK  
DANNY ZINCKE

**FINANCE DIRECTOR:**  
SARAH BUCKELEW, CPA

CITY OF BOERNE, TEXAS  
GENERAL FUND  
STATEMENT OF REVENUES  
BUDGET AND ACTUAL  
FOR THE YEAR ENDED SEPTEMBER 30, 2023  
(100% OF FISCAL YEAR) - PRELIMINARY & UNAUDITED

	CURRENT BUDGET	ACTUAL REVENUES	VARIANCE FROM BUDGET	PERCENT OF BUDGET
TAXES	\$ 17,725,132	\$ 19,102,647	\$ 1,377,515	107.77%
FINES	244,400	243,158	(1,242)	99.49%
LICENSES AND FEES	3,988,533	4,959,311	970,778	124.34%
INTERLOCAL/SHARED SERVICES	3,504,096	3,507,573	3,477	100.10%
OTHER REVENUES	2,544,470	5,019,493	2,475,023	197.27%
INTEREST	130,000	1,416,396	1,286,396	1089.54%
GRANTS AND DONATIONS	8,000	57,962	49,962	724.52%
SUB - TOTAL	\$ 28,144,631	\$ 34,306,537	\$ 6,161,906	121.89%
TRANSFER FROM OTHER FUNDS	180,000	180,000	-	100.00%
FUND BALANCE	403,986	403,986	-	100.00%
TOTAL REVENUES	\$ 28,728,617	\$ 34,890,523	\$ 6,161,906	121.45%

**GENERAL FUND SUMMARY**

TOTAL REVENUE INCLUDING TRANSFERS	\$ 28,324,631	\$ 34,486,537	\$ 6,161,906	121.75%
GENERAL FUND EXPENDITURES	28,728,617	26,444,515	2,284,102	92.05%
BUDGETED FUND BALANCE	403,986	403,986.00	-	100.00%
SURPLUS (DEFICIT)	\$ -	\$ 8,446,008	\$ 8,446,008	

**NOTES:**

The General Fund accounts for the resources used to finance the fundamental operations of the City. It is the basic fund of the City and covers all activities for which a separate fund has not been established.

CITY OF BOERNE, TEXAS  
GENERAL FUND  
STATEMENT OF EXPENDITURES  
BUDGET AND ACTUAL  
FOR THE YEAR ENDED SEPTEMBER 30, 2023  
(100% OF FISCAL YEAR) - PRELIMINARY & UNAUDITED

	CURRENT BUDGET	ACTUAL EXPENDITURES	VARIANCE FROM BUDGET	PERCENT OF BUDGET
<b>ADMINISTRATION</b>				
PERSONNEL	\$ 1,368,302	\$ 1,211,911	\$ 156,391	88.57%
PROFESSIONAL SERVICES	226,109	244,432	(18,323)	108.10%
GENERAL	507,192	187,620	319,572	36.99%
OTHER CONTRACTS	261,398	202,501	58,897	77.47%
NON-OPERATING	989,464	989,464	-	100.00%
CAPITAL OUTLAY	20,000	44,460	(24,460)	222.30%
<b>TOTAL ADMINISTRATION</b>	<b>\$ 3,372,465</b>	<b>\$ 2,880,388</b>	<b>\$ 492,077</b>	<b>85.41%</b>
<b>STREET DEPARTMENT</b>				
PERSONNEL	\$ 1,156,721	\$ 1,009,402	\$ 147,319	87.26%
SUPPLIES	250,800	181,978	68,822	72.56%
MAINTENANCE	354,498	347,434	7,064	98.01%
PROFESSIONAL SERVICES	169,220	83,656	85,564	49.44%
GENERAL	27,957	29,934	(1,977)	107.07%
CAPITAL OUTLAY	335,000	351,284	(16,284)	104.86%
<b>TOTAL STREET DEPT</b>	<b>\$ 2,294,196</b>	<b>\$ 2,003,687</b>	<b>\$ 290,509</b>	<b>87.34%</b>
<b>LAW ENFORCEMENT</b>				
PERSONNEL	\$ 6,029,171	\$ 5,794,735	\$ 234,436	96.11%
SUPPLIES	30,500	22,708	7,792	74.45%
MAINTENANCE	161,300	146,902	14,398	91.07%
GENERAL	243,534	207,893	35,641	85.37%
CAPITAL OUTLAY	267,017	399,751	(132,734)	149.71%
<b>TOTAL LAW ENFORCEMENT</b>	<b>\$ 6,731,522</b>	<b>\$ 6,571,990</b>	<b>\$ 159,532</b>	<b>97.63%</b>
<b>FIRE DEPARTMENT</b>				
PERSONNEL	\$ 2,991,836	\$ 3,031,925	\$ (40,089)	101.34%
SUPPLIES	78,500	56,206	22,294	71.60%
MAINTENANCE	178,950	53,668	125,282	29.99%
PROFESSIONAL SERVICES	23,465	10,115	13,350	43.11%
GENERAL	280,268	201,371	78,897	71.85%
CAPITAL OUTLAY	121,786	8,317	113,469	6.83%
<b>TOTAL FIRE DEPARTMENT</b>	<b>\$ 3,674,805</b>	<b>\$ 3,361,601</b>	<b>\$ 313,204</b>	<b>91.48%</b>
<b>DISPATCH</b>				
PERSONNEL	\$ 1,404,284	\$ 1,384,757	\$ 19,527	98.61%
MAINTENANCE	47,360	39,380	7,980	83.15%
GENERAL	61,994	61,994	0	100.00%
<b>TOTAL DISPATCH</b>	<b>\$ 1,513,638</b>	<b>\$ 1,486,130</b>	<b>\$ 27,508</b>	<b>98.18%</b>



CITY OF BOERNE, TEXAS  
GENERAL FUND  
STATEMENT OF EXPENDITURES  
BUDGET AND ACTUAL  
FOR THE YEAR ENDED SEPTEMBER 30, 2023  
(100% OF FISCAL YEAR) - PRELIMINARY & UNAUDITED

	CURRENT BUDGET	ACTUAL EXPENDITURES	VARIANCE FROM BUDGET	PERCENT OF BUDGET
<b>MUNICIPAL COURT</b>				
PERSONNEL	\$ 286,711	\$ 270,403	\$ 16,308	94.31%
SUPPLIES	6,000	-	6,000	0.00%
MAINTENANCE	2,141	-	2,141	0.00%
PROFESSIONAL SERVICES	50,698	50,198	500	99.01%
GENERAL	23,457	13,417	10,040	57.20%
CAPITAL OUTLAY	7,500	7,568	(68)	100.91%
<b>TOTAL MUNICIPAL COURT</b>	<b>\$ 376,507</b>	<b>\$ 341,586</b>	<b>\$ 34,921</b>	<b>90.73%</b>
<b>ANIMAL CONTROL</b>				
PERSONNEL	\$ 349,113	\$ 326,708	\$ 22,405	93.58%
MAINTENANCE	30,320	2,005	28,315	6.61%
GENERAL	49,551	84,867	(35,316)	171.27%
<b>TOTAL ANIMAL CONTROL</b>	<b>\$ 428,984</b>	<b>\$ 413,580</b>	<b>\$ 15,404</b>	<b>96.41%</b>
<b>PERMITTING &amp; CODE COMPLIANCE</b>				
PERSONNEL	\$ 536,821	\$ 447,440	\$ 89,381	83.35%
GENERAL	80,931	89,784	(8,853)	110.94%
<b>TOTAL CODE ENFORCEMENT</b>	<b>\$ 617,752</b>	<b>\$ 537,224</b>	<b>\$ 80,528</b>	<b>86.96%</b>
<b>PLANNING</b>				
PERSONNEL	\$ 1,009,808	\$ 994,792	\$ 15,016	98.51%
MAINTENANCE	32,400	8,055	24,345	24.86%
PROFESSIONAL SERVICES	158,738	172,597	(13,859)	108.73%
GENERAL	74,926	16,206	58,720	21.63%
CAPITAL OUTLAY	250	-	250	0.00%
<b>TOTAL PLANNING</b>	<b>\$ 1,276,122</b>	<b>\$ 1,191,649</b>	<b>\$ 84,472</b>	<b>93.38%</b>
<b>INFORMATION TECHNOLOGY</b>				
PERSONNEL	\$ 693,381	\$ 695,409	\$ (2,028)	100.29%
SUPPLIES	3,000	2,385	615	79.51%
MAINTENANCE	1,048,701	816,831	231,870	77.89%
PROFESSIONAL SERVICES	55,000	44,850	10,150	81.55%
GENERAL	576,456	533,607	42,849	92.57%
CAPITAL OUTLAY	85,663	76,070	9,594	88.80%
<b>TOTAL INFORMATION TECHNOLOGY</b>	<b>\$ 2,462,201</b>	<b>\$ 2,169,152</b>	<b>\$ 293,049</b>	<b>88.10%</b>

CITY OF BOERNE, TEXAS  
GENERAL FUND  
STATEMENT OF EXPENDITURES  
BUDGET AND ACTUAL  
FOR THE YEAR ENDED SEPTEMBER 30, 2023  
(100% OF FISCAL YEAR) - PRELIMINARY & UNAUDITED

	CURRENT BUDGET	ACTUAL EXPENDITURES	VARIANCE FROM BUDGET	PERCENT OF BUDGET
<b>SPECIAL PROJECTS</b>				
PERSONNEL	\$ 306,473	\$ 309,116	\$ (2,643)	100.86%
MAINTENANCE	3,000	795	2,205	26.49%
GENERAL	217,078	199,246	17,832	91.79%
<b>TOTAL SPECIAL PROJECTS</b>	<b>\$ 526,551</b>	<b>\$ 509,156</b>	<b>\$ 17,395</b>	<b>96.70%</b>
<b>HUMAN RESOURCES</b>				
PERSONNEL	\$ 363,669	\$ 350,174	\$ 13,495	96.29%
PROFESSIONAL SERVICES	8,500	14,849	(6,349)	174.70%
GENERAL	123,194	129,214	(6,020)	104.89%
<b>TOTAL HUMAN RESOURCES</b>	<b>\$ 495,363</b>	<b>\$ 494,237</b>	<b>\$ 1,126</b>	<b>99.77%</b>
<b>LEGAL</b>				
PROFESSIONAL SERVICES	325,000	324,273	727	99.78%
<b>TOTAL LEGAL</b>	<b>\$ 325,000</b>	<b>\$ 324,273</b>	<b>\$ 727</b>	<b>99.78%</b>
<b>COMMUNICATIONS</b>				
PERSONNEL	\$ 265,819	\$ 249,465	\$ 16,354	93.85%
MAINTENANCE	31,150	31,287	(137)	100.44%
GENERAL	49,952	32,226	17,726	64.51%
<b>TOTAL COMMUNICATIONS</b>	<b>\$ 346,921</b>	<b>\$ 312,977</b>	<b>\$ 33,944</b>	<b>90.22%</b>
<b>ENGINEERING &amp; MOBILITY</b>				
PERSONNEL	\$ 1,136,730	\$ 1,086,057	\$ 50,673	95.54%
PROFESSIONAL SERVICES	503,400	278,441	224,959	55.31%
GENERAL	23,125	23,009	116	99.50%
<b>TOTAL DEVELOPMENT SERVICES</b>	<b>\$ 1,663,255</b>	<b>\$ 1,387,507</b>	<b>\$ 275,748</b>	<b>83.42%</b>
<b>FACILITY MAINT</b>				
PERSONNEL	\$ 808,089	\$ 851,867	\$ (43,778)	105.42%
MAINTENANCE	306,502	322,177	(15,675)	105.11%
GENERAL	13,171	15,948	(2,777)	121.08%
CAPITAL OUTLAY	20,000	18,161	1,839	90.81%
<b>TOTAL FACILITY MAINT</b>	<b>\$ 1,147,762</b>	<b>\$ 1,208,153</b>	<b>\$ (60,391)</b>	<b>105.26%</b>
<b>FLEET MAINTENANCE</b>				
PERSONNEL	\$ 443,535	\$ 452,466	\$ (8,931)	102.01%
SUPPLIES	310,994	259,752	51,242	83.52%
MAINTENANCE	710,146	531,701	178,445	74.87%
GENERAL	10,898	7,303	3,595	67.02%
<b>TOTAL FLEET MAINTENANCE</b>	<b>\$ 1,475,573</b>	<b>\$ 1,251,223</b>	<b>\$ 224,350</b>	<b>84.80%</b>
<b>TOTAL EXPENDITURES</b>	<b>\$ 28,728,617</b>	<b>\$ 26,444,515</b>	<b>\$ 2,284,101</b>	<b>92.05%</b>

CITY OF BOERNE, TEXAS  
HOTEL/MOTEL FUND  
STATEMENT OF REVENUES AND EXPENDITURES  
BUDGET AND ACTUAL  
FOR THE YEAR ENDED SEPTEMBER 30, 2023  
(100% OF FISCAL YEAR) - PRELIMINARY & UNAUDITED

	CURRENT BUDGET	ACTUAL ACTIVITY	VARIANCE FROM BUDGET	PERCENT OF BUDGET
REVENUES				
Taxes	\$ 925,000	\$ 1,048,698	\$ 123,698	113.37%
Penalties	1,000	-	(1,000)	0.00%
Other Revenues	1,000	1,278	278	127.83%
Interest	-	722	722	
TOTAL REVENUES	<u>927,000</u>	<u>1,050,698</u>	<u>123,698</u>	<u>113.34%</u>
EXPENDITURES				
Personnel	428,797	424,319	4,478	98.96%
Maintenance	1,000	535	465	53.48%
General	199,593	197,066	2,527	98.73%
Charges For Services	60,810	60,810	-	100.00%
Other Contracts	14,500	14,800	(300)	0.00%
Non-Operating	398,000	398,000	-	100.00%
Capital Outlay	4,300	-	4,300	0.00%
TOTAL EXPENDITURES	<u>1,107,000</u>	<u>1,095,530</u>	<u>11,470</u>	<u>98.96%</u>
BUDGETED FUND BALANCE	<u>180,000</u>	<u>180,000</u>	<u>-</u>	<u>100.00%</u>
SURPLUS (DEFICIT)	<u>\$ -</u>	<u>\$ 135,168</u>		

CITY OF BOERNE, TEXAS  
PARKS FUND  
STATEMENT OF REVENUES AND EXPENDITURES  
BUDGET AND ACTUAL  
FOR THE YEAR ENDED SEPTEMBER 30, 2023  
(100% OF FISCAL YEAR) - PRELIMINARY & UNAUDITED

	CURRENT BUDGET	ACTUAL ACTIVITY	VARIANCE FROM BUDGET	PERCENT OF BUDGET
REVENUES				
Taxes	\$ 2,532,590	\$ 2,540,452	\$ 7,862	100.31%
Licenses and Fees	520,633	4,055,268	3,534,635	778.91%
Facility Fees/Leases	131,500	145,373	13,873	110.55%
Other Revenues	156,000	179,872	23,872	115.30%
Interest	2,000	170,546	168,546	8527.31%
Grants and Donations	2,500	250	(2,250)	10.00%
Transfers from other funds	55,000	55,000	-	100.00%
TOTAL REVENUES	<u>3,400,223</u>	<u>7,146,762</u>	<u>3,746,539</u>	<u>210.19%</u>
EXPENDITURES				
Parks:				
Personnel	2,116,949	1,930,186	186,763	91.18%
Supplies	18,500	27,928	(9,428)	150.96%
Maintenance	372,327	329,862	42,465	88.59%
General	313,173	308,357	4,816	98.46%
Charges For Services	208,318	208,318	-	100.00%
Other Contracts	30,000	30,000	-	100.00%
Transfer to Other Funds	1,300,000	1,300,000	-	100.00%
Capital Outlay	73,160	87,545	(14,385)	119.66%
Sub-Total Parks Expenditures	<u>4,432,427</u>	<u>4,222,195</u>	<u>210,232</u>	<u>95.26%</u>
Pool:				
Personnel	189,933	57,886	132,047	30.48%
Supplies	33,520	18,090	15,431	53.97%
Maintenance	30,000	33,804	(3,804)	112.68%
General	5,800	6,327	(527)	109.08%
Capital Outlay	25,000	24,562	438	98.25%
Sub-Total Pool Expenditures	<u>284,253</u>	<u>140,669</u>	<u>143,584</u>	<u>49.49%</u>
TOTAL EXPENDITURES	<u>4,716,680</u>	<u>4,362,864</u>	<u>353,816</u>	<u>92.50%</u>
BUDGETED FUND BALANCE	<u>1,316,457</u>	<u>1,316,457</u>	<u>-</u>	<u>100.00%</u>
SURPLUS (DEFICIT)	<u>\$ -</u>	<u>\$ 4,100,355</u>		

CITY OF BOERNE, TEXAS  
CEMETERY FUND  
STATEMENT OF REVENUES AND EXPENDITURES  
BUDGET AND ACTUAL  
FOR THE YEAR ENDED SEPTEMBER 30, 2023  
(100% OF FISCAL YEAR) - PRELIMINARY & UNAUDITED

	CURRENT BUDGET	ACTUAL ACTIVITY	VARIANCE FROM BUDGET	PERCENT OF BUDGET
REVENUES				
Cemetery Revenues	\$ 135,000	\$ 191,550	\$ 56,550	141.89%
Other Operating Revenues	200	-	(200)	0.00%
Restricted Revenues	30,500	58,045	27,545	190.31%
Interest	600	24,139	23,539	4023.12%
TOTAL REVENUES	<u>166,300</u>	<u>273,734</u>	<u>107,434</u>	<u>164.60%</u>
EXPENDITURES				
Supplies	3,000	-	3,000	0.00%
Maintenance	23,994	19,926	4,068	83.04%
General	23,481	20,992	2,489	89.40%
Transfer to Other Funds	57,825	55,000	2,825	95.11%
Capital Outlay	58,000	61,028	(3,028)	105.22%
TOTAL EXPENDITURES	<u>166,300</u>	<u>156,946</u>	<u>9,354</u>	<u>94.38%</u>
BUDGETED FUND BALANCE	<u>-</u>	<u>-</u>	<u>-</u>	
SURPLUS (DEFICIT)	<u>\$ -</u>	<u>\$ 116,788</u>		

CITY OF BOERNE, TEXAS  
LIBRARY FUND  
STATEMENT OF REVENUES AND EXPENDITURES  
BUDGET AND ACTUAL  
FOR THE YEAR ENDED SEPTEMBER 30, 2023  
(100% OF FISCAL YEAR) - PRELIMINARY & UNAUDITED

	CURRENT BUDGET	ACTUAL ACTIVITY	VARIANCE FROM BUDGET	PERCENT OF BUDGET
REVENUES				
Taxes	\$ 1,283,011	\$ 1,287,965	\$ 4,954	100.39%
Licenses and Fees	24,000	27,271	3,271	113.63%
Interlocal/Shared Services	344,553	290,566	(53,987)	84.33%
Facility Fees/Leases	2,200	3,316	1,116	150.74%
Other Revenues	3,150	49,996	46,846	1587.16%
Interest	1,000	36,693	35,693	3669.25%
Grants and Donations	41,335	62,243	20,908	150.58%
TOTAL REVENUES	<u>1,699,249</u>	<u>1,758,050</u>	<u>58,801</u>	<u>103.46%</u>
EXPENDITURES				
Personnel	1,216,908	1,190,779	26,129	97.85%
Supplies	6,500	5,187	1,313	79.80%
Maintenance	31,547	38,387	(6,840)	121.68%
General	283,269	344,015	(60,746)	121.44%
Charges For Services	128,425	128,425	-	100.00%
Capital Outlay	32,600	17,738	14,862	54.41%
TOTAL EXPENDITURES	<u>1,699,249</u>	<u>1,724,532</u>	<u>(25,283)</u>	<u>101.49%</u>
BUDGETED FUND BALANCE	<u>-</u>	<u>-</u>	<u>-</u>	
SURPLUS (DEFICIT)	<u>\$ -</u>	<u>\$ 33,518</u>		

CITY OF BOERNE, TEXAS  
ECONOMIC DEVELOPMENT FUND  
STATEMENT OF REVENUES AND EXPENDITURES  
BUDGET AND ACTUAL  
FOR THE YEAR ENDED SEPTEMBER 30, 2023  
(100% OF FISCAL YEAR) - PRELIMINARY & UNAUDITED

	CURRENT BUDGET	ACTUAL ACTIVITY	VARIANCE FROM BUDGET	PERCENT OF BUDGET
REVENUES				
Interest	\$ 2,500	\$ 81,942	\$ 79,442	3277.70%
Transfer from Other Funds	941,750	941,750	-	100.00%
TOTAL REVENUES	<u>944,250</u>	<u>1,023,692</u>	<u>79,442</u>	<u>108.41%</u>
EXPENDITURES				
Professional Services/Fees	15,000	-	15,000	0.00%
Other Contracts	896,550	545,921	350,629	60.89%
Non-operating	<u>32,700</u>	<u>-</u>	<u>32,700</u>	<u>0.00%</u>
TOTAL EXPENDITURES	<u>944,250</u>	<u>545,921</u>	<u>398,329</u>	<u>57.82%</u>
BUDGETED FUND BALANCE	<u>-</u>	<u>-</u>	<u>-</u>	
SURPLUS (DEFICIT)	<u>\$ -</u>	<u>\$ 477,771</u>		

CITY OF BOERNE, TEXAS  
DEBT SERVICE FUND  
STATEMENT OF REVENUES AND EXPENDITURES  
BUDGET AND ACTUAL  
FOR THE YEAR ENDED SEPTEMBER 30, 2023  
(100% OF FISCAL YEAR) - PRELIMINARY & UNAUDITED

	<u>CURRENT BUDGET</u>	<u>ACTUAL ACTIVITY</u>	<u>VARIANCE FROM BUDGET</u>	<u>PERCENT OF BUDGET</u>
REVENUES				
Taxes	\$ 1,600,302	\$ 1,744,154	\$ 143,852	108.99%
Other Revenues	-	10,854	10,854	
Interest	1,000	101,193	100,193	10119.31%
Transfers from other funds	1,456,089	1,456,089	-	100.00%
TOTAL REVENUES	<u>3,057,391</u>	<u>3,312,290</u>	<u>254,899</u>	<u>108.34%</u>
EXPENDITURES				
Fees	3,500	1,000	2,500	28.57%
Interest	1,056,392	1,056,392	-	100.00%
Principal	1,995,000	1,995,000	-	100.00%
Deposit to Escrow (Refunding)	2,499	-	2,499	0.00%
TOTAL EXPENDITURES	<u>3,057,391</u>	<u>3,052,392</u>	<u>4,999</u>	<u>100%</u>
BUDGETED FUND BALANCE	<u>-</u>	<u>-</u>	<u>-</u>	
SURPLUS (DEFICIT)	<u>\$ -</u>	<u>\$ 259,898</u>		



CITY OF BOERNE, TEXAS  
ELECTRIC UTILITY FUND  
STATEMENT OF REVENUES AND EXPENSES  
BUDGET AND ACTUAL  
FOR THE YEAR ENDED SEPTEMBER 30, 2023  
(100% OF FISCAL YEAR) - PRELIMINARY & UNAUDITED

	CURRENT BUDGET	ACTUAL ACTIVITY	VARIANCE FROM BUDGET	PERCENT OF BUDGET
Operating Revenues				
Current Revenues	\$ 17,858,400	\$ 20,877,542	\$ 3,019,142	116.91%
Transfer from other funds	644,247	644,247	-	100.00%
TOTAL OPERATING REVENUES	<u>18,502,647</u>	<u>21,521,789</u>	<u>3,019,142</u>	<u>116.32%</u>
Operating Expenses				
Personnel	2,571,888	2,442,044	129,844	94.95%
Cost of Goods/Services Sold	10,476,350	9,742,815	733,535	93.00%
Supplies	57,180	42,288	14,892	73.96%
Maintenance	270,835	331,148	(60,313)	122.27%
Professional Services/Fees	167,038	203,770	(36,732)	121.99%
General	408,781	413,560	(4,779)	101.17%
Shared Services	888,732	888,732	-	100.00%
Other Contracts	60,000	65,000	(5,000)	108.33%
Debt Service	69,928	69,928	-	100.00%
TOTAL OPERATING EXPENSES	<u>14,970,732</u>	<u>14,199,285</u>	<u>771,447</u>	<u>94.85%</u>
Non-Recurring (Expenses)/Revenues				
Transfers to Other Funds	(2,810,568)	(1,965,863)	844,705	69.95%
Capital Outlay	(721,347)	(260,768)	460,579	36.15%
Transfer to QOL Reserve	(1,000,000)	(1,000,000)	-	100.00%
Gain on Sale of Asset	-	18,325	18,325	0.00%
TOTAL NON-RECURRING (EXPENSES)/REVENUES	<u>(4,531,915)</u>	<u>(3,208,306)</u>	<u>1,323,609</u>	<u>70.79%</u>
Adjustments For Cash Flow Purposes:				
Transfer from QOL Reserves	<u>1,000,000</u>	<u>1,000,000</u>	<u>-</u>	<u>0.00%</u>
TOTAL CASH FLOW ADJUSTMENTS	<u>1,000,000</u>	<u>1,000,000</u>	<u>-</u>	<u>0.00%</u>
Income/(Loss)	-	5,114,198		
Unreserved Fund Balance at 10/1/22	<u>9,707,733</u>	<u>9,707,733</u>		
Ending Unreserved Fund Balance	<u>\$ 9,707,733</u>	<u>\$ 14,821,931</u>		
Depreciation/Amortization		<u>784,218</u>		
GAAP Estimated Income/(Loss)		<u>4,329,979</u>		

CITY OF BOERNE, TEXAS  
WATER UTILITY FUND  
STATEMENT OF REVENUES AND EXPENSES  
BUDGET AND ACTUAL  
FOR THE YEAR ENDED SEPTEMBER 30, 2023  
(100% OF FISCAL YEAR) - PRELIMINARY & UNAUDITED

	CURRENT BUDGET	ACTUAL ACTIVITY	VARIANCE FROM BUDGET	PERCENT OF BUDGET
Operating Revenues				
Current Revenues	\$ 8,107,811	\$ 8,111,022	\$ 3,211	100.04%
Transfer from other funds	1,100,000	1,100,000	-	100.00%
Budgeted Fund Balance	664,557	664,557	-	100.00%
TOTAL OPERATING REVENUES	<u>9,872,368</u>	<u>9,875,579</u>	<u>3,211</u>	<u>100.03%</u>
Operating Expenses				
Personnel	1,739,961	1,649,919	90,042	94.83%
Cost of Goods/Services Sold	2,469,091	2,695,391	(226,300)	109.17%
Supplies	99,535	126,174	(26,639)	126.76%
Maintenance	342,070	207,906	134,164	60.78%
Professional Services/Fees	90,520	372,536	(282,016)	411.55%
General	397,230	488,889	(91,659)	123.07%
Shared Services	938,077	938,077	-	100.00%
Other Contracts	10,000	10,000	-	100.00%
TOTAL OPERATING EXPENSES	<u>6,086,484</u>	<u>6,488,893</u>	<u>(402,409)</u>	<u>106.61%</u>
Non-Recurring (Expenses)/Revenues				
Transfers to Other Funds	(665,863)	(843,513)	(177,650)	126.68%
Capital Outlay	(3,120,021)	(432,781)	2,687,240	13.87%
TOTAL NON-RECURRING (EXPENSES)/REVENUES	<u>(3,785,884)</u>	<u>(1,276,294)</u>	<u>2,509,590</u>	<u>33.71%</u>
Income/(Loss)	-	2,110,392		
Unreserved Fund Balance at 10/1/22	<u>5,176,345</u>	<u>5,176,345</u>		
Ending Unreserved Fund Balance	<u>\$ 5,176,345</u>	<u>\$ 7,286,737</u>		
Depreciation/Amortization		<u>1,810,851</u>		
GAAP Estimated Income/(Loss)		<u>299,541</u>		

CITY OF BOERNE, TEXAS  
WASTEWATER UTILITY FUND  
STATEMENT OF REVENUES AND EXPENSES  
BUDGET AND ACTUAL  
FOR THE YEAR ENDED SEPTEMBER 30, 2023  
(100% OF FISCAL YEAR) - PRELIMINARY & UNAUDITED

	CURRENT BUDGET	ACTUAL ACTIVITY	VARIANCE FROM BUDGET	PERCENT OF BUDGET
Operating Revenues				
Current Revenues	\$ 7,427,059	\$ 8,452,483	\$ 1,025,424	113.81%
Transfers from other funds	2,718,735	2,718,735	-	100.00%
Budgeted Fund Balance	72,159	72,159	-	100.00%
TOTAL OPERATING REVENUES	<u>10,217,953</u>	<u>11,243,377</u>	<u>1,025,424</u>	<u>110.04%</u>
Operating Expenses				
Personnel	1,789,396	1,731,507	57,890	96.76%
Cost of Goods/Services Sold	373,390	434,158	(60,768)	116.27%
Supplies	142,850	208,594	(65,744)	146.02%
Maintenance	442,470	451,071	(8,601)	101.94%
Professional Services/Fees	137,387	97,095	40,292	70.67%
General	608,393	638,528	(30,135)	104.95%
Shared Services	1,019,912	1,019,912	-	100.00%
Other Contracts	215,000	249,686	(34,686)	116.13%
Debt Service	2,608,330	2,608,330	-	100.00%
TOTAL OPERATING EXPENSES	<u>7,337,128</u>	<u>7,438,881</u>	<u>(101,752)</u>	<u>101.39%</u>
Non-Recurring (Expenses)/Revenues				
Transfers to Other Funds	(10,575)	(10,575)	-	100.00%
Capital Outlay	(2,870,250)	(1,749,116)	1,121,134	60.94%
Gain on Sale of Asset	-	4,951	4,951	
TOTAL NON-RECURRING (EXPENSES)/REVENUES	<u>(2,880,825)</u>	<u>(1,754,740)</u>	<u>1,126,085</u>	<u>60.91%</u>
Income/(Loss)	-	2,049,757		
Unreserved Fund Balance at 10/1/22	<u>9,040,666</u>	<u>9,040,666</u>		
Ending Unreserved Fund Balance	<u>\$ 9,040,666</u>	<u>\$ 11,090,423</u>		
Depreciation/Amortization		<u>3,656,830</u>		
GAAP Estimated Income/(Loss)		<u>(1,607,073)</u>		

CITY OF BOERNE, TEXAS  
STORMWATER FUND  
STATEMENT OF REVENUES AND EXPENSES  
BUDGET AND ACTUAL  
FOR THE YEAR ENDED SEPTEMBER 30, 2023  
(100% OF FISCAL YEAR) - PRELIMINARY & UNAUDITED

	CURRENT BUDGET	ACTUAL ACTIVITY	VARIANCE FROM BUDGET	PERCENT OF BUDGET
Operating Revenues				
Current Revenues	\$ 630,000	\$ 849,189	\$ 219,189	134.79%
Budgeted Fund Balance	2,440,462	2,440,462	-	100.00%
TOTAL OPERATING REVENUES	<u>3,070,462</u>	<u>3,289,651</u>	<u>219,189</u>	<u>107.14%</u>
Operating Expenses				
Professional Services/Fees	175,000	37,500	137,500	21.43%
General	18,100	14,411	3,689	79.62%
TOTAL OPERATING EXPENSES	<u>193,100</u>	<u>51,911</u>	<u>141,189</u>	<u>26.88%</u>
Non-Recurring (Expenses)/Revenues				
Capital Outlay	(2,877,362)	(969,098)	(1,908,264)	33.68%
TOTAL NON-RECURRING (EXPENSES)/REVENUES	<u>(2,877,362)</u>	<u>(969,098)</u>	<u>(1,908,264)</u>	<u>33.68%</u>
Income/(Loss)	-	2,268,642		
Unreserved Fund Balance at 10/1/22	<u>843,152</u>	<u>843,152</u>		
Ending Unreserved Fund Balance	<u>\$ 843,152</u>	<u>\$ 3,111,794</u>		

CITY OF BOERNE, TEXAS  
GAS UTILITY FUND  
STATEMENT OF REVENUES AND EXPENSES  
BUDGET AND ACTUAL  
FOR THE YEAR ENDED SEPTEMBER 30, 2023  
(100% OF FISCAL YEAR) - PRELIMINARY & UNAUDITED

	CURRENT BUDGET	ACTUAL ACTIVITY	VARIANCE FROM BUDGET	PERCENT OF BUDGET
Operating Revenues				
Current Revenues	\$ 4,340,892	\$ 4,915,937	\$ 575,045	113.25%
Transfers from other funds	150,000	650,000	500,000	433.33%
TOTAL OPERATING REVENUES	<u>4,490,892</u>	<u>5,565,937</u>	<u>1,075,045</u>	<u>123.94%</u>
Operating Expenses				
Personnel	1,289,800	1,206,512	83,288	93.54%
Cost of Goods/Services Sold	1,800,615	1,603,054	197,561	89.03%
Supplies	25,000	29,834	(4,834)	119.33%
Maintenance	143,140	149,635	(6,495)	104.54%
Professional Services/Fees	26,378	191,549	(165,171)	726.17%
General	146,615	159,698	(13,083)	108.92%
Shared Services	489,900	489,900	-	100.00%
Other Contracts	10,000	10,000	-	100.00%
Debt Service	188,267	188,267	-	100.00%
TOTAL OPERATING EXPENSES	<u>4,119,715</u>	<u>4,028,449</u>	<u>91,266</u>	<u>97.78%</u>
Non-Recurring (Expenses)/Revenues				
Transfers to Other Funds	(10,575)	(10,575)	-	100.00%
Capital Outlay	(360,602)	(644,958)	284,356	178.86%
TOTAL NON-RECURRING (EXPENSES)/REVENUES	<u>(371,177)</u>	<u>(655,533)</u>	<u>284,356</u>	<u>176.61%</u>
Income/(Loss)	-	881,955		
Unreserved Fund Balance at 10/1/22	<u>-</u>	<u>-</u>		
Ending Unreserved Fund Balance	<u>\$ -</u>	<u>\$ 881,955</u>		
Depreciation/Amortization		<u>711,308</u>		
GAAP Estimated Income/(Loss)		<u>170,647</u>		

CITY OF BOERNE, TEXAS  
SOLID WASTE FUND  
STATEMENT OF REVENUES AND EXPENSES  
BUDGET AND ACTUAL  
FOR THE YEAR ENDED SEPTEMBER 30, 2023  
(100% OF FISCAL YEAR) - PRELIMINARY & UNAUDITED

	CURRENT BUDGET	ACTUAL ACTIVITY	VARIANCE FROM BUDGET	PERCENT OF BUDGET
Operating Revenues				
Current Revenues	\$ 1,252,629	\$ 1,417,910	\$ 165,281	113.19%
TOTAL OPERATING REVENUES	<u>1,252,629</u>	<u>1,417,910</u>	<u>165,281</u>	<u>113.19%</u>
Operating Expenses				
Cost of Goods/Services Sold	1,078,930	1,198,012	(119,082)	111.04%
General	30,699	70,409	(39,710)	229.35%
Other Contracts	143,000	135,962	7,038	95.08%
TOTAL OPERATING EXPENSES	<u>1,252,629</u>	<u>1,404,383</u>	<u>(151,754)</u>	<u>112.11%</u>
Income/(Loss)	-	13,526		
Unreserved Fund Balance at 10/1/22	<u>202,529</u>	<u>202,529</u>		
Ending Unreserved Fund Balance	<u>\$ 202,529</u>	<u>\$ 216,055</u>		

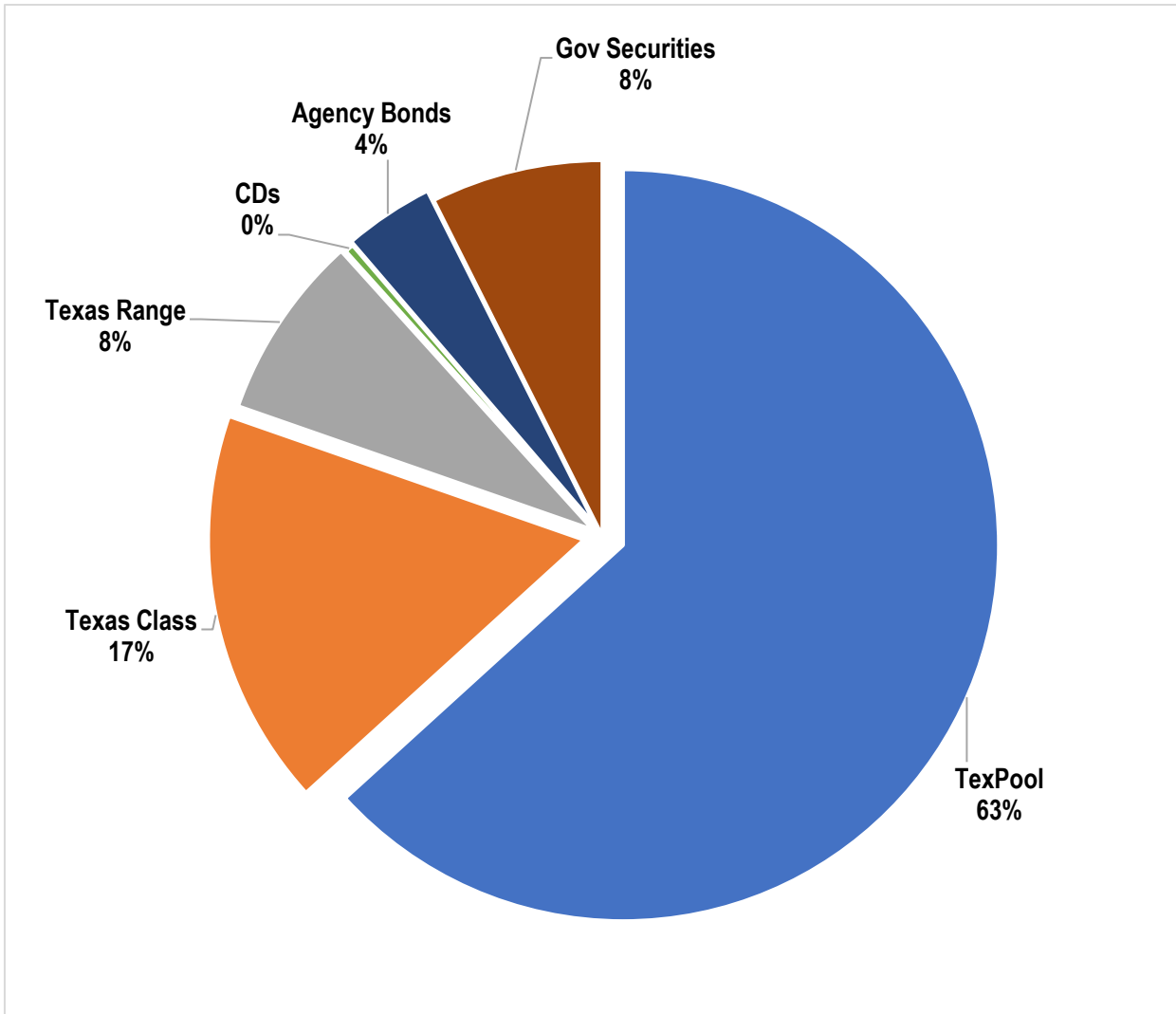
City of Boerne  
Investment Report  
For the Quarter Ended September 30, 2023

Interest Rate Comparison

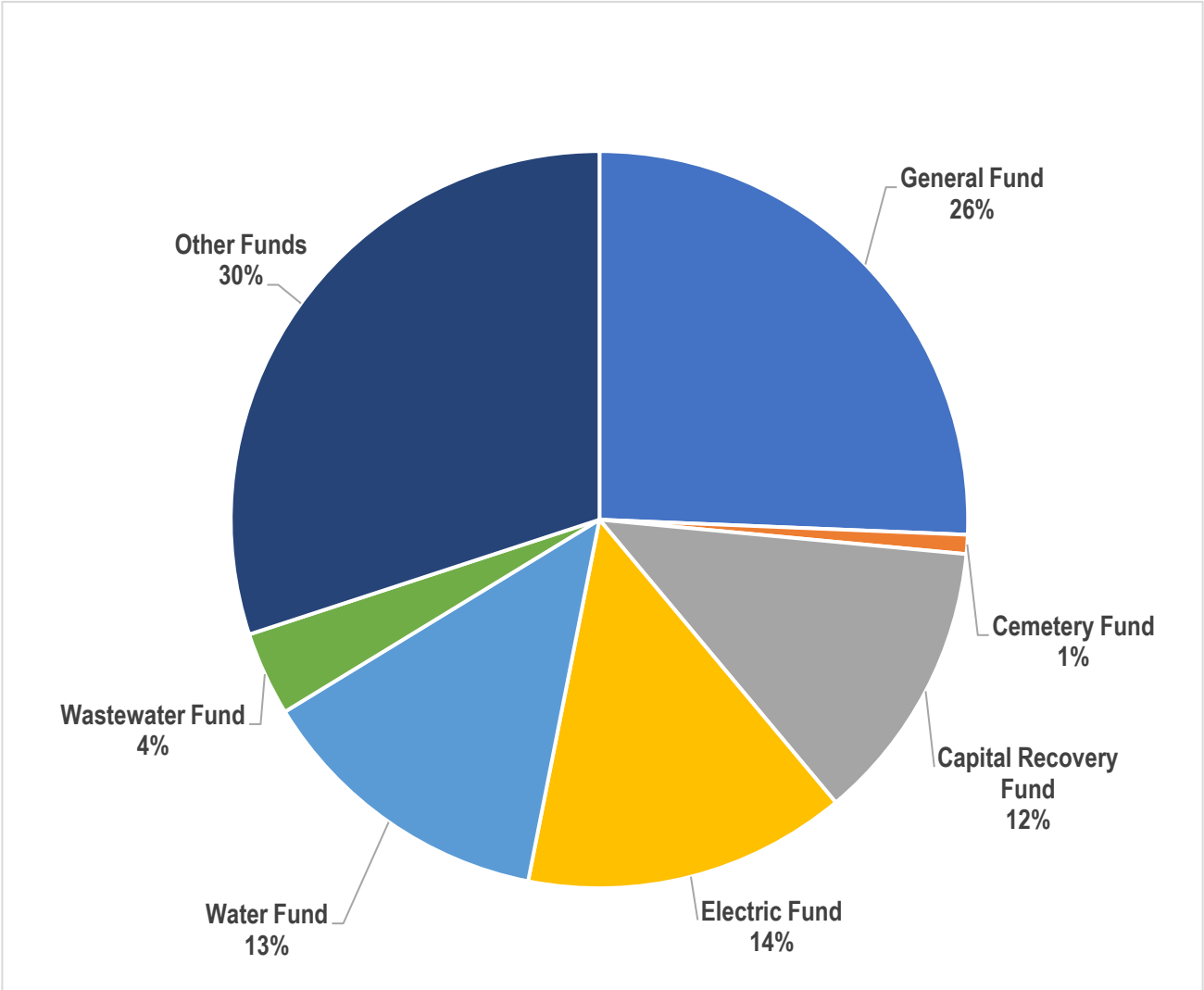
MONTH	CITY	3-MO T-BILL	6-MO T-BILL	1-YR T-BILL
DECEMBER	3.45%	4.04%	4.41%	4.41%
MARCH	4.35%	4.63%	4.75%	4.54%
JUNE	4.85%	5.10%	5.05%	4.78%
SEPTEMBER	5.24%	5.29%	5.29%	5.11%
HIGH	5.24%	5.29%	5.29%	5.11%
LOW	3.45%	4.04%	4.41%	4.41%
YEAR AVERAGE	4.47%	4.77%	4.88%	4.71%

DESCRIPTION	BOOK VALUE	MARKET VALUE	QTD INTEREST	YTD INTEREST	WAIR	WAM
TexPool	80,746,270	80,746,270	907,762	3,005,024	5.254	25
Texas Class	21,813,143	21,813,143	296,983	1,003,321	5.440	70
Texas Range	10,174,197	10,174,197	123,911	383,529	5.250	30
TexStar	23,258	23,258	304	1,029	5.241	26
Certificates of Deposit	489,755	479,754	8,923	24,790	1.040	86
Municipal Bonds	-	-	4,458	37,588	-	1
Agency Bonds	4,954,215	4,941,221	45,663	58,038	4.479	400
Government Securities	9,461,154	9,495,154	15,849	15,849	5.279	333
Total Investments	127,661,992	127,672,998	1,403,853	4,529,169	5.24	71

Portfolio by Investment Type



Portfolio by Fund



Investment Inventory  
For the Quarter Ended September 30, 2023

DESCRIPTION	MATURITY DATE	INTEREST RATE	BOOK VALUE	MARKET VALUE	QTD INTEREST	YTD INTEREST
<b>General Fund</b>						
TexPool	N/A	N/A	18,601,787	18,601,787	279,128	1,011,190
Texas Class	N/A	N/A	1,726,243	1,726,243	23,503	80,621
Texas Range	N/A	N/A	5,697,174	5,697,174	68,693	210,059
TexStar	N/A	N/A	23,258	23,258	304	1,029
Financial Federal Savings	12/19/2022	0.400	-	-	-	995
T Bank	9/27/2023	0.250	-	-	1,339	1,339
BMW BK of NA	11/22/2022	1.800	-	-	-	2,223
Thornton Dev Auth	12/1/2022	5.000	-	-	-	6,250
Calhoun CO	12/1/2022	0.500	-	-	-	713
Murphy-Wall St Bk & Trust	6/28/2023	0.300	-	-	-	223
Federal Home Loan Bank	2/22/2024	0.625	500,000	490,459	-	3,125
Prospect Bank	4/26/2023	0.300	-	-	-	1,488
First National Bank Spearman	7/27/2023	0.250	-	-	620	620
NY Community Bank	11/9/2023	0.250	244,755	243,573	-	613
GBC International Bank	7/27/2023	0.250	-	-	1,240	1,240
First Bank of Ohio	8/11/2023	0.300	-	-	1,488	1,488
American Exp Natl Bk CD	6/29/2023	2.900	-	-	-	7,105
Treasury Bill	8/15/2023	5.315	-	-	30	30
Treasury Bill	9/28/2023	5.394	-	-	6,964	6,964
Treasury Bill	11/28/2023	5.474	749,767	756,576	-	-
Treasury Bill	3/21/2024	5.332	749,740	755,422	-	-
Federal Home Loan Bank	6/10/2024	5.452	750,075	749,748	-	-
Federal Home Loan Bank	9/13/2024	5.284	736,794	735,878	18,038	18,038
Federal Home Loan Bank	12/13/2024	5.269	743,823	743,187	-	-
Federal Farm Credit Bank	3/10/2025	5.186	732,944	731,990	18,375	18,375
Federal Home Loan Bank	6/13/2025	5.117	740,239	738,854	-	-
Federal Home Loan Bank	9/12/2025	5.203	750,340	751,106	-	-
<b>Total General Fund</b>			<b>32,746,938</b>	<b>32,745,254</b>	<b>419,722</b>	<b>1,373,726</b>
<b>Cemetery Fund</b>						
TexPool Operating	N/A	N/A	532,727	532,727	6,987	23,596
TexPool Endowment	N/A	N/A	198,024	198,024	1,518	2,229
Texas Class Endowment	N/A	N/A	339,860	339,860	4,627	15,872
Wells Fargo Bank NA	10/18/2022	1.900	-	-	-	383
<b>Total Cemetery Endowment</b>			<b>1,070,611</b>	<b>1,070,611</b>	<b>13,132</b>	<b>42,080</b>
<b>Capital Recovery Fund</b>						
TexPool	N/A	N/A	15,021,197	15,021,197	192,791	615,633
Texas Class	N/A	N/A	849,651	849,651	11,568	39,681
Cook Cnty IL Sch Dist 101	11/1/2022	3.000	-	-	-	2,550
Bedford Park II Tax Inc Rev	12/30/2022	3.900	-	-	-	9,750
Vance Govt Etc Rev	6/1/2023	0.800	-	-	-	1,480
Oklahoma Dev Fin Auth	6/1/2023	0.950	-	-	-	3,848
Gary IN Cmnty Sch	7/15/2023	4.000	-	-	3,600	7,200
Federal Home Loan Bank	9/27/2023	3.700	-	-	9,250	18,500
<b>Total Capital Recovery Fund</b>			<b>15,870,848</b>	<b>15,870,848</b>	<b>217,209</b>	<b>698,642</b>
<b>Electric Fund</b>						
TexPool - Revenue Bds Int Sink Fund	N/A	N/A	151,067	151,067	2,129	9,757
TexPool - Operating	N/A	N/A	2,702,121	2,702,121	29,879	146,800
TexPool - Capital Reserve	N/A	N/A	3,285,270	3,285,270	43,087	156,329
TexPool - Rate Reserve	N/A	N/A	720,927	720,927	9,455	31,931
Texas Class	N/A	N/A	2,547,423	2,547,423	34,683	118,972
Texas Range	N/A	N/A	4,477,024	4,477,024	55,218	173,470
Western Alliance	7/14/2023	0.250	-	-	1,240	1,240
CFG Community Bank	7/14/2023	0.300	-	-	1,744	1,744
Global Bank	9/20/2023	0.350	-	-	868	868
Pennsylvania Turnpike	12/1/2022	2.111	-	-	-	1,583
Carlstadt Borough GO	6/15/2023	1.000	-	-	-	2,500
Wells Fargo Nat Bk	1/17/2023	1.900	-	-	-	1,556
Greenstate CR Union	6/17/2024	0.450	245,000	236,181	278	1,103
Goldman Sachs	8/21/2023	0.250	-	-	106	564
Treasury Bill	9/26/2023	5.391	-	-	4,488	4,488
Treasury Bill	11/30/2023	5.418	500,093	504,558	-	-
Treasury Note	3/31/2024	5.359	495,979	498,054	-	-



DESCRIPTION	MATURITY DATE	INTEREST RATE	BOOK VALUE	MARKET VALUE	QTD INTEREST	YTD INTEREST
Treasury N/B	6/30/2024	5.358	497,661	498,773	-	-
Treasury N/B	9/30/2024	5.261	492,475	492,184	-	-
Treasury Note	11/30/2024	5.288	495,098	494,980	-	-
Treasury Note	3/31/2025	5.124	492,333	492,058	-	-
Treasury N/B	6/30/2025	4.999	496,680	495,742	-	-
Treasury N/B	8/31/2025	5.156	503,856	504,591	-	-
Total Electric Fund			18,103,006	18,100,953	183,175	652,904
Water Fund						
TexPool - Operating	N/A	N/A	310,771	310,771	8,552	49,691
TexPool - W/WWTP Capital Reserve	N/A	N/A	10,418,818	10,418,818	135,591	420,367
Texas Class - Operating	N/A	N/A	2,956,250	2,956,250	40,249	138,066
Texas Class - W/WWTP Capital Reserve	N/A	N/A	1,135,385	1,135,385	15,458	53,026
Midland ISD - Ref	2/15/2023	0.320	-	-	-	-
Carpinteria CA Ref	8/1/2023	0.700	-	-	858	1,715
Treasury Bill	9/21/2023	5.384	-	-	2,059	2,059
Treasury Bill	12/7/2023	5.453	250,265	252,516	-	-
Treasury Note	3/15/2024	5.366	249,159	251,117	321	321
Treasury Note	6/30/2024	5.347	249,581	250,434	-	-
Treasury Note	9/30/2024	5.272	248,326	249,146	-	-
Treasury Note	11/30/2024	5.292	248,852	249,540	-	-
Treasury Note	3/31/2025	5.136	248,884	249,805	-	-
Treasury N/B	6/30/2025	5.004	248,711	248,711	-	-
Treasury N/B	8/15/2025	5.156	250,565	250,859	-	-
Total Water Fund			16,815,568	16,823,354	203,088	665,244
Wastewater Fund						
TexPool	N/A	N/A	337,047	337,047	10,519	77,485
Texas Class	N/A	N/A	2,376,584	2,376,584	32,357	110,994
Treasury Bill	9/19/2023	5.387	-	-	1,987	1,987
Treasury Bill	12/14/2023	5.459	250,003	252,255	-	-
Treasury N/B	3/31/2024	5.382	247,752	248,859	-	-
Treasury N/B	6/30/2024	5.324	250,048	250,986	-	-
Treasury Note	9/30/2024	5.260	248,196	248,728	-	-
Treasury Note	11/30/2024	5.291	248,766	249,714	-	-
Treasury Note	3/31/2025	5.150	247,011	247,292	-	-
Treasury N/B	6/30/2025	4.988	250,211	250,904	-	-
Treasury Note	8/15/2025	5.118	251,141	251,349	-	-
Total Wastewater Fund			4,706,759	4,713,717	44,863	190,466
Other Funds						
Hotel/Motel	N/A	N/A	-	-	-	-
Park	N/A	N/A	5,678,865	5,678,865	73,419	170,546
Library	N/A	N/A	819,099	819,099	10,743	36,279
Economic Development	N/A	N/A	1,850,053	1,850,053	24,264	81,942
Capital Projects Construction	N/A	N/A	5,117,652	5,117,652	69,676	223,591
2022 Construction	N/A	N/A	18,049,957	18,049,957	49,957	49,957
Debt Service	N/A	N/A	138,590	138,590	4,431	44,175
Gas	N/A	N/A	1,190,797	1,190,797	15,618	44,378
Garbage	N/A	N/A	739,154	739,154	9,694	32,739
American Resue Plan	N/A	N/A	-	-	-	-
Stormwater	N/A	N/A	4,764,095	4,764,095	64,863	222,498
Total Other Funds			38,348,262	38,348,262	322,664	906,106
Total All Funds			127,661,992	127,672,998	1,403,853	4,529,169



## AGENDA ITEM SUMMARY

<b>Agenda Date</b>	December 12, 2023
<b>Requested Action</b>	APPROVE THE MAYORAL APPOINTMENTS TO THE KENDALL COUNTY LIBRARY SYSTEM ADVISORY BOARD AND THE HISTORIC LANDMARK COMMISSION.
<b>Contact Person</b>	Mayor Frank Ritchie City Secretary Lori Carroll
<b>Background Information</b>	<p>Annually the City Council considers the mayor's recommendation to appoint members to the Kendall County Library System Advisory Board.</p> <p>It is Mayor Ritchie's recommendation that Angela Kirby Buser be re-appointed to the Board and Jennifer Hackett be appointed to replace Kevin Henning who asked to be replaced.</p> <p>Also, with the recent resignation of Julia Murphy on the Historic Landmark Commission, it is the mayor's recommendation to appoint Joe Bateman to fill the vacancy.</p>
<b>Item Justification</b>	<div> <input type="checkbox"/> Legal/Regulatory Obligation         <input type="checkbox"/> Infrastructure Investment       </div> <div> <input type="checkbox"/> Reduce Costs         <input type="checkbox"/> Customer Pull       </div> <div> <input type="checkbox"/> Increase Revenue         <input type="checkbox"/> Service Enhancement       </div> <div> <input type="checkbox"/> Mitigate Risk         <input type="checkbox"/> Process Efficiency       </div> <div> <input type="checkbox"/> Master Plan Recommendation         <input checked="" type="checkbox"/> Other: <u>Mayoral Appt</u> </div>
<b>Strategic Alignment</b>	Collaborating with community partners to enhance quality of life.
<b>Financial Considerations</b>	
<b>Citizen Input/Board Review</b>	

<b>Legal Review</b>	
<b>Alternative Options</b>	
<b>Supporting Documents</b>	



## AGENDA ITEM SUMMARY

<b>Agenda Date</b>	December 12, 2023
<b>Requested Action</b>	PRESENTATION, OVERVIEW OF THE CITY'S ENVIRONMENTAL PROGRAM OBJECTIVES WITH A FOCUS ON WATER CONSERVATION, SURFACE WATER QUALITY, URBAN FORESTRY AND DARK SKIES
<b>Contact Person</b>	Ryan Bass – Environmental Program Manager (830) 248-1501, <a href="mailto:rbass@boerne-tx.gov">rbass@boerne-tx.gov</a> Jeffrey Carroll – Engineering & Mobility Director
<b>Background Information</b>	<p>Staff has prepared a work program for FY2024 for the City's environmental program initiatives (Attached) to coincide with the Environmental Responsibility goals outlined in the Boerne Strategy Map, existing master plans and direction from Council.</p> <p>The purpose of this item is to review and discuss existing and proposed programs for FY2024. Additional discussions with the Council and community will take place throughout the year.</p> <p><b>Water Conservation:</b></p> <p>A new collaborative effort between City of Boerne Utilities, Customer Care and Billing, Communications, and Planning Departments will work to engage citizens on a variety of water conservation strategies. The program will explore incentive and rebate opportunities to encourage reductions in landscape irrigation. Outreach and education on both indoor and outdoor water efficiency will be a key component of this program.</p> <p><b>Dark Skies:</b></p> <p>The Unified Development Code provides dark sky regulations that apply to public and private outdoor lighting within the city limits. All development projects that provide parking, street or security lighting must provide an approved illumination plan and photometric study that ensures all outdoor fixtures are shielded from uplighting and does not generate offsite light trespass. The City recently initiated work to become certified as an international dark sky community.</p>

	<p><b>Surface Water Quality Monitoring:</b></p> <p><u>Boerne City Lake Water Quality Monitoring Program:</u> The City collects surface water samples monthly at three locations on Boerne City Lake and one on Upper Cibolo Creek upstream of the lake. Data collected as part of this non-regulatory city program are compared to water quality criteria established by the Texas Commission on Environmental Quality (TCEQ) to ensure safe contact recreation.</p> <p><u>Clean Rivers Program:</u> The City is a participant in the TCEQ Clean Rivers Program (CRP) where we collect water quality data quarterly on Upper Cibolo Creek at River Road Park. Data collected as part of the CRP program is managed by the San Antonio River Authority and is used to evaluate the streams health overtime.</p> <p><b>Urban and Community Forestry:</b></p> <p>The Urban and Community Forestry Program provides care and maintenance of trees on City-owned properties and advocates for the preservation of existing trees on residential and commercial development projects within the City limits. The Unified Development Code (UDC) strengthened our tree preservation ordinance resulting in more trees being preserved on development projects. The UDC expanded the use of our tree restoration fund and provides opportunities to assist private landowners in the management of oak wilt within the city limits.</p> <p><b>Low Impact Development:</b></p> <p>Low Impact Development (LID) is a stormwater management approach that can reduce rainfall runoff and pollutants from leaving a built environment by managing runoff as close to its source(s) as possible. Work to develop local LID guidance began in 2016 and was adopted into the subdivision ordinance in 2020. The Shoreline Park Subdivision was the first project to incorporate LID as a major component of their stormwater management strategy.</p>	
<b>Item Justification</b>	<input checked="" type="checkbox"/> Legal/Regulatory Obligation <input type="checkbox"/> Reduce Costs <input type="checkbox"/> Increase Revenue <input checked="" type="checkbox"/> Mitigate Risk <input checked="" type="checkbox"/> Master Plan Recommendation	<input type="checkbox"/> Infrastructure Investment <input type="checkbox"/> Customer Pull <input type="checkbox"/> Service Enhancement <input checked="" type="checkbox"/> Process Efficiency <input checked="" type="checkbox"/> Other: <u>Program Updates</u>

<b>Strategic Alignment</b>	Environmental Responsibility, B2 Advancing master plan recommendations, C3 Collaborating with community partners to enhance quality of life.
<b>Financial Considerations</b>	N/A
<b>Citizen Input/Board Review</b>	N/A
<b>Legal Review</b>	N/A
<b>Alternative Options</b>	N/A
<b>Supporting Documents</b>	Attachment 1 – Environmental Program Manager Work Plan FY24

## ***FY 2024 Environmental Program Work Plan***

### **Water Conservation**

Objective: Develop and implement water conservation initiatives to reduce annual household water use.

#### **Task 1: Develop a Water Utility Customer Rebate Program:**

Create financial incentive or rebate program targeting landscape modifications to:

- 1) reduce irrigated turf grass area,
- 2) eliminate existing sections of automated irrigation systems,
- 3) install xeriscape or
- 4) install rainwater harvesting devices.

Goal – Draft plan completed by January 2024. Ideally, the program would go live on 3/1/2024 before residents begin to replace turf grass lost during summer of 2023. This program will require pre and post site inspection. It's possible to request photos during the application process to meet pre-inspection requirements but to finalize incentive there needs to be a final site inspection.

COB Collaboration/Assistance – Utilities, Finance, Communications, Planning and Permitting

Key tasks – Develop program details and budget. Create application and streamline the submittal, review, approval, and reimbursement process. Create promotional materials including social media engagement and in person public outreach.

Measure of Success – Calculate annual reduction in total turf grass area. Use utility metered data to review water use before and after individual program participation.

#### **Task 2. General Outreach and Education**

Work with COB Communications to develop social media, billing mailers and website content. Coordinate and host workshops related to rainwater harvesting and turf grass management. Collaborate with the Cibolo Center for Conservation and the Boeren Chapter of the Native Plant Society to promote drought tolerant native plants within landscape designs.

Goal – Create outreach material and meet with Cibolo Center for Conservation and the Boeren Chapter of the Native Plant Society by March 1, 2024.

COB Collaboration/Assistance – Collaboration: Communications, Planning

Key Tasks – Creation of Outreach Materials

Measure of Success – Attendance at workshops, use of outreach materials, and social media engagement.

#### **Task 3. Customer Demand Driven Outreach**

Use billing data to identify high water users and the highest water consuming neighborhoods within the city limits. Direct outreach and education materials to these high annual water users and their neighborhoods.

Goal – Implementation for summer water season

COB Collaboration/Assistance – Utilities, Finance, Communications, Planning, Permitting

Key Tasks – Obtain and analyze billing data, prepare outreach materials for high water users, distribution during Summer 2024 water season.

#### Task 4. Water conservation during construction - Revegetation efforts.

Engineering and Mobility is in the process of revising revegetation methods in their COB Standard Specifications for Public Works Construction. These revisions will now include more drought tolerant native tall grass seed options and planting during appropriate seasons. The COB Environmental Planner has already initiated work with the Engineering and Mobility Construction Inspection team on the revised seed selections. The water conservation program will monitor projects that use approved native seed mixes to determine effectiveness at reducing irrigation needs during establishment.

Goal – Complete by the end of FY24

COB Collaboration/Assistance – Engineering and Mobility, Code Enforcement

Key Tasks – Update COB Standard Specifications

#### Task 5. City Council Report

Provide reports to City Council. The following topics are suggested:

- Present FY24 Water Conservation Plan
- Draft Rebate Program
- Outreach Education Material Overview
- Report on FY 24 Efforts

### **Urban and Community Forestry**

Task 1: Tree Restoration Program: Working with Parks and Engineering, create FY24 Tree Restoration program goals for Council approval. The program will identify priority projects supported by the Tree Restoration Fund with a focus on tree planting opportunities and the care and maintenance of City trees.

Goal – Complete capital plan for Council consideration by February 2024.

COB Collaboration/Assistance – Parks, Engineering, CMO

Key Tasks – Develop capital and maintenance program for use of Tree Restoration Funds

Task 2. Riparian Habitat Restoration. In FY2024, The Tree Restoration Fund is being used to restore riparian habitat on a combined 4,600 linear feet of stream corridor within Boerne City Limits. In combination with revegetation using native riparian grasses, tree plantings along these stream segments will help stabilize the stream channel, reduce flood energy potential, and restore a riparian overstory to help reduce in-stream water temperature, increase in-stream dissolved oxygen levels, and improve aquatic life use.

- The Northrup Park Riparian Habitat Restoration Project will plant 35 trees along approximately 2,100 linear feet of Upper Cibolo Creek (UCC) disturbed during a new sanitary sewer utility installation.
- The Frederick Creek Riparian Restoration Project will plant 30 trees along approximately 2,500 linear feet of stream corridor disturbed during a sanitary sewer utility installation.

#### Task 3. City Council Report

Provide reports to the City Council. The following topics are suggested:

- Current and Proposed Tree Restoration Fund Projects and Pilot Oak Wilt Program
- FY 2024 – Riparian Habitat Restoration Presentation



## ***Current Environmental Program Efforts***

### **Urban Forestry Program**

*Program Development:* In March of 2021, the City of Boerne hired its first Urban Forester and established the Urban and Community Forestry Program (UCFP) within the Planning and Community Development Department. The UCFP completed a full revision of the City's tree preservation and landscape ordinance that was adopted within the City of Boerne Unified Development Code effective in July 2021. Through enforcement of tree and landscape ordinances the program encourages environmentally responsible site design and works to preserve large trees, riparian habitat, and other sensitive natural features.

*Tree Ordinance Highlights:* Ordinance revisions removed all exemptions for protected trees, reduced the protected tree classification to 8-inches in diameter, increased preservation rates for residential and commercial projects, increased mitigation requirements for removal of protected trees and expanded the definition of the City's Tree Restoration Fund to allow for protection and restoration of riparian habitat and other sensitive environmental areas.

*Tree Restoration Fund:* Since the UCFP's creation, enforcement of the tree preservation ordinance has resulted in \$3.1 million in fee in lieu of mitigation payments into the Tree Restoration Fund.

*Task 1: Tree Preservation:* Enforce the city tree preservation ordinance with an overall objective to provide care and maintenance of trees on city-owned properties, advocate for the preservation of existing trees on residential and commercial development projects and work to engage the community on forest health issues with a specific focus on oak wilt.

*Task 2. Oak Wilt Management Incentive Program:* Facilitate the City's Oak Wilt Management Incentive Program which provides financial incentives to property owners for approved treatments and removals of oak wilt infected trees.

*Task 3. Outreach and Education:* Facilitate outreach and education efforts on tree preservation and forest health initiatives. This effort includes onsite consultation as needed with property owners and tree and landscape service providers, presentations to civic groups and local elected officials, and a formal workshop in collaboration with TAMU Forest Service and Texas A&M AgriLife to address oak wilt management strategies.

*Task 4. Urban Wood Utilization Program:* Expand the newly created Urban Wood Utilization Program to better utilize high value trees that are designated for removal and disposal within the city limits. Work directly with the Texas Forest Service on pilot program opportunities. Potential Texas Forest Service grant opportunities in December of 2023.

*Task 5. Urban Heat Island Mitigation:* The widespread devastating impacts of oak wilt throughout the city and our extraterritorial jurisdiction combined with forest canopy loss due to residential and commercial development has increased the urban heat island effect within Boerne's city limits. Using GIS tools, the UCFP has identified areas throughout the city experiencing the most significant heat island impacts. These areas are the target of tree giveaway programs utilizing non-oak species to increase tree diversity within these neighborhoods and promote overstory establishment free from oak wilt concerns.

## **Watershed Protection Programs**

*Task 1. Surface Water Quality Monitoring Program:* Manage the city's surface water quality monitoring programs including compliance with the Boerne City Lake Water Quality Monitoring Quality Assurance Project Plan (QAPP). Serve as the quality assurance officer, data manager, and field supervisor for the approved QAPP.

*Task 2. Clean Rivers Program:* Oversee the Texas Commission on Environmental Quality (TCEQ) Clean Rivers Program monitoring within the Upper Cibolo Creek Watershed. Meet all requirements of the Clean Rivers Program QAPP.

*Task 3. Contact Recreation and Aquatic Life Use Monitoring:* Monitor surface water quality conditions within the Upper Cibolo Creek Watershed including Boerne City Lake to determine compliance with TCEQ and Texas Parks and Wildlife Department guidelines as it relates to safe contact recreation standards and aquatic life use criteria. Provide technical recommendations to city staff regarding implementation of management strategies that affect the quality and uses of Upper Cibolo Creek and Boerne City Lake.