AGENDA
REGULAR CITY COUNCIL MEETING
RONALD C. BOWMAN CITY COUNCIL CHAMBERS
447 North Main Street
Boerne, TX 78006
September 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. 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. 2023-655 CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CALLED CITY COUNCIL MEETING OF AUGUST 22, 2023.

Attachments: Minutes.23.0822

B. 2023-669 CONSIDER RESOLUTION NO. 2023-R66; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A SHARED SERVICES AGREEMENT FOR FUNDING OF PUBLIC PURPOSE BETWEEN THE CITY OF BOERNE AND THE RAINBOW SENIOR CENTER. (The Center)

Attachments:
AIS The Center
Resolution No. 2023-R66
Shared Service Agreement - Rainbow Senior Center

C. 2023-635 CONSIDER RESOLUTION NO. 2023-R67; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A SHARED SERVICES AGREEMENT FOR FUNDING OF PUBLIC PURPOSE BETWEEN THE CITY OF BOERNE AND BOERNE PERFORMING ARTS CENTER.

Attachments:
AIS Boerne Performing Arts 9.12.23
Resolution No. 2023-R67
Shared Services Agreement - BPA - 2023

D. 2023-637 CONSIDER RESOLUTION NO. 2023-R68; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A SHARED SERVICES AGREEMENT FOR FUNDING OF PUBLIC PURPOSE BETWEEN THE CITY OF BOERNE AND BOERNE HOUSING AUTHORITY.

Attachments:
AIS Boerne Housing Authority 9.12.23
Resolution No. 2023-R68
Shared Services Agreement - BHA - 2023

E. 2023-636 CONSIDER RESOLUTION NO. 2023-R69; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A SHARED SERVICES AGREEMENT FOR FUNDING OF PUBLIC PURPOSE BETWEEN THE CITY OF BOERNE AND HILL COUNTRY COURT APPOINTED SPECIAL ADVOCATES (CASA).

Attachments:
AIS Hill Country CASA 9.12.23
Resolution No. 2023-R69
Shared Services Agreement - CASA - 2023

F. 2023-661 CONSIDER RESOLUTION NO. 2023-R70; A RESOLUTION AUTHORIZING THE CITY MANGER TO ENTER INTO AND MANAGE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF BOERNE

AND FAIR OAKS RANCH FOR THE USE OF THE CITY OF BOERNE ANIMAL CONTROL FACILITY.

Attachments: AIS Interlocal Animal Control Agreement 23-24
Resolution No. 2023-R70
Contract Animal Control Interlocal 2023 2024

5. PRESENTATIONS, PUBLIC HEARINGS, AND ORDINANCES:

A. 2023-558 PRESENTATION AND PUBLIC HEARING ON THE PROPOSED BUDGET FOR THE CITY OF BOERNE, TEXAS, FOR FISCAL YEAR 2023-2024.

Attachments: AIS - Budget Presentation, Public Hearing, Ordinance
Proposed Budget Public Hearing Notice

B. 2023-666 CONSIDER A ONE-TIME READING OF ORDINANCE NO. 2023-25; AS PERMITTED BY THE CITY OF BOERNE'S HOME RULE CHARTER SECTION 3.11.A. (As described below)

C. 2023-559 CONSIDER ORDINANCE NO. 2023-25; AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE CITY OF BOERNE, TEXAS, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023, AND ENDING SEPTEMBER 30, 2024, IN ACCORDANCE WITH CHAPTER 102, LOCAL GOVERNMENT CODE; AND APPROPRIATING THE VARIOUS AMOUNTS THEREOF. (Adopting the annual budget)

Attachments: AIS - Reading of Ordinance to Adopt Budget
2023-25 Adopt Budget
FY 23-24 Proposed Budget

D. 2023-662 PRESENTATION AND PUBLIC HEARING ON THE PROPOSED AD VALOREM PROPERTY TAX RATE FOR THE 2023 TAX YEAR AT 47.66 CENTS PER EACH $100 OF TAXABLE VALUE. (One of one hearing)

Attachments: AIS - 5D Tax Rate Presentation and Public Hearing
2023 Public Hearing Notice

E. 2023-663 RATIFY THE PROPERTY TAX REVENUE INCREASE REFLECTED IN THE FISCAL YEAR 2023-2024 BUDGET.

Attachments: AIS -Tax Revenue Increase Ratification

F. 2023-667 CONSIDER A ONE-TIME READING OF ORDINANCE NO. 2023-26; AS PERMITTED BY THE CITY OF BOERNE'S HOME RULE CHARTER

SECTION 3.11.A. (As described below)

G. 2023-664 CONSIDER ORDINANCE NO. 2023-26; AN ORDINANCE SETTING THE AD VALOREM PROPERTY TAX RATE FOR THE 2023 TAX YEAR AT 47.66 CENTS PER EACH $100 OF TAXABLE VALUE. (Adopting the tax rate)

Attachments:
AIS - Tax Rate Ordinance
Ordinance No. 2023-26

H. 2023-665 CONSIDER ON FIRST READING ORDINANCE NO. 2023-27; AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 2022-29 AND ESTABLISHING AND REESTABLISHING FEES AND CHARGES FOR ACTIVITIES, GOODS AND SERVICES PROVIDED BY THE CITY; CONTAINING A PROVISION TO AUTHORIZE THE CITY MANAGER TO ESTABLISH FEES AND CHARGES IN CERTAIN CIRCUMSTANCES, CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING FOR PUBLICATION. (Establish fees for City of Boerne services)

Attachments:
AIS Fee Ordinance - effective 10-1-2023
Ordinance No. 2023-27
Fee Schedule_2024- As Adopted
Fee Schedule_2024-Redlined version

I. 2023-656 PRESENTATION, PUBLIC HEARING AND CONSIDER ON FIRST READING ORDINANCE NO. 2023-28; AN ORDINANCE ANNEXING A 1.633 ACRE PORTION OF RIGHT-OF-WAY ON INTERSTATE HIGHWAY 10 TO THE CITY OF BOERNE, KENDALL COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY. (One of one public hearing and consider the first reading of an ordinance annexing a portion of IH 10 right-of-way, at the request of Forestar (USA) Real Estate Group, Inc., Matkin Properties, LP, Equity Trust Company Custodian FBO Harold T. duPerier III IRA, and Equity Trust Company Custodian FBO John-Mark Matkin IRA)

Attachments:
AIS - Spencer Ranch Area 1 - 1.633
Ordinance No. 2023-28
Exhibit A. Field Notes - Spencer Ranch Area 1 - 1.633
Spencer Ranch Agreement Executed Jun1621
Annexation Area Map
Location Map - IH 10 ROW (Area 1)
Public Hearing Notice

J. 2023-657 PRESENTATION, PUBLIC HEARING AND CONSIDER ON FIRST READING ORDINANCE NO. 2023-29; AN ORDINANCE ANNEXING A TOTAL OF 22.653 ACRES, MORE OR LESS, BEING 13.42 ACRES LOCATED AT 12 SPENCER ROAD (KAD NO. 37948), 2.07 ACRES LOCATED AT 2B SPENCER ROAD (KAD NO. 37947), 2.47 ACRES LOCATED AT 2 SPENCER ROAD (KAD NO. 14354), AND 4.69 ACRES LOCATED AT 8 SPENCER ROAD (KAD NO. 36891) TO THE CITY OF BOERNE, KENDALL COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY. (One of one public hearing and consider the first reading of an ordinance annexing 12 Spencer Rd, 2B Spencer Rd, 2 Spencer Rd, and 8 Spencer Rd. at the request of Forestar (USA) Real Estate Group, Inc., Matkin Properties, LP, Equity Trust Company Custodian FBO Harold T. duPerier III IRA, and Equity Trust Company Custodian FBO John-Mark Matkin IRA)

Attachments:
AIS - Spencer Ranch Area 2 - 22.653
Ordinance No. 2023-29
Exhibit A and B to Ordinance - Area 2 MSP and Exhibits
Spencer Ranch Agreement Executed Jun1621
Annexation Area Map
1 - Location Map - 12 Spencer Road
2 - Location Map - 2B Spencer Road
3 - Location Map - 2 Spencer Road
4 - Location Map - 8 Spencer Road
Public Hearing Notice

K. 2023-658

PRESENTATION, PUBLIC HEARING AND CONSIDER ON FIRST READING ORDINANCE NO. 2023-30; AN ORDINANCE ANNEXING A 1.122 ACRE PORTION OF RIGHT-OF-WAY ALSO KNOWN AS SPENCER ROAD TO THE CITY OF BOERNE, KENDALL COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY. (One of one public hearing and consider the first reading of an ordinance annexing a portion of Spencer Rd. at the request of Forestar (USA) Real Estate Group, Inc., Matkin Properties, LP, Equity Trust Company Custodian FBO Harold T. duPerier III IRA, and Equity Trust Company Custodian FBO John-Mark Matkin IRA)

Attachments:

AIS - Spencer Ranch Area 3 - 1.122
Ordinance No. 2023-30
Exhibit A. to Ordinance - Field Notes and Exhibit - Spencer Ranch Area 3 – Spencer Ranch Agreement Executed Jun1621
Annexation Area Map
Location Map - Spencer Road ROW
Kendall County Notification - Spencer Ranch
Public Hearing Notice

L. 2023-659

PRESENTATION, PUBLIC HEARING AND CONSIDER ON FIRST READING ORDINANCE NO. 2023-31; AN ORDINANCE ANNEXING A 5.984 ACRE PORTION OF WEST STATE HIGHWAY 46 (KAD. NO. 14918) AND A PORTION OF 10 SPENCER ROAD (KAD NO. 14916) TO THE CITY OF BOERNE, KENDALL COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY. (One of one public hearing and consider the first reading of an ordinance annexing a portion of 10 Spencer Rd. at the request of

Forestar (USA) Real Estate Group, Inc., Matkin Properties, LP, Equity Trust Company Custodian FBO Harold T. duPerier III IRA, and Equity Trust Company Custodian FBO John-Mark Matkin IRA)

Attachments:
AIS - Spencer Ranch Area 4 - 5.984
Ordinance No. 2023-31
Exhibits A and B to Ordinance -Area 4 MSP and Exhibits
Spencer Ranch Agreement Executed Jun1621
Annexation Area Map
Location Map - Area 4
Public Hearing Notice

M. 2023-660 PRESENTATION, PUBLIC HEARING AND CONSIDER ON FIRST READING ORDINANCE NO. 2023-32; AN ORDINANCE ANNEXING A 2.807 ACRE PORTION OF WEST STATE HIGHWAY 46 TO THE CITY OF BOERNE, KENDALL COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY. (One of one public hearing and consider the first reading of an ordinance annexing a portion of W Hwy 46, at the request of Forestar (USA) Real Estate Group, Inc., Matkin Properties, LP, Equity Trust Company Custodian FBO Harold T. duPerier III IRA, and Equity Trust Company Custodian FBO John-Mark Matkin IRA.)

Attachments:
AIS - Portion of Hwy 46 - 2.807 Acres
Ordinance No. 2023-32
Exhibit A to Ordinance - Portion of Hwy 46 - 2.807acres
Spencer Ranch Agreement Executed Jun1621
Annexation Area Map
Location Map - Hwy 46 ROW
TxDOT Notification - Spencer Ranch
Public Hearing Notice

N. 2023-634 CONSIDER A ONE-TIME READING OF ORDINANCE NO. 2023-33; AS PERMITTED BY THE CITY OF BOERNE'S HOME RULE CHARTER SECTION 3.11.A. (As described below)

O. 2023-653 CONSIDER ORDINANCE NO. 2023-33; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, REPEALING ARTICLE IV, "YOUTH CURFEW" OF CHAPTER 15, "OFFENSES AND MISCELLANEOUS PROVISIONS" OF THE BOERNE CITY CODE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (Repealing the curfew ordinance)

Attachments: AIS Juvenile Curfew Ord
Ordinance No. 2023-33
Ordinance No. 2022-12 Curfew youth (002)
HB01819F

6. OTHER:

A. 2023-672 RECEIVE AND ACCEPT THE RESIGNATION FROM COUNCIL MEMBER DISTRICT 4, BRYCE BODDIE AND DECLARE A VACANCY AS PER THE CITY OF BOERNE HOME RULE CHARTER.

Attachments: AIS fill vacancy
Resignation

7. CITY MANAGER'S REPORT:

A. 2023-652 INTRODUCTION TO WALTER BALL, ASSISTANT FIRE CHIEF OPERATIONS AND TRAINING.

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

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

A. 2023-612 SECTION 551.072 - TO DELIBERATE THE SALE OR VALUE OF REAL PROPERTY WHERE DELIBERATION IN AN OPEN MEETING COULD AFFECT THE POSITION OF THE CITY IN NEGOTIATIONS WITH A THIRD PERSON. (Near Ammann Road)

B. 2023-671 SECTION 551.072 - TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY WHERE DELIBERATION IN AN OPEN MEETING COULD AFFECT THE POSITION OF THE CITY IN NEGOTIATIONS WITH A THIRD PERSON. (Potential parks property)

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

11. ADJOURNMENT

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the 8th day of September, 2023 at 4:00 p.m.

_____

s/s Lori A. Carroll
City Secretary

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS

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

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

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

MINUTES
REGULAR CITY COUNCIL MEETING
RONALD C. BOWMAN CITY COUNCIL CHAMBERS
447 North Main Street
Boerne, TX 78006
August 22, 2023 – 6:00 PM

Minutes of the Regular Called City Council Meeting of August 22, 2023.

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

Staff Present: Ben Thatcher, Siria Arreola, Sarah Buckelew, Jeff Carroll, Lori Carroll, Nathan Crane, Lissette Jimenez, Mike Mann, Mick McKamie, Mike Raute, Chris Shadrock, Kristy Stark, and Danny Zincke.

Recognized/Registered Guests: Alex Rudd and Joe Bateman

1. CALL TO ORDER – 6:00 PM

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

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

2. CONFLICTS OF INTEREST

No conflicts were declared.

3. PUBLIC COMMENTS:

Alex Rudd, 63 La Concion spoke regarding the impact on water resources and conservation and expressed concern with potential lake contamination.

4. CONSENT AGENDA:

A MOTION WAS MADE BY COUNCIL MEMBER BODDIE, SECONDED BY MAYOR PRO TEM WOLOSIN, 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 Boddie, and Council Member Macaluso

A. CONSIDER THE MINUTES OF THE REGULAR CALLED CITY COUNCIL MEETING OF AUGUST 8, 2023.

THE MINUTES WERE APPROVED.

B. CONSIDER RESOLUTION NO. 2023-R63; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A SHARED SERVICES AGREEMENT FOR FUNDING OF PUBLIC PURPOSE BETWEEN THE CITY OF BOERNE AND FRIENDS OF THE CIBOLO WILDERNESS, INC. (CIBOLO CENTER FOR CONSERVATION) FOR AN AMOUNT NOT TO EXCEED $15,000.00.

THE RESOLUTION WAS APPROVED.

5. PRESENTATIONS, PUBLIC HEARINGS, AND ORDINANCES:

A. PRESENTATION ON CURRENT FLOODPLAIN REGULATIONS AND THE SAN ANTONIO RIVER AUTHORITY (SARA) FLOODPLAIN MAPPING UPDATES CURRENTLY IN PROGRESS.

Mayor Ritchie called on Mr. Jeff Carroll, Engineering and Mobility Director to discuss the necessity of the floodplain ordinance. He provided the background of the drainage types and code requirements, Cibolo Creek flood protection areas, past flood events and what is considered a 100 year storm. He displayed maps created by FEMA to classify for flood insurance stating that stricter rules give a discount for flood insurance. He explained that water drains to Cibolo Creek which then drains to the San Antonio River Basin. SARA is the review authority which then requires approval by FEMA. Mr. Carroll displayed a map of the SARA draft floodplain map showing the difference from 2010 to the current year. Discussion ensued regarding expanding the current ordinance to

allow building in the floodway with stringent rules and best practices. Concerns were expressed with allowing building in the flood zone could put people in harms way.

6. RESOLUTIONS:

A. **CONSIDER RESOLUTION NO. 2023-R64; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF BOERNE AND HALFF ASSOCIATES, INC. FOR PLAN REVIEW FOR AN AMOUNT NOT TO EXCEED $75,000.00.**

Mr. Carroll continued with a proposed amendment to the agreement with Halff, an engineering firm hired by the City to perform plan reviews. With additional development plan submittals, Halff is needed to perform more reviews that exceeds their initial contract value.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE RESOLUTION NO. 2023-R64; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF BOERNE AND HALFF ASSOCIATES, INC. FOR PLAN REVIEW FOR AN AMOUNT NOT TO EXCEED $75,000.00. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

B. **CONSIDER RESOLUTION NO. 2023-R65; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS; AUTHORIZING THE CITY'S PARTICIPATION IN A JOINT POWER PURCHASE CONTRACT WITH MULTIPLE ENTITIES; AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS TO PROVIDE FOR THE CITY'S PARTICIPATION IN THE JOINT POWER PURCHASE CONTRACT; PROVIDING FINDINGS OF FACT; PROVIDING FOR AN OPEN MEETING; AND PROVIDING AN EFFECTIVE DATE.**

(MuniWatt Joint Power Purchase Contract)

Mayor Ritchie called on Ms. Sarah Buckelew, Finance Director. Ms. Buckelew explained that the City has participated with a bulk-power discount program called MuniGas for over 25 years. The same program is being offered for municipally owned electric companies called MuniWatt which would allow the City to purchase electric energy through a joint power purchase contract.

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER SCOTT, TO APPROVE RESOLUTION NO. 2023-R65; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS; AUTHORIZING THE CITY'S PARTICIPATION IN A JOINT POWER PURCHASE CONTRACT WITH MULTIPLE ENTITIES; AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS TO PROVIDE FOR THE CITY'S PARTICIPATION IN THE JOINT POWER PURCHASE CONTRACT; PROVIDING FINDINGS OF FACT; PROVIDING FOR AN OPEN MEETING; AND PROVIDING AN EFFECTIVE DATE. (MUNIWATT JOINT POWER PURCHASE CONTRACT). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

7. OTHER:

A. CALL FOR AND SET A PUBLIC HEARING ON SEPTEMBER 12, 2023, AT 6:00 PM ON THE PROPOSED BUDGET FOR FISCAL YEAR 2023-2024.

Ms. Buckelew continued with a timeline for approving the FY24 budget and tax rate. She reviewed the voter approved bond projects. The proposed overall budget is $141,439,055. In accordance with Local Government Code Section 102, the city will hold a public hearing on September 12, 2023 on the proposed budget and tax rate followed by a one-time reading of both ordinances.

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER SCOTT, TO CALL FOR AND SET A PUBLIC HEARING ON SEPTEMBER 12, 2023, AT 6:00 PM ON THE PROPOSED BUDGET FOR FISCAL YEAR 2023-2024. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

B. CALL FOR AND SET A PUBLIC HEARING ON SEPTEMBER 12, 2023, AT 6:00 PM ON THE PROPOSED TAX RATE OF $0.4766/$100 VALUATION FOR FISCAL YEAR 2023-2024.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY COUNCIL MEMBER WRIGHT, TO CALL FOR AND SET A PUBLIC HEARING ON SEPTEMBER 12, 2023, AT 6:00 PM ON THE PROPOSED TAX RATE OF $0.4766/$100 VALUATION FOR FISCAL YEAR 2023-2024. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

8. CITY MANAGER'S REPORT:

Mayor Ritchie called on City Manager Ben Thatcher.

A. MONTHLY PROJECTS REPORT.

City Manager Thatcher provided an update on various city projects. He expressed appreciation to the community for their participation on water conservation.

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

Council Member Scott stated it is always good to double check timers on residential water systems to help with conservation efforts.

Council Member Macaluso reminded the public that Cow Creek Groundwater is in Stage 4. Because of alternate water sources, the City is in Stage 2.

Council Member Wright reminded those who have water softners to check their settings. The less the equipment has to regenerate, the less water is used.

Mayor Pro Tem Wolosin clarified the earlier public comment that approximately 25% of the City's water comes from the lake not 50%. He reference a Facebook post he made. City Council Members make hard decisions. Sometimes those decisions are made behind closed doors so Council Members are unable to comment, but any decision made is to plan smart for the future so the City has control to prevent a private utility that may come in take control and not follow our ordinances and standards. George's Ranch is an example.

Council Member Macaluso stated that we are lucky to a have a public utility. It is a great benefit to our citizens and our community and Boerne is the only community that benefits from it. The City does make money to pay for infrastructure but isn't a for-profit entity that pays shareholders, etc.

10. ADJOURNMENT

Mayor Ritchie adjourned the City Council Meeting at 7:15 p.m.

Approved:

_____

Mayor

Attest:

_____

City Secretary

RESOLUTION NO. 2023-R66

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A SHARED SERVICES AGREEMENT FOR FUNDING OF PUBLIC PURPOSE BETWEEN THE CITY OF BOERNE AND RAINBOW SENIOR CENTER

WHEREAS, the City by authority of its general governmental powers reserved to it under the Texas Constitution, has provided certain public funds for the accomplishment of a public purpose; and

WHEREAS, the City Council has found and determined that the programs, services, missions and functions of Rainbow Senior Center also called "The Center" accomplish a valuable and important public purpose for the citizens of Boerne; and

WHEREAS, the City Council has found and determined that the valuable and important public purpose provided by Rainbow Senior Center far exceed the amount of funding provided by the City; and

WHEREAS, the City of Boerne finds it necessary to enter into and manage a shared services agreement with Rainbow Senior Center for funding for public purpose;

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 shared services agreement between the City of Boerne and the Rainbow Senior Center for funding for public purpose in the amount of $20,000.00 and a one-time funding for projects in the amount of $28,900.00.

PASSED, APPROVED, and ADOPTED on this the ____ day of September, 2023.

APPROVED:

_____
Mayor

ATTEST:

_____
City Secretary

SHARED SERVICE AGREEMENT

THE STATE OF TEXAS '

' KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF KENDALL '

This Agreement made effective the _____ day of _____, 2023, by and between the CITY OF BOERNE, TEXAS, a home-rule municipal corporation located in Kendall County, Texas, hereinafter called CITY and RAINBOW SENIOR CENTER, hereinafter called CENTER, each acting herein by and through its duly authorized officers.

WHEREAS, the City by authority of its general governmental powers reserved to it under the Texas Constitution, has provided certain public funds for the accomplishment of a public purpose; and

WHEREAS, the City has adopted a budget for the expenditure of such funds, and included therein is an allocation of Park Funds for programs of the Center; and

WHEREAS, The Center is a central resource center which provides individual and family social services to improve and maintain a high quality of life for senior citizens in the City of Boerne and Kendall County; and

WHEREAS, The Center's mission is to serve the need of the citizens of the City of Boerne and Kendall County ages 60 and older; and

WHEREAS, The Center's function is to coordinate or provide resources, information and activities that will enrich the lives of senior citizens; and

WHEREAS, The Center provides nutritional programs, transportation services, and encourages social interaction among senior citizens to overcome the social isolation that often accompanies aging; and

WHEREAS, the City Council has found and determined that the above programs,

services, mission and functions of the Center accomplish a valuable and important public purpose for the citizens of Boerne.

NOW THEREFORE:

The parties hereto agree as follows:

1. The Center will provide, oversee, administer, and carry out all programs and services described above in a manner satisfactory to the City.

2. The Center agrees that any funds paid to it by the City shall be used only in the performance of programs and services described above.

3. The City hereby agrees to pay the following to the Center.

   A. TWITY THOUSAND AND NO/100 DOLLARS ($20,000.00) from the General Fund and Electric Fund. Payment shall be made in quarterly payments of $5,000.00 beginning October 2023 and ending September 2024.

   B. Additional one-time pay from the General Fund for facility projects, in the maximum amount of $28,900.00.

4. Prior to any dispersal of funds, it must be determined that monies received from this agreement shall not constitute a plurality of the Center's revenue for the current fiscal year.

5. It is expressly understood and agreed by and between the parties that the Center is hired and engaged as an independent contractor and is not an officer, agent or employee of the City

6. It is understood and agreed by and between the parties that a fiduciary duty is created in the Center with respect to expenditure of revenue provided in accordance with the approved proposal. Therefore:

   A. The Center shall provide to the City Manager periodic reports within thirty (30) days after the end of each three (3) month period beginning with the period ending December 31, 2023 on the activities that are conducted to benefit the City, and expenditures made hereunder, as well as an annual financial statement listing the

expenditures made from the funds paid hereunder.

B. The Center shall maintain complete and accurate financial records of each expenditure of funds paid hereunder and, upon request of the City Council or City Manager shall make the records available for inspection and review.

C. Further, the Center shall obtain and supply to the City on or before January 31, 2024, an accounting by numbers, samples, registrations or other method acceptable to the City Manager detailing the persons served by the Center's programs and functions described herein.

7. This Agreement shall begin on the execution date hereof and shall continue in force until September 30, 2024. This Agreement may be terminated by the City upon thirty (30) days' notice for noncompliance with the terms of the Agreement.

8. Any notice necessary or appropriate relative to this Agreement shall be effective when deposited in the United States mail, either certified or registered mail, postage prepaid and addressed to the City Manager of the City of Boerne, City Hall, 447 N. Main, Boerne, Texas 78006.

9. No part of this Agreement may be assigned or delegated, and any attempted assignment of benefits or rights of delegation of duties or obligations shall be a breach of this Agreement.

10. This Agreement shall be subject to the laws and statutes of the State of Texas.

11. **INDEMNITY CLAUSE.** The Center agrees to and shall indemnify and hold harmless and defend the City, its officers, agents, and employees from any and all claims, losses, causes of action and damages, suits, and liability of every kind including all expenses of litigation, court costs, and attorney fees, for injury to or death to any person, or for damage to any property, arising from or in connection with the operations of the Center, its officers, agents and employees carried out in furtherance of this Agreement. It is the expressed intention of the parties hereto, both the Center and the City, that the indemnity provided for in this paragraph is also Indemnity by the Center to

indemnify and protect the City from the consequences of the City's own negligence, where the negligence is a concurring cause of the injury, death, or damage.

12. It is expressly agreed that by executing this Agreement with the Center, the City does not bind itself in the future as to any action of the City Council in connection with the alteration repeal or amendment of the City of Boerne, Texas budget, fund allocation, or appropriation of funds, and in the event, for any reason, that the funds are not available, the City shall not be obligated under this Agreement to pay any funds of the City to the Center. It is also understood between the parties to the Agreement that in the event that no funds are available from the City of Boerne, Texas budget for any reason, this Agreement shall terminate, any provisions contained herein notwithstanding, and that the Center shall have no right or demand upon the City for funds payable under this Agreement if such funds are not available, for any reason.

13. Each party warrants and represents that it has approved this Agreement by motion duly adopted at a meeting of its governing body by a majority of those present and voting and that the chief executive officer of each party is duly authorized to enter into this Agreement on behalf of such party.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date and year first above written.

ATTEST:

BY:_____
PRINT NAME:_____
OFFICE HELD:_____

ATTEST:

_____
LORI CARROL
City Secretary

CITY OF BOERNE, TEXAS

BY:_____
BEN THATCHER
City Manager

Rainbow Senior Center

BY:_____
_____

Chief Executive Officer

	AGENDA ITEM SUMMARY
Agenda Date	September 12, 2023
Requested Action	CONSIDER RESOLUTION NO. 2023-R67; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A SHARED SERVICES AGREEMENT FOR FUNDING OF PUBLIC PURPOSE BETWEEN THE CITY OF BOERNE AND BOERNE PERFORMING ARTS.
Contact Person	Nicholas Montagno, Assistant to the City Manager
Background Information	Each year, the City of Boerne enters into funding contracts with certain non-profit entities that provide specific services to the local community. After the last fiscal years' agreements, staff looked to reassess the process by which these agreements were evaluated as well as to work to strategically align these requests for funds to specific goals and principles laid out in the documents in the Rolling Ten Year Plan as well as aligning to the City's Vision, Mission, and Values. Boerne Performing Arts' (BPA) mission is to develop and sustain an environment that supports and promotes awareness, appreciation, education, and access to all the arts in Kendall County and the Texas Hill Country. Highlights of BPA include the 'For Kids' program which allows students to experience world-class professional performing artists through student programs, master classes, preludes & interludes, and art galleries. Boerne Performing Arts mission and initiatives align closely with Action 6.2.4 of the City's Master Plan, which allows for the exploration of funding alternatives to provide for a greater variety of arts initiatives, which include visual and performing arts. This also aligns with the City's Vision tenet of Unique Community Charm.
Item Justification	[ ] Legal/Regulatory Obligation [ ] Reduce Costs [ ] Increase Revenue [ ] Mitigate Risk [X] Master Plan Recommendation [ ] Infrastructure Investment [X] Customer Pull [X] Service Enhancement [ ] Process Efficiency [ ] Other:

Strategic Alignment	C3 – Collaboration with community partners to enhance quality of life. F1 – Strategic, responsible, conservative fiscal management. B1 – Data-driven decision making. B2 – Advancing Master Plan recommendations.
Financial Considerations	$15,000 is budgeted in the General Fund.
Citizen Input/Board Review	N/A
Legal Review	Legal has reviewed the Shared Services Agreement.
Alternative Options	N/A
Supporting Documents	

RESOLUTION NO. 2023-R67

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A SHARED SERVICES AGREEMENT FOR FUNDING OF PUBLIC PURPOSE BETWEEN THE CITY OF BOERNE AND BOERNE PERFORMING ARTS

WHEREAS, the City by authority of its general governmental powers reserved to it under the Texas Constitution, has provided certain public funds for the accomplishment of a public purpose; and

WHEREAS, the City Council has found and determined that the programs, services, missions and functions of Boerne Performing Arts accomplish a valuable and important public purpose for the citizens of Boerne; and

WHEREAS, the City Council has found and determined that the valuable and important public purpose provided by Boerne Performing Arts far exceed the amount of funding provided by the City; and

WHEREAS, the City of Boerne finds it necessary to enter into and manage a shared services agreement with Boerne Performing Arts for funding for public purpose;

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 shared services agreement between the City of Boerne and the Boerne Performing Arts for funding for public purpose in the amount of $15,000.00.

PASSED, APPROVED, and ADOPTED on this the ____ day of September, 2023.

APPROVED:

_____
Mayor

ATTEST:

_____
City Secretary

SHARED SERVICES AGREEMENT

THE STATE OF TEXAS '

' KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF KENDALL '

This Agreement made effective the _____ day of _____, 2023 by and between the CITY OF BOERNE, TEXAS, a home-rule municipal corporation located in Kendall County, Texas, hereinafter called CITY and BOERNE PERFORMING ARTS, hereinafter called ARTS, each acting herein by and through its duly authorized officers.

WHEREAS, the City by authority of its general governmental powers reserved to it under the Texas Constitution, has provided certain public funds for the accomplishment of a public purpose; and

WHEREAS, the City has adopted a budget for the expenditure of such funds, and included therein is an allocation of General Funds for programs of the Arts; and

WHEREAS, the Arts is an organization with a mission to bring the world of performing arts to Boerne by presenting concerts that feature internationally acclaimed artists, educating through student outreach programs, and enriching the quality of life in the community; and

WHEREAS, the Arts' mission is to serve the needs of the citizens of all ages and positively impact the lives of several thousand students through its "FOR KIDS" programs; and

WHEREAS, the Arts' function is to develop and sustain an environment that supports and promotes awareness, appreciation, education, and access to the arts for residents of the City and Kendall County as a whole; and

WHEREAS, The Arts provides a unique dimension that enhances the economic well-being and quality of life for the residents of the City and Kendall County; and

WHEREAS, the City Council has found and determined that the above programs,

services, mission and functions of the Arts accomplish a valuable and important public purpose for the citizens of Boerne.

NOW THEREFORE:

The parties hereto agree as follows:

1. The Arts will provide, oversee, administer, and carry out all programs and services described above in a manner satisfactory to the City.

2. The Arts agrees that any funds paid to it by the City shall be used only in the performance of programs and services described above.

3. The City hereby agrees to pay to the Arts FIFTEEN THOUSAND AND NO/100 DOLLARS ($15,000.00) from the General Fund. Payment shall be made in quarterly payments of $3,750.00 beginning October 2023 and ending September 2024.

4. Prior to any dispersal of funds, it must be determined that monies received from this agreement shall not constitute a plurality of the Arts' revenue for the current fiscal year.

5. It is expressly understood and agreed by and between the parties that the Arts is hired and engaged as an independent contractor and is not an officer, agent or employee of the City

6. It is understood and agreed by and between the parties that a fiduciary duty is created in the Arts with respect to expenditure of revenue provided in accordance with the approved proposal.

Therefore:

A. The Arts shall provide to the City Manager periodic reports within thirty (30) days after the end of each three (3) month period beginning with the period ending December 31, 2023 on the activities that are conducted to benefit the City, and expenditures made hereunder, as well as an annual financial statement listing the expenditures made from the funds paid hereunder.

B. The Arts shall maintain complete and accurate financial records of each expenditure of funds paid hereunder and, upon request of the City Council or City Manager shall

make the records available for inspection and review.

C. Further, the Arts shall obtain and supply to the City on or before January 31st, 2024, an accounting by numbers, samples, registrations or other method acceptable to the City Manager detailing the persons served by the Arts' programs and functions described herein.

7. This Agreement shall begin on the execution date hereof and shall continue in force until September 30, 2024. This Agreement may be terminated by the City upon thirty (30) days' notice for noncompliance with the terms of the Agreement.

8. Any notice necessary or appropriate relative to this Agreement shall be effective when deposited in the United States mail, either certified or registered mail, postage prepaid and addressed to the City Manager of the City of Boerne, City Hall, 447 N. Main, Boerne, Texas 78006.

9. No part of this Agreement may be assigned or delegated, and any attempted assignment of benefits or rights of delegation of duties or obligations shall be a breach of this Agreement.

10. This Agreement shall be subject to the laws and statutes of the State of Texas.

11. **INDEMNITY CLAUSE.** The Arts agrees to and shall indemnify and hold harmless and defend the City, its officers, agents, and employees from any and all claims, losses, causes of action and damages, suits, and liability of every kind including all expenses of litigation, court costs, and attorney fees, for injury to or death to any person, or for damage to any property, arising from or in connection with the operations of the Arts, its officers, agents and employees carried out in furtherance of this Agreement. It is the expressed intention of the parties hereto, both the Arts and the City, that the indemnity provided for in this paragraph is also Indemnity by the Arts to indemnify and protect the City from the consequences of the City's own negligence, where the negligence is a concurring cause of the injury, death, or damage.

12. It is expressly agreed that by executing this Agreement with the Arts, the City does not bind

itself in the future as to any action of the City Council in connection with the alteration repeal or amendment of the City of Boerne, Texas budget, fund allocation, or appropriation of funds, and in the event, for any reason, that the funds are not available, the City shall not be obligated under this Agreement to pay any funds of the City to the Arts. It is also understood between the parties to the Agreement that in the event that no funds are available from the City of Boerne, Texas budget for any reason, this Agreement shall terminate, any provisions contained herein notwithstanding, and that the Arts shall have no right or demand upon the City for funds payable under this Agreement if such funds are not available, for any reason.

13. Each party warrants and represents that it has approved this Agreement by motion duly adopted at a meeting of its governing body by a majority of those present and voting and that the chief executive officer of each party is duly authorized to enter into this Agreement on behalf of such party.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date and year first above written.

ATTEST:

_____
LORI CARROLL
City Secretary

CITY OF BOERNE, TEXAS

BY:_____
BEN THATCHER
City Manager

ATTEST:

BY:

_____

PRINT NAME:

_____

OFFICE HELD:

_____

Boerne Performing Arts

BY:_____
Chief Executive Officer

	AGENDA ITEM SUMMARY
Agenda Date	September 12, 2023
Requested Action	CONSIDER RESOLUTION NO. 2023-R68; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A SHARED SERVICES AGREEMENT FOR FUNDING OF PUBLIC PURPOSE BETWEEN THE CITY OF BOERNE AND BOERNE HOUSING AUTHORITY.
Contact Person	Nick Montagno, Assistant to the City Manager
Background Information	Each year, the City of Boerne enters into funding contracts with certain non-profit entities that provide specific services to the local community. After the last fiscal years' agreements, staff looked to reassess the process by which these agreements were evaluated as well as to work to strategically align these requests for funds to specific goals and principles laid out in the documents in the Rolling Ten Year Plan as well as aligning to the City's Vision, Mission, and Values. The Boerne Housing Authority (BHA) serves the needs of low income, very low income, and extremely low-income families, including the elderly and persons with disabilities by striving to provide decent, safe, and affordable housing through its administration of the Housing Choice Voucher Program as well as by promoting fair housing and the opportunity for income-eligible households of all backgrounds to experience freedom of housing choice. Although the services provided don't necessarily correlate to specific outcomes detailed in our strategic documents, they do align very closely with the community's desire to help provide/subsidize more affordable housing options. This also aligns with the tenet of Service as laid out in the City's values which looks for improvement of our community and betterment of people's lives.
Item Justification	[ ] Legal/Regulatory Obligation [ ] Reduce Costs [ ] Increase Revenue [ ] Mitigate Risk [ ] Master Plan Recommendation [ ] Infrastructure Investment [X] Customer Pull [ ] Service Enhancement [ ] Process Efficiency [ ] Other:

Strategic Alignment	C3 – Collaboration with community partners to enhance quality of life. F1 – Strategic, responsible, conservative fiscal management. B1 – Data-driven decision making.
Financial Considerations	$15,000 is budgeted in Electric Funds.
Citizen Input/Board Review	N/A
Legal Review	Legal has reviewed the Shared Services Agreement.
Alternative Options	N/A
Supporting Documents	

RESOLUTION NO. 2023-R68

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A SHARED SERVICES AGREEMENT FOR FUNDING OF PUBLIC PURPOSE BETWEEN THE CITY OF BOERNE AND BOERNE HOUSING AUTHORITY

WHEREAS, the City by authority of its general governmental powers reserved to it under the Texas Constitution, has provided certain public funds for the accomplishment of a public purpose; and

WHEREAS, the City Council has found and determined that the programs, services, missions and functions of Boerne Housing Authority accomplish a valuable and important public purpose for the citizens of Boerne; and

WHEREAS, the City Council has found and determined that the valuable and important public purpose provided by Boerne Housing Authority far exceed the amount of funding provided by the City; and

WHEREAS, the City of Boerne finds it necessary to enter into and manage a shared services agreement with Boerne Housing Authority for funding for public purpose.

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 shared services agreement between the City of Boerne and the Boerne Housing Authority for funding for public purpose in the amount of $15,000.00.

PASSED, APPROVED, and ADOPTED on this the ____ day of September, 2023.

APPROVED:

_____
Mayor

ATTEST:

_____
City Secretary

SHARED SERVICES
AGREEMENT

THE STATE OF TEXAS '

' KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF KENDALL '

This Agreement made effective the _____ day of _____, 2022, by and between the CITY OF BOERNE, TEXAS, a home-rule municipal corporation located in Kendall County, Texas, hereinafter called CITY and BOERNE HOUSING AUTHORITY, each acting herein by and through its duly authorized officers.

WHEREAS, the City by authority of its general governmental powers reserved to it under the Texas Constitution, has provided certain public funds for the accomplishment of a public purpose; and

WHEREAS, the City has adopted a budget for the expenditure of such funds, and included therein is an allocation of Electric Funds for the Boerne Housing Authority; and

WHEREAS, the Boerne Housing Authority is a federal rental assistance program for low-income families, elderly residents and persons with disabilities in the City of Boerne; and

WHEREAS, Boerne Housing Authority's mission is to serve the need of the citizens of the City of Boerne; and

WHEREAS, the Boerne Housing Authority's function is to provide assistance to qualifying low-income families, elderly residents, and persons with disabilities; and

WHEREAS, the Boerne Housing Authority provides a federal rental assistance program; and

WHEREAS, the City Council has found and determined that the above programs, services, mission and functions of Boerne Housing Authority accomplish a valuable and important public purpose for the citizens of Boerne.

NOW THEREFORE:

The parties hereto agree as follows:

1. Boerne Housing Authority will provide, oversee, administer, and carry out all programs and services described above in a manner satisfactory to the City.

2. Boerne Housing Authority agrees that any funds paid to it by the City shall be used only in the performance of programs and services described above.

3. The City hereby agrees to pay to Boerne Housing Authority FIFTEEN THOUSAND AND NO/100 DOLLARS ($15,000.00) from the Electric Fund. Payment shall be made in quarterly payments of $3,750.00 beginning October 2023 and ending September 2024.

4. Prior to any dispersal of funds, it must be determined that monies received from this agreement shall not constitute a plurality of Boerne Housing Authority's revenue for the current fiscal year.

5. It is expressly understood and agreed by and between the parties that Boerne Housing Authority is hired and engaged as an independent contractor and is not an officer, agent or employee of the City.

6. It is understood and agreed by and between the parties that a fiduciary duty is created in Boerne Housing Authority with respect to expenditure of revenue provided in accordance with the approved proposal.

Therefore:

A. Boerne Housing Authority shall provide to the City Manager periodic reports within thirty (30) days after the end of each three (3) month period beginning with the period ending December 31, 2023 on the activities that are conducted to benefit the City, and expenditures made hereunder, as well as an annual financial statement listing the expenditures made from the funds paid hereunder.

B. Boerne Housing Authority shall maintain complete and accurate financial records of each expenditure of funds paid hereunder and, upon request of the City Council or City

Manager shall make the records available for inspection and review.

C. Further, Boerne Housing Authority shall obtain and supply to the City on or before January 31st, 2024, an accounting by numbers, samples, registrations or other method acceptable to the City Manager detailing the persons served by Boerne Housing Authority's programs and functions described herein.

7. This Agreement shall begin on the execution date hereof and shall continue in force until September 30, 2024. This Agreement may be terminated by the City upon thirty (30) days' notice for noncompliance with the terms of the Agreement.

8. Any notice necessary or appropriate relative to this Agreement shall be effective when deposited in the United States mail, either certified or registered mail, postage prepaid and addressed to the City Manager of the City of Boerne, City Hall, 447 N. Main, Boerne, Texas 78006.

9. No part of this Agreement may be assigned or delegated, and any attempted assignment of benefits or rights of delegation of duties or obligations shall be a breach of this Agreement.

10. This Agreement shall be subject to the laws and statutes of the State of Texas.

11. **INDEMNITY CLAUSE.** Boerne Housing Authority agrees to and shall indemnify and hold harmless and defend the City, its officers, agents, and employees from any and all claims, losses, causes of action and damages, suits, and liability of every kind including all expenses of litigation, court costs, and attorney fees, for injury to or death to any person, or for damage to any property, arising from or in connection with the operations of Boerne Housing Authority, its officers, agents and employees carried out in furtherance of this Agreement. It is the expressed intention of the parties hereto, both Boerne Housing Authority and the City, that the indemnity provided for in this paragraph is also Indemnity by Boerne Housing Authority to indemnify and protect the City from the consequences of the City's own negligence, where the negligence is a concurring cause of the injury, death, or damage.

12. It is expressly agreed that by executing this Agreement with Boerne Housing Authority, the City does not bind itself in the future as to any action of the City Council in connection with the alteration repeal or amendment of the City of Boerne, Texas budget, fund allocation, or appropriation of funds, and in the event, for any reason, that the funds are not available, the City shall not be obligated under this Agreement to pay any funds of the City to Boerne Housing Authority. It is also understood between the parties to the Agreement that in the event that no funds are available from the City of Boerne, Texas budget for any reason, this Agreement shall terminate, any provisions contained herein notwithstanding, and that Boerne Housing Authority shall have no right or demand upon the City for funds payable under this Agreement if such funds are not available, for any reason.

13. Each party warrants and represents that it has approved this Agreement by motion duly adopted at a meeting of its governing body by a majority of those present and voting and that the chief executive officer of each party is duly authorized to enter into this Agreement on behalf of such party.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date and year first above written.

ATTEST:

CITY OF BOERNE, TEXAS

_____
LORI CARROLL
City Secretary

BY:_____
BEN THATCHER
City Manager

ATTEST:

BY: _____
PRINT NAME: _____
OFFICE HELD: _____

Boerne Housing Authority
BY:_____
Chief Executive Officer

	AGENDA ITEM SUMMARY
Agenda Date	September 12, 2023
Requested Action	CONSIDER RESOLUTION NO. 2023-R69; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A SHARED SERVICES AGREEMENT FOR FUNDING OF PUBLIC PURPOSE BETWEEN THE CITY OF BOERNE AND HILL COUNTRY COURT APPOINTED SPECIAL ADVOCATES (HILL COUNTRY CASA).
Contact Person	Nicholas Montagno, Assistant to the City Manager
Background Information	Each year, the City of Boerne enters into funding contracts with certain non-profit entities that provide specific services to the local community. After the last fiscal years' agreements, staff looked to reassess the process by which these agreements were evaluated as well as to work to strategically align these requests for funds to specific goals and principles laid out in the documents in the Rolling Ten Year Plan as well as aligning to the City's Vision, Mission, and Values. Hill Country Court Appointed Special Advocates (CASA) mission is to provide volunteers who passionately advocate for abused and neglected children. Hill Country CASA serves at the appointment of the Child Protection Court, from the time a child is removed from their home until their Child Protective Services (CPS) case is closed. When the children are further away than the local area, CPS workers use courtesy services like Hill Country CASA. Hill Country CASA uses funds to allow volunteers to travel to see these children in person, where they live, regularly throughout the life of their CPS case. Although the services provided don't necessarily correlate to specific outcomes detailed in our strategic documents, they do align with the tenet of Service as laid out in the City's values which looks for improvement of our community and betterment of people's lives.
Item Justification	[ ] Legal/Regulatory Obligation [ ] Infrastructure Investment [ ] Reduce Costs [ ] Customer Pull [ ] Increase Revenue [X] Service Enhancement [ ] Mitigate Risk [ ] Process Efficiency [ ] Master Plan Recommendation [ ] Other:

Strategic Alignment	C3 – Collaboration with community partners to enhance quality of life. F1 – Strategic, responsible, conservative fiscal management. B1 – Data-driven decision making.
Financial Considerations	$5,000 budgeted in Electric Funds.
Citizen Input/Board Review	N/A
Legal Review	Legal has reviewed the Shared Services Agreement.
Alternative Options	N/A
Supporting Documents	

RESOLUTION NO. 2023-R69

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A SHARED SERVICES AGREEMENT FOR FUNDING OF PUBLIC PURPOSE BETWEEN THE CITY OF BOERNE AND COURT APPOINTED SPECIAL ADVOCATES (CASA)

WHEREAS, the City by authority of its general governmental powers reserved to it under the Texas Constitution, has provided certain public funds for the accomplishment of a public purpose; and

WHEREAS, the City Council has found and determined that the programs, services, missions and functions of CASA accomplish a valuable and important public purpose for the citizens of Boerne; and

WHEREAS, the City Council has found and determined that the valuable and important public purpose provided by CASA far exceed the amount of funding provided by the City; and

WHEREAS, the City of Boerne finds it necessary to enter into and manage a shared services agreement with CASA for funding for public purpose;

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 shared services agreement between the City of Boerne and CASA for funding for public purpose in the amount of $5,000.00.

PASSED, APPROVED, and ADOPTED on this the ____ day of August, 2023.

APPROVED:

_____
Mayor

ATTEST:

_____
City Secretary

DELEGATE AGENCY
AGREEMENT

THE STATE OF TEXAS '

' KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF KENDALL '

This Agreement made effective the _____ day of _____, 2023, by and between the CITY OF BOERNE, TEXAS, a home-rule municipal corporation located in Kendall County, Texas, hereinafter called CITY and HILL COUNTRY CASA, hereinafter called Hill Country CASA, each acting herein by and through its duly authorized officers.

WHEREAS, the City by authority of its general governmental powers reserved to it under the Texas Constitution, has provided certain public funds for the accomplishment of a public purpose; and

WHEREAS, the City has adopted a budget for the expenditure of such funds, and included therein is an allocation of funds for programs which promote individual and family social services to improve and maintain a high quality of life for the Citizens of Boerne; and

WHEREAS, Hill Country CASA possesses specialized expertise, personnel, equipment, and training necessary to provide certain community-based specialized services unique to the organization; and

WHEREAS, Hill Country CASA'S mission is to provide volunteers who passionately advocate for abused and neglected children; and

WHEREAS, the City Council has found and determined that the above programs, services, mission and functions of Hill Country CASA accomplish a valuable and important public purpose for the citizens of Boerne.

NOW THEREFORE:

The parties hereto agree as follows:

1. Hill Country CASA will provide, oversee, administer, and carry out all programs and services described above in a manner satisfactory to the City.

2. Hill Country CASA agrees that any funds paid to it by the City shall be used only in the performance of programs and services described above.

3. The City hereby agrees to pay to Hill Country CASA FIVE THOUSAND AND NO/100 DOLLARS ($5,000.00) from the Electric Fund. Payment shall be made in quarterly payments of $1,250.00 beginning October 2023 and ending September 2024.

4. Prior to any dispersal of funds, it must be determined that monies received from this agreement shall not constitute a plurality of Hill Country CASA's revenue for the current fiscal year.

5. It is expressly understood and agreed by and between the parties that Hill Country CASA is hired and engaged as an independent contractor and is not an officer, agent or employee of the City

6. It is understood and agreed by and between the parties that a fiduciary duty is created in Hill Country CASA with respect to expenditure of revenue provided in accordance with the approved proposal.

Therefore:

A. Hill Country CASA shall provide to the City Manager periodic reports within thirty (30) days after the end of each three (3) month period beginning with the period ending December 31, 2023 on the activities that are conducted to benefit the City, and expenditures made hereunder, as well as an annual financial statement listing the expenditures made from the funds paid hereunder.

B. Hill Country CASA shall maintain complete and accurate financial records of each expenditure of funds paid hereunder and, upon request of the City Council or City Manager shall make the records available for inspection and review.

C. Further, Hill Country CASA shall obtain and supply to the City on or before January

31st, 2024, an accounting by numbers, samples, registrations or other method acceptable to the City Manager detailing the persons served by Hill Country CASA's programs and functions described herein.

7. This Agreement shall begin on the execution date hereof and shall continue in force until September 30, 2024. This Agreement may be terminated by the City upon thirty (30) days' notice for noncompliance with the terms of the Agreement.

8. Any notice necessary or appropriate relative to this Agreement shall be effective when deposited in the United States mail, either certified or registered mail, postage prepaid and addressed to the City Manager of the City of Boerne, City Hall, 447 N. Main, Boerne, Texas 78006.

9. No part of this Agreement may be assigned or delegated, and any attempted assignment of benefits or rights of delegation of duties or obligations shall be a breach of this Agreement.

10. This Agreement shall be subject to the laws and statutes of the State of Texas.

11. **INDEMNITY CLAUSE.** Hill Country CASA agrees to and shall indemnify and hold harmless and defend the City, its officers, agents, and employees from any and all claims, losses, causes of action and damages, suits, and liability of every kind including all expenses of litigation, court costs, and attorney fees, for injury to or death to any person, or for damage to any property, arising from or in connection with the operations of Hill Country CASA, its officers, agents and employees carried out in furtherance of this Agreement. It is the expressed intention of the parties hereto, both Hill Country CASA and the City, that the indemnity provided for in this paragraph is also Indemnity by Hill Country CASA to indemnify and protect the City from the consequences of the negligence of either party hereto with regard to any and all claims based upon joint venture liability.

12. It is expressly agreed that by executing this Agreement with Hill Country CASA, the City does not bind itself in the future as to any action of the City Council in connection with the alteration repeal or amendment of the City of Boerne, Texas budget, fund allocation, or appropriation of funds, and in the event, for any reason, that the funds are not available, the City shall not be obligated under this

Agreement to pay any funds of the City to Hill Country CASA. It is also understood between the parties to the Agreement that in the event that no funds are available from the City of Boerne, Texas budget for any reason, this Agreement shall terminate, any provisions contained herein notwithstanding, and that Hill Country CASA shall have no right or demand upon the City for funds payable under this Agreement if such funds are not available, for any reason.

13. Each party warrants and represents that it has approved this Agreement by motion duly adopted at a meeting of its governing body by a majority of those present and voting and that the chief executive officer of each party is duly authorized to enter into this Agreement on behalf of such party.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date and year first above written.

ATTEST:

_____
LORI CARROLL
City Secretary

CITY OF BOERNE, TEXAS

BY: _____
BEN THATCHER
City Manager

ATTEST:

BY: _____
PRINT NAME: _____
OFFICE HELD: _____

Hill Country CASA

BY: _____
Chief Executive Officer

	AGENDA ITEM SUMMARY
Agenda Date	September 12, 2023
Requested Action	APPROVE RESOLUTION NO. 2023-R70; AUTHORIZING THE CITY MANGER TO ENTER INTO AND MANAGE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF BOERNE AND FAIR OAKS RANCH FOR THE USE OF THE CITY OF BOERNE ANIMAL CONTROL FACILITY.
Contact Person	Steve M. Perez, Chief of Police
Background Information	Each year since 2000, the City of Boerne has signed an interlocal agreement with the City of Fair Oaks Ranch. This agreement provides for Animal Control Services, specifically pertaining to the housing of strays and pets picked up by the City of Fair Oaks Ranch inside their city limits. The City of Boerne provides housing and care for these animals during the designated holding period. Once the required holding period has passed, the City of Fair Oaks Ranch releases any unclaimed animals to the City of Boerne for final disposition. For these services, the City of Fair Oaks Ranch pays a minimum of 10% of the annual "operational costs" if the % of animals brought in by the City of Fair Oaks is 10% or less of the total animals brought into the shelter. Should they bring in more than 10%, then the fee matches the percentage of animals brought into the shelter. They must also pay an additional fee per animal that an owner does not claim and must be released to the City of Boerne for disposition. For this agreement, "operational costs" are calculated for 1.5 employees (salaries and benefits), utilities, food, cleaning supplies, and facility maintenance. For the current term, the "operational cost" was $262,166.60 resulting in an annual minimum fee of $26,216.66.
Item Justification	[X] Legal/Regulatory Obligation [ ] Reduce Costs [ ] Increase Revenue [ ] Mitigate Risk [ ] Master Plan Recommendation [ ] Infrastructure Investment [ ] Customer Pull [ ] Service Enhancement [ ] Process Efficiency [X] Other: Interagency Cooperation

Strategic Alignment	C3 – Collaborating with Community Partners
Financial Considerations	Since the agreement adjusts the fee the City of Fair Oaks pays the City of Boerne based on usage there is little to no financial impact to the budget.
Citizen Input/Board Review	N/A
Legal Review	The agreement was reviewed by the legal team.
Alternative Options	• Deny the agreement and inform the City of Fair Oaks Ranch to procure other means to house their animals. • Authorize staff to negotiate a different agreement with the City of Fair Oaks Ranch for Animal Control Services.
Supporting Documents	Copy of the proposed agreement with the City of Fair Oaks Ranch for Animal Control Services.

LETTER OF AGREEMENT

This Interlocal Agreement ('the Agreement") is entered into by the City of Boerne, Texas and Fair Oaks Ranch, Texas for the use of the City of Boerne Animal Control Facility.

I. RECITALS

WHEREAS, CHAPTER 791 of the TEXAS GOVERNMENT CODE, also known as the INTERLOCAL COOPERATION ACT, authorizes all local governments to contract with each other to provide a governmental function or service that each party to the contract is authorized to perform individually and in which the contracting parties are mutually interested, such as police protection and public health and welfare; and

WHEREAS, the City of Boerne ("Boerne") is a Home-Rule Municipal Corporation organized under the laws of Texas and is authorized to enter into this Agreement; and

WHEREAS, the City of Fair Oaks Ranch ("FOR") is a Home-Rule Municipal Corporation organized under the laws of the State of Texas and is authorized to enter into this Agreement; and

WHEREAS, Boerne and FOR represent that each is independently authorized to perform the functions contemplated by this Agreement; and

WHEREAS, Boerne operates an Animal Control Facility located at 330 South Esser Road, Boerne, Texas 78006 (the "Facility") for the purpose of providing a safe humane shelter for unwanted, stray, abused, and impounded animals in accordance with state and city regulations in a cost-efficient and effective manner and, thereby, protecting its citizens from the dangers and problems associated with free roaming animals; and

WHEREAS, FOR currently has a need for a Facility and is not equipped to render such shelter services; and

WHEREAS, each party has sufficient funds available from current revenues to perform the functions contemplated by this Agreement; and

WHEREAS, both Boerne and FOR find it mutually desirable to enter into this Agreement.

NOW, THEREFORE in consideration of the mutual benefits and promises each to the other made herein, the parties named above do hereby agree as follows:

II. BOERNE OBLIGATIONS

The services to be provided by Boerne to FOR are as follows:

1. Maintain, repair, control, regulate, administer, and operate the Facility as a complete animal shelter for the use and benefit of the Parties to this Agreement.

2. Retain in custody, on a temporary basis, animals taken into possession by the Parties to this Agreement. As used herein, the term "animals" shall mean dogs and cats. Should FOR need to impound an animal other than a dog or cat, FOR will contact Boerne to see if the Facility is able to house the type of animal being brought in and verify that the Facility has the type of food needed for the animal. If Boerne does not have food for the animal, FOR will be responsible for either bringing the correct food or will be invoiced by Boerne for the purchase of specialized food. An invoice will be provided with the Monthly Report.

3. Contract for and purchase all reasonably necessary supplies, equipment, materials, and services deemed reasonably necessary to operate the Facility.

4. Emergency animal pickup by Boerne Animal Control personnel when all authorized FOR Animal Control and Law Enforcement personnel is unavailable upon authorization from the Boerne City Manager, or their designee. The Facility is not required to accept impoundment of any animal from a FOR resident.

5. On the first day of each month, the Boerne Animal Control Department will compile a report of all FOR animals impounded at the facility during the preceding month and shall provide the report to FOR no later than the 10th day of each month.

III. FOR Obligations

1. FOR agrees and understands that the only person(s) authorized to bring an animal impounded from FOR to the Facility shall be a FOR Law Enforcement Officer or a FOR Animal Control Officer. In no event will the Facility accept any animal for impoundment from a FOR resident.

2. FOR agrees and understands that no animal impounded from FOR shall be released from the Facility to the owner of the animal without direction from FOR.

3. If a FOR animal is in need of reasonable medical attention, FOR agrees and understands that such FOR animal must be taken to a veterinary hospital by a FOR agent prior to bringing the FOR animal to the Facility. Boerne is under no obligation to impound an animal that it deems in need of medical attention, such determination is in the sole discretion of the Boerne Animal Control Officer[s].

4. Should any FOR animal need medical attention while impounded at the Facility, such cost for veterinary treatment shall be borne solely by FOR.

5. If a FOR animal is declared a ward of the Court due to abuse or neglect, the FOR animal must first be taken to a veterinary hospital for a complete medical examination prior to impoundment at the Facility.

6. FOR will create standards for the procedures desired to be implemented by Boerne concerning the length of time any FOR animal is impounded at the Facility. Such FOR created standards will include the length of time the FOR animal will be impounded before being available for adoption or humanely euthanized. After the holding period prescribed by the FOR standards, FOR shall surrender the animal to Boerne for a surrender fee of $10.00. FOR is responsible to forward an Animal Surrender Notice to the COB at the end of the prescribed holding period. If FOR has not furnished COB an Animal Surrender Notice by Noon on the day following the end of the prescribed holding period, COB will assess a boarding fee of $10.00 for each day FOR is delinquent in forwarding the Animal Surrender Notice to COB. Should the end of the holding period fall on a Saturday or Sunday, the Animal Surrender Notice will be due by Noon on Monday.

7. Owner-Surrendered Animals. Should FOR accept an Owner-Surrendered Animal for re-adoption, FOR will pay $10.00 to COB per animal surrendered. COB reserves the right to reject any Owner-Surrendered Animal that displays aggression or is sick, injured, or elderly to the point that adoption is not an option. COB will not accept any Owner-Surrendered Animal for euthanasia. Owner-Surrendered Animals should be taken by the owner to the veterinarian for euthanasia purposes. Should FOR choose to accept Owner-Surrendered Animals for euthanasia purposes, FOR should contract with a veterinarian to perform this service.

8. In the event that any FOR animal impounded at the Facility is involved in a biting or scratching incident requiring the quarantine of the FOR animal, the FOR animal must be removed from the Facility by FOR within twenty-four hours for the duration of the quarantine period.

IV. CONSIDERATION

1. The operational costs of the Boerne Facility shall be shared by Boerne and FOR on a percentage basis, with FOR minimum percentage at 10%. This actual percentage shall be determined at the end of April each year, based on the number of animals impounded at the Facility from each Party during the previous twelve (12) month period. The operational costs are the total of 1.5 Boerne Facility employees' salary and benefits for the next fiscal year plus utilities, food, cleaning supplies, and building maintenance. Pursuant to this calculation, the amount due from FOR to Boerne is 10% of the operational costs of $262,166.60 equaling $26,216.66 or a monthly sum of $2,184.72 over the period of this Agreement. Payment of FOR's proportionate share is due on the 15th day of each month if FOR elects to pay monthly. Should FOR elect to make one payment, such payment is due on the 15th day of the month following execution of this Agreement.

2. If an emergency animal pickup is made between 8:00 AM and 5:00 PM by COB personnel for a FOR animal per Section II.4. above, FOR shall pay a fee to the COB of $35.00 per hour and an additional $15.00 for each additional half hour, or any

portion thereof. After 5:00 PM, Boerne holidays and weekend, FOR shall pay $50.00 per hour and an additional $25.00 for each additional half hour, or any portion thereof. Boerne will provide FOR with an invoice listing all animals picked-up by Boerne personnel and impounded pursuant to this Section plus any associated fees therewith (including, but not limited to, any necessary medical treatment prior to and during impoundment per Section III.3). Payment of this additional invoice is due on or before the 15th day of the month following receipt of the invoice.

3. Boerne will provide FOR with an invoice listing all animals in need of medical attention while impounded at the Facility per Section III.4. Such invoice will list the necessary treatment received and the fees associated therewith. Payment of this additional invoice is due on or before the 15th day of the month following receipt of the invoice.

4. Boerne will provide FOR with an invoice listing all animals exceeding their length of time at the Facility per FOR established standards per Section III.6. Upon receipt of such invoice, FOR will immediately forward an Animal Surrender Notice to Boerne via facsimile or electronic mail. The original Animal Surrender Notice will be provided to Boerne with the accompanying fee on or before the 15th day of the month following receipt of the invoice.

V. TERM AND TERMINATION

1. This Agreement shall be effective as of October 1, 2023, and shall continue in force and effect for a period of twelve months and shall terminate September 30, 2024. The Agreement shall be reviewed by the Boerne City Council prior to each fiscal year.

2. Any party may terminate the Agreement by giving written notice; said termination to take effect within sixty (60) days after the notice is given.

Vi. GENERAL PROVISIONS

1. **Indemnification. Subject to the limitations as to liability and damages in the Texas Tort Claims Act and without waiving its governmental immunity, each Party agrees to hold harmless each other, its governing board, officers, agents and employees for any liability, loss, damages, claims or causes of action caused or asserted to have been caused directly or indirectly by any other Party to this Agreement, or any of its officers, agents or employees, or as the result of its performance, or any of its officers, agents or employees, under this Agreement.**

2. Independent Contractor. Boerne shall be solely responsible for the Facility. Boerne shall supply all materials, equipment, tools, transportation, and labor required for or reasonably incidental to the maintenance and care of the Facility. The City shall have

the sole obligation to employ, direct, control, supervise, manage, discharge and compensate all of the Boerne Animal Control Service employees.

3. Severability Clause. The Parties intend for the various provisions of this Agreement to be severable so that the invalidity, if any, of any one section (or more) shall not affect the validity of the remaining provisions or sections.

4. Public Information Act. Each Party agrees that it is a governmental body for purposes of the Public Information Act codified as Chapter 552 of the Texas Government Code and as such is required to release information in accordance with the Public Information Act.

5. This document may be executed in any number of original signature counterparts, each of which shall for all purposes be deemed an original, and all such counterparts shall constitute one and the same document. It is understood and agreed that this Agreement may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes.

6. Each Party has the full power and authority to enter into and perform this Agreement, and the person signing this Agreement on behalf of each party has been properly authorized and empowered to enter into this Agreement. The persons executing this Agreement hereby represent that they have authorization to sign on behalf of their respective entity.

7. This Agreement shall be interpreted in accordance with the laws of the State of Texas and in Kendall County, Texas.

8. This Agreement represents the entire agreement of the Parties and supersedes any verbal or written representations of, to or by the parties to each other.

9. Headings. The headings at the beginning of the various provisions of this Agreement have been included only in order to make it easier to locate the subject covered by each provision and are not to be used in construing this Agreement.

10. Notices to either Party shall be sufficient if sent in writing, postage pre-paid, registered or certified mail to the following:

<u>Boerne</u>
Ben Thatcher
City Manager
P.O. Box 1677
Boerne, TX 78006-1677
bthatcher@boerne-tx.gov
Fax: (830) 249-9264

<u>FOR</u>
Scott Huizenga
Interim City Manager
7286 Dietz Elkhorn
Fair Oaks Ranch, TX 78015
shuizenga@fairoaksranchtx.org
Fax: (210) 698-3565

Agreed to this the _____ day of _____, 2023.

Approved:
City of Boerne, Texas

_____

Attest:

_____
City Secretary

Approved:
City of Fair Oaks Ranch, Texas

_____

Attest:

_____
City Secretary

	AGENDA ITEM SUMMARY
Agenda Date	September 12, 2023
Requested Action	PRESENTATION AND PUBLIC HEARING ON THE PROPOSED BUDGET FOR THE CITY OF BOERNE, TEXAS, FOR FISCAL YEAR 2023-2024.
Contact Person	Sarah Buckelew, Finance Director
Background Information	The total Fiscal Year 2024 annual budget of $141,439,055 is supported by the proposed tax rate of $0.4766/$100 valuation. A presentation will be made on the budget followed by a public hearing to provide an opportunity for citizens to provide and receive information related to the proposed budget. The proposed annual budget is also available on the City's website for citizen review.
Item Justification	[X] Legal/Regulatory Obligation [ ] Reduce Costs [ ] Increase Revenue [ ] Mitigate Risk [ ] Master Plan Recommendation [ ] Infrastructure Investment [ ] Customer Pull [ ] Service Enhancement [ ] Process Efficiency [ ] Other:
Strategic Alignment	F1: Committing to strategic, responsible, and conservative financial management.
Financial Considerations	N/A
Citizen Input/Board Review	N/A
Legal Review	N/A
Alternative Options	N/A

Supporting Documents	The FY2024 Proposed Budget can be reviewed online at: https://city-boerne-tx-budget-book.cleargov.com/10323

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council of the City of Boerne, Texas will hold a Public Hearing on September 12, 2023, at 6:00 p.m., in the City Council Chambers located at 447 North Main Street, Boerne, Texas, to discuss and consider the proposed budget for the fiscal year October 1, 2023, through September 30, 2024.

This budget will raise more total property taxes than last year's budget by an amount of $2,604,481 which is a 20.73 percent increase from last year's budget, and of that amount $505,096 is the tax revenue to be raised from new property added to the tax roll this year. The Fiscal Year 2023-2024 Proposed Budget was filed with the City Secretary on August 9, 2023, and published on the City's website, ci.boerne.tx.us and is available for public inspection.

All interested parties are encouraged to attend.

s/s Lori A. Carroll, City Secretary

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS

The City of Ronald C. Bowman Council Chambers is wheelchair accessible. Requests for special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 830-249-9511.

	AGENDA ITEM SUMMARY
Agenda Date	September 12, 2023
Requested Action	CONSIDER ON FIRST READING ORIDNANCE NO. 2023-25; AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE CITY OF BOERNE, TEXAS, FOR THE FISCAL YEAR BEGINNING OCTOVER 1, 2023, AND ENDING SEPTEMBER 30, 2024, IN ACCORDANCE WITH CHAPTER 102, LOCAL GOVERNMENT CODE; AND APPROPRIATING THE VARIOUS AMOUNTS THEREOF. (ORDINANCE ADOPTING THE BUDGET)
Contact Person	Sarah Buckelew, Finance Director
Background Information	The total FY2024 annual budget of $141,439,055 is supported by the proposed tax rate of $0.4766/$100 valuation. The proposed annual budget is available on the City's website. The vote on the ordinance must be a record vote.
Item Justification	[X] Legal/Regulatory Obligation [ ] Reduce Costs [ ] Increase Revenue [ ] Mitigate Risk [ ] Master Plan Recommendation [ ] Infrastructure Investment [ ] Customer Pull [ ] Service Enhancement [ ] Process Efficiency [ ] Other:
Strategic Alignment	F1: Committing to strategic, responsible, and conservative financial management.
Financial Considerations	N/A
Citizen Input/Board Review	N/A
Legal Review	N/A

Alternative Options	N/A
Supporting Documents	The FY2024 Proposed Budget can be reviewed online at: https://city-boerne-tx-budget-book.cleargov.com/10323

ORDINANCE NO. 2023-25

AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE CITY OF BOERNE, TEXAS, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023, AND ENDING SEPTEMBER 30, 2024, IN ACCORDANCE WITH CHAPTER 102 OF THE LOCAL GOVERNMENT CODE; AND APPROPRIATING THE VARIUS AMOUNTS THEREOF

WHEREAS, in accordance with Section 6.02 of the City Charter and Section 102.005 of the Texas Local Government Code, the City Manager, on August 9, 2023, prepared and filed with the City Secretary and had placed on the City's website for at least thirty (30) days available for inspection by any taxpayer, a proposed budget for the City of Boerne, Texas, for the fiscal year beginning October 1, 2023, and ending September 30, 2024.

WHEREAS, in accordance with the City Charter and the Texas Local Government Code, and after providing the required public notice in the City's official newspaper not less than ten days prior to the date of the public hearing, a public hearing was duly held on September 12, 2023, at the time and place set forth in the public notice, at which time all interested persons were given an opportunity to be heard for or against any item within the proposed budget; and

WHEREAS, after due deliberation, study, and consideration of the proposed budget, to include the opportunity of making any amendments to the budget proposed by the City Manager that City Council has determined are (1) warranted by law or (2) in the best interest of the taxpayers of the City, City Council is of the opinion that the Official Budget for the Fiscal Year 2023-2024, with any such amendments described and discussed, should be approved and adopted, in accordance with the City Charter and the Texas Local Government Code.

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

SECTION 1. The Official Budget of the City of Boerne, Texas, a copy of which is on file in the office of the City Secretary and on the City's and incorporated herein by reference as if fully set out herein, is adopted, in accordance with Article VI of the City Charter and Chapter 102 of the Texas Local Government Code.

SECTION 2. The appropriations by department, fund, or other organization unit and the authorization and allocation for each program or activity are hereby deemed to provide a complete financial plan of City funds and activities for the Fiscal Year 2023-2024, in accordance with the City Charter and the Texas Local Government Code.

SECTION 3. The provisions of this Ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances

inconsistent with or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION 4. If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Boerne, Texas, hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION 5. The City Manager is authorized to make certain adjustments to the Fiscal Year 2023-2024 Annual Budget without further approval from City Council as stipulated in Article VI of the City Charter and Section III of the City of Boerne Fiscal and Budget Policy approve by City Council.

PASSED, APPROVED, AND ADOPTED on this the ___day of September 2023.

APPROVED:

_____
Mayor

ATTEST:

_____
City Secretary

APPROVED AS TO FORM:

_____
City Attorney

City of Boerne
FY 23-24 Budget



Proposed Version

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INTRODUCTION

Proposed Budget

Fiscal Year October 1, 2023 - September 30, 2024

This budget will raise more total property taxes than last year's budget by an amount of $2,604,482 which is a 20.73 percent increase from last year's budget, and of that amount, $505,096 is the tax revenue to be raised from new property added to the tax roll this year.

City Council Record Vote

The record vote of each member of the governing body by name voting on the adoption of the budget is as follows:

GOVERNING BODY	RECORD VOTE
Frank Ritchie	
Ty Wolosin	
Sharon D. Wright	
Quinten Scott	
Bryce Boddie	
Joseph Macaluso	

The Governing Body will vote on the proposed budget on September 12, 2023.

Property Tax Rate Comparison

	FY 2023	FY 2024
Property Tax Rate	0.4510	0.4766
No-New-Revenue Tax Rate	0.3913	0.3999
No-New Revenue Maintenance & Operation Tax Rate	0.3270	0.3476
Voter Approval Tax Rate	0.4518	0.4767
Debt Rate	0.0640	0.1184

The above information is presented on the cover page of the City's FY 2023-24 budget to comply with requirements of section 102.005 of the Texas Local Government Code.

BOERNE GOVERNING BODY AND CITY MANAGEMENT



Frank Ritchie
Mayor



Ty Wolosin
District 1 & Mayor ProTem



Sharon D. Wright
District 2



Quinten Scott
District 3



Bryce Boddie
District 4

CITY OF Boerne



Joseph Macaluso
District 5



Kristy Stark
Assistant City Manager



Ben Thatcher
City Manager



Danny Zincke
Assistant City Manager

P.O. Box 1677 • 447 N. Main
Boerne, Texas 78006

August 9, 2023
Honorable Mayor and
Members of the City Council
447 N. Main Street
Boerne, Texas 78006



Dear Mayor and members of the City Council,

In accordance with the Texas Local Government Code and the City Charter of the City of Boerne, the adopted annual budget for the fiscal year beginning October 1, 2023, and ending September 30, 2024, is submitted for your consideration. The budget, as filed with the City Secretary, presents in summary form the revenues and expenditures for each of the funds. It is a plan that reflects the City's commitment to strong financial principles and aligns resources with organizational goals. It provides for investments in 2022 bond projects, public safety, mobility, infrastructure, high performance management, and commitment to excellence.

Based upon the Certified Taxable Values as delivered by the Appraisal District, staff is recommending that Council consider increasing the total property tax rate from $0.4510/$100 value to $.4766/$100 which would be an overall increase of 2.56 cents per $100 value. With this increase to the overall rate, there is also a decrease to the Maintenance and Operations rate of 3.24 cents per $100 value which is added to the interest and sinking (debt rate). This change to the rate structure will fund the 2022 bond projects. The increase represents a decrease to the Maintenance and Operations rate of 3.24 cents per $100 value that is used to help fund the 2022 bond initiatives as voted favorably by the voters last November. This recommendation comes after many months of dedication and hard work by City staff to maximize investment in infrastructure and other key initiatives while balancing cost pressures of the current economy and job market. The hard work by staff to trim budgets resulted in the cost savings to the Maintenance and Operations rate, which we are very proud of.

The $141M total City Budget is comprised of eighteen funds, of which eleven are governmental funds, and seven are enterprise (utility) funds. Governmental funds account for $71M of the budget, while the utility funds account for $70 of the budget.

Going into this year's budget development, the leadership team had nine budget goals for developing this budget proposal:

1. Strategic alignment to the City strategy map
2. Master plan implementation
3. Manage growth
4. Maintain structural balance
5. Maintain optimum fund balance levels

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6. Understand multi-year considerations
7. Manage the tax rate
8. Recognize the operational impact of budget allocations
9. Maintain an employer of choice status

The primary goal of this budget is to deliver on the promises made in the November 2022 election when residents approved two bond propositions to fund streets and parks infrastructure. Design work is already underway for 2022 bond projects, and this budget will issue $18M of the $36M authorized to further push these projects along. The remaining $18M of the voter approved debt will be issued in the following fiscal year budget.

In order to maintain an employer of choice status, this budget proposes a cost of living (COLA) adjustment for all regular employees of 4.5%. By policy, the COLA is based on the Employment Cost Index (ECI) one year percentage change for the period ended June 30, as found on the Bureau of Labor Statistics website. For June 30, 2023, the ECI was 4.7%. Additionally, regular employees who earn a merit through the evaluation process would receive 1-3% merit increases in January. The City's benefits package will also modestly increase with a rise in the increase of health insurance premiums.

The economic and inflationary challenges facing our nation in 2023 have impacted the way we are able to conduct our business. Managing these challenges has been an emphasis when developing the Fiscal Year 2024 budget. These challenges include managing cost increases, investing in a strong culture to retain and attract new employees (reviewing benefit offerings), and increasing our investment in public safety services by funding three new firefighter positions, an additional School Resource Officer, and an animal control officer. Additional budgetary focus has also been on increasing the percentage of the budget spent on capital infrastructure projects (shifting some of our unrestricted reserves to our Capital Improvement Program) as well as preparing for funding and the start of our 2022 Bond projects. The budget proposes $33M in infrastructure improvements, which represents over 23% of the total budget spend for the upcoming fiscal year. City leadership has made a concerted effort to increase the percentage of infrastructure investment over the past several years, and this proposed budget represents another year of increased investment.

FY 2024 Budget Accomplishments

I'm pleased to report that this budget achieves the following benchmarks:

- Provides a manageable increase in tax rate to fund 2022 Bond projects by reducing the Maintenance and Operations tax rate by 3.24 cents per $100 valuation.
- Adds five new public safety positions
- Invests in $23M of other strategic capital infrastructure projects
- Upholds a competitive compensation and benefits program
- Contains no service level reductions
- Includes limited expenditure growth
- Manages inflationary pressures
- Implements recommendations from the City's 10-year-rolling Plan

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Boerne, Texas 78006

With support and leadership from the Mayor and City Council, the FY 2024 budget has been developed in adherence with the City's established financial principles and with the City's strategy map in mind. It implements or moves forward many of the recommendations of the City's Ten-Year Rolling Plan, manages costs in a period of continued high inflation, and provides high quality service delivery for ongoing programs and services. It incorporates initiatives to provide for long-term financial sustainability, including multi-year financial planning and targeted utilization of City reserves for key infrastructure projects. It also addresses employee compensation and benefits to ensure that the City of Boerne continues to be an employer of choice.

The staff is mindful of the dynamic community we serve and very much appreciate your support and trust to deliver on our commitment to build "an exemplary Hill Country community by delivering high quality, customer-focused essential services to all who live, work and play in Boerne."

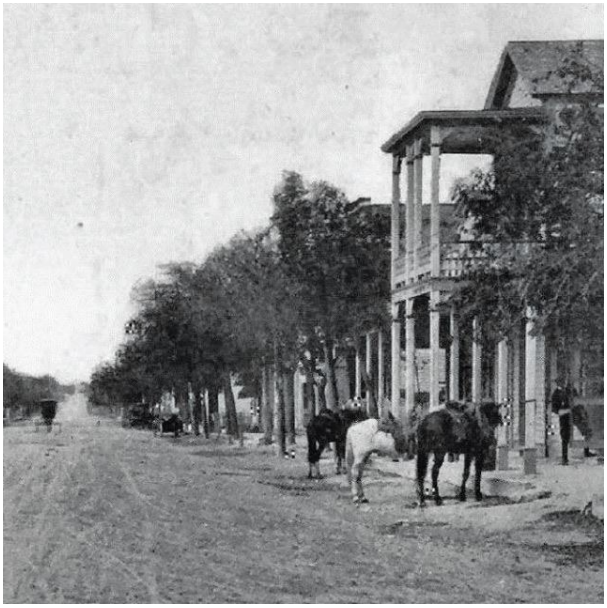
Respectfully submitted,

Ben Thatcher
City Manager

(830) 249-9511 • (830) 249-9264 fax • www.boerne-tx.gov

A Need For Expansion

Long before the beloved Hill Country Mile, the scenic Cibolo Center for Conservation, and the display of charming, historic buildings existed, Boerne was an undeveloped territory populated by Native Americans. In 1840, a Bexar County surveyor, named John James, ventured north of San Antonio into the Texas Hill Country and found what would eventually become the city of Boerne. This land was aesthetically beautiful, had a much cooler climate than the hot and flat San Antonio, and provided an abundance of water flowing through the Cibolo Creek.



New Beginnings

John James teamed up with a man named Gustav Theissen, and together they platted Boerne in 1852. They named the town “Boerne” after a German author and publicist, Karl Ludwig Börne, who had written much about the promising new territory. He died in 1837, never having stepped foot on American soil. Boerne was platted in the part of the Texas Hill Country that would eventually be known as Kendall County, named after George Wilkins Kendall.

With the hope of new economic opportunities and freedoms, a German-based organization, known as the *Adelsverein*, eventually caught wind of this territory and initiated mass immigration. By the thousands, German and Prussian immigrants were finding their way to Texas, and hundreds of them quickly made their homes in Hill Country towns – including New Braunfels and Fredericksburg. The raw land in Boerne was purchased, made into individual lots, and put up for sale before there were any settlers.



Growth in Boerne

The initial growth in Boerne was slow, but it became known for being a retreat with its healthy restorative properties and beautiful scenery. It was also in close proximity to an established Native-American trade route known as the Camino Veijo Trail. This route ran adjacently to Boerne, making it easy to access, and therefore improving Boerne’s exposure and status.

Early Boerne settlers created mud huts and shacks for themselves once their land was purchased, working their holdings and obtaining basic needs before ever thinking of constructing pretty rock buildings. A post office was established in 1856 with August Staffell as postmaster. By 1858, there were 10 wooden cabins in Boerne, and the Ye Kendall Inn was built just a year after that. In 1862, Boerne became the county seat of the newly formed Kendall County by a margin of only 67 votes. A courthouse was built in 1870 and is still in use, making it the second-oldest courthouse in Texas.

By 1870, Boerne had 250 citizens, and the Native-American presence in Kendall County was no longer a threat. This decade brought a new wave of British immigrants to the Texas Hill Country. Railroads were among one of the major

promoters of Boerne, appealing to laborers and those seeking new economic opportunities, although it did not physically stop here until 1887 with the arrival of the San Antonio and Aransas Pass Railway.
By the turn of the century, Boerne had 800 citizens and was booming. Boerne residents voted to incorporate in 1909 and established a mayor-alderman form of city government. Also in that year they established the Boerne Independent School District. The city continued to grow with the introduction of electricity and automobiles.
The years between the World Wars, however, were hard on Boerne. The Great Depression of the 1930s all but put an end to the tourism and cotton farming that had been staples of the local economy. The population fell from an estimated 2,000 in 1928 to 1,117 in 1931. It wasn't until the 1960s that economic growth began in earnest once again, and it has since continued into the present-day Boerne.
In the 1990s the population exceeded 5,000, making Boerne eligible for home rule. This was voted in by its citizens in 1995. Accelerated growth in the late 1990s and early 2000s has increased the population to 10,471 according to the 2010 census. Boerne's population has increased to nearly 20,000 in 2020.



German Culture

In spite of the influx of different ethnic groups, the German cultural tradition has dominated the community in many ways. The Boerne Gesangverein, or singing society, was established in 1860 and was an important social and recreational organization until it disbanded in 1977. German community organizations still active include the Boerne Schuetzen Verein, a shooting club formed in 1864, and the Boerne Village Band, which was formed about the same time as the singing society. Boerne has also held an annual celebration, the Berges Fest, since 1967.

Fun Facts

- The seeds of the first small settlement in future Kendall County were planted in 1847 when Nicholas Zink put down roots on the Guadalupe River 13 miles north of the location of present-day Boerne. This was five years before the town of Boerne was platted.
- Not long before Boerne was platted, another small settlement was located to the northwest and adjacent to the future Boerne. Local traditions state that it was named Tusculum. However, there are no conclusive facts to support the name.
- In 1894, a book was written by San Antonio's Paul Adolph Weber and published in German. This book actually compared the customs of Dr. Ferdinand Ludwig Herff to the habits of Roman nobility who traveled in the heat of the summer to a hilly Italian region named Tusculum. Beginning in the 1850s, Dr. Herff would leave San Antonio and also travel in the heat to the hills of Boerne where he would spend the summers and give medical care to the community.

Awards & Accolades



City-Wide Awards

- 2022 Texas Travel Awards - Boerne honored among best Texas destinations
- Municipal Excellence Award for student intern program

Communications

- First place in the Best Strategic Plan category for the Boerne Family Tree rebranding project (pictured left).
- Second place award in the Best Marketing Campaign category for the development of educational materials to inform residents of the November 2022 bond election.

Human Resources

- City of Boerne named a Best-In-Class Employer in Gallagher's 2022 U.S. Benefits Strategy and Benchmarking Survey (pictured right).

Parks

- The City of Boerne was named Tree City USA by the Arbor Day Foundation for the 12th straight year
- Texas Amateur Athletic Federation Platinum Member City Award for outstanding recreational support.



Information Technology

- 2022 TAGITM Excellence Award for planning, coordinating, and building of Police Mobile Security Trailer (pictured left)

Police

- TPCA Recognized Agency Since 2012
- Texas Police Chiefs Association Best Practices Recognition Program Since 2012



Library

- The City of Boerne's Patrick Heath Public Library has received the 2022 Achievement of Library Excellence Award from the Texas Municipal Library Directors Association (TMLDA), an affiliate of the Texas Municipal League (pictured right).



Finance

- The City of Boerne has been awarded the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association for the 34th consecutive year



Special Projects

- 2022 Texas Travel Awards Best Shopping District - Hill Country Mile
- 2022 Texas Travel Awards Best Public Art - Art al Fresco
- 2022 Texas Travel Awards Best Community Event/Small Market - Dickens on Main

Utilities

- Texas Public Power Association System Achievement Award in recognition for the successful completion of a

15-year project to increase connectivity between the electric substations in Boerne (pictured right).

- American Public Gas Association Safety Award - the City of Boerne was the only utility in the Lone Star State recognized by APGA.



Pictured: Terry Nolan, John Wallace, Bryan Russell, Cherise Soares, Jerry Hopf, Michael Sharp, Kelton Roe, Kevin Harle. Not pictured: Kyle Ervin and Mike Mann

Advisory Boards and Commissions

Why We Have Boards and Commissions

Texas is fortunate that its citizens are interested and concerned about their government. These citizens willingly give their time and effort to support their local governmental programs.

One of the most effective ways to permit citizens to become involved directly in the affairs of government is through the use of citizen boards, commissions, and advisory committees.

This brings more citizens into the operations, adds specialized expertise, frees the elected officials for overall concerns, and introduces different and fresh viewpoints into the picture.

Boerne Public Facility Corporation

Duties

The Boerne Public Facility Corporation was authorized by the State of Texas in September 2017 to address housing needs in Boerne. It was created to address the need for affordable housing, as defined by the state, specifically for Boerne's growing senior population.
The corporation is organized exclusively for the purpose of assisting the City of Boerne in financing, refinancing, or providing public facilities. It provides for the acquisition, construction, rehabilitation, renovation, repair, and furnishing of public facilities of the city.

- Certificate of Formation (PDF)
- Access meeting agendas and minutes

Projects

Waypoint - Estraya Boerne is a 288 apartment complex on fifteen and a half acres in South Boerne.
LIV at Boerne Hills is a senior independent living community that offers affordable rent options based on resident income levels. The Department of Housing and Urban Development publishes income level limits each year, which are used to determine pricing.

Board of Directors

The Boerne Public Facility Corporation is managed by a board of directors comprised of the mayor and City Council members. Board members elect a president, vice president, secretary, and any other officer positions deemed necessary.

Member Name	Position
Frank Ritchie	President
Sharon D. Wright	Member
Joseph Macaluso	Secretary/Treasurer
Ty Wolosin	Vice President
Quinten Scott	Member
Bryce Boddie	Member
Lori Carroll	Assistant Secretary

Visit Boerne Advisory Board

Duties

The Visit Boerne Advisory Board:

- Receives and reviews applications for funding of hotel/motel dollars;
- Provides recommendations for funding of hotel/motel dollars to the Visit Boerne staff for approval; and
- Reviews post-event reports to ensure funds provided are spent according to the approved funding request and evaluate the event or project for future funding.

Meetings

The Visit Boerne Advisory Board meets once per quarter (October, January, April, July) at 4 p.m. in the Ronald C. Bowman City Council Chambers - 447 N. Main St in Boerne.

- Access meeting agendas and minutes
- Hotel occupancy forms and HOT applications

Members

The Visit Boerne Advisory Board is comprised of nine members and one staff liaison. The nine board members represent each of the following:

- One full service hotel (GM, owner representative, or executive staff)
- Two limited service hotels (GM, owner representative, or executive staff)
- One bed and breakfast (GM or owner)
- One attraction/venue (GM or owner)
- One arts community
- One restaurant
- Two business districts

All members, including the board chairman and vice chairman, are appointed by the mayor and approved by City Council. Members serve a two-year term beginning at the first meeting in June following appointment. Members must reside within the city limits or Kendall County and/or own, operate, manage, or control a hotel, motel, or bed and breakfast within the city limits.

Download an application to serve on this board.

Members of the Convention and Visitors Bureau Advisory Board

Member Name	Position	Term Expiration
Joe Granados	Chair	May 2025
Brandon Phillips	Vice Chair	May 2025
Guy Sanders	Member	May 2024
Jacquelyn Vasquez	Member	May 2024
Ross Partlow	Member	May 2025
Joey Boatright	Member	May 2024
Elizabeth Castle	Member	May 2025
Brad Wilson	Member	May 2025
Tommy Mathews	Member	May 2025

Design Review Committee

Duties

The Design Review Committee holds the following responsibilities:

- Administers the design review process for properties within the overlay districts of the City.
- Issues Certificate of Approval if required for building and sign permits for properties and structures located within all the overlay districts of the City.
- Comments upon and provides recommendations on actions proposed to other City boards, committees and commissions for any plat or permit for a property located at least partially within any of the overlay districts of the City.
- Considers all variance requests for signage in the City or ETJ.

The Design Review Committee does not review or provide approval for historic landmarks or for properties or signage in the historic district.

Meetings

The Design Review Committee meets at 6 p.m. on the second Thursday of each month or whenever a special meeting is called by the chairman of the committee. Meetings are held in the Ronald C. Bowman Council Chambers at City Hall – 447 N. Main Street in Boerne.

- Access meeting agendas and minutes (select Design Review Committee)

Members

The Design Review Committee is comprised of five members, each appointed by the mayor and approved by City Council to serve a four-year term. Members must reside within the city limits or within the extraterritorial jurisdiction (ETJ) of the City of Boerne.

Download an application to serve on this committee.
Send an email to all members of the committee. (mailto:DRC@boerne-tx.gov)

Members of the Design Review Committee.

Member Name	Position	Email	Term Expiration
Chris Taylor	Chair	Email Chris Taylor (mailto:cTaylor@boerne-tx.gov)	May 31, 2025
Cody Keller	Vice Chair	Email Cody Keller (mailto:cKeller@boerne-tx.gov)	May 31, 2025
Shelly Condra	Member	Email Shelly Condra (mailto:sCondra@boerne-tx.gov)	May 31, 2025
Chris Harthcock	Member	Email Chris Harthcock (mailto:cHarthcock@boerne-tx.gov)	May 31, 2024
Carr Stokes	Member	Email Carr Stokes (mailto:cStokes@boerne-tx.gov)	May 31, 2024

Ethics Review Commission

Duties

The Ethics Review Commission was established by ordinance by the City of Boerne. Its members:

- Review complaints regarding possible ethics violations;
- Conduct investigations and hearings regarding possible ethics violations; and
- Report findings and make recommendations regarding sanctions to the City Council regarding ethics violations.

Meetings

The Ethics Review Commission meets once per year when appointments are made and holds special meetings to address complaints as they arise.

- Access meeting agendas and minutes

Members

The Ethics Review Commission is comprised of five regular members and two alternates, each serving a three-year term. The mayor appointments each member and a chairman with approval from City Council. Members elect a vice chairman and secretary for the commission. Members must reside within the city limits.

Download an application to serve on this commission.

Members of the Ethics Review Commission

Member Name	Position	Term Expiration
Carlin Friar	Chair	June 2024
Ben Walker	Vice Chair	June 2026
Darren Smith	Secretary	June 2026
Ken Dunbar	Member	June 2025
Robert Lee	Member	June 2026
Denver McCarty Jr.	Alternate	June 2025
Vacant	Alternate	June 2026

Historic Landmark Commission

Duties

The Historic Landmark Commission holds a variety of responsibilities with the goal of promoting historical preservation in the city. The commission and its members:

- Investigate and study matters related to the protection, enhancement, restoration, perpetuation and use of historic landmarks, districts and structures;
- Review applications for historic landmark designation;
- Review permits for the construction, reconstruction, alteration, restoration, relocation, demolition, or razing of an included structure in a designated historic district or affecting a designated historic landmark;
- Review applications for historic preservation tax exemption; and
- Make recommendations to the Planning and Zoning Commission pertaining to the amendment of any historic district.

Meetings

The Historic Landmark Commission meets at 5:30 p.m. on the first Tuesday of each month and in special meetings as needed. Meetings are held in the Council Chambers at City Hall – 447 N. Main Street in Boerne.

- Access meeting agendas and minutes

Members

The commission is comprised of seven members appointed by the mayor with approval from City Council. The mayor also appoints a chairman and vice chairman. Members serve a four-year term and must live within the city limits or within the extraterritorial jurisdiction of the City of Boerne.

- Download an application to serve on this commission.
- Send an email to all members of the commission. (mailto:HLC@boerne-tx.gov)

Members of the Historic Landmark Commission

Member Name	Position	Email	Term Expiration
Julia Murphy	Member	Email Julia Murphy	May 2027
Justin Boerner	Chair	Email Justin Boerner (mailto:jBoerner@boerne-tx.gov)	May 2025
Cesar Hance	Member	Email Cesar Hance (mailto:cHance@boerne-tx.gov)	May 2025
Patti Mainz	Member	Email Patti Mainz (mailto:pMainz@boerne-tx.gov)	May 2027
Michael Nichols	Member	Email Michael Nichols (mailto:mNichols@boerne-tx.gov)	May 2027
Lynnese Graves	Member	Email Lynnese Graves	May 2027
Sally Pena	Vice Chair	Email Sally Pena (mailto:sPena@boerne-tx.gov)	May 2025

Quick Links (https://www.ci.boerne.tx.us/QuickLinks.aspx?CID=63,)

1. City of Boerne U nified Development Code
2. Boerne Historic Design Guidelines
3. Historic District Improvement Program - Application Form & Instructions (PDF) (https://www.ci.boerne.tx.us/DocumentCenter/View/12139/HDIP2017applicationform)
4. Texas Historical Commission – State Historic Landmark
5. National Register of Historic Places

Impact Fee Advisory Committee

Duties

The Impact Fee Advisory Committee is established per state law requirements to act in an advisory capacity regarding land use assumptions, capital improvements plans, and impact fees. Specifically, the IFAC's responsibilities include:

- Advising and assisting the city in adopting land use assumptions;
- Advising the city on the need to update or revise land use assumptions, capital improvements plans, and impact fees, which are assessed on water and wastewater services; and
- Reviewing, monitoring, and evaluating the implementation of the capital improvements plan.

Meetings

The Impact Fee Advisory Committee meets twice per year, or more frequently when updates of land use assumptions, capital improvements, or impact fees are underway.

- Access meeting agendas and minutes
- Read the most recent Public Hearing Notice

Members

The IFAC is comprised of the seven members of the Planning and Zoning Commission (https://www.ci.boerne.tx.us/index.aspx?nid=319) listed below.

Members of the Impact Fee Advisory Committee

Member Name	Position	Term Expiration	Email
Tim Bannwolf	Chair	May 2026	Email Tim Bannwolf
Carlos Vecino	Member	May 2024	Email Carlos Vecino
Bob Cates	Secretary	May 2024	Email Bob Cates
Terry Lemoine	Member	May 2025	Email Terry Lemoine
Bill Bird	Member	May 2025	Email Bill Bird
Lucas Hiler	Member	May 2026	Email Lucas Hiler
Susan Friar	Member	May 2024	Email Susan Friar
Ross Partlow	Member	May 2025	

Kendall County Library Advisory Board

Duties

The City of Boerne is a member of the Kendall County Library System through contributions provided by Kendall County. The responsibilities of the Kendall County Library Advisory Board include:

- Advising the county library coordinator (the librarian from Boerne) on issues and ideas of mutual concern;
- Coordinating the joint activities and products of the component libraries in the library system; and
- Making recommendations to the Kendall County Commissioners Court concerning the funding and operation of the library system.

Meetings

The advisory board meets three times each year, including the January meeting at which officers are elected.

Members

The City of Boerne nominates two members to the board to serve on two-year terms. The board members are confirmed by the Kendall County Commissioners Court. Members representing the City of Boerne must reside within the city limits.

Members representing Boerne on the Kendall County Library Advisory Board

Member Name	Term Expiration
Kevin M. Henning	December 2023
Sharon Mazurek	December 2023

Boerne Public Library Advisory Board

Duties

The Library Advisory Board advises City Council through recommendations concerning the funding, program development, operations, and capital development of the library.
The board also advises the librarian and serves as an advocate for the library by encouraging other organizations and the public to support the library. The board supports the Friends of the Boerne Public Library and the Boerne Public Library Foundation in their efforts.

Meetings

Board meetings are held on the second Thursday of each month at 6 p.m. and are open to the public. The board meets in the 2nd Floor Conference Room at City Hall – 451 N. Main Street in Boerne.

- Access meeting agendas (https://www.ci.boerne.tx.us/Archive.aspx?AMID=55)
- Access meeting minutes (https://www.ci.boerne.tx.us/Archive.aspx?AMID=54)

Members

The Library Advisory Board is comprised of eight members, each serving a four-year term beginning June 1 of the year of appointment. The mayor appoints two members to the board each year with approval from City Council. Officers are elected by the board and include a chairman, vice chairman and secretary. Members can serve additional terms after a one-year interval. Board members must reside within the city limits or within Kendall County.
Download an application to serve on this board.

Members of the Boerne Public Library Advisory Board

Member Name	Position	Term Expiration
Susan Nelson	Chair	May 2024
Angela Kirby	Member	May 2026
Laura Bray	Vice Chair	May 2027
Jennifer Hackett	Secretary	May 2025
Judy Broussard	Member	May 2027
Pamela Bransford	Member	May 2026
Amy Bean	Member	Maye 2024
Trinh Arrieta	Member	May 2025

Planning and Zoning Commission

Duties

The Planning and Zoning Commission holds the following responsibilities:

- Prepare and recommend to the City Council for adoption of a comprehensive plan for the city;
- Prepare and recommend to the City Council for adoption of subdivision regulations;
- To approve or disapprove subdivision plats;
- Prepare and recommend to City Council for adoption of zoning regulations and to recommend zoning district boundaries, including the power to hold public hearings, enforce the regulations, and recommend changes in the regulations and district boundaries;
- Prepare and recommend adoption of urban conservation, rehabilitation and redevelopment programs allowed by state law;
- Report on planning and zoning problems that are referred for review by the City Manager or the City Council; and
- Prepare such surveys, reports, and studies as are required for the above and other authorized purposes.
- Consider variances to development regulations.

Meetings

The Planning and Zoning Commission meets at 6 p.m. on the first Monday of each month or whenever a special meeting is called by the chairman of the commission. Meetings are held in the Ronald C. Bowman Council Chambers at City Hall – 447 N. Main Street in Boerne.

- Access meeting agendas and minutes

Members

The Planning and Zoning Commission is comprised of seven members, each appointed by the mayor and approved by City Council to serve a three-year term. Members must reside with the city limits or within the extraterritorial jurisdiction (ETJ) of the City of Boerne. Send an email to the commissioners. (mailto:PZCommissioners@ci.boerne.tx.us%20)
Download an application to serve on this commission.

Members of the Planning and Zoning Commission

Member Name	Position	Term Expiration	Email
Tim Bannwolf	Chair	May 2026	Email Tim Bannwolf
Carlos Vecino	Member	May 2024	Email Carlos Vecino
Bob Cates	Secretary	May 2024	Email Bob Cates
Susan Friar	Member	May 2024	Email Susan Friar
Terry Lemoine	Member	May 2025	Email Terry Lemoine
Bill Bird	Member	May 2025	Email Bill Bird
Lucas Hiler	Vice Chair	May 2026	Email Lucas Hiler

Public Housing Authority

Duties

The Public Housing Authority was established by the State of Texas and is responsible to:

- Properly manage federal funds without waste, fraud, or mismanagement;
- Operate projects and programs for the benefit of lower income families;
- Assure that the income limits as established by statute are adhered to;
- Maintain the accounting books and records in accordance with HUD requirements and submitting required six month/ year-end financial statements;
- Operate projects and programs with maximum efficiency and economy;
- Submit an annual operating budget and all related supporting documents in accordance with the ACC;
- Adhere to Title VI of the Civil Rights Act of 1964, Title VII of the Civil Rights Act of 1988 (as amended) and Executive Order 1.1063; and
- Approve and adopt all policies and legal documents of the Public Housing Authority, including the 5-Year and Annual Plan.

Meetings

The Public Housing Authority meets four times per year on Tuesdays.

Members

Commissioners of the Public Housing Authority are appointed by the mayor with approval of City Council and serve a two-year term. All commissioners except resident commissioners may serve an unlimited number of consecutive terms. Resident commissioners may serve only two consecutive terms. If the Public Housing Authority wants to keep a particular resident commissioner longer, the mayor may appoint that person to a regular commissioner slot when one becomes available.
Download an application to serve on this commission.

Members of the Public Housing Authority

Member Name	Position	Term Expiration
Heather Ontiveroz	Chair	May 2025
Allen Taha	Vice Chair	May 2025
Nelda de Lourdes Arroyo-Perez	Resident Commissioner	May 2025
Anita Zurell	Member	May 2024
Sister Kathleen Higgins	Member	May 2025

Zoning Board of Adjustment and Appeals (BOA)

Duties

The Zoning Board of Adjustments and Appeals (BOA) is established by ordinance of the City of Boerne. Its responsibilities include:

- To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in enforcement of the Zoning Ordinance;
- To hear and decide special exceptions to the term of the Zoning Ordinance in those specific instances, if any, where allowed by the Ordinance;
- To authorize upon appeal in specific cases, such variances from the terms of the Ordinance as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship, and so that the sprint of the Ordinance shall be observed and substantial justice done. In exercising the above mentioned powers of the Board may, in conformity with the provisions of the Ordinance, reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination, appealed from and make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken; and
- To hear variance requests to the City of Boerne Building Codes.

Meetings

BOA members meet at 5:30 p.m. on the third Wednesday of each month, unless a request, exception, or appeal is not submitted. Special meetings may also be called by the chairman of the board. Meetings are held in the Council Chambers at City Hall – 447 N. Main Street in Boerne.

- Access meeting agendas and minutes
- Read the most recent Public Hearing Notice

Members

The Zoning Board of Adjustment and Appeals (BOA) is comprised of five regular members and four alternate members, each appointed by the mayor and approved by City Council to serve two-year terms. The chairman and vice chairman positions are appointed by the mayor and approved by City Council. BOA members elect the secretary.
Download an application to serve on this board.

Members of the Zoning Board of Adjustments and Appeals

Member Name	Position	Term Expiration
Jon Paul Bergman	Chair	May 2025
Daniel Wood	Member	May 2025
Rich McCormick	Member	May 2024
Josh Surely	Alternate	May 2024
Justin McKenzie	Vice Chair	May 2025
Steve Stewart	Member	May 2024
Vacant	Alternate	May 2025
Vacant	Alternate	May 2024
Vacant	Alternate	May 2024

TRUTH IN TAXATION

Truth-in-taxation is a concept embodied in the Texas Constitution that requires local taxing units to make taxpayers aware of tax rate proposals and to afford taxpayers the opportunity to limit tax increases. Property owners have the right to know about increases in their properties' appraised value and to be notified of the estimated taxes that could result from the new value. For more information about this act and its impact on the budget and tax rate setting process, visit the Texas Comptroller's website and Truth in Taxation resources.

City of Boerne Governing Body Information can be found here:
Mayor City Council

Kendall Appraisal District: https://www.kendallad.org/

BUDGET AND TAX RATE ADOPTION

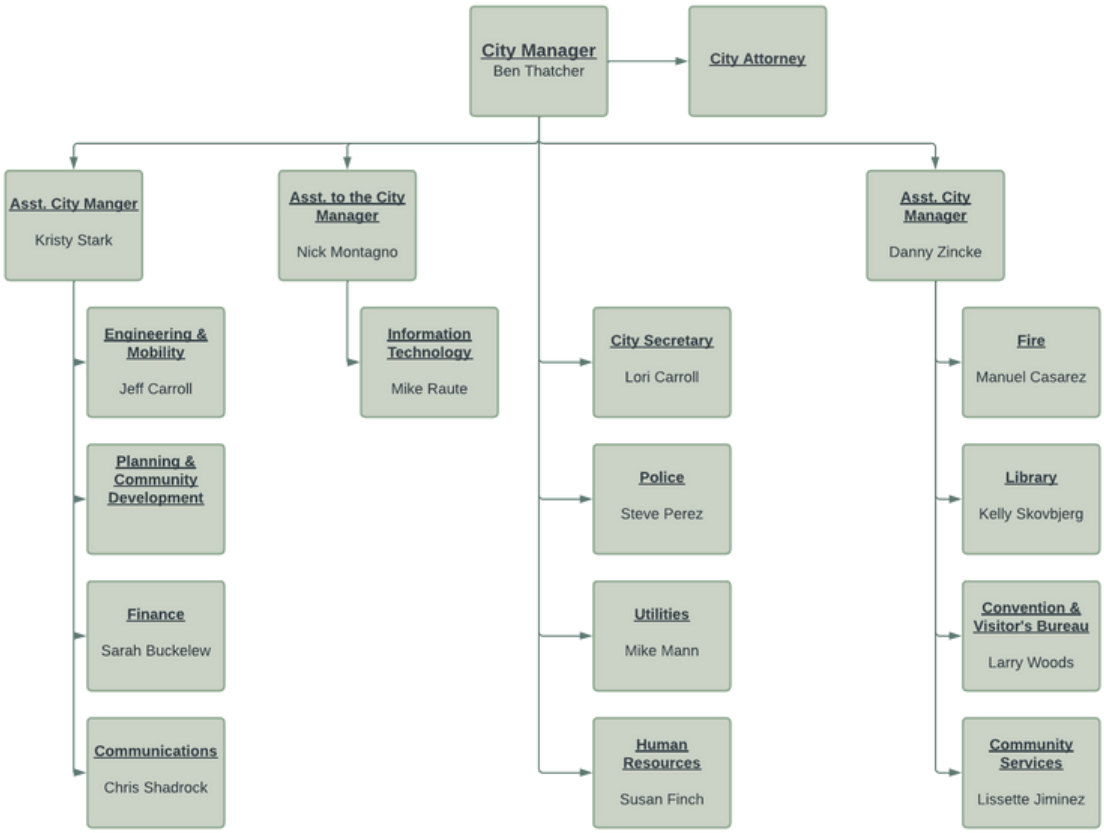
Check the calendar to the right for approximate date of availability for the following documents related to the Budget and Tax Rate Adoption Process. These documents are attached below as available.

- Notice about 2023 Tax Rates (August 9th)
- Certification of Taxable Value Submitted by Appraisal District (August 9th)
- Certification of Additional Sales and Use Tax (August 9th)
- Tax Rate Calculation (August 9th)
- Notice of Public Hearing on the Budget (August 27th)
- Notice of Public Hearing on the Tax Rate (August 27th)

Proposed Budget and Tax Rate Adoption Calendar Fiscal Year 2023-24	
July 25th	Deadline for Chief Appraisers to deliver certified rolls or certified estimates to taxing units and certification of anticipated collection rate by tax collector. (Tax Code Sec. 26.04(b)).
July 28th	Proposed Budget Available
August 8th (Regularly Called Meeting)	Agenda Items: 1) City Council Receives the Certified Tax Rolls (administrative) 2) Finance Director submits the No-New Revenue and Voter Approval rates, along with debt information and certification of collection % to City Council on the form prescribed by the Comptroller. (Tax Code Sec 26.04(e)). 3) Finance director submits to the Council a written certification of the amount of additional sales tax that will be used to pay debt service, and that it has been deducted from the total amount used to pay the debt service. (Tax Code Sec. 26.05(e-1)) 4) Certify the collection rate and excess debt collections
August 9th	1) Finance Director posts Notice about Tax Rates (Form 50-212) on the City's main home page (Tax Code Sec 26.04(e)). 2) Finance Direcor submits the tax rate calculation forms to the tax assessor-collector. 3) City Manager files proposed budget with City Secretary (LGC 102.005a) 4) City Secretary ensures the proposed budget is available on the website and available for inspection at City Hall (LGC 102.005c)
August 22nd (Regularly Called Meeting)	1) City Council schedules one public hearing on the budget (LGC 102.006a-b) 2) City Council schedules one public hearing on the tax rate(Tax Code Sec. 26.05(d)) 3) City Council confirms proposed tax rate to be used on public hearing notice.
August 27th	1) Publish Notice of Tax Public Hearing in the Saturday August 26th edition of the Boerne Star 2) Post the notice of Tax Public Hearing on the on the City's website (Tax Code Sec. 26.06(c)) 3) Publish the Notice of Public Hearing on the Proposed Budget in the Saturday, August 26th edition of the Boerne Star (LGC 102.005c) 4) Post the Notice of Public Hearing on the Proposed budget on City's website. (LGC 102.005c)
September 12th (Regularly Called Meeting)	1) Public Hearing for Proposed budget 2) Public Hearing for Proposed tax rate 3) Reading of budget ordinance (one reading) 4) Adopt budget 5) Reading of tax rate ordinance (one reading) 6) Ratify property tax increase
September 13th	Finance Director/Communications posts the Adopted Tax Notice on the City's website. (Tax Code Sec 26.05(b2)). Finance Director communicates adopted tax rate to appraisal districts and tax assessor-collector. (Tax Code Sec. 26.05(a))

Organization Chart

Review an organizational chart for the City of Boerne below. Click here to see a full-size PDF version.



BUDGET OVERVIEW

CITY OF Boerne BUDGET HIGHLIGHTS | FY 2024

BY THE NUMBERS

- Proposed M&O Tax Rate Reduction
- $10M in Bond Projects
- $33M in Total Capital Infrastructure

$141 Million Annual Budget

$32 Million General Fund

$33 Million Capital Projects

SERVICE ENHANCEMENTS

- 3 Firefighters
- School Resource Officer
- Animal Control Officer

COMPENSATION & BENEFITS

Our benchmark is to be in the 60th percentile of the designated labor market for civilian and sworn Public Safety positions.

Employee Raises:
4.5% COLA
0% - 3% Merit

(COLA effective 10/1/2023)
(Merit effective 1/1/2024)

This year, the City's health insurance cost increase will be 13%.

The City is adding a paid parental leave benefit for FY 2024.

MATERIALS & EQUIPMENT

This year's budget includes upgrades and improvements to better equip our employees and our facilities. Here are some of the highlights.

- Dispatch Work Console
- Training Room A/V Upgrade
- Carpet Replacement at Municipal Court
- Indoor Drone & Robot
- Vehicle Extrication Tools
- Hurst Tools
- Upgraded Headsets & Radios
- Rope & Confined Space Rescue Equip.
- Short-Term Rental Software
- Continuation of Server Upgrades
- Facility Replacement Cameras
- IT Vehicle
- Sludge Press
- Sewer Camera Transporter
- Gas Mains
- Gradall
- Dump Truck
- 2 Backup Generators
- Concrete Trailer & Mixer
- Salt Spreader & Water Trailer
- Kennel Upgrades
- Enhanced Disposal Service
- Local Vet Contract
- Self-Check Kiosk
- New Laptops
- Plaque replacements
- Auto Book Drop
- Stucco Repair
- Trail Sweeper
- Kinder Park Restroom
- Columbarium Niches
- Hot Water Pressure Washer
- Shade Structure at the Pool

BUILDING A SUCCESSFUL BUDGET

The budget is structurally balanced. When deciding what is placed within the budget each year, the City of Boerne must take into account numerous requests, requirements, and restrictions to align with its strategies.



WHAT MAKES A SUCCESSFUL BUDGET?

- **Strategic Alignment**
- **Operational Discipline**
- **Aa2 Bond Rating**
- **Multi-Year Budget Stability**
- **Strong Reserves**
- **Transparency**

STATEGIC FOCUS

The primary goal of this budget is to achieve the results that Council has identified as priorities and advance the City's strategic goals. We are focusing on allocating resources to align with our goals and commitment to excellence, while balancing our needs with financial discipline.



- $2.8M - Fire Station No. 2 Design
- $10M - Utilities Investments
- $750K - Street Maintenance Programs
- $5M - Street Bond Projects

- Ability to manage tax rate with debt issuance
  - Maintain Aa2 Bond Rating
- $23M - Non-bond infrastructure funded with cash.
  - $50K - Business Incubator per ED Master Plan

- $2.3M - River Road Bank Stabilization
- $3M - Drainage Projects
- Park Improvements
- $5M - Parks Bond Projects

- $125K - Allocated to Beautification
- $850K - Sidewalk Improvements
- $150K - Waterworks Terrace Parks Project Matching Funds

Updated: 8/21/23

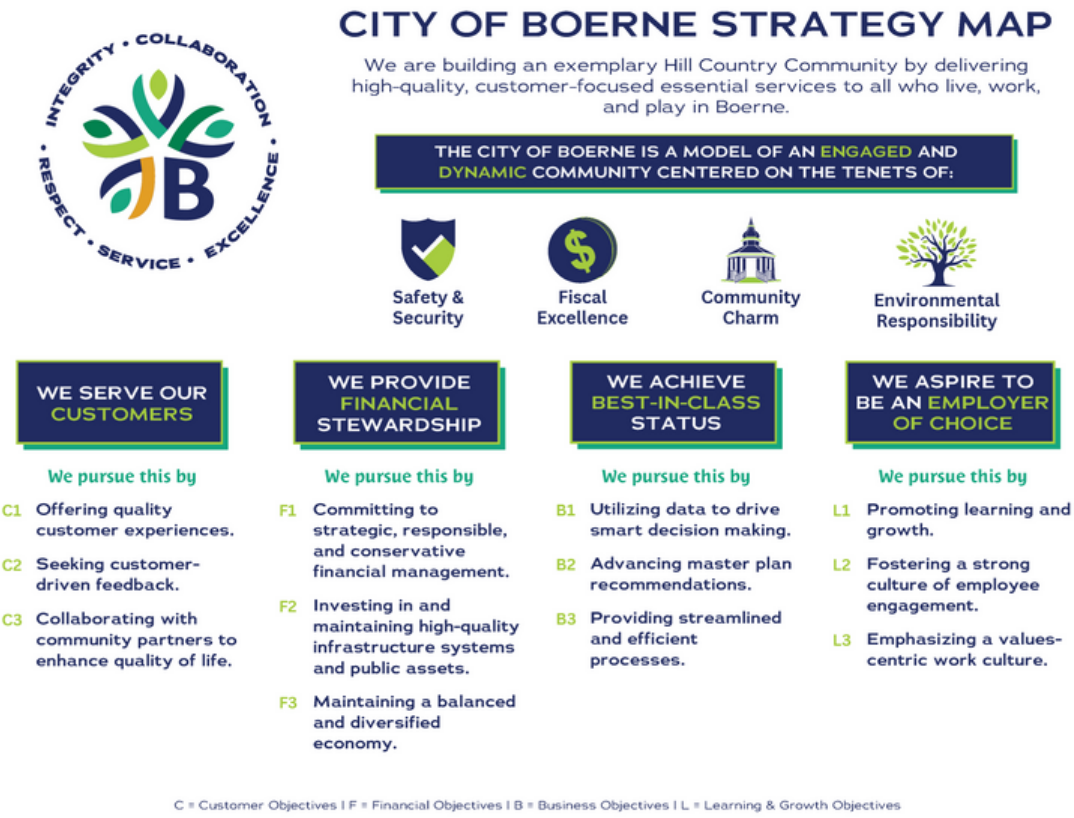
City of Boerne's Strategic Planning

With support and leadership from the Mayor and City Council, the City Manager and City staff develop the budget every year in adherence with the CIty's established financial principles and with the City's Strategic Map in mind. The budget implements or moves forward many of the recommendations of the City's Ten-Year Rolling Plan, and takes into account citizen feedback from the most recent Citizen Survey.

For more information regarding the Strategy Map, Planning Cycle, and Rolling Ten-Year Plan, refer to the subcategories under this page.

For more information regarding more detailed strategic plans, visit the "Planning Ahead" page on the City's website at: https://www.ci.boerne.tx.us/1079/Planning-in-Boerne

For more information regarding the 2023 Citizen Survey, visit the "Citizen Survey" page on the City's website at: https://www.ci.boerne.tx.us/2098/Citizen-Survey



The City follows a balanced scorecard approach to Strategic Planning. This framework synchronizes the City's strategic objectives with a coherent set of performance measures. Additionally, the strategy map creates alignment between every department, team and individual employee who then drive performance towards common organizational goals.



The Strategic Management System and Budget Cycle is a year-round process aligned with the City's Strategy Map. The fiscal year of the City begins October 1 of each calendar year, and ends on September 30 of the following calendar year. The annual cycle is broken into 4 periods which begins in October with planning for the following fiscal year. In April, staff kicks off the budget development process, and then in July, the statutory process of budget adoption begins.

Strategic Rolling 10-Year Plan

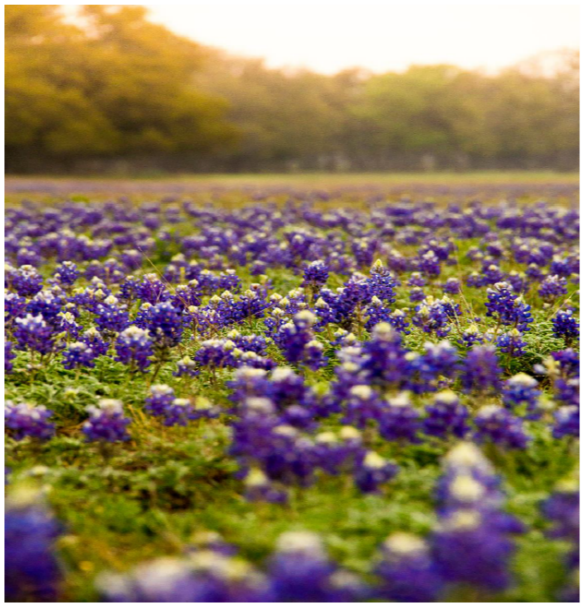
Purpose of the Rolling 10-year Plan

The Rolling Ten Year Plan is an organizational document that brings together and highlights key components, recommendations, and implementation priorities of all the major planning documents for the City of Boerne. It summarizes each of the individual documents and provides one source for elected officials and the community to go to look at key highlights and recommendations from each plan.

The City of Boerne is a thriving and vibrant community that has been growing for the past 50 years. Natural byproducts of growth include increased demands on aging infrastructure, continued desire for quality of life amenities, and incorporation of fresh ideas in an ever evolving land-scape. It is critical to have a long-range plan for addressing all the needs of the community and keeping that plan alive and current. This 10 year rolling plan is an extremely important document for everyone in the community because it will always lay out the plan for what's coming next in terms of projects aimed at bettering our community. Additionally, this document will also serve as a historical reminder of all the projects that have been completed over the recent past, so that we don't lose sight of how we have progressed over time.

Link to the City's Planning Website:
https://www.ci.boerne.tx.us/1079/Planning-in-Boerne

Attached Rolling 10-Year Plan Document Below



2023 City of Boerne Rolling Ten Year Plan

Adopted February 28, 2023

Budget Goals

Strategic Alignment	Master Plan Implementation	Managed Growth
Structural Balance	Optimum Fund Balance	Multi-Year Considerations
Tax Rate Management	Operational Impacts	Employer of Choice

Budget Priorities



- Provides a manageable increase in the tax rate to fund 2022 Bond projects by reducing the Maintenance and Operations tax rate by 3.24 cents per $100 valuation
- Adds five new public safety positions
- Invests in $23M of other Strategic Capital Infrastructure Projects
- Upholds a competitive compensation and benefits program
- Contains no service level reductions
- Includes limited expenditure growth
- Manages Inflationary pressures
- Implements recommendations from City's ten-year-rolling Plan

2022 Bond Projects Underway

The primary goal of this budget is to deliver on the promises made in the November 2022 election when residents voted favorably for two bond propositions to fund streets and parks infrastructure. Design work is already underway for 2022 bond projects, and this budget will issue $18M of the $36M authorized to further push these projects along.

BOND 2022
CITY OF BOERNE

Proposition A
Adler Road & Street/Intersection Improvements
$23 Million



Proposition B
Northside Community & Other Park Improvements
$13 Million



FIVE NEW PUBLIC SAFETY POSITIONS

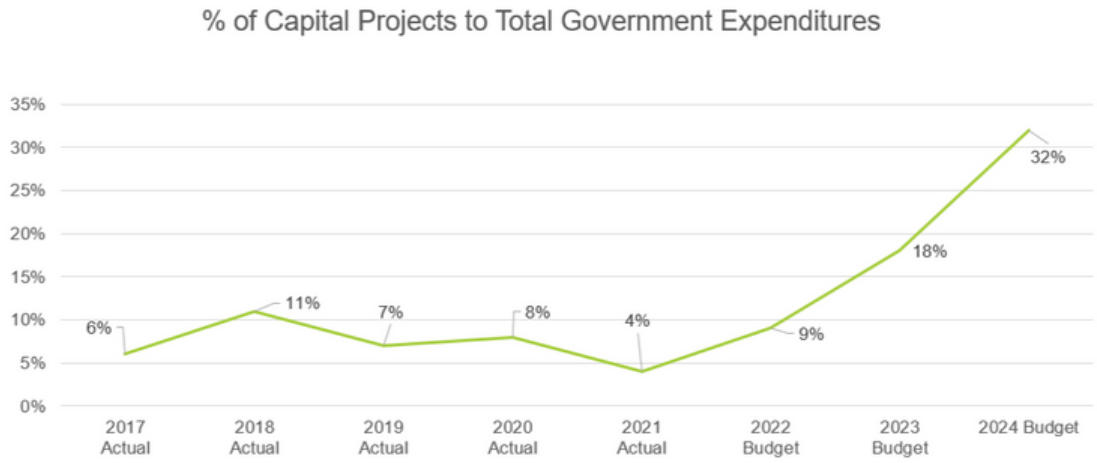


This budget proposes the addition of the following public safety positions:

- Three Firefighter positions
- One School Resource Officer
- One Animal Control Officer

Increased % of Capital Projects Funding

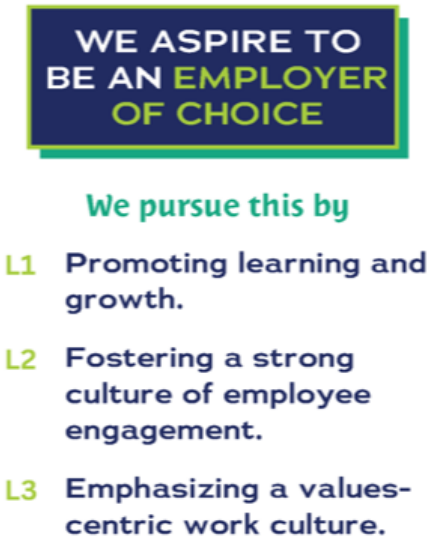
City Council has maintained a steady focus on implementing the Master Plan as well as focusing on targeted investments in Capital Projects. For both the Governmental budget and the Utility Budget, the City has increased its percentage in investment in Capital Projects. These improvements include projects in Streets, Parks, Water and Sewer. The FY 2024 budget also includes funding for the new 2022 Bond projects that were approved in November 2022. Further detail can be found in the Capital Improvements section of the budget.



Maintain Employer of Choice Status

Difficulty filling positions following the "great resignation" coupled with inflationary pressures results in the need for investments in "Employer of Choice" initiatives including:

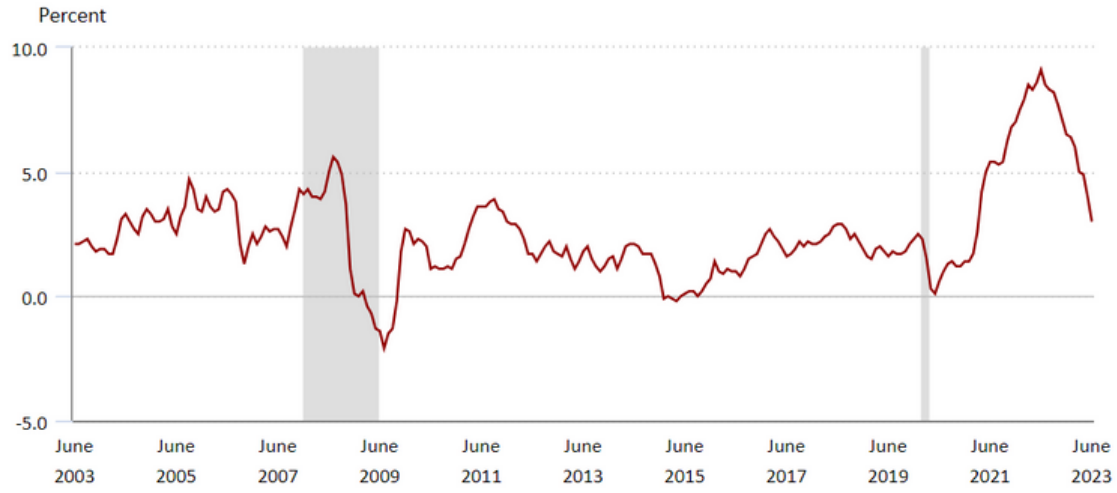
- Modest Benefits Enhancements
- COLA and Merit



Manage Cost Increases Due to Inflation

There have been seven episodes of post-WWII inflation above 5%, one of which began in 2021, and continued into the 2022-23 fiscal year. Like private-sector businesses, the City continues to feel pressure to provide consistent levels of service while still cooling down from a record inflationary period.

- **This budget supports systematic management of costs to support consistent levels of service**
  - High-inflation expense items (fuel, pool chemicals, etc) were budgeted according to expected inflation factors. Remaining operational budget lines will be managed throughout the year.



Hover over chart to view data.
Note: Shaded area represents recession, as determined by the National Bureau of Economic Research.
Source: U.S. Bureau of Labor Statistics.

Short-term Factors

The many challenges facing our nation in 2023 have impacted the way we are able to conduct our business. Managing these challenges has been an emphasis when developing the Fiscal Year 2024 budget.

The Strategic Planning Process allows for multiple parties to discuss the needs of the City issues and long-term factors that should be acknowledged in building budgets and capital improvement projects for the next 10 years. The planning Process for This process culminates with the preparation of the 10-year rolling plan. Within that framework, the annual budget process allows for short-term challenges and opportunities (factors) to be addressed within the next 12 months.

Short-Term Factors

In developing the Budget for Fiscal Year 2023-24 the following challenges and opportunities were identified and addressed through strategic investment:



DEMAND FOR CAPITAL INFRASTRUCTURE INVESTMENT

- **Following a successful election, with 2 voter-approved propositions, this budget invests in advancing the bond projects**

- **Citizen Survey Feedback indicated that traffic congestion and street improvements were a top priority along with Park and Openspace improvements**
  - Implementation of Street Preservation and Reconstruction 10 yr plan
  - Targeted Street and Sidewalk Improvements
  - Targeted Park improvements

GROWTH PRESSURES

- **Growth in the Boerne and surrounding area results in increased demand for City Services**
  - Investment in 3 firefighter positions
  - Targeted Utility infrastructure investments
  - Addition of an Animal Control Officer

REVIEW OF SCHOOL SAFETY PROTOCOLS

- **Interlocal collaboration and review of safety protocols results in need for strengthening of school security**
  - Investment in 1 additional School Resource Officers so that every BISD campus has a dedicated SRO.

MASTER PLAN IMPLEMENTATION

- **In response to long-term opportunities and challenges, investments are required in the annual budget process to implement strategic capital infrastructure improvements**
  - Programmed investment in Street, Park, Water, and Sewer infrastructure

PERSISTENT LEVELS OF INFLATION

- **Difficulty filling positions following the "great resignation" coupled with inflationary pressures results in the need for investments in "Employer of Choice" initiatives**
  - Benefits Enhancements
  - COLA and Merit
  - Tuition Reimbursement Program

- **Historic level of inflation requires systematic management of costs to support consistent levels of service**
  - High-inflation expense items (fuel, pool chemicals) were budgeted according to expected inflation factors. Remaining operational budget lines will be managed throughout the year.

Personnel Changes

For FY 2024, the City has strategically invested in the following positions:

- The Boerne Police Department is investing in 1 additional School Resource Officer (SRO's) in an effort to assign each Boerne ISD school campus with a designated officer. These positions are being added in collaboration with the Fair Oaks Ranch Police Department, Kendall County Sheriff's Office, and the School District in an effort to strengthen safety and security measures at all Boerne ISD facilities. The School District and the City share the costs associated with the SRO's.

- Also added in this budget are three firefighter positions. The additions come as part of the master plan objective 4.5.1, "Continue to identify and evaluate opportunities to better meet accepted national fire service response and staffing standards". The City has also applied for a SAFR grant that would fully or partially offset the costs of these additional positions.

- Finally, added to the FY 2024 budget is an additional Animal Control Officer. This is in response to a growing need of support in the Animal Care Services department.

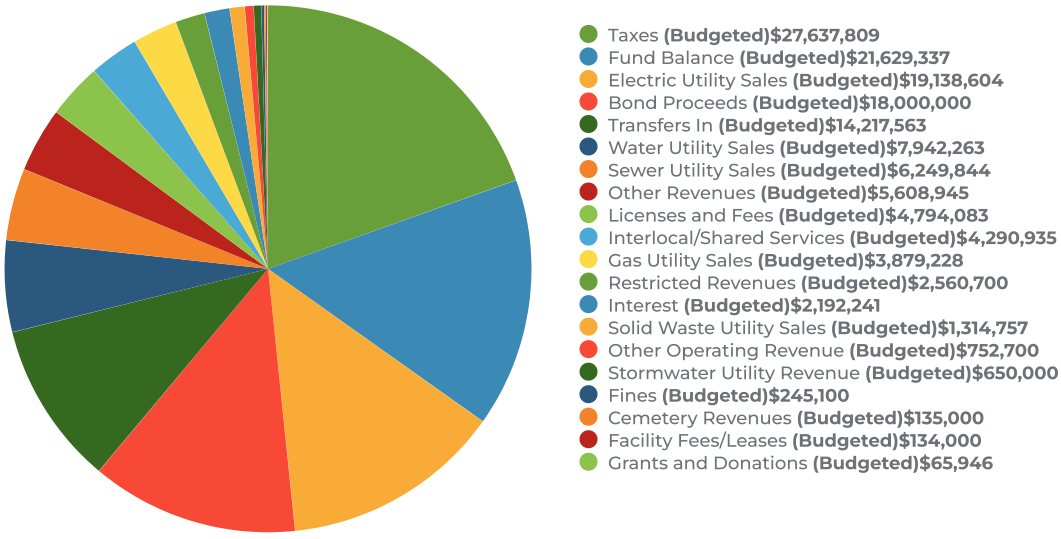
New Positions

Position Title	FTE Count
School Resource Officer	1
Firefighter	3
Animal Control Officer	1

Overview of Revenue Sources and Assumptions

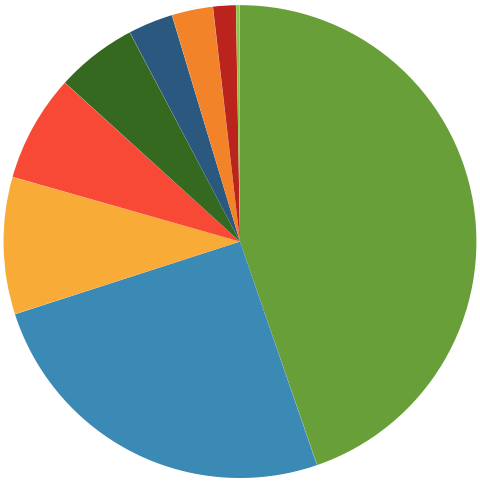
Total City revenues for fiscal year 2024 equal $141M. Revenue is estimated based upon historical data, current economic conditions and other demographic data. The City's revenue budget estimation takes into consideration many unique elements that respond to a variety of external factors such as population growth, development, inflation, and interest rates. The City of Boerne applies a conservative philosophy that will produce a long-term goal of neither overstating revenues nor understating expenditures. During our revenue estimation process, the City tries to consider as many factors as possible that may contribute to changes in revenues.

Total City Revenues by Source - $141M



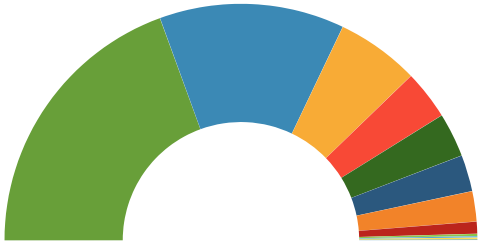
Total Governmental Revenue by Fund and Source - $71M

Governmental Revenue by Fund



General Fund **(Budgeted)$31,784,780.00**
2022 Bond Construction Fund **(Budgeted)$18,000,000.00**
Capitals Project Construction Fund **(Budgeted)$6,664,404**
Debt Service Fund **(Budgeted)$5,205,601.07**
Park Fund **(Budgeted)$3,949,893.00**
Economic Development Fund **(Budgeted)$2,177,573.00**
Library Fund **(Budgeted)$2,010,444.00**
Hotel/Motel Fund **(Budgeted)$1,102,000.00**
Cemetery Fund **(Budgeted)$188,700.00**

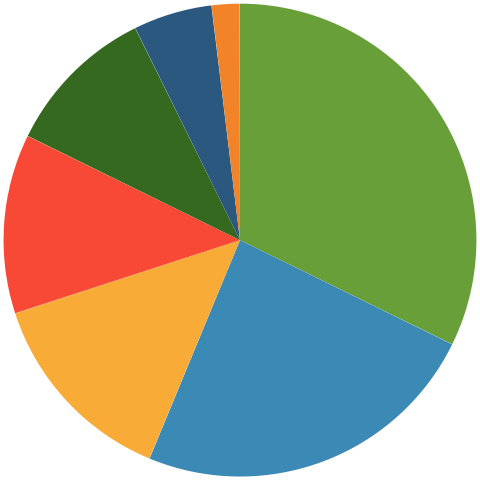
Governmental Revenue by Source



- Taxes **(Budgeted)$27,637,809.07**
- Bond Proceeds **(Budgeted)$18,000,000.00**
- Fund Balance **(Budgeted)$8,077,961.00**
- Licenses and Fees **(Budgeted)$4,794,083.00**
- Interlocal/Shared Services **(Budgeted)$4,290,935.00**
- Other Revenues **(Budgeted)$3,564,195.00**
- Transfers In **(Budgeted)$2,940,187.00**
- Interest **(Budgeted)$1,158,179.00**
- Fines **(Budgeted)$245,100.00**
- Cemetery Revenues **(Budgeted)$135,000.00**
- Facility Fees/Leases **(Budgeted)$134,000.00**
- Grants and Donations **(Budgeted)$65,946.00**
- Restricted Revenues **(Budgeted)$40,000.00**

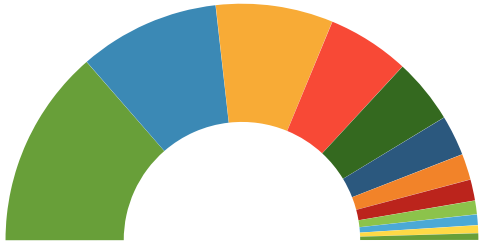
Total Utility Revenue by Fund and Source - $70M

Utility Revenue by Fund



- Electric Fund **(Budgeted)$22,702,513.00**
- Water Fund **(Budgeted)$16,873,635.00**
- Wastewater Fund **(Budgeted)$9,668,483.00**
- Capital Recovery Fund **(Budgeted)$8,627,376.00**
- Gas Fund **(Budgeted)$7,352,521.00**
- Stormwater Fund **(Budgeted)$3,787,587.00**
- Solid Waste **(Budgeted)$1,343,545.00**

Utility Revenue by Source



- Electric Utility Sales **(Budgeted)$19,138,604.00**
- Fund Balance **(Budgeted)$13,551,376.00**
- Transfers In **(Budgeted)$11,277,376.00**
- Water Utility Sales **(Budgeted)$7,942,263.00**
- Sewer Utility Sales **(Budgeted)$6,249,844.00**
- Gas Utility Sales **(Budgeted)$3,879,228.00**
- Restricted Revenues **(Budgeted)$2,520,700.00**
- Other Revenues **(Budgeted)$2,044,750.00**
- Solid Waste Utility Sales **(Budgeted)$1,314,757.00**
- Interest **(Budgeted)$1,034,062.00**
- Other Operating Revenue **(Budgeted)$752,700.00**
- Stormwater Utility Revenue **(Budgeted)$650,000.00**

Overview of Expenditure Assumptions

Total City expenditures for fiscal year 2024 equal $141M. The City of Boerne projects expenditures through a cost build-up approach based on historical data, economic data, and any other policy changes that might affect the expenditures for the fiscal year. The City's goal is to appropriate sufficient monies to provide quality services at a reasonable cost and within available financial resources.

Personnel Expenditures:
Personnel expenditures include the salaries, insurance, taxes, retirement, and workers' compensation for all departments.

Cost of Goods Sold:
The Cost of Goods Sold category is only applicable for Utilities departments and includes the direct cost of electricity, natural gas, water being sold by the Utility.

Supplies, Maintenance & General Expenses:
These categories of expenditures include in-house maintenance, drainage work, vehicle maintenance and repairs, building and equipment repairs, minor equipment purchases and supplies/consumables.

Capital Outlay:
Capital outlay includes expenditures for items defined as capitalizable for GASB/GAAP purposes, and typically cost more than $5,000. Categories of capitalizable items include infrastructure or other projects that require more than 1 year to complete, and/or equipment costing more than $5,000.

Non-Operating Expenditures:
The Cost of Goods Sold category is only applicable for Utilities departments and includes expenses incurred that are not a part of normal business operations. Examples include transfers to other funds, capital outlay, or one-time expenditures.

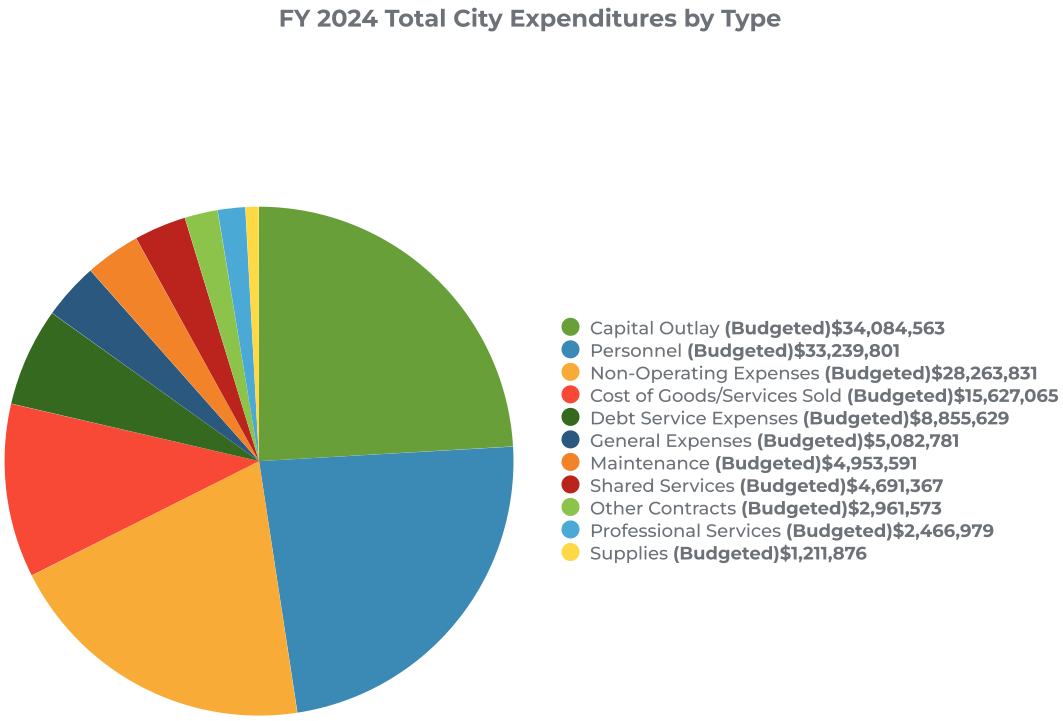
Professional Services Expenditures:
Professional services expenditures include consulting expenses, legal fees, jail services, audits, and election fees.

Debt Service Expenditures:
Debt Service expenditures include the debt obligations due in FY 2022-23.

Shared Services Expenditures:
Shared service expenditures include electricity, postage, phones, IT and software costs, alarms and general liability insurance.

Transfers and Non-Cash Adjustments:
This includes transfers to other funds within the City or transfers to and from Fund Balance.

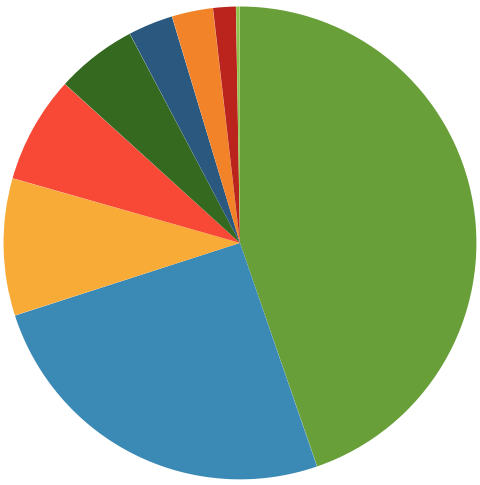
Total City Expenditures by Type - $141M



Total Governmental Expenditures by Fund and Department - $71M

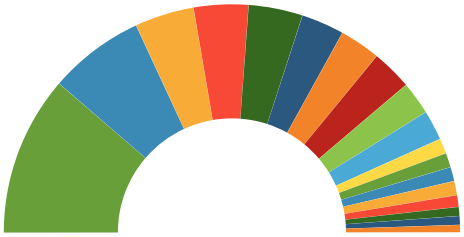
The Governmental Funds, particularly the General Fund, incurs shared expenditures on behalf of the entire City, which are then reimbursed through a revenue transfer from the other City Funds. A breakout of the General Fund expenditures by Fund is also provided below. Expenditures reimbursed from other funds include Fleet Maintenance, Facilities Maintenance, Information Technology, Human Resources, Administration (includes City Secretary and Finance), Communications, and Legal.

Governmental Expenditures by Fund



- General Fund **(Budgeted)$31,784,780**
- 2022 Bond Construction Fund **(Budgeted)$18,000,000**
- Capitals Project Construction Fund **(Budgeted)$6,664,4(**
- Debt Service Fund **(Budgeted)$5,205,601**
- Park Fund **(Budgeted)$3,949,893**
- Economic Development Fund **(Budgeted)$2,177,573**
- Library Fund **(Budgeted)$2,010,444**
- Hotel/Motel Fund **(Budgeted)$1,102,000**
- Cemetery Fund **(Budgeted)$188,700**

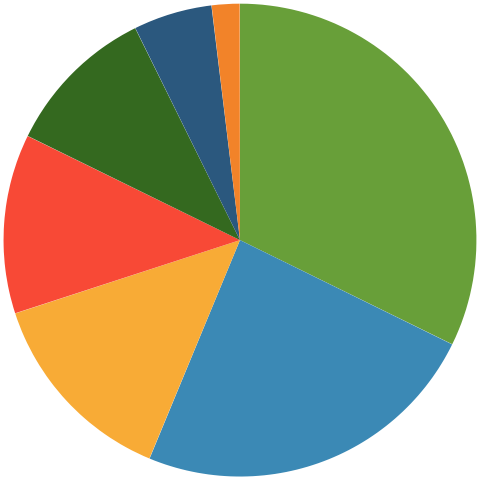
General Fund Expenditures by Department



- Police **(Budgeted)$7,196,723**
- Fire **(Budgeted)$4,313,089**
- Streets **(Budgeted)$2,674,576**
- Information Technology **(Budgeted)$2,456,394**
- Administration **(Budgeted)$2,438,947**
- Fleet Maintenance **(Budgeted)$1,932,245**
- Engineering and Mobility **(Budgeted)$1,835,231**
- Dispatch **(Budgeted)$1,830,062**
- Planning **(Budgeted)$1,493,028**
- Facilities Maintenance **(Budgeted)$1,344,366**
- Finance **(Budgeted)$690,184**
- Permitting and Code Compliance **(Budgeted)$647,292**
- Animal Control **(Budgeted)$640,881**
- Special Projects **(Budgeted)$634,082**
- Human Resources **(Budgeted)$529,307**
- Communications **(Budgeted)$401,075**
- Municipal Court **(Budgeted)$397,298**
- Legal **(Budgeted)$330,000**

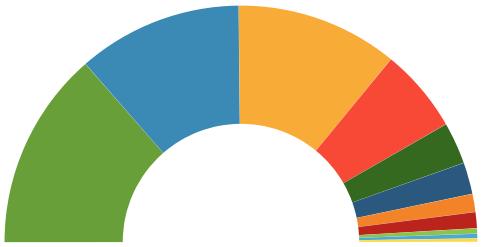
Total Utility Expenditures by Fund and Source - $70M

Utility Expenditures by Fund



- Electric Fund **(Budgeted)$22,702,513**
- Water Fund **(Budgeted)$16,873,635**
- Wastewater Fund **(Budgeted)$9,668,483**
- Capital Recovery Fund **(Budgeted)$8,627,376**
- Gas Fund **(Budgeted)$7,352,521**
- Stormwater Fund **(Budgeted)$3,787,587**
- Solid Waste **(Budgeted)$1,343,545**

Utility Expenditures by Type



- Non-Operating Expenses **(Budgeted)$19,108,494**
- Capital Outlay **(Budgeted)$15,856,017**
- Cost of Goods/Services Sold **(Budgeted)$15,627,065**
- Personnel **(Budgeted)$8,092,087**
- Shared Services **(Budgeted)$4,030,721**
- Debt Service Expenses **(Budgeted)$3,046,689**
- General Expenses **(Budgeted)$1,753,629**
- Maintenance **(Budgeted)$1,544,637**
- Professional Services **(Budgeted)$516,322**
- Other Contracts **(Budgeted)$443,000**
- Supplies **(Budgeted)$337,000**

Basis of Budgeting

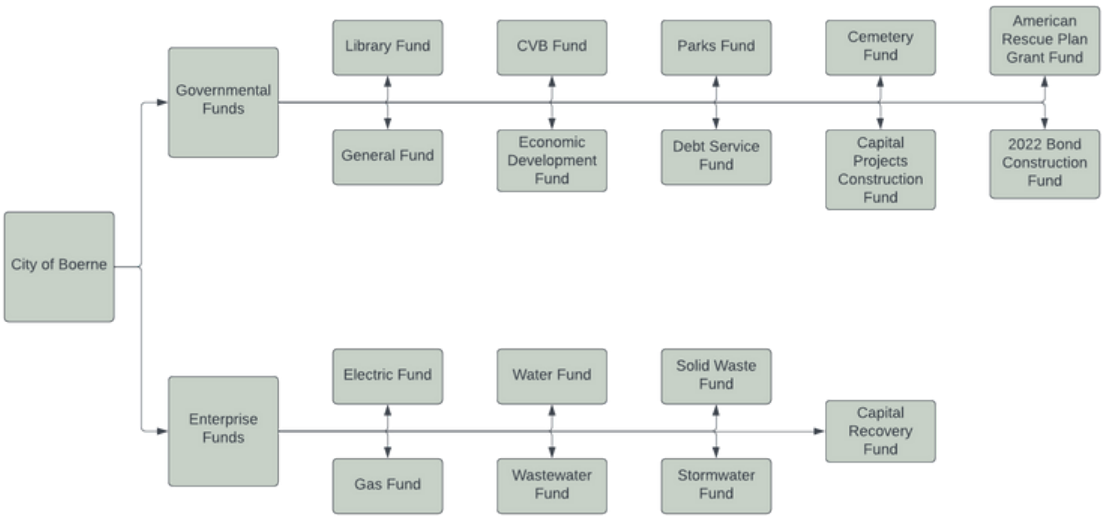
Governmental Funds
Governmental funds are accounted for using the current financial resources measurement focus and the modified accrual basis of accounting. This means that only current assets and current liabilities are generally included on the balance sheet. Revenues are recognized when susceptible to accrual (i.e. when they become measurable and available) and expenditures are recorded when the related fund liability is incurred. In governmental funds, the amount of available financial resources (the difference between fund assets and fund liabilities) is referred to as fund balance.

Enterprise Funds
Enterprise or proprietary funds are accounted for using the accrual basis of accounting. Revenues are recognized when they are earned and expenses are recognized when they are incurred. These funds are accounted for on a flow of economic resources measurement focus whereby all assets and liabilities associated with the operation of these funds are included on the balance sheet. In enterprise funds, the amount of available financial resources (the excess of total assets and deferred outflows compared to total liabilities and deferred inflows) is referred to as net position.

The City's basis of budgeting is consistent with accounting principles generally accepted in the United States of America and with the City's financial statements as presented in the Annual Comprehensive Financial Report (ACFR). Exceptions are as follows:

- Capital expenditures within the enterprise funds are recorded as assets on an accounting basis but are shown as expenditures on a budgetary basis.
- Depreciation of capital assets and amortization of various deferred charges are recorded on an accounting basis only. These charges are not reflected in the budget document.
- Principal payments on long-term debt within the enterprise funds are applied to the outstanding liability on an accounting basis but are shown as expenditures on a budgetary basis.
- Only revenues expected to be received during the year or soon thereafter are included in revenue estimates (budget basis).
- Only amounts that will be spent or encumbered by the end of the fiscal year are recorded as expenditures (budget basis).
- Compensated absences (accrued but unused leave) and employee benefits are recorded on an accounting basis only. These charges are not reflected in the budget document.
- Transfers are classified as revenues and expenditures (budget basis) rather than as "other financing sources or uses" (accounting basis).

Fund Structure



FUND SUMMARIES

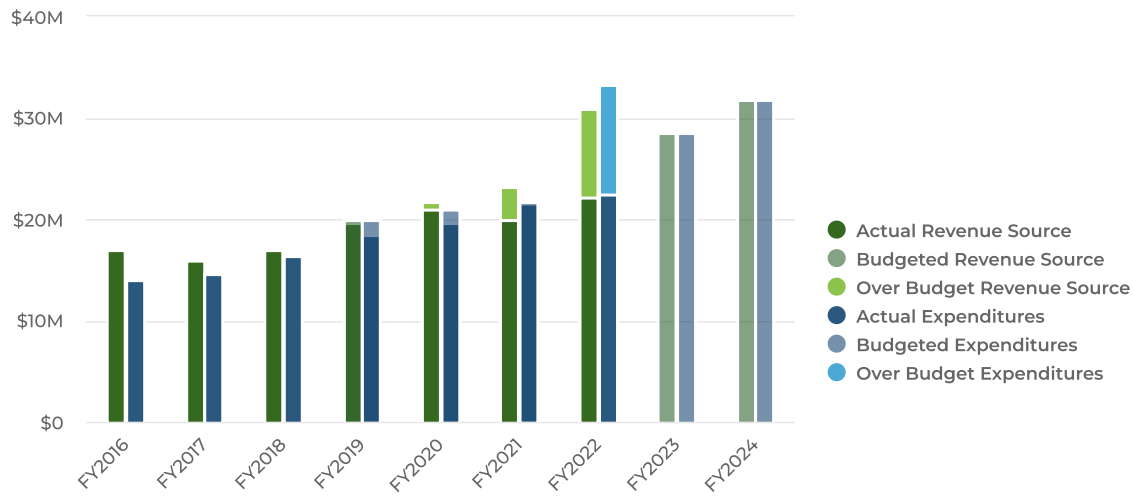
General Fund

The General Fund is the primary operating fund of governmental activities for the City. It accounts for all financial resources except those required to be accounted for in another fund. The services provided within the General Fund include Administration, Street, Police, Fire, Dispatch, Municipal Court, Animal Control, Code Enforcement, Planning & Community Development, IT, Special Projects, HR, Legal, Communications, Development Services, Facility Maintenance, and Fleet Maintenance.

In FY 2023, the departments that were previously budgeted in the Internal Service Fund (HR, Legal, Communications, Development Services, Facility Maintenance, and Fleet Maintenance) were moved to and are now being budgeted in the General Fund. This page will show the FY 2023 & FY 2024 budget for those departments but for their historical budgets, see the Internal Service Fund page.

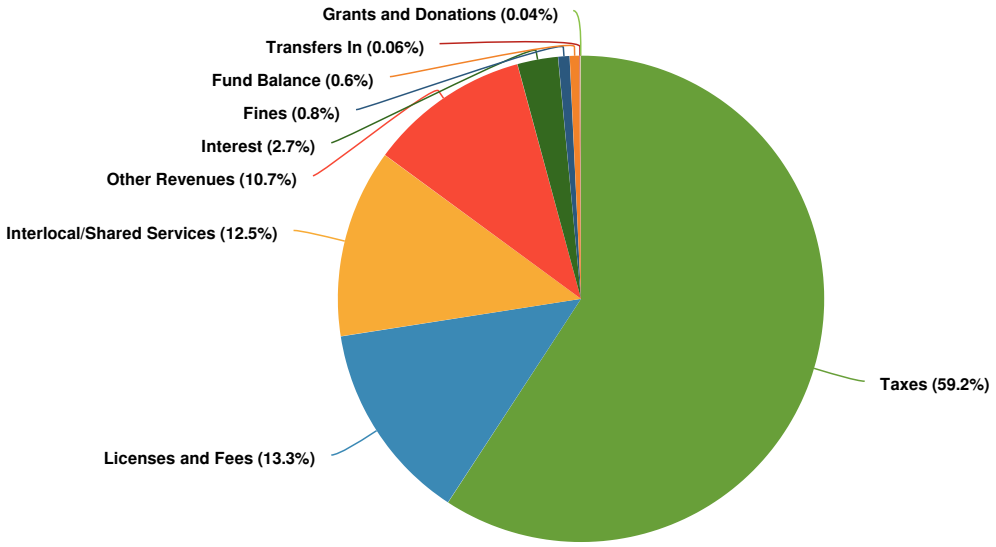
Summary

The General Fund is projecting $31.8M of revenue in FY2024, which represents an 11% increase over the prior year. Budgeted expenditures are projected to increase by 11% or $3.25M to $31.8M in FY2024.

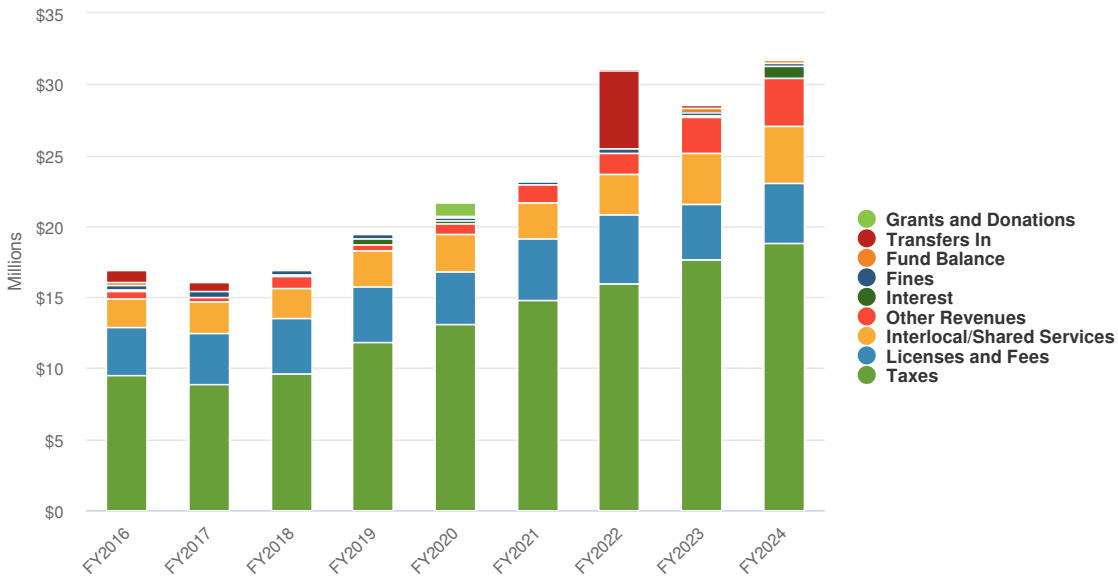


General Fund Revenues by Source

Projected 2023 Revenues by Source



Budgeted and Historical General Fund Revenues by Source

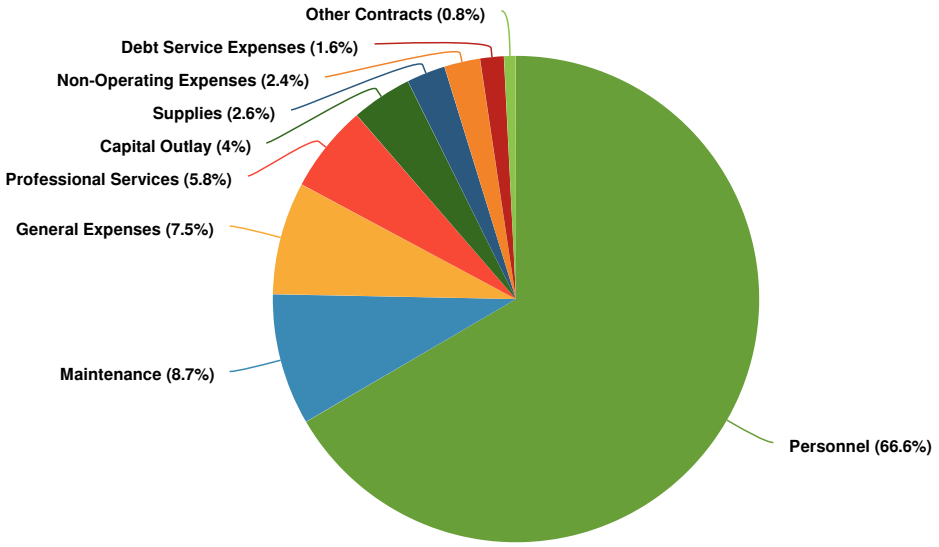


Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Revenue Source				
Taxes	$16,004,475	$17,630,497	$18,422,175	$18,824,871
Fines	$245,382	$244,400	$208,320	$245,100
Licenses and Fees	$4,796,920	$3,988,533	$5,464,283	$4,232,583
Interlocal/Shared Services	$2,910,267	$3,504,096	$3,504,096	$3,986,935
Other Revenues	$1,422,520	$2,544,470	$2,846,339	$3,402,845

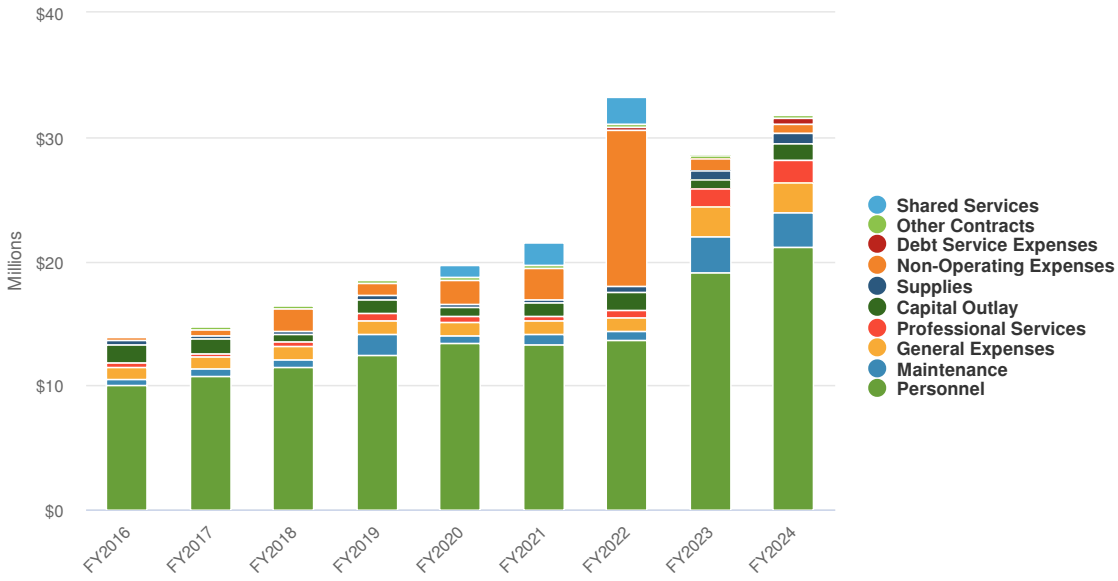
Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Interest	$81,773	$130,000	$1,350,000	$860,000
Grants and Donations	$12,442	$8,000	$41,171	$11,446
Transfers In	$5,535,292	$180,000	$180,000	$20,000
Fund Balance	$0	$304,301	$304,301	$201,000
Total Revenue Source:	**$31,009,072**	**$28,534,297**	**$32,320,685**	**$31,784,780**

General Fund Expenditures by Expense Type

Budgeted General Fund Expenditures by Expense Type



Budgeted and Historical Expenditures by Expense Type



Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Expense Objects				
Personnel	$13,663,084	$19,150,463	$18,435,277	$21,164,117
Supplies	$453,173	$679,794	$680,692	$815,316
Maintenance	$735,450	$2,895,567	$3,014,793	$2,777,689
Professional Services	$564,731	$1,465,946	$1,572,227	$1,850,657
General Expenses	$1,109,708	$2,363,684	$2,342,515	$2,381,283
Shared Services	$2,244,193	$0	$0	$0
Other Contracts	$206,522	$261,398	$236,398	$250,000
Debt Service Expenses	$191,824	$0	$0	$500,746
Non-Operating Expenses	$12,605,276	$989,464	$989,464	$761,116
Capital Outlay	$1,501,396	$727,981	$868,765	$1,283,857
Total Expense Objects:	**$33,275,358**	**$28,534,297**	**$28,140,131**	**$31,784,780**

Funded Projects & Equipment

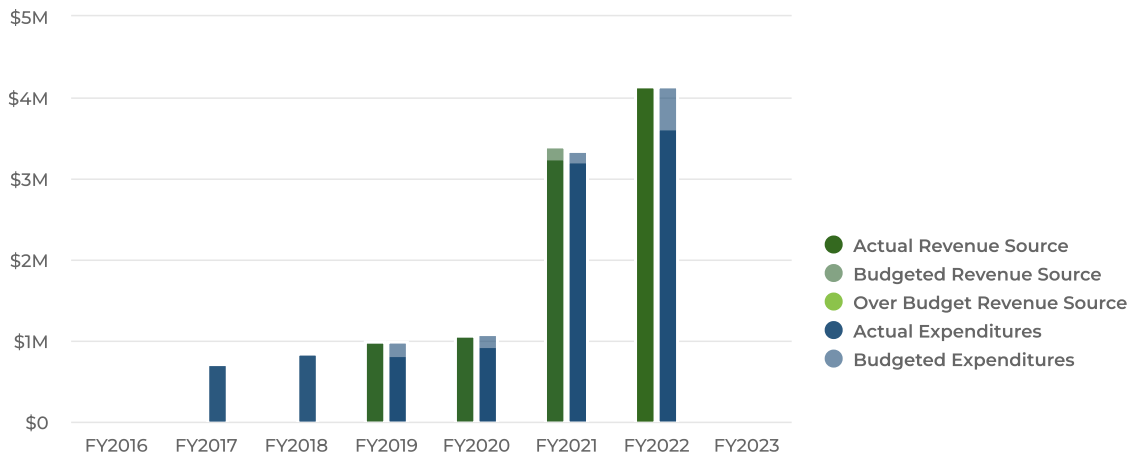
Project / Equipment	FY2024 Cost
Animal Control	
Local Veterinarian Contract	$25,000
New Kennel Doors	$22,000
Cat Kennels	$35,000
Disposal Service Agreement	$6,000
Dispatch	
New Vehicle	$6,600
Workstation (2)	$60,000
Facilities	
Carpet at Municipal Court	$50,000
Gravel at Facility Building	$15,000
Fire	
New Radios & Chargers	$23,550
Rope Rescue Equipment	$6,000
Aerial Rope Rescue Equipment	$8,000
Hurst Tools	$47,000
Fire Com Headsets	$17,481
RTF Gear	$7,140
A/V for Fire Department Training Room	$28,500
EZ IO Medical Equipment	$2,779
Confined Space Rescue Equipment	$30,000
Fleet	
Additional Office & Storage Space	$20,000
Robinair AC Recover, Recycle, Recharge Machine	$7,500
Information Technology	
Menger Springs Generator	$12,033
Facility Replacement Cameras	$11,144
STR Software	$20,000
New Vehicle	$6,000
Servers for All City Operations	$216,000
Police	
Emergency Operations / Training Room A/V Upgrade	$55,659
Branding Updates	$7,500
Indoor Drone & Robot	$28,500
Streets	
5yd Dump Truck	$55,000
Salt Spreader	$6,000
1,600 Gallon Water Trailer	$21,000
Concrete Mixer	$6,650
Concrete Trailer	$25,000
Gradall	$85,000

Internal Service Fund

Prior to Fiscal Year 2023, the City maintained an internal service fund, which is an accounting device used to accumulate and allocate costs internally among the City's various functions. The City used its internal service fund to account for its human resources, legal, communications, development services, facilities maintenance, and fleet maintenance activities. Beginning in Fiscal Year 2022-23, these functions were transferred to departments within the General Fund. The below historical revenue and expense data is shown for informational purposes only. Current budget data for these departments can be found in the General Fund pages.

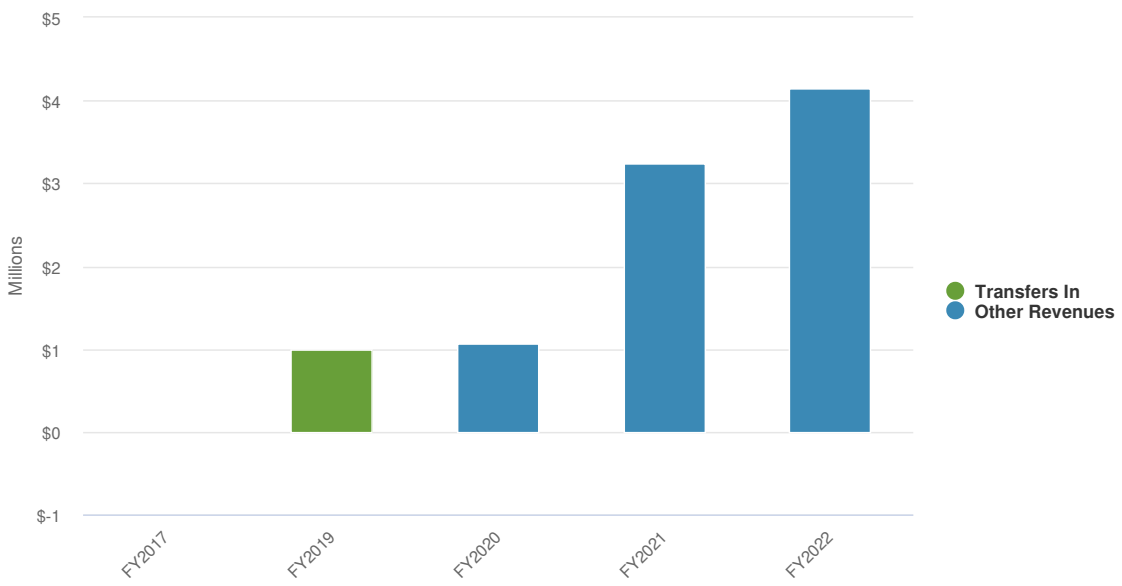
Summary

The City of Boerne has moved the departments within the Internal Service Fund into the General Fund in FY 2023. The Internal Service Fund budget for FY 2023 & FY 2024 will be zero, but below is the fund's historical data.



Revenues by Source

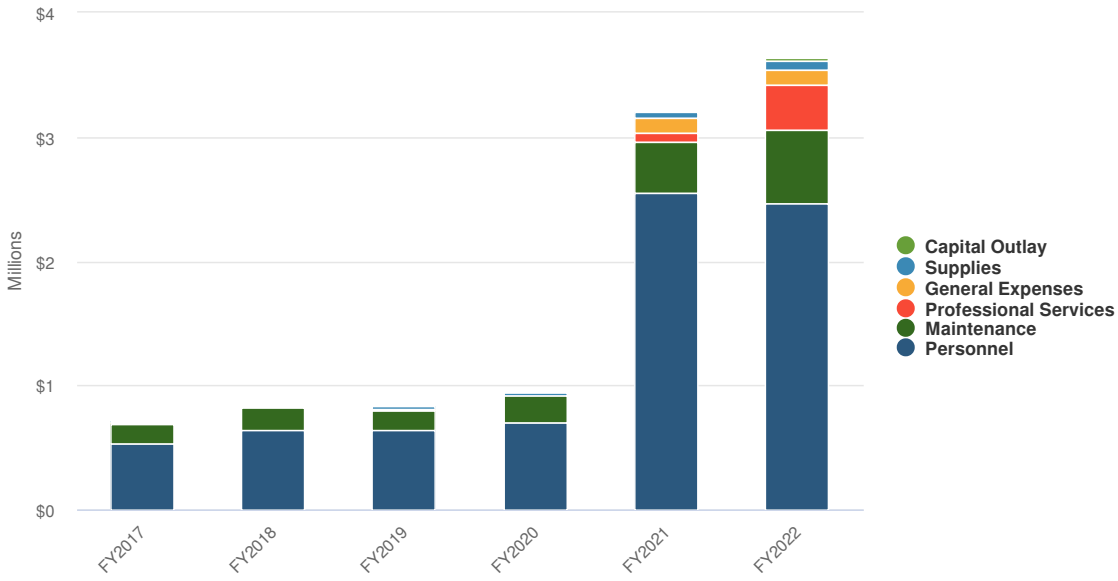
Budgeted and Historical Revenues by Source



Name	FY2020 Actual	FY2021 Annual Budget	FY2021 Actual	FY2022 Budgeted	FY2022 Actual
Revenue Source					
Other Revenues					
CHARGES FOR SERVICES	$1,071,504	$3,217,357	$3,250,097	$4,141,302	$4,141,303
Total Other Revenues:	**$1,071,504**	**$3,217,357**	**$3,250,097**	**$4,141,302**	**$4,141,303**
Fund Balance					
BUDGETED FUND BALANCE	$0	$199,138	$0	$0	
Total Fund Balance:	**$0**	**$199,138**	**$0**	**$0**	
Total Revenue Source:	**$1,071,504**	**$3,416,495**	**$3,250,097**	**$4,141,302**	**$4,141,303**

Expenditures by Expense Type

Budgeted and Historical Expenditures by Expense Type



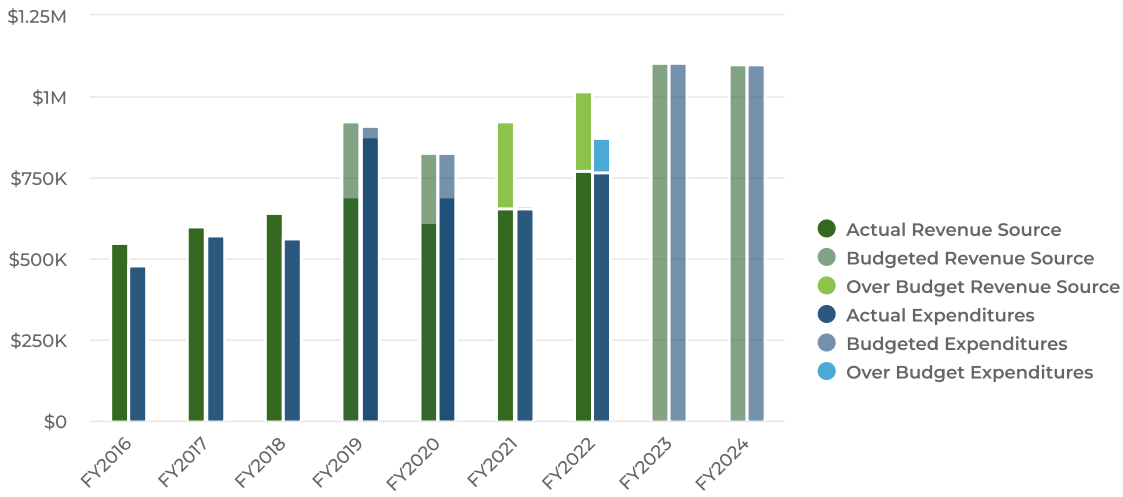
Name	FY2020 Actual	FY2021 Annual Budget	FY2021 Actual	FY2022 Budgeted
Expense Objects				
Personnel	$700,573	$2,550,450	$2,547,318	$3,107,971
Supplies	$15,986	$58,850	$54,010	$63,850
Maintenance	$214,216	$471,068	$407,748	$557,392
Professional Services	$0	$94,000	$75,009	$168,000
General Expenses	$7,391	$138,540	$121,867	$200,185
Capital Outlay	$0	$41,000	$9,851	$43,904
Total Expense Objects:	**$938,166**	**$3,353,908**	**$3,215,803**	**$4,141,302**

Hotel/Motel Fund

Visit Boerne is committed to sharing the Boerne experience, resulting in an increase in hotel revenues and positively impacting the local economy. The Visit Boerne team is made up of four employees and a team of knowledgeable volunteers who serve the tourism community and are housed inside the Boerne Visitors Center in downtown Boerne.

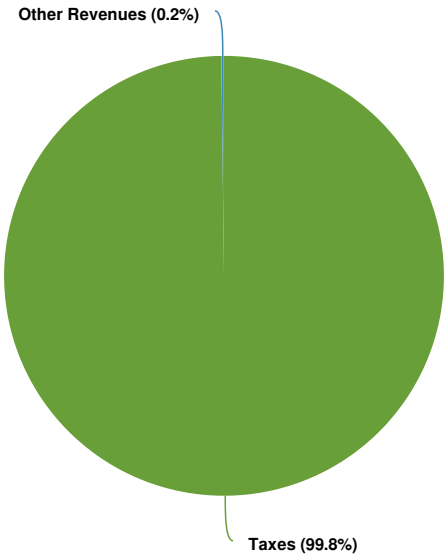
Summary

The Hotel/Motel Fund is projecting $1.1M of Hotel/Motel Tax revenue in FY2024, which represents a 16% increase over the prior year budget. Budgeted operating expenditures are projected to increase by 18% in FY 2024.

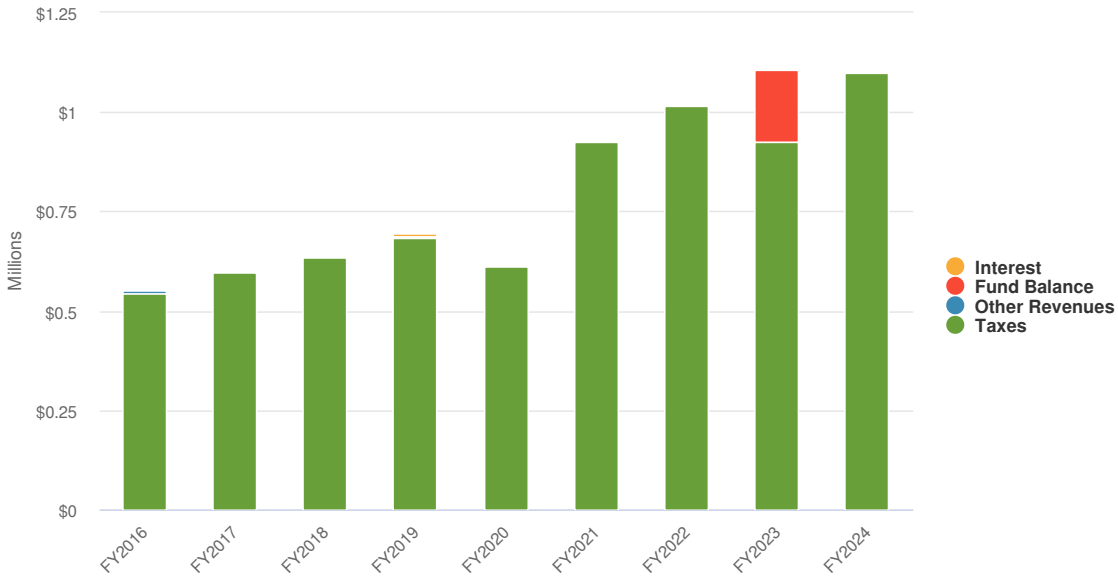


Revenues by Source

Projected 2024 Revenues by Source



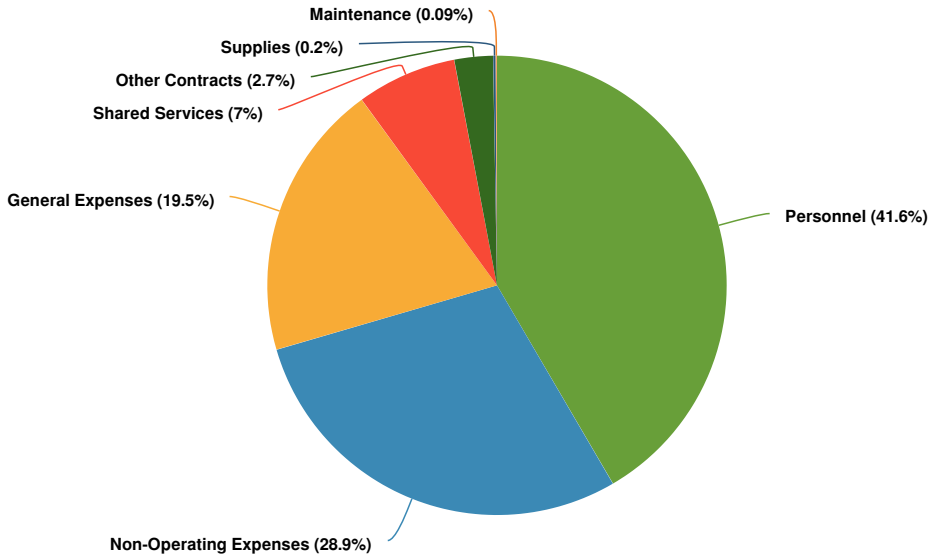
Budgeted and Historical 2024 Revenues by Source



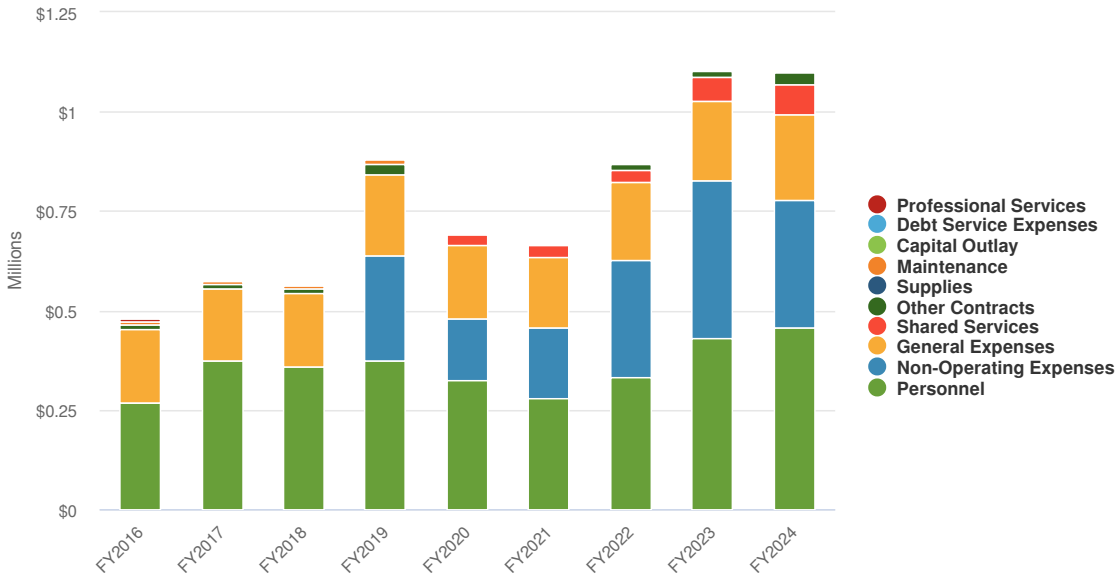
Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Revenue Source				
Taxes	$1,016,403	$925,000	$925,000	$1,100,000
Other Revenues	$2,108	$2,000	$1,500	$2,000
Interest	$64	$0	$0	$0
Fund Balance	$0	$180,000	$180,000	$0
Total Revenue Source:	**$1,018,575**	**$1,107,000**	**$1,106,500**	**$1,102,000**

Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Budgeted and Historical Expenditures by Expense Type



Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Expense Objects				
Personnel	$333,522	$428,797	$377,818	$458,247
Supplies	$0		$0	$1,800
Maintenance	$791	$1,000	$1,000	$1,000

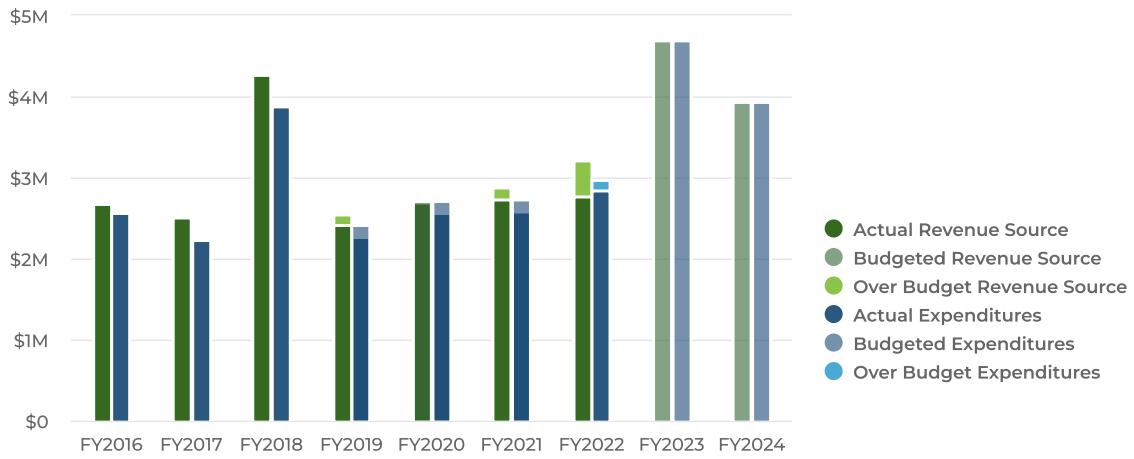
Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
General Expenses	$195,008	$199,593	$199,593	$214,836
Shared Services	$32,996	$60,810	$60,810	$77,535
Other Contracts	$14,500	$14,500	$14,800	$30,000
Debt Service Expenses	$2,729		$0	$0
Non-Operating Expenses	$293,106	$398,000	$398,000	$318,582
Capital Outlay	$1,145	$4,300	$4,300	$0
Total Expense Objects:	**$873,796**	**$1,107,000**	**$1,056,321**	**$1,102,000**

Park Fund

Providing quality parks/facilities, highly-trained staff, special events, and programming, the Parks & Recreation department strives to improve the quality of life, promote tourism, and contribute to community aesthetics. There are 10 public parks and 3 ADA-accessible trails in Boerne operated by the City's Parks and Recreation Department, each offering something a little bit different to visitors. Additionally, the Parks & Recreation department oversees various programs and events such as adult athletics, youth athletics, community education, fitness & recreation, and year-round community events.

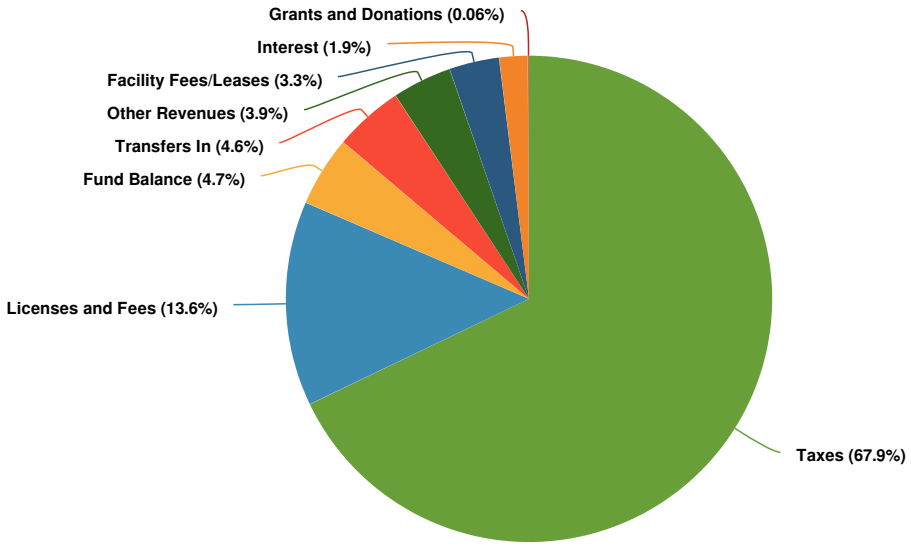
Summary

The Park Fund is projecting $3.95M of revenue in FY2024, which represents a 16% decrease over the prior year. Budgeted expenditures are also projected to decrease by 16% or $750K to $3.95M in FY2024. This is largely due to a $1.3M decrease in use of fund balance.

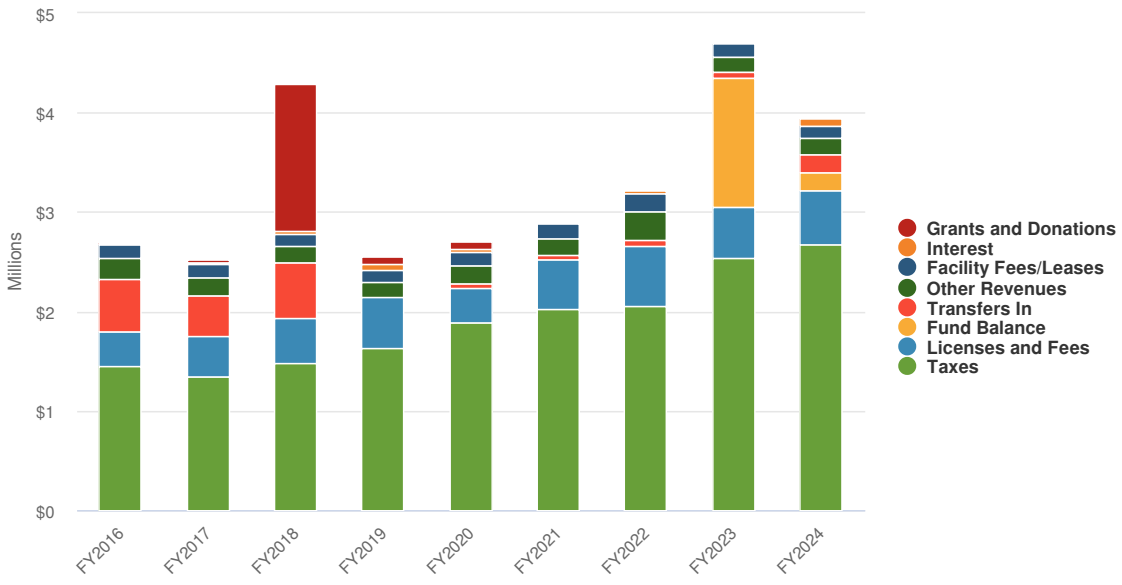


Revenues by Source

Projected 2024 Revenues by Source



Budgeted and Historical 2024 Revenues by Source

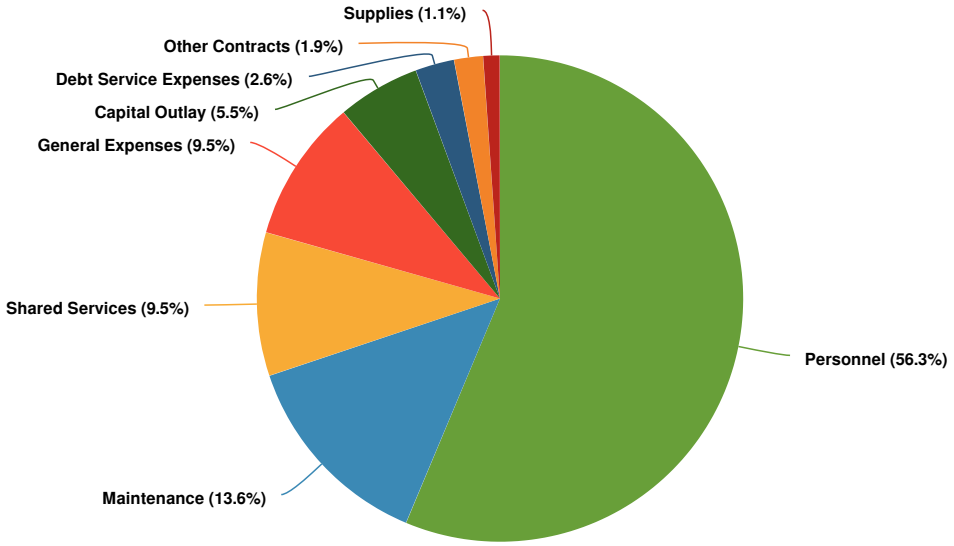


Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Revenue Source				
Taxes	$2,057,143	$2,532,590	$2,575,000	$2,680,942
Licenses and Fees	$601,996	$520,633	$520,633	$537,500
Facility Fees/Leases	$183,802	$131,500	$131,500	$131,500
Other Revenues	$288,336	$156,000	$179,968	$156,000
Interest	$27,249	$2,000	$80,000	$75,000

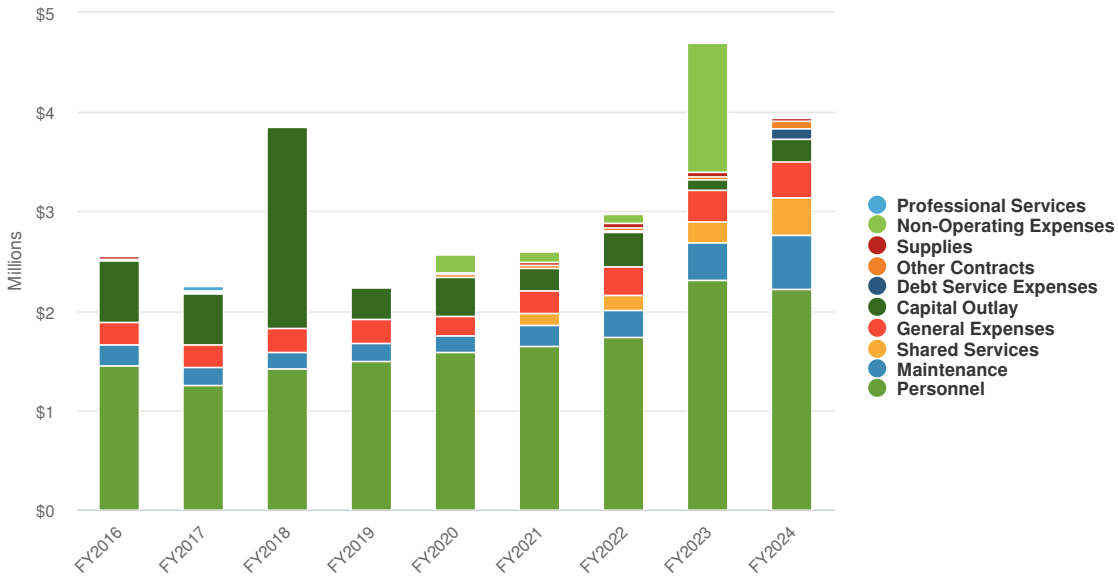
Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Grants and Donations	$11,240	$2,500	$2,500	$2,500
Transfers In	$55,000	$55,000	$55,000	$181,451
Fund Balance	$0	$1,300,000	$1,300,000	$185,000
Total Revenue Source:	**$3,224,766**	**$4,700,223**	**$4,844,601**	**$3,949,893**

Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Budgeted and Historical Expenditures by Expense Type



Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Expense Objects				
Personnel	$1,742,639	$2,306,882	$1,775,123	$2,224,471
Supplies	$35,952	$52,020	$44,520	$43,500
Maintenance	$265,951	$385,870	$402,327	$535,300
General Expenses	$292,716	$318,973	$335,188	$374,249
Shared Services	$146,556	$208,318	$208,318	$376,660
Other Contracts	$30,000	$30,000	$30,000	$76,000
Debt Service Expenses	$24,730		$0	$102,593
Non-Operating Expenses	$100,000	$1,300,000	$1,300,000	$0
Capital Outlay	$341,018	$98,160	$99,063	$217,120
Total Expense Objects:	**$2,979,561**	**$4,700,223**	**$4,194,539**	**$3,949,893**

Funded Projects & Equipment

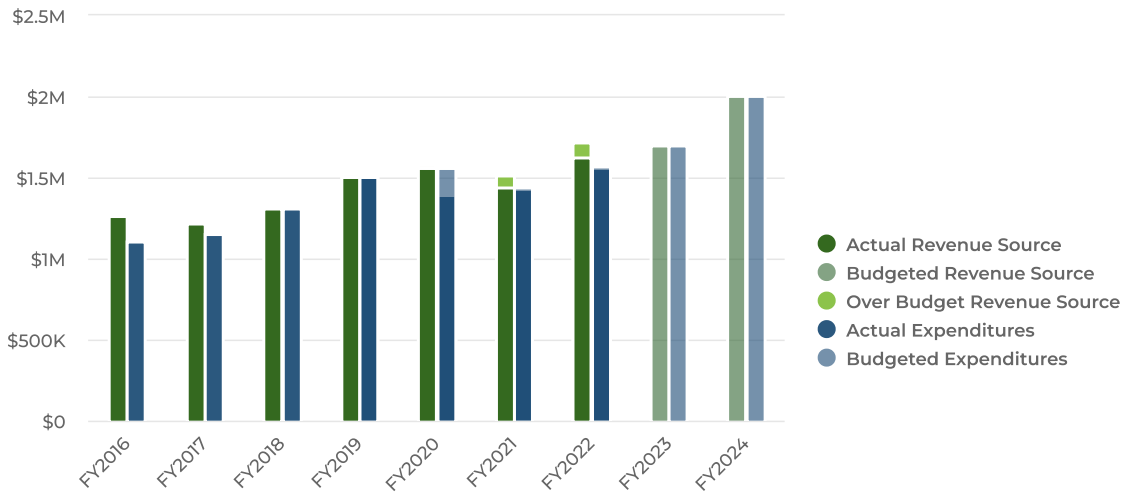
Projects / Equipment	FY2024 Cost
Storage for City Park	$40,000
Public Restroom at Kinderpark	$134,779
Pool Equipment	$8,200
Trail Sweeper	$7,341
Commercial Hot Water Pressure Washer	$10,000
Pool Shade Structure	$25,000

Library Fund

The Patrick Heath Public Library cultivates a love of reading, enriches lives through life-long learning and cultural exploration, and provides a welcoming space for people to engage and connect. In addition to the lending of physical and digital items, the library offers free access to the Internet, technology, quiet study spaces as well as meeting rooms, programs and seminars for all ages, informational databases, Spanish-language materials, home bound delivery, outreach to all age groups, homework help, notary and proctoring services, local and family history research and so much more. The Patrick Heath Public Library is also the home of several Art Al Fresco public art pieces and the amphitheater where arts and cultural events are hosted year-round.

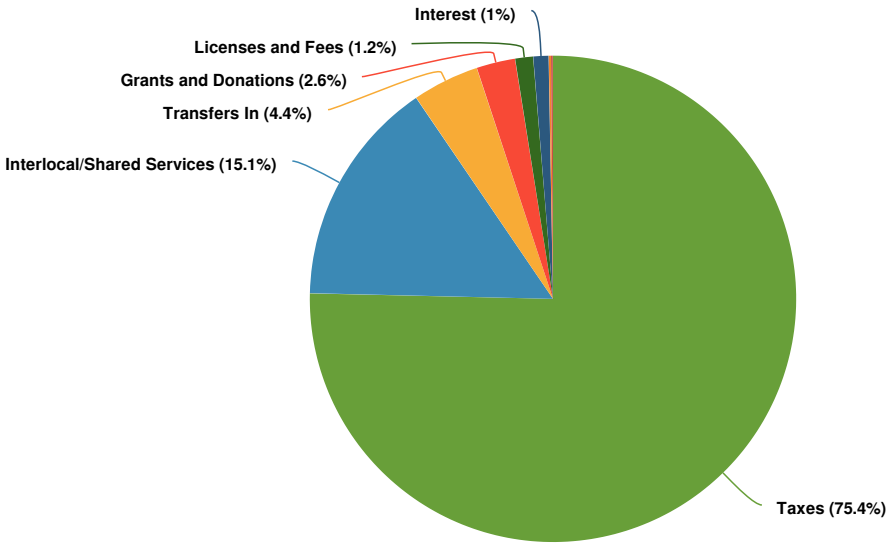
Summary

The Library Fund is projecting $2M of revenue in FY2024, which represents an 18% increase over the prior year. Budgeted expenditures are also projected to increase by 18% or $300K to $2M in FY2024.

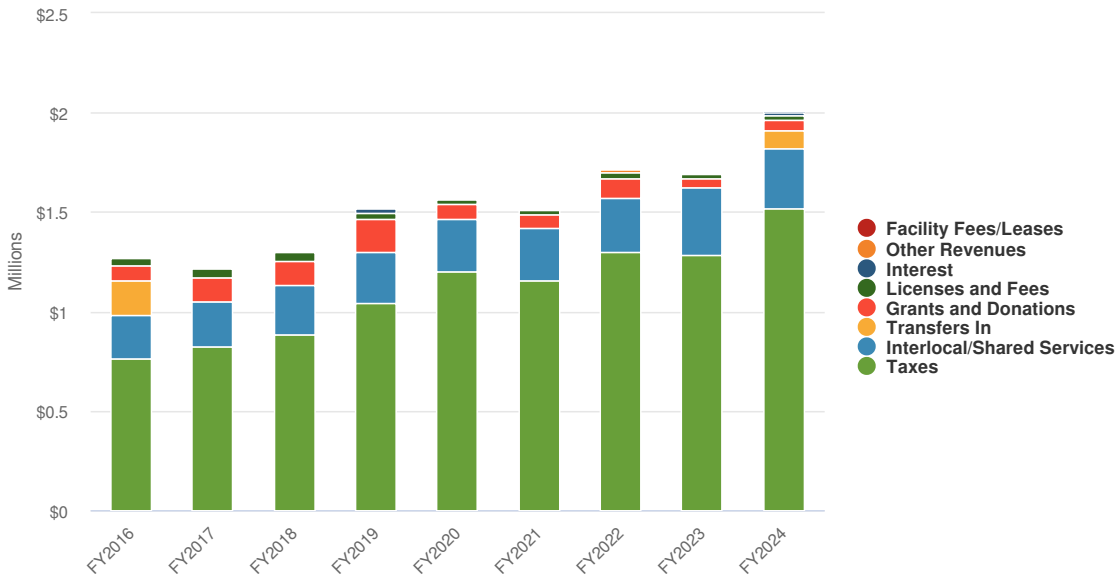


Revenues by Source

Projected 2024 Revenues by Source



Budgeted and Historical 2024 Revenues by Source

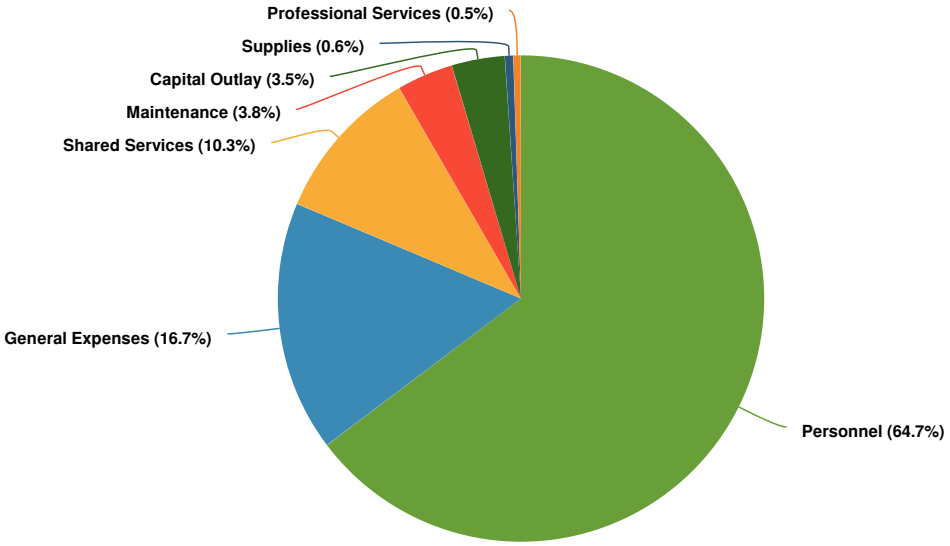


Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Revenue Source				
Taxes	$1,296,281	$1,283,011	$1,310,000	$1,515,315
Licenses and Fees	$26,318	$24,000	$24,000	$24,000
Interlocal/Shared Services	$275,729	$344,553	$381,195	$304,000
Facility Fees/Leases	$6,750	$2,200	$2,500	$2,500
Other Revenues	$9,867	$3,150	$4,150	$3,150

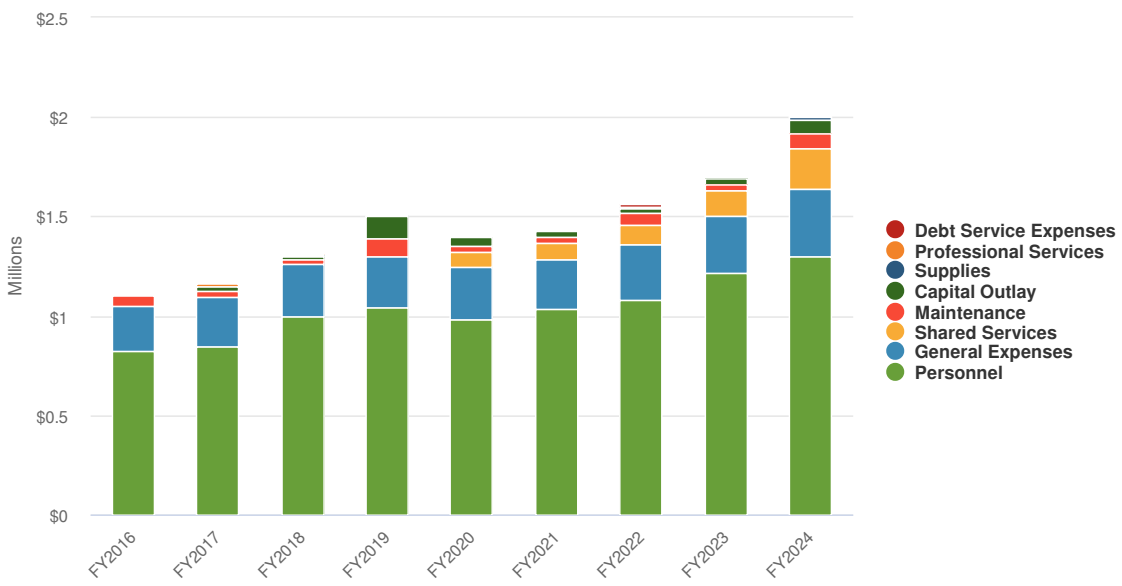
Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Interest	$5,531	$1,000	$25,000	$20,250
Grants and Donations	$99,288	$41,335	$89,905	$52,000
Transfers In	$0		$0	$89,229
Total Revenue Source:	**$1,719,764**	**$1,699,249**	**$1,836,750**	**$2,010,444**

Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Budgeted and Historical Expenditures by Expense Type



Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Expense Objects				
Personnel	$1,078,658	$1,216,908	$1,159,569	$1,300,879
Supplies	$5,860	$6,500	$6,500	$11,260
Maintenance	$53,494	$31,547	$36,797	$75,471
Professional Services	$5,000	$0	$0	$10,000
General Expenses	$283,320	$283,269	$295,793	$335,217
Shared Services	$99,268	$128,425	$128,425	$206,451
Debt Service Expenses	$13,554		$0	$0
Capital Outlay	$26,095	$32,600	$18,600	$71,166
Total Expense Objects:	**$1,565,249**	**$1,699,249**	**$1,645,684**	**$2,010,444**

Funded Projects & Equipment

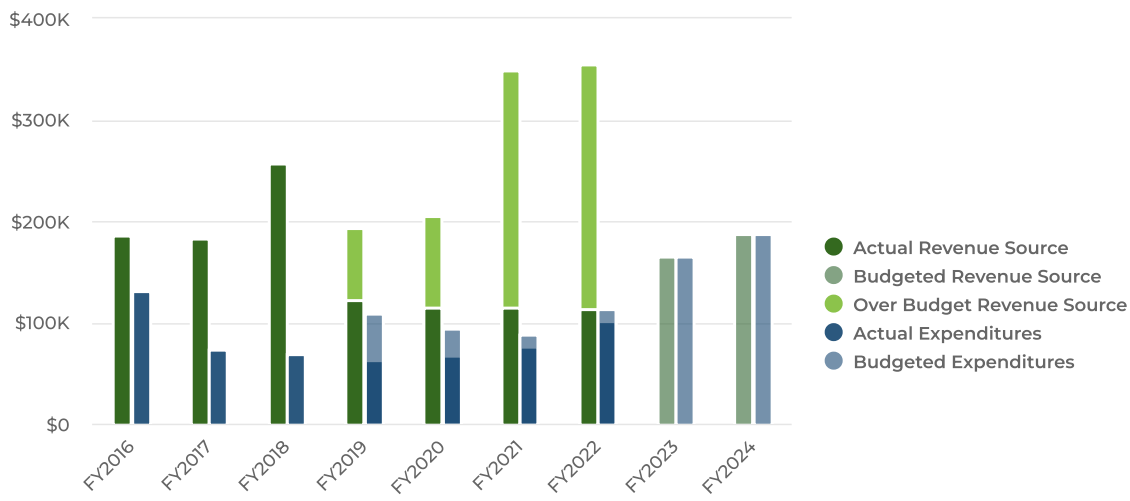
Projects/Equipment	FY2024 Cost
Library Generator	$12,033
Library Laptops	$7,320
Staff Task Chairs	$18,000
Self-Check Kiosk	$17,000
Bookshop Stucco Repair	$38,000
Plaques Replacement	$12,000

Cemetery Fund

Boerne Cemetery is owned, operated, and maintained by the City of Boerne. It is recognized by the State of Texas as a historical place, with many early German and English settlers buried there. Official burial records are kept by the City of Boerne and may be requested by contacting the Parks and Recreation Department. The City of Boerne works with local funeral homes to coordinate the purchase of cemetery lots and columbarium niches. Boerne Cemetery is recognized by the State of Texas as a historic place and houses a number of historical graves, many of which are engraved in German. The Cemetery Foundation provides financial assistance to the City of Boerne for the care and improvement of the cemetery.

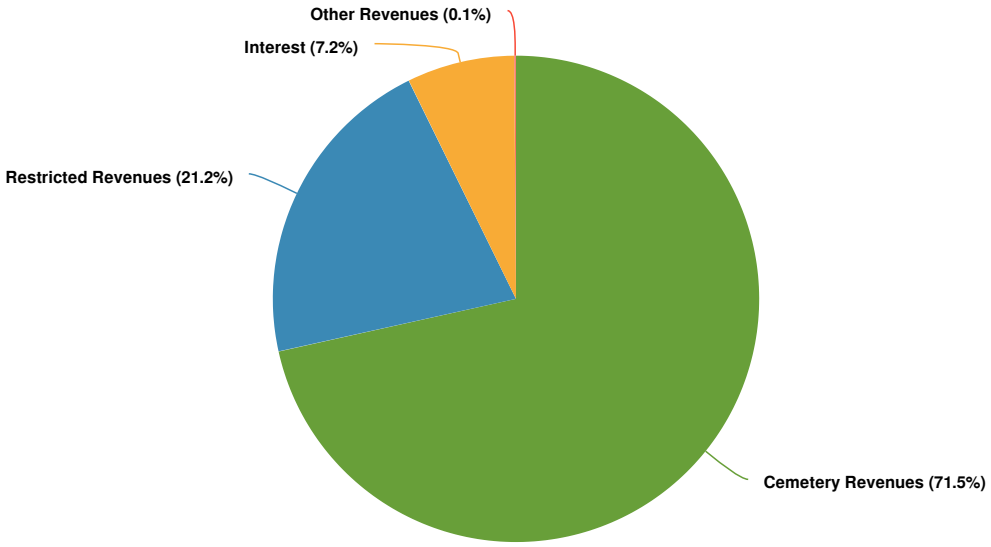
Summary

The Cemetery Fund is projecting $189K of revenue in FY2024, which represents a 13% increase over the prior year budget, but is 13% less than projected revenues from FY23. Sale of lots continue on a consistent trend. Budgeted non-capital expenditures remain stable as compared to FY23 budget. The cemetery fund will be investing $54k in capital projects as listed below, and detailed further in the Capital Improvements section of the budget.

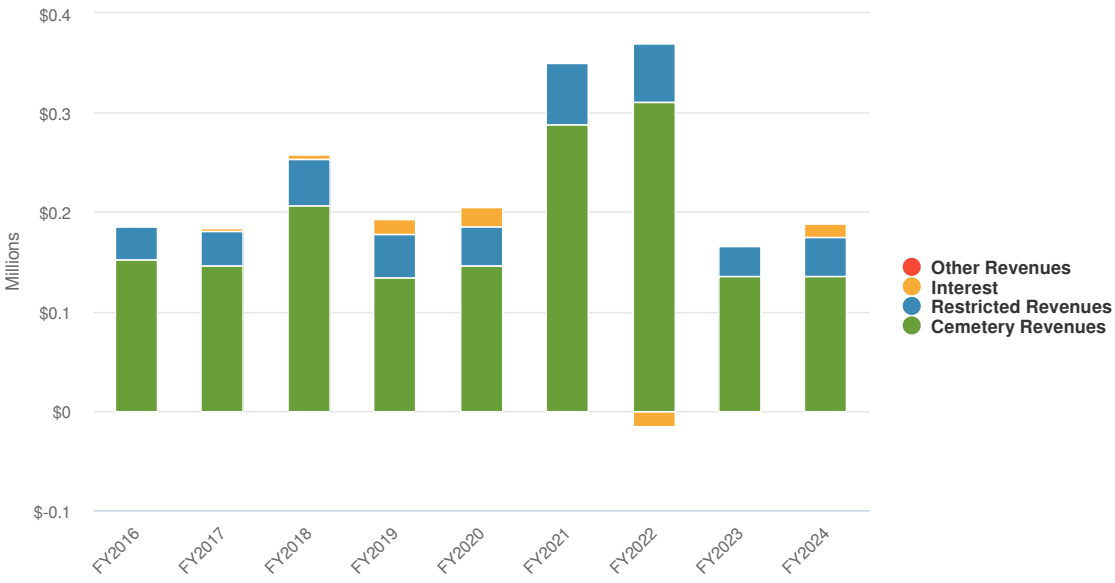


Revenues by Source

Projected 2024 Revenues by Source



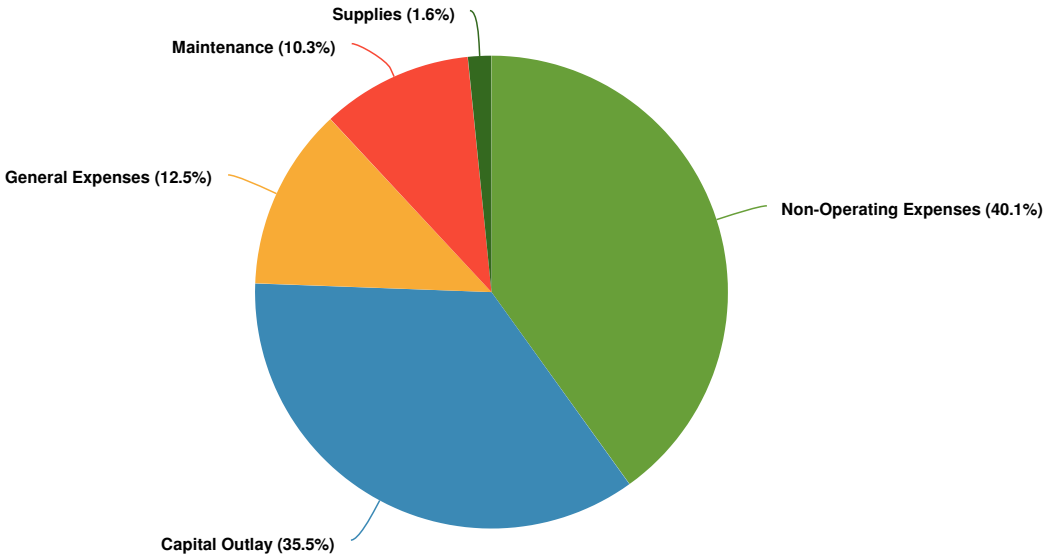
Budgeted and Historical 2024 Revenues by Source



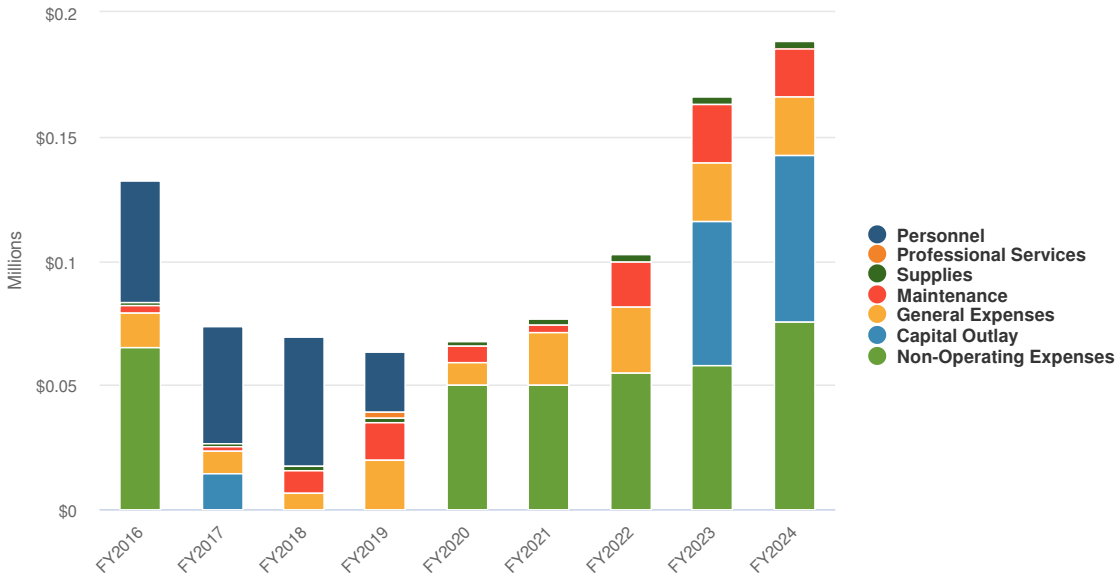
Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Revenue Source				
Cemetery Revenues	$311,165	$135,000	$150,000	$135,000
Other Revenues	$650	$200	$200	$200
Restricted Revenues	$58,462	$30,500	$49,000	$40,000
Interest	-$14,844	$600	$17,000	$13,500
Total Revenue Source:	**$355,433**	**$166,300**	**$216,200**	**$188,700**

Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Budgeted and Historical Expenditures by Expense Type



Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Expense Objects				
Supplies	$2,987	$3,000	$1,000	$3,000
Maintenance	$17,726	$23,994	$23,994	$19,494
General Expenses	$26,717	$23,481	$23,481	$23,567

Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Non-Operating Expenses	$55,000	$57,825	$57,825	$75,639
Capital Outlay	$0	$58,000	$58,000	$67,000
Total Expense Objects:	**$102,430**	**$166,300**	**$164,300**	**$188,700**

Funded Projects & Equipment

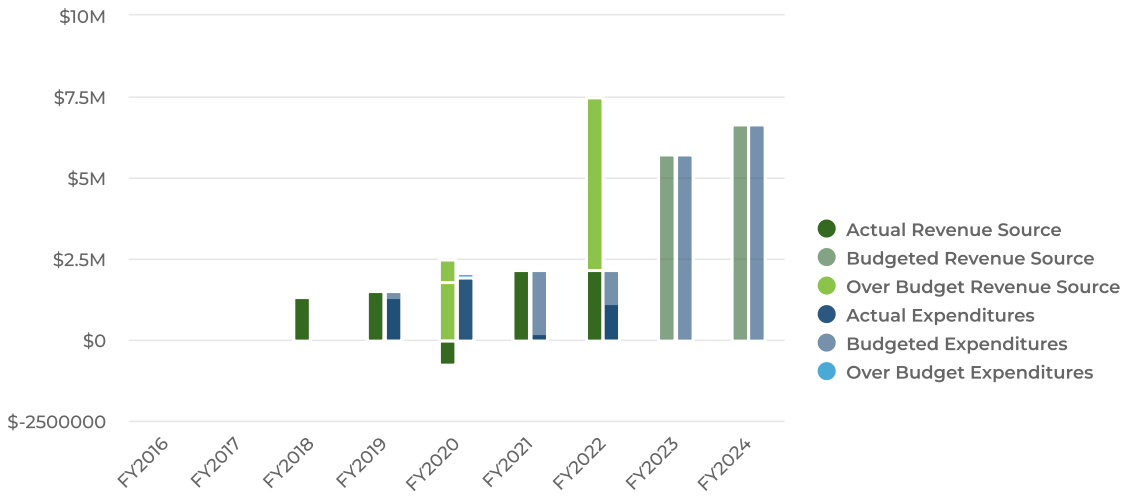
Projects/Equipment	FY2024 Cost
Columbarium Niche Additions	$48,000
Mower	$13,000

Capital Projects Construction Fund

The Capital Projects Construction Fund is used to account for physical capital improvements throughout the City. Capital Improvements are defined as any expenditure of public funds for the purchase, construction, rehabilitation, replacement, or expansion of the physical assets of the community when the project is relatively large in size, expensive, long-term, and permanent. The Capital Projects Construction Fund includes non-utility projects such as streets, sidewalks, and general government facilities. Typically, these projects will be funded via general obligation bonds, certificates of obligation, tax revenue, or other financing methods.

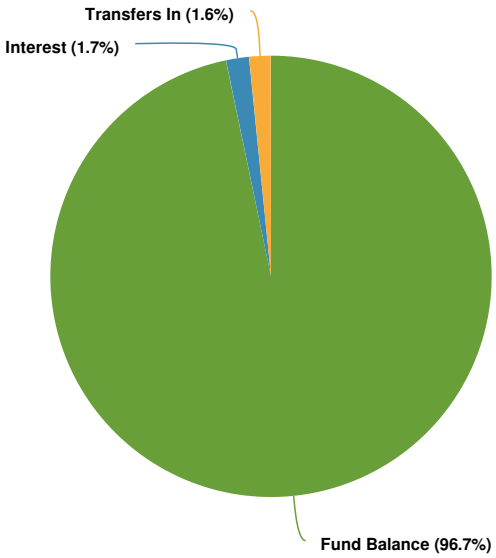
Summary

The Capital Projects Construction Fund derives revenue primarily from programmed use of fund balance, or transfers in from other funds. For the current year, the fund will be utilizing $6.5M of fund balance, and transferring in $105k from other funds. With $112k projected interest, the total projected revenue equals $6.7M. All $6.7M is budgeted to be spent on capital projects, as detailed below as well as the Capital Improvements section of the budget book.

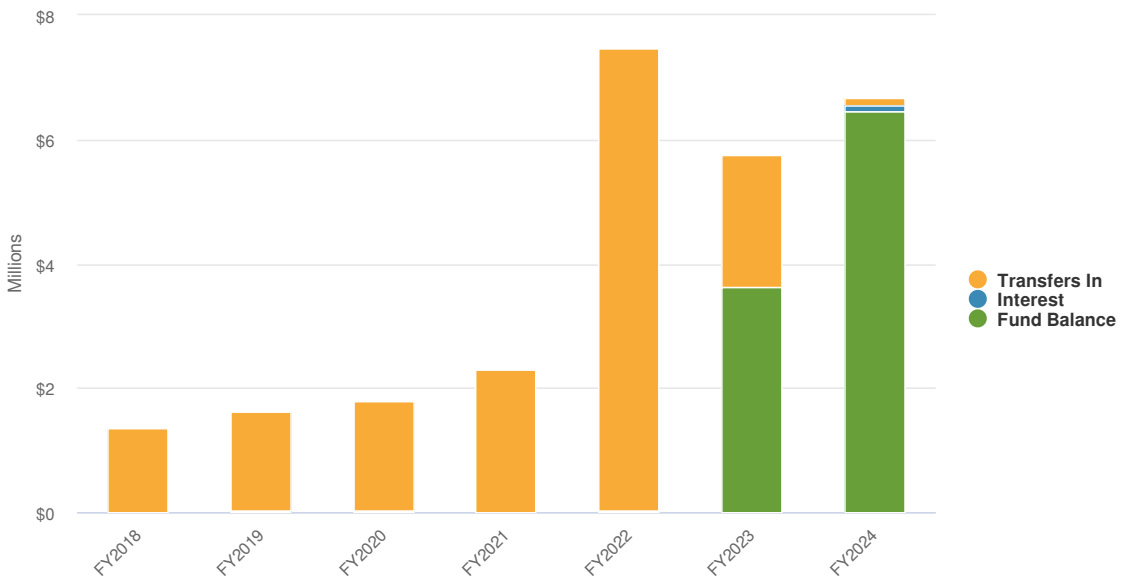


Revenues by Source

Projected 2024 Revenues by Source



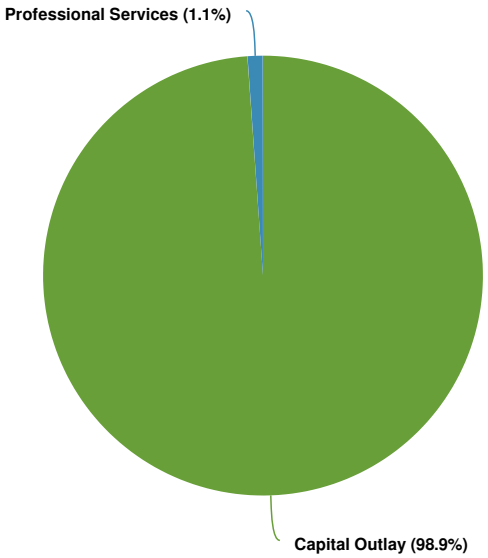
Budgeted and Historical 2024 Revenues by Source



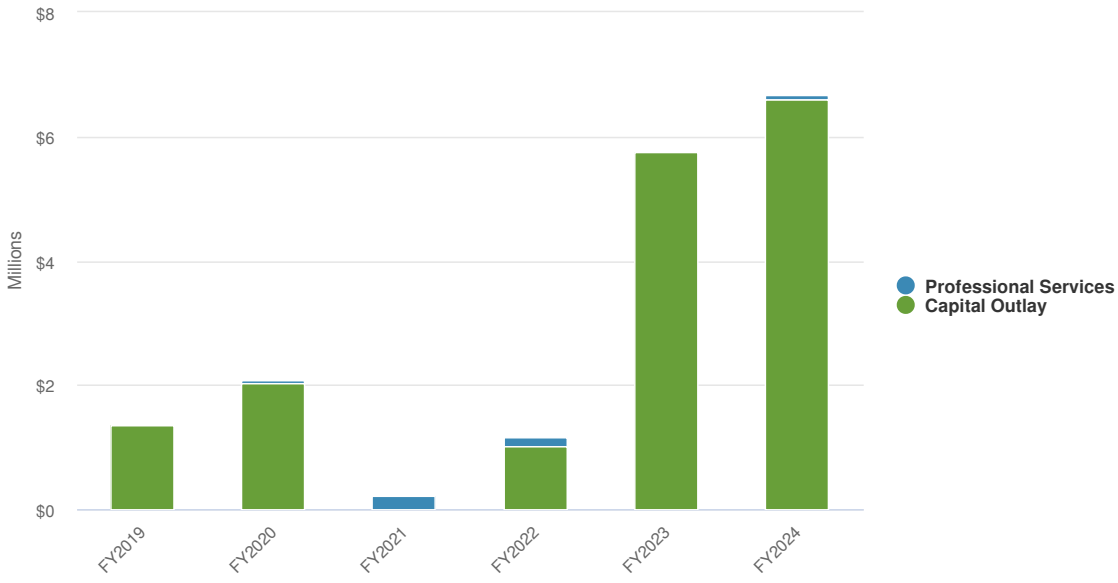
Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Revenue Source				
Interest	$27,749	$2,500	$150,000	$112,404
Transfers In	$7,450,202	$2,140,150	$2,140,150	$105,000
Fund Balance	$0	$3,614,850	$3,614,850	$6,447,000
Total Revenue Source:	**$7,477,950**	**$5,757,500**	**$5,905,000**	**$6,664,404**

Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Budgeted and Historical Expenditures by Expense Type



Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Expense Objects				
Professional Services	$150,108	$0	$49,559	$75,000
Capital Outlay	$1,015,552	$5,757,500	$7,313,613	$6,589,404
Total Expense Objects:	**$1,165,660**	**$5,757,500**	**$7,363,172**	**$6,664,404**

Capital Projects

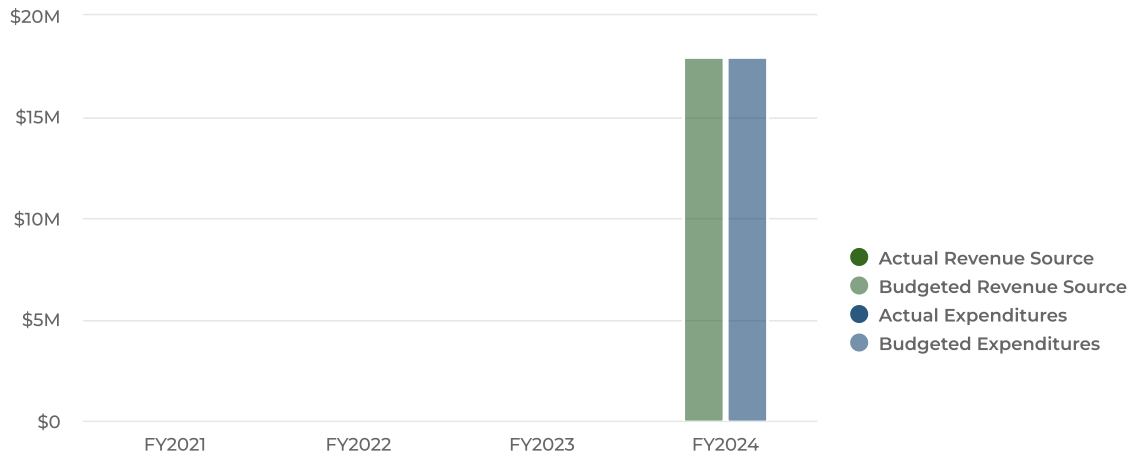
Projects	FY2024 Cost
River Road Bank Stabilization	$2,325,000
Parking Lot - Johns/Main	$5,000
Parking Lot - Plant Street Paving	$453,000
MPO Cascade Caverns Project	$1,928,000
Sidewalk - Oakpark	$301,000
Sidewalk - 463 S. Main	$40,000
Sidewalk - Schweppe Area	$62,000
Waterwork Terrace	$150,000
Fire Station #2	$2,800,000
School Street Corridor Study	$75,000
Old San Antonio Corridor Study	$75,000
Traffic Signal Street Sign Upgrades	$72,000

2022 Bond Construction Fund

The 2022 City of Boerne bond propositions were approved by voters in the November General Election, each with 60% of the vote. These bond propositions target specific areas for improvement to streets and mobility, as well as parks and open space.

Summary

The City of Boerne is projecting $18M of revenue in FY24 from the 2022 Bond Series 2023 issuance. Budgeted expenditures are $10M, with $8M budgeted to go to fund balance. Detail on the budgeted capital projects can be found below and in the Captial Projects section of the budget book.

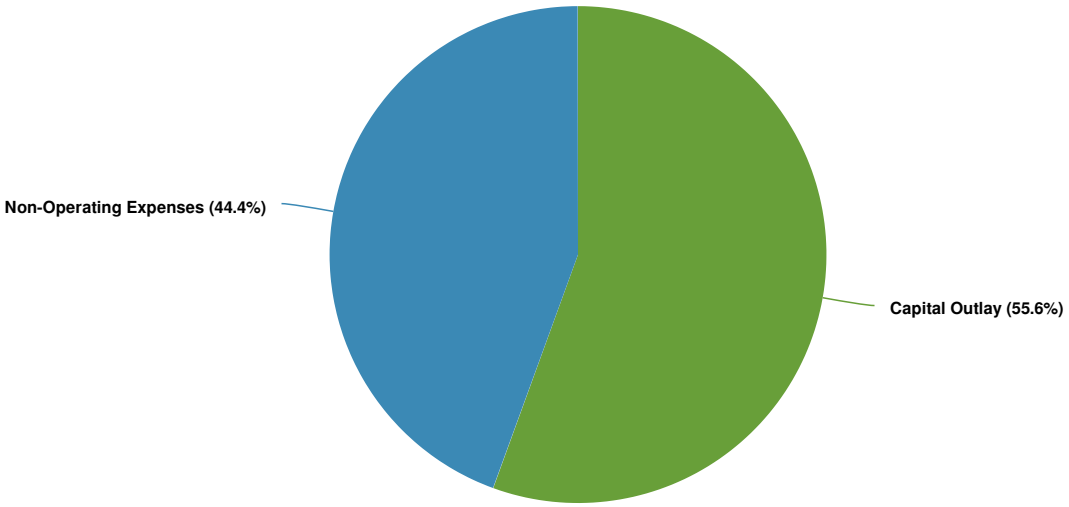


Revenues by Source

Name	FY2024 Budgeted
Revenue Source	
Bond Proceeds	$18,000,000
Total Revenue Source:	**$18,000,000**

Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Name	FY2024 Budgeted
Expense Objects	
Non-Operating Expenses	$8,000,000
Capital Outlay	$10,000,000
Total Expense Objects:	**$18,000,000**

Capital Projects

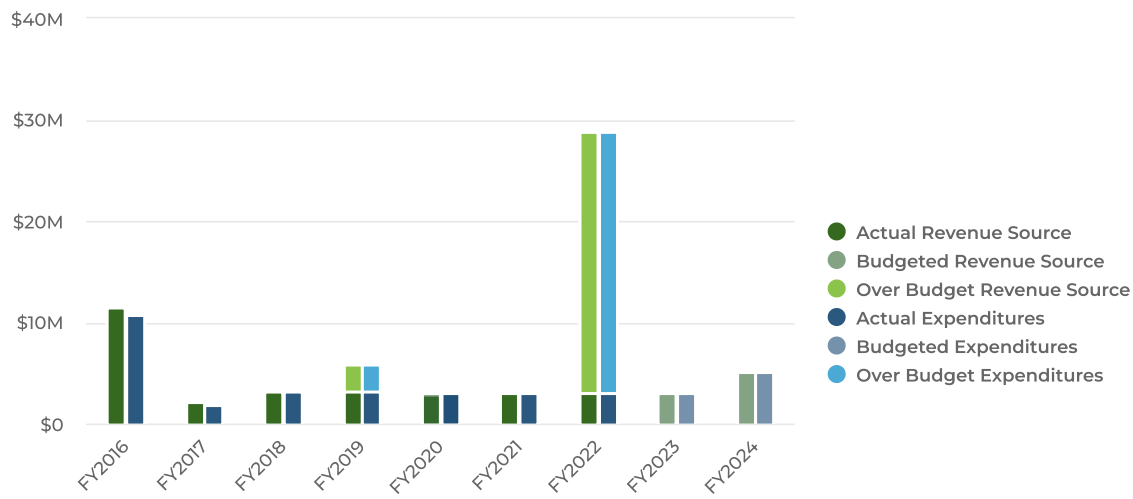
Projects	FY2024 Cost
Adler Road Widening	$4,572,109
Street Reconstructions	$99,620
Johns Road Intersection Improvements	$245,320
Northside Community Park	$5,082,952

Debt Service Fund

The Debt Service Fund is a governmental fund used to account for all financial resources that are restricted, committed, or assigned for the payment of principal and interest of the long-term obligations of the City's governmental funds. Debt Service Fund revenues are primarily derived from property taxes.

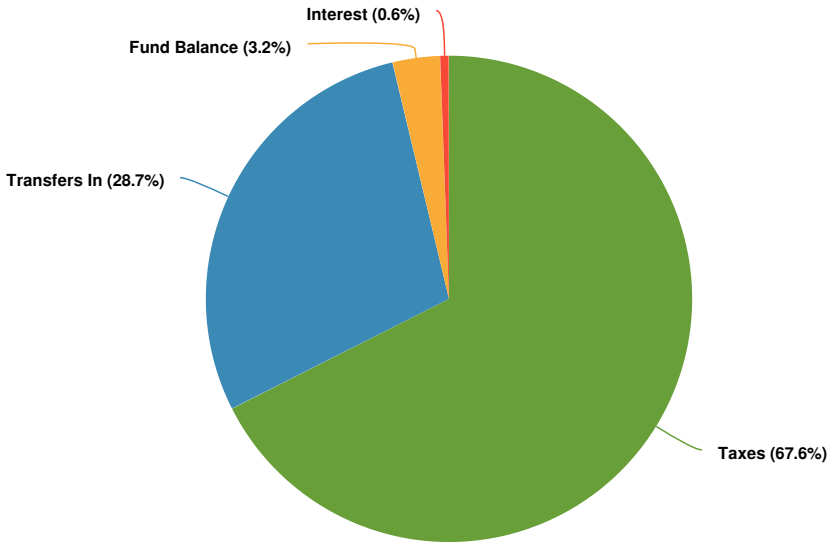
Summary

The Debt Service Fund is projecting $5.2M of revenue in FY2024, which represents a 73% increase over the prior year. Budgeted expenditures are projected to increase by 73%, or $2M, to $5.2M in FY2024. This is largely due to the inclusion of the first issuance of the 2022 Bond that was approved in November 2022. Details of all debt issuances and amortization schedules are found within the Debt section of the budget book.

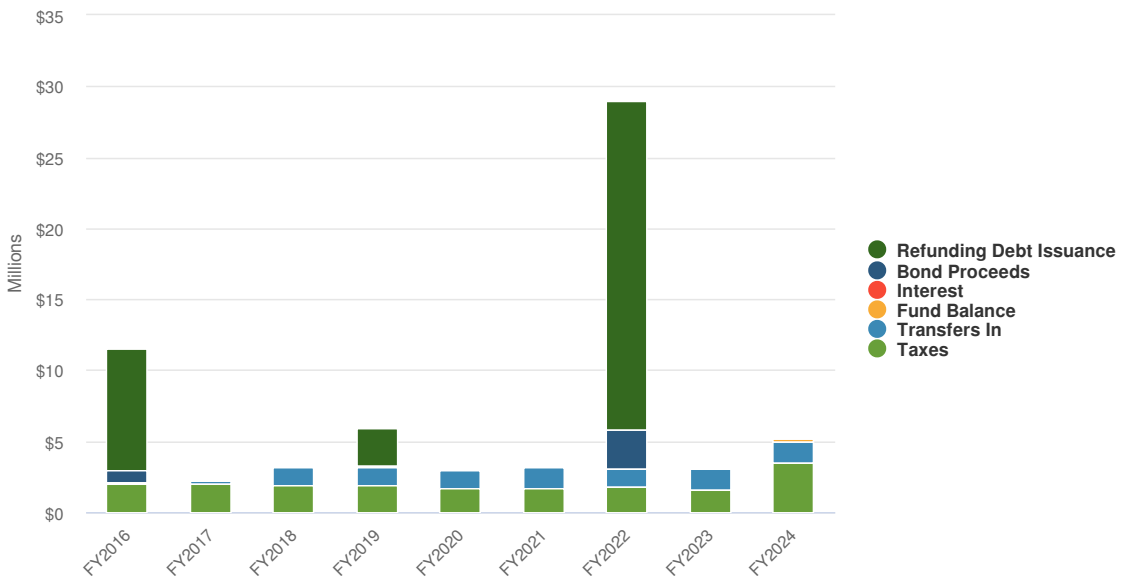


Revenues by Source

Projected 2024 Revenues by Source



Budgeted and Historical 2024 Revenues by Source

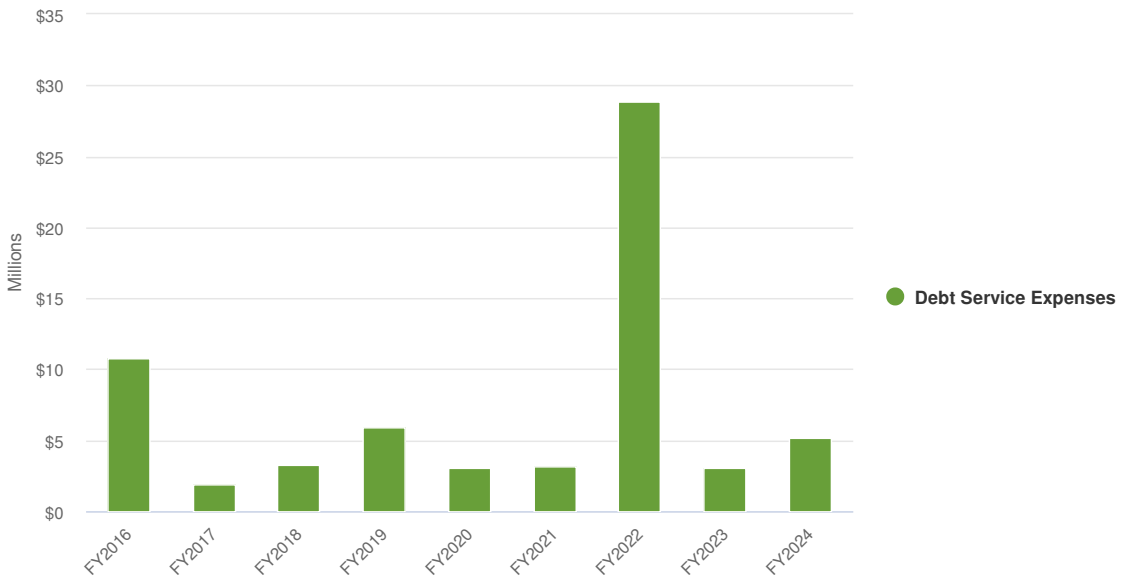


Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Revenue Source				
Taxes	$1,812,676	$1,600,302	$1,735,000	$3,516,681
Interest	$7,889	$1,000	$62,000	$30,000
Refunding Debt Issuance	$23,085,000	$0	$0	$0
Bond Proceeds	$2,743,094		$0	$0
Transfers In	$1,276,109	$1,456,089	$1,456,089	$1,494,507

Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Fund Balance	$0	$0	$0	$164,413
Total Revenue Source:	**$28,924,768**	**$3,057,391**	**$3,253,089**	**$5,205,601**

Expenditures by Expense Type

Budgeted and Historical Expenditures by Expense Type



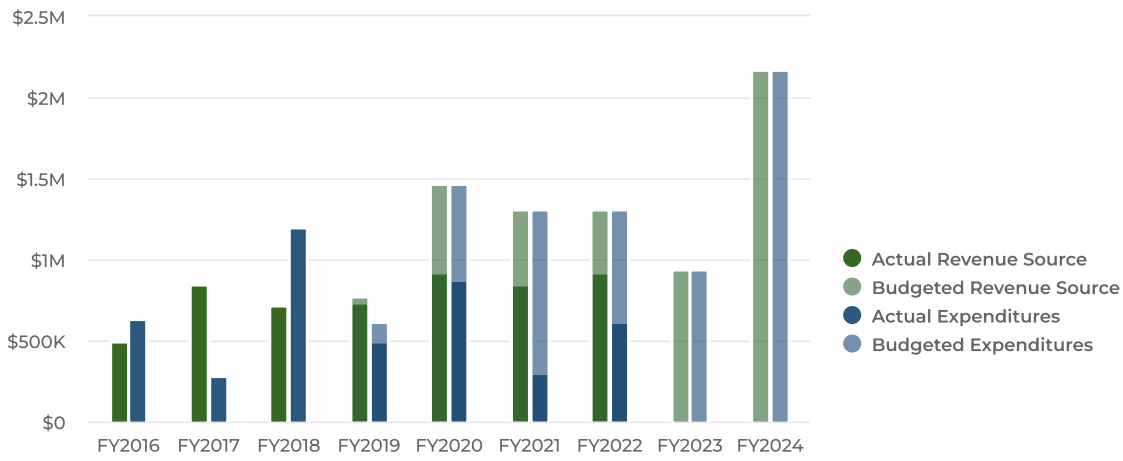
Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Expense Objects				
Debt Service Expenses	$28,853,752	$3,057,391	$3,054,892	$5,205,601
Total Expense Objects:	**$28,853,752**	**$3,057,391**	**$3,054,892**	**$5,205,601**

Economic Development Fund

The Economic Development department encourages commercial development opportunities for new and existing businesses while preserving the character, natural resources, and historic charm that make Boerne a wonderful place to live and work. The city offers a full array of financial incentives, matching grant programs, and other incentives to promote downtown revitalization, commercial building façade improvements, business retention development, relocation, and expansion.

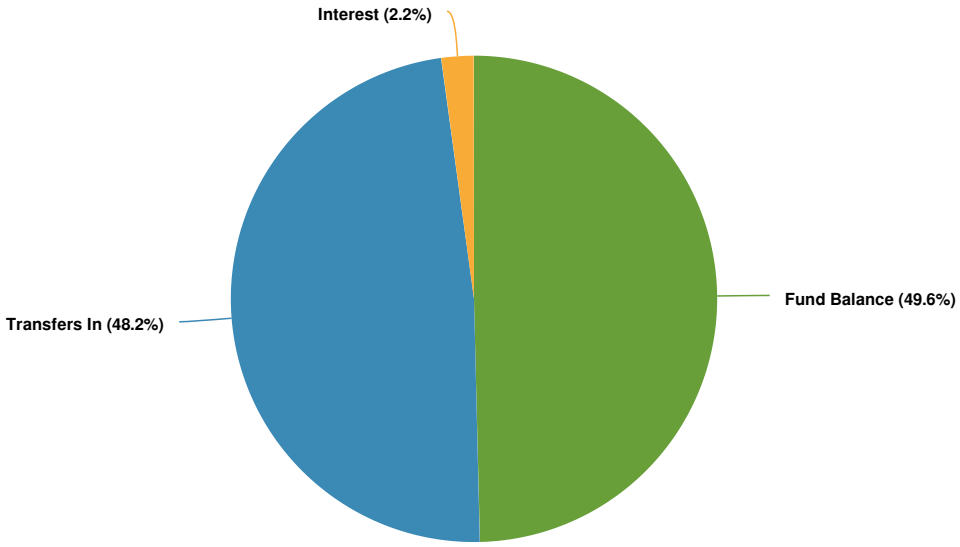
Summary

The Economic Development Fund is projecting $2.2M of revenue in FY2024, which represents a $1.2M, or 131% increase over FY23 projections. Budgeted expenditures are also projected to increase by 131% or $1.2M to $2.2M in FY2024. This is largely due to the $1M increase in use of fund balance in FY24.

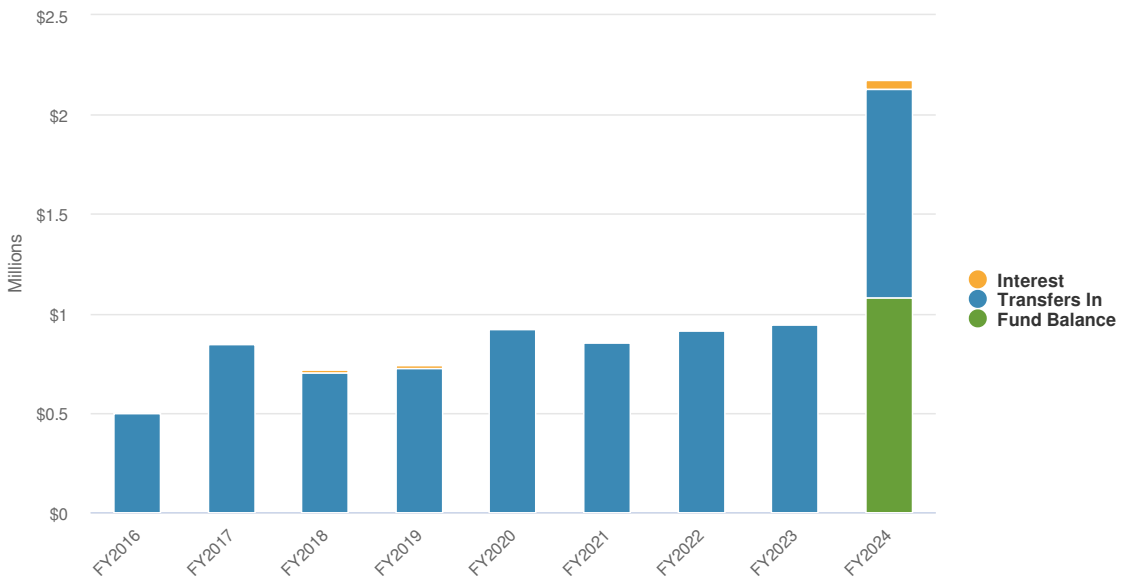


Revenues by Source

Projected 2024 Revenues by Source



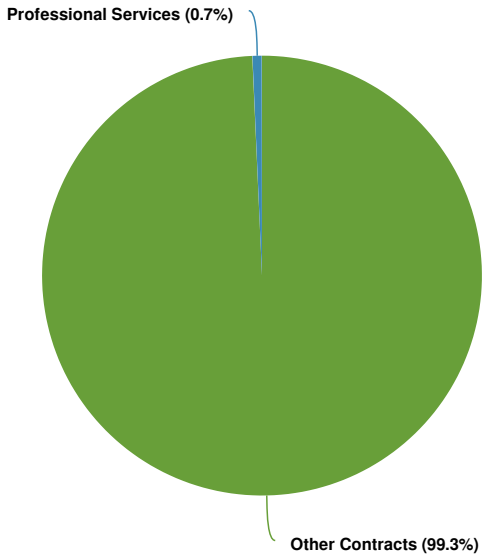
Budgeted and Historical 2024 Revenues by Source



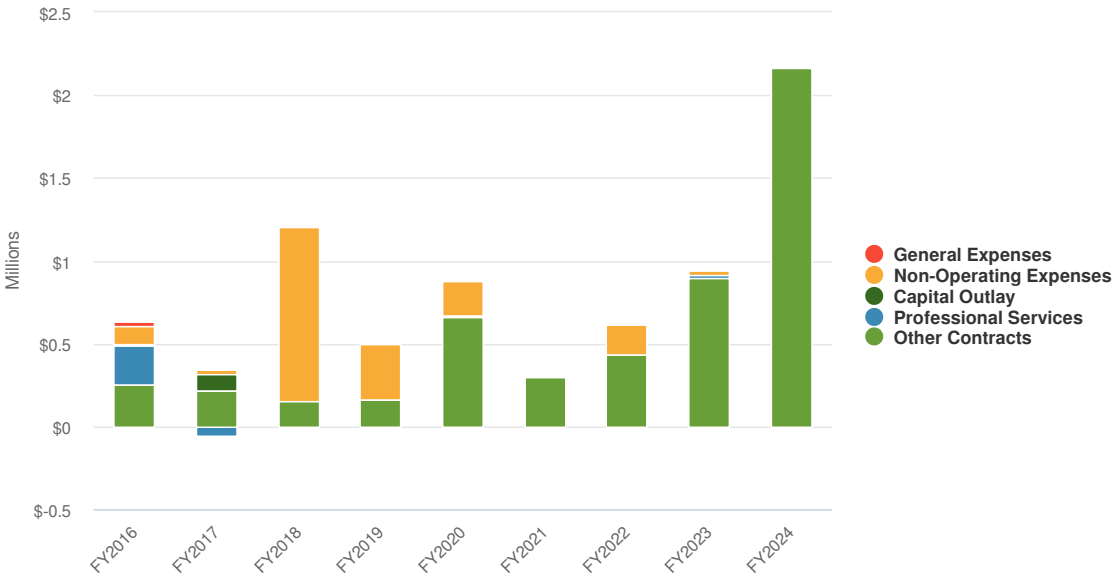
Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Revenue Source				
Interest	$11,626	$2,500	$63,000	$47,025
Transfers In	$913,027	$941,750	$941,750	$1,050,000
Fund Balance	$0	$0	$0	$1,080,548
Total Revenue Source:	**$924,653**	**$944,250**	**$1,004,750**	**$2,177,573**

Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Budgeted and Historical Expenditures by Expense Type



Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Expense Objects				
Professional Services	$0	$15,000	$15,000	$15,000
Other Contracts	$432,277	$896,550	$871,550	$2,162,573
Non-Operating Expenses	$184,150	$32,700	$32,700	$0

Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Total Expense Objects:	**$616,427**	**$944,250**	**$919,250**	**$2,177,573**

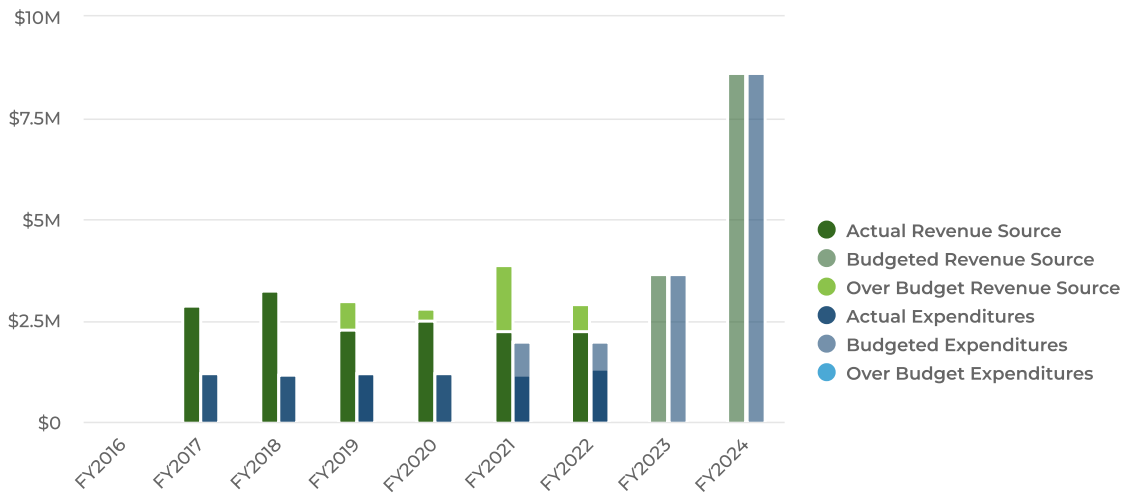
Capital Recovery Fund

The City of Boerne charges impact fees for the water and wastewater utilities on new utility services to recoup a portion of the capital investment the city has made into water and wastewater infrastructure to provide capacity for new development. These fees are authorized under Chapter 395 of the Local Government Code and set in an Impact Fee Ordinance.

The impact fees collected may be used to finance or to recoup capital construction costs of service. Impact fees may also be used to retire bonds or pay the principal sum and interest and other finance costs on bonds, notes or other obligations issued by or on behalf of the City to finance such water and wastewater capital improvements or facilities expansions as included in the CIP.

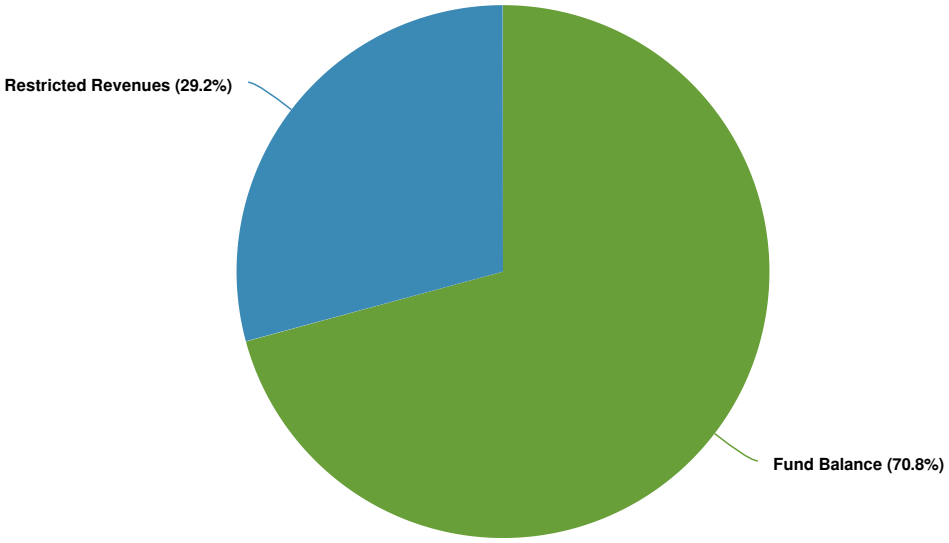
Summary

The Capital Recovery Fund is projecting $8.6M of revenue in FY2024, which represents a 132% increase over the prior year. Budgeted expenditures are also projected to increase by 132% or $4.9M to $8.6M in FY2024. This is largely due to a $4.7M increase in the use of fund balance in FY24 for Water impact fee related projects.

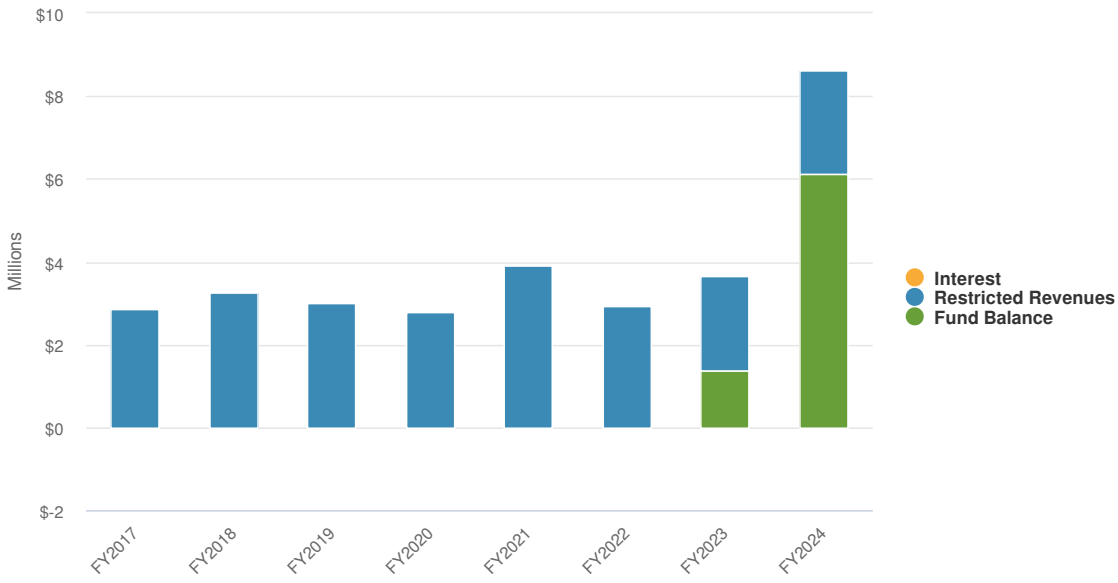


Revenues by Source

Projected 2024 Revenues by Source



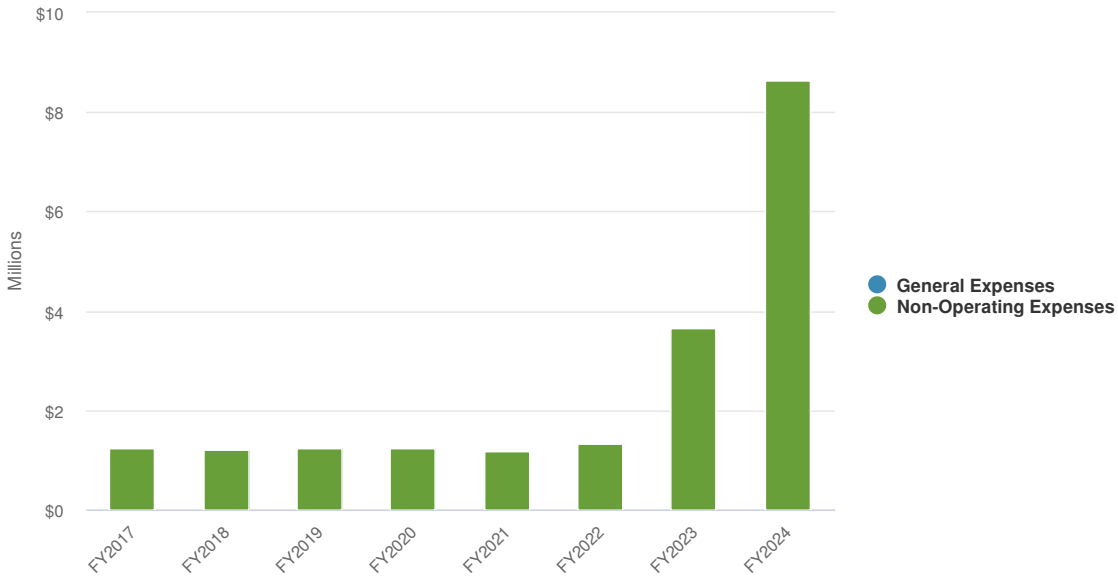
Budgeted and Historical 2024 Revenues by Source



Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Revenue Source				
Restricted Revenues	$2,931,114	$2,315,000	$2,784,000	$2,520,000
Fund Balance	$0	$1,353,735	$1,353,735	$6,107,376
Total Revenue Source:	**$2,931,114**	**$3,668,735**	**$4,137,735**	**$8,627,376**

Expenditures by Expense Type

Budgeted and Historical Expenditures by Expense Type



Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Expense Objects				
Non-Operating Expenses	$1,325,846	$3,668,735	$3,668,735	$8,627,376
Total Expense Objects:	**$1,325,846**	**$3,668,735**	**$3,668,735**	**$8,627,376**

Electric Fund

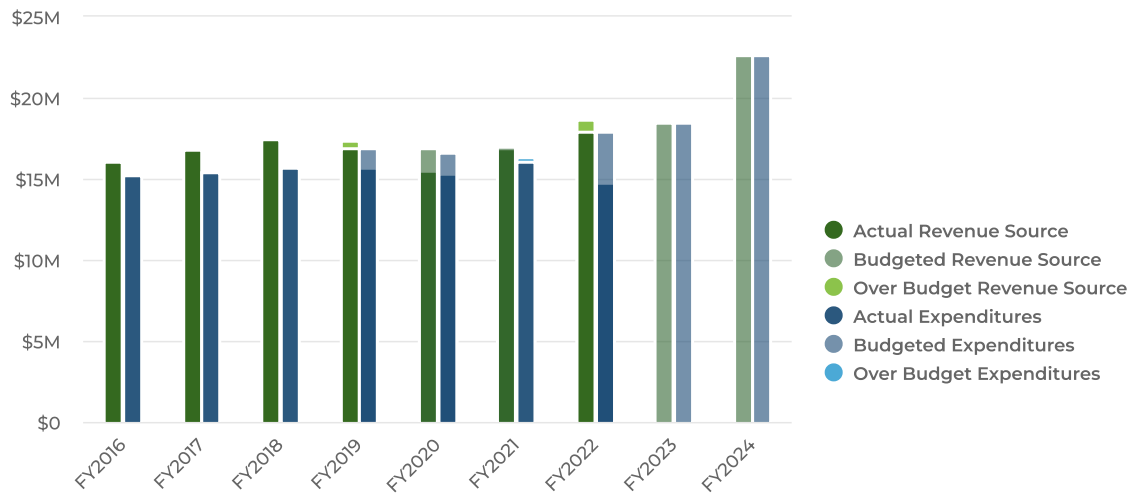
The electric distribution system was purchased on December 30, 1942 from San Antonio Public Service Company. The City of Boerne currently purchases its electricity primarily from CPS Energy. The electricity is delivered to the City via wires and two substations owned by the Lower Colorado River Authority (LCRA) – each shared by the distribution utilities of the City of Boerne and Bandera Electric Cooperative. Both substations are in the city limits at the intersection of Adler Road and Plant Street and near the south IH-10 interchange.

Summary

The Electric Fund is projecting $22.7M of revenue in FY2024, which represents a 23% increase over the prior year budget. Of this, operating revenue is $20M which is a 12% increase over the prior year budget, but consistent with FY 2023 projections. The reason operating revenues are being budgeted at a consistent level as FY 2023 projections is because although overall meter counts are expected to increase, the cost of power, which is a component of the electric rate, is expected to decrease. This decrease in the cost of power is passed on to customers, and results in a reduction in revenue. Overall charges for services are projected to increase consistently with the growth in number of meters. Historically the count of meters has increased 2% - 3% each year as a result of new properties being added to the system. The Electric Fund is also utilizing approximately $2.5M of fund balance to loan to the Gas fund, which is included in the overall revenue line.

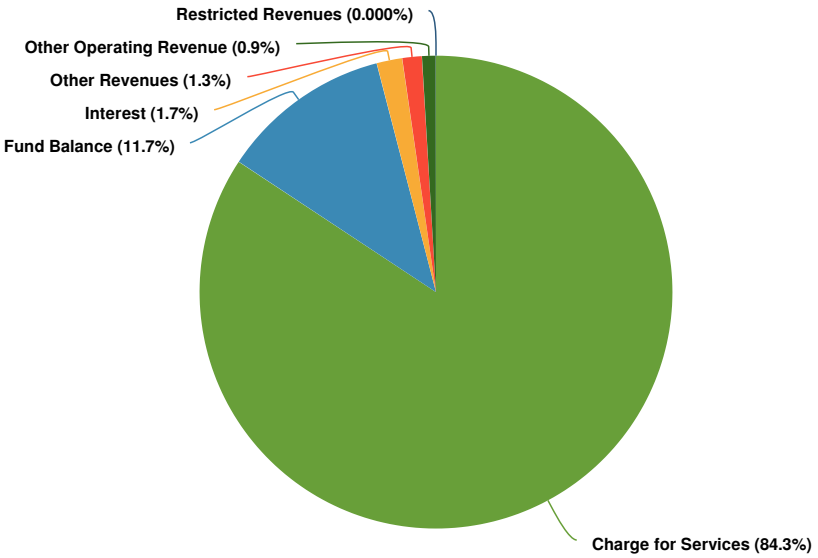
Budgeted operating expenditures are projected to increase by less than 1%, essentially remaining stable. Budgeted increases in categories such as personnel are offset in other categories such as cost of goods sold. Projections are indicating that the cost of power should decrease in the upcoming year, which as discussed above is passed to customers as a decrease in the electric rate. A component of the City's contracted price is decreasing in the upcoming year, which results in lower overall contracted electric rate, and lower cost of goods sold.

The Electric Utility is investing in approximately $736k in capital infrastructure and equipment, which is detailed below as well as the capital infrastructure section of the budget book.

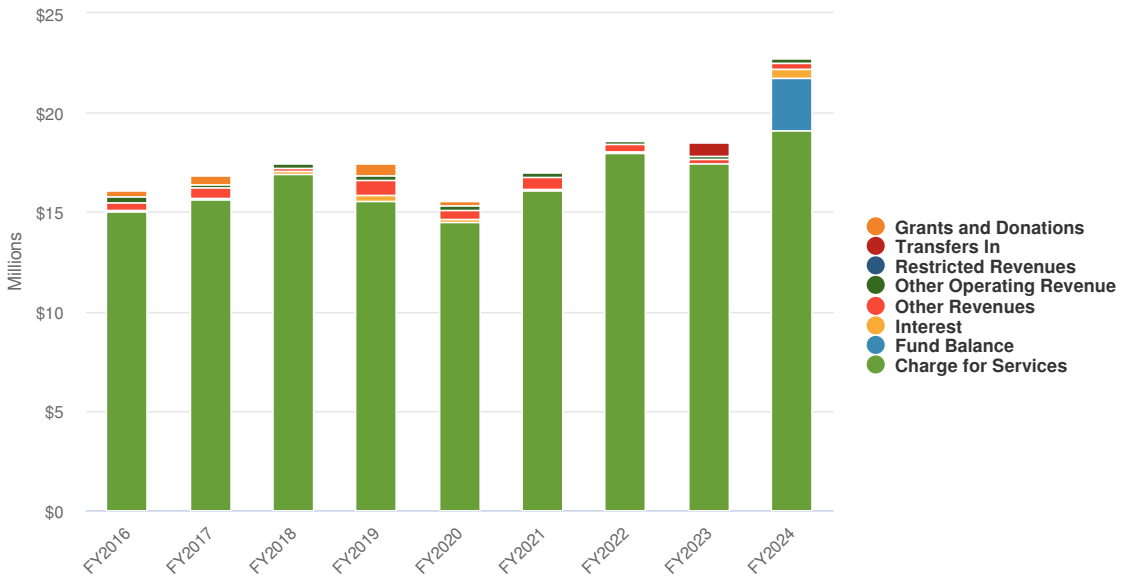


Revenues by Source

Projected 2024 Revenues by Source



Budgeted and Historical 2024 Revenues by Source

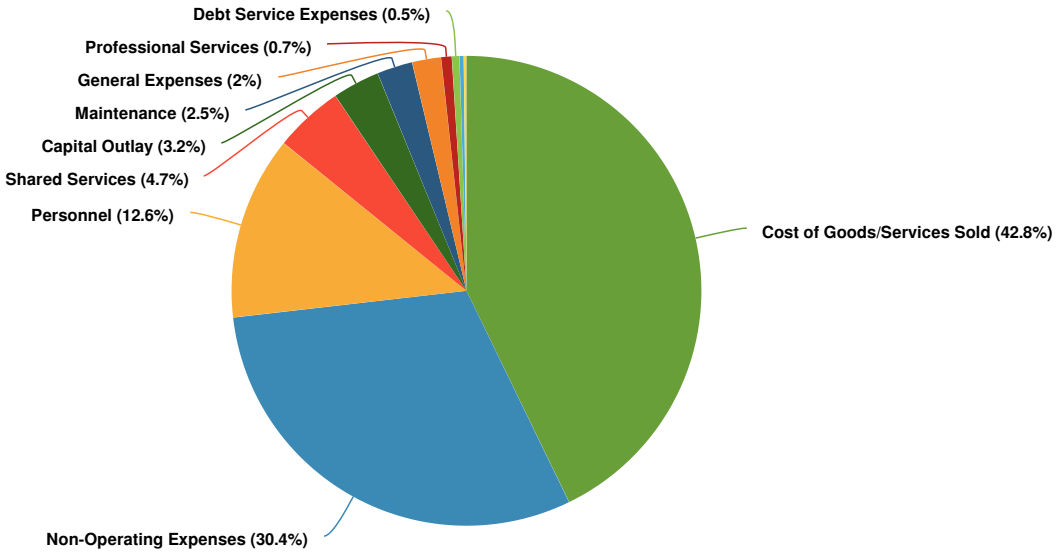


Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Revenue Source				
Other Revenues	$342,933	$228,000	$496,719	$303,000
Charge for Services	$17,959,850	$17,425,300	$17,907,785	$19,138,604
Other Operating Revenue	$190,475	$180,000	$228,730	$215,200
Restricted Revenues	$57	$100	$100	$100
Interest	$90,823	$25,000	$535,000	$395,609

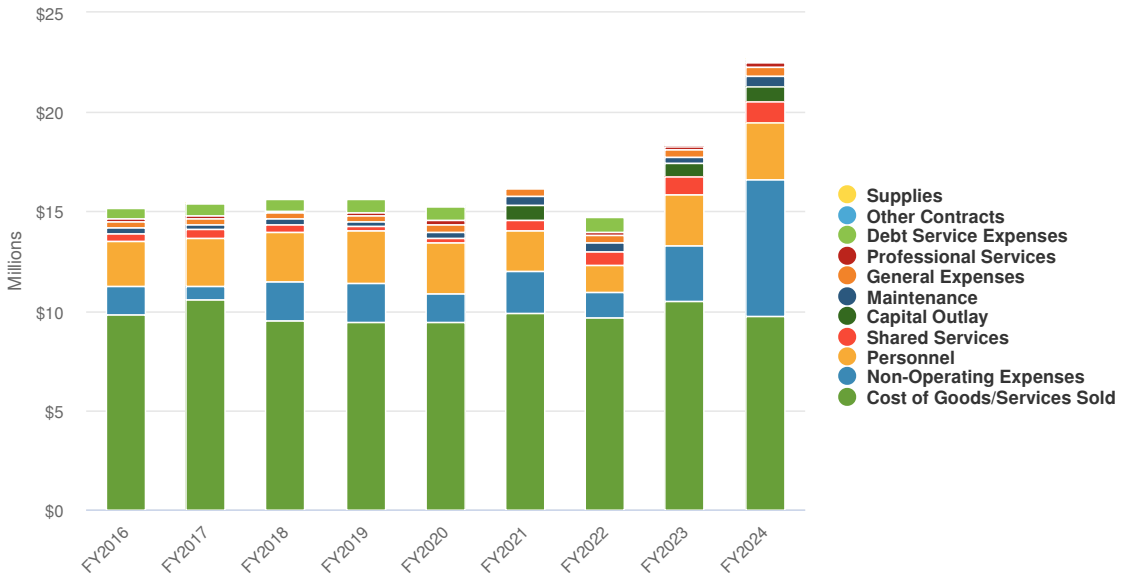
Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Grants and Donations	$90,499	$0	$0	$0
Transfers In	$0	$644,247	$644,247	$0
Fund Balance	$0	$0	$0	$2,650,000
Total Revenue Source:	**$18,674,637**	**$18,502,647**	**$19,812,581**	**$22,702,513**

Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Budgeted and Historical Expenditures by Expense Type



Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Expense Objects				
Personnel	$1,313,814	$2,571,888	$2,179,329	$2,869,182
Cost of Goods/Services Sold	$9,671,061	$10,476,350	$10,692,692	$9,718,907
Supplies	$51,405	$57,180	$38,000	$41,000
Maintenance	$432,377	$270,835	$277,839	$558,893
Professional Services	$119,853	$167,038	$167,038	$166,822
General Expenses	$411,622	$408,781	$401,757	$450,568
Shared Services	$710,799	$888,732	$888,732	$1,078,224
Other Contracts	$40,000	$60,000	$65,000	$65,000
Debt Service Expenses	$782,127	$69,928	$51,603	$119,119
Non-Operating Expenses	$1,315,863	$2,810,568	$2,810,568	$6,898,782
Capital Outlay		$721,347	$875,798	$736,017
Total Expense Objects:	**$14,848,921**	**$18,502,647**	**$18,448,356**	**$22,702,513**

Funded Projects & Equipment

Capital Improvement Projects	FY2024 Cost
Buc-ee's Electric Line Relocation	$20,000

Projects / Equipment	FY2024 Cost
Recurring System Improvements (Distribution)	$100,000
Recurring Services (Service & Meters)	$10,000
Telescopic Aerial Device	$230,000
Recurring Tools	$20,000

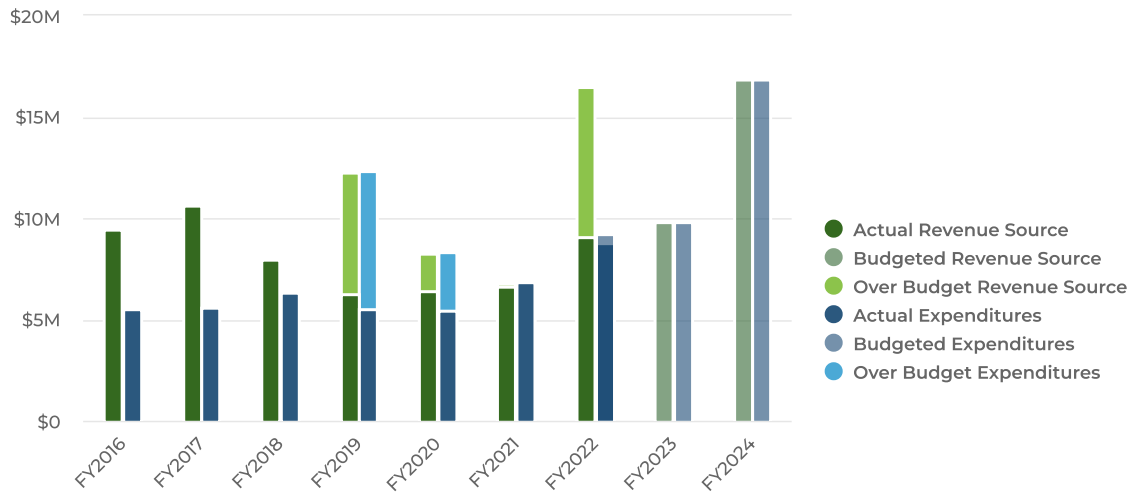
Water Fund

The City's first drinking water wells were drilled in 1928 and the construction of the potable (drinking) water distribution system followed. In 2016, the City introduced reclaimed water which is produced at the WWTRC. The City obtains and distributes its drinking water from surface and ground water. The City owns and operates the Surface Water Treatment Plant at Boerne City Lake and nine groundwater wells. Additionally, the City purchases treated surface water from Canyon Lake through the Guadalupe-Blanco River Authority.

Summary

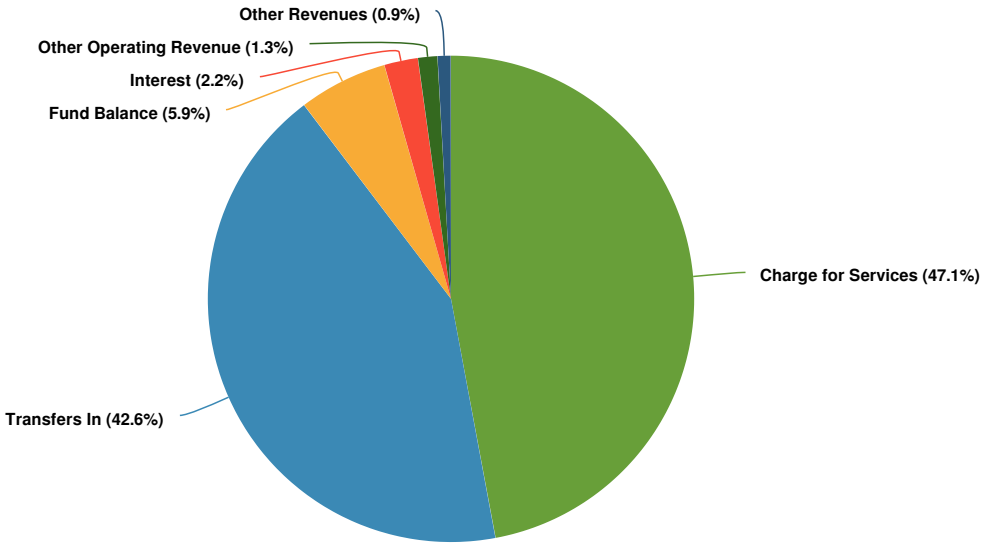
The Water Fund is projecting $8.7M of operating revenue in FY2024, which represents a 16% increase over 2023 projections. Residential revenue is projected to grow by 4%, while commercial revenue is also expected to grow by 4%. The water utility is also utilizing $7.2M of capital recovery funds (primarily impact fees) and $995k of capital reserve funds for programmed, eligible projects. The usage of these fund balances is presented as revenue in the budget.

Budgeted operating expenditures are projected to increase by 16% from the prior year budget. Cost of goods sold will also increase 16%, by $405k, over prior year's budget due to forecasted increase in demand, as well as the utility's slight increase in GBRA water take. FY2024 has a major focus on Water infrastructure projects, with investment in capital projects increasing 168%, or by about $5.2M. Details of these capital projects are detailed below and in the capital improvements section of the budget book.

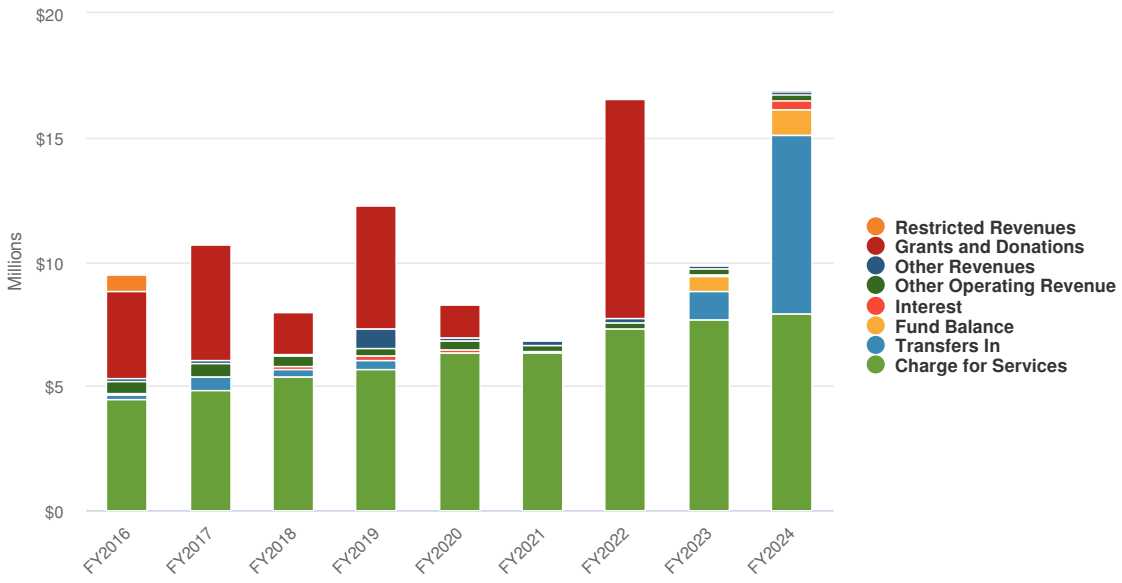


Revenues by Source

Projected 2024 Revenues by Source



Budgeted and Historical 2024 Revenues by Source

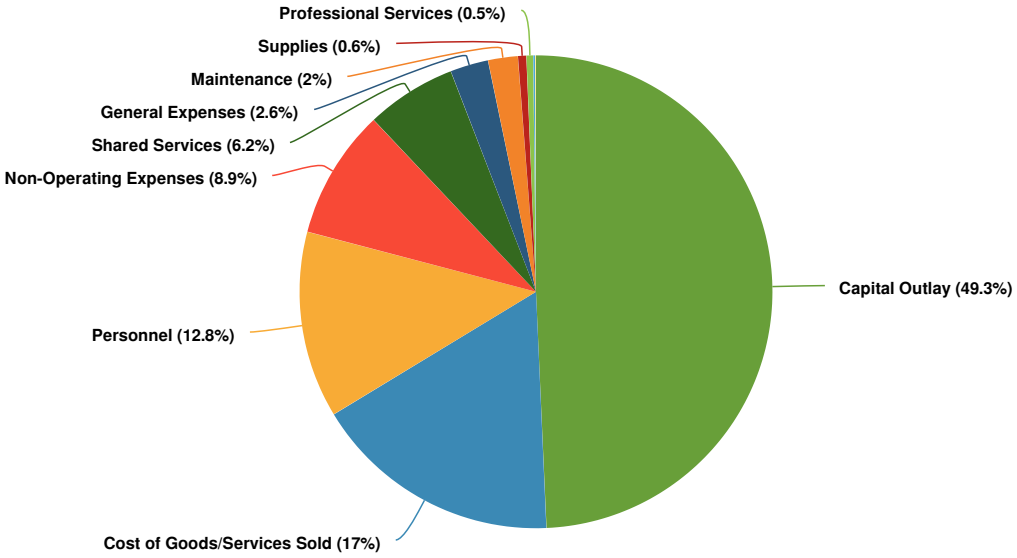


Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Revenue Source				
Other Revenues	$154,214	$145,000	$119,632	$150,000
Charge for Services	$7,286,646	$7,701,811	$7,012,457	$7,942,263
Other Operating Revenue	$243,043	$236,000	$162,897	$217,500
Restricted Revenues	$127	$0	$300	$0
Interest	$28,750	$25,000	$270,000	$378,311

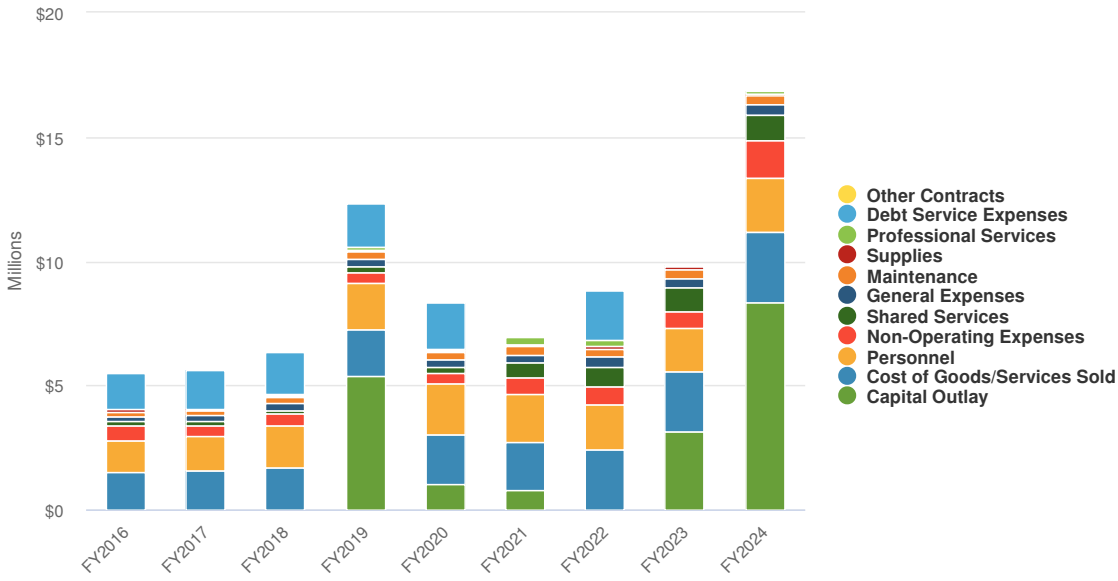
Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Grants and Donations	$8,841,677	$0	$0	$0
Transfers In	$0	$1,100,000	$1,100,000	$7,190,000
Fund Balance	$0	$650,000	$650,000	$995,561
Total Revenue Source:	**$16,554,458**	**$9,857,811**	**$9,315,286**	**$16,873,635**

Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Budgeted and Historical Expenditures by Expense Type



Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Expense Objects				
Personnel	$1,864,162	$1,739,961	$2,107,059	$2,153,522
Cost of Goods/Services Sold	$2,390,896	$2,469,091	$2,450,091	$2,874,494
Supplies	$115,408	$98,460	$89,395	$98,000
Maintenance	$275,959	$342,070	$292,675	$342,992
Professional Services	$247,981	$77,038	$90,520	$76,822
General Expenses	$442,634	$397,230	$453,284	$439,925
Shared Services	$766,331	$938,077	$938,077	$1,041,793
Other Contracts	$10,000	$10,000	$10,000	$10,000
Debt Service Expenses	$1,963,037	$0	$0	$21,070
Non-Operating Expenses	$727,863	$665,863	$665,863	$1,496,456
Capital Outlay		$3,120,021	$3,214,538	$8,318,561
Total Expense Objects:	**$8,804,271**	**$9,857,811**	**$10,311,502**	**$16,873,635**

Funded Projects & Equipment

Capital Improvement Projects	FY2024 Cost
WCID #4 Water Supply Main (SH-46) - Oversizing (b)	$70,000
WCID #4 Water Supply Main (Ammann) (b)	$1,100,000
GBRA Ammann Road Main (b)	$2,320,000
Ammann Road Water Tank & Pump Station (b)	$3,500,000
CKC Water Main (a)	$80,000
SH-46 Reclaimed Water Main Bore (b)	$200,000
Trails at Herff Ranch Reclaimed Main (b)	$250,000
CC&B System Meters and Modules Upgrades (a)	$745,561

(a) *Capital Reserves are being utilized to fund this capital item.*
(b) Capital Recovery Fees are being utilized to fund this project.

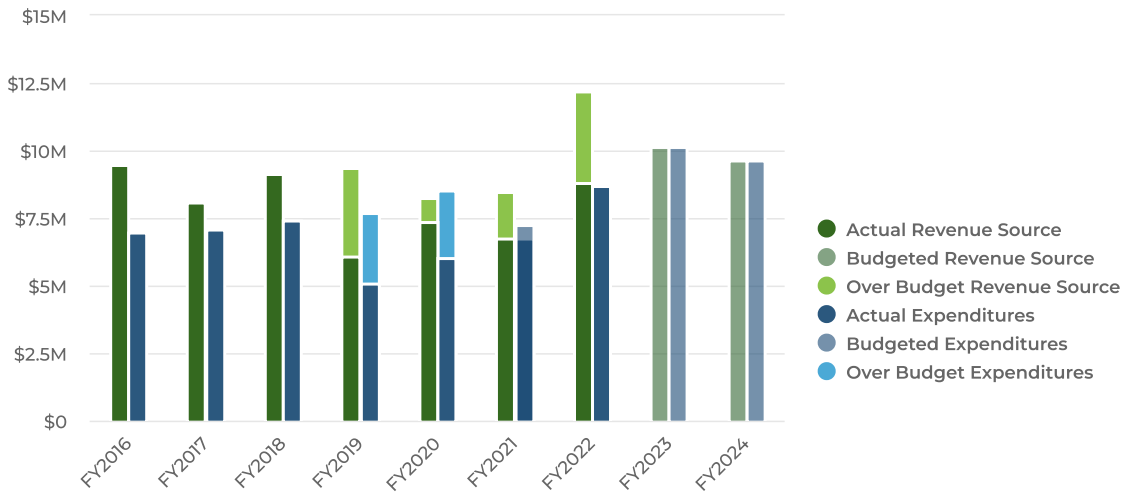
Projects / Equipment	FY2024 Cost
Potable Water Transfer Meters	$21,000
Reclaimed Water Transfer Meters	$12,000
Recurring (Distribution System)	$10,000
Recurring System Improvements (System & Meters)	$10,000

Wastewater Fund

In the 1940's, the City received approval for the construction of the Wastewater Treatment Plant (WWTP) located on Esser Road. In 2013, the Wastewater Treatment and Recycling Center (WWTRC) on Old San Antonio Road was put into operation. The City's wastewater collection system provides service for customers within the city limits of Boerne and WCID #3 (Esperanza). The City owns and maintains the portion of each customer's sewer service line that extends from the sewer collection system main to the customer's point of connection, typically a clean-out located near the customer's front property line.

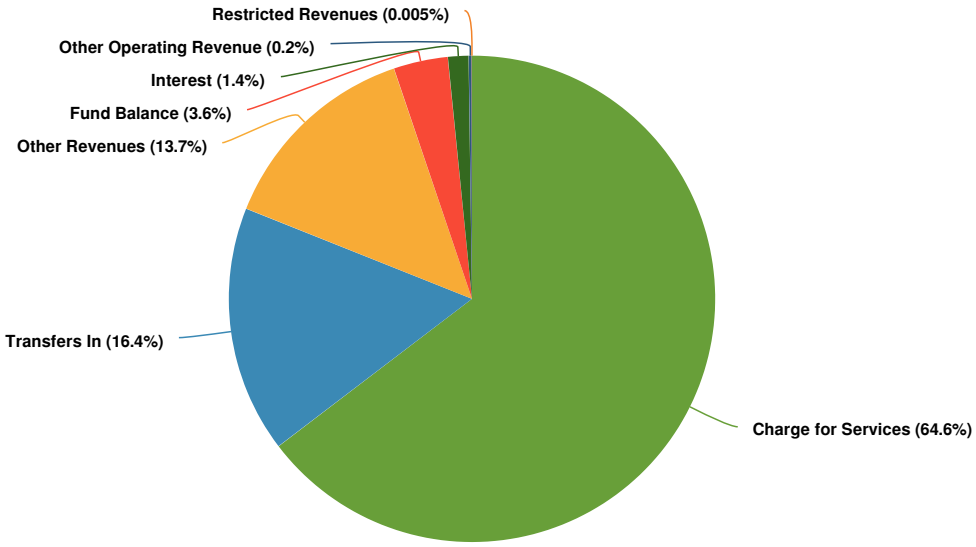
Summary

The Wastewater Fund is projecting $9.7M of revenue in FY2024, which represents a 4% decrease from the prior year. This decrease is largely due to a $1.2M decrease in transfers in from other funds for capital projects. Budgeted expenditures are also projected to decrease by 4%, or $477K, to $9.7M in FY2024. This change is largely due to a $2M decrease in capital outlay spending with a $1M increase in transfers to other funds.

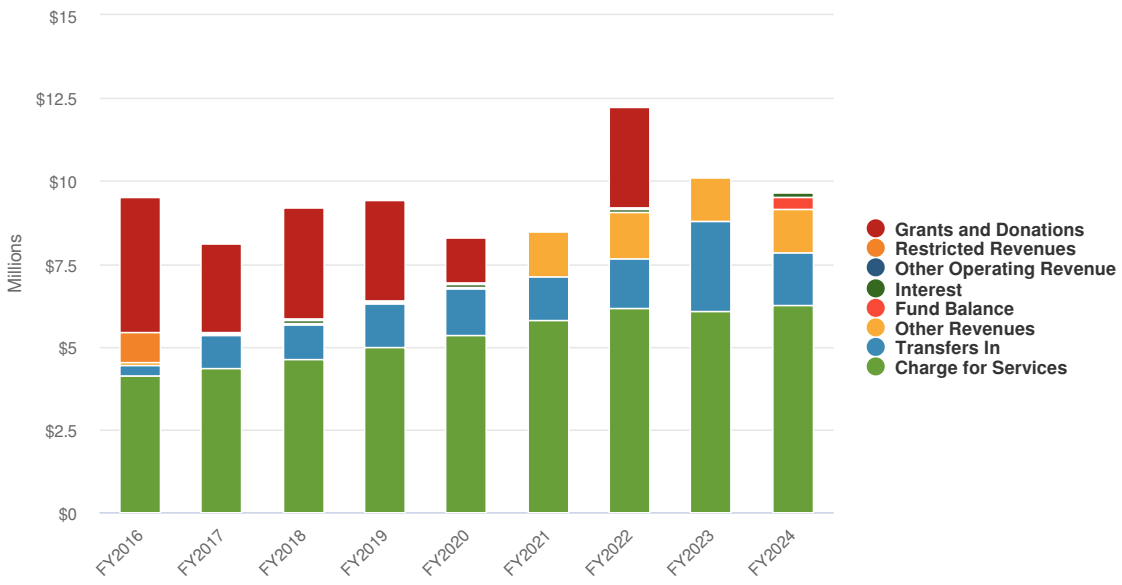


Revenues by Source

Projected 2024 Revenues by Source



Budgeted and Historical 2024 Revenues by Source

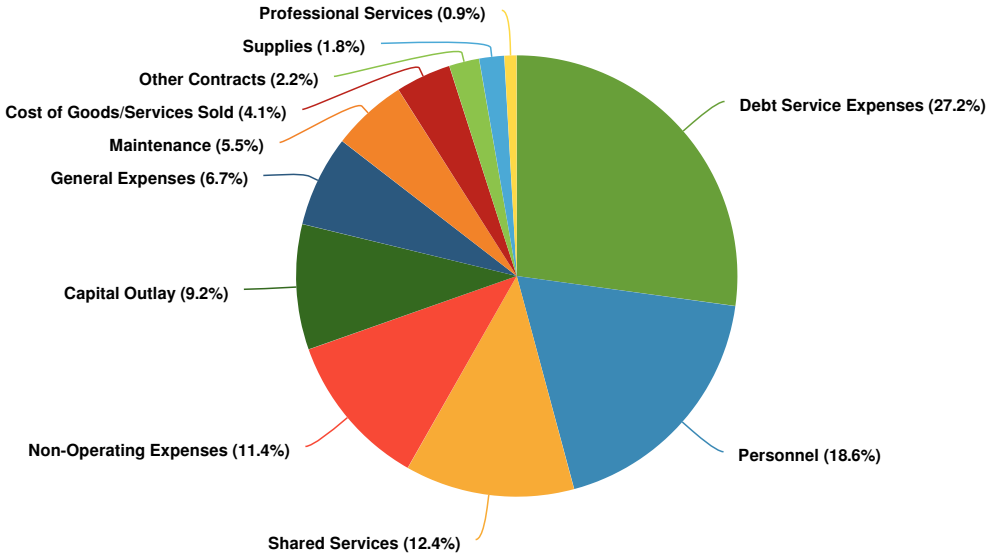


Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Revenue Source				
Other Revenues	$1,430,863	$1,328,750	$1,345,209	$1,328,750
Charge for Services	$6,175,428	$6,067,809	$5,964,340	$6,249,844
Other Operating Revenue	$20,067	$20,000	$12,000	$20,000
Restricted Revenues	$3,778	$500	$9,000	$500
Interest	$76,419	$10,000	$400,000	$132,013

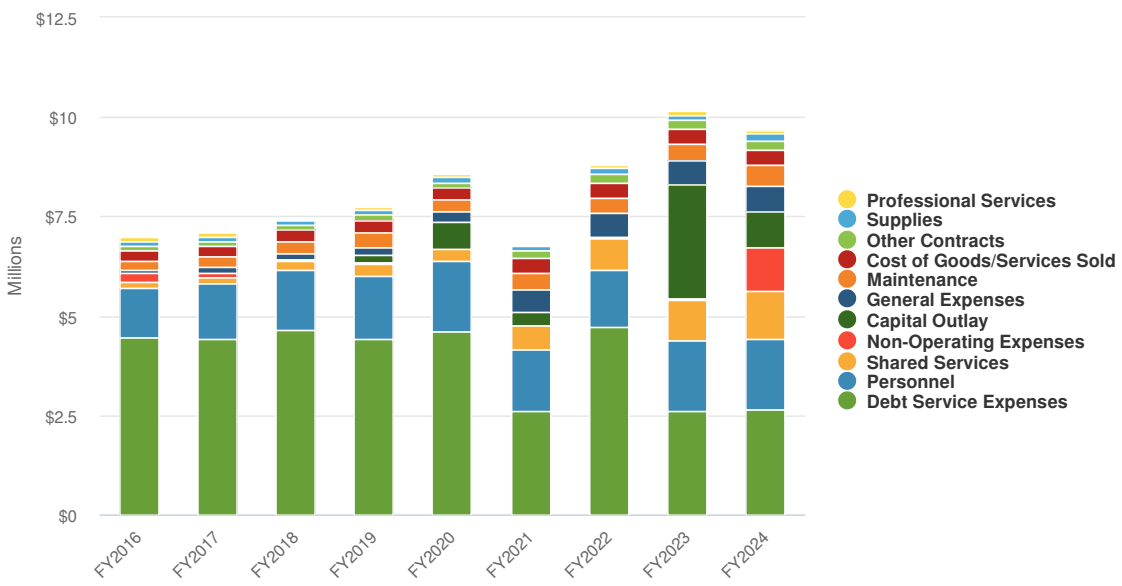
Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Grants and Donations	$3,037,149	$0	$0	$0
Transfers In	$1,475,846	$2,718,735	$2,718,735	$1,587,376
Fund Balance	$0	$0	$93,309	$350,000
Total Revenue Source:	**$12,219,550**	**$10,145,794**	**$10,542,593**	**$9,668,483**

Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Budgeted and Historical Expenditures by Expense Type



Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Expense Objects				
Personnel	$1,432,805	$1,789,396	$1,635,249	$1,801,514
Cost of Goods/Services Sold	$386,662	$373,390	$373,390	$392,043
Supplies	$149,315	$142,000	$136,850	$177,000
Maintenance	$355,534	$422,170	$442,470	$534,100
Professional Services	$78,141	$86,378	$137,387	$86,339
General Expenses	$622,526	$608,393	$645,945	$645,310
Shared Services	$801,453	$1,019,912	$1,019,912	$1,199,651
Other Contracts	$254,085	$215,000	$177,220	$215,000
Debt Service Expenses	$4,726,503	$2,608,330	$2,603,379	$2,628,338
Non-Operating Expenses	$10,575	$10,575	$10,575	$1,100,688
Capital Outlay		$2,870,250	$2,872,163	$888,500
Total Expense Objects:	**$8,817,600**	**$10,145,794**	**$10,054,540**	**$9,668,483**

Funded Projects & Equipment

Capital Improvement Projects	FY2024 Cost
Suggs Creek Sewer Main (b)	$350,000
CKC Sewer Main Extension (a)	$60,000

(a) *Reserves are being utilized to fund this project.*
(b) Capital recovery funds are being utilized to fund this project.

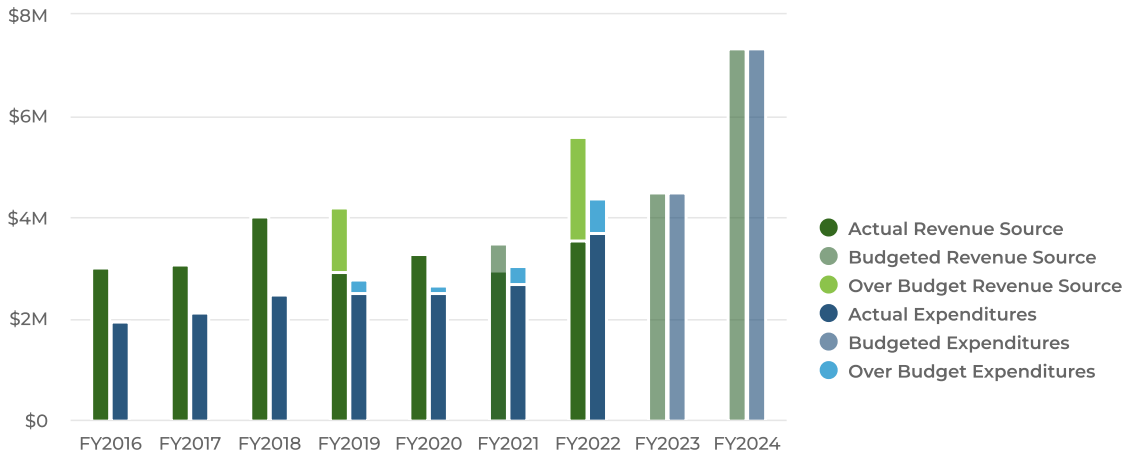
Projects / Equipment	FY2024 Cost
Second Sludge Press	$448,500
M/M Sewer Camera Transporter	$30,000

Gas Fund

The City of Boerne acquired the gas system in 1968. The City of Boerne provides natural gas to more than 3,000 customers through a network of underground distribution lines. The City of Boerne's natural gas is purchased from West Texas Gas and delivered to purchase points south of the City along Interstate 10 and southwest of the City on Scenic Loop Road.

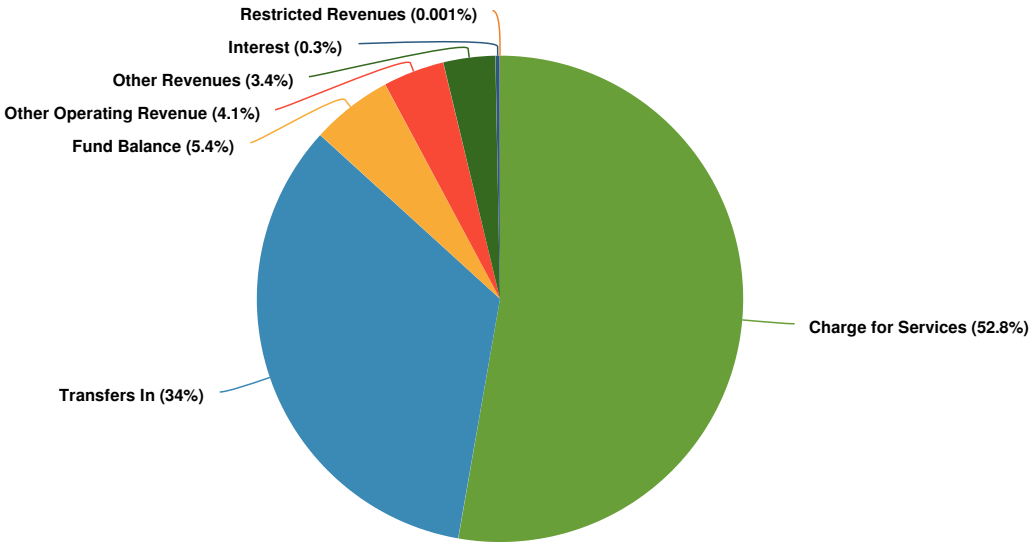
Summary

The Gas Fund is projecting $4.5M of operating revenue in FY2024, which represents a 92k, or 2% increase over the prior year budget. Charges for services decreased over the prior year budget while other operating revenues increased. The Gas Fund is also receiving a $2.5M loan from the Electric Fund for the Eastern Gas Distribution Line project. Operating expenses are projected at $3.7M, which represents a $197K or 5% decrease over the prior year budget, primarily due to a decrease in the cost of natural gas. Capital outlay is projected at $2.9M, which represents 39% of the Gas Utility Budget.

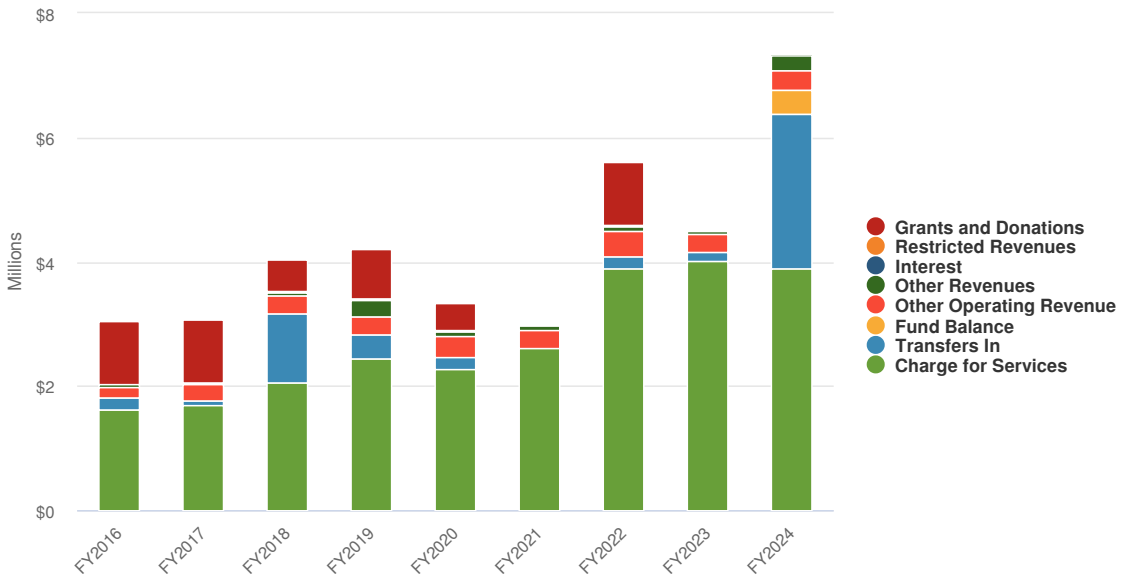


Revenues by Source

Projected 2024 Revenues by Source



Budgeted and Historical 2024 Revenues by Source

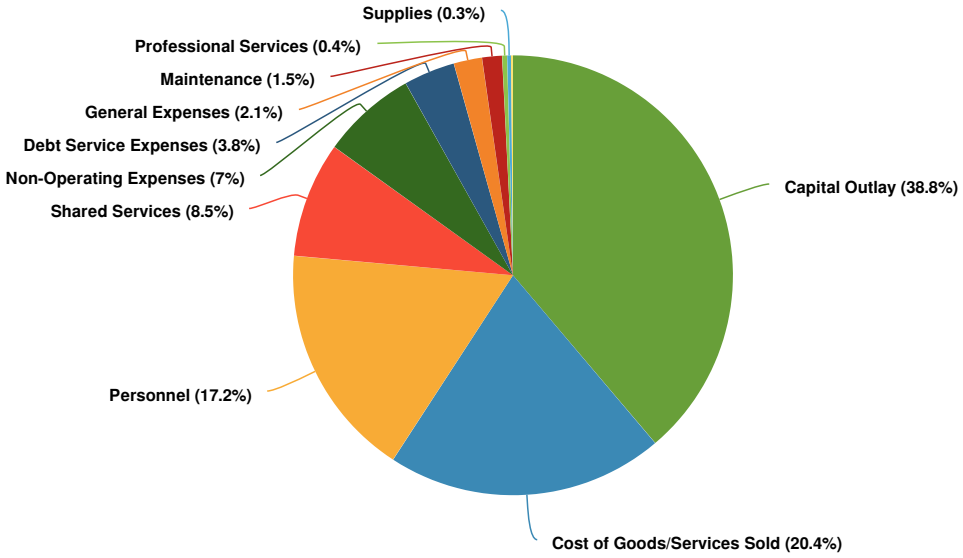


Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Revenue Source				
Other Revenues	$88,594	$53,000	$53,000	$253,000
Charge for Services	$3,892,959	$4,012,292	$4,060,660	$3,879,228
Other Operating Revenue	$412,623	$275,000	$425,000	$300,000
Restricted Revenues	$157	$100	$286	$100
Interest	$5,524	$500	$30,000	$21,841

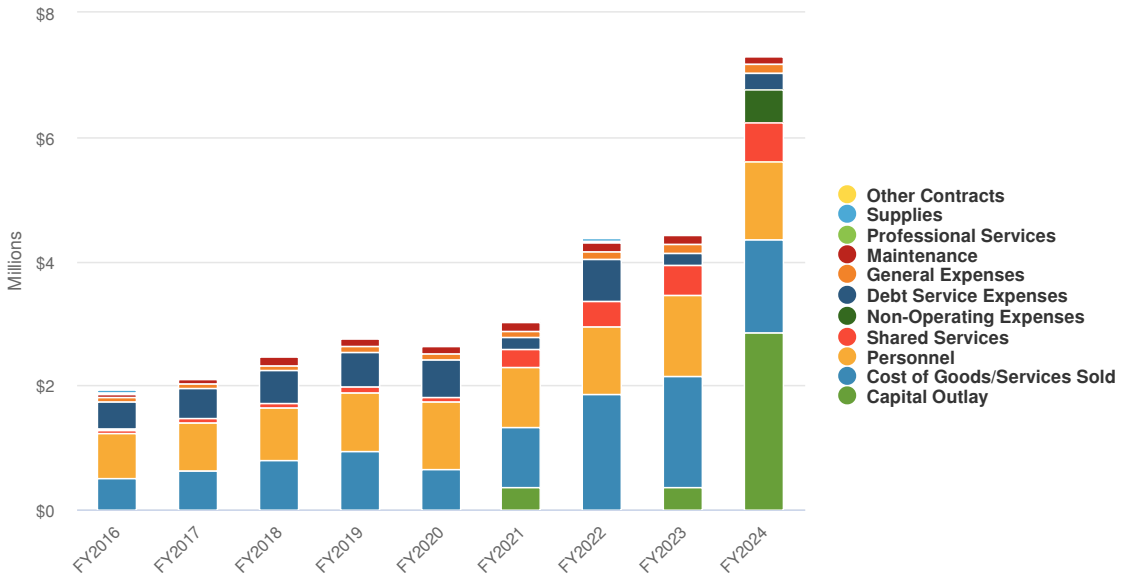
Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Grants and Donations	$1,028,564	$0	$0	$0
Transfers In	$184,150	$150,000	$150,000	$2,500,000
Fund Balance	$0	$0	$0	$398,352
Total Revenue Source:	**$5,612,571**	**$4,490,892**	**$4,718,946**	**$7,352,521**

Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Budgeted and Historical Expenditures by Expense Type



Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Expense Objects				
Personnel	$1,095,661	$1,289,800	$1,104,639	$1,267,869
Cost of Goods/Services Sold	$1,861,401	$1,800,615	$1,562,970	$1,497,954
Supplies	$35,206	$25,000	$25,850	$21,000
Maintenance	$128,171	$143,140	$146,219	$108,652
Professional Services	$35,187	$26,378	$32,130	$26,339
General Expenses	$124,425	$146,615	$148,786	$152,491
Shared Services	$394,998	$489,900	$489,900	$624,934
Other Contracts	$10,000	$10,000	$10,000	$10,000
Debt Service Expenses	$679,253	$188,267	$188,267	$278,162
Non-Operating Expenses	$10,575	$10,575	$10,575	$511,768
Capital Outlay		$360,602	$360,602	$2,853,352
Total Expense Objects:	**$4,374,878**	**$4,490,892**	**$4,079,938**	**$7,352,521**

Funded Projects & Equipment

Capital Improvement Projects	FY2024 Cost
Buc-ee's Gas Main Relocation	$20,000
Eastern Gas Distribution Loop	$2,500,000
CC&B System Maintenance (Gas, Electric, Water)	$128,352

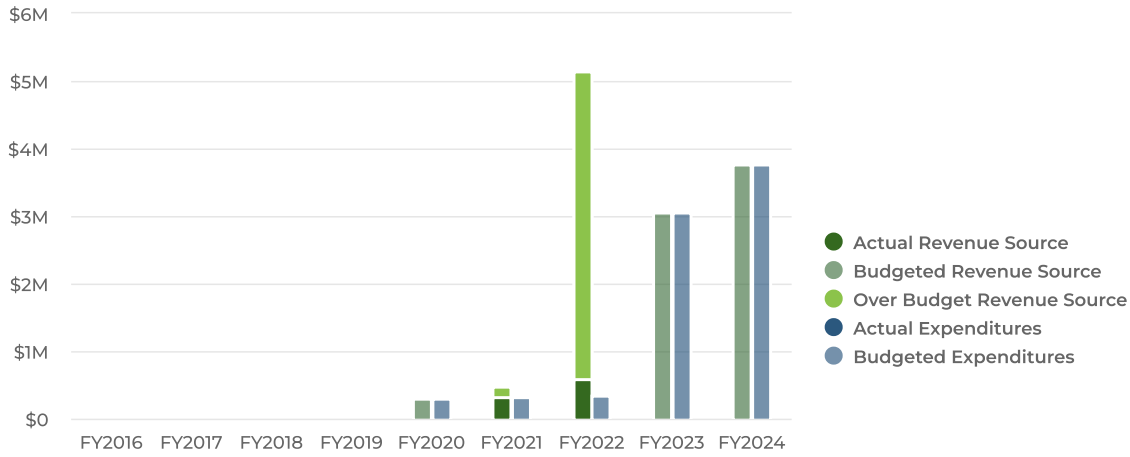
Projects / Equipment	FY2024 Cost
Ranches at Creekside Mains	$60,000
Recurring System Improvements (Distribution)	$5,000
Recurring Services (Service & Meters)	$10,000

Stormwater Fund

The City of Boerne Stormwater Drainage Utility is responsible for drainage services as well as the installation, operation, and maintenance of drainage infrastructure throughout Boerne. The Stormwater Drainage Utility was created by the City Council in response to increasing needs for addressing drainage issues as well as the increased costs of maintenance and construction of projects. The Stormwater Drainage Utility will play a critical role in protecting public health and safety in the community by maintaining water quality and reducing flooding events.

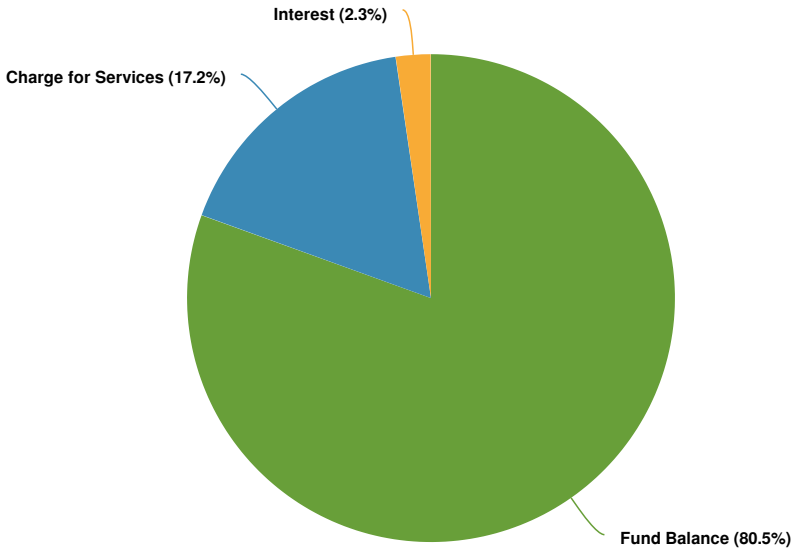
Summary

The Stormwater Utility is projecting $650K of user-fee revenue in FY2024, which represents a 3% increase over the prior year. The Stormwater Utility is also utilizing $3M of fund balance for drainage projects, which are shown as revenues in the budget. Budgeted operating expenses are $260k, which represents a 117% increase from the prior budget year, primarily due to an increase in shared services expenses. Capital outlay for drainage projects represents $3M, or 81% of the overall budget. Drainage capital infrastructure is detailed below, and also in the Capital Improvements section of the budget book.

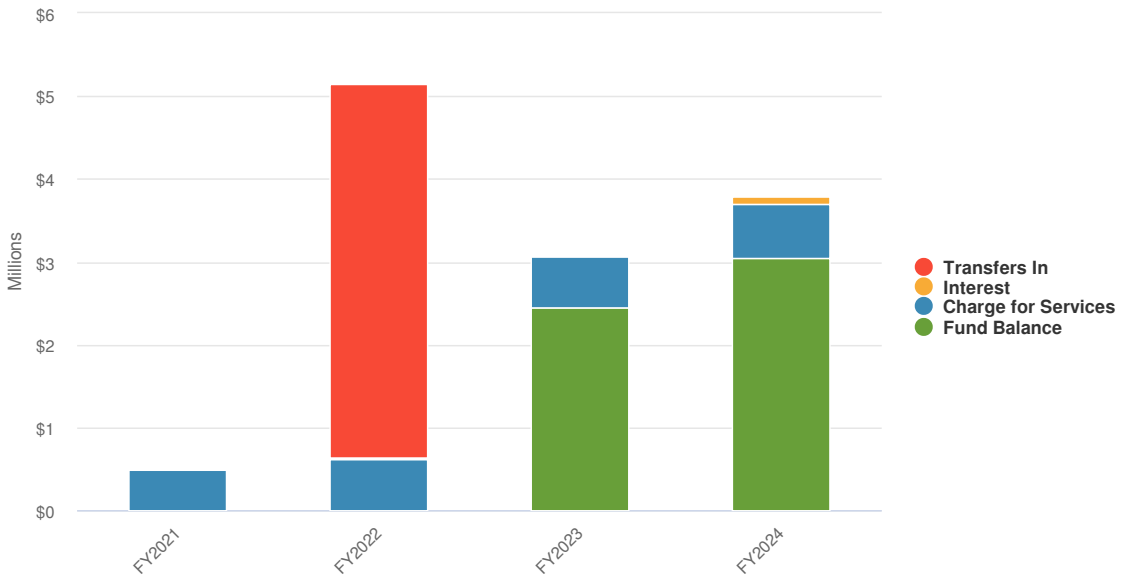


Revenues by Source

Projected 2024 Revenues by Source



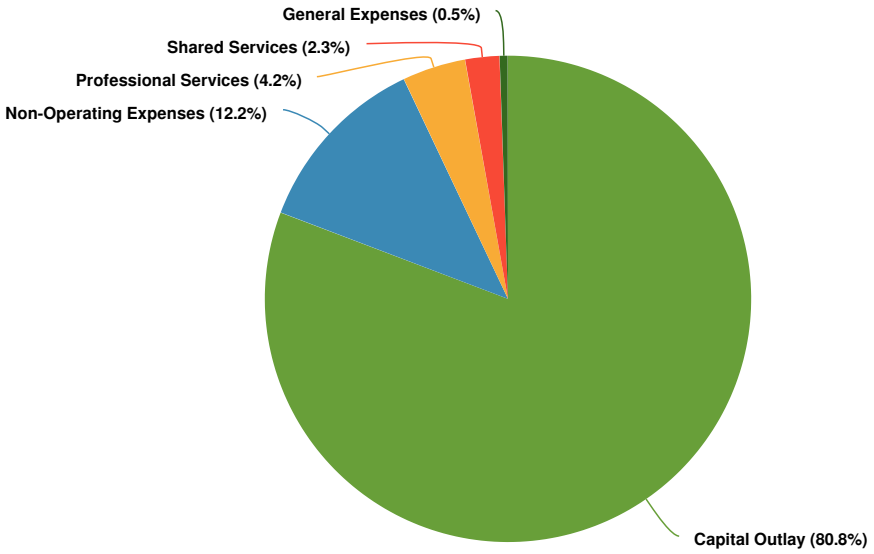
Budgeted and Historical 2024 Revenues by Source



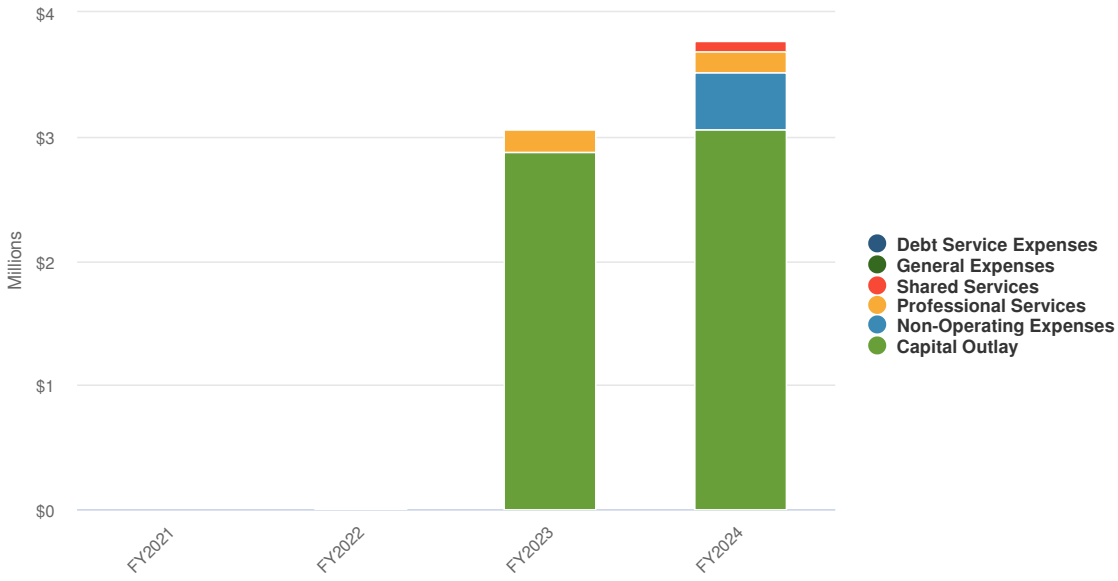
Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Revenue Source				
Charge for Services	$609,082	$630,000	$630,000	$650,000
Interest	$17,662		$175,000	$87,500
Transfers In	$4,523,935		$0	$0
Fund Balance	$0	$2,440,462	$2,440,462	$3,050,087
Total Revenue Source:	**$5,150,679**	**$3,070,462**	**$3,245,462**	**$3,787,587**

Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Budgeted and Historical Expenditures by Expense Type



Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Expense Objects				
Professional Services	$400	$175,000	$175,000	$160,000
General Expenses	$3,651	$18,100	$10,600	$20,696
Shared Services	$0			$86,119

Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Debt Service Expenses	$11,564		$0	$0
Non-Operating Expenses	$0	$0	$0	$461,185
Capital Outlay		$2,877,362	$2,017,889	$3,059,587
Total Expense Objects:	**$15,615**	**$3,070,462**	**$2,203,489**	**$3,787,587**

Funded Projects & Equipment

Capital Improvement Projects	FY2024 Cost
Drainage - Old San Antonio Street at Menger Creek	$2,285,087
Drainage - Adler Road Culverts at Currey Creek and No-Name Creek	$765,000

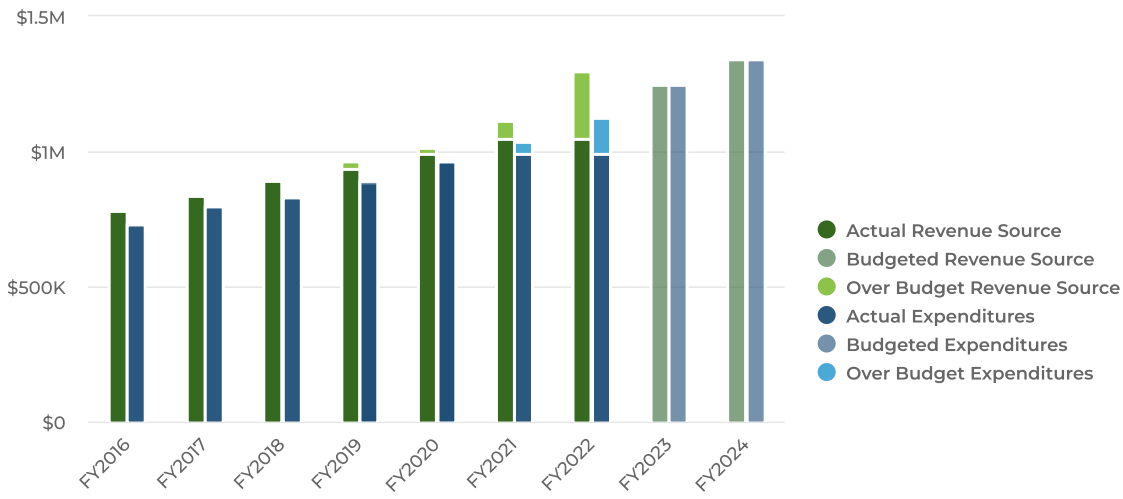
Projects / Equipment	FY2024 Cost
Brush Hog Shredder	$9,500

Solid Waste Fund

The City of Boerne has weekly trash and recycling pickup, monthly bulk waste pickup, monthly brush pickup, and hazardous waste collection upon request, all contracted through Waste Management.

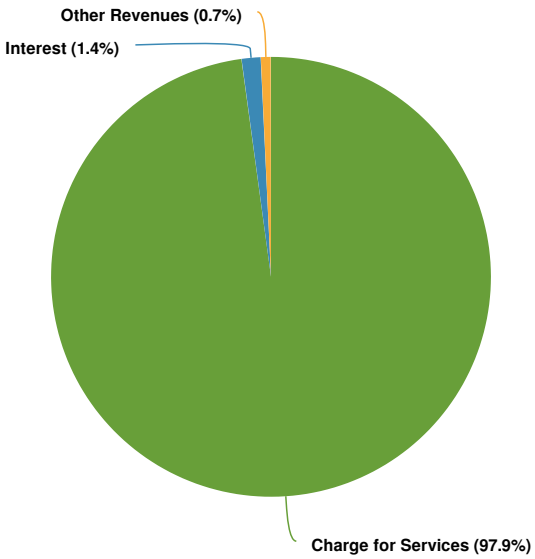
Summary

The Solid Waste Fund is projecting $1.3M of revenue in FY2024, which represents a 6% increase over the prior year, and is consistent with a 6% historical trend of increase in the number of customers, along with an increase in the service charges from Waste Management, which increased 6% over the prior year's budget. Budgeted expenses are also projected to increase by 6% for a total increase of $91K.

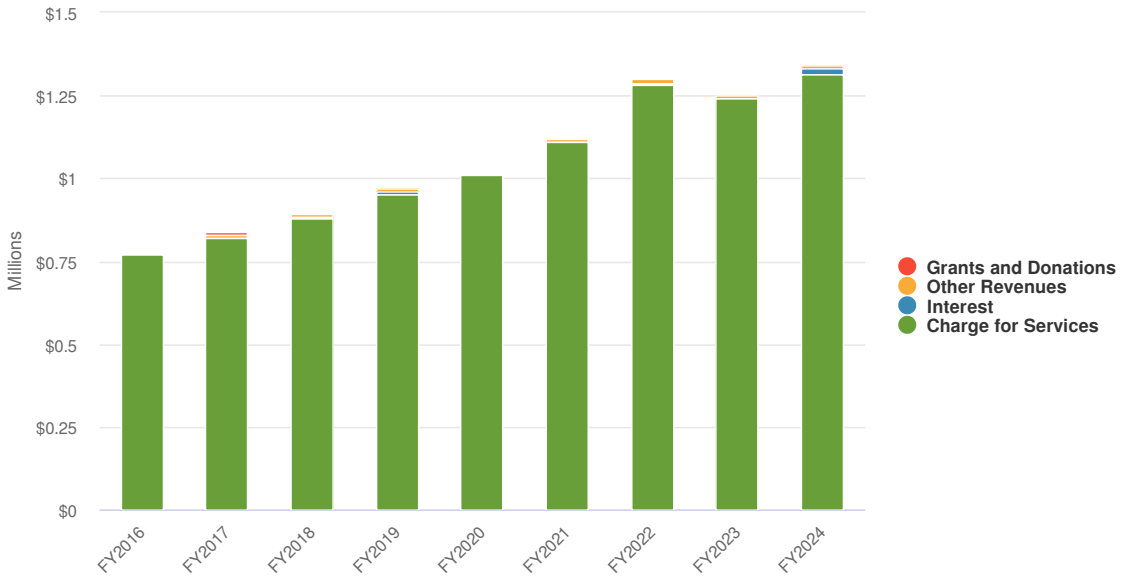


Revenues by Source

Projected 2024 Revenues by Source



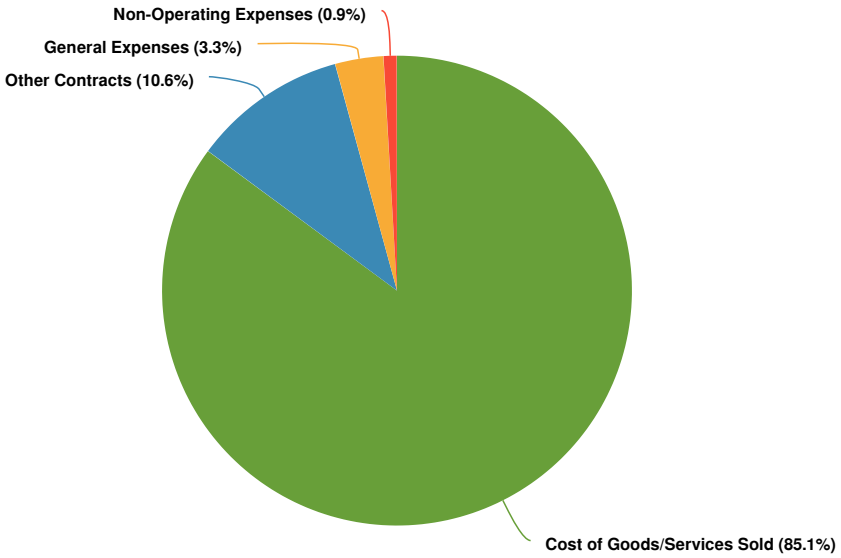
Budgeted and Historical 2024 Revenues by Source



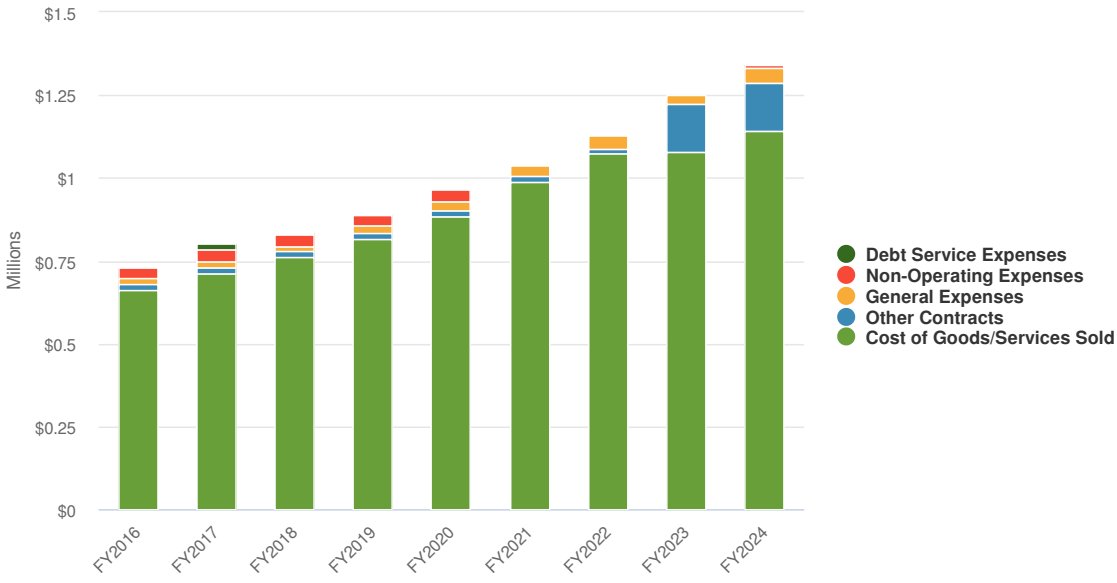
Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Revenue Source				
Other Revenues	$10,504	$10,000	$10,000	$10,000
Charge for Services	$1,283,972	$1,240,629	$1,342,196	$1,314,757
Interest	$4,940	$2,000	$22,000	$18,788
Total Revenue Source:	**$1,299,415**	**$1,252,629**	**$1,374,196**	**$1,343,545**

Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Budgeted and Historical Expenditures by Expense Type



Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Expense Objects				
Cost of Goods/Services Sold	$1,071,836	$1,078,930	$1,078,930	$1,143,667
General Expenses	$36,543	$30,699	$66,208	$44,639
Other Contracts	$18,000	$143,000	$143,000	$143,000

Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Debt Service Expenses	$85		$0	$0
Non-Operating Expenses	$0	$0	$0	$12,239
Total Expense Objects:	**$1,126,464**	**$1,252,629**	**$1,288,138**	**$1,343,545**

DEPARTMENTS

Administration



Ben Thatcher
City Manager

Administration Offices and Departments

Office of the Mayor

Elected in the May 2023 General Election, Mayor Ritchie and his family have called Boerne home for many years. He is heavily involved in the community in addition to being a business owner and a local pastor.

Responsibilities:

The Boerne mayor is elected at large by Boerne residents and serves a two-year term with no term limits. The mayor is the presiding officer of the City Council. The mayor is recognized as head of the City government for all ceremonial purposes and by the governor for purposes of military law. The mayor may debate and discuss any matters before the council but only votes in the event of a tie. When authorized by the council, the mayor signs all official documents. The mayor appoints, with the advice and consent of the council, the members of citizen advisory boards and commissions.

City Council

Boerne City Council holds regularly scheduled meetings at 6 p.m on the second and fourth Tuesday of each month at City Hall, 447 N. Main Street. Agendas and packets are available at least 72 hours prior to each meeting. Minutes are available following approval.

City Council Members:
Ty Wolosin - Council District 1 (Mayor Pro Tem)
Sharon D. Wright - Council District 2
Quinten Scott - Council District 3
Bryce Boddie - Council District 4
Joseph Macaluso - Council District 5

Office of the City Manager

The City of Boerne is a "Home-Rule" city that operates under a council-manager form of government. This form of government essentially means that the City Manager is the city official who is ultimately responsible for the overall management of City operations. The City Manager works in close partnership with the Mayor and City Council, who are responsible for setting the policy direction of the City. The City Manager's Office, in coordination with the Finance Department, prepares and submits a structurally balanced budget which is tied back to the council's strategic direction. The City Manager's Office also assists the City Council in the development and formulation of policies, goals and objectives and keeps them informed of important community issues. In addition, City Manager's Office staff provide legislative support, communication services, and legal services to city functions and operations.

Responsibilities:

- Implement and administer the general policies and procedures of the City as outlined by the City Council.
- Facilitate good governance and provide strategic leadership to the City organization.
- Ensure a strong and sustainable financial condition for the city.
- Promote citizen engagement and governmental transparency.
- Develop a high-performance organization.
- Coordinate organizational development that supports the city's vision, mission, and values.

City Secretary

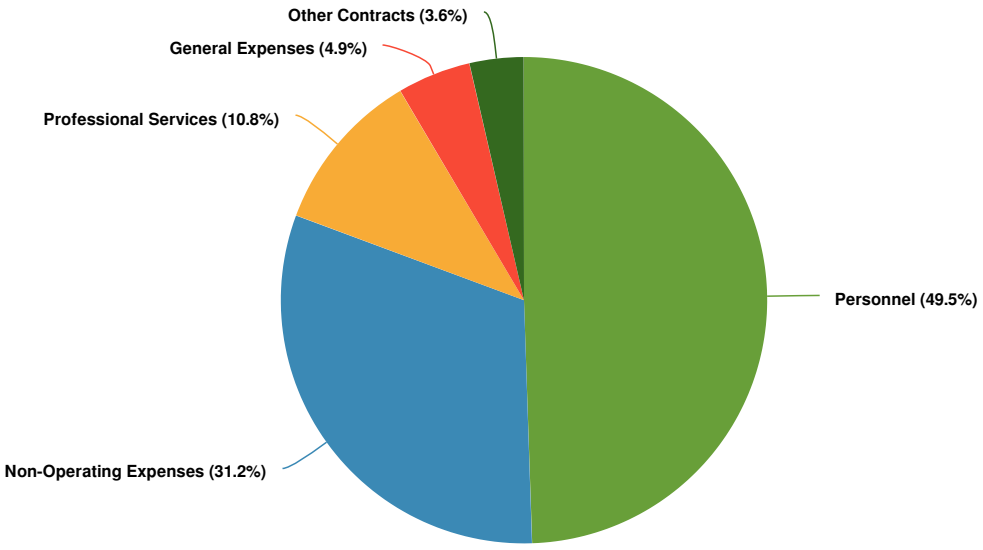
The City Secretary is an officer of the city, appointed by the City Manager. The position of city secretary is a statutory position required by state law and the City Charter. The City Secretary acts as the compliance officer for federal, state, and local statutes, including the Open Meetings Act and the Public Information Act, and serves as the filing authority for campaign finance reports and financial disclosure statements.

Responsibilities:

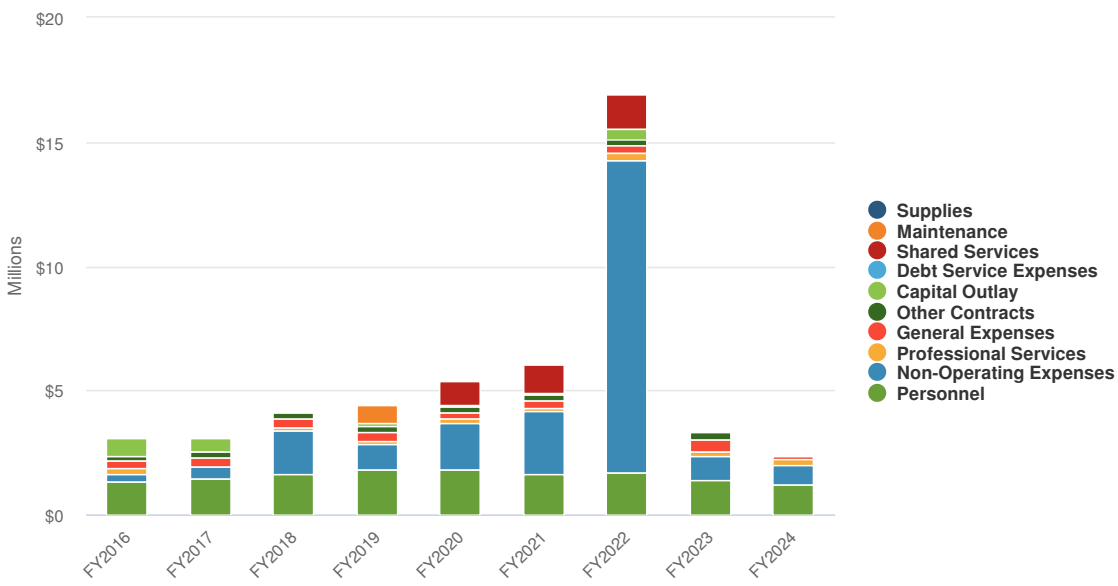
- Performing all functions and duties of the office of the City Secretary; including attending all meetings of the City Council, documentation and records official City Council minutes, ordinances, resolutions, and other related business, and maintains official city records, gathering information for City Council agendas and prepares meeting packets, meeting all legal posting requirements, as provided for by law or as required by City Ordinances.
- Prepares for and conducts municipal and special elections, including necessary resolutions and ordinances, ensuring that legal requirements are met.
- Oversees insurance coverage for property, liability, and worker's compensation.
- Serves as the Public Management Officer, coordinating retention and destruction of records as necessary.
- Serves as the Public Information Officer, responding to Public Information Requests and maintaining documentation.
- Assists the City Council in fulfilling its duties and responsibilities.

Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Budgeted and Historical Expenditures by Expense Type



Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Expense Objects				
Personnel	$1,673,462	$1,368,302	$1,507,368	$1,206,632
Supplies	$299	$0	$0	$0
Maintenance	$45,714	$0	$0	$0
Professional Services	$270,965	$183,083	$226,109	$264,000
General Expenses	$327,143	$507,192	$506,465	$119,199
Shared Services	$1,390,088	$0	$0	$0
Other Contracts	$206,522	$261,398	$236,398	$88,000
Debt Service Expenses	$518		$0	$0
Non-Operating Expenses	$12,605,276	$989,464	$989,464	$761,116
Capital Outlay	$415,272	$20,000	$20,000	$0
Total Expense Objects:	**$16,935,258**	**$3,329,439**	**$3,485,804**	**$2,438,947**

Street



Jeff Carroll, P.E.
Director of Engineering & Mobility

Street Department

Within Development Services, the Streets Department manages, maintains, and repairs city streets and rights of way. Responsibilities of the city include pavement management, sidewalk maintenance, sign repair, and the elimination of sight obstructions.
The Texas Department of Transportation (https://www.txdot.gov/) (TxDOT) is responsible for maintaining the following roadways:

- Blanco Road (FM 474)
- Main Street (US 87)
- River Road (SH 46)
- West Bandera Road (SH 46)

Drainage

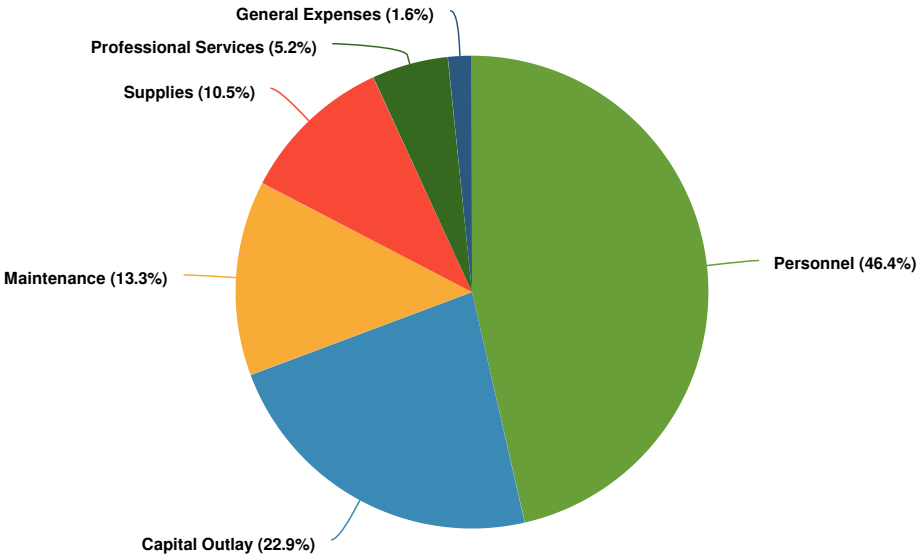
There are several natural waterways traversing the city, the largest being the Upper Cibolo Creek. The majority of the waterways are located within private property. The city performs maintenance as needed where the waterways cross city rights of way or are on city-owned property.
Since 1997, the city has required that developers install stormwater flow and velocity control structures, commonly called detention ponds, to minimize stormwater flows from developed areas. In most residential areas, these ponds are owned and maintained by the city as a community feature. In commercial applications, each property owner is required to maintain their own stormwater drainage features.
The drainage systems along state right of ways are owned and maintained by TxDOT.

Department Goals

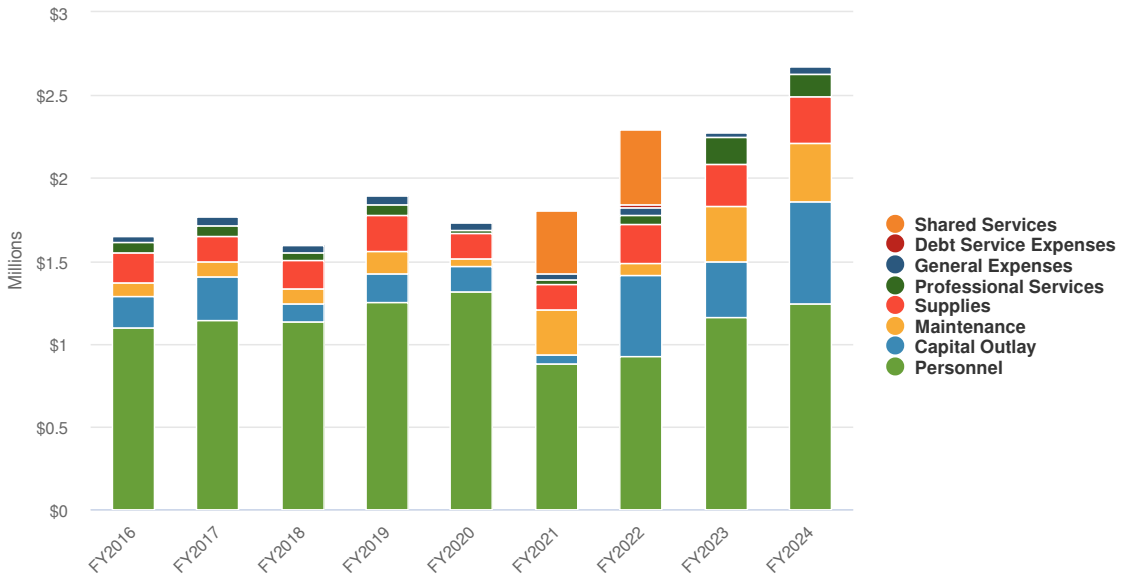
- Chip crews to chip seal city streets to improve the overall street Pavement Condition Index (PCI).
- Improve pedestrian/bike mobility on City sidewalks.
- Improve city maintained street signage.

Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Budgeted and Historical Expenditures by Expense Type



Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Expense Objects				
Personnel	$920,201	$1,156,721	$1,015,772	$1,241,438
Supplies	$232,265	$250,800	$251,625	$281,050
Maintenance	$75,791	$342,277	$354,498	$356,283

Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Professional Services	$58,260	$165,000	$169,220	$140,000
General Expenses	$40,568	$27,957	$35,111	$43,405
Shared Services	$454,350	$0	$0	$0
Debt Service Expenses	$17,949		$0	$0
Capital Outlay	$492,327	$335,000	$335,000	$612,400
Total Expense Objects:	**$2,291,711**	**$2,277,755**	**$2,161,226**	**$2,674,576**

Police



Steve Perez
Chief of Police

About Boerne PD

The Boerne Police Department works with citizens to protect life and property, prevent crime, and preserve peace in the community. Our mission is to treat people with dignity, fairness, and respect while operating in a transparent manner consistent with the freedoms secured by the Constitution.
Through our actions and initiatives, we strive to demonstrate the values of integrity, justice, service, trust, and responsibility. This commitment is evidenced by the Boerne Police Department's designation as a Recognized Law Enforcement Agency (https://www.ci.boerne.tx.us/1943/TPCAF-Recognition-Program).

Mission

The mission of the Boerne Police Department is to work with our citizens to protect life and property, to prevent crime and preserve the peace in our community, in an open and transparent manner, consistent with the freedoms secured by the Constitution, always treating people with dignity, fairness and respect.

Divisions

Our department is comprised of multiple divisions and details which are staffed by officers and civilian employees. Divisions include Patrol, Criminal Investigations, and Communications.
Learn more about Divisions and Details (https://www.ci.boerne.tx.us/251/Divisions-and-Details)

Community Programs

The officers of the Boerne Police Department are dedicated to serving our community by building connections and relationships with residents and their families. The department hosts and participates in numerous community events throughout the year, including National Night Out, Safety Town, and civilian law enforcement training programs.
Learn how you can partner with us. (https://www.ci.boerne.tx.us/248/Community-Programs)

Police Services

The department's commitment to public safety is demonstrated in part through the services our officers provide to residents. Some of these services include a house watch program, home security inspections, child car seat safety inspections, CRASE courses, and ALICE training.
Learn how we can serve you. (https://www.ci.boerne.tx.us/256/Services-Available)

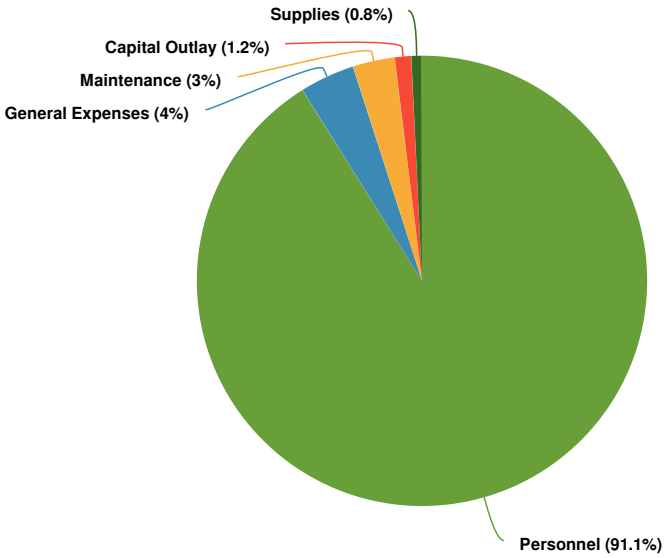
Recent Accomplishments

The Police Department went through a transition this past year. Here are a few accomplishments and key outcomes:

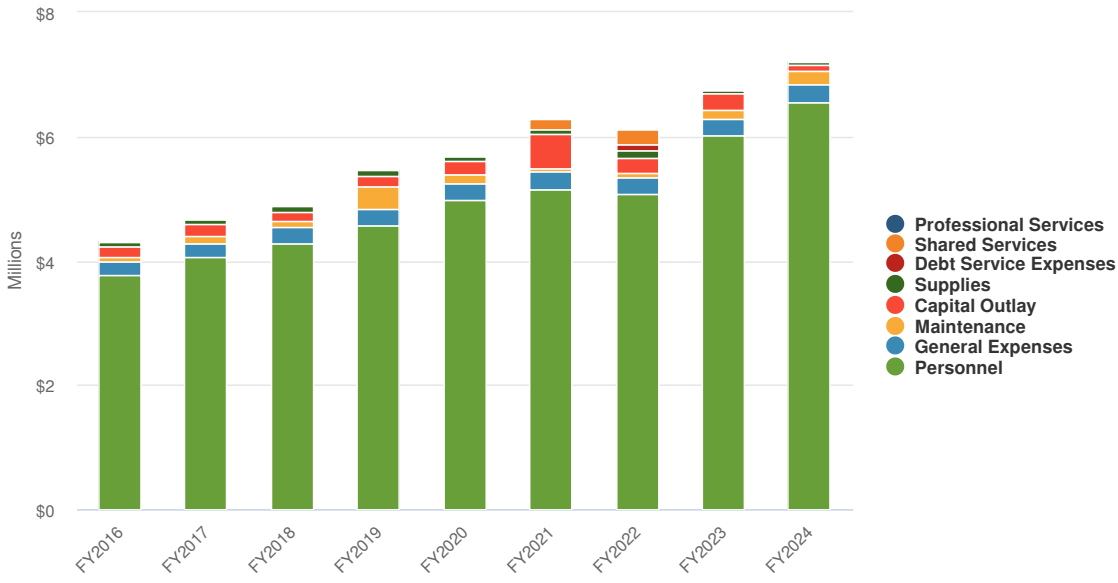
- Promoted 14 supervisors (Chief of Police, Assistant Chief of Police, 3 Lieutenants, 4 Sergeants, and 5 Coporals).
- Hired 17 new employees.
- Celebrated 5 retirements.
- Employee Engagement increased by a significant margin (4.00 mean from 3.23 mean).
- 100% fully staffed for the first time since 2018.

Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Budgeted and Historical Expenditures by Expense Type



Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Expense Objects				
Personnel	$5,084,337	$6,029,171	$5,617,480	$6,555,968
Supplies	$131,628	$30,500	$30,500	$54,500
Maintenance	$60,782	$161,300	$161,592	$217,500

Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
General Expenses	$266,055	$243,534	$248,635	$284,596
Shared Services	$231,070	$0	$0	$0
Debt Service Expenses	$102,468		$0	$0
Capital Outlay	$233,657	$267,017	$280,715	$84,159
Total Expense Objects:	**$6,109,996**	**$6,731,522**	**$6,338,922**	**$7,196,723**

Fire



Manuel Casarez
Fire Chief

Who We Are

The Boerne Fire Department is committed to providing the highest level of public safety service to our community of Boerne and throughout Kendall County, Texas. The department's mission is to protect lives and property through fire suppression, fire prevention, emergency medical response, rescue, disaster services and public education; and to provide rapid mobilization in the event of an emergency, fire or disaster.

Responsibilities

Responsibilities of the Boerne Fire Department include providing fire protection services to approximately 200 square miles, which includes the City of Boerne and a portion of unincorporated areas of Kendall County. Fire protection services include, but are not limited to:

- Fire suppression and prevention
- Haz-Mat response
- First responder response
- Specialized rescue, including confined space, low to high angle, swiftwater and dive rescue and recovery
- Vehicle extrication
- Fire inspection of commercial properties inside the city limits
- New construction plan reviews
- Public education

Currently, the department is comprised of approximately 40 members. Our paid staff includes the Fire Chief, the Assistant Fire Chief, the Fire Marshal, one full-time Fire Inspector, one part-time Fire Inspector, an Administrative Assistant, three Fire Captains, three Fire Lieutenants and 10 shift Firefighters. The remainder of the department is comprised of volunteer firefighters.
Visit the Fire Marshal's Office website.

Services

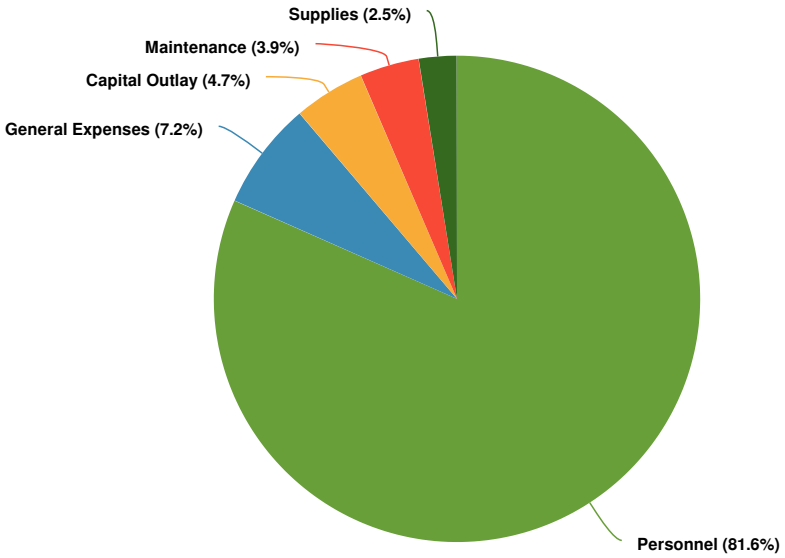
Other services provided by the department include a smoke detector program in conjunction with the American Red Cross. Through this program personnel install smoke detectors to individuals or families in need. Fire personnel not only provide installation but include other home safety awareness information if requested.
Firefighters also provide wild-land fire protection awareness programs/evaluations which include evaluating the layout of the facility or structure relative to anticipated severe fire behavior and inspection of the roof, gutters, window screens and shutters. Other areas evaluated include decks, fences, flammable materials next to the structure and defensible space.
The Boerne Fire Department also provides fire prevention presentations to local schools and daycares, participates in National Night Out and provides fire extinguisher training.

Department Goals

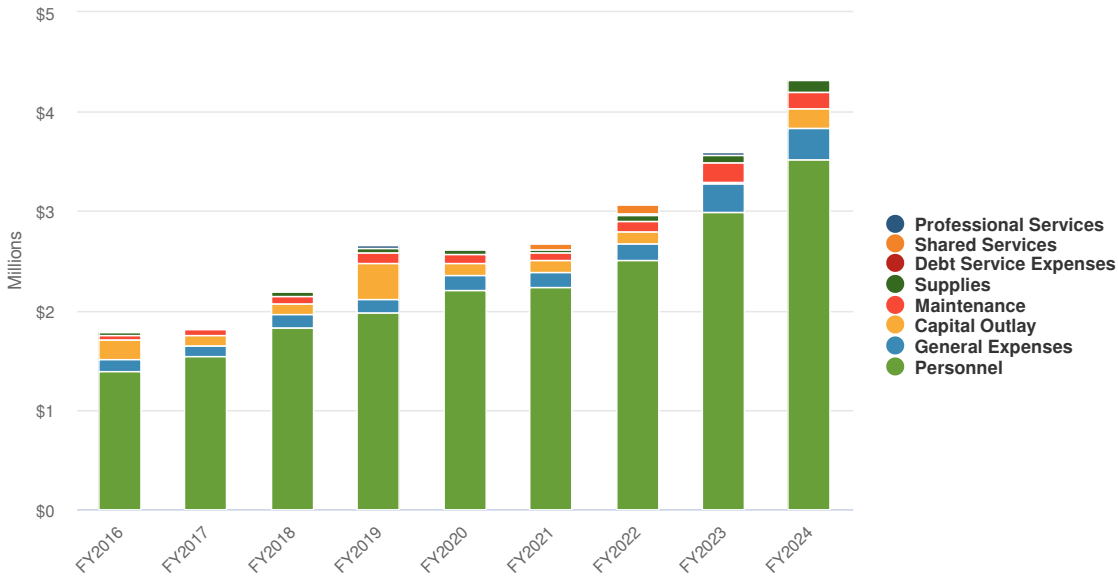
- Develop an illness and injury prevention program.
- Deliver the highest level of public education by all members of Boerne Fire Department and Boerne Volunteer Fire Department.
- Provide a safe working environment for all personnel at the fire station and reduce risk during emergency incident operations.
- Provide quality training to Boerne Volunteer Fire Department to ensure volunteers are prepared and ready to assist with emergency incidents.

Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Budgeted and Historical Expenditures by Expense Type



Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Expense Objects				
Personnel	$2,513,084	$2,991,836	$2,874,766	$3,520,467
Supplies	$75,264	$78,500	$78,500	$108,772
Maintenance	$92,535	$188,550	$178,950	$170,311

Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Professional Services	$10,553	$23,465	$23,465	$0
General Expenses	$166,745	$280,268	$222,668	$310,089
Shared Services	$95,380	$0	$0	$0
Debt Service Expenses	$1,997		$0	$0
Capital Outlay	$120,463	$27,151	$121,786	$203,450
Total Expense Objects:	**$3,076,021**	**$3,589,770**	**$3,500,135**	**$4,313,089**

Staffing

Position	FY2023	FY2024
Asst Fire Chief/Fire Marshal	2	1
Asst Fire Chief/Operations-Training	0	1
Executive Assist to the Fire Chief/Fire Marshal	1	1
Fire Chief	1	1
Fire Inspector	2	1
Fire Inspector/Investigator	0	1
Captain Firefighter/EMT	3	3
Firefighter/EMT	15	18
Lieutenant Firefighter/EMT	3	3

Performance Indicators

Performance Measure	2021	2022
Number of incidents responded to	2,048	
Average turn out time (seconds)	109	
Individuals reached through public education classes	1,859	

Dispatch



Steve Perez
Chief of Police

About the Dispatch Division

The Dispatch Division provides dispatch communications for all public safety organizations in Kendall County, which includes seven fire departments, emergency medical services, the Kendall County Sheriff's Department, the Fair Oaks Ranch Police Department, the Boerne Police Department, Texas Parks and Wildlife, Texas Department of Public Safety, and utilities personnel. The City of Boerne is the host for the Dispatch Division and is responsible for the day-to-day operations and personnel for the dispatch center.

Division Responsibilities

The Dispatch Division manages, operates, and monitors:

- Emergency 911 calls and non-emergency calls;
- Radio dispatch for all on-duty police, fire, EMS, and utilities;
- Computer aided dispatch (CAD) system;
- Records management system (RMS);
- I-Info notification system;
- Active911 Fire/EMS paging system;
- The City of Boerne's security camera system;
- The Public Safety building's silent alarm system; and
- Walk-in traffic in the police department lobby after hours and on weekends and holidays.

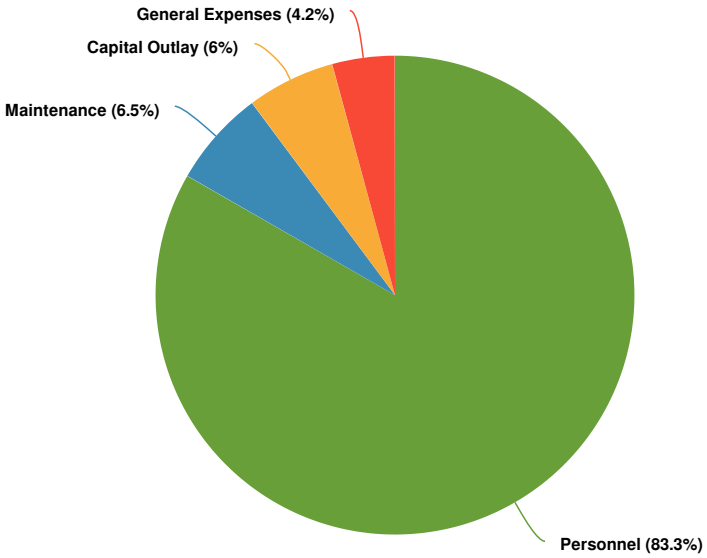
The Dispatch Division is also responsible for entering, removing, and modifying persons, vehicles, and articles in the Texas Crime Information Center's (TCIC) system and the National Crime Information Center's (NCIC) system.

Division Operations

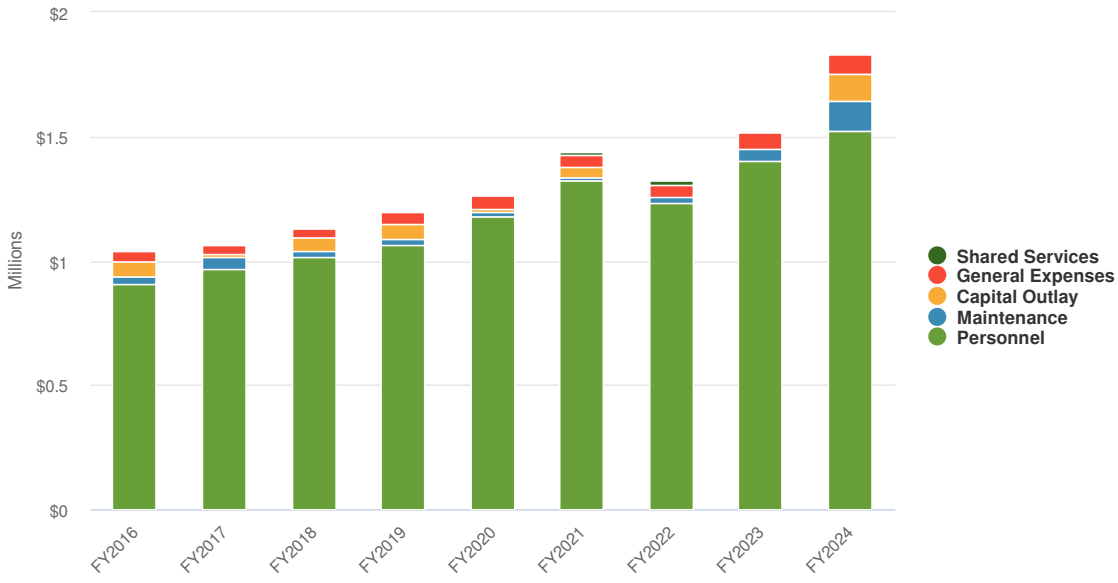
The Dispatch Division operates its multi-agency dispatch center under an advisory board comprised of members from the City of Boerne, Kendall County, and the City of Fair Oaks Ranch. Board members communicate throughout the year and meet formally three to four times per year to discuss the budget. Each entity represented on the board contributes budget funding based on its respective calls for service and documented traffic stops each year.

Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Budgeted and Historical Expenditures by Expense Type



Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Expense Objects				
Personnel	$1,231,694	$1,404,284	$1,391,719	$1,524,339
Maintenance	$25,839	$47,360	$47,360	$119,367
General Expenses	$44,626	$61,994	$61,994	$77,356

Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Shared Services	$24,085	$0	$0	$0
Capital Outlay	$0	$0	$0	$109,000
Total Expense Objects:	**$1,326,243**	**$1,513,638**	**$1,501,073**	**$1,830,062**

Staffing

Positions	FY2023	FY2024
Dispatch Supervisor	2	3
Dispatcher I	6	2
Dispatcher II	3	5
Probationary Dispatcher	5	5

Performance Indicators

Performance Measure	2021	2022
911 Calls Answered across Kendall County	43,252	29,327
Total Calls for Service	56,797	60,021
Calls for Service in City of Boerne	24,798	25,682

Municipal Court



Claudia Lemon
Municipal Court Clerk Supervisor

Department Overview

The Municipal Court has jurisdiction over Class C misdemeanor criminal cases filed by the police department, animal control, permitting and code compliance, and the fire marshal that are committed within the territorial limits of the City of Boerne. These include traffic and parking offenses, city ordinance violations, and other criminal offenses such as public intoxication, theft, possession of drug paraphernalia, and disorderly conduct.

Court Vision

The general public and those who use the Boerne Municipal Court will refer to it as accessible, fair, consistent, responsive, free of discrimination, independent, and well-managed.

Court Mission

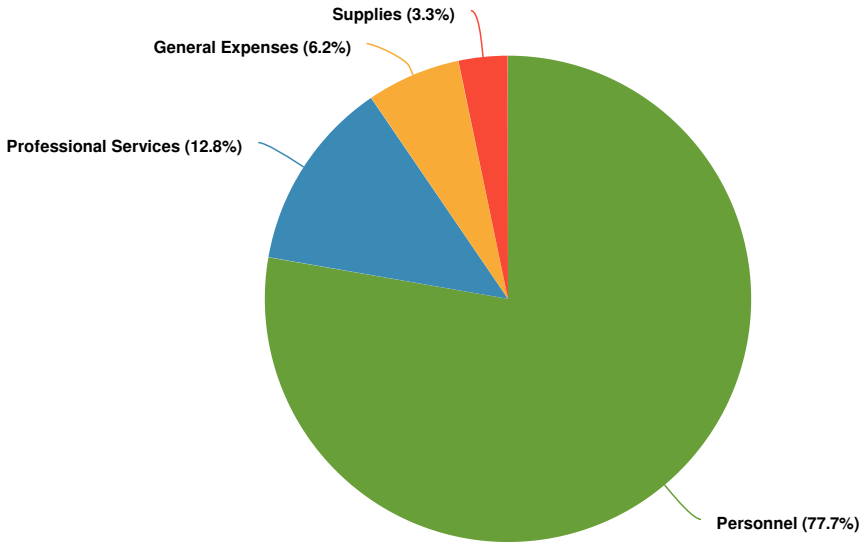
The Boerne Municipal Court is committed to adjudicating Class C misdemeanor offenses while adhering to the principles of fair, impartial, and efficient justice, administered timely and respectfully with professionalism that protects individual rights and instills respect for the law.

Department Goals

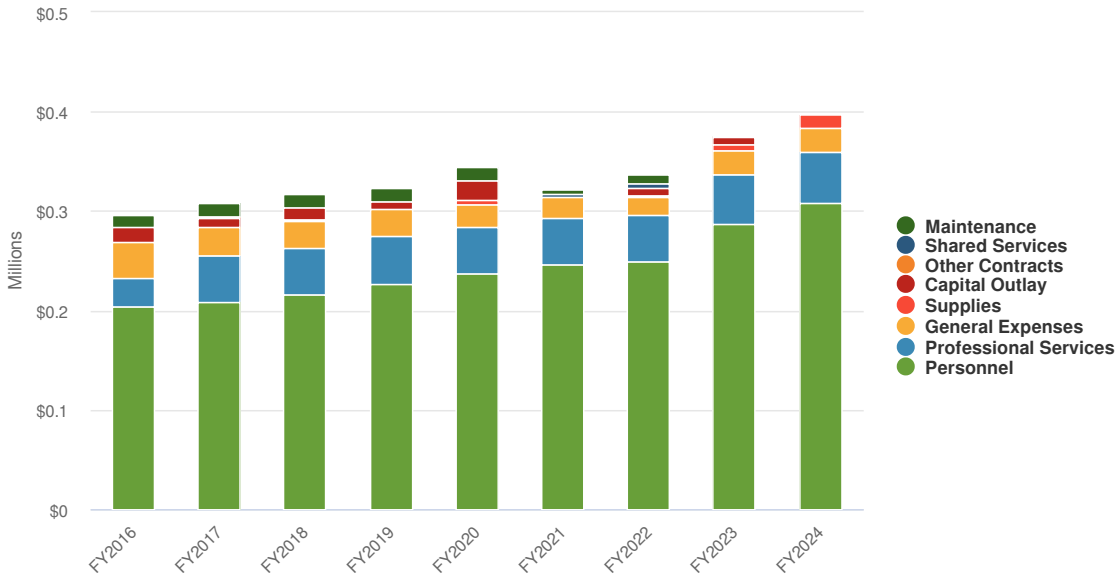
- Access to justice
  - Court and the justice delivered should be both accessible and perceived by the public as accessible
- Procedural Justice (Equality, Fairness, and integrity in Court Operations)
  - The perceived fairness of court proceedings and interpersonal communications that court participants and other litigants get from their experience with the court.
- Effective and Efficient Court Operations
  - Justice will be administered in a timely, efficient, and effective manner.
- Professional and Well-Trained Court Staff
  - High-quality education and professional development will be provided to enhance the ability of all individuals serving in the court to achieve high standards of professionalism, ethics, and performance.
- Independence and Accountability
  - The court should be independent, not unduly influenced by other components of government, and accountable for responsible use of its resources.
- Public Trust and Confidence
  - The most important goal of any court is to ensure public trust and confidence. Public trust and confidence is achieved when the court demonstrates all of the above goals.

Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Budgeted and Historical Expenditures by Expense Type



Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Expense Objects				
Personnel	$248,580	$286,711	$265,858	$308,856
Supplies	$1,794	$6,000	$6,000	$13,000
Maintenance	$8,358	$2,141	$2,141	$0

Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Professional Services	$46,746	$50,698	$50,698	$50,698
General Expenses	$18,400	$23,457	$23,457	$24,744
Shared Services	$4,817	$0	$0	$0
Capital Outlay	$7,464	$7,500	$7,568	$0
Total Expense Objects:	**$336,157**	**$376,507**	**$355,722**	**$397,298**

Staffing

Position	FY2023	FY2024
Deputy MC Clerk I	1	1
Deputy MC Clerk II	1	1
Municipal Court Clerk Supervisor	1	1

Performance Indicators

Performance Measure	2018-19	2019-20	2020-21	2021-22
New Cases Filed	2563	1537	1411	2128
Adjudicated Clearance Rate	97%	104%	93%	94%
New Warrants Issued	571	352	217	292
Warrant Clearance Rate	93%	81%	141%	107%

Animal Care Services



Stefanie Fisher
Animal Care Supervisor

Department Overview

The City of Boerne Animal Care Services department provides services for the care of pets and animals while enforcing animal-related laws established by city ordinance. The department is committed to balancing the health, public safety, and welfare needs of people and animals in the community.

Responsibilities

- ACS processes pet licensing applications and issues current registration tags, as required for all pet owners by city ordinance.
- The ACS shelter houses dogs and cats available for adoption and facilitates a foster program for pets.
- ACS offers several other services for pet owners in the City of Boerne, including microchipping.

Recent Accomplishments

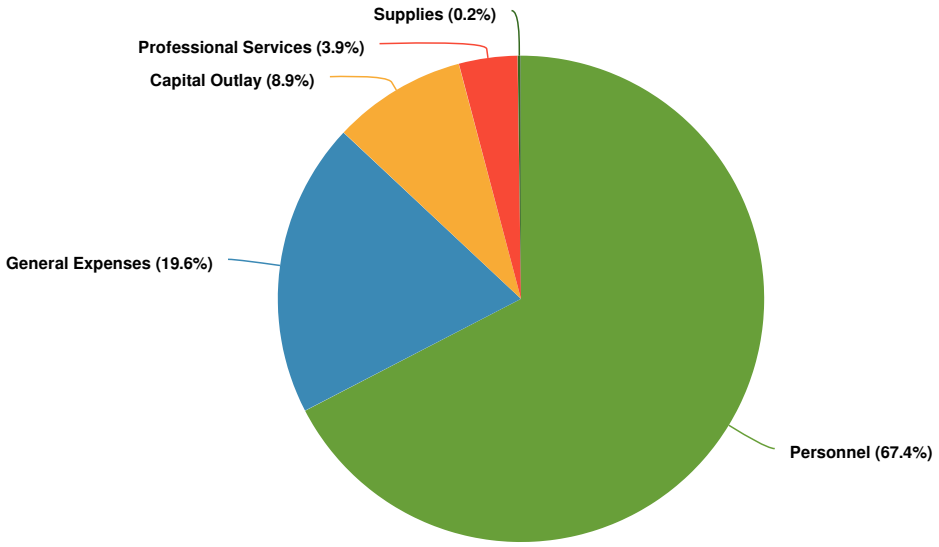
- Revitalization of the foster program. Through the assistance of Boerne citizens, we have seen more than 100 animals in the foster program. This allows them to receive the care that they need in a loving home environment until they can be adopted.
- The volunteer program has seen a resurgence in numbers, with some of our volunteers contributing over 300 hours.
- Through the collaboration with Customer Service, we can gain more exposure for dogs that are available for adoption. The program allows the animal to be with the hosting group throughout the day. The citizens that come to City Hall have a chance to do a meet and greet with the dog in a more relaxed environment. The Police Department Dispatchers have recently added to this program and are now hosting a dog at their location.
- Through partnering with Boerne Reads we were able to start the PAWsome Readers program. Children come to the shelter and choose a book to read to the animals. This program is a large boost for both the pets and the children. We are looking at expanding the hours to allow for more readers.

Department Goals

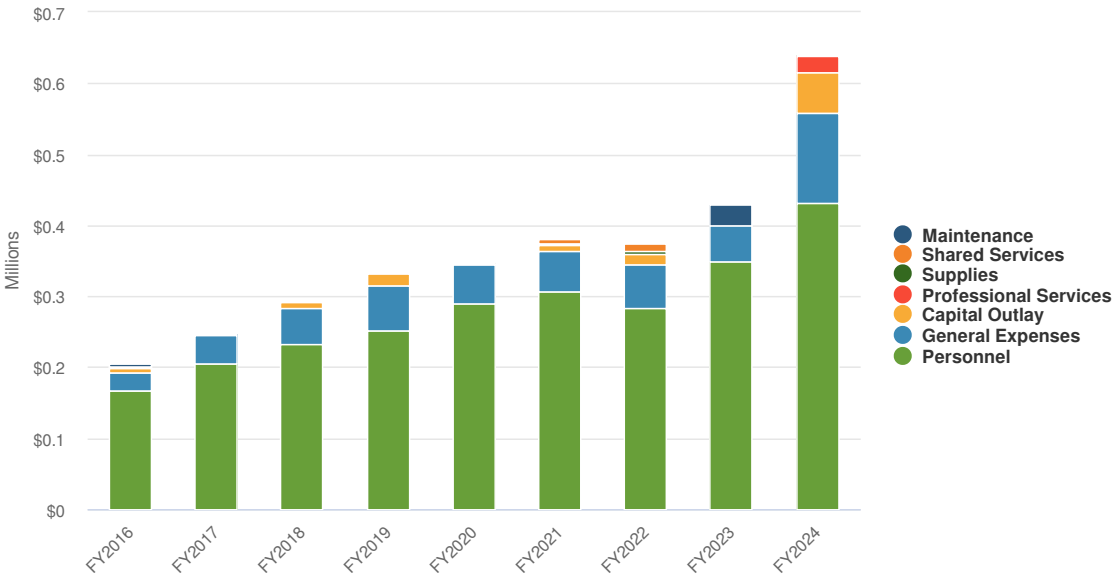
- Continue to maintain our live release rate within the parameters of "No Kill."
- ACOs have continuing education credit to maintain certification
- We seek increased citizen awareness and owner responsibility through:
    - Bite/Safety Presentations
    - Safe Meet and Greet at local area events
    - Continued webpage development
    - Educational materials given at time of adoption
- Increase the number of pets being licensed. The licensing is a verification of rabies vaccine. Rabies vaccines are required per State and City Ordinances.
- Grow our foster program. This goal is pivotal in the continued success of BACS. The foster program encompasses:
    - Neonatal kittens/puppies
    - Behavioral issues
    - Stress relief from extended stay in kennel
    - Cats/Dogs having litters in the shelter

Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Budgeted and Historical Expenditures by Expense Type



Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Expense Objects				
Personnel	$282,494	$349,113	$323,838	$431,902
Supplies	$3,937	$0	$0	$1,400
Maintenance	$85	$30,320	$30,320	$0

Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Professional Services	$0		$0	$25,000
General Expenses	$61,474	$49,551	$73,197	$125,579
Shared Services	$10,126	$0	$0	$0
Capital Outlay	$16,266	$0	$0	$57,000
Total Expense Objects:	**$374,383**	**$428,984**	**$427,355**	**$640,881**

Staffing

Position	FY2023	FY2024
Animal Care Supervisor	1	1
Animal Control Officer	1	2
Shelter Technician	2	2
Live Animal Release Coordinator	1	1

Performance Indicators

Performance Measure	FY 2021-22
Annual live release rate	93.55
Annual rabies vaccinations	143
Number of fosters	15
Number of animals cared for by fosters	111

Permitting and Code Compliance



Steve Riggs
Chief Building Official

Department Overview

The Permitting and Code Compliance department ensures the City of Boerne is home to safe, high-quality residential and commercial buildings that are well-constructed, well-maintained, and in compliance with all ordinances as adopted by City Council. The primary role of this office is to eliminate hazards that could affect public safety. While Code Enforcement officers can issue citations, our goal is for problems to be remedied by the property owner.

Responsibilities

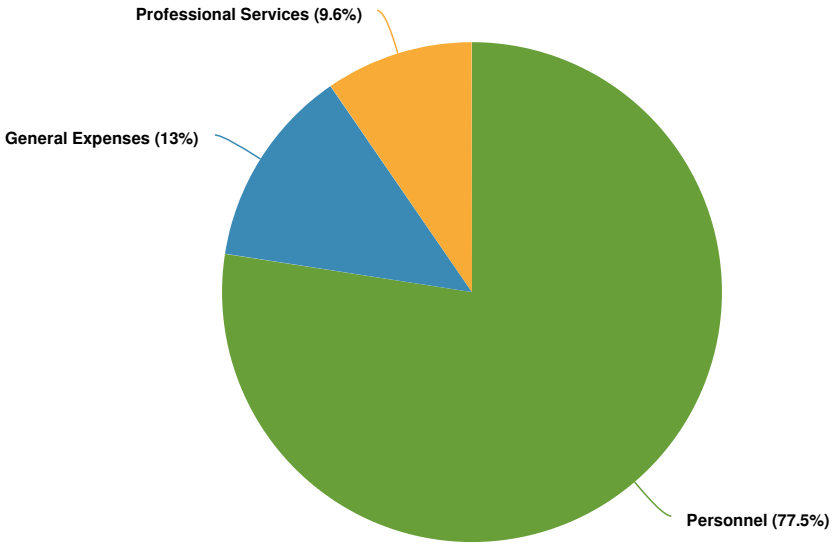
Permitting and Code Compliance staff process contractor registration and permit applications, check for compliance of all ordinances and codes, and inspect all construction work in the City of Boerne.

Recent Accomplishments

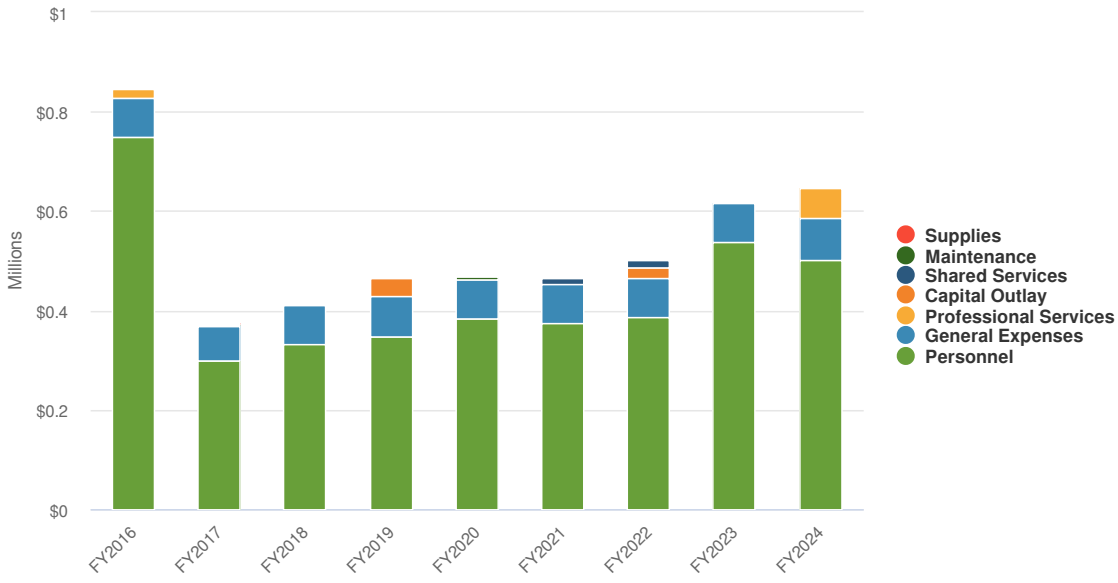
- Recruited and hired a Chief Building Official in March of 2023.
- Trained for and launched SmartGov software for intake and processing of permits.
- Update of the Building Codes to include the following International Codes from 2009 to 2021:
    - International Building Code from 2009 to 2021
    - International Residential Code from 2009 to 2021
    - International Energy Code from 2009 to 2021
    - International Mechanical Code from 2009 to 2021
    - International Fuel Gas Code from 2009 to 2021
    - International Plumbing Code from 2009 to 2021
    - International Existing Building Code from 2009 to 2021
    - International Property Maintenance Code from 2009 to 2021
    - Assisted with update of Life Safety and Fire Safety Codes from 2009 to 2021
    - National Electric Code from 2012 to 2020

Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Budgeted and Historical Expenditures by Expense Type



Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Expense Objects				
Personnel	$385,307	$536,821	$424,895	$501,384
Supplies	$3,665	$0	$0	$0
Maintenance	$2,937	$0	$0	$0

Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Professional Services	$0	$0	$0	$62,000
General Expenses	$79,495	$80,931	$69,265	$83,908
Shared Services	$14,810	$0	$0	$0
Capital Outlay	$22,091	$0	$0	$0
Total Expense Objects:	**$508,304**	**$617,752**	**$494,160**	**$647,292**

Staffing

Position	FY2023	FY2024
Building Inspector	2	2
Chief Building Official	0	1
Code Compliance Director	1	0
Code Enforcement Clerk	1	1
Coder Enforcement Officer	1	1

Performance Indicators

Performance Measure	2018-19	2019-20	2020-21	2021-22
Permits issued	3066	3030	4038	

Planning

Nathan Crane
Assistant Planning Director

Department Overview

The Planning and Community Development Department works with residents, developers, and city staff to implement the City's comprehensive plan for growth and development. We provide planning, perseveration, and design services to make Boerne a thriving community of lasting value.

Responsibilities

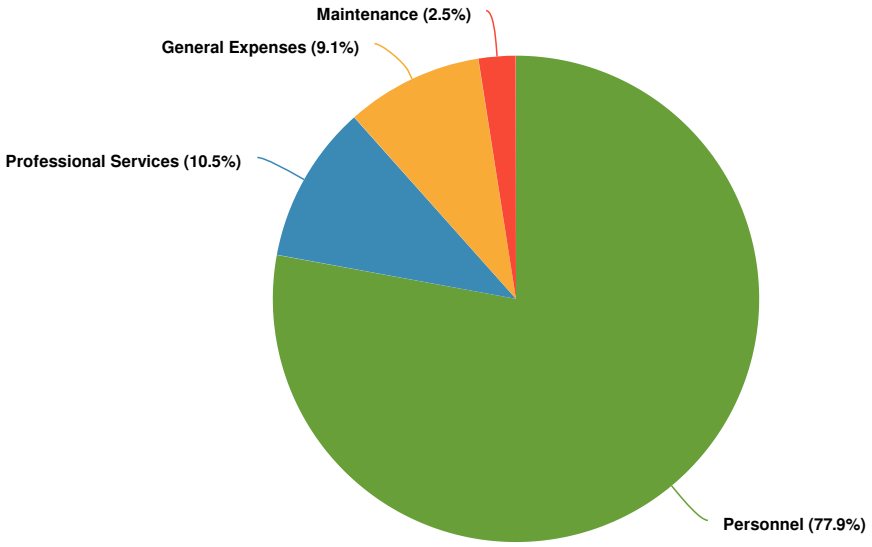
We provide public information to applicants and evaluate applications for land subdivision, site development, variances, easements, zoning, and more.

Recent Accomplishments

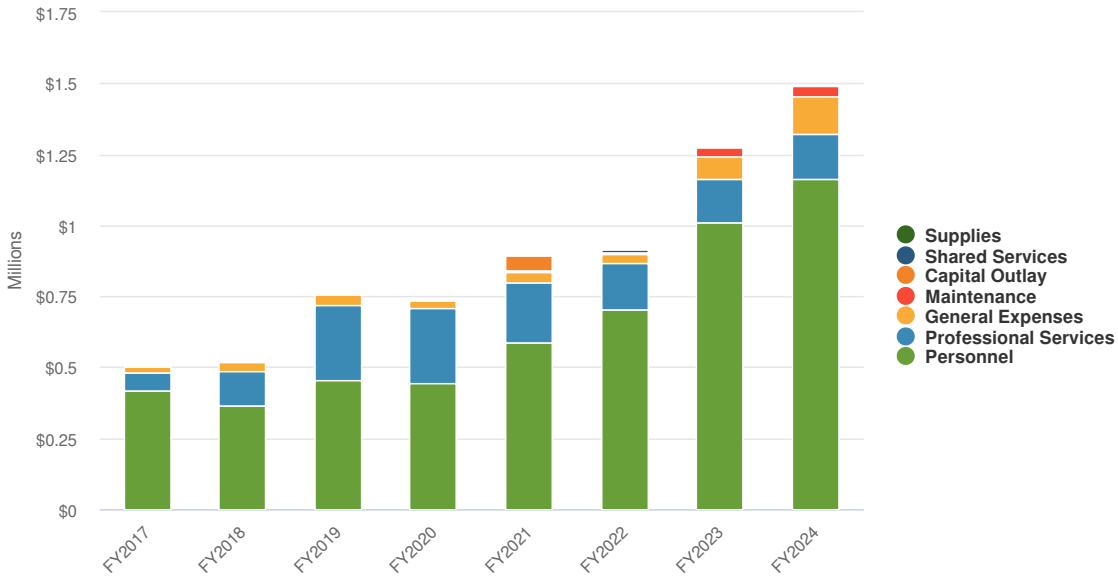
- Updated the Unified Development Code
- Worked with the County to update the Interlocal Agreement
- Created and oversee the Boerne Open Neighborhood (BOND) meetings
- Oversaw the following subcommittees:
    - Historic District Signage
    - 21 Old San Antonio Multifamily
    - 116 Old San Antonio Multifamily
    - 1650 River Road
    - 1670 River Road
    - Duplex @ Ebner St
    - ParcHAUS
    - Food Truck
    - Short-term Rentals
    - Noise regulations
    - Abiso development (Trees and project)
    - Buc-ees development
    - Hyundai (drainage)
    - Cascade Caverns Bungalow
    - Cascade Caverns Multifamily
    - 17 Herff (HLC)
    - 604 S Main (HLC)

Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Budgeted and Historical Expenditures by Expense Type



Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Expense Objects				
Personnel	$703,765	$1,009,808	$1,041,140	$1,163,120
Maintenance	$6,240	$32,400	$54,300	$37,000
Professional Services	$163,208	$155,200	$158,738	$157,000

Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
General Expenses	$30,571	$74,926	$35,517	$135,908
Shared Services	$9,634	$0	$0	$0
Capital Outlay	$2,693	$250	$250	$0
Total Expense Objects:	**$916,110**	**$1,272,584**	**$1,289,945**	**$1,493,028**

Staffing

Positions	FY2023	FY2024
Environmental Planner/Urban Forester	1	1
Planner II - exempt	2	2
Planner III	1	1
Planning & Community Development Technician	2	0
Plannin Admin Asst	1	1
Planning/Community Development Director	1	1
Planning/Community Development Assistant Director	1	1
Water Quality And Field Data Collector	0.25	0.25
Planning & Development Coordinator	1	1

Performance Indicators

Planning Cases	2020	2021	2022
PZ Zoning	14	28	40
PZ Plats	25	49	86
HLC	60	115	57

Information Technology



Mike Raute
IT Director

"Information technology is what drives the daily operations on all service levels and makes it easier for the City to provide information to our citizens." - Mike Raute, IT Director

Mission Statement

The purpose of the Information Technology Department is to deliver the best proven technology and services available for computer, data, telecommunications, mapping, and critical business systems to employees and the public through excellent customer service, continuous improvement, innovative problem-solving, adherence to standardized information best practices, and collaborative solutions.

Who we are

The Information Technology Team contributes enormous value to the workings and operations of the City of Boerne Government and Utility offices. Information technology is used in public safety, capital planning, utilities, transportation, accounting, payroll, inventory management, and more.

Responsibilities

The City of Boerne Information Technology Department is responsible for the following:

- Improve the efficiency of City services and deploy technologies that improve intra-office processes.
- Support city staff by providing by procuring equipment for all city departments.
- Deliver technology solutions that put information and access directly into citizens' hands, when and where they want it. Pushing the possibilities of technology to help the City become truly connected with the community.
- Improving and protecting the security of City data and City facility infrastructure by using an adaptive security approach that treats risk, trust and security as a continuous and adaptive process that anticipates and mitigates constantly evolving cyber threats.
- Operation and maintenance of all data, video, and communication infrastructure, including all related equipment and software.
- Support of all technology hardware, software, security, wireless and wired networks, surveillance equipment, wired and wireless communications, websites, and meeting recording technology for all city departments and City Council (https://www.ci.boerne.tx.us/77).

Recent Accomplishments

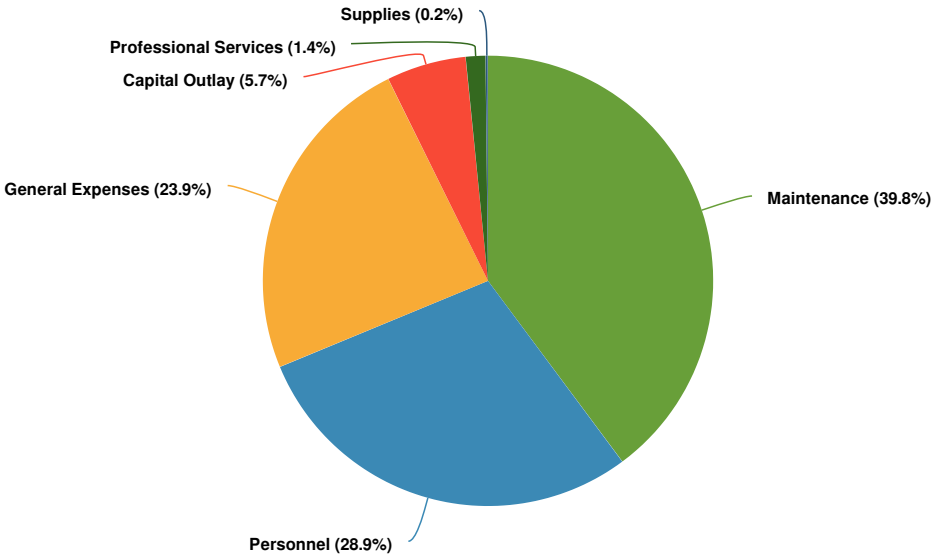
- Upgraded the entire City phone system.
- Implemented major infrastructure and security improvements.
- Set up training programs for IT Staff.
- Set up IT Mutual Aid agreement with City of Kerrville, City of Fredericksburg and City of Fair Oaks Ranch.
- Implemented new community development software, public information requesting software, financial software and online portals for citizen access to Utilities, Permits, Court and Animal Shelter.
- Received the 2022 TAGITM Excellence Award for planning, coordinating and building of Police Mobile Security Trailer.

Department Goals

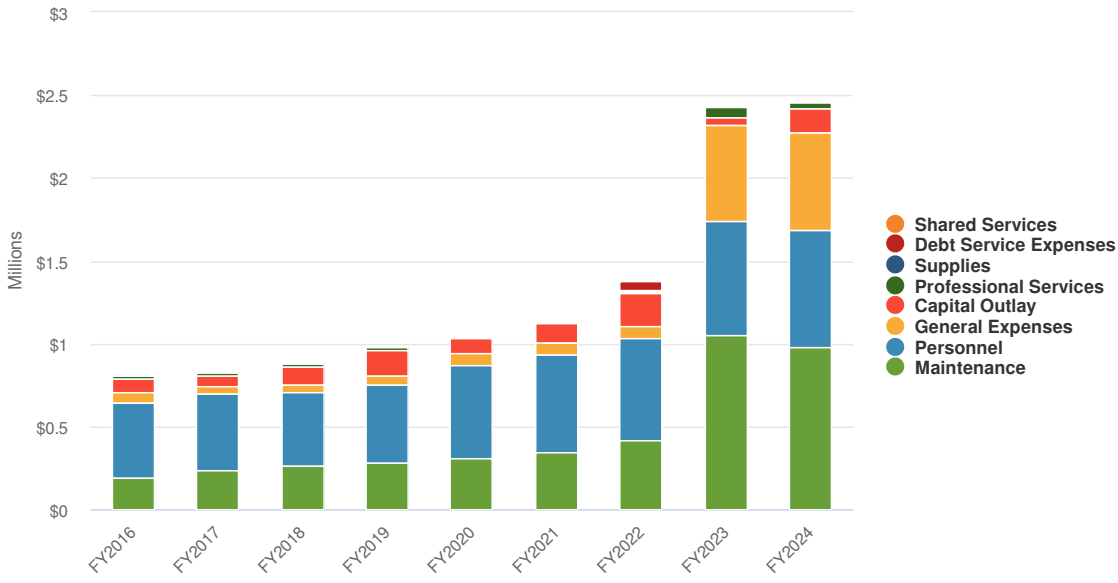
- Protect City Information - Manage risks and anticipate new threats.
- Create a scalable, reliable, and flexible infrastructure.
- Enhance citizen engagement through technology.
- Optimize resources and reduce service cost.

Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Budgeted and Historical Expenditures by Expense Type



Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Expense Objects				
Personnel	$620,160	$693,381	$688,377	$710,678
Supplies	$4,322	$3,000	$3,000	$4,000
Maintenance	$417,170	$1,048,701	$1,048,701	$978,486

Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Professional Services	$15,000	$55,000	$55,000	$34,850
General Expenses	$72,193	$576,456	$576,456	$588,033
Shared Services	$9,833	$0	$0	$0
Debt Service Expenses	$53,902		$0	$0
Capital Outlay	$191,164	$51,063	$83,446	$140,348
Total Expense Objects:	**$1,383,744**	**$2,427,601**	**$2,454,980**	**$2,456,394**

Staffing

Position	FY2023	FY2024
Assistant IT Director	1	1
IT Director	1	1
IT Network Administrator	1	1
IT Specialist I	3	2
IT Specialist II	0	1

Performance Indicators

Performance Measure	FY2021-22	FY2022-23
IT support calls received	1,853	1382
IT support calls completed within 4 hours	1,752	1232
Number of endpoints served	1,972	2029
Emails received	1,466,346	639,413
Spam emails rejected	320,460	166,413
Projects completed	36	23 to date
Network up time	98.91%	99.16%
Security Incidents	0	0

Finance



Sarah Buckelew
Finance Director

Mission Statement

The Finance Department manages the City of Boerne's fiscal matters, all while safeguarding and preserving City assets and providing exemplary customer service.

Vision Statement

To be a trusted partner of Team Boerne, and a valued resource to our residents and customers. Our culture of continuous improvement will enable us to set a municipal standard for financial excellence and customer service.

Department Overview

The Finance and Accounting Department is responsible for delivering fiscal excellence and for setting the corporate financial strategy for the entire City of Boerne organization. With a commitment to efficiency and conservatism, the team also acts as gatekeepers against waste and inefficiency. The Finance team ensures financial and regulatory compliance including compilation of the Annual Comprehensive Financial Report and preparation of the annual budget. Accounting operations include procurement, accounts payable, payroll, and forecasting functions. The City also administers the hotel occupancy tax, debt, and investment strategies, while managing the fiscal matters of the general government and all six utilities.

Accomplishments

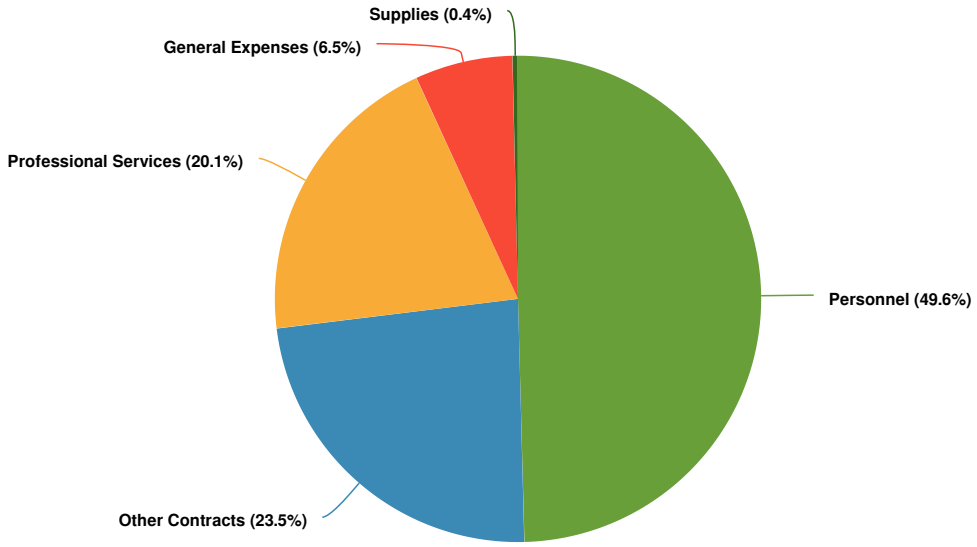
- Awarded the GFOA Excellence in Financial Reporting Award for the 34th consecutive year.
- Implemented a new cloud-based interactive budgeting software.
- Successfully applied for and received $4.8M of ARPA Grants.
- Successfully completed the annual financial statement audit with no adjustments and a "clean" audit opinion.
- Assisted with the successful implementation of SmartGov payment portal for Hotel Occupancy payments.
- Prepared and submitted a Popular Annual Financial Report for first time in City history.
- Prepared a digital budget book and submitted for the GFOA budget award for the first time in City history.
- Assisted with a successful Bond election.

Department Goals

- Seek out efficiency measures for the increasingly complex organizational initiatives undertaken.
- Leverage increasing interest rates by building a more sophisticated portfolio.
- Establish more mature procurement practices.
- Establish a sophisticated debt strategy.
- Partner with capital improvement project managers to develop an efficient funding strategy.
- Build out a more mature forecasting process.

Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Name	FY2024 Budgeted
Expense Objects	
Personnel	$342,247
Supplies	$2,500
Professional Services	$138,609
General Expenses	$44,828
Other Contracts	$162,000
Total Expense Objects:	**$690,184**

Staffing

Position	FY2023	FY2024
Finance Director	1	1
Asst Finance Director	1	1
Budget & Finance Senior Analyst	1	1
Purchasing Coordinator	1	1
Finance Officer - General Ledger	1	1
Finance Officer - Accounts Payable	1	1
Accountant I - Payroll	1	1
Accountant	1	1

Performance Measures

Performance Metric	Target	FY2020	FY2021	FY2022
No. of Invoices Processed	8,000	8,379	8,059	8,318
New Cases Filed	N/A	1537	1411	2182
Adjudicated Clearance Rate	100%	104%	93%	94%
New Warrants Issued	N/A	352	217	292
Warrant Clearance Rate	100%	81%	141%	107%
No. of Billed Accounts	N/A	104,802	113,967	119,757
No. Of Service Orders Issued	N/A	9,164	10,020	9,721
No. Of Service Orders Completed	N/A	8,634	9,522	9,052
No. Of Disconnects For Non-Pay (NPO)	N/A	N/A	463	575
No. Of Reconnects For Payment (NPI)	N/A	N/A	426	475

Special Projects



Paul Barwick
Special Projects Director

Who We Are

The Community Service Department consists of a diverse group representing five divisions who are passionate about providing for the community. There are over four hundred acres of land to maintain, ten public parks and five and half miles of trails in Boerne, each offering something a little different to visitors. Simply put, we are here to provide fun and opportunities to create lifelong memories while still providing safe surroundings, whether you are enjoying a community event or clocking into work. Below you will read about the Parks & Recreation, ***Special Events***, Boerne Cemetery, Facility Maintenance, and Fleet Maintenance.

Special Projects Vision

Deliver consistent, high-quality project management of capital construction projects, unique pacemaking improvements, premier events, and downtown programs that enhance Boerne's Hill Country Mile.

Responsibilities

- Project management of design and construction projects
- PR, advertising and social media management for the Hill County Mile and Art al Fresco
- Event management, PR, advertising and social media management for Dickens on Main
- Manage City's Historic Districts Improvement Program
- Curate City's Public Art Collection
- Research grants and awards, prepare submissions
- Coordinate volunteer service projects at City facilities
- Design, create, and maintain City's cultural and natural resource interpretive signage

Department Goals

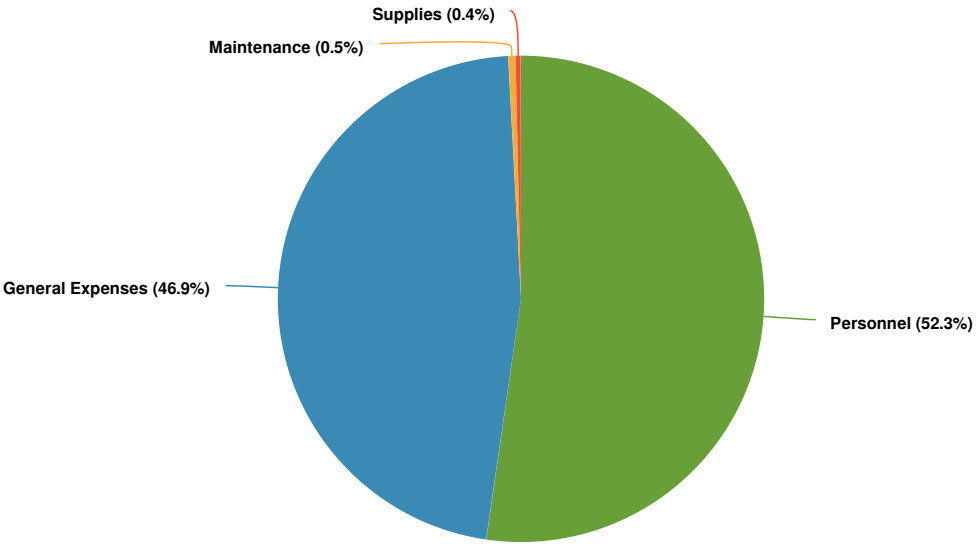
- Collaborate with Boerne Parks Association to achieve and execute public exhibits on Waterworks Terrace and master conceptual design.
- Parks Master Plan review and update with the new conceptual design of Waterworks Terrace.
- Achieve 30% of the conceptual design of Northside Community Park.
- Design and create an interpretive sign for Veterans Plaza.

Recent Accomplishments

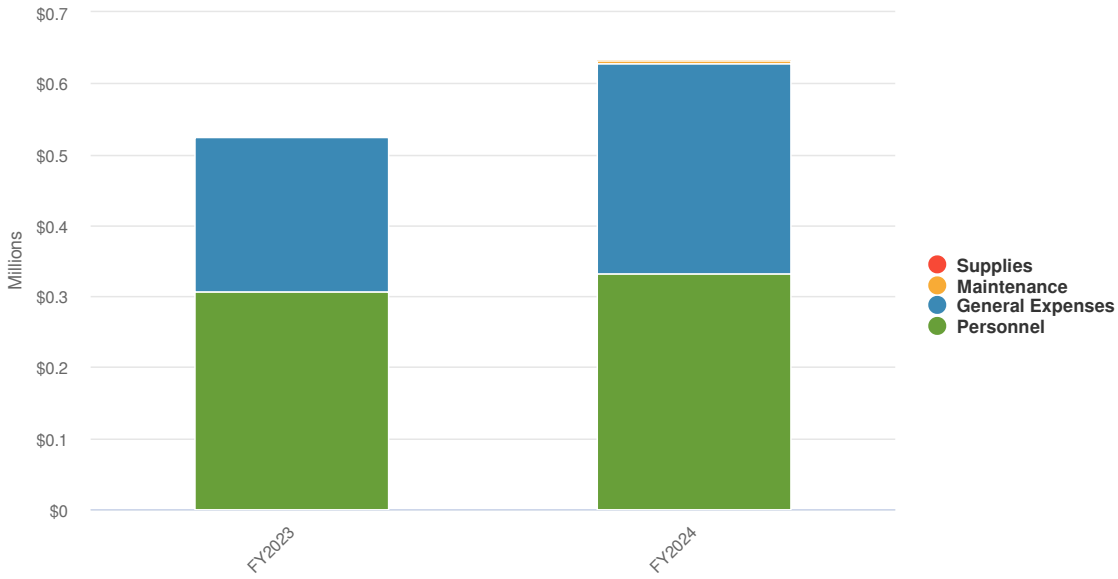
- 2022 Texas Travel Awards for Hill Country Mile, Dickens on Main and Art al Fresco
- Boerne Film accepted its first project - “Final Send” Video – Hoonigan/Black Rifle CC
- Mayors Monarch Pledge – Maintained Designation, Report Approved
- Boerne City Campus Natural Area – 4 volunteer projects, 180 volunteers, 713 volunteer hours, $21,354 saved due to volunteers, and 6 bird/wildlife surveys.

Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Budgeted and Historical Expenditures by Expense Type



Note: The Special Projects department was previously budgeted within the Administration department. Previous year's budget data can be found there.

Name	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Expense Objects			

Name	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Personnel	$306,473	$309,472	$331,617
Supplies	$0	$0	$2,300
Maintenance	$3,000	$3,000	$3,000
General Expenses	$217,078	$236,515	$297,165
Total Expense Objects:	**$526,551**	**$548,987**	**$634,082**

Staffing

Position	FY2023	FY2024
Project Manager Special Events	1	1
Special Projects Director	1	1

Performance Indicators

Performance Mearsure	FY2020	FY2021	FY2022
Hist. Dist. Improvement Program	2	1	1
Public Art Acquisition	0	1	1
Dickens On Main	50,099	9,447	41,899
Social Media - Followers	26,066	32,580	38,500
Social Media - Engagement	6,287	25,100	38,400
Social Media - Video Views	137	107,300	151,400
Social Media - Reach	90,300	556,000	894,800
Social Media - Impressions	104,400	685,600	1,020,000
Social Media - Paid Reach	-	170,590	206,524
Social Media - Paid Impressions	-	333,148	349,785

Human Resources



Susan Finch
Human Resources Director

Our Mission

The Mission of the Human Resources Department is to provide a strategic partnership with the City Manager's Office in supporting the organization's Core Values to enable all City of Boerne employees to reach their maximum potential in order to ensure overall success of the organization.



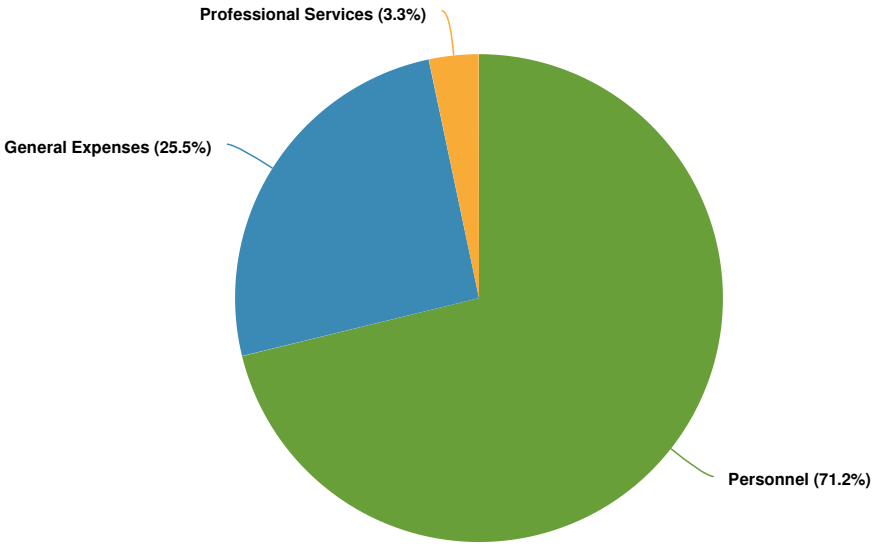
Core Services

- Communicate information in a candid and fair manner.
- Advocate for a safe, healthy, and secure environment.
- Provide a comprehensive benefits package to attract and retain employees.
- Educate, train, and develop employees in order to achieve success for both the employee and the organization.
- Administer and effectively communicate sound policies and procedures that treat all employees equally while maintaining compliance with state and federal laws and regulations.
- Create and maintain an organizational culture that promotes a high level of employee morale by being responsive through employee engagement activities.

The Human Resources department plays a critical role in organizational culture, strategic planning, workplace safety and risk management. Our customers are both internal and external and include employees, job candidates, elected officials, and residents. We believe our employees are our most valuable asset and we strive to improve their overall experience with the organization. As a service-oriented department, customer service is our top priority. Many efforts are focused on employee engagement to create a positive atmosphere where employees can thrive with an ultimate goal of becoming an employer of choice.

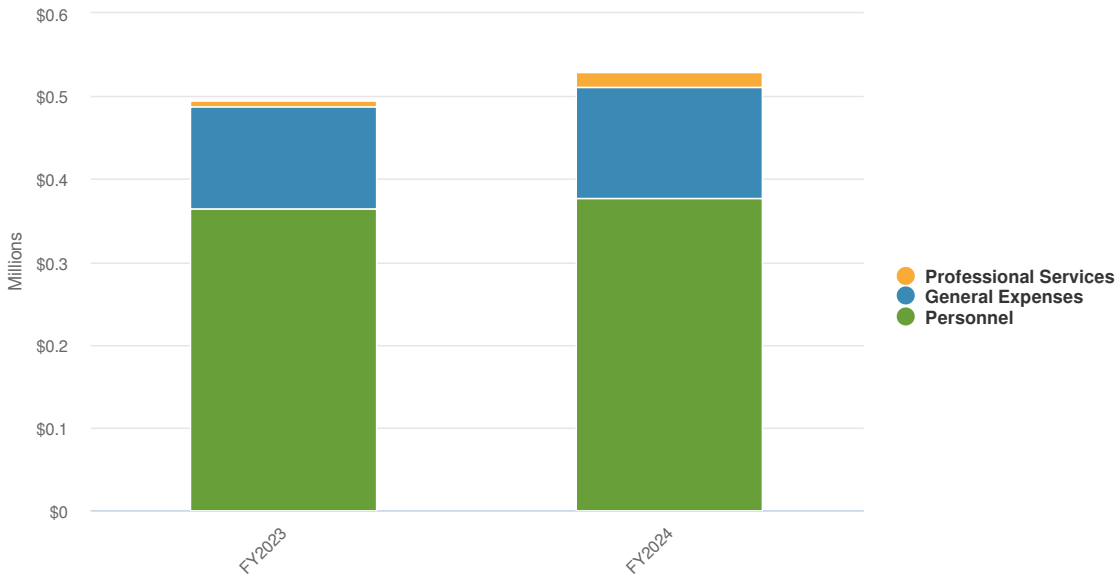
Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Note: The Human Resources department was previously budgeted in the Internal Service Fund. Previous year's budget data can be found there.

Budgeted and Historical Expenditures by Expense Type



Name	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Expense Objects			

Name	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Personnel	$363,669	$351,069	$376,765
Professional Services	$8,500	$38,500	$17,500
General Expenses	$123,194	$155,138	$135,042
Total Expense Objects:	**$495,363**	**$544,707**	**$529,307**

Staffing

Position	FY2023	FY2024
HR Director	1	1
HR Generalist	2	2

Performance Measures

Performance Metric	Target	FY2022
Employee Overall Satisfaction	90th Percentile	76th Percentile
Employee Engagement	75th Percentile	63rd Percentile
Turnover	Less than 10%	16%
Time to FIll Positions	42 Days	31.6 Days

Legal

Office Overview

The City Attorney's Office provides legal advice to the City Council, City Boards and Commissions, the City Manager, and other City officials and staff. Pursuant to the Charter, the City Attorney is appointed by the City Council. The City Attorney prepares or approves all proposed ordinances, as well as reviews contracts and other documents in which the City is a party or has an interest. The City Attorney also represents the City, or monitors the City's representation, in all civil litigation and proceedings with state and federal agencies. The City Attorney, or an appointed prosecutor, conducts all Municipal Court prosecutions.

The City Attorney's Office does not represent private parties in civil or criminal matters. Further, we cannot refer you to any specific attorneys or endorse any attorney in private practice; however, if you are in need of legal representation for a private matter you may call the State Bar of Texas at (800) 204-2222 to obtain names for evaluation.

Responsibilities

Handle all legal maters for the City, including:

- Attend City Council meetings, Planning and Zoning Commission meetings, other board and commission meetings, assist staff with legal matters in drafting and posting agendas, advise Council and other boards and commissions on legal matters, assist with compliance with open meeting law, ethics law, and other laws.
- Advise all City staff on compliance with laws and other legal issues, assist staff with legal review, drafting, and negotiation of various legal documents, such as bidding documents, development agreements, and other contracts. Draft and provide legal advice on the City Code and City Ordinances. Assist staff with employment law matters, public information requests, budget and taxation law, purchasing laws, land use laws, and many other issues.
- Handle all litigation involving the City, including review and response to legal notices and court notices directed to the City, and monitoring of litigation being handled by outside counsel. Represent the City in matters before state agencies, review and respond to notices related to utility regulation, personnel matters before agencies, and other agency matters. The City Attorney is responsible for arranging for prosecution of matters in Municipal Court.
- Monitor compliance with laws and regulations and assist with issues related to the City's Water, Sewer, Electric, and other utilities.

Expenditures by Expense Type

Note: The Legal department was previously budgeted in the Internal Service Fund. Previous year's budget data can be found there.

Name	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Expense Objects			
Professional Services			
LEGAL FEES	$325,000	$325,000	$325,000
DEPOSITION FEES	$0	$0	$5,000
Total Professional Services:	**$325,000**	**$325,000**	**$330,000**
Total Expense Objects:	**$325,000**	**$325,000**	**$330,000**

Communications



Chris Shadrock
Communications Director

"The Boerne community is more engaged than ever before. The Communications Department is a small, dedicated team working daily to inform our citizens and employees about the latest news in Boerne. We know people are busy and we strive to meet them where they are, so they have a clear and accurate understanding of what is happening in the city." - Chris Shadrock, Communications Director

Responsibilities

Utilizing a variety of outreach methods, the Communications Department works to share timely and accurate information on Boerne's local government and utility businesses. This office also serves as the public information arm of the city's government and is the point of contact for media outlets to request comments and additional information on city matters.

Boerne News

By maintaining Boerne News, our community has regular access to the latest news from the City of Boerne all in one place. This asset allows the City to better tell our story.

Social Media

Several of our departments and City Hall utilize social media to share information. You can follow the City of Boerne on Facebook, Twitter, and YouTube.

E-Newsletter and Emergency Alerts

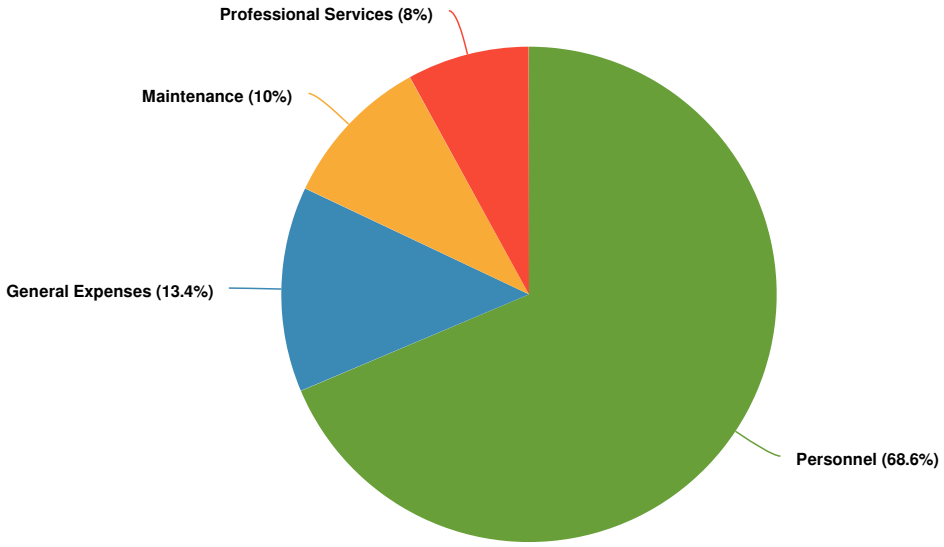
Residents can sign up for our monthly email newsletter and emergency alerts for timely messages sent straight to your phone and inbox.

Press Releases

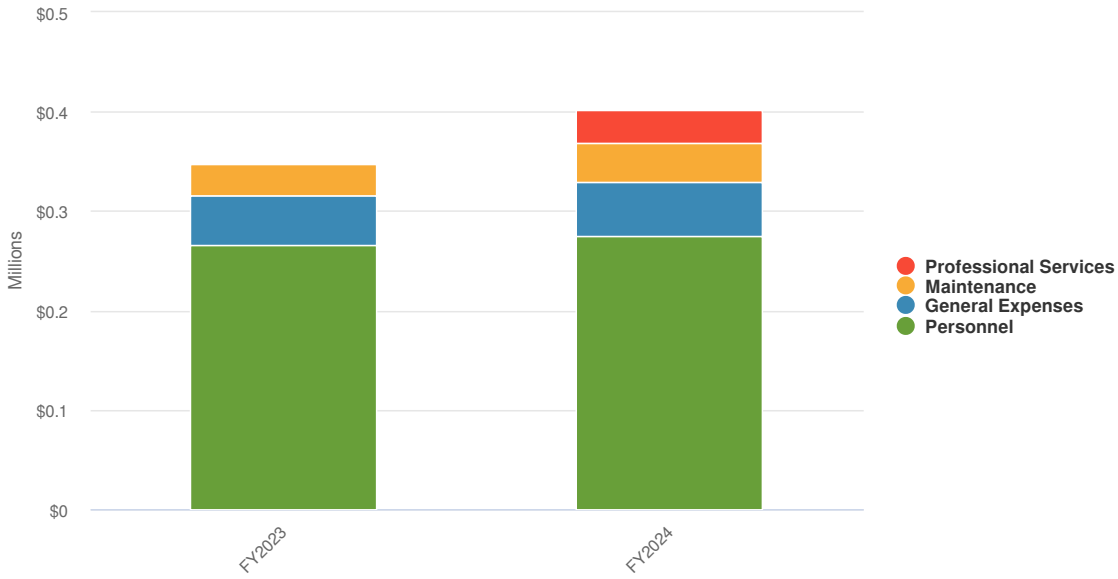
The Communications Department is the point of contact for media inquiries for all departments. We coordinate the release of information and assist media partners on their stories.

Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Budgeted and Historical Expenditures by Expense Type



Note: The Communications department was previously budgeted in the Internal Service Fund. Previous year's budget data can be found there.

Name	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Expense Objects			

Name	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Personnel			
SALARIES	$192,678	$183,431	$200,946
SOCIAL SECURITY CONTRIBUTION	$14,740	$13,882	$15,372
RETIREMENT CONTRIBUTION	$40,052	$34,613	$39,205
GROUP INSURANCE CONTRIBUTION	$17,007	$15,994	$18,936
INSURANCE - WORKERS' COMP	$1,342	$1,370	$825
Total Personnel:	**$265,819**	**$249,290**	**$275,284**
Maintenance			
SOFTWARE MAINTENANCE	$31,150	$31,287	$40,000
Total Maintenance:	**$31,150**	**$31,287**	**$40,000**
Professional Services			
PROFESSIONAL SERVICES	$0	$7,097	$32,000
Total Professional Services:	**$0**	**$7,097**	**$32,000**
General Expenses			
ADVERTISING-JOBS/PUBLIC REL	$10,000	$8,000	$7,000
REQUIRED PUBLIC NOTICES	$21,000	$21,000	$22,500
DUES & LICENSES	$200	$200	$700
INSURANCE	$2,792	$2,792	$3,541
OFFICE EXPENSE	$1,700	$1,700	$1,000
PUBLICATIONS/SUBSCRIPTIONS	$3,540	$3,540	$4,400
SCHOOLS/CONFERENCES/MTGS	$10,100	$10,100	$14,050
UNIFORMS	$620	$620	$400
MISCELLANEOUS	$0	$0	$200
Total General Expenses:	**$49,952**	**$47,952**	**$53,791**
Total Expense Objects:	**$346,921**	**$335,626**	**$401,075**

Staffing

Position	FY2023	FY2024
Communications Director	1	1
Digital Managing Editor	1	1

Performance Indicators

Performance Measure	2022
Ending Facebook Followers	14,300
Social Media Posts	426
Videos Shared	43
Videos Created	48
Midea Requests	169
Press Releases/Advisories	67
Boerne News Articles	60

Engineering and Mobility



Jeff Carroll, P.E.
Director of Engineering & Mobility

Mission

The purpose of Engineering & Mobility is to provide engineering services and street and drainage maintenance to citizens and the development community in order to preserve our city and ensure health and safety to the public.

Core Services

- Engineering plan review
- Construction inspection for public improvements
- City streets and drainage maintenance
- Capital projects related to streets, drainage, and sidewalks
- Floodplain management
- Geographic Information Systems (GIS)

Recent Accomplishments

The Engineering & Mobility department has accomplished many key outcomes and achievements in the past year including:

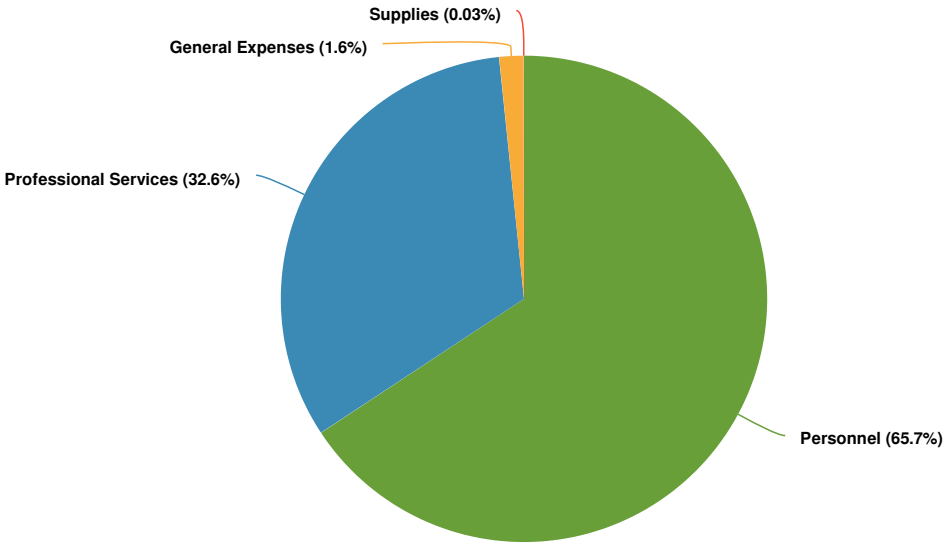
- Applying for the FEMA Community Rating System (CRS) which is a voluntary incentive program that recognizes and encourages community floodplain management practices that exceed the minimum floodplain requirements of the Nation Flood Insurance. Program (NFIP). Floodplain insurance rates will decrease for the community after adoption into the program in October 2023.
- Preparation of a 10-year maintenance plan for City streets to ensure proper preservation and reconstruction of city-maintained streets.
- Completion of the Rosewood sidewalk project which provided a continuous pedestrian route connecting sidewalks from Main Street to Esser Road.
- Negotiations with the Fairgrounds Association to obtain an easement in order to construct a future sidewalk from City Park to Champion High School along City Park Rd.
- Drainage Master Plan adoption.
- Mobility Masterplan/Thoroughfare Map process begun.
- Maintenance of all city streets and drainage systems.
- Equipment purchases.
- Hired new GIS Technician following retirement of previous Technician.
- Progress on Cascade Caverns Rd. Project, joint stormwater projects with Kendall County, bond projects and processes.
- City-wide Pavement Condition Index (PCI).

Department Goals

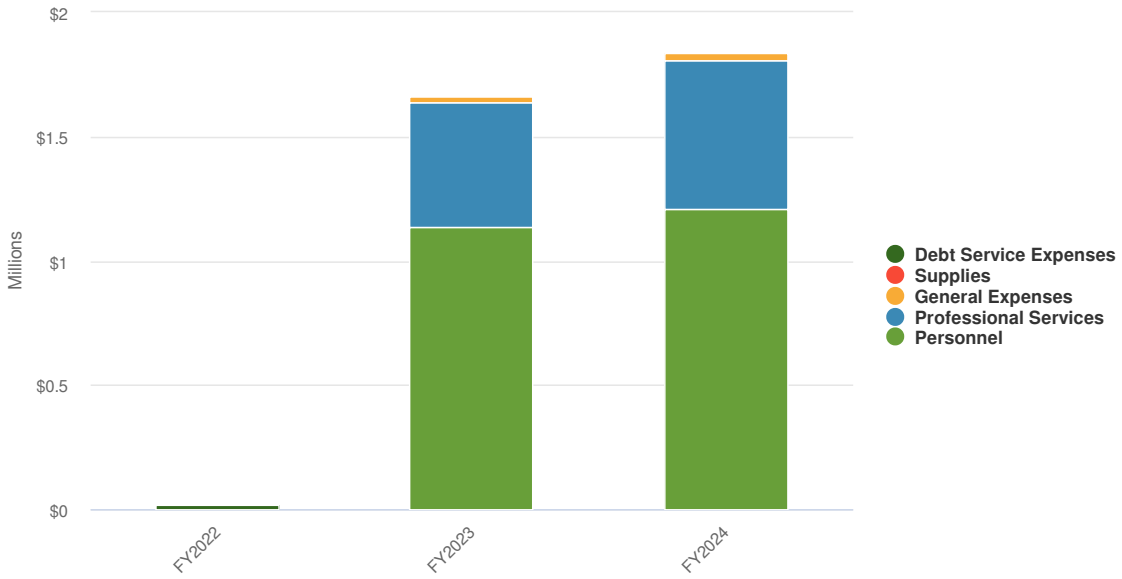
- Continue to improve the development process.
- Act upon and find funding to complete projects in the Master Plan.
- Improve our score for the Community Rating System to further lower floodplain insurance for the community.

Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Budgeted and Historical Expenditures by Expense Type



Note: The Development Services department was previously budgeted in the Internal Service Fund. Previous year's budget data can be found there.

Name	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Expense Objects			

Name	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Personnel	$1,136,730	$1,089,333	$1,206,380
Supplies	$0	$0	$500
Professional Services	$500,000	$518,400	$599,000
General Expenses	$23,125	$23,402	$29,351
Total Expense Objects:	**$1,659,855**	**$1,631,135**	**$1,835,231**

Staffing

Position	FY2023	FY2024
Administrative Assistant	1	1
Assistant City Engineer	1	0
Assistant City Engineer - Capital Projects	0	1
Assistant City Engineer - Development	0	1
City Engineer	1	1
Development Director	1	1
GIS Analyst	1	1
Senior Utilities Construction Inspector	1	1
Utilities Construction Inspector	3	3

Performance Measures

Performance Metric	Target	FY2022
Process reviews within 30 days	100% of permits on time	90%
Perform construction of capital projects on time	100%	100%
Increase street pavement condition index (PCI)	1 point increase	PCI increased 1 + points 76.6 to 77.9

Facility Maintenance

Donnie Bergmann
Parks Superintendent

Who We Are

The Community Service Department consists of a diverse group representing five divisions who are passionate about providing for the community. There are over four hundred acres of land to maintain, ten public parks and five and half miles of trails in Boerne, each offering something a little different to visitors. Simply put, we are here to provide fun and opportunities to create lifelong memories while still providing safe surroundings, whether you are enjoying a community event or clocking into work. Below you will read about the Parks & Recreation, Special Events, Boerne Cemetery, ***Facility Maintenance***, and Fleet Maintenance.

Mission Statement

The purpose of the Facility Maintenance department is to maintain a clean and safe environment in all city-owned buildings around the City of Boerne in order to effectively represent and serve all city employees and Boerne visitors.

Department Responsibilities

- Facilitate a safe and clean working environment for all city employees and visitors.
- Ensure that all city employees have a pleasant working facility.
- Provide comfort for all the enter a city-owned building.

Department Goals

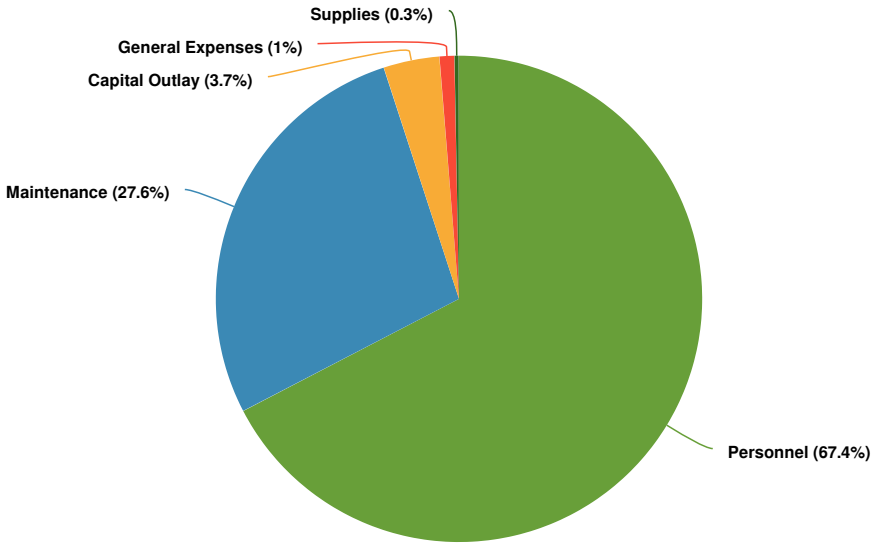
- Generator inspections, service, and testing
- Fire alarm inspections
- Fire suppression system annual inspections
- Fire sprinkler system and backflow annual inspections

Recent Accomplishments

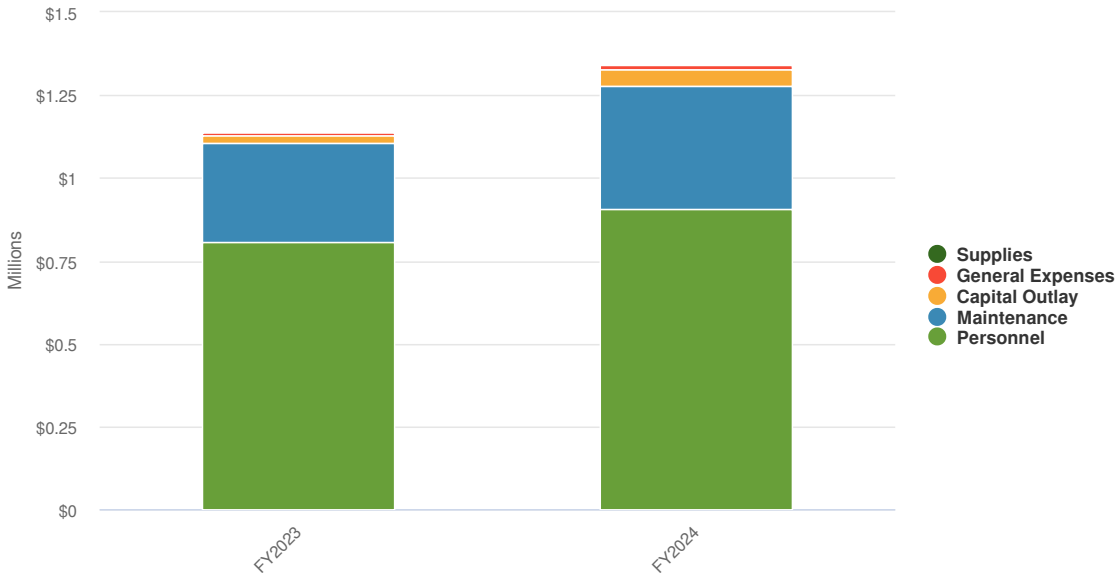
- Addition of an assistant to the facilities maintenance department.
- Initiating a 4-year LED lighting retrofit plan for the larger facilities.
- Initiated an improved record keeping system.

Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Budgeted and Historical Expenditures by Expense Type



Note: The Facility Maintenance department was previously budgeted in the Internal Service Fund. Previous year's budget data can be found there.

Name	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Expense Objects			

Name	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Personnel	$808,089	$854,469	$905,932
Supplies	$0	$73	$4,000
Maintenance	$298,222	$392,498	$371,222
General Expenses	$13,171	$15,910	$13,212
Capital Outlay	$20,000	$20,000	$50,000
Total Expense Objects:	**$1,139,482**	**$1,282,950**	**$1,344,366**

Staffing

Position	FY2023	FY2024
Assistant Maintenance Supervisor	1	1
Custodial Worker I	6	6
Maintenance Supervisor	1	1

Performance Indicators

Performance Measure	FY 2019-20	FY 2020-21	FY 2021-22
Resolution Time (Days)	18.55	25.31	8.89
Total Labor Hours	797	883	969

Fleet Maintenance

Lissette Jimenez
Director of Parks & Recreation

Who We Are

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Mission Statement

The purpose of the Fleet Department is to perform maintenance and repairs to the City of Boerne's fleet to keep the City's vehicles and equipment safe and functioning properly.

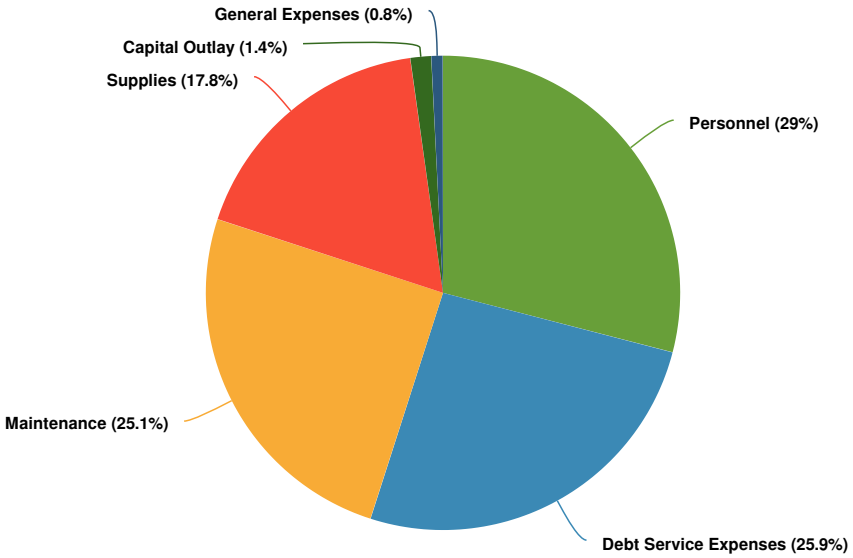
The City's fleet consists of police and pursuit vehicles, fire trucks, bucket trucks, digger trucks, utility vehicles, and dump trucks. The Fleet Department also maintains City equipment such as surveillance and emergency equipment, backhoes, street sweepers, sewer and road equipment, tractors, mowers, and other miscellaneous equipment.

Department Goals

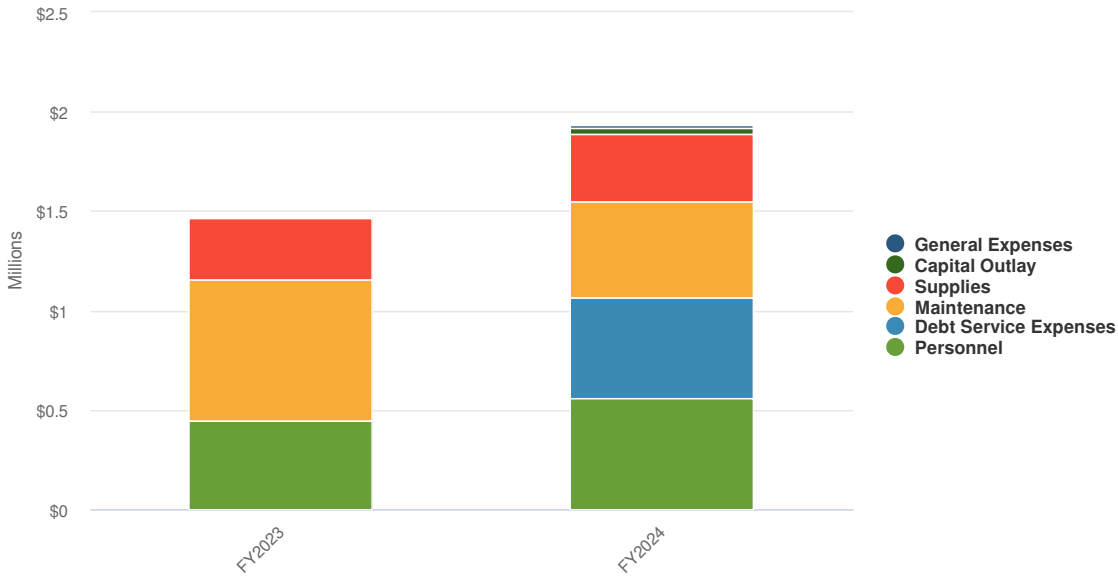
- The Fleet Department maintains an incredibly diverse inventory of vehicles, heavy equipment, and specialty tools for all the City of Boerne's departments. Our goal is to emphasize continued education and obtain needed certifications by scheduling a minimum of four hands-on training opportunities per employee per year.
- Based on feedback from last year's Customer Satisfaction Survey, the department has identified the need to explore options to improve the downtime of emergency response vehicles. Our goal is to audit our internal processes to identify potential efficiency improvements and needed resources.
- Providing excellent service to our customers is our highest priority. To measure this feedback, we will issue an annual Customer Satisfaction Survey to all of our customers. Our goal is to maintain a Customer Satisfaction Rating of 90 or above in all categories.

Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Budgeted and Historical Expenditures by Expense Type



Note: The Fleet Maintenance department was previously budgeted in the Internal Service Fund. Previous year's budget data can be found there.

Name	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Expense Objects			

Name	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Personnel	$443,535	$430,431	$561,108
Supplies	$310,994	$310,994	$343,294
Maintenance	$710,146	$710,146	$484,520
General Expenses	$10,898	$10,833	$15,077
Debt Service Expenses			$500,746
Capital Outlay	$0	$0	$27,500
Total Expense Objects:	**$1,475,573**	**$1,462,404**	**$1,932,245**

Staffing

Position	FY2023	FY2024
Leave of Absence	1	0
Mechanic I	4	4
Mechanic II	0	1
Fleet Supervisor	1	1

Performance Indicators

Performance Measure	FY 2021-22	FY 2022-23
Average "Timeliness" survey score	93/100	96/100
Average "Quality" survey score	94/100	96/100
Average "Customer Service" survey score	96/100	100/100

Parks & Recreation

Lissette Jimenez
Director of Parks & Recreation

Who We Are

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Mission Statement

The department strives to improve the quality of life, promote tourism, and contribute to community aesthetics, as well as oversees various programs and events such as adult athletics, youth athletics, community education, fitness & recreation, and year-round community events.

Responsibilities

In addition to overseeing programs and events such as adult athletics, youth athletics, community education, fitness & recreation, and year-round community events, the Parks & Recreation department is determined to provide a safe environment, inclusivity, quality facilities, and open green space for citizens to experience cultural and environmental opportunities. Furthermore, providing parks and trails geographically and demographically accessible to residents and visitors.

Recent Accomplishments

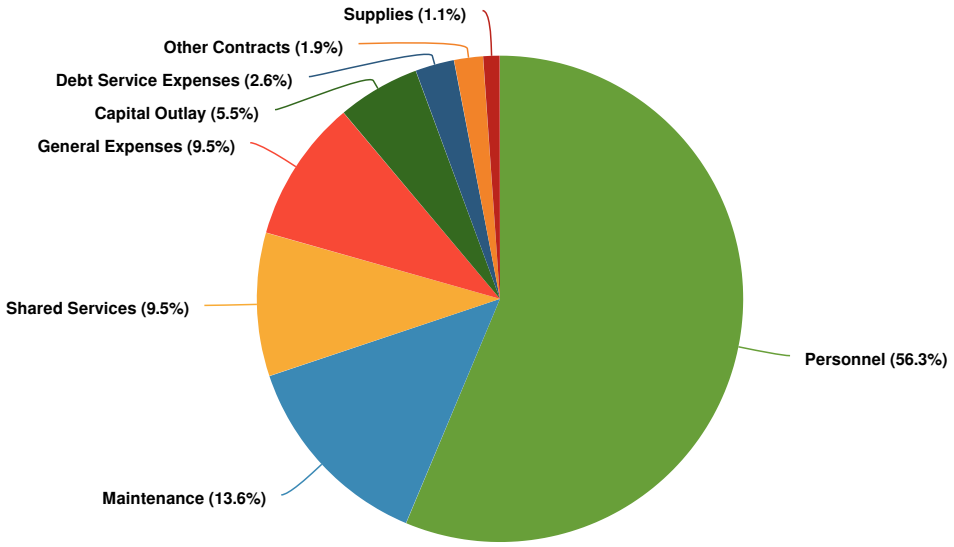
- Waterworks Terrace master conceptual design update and exhibits.
- Parks Master Plan review and update.
- 30% of the conceptual design of Northside Community Park.
- Design and create an interpretive sign for Veterans Park.
- Successfully hosted the TAAF Annual Conference.

Department Goals

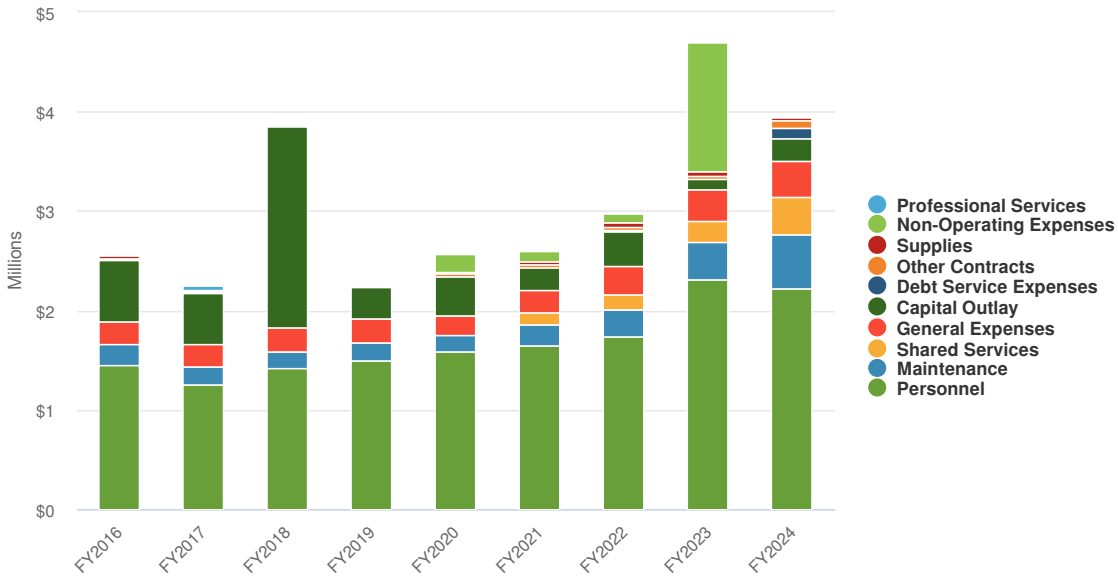
- Enhance safety at Northrup Park by readjusting the lighting and adding shields for glare.
- Research the commitment, involvement, and cost to become CAPRA recognized through NRPA. CAPRA is the only national accreditation body for park and recreation agencies.
- By the end of fiscal year, the Operation Excellence program will complete its first round of internal audits.

Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Budgeted and Historical Expenditures by Expense Type



Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Expense Objects				
Personnel	$1,742,639	$2,306,882	$1,775,123	$2,224,471
Supplies	$35,952	$52,020	$44,520	$43,500
Maintenance	$265,951	$385,870	$402,327	$535,300

Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
General Expenses	$292,716	$318,973	$335,188	$374,249
Shared Services	$146,556	$208,318	$208,318	$376,660
Other Contracts	$30,000	$30,000	$30,000	$76,000
Debt Service Expenses	$24,730		$0	$102,593
Non-Operating Expenses	$100,000	$1,300,000	$1,300,000	$0
Capital Outlay	$341,018	$98,160	$99,063	$217,120
Total Expense Objects:	**$2,979,561**	**$4,700,223**	**$4,194,539**	**$3,949,893**

Staffing

Postition	FY2023	FY2024
Admin Specialist	1	0
Facility and Cemetery Coordinator	0	1
Assistant Parks Superintendent	1	1
Director of Parks and Recreation	0	1
Assistant Director of Parks & Recreation	1	1
Park Attendant	2	2
Parks Crew Leader	2	2
Parks Superintendent	1	0
Recreation Coordinator	3	3
Recreation Supervisor	1	1
Service Worker I	9	10
Service Worker II	4	3
Service Worker III	2	2
Laborer (Seasonal)	1	1
Asst Pool Manager	0.25	0.25
Head Lifeguard	0.5	0.5
Lifeguard	4	4
Pool Cashier	1	1
Pool Manager	0.25	0.25

Performance Indicators

Performance Measure	FY 2019-20		FY 2020-21		FY2021-2022	
	Visits	Visitors	Visits	Visitors	Visits	Visitors
Main Plaza	64.2k	44.7k	69k	49.4k	76.4	53.8
City Park	282.6k	67.6k	319.8k	74.9k	280.7K	64.5K
Boerne Lake	135.4k	68.4k	169.1k	91.7k	178K	93.5K
Northrup Park	125.1k	36.1k	171.7k	40.6k	153.9K	34K
Kinderpark	12.7k	6.8k	21.5k	7.5k		
State Park	14.8k	6.8k	20k	7.1k	22.8K	5.6K
Northside Community Park	22K	8.5K	31.6K	6.5K		
Veterans Plaza	4.3k	1.7k	5.7k	4.7k	6.6K	5.1K
Northside Neighborhood Park	3.2K	1.8K	3.4K	928	2.4K	1.3K

Performance Measure	FY 2019-20	FY2020-21	FY2021-22
Total Recreation Teams	118	199	172
Total Community Ed Students	309	548	1091
Total Community Ed Classes	90	96	100
Total Community Events	33	34	33

Cemetery

Lissette Jimenez
Director of Parks & Recreation

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Mission Statement

The purpose of the Boerne Cemetery is to provide and produce a peaceful and respectful resting place for Boerne and the surrounding community so they can have comfort and ease knowing their loved ones are in a maintained cemetery that the City takes much pride in looking after and keeping beautiful.

Core Services

- Comfort and reassurance
- Maintenance of the property
- Respect for patrons and their loved ones
- Monitor other companies to administer the most beneficial cemetery needs.

Recent Accomplishments

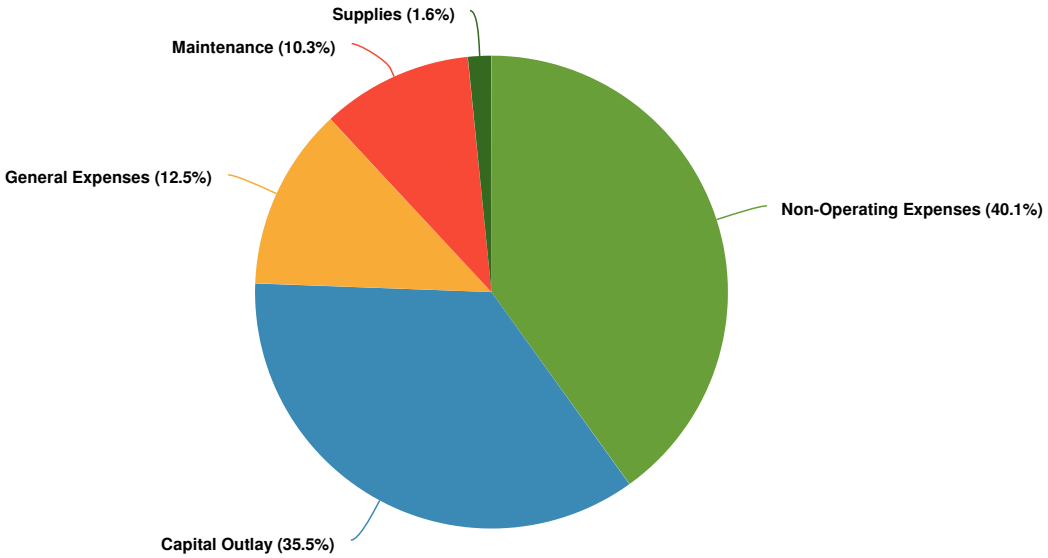
- Annual tree trimming
- Rate study on lots
- Worked with Boerne Cemetery Foundation and BISD Welding Club to complete an archway over the entrance leading into the historical section.

Department Goals

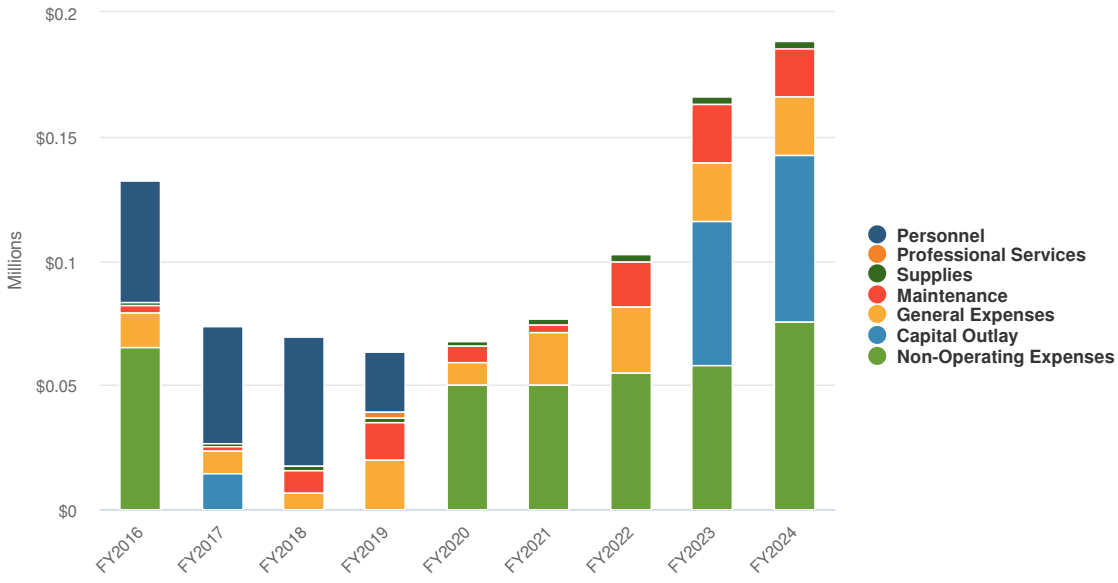
- Recoat roadways throughout the cemetery
- Tree trimming

Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Budgeted and Historical Expenditures by Expense Type



Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Expense Objects				
Supplies	$2,987	$3,000	$1,000	$3,000
Maintenance	$17,726	$23,994	$23,994	$19,494
General Expenses	$26,717	$23,481	$23,481	$23,567

Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Non-Operating Expenses	$55,000	$57,825	$57,825	$75,639
Capital Outlay	$0	$58,000	$58,000	$67,000
Total Expense Objects:	**$102,430**	**$166,300**	**$164,300**	**$188,700**

Performance Indicators

Performance Measure	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22
Lots Sold	42	49	104	97
Lots Remaining	391	464	360	263
Niches Sold	20	14	15	22
Niches Remaining	60	46	31	9
Labor Hours	2349.3	1732	1930	1898

Library



Kelly Skovbjerg
Library Director

"The Patrick Heath Public Library is a modern library that offers innovative, customer-focused services with a warm, small-town feel."

Who We Are

The library cultivates a love of reading, enriches lives through lifelong learning, and provides a welcoming space for people to engage and connect. We strive to demonstrate the values of respectfulness, inclusivity, and responsiveness in every interaction.

Services

In addition to the lending of thousands of physical and digital items, the library offers free access to the Internet, technology, quiet study spaces as well as meeting rooms, programs and seminars for all ages, informational databases, Spanish-language materials, home bound delivery, outreach to all age groups, homework help, notary and proctoring services, local and family history research and so much more.

Department Goals

- To inspire people of all ages to read for enjoyment and to instill a love of reading in children.
- To promote lifelong learning for all ages.
- To be flexible in developing spaces and services to meet the needs of a growing, diverse community.

Recent Accomplishments

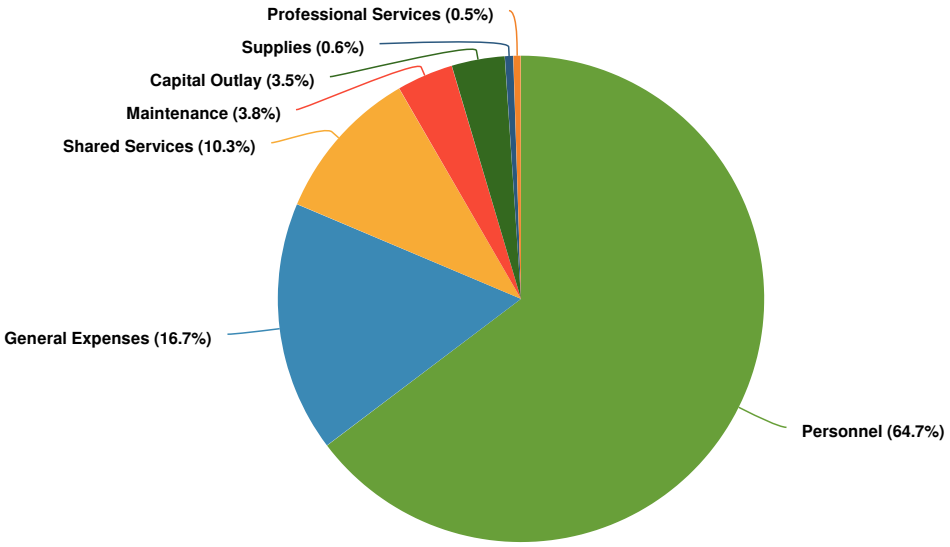
- Implemented the third year of the Silver Library Initiative, a program to support and assist with technology and provide enriching programming and resources at locations throughout the community.
- Digitized and made accessible to the public hundreds of local history archive collections and oral histories.
- Through grant funding, digitized issues of The Boerne Star from 1966-1993, now available on the Portal to Texas History.
- Received a grant to digitize the rest of The Boerne Star issues from 1994-2010, which will be available at the Portal to Texas History.
- Added a book drop on the south side of the community at the Boerne Police Department.
- Began the process of ordering and equipping a mobile library van.
- Continued to update the first-floor lobby area to allow more study and collaboration space.
- Implemented one 5-week workshop and developed partnerships with several community assistance agencies to provide support to families and parents of young children through the Family Place Libraries program.
- Added a Library of Things to support homeschooling families.
- Upgraded equipment in our Digital Media Lab
- Introduced a new messaging software for targeted marketing and promotion of library programs and services.

Experience

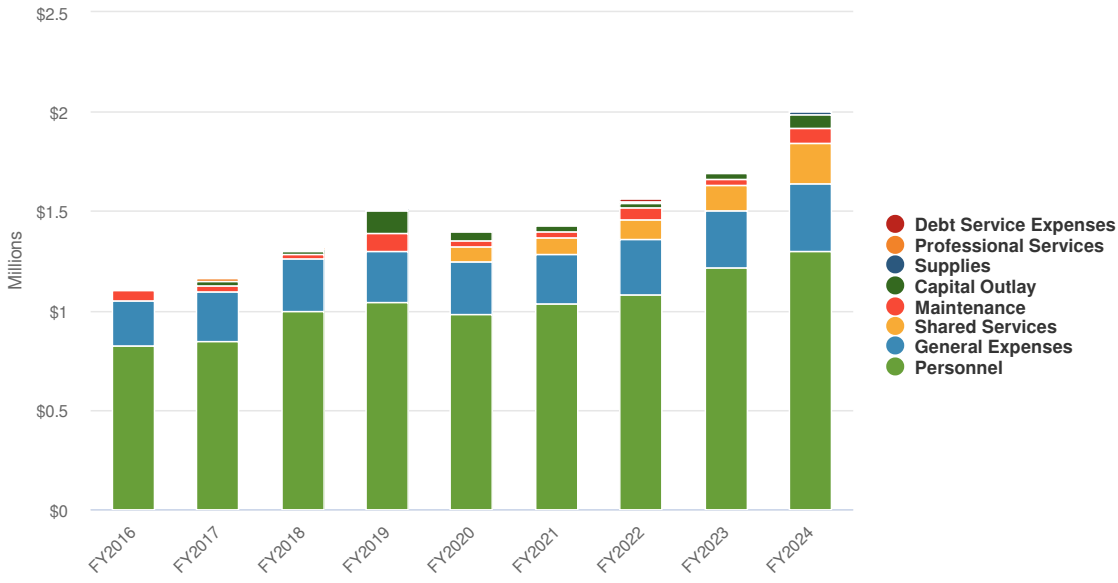
Kelly Skovbjerg began her career with the City of Boerne in 2002 as a reference librarian and then in 2003 became director of the Patrick Heath Public Library. During that time, she led the planning, fundraising, design, and construction of a 30,250 square foot, LEED Gold-Certified public library which opened in 2011. She also assisted with the planning, design, construction, and fundraising for the 250-seat outdoor amphitheater and restroom which opened in 2016.

Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Budgeted and Historical Expenditures by Expense Type



Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Expense Objects				
Personnel	$1,078,658	$1,216,908	$1,159,569	$1,300,879
Supplies	$5,860	$6,500	$6,500	$11,260
Maintenance	$53,494	$31,547	$36,797	$75,471

Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Professional Services	$5,000	$0	$0	$10,000
General Expenses	$283,320	$283,269	$295,793	$335,217
Shared Services	$99,268	$128,425	$128,425	$206,451
Debt Service Expenses	$13,554		$0	$0
Capital Outlay	$26,095	$32,600	$18,600	$71,166
Total Expense Objects:	**$1,565,249**	**$1,699,249**	**$1,645,684**	**$2,010,444**

Visit Boerne



Larry Woods
Visit Boerne Director



Mission Statement
Visit Boerne is committed to sharing the Boerne experience, resulting in an increase in hotel revenues and positively impacting the local economy.

Vision Statement

"Tell the world about Boerne, Texas"
To accomplish our mission and vision statements, Visit Boerne will create dynamic marketing and advertising campaigns and initiatives based upon historic data, market analytics and strategic planning.

Department Goals

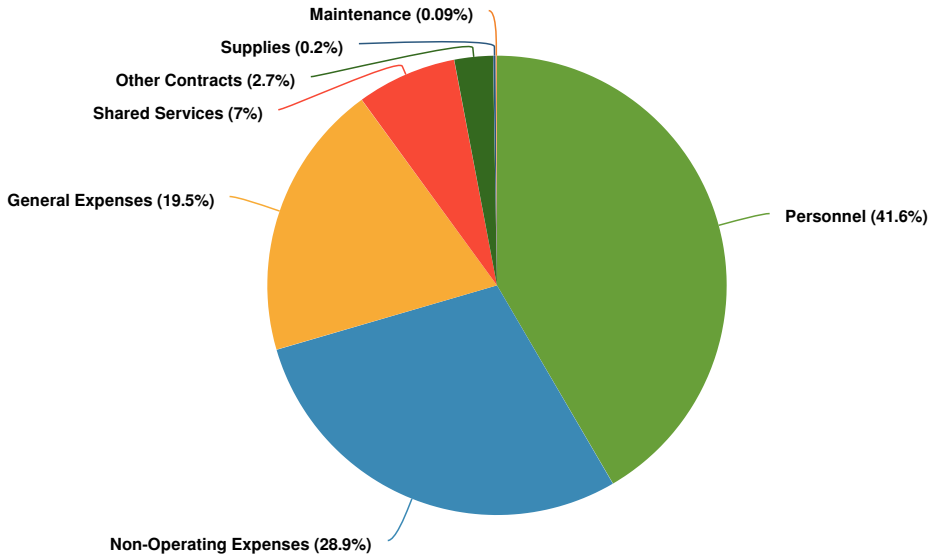
- Meet or exceed our revenue goal of 1.11 million dollars in collected hotel occupancy tax.
- Maintain or exceed our fair market share within our competitive set.
- Maintain or grow our total potential advertising reach year-over-year.
- Develop a strategic plan for short-term rental properties.
- Rebranding initiative for Visit Boerne as a Destination Marketing Organization.
- Develop quarterly performance statements outlining the successes of the department.

"Boerne, Texas: An Elevated Hill Country Experience"

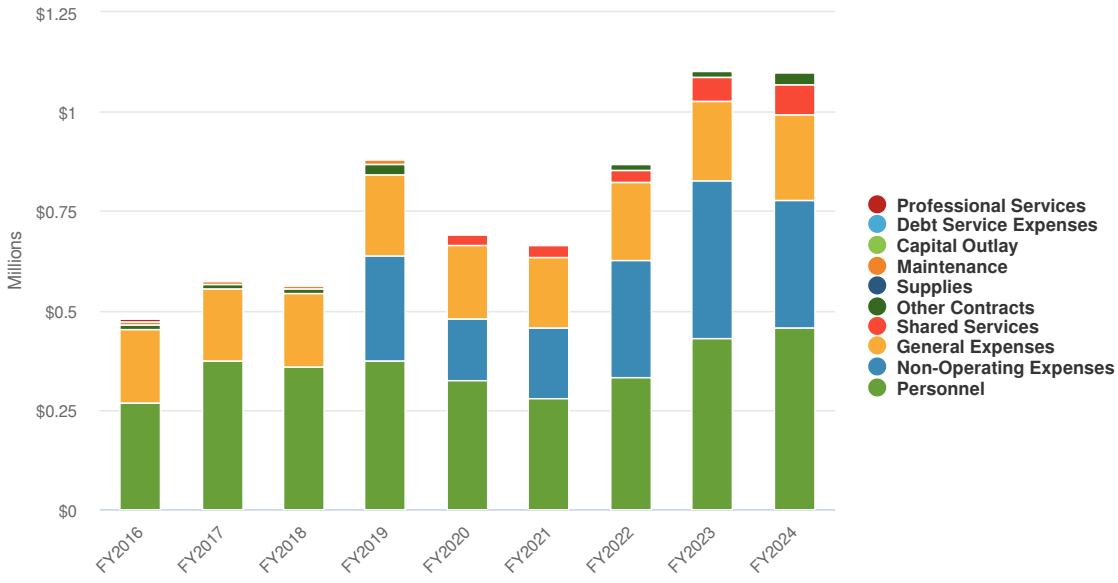
Boerne, Texas is continually recognized for the high quality of its shopping, dining, accommodations, and services. With this in mind, Visit Boerne will continue to champion these efforts in letting the world know that Boerne truly is an elevated experience in the Texas Hill Country through continued marketing and advertising of this message.

Expenditures by Expense Type

Budgeted Expenditures by Expense Type



Budgeted and Historical Expenditures by Expense Type



Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Expense Objects				
Personnel	$333,522	$428,797	$377,818	$458,247
Supplies	$0		$0	$1,800
Maintenance	$791	$1,000	$1,000	$1,000

Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
General Expenses	$195,008	$199,593	$199,593	$214,836
Shared Services	$32,996	$60,810	$60,810	$77,535
Other Contracts	$14,500	$14,500	$14,800	$30,000
Debt Service Expenses	$2,729		$0	$0
Non-Operating Expenses	$293,106	$398,000	$398,000	$318,582
Capital Outlay	$1,145	$4,300	$4,300	$0
Total Expense Objects:	**$873,796**	**$1,107,000**	**$1,056,321**	**$1,102,000**

Utilities



Mike Mann
Utilities Director

Mission Statement

The mission of the Utility Operations Department is to provide basic utility services to city residents/ratepayers so they can enjoy a high quality of life. We must maintain reliable operations within allowable regulatory parameters while providing for the present and planning for the future. Boerne Utilities strives to lead in terms of quality, sustainability, and reliability to enhance the quality of life for current and future ratepayers.

Core Services

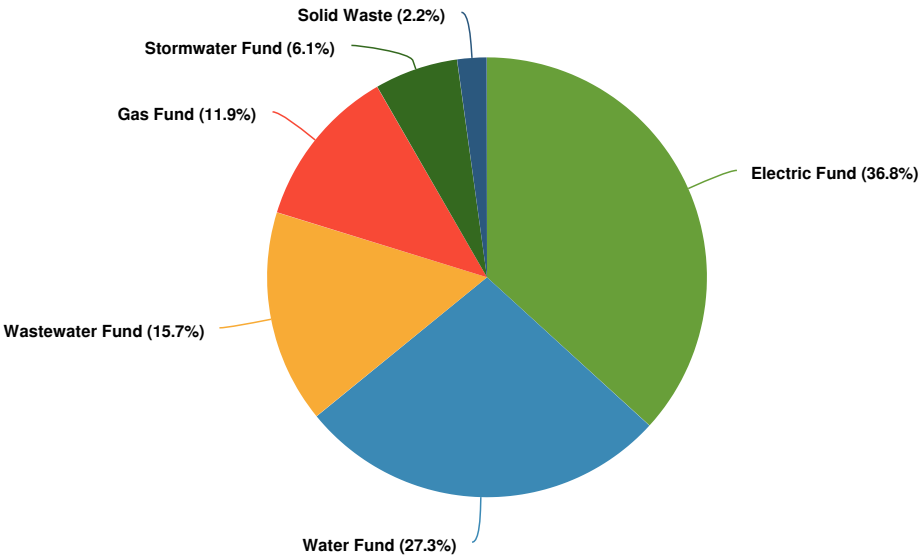
- Electric Service
- Water Service
- Wastewater Service
- Natural Gas Service
- Development Support
- Internal/External Customer Services

Recent Accomplishments

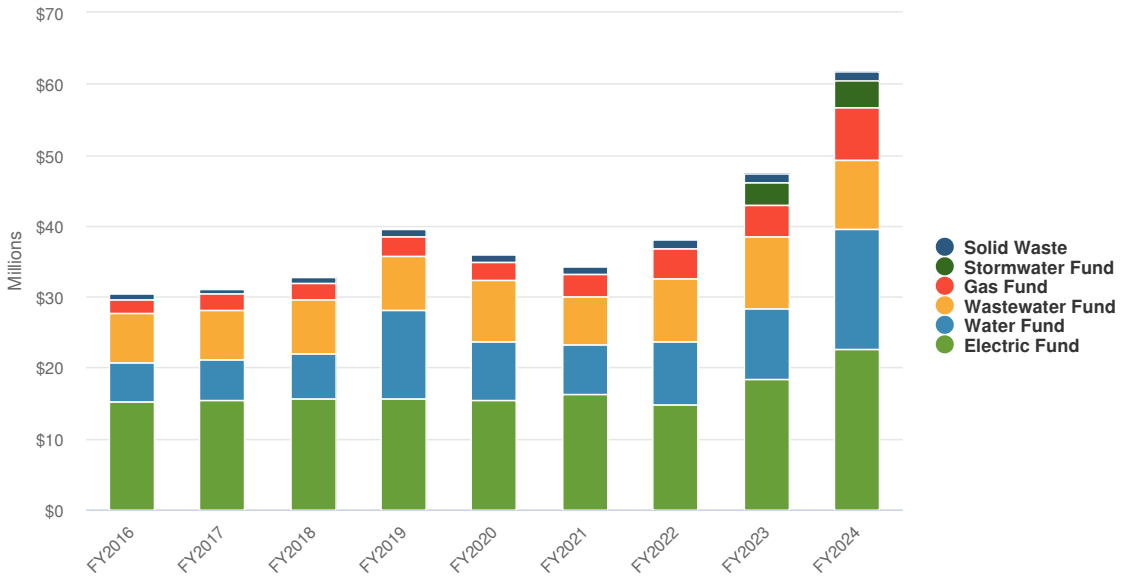
- Completed preparationof an Electric Operations Plan, Emergency Response Plan, and Critical Loads Designations in response to Winter Storm Uri in 2021.
- Advanced backup power generator installation at the City's water treatment plant despite supply chain issues.
- Began planning and preparation for construction of a second delivery point for potable water from GRRA's Western Canyon Regional Water Supply Project.
- Completed the expansion of the School Sewer Lift Station (wet-well addition).
- Cleaned and video inspected about 20 sewer mains in the system.

Expenditures by Fund

2024 Expenditures by Fund



Budgeted and Historical 2024 Expenditures by Fund



Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Electric Fund				
Personnel	$1,313,814	$2,571,888	$2,179,329	$2,869,182
Cost of Goods/Services Sold	$9,671,061	$10,476,350	$10,692,692	$9,718,907
Supplies	$51,405	$57,180	$38,000	$41,000
Maintenance	$432,377	$270,835	$277,839	$558,893
Professional Services	$119,853	$167,038	$167,038	$166,822
General Expenses	$411,622	$408,781	$401,757	$450,568
Shared Services	$710,799	$888,732	$888,732	$1,078,224
Other Contracts	$40,000	$60,000	$65,000	$65,000
Debt Service Expenses	$782,127	$69,928	$51,603	$119,119
Non-Operating Expenses	$1,315,863	$2,810,568	$2,810,568	$6,898,782
Capital Outlay		$721,347	$875,798	$736,017
Total Electric Fund:	**$14,848,921**	**$18,502,647**	**$18,448,356**	**$22,702,513**
Water Fund				
Personnel	$1,864,162	$1,739,961	$2,107,059	$2,153,522
Cost of Goods/Services Sold	$2,390,896	$2,469,091	$2,450,091	$2,874,494
Supplies	$115,408	$98,460	$89,395	$98,000
Maintenance	$275,959	$342,070	$292,675	$342,992
Professional Services	$247,981	$77,038	$90,520	$76,822
General Expenses	$442,634	$397,230	$453,284	$439,925
Shared Services	$766,331	$938,077	$938,077	$1,041,793
Other Contracts	$10,000	$10,000	$10,000	$10,000
Debt Service Expenses	$1,963,037	$0	$0	$21,070
Non-Operating Expenses	$727,863	$665,863	$665,863	$1,496,456
Capital Outlay		$3,120,021	$3,214,538	$8,318,561

Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Total Water Fund:	**$8,804,271**	**$9,857,811**	**$10,311,502**	**$16,873,635**
Wastewater Fund				
Personnel	$1,432,805	$1,789,396	$1,635,249	$1,801,514
Cost of Goods/Services Sold	$386,662	$373,390	$373,390	$392,043
Supplies	$149,315	$142,000	$136,850	$177,000
Maintenance	$355,534	$422,170	$442,470	$534,100
Professional Services	$78,141	$86,378	$137,387	$86,339
General Expenses	$622,526	$608,393	$645,945	$645,310
Shared Services	$801,453	$1,019,912	$1,019,912	$1,199,651
Other Contracts	$254,085	$215,000	$177,220	$215,000
Debt Service Expenses	$4,726,503	$2,608,330	$2,603,379	$2,628,338
Non-Operating Expenses	$10,575	$10,575	$10,575	$1,100,688
Capital Outlay		$2,870,250	$2,872,163	$888,500
Total Wastewater Fund:	**$8,817,600**	**$10,145,794**	**$10,054,540**	**$9,668,483**
Stormwater Fund				
Professional Services	$400	$175,000	$175,000	$160,000
General Expenses	$3,651	$18,100	$10,600	$20,696
Shared Services	$0			$86,119
Debt Service Expenses	$11,564		$0	$0
Non-Operating Expenses	$0	$0	$0	$461,185
Capital Outlay		$2,877,362	$2,017,889	$3,059,587
Total Stormwater Fund:	**$15,615**	**$3,070,462**	**$2,203,489**	**$3,787,587**
Gas Fund				
Personnel	$1,095,661	$1,289,800	$1,104,639	$1,267,869
Cost of Goods/Services Sold	$1,861,401	$1,800,615	$1,562,970	$1,497,954
Supplies	$35,206	$25,000	$25,850	$21,000
Maintenance	$128,171	$143,140	$146,219	$108,652
Professional Services	$35,187	$26,378	$32,130	$26,339
General Expenses	$124,425	$146,615	$148,786	$152,491
Shared Services	$394,998	$489,900	$489,900	$624,934
Other Contracts	$10,000	$10,000	$10,000	$10,000
Debt Service Expenses	$679,253	$188,267	$188,267	$278,162
Non-Operating Expenses	$10,575	$10,575	$10,575	$511,768
Capital Outlay		$360,602	$360,602	$2,853,352
Total Gas Fund:	**$4,374,878**	**$4,490,892**	**$4,079,938**	**$7,352,521**
Solid Waste				
Cost of Goods/Services Sold	$1,071,836	$1,078,930	$1,078,930	$1,143,667
General Expenses	$36,543	$30,699	$66,208	$44,639
Other Contracts	$18,000	$143,000	$143,000	$143,000
Debt Service Expenses	$85		$0	$0
Non-Operating Expenses	$0	$0	$0	$12,239

Name	FY2022 Actual	FY2023 Budgeted	FY2023 Projected	FY2024 Budgeted
Total Solid Waste:	$1,126,464	$1,252,629	$1,288,138	$1,343,545
Total:	$37,987,748	$47,320,235	$46,385,963	$61,728,284

CAPITAL IMPROVEMENTS

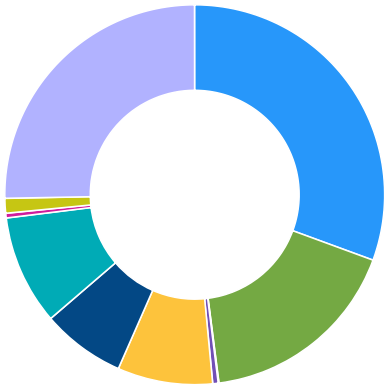
Capital Improvements: One-year Plan

Total Capital Requested

$32,680,000

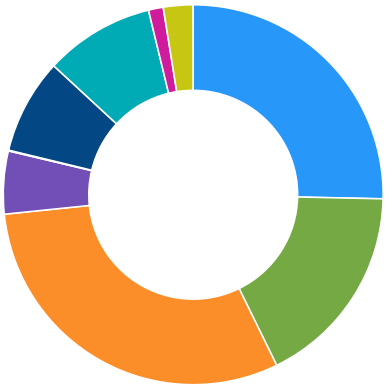
32 Capital Improvement Projects

Total Funding Requested by Department



2022 Bond Construction Fund (31%)	$10,000,000.00
Capital Projects Construction Fund (17%)	$5,677,000.00
Electric (0%)	$20,000.00
Engineering and Mobility (0%)	$150,000.00
Gas (8%)	$2,648,352.00
Parks (7%)	$2,325,000.00
Stormwater (9%)	$3,050,087.00
Streets (0%)	$134,000.00
Wastewater (1%)	$410,000.00
Water (25%)	$8,265,561.00
TOTAL	**$32,680,000.00**

Total Funding Requested by Source



Capital Projects Construction Fund (25%)	$8,286,000.00
Capital Recovery Fund (17%)	$5,690,000.00
Debt (31%)	$10,000,000.00
Developer Contribution (5%)	$1,750,000.00
Electric Fund (0%)	$20,000.00
Gas Fund (8%)	$2,648,352.00
Stormwater Fund (9%)	$3,050,087.00
Wastewater Fund (1%)	$410,000.00
Water Fund (3%)	$825,561.00
TOTAL	**$32,680,000.00**

Water Requests

Itemized Requests for 2024

Ammann Road Water Tank & Pump Station **$3,500,000**

The Ammann Road Water Tank and Pump Station will be a GBRA delivery point for the City to meet the future water demands in this area due to new developments. Location of a water source in the George's Ranch area is necessary to provide...

CC&B Water Modules **$745,561**

The integrator for the water (and gas) Orion modules is at end of life and is a security risk. It is necessary to change out approximately 1344 gas modules to ERT modules in order for them to be read through our current system (Tunet).

CKC Water Main **$80,000**

Extend water main along IH-10 to CKC Properties due to annexation of property by City.

GBRA Ammann Road Water Main **$2,320,000**

Water main is required to deliver GBRA water to the future Ammann Road Water Tank and Pump Station. GBRA will require that the City fund the extension from the GBRA transmission main to the City's tank/pump station site. This should be a...

SH-46 Reclaimed Water Main Bore **$200,000**

A reclaimed water main bore for system interconnection between Ranches at Creekside and Esperanza will be required when development north of SH-46 demands increase.

Trails at Herff Ranch Reclaimed Main **$250,000**

This reclaimed water main will eventually be needed to service the entire reclaimed distribution system by providing flow redundancy and increased capacity for a future elevated storage facility in the area. It will also allow us to provide...

WCID #4 Water Mains Oversizing **$70,000**

As phases of George's Ranch develop, the City will need to oversize various onsite mains to be installed by the developer from 8-inch to 16-inch. The schedule for these expenses will be based on the developer's progression through...

WCID #4 Water Supply Main (Ammann) **$1,100,000**

This main will be needed to transport water between our new GBRA delivery point along Amman Road and (WCID #4) George's Ranch. George's Ranch is responsible for building the water distribution system within the development and...

Total: $8,265,561

Wastewater Requests

Itemized Requests for 2024

CKC Sewer Main Extension **$60,000**

A sewer main extension to CKC Properties site is required due to City annexation of the property.

Suggs Creek Sewer Main **$350,000**

The sewer main extending form US-87 to the west side of IH-10 has been in our utility impact fee CIP for many years. We recently executed a development agreement with Regent Park that includes some cost sharing with the developer. ...

Total: $410,000

Stormwater Requests

Itemized Requests for 2024

Drainage - Adler Road Culverts at Currey Creek and No-Name Creek $765,000

Per Drainge Master Plan (DMP) project #1, improve low water crossings along Adler Road to enhance safety and mobility. This project includes street reconstruction, curbs, sidewalks and driveway approaches as needed. Per...

Drainage - Old San Antonio Street at Menger Creek $2,285,087

Per 2022 Drainge Master Plan (DMP) project #5D, improve low water crossing at Old San Antonio Street to enhance safety and mobility. This proposed project includes street reconstruction, curbs, sidewalks and driveway approaches as...

Total: $3,050,087

Streets Requests

Itemized Requests for 2024

Intersection - Traffic Signal Street Sign Upgrades $72,000

Upgrade street name signage at key intersections to larger backlit signs May require signal mast arm & electric upgrades Masterplan item 6.2.5, enhancing street signage throughout town to improve community identification

Sidewalk FY24 - Schweppe Area $62,000

Sidewalk extension for portions of Schweppe, E. Hosack, Hickman & Frey

Total: $134,000

Parks Requests

Itemized Requests for 2024

River Road Bank Stabilization $2,325,000

Construction includes all labor, equipment, and work for construction of rock sill, coir fiber matting, concrete sidewalk, steel fishing piers, steel boardwalk, earthwork, landscape, and irrigation.

Total: $2,325,000

Electric Requests

Itemized Requests for 2024

Buc-ee's Electric Line Relocation $20,000

The development agreement between the City of Boerne and Buc-ee's requires relocation of the existing primary electric distribution line to a new alignment adjacent to the revised IH-10 ROW line. The work must be complete prior to the...

Total: $20,000

Engineering and Mobility Requests

Itemized Requests for 2024

Old San Antonio Corridor Study **$75,000**

Old San Antonio Corridor Study

Street Improvements - School Street Corridor Study **$75,000**

Corrdior Study of School Street from Ih10 to Main Street.

Total: $150,000

Gas Requests

Itemized Requests for 2024

Buc-ee's Gas Main Relocation **$20,000**

The development agreement between the City and Buc-ee's requires that the City relocate the existing gas main along the IH-10 frontage road to the proposed new ROW line. This work is required to be complete before the building permit for...

CC&B Gas Modules **$128,352**

The integrator for the gas (and water) Orion modules is at end of life and is a security risk. It is necessary to change out approximately 1344 gas modules to ERT modules in order for them to be read through our current system (Tunet).

Eastern Gas Distribution Loop **$2,500,000**

As service demand grows in the eastern portion of the distribution system, the need for delivering greater flow rates to that area will increase. Pipeline capacity must be added to provide that capacity in order to maintain system pressure and...

Total: $2,648,352

Capital Projects Construction Fund Requests

Itemized Requests for 2024

Fire Station #2 **$2,800,000**

Second fire station.

Parking Lot - Johns/Main **$5,000**

Rehab of City/ISD/Chruch Parking lot. Pavement, Landscaping & Signage to match TBD design standards. Approx 2,400 SY

Parking Lot - Plant Street Paving **$453,000**

The city recently purchased a portion of this lot from LCRA. This will be a rehab of the parking lot. Pavement, Landscaping & Signage to match TBD design standards. Approx 2,000 SY

Sidewalk - 463 S. Main **$40,000**

sidewalk project to remove stairs along South Main street.

Sidewalk - Oak Park **$301,000**

continuation of current project under construction.

Street Improvements - MPO Cascade Caverns Project **$1,928,000**

Cascade Caverns, Scenic Loop (IH10 to Cascade) & Old San Antonio project as submitted to MPO in 2021. After construction, we will be reimbursed 70% for eligible (roadway & drainage costs). The city is...

Waterwork Terrace **$150,000**

Waterwork Terrace

Total: $5,677,000

2022 Bond Construction Fund Requests

Itemized Requests for 2024

2022 Bond - Adler Road Widening **$4,572,108**

per draft MMP roadway project #08, Widen Adler Street to a 3-lane roadway section and improve intersections

2022 Bond - Johns Rd Intersection Improvements **$245,320**

Per the MMP, intersection improvements for Johns/School and Johns/Main Street. A round-a-bout is proposed at school street and a right turn lane at main street.

2022 Bond - Northside Community Park Construction **$5,082,952**

Improvement to include: multipurpose athletic fields, field lighting, pickleball courts, covered basketball courts, restrooms, concession bldg, flexible open field space, playground, parkour course, skate park expansion, dog park, pump track,...

2022 Bond - Street Reconstructions **$99,620**

reconstruction of Parkway, Kronkosky, W. Blanco, portion of Shooting Club.

Total: $10,000,000

DEBT

Debt Overview

Overview
Major capital improvements such as streets, drainage, buildings, and other facilities are often financed by bonds. This funding mechanism allows payment for infrastructure improvements to be made over multiple years, usually over the life of the improvement.

Debt Service Policy
For large infrastructure projects or large pieces of equipment, debt financing is sometimes required. The City's debt management objective is to maintain a level of debt service that does not adversely impact tax or utility rates and does not hinder the City's ability to effectively operate the utility systems, street network, or other facilities. Per the Constitution of Texas in Article 11, Section 5, the maximum amount of debt the City may issue is limited to $2.50 per $100 of assessed value. The City maintains an Aa2 credit rating from Moody's Investors Services, which exceeds the median rating of Aa3 for U.S. cities. This rating reflects the City's strong and stable operating reserves maintained by prudent financial management coupled with robust economic growth.

When the City of Boerne utilizes long-term debt financing, it will ensure the debt is soundly financed by:

- Conservatively projecting the revenue sources that will be utilized to pay the debt.
- Financing the improvement over a period of time not greater than the useful life of the asset.

The total debt service requirement for the City of Boerne in Fiscal Year 2023-24 is **$8,068,826** as shown in the table below:

	A	B	C	D
1		**Debt Service Fund**	**Utility Funds**	**Total**
2	Principal	$3,460,000	$1,665,000	$5,125,000
3	Interest	$1,742,100	$1,201,726	$2,943,826
4	**Total Debt Service**	**$5,202,100**	**$2,866,726**	**$8,068,826**

The following table and chart detail the outstanding debt amounts for the City's governmental and enterprise funds:

	A	B	C	D
1		**FY2023**	**FY2024**	**% Change**
2	**All Funds**	**Actual**	**Actual**	
3	Governmental	$31,230,000	$47,040,000	56%
4	Enterprise	$30,485,000	$28,895,000	-5.2%
5	**Total All Funds**	**$61,715,000**	**$75,935,000**	**23%**

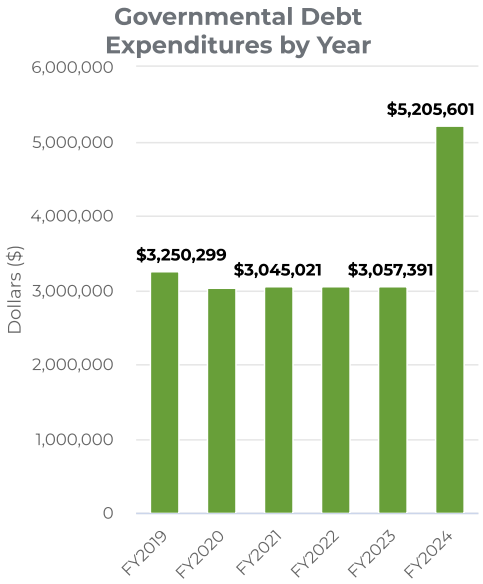
Debt by Fund Type



Governmental Debt

The City derives the revenue necessary to meet its governmental (non-utility) debt obligations through the levy of ad valorem taxes. The City currently has three general obligation bonds outstanding, with another being issued in August of 2023 for the 2022 Bond. The previous bonds were issued in 2016, 2019, and 2021, and the proceeds were used for infrastructure, streets, and City facilities projects throughout the City.

The total principal, interest, and paying agent expenditures for the last six years are displayed in the adjoining chart:

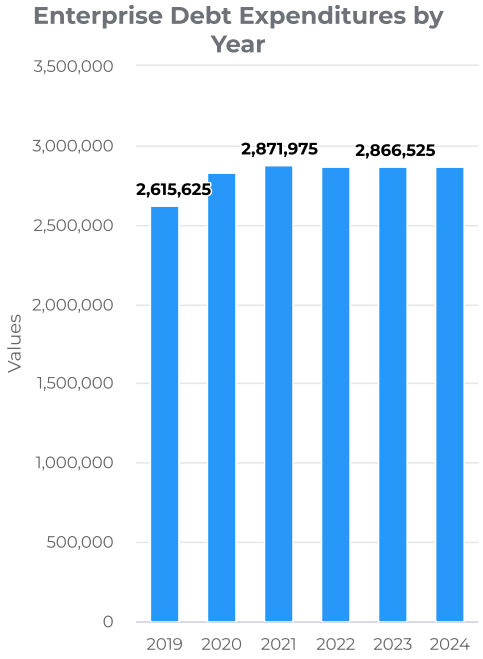


Enterprise Fund Debt

The government also issues bonds where the government pledges income derived from the acquired or constructed assets to pay debt service. The City has pledged future electric, water, wastewater and gas customer revenue net of specified operating expenses, to repay $32,020,000 in general obligation refunding bonds issued in 2016 and 2017.

Proceeds from these bonds in 2016 provided refunding of the 2006 and 2009 utility system revenue bonds to affect interest savings, and in 2017 provided refunding of the 2010 utility system revenue bond to affect interest savings. These bonds are payable solely from electric, water, wastewater and gas customer net revenues and are payable through 2040.

The total principal, interest, and paying agent expenditures for the last five years are displayed in the adjoining chart:



APPENDIX

2022 BOND CONSTRUCTION FUND REQUESTS

2022 Bond - Adler Road Widening

Overview

Request Owner	Jeff Carroll
Department	2022 Bond Construction Fund
Type	Capital Improvement

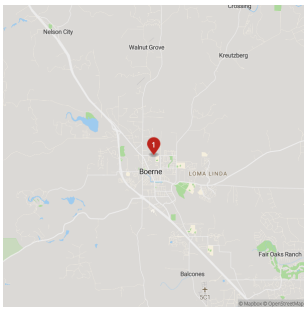
Description

per draft MMP roadway project #08, Widen Adler Street to a 3-lane roadway section and improve intersections

Details

Type of Project	Resurface Current Road

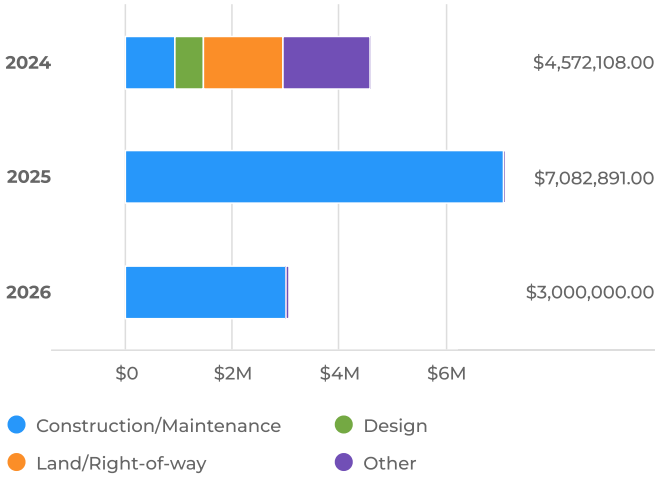
Location



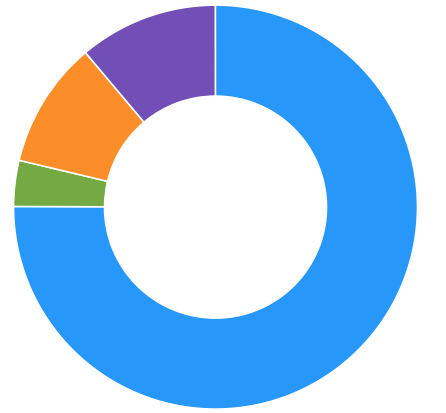
Capital Cost

FY2024 Budget	Total Budget (all years)	Project Total
$4,572,108	$14.655M	$14.655M

Capital Cost by Year



Capital Cost for Budgeted Years



Construction/Maintenance (75%)	$10,999,999.0
Design (4%)	$538,000.00
Land/Right-of-way (10%)	$1,486,000.00
Other (11%)	$1,631,000.00
TOTAL	**$14,654,999.00**

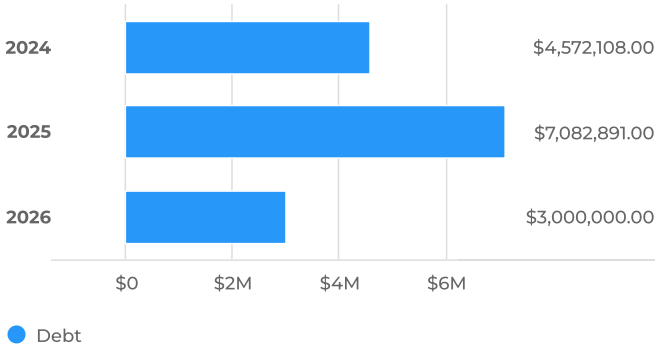
Capital Cost Breakdown

Capital Cost	FY2024	FY2025	FY2026	Total
Design	$538,000			$538,000
Land/Right-of-way	$1,486,000			$1,486,000
Construction/Maintenance	$917,108	$7,082,891	$3,000,000	$10,999,999
Other	$1,631,000			$1,631,000
Total	**$4,572,108**	**$7,082,891**	**$3,000,000**	**$14,654,999**

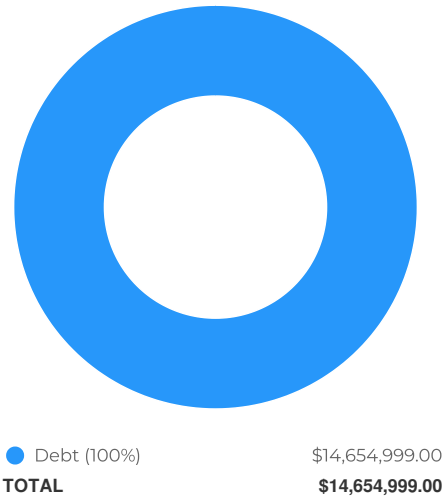
Funding Sources

FY2024 Budget	Total Budget (all years)	Project Total
$4,572,108	$14.655M	$14.655M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2024	FY2025	FY2026	Total
Debt	$4,572,108	$7,082,891	$3,000,000	$14,654,999
Total	**$4,572,108**	**$7,082,891**	**$3,000,000**	**$14,654,999**

2022 Bond - Johns Rd Intersection Improvements

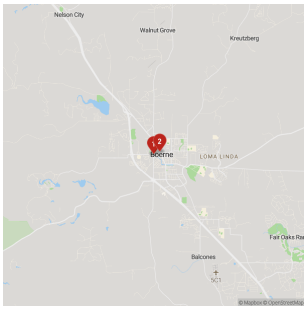
Overview

Request Owner	Jeff Carroll
Department	2022 Bond Construction Fund
Type	Capital Improvement

Description

Per the MMP, intersection improvements for Johns/School and Johns/Main Street. A round-a-bout is proposed at school street and a right turn lane at main street.

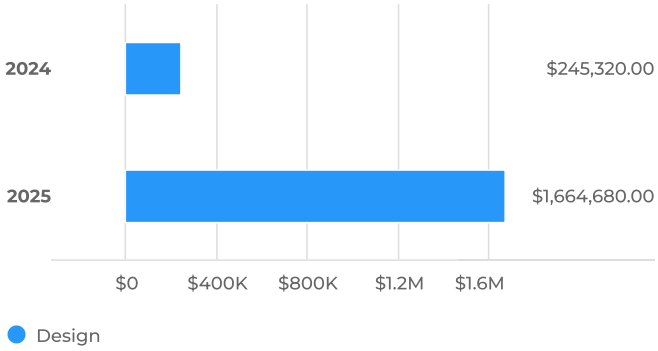
Location



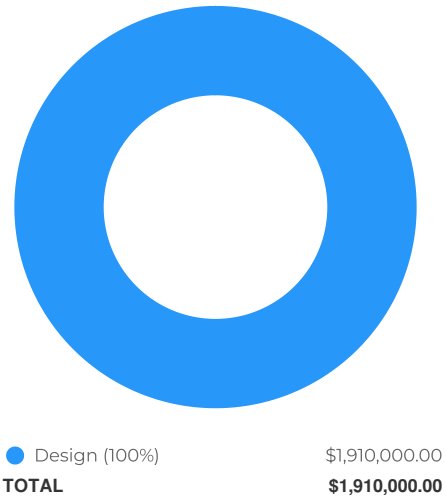
Capital Cost

FY2024 Budget	Total Budget (all years)	Project Total
$245,320	$1.91M	$1.91M

Capital Cost by Year



Capital Cost for Budgeted Years



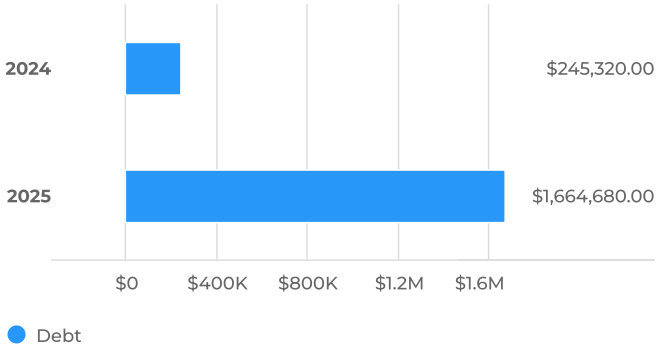
Capital Cost Breakdown

Capital Cost	FY2024	FY2025	Total
Design	$245,320	$1,664,680	$1,910,000
Total	**$245,320**	**$1,664,680**	**$1,910,000**

Funding Sources

FY2024 Budget	Total Budget (all years)	Project Total
$245,320	$1.91M	$1.91M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2024	FY2025	Total
Debt	$245,320	$1,664,680	$1,910,000
Total	**$245,320**	**$1,664,680**	**$1,910,000**

2022 Bond - Northside Community Park Construction

Overview

Request Owner	Lissette Jimenez
Est. Start Date	08/01/2024
Est. Completion Date	01/31/2026
Department	2022 Bond Construction Fund
Type	Capital Improvement

Description

Improvement to include: multipurpose athletic fields, field lighting, pickleball courts, covered basketball courts, restrooms, concession bldg, flexible open field space, playground, parkour course, skate park expansion, dog park, pump track, trails, public art, sidewalk, parking, signage, landscape, irrigation, stormwater detention, and fencing.

Images



Northside Community Park Design

Details

Type of Project	New Construction

Location



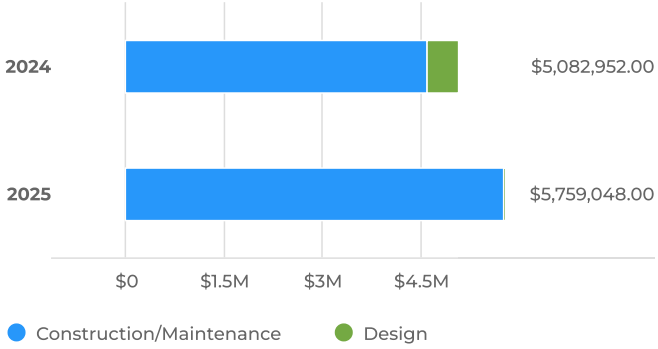
Supplemental Attachments

Northside Community Park Breakdown(/resource/cleargov-prod/projects/documents/364bfc442aa3fcf68919.xlsx)

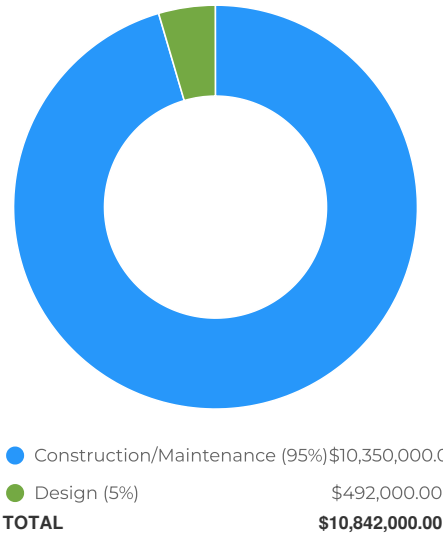
Capital Cost

Total To Date	FY2024 Budget	Total Budget (all years)	Project Total
$250,000	$5,082,952	$10.842M	$11.092M

Capital Cost by Year



Capital Cost for Budgeted Years



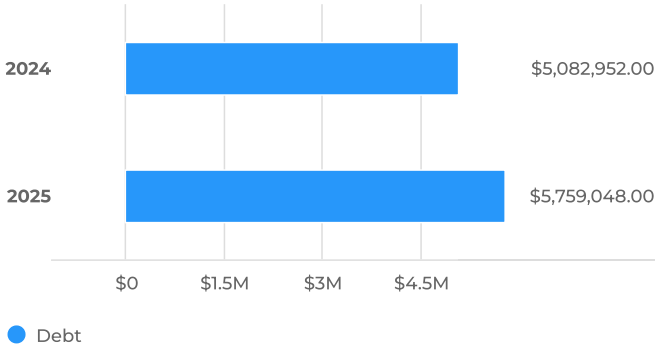
Capital Cost Breakdown

Capital Cost	To Date	FY2024	FY2025	Total
Design	$250,000	$492,000		$742,000
Construction/Maintenance		$4,590,952	$5,759,048	$10,350,000
Total	**$250,000**	**$5,082,952**	**$5,759,048**	**$11,092,000**

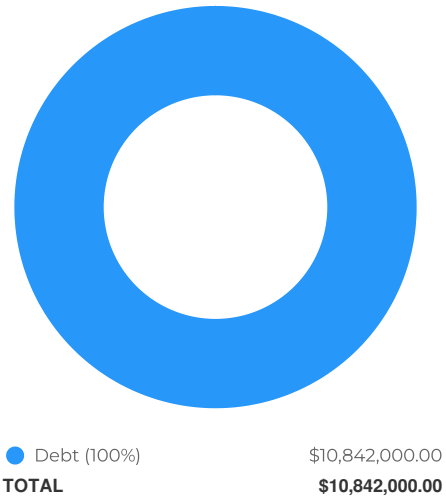
Funding Sources

Total To Date	FY2024 Budget	Total Budget (all years)	Project Total
$250,000	$5,082,952	$10.842M	$11.092M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	To Date	FY2024	FY2025	Total
Park Fund	$250,000			$250,000
Debt		$5,082,952	$5,759,048	$10,842,000
Total	**$250,000**	**$5,082,952**	**$5,759,048**	**$11,092,000**

2022 Bond - Signal Improvments

Overview

Request Owner	Jeff Carroll
Department	2022 Bond Construction Fund
Type	Capital Improvement

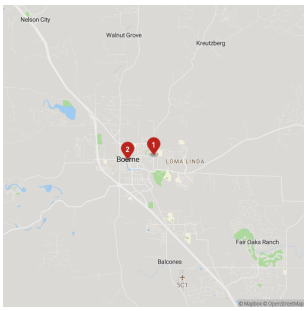
Description

traffic signal improvements to Blanco/Main and Blanco/Esser.

Details

Type of Project	Other

Location

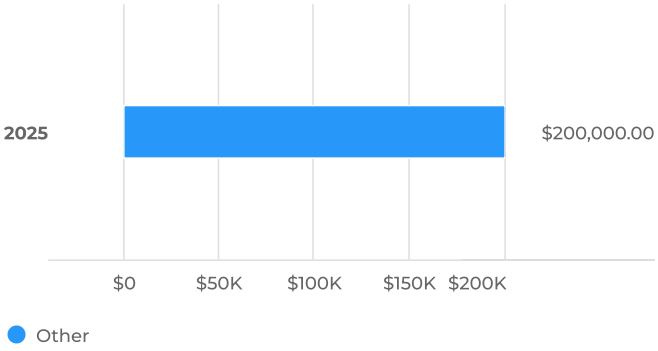


Capital Cost

Total Budget (all years)
$200K

Project Total
$200K

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

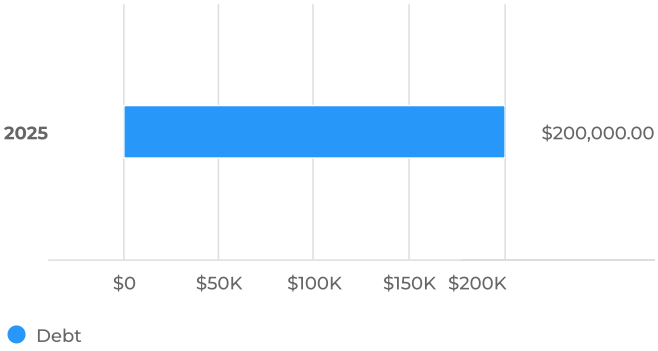
Capital Cost	FY2025	Total
Other	$200,000	$200,000
Total	**$200,000**	**$200,000**

Funding Sources

Total Budget (all years)
$200K

Project Total
$200K

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2025	Total
Debt	$200,000	$200,000
Total	**$200,000**	**$200,000**

2022 Bond - Street Reconstructions

Overview

Request Owner	Jeff Carroll
Department	2022 Bond Construction Fund
Type	Capital Improvement

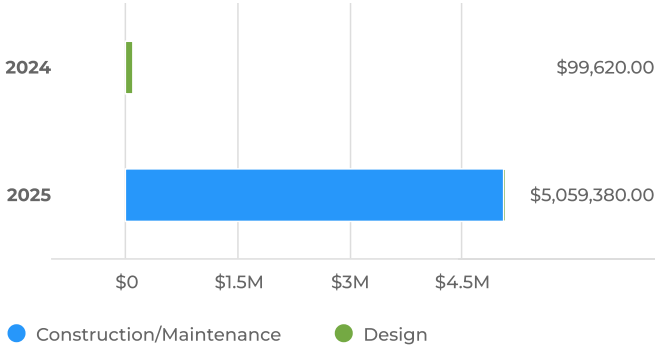
Description

reconstruction of Parkway, Kronkosky, W. Blanco, portion of Shooting Club.

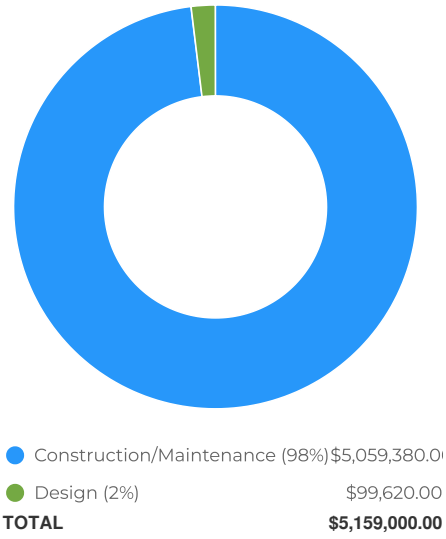
Capital Cost

FY2024 Budget	Total Budget (all years)	Project Total
$99,620	$5.159M	$5.159M

Capital Cost by Year



Capital Cost for Budgeted Years



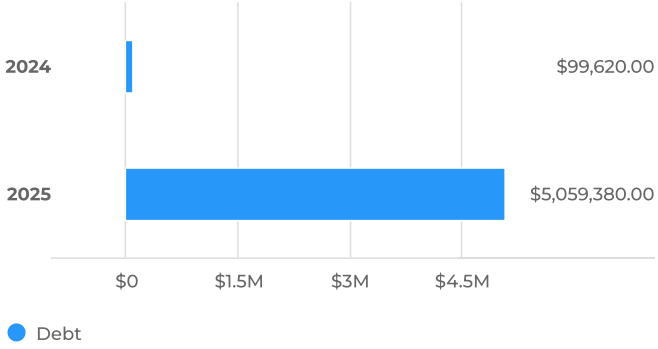
Capital Cost Breakdown

Capital Cost	FY2024	FY2025	Total
Design	$99,620		$99,620
Construction/Maintenance		$5,059,380	$5,059,380
Total	**$99,620**	**$5,059,380**	**$5,159,000**

Funding Sources

FY2024 Budget	Total Budget (all years)	Project Total
$99,620	$5.159M	$5.159M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2024	FY2025	Total
Debt	$99,620	$5,059,380	$5,159,000
Total	**$99,620**	**$5,059,380**	**$5,159,000**

CAPITAL PROJECTS CONSTRUCTION FUND REQUESTS

Fire Station #2

Overview

Request Owner	Stephen Harms, Budget Analyst
Department	Capital Projects Construction Fund
Type	Capital Improvement

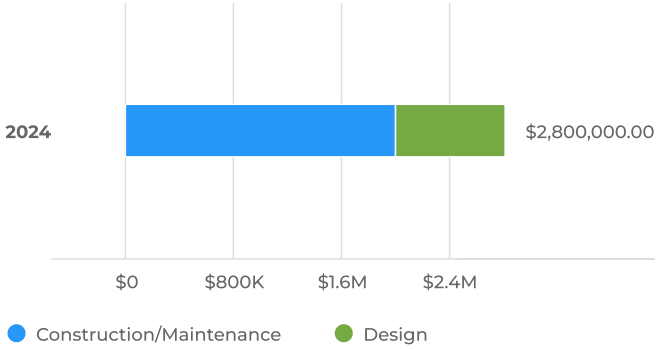
Description

Second fire station.

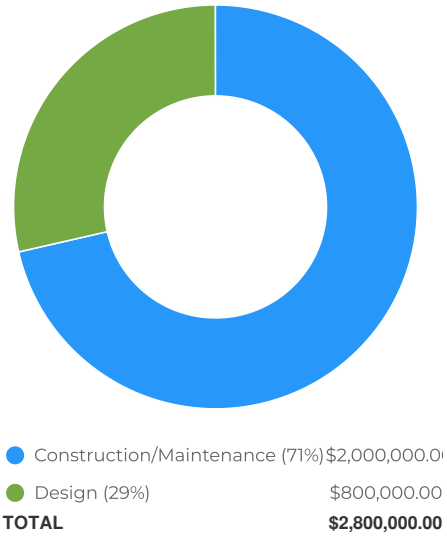
Capital Cost

FY2024 Budget	Total Budget (all years)	Project Total
$2,800,000	$2.8M	$2.8M

Capital Cost by Year



Capital Cost for Budgeted Years



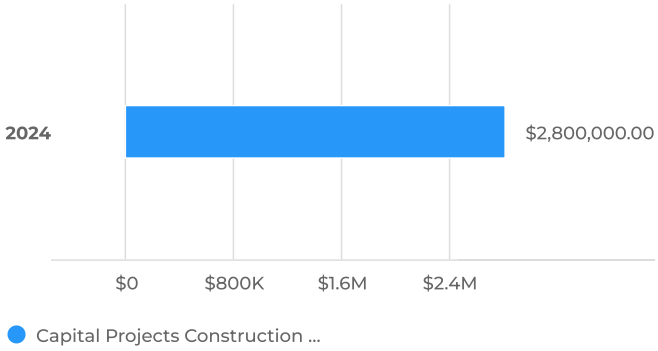
Capital Cost Breakdown

Capital Cost	FY2024	Total
Design	$800,000	$800,000
Construction/Maintenance	$2,000,000	$2,000,000
Total	**$2,800,000**	**$2,800,000**

Funding Sources

FY2024 Budget	Total Budget (all years)	Project Total
$2,800,000	$2.8M	$2.8M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2024	Total
Capital Projects Construction Fund	$2,800,000	$2,800,000
Total	**$2,800,000**	**$2,800,000**

Parking Lot - Johns/Main

Overview

Request Owner	Jeff Carroll
Department	Capital Projects Construction Fund
Type	Capital Improvement

Description

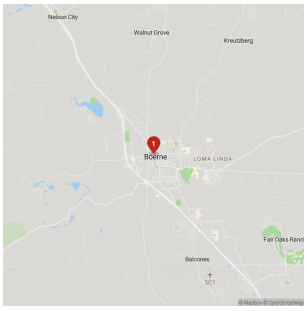
Rehab of City/ISD/Chruch Parking lot. Pavement, Landscaping & Signage to match TBD design standards.

Approx 2,400 SY

Details

Type of Project	Refurbishment

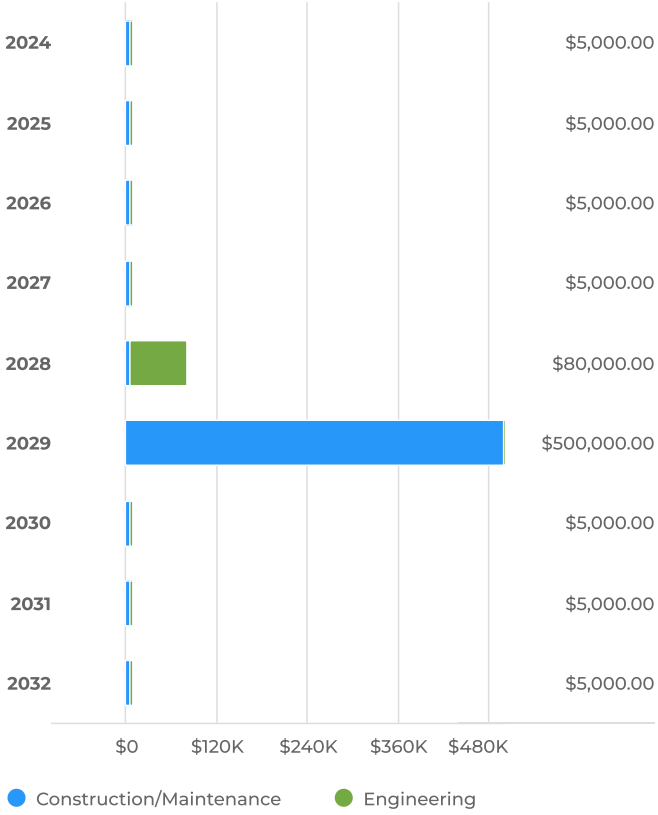
Location



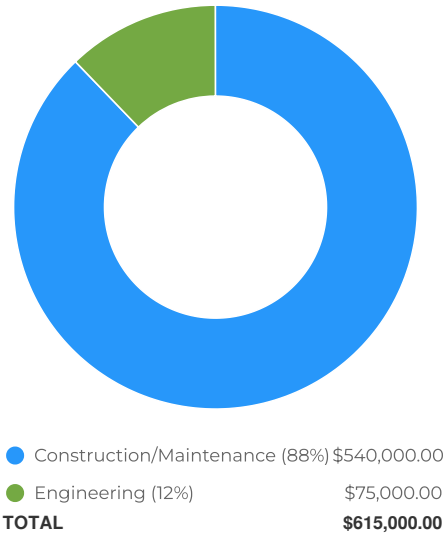
Capital Cost

FY2024 Budget	Total Budget (all years)	Project Total
$5,000	$615K	$615K

Capital Cost by Year



Capital Cost for Budgeted Years



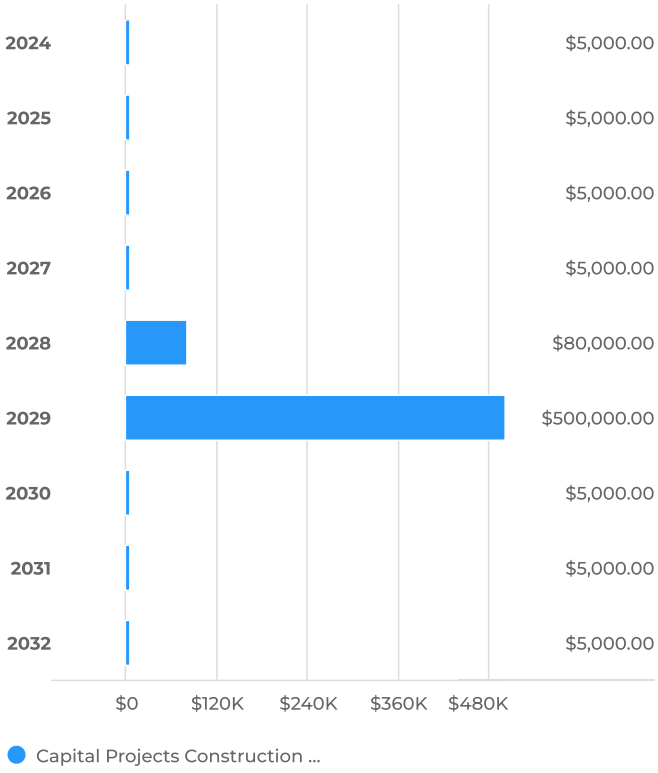
Capital Cost Breakdown

Capital Cost	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY203
Engineering					$75,000				
Construction/Maintenance	$5,000	$5,000	$5,000	$5,000	$5,000	$500,000	$5,000	$5,000	$5,000
Total	**$5,000**	**$5,000**	**$5,000**	**$5,000**	**$80,000**	**$500,000**	**$5,000**	**$5,000**	**$5,000**

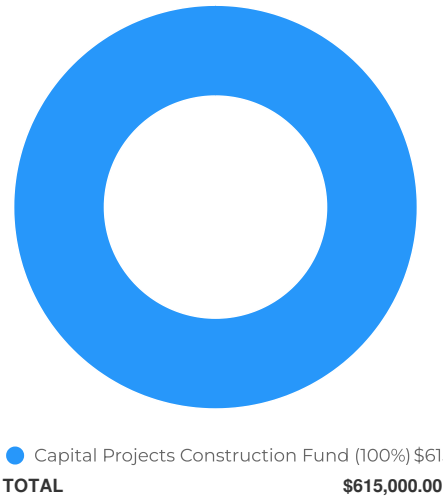
Funding Sources

FY2024 Budget	Total Budget (all years)	Project Total
$5,000	$615K	$615K

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	Total
Capital Projects Construction Fund	$5,000	$5,000	$5,000	$5,000	$80,000	$500,000	$5,000	$5,000	$5,000	$615,000
Total	**$5,000**	**$5,000**	**$5,000**	**$5,000**	**$80,000**	**$500,000**	**$5,000**	**$5,000**	**$5,000**	**$615,000**

Parking Lot - Plant Street Paving

Overview

Request Owner	Jeff Carroll
Department	Capital Projects Construction Fund
Type	Capital Improvement

Description

The city recently purchased a portion of this lot from LCRA.

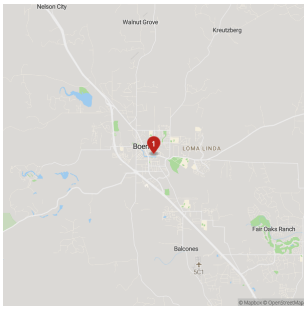
This will be a rehab of the parking lot. Pavement, Landscaping & Signage to match TBD design standards.

Approx 2,000 SY

Details

Type of Project	Refurbishment

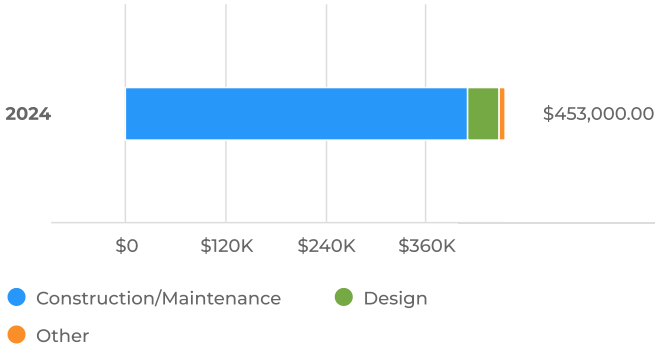
Location



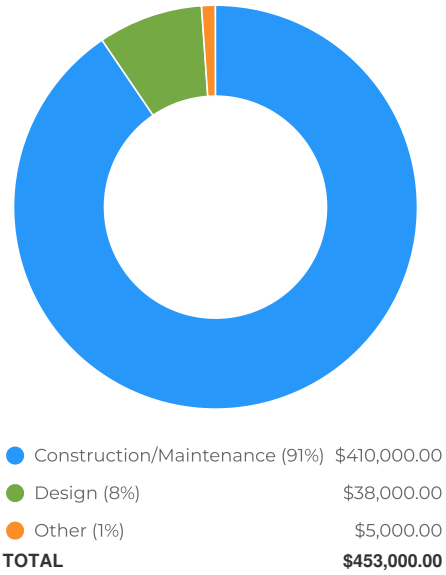
Capital Cost

FY2024 Budget	Total Budget (all years)	Project Total
$453,000	$453K	$453K

Capital Cost by Year



Capital Cost for Budgeted Years



Construction/Maintenance (91%)	$410,000.00
Design (8%)	$38,000.00
Other (1%)	$5,000.00
TOTAL	**$453,000.00**

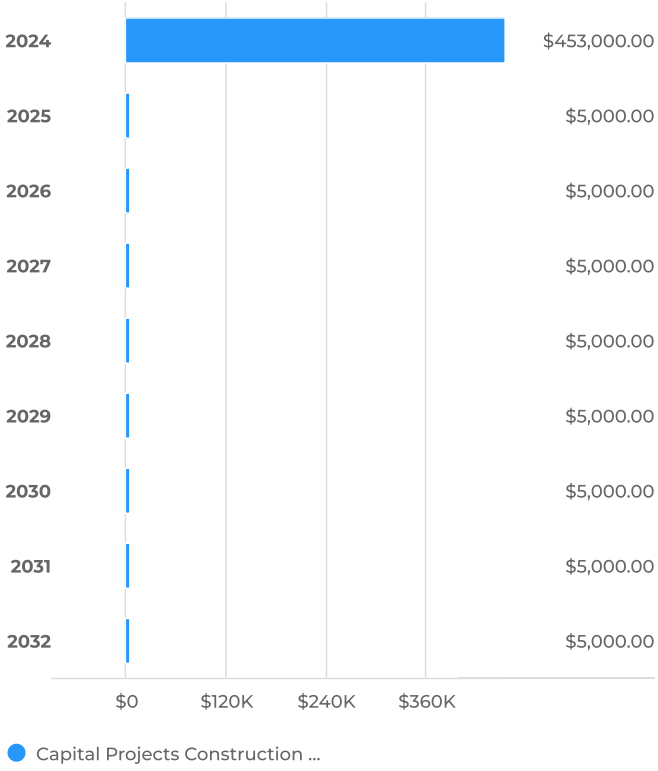
Capital Cost Breakdown

Capital Cost	FY2024	Total
Design	$38,000	$38,000
Construction/Maintenance	$410,000	$410,000
Other	$5,000	$5,000
Total	**$453,000**	**$453,000**

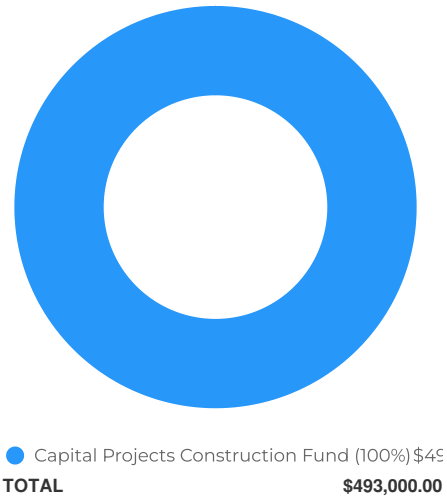
Funding Sources

FY2024 Budget	Total Budget (all years)	Project Total
$453,000	$493K	$493K

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

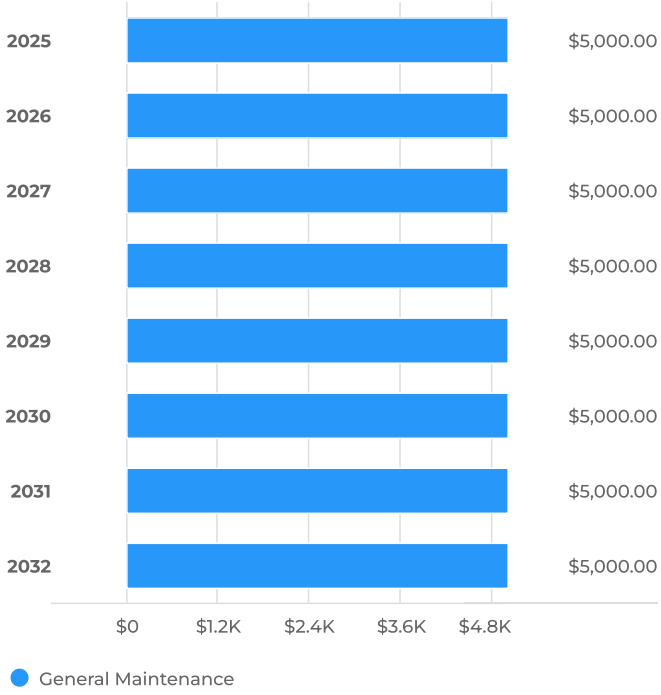
Funding Sources	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	Total
Capital Projects Construction Fund	$453,000	$5,000	$5,000	$5,000	$5,000	$5,000	$5,000	$5,000	$5,000	$493,000
Total	**$453,000**	**$5,000**	**$5,000**	**$5,000**	**$5,000**	**$5,000**	**$5,000**	**$5,000**	**$5,000**	**$493,000**

Operational Costs

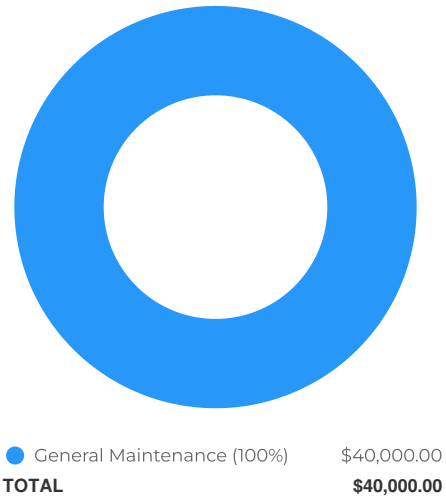
Total Budget (all years)
$40K

Project Total
$40K

Operational Costs by Year



Operational Costs for Budgeted Years



Operational Costs Breakdown

Operational Costs	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	Total
General Maintenance	$5,000	$5,000	$5,000	$5,000	$5,000	$5,000	$5,000	$5,000	$40,000
Total	**$5,000**	**$5,000**	**$5,000**	**$5,000**	**$5,000**	**$5,000**	**$5,000**	**$5,000**	**$40,000**

Sidewalk - 463 S. Main

Overview

Request Owner	Jeff Carroll
Department	Capital Projects Construction Fund
Type	Capital Improvement

Description

sidewalk project to remove stairs along South Main street.

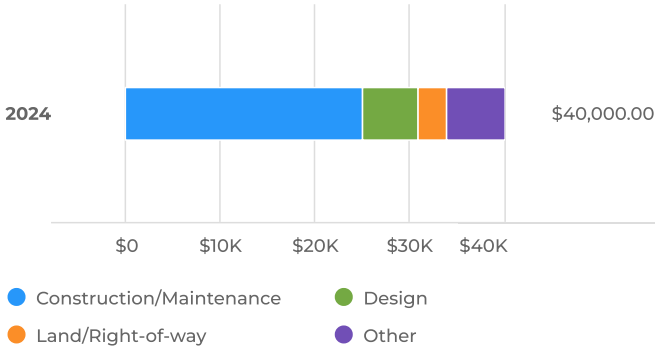
Details

Type of Project	Other

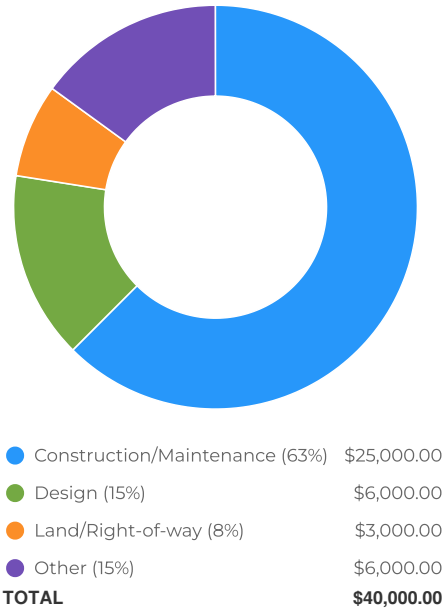
Capital Cost

FY2024 Budget	Total Budget (all years)	Project Total
$40,000	$40K	$40K

Capital Cost by Year



Capital Cost for Budgeted Years



Construction/Maintenance (63%)	$25,000.00
Design (15%)	$6,000.00
Land/Right-of-way (8%)	$3,000.00
Other (15%)	$6,000.00
TOTAL	**$40,000.00**

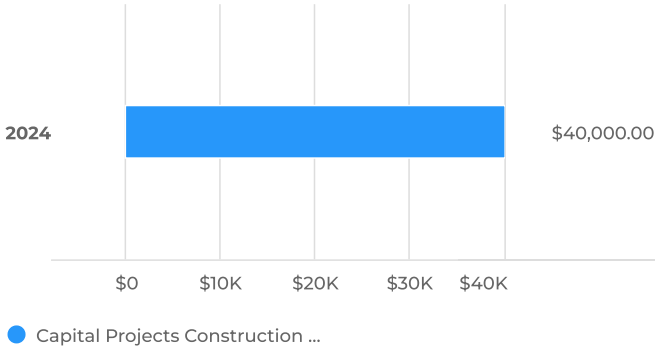
Capital Cost Breakdown

Capital Cost	FY2024	Total
Design	$6,000	$6,000
Land/Right-of-way	$3,000	$3,000
Construction/Maintenance	$25,000	$25,000
Other	$6,000	$6,000
Total	**$40,000**	**$40,000**

Funding Sources

FY2024 Budget	Total Budget (all years)	Project Total
$40,000	$40K	$40K

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2024	Total
Capital Projects Construction Fund	$40,000	$40,000
Total	**$40,000**	**$40,000**

Sidewalk - Oak Park

Overview

Request Owner	Jeff Carroll
Department	Capital Projects Construction Fund
Type	Capital Improvement

Description

continuation of current project under construction.

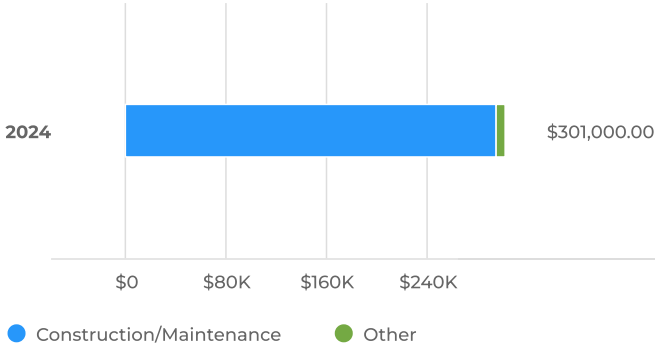
Details

Type of Project	Other

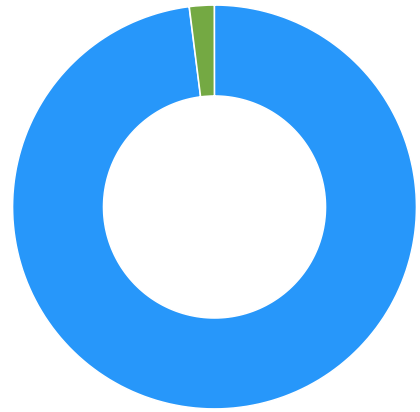
Capital Cost

FY2024 Budget	Total Budget (all years)	Project Total
$301,000	$301K	$301K

Capital Cost by Year



Capital Cost for Budgeted Years



Construction/Maintenance (98%)	$295,000.00
Other (2%)	$6,000.00
TOTAL	**$301,000.00**

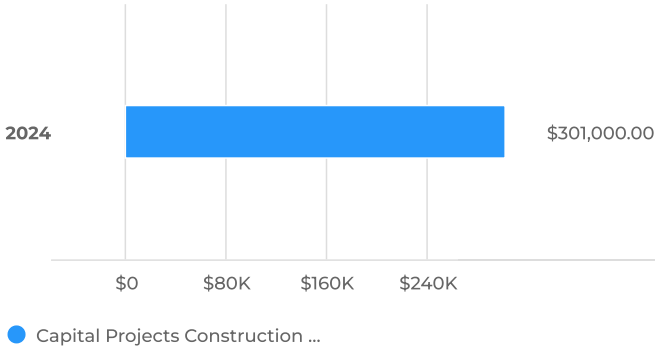
Capital Cost Breakdown

Capital Cost	FY2024	Total
Construction/Maintenance	$295,000	$295,000
Other	$6,000	$6,000
Total	**$301,000**	**$301,000**

Funding Sources

FY2024 Budget	Total Budget (all years)	Project Total
$301,000	$301K	$301K

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2024	Total
Capital Projects Construction Fund	$301,000	$301,000
Total	**$301,000**	**$301,000**

Street Improvements - MPO Cascade Caverns Project

Overview

Request Owner	Jeff Carroll
Department	Capital Projects Construction Fund
Type	Capital Improvement

Description

Cascade Caverns, Scenic Loop (IH10 to Cascade) & Old San Antonio project as submitted to MPO in 2021.

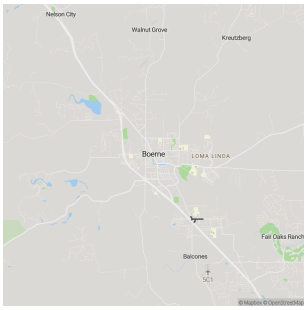
After construction, we will be reimbursed 70% for eligible (roadway & drainage costs).

The city is responsible for all engineering, ROW acquisition & any utility relocates. The budget amount does not account for the reimbursement afterwards.

Details

Type of Project	Other

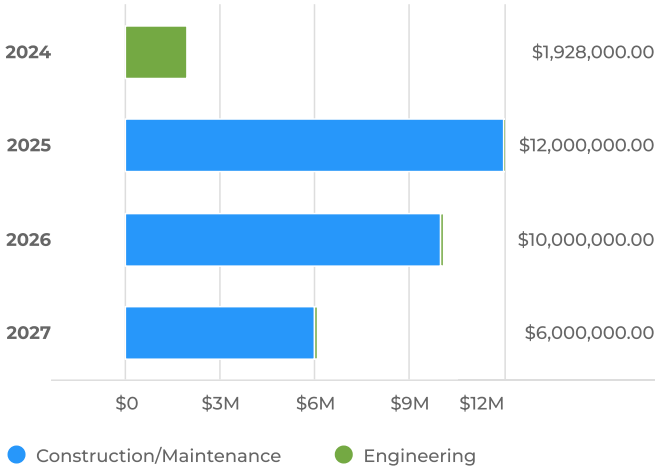
Location



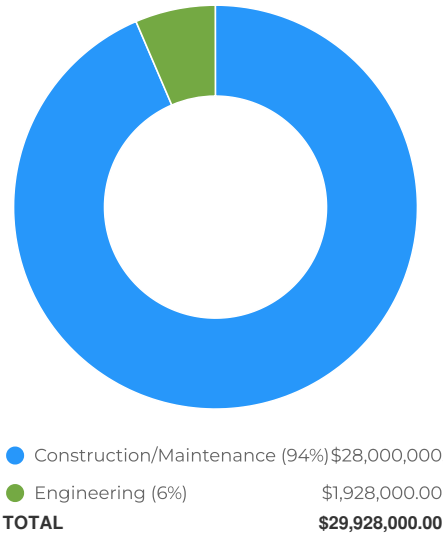
Capital Cost

Total To Date	FY2024 Budget	Total Budget (all years)	Project Total
$1,192,954	$1,928,000	$29.928M	$31.121M

Capital Cost by Year



Capital Cost for Budgeted Years



Construction/Maintenance (94%)	$28,000,000
Engineering (6%)	$1,928,000.00
TOTAL	**$29,928,000.00**

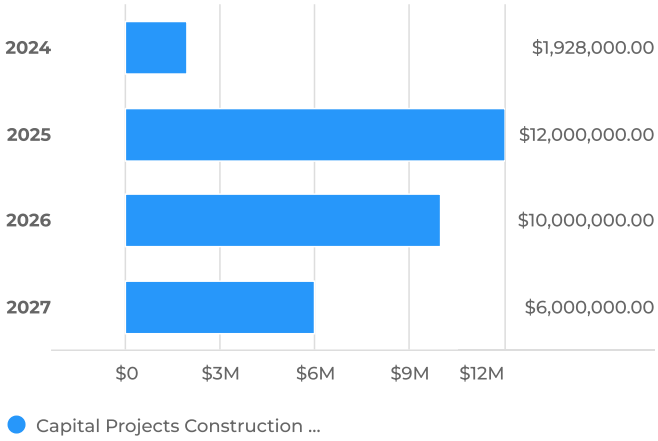
Capital Cost Breakdown

Capital Cost	To Date	FY2024	FY2025	FY2026	FY2027	Total
Engineering	$1,192,954	$1,928,000				$3,120,954
Construction/Maintenance			$12,000,000	$10,000,000	$6,000,000	$28,000,000
Total	**$1,192,954**	**$1,928,000**	**$12,000,000**	**$10,000,000**	**$6,000,000**	**$31,120,954**

Funding Sources

FY2024 Budget	Total Budget (all years)	Project Total
$1,928,000	$29.928M	$29.928M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2024	FY2025	FY2026	FY2027	Total
Capital Projects Construction Fund	$1,928,000	$12,000,000	$10,000,000	$6,000,000	$29,928,000
Total	**$1,928,000**	**$12,000,000**	**$10,000,000**	**$6,000,000**	**$29,928,000**

Waterwork Terrace

Overview

Request Owner	Stephen Harms, Budget Analyst
Department	Capital Projects Construction Fund
Type	Capital Improvement

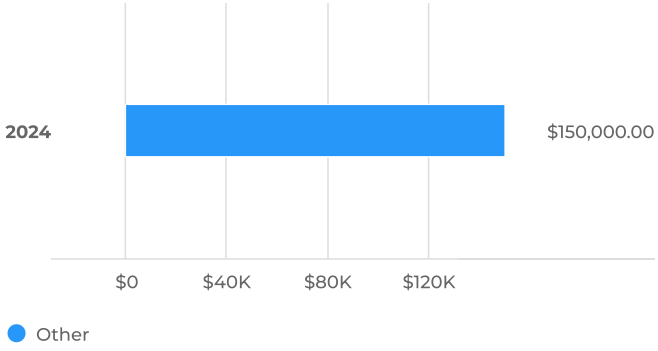
Description

Waterwork Terrace

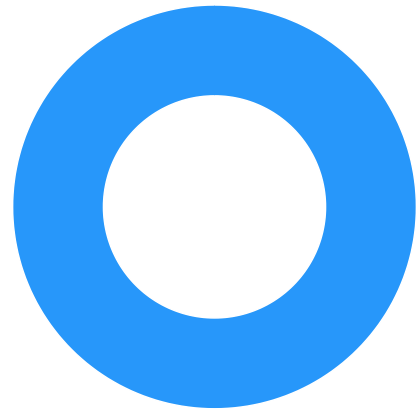
Capital Cost

FY2024 Budget	Total Budget (all years)	Project Total
$150,000	$150K	$150K

Capital Cost by Year



Capital Cost for Budgeted Years



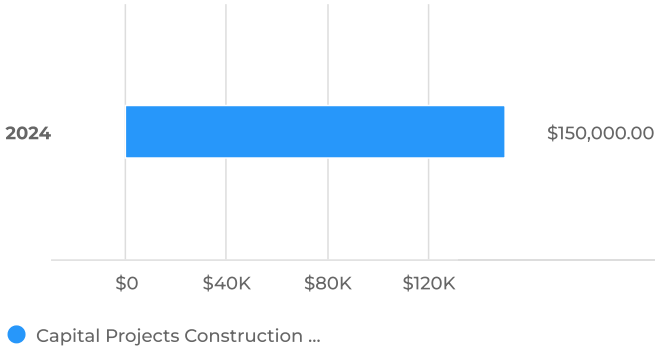
Capital Cost Breakdown

Capital Cost	FY2024	Total
Other	$150,000	$150,000
Total	**$150,000**	**$150,000**

Funding Sources

FY2024 Budget	Total Budget (all years)	Project Total
$150,000	$150K	$150K

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2024	Total
Capital Projects Construction Fund	$150,000	$150,000
Total	**$150,000**	**$150,000**

ELECTRIC REQUESTS

Buc-ee's Electric Line Relocation

Overview

Request Owner	Mike Mann
Department	Electric
Type	Capital Improvement

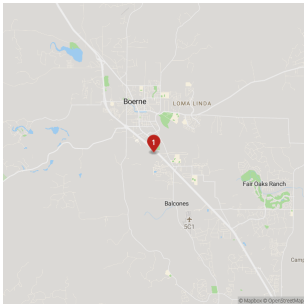
Description

The development agreement between the City of Boerne and Buc-ee's requires relocation of the existing primary electric distribution line to a new alignment adjacent to the revised IH-10 ROW line. The work must be complete prior to the issuance of the Buc-ee's building permit.

Images



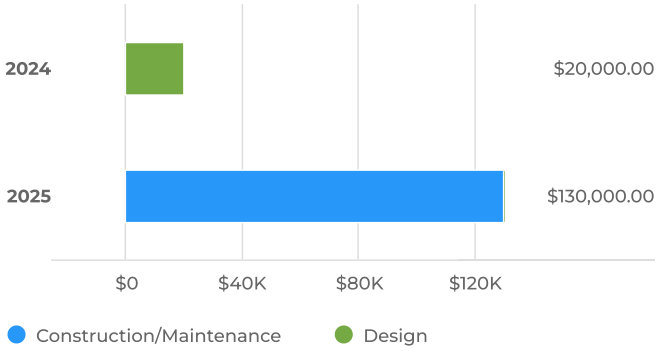
Location



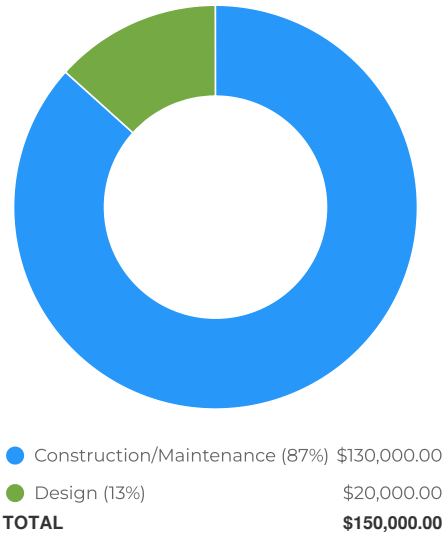
Capital Cost

FY2024 Budget	Total Budget (all years)	Project Total
$20,000	$150K	$150K

Capital Cost by Year



Capital Cost for Budgeted Years



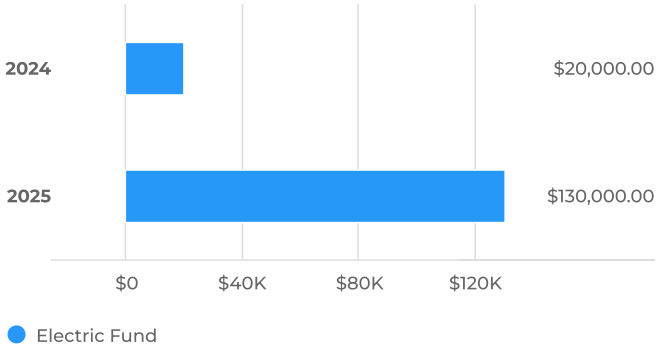
Capital Cost Breakdown

Capital Cost	FY2024	FY2025	Total
Design	$20,000		$20,000
Construction/Maintenance		$130,000	$130,000
Total	**$20,000**	**$130,000**	**$150,000**

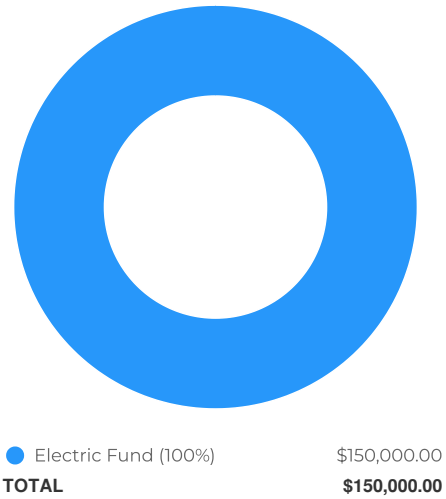
Funding Sources

FY2024 Budget	Total Budget (all years)	Project Total
$20,000	$150K	$150K

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2024	FY2025	Total
Electric Fund	$20,000	$130,000	$150,000
Total	**$20,000**	**$130,000**	**$150,000**

ENGINEERING AND MOBILITY REQUESTS

Old San Antonio Corridor Study

Overview

Request Owner	Stephen Harms, Budget Analyst
Department	Engineering and Mobility
Type	Capital Improvement

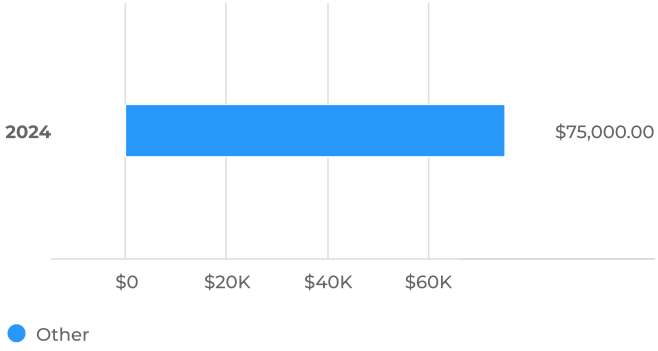
Description

Old San Antonio Corridor Study

Capital Cost

FY2024 Budget	Total Budget (all years)	Project Total
$75,000	$75K	$75K

Capital Cost by Year



Capital Cost for Budgeted Years



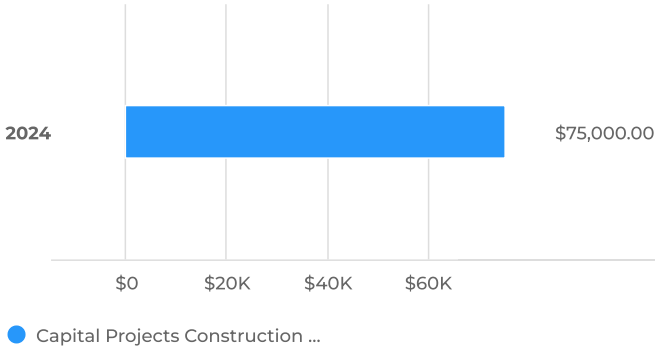
Capital Cost Breakdown

Capital Cost	FY2024	Total
Other	$75,000	$75,000
Total	**$75,000**	**$75,000**

Funding Sources

FY2024 Budget	Total Budget (all years)	Project Total
$75,000	$75K	$75K

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2024	Total
Capital Projects Construction Fund	$75,000	$75,000
Total	**$75,000**	**$75,000**

Street Improvements - School Street Corridor Study

Overview

Request Owner	Jeff Carroll
Department	Engineering and Mobility
Type	Capital Improvement

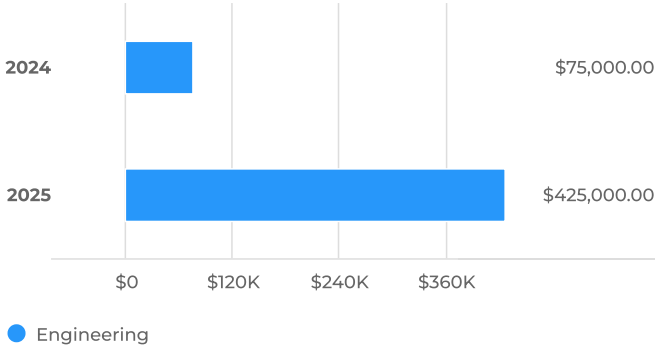
Description

Corrdior Study of School Street from Ih10 to Main Street.

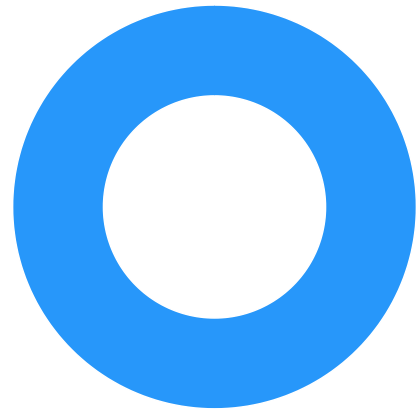
Capital Cost

FY2024 Budget	Total Budget (all years)	Project Total
$75,000	$500K	$500K

Capital Cost by Year



Capital Cost for Budgeted Years



Engineering (100%)	$500,000.00
TOTAL	**$500,000.00**

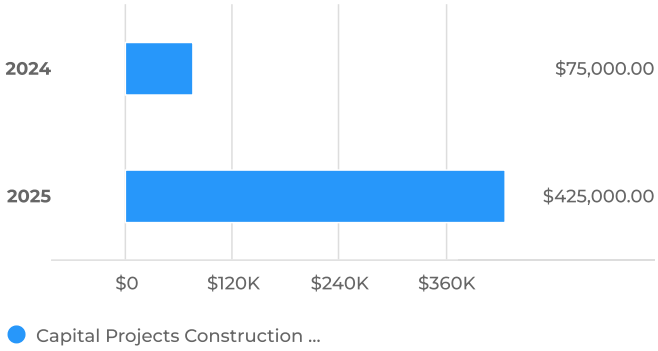
Capital Cost Breakdown

Capital Cost	FY2024	FY2025	Total
Engineering	$75,000	$425,000	$500,000
Total	**$75,000**	**$425,000**	**$500,000**

Funding Sources

FY2024 Budget	Total Budget (all years)	Project Total
$75,000	$500K	$500K

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2024	FY2025	Total
Capital Projects Construction Fund	$75,000	$425,000	$500,000
Total	**$75,000**	**$425,000**	**$500,000**

GAS REQUESTS

Buc-ee's Gas Main Relocation

Overview

Request Owner	Mike Mann
Department	Gas
Type	Capital Improvement

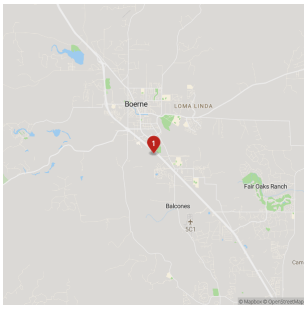
Description

The development agreement between the City and Buc-ee's requires that the City relocate the existing gas main along the IH-10 frontage road to the proposed new ROW line. This work is required to be complete before the building permit for Buc-ee's is issued.

Images



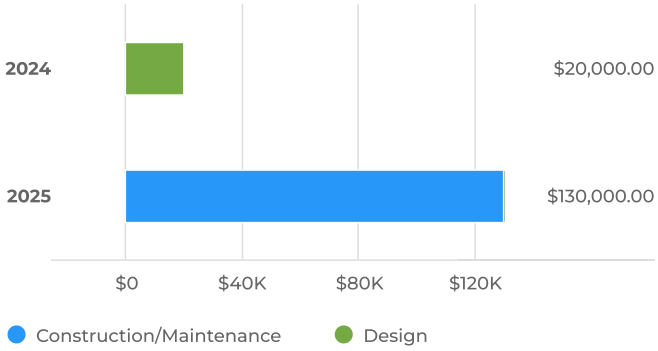
Location



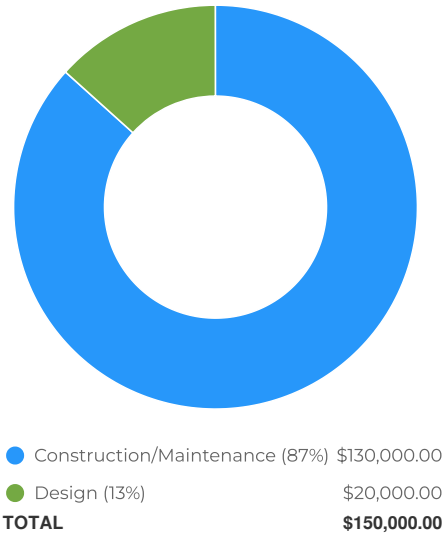
Capital Cost

FY2024 Budget	Total Budget (all years)	Project Total
$20,000	$150K	$150K

Capital Cost by Year



Capital Cost for Budgeted Years



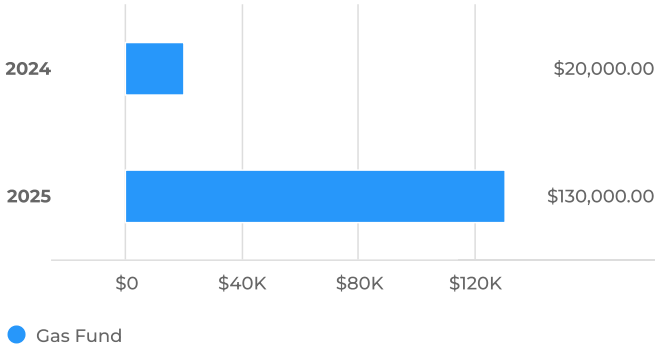
Capital Cost Breakdown

Capital Cost	FY2024	FY2025	Total
Design	$20,000		$20,000
Construction/Maintenance		$130,000	$130,000
Total	**$20,000**	**$130,000**	**$150,000**

Funding Sources

FY2024 Budget	Total Budget (all years)	Project Total
$20,000	$150K	$150K

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2024	FY2025	Total
Gas Fund	$20,000	$130,000	$150,000
Total	**$20,000**	**$130,000**	**$150,000**

CC&B Gas Modules

Overview

Request Owner	Stephen Harms, Budget Analyst
Department	Gas
Type	Capital Improvement

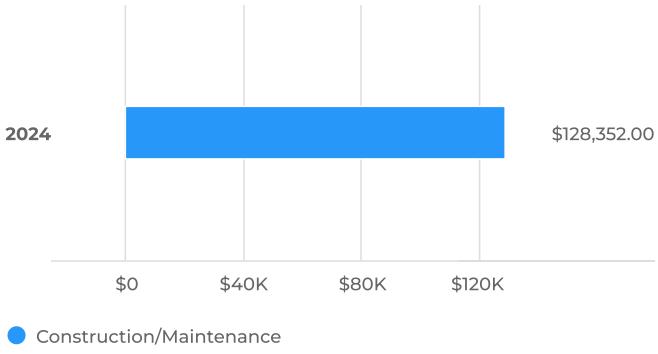
Description

The integrator for the gas (and water) Orion modules is at end of life and is a security risk. It is necessary to change out approximately 1344 gas modules to ERT modules in order for them to be read through our current system (Tunet).

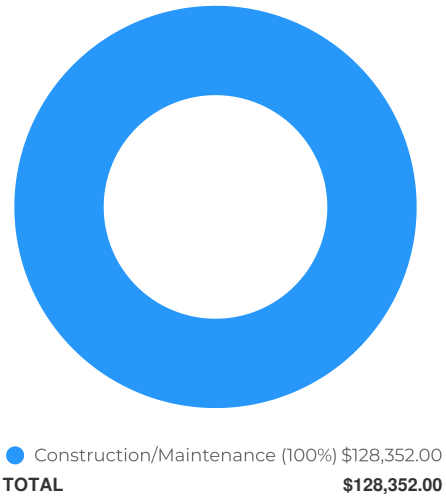
Capital Cost

FY2024 Budget	Total Budget (all years)	Project Total
$128,352	$128.352K	$128.352K

Capital Cost by Year



Capital Cost for Budgeted Years



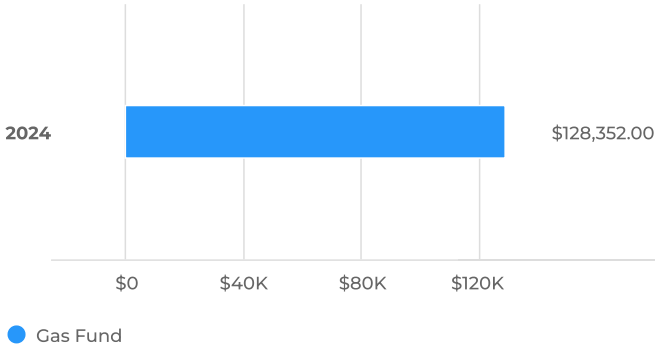
Capital Cost Breakdown

Capital Cost	FY2024	Total
Construction/Maintenance	$128,352	$128,352
Total	**$128,352**	**$128,352**

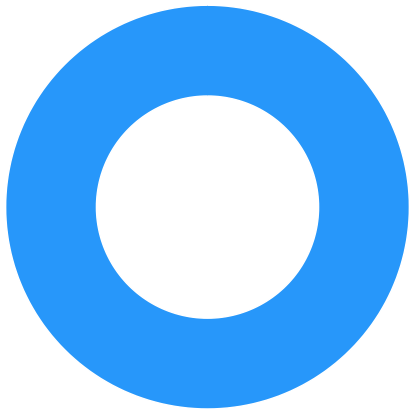
Funding Sources

FY2024 Budget	Total Budget (all years)	Project Total
$128,352	$128.352K	$128.352K

Funding Sources by Year



Funding Sources for Budgeted Years



Gas Fund (100%)	$128,352.00
TOTAL	**$128,352.00**

Funding Sources Breakdown

Funding Sources	FY2024	Total
Gas Fund	$128,352	$128,352
Total	**$128,352**	**$128,352**

Eastern Gas Distribution Loop

Overview

Request Owner	Mike Mann
Est. Start Date	10/01/2022
Est. Completion Date	09/30/2024
Department	Gas
Type	Capital Improvement

Description

As service demand grows in the eastern portion of the distribution system, the need for delivering greater flow rates to that area will increase. Pipeline capacity must be added to provide that capacity in order to maintain system pressure and reliability.

Images



Eastern Gas Distribution Loop

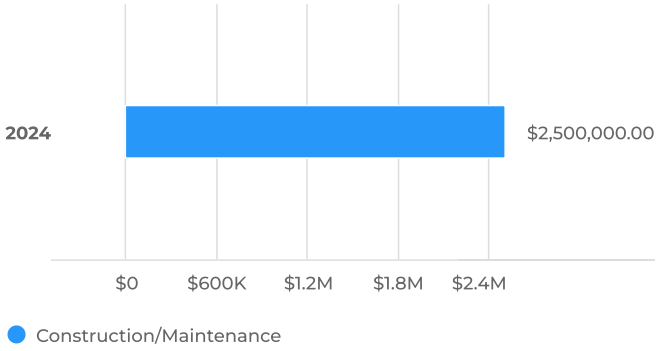
Details

Type of Project	New Construction

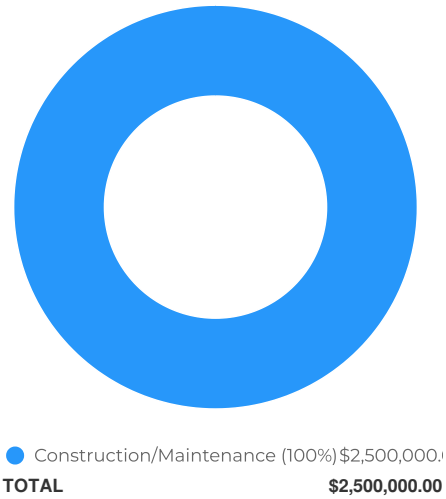
Capital Cost

Total To Date	FY2024 Budget	Total Budget (all years)	Project Total
$500,000	$2,500,000	$2.5M	$3M

Capital Cost by Year



Capital Cost for Budgeted Years



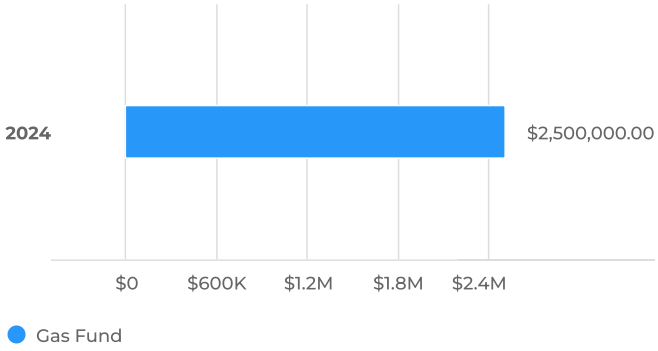
Capital Cost Breakdown

Capital Cost	To Date	FY2024	Total
Design	$500,000		$500,000
Construction/Maintenance		$2,500,000	$2,500,000
Total	**$500,000**	**$2,500,000**	**$3,000,000**

Funding Sources

Total To Date	FY2024 Budget	Total Budget (all years)	Project Total
$500,000	$2,500,000	$2.5M	$3M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	To Date	FY2024	Total
Gas Fund	$500,000	$2,500,000	$3,000,000
Total	**$500,000**	**$2,500,000**	**$3,000,000**

Old Fred Road Gas Gate Station

Overview

Request Owner	Mike Mann
Department	Gas
Type	Capital Improvement

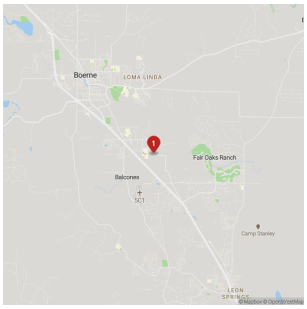
Description

Substantial increase in natural gas consumption on the east side of the utility service area is anticipated over the next decade. In the near term, internal system improvements will be performed to provide more flow capacity into that area of the system. In the long term, however, we will need more incoming supply capacity to meet the demand. The best place to locate a new natural gas station will be along Old Fredericksburg Road at the crossing of the Enterprise pipeline. There will also need to be a large diameter main constructed along Old Fredericksburg Road to deliver gas from that station into our distribution network.

Images



Location



Benefit to Community

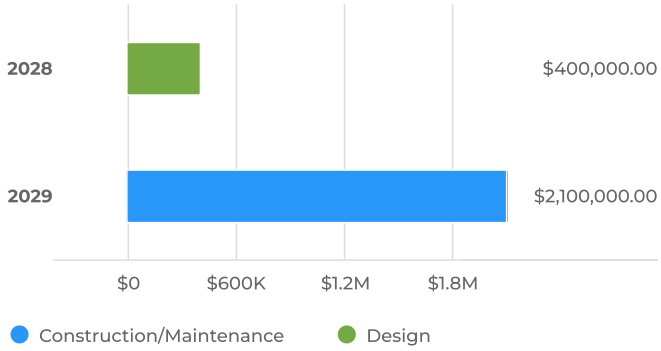
This project will enhance the reliability of the natural gas utility and help remain within regulatory requirements.

Capital Cost

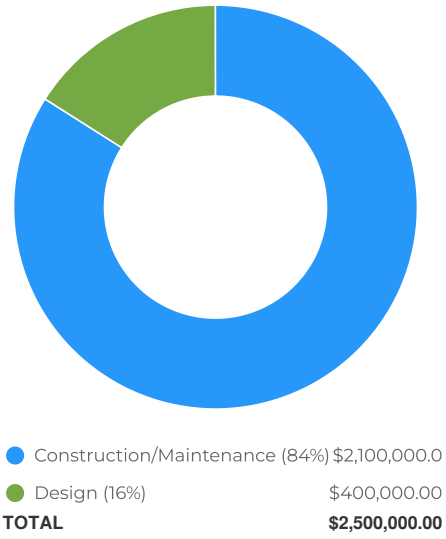
Total Budget (all years)
$2.5M

Project Total
$2.5M

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

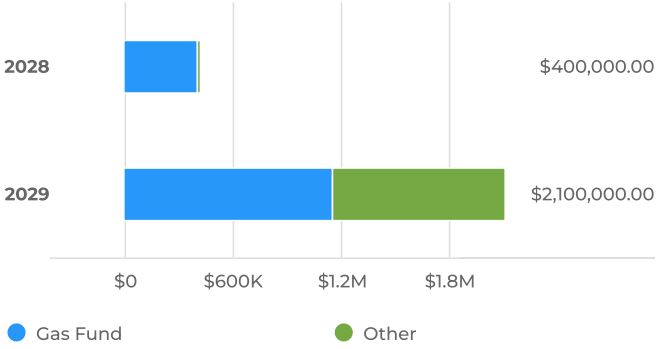
Capital Cost	FY2028	FY2029	Total
Design	$400,000		$400,000
Construction/Maintenance		$2,100,000	$2,100,000
Total	**$400,000**	**$2,100,000**	**$2,500,000**

Funding Sources

Total Budget (all years)
$2.5M

Project Total
$2.5M

Funding Sources by Year



Funding Sources for Budgeted Years



Gas Fund (62%)	$1,550,000.00
Other (38%)	$950,000.00
TOTAL	**$2,500,000.00**

Funding Sources Breakdown

Funding Sources	FY2028	FY2029	Total
Gas Fund	$400,000	$1,150,000	$1,550,000
Other		$950,000	$950,000
Total	**$400,000**	**$2,100,000**	**$2,500,000**

Old Fred Road Natural Gas Main

Overview

Request Owner	Mike Mann
Department	Gas
Type	Capital Improvement

Description

Substantial increase in natural gas consumption on the east side of the utility service area is anticipated over the next decade. In the near term, internal system improvements will be performed to provide more flow capacity into that area of the system. In the long term, however, we will need more incoming supply capacity to meet the demand. The best place to locate a new natural gas station will be along Old Fredericksburg Road at the crossing of the Enterprise pipeline. There will also need to be a large diameter main constructed along Old Fredericksburg Road to deliver gas from that station into our distribution network.

Images



Benefit to Community

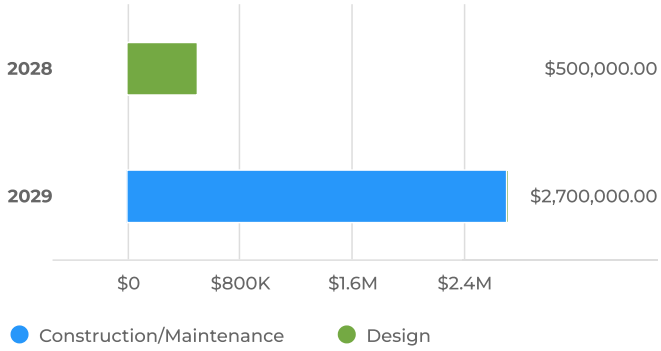
Increased natural gas capacity will provide more system reliability and help ensure regulatory compliance.

Capital Cost

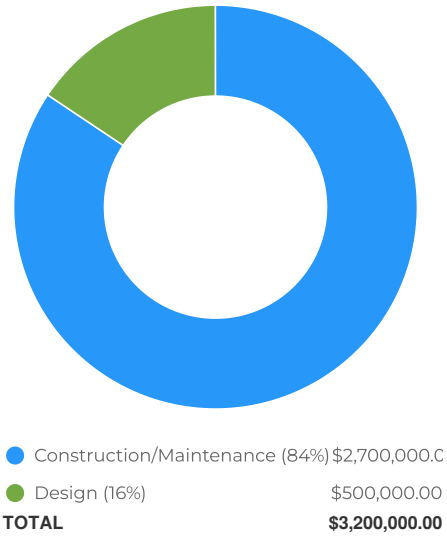
Total Budget (all years)
$3.2M

Project Total
$3.2M

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

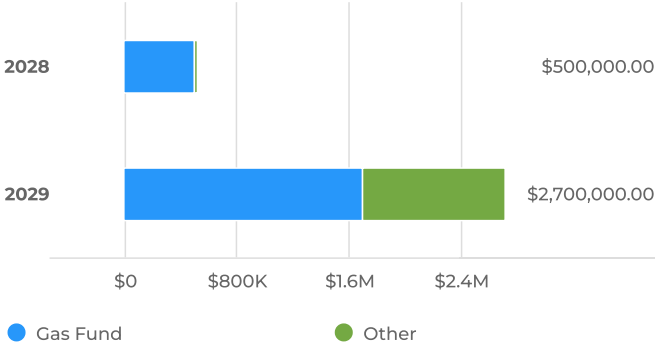
Capital Cost	FY2028	FY2029	Total
Design	$500,000		$500,000
Construction/Maintenance		$2,700,000	$2,700,000
Total	**$500,000**	**$2,700,000**	**$3,200,000**

Funding Sources

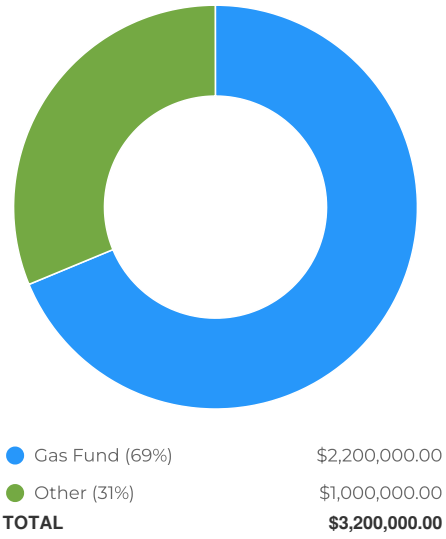
Total Budget (all years)
$3.2M

Project Total
$3.2M

Funding Sources by Year



Funding Sources for Budgeted Years



Gas Fund (69%)	$2,200,000.00
Other (31%)	$1,000,000.00
TOTAL	**$3,200,000.00**

Funding Sources Breakdown

Funding Sources	FY2028	FY2029	Total
Gas Fund	$500,000	$1,700,000	$2,200,000
Other		$1,000,000	$1,000,000
Total	**$500,000**	**$2,700,000**	**$3,200,000**

PARKS REQUESTS

River Road Bank Stabilization

Overview

Request Owner	Lissette Jimenez
Est. Start Date	08/01/2023
Est. Completion Date	02/29/2024
Department	Parks
Type	Capital Improvement

Description

Construction includes all labor, equipment, and work for construction of rock sill, coir fiber matting, concrete sidewalk, steel fishing piers, steel boardwalk, earthwork, landscape, and irrigation.

Images

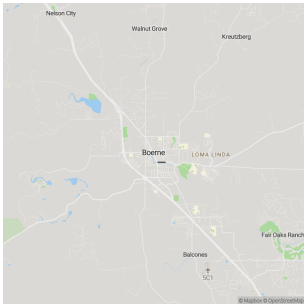


River Road Park aerial

Details

Type of Project	New Construction

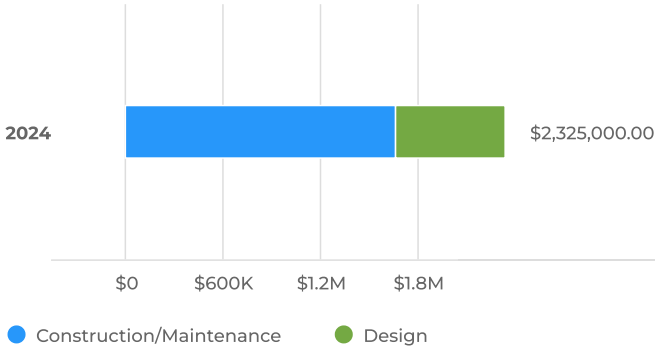
Location



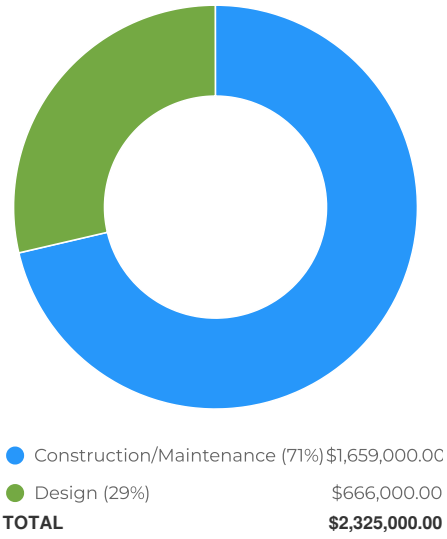
Capital Cost

FY2024 Budget	Total Budget (all years)	Project Total
$2,325,000	$2.325M	$2.325M

Capital Cost by Year



Capital Cost for Budgeted Years



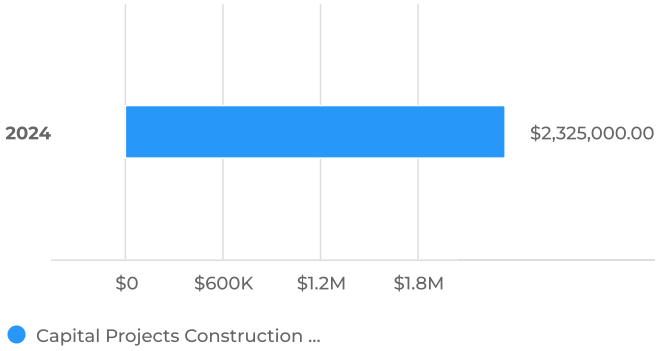
Capital Cost Breakdown

Capital Cost	FY2024	Total
Design	$666,000	$666,000
Construction/Maintenance	$1,659,000	$1,659,000
Total	**$2,325,000**	**$2,325,000**

Funding Sources

FY2024 Budget	Total Budget (all years)	Project Total
$2,325,000	$2.325M	$2.325M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2024	Total
Capital Projects Construction Fund	$2,325,000	$2,325,000
Total	**$2,325,000**	**$2,325,000**

STORMWATER REQUESTS

Drainage - Adler Road Culverts at Currey Creek and No-Name Creek

Overview

Request Owner	Jeff Carroll
Department	Stormwater
Type	Capital Improvement

Description

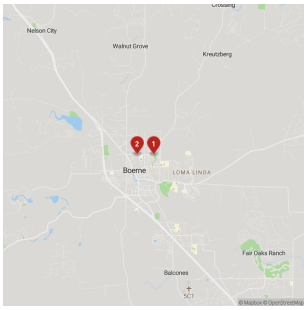
Per Drainge Master Plan (DMP) project #1, improve low water crossings along Adler Road to enhance safety and mobility. This project includes street reconstruction, curbs, sidewalks and driveway approaches as needed.

Per Interlocal agreement with County.

Details

Type of Project	Refurbishment

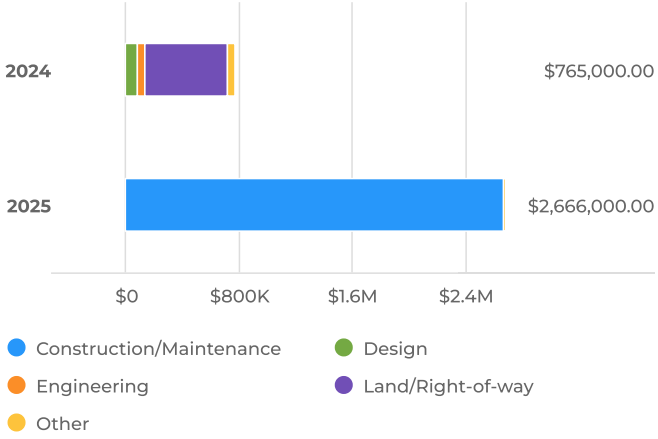
Location



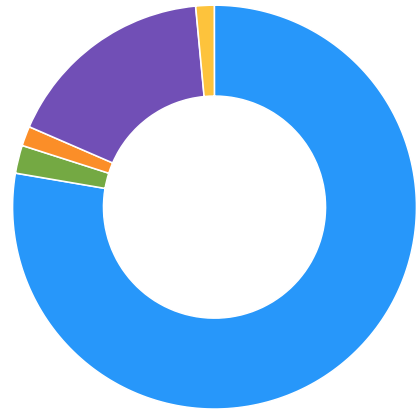
Capital Cost

Total To Date	FY2024 Budget	Total Budget (all years)	Project Total
$432,745	$765,000	$3.431M	$3.864M

Capital Cost by Year



Capital Cost for Budgeted Years



Construction/Maintenance (78%)	$2,666,000.0
Design (2%)	$77,000.00
Engineering (2%)	$54,000.00
Land/Right-of-way (17%)	$583,000.00
Other (1%)	$51,000.00
TOTAL	**$3,431,000.00**

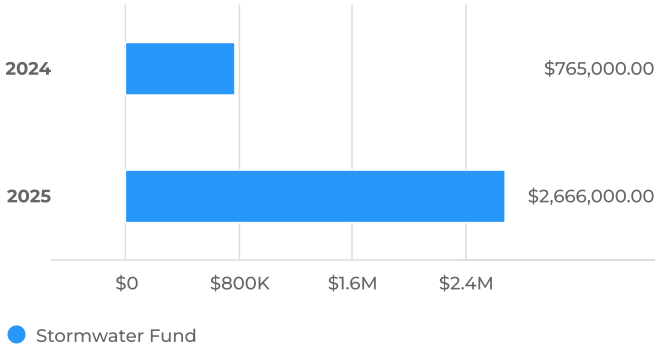
Capital Cost Breakdown

Capital Cost	To Date	FY2024	FY2025	Total
Design	$432,745	$77,000		$509,745
Engineering		$54,000		$54,000
Land/Right-of-way		$583,000		$583,000
Construction/Maintenance			$2,666,000	$2,666,000
Other		$51,000		$51,000
Total	**$432,745**	**$765,000**	**$2,666,000**	**$3,863,745**

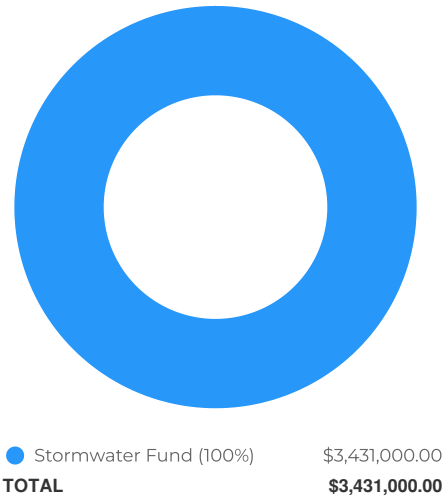
Funding Sources

FY2024 Budget	Total Budget (all years)	Project Total
$765,000	$3.431M	$3.431M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2024	FY2025	Total
Stormwater Fund	$765,000	$2,666,000	$3,431,000
Total	**$765,000**	**$2,666,000**	**$3,431,000**

Drainage - Bluebonnet Circle Drainage Improvements

Overview

Request Owner	Jeff Carroll
Department	Stormwater
Type	Capital Improvement

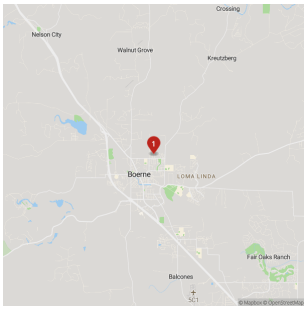
Description

Per DMP project #15, Improved low water crossings along Bluebonnet Circle to enhance safety and mobility. This proposed phase includes street reconstruction, curbs, sidewalks
and driveway approaches as needed. The proposed structures will be elevated reinforced concrete boxes and will require some channel modifications to the
existing drainageway.

Details

Type of Project	Refurbishment

Location

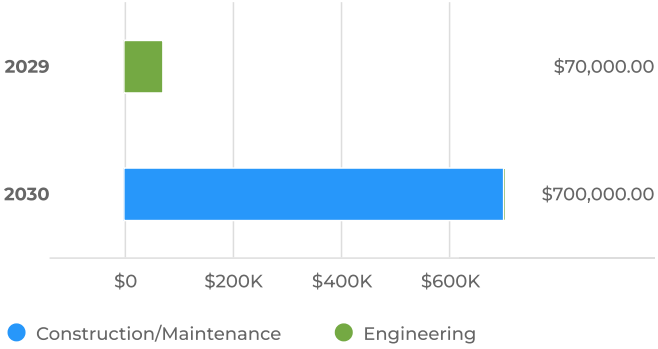


Capital Cost

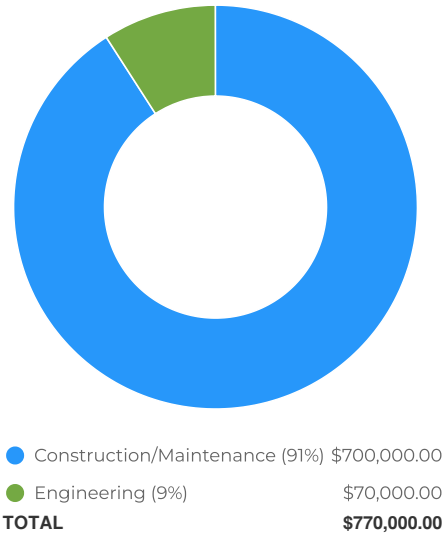
Total Budget (all years)
$770K

Project Total
$770K

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

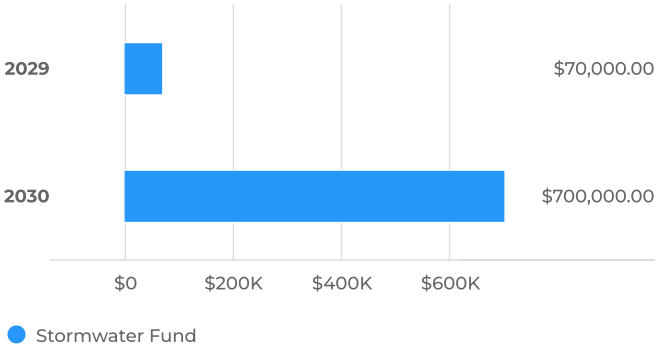
Capital Cost	FY2029	FY2030	Total
Engineering	$70,000		$70,000
Construction/Maintenance		$700,000	$700,000
Total	**$70,000**	**$700,000**	**$770,000**

Funding Sources

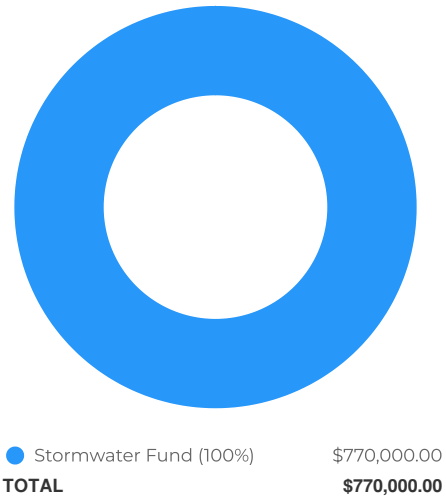
Total Budget (all years)
$770K

Project Total
$770K

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2029	FY2030	Total
Stormwater Fund	$70,000	$700,000	$770,000
Total	**$70,000**	**$700,000**	**$770,000**

Drainage - Currey Creek Channel Improvements

Overview

Request Owner	Jeff Carroll
Department	Stormwater
Type	Capital Improvement

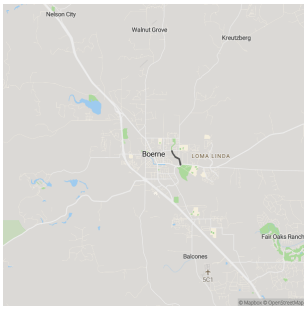
Description

Per DMP project #16, Construct channel modifications along the Currey Creek from Blanco Road to just upstream of Esser Road, and provide bankfull channel for low flow
channel restoration. This project will reduce flood risk to the subdivisions along Currey Creek between East Blanco Road and Esser and provide an opportunity to extend the Currey Creek Trail system.

Details

Type of Project	Refurbishment

Location

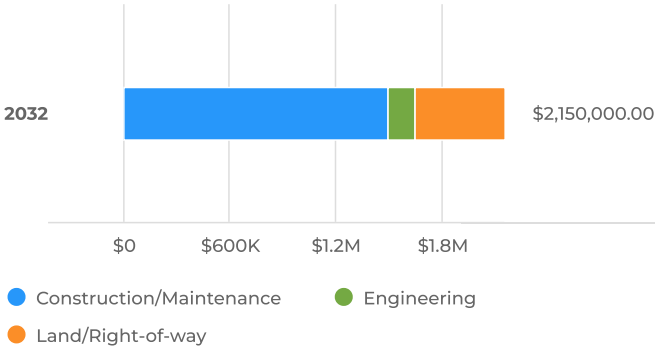


Capital Cost

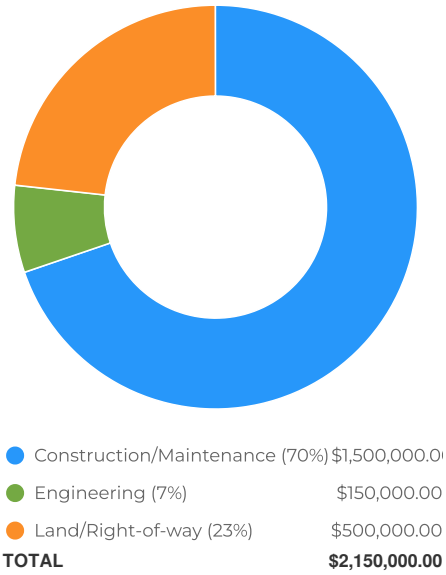
Total Budget (all years)
$2.15M

Project Total
$2.15M

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

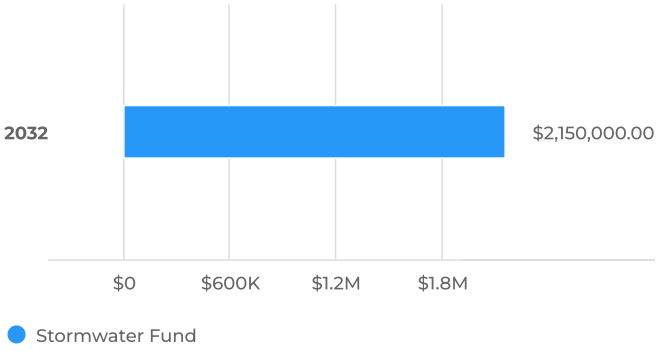
Capital Cost	FY2032	Total
Engineering	$150,000	$150,000
Land/Right-of-way	$500,000	$500,000
Construction/Maintenance	$1,500,000	$1,500,000
Total	**$2,150,000**	**$2,150,000**

Funding Sources

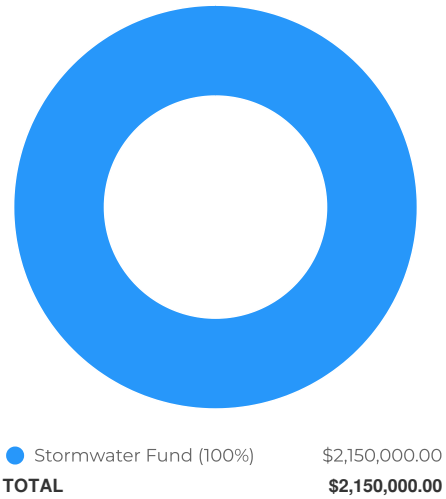
Total Budget (all years)
$2.15M

Project Total
$2.15M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2032	Total
Stormwater Fund	$2,150,000	$2,150,000
Total	**$2,150,000**	**$2,150,000**

Drainage - E. Blanco Road at Unnamed Tributary A

Overview

Request Owner	Jeff Carroll
Department	Stormwater
Type	Capital Improvement

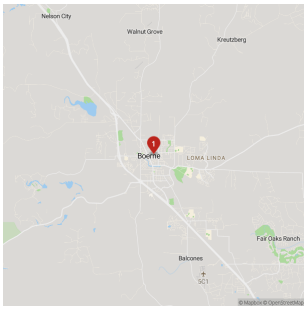
Description

Per DMP project #10, Improved low water crossing at E. Blanco Road to enhance safety and mobility. This project includes street reconstruction, curbs, sidewalks and driveway
approaches as needed. The proposed structure will be an elevated bridge.

Details

Type of Project	Refurbishment

Location

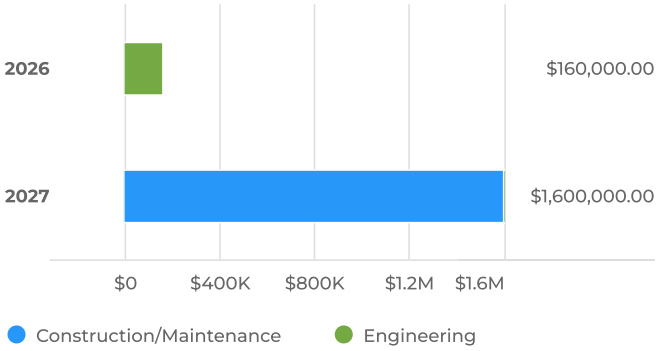


Capital Cost

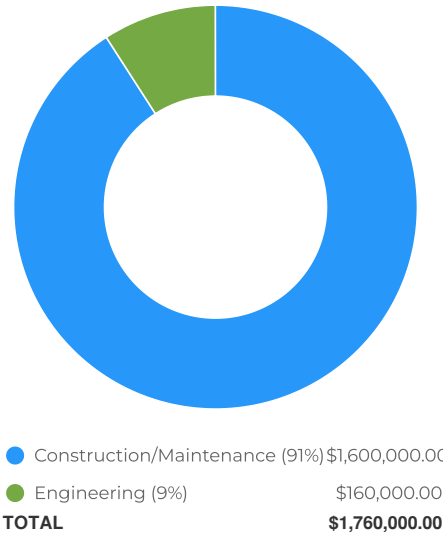
Total Budget (all years)
$1.76M

Project Total
$1.76M

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

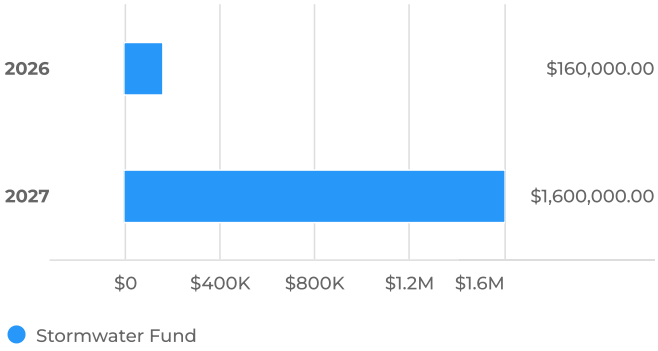
Capital Cost	FY2026	FY2027	Total
Engineering	$160,000		$160,000
Construction/Maintenance		$1,600,000	$1,600,000
Total	**$160,000**	**$1,600,000**	**$1,760,000**

Funding Sources

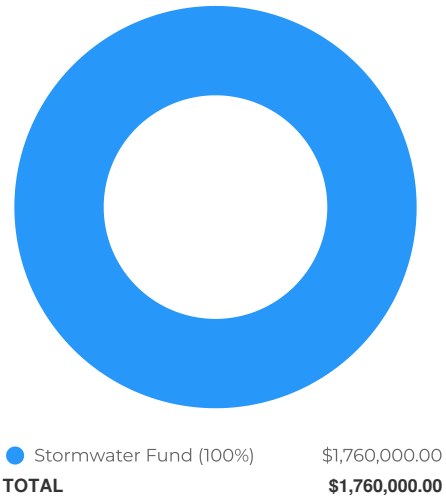
Total Budget (all years)
$1.76M

Project Total
$1.76M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2026	FY2027	Total
Stormwater Fund	$160,000	$1,600,000	$1,760,000
Total	**$160,000**	**$1,600,000**	**$1,760,000**

Drainage - East Boerne Regional LID

Overview

Request Owner	Jeff Carroll
Department	Stormwater
Type	Capital Improvement

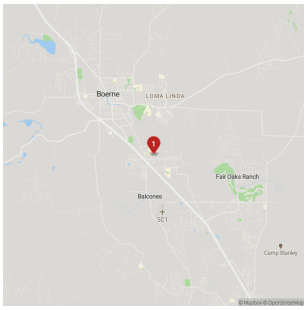
Description

Per DMP project #14, Construct an inline extended detention facility and trash rack to provide water quality benefits to the urbanized tributary of Cibolo Creek and properties downstream of Scenic Loop Road.

Details

Type of Project	New Construction

Location

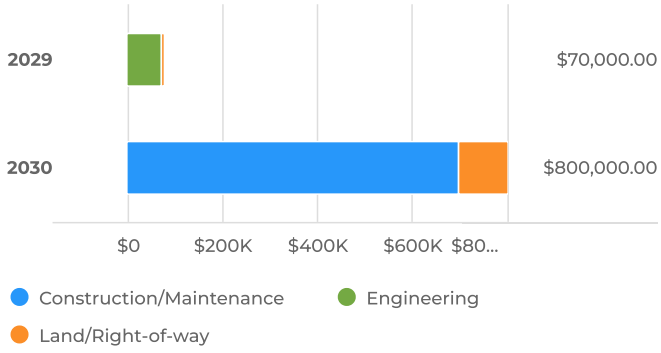


Capital Cost

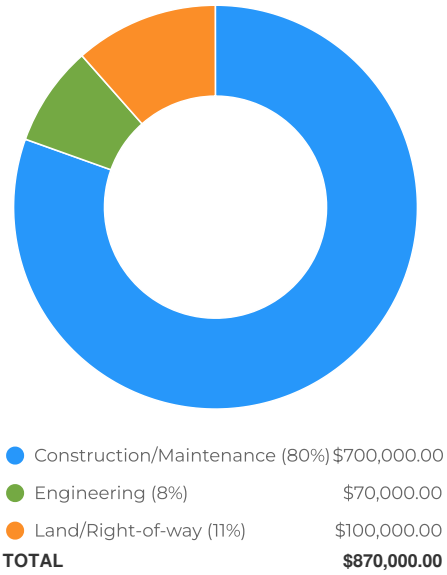
Total Budget (all years)
$870K

Project Total
$870K

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

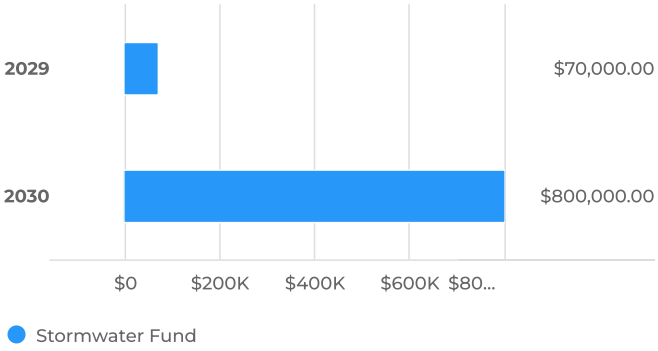
Capital Cost	FY2029	FY2030	Total
Engineering	$70,000		$70,000
Land/Right-of-way		$100,000	$100,000
Construction/Maintenance		$700,000	$700,000
Total	**$70,000**	**$800,000**	**$870,000**

Funding Sources

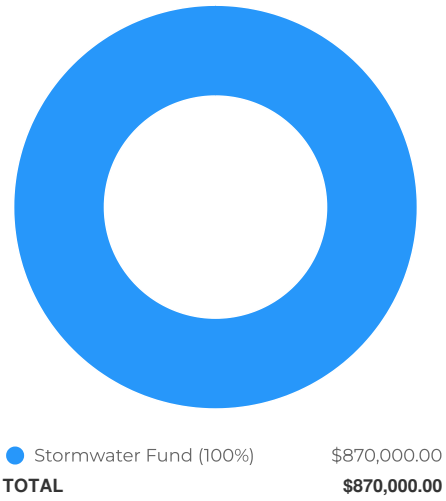
Total Budget (all years)
$870K

Project Total
$870K

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2029	FY2030	Total
Stormwater Fund	$70,000	$800,000	$870,000
Total	**$70,000**	**$800,000**	**$870,000**

Drainage - Herff and Esser Road Improvements at Currey and Cibolo Creek

Overview

Request Owner	Jeff Carroll
Department	Stormwater
Type	Capital Improvement

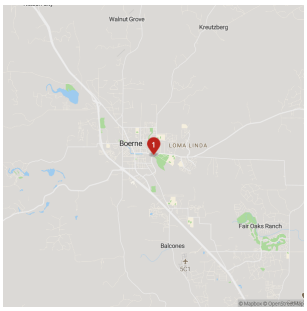
Description

Per DMP project #13, Improvements to the intersection at Herff and Esser Road. This project includes building a new bridge along Cibolo and Currey Creek, significantly raising
the intersection elevations at Herff and Esser, and constructing local conveyance improvements.

Details

Type of Project	Refurbishment

Location

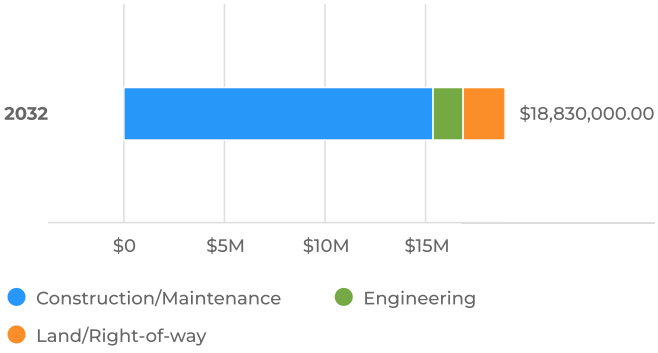


Capital Cost

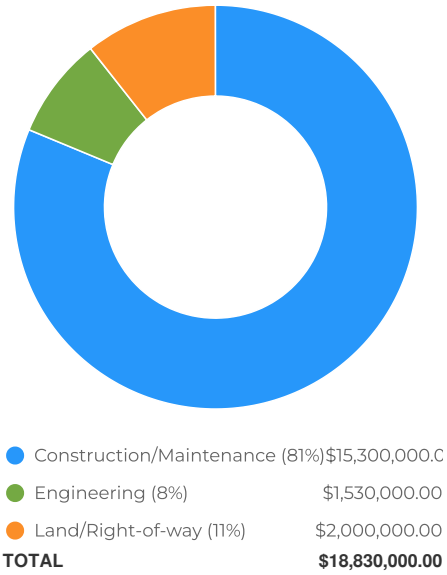
Total Budget (all years)
$18.83M

Project Total
$18.83M

Capital Cost by Year



Capital Cost for Budgeted Years



Construction/Maintenance (81%)	$15,300,000.0
Engineering (8%)	$1,530,000.00
Land/Right-of-way (11%)	$2,000,000.00
TOTAL	**$18,830,000.00**

Capital Cost Breakdown

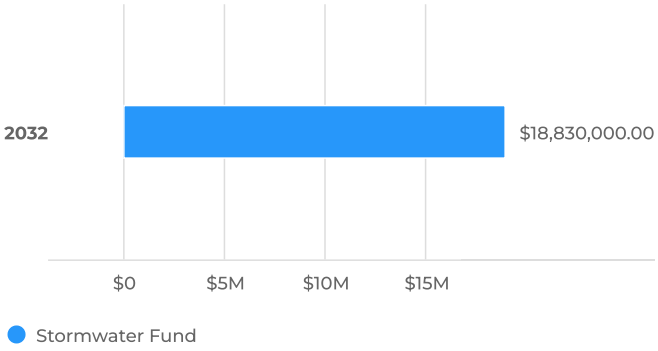
Capital Cost	FY2032	Total
Engineering	$1,530,000	$1,530,000
Land/Right-of-way	$2,000,000	$2,000,000
Construction/Maintenance	$15,300,000	$15,300,000
Total	**$18,830,000**	**$18,830,000**

Funding Sources

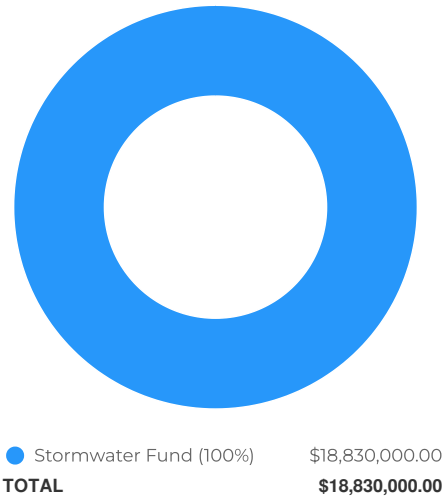
Total Budget (all years)
$18.83M

Project Total
$18.83M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2032	Total
Stormwater Fund	$18,830,000	$18,830,000
Total	**$18,830,000**	**$18,830,000**

Drainage - Johns and Lohmann Street

Overview

Request Owner	Jeff Carroll
Department	Stormwater
Type	Capital Improvement

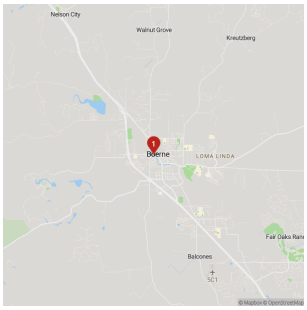
Description

Per DMP project #8, Proposed storm drain system, erosion protection and channel improvements to redirect floodwaters away from the North Boerne Middle School, North Boerne ISD Administration Center and neighboring subdivisions toward Cibolo Creek.

Details

Type of Project	Refurbishment

Location

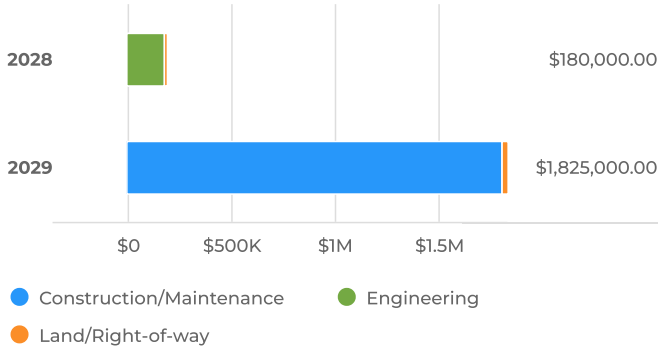


Capital Cost

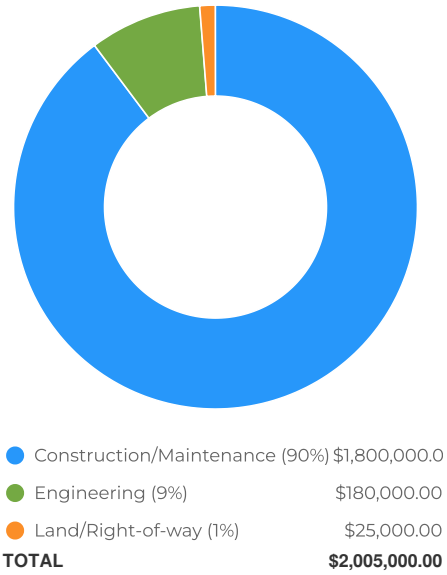
Total Budget (all years)
$2.005M

Project Total
$2.005M

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

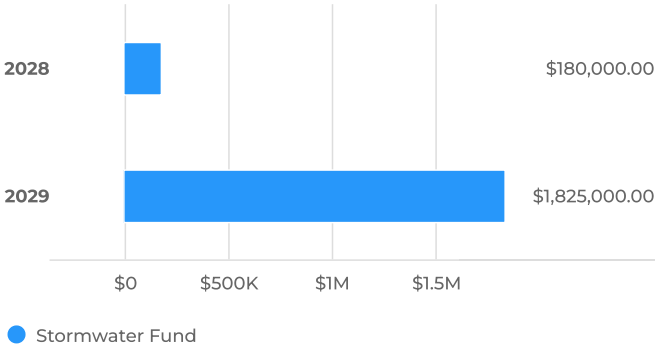
Capital Cost	FY2028	FY2029	Total
Engineering	$180,000		$180,000
Land/Right-of-way		$25,000	$25,000
Construction/Maintenance		$1,800,000	$1,800,000
Total	**$180,000**	**$1,825,000**	**$2,005,000**

Funding Sources

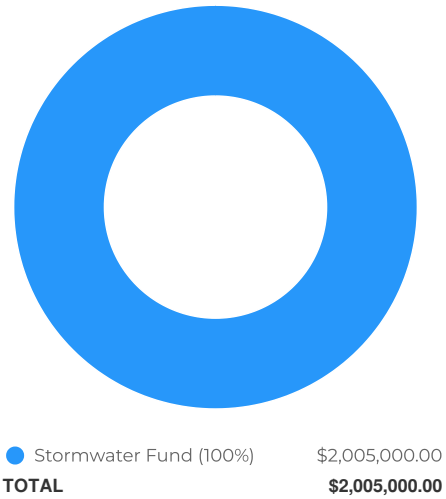
Total Budget (all years)
$2.005M

Project Total
$2.005M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2028	FY2029	Total
Stormwater Fund	$180,000	$1,825,000	$2,005,000
Total	**$180,000**	**$1,825,000**	**$2,005,000**

Drainage - Johns Road near Cibolo Crossing Subdivision

Overview

Request Owner	Jeff Carroll
Department	Stormwater
Type	Capital Improvement

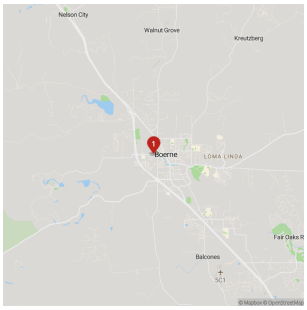
Description

Per Drainge Master Plan (DMP) project #6, Proposed storm drain system, erosion protection, and channel improvements to redirect floodwaters away from the Cibolo Crossing Subdivision toward Cibolo Creek.

Details

Type of Project	Other improvement

Location

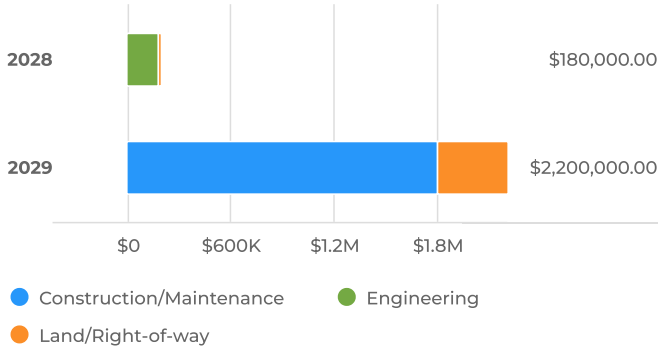


Capital Cost

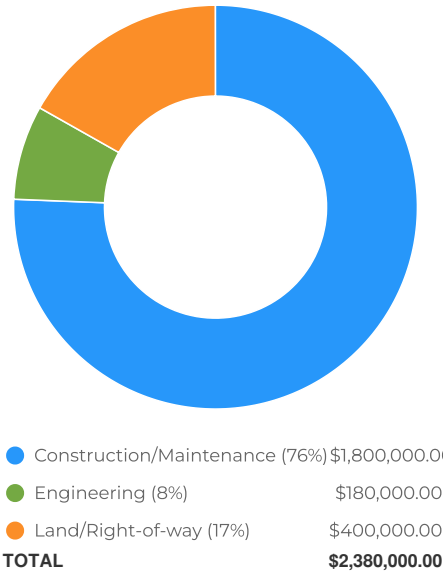
Total Budget (all years)
$2.38M

Project Total
$2.38M

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

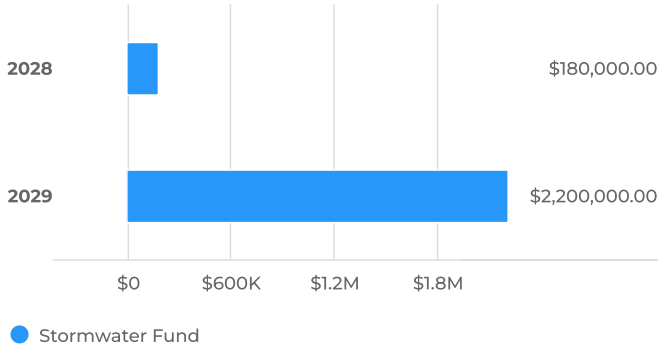
Capital Cost	FY2028	FY2029	Total
Engineering	$180,000		$180,000
Land/Right-of-way		$400,000	$400,000
Construction/Maintenance		$1,800,000	$1,800,000
Total	**$180,000**	**$2,200,000**	**$2,380,000**

Funding Sources

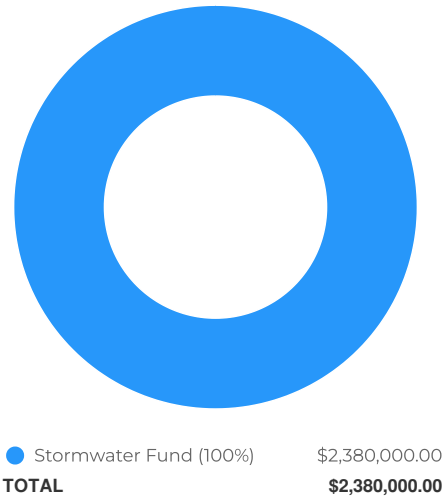
Total Budget (all years)
$2.38M

Project Total
$2.38M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2028	FY2029	Total
Stormwater Fund	$180,000	$2,200,000	$2,380,000
Total	**$180,000**	**$2,200,000**	**$2,380,000**

Drainage - Old San Antonio Street at Menger Creek

Overview

Request Owner	Jeff Carroll
Department	Stormwater
Type	Capital Improvement

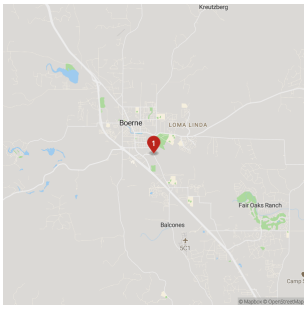
Description

Per 2022 Drainge Master Plan (DMP) project #5D, improve low water crossing at Old San Antonio Street to enhance safety and mobility. This proposed project includes street reconstruction, curbs, sidewalks and driveway approaches as needed. The proposed structure will be an elevated bridge and preserve the riparian area of Menger Creek.

Includes intersection improvements for Herff/Old San Antonio and sidewalk extension along Herff Road.

Included with interlocal with County.

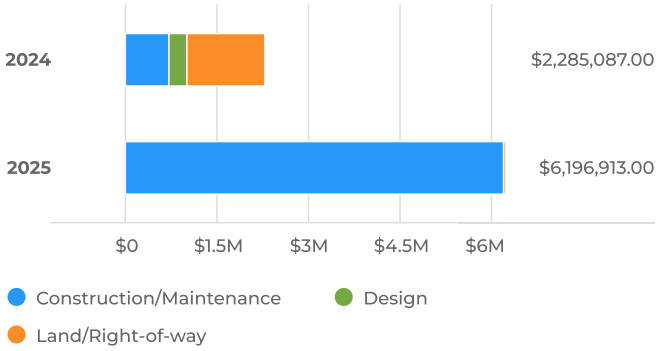
Location



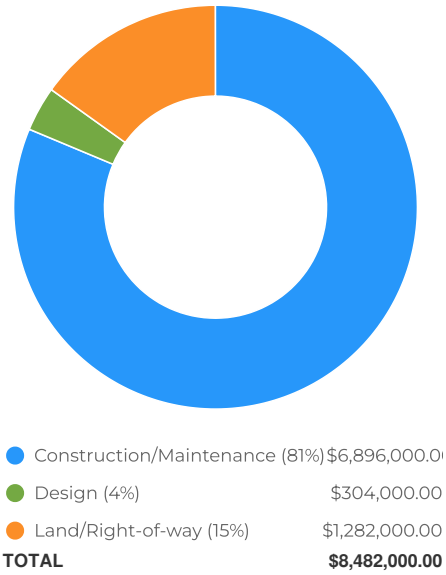
Capital Cost

FY2024 Budget	Total Budget (all years)	Project Total
$2,285,087	$8.482M	$8.482M

Capital Cost by Year



Capital Cost for Budgeted Years



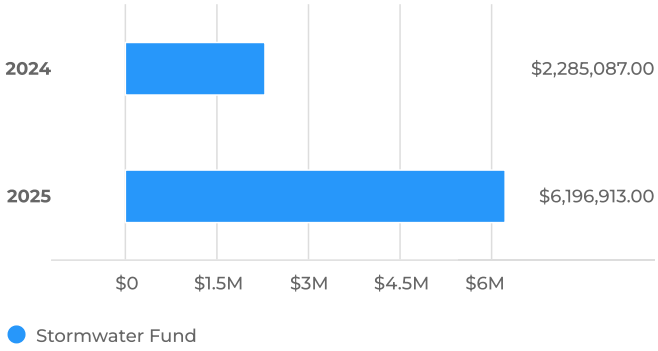
Capital Cost Breakdown

Capital Cost	FY2024	FY2025	Total
Design	$304,000		$304,000
Land/Right-of-way	$1,282,000		$1,282,000
Construction/Maintenance	$699,087	$6,196,913	$6,896,000
Total	**$2,285,087**	**$6,196,913**	**$8,482,000**

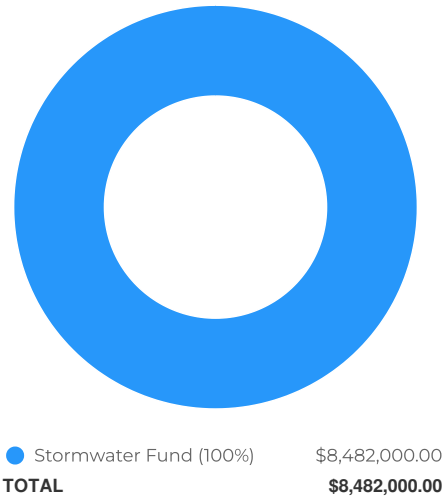
Funding Sources

FY2024 Budget	Total Budget (all years)	Project Total
$2,285,087	$8.482M	$8.482M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2024	FY2025	Total
Stormwater Fund	$2,285,087	$6,196,913	$8,482,000
Total	**$2,285,087**	**$6,196,913**	**$8,482,000**

Drainage - Open Space

Overview

Request Owner	Jeff Carroll
Department	Stormwater
Type	Capital Improvement

Description

City to acquire lots/parcels with existing local/FEMA floodplain to preserve open space and for ROW for future floodplain projects

Details

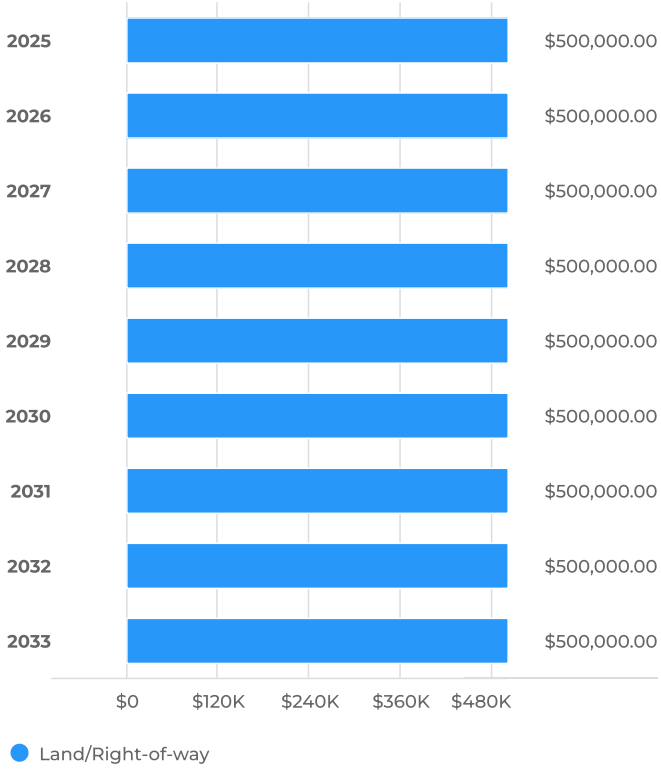
Type of Project	Other improvement

Capital Cost

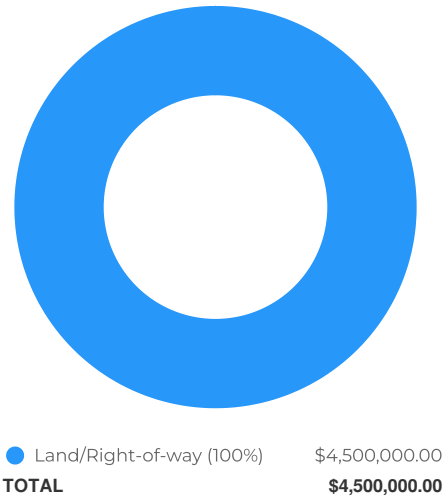
Total Budget (all years)
$4.5M

Project Total
$4.5M

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

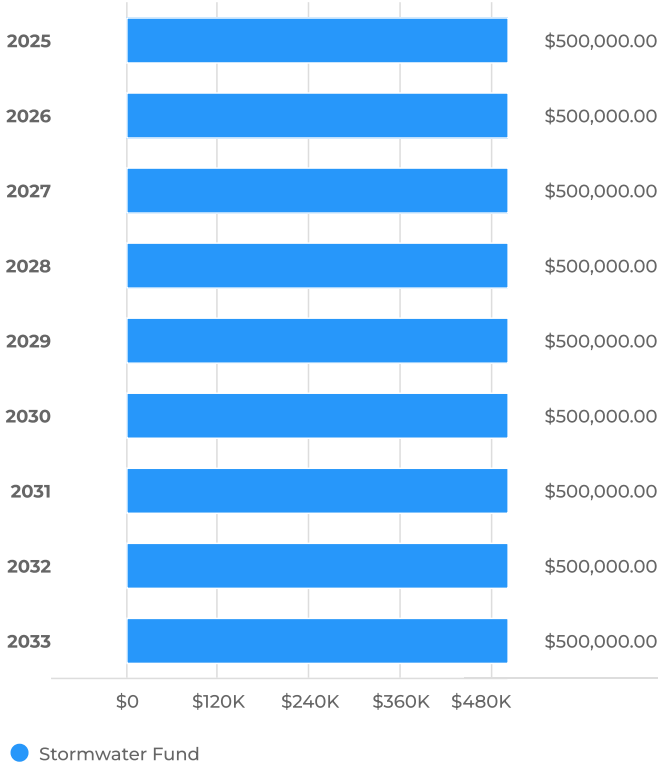
Capital Cost	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
Land/Right-of-way	$500,000	$500,000	$500,000	$500,000	$500,000	$500,000	$500,000	$500,000	$500,0
Total	**$500,000**	**$500,000**	**$500,000**	**$500,000**	**$500,000**	**$500,000**	**$500,000**	**$500,000**	**$500,0**

Funding Sources

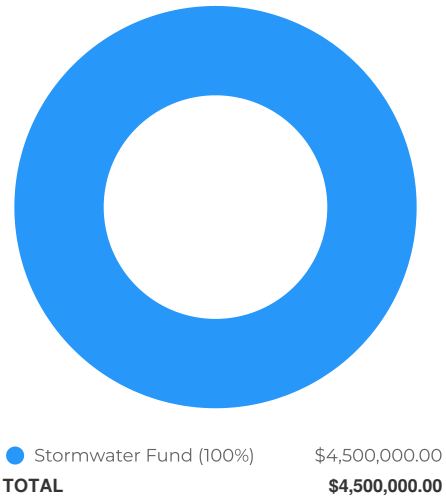
Total Budget (all years)
$4.5M

Project Total
$4.5M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
Stormwater Fund	$500,000	$500,000	$500,000	$500,000	$500,000	$500,000	$500,000	$500,000	$500,0
Total	**$500,000**	**$500,000**	**$500,000**	**$500,000**	**$500,000**	**$500,000**	**$500,000**	**$500,000**	**$500,0**

Drainage - Plant Channel Improvements

Overview

Request Owner	Jeff Carroll
Department	Stormwater
Type	Capital Improvement

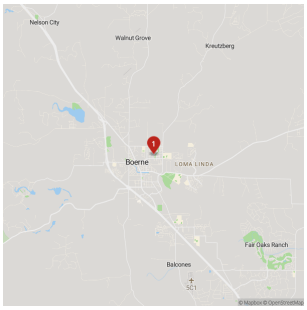
Description

Per DMP project #12, Improved conveyance along the tributary of Currey Creek from Plant Avenue to Currey Creek in areas to improve existing flow capacity. This project will reduce flood risk to the subdivisions along Plant Avenue.

Details

Type of Project	Refurbishment

Location

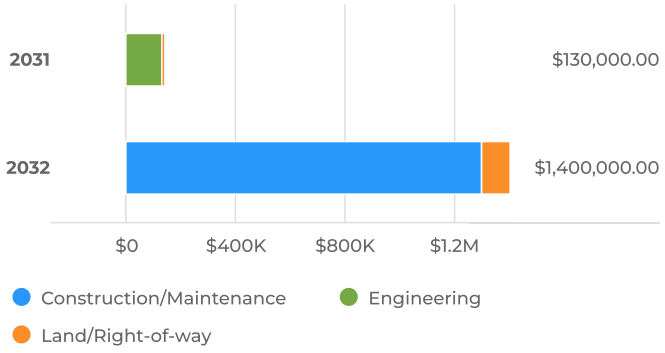


Capital Cost

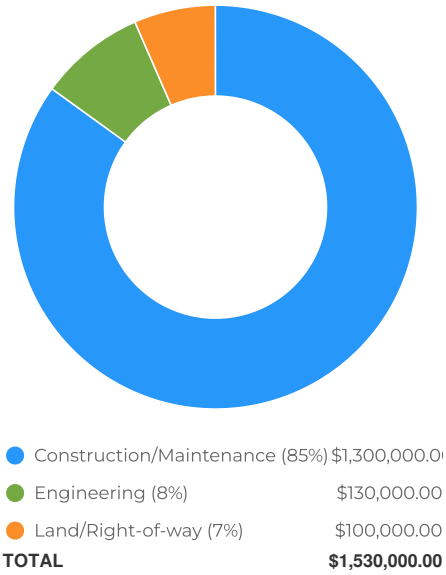
Total Budget (all years)
$1.53M

Project Total
$1.53M

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

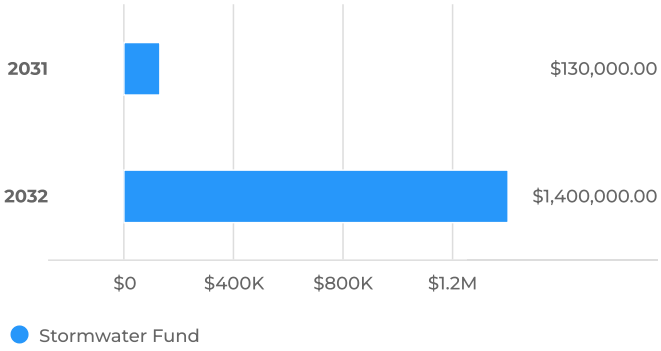
Capital Cost	FY2031	FY2032	Total
Engineering	$130,000		$130,000
Land/Right-of-way		$100,000	$100,000
Construction/Maintenance		$1,300,000	$1,300,000
Total	**$130,000**	**$1,400,000**	**$1,530,000**

Funding Sources

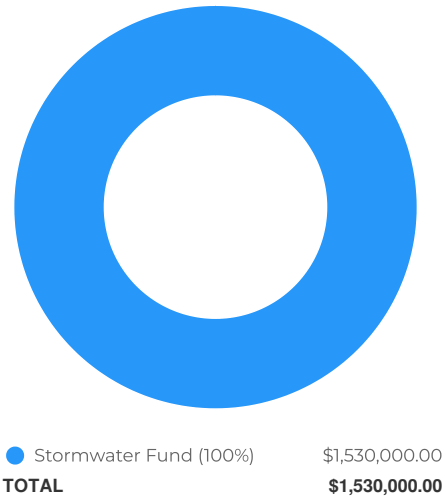
Total Budget (all years)
$1.53M

Project Total
$1.53M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2031	FY2032	Total
Stormwater Fund	$130,000	$1,400,000	$1,530,000
Total	**$130,000**	**$1,400,000**	**$1,530,000**

Drainage - River Road at Unnamed Tributary A

Overview

Request Owner	Jeff Carroll
Department	Stormwater
Type	Capital Improvement

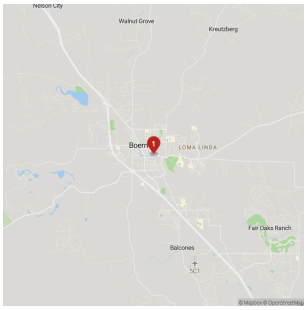
Description

Per DMP project #11, Improved low water crossing at River Road to enhance safety and mobility. This project includes street reconstruction, curbs, sidewalks and driveway approaches as needed. The proposed structure will be an elevated bridge.

Details

Type of Project	Refurbishment

Location

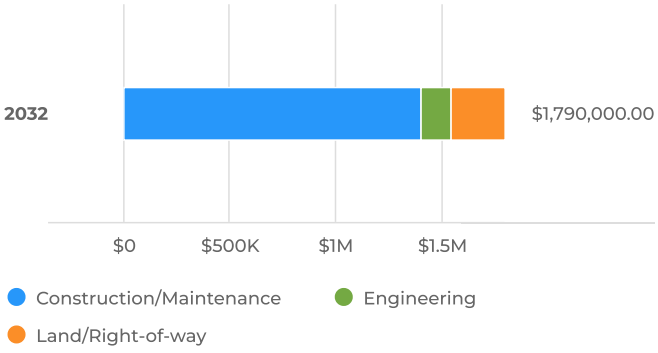


Capital Cost

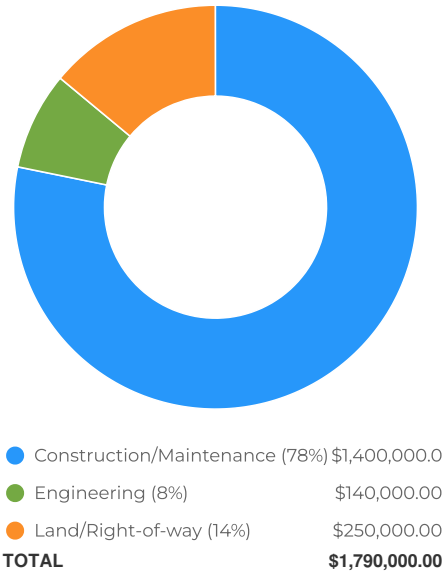
Total Budget (all years)
$1.79M

Project Total
$1.79M

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

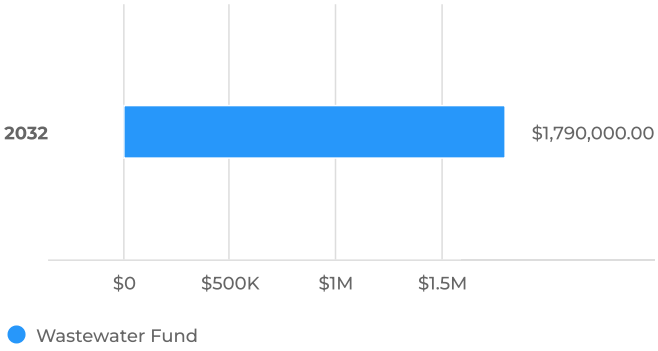
Capital Cost	FY2032	Total
Engineering	$140,000	$140,000
Land/Right-of-way	$250,000	$250,000
Construction/Maintenance	$1,400,000	$1,400,000
Total	**$1,790,000**	**$1,790,000**

Funding Sources

Total Budget (all years)
$1.79M

Project Total
$1.79M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2032	Total
Wastewater Fund	$1,790,000	$1,790,000
Total	**$1,790,000**	**$1,790,000**

Drainage - School Street at Cibolo Creek and Frederick Creek

Overview

Request Owner	Jeff Carroll
Department	Stormwater
Type	Capital Improvement

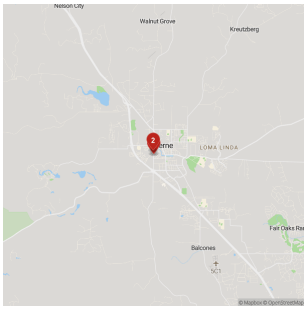
Description

Per 2022 Drainge Master Plan (DMP) project #4B, Improved low water crossings at School Street to enhance safety and mobility. This proposed phase includes street reconstruction, curbs, sidewalks and driveway approaches as needed. The proposed structures will be elevated bridges and preserve the riparian area of both Cibolo and Frederick Creeks.

Details

Type of Project	Refurbishment

Location

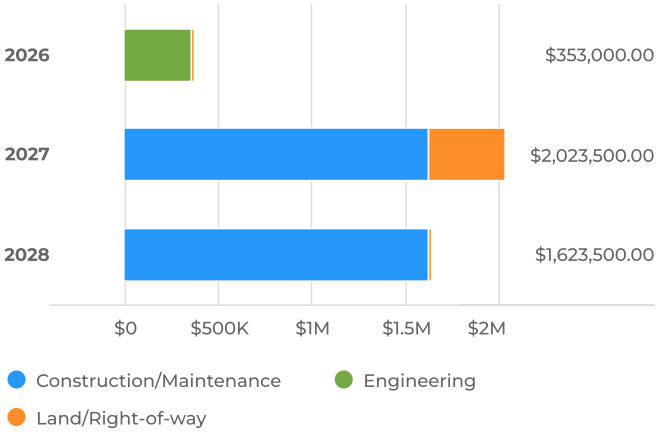


Capital Cost

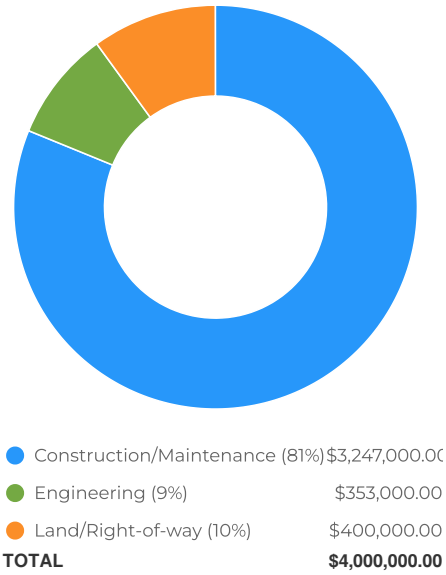
Total Budget (all years)
$4M

Project Total
$4M

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

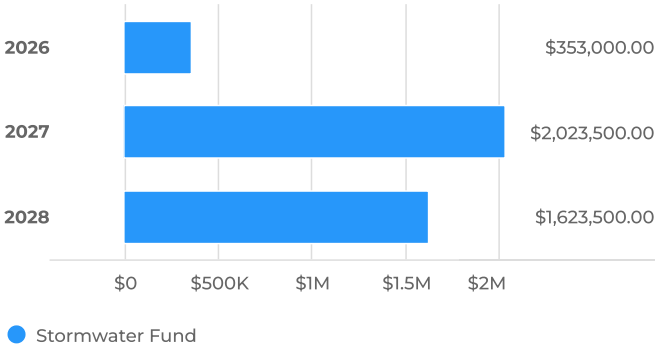
Capital Cost	FY2026	FY2027	FY2028	Total
Engineering	$353,000			$353,000
Land/Right-of-way		$400,000		$400,000
Construction/Maintenance		$1,623,500	$1,623,500	$3,247,000
Total	**$353,000**	**$2,023,500**	**$1,623,500**	**$4,000,000**

Funding Sources

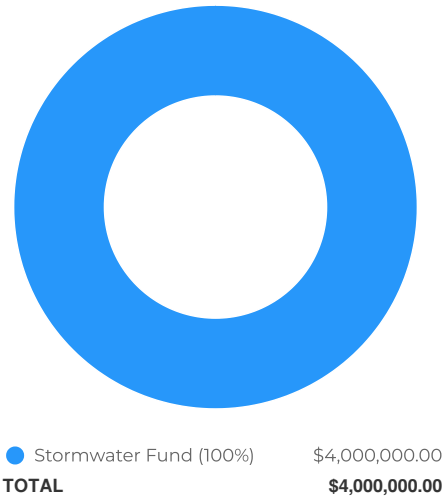
Total Budget (all years)
$4M

Project Total
$4M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2026	FY2027	FY2028	Total
Stormwater Fund	$353,000	$2,023,500	$1,623,500	$4,000,000
Total	**$353,000**	**$2,023,500**	**$1,623,500**	**$4,000,000**

Drainage - Schweppe and Hickman Street

Overview

Request Owner	Jeff Carroll
Department	Stormwater
Type	Capital Improvement

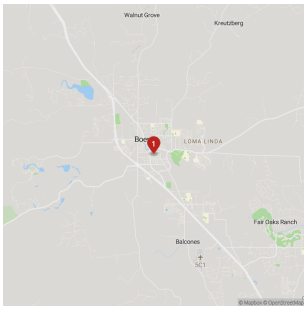
Description

Per DMP project #7, Proposed storm drain system, erosion protection and channel improvements to redirect floodwaters away from the Old Town Boerne properties toward Cibolo Creek.

Details

Type of Project	Other improvement

Location

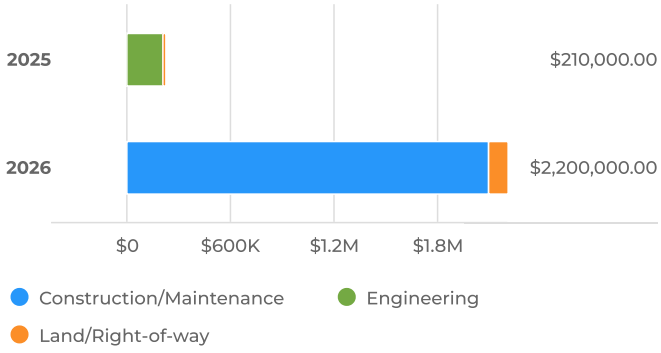


Capital Cost

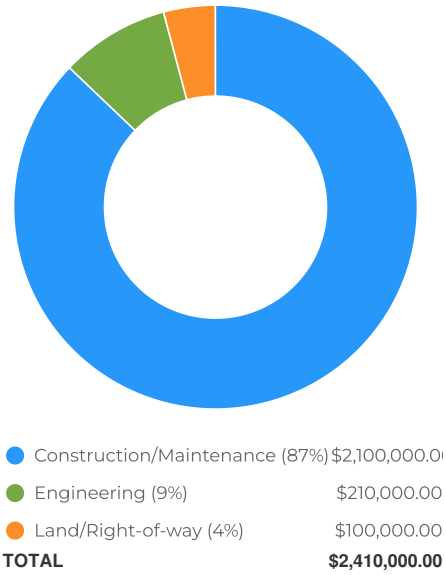
Total Budget (all years)
$2.41M

Project Total
$2.41M

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

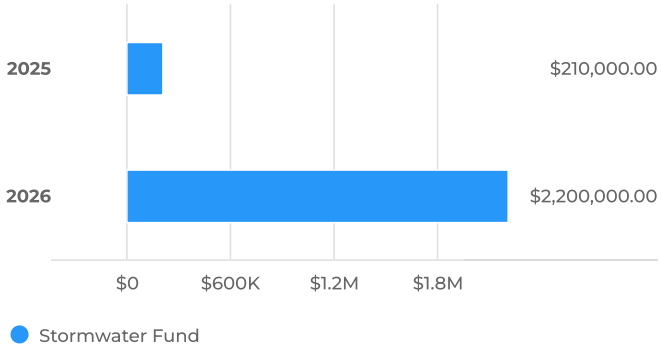
Capital Cost	FY2025	FY2026	Total
Engineering	$210,000		$210,000
Land/Right-of-way		$100,000	$100,000
Construction/Maintenance		$2,100,000	$2,100,000
Total	**$210,000**	**$2,200,000**	**$2,410,000**

Funding Sources

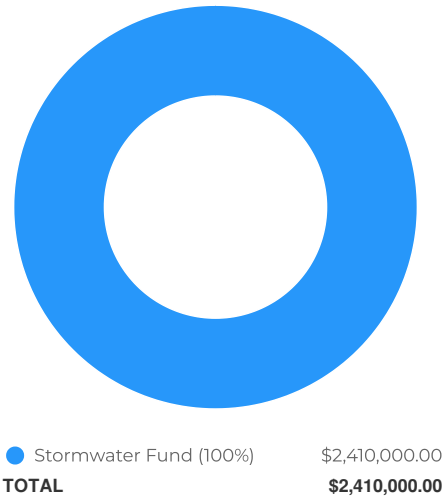
Total Budget (all years)
$2.41M

Project Total
$2.41M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2025	FY2026	Total
Stormwater Fund	$210,000	$2,200,000	$2,410,000
Total	**$210,000**	**$2,200,000**	**$2,410,000**

Drainage - Unnamed Tributary A – Subdivision Flood Protection & Mobility Project

Overview

Request Owner	Jeff Carroll
Department	Stormwater
Type	Capital Improvement

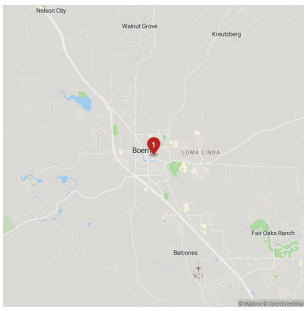
Description

Per DMP project #9, Proposed channel and low water crossing modifications from River Road to E. San Antonio Avenue along the maintained Unnamed Tributary A channel. The proposed channel will have stone-lined vertical walls and a vegetated channel bottom. This project will increase neighborhood mobility and reduce flood risk for several residential structures.

Details

Type of Project	Refurbishment

Location

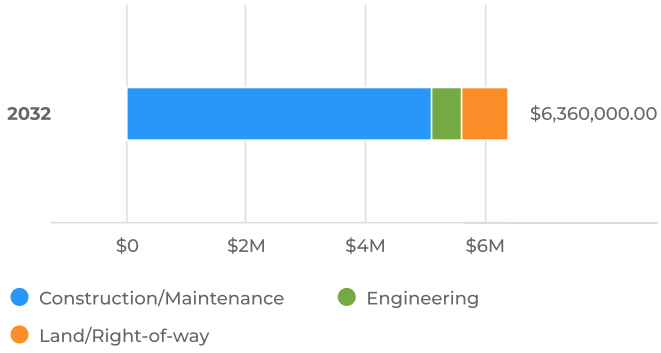


Capital Cost

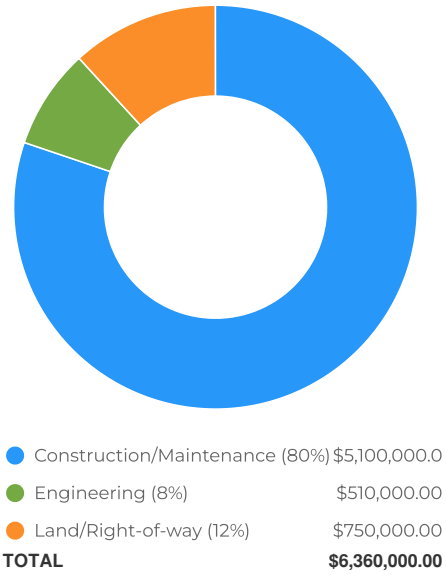
Total Budget (all years)
$6.36M

Project Total
$6.36M

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

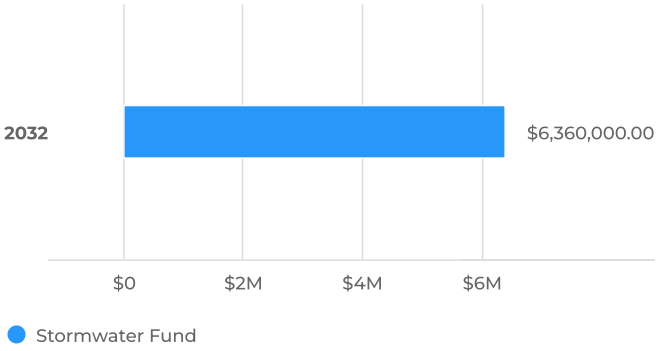
Capital Cost	FY2032	Total
Engineering	$510,000	$510,000
Land/Right-of-way	$750,000	$750,000
Construction/Maintenance	$5,100,000	$5,100,000
Total	**$6,360,000**	**$6,360,000**

Funding Sources

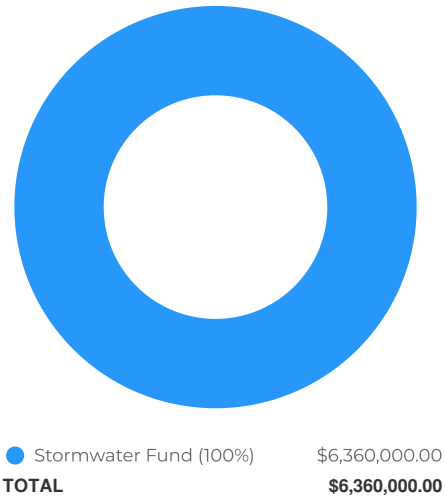
Total Budget (all years)
$6.36M

Project Total
$6.36M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2032	Total
Stormwater Fund	$6,360,000	$6,360,000
Total	**$6,360,000**	**$6,360,000**

NRCS Dam #1 (City Lake) - Dam Upgrades

Overview

Request Owner	Jeff Carroll
Department	Stormwater
Type	Capital Improvement

Description

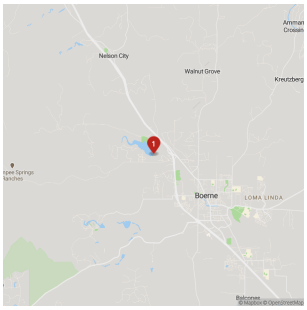
4 NRCS flood control dams were built in the 70's upstream of Boerne as a flood control measure. Boerne Lake (NRCS Dams #1) is the most well known. Per the City's agreement with the County, the City is responsible for maintenance of Dams #1 (Boerne City Lake) and #3 (Lake Oz).

As the Dams age, maintenance and/or upgrades will be required for the spillways and intake structures for these dams to continue to protect the city of Boerne from flood events.

Details

Type of Project	Refurbishment

Location

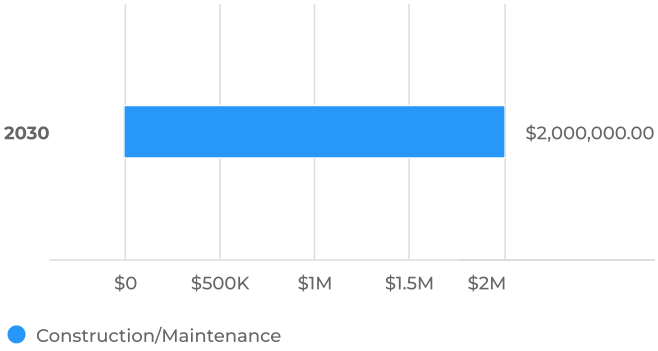


Capital Cost

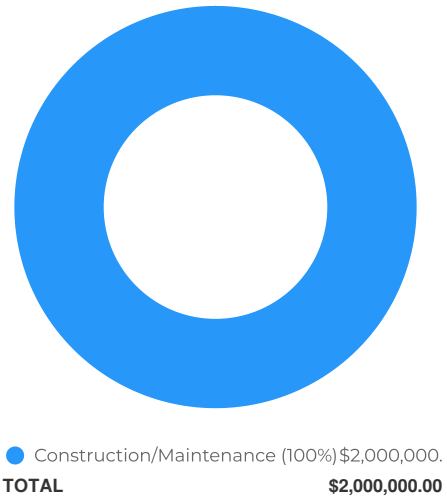
Total Budget (all years)
$2M

Project Total
$2M

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

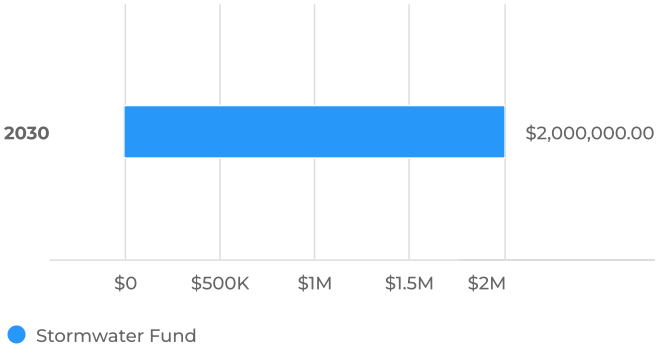
Capital Cost	FY2030	Total
Construction/Maintenance	$2,000,000	$2,000,000
Total	**$2,000,000**	**$2,000,000**

Funding Sources

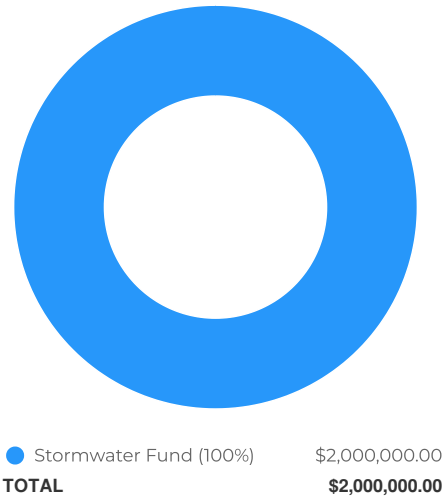
Total Budget (all years)
$2M

Project Total
$2M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2030	Total
Stormwater Fund	$2,000,000	$2,000,000
Total	**$2,000,000**	**$2,000,000**

NRCS Dam #3 (lake oz) - Dam upgrades

Overview

Request Owner	Jeff Carroll
Department	Stormwater
Type	Capital Improvement

Description

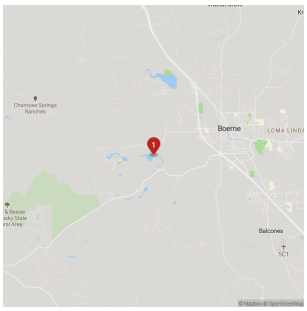
4 NRCS flood control dams were built in the 70's upstream of Boerne as a flood control measure. Boerne Lake (NRCS Dams #1) is the most well known. Per the City's agreement with the County, the City is responsible for maintenance of Dams #1 (Boerne City Lake) and #3 (Lake Oz).

As the Dams age, maintenance and/or upgrades will be required for the spillways and intake structures for these dams to continue to protect the city of Boerne from flood events.

Details

Type of Project	Refurbishment

Location

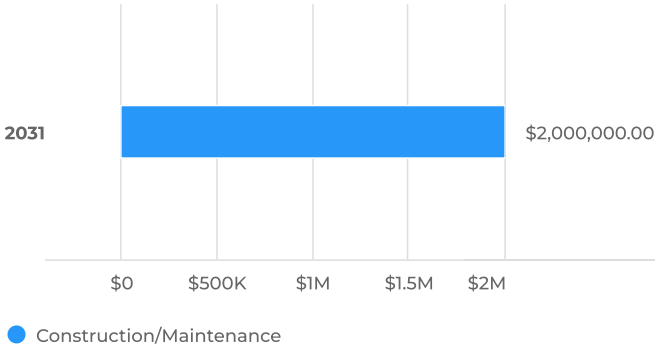


Capital Cost

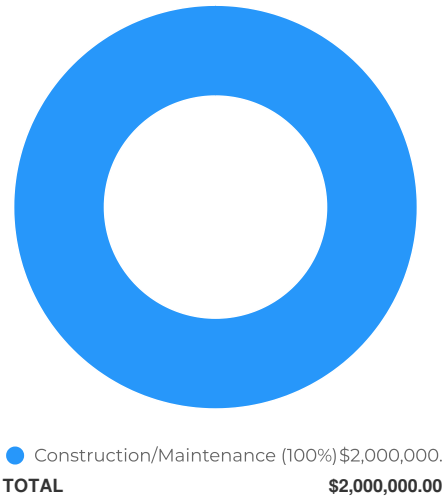
Total Budget (all years)
$2M

Project Total
$2M

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

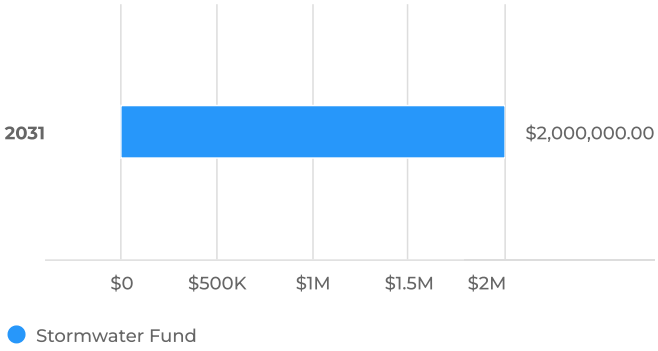
Capital Cost	FY2031	Total
Construction/Maintenance	$2,000,000	$2,000,000
Total	**$2,000,000**	**$2,000,000**

Funding Sources

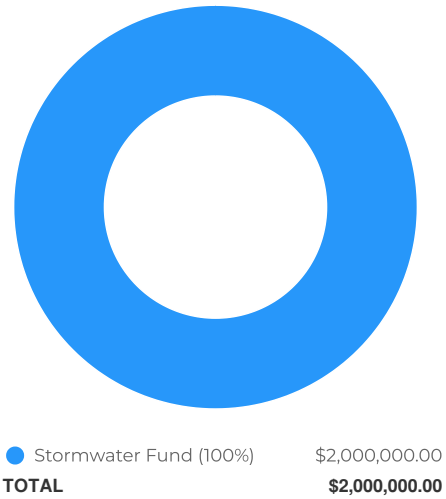
Total Budget (all years)
$2M

Project Total
$2M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2031	Total
Stormwater Fund	$2,000,000	$2,000,000
Total	**$2,000,000**	**$2,000,000**

Regional Detention - Currey Creek

Overview

Request Owner	Jeff Carroll
Department	Stormwater
Type	Capital Improvement

Description

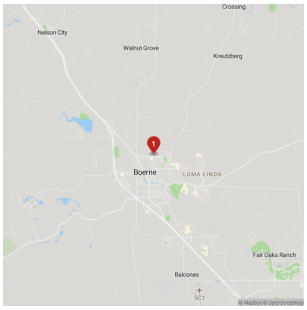
Per DMP project #3, a Proposed Regional Detention Facility to provide flooding relief to neighborhood streets and properties downstream. Both outdoor recreational and environmental features can be incorporated into the facility.

Land Acquisition Needed

Details

Type of Project	New Construction

Location

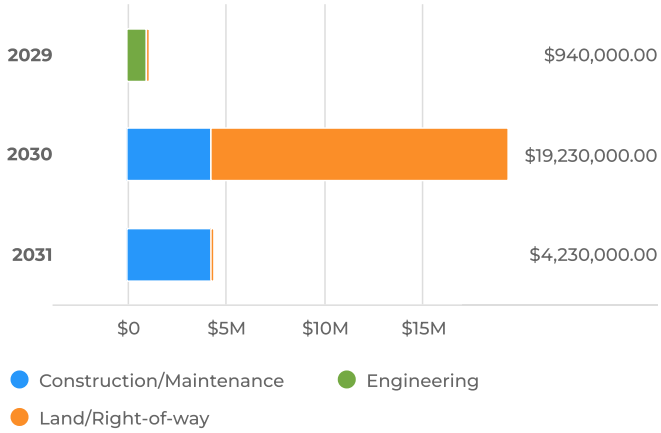


Capital Cost

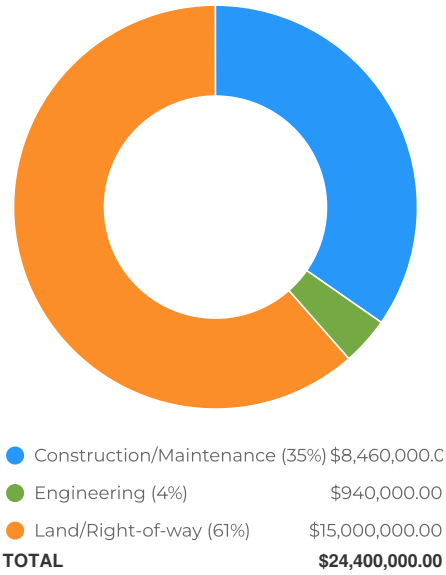
Total Budget (all years)
$24.4M

Project Total
$24.4M

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

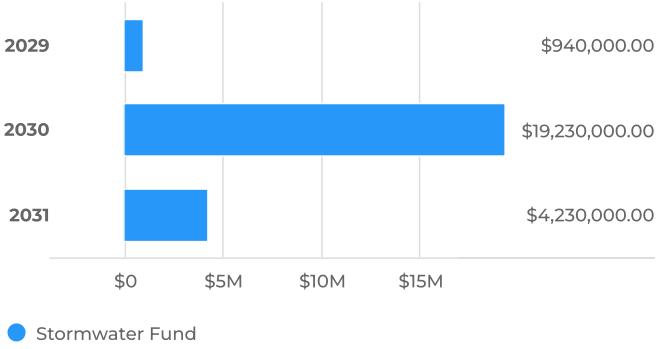
Capital Cost	FY2029	FY2030	FY2031	Total
Engineering	$940,000			$940,000
Land/Right-of-way		$15,000,000		$15,000,000
Construction/Maintenance		$4,230,000	$4,230,000	$8,460,000
Total	**$940,000**	**$19,230,000**	**$4,230,000**	**$24,400,000**

Funding Sources

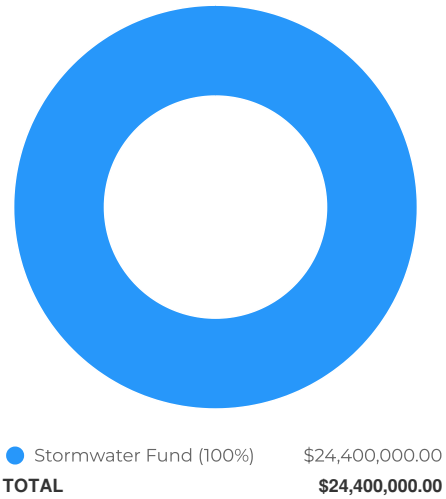
Total Budget (all years)
$24.4M

Project Total
$24.4M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2029	FY2030	FY2031	Total
Stormwater Fund	$940,000	$19,230,000	$4,230,000	$24,400,000
Total	**$940,000**	**$19,230,000**	**$4,230,000**	**$24,400,000**

Regional Detention - No Name Creek

Overview

Request Owner	Jeff Carroll
Department	Stormwater
Type	Capital Improvement

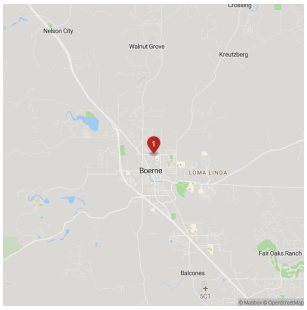
Description

Per Drainge Master Plan (DMP) project #2, Proposed Regional Detention Facility to provide flooding relief to neighborhood streets and properties downstream for No-Name Creek (Unnamed Tributary A). Both outdoor recreational and environmental features can be incorporated into the facility.

Details

Type of Project	New Construction

Location

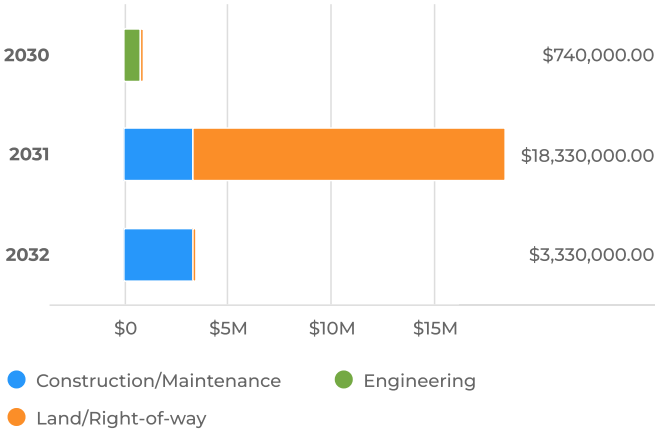


Capital Cost

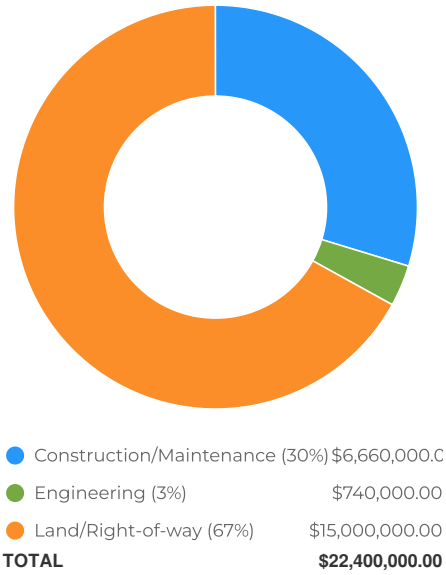
Total Budget (all years)
$22.4M

Project Total
$22.4M

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

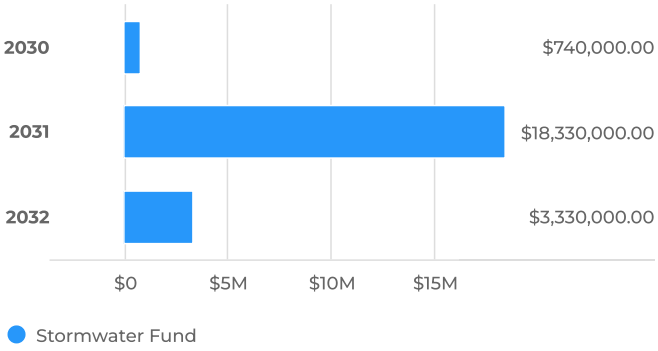
Capital Cost	FY2030	FY2031	FY2032	Total
Engineering	$740,000			$740,000
Land/Right-of-way		$15,000,000		$15,000,000
Construction/Maintenance		$3,330,000	$3,330,000	$6,660,000
Total	**$740,000**	**$18,330,000**	**$3,330,000**	**$22,400,000**

Funding Sources

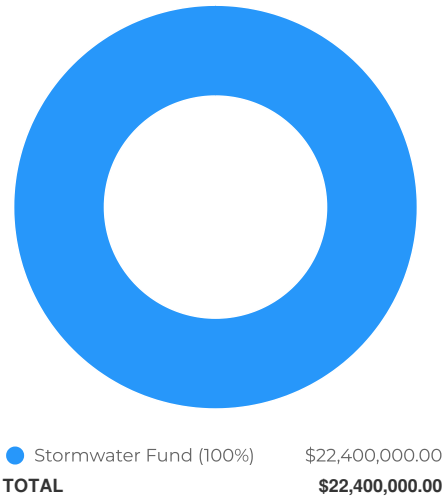
Total Budget (all years)
$22.4M

Project Total
$22.4M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2030	FY2031	FY2032	Total
Stormwater Fund	$740,000	$18,330,000	$3,330,000	$22,400,000
Total	**$740,000**	**$18,330,000**	**$3,330,000**	**$22,400,000**

STREETS REQUESTS

Intersection - 5points (Short Term)

Overview

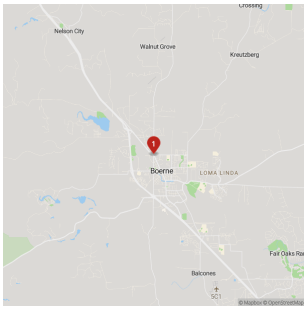
Request Owner	Jeff Carroll
Department	Streets
Type	Capital Improvement

Description

per draft MMP intersection project #1, Convert the southbound approach of Sisterdale Cutoff to stop control, allow the westbound approach of Adler Street to operate free of traffic control, and increase the storage length of the westbound right-turn lane

should be included in the Adler Road widening project

Location

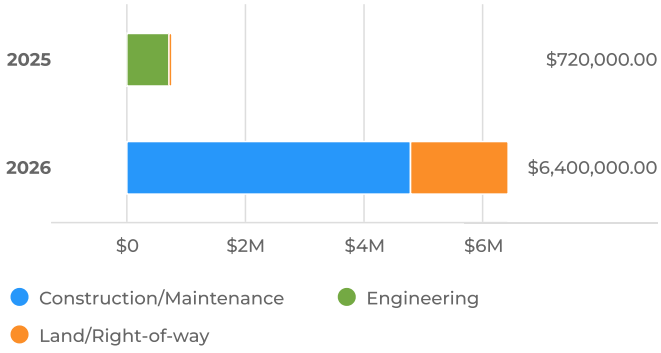


Capital Cost

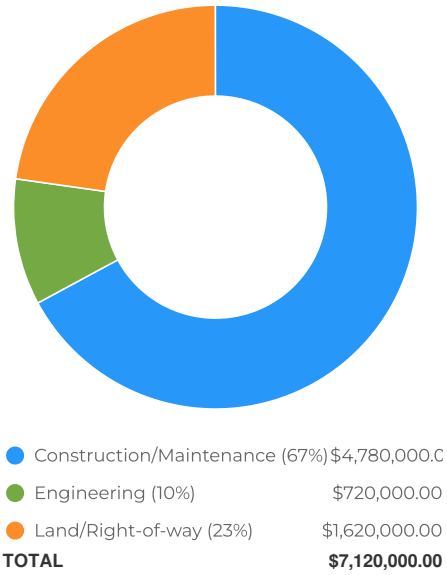
Total Budget (all years)
$7.12M

Project Total
$7.12M

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

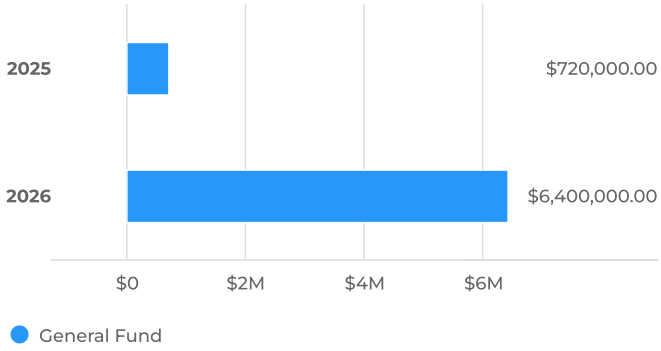
Capital Cost	FY2025	FY2026	Total
Engineering	$720,000		$720,000
Land/Right-of-way		$1,620,000	$1,620,000
Construction/Maintenance		$4,780,000	$4,780,000
Total	**$720,000**	**$6,400,000**	**$7,120,000**

Funding Sources

Total Budget (all years)
$7.12M

Project Total
$7.12M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2025	FY2026	Total
General Fund	$720,000	$6,400,000	$7,120,000
Total	**$720,000**	**$6,400,000**	**$7,120,000**

Intersection - Charger Blvd & Hwy46 Intersection Improvements

Overview

Request Owner	Jeff Carroll
Department	Streets
Type	Capital Improvement

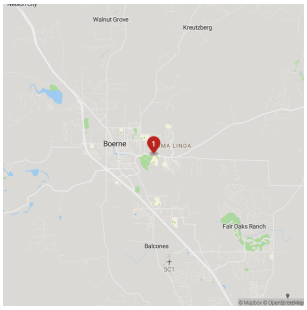
Description

per draft MMP intersection project #8, install a westbound right-turn lane and widen into the northbound median to accommodate dual left-turns and one shared through-right lane northbound.

Details

Type of Project	Other

Location

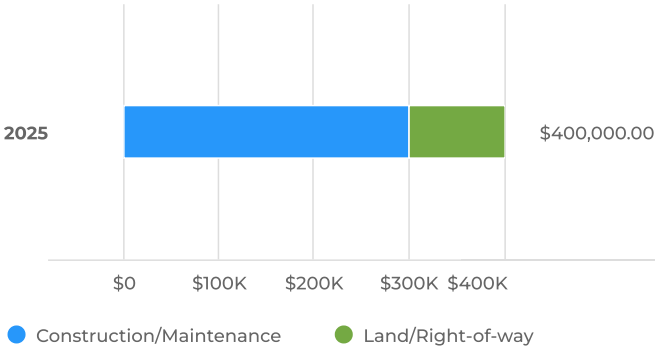


Capital Cost

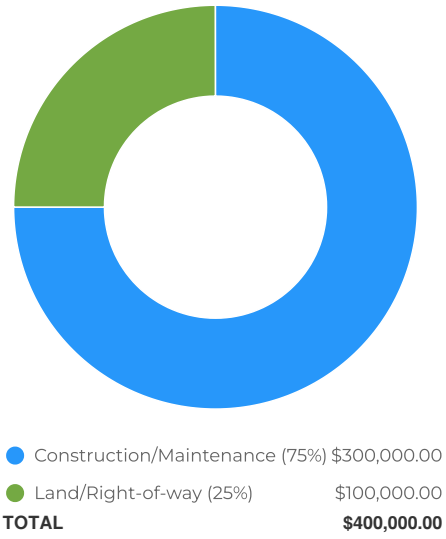
Total Budget (all years)
$400K

Project Total
$400K

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

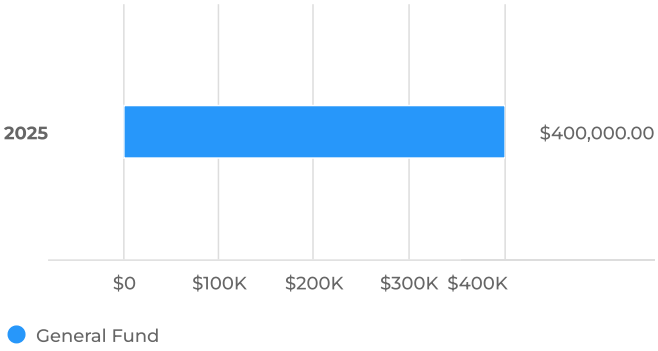
Capital Cost	FY2025	Total
Land/Right-of-way	$100,000	$100,000
Construction/Maintenance	$300,000	$300,000
Total	**$400,000**	**$400,000**

Funding Sources

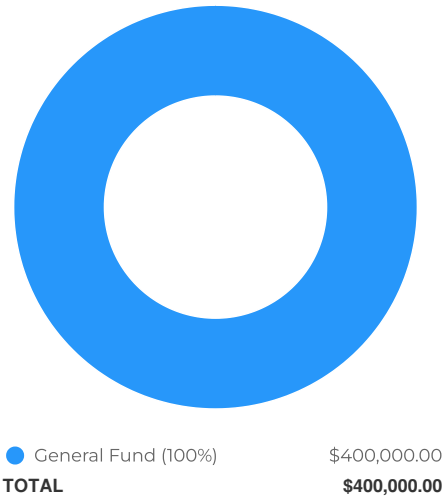
Total Budget (all years)
$400K

Project Total
$400K

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2025	Total
General Fund	$400,000	$400,000
Total	**$400,000**	**$400,000**

Intersection - Copper Creek @ Esperanza

Overview

Request Owner	Jeff Carroll
Department	Streets
Type	Capital Improvement

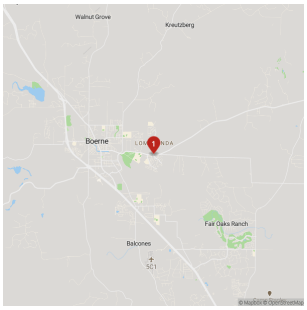
Description

Per draft MMP intersection project #9, Modify the existing traffic signal to install Flashing Yellow Arrows (FYA) and restripe the northbound and southbound approaches to include dedicated left-turn lanes and shared through-right lanes.

Details

Type of Project	Other

Location



Benefit to Community

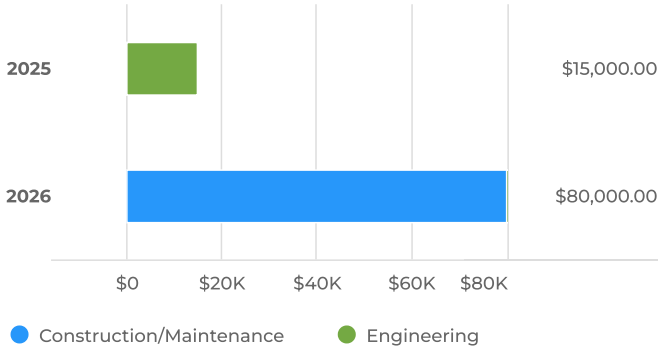
per draft MMP intersection project #9, Modify the existing traffic signal to install Flashing Yellow Arrows (FYA) and restripe the northbound and southbound approaches to include dedicated left-turn lanes and shared through-right lanes.

Capital Cost

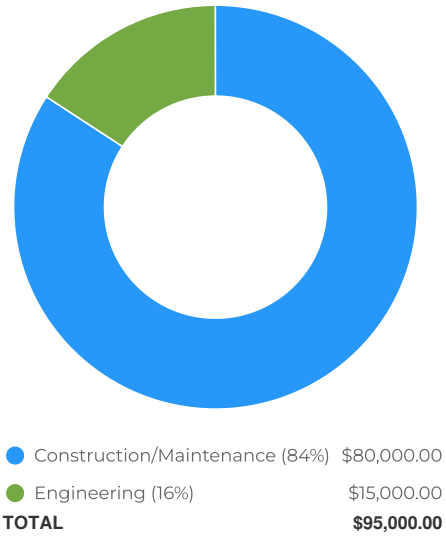
Total Budget (all years)
$95K

Project Total
$95K

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

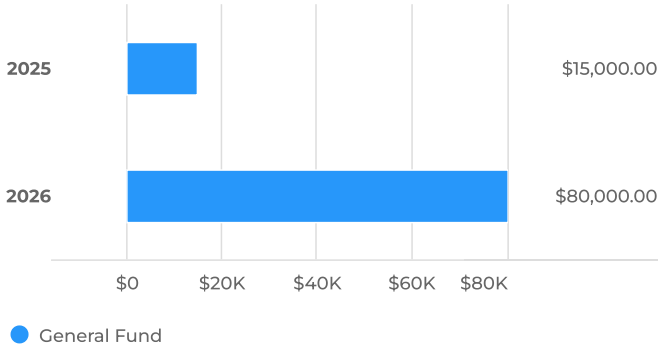
Capital Cost	FY2025	FY2026	Total
Engineering	$15,000		$15,000
Construction/Maintenance		$80,000	$80,000
Total	**$15,000**	**$80,000**	**$95,000**

Funding Sources

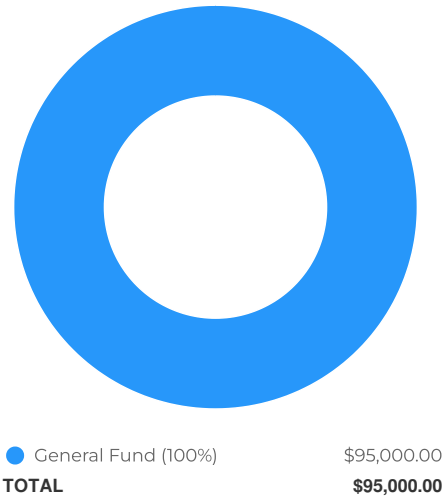
Total Budget (all years)
$95K

Project Total
$95K

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2025	FY2026	Total
General Fund	$15,000	$80,000	$95,000
Total	**$15,000**	**$80,000**	**$95,000**

Intersection - Esser @ Adler (short term)

Overview

Request Owner	Jeff Carroll
Department	Streets
Type	Capital Improvement

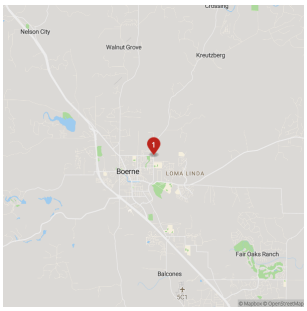
Description

Per MMP, Increase the storage length for the eastbound channelized right-turn lane

Details

Type of Project	Other

Location

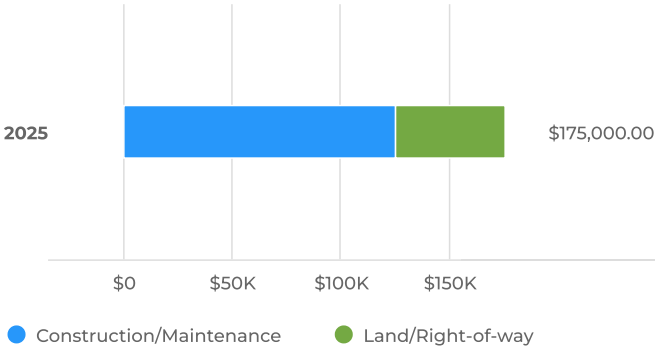


Capital Cost

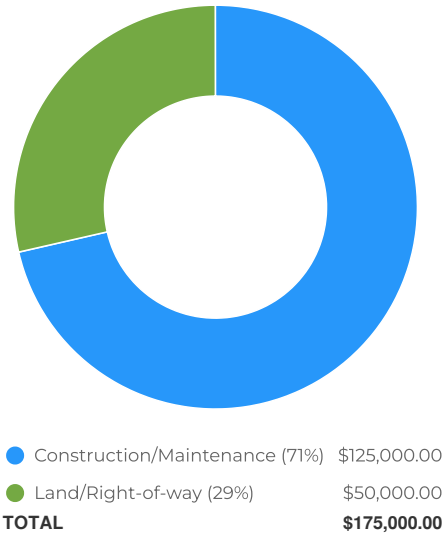
Total Budget (all years)
$175K

Project Total
$175K

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

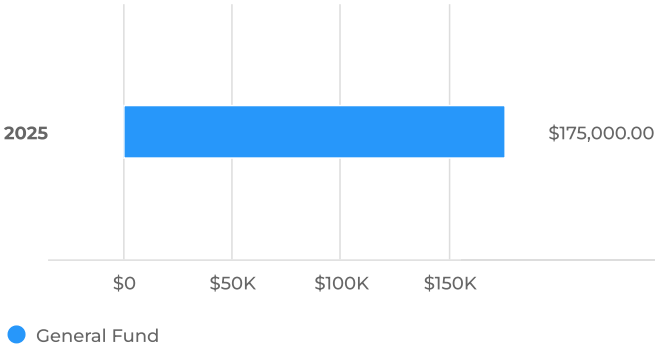
Capital Cost	FY2025	Total
Land/Right-of-way	$50,000	$50,000
Construction/Maintenance	$125,000	$125,000
Total	**$175,000**	**$175,000**

Funding Sources

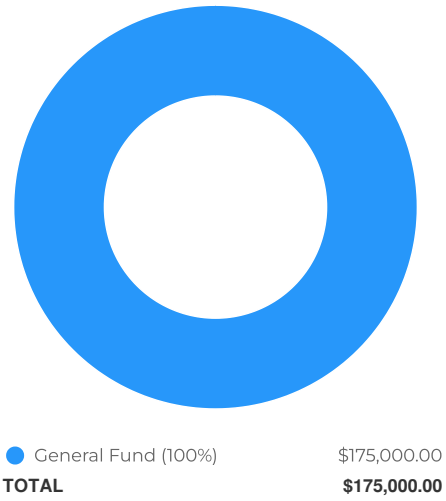
Total Budget (all years)
$175K

Project Total
$175K

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2025	Total
General Fund	$175,000	$175,000
Total	**$175,000**	**$175,000**

Intersection - Main St @ Herff

Overview

Request Owner	Jeff Carroll
Department	Streets
Type	Capital Improvement

Description

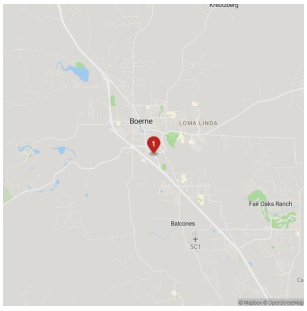
per draft MMP intersection project #14, Install a northbound right-turn lane

possible project by adjacent development

Details

Type of Project	Other

Location

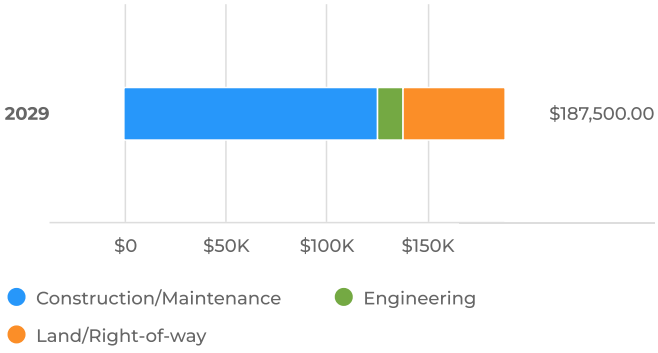


Capital Cost

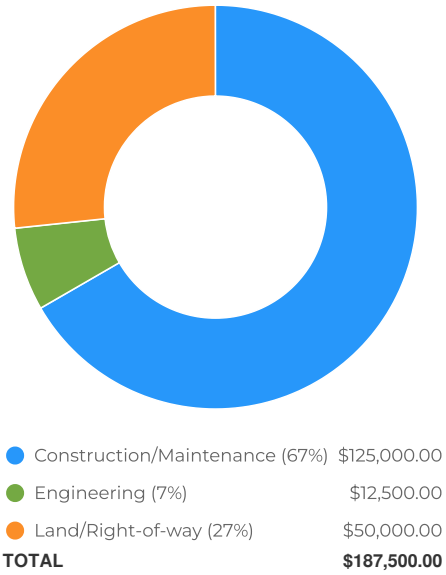
Total Budget (all years)
$187.5K

Project Total
$187.5K

Capital Cost by Year



Capital Cost for Budgeted Years



Construction/Maintenance (67%)	$125,000.00
Engineering (7%)	$12,500.00
Land/Right-of-way (27%)	$50,000.00
TOTAL	**$187,500.00**

Capital Cost Breakdown

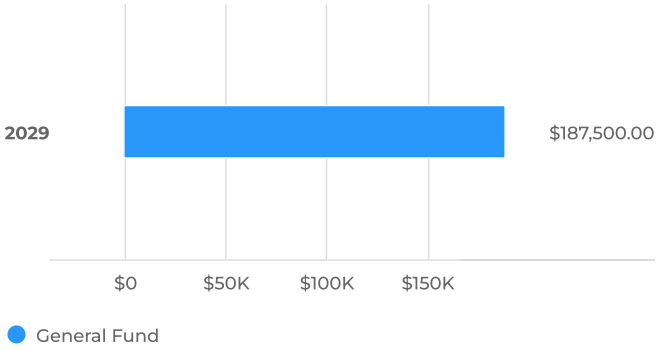
Capital Cost	FY2029	Total
Engineering	$12,500	$12,500
Land/Right-of-way	$50,000	$50,000
Construction/Maintenance	$125,000	$125,000
Total	**$187,500**	**$187,500**

Funding Sources

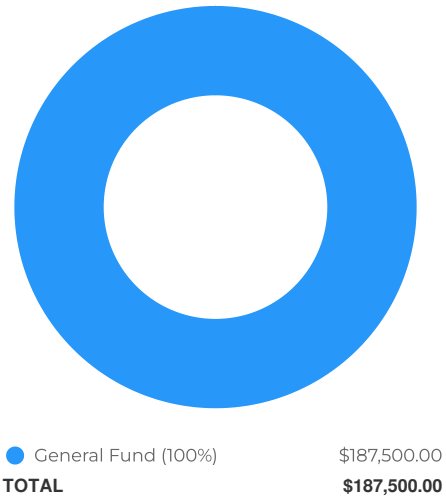
Total Budget (all years)
$187.5K

Project Total
$187.5K

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2029	Total
General Fund	$187,500	$187,500
Total	**$187,500**	**$187,500**

Intersection - Main Street @ Johns

Overview

Request Owner	Jeff Carroll
Department	Streets
Type	Capital Improvement

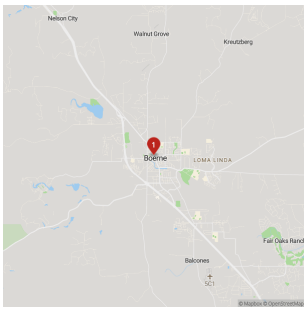
Description

per draft MMP intersection project #11 - Install an eastbound right-turn lane

Details

Type of Project	Other

Location

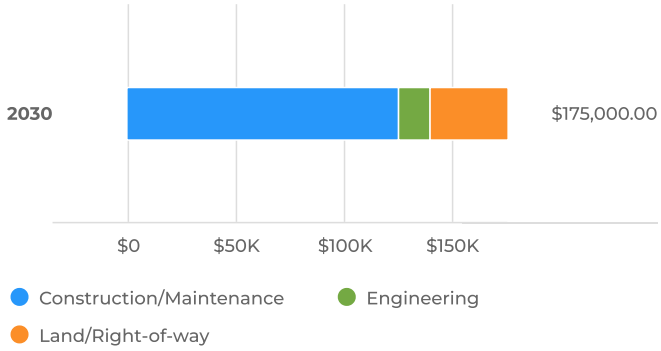


Capital Cost

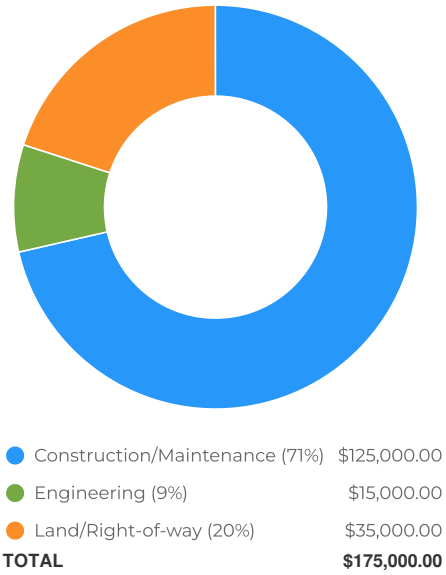
Total Budget (all years)
$175K

Project Total
$175K

Capital Cost by Year



Capital Cost for Budgeted Years



Construction/Maintenance (71%)	$125,000.00
Engineering (9%)	$15,000.00
Land/Right-of-way (20%)	$35,000.00
TOTAL	**$175,000.00**

Capital Cost Breakdown

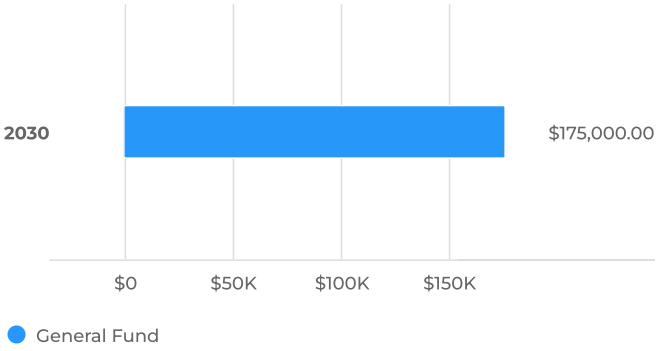
Capital Cost	FY2030	Total
Engineering	$15,000	$15,000
Land/Right-of-way	$35,000	$35,000
Construction/Maintenance	$125,000	$125,000
Total	**$175,000**	**$175,000**

Funding Sources

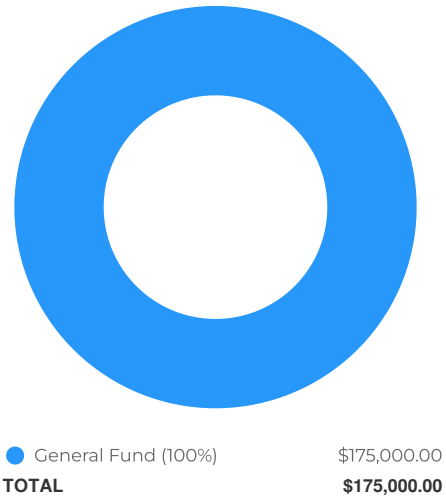
Total Budget (all years)
$175K

Project Total
$175K

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2030	Total
General Fund	$175,000	$175,000
Total	**$175,000**	**$175,000**

Intersection - Main Street @ River Road

Overview

Request Owner	Jeff Carroll
Department	Streets
Type	Capital Improvement

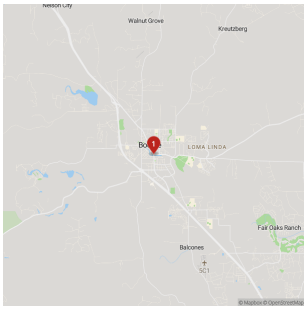
Description

per draft MMP intersection project #6, Widen to the northwest corner of the intersection to accommodate a dedicated southbound left-turn lane and modify the existing traffic signal to accommodate a northbound right-turn overlap

Details

Type of Project	Other

Location

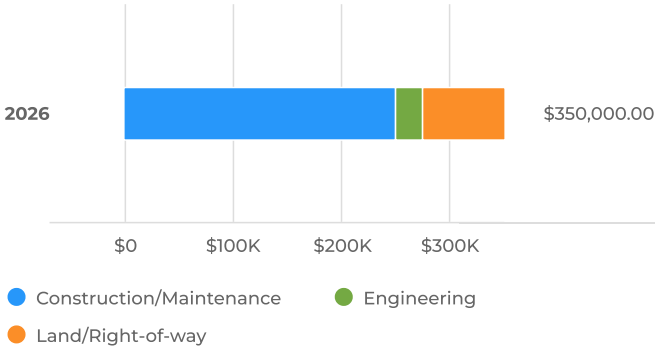


Capital Cost

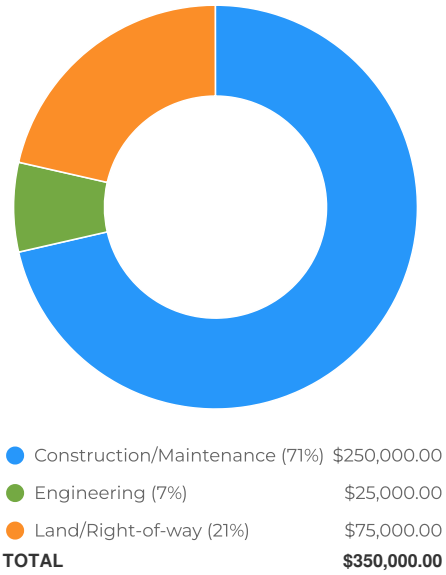
Total Budget (all years)
$350K

Project Total
$350K

Capital Cost by Year



Capital Cost for Budgeted Years



Construction/Maintenance (71%)	$250,000.00
Engineering (7%)	$25,000.00
Land/Right-of-way (21%)	$75,000.00
TOTAL	**$350,000.00**

Capital Cost Breakdown

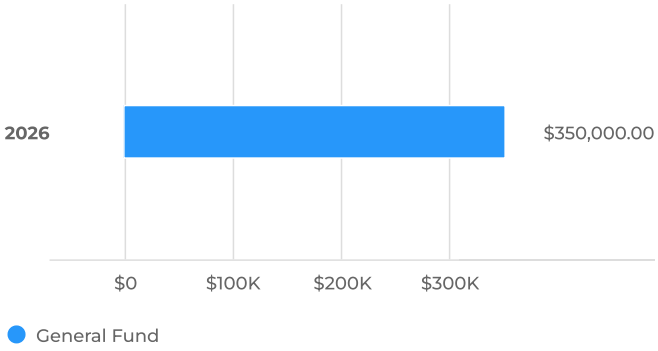
Capital Cost	FY2026	Total
Engineering	$25,000	$25,000
Land/Right-of-way	$75,000	$75,000
Construction/Maintenance	$250,000	$250,000
Total	**$350,000**	**$350,000**

Funding Sources

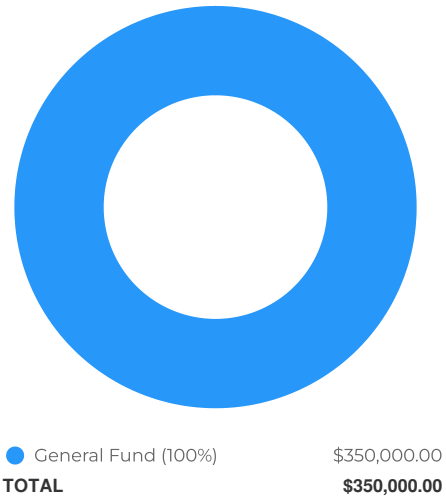
Total Budget (all years)
$350K

Project Total
$350K

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2026	Total
General Fund	$350,000	$350,000
Total	**$350,000**	**$350,000**

Intersection - OSA @ Herff

Overview

Request Owner	Jeff Carroll
Department	Streets
Type	Capital Improvement

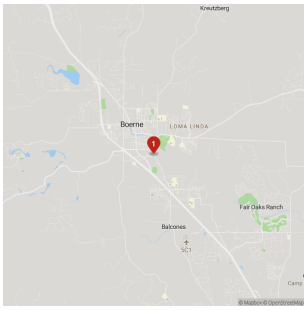
Description

Per draft MMP intersection project #13, modify the existing traffic signal and install dedicated turn-lanes on the northbound and southbound approaches to unsplit the traffic signal and implement a northbound right turn overlap.

Details

Type of Project	Other

Location

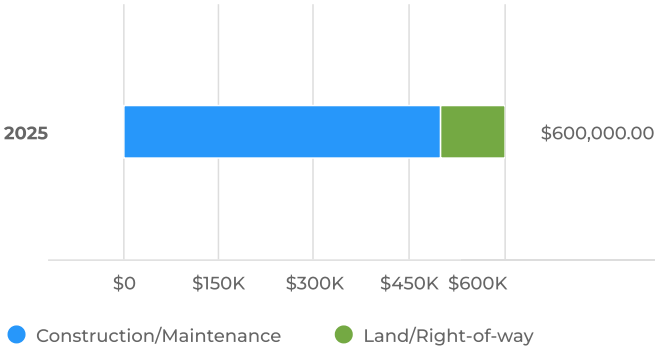


Capital Cost

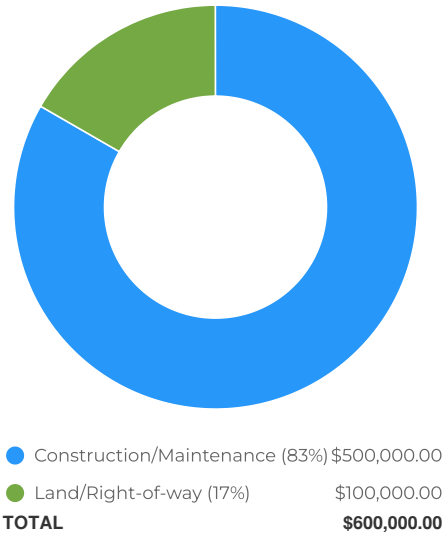
Total Budget (all years)
$600K

Project Total
$600K

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

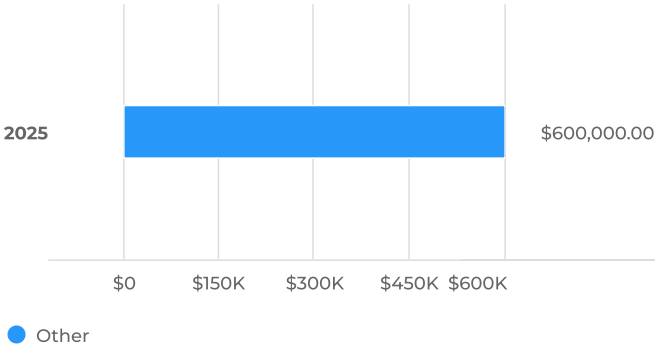
Capital Cost	FY2025	Total
Land/Right-of-way	$100,000	$100,000
Construction/Maintenance	$500,000	$500,000
Total	**$600,000**	**$600,000**

Funding Sources

Total Budget (all years)
$600K

Project Total
$600K

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2025	Total
Other	$600,000	$600,000
Total	**$600,000**	**$600,000**

Intersection - RAB @ 5points (Long Term)

Overview

Request Owner	Jeff Carroll
Department	Streets
Type	Capital Improvement

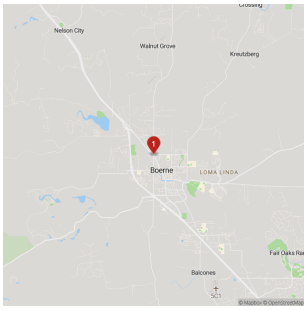
Description

per draft MMP intersection project #1, Installation of 5-leg dual-lane roundabout that serves School Street, Main Street, Sisterdale Cutoff, and Adler Street

Details

Type of Project	Other

Location

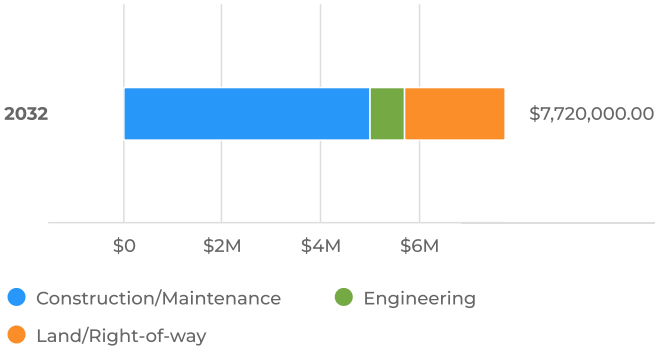


Capital Cost

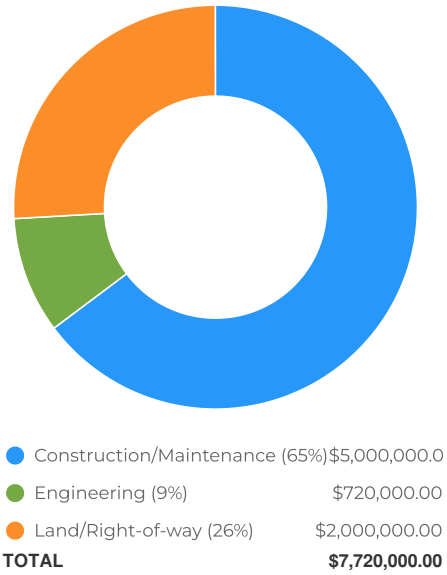
Total Budget (all years)
$7.72M

Project Total
$7.72M

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

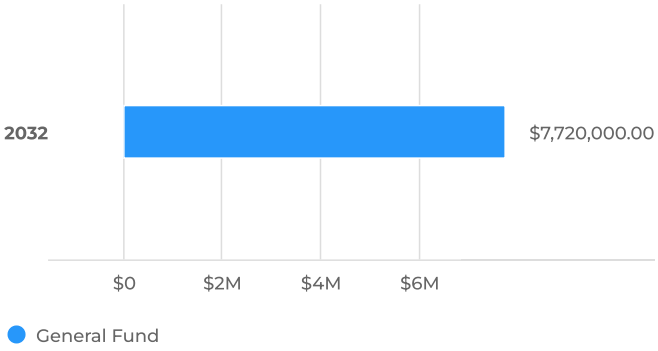
Capital Cost	FY2032	Total
Engineering	$720,000	$720,000
Land/Right-of-way	$2,000,000	$2,000,000
Construction/Maintenance	$5,000,000	$5,000,000
Total	**$7,720,000**	**$7,720,000**

Funding Sources

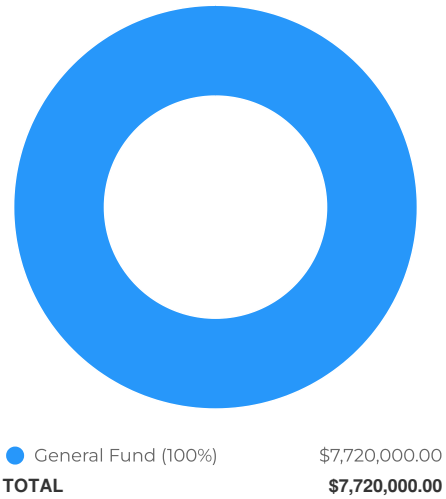
Total Budget (all years)
$7.72M

Project Total
$7.72M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2032	Total
General Fund	$7,720,000	$7,720,000
Total	**$7,720,000**	**$7,720,000**

Intersection - RAB @ Esser/Adler (long term)

Overview

Request Owner	Jeff Carroll
Department	Streets
Type	Capital Improvement

Description

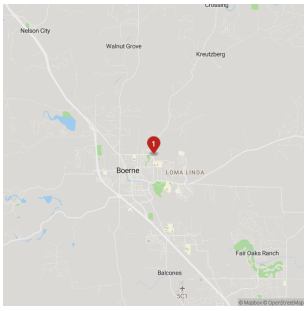
per draft MMP intersection project #3, Installation of a single-lane roundabout

Masterplan 3.2.5 - Improve pedestrian safety at key intersections

Details

Type of Project	Other

Location

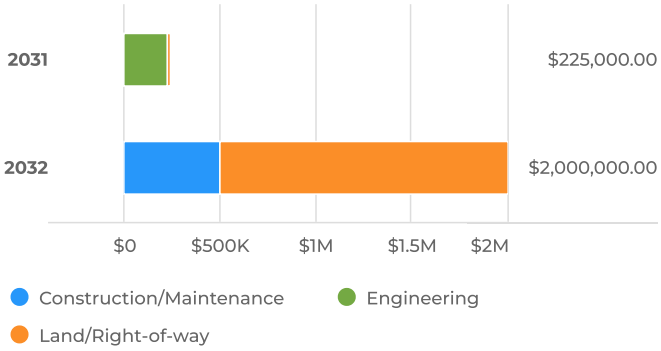


Capital Cost

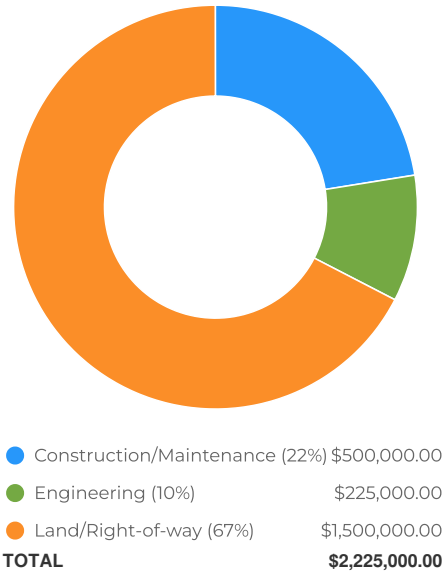
Total Budget (all years)
$2.225M

Project Total
$2.225M

Capital Cost by Year



Capital Cost for Budgeted Years



Construction/Maintenance (22%)	$500,000.00
Engineering (10%)	$225,000.00
Land/Right-of-way (67%)	$1,500,000.00
TOTAL	**$2,225,000.00**

Capital Cost Breakdown

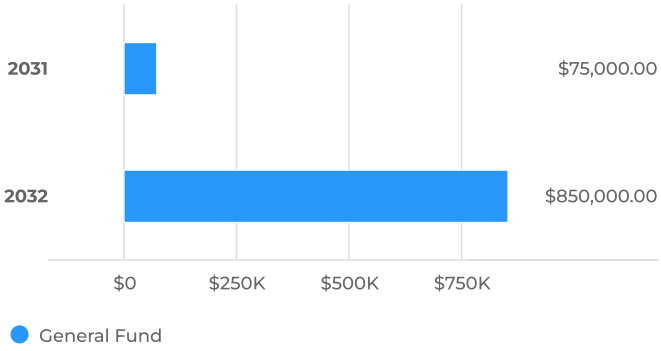
Capital Cost	FY2031	FY2032	Total
Engineering	$225,000		$225,000
Land/Right-of-way		$1,500,000	$1,500,000
Construction/Maintenance		$500,000	$500,000
Total	**$225,000**	**$2,000,000**	**$2,225,000**

Funding Sources

Total Budget (all years)
$925K

Project Total
$925K

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2031	FY2032	Total
General Fund	$75,000	$850,000	$925,000
Total	**$75,000**	**$850,000**	**$925,000**

Intersection - RAB @ Esser/Blanco (long term)

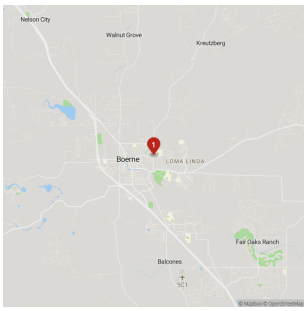
Overview

Request Owner	Jeff Carroll
Department	Streets
Type	Capital Improvement

Description

per draft MMP intersection project #4, Install a single-lane roundabout in place of existing traffic signal

Location

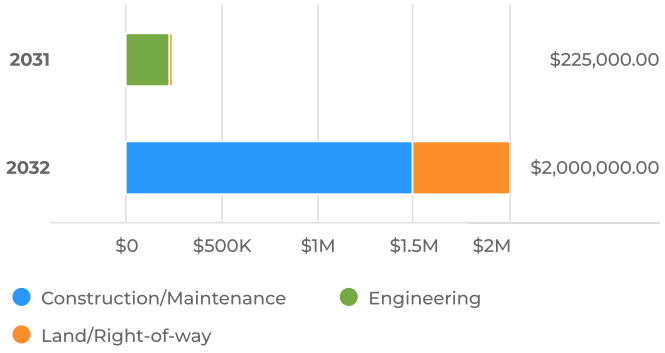


Capital Cost

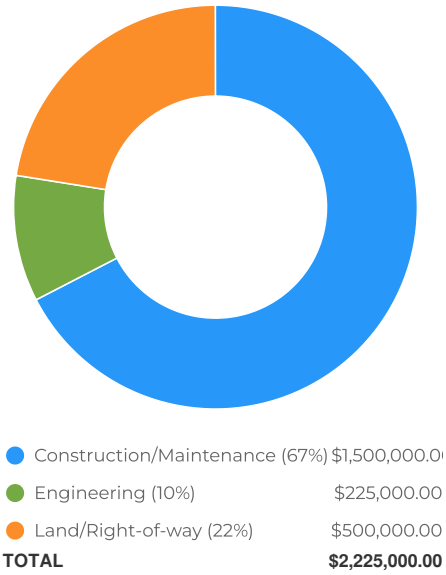
Total Budget (all years)
$2.225M

Project Total
$2.225M

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

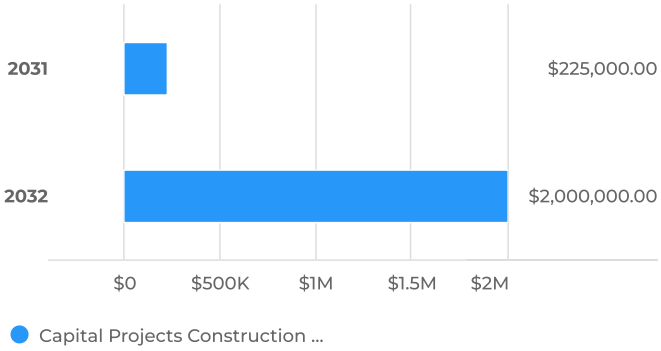
Capital Cost	FY2031	FY2032	Total
Engineering	$225,000		$225,000
Land/Right-of-way		$500,000	$500,000
Construction/Maintenance		$1,500,000	$1,500,000
Total	**$225,000**	**$2,000,000**	**$2,225,000**

Funding Sources

Total Budget (all years)
$2.225M

Project Total
$2.225M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2031	FY2032	Total
Capital Projects Construction Fund	$225,000	$2,000,000	$2,225,000
Total	**$225,000**	**$2,000,000**	**$2,225,000**

Intersection - River Rd @ Herff (long-term)

Overview

Request Owner	Jeff Carroll
Department	Streets
Type	Capital Improvement

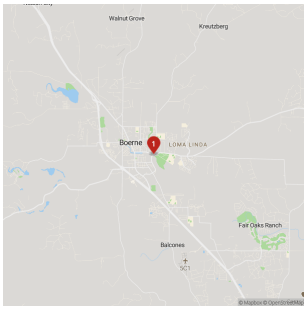
Description

per draft MMP intersection project #7, Widen to the northwest corner of the intersection and modify the existing traffic signal to accommodate the following approach configuration: one left, one through, two right turn lanes northbound, one left, one through, and one right turn-lane eastbound, one left, one through, one right turn-lane southbound, and two left, one through, and one unchannelized right turn lane westbound.

Details

Type of Project	Other

Location

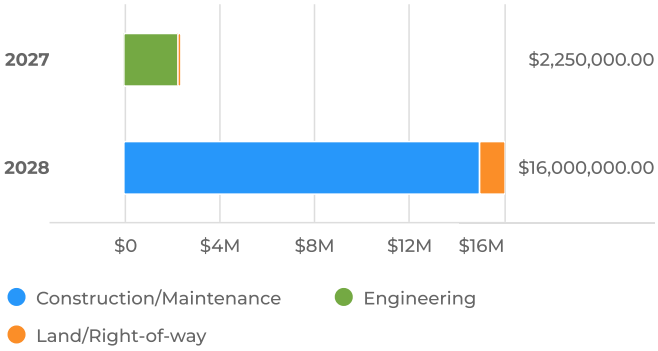


Capital Cost

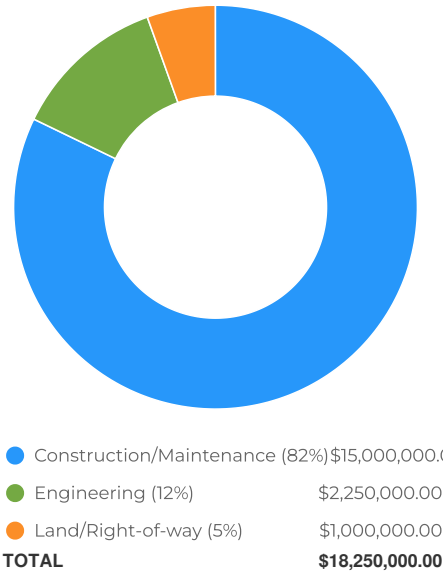
Total Budget (all years)
$18.25M

Project Total
$18.25M

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

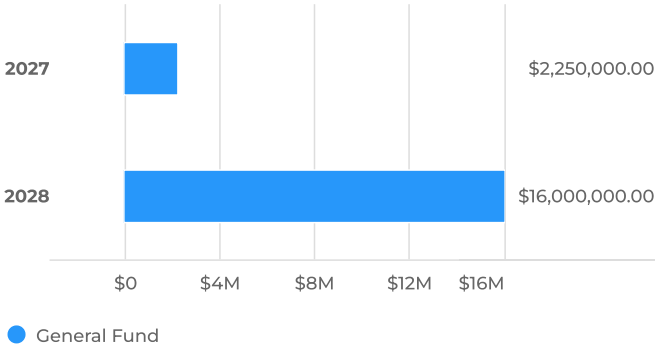
Capital Cost	FY2027	FY2028	Total
Engineering	$2,250,000		$2,250,000
Land/Right-of-way		$1,000,000	$1,000,000
Construction/Maintenance		$15,000,000	$15,000,000
Total	**$2,250,000**	**$16,000,000**	**$18,250,000**

Funding Sources

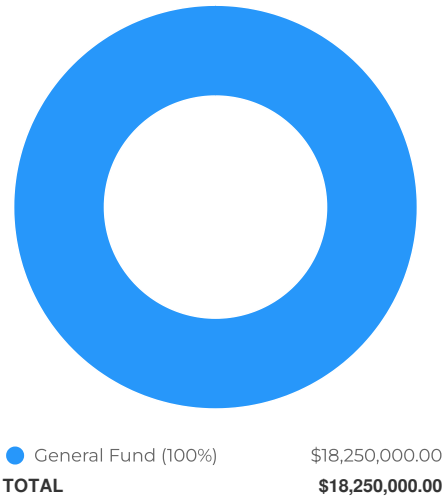
Total Budget (all years)
$18.25M

Project Total
$18.25M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2027	FY2028	Total
General Fund	$2,250,000	$16,000,000	$18,250,000
Total	**$2,250,000**	**$16,000,000**	**$18,250,000**

Intersection - Traffic Signal Street Sign Upgrades

Overview

Request Owner	Jeff Carroll
Department	Streets
Type	Capital Improvement

Description

Upgrade street name signage at key intersections to larger backlit signs

May require signal mast arm & electric upgrades

Masterplan item 6.2.5, enhancing street signage throughout town to improve community identification

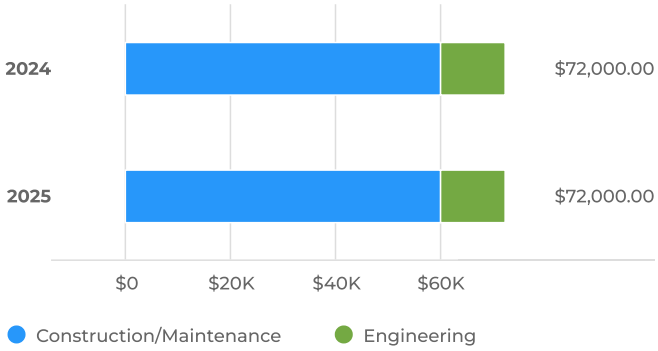
Details

Type of Project	Other

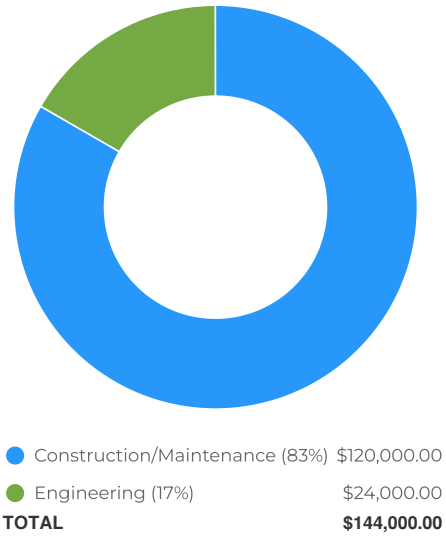
Capital Cost

FY2024 Budget	Total Budget (all years)	Project Total
$72,000	$144K	$144K

Capital Cost by Year



Capital Cost for Budgeted Years



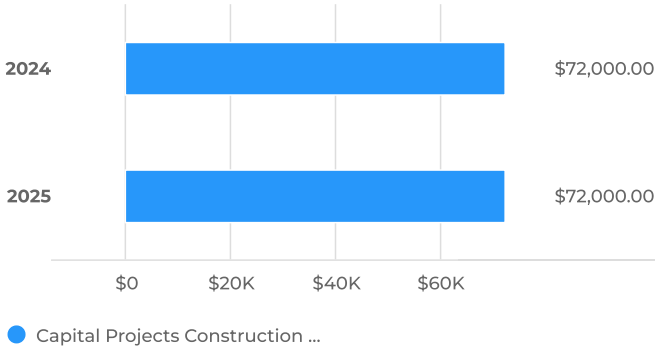
Capital Cost Breakdown

Capital Cost	FY2024	FY2025	Total
Engineering	$12,000	$12,000	$24,000
Construction/Maintenance	$60,000	$60,000	$120,000
Total	**$72,000**	**$72,000**	**$144,000**

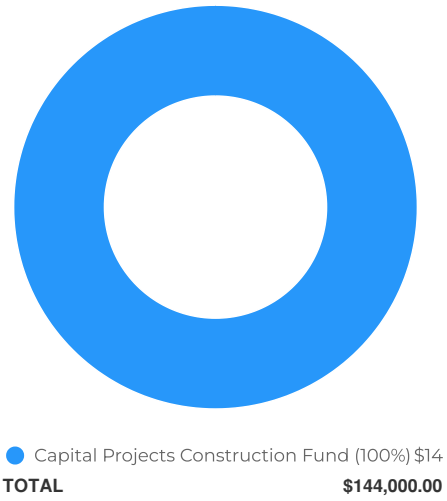
Funding Sources

FY2024 Budget	Total Budget (all years)	Project Total
$72,000	$144K	$144K

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2024	FY2025	Total
Capital Projects Construction Fund	$72,000	$72,000	$144,000
Total	**$72,000**	**$72,000**	**$144,000**

River/Herff Intersection Dry Lane Roadway

Overview

Request Owner	Jeff Carroll
Department	Streets
Type	Capital Improvement

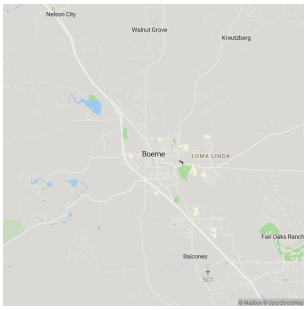
Description

Extension of new roadway from Highway 46 along the north side of Curry Creek to Eser Road. This road would allow a dry lane to the River Road/Esser intersection and would allow traffic an alternate route.

Details

Type of Project	New Road

Location

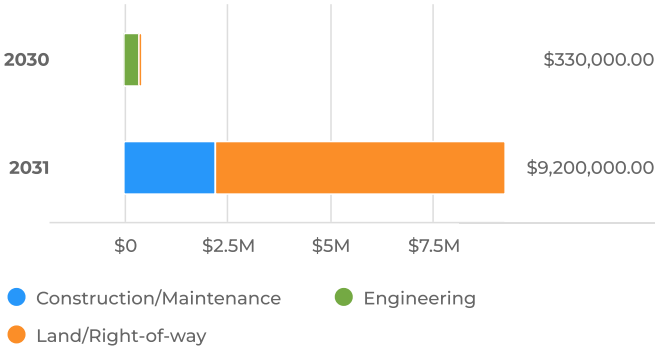


Capital Cost

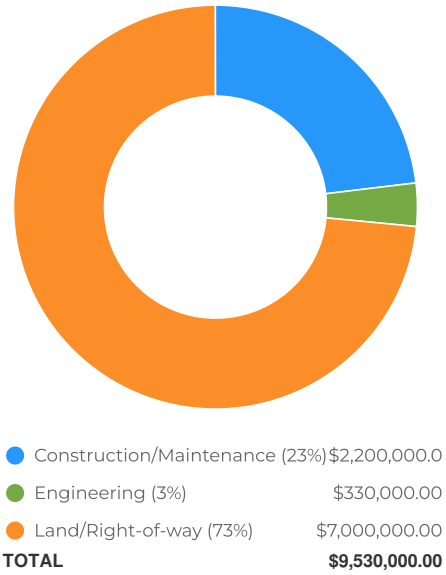
Total Budget (all years)
$9.53M

Project Total
$9.53M

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

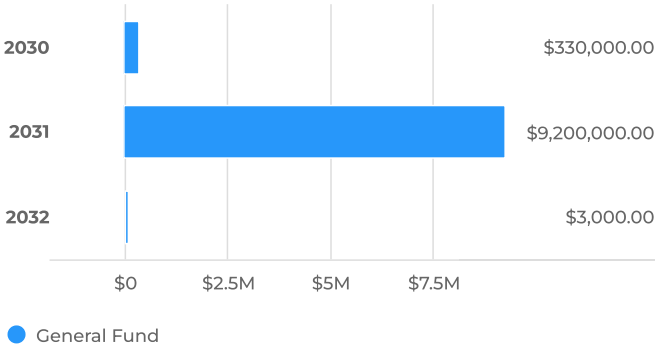
Capital Cost	FY2030	FY2031	Total
Engineering	$330,000		$330,000
Land/Right-of-way		$7,000,000	$7,000,000
Construction/Maintenance		$2,200,000	$2,200,000
Total	**$330,000**	**$9,200,000**	**$9,530,000**

Funding Sources

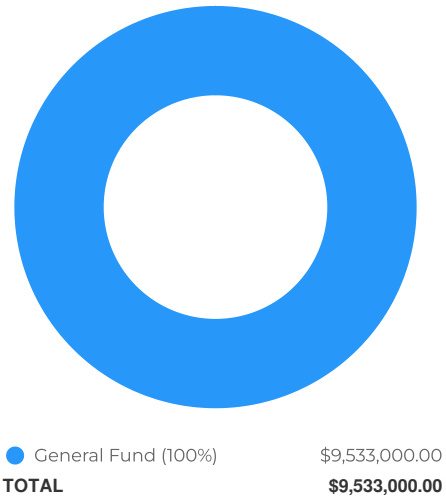
Total Budget (all years)
$9.533M

Project Total
$9.533M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

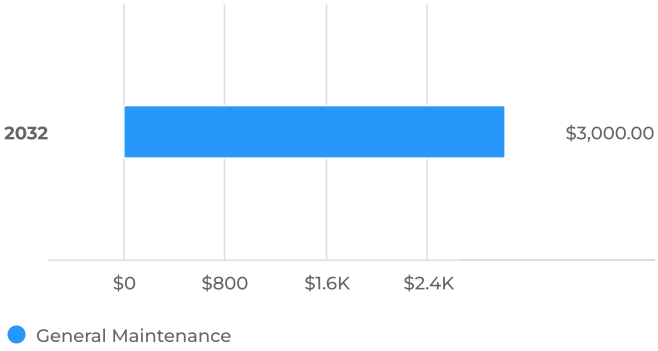
Funding Sources	FY2030	FY2031	FY2032	Total
General Fund	$330,000	$9,200,000	$3,000	$9,533,000
Total	**$330,000**	**$9,200,000**	**$3,000**	**$9,533,000**

Operational Costs

Total Budget (all years)
$3K

Project Total
$3K

Operational Costs by Year



Operational Costs for Budgeted Years



Operational Costs Breakdown

Operational Costs	FY2032	Total
General Maintenance	$3,000	$3,000
Total	**$3,000**	**$3,000**

Sidewalk FY24 - Schweppe Area

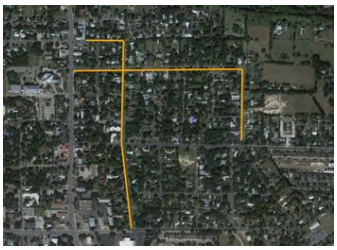
Overview

Request Owner	Jeff Carroll
Department	Streets
Type	Capital Improvement

Description

Sidewalk extension for portions of Schweppe, E. Hosack, Hickman & Frey

Images



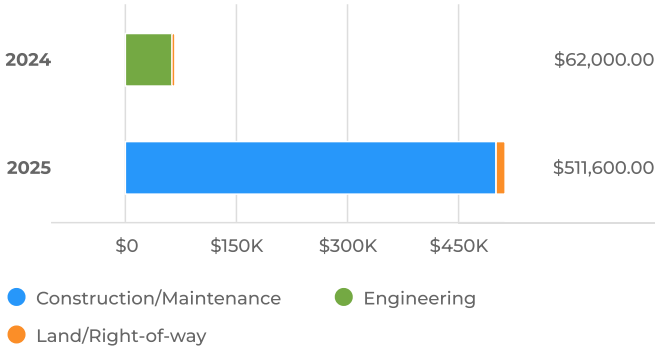
Details

Type of Project	Other

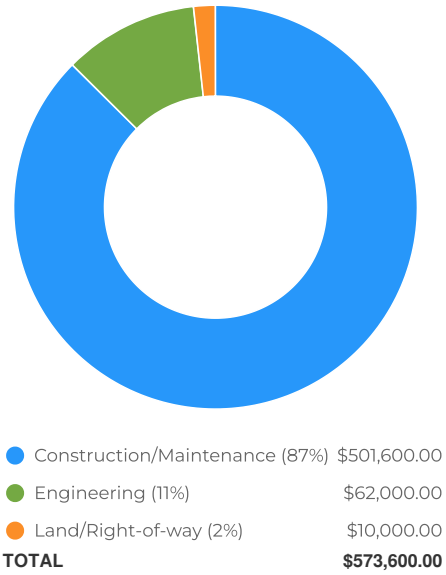
Capital Cost

FY2024 Budget	Total Budget (all years)	Project Total
$62,000	$573.6K	$573.6K

Capital Cost by Year



Capital Cost for Budgeted Years



Construction/Maintenance (87%)	$501,600.00
Engineering (11%)	$62,000.00
Land/Right-of-way (2%)	$10,000.00
TOTAL	**$573,600.00**

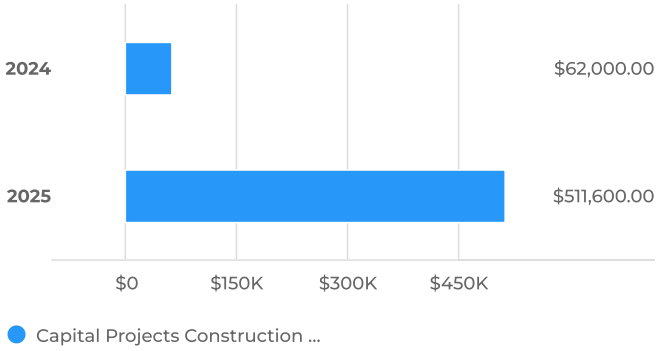
Capital Cost Breakdown

Capital Cost	FY2024	FY2025	Total
Engineering	$62,000		$62,000
Land/Right-of-way		$10,000	$10,000
Construction/Maintenance		$501,600	$501,600
Total	**$62,000**	**$511,600**	**$573,600**

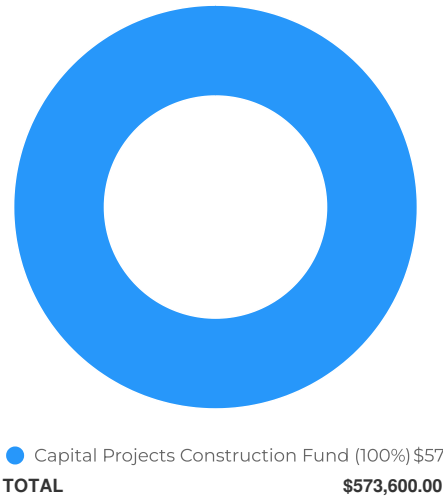
Funding Sources

FY2024 Budget	Total Budget (all years)	Project Total
$62,000	$573.6K	$573.6K

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2024	FY2025	Total
Capital Projects Construction Fund	$62,000	$511,600	$573,600
Total	**$62,000**	**$511,600**	**$573,600**

Sidewalk/Trails - Future

Overview

Request Owner	Jeff Carroll
Department	Streets
Type	Capital Improvement

Description

various planned infill sidewalk/trail projects per the MPO study

Details

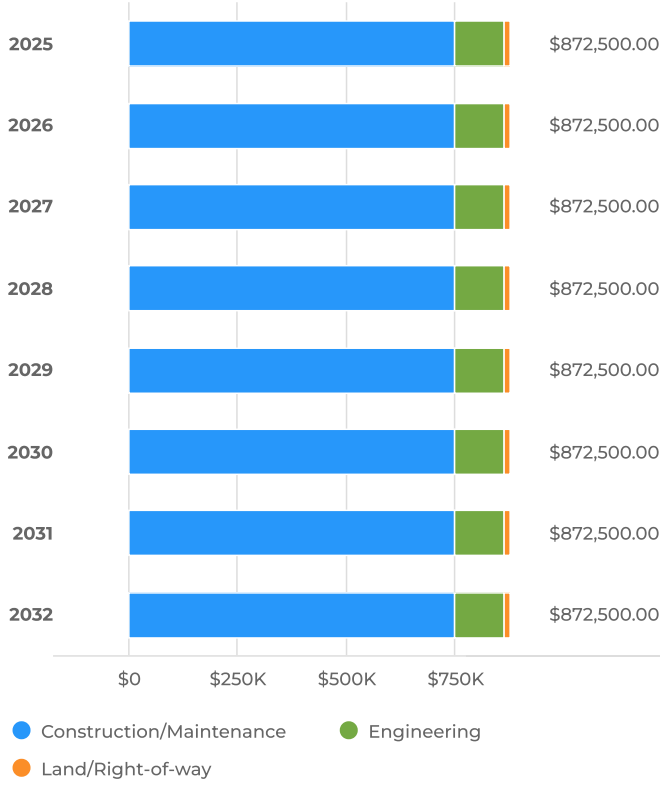
Type of Project	Other

Capital Cost

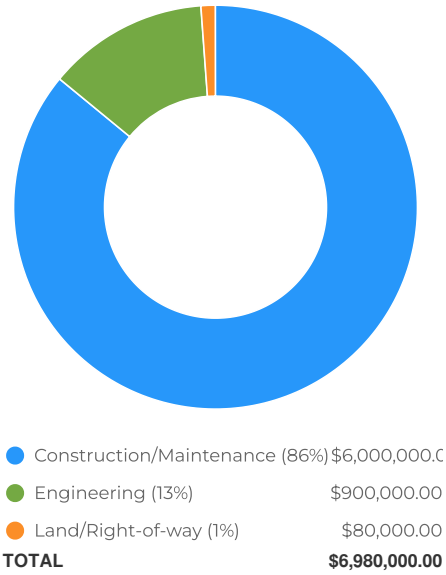
Total Budget (all years)
$6.98M

Project Total
$6.98M

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

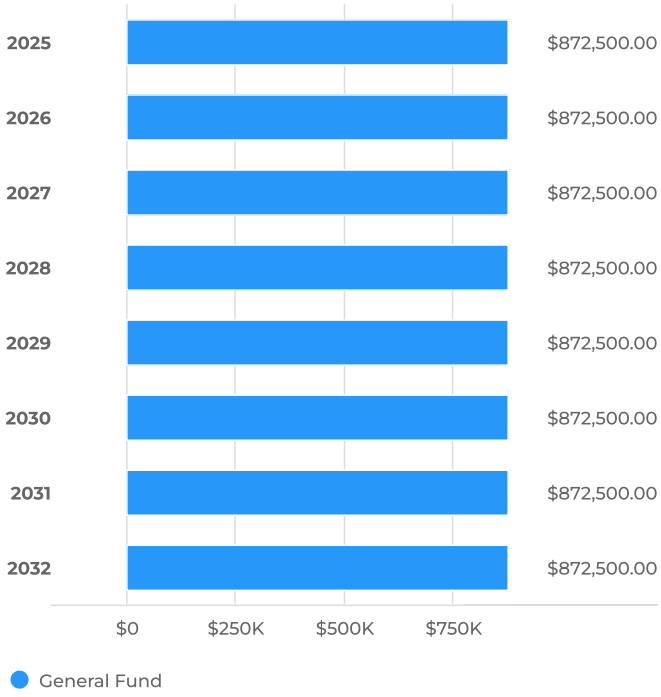
Capital Cost	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY203
Engineering	$112,500	$112,500	$112,500	$112,500	$112,500	$112,500	$112,500	$112,50
Land/Right-of-way	$10,000	$10,000	$10,000	$10,000	$10,000	$10,000	$10,000	$10,00
Construction/Maintenance	$750,000	$750,000	$750,000	$750,000	$750,000	$750,000	$750,000	$750,0
Total	**$872,500**	**$872,500**	**$872,500**	**$872,500**	**$872,500**	**$872,500**	**$872,500**	**$872,5**

Funding Sources

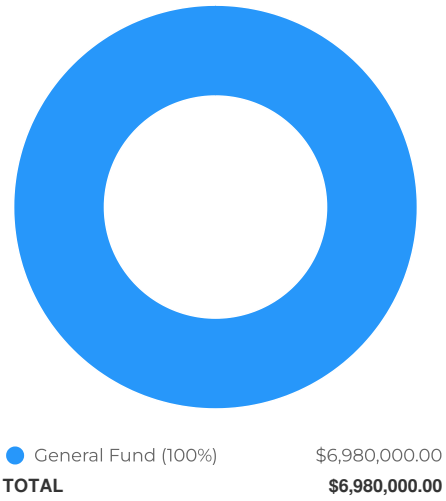
Total Budget (all years)
$6.98M

Project Total
$6.98M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	Total
General Fund	$872,500	$872,500	$872,500	$872,500	$872,500	$872,500	$872,500	$872,500	$6,980,000
Total	**$872,500**	**$872,500**	**$872,500**	**$872,500**	**$872,500**	**$872,500**	**$872,500**	**$872,500**	**$6,980,000**

Street - Improvements Cascade Ph2

Overview

Request Owner	Jeff Carroll
Department	Streets
Type	Capital Improvement

Description

After the MPO project is complte, a project to widen Cascade from Buckskin to Ranch Drive.

Details

Type of Project	Other

Location

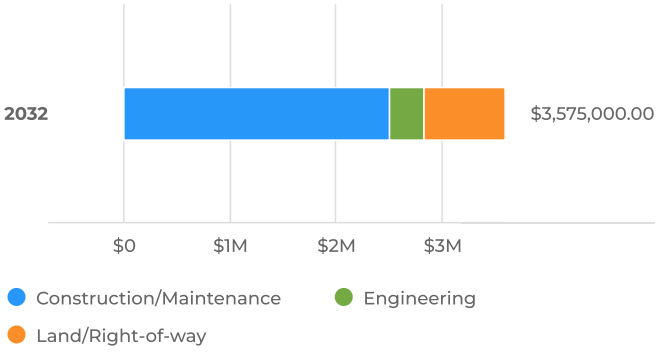


Capital Cost

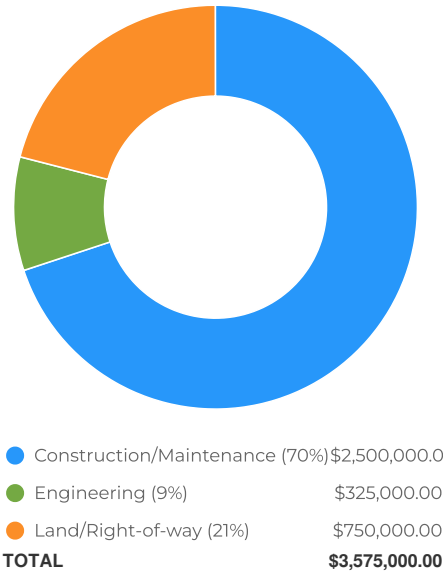
Total Budget (all years)
$3.575M

Project Total
$3.575M

Capital Cost by Year



Capital Cost for Budgeted Years



Construction/Maintenance (70%)	$2,500,000.0
Engineering (9%)	$325,000.00
Land/Right-of-way (21%)	$750,000.00
TOTAL	**$3,575,000.00**

Capital Cost Breakdown

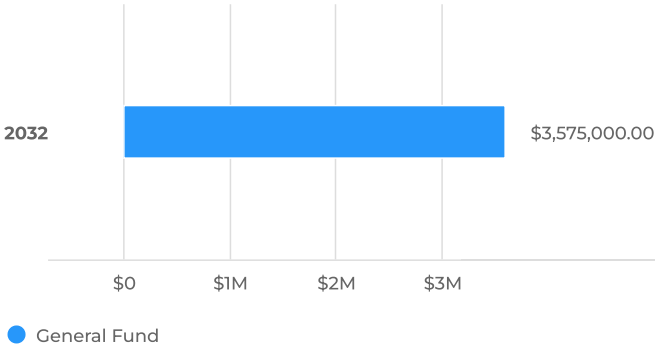
Capital Cost	FY2032	Total
Engineering	$325,000	$325,000
Land/Right-of-way	$750,000	$750,000
Construction/Maintenance	$2,500,000	$2,500,000
Total	**$3,575,000**	**$3,575,000**

Funding Sources

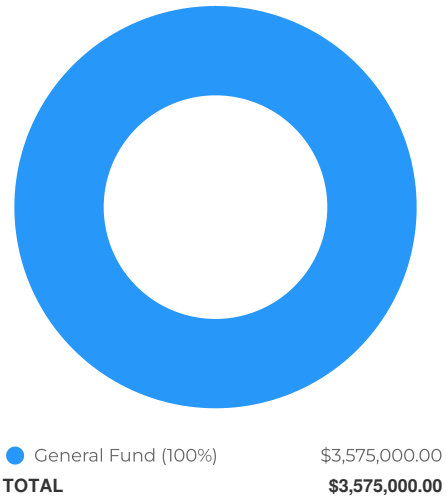
Total Budget (all years)
$3.575M

Project Total
$3.575M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2032	Total
General Fund	$3,575,000	$3,575,000
Total	**$3,575,000**	**$3,575,000**

Street Equip - Crack Seal Machine

Overview

Request Owner	Jeff Carroll
Department	Streets
Type	Capital Equipment

Description

crack seal machine for street preservation. Currently, we have a contractor performing the work, but would like to be able to perform in-house.

Details

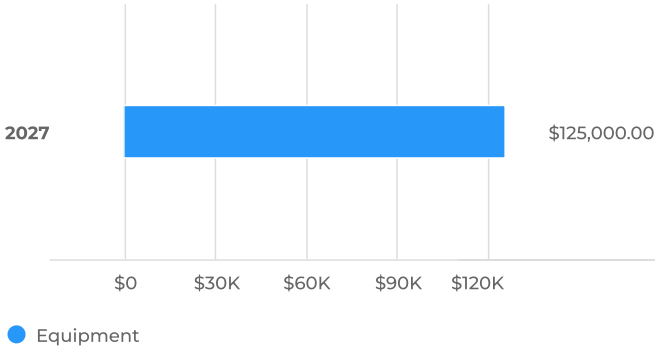
New Purchase or Replacement	New

Capital Cost

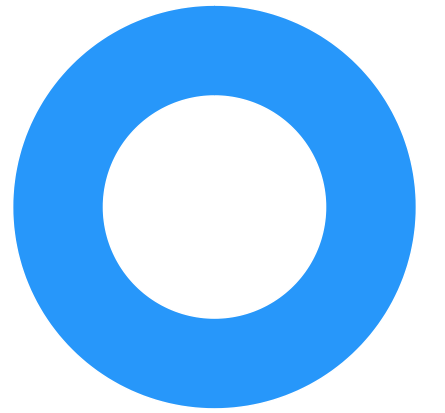
Total Budget (all years)
$125K

Project Total
$125K

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

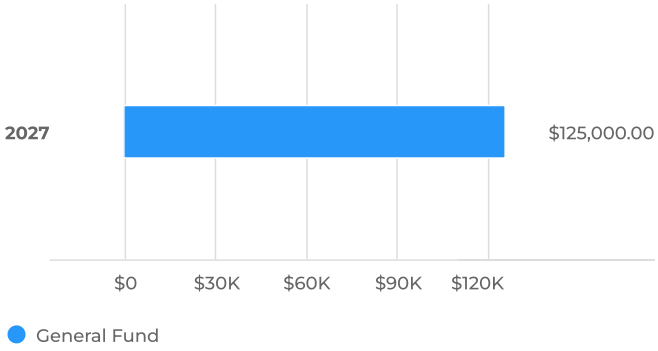
Capital Cost	FY2027	Total
Equipment	$125,000	$125,000
Total	**$125,000**	**$125,000**

Funding Sources

Total Budget (all years)
$125K

Project Total
$125K

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2027	Total
General Fund	$125,000	$125,000
Total	**$125,000**	**$125,000**

Street Equip - Sign Machine

Overview

Request Owner	Jeff Carroll
Department	Streets
Type	Capital Equipment

Description

sign machine to make new "blade" street name signs. If the goal is to replace all the street name signs in the City, it would be cheaper for City to acquire machine to make these small "blade" signs rather than buy individual signs.

masterplan 6.2.5 - consider replacing and enhancing street signage

Details

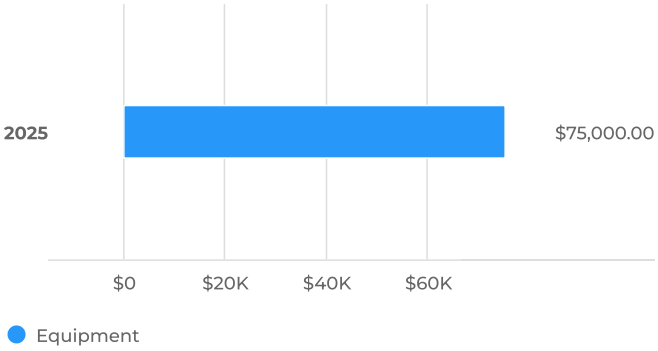
New Purchase or Replacement	New

Capital Cost

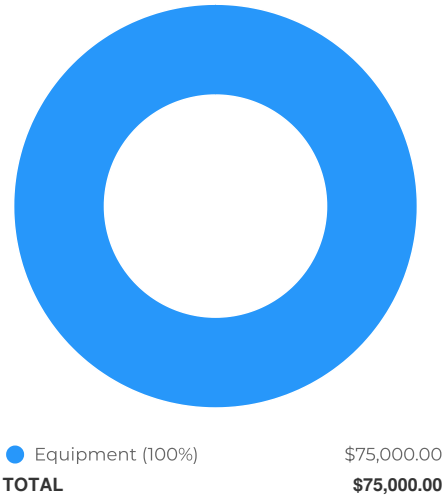
Total Budget (all years)
$75K

Project Total
$75K

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

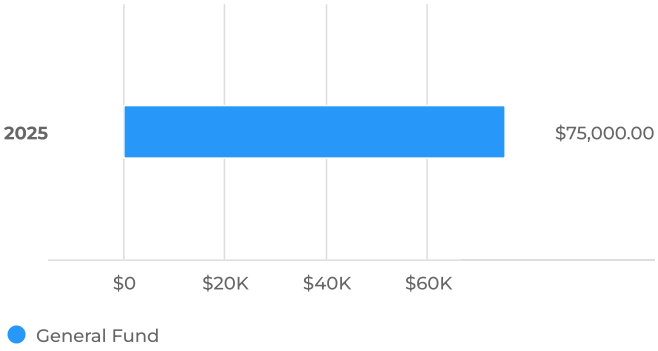
Capital Cost	FY2025	Total
Equipment	$75,000	$75,000
Total	**$75,000**	**$75,000**

Funding Sources

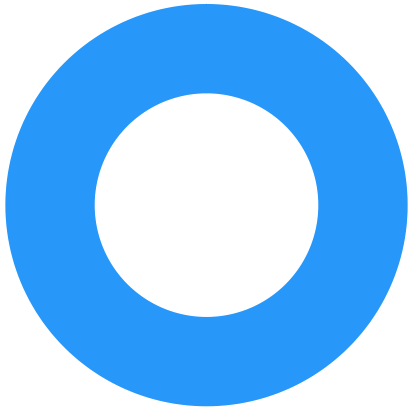
Total Budget (all years)
$75K

Project Total
$75K

Funding Sources by Year



Funding Sources for Budgeted Years



General Fund (100%)	$75,000.00
TOTAL	**$75,000.00**

Funding Sources Breakdown

Funding Sources	FY2025	Total
General Fund	$75,000	$75,000
Total	**$75,000**	**$75,000**

Street Extension - Adler Street

Overview

Request Owner	Jeff Carroll
Department	Streets
Type	Capital Improvement

Description

Roadway segment as shown on City's 2019 Major Throughfare Plan (MTP). Roadway segment will be required to be constructed with the development of the parcels per City policy. However, if development of parcel does not occur, City may need to complete this gap.

As shown in MMP for roadway project #16, Construct the extension of Adler Street as a collector roadway section from N Esser Road to Esperanza Boulevard

Approximate 6,600 LF

Details

Type of Project	New Road

Location

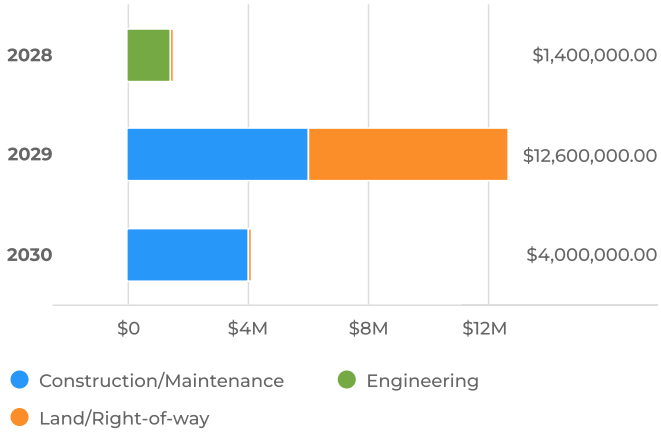


Capital Cost

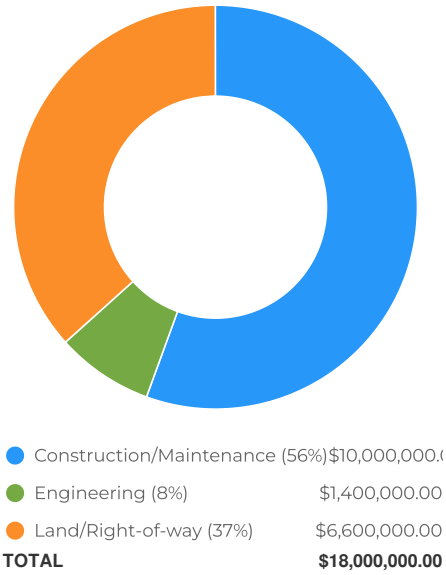
Total Budget (all years)
$18M

Project Total
$18M

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

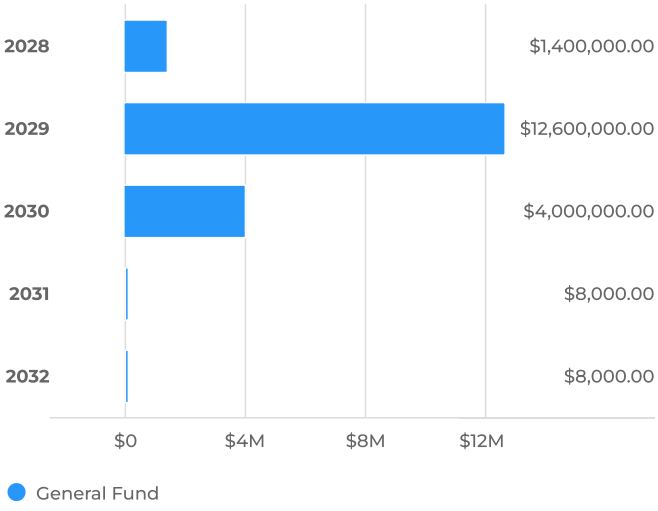
Capital Cost	FY2028	FY2029	FY2030	Total
Engineering	$1,400,000			$1,400,000
Land/Right-of-way		$6,600,000		$6,600,000
Construction/Maintenance		$6,000,000	$4,000,000	$10,000,000
Total	**$1,400,000**	**$12,600,000**	**$4,000,000**	**$18,000,000**

Funding Sources

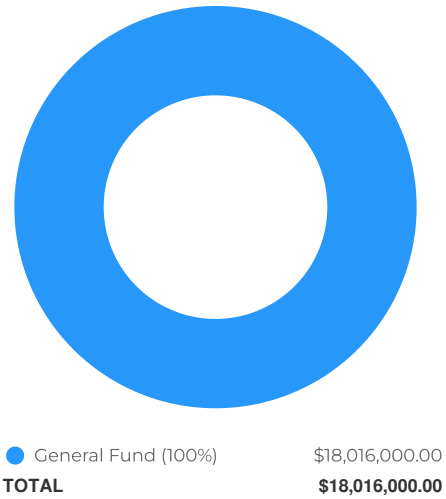
Total Budget (all years)
$18.016M

Project Total
$18.016M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

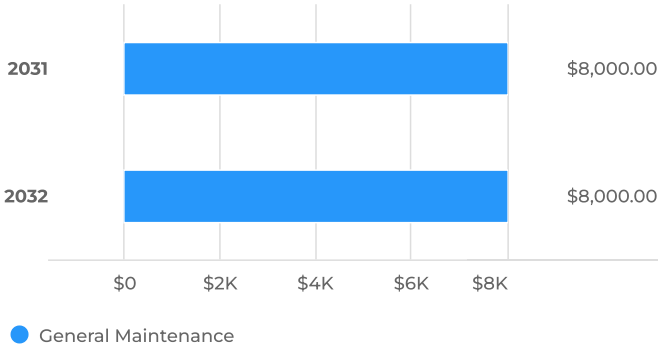
Funding Sources	FY2028	FY2029	FY2030	FY2031	FY2032	Total
General Fund	$1,400,000	$12,600,000	$4,000,000	$8,000	$8,000	$18,016,000
Total	**$1,400,000**	**$12,600,000**	**$4,000,000**	**$8,000**	**$8,000**	**$18,016,000**

Operational Costs

Total Budget (all years)
$16K

Project Total
$16K

Operational Costs by Year



Operational Costs for Budgeted Years



Operational Costs Breakdown

Operational Costs	FY2031	FY2032	Total
General Maintenance	$8,000	$8,000	$16,000
Total	**$8,000**	**$8,000**	**$16,000**

Street Extension - Champion Ph1

Overview

Request Owner	Jeff Carroll
Department	Streets
Type	Capital Improvement

Description

Roadway segment as shown on City's 2019 Major Throughfare Plan (MTP). Roadway segment will be required to be constructed with the development of the parcels per City policy. However, if development of parcel does not occur, City may need to complete this gap.

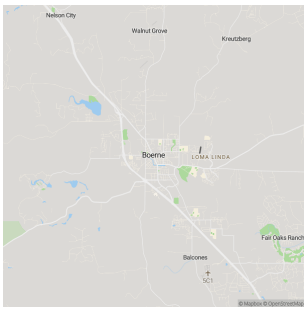
As shown in MMP for roadway project #17, Construct extension of roadway as a collector roadway section. Existing Terminus to Bentwood Drive

Approximate 1,300 LF

Details

Type of Project	New Road

Location

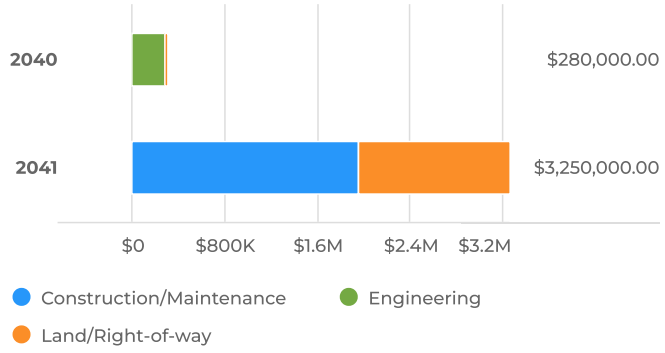


Capital Cost

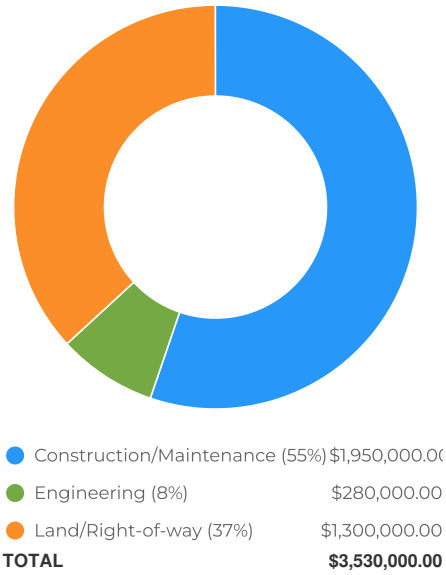
Total Budget (all years)
$3.53M

Project Total
$3.53M

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

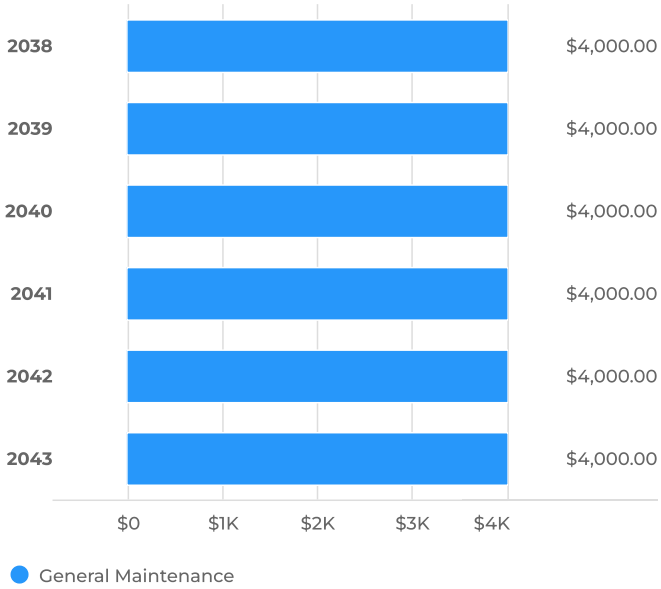
Capital Cost	FY2040	FY2041	Total
Engineering	$280,000		$280,000
Land/Right-of-way		$1,300,000	$1,300,000
Construction/Maintenance		$1,950,000	$1,950,000
Total	**$280,000**	**$3,250,000**	**$3,530,000**

Operational Costs

Total Budget (all years)
$24K

Project Total
$24K

Operational Costs by Year



Operational Costs for Budgeted Years



Operational Costs Breakdown

Operational Costs	FY2038	FY2039	FY2040	FY2041	FY2042	FY2043	Total
General Maintenance	$4,000	$4,000	$4,000	$4,000	$4,000	$4,000	$24,000
Total	**$4,000**	**$4,000**	**$4,000**	**$4,000**	**$4,000**	**$4,000**	**$24,000**

Street Extension - Champion Ph2

Overview

Request Owner	Jeff Carroll
Department	Streets
Type	Capital Improvement

Description

Roadway segment as shown on City's 2019 Major Throughfare Plan (MTP). Roadway segment will be required to be constructed with the development of the parcels per City policy. However, if development of parcel does not occur, City may need to complete this gap.

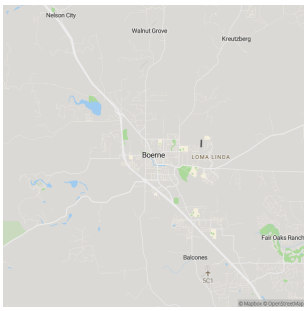
As shown in MMP for roadway project #18, Construct extension of roadway as a collector roadway section. From Phase 1 (Bentwood Drive) to Adler Street. Could be completed with Adler extension roadway project, assuming Ph1 portion already built.

Approx 1,400 LF

Details

Type of Project	New Road

Location

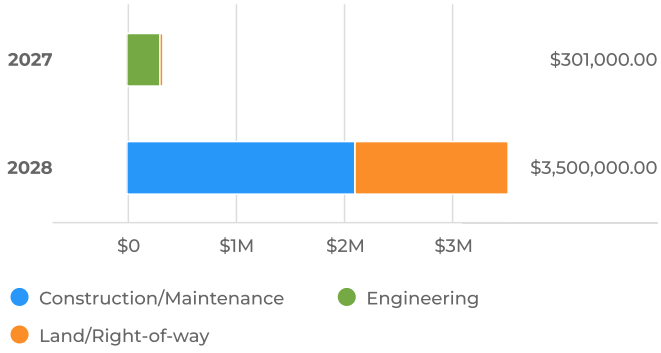


Capital Cost

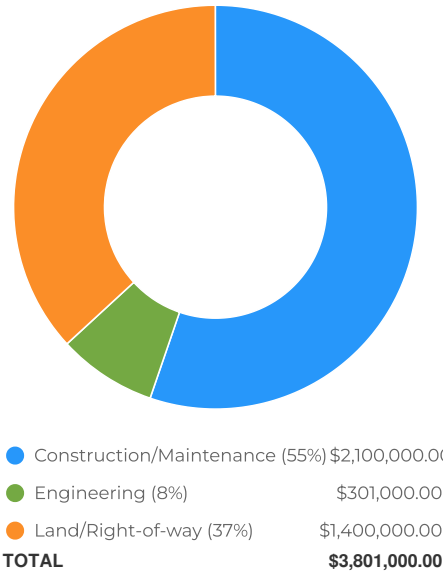
Total Budget (all years)
$3.801M

Project Total
$3.801M

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

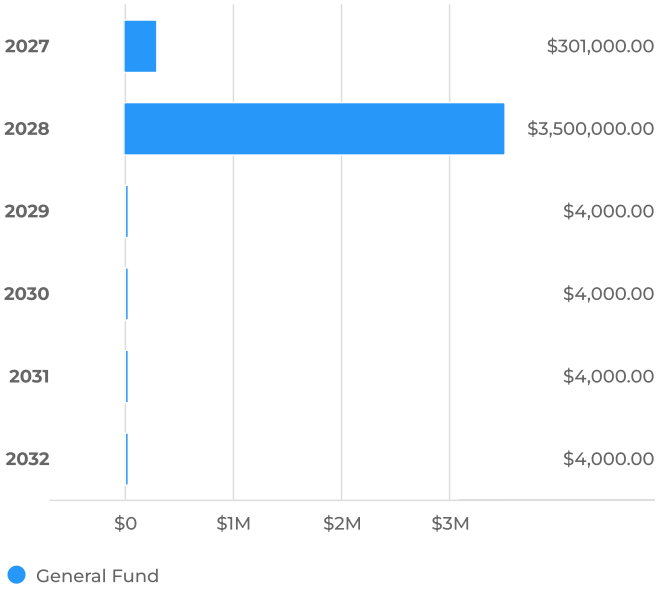
Capital Cost	FY2027	FY2028	Total
Engineering	$301,000		$301,000
Land/Right-of-way		$1,400,000	$1,400,000
Construction/Maintenance		$2,100,000	$2,100,000
Total	**$301,000**	**$3,500,000**	**$3,801,000**

Funding Sources

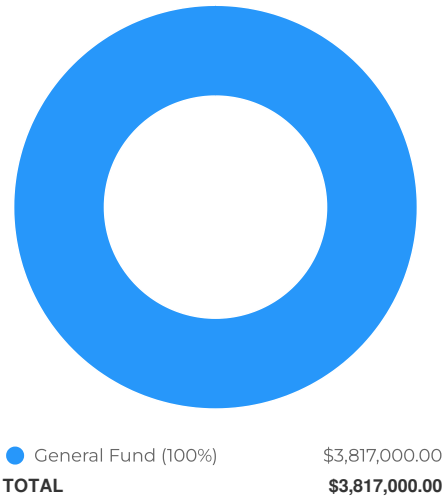
Total Budget (all years)
$3.817M

Project Total
$3.817M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

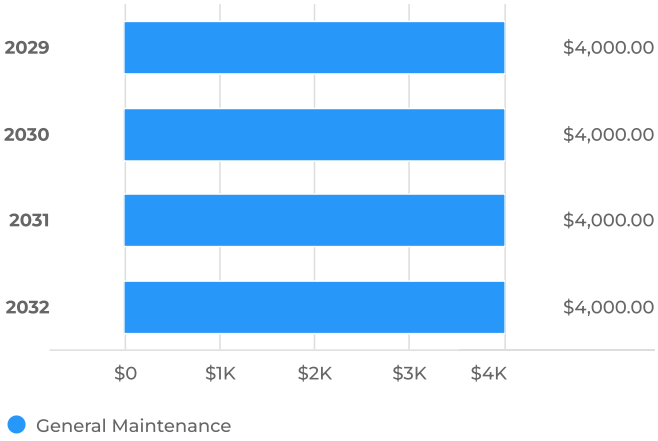
Funding Sources	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	Total
General Fund	$301,000	$3,500,000	$4,000	$4,000	$4,000	$4,000	$3,817,000
Total	**$301,000**	**$3,500,000**	**$4,000**	**$4,000**	**$4,000**	**$4,000**	**$3,817,000**

Operational Costs

Total Budget (all years)
$16K

Project Total
$16K

Operational Costs by Year



Operational Costs for Budgeted Years



Operational Costs Breakdown

Operational Costs	FY2029	FY2030	FY2031	FY2032	Total
General Maintenance	$4,000	$4,000	$4,000	$4,000	$16,000
Total	**$4,000**	**$4,000**	**$4,000**	**$4,000**	**$16,000**

Street Improvements - Johns Road Widening

Overview

Request Owner	Jeff Carroll
Department	Streets
Type	Capital Improvement

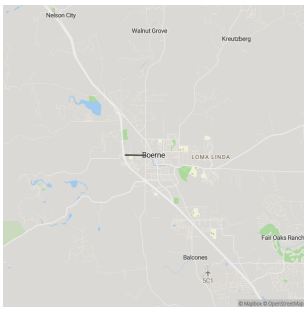
Description

per draft MMP roadway project #5 -, Widen Johns Road to a collector roadway section from IH10 to school street

Details

Type of Project	Other

Location

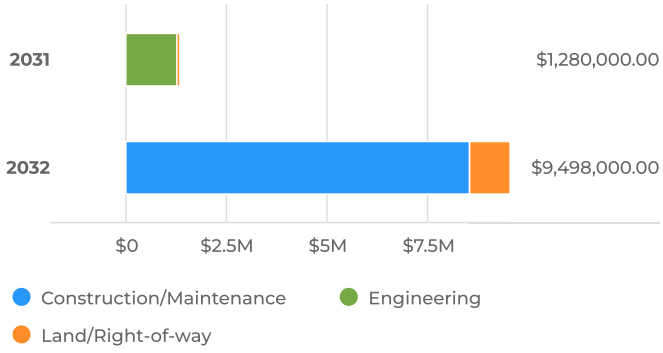


Capital Cost

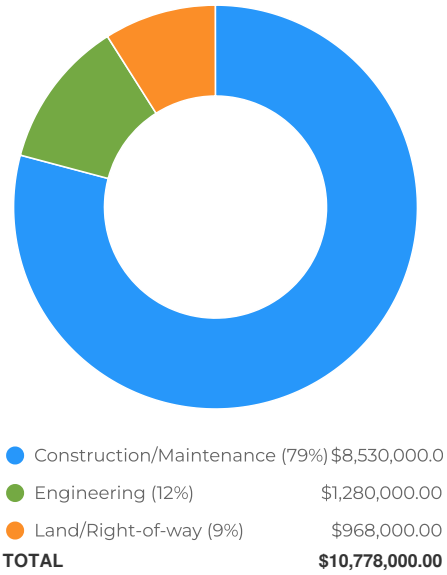
Total Budget (all years)
$10.778M

Project Total
$10.778M

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

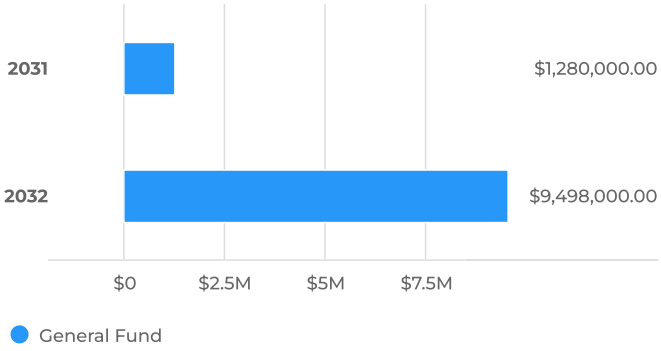
Capital Cost	FY2031	FY2032	Total
Engineering	$1,280,000		$1,280,000
Land/Right-of-way		$968,000	$968,000
Construction/Maintenance		$8,530,000	$8,530,000
Total	**$1,280,000**	**$9,498,000**	**$10,778,000**

Funding Sources

Total Budget (all years)
$10.778M

Project Total
$10.778M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2031	FY2032	Total
General Fund	$1,280,000	$9,498,000	$10,778,000
Total	**$1,280,000**	**$9,498,000**	**$10,778,000**

Street Improvements – Scenic Loop Widening

Overview

Request Owner	Jeff Carroll
Department	Streets
Type	Capital Improvement

Description

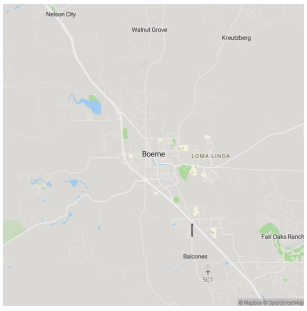
per draft MMP, Widen Scenic Loop Road to a collector roadway section. City limit to IH10

Could be joint project with County

Details

Type of Project	Other

Location

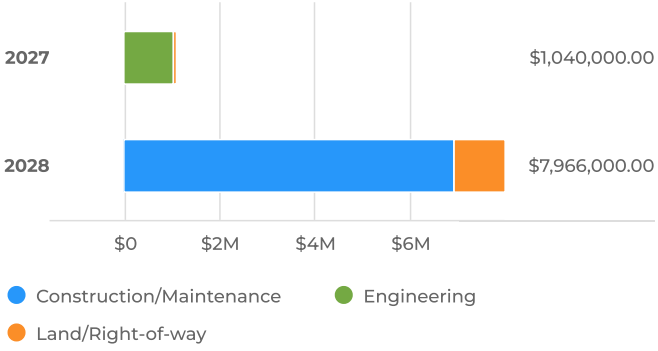


Capital Cost

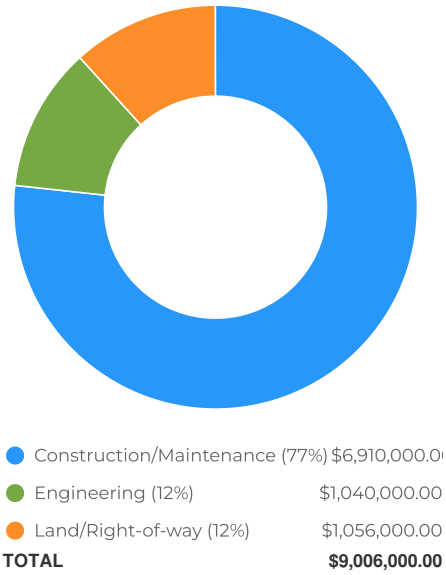
Total Budget (all years)
$9.006M

Project Total
$9.006M

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

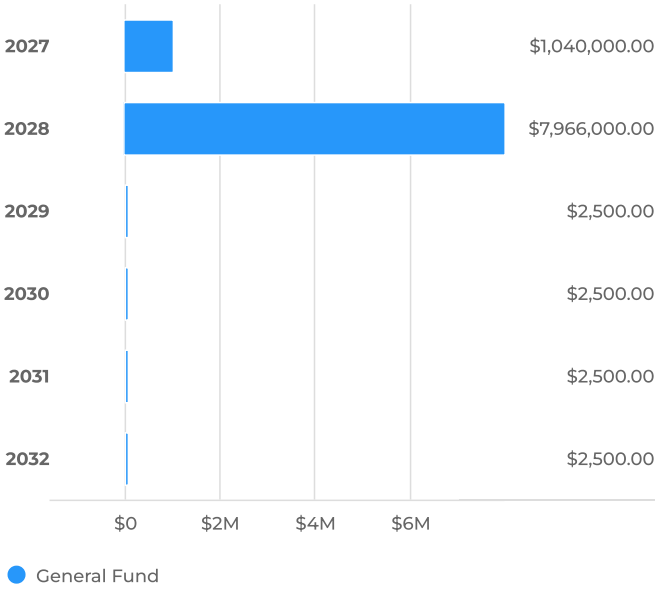
Capital Cost	FY2027	FY2028	Total
Engineering	$1,040,000		$1,040,000
Land/Right-of-way		$1,056,000	$1,056,000
Construction/Maintenance		$6,910,000	$6,910,000
Total	**$1,040,000**	**$7,966,000**	**$9,006,000**

Funding Sources

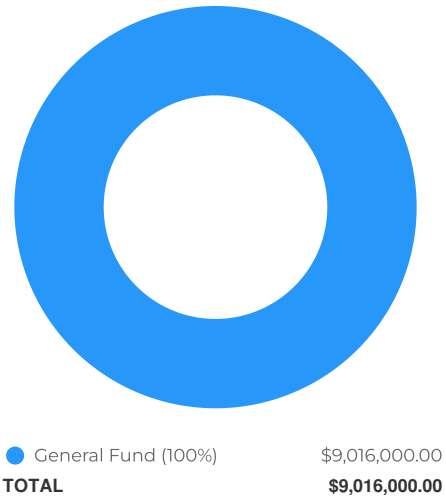
Total Budget (all years)
$9.016M

Project Total
$9.016M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

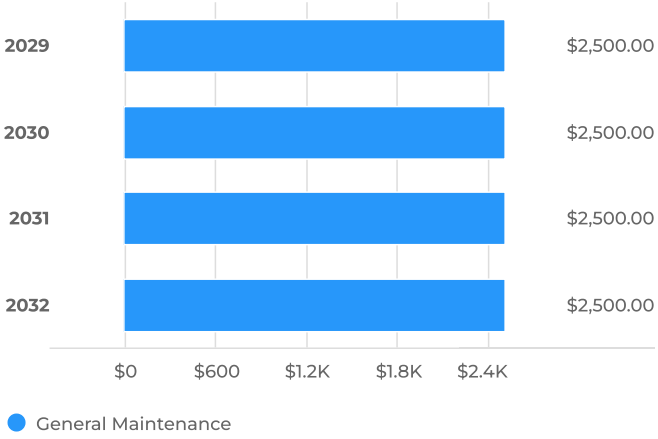
Funding Sources	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	Total
General Fund	$1,040,000	$7,966,000	$2,500	$2,500	$2,500	$2,500	$9,016,000
Total	**$1,040,000**	**$7,966,000**	**$2,500**	**$2,500**	**$2,500**	**$2,500**	**$9,016,000**

Operational Costs

Total Budget (all years)
$10K

Project Total
$10K

Operational Costs by Year



Operational Costs for Budgeted Years



Operational Costs Breakdown

Operational Costs	FY2029	FY2030	FY2031	FY2032	Total
General Maintenance	$2,500	$2,500	$2,500	$2,500	$10,000
Total	**$2,500**	**$2,500**	**$2,500**	**$2,500**	**$10,000**

Street Improvments - OSA Widening

Overview

Request Owner	Jeff Carroll
Department	Streets
Type	Capital Improvement

Description

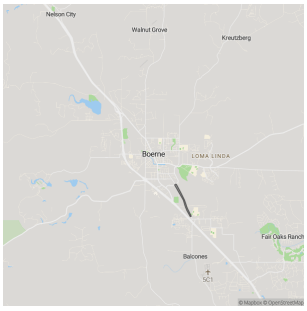
per draft MMP, Widen Old San Antonio Road to a collector roadway section

Does not include Menger Creek Bridge, assumed to be built prior to this project.

Details

Type of Project	Other

Location

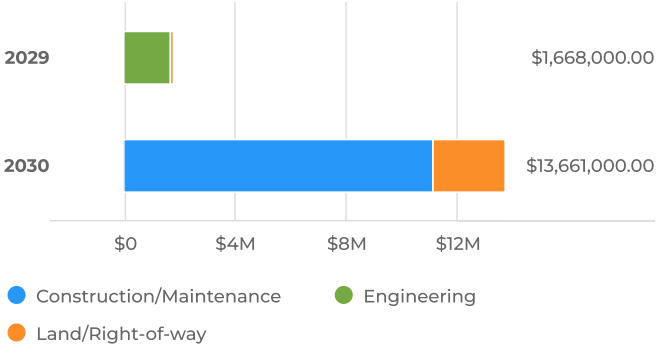


Capital Cost

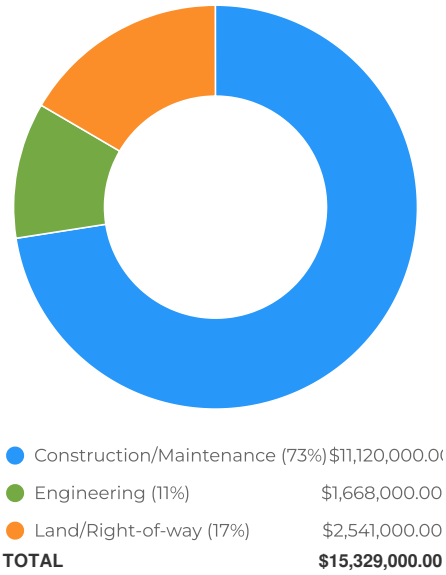
Total Budget (all years)
$15.329M

Project Total
$15.329M

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

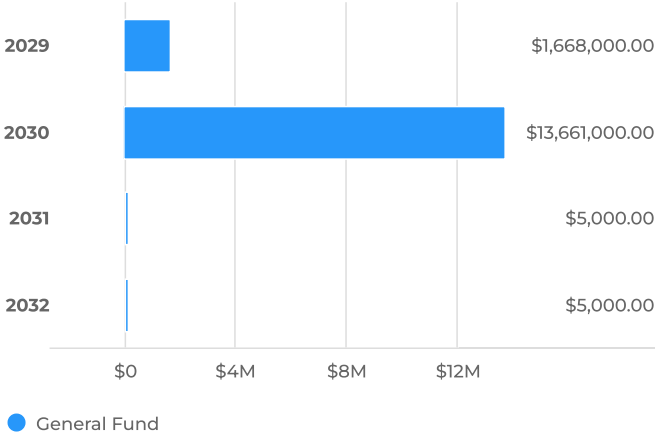
Capital Cost	FY2029	FY2030	Total
Engineering	$1,668,000		$1,668,000
Land/Right-of-way		$2,541,000	$2,541,000
Construction/Maintenance		$11,120,000	$11,120,000
Total	**$1,668,000**	**$13,661,000**	**$15,329,000**

Funding Sources

Total Budget (all years)
$15.339M

Project Total
$15.339M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

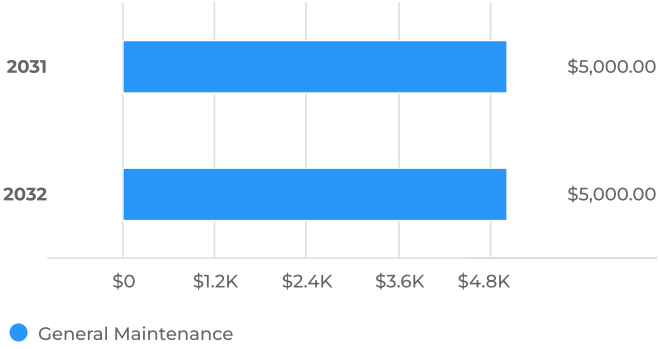
Funding Sources	FY2029	FY2030	FY2031	FY2032	Total
General Fund	$1,668,000	$13,661,000	$5,000	$5,000	$15,339,000
Total	**$1,668,000**	**$13,661,000**	**$5,000**	**$5,000**	**$15,339,000**

Operational Costs

Total Budget (all years)
$10K

Project Total
$10K

Operational Costs by Year



Operational Costs for Budgeted Years



Operational Costs Breakdown

Operational Costs	FY2031	FY2032	Total
General Maintenance	$5,000	$5,000	$10,000
Total	**$5,000**	**$5,000**	**$10,000**

WASTEWATER REQUESTS

1st WWTRC Expansion

Overview

Request Owner	Mike Mann
Est. Start Date	10/01/2025
Est. Completion Date	09/30/2027
Department	Wastewater
Type	Capital Improvement

Description

Service population continues to grow in the areas served by both wastewater plants. It is not feasible to expand the Esser Road Plant, so some flow transfer to the Old San Antonio Road Plant (WWTRC) will be likely. Per the terms of our discharge permit, planning for expansion will likely be required within the next 3-4 years and construction would follow.

Images

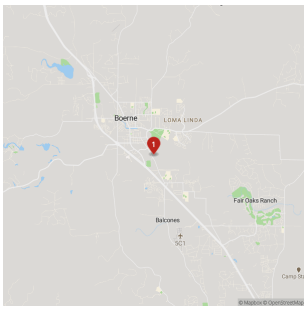


WWTRC

Details

Type of Project	Other

Location

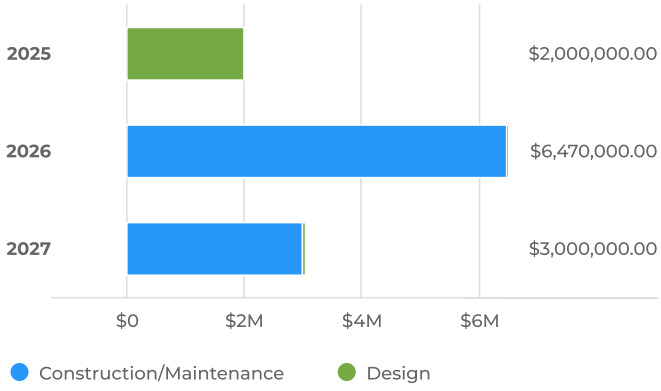


Capital Cost

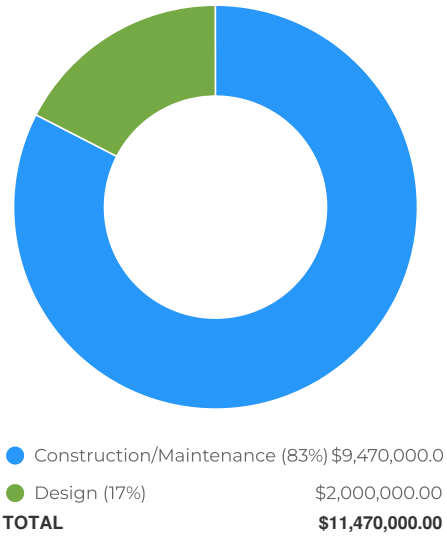
Total Budget (all years)
$11.47M

Project Total
$11.47M

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

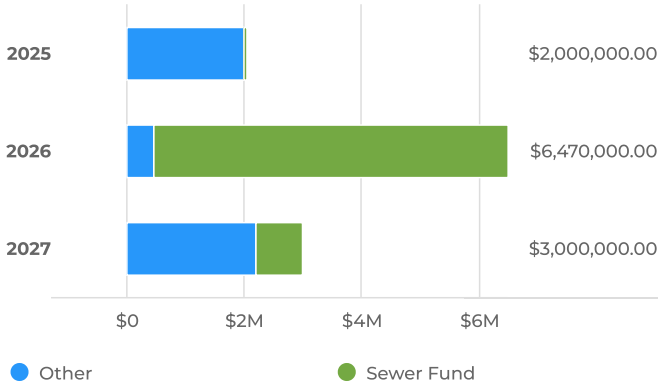
Capital Cost	FY2025	FY2026	FY2027	Total
Design	$2,000,000			$2,000,000
Construction/Maintenance		$6,470,000	$3,000,000	$9,470,000
Total	**$2,000,000**	**$6,470,000**	**$3,000,000**	**$11,470,000**

Funding Sources

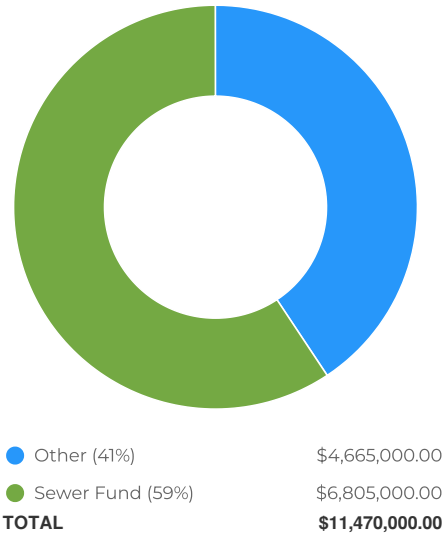
Total Budget (all years)
$11.47M

Project Total
$11.47M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2025	FY2026	FY2027	Total
Sewer Fund		$6,000,000	$805,000	$6,805,000
Other	$2,000,000	$470,000	$2,195,000	$4,665,000
Total	**$2,000,000**	**$6,470,000**	**$3,000,000**	**$11,470,000**

2nd WWTRC Expansion

Overview

Request Owner	Mike Mann
Est. Start Date	10/01/2030
Est. Completion Date	09/30/2032
Department	Wastewater
Type	Capital Improvement

Description

A second WWTRC expansion is required if flow is transferred from the Esser WWTP and/or service growth in the area served by the plant grows to 75% of the expanded permit limit, whichever comes first.

Images

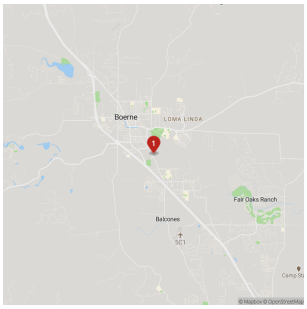


WWTRC

Details

Type of Project	Other

Location

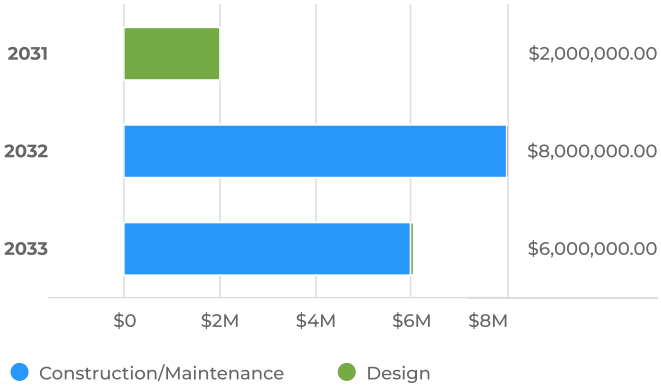


Capital Cost

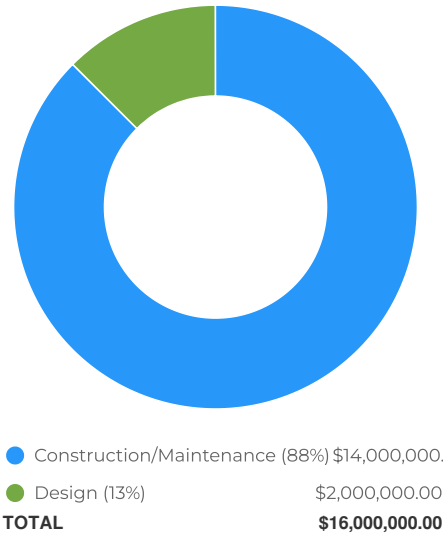
Total Budget (all years)
$16M

Project Total
$16M

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

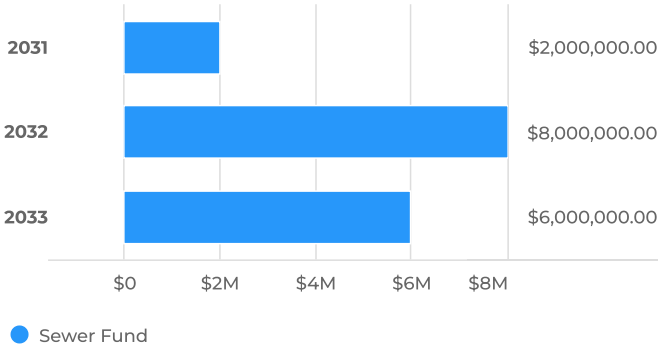
Capital Cost	FY2031	FY2032	FY2033	Total
Design	$2,000,000			$2,000,000
Construction/Maintenance		$8,000,000	$6,000,000	$14,000,000
Total	**$2,000,000**	**$8,000,000**	**$6,000,000**	**$16,000,000**

Funding Sources

Total Budget (all years)
$16M

Project Total
$16M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2031	FY2032	FY2033	Total
Sewer Fund	$2,000,000	$8,000,000	$6,000,000	$16,000,000
Total	**$2,000,000**	**$8,000,000**	**$6,000,000**	**$16,000,000**

CKC Sewer Main Extension

Overview

Request Owner	Mike Mann
Department	Wastewater
Type	Capital Improvement

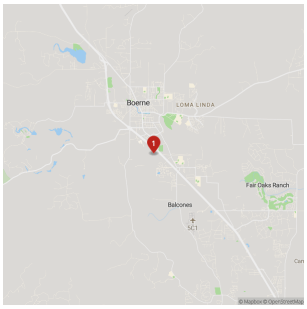
Description

A sewer main extension to CKC Properties site is required due to City annexation of the property.

Images



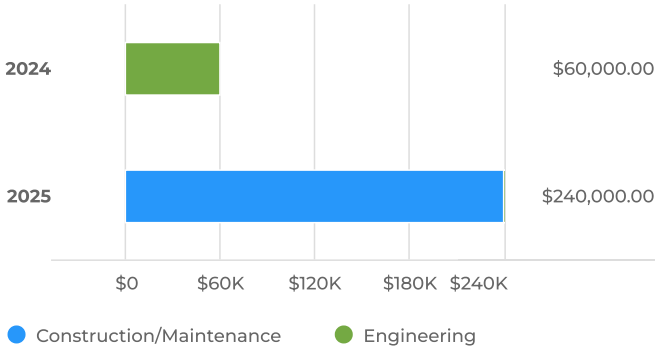
Location



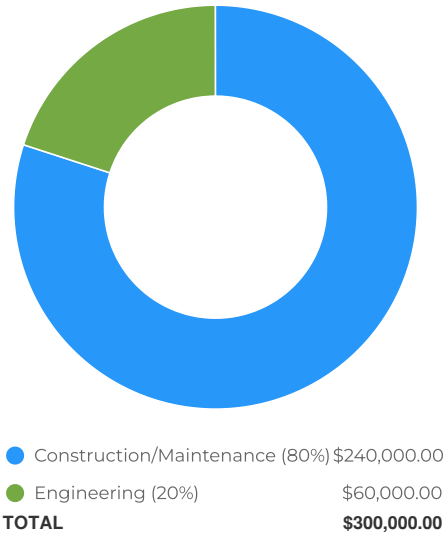
Capital Cost

FY2024 Budget	Total Budget (all years)	Project Total
$60,000	$300K	$300K

Capital Cost by Year



Capital Cost for Budgeted Years



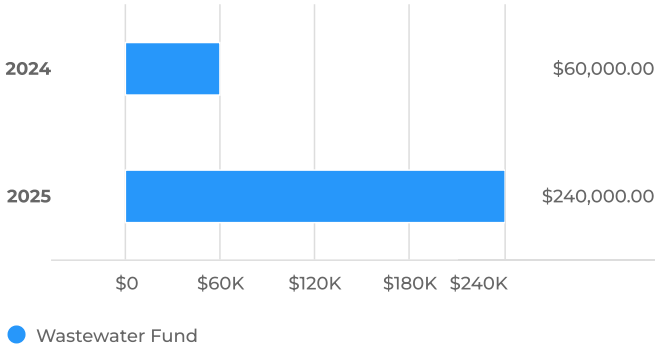
Capital Cost Breakdown

Capital Cost	FY2024	FY2025	Total
Engineering	$60,000		$60,000
Construction/Maintenance		$240,000	$240,000
Total	**$60,000**	**$240,000**	**$300,000**

Funding Sources

FY2024 Budget	Total Budget (all years)	Project Total
$60,000	$300K	$300K

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2024	FY2025	Total
Wastewater Fund	$60,000	$240,000	$300,000
Total	**$60,000**	**$240,000**	**$300,000**

School Lift Station 3rd Wet Well Addition

Overview

Request Owner	Mike Mann
Est. Start Date	10/01/2029
Est. Completion Date	09/30/2031
Department	Wastewater
Type	Capital Improvement

Description

Additional needed for WCID #3A, Southglen, Regent Park and other future basin developments.

Images

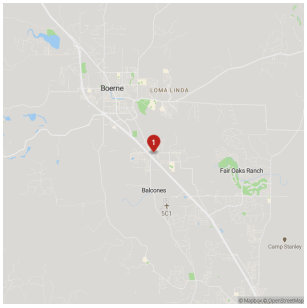


School Lift Station

Details

Type of Project	New Construction

Location

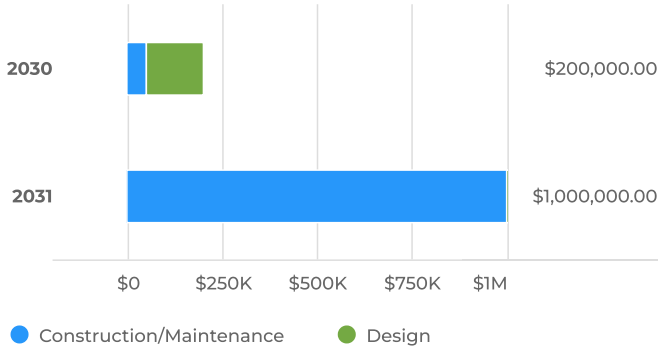


Capital Cost

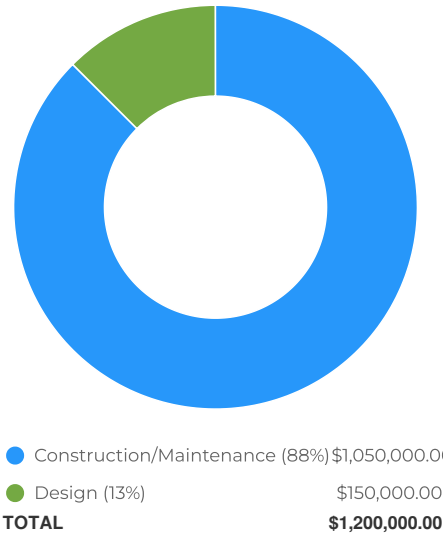
Total Budget (all years)
$1.2M

Project Total
$1.2M

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

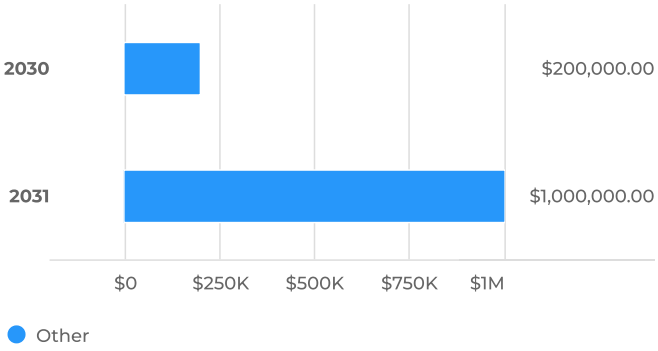
Capital Cost	FY2030	FY2031	Total
Design	$150,000		$150,000
Construction/Maintenance	$50,000	$1,000,000	$1,050,000
Total	**$200,000**	**$1,000,000**	**$1,200,000**

Funding Sources

Total Budget (all years)
$1.2M

Project Total
$1.2M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2030	FY2031	Total
Other	$200,000	$1,000,000	$1,200,000
Total	**$200,000**	**$1,000,000**	**$1,200,000**

School Lift Station Force Main and Collector Upgrade

Overview

Request Owner	Mike Mann
Est. Start Date	10/01/2026
Est. Completion Date	09/30/2028
Department	Wastewater
Type	Capital Improvement

Description

The proposed upgrade will serve the ultimate needs of the basin in which it is located plus WCID #3A, Regent Park, Southglen and others.

Images

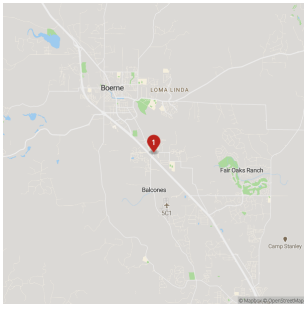


School Lift Station

Details

Type of Project	Other

Location

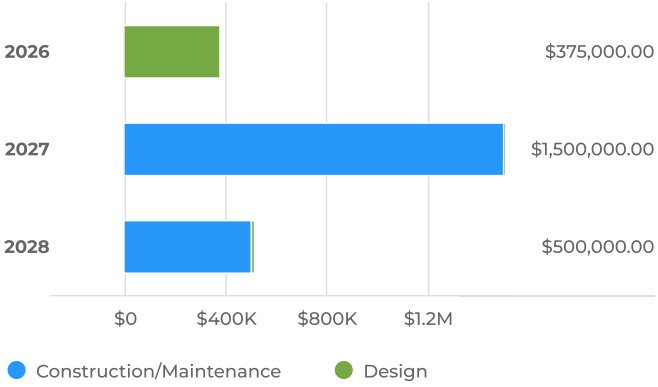


Capital Cost

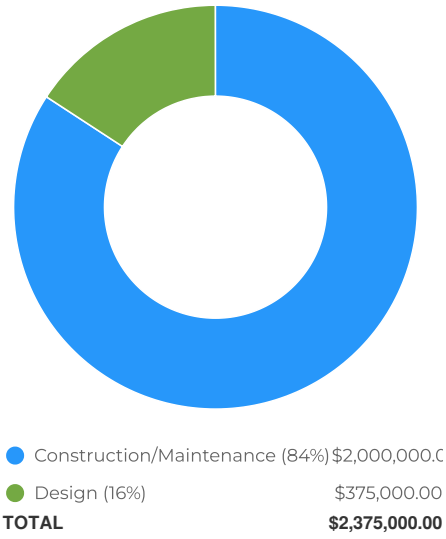
Total Budget (all years)
$2.375M

Project Total
$2.375M

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

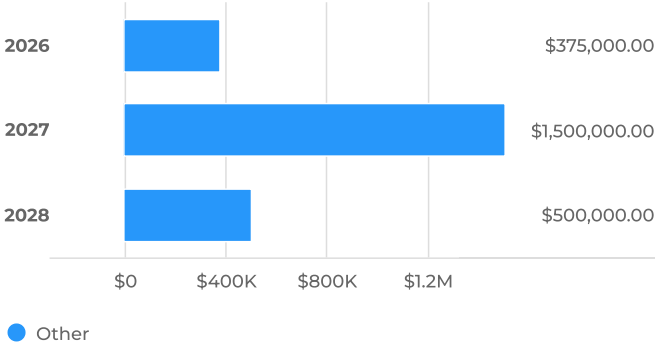
Capital Cost	FY2026	FY2027	FY2028	Total
Design	$375,000			$375,000
Construction/Maintenance		$1,500,000	$500,000	$2,000,000
Total	**$375,000**	**$1,500,000**	**$500,000**	**$2,375,000**

Funding Sources

Total Budget (all years)
$2.375M

Project Total
$2.375M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2026	FY2027	FY2028	Total
Other	$375,000	$1,500,000	$500,000	$2,375,000
Total	**$375,000**	**$1,500,000**	**$500,000**	**$2,375,000**

South Cibolo Sewer Collector Main

Overview

Request Owner	Mike Mann
Est. Start Date	10/01/2028
Est. Completion Date	09/30/2030
Department	Wastewater
Type	Capital Improvement

Description

As our Esser Road Wastewater Treatment Plant is growing closer and/or in need of replacement. To transfer flows to the WWTRC, (in part or in whole) will require the extension of a large diameter collector main along the general route of the Cibolo Creek east of Herff Road.

Images

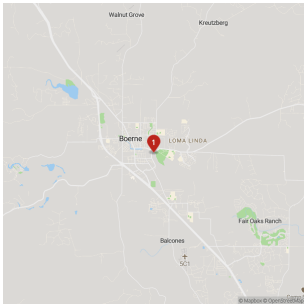


South Cibolo Collector

Details

Type of Project	New Construction

Location

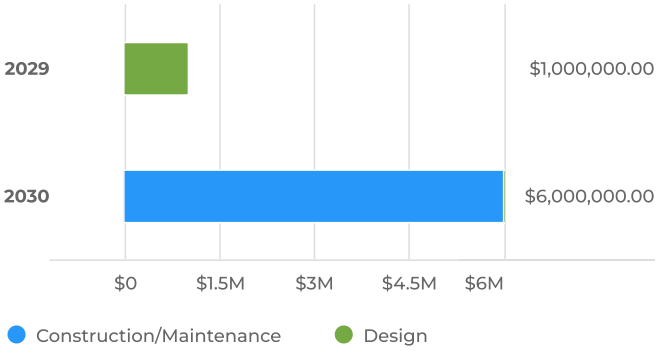


Capital Cost

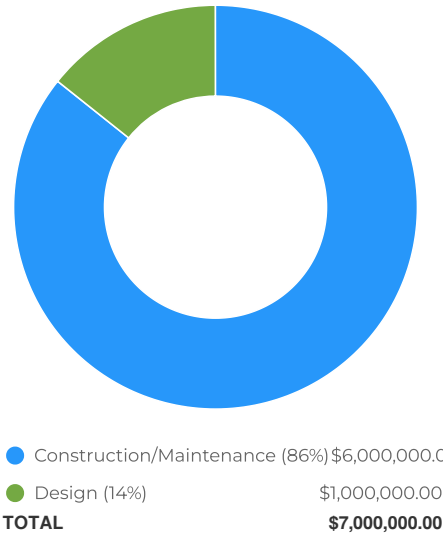
Total Budget (all years)
$7M

Project Total
$7M

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

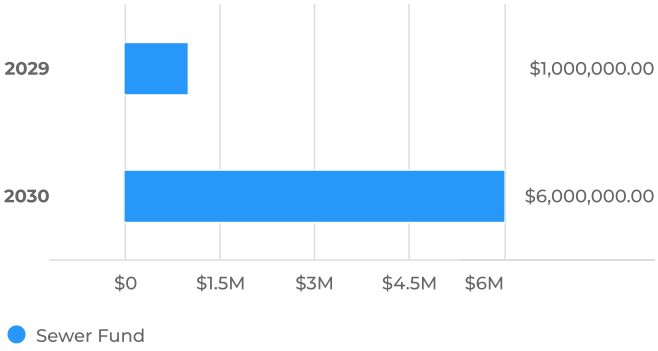
Capital Cost	FY2029	FY2030	Total
Design	$1,000,000		$1,000,000
Construction/Maintenance		$6,000,000	$6,000,000
Total	**$1,000,000**	**$6,000,000**	**$7,000,000**

Funding Sources

Total Budget (all years)
$7M

Project Total
$7M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2029	FY2030	Total
Sewer Fund	$1,000,000	$6,000,000	$7,000,000
Total	**$1,000,000**	**$6,000,000**	**$7,000,000**

Suggs Creek Sewer Main

Overview

Request Owner	Mike Mann
Est. Start Date	10/01/2023
Est. Completion Date	12/31/2024
Department	Wastewater
Type	Capital Improvement

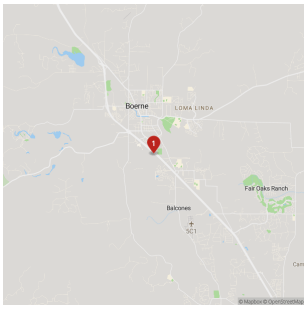
Description

The sewer main extending form US-87 to the west side of IH-10 has been in our utility impact fee CIP for many years. We recently executed a development agreement with Regent Park that includes some cost sharing with the developer. However, the developer has not moved forward in a timely manner. Meanwhile, we executed another development agreement with Buc-ee's that requires the City to fund the installation, presumably since we had a prior agreement that helped ensure it would be in place before it was needed by Buc-ee's. It is possible that we could be required to build this project prior to it being needed by Regent Park, and thus, fund the entirety of it. The entire cost of the project is therefore included in our sewer impact fee CIP (despite the Regent park DA terms).

Images



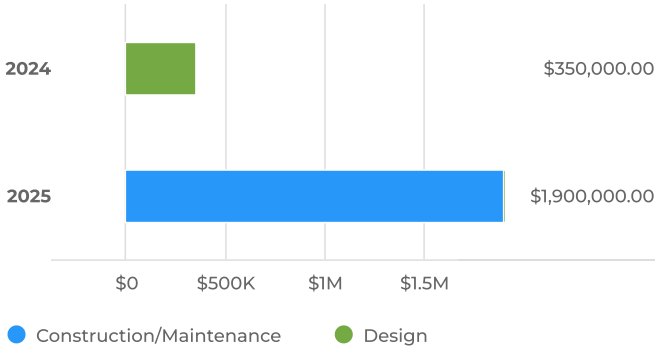
Location



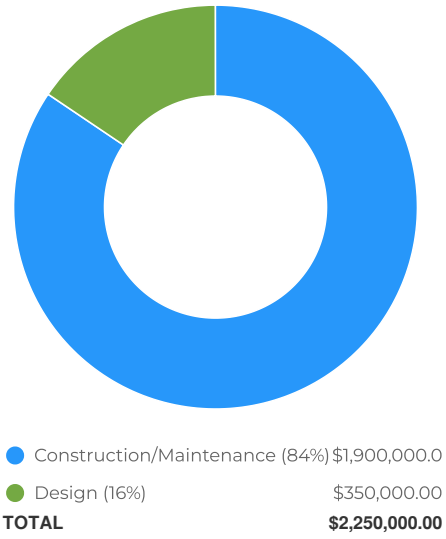
Capital Cost

FY2024 Budget	Total Budget (all years)	Project Total
$350,000	$2.25M	$2.25M

Capital Cost by Year



Capital Cost for Budgeted Years



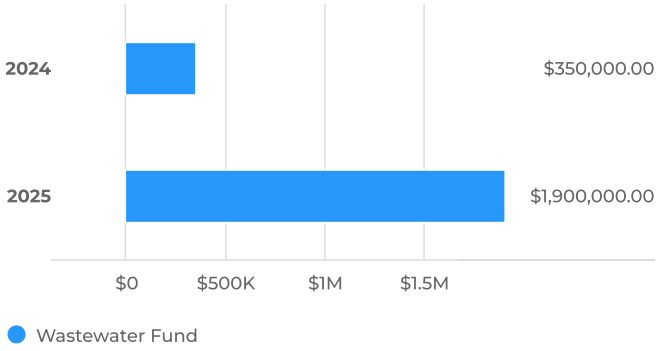
Capital Cost Breakdown

Capital Cost	FY2024	FY2025	Total
Design	$350,000		$350,000
Construction/Maintenance		$1,900,000	$1,900,000
Total	**$350,000**	**$1,900,000**	**$2,250,000**

Funding Sources

FY2024 Budget	Total Budget (all years)	Project Total
$350,000	$2.25M	$2.25M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2024	FY2025	Total
Wastewater Fund	$350,000	$1,900,000	$2,250,000
Total	**$350,000**	**$1,900,000**	**$2,250,000**

Trails at Herff Ranch Sewer Main Replacement

Overview

Request Owner	Mike Mann
Est. Start Date	10/01/2027
Est. Completion Date	09/30/2029
Department	Wastewater
Type	Capital Improvement

Description

The sewer main along Browns Creek south of SH-46 was over-sized by the City for anticipated development in the basin. However, that main is now also being used to convey flows from outside the Browns Creek basin from Esperanza. Thus additional oversizing (replacement) will be needed as Esperanza continues to develop.

Details

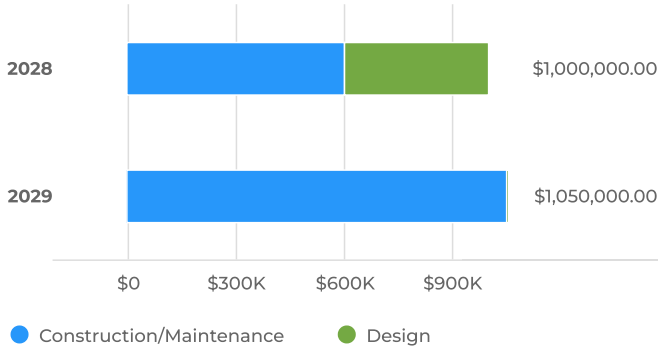
Type of Project	Replacement

Capital Cost

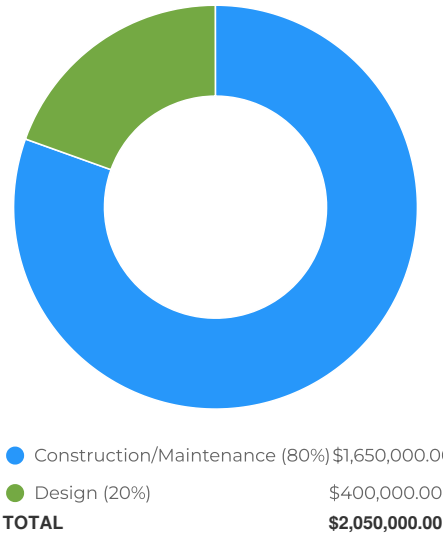
Total Budget (all years)
$2.05M

Project Total
$2.05M

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

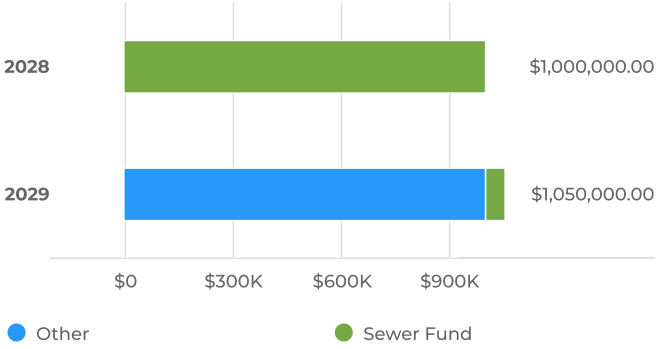
Capital Cost	FY2028	FY2029	Total
Design	$400,000		$400,000
Construction/Maintenance	$600,000	$1,050,000	$1,650,000
Total	**$1,000,000**	**$1,050,000**	**$2,050,000**

Funding Sources

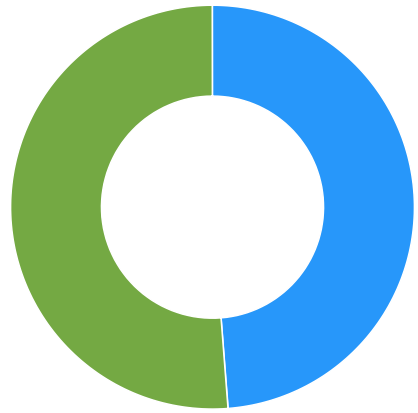
Total Budget (all years)
$2.05M

Project Total
$2.05M

Funding Sources by Year



Funding Sources for Budgeted Years



Other (49%)	$1,000,000.00
Sewer Fund (51%)	$1,050,000.00
TOTAL	**$2,050,000.00**

Funding Sources Breakdown

Funding Sources	FY2028	FY2029	Total
Sewer Fund	$1,000,000	$50,000	$1,050,000
Other		$1,000,000	$1,000,000
Total	**$1,000,000**	**$1,050,000**	**$2,050,000**

WATER REQUESTS

Ammann Road Water Tank & Pump Station

Overview

Request Owner	Mike Mann
Est. Start Date	04/01/2022
Est. Completion Date	09/30/2024
Department	Water
Type	Capital Improvement

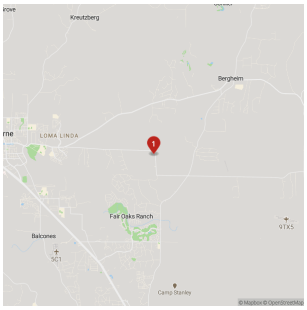
Description

The Ammann Road Water Tank and Pump Station will be a GBRA delivery point for the City to meet the future water demands in this area due to new developments. Location of a water source in the George's Ranch area is necessary to provide fire flow in that portion of our distribution system. This location also provides for increased reliability in the eastern part of the City where the service growth is highest. Includes the cost of land acquisition. The ten acre property for the tank site was purchased in 2022. A portion of it could be sold to the City of Fair Oaks Ranch in the near future. The remaining five acres with a home located on it could be sold at a later date.

Details

Type of Project	New Construction

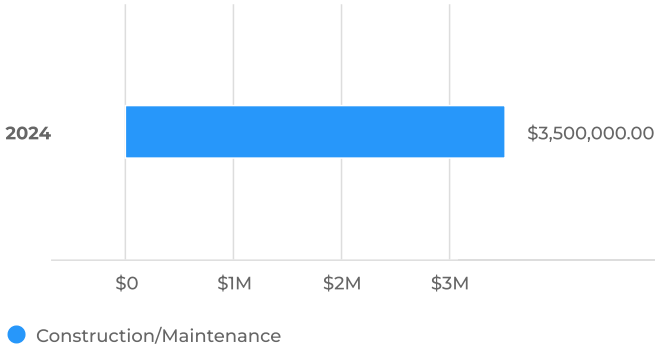
Location



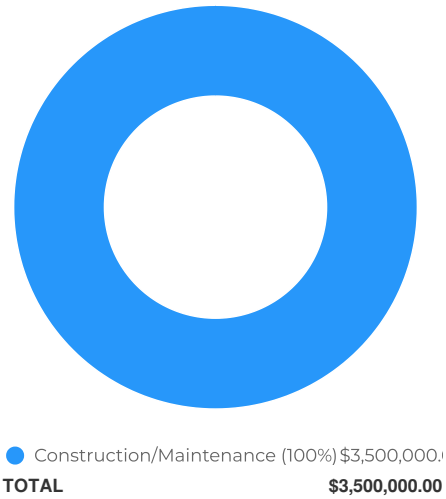
Capital Cost

Total To Date	FY2024 Budget	Total Budget (all years)	Project Total
$2,100,000	$3,500,000	$3.5M	$5.6M

Capital Cost by Year



Capital Cost for Budgeted Years



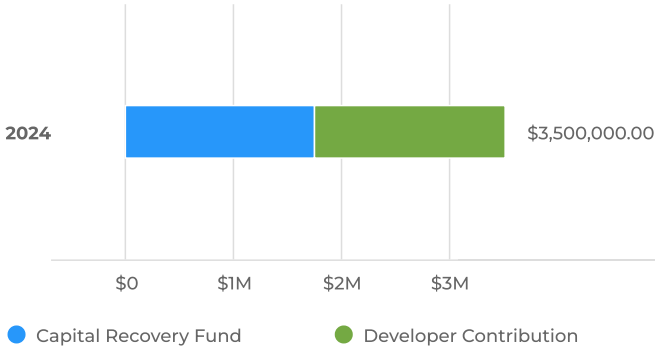
Capital Cost Breakdown

Capital Cost	To Date	FY2024	Total
Construction/Maintenance		$3,500,000	$3,500,000
Other	$2,100,000		$2,100,000
Total	**$2,100,000**	**$3,500,000**	**$5,600,000**

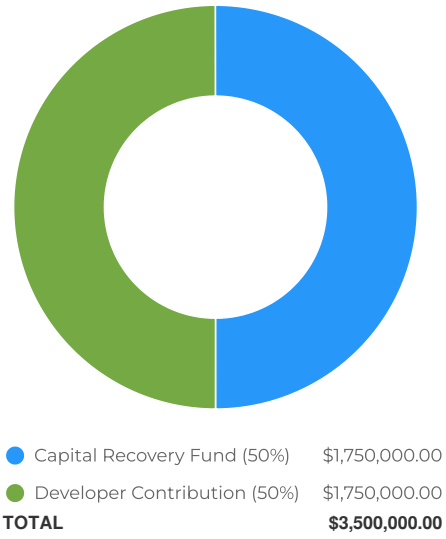
Funding Sources

Total To Date	FY2024 Budget	Total Budget (all years)	Project Total
$2,100,000	$3,500,000	$3.5M	$5.6M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	To Date	FY2024	Total
Capital Recovery Fund		$1,750,000	$1,750,000
Water Fund	$2,100,000		$2,100,000
Developer Contribution		$1,750,000	$1,750,000
Total	**$2,100,000**	**$3,500,000**	**$5,600,000**

Buckskin Carbon Filter

Overview

Request Owner	Mike Mann
Department	Water
Type	Capital Improvement

Description

Regulatory requirements include maintaining a safe level of disinfection by-products (DBP's) in finished potable water. DBP's form when free chlorine is injected into surface water during the treatment process, and the concentration worsen as the treated water ages in the system. The highest levels of DBP's in our system are in the area where GBRA's WCRWSP water is the most concentrated. We also find DBP's in the portion of our system inundated by treated water from Boerne City Lake, but the levels in those areas are generally lower due to the reduced age of the water (it does not need to be piped from Canyon Lake).

As we increase our annual commitment of water from GBRA, there will be less concentration of well water (that typically does not have DBP's) in the system. Carbon Filters can strip these compounds from the water. Thus, we will need to install such filters as our system concentrations increase over time.

Images



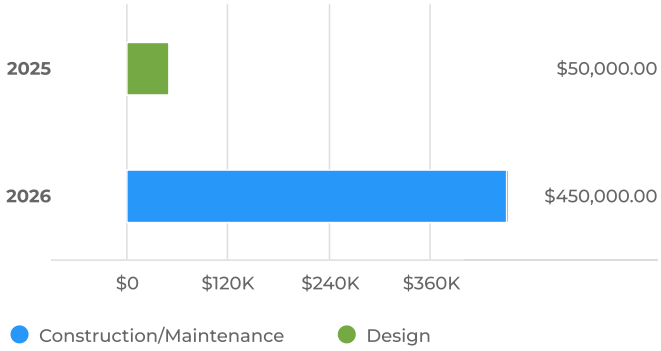
Carbon filter

Capital Cost

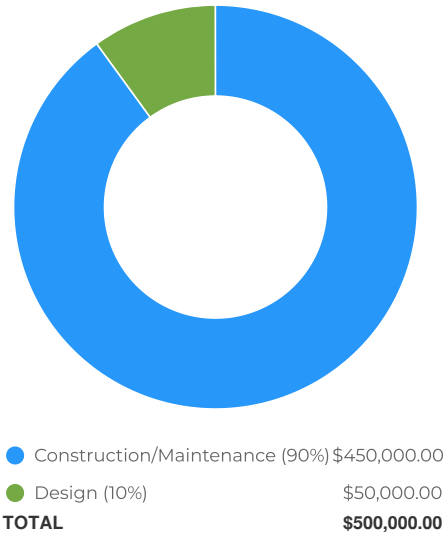
Total Budget (all years)
$500K

Project Total
$500K

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

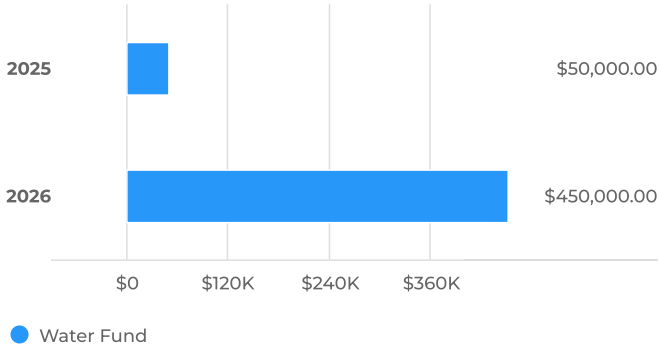
Capital Cost	FY2025	FY2026	Total
Design	$50,000		$50,000
Construction/Maintenance		$450,000	$450,000
Total	**$50,000**	**$450,000**	**$500,000**

Funding Sources

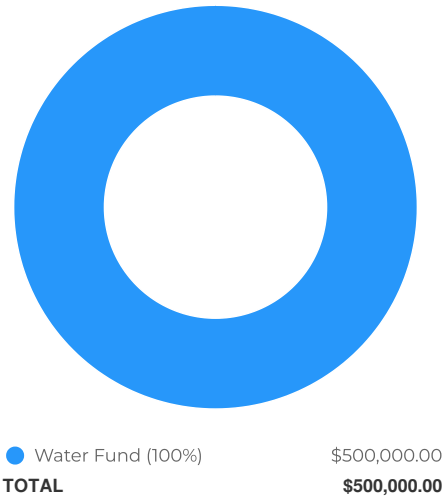
Total Budget (all years)
$500K

Project Total
$500K

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2025	FY2026	Total
Water Fund	$50,000	$450,000	$500,000
Total	**$50,000**	**$450,000**	**$500,000**

CC&B Water Modules

Overview

Request Owner	Stephen Harms, Budget Analyst
Department	Water
Type	Capital Improvement

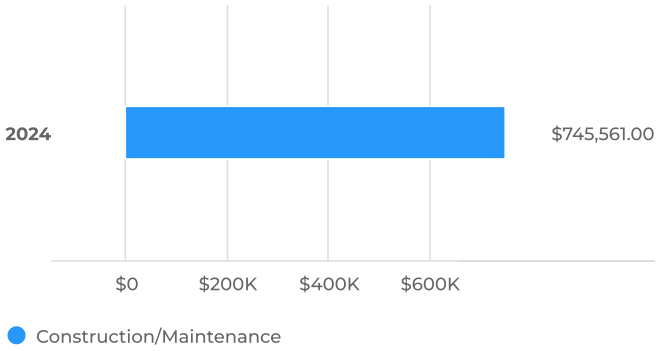
Description

The integrator for the water (and gas) Orion modules is at end of life and is a security risk. It is necessary to change out approximately 1344 gas modules to ERT modules in order for them to be read through our current system (Tunet).

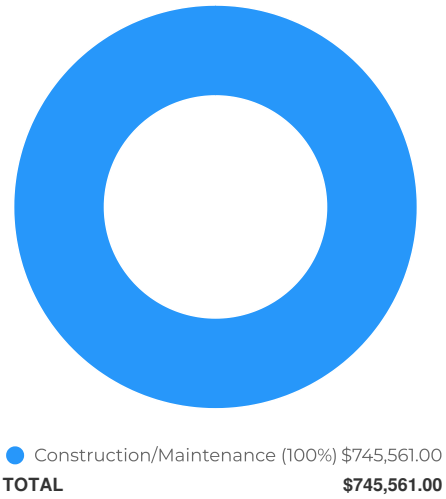
Capital Cost

FY2024 Budget	Total Budget (all years)	Project Total
$745,561	$745.561K	$745.561K

Capital Cost by Year



Capital Cost for Budgeted Years



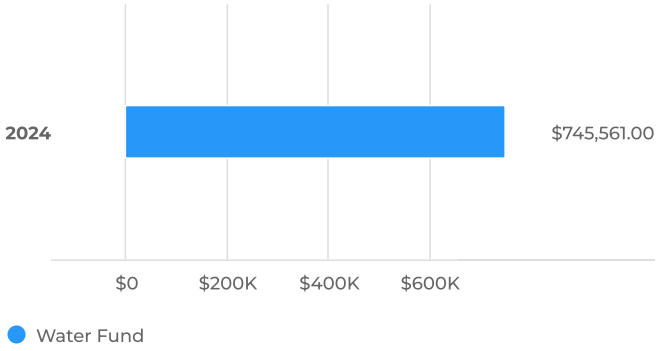
Capital Cost Breakdown

Capital Cost	FY2024	Total
Construction/Maintenance	$745,561	$745,561
Total	**$745,561**	**$745,561**

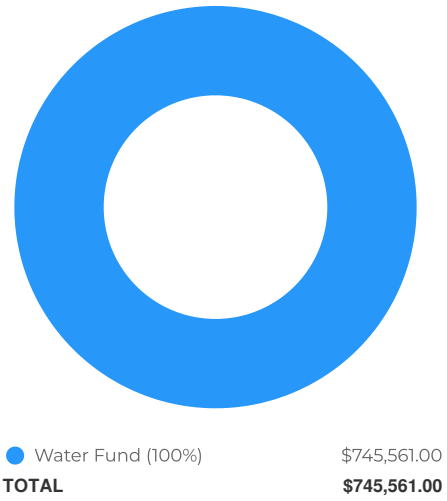
Funding Sources

FY2024 Budget	Total Budget (all years)	Project Total
$745,561	$745.561K	$745.561K

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2024	Total
Water Fund	$745,561	$745,561
Total	**$745,561**	**$745,561**

CKC Water Main

Overview

Request Owner	Mike Mann
Department	Water
Type	Capital Improvement

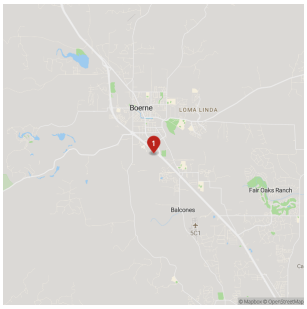
Description

Extend water main along IH-10 to CKC Properties due to annexation of property by City.

Images



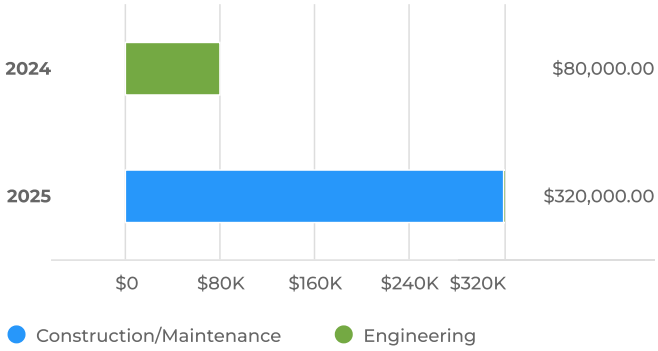
Location



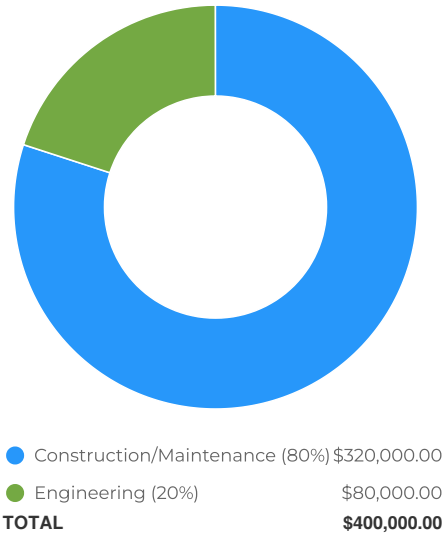
Capital Cost

FY2024 Budget	Total Budget (all years)	Project Total
$80,000	$400K	$400K

Capital Cost by Year



Capital Cost for Budgeted Years



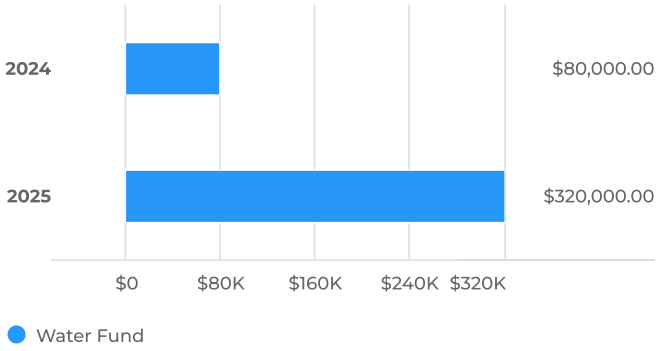
Capital Cost Breakdown

Capital Cost	FY2024	FY2025	Total
Engineering	$80,000		$80,000
Construction/Maintenance		$320,000	$320,000
Total	**$80,000**	**$320,000**	**$400,000**

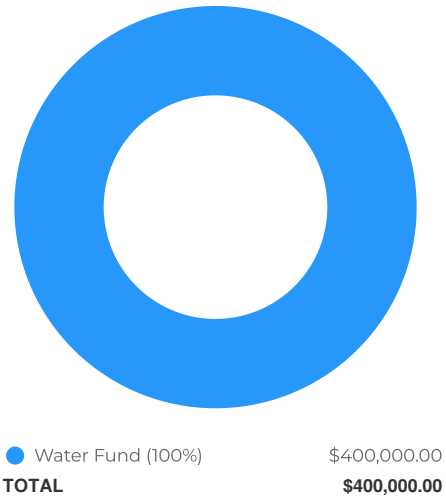
Funding Sources

FY2024 Budget	Total Budget (all years)	Project Total
$80,000	$400K	$400K

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2024	FY2025	Total
Water Fund	$80,000	$320,000	$400,000
Total	**$80,000**	**$320,000**	**$400,000**

GBRA Ammann Road Water Main

Overview

Request Owner	Mike Mann
Est. Start Date	10/01/2022
Est. Completion Date	09/30/2024
Department	Water
Type	Capital Improvement

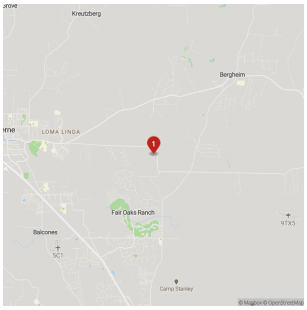
Description

Water main is required to deliver GBRA water to the future Ammann Road Water Tank and Pump Station. GBRA will require that the City fund the extension from the GBRA transmission main to the City's tank/pump station site. This should be a reimbursement to GBRA. Costs are not yet determined.

Details

Type of Project	New Construction

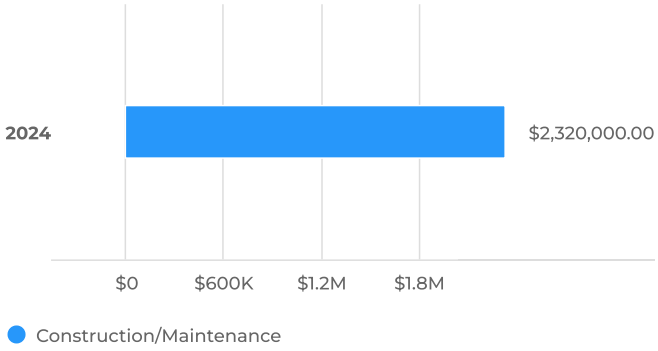
Location



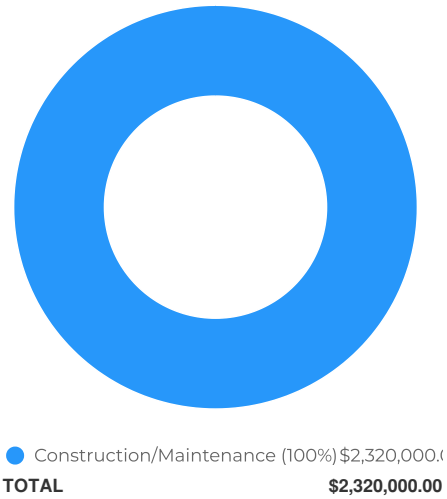
Capital Cost

Total To Date	FY2024 Budget	Total Budget (all years)	Project Total
$250,000	$2,320,000	$2.32M	$2.57M

Capital Cost by Year



Capital Cost for Budgeted Years



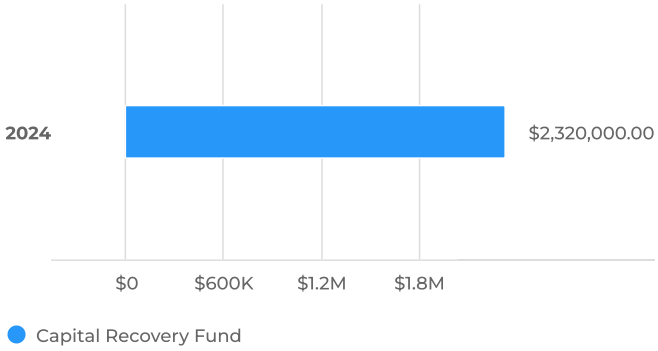
Capital Cost Breakdown

Capital Cost	To Date	FY2024	Total
Design	$250,000		$250,000
Construction/Maintenance		$2,320,000	$2,320,000
Total	**$250,000**	**$2,320,000**	**$2,570,000**

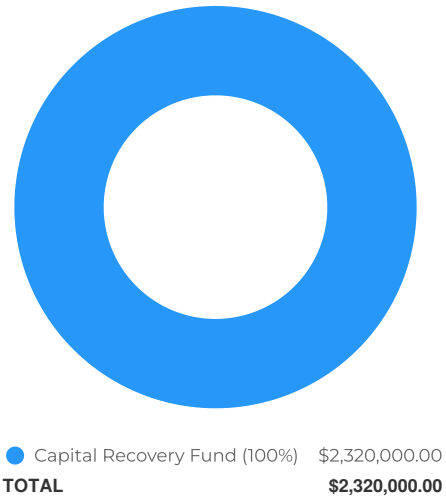
Funding Sources

Total To Date	FY2024 Budget	Total Budget (all years)	Project Total
$250,000	$2,320,000	$2.32M	$2.57M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	To Date	FY2024	Total
Capital Recovery Fund		$2,320,000	$2,320,000
Water Fund	$250,000		$250,000
Total	**$250,000**	**$2,320,000**	**$2,570,000**

Reclaimed Main Transmission Upgrade (Preserve)

Overview

Request Owner	Mike Mann
Est. Start Date	10/01/2025
Est. Completion Date	09/30/2027
Department	Water
Type	Capital Improvement

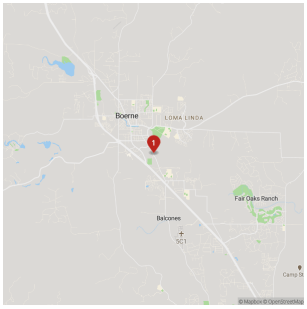
Description

A reclaimed water transmission line upgrade between the WWTRC and the abandoned RR-ROW needed because system demand requires faster supply to elevated storage. When originally designed and installed, the main was intended simply to serve only Esperanza. However, service has now been provided in Ranches at Creekside and more area growth is anticipated. Thus, supply pipeline capacity from the source is needed.

Details

Type of Project	New Construction

Location

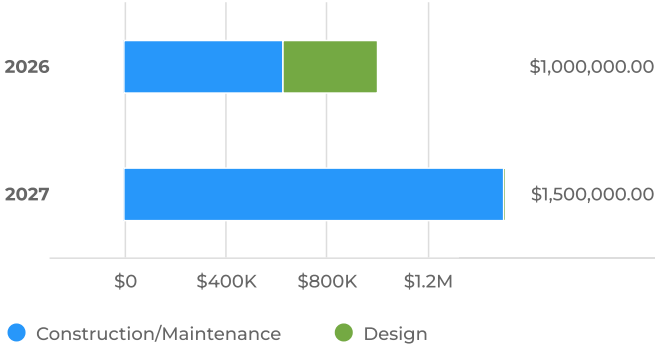


Capital Cost

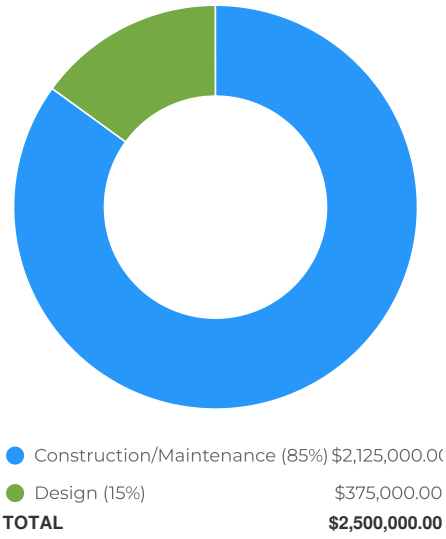
Total Budget (all years)
$2.5M

Project Total
$2.5M

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

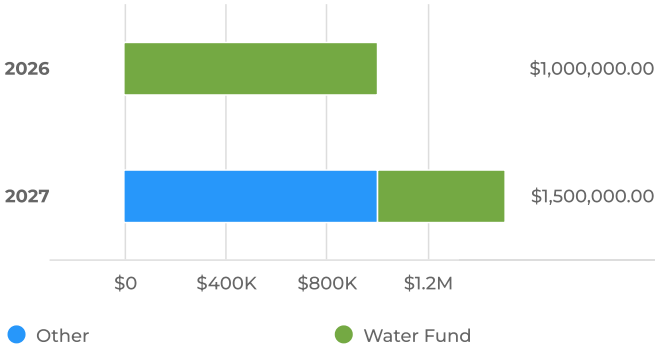
Capital Cost	FY2026	FY2027	Total
Design	$375,000		$375,000
Construction/Maintenance	$625,000	$1,500,000	$2,125,000
Total	**$1,000,000**	**$1,500,000**	**$2,500,000**

Funding Sources

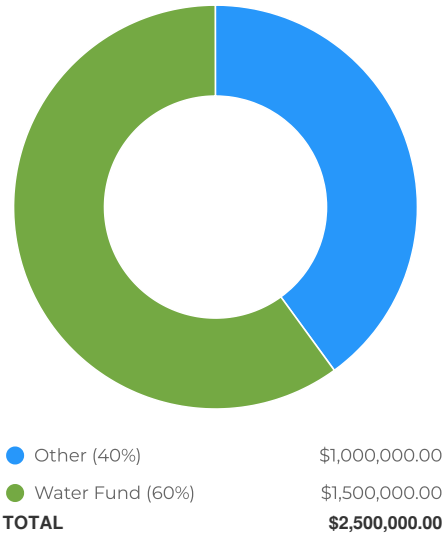
Total Budget (all years)
$2.5M

Project Total
$2.5M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2026	FY2027	Total
Water Fund	$1,000,000	$500,000	$1,500,000
Other		$1,000,000	$1,000,000
Total	**$1,000,000**	**$1,500,000**	**$2,500,000**

Reclaimed Water Elevated Storage Tank

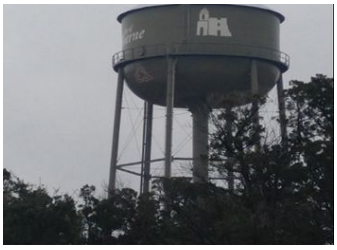
Overview

Request Owner	Mike Mann
Est. Start Date	10/01/2027
Est. Completion Date	09/30/2028
Department	Water
Type	Capital Improvement

Description

A second reclaimed water elevated storage tank is needed for redundancy and increased storage capacity for Ranches at Creekside subdivision in addition to the tank provided by the Esperanza development. The timing for the second tank will be based on the rate of growth within the service area.

Images

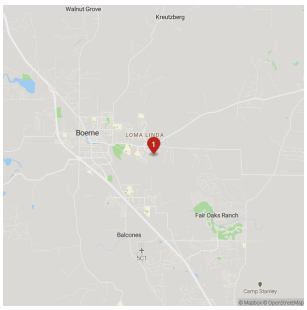


Reclaimed Water Elevated Tank

Details

Type of Project	New Construction

Location

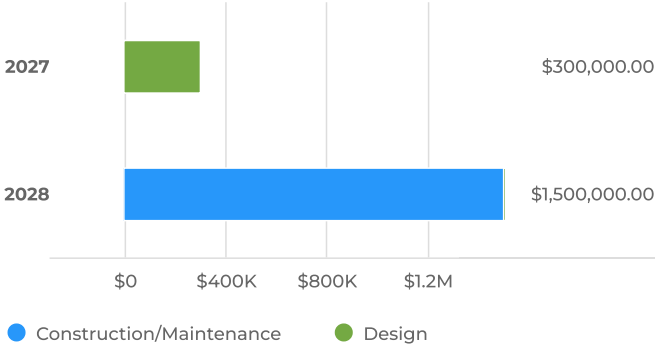


Capital Cost

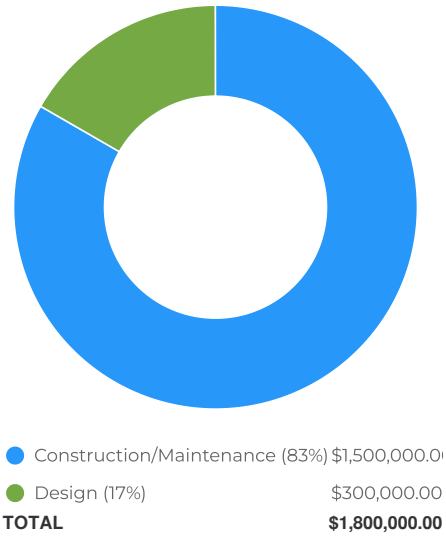
Total Budget (all years)
$1.8M

Project Total
$1.8M

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

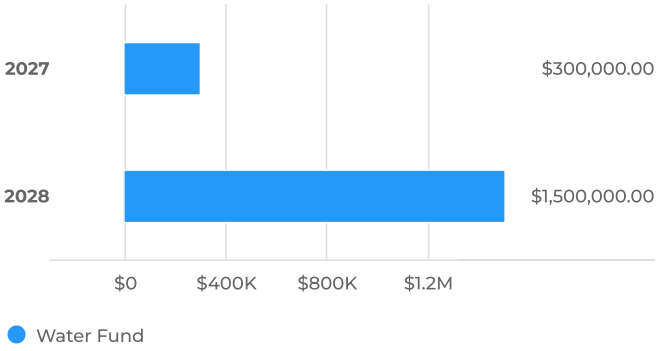
Capital Cost	FY2027	FY2028	Total
Design	$300,000		$300,000
Construction/Maintenance		$1,500,000	$1,500,000
Total	**$300,000**	**$1,500,000**	**$1,800,000**

Funding Sources

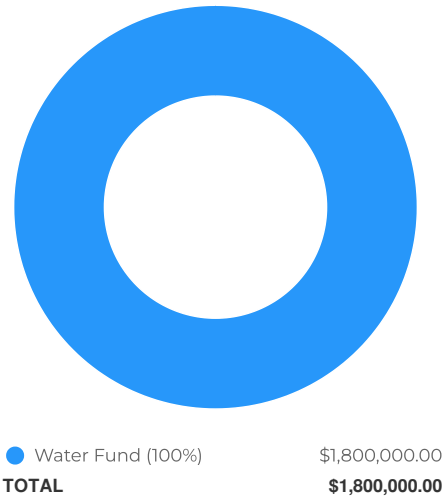
Total Budget (all years)
$1.8M

Project Total
$1.8M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2027	FY2028	Total
Water Fund	$300,000	$1,500,000	$1,800,000
Total	**$300,000**	**$1,500,000**	**$1,800,000**

SH-46 Reclaimed Water Main Bore

Overview

Request Owner	Mike Mann
Est. Start Date	10/01/2023
Est. Completion Date	09/30/2024
Department	Water
Type	Capital Improvement

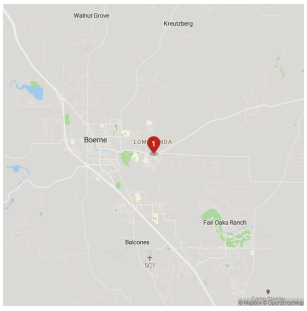
Description

A reclaimed water main bore for system interconnection between Ranches at Creekside and Esperanza will be required when development north of SH-46 demands increase.

Details

Type of Project	New Construction

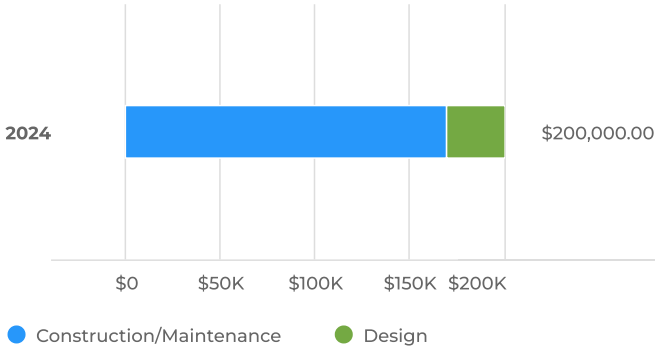
Location



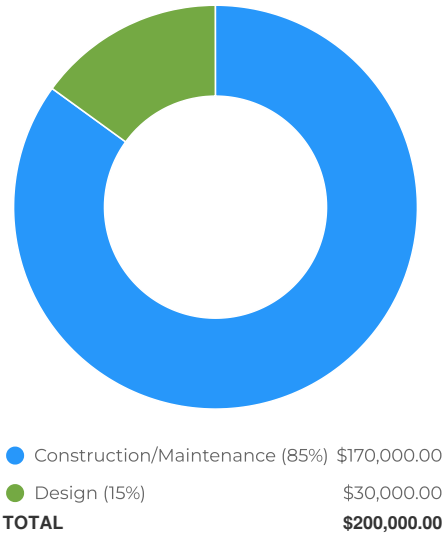
Capital Cost

FY2024 Budget	Total Budget (all years)	Project Total
$200,000	$200K	$200K

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

Capital Cost	FY2024	Total
Design	$30,000	$30,000
Construction/Maintenance	$170,000	$170,000
Total	**$200,000**	**$200,000**

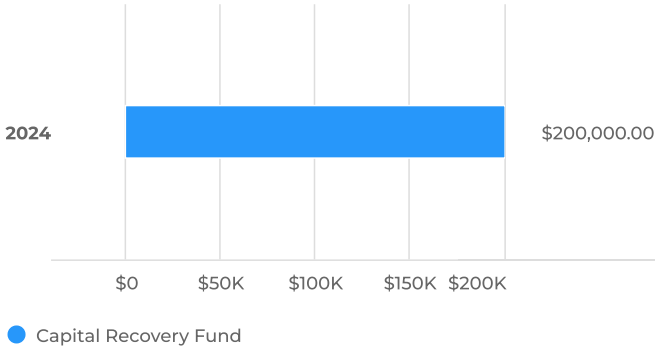
Funding Sources

FY2024 Budget
$200,000

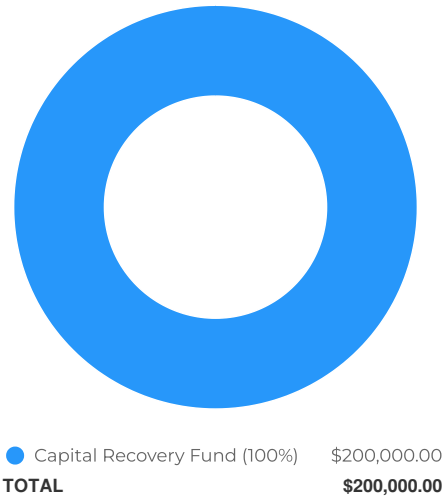
Total Budget (all years)
$200K

Project Total
$200K

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2024	Total
Capital Recovery Fund	$200,000	$200,000
Total	**$200,000**	**$200,000**

Trails at Herff Ranch Reclaimed Main

Overview

Request Owner	Mike Mann
Est. Start Date	10/01/2024
Est. Completion Date	09/30/2025
Department	Water
Type	Capital Improvement

Description

This reclaimed water main will eventually be needed to service the entire reclaimed distribution system by providing flow redundancy and increased capacity for a future elevated storage facility in the area. It will also allow us to provide lawn irrigation services to some properties in the Trails of Herff Ranch neighborhood, reducing the amount of potable water used in the area.

Images

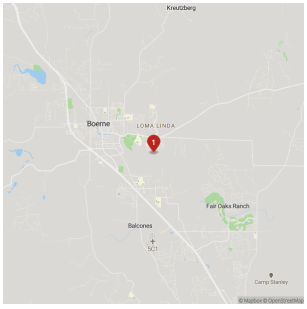


Trails At Herff Ranch Reclaimed Water Main

Details

Type of Project	New Construction

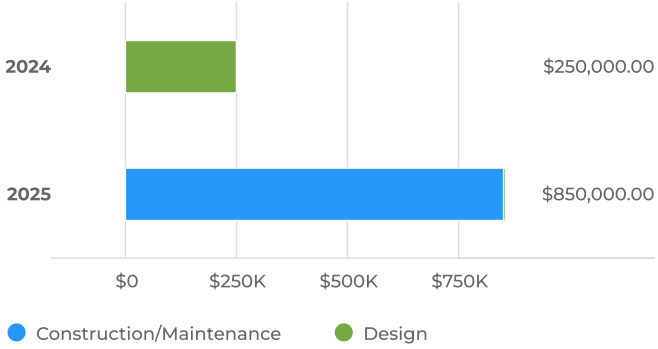
Location



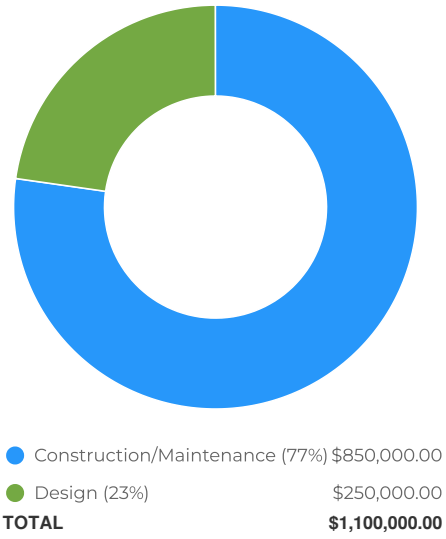
Capital Cost

FY2024 Budget	Total Budget (all years)	Project Total
$250,000	$1.1M	$1.1M

Capital Cost by Year



Capital Cost for Budgeted Years



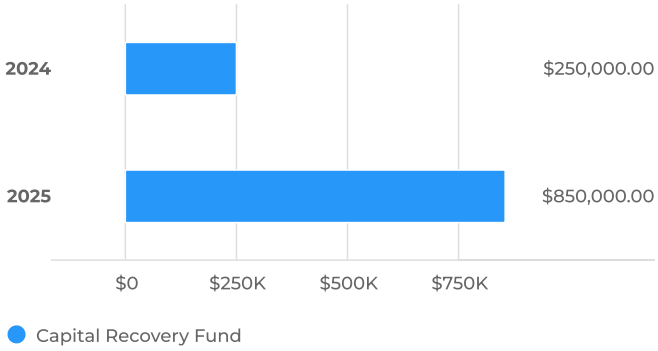
Capital Cost Breakdown

Capital Cost	FY2024	FY2025	Total
Design	$250,000		$250,000
Construction/Maintenance		$850,000	$850,000
Total	**$250,000**	**$850,000**	**$1,100,000**

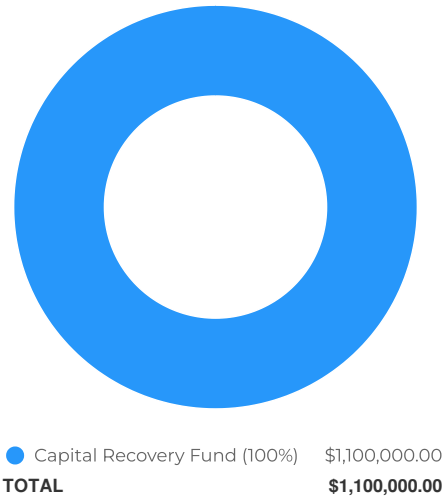
Funding Sources

FY2024 Budget	Total Budget (all years)	Project Total
$250,000	$1.1M	$1.1M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2024	FY2025	Total
Capital Recovery Fund	$250,000	$850,000	$1,100,000
Total	**$250,000**	**$850,000**	**$1,100,000**

Water Treatment Plant Expansion

Overview

Request Owner	Mike Mann
Est. Start Date	10/01/2029
Est. Completion Date	09/30/2032
Department	Water
Type	Capital Improvement

Description

Current water resources will provide for an estimated service population of 35,000+. An expansion of the existing Water Treatment Plant will be required to meet future peak demands, support population growth and economic development opportunities. The water we receive from GBRA provides for our customer's basic needs. However, the summertime irrigation peak must be serviced from a combination of groundwater wells and City Lake. The water from City Lake must be treated. When our summertime peak needs exceed our system peaking capacity, the plant will need to be expanded.

Images

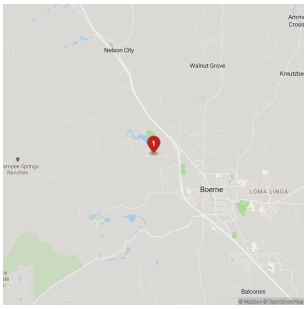


Water Treatment Plant

Details

Type of Project	Other

Location

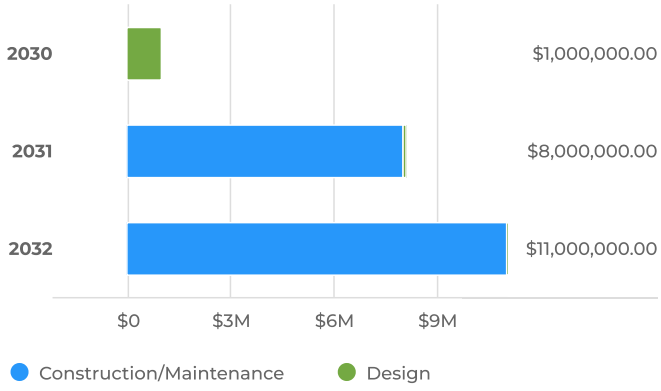


Capital Cost

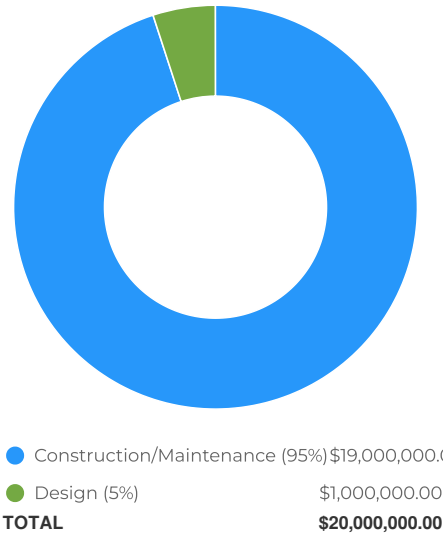
Total Budget (all years)
$20M

Project Total
$20M

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

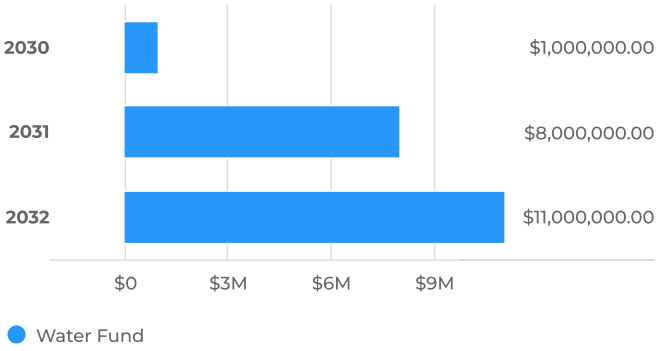
Capital Cost	FY2030	FY2031	FY2032	Total
Design	$1,000,000			$1,000,000
Construction/Maintenance		$8,000,000	$11,000,000	$19,000,000
Total	**$1,000,000**	**$8,000,000**	**$11,000,000**	**$20,000,000**

Funding Sources

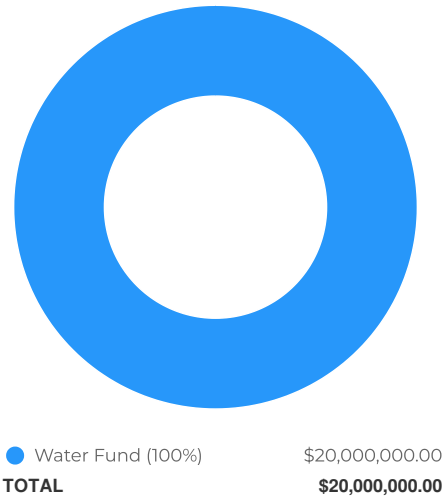
Total Budget (all years)
$20M

Project Total
$20M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2030	FY2031	FY2032	Total
Water Fund	$1,000,000	$8,000,000	$11,000,000	$20,000,000
Total	**$1,000,000**	**$8,000,000**	**$11,000,000**	**$20,000,000**

WCID #4 Water Mains Oversizing

Overview

Request Owner	Mike Mann
Department	Water
Type	Capital Improvement

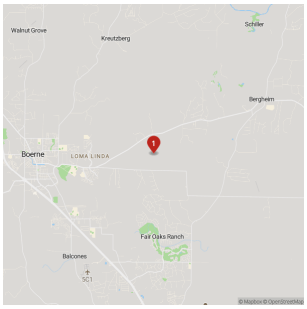
Description

As phases of George's Ranch develop, the City will need to oversize various onsite mains to be installed by the developer from 8-inch to 16-inch. The schedule for these expenses will be based on the developer's progression through their development phases.

Images



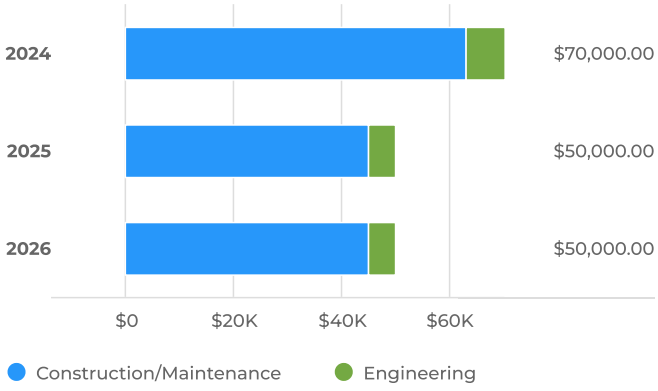
Location



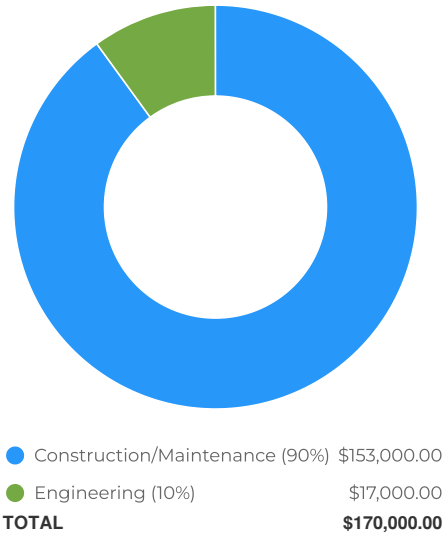
Capital Cost

FY2024 Budget	Total Budget (all years)	Project Total
$70,000	$170K	$170K

Capital Cost by Year



Capital Cost for Budgeted Years



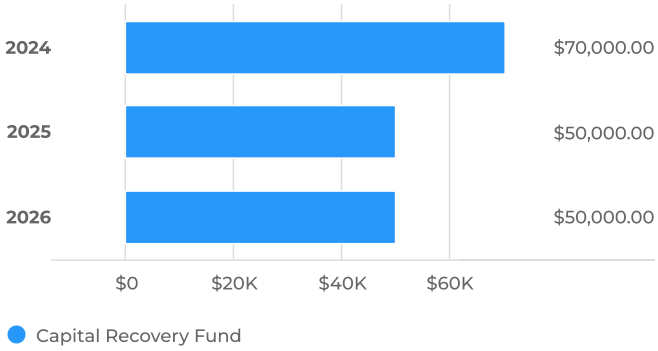
Capital Cost Breakdown

Capital Cost	FY2024	FY2025	FY2026	Total
Engineering	$7,000	$5,000	$5,000	$17,000
Construction/Maintenance	$63,000	$45,000	$45,000	$153,000
Total	**$70,000**	**$50,000**	**$50,000**	**$170,000**

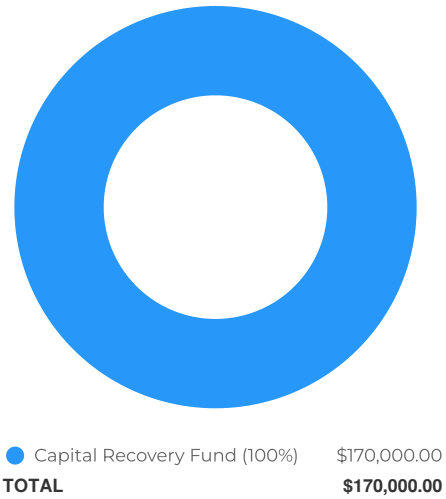
Funding Sources

FY2024 Budget	Total Budget (all years)	Project Total
$70,000	$170K	$170K

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2024	FY2025	FY2026	Total
Capital Recovery Fund	$70,000	$50,000	$50,000	$170,000
Total	**$70,000**	**$50,000**	**$50,000**	**$170,000**

WCID #4 Water Supply Main (Ammann)

Overview

Request Owner	Mike Mann
Est. Start Date	04/01/2022
Est. Completion Date	09/30/2024
Department	Water
Type	Capital Improvement

Description

This main will be needed to transport water between our new GBRA delivery point along Amman Road and (WCID #4) George's Ranch. George's Ranch is responsible for building the water distribution system within the development and extending westward along SH-46 to connect to our current water distribution system.

Images



WCID #4

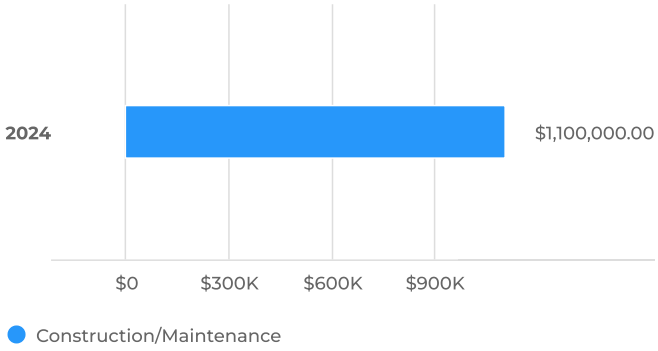
Details

Type of Project	New Construction

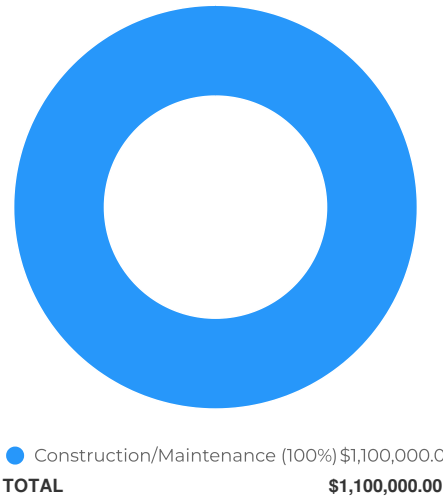
Capital Cost

Total To Date	FY2024 Budget	Total Budget (all years)	Project Total
$500,000	$1,100,000	$1.1M	$1.6M

Capital Cost by Year



Capital Cost for Budgeted Years



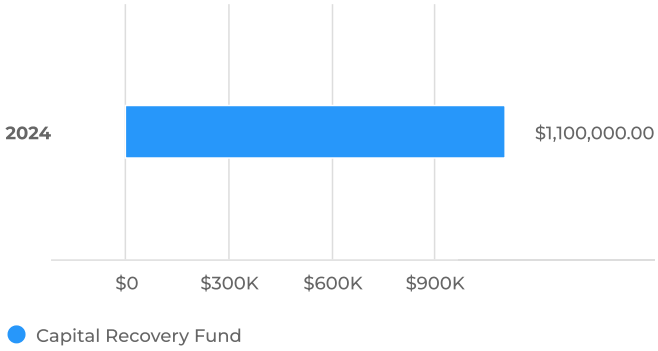
Capital Cost Breakdown

Capital Cost	To Date	FY2024	Total
Design	$500,000		$500,000
Construction/Maintenance		$1,100,000	$1,100,000
Total	**$500,000**	**$1,100,000**	**$1,600,000**

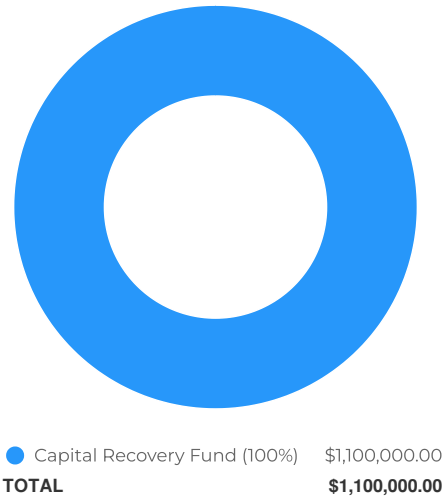
Funding Sources

Total To Date	FY2024 Budget	Total Budget (all years)	Project Total
$2,500,000	$1,100,000	$1.1M	$3.6M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	To Date	FY2024	Total
Capital Recovery Fund		$1,100,000	$1,100,000
Water Fund	$2,500,000		$2,500,000
Total	**$2,500,000**	**$1,100,000**	**$3,600,000**

WWTRC Reclaimed Water Storage Tank and Pumps

Overview

Request Owner	Mike Mann
Est. Start Date	10/01/2025
Est. Completion Date	09/30/2027
Department	Water
Type	Capital Improvement

Description

New reclaimed water storage tank and pumps will be required during the WWTRC expansion or to supply customer demand, whichever comes first.

Images

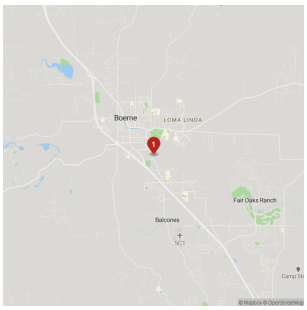


WWTRC

Details

Type of Project	New Construction

Location

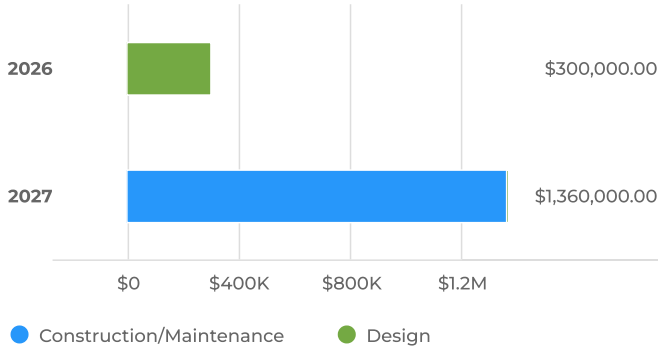


Capital Cost

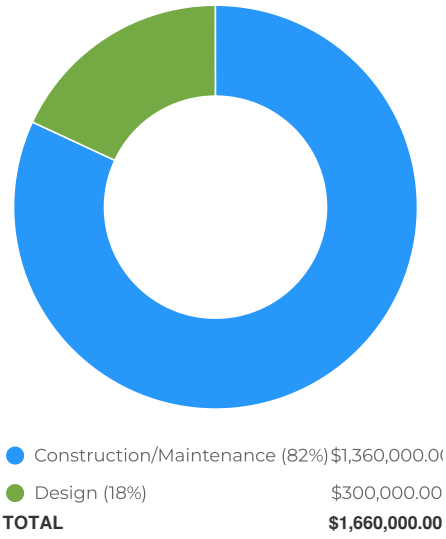
Total Budget (all years)
$1.66M

Project Total
$1.66M

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

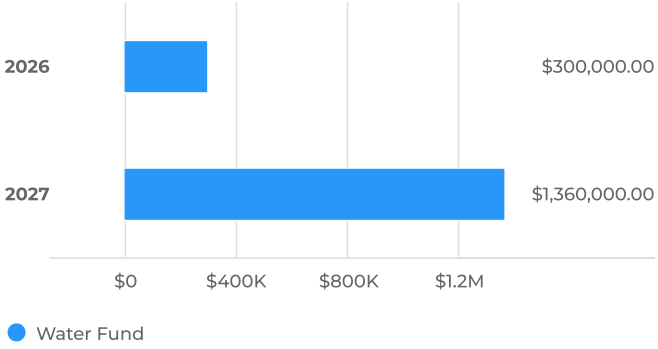
Capital Cost	FY2026	FY2027	Total
Design	$300,000		$300,000
Construction/Maintenance		$1,360,000	$1,360,000
Total	**$300,000**	**$1,360,000**	**$1,660,000**

Funding Sources

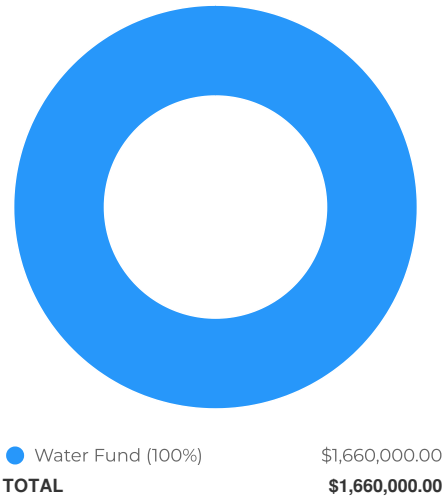
Total Budget (all years)
$1.66M

Project Total
$1.66M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2026	FY2027	Total
Water Fund	$300,000	$1,360,000	$1,660,000
Total	**$300,000**	**$1,360,000**	**$1,660,000**

Glossary

Abatement: A reduction or elimination of a real or personal property tax, motor vehicle excise, a fee, charge, or special assessment imposed by a governmental unit. Granted only on application of the person seeking the abatement and only by the committing governmental unit.

Accounting System: The total structure of records and procedures that identify record, classify, and report information on the financial position and operations of a governmental unit or any of its funds, account groups, and organizational components.

Accrued Interest: The amount of interest that has accumulated on the debt since the date of the last interest payment, and on the sale of a bond, the amount accrued up to but not including the date of delivery (settlement date). (See Interest)

Amortization: The gradual repayment of an obligation over time and in accordance with a predetermined payment schedule.

Appropriation: A legal authorization from the community's legislative body to expend money and incur obligations for specific public purposes. An appropriation is usually limited in amount and as to the time period within which it may be expended.

Arbitrage: As applied to municipal debt, the investment of tax-exempt bonds or note proceeds in higher yielding, taxable securities. Section 103 of the Internal Revenue Service (IRS) Code restricts this practice and requires (beyond certain limits) that earnings be rebated (paid) to the IRS.

Assessed Valuation: A value assigned to real estate or other property by a government as the basis for levying taxes.

Audit: An examination of a community's financial systems, procedures, and data by a certified public accountant (independent auditor), and a report on the fairness of financial statements and on local compliance with statutes and regulations. The audit serves as a valuable management tool in evaluating the fiscal performance of a community.

Audit Report: Prepared by an independent auditor, an audit report includes: (a) a statement of the scope of the audit; (b) explanatory comments as to application of auditing procedures; (c) findings and opinions. It is almost always accompanied by a management letter which contains supplementary comments and recommendations.

Available Funds: Balances in the various fund types that represent non-recurring revenue sources. As a matter of sound practice, they are frequently appropriated to meet unforeseen expenses, for capital expenditures or other one-time costs.

Balance Sheet: A statement that discloses the assets, liabilities, reserves and equities of a fund or governmental unit at a specified date.

Betterments (Special Assessments): Whenever a specific area of a community receives benefit from a public improvement (e.g., water, sewer, sidewalk, etc.), special property taxes may be assessed to reimburse the governmental entity for all or part of the costs it incurred. Each parcel receiving benefit from the improvement is assessed for its proportionate share of the cost of such improvements. The proportionate share may be paid in full or the property owner may request that the assessors apportion the betterment over 20 years. Over the life of the betterment, one year's apportionment along with one year's committed interest computed from October 1 to October 1 is added to the tax bill until the betterment has been paid.

Bond: A means to raise money through the issuance of debt. A bond issuer/borrower promises in writing to repay a specified sum of money, alternately referred to as face value, par value or bond principal, to the buyer of the bond on a specified future date (maturity date), together with periodic interest at a specified rate. The term of a bond is always greater than one year. (See Note)

Bond and Interest Record: (Bond Register) – The permanent and complete record maintained by a treasurer for each bond issue. It shows the amount of interest and principal coming due each date and all other pertinent information concerning the bond issue.

Bonds Authorized and Unissued: Balance of a bond authorization not yet sold. Upon completion or abandonment of a project, any remaining balance of authorized and unissued bonds may not be used for other purposes, but must be rescinded by the community's legislative body to be removed from community's books.

Bond Issue: Generally, the sale of a certain number of bonds at one time by a governmental unit.

Bond Rating (Municipal): A credit rating assigned to a municipality to help investors assess the future ability, legal obligation, and willingness of the municipality (bond issuer) to make timely debt service payments. Stated otherwise, a rating helps prospective investors determine the level of risk associated with a given fixed-income investment. Rating agencies, such as Moody's and Standard and Poors, use rating systems, which designate a letter or a combination of letters and numerals where AAA is the highest rating and C1 is a very low rating.

Budget: A plan for allocating resources to support particular services, purposes and functions over a specified period of time. (See Performance Budget, Program Budget)

Capital Assets: All real and tangible property used in the operation of government, which is not easily converted into cash, and has an initial useful live extending beyond a single financial reporting period. Capital assets include land and land improvements; infrastructure such as roads, bridges, water and sewer lines; easements; buildings and building improvements; vehicles, machinery and equipment. Communities typically define capital assets in terms of a minimum useful life and a minimum initial cost. (See Fixed Assets)

Capital Budget: An appropriation or spending plan that uses borrowing or direct outlay for capital or fixed asset improvements. Among other information, a capital budget should identify the method of financing each recommended expenditure, i.e., tax levy or rates, and identify those items that were not recommended. (See Capital Assets, Fixed Assets)

Cash: Currency, coin, checks, postal and express money orders and bankers' drafts on hand or on deposit with an official or agent designated as custodian of cash and bank deposits.

Cash Management: The process of monitoring the ebb and flow of money in an out of municipal accounts to ensure cash availability to pay bills and to facilitate decisions on the need for short- term borrowing and investment of idle cash.

Certificate of Deposit (CD): A bank deposit evidenced by a negotiable or non-negotiable instrument, which provides on its face that the amount of such deposit plus a specified interest payable to a bearer or to any specified person on a certain specified date, at the expiration of a certain specified time, or upon notice in writing.

Classification of Real Property: Assessors are required to classify all real property according to use into one of four classes: residential, open space, commercial, and industrial. Having classified its real properties, local officials are permitted to determine locally, within limitations established by statute and the Commissioner of Revenue, what percentage of the tax burden is to be borne by each class of real property and by personal property owners.

Collective Bargaining: The process of negotiating workers' wages, hours, benefits, working conditions, etc., between an employer and some or all of its employees, who are represented by a recognized labor union. regarding wages, hours and working conditions.

Consumer Price Index: The statistical measure of changes, if any, in the overall price level of consumer goods and services. The index is often called the "cost-of-living index."

Cost-Benefit Analysis: A decision-making tool that allows a comparison of options based on the level of benefit derived and the cost to achieve the benefit from different alternatives.

Debt Burden: The amount of debt carried by an issuer usually expressed as a measure of value (i.e., debt as a percentage of assessed value, debt per capita, etc.). Sometimes debt burden refers to debt service costs as a percentage of the total annual budget.

Debt Service: The repayment cost, usually stated in annual terms and based on an amortization schedule, of the principal and interest on any particular bond issue.

Encumbrance: A reservation of funds to cover obligations arising from purchase orders, contracts, or salary commitments that are chargeable to, but not yet paid from, a specific appropriation account.

Enterprise Funds: An enterprise fund is a separate accounting and financial reporting mechanism for municipal services for which a fee is charged in exchange for goods or services. It allows a community to demonstrate to the public the portion of total costs of a service that is recovered through user charges and the portion that is subsidized by the tax levy, if any. With an enterprise fund, all costs of service delivery--direct, indirect, and capital costs—are identified. This allows the community to recover total service costs through user fees if it chooses. Enterprise accounting also enables communities to reserve the

"surplus" or net assets unrestricted generated by the operation of the enterprise rather than closing it out to the general fund at year-end. Services that may be treated as enterprises include, but are not limited to, water, sewer, hospital, and airport services.

Equalized Valuations (EQVs): The determination of the full and fair cash value of all property in the community that is subject to local taxation.

Estimated Receipts: A term that typically refers to anticipated local revenues often based on the previous year's receipts and represent funding sources necessary to support a community's annual budget. (See Local Receipts)

Exemptions: A discharge, established by statute, from the obligation to pay all or a portion of a property tax. The exemption is available to particular categories of property or persons upon the timely submission and approval of an application to the assessors. Properties exempt from taxation include hospitals, schools, houses of worship, and cultural institutions. Persons who may qualify for exemptions include disabled veterans, blind individuals, surviving spouses, and seniors.

Expenditure: An outlay of money made by municipalities to provide the programs and services within their approved budget.

Fiduciary Funds: Repository of money held by a municipality in a trustee capacity or as an agent for individuals, private organizations, other governmental units, and other funds. These include pension (and other employee benefit) trust funds, investment trust funds, private- purpose trust funds, and agency funds.

Fixed Assets: Long-lived, assets such as buildings, equipment and land obtained or controlled as a result of past transactions or circumstances.

Fixed Costs: Costs that are legally or contractually mandated such as retirement, FICA/Social Security, insurance, debt service costs or interest on loans.

Float: The difference between the bank balance for a local government’s account and its book balance at the end of the day. The primary factor creating float is clearing time on checks and deposits. Delays in receiving deposit and withdrawal information also influence float.

Full Faith and Credit: A pledge of the general taxing powers for the payment of governmental obligations. Bonds carrying such pledges are usually referred to as general obligation or full faith and credit bonds.

Fund: An accounting entity with a self-balancing set of accounts that are segregated for the purpose of carrying on identified activities or attaining certain objectives in accordance with specific regulations, restrictions, or limitations.

Fund Accounting: Organizing financial records into multiple, segregated locations for money. A fund is a distinct entity within the municipal government in which financial resources and activity (assets, liabilities, fund balances, revenues, and expenditures) are accounted for independently in accordance with specific regulations, restrictions or limitations. Examples of funds include the general fund and enterprise funds. Communities whose accounting records are organized according to the Uniform Municipal Accounting System (UMAS) use multiple funds.

GASB 34: A major pronouncement of the Governmental Accounting Standards Board that establishes new criteria on the form and content of governmental financial statements. GASB 34 requires a report on overall financial health, not just on individual funds. It requires more complete information on the cost of delivering value estimates on public infrastructure assets, such as bridges, road, sewers, etc. It also requires the presentation of a narrative statement the government's financial performance, trends and prospects for the future.

GASB 45: This is another Governmental Accounting Standards Board major pronouncement that each public entity account for and report other postemployment benefits in its accounting statements. Through actuarial analysis, municipalities must identify the true costs of the OPEB earned by employees over their estimated years of actual service.

General Fund: The fund used to account for most financial resources and activities governed by the normal appropriation process.

General Obligation Bonds: Bonds issued by a municipality for purposes allowed by statute that are backed by the full faith and credit of its taxing authority.

Governing Body: A board, committee, commission, or other executive or policymaking bodyof a municipality or school district.

Indirect Cost: Costs of a service not reflected in the operating budget of the entity providing the service. An example of an indirect cost of providing water service would be the value of time spent by non-water department employees processing water bills. A determination of these costs is necessary to analyze the total cost of service delivery. The matter of indirect costs arises most often in the context of enterprise funds.

Interest: Compensation paid or to be paid for the use of money, including amounts payable at periodic intervals or discounted at the time a loan is made. In the case of municipal bonds, interest payments accrue on a day-to-day basis, but are paid every six months.

Interest Rate: The interest payable, expressed as a percentage of the principal available for use during a specified period of time. It is always expressed in annual terms.

Investments: Securities and real estate held for the production of income in the form of interest, dividends, rentals or lease payments. The term does not include fixed assets used in governmental operations.

Line Item Budget: A budget that separates spending into categories, or greater detail, such as supplies, equipment, maintenance, or salaries, as opposed to a program budget.

Local Aid: Revenue allocated by the state or counties to municipalities and school districts.

Maturity Date: The date that the principal of a bond becomes due and payable in full.

Municipal(s): (As used in the bond trade) "Municipal" refers to any state or subordinate governmental unit. "Municipals" (i.e., municipal bonds) include not only the bonds of all political subdivisions, such as cities, towns, school districts, special districts, counties but also bonds of the state and agencies of the state.

Note: A short-term loan, typically with a maturity date of a year or less.

Objects of Expenditures: A classification of expenditures that is used for coding any department disbursement, such as “personal services,” “expenses,” or “capital outlay.”

Official Statement: A document prepared for potential investors that contains information about a prospective bond or note issue and the issuer. The official statement is typically published with the notice of sale. It is sometimes called an offering circular or prospectus.

Operating Budget: A plan of proposed expenditures for personnel, supplies, and other expenses for the coming fiscal year.

Overlapping Debt: A community's proportionate share of the debt incurred by an overlapping government entity, such as a regional school district, regional transit authority, etc.

Performance Budget: A budget that stresses output both in terms of economy and efficiency.

Principal: The face amount of a bond, exclusive of accrued interest.

Program: A combination of activities to accomplish an end.

Program Budget: A budget that relates expenditures to the programs they fund. The emphasis of a program budget is on output.

Purchased Services: The cost of services that are provided by a vendor.

Refunding of Debt: Transaction where one bond issue is redeemed and replaced by a new bond issue under conditions generally more favorable to the issuer.

Reserve Fund: An amount set aside annually within the budget of a town to provide a funding source for extraordinary or unforeseen expenditures.

Revaluation: The assessors of each community are responsible for developing a reasonable and realistic program to achieve the fair cash valuation of property in accordance with constitutional and statutory requirements. The nature and extent of that program will depend on the assessors’ analysis and consideration of many factors, including, but not limited to, the status of

the existing valuation system, the results of an in-depth sales ratio study, and the accuracy of existing property record information.

Revenue Anticipation Note (RAN): A short-term loan issued to be paid off by revenues, such as tax collections and state aid. RANs are full faith and credit obligations.

Revenue Bond: A bond payable from and secured solely by specific revenues and thereby not a full faith and credit obligation.

Revolving Fund: Allows a community to raise revenues from a specific service and use those revenues without appropriation to support the service.

Sale of Real Estate Fund: A fund established to account for the proceeds of the sale of municipal real estate other than proceeds acquired through tax title foreclosure.

Stabilization Fund: A fund designed to accumulate amounts for capital and other future spending purposes, although it may be appropriated for any lawful purpose.

Surplus Revenue: The amount by which cash, accounts receivable, and other assets exceed liabilities and reserves.

Tax Rate: The amount of property tax stated in terms of a unit of the municipal tax base; for example, $14.80 per $1,000 of assessed valuation of taxable real and personal property.

Tax Title Foreclosure: The procedure initiated by a municipality to obtain legal title to real property already in tax title and on which property taxes are overdue.

Trust Fund: In general, a fund for money donated or transferred to a municipality with specific instructions on its use. As custodian of trust funds, the treasurer invests and expends such funds as stipulated by trust agreements, as directed by the commissioners of trust funds or by the community's legislative body. Both principal and interest may be used if the trust is established as an expendable trust. For nonexpendable trust funds, only interest (not principal) may be expended as directed.

Uncollected Funds: Recently deposited checks included in an account’s balance but drawn on other banks and not yet credited by the Federal Reserve Bank or local clearinghouse to the bank cashing the checks. (These funds may not be loaned or used as part of the bank’s reserves and they are not available for disbursement.)

Undesignated Fund Balance: Monies in the various government funds as of the end of the fiscal year that are neither encumbered nor reserved, and are therefore available for expenditure once certified as part of free cash.

Unreserved Fund Balance (Surplus Revenue Account): The amount by which cash, accounts receivable, and other assets exceed liabilities and restricted reserves. It is akin to a "stockholders’ equity" account on a corporate balance sheet. It is not, however, available for appropriation in full because a portion of the assets listed as "accounts receivable" may be taxes receivable and uncollected. (See Free Cash)

Valuation (100 Percent): The legal requirement that a community’s assessed value on property must reflect its market, or full and fair cash value.

	AGENDA ITEM SUMMARY
Agenda Date	September 12, 2023
Requested Action	PRESENTATION AND PUBLIC HEARING ON THE PROPOSED AD VALOREM PROPERTY TAX RATE FOR THE 2023 TAX YEAR AT 47.66 CENTS PER EACH $100 OF TAXABLE VALUE.
Contact Person	Sarah Buckelew, Finance Director
Background Information	The total Fiscal Year 2024 annual budget of $141,439,055 is supported by the proposed tax rate of $0.4766/$100 valuation. A presentation will be made on the tax rate followed by a public hearing to provide an opportunity for citizens to provide and receive information related to the proposed tax rate.
Item Justification	[X] Legal/Regulatory Obligation [ ] Reduce Costs [ ] Increase Revenue [ ] Mitigate Risk [ ] Master Plan Recommendation [ ] Infrastructure Investment [ ] Customer Pull [ ] Service Enhancement [ ] Process Efficiency [ ] Other:
Strategic Alignment	F1: Committing to strategic, responsible, and conservative financial management.
Financial Considerations	N/A
Citizen Input/Board Review	N/A
Legal Review	N/A
Alternative Options	N/A

Supporting Documents	

NOTICE OF PUBLIC HEARING ON TAX INCREASE

A tax rate of $0.4766 per $100 valuation has been proposed by the governing body of CITY OF BOERNE.

PROPOSED TAX RATE	$0.4766 per $100
NO-NEW-REVENUE TAX RATE	$0.3999 per $100
VOTER-APPROVAL TAX RATE	$0.4767 per $100

The no-new-revenue tax rate is the tax rate for the 2023 tax year that will raise the same amount of property tax revenue for CITY OF BOERNE from the same properties in both the 2022 tax year and the 2023 tax year.

The voter-approval rate is the highest tax rate that CITY OF BOERNE may adopt without holding an election to seek voter approval of the rate.

The proposed tax rate is greater than the no-new-revenue tax rate. This means that CITY OF BOERNE is proposing to increase property taxes for the 2023 tax year.

A PUBLIC HEARING ON THE PROPOSED TAX RATE WILL BE HELD ON September 12, 2023, at 6:00 PM at 447 N. Main St., Boerne, TX.

The proposed tax rate is not greater than the voter-approval tax rate. As a result, CITY OF BOERNE is not required to hold an election at which voters may accept or reject the proposed tax rate. However, you may express your support for or opposition to the proposed tax rate by contacting the members of the City Council of CITY OF BOERNE at their offices or by attending the public hearing mentioned above.

YOUR TAXES OWED UNDER ANY OF THE TAX RATES MENTIONED ABOVE CAN BE CALCULATED AS FOLLOWS:

Property tax amount = (tax rate) x (taxable value of your property) / 100

FOR the proposal:	Bryce Boddie, Joseph Macaluso, Jr., Robert Wolosin, Sharon D. Wright, Quinten Scott
AGAINST the proposal:	N/A
PRESENT and not voting:	Frank Ritchie
ABSENT:	N/A

Visit Texas.gov/PropertyTaxes to find a link to your local property tax database on which you can easily access information regarding your property taxes, including information about proposed tax rates and scheduled public hearings of each entity that taxes your property.

The 86th Legislature modified the manner in which the voter-approval tax rate is calculated to limit the rate of growth of property taxes in the state.

The following table compares the taxes imposed on the average residence homestead by CITY OF BOERNE last year to the taxes proposed to the be imposed on the average residence homestead by CITY OF BOERNE this year.

	2022	2023	Change
Total tax rate (per $100 of value)	$0.4510	$0.4766	Increase of 0.0256 per $100 or 5.7%
Average homestead taxable value	$381,802	$423,525	Increase of $41,723 or 10.9%
Tax on average homestead	$1,722	$2,019	Increase of $297 or 17.2%
Total tax levy on all			

properties	$12,818,663	$15,476,297	Increase of $2,657,634 or 20.7%

For assistance with tax calculations, please contact the tax assessor for CITY OF BOERNE at 830-249-8012 or crystal.rivera@kendallad.org, or visit www.kendallad.org.

	AGENDA ITEM SUMMARY
Agenda Date	September 12, 2023
Requested Action	RATIFY THE PROPERTY TAX REVENUE INCREASE REFLECTED IN THE FISCAL YEAR 2023-24 BUDGET.
Contact Person	Sarah Buckelew, Finance Director
Background Information	After the adoption of the annual budget, Texas Local Government Code Section 102.007(c) requires a City ratification by a separate vote if the budget adopted will require raising more revenue from property taxes than in the previous year. This ratification vote should be taken after the budget is adopted, and the following motion should be used: I MOVE TO RATIFY THE PROPERTY TAX REVENUE INCREASE REFLECTED IN THE FISCAL YEAR 2023-2024 BUDGET.
Item Justification	[X] Legal/Regulatory Obligation [ ] Reduce Costs [ ] Increase Revenue [ ] Mitigate Risk [ ] Master Plan Recommendation [ ] Infrastructure Investment [ ] Customer Pull [ ] Service Enhancement [ ] Process Efficiency [ ] Other:
Strategic Alignment	F1: Committing to strategic, responsible, and conservative financial management.
Financial Considerations	N/A
Citizen Input/Board Review	N/A

Legal Review	N/A
Alternative Options	N/A
Supporting Documents	The FY2024 Proposed Budget can be reviewed online at: https://city-boerne-tx-budget-book.cleargov.com/10323

	AGENDA ITEM SUMMARY
Agenda Date	September 12, 2023
Requested Action	I move that the property tax rate be increased by the adoption of a tax rate of 47.66 cents per $100 valuation, which is effectively a 19.2 percent increase in the tax rate and approve Ordinance No. 2023-26.
Contact Person	Sarah Buckelew, Finance Director
Background Information	After holding a public hearing on the tax rate, Council is required to set the tax rate for the Tax Year 2023. The proposed tax rate is 47.66 cents per $100 valuation. According to Texas Tax Code 26.05, the vote on this ordinance must be a record vote. According to Texas Tax Code section 26.05 (2)(b) The motion must be made as follows: "I move that the property tax rate be increased by the adoption of a tax rate of 47.66 cents per $100 valuation, which is effectively a 19.2 percent increase in the tax rate"
Item Justification	[X] Legal/Regulatory Obligation [ ] Reduce Costs [ ] Increase Revenue [ ] Mitigate Risk [ ] Master Plan Recommendation [ ] Infrastructure Investment [ ] Customer Pull [ ] Service Enhancement [ ] Process Efficiency [ ] Other:
Strategic Alignment	F1: Committing to strategic, responsible, and conservative financial management.
Financial Considerations	N/A

Citizen Input/Board Review	N/A
Legal Review	N/A
Alternative Options	N/A
Supporting Documents	N/A

ORDINANCE NO. 2023-26

AN ORDINANCE SETTING THE AD VALOREM PROPERTY TAX RATE FOR THE 2023 TAX YEAR AT 47.66 CENTS PER EACH $100 OF TAXABLE VALUE

WHEREAS, Texas Local Government Code gives the City of Boerne City Council the authority to levy an ad valorem tax on real property within the territorial limits of the City; and

WHEREAS, all notices and a public hearing was held on September 12, 2023, as required by law as a prerequisite to the passage, approval, and adoption of said tax rate ordinance have been timely and properly given and held;

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

Section 1. The City Council levies, approves, and orders to be assessed and collected for Fiscal Year 2023-2024 on all property in the corporate limits of the City of Boerne that is not exempt from taxation, a property (ad valorem) tax at the rate of 47.66 cents per $100 of taxable value and shall be apportioned and distributed as follows:

a. For the payment of current expenses to be deposited in the general fund for the purposes of paying maintenance and operation expenditures of the City for the coming year of 35.82 cents per each $100 of taxable value.
   AND
b. To provide for a sinking fund for the payment of the principal and interest and the retirement of the bonded debt of the City as it becomes due 11.84 cents per $100 of taxable value.

Section 2. This tax rate will raise more taxes for maintenance and operations than last year's tax rate. The tax rate will effectively be raised by 3.1 percent and will decrease taxes for maintenance and operations on a $100,000 home by approximately $32.40.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

PASSED, APPROVED, and ADOPTED on first reading this the ____ day of September 2023.

APPROVED:

_____
Mayor

ATTEST:

_____
City Secretary

APPROVED AS TO FORM:

_____
City Attorney

	AGENDA ITEM SUMMARY
Agenda Date	September 12, 2023
Requested Action	APPROVE ON FIRST READING ORDINANCE NO. 2023-27; REPEALING AND REPLACING ORDINANCE NO. 2022-29 AND ESTABLISHING AND REESTABLISHING FEES AND CHARGES FOR ACTIVITIES, GOODS AND SERVICES PROVIDED BY THE CITY.
Contact Person	Sarah Buckelew, Finance Director
Background Information	The Fee Ordinance is reviewed annually to ensure the smooth functioning and sustainability of the City's services. The City's well-considered and transparent process for updating its fee schedule is crucial to maintain the financial health of the city while ensuring that services meet the evolving needs of its residents and businesses. Department heads asked to review the Fee Ordinance and provide recommended updates to existing fees for services in their respective departments. Cost recovery and clarification of the fee application were the most common concerns with regards to maintaining service quality and availability. Recommendations made by directors are notated in the "Revised" column of the redlined fee schedule draft. New fees recommended are indicated in the "New" column. Fees were then analyzed by the finance team in comparison to the consumer price index ("CPI") increase between July 2022 and July 2023 for non-utility services. A CPI of 6.1% as defined by the bureau of labor statistics was applied, with fees being rounded down to the nearest dollar. Price index changes are indicated in the "CPI increase" column in the redlined version of the fee schedule. If approved and adopted by Council, the fee ordinance schedule will be effective October 1, 2023 with the new fiscal year.
Item Justification	[ ] Legal/Regulatory Obligation [ ] Reduce Costs [x] Increase Revenue [ ] Mitigate Risk [ ] Master Plan Recommendation [ ] Infrastructure Investment [ ] Customer Pull [ ] Service Enhancement [x] Process Efficiency [ ] Other:

Strategic Alignment *(Example: C2 – Customer Feedback, B1 – Data Driven Decision)*	C1 – Customer Experiences, F1 – Strategic, responsible, and conservative financial management, B1 – Utilizing data to drive smart decision making
Financial Considerations	The fee schedule serves as a recovery mechanism for specific services that are typically optional, or used only by a subset of the population. Charging specific fees for these service allows the City to recover the direct costs associated with providing them. Impacts to revenue based on fee schedule updates are typically minimal, as increases or decreases to service fee revenue is tied more directly to projected volume of services provided rather than the dollar amount of the fee provided. Departments expecting a service volume demand increase or decrease have been factored into the FY 23-24 budget.
Citizen Input/Board Review	N/A
Legal Review	N/A
Alternative Options	N/A
Supporting Documents	Red-lined draft of Fee Schedule showing proposed changes Proposed Fee Schedule

ORDINANCE NO. 2023-27

AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 2022-29 AND ESTABLISHING AND REESTABLISHING FEES AND CHARGES FOR ACTIVITIES, GOODS AND SERVICES PROVIDED BY THE CITY; CONTAINING A PROVISION TO AUTHORIZE THE CITY MANAGER TO ESTABLISH FEES AND CHARGES IN CERTAIN CIRCUMSTANCES, CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING FOR PUBLICATION

WHEREAS, the City Council of the City of Boerne, Texas, adopted Ordinance No. 2022-29 to establish fees and charges for activities, goods and services provided by the City; and

WHEREAS, it becomes necessary from time to time to make certain changes in said ordinance;

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

That Ordinance No. 2022-29 is repealed and replaced by the following ordinance:

Section 1: The City Council does hereby establish and reestablish the fees and charges shown in the attached Exhibit A, which is hereby incorporated into this ordinance by this reference for all purposes.

Section 2: Each of the fees and charges shown in the attached Exhibit A shall take effect on October 1, 2023, upon passage and approval of this ordinance and the caption shall be published, as the law and charter in such cases provide.

Section 3: In the case of any activity, goods or services provided by the City for which there is an out-of-pocket cost to the City, or for which a fee or charge has traditionally been collected, the City Manager is authorized to establish and reestablish fees and charges, but only in those circumstances in which a fee or a charge is not prescribed in Exhibit A to this ordinance. In prescribing fees and charges, the City Manager shall first determine the cost to the City of providing the activity, goods or services, and the fees or charges established shall be as equivalent as practicable to such cost.

Section 4: All ordinances and parts of ordinances in conflict herewith are hereby amended. Any current fee or future fee not covered in the scope of this ordinance shall not be in conflict with this ordinance.

Section 5: If any word, phrase, clause, sentence, paragraph, section or other part of this ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this ordinance and the application of such word, phrase, clause, sentence, paragraph, section or other part of this ordinance to any other persons or circumstances shall not be affected thereby.

Section 6: The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this ordinance was discussed, considered or acted upon was given in the manner required by the Open Meetings Law, TEX. REV. CIV. STAT. ANN. Art. 6552-17, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

PASSED and APPROVED on first reading this the ____ day of September, 2023.

PASSED, APPROVED and ADOPTED on seconded reading this ____ day of September, 2023.

APPROVED:

_____
Mayor

ATTEST:

_____
City Secretary

APPROVED AS TO FORM:

_____
City Attorney

EXHIBIT A



CITY OF BOERNE
FEE ORDINANCE
EFFECTIVE OCTOBER 1, 2023

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	CURRENT	NOTE
ADMINISTRATION:		
ACQUIESCENCE TO ENCROACHMENT REQUEST (EASEMENTS, RIGHTS-OF-WAY, ETC.)	$127 Per Request	Non refund-able unless exempt (Revised by Ord. 2001-37) (Revised by Ord. 2022-29)
VARIANCE REQUEST - ALL ORDINANCES NOT SPECIFICALLY IDENTIFIED	$127 Per Request per item	Non refundable (Revised by Ord. 2001-37) (Revised by Ord. 2022-29)
TEMPORARY USE PERMIT	127.00	Added by Ord. 2021-21 (Revised by Ord. 2022-29)
PEDDLER'S REGISTRATION FEE	127.00	(Revised by Ord. 2001-37) (Revised by Ord. 2022-29)
TOW TRUCK ROTATION FEE	$10.00 per City Tow - billed monthly	(Revised by Ord. 2001-37) (Revised by Ord. 2003-05) (Revised by Ord. 2011-29) (Revised by Ord. 2014-52)
SPECIAL EVENT - MAIN STREET AND STATE HIGHWAY CLOSURE	Actual cost of barricades and City personnel	(Added by Ord. 2010-02) $1,000.00 Damage and cleanup deposit
RETURN CHECK, ACH, AND/OR CREDIT CARD	$37	(Added by Ord. 2017-82)

	CURRENT	NOTE
ANIMAL CONTROL:		
REGISTRATION AND TAG (FERTILE) FEE	1 year dog or cat: $10.00 3 year dog or cat: $31.00 additional $5.00 postage fee if registration is mailed	(Revised by Ord. 2001-37) (Revised by Ord. 2015-39) (Revised by Ord. 2022-29)
REGISTRATION AND TAG (SPAYED OR NEUTERED) FEE	1 year dog or cat: $5.00 3 year dog or cat: $15.00 additional $5.00 postage fee if registration is mailed	(Revised by Ord. 2001-37) (Revised by Ord. 2013-47) (Revised by Ord. 2015-39) (Revised by Ord. 2022-29)
TAG REPLACEMENT CHARGE	$5.00	(Prior to 3-12-96) (Ord. 96-05) (Revised by Ord. 2012-16) (Revised by Ord. 2022-29)
IMPOUNDMENT FEE 1st OFFENSE if current on rabies vaccination 1st OFFENSE if not current on rabies vaccination 2nd OFFENSE 3rd OFFENSE	1st OFFENSE if current on rabies vaccination - $26 1st OFFENSE if not current on rabies vaccination - $53 2nd OFFENSE - $74 3rd OFFENSE - $100	(Revised by Ord. 2006-56) (Revised by Ord. 2012-16) (Revised by Ord. 2015-39) (Revised by Ord. 2022-29)
DAILY BOARDING FEE	$10.00 a day	(Revised 7-13-99) (Ord. 99-07) (Revised by Ord. 2012-16)
QUARANTINE FEE	$53.00 impound fee + $10.00 per day boarding	(Added by Ord. 2012-16) (Revised by Ord. 2012-16) (Revised by Ord. 2015-39) (Revised by Ord. 2022-29)
LEASE TRAP	$1.00 per day + $58 deposit	(Added by Ord. 2012-16) (Revised by Ord. 2012-16) (Revised by Ord. 2013-42) (Revised by Ord. 2022-29)
ADOPTION FEE *		(Added by Ord. 2012-16) (Revised by Ord. 2017-82) (Revised by Ord. 2022-29)
Dogs needing spay/neuter Cats/kittens needing spay/neuter Dogs/cats spayed/neutered prior to arrival	$111.00 $100.00 $84.00	* Contact the animal shelter to find out what is included
MICRO CHIP	$21.00	(Added by Ord. 2012-16)
OWNER SURRENDER	$53.00	(Added by Ord. 2012-16) (Revised by Ord. 2013-47)
KENNEL PERMIT FEE	$111.00 per year	(Added by Ord. 2004-12) (Revised by Ord. 2022-29)
SPECIMEN SUBMISSION	$42.00 per specimen to be tested for rabies	(Added by Ord. 2004-12) (Revised by Ord. 2022-29)

	CURRENT	NOTE
CEMETERY:		
LOT SALE	**$3,000.00**	**(Revised by Ord. 2001-37) (Revised by Ord. 2004-12) (Revised by Ord. 2015-28) (Revised by Ord. 2022-29)**
INFANT LOT	**$127.00**	**(Revised by Ord. 2001-37) (Revised by Ord. 2022-29)**
ENDOWMENT FEE ON LOT SALE	**Regular Lot $300.00 Infant Lot $50.00**	**(Prior to 3-12-96) (Ord. 96-05) (Revised by Ord. 2015-28) (Revised by Ord. 2016-43) (Revised by Ord. 2022-29)**
ENDOWMENT FEE TO OPEN AND CLOSE INFANT LOT	**$53.00**	**(Prior to 3-12-96) (Revised by Ord. 2004-12) (Revised by Ord. 2022-29)**
ENDOWMENT FEE TO OPEN AND CLOSE AT EACH INTERMENT	**$300.00**	**(Prior to 3-12-96) (Ord. 96-05)**
CEMETERY URN GARDEN NICHE	**Single Niche $1140.00 Double Niche $2400.00**	**(Added by Ord. 2007-43) (Revised by Ord. 2015-28) (Revised by Ord. 2022-29)**
CEMETERY URN GARDEN NICHE SALE ENDOWMENT	**$120 upon purchase $240 upon each inurnment**	**(Added by Ord. 2007-43) (Revised by Ord. 2015-28)**

	CURRENT	NOTE
CODE ENFORCEMENT:		
CONTRACTOR:		
CONTRACTOR REGISTRATION - NEW- (FOR CONTRACTORS NOT REQUIRED TO REGISTER WITH THE STATE)	**$111.00**	**Added by Ord. 2019-52 (Revised by Ord. 2022-29)**
CONTRACTOR REGISTRATION - ANNUAL RENEWAL	**$84.00**	**Added by Ord. 2019-52 (Revised by Ord. 2022-29)**

	CURRENT	NOTE
CODE ENFORCEMENT:		
BUILDING:		
NEW CONSTRUCTION PERMIT FEE (ONE-TWO FAMILY DWELLING)	$0.38 per sq. ft.	(Prior to 3-12-96) (Ord. 96-05) (Revised by Ord. 2003-05) (Revised by Ord. 2007-61) (Revised by Ord. 2018-42) (Revised by Ord. 2019-52) (Revised by Ord. 2022-29)
NEW CONSTRUCTION PERMIT FEE COMMERICAL/OTHER	$0.53 per sq. ft for the first 5,000 sq. ft. plus $0.15 per sq. ft. over 5000	(Revised 3-12-96) (Ord. 96-05) (Revised by Ord. 2007-61) (Revised by Ord. 2018-42)
REMODELING AND REPAIR PERMIT FEE (ONE-TWO FAMILY DWELLING)	$0.53 per sq. ft.	(Revised by Ord. 2001-37) (Revised by Ord. 2012-42) (Revised by Ord. 2018-42) (Revised by Ord. 2019-16)
REMODELING AND REPAIR PERMIT FEE (OTHER)	$26.00 plus $5.00 per $1,061.00 in construction value	(Revised by Ord. 2001-37) (Revised by Ord. 2012-42)
ROOF PERMIT FEE	$111.00	Added by Ord. 2019-16 (Revised by Ord. 2022-29)
FENCE OR WALL PERMIT FEE	Residential $31.00 Commercial $53.00	(Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42)
BUILDING MOVING PERMIT FEE	$84.00	(Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2022-29)
NEW LAWN IRRIGATION PERMIT FEE	$26.00	(Added by Ord. 2011-29) (Revised by Ord. 2018-42)
DEMOLITION PERMIT FEE	$53.00 residential 1-2 family dwelling; $106.00 other than 1-2 family dwelling	(Revised 7-13-99) (Ord. 99-07) (Revised by Ord. 2018-42)
FLATWORK	$111.00	(Added by Ord. 2021-38) (Revised by Ord. 2022-29)
PARKING LOT PERMIT	$222.00	(Added by Ord. 2021-21) (Revised by Ord. 2022-29)

	CURRENT	NOTE
CODE ENFORCEMENT:		
BUILDING:		
SWIMMING POOL PERMIT FEE	$31.00 application fee plus $4.00 per $1,000.00 in construction value	(Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42)
PREMATURE WORK CHARGE (STARTING BEFORE A PERMIT HAS BEEN ISSUED)	212% of original permit fee	(Prior to 3-12-96) (Ord. 96-05)
RESIDENTIAL/COMMERCIAL SIDEWALK INSPECTION FEE	$5.00	(Added by Ord. 99-07)
RESIDENTIAL DRIVEWAY APPROACH INSPECTION FEE	$10.00	(Added by Ord. 99-07)
COMMERCIAL PARKING LOT INSPECTION FEE	$15.00	(Added by Ord. 99-07)
REINSPECTION FEE	$53.00	Note #7 (Revised by Ord. 2001-37) (Revised by Ord. 2018-42) (Revised by Ord. 2019-52)
PERMIT RENEWAL FEE	53% of original per fee	(Prior to 3-12-96) (Ord. 96-05)
PLAN CHECKING FEE - In House	In-House: 53% of permit fee Outsourced: Actual City Cost	(Prior to 3-12-96) (Ord. 96-05) (Revised by Ord. 2007-20) (Revised by Ord. 2023-06)
VALET PARKING PERMIT FEE	$53.00	Added by Ord. 2009-16) Valet parking for special events (less than 5 days in duration) do not require a permit. This is limited to 3 events per calendar year. (Revised by Ord. 2016-43)
VALET PARKING PERMIT ANNUAL RENEWAL FEE	$26.00	Added by Ord. 2009-16) (Revised by Ord. 2016-43)

	CURRENT	NOTE
CODE ENFORCEMENT:		
ELECTRICAL		
RESIDENTIAL PERMIT APPLICATION FEE	**$31.00**	**(Revised by Ord. 2005-10) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42)**
COMMERCIAL PERMIT APPLICATION FEE	**42**	**New construction; lease space finish out; complete remodeling (Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42)**
FURNACE UNITS PERMIT FEE	**$10.00 each**	**(Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42) (Revised by Ord. 2022-29)**
A/C UNITS PERMIT FEE	**$10.00 each**	**(Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42) (Revised by Ord. 2022-29)**
METER LOOP PERMIT FEE	**$10.00 each**	**(Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42) (Revised by Ord. 2022-29)**
SERVICE PERMIT	**$26.00**	**(Revised by Ord. 2005-10) (Revised by Ord. 2018-42)**
OUTLET OR LIGHT FIXTURE PERMIT FEE	**$1.00 each**	**(Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42)**
APPLIANCE PERMIT FEE	**$2.25 each**	**(Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42)**
MOTOR PERMIT FEE	**$8.00 each**	**(Revised by Ord. 2001-37) (Revised by Ord. 2011-29)**
SOLAR PANEL FEE	**$79.00**	**(Added by Ord. 2018-42) (Revised by Ord. 2022-29)**
CELL OR ANTENNA TOWER FEE	**$26.00**	**(Added by Ord. 2018-42) (Revised by Ord. 2022-29)**
MINIMUM PERMIT FEE	**$21.00**	**(Revised by Ord. 2005-10)**
PREMATURE WORK CHARGE (STARTING BEFORE A PERMIT HAS BEEN ISSUED)	**212% of original permit fee**	**(Prior to 3-12-96) (Ord. 96-05)**
REINSPECTION FEE	**$53.00**	**Note #7 (Revised by Ord. 2001-37) (Revised by Ord. 2018-42) (Revised by Ord. 2019-52)**

	CURRENT	NOTE
CODE ENFORCEMENT:		
PERMIT RENEWAL FEE	**53% of original permit fee**	**(Prior to 3-12-96) (Ord. 96-05)**

	CURRENT	NOTE
CODE ENFORCEMENT:		
HEATING, VENTILATION AND AIR CONDITIONING:		
RESIDENTIAL PERMIT APPLICATION FEE	**$31.00**	**(Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42)**
COMMERCIAL PERMIT APPLICATION FEE	**$42.00 per floor**	**New construction; lease space finish out; complete remodeling (Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42)**
HEATING OR AIR CONDITIONING PERMIT FEE	**$24.00 per unit**	**(Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42)**
REFRIGERATION PERMIT FEE (COMMERCIAL)	**$47.00 per unit**	**(Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42)**
LOCAL VENT OUTLET PERMIT FEE	**$2.00 each**	**(Prior to 3-12-96) (Ord. 96-05) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42)**
MINIMUM PERMIT FEE	**$21.00**	**(Revised by Ord. 2001-37)**
PREMATURE WORK CHARGE (STARTING BEFORE A PERMIT HAS BEEN ISSUED)	**212% of original permit fee**	**(Prior to 3-12-96) (Ord. 96-05)**
REINSPECTION FEE	**$53.00**	**Note #7 (Revised by Ord. 2001-37) (Revised by Ord. 2018-42) (Revised by Ord. 2019-52)**
PERMIT RENEWAL FEE	**53% of original permit fee**	**(Prior to 3-12-96) (Ord. 96-05)**

	CURRENT	NOTE
CODE ENFORCEMENT:		
PLUMBING AND GAS:		
PERMIT APPLICATION FEE	**$31.00**	**(Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42)**
COMMERCIAL PERMIT APPLICATION FEE	**$42.00 per floor**	**New construction; lease space finish out; complete remodeling (Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42)**
HOUSE SEWER (NEW OR REPAIR)	**$10.00 per 100 feet**	**(Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42)**
GAS PIPING	**$3.50 per outlet**	**(Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42)**
FIXTURE OR OUTLET PERMIT FEE	**$3.75 each**	**(Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42)**
MERCURY GAS TEST PERMIT FEE	**$10.00 each**	**(Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42)**
GREASE TRAP PERMIT FEE	**$26.00 each**	**(Revised by Ord. 2001-37) (Revised by Ord. 2006-12) (Revised by Ord. 2018-42)**
WATER PIPING (NEW OR REPAIR) PERMIT FEE	**$10.00 per 100 feet**	**(Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42)**
IRRIGATION SYSTEM PERMIT FEE	**$1.50 per head**	**(Revised by Ord. 2006-56) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42)**

	CURRENT	NOTE
CODE ENFORCEMENT:		
PLUMBING AND GAS:		
VACUUM BREAKERS OR BACKFLOW PREVENTERS PERMIT FEE	$5.00 each	(Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42)
DRIP IRRIGATION SYSTEM PERMIT FEE	RESIDENTIAL: $37.00 COMMERCIAL: $42.00	(Added by Ord. 2018-42)
FLOOR/MOP SINK/ FOUNTAIN PERMIT FEE	$5.00	(Added by Ord. 2018-42) (Revised by Ord. 2022-29)
MINIMUM PERMIT FEE	$21.00	(Revised by Ord. 2001-37)
PREMATURE WORK CHARGE (STARTING BEFORE A PERMIT HAS BEEN ISSUED)	212% of original permit fee	(Prior to 3-12-96) (Ord. 96-05)
REINSPECTION FEE	$53.00	Note #7 (Revised by Ord. 2001-37) (Revised by Ord. 2018-42) (Revised by Ord. 2019-52)
PERMIT RENEWAL FEE	53% of original permit fee	(Prior to 3-12-96) (Ord. 96-05)

	CURRENT	NOTE
CODE ENFORCEMENT:		
SIGNS:		
PERMIT APPLICATION FEE	$31.00	(Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42)
COMMERCIAL ADVERTISING SIGN PERMIT FEE	$2.25 per sq. ft. of sign face	(Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42)
PREMATURE WORK CHARGE (STARTING BEFORE A PERMIT HAS BEEN ISSUED)	212% of original permit fee	(Prior to 3-12-96) (Ord. 96-05)
REINSPECTION FEE	$53.00	Note #7 (Revised by Ord. 2001-37) (Revised by Ord. 2018-42) (Revised by Ord. 2019-52)
PERMIT RENEWAL FEE	53% of original permit fee	(Prior to 3-12-96) (Ord. 96-05)
VARIANCE	$127.00	Refund available if withdrawn (minus expenses) (Revised by Ord. 2001-37) (Revised by Ord. 2022-29)
BANNER PERMIT	$21.00	(Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42)
SAME DAY INSPECTION FEE	$500.00	
AFTER HOURS INSPECTION FEE	$75.00/HR, 2 hour minimum	

	CURRENT	NOTE
ENGINEERING & MOBILITY		
PREMATURE WORK CHARGE (STARTING BEFORE A PERMIT IS ISSUED)	**212% of original permit fee**	**(Added by Ord. 2008-58)**
INFRASTRUCTURE ACCEPTANCE AGREEMENT PROCESSING FEE	**$275.00**	**(Added by Ord. 2021-21) (Revised by Ord. 2022-29)**
CITY ATTORNEY REVIEW FEE OF FINANCIAL GUARANTEES ON FORMS OTHER THAN CITY STANDARD	**$275.00**	**(Added by Ord. 2021-21) (Revised by Ord. 2022-29)**

	CURRENT	NOTE
ENGINEERING & MOBILITY		
REVIEW FEES		
PUBLIC WORKS INFRASTRUCTURE DOCUMENT REVIEW	**$63.00 per hour; 1 hour minimum**	**Note #15 (Added by Ord. 2006-56)**
INFRASTRUCTURE DOCUMENTS LOC APPLICATION FEES (AMENDING PLATS ONLY)	**$500**	
INFRASTRUCTURE DOCUMENTS LOC APPLICATION FEES	**$2,000 PLUS $50/ACRE OR LOT, WHICHEVER IS GREATER**	**(Revised by Ord. 2021-38)**
TIA CONSISTENCY WORKSHEET REVIEW	**$265**	**(Added by Ord. 2022-29)**
TRAFFIC IMPACT ANALYSIS REVIEW (LEVEL 1)	**$1,000.00**	**Paid to the City of Boerne. (Added by Ord. 2007-61) (Revised by Ord. 2022-29)**
TRAFFIC IMPACT ANALYSIS REVIEW (LEVEL 2)	**$1,500.00**	**Paid to the City of Boerne. (Added by Ord. 2007-61) (Revised by Ord. 2022-29)**
TRAFFIC IMPACT ANALYSIS REVIEW (LEVEL 3)	**$2,000.00**	**Paid to the City of Boerne. (Added by Ord. 2007-61) (Revised by Ord. 2022-29)**

	CURRENT	NOTE
ENGINEERING & MOBILITY		
REVIEW FEES		
LAND STUDY DRAINAGE STUDY REVIEW (TIER 2 & 3)	**$250.00**	**(Added by Ord. 2021-38) (Revised by Ord. 2022-29)**
DRAINAGE STUDY REVIEW (TIER 1 & 2 USING CITY STANDARD LETTER)	**$0.00**	**(Added by Ord. 2022-29)**
DRAINAGE STUDY REVIEW (TIER 2)	**$2,500**	**Paid to the City of Boerne. (Added by Ord. 2009-16) (Revised by Ord 2021-21) (Revised by Ord. 2022-29)**
DRAINAGE STUDY REVIEW (TIER 3)	**$3,000.00**	**Paid to the City of Boerne. (Added by Ord. 2009-16) (Revised by Ord 2021-21) (Revised by Ord. 2022-29)**
DRAINAGE STUDY REVISION REVIEW (ANY TIER GREATER THAN 3 ROUNDS OF REVIEW, PER REVIEW)	**$1,500.00**	**Paid to the City of Boerne. (Added by Ord. 2021-21) (Revised by Ord. 2022-29)**
LID PLAN REVIEW	**$1,655.00**	**Paid to the City of Boerne. (Added by Ord. 2021-21) (Revised by Ord. 2022-29)**
CLOMR REVIEW	**$3,862.00**	**Paid to the City of Boerne. (Added by Ord. 2021-21) (Revised by Ord. 2022-29)**
LOMR without CLOMR REVIEW	**$4,965.00**	**Paid to the City of Boerne. (Added by Ord. 2021-21) (Revised by Ord. 2022-29)**
LOMR with CLOMR REVIEW	**$2,758.00**	**Paid to the City of Boerne. (Added by Ord. 2021-21) (Revised by Ord. 2022-29)**
LOMA, CLOMR-F & LOMR-F REVIEW	**$500.00**	**Paid to the City of Boerne. (Added by Ord. 2021-21) (Revised by Ord. 2021-38) (Revised by Ord. 2022-29)**
MAJOR THOROUGHFARE AMENDMENT APPLICATION FEE	**$1,000.00**	

	CURRENT	NOTE
ENGINEERING & MOBILITY		
PERMIT FEES		
FLOODPLAIN DEVELOPMENT PERMIT (INDIVIDUAL RESIDENTIAL LOT)	**$84.00**	**(Revised by Ord. 2001-37) (Revised by Ord. 2018-42) (Revised by Ord. 2021-21) (Revised by Ord. 2022-29)**
FLOODPLAIN DEVELOPMENT PERMIT (DEVELOPMENT, COMERICAL, OTHER)	**$275.00**	**(Revised by Ord. 2001-37) (Revised by Ord. 2018-42) (Revised by Ord. 2022-29)**
GRADING PERMIT FEE	**$275 + $26 PER ACRE**	**(Added by Ord. 2021-21) (Revised by Ord. 2022-29)**
CONSTRUCTION RELEASE PERMIT FEE	**$551 + $26 PER ACRE**	**(Added by Ord. 2021-21) (Revised by Ord. 2022-29)**
RIGHT-OF-WAY CONSTRUCTION PERMIT FEE (S.F. RESIDENTIAL)	**$53.00**	**(Added by Ord. 2001-37) (Revised by Ord. 2021-21)**
RIGHT-OF-WAY CONSTRUCTION PERMIT FEE (OTHER THAN S.F. RESIDENTIAL)	**$222.00**	**(Added by Ord. 2001-37) (Revised by Ord. 2021-21) (Revised by Ord. 2022-29)**
SITE DEVELOPMENT PERMIT FEE	**$1000 +$25 per acre or per lot, whichever is greater**	**(Added by Ord. 2023-16)**

	CURRENT	NOTE
ENGINEERING & MOBILITY		
INSPECTION FEES		
INFRASTRUCTURE INSPECTION	**1% of engineering opinion of probable construction cost**	**(Added by Ord. 2021-21)**
INFRASTRUCTURE RE-INSPECTION	**$53 EACH**	**(Added by Ord. 2021-21)**
INFRASTRUCTURE INSPECTION OVERTIME (AFTER HOURS/HOLIDAY/WEEKEND)	**$58/HR (Min. 4 hours for weekend/holiday)**	**(Added by Ord. 2021-21) (Revised by Ord. 2022-29)**
INFRASTRUCTURE INSPECTION NO-SHOW FEE	**$111.00**	**(Added by Ord. 2021-21) (Revised by Ord. 2022-29)**

	CURRENT	NOTE
FIRE & RESCUE:		
SWIFT WATER RESCUE	$84.00 per quarter hour	(Added by Ord. 2006-56) (Revised by Ord. 2022-29)
ENGINE 40 RESPONSE	Most current FEMA hourly equipment rates	(Added by Ord. 2006-56) (Revised by Ord. 2019-52)
ENGINE 41 RESPONSE	Most current FEMA hourly equipment rates	(Added by Ord. 2007-61) (Revised by Ord. 2019-52)
ENGINE 44 RESPONSE	Most current FEMA hourly equipment rates	(Added by Ord. 2006-56) (Revised by Ord. 2019-52)
ENGINE 47 RESPONSE	Most current FEMA hourly equipment rates	(Added by Ord. 2006-56) (Revised by Ord. 2019-52)
AERIAL TRUCK 48 RESPONSE	Most current FEMA hourly equipment rates	(Added by Ord. 2006-56) (Revised by Ord. 2019-52)
TENDER 46 RESPONSE	Most current FEMA hourly equipment rates	(Added by Ord. 2006-56) (Revised by Ord. 2019-52)
TENDER 49 RESPONSE	Most current FEMA hourly equipment rates	(Added by Ord. 2014-52) (Revised by Ord. 2019-52)
BRUSH 41 RESPONSE	Most current FEMA hourly equipment rates	(Added by Ord. 2006-56) (Revised by Ord. 2019-52)
BRUSH 42 RESPONSE	Most current FEMA hourly equipment rates	(Added by Ord. 2006-56) (Revised by Ord. 2019-52)
BRUSH 43 RESPONSE	Most current FEMA hourly equipment rates	(Added by Ord. 2006-56) (Revised by Ord. 2019-52)
BRUSH 44 RESPONSE	Most current FEMA hourly equipment rates	(Added by Ord. 2019-52)
RESCUE 45 RESPONSE	Most current FEMA hourly equipment rates	(Added by Ord. 2006-56) (Revised by Ord. 2019-52)
COMMAND 41 RESPONSE	Most current FEMA hourly equipment rates	(Added by Ord. 2006-56) (Revised by Ord. 2019-52)
SUPPORT 41 RESPONSE	Most current FEMA hourly equipment rates	(Added by Ord. 2006-56) (Revised by Ord. 2019-52)
BOAT 41 RESPONSE	Most current FEMA hourly equipment rates	(Added by Ord. 2019-52)
BOAT 42 RESPONSE	Most current FEMA hourly equipment rates	(Added by Ord. 2019-52)
INFLATABLE RAFT	Most current FEMA hourly equipment rates	(Added by Ord. 2007-61) (Revised by Ord. 2019-52)
UTILITY 41 RESPONSE	Most current FEMA hourly equipment rates	(Added by Ord. 2019-52)
PPV FAN	$19 per quarter hour	(Added by Ord. 2006-56) (Revised by Ord. 2022-29)
GENERATOR	$19 per quarter hour	(Added by Ord. 2006-56) (Revised by Ord. 2022-29)
CHAIN SAW	$10 per quarter hour	(Added by Ord. 2006-56) (Revised by Ord. 2022-29)

	CURRENT	NOTE
FIRE & RESCUE:		
FLOAT PUMP	$21 per quarter hour	(Added by Ord. 2006-56) (Revised by Ord. 2022-29)
AFFF FOAM	$53.00 per gallon	(Added by Ord. 2006-56) (Revised by Ord. 2022-29)
CLASS A FOAM	$26.00 per gallon	(Added by Ord. 2006-56)
SALVAGE COVER	$37.00 each	(Added by Ord. 2006-56) (Revised by Ord. 2022-29)
SCBA PACK	$106.00 each	(Added by Ord. 2006-56) (Revised by Ord. 2022-29)
HALL RUNNER	$26.00 each	(Added by Ord. 2006-56) (Revised by Ord. 2022-29)
PORTABLE TANK	$100.00 each	(Added by Ord. 2006-56) (Revised by Ord. 2022-29)
WATER EXTINGUISHER	$26.00 each	(Added by Ord. 2006-56)
SCENE LIGHTS	$26.00 each	(Added by Ord. 2006-56)
PRO PACK	$26.00 each	(Added by Ord. 2006-56)
SAWZALL	$79.00 per incident	(Added by Ord. 2006-56) (Revised by Ord. 2022-29)
ABSORBENT	$21.00 per bag	(Added by Ord. 2006-56) (Revised by Ord. 2022-29)
ABSORBENT BOOMS	$42.00 each	(Added by Ord. 2006-56)
DISPOSABLE COVERALLS	$31.00 each	(Added by Ord. 2006-56)
NEOPRENE GLOVES	$26.00 a pair	(Added by Ord. 2006-56) (Revised by Ord. 2022-29)
OVER BOOTS	$26.00 a pair	(Added by Ord. 2006-56)
GAS PLUG KIT	$79.00 each	(Added by Ord. 2006-56) (Revised by Ord. 2022-29)
PLUG AND DIKE EQUIPMENT	$79.00 each	(Added by Ord. 2006-56)
DRUM LINERS	$10.00 each	(Added by Ord. 2006-56)
BARRICADE TAPE	$10.00 each	(Added by Ord. 2006-56)
POLY SHEETING	$53.00 each	(Added by Ord. 2006-56)
REMOVAL OF HAZARDOUS MATERIALS	$190.00	(Added by Ord. 2006-56) (Revised by Ord. 2022-29)
DISPOSAL OF HAZARDOUS MATERIALS	$190.00 each	(Added by Ord. 2006-56) (Revised by Ord. 2022-29)
MICRO-BLAZE	$31.00 each per 1 gallon $148.00 each per 5 gallon	(Added by Ord. 2006-56)
LEVEL A HAZMAT SUIT	$663.00 each	(Added by Ord. 2006-56)

	CURRENT	NOTE
FIRE & RESCUE:		
LEVEL B HAZMAT SUIT	$275.00 each	(Added by Ord. 2006-56)
CHEMICAL BOOTS	$26.00 a pair	(Added by Ord. 2006-56)
MISCELLANEOUS TOOLS	$26.00 a pair	(Added by Ord. 2006-56)
PETRO ABSORBENTS PADS	$5.00 each	(Added by Ord. 2006-56) (Revised by Ord. 2022-29)
CHEMICAL ABSORBENT PADS	$5.00 each	(Added by Ord. 2006-56)
95 GALLON OVERPACK DRUM	$164.00 each	(Added by Ord. 2006-56) (Revised by Ord. 2022-29)
55 GALLON OVERPACK DRUM	$90.00 each	(Added by Ord. 2006-56) (Revised by Ord. 2022-29)
35 GALLON OVERPACK DRUM	$53.00 each	(Added by Ord. 2006-56)
5 GALLON OVERPACK DRUM	$10.00 each	(Added by Ord. 2006-56) (Revised by Ord. 2022-29)
SPREADERS	$328.00 per incident	(Added by Ord. 2006-56) (Revised by Ord. 2022-29)
CUTTERS	$328.00 per incident	(Added by Ord. 2006-56) (Revised by Ord. 2022-29)
RAMS	$328.00 per incident	(Added by Ord. 2006-56) (Revised by Ord. 2022-29)
AIR BAGS	$328.00 per incident	(Added by Ord. 2006-56) (Revised by Ord. 2022-29)
RESCUE BLANKET	$10.00 each	(Added by Ord. 2006-56) (Revised by Ord. 2022-29)
SWIFTWATER VEST	$15.00 each	(Added by Ord. 2006-56)

	CURRENT	NOTE
FIRE MARSHAL:		
CONSTRUCTION FEES:		
FIRE SPRINKLER INSTALLATION	**$328.00 Permit Fee plus $0.69 per head;**	**(Added by Ord. 2006-56) (Revised by Ord. 2011-29) (Revised by Ord. 2013-42) Revised by Ord. 2017-82 (Revised by Ord. 2021-38) (Revised by Ord. 2022-29)**
FIRE SPRINKLER MODIFICATION	**$132.00 up to 20 heads**	**Added by Ord. 2017-82 Revised by Ord. 2019-52 (Revised by Ord. 2021-38) (Revised by Ord. 2022-29)**
FIRE ALARM INSTALLATION	**$328.00 Permit Fee plus $0.69 per head;**	**(Added by Ord. 2006-56) (Revised by Ord. 2011-29) (Revised by Ord. 2013-42) Revised by Ord. 2017-82 (Revised by Ord. 2021-38) (Revised by Ord. 2022-29)**
FIRE ALARM MODIFICATION	**$132.00 up to 10 devices**	**Added by Ord. 2017-82 (Revised by Ord. 2021-38) (Revised by Ord. 2022-29)**
ALTERNATIVE FIRE PROTECTION SYSTEM INSTALLATION	**$360.00**	**Added by Ord. 2017-82 (Revised by Ord. 2021-38) (Revised by Ord. 2022-29)**
HOOD SUPPRESSION SYSTEMS (INSTALLATION)	**$196.00 Permit Fee**	**(Added by Ord. 2006-56) Revised by Ord. 2017-82 (Revised by Ord. 2021-38) (Revised by Ord. 2022-29)**
ABOVE GROUND STORAGE TANKS INSTALLATION	**$397.00 Permit Fee**	**(Added by Ord. 2006-56) Revised by Ord. 2017-82 (Revised by Ord. 2021-38) (Revised by Ord. 2022-29)**
UNDERGROUND STORAGE TANKS INSTALLATION	**$397.00 Permit Fee**	**(Added by Ord. 2006-56) Revised by Ord. 2017-82 (Revised by Ord. 2021-38) (Revised by Ord. 2022-29)**
STANDPIPES INSTALLATION	**$132.00 Permit Fee**	**(Added by Ord. 2006-56) Revised by Ord. 2017-82 (Revised by Ord. 2021-38) (Revised by Ord. 2022-29)**
PAINT/SPRAY BOOTH INSTALLATION	**$328.00**	**Added by Ord. 2017-82 (Revised by Ord. 2021-38) (Revised by Ord. 2022-29)**
FIRE APPARATUS ACCESS ROAD GATE INSTALLATION	**$132.00**	**(Added by Ord. 2021-38) (Revised by Ord. 2022-29)**
UNDERGROUND FIRE LINE INSTALLATION	**$300.00 Permit Fee**	
UNDERGROUND FUEL STORAGE TANK REMOVAL	**$328.00**	**Added by Ord. 2019-52 (Revised by Ord. 2022-29)**

	CURRENT	NOTE
FIRE MARSHAL:		
WORKING WITHOUT A PERMIT	**Double the permit fee**	**Added by Ord. 2019-52**
RE-INSPECTION FEE	**$84.00**	**Added by Ord. 2019-52 (Revised by Ord. 2021-38) (Revised by Ord. 2022-29)**

	CURRENT	NOTE
FIRE MARSHAL:		
STATE LICENSED FACILITY FEES:		
DAYCARE FACILITIES	**$100 annually**	**Added by Ord. 2017-82 (Revised by Ord. 2021-38) (Revised by Ord. 2022-29)**
NURSING HOMES	**$196 annually**	**Added by Ord. 2017-82 (Revised by Ord. 2021-38) (Revised by Ord. 2022-29)**
HOSPITALS	**$265 annually**	**Added by Ord. 2017-82 (Revised by Ord. 2021-38) (Revised by Ord. 2022-29)**
IN-HOME FACILITIES	**$63.00 annually**	**Added by Ord. 2017-82 (Revised by Ord. 2021-38)**

	CURRENT	NOTE
FIRE MARSHAL:		
OPERATIONAL PERMIT FEES:		
EXHIBITS AND TRADE SHOWS	**$63.00 per event**	**Added by Ord. 2017-82 (Revised by Ord. 2021-38)**
HAZARDOUS MATERIALS	**$164 annually**	**Added by Ord. 2017-82 (Revised by Ord. 2022-29)**
CUTTING AND WELDING	**$26.00 per event**	**Added by Ord. 2017-82**
OPEN FLAMES/TORCHES	**$26.00 per event**	**Added by Ord. 2017-82**
HOT WORK OPERATIONS	**$26.00 per event**	**Added by Ord. 2017-82**
CARNIVALS AND FAIRS	**$60.00 per event**	**Added by Ord. 2017-82**
EXPLOSIVES	**$196 annually**	**Added by Ord. 2017-82 (Revised by Ord. 2021-38) (Revised by Ord. 2022-29)**
FIREWORKS DISPLAYS	**$164 per event**	**Added by Ord. 2017-82 (Revised by Ord. 2022-29)**
LIQUID OR GAS-FUELED VEHICLES/EQUIPMENT IN BUILDINGS	**$53.00 annually**	**Added by Ord. 2021-38**
REPAIR GARAGES AND MOTOR FUEL DISPENSING FACILITIES	**$164 annually**	**Added by Ord. 2021-38 (Revised by Ord. 2022-29)**
FUMIGATION AND FOGGING	**$26.00 per event**	**Added by Ord. 2021-38**
TEMPORARY STRUCTURES (TENTS) EVENT	**$26.00 per event**	**Added by Ord. 2021-38**
FLAMMABLE AND COMBUSTIBLE STORAGE	**$164 annually**	**Added by Ord. 2021-38 (Revised by Ord. 2022-29)**
MISC. COMBUSTIBLE STORAGE	**$164 annually**	**Added by Ord. 2021-38 (Revised by Ord. 2022-29)**
AMUSEMENT BUILDINGS	**$164 annually**	**Added by Ord. 2021-38 (Revised by Ord. 2022-29)**
STORAGE OF SCRAP TIRES	**$498 annually**	**Added by Ord. 2021-38 (Revised by Ord. 2022-29)**
DRY CLEANING PLANTS	**$53 annually**	**Added by Ord. 2021-38**
HIGH-PILED STORAGE	**$84 annually**	**Added by Ord. 2021-38 (Revised by Ord. 2022-29)**
COMPRESSED GASES	**$164 annually**	**Added by Ord. 2021-38 (Revised by Ord. 2022-29)**
ELECTRICAL ENERGY STORAGE SYSTEMS	**$159.00**	**(Added by Ord. 2022-29)**
EMERGENCY RESPONDER RADIO COMMUNICATION SYSTEM	**$265.00**	**(Added by Ord. 2022-29)**

	CURRENT	NOTE
LAW ENFORCEMENT:		
ACCIDENT REPORTS	**$10.00**	**(Revised by Ord. 2001-37)** **(Added by Ord. 2022-29)**
OFFENSE REPORTS	**$0.10 per page**	**(Revised by Ord. 2001-37)**
FINGERPRINTS **(NON-RESIDENT)**	**Digital prints $30** **Ink Cards $10**	**City resident is free** **(Revised 7-13-99) (Ord. 99-07)** **(Revised by Ord. 2006-12)** **(Revised by Ord. 2011-29)**
USE OF CITY POLICE CAR FOR TRAFFIC CONTROL - OTHER THAN CITY SPONSORED EVENT	**$42.00 for the first hour and $10.00 for every hour thereafter**	**(Added by Ord. 2012- 13)** **(Revised by Ord. 2014-52)** **Revised by Ord. 2017-82** **(Added by Ord. 2022-29)** **This fee is mandatory if a City police officer is contracted to work traffic control.**

	CURRENT	NOTE
LIBRARY:		
OUT-OF-COUNTY LIBRARY CARD	$21.00 per household	Note #13 (Revised by Ord. 2005-10) (Revised by Ord. 2011-11) (Revised by Ord. 2013-42) (Revised by Ord. 2021-38)
OVERDUE BOOKS	$0.26 per day per book	(Revised by Ord. 2001-37)
OVERDUE DVD'S, CD'S, PLAYAWAYS	$0.26 per day per item	(Prior to 3-12-96) (Ord. 96-05) (Revised by Ord. 2018-42)
OVERDUE INTERLIBRARY LOAN MATERIAL	$0.26 per day per item	(Revised by Ord. 2005-10)
OVERDUE DEVICES	$0.26 per day per item	Added by Ord. 2020-28 (Revised by Ord. 2013-42) (Revised by Ord. 2021-38)
INDIVIDUAL DEPOSIT ON AUDIO-VISUAL EQUIPMENT	$100.00	(Revised by Ord. 2001-37)
LOST MATERIALS OR DAMAGED BEYOND REPAIR	Cost of replacement plus $5.00 service fee for processing, cataloging and/or postage.	(Revised by Ord. 2001-37) (Revised by Ord. 2011-11) (Revised by Ord. 2013-42) (Revised by Ord. 2016-43)
INTERLIBRARY LOAN REQUESTS	Cost of return postage plus any fees set by lending library	(Prior to 3-12-96) (Ord. 96-05)
REPLACEMENT OF LOST CARD	$1.00	(Revised by Ord. 2001-37) (Revised by Ord. 2011-11) (Revised by Ord. 2021-38)
COPIES AND COMPUTER PRINTOUTS (INCLUDING WIRELESS ACCESS) - BLACK AND WHITE - COLOR	 $0.25 $1.00	 (Revised by Ord. 2001-37) (Revised by Ord. 2011-11)
COMMUNITY ROOM USE (FOR-PROFIT GROUPS)	$53.00 per hour (minimum 2 hours)	(Added by Ord. 2013-42)
COMMUNITY ROOM USE SECURITY DEPOSIT (FOR-PROFIT AND NOT-FOR-PROFIT GROUPS)	$159.00	(Added by Ord. 2013-42) (Revised by Ord. 2013-47)
CONFERENCE ROOM USE (FOR-PROFIT GROUPS)	$26 per hour	(Added by Ord. 2016-43)
PROCTORING FEE	Students (primary, secondary, college): $10.00 Professionals: $21.00	(Added by Ord. 2017-82) (Revised by Ord. 2018-42)

	CURRENT	NOTE
LIQUOR LICENSES AND PERMITS:		
WINE RETAILER'S ON PREMISE	$185.00 per 2 years	(Prior to 3-12-96) (Ord. 96-05) (Added by Ord. 2022-29)
MALT BEVERAGE RETAILER'S ON PREMISE PERMIT	$159.00 per 2 year	(Prior to 3-12-96) (Ord. 96-05) (Added by Ord. 2022-29)
WINE & MALT BEVERAGE RETAILER'S OFF PREMISE	$63.00 per 2 years	(Prior to 3-12-96) (Ord. 96-05) (Added by Ord. 2022-29)
MALT BEVERAGE RETAILER'S OFF PREMISE PERMIT	$63.00 per 2 years	(Prior to 3-12-96) (Ord. 96-05) (Added by Ord. 2022-29)
PACKAGE STORE	$530.00 per 2 years	(Prior to 3-12-96) (Ord. 96-05) (Added by Ord. 2022-29)
LOCAL DISTRIBUTOR'S PERMIT	$106.00 per 2 year	(Prior to 3-12-96) (Ord. 96-05) (Added by Ord. 2022-29)
WINE ONLY PACKAGE STORE	$79.00 per 2 years	(Prior to 3-12-96) (Ord. 96-05) (Added by Ord. 2022-29)
MIXED BEVERAGE (4TH YEAR)	$795.00 per 2 years	(Prior to 3-12-96) (Ord. 96-05) (Added by Ord. 2022-29)
BREW PUB LICENSE	$530.00 per 2 years	(Ord. 2003-05) (Added by Ord. 2022-29)

	CURRENT	NOTE
PARKS AND RECREATION:		
DAILY POOL ADMISSION FEE	**City Resident - $4.00** **Non-Resident - $5.00**	
POOL SEASON PASS	**City Resident - $79.00 for 25 pass punch card** **Non-Resident - $106 for 25 pass punch card**	
SWIMMING LESSIONS	**City Resident - $63.00 session** **Non-Resident - $79.00 session**	
PRIVATE POOL PARTIES (UNDER 50 ATTENDEES)	**City Resident $371** **Non-Resident $424** **No refunds for cancellation unless due to bad weather.**	**(Revised by Ord. 2001-37)** **(Revised by Ord. 2010-39)** **(Revised by Ord. 2012-42)** **(Revised by Ord. 2015-39)** **(Revised by Ord. 2022-29)**
PRIVATE POOL PARTIES (OVER 50 ATTENDEES)	**City Resident - $450** **Non-Resident - $503** **No refunds for cancellation unless due to bad weather.**	**(Revised by Ord. 2001-37)** **(Revised by Ord. 2010-39)** **(Revised by Ord. 2012-42)** **(Revised by Ord. 2015-39)** **(Revised by Ord. 2022-29)**
DAY TIME POOL PARTY	**$132 for 25 people max 2 hours**	**(Added by Ord. 2013-42)** **(Revised by Ord. 2022-29)**
DISC GOLF TOURNAMENT FEE	**No change**	**(Added by Ord. 2011-29)** **(Revised by Ord. 2022-29)**
SPECIAL EVENT PERMIT FEE NON-REFUNDABLE ADMINISTRATIVE FEE	**Class A Event: $53 per day per event with attendance estimated less than 500.** **Class B Event : $222 per day multiple day event or event with attendance estimated between 500 and 1,000.** **Class C Event: $334 Event with attendance estimated at more than 1,000 people.** **Class D Event: $557** **Parade or Street Closure- Requires a $1,000 Refundable Damage Deposit**	**(Ord. 2005-10)** **(Added by Ord. 2009-46)** **(Revised by Ord. 2011-29)** **(Revised by Ord. 2015-39)** **(Added by Ord. 2022-29)** **Permit Fees are discounted by 50% for charitable non-profit organizations. (IRS Determination Letter must be provided.)** **(Revised by Ord. 2022-29)**
PARK MAINTENANCE FEE	**$50.00 per man hour**	**(Added by Ord. 2005-10)** **Revised by Ord. 2017-82**

	CURRENT	NOTE
PARKS AND RECREATION:		
ATHLETIC SPECIAL EVENT FEE	**$5 per participant; $2.50 per participant for charitable non-profits. Additional fee of $10.00 per participant if using City Lake Park during peak season. Fee is charged if utilizing City Facilities for triathlons, runs, etc. Other Park Fees may apply. Events at Lake will require the Pavilion be rented as well.**	**(Ord. 2005-10) (Revised by Ord. 2009-46) (Revised by Ord. 2010-39) (Revised by Ord. 2011-29) (Revised by Ord. 2014-52) Revised by Ord. 2017-82 (IRS Determination Letter must be provided to receive discount.)**
SPECIAL EVENTS DEPOSIT	**$328.00 per event (Includes all City facilities and property)**	**(Revised by Ord. 2022-29)**
NORTHRUP PARK PAVILION DAILY RENTAL	**Weekdays City Resident - $53.00 per day. Weekdays Non-Resident - $68.00 per day. Weekends City Resident - $159.00 per day. Weekends Non-City Resident - $185.00 per day. Cancellation Fee: Less than 2 weeks - damage deposit fee refundable only. No shows/ no refund $212 Refundable Damage Deposit Required**	**$25.00 refundable cleanup deposit (Ord. 2001-06) (Revised by Ord. 2003-05) (Revised by Ord. 2010-39) (Revised by Ord. 2011-29) (Revised by Ord. 2022-29)**
NORTHRUP PARK PAVILION HOURLY RENTAL	**City Residents - $21.00 per hour, max of 2 hours in a 24-hour period. Non-Residents - $26.00 per hour, max. 2 hours in a 24-hour period**	**(Added by Ord. 2001-06) (Revised by Ord. 2015-39) (Revised by Ord. 2022-29)**
VOLLEYBALL COURT RESERVATION	**$26.00 per court for 2 hours $53.00 per court for full day (must reserve all three courts)**	**(Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Added by Ord. 2006-56) (Revised by Ord. 2007-61) (Revised by Ord. 2013-42) (Revised by Ord. 2022-29)**

	CURRENT	NOTE
PARKS AND RECREATION:		
NORTHRUP ATHLETIC PARK TOURNAMENT/CAMP RENTAL	$159.00 per field per day with a $53.00 per field deposit to reserve and $106.00 refundable damage deposit. Full Complex Rental - $2,334 on first day and $1,909 on second day - required if renter plans to charge a gate fee.	NOTE #12 (Ord. 2003-05) (Added by Ord. 2006-56) (Revised by Ord. 2011-29) (Revised by Ord. 2013-42) (Revised by Ord. 2015-39) (Revised by Ord. 2022-29)
PARK VENDOR PERMIT	City Resident - $10.00 per participant Non-Resident - $50.00 per participant	(Ord. 2003-05) (Revised by Ord. 2022-29)
NON-CITY SPONSORED ATHLETIC LEAGUE FACILITY USE FEE	Resident: $10.00 per participant, Non-Resident: $53.00 per participant	Added by Ord. 2017-82
SPORTS FIELD RENTAL	City Resident - $21.00 per field per hour. Max of 2 hours per 24 hour period. Non-Resident - $42.00 per field per hour. Max of 2 hours per 24 hour period. Refunds - Only when the city closes the fields.	Added by Ord. 2017-82
VETERANS PARK USER/MAINTENANCE FEE	Special use of this park must be approved by the City Manager or his designee through the Parks and Recreation Office	See notes #10 & #11 (Revised by Ord. 2001-37) (Revised by Ord. 2010-39) (Revised by Ord. 2013-42)
BOERNE CITY LAKE ACCESS	Weekday Parking Pass: City Resident - Free Non-Residents - $10.00 Weekend Parking Pass: City Resident - Free Non-Residents - $15.00 Holiday Parking Pass: City Resident - Free Non-Resident - $21.00 Season Pass: City Residents - Free up to 2 vehicles. $26.00 per additional vehicle Non-Resident - $135.00. $26.00 per additional pass	(Revised by Ord. 2007-43) (Revised by Ord. 2010-39) (Revised by Ord. 2012-42) (Revised by Ord. 2014-52) (Revised by Ord. 2015-39)

	CURRENT	NOTE
PARKS AND RECREATION:		
BOERNE CITY LAKE ACCESS **Senior Citizens (65 and over) Military - Active and Retired/ Disabled Citizens**	**$5.00 Daily Parking Pass any day; Season Pass $79.00 + $26.00 per additional pass**	**(Added Ord. 2010-39)** **(Revised by Ord. 2012-42)** **(Revised by Ord. 2014-52)** **(Revised by Ord. 2015-39)**
BOERNE CITY LAKE ACCESS - Disabled Veterans	**Free entry for 60% or more disabled veterans**	**(Added Ord. 2010-39) Veterans of the US Armed Services holding a 60% or more service connected disability as determined by the US Veterans Administration**
BOERNE CITY LAKE PARK GROUP PAVILION RENTAL	**Daily Rental: Weekday Mon. - Thur. - $106.00.** **Refundable Damage deposit fee - $106.00.** **Weekend Fri. - Sun. - $265.00.** **Refundable damage deposit fee - $212.00.** **Holiday - $530.00.** **Refundable damage deposit fee - $530.00.** **All Non-Residents will be charged a gate fee.** **Cancellation Fee: Less than 2 weeks prior to event - damage deposit fee refundable only.** **No shows/no refund. Refundable damage deposit required.**	**All rentals are during public park hours only.** **(Revised by Ord. 2018-42)** **(Revised by Ord. 2022-29)**

	CURRENT	NOTE
PARKS AND RECREATION:		
MAIN PLAZA & CITY PARKING LOTS	**Weekday Rental:** **City Resident - $212.00** **Non-Resident - $265.00** **Weekend Rental:** **City Resident - $371.00** **Non-Resident - $530.00** **Additional charge of $26.00 per vendor when applicable** **Fees are discounted by 50% for charitable non-profit organizations. (IRS Determination Letter must be provided.)** **In addition to current fee Main Plaza Special Event Damage Deposit Fees - $1061.00. Cancellation Fee: Less than 2 weeks prior to event- damage deposit fee refundable only. No shows/no refund. Refundable damage deposit required.**	**(Ord. #2005-10)** **(Revised by Ord. 2007-61)** **(Revised by Ord. 2010-39)** **(Revised by Ord. 2012-42)** **(Revised by Ord. 2015-39)** **(Revised by Ord. 2016-43)** **Revised by Ord. 2017-82** **(Revised by Ord. 2022-29)**
CITY PARKS-DEPOSIT FOR SHORT TERM LICENSE AGREEMENT	**$1,103.00**	**(Added by Ord. 2001-37)**
CITY PARKS-LICENSE FEE FOR USES REQUIRING A SHORT TERM LEASE AGREEMENT	**$1,103.00 per day**	**(Added by Ord. 2001-37)**
PUBLIC FILM PERMIT	**$53.00 per day**	**(Added by Ord. 2015-39)**
PUBLIC FILM PROJECT EXPENSES	**Fees will be established for each filming project based on the costs assoicated with the project**	**(Added by Ord. 2021-38)** **(Revised by Ord. 2022-29)**
ATHLETIC & RECREATIONAL PROGRAMS	**Fees will be established for each program based on the costs associated with the program.**	**(Added by Ord. 2014-52)**

	CURRENT	NOTE
PARKS AND RECREATION:		
WATER WORKS TERRACE	**With Main Plaza Rental:** **Weekday City Resident - $26.00** **Weekend City Resident - $53.00** **Weekday Non-Resident - $53.00** **Weekend Non-Resident - $79.00** **Without Main Plaza Rental:** **Weekday City Resident - $53.00** **Weekend City Resident - $79.00** **Weekday Non-Resident - $75.00** **Weekend Non-Resident - $106.00** **Refundable Security Deposit - $53.00** **Cancellation Fee: Less than 2 weeks prior to event- damage deposit fee refundable only. No shows/no refund.** **Refundable damage deposit required.**	**(Added by Ord. 2012-42)** **(Revised by Ord. 2022-29)**
CITY PARK TOURNAMENT/ CAMP FIELD RENTAL	**$159 per field per day $212 set fee per field $53 refundable security deposit per field. Cancellation Fee: Less than 2 weeks - damage deposit fee refundable only. No shows/no refund. Refundable damage deposit required.**	**(Added by Ord. 2012-42)** **(Revised by Ord. 2014-52)** **(Revised by Ord. 2016-43)**
AMPHITHEATER	**Weekday Rental:** **Resident $222** **Non-Resident $334** **Weekend Rental:** **Resident $445** **Non-Resident $557** **Additional charge of $10 per vendor when applicable.** **Fees are discounted by 50% for charitable non-profit organizations. (IRS Determination Letter must be provided.)** **In addition to current fee Special Event Damage Deposit Fees:** **1 to 100 participants - $222 deposit.** **101 to 500 participants - $334 deposit.** **Cancellation Fee: 2 weeks prior to rental - $26 admin. fee** **Less than 2 weeks - 25% of rental plus $26 administrative fee.** **No shows/ no refund.**	**(Added by Ord. 2015-39)** **Weekdays: Monday - Thursday** **Weekends: Friday - Sunday** **Maximum of two mobile food vendors per event.** **Damages above the deposit amount will be charged at a rate of $30 per hour per staff member required to address damages, plus all actual costs incurred to clean, repair or otherwise mitigate damages.**

	CURRENT	NOTE
PARKS AND RECREATION:		
AMPHITHEATER STAGE LIGHTING	**$155.00 plus $50.00 per hour labor fee**	**Added by Ord. 2017-82** **10 days notice is required to utilize City staff for lighting**

	CURRENT	NOTE
PUBLIC RECORDS AND DOCUMENTS:		
COPIES - 50 PAGES OR LESS	$0.10 per page	(Prior to 3-12-96) (Ord. 96-05)
COPIES - MORE THAN 50 PAGES OR IF INFORMATION REQUESTED IS LOCATED IN MORE THAN ONE BUILDING OR IN A REMOTE STORAGE FACILITY	Actual copy charge plus personnel at $15.00 an hour and overhead at 20% of personnel charge	(Added 3-12-96) (Ord. 96-05) (Revised by Ord. 2022-29)
PRINTED COPIES - LARGE FORMAT - BLACK & WHITE 18"X 24" 24" x 36" 30" x 42"	 Actual Cost Actual Cost Actual Cost	See Note #17 (Added by Ord. 2009-46) (Revised by Ord. 2020-28)
PRINTED COPIES - LARGE FORMAT - COLOR 18"X 24" 24" x 36" 30" x 42"	 Actual Cost Actual Cost Actual Cost	See Note #17 (Added by Ord. 2009-46) (Revised by Ord. 2020-28)
SCANNING - LARGE FORMAT	Actual Cost	See Note #17 (Added by Ord. 2009-46) (Revised by Ord. 2020-28)
NON-STANDARD SIZE COPIES: DVD USB Drive	 $1.00 each $1.00 each	(Prior to 3-12-96) (Ord. 96-05) (Revised by Ord. 2005-10) (Revised by Ord. 2007-61) (Revised by Ord. 2016-43) (Revised by Ord. 2020-28) See Note #21
COMPUTER RESOURCE CHARGES: PC OR LAN PROGRAMMING TIME	 $2.00/hr $31.00/hr	(Prior to 3-12-96) (Ord. 96-05) (Revised by Ord. 2020-28) (Revised by Ord. 2022-29)
POSTAGE AND SHIPPING	Actual cost	(Prior to 3-12-96) (Ord. 96-05)
NOTARY PUBLIC FEE	$7.00 per document	(Prior to 3-12-96) (Ord. 96-05) (Revised by Ord. 2011-29) (Revised by Ord. 2022-29)
ADMINISTERING AN OATH	$5.00	(Prior to 3-12-96) (Ord. 96-05)
CERTIFY A DOCUMENT	$2.00 each certification	Added by Ord. 2020-28 (Revised by Ord. 2022-29)

	CURRENT	NOTE
UTILITIES:		
GARBAGE BILLING/COLLECTION FEE	$1.00 per customer per month	(Revised by Ord. 2001-37)
GARBAGE - BRUSH COLLECTION - MONTHLY FEE	$1.00 per customer per month	Includes 1 brush-pick up per calendar year See Note #20 (Revised by Ord. 2015-11)
GARBAGE - BRUSH COLLECTION - ADDITIONAL PICK-UP ACTIVE ACCOUNT ONLY	$26.00 per pick-up on each additional pick-up	This fee is charged on additional pick-ups per calendar year See Note #20 (Revised by Ord. 2015-11)
GARBAGE - BRUSH COLLECTION - SPECIAL REQUESTS: OWNER ACCOUNTS WITH TENANT, COMMERCIAL ACCOUNTS, NON-ACTIVE ACCOUNTS (PROPERTY OWNER DOES NOT HAVE ACTIVE RESIDENTIAL UTILITY ACCOUNT)	$26 per pick-up	See Note #20 REQUESTS WITHOUT ACTIVE ACCOUNT MUST PREPAY (Added by Ord. 2015-28)
PROCESSING FEE: DISCONNECT - RECONNECT AT CUSTOMERS REQUEST	Regular hours: Electric/Water/Gas - $58.00 After hours: $116.00	Regular work hours = 8:00 a.m. to 5:00 p.m. city work days (Revised by Ord. 2001-37) (Revised by Ord. 2007-61) (Revised by Ord. 2013-42) Revised by Ord. 2017-82 Revised by Ord. 2019-52 (Revised by Ord. 2022-29)
REREAD FEE / ADDITIONAL WATER PROFILE FEE	$21 charge after 2nd re-read in a 12 month period if no errors found and $21 charge after 2nd Water Profile in a 12 month period	(Revised by Ord. 2001-37) (Revised Ord. 2010-39)
RETURN CHECK, ACH, CREDIT CARD AND/OR CREDIT CARD DRAFT (CCD)	$37.00	(Revised by Ord. 2001-37) (Revised by Ord. 2007-61) Revised by Ord. 2017-82
ACCOUNT ACTIVATION FEE	$19.00 E $19.00 W $19.00 RW $19.00 G	After hours - $50.00 ea (Revised by Ord. 2001-37) (Revised by Ord. 2016-43) (Revised by Ord. 2022-29)
TRANSFER FEE	$19.00	Revised by Ord. 2001-37) (Revised by Ord. 2022-29)
MISCELLANEOUS FEE	$19.00 and $37.00 (after normal business hours)	(Revised by Ord. 2001-37) (Added by Ord. 2006-56) (Revised by Ord. 2022-29)

	CURRENT	NOTE
UTILITIES:		
METER TEST FEE (ONE FREE TEST PER FOUR YEARS, THEREAFTER, FEE CHARGED IF METER IS VALID)	**Actual cost**	**(Prior to 3-12-96) (Ord. 96-05)**
METER TAMPER	**$200.00 per offense plus additional costs**	**(Revised by Ord. 2001-37) (Revised by Ord. 2014-52) (Revised by Ord. 2022-29) Note #19**
OVERHEAD BANNERS ON MAIN STREET	**$159.00**	**(Added 7-13-99) (Ord. 99-07) (Revised by Ord. 2004-12) (Revised by Ord. 2022-29)**
DISTRIBUTED GENERATION APPLICATION FEE	**$551.00**	**(Added by Ord. 2021-38) (Revised by Ord. 2022-29)**

	CURRENT	NOTE
NETWORK NODES FEES:		

For Network Node Fees, please see Ordinance 2017-75 and 2019-01

	CURRENT	NOTE
ELECTRIC SERVICE CONNECTION FEES:		
SINGLE PHASE AND THREE PHASE UNDERGROUND PRIMARY EXTENSION: RESIDENTIAL, COMMERCIAL, INDUSTRIAL	Actual cost	Customer installs at his expense conduit, pull tape and warning tape. Note #2 (Added by Ord. 2006-56)
SINGLE PHASE UNDERGROUND SECONDARY SERVICE; ALL CLASSES; 200 AMP MAXIMUM	$233.00 plus prevailing cost of wire at time of installation for wire used and transformer (if applicable)	Customer installs at his expense; conduit, pull tape and warning tape. Note #3 (Revised by Ord. 2001-37) (Revised by Ord. 2006-56) (Revised by Ord. 2011-29) (Revised by Ord. 2012-42) (Revised by Ord. 2022-29)
THREE PHASE UNDERGROUND SECONDARY SERVICE; ALL CLASSES; 200 AMP MAXIMUM	$610.00 plus prevailing cost of wire at time of installation for wire used and transformer (if applicable)	Customer installs at his expense; conduit, pull tape and warning tape. Note #3 (Revised by Ord. 2001-37) (Revised by Ord. 2006-56) (Revised by Ord. 2011-29) (Revised by Ord. 2012-42) (Revised by Ord. 2022-29)
SINGLE PHASE OVERHEAD PRIMARY EXTENSION; ALL CLASSES	Actual cost	Note #2 (Revised by Ord. 2005-10) (Revised by Ord. 2006-56)
THREE PHASE OVERHEAD PRIMARY EXTENSION; ALL CLASSES 4/0 ACSR	Actual cost	Note #2 (Revised by Ord. 2005-10) (Revised by Ord. 2006-56)
SINGLE PHASE OVERHEAD SECONDARY SERVICE; ALL CLASSES, 200 AMP MAXIMUM	$249.00 plus prevailing cost of wire at time of installation for wire used and transformer (if applicable)	Note #3 (Revised by Ord. 2001-37) (Revised by Ord. 2006-56) (Revised by Ord. 2007-61) (Revised by Ord. 2011-29) (Revised by Ord. 2022-29)
SINGLE PHASE OVERHEAD SECONDARY SERVICE; ALL CLASSES, 320 AMP MAXIMUM	$461.00 plus prevailing cost of wire at time of installation for wire used and transformer (if applicable)	(Added by Ord. 2014-52) (Revised by Ord. 2022-29)
THREE PHASE OVERHEAD SECONDARY SERVICE; ALL CLASSES 200 AMP MAXIMUM	$710.00 plus prevailing cost of wire at time of installation for wire used and transformer (if applicable)	Note #3 (Revised by Ord. 2001-37) (Revised by Ord. 2006-56) (Revised by Ord. 2007-61) (Revised by Ord. 2011-29) (Revised by Ord. 2022-29)

	CURRENT	NOTE
ELECTRIC SERVICE CONNECTION FEES:		
METER BANK* SINGLE PHASE SERVICE: ALL CLASSES, 200 AMP MAXIMUM (INITIAL SERVICE AND FIRST METER) (*Meter Bank = 4 Minimum)	$233.00 plus prevailing cost of wire at time of installation for wire used and transformer (if applicable)	(Ord. 2003-05) (Revised by Ord. 2007-61) (Revised by Ord. 2011-29) (Revised by Ord. 2022-29)
METER BANK* THREE PHASE SERVICE: ALL CLASSES, 200 AMP MAXIMUM (INITIAL SERVICE AND FIRST METER) (*Meter Bank = 4 Minimum)	$610.00 plus prevailing cost of wire at time of installation for wire used and transformer (if applicable)	(Ord. 2003-05) (Revised by Ord. 2007-61) (Revised by Ord. 2011-29) (Revised by Ord. 2022-29)
ADDITIONAL SINGLE PHASE SECONDARY SERVICE ADDED TO AN EXISTING SERVICE 200 AMP MAXIMUM	$233.00 per service	(Revised by Ord. 2001-37) (Revised by Ord. 2006-56) (Revised by Ord. 2011-29) (Revised by Ord. 2022-29)
ADDITIONAL THREE PHASE SECONDARY SERVICE ADDED TO AN EXISTING SERVICE, OR SINGLE PHASE SERVICE ADDED TO A THREE PHASE SERVICE 200 AMP MAXIMUM	$610.00 per service	(Revised by Ord. 2001-37) (Revised by Ord. 2006-56) (Revised by Ord. 2011-29) (Revised by Ord. 2022-29)
SECONDARY SERVICE WITH CT METERING, SINGLE PHASE; OVER 320 AMP	$822.00 per service plus prevailing wire cost at the time of installation for wire used and transformer (if applicable)	(Revised by Ord. 2001-37) (Revised by Ord. 2007-61) (Revised by Ord. 2011-29) (Revised by Ord. 2013-47) (Revised by Ord. 2022-29) Note #18
SECONDARY SERVICE WITH CT METERING, THREE PHASE; OVER 200 AMP	$1,034.00 per service plus prevailing wire cost at the time of installation for wire used and transformer (if applicable)	(Revised by Ord. 2001-37) (Revised by Ord. 2007-61) (Revised by Ord. 2011-29) (Revised by Ord. 2022-29)
BI-DIRECTIONAL METER	4s or 9s - $530.00 2s - $212.00	Added by Ord. 2017-82 (Revised by Ord. 2022-29)
TEMPORARY SERVICE 100 AMP MAXIMUM (CONSTRUCTION SERVICE)	$47.00 customer supplies and installs all temporary meter pole materials and equipment	(Revised by Ord. 2001-37) (Revised by Ord. 2022-29)
METER/SERVICE POLE INSTALLATION	$350.00	(Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2015-39) (Revised by Ord. 2022-29)
METER/SERVICE POLE REMOVAL	$84.00	(Revised by Ord. 2001-37) (Revised by Ord. 2022-29)

	CURRENT	NOTE
ELECTRIC SERVICE CONNECTION FEES:		
METER/SERVICE POLE REPLACEMENT	**$328.00**	**(Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2015-39) (Revised by Ord. 2022-29)**
RELOCATE POLES, LINES OR SERVICE AT CUSTOMER REQUEST	**Actual cost**	**(Prior to 3-12-96) (Ord. 96-05) (Revised by Ord. 2003-05)**
INCREASE SERVICE SIZE, OR TYPE, AT CUSTOMERS REQUEST	**New service fee**	**(Prior to 3-12-96) (Ord. 96-05) (Revised by Ord. 2003-05)**
ALL SPECIAL ELECTRIC SERVICES AND SPECIAL APPLICATIONS NOT COVERED ABOVE	**Actual cost**	**(Prior to 3-12-96) (Ord. 96-05)**
REPAIR SERVICE DAMAGED BY CONSTRUCTION	**Actual Cost - $500 minimum**	**(Added by Ord. 2012-42) Revised by Ord. 2017-82**

	CURRENT	NOTE
POTABLE AND RECLAIMED WATER SERVICE CONNECTION FEES:		
NEW TAP AND 3/4 INCH SERVICE	**$424 plus the actual cost of pipe. Our standard practice does not allow piping over 50ft.**	**Note #4 note #5 (Revised by Ord. 2001-37) (Revised by Ord. 2020-28) (Revised by Ord. 2022-29)**
NEW TAP AND 1 INCH SERVICE	**$472 plus the actual cost of pipe. Our standard practice does not allow piping over 50ft.**	**Note #4 note #5 (Revised by Ord. 2001-37) (Revised by Ord. 2020-28) (Revised by Ord. 2022-29)**
NEW TAP AND 1 1/2 INCH SERVICE	**$509 plus the actual cost of pipe. Our standard practice does not allow piping over 50ft.**	**Note #4 note #5 (Revised by Ord. 2001-37) (Revised by Ord. 2020-28) (Revised by Ord. 2022-29)**
NEW TAP AND 2 INCH SERVICE	**$578 plus the actual cost of pipe. Our standard practice does not allow piping over 50ft.**	**Note #4 note #5 (Revised by Ord. 2001-37) (Revised by Ord. 2020-28) (Revised by Ord. 2022-29)**
NEW TAP AND 3 INCH SERVICE	**$1,411 plus the actual cost of pipe. Our standard practice does not allow piping over 50ft.**	**(Added by Ord. 2004-12) (Revised by Ord. 2020-28) (Revised by Ord. 2022-29)**
NEW TAP AND 4 INCH SERVICE	**$1,464 plus the actual cost of pipe. Our standard practice does not allow piping over 50ft.**	**Note #4 note #5 (Revised by Ord. 2001-37) (Revised by Ord. 2020-28) (Revised by Ord. 2022-29)**

	CURRENT	NOTE
POTABLE AND RECLAIMED WATER SERVICE CONNECTION FEES:		
METER CHARGES AND NEW METER ADDED TO EXISTING SERVICES. METER SIZE:		**(Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Ord. 2003-05) (Added by Ord. 2001-37)**
5/8 X 3/4 INCH NON-TURBINE	**$169.00**	**(Revised by Ord. 2013-47)**
3/4" COMBINED FIRE FLOW METER	**$503.00**	**(Revised by Ord. 2020-28) (Revised by Ord. 2022-29)**
Multiple meters 5/8 X 3/4 inch (3 minimum)	**$137 per meter**	
3/4 INCH NON-TURBINE	**$201.00**	
1 INCH NON-TURBINE	**$307.00**	
1 1/2 INCH NON-TURBINE	**$750.00**	
2 INCH COMPOUND	**$2,500.00**	
3 INCH COMPOUND	**$3,750.00**	
4 INCH COMPOUND	**$4,975.00**	
6 INCH COMPOUND	**$6,175.00**	
ALL SPECIAL WATER SERVICES AND SPECIAL APPLICATIONS NOT COVERED ABOVE	**Actual cost**	**(Prior to 3-12-96) (Ord. 96-05)**
BACKFLOW PREVENTION ANNUAL TESTER REGISTRATION	**$53.00 Per tester (non-refundable)**	**(Added by Ord. 2001-37)**
BULK POTABLE WATER METER DEPOSIT	**$716.00 for contractors**	**(Added by Ord. 2001-37) (Revised by Ord. 2020-28) (Revised by Ord. 2022-29)**

	CURRENT	NOTE
POTABLE AND RECLAIMED WATER SERVICE CONNECTION FEES:		
BULK POTABLE WATER METER RENTAL FEE	**$7.00 Per day**	**(Added by Ord. 2001-37) (Revised by Ord. 2022-29)**
BULK POTABLE WATER CONSUMPTION		**(Added by Ord. 2001-37) (Revised by Ord. 2022-29)**
BULK RECLAIMED WATER FOR CONSTRUCTION	**$5.00 Per 1000 gals. $265 Deposit per account required.**	**(Added by Ord. 2008-58) (Revised by Ord. 2022-29)**
REPAIR SERVICE DAMAGED BY CONSTRUCTION	**Actual Cost - $500 minimum**	**(Added by Ord 2003-05) Revised by Ord. 2017-82 (Revised by Ord. 2022-29)**
ALL SPECIAL WATER SERVICES AND SPECIAL APPLICATIONS NOT COVERED ABOVE	**Actual cost**	**(Prior to 3-12-96 (Ord. 96-05)**

	CURRENT	NOTE
SEWER SERVICE CONNECTION FEES:		
SEWER TAP AND 6 INCH SERVICE	**$350 plus the actual cost of pipe. City determines the location of all sewer services.**	**Note #6 (Revised by Ord. 2001-37) (Revised by Ord. 2020-28) (Revised by Ord. 2022-29)**
SEWER TAP AND 8 INCH SERVICE	**$477 plus the actual cost of pipe. City determines the locational of all sewer services.**	**Service is available only where main size is 8 inch or larger note #6 (Revised by Ord. 2001-37) (Revised by Ord. 2020-28) (Revised by Ord. 2022-29)**
REPAIR SERVICE DAMAGED BY CONSTRUCTION	**Actual Cost - $500 minimum**	**(Ord. 2003-05) (Revised by Ord. 2013-47)**
ALL SPECIAL SEWER SERVICES AND SPECIAL APPLICATIONS NOT COVERED ABOVE	**Actual Cost**	**(Ord. 2003-05)**

	CURRENT	NOTE
NATURAL GAS SERVICE CONNECTION FEES:		
NEW TAP AND 1 INCH SERVICE	$530 plus the actual cost of pipe. Our standard practice does not allow piping over 50ft.	Note #4 & note #5 (Revised by Ord. 2001-37) (Revised by Ord. 2020-28) (Revised by Ord. 2022-29)
NEW TAP AND 2 INCH SERVICE	$716 plus the actual cost of pipe. Our standard practice does not allow piping over 50ft.	Note #4 & note #5 (Revised by Ord. 2001-37) (Revised by Ord. 2020-28) (Revised by Ord. 2022-29)
METER CHARGES AND NEW METERS ADDED TO EXISTING SERVICES. SIZE UP TO:		(Revised by Ord. 2001-37) (Revised by Ord. 2003-05) (Revised by Ord. 2022-29)
275 CFH	$175.00	(Revised by Ord. 2011-29) (Revised by Ord. 2022-29)
415 CFH	$397.00	(Revised by Ord. 2011-29) (Revised by Ord. 2014-52) (Revised by Ord. 2022-29)
880 CFH	$1,076.00	(Revised by Ord. 2011-29) (Revised by Ord. 2014-52) (Revised by Ord. 2022-29)
1000 CFH	$2,604.00	(Revised by Ord. 2011-29) (Revised by Ord. 2014-52) (Revised by Ord. 2020-28) (Revised by Ord. 2022-29)
3000 CFH	$2,758.00	(Revised by Ord. 2011-29) (Revised by Ord. 2014-52) (Revised by Ord. 2020-28) (Revised by Ord. 2022-29)
5000 CFH	$2,954.00	(Revised by Ord. 2011-29) (Revised by Ord. 2014-52) (Revised by Ord. 2020-28) (Revised by Ord. 2022-29)
7000 CFH	$3,596.00	(Added by Ord. 2011-29) (Revised by Ord. 2014-52) (Revised by Ord. 2020-28) (Revised by Ord. 2022-29)
11000 CFH	$4,360.00	(Added by Ord. 2011-29) (Revised by Ord. 2014-52) (Revised by Ord. 2020-28) (Revised by Ord. 2022-29)
ALL SPECIAL GAS SERVICES AND OTHER APPLICATIONS NOT COVERED ABOVE	Actual Cost	(Prior to 3-12-96) (Ord. 96-05)
REPAIR SERVICE DAMAGED BY CONSTRUCTION	Actual Cost - $500 minimum	(Added by Ord. 2011-42) Revised by Ord. 2017-82

	CURRENT	NOTE
PLANNING AND DEVELOPMENT:		
RE-ZONING APPLICATION FEE	**$716.00**	**Refundable if no expenses have been incurred (Revised by Ord. 2007-61) (Revised by Ord. 2015-39) (Revised by Ord. 2018-42) (Revised by Ord. 2022-29)**
SPECIAL USE PERMIT	**$551.00**	**Refundable if no expenses have been incurred (Revised by Ord. 2007-61) (Revised by Ord. 2022-29) Renamed from CC Approval**
SUBDIVISION ORDINANCE VARIANCE APPLICATION FEE	**$387.00 for first request & $111.00 for additional requests for the same property heard at the same meeting**	**(Added by Ord. 2009-46) (Revised by Ord. 2015-39) (Revised by Ord. 2021-21) (Revised by Ord. 2022-29)**
SUBDIVISION PLAT FILING OR REPLAT FEES	**$716.00 per plat plus $111.00 per lot**	**Residential or commercial & industrial areas less than one acre per lot (Revised by Ord. 2001-37) (Revised by Ord. 2007-61) (Revised by Ord. 2015-39) (Revised by Ord. 2021-21) (Revised by Ord. 2022-29)**
VACATE PLAT FILING FEES	**$387.00**	**(Added by Ord. 2015-39) (Revised by Ord. 2022-29)**
AMENDING SUBDIVISION PLAT FILING FEE (ADMINISTRATIVELY APPROVED)	**$387.00**	**(Added by Ord. 2009-46) (Revised by Ord. 2015-39) (Revised by Ord. 2022-29)**
MINOR DEVELOPMENT PLAT FILING FEE	**$387.00**	**(Added by Ord. 2015-39) (Revised by Ord. 2021-21) (Revised by Ord. 2022-29)**
MAJOR DEVELOPMENT PLAT FILING FEES	**$716.00 per plat plus $53.00 per acre**	**Tract being developed has not previously been subdivided, and tract is for single family residence on a tract of more than 90,000 sf, or commercial development, or tract is platted but being replatted into smaller lots or vacated (Revised by Ord. 2001-37) (Revised by Ord. 2007-61) (Revised by Ord. 2015-39) (Revised by Ord. 2021-21) (Revised by Ord. 2022-29)**

	CURRENT	NOTE
PLANNING AND DEVELOPMENT:		
TREE PRESERVATION REVIEW AND INSPECTION	**Actual cost of consultant**	**(Added by Ord. 2015-39)**
TREE REMOVAL	**$164.00**	**Paid into Tree Restoration Fund (Added by Ord. 2015-39) (Revised by Ord. 2021-21) (Revised by Ord. 2021-38) (Revised by Ord. 2022-29)**
MITIGATION FOR TREE REMOVAL	**Standard tree $53/in TC, Legacy tree $111/in TC, Heritage tree $222/in TC**	**Currently in Zoning Ordinance Paid into the Tree Restoration Fund (Revised by Ord. 2021-21) (Revised by Ord. 2022-29)**
MITIGATION FOR TREE REMOVAL WITHIN A DRAINAGE PROTECTION ZONE	**Standard tree $111/in TC, Legacy tree $222/in TC, Heritage tree $323/in TC**	**Currently in Zoning Ordinance Paid into the Tree Restoration Fund (Added by Ord 2021-21) (Revised by Ord. 2022-29)**
TREE REMOVAL VIOLATION OR TREE MORTALITY VIOLATION	**$265 p/circumference inch or replacement - no more than $1,000.00 p/day**	**Currently in Zoning Ordinance Paid into the Tree Restoration Fund (Added by Ord 2021-21) (Revised by Ord. 2022-29)**
KENDALL COUNTY RECORDING FEES	**Actual cost as determined by the County Clerk's Fee Schedule currently in effect**	**Paid to the City of Boerne for recording of plats with the County. (Added by Ord. 2007-61) (Revised by Ord. 2013-47)**
LAND STUDY	**$551.00**	**(Added by Ord. 2021-21) (Revised by Ord. 2022-29)**
MASTER DEVELOPMENT PLAN (MDP) REVIEW	**$2,206 plus $111/acre (max $5,000)**	**(Added by Ord. 2015-39) (Added by Ord. 2021-21) (Revised by Ord. 2022-29)**
MASTER DEVELOPMENT PLAN (MDP) MAJOR AMENDMENT	**$1,103.00**	**(Added by Ord. 2021-21) (Revised by Ord. 2022-29)**
MASTER DEVELOPMENT PLAN (MDP) MINOR AMENDMENT	**$551.00**	**(Added by Ord. 2021-21) (Revised by Ord. 2022-29)**

	CURRENT	NOTE
PLANNING AND DEVELOPMENT:		
CLUSTER DEVELOPMENT DISTRICT (CDD)	**$663.00**	**(Added by Ord. 2021-38) (Revised by Ord. 2022-29)**
PLANNED DEVELOPMENT DISTRICT (PDD) REVIEW	**$663.00**	**(Added by Ord. 2021-21) (Revised by Ord. 2022-29)**
PLANNED UNIT DEVELOPMENT (PUD) REVIEW FEES	**$440.00**	**(Added by Ord. 2007-61) (Revised by Ord. 2022-29)**
PLANNED UNIT DEVELOPMENT OR PLANNED DEVELOPMENT DISTRICT (PDD/PUD) BUDGET REVIEW	**Actual cost of consultant**	**(Added by Ord. 2007-61) (Added by Ord. 2021-21)**
CERTIFICATE OF APPROVAL (SUBMITTAL TO DESIGN REVIEW CTE)	**$222.00**	**(Added by Ord. 2021-21) (Revised by Ord. 2022-29)**
CERTIFICATE OF APPROVAL (SUBMITTAL TO DESIGN REVIEW CTE)	**$222.00**	**(Added by Ord. 2021-21) (Revised by Ord. 2022-29)**
LAND USE DETERMINATION	**$551.00**	**(Added by Ord. 2013-42) (Revised by Ord. 2015-39)**
HISTORIC LANDMARK COMMISSION PROCESSING FEE	**$164.00**	**Certificate of Appropriateness Application Review (Added by Ord. 2018-42)**
VESTED RIGHTS DETERMINATION	**$1,103.00 per lot for homestead property; $2,758 + attorney fees for multiple lot/residential subdivision, multifamily or commercial properties**	**(Added by Ord. 2021-21) (Revised by Ord. 2021-38) (Revised by Ord. 2022-29)**
DISCUSSION ONLY AGENDA ITEM	**$111.00**	**(Added by Ord. 2021-21) (Revised by Ord. 2022-29)**
PLAT EXPIRATION EXTENSION	**$1,103.00**	**(Added by Ord. 2021-21) (Revised by Ord. 2021-38) (Revised by Ord. 2022-29)**
PARK LAND DEDICATION	**As determined by the UDC regulations**	**(Added by Ord. 2021-21)**
ANNEXATION PETITION BY PROPERTY OWNER	**$551.00**	**(Added by Ord. 2021-21) (Revised by Ord. 2022-29)**
ZONING VERIFICATION LETTER	**$31.00**	**(Added by Ord. 2021-21)**
PLAT WAIVER	**$551.00**	**(Added by Ord. 2021-21) (Revised by Ord. 2022-29)**

	CURRENT	NOTE
PLANNING AND DEVELOPMENT:		
THOROUGHFARE PLAN AMENDMENT	**$551.00 + $ assessed value per acre**	**(Added by Ord. 2021-21) (Revised by Ord. 2021-38) (Revised by Ord. 2022-29)**
MASTER SIGN AGREEMENT	**Recording fees as determined by Kendall County**	**(Added by Ord. 2021-38)**
SHORT-TERM RENTAL PERMIT FEE	**$200**	**(Added by Ord. 2023-09)**
SHORT-TERM RENTAL INSPECTION FEE	**$100**	**(Added by Ord. 2023-09)**

	CURRENT	NOTE
ZONING BOARD OF ADJUSTMENT AND APPEALS:		
APPLICATION FEE FOR VARIANCE OR APPEAL TO DECISION OF ADMINISTRATIVE OFFICIAL	**$275.00 for first request & $84.00 for additional requests for the same property heard at the same meeting**	**No refund if costs for publications are incurred (Revised 7-13-99) (Ord. 99-07) (Revised by Ord. 2004-12) (Revised by Ord. 2006-56) (Revised by Ord. 2009-46) (Revised by Ord. 2022-29)**

NOTE # 1 Intentionally left blank

NOTE # 2 A 15 foot wide standard City of Boerne utility easement shall be provided by the property owner to accommodate the utility extension; to include appropriate access for maintenance

NOTE # 3 The customer shall provide a suitable permanent structure to attach the service and meter loop per the City of Boerne's specifications and utility policies.

NOTE # 4 Meter set fees as shown shall be added to service fees.

NOTE # 5 If a service requires cutting pavement there shall be an additional charge of $100.00 added to the service fee (previous $96.00).

NOTE # 6 If service requires cutting of pavement an additional charge of $200.00 shall be added to service charge (previous $180.00).

NOTE # 7 Applicable only when contractor has requested re-inspection and is not ready; or has failed to correct previous violation(s).

NOTE # 8 Intentionally left blank.

NOTE # 9 Intentionally left blank.

NOTE # 10 Intentionally left blank.

NOTE # 11 Intentionally left blank.

NOTE # 12 Class A Tournament: tournament which requires use of seven (7) or more fields. Class B Tournament: tournament which requires use of six (6) or less fields.

NOTE # 13 On a patron's 65th birthday, that patron would be exempt from any increase in the out-of-county fee.

NOTE # 14 Intentionally left blank

NOTE # 15 Charges for review of incomplete or non-conforming documents subsequent to initial review

NOTE # 16 Application fee for special use permits during drought response stages

NOTE # 17 Large format refers to any paper size larger than 11" x 17"

NOTE # 18 Intentionally left blank

NOTE # 18 320 amp self-contained may be installed under certain circumstances.

NOTE # 19 Additional costs includes but is not limited to theft of service and non-residential and specialty meters. See Utility Rules and Regs for further information

NOTE # 20 Brush pick-up is subject to the City's Brush Collection Policy currently in effect.

NOTE # 21 Labor will be charged separately as allowed by the Public Information Act



CITY OF BOERNE
FEE ORDINANCE
EFFECTIVE OCTOBER 1, 2023

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	CURRENT	REVISED	CPI Increase	NEW	NOTE
ADMINISTRATION:					
ACQUIESCENCE TO ENCROACHMENT REQUEST (EASEMENTS, RIGHTS-OF-WAY, ETC.)	$120.00 Per request		$127 Per Request		Non refund-able unless exempt (Revised by Ord. 2001-37) (Revised by Ord. 2022-29)
VARIANCE REQUEST - ALL ORDINANCES NOT SPECIFICALLY IDENTIFIED	$120 per request per item		$127 Per Request per item		Non refundable (Revised by Ord. 2001-37) (Revised by Ord. 2022-29)
TEMPORARY USE PERMIT	$120.00		127.00		Added by Ord. 2021-21 (Revised by Ord. 2022-29)
PEDDLER'S REGISTRATION FEE	$120.00		127.00		(Revised by Ord. 2001-37) (Revised by Ord. 2022-29)
TOW TRUCK ROTATION FEE	$10.00 per City Tow - billed monthly				(Revised by Ord. 2001-37) (Revised by Ord. 2003-05) (Revised by Ord. 2011-29) (Revised by Ord. 2014-52)
SPECIAL EVENT - MAIN STREET AND STATE HIGHWAY CLOSURE	Actual cost of barricades and City personnel				(Added by Ord. 2010-02) $1,000.00 Damage and cleanup deposit
~~SHORT TERM RENTAL PERMIT~~	~~$50.00~~	Remove fee			Added by Ord. 2019-52 Revoked by Ord. 2023-09
RETURN CHECK, ACH, AND/OR CREDIT CARD	$35.00		$37		(Added by Ord. 2017-82)

	CURRENT	REVISED	CPI Increase	NEW	NOTE
ANIMAL CONTROL:					
REGISTRATION AND TAG (FERTILE) FEE	1 year dog or cat: $10.00 3 year dog or cat: $30.00 additional $5.00 postage fee if registration is mailed		1 year dog or cat: $10.00 3 year dog or cat: $31.00 additional $5.00 postage fee if registration is mailed		(Revised by Ord. 2001-37) (Revised by Ord. 2015-39) (Revised by Ord. 2022-29)
REGISTRATION AND TAG (SPAYED OR NEUTERED) FEE	1 year dog or cat: $5.00 3 year dog or cat: $15.00 additional $5.00 postage fee if registration is mailed				(Revised by Ord. 2001-37) (Revised by Ord. 2013-47) (Revised by Ord. 2015-39) (Revised by Ord. 2022-29)
TAG REPLACEMENT CHARGE	$5.00				(Prior to 3-12-96) (Ord. 96-05) (Revised by Ord. 2012-16) (Revised by Ord. 2022-29)
IMPOUNDMENT FEE 1st OFFENSE if current on rabies vaccination 1st OFFENSE if not current on rabies vaccination 2nd OFFENSE 3rd OFFENSE	 $25.00 $50.00 $70.00 $95.00		1st OFFENSE if current on rabies vaccination - $26 1st OFFENSE if not current on rabies vaccination - $53 2nd OFFENSE - $74 3rd OFFENSE - $100		(Revised by Ord. 2006-56) (Revised by Ord. 2012-16) (Revised by Ord. 2015-39) (Revised by Ord. 2022-29)
DAILY BOARDING FEE	$10.00 a day				(Revised 7-13-99) (Ord. 99-07) (Revised by Ord. 2012-16)
QUARANTINE FEE	If animal bites someone not living in the residence: $50.00 impound fee + $10.00 per day boarding		If animal bites someone not living in the residence: $53.00 impound fee + $10.00 per day boarding		(Added by Ord. 2012-16) (Revised by Ord. 2012-16) (Revised by Ord. 2015-39) (Revised by Ord. 2022-29)
LEASE TRAP	$1.00 per day + $55 deposit		$1.00 per day + $58 deposit		(Added by Ord. 2012-16) (Revised by Ord. 2012-16) (Revised by Ord. 2013-42) (Revised by Ord. 2022-29)

	CURRENT	REVISED	CPI Increase	NEW	NOTE
ANIMAL CONTROL:					
ADOPTION FEE *					**(Added by Ord. 2012-16) (Revised by Ord. 2017-82) (Revised by Ord. 2022-29)**
Dogs needing spay/neuter	**$105.00**		**$111.00**		*** Contact the animal shelter to find out what is included in the price**
Cats/kittens needing spay/neuter	**$95.00**		**$100.00**		
Dogs/cats spayed/neutered prior to arrival	**$80.00**		**$84.00**		
MICRO CHIP	**$20.00**		**$21.00**		**(Added by Ord. 2012-16)**
OWNER SURRENDER	**$50.00**		**$53.00**		**(Added by Ord. 2012-16) (Revised by Ord. 2013-47)**
KENNEL PERMIT FEE	**$105.00 per year**		**$111.00 per year**		**(Added by Ord. 2004-12) (Revised by Ord. 2022-29)**
SPECIMEN SUBMISSION	**$40.00 per specimen to be tested for rabies**		**$42.00 per specimen to be tested for rabies**		**(Added by Ord. 2004-12) (Revised by Ord. 2022-29)**

	CURRENT	REVISED	CPI Increase	NEW	NOTE
CEMETERY:					
LOT SALE	$2,860.00	$3,000.00			(Revised by Ord. 2001-37) (Revised by Ord. 2004-12) (Revised by Ord. 2015-28) (Revised by Ord. 2022-29)
INFANT LOT	$120.00		$127.00		(Revised by Ord. 2001-37) (Revised by Ord. 2022-29)
ENDOWMENT FEE ON LOT SALE	Regular Lot $260 Infant Lot $50	Regular Lot $300.00 Infant Lot $50.00			(Prior to 3-12-96) (Ord. 96-05) (Revised by Ord. 2015-28) (Revised by Ord. 2016-43) (Revised by Ord. 2022-29)
ENDOWMENT FEE TO OPEN AND CLOSE INFANT LOT	$50.00		$53.00		(Prior to 3-12-96) (Revised by Ord. 2004-12) (Revised by Ord. 2022-29)
ENDOWMENT FEE TO OPEN AND CLOSE AT EACH INTERMENT	$260.00	$300.00			(Prior to 3-12-96) (Ord. 96-05)
CEMETERY URN GARDEN NICHE	$1,040.00 PER NICHE	Single Niche $1140.00 Double Niche $2400.00			(Added by Ord. 2007-43) (Revised by Ord. 2015-28) (Revised by Ord. 2022-29)
CEMETERY URN GARDEN NICHE SALE ENDOWMENT	$105.00 upon purchase, $210.00 upon inurnment	$120 upon purchase $240 upon each inurnment			(Added by Ord. 2007-43) (Revised by Ord. 2015-28)

	CURRENT	REVISED	CPI Increase	NEW	NOTE
CODE ENFORCEMENT:					
CONTRACTOR:					
CONTRACTOR REGISTRATION - NEW- (FOR CONTRACTORS NOT REQUIRED TO REGISTER WITH THE STATE)	**$105.00**		**$111.00**		**Added by Ord. 2019-52 (Revised by Ord. 2022-29)**
CONTRACTOR REGISTRATION - ANNUAL RENEWAL	**$80.00**		**$84.00**		**Added by Ord. 2019-52 (Revised by Ord. 2022-29)**

	CURRENT	REVISED	CPI Increase	NEW	NOTE
CODE ENFORCEMENT:					
BUILDING:					
NEW CONSTRUCTION PERMIT FEE (ONE-TWO FAMILY DWELLING)	$0.36 per sq. ft.		$0.38 per sq. ft.		(Prior to 3-12-96) (Ord. 96-05) (Revised by Ord. 2003-05) (Revised by Ord. 2007-61) (Revised by Ord. 2018-42) (Revised by Ord. 2019-52) (Revised by Ord. 2022-29)
NEW CONSTRUCTION PERMIT FEE COMMERICAL/OTHER	$0.50 per sq. ft for the first 5,000 sq. ft. plus $0.14 per sq. ft. over 5000		$0.53 per sq. ft for the first 5,000 sq. ft. plus $0.15 per sq. ft. over 5000		(Revised 3-12-96) (Ord. 96-05) (Revised by Ord. 2007-61) (Revised by Ord. 2018-42)
REMODELING AND REPAIR PERMIT FEE (ONE-TWO FAMILY DWELLING)	$0.50 per sq. ft.		$0.53 per sq. ft.		(Revised by Ord. 2001-37) (Revised by Ord. 2012-42) (Revised by Ord. 2018-42) (Revised by Ord. 2019-16)
REMODELING AND REPAIR PERMIT FEE (OTHER)	$25.00 plus $5.00 per $1,000.00 in construction value		$26.00 plus $5.00 per $1,061.00 in construction value		(Revised by Ord. 2001-37) (Revised by Ord. 2012-42)
ROOF PERMIT FEE	$105.00		$111.00		Added by Ord. 2019-16 (Revised by Ord. 2022-29)
FENCE OR WALL PERMIT FEE	Residential $30.00 Commercial $50.00		Residential $31.00 Commercial $53.00		(Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42)
BUILDING MOVING PERMIT FEE	$80.00		$84.00		(Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2022-29)
NEW LAWN IRRIGATION PERMIT FEE	$25.00		$26.00		(Added by Ord. 2011-29) (Revised by Ord. 2018-42)
DEMOLITION PERMIT FEE	$50.00 residential 1-2 family dwelling; $100.00 other than 1-2 family dwelling		$53.00 residential 1-2 family dwelling; $106.00 other than 1-2 family dwelling		(Revised 7-13-99) (Ord. 99-07) (Revised by Ord. 2018-42)

	CURRENT	REVISED	CPI Increase	NEW	NOTE
CODE ENFORCEMENT:					
FLATWORK	$105.00		$111.00		(Added by Ord. 2021-38) (Revised by Ord. 2022-29)
PARKING LOT PERMIT	$210.00		$222.00		(Added by Ord. 2021-21) (Revised by Ord. 2022-29)
SWIMMING POOL PERMIT FEE	$30.00 application fee plus $4.00 per $1,000.00 in construction value		$31.00 application fee plus $4.00 per $1,000.00 in construction value		(Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42)
PREMATURE WORK CHARGE (STARTING BEFORE A PERMIT HAS BEEN ISSUED)	200% of original permit fee		212% of original permit fee		(Prior to 3-12-96) (Ord. 96-05)
RESIDENTIAL/COMMERCIAL SIDEWALK INSPECTION FEE	$5.00				(Added by Ord. 99-07)
RESIDENTIAL DRIVEWAY APPROACH INSPECTION FEE	$10.00				(Added by Ord. 99-07)
COMMERCIAL PARKING LOT INSPECTION FEE	$15.00				(Added by Ord. 99-07)
REINSPECTION FEE	$50.00		$53.00		Note #7 (Revised by Ord. 2001-37) (Revised by Ord. 2018-42) (Revised by Ord. 2019-52)
PERMIT RENEWAL FEE	50% of original per fee		53% of original per fee		(Prior to 3-12-96) (Ord. 96-05)
PLAN CHECKING FEE - In House	In-House: 50% of permit fee Outsourced: Actual City Cost		In-House: 53% of permit fee Outsourced: Actual City Cost		(Prior to 3-12-96) (Ord. 96-05) (Revised by Ord. 2007-20) (Revised by Ord. 2023-06)

	CURRENT	REVISED	CPI Increase	NEW	NOTE
CODE ENFORCEMENT:					
VALET PARKING PERMIT FEE	**$50.00**		**$53.00**		**Added by Ord. 2009-16) Valet parking for special events (less than 5 days in duration) do not require a permit. This is limited to 3 events per calendar year. (Revised by Ord. 2016-43)**
VALET PARKING PERMIT ANNUAL RENEWAL FEE	**$25.00**		**$26.00**		**Added by Ord. 2009-16) (Revised by Ord. 2016-43)**

	CURRENT	REVISED	CPI Increase	NEW	NOTE
CODE ENFORCEMENT:					
ELECTRICAL					
RESIDENTIAL PERMIT APPLICATION FEE	$30.00		$31.00		(Revised by Ord. 2005-10) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42)
COMMERCIAL PERMIT APPLICATION FEE	$40		42		New construction; lease space finish out; complete remodeling (Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42)
FURNACE UNITS PERMIT FEE	$10.00 each				(Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42) (Revised by Ord. 2022-29)
A/C UNITS PERMIT FEE	$10.00 each				(Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42) (Revised by Ord. 2022-29)
METER LOOP PERMIT FEE	$10.00 each				(Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42) (Revised by Ord. 2022-29)
SERVICE PERMIT	$25 each		$26.00		(Revised by Ord. 2005-10) (Revised by Ord. 2018-42)
OUTLET OR LIGHT FIXTURE PERMIT FEE	$1.00 each				(Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42)
APPLIANCE PERMIT FEE	$2.25 each				(Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42)
MOTOR PERMIT FEE	$8.00 each				(Revised by Ord. 2001-37) (Revised by Ord. 2011-29)
SOLAR PANEL FEE	$75.00		$79.00		(Added by Ord. 2018-42) (Revised by Ord. 2022-29)

	CURRENT	REVISED	CPI Increase	NEW	NOTE
CODE ENFORCEMENT:					
CELL OR ANTENNA TOWER FEE	$25.00		$26.00		(Added by Ord. 2018-42) (Revised by Ord. 2022-29)
MINIMUM PERMIT FEE	$20.00		$21.00		(Revised by Ord. 2005-10)
PREMATURE WORK CHARGE (STARTING BEFORE A PERMIT HAS BEEN ISSUED)	200% of original permit fee		212% of original permit fee		(Prior to 3-12-96) (Ord. 96-05)
REINSPECTION FEE	$50.00		$53.00		Note #7 (Revised by Ord. 2001-37) (Revised by Ord. 2018-42) (Revised by Ord. 2019-52)
PERMIT RENEWAL FEE	50% of original permit fee		53% of original permit fee		(Prior to 3-12-96) (Ord. 96-05)

	CURRENT	REVISED	CPI Increase	NEW	NOTE
CODE ENFORCEMENT:					
HEATING, VENTILATION AND AIR CONDITIONING:					
RESIDENTIAL PERMIT APPLICATION FEE	$30.00		$31.00		(Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42)
COMMERCIAL PERMIT APPLICATION FEE	$40.00 per floor		$42.00 per floor		New construction; lease space finish out; complete remodeling (Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42)
HEATING OR AIR CONDITIONING PERMIT FEE	$23.50 per unit		$24.00 per unit		(Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42)
REFRIGERATION PERMIT FEE (COMMERCIAL)	$45.00 per unit		$47.00 per unit		(Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42)
LOCAL VENT OUTLET PERMIT FEE	$2.00 each				(Prior to 3-12-96) (Ord. 96-05) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42)
MINIMUM PERMIT FEE	$20.00		$21.00		(Revised by Ord. 2001-37)
PREMATURE WORK CHARGE (STARTING BEFORE A PERMIT HAS BEEN ISSUED)	200% of original permit fee		212% of original permit fee		(Prior to 3-12-96) (Ord. 96-05)
REINSPECTION FEE	$50.00		$53.00		Note #7 (Revised by Ord. 2001-37) (Revised by Ord. 2018-42) (Revised by Ord. 2019-52)
PERMIT RENEWAL FEE	50% of original permit fee		53% of original permit fee		(Prior to 3-12-96) (Ord. 96-05)

	CURRENT	REVISED	CPI Increase	NEW	NOTE
CODE ENFORCEMENT:					
PLUMBING AND GAS:					
PERMIT APPLICATION FEE	$30.00		$31.00		(Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42)
COMMERCIAL PERMIT APPLICATION FEE	$40.00 per floor		$42.00 per floor		New construction; lease space finish out; complete remodeling (Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42)
HOUSE SEWER (NEW OR REPAIR)	$10.00 per 100 feet				(Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42)
GAS PIPING	$3.50 per outlet				(Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42)
FIXTURE OR OUTLET PERMIT FEE	$3.75 each				(Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42)
MERCURY GAS TEST PERMIT FEE	$10.00 each				(Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42)
GREASE TRAP PERMIT FEE	$25.00 each		$26.00 each		(Revised by Ord. 2001-37) (Revised by Ord. 2006-12) (Revised by Ord. 2018-42)
WATER PIPING (NEW OR REPAIR) PERMIT FEE	$10.00 per 100 feet				(Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42)
IRRIGATION SYSTEM PERMIT FEE	$1.50 per head				(Revised by Ord. 2006-56) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42)
VACUUM BREAKERS OR BACKFLOW PREVENTERS PERMIT FEE	$5.00 each				(Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42)

	CURRENT	REVISED	CPI Increase	NEW	NOTE
CODE ENFORCEMENT:					
DRIP IRRIGATION SYSTEM PERMIT FEE	RESIDENTIAL: $35.00 COMMERCIAL: $40.00		RESIDENTIAL: $37.00 COMMERCIAL: $42.00		(Added by Ord. 2018-42)
FLOOR/MOP SINK/ FOUNTAIN PERMIT FEE	$5.00				(Added by Ord. 2018-42) (Revised by Ord. 2022-29)
MINIMUM PERMIT FEE	$20.00		$21.00		(Revised by Ord. 2001-37)
PREMATURE WORK CHARGE (STARTING BEFORE A PERMIT HAS BEEN ISSUED)	200% of original permit fee		212% of original permit fee		(Prior to 3-12-96) (Ord. 96-05)
REINSPECTION FEE	$50.00		$53.00		Note #7 (Revised by Ord. 2001-37) (Revised by Ord. 2018-42) (Revised by Ord. 2019-52)
PERMIT RENEWAL FEE	50% of original permit fee		53% of original permit fee		(Prior to 3-12-96) (Ord. 96-05)

	CURRENT	REVISED	CPI Increase	NEW	NOTE
CODE ENFORCEMENT:					
SIGNS:					
PERMIT APPLICATION FEE	$30.00		$31.00		(Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42)
COMMERCIAL ADVERTISING SIGN PERMIT FEE	$2.25 per sq. ft. of sign face				(Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42)
PREMATURE WORK CHARGE (STARTING BEFORE A PERMIT HAS BEEN ISSUED)	200% of original permit fee		212% of original permit fee		(Prior to 3-12-96) (Ord. 96-05)
REINSPECTION FEE	$50.00		$53.00		Note #7 (Revised by Ord. 2001-37) (Revised by Ord. 2018-42) (Revised by Ord. 2019-52)
PERMIT RENEWAL FEE	50% of original permit fee		53% of original permit fee		(Prior to 3-12-96) (Ord. 96-05)
VARIANCE	$120.00		$127.00		Refund available if withdrawn (minus expenses) (Revised by Ord. 2001-37) (Revised by Ord. 2022-29)
BANNER PERMIT	$20.00		$21.00		(Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2018-42)
SAME DAY INSPECTION FEE				$500.00	
AFTER HOURS INSPECTION FEE				$75.00/HR, 2 hour minimum	

	CURRENT	REVISED	CPI Increase	NEW	NOTE
DEVELOPMENT SERVICES:					
~~STANDARD PUBLIC WORKS CONSTRUCTION SPECIFICATIONS~~	~~$25.00 each~~	Delete fee			~~(Added by Ord. 2001-37)~~
PREMATURE WORK CHARGE (STARTING BEFORE A PERMIT IS ISSUED)	200% of original permit fee		212% of original permit fee		(Added by Ord. 2008-58)
INFRASTRUCTURE ACCEPTANCE AGREEMENT PROCESSING FEE	$260.00		$275.00		(Added by Ord. 2021-21) (Revised by Ord. 2022-29)
CITY ATTORNEY REVIEW FEE OF FINANCIAL GUARANTEES ON FORMS OTHER THAN CITY STANDARD	$260.00		$275.00		(Added by Ord. 2021-21) (Revised by Ord. 2022-29)

	CURRENT	REVISED	CPI Increase	NEW	NOTE
DEVELOPMENT SERVICES:					
REVIEW FEES					
PUBLIC WORKS INFRASTRUCTURE DOCUMENT REVIEW	$60.00 per hour; 1 hour minimum		$63.00 per hour; 1 hour minimum		Note #15 (Added by Ord. 2006-56)
~~SUBDIVISION PLANS AND SPECIFICATION REVIEW FEES~~	~~Actual cost~~	Delete fee			~~Fee assessed only if plans and specification require review by the city's engineer (Prior to 3-12-96) (Ord. 96-05)~~
INFRASTRUCTURE DOCUMENTS LOC APPLICATION FEES (AMENDING PLATS ONLY)				$500	
INFRASTRUCTURE DOCUMENTS LOC APPLICATION FEES	$1,000 PLUS $50/ACRE OR LOT, WHICHEVER IS GREATER	$2,000 PLUS $50/ACRE OR LOT, WHICHEVER IS GREATER			(Revised by Ord. 2021-38)
~~PEAK HOUR TRIP GENERATION FORM REVIEW~~	~~$260.00~~	Delete fee			~~Paid to the City of Boerne. (Added by Ord. 2007-61) (Revised by Ord. 2021-38) (Revised by Ord. 2022-29)~~
TRAFFIC IMPACT ANALYSIS CONFORMANCE LETTER REVIEW	$250.00	Change name to "TIA CONSISTENCY WORKSHEET REVIEW"	$265		(Added by Ord. 2022-29)
TRAFFIC IMPACT ANALYSIS REVIEW (LEVEL 1)	$2,080.00	$1,000.00			Paid to the City of Boerne. (Added by Ord. 2007-61) (Revised by Ord. 2022-29)
TRAFFIC IMPACT ANALYSIS REVIEW (LEVEL 2)	$3,120.00	$1,500.00			Paid to the City of Boerne. (Added by Ord. 2007-61) (Revised by Ord. 2022-29)
TRAFFIC IMPACT ANALYSIS REVIEW (LEVEL 3)	$4,160.00	$2,000.00			Paid to the City of Boerne. (Added by Ord. 2007-61) (Revised by Ord. 2022-29)

	CURRENT	REVISED	CPI Increase	NEW	NOTE
DEVELOPMENT SERVICES:					
~~TRAFFIC IMPACT ANALYSIS REVIEW (MASTERPLAN)~~	~~$2,600.00~~	Delete fee			~~Paid to the City of Boerne. (Added by Ord. 2007-61) (Revised by Ord. 2022-29)~~
LAND STUDY DRAINAGE STUDY REVIEW	$200.00	Change name to "LAND STUDY DRAINAGE STUDY REVIEW (TIER 2 & 3). $250.00	$212		(Added by Ord. 2021-38) (Revised by Ord. 2022-29)
~~DRAINAGE STUDY CONFORMANCE LETTER REVIEW~~	~~$250~~	Delete fee			~~(Added by Ord. 2022-29)~~
DRAINAGE STUDY REVIEW (TIER 1 & 2 USING CITY STANDARD LETTER)	$0.00				(Added by Ord. 2022-29)
~~DRAINAGE STUDY REVIEW (TIER 1 & 2 USING LETTER OTHER THAN CITY STANDARD)~~	~~$75~~	Delete fee			~~(Added by Ord. 2022-29)~~
~~DRAINAGE STUDY REVIEW (TIER 3 - INDIVIDUAL RESIDENTIAL LOT)~~	~~$1,000~~	Delete fee			~~(Added by Ord. 2022-29)~~
DRAINAGE STUDY REVIEW (TIER 3 - OTHER)	~~$3,500~~	Change name to "DRAINAGE STUDY REVIEW (TIER 2)" $2500			Paid to the City of Boerne. (Added by Ord. 2009-16) (Revised by Ord 2021-21) (Revised by Ord. 2022-29)
DRAINAGE STUDY REVIEW (TIER 4)	~~$5,000.00~~	Change name to "DRAINAGE STUDY REVIEW (TIER 3)" $3000			Paid to the City of Boerne. (Added by Ord. 2009-16) (Revised by Ord 2021-21) (Revised by Ord. 2022-29)
~~DRAINAGE STUDY REVIEW (MASTERPLAN)~~	~~$3,640~~	Delete fee			~~Paid to the City of Boerne. (Added by Ord. 2009-16) (Revised by Ord 2021-21) (Revised by Ord. 2022-29)~~
DRAINAGE STUDY REVISION REVIEW (ANY TIER GREATER THAN 3 ROUNDS OF REVIEW, PER REVIEW)	$2,600.00	$1,500.00			Paid to the City of Boerne. (Added by Ord. 2021-21) (Revised by Ord. 2022-29)

	CURRENT	REVISED	CPI Increase	NEW	NOTE
DEVELOPMENT SERVICES:					
LID PLAN REVIEW	$1,560.00		$1,655.00		Paid to the City of Boerne. (Added by Ord. 2021-21) (Revised by Ord. 2022-29)
CLOMR REVIEW	$3,640.00		$3,862.00		Paid to the City of Boerne. (Added by Ord. 2021-21) (Revised by Ord. 2022-29)
LOMR without CLOMR REVIEW	$4,680.00		$4,965.00		Paid to the City of Boerne. (Added by Ord. 2021-21) (Revised by Ord. 2022-29)
LOMR with CLOMR REVIEW	$2,600.00		$2,758.00		Paid to the City of Boerne. (Added by Ord. 2021-21) (Revised by Ord. 2022-29)
LOMA, CLOMR-F & LOMR-F REVIEW	$260.00	$500.00			Paid to the City of Boerne. (Added by Ord. 2021-21) (Revised by Ord. 2021-38) (Revised by Ord. 2022-29)
MAJOR THOROUGHFARE AMENDMENT APPLICATION FEE				$1,000.00	

	CURRENT	REVISED	CPI Increase	NEW	NOTE
DEVELOPMENT SERVICES:					
PERMIT FEES					
FLOODPLAIN DEVELOPMENT PERMIT (INDIVIDUAL RESIDENTIAL LOT)	$80.00		$84.00		(Revised by Ord. 2001-37) (Revised by Ord. 2018-42) (Revised by Ord. 2021-21) (Revised by Ord. 2022-29)
FLOODPLAIN DEVELOPMENT PERMIT (DEVELOPMENT, COMERICAL, OTHER)	$260.00		$275.00		(Revised by Ord. 2001-37) (Revised by Ord. 2018-42) (Revised by Ord. 2022-29)
GRADING PERMIT FEE	$260 + $25 PER ACRE		$275 + $26 PER ACRE		(Added by Ord. 2021-21) (Revised by Ord. 2022-29)
CONSTRUCTION RELEASE PERMIT FEE	$520 + $25 PER ACRE		$551 + $26 PER ACRE		(Added by Ord. 2021-21) (Revised by Ord. 2022-29)
RIGHT-OF-WAY CONSTRUCTION PERMIT FEE (S.F. RESIDENTIAL)	$50.00		$53.00		(Added by Ord. 2001-37) (Revised by Ord. 2021-21)
RIGHT-OF-WAY CONSTRUCTION PERMIT FEE (OTHER THAN S.F. RESIDENTIAL)	$210.00		$222.00		(Added by Ord. 2001-37) (Revised by Ord. 2021-21) (Revised by Ord. 2022-29)
SITE DEVELOPMENT PERMIT FEE	$260 + $25 per acre or per lot, whichever is greater	$1000 +$25 per acre or per lot, whichever is greater			(Added by Ord. 2023-16)

	CURRENT	REVISED	CPI Increase	NEW	NOTE
DEVELOPMENT SERVICES:					
INSPECTION FEES					
INFRASTRUCTURE INSPECTION	**1% of engineering opinion of probable construction cost**				**(Added by Ord. 2021-21)**
INFRASTRUCTURE RE-INSPECTION	**$50 EACH**		**$53 EACH**		**(Added by Ord. 2021-21)**
INFRASTRUCTURE INSPECTION OVERTIME (AFTER HOURS/HOLIDAY/WEEKEND)	**$55/HR (Min. 4 hours for weekend/holiday)**		**$58/HR (Min. 4 hours for weekend/holiday)**		**(Added by Ord. 2021-21) (Revised by Ord. 2022-29)**
INFRASTRUCTURE INSPECTION NO-SHOW FEE	**$105.00**		**$111.00**		**(Added by Ord. 2021-21) (Revised by Ord. 2022-29)**

	CURRENT	REVISED	CPI Increase	NEW	NOTE
FIRE & RESCUE:					
SWIFT WATER RESCUE	$80.00 per quarter hour		$84.00 per quarter hour		(Added by Ord. 2006-56) (Revised by Ord. 2022-29)
ENGINE 40 RESPONSE	Most current FEMA hourly equipment rates				(Added by Ord. 2006-56) (Revised by Ord. 2019-52)
ENGINE 41 RESPONSE	Most current FEMA hourly equipment rates				(Added by Ord. 2007-61) (Revised by Ord. 2019-52)
ENGINE 44 RESPONSE	Most current FEMA hourly equipment rates				(Added by Ord. 2006-56) (Revised by Ord. 2019-52)
ENGINE 47 RESPONSE	Most current FEMA hourly equipment rates				(Added by Ord. 2006-56) (Revised by Ord. 2019-52)
AERIAL TRUCK 48 RESPONSE	Most current FEMA hourly equipment rates				(Added by Ord. 2006-56) (Revised by Ord. 2019-52)
TENDER 46 RESPONSE	Most current FEMA hourly equipment rates				(Added by Ord. 2006-56) (Revised by Ord. 2019-52)
TENDER 49 RESPONSE	Most current FEMA hourly equipment rates				(Added by Ord. 2014-52) (Revised by Ord. 2019-52)
BRUSH 41 RESPONSE	Most current FEMA hourly equipment rates				(Added by Ord. 2006-56) (Revised by Ord. 2019-52)
BRUSH 42 RESPONSE	Most current FEMA hourly equipment rates				(Added by Ord. 2006-56) (Revised by Ord. 2019-52)
BRUSH 43 RESPONSE	Most current FEMA hourly equipment rates				(Added by Ord. 2006-56) (Revised by Ord. 2019-52)
BRUSH 44 RESPONSE	Most current FEMA hourly equipment rates				(Added by Ord. 2019-52)
RESCUE 45 RESPONSE	Most current FEMA hourly equipment rates				(Added by Ord. 2006-56) (Revised by Ord. 2019-52)
COMMAND 41 RESPONSE	Most current FEMA hourly equipment rates				(Added by Ord. 2006-56) (Revised by Ord. 2019-52)
SUPPORT 41 RESPONSE	Most current FEMA hourly equipment rates				(Added by Ord. 2006-56) (Revised by Ord. 2019-52)
BOAT 41 RESPONSE	Most current FEMA hourly equipment rates				(Added by Ord. 2019-52)
BOAT 42 RESPONSE	Most current FEMA hourly equipment rates				(Added by Ord. 2019-52)
INFLATABLE RAFT	Most current FEMA hourly equipment rates				(Added by Ord. 2007-61) (Revised by Ord. 2019-52)

	CURRENT	REVISED	CPI Increase	NEW	NOTE
FIRE & RESCUE:					
UTILITY 41 RESPONSE	Most current FEMA hourly equipment rates				(Added by Ord. 2019-52)
PPV FAN	$18 per quarter hour		$19 per quarter hour		(Added by Ord. 2006-56) (Revised by Ord. 2022-29)
GENERATOR	$18 per quarter hour		$19 per quarter hour		(Added by Ord. 2006-56) (Revised by Ord. 2022-29)
CHAIN SAW	$10 per quarter hour		$10 per quarter hour		(Added by Ord. 2006-56) (Revised by Ord. 2022-29)
FLOAT PUMP	$20 per quarter hour		$21 per quarter hour		(Added by Ord. 2006-56) (Revised by Ord. 2022-29)
AFFF FOAM	$50.00 per gallon		$53.00 per gallon		(Added by Ord. 2006-56) (Revised by Ord. 2022-29)
CLASS A FOAM	$25.00 per gallon		$26.00 per gallon		(Added by Ord. 2006-56)
SALVAGE COVER	$35.00 each		$37.00 each		(Added by Ord. 2006-56) (Revised by Ord. 2022-29)
SCBA PACK	$100.00 each		$106.00 each		(Added by Ord. 2006-56) (Revised by Ord. 2022-29)
HALL RUNNER	$25.00 each		$26.00 each		(Added by Ord. 2006-56) (Revised by Ord. 2022-29)
PORTABLE TANK	$95.00 each		$100.00 each		(Added by Ord. 2006-56) (Revised by Ord. 2022-29)
WATER EXTINGUISHER	$25.00 each		$26.00 each		(Added by Ord. 2006-56)
SCENE LIGHTS	$25.00 each		$26.00 each		(Added by Ord. 2006-56)
PRO PACK	$25.00 each		$26.00 each		(Added by Ord. 2006-56)
SAWZALL	$75.00 per incident		$79.00 per incident		(Added by Ord. 2006-56) (Revised by Ord. 2022-29)
ABSORBENT	$20.00 per bag		$21.00 per bag		(Added by Ord. 2006-56) (Revised by Ord. 2022-29)
ABSORBENT BOOMS	$40.00 each		$42.00 each		(Added by Ord. 2006-56)
DISPOSABLE COVERALLS	$30.00 each		$31.00 each		(Added by Ord. 2006-56)
NEOPRENE GLOVES	$25.00 a pair		$26.00 a pair		(Added by Ord. 2006-56) (Revised by Ord. 2022-29)
OVER BOOTS	$25.00 a pair		$26.00 a pair		(Added by Ord. 2006-56)

	CURRENT	REVISED	CPI Increase	NEW	NOTE
FIRE & RESCUE:					
GAS PLUG KIT	$75.00 each		$79.00 each		(Added by Ord. 2006-56) (Revised by Ord. 2022-29)
PLUG AND DIKE EQUIPMENT	$75.00 each		$79.00 each		(Added by Ord. 2006-56)
DRUM LINERS	$10.00 each				(Added by Ord. 2006-56)
BARRICADE TAPE	$10.00 each				(Added by Ord. 2006-56)
POLY SHEETING	$50.00 each		$53.00 each		(Added by Ord. 2006-56)
REMOVAL OF HAZARDOUS MATERIALS	$180.00		$190.00		(Added by Ord. 2006-56) (Revised by Ord. 2022-29)
DISPOSAL OF HAZARDOUS MATERIALS	$180.00 each		$190.00 each		(Added by Ord. 2006-56) (Revised by Ord. 2022-29)
MICRO-BLAZE	$30.00 each per 1 gallon $140.00 each per 5 gallon		$31.00 each per 1 gallon $148.00 each per 5 gallon		(Added by Ord. 2006-56)
LEVEL A HAZMAT SUIT	$625.00 each		$663.00 each		(Added by Ord. 2006-56)
LEVEL B HAZMAT SUIT	$260.00 each		$275.00 each		(Added by Ord. 2006-56)
CHEMICAL BOOTS	$25.00 a pair		$26.00 a pair		(Added by Ord. 2006-56)
MISCELLANEOUS TOOLS	$25.00 a pair		$26.00 a pair		(Added by Ord. 2006-56)
PETRO ABSORBENTS PADS	$5.00 each				(Added by Ord. 2006-56) (Revised by Ord. 2022-29)
CHEMICAL ABSORBENT PADS	$5.00 each				(Added by Ord. 2006-56)
95 GALLON OVERPACK DRUM	$155.00 each		$164.00 each		(Added by Ord. 2006-56) (Revised by Ord. 2022-29)
55 GALLON OVERPACK DRUM	$85.00 each		$90.00 each		(Added by Ord. 2006-56) (Revised by Ord. 2022-29)
35 GALLON OVERPACK DRUM	$50.00 each		$53.00 each		(Added by Ord. 2006-56)
5 GALLON OVERPACK DRUM	$10.00 each				(Added by Ord. 2006-56) (Revised by Ord. 2022-29)
SPREADERS	$310.00 per incident		$328.00 per incident		(Added by Ord. 2006-56) (Revised by Ord. 2022-29)
CUTTERS	$310.00 per incident		$328.00 per incident		(Added by Ord. 2006-56) (Revised by Ord. 2022-29)

	CURRENT	REVISED	CPI Increase	NEW	NOTE
FIRE & RESCUE:					
RAMS	**$310.00 per incident**		**$328.00 per incident**		**(Added by Ord. 2006-56) (Revised by Ord. 2022-29)**
AIR BAGS	**$310.00 per incident**		**$328.00 per incident**		**(Added by Ord. 2006-56) (Revised by Ord. 2022-29)**
RESCUE BLANKET	**$10.00 each**				**(Added by Ord. 2006-56) (Revised by Ord. 2022-29)**
SWIFTWATER VEST	**$15.00 each**				**(Added by Ord. 2006-56)**

	CURRENT	REVISED	CPI Increase	NEW	NOTE
FIRE MARSHAL:					
CONSTRUCTION FEES:					
FIRE SPRINKLER INSTALLATION	$310.00 Permit Fee plus $0.65 per head;		$328.00 Permit Fee plus $0.69 per head;		(Added by Ord. 2006-56) (Revised by Ord. 2011-29) (Revised by Ord. 2013-42) Revised by Ord. 2017-82 (Revised by Ord. 2021-38) (Revised by Ord. 2022-29)
FIRE SPRINKLER MODIFICATION	$125.00 up to 20 heads		$132.00 up to 20 heads		Added by Ord. 2017-82 Revised by Ord. 2019-52 (Revised by Ord. 2021-38) (Revised by Ord. 2022-29)
FIRE ALARM INSTALLATION	$310.00 Permit Fee plus $0.65 per head;		$328.00 Permit Fee plus $0.69 per head;		(Added by Ord. 2006-56) (Revised by Ord. 2011-29) (Revised by Ord. 2013-42) Revised by Ord. 2017-82 (Revised by Ord. 2021-38) (Revised by Ord. 2022-29)
FIRE ALARM MODIFICATION	$125.00 up to 10 devices		$132.00 up to 10 devices		Added by Ord. 2017-82 (Revised by Ord. 2021-38) (Revised by Ord. 2022-29)
ALTERNATIVE FIRE PROTECTION SYSTEM INSTALLATION	$340.00		$360.00		Added by Ord. 2017-82 (Revised by Ord. 2021-38) (Revised by Ord. 2022-29)
HOOD SUPPRESSION SYSTEMS (INSTALLATION)	$185.00 Permit Fee		$196.00 Permit Fee		(Added by Ord. 2006-56) Revised by Ord. 2017-82 (Revised by Ord. 2021-38) (Revised by Ord. 2022-29)
ABOVE GROUND STORAGE TANKS INSTALLATION	$375.00 Permit Fee		$397.00 Permit Fee		(Added by Ord. 2006-56) Revised by Ord. 2017-82 (Revised by Ord. 2021-38) (Revised by Ord. 2022-29)
UNDERGROUND STORAGE TANKS INSTALLATION	$375.00 Permit Fee		$397.00 Permit Fee		(Added by Ord. 2006-56) Revised by Ord. 2017-82 (Revised by Ord. 2021-38) (Revised by Ord. 2022-29)

	CURRENT	REVISED	CPI Increase	NEW	NOTE
FIRE MARSHAL:					
STANDPIPES INSTALLATION	$125.00 Permit Fee		$132.00 Permit Fee		(Added by Ord. 2006-56) Revised by Ord. 2017-82 (Revised by Ord. 2021-38) (Revised by Ord. 2022-29)
PAINT/SPRAY BOOTH INSTALLATION	$310.00		$328.00		Added by Ord. 2017-82 (Revised by Ord. 2021-38) (Revised by Ord. 2022-29)
FIRE APPARATUS ACCESS ROAD GATE INSTALLATION	$125.00		$132.00		(Added by Ord. 2021-38) (Revised by Ord. 2022-29)
UNDERGROUND FIRE LINE INSTALLATION				$300.00 Permit Fee	
UNDERGROUND FUEL STORAGE TANK REMOVAL	$310.00		$328.00		Added by Ord. 2019-52 (Revised by Ord. 2022-29)
WORKING WITHOUT A PERMIT	Double the permit fee				Added by Ord. 2019-52
RE-INSPECTION FEE	$80.00		$84.00		Added by Ord. 2019-52 (Revised by Ord. 2021-38) (Revised by Ord. 2022-29)
STATE LICENSED FACILITY FEES:					
DAYCARE FACILITIES	$95 annually		$100 annually		Added by Ord. 2017-82 (Revised by Ord. 2021-38) (Revised by Ord. 2022-29)
NURSING HOMES	$185 annually		$196 annually		Added by Ord. 2017-82 (Revised by Ord. 2021-38) (Revised by Ord. 2022-29)
HOSPITALS	$250 annually		$265 annually		Added by Ord. 2017-82 (Revised by Ord. 2021-38) (Revised by Ord. 2022-29)
IN-HOME FACILITIES	$60.00 annually		$63.00 annually		Added by Ord. 2017-82 (Revised by Ord. 2021-38)
OPERATIONAL PERMIT FEES:					
EXHIBITS AND TRADE SHOWS	$60.00 per event		$63.00 per event		Added by Ord. 2017-82 (Revised by Ord. 2021-38)
HAZARDOUS MATERIALS	$155 annually		$164 annually		Added by Ord. 2017-82 (Revised by Ord. 2022-29)

	CURRENT	REVISED	CPI Increase	NEW	NOTE
FIRE MARSHAL:					
CUTTING AND WELDING	$25.00 per event		$26.00 per event		Added by Ord. 2017-82
OPEN FLAMES/TORCHES	$25.00 per event		$26.00 per event		Added by Ord. 2017-82
HOT WORK OPERATIONS	$25.00 per event		$26.00 per event		Added by Ord. 2017-82
CARNIVALS AND FAIRS	$50.00 per event	$60.00 per event			Added by Ord. 2017-82
EXPLOSIVES	$185 annually		$196 annually		Added by Ord. 2017-82 (Revised by Ord. 2021-38) (Revised by Ord. 2022-29)
FIREWORKS DISPLAYS	$155 per event		$164 per event		Added by Ord. 2017-82 (Revised by Ord. 2022-29)
LIQUID OR GAS-FUELED VEHICLES/EQUIPMENT IN BUILDINGS	$50.00 annually		$53.00 annually		Added by Ord. 2021-38
REPAIR GARAGES AND MOTOR FUEL DISPENSING FACILITIES	$155 annually		$164 annually		Added by Ord. 2021-38 (Revised by Ord. 2022-29)
FUMIGATION AND FOGGING	$25.00 per event		$26.00 per event		Added by Ord. 2021-38
TEMPORARY STRUCTURES (TENTS) EVENT	$25.00 per event		$26.00 per event		Added by Ord. 2021-38
FLAMMABLE AND COMBUSTIBLE STORAGE	$155 annually		$164 annually		Added by Ord. 2021-38 (Revised by Ord. 2022-29)
MISC. COMBUSTIBLE STORAGE	$155 annually		$164 annually		Added by Ord. 2021-38 (Revised by Ord. 2022-29)
AMUSEMENT BUILDINGS	$155 annually		$164 annually		Added by Ord. 2021-38 (Revised by Ord. 2022-29)
STORAGE OF SCRAP TIRES	$470 annually		$498 annually		Added by Ord. 2021-38 (Revised by Ord. 2022-29)
DRY CLEANING PLANTS	$50.00 annually		$53 annually		Added by Ord. 2021-38
HIGH-PILED STORAGE	$80 annually		$84 annually		Added by Ord. 2021-38 (Revised by Ord. 2022-29)
COMPRESSED GASES	$155 annually		$164 annually		Added by Ord. 2021-38 (Revised by Ord. 2022-29)

	CURRENT	REVISED	CPI Increase	NEW	NOTE
FIRE MARSHAL:					
ELECTRICAL ENERGY STORAGE SYSTEMS	**$150.00**		**$159.00**		**(Added by Ord. 2022-29)**
EMERGENCY RESPONDER RADIO COMMUNICATION SYSTEM	**$250.00**		**$265.00**		**(Added by Ord. 2022-29)**

	CURRENT	REVISED	CPI Increase	NEW	NOTE
LAW ENFORCEMENT:					
ACCIDENT REPORTS	$10.00				(Revised by Ord. 2001-37) (Added by Ord. 2022-29)
OFFENSE REPORTS	$0.10 per page				(Revised by Ord. 2001-37)
FINGERPRINTS (NON-RESIDENT)	$10.00 per card	Digital prints $30 Ink Cards $10			City resident is free (Revised 7-13-99) (Ord. 99-07) (Revised by Ord. 2006-12) (Revised by Ord. 2011-29)
USE OF CITY POLICE CAR FOR TRAFFIC CONTROL - OTHER THAN CITY SPONSORED EVENT	$40.00 for the first hour and $10.00 for every hour thereafter		$42.00 for the first hour and $10.00 for every hour thereafter		(Added by Ord. 2012- 13) (Revised by Ord. 2014-52) Revised by Ord. 2017-82 (Added by Ord. 2022-29) This fee is mandatory if a City police officer is contracted to work traffic control.

	CURRENT	REVISED	CPI Increase	NEW	NOTE
LIBRARY:					
OUT-OF-COUNTY LIBRARY CARD	$20.00 per household		$21.00 per household		Note #13 (Revised by Ord. 2005-10) (Revised by Ord. 2011-11) (Revised by Ord. 2013-42) (Revised by Ord. 2021-38)
OVERDUE BOOKS	$0.25 per day per book		$0.26 per day per book		(Revised by Ord. 2001-37)
OVERDUE DVD'S, CD'S, PLAYAWAYS	$0.25 per day per item		$0.26 per day per item		(Prior to 3-12-96) (Ord. 96-05) (Revised by Ord. 2018-42)
OVERDUE INTERLIBRARY LOAN MATERIAL	$0.25 per day per item		$0.26 per day per item		(Revised by Ord. 2005-10)
OVERDUE DEVICES	$0.25 per day per item		$0.26 per day per item		Added by Ord. 2020-28 (Revised by Ord. 2013-42) (Revised by Ord. 2021-38)
INDIVIDUAL DEPOSIT ON AUDIO-VISUAL EQUIPMENT	$30.00	$100.00			(Revised by Ord. 2001-37)
LOST MATERIALS OR DAMAGED BEYOND REPAIR	Cost of replacement plus $5.00 service fee for processing, cataloging and/or postage.				(Revised by Ord. 2001-37) (Revised by Ord. 2011-11) (Revised by Ord. 2013-42) (Revised by Ord. 2016-43)
INTERLIBRARY LOAN REQUESTS	Cost of return postage plus any fees set by lending library				(Prior to 3-12-96) (Ord. 96-05)
REPLACEMENT OF LOST CARD	$1.00				(Revised by Ord. 2001-37) (Revised by Ord. 2011-11) (Revised by Ord. 2021-38)
COPIES AND COMPUTER PRINTOUTS (INCLUDING WIRELESS ACCESS) - BLACK AND WHITE - COLOR	 $0.25 $1.00				 (Revised by Ord. 2001-37) (Revised by Ord. 2011-11)

	CURRENT	REVISED	CPI Increase	NEW	NOTE
LIBRARY:					
COMMUNITY ROOM USE (FOR-PROFIT GROUPS)	$50.00 per hour (minimum 2 hours)		$53.00 per hour (minimum 2 hours)		(Added by Ord. 2013-42)
COMMUNITY ROOM USE SECURITY DEPOSIT (FOR-PROFIT AND NOT-FOR-PROFIT GROUPS)	$150.00		$159.00		(Added by Ord. 2013-42) (Revised by Ord. 2013-47)
CONFERENCE ROOM USE (FOR-PROFIT GROUPS)	$25 per hour		$26 per hour		(Added by Ord. 2016-43)
PROCTORING FEE	Students (primary, secondary, college): $10.00 Professionals: $20.00		Students (primary, secondary, college): $10.00 Professionals: $21.00		(Added by Ord. 2017-82) (Revised by Ord. 2018-42)

	CURRENT	REVISED	CPI Increase	NEW	NOTE
LIQUOR LICENSES AND PERMITS:					
WINE RETAILER'S ON PREMISE	$175.00 per 2 years		$185.00 per 2 years		(Prior to 3-12-96) (Ord. 96-05) (Added by Ord. 2022-29)
MALT BEVERAGE RETAILER'S ON PREMISE PERMIT	$150.00 per 2 year		$159.00 per 2 year		(Prior to 3-12-96) (Ord. 96-05) (Added by Ord. 2022-29)
WINE & MALT BEVERAGE RETAILER'S OFF PREMISE	$60.00 per 2 years		$63.00 per 2 years		(Prior to 3-12-96) (Ord. 96-05) (Added by Ord. 2022-29)
MALT BEVERAGE RETAILER'S OFF PREMISE PERMIT	$60.00 per 2 years		$63.00 per 2 years		(Prior to 3-12-96) (Ord. 96-05) (Added by Ord. 2022-29)
PACKAGE STORE	$500.00 per 2 years		$530.00 per 2 years		(Prior to 3-12-96) (Ord. 96-05) (Added by Ord. 2022-29)
LOCAL DISTRIBUTOR'S PERMIT	$100.00 per 2 year		$106.00 per 2 year		(Prior to 3-12-96) (Ord. 96-05) (Added by Ord. 2022-29)
WINE ONLY PACKAGE STORE	$75.00 per 2 years		$79.00 per 2 years		(Prior to 3-12-96) (Ord. 96-05) (Added by Ord. 2022-29)
MIXED BEVERAGE (4TH YEAR)	$750.00 per 2 years		$795.00 per 2 years		(Prior to 3-12-96) (Ord. 96-05) (Added by Ord. 2022-29)
BREW PUB LICENSE	$500.00 per 2 years		$530.00 per 2 years		(Ord. 2003-05) (Added by Ord. 2022-29)

	CURRENT	REVISED	CPI Increase	NEW	NOTE
PARKS AND RECREATION:					
DAILY POOL ADMISSION FEE (CITY RESIDENT) CHANGE TO- DAILY POOL ADMISSION FEE	$4.00	Remove individual fees: City Resident - $4.00 Non-Resident - $5.00 *(Combined resident & non-resident to be consistent with later ordinances)*			(Revised by Ord. 99-26) (Revised by Ord.2007-61) (Added by Ord. 2022-29)
DAILY POOL ADMISSION FEE (NON-CITY RESIDENT) CHANGE TO- DAILY POOL ADMISSION FEE	$5.00				(Revised by Ord. 99-26) (Revised by Ord.2007-61) (Revised by Ord. 2013-42) (Added by Ord. 2022-29)
DAILY POOL ADMISSION FEE				City Resident - $4.00 Non-Resident - $5.00	
POOL SEASON PASS (CITY RESIDENT) CHANGE TO - POOL SEASON PASS	25 pass punch card - $75.00	Remove Individual Fees: City Resident - $75.00 for 25 pass punch card Non-Resident - $100 for 25 pass punch card *(Combined resident & non-resident to be consistent with later ordinances)*			(Revised by Ord. 99-26) (Revised by Ord. 2003-05) (Revised by Ord. 2011-29) (Revised by Ord. 2012-42) (Added by Ord. 2022-29)
POOL SEASON PASS (NON-CITY RESIDENT) CHANGE TO - POOL SEASON PASS	25 pass punch card - $100.00				(Revised by Ord. 99-26) (Revised by Ord. 2003-05) (Revised by Ord. 2011-29) (Revised by Ord. 2012-42) (Revised by Ord. 2013-47) (Added by Ord. 2022-29)
POOL SEASON PASS			(Adjusted for CPI) ==>	City Resident - $79.00 for 25 pass punch card Non-Resident - $106 for 25 pass punch card	
SWIMMING LESSONS (CITY RESIDENT) CHANGE TO - SWIMMING LESSONS	$60.00 per class	Remove Individual Fees: City Resident - $60.00 session Non-Resident - $75.00 *(Combined resident & non-resident to be consistent with later ordinances)*			(Revised by Ord. 2003-05) (Revised by Ord. 2004-12) (Revised by Ord. 2011-29) (Revised by Ord. 2012-42) (Added by Ord. 2022-29)
SWIMMING LESSONS (NON-CITY RESIDENT) CHANGE TO - SWIMMING LESSONS	$75.00 per class				(Revised by Ord. 2003-05) (Revised by Ord. 2004-12) (Revised by Ord. 2011-29) Revised by Ord. 2017-82 (Revised by Ord. 2022-29)
SWIMMING LESSIONS			(Adjusted for CPI) ==>	City Resident - $63.00 session Non-Resident - $79.00 session	
PRIVATE POOL PARTIES (UNDER 50 ATTENDEES)	City Resident $350 Non-Resident $400 No refunds for cancellation unless due to bad weather.		City Resident $371 Non-Resident $424 No refunds for cancellation unless due to bad weather.		(Revised by Ord. 2001-37) (Revised by Ord. 2010-39) (Revised by Ord. 2012-42) (Revised by Ord. 2015-39) (Revised by Ord. 2022-29)

	CURRENT	REVISED	CPI Increase	NEW	NOTE
PARKS AND RECREATION:					
PRIVATE POOL PARTIES (OVER 50 ATTENDEES)	City Resident - $425 Non-Resident - $475 No refunds for cancellation unless due to bad weather.		City Resident - $450 Non-Resident - $503 No refunds for cancellation unless due to bad weather.		(Revised by Ord. 2001-37) (Revised by Ord. 2010-39) (Revised by Ord. 2012-42) (Revised by Ord. 2015-39) (Revised by Ord. 2022-29)
DAY TIME POOL PARTY	$125 for 25 people max 2 hours		$132 for 25 people max 2 hours		(Added by Ord. 2013-42) (Revised by Ord. 2022-29)
DISC GOLF TOURNAMENT FEE	No change				(Added by Ord. 2011-29) (Revised by Ord. 2022-29)
SPECIAL EVENT PERMIT FEE NON-REFUNDABLE ADMINISTRATIVE FEE	Class A Event: $50 Single day event with attendance estimated less than 500. Class B Event : $210 Multiple day event or event with attendance estimated between 500 and 1,000. Class C Event: $315 Event with attendance estimated at more than 1,000 people. Class D Event: $525 Parade or Street Closure- Requires a $1,000 Refundable Damage Deposit	Class A Event: $50 per day per event with attendance estimated less than 500. Class B Event : $210 per day multiple day event or event with attendance estimated between 500 and 1,000. Class C Event: $315 Event with attendance estimated at more than 1,000 people. Class D Event: $525 Parade or Street Closure- Requires a $1,000 Refundable Damage Deposit	Class A Event: $53 per day per event with attendance estimated less than 500. Class B Event : $222 per day multiple day event or event with attendance estimated between 500 and 1,000. Class C Event: $334 Event with attendance estimated at more than 1,000 people. Class D Event: $557 Parade or Street Closure- Requires a $1,000 Refundable Damage Deposit		(Ord. 2005-10) (Added by Ord. 2009-46) (Revised by Ord. 2011-29) (Revised by Ord. 2015-39) (Added by Ord. 2022-29) Permit Fees are discounted by 50% for charitable non-profit organizations. (IRS Determination Letter must be provided.) (Revised by Ord. 2022-29)
PARK MAINTENANCE FEE	$40.00 per man hour	$50.00 per man hour			(Added by Ord. 2005-10) Revised by Ord. 2017-82
ATHLETIC SPECIAL EVENT FEE	$5 per participant; $2.50 per participant for charitable non-profits. Additional fee of $10.00 per participant if using City Lake Park during peak season. Fee is charged if utilizing City Facilities for triathlons, runs, etc. Other Park Fees may apply. Events at Lake will require the Pavilion be rented as well.				(Ord. 2005-10) (Revised by Ord. 2009-46) (Revised by Ord. 2010-39) (Revised by Ord. 2011-29) (Revised by Ord. 2014-52) Revised by Ord. 2017-82 (IRS Determination Letter must be provided to receive discount.)
SPECIAL EVENTS DEPOSIT	$310.00 per event (Includes all City facilities and property)		$328.00 per event (Includes all City facilities and property)		(Revised by Ord. 2022-29)

	CURRENT	REVISED	CPI Increase	NEW	NOTE
PARKS AND RECREATION:					
NORTHRUP PARK PAVILION DAILY RENTAL	Weekdays City Resident $50.00 per day. Weekdays Non-Resident $65.00 per day. Weekends City Resident $150.00 per day. Weekends Non-City Resident $175.00 per day. Cancellation Fee: Less than 2 weeks - damage deposit fee refundable only. No shows/ no refund $200 Refundable Damage Deposit Required		Weekdays City Resident - $53.00 per day. Weekdays Non-Resident - $68.00 per day. Weekends City Resident - $159.00 per day. Weekends Non-City Resident - $185.00 per day. Cancellation Fee: Less than 2 weeks - damage deposit fee refundable only. No shows/ no refund $212 Refundable Damage Deposit Required		$25.00 refundable cleanup deposit (Ord. 2001-06) (Revised by Ord. 2003-05) (Revised by Ord. 2010-39) (Revised by Ord. 2011-29) (Revised by Ord. 2022-29)
NORTHRUP PARK PAVILION HOURLY RENTAL	Non-Resident $25.00 per hour, max. of 2 hours in a 24-hour period. City Residents $20.00 per hour, max. of 2 hours in a 24 hour period.	City Residents - $20.00 per hour, max of 2 hours in a 24-hour period. Non-Residents - $25.00 per hour, max. 2 hours in a 24-hour period	City Residents - $21.00 per hour, max of 2 hours in a 24-hour period. Non-Residents - $26.00 per hour, max. 2 hours in a 24-hour period		(Added by Ord. 2001-06) (Revised by Ord. 2015-39) (Revised by Ord. 2022-29)
VOLLEYBALL COURT RESERVATION	$25.00 per court for 2 hours $50.00 per court for full day (must reserve all three courts)		$26.00 per court for 2 hours $53.00 per court for full day (must reserve all three courts)		(Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Added by Ord. 2006-56) (Revised by Ord. 2007-61) (Revised by Ord. 2013-42) (Revised by Ord. 2022-29)
NORTHRUP ATHLETIC PARK TOURNAMENT/CAMP RENTAL	$150.00 per field per day with a $50.00 per field deposit to reserve and $100.00 refundable damage deposit. Full Complex Rental - $2,200 on first day and $1,800 on second day - required if wanting to charge a gate fee.	$150.00 per field per day with a $50.00 per field deposit to reserve and $100.00 refundable damage deposit. Full Complex Rental - $2,200 on first day and $1,800 on second day - required if renter plans to charge a gate fee.	$159.00 per field per day with a $53.00 per field deposit to reserve and $106.00 refundable damage deposit. Full Complex Rental - $2,334 on first day and $1,909 on second day - required if renter plans to charge a gate fee.		NOTE #12 (Ord. 2003-05) (Added by Ord. 2006-56) (Revised by Ord. 2011-29) (Revised by Ord. 2013-42) (Revised by Ord. 2015-39) (Revised by Ord. 2022-29)
PARK VENDOR PERMIT	$50.00 per day	City Resident - $10.00 per participant Non-Resident - $50.00 per participant			(Ord. 2003-05) (Revised by Ord. 2022-29)
NON-CITY SPONSORED ATHLETIC LEAGUE FACILITY USE FEE	Resident: $10.00 per participant, Non-Resident: $50.00 per participant		Resident: $10.00 per participant, Non-Resident: $53.00 per participant		Added by Ord. 2017-82
SPORTS FIELD RENTAL	City Resident: $20.00 per field per hour, Non-Resident: $40.00 per field per hour. Max of 2 hours per 24 hour period.	City Resident - $20.00 per field per hour. Max of 2 hours per 24 hour period. Non-Resident - $40.00 per field per hour. Max of 2 hours per 24 hour period. Refunds - Only when the city closes the fields.	City Resident - $21.00 per field per hour. Max of 2 hours per 24 hour period. Non-Resident - $42.00 per field per hour. Max of 2 hours per 24 hour period. Refunds - Only when the city closes the fields.		Added by Ord. 2017-82

	CURRENT	REVISED	CPI Increase	NEW	NOTE
PARKS AND RECREATION:					
VETERANS PARK USER/MAINTENANCE FEE	Special use of this park must be approved by the City Manager or his designee through the Parks and Recreation Office				See notes #10 & #11 (Revised by Ord. 2001-37) (Revised by Ord. 2010-39) (Revised by Ord. 2013-42)
BOERNE CITY LAKE ACCESS	Weekday Parking Pass: City Resident - Free Non-Residents - $10.00 Weekend Parking Pass: City Resident - Free Non-Residents - $15.00 Holiday Parking Pass: City Resident - Free Non-Resident - $20.00 Season Pass: City Residents - Free up to 2 vehicles $25 per additional vehicle Non-Resident - $125 +$25 per additional pass	Weekday Parking Pass: City Resident - Free Non-Residents - $10.00 Weekend Parking Pass: City Resident - Free Non-Residents - $15.00 Holiday Parking Pass: City Resident - Free Non-Resident - $20.00 Season Pass: City Residents - Free up to 2 vehicles. $25.00 per additional vehicle Non-Resident - $125.00. $25.00 per additional pass	Weekday Parking Pass: City Resident - Free Non-Residents - $10.00 Weekend Parking Pass: City Resident - Free Non-Residents - $15.00 Holiday Parking Pass: City Resident - Free Non-Resident - $21.00 Season Pass: City Residents - Free up to 2 vehicles. $26.00 per additional vehicle Non-Resident - $135.00. $26.00 per additional pass		(Revised by Ord. 2007-43) (Revised by Ord. 2010-39) (Revised by Ord. 2012-42) (Revised by Ord. 2014-52) (Revised by Ord. 2015-39)
BOERNE CITY LAKE ACCESS Senior Citizens (65 and over) Military Active and Retired/ Disabled Citizens	$5.00 Daily Parking Pass any day; Season Pass $75.00 + $25.00 per additional pass		$5.00 Daily Parking Pass any day; Season Pass $79.00 + $26.00 per additional pass		(Added Ord. 2010-39) (Revised by Ord. 2012-42) (Revised by Ord. 2014-52) (Revised by Ord. 2015-39)
BOERNE CITY LAKE ACCESS - Disabled Veterans	No charge for access to Boerne City Lake	Free entry for 60% or more disabled veterans			(Added Ord. 2010-39) Veterans of the US Armed Services holding a 60% or more service connected disability as determined by the US Veterans Administration
BOERNE CITY LAKE PARK GROUP PAVILION RENTAL	Daily Rental: Weekday Mon. - Thur. $100. Refundable Damage deposit fee $100. Weekend Fri. - Sun. $250. Refundable damage deposit fee $200. Holiday $500. Refundable damage deposit fee $500. All non-City residents will be charged a gate fee. Cancellation Fee: Less than 2 weeks - damage deposit fee refundable only. No shows/no refund. Refundable damage deposit required.	Daily Rental: Weekday Mon. - Thur. - $100.00. Refundable Damage deposit fee - $100.00. Weekend Fri. - Sun. - $250.00. Refundable damage deposit fee - $200.00. Holiday - $500.00. Refundable damage deposit fee - $500.00. All Non-Residents will be charged a gate fee. Cancellation Fee: Less than 2 weeks prior to event - damage deposit fee refundable only. No shows/no refund. Refundable damage deposit required.	Daily Rental: Weekday Mon. - Thur. - $106.00. Refundable Damage deposit fee - $106.00. Weekend Fri. - Sun. - $265.00. Refundable damage deposit fee - $212.00. Holiday - $530.00. Refundable damage deposit fee - $530.00. All Non-Residents will be charged a gate fee. Cancellation Fee: Less than 2 weeks prior to event - damage deposit fee refundable only. No shows/no refund. Refundable damage deposit required.		All rentals are during public park hours only. (Revised by Ord. 2018-42) (Revised by Ord. 2022-29)

	CURRENT	REVISED	CPI Increase	NEW	NOTE
PARKS AND RECREATION:					
MAIN PLAZA & CITY PARKING LOTS	Weekday Rental: City Resident $200 Non-Resident $250 Weekend Rental: City Resident $350 Non-Resident $500 Additional charge of $25 per vendor when applicable Fees are discounted by 50% for charitable non-profit organizations. (IRS Determination Letter must be provided.) In addition to current fee Main Plaza Special Event Damage Deposit Fees: $1000.00. Cancellation Fee: Less than 2 weeks - damage deposit fee refundable only. No shows/no refund. Refundable damage deposit required.	Weekday Rental: City Resident - $200.00 Non-Resident - $250.00 Weekend Rental: City Resident - $350.00 Non-Resident - $500.00 Additional charge of $25.00 per vendor when applicable Fees are discounted by 50% for charitable non-profit organizations. (IRS Determination Letter must be provided.) In addition to current fee Main Plaza Special Event Damage Deposit Fees - $1000.00. Cancellation Fee: Less than 2 weeks prior to event- damage deposit fee refundable only. No shows/no refund. Refundable damage deposit required.	Weekday Rental: City Resident - $212.00 Non-Resident - $265.00 Weekend Rental: City Resident - $371.00 Non-Resident - $530.00 Additional charge of $26.00 per vendor when applicable Fees are discounted by 50% for charitable non-profit organizations. (IRS Determination Letter must be provided.) In addition to current fee Main Plaza Special Event Damage Deposit Fees - $1061.00. Cancellation Fee: Less than 2 weeks prior to event- damage deposit fee refundable only. No shows/no refund. Refundable damage deposit required.		(Ord. #2005-10) (Revised by Ord. 2007-61) (Revised by Ord. 2010-39) (Revised by Ord. 2012-42) (Revised by Ord. 2015-39) (Revised by Ord. 2016-43) Revised by Ord. 2017-82 (Revised by Ord. 2022-29)
CITY PARKS-DEPOSIT FOR SHORT TERM LICENSE AGREEMENT	$1,040.00		$1,103.00		(Added by Ord. 2001-37)
CITY PARKS-LICENSE FEE FOR USES REQUIRING A SHORT TERM LEASE AGREEMENT	$1,040.00 per day		$1,103.00 per day		(Added by Ord. 2001-37)
PUBLIC FILM PERMIT	$50.00 per day		$53.00 per day		(Added by Ord. 2015-39)
PUBLIC FILM PROJECT EXPENSES	Fees will be established for each filming project based on the costs assoicated with the project				(Added by Ord. 2021-38) (Revised by Ord. 2022-29)
ATHLETIC & RECREATIONAL PROGRAMS	Fees will be established for each program based on the costs associated with the program.				(Added by Ord. 2014-52)

	CURRENT	REVISED	CPI Increase	NEW	NOTE
PARKS AND RECREATION:					
WATER WORKS TERRACE	With Main Plaza Rental: Weekday Resident $25 Weekend Resident $50 Weekday non-resident $50 Weekend Non-resident $75 Without Main Plaza Rental Weekday Resident $50 Weekend Resident $75 Weekday Non-resident $75 Weekend Non-resident $100 $50 Refundable Security Deposit. Cancellation Fee: Less than 2 weeks - damage deposit fee refundable only. No shows/no refund. Refundable damage deposit required.	With Main Plaza Rental: Weekday City Resident - $25.00 Weekend City Resident - $50.00 Weekday Non-Resident - $50.00 Weekend Non-Resident - $75.00 Without Main Plaza Rental: Weekday City Resident - $50.00 Weekend City Resident - $75.00 Weekday Non-Resident - $75.00 Weekend Non-Resident - $100.00 Refundable Security Deposit - $50.00 Cancellation Fee: Less than 2 weeks prior to event- damage deposit fee refundable only. No shows/no refund. Refundable damage deposit required.	With Main Plaza Rental: Weekday City Resident - $26.00 Weekend City Resident - $53.00 Weekday Non-Resident - $53.00 Weekend Non-Resident - $79.00 Without Main Plaza Rental: Weekday City Resident - $53.00 Weekend City Resident - $79.00 Weekday Non-Resident - $75.00 Weekend Non-Resident - $106.00 Refundable Security Deposit - $53.00 Cancellation Fee: Less than 2 weeks prior to event- damage deposit fee refundable only. No shows/no refund. Refundable damage deposit required.		(Added by Ord. 2012-42) (Revised by Ord. 2022-29)
CITY PARK TOURNAMENT/ CAMP FIELD RENTAL	$150 per field per day $200 set fee per field $50 refundable security deposit per field. Cancellation Fee: Less than 2 weeks - damage deposit fee refundable only. No shows/no refund. Refundable damage deposit required.		$159 per field per day $212 set fee per field $53 refundable security deposit per field. Cancellation Fee: Less than 2 weeks - damage deposit fee refundable only. No shows/no refund. Refundable damage deposit required.		(Added by Ord. 2012-42) (Revised by Ord. 2014-52) (Revised by Ord. 2016-43)
AMPHITHEATER	Weekday Rental: Resident $210 Non-Resident $315 Weekend Rental: Resident $420 Non-Resident $525 Additional charge of $10 per vendor when applicable. Fees are discounted by 50% for charitable non-profit organizations. (IRS Determination Letter must be provided.) In addition to current fee Special Event Damage Deposit Fees: 1 to 100 participants - $210 deposit. 101 to 500 participants - $315 deposit. Cancellation Fee: 2 weeks prior to rental - $25 admin. fee Less than 2 weeks - 25% of rental plus $25 administrative fee. No shows/ no refund.		Weekday Rental: Resident $222 Non-Resident $334 Weekend Rental: Resident $445 Non-Resident $557 Additional charge of $10 per vendor when applicable. Fees are discounted by 50% for charitable non-profit organizations. (IRS Determination Letter must be provided.) In addition to current fee Special Event Damage Deposit Fees: 1 to 100 participants - $222 deposit. 101 to 500 participants - $334 deposit. Cancellation Fee: 2 weeks prior to rental - $26 admin. fee Less than 2 weeks - 25% of rental plus $26 administrative fee. No shows/ no refund.		(Added by Ord. 2015-39) Weekdays: Monday - Thursday Weekends: Friday - Sunday Maximum of two mobile food vendors per event. Damages above the deposit amount will be charged at a rate of $30 per hour per staff member required to address damages, plus all actual costs incurred to clean, repair or otherwise mitigate damages.

	CURRENT	REVISED	CPI Increase	NEW	NOTE
PARKS AND RECREATION:					
AMPHITHEATER STAGE LIGHTING	$155.00 plus $40.00 per hour labor fee	$155.00 plus $50.00 per hour labor fee			Added by Ord. 2017-82 10 days notice is required to utilize City staff for lighting

	CURRENT	REVISED	CPI Increase	NEW	NOTE
PUBLIC RECORDS AND DOCUMENTS:					
COPIES - 50 PAGES OR LESS	$0.10 per page				(Prior to 3-12-96) (Ord. 96-05)
COPIES - MORE THAN 50 PAGES OR IF INFORMATION REQUESTED IS LOCATED IN MORE THAN ONE BUILDING OR IN A REMOTE STORAGE FACILITY	Actual copy charge plus personnel at $17.00 an hour and overhead at 20% of personnel charge	Actual copy charge plus personnel at $15.00 an hour and overhead at 20% of personnel charge			(Added 3-12-96) (Ord. 96-05) (Revised by Ord. 2022-29)
PRINTED COPIES - LARGE FORMAT - BLACK & WHITE 18"X 24" 24" x 36" 30" x 42"	 Actual Cost Actual Cost Actual Cost				See Note #17 (Added by Ord. 2009-46) (Revised by Ord. 2020-28)
PRINTED COPIES - LARGE FORMAT - COLOR 18"X 24" 24" x 36" 30" x 42"	 Actual Cost Actual Cost Actual Cost				See Note #17 (Added by Ord. 2009-46) (Revised by Ord. 2020-28)
SCANNING - LARGE FORMAT	Actual Cost				See Note #17 (Added by Ord. 2009-46) (Revised by Ord. 2020-28)
NON-STANDARD SIZE COPIES: DVD USB Drive	 $1.00 each $1.00 each				(Prior to 3-12-96) (Ord. 96-05) (Revised by Ord. 2005-10) (Revised by Ord. 2007-61) (Revised by Ord. 2016-43) (Revised by Ord. 2020-28) See Note #21
COMPUTER RESOURCE CHARGES: PC OR LAN PROGRAMMING TIME	 $2.00/hr $30.00/hr		 $2.00/hr $31.00/hr		(Prior to 3-12-96) (Ord. 96-05) (Revised by Ord. 2020-28) (Revised by Ord. 2022-29)
POSTAGE AND SHIPPING	Actual cost				(Prior to 3-12-96) (Ord. 96-05)
NOTARY PUBLIC FEE	$7.00 per document				(Prior to 3-12-96) (Ord. 96-05) (Revised by Ord. 2011-29) (Revised by Ord. 2022-29)
ADMINISTERING AN OATH	$5.00				(Prior to 3-12-96) (Ord. 96-05)

	CURRENT	REVISED	CPI Increase	NEW	NOTE
PUBLIC RECORDS AND DOCUMENTS:					
CERTIFY A DOCUMENT	**$2.00 each certification**				**Added by Ord. 2020-28 (Revised by Ord. 2022-29)**

	CURRENT	REVISED	CPI Increase	NEW	NOTE
UTILITIES:					
GARBAGE BILLING/COLLECTION FEE	$1.00 per customer per month				(Revised by Ord. 2001-37)
GARBAGE - BRUSH COLLECTION - MONTHLY FEE	$1.00 per customer per month				Includes 1 brush-pick up per calendar year See Note #20 (Revised by Ord. 2015-11)
GARBAGE - BRUSH COLLECTION - ADDITIONAL PICK-UP ACTIVE ACCOUNT ONLY	$25.00 per pick-up on each additional pick-up		$26.00 per pick-up on each additional pick-up		This fee is charged on additional pick-ups per calendar year See Note #20 (Revised by Ord. 2015-11)
GARBAGE - BRUSH COLLECTION - SPECIAL REQUESTS: OWNER ACCOUNTS WITH TENANT, COMMERCIAL ACCOUNTS, NON-ACTIVE ACCOUNTS (PROPERTY OWNER DOES NOT HAVE ACTIVE RESIDENTIAL UTILITY ACCOUNT)	$25 per pick-up		$26 per pick-up		See Note #20 REQUESTS WITHOUT ACTIVE ACCOUNT MUST PREPAY (Added by Ord. 2015-28)
PROCESSING FEE: DISCONNECT - RECONNECT AT CUSTOMERS REQUEST	Regular hours: Electric/Water/Gas - $55.00 After hours: $110.00		Regular hours: Electric/Water/Gas - $58.00 After hours: $116.00		Regular work hours = 8:00 a.m. to 5:00 p.m. city work days (Revised by Ord. 2001-37) (Revised by Ord. 2007-61) (Revised by Ord. 2013-42) Revised by Ord. 2017-82 Revised by Ord. 2019-52 (Revised by Ord. 2022-29)
REREAD FEE / ADDITIONAL WATER PROFILE FEE	$20 charge after 2nd re-read in a 12 month period if no errors found and $20 charge after 2nd Water Profile in a 12 month period		$21 charge after 2nd re-read in a 12 month period if no errors found and $21 charge after 2nd Water Profile in a 12 month period		(Revised by Ord. 2001-37) (Revised Ord. 2010-39)
RETURN CHECK, ACH, CREDIT CARD AND/OR CREDIT CARD DRAFT (CCD)	$35.00		$37.00		(Revised by Ord. 2001-37) (Revised by Ord. 2007-61) Revised by Ord. 2017-82

	CURRENT	REVISED	CPI Increase	NEW	NOTE
UTILITIES:					
ACCOUNT ACTIVATION FEE	$18.00 E $18.00 W $18.00 RW $18.00 G		$19.00 E $19.00 W $19.00 RW $19.00 G		After hours - $50.00 ea (Revised by Ord. 2001-37) (Revised by Ord. 2016-43) (Revised by Ord. 2022-29)
TRANSFER FEE	$18.00		$19.00		Revised by Ord. 2001-37) (Revised by Ord. 2022-29)
MISCELLANEOUS FEE	$18.00 and $35.00 (after normal business hours)		$19.00 and $37.00 (after normal business hours)		(Revised by Ord. 2001-37) (Added by Ord. 2006-56) (Revised by Ord. 2022-29)
METER TEST FEE (ONE FREE TEST PER FOUR YEARS, THEREAFTER, FEE CHARGED IF METER IS VALID)	Actual cost				(Prior to 3-12-96) (Ord. 96-05)
METER TAMPER	$155.00 per offense plus additional costs	$200.00 per offense plus additional costs			(Revised by Ord. 2001-37) (Revised by Ord. 2014-52) (Revised by Ord. 2022-29) Note #19
OVERHEAD BANNERS ON MAIN STREET	$150.00		$159.00		(Added 7-13-99) (Ord. 99-07) (Revised by Ord. 2004-12) (Revised by Ord. 2022-29)
DISTRIBUTED GENERATION APPLICATION FEE	$520.00		$551.00		(Added by Ord. 2021-38) (Revised by Ord. 2022-29)

	CURRENT	REVISED	NEW	NOTE
NETWORK NODES FEES:				

For Network Node Fees, please see Ordinance 2017-75 and 2019-01

	CURRENT	REVISED	CPI Increase	NEW	NOTE
ELECTRIC SERVICE CONNECTION FEES:					
SINGLE PHASE AND THREE PHASE UNDERGROUND PRIMARY EXTENSION: RESIDENTIAL, COMMERCIAL, INDUSTRIAL	Actual cost				Customer installs at his expense conduit, pull tape and warning tape. Note #2 (Added by Ord. 2006-56)
SINGLE PHASE UNDERGROUND SECONDARY SERVICE; ALL CLASSES; 200 AMP MAXIMUM	$220.00 plus prevailing cost of wire at time of installation for wire used and transformer (if applicable)		$233.00 plus prevailing cost of wire at time of installation for wire used and transformer (if applicable)		Customer installs at his expense; conduit, pull tape and warning tape. Note #3 (Revised by Ord. 2001-37) (Revised by Ord. 2006-56) (Revised by Ord. 2011-29) (Revised by Ord. 2012-42) (Revised by Ord. 2022-29)
THREE PHASE UNDERGROUND SECONDARY SERVICE; ALL CLASSES; 200 AMP MAXIMUM	$575.00 plus prevailing cost of wire at time of installation for wire used and transformer (if applicable)		$610.00 plus prevailing cost of wire at time of installation for wire used and transformer (if applicable)		Customer installs at his expense; conduit, pull tape and warning tape. Note #3 (Revised by Ord. 2001-37) (Revised by Ord. 2006-56) (Revised by Ord. 2011-29) (Revised by Ord. 2012-42) (Revised by Ord. 2022-29)
SINGLE PHASE OVERHEAD PRIMARY EXTENSION; ALL CLASSES	Actual cost				Note #2 (Revised by Ord. 2005-10) (Revised by Ord. 2006-56)
THREE PHASE OVERHEAD PRIMARY EXTENSION; ALL CLASSES 4/0 ACSR	Actual cost				Note #2 (Revised by Ord. 2005-10) (Revised by Ord. 2006-56)
SINGLE PHASE OVERHEAD SECONDARY SERVICE; ALL CLASSES, 200 AMP MAXIMUM	$235.00 plus prevailing cost of wire at time of installation for wire used and transformer (if applicable)		$249.00 plus prevailing cost of wire at time of installation for wire used and transformer (if applicable)		Note #3 (Revised by Ord. 2001-37) (Revised by Ord. 2006-56) (Revised by Ord. 2007-61) (Revised by Ord. 2011-29) (Revised by Ord. 2022-29)
SINGLE PHASE OVERHEAD SECONDARY SERVICE; ALL CLASSES, 320 AMP MAXIMUM	$435.00 plus prevailing cost of wire at time of installation for wire used and transformer (if applicable)		$461.00 plus prevailing cost of wire at time of installation for wire used and transformer (if applicable)		(Added by Ord. 2014-52) (Revised by Ord. 2022-29)

	CURRENT	REVISED	CPI Increase	NEW	NOTE
ELECTRIC SERVICE CONNECTION FEES:					
THREE PHASE OVERHEAD SECONDARY SERVICE; ALL CLASSES 200 AMP MAXIMUM	$670.00 plus prevailing cost of wire at time of installation for wire used and transformer (if applicable)		$710.00 plus prevailing cost of wire at time of installation for wire used and transformer (if applicable)		Note #3 (Revised by Ord. 2001-37) (Revised by Ord. 2006-56) (Revised by Ord. 2007-61) (Revised by Ord. 2011-29) (Revised by Ord. 2022-29)
METER BANK* SINGLE PHASE SERVICE: ALL CLASSES, 200 AMP MAXIMUM (INITIAL SERVICE AND FIRST METER) (*Meter Bank = 4 Minimum)	$220.00 plus prevailing cost of wire at time of installation for wire used and transformer (if applicable)		$233.00 plus prevailing cost of wire at time of installation for wire used and transformer (if applicable)		(Ord. 2003-05) (Revised by Ord. 2007-61) (Revised by Ord. 2011-29) (Revised by Ord. 2022-29)
METER BANK* THREE PHASE SERVICE: ALL CLASSES, 200 AMP MAXIMUM (INITIAL SERVICE AND FIRST METER) (*Meter Bank = 4 Minimum)	$575.00 plus prevailing cost of wire at time of installation for wire used and transformer (if applicable)		$610.00 plus prevailing cost of wire at time of installation for wire used and transformer (if applicable)		(Ord. 2003-05) (Revised by Ord. 2007-61) (Revised by Ord. 2011-29) (Revised by Ord. 2022-29)
ADDITIONAL SINGLE PHASE SECONDARY SERVICE ADDED TO AN EXISTING SERVICE 200 AMP MAXIMUM	$220.00 per service		$233.00 per service		(Revised by Ord. 2001-37) (Revised by Ord. 2006-56) (Revised by Ord. 2011-29) (Revised by Ord. 2022-29)
ADDITIONAL THREE PHASE SECONDARY SERVICE ADDED TO AN EXISTING SERVICE, OR SINGLE PHASE SERVICE ADDED TO A THREE PHASE SERVICE 200 AMP MAXIMUM	$575.00 per service		$610.00 per service		(Revised by Ord. 2001-37) (Revised by Ord. 2006-56) (Revised by Ord. 2011-29) (Revised by Ord. 2022-29)
SECONDARY SERVICE WITH CT METERING, SINGLE PHASE; OVER 320 AMP	$775.00 per service plus prevailing wire cost at the time of installation for wire used and transformer (if applicable)	Change to 320 AMP. 320 AMP service is our largest single phase self contained metered service before CT metering.	$822.00 per service plus prevailing wire cost at the time of installation for wire used and transformer (if applicable)		(Revised by Ord. 2001-37) (Revised by Ord. 2007-61) (Revised by Ord. 2011-29) (Revised by Ord. 2013-47) (Revised by Ord. 2022-29) Note #18
SECONDARY SERVICE WITH CT METERING, THREE PHASE; OVER 200 AMP	$795.00 per service plus prevailing wire cost at the time of installation for wire used and transformer (if applicable)		$1,034.00 per service plus prevailing wire cost at the time of installation for wire used and transformer (if applicable)		(Revised by Ord. 2001-37) (Revised by Ord. 2007-61) (Revised by Ord. 2011-29) (Revised by Ord. 2022-29)
BI-DIRECTIONAL METER	4s or 9s - $500.00 2s - $200.00		4s or 9s - $530.00 2s - $212.00		Added by Ord. 2017-82 (Revised by Ord. 2022-29)

	CURRENT	REVISED	CPI Increase	NEW	NOTE
ELECTRIC SERVICE CONNECTION FEES:					
TEMPORARY SERVICE 100 AMP MAXIMUM (CONSTRUCTION SERVICE)	**$45.00 customer supplies and installs all temporary meter pole materials and equipment**		**$47.00 customer supplies and installs all temporary meter pole materials and equipment**		**(Revised by Ord. 2001-37)** **(Revised by Ord. 2022-29)**
METER/SERVICE POLE INSTALLATION	**$285.00**	**$350.00**			**(Revised by Ord. 2001-37)** **(Revised by Ord. 2011-29)** **(Revised by Ord. 2015-39)** **(Revised by Ord. 2022-29)**

	CURRENT	REVISED	CPI Increase	NEW	NOTE
ELECTRIC SERVICE CONNECTION FEES:					
METER/SERVICE POLE REMOVAL	$80.00		$84.00		(Revised by Ord. 2001-37) (Revised by Ord. 2022-29)
METER/SERVICE POLE REPLACEMENT	$310.00		$328.00		(Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Revised by Ord. 2015-39) (Revised by Ord. 2022-29)
RELOCATE POLES, LINES OR SERVICE AT CUSTOMER REQUEST	Actual cost				(Prior to 3-12-96) (Ord. 96-05) (Revised by Ord. 2003-05)
INCREASE SERVICE SIZE, OR TYPE, AT CUSTOMERS REQUEST	New service fee				(Prior to 3-12-96) (Ord. 96-05) (Revised by Ord. 2003-05)
ALL SPECIAL ELECTRIC SERVICES AND SPECIAL APPLICATIONS NOT COVERED ABOVE	Actual cost				(Prior to 3-12-96) (Ord. 96-05)
REPAIR SERVICE DAMAGED BY CONSTRUCTION	Actual Cost -$250 minimum	Actual Cost - $500 minimum			(Added by Ord. 2012-42) Revised by Ord. 2017-82

	CURRENT	REVISED	CPI Increase	NEW	NOTE
POTABLE AND RECLAIMED WATER SERVICE CONNECTION FEES:					
NEW TAP AND 3/4 INCH SERVICE	$400.00 plus ~~$3.00 per ft. for all pipe over 50 ft.~~	Change to "plus the actual cost of pipe". Our standard practice does not allow piping over 50ft.	$424 plus the actual cost of pipe. Our standard practice does not allow piping over 50ft.		Note #4 note #5 (Revised by Ord. 2001-37) (Revised by Ord. 2020-28) (Revised by Ord. 2022-29)
NEW TAP AND 1 INCH SERVICE	$445.00 plus ~~$3.25 per ft. for all pipe over 50 ft.~~	Change to "plus the actual cost of pipe". Our standard practice does not allow piping over 50ft.	$472 plus the actual cost of pipe. Our standard practice does not allow piping over 50ft.		Note #4 note #5 (Revised by Ord. 2001-37) (Revised by Ord. 2020-28) (Revised by Ord. 2022-29)
NEW TAP AND 1 1/2 INCH SERVICE	$480.00 plus ~~$3.50 per ft. for all pipe over 50 ft.~~	Change to "plus the actual cost of pipe". Our standard practice does not allow piping over 50ft.	$509 plus the actual cost of pipe. Our standard practice does not allow piping over 50ft.		Note #4 note #5 (Revised by Ord. 2001-37) (Revised by Ord. 2020-28) (Revised by Ord. 2022-29)
NEW TAP AND 2 INCH SERVICE	$545.00 plus ~~$4.00 per ft. of pipe~~	Change to "plus the actual cost of pipe". Our standard practice does not allow piping over 50ft.	$578 plus the actual cost of pipe. Our standard practice does not allow piping over 50ft.		Note #4 note #5 (Revised by Ord. 2001-37) (Revised by Ord. 2020-28) (Revised by Ord. 2022-29)
NEW TAP AND 3 INCH SERVICE	$1,330.00 plus ~~$4.50 per ft. of pipe~~	Change to "plus the actual cost of pipe". Our standard practice does not allow piping over 50ft.	$1,411 plus the actual cost of pipe. Our standard practice does not allow piping over 50ft.		(Added by Ord. 2004-12) (Revised by Ord. 2020-28) (Revised by Ord. 2022-29)
NEW TAP AND 4 INCH SERVICE	$1,380.00 plus ~~$5.25 per ft. of pipe~~	Change to "plus the actual cost of pipe". Our standard practice does not allow piping over 50ft.	$1,464 plus the actual cost of pipe. Our standard practice does not allow piping over 50ft.		Note #4 note #5 (Revised by Ord. 2001-37) (Revised by Ord. 2020-28) (Revised by Ord. 2022-29)
METER CHARGES AND NEW METER ADDED TO EXISTING SERVICES. METER SIZE:					(Revised by Ord. 2001-37) (Revised by Ord. 2011-29) (Ord. 2003-05) (Added by Ord. 2001-37)
5/8 X 3/4 INCH NON-TURBINE	$160.00		$169.00		(Revised by Ord. 2013-47)
3/4" COMBINED FIRE FLOW METER	$475.00		$503.00		(Revised by Ord. 2020-28) (Revised by Ord. 2022-29)
Multiple meters 5/8 X 3/4 inch (3 minimum)	$130 per meter		$137 per meter		
3/4 INCH NON-TURBINE	$190.00		$201.00		
1 INCH NON-TURBINE	$290.00		$307.00		

	CURRENT	REVISED	CPI Increase	NEW	NOTE
POTABLE AND RECLAIMED WATER SERVICE CONNECTION FEES:					
1 1/2 INCH NON-TURBINE	$470.00	Change amount to $750.00. Cost of meter has increased. Current cost is $750.00			
2 INCH COMPOUND	$1,770.00	Change amount to $2,500.00. Cost of meter has increased. Current cost is $2,500.00			
3 INCH COMPOUND	$2,080.00	Change amount to $3,750.00. Cost of meter has increased. Current cost is $3,750.00			
4 INCH COMPOUND	$3,120.00	Change amount to $4,975.00. Cost of meter has increased. Current cost is $4,975.00			
6 INCH COMPOUND	$4,160.00	Change amount to $6,175.00. Cost of meter has increased. Current cost is $6,175.00			
ALL SPECIAL WATER SERVICES AND SPECIAL APPLICATIONS NOT COVERED ABOVE	Actual cost				(Prior to 3-12-96) (Ord. 96-05)
BACKFLOW PREVENTION ANNUAL TESTER REGISTRATION	$50.00 Per tester (non-refundable)		$53.00 Per tester (non-refundable)		(Added by Ord. 2001-37)
BULK POTABLE WATER METER DEPOSIT	$675.00 for contractors		$716.00 for contractors		(Added by Ord. 2001-37) (Revised by Ord. 2020-28) (Revised by Ord. 2022-29)
BULK POTABLE WATER METER RENTAL FEE	$6.75 Per day		$7.00 Per day		(Added by Ord. 2001-37) (Revised by Ord. 2022-29)
BULK POTABLE WATER CONSUMPTION	$5.50 Per 1000 gals.				(Added by Ord. 2001-37) (Revised by Ord. 2022-29)
BULK RECLAIMED WATER FOR CONSTRUCTION	$5.00 Per 1000 gals. $250 Deposit per account required.		$5.00 Per 1000 gals. $265 Deposit per account required.		(Added by Ord. 2008-58) (Revised by Ord. 2022-29)

	CURRENT	REVISED	CPI Increase	NEW	NOTE
POTABLE AND RECLAIMED WATER SERVICE CONNECTION FEES:					
REPAIR SERVICE DAMAGED BY CONSTRUCTION	**Actual Cost -$250 minimum**	**Actual Cost - $500 minimum**			**(Added by Ord 2003-05) Revised by Ord. 2017-82 (Revised by Ord. 2022-29)**
ALL SPECIAL WATER SERVICES AND SPECIAL APPLICATIONS NOT COVERED ABOVE	**Actual cost**				**(Prior to 3-12-96 (Ord. 96-05)**

	CURRENT	REVISED	CPI Increase	NEW	NOTE
SEWER SERVICE CONNECTION FEES:					
SEWER TAP AND 6 INCH SERVICE	$330.00 plus $5.00 per ft. of pipe over 15 ft.	Change to "plus the actual cost of pipe". City determines the location of all sewer services	$350 plus the actual cost of pipe. City determines the location of all sewer services.		Note #6 (Revised by Ord. 2001-37) (Revised by Ord. 2020-28) (Revised by Ord. 2022-29)
SEWER TAP AND 8 INCH SERVICE	$450.00 plus $7.00 per ft. of pipe over 15 ft.	Change to "plus the actual cost of pipe". City determines the location of all sewer services	$477 plus the actual cost of pipe. City determines the locational of all sewer services.		Service is available only where main size is 8 inch or larger note #6 (Revised by Ord. 2001-37) (Revised by Ord. 2020-28) (Revised by Ord. 2022-29)
REPAIR SERVICE DAMAGED BY CONSTRUCTION	Actual Cost - $250 minimum	Actual Cost - $500 minimum			(Ord. 2003-05) (Revised by Ord. 2013-47)
ALL SPECIAL SEWER SERVICES AND SPECIAL APPLICATIONS NOT COVERED ABOVE	Actual Cost				(Ord. 2003-05)

	CURRENT	REVISED	CPI Increase	NEW	NOTE
NATURAL GAS SERVICE CONNECTION FEES:					
NEW TAP AND 1 INCH SERVICE	$500.00 plus ~~$3.00 per ft. for all pipe over 50 ft.~~	Change to "plus the actual cost of pipe". Our standard practice does not allow piping over 50ft.	$530 plus the actual cost of pipe. Our standard practice does not allow piping over 50ft.		Note #4 & note #5 (Revised by Ord. 2001-37) (Revised by Ord. 2020-28) (Revised by Ord. 2022-29)
NEW TAP AND 2 INCH SERVICE	$675.00 plus ~~$5.00 per ft. of pipe over 50 ft.~~	Change to "plus the actual cost of pipe". Our standard practice does not allow piping over 50ft.	$716 plus the actual cost of pipe. Our standard practice does not allow piping over 50ft.		Note #4 & note #5 (Revised by Ord. 2001-37) (Revised by Ord. 2020-28) (Revised by Ord. 2022-29)
METER CHARGES AND NEW METERS ADDED TO EXISTING SERVICES. SIZE UP TO:					(Revised by Ord. 2001-37) (Revised by Ord. 2003-05) (Revised by Ord. 2022-29)
275 CFH	$165.00		$175.00		(Revised by Ord. 2011-29) (Revised by Ord. 2022-29)
415 CFH	$375.00		$397.00		(Revised by Ord. 2011-29) (Revised by Ord. 2014-52) (Revised by Ord. 2022-29)
880 CFH	$1,015.00		$1,076.00		(Revised by Ord. 2011-29) (Revised by Ord. 2014-52) (Revised by Ord. 2022-29)
1000 CFH	$2,455.00		$2,604.00		(Revised by Ord. 2011-29) (Revised by Ord. 2014-52) (Revised by Ord. 2020-28) (Revised by Ord. 2022-29)
3000 CFH	$2,600.00		$2,758.00		(Revised by Ord. 2011-29) (Revised by Ord. 2014-52) (Revised by Ord. 2020-28) (Revised by Ord. 2022-29)
5000 CFH	$2,785.00		$2,954.00		(Revised by Ord. 2011-29) (Revised by Ord. 2014-52) (Revised by Ord. 2020-28) (Revised by Ord. 2022-29)

NATURAL GAS SERVICE CONNECTION FEES:					
7000 CFH	$3,390.00		$3,596.00		(Added by Ord. 2011-29) (Revised by Ord. 2014-52) (Revised by Ord. 2020-28) (Revised by Ord. 2022-29)
11000 CFH	$4,110.00		$4,360.00		(Added by Ord. 2011-29) (Revised by Ord. 2014-52) (Revised by Ord. 2020-28) (Revised by Ord. 2022-29)
ALL SPECIAL GAS SERVICES AND OTHER APPLICATIONS NOT COVERED ABOVE	Actual Cost				(Prior to 3-12-96) (Ord. 96-05)
REPAIR SERVICE DAMAGED BY CONSTRUCTION	Actual Cost -$250 minimum	Actual Cost - $500 minimum			(Added by Ord. 2011-42) Revised by Ord. 2017-82

	CURRENT	REVISED	CPI Increase	NEW	NOTE
PLANNING AND DEVELOPMENT:					
RE-ZONING APPLICATION FEE	$675.00		$716.00		Refundable if no expenses have been incurred (Revised by Ord. 2007-61) (Revised by Ord. 2015-39) (Revised by Ord. 2018-42) (Revised by Ord. 2022-29)
SPECIAL USE PERMIT	$520.00		$551.00		Refundable if no expenses have been incurred (Revised by Ord. 2007-61) (Revised by Ord. 2022-29) Renamed from CC Approval
SUBDIVISION ORDINANCE VARIANCE APPLICATION FEE	$365.00 for first request & $105.00 for additional requests for the same property heard at the same meeting		$387.00 for first request & $111.00 for additional requests for the same property heard at the same meeting		(Added by Ord. 2009-46) (Revised by Ord. 2015-39) (Revised by Ord. 2021-21) (Revised by Ord. 2022-29)
SUBDIVISION PLAT FILING OR REPLAT FEES	$675.00 per plat plus $105.00 per lot		$716.00 per plat plus $111.00 per lot		Residential or commercial & industrial areas less than one acre per lot (Revised by Ord. 2001-37) (Revised by Ord. 2007-61) (Revised by Ord. 2015-39) (Revised by Ord. 2021-21) (Revised by Ord. 2022-29)
VACATE PLAT FILING FEES	$365.00		$387.00		(Added by Ord. 2015-39) (Revised by Ord. 2022-29)
AMENDING SUBDIVISION PLAT FILING FEE (ADMINISTRATIVELY APPROVED)	$365.00		$387.00		(Added by Ord. 2009-46) (Revised by Ord. 2015-39) (Revised by Ord. 2022-29)
MINOR DEVELOPMENT PLAT FILING FEE	$365.00		$387.00		(Added by Ord. 2015-39) (Revised by Ord. 2021-21) (Revised by Ord. 2022-29)

	CURRENT	REVISED	CPI Increase	NEW	NOTE
PLANNING AND DEVELOPMENT:					
MAJOR DEVELOPMENT PLAT FILING FEES	**$675.00 per plat plus $50.00 per acre**		**$716.00 per plat plus $53.00 per acre**		**Tract being developed has not previously been subdivided, and tract is for single family residence on a tract of more than 90,000 sf, or commercial development, or tract is platted but being replatted into smaller lots or vacated (Revised by Ord. 2001-37) (Revised by Ord. 2007-61) (Revised by Ord. 2015-39) (Revised by Ord. 2021-21) (Revised by Ord. 2022-29)**
TREE PRESERVATION REVIEW AND INSPECTION	**Actual cost of consultant**				**(Added by Ord. 2015-39)**
TREE REMOVAL	**$155.00**		**$164.00**		**Paid into Tree Restoration Fund (Added by Ord. 2015-39) (Revised by Ord. 2021-21) (Revised by Ord. 2021-38) (Revised by Ord. 2022-29)**
MITIGATION FOR TREE REMOVAL	**Standard tree $50/in TC, Legacy tree $105/in TC, Heritage tree $210/in TC**		**Standard tree $53/in TC, Legacy tree $111/in TC, Heritage tree $222/in TC**		**Currently in Zoning Ordinance Paid into the Tree Restoration Fund (Revised by Ord. 2021-21) (Revised by Ord. 2022-29)**
MITIGATION FOR TREE REMOVAL WITHIN A DRAINAGE PROTECTION ZONE	**Standard tree $105/in TC, Legacy tree $210/in TC, Heritage tree $305/in TC**		**Standard tree $111/in TC, Legacy tree $222/in TC, Heritage tree $323/in TC**		**Currently in Zoning Ordinance Paid into the Tree Restoration Fund (Added by Ord 2021-21) (Revised by Ord. 2022-29)**

	CURRENT	REVISED	CPI Increase	NEW	NOTE
PLANNING AND DEVELOPMENT:					
TREE REMOVAL VIOLATION OR TREE MORTALITY VIOLATION	$250 p/circumference inch or replacement - no more than $1,000.00 p/day		$265 p/circumference inch or replacement - no more than $1,000.00 p/day		Currently in Zoning Ordinance Paid into the Tree Restoration Fund (Added by Ord 2021-21) (Revised by Ord. 2022-29)
KENDALL COUNTY RECORDING FEES	Actual cost as determined by the County Clerk's Fee Schedule currently in effect				Paid to the City of Boerne for recording of plats with the County. (Added by Ord. 2007-61) (Revised by Ord. 2013-47)
LAND STUDY	$520.00		$551.00		(Added by Ord. 2021-21) (Revised by Ord. 2022-29)
MASTER DEVELOPMENT PLAN (MDP) REVIEW	$2,080 plus $105/acre (max $5,000)		$2,206 plus $111/acre (max $5,000)		(Added by Ord. 2015-39) (Added by Ord. 2021-21) (Revised by Ord. 2022-29)
MASTER DEVELOPMENT PLAN (MDP) MAJOR AMENDMENT	$1,040.00		$1,103.00		(Added by Ord. 2021-21) (Revised by Ord. 2022-29)
MASTER DEVELOPMENT PLAN (MDP) MINOR AMENDMENT	$520.00		$551.00		(Added by Ord. 2021-21) (Revised by Ord. 2022-29)
CLUSTER DEVELOPMENT DISTRICT (CDD)	$625.00		$663.00		(Added by Ord. 2021-38) (Revised by Ord. 2022-29)
PLANNED DEVELOPMENT DISTRICT (PDD) REVIEW	$625.00		$663.00		(Added by Ord. 2021-21) (Revised by Ord. 2022-29)

	CURRENT	REVISED	CPI Increase	NEW	NOTE
PLANNING AND DEVELOPMENT:					
PLANNED UNIT DEVELOPMENT (PUD) REVIEW FEES	$415.00		$440.00		(Added by Ord. 2007-61) (Revised by Ord. 2022-29)
PLANNED UNIT DEVELOPMENT OR PLANNED DEVELOPMENT DISTRICT (PDD/PUD) BUDGET REVIEW	Actual cost of consultant				(Added by Ord. 2007-61) (Added by Ord. 2021-21)
CERTIFICATE OF APPROVAL (SUBMITTAL TO DESIGN REVIEW CTE)	$210.00		$222.00		(Added by Ord. 2021-21) (Revised by Ord. 2022-29)
CERTIFICATE OF APPROVAL (SUBMITTAL TO DESIGN REVIEW CTE)	$210.00		$222.00		(Added by Ord. 2021-21) (Revised by Ord. 2022-29)
LAND USE DETERMINATION	$520.00		$551.00		(Added by Ord. 2013-42) (Revised by Ord. 2015-39)
HISTORIC LANDMARK COMMISSION PROCESSING FEE	$155.00		$164.00		Certificate of Appropriateness Application Review (Added by Ord. 2018-42)
VESTED RIGHTS DETERMINATION	$1,040.00 per lot for homestead property; $2,600 + attorney fees for multiple lot/residential subdivision, multifamily or commercial properties		$1,103.00 per lot for homestead property; $2,758 + attorney fees for multiple lot/residential subdivision, multifamily or commercial properties		(Added by Ord. 2021-21) (Revised by Ord. 2021-38) (Revised by Ord. 2022-29)
DISCUSSION ONLY AGENDA ITEM	$105.00		$111.00		(Added by Ord. 2021-21) (Revised by Ord. 2022-29)
PLAT EXPIRATION EXTENSION	$1,040.00		$1,103.00		(Added by Ord. 2021-21) (Revised by Ord. 2021-38) (Revised by Ord. 2022-29)
PARK LAND DEDICATION	As determined by the UDC regulations				(Added by Ord. 2021-21)

	CURRENT	REVISED	CPI Increase	NEW	NOTE
PLANNING AND DEVELOPMENT:					
ANNEXATION PETITION BY PROPERTY OWNER	$520.00		$551.00		(Added by Ord. 2021-21) (Revised by Ord. 2022-29)
ZONING VERIFICATION LETTER	$30.00		$31.00		(Added by Ord. 2021-21)
PLAT WAIVER	$520.00		$551.00		(Added by Ord. 2021-21) (Revised by Ord. 2022-29)
THOROUGHFARE PLAN AMENDMENT	$520.00 + $ assessed value per acre		$551.00 + $ assessed value per acre		(Added by Ord. 2021-21) (Revised by Ord. 2021-38) (Revised by Ord. 2022-29)
MASTER SIGN AGREEMENT	Recording fees as determined by Kendall County				(Added by Ord. 2021-38)
SHORT-TERM RENTAL PERMIT FEE				$200	(Added by Ord. 2023-09)
SHORT-TERM RENTAL INSPECTION FEE				$100	(Added by Ord. 2023-09)

	CURRENT	REVISED	CPI Increase	NEW	NOTE
ZONING BOARD OF ADJUSTMENT AND APPEALS:					
APPLICATION FEE FOR VARIANCE OR APPEAL TO DECISION OF ADMINISTRATIVE OFFICIAL	**$260.00 for first request & $80.00 for additional requests for the same property heard at the same meeting**		**$275.00 for first request & $84.00 for additional requests for the same property heard at the same meeting**		**No refund if costs for publications are incurred (Revised 7-13-99) (Ord. 99-07) (Revised by Ord. 2004-12) (Revised by Ord. 2006-56) (Revised by Ord. 2009-46) (Revised by Ord. 2022-29)**

NOTE # 1 Intentionally left blank

NOTE # 2 A 15 foot wide standard City of Boerne utility easement shall be provided by the property owner to accommodate the utility extension; to include appropriate access for maintenance

NOTE # 3 The customer shall provide a suitable permanent structure to attach the service and meter loop per the City of Boerne's specifications and utility policies.

NOTE # 4 Meter set fees as shown shall be added to service fees.

NOTE # 5 If a service requires cutting pavement there shall be an additional charge of $100.00 added to the service fee (previous $96.00).

NOTE # 6 If service requires cutting of pavement an additional charge of $200.00 shall be added to service charge (previous $180.00).

NOTE # 7 Applicable only when contractor has requested re-inspection and is not ready; or has failed to correct previous violation(s).

NOTE # 8 Intentionally left blank.

NOTE # 9 Intentionally left blank.

NOTE # 10 Intentionally left blank.

NOTE # 11 Intentionally left blank.

NOTE # 12 Class A Tournament: tournament which requires use of seven (7) or more fields. Class B Tournament: tournament which requires use of six (6) or less fields.

NOTE # 13 On a patron's 65th birthday, that patron would be exempt from any increase in the out-of-county fee.

NOTE # 14 Intentionally left blank

NOTE # 15 Charges for review of incomplete or non-conforming documents subsequent to initial review

NOTE # 16 Application fee for special use permits during drought response stages

NOTE # 17 Large format refers to any paper size larger than 11" x 17"

NOTE # 18 Intentionally left blank

NOTE # 18 320 amp self-contained may be installed under certain circumstances.

NOTE # 19 Additional costs includes but is not limited to theft of service and non-residential and specialty meters. See Utility Rules and Regs for further information

NOTE # 20 Brush pick-up is subject to the City's Brush Collection Policy currently in effect.

NOTE # 21 Labor will be charged separately as allowed by the Public Information Act

AGENDA ITEM SUMMARY

Agenda Date	September 12, 2023
Requested Action	PRESENTATION, PUBLIC HEARING AND CONSIDER ON FIRST READING ORDINANCE NO. 2023-28; AN ORDINANCE ANNEXING A 1.633 ACRE PORTION OF RIGHT-OF-WAY ON INTERSTATE HIGHWAY 10 TO THE CITY OF BOERNE, KENDALL COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY. *(One of one public hearing and consider the first reading of an ordinance annexing a portion of IH 10 right-of-way, at the request of Forestar (USA) Real Estate Group, Inc., Matkin Properties, LP, Equity Trust Company Custodian FBO Harold T. duPerier III IRA, and Equity Trust Company Custodian FBO John-Mark Matkin IRA)*
Contact Person	Nathan Crane, Interim Planning Director
Background Information	This request is to hold a public hearing and consider the first reading of an ordinance to approve the voluntary annexation of 1.633 acres and set a time and place for a public hearing which if approved would be held on September 26, 2023. The entire request totals 34.199 acres and is divided into five separate areas. Each area will be considered as a separate agenda item.

Area	*Owner*	*Acres*
1	TxDOT (I-10)	1.633
2	Matkin Properties and DBT Investments	22.653
3	Kendall County (Spencer Road)	1.122
4	Balous and Julie Miller	5.984
5	TxDOT (State Hwy 46)	2.807
Total		34.199

**Shaded row indicates current agenda item.*

Development Agreement

The Spencer Ranch Development Agreement was approved by the Council on June 8, 2021. As part of this agreement the property is to be annexed into the City.

The agreement includes approximately 183 acres. The development plan includes the following uses:

Land Use Category	*Acres*
Single Family	71.12
Mixed Use Residential	21.41
Office	16.97
Commercial/Office	15.19
Mixed Use	23.7
Right of Way	3.82

Municipal Service Plan

A Municipal Service Plans (MSP) is required as part of each annexation. The MSP outlines how property in the annexed area will be served with municipal services. All owners have approved the Municipal Service Plans (MSP).

Texas Water will be the permanent water and sewer provider. The City of Boerne will be responsible for Fire, Police, Road Maintenance, and all other government functions.

Access to the site is provided from Highway 46 through a new proposed collector known as Spencer Ranch Road. The 2023 Mobility Master Plan identifies Spencer Ranch as a Collector Road. It also identifies Fredrick's Creek as a location for a future trail.

Current and Future Zoning

In accordance with Section 2.5 of the Unified Development Code, the property will be designated as a Holding (HOL) district until such time as the property is permanently zoned by the Council. Individual landowners will be responsible for applying to rezone their property.

	Birch at Spencer Ranch The single-family portion of the development is known as the Birch at Spencer Ranch. The development includes the Birch at Spencer Ranch which includes 209 single-family homes on 71.12 acres. The density is 2.93 units per acre. Kendall County has issued a permit to allow grading of the site for the single-family portion of the development. The Planning and Zoning Commission has approved the final plats for phases 1A, 1B, and 2 and the preliminary plat for phase 3. Plat recordation is contingent on the construction of Spencer Ranch Boulevard and approval from the Federal Emergency Management Association (FEMA) of a LOMR (Letter of Map Revision).
Item Justification	[X] Legal/Regulatory Obligation [ ] Infrastructure Investment [ ] Reduce Costs [ ] Customer Pull [ ] Increase Revenue [ ] Service Enhancement [ ] Mitigate Risk [ ] Process Efficiency [X] Master Plan Recommendation [ ] Other:
Strategic Alignment	C1 – Offering Quality Customer Experiences B2 – Advancing Master Plan Recommendations
Financial Considerations	
Citizen Input/Board Review	The private property owners provided consent of the annexation with approval of the Development Agreement. They have also approved the Municipal Service Plans in May and June 2023. Kendall County was notified of the annexation in October 2022 and TxDot was notified in May 2023. No comments have been received. Municipal Service Plans are not required for roadways. All other required notifications for annexation were completed on August 27, 2023. The property is part of the City's Extra-Territorial Jurisdiction (ETJ) and has been designated as Auto Oriented Commercial and Neighborhood Residential on the Future Land Use Map. The 2023 Mobility Master Plan identifies Spencer Ranch as a Collector Road. It also identifies Fredrick's Creek as a location for a future trail.

	On September 8, 2023, the Council set the date and time for a public hearing to be held on September 12, 2023.
Legal Review	This action is a statutory requirement for annexation.
Alternative Options	
Supporting Documents	Ordinance 2023-28 Exhibit A. to Ordinance Field Notes - Spencer Ranch Area 1 - 1.633 Spencer Ranch Agreement Executed Jun1621 Annexation Area Map Location Map - IH 10 ROW (Area 1) Public Hearing Notice

ORDINANCE NO. 2023-28

AN ORDINANCE ANNEXING A 1.633 ACRE PORTION OF RIGHT-OF-WAY ON INTERSTATE HIGHWAY 10 TO THE CITY OF BOERNE, KENDALL COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY

WHEREAS, Chapter 43 of the Texas Local Government Code and City Charter of the City of Boerne, Texas, an incorporated city, authorizes the annexation of territory, subject to the laws of this state as of January 1, 2019; and

WHEREAS, the right-of-way being annexed is contiguous to and running parallel to the City limits in accordance with Local Government Code Section 43.1056; and

WHEREAS, pursuant to Section 43.1056(b) of the Texas Local Government Code the City of Boerne provided written notice more than sixty-one (61) days ago to the owner (TxDOT) of the right-of-way of the City's intent to annex the right-of-way and the owner of the right-of-way did not submit a written objection; and

WHEREAS, on August 8, 2023, the City Council of the City of Boerne approved Resolution No. 2023-R59 setting a public hearing for the proposed annexation of the 1.633 acres of Interstate Highway 10 right-of-way by the City; and

WHEREAS, the City held a public hearing on September 12, 2023, to give all interested persons the right to appear and be heard on the proposed annexation; and

WHEREAS, the procedures prescribed by Chapter 43 Texas Local Government Code and/or Charter of the City of Boerne, Texas, and the laws of this state have been duly followed with respect to the following described territory, to wit:

BEING a 1.633 acre tract of land out of the Antonio Lockmar Survey No. 178, Abstract No. 311, Kendall County, Texas, being a portion of Interstate Highway No. 10 right-of-way, said tract being more fully described in attached Exhibit "A".

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

Section 1. The facts, findings, recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct and are incorporated herein and expressly made part hereof, as if copied herein verbatim.

Section 2. That the heretofore described property is hereby annexed to the City of Boerne, Kendall County, Texas, and that the boundary limits of the City of Boerne be and the same are hereby extended to include the above described territory within the city limits of the City of Boerne, and the same shall hereafter be included within the territorial limits of said city, and the inhabitants thereof shall hereafter be entitled to all the rights and privileges of other citizens of the city of Boerne and they shall be bound by the acts, ordinances, resolutions, and regulations of said city.

Section 3. Services for the contiguous right-of-way being annexed with this tract will be addressed and governed under the provisions of the Municipal Maintenance Agreement between City of Boerne and TxDOT, dated September 28, 2010, as amended, and any other agreements with TxDOT applicable to this right-of-way.

The City Secretary is hereby directed to file with the County Clerk of Kendall County, Texas, a certified copy of this ordinance.

PASSED AND APPROVED on this the first reading the ____ day of September, 2023.

PASSED, APPROVED AND ADOPTED on this the second reading the ____ day of September, 2023.

APPROVED:

_____
Mayor

ATTEST:

_____
City Secretary

APPROVED AS TO FORM:

_____
City Attorney

PFEIFFER LAND SURVEYING

918 Adler Street, Boerne, Texas 78006
Phone: 830-249-3385

FIELD NOTES FOR A 1.633 ACRE TRACT OF LAND

Being a **1.633 acre** tract of land out of the Antonio Lockmar Survey No. 178, Abstract No. 311, Kendall County, Texas, being a portion of Interstate Highway No. 10 right of way, said **1.633 acre** tract of land being more particular described by metes and bounds as follows:

Beginning at a point in the southwest right of way of Interstate Highway No. 10 at the east corner of a 10.022 acre tract recorded in Volume 104, Pages 824-827, Deed Records, Kendall County, Texas, the westernmost north corner of a 13.422 acre tract recorded in Volume 1418, Pages 664-670, Official Records, Kendall County, Texas, the south corner the City of Boerne Ordinance No. 2022-09, annexing an 8.621 acre tract of land, said point being the west corner of the tract herein described;

Thence, crossing Interstate Highway No. 10 right of way with the southeast line of said 8.621 acre tract, **North 38 degrees 49 minutes 49 seconds East**, a distance of **435.03 feet** to a point in the northeast right of way of Interstate Highway No. 10, the southwest line of The Woods of Frederick Creek, Unit 2, recorded in Volume 6, Pages 323-327, Plat Records, Kendall County, Texas, said point being the north corner of the tract herein described;

Thence, with the northeast right of way of Interstate Highway No. 10, in part with the southwest line of The Woods of Frederick Creek, Unit 2 and the southwest line of a 14.908 acre tract recorded in Volume 1130, Pages 565-571, Official Records, Kendall County, Texas, **South 51 degrees 10 minutes 11 seconds East,** a distance of **163.55 feet** to a point for the east corner of the tract herein described;

Thence, crossing Interstate Highway No. 10 right of way with the southeast line of the tract herein described, **South 38 degrees 49 minutes 49 seconds West**, a distance of **435.03 feet** to a point in the southwest right of way of Interstate Highway No. 10 at the north corner of a 24.00 acre tract recorded in Document No. 363748, Official Records, Kendall County, Texas, the easternmost north corner of the aforementioned 13.422 acre tract, said point being the south corner of the tract herein described;

Thence, with the southwest right of way of Interstate Highway No. 10, the northeast line of said 13.422 acre tract, **North 51 degrees 10 minutes 11 seconds West**, a distance of **163.55 feet** to the **Point of Beginning** containing **1.633 acres** of land.

Notes:

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

An exhibit of the above described tract was prepared.

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



David M. Klein
Registered Professional Land Surveyor No.5528
Job Number: 05-22 (1.633 Acre Tract)

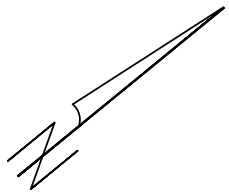
NOTES:

1) WORK PERFORMED FOR THE CITY OF BOERNE.

2) ADJOINING PROPERTY INFORMATION SHOWN HEREON IS FOR INFORMATIONAL PURPOSES ONLY.

3) BASIS OF BEARING: TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, 4204, NAD 83.

4) THIS EXHIBIT DOES NOT CONSTITUTE A BOUNDARY SURVEY AND IS FOR THE PURPOSE OF ANNEXATION OF THE AREA SHOWN HEREON.



SCALE: 1" = 300'

LEGEND

⊗ CALCULATED POINT

INTERSTATE HIGHWAY NO. 10
R.O.W.

10/46 BOERNE LAND VENTURE, LTD.
127.027 ACRES
DOCUMENT NO. 363240
OFFICIAL RECORDS

THE WOODS OF
FREDERICK CREEK, UNIT 2
VOLUME 6, PAGES 323-327
PLAT RECORDS

JAMES WYATT JR.
10.022 ACRES
VOLUME 104, PAGES 824-827
DEED RECORDS

ORDINANCE NO.
2022-09
8.621 ACRES

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 38°49'49" E	435.03'
L2	S 51°10'11" E	163.55'
L3	S 38°49'49" W	435.03'
L4	N 51°10'11" W	163.55'

L1

MATKIN PROPERTIES, LP
13.422 ACRES
VOLUME 1418, PAGES 664-670
OFFICIAL RECORDS

POINT OF BEGINNING

L4

1.633 ACRES

L2

L3

VHS HOLDING
COMPANY, INC
24.00 ACRES
DOCUMENT NO. 363748
OFFICIAL RECORDS

HARBOR GROUP, LLC
14.908 ACRES
VOLUME 1130, PAGES 565-571
OFFICIAL RECORDS

ORDINANCE
NO. 2001-40
10.26 ACRES

Exhibit showing a 1.633 acre tract of land out of the Antonio Lockmar Survey No. 178, Abstract No. 311, Kendall County, Texas, being a portion of Interstate Highway No. 10 right of way.

STATE OF TEXAS
REGISTERED
DAVID M. KLEIN
5528
PROFESSIONAL
LAND SURVEYOR

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

JOB NUMBER: 05-22 DATE: NOVEMBER 11, 2022

SPENCER RANCH
DEVELOPMENT AGREEMENT

This Development Agreement (this "Agreement") is entered by and between the **City of Boerne**, a Texas home-rule municipal corporation located within Kendall County, Texas (hereinafter, referred to as "City"), **Forestar (USA) Real Estate Group, Inc.** (a Delaware Corporation, hereinafter referred to as "Forestar"), **Matkin Properties, LP**, a Texas limited partnership ("Matkin Properties"), **Equity Trust Company Custodian FBO Harold T. duPerier III IRA**, 50% undivided interest, and **Equity Trust Company Custodian FBO John-Mark Matkin IRA**, 50% undivided interest (collectively, the "Undivided Interest Holders"). Matkin Properties and the Undivided Interest Holders are referred to herein collectively as the "Frontage Owners." Forestar and the Frontage Owners are, collectively, the owners of approximately +/-160 acres of Real Property generally located at Spencer Road and State Highway 46, more specifically described below. Forestar and Frontage Owners hereby enter into this Agreement with the City to allow for certain development provisions and the annexation of the property described herein. City, Forestar, and Frontage Owners shall hereafter collectively be referred to as "Parties" or in the singular as "Party."

RECITALS

WHEREAS, Forestar owns approximately 71.12-acres of Real Property in Kendall County, Texas (the "County") and within the extra-territorial jurisdiction ("ETJ") of the City (hereinafter referred to as the "Forestar Property;" *see* **"Exhibit A"**). Forestar has submitted and the City has approved the Master Plan for approximately 209 single-family homes (*see* **"Exhibit B;"** hereinafter referred to as "Forestar's Project" or the "Birch at Spencer Ranch");

WHEREAS, Frontage Owners own approximately 87-acres of Real Property in the County and within the City's ETJ (hereinafter referred to as the "Frontage Owners Property;" *see* **"Exhibit C"**). Such Property is intended to be developed for mixed use purposes (the "Frontage Owners Project" *see* **"Exhibit D"**).

WHEREAS, in order for Forestar and Frontage Owners to carry out their respective projects, and pursuant to the City's Subdivision Ordinance No. 2007-56, et. Seq., (the "Subdivision Ordinance") certain improvements in the area need to be made. Specifically, the construction and/or dedication of a Spencer Ranch Boulevard, which is approximately 2,200 (1,850+350) feet and traverses both the Forestar Property and the Frontage Owners Property (the "Road;" *see* **"Exhibit E"**).

WHEREAS, It is the intent that both Forestar and Frontage Owners, and any successor owners of the identified properties, shall participate in their proportionate share of construction and/or dedication of 2,200 feet of a 4 lane, primary collector roadway, from Highway 46 in a northwestern direction as depicted in Exhibit E, including a traffic signal and any required turn lanes at the intersection of Highway 46 and the Road, referred to herein collectively as "Spencer

Ranch Roadway Improvements", either by constructing their proportionate share of roadway improvements or by providing roadway funds for the City to construct roadway improvements when warranted, all of which is provided in the Rough Proportionality Determination issued by the City on October 1, 2020 ("Rough Proportionality Determination; *see* "**Exhibit F**").

WHEREAS, the Parties desire to enter into this Agreement pursuant to Subchapter C-3 of Chapter 43 of the Texas Local Government Code, § 43.0671, et. Seq., (the "Code") to reflect that in consideration of Forestar's and Frontage Owners' agreement to voluntary annexation and other consideration as stated herein, the City shall abide by and comply with the terms of this Agreement and the conditions stated herein. More specifically, City shall agree to (1) allow for the Road to be constructed and maintained as a Private Road pursuant to the methods and procedures in this Agreement, (2) annex the Forestar Property and the Frontage Owners' Property in a timely manner in accordance with procedures set forth in state law, and (3) the remaining provisions contained herein.

NOW, THEREFORE, in consideration of the mutual covenants and agreements, and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties now wish to enter into this Agreement and agree as follows:

I. DEFINITIONS

1.1 "Agreement" shall mean this document executed by the Parties, which may be amended from time to time, pursuant to the provisions contained herein.

1.2 "Annexation Area" shall reflect the Properties in Exhibit K (see below).

1.3 "Birch at Spencer Ranch" shall have the meaning specified above.

1.4 "City" and "County" shall have the meaning specified above.

1.5 "Code" shall mean the Texas Local Government Code, as amended.

1.6 "CPI Adjustment" shall mean means the year-to-year adjustment commencing on the first anniversary of the date this Agreement is signed by all Parties, unless otherwise noted, which adjustment shall use the Bureau of Labor Statistics, U.S. Department of Labor Price Index for all Urban Consumers for All Items for the South Region, 1982-84=100.

1.7 "Cure Period" shall have the meaning described in Article VII, below.

1.8 "Effective Date" shall mean the date of execution of this Agreement by all Parties.

1.9 "ETJ" shall have the meaning specified above.

1.10 "Forestar" shall have the meaning specified above.

1.11 "Forestar Project" shall have the meaning specified above.

1.12 "Forestar Property" shall have the meaning specified above.

1.13 "Forestar's Rough Proportionality" shall have the meaning specified below.

1.14 "Frontage Owners" shall have the meaning specified above.

1.15 "Frontage Owners Project" shall have the meaning specified above.

1.16 "Frontage Owners Property" shall have the meaning specified above.

1.17 "Frontage Owners' Rough Proportionality" shall mean the Rough Proportionality Determination issued by the City on October 1, 2020 (see Exhibit F, below).

1.18 "Road" shall have the meaning specified above.

1.19 "Road Reserve Fund" shall have the definition prescribed below.

1.20 "Spencer Ranch Roadway Improvements" shall have the meaning specified above.

1.21 "Subdivision Ordinance" shall have the meaning specified above.

1.22 "Traffic Impact Analysis" shall have the meaning described in the Subdivision Ordinance.

Singular and Plural: Words used herein in the singular, where the context so permits, also includes the plural and vice versa, unless otherwise specified.

II. REPRESENTATIONS AND ACKNOWLEDGMENTS

2.1 The recitals set forth hereinabove are included here as if set out in full and are part of the conditions of this Agreement and binding on Parties.

2.2 Forestar and Frontage Owners represent to City that they collectively are the owners of their respective properties and have the legal capacity and authority to enter into this Agreement and to perform the requirements of this Agreement.

2.3 City acknowledges that it has the authority to agree to the provisions herein and

annex the Frontage Owners Property and the Forestar Property pursuant to the Code and all City regulations, ordinances, and rules pursuant to statutory requirements.

III. THE BIRCH AT SPENCER RANCH

3.1 The Birch at Spencer Ranch consists of approximately 209 single-family homes on the Forestar Property (see previously mentioned Exhibit B). Pursuant to the Subdivision Ordinance and Code, Forestar is required to construct its proportion of infrastructure in coordination with the development of the Birch at Spencer Ranch. Specifically, Forestar's monetary contribution to the Road, as determined by the City's Rough Proportionality Determination for said 209 single-family homes, issued on October 1, 2020 (see previously mentioned Exhibit F) shall not exceed $1,432,477.45 ("Forestar's Rough Proportionality") as adjusted in accordance with the CPI Adjustment (as hereinafter defined). This includes the design and construction of approximately 1,850 ft. of the Road. Upon complete payment of Forestar's Rough Proportionality, all Rough Proportionality for the Birch at Spencer Ranch shall be satisfied and no additional payment or construction of improvements shall be requested or required of Forestar. The City reserves the right to reassess and recalculate the rough proportionality determination if the single-family home count at the Birch at Spencer Ranch changes by more than ten (10) percent.

3.2 This Agreement shall allow Forestar to design, construct, and maintain its proportion (such proportion as specified in previously mentioned Exhibit F) of the Road as a private road, as that term is identified in the Subdivision Ordinance, until such time that the City completes the state prescribed requirements to annex Forestar's Property. City shall perform and complete all inspections and approvals of such portion of the Road as though the City would be maintaining such Road to allow for a timely transfer of maintenance of the Road upon annexation of Forestar's Property.

3.3 Forestar shall dedicate 94-foot right-of-way for the construction of the 350-foot extension of the Road to the City (*see* **"Exhibit G"**) with Phase 3 of the Birch at Spencer Ranch (see previously mentioned Exhibit D) or no later than five (5) years after the date of execution of this agreement. Forestar shall not be required to design or construct the 350 feet of the Road depicted in Exhibit G.

3.4 In association with the permitting, platting, design, and construction of the Birch at Spencer Ranch, Forestar shall be Subject to the following provisions:

> 3.4.1 Pursuant to Sec. 7.03.004 of the Subdivision Ordinance, all water mains for the Birch at Spencer Ranch shall be looped and such water looping shall coincide with the phased development, as indicated in the Overall Utility Plan (see "**Exhibit H**"). Such looping can occur by other means acceptable to both Forestar and the City, as evidenced in writing and executed by both Parties. Compliance with Sec. 7.03.004 of the Subdivision Ordinance shall be completed

concurrently with Phase 3 of the Birch at Spencer Ranch or no later than five (5) years after the date of execution of this agreement.

3.4.2 In lieu of the method of calculation of the yearly contribution for common area reserve fund as described in Section 5.11.014(F)(8)(ii) of the subdivision ordinance, the value of the yearly contribution to the Birch at Spencer Ranch HOA reserve fund shall be assessed at $26,120 per year for the Road, and upon the completion and annexation of each Phase of the Birch at Spencer Ranch (see Exhibit B) the Association shall cause the following funds to be contributed for local streets: $27,385 for Phase 1B, $28,928 for Phase 2, and $22,549 for Phase 3, respectively. The year each Phase of the Birch at Spencer Ranch is annexed such fees shall be prorated. The aforementioned amounts can be adjusted in accordance with the CPI Adjustment. The HOA shall deposit the $26,120 yearly Reserve Fund contribution amount for the Road every 12 months from execution of this Agreement. Upon annexation of Area 5 (see Exhibit K, below), and written request by Forestar, the City shall take over maintenance of the Road and local streets per the process as described in Section 5.11.011 of the Subdivision Ordinance. Upon City commencing maintenance of the Road, the HOA reserve fund balance shall be dedicated to City of Boerne per subdivision ordinance section 5.11.005(C)(iv).

3.4.3 A five-foot (5') sidewalk shall be constructed on the North and South side of the Road where there are four (4) traffic lanes. Where there are only two (2) traffic lanes on the Road a sidewalk shall only be constructed on the South side of the Road (*see* "**Exhibit I**").

3.4.4 The Monument Signs shown in Exhibit J shall be located outside of the right-of-way and outside of the intersection visibility area on either side of the primary collector known as Spencer Ranch Blvd at the intersection of Highway 46 West. These signs will serve as an entrance feature for the Road and the entire development, including the residential and commercial development surrounding the primary collector. The monument signs shall be constructed as shown in Exhibit J, the letters may be backlit and the landscaping shall be provided as demonstrated using the plants listed in Exhibit J and shall not be allowed to exceed one hundred (100) square feet in size. No up-lighting of the monument signs will be permitted, and the signs shall only contain the words Spencer Ranch on the face of the signs. Each sign, landscaping and irrigation shall be maintained in perpetuity by the Birch at Spencer Ranch Homeowners Association which shall be demonstrated in the CCR's.

IV. FRONTAGE OWNERS PROJECT

4.1 Future developments within the Frontage Owners Property are responsible for their

proportionate share of the Spencer Ranch Roadway improvements as defined in Exhibit F. If future development on the Frontage Owners Property requires a Traffic Impact Assessment (TIA), and the results of the same require border street or turn Lane improvements, then these improvements shall be constructed at time of platting. However, if the future development's proposed traffic impact, as determined by the TIA, is an amount that does not require construction of those border street or turn lane improvements, the development shall be required to provide roadway funds into an escrow account, managed by the City, based upon each development's proportionate share of the roadway improvements. Such proportionate share of roadway funds shall be calculated based upon the maximum peak hour trips as determined in each development's TIA and as described in City ordinances as of the Effective Date, multiplied by $551.55 per peak hour trip, subject however to the maximum contribution amounts set forth in Section 4.1.2 below.

4.2 At time of plat submittals to the City, each development shall provide a TIA that determines the peak hour trip for the development. Upon approval of the TIA by the City, the proportionate share of roadway funds shall be provided to the City prior to final plat approval for each development. Any change of land use from the initial TIA, provided during the platting process, shall require an updated TIA and the development shall provide additional roadway funds for any increase in peak hour trips pursuant to the Subdivision Ordinance prior to the City issuing a building permit. At no time shall the roadway funds described herein and provided to the City exceed a total of $1,742,889.00 (total cost equaling $1,442,889 in estimated cost for the completion of the Road and $300,000 in estimated cost for a traffic signal at Hwy 46), as adjusted in accordance with the CPI Adjustment (as hereinafter defined) which is the proportionate share of the Frontage Owners Property roadway improvements per the City's Rough Proportionality determination. All TIA's for development projects within the Frontage Owners Property shall include background traffic generation data from all previously platted parcels in the Frontage Owners Property and Forestar Property for warrant determination of said Spencer Ranch Roadway Improvements. Upon City approval of a TIA that warrants said Spencer Ranch Roadway Improvements, City shall begin the design and construction of said warranted roadway improvements to be paid from the available funds in City's escrow account. The City reserves the right to reassess and recalculate the rough proportionality determination if the single-family home count at the Birch at Spencer Ranch changes by more than ten (10) percent.

4.3 At such time that all roadway improvements, full buildout of the Road and Highway 46 Intersection Road Improvements, are constructed and accepted by the regulating authority, the collection of the proportionate share of the roadway funds shall cease.

4.4 All commercial construction on the Frontage Owners' Property that is within 350 feet of the State Highway 46 right of way and 350 feet. of the Road that occurs prior to annexation into the City limits shall comply with the specific design criteria and lighting regulations (*see* **Exhibit "L"**).

4.5 No structure shall be constructed on the Frontage Owners Property unless a building permit has been issued by the City and a final plat has been recorded for the lot on which the Structure is proposed to be built on.

V. ANNEXATION

5.1 Upon City's compliance with Subchapter C-3 of Chapter 43 of the Code and Annexation of Area 1, the Properties referenced in this Agreement shall be annexed as described below (*see* "**Exhibit K**"):

5.1.1 Area 2 and Area 3 to be annexed as soon as legally permissible in accordance with requirements of state law.

5.1.2 Area 4 to be annexed as soon as legally permissible in accordance with requirements of state law.

5.1.3 Area 5 to be annexed within 18 months of execution of this agreement or as soon thereafter the annexation in 5.1.2 as legally permissible in accordance with State law.

5.1.4 Area 6- Any portions of land within Area 6 that are contiguous to land previously annexed by the City in Areas 1-5 must be annexed and zoned by the City prior to the application by the owner of such contiguous land for a building permit. The owner of any portion of land within Area 6 that is not contiguous to land previously annexed by the City in Areas 1-5 for which development is proposed by such owner, must take whatever action is necessary in order for the City to be able to annex and zone such affected land, prior to such owner applying for a building permit. The platting of any tracts within Area 6 into tracts of smaller acreage does not trigger the requirement for annexation. The owner of any remaining land in Area 6 that has not been theretofore annexed by the City at the expiration of 60 months from the Effective Date of this Agreement must begin the annexation process immediately after the expiration of such 60-month period.

VI. CONSIDERATION

Section 1.01 6.1 Voluntary petition for annexation. The Parties agree that this Agreement constitutes a voluntary petition to the City for annexation of the Forestar Property and the Frontage Owners' Property for full purposes under the provisions of Subchapter C-3 of Chapter 43 of the Code which shall be deemed submitted to the City on the Effective Date of this Agreement.

6.2 Parties agree that this voluntary petition and consent may not be revoked and is intended to be and shall be binding upon the Parties as well as their successors and assigns in ownership of any right, title, or interest in and to the Forestar Property and the Frontage Owners' Property or any part thereof.

6.3 Waiver. To the extent authorized by state and local laws, the Parties agree that the City is only obligated to perform those tasks set forth in Subchapter C-3 of Chapter 43 of the Texas Local Government Code that are required when annexing property under that subchapter. Parties agree that the Parties shall not oppose any action taken by the City to annex the Annexation Area under this Agreement or under Subchapter C-3 of Chapter 43 of the Code.

6.4 All covenants, agreements and terms contained in this agreement obligating Parties shall run with the land and shall hereafter bind all of their successors and assigns and all future owners of the Forestar Property or Frontage Owners' Project.

6.5 Notwithstanding any provision herein to the contrary, the Parties agree and acknowledge that, in accordance with Section 212.172(g), this Agreement constitutes a permit under Chapter 245 of the Code.

VII. WRITTEN AGREEMENT REGARDING SERVICES

7.1 When the City annexes the Forestar Property and the Frontage Owners' Property pursuant to this Agreement, the Parties agree that this Section VII of this Agreement shall constitute a Written Agreement Regarding Services required under Chapter 43, section 43.0672 of the Code; shall run with the land; and shall govern all municipal services to be provided to the Forestar Property and the Frontage Owners' Property.

A. PROGRAM FOR SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF THE ANNEXATION.

The City will provide the following services in the Annexation Area on the effective date of the annexation, unless otherwise noted. As used in this plan, the term "providing services" includes having services provided by any method or means by which the City may extend municipal services to any other area of the City, including the City's infrastructure extension policies and developer or property owner participation in accordance with applicable City ordinances.

1. POLICE PROTECTION

The City of Boerne Police Department will provide regular and routine patrols to the Annexation Area at the same or similar level now being provided to other areas of the City with similar topography, land use and population densities.

The services will include, but are not limited to:

- Normal patrols and responses to calls for service;
- Handling of offense and incident reports;
- Special units, such as traffic enforcement, criminal investigations, narcotics law enforcement, gang suppression, and crime response team deployment when required; and
- Animal Control services.

2. FIRE SERVICE

The City of Boerne, Texas and its Fire Department will provide fire protection services to the Annexation Area at the same or similar level now being provided to other areas of the City with similar topography, land use and population densities. The Fire Department will perform these duties as part of its overall activities. Adequate fire suppression activities can be afforded to the annexed area within current budget appropriation. Fire prevention activities will be provided by the Fire Marshall's office as needed.

These services include, but are not limited to:

- Basic Life Support (BLS) 1st responder emergency medical services;
- Fire suppression and rescue;
- Hazardous materials mitigation and regulation;
- Technical rescue;
- Fire Safety Education;
- Aircraft/rescue/firefighting;
- Fire protection system plan review; and
- Inspections.

3. BUILDING INSPECTION AND CODE ENFORCEMENT SERVICES

The City of Boerne Code Enforcement Department activities will extend to Annexation Area, pursuant to applicable policies and/or ordinances of the City, now existing or as such policies and/or ordinances may be amended. These services include, but are not limited to, consultation with project developers for building code requirements, plan review for structures, issuance of building permits, and on-site inspection services for new construction.

The Code Enforcement Department will also enforce the City's code of ordinances and will respond to requests for inspection and complaints of suspected City Code violations including, but not limited to: high weeds and grass, trash and debris, solid waste, trash carts and illegal dumping, junked and abandoned vehicles, zoning, food, daycare, pool and spa inspections, stray animals, cruelty and bite investigations. Complaints of ordinance or regulation violations within the Annexation Area will be answered and investigated by existing personnel within the appropriate City department beginning on the effective date of the annexation.

4. PLANNING AND ZONING

The City of Boerne Planning and Zoning Department activities will extend to the Annexation Area, pursuant to applicable policies and/or ordinances of the City, now existing or as may be amended. The Planning and Zoning Commission will initiate permanent zoning of the newly annexed area as soon as possible after annexation.

5. LIBRARY

Free library uses, and privileges will be available to residents of the Annexation Area, pursuant to applicable policies and/or ordinances as may be amended.

6. PARKS, PLAYGROUNDS, AND SWIMMING POOLS

Residents of the Annexation Area may utilize all existing parks and community service facilities throughout the City subject to existing ordinances and policies as may be amended. Existing parks, playgrounds, swimming pools and other recreational and community facilities within the Annexation Area that are private facilities will be unaffected by the annexation.

7. SOLID WASTE COLLECTION

Solid waste collection is contracted for by the City's contracted agent upon annexation. Solid waste collection will be provided to the Annexation Area at the same or similar level of service now being provided to other areas of the City in accordance with existing ordinances and policies as may be amended from time to time.

8. STREET AND DRAINAGE MAINTENANCE

The effects of this addition on drainage will be addressed under the provisions of the Subdivision Ordinance in effect at the time of platting.

Roads, streets and drainage improvements that have been properly platted, duly dedicated, and accepted by the City of Boerne and/or Kendall County shall be maintained by the Department of Development Services. All roads, streets or alleyways in the Annexation Area which have been dedicated to the public shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas of the City of Boerne with similar land use, population density and topography.

Construction of new roads and streets, if any, is the responsibility of the developer or land owner desiring them and must be designed and built in accordance with applicable City of Boerne ordinances and policies as may be amended.

The effects of this addition on drainage will be addressed under the provisions of the Subdivision Ordinance in effect at the time of platting, if and when such platting occurs. The effects will be consistent with such maintenance provided by the City of Boerne to other areas within the City exhibiting land use, population density and topography similar to that of the Annexation Area.

VIII. DEFAULT

8.1 Subject to Sections 8.3 and 8.4 below, a Party shall be declared in "Default" of this

Agreement if such Party violates or causes a violation of any rules, regulations, orders, ordinances or other laws that are applicable to the Property covered in this Agreement, as described herein, during the term of this Agreement.

8.2 Subject to Sections 8.3 and 8.4 below, a Party shall be declared in "Default" if that Party materially breaches any covenant, obligation, or provisions of this Agreement.

8.3 Notwithstanding any provision to the contrary, no Party shall be declared in Default, under this Agreement and subject to the remedies available to the non-defaulting party, as set forth herein, until written notice of Default has been given to the defaulting Party (which notice shall set forth in reasonable detail the nature of the Default) and until such Party has been given, from and after the receipt of such written notice, ninety (90) calendar days to cure the Default (the "Cure Period"). The Cure Period may be extended by written agreement of the Amending Parties (defined below) and shall be subject to written approval of the City Manager.

8.4 The duties of a Party to observe or perform any of the provisions of this Agreement, on its part to be performed or observed, shall be excused for a period equal to the period of prevention, delay, or stoppage due to causes beyond the control of the applicable Party, including reason of strikes, pandemics, epidemics, terrorism, civil riots, war, invasion, fire or other casualty, or Acts of God.

IX. REMEDIES

9.1 Upon the occurrence of Default by a Party, the non-defaulting Party may seek all remedies available to it at law or in equity, including, without limitation, termination, injunctive relief, mandamus, and specific performance. Notwithstanding any provision herein to the contrary, the following applies: (i) upon the occurrence of Default by Frontage Owners, regarding the terms provided herein for the Frontage Owners' Project, the City may proceed with any and all remedies described herein of only the Frontage Owners' Project (or any portion thereof); and (ii) upon the occurrence of Default by Forestar, regarding the terms provided herein for the Forestar Property, the City may proceed with any and all remedies described herein of only the Forestar Property.

9.2 The Parties hereto expressly agree that, in the event of litigation, each Party hereby waives its right to payment of attorneys' fees.

X. NON-WAIVER

No course of dealing on the part of the Parties nor any failure or delay by the Parties in exercising any right, power, or privilege under this Agreement shall operate as a waiver of any right, power or privilege owing under this Agreement.

XI. ASSIGNMENT

11.1 All covenants and agreements contained herein by the City shall bind its successors and assigns and shall inure to the benefit of Parties and their successors and assigns.

11.2 This Agreement (including the duties, rights and obligations set forth herein) may be assigned, in whole or in part by Forestar or Frontage Owners, for their respective properties, without the prior written consent of City.

XII. ENTIRE AGREEMENT

12.1 This written Agreement embodies the final and entire agreement between Parties hereto and may not be contradicted by evidence of prior, contemporaneous, or subsequent oral agreements of Parties.

12.2 The exhibits attached to this Agreement are incorporated herein and shall be considered a part of this Agreement for the purposes stated herein. Notwithstanding, the exhibits shall not constitute any binding commitment regarding, but not limited to, the final location of boundaries, lots, and improvements and infrastructure, such being of approximate location that may be amended from time to time by the Parties.

XIII. AMENDMENTS

Except where the terms of this Agreement expressly provide otherwise, any alterations, additions, or deletions to the terms hereof, shall be affected only by amendment, in writing, executed by the Amending Parties, and subject to the written approval by the City, which shall not be unreasonably withheld, conditioned, or delayed. This section is reserved to the Amending Parties of this Agreement and shall only be assigned by such a Party when that Party no longer owns Property subject to this Agreement or if assigned in writing to another fee owner of real property subject to the terms hereof, and with notice to the other Parties.

As used in this Section, the term "Amending Parties" shall mean: (i) Forestar, as the fee title holder of the Forestar Property as of the date hereof, (ii) the Undivided Interest Holders as the fee title holders of the Frontage Property as of the date hereof, and (iii) the City of Boerne. Notwithstanding anything herein to the contrary, there shall be only three (3) Amending Parties under this Agreement at all times. In the event the Undivided Interest Holders convey fee title to the entirety of the acreage of the Frontage Property, the Amending Party rights hereunder shall convey therewith and such successor fee title holder shall be the successor Amending Party to the Undivided Interest Holders. In the event less than the entirety of the acreage of the Forestar Property or Frontage Property is conveyed, the such conveying Amending Party whose property is subdivided in such case shall have the right, but not the obligation, in its sole and absolute discretion, to assign all of its Amending Party rights under this Section to the owner that acquires

the fee simple title of any portion of the Property by recording an assignment to this effect in the real property records of Kendall County, Texas.

XIV. SEVERABILITY

If any clause or provision of this Agreement is held invalid, illegal or unenforceable under present or future federal, state or local laws, including but not limited to the charter, code, or ordinances of the City, then and in that event it is the intent of Parties hereto that such invalidity, illegality or unenforceability shall not affect any other clause or provision hereof and that the remainder of this Agreement shall be construed as if such invalid, illegal or unenforceable clause or provision was never contained herein. It is also the intent of Parties hereto that in lieu of each clause or provision of this Agreement that is invalid, illegal, or unenforceable, there be added as a part of this Agreement a clause or provision as similar in terms to such invalid, illegal or unenforceable clause or provision as may be possible, legal, valid and enforceable.

XV. LEGAL AUTHORITY

The person(s) executing this Agreement on behalf of the respective Parties, represent, warrant, assure, and guarantee that they have full legal authority to (i) execute this Agreement on behalf of the respective Party, and (ii) to bind the respective Party to all of the terms, conditions, provisions, and obligations herein contained.

XVI. VENUE AND GOVERNING LAW

16.1 THIS AGREEMENT SHALL BE CONSTRUED UNDER AND IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS.

16.2 Any legal action or proceeding brought or maintained, directly or indirectly, as a result of this Agreement shall be heard and determined in Kendall County, Texas.

XVII. PARTIES' REPRESENTATIONS

This Agreement has been jointly negotiated between the Parties and shall not be construed against a Party because that Party may have primarily assumed responsibility for the drafting of this Agreement.

XVIII. NOTICE

18.1 All notices, demands or other communications given in connection with or required

under this Agreement must be in writing and delivered to the person to whom it is directed and may be given by (a) overnight delivery using a nationally recognized overnight courier, in which case notice shall be deemed delivered one business day after deposit with such courier, (b) sent by email with a PDF attachment with an original copy thereof transmitted to the recipient by one of the means described in clauses (a), (c) or (d), in which case notice shall be deemed delivered on the date of transmittal of the email with PDF attachment, (c) personal delivery, in which case notice shall be deemed delivered upon receipt or refusal of delivery, or (d) United States certified mail, return receipt requested, postage prepaid, addressed to the addressee, in which case notice shall be deemed delivered three business after deposit of such notice, postage prepaid, in a mailbox under the care, custody or control of the United States Postal Service. All notices, demands and other communications shall be given to the Parties (and in all events the Amending Parties) at the addresses set forth below, or at any other addresses that they have theretofore specified by written notice delivered in accordance herewith:

City:
City of Boerne
Attn: Boerne City Manager
P.O. Box 1677
447 N. Main St
Boerne, Texas, 78006
Email: bthatcher@boerne-tx.gov

Forestar:
Forestar (USA) Real Estate Group, Inc.
10700 Pecan Park Blvd., Suite 150
Austin, Texas, 78750
Email: JohnMaberry@forestar.com; CarrieCappel@forestar.com

With copies to:
Brown & Ortiz, P.C.
Attention: Daniel Ortiz
112 E. Pecan Street, Suite 1360
San Antonio, Texas 78205
Email: dortiz@brownortiz.law

Frontage Owners:
Attn: John-Mark Matkin
8 Spencer Road, Suite 100
Boerne, Texas 78006
Email:

Attn: Harold T. duPerier III
28615 IH 10W
Boerne, Texas 78006

Matkin Properties
Matkin Properties, LP

Attn: John-Mark Matkin
8 Spencer Road, Suite 100
Boerne, Texas 78006
Email:

Each Party may change its address by written notice in accordance with this Article XVIII.

Whenever a Frontage Owner conveys all or any portion of the Frontage Owners Property to a third party, such conveying Frontage Owner shall have the right to: (i) record or cause the subject transferee to record a notice in the Official Public Records of Kendall County, Texas, making reference to the recording information of this Agreement at the closing of such conveyance that states the address of the transferee (i.e. the new Frontage Owner) for notice purposes under this Agreement; and (ii) send or cause the subject transferee to send copy of the aforesaid notice to the then current Parties at their then effective address or addresses. Upon recordation of the notice and sending a copy of such notice to the other then current Parties, this Article XVIII will be deemed as modified and updated accordingly and each then current Party will be deemed to have constructive and/or actual notice of the new address of the affected Frontage Property Owner for notice purposes hereunder.

XIX. CAPTIONS

All captions used herein are only for the convenience of reference and shall not be construed to have any effect or meaning as to the Agreement between Parties hereto.

XX. UNINTENDED OMISSION

If any punctuation, word, clause, sentence, or provisions necessary to give meaning, validity, or effect to any other word, clause, sentence, or provision of this Agreement is omitted, then it is hereby declared that such omission was unintentional and that the omitted punctuation, word, clause, sentence or provision shall be supplied by inference.

XXI. TIME IS OF THE ESSENCE

Time is of the essence in this Agreement and each and every provision hereof.

XXII. COUNTERPARTS

This Agreement may be executed in counterparts. Each of the counterparts shall be deemed an original instrument, but all of the counterparts shall constitute one and the same instrument. This Agreement may be executed in any number of counterparts and by different Parties in separate counterparts, each of which when so executed and delivered, shall be deemed an original, and all of which, when taken together, shall constitute one and the same instrument. Delivery of an executed counterpart of a signature page to this Agreement by facsimile or electronic mail shall be as effective as delivery of a manually executed counterpart of this Agreement, except that any Party delivering an executed counterpart of this Agreement by facsimile or electronic mail also must deliver a manually executed counterpart of this Agreement. Notwithstanding the foregoing, failure to deliver a manually executed counterpart shall not affect the validity, enforceability, and binding effect of this Agreement.

XXIII. RECORDATION

This Agreement shall be recorded in the Real Property Records of Kendall County, Texas.

XXIV. TERM

The term of this Agreement shall commence on the Effective Date and terminate fifteen (15) years from the Effective Date. The term may be extended upon mutual consent and written agreement between the Parties and subject to written approval of the City Manager, not to be unreasonably withheld, conditioned, or delayed.

Signatures on the Following Pages

IN WITNESS THEREOF, Parties hereto have executed this Agreement to be effective as of the Effective Date.

CITY:

CITY OF BOERNE, TEXAS

By: _____

Name: Ben Thatcher

Title: City Manager

Date: 6/16/2021

ATTEST/SEAL:

By: LORI A. CARROLL

Name: Lori A Carroll

Title: City Clerk

Date: 6/16/2021

APPROVED AS TO LEGAL FORM:

By: _____

Name: Barbara L. Quirk

Title: City Attorney

Date: 6-16-21

ACKNOWLEDGEMENT

State of Texas §
§
County of Kendall §

This instrument was acknowledged before me on this 16th day of June, 2021 by Ben Thatcher, City Manager of the City of Boerne, a Texas home rule municipality, on behalf of said municipality.

Date: 6/16/2021

_____
Notary Public, State of Texas

My Commission expires: 2/9/2023

SIRIA ARREOLA
Notary Public, State of Texas
My Commission expires
February 9, 2023
ID # 12594878-7

FORESTAR (USA) REAL ESTATE GROUP, INC.
Forestar (USA) Real Estate Group, Inc.

By: _____

Title: Vice President - Central Texas Division President

Date: 6/11/2021

ACKNOWLEDGEMENT

State of Texas §
§
County of Williamson §

The foregoing instrument was acknowledged before me this 11th day of June, 2021, by John Maberry, Vice President of Forestar (USA) Real Estate Group, Inc.

Date: 6/11/2021

_____
Notary Public, State of Texas

My Commission expires: 07-18-2022

THERESE TRAN
Notary Public, State of Texas
Comm. Expires 07-18-2022
Notary ID 131651657

MATKIN PROPERTIES:

MATKIN PROPERTIES, LP,
a Texas limited partnership

By: JM2 MANAGEMENT, LLC,
a Texas limited liability company,
its sole General Partner

By: _____
John-Mark Matkin, Manager

STATE OF TEXAS §
§
COUNTY OF Kendall §

This instrument was acknowledged before me, the undersigned authority, this 16th day of June, 2021, by JOHN-MARK MATKIN, the Manager of JM2 MANAGEMENT, LLC, a Texas limited liability company, the sole general partner of MATKIN PROPERTIES, LP, a Texas limited partnership, on behalf of said limited partnership.

SIRIA ARREOLA
Notary Public, State of Texas
My Commission expires
February 9, 2023
ID # 12594878-7

_____
Notary Public ★ State of Texas

UNDIVIDED INTEREST HOLDER:

EQUITY TRUST COMPANY CUSTODIAN FBO HAROLD T. DUPERIER III IRA,
50% undivided interest

By: JMM on Behalf of Trip DuPerier
Name: Trip DuPerier
Title: Owner

Account Holder Acknowledgment:

JMM on behalf of Trip DuPerier
Harold T. duPerier, III

Date: 6/16/21

STATE OF TEXAS §
§
COUNTY OF Kendall §

This instrument was acknowledged before me on the 16th day of June, 2021 by John Mark Matkin, as the owner of Equity Trust Company Custodian FBO Harold T. dePerier, III IRA.

SIRIA ARREOLA
Notary Public, State of Texas
My Commission expires
February 9, 2023
ID # 12594878-7

Siria Arreola
Notary Public – State of Texas

STATE OF TEXAS §
§
COUNTY OF Kendall §

This instrument was acknowledged before me on the 16th day of June, ~~2020~~ 2021 by ~~Harold T. dePerier III.~~ John Mark Matkin on behalf of Harold T. dePerier III.

SIRIA ARREOLA
Notary Public, State of Texas
My Commission expires
February 9, 2023
ID # 12594878-7

Siria Arreola
Notary Public – State of Texas

UNDIVIDED INTEREST HOLDER:

EQUITY TRUST COMPANY CUSTODIAN FBO JOHN-MARK MATKIN IRA, 50% undivided interest

By: _____

Name: JOHN-MARK MATKIN

Title: OWNER

Account Holder Acknowledgment:

_____

John-Mark Matkin

Date: 6/16/21

STATE OF TEXAS §
§
COUNTY OF Kendall §

This instrument was acknowledged before me on the 16th day of June, 2021 by John-Mark Matkin, as the owner of Equity Trust Company Custodian FBO John-Mark Matkin IRA.

SIRIA ARREOLA
Notary Public, State of Texas
My Commission expires
February 9, 2023
ID # 12594878-7

_____

Notary Public – State of Texas

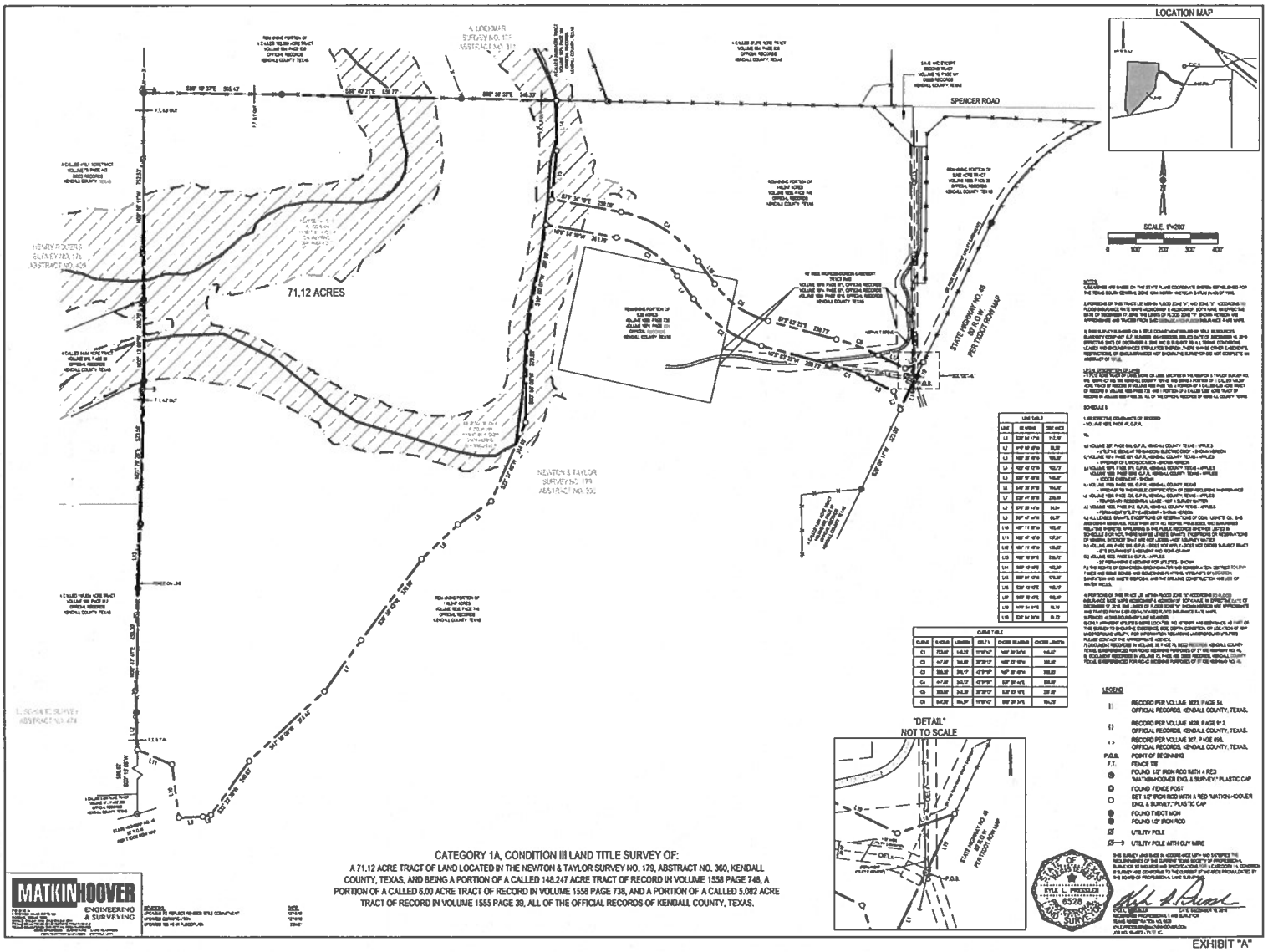
STATE OF TEXAS §
§
COUNTY OF Kendall §

This instrument was acknowledged before me on the 16th day of June, 2021 by John-Mark Matkin.

SIRIA ARREOLA
Notary Public, State of Texas
My Commission expires
February 9, 2023
ID # 12594878-7

_____

Notary Public – State of Texas



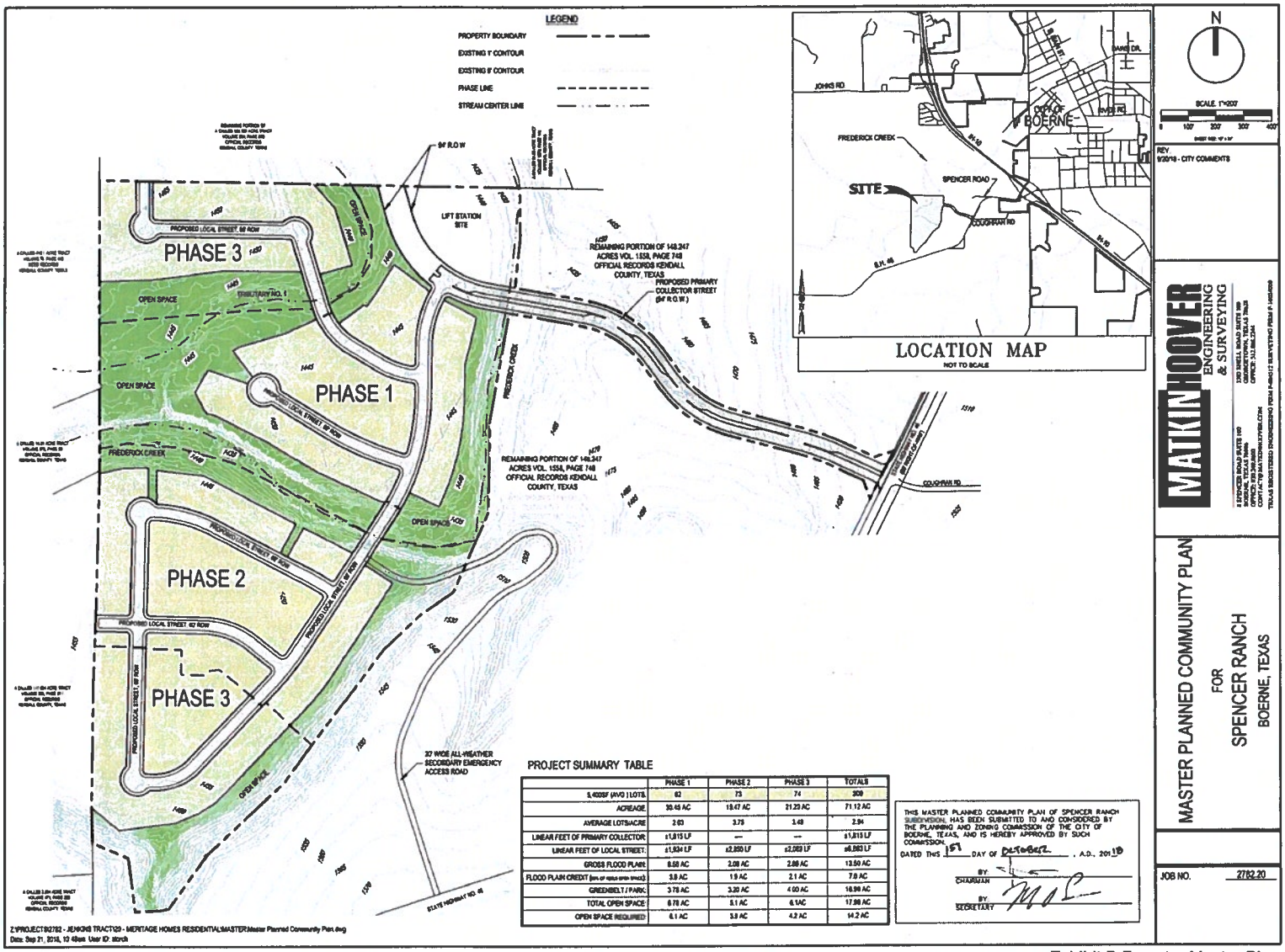
CATEGORY 1A, CONDITION III LAND TITLE SURVEY OF:

A 71.12 ACRE TRACT OF LAND LOCATED IN THE NEWTON & TAYLOR SURVEY NO. 179, ABSTRACT NO. 360, KENDALL COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 148.247 ACRE TRACT OF RECORD IN VOLUME 1558 PAGE 748, A PORTION OF A CALLED 6.00 ACRE TRACT OF RECORD IN VOLUME 1558 PAGE 738, AND A PORTION OF A CALLED 5.082 ACRE TRACT OF RECORD IN VOLUME 1555 PAGE 39, ALL OF THE OFFICIAL RECORDS OF KENDALL COUNTY, TEXAS.

MATKIN HOOVER ENGINEERING & SURVEYING

KYLE L. PRESSLER 6528 REGISTERED PROFESSIONAL LAND SURVEYOR

EXHIBIT "A"



PROJECT SUMMARY TABLE

	PHASE 1	PHASE 2	PHASE 3	TOTALS
5,400SF (AVG.) LOTS	62	73	74	209
ACREAGE	30.48 AC	18.47 AC	21.23 AC	71.12 AC
AVERAGE LOTS/ACRE	2.03	3.75	3.48	2.94
LINEAR FEET OF PRIMARY COLLECTOR	±1,815 LF	—	—	±1,815 LF
LINEAR FEET OF LOCAL STREET	±1,934 LF	±2,850 LF	±2,069 LF	±6,853 LF
GROSS FLOOD PLAIN	8.58 AC	2.08 AC	2.88 AC	13.50 AC
FLOOD PLAIN CREDIT (50% OF GROSS OPEN SPACE)	3.8 AC	1.9 AC	2.1 AC	7.8 AC
GREENBELT / PARK	3.78 AC	3.20 AC	4.00 AC	10.98 AC
TOTAL OPEN SPACE	8.78 AC	5.1 AC	6.1AC	17.98 AC
OPEN SPACE REQUIRED	6.1 AC	3.8 AC	4.2 AC	14.2 AC

THIS MASTER PLANNED COMMUNITY PLAN OF SPENCER RANCH SUBDIVISION, HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF BOERNE, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS 15th DAY OF December, A.D., 2018

BY CHAIRMAN

BY SECRETARY

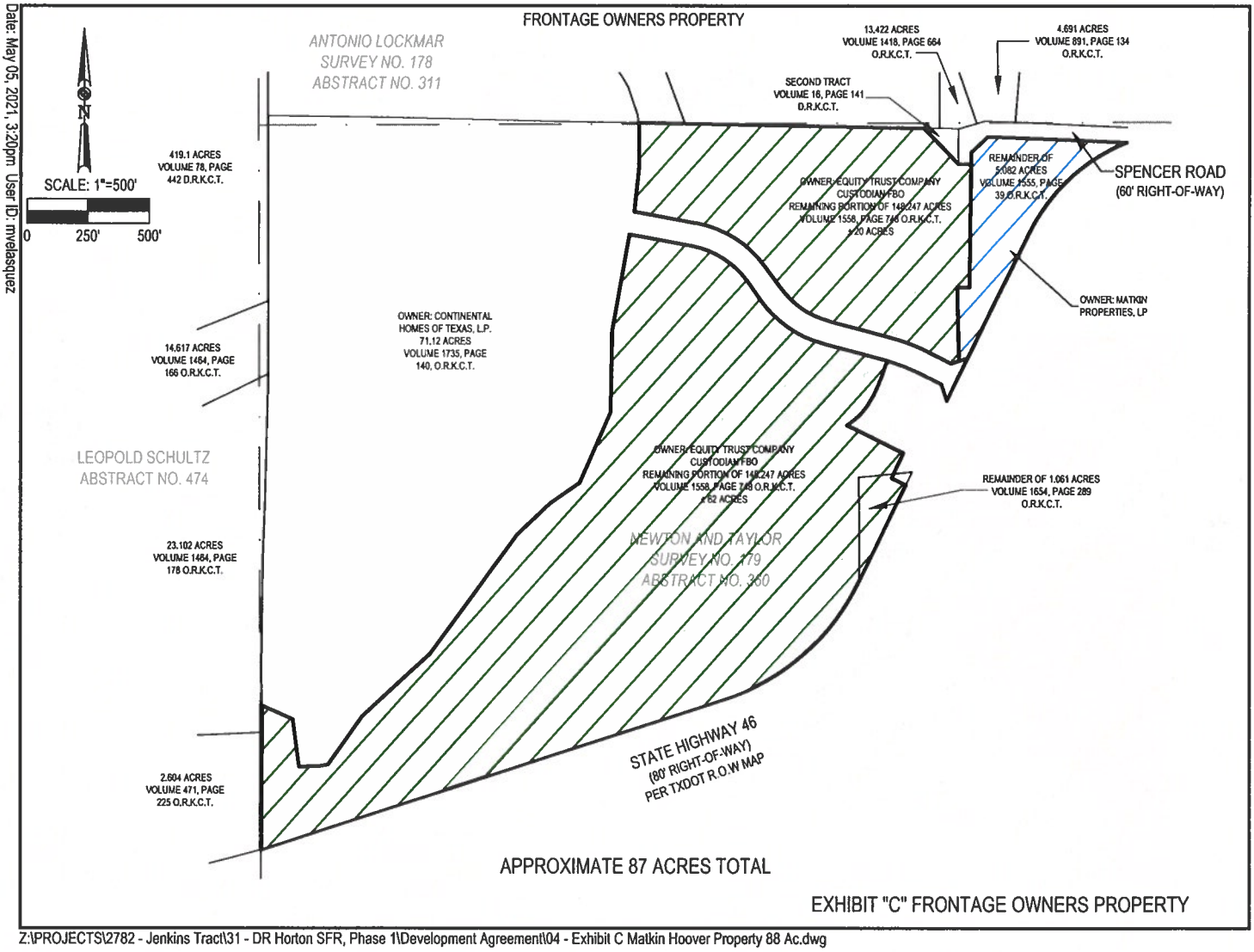
MATKIN HOOVER ENGINEERING & SURVEYING

MASTER PLANNED COMMUNITY PLAN FOR SPENCER RANCH BOERNE, TEXAS

JOB NO. 2782.20

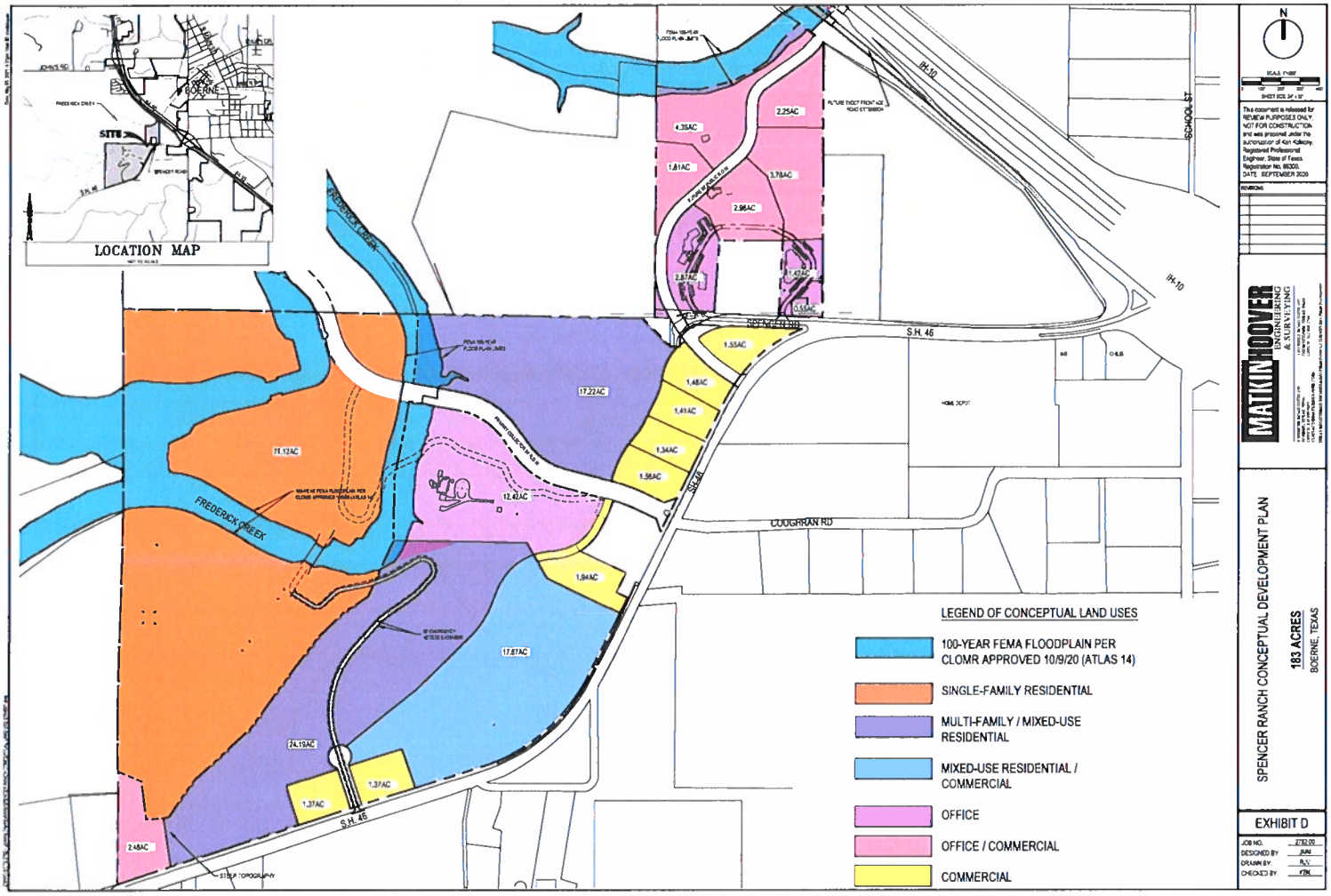
Z:\PROJECTS\2782 - JENKINS TRACT\23 - HERITAGE HOMES RESIDENTIAL\MASTER\Master Planned Community Plan.dwg
Date: Sep 21, 2018, 10:49am User ID: storch

Exhibit B Forestar Master Plan



Date: May 05, 2021, 3:20pm User ID: mvelasquez

Z:\PROJECTS\2782 - Jenkins Tract\31 - DR Horton SFR, Phase 1\Development Agreement\04 - Exhibit C Matkin Hoover Property 88 Ac.dwg


LOCATION MAP
SITE
BOERNE
FREDERICK CREEK
S.H. 46
IH-10
SCHOOL ST
COUGHRAN RD
HOME DEPOT
4.39AC
2.25AC
1.81AC
3.78AC
2.96AC
2.87AC
1.43AC
0.15AC
1.55AC
1.48AC
1.41AC
1.34AC
1.56AC
17.22AC
71.12AC
12.42AC
1.94AC
17.87AC
24.15AC
1.37AC
1.37AC
2.48AC
LEGEND OF CONCEPTUAL LAND USES
100-YEAR FEMA FLOODPLAIN PER CLOMR APPROVED 10/9/20 (ATLAS 14)
SINGLE-FAMILY RESIDENTIAL
MULTI-FAMILY / MIXED-USE RESIDENTIAL
MIXED-USE RESIDENTIAL / COMMERCIAL
OFFICE
OFFICE / COMMERCIAL
COMMERCIAL
N
MATKINHOOVER
ENGINEERING & SURVEYING
SPENCER RANCH CONCEPTUAL DEVELOPMENT PLAN
183 ACRES
BOERNE, TEXAS
EXHIBIT D
JOB NO. 2782.00
DESIGNED BY JMH
DRAWN BY RJV
CHECKED BY KBK

REMAINING PORTION OF
140.247 ACRES
VOLUME 1539, PAGE 748
OFFICIAL RECORDS
KENDALL COUNTY, TEXAS
REMAINING PORTION OF
6 ACRES
VOLUME 1539, PAGE 748
OFFICIAL RECORDS
KENDALL COUNTY, TEXAS
REMAINING PORTION OF
140.247 ACRES
VOLUME 1539, PAGE 748
OFFICIAL RECORDS
KENDALL COUNTY, TEXAS
REMAINING PORTION OF
71.12 ACRES
VOLUME 1725, PAGE 54
OFFICIAL RECORDS
KENDALL COUNTY, TEXAS
REMAINING PORTION OF
71.12 ACRES
VOLUME 1725, PAGE 54
OFFICIAL RECORDS
KENDALL COUNTY, TEXAS
PROPOSED BRIDGE
SIDEWALK ACROSS R.O.W.
TO BE CONSTRUCTED
BIRCH RANCH BLVD
LEGEND
PROPERTY BOUNDARY
PROPOSED ASPHALT
PROPOSED CONCRETE
PROPOSED BIKE LINE
EXISTING DITCH
FUTURE ROAD TO BE CONSTRUCTED BY OTHERS
N
SCALE: 1"=60'
This document is released for REVIEW PURPOSES ONLY NOT FOR CONSTRUCTION and was prepared under the authorization of JOSHUA J. VALENTA Registered Professional Engineer, State of Texas, Registration No. 114393.
REVISIONS
MATKIN HOOVER ENGINEERING & SURVEYING
ROAD EXHIBIT
FOR
THE BIRCH AT SPENCER RANCH
BOERNE, TEXAS
EXHIBIT E
JOB NO. 2783.21
DESIGNED BY KBM
DRAWN BY MEV
CHECKED BY JJV
SHEET # 14 OF 21

City of Boerne

P.O. Box 1677 • 447 N. Main
Boerne, Texas 78006

October 1, 2020

RE: Spencer Ranch Project – 183.03 Acres
City of Boerne Rough Proportionality Determination

In response to the proportionality determination request pursuant to section 212.904 of the Texas Local Government Code received on September 3rd, 2020, City staff has provided a rough proportionality determination for the Spencer Ranch Project. Attached you will find several exhibits that provide detail of the analysis.

The area analyzed for rough proportionality was the 183.03-acre Spencer Ranch Project, as demonstrated by the Spencer Ranch Conceptual Land Use Plan dated May 2017, as provided to the City by John-Mark Matkin on July 23rd, 2020.

We color coded each area of use to provide a clear delineation between acreages and uses. Each area was considered separately and then compiled to provide a complete picture regarding the overall impact of the projected development on the existing roadway system. The total proportional impact for the entire Spencer Ranch Project demonstrates a demand greater than supply, therefore the roadway improvements listed on the attached Table 1 are justified.

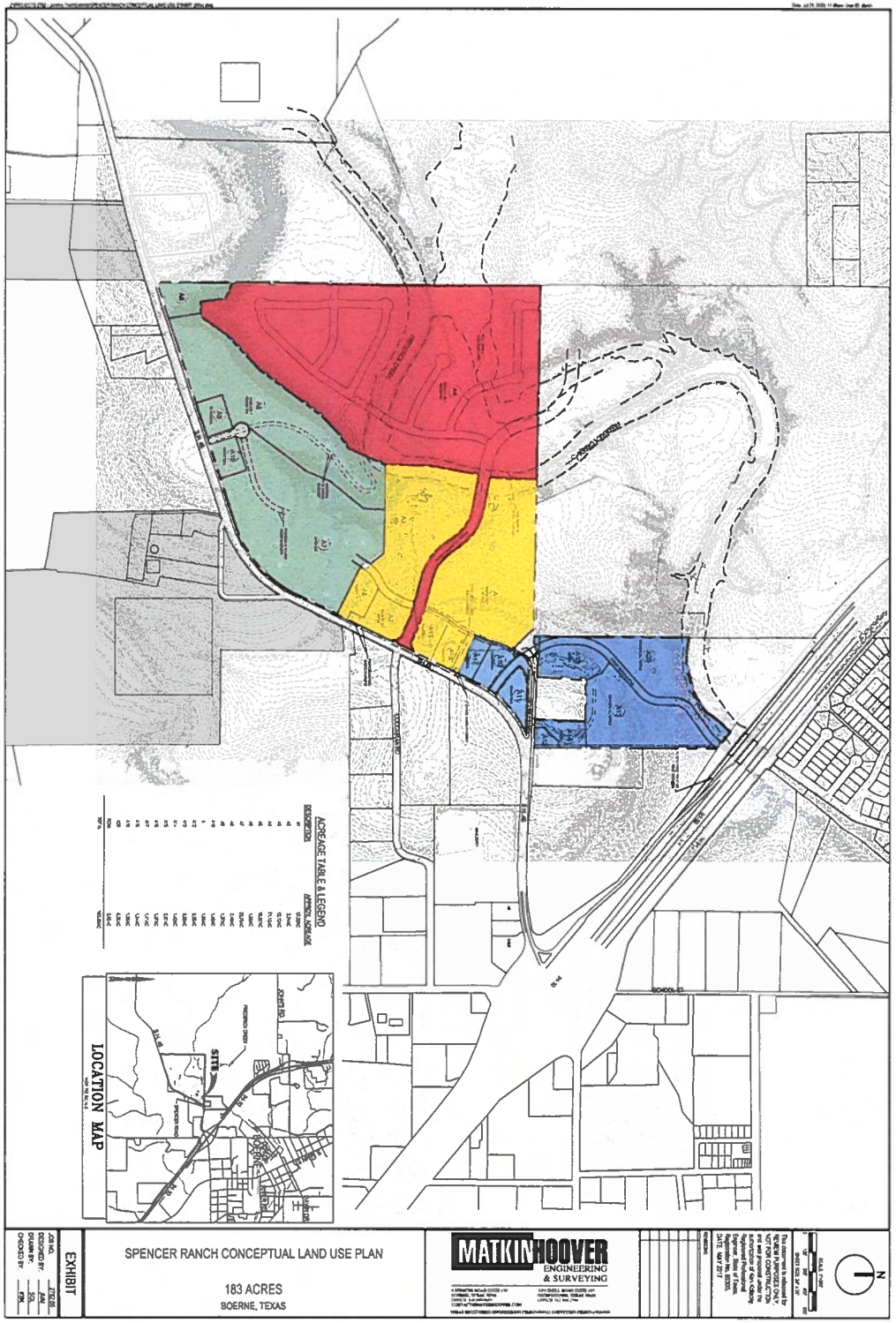
If you have any further questions or need any assistance, please do not hesitate to call.

Sincerely,

Jeffrey D. Carroll, P.E.
Director of Development Services

cc: Jeff Thompson, Deputy City Manager/General Manager of Utilities
Nick Montagno, Assistant to City Manger

Exhibit F


ACREAGE TABLE & LEGEND
LOCATION MAP
SITE
SPENCER RANCH CONCEPTUAL LAND USE PLAN
183 ACRES
BOERNE, TEXAS
EXHIBIT
MATKINHOOVER
ENGINEERING
& SURVEYING

Project:	Spencer Ranch
Parcel Info:	Conceptual Landplan, dated May 2017
Land Area:	183 Acres
Date:	10/1/2020
Prepared by:	City of Boerne

TABLE 1 - ROADS OR IMPROVEMENTS TO BE FUNDED BY DEVELOPERS (SUPPLY)

Phase	Associated Development Unit	Roadway Type	Improvement Type	Description of Improvement	Improvement Trigger	Cost Source	Estimated Value
	Spencer Ranch, Birch P1A	Primary Collector	Roadway	NB & SB lanes (4 lanes for 950') north of Hwy 46 & SB lanes (2 lanes for 1,000') (MH OPC)	Traffic Mitigation	MH OPCC	$825,225.00
	Spencer Ranch, Birch P1A	Primary Collector	Roadway	SB bridge - 2 lanes	Traffic Mitigation	MH OPCC	$501,888.75
Red	Spencer Ranch, Birch P1A	Primary Collector	Intersection	Decel & Right Turn Lane @ Hwy46	Traffic Mitigation	MH OPCC	$55,492.50
	Spencer Ranch, Birch P1A	Primary Collector	ROW	Dedicate 94' ROW for limits of Phase 1A (2,000')	Traffic Mitigation	City RP Worksheet	$41,824.25
	Spencer Ranch, Birch P3	Primary Collector	ROW	Dedicate 94' ROW from limits of Phase 1A to Wynn Ranch	Traffic Mitigation	City RP Worksheet	$8,046.95
							$1,432,477.45
	Spencer Ranch Central	Primary Collector	Roadway	NB lanes to Wynn Ranch (2 lanes for 1,376')	Traffic Mitigation	City RP Worksheet	$739,000.00
	Spencer Ranch Central	Primary Collector	Roadway	SB lanes to Wynn Ranch (2 lanes for 376')	Traffic Mitigation	City RP Worksheet	$202,000.00
Yellow	Spencer Ranch Central	Primary Collector	Roadway	NB bridge - 2 lanes (MH OPC)	Traffic Mitigation	MH OPCC	$501,888.75
	Spencer Ranch Central	Primary Collector	Intersection	Left Turn Lane @ Hwy 46	Traffic Mitigation	City RP Worksheet	$150,000.00
	Spencer Ranch Central	Primary Collector	Intersection	Traffic Signal @ Hwy 46	Traffic Mitigation	City RP Worksheet	$300,000.00
	Spencer Ranch Central	Major Arterial	ROW	Dedicate 14' ROW along Hwy 46 (750')	Traffic Mitigation	City RP Worksheet	$2,384.28
							$1,895,273.03
	Spencer Ranch, North	Secondary Collector	Roadway	NB & SB lanes from Hwy46 to IH10 (2 lanes for 2,250')	Traffic Mitigation	City RP Worksheet	$1,948,000.00
	Spencer Ranch, North	Secondary Collector	Intersection	Decel & Right Turn Lane @ IH10	Traffic Mitigation	City RP Worksheet	$75,000.00
	Spencer Ranch, North	Secondary Collector	Intersection	Decel & Right Turn Lane @ Hwy46	Traffic Mitigation	City RP Worksheet	$75,000.00
Blue	Spencer Ranch, North	Secondary Collector	Intersection	Left Turn Lane @ Hwy 46	Traffic Mitigation	City RP Worksheet	$150,000.00
	Spencer Ranch, North	Secondary Collector	Intersection	Traffic Signal @ Hwy 46	Traffic Mitigation	City RP Worksheet	$300,000.00
	Spencer Ranch, North	Major Arterial	Intersection	Realignment/Improvements of exist road @ Hwy 46	Traffic Mitigation	City RP Worksheet	$150,000.00
	Spencer Ranch, North	Secondary Collector	ROW	Dedicate 74' ROW from Hwy46 to IH10 (2,250')	Traffic Mitigation	City RP Worksheet	$37,973.00
	Spencer Ranch, North	Major Arterial	ROW	Dedicate 14' ROW along Hwy 46 (750')	Traffic Mitigation	City RP Worksheet	$2,384.28
							$2,738,357.28
	Spencer Ranch, South	Secondary Collector	Roadway	NB & SB lanes from Hwy46 to IH10 (2 lanes for 350')	Traffic Mitigation	City RP Worksheet	$303,000.00
	Spencer Ranch, South	Secondary Collector	Intersection	Decel & Right Turn Lane @ Hwy46	Traffic Mitigation	City RP Worksheet	$75,000.00
Green	Spencer Ranch, South	Secondary Collector	Intersection	Left Turn Lane @ Hwy46	Traffic Mitigation	City RP Worksheet	$150,000.00
	Spencer Ranch, South	Secondary Collector	Intersection	Traffic Signal @ Hwy46	Traffic Mitigation	City RP Worksheet	$300,000.00
	Spencer Ranch, South	Secondary Collector	ROW	Dedicate 74' ROW from Hwy46 (350')	Traffic Mitigation	City RP Worksheet	$5,907.17
	Spencer Ranch, South	Major Arterial	ROW	Dedicate 14' ROW along Hwy 46 (3,150')	Traffic Mitigation	City RP Worksheet	$10,033.85
							$843,941.02

Total capacity (supply) added to system: $6,910,048.78

Spencer Ranch - overall
183.03 Acres
10/1/2020

Rough Proportionality Summary

	Total Capacity (Supply)	Total Demand Placed
Spencer Ranch - Red	$1,432,477.45	$878,082.00
Spencer Ranch - Yellow	$1,895,273.03	$2,054,470.00
Spencer Ranch - Green	$843,941.02	$3,333,980.00
Spencer Ranch - Blue	$2,738,357.28	$1,354,510.00
	$6,910,048.78	$7,621,042.00
	Delta =	***$710,993.22***

Demand > Supply

Therefore, the roadway improvements required by City are justified

Rough Proportionality Worksheet
City of Boerne, Texas

Development Name: Spencer Ranch (209 SF lots) [RED]

Applicant: MH on behalf of Forestar

Legal Description (Lot, Block): Spencer Ranch - 71.12 Acres as shown on Masterplan approved 10/1/2018

Case / Plat Number: | **Date:** October 1, 2020

Worksheet Last Updated: 11/13/2018

DEMAND - Traffic Generated by Proposed Development

Land Use Type:	Development Unit:	Intensity:	PM Peak Hour Trip Rate:	Trip Length: (miles)	Demand: (vehicle-miles)	Impact of Development: ($)
Single-Family Detached Housing	Dwelling Unit	209	0.99	1.50	310.37	878,082.00

TOTAL DEMAND PLACED ON THOROUGHFARE SYSTEM: 310.37 $878,082

Estimated Average Cost Per Vehicle Mile: $2,829.15

SUPPLY - Roads to be built or funded by Applicant:

COST ESTIMATES BASED ON DETAILED OPCC

Roadway Name:	Classification:	Capacity: (vphpl)	Length: (Linear Feet)	Number of Lanes:	Cost of Capacity / Supply Added: ($)	Cost Estimate Based on Detailed OPCC: ($)
Spencer Ranch Blvd as shown on phase 1A plans dated 9/4/2020	Primary Collector	525	2,060			$825,225.00
Spencer Ranch Bridge	Primary Collector	525				$501,888.75

ROADWAY SYSTEM SUPPLY SUBTOTAL: $1,327,114

INTERSECTION IMPROVEMENTS - Specific Improvements to be Built or Funded by the Applicant:

Intersection:	Description of Improvement:	Estimated Cost: ($)
Spencer Ranch @ Hwy 46	Right Hand Decel/turn lane (from MH estimate)	$55,492.50

INTERSECTION IMPROVEMENTS SYSTEM SUBTOTAL: $55,493

RIGHT-OF-WAY DEDICATION - ROW to be dedicated by the Applicant:

ROW Dedication:	General Description of ROW Dedication:	Estimated Cost: ($)
4.21 Acres - Phase 1A	Collector Road X $9,934.50/Ac.	$41,824.25
0.81 - Phase 3	Collector Road X $9,934.50/Ac.	$8,046.95

RIGHT-OF-WAY DEDICATION SUPPLY ADDED TO THE SYSTEM SUBTOTAL: $49,871

TOTAL VALUE OF SUPPLY ADDED TO THOROUGHFARE SYSTEM: $1,432,477

SUPPLY / DEMAND COMPARISON:

A comparison of the capacity provided by a development exaction against the traffic impacts of the proposed development.

	Cost	Comparison
TOTAL CAPACITY (SUPPLY) ADDED TO SYSTEM:	$1,432,477	SUPPLY > DEMAND
TOTAL DEMAND PLACED ON THOROUGHFARE SYSTEM:	$878,082	61.30%

Based upon the results of this rough proportionality analysis, the capacity (supply) provided by the proposed development exceeds the anticipated demand it places on the system. Given these assumptions, only 61.30% of the capacity supplied can be attributed to the proposed development. Therefore, the roadway improvements are NOT roughly proportional to the demands placed on the system (i.e. the applicant is adding more capacity than needed to support their development).

Rough Proportionality Worksheet
City of Boerne, Texas

Development Name: Spencer Ranch (Yellow Portion)

Applicant: MH on behalf of Duperier/Matkin IRA

Legal Description (Lot, Block): 183 Acres - Yellow Portion

Case / Plat Number: _____ **Date:** October 1, 2020

Worksheet Last Updated: 11/13/2018

DEMAND - Traffic Generated by Proposed Development

Land Use Type:	Development Unit:	Intensity:	PM Peak Hour Trip Rate:	Trip Length: (miles)	Demand: (vehicle-miles)	Impact of Development: ($)
Multifamily Housing (Low-Rise)	Dwelling Unit	356	0.56	1.50	299.04	846,028.00
Gasoline/Service Station w/ Conv Mark	Vehicle Fueling Position	8	6.16	1.50	73.92	209,131.00
Shopping Center	1,000 SF GLA	48.8	2.51	1.50	183.73	519,799.00
Office Park	1,000 SF GFA	105.6	1.07	1.50	169.49	479,512.00

TOTAL DEMAND PLACED ON THOROUGHFARE SYSTEM: 726.18 $2,054,470

Estimated Average Cost Per Vehicle Mile: $2,829.15

SUPPLY - Roads to be built or funded by Applicant:

COST ESTIMATES BASED ON DETAILED OPCC

Roadway Name:	Classification:	Capacity: (vphpl)	Length: (Linear Feet)	Number of Lanes:	Cost of Capacity / Supply Added: ($)	Cost Estimate Based on Detailed OPCC: ($)
S.R. Blvd - S.B. 2 lane	Primary Collector	525	1,376	2	739,000.00	
S.R. Blvd - N.B. 2 lane	Primary Collector	525	376	2	202,000.00	
Bridge - 2 lanes	Primary Collector	525				$501,888.75

ROADWAY SYSTEM SUPPLY SUBTOTAL: $1,442,889

INTERSECTION IMPROVEMENTS - Specific Improvements to be Built or Funded by the Applicant:

Intersection:	Description of Improvement:	Estimated Cost: ($)
Spencer Ranch @ Hwy 46	Left Turn Lane	$150,000.00
Spencer Ranch @ Hwy 46	Traffic Signal	$300,000.00

INTERSECTION IMPROVEMENTS SYSTEM SUBTOTAL: $450,000

RIGHT-OF-WAY DEDICATION - ROW to be dedicated by the Applicant:

ROW Dedication:	General Description of ROW Dedication:	Estimated Cost: ($)
0.24 Acres	750 LF of 14' Hwy 46 Dedication ($9,934.50/Acre)	$2,384.28

RIGHT-OF-WAY DEDICATION SUPPLY ADDED TO THE SYSTEM SUBTOTAL: $2,384

TOTAL VALUE OF SUPPLY ADDED TO THOROUGHFARE SYSTEM: $1,895,273

SUPPLY / DEMAND COMPARISON:

A comparison of the capacity provided by a development exaction against the traffic impacts of the proposed development.

	Cost	Comparison
TOTAL CAPACITY (SUPPLY) ADDED TO SYSTEM:	$1,895,273	SUPPLY > DEMAND
TOTAL DEMAND PLACED ON THOROUGHFARE SYSTEM:	$2,054,470	108.40%

Based upon the results of this rough proportionality analysis, the anticipated demand on the system exceeds the capacity (supply) provided by the proposed development. Given these assumptions, the anticipated demand of the development exceeds the capacity supplied by approximately 8.40%. Therefore, the roadway improvements required by the City are justified (i.e. the applicant is adding less capacity than needed to support their development).

Rough Proportionality Worksheet
City of Boerne, Texas

Development Name: Spencer Ranch (Blue Portion)

Applicant: MH on behalf of Duperier/Matkin IRA

Legal Description (Lot, Block):

Case / Plat Number: **Date:** October 1, 2020

Worksheet Last Updated: 11/13/2018

DEMAND - Traffic Generated by Proposed Development

Land Use Type:	Development Unit:	Intensity:	PM Peak Hour Trip Rate:	Trip Length: (miles)	Demand: (vehicle-miles)	Impact of Development: ($)
Office Park	1,000 SF GFA	54	1.07	1.50	86.67	245,202.00
Office Park	1,000 SF GFA	78.3	1.07	1.50	125.67	355,539.00
Office Park	1,000 SF GFA	52.7	1.07	1.50	84.58	239,289.00
Shopping Center	1,000 SF GLA	48.3	2.51	1.50	181.85	514,480.00

TOTAL DEMAND PLACED ON THOROUGHFARE SYSTEM: 478.77 $1,354,510

Estimated Average Cost Per Vehicle Mile: $2,829.15

SUPPLY - Roads to be built or funded by Applicant:

Roadway Name:	Classification:	Capacity: (vphpl)	Length: (Linear Feet)	Number of Lanes:	Cost of Capacity / Supply Added: ($)	Cost Estimate Based on Detailed OPCC: ($)
Collector Road	Secondary Collector	425	2,250	2	1,948,000.00	

ROADWAY SYSTEM SUPPLY SUBTOTAL: $1,948,000

INTERSECTION IMPROVEMENTS - Specific Improvements to be Built or Funded by the Applicant:

Intersection:	Description of Improvement:	Estimated Cost: ($)
Road @ IH10	Right Hand Decel/turn lane	$75,000.00
Road @ Hwy 46	Right Hand Decel/turn lane	$75,000.00
Road @ Hwy 46	Left Hand Turn lane	$150,000.00
Collector Road @ Hwy 46	Traffic Signal	$300,000.00
Existing Spencer Rd.	Realignment/Improvements of Exist Road	$150,000.00

INTERSECTION IMPROVEMENTS SYSTEM SUBTOTAL: $750,000

RIGHT-OF-WAY DEDICATION - ROW to be dedicated by the Applicant:

ROW Dedication:	General Description of ROW Dedication:	Estimated Cost: ($)
3.82 Acres	250 LF of 74' ROW Secondary Collector Road ($9,934.50/Ac	$37,973.00
0.24 Acres	750 LF of 14' Hwy 46 Dedication ($9,934.50/Acre)	$2,384.28

RIGHT-OF-WAY DEDICATION SUPPLY ADDED TO THE SYSTEM SUBTOTAL: $40,357

TOTAL VALUE OF SUPPLY ADDED TO THOROUGHFARE SYSTEM: $2,738,357

SUPPLY / DEMAND COMPARISON:

A comparison of the capacity provided by a development exaction against the traffic impacts of the proposed development.

	Cost	Comparison
TOTAL CAPACITY (SUPPLY) ADDED TO SYSTEM:	$2,738,357	SUPPLY > DEMAND
TOTAL DEMAND PLACED ON THOROUGHFARE SYSTEM:	$1,354,510	49.46%

Based upon the results of this rough proportionality analysis, the capacity (supply) provided by the proposed development exceeds the anticipated demand it places on the system. Given these assumptions, only 49.46% of the capacity supplied can be attributed to the proposed development. Therefore, the roadway improvements are NOT roughly proportional to the demands placed on the system (i.e. the applicant is adding more capacity than needed to support their development).

Rough Proportionality Worksheet
City of Boerne, Texas

Development Name: Spencer Ranch (Green Portion)

Applicant: MH on behalf of Duperier/Matkin IRA

Legal Description (Lot, Block):

Case / Plat Number: **Date:** October 1, 2020

Worksheet Last Updated: 11/13/2018

DEMAND - Traffic Generated by Proposed Development

Land Use Type:	Development Unit:	Intensity:	PM Peak Hour Trip Rate:	Trip Length: (miles)	Demand: (vehicle-miles)	Impact of Development: ($)
Multifamily Housing (Low-Rise)	Dwelling Unit	225	0.56	1.50	189.00	534,709.00
Shopping Center	1,000 SF GLA	56.8	2.51	1.50	213.85	605,013.00
Shopping Center	1,000 SF GLA	206	2.51	1.50	775.59	2,194,258.00
TOTAL DEMAND PLACED ON THOROUGHFARE SYSTEM:					**1,178.44**	**$3,333,980**
Estimated Average Cost Per Vehicle Mile:						**$2,829.15**

SUPPLY - Roads to be built or funded by Applicant:

Roadway Name:	Classification:	Capacity: (vphpl)	Length: (Linear Feet)	Number of Lanes:	Cost of Capacity / Supply Added: ($)	Cost Estimate Based on Detailed OPCC: ($)
Collector Road	Secondary Collector	425	350	2	303,000.00	
ROADWAY SYSTEM SUPPLY SUBTOTAL:						**$303,000**

INTERSECTION IMPROVEMENTS - Specific Improvements to be Built or Funded by the Applicant:

Intersection:	Description of Improvement:	Estimated Cost: ($)
Road @ Hwy 46	Right Hand Decel/turn lane	$75,000.00
Road @ Hwy 46	Left Turn Lane	$150,000.00
Road @ Hwy 46	Traffic Signal	$300,000.00
INTERSECTION IMPROVEMENTS SYSTEM SUBTOTAL:		**$525,000**

RIGHT-OF-WAY DEDICATION - ROW to be dedicated by the Applicant:

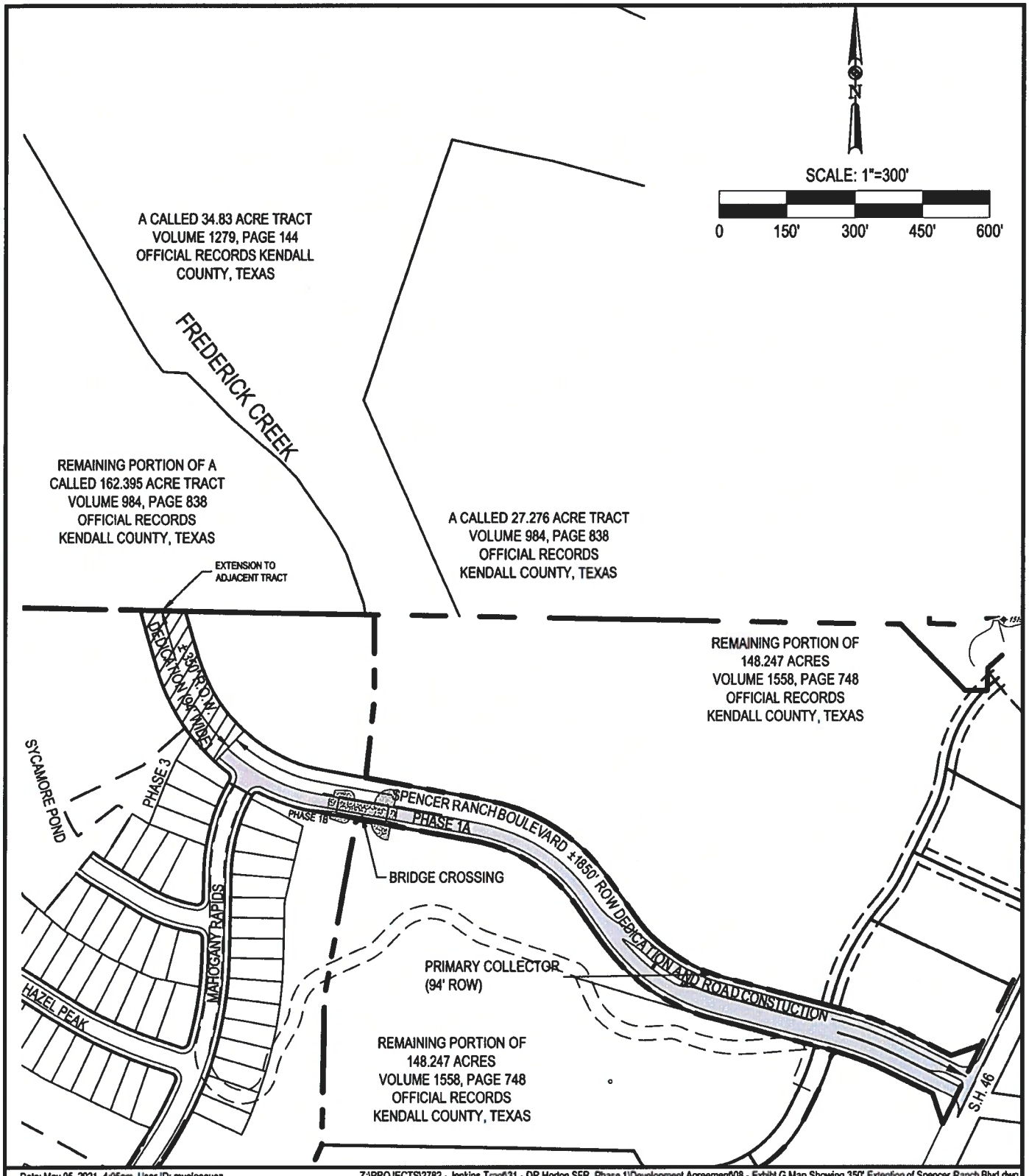
ROW Dedication:	General Description of ROW Dedication:	Estimated Cost: ($)
0.59 Acres	50 LF of 74' ROW Secondary Collector Road ($9,934.50/Acre	$5,907.00
1.01 Acres	3150 LF of 14' Hwy 46 Dedication ($9,934.50/Acre)	$10,033.85
RIGHT-OF-WAY DEDICATION SUPPLY ADDED TO THE SYSTEM SUBTOTAL:		**$15,941**
TOTAL VALUE OF SUPPLY ADDED TO THOROUGHFARE SYSTEM:		**$843,941**

SUPPLY / DEMAND COMPARISON:

A comparison of the capacity provided by a development exaction against the traffic impacts of the proposed development.

	Cost	Comparison
TOTAL CAPACITY (SUPPLY) ADDED TO SYSTEM:	$843,941	SUPPLY < DEMAND
TOTAL DEMAND PLACED ON THOROUGHFARE SYSTEM:	$3,333,980	395.05%

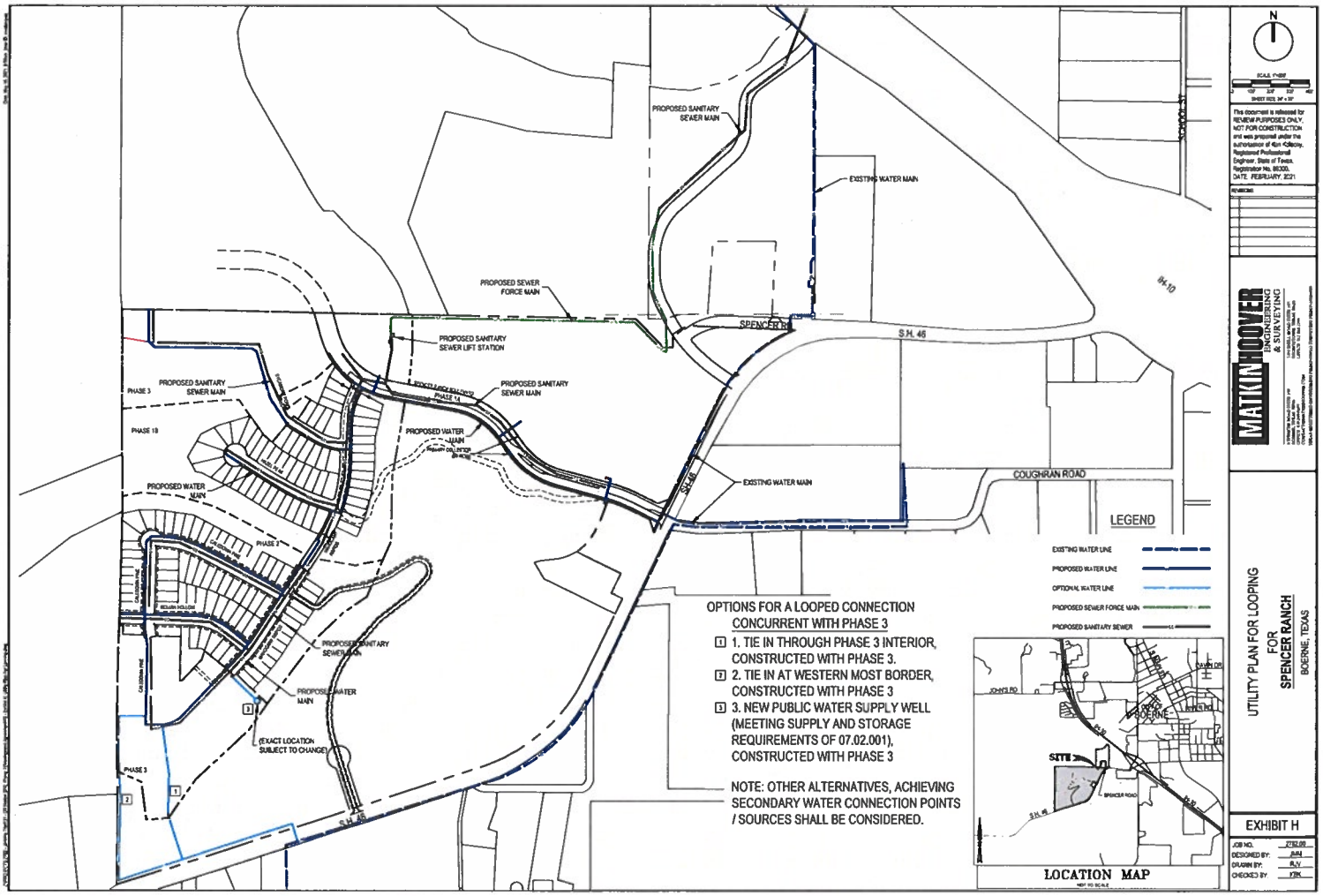
Based upon the results of this rough proportionality analysis, the anticipated demand on the system exceeds the capacity (supply) provided by the proposed development. Given these assumptions, the anticipated demand of the development exceeds the capacity supplied by approximately 295.05%. Therefore, the roadway improvements required by the City are justified (i.e. the applicant is adding less capacity than needed to support their development).

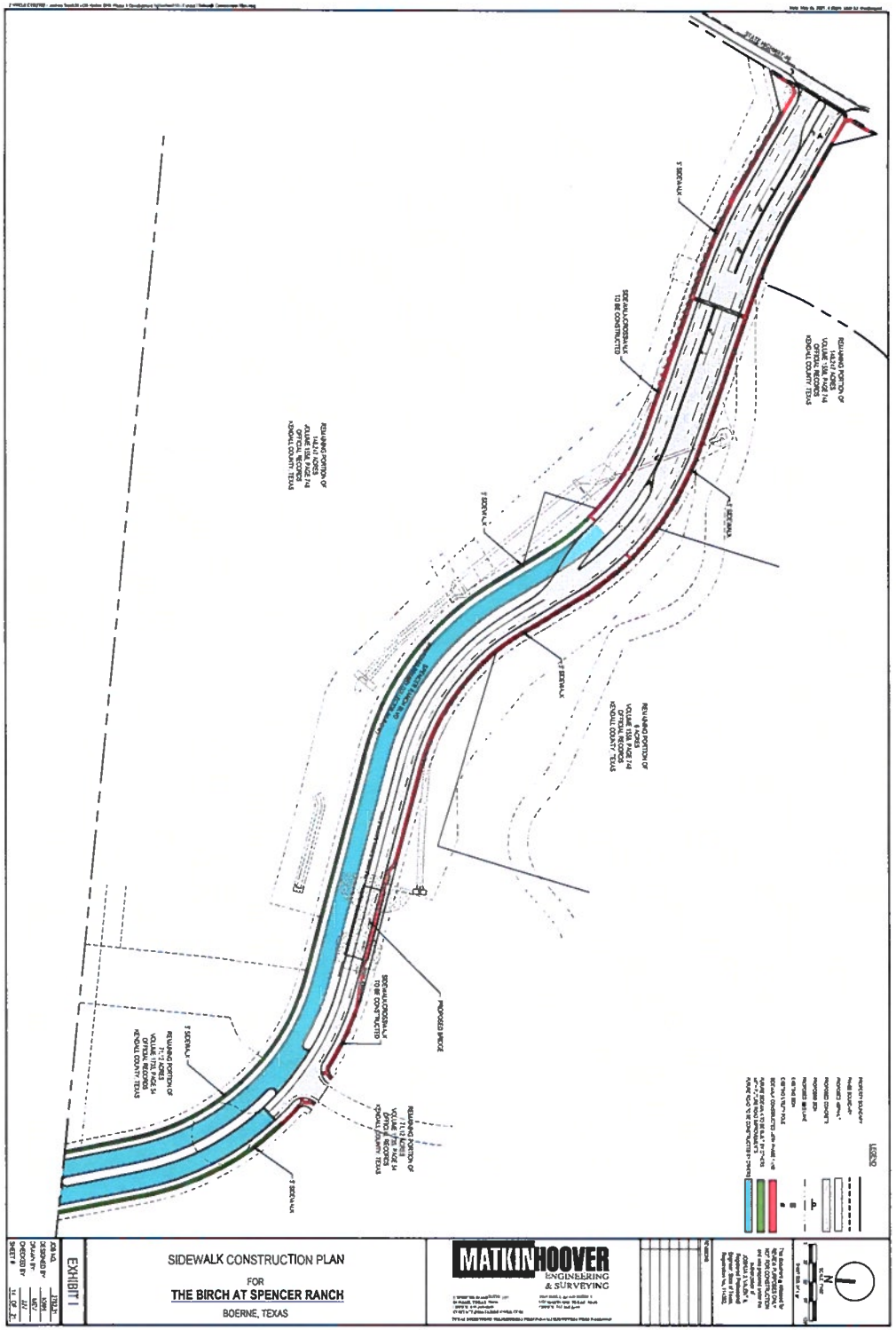


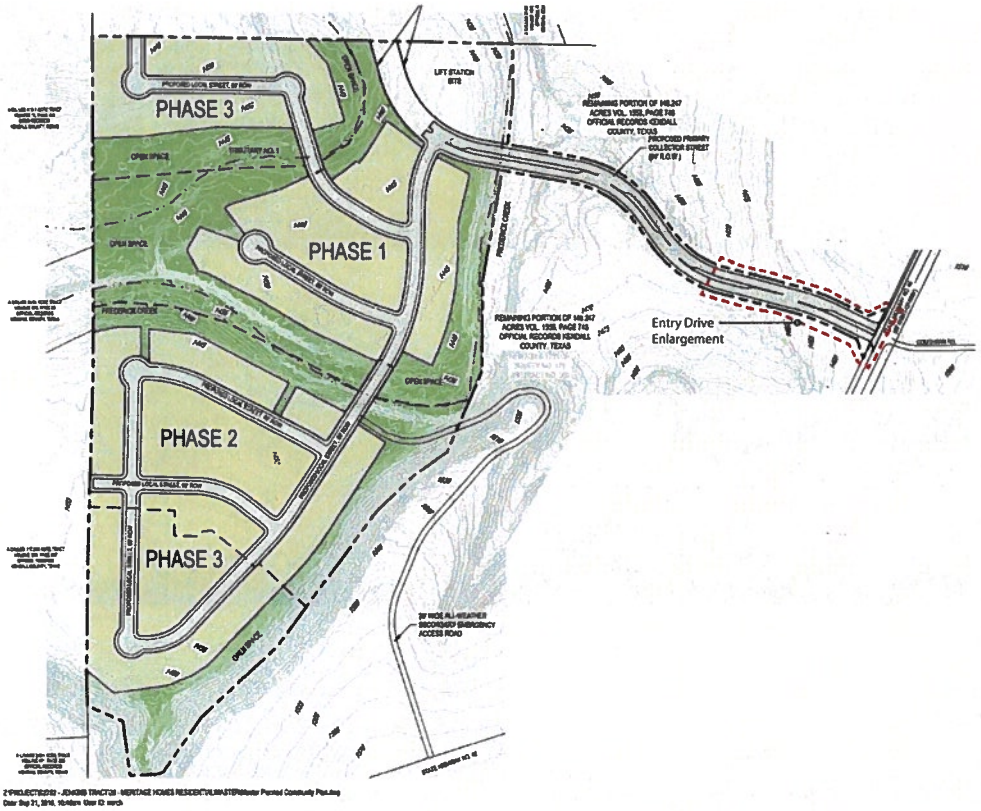
Date: May 05, 2021, 4:05pm User ID: mvelasquez Z:\PROJECTS\2782 - Jenkins Tract\31 - DR Horton SFR, Phase 1\Development Agreement\08 - Exhibit G Map Showing 350' Extention of Spencer Ranch Blvd.dwg

MATKINHOOVER
ENGINEERING & SURVEYING
P.O. BOX 54
8 SPENCER ROAD SUITE 100
BOERNE, TEXAS 78006
OFFICE: 830.249.0600 FAX.830.249.0099
CIVIL ENGINEERS SURVEYORS LAND PLANNERS CONSTRUCTION MANAGERS CONSULTANTS

EXHIBIT "G";
FUTURE 350-FOOT. EXTENSION OF SPENCER RANCH BOULEVARD


PROPOSED SANITARY SEWER MAIN
EXISTING WATER MAIN
SCHOOL ST
PROPOSED SEWER FORCE MAIN
SPENCER RD
S.H. 46
PROPOSED SANITARY SEWER LIFT STATION
PHASE 3
PROPOSED SANITARY SEWER MAIN
PHASE 1A
PHASE 1B
PROPOSED WATER MAIN
PHASE 2
EXISTING WATER MAIN
COUGHRAN ROAD
PROPOSED SANITARY SEWER MAIN
PROPOSED WATER MAIN
(EXACT LOCATION SUBJECT TO CHANGE)
PHASE 3
S.H. 46
LEGEND
EXISTING WATER LINE
PROPOSED WATER LINE
OPTIONAL WATER LINE
PROPOSED SEWER FORCE MAIN
PROPOSED SANITARY SEWER
OPTIONS FOR A LOOPED CONNECTION CONCURRENT WITH PHASE 3
1. TIE IN THROUGH PHASE 3 INTERIOR, CONSTRUCTED WITH PHASE 3.
2. TIE IN AT WESTERN MOST BORDER, CONSTRUCTED WITH PHASE 3
3. NEW PUBLIC WATER SUPPLY WELL (MEETING SUPPLY AND STORAGE REQUIREMENTS OF 07.02.001), CONSTRUCTED WITH PHASE 3
NOTE: OTHER ALTERNATIVES, ACHIEVING SECONDARY WATER CONNECTION POINTS / SOURCES SHALL BE CONSIDERED.
JOHNS RD
SITE
SPENCER ROAD
S.H. 46
LOCATION MAP
N
This document is released for REVIEW PURPOSES ONLY, NOT FOR CONSTRUCTION and was prepared under the authorization of Kim Kilkenny, Registered Professional Engineer, State of Texas, Registration No. 95200, DATE: FEBRUARY, 2021
MATKIN HOOVER ENGINEERING & SURVEYING
UTILITY PLAN FOR LOOPING FOR SPENCER RANCH
BOERNE, TEXAS
EXHIBIT H
JOB NO. 2752.05
DESIGNED BY: AJM
DRAWN BY: RJV
CHECKED BY: KRK


EXHIBIT I
SIDEWALK CONSTRUCTION PLAN
FOR
THE BIRCH AT SPENCER RANCH
BOERNE, TEXAS
MATKINHOOVER
ENGINEERING
& SURVEYING
SCALE: 1" = 100'
DESIGNED BY
DRAWN BY
CHECKED BY
SHEET #
JOB NO.
DATE
5' SIDEWALK
PROPOSED BRIDGE
SIDEWALK CROSSING TO BE CONSTRUCTED
REMAINING PORTION OF 141.71 ACRES VOLUME 1781, PAGE 54 KENDALL COUNTY, TEXAS
REMAINING PORTION OF 141.71 ACRES VOLUME 1781, PAGE 54 OFFICIAL RECORDS KENDALL COUNTY, TEXAS
REMAINING PORTION OF 141.71 ACRES VOLUME 1781, PAGE 54 KENDALL COUNTY, TEXAS
REMAINING PORTION OF 141.71 ACRES VOLUME 1781, PAGE 54 OFFICIAL RECORDS KENDALL COUNTY, TEXAS
REMAINING PORTION OF 141.71 ACRES VOLUME 1781, PAGE 54 OFFICIAL RECORDS KENDALL COUNTY, TEXAS
LEGEND
N



Orientation Map
SPENCER RANCH

Boerne, Texas

ISSUE DATE: March 12, 2021
All drawings are preliminary and subject to change.
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NORTH

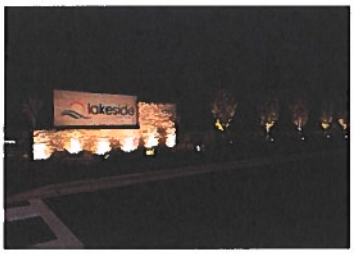
FORESTAR

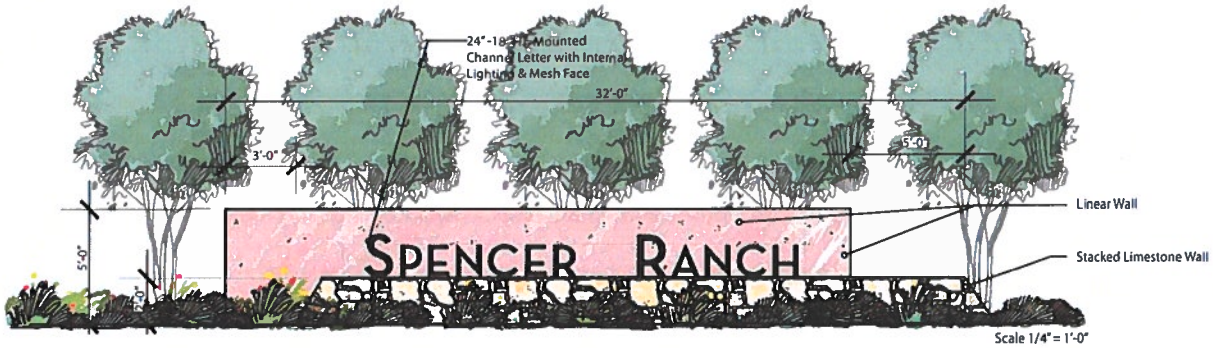
Exhibit J











Scale 1/4" = 1'-0"



Not to Scale

Entry Tower Concept
SPENCER RANCH

Boerne, Texas

ISSUE DATE: March 12, 2021
All drawings are preliminary and subject to change.
© 2021 Hitchcock Design Group

SCALE: 1/8"= AS NOTED

FORESTAR

Exhibit J

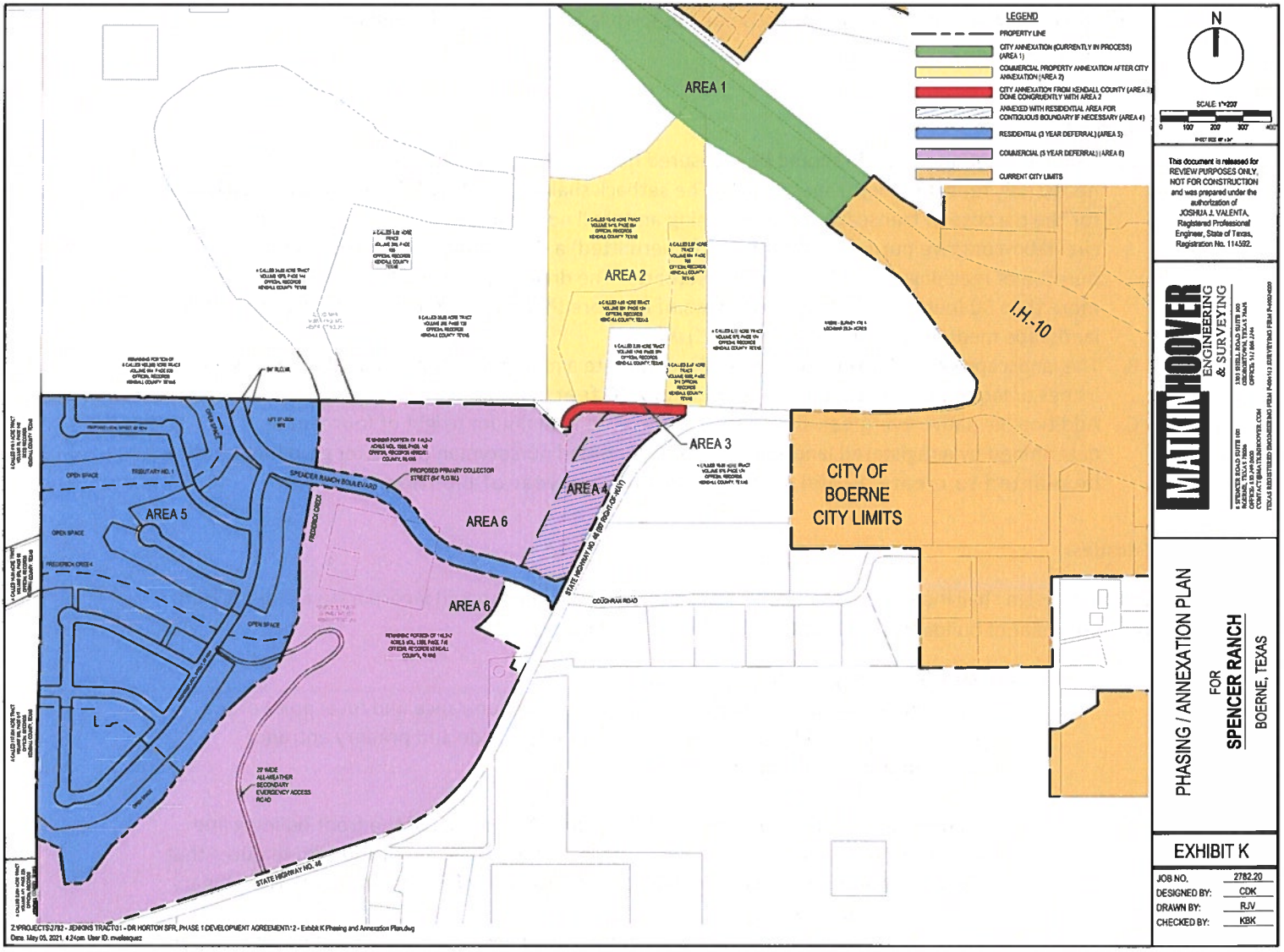

LEGEND
PROPERTY LINE
CITY ANNEXATION (CURRENTLY IN PROCESS) (AREA 1)
COMMERCIAL PROPERTY ANNEXATION AFTER CITY ANNEXATION (AREA 2)
CITY ANNEXATION FROM KENDALL COUNTY (AREA 3) DONE CONGRUENTLY WITH AREA 2
ANNEXED WITH RESIDENTIAL AREA FOR CONTIGUOUS BOUNDARY IF NECESSARY (AREA 4)
RESIDENTIAL (3 YEAR DEFERRAL) (AREA 5)
COMMERCIAL (3 YEAR DEFERRAL) (AREA 6)
CURRENT CITY LIMITS
AREA 1
AREA 2
AREA 3
AREA 4
AREA 5
AREA 6
AREA 6
I.H.-10
CITY OF BOERNE CITY LIMITS
SPENCER RANCH BOULEVARD
PROPOSED PRIMARY COLLECTOR STREET (64' R.O.W.)
TRIBUTARY NO. 1
FREDERICK CREEK
OPEN SPACE
STATE HIGHWAY NO. 46 (80' R.O.W.)
COCHRAN ROAD
20' WIDE ALL-WEATHER SECONDARY EMERGENCY ACCESS ROAD
STATE HIGHWAY NO. 46
N
SCALE: 1"=200'
0 100 200 300 400
This document is released for REVIEW PURPOSES ONLY, NOT FOR CONSTRUCTION and was prepared under the authorization of JOSHUA J. VALENTA, Registered Professional Engineer, State of Texas, Registration No. 114592.
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8 SPENCER ROAD SUITE 100
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CONTACT@MATKINHOOVER.COM
TEXAS REGISTERED ENGINEERING FIRM F-9904 | SURVEYING FIRM F-10030800
PHASING / ANNEXATION PLAN
FOR
SPENCER RANCH
BOERNE, TEXAS
EXHIBIT K
JOB NO. 2782.20
DESIGNED BY: CDK
DRAWN BY: RJV
CHECKED BY: KBK
Z:\PROJECTS\2782 - JENKINS TRACT\01 - DR HORTON SFR, PHASE 1 DEVELOPMENT AGREEMENT\1-2 - Exhibit K Phasing and Annexation Plan.dwg
Date: May 05, 2021, 4:24pm User ID: ewalesquez

Exhibit L

I. Commercial Design Standards

The following Design Standards shall apply to commercial uses 350 feet from the right-of way of the major arterial (Hwy 46 East) and the primary collector (continuation of Coughran Road).

The Design Standards are intended to enhance the community character. Specifically, they are intended to create character and identity through a wide variety of diverse architectural details, and to create consistent well-designed frontages along streets and other public or community spaces. Creativity is encouraged to avoid dull or homogeneous buildings, while incorporating elements of the Texas Hill Country style.

Setbacks.

A. Setbacks contained herein should be measured from the Hwy 46 right-of-way and do not necessarily reflect the lot front setback. The setback shall be fifty feet (50') and shall be used only for the purpose of landscaping and screening and shall not be utilized for parking or internal circulation or drive purposes, except that (if permitted) a driveway may cut through for the purpose of reaching the area behind the setback. The driveway may cut through the setback no more than 30 feet (30') or paired driveways of no more than 20 feet (20') each if separated by a landscape median at least twelve feet (12') wide.
B. The landscape setback along Hwy 46 shall incorporate a minimum of one legacy tree of twelve inches or larger in circumference planted every 20 feet.
C. Additionally native evergreen shrubs that will grow to a minimum height of four feet as determined by a registered landscape architect, certified nurseryman or master gardener shall be planted to create a solid screening within one year of planting.

Facades.

Building design shall incorporate the following standards. Buildings should incorporate elements from the vernacular of buildings in Boerne and the Texas Hill Country.

A. **Primary and Secondary Façade Standards.**

1. The primary façade of a building shall be the main entrance and focal point of the structure. All buildings should have its primary façade and primary entrance oriented towards the street.

2. All primary façades of a building shall occupy at least 50% of the front building line and shall be designed with consistent architectural style, detail and trim features that will keep within the architectural style and heritage of the community. The primary façade must incorporate:
   a. Entrance areas, arcades, display windows, awnings or other architectural variety features along no less than sixty percent (60%) of the primary façade. The remaining forty percent (40%) may not be contiguous.
   b. Offsets, reveals, or projecting ribs shall be used to express architectural or structural bays.

3. Building materials for primary facades - shall be finished using two or more of the following materials or finishes:

a. Cultured or cast stone, natural rock, brick, marble, or granite
b. Stucco or plaster
c. Exterior Insulation and Finish Systems (EIFS) or equivalent product
d. Decorative metal – less than 10% of any façade
e. Decorative treated wood – less than 10% of any facade

4. Secondary façades attached to a primary façade (such as a side wall not facing a public street) shall wrap around the building by incorporating building materials and features of the primary façade for a minimum of 60% of the overall wall length measured from the primary façade.

5. All facades shall include architectural elements such as accent banding, base plates, cornices, soffits, sills, parapets, transoms, and windows aligned horizontally. The horizontal alignment should differentiate stories in a building and create a base and crown for the building.

6. A rear wall that faces or has the likely potential to face the primary façade of another building must follow secondary façade standards.

7. No long horizontal blank wall space without openings to the interior of the building should occur along street level facades.

8. Any building containing a loading dock, bay or service area shall not be facing a primary street.

9. All buildings with a height of twenty-four feet (24') or greater shall be designed to express a base, midsection, and top. The base and tops of buildings shall vary in material.

10. All buildings within a planned development or development as shown on a concept plan or preliminary site plan shall have similar architectural styles, materials, and colors. Colors on adjacent sides and rear façades shall be finished in a similar color as the front of the proposed building.

B. **Building Material Requirements for remaining facades.** The vertical walls of all buildings (excluding doors and windows) shall be finished in two or more of the following materials:

1. Any permitted primary material, or an equal or better simulated product of a permitted primary material may be used as a secondary material;

2. Split-face concrete block, poured-in-place concrete, and tilt-wall concrete. Any use of concrete products shall have an integrated color and be textured or patterned to compliment the primary material.

C. **Accent Material Requirements.** Up to two accent materials are permitted for moldings and ornamental details, or other significant architectural features. Accent Materials shall consist

of no more than 15% of the façade and may consist of:

1. Any permitted primary or secondary material.
2. Standing seam metal.
3. Precast stone, metal, or wood moldings or similar architectural or ornamental details.

D. **Roof Treatments.**

1. Parapets consisting of similar materials to those on the primary façade shall be used to conceal roof top equipment on flat roofs.

2. All sloping roofs less than or equal to a 2:12 pitch shall utilize full parapet coverage not less than two feet (2') above the highest point of the roof

Parking.

The following design and location standards shall apply to on-site parking:

A. To the greatest extent possible, on-site parking areas shall be designed to reduce the negative visual effects of vast paved areas and shall contain screening, landscape planting islands and defined pedestrian walkways.
B. Any parking along Hwy 46 shall be located behind the fifty foot (50') landscape setback.

The location of the on-site parking surface areas shall to the greatest extent possible be located to the side or rear of a building. No more than 15% of the on-site parking areas shall not be located between the front building line of any principal building and a street. Any alternative to this parking requirement must be approved by the Design Review Committee.

1. Where practical, on-site parking areas shall be connected to adjacent parcels through a rear or side lot line access drive or street. If the adjacent parcel is undeveloped or vacant, the access drive, private street, etc., shall be extended to the lot line for future connection to the adjacent parcel.

C. All on-site parking lots shall include planting islands and planting medians.

1. There shall be at least one shade tree, nine inches or larger in circumference planted for each 12 parking spaces.

2. Additionally, parking areas that contain over 100 vehicles shall provide a planting median between every third parking bay of adjacent parking bays, at a minimum, to prevent traffic movement across parking isles.

3. The planting median shall be a minimum of 15 feet wide and may be designed with a curb-less or perforated curb system provided they are engineered to infiltrate run-off from the parking lot, such as a rain garden or bioswale.

4. Parking area for Over 100 vehicles shall provide a planting median

a. Shall be placed between every third parking bay of adjacent parking bays, at a minimum, to prevent traffic movement across parking isles.

b. A minimum of one shade tree of nine inches or larger in circumference shall be planted in each such landscaped area. If a shade tree of nine inches or larger in circumference or larger already exists in the landscaped area.

c. In addition to any other required plantings, all parking lot planting areas shall be planted with drought tolerant species normally grown as permanent lawns, such as Bermuda, Zoysia, or Buffalo. Grass areas shall be solid sided. Mulch, stone, or similar materials may be used sparingly.

D. Parking areas shall be designed to allow for logical interconnection to abutting properties. All parking areas located within 50 feet of a common property line in a non-residential zoning district shall be interconnected to adjacent lots in a nonresidential zoning district

1. For each nonresidential use, the applicant must provide an access easement for proposed parking areas and driveways guaranteeing access to all abutting lots that are within a nonresidential zoning district where such easements enhance traffic circulation and connectivity. In addition, this easement shall provide for the construction of the interconnection between the development's proposed parking area and any parking area on adjacent lots.

2. When an access easement has been provided on an adjacent lot in accordance with this Section, the development must directly connect the parking areas via a driveway.

3. Access easements shall logically connect to internal streets, where practical.

4. Access easements and maintenance agreements or other suitable legal mechanism shall be provided for common parking areas or driveways of each nonresidential use.

Screening.

A. *Screening of parking areas.*

1. Landscaped screening of the parking area from the street is required. This may be achieved with a couple of methods.
   a) A planting of 1 2 " n a t ive trees or large evergreen shrubs that shall grow to a minimum height of eight feet as determined by a registered landscape architect, arborist, certified nurseryman or master gardener
   b) A three-foot landscaping berm
   c) A combination of the above

B. *Screening of Mechanical Equipment.*

1. All roof, ground and wall mounted mechanical equipment (e.g. air handling equipment, compressors, duct work, transformers and elevator equipment) from

view at ground level of the property line.

2. Roof-mounted mechanical equipment shall be shielded from view on four sides. Screening shall consist of materials consistent with the primary building materials, and may include metal screening or louvers, which are painted to blend with the primary building.

3. Screening shall result in the mechanical equipment blending in with the primary building and not appearing separate from the building. The slab shall be sized to accommodate the proposed container and sufficient area to receive the front axle loaded points of the collection vehicle.

4. Wall or ground-mounted equipment screening shall be constructed of one of the following:
   a) Evergreen planting screens
   b) Brick, stone, reinforced concrete, or other similar masonry materials
   c) Redwood, cedar, preservative pressure treated wood, or other similar materials
   d) A combination of the above

5. All fence posts shall be rust-protected metal, concrete-based masonry or concrete pillars.

C. *Screening of Outside Storage.*

1. Outside storage shall be located on the side or rear of the primary building and shall be screened from public view.

2. Outside storage shall be screened with:
   a) A masonry wall or other material that is similar to the primary structure and at least eight feet tall
   b) A three-foot landscaped berm
   c) A planting enclosure of large evergreen shrubs planted a maximum of four feet (4') apart that shall create a solid screen to a minimum height of eight feet within five (5) years as determined by a registered landscape architect, certified nurseryman or master gardener
   d) A combination of the above

D. *Screening of Waste Containers.*

1. Waste containers shall be discretely located on the side or rear of the building and screened from public view.

2. Waste containers shall be located on a minimum six-inch (6") reinforced slab, sloped to drain.

3. Waste containers shall be screened on four sides, using an enclosure that screens the waste container from view at the property line. Screening shall be composed

of:

a) Brick, stone, reinforced concrete, or other similar masonry materials that have a similar finish to the primary finish; or

b) Redwood, cedar, preservative pressure treated wood, or other similar materials; or

c) Large shrubs planted four feet on center and staggered 30 to 36 inches. Shrubs shall be watered with an irrigation system; and

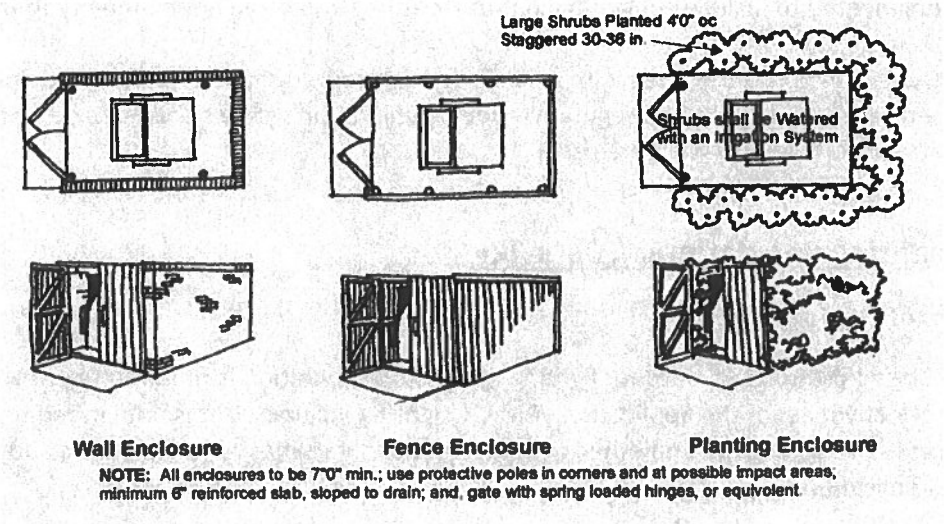
4. All fence posts shall be rust-protected metal, concrete based masonry or concrete pillars; and

5. Six inch (6") concrete filled steel pipes or better shall be located to protect the enclosure from truck operations.

6. Waste container enclosures shall have steel framed gates with spring-loaded hinges or the equivalent and fasteners to keep them closed. When in use, tiebacks should be used to secure the steel framed gates in the open positions.

7. Waste containers shall not be located closer than 50 feet (50') to any single-family lot, unless wholly located within an enclosed building.

8. Planting Enclosures using large evergreen shrubs shall incorporate plants similar to those used elsewhere on primary site and shall be not less than 15-Gallon in size.



E. *Screening of Loading Docks.*

Any delivery and service areas, loading docks, external support equipment, site utility areas, or other similar high-impact elements of site and building design shall be subject to the following:

1. All delivery or service areas and loading docks shall be located on a discrete façade, and internal to the block wherever possible.

2. Any rooftop equipment shall be screened from view of the adjacent public streetscape or other public or common opens spaces by a parapet on flat roofs, or located on a discrete pitch for pitched roofs.

3. Loading areas shall be enclosed on three sides by a wall or other screening device not less than seven feet in height.

4. Loading areas shall not be located closer than 50 feet (50') to any single-family lot, unless wholly located within an enclosed building.

5. Any service areas, loading docks, service equipment, or other site utility area that is visible from adjacent property or public right-of-way shall be screened with a combination of landscape and wall built of a similar material to the main structure at least 6 feet high.

6. Any service use that involves vehicle service bays on a primary or secondary façade shall be located on only secondary or support streets, shall have the service bay portion of the building screened with a combination of landscape and wall built of a similar material to the main structure at least 6 feet high, and shall not have service bays that occupy more than 40% of a single façade.

Drainage and Detention Facilities.

A. Drainage facilities, provided they are non-structural drainage facilities, shall be designed and engineered to include substantial natural features and serve as an amenity to the site.

B. Detention ponds designed with a curvilinear contoured shape, are designed not to require fencing, and shall utilize vegetative slope stabilization with a slope not exceeding 3:1, with no structural retaining walls are used.

II. Lighting Regulations / Dark Sky

Definitions of Class Lighting:

1. Class 1 Lighting: All outdoor lighting where color rendition is required to preserve the effectiveness of the application. Class 1 Lighting includes, but is not limited to, outdoor sales, advertising displays and other signs, recreational facilities, amphitheaters and other similar applications.

2. Class 2 Lighting: All outdoor lighting where general illumination for safety and security of grounds is the primary concern and color rendition is not required to preserve the effectiveness of the application. Class 2 Lighting includes, but is not limited to, illumination for walkways, roadways, equipment yards, parking lots, outdoor eating areas, and outdoor security lighting.

3. Class 3 Lighting: All outdoor lighting for primarily decorative effect where safety and security of grounds is not the primary concern and color rendition is not required to preserve the

effectiveness of the application. Class 3 Lighting includes, but is not limited to, architectural illumination, flag and monument lighting, landscape illumination, signs and seasonal holiday lighting and lighting in residential areas (District 3).

Applicability

1. All public and private outdoor lighting installed in the ETJ of the City of Boerne shall conform to the requirements established here, applicable electrical codes, and building codes.
2. All outdoor lighting shall be fully shielded fixture, the luminous elements of the fixture shall not be visible from any other property, and the fixture shall have a correlated color temperature of 2700 K or less. All off-site impacts will be limited to the greatest extent possible.
3. Outdoor lighting fixtures with a maximum output of 1000 lumens per fixture, regardless of the number of bulbs, may be left unshielded, provided that the fixture has an opaque top to prevent light from shining directly up, the source of the light is not visible from any other

B. Lighting Classification

1. Class 1 Lighting

a. Recreational facilities

Any light source permitted by this ordinance may be used for lighting of outdoor recreational facilities (public or private), including, but not limited to, sports fields or courts, amphitheaters, and similar applications, provided the following conditions are met:

i. A secondary low-level lighting system that complies with Class 2 Lighting shall be installed to facilitate security, cleanup, maintenance, and exit from the facility. The low-level lighting system shall provide an average horizontal illumination, at grade level, of no more than three (3) foot-candles.
ii. Recreational facilities shall turn off Class 1 lighting within thirty (30) minutes of the end of an event.
iii. Comply with the levels of illumination consistent with the IESNA "Recommended Practice for Sports and Recreational Area Lighting" (IESNA RP-6-10) or successor recommendations for the class of play appropriate for the kinds of facilities.
iv. Timers must be installed to prevent lights being left on accidentally overnight.
v. Off-site impacts will be limited to the greatest extent possible.

b. Outdoor Sales

Any light source permitted by this ordinance may be used for lighting of outdoor sales located in non-residential districts, provided the following conditions are met:

i. The primary outdoor lighting of the primary facility shall be turned off at 11:00 p.m. or thirty (30) minutes after closing, whichever is later, but in no event shall the main outdoor lighting be illuminated after 12:00 a.m. unless there is a scheduled "special event"; i.e. an all-night sale.
ii. Lighting Levels - During operating hours:

(a) Feature display area (the area within 200 ft. of the main building) the average horizontal illumination level shall not exceed twenty (20) foot-candles. These areas shall not be located within 100 feet of a residentially zoned areas.
(b) Other display areas the average horizontal illumination level shall not exceed fifteen (15) foot-candles. These areas shall not be located within 100 feet of a residentially zoned area.
(c) General parking areas for staff etc. shall not exceed five (5) foot-candles

iii. Timers must be installed to prevent lights being left on accidentally overnight.

c. Lighting Levels - After Hours:

i. The primary outdoor lighting of the primary facility shall be turned off at 11:00 p.m. or thirty (30) minutes after closing, whichever is later, but in no event shall the main outdoor lighting be illuminated after 12:00 a.m. unless there is a scheduled "special event" i.e. an all-night sale.
ii. A secondary low-level lighting system that complies with Class 2 Lighting shall be installed to facilitate security, cleanup, maintenance, and exit from the facility if the property owner desires. The lamps may be metal Halide or LED. The low-level lighting system shall provide an average horizontal illumination, at grade level, of no more than two and one half (2.5) foot-candles.

2. Class 2 lighting

a. Parking lots

Parking lot lighting shall be designed to provide the minimum lighting necessary to ensure adequate vision, security and comfort in parking areas, and to not cause glare or direct illumination onto adjacent properties or streets. Any light source permitted by this ordinance may be used for parking lots, provided the following conditions are met:

i. All luminaires used for parking lot lighting shall be either yellow high-pressure sodium or LED and shall follow the standards for lighting identified below. Any exceptions to this section of the ordinance may be made by the City Manager and/or the City Manager's designee.
ii. All luminaires shall use Fully Shielded Fixtures as that term is defined herein.
iii. Design levels shall correspond to the appropriate IES (Illuminating Engineering Society) minimum requirements for illumination.
iv. No up lighting.
v. Poles are measured from grade.
vi. Light trespass at the property line is 0.00 foot-candle.
vii. Design goals should be the lowest levels that meet the requirement of the task
viii. Any lighting under awnings or canopies shall be completely recessed or shielded
ix. Yellow high-pressure sodium luminaires used for parking lot lighting may be installed at a maximum height of thirty (30) feet

(a) Perimeter poles that abut a residence or residential district shall be no more than 10 feet in height.

(b) They shall turn off by 9:00 p.m. unless there is a special event.

x. LED parking lot lighting shall adhere to the following criteria.

(a) All fixtures are Full cut-off.
(b) Poles shall be 20 feet in height with perimeter (at the property line) poles at 10 feet in height.
(c) Lumens per net acre in industrial areas shall not exceed 75,000 (does not include governmental owned streetlights).

(i) This lumen per net acre value is an upper limit and not a design goal.
(ii) Design goals should be the lowest levels that meet the requirement of the task

(d) Maximum 2,700 kelvins for bulbs.
(e) Any lighting under awnings or canopies shall be completely recessed or shielded.
(f) Outdoor lighting intended to be left on more than 30 minutes after closing, or the completion of activities must be reduced to 50% or less of the normal lumen output. Motion sensor activation may be allowed to cause the light to resume normal lumen output only when activated and to be reduced back to 50% or less of normal lumen output with 5 minutes after activation.
(g) Wall packs may be used in combination with pole lights if they are full cut-off and/or shielded fixtures.

b. Street Lighting

i. Street lighting installed, repaired or replaced after the adoption of this ordinance shall be fully shielded fixture or full cutoff standard for all fixture over 1,000 lumens initial lamp output, in order to limit light trespassing, and shall have a correlated color temperature of 2700 K or less. No exemption shall apply to any street lighting and to any lighting within the public right of way or easement when the purpose of the luminaire is to illuminate areas outside of the public right of way or easement.
ii. New street lighting shall be designed to provide minimum lighting necessary to ensure adequate vision, and comfort in public and private streets, and to not cause glare or direct illumination more than five (5) feet beyond the right of way. Any light source permitted by this ordinance may be used for street lighting in any District, provided the following conditions are met:

(a) Luminaires used for public/private street lighting that are installed after the effective date of this ordinance shall be installed using Fully Shielded Fixtures, as that term is defined herein. Design levels shall correspond to the appropriate IES (Illuminating Engineering Society) minimum requirements for illumination.
(b) The use of adaptative controls are to be employed in all future installations of public outdoor lighting, considering the circumstances indicating the need for said public outdoor lighting based on the presence or absence of citizens on public property or rights-of-way. For the

purposes of this subsection, "public outdoor lighting" shall be defined as all City public street lighting and outdoor lighting on other City property and City owned rights-of-way.

(c) Motion sensor shall be installed and properly maintained, and the trigger threshold set such that the light doesn't inappropriately trigger on; a failed motion sensor must fail only to the "off" state, and not to the "on"; the duration of each trigger should be limited to no longer than five (5) minutes.

c. Security lighting

For the purposes of this section, security lighting is defined as lighting intended to reduce the risk (real or perceived) of personal attack. Any light source permitted by this ordinance may be used for security lighting in any Lighting District, provided the following conditions are met:

i. All security lighting fixtures installed after the effective date of this ordinance shall be fully shielded and aimed so that illumination is directed only within the owner's property boundaries and not cast on other areas. The use of general floodlighting fixtures shall be prohibited.

ii. Security lighting may illuminate vertical surfaces (e.g. building facades and walls) up to a level eight (8) feet above grade or eight (8) feet above the bottoms of doorways or entries, whichever is greater. The use of up-lighting luminaires shall be prohibited.

iii. Security lighting fixtures may be mounted on poles located no less than ten (10) feet from the perimeter of the property boundary.

iv. Security lights intended to illuminate a perimeter (such as a fence line) shall include motion sensors and be designed to be off unless triggered by an intruder located within five (5) feet of the perimeter. The zone of activation sensors must be within the property boundaries of the property wishing to be illuminated.

v. It is the property owner's responsibility to ensure that the motion sensor is properly maintained, and the trigger threshold set such that the light doesn't inappropriately trigger on; a failed motion sensor must fail only to the "off" state, and not to the "on"; the duration of each trigger should be limited to no longer than five (5) minutes.

d. Lighting of Canopies and Service Islands

Lighting levels on service islands and under canopies shall be adequate to facilitate the activities taking place in such locations.

i. Areas on the apron away from the service islands used for parking or vehicle storage shall be illuminated in accordance with the Illuminating Engineering Society (IES) requirements for parking areas.

ii. Areas around the service islands and under canopies shall be illuminated so that the minimum horizontal illuminance at grade level is at least one (1) foot candles and no more than fifteen (15) foot candles in areas of industrial use and ten (10) foot candles in areas of commercial use.

iii. Light fixtures mounted on canopies shall be fully shielded or recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy.

iv. Lights shall not be mounted on top, or sides (fascia) of the canopy, and the sides (fascia) of the canopy shall not be illuminated.

v. Outdoor light fixtures located under canopies, under building overhangs, or under roof eaves where the center of the lamp or luminaire is located at 5 feet, but less than 10 feet from the nearest edge of the canopy or overhang are to be included in the total outdoor light output as though they produced only one-quarter (1/4) of the lamp's rated lumen output.

vi. Outdoor light fixture located under canopies, under building overhang, or under roof eaves where the center of the lamp or luminaire is located 10 or more feet from the nearest edge of a canopy, building overhang, or eaves are to be included in the total outdoor light output as though they produced only one-tenth (1/10) of the lamp's rated lumen output.

e. Lighting Curfews

Nonresidential outdoor lighting intended to be left on more than 30 minutes after closing, or the completion of activities, must be reduced to 25% or less of the total outdoor light output allowed.

i. Motion sensor activation may be allowed to cause the light to resume total outdoor light output allowed only when activated and to be reduced back to 25% or less of total outdoor light output allowed within 5 minutes after activation has ceased, and the light shall not be triggered by activity off the property.

ii. The 75% reduction in illumination may be accomplished by dimming, by turning off 75% of the light fixtures, by a combination of the two, or by any other method that results in a total outdoor light output of no more than 25% of the total outdoor light output allowed.

iii. Illumination for all advertising signs, both externally and internally illuminated, shall be turned off by the later of closing time or 10:00 p.m., provided, however, that such signs may be turned back on prior to sunrise, but no more than one hour prior to opening.

iv. Street lighting, other than at the intersection of roadways, shall utilize half night photocells or timers to turn off the lights halfway between dusk and dawn. Passive reflective roadway markings are encouraged.

v. All outdoor lighting is encouraged to be turned off when no one is present to use the light. Luminance levels for operation between sunset and sunrise shall not exceed 1250 lumens.

3. Class 3 Lighting

Class 3 Lighting shall apply to all outdoor lighting for primarily decorative effect where safety and security of grounds is not the primary concern and color rendition is not required to preserve the effectiveness of the application. Class 3 Lighting includes, but is not limited to, architectural illumination, flag and monument lighting, landscape illumination, and seasonal holiday lighting.

a. Lighting of Building Facades and Landscaping.

Any light source permitted by this ordinance may be used for lighting of building facades and landscaping in any District, provided the following conditions are met:

i. The maximum illumination on any vertical surface or angular roof surface shall not exceed two (2) foot-candles.
ii. Lighting fixtures shall be at least partially shielded, as defined herein, and aimed so that no light is directed onto adjacent streets or roads.
iii. The use of up-lighting luminaires shall be prohibited, unless such luminaires are fully shielded, and directed in such a way that no light is aimed beyond the building or landscaping directly into the night sky with the exception the illumination of governmental flags.

b. Ornamental Lights

Ornamental lights may be used in any Lighting District, provided the following conditions are met:

i. Decorative strings of lamps/bulbs must not create glare on adjacent streets or property.
ii. Lighting (including strings of lamps/bulbs) for parties, celebrations, and other social gatherings is allowed.

c. Lighting of Walkways, Bikeways, Sidewalks

Any light source permitted by this ordinance may be used for lighting walkways, bikeways and sidewalks in any District, provided the following conditions are met:

i. The walkway, pathway, sidewalk, or ground area may be illuminated with bollards.
ii. Lighting fixtures shall be fully shielded, or otherwise designed to direct light downward, and light sources shall have an initial output of no more than 2000 lumens.

d. Outdoor Advertising Signs

Any light source permitted by this ordinance may be used for lighting of outdoor advertising signs located in any District, provided the following conditions are met. In the event of a conflict, the City of Boerne's Sign Ordinance shall control:

i. All legally installed externally illuminated signs shall have top-mounted luminaires which meet the shielding and grandfathering requirements contained herein.
ii. Bottom-mounted luminaires on externally illuminated signs shall be prohibited.
iii. Legally installed internally illuminated signs, to the degree same are permitted by the Boerne Sign Ordinance, shall be constructed of translucent materials, and the source of internal illumination shall not be directly visible through said material. Internally illuminated signs are prohibited in Residential Districts.
iv. Sign illumination shall be extinguished completely one (1) hour after sunset and remain off until one (1) hour before sunrise.

v. The illuminated surface area of an individual sign shall not exceed 200 square feet.

vi. Luminance levels shall not exceed 100 nits (100 candelas per sq. meter)

e. Lighted Signs.

An establishment shall only have one lighted window or door sign per store front, not to exceed three (3) square feet. These signs shall be turned off when the establishment is not open for business. Illuminated exterior signs not lit by internal lighting shall be illuminated by down lighting methods; "up–lighting" is prohibited.

f. Residential Area Lighting.

While fully shielded lights are required, individual lamps are limited to 2700 lumens or less.

C. Illumination Plan requirements for Development Projects

1. Outdoor lighting should be carefully designed with regards to placement, intensity, timing, duration and color. A good lighting plan can promote safety, save money, conserve natural resources, retain community character, reduce skyglow.
2. The submission of an illumination plan shall contain, but shall not be limited to the following, all or part of which may be part or in addition to the information required elsewhere in the ordinances of the City of Boerne upon application for the required permit.

a. Two copies of an illumination plan shall be submitted with the building permit for review for compliance with this section.
b. A site plan, drawn to an appropriate scale, showing buildings, landscaping, parking area, and all proposed exterior fixtures including lamps, supports, reflectors and other devices.
c. Specifications for all proposed lighting fixtures including photometric data designation as IESNA full cut-off fixtures where required, and other descriptive information on the fixtures.

D. Total Outdoor Light Output and Shielding Requirements

Table 1 gives requirements of the total light output permitted per acre for the different lighting areas for class of lighting, lamp type and lighting area. These requirements shall be met for all lighting installations subject to this section.

1. Total Outdoor Light Output

Total outdoor light output shall not exceed the lumen limits given in Table 1. In the table, Total means the sum of shielded. For determining compliance with this section, the total lumens is the sum of the following:

a. One hundred percent of the lumens from outdoor light fixtures installed on grade, on poles, on the top or sides of buildings or other structures.
b. 2. Outdoor light fixture located under canopies, under buildings overhangs, or under roof eaves where the center of the lamp or luminaire is located at 5 feet, but less than 10 feet from the nearest edge of the canopy or overhang are to be included in the total outdoor light output as though they produced only one-quarter (1/4) of the lamp's

rated lumen output. Outdoor light fixture located under canopies, under building overhang, or under roof eaves where the center of the lamp or luminaire is located 10 or more feet from the nearest edge of a canopy, building overhang, or eaves are to be included in the total outdoor light output as though they produced only one-tenth (1/10) of the lamp's rated lumen output.

Maximum Total Outdoor Light Output Requirements Lumen Caps: Mean Lumens per Net Acre (1)			
Uses			
	Industrial	Commercial	Residential
Commercial, Industrial and Multifamily			
Maximum total outdoor light	75,000	50,000	20,000

Notes to Table 1:

1. Mean lumens per acre equals total outdoor light output divided by net acres.

E. Exemptions

1. Emergency lighting utilized during natural or man-made disasters, but only for the duration of the declared emergency may be exempted.
2. Lighting elements, such as shades with perforated patterns and opaque diffusers, shall be exempted from the fully shielded requirement provided they do not exceed 1000 lumens.
3. Ornamental lights that are string lighting.
4. If a proposed lighting plan or fixture does not meet the requirements of this ordinance, and no other reasonable technical solution is available, but is of demonstrable community benefit, the Design Review Committee may approve an exemption. The applicant requesting a permanent exemption under this ordinance shall submit enough information so that the Design Review Committee may adequately consider the proposed community benefit. All requests for exemptions must comply with the zoning variance request procedures.
5. The provisions of this code do not prevent the replacement of an existing grandfathered luminaire with an alternate fixture, or the use of bottom-mounted luminaires on externally illuminated signs if it can be shown that the luminaire(s) to be used improve the view of the night sky consistent with the intent of this code. A person may request (and the City Manager may approve) an exemption if the following information is provided:

   a. The location of the luminaire to be installed or replaced;
   b. The purpose of the luminaire;
   c. The total wattage and lumens of the grandfathered and the replacement luminaire, if applicable;
   d. The type of luminaire to be installed, and if applicable, the type of replacement;
   e. If the luminaire is a replacement, through manufacturer's literature or otherwise, the replacement luminaire will reduce light pollution, glare, or Total Outdoor Light Output; or,
   f. When the luminaire is bottom-mounted, through the use of manufacturer's literature or otherwise, its use is superior in reducing light pollution, glare, or Total Outdoor Light Output as compared to a top-mounted luminaire.
   g. Any other information deemed relevant.

F. Temporary Exemption

1. Any person may submit a written request, to the City Manager or the City Manager's designee for a temporary exemption from the requirements of this section. The Request for Temporary Exemption shall contain the following information:

   a. Specific exemption or exemptions requested;
   b. Type and use of outdoor fixture involved;
   c. Duration of time for requested exemption;
   d. Total wattage of lamp or lamps;
   e. Proposed location on premises (if any) and addresses of premises;
   f. Physical size of outdoor light fixture(s) and type of shielding provided;
   g. Such other data and information as may be required by the Building Official.

2. Approval, Duration

   The City Manager or the City Manager's designee shall have five (5) business days from the date of submission of the Request for Temporary Exemption to act in writing on the request. If approved, the exemption shall be valid for not more than thirty (30) days from the date of issuance of the approval. The approval shall be renewable at the discretion of the City Manager or the City Manager's designee upon a consideration of all the circumstances. Each such renewed exemption shall be valid for not more than thirty (30) days. Each exemption can be renewed up to two (2) times.

3. Disapproval, Appeal

   If the Request for Temporary Exemption is disapproved, the person making the request will have the appeal rights as provided in the City of Boerne's Zoning Ordinance.

G. Prohibitions

1. The installation of any mercury vapor fixture or lamp, krypton, or argon discharge tubes intended for use as an architectural highlight to attract attention is prohibited.
2. The use of laser source light or any similar high-intensity light (such as a strobe light) is prohibited.
3. The operation of searchlights is prohibited.
4. Outdoor lighting that interferes with the safe operation of a motor vehicle is prohibited.
5. Up-lighting is prohibited, except as otherwise provided in this ordinance.
6. It shall be unlawful for any outdoor lighting fixture to cause glare, as defined herein and determined by the City Manager or the City Manager's designee, of sufficient intensity as to create an unsafe condition on public or private streets between the hours of midnight (12:00 a.m.) and 6:00 a.m.

H. Temporary Lighting for Sports Practices

1. Where temporary lighting is to be provided for sports practices that are not located in City Parks, or schools the following requirements shall apply.

   a. The field to be illuminated shall be a minimum of fifty (50) feet from a residential property line or a residential district.

b. Luminaires used for sports practices shall be at a maximum height of twenty (20) feet and may be positioned at that height up to the edge of the property on which the practice is being held.

c. The Luminaires shall be turned triat 9:00 p.m. or thirty (30) minutes after the practice is over, but in no event shall the field be illuminated after 9:30 p.m.

Exhibit L

Figure A

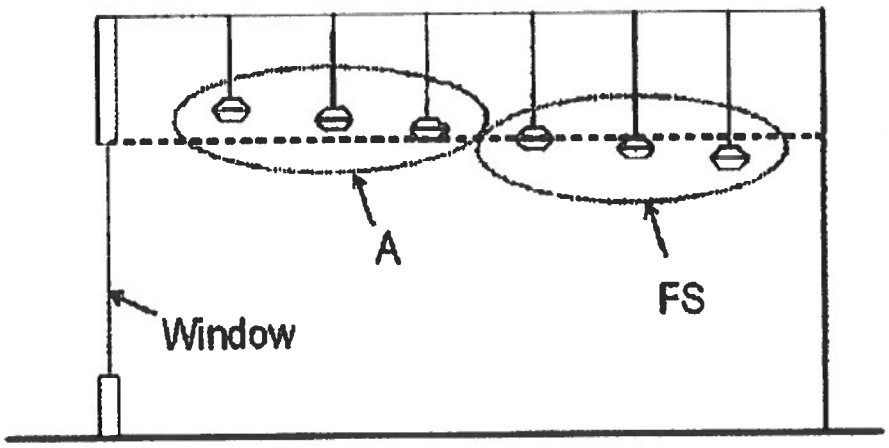
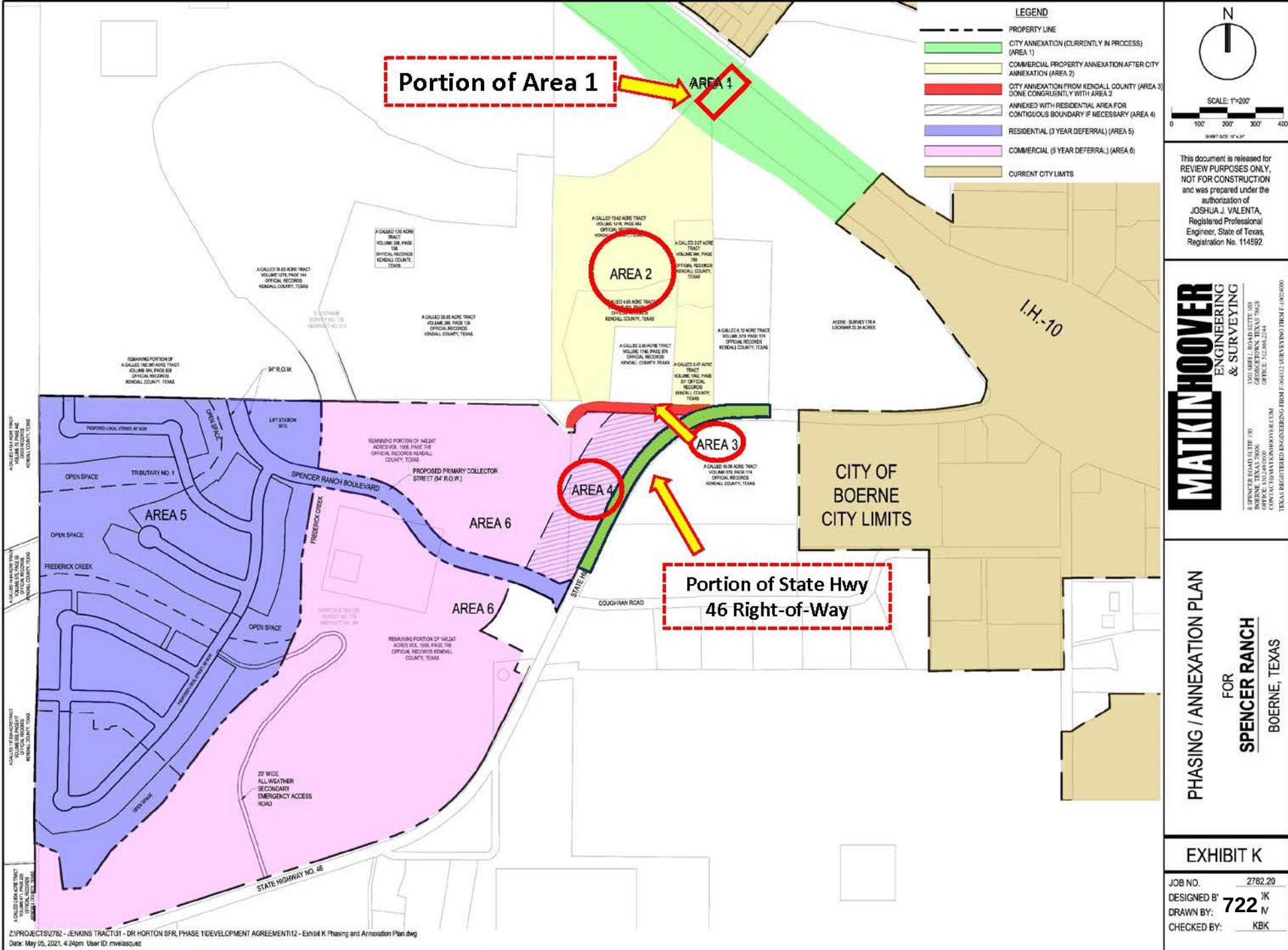


Figure A: Elevation view showing a nonresidential application of indoor lighting, labeled FS, which will be subject to this article and indoor lighting, labeled A, which is installed so that it is not subject to this article. This example presumes the structure in question is not elevated such that any of the luminaires labeled A in the figure above may be seen from any other property. If the structure is elevated such that the luminaires labeled A are visible from another property then, the



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TEXAS REGISTERED ENGINEERING FIRM F-9043 | SURVEYING FIRM F-10024600

PHASING / ANNEXATION PLAN FOR SPENCER RANCH BOERNE, TEXAS

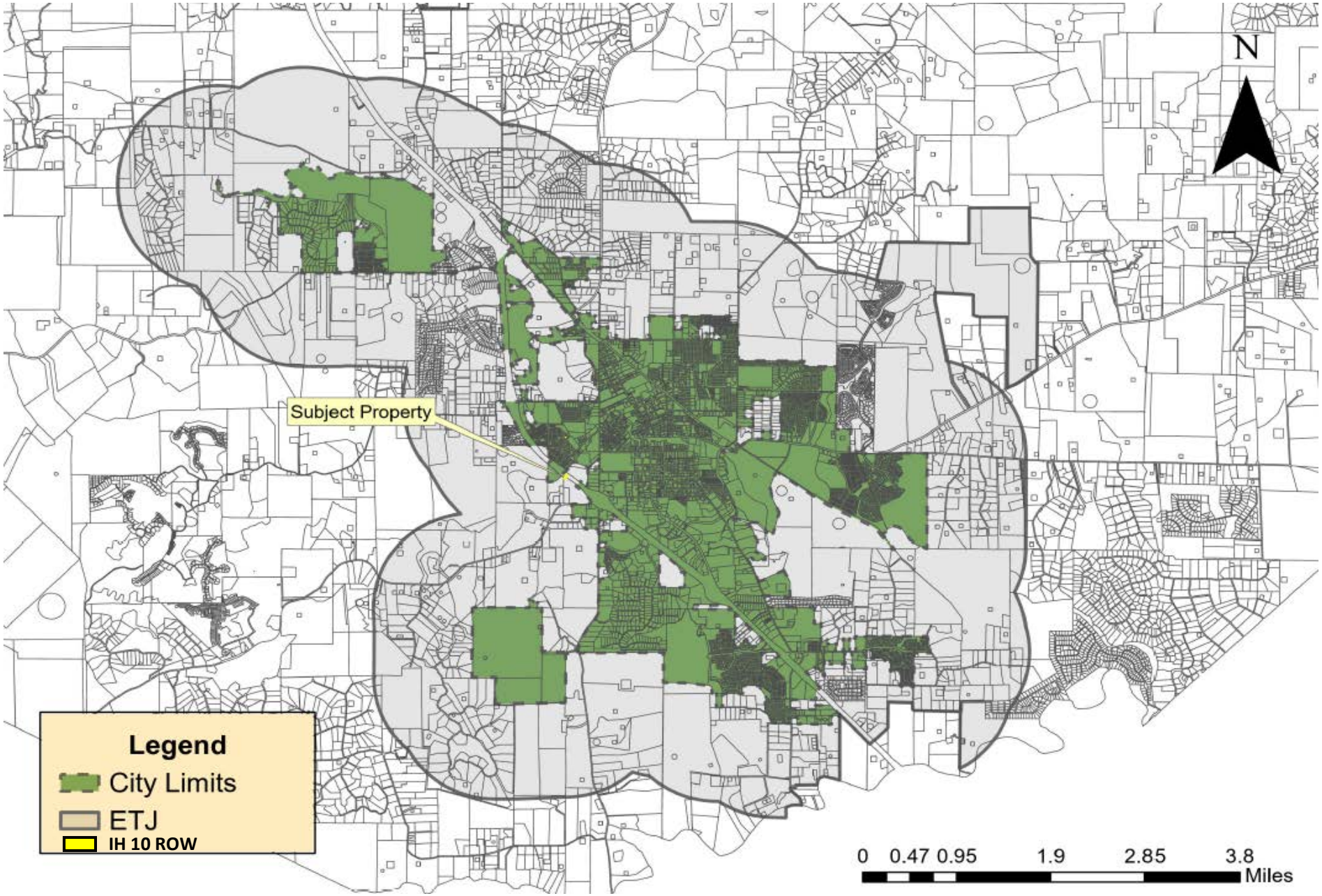
EXHIBIT K

JOB NO. 2782.20
DESIGNED BY: JK
DRAWN BY: MV
CHECKED BY: KBK

Z:\PROJECTS\2782 - JENKINS TRACT\31 - DR HORTON SFR, PHASE 1\DEVELOPMENT AGREEMENT\12 - Exhibit K Phasing and Annexation Plan.dwg
Date: May 05, 2021, 4:24pm User ID: mvelasquez

SUBJECT PROPERTY - LOCATION MAP

Portion of IH 10 ROW (Area 1)



NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council of the City of Boerne, Texas will hold a Public Hearing on September 12, 2023, at 6:00 p.m., in the City Council Chambers, located at Boerne City Hall, Ronald C. Bowman Council Chambers, 447 N Main Street, Boerne, Texas, to discuss the following:

A. Proposed annexation of approximately 34.199 acres being a portion of right-of-way on Interstate Highway 10, 12 Spencer Road (KAD No. 37948), 2B Spencer Road (KAD No. 37947), 2 Spencer Road (KAD No. 14354), 8 Spencer Road (KAD No. 36891), a portion of right-of-way also known as Spencer Road, a portion of 10 Spencer Road (KAD No. 14916), a portion of West State Highway 46 (KAD No. 14918) and a portion of State Highway 46 right-of-way. *(One of one public hearing)*

All interested parties are encouraged to attend.

s/s Lori A. Carroll
City Secretary

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS
The Boerne City Hall is wheelchair accessible. Access to the building and special parking are available at the north entrance of the building. Requests for special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 830-249-9511.

AGENDA ITEM SUMMARY

Agenda Date	September 12, 2023
Requested Action	PRESENTATION, PUBLIC HEARING AND CONSIDER ON FIRST READING ORDINANCE NO. 2023-29; AN ORDINANCE ANNEXING A TOTAL OF 22.653 ACRES, MORE OR LESS, BEING 13.42 ACRES LOCATED AT 12 SPENCER ROAD (KAD NO. 37948), 2.07 ACRES LOCATED AT 2B SPENCER ROAD (KAD NO. 37947), 2.47 ACRES LOCATED AT 2 SPENCER ROAD (KAD NO. 14354), AND 4.69 ACRES LOCATED AT 8 SPENCER ROAD (KAD NO. 36891) TO THE CITY OF BOERNE, KENDALL COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY. *(One of one public hearing and consider the first reading of an ordinance annexing 12 Spencer Rd, 2B Spencer Rd, 2 Spencer Rd, and 8 Spencer Rd. at the request of Forestar (USA) Real Estate Group, Inc., Matkin Properties, LP, Equity Trust Company Custodian FBO Harold T. duPerier III IRA, and Equity Trust Company Custodian FBO John-Mark Matkin IRA)*
Contact Person	Nathan Crane, Interim Planning Director
Background Information	This request to hold a public hearing and consider the first reading of an ordinance to approve the voluntary annexation of 22.653. The second reading of the ordinance will be held on September 26, 2023. The entire request totals 34.199 acres and is divided into five separate areas. Each area will be considered as a separate agenda item.

Area	*Owner*	*Acres*
1	TxDOT (I-10)	1.633
2	Matkin Properties and DBT Investments	22.653
3	Kendall County (Spencer Road)	1.122
4	Balous and Julie Miller	5.984
5	TxDOT (State Hwy 46)	2.807
Total		34.199

**Shaded row indicates current agenda item.*

Development Agreement

The Spencer Ranch Development Agreement was approved by the Council on June 8, 2021. As part of this agreement the property is to be annexed into the City.

The agreement includes approximately 183 acres. The development plan includes the following uses:

Land Use Category	*Acres*
Single Family	71.12
Mixed Use Residential	21.41
Office	16.97
Commercial/Office	15.19
Mixed Use	23.7
Right of Way	3.82

Municipal Service Plan

A Municipal Service Plans (MSP) is required as part of each annexation. The MSP outlines how property in the annexed area will be served with municipal services. All owners have approved the Municipal Service Plans (MSP).

Texas Water will be the permanent water and sewer provider. The City of Boerne will be responsible for Fire, Police, Road Maintenance, and all other government functions.

Access to the site is provided Highway 46 through a new proposed collector known as Spencer Ranch Road. The 2023 Mobility Master Plan identifies Spencer Ranch as Collector Road. It also identifies Fredrick's Creek as a location for a future trail.

Current and Future Zoning

In accordance with Section 2.5 of the Unified Development Code, the property will be designated as a Holding (HOL) district until such time as the property is permanently zoned by the Council. Individual landowners will be responsible for applying to rezone their property.

	Birch at Spencer Ranch The single-family portion of the development is known as the Birch at Spencer Ranch. The development includes the Birch at Spencer Ranch which includes 209 single-family homes on 71.12 acres. The density is 2.93 units per acre. Kendall County has issued a permit to allow grading of the site for the single-family portion of the development. The Planning and Zoning Commission has approved the final plats for phases 1A, 1B, and 2 and the preliminary plat for phase 3. Plat recordation is contingent on the construction of Spencer Ranch Boulevard and approval from Federal Emergency Management Association (FEMA) of a LOMR (Letter of Map Revision).
Item Justification	[X] Legal/Regulatory Obligation [ ] Infrastructure Investment [ ] Reduce Costs [ ] Customer Pull [ ] Increase Revenue [ ] Service Enhancement [ ] Mitigate Risk [ ] Process Efficiency [X] Master Plan Recommendation [ ] Other:
Strategic Alignment	C1 – Offering Quality Customer Experiences B2 – Advancing Master Plan Recommendations
Financial Considerations	
Citizen Input/Board Review	The private property owners provided consent of the annexation with approval of the Development Agreement. They have also approved the Municipal Service Plans in May and June 2023. Kendall County was notified of the annexation in October 2022 and TxDot was notified in May 2023. No comments have been received. Municipal Service Plans are not required for roadways. All other required notifications for annexation were completed on August 27, 2023. The property is part of the City's Extra-Territorial Jurisdiction (ETJ) and has been designated as Auto Oriented Commercial and Neighborhood Residential on the Future Land Use Map. The 2023 Mobility Master Plan identifies Spencer Ranch as Collector Road. It also identifies Fredrick's Creek as a location for a future trail.

	On September 8, 2023, the Council set the date and time for a public hearing to be held on September 12, 2023.
Legal Review	This action is a statutory requirement for annexation.
Alternative Options	
Supporting Documents	Ordinance No. 2023-29 Exhibits A and B to Ordinance- MSP and Exhibits - Spencer Ranch Area 2 - 22.653 Acres Spencer Ranch Agreement Executed Jun1621 Annexation Area Map 8 – Location Maps

ORDINANCE NO. 2023-29

AN ORDINANCE ANNEXING A TOTAL OF 22.653 ACRES, MORE OR LESS, BEING 13.42 ACRES LOCATED 12 SPENCER ROAD (KAD. NO. 37948), 2.07 ACRES LOCATED AT 2B SPENCER ROAD (KAD. NO. 37947), 2.47 ACRES LOCATED AT 2 SPENCER ROAD (KAD NO. 14354), AND 4.69 ACRES LOCATED AT 8 SPENCER ROAD (KAD. NO. 36891) TO THE CITY OF BOERNE, KENDALL COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY

WHEREAS, Chapter 43 of the Texas Local Government Code and City Charter of the City of Boerne, Texas, an incorporated city, authorizes the annexation of territory, subject to the laws of this state as of January 1, 2019; and

WHEREAS, the owner of 22.653 acres located at 12 Spencer Road (KAD No. 37948), 2B Spencer Road (KAD No. 37947), 2 Spencer Road (KAD No. 14354), and 8 Spencer Road (KAD No. 36891) in the extraterritorial jurisdiction of Boerne, Texas, has requested that the area be annexed into the City of Boerne; and

WHEREAS, the City Council of the City of Boerne approved Resolution No. 2023-R59 on August 8, 2023, setting a public hearing for the proposed annexation of 22.653 acres located at 12 Spencer Road (KAD No. 37948), 2B Spencer Road (KAD No. 37947), 2 Spencer Road (KAD No. 14354), and 8 Spencer Road (KAD No. 36891) by the City and approved the service plan agreement for the area in the City Extraterritorial Jurisdiction ("ETJ") being considered for annexation into the corporate limits of the City of Boerne; and

WHEREAS, the City held a public hearing on September 12, 2023, to give all interested persons the right to appear and be heard on the proposed annexation; and

WHEREAS, the procedures prescribed by Chapter 43 Texas Local Government Code and/or Charter of the City of Boerne, Texas, and the laws of this state have been duly followed with respect to the following described territory, to wit:

BEING a 22.653 acre tract of land, located in the Anton Lockmar Survey No. 178, Abstract No. 311, and the Newton and Taylor Survey No. 179, Abstract No. 360, Kendall County, Texas, and being comprised of a called 13.422 acre tract of land of Record in Volume 1418, Page 664, a called 2.070 acre tract of land of record in Volume 984, Page 789a, a called 4.691 acre tract of land of record in Volume 891, Page 134, all of the Official Records, Kendall County, Texas and all of Spencer Hill Executive Offices Condominium Plat recorded in Volum 6, Pages 180-181 of the Plat

Records of Kendall County, Texas. Said 22.653 acre tract being more fully described in attached Exhibit “A”.

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

Section 1. The facts, findings, recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct and are incorporated herein and expressly made part hereof, as if copied herein verbatim.

Section 2. That the heretofore described property is hereby annexed to the City of Boerne, Kendall County, Texas, and that the boundary limits of the City of Boerne be and the same are hereby extended to include the above described territory within the city limits of the City of Boerne, and the same shall hereafter be included within the territorial limits of said city, and the inhabitants thereof shall hereafter be entitled to all the rights and privileges of other citizens of the city of Boerne and they shall be bound by the acts, ordinances, resolutions, and regulations of said city.

Section 3. A service plan for the area was hereby adopted by City Council on August 8, 2023, and attached as Exhibit B.

The City Secretary is hereby directed to file with the County Clerk of Kendall County, Texas, a certified copy of this ordinance.

PASSED AND APPROVED on this the first reading the ____ day of September, 2023.

PASSED, APPROVED AND ADOPTED on this the second reading the ____ day of September, 2023.

APPROVED:

_____
Mayor

ATTEST:

_____
City Secretary

APPROVED AS TO FORM:

_____

City Attorney

2023 ANNEXATION
CITY OF BOERNE, TEXAS
MUNICIPAL SERVICE PLAN AGREEMENT

Property Subject to the Plan: Being a 22.653 acre tract of land, located in the Anton Lockmar Survey No. 178, Abstract No. 311, and the Newton and Taylor Survey No. 179, Abstract No. 360, Kendall County, Texas, and being comprised of a called 13.422 acre tract of land of record in Volume 1418, Page 664, a called 2.070 acre tract of land of record in Volume 984, Page 789, a called 4.691 acre tract of land of record in Volume 891, Page 134, all of the Official Records, Kendall County, Texas and all of Spencer Hill Executive Offices Condominium Plat recorded in Volume 6, Pages 180-181 of the Plat Records of Kendall County, Texas. Said 22.653 acre tract being more particularly described as follows:

Said acre tract being more fully described in attached Exhibits "A" and "B", which is incorporated as if fully set forth herein and hereinafter referred to as the "Property" or the "Annexation Area".

Municipal services to the Annexation Area will be furnished by or on behalf of the City of Boerne, Texas, at the following levels and in accordance with the following service plan programs:

A. SPECIFIC FINDINGS

The City Council of the City of Boerne, Texas finds and determines that this Municipal Service Plan will not provide any fewer services nor will it provide a lower level of service, in the Annexation Area, than were in existence at the time immediately preceding this territory's annexation to the City of Boerne, Texas.

B. PROGRAM FOR SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF THE ANNEXATION.

The City will provide the following services in the Annexation Area on the effective date of the annexation unless otherwise noted. As used in this plan, the term "providing services" includes having services provided by any method or means by which the City may extend municipal services to any other area of the City, including the City's infrastructure extension policies and developer or property owner participation in accordance with applicable City ordinances.

1. POLICE PROTECTION

The City of Boerne Police Department will provide regular and routine patrols to the Annexation Area at the same or similar level now being provided to other areas of the City with similar topography, land use and population densities.

The services will include, but are not limited to:

- Normal patrols and responses to calls for service;
- Handling of offense and incident reports;
- Special units, such as traffic enforcement, criminal investigations, narcotics law enforcement, gang suppression, and crime response team deployment when required; and
- Animal Control services.

2. FIRE SERVICE

The City of Boerne, Texas and its Fire Department will provide fire protection services to the Annexation Area at the same or similar level now being provided to other areas of the City with similar topography, land use and population densities. The Fire Department will perform these duties as part of its overall activities. Adequate fire suppression activities can be afforded to the annexed area within current budget appropriation. Fire prevention activities will be provided by the Fire Marshall's office as needed.

These services include, but are not limited to:

- Basic Life Support (BLS) 1st responder emergency medical services;
- Fire suppression and rescue;
- Hazardous materials mitigation and regulation;
- Technical rescue;
- Fire Safety Education;
- Aircraft/rescue/firefighting;
- Fire protection system plan review; and
- Inspections.

3. BUILDING INSPECTION AND CODE ENFORCEMENT SERVICES

The City of Boerne Code Enforcement Department activities will extend to Annexation Area, pursuant to applicable policies and/or ordinances of the City, now existing or as such policies and/or ordinances may be amended. These services include, but are not limited to, consultation with project developers for building code requirements, plan review for structures, issuance of building permits, and on-site inspection services for new construction.

The Code Enforcement Department will also enforce the City's code of ordinances and will respond to requests for inspection and complaints of suspected City Code violations including, but not limited to: high weeds and grass, trash and debris, solid waste, trash carts and illegal dumping, junked and abandoned vehicles, zoning, food, daycare, pool and spa inspections, stray animals, cruelty and bite investigations. Complaints of ordinance or regulation violations within the Annexation Area will be answered and investigated by existing personnel within the appropriate City department beginning on the effective date of the annexation.

4. PLANNING AND ZONING

The City of Boerne Planning and Zoning Department activities will extend to the Annexation Area, pursuant to applicable policies and/or ordinances of the City, now existing or as may be amended.

5. LIBRARY

Free library uses, and privileges will be available to residents of the Annexation Area, pursuant to applicable policies and/or ordinances as may be amended.

6. PARKS, PLAYGROUNDS, AND SWIMMING POOLS

Residents of the Annexation Area may utilize all existing parks and community service facilities throughout the City subject to existing ordinances and policies as may be amended. Existing

parks, playgrounds, swimming pools and other recreational and community facilities within the Annexation Area that are private facilities will be unaffected by the annexation.

7. SOLID WASTE COLLECTION

Solid waste collection is contracted for by the City's contracted agent upon annexation. Solid waste collection will be provided to the Annexation Area at the same or similar level of service now being provided to other areas of the City in accordance with existing ordinances and policies as may be amended from time to time.

8. STREET AND DRAINAGE MAINTENANCE

The effects of this addition on drainage will be addressed under the provisions of the City of Boerne ordinances and policies in effect at the time of platting.

Public roads, streets and drainage improvements that have been properly platted, duly dedicated, and accepted by the City of Boerne and/or Kendall County shall be maintained by City Street Department. All roads, streets or alleyways in the Annexation Area which have been dedicated to the public shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas of the City of Boerne with similar land use, population density and topography.

Construction of new roads and streets, if any, is the responsibility of the developer or landowner desiring them and must be designed and built in accordance with applicable City of Boerne ordinances and policies as may be amended.

The effects of this addition on drainage will be addressed under the provisions of the City of Boerne ordinances and policies in effect at the time of platting, if and when such platting occurs. The effects will be consistent with such maintenance provided by the City of Boerne to other areas within the City exhibiting land use, population density and topography similar to that of the Annexation Area.

9. ELECTRIC SERVICE

The City of Boerne utilities is the current electric service provider and will continue to provide electricity service as required to the annexation area.

10. GAS SERVICE

Natural gas service from the City of Boerne may be extended to and throughout the property by the petitioner according to City standards. Natural Gas service is provided for as it is to all other areas within the City of Boerne with the same or similar topography, land use, and population density. The nearest natural gas main of significant capacity is located along the west side of IH-10 at Upper Balcones Rd., approximately 2,000 feet east of the subject property.

11. WATER SERVICE

Water service to the area is provided by SJWTX, Inc. and may be extended to and throughout the property according to City standards. Extension of service shall comply with State law as provided in Chapter 43 of the Local Government Code.

12. SEWER SERVICE

Sanitary sewer service from the City of Boerne may be extended to and throughout the property by the petitioner according to City standards. Extension of service shall comply with applicable State law as provided in Chapter 43 of the Local Government Code. The nearest sewer main of significant capacity is located along the west side of School Street at Frederick Creek, approximately 3,000 feet northeast of the subject property.

C. CAPITAL IMPROVEMENTS PROGRAM

No capital improvements are necessary at this time to provide services to the Annexation Area consistent with all other areas within the City of Boerne with the same or similar topography, land use, and population density. Need for construction of new facilities will be assessed periodically based on population growth and predicted growth. Any capital improvements deemed necessary to serve the subject annexation area shall be and shall remain the responsibility of the petitioner.

THE STATE OF TEXAS
COUNTY OF KENDALL

The undersigned acknowledge that the Municipal Service Plan Agreement has been read and the requirements and stipulations contained therein are understood.

JOHN-MARK MATRIN
Printed Name

Signature

5/31/2023
Date

Printed Name

Signature

Date

THE STATE OF TEXAS
COUNTY OF KENDALL

This Municipal Service Plan Agreement was acknowledged before me on the day of

May 31, 2023

Rebecca Sondergaard
Notary Public In and For the State of Texas

REBECCA SONDERGAARD
Notary Public, State of Texas
Comm. Expires 06-22-2025
Notary ID 133169989

THE STATE OF TEXAS
COUNTY OF KENDALL

The undersigned acknowledge that the Municipal Service Plan Agreement has been read and the requirements and stipulations contained therein are understood.

Harold T Dulaney III
Printed Name

Signature

May 31 - 2023
Date

Printed Name

Signature

Date

This Municipal Service Plan Agreement was acknowledged before me on the day of

May 31, 2023.

Notary Public In and For the State of Texas

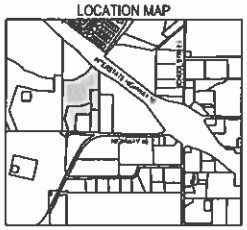
JANET ANN MIRELES
Notary Public, State of Texas
Comm. Expires 05-22-2026
Notary ID 131578489

NOTES:
1. BEARINGS ARE BASED ON THE STATE PLANE COORDINATE SYSTEM ESTABLISHED FOR THE TEXAS SOUTH CENTRAL ZONE 4204 (NORTH AMERICAN DATUM OF 1983).
2. THIS EXHIBIT WAS DONE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT. THEREFORE ALL SETBACKS, EASEMENTS, ENCUMBRANCES AND RESTRICTIONS MAY NOT BE SHOWN HEREON. THE SURVEYOR DID NOT COMPLETE AN ABSTRACT OF TITLE.
3. "THIS DOCUMENT" WAS PREPARED UNDER 22 TAC §138 ADMINISTRATIVE CODE § 138.95, DOES NOT REFLECT THE RESULTS OF AN ON-THE-GROUND SURVEY AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED."

EXHIBIT OF

A 22.653 ACRE TRACT OF LAND, LOCATED IN THE ANTON LOCKHAR SURVEY NO. 178, ABSTRACT NO. 311, AND THE NEWTON AND TAYLOR SURVEY NO. 179, ABSTRACT NO. 360, KENDALL COUNTY, TEXAS, AND BEING COMPRISED OF A CALLED 13.422 ACRE TRACT OF LAND OF RECORD IN VOLUME 1418, PAGE 664, A CALLED 2.810 ACRE TRACT OF LAND OF RECORD IN VOLUME 984, PAGE 789, A CALLED 4.691 ACRE TRACT OF LAND OF RECORD IN VOLUME 891, PAGE 134, ALL OF THE OFFICIAL RECORDS, KENDALL COUNTY, TEXAS AND ALL OF SPENCER HILL EXECUTIVE OFFICES CONDOMINIUM PLAT RECORDED IN VOLUME 6, PAGES 180-181 OF THE PLAT RECORDS OF KENDALL COUNTY, TEXAS.

LOCATION MAP

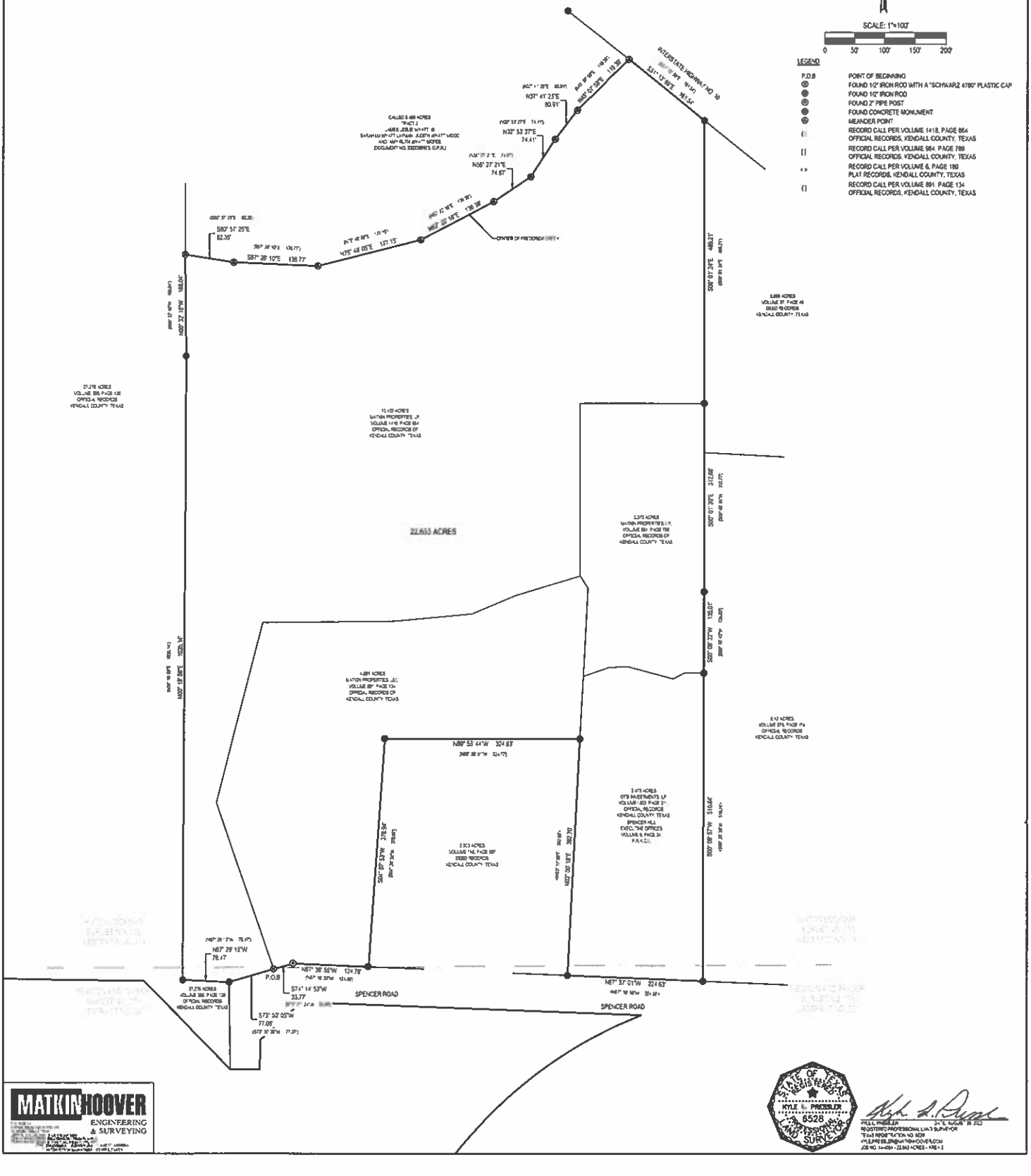


SCALE: 1"=100'

0 50' 100' 150' 200'

LEGEND

P.O.B	POINT OF BEGINNING
●	FOUND 1/2" IRON ROD WITH A "SCHWARZ 4780" PLASTIC CAP
●	FOUND 1/2" IRON ROD
◎	FOUND 2" PIPE POST
●	FOUND CONCRETE MONUMENT
●	MEANDER POINT
( )	RECORD CALL PER VOLUME 1418, PAGE 664 OFFICIAL RECORDS, KENDALL COUNTY, TEXAS
[ ]	RECORD CALL PER VOLUME 984, PAGE 789 OFFICIAL RECORDS, KENDALL COUNTY, TEXAS
< >	RECORD CALL PER VOLUME 6, PAGE 180 PLAT RECORDS, KENDALL COUNTY, TEXAS
{ }	RECORD CALL PER VOLUME 891, PAGE 134 OFFICIAL RECORDS, KENDALL COUNTY, TEXAS



MATKIN HOOVER ENGINEERING & SURVEYING

STATE OF TEXAS
KYLE I. PRESSLER
6528
REGISTERED PROFESSIONAL LAND SURVEYOR

KYLE I. PRESSLER
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6528
KYLE@MATKINHOOVER.COM
JOB NO. 14-054 - 22.653 ACRES - KIP & S

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FIELD NOTES FOR A 22.653 ACRE TRACT OF LAND

A **22.653 acre** tract of land, located in the Anton Lockmar Survey No. 178, Abstract No. 311, and the Newton and Taylor Survey No. 179, Abstract No. 360, Kendall County, Texas, and being comprised of a called 13.422 acre tract of land of record in Volume 1418, Page 664, a called 2.070 acre tract of land of record in Volume 984, Page 789, a called 4.691 acre tract of land of record in Volume 891, Page 134, all of the Official Records, Kendall County, Texas and all of Spencer Hill Executive Offices Condominium Plat recorded in Volume 6, Pages 180-181 of the Plat Records of Kendall County, Texas. Said **22.653 acre** tract being more particularly described by metes and bounds as follows:

BEGINNING at a found ½" iron rod with a "Schwarz 4760" plastic cap in the northwest right-of-way line of Spencer Road, for the southwest corner of said 4.691 acre tract, the southeast corner of said 13.422 acre tract and a southerly corner of the tract described herein;

THENCE: S 73° 50' 05" W, with said northwest right-of-way line and the south line of said 13.422 acre tract, a distance of **77.06 feet** to a found ½" iron rod a southeasterly corner of a called 27.276 acre tract of land as described of record in Volume 398, Page 138 of the Official Records of Kendall County, Texas, for a southerly corner of said 13.422 acre tract and the tract described herein;

THENCE: Departing said northwesterly right-of-way line and with the common line between said 13.422 acre tract and said 27.273 acre tract, the following three (3) courses:

1. **N 87° 29' 15" W,** a distance of **78.47 feet** to a found ½" iron rod for the southwest corner of the tract described herein,
2. **N 00° 19' 08" E,** a distance of **1035.14 feet** to a found ½" iron rod for an angle, and
3. **N 00° 32' 16" W,** a distance of **168.04 feet** to a point in the center of Frederick Creek and for the northwest corner of the tract described herein;

THENCE: With the meandering center line of said Frederick Creek, the following courses:

- **S 80° 57' 25" E,** a distance of **82.35 feet** to a point for an angle,
- **S 87° 26' 10" E,** a distance of **138.77 feet** to a point for an angle,
- **N 75° 48' 05" E,** a distance of **177.15 feet** to a point for an angle,
- **N 62° 22' 16" E,** a distance of **136.38 feet** to a point for an angle,
- **N 56° 27' 21" E,** a distance of **74.67 feet** to a point for an angle,
- **N 32° 53' 27" E,** a distance of **74.41 feet** to a point for an angle,
- **N 37° 41' 25" E,** a distance of **60.91 feet** to a point for an angle,
- **N 45° 07' 58" E,** a distance of **119.30 feet** to a point in the southwestern right-of-way of Interstate Highway No. 10, for a northerly corner of said 13.422 acre tract and the tract described herein;

THENCE: S 51° 13' 59" E, with the southwesterly right-of-way of said Interstate Highway No. 10 and the northeast line of said 13.422 acre tract, a distance of **161.54** feet to a concrete monument found for the northeast corner of said 13.422 acre tract and the tract described herein;

THENCE: S 00° 01' 24" E, departing the southwest right-of-way of said Interstate Highway No. 10 and with the east line of said 13.422 acre tract, a distance of **469.21** feet to a found ½" iron rod for a southeast corner of said 13.422 acre tract, the northeast corner of said 2.070 acre tract and an angle of the tract described herein;

THENCE: With the east line of said 2.070 acre tract, the following two (2) courses:

1. **S 00° 01' 20" E,** a distance of **312.68** feet to a found ½" iron rod for angle, and
2. **S 00° 09' 22" W,** a distance of **135.01** feet to a found ½" iron rod at the southeast corner of said 2.070 acre tract, the northeast corner of said Spencer Hill Executive Offices Condominium Plat and for an angle of the tract

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described herein;

THENCE: S 00° 09' 57" W, with the east line of said Spencer Hill Executive Offices Condominium Plat, a distance of **510.64 feet** to a found ½" iron rod in the north right-of-way line of Spencer Road, for the southeast corner of said Spencer Hill Executive Offices Condominium Plat and the tract described herein;

THENCE: N 87° 37' 01" W, with said north right-of-way line and the south line of said Spencer Hill Executive Offices Condominium Plat, a distance of **224.63 feet** to a found ½" iron rod at the southeast corner of a called 2.903 acre tract of land as described of record in Volume 116, Page 907 of the Deed Records of Kendall County, Texas, for the southeast corner of said Spencer Hill Executive Offices Condominium Plat and a southerly corner of the tract described herein;

THENCE: N 03° 00' 18" E, departing said north right-of-way line and with the common line between said 2.903 acre tract and said Spencer Hill Executive Offices Condominium Plat, a distance of **392.70 feet** to a found ½" iron rod at the northeast corner of said 2.903 acre tract, the northwest corner of said Spencer Hill Executive Offices Condominium Plat, an easterly corner of said 4.691 acre tract and an interior corner of the tract described herein;

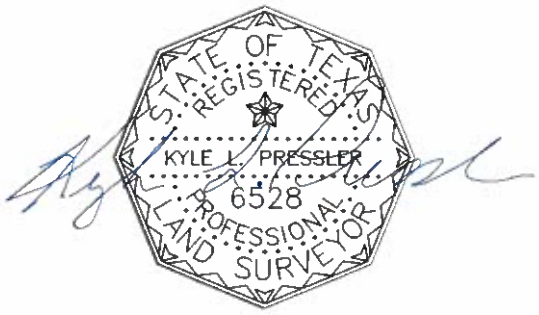
THENCE: With the common line between said 2.903 acre tract and said 4.691 acre tract, the following two (2) courses:

1. **N 89° 55' 44" W**, a distance of **324.83 feet** to a found ½" iron rod for corner, and
2. **S 04° 07' 53" W**, a distance of **378.94 feet** to a found ½" iron rod in said north right-of-way line, for the southwest corner of said 2.903 acre tract, a southerly corner of said 4.691 acre tract and the tract described herein;

THENCE: With said north right-of-way line and the south line of said 4.691 acre tract, the following two (2) courses:

1. **N 87° 38' 55" W**, a distance of **124.78 feet** to a found 2" pipe post for corner, and
2. **S 74° 14' 53" W**, a distance of **33.77 feet** to the **POINT OF BEGINNING** and containing **22.653 acres of land**, situated in Kendall County, Texas.

Note: The basis of bearing was established using the Trimble VRS Network, NAD (83), Texas State Plane Coordinate System, South Central Zone, 4204, US Survey Foot, Grid. A survey plat was prepared by a separate document. "This document was prepared under 22 Texas Administrative Code § 138.95, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the reconfiguration of the boundary of the political subdivision for which it was prepared."



Job # 14-4064 22.653 Acres

Date: August 30, 2022

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FIELD NOTES FOR A 22.653 ACRE TRACT OF LAND

A **22.653 acre** tract of land, located in the Anton Lockmar Survey No. 178, Abstract No. 311, and the Newton and Taylor Survey No. 179, Abstract No. 360, Kendall County, Texas, and being comprised of a called 13.422 acre tract of land of record in Volume 1418, Page 664, a called 2.070 acre tract of land of record in Volume 984, Page 789, a called 4.691 acre tract of land of record in Volume 891, Page 134, all of the Official Records, Kendall County, Texas and all of Spencer Hill Executive Offices Condominium Plat recorded in Volume 6, Pages 180-181 of the Plat Records of Kendall County, Texas. Said **22.653 acre** tract being more particularly described by metes and bounds as follows:

BEGINNING at a found ½" iron rod with a "Schwarz 4760" plastic cap in the northwest right-of-way line of Spencer Road, for the southwest corner of said 4.691 acre tract, the southeast corner of said 13.422 acre tract and a southerly corner of the tract described herein;

THENCE: **S 73° 50' 05" W**, with said northwest right-of-way line and the south line of said 13.422 acre tract, a distance of **77.06 feet** to a found ½" iron rod a southeasterly corner of a called 27.276 acre tract of land as described of record in Volume 398, Page 138 of the Official Records of Kendall County, Texas, for a southerly corner of said 13.422 acre tract and the tract described herein;

THENCE: Departing said northwesterly right-of-way line and with the common line between said 13.422 acre tract and said 27.273 acre tract, the following three (3) courses:

1. **N 87° 29' 15" W**, a distance of **78.47 feet** to a found ½" iron rod for the southwest corner of the tract described herein,
2. **N 00° 19' 08" E**, a distance of **1035.14 feet** to a found ½" iron rod for an angle, and
3. **N 00° 32' 16" W**, a distance of **168.04 feet** to a point in the center of Frederick Creek and for the northwest corner of the tract described herein;

THENCE: With the meandering center line of said Frederick Creek, the following courses:

- **S 80° 57' 25" E**, a distance of **82.35 feet** to a point for an angle,
- **S 87° 26' 10" E**, a distance of **138.77 feet** to a point for an angle,
- **N 75° 48' 05" E**, a distance of **177.15 feet** to a point for an angle,
- **N 62° 22' 16" E**, a distance of **136.38 feet** to a point for an angle,
- **N 56° 27' 21" E**, a distance of **74.67 feet** to a point for an angle,
- **N 32° 53' 27" E**, a distance of **74.41 feet** to a point for an angle,
- **N 37° 41' 25" E**, a distance of **60.91 feet** to a point for an angle,
- **N 45° 07' 58" E**, a distance of **119.30 feet** to a point in the southwestern right-of-way of Interstate Highway No. 10, for a northerly corner of said 13.422 acre tract and the tract described herein;

THENCE: S 51° 13' 59" E, with the southwesterly right-of-way of said Interstate Highway No. 10 and the northeast line of said 13.422 acre tract, a distance of **161.54** feet to a concrete monument found for the northeast corner of said 13.422 acre tract and the tract described herein;

THENCE: S 00° 01' 24" E, departing the southwest right-of-way of said Interstate Highway No. 10 and with the east line of said 13.422 acre tract, a distance of **469.21** feet to a found ½" iron rod for a southeast corner of said 13.422 acre tract, the northeast corner of said 2.070 acre tract and an angle of the tract described herein;

THENCE: With the east line of said 2.070 acre tract, the following two (2) courses:

1. **S 00° 01' 20" E**, a distance of **312.68** feet to a found ½" iron rod for angle, and
2. **S 00° 09' 22" W**, a distance of **135.01** feet to a found ½" iron rod at the southeast corner of said 2.070 acre tract, the northeast corner of said Spencer Hill Executive Offices Condominium Plat and for an angle of the tract

described herein;

THENCE: **S 00° 09' 57" W**, with the east line of said Spencer Hill Executive Offices Condominium Plat, a distance of **510.64 feet** to a found ½" iron rod in the north right-of-way line of Spencer Road, for the southeast corner of said Spencer Hill Executive Offices Condominium Plat and the tract described herein;

THENCE: **N 87° 37' 01" W**, with said north right-of-way line and the south line of said Spencer Hill Executive Offices Condominium Plat, a distance of **224.63 feet** to a found ½" iron rod at the southeast corner of a called 2.903 acre tract of land as described of record in Volume 116, Page 907 of the Deed Records of Kendall County, Texas, for the southeast corner of said Spencer Hill Executive Offices Condominium Plat and a southerly corner of the tract described herein;

THENCE: **N 03° 00' 18" E**, departing said north right-of-way line and with the common line between said 2.903 acre tract and said Spencer Hill Executive Offices Condominium Plat, a distance of **392.70 feet** to a found ½" iron rod at the northeast corner of said 2.903 acre tract, the northwest corner of said Spencer Hill Executive Offices Condominium Plat, an easterly corner of said 4.691 acre tract and an interior corner of the tract described herein;

THENCE: With the common line between said 2.903 acre tract and said 4.691 acre tract, the following two (2) courses:

1. **N 89° 55' 44" W**, a distance of **324.83 feet** to a found ½" iron rod for corner, and
2. **S 04° 07' 53" W**, a distance of **378.94 feet** to a found ½" iron rod in said north right-of-way line, for the southwest corner of said 2.903 acre tract, a southerly corner of said 4.691 acre tract and the tract described herein;

THENCE: With said north right-of-way line and the south line of said 4.691 acre tract, the following two (2) courses:

1. **N 87° 38' 55" W**, a distance of **124.78 feet** to a found 2" pipe post for corner, and
2. **S 74° 14' 53" W**, a distance of **33.77 feet** to the **POINT OF BEGINNING** and containing **22.653 acres of land**, situated in Kendall County, Texas.

Note: The basis of bearing was established using the Trimble VRS Network, NAD (83), Texas State Plane Coordinate System, South Central Zone, 4204, US Survey Foot, Grid. A survey plat was prepared by a separate document. "This document was prepared under 22 Texas Administrative Code § 138.95, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the reconfiguration of the boundary of the political subdivision for which it was prepared."



Job # 14-4064 22.653 Acres

Date: August 30, 2022

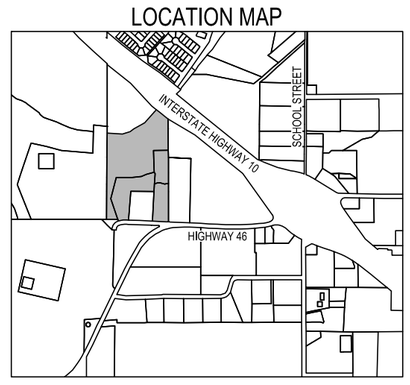
NOTES

1. BEARINGS ARE BASED ON THE STATE PLANE COORDINATE SYSTEM ESTABLISHED FOR THE TEXAS SOUTH CENTRAL ZONE 4204, NORTH AMERICAN DATUM (NAD) OF 1983.
2. THIS EXHIBIT WAS DONE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT, THEREFORE ALL SETBACKS, EASEMENTS, ENCUMBRANCES AND RESTRICTIONS MAY NOT BE SHOWN HEREON. THE SURVEYOR DID NOT COMPLETE AN ABSTRACT OF TITLE.
3. "THIS DOCUMENT WAS PREPARED UNDER 22 TEXAS ADMINISTRATIVE CODE § 138.95, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED."

EXHIBIT OF

A 22.653 ACRE TRACT OF LAND, LOCATED IN THE ANTON LOCKMAR SURVEY NO. 178, ABSTRACT NO. 311, AND THE NEWTON AND TAYLOR SURVEY NO. 179, ABSTRACT NO. 360, KENDALL COUNTY, TEXAS, AND BEING COMPRISED OF A CALLED 13.422 ACRE TRACT OF LAND OF RECORD IN VOLUME 1418, PAGE 664, A CALLED 2.070 ACRE TRACT OF LAND OF RECORD IN VOLUME 984, PAGE 789, A CALLED 4.691 ACRE TRACT OF LAND OF RECORD IN VOLUME 891, PAGE 134, ALL OF THE OFFICIAL RECORDS, KENDALL COUNTY, TEXAS AND ALL OF SPENCER HILL EXECUTIVE OFFICES CONDOMINIUM PLAT RECORDED IN VOLUME 6, PAGES 180-181 OF THE PLAT RECORDS OF KENDALL COUNTY, TEXAS.

LOCATION MAP



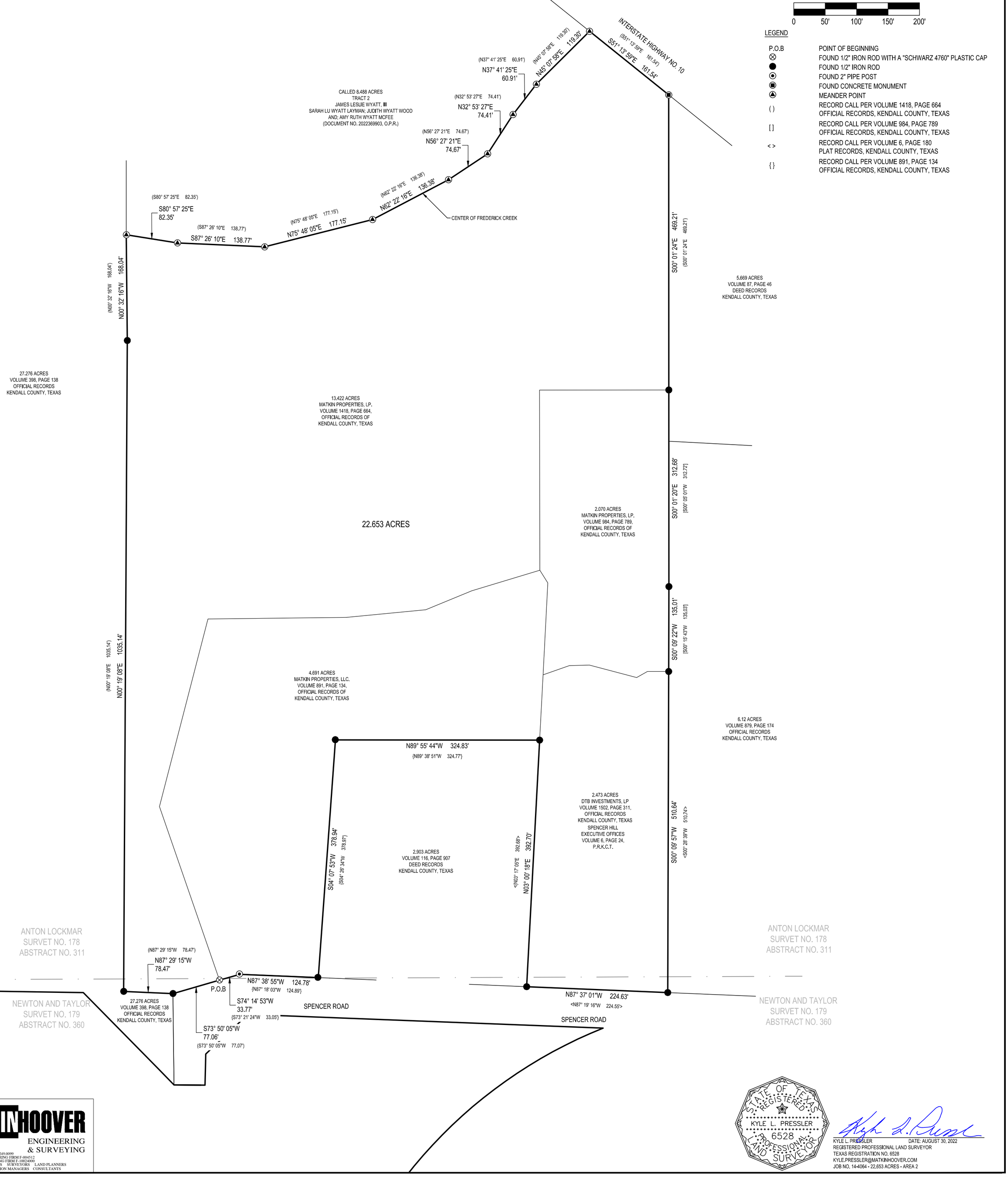
N

SCALE: 1"=100'

0 50' 100' 150' 200'

LEGEND

P.O.B	POINT OF BEGINNING
⊗	FOUND 1/2" IRON ROD WITH A "SCHWARZ 4760" PLASTIC CAP
●	FOUND 1/2" IRON ROD
⊙	FOUND 2" PIPE POST
▣	FOUND CONCRETE MONUMENT
▲	MEANDER POINT
( )	RECORD CALL PER VOLUME 1418, PAGE 664 OFFICIAL RECORDS, KENDALL COUNTY, TEXAS
[ ]	RECORD CALL PER VOLUME 984, PAGE 789 OFFICIAL RECORDS, KENDALL COUNTY, TEXAS
< >	RECORD CALL PER VOLUME 6, PAGE 180 PLAT RECORDS, KENDALL COUNTY, TEXAS
{ }	RECORD CALL PER VOLUME 891, PAGE 134 OFFICIAL RECORDS, KENDALL COUNTY, TEXAS



MATKINHOOVER
ENGINEERING & SURVEYING
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TEXAS REGISTERED ENGINEERING FIRM F-004512
TEXAS REGISTERED SURVEYING FIRM F-10024000
CIVIL ENGINEERS SURVEYORS LAND PLANNERS
CONSTRUCTION MANAGERS CONSULTANTS

STATE OF TEXAS
REGISTERED
KYLE L. PRESSLER
6528
PROFESSIONAL
LAND SURVEYOR

KYLE L. PRESSLER DATE: AUGUST 30, 2022
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6528
KYLE.PRESSLER@MATKINHOOVER.COM

JOB NO. 14-4064 - 22.653 ACRES - AREA 2

SPENCER RANCH
DEVELOPMENT AGREEMENT

This Development Agreement (this "Agreement") is entered by and between the **City of Boerne**, a Texas home-rule municipal corporation located within Kendall County, Texas (hereinafter, referred to as "City"), **Forestar (USA) Real Estate Group, Inc.** (a Delaware Corporation, hereinafter referred to as "Forestar"), **Matkin Properties, LP**, a Texas limited partnership ("Matkin Properties"), **Equity Trust Company Custodian FBO Harold T. duPerier III IRA**, 50% undivided interest, and **Equity Trust Company Custodian FBO John-Mark Matkin IRA**, 50% undivided interest (collectively, the "Undivided Interest Holders"). Matkin Properties and the Undivided Interest Holders are referred to herein collectively as the "Frontage Owners." Forestar and the Frontage Owners are, collectively, the owners of approximately +/-160 acres of Real Property generally located at Spencer Road and State Highway 46, more specifically described below. Forestar and Frontage Owners hereby enter into this Agreement with the City to allow for certain development provisions and the annexation of the property described herein. City, Forestar, and Frontage Owners shall hereafter collectively be referred to as "Parties" or in the singular as "Party."

RECITALS

WHEREAS, Forestar owns approximately 71.12-acres of Real Property in Kendall County, Texas (the "County") and within the extra-territorial jurisdiction ("ETJ") of the City (hereinafter referred to as the "Forestar Property;" *see* **"Exhibit A"**). Forestar has submitted and the City has approved the Master Plan for approximately 209 single-family homes (*see* **"Exhibit B;"** hereinafter referred to as "Forestar's Project" or the "Birch at Spencer Ranch");

WHEREAS, Frontage Owners own approximately 87-acres of Real Property in the County and within the City's ETJ (hereinafter referred to as the "Frontage Owners Property;" *see* **"Exhibit C"**). Such Property is intended to be developed for mixed use purposes (the "Frontage Owners Project" *see* **"Exhibit D"**).

WHEREAS, in order for Forestar and Frontage Owners to carry out their respective projects, and pursuant to the City's Subdivision Ordinance No. 2007-56, et. Seq., (the "Subdivision Ordinance") certain improvements in the area need to be made. Specifically, the construction and/or dedication of a Spencer Ranch Boulevard, which is approximately 2,200 (1,850+350) feet and traverses both the Forestar Property and the Frontage Owners Property (the "Road;" *see* **"Exhibit E"**).

WHEREAS, It is the intent that both Forestar and Frontage Owners, and any successor owners of the identified properties, shall participate in their proportionate share of construction and/or dedication of 2,200 feet of a 4 lane, primary collector roadway, from Highway 46 in a northwestern direction as depicted in Exhibit E, including a traffic signal and any required turn lanes at the intersection of Highway 46 and the Road, referred to herein collectively as "Spencer

Ranch Roadway Improvements", either by constructing their proportionate share of roadway improvements or by providing roadway funds for the City to construct roadway improvements when warranted, all of which is provided in the Rough Proportionality Determination issued by the City on October 1, 2020 ("Rough Proportionality Determination; *see* "**Exhibit F**").

WHEREAS, the Parties desire to enter into this Agreement pursuant to Subchapter C-3 of Chapter 43 of the Texas Local Government Code, § 43.0671, et. Seq., (the "Code") to reflect that in consideration of Forestar's and Frontage Owners' agreement to voluntary annexation and other consideration as stated herein, the City shall abide by and comply with the terms of this Agreement and the conditions stated herein. More specifically, City shall agree to (1) allow for the Road to be constructed and maintained as a Private Road pursuant to the methods and procedures in this Agreement, (2) annex the Forestar Property and the Frontage Owners' Property in a timely manner in accordance with procedures set forth in state law, and (3) the remaining provisions contained herein.

NOW, THEREFORE, in consideration of the mutual covenants and agreements, and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties now wish to enter into this Agreement and agree as follows:

I. DEFINITIONS

1.1 "Agreement" shall mean this document executed by the Parties, which may be amended from time to time, pursuant to the provisions contained herein.

1.2 "Annexation Area" shall reflect the Properties in Exhibit K (see below).

1.3 "Birch at Spencer Ranch" shall have the meaning specified above.

1.4 "City" and "County" shall have the meaning specified above.

1.5 "Code" shall mean the Texas Local Government Code, as amended.

1.6 "CPI Adjustment" shall mean means the year-to-year adjustment commencing on the first anniversary of the date this Agreement is signed by all Parties, unless otherwise noted, which adjustment shall use the Bureau of Labor Statistics, U.S. Department of Labor Price Index for all Urban Consumers for All Items for the South Region, 1982-84=100.

1.7 "Cure Period" shall have the meaning described in Article VII, below.

1.8 "Effective Date" shall mean the date of execution of this Agreement by all Parties.

1.9 "ETJ" shall have the meaning specified above.

1.10 "Forestar" shall have the meaning specified above.

1.11 "Forestar Project" shall have the meaning specified above.

1.12 "Forestar Property" shall have the meaning specified above.

1.13 "Forestar's Rough Proportionality" shall have the meaning specified below.

1.14 "Frontage Owners" shall have the meaning specified above.

1.15 "Frontage Owners Project" shall have the meaning specified above.

1.16 "Frontage Owners Property" shall have the meaning specified above.

1.17 "Frontage Owners' Rough Proportionality" shall mean the Rough Proportionality Determination issued by the City on October 1, 2020 (see Exhibit F, below).

1.18 "Road" shall have the meaning specified above.

1.19 "Road Reserve Fund" shall have the definition prescribed below.

1.20 "Spencer Ranch Roadway Improvements" shall have the meaning specified above.

1.21 "Subdivision Ordinance" shall have the meaning specified above.

1.22 "Traffic Impact Analysis" shall have the meaning described in the Subdivision Ordinance.

Singular and Plural: Words used herein in the singular, where the context so permits, also includes the plural and vice versa, unless otherwise specified.

II. REPRESENTATIONS AND ACKNOWLEDGMENTS

2.1 The recitals set forth hereinabove are included here as if set out in full and are part of the conditions of this Agreement and binding on Parties.

2.2 Forestar and Frontage Owners represent to City that they collectively are the owners of their respective properties and have the legal capacity and authority to enter into this Agreement and to perform the requirements of this Agreement.

2.3 City acknowledges that it has the authority to agree to the provisions herein and

annex the Frontage Owners Property and the Forestar Property pursuant to the Code and all City regulations, ordinances, and rules pursuant to statutory requirements.

III. THE BIRCH AT SPENCER RANCH

3.1 The Birch at Spencer Ranch consists of approximately 209 single-family homes on the Forestar Property (see previously mentioned Exhibit B). Pursuant to the Subdivision Ordinance and Code, Forestar is required to construct its proportion of infrastructure in coordination with the development of the Birch at Spencer Ranch. Specifically, Forestar's monetary contribution to the Road, as determined by the City's Rough Proportionality Determination for said 209 single-family homes, issued on October 1, 2020 (see previously mentioned Exhibit F) shall not exceed $1,432,477.45 ("Forestar's Rough Proportionality") as adjusted in accordance with the CPI Adjustment (as hereinafter defined). This includes the design and construction of approximately 1,850 ft. of the Road. Upon complete payment of Forestar's Rough Proportionality, all Rough Proportionality for the Birch at Spencer Ranch shall be satisfied and no additional payment or construction of improvements shall be requested or required of Forestar. The City reserves the right to reassess and recalculate the rough proportionality determination if the single-family home count at the Birch at Spencer Ranch changes by more than ten (10) percent.

3.2 This Agreement shall allow Forestar to design, construct, and maintain its proportion (such proportion as specified in previously mentioned Exhibit F) of the Road as a private road, as that term is identified in the Subdivision Ordinance, until such time that the City completes the state prescribed requirements to annex Forestar's Property. City shall perform and complete all inspections and approvals of such portion of the Road as though the City would be maintaining such Road to allow for a timely transfer of maintenance of the Road upon annexation of Forestar's Property.

3.3 Forestar shall dedicate 94-foot right-of-way for the construction of the 350-foot extension of the Road to the City (*see* **"Exhibit G"**) with Phase 3 of the Birch at Spencer Ranch (see previously mentioned Exhibit D) or no later than five (5) years after the date of execution of this agreement. Forestar shall not be required to design or construct the 350 feet of the Road depicted in Exhibit G.

3.4 In association with the permitting, platting, design, and construction of the Birch at Spencer Ranch, Forestar shall be Subject to the following provisions:

> 3.4.1 Pursuant to Sec. 7.03.004 of the Subdivision Ordinance, all water mains for the Birch at Spencer Ranch shall be looped and such water looping shall coincide with the phased development, as indicated in the Overall Utility Plan (see "**Exhibit H**"). Such looping can occur by other means acceptable to both Forestar and the City, as evidenced in writing and executed by both Parties. Compliance with Sec. 7.03.004 of the Subdivision Ordinance shall be completed

concurrently with Phase 3 of the Birch at Spencer Ranch or no later than five (5) years after the date of execution of this agreement.

3.4.2 In lieu of the method of calculation of the yearly contribution for common area reserve fund as described in Section 5.11.014(F)(8)(ii) of the subdivision ordinance, the value of the yearly contribution to the Birch at Spencer Ranch HOA reserve fund shall be assessed at $26,120 per year for the Road, and upon the completion and annexation of each Phase of the Birch at Spencer Ranch (see Exhibit B) the Association shall cause the following funds to be contributed for local streets: $27,385 for Phase 1B, $28,928 for Phase 2, and $22,549 for Phase 3, respectively. The year each Phase of the Birch at Spencer Ranch is annexed such fees shall be prorated. The aforementioned amounts can be adjusted in accordance with the CPI Adjustment. The HOA shall deposit the $26,120 yearly Reserve Fund contribution amount for the Road every 12 months from execution of this Agreement. Upon annexation of Area 5 (see Exhibit K, below), and written request by Forestar, the City shall take over maintenance of the Road and local streets per the process as described in Section 5.11.011 of the Subdivision Ordinance. Upon City commencing maintenance of the Road, the HOA reserve fund balance shall be dedicated to City of Boerne per subdivision ordinance section 5.11.005(C)(iv).

3.4.3 A five-foot (5') sidewalk shall be constructed on the North and South side of the Road where there are four (4) traffic lanes. Where there are only two (2) traffic lanes on the Road a sidewalk shall only be constructed on the South side of the Road (*see* "**Exhibit I**").

3.4.4 The Monument Signs shown in Exhibit J shall be located outside of the right-of-way and outside of the intersection visibility area on either side of the primary collector known as Spencer Ranch Blvd at the intersection of Highway 46 West. These signs will serve as an entrance feature for the Road and the entire development, including the residential and commercial development surrounding the primary collector. The monument signs shall be constructed as shown in Exhibit J, the letters may be backlit and the landscaping shall be provided as demonstrated using the plants listed in Exhibit J and shall not be allowed to exceed one hundred (100) square feet in size. No up-lighting of the monument signs will be permitted, and the signs shall only contain the words Spencer Ranch on the face of the signs. Each sign, landscaping and irrigation shall be maintained in perpetuity by the Birch at Spencer Ranch Homeowners Association which shall be demonstrated in the CCR's.

IV. FRONTAGE OWNERS PROJECT

4.1 Future developments within the Frontage Owners Property are responsible for their

proportionate share of the Spencer Ranch Roadway improvements as defined in Exhibit F. If future development on the Frontage Owners Property requires a Traffic Impact Assessment (TIA), and the results of the same require border street or turn Lane improvements, then these improvements shall be constructed at time of platting. However, if the future development's proposed traffic impact, as determined by the TIA, is an amount that does not require construction of those border street or turn lane improvements, the development shall be required to provide roadway funds into an escrow account, managed by the City, based upon each development's proportionate share of the roadway improvements. Such proportionate share of roadway funds shall be calculated based upon the maximum peak hour trips as determined in each development's TIA and as described in City ordinances as of the Effective Date, multiplied by $551.55 per peak hour trip, subject however to the maximum contribution amounts set forth in Section 4.1.2 below.

4.2 At time of plat submittals to the City, each development shall provide a TIA that determines the peak hour trip for the development. Upon approval of the TIA by the City, the proportionate share of roadway funds shall be provided to the City prior to final plat approval for each development. Any change of land use from the initial TIA, provided during the platting process, shall require an updated TIA and the development shall provide additional roadway funds for any increase in peak hour trips pursuant to the Subdivision Ordinance prior to the City issuing a building permit. At no time shall the roadway funds described herein and provided to the City exceed a total of $1,742,889.00 (total cost equaling $1,442,889 in estimated cost for the completion of the Road and $300,000 in estimated cost for a traffic signal at Hwy 46), as adjusted in accordance with the CPI Adjustment (as hereinafter defined) which is the proportionate share of the Frontage Owners Property roadway improvements per the City's Rough Proportionality determination. All TIA's for development projects within the Frontage Owners Property shall include background traffic generation data from all previously platted parcels in the Frontage Owners Property and Forestar Property for warrant determination of said Spencer Ranch Roadway Improvements. Upon City approval of a TIA that warrants said Spencer Ranch Roadway Improvements, City shall begin the design and construction of said warranted roadway improvements to be paid from the available funds in City's escrow account. The City reserves the right to reassess and recalculate the rough proportionality determination if the single-family home count at the Birch at Spencer Ranch changes by more than ten (10) percent.

4.3 At such time that all roadway improvements, full buildout of the Road and Highway 46 Intersection Road Improvements, are constructed and accepted by the regulating authority, the collection of the proportionate share of the roadway funds shall cease.

4.4 All commercial construction on the Frontage Owners' Property that is within 350 feet of the State Highway 46 right of way and 350 feet. of the Road that occurs prior to annexation into the City limits shall comply with the specific design criteria and lighting regulations (*see* **Exhibit "L"**).

4.5 No structure shall be constructed on the Frontage Owners Property unless a building permit has been issued by the City and a final plat has been recorded for the lot on which the Structure is proposed to be built on.

V. ANNEXATION

5.1 Upon City's compliance with Subchapter C-3 of Chapter 43 of the Code and Annexation of Area 1, the Properties referenced in this Agreement shall be annexed as described below (*see* "**Exhibit K**"):

5.1.1 Area 2 and Area 3 to be annexed as soon as legally permissible in accordance with requirements of state law.

5.1.2 Area 4 to be annexed as soon as legally permissible in accordance with requirements of state law.

5.1.3 Area 5 to be annexed within 18 months of execution of this agreement or as soon thereafter the annexation in 5.1.2 as legally permissible in accordance with State law.

5.1.4 Area 6- Any portions of land within Area 6 that are contiguous to land previously annexed by the City in Areas 1-5 must be annexed and zoned by the City prior to the application by the owner of such contiguous land for a building permit. The owner of any portion of land within Area 6 that is not contiguous to land previously annexed by the City in Areas 1-5 for which development is proposed by such owner, must take whatever action is necessary in order for the City to be able to annex and zone such affected land, prior to such owner applying for a building permit. The platting of any tracts within Area 6 into tracts of smaller acreage does not trigger the requirement for annexation. The owner of any remaining land in Area 6 that has not been theretofore annexed by the City at the expiration of 60 months from the Effective Date of this Agreement must begin the annexation process immediately after the expiration of such 60-month period.

VI. CONSIDERATION

Section 1.01 6.1 Voluntary petition for annexation. The Parties agree that this Agreement constitutes a voluntary petition to the City for annexation of the Forestar Property and the Frontage Owners' Property for full purposes under the provisions of Subchapter C-3 of Chapter 43 of the Code which shall be deemed submitted to the City on the Effective Date of this Agreement.

6.2 Parties agree that this voluntary petition and consent may not be revoked and is intended to be and shall be binding upon the Parties as well as their successors and assigns in ownership of any right, title, or interest in and to the Forestar Property and the Frontage Owners' Property or any part thereof.

6.3 Waiver. To the extent authorized by state and local laws, the Parties agree that the City is only obligated to perform those tasks set forth in Subchapter C-3 of Chapter 43 of the Texas Local Government Code that are required when annexing property under that subchapter. Parties agree that the Parties shall not oppose any action taken by the City to annex the Annexation Area under this Agreement or under Subchapter C-3 of Chapter 43 of the Code.

6.4 All covenants, agreements and terms contained in this agreement obligating Parties shall run with the land and shall hereafter bind all of their successors and assigns and all future owners of the Forestar Property or Frontage Owners' Project.

6.5 Notwithstanding any provision herein to the contrary, the Parties agree and acknowledge that, in accordance with Section 212.172(g), this Agreement constitutes a permit under Chapter 245 of the Code.

VII. WRITTEN AGREEMENT REGARDING SERVICES

7.1 When the City annexes the Forestar Property and the Frontage Owners' Property pursuant to this Agreement, the Parties agree that this Section VII of this Agreement shall constitute a Written Agreement Regarding Services required under Chapter 43, section 43.0672 of the Code; shall run with the land; and shall govern all municipal services to be provided to the Forestar Property and the Frontage Owners' Property.

A. PROGRAM FOR SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF THE ANNEXATION.

The City will provide the following services in the Annexation Area on the effective date of the annexation, unless otherwise noted. As used in this plan, the term "providing services" includes having services provided by any method or means by which the City may extend municipal services to any other area of the City, including the City's infrastructure extension policies and developer or property owner participation in accordance with applicable City ordinances.

1. POLICE PROTECTION

The City of Boerne Police Department will provide regular and routine patrols to the Annexation Area at the same or similar level now being provided to other areas of the City with similar topography, land use and population densities.

The services will include, but are not limited to:

- Normal patrols and responses to calls for service;
- Handling of offense and incident reports;
- Special units, such as traffic enforcement, criminal investigations, narcotics law enforcement, gang suppression, and crime response team deployment when required; and
- Animal Control services.

2. FIRE SERVICE

The City of Boerne, Texas and its Fire Department will provide fire protection services to the Annexation Area at the same or similar level now being provided to other areas of the City with similar topography, land use and population densities. The Fire Department will perform these duties as part of its overall activities. Adequate fire suppression activities can be afforded to the annexed area within current budget appropriation. Fire prevention activities will be provided by the Fire Marshall's office as needed.

These services include, but are not limited to:

- Basic Life Support (BLS) 1st responder emergency medical services;
- Fire suppression and rescue;
- Hazardous materials mitigation and regulation;
- Technical rescue;
- Fire Safety Education;
- Aircraft/rescue/firefighting;
- Fire protection system plan review; and
- Inspections.

3. BUILDING INSPECTION AND CODE ENFORCEMENT SERVICES

The City of Boerne Code Enforcement Department activities will extend to Annexation Area, pursuant to applicable policies and/or ordinances of the City, now existing or as such policies and/or ordinances may be amended. These services include, but are not limited to, consultation with project developers for building code requirements, plan review for structures, issuance of building permits, and on-site inspection services for new construction.

The Code Enforcement Department will also enforce the City's code of ordinances and will respond to requests for inspection and complaints of suspected City Code violations including, but not limited to: high weeds and grass, trash and debris, solid waste, trash carts and illegal dumping, junked and abandoned vehicles, zoning, food, daycare, pool and spa inspections, stray animals, cruelty and bite investigations. Complaints of ordinance or regulation violations within the Annexation Area will be answered and investigated by existing personnel within the appropriate City department beginning on the effective date of the annexation.

4. PLANNING AND ZONING

The City of Boerne Planning and Zoning Department activities will extend to the Annexation Area, pursuant to applicable policies and/or ordinances of the City, now existing or as may be amended. The Planning and Zoning Commission will initiate permanent zoning of the newly annexed area as soon as possible after annexation.

5. LIBRARY

Free library uses, and privileges will be available to residents of the Annexation Area, pursuant to applicable policies and/or ordinances as may be amended.

6. PARKS, PLAYGROUNDS, AND SWIMMING POOLS

Residents of the Annexation Area may utilize all existing parks and community service facilities throughout the City subject to existing ordinances and policies as may be amended. Existing parks, playgrounds, swimming pools and other recreational and community facilities within the Annexation Area that are private facilities will be unaffected by the annexation.

7. SOLID WASTE COLLECTION

Solid waste collection is contracted for by the City's contracted agent upon annexation. Solid waste collection will be provided to the Annexation Area at the same or similar level of service now being provided to other areas of the City in accordance with existing ordinances and policies as may be amended from time to time.

8. STREET AND DRAINAGE MAINTENANCE

The effects of this addition on drainage will be addressed under the provisions of the Subdivision Ordinance in effect at the time of platting.

Roads, streets and drainage improvements that have been properly platted, duly dedicated, and accepted by the City of Boerne and/or Kendall County shall be maintained by the Department of Development Services. All roads, streets or alleyways in the Annexation Area which have been dedicated to the public shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas of the City of Boerne with similar land use, population density and topography.

Construction of new roads and streets, if any, is the responsibility of the developer or land owner desiring them and must be designed and built in accordance with applicable City of Boerne ordinances and policies as may be amended.

The effects of this addition on drainage will be addressed under the provisions of the Subdivision Ordinance in effect at the time of platting, if and when such platting occurs. The effects will be consistent with such maintenance provided by the City of Boerne to other areas within the City exhibiting land use, population density and topography similar to that of the Annexation Area.

VIII. DEFAULT

8.1 Subject to Sections 8.3 and 8.4 below, a Party shall be declared in "Default" of this

Agreement if such Party violates or causes a violation of any rules, regulations, orders, ordinances or other laws that are applicable to the Property covered in this Agreement, as described herein, during the term of this Agreement.

8.2 Subject to Sections 8.3 and 8.4 below, a Party shall be declared in "Default" if that Party materially breaches any covenant, obligation, or provisions of this Agreement.

8.3 Notwithstanding any provision to the contrary, no Party shall be declared in Default, under this Agreement and subject to the remedies available to the non-defaulting party, as set forth herein, until written notice of Default has been given to the defaulting Party (which notice shall set forth in reasonable detail the nature of the Default) and until such Party has been given, from and after the receipt of such written notice, ninety (90) calendar days to cure the Default (the "Cure Period"). The Cure Period may be extended by written agreement of the Amending Parties (defined below) and shall be subject to written approval of the City Manager.

8.4 The duties of a Party to observe or perform any of the provisions of this Agreement, on its part to be performed or observed, shall be excused for a period equal to the period of prevention, delay, or stoppage due to causes beyond the control of the applicable Party, including reason of strikes, pandemics, epidemics, terrorism, civil riots, war, invasion, fire or other casualty, or Acts of God.

IX. REMEDIES

9.1 Upon the occurrence of Default by a Party, the non-defaulting Party may seek all remedies available to it at law or in equity, including, without limitation, termination, injunctive relief, mandamus, and specific performance. Notwithstanding any provision herein to the contrary, the following applies: (i) upon the occurrence of Default by Frontage Owners, regarding the terms provided herein for the Frontage Owners' Project, the City may proceed with any and all remedies described herein of only the Frontage Owners' Project (or any portion thereof); and (ii) upon the occurrence of Default by Forestar, regarding the terms provided herein for the Forestar Property, the City may proceed with any and all remedies described herein of only the Forestar Property.

9.2 The Parties hereto expressly agree that, in the event of litigation, each Party hereby waives its right to payment of attorneys' fees.

X. NON-WAIVER

No course of dealing on the part of the Parties nor any failure or delay by the Parties in exercising any right, power, or privilege under this Agreement shall operate as a waiver of any right, power or privilege owing under this Agreement.

XI. ASSIGNMENT

11.1 All covenants and agreements contained herein by the City shall bind its successors and assigns and shall inure to the benefit of Parties and their successors and assigns.

11.2 This Agreement (including the duties, rights and obligations set forth herein) may be assigned, in whole or in part by Forestar or Frontage Owners, for their respective properties, without the prior written consent of City.

XII. ENTIRE AGREEMENT

12.1 This written Agreement embodies the final and entire agreement between Parties hereto and may not be contradicted by evidence of prior, contemporaneous, or subsequent oral agreements of Parties.

12.2 The exhibits attached to this Agreement are incorporated herein and shall be considered a part of this Agreement for the purposes stated herein. Notwithstanding, the exhibits shall not constitute any binding commitment regarding, but not limited to, the final location of boundaries, lots, and improvements and infrastructure, such being of approximate location that may be amended from time to time by the Parties.

XIII. AMENDMENTS

Except where the terms of this Agreement expressly provide otherwise, any alterations, additions, or deletions to the terms hereof, shall be affected only by amendment, in writing, executed by the Amending Parties, and subject to the written approval by the City, which shall not be unreasonably withheld, conditioned, or delayed. This section is reserved to the Amending Parties of this Agreement and shall only be assigned by such a Party when that Party no longer owns Property subject to this Agreement or if assigned in writing to another fee owner of real property subject to the terms hereof, and with notice to the other Parties.

As used in this Section, the term "Amending Parties" shall mean: (i) Forestar, as the fee title holder of the Forestar Property as of the date hereof, (ii) the Undivided Interest Holders as the fee title holders of the Frontage Property as of the date hereof, and (iii) the City of Boerne. Notwithstanding anything herein to the contrary, there shall be only three (3) Amending Parties under this Agreement at all times. In the event the Undivided Interest Holders convey fee title to the entirety of the acreage of the Frontage Property, the Amending Party rights hereunder shall convey therewith and such successor fee title holder shall be the successor Amending Party to the Undivided Interest Holders. In the event less than the entirety of the acreage of the Forestar Property or Frontage Property is conveyed, the such conveying Amending Party whose property is subdivided in such case shall have the right, but not the obligation, in its sole and absolute discretion, to assign all of its Amending Party rights under this Section to the owner that acquires

the fee simple title of any portion of the Property by recording an assignment to this effect in the real property records of Kendall County, Texas.

XIV. SEVERABILITY

If any clause or provision of this Agreement is held invalid, illegal or unenforceable under present or future federal, state or local laws, including but not limited to the charter, code, or ordinances of the City, then and in that event it is the intent of Parties hereto that such invalidity, illegality or unenforceability shall not affect any other clause or provision hereof and that the remainder of this Agreement shall be construed as if such invalid, illegal or unenforceable clause or provision was never contained herein. It is also the intent of Parties hereto that in lieu of each clause or provision of this Agreement that is invalid, illegal, or unenforceable, there be added as a part of this Agreement a clause or provision as similar in terms to such invalid, illegal or unenforceable clause or provision as may be possible, legal, valid and enforceable.

XV. LEGAL AUTHORITY

The person(s) executing this Agreement on behalf of the respective Parties, represent, warrant, assure, and guarantee that they have full legal authority to (i) execute this Agreement on behalf of the respective Party, and (ii) to bind the respective Party to all of the terms, conditions, provisions, and obligations herein contained.

XVI. VENUE AND GOVERNING LAW

16.1 THIS AGREEMENT SHALL BE CONSTRUED UNDER AND IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS.

16.2 Any legal action or proceeding brought or maintained, directly or indirectly, as a result of this Agreement shall be heard and determined in Kendall County, Texas.

XVII. PARTIES' REPRESENTATIONS

This Agreement has been jointly negotiated between the Parties and shall not be construed against a Party because that Party may have primarily assumed responsibility for the drafting of this Agreement.

XVIII. NOTICE

18.1 All notices, demands or other communications given in connection with or required

under this Agreement must be in writing and delivered to the person to whom it is directed and may be given by (a) overnight delivery using a nationally recognized overnight courier, in which case notice shall be deemed delivered one business day after deposit with such courier, (b) sent by email with a PDF attachment with an original copy thereof transmitted to the recipient by one of the means described in clauses (a), (c) or (d), in which case notice shall be deemed delivered on the date of transmittal of the email with PDF attachment, (c) personal delivery, in which case notice shall be deemed delivered upon receipt or refusal of delivery, or (d) United States certified mail, return receipt requested, postage prepaid, addressed to the addressee, in which case notice shall be deemed delivered three business after deposit of such notice, postage prepaid, in a mailbox under the care, custody or control of the United States Postal Service. All notices, demands and other communications shall be given to the Parties (and in all events the Amending Parties) at the addresses set forth below, or at any other addresses that they have theretofore specified by written notice delivered in accordance herewith:

City:
City of Boerne
Attn: Boerne City Manager
P.O. Box 1677
447 N. Main St
Boerne, Texas, 78006
Email: bthatcher@boerne-tx.gov

Forestar:
Forestar (USA) Real Estate Group, Inc.
10700 Pecan Park Blvd., Suite 150
Austin, Texas, 78750
Email: JohnMaberry@forestar.com; CarrieCappel@forestar.com

With copies to:
Brown & Ortiz, P.C.
Attention: Daniel Ortiz
112 E. Pecan Street, Suite 1360
San Antonio, Texas 78205
Email: doa@brownortiz.law

Frontage Owners:
Attn: John-Mark Matkin
8 Spencer Road, Suite 100
Boerne, Texas 78006
Email:

Attn: Harold T. duPerier III
28615 IH 10W
Boerne, Texas 78006

Matkin Properties
Matkin Properties, LP

Attn: John-Mark Matkin
8 Spencer Road, Suite 100
Boerne, Texas 78006
Email:

Each Party may change its address by written notice in accordance with this Article XVIII.

Whenever a Frontage Owner conveys all or any portion of the Frontage Owners Property to a third party, such conveying Frontage Owner shall have the right to: (i) record or cause the subject transferee to record a notice in the Official Public Records of Kendall County, Texas, making reference to the recording information of this Agreement at the closing of such conveyance that states the address of the transferee (i.e. the new Frontage Owner) for notice purposes under this Agreement; and (ii) send or cause the subject transferee to send copy of the aforesaid notice to the then current Parties at their then effective address or addresses. Upon recordation of the notice and sending a copy of such notice to the other then current Parties, this Article XVIII will be deemed as modified and updated accordingly and each then current Party will be deemed to have constructive and/or actual notice of the new address of the affected Frontage Property Owner for notice purposes hereunder.

XIX. CAPTIONS

All captions used herein are only for the convenience of reference and shall not be construed to have any effect or meaning as to the Agreement between Parties hereto.

XX. UNINTENDED OMISSION

If any punctuation, word, clause, sentence, or provisions necessary to give meaning, validity, or effect to any other word, clause, sentence, or provision of this Agreement is omitted, then it is hereby declared that such omission was unintentional and that the omitted punctuation, word, clause, sentence or provision shall be supplied by inference.

XXI. TIME IS OF THE ESSENCE

Time is of the essence in this Agreement and each and every provision hereof.

XXII. COUNTERPARTS

This Agreement may be executed in counterparts. Each of the counterparts shall be deemed an original instrument, but all of the counterparts shall constitute one and the same instrument. This Agreement may be executed in any number of counterparts and by different Parties in separate counterparts, each of which when so executed and delivered, shall be deemed an original, and all of which, when taken together, shall constitute one and the same instrument. Delivery of an executed counterpart of a signature page to this Agreement by facsimile or electronic mail shall be as effective as delivery of a manually executed counterpart of this Agreement, except that any Party delivering an executed counterpart of this Agreement by facsimile or electronic mail also must deliver a manually executed counterpart of this Agreement. Notwithstanding the foregoing, failure to deliver a manually executed counterpart shall not affect the validity, enforceability, and binding effect of this Agreement.

XXIII. RECORDATION

This Agreement shall be recorded in the Real Property Records of Kendall County, Texas.

XXIV. TERM

The term of this Agreement shall commence on the Effective Date and terminate fifteen (15) years from the Effective Date. The term may be extended upon mutual consent and written agreement between the Parties and subject to written approval of the City Manager, not to be unreasonably withheld, conditioned, or delayed.

Signatures on the Following Pages

IN WITNESS THEREOF, Parties hereto have executed this Agreement to be effective as of the Effective Date.

CITY:

CITY OF BOERNE, TEXAS

By: _____

Name: Ben Thatcher

Title: City Manager

Date: 6/16/2021

ATTEST/SEAL:

By: LORI A. CARROLL

Name: Lori A Carroll

Title: City Clerk

Date: 6/16/2021

APPROVED AS TO LEGAL FORM:

By: _____

Name: Barbara L. Quirk

Title: City Attorney

Date: 6-16-21

ACKNOWLEDGEMENT

State of Texas §
§
County of Kendall §

This instrument was acknowledged before me on this 16th day of June, 2021 by Ben Thatcher, City Manager of the City of Boerne, a Texas home rule municipality, on behalf of said municipality.

Date: 6/16/2021

_____
Notary Public, State of Texas

My Commission expires: 2/9/2023

SIRIA ARREOLA
Notary Public, State of Texas
My Commission expires
February 9, 2023
ID # 12594878-7

FORESTAR (USA) REAL ESTATE GROUP, INC.
Forestar (USA) Real Estate Group, Inc.

By: _____

Title: Vice President - Central Texas Division President

Date: 6/11/2021

ACKNOWLEDGEMENT

State of Texas §
§
County of Williamson §

The foregoing instrument was acknowledged before me this 11th day of June, 2021, by John Maberry, Vice President of Forestar (USA) Real Estate Group, Inc.

Date: 6/11/2021

_____
Notary Public, State of Texas

My Commission expires: 07-18-2022

THERESE TRAN
Notary Public, State of Texas
Comm. Expires 07-18-2022
Notary ID 131651657

MATKIN PROPERTIES:

MATKIN PROPERTIES, LP,
a Texas limited partnership

By: JM2 MANAGEMENT, LLC,
a Texas limited liability company,
its sole General Partner

By: _____
John-Mark Matkin, Manager

STATE OF TEXAS §
§
COUNTY OF Kendall §

This instrument was acknowledged before me, the undersigned authority, this 16th day of June, 2021, by JOHN-MARK MATKIN, the Manager of JM2 MANAGEMENT, LLC, a Texas limited liability company, the sole general partner of MATKIN PROPERTIES, LP, a Texas limited partnership, on behalf of said limited partnership.

SIRIA ARREOLA
Notary Public, State of Texas
My Commission expires
February 9, 2023
ID # 12594878-7

_____
Notary Public ★ State of Texas

UNDIVIDED INTEREST HOLDER:

EQUITY TRUST COMPANY CUSTODIAN FBO HAROLD T. DUPERIER III IRA,
50% undivided interest

By: JMM on Behalf of Trip DuPerier
Name: Trip DuPerier
Title: Owner

Account Holder Acknowledgment:

JMM on behalf of Trip DuPerier
Harold T. duPerier, III

Date: 6/16/21

STATE OF TEXAS §
§
COUNTY OF Kendall §

This instrument was acknowledged before me on the 16th day of June, 2021 by John Mark Matkin, as the owner of Equity Trust Company Custodian FBO Harold T. dePerier, III IRA.

SIRIA ARREOLA
Notary Public, State of Texas
My Commission expires
February 9, 2023
ID # 12594878-7

Siria Arreola
Notary Public – State of Texas

STATE OF TEXAS §
§
COUNTY OF Kendall §

This instrument was acknowledged before me on the 16th day of June, ~~2020~~ 2021 by ~~Harold T. dePerier III.~~ John Mark Matkin on behalf of Harold T. dePerier III.

SIRIA ARREOLA
Notary Public, State of Texas
My Commission expires
February 9, 2023
ID # 12594878-7

Siria Arreola
Notary Public – State of Texas

UNDIVIDED INTEREST HOLDER:

EQUITY TRUST COMPANY CUSTODIAN FBO JOHN-MARK MATKIN IRA, 50% undivided interest

By: _____

Name: JOHN-MARK MATKIN

Title: OWNER

Account Holder Acknowledgment:

_____

John-Mark Matkin

Date: 6/16/21

STATE OF TEXAS §
§
COUNTY OF Kendall §

This instrument was acknowledged before me on the 16th day of June, 2021 by John-Mark Matkin, as the owner of Equity Trust Company Custodian FBO John-Mark Matkin IRA.

SIRIA ARREOLA
Notary Public, State of Texas
My Commission expires
February 9, 2023
ID # 12594878-7

_____

Notary Public – State of Texas

STATE OF TEXAS §
§
COUNTY OF Kendall §

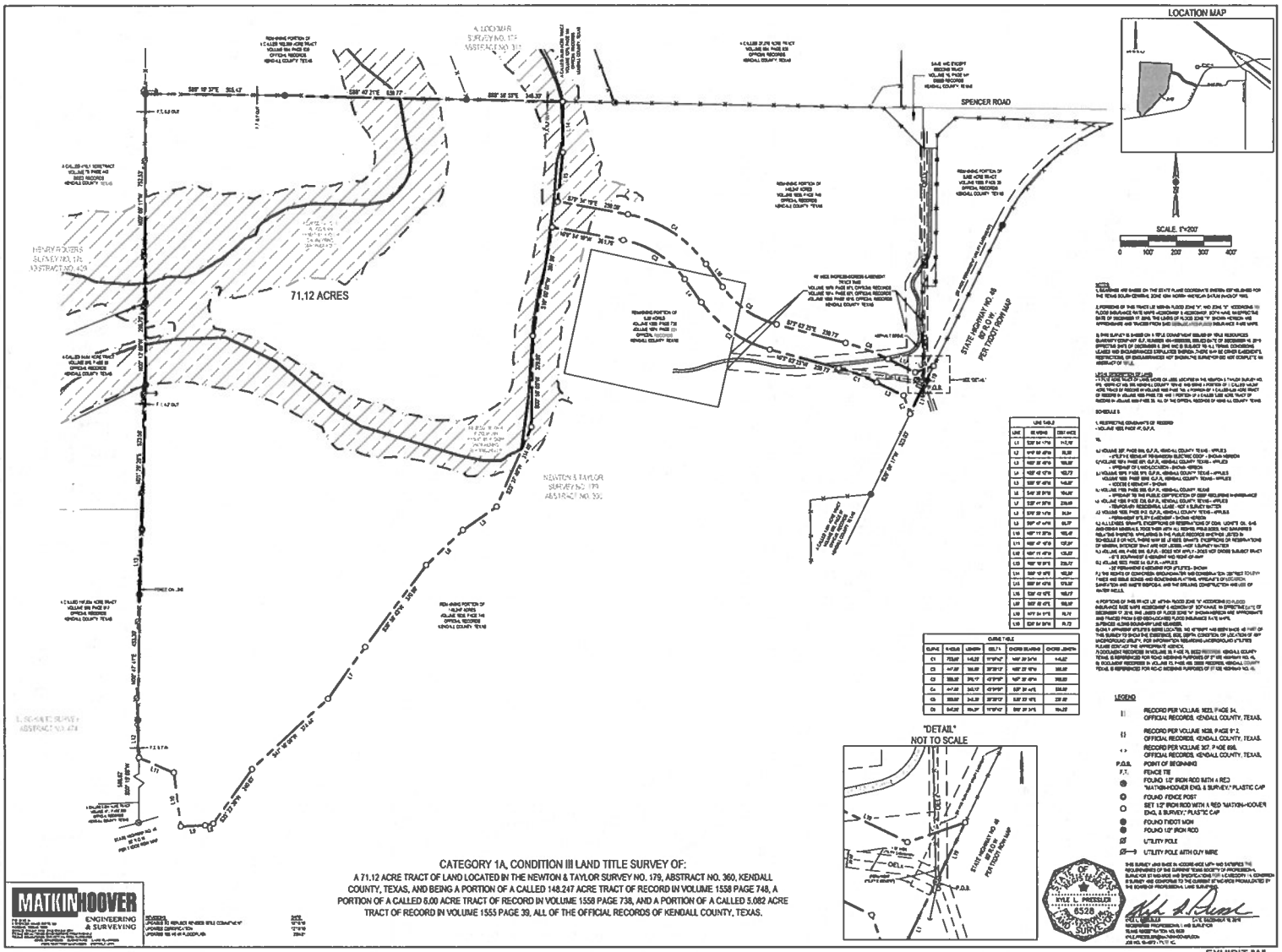
This instrument was acknowledged before me on the 16th day of June, 2021 by John-Mark Matkin.

SIRIA ARREOLA
Notary Public, State of Texas
My Commission expires
February 9, 2023
ID # 12594878-7

_____

Notary Public – State of Texas

765



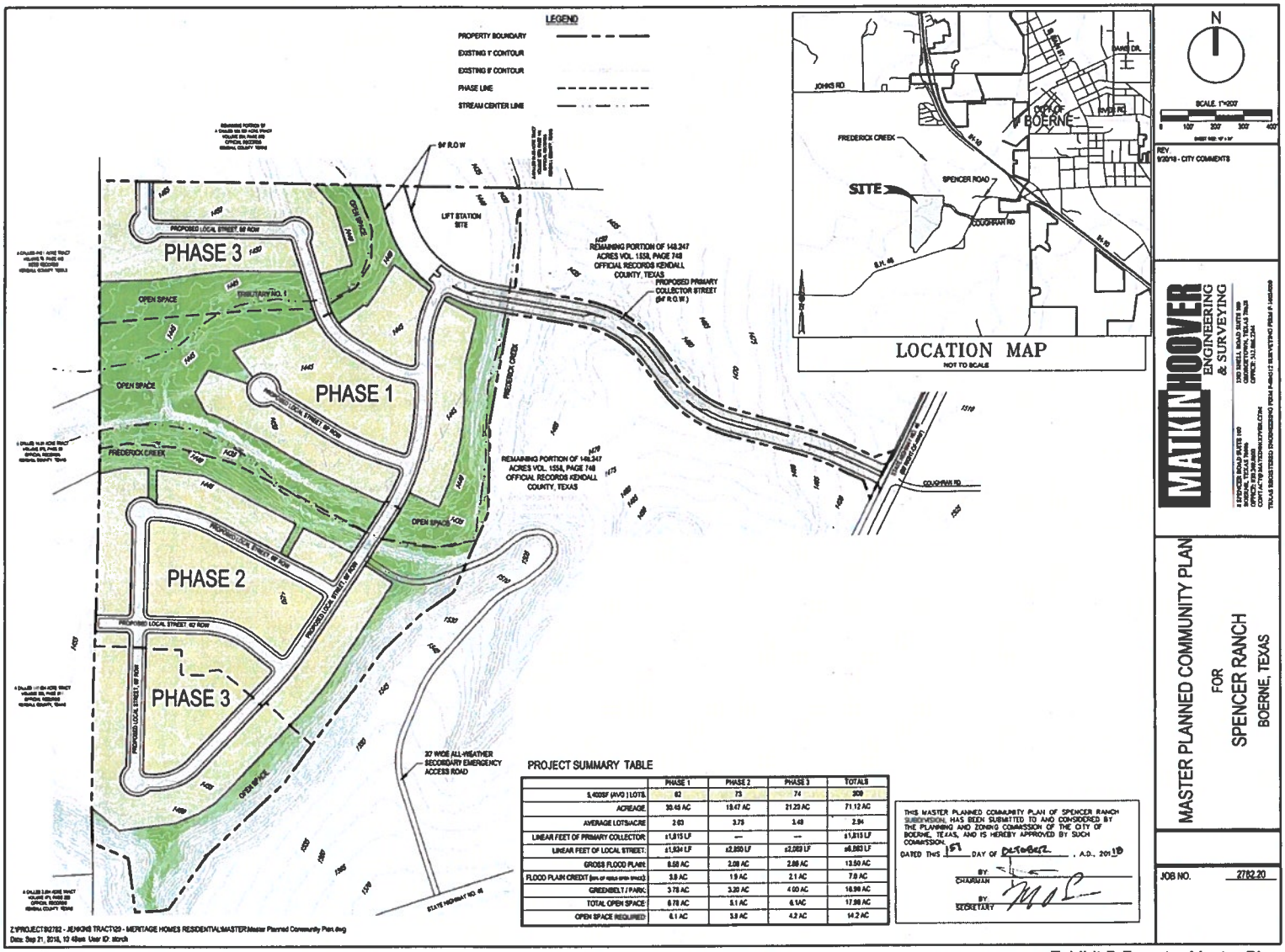
CATEGORY 1A, CONDITION III LAND TITLE SURVEY OF:

A 71.12 ACRE TRACT OF LAND LOCATED IN THE NEWTON & TAYLOR SURVEY NO. 179, ABSTRACT NO. 360, KENDALL COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 148.247 ACRE TRACT OF RECORD IN VOLUME 1558 PAGE 748, A PORTION OF A CALLED 6.00 ACRE TRACT OF RECORD IN VOLUME 1558 PAGE 738, AND A PORTION OF A CALLED 5.082 ACRE TRACT OF RECORD IN VOLUME 1555 PAGE 39, ALL OF THE OFFICIAL RECORDS OF KENDALL COUNTY, TEXAS.

MATKIN HOOVER ENGINEERING & SURVEYING

KYLE L. PRESSLER 6528 REGISTERED PROFESSIONAL LAND SURVEYOR

EXHIBIT "A"



PROJECT SUMMARY TABLE

	PHASE 1	PHASE 2	PHASE 3	TOTALS
5,400SF (AVG.) LOTS	62	73	74	209
ACREAGE	30.48 AC	18.47 AC	21.23 AC	71.12 AC
AVERAGE LOTS/ACRE	2.03	3.75	3.48	2.94
LINEAR FEET OF PRIMARY COLLECTOR	±1,815 LF	---	---	±1,815 LF
LINEAR FEET OF LOCAL STREET	±1,934 LF	±2,850 LF	±2,069 LF	±6,853 LF
GROSS FLOOD PLAIN	8.58 AC	2.08 AC	2.88 AC	13.50 AC
FLOOD PLAIN CREDIT (5% OF 100-YR OPEN SPACE)	3.8 AC	1.9 AC	2.1 AC	7.8 AC
GREENBELT / PARK	3.78 AC	3.20 AC	4.00 AC	10.98 AC
TOTAL OPEN SPACE	8.78 AC	5.1 AC	6.1AC	17.98 AC
OPEN SPACE REQUIRED	6.1 AC	3.8 AC	4.2 AC	14.2 AC

THIS MASTER PLANNED COMMUNITY PLAN OF SPENCER RANCH SUBDIVISION, HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF BOERNE, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION.

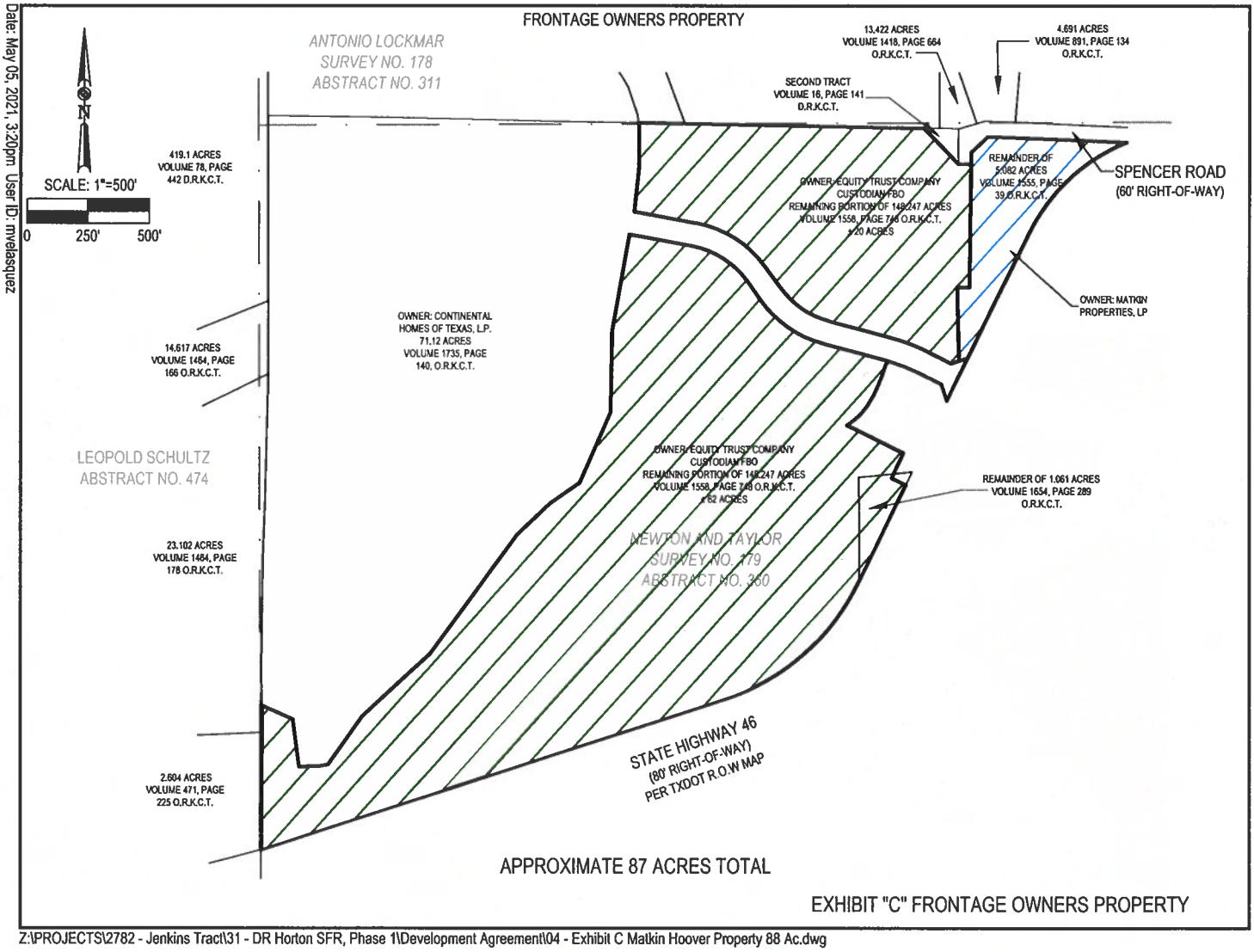
DATED THIS 15th DAY OF December, A.D., 2018

BY CHAIRMAN

BY SECRETARY

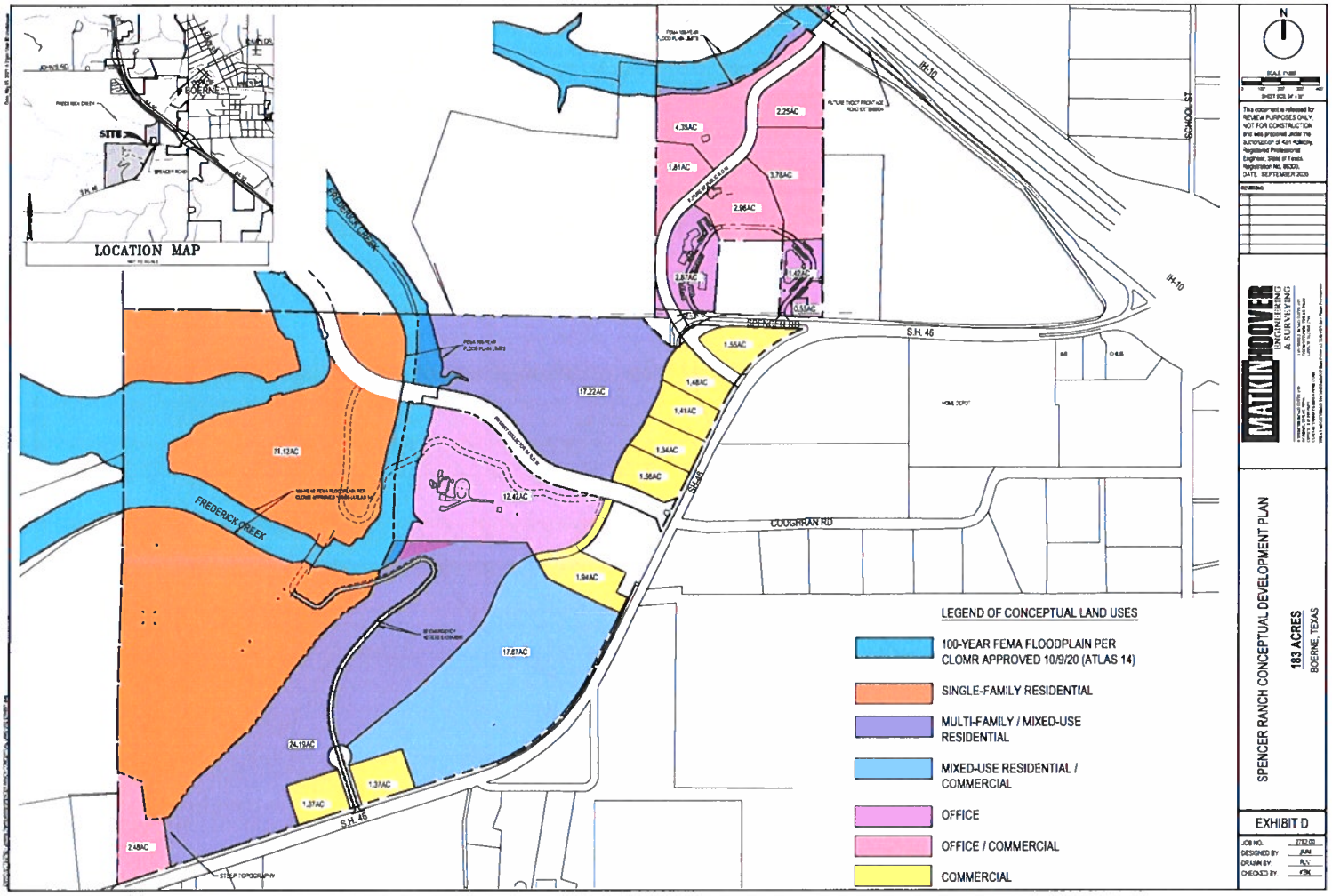
Z:\PROJECTS\2782 - JENKINS TRACT\23 - HERITAGE HOMES RESIDENTIAL\MASTER\Master Planned Community Plan.dwg
Date: Sep 21, 2018, 10:49am User ID: storch

Exhibit B Forestar Master Plan



Date: May 05, 2021, 3:20pm User ID: mvelasquez

Z:\PROJECTS\2782 - Jenkins Tract\31 - DR Horton SFR, Phase 1\Development Agreement\04 - Exhibit C Matkin Hoover Property 88 Ac.dwg


LOCATION MAP
SITE
BOERNE
IH-10
S.H. 46
FREDERICK CREEK
SCHOOL ST
COUGHRAN RD
4.39AC
2.25AC
1.81AC
3.78AC
2.96AC
2.87AC
1.43AC
0.15AC
1.55AC
1.48AC
1.41AC
1.34AC
1.56AC
17.22AC
71.12AC
12.42AC
1.94AC
17.87AC
24.15AC
1.37AC
1.37AC
2.48AC
LEGEND OF CONCEPTUAL LAND USES
100-YEAR FEMA FLOODPLAIN PER CLOMR APPROVED 10/9/20 (ATLAS 14)
SINGLE-FAMILY RESIDENTIAL
MULTI-FAMILY / MIXED-USE RESIDENTIAL
MIXED-USE RESIDENTIAL / COMMERCIAL
OFFICE
OFFICE / COMMERCIAL
COMMERCIAL
N
MATKINHOOVER ENGINEERING & SURVEYING
SPENCER RANCH CONCEPTUAL DEVELOPMENT PLAN
183 ACRES
BOERNE, TEXAS
EXHIBIT D
JOB NO. 2782.00
DESIGNED BY JMH
DRAWN BY RJV
CHECKED BY KBK

REMAINING PORTION OF
148.247 ACRES
VOLUME 1539, PAGE 748
OFFICIAL RECORDS
KENDALL COUNTY, TEXAS
REMAINING PORTION OF
6 ACRES
VOLUME 1539, PAGE 748
OFFICIAL RECORDS
KENDALL COUNTY, TEXAS
REMAINING PORTION OF
148.247 ACRES
VOLUME 1539, PAGE 748
OFFICIAL RECORDS
KENDALL COUNTY, TEXAS
REMAINING PORTION OF
71.12 ACRES
VOLUME 1735, PAGE 54
OFFICIAL RECORDS
KENDALL COUNTY, TEXAS
REMAINING PORTION OF
71.12 ACRES
VOLUME 1735, PAGE 54
OFFICIAL RECORDS
KENDALL COUNTY, TEXAS
PROPOSED BRIDGE
SIDEWALK ACROSS R.O.W.
TO BE CONSTRUCTED
BIRCH RANCH BLVD
LEGEND
PROPERTY BOUNDARY
PROPOSED ASPHALT
PROPOSED CONCRETE
PROPOSED SIDEWALK
PROPOSED BIKE LANE
EXISTING SIGN
EXISTING UTILITY POLE
FUTURE ROAD TO BE CONSTRUCTED BY OTHERS
N
SCALE: 1"=60'
This document is released for REVIEW PURPOSES ONLY NOT FOR CONSTRUCTION and was prepared under the authorization of JOSHUA J. VALENTA, Registered Professional Engineer, State of Texas, Registration No. 114393.
REVISIONS
MATKIN HOOVER ENGINEERING & SURVEYING
ROAD EXHIBIT
FOR
THE BIRCH AT SPENCER RANCH
BOERNE, TEXAS
EXHIBIT E
JOB NO. 2783.21
DESIGNED BY KRH
DRAWN BY MEV
CHECKED BY JJV
SHEET # 14 OF 21

City of Boerne

P.O. Box 1677 • 447 N. Main
Boerne, Texas 78006

October 1, 2020

RE: Spencer Ranch Project – 183.03 Acres
City of Boerne Rough Proportionality Determination

In response to the proportionality determination request pursuant to section 212.904 of the Texas Local Government Code received on September 3rd, 2020, City staff has provided a rough proportionality determination for the Spencer Ranch Project. Attached you will find several exhibits that provide detail of the analysis.

The area analyzed for rough proportionality was the 183.03-acre Spencer Ranch Project, as demonstrated by the Spencer Ranch Conceptual Land Use Plan dated May 2017, as provided to the City by John-Mark Matkin on July 23rd, 2020.

We color coded each area of use to provide a clear delineation between acreages and uses. Each area was considered separately and then compiled to provide a complete picture regarding the overall impact of the projected development on the existing roadway system. The total proportional impact for the entire Spencer Ranch Project demonstrates a demand greater than supply, therefore the roadway improvements listed on the attached Table 1 are justified.

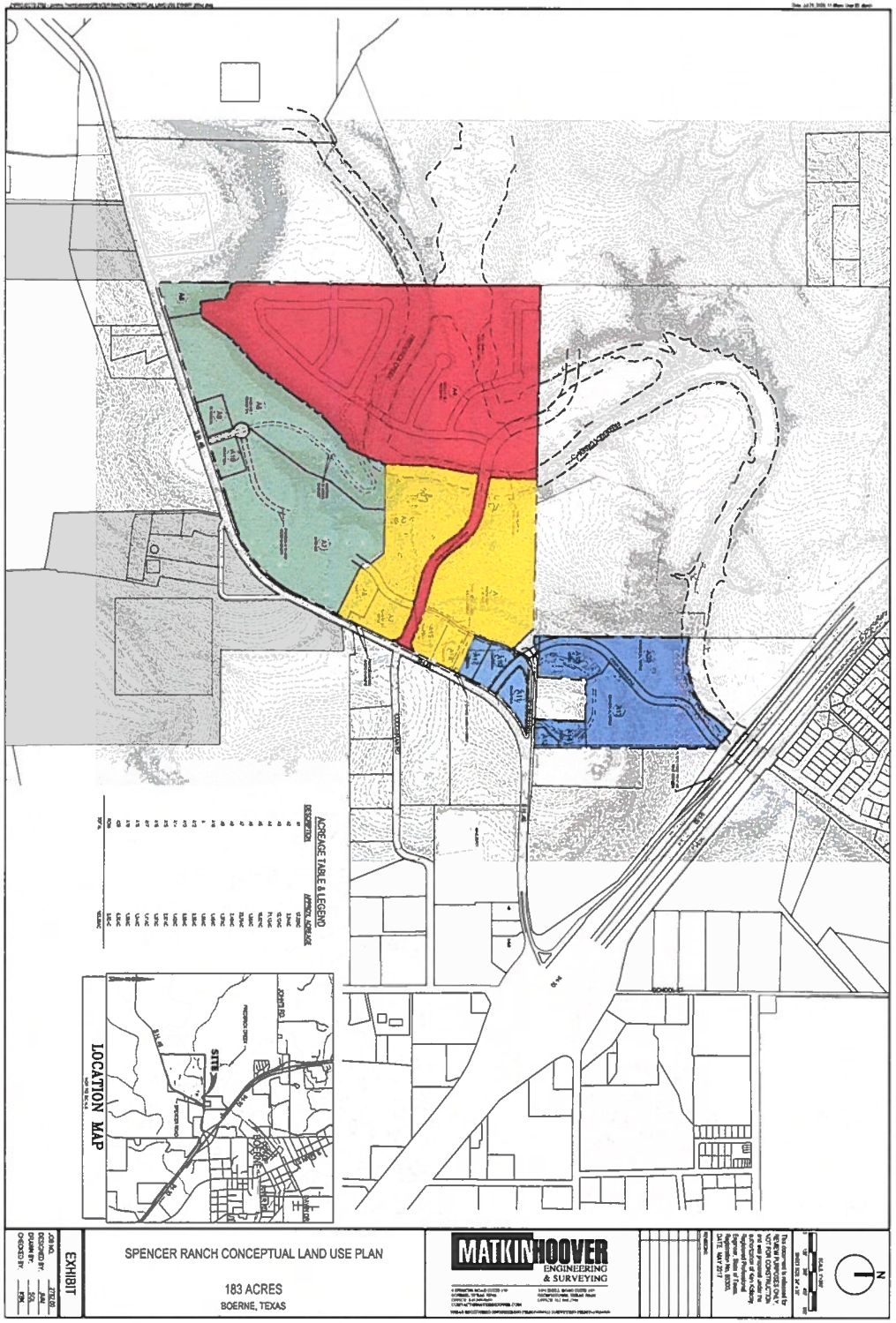
If you have any further questions or need any assistance, please do not hesitate to call.

Sincerely,

Jeffrey D. Carroll, P.E.
Director of Development Services

cc: Jeff Thompson, Deputy City Manager/General Manager of Utilities
Nick Montagno, Assistant to City Manger

Exhibit F


ACREAGE TABLE & LEGEND
LOCATION MAP
SITE
SPENCER RANCH CONCEPTUAL LAND USE PLAN
183 ACRES
BOERNE, TEXAS
EXHIBIT
MATKINHOOVER
ENGINEERING
& SURVEYING

Project:	Spencer Ranch
Parcel Info:	Conceptual Landplan, dated May 2017
Land Area:	183 Acres
Date:	10/1/2020
Prepared by:	City of Boerne

TABLE 1 - ROADS OR IMPROVEMENTS TO BE FUNDED BY DEVELOPERS (SUPPLY)

Phase	Associated Development Unit	Roadway Type	Improvement Type	Description of Improvement	Improvement Trigger	Cost Source	Estimated Value
	Spencer Ranch, Birch P1A	Primary Collector	Roadway	NB & SB lanes (4 lanes for 950') north of Hwy 46 & SB lanes (2 lanes for 1,000') (MH OPC)	Traffic Mitigation	MH OPCC	$825,225.00
	Spencer Ranch, Birch P1A	Primary Collector	Roadway	SB bridge - 2 lanes	Traffic Mitigation	MH OPCC	$501,888.75
Red	Spencer Ranch, Birch P1A	Primary Collector	Intersection	Decel & Right Turn Lane @ Hwy46	Traffic Mitigation	MH OPCC	$55,492.50
	Spencer Ranch, Birch P1A	Primary Collector	ROW	Dedicate 94' ROW for limits of Phase 1A (2,000')	Traffic Mitigation	City RP Worksheet	$41,824.25
	Spencer Ranch, Birch P3	Primary Collector	ROW	Dedicate 94' ROW from limits of Phase 1A to Wynn Ranch	Traffic Mitigation	City RP Worksheet	$8,046.95
							$1,432,477.45
	Spencer Ranch Central	Primary Collector	Roadway	NB lanes to Wynn Ranch (2 lanes for 1,376')	Traffic Mitigation	City RP Worksheet	$739,000.00
	Spencer Ranch Central	Primary Collector	Roadway	SB lanes to Wynn Ranch (2 lanes for 376')	Traffic Mitigation	City RP Worksheet	$202,000.00
Yellow	Spencer Ranch Central	Primary Collector	Roadway	NB bridge - 2 lanes (MH OPC)	Traffic Mitigation	MH OPCC	$501,888.75
	Spencer Ranch Central	Primary Collector	Intersection	Left Turn Lane @ Hwy 46	Traffic Mitigation	City RP Worksheet	$150,000.00
	Spencer Ranch Central	Primary Collector	Intersection	Traffic Signal @ Hwy 46	Traffic Mitigation	City RP Worksheet	$300,000.00
	Spencer Ranch Central	Major Arterial	ROW	Dedicate 14' ROW along Hwy 46 (750')	Traffic Mitigation	City RP Worksheet	$2,384.28
							$1,895,273.03
	Spencer Ranch, North	Secondary Collector	Roadway	NB & SB lanes from Hwy46 to IH10 (2 lanes for 2,250')	Traffic Mitigation	City RP Worksheet	$1,948,000.00
	Spencer Ranch, North	Secondary Collector	Intersection	Decel & Right Turn Lane @ IH10	Traffic Mitigation	City RP Worksheet	$75,000.00
	Spencer Ranch, North	Secondary Collector	Intersection	Decel & Right Turn Lane @ Hwy46	Traffic Mitigation	City RP Worksheet	$75,000.00
Blue	Spencer Ranch, North	Secondary Collector	Intersection	Left Turn Lane @ Hwy 46	Traffic Mitigation	City RP Worksheet	$150,000.00
	Spencer Ranch, North	Secondary Collector	Intersection	Traffic Signal @ Hwy 46	Traffic Mitigation	City RP Worksheet	$300,000.00
	Spencer Ranch, North	Major Arterial	Intersection	Realignment/Improvements of exist road @ Hwy 46	Traffic Mitigation	City RP Worksheet	$150,000.00
	Spencer Ranch, North	Secondary Collector	ROW	Dedicate 74' ROW from Hwy46 to IH10 (2,250')	Traffic Mitigation	City RP Worksheet	$37,973.00
	Spencer Ranch, North	Major Arterial	ROW	Dedicate 14' ROW along Hwy 46 (750')	Traffic Mitigation	City RP Worksheet	$2,384.28
							$2,738,357.28
	Spencer Ranch, South	Secondary Collector	Roadway	NB & SB lanes from Hwy46 to IH10 (2 lanes for 350')	Traffic Mitigation	City RP Worksheet	$303,000.00
	Spencer Ranch, South	Secondary Collector	Intersection	Decel & Right Turn Lane @ Hwy46	Traffic Mitigation	City RP Worksheet	$75,000.00
Green	Spencer Ranch, South	Secondary Collector	Intersection	Left Turn Lane @ Hwy46	Traffic Mitigation	City RP Worksheet	$150,000.00
	Spencer Ranch, South	Secondary Collector	Intersection	Traffic Signal @ Hwy46	Traffic Mitigation	City RP Worksheet	$300,000.00
	Spencer Ranch, South	Secondary Collector	ROW	Dedicate 74' ROW from Hwy46 (350')	Traffic Mitigation	City RP Worksheet	$5,907.17
	Spencer Ranch, South	Major Arterial	ROW	Dedicate 14' ROW along Hwy 46 (3,150')	Traffic Mitigation	City RP Worksheet	$10,033.85
							$843,941.02

Total capacity (supply) added to system: ***$6,910,048.78***

Spencer Ranch - overall
183.03 Acres
10/1/2020

Rough Proportionality Summary

	Total Capacity (Supply)	Total Demand Placed
Spencer Ranch - Red	$1,432,477.45	$878,082.00
Spencer Ranch - Yellow	$1,895,273.03	$2,054,470.00
Spencer Ranch - Green	$843,941.02	$3,333,980.00
Spencer Ranch - Blue	$2,738,357.28	$1,354,510.00
	$6,910,048.78	$7,621,042.00
	Delta =	***$710,993.22***

Demand > Supply

Therefore, the roadway improvements required by City are justified

Rough Proportionality Worksheet
City of Boerne, Texas

City of Boerne

Development Name: Spencer Ranch (209 SF lots) [RED]

Applicant: MH on behalf of Forestar

Legal Description (Lot, Block): Spencer Ranch - 71.12 Acres as shown on Masterplan approved 10/1/2018

Case / Plat Number: | **Date:** October 1, 2020

Worksheet Last Updated: 11/13/2018

DEMAND - Traffic Generated by Proposed Development

Land Use Type:	Development Unit:	Intensity:	PM Peak Hour Trip Rate:	Trip Length: (miles)	Demand: (vehicle-miles)	Impact of Development: ($)
Single-Family Detached Housing	Dwelling Unit	209	0.99	1.50	310.37	878,082.00

TOTAL DEMAND PLACED ON THOROUGHFARE SYSTEM: 310.37 $878,082

Estimated Average Cost Per Vehicle Mile: $2,829.15

SUPPLY - Roads to be built or funded by Applicant:

COST ESTIMATES BASED ON DETAILED OPCC

Roadway Name:	Classification:	Capacity: (vphpl)	Length: (Linear Feet)	Number of Lanes:	Cost of Capacity / Supply Added: ($)	Cost Estimate Based on Detailed OPCC: ($)
Spencer Ranch Blvd as shown on phase 1A plans dated 9/4/2020	Primary Collector	525	2,060			$825,225.00
Spencer Ranch Bridge	Primary Collector	525				$501,888.75

ROADWAY SYSTEM SUPPLY SUBTOTAL: $1,327,114

INTERSECTION IMPROVEMENTS - Specific Improvements to be Built or Funded by the Applicant:

Intersection:	Description of Improvement:	Estimated Cost: ($)
Spencer Ranch @ Hwy 46	Right Hand Decel/turn lane (from MH estimate)	$55,492.50

INTERSECTION IMPROVEMENTS SYSTEM SUBTOTAL: $55,493

RIGHT-OF-WAY DEDICATION - ROW to be dedicated by the Applicant:

ROW Dedication:	General Description of ROW Dedication:	Estimated Cost: ($)
4.21 Acres - Phase 1A	Collector Road X $9,934.50/Ac.	$41,824.25
0.81 - Phase 3	Collector Road X $9,934.50/Ac.	$8,046.95

RIGHT-OF-WAY DEDICATION SUPPLY ADDED TO THE SYSTEM SUBTOTAL: $49,871

TOTAL VALUE OF SUPPLY ADDED TO THOROUGHFARE SYSTEM: $1,432,477

SUPPLY / DEMAND COMPARISON:

A comparison of the capacity provided by a development exaction against the traffic impacts of the proposed development.

	Cost	Comparison
TOTAL CAPACITY (SUPPLY) ADDED TO SYSTEM:	$1,432,477	SUPPLY > DEMAND
TOTAL DEMAND PLACED ON THOROUGHFARE SYSTEM:	$878,082	61.30%

Based upon the results of this rough proportionality analysis, the capacity (supply) provided by the proposed development exceeds the anticipated demand it places on the system. Given these assumptions, only 61.30% of the capacity supplied can be attributed to the proposed development. Therefore, the roadway improvements are NOT roughly proportional to the demands placed on the system (i.e. the applicant is adding more capacity than needed to support their development).

Rough Proportionality Worksheet
City of Boerne, Texas

City of Boerne

Development Name: Spencer Ranch (Yellow Portion)

Applicant: MH on behalf of Duperier/Matkin IRA

Legal Description (Lot, Block): 183 Acres - Yellow Portion

Case / Plat Number: _____ **Date:** October 1, 2020

Worksheet Last Updated: 11/13/2018

DEMAND - Traffic Generated by Proposed Development

Land Use Type:	Development Unit:	Intensity:	PM Peak Hour Trip Rate:	Trip Length: (miles)	Demand: (vehicle-miles)	Impact of Development: ($)
Multifamily Housing (Low-Rise)	Dwelling Unit	356	0.56	1.50	299.04	846,028.00
Gasoline/Service Station w/ Conv Mark	Vehicle Fueling Position	8	6.16	1.50	73.92	209,131.00
Shopping Center	1,000 SF GLA	48.8	2.51	1.50	183.73	519,799.00
Office Park	1,000 SF GFA	105.6	1.07	1.50	169.49	479,512.00

TOTAL DEMAND PLACED ON THOROUGHFARE SYSTEM: 726.18 $2,054,470

Estimated Average Cost Per Vehicle Mile: $2,829.15

SUPPLY - Roads to be built or funded by Applicant:

COST ESTIMATES BASED ON DETAILED OPCC

Roadway Name:	Classification:	Capacity: (vphpl)	Length: (Linear Feet)	Number of Lanes:	Cost of Capacity / Supply Added: ($)	Cost Estimate Based on Detailed OPCC: ($)
S.R. Blvd - S.B. 2 lane	Primary Collector	525	1,376	2	739,000.00	
S.R. Blvd - N.B. 2 lane	Primary Collector	525	376	2	202,000.00	
Bridge - 2 lanes	Primary Collector	525				$501,888.75

ROADWAY SYSTEM SUPPLY SUBTOTAL: $1,442,889

INTERSECTION IMPROVEMENTS - Specific Improvements to be Built or Funded by the Applicant:

Intersection:	Description of Improvement:	Estimated Cost: ($)
Spencer Ranch @ Hwy 46	Left Turn Lane	$150,000.00
Spencer Ranch @ Hwy 46	Traffic Signal	$300,000.00

INTERSECTION IMPROVEMENTS SYSTEM SUBTOTAL: $450,000

RIGHT-OF-WAY DEDICATION - ROW to be dedicated by the Applicant:

ROW Dedication:	General Description of ROW Dedication:	Estimated Cost: ($)
0.24 Acres	750 LF of 14' Hwy 46 Dedication ($9,934.50/Acre)	$2,384.28

RIGHT-OF-WAY DEDICATION SUPPLY ADDED TO THE SYSTEM SUBTOTAL: $2,384

TOTAL VALUE OF SUPPLY ADDED TO THOROUGHFARE SYSTEM: $1,895,273

SUPPLY / DEMAND COMPARISON:

A comparison of the capacity provided by a development exaction against the traffic impacts of the proposed development.

	Cost	Comparison
TOTAL CAPACITY (SUPPLY) ADDED TO SYSTEM:	$1,895,273	SUPPLY > DEMAND
TOTAL DEMAND PLACED ON THOROUGHFARE SYSTEM:	$2,054,470	108.40%

Based upon the results of this rough proportionality analysis, the anticipated demand on the system exceeds the capacity (supply) provided by the proposed development. Given these assumptions, the anticipated demand of the development exceeds the capacity supplied by approximately 8.40%. Therefore, the roadway improvements required by the City are justified (i.e. the applicant is adding less capacity than needed to support their development).

Rough Proportionality Worksheet
City of Boerne, Texas

Development Name: Spencer Ranch (Blue Portion)

Applicant: MH on behalf of Duperier/Matkin IRA

Legal Description (Lot, Block):

Case / Plat Number: **Date:** October 1, 2020

Worksheet Last Updated: 11/13/2018

DEMAND - Traffic Generated by Proposed Development

Land Use Type:	Development Unit:	Intensity:	PM Peak Hour Trip Rate:	Trip Length: (miles)	Demand: (vehicle-miles)	Impact of Development: ($)
Office Park	1,000 SF GFA	54	1.07	1.50	86.67	245,202.00
Office Park	1,000 SF GFA	78.3	1.07	1.50	125.67	355,539.00
Office Park	1,000 SF GFA	52.7	1.07	1.50	84.58	239,289.00
Shopping Center	1,000 SF GLA	48.3	2.51	1.50	181.85	514,480.00

TOTAL DEMAND PLACED ON THOROUGHFARE SYSTEM: 478.77 $1,354,510

Estimated Average Cost Per Vehicle Mile: $2,829.15

SUPPLY - Roads to be built or funded by Applicant:

Roadway Name:	Classification:	Capacity: (vphpl)	Length: (Linear Feet)	Number of Lanes:	Cost of Capacity / Supply Added: ($)	Cost Estimate Based on Detailed OPCC: ($)
Collector Road	Secondary Collector	425	2,250	2	1,948,000.00	

ROADWAY SYSTEM SUPPLY SUBTOTAL: $1,948,000

INTERSECTION IMPROVEMENTS - Specific Improvements to be Built or Funded by the Applicant:

Intersection:	Description of Improvement:	Estimated Cost: ($)
Road @ IH10	Right Hand Decel/turn lane	$75,000.00
Road @ Hwy 46	Right Hand Decel/turn lane	$75,000.00
Road @ Hwy 46	Left Hand Turn lane	$150,000.00
Collector Road @ Hwy 46	Traffic Signal	$300,000.00
Existing Spencer Rd.	Realignment/Improvements of Exist Road	$150,000.00

INTERSECTION IMPROVEMENTS SYSTEM SUBTOTAL: $750,000

RIGHT-OF-WAY DEDICATION - ROW to be dedicated by the Applicant:

ROW Dedication:	General Description of ROW Dedication:	Estimated Cost: ($)
3.82 Acres	250 LF of 74' ROW Secondary Collector Road ($9,934.50/Ac	$37,973.00
0.24 Acres	750 LF of 14' Hwy 46 Dedication ($9,934.50/Acre)	$2,384.28

RIGHT-OF-WAY DEDICATION SUPPLY ADDED TO THE SYSTEM SUBTOTAL: $40,357

TOTAL VALUE OF SUPPLY ADDED TO THOROUGHFARE SYSTEM: $2,738,357

SUPPLY / DEMAND COMPARISON:

A comparison of the capacity provided by a development exaction against the traffic impacts of the proposed development.

	Cost	Comparison
TOTAL CAPACITY (SUPPLY) ADDED TO SYSTEM:	$2,738,357	SUPPLY > DEMAND
TOTAL DEMAND PLACED ON THOROUGHFARE SYSTEM:	$1,354,510	49.46%

Based upon the results of this rough proportionality analysis, the capacity (supply) provided by the proposed development exceeds the anticipated demand it places on the system. Given these assumptions, only 49.46% of the capacity supplied can be attributed to the proposed development. Therefore, the roadway improvements are NOT roughly proportional to the demands placed on the system (i.e. the applicant is adding more capacity than needed to support their development).

Rough Proportionality Worksheet
City of Boerne, Texas

Development Name: Spencer Ranch (Green Portion)

Applicant: MH on behalf of Duperier/Matkin IRA

Legal Description (Lot, Block):

Case / Plat Number: **Date:** October 1, 2020

Worksheet Last Updated: 11/13/2018

DEMAND - Traffic Generated by Proposed Development

Land Use Type:	Development Unit:	Intensity:	PM Peak Hour Trip Rate:	Trip Length: (miles)	Demand: (vehicle-miles)	Impact of Development: ($)
Multifamily Housing (Low-Rise)	Dwelling Unit	225	0.56	1.50	189.00	534,709.00
Shopping Center	1,000 SF GLA	56.8	2.51	1.50	213.85	605,013.00
Shopping Center	1,000 SF GLA	206	2.51	1.50	775.59	2,194,258.00
TOTAL DEMAND PLACED ON THOROUGHFARE SYSTEM:					**1,178.44**	**$3,333,980**
Estimated Average Cost Per Vehicle Mile:						**$2,829.15**

SUPPLY - Roads to be built or funded by Applicant:

Roadway Name:	Classification:	Capacity: (vphpl)	Length: (Linear Feet)	Number of Lanes:	Cost of Capacity / Supply Added: ($)	Cost Estimate Based on Detailed OPCC: ($)
Collector Road	Secondary Collector	425	350	2	303,000.00	
ROADWAY SYSTEM SUPPLY SUBTOTAL:						**$303,000**

INTERSECTION IMPROVEMENTS - Specific Improvements to be Built or Funded by the Applicant:

Intersection:	Description of Improvement:	Estimated Cost: ($)
Road @ Hwy 46	Right Hand Decel/turn lane	$75,000.00
Road @ Hwy 46	Left Turn Lane	$150,000.00
Road @ Hwy 46	Traffic Signal	$300,000.00
INTERSECTION IMPROVEMENTS SYSTEM SUBTOTAL:		**$525,000**

RIGHT-OF-WAY DEDICATION - ROW to be dedicated by the Applicant:

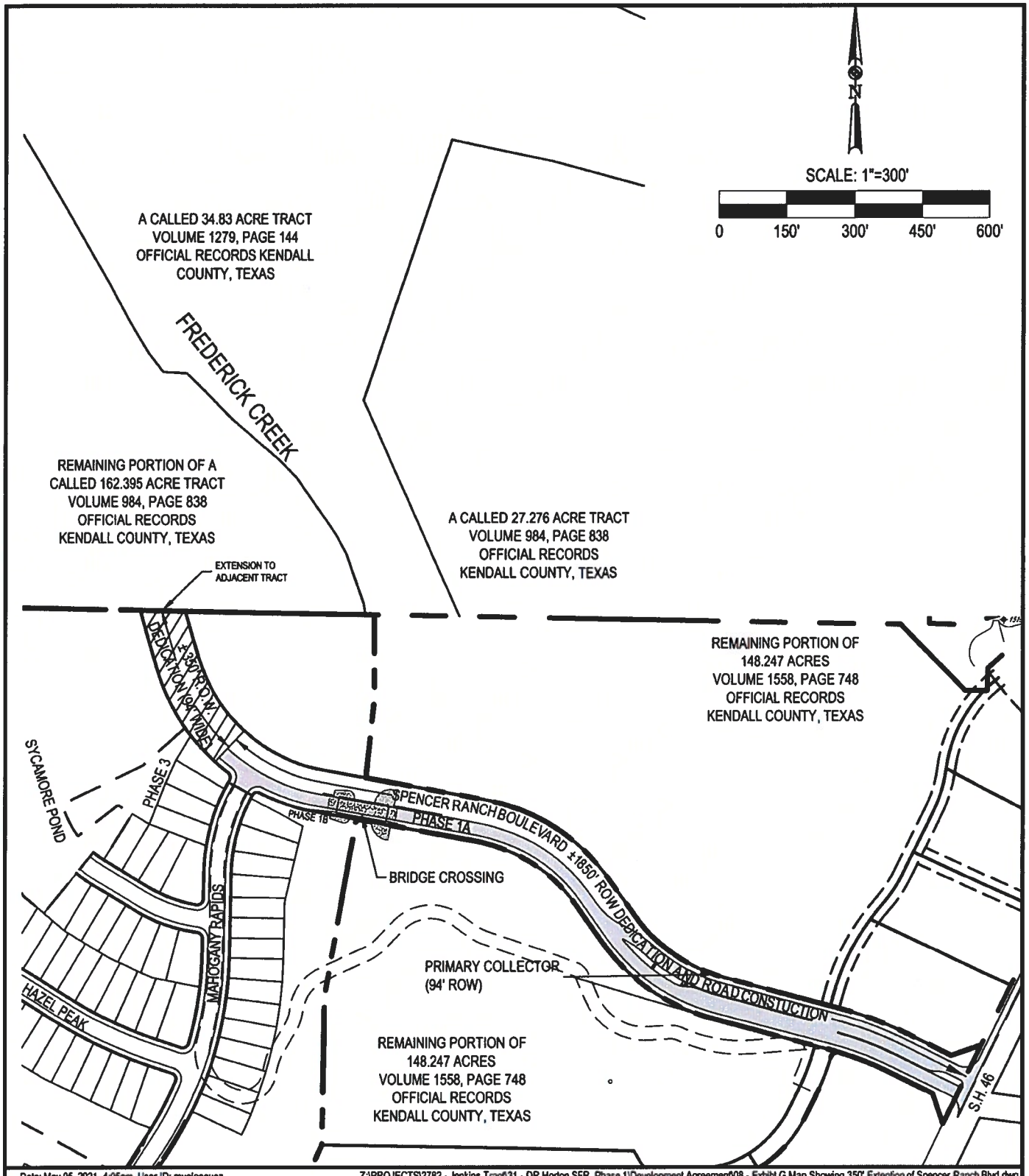
ROW Dedication:	General Description of ROW Dedication:	Estimated Cost: ($)
0.59 Acres	50 LF of 74' ROW Secondary Collector Road ($9,934.50/Acre	$5,907.00
1.01 Acres	3150 LF of 14' Hwy 46 Dedication ($9,934.50/Acre)	$10,033.85
RIGHT-OF-WAY DEDICATION SUPPLY ADDED TO THE SYSTEM SUBTOTAL:		**$15,941**
TOTAL VALUE OF SUPPLY ADDED TO THOROUGHFARE SYSTEM:		**$843,941**

SUPPLY / DEMAND COMPARISON:

A comparison of the capacity provided by a development exaction against the traffic impacts of the proposed development.

	Cost	Comparison
TOTAL CAPACITY (SUPPLY) ADDED TO SYSTEM:	$843,941	SUPPLY < DEMAND
TOTAL DEMAND PLACED ON THOROUGHFARE SYSTEM:	$3,333,980	395.05%

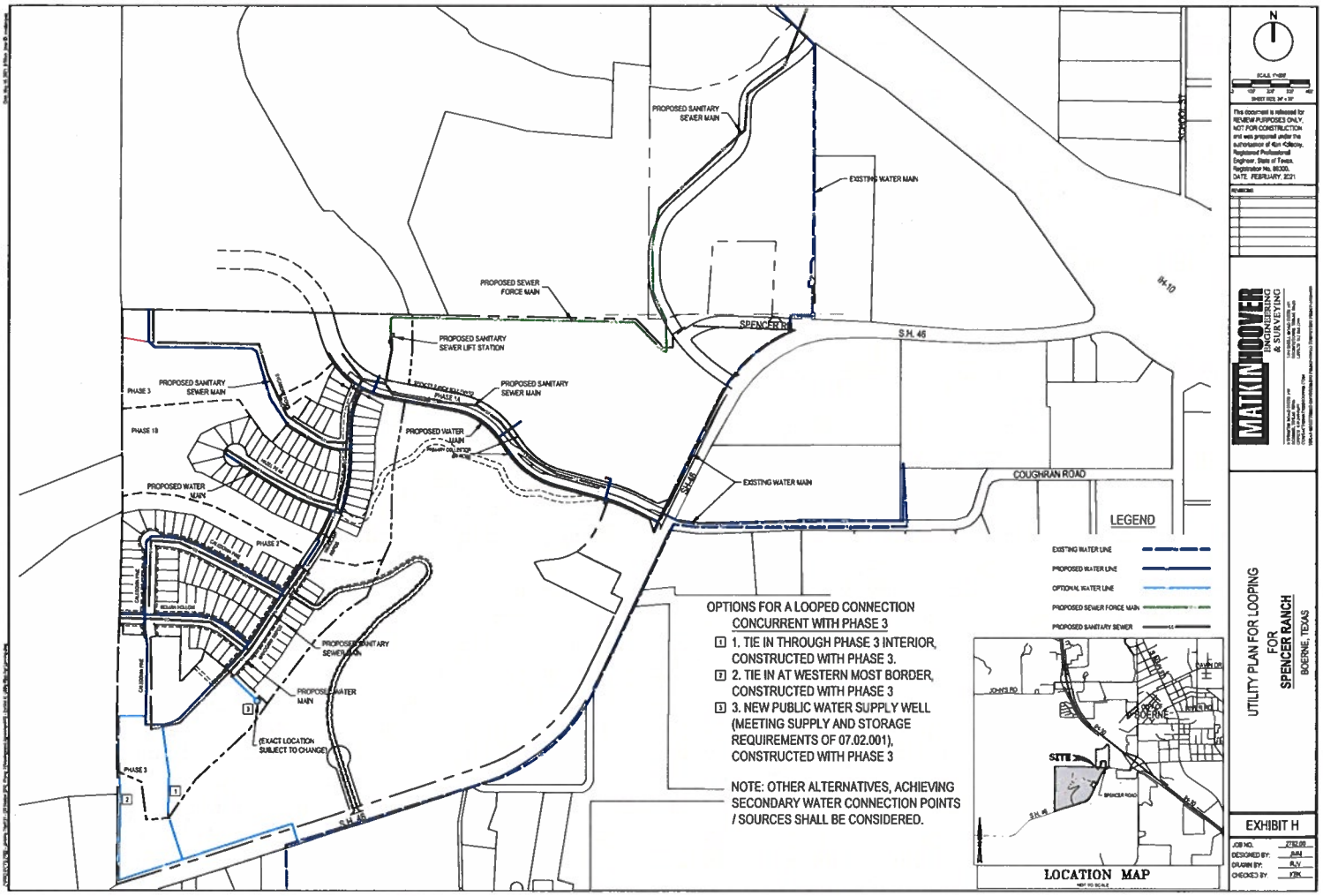
Based upon the results of this rough proportionality analysis, the anticipated demand on the system exceeds the capacity (supply) provided by the proposed development. Given these assumptions, the anticipated demand of the development exceeds the capacity supplied by approximately 295.05%. Therefore, the roadway improvements required by the City are justified (i.e. the applicant is adding less capacity than needed to support their development).



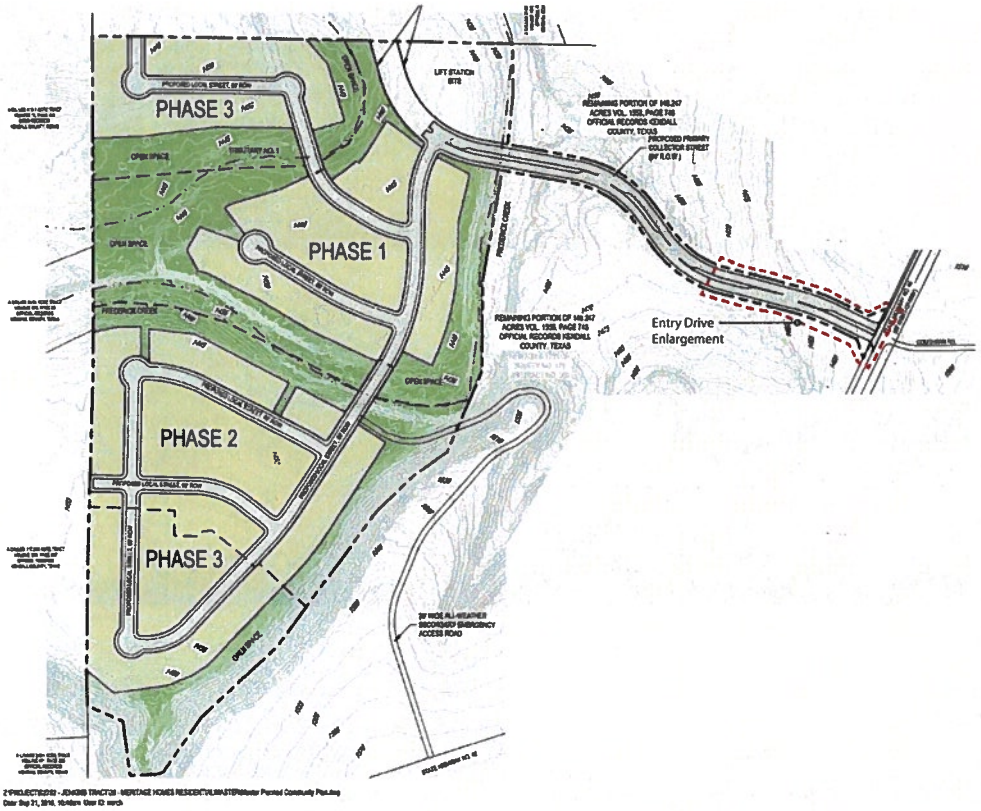
Date: May 05, 2021, 4:05pm User ID: mvelasquez Z:\PROJECTS\2782 - Jenkins Tract\31 - DR Horton SFR, Phase 1\Development Agreement\08 - Exhibit G Map Showing 350' Extention of Spencer Ranch Blvd.dwg

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ENGINEERING & SURVEYING
P.O. BOX 54
8 SPENCER ROAD SUITE 100
BOERNE, TEXAS 78006
OFFICE: 830.249.0600 FAX.830.249.0099
CIVIL ENGINEERS SURVEYORS LAND PLANNERS CONSTRUCTION MANAGERS CONSULTANTS

EXHIBIT "G";
FUTURE 350-FOOT. EXTENSION OF SPENCER RANCH BOULEVARD


PROPOSED SANITARY SEWER MAIN
EXISTING WATER MAIN
PROPOSED SEWER FORCE MAIN
PROPOSED SANITARY SEWER LIFT STATION
SPENCER RD
S.H. 46
SCHOOL ST
PHASE 3
PHASE 1A
PHASE 1B
PHASE 2
PROPOSED WATER MAIN
COUGHRAN ROAD
(EXACT LOCATION SUBJECT TO CHANGE)
LEGEND
EXISTING WATER LINE
PROPOSED WATER LINE
OPTIONAL WATER LINE
PROPOSED SEWER FORCE MAIN
PROPOSED SANITARY SEWER
OPTIONS FOR A LOOPED CONNECTION CONCURRENT WITH PHASE 3
1. TIE IN THROUGH PHASE 3 INTERIOR, CONSTRUCTED WITH PHASE 3.
2. TIE IN AT WESTERN MOST BORDER, CONSTRUCTED WITH PHASE 3
3. NEW PUBLIC WATER SUPPLY WELL (MEETING SUPPLY AND STORAGE REQUIREMENTS OF 07.02.001), CONSTRUCTED WITH PHASE 3
NOTE: OTHER ALTERNATIVES, ACHIEVING SECONDARY WATER CONNECTION POINTS / SOURCES SHALL BE CONSIDERED.
SITE
JOHNS RD
BOERNE
LOCATION MAP
N
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MATKIN HOOVER ENGINEERING & SURVEYING
UTILITY PLAN FOR LOOPING FOR SPENCER RANCH BOERNE, TEXAS
EXHIBIT H
JOB NO. 2752.05
DESIGNED BY: AJM
DRAWN BY: RJV
CHECKED BY: KRK

LEGEND
REMAINING PORTION OF
148.247 ACRES
VOLUME 1538, PAGE 748
OFFICIAL RECORDS
KENDALL COUNTY, TEXAS
5' SIDEWALK
SIDEWALK/CROSSWALK
TO BE CONSTRUCTED
REMAINING PORTION OF
6 ACRES
VOLUME 1538, PAGE 748
OFFICIAL RECORDS
KENDALL COUNTY, TEXAS
PROPOSED BRIDGE
SIDEWALK/CROSSWALK
TO BE CONSTRUCTED
REMAINING PORTION OF
71.12 ACRES
VOLUME 1733, PAGE 54
OFFICIAL RECORDS
KENDALL COUNTY, TEXAS
REMAINING PORTION OF
148.247 ACRES
VOLUME 1538, PAGE 748
OFFICIAL RECORDS
KENDALL COUNTY, TEXAS
REMAINING PORTION OF
71.12 ACRES
VOLUME 1733, PAGE 54
OFFICIAL RECORDS
KENDALL COUNTY, TEXAS
SPENCER RANCH BLVD
N
MATKIN HOOVER
ENGINEERING
& SURVEYING
SIDEWALK CONSTRUCTION PLAN
FOR
THE BIRCH AT SPENCER RANCH
BOERNE, TEXAS
EXHIBIT I
JOB NO. 2782.21
DESIGNED BY KMH
DRAWN BY MCV
CHECKED BY JJV
SHEET # 14 OF 21



Orientation Map
SPENCER RANCH

Boerne, Texas

ISSUE DATE: March 12, 2021
All drawings are preliminary and subject to change.
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NORTH

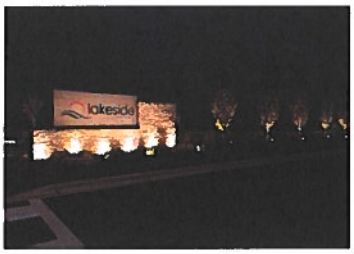
FORESTAR

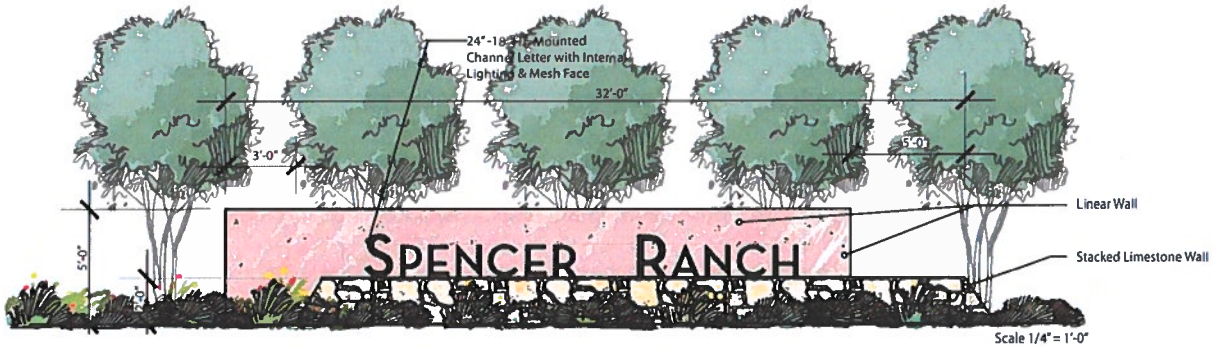
Exhibit J











Scale 1/4" = 1'-0"



Not to Scale

Entry Tower Concept
SPENCER RANCH

Boerne, Texas

ISSUE DATE: March 12, 2021
All drawings are preliminary and subject to change.
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SCALE: 1/8"= AS NOTED

FORESTAR

Exhibit J

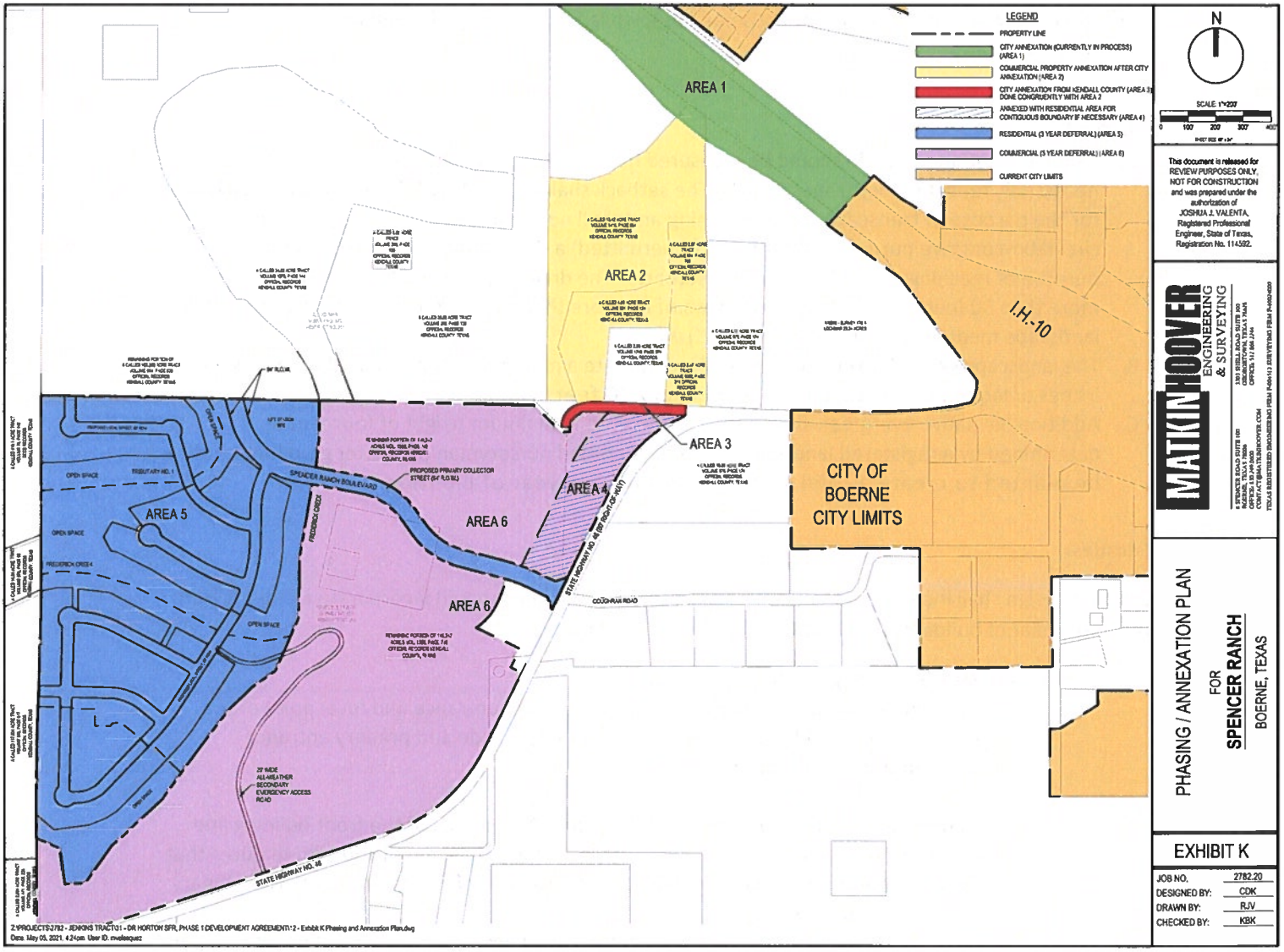

LEGEND
PROPERTY LINE
CITY ANNEXATION (CURRENTLY IN PROCESS) (AREA 1)
COMMERCIAL PROPERTY ANNEXATION AFTER CITY ANNEXATION (AREA 2)
CITY ANNEXATION FROM KENDALL COUNTY (AREA 3) DONE CONGRUENTLY WITH AREA 2
ANNEXED WITH RESIDENTIAL AREA FOR CONTIGUOUS BOUNDARY IF NECESSARY (AREA 4)
RESIDENTIAL (3 YEAR DEFERRAL) (AREA 5)
COMMERCIAL (3 YEAR DEFERRAL) (AREA 6)
CURRENT CITY LIMITS
AREA 1
AREA 2
AREA 3
AREA 4
AREA 5
AREA 6
AREA 6
I.H.-10
CITY OF BOERNE CITY LIMITS
SPENCER RANCH BOULEVARD
PROPOSED PRIMARY COLLECTOR STREET (64' R.O.W.)
TRIBUTARY NO. 1
FREDERICK CREEK
OPEN SPACE
STATE HIGHWAY NO. 46 (80' R.O.W.)
COCHRAN ROAD
29' WIDE ALL-WEATHER SECONDARY EMERGENCY ACCESS ROAD
STATE HIGHWAY NO. 46
N
SCALE: 1"=200'
0 100 200 300 400
This document is released for REVIEW PURPOSES ONLY, NOT FOR CONSTRUCTION and was prepared under the authorization of JOSHUA J. VALENTA, Registered Professional Engineer, State of Texas, Registration No. 114592.
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TEXAS ASSISTED ENGINEERING FIRM F-9514 | SURVEYING FIRM F-10018800
PHASING / ANNEXATION PLAN
FOR
SPENCER RANCH
BOERNE, TEXAS
EXHIBIT K
JOB NO. 2782.20
DESIGNED BY: CDK
DRAWN BY: RJV
CHECKED BY: KBK
Z:\PROJECTS\2782 - JENKINS TRACT\01 - DR HORTON SFR, PHASE 1 DEVELOPMENT AGREEMENT\1-2 - Exhibit K Phasing and Annexation Plan.dwg
Date: May 05, 2021, 4:24pm User ID: ewalasquez

Exhibit L

I. Commercial Design Standards

The following Design Standards shall apply to commercial uses 350 feet from the right-of way of the major arterial (Hwy 46 East) and the primary collector (continuation of Coughran Road).

The Design Standards are intended to enhance the community character. Specifically, they are intended to create character and identity through a wide variety of diverse architectural details, and to create consistent well-designed frontages along streets and other public or community spaces. Creativity is encouraged to avoid dull or homogeneous buildings, while incorporating elements of the Texas Hill Country style.

Setbacks.

A. Setbacks contained herein should be measured from the Hwy 46 right-of-way and do not necessarily reflect the lot front setback. The setback shall be fifty feet (50') and shall be used only for the purpose of landscaping and screening and shall not be utilized for parking or internal circulation or drive purposes, except that (if permitted) a driveway may cut through for the purpose of reaching the area behind the setback. The driveway may cut through the setback no more than 30 feet (30') or paired driveways of no more than 20 feet (20') each if separated by a landscape median at least twelve feet (12') wide.
B. The landscape setback along Hwy 46 shall incorporate a minimum of one legacy tree of twelve inches or larger in circumference planted every 20 feet.
C. Additionally native evergreen shrubs that will grow to a minimum height of four feet as determined by a registered landscape architect, certified nurseryman or master gardener shall be planted to create a solid screening within one year of planting.

Facades.

Building design shall incorporate the following standards. Buildings should incorporate elements from the vernacular of buildings in Boerne and the Texas Hill Country.

A. **Primary and Secondary Façade Standards.**

1. The primary façade of a building shall be the main entrance and focal point of the structure. All buildings should have its primary façade and primary entrance oriented towards the street.

2. All primary façades of a building shall occupy at least 50% of the front building line and shall be designed with consistent architectural style, detail and trim features that will keep within the architectural style and heritage of the community. The primary façade must incorporate:
   a. Entrance areas, arcades, display windows, awnings or other architectural variety features along no less than sixty percent (60%) of the primary façade. The remaining forty percent (40%) may not be contiguous.
   b. Offsets, reveals, or projecting ribs shall be used to express architectural or structural bays.

3. Building materials for primary facades - shall be finished using two or more of the following materials or finishes:

a. Cultured or cast stone, natural rock, brick, marble, or granite
b. Stucco or plaster
c. Exterior Insulation and Finish Systems (EIFS) or equivalent product
d. Decorative metal – less than 10% of any façade
e. Decorative treated wood – less than 10% of any facade

4. Secondary façades attached to a primary façade (such as a side wall not facing a public street) shall wrap around the building by incorporating building materials and features of the primary façade for a minimum of 60% of the overall wall length measured from the primary façade.

5. All facades shall include architectural elements such as accent banding, base plates, cornices, soffits, sills, parapets, transoms, and windows aligned horizontally. The horizontal alignment should differentiate stories in a building and create a base and crown for the building.

6. A rear wall that faces or has the likely potential to face the primary façade of another building must follow secondary façade standards.

7. No long horizontal blank wall space without openings to the interior of the building should occur along street level facades.

8. Any building containing a loading dock, bay or service area shall not be facing a primary street.

9. All buildings with a height of twenty-four feet (24') or greater shall be designed to express a base, midsection, and top. The base and tops of buildings shall vary in material.

10. All buildings within a planned development or development as shown on a concept plan or preliminary site plan shall have similar architectural styles, materials, and colors. Colors on adjacent sides and rear façades shall be finished in a similar color as the front of the proposed building.

B. **Building Material Requirements for remaining facades.** The vertical walls of all buildings (excluding doors and windows) shall be finished in two or more of the following materials:

1. Any permitted primary material, or an equal or better simulated product of a permitted primary material may be used as a secondary material;

2. Split-face concrete block, poured-in-place concrete, and tilt-wall concrete. Any use of concrete products shall have an integrated color and be textured or patterned to compliment the primary material.

C. **Accent Material Requirements.** Up to two accent materials are permitted for moldings and ornamental details, or other significant architectural features. Accent Materials shall consist

of no more than 15% of the façade and may consist of:

1. Any permitted primary or secondary material.
2. Standing seam metal.
3. Precast stone, metal, or wood moldings or similar architectural or ornamental details.

D. **Roof Treatments.**

1. Parapets consisting of similar materials to those on the primary façade shall be used to conceal roof top equipment on flat roofs.

2. All sloping roofs less than or equal to a 2:12 pitch shall utilize full parapet coverage not less than two feet (2') above the highest point of the roof

Parking.

The following design and location standards shall apply to on-site parking:

A. To the greatest extent possible, on-site parking areas shall be designed to reduce the negative visual effects of vast paved areas and shall contain screening, landscape planting islands and defined pedestrian walkways.
B. Any parking along Hwy 46 shall be located behind the fifty foot (50') landscape setback.

The location of the on-site parking surface areas shall to the greatest extent possible be located to the side or rear of a building. No more than 15% of the on-site parking areas shall not be located between the front building line of any principal building and a street. Any alternative to this parking requirement must be approved by the Design Review Committee.

1. Where practical, on-site parking areas shall be connected to adjacent parcels through a rear or side lot line access drive or street. If the adjacent parcel is undeveloped or vacant, the access drive, private street, etc., shall be extended to the lot line for future connection to the adjacent parcel.

C. All on-site parking lots shall include planting islands and planting medians.

1. There shall be at least one shade tree, nine inches or larger in circumference planted for each 12 parking spaces.

2. Additionally, parking areas that contain over 100 vehicles shall provide a planting median between every third parking bay of adjacent parking bays, at a minimum, to prevent traffic movement across parking isles.

3. The planting median shall be a minimum of 15 feet wide and may be designed with a curb-less or perforated curb system provided they are engineered to infiltrate run-off from the parking lot, such as a rain garden or bioswale.

4. Parking area for Over 100 vehicles shall provide a planting median

a. Shall be placed between every third parking bay of adjacent parking bays, at a minimum, to prevent traffic movement across parking isles.

b. A minimum of one shade tree of nine inches or larger in circumference shall be planted in each such landscaped area. If a shade tree of nine inches or larger in circumference or larger already exists in the landscaped area.

c. In addition to any other required plantings, all parking lot planting areas shall be planted with drought tolerant species normally grown as permanent lawns, such as Bermuda, Zoysia, or Buffalo. Grass areas shall be solid sided. Mulch, stone, or similar materials may be used sparingly.

D. Parking areas shall be designed to allow for logical interconnection to abutting properties. All parking areas located within 50 feet of a common property line in a non-residential zoning district shall be interconnected to adjacent lots in a nonresidential zoning district

1. For each nonresidential use, the applicant must provide an access easement for proposed parking areas and driveways guaranteeing access to all abutting lots that are within a nonresidential zoning district where such easements enhance traffic circulation and connectivity. In addition, this easement shall provide for the construction of the interconnection between the development's proposed parking area and any parking area on adjacent lots.

2. When an access easement has been provided on an adjacent lot in accordance with this Section, the development must directly connect the parking areas via a driveway.

3. Access easements shall logically connect to internal streets, where practical.

4. Access easements and maintenance agreements or other suitable legal mechanism shall be provided for common parking areas or driveways of each nonresidential use.

Screening.

A. *Screening of parking areas.*

1. Landscaped screening of the parking area from the street is required. This may be achieved with a couple of methods.

a) A planting of 1 2 " n a t ive trees or large evergreen shrubs that shall grow to a minimum height of eight feet as determined by a registered landscape architect, arborist, certified nurseryman or master gardener

b) A three-foot landscaping berm

c) A combination of the above

B. *Screening of Mechanical Equipment.*

1. All roof, ground and wall mounted mechanical equipment (e.g. air handling equipment, compressors, duct work, transformers and elevator equipment) from

view at ground level of the property line.

2. Roof-mounted mechanical equipment shall be shielded from view on four sides. Screening shall consist of materials consistent with the primary building materials, and may include metal screening or louvers, which are painted to blend with the primary building.

3. Screening shall result in the mechanical equipment blending in with the primary building and not appearing separate from the building. The slab shall be sized to accommodate the proposed container and sufficient area to receive the front axle loaded points of the collection vehicle.

4. Wall or ground-mounted equipment screening shall be constructed of one of the following:
   a) Evergreen planting screens
   b) Brick, stone, reinforced concrete, or other similar masonry materials
   c) Redwood, cedar, preservative pressure treated wood, or other similar materials
   d) A combination of the above

5. All fence posts shall be rust-protected metal, concrete-based masonry or concrete pillars.

C. *Screening of Outside Storage.*

1. Outside storage shall be located on the side or rear of the primary building and shall be screened from public view.

2. Outside storage shall be screened with:
   a) A masonry wall or other material that is similar to the primary structure and at least eight feet tall
   b) A three-foot landscaped berm
   c) A planting enclosure of large evergreen shrubs planted a maximum of four feet (4') apart that shall create a solid screen to a minimum height of eight feet within five (5) years as determined by a registered landscape architect, certified nurseryman or master gardener
   d) A combination of the above

D. *Screening of Waste Containers.*

1. Waste containers shall be discretely located on the side or rear of the building and screened from public view.

2. Waste containers shall be located on a minimum six-inch (6") reinforced slab, sloped to drain.

3. Waste containers shall be screened on four sides, using an enclosure that screens the waste container from view at the property line. Screening shall be composed

of:

a) Brick, stone, reinforced concrete, or other similar masonry materials that have a similar finish to the primary finish; or

b) Redwood, cedar, preservative pressure treated wood, or other similar materials; or

c) Large shrubs planted four feet on center and staggered 30 to 36 inches. Shrubs shall be watered with an irrigation system; and

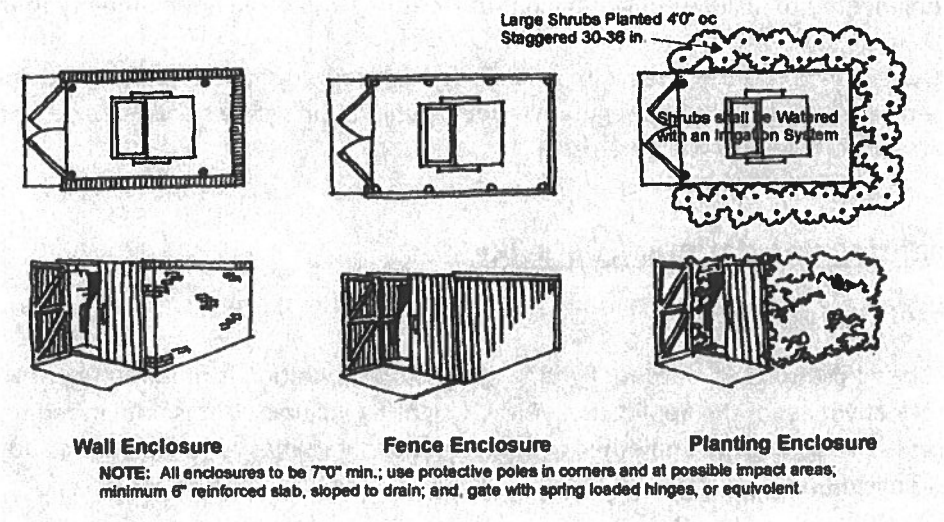
4. All fence posts shall be rust-protected metal, concrete based masonry or concrete pillars; and

5. Six inch (6") concrete filled steel pipes or better shall be located to protect the enclosure from truck operations.

6. Waste container enclosures shall have steel framed gates with spring-loaded hinges or the equivalent and fasteners to keep them closed. When in use, tiebacks should be used to secure the steel framed gates in the open positions.

7. Waste containers shall not be located closer than 50 feet (50') to any single-family lot, unless wholly located within an enclosed building.

8. Planting Enclosures using large evergreen shrubs shall incorporate plants similar to those used elsewhere on primary site and shall be not less than 15-Gallon in size.



E. *Screening of Loading Docks.*

Any delivery and service areas, loading docks, external support equipment, site utility areas, or other similar high-impact elements of site and building design shall be subject to the following:

1. All delivery or service areas and loading docks shall be located on a discrete façade, and internal to the block wherever possible.

2. Any rooftop equipment shall be screened from view of the adjacent public streetscape or other public or common opens spaces by a parapet on flat roofs, or located on a discrete pitch for pitched roofs.

3. Loading areas shall be enclosed on three sides by a wall or other screening device not less than seven feet in height.

4. Loading areas shall not be located closer than 50 feet (50') to any single-family lot, unless wholly located within an enclosed building.

5. Any service areas, loading docks, service equipment, or other site utility area that is visible from adjacent property or public right-of-way shall be screened with a combination of landscape and wall built of a similar material to the main structure at least 6 feet high.

6. Any service use that involves vehicle service bays on a primary or secondary façade shall be located on only secondary or support streets, shall have the service bay portion of the building screened with a combination of landscape and wall built of a similar material to the main structure at least 6 feet high, and shall not have service bays that occupy more than 40% of a single façade.

Drainage and Detention Facilities.

A. Drainage facilities, provided they are non-structural drainage facilities, shall be designed and engineered to include substantial natural features and serve as an amenity to the site.

B. Detention ponds designed with a curvilinear contoured shape, are designed not to require fencing, and shall utilize vegetative slope stabilization with a slope not exceeding 3:1, with no structural retaining walls are used.

II. Lighting Regulations / Dark Sky

Definitions of Class Lighting:

1. Class 1 Lighting: All outdoor lighting where color rendition is required to preserve the effectiveness of the application. Class 1 Lighting includes, but is not limited to, outdoor sales, advertising displays and other signs, recreational facilities, amphitheaters and other similar applications.

2. Class 2 Lighting: All outdoor lighting where general illumination for safety and security of grounds is the primary concern and color rendition is not required to preserve the effectiveness of the application. Class 2 Lighting includes, but is not limited to, illumination for walkways, roadways, equipment yards, parking lots, outdoor eating areas, and outdoor security lighting.

3. Class 3 Lighting: All outdoor lighting for primarily decorative effect where safety and security of grounds is not the primary concern and color rendition is not required to preserve the

effectiveness of the application. Class 3 Lighting includes, but is not limited to, architectural illumination, flag and monument lighting, landscape illumination, signs and seasonal holiday lighting and lighting in residential areas (District 3).

Applicability

1. All public and private outdoor lighting installed in the ETJ of the City of Boerne shall conform to the requirements established here, applicable electrical codes, and building codes.
2. All outdoor lighting shall be fully shielded fixture, the luminous elements of the fixture shall not be visible from any other property, and the fixture shall have a correlated color temperature of 2700 K or less. All off-site impacts will be limited to the greatest extent possible.
3. Outdoor lighting fixtures with a maximum output of 1000 lumens per fixture, regardless of the number of bulbs, may be left unshielded, provided that the fixture has an opaque top to prevent light from shining directly up, the source of the light is not visible from any other

B. Lighting Classification

1. Class 1 Lighting

a. Recreational facilities

Any light source permitted by this ordinance may be used for lighting of outdoor recreational facilities (public or private), including, but not limited to, sports fields or courts, amphitheaters, and similar applications, provided the following conditions are met:

i. A secondary low-level lighting system that complies with Class 2 Lighting shall be installed to facilitate security, cleanup, maintenance, and exit from the facility. The low-level lighting system shall provide an average horizontal illumination, at grade level, of no more than three (3) foot-candles.
ii. Recreational facilities shall turn off Class 1 lighting within thirty (30) minutes of the end of an event.
iii. Comply with the levels of illumination consistent with the IESNA "Recommended Practice for Sports and Recreational Area Lighting" (IESNA RP-6-10) or successor recommendations for the class of play appropriate for the kinds of facilities.
iv. Timers must be installed to prevent lights being left on accidentally overnight.
v. Off-site impacts will be limited to the greatest extent possible.

b. Outdoor Sales

Any light source permitted by this ordinance may be used for lighting of outdoor sales located in non-residential districts, provided the following conditions are met:

i. The primary outdoor lighting of the primary facility shall be turned off at 11:00 p.m. or thirty (30) minutes after closing, whichever is later, but in no event shall the main outdoor lighting be illuminated after 12:00 a.m. unless there is a scheduled "special event"; i.e. an all-night sale.
ii. Lighting Levels - During operating hours:

(a) Feature display area (the area within 200 ft. of the main building) the average horizontal illumination level shall not exceed twenty (20) foot-candles. These areas shall not be located within 100 feet of a residentially zoned areas.

(b) Other display areas the average horizontal illumination level shall not exceed fifteen (15) foot-candles. These areas shall not be located within 100 feet of a residentially zoned area.

(c) General parking areas for staff etc. shall not exceed five (5) foot-candles

iii. Timers must be installed to prevent lights being left on accidentally overnight.

c. Lighting Levels - After Hours:

i. The primary outdoor lighting of the primary facility shall be turned off at 11:00 p.m. or thirty (30) minutes after closing, whichever is later, but in no event shall the main outdoor lighting be illuminated after 12:00 a.m. unless there is a scheduled "special event" i.e. an all-night sale.

ii. A secondary low-level lighting system that complies with Class 2 Lighting shall be installed to facilitate security, cleanup, maintenance, and exit from the facility if the property owner desires. The lamps may be metal Halide or LED. The low-level lighting system shall provide an average horizontal illumination, at grade level, of no more than two and one half (2.5) foot-candles.

2. Class 2 lighting

a. Parking lots

Parking lot lighting shall be designed to provide the minimum lighting necessary to ensure adequate vision, security and comfort in parking areas, and to not cause glare or direct illumination onto adjacent properties or streets. Any light source permitted by this ordinance may be used for parking lots, provided the following conditions are met:

i. All luminaires used for parking lot lighting shall be either yellow high-pressure sodium or LED and shall follow the standards for lighting identified below. Any exceptions to this section of the ordinance may be made by the City Manager and/or the City Manager's designee.

ii. All luminaires shall use Fully Shielded Fixtures as that term is defined herein.

iii. Design levels shall correspond to the appropriate IES (Illuminating Engineering Society) minimum requirements for illumination.

iv. No up lighting.

v. Poles are measured from grade.

vi. Light trespass at the property line is 0.00 foot-candle.

vii. Design goals should be the lowest levels that meet the requirement of the task

viii. Any lighting under awnings or canopies shall be completely recessed or shielded

ix. Yellow high-pressure sodium luminaires used for parking lot lighting may be installed at a maximum height of thirty (30) feet

(a) Perimeter poles that abut a residence or residential district shall be no more than 10 feet in height.

(b) They shall turn off by 9:00 p.m. unless there is a special event.

x. LED parking lot lighting shall adhere to the following criteria.

(a) All fixtures are Full cut-off.
(b) Poles shall be 20 feet in height with perimeter (at the property line) poles at 10 feet in height.
(c) Lumens per net acre in industrial areas shall not exceed 75,000 (does not include governmental owned streetlights).

(i) This lumen per net acre value is an upper limit and not a design goal.
(ii) Design goals should be the lowest levels that meet the requirement of the task

(d) Maximum 2,700 kelvins for bulbs.
(e) Any lighting under awnings or canopies shall be completely recessed or shielded.
(f) Outdoor lighting intended to be left on more than 30 minutes after closing, or the completion of activities must be reduced to 50% or less of the normal lumen output. Motion sensor activation may be allowed to cause the light to resume normal lumen output only when activated and to be reduced back to 50% or less of normal lumen output with 5 minutes after activation.
(g) Wall packs may be used in combination with pole lights if they are full cut-off and/or shielded fixtures.

b. Street Lighting

i. Street lighting installed, repaired or replaced after the adoption of this ordinance shall be fully shielded fixture or full cutoff standard for all fixture over 1,000 lumens initial lamp output, in order to limit light trespassing, and shall have a correlated color temperature of 2700 K or less. No exemption shall apply to any street lighting and to any lighting within the public right of way or easement when the purpose of the luminaire is to illuminate areas outside of the public right of way or easement.
ii. New street lighting shall be designed to provide minimum lighting necessary to ensure adequate vision, and comfort in public and private streets, and to not cause glare or direct illumination more than five (5) feet beyond the right of way. Any light source permitted by this ordinance may be used for street lighting in any District, provided the following conditions are met:

(a) Luminaires used for public/private street lighting that are installed after the effective date of this ordinance shall be installed using Fully Shielded Fixtures, as that term is defined herein. Design levels shall correspond to the appropriate IES (Illuminating Engineering Society) minimum requirements for illumination.
(b) The use of adaptative controls are to be employed in all future installations of public outdoor lighting, considering the circumstances indicating the need for said public outdoor lighting based on the presence or absence of citizens on public property or rights-of-way. For the

purposes of this subsection, "public outdoor lighting" shall be defined as all City public street lighting and outdoor lighting on other City property and City owned rights-of-way.

(c) Motion sensor shall be installed and properly maintained, and the trigger threshold set such that the light doesn't inappropriately trigger on; a failed motion sensor must fail only to the "off" state, and not to the "on"; the duration of each trigger should be limited to no longer than five (5) minutes.

c. Security lighting

For the purposes of this section, security lighting is defined as lighting intended to reduce the risk (real or perceived) of personal attack. Any light source permitted by this ordinance may be used for security lighting in any Lighting District, provided the following conditions are met:

i. All security lighting fixtures installed after the effective date of this ordinance shall be fully shielded and aimed so that illumination is directed only within the owner's property boundaries and not cast on other areas. The use of general floodlighting fixtures shall be prohibited.

ii. Security lighting may illuminate vertical surfaces (e.g. building facades and walls) up to a level eight (8) feet above grade or eight (8) feet above the bottoms of doorways or entries, whichever is greater. The use of up-lighting luminaires shall be prohibited.

iii. Security lighting fixtures may be mounted on poles located no less than ten (10) feet from the perimeter of the property boundary.

iv. Security lights intended to illuminate a perimeter (such as a fence line) shall include motion sensors and be designed to be off unless triggered by an intruder located within five (5) feet of the perimeter. The zone of activation sensors must be within the property boundaries of the property wishing to be illuminated.

v. It is the property owner's responsibility to ensure that the motion sensor is properly maintained, and the trigger threshold set such that the light doesn't inappropriately trigger on; a failed motion sensor must fail only to the "off" state, and not to the "on"; the duration of each trigger should be limited to no longer than five (5) minutes.

d. Lighting of Canopies and Service Islands

Lighting levels on service islands and under canopies shall be adequate to facilitate the activities taking place in such locations.

i. Areas on the apron away from the service islands used for parking or vehicle storage shall be illuminated in accordance with the Illuminating Engineering Society (IES) requirements for parking areas.

ii. Areas around the service islands and under canopies shall be illuminated so that the minimum horizontal illuminance at grade level is at least one (1) foot candles and no more than fifteen (15) foot candles in areas of industrial use and ten (10) foot candles in areas of commercial use.

iii. Light fixtures mounted on canopies shall be fully shielded or recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy.

iv. Lights shall not be mounted on top, or sides (fascia) of the canopy, and the sides (fascia) of the canopy shall not be illuminated.

v. Outdoor light fixtures located under canopies, under building overhangs, or under roof eaves where the center of the lamp or luminaire is located at 5 feet, but less than 10 feet from the nearest edge of the canopy or overhang are to be included in the total outdoor light output as though they produced only one-quarter (1/4) of the lamp's rated lumen output.

vi. Outdoor light fixture located under canopies, under building overhang, or under roof eaves where the center of the lamp or luminaire is located 10 or more feet from the nearest edge of a canopy, building overhang, or eaves are to be included in the total outdoor light output as though they produced only one-tenth (1/10) of the lamp's rated lumen output.

e. Lighting Curfews

Nonresidential outdoor lighting intended to be left on more than 30 minutes after closing, or the completion of activities, must be reduced to 25% or less of the total outdoor light output allowed.

i. Motion sensor activation may be allowed to cause the light to resume total outdoor light output allowed only when activated and to be reduced back to 25% or less of total outdoor light output allowed within 5 minutes after activation has ceased, and the light shall not be triggered by activity off the property.

ii. The 75% reduction in illumination may be accomplished by dimming, by turning off 75% of the light fixtures, by a combination of the two, or by any other method that results in a total outdoor light output of no more than 25% of the total outdoor light output allowed.

iii. Illumination for all advertising signs, both externally and internally illuminated, shall be turned off by the later of closing time or 10:00 p.m., provided, however, that such signs may be turned back on prior to sunrise, but no more than one hour prior to opening.

iv. Street lighting, other than at the intersection of roadways, shall utilize half night photocells or timers to turn off the lights halfway between dusk and dawn. Passive reflective roadway markings are encouraged.

v. All outdoor lighting is encouraged to be turned off when no one is present to use the light. Luminance levels for operation between sunset and sunrise shall not exceed 1250 lumens.

3. Class 3 Lighting

Class 3 Lighting shall apply to all outdoor lighting for primarily decorative effect where safety and security of grounds is not the primary concern and color rendition is not required to preserve the effectiveness of the application. Class 3 Lighting includes, but is not limited to, architectural illumination, flag and monument lighting, landscape illumination, and seasonal holiday lighting.

a. Lighting of Building Facades and Landscaping.

Any light source permitted by this ordinance may be used for lighting of building facades and landscaping in any District, provided the following conditions are met:

i. The maximum illumination on any vertical surface or angular roof surface shall not exceed two (2) foot-candles.
ii. Lighting fixtures shall be at least partially shielded, as defined herein, and aimed so that no light is directed onto adjacent streets or roads.
iii. The use of up-lighting luminaires shall be prohibited, unless such luminaires are fully shielded, and directed in such a way that no light is aimed beyond the building or landscaping directly into the night sky with the exception the illumination of governmental flags.

b. Ornamental Lights

Ornamental lights may be used in any Lighting District, provided the following conditions are met:

i. Decorative strings of lamps/bulbs must not create glare on adjacent streets or property.
ii. Lighting (including strings of lamps/bulbs) for parties, celebrations, and other social gatherings is allowed.

c. Lighting of Walkways, Bikeways, Sidewalks

Any light source permitted by this ordinance may be used for lighting walkways, bikeways and sidewalks in any District, provided the following conditions are met:

i. The walkway, pathway, sidewalk, or ground area may be illuminated with bollards.
ii. Lighting fixtures shall be fully shielded, or otherwise designed to direct light downward, and light sources shall have an initial output of no more than 2000 lumens.

d. Outdoor Advertising Signs

Any light source permitted by this ordinance may be used for lighting of outdoor advertising signs located in any District, provided the following conditions are met. In the event of a conflict, the City of Boerne's Sign Ordinance shall control:

i. All legally installed externally illuminated signs shall have top-mounted luminaires which meet the shielding and grandfathering requirements contained herein.
ii. Bottom-mounted luminaires on externally illuminated signs shall be prohibited.
iii. Legally installed internally illuminated signs, to the degree same are permitted by the Boerne Sign Ordinance, shall be constructed of translucent materials, and the source of internal illumination shall not be directly visible through said material. Internally illuminated signs are prohibited in Residential Districts.
iv. Sign illumination shall be extinguished completely one (1) hour after sunset and remain off until one (1) hour before sunrise.

v. The illuminated surface area of an individual sign shall not exceed 200 square feet.

vi. Luminance levels shall not exceed 100 nits (100 candelas per sq. meter)

e. Lighted Signs.

An establishment shall only have one lighted window or door sign per store front, not to exceed three (3) square feet. These signs shall be turned off when the establishment is not open for business. Illuminated exterior signs not lit by internal lighting shall be illuminated by down lighting methods; "up–lighting" is prohibited.

f. Residential Area Lighting.

While fully shielded lights are required, individual lamps are limited to 2700 lumens or less.

C. Illumination Plan requirements for Development Projects

1. Outdoor lighting should be carefully designed with regards to placement, intensity, timing, duration and color. A good lighting plan can promote safety, save money, conserve natural resources, retain community character, reduce skyglow.
2. The submission of an illumination plan shall contain, but shall not be limited to the following, all or part of which may be part or in addition to the information required elsewhere in the ordinances of the City of Boerne upon application for the required permit.

a. Two copies of an illumination plan shall be submitted with the building permit for review for compliance with this section.
b. A site plan, drawn to an appropriate scale, showing buildings, landscaping, parking area, and all proposed exterior fixtures including lamps, supports, reflectors and other devices.
c. Specifications for all proposed lighting fixtures including photometric data designation as IESNA full cut-off fixtures where required, and other descriptive information on the fixtures.

D. Total Outdoor Light Output and Shielding Requirements

Table 1 gives requirements of the total light output permitted per acre for the different lighting areas for class of lighting, lamp type and lighting area. These requirements shall be met for all lighting installations subject to this section.

1. Total Outdoor Light Output

Total outdoor light output shall not exceed the lumen limits given in Table 1. In the table, Total means the sum of shielded. For determining compliance with this section, the total lumens is the sum of the following:

a. One hundred percent of the lumens from outdoor light fixtures installed on grade, on poles, on the top or sides of buildings or other structures.
b. 2. Outdoor light fixture located under canopies, under buildings overhangs, or under roof eaves where the center of the lamp or luminaire is located at 5 feet, but less than 10 feet from the nearest edge of the canopy or overhang are to be included in the total outdoor light output as though they produced only one-quarter (1/4) of the lamp's

rated lumen output. Outdoor light fixture located under canopies, under building overhang, or under roof eaves where the center of the lamp or luminaire is located 10 or more feet from the nearest edge of a canopy, building overhang, or eaves are to be included in the total outdoor light output as though they produced only one-tenth (1/10) of the lamp's rated lumen output.

Maximum Total Outdoor Light Output Requirements Lumen Caps: Mean Lumens per Net Acre (1)			
Uses			
	Industrial	Commercial	Residential
Commercial, Industrial and Multifamily			
Maximum total outdoor light	75,000	50,000	20,000

Notes to Table 1:

1. Mean lumens per acre equals total outdoor light output divided by net acres.

E. Exemptions

1. Emergency lighting utilized during natural or man-made disasters, but only for the duration of the declared emergency may be exempted.
2. Lighting elements, such as shades with perforated patterns and opaque diffusers, shall be exempted from the fully shielded requirement provided they do not exceed 1000 lumens.
3. Ornamental lights that are string lighting.
4. If a proposed lighting plan or fixture does not meet the requirements of this ordinance, and no other reasonable technical solution is available, but is of demonstrable community benefit, the Design Review Committee may approve an exemption. The applicant requesting a permanent exemption under this ordinance shall submit enough information so that the Design Review Committee may adequately consider the proposed community benefit. All requests for exemptions must comply with the zoning variance request procedures.
5. The provisions of this code do not prevent the replacement of an existing grandfathered luminaire with an alternate fixture, or the use of bottom-mounted luminaires on externally illuminated signs if it can be shown that the luminaire(s) to be used improve the view of the night sky consistent with the intent of this code. A person may request (and the City Manager may approve) an exemption if the following information is provided:

   a. The location of the luminaire to be installed or replaced;
   b. The purpose of the luminaire;
   c. The total wattage and lumens of the grandfathered and the replacement luminaire, if applicable;
   d. The type of luminaire to be installed, and if applicable, the type of replacement;
   e. If the luminaire is a replacement, through manufacturer's literature or otherwise, the replacement luminaire will reduce light pollution, glare, or Total Outdoor Light Output; or,
   f. When the luminaire is bottom-mounted, through the use of manufacturer's literature or otherwise, its use is superior in reducing light pollution, glare, or Total Outdoor Light Output as compared to a top-mounted luminaire.
   g. Any other information deemed relevant.

F. Temporary Exemption

1. Any person may submit a written request, to the City Manager or the City Manager's designee for a temporary exemption from the requirements of this section. The Request for Temporary Exemption shall contain the following information:

   a. Specific exemption or exemptions requested;
   b. Type and use of outdoor fixture involved;
   c. Duration of time for requested exemption;
   d. Total wattage of lamp or lamps;
   e. Proposed location on premises (if any) and addresses of premises;
   f. Physical size of outdoor light fixture(s) and type of shielding provided;
   g. Such other data and information as may be required by the Building Official.

2. Approval, Duration

   The City Manager or the City Manager's designee shall have five (5) business days from the date of submission of the Request for Temporary Exemption to act in writing on the request. If approved, the exemption shall be valid for not more than thirty (30) days from the date of issuance of the approval. The approval shall be renewable at the discretion of the City Manager or the City Manager's designee upon a consideration of all the circumstances. Each such renewed exemption shall be valid for not more than thirty (30) days. Each exemption can be renewed up to two (2) times.

3. Disapproval, Appeal

   If the Request for Temporary Exemption is disapproved, the person making the request will have the appeal rights as provided in the City of Boerne's Zoning Ordinance.

G. Prohibitions

1. The installation of any mercury vapor fixture or lamp, krypton, or argon discharge tubes intended for use as an architectural highlight to attract attention is prohibited.
2. The use of laser source light or any similar high-intensity light (such as a strobe light) is prohibited.
3. The operation of searchlights is prohibited.
4. Outdoor lighting that interferes with the safe operation of a motor vehicle is prohibited.
5. Up-lighting is prohibited, except as otherwise provided in this ordinance.
6. It shall be unlawful for any outdoor lighting fixture to cause glare, as defined herein and determined by the City Manager or the City Manager's designee, of sufficient intensity as to create an unsafe condition on public or private streets between the hours of midnight (12:00 a.m.) and 6:00 a.m.

H. Temporary Lighting for Sports Practices

1. Where temporary lighting is to be provided for sports practices that are not located in City Parks, or schools the following requirements shall apply.

   a. The field to be illuminated shall be a minimum of fifty (50) feet from a residential property line or a residential district.

b. Luminaires used for sports practices shall be at a maximum height of twenty (20) feet and may be positioned at that height up to the edge of the property on which the practice is being held.

c. The Luminaires shall be turned triat 9:00 p.m. or thirty (30) minutes after the practice is over, but in no event shall the field be illuminated after 9:30 p.m.

Figure A

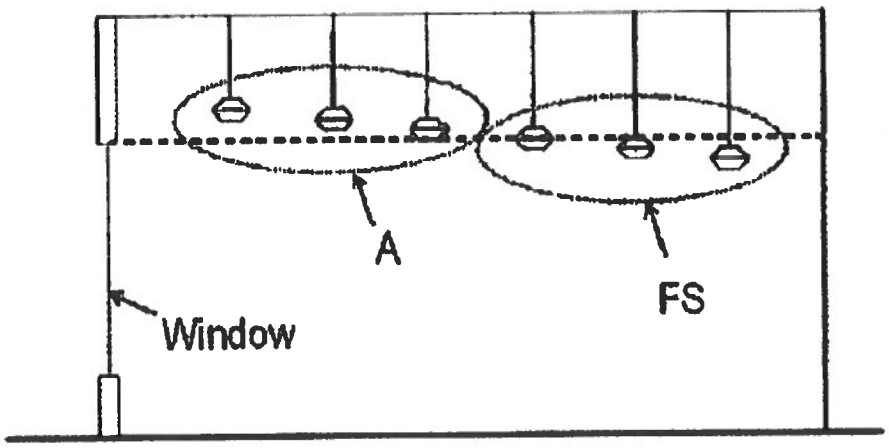
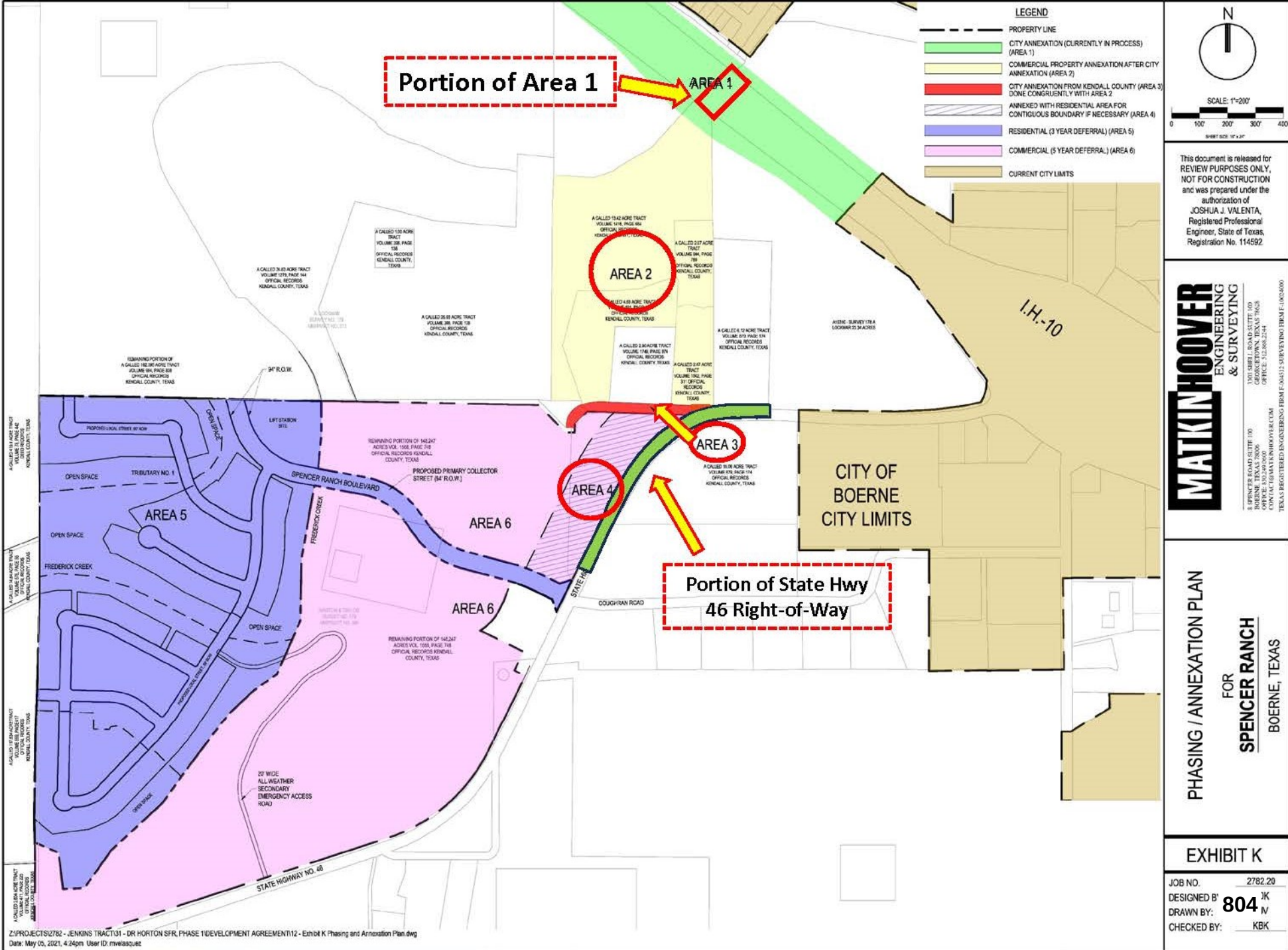


Figure A: Elevation view showing a nonresidential application of indoor lighting, labeled FS, which will be subject to this article and indoor lighting, labeled A, which is installed so that it is not subject to this article. This example presumes the structure in question is not elevated such that any of the luminaires labeled A in the figure above may be seen from any other property. If the structure is elevated such that the luminaires labeled A are visible from another property then, the



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TEXAS REGISTERED ENGINEERING FIRM F-9043 | SURVEYING FIRM F-10024600

PHASING / ANNEXATION PLAN FOR SPENCER RANCH BOERNE, TEXAS

EXHIBIT K

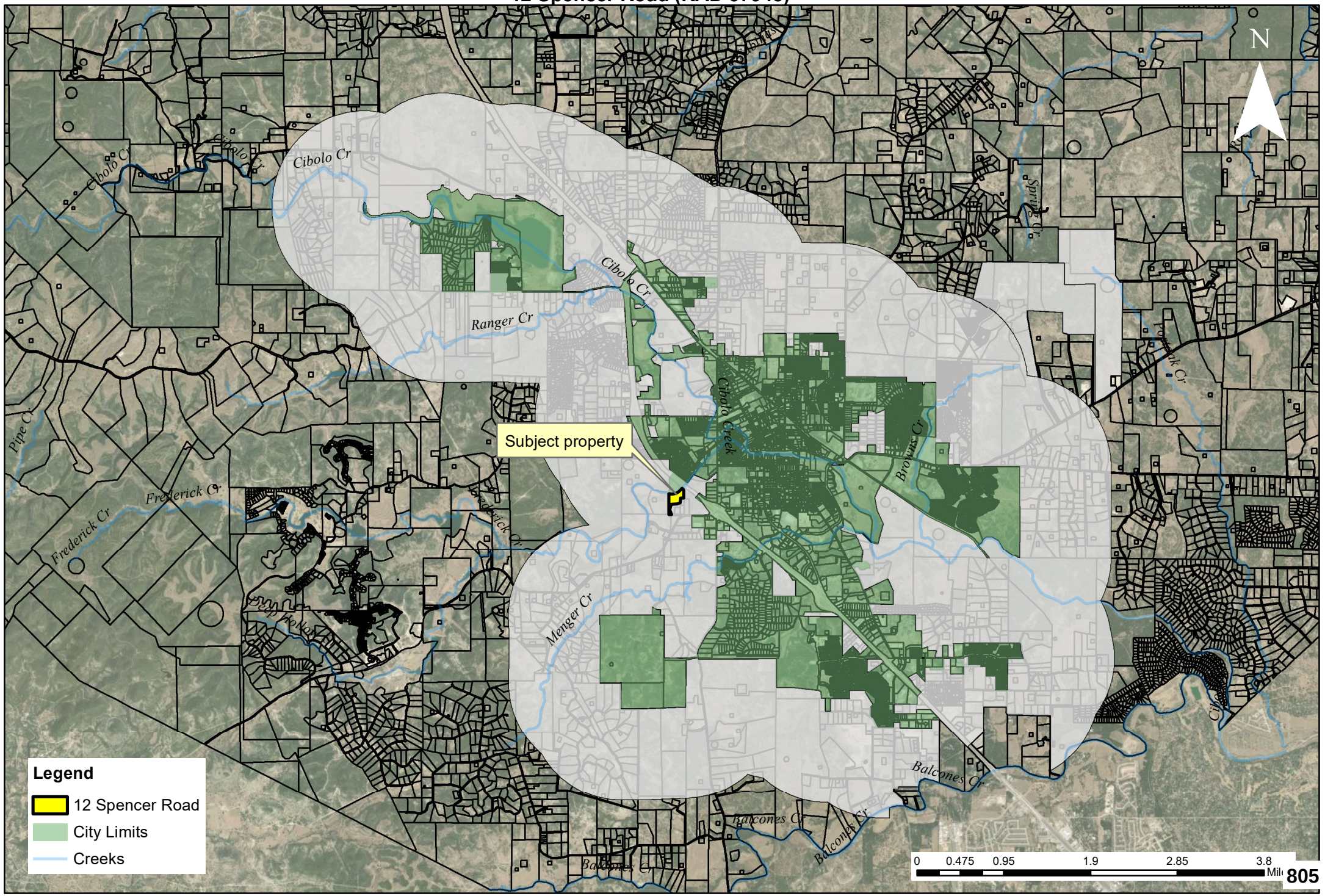
JOB NO. 2782.20
DESIGNED BY: JK
DRAWN BY: JV
CHECKED BY: KBK

804

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Date: May 05, 2021, 4:24pm User ID: mvelasquez

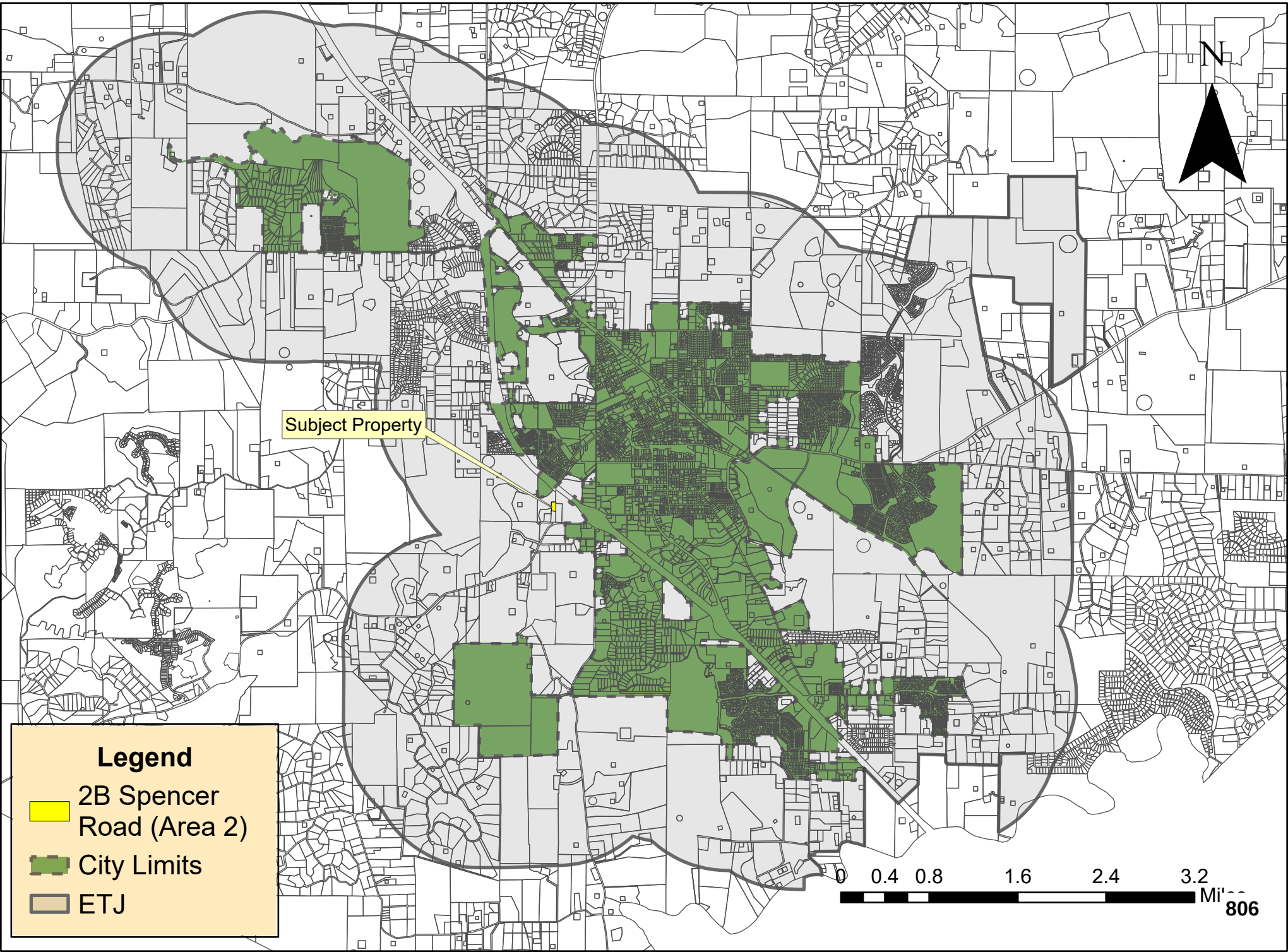
LOCATION MAP

12 Spencer Road (KAD 37948)



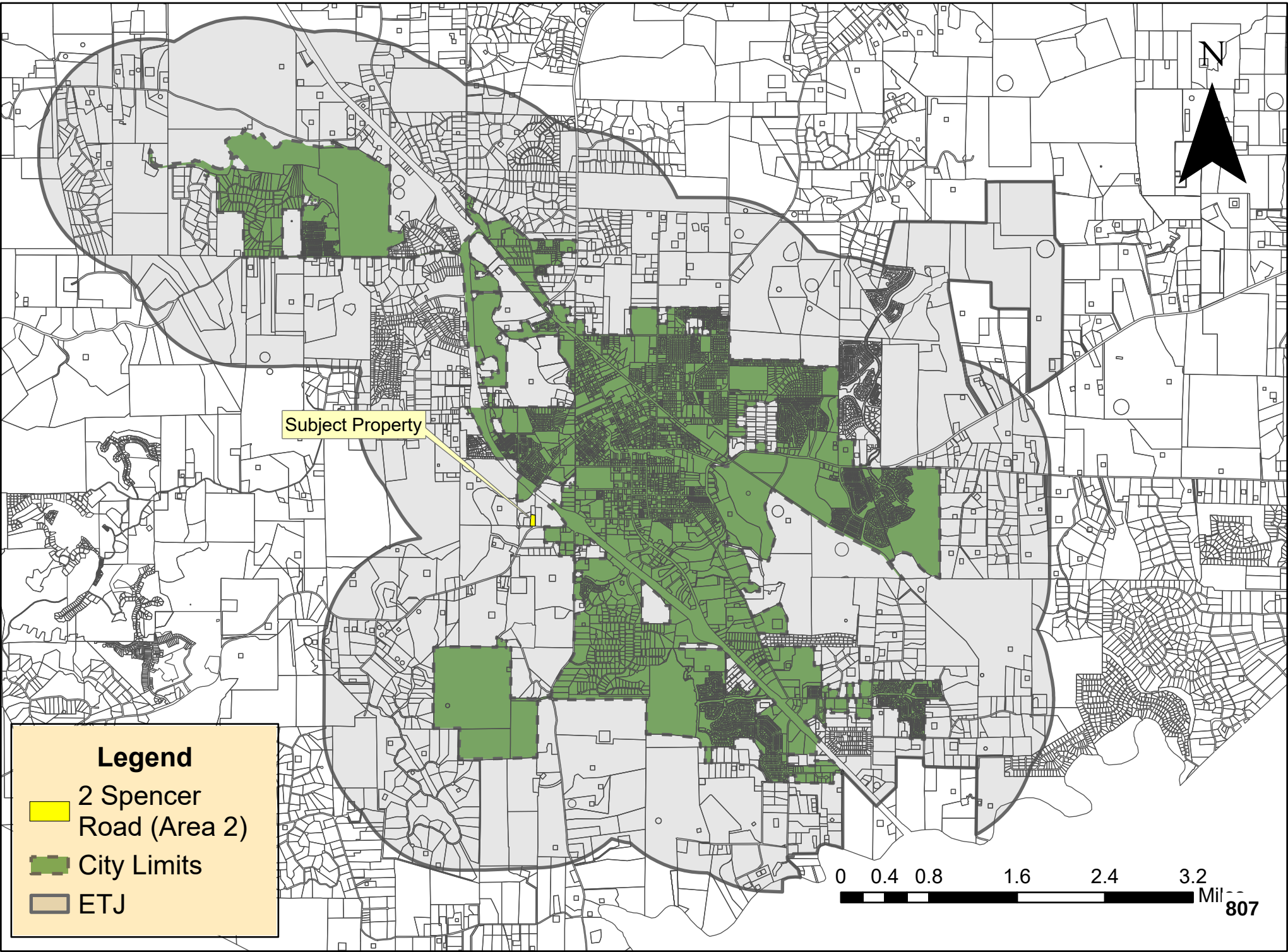
SUBJECT PROPERTY - LOCATION MAP

2B Spencer Road



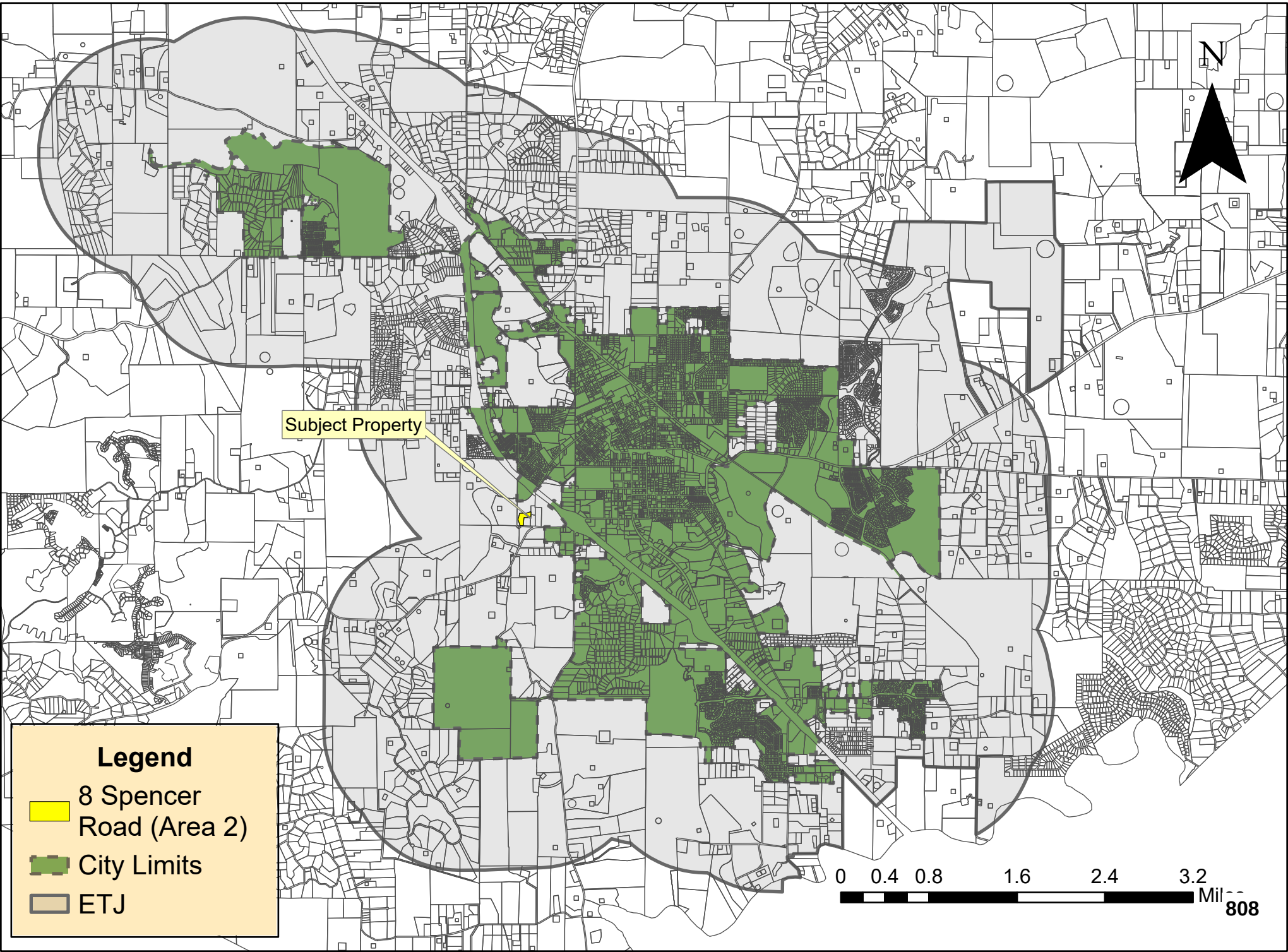
SUBJECT PROPERTY - LOCATION MAP

2 Spencer Road



SUBJECT PROPERTY - LOCATION MAP

8 Spencer Road



NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council of the City of Boerne, Texas will hold a Public Hearing on September 12, 2023, at 6:00 p.m., in the City Council Chambers, located at Boerne City Hall, Ronald C. Bowman Council Chambers, 447 N Main Street, Boerne, Texas, to discuss the following:

A. Proposed annexation of approximately 34.199 acres being a portion of right-of-way on Interstate Highway 10, 12 Spencer Road (KAD No. 37948), 2B Spencer Road (KAD No. 37947), 2 Spencer Road (KAD No. 14354), 8 Spencer Road (KAD No. 36891), a portion of right-of-way also known as Spencer Road, a portion of 10 Spencer Road (KAD No. 14916), a portion of West State Highway 46 (KAD No. 14918) and a portion of State Highway 46 right-of-way. *(One of one public hearing)*

All interested parties are encouraged to attend.

s/s Lori A. Carroll
City Secretary

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS
The Boerne City Hall is wheelchair accessible. Access to the building and special parking are available at the north entrance of the building. Requests for special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 830-249-9511.

MATKINHOOVER
ENGINEERING
& SURVEYING

FIELD NOTES FOR A 1.122 OF ONE ACRE TRACT OF LAND

A **1.122 of one acre** tract of land located in the Newton & Taylor Survey No. 179, Abstract No. 360, Kendall County, Texas, and being across the existing Spencer Road right-of-way, no record found. Said **1.122 of one acre** tract being more particularly described by metes and bounds as follows:

BEGINNING at a found Texas Department of Transportation Right-of-Way Monument, Type I, at the intersection of the south right-of-way line of Spencer Road and the northwest right-of-way line of State highway 46, at the northeast corner of a called 5.059 acre tract of land as described of record in Document No. 2021-359757 of the Official Public Records of Kendall County, Texas and for the southeast corner of the tract described herein;

THENCE: Departing the northwest right-of-way line of State Highway 46 and with the southerly right-of-way line of Spencer Road and the north line of said 5.059 acre tract, the following three (3) courses:

1. **N 87° 47' 13" W**, a distance of **565.35 feet** to a found ½" iron rod for corner,
2. **S 46° 48' 01" W**, a distance of **92.17 feet** to a fence post for corner, and
3. **S 01° 27' 38" W**, a distance of **49.47 feet** to a found fence post for a northeast corner of a called 20.115 acre tract of land as conveyed and described of record in Document No. 2021-359756 of the Official Public Records of Kendall County, Texas and for the most southerly corner of the tract described herein, from which a found ½" iron rod for a westerly corner of said 5.059 acre tract bears, S 00° 30' 57" W, a distance of 498.69 feet;

THENCE: **N 89° 34' 55" W**, with the southerly right-of-way line of Spencer Road and a northerly line of said 20.115 acre tract, a distance of **49.35 feet** to a found ½" iron rod at the southeast corner of a called 27.276 acre tract of land as described of record in Volume 398, Page 138 of the Official Records of Kendall County, Texas, a northerly corner of said 20.115 acre tract, for the southwest corner of said Spencer Road right-of-way and the tract described herein;

THENCE: **N 00° 38' 49" W**, with the west right-of-way line of Spencer Road and the east line of said 27.276 acre tract, a distance of **145.20 feet** to a found ½" iron rod in the south line of a called 13.422 acre tract of land as described of record in Volume 1418, Page 664 of the Official Records of Kendall County, Texas, an easterly corner of said 27.276 acre tract, at the northwest corner of said Spencer Road right-of-way and the tract described herein;

THENCE: **N 73° 50' 05" E**, with the south line of said 13.422 acre tract and with the north right-of-way line of Spencer Road, a distance of **77.06 feet** to a found ½" iron rod at the southeast corner of said 13.422 acre tract, the southwest corner of a called 4.691 acre tract of land as described of record in Volume 891, Page 134 of the Official Records of Kendall County, Texas and for an angle of the tract described herein;

THENCE: Continuing with the north right-of-way line of Spencer Road and the south line of said 4.691 acre tract, the following two (2) courses:

1. **N 74° 14' 41" E**, a distance of **33.77 feet** to a found 2" pipe post for angle, and
2. **S 87° 38' 55" E**, a distance of **124.78 feet** to a found ½" iron rod at the southeast corner of said 4.691 acre tract, the southwest corner of a called 2.9 acre tract of land as described of record in Volume 116, Page 907 of the Deed Records of Kendall County, Texas and for an angle of the tract described herein;

THENCE: **S 87° 28' 35" E**, with the south line of said 2.9 acre tract and continuing with the north right-of-way line of Spencer Road, a distance of **331.87 feet** to a found ½" iron rod at the southeast corner of said 2.9 acre tract, the southwest corner of Spencer Hill Executive Offices Subdivision of record in Volume 6, Page 24 of the Plat Records of Kendall County, Texas and for an angle of the tract described herein;

THENCE: **S 87° 37' 01" E**, with the south line of said Spencer Hill Executive Offices Subdivision and continuing with the north right-of-way line of Spencer Road, a distance of **124.26 feet** to a point for the northeast corner of the tract described herein;

THENCE: **S 02° 22’ 59” W**, into said Spencer Road right-of-way, a distance of **60.62 feet** to the **POINT OF BEGINNING** and containing **1.122 acres of land**, situated in Kendall County, Texas.

Note: The basis of bearing was established using the Trimble VRS Network, NAD (83), Texas State Plane Coordinate System, South Central Zone, 4204, US Survey Foot, Grid. A survey plat was prepared by a separate document. “This document was prepared under 22 Texas Administrative Code § 138.95, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the reconfiguration of the boundary of the political subdivision for which it was prepared.”



Job # 16-4072 1.122 Acres-Area 3

Date: September 21, 2022

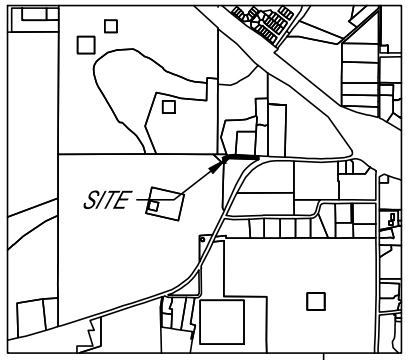
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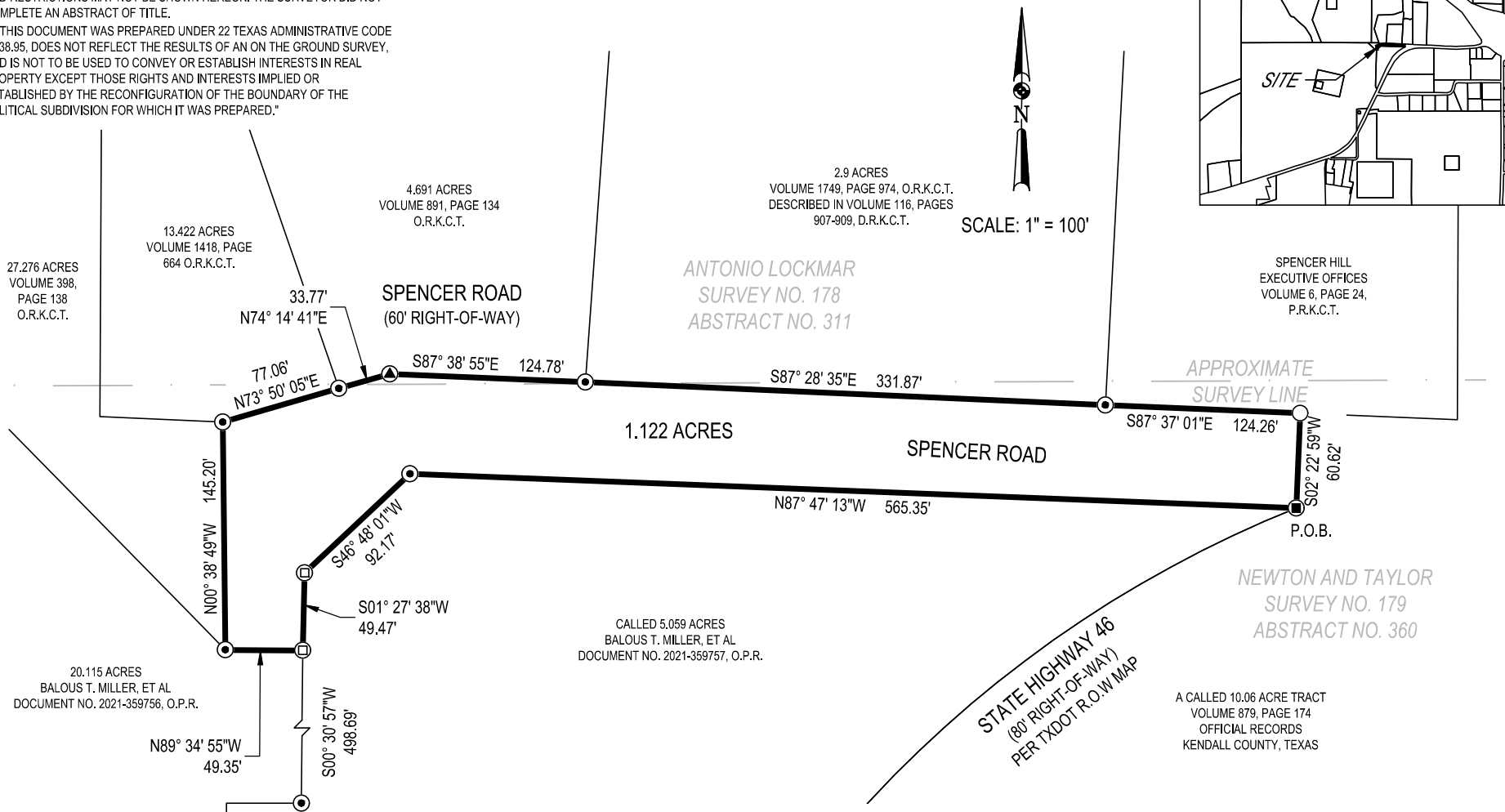
1. BEARINGS ARE BASED ON THE STATE PLANE COORDINATE SYSTEM ESTABLISHED FOR THE TEXAS SOUTH CENTRAL ZONE 4204, NORTH AMERICAN DATUM (NAD) OF 1983.
2. THIS EXHIBIT WAS DONE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT, THEREFORE ALL SETBACKS, EASEMENTS, ENCUMBRANCES AND RESTRICTIONS MAY NOT BE SHOWN HEREON. THE SURVEYOR DID NOT COMPLETE AN ABSTRACT OF TITLE.
3. "THIS DOCUMENT WAS PREPARED UNDER 22 TEXAS ADMINISTRATIVE CODE § 138.95, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED."

EXHIBIT OF

A 1.122 ACRE TRACT OF LAND LOCATED IN THE NEWTON & TAYLOR SURVEY NO. 179, ABSTRACT NO. 360, KENDALL COUNTY, TEXAS, AND BEING ACROSS THE EXISTING SPENCER ROAD RIGHT-OF-WAY, NO RECORD FOUND.

LOCATION MAP





LEGEND

P.O.B.	POINT OF BEGINNING
○	POINT
◎	FOUND FENCE POST
■	FOUND TXDOT MONUMENT
⊙	FOUND 1/2" IRON ROD
▲	FOUND 2" PIPE POST

STATE OF TEXAS
REGISTERED
KYLE L. PRESSLER
6528
PROFESSIONAL
LAND SURVEYOR

MATKINHOOVER
ENGINEERING & SURVEYING

HEADQUARTERS
8 SPENCER ROAD SUITE 300
BOERNE, TEXAS 78006
OFFICE: 830.249.0600 FAX:830.249.0099
3303 SHELL ROAD SUITE 3
GEORGETOWN, TEXAS 78628
OFFICE: 512.868.2244

BOERNE, TEXAS REGISTERED SURVEYING FIRM F-10024000
BOERNE, TEXAS REGISTERED ENGINEERING FIRM F-004512

CIVIL ENGINEERS SURVEYORS LAND PLANNERS
CONSTRUCTION MANAGERS CONSULTANTS

KYLE L. PRESSLER DATE: SEPTEMBER 21, 2022
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6528
KYLE.PRESSLER@MATKINHOOVER.COM
JOB NO. 16-4072 - 1.122 ACRES - AREA 3

SPENCER RANCH
DEVELOPMENT AGREEMENT

This Development Agreement (this "Agreement") is entered by and between the **City of Boerne**, a Texas home-rule municipal corporation located within Kendall County, Texas (hereinafter, referred to as "City"), **Forestar (USA) Real Estate Group, Inc.** (a Delaware Corporation, hereinafter referred to as "Forestar"), **Matkin Properties, LP**, a Texas limited partnership ("Matkin Properties"), **Equity Trust Company Custodian FBO Harold T. duPerier III IRA**, 50% undivided interest, and **Equity Trust Company Custodian FBO John-Mark Matkin IRA**, 50% undivided interest (collectively, the "Undivided Interest Holders"). Matkin Properties and the Undivided Interest Holders are referred to herein collectively as the "Frontage Owners." Forestar and the Frontage Owners are, collectively, the owners of approximately +/-160 acres of Real Property generally located at Spencer Road and State Highway 46, more specifically described below. Forestar and Frontage Owners hereby enter into this Agreement with the City to allow for certain development provisions and the annexation of the property described herein. City, Forestar, and Frontage Owners shall hereafter collectively be referred to as "Parties" or in the singular as "Party."

RECITALS

WHEREAS, Forestar owns approximately 71.12-acres of Real Property in Kendall County, Texas (the "County") and within the extra-territorial jurisdiction ("ETJ") of the City (hereinafter referred to as the "Forestar Property;" *see* **"Exhibit A"**). Forestar has submitted and the City has approved the Master Plan for approximately 209 single-family homes (*see* **"Exhibit B;"** hereinafter referred to as "Forestar's Project" or the "Birch at Spencer Ranch");

WHEREAS, Frontage Owners own approximately 87-acres of Real Property in the County and within the City's ETJ (hereinafter referred to as the "Frontage Owners Property;" *see* **"Exhibit C"**). Such Property is intended to be developed for mixed use purposes (the "Frontage Owners Project" *see* **"Exhibit D"**).

WHEREAS, in order for Forestar and Frontage Owners to carry out their respective projects, and pursuant to the City's Subdivision Ordinance No. 2007-56, et. Seq., (the "Subdivision Ordinance") certain improvements in the area need to be made. Specifically, the construction and/or dedication of a Spencer Ranch Boulevard, which is approximately 2,200 (1,850+350) feet and traverses both the Forestar Property and the Frontage Owners Property (the "Road;" *see* **"Exhibit E"**).

WHEREAS, It is the intent that both Forestar and Frontage Owners, and any successor owners of the identified properties, shall participate in their proportionate share of construction and/or dedication of 2,200 feet of a 4 lane, primary collector roadway, from Highway 46 in a northwestern direction as depicted in Exhibit E, including a traffic signal and any required turn lanes at the intersection of Highway 46 and the Road, referred to herein collectively as "Spencer

Ranch Roadway Improvements", either by constructing their proportionate share of roadway improvements or by providing roadway funds for the City to construct roadway improvements when warranted, all of which is provided in the Rough Proportionality Determination issued by the City on October 1, 2020 ("Rough Proportionality Determination; *see* "**Exhibit F**").

WHEREAS, the Parties desire to enter into this Agreement pursuant to Subchapter C-3 of Chapter 43 of the Texas Local Government Code, § 43.0671, et. Seq., (the "Code") to reflect that in consideration of Forestar's and Frontage Owners' agreement to voluntary annexation and other consideration as stated herein, the City shall abide by and comply with the terms of this Agreement and the conditions stated herein. More specifically, City shall agree to (1) allow for the Road to be constructed and maintained as a Private Road pursuant to the methods and procedures in this Agreement, (2) annex the Forestar Property and the Frontage Owners' Property in a timely manner in accordance with procedures set forth in state law, and (3) the remaining provisions contained herein.

NOW, THEREFORE, in consideration of the mutual covenants and agreements, and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties now wish to enter into this Agreement and agree as follows:

I. DEFINITIONS

1.1 "Agreement" shall mean this document executed by the Parties, which may be amended from time to time, pursuant to the provisions contained herein.

1.2 "Annexation Area" shall reflect the Properties in Exhibit K (see below).

1.3 "Birch at Spencer Ranch" shall have the meaning specified above.

1.4 "City" and "County" shall have the meaning specified above.

1.5 "Code" shall mean the Texas Local Government Code, as amended.

1.6 "CPI Adjustment" shall mean means the year-to-year adjustment commencing on the first anniversary of the date this Agreement is signed by all Parties, unless otherwise noted, which adjustment shall use the Bureau of Labor Statistics, U.S. Department of Labor Price Index for all Urban Consumers for All Items for the South Region, 1982-84=100.

1.7 "Cure Period" shall have the meaning described in Article VII, below.

1.8 "Effective Date" shall mean the date of execution of this Agreement by all Parties.

1.9 "ETJ" shall have the meaning specified above.

1.10 "Forestar" shall have the meaning specified above.

1.11 "Forestar Project" shall have the meaning specified above.

1.12 "Forestar Property" shall have the meaning specified above.

1.13 "Forestar's Rough Proportionality" shall have the meaning specified below.

1.14 "Frontage Owners" shall have the meaning specified above.

1.15 "Frontage Owners Project" shall have the meaning specified above.

1.16 "Frontage Owners Property" shall have the meaning specified above.

1.17 "Frontage Owners' Rough Proportionality" shall mean the Rough Proportionality Determination issued by the City on October 1, 2020 (see Exhibit F, below).

1.18 "Road" shall have the meaning specified above.

1.19 "Road Reserve Fund" shall have the definition prescribed below.

1.20 "Spencer Ranch Roadway Improvements" shall have the meaning specified above.

1.21 "Subdivision Ordinance" shall have the meaning specified above.

1.22 "Traffic Impact Analysis" shall have the meaning described in the Subdivision Ordinance.

Singular and Plural: Words used herein in the singular, where the context so permits, also includes the plural and vice versa, unless otherwise specified.

II. REPRESENTATIONS AND ACKNOWLEDGMENTS

2.1 The recitals set forth hereinabove are included here as if set out in full and are part of the conditions of this Agreement and binding on Parties.

2.2 Forestar and Frontage Owners represent to City that they collectively are the owners of their respective properties and have the legal capacity and authority to enter into this Agreement and to perform the requirements of this Agreement.

2.3 City acknowledges that it has the authority to agree to the provisions herein and

annex the Frontage Owners Property and the Forestar Property pursuant to the Code and all City regulations, ordinances, and rules pursuant to statutory requirements.

III. THE BIRCH AT SPENCER RANCH

3.1 The Birch at Spencer Ranch consists of approximately 209 single-family homes on the Forestar Property (see previously mentioned Exhibit B). Pursuant to the Subdivision Ordinance and Code, Forestar is required to construct its proportion of infrastructure in coordination with the development of the Birch at Spencer Ranch. Specifically, Forestar's monetary contribution to the Road, as determined by the City's Rough Proportionality Determination for said 209 single-family homes, issued on October 1, 2020 (see previously mentioned Exhibit F) shall not exceed $1,432,477.45 ("Forestar's Rough Proportionality") as adjusted in accordance with the CPI Adjustment (as hereinafter defined). This includes the design and construction of approximately 1,850 ft. of the Road. Upon complete payment of Forestar's Rough Proportionality, all Rough Proportionality for the Birch at Spencer Ranch shall be satisfied and no additional payment or construction of improvements shall be requested or required of Forestar. The City reserves the right to reassess and recalculate the rough proportionality determination if the single-family home count at the Birch at Spencer Ranch changes by more than ten (10) percent.

3.2 This Agreement shall allow Forestar to design, construct, and maintain its proportion (such proportion as specified in previously mentioned Exhibit F) of the Road as a private road, as that term is identified in the Subdivision Ordinance, until such time that the City completes the state prescribed requirements to annex Forestar's Property. City shall perform and complete all inspections and approvals of such portion of the Road as though the City would be maintaining such Road to allow for a timely transfer of maintenance of the Road upon annexation of Forestar's Property.

3.3 Forestar shall dedicate 94-foot right-of-way for the construction of the 350-foot extension of the Road to the City (*see* **"Exhibit G"**) with Phase 3 of the Birch at Spencer Ranch (see previously mentioned Exhibit D) or no later than five (5) years after the date of execution of this agreement. Forestar shall not be required to design or construct the 350 feet of the Road depicted in Exhibit G.

3.4 In association with the permitting, platting, design, and construction of the Birch at Spencer Ranch, Forestar shall be Subject to the following provisions:

> 3.4.1 Pursuant to Sec. 7.03.004 of the Subdivision Ordinance, all water mains for the Birch at Spencer Ranch shall be looped and such water looping shall coincide with the phased development, as indicated in the Overall Utility Plan (see "**Exhibit H**"). Such looping can occur by other means acceptable to both Forestar and the City, as evidenced in writing and executed by both Parties. Compliance with Sec. 7.03.004 of the Subdivision Ordinance shall be completed

concurrently with Phase 3 of the Birch at Spencer Ranch or no later than five (5) years after the date of execution of this agreement.

3.4.2 In lieu of the method of calculation of the yearly contribution for common area reserve fund as described in Section 5.11.014(F)(8)(ii) of the subdivision ordinance, the value of the yearly contribution to the Birch at Spencer Ranch HOA reserve fund shall be assessed at $26,120 per year for the Road, and upon the completion and annexation of each Phase of the Birch at Spencer Ranch (see Exhibit B) the Association shall cause the following funds to be contributed for local streets: $27,385 for Phase 1B, $28,928 for Phase 2, and $22,549 for Phase 3, respectively. The year each Phase of the Birch at Spencer Ranch is annexed such fees shall be prorated. The aforementioned amounts can be adjusted in accordance with the CPI Adjustment. The HOA shall deposit the $26,120 yearly Reserve Fund contribution amount for the Road every 12 months from execution of this Agreement. Upon annexation of Area 5 (see Exhibit K, below), and written request by Forestar, the City shall take over maintenance of the Road and local streets per the process as described in Section 5.11.011 of the Subdivision Ordinance. Upon City commencing maintenance of the Road, the HOA reserve fund balance shall be dedicated to City of Boerne per subdivision ordinance section 5.11.005(C)(iv).

3.4.3 A five-foot (5') sidewalk shall be constructed on the North and South side of the Road where there are four (4) traffic lanes. Where there are only two (2) traffic lanes on the Road a sidewalk shall only be constructed on the South side of the Road (*see* "**Exhibit I**").

3.4.4 The Monument Signs shown in Exhibit J shall be located outside of the right-of-way and outside of the intersection visibility area on either side of the primary collector known as Spencer Ranch Blvd at the intersection of Highway 46 West. These signs will serve as an entrance feature for the Road and the entire development, including the residential and commercial development surrounding the primary collector. The monument signs shall be constructed as shown in Exhibit J, the letters may be backlit and the landscaping shall be provided as demonstrated using the plants listed in Exhibit J and shall not be allowed to exceed one hundred (100) square feet in size. No up-lighting of the monument signs will be permitted, and the signs shall only contain the words Spencer Ranch on the face of the signs. Each sign, landscaping and irrigation shall be maintained in perpetuity by the Birch at Spencer Ranch Homeowners Association which shall be demonstrated in the CCR's.

IV. FRONTAGE OWNERS PROJECT

4.1 Future developments within the Frontage Owners Property are responsible for their

proportionate share of the Spencer Ranch Roadway improvements as defined in Exhibit F. If future development on the Frontage Owners Property requires a Traffic Impact Assessment (TIA), and the results of the same require border street or turn Lane improvements, then these improvements shall be constructed at time of platting. However, if the future development's proposed traffic impact, as determined by the TIA, is an amount that does not require construction of those border street or turn lane improvements, the development shall be required to provide roadway funds into an escrow account, managed by the City, based upon each development's proportionate share of the roadway improvements. Such proportionate share of roadway funds shall be calculated based upon the maximum peak hour trips as determined in each development's TIA and as described in City ordinances as of the Effective Date, multiplied by $551.55 per peak hour trip, subject however to the maximum contribution amounts set forth in Section 4.1.2 below.

4.2 At time of plat submittals to the City, each development shall provide a TIA that determines the peak hour trip for the development. Upon approval of the TIA by the City, the proportionate share of roadway funds shall be provided to the City prior to final plat approval for each development. Any change of land use from the initial TIA, provided during the platting process, shall require an updated TIA and the development shall provide additional roadway funds for any increase in peak hour trips pursuant to the Subdivision Ordinance prior to the City issuing a building permit. At no time shall the roadway funds described herein and provided to the City exceed a total of $1,742,889.00 (total cost equaling $1,442,889 in estimated cost for the completion of the Road and $300,000 in estimated cost for a traffic signal at Hwy 46), as adjusted in accordance with the CPI Adjustment (as hereinafter defined) which is the proportionate share of the Frontage Owners Property roadway improvements per the City's Rough Proportionality determination. All TIA's for development projects within the Frontage Owners Property shall include background traffic generation data from all previously platted parcels in the Frontage Owners Property and Forestar Property for warrant determination of said Spencer Ranch Roadway Improvements. Upon City approval of a TIA that warrants said Spencer Ranch Roadway Improvements, City shall begin the design and construction of said warranted roadway improvements to be paid from the available funds in City's escrow account. The City reserves the right to reassess and recalculate the rough proportionality determination if the single-family home count at the Birch at Spencer Ranch changes by more than ten (10) percent.

4.3 At such time that all roadway improvements, full buildout of the Road and Highway 46 Intersection Road Improvements, are constructed and accepted by the regulating authority, the collection of the proportionate share of the roadway funds shall cease.

4.4 All commercial construction on the Frontage Owners' Property that is within 350 feet of the State Highway 46 right of way and 350 feet. of the Road that occurs prior to annexation into the City limits shall comply with the specific design criteria and lighting regulations (*see* **Exhibit "L"**).

4.5 No structure shall be constructed on the Frontage Owners Property unless a building permit has been issued by the City and a final plat has been recorded for the lot on which the Structure is proposed to be built on.

V. ANNEXATION

5.1 Upon City's compliance with Subchapter C-3 of Chapter 43 of the Code and Annexation of Area 1, the Properties referenced in this Agreement shall be annexed as described below (*see* "**Exhibit K**"):

5.1.1 Area 2 and Area 3 to be annexed as soon as legally permissible in accordance with requirements of state law.

5.1.2 Area 4 to be annexed as soon as legally permissible in accordance with requirements of state law.

5.1.3 Area 5 to be annexed within 18 months of execution of this agreement or as soon thereafter the annexation in 5.1.2 as legally permissible in accordance with State law.

5.1.4 Area 6- Any portions of land within Area 6 that are contiguous to land previously annexed by the City in Areas 1-5 must be annexed and zoned by the City prior to the application by the owner of such contiguous land for a building permit. The owner of any portion of land within Area 6 that is not contiguous to land previously annexed by the City in Areas 1-5 for which development is proposed by such owner, must take whatever action is necessary in order for the City to be able to annex and zone such affected land, prior to such owner applying for a building permit. The platting of any tracts within Area 6 into tracts of smaller acreage does not trigger the requirement for annexation. The owner of any remaining land in Area 6 that has not been theretofore annexed by the City at the expiration of 60 months from the Effective Date of this Agreement must begin the annexation process immediately after the expiration of such 60-month period.

VI. CONSIDERATION

Section 1.01 6.1 Voluntary petition for annexation. The Parties agree that this Agreement constitutes a voluntary petition to the City for annexation of the Forestar Property and the Frontage Owners' Property for full purposes under the provisions of Subchapter C-3 of Chapter 43 of the Code which shall be deemed submitted to the City on the Effective Date of this Agreement.

6.2 Parties agree that this voluntary petition and consent may not be revoked and is intended to be and shall be binding upon the Parties as well as their successors and assigns in ownership of any right, title, or interest in and to the Forestar Property and the Frontage Owners' Property or any part thereof.

6.3 Waiver. To the extent authorized by state and local laws, the Parties agree that the City is only obligated to perform those tasks set forth in Subchapter C-3 of Chapter 43 of the Texas Local Government Code that are required when annexing property under that subchapter. Parties agree that the Parties shall not oppose any action taken by the City to annex the Annexation Area under this Agreement or under Subchapter C-3 of Chapter 43 of the Code.

6.4 All covenants, agreements and terms contained in this agreement obligating Parties shall run with the land and shall hereafter bind all of their successors and assigns and all future owners of the Forestar Property or Frontage Owners' Project.

6.5 Notwithstanding any provision herein to the contrary, the Parties agree and acknowledge that, in accordance with Section 212.172(g), this Agreement constitutes a permit under Chapter 245 of the Code.

VII. WRITTEN AGREEMENT REGARDING SERVICES

7.1 When the City annexes the Forestar Property and the Frontage Owners' Property pursuant to this Agreement, the Parties agree that this Section VII of this Agreement shall constitute a Written Agreement Regarding Services required under Chapter 43, section 43.0672 of the Code; shall run with the land; and shall govern all municipal services to be provided to the Forestar Property and the Frontage Owners' Property.

A. PROGRAM FOR SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF THE ANNEXATION.

The City will provide the following services in the Annexation Area on the effective date of the annexation, unless otherwise noted. As used in this plan, the term "providing services" includes having services provided by any method or means by which the City may extend municipal services to any other area of the City, including the City's infrastructure extension policies and developer or property owner participation in accordance with applicable City ordinances.

1. POLICE PROTECTION

The City of Boerne Police Department will provide regular and routine patrols to the Annexation Area at the same or similar level now being provided to other areas of the City with similar topography, land use and population densities.

The services will include, but are not limited to:

- Normal patrols and responses to calls for service;
- Handling of offense and incident reports;
- Special units, such as traffic enforcement, criminal investigations, narcotics law enforcement, gang suppression, and crime response team deployment when required; and
- Animal Control services.

2. FIRE SERVICE

The City of Boerne, Texas and its Fire Department will provide fire protection services to the Annexation Area at the same or similar level now being provided to other areas of the City with similar topography, land use and population densities. The Fire Department will perform these duties as part of its overall activities. Adequate fire suppression activities can be afforded to the annexed area within current budget appropriation. Fire prevention activities will be provided by the Fire Marshall's office as needed.

These services include, but are not limited to:

- Basic Life Support (BLS) 1st responder emergency medical services;
- Fire suppression and rescue;
- Hazardous materials mitigation and regulation;
- Technical rescue;
- Fire Safety Education;
- Aircraft/rescue/firefighting;
- Fire protection system plan review; and
- Inspections.

3. BUILDING INSPECTION AND CODE ENFORCEMENT SERVICES

The City of Boerne Code Enforcement Department activities will extend to Annexation Area, pursuant to applicable policies and/or ordinances of the City, now existing or as such policies and/or ordinances may be amended. These services include, but are not limited to, consultation with project developers for building code requirements, plan review for structures, issuance of building permits, and on-site inspection services for new construction.

The Code Enforcement Department will also enforce the City's code of ordinances and will respond to requests for inspection and complaints of suspected City Code violations including, but not limited to: high weeds and grass, trash and debris, solid waste, trash carts and illegal dumping, junked and abandoned vehicles, zoning, food, daycare, pool and spa inspections, stray animals, cruelty and bite investigations. Complaints of ordinance or regulation violations within the Annexation Area will be answered and investigated by existing personnel within the appropriate City department beginning on the effective date of the annexation.

4. PLANNING AND ZONING

The City of Boerne Planning and Zoning Department activities will extend to the Annexation Area, pursuant to applicable policies and/or ordinances of the City, now existing or as may be amended. The Planning and Zoning Commission will initiate permanent zoning of the newly annexed area as soon as possible after annexation.

5. LIBRARY

Free library uses, and privileges will be available to residents of the Annexation Area, pursuant to applicable policies and/or ordinances as may be amended.

6. PARKS, PLAYGROUNDS, AND SWIMMING POOLS

Residents of the Annexation Area may utilize all existing parks and community service facilities throughout the City subject to existing ordinances and policies as may be amended. Existing parks, playgrounds, swimming pools and other recreational and community facilities within the Annexation Area that are private facilities will be unaffected by the annexation.

7. SOLID WASTE COLLECTION

Solid waste collection is contracted for by the City's contracted agent upon annexation. Solid waste collection will be provided to the Annexation Area at the same or similar level of service now being provided to other areas of the City in accordance with existing ordinances and policies as may be amended from time to time.

8. STREET AND DRAINAGE MAINTENANCE

The effects of this addition on drainage will be addressed under the provisions of the Subdivision Ordinance in effect at the time of platting.

Roads, streets and drainage improvements that have been properly platted, duly dedicated, and accepted by the City of Boerne and/or Kendall County shall be maintained by the Department of Development Services. All roads, streets or alleyways in the Annexation Area which have been dedicated to the public shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas of the City of Boerne with similar land use, population density and topography.

Construction of new roads and streets, if any, is the responsibility of the developer or land owner desiring them and must be designed and built in accordance with applicable City of Boerne ordinances and policies as may be amended.

The effects of this addition on drainage will be addressed under the provisions of the Subdivision Ordinance in effect at the time of platting, if and when such platting occurs. The effects will be consistent with such maintenance provided by the City of Boerne to other areas within the City exhibiting land use, population density and topography similar to that of the Annexation Area.

VIII. DEFAULT

8.1 Subject to Sections 8.3 and 8.4 below, a Party shall be declared in "Default" of this

Agreement if such Party violates or causes a violation of any rules, regulations, orders, ordinances or other laws that are applicable to the Property covered in this Agreement, as described herein, during the term of this Agreement.

8.2 Subject to Sections 8.3 and 8.4 below, a Party shall be declared in "Default" if that Party materially breaches any covenant, obligation, or provisions of this Agreement.

8.3 Notwithstanding any provision to the contrary, no Party shall be declared in Default, under this Agreement and subject to the remedies available to the non-defaulting party, as set forth herein, until written notice of Default has been given to the defaulting Party (which notice shall set forth in reasonable detail the nature of the Default) and until such Party has been given, from and after the receipt of such written notice, ninety (90) calendar days to cure the Default (the "Cure Period"). The Cure Period may be extended by written agreement of the Amending Parties (defined below) and shall be subject to written approval of the City Manager.

8.4 The duties of a Party to observe or perform any of the provisions of this Agreement, on its part to be performed or observed, shall be excused for a period equal to the period of prevention, delay, or stoppage due to causes beyond the control of the applicable Party, including reason of strikes, pandemics, epidemics, terrorism, civil riots, war, invasion, fire or other casualty, or Acts of God.

IX. REMEDIES

9.1 Upon the occurrence of Default by a Party, the non-defaulting Party may seek all remedies available to it at law or in equity, including, without limitation, termination, injunctive relief, mandamus, and specific performance. Notwithstanding any provision herein to the contrary, the following applies: (i) upon the occurrence of Default by Frontage Owners, regarding the terms provided herein for the Frontage Owners' Project, the City may proceed with any and all remedies described herein of only the Frontage Owners' Project (or any portion thereof); and (ii) upon the occurrence of Default by Forestar, regarding the terms provided herein for the Forestar Property, the City may proceed with any and all remedies described herein of only the Forestar Property.

9.2 The Parties hereto expressly agree that, in the event of litigation, each Party hereby waives its right to payment of attorneys' fees.

X. NON-WAIVER

No course of dealing on the part of the Parties nor any failure or delay by the Parties in exercising any right, power, or privilege under this Agreement shall operate as a waiver of any right, power or privilege owing under this Agreement.

XI. ASSIGNMENT

11.1 All covenants and agreements contained herein by the City shall bind its successors and assigns and shall inure to the benefit of Parties and their successors and assigns.

11.2 This Agreement (including the duties, rights and obligations set forth herein) may be assigned, in whole or in part by Forestar or Frontage Owners, for their respective properties, without the prior written consent of City.

XII. ENTIRE AGREEMENT

12.1 This written Agreement embodies the final and entire agreement between Parties hereto and may not be contradicted by evidence of prior, contemporaneous, or subsequent oral agreements of Parties.

12.2 The exhibits attached to this Agreement are incorporated herein and shall be considered a part of this Agreement for the purposes stated herein. Notwithstanding, the exhibits shall not constitute any binding commitment regarding, but not limited to, the final location of boundaries, lots, and improvements and infrastructure, such being of approximate location that may be amended from time to time by the Parties.

XIII. AMENDMENTS

Except where the terms of this Agreement expressly provide otherwise, any alterations, additions, or deletions to the terms hereof, shall be affected only by amendment, in writing, executed by the Amending Parties, and subject to the written approval by the City, which shall not be unreasonably withheld, conditioned, or delayed. This section is reserved to the Amending Parties of this Agreement and shall only be assigned by such a Party when that Party no longer owns Property subject to this Agreement or if assigned in writing to another fee owner of real property subject to the terms hereof, and with notice to the other Parties.

As used in this Section, the term "Amending Parties" shall mean: (i) Forestar, as the fee title holder of the Forestar Property as of the date hereof, (ii) the Undivided Interest Holders as the fee title holders of the Frontage Property as of the date hereof, and (iii) the City of Boerne. Notwithstanding anything herein to the contrary, there shall be only three (3) Amending Parties under this Agreement at all times. In the event the Undivided Interest Holders convey fee title to the entirety of the acreage of the Frontage Property, the Amending Party rights hereunder shall convey therewith and such successor fee title holder shall be the successor Amending Party to the Undivided Interest Holders. In the event less than the entirety of the acreage of the Forestar Property or Frontage Property is conveyed, the such conveying Amending Party whose property is subdivided in such case shall have the right, but not the obligation, in its sole and absolute discretion, to assign all of its Amending Party rights under this Section to the owner that acquires

the fee simple title of any portion of the Property by recording an assignment to this effect in the real property records of Kendall County, Texas.

XIV. SEVERABILITY

If any clause or provision of this Agreement is held invalid, illegal or unenforceable under present or future federal, state or local laws, including but not limited to the charter, code, or ordinances of the City, then and in that event it is the intent of Parties hereto that such invalidity, illegality or unenforceability shall not affect any other clause or provision hereof and that the remainder of this Agreement shall be construed as if such invalid, illegal or unenforceable clause or provision was never contained herein. It is also the intent of Parties hereto that in lieu of each clause or provision of this Agreement that is invalid, illegal, or unenforceable, there be added as a part of this Agreement a clause or provision as similar in terms to such invalid, illegal or unenforceable clause or provision as may be possible, legal, valid and enforceable.

XV. LEGAL AUTHORITY

The person(s) executing this Agreement on behalf of the respective Parties, represent, warrant, assure, and guarantee that they have full legal authority to (i) execute this Agreement on behalf of the respective Party, and (ii) to bind the respective Party to all of the terms, conditions, provisions, and obligations herein contained.

XVI. VENUE AND GOVERNING LAW

16.1 THIS AGREEMENT SHALL BE CONSTRUED UNDER AND IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS.

16.2 Any legal action or proceeding brought or maintained, directly or indirectly, as a result of this Agreement shall be heard and determined in Kendall County, Texas.

XVII. PARTIES' REPRESENTATIONS

This Agreement has been jointly negotiated between the Parties and shall not be construed against a Party because that Party may have primarily assumed responsibility for the drafting of this Agreement.

XVIII. NOTICE

18.1 All notices, demands or other communications given in connection with or required

under this Agreement must be in writing and delivered to the person to whom it is directed and may be given by (a) overnight delivery using a nationally recognized overnight courier, in which case notice shall be deemed delivered one business day after deposit with such courier, (b) sent by email with a PDF attachment with an original copy thereof transmitted to the recipient by one of the means described in clauses (a), (c) or (d), in which case notice shall be deemed delivered on the date of transmittal of the email with PDF attachment, (c) personal delivery, in which case notice shall be deemed delivered upon receipt or refusal of delivery, or (d) United States certified mail, return receipt requested, postage prepaid, addressed to the addressee, in which case notice shall be deemed delivered three business after deposit of such notice, postage prepaid, in a mailbox under the care, custody or control of the United States Postal Service. All notices, demands and other communications shall be given to the Parties (and in all events the Amending Parties) at the addresses set forth below, or at any other addresses that they have theretofore specified by written notice delivered in accordance herewith:

City:
City of Boerne
Attn: Boerne City Manager
P.O. Box 1677
447 N. Main St
Boerne, Texas, 78006
Email: bthatcher@boerne-tx.gov

Forestar:
Forestar (USA) Real Estate Group, Inc.
10700 Pecan Park Blvd., Suite 150
Austin, Texas, 78750
Email: JohnMaberry@forestar.com; CarrieCappel@forestar.com

With copies to:
Brown & Ortiz, P.C.
Attention: Daniel Ortiz
112 E. Pecan Street, Suite 1360
San Antonio, Texas 78205
Email: dortiz@brownortiz.law

Frontage Owners:
Attn: John-Mark Matkin
8 Spencer Road, Suite 100
Boerne, Texas 78006
Email:

Attn: Harold T. duPerier III
28615 IH 10W
Boerne, Texas 78006

Matkin Properties
Matkin Properties, LP

Attn: John-Mark Matkin
8 Spencer Road, Suite 100
Boerne, Texas 78006
Email:

Each Party may change its address by written notice in accordance with this Article XVIII.

Whenever a Frontage Owner conveys all or any portion of the Frontage Owners Property to a third party, such conveying Frontage Owner shall have the right to: (i) record or cause the subject transferee to record a notice in the Official Public Records of Kendall County, Texas, making reference to the recording information of this Agreement at the closing of such conveyance that states the address of the transferee (i.e. the new Frontage Owner) for notice purposes under this Agreement; and (ii) send or cause the subject transferee to send copy of the aforesaid notice to the then current Parties at their then effective address or addresses. Upon recordation of the notice and sending a copy of such notice to the other then current Parties, this Article XVIII will be deemed as modified and updated accordingly and each then current Party will be deemed to have constructive and/or actual notice of the new address of the affected Frontage Property Owner for notice purposes hereunder.

XIX. CAPTIONS

All captions used herein are only for the convenience of reference and shall not be construed to have any effect or meaning as to the Agreement between Parties hereto.

XX. UNINTENDED OMISSION

If any punctuation, word, clause, sentence, or provisions necessary to give meaning, validity, or effect to any other word, clause, sentence, or provision of this Agreement is omitted, then it is hereby declared that such omission was unintentional and that the omitted punctuation, word, clause, sentence or provision shall be supplied by inference.

XXI. TIME IS OF THE ESSENCE

Time is of the essence in this Agreement and each and every provision hereof.

XXII. COUNTERPARTS

This Agreement may be executed in counterparts. Each of the counterparts shall be deemed an original instrument, but all of the counterparts shall constitute one and the same instrument. This Agreement may be executed in any number of counterparts and by different Parties in separate counterparts, each of which when so executed and delivered, shall be deemed an original, and all of which, when taken together, shall constitute one and the same instrument. Delivery of an executed counterpart of a signature page to this Agreement by facsimile or electronic mail shall be as effective as delivery of a manually executed counterpart of this Agreement, except that any Party delivering an executed counterpart of this Agreement by facsimile or electronic mail also must deliver a manually executed counterpart of this Agreement. Notwithstanding the foregoing, failure to deliver a manually executed counterpart shall not affect the validity, enforceability, and binding effect of this Agreement.

XXIII. RECORDATION

This Agreement shall be recorded in the Real Property Records of Kendall County, Texas.

XXIV. TERM

The term of this Agreement shall commence on the Effective Date and terminate fifteen (15) years from the Effective Date. The term may be extended upon mutual consent and written agreement between the Parties and subject to written approval of the City Manager, not to be unreasonably withheld, conditioned, or delayed.

Signatures on the Following Pages

IN WITNESS THEREOF, Parties hereto have executed this Agreement to be effective as of the Effective Date.

CITY:

CITY OF BOERNE, TEXAS

By: _____

Name: Ben Thatcher

Title: City Manager

Date: 6/16/2021

ATTEST/SEAL:

By: LORI A. CARROLL

Name: Lori A Carroll

Title: City Clerk

Date: 6/16/2021

APPROVED AS TO LEGAL FORM:

By: _____

Name: Barbara L. Quirk

Title: City Attorney

Date: 6-16-21

ACKNOWLEDGEMENT

State of Texas §
§
County of Kendall §

This instrument was acknowledged before me on this 16th day of June, 2021 by Ben Thatcher, City Manager of the City of Boerne, a Texas home rule municipality, on behalf of said municipality.

Date: 6/16/2021

_____
Notary Public, State of Texas

My Commission expires: 2/9/2023

SIRIA ARREOLA
Notary Public, State of Texas
My Commission expires
February 9, 2023
ID # 12594878-7

FORESTAR (USA) REAL ESTATE GROUP, INC.
Forestar (USA) Real Estate Group, Inc.

By: _____

Title: Vice President - Central Texas Division President

Date: 6/11/2021

ACKNOWLEDGEMENT

State of Texas §
§
County of Williamson §

The foregoing instrument was acknowledged before me this 11th day of June, 2021, by John Maberry, Vice President of Forestar (USA) Real Estate Group, Inc.

Date: 6/11/2021

_____
Notary Public, State of Texas

My Commission expires: 07-18-2022

THERESE TRAN
Notary Public, State of Texas
Comm. Expires 07-18-2022
Notary ID 131651657

MATKIN PROPERTIES:

MATKIN PROPERTIES, LP,
a Texas limited partnership

By: JM2 MANAGEMENT, LLC,
a Texas limited liability company,
its sole General Partner

By: _____
John-Mark Matkin, Manager

STATE OF TEXAS §
§
COUNTY OF Kendall §

This instrument was acknowledged before me, the undersigned authority, this 16th day of June, 2021, by JOHN-MARK MATKIN, the Manager of JM2 MANAGEMENT, LLC, a Texas limited liability company, the sole general partner of MATKIN PROPERTIES, LP, a Texas limited partnership, on behalf of said limited partnership.

SIRIA ARREOLA
Notary Public, State of Texas
My Commission expires
February 9, 2023
ID # 12594878-7

_____
Notary Public ★ State of Texas

UNDIVIDED INTEREST HOLDER:

EQUITY TRUST COMPANY CUSTODIAN FBO HAROLD T. DUPERIER III IRA,
50% undivided interest

By: JMM on Behalf of Trip DuPerier
Name: Trip DuPerier
Title: Owner

Account Holder Acknowledgment:

JMM on behalf of Trip DuPerier
Harold T. duPerier, III

Date: 6/16/21

STATE OF TEXAS §
§
COUNTY OF Kendall §

This instrument was acknowledged before me on the 16th day of June, 2021 by John Mark Matkin, as the owner of Equity Trust Company Custodian FBO Harold T. dePerier, III IRA.

SIRIA ARREOLA
Notary Public, State of Texas
My Commission expires
February 9, 2023
ID # 12594878-7

Siria Arreola
Notary Public – State of Texas

STATE OF TEXAS §
§
COUNTY OF Kendall §

This instrument was acknowledged before me on the 16th day of June, ~~2020~~ 2021 by ~~Harold T. dePerier III.~~ John Mark Matkin on behalf of Harold T. dePerier III.

SIRIA ARREOLA
Notary Public, State of Texas
My Commission expires
February 9, 2023
ID # 12594878-7

Siria Arreola
Notary Public – State of Texas

UNDIVIDED INTEREST HOLDER:

EQUITY TRUST COMPANY CUSTODIAN FBO JOHN-MARK MATKIN IRA, 50% undivided interest

By: _____

Name: JOHN-MARK MATKIN

Title: OWNER

Account Holder Acknowledgment:

_____

John-Mark Matkin

Date: 6/16/21

STATE OF TEXAS §
§
COUNTY OF Kendall §

This instrument was acknowledged before me on the 16th day of June, 2021 by John-Mark Matkin, as the owner of Equity Trust Company Custodian FBO John-Mark Matkin IRA.

SIRIA ARREOLA
Notary Public, State of Texas
My Commission expires
February 9, 2023
ID # 12594878-7

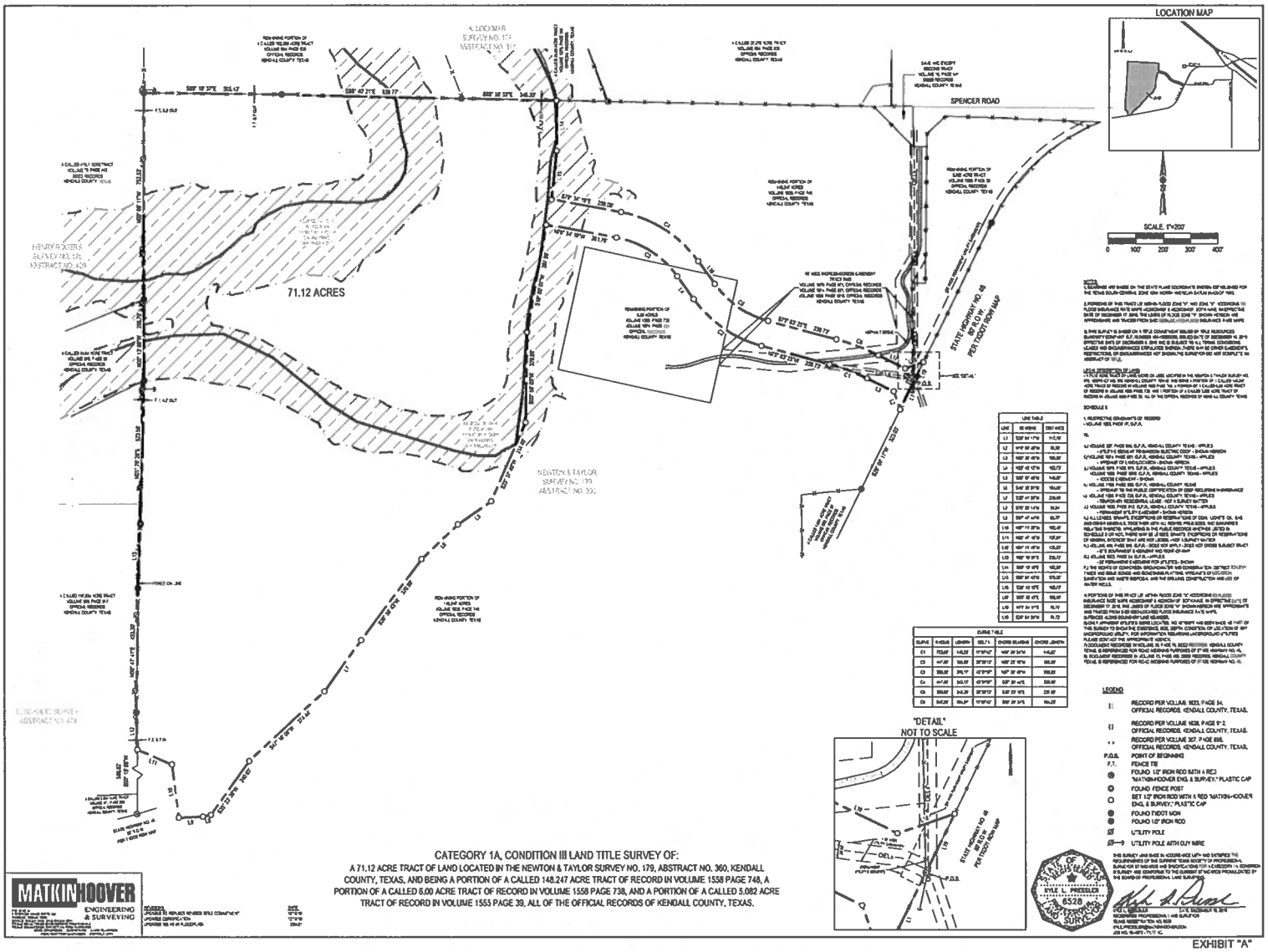
_____
Notary Public – State of Texas

STATE OF TEXAS §
§
COUNTY OF Kendall §

This instrument was acknowledged before me on the 16th day of June, 2021 by John-Mark Matkin.

SIRIA ARREOLA
Notary Public, State of Texas
My Commission expires
February 9, 2023
ID # 12594878-7

_____
Notary Public – State of Texas



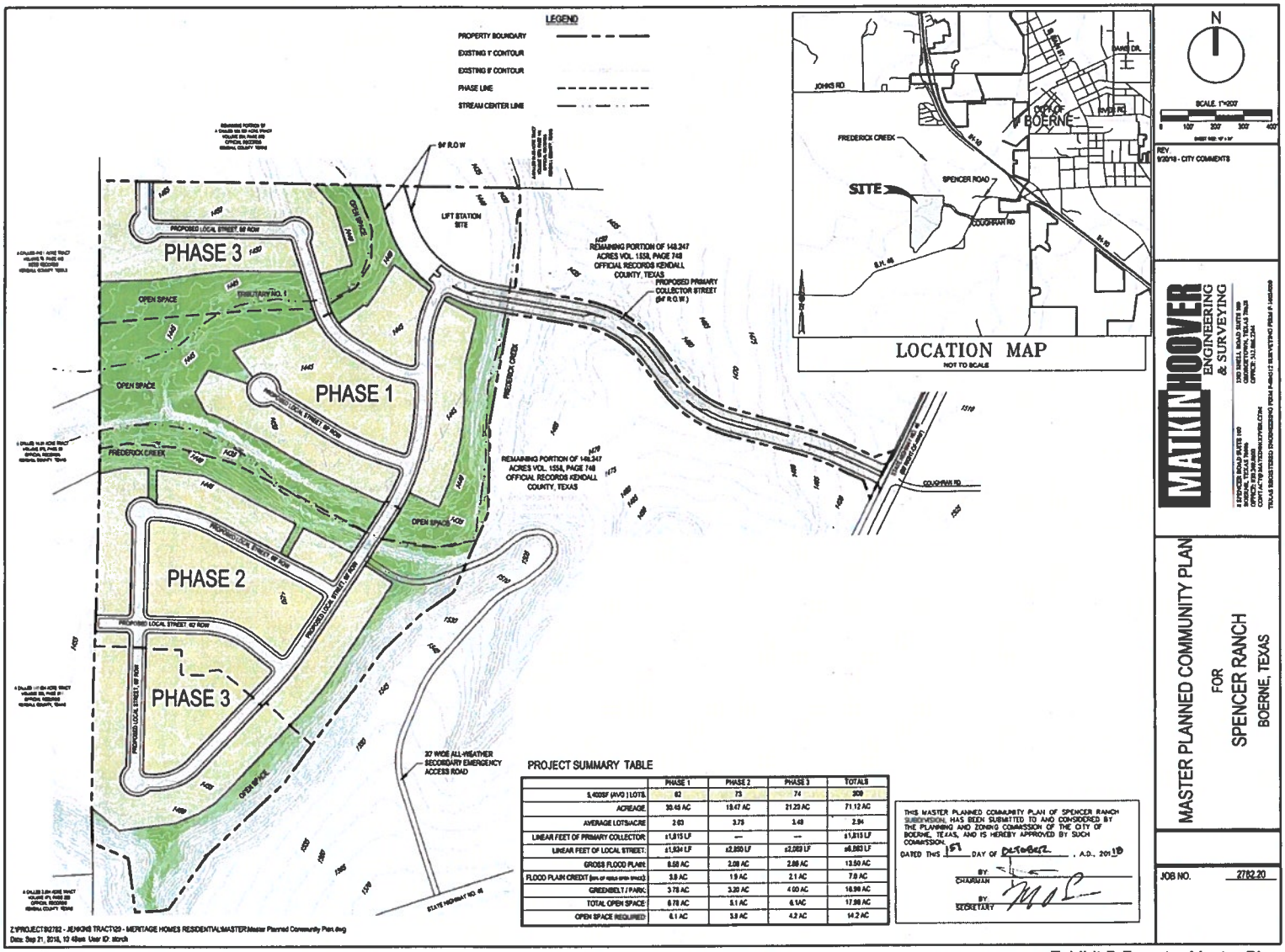
CATEGORY 1A, CONDITION III LAND TITLE SURVEY OF:

A 71.12 ACRE TRACT OF LAND LOCATED IN THE NEWTON & TAYLOR SURVEY NO. 179, ABSTRACT NO. 360, KENDALL COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 148.247 ACRE TRACT OF RECORD IN VOLUME 1558 PAGE 748, A PORTION OF A CALLED 6.00 ACRE TRACT OF RECORD IN VOLUME 1558 PAGE 738, AND A PORTION OF A CALLED 5.082 ACRE TRACT OF RECORD IN VOLUME 1555 PAGE 39, ALL OF THE OFFICIAL RECORDS OF KENDALL COUNTY, TEXAS.

MATKIN HOOVER ENGINEERING & SURVEYING

KYLE L. PRESSLER 6528 REGISTERED PROFESSIONAL LAND SURVEYOR

EXHIBIT "A"



PROJECT SUMMARY TABLE

	PHASE 1	PHASE 2	PHASE 3	TOTALS
5,400SF (AVG.) LOTS	62	73	74	209
ACREAGE	30.48 AC	18.47 AC	21.23 AC	71.12 AC
AVERAGE LOTS/ACRE	2.03	3.75	3.48	2.94
LINEAR FEET OF PRIMARY COLLECTOR	±1,815 LF	---	---	±1,815 LF
LINEAR FEET OF LOCAL STREET	±1,934 LF	±2,850 LF	±2,069 LF	±6,853 LF
GROSS FLOOD PLAIN	8.58 AC	2.08 AC	2.88 AC	13.50 AC
FLOOD PLAIN CREDIT (5% OF GROSS OPEN SPACE)	3.8 AC	1.9 AC	2.1 AC	7.8 AC
GREENBELT / PARK	3.78 AC	3.20 AC	4.00 AC	10.98 AC
TOTAL OPEN SPACE	8.78 AC	5.1 AC	6.1AC	17.98 AC
OPEN SPACE REQUIRED	6.1 AC	3.8 AC	4.2 AC	14.2 AC

THIS MASTER PLANNED COMMUNITY PLAN OF SPENCER RANCH SUBDIVISION, HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF BOERNE, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS 15th DAY OF December, A.D., 2018

BY CHAIRMAN

BY SECRETARY

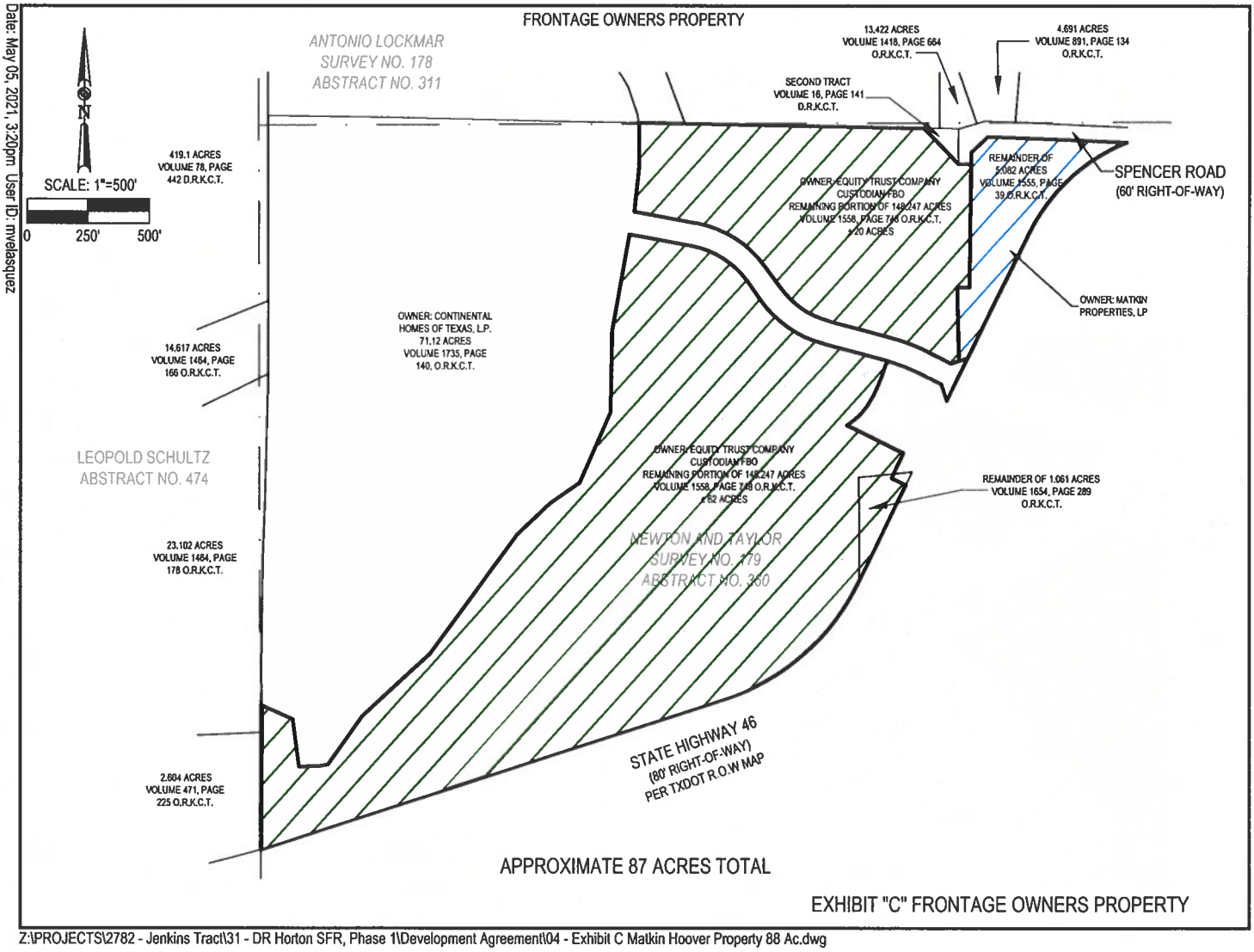
MATKIN HOOVER ENGINEERING & SURVEYING

MASTER PLANNED COMMUNITY PLAN FOR SPENCER RANCH BOERNE, TEXAS

JOB NO. 2782.20

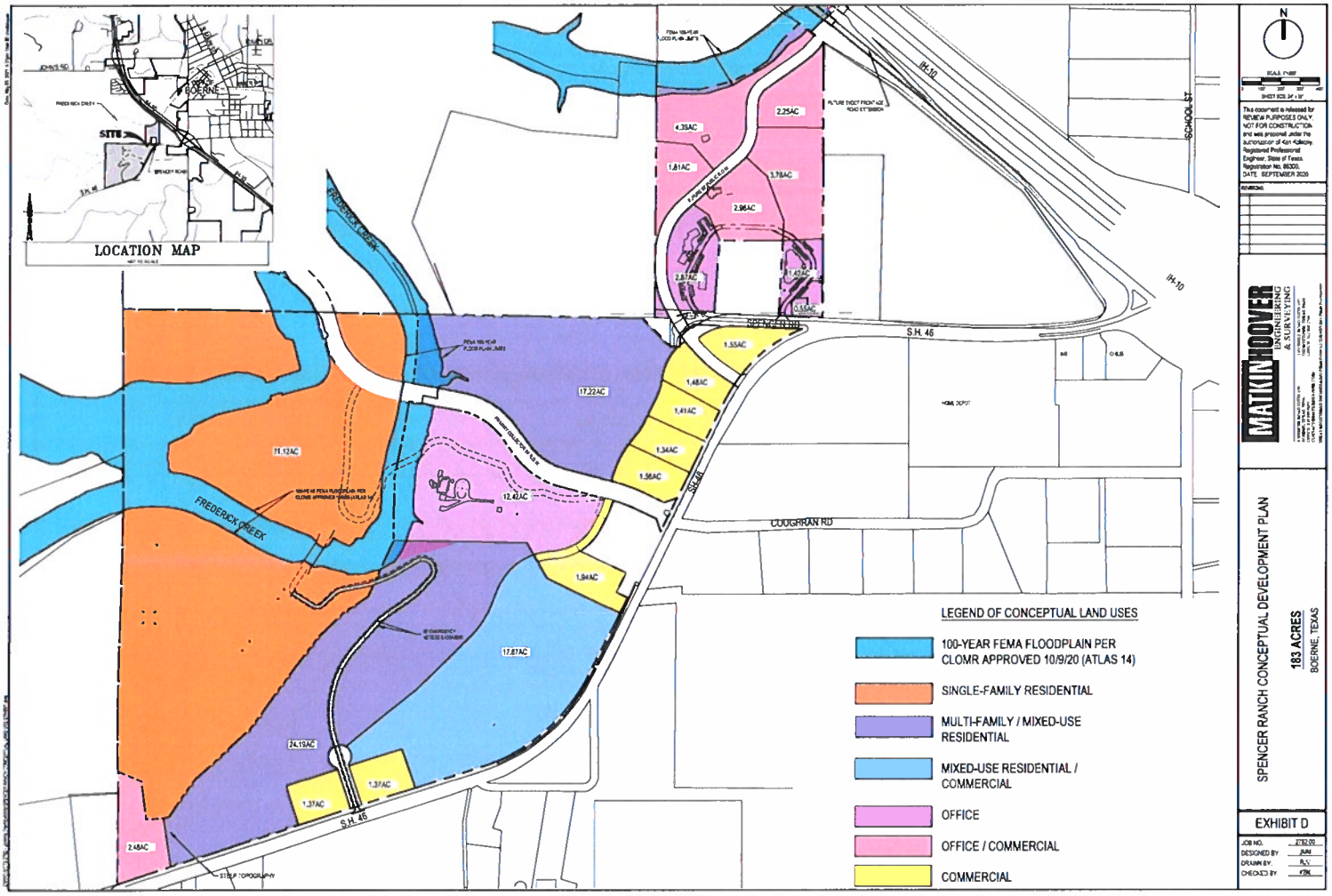
Z:\PROJECTS\2782 - JENKINS TRACT\23 - HERITAGE HOMES RESIDENTIAL\MASTER\Master Planned Community Plan.dwg
Date: Sep 21, 2018, 10:49am User ID: storch

Exhibit B Forestar Master Plan



Date: May 05, 2021, 3:20pm User ID: mvelasquez

Z:\PROJECTS\2782 - Jenkins Tract\31 - DR Horton SFR, Phase 1\Development Agreement\04 - Exhibit C Matkin Hoover Property 88 Ac.dwg


LOCATION MAP
SITE
CITY OF BOERNE
FREDERICK CREEK
S.H. 46
IH-10
SCHOOL ST
COUGHRAN RD
HOME DEPOT
4.39AC
2.25AC
1.81AC
3.78AC
2.96AC
2.87AC
1.43AC
0.15AC
1.55AC
1.48AC
1.41AC
1.34AC
1.56AC
17.22AC
71.12AC
12.42AC
1.94AC
17.87AC
24.15AC
1.37AC
1.37AC
2.48AC
LEGEND OF CONCEPTUAL LAND USES
100-YEAR FEMA FLOODPLAIN PER CLOMR APPROVED 10/9/20 (ATLAS 14)
SINGLE-FAMILY RESIDENTIAL
MULTI-FAMILY / MIXED-USE RESIDENTIAL
MIXED-USE RESIDENTIAL / COMMERCIAL
OFFICE
OFFICE / COMMERCIAL
COMMERCIAL
N
MATKINHOOVER ENGINEERING & SURVEYING
SPENCER RANCH CONCEPTUAL DEVELOPMENT PLAN
183 ACRES
BOERNE, TEXAS
EXHIBIT D
JOB NO. 2782.00
DESIGNED BY JMH
DRAWN BY RJV
CHECKED BY KBK

REMAINING PORTION OF
148.247 ACRES
VOLUME 1538, PAGE 748
OFFICIAL RECORDS
KENDALL COUNTY, TEXAS
REMAINING PORTION OF
6 ACRES
VOLUME 1538, PAGE 748
OFFICIAL RECORDS
KENDALL COUNTY, TEXAS
REMAINING PORTION OF
148.247 ACRES
VOLUME 1538, PAGE 748
OFFICIAL RECORDS
KENDALL COUNTY, TEXAS
REMAINING PORTION OF
71.12 ACRES
VOLUME 1735, PAGE 54
OFFICIAL RECORDS
KENDALL COUNTY, TEXAS
REMAINING PORTION OF
7 71.12 ACRES
VOLUME 1735, PAGE 54
OFFICIAL RECORDS
KENDALL COUNTY, TEXAS
PROPOSED BRIDGE
SIDEWALK ACROSS H.K.
TO BE CONSTRUCTED
BIRCH RANCH BLVD
LEGEND
PROPERTY BOUNDARY
PROPOSED ASPHALT
PROPOSED CONCRETE
PROPOSED SIDEWALK
PROPOSED BIKE LANE
EXISTING SIGN
EXISTING UTILITY POLE
FUTURE ROAD TO BE CONSTRUCTED BY OTHERS
N
SCALE: 1"=60'
This document is released for REVIEW PURPOSES ONLY NOT FOR CONSTRUCTION and was prepared under the authorization of JOSHUA J. VALENTA, Registered Professional Engineer, State of Texas, Registration No. 114393.
REVISIONS
MATKIN HOOVER ENGINEERING & SURVEYING
ROAD EXHIBIT
FOR
THE BIRCH AT SPENCER RANCH
BOERNE, TEXAS
EXHIBIT E
JOB NO. 2783.21
DESIGNED BY KRH
DRAWN BY MEV
CHECKED BY JJV
SHEET # 14 OF 21

City of Boerne

P.O. Box 1677 • 447 N. Main
Boerne, Texas 78006

October 1, 2020

RE: Spencer Ranch Project – 183.03 Acres
City of Boerne Rough Proportionality Determination

In response to the proportionality determination request pursuant to section 212.904 of the Texas Local Government Code received on September 3rd, 2020, City staff has provided a rough proportionality determination for the Spencer Ranch Project. Attached you will find several exhibits that provide detail of the analysis.

The area analyzed for rough proportionality was the 183.03-acre Spencer Ranch Project, as demonstrated by the Spencer Ranch Conceptual Land Use Plan dated May 2017, as provided to the City by John-Mark Matkin on July 23rd, 2020.

We color coded each area of use to provide a clear delineation between acreages and uses. Each area was considered separately and then compiled to provide a complete picture regarding the overall impact of the projected development on the existing roadway system. The total proportional impact for the entire Spencer Ranch Project demonstrates a demand greater than supply, therefore the roadway improvements listed on the attached Table 1 are justified.

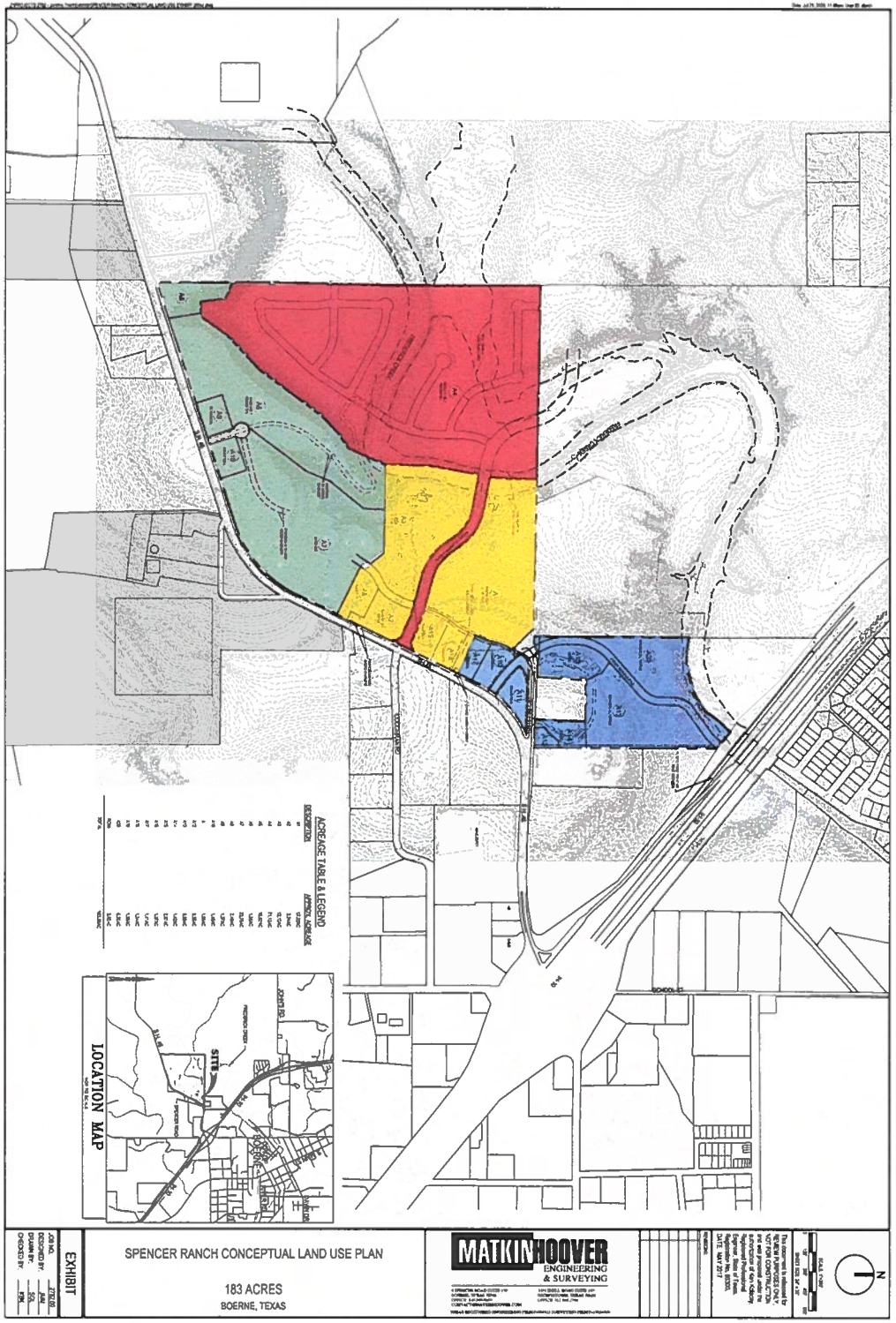
If you have any further questions or need any assistance, please do not hesitate to call.

Sincerely,

Jeffrey D. Carroll, P.E.
Director of Development Services

cc: Jeff Thompson, Deputy City Manager/General Manager of Utilities
Nick Montagno, Assistant to City Manger

Exhibit F


ACREAGE TABLE & LEGEND
LOCATION MAP
SITE
SPENCER RANCH CONCEPTUAL LAND USE PLAN
183 ACRES
BOERNE, TEXAS
EXHIBIT
MATKINHOOVER
ENGINEERING
& SURVEYING

Project:	Spencer Ranch
Parcel Info:	Conceptual Landplan, dated May 2017
Land Area:	183 Acres
Date:	10/1/2020
Prepared by:	City of Boerne

TABLE 1 - ROADS OR IMPROVEMENTS TO BE FUNDED BY DEVELOPERS (SUPPLY)

Phase	Associated Development Unit	Roadway Type	Improvement Type	Description of Improvement	Improvement Trigger	Cost Source	Estimated Value
	Spencer Ranch, Birch P1A	Primary Collector	Roadway	NB & SB lanes (4 lanes for 950') north of Hwy 46 & SB lanes (2 lanes for 1,000') (MH OPC)	Traffic Mitigation	MH OPCC	$825,225.00
	Spencer Ranch, Birch P1A	Primary Collector	Roadway	SB bridge - 2 lanes	Traffic Mitigation	MH OPCC	$501,888.75
Red	Spencer Ranch, Birch P1A	Primary Collector	Intersection	Decel & Right Turn Lane @ Hwy46	Traffic Mitigation	MH OPCC	$55,492.50
	Spencer Ranch, Birch P1A	Primary Collector	ROW	Dedicate 94' ROW for limits of Phase 1A (2,000')	Traffic Mitigation	City RP Worksheet	$41,824.25
	Spencer Ranch, Birch P3	Primary Collector	ROW	Dedicate 94' ROW from limits of Phase 1A to Wynn Ranch	Traffic Mitigation	City RP Worksheet	$8,046.95
							$1,432,477.45
	Spencer Ranch Central	Primary Collector	Roadway	NB lanes to Wynn Ranch (2 lanes for 1,376')	Traffic Mitigation	City RP Worksheet	$739,000.00
	Spencer Ranch Central	Primary Collector	Roadway	SB lanes to Wynn Ranch (2 lanes for 376')	Traffic Mitigation	City RP Worksheet	$202,000.00
Yellow	Spencer Ranch Central	Primary Collector	Roadway	NB bridge - 2 lanes (MH OPC)	Traffic Mitigation	MH OPCC	$501,888.75
	Spencer Ranch Central	Primary Collector	Intersection	Left Turn Lane @ Hwy 46	Traffic Mitigation	City RP Worksheet	$150,000.00
	Spencer Ranch Central	Primary Collector	Intersection	Traffic Signal @ Hwy 46	Traffic Mitigation	City RP Worksheet	$300,000.00
	Spencer Ranch Central	Major Arterial	ROW	Dedicate 14' ROW along Hwy 46 (750')	Traffic Mitigation	City RP Worksheet	$2,384.28
							$1,895,273.03
	Spencer Ranch, North	Secondary Collector	Roadway	NB & SB lanes from Hwy46 to IH10 (2 lanes for 2,250')	Traffic Mitigation	City RP Worksheet	$1,948,000.00
	Spencer Ranch, North	Secondary Collector	Intersection	Decel & Right Turn Lane @ IH10	Traffic Mitigation	City RP Worksheet	$75,000.00
	Spencer Ranch, North	Secondary Collector	Intersection	Decel & Right Turn Lane @ Hwy46	Traffic Mitigation	City RP Worksheet	$75,000.00
Blue	Spencer Ranch, North	Secondary Collector	Intersection	Left Turn Lane @ Hwy 46	Traffic Mitigation	City RP Worksheet	$150,000.00
	Spencer Ranch, North	Secondary Collector	Intersection	Traffic Signal @ Hwy 46	Traffic Mitigation	City RP Worksheet	$300,000.00
	Spencer Ranch, North	Major Arterial	Intersection	Realignment/Improvements of exist road @ Hwy 46	Traffic Mitigation	City RP Worksheet	$150,000.00
	Spencer Ranch, North	Secondary Collector	ROW	Dedicate 74' ROW from Hwy46 to IH10 (2,250')	Traffic Mitigation	City RP Worksheet	$37,973.00
	Spencer Ranch, North	Major Arterial	ROW	Dedicate 14' ROW along Hwy 46 (750')	Traffic Mitigation	City RP Worksheet	$2,384.28
							$2,738,357.28
	Spencer Ranch, South	Secondary Collector	Roadway	NB & SB lanes from Hwy46 to IH10 (2 lanes for 350')	Traffic Mitigation	City RP Worksheet	$303,000.00
	Spencer Ranch, South	Secondary Collector	Intersection	Decel & Right Turn Lane @ Hwy46	Traffic Mitigation	City RP Worksheet	$75,000.00
Green	Spencer Ranch, South	Secondary Collector	Intersection	Left Turn Lane @ Hwy46	Traffic Mitigation	City RP Worksheet	$150,000.00
	Spencer Ranch, South	Secondary Collector	Intersection	Traffic Signal @ Hwy46	Traffic Mitigation	City RP Worksheet	$300,000.00
	Spencer Ranch, South	Secondary Collector	ROW	Dedicate 74' ROW from Hwy46 (350')	Traffic Mitigation	City RP Worksheet	$5,907.17
	Spencer Ranch, South	Major Arterial	ROW	Dedicate 14' ROW along Hwy 46 (3,150')	Traffic Mitigation	City RP Worksheet	$10,033.85
							$843,941.02

Total capacity (supply) added to system: $6,910,048.78

Spencer Ranch - overall
183.03 Acres
10/1/2020

Rough Proportionality Summary

	Total Capacity (Supply)	Total Demand Placed
Spencer Ranch - Red	$1,432,477.45	$878,082.00
Spencer Ranch - Yellow	$1,895,273.03	$2,054,470.00
Spencer Ranch - Green	$843,941.02	$3,333,980.00
Spencer Ranch - Blue	$2,738,357.28	$1,354,510.00
	$6,910,048.78	$7,621,042.00
	Delta =	***$710,993.22***

Demand > Supply

Therefore, the roadway improvements required by City are justified

Rough Proportionality Worksheet
City of Boerne, Texas

Development Name: Spencer Ranch (209 SF lots) [RED]

Applicant: MH on behalf of Forestar

Legal Description (Lot, Block): Spencer Ranch - 71.12 Acres as shown on Masterplan approved 10/1/2018

Case / Plat Number: | **Date:** October 1, 2020

Worksheet Last Updated: 11/13/2018

DEMAND - Traffic Generated by Proposed Development

Land Use Type:	Development Unit:	Intensity:	PM Peak Hour Trip Rate:	Trip Length: (miles)	Demand: (vehicle-miles)	Impact of Development: ($)
Single-Family Detached Housing	Dwelling Unit	209	0.99	1.50	310.37	878,082.00

TOTAL DEMAND PLACED ON THOROUGHFARE SYSTEM: 310.37 $878,082

Estimated Average Cost Per Vehicle Mile: $2,829.15

SUPPLY - Roads to be built or funded by Applicant:

COST ESTIMATES BASED ON DETAILED OPCC

Roadway Name:	Classification:	Capacity: (vphpl)	Length: (Linear Feet)	Number of Lanes:	Cost of Capacity / Supply Added: ($)	Cost Estimate Based on Detailed OPCC: ($)
Spencer Ranch Blvd as shown on phase 1A plans dated 9/4/2020	Primary Collector	525	2,060			$825,225.00
Spencer Ranch Bridge	Primary Collector	525				$501,888.75

ROADWAY SYSTEM SUPPLY SUBTOTAL: $1,327,114

INTERSECTION IMPROVEMENTS - Specific Improvements to be Built or Funded by the Applicant:

Intersection:	Description of Improvement:	Estimated Cost: ($)
Spencer Ranch @ Hwy 46	Right Hand Decel/turn lane (from MH estimate)	$55,492.50

INTERSECTION IMPROVEMENTS SYSTEM SUBTOTAL: $55,493

RIGHT-OF-WAY DEDICATION - ROW to be dedicated by the Applicant:

ROW Dedication:	General Description of ROW Dedication:	Estimated Cost: ($)
4.21 Acres - Phase 1A	Collector Road X $9,934.50/Ac.	$41,824.25
0.81 - Phase 3	Collector Road X $9,934.50/Ac.	$8,046.95

RIGHT-OF-WAY DEDICATION SUPPLY ADDED TO THE SYSTEM SUBTOTAL: $49,871

TOTAL VALUE OF SUPPLY ADDED TO THOROUGHFARE SYSTEM: $1,432,477

SUPPLY / DEMAND COMPARISON:

A comparison of the capacity provided by a development exaction against the traffic impacts of the proposed development.

	Cost	Comparison
TOTAL CAPACITY (SUPPLY) ADDED TO SYSTEM:	$1,432,477	SUPPLY > DEMAND
TOTAL DEMAND PLACED ON THOROUGHFARE SYSTEM:	$878,082	61.30%

Based upon the results of this rough proportionality analysis, the capacity (supply) provided by the proposed development exceeds the anticipated demand it places on the system. Given these assumptions, only 61.30% of the capacity supplied can be attributed to the proposed development. Therefore, the roadway improvements are NOT roughly proportional to the demands placed on the system (i.e. the applicant is adding more capacity than needed to support their development).

Rough Proportionality Worksheet
City of Boerne, Texas

Development Name: Spencer Ranch (Yellow Portion)

Applicant: MH on behalf of Duperier/Matkin IRA

Legal Description (Lot, Block): 183 Acres - Yellow Portion

Case / Plat Number: | **Date:** October 1, 2020

Worksheet Last Updated: 11/13/2018

DEMAND - Traffic Generated by Proposed Development

Land Use Type:	Development Unit:	Intensity:	PM Peak Hour Trip Rate:	Trip Length: (miles)	Demand: (vehicle-miles)	Impact of Development: ($)
Multifamily Housing (Low-Rise)	Dwelling Unit	356	0.56	1.50	299.04	846,028.00
Gasoline/Service Station w/ Conv Mark	Vehicle Fueling Position	8	6.16	1.50	73.92	209,131.00
Shopping Center	1,000 SF GLA	48.8	2.51	1.50	183.73	519,799.00
Office Park	1,000 SF GFA	105.6	1.07	1.50	169.49	479,512.00

TOTAL DEMAND PLACED ON THOROUGHFARE SYSTEM: 726.18 $2,054,470

Estimated Average Cost Per Vehicle Mile: $2,829.15

SUPPLY - Roads to be built or funded by Applicant:

COST ESTIMATES BASED ON DETAILED OPCC

Roadway Name:	Classification:	Capacity: (vphpl)	Length: (Linear Feet)	Number of Lanes:	Cost of Capacity / Supply Added: ($)	Cost Estimate Based on Detailed OPCC: ($)
S.R. Blvd - S.B. 2 lane	Primary Collector	525	1,376	2	739,000.00	
S.R. Blvd - N.B. 2 lane	Primary Collector	525	376	2	202,000.00	
Bridge - 2 lanes	Primary Collector	525				$501,888.75

ROADWAY SYSTEM SUPPLY SUBTOTAL: $1,442,889

INTERSECTION IMPROVEMENTS - Specific Improvements to be Built or Funded by the Applicant:

Intersection:	Description of Improvement:	Estimated Cost: ($)
Spencer Ranch @ Hwy 46	Left Turn Lane	$150,000.00
Spencer Ranch @ Hwy 46	Traffic Signal	$300,000.00

INTERSECTION IMPROVEMENTS SYSTEM SUBTOTAL: $450,000

RIGHT-OF-WAY DEDICATION - ROW to be dedicated by the Applicant:

ROW Dedication:	General Description of ROW Dedication:	Estimated Cost: ($)
0.24 Acres	750 LF of 14' Hwy 46 Dedication ($9,934.50/Acre)	$2,384.28

RIGHT-OF-WAY DEDICATION SUPPLY ADDED TO THE SYSTEM SUBTOTAL: $2,384

TOTAL VALUE OF SUPPLY ADDED TO THOROUGHFARE SYSTEM: $1,895,273

SUPPLY / DEMAND COMPARISON:

A comparison of the capacity provided by a development exaction against the traffic impacts of the proposed development.

	Cost	Comparison
TOTAL CAPACITY (SUPPLY) ADDED TO SYSTEM:	$1,895,273	SUPPLY > DEMAND
TOTAL DEMAND PLACED ON THOROUGHFARE SYSTEM:	$2,054,470	108.40%

Based upon the results of this rough proportionality analysis, the anticipated demand on the system exceeds the capacity (supply) provided by the proposed development. Given these assumptions, the anticipated demand of the development exceeds the capacity supplied by approximately 8.40%. Therefore, the roadway improvements required by the City are justified (i.e. the applicant is adding less capacity than needed to support their development).

Rough Proportionality Worksheet
City of Boerne, Texas

Development Name: Spencer Ranch (Blue Portion)

Applicant: MH on behalf of Duperier/Matkin IRA

Legal Description (Lot, Block):

Case / Plat Number: **Date:** October 1, 2020

Worksheet Last Updated: 11/13/2018

DEMAND - Traffic Generated by Proposed Development

Land Use Type:	Development Unit:	Intensity:	PM Peak Hour Trip Rate:	Trip Length: (miles)	Demand: (vehicle-miles)	Impact of Development: ($)
Office Park	1,000 SF GFA	54	1.07	1.50	86.67	245,202.00
Office Park	1,000 SF GFA	78.3	1.07	1.50	125.67	355,539.00
Office Park	1,000 SF GFA	52.7	1.07	1.50	84.58	239,289.00
Shopping Center	1,000 SF GLA	48.3	2.51	1.50	181.85	514,480.00

TOTAL DEMAND PLACED ON THOROUGHFARE SYSTEM: 478.77 $1,354,510

Estimated Average Cost Per Vehicle Mile: $2,829.15

SUPPLY - Roads to be built or funded by Applicant:

Roadway Name:	Classification:	Capacity: (vphpl)	Length: (Linear Feet)	Number of Lanes:	Cost of Capacity / Supply Added: ($)	Cost Estimate Based on Detailed OPCC: ($)
Collector Road	Secondary Collector	425	2,250	2	1,948,000.00	

ROADWAY SYSTEM SUPPLY SUBTOTAL: $1,948,000

INTERSECTION IMPROVEMENTS - Specific Improvements to be Built or Funded by the Applicant:

Intersection:	Description of Improvement:	Estimated Cost: ($)
Road @ IH10	Right Hand Decel/turn lane	$75,000.00
Road @ Hwy 46	Right Hand Decel/turn lane	$75,000.00
Road @ Hwy 46	Left Hand Turn lane	$150,000.00
Collector Road @ Hwy 46	Traffic Signal	$300,000.00
Existing Spencer Rd.	Realignment/Improvements of Exist Road	$150,000.00

INTERSECTION IMPROVEMENTS SYSTEM SUBTOTAL: $750,000

RIGHT-OF-WAY DEDICATION - ROW to be dedicated by the Applicant:

ROW Dedication:	General Description of ROW Dedication:	Estimated Cost: ($)
3.82 Acres	250 LF of 74' ROW Secondary Collector Road ($9,934.50/Ac	$37,973.00
0.24 Acres	750 LF of 14' Hwy 46 Dedication ($9,934.50/Acre)	$2,384.28

RIGHT-OF-WAY DEDICATION SUPPLY ADDED TO THE SYSTEM SUBTOTAL: $40,357

TOTAL VALUE OF SUPPLY ADDED TO THOROUGHFARE SYSTEM: $2,738,357

SUPPLY / DEMAND COMPARISON:

A comparison of the capacity provided by a development exaction against the traffic impacts of the proposed development.

	Cost	Comparison
TOTAL CAPACITY (SUPPLY) ADDED TO SYSTEM:	$2,738,357	SUPPLY > DEMAND
TOTAL DEMAND PLACED ON THOROUGHFARE SYSTEM:	$1,354,510	49.46%

Based upon the results of this rough proportionality analysis, the capacity (supply) provided by the proposed development exceeds the anticipated demand it places on the system. Given these assumptions, only 49.46% of the capacity supplied can be attributed to the proposed development. Therefore, the roadway improvements are NOT roughly proportional to the demands placed on the system (i.e. the applicant is adding more capacity than needed to support their development).

Rough Proportionality Worksheet
City of Boerne, Texas

Development Name: Spencer Ranch (Green Portion)

Applicant: MH on behalf of Duperier/Matkin IRA

Legal Description (Lot, Block):

Case / Plat Number: **Date:** October 1, 2020

Worksheet Last Updated: 11/13/2018

DEMAND - Traffic Generated by Proposed Development

Land Use Type:	Development Unit:	Intensity:	PM Peak Hour Trip Rate:	Trip Length: (miles)	Demand: (vehicle-miles)	Impact of Development: ($)
Multifamily Housing (Low-Rise)	Dwelling Unit	225	0.56	1.50	189.00	534,709.00
Shopping Center	1,000 SF GLA	56.8	2.51	1.50	213.85	605,013.00
Shopping Center	1,000 SF GLA	206	2.51	1.50	775.59	2,194,258.00
TOTAL DEMAND PLACED ON THOROUGHFARE SYSTEM:					**1,178.44**	**$3,333,980**
Estimated Average Cost Per Vehicle Mile:						**$2,829.15**

SUPPLY - Roads to be built or funded by Applicant:

Roadway Name:	Classification:	Capacity: (vphpl)	Length: (Linear Feet)	Number of Lanes:	Cost of Capacity / Supply Added: ($)	Cost Estimate Based on Detailed OPCC: ($)
Collector Road	Secondary Collector	425	350	2	303,000.00	
ROADWAY SYSTEM SUPPLY SUBTOTAL:						**$303,000**

INTERSECTION IMPROVEMENTS - Specific Improvements to be Built or Funded by the Applicant:

Intersection:	Description of Improvement:	Estimated Cost: ($)
Road @ Hwy 46	Right Hand Decel/turn lane	$75,000.00
Road @ Hwy 46	Left Turn Lane	$150,000.00
Road @ Hwy 46	Traffic Signal	$300,000.00
INTERSECTION IMPROVEMENTS SYSTEM SUBTOTAL:		**$525,000**

RIGHT-OF-WAY DEDICATION - ROW to be dedicated by the Applicant:

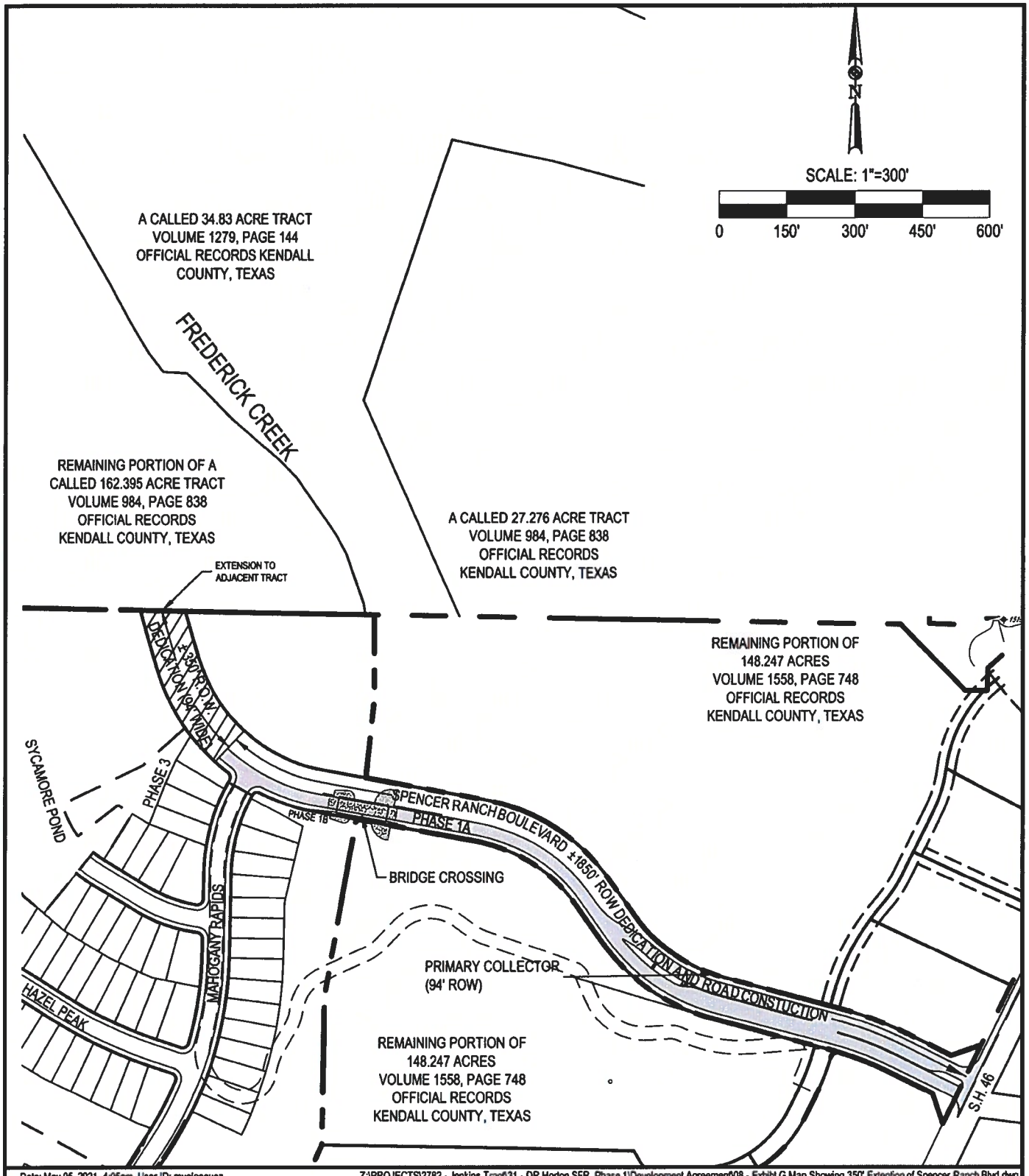
ROW Dedication:	General Description of ROW Dedication:	Estimated Cost: ($)
0.59 Acres	50 LF of 74' ROW Secondary Collector Road ($9,934.50/Acre	$5,907.00
1.01 Acres	3150 LF of 14' Hwy 46 Dedication ($9,934.50/Acre)	$10,033.85
RIGHT-OF-WAY DEDICATION SUPPLY ADDED TO THE SYSTEM SUBTOTAL:		**$15,941**
TOTAL VALUE OF SUPPLY ADDED TO THOROUGHFARE SYSTEM:		**$843,941**

SUPPLY / DEMAND COMPARISON:

A comparison of the capacity provided by a development exaction against the traffic impacts of the proposed development.

	Cost	Comparison
TOTAL CAPACITY (SUPPLY) ADDED TO SYSTEM:	$843,941	SUPPLY < DEMAND
TOTAL DEMAND PLACED ON THOROUGHFARE SYSTEM:	$3,333,980	395.05%

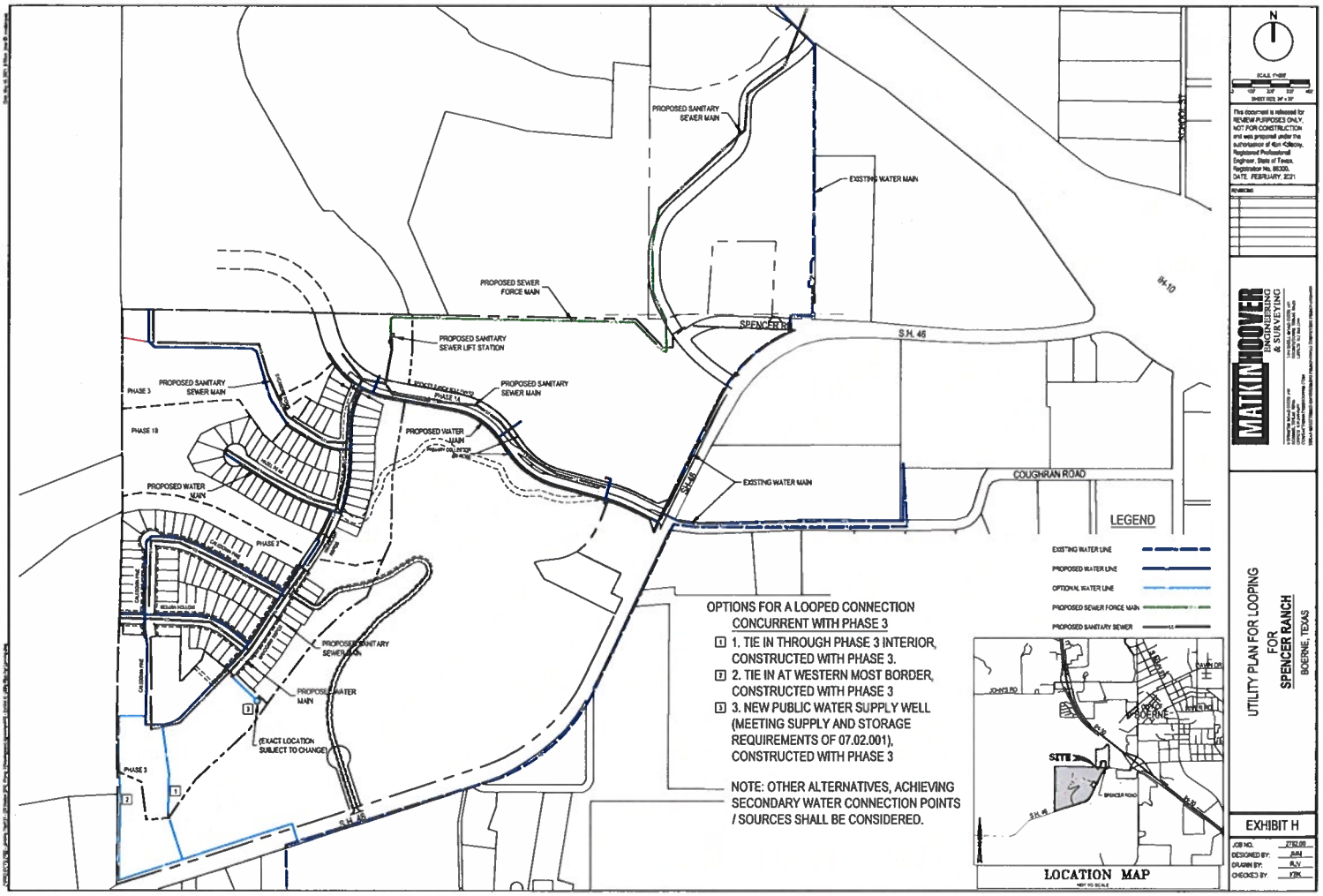
Based upon the results of this rough proportionality analysis, the anticipated demand on the system exceeds the capacity (supply) provided by the proposed development. Given these assumptions, the anticipated demand of the development exceeds the capacity supplied by approximately 295.05%. Therefore, the roadway improvements required by the City are justified (i.e. the applicant is adding less capacity than needed to support their development).



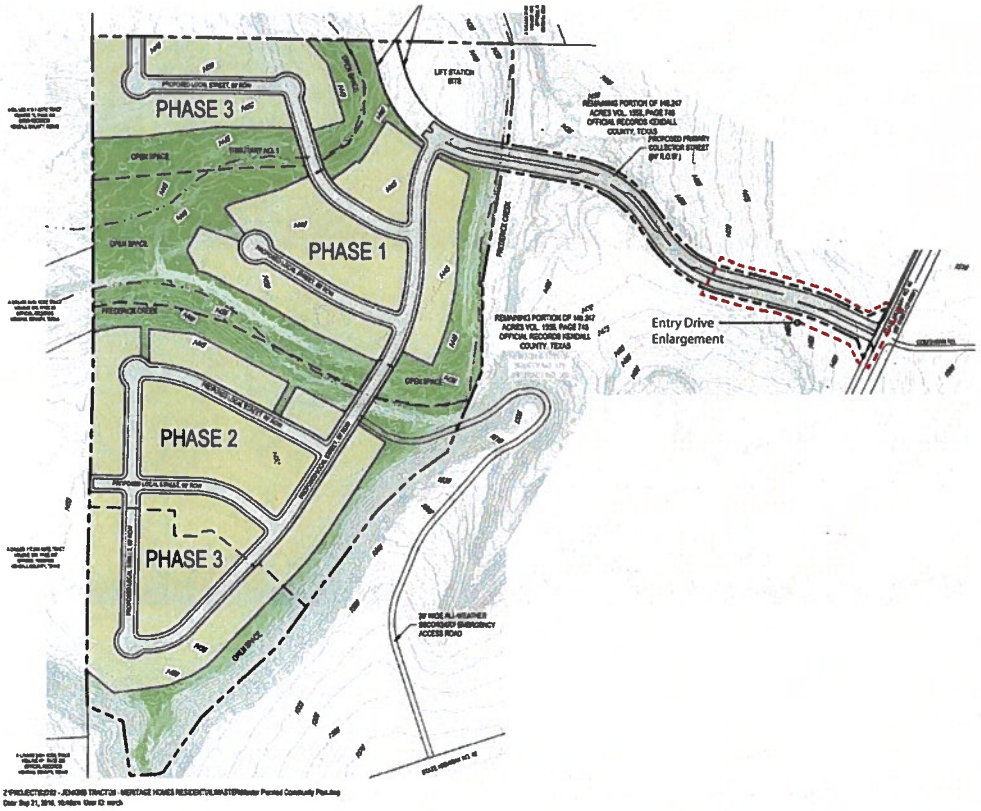
Date: May 05, 2021, 4:05pm User ID: mvelasquez Z:\PROJECTS\2782 - Jenkins Tract\31 - DR Horton SFR, Phase 1\Development Agreement\08 - Exhibit G Map Showing 350' Extention of Spencer Ranch Blvd.dwg

MATKINHOOVER
ENGINEERING & SURVEYING
P.O. BOX 54
8 SPENCER ROAD SUITE 100
BOERNE, TEXAS 78006
OFFICE: 830.249.0600 FAX.830.249.0099
CIVIL ENGINEERS SURVEYORS LAND PLANNERS CONSTRUCTION MANAGERS CONSULTANTS

EXHIBIT "G";
FUTURE 350-FOOT. EXTENSION OF SPENCER RANCH BOULEVARD


PROPOSED SANITARY SEWER MAIN
EXISTING WATER MAIN
SCHOOL ST
PROPOSED SEWER FORCE MAIN
SPENCER RD
S.H. 46
PROPOSED SANITARY SEWER LIFT STATION
PHASE 3
PROPOSED SANITARY SEWER MAIN
PHASE 1A
PHASE 1B
PROPOSED WATER MAIN
PHASE 2
EXISTING WATER MAIN
COUGHRAN ROAD
PROPOSED SANITARY SEWER MAIN
PROPOSED WATER MAIN
(EXACT LOCATION SUBJECT TO CHANGE)
PHASE 3
S.H. 46
LEGEND
EXISTING WATER LINE
PROPOSED WATER LINE
OPTIONAL WATER LINE
PROPOSED SEWER FORCE MAIN
PROPOSED SANITARY SEWER
OPTIONS FOR A LOOPED CONNECTION CONCURRENT WITH PHASE 3
1. TIE IN THROUGH PHASE 3 INTERIOR, CONSTRUCTED WITH PHASE 3.
2. TIE IN AT WESTERN MOST BORDER, CONSTRUCTED WITH PHASE 3
3. NEW PUBLIC WATER SUPPLY WELL (MEETING SUPPLY AND STORAGE REQUIREMENTS OF 07.02.001), CONSTRUCTED WITH PHASE 3
NOTE: OTHER ALTERNATIVES, ACHIEVING SECONDARY WATER CONNECTION POINTS / SOURCES SHALL BE CONSIDERED.
JOHNS RD
SITE
SPENCER ROAD
S.H. 46
LOCATION MAP
N
This document is released for REVIEW PURPOSES ONLY, NOT FOR CONSTRUCTION and was prepared under the authorization of Kim Kilkenny, Registered Professional Engineer, State of Texas, Registration No. 86300, DATE: FEBRUARY, 2021
MATKIN HOOVER ENGINEERING & SURVEYING
UTILITY PLAN FOR LOOPING FOR SPENCER RANCH
BOERNE, TEXAS
EXHIBIT H
JOB NO. 2752.05
DESIGNED BY: AJM
DRAWN BY: RJV
CHECKED BY: KBK

REMAINING PORTION OF
148.247 ACRES
VOLUME 1538, PAGE 748
OFFICIAL RECORDS
KENDALL COUNTY, TEXAS
5' SIDEWALK
SIDEWALK/CROSSWALK
TO BE CONSTRUCTED
REMAINING PORTION OF
6 ACRES
VOLUME 1538, PAGE 748
OFFICIAL RECORDS
KENDALL COUNTY, TEXAS
PROPOSED BRIDGE
REMAINING PORTION OF
71.12 ACRES
VOLUME 1733, PAGE 54
OFFICIAL RECORDS
KENDALL COUNTY, TEXAS
SPENCER RANCH BLVD
REMAINING PORTION OF
148.247 ACRES
VOLUME 1538, PAGE 748
OFFICIAL RECORDS
KENDALL COUNTY, TEXAS
LEGEND
PROPERTY BOUNDARY
PHASE BOUNDARY
PROPOSED ASPHALT
PROPOSED CONCRETE
PROPOSED SIDEWALK
EXISTING SIDEWALK
EXISTING UTILITY POLE
SIDEWALK CONSTRUCTED WITH PHASE 1 (1/2)
FUTURE SIDEWALK TO BE BUILT BY 27 HOMES WITH "A", "A" LIFE ROAD IMPROVEMENTS
FUTURE ROAD TO BE CONSTRUCTED BY OTHERS
N
SCALE: 1"=400'
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REVISIONS
MATKIN HOOVER ENGINEERING & SURVEYING
SIDEWALK CONSTRUCTION PLAN
FOR
THE BIRCH AT SPENCER RANCH
BOERNE, TEXAS
EXHIBIT I
JOB NO. 2752.21
DESIGNED BY KWH
DRAWN BY MCV
CHECKED BY JJV
SHEET # 14 OF 21



Orientation Map
SPENCER RANCH

Boerne, Texas

ISSUE DATE: March 12, 2021
All drawings are preliminary and subject to change.
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NORTH

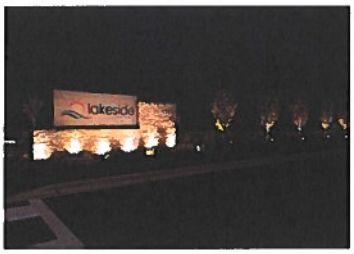
FORESTAR

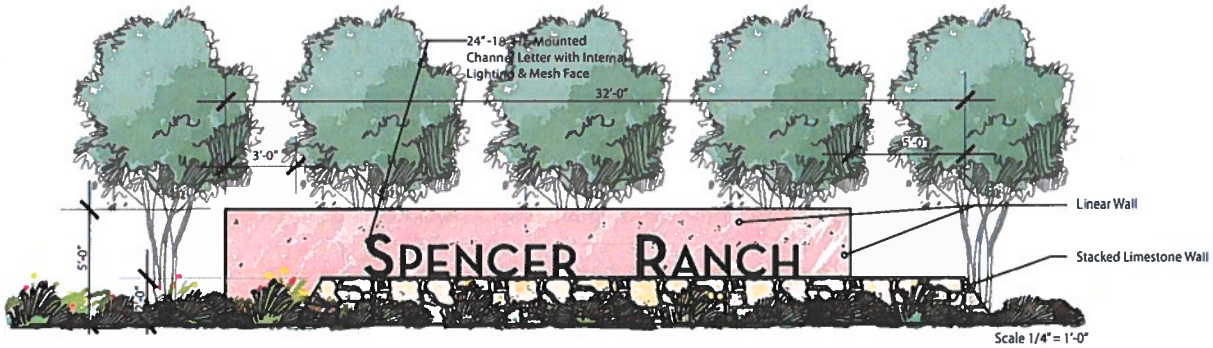
Exhibit J











Scale 1/4" = 1'-0"



Not to Scale

Entry Tower Concept
SPENCER RANCH

Boerne, Texas

ISSUE DATE: March 12, 2021
All drawings are preliminary and subject to change.
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SCALE: 1/8"= AS NOTED

FORESTAR

Exhibit J

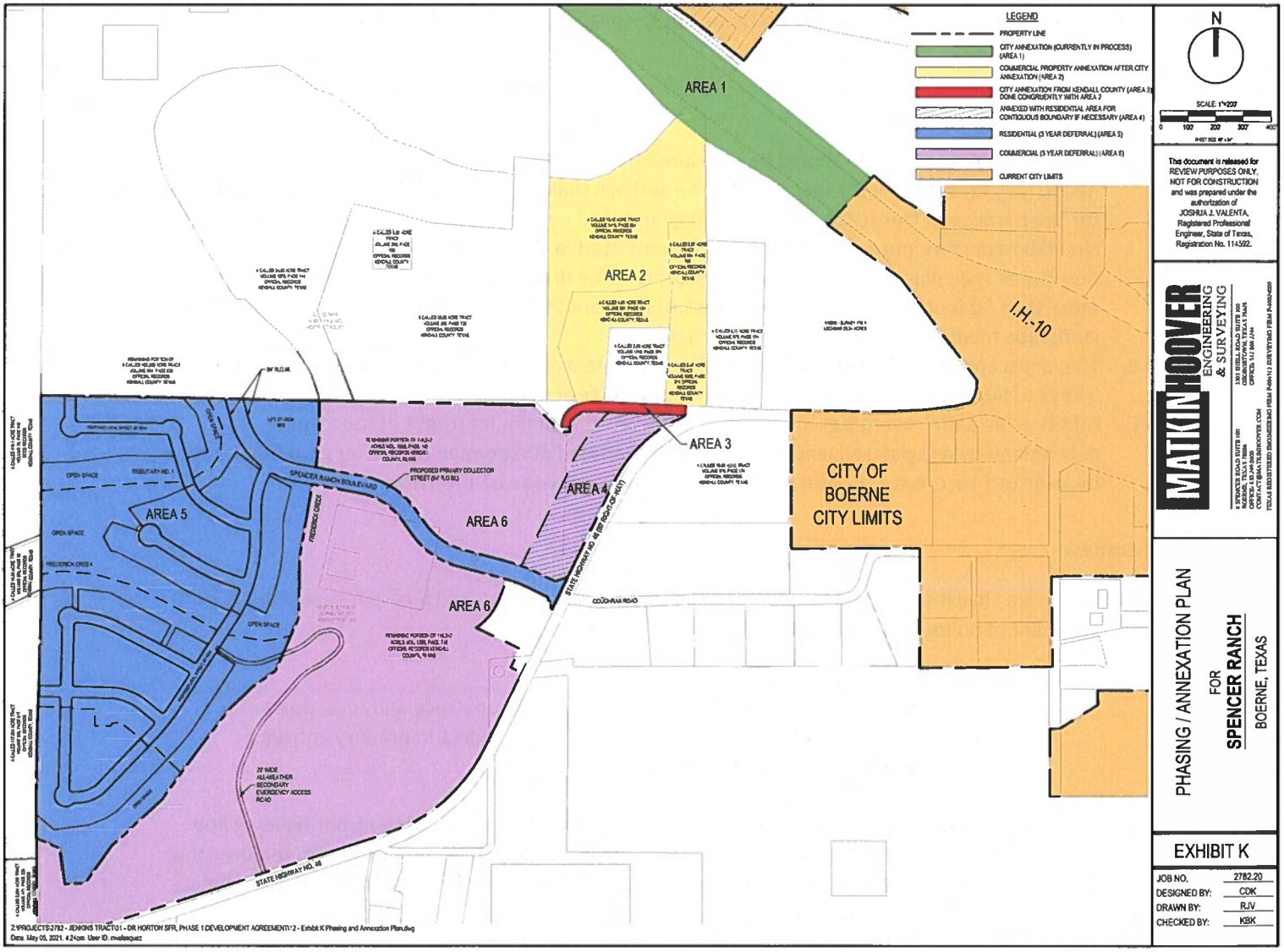

LEGEND
PROPERTY LINE
CITY ANNEXATION (CURRENTLY IN PROCESS) (AREA 1)
COMMERCIAL PROPERTY ANNEXATION AFTER CITY ANNEXATION (AREA 2)
CITY ANNEXATION FROM KENDALL COUNTY (AREA 3) DONE CONGRUENTLY WITH AREA 2
ANNEXED WITH RESIDENTIAL AREA FOR CONTIGUOUS BOUNDARY IF NECESSARY (AREA 4)
RESIDENTIAL (3 YEAR DEFERRAL) (AREA 5)
COMMERCIAL (3 YEAR DEFERRAL) (AREA 6)
CURRENT CITY LIMITS
AREA 1
AREA 2
AREA 3
AREA 4
AREA 5
AREA 6
AREA 6
I.H.-10
CITY OF BOERNE CITY LIMITS
SPENCER RANCH BOULEVARD
PROPOSED PRIMARY COLLECTOR STREET (64' R.O.W.)
TRIBUTARY NO. 1
FREDERICK CREEK
OPEN SPACE
STATE HIGHWAY NO. 46 (80' R.O.W.)
COCHRAN ROAD
STATE HIGHWAY NO. 46
29' WIDE ALL-WEATHER SECONDARY EMERGENCY ACCESS ROAD
N
SCALE: 1"=200'
0 100 200 300 400
This document is released for REVIEW PURPOSES ONLY, NOT FOR CONSTRUCTION and was prepared under the authorization of JOSHUA J. VALENTA, Registered Professional Engineer, State of Texas, Registration No. 114592.
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CONTACT@MATKINHOOVER.COM
TEXAS REGISTERED ENGINEERING FIRM F-9904 | TEXAS SURVEYING FIRM #10001600
PHASING / ANNEXATION PLAN
FOR
SPENCER RANCH
BOERNE, TEXAS
EXHIBIT K
JOB NO. 2782.20
DESIGNED BY: CDK
DRAWN BY: RJV
CHECKED BY: KBK
Z:\PROJECTS\2782 - JENKINS TRACT\01 - DR HORTON SFR, PHASE 1 DEVELOPMENT AGREEMENT\1-2 - Exhibit K Phasing and Annexation Plan.dwg
Date: May 05, 2021, 4:24pm User ID: ewalasquez

Exhibit L

I. Commercial Design Standards

The following Design Standards shall apply to commercial uses 350 feet from the right-of way of the major arterial (Hwy 46 East) and the primary collector (continuation of Coughran Road).

The Design Standards are intended to enhance the community character. Specifically, they are intended to create character and identity through a wide variety of diverse architectural details, and to create consistent well-designed frontages along streets and other public or community spaces. Creativity is encouraged to avoid dull or homogeneous buildings, while incorporating elements of the Texas Hill Country style.

Setbacks.

A. Setbacks contained herein should be measured from the Hwy 46 right-of-way and do not necessarily reflect the lot front setback. The setback shall be fifty feet (50') and shall be used only for the purpose of landscaping and screening and shall not be utilized for parking or internal circulation or drive purposes, except that (if permitted) a driveway may cut through for the purpose of reaching the area behind the setback. The driveway may cut through the setback no more than 30 feet (30') or paired driveways of no more than 20 feet (20') each if separated by a landscape median at least twelve feet (12') wide.
B. The landscape setback along Hwy 46 shall incorporate a minimum of one legacy tree of twelve inches or larger in circumference planted every 20 feet.
C. Additionally native evergreen shrubs that will grow to a minimum height of four feet as determined by a registered landscape architect, certified nurseryman or master gardener shall be planted to create a solid screening within one year of planting.

Facades.

Building design shall incorporate the following standards. Buildings should incorporate elements from the vernacular of buildings in Boerne and the Texas Hill Country.

A. **Primary and Secondary Façade Standards.**

1. The primary façade of a building shall be the main entrance and focal point of the structure. All buildings should have its primary façade and primary entrance oriented towards the street.

2. All primary façades of a building shall occupy at least 50% of the front building line and shall be designed with consistent architectural style, detail and trim features that will keep within the architectural style and heritage of the community. The primary façade must incorporate:
   a. Entrance areas, arcades, display windows, awnings or other architectural variety features along no less than sixty percent (60%) of the primary façade. The remaining forty percent (40%) may not be contiguous.
   b. Offsets, reveals, or projecting ribs shall be used to express architectural or structural bays.

3. Building materials for primary facades - shall be finished using two or more of the following materials or finishes:

a. Cultured or cast stone, natural rock, brick, marble, or granite
b. Stucco or plaster
c. Exterior Insulation and Finish Systems (EIFS) or equivalent product
d. Decorative metal – less than 10% of any façade
e. Decorative treated wood – less than 10% of any facade

4. Secondary façades attached to a primary façade (such as a side wall not facing a public street) shall wrap around the building by incorporating building materials and features of the primary façade for a minimum of 60% of the overall wall length measured from the primary façade.

5. All facades shall include architectural elements such as accent banding, base plates, cornices, soffits, sills, parapets, transoms, and windows aligned horizontally. The horizontal alignment should differentiate stories in a building and create a base and crown for the building.

6. A rear wall that faces or has the likely potential to face the primary façade of another building must follow secondary façade standards.

7. No long horizontal blank wall space without openings to the interior of the building should occur along street level facades.

8. Any building containing a loading dock, bay or service area shall not be facing a primary street.

9. All buildings with a height of twenty-four feet (24') or greater shall be designed to express a base, midsection, and top. The base and tops of buildings shall vary in material.

10. All buildings within a planned development or development as shown on a concept plan or preliminary site plan shall have similar architectural styles, materials, and colors. Colors on adjacent sides and rear façades shall be finished in a similar color as the front of the proposed building.

B. **Building Material Requirements for remaining facades.** The vertical walls of all buildings (excluding doors and windows) shall be finished in two or more of the following materials:

1. Any permitted primary material, or an equal or better simulated product of a permitted primary material may be used as a secondary material;

2. Split-face concrete block, poured-in-place concrete, and tilt-wall concrete. Any use of concrete products shall have an integrated color and be textured or patterned to compliment the primary material.

C. **Accent Material Requirements.** Up to two accent materials are permitted for moldings and ornamental details, or other significant architectural features. Accent Materials shall consist

of no more than 15% of the façade and may consist of:

1. Any permitted primary or secondary material.
2. Standing seam metal.
3. Precast stone, metal, or wood moldings or similar architectural or ornamental details.

D. **Roof Treatments.**

1. Parapets consisting of similar materials to those on the primary façade shall be used to conceal roof top equipment on flat roofs.

2. All sloping roofs less than or equal to a 2:12 pitch shall utilize full parapet coverage not less than two feet (2') above the highest point of the roof

Parking.

The following design and location standards shall apply to on-site parking:

A. To the greatest extent possible, on-site parking areas shall be designed to reduce the negative visual effects of vast paved areas and shall contain screening, landscape planting islands and defined pedestrian walkways.
B. Any parking along Hwy 46 shall be located behind the fifty foot (50') landscape setback.

The location of the on-site parking surface areas shall to the greatest extent possible be located to the side or rear of a building. No more than 15% of the on-site parking areas shall not be located between the front building line of any principal building and a street. Any alternative to this parking requirement must be approved by the Design Review Committee.

1. Where practical, on-site parking areas shall be connected to adjacent parcels through a rear or side lot line access drive or street. If the adjacent parcel is undeveloped or vacant, the access drive, private street, etc., shall be extended to the lot line for future connection to the adjacent parcel.

C. All on-site parking lots shall include planting islands and planting medians.

1. There shall be at least one shade tree, nine inches or larger in circumference planted for each 12 parking spaces.

2. Additionally, parking areas that contain over 100 vehicles shall provide a planting median between every third parking bay of adjacent parking bays, at a minimum, to prevent traffic movement across parking isles.

3. The planting median shall be a minimum of 15 feet wide and may be designed with a curb-less or perforated curb system provided they are engineered to infiltrate run-off from the parking lot, such as a rain garden or bioswale.

4. Parking area for Over 100 vehicles shall provide a planting median

a. Shall be placed between every third parking bay of adjacent parking bays, at a minimum, to prevent traffic movement across parking isles.

b. A minimum of one shade tree of nine inches or larger in circumference shall be planted in each such landscaped area. If a shade tree of nine inches or larger in circumference or larger already exists in the landscaped area.

c. In addition to any other required plantings, all parking lot planting areas shall be planted with drought tolerant species normally grown as permanent lawns, such as Bermuda, Zoysia, or Buffalo. Grass areas shall be solid sided. Mulch, stone, or similar materials may be used sparingly.

D. Parking areas shall be designed to allow for logical interconnection to abutting properties. All parking areas located within 50 feet of a common property line in a non-residential zoning district shall be interconnected to adjacent lots in a nonresidential zoning district

1. For each nonresidential use, the applicant must provide an access easement for proposed parking areas and driveways guaranteeing access to all abutting lots that are within a nonresidential zoning district where such easements enhance traffic circulation and connectivity. In addition, this easement shall provide for the construction of the interconnection between the development's proposed parking area and any parking area on adjacent lots.

2. When an access easement has been provided on an adjacent lot in accordance with this Section, the development must directly connect the parking areas via a driveway.

3. Access easements shall logically connect to internal streets, where practical.

4. Access easements and maintenance agreements or other suitable legal mechanism shall be provided for common parking areas or driveways of each nonresidential use.

Screening.

A. *Screening of parking areas.*

1. Landscaped screening of the parking area from the street is required. This may be achieved with a couple of methods.

a) A planting of 1 2 " n a t ive trees or large evergreen shrubs that shall grow to a minimum height of eight feet as determined by a registered landscape architect, arborist, certified nurseryman or master gardener

b) A three-foot landscaping berm

c) A combination of the above

B. *Screening of Mechanical Equipment.*

1. All roof, ground and wall mounted mechanical equipment (e.g. air handling equipment, compressors, duct work, transformers and elevator equipment) from

view at ground level of the property line.

2. Roof-mounted mechanical equipment shall be shielded from view on four sides. Screening shall consist of materials consistent with the primary building materials, and may include metal screening or louvers, which are painted to blend with the primary building.

3. Screening shall result in the mechanical equipment blending in with the primary building and not appearing separate from the building. The slab shall be sized to accommodate the proposed container and sufficient area to receive the front axle loaded points of the collection vehicle.

4. Wall or ground-mounted equipment screening shall be constructed of one of the following:
   a) Evergreen planting screens
   b) Brick, stone, reinforced concrete, or other similar masonry materials
   c) Redwood, cedar, preservative pressure treated wood, or other similar materials
   d) A combination of the above

5. All fence posts shall be rust-protected metal, concrete-based masonry or concrete pillars.

C. *Screening of Outside Storage.*

1. Outside storage shall be located on the side or rear of the primary building and shall be screened from public view.

2. Outside storage shall be screened with:
   a) A masonry wall or other material that is similar to the primary structure and at least eight feet tall
   b) A three-foot landscaped berm
   c) A planting enclosure of large evergreen shrubs planted a maximum of four feet (4') apart that shall create a solid screen to a minimum height of eight feet within five (5) years as determined by a registered landscape architect, certified nurseryman or master gardener
   d) A combination of the above

D. *Screening of Waste Containers.*

1. Waste containers shall be discretely located on the side or rear of the building and screened from public view.

2. Waste containers shall be located on a minimum six-inch (6") reinforced slab, sloped to drain.

3. Waste containers shall be screened on four sides, using an enclosure that screens the waste container from view at the property line. Screening shall be composed

of:

a) Brick, stone, reinforced concrete, or other similar masonry materials that have a similar finish to the primary finish; or

b) Redwood, cedar, preservative pressure treated wood, or other similar materials; or

c) Large shrubs planted four feet on center and staggered 30 to 36 inches. Shrubs shall be watered with an irrigation system; and

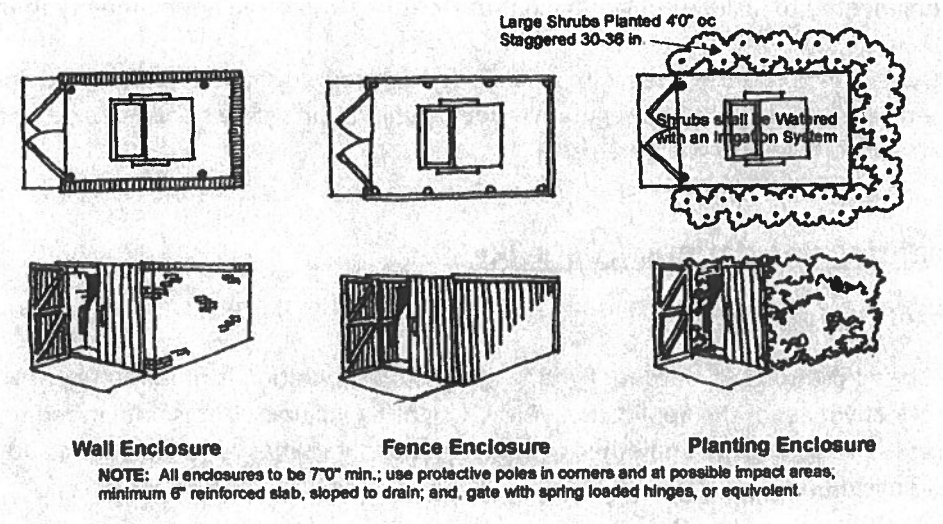
4. All fence posts shall be rust-protected metal, concrete based masonry or concrete pillars; and

5. Six inch (6") concrete filled steel pipes or better shall be located to protect the enclosure from truck operations.

6. Waste container enclosures shall have steel framed gates with spring-loaded hinges or the equivalent and fasteners to keep them closed. When in use, tiebacks should be used to secure the steel framed gates in the open positions.

7. Waste containers shall not be located closer than 50 feet (50') to any single-family lot, unless wholly located within an enclosed building.

8. Planting Enclosures using large evergreen shrubs shall incorporate plants similar to those used elsewhere on primary site and shall be not less than 15-Gallon in size.



E. *Screening of Loading Docks.*

Any delivery and service areas, loading docks, external support equipment, site utility areas, or other similar high-impact elements of site and building design shall be subject to the following:

1. All delivery or service areas and loading docks shall be located on a discrete façade, and internal to the block wherever possible.

2. Any rooftop equipment shall be screened from view of the adjacent public streetscape or other public or common opens spaces by a parapet on flat roofs, or located on a discrete pitch for pitched roofs.

3. Loading areas shall be enclosed on three sides by a wall or other screening device not less than seven feet in height.

4. Loading areas shall not be located closer than 50 feet (50') to any single-family lot, unless wholly located within an enclosed building.

5. Any service areas, loading docks, service equipment, or other site utility area that is visible from adjacent property or public right-of-way shall be screened with a combination of landscape and wall built of a similar material to the main structure at least 6 feet high.

6. Any service use that involves vehicle service bays on a primary or secondary façade shall be located on only secondary or support streets, shall have the service bay portion of the building screened with a combination of landscape and wall built of a similar material to the main structure at least 6 feet high, and shall not have service bays that occupy more than 40% of a single façade.

Drainage and Detention Facilities.

A. Drainage facilities, provided they are non-structural drainage facilities, shall be designed and engineered to include substantial natural features and serve as an amenity to the site.

B. Detention ponds designed with a curvilinear contoured shape, are designed not to require fencing, and shall utilize vegetative slope stabilization with a slope not exceeding 3:1, with no structural retaining walls are used.

II. Lighting Regulations / Dark Sky

Definitions of Class Lighting:

1. Class 1 Lighting: All outdoor lighting where color rendition is required to preserve the effectiveness of the application. Class 1 Lighting includes, but is not limited to, outdoor sales, advertising displays and other signs, recreational facilities, amphitheaters and other similar applications.

2. Class 2 Lighting: All outdoor lighting where general illumination for safety and security of grounds is the primary concern and color rendition is not required to preserve the effectiveness of the application. Class 2 Lighting includes, but is not limited to, illumination for walkways, roadways, equipment yards, parking lots, outdoor eating areas, and outdoor security lighting.

3. Class 3 Lighting: All outdoor lighting for primarily decorative effect where safety and security of grounds is not the primary concern and color rendition is not required to preserve the

effectiveness of the application. Class 3 Lighting includes, but is not limited to, architectural illumination, flag and monument lighting, landscape illumination, signs and seasonal holiday lighting and lighting in residential areas (District 3).

Applicability

1. All public and private outdoor lighting installed in the ETJ of the City of Boerne shall conform to the requirements established here, applicable electrical codes, and building codes.
2. All outdoor lighting shall be fully shielded fixture, the luminous elements of the fixture shall not be visible from any other property, and the fixture shall have a correlated color temperature of 2700 K or less. All off-site impacts will be limited to the greatest extent possible.
3. Outdoor lighting fixtures with a maximum output of 1000 lumens per fixture, regardless of the number of bulbs, may be left unshielded, provided that the fixture has an opaque top to prevent light from shining directly up, the source of the light is not visible from any other

B. Lighting Classification

1. Class 1 Lighting

a. Recreational facilities

Any light source permitted by this ordinance may be used for lighting of outdoor recreational facilities (public or private), including, but not limited to, sports fields or courts, amphitheaters, and similar applications, provided the following conditions are met:

i. A secondary low-level lighting system that complies with Class 2 Lighting shall be installed to facilitate security, cleanup, maintenance, and exit from the facility. The low-level lighting system shall provide an average horizontal illumination, at grade level, of no more than three (3) foot-candles.
ii. Recreational facilities shall turn off Class 1 lighting within thirty (30) minutes of the end of an event.
iii. Comply with the levels of illumination consistent with the IESNA "Recommended Practice for Sports and Recreational Area Lighting" (IESNA RP-6-10) or successor recommendations for the class of play appropriate for the kinds of facilities.
iv. Timers must be installed to prevent lights being left on accidentally overnight.
v. Off-site impacts will be limited to the greatest extent possible.

b. Outdoor Sales

Any light source permitted by this ordinance may be used for lighting of outdoor sales located in non-residential districts, provided the following conditions are met:

i. The primary outdoor lighting of the primary facility shall be turned off at 11:00 p.m. or thirty (30) minutes after closing, whichever is later, but in no event shall the main outdoor lighting be illuminated after 12:00 a.m. unless there is a scheduled "special event"; i.e. an all-night sale.
ii. Lighting Levels - During operating hours:

(a) Feature display area (the area within 200 ft. of the main building) the average horizontal illumination level shall not exceed twenty (20) foot-candles. These areas shall not be located within 100 feet of a residentially zoned areas.
(b) Other display areas the average horizontal illumination level shall not exceed fifteen (15) foot-candles. These areas shall not be located within 100 feet of a residentially zoned area.
(c) General parking areas for staff etc. shall not exceed five (5) foot-candles

iii. Timers must be installed to prevent lights being left on accidentally overnight.

c. Lighting Levels - After Hours:

i. The primary outdoor lighting of the primary facility shall be turned off at 11:00 p.m. or thirty (30) minutes after closing, whichever is later, but in no event shall the main outdoor lighting be illuminated after 12:00 a.m. unless there is a scheduled "special event" i.e. an all-night sale.
ii. A secondary low-level lighting system that complies with Class 2 Lighting shall be installed to facilitate security, cleanup, maintenance, and exit from the facility if the property owner desires. The lamps may be metal Halide or LED. The low-level lighting system shall provide an average horizontal illumination, at grade level, of no more than two and one half (2.5) foot-candles.

2. Class 2 lighting

a. Parking lots

Parking lot lighting shall be designed to provide the minimum lighting necessary to ensure adequate vision, security and comfort in parking areas, and to not cause glare or direct illumination onto adjacent properties or streets. Any light source permitted by this ordinance may be used for parking lots, provided the following conditions are met:

i. All luminaires used for parking lot lighting shall be either yellow high-pressure sodium or LED and shall follow the standards for lighting identified below. Any exceptions to this section of the ordinance may be made by the City Manager and/or the City Manager's designee.
ii. All luminaires shall use Fully Shielded Fixtures as that term is defined herein.
iii. Design levels shall correspond to the appropriate IES (Illuminating Engineering Society) minimum requirements for illumination.
iv. No up lighting.
v. Poles are measured from grade.
vi. Light trespass at the property line is 0.00 foot-candle.
vii. Design goals should be the lowest levels that meet the requirement of the task
viii. Any lighting under awnings or canopies shall be completely recessed or shielded
ix. Yellow high-pressure sodium luminaires used for parking lot lighting may be installed at a maximum height of thirty (30) feet

(a) Perimeter poles that abut a residence or residential district shall be no more than 10 feet in height.

(b) They shall turn off by 9:00 p.m. unless there is a special event.

x. LED parking lot lighting shall adhere to the following criteria.

(a) All fixtures are Full cut-off.
(b) Poles shall be 20 feet in height with perimeter (at the property line) poles at 10 feet in height.
(c) Lumens per net acre in industrial areas shall not exceed 75,000 (does not include governmental owned streetlights).

(i) This lumen per net acre value is an upper limit and not a design goal.
(ii) Design goals should be the lowest levels that meet the requirement of the task

(d) Maximum 2,700 kelvins for bulbs.
(e) Any lighting under awnings or canopies shall be completely recessed or shielded.
(f) Outdoor lighting intended to be left on more than 30 minutes after closing, or the completion of activities must be reduced to 50% or less of the normal lumen output. Motion sensor activation may be allowed to cause the light to resume normal lumen output only when activated and to be reduced back to 50% or less of normal lumen output with 5 minutes after activation.
(g) Wall packs may be used in combination with pole lights if they are full cut-off and/or shielded fixtures.

b. Street Lighting

i. Street lighting installed, repaired or replaced after the adoption of this ordinance shall be fully shielded fixture or full cutoff standard for all fixture over 1,000 lumens initial lamp output, in order to limit light trespassing, and shall have a correlated color temperature of 2700 K or less. No exemption shall apply to any street lighting and to any lighting within the public right of way or easement when the purpose of the luminaire is to illuminate areas outside of the public right of way or easement.
ii. New street lighting shall be designed to provide minimum lighting necessary to ensure adequate vision, and comfort in public and private streets, and to not cause glare or direct illumination more than five (5) feet beyond the right of way. Any light source permitted by this ordinance may be used for street lighting in any District, provided the following conditions are met:

(a) Luminaires used for public/private street lighting that are installed after the effective date of this ordinance shall be installed using Fully Shielded Fixtures, as that term is defined herein. Design levels shall correspond to the appropriate IES (Illuminating Engineering Society) minimum requirements for illumination.
(b) The use of adaptative controls are to be employed in all future installations of public outdoor lighting, considering the circumstances indicating the need for said public outdoor lighting based on the presence or absence of citizens on public property or rights-of-way. For the

purposes of this subsection, "public outdoor lighting" shall be defined as all City public street lighting and outdoor lighting on other City property and City owned rights-of-way.

(c) Motion sensor shall be installed and properly maintained, and the trigger threshold set such that the light doesn't inappropriately trigger on; a failed motion sensor must fail only to the "off" state, and not to the "on"; the duration of each trigger should be limited to no longer than five (5) minutes.

c. Security lighting

For the purposes of this section, security lighting is defined as lighting intended to reduce the risk (real or perceived) of personal attack. Any light source permitted by this ordinance may be used for security lighting in any Lighting District, provided the following conditions are met:

i. All security lighting fixtures installed after the effective date of this ordinance shall be fully shielded and aimed so that illumination is directed only within the owner's property boundaries and not cast on other areas. The use of general floodlighting fixtures shall be prohibited.

ii. Security lighting may illuminate vertical surfaces (e.g. building facades and walls) up to a level eight (8) feet above grade or eight (8) feet above the bottoms of doorways or entries, whichever is greater. The use of up-lighting luminaires shall be prohibited.

iii. Security lighting fixtures may be mounted on poles located no less than ten (10) feet from the perimeter of the property boundary.

iv. Security lights intended to illuminate a perimeter (such as a fence line) shall include motion sensors and be designed to be off unless triggered by an intruder located within five (5) feet of the perimeter. The zone of activation sensors must be within the property boundaries of the property wishing to be illuminated.

v. It is the property owner's responsibility to ensure that the motion sensor is properly maintained, and the trigger threshold set such that the light doesn't inappropriately trigger on; a failed motion sensor must fail only to the "off" state, and not to the "on"; the duration of each trigger should be limited to no longer than five (5) minutes.

d. Lighting of Canopies and Service Islands

Lighting levels on service islands and under canopies shall be adequate to facilitate the activities taking place in such locations.

i. Areas on the apron away from the service islands used for parking or vehicle storage shall be illuminated in accordance with the Illuminating Engineering Society (IES) requirements for parking areas.

ii. Areas around the service islands and under canopies shall be illuminated so that the minimum horizontal illuminance at grade level is at least one (1) foot candles and no more than fifteen (15) foot candles in areas of industrial use and ten (10) foot candles in areas of commercial use.

iii. Light fixtures mounted on canopies shall be fully shielded or recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy.

iv. Lights shall not be mounted on top, or sides (fascia) of the canopy, and the sides (fascia) of the canopy shall not be illuminated.

v. Outdoor light fixtures located under canopies, under building overhangs, or under roof eaves where the center of the lamp or luminaire is located at 5 feet, but less than 10 feet from the nearest edge of the canopy or overhang are to be included in the total outdoor light output as though they produced only one-quarter (1/4) of the lamp's rated lumen output.

vi. Outdoor light fixture located under canopies, under building overhang, or under roof eaves where the center of the lamp or luminaire is located 10 or more feet from the nearest edge of a canopy, building overhang, or eaves are to be included in the total outdoor light output as though they produced only one-tenth (1/10) of the lamp's rated lumen output.

e. Lighting Curfews

Nonresidential outdoor lighting intended to be left on more than 30 minutes after closing, or the completion of activities, must be reduced to 25% or less of the total outdoor light output allowed.

i. Motion sensor activation may be allowed to cause the light to resume total outdoor light output allowed only when activated and to be reduced back to 25% or less of total outdoor light output allowed within 5 minutes after activation has ceased, and the light shall not be triggered by activity off the property.

ii. The 75% reduction in illumination may be accomplished by dimming, by turning off 75% of the light fixtures, by a combination of the two, or by any other method that results in a total outdoor light output of no more than 25% of the total outdoor light output allowed.

iii. Illumination for all advertising signs, both externally and internally illuminated, shall be turned off by the later of closing time or 10:00 p.m., provided, however, that such signs may be turned back on prior to sunrise, but no more than one hour prior to opening.

iv. Street lighting, other than at the intersection of roadways, shall utilize half night photocells or timers to turn off the lights halfway between dusk and dawn. Passive reflective roadway markings are encouraged.

v. All outdoor lighting is encouraged to be turned off when no one is present to use the light. Luminance levels for operation between sunset and sunrise shall not exceed 1250 lumens.

3. Class 3 Lighting

Class 3 Lighting shall apply to all outdoor lighting for primarily decorative effect where safety and security of grounds is not the primary concern and color rendition is not required to preserve the effectiveness of the application. Class 3 Lighting includes, but is not limited to, architectural illumination, flag and monument lighting, landscape illumination, and seasonal holiday lighting.

a. Lighting of Building Facades and Landscaping.

Any light source permitted by this ordinance may be used for lighting of building facades and landscaping in any District, provided the following conditions are met:

i. The maximum illumination on any vertical surface or angular roof surface shall not exceed two (2) foot-candles.
ii. Lighting fixtures shall be at least partially shielded, as defined herein, and aimed so that no light is directed onto adjacent streets or roads.
iii. The use of up-lighting luminaires shall be prohibited, unless such luminaires are fully shielded, and directed in such a way that no light is aimed beyond the building or landscaping directly into the night sky with the exception the illumination of governmental flags.

b. Ornamental Lights

Ornamental lights may be used in any Lighting District, provided the following conditions are met:

i. Decorative strings of lamps/bulbs must not create glare on adjacent streets or property.
ii. Lighting (including strings of lamps/bulbs) for parties, celebrations, and other social gatherings is allowed.

c. Lighting of Walkways, Bikeways, Sidewalks

Any light source permitted by this ordinance may be used for lighting walkways, bikeways and sidewalks in any District, provided the following conditions are met:

i. The walkway, pathway, sidewalk, or ground area may be illuminated with bollards.
ii. Lighting fixtures shall be fully shielded, or otherwise designed to direct light downward, and light sources shall have an initial output of no more than 2000 lumens.

d. Outdoor Advertising Signs

Any light source permitted by this ordinance may be used for lighting of outdoor advertising signs located in any District, provided the following conditions are met. In the event of a conflict, the City of Boerne's Sign Ordinance shall control:

i. All legally installed externally illuminated signs shall have top-mounted luminaires which meet the shielding and grandfathering requirements contained herein.
ii. Bottom-mounted luminaires on externally illuminated signs shall be prohibited.
iii. Legally installed internally illuminated signs, to the degree same are permitted by the Boerne Sign Ordinance, shall be constructed of translucent materials, and the source of internal illumination shall not be directly visible through said material. Internally illuminated signs are prohibited in Residential Districts.
iv. Sign illumination shall be extinguished completely one (1) hour after sunset and remain off until one (1) hour before sunrise.

v. The illuminated surface area of an individual sign shall not exceed 200 square feet.

vi. Luminance levels shall not exceed 100 nits (100 candelas per sq. meter)

e. Lighted Signs.

An establishment shall only have one lighted window or door sign per store front, not to exceed three (3) square feet. These signs shall be turned off when the establishment is not open for business. Illuminated exterior signs not lit by internal lighting shall be illuminated by down lighting methods; "up–lighting" is prohibited.

f. Residential Area Lighting.

While fully shielded lights are required, individual lamps are limited to 2700 lumens or less.

C. Illumination Plan requirements for Development Projects

1. Outdoor lighting should be carefully designed with regards to placement, intensity, timing, duration and color. A good lighting plan can promote safety, save money, conserve natural resources, retain community character, reduce skyglow.
2. The submission of an illumination plan shall contain, but shall not be limited to the following, all or part of which may be part or in addition to the information required elsewhere in the ordinances of the City of Boerne upon application for the required permit.

a. Two copies of an illumination plan shall be submitted with the building permit for review for compliance with this section.
b. A site plan, drawn to an appropriate scale, showing buildings, landscaping, parking area, and all proposed exterior fixtures including lamps, supports, reflectors and other devices.
c. Specifications for all proposed lighting fixtures including photometric data designation as IESNA full cut-off fixtures where required, and other descriptive information on the fixtures.

D. Total Outdoor Light Output and Shielding Requirements

Table 1 gives requirements of the total light output permitted per acre for the different lighting areas for class of lighting, lamp type and lighting area. These requirements shall be met for all lighting installations subject to this section.

1. Total Outdoor Light Output

Total outdoor light output shall not exceed the lumen limits given in Table 1. In the table, Total means the sum of shielded. For determining compliance with this section, the total lumens is the sum of the following:

a. One hundred percent of the lumens from outdoor light fixtures installed on grade, on poles, on the top or sides of buildings or other structures.
b. 2. Outdoor light fixture located under canopies, under buildings overhangs, or under roof eaves where the center of the lamp or luminaire is located at 5 feet, but less than 10 feet from the nearest edge of the canopy or overhang are to be included in the total outdoor light output as though they produced only one-quarter (1/4) of the lamp's

rated lumen output. Outdoor light fixture located under canopies, under building overhang, or under roof eaves where the center of the lamp or luminaire is located 10 or more feet from the nearest edge of a canopy, building overhang, or eaves are to be included in the total outdoor light output as though they produced only one-tenth (1/10) of the lamp's rated lumen output.

Maximum Total Outdoor Light Output Requirements Lumen Caps: Mean Lumens per Net Acre (1)			
Uses			
	Industrial	Commercial	Residential
Commercial, Industrial and Multifamily			
Maximum total outdoor light	75,000	50,000	20,000

Notes to Table 1:

1. Mean lumens per acre equals total outdoor light output divided by net acres.

E. Exemptions

1. Emergency lighting utilized during natural or man-made disasters, but only for the duration of the declared emergency may be exempted.
2. Lighting elements, such as shades with perforated patterns and opaque diffusers, shall be exempted from the fully shielded requirement provided they do not exceed 1000 lumens.
3. Ornamental lights that are string lighting.
4. If a proposed lighting plan or fixture does not meet the requirements of this ordinance, and no other reasonable technical solution is available, but is of demonstrable community benefit, the Design Review Committee may approve an exemption. The applicant requesting a permanent exemption under this ordinance shall submit enough information so that the Design Review Committee may adequately consider the proposed community benefit. All requests for exemptions must comply with the zoning variance request procedures.
5. The provisions of this code do not prevent the replacement of an existing grandfathered luminaire with an alternate fixture, or the use of bottom-mounted luminaires on externally illuminated signs if it can be shown that the luminaire(s) to be used improve the view of the night sky consistent with the intent of this code. A person may request (and the City Manager may approve) an exemption if the following information is provided:

   a. The location of the luminaire to be installed or replaced;
   b. The purpose of the luminaire;
   c. The total wattage and lumens of the grandfathered and the replacement luminaire, if applicable;
   d. The type of luminaire to be installed, and if applicable, the type of replacement;
   e. If the luminaire is a replacement, through manufacturer's literature or otherwise, the replacement luminaire will reduce light pollution, glare, or Total Outdoor Light Output; or,
   f. When the luminaire is bottom-mounted, through the use of manufacturer's literature or otherwise, its use is superior in reducing light pollution, glare, or Total Outdoor Light Output as compared to a top-mounted luminaire.
   g. Any other information deemed relevant.

F. Temporary Exemption

1. Any person may submit a written request, to the City Manager or the City Manager's designee for a temporary exemption from the requirements of this section. The Request for Temporary Exemption shall contain the following information:

   a. Specific exemption or exemptions requested;
   b. Type and use of outdoor fixture involved;
   c. Duration of time for requested exemption;
   d. Total wattage of lamp or lamps;
   e. Proposed location on premises (if any) and addresses of premises;
   f. Physical size of outdoor light fixture(s) and type of shielding provided;
   g. Such other data and information as may be required by the Building Official.

2. Approval, Duration

   The City Manager or the City Manager's designee shall have five (5) business days from the date of submission of the Request for Temporary Exemption to act in writing on the request. If approved, the exemption shall be valid for not more than thirty (30) days from the date of issuance of the approval. The approval shall be renewable at the discretion of the City Manager or the City Manager's designee upon a consideration of all the circumstances. Each such renewed exemption shall be valid for not more than thirty (30) days. Each exemption can be renewed up to two (2) times.

3. Disapproval, Appeal

   If the Request for Temporary Exemption is disapproved, the person making the request will have the appeal rights as provided in the City of Boerne's Zoning Ordinance.

G. Prohibitions

1. The installation of any mercury vapor fixture or lamp, krypton, or argon discharge tubes intended for use as an architectural highlight to attract attention is prohibited.
2. The use of laser source light or any similar high-intensity light (such as a strobe light) is prohibited.
3. The operation of searchlights is prohibited.
4. Outdoor lighting that interferes with the safe operation of a motor vehicle is prohibited.
5. Up-lighting is prohibited, except as otherwise provided in this ordinance.
6. It shall be unlawful for any outdoor lighting fixture to cause glare, as defined herein and determined by the City Manager or the City Manager's designee, of sufficient intensity as to create an unsafe condition on public or private streets between the hours of midnight (12:00 a.m.) and 6:00 a.m.

H. Temporary Lighting for Sports Practices

1. Where temporary lighting is to be provided for sports practices that are not located in City Parks, or schools the following requirements shall apply.

   a. The field to be illuminated shall be a minimum of fifty (50) feet from a residential property line or a residential district.

b. Luminaires used for sports practices shall be at a maximum height of twenty (20) feet and may be positioned at that height up to the edge of the property on which the practice is being held.

c. The Luminaires shall be turned triat 9:00 p.m. or thirty (30) minutes after the practice is over, but in no event shall the field be illuminated after 9:30 p.m.

Figure A

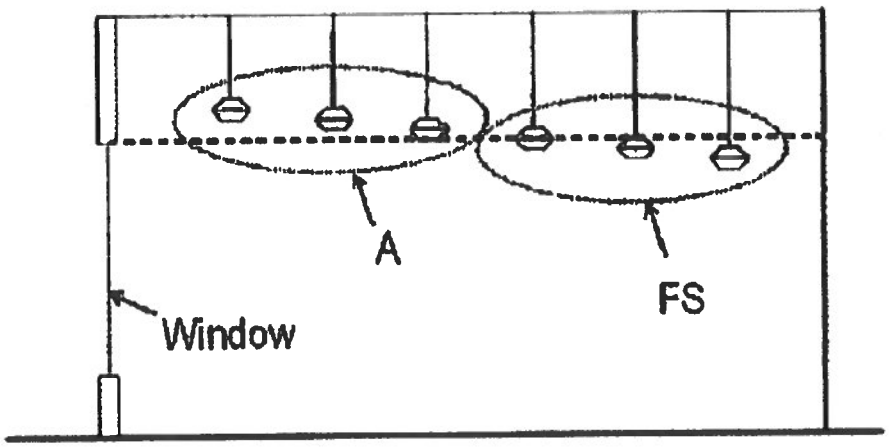
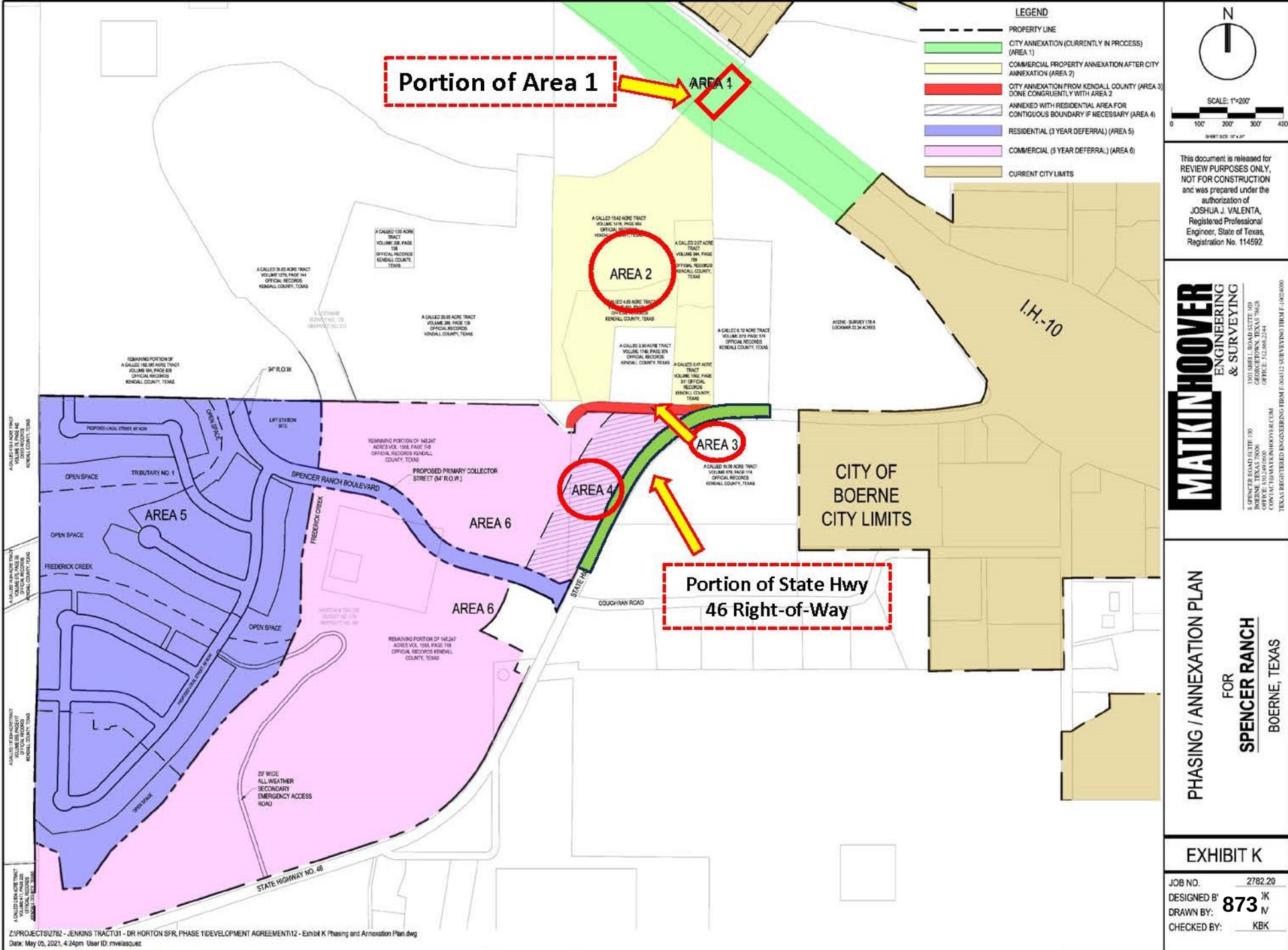


Figure A: Elevation view showing a nonresidential application of indoor lighting, labeled FS, which will be subject to this article and indoor lighting, labeled A, which is installed so that it is not subject to this article. This example presumes the structure in question is not elevated such that any of the luminaires labeled A in the figure above may be seen from any other property. If the structure is elevated such that the luminaires labeled A are visible from another property then, the



This document is released for REVIEW PURPOSES ONLY, NOT FOR CONSTRUCTION and was prepared under the authorization of JOSHUA J. VALENTA, Registered Professional Engineer, State of Texas, Registration No. 114592

MATKIN HOOVER ENGINEERING & SURVEYING
8 SPENCER ROAD SUITE 100 BOERNE, TEXAS 78006 OFFICE: 830.249.0600
3503 SHELL ROAD SUITE 103 GEORGETOWN, TEXAS 78628 OFFICE: 512.868.2244
TEXAS REGISTERED ENGINEERING FIRM F-9043 | SURVEYING FIRM F-10024600

PHASING / ANNEXATION PLAN FOR SPENCER RANCH BOERNE, TEXAS

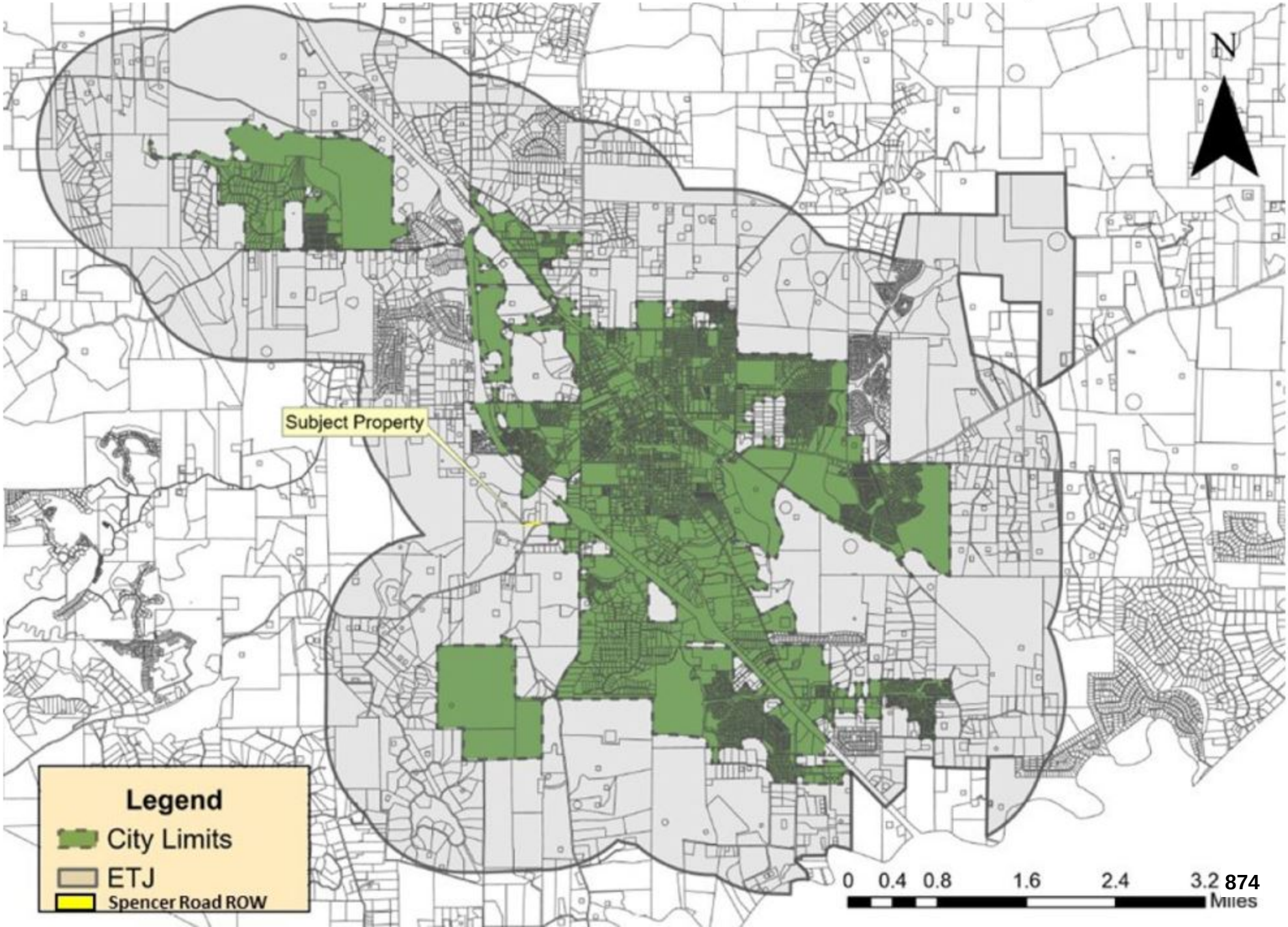
EXHIBIT K

JOB NO. 2782.20
DESIGNED BY: JK
DRAWN BY: MV
CHECKED BY: KBK

Z:\PROJECTS\2782 - JENKINS TRACT\31 - DR HORTON SFR, PHASE 1\DEVELOPMENT AGREEMENT\12 - Exhibit K Phasing and Annexation Plan.dwg
Date: May 05, 2021, 4:24pm User ID: mvelasquez

SUBJECT PROPERTY - LOCATION MAP

Portion of ROW also known as Spencer Road (Area 3)



P.O. Box 1677 • 447 N. Main
Boerne, Texas 78006

October 13, 2022

Mary Ellen Schulle, P.E.
Kendall County
201 E. San Antonio Ave.
Boerne, TX 780006

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

Dear Ms. Schulle,

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

Spencer Road, from intersection of Highway 46, approximate 850 feet south.

The right of way is contiguous to other property being annexed by the City which is contiguous to the City's boundaries.

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

Best Regards,



Jeffrey Carroll, P.E.
Director of Development Services

cc: City Secretary, City Attorney

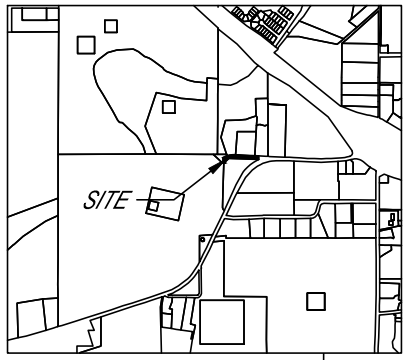
NOTES

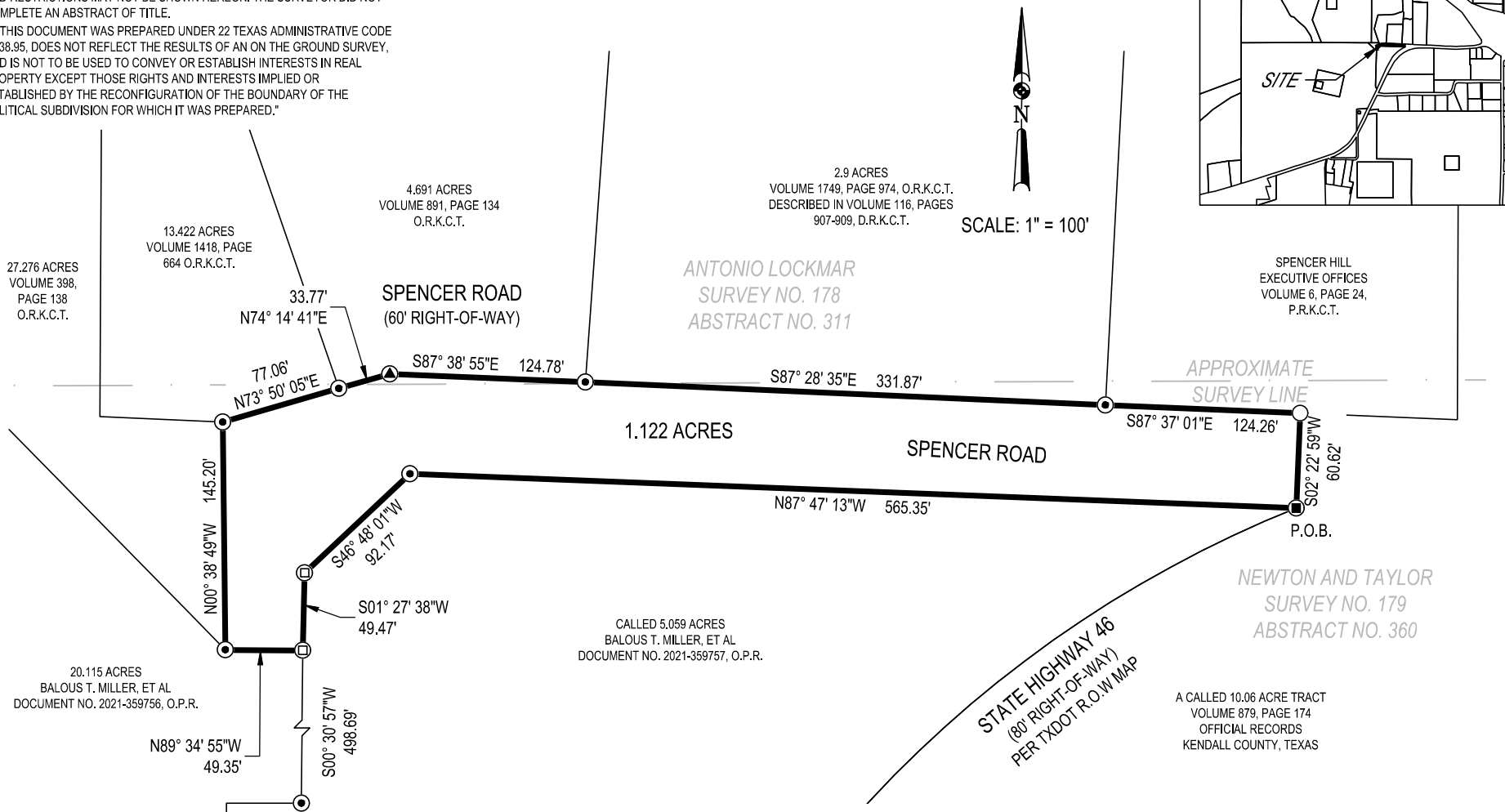
1. BEARINGS ARE BASED ON THE STATE PLANE COORDINATE SYSTEM ESTABLISHED FOR THE TEXAS SOUTH CENTRAL ZONE 4204, NORTH AMERICAN DATUM (NAD) OF 1983.
2. THIS EXHIBIT WAS DONE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT, THEREFORE ALL SETBACKS, EASEMENTS, ENCUMBRANCES AND RESTRICTIONS MAY NOT BE SHOWN HEREON. THE SURVEYOR DID NOT COMPLETE AN ABSTRACT OF TITLE.
3. "THIS DOCUMENT WAS PREPARED UNDER 22 TEXAS ADMINISTRATIVE CODE § 138.95, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED."

EXHIBIT OF

A 1.122 ACRE TRACT OF LAND LOCATED IN THE NEWTON & TAYLOR SURVEY NO. 179, ABSTRACT NO. 360, KENDALL COUNTY, TEXAS, AND BEING ACROSS THE EXISTING SPENCER ROAD RIGHT-OF-WAY, NO RECORD FOUND.

LOCATION MAP





LEGEND

P.O.B.	POINT OF BEGINNING
○	POINT
◎	FOUND FENCE POST
■	FOUND TXDOT MONUMENT
⊙	FOUND 1/2" IRON ROD
▲	FOUND 2" PIPE POST

STATE OF TEXAS
REGISTERED
KYLE L. PRESSLER
6528
PROFESSIONAL
LAND SURVEYOR

MATKINHOOVER
ENGINEERING & SURVEYING

HEADQUARTERS
8 SPENCER ROAD SUITE 300
BOERNE, TEXAS 78006
OFFICE: 830.249.0600 FAX:830.249.0099
3303 SHELL ROAD SUITE 3
GEORGETOWN, TEXAS 78628
OFFICE: 512.868.2244

BOERNE, TEXAS REGISTERED SURVEYING FIRM F-10024000
BOERNE, TEXAS REGISTERED ENGINEERING FIRM F-004512

CIVIL ENGINEERS SURVEYORS LAND PLANNERS
CONSTRUCTION MANAGERS CONSULTANTS

KYLE L. PRESSLER DATE: SEPTEMBER 21, 2022
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6528
KYLE.PRESSLER@MATKINHOOVER.COM
JOB NO. 16-4072 - 1.122 ACRES - AREA 3

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council of the City of Boerne, Texas will hold a Public Hearing on September 12, 2023, at 6:00 p.m., in the City Council Chambers, located at Boerne City Hall, Ronald C. Bowman Council Chambers, 447 N Main Street, Boerne, Texas, to discuss the following:

A. Proposed annexation of approximately 34.199 acres being a portion of right-of-way on Interstate Highway 10, 12 Spencer Road (KAD No. 37948), 2B Spencer Road (KAD No. 37947), 2 Spencer Road (KAD No. 14354), 8 Spencer Road (KAD No. 36891), a portion of right-of-way also known as Spencer Road, a portion of 10 Spencer Road (KAD No. 14916), a portion of West State Highway 46 (KAD No. 14918) and a portion of State Highway 46 right-of-way. *(One of one public hearing)*

All interested parties are encouraged to attend.

s/s Lori A. Carroll
City Secretary

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS
The Boerne City Hall is wheelchair accessible. Access to the building and special parking are available at the north entrance of the building. Requests for special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 830-249-9511.

AGENDA ITEM SUMMARY

Agenda Date	September 12, 2023
Requested Action	PRESENTATION, PUBLIC HEARING AND CONSIDER ON FIRST READING ORDINANCE NO. 2023-31; AN ORDINANCE ANNEXING A 5.984 ACRE PORTION OF WEST STATE HIGHWAY 46 (KAD. NO. 14918) AND A PORTION OF 10 SPENCER ROAD (KAD NO. 14916) TO THE CITY OF BOERNE, KENDALL COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY. *(One of one public hearing and consider the first reading of an ordinance annexing a portion of 10 Spencer Rd. at the request of Forestar (USA) Real Estate Group, Inc., Matkin Properties, LP, Equity Trust Company Custodian FBO Harold T. duPerier III IRA, and Equity Trust Company Custodian FBO John-Mark Matkin IRA)*
Contact Person	Nathan Crane, Interim Planning Director
Background Information	This request is to hold a public hearing and consider the first reading of an ordinance to approve the voluntary annexation of 5.984 acres. The second reading of the ordinance will be held on September 26, 2023. The entire request totals 34.199 acres and is divided into five separate areas. Each area will be considered as a separate agenda item.

Area	*Owner*	*Acres*
1	TxDOT (I-10)	1.633
2	Matkin Properties and DBT Investments	22.653
3	Kendall County (Spencer Road)	1.122
4	Balous and Julie Miller	5.984
5	TxDOT (State Hwy 46)	2.807
Total		34.199

**Shaded row indicates current agenda item.*

Development Agreement

The Spencer Ranch Development Agreement was approved by the Council on June 8, 2021. As part of this agreement the property is to be annexed into the City.

The agreement includes approximately 183 acres. The development plan includes the following uses:

Land Use Category	*Acres*
Single Family	71.12
Mixed Use Residential	21.41
Office	16.97
Commercial/Office	15.19
Mixed Use	23.7
Right of Way	3.82

Municipal Service Plan

A Municipal Service Plans (MSP) is required as part of each annexation. The MSP outlines how property in the annexed area will be served with municipal services. All owners have approved the Municipal Service Plans (MSP).

Texas Water will be the permanent water and sewer provider. The City of Boerne will be responsible for Fire, Police, Road Maintenance, and all other government functions.

Access to the site is provided from Highway 46 through a new proposed collector known as Spencer Ranch Road. The 2023 Mobility Master Plan identifies Spencer Ranch as a Collector Road. It also identifies Fredrick's Creek as a location for a future trail.

Current and Future Zoning

In accordance with Section 2.5 of the Unified Development Code, the property will be designated as a Holding (HOL) district until such time as the property is permanently zoned by the Council. Individual landowners will be responsible for applying to rezone their property.

	Birch at Spencer Ranch The single-family portion of the development is known as the Birch at Spencer Ranch which includes 209 single-family homes on 71.12 acres. The density is 2.93 units per acre. Kendall County has issued a permit to allow grading of the site for the single-family portion of the development. The Planning and Zoning Commission has approved the final plats for phases 1A, 1B, and 2 and the preliminary plat for phase 3. Plat recordation is contingent on the construction of Spencer Ranch Boulevard and approval from the Federal Emergency Management Association (FEMA) of a LOMR (Letter of Map Revision).
Item Justification	[X] Legal/Regulatory Obligation [ ] Infrastructure Investment [ ] Reduce Costs [ ] Customer Pull [ ] Increase Revenue [ ] Service Enhancement [ ] Mitigate Risk [ ] Process Efficiency [X] Master Plan Recommendation [ ] Other:
Strategic Alignment	C1 – Offering Quality Customer Experiences B2 – Advancing Master Plan Recommendations
Financial Considerations	
Citizen Input/Board Review	The private property owners provided consent of the annexation with approval of the Development Agreement. They have also approved the Municipal Service Plans in May and June 2023. Kendall County was notified of the annexation in October 2022 and TxDot was notified in May 2023. No comments have been received. Municipal Service Plans are not required for roadways. All other required notifications for annexation were completed on August 27, 2023. The property is part of the City's Extra-Territorial Jurisdiction (ETJ) and has been designated as Auto Oriented Commercial and Neighborhood Residential on the Future Land Use Map. The 2023 Mobility Master Plan identifies Spencer Ranch as a Collector Road. It also identifies Fredrick's Creek as a location for a future trail.

	On September 8, 2023, the Council set the date and time for a public hearing to be held on September 12, 2023.
Legal Review	This action is a statutory requirement for annexation.
Alternative Options	
Supporting Documents	Attachment 1 – Resolution Attachment 2 – Spencer Ranch Agreement Executed Jun1621 Attachment 3 - Annexation Area Map Attachment 4 – MSP and Exhibits - Spencer Ranch Area 4 – 5.984 Acres Attachments 5 - Location Map

ORDINANCE NO. 2023-31

AN ORDINANCE ANNEXING 5.984 ACRES BEING A PORTION OF 10 SPENCER OAD (KAD NO. 14916) AND A PORTION OF WEST STATE HIGHWAY 46 (KAD. NO. 14918) TO THE CITY OF BOERNE, KENDALL COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY

WHEREAS, Chapter 43 of the Texas Local Government Code and City Charter of the City of Boerne, Texas, an incorporated city, authorizes the annexation of territory, subject to the laws of this state as of January 1, 2019; and

WHEREAS, the owner of 10 Spencer Road (KAD No. 14916) and West State Highway 46 (KAD No. 14918) have requested that a portion of the areas be annexed into the City of Boerne in the extraterritorial jurisdiction of Boerne, Texas; and

WHEREAS, the City Council of the City of Boerne approved Resolution No. 2023-R59 on August 8, 2023, setting a public hearing for the proposed annexation of 5.984 acres being a portion of 10 Spencer Road (KAD No. 14916) and a portion of West State Highway 46 (KAD No. 14918) by the City and approved the service plan agreement for the area in the City Extraterritorial Jurisdiction ("ETJ") being considered for annexation into the corporate limits of the City of Boerne; and

WHEREAS, the City held a public hearing on September 12, 2023, to give all interested persons the right to appear and be heard on the proposed annexation; and

WHEREAS, the procedures prescribed by Chapter 43 Texas Local Government Code and/or Charter of the City of Boerne, Texas, and the laws of this state have been duly followed with respect to the following described territory, to wit:

BEING a 5.984 acre tract of land located in the Newton & Taylor Survey No. 179, Abstract No. 360, Kendall County, Texas, and being across a called 5.059 acre tract of land as described of record in Document No. 2021-359757, and a called 20.115 acre tracts of land as described in Document No. 2021-359756, both of the Official Public Records of Kendall County. Said 5.984 acre tract being more fully described in attached Exhibit "A".

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

Section 1. The facts, findings, recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct and are incorporated herein and expressly made part hereof, as if copied herein verbatim.

Section 2. That the heretofore described property is hereby annexed to the City of Boerne, Kendall County, Texas, and that the boundary limits of the City of Boerne be and the same are hereby extended to include the above described territory within the city limits of the City of Boerne, and the same shall hereafter be included within the territorial limits of said city, and the inhabitants thereof shall hereafter be entitled to all the rights and privileges of other citizens of the city of Boerne and they shall be bound by the acts, ordinances, resolutions, and regulations of said city.

Section 3. A service plan for the area was hereby adopted by City Council on August 8, 2023, and attached as Exhibit B.

The City Secretary is hereby directed to file with the County Clerk of Kendall County, Texas, a certified copy of this ordinance.

PASSED AND APPROVED on this the first reading the ____ day of September, 2023.

PASSED, APPROVED AND ADOPTED on this the second reading the ____ day of September, 2023.

APPROVED:

_____
Mayor

ATTEST:

_____
City Secretary

APPROVED AS TO FORM:

_____
City Attorney

2023 ANNEXATION
CITY OF BOERNE, TEXAS
MUNICIPAL SERVICE PLAN AGREEMENT

Property Subject to the Plan: Being a 5.984 acre tract of land located in the Newton & Taylor Survey No. 179, Abstract No. 360, Kendall County, Texas, and being across a called 5.059 acre tract of land as described of record in Document No. 2021-359757, and a called 20.115 acre tract of land as described of record in Document No. 2021-359756, both of the Official Public Records of Kendall County, Texas. Said 5.984 acre tract being more particularly described as follows:

Said acre tract being more fully described in attached Exhibits "A" and "B", which is incorporated as if fully set forth herein and hereinafter referred to as the "Property" or the "Annexation Area".

Municipal services to the Annexation Area will be furnished by or on behalf of the City of Boerne, Texas, at the following levels and in accordance with the following service plan programs:

A. SPECIFIC FINDINGS

The City Council of the City of Boerne, Texas finds and determines that this Municipal Service Plan will not provide any fewer services nor will it provide a lower level of service, in the Annexation Area, than were in existence at the time immediately preceding this territory's annexation to the City of Boerne, Texas.

B. PROGRAM FOR SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF THE ANNEXATION.

The City will provide the following services in the Annexation Area on the effective date of the annexation unless otherwise noted. As used in this plan, the term "providing services" includes having services provided by any method or means by which the City may extend municipal services to any other area of the City, including the City's infrastructure extension policies and developer or property owner participation in accordance with applicable City ordinances.

1. POLICE PROTECTION

The City of Boerne Police Department will provide regular and routine patrols to the Annexation Area at the same or similar level now being provided to other areas of the City with similar topography, land use and population densities.

The services will include, but are not limited to:

- Normal patrols and responses to calls for service;
- Handling of offense and incident reports;
- Special units, such as traffic enforcement, criminal investigations, narcotics law enforcement, gang suppression, and crime response team deployment when required; and
- Animal Control services.

2. FIRE SERVICE

The City of Boerne, Texas and its Fire Department will provide fire protection services to the Annexation Area at the same or similar level now being provided to other areas of the City with similar topography, land use and population densities. The Fire Department will perform these duties as part of its overall activities. Adequate fire suppression activities can be afforded to the annexed area within current budget appropriation. Fire prevention activities will be provided by the Fire Marshall's office as needed.

These services include, but are not limited to:

- Basic Life Support (BLS) 1st responder emergency medical services;
- Fire suppression and rescue;
- Hazardous materials mitigation and regulation;
- Technical rescue;
- Fire Safety Education;
- Aircraft/rescue/firefighting;
- Fire protection system plan review; and
- Inspections.

3. BUILDING INSPECTION AND CODE ENFORCEMENT SERVICES

The City of Boerne Code Enforcement Department activities will extend to Annexation Area, pursuant to applicable policies and/or ordinances of the City, now existing or as such policies and/or ordinances may be amended. These services include, but are not limited to, consultation with project developers for building code requirements, plan review for structures, issuance of building permits, and on-site inspection services for new construction.

The Code Enforcement Department will also enforce the City's code of ordinances and will respond to requests for inspection and complaints of suspected City Code violations including, but not limited to: high weeds and grass, trash and debris, solid waste, trash carts and illegal dumping, junked and abandoned vehicles, zoning, food, daycare, pool and spa inspections, stray animals, cruelty and bite investigations. Complaints of ordinance or regulation violations within the Annexation Area will be answered and investigated by existing personnel within the appropriate City department beginning on the effective date of the annexation.

4. PLANNING AND ZONING

The City of Boerne Planning and Zoning Department activities will extend to the Annexation Area, pursuant to applicable policies and/or ordinances of the City, now existing or as may be amended.

5. LIBRARY

Free library uses, and privileges will be available to residents of the Annexation Area, pursuant to applicable policies and/or ordinances as may be amended.

6. PARKS, PLAYGROUNDS, AND SWIMMING POOLS

Residents of the Annexation Area may utilize all existing parks and community service facilities throughout the City subject to existing ordinances and policies as may be amended. Existing parks, playgrounds, swimming pools and other recreational and community facilities within the Annexation Area that are private facilities will be unaffected by the annexation.

7. SOLID WASTE COLLECTION

Solid waste collection is contracted for by the City's contracted agent upon annexation. Solid waste collection will be provided to the Annexation Area at the same or similar level of service now being provided to other areas of the City in accordance with existing ordinances and policies as may be amended from time to time.

8. STREET AND DRAINAGE MAINTENANCE

The effects of this addition on drainage will be addressed under the provisions of the City of Boerne ordinances and policies in effect at the time of platting.

Public roads, streets and drainage improvements that have been properly platted, duly dedicated, and accepted by the City of Boerne and/or Kendall County shall be maintained by City Street Department. All roads, streets or alleyways in the Annexation Area which have been dedicated to the public shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas of the City of Boerne with similar land use, population density and topography.

Construction of new roads and streets, if any, is the responsibility of the developer or landowner desiring them and must be designed and built in accordance with applicable City of Boerne ordinances and policies as may be amended.

The effects of this addition on drainage will be addressed under the provisions of the City of Boerne ordinances and policies in effect at the time of platting, if and when such platting occurs. The effects will be consistent with such maintenance provided by the City of Boerne to other areas within the City exhibiting land use, population density and topography similar to that of the Annexation Area.

9. ELECTRIC SERVICE

Bandera Electric Cooperative is the current electric service provider and will continue to provide electricity service as required to the annexation area.

10. GAS SERVICE

Natural gas service from the City of Boerne may be extended to and throughout the property by the petitioner according to City standards. Natural Gas service is provided for as it is to all other areas within the City of Boerne with the same or similar topography, land use, and population density. The nearest natural gas main of significant capacity is located along the east side of IH-10 at Upper Balcones Rd., approximately 2,000 feet east of the subject property.

11. WATER SERVICE

Water service to the area from the SJWTX, Inc, may be extended to and throughout the property according to City standards. Extension of service shall comply with State law as provided in Chapter 43 of the Local Government Code.

12. SEWER SERVICE

Sanitary sewer service to the area from SJWTX, Inc. may be extended to and throughout the property according to City standards. Extension of service shall comply with applicable State law as provided in Chapter 43 of the Local Government Code.

C. CAPITAL IMPROVEMENTS PROGRAM

No capital improvements are necessary at this time to provide services to the Annexation Area consistent with all other areas within the City of Boerne with the same or similar topography, land use, and population density. Need for construction of new facilities will be assessed periodically based on population growth and predicted growth. Any capital improvements deemed necessary to serve the subject annexation area shall be and shall remain the responsibility of the petitioner.

THE STATE OF TEXAS
COUNTY OF KENDALL

The undersigned acknowledge that the Municipal Service Plan Agreement has been read and the requirements and stipulations contained therein are understood.

Balous T. Miller
Printed Name

Signature

6-20-2023
Date

Julie Miller
Printed Name

Signature

6-20-2023
Date

THE STATE OF TEXAS
COUNTY OF KENDALL

This Municipal Service Plan Agreement was acknowledged before me on the 20th day of June, 2023

AMANDA ANNE LAGUNAS
Notary ID #133859902
My Commission Expires
July 14, 2026

Amanda Anne Lagunas
Notary Public In and For the State of Texas

THE STATE OF TEXAS
COUNTY OF KENDALL

The undersigned acknowledge that the Municipal Service Plan Agreement has been read and the requirements and stipulations contained therein are understood.

Balous T. Miller
Printed Name

Signature

6-20-2023
Date

Julie Miller
Printed Name

Julie Miller
Signature

6-20-2023
Date

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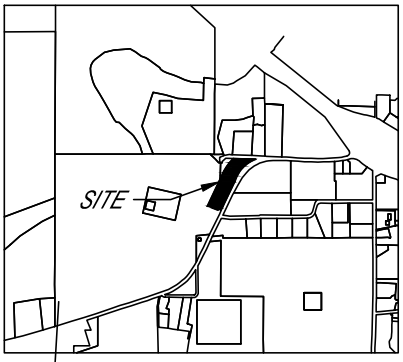
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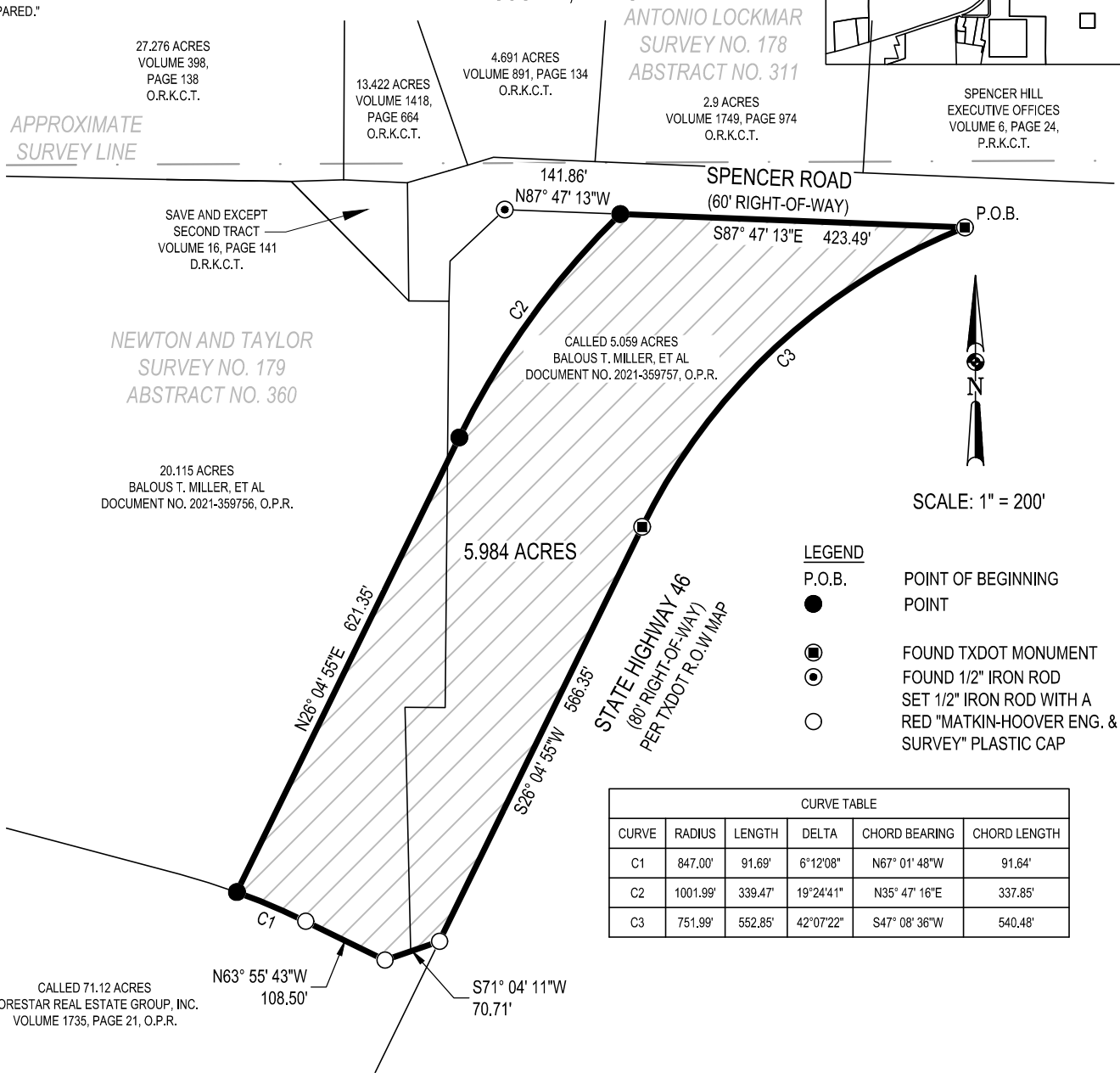
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EXHIBIT OF

A 5.984 ACRE TRACT OF LAND LOCATED IN THE NEWTON & TAYLOR SURVEY NO. 179, ABSTRACT NO. 360, KENDALL COUNTY, TEXAS, AND BEING ACROSS A CALLED 5.059 ACRE TRACT OF LAND AS DESCRIBED OF RECORD IN DOCUMENT NO. 2021-359757, AND A CALLED 20.115 ACRE TRACT OF LAND AS DESCRIBED OF RECORD IN DOCUMENT NO. 2021-359756, BOTH OF THE OFFICIAL PUBLIC RECORDS OF KENDALL COUNTY, TEXAS.

LOCATION MAP





SCALE: 1" = 200'

LEGEND

P.O.B.	POINT OF BEGINNING
●	POINT
▣	FOUND TXDOT MONUMENT
⊙	FOUND 1/2" IRON ROD
○	SET 1/2" IRON ROD WITH A RED "MATKIN-HOOVER ENG. & SURVEY" PLASTIC CAP

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C1	847.00'	91.69'	6°12'08"	N67° 01' 48"W	91.64'
C2	1001.99'	339.47'	19°24'41"	N35° 47' 16"E	337.85'
C3	751.99'	552.85'	42°07'22"	S47° 08' 36"W	540.48'

MATKINHOOVER
ENGINEERING & SURVEYING

HEADQUARTERS
8 SPENCER ROAD SUITE 300
BOERNE, TEXAS 78006
OFFICE: 830.249.0600 FAX:830.249.0099
3303 SHELL ROAD SUITE 3
GEORGETOWN, TEXAS 78628
OFFICE: 512.868.2244

BOERNE, TEXAS REGISTERED SURVEYING FIRM F-10024000
BOERNE, TEXAS REGISTERED ENGINEERING FIRM F-004512

CIVIL ENGINEERS SURVEYORS LAND PLANNERS
CONSTRUCTION MANAGERS CONSULTANTS

STATE OF TEXAS
REGISTERED
KYLE L. PRESSLER
6528
PROFESSIONAL
LAND SURVEYOR

KYLE L. PRESSLER DATE: AUGUST 29, 2022
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6528
KYLE.PRESSLER@MATKINHOOVER.COM

JOB NO. 16-4072 - 5.984 ACRES - AREA 4

MATKINHOOVER
ENGINEERING
& SURVEYING

FIELD NOTES FOR A 5.984 OF ONE ACRE TRACT OF LAND

A **5.984 acre** tract of land located in the Newton & Taylor Survey No. 179, Abstract No. 360, Kendall County, Texas, and being across a called 5.059 acre tract of land as described of record in Document No. 2021-359757, and a called 20.115 acre tract of land as described of record in Document No. 2021-359756, both of the Official Public Records of Kendall County, Texas. Said **5.984 acre** tract being more particularly described by metes and bounds as follows:

BEGINNING at a found Texas Department of Transportation Right-of-Way Monument, Type I, at the intersection of the south right-of-way line of Spencer Road and the northwest right-of-way line of State highway 46, at the northeast corner and a point of curvature of a called 5.059 acre tract of land as described of record in Document No. 2021-359757 of the Official Public Records of Kendall County, Texas and the tract described herein;

THENCE: With the northwest right-of-way line of State Highway 46 and the easterly lines of said 5.059 acre tract, the following two (2) courses:

1. With a curve to the left having a radius of **751.99 feet**, an arc length of **552.85 feet**, a delta angle of **042° 07' 22"** and a chord which bears, **S 47° 08' 36" W**, a distance of **540.48 feet** to found TxDOT Type 1 concrete marker for a point of tangency of the tract of land described herein, and
2. **S 26° 04' 55" W**, a distance of **566.35 feet** to a set ½" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for the most easterly northeast corner of a called 71.12 acre tract of land as described in Volume 1735, Page 140 of the Official Records of Kendall County, Texas, and for the southeast corner of the tract described herein;

THENCE: Departing the northwest Right-of-Way line of State Highway 46 and with the northerly lines of said 71.12 acre tract, the southerly lines of said 5.059 acre tract and said 20.115 acre tract, the following three (**3**) courses:

1. **S 71° 04' 11" W**, a distance of **70.71 feet** to a set ½" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for an angle of the tract of land described herein,
2. **N 63° 55' 43" W**, a distance of **108.50 feet** to a set ½" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a point of curvature of the tract of land described herein, and
3. With a curve to the left having a radius of **847.00 feet**, an arc length of **91.69 feet**, a delta angle of **006° 12' 08"** and a chord which bears, **N 67° 01' 48" W**, a distance of **91.64 feet** to a point of non-tangency and for the southwest corner of the tract described herein;

THENCE: Into said 20.115 acre tract and said 5.059 acre tract, the following two (2) courses:

1. **N 26° 04' 55" E**, a distance of **621.35 feet** to a point of curvature, and
2. With a tangent curve to the right having a radius of **1001.99 feet**, an arc length of **339.47 feet**, a delta angle of **019° 24' 41"** and a chord bears, **N 35° 47' 16" E**, a distance of **337.85 feet** to a point in the north line of said 5.059 acre tract, in the south right-of-way line of Spencer Road, for the northwest corner and a point of non-tangency of the tract described herein, from which a found ½" iron rod in the south right-of-way line of Spencer Road, and for a northwesterly corner of said 5.059 acre tract bears, N 87° 47' 13" W, a distance of 141.86 feet;

THENCE: **S 87° 47' 13" E**, with the south right-of-way line of Spencer Road and the north line of said 5.059 acre tract, a distance of **423.49 feet** to the **POINT OF BEGINNING** and containing **5.984 acres of land**, situated in Kendall County, Texas.

Note: The basis of bearing was established using the Trimble VRS Network, NAD (83), Texas State Plane Coordinate System, South Central Zone, 4204, US Survey Foot, Grid. A survey plat was prepared by a separate document. "This document was prepared under 22 Texas Administrative Code § 138.95, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the reconfiguration of the boundary of the political subdivision for which it was prepared."



Job # 16-4072 5.984 Acres-Area 4

Date: August 29, 2022

SPENCER RANCH
DEVELOPMENT AGREEMENT

This Development Agreement (this "Agreement") is entered by and between the **City of Boerne**, a Texas home-rule municipal corporation located within Kendall County, Texas (hereinafter, referred to as "City"), **Forestar (USA) Real Estate Group, Inc.** (a Delaware Corporation, hereinafter referred to as "Forestar"), **Matkin Properties, LP**, a Texas limited partnership ("Matkin Properties"), **Equity Trust Company Custodian FBO Harold T. duPerier III IRA**, 50% undivided interest, and **Equity Trust Company Custodian FBO John-Mark Matkin IRA**, 50% undivided interest (collectively, the "Undivided Interest Holders"). Matkin Properties and the Undivided Interest Holders are referred to herein collectively as the "Frontage Owners." Forestar and the Frontage Owners are, collectively, the owners of approximately +/-160 acres of Real Property generally located at Spencer Road and State Highway 46, more specifically described below. Forestar and Frontage Owners hereby enter into this Agreement with the City to allow for certain development provisions and the annexation of the property described herein. City, Forestar, and Frontage Owners shall hereafter collectively be referred to as "Parties" or in the singular as "Party."

RECITALS

WHEREAS, Forestar owns approximately 71.12-acres of Real Property in Kendall County, Texas (the "County") and within the extra-territorial jurisdiction ("ETJ") of the City (hereinafter referred to as the "Forestar Property;" *see* **"Exhibit A"**). Forestar has submitted and the City has approved the Master Plan for approximately 209 single-family homes (*see* **"Exhibit B;"** hereinafter referred to as "Forestar's Project" or the "Birch at Spencer Ranch");

WHEREAS, Frontage Owners own approximately 87-acres of Real Property in the County and within the City's ETJ (hereinafter referred to as the "Frontage Owners Property;" *see* **"Exhibit C"**). Such Property is intended to be developed for mixed use purposes (the "Frontage Owners Project" *see* **"Exhibit D"**).

WHEREAS, in order for Forestar and Frontage Owners to carry out their respective projects, and pursuant to the City's Subdivision Ordinance No. 2007-56, et. Seq., (the "Subdivision Ordinance") certain improvements in the area need to be made. Specifically, the construction and/or dedication of a Spencer Ranch Boulevard, which is approximately 2,200 (1,850+350) feet and traverses both the Forestar Property and the Frontage Owners Property (the "Road;" *see* **"Exhibit E"**).

WHEREAS, It is the intent that both Forestar and Frontage Owners, and any successor owners of the identified properties, shall participate in their proportionate share of construction and/or dedication of 2,200 feet of a 4 lane, primary collector roadway, from Highway 46 in a northwestern direction as depicted in Exhibit E, including a traffic signal and any required turn lanes at the intersection of Highway 46 and the Road, referred to herein collectively as "Spencer

Ranch Roadway Improvements", either by constructing their proportionate share of roadway improvements or by providing roadway funds for the City to construct roadway improvements when warranted, all of which is provided in the Rough Proportionality Determination issued by the City on October 1, 2020 ("Rough Proportionality Determination; *see* "**Exhibit F**").

WHEREAS, the Parties desire to enter into this Agreement pursuant to Subchapter C-3 of Chapter 43 of the Texas Local Government Code, § 43.0671, et. Seq., (the "Code") to reflect that in consideration of Forestar's and Frontage Owners' agreement to voluntary annexation and other consideration as stated herein, the City shall abide by and comply with the terms of this Agreement and the conditions stated herein. More specifically, City shall agree to (1) allow for the Road to be constructed and maintained as a Private Road pursuant to the methods and procedures in this Agreement, (2) annex the Forestar Property and the Frontage Owners' Property in a timely manner in accordance with procedures set forth in state law, and (3) the remaining provisions contained herein.

NOW, THEREFORE, in consideration of the mutual covenants and agreements, and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties now wish to enter into this Agreement and agree as follows:

I. DEFINITIONS

1.1 "Agreement" shall mean this document executed by the Parties, which may be amended from time to time, pursuant to the provisions contained herein.

1.2 "Annexation Area" shall reflect the Properties in Exhibit K (see below).

1.3 "Birch at Spencer Ranch" shall have the meaning specified above.

1.4 "City" and "County" shall have the meaning specified above.

1.5 "Code" shall mean the Texas Local Government Code, as amended.

1.6 "CPI Adjustment" shall mean means the year-to-year adjustment commencing on the first anniversary of the date this Agreement is signed by all Parties, unless otherwise noted, which adjustment shall use the Bureau of Labor Statistics, U.S. Department of Labor Price Index for all Urban Consumers for All Items for the South Region, 1982-84=100.

1.7 "Cure Period" shall have the meaning described in Article VII, below.

1.8 "Effective Date" shall mean the date of execution of this Agreement by all Parties.

1.9 "ETJ" shall have the meaning specified above.

1.10 "Forestar" shall have the meaning specified above.

1.11 "Forestar Project" shall have the meaning specified above.

1.12 "Forestar Property" shall have the meaning specified above.

1.13 "Forestar's Rough Proportionality" shall have the meaning specified below.

1.14 "Frontage Owners" shall have the meaning specified above.

1.15 "Frontage Owners Project" shall have the meaning specified above.

1.16 "Frontage Owners Property" shall have the meaning specified above.

1.17 "Frontage Owners' Rough Proportionality" shall mean the Rough Proportionality Determination issued by the City on October 1, 2020 (see Exhibit F, below).

1.18 "Road" shall have the meaning specified above.

1.19 "Road Reserve Fund" shall have the definition prescribed below.

1.20 "Spencer Ranch Roadway Improvements" shall have the meaning specified above.

1.21 "Subdivision Ordinance" shall have the meaning specified above.

1.22 "Traffic Impact Analysis" shall have the meaning described in the Subdivision Ordinance.

Singular and Plural: Words used herein in the singular, where the context so permits, also includes the plural and vice versa, unless otherwise specified.

II. REPRESENTATIONS AND ACKNOWLEDGMENTS

2.1 The recitals set forth hereinabove are included here as if set out in full and are part of the conditions of this Agreement and binding on Parties.

2.2 Forestar and Frontage Owners represent to City that they collectively are the owners of their respective properties and have the legal capacity and authority to enter into this Agreement and to perform the requirements of this Agreement.

2.3 City acknowledges that it has the authority to agree to the provisions herein and

annex the Frontage Owners Property and the Forestar Property pursuant to the Code and all City regulations, ordinances, and rules pursuant to statutory requirements.

III. THE BIRCH AT SPENCER RANCH

3.1 The Birch at Spencer Ranch consists of approximately 209 single-family homes on the Forestar Property (see previously mentioned Exhibit B). Pursuant to the Subdivision Ordinance and Code, Forestar is required to construct its proportion of infrastructure in coordination with the development of the Birch at Spencer Ranch. Specifically, Forestar's monetary contribution to the Road, as determined by the City's Rough Proportionality Determination for said 209 single-family homes, issued on October 1, 2020 (see previously mentioned Exhibit F) shall not exceed $1,432,477.45 ("Forestar's Rough Proportionality") as adjusted in accordance with the CPI Adjustment (as hereinafter defined). This includes the design and construction of approximately 1,850 ft. of the Road. Upon complete payment of Forestar's Rough Proportionality, all Rough Proportionality for the Birch at Spencer Ranch shall be satisfied and no additional payment or construction of improvements shall be requested or required of Forestar. The City reserves the right to reassess and recalculate the rough proportionality determination if the single-family home count at the Birch at Spencer Ranch changes by more than ten (10) percent.

3.2 This Agreement shall allow Forestar to design, construct, and maintain its proportion (such proportion as specified in previously mentioned Exhibit F) of the Road as a private road, as that term is identified in the Subdivision Ordinance, until such time that the City completes the state prescribed requirements to annex Forestar's Property. City shall perform and complete all inspections and approvals of such portion of the Road as though the City would be maintaining such Road to allow for a timely transfer of maintenance of the Road upon annexation of Forestar's Property.

3.3 Forestar shall dedicate 94-foot right-of-way for the construction of the 350-foot extension of the Road to the City (*see* **"Exhibit G"**) with Phase 3 of the Birch at Spencer Ranch (see previously mentioned Exhibit D) or no later than five (5) years after the date of execution of this agreement. Forestar shall not be required to design or construct the 350 feet of the Road depicted in Exhibit G.

3.4 In association with the permitting, platting, design, and construction of the Birch at Spencer Ranch, Forestar shall be Subject to the following provisions:

> 3.4.1 Pursuant to Sec. 7.03.004 of the Subdivision Ordinance, all water mains for the Birch at Spencer Ranch shall be looped and such water looping shall coincide with the phased development, as indicated in the Overall Utility Plan (see "**Exhibit H**"). Such looping can occur by other means acceptable to both Forestar and the City, as evidenced in writing and executed by both Parties. Compliance with Sec. 7.03.004 of the Subdivision Ordinance shall be completed

concurrently with Phase 3 of the Birch at Spencer Ranch or no later than five (5) years after the date of execution of this agreement.

3.4.2 In lieu of the method of calculation of the yearly contribution for common area reserve fund as described in Section 5.11.014(F)(8)(ii) of the subdivision ordinance, the value of the yearly contribution to the Birch at Spencer Ranch HOA reserve fund shall be assessed at $26,120 per year for the Road, and upon the completion and annexation of each Phase of the Birch at Spencer Ranch (see Exhibit B) the Association shall cause the following funds to be contributed for local streets: $27,385 for Phase 1B, $28,928 for Phase 2, and $22,549 for Phase 3, respectively. The year each Phase of the Birch at Spencer Ranch is annexed such fees shall be prorated. The aforementioned amounts can be adjusted in accordance with the CPI Adjustment. The HOA shall deposit the $26,120 yearly Reserve Fund contribution amount for the Road every 12 months from execution of this Agreement. Upon annexation of Area 5 (see Exhibit K, below), and written request by Forestar, the City shall take over maintenance of the Road and local streets per the process as described in Section 5.11.011 of the Subdivision Ordinance. Upon City commencing maintenance of the Road, the HOA reserve fund balance shall be dedicated to City of Boerne per subdivision ordinance section 5.11.005(C)(iv).

3.4.3 A five-foot (5') sidewalk shall be constructed on the North and South side of the Road where there are four (4) traffic lanes. Where there are only two (2) traffic lanes on the Road a sidewalk shall only be constructed on the South side of the Road (*see* "**Exhibit I**").

3.4.4 The Monument Signs shown in Exhibit J shall be located outside of the right-of-way and outside of the intersection visibility area on either side of the primary collector known as Spencer Ranch Blvd at the intersection of Highway 46 West. These signs will serve as an entrance feature for the Road and the entire development, including the residential and commercial development surrounding the primary collector. The monument signs shall be constructed as shown in Exhibit J, the letters may be backlit and the landscaping shall be provided as demonstrated using the plants listed in Exhibit J and shall not be allowed to exceed one hundred (100) square feet in size. No up-lighting of the monument signs will be permitted, and the signs shall only contain the words Spencer Ranch on the face of the signs. Each sign, landscaping and irrigation shall be maintained in perpetuity by the Birch at Spencer Ranch Homeowners Association which shall be demonstrated in the CCR's.

IV. FRONTAGE OWNERS PROJECT

4.1 Future developments within the Frontage Owners Property are responsible for their

proportionate share of the Spencer Ranch Roadway improvements as defined in Exhibit F. If future development on the Frontage Owners Property requires a Traffic Impact Assessment (TIA), and the results of the same require border street or turn Lane improvements, then these improvements shall be constructed at time of platting. However, if the future development's proposed traffic impact, as determined by the TIA, is an amount that does not require construction of those border street or turn lane improvements, the development shall be required to provide roadway funds into an escrow account, managed by the City, based upon each development's proportionate share of the roadway improvements. Such proportionate share of roadway funds shall be calculated based upon the maximum peak hour trips as determined in each development's TIA and as described in City ordinances as of the Effective Date, multiplied by $551.55 per peak hour trip, subject however to the maximum contribution amounts set forth in Section 4.1.2 below.

4.2 At time of plat submittals to the City, each development shall provide a TIA that determines the peak hour trip for the development. Upon approval of the TIA by the City, the proportionate share of roadway funds shall be provided to the City prior to final plat approval for each development. Any change of land use from the initial TIA, provided during the platting process, shall require an updated TIA and the development shall provide additional roadway funds for any increase in peak hour trips pursuant to the Subdivision Ordinance prior to the City issuing a building permit. At no time shall the roadway funds described herein and provided to the City exceed a total of $1,742,889.00 (total cost equaling $1,442,889 in estimated cost for the completion of the Road and $300,000 in estimated cost for a traffic signal at Hwy 46), as adjusted in accordance with the CPI Adjustment (as hereinafter defined) which is the proportionate share of the Frontage Owners Property roadway improvements per the City's Rough Proportionality determination. All TIA's for development projects within the Frontage Owners Property shall include background traffic generation data from all previously platted parcels in the Frontage Owners Property and Forestar Property for warrant determination of said Spencer Ranch Roadway Improvements. Upon City approval of a TIA that warrants said Spencer Ranch Roadway Improvements, City shall begin the design and construction of said warranted roadway improvements to be paid from the available funds in City's escrow account. The City reserves the right to reassess and recalculate the rough proportionality determination if the single-family home count at the Birch at Spencer Ranch changes by more than ten (10) percent.

4.3 At such time that all roadway improvements, full buildout of the Road and Highway 46 Intersection Road Improvements, are constructed and accepted by the regulating authority, the collection of the proportionate share of the roadway funds shall cease.

4.4 All commercial construction on the Frontage Owners' Property that is within 350 feet of the State Highway 46 right of way and 350 feet. of the Road that occurs prior to annexation into the City limits shall comply with the specific design criteria and lighting regulations (*see* **Exhibit "L"**).

4.5 No structure shall be constructed on the Frontage Owners Property unless a building permit has been issued by the City and a final plat has been recorded for the lot on which the Structure is proposed to be built on.

V. ANNEXATION

5.1 Upon City's compliance with Subchapter C-3 of Chapter 43 of the Code and Annexation of Area 1, the Properties referenced in this Agreement shall be annexed as described below (*see* "**Exhibit K**"):

5.1.1 Area 2 and Area 3 to be annexed as soon as legally permissible in accordance with requirements of state law.

5.1.2 Area 4 to be annexed as soon as legally permissible in accordance with requirements of state law.

5.1.3 Area 5 to be annexed within 18 months of execution of this agreement or as soon thereafter the annexation in 5.1.2 as legally permissible in accordance with State law.

5.1.4 Area 6- Any portions of land within Area 6 that are contiguous to land previously annexed by the City in Areas 1-5 must be annexed and zoned by the City prior to the application by the owner of such contiguous land for a building permit. The owner of any portion of land within Area 6 that is not contiguous to land previously annexed by the City in Areas 1-5 for which development is proposed by such owner, must take whatever action is necessary in order for the City to be able to annex and zone such affected land, prior to such owner applying for a building permit. The platting of any tracts within Area 6 into tracts of smaller acreage does not trigger the requirement for annexation. The owner of any remaining land in Area 6 that has not been theretofore annexed by the City at the expiration of 60 months from the Effective Date of this Agreement must begin the annexation process immediately after the expiration of such 60-month period.

VI. CONSIDERATION

Section 1.01 6.1 Voluntary petition for annexation. The Parties agree that this Agreement constitutes a voluntary petition to the City for annexation of the Forestar Property and the Frontage Owners' Property for full purposes under the provisions of Subchapter C-3 of Chapter 43 of the Code which shall be deemed submitted to the City on the Effective Date of this Agreement.

6.2 Parties agree that this voluntary petition and consent may not be revoked and is intended to be and shall be binding upon the Parties as well as their successors and assigns in ownership of any right, title, or interest in and to the Forestar Property and the Frontage Owners' Property or any part thereof.

6.3 Waiver. To the extent authorized by state and local laws, the Parties agree that the City is only obligated to perform those tasks set forth in Subchapter C-3 of Chapter 43 of the Texas Local Government Code that are required when annexing property under that subchapter. Parties agree that the Parties shall not oppose any action taken by the City to annex the Annexation Area under this Agreement or under Subchapter C-3 of Chapter 43 of the Code.

6.4 All covenants, agreements and terms contained in this agreement obligating Parties shall run with the land and shall hereafter bind all of their successors and assigns and all future owners of the Forestar Property or Frontage Owners' Project.

6.5 Notwithstanding any provision herein to the contrary, the Parties agree and acknowledge that, in accordance with Section 212.172(g), this Agreement constitutes a permit under Chapter 245 of the Code.

VII. WRITTEN AGREEMENT REGARDING SERVICES

7.1 When the City annexes the Forestar Property and the Frontage Owners' Property pursuant to this Agreement, the Parties agree that this Section VII of this Agreement shall constitute a Written Agreement Regarding Services required under Chapter 43, section 43.0672 of the Code; shall run with the land; and shall govern all municipal services to be provided to the Forestar Property and the Frontage Owners' Property.

A. PROGRAM FOR SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF THE ANNEXATION.

The City will provide the following services in the Annexation Area on the effective date of the annexation, unless otherwise noted. As used in this plan, the term "providing services" includes having services provided by any method or means by which the City may extend municipal services to any other area of the City, including the City's infrastructure extension policies and developer or property owner participation in accordance with applicable City ordinances.

1. POLICE PROTECTION

The City of Boerne Police Department will provide regular and routine patrols to the Annexation Area at the same or similar level now being provided to other areas of the City with similar topography, land use and population densities.

The services will include, but are not limited to:

- Normal patrols and responses to calls for service;
- Handling of offense and incident reports;
- Special units, such as traffic enforcement, criminal investigations, narcotics law enforcement, gang suppression, and crime response team deployment when required; and
- Animal Control services.

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2. FIRE SERVICE

The City of Boerne, Texas and its Fire Department will provide fire protection services to the Annexation Area at the same or similar level now being provided to other areas of the City with similar topography, land use and population densities. The Fire Department will perform these duties as part of its overall activities. Adequate fire suppression activities can be afforded to the annexed area within current budget appropriation. Fire prevention activities will be provided by the Fire Marshall's office as needed.

These services include, but are not limited to:

- Basic Life Support (BLS) 1st responder emergency medical services;
- Fire suppression and rescue;
- Hazardous materials mitigation and regulation;
- Technical rescue;
- Fire Safety Education;
- Aircraft/rescue/firefighting;
- Fire protection system plan review; and
- Inspections.

3. BUILDING INSPECTION AND CODE ENFORCEMENT SERVICES

The City of Boerne Code Enforcement Department activities will extend to Annexation Area, pursuant to applicable policies and/or ordinances of the City, now existing or as such policies and/or ordinances may be amended. These services include, but are not limited to, consultation with project developers for building code requirements, plan review for structures, issuance of building permits, and on-site inspection services for new construction.

The Code Enforcement Department will also enforce the City's code of ordinances and will respond to requests for inspection and complaints of suspected City Code violations including, but not limited to: high weeds and grass, trash and debris, solid waste, trash carts and illegal dumping, junked and abandoned vehicles, zoning, food, daycare, pool and spa inspections, stray animals, cruelty and bite investigations. Complaints of ordinance or regulation violations within the Annexation Area will be answered and investigated by existing personnel within the appropriate City department beginning on the effective date of the annexation.

4. PLANNING AND ZONING

The City of Boerne Planning and Zoning Department activities will extend to the Annexation Area, pursuant to applicable policies and/or ordinances of the City, now existing or as may be amended. The Planning and Zoning Commission will initiate permanent zoning of the newly annexed area as soon as possible after annexation.

5. LIBRARY

Free library uses, and privileges will be available to residents of the Annexation Area, pursuant to applicable policies and/or ordinances as may be amended.

6. PARKS, PLAYGROUNDS, AND SWIMMING POOLS

Residents of the Annexation Area may utilize all existing parks and community service facilities throughout the City subject to existing ordinances and policies as may be amended. Existing parks, playgrounds, swimming pools and other recreational and community facilities within the Annexation Area that are private facilities will be unaffected by the annexation.

7. SOLID WASTE COLLECTION

Solid waste collection is contracted for by the City's contracted agent upon annexation. Solid waste collection will be provided to the Annexation Area at the same or similar level of service now being provided to other areas of the City in accordance with existing ordinances and policies as may be amended from time to time.

8. STREET AND DRAINAGE MAINTENANCE

The effects of this addition on drainage will be addressed under the provisions of the Subdivision Ordinance in effect at the time of platting.

Roads, streets and drainage improvements that have been properly platted, duly dedicated, and accepted by the City of Boerne and/or Kendall County shall be maintained by the Department of Development Services. All roads, streets or alleyways in the Annexation Area which have been dedicated to the public shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas of the City of Boerne with similar land use, population density and topography.

Construction of new roads and streets, if any, is the responsibility of the developer or land owner desiring them and must be designed and built in accordance with applicable City of Boerne ordinances and policies as may be amended.

The effects of this addition on drainage will be addressed under the provisions of the Subdivision Ordinance in effect at the time of platting, if and when such platting occurs. The effects will be consistent with such maintenance provided by the City of Boerne to other areas within the City exhibiting land use, population density and topography similar to that of the Annexation Area.

VIII. DEFAULT

8.1 Subject to Sections 8.3 and 8.4 below, a Party shall be declared in "Default" of this

Agreement if such Party violates or causes a violation of any rules, regulations, orders, ordinances or other laws that are applicable to the Property covered in this Agreement, as described herein, during the term of this Agreement.

8.2 Subject to Sections 8.3 and 8.4 below, a Party shall be declared in "Default" if that Party materially breaches any covenant, obligation, or provisions of this Agreement.

8.3 Notwithstanding any provision to the contrary, no Party shall be declared in Default, under this Agreement and subject to the remedies available to the non-defaulting party, as set forth herein, until written notice of Default has been given to the defaulting Party (which notice shall set forth in reasonable detail the nature of the Default) and until such Party has been given, from and after the receipt of such written notice, ninety (90) calendar days to cure the Default (the "Cure Period"). The Cure Period may be extended by written agreement of the Amending Parties (defined below) and shall be subject to written approval of the City Manager.

8.4 The duties of a Party to observe or perform any of the provisions of this Agreement, on its part to be performed or observed, shall be excused for a period equal to the period of prevention, delay, or stoppage due to causes beyond the control of the applicable Party, including reason of strikes, pandemics, epidemics, terrorism, civil riots, war, invasion, fire or other casualty, or Acts of God.

IX. REMEDIES

9.1 Upon the occurrence of Default by a Party, the non-defaulting Party may seek all remedies available to it at law or in equity, including, without limitation, termination, injunctive relief, mandamus, and specific performance. Notwithstanding any provision herein to the contrary, the following applies: (i) upon the occurrence of Default by Frontage Owners, regarding the terms provided herein for the Frontage Owners' Project, the City may proceed with any and all remedies described herein of only the Frontage Owners' Project (or any portion thereof); and (ii) upon the occurrence of Default by Forestar, regarding the terms provided herein for the Forestar Property, the City may proceed with any and all remedies described herein of only the Forestar Property.

9.2 The Parties hereto expressly agree that, in the event of litigation, each Party hereby waives its right to payment of attorneys' fees.

X. NON-WAIVER

No course of dealing on the part of the Parties nor any failure or delay by the Parties in exercising any right, power, or privilege under this Agreement shall operate as a waiver of any right, power or privilege owing under this Agreement.

XI. ASSIGNMENT

11.1 All covenants and agreements contained herein by the City shall bind its successors and assigns and shall inure to the benefit of Parties and their successors and assigns.

11.2 This Agreement (including the duties, rights and obligations set forth herein) may be assigned, in whole or in part by Forestar or Frontage Owners, for their respective properties, without the prior written consent of City.

XII. ENTIRE AGREEMENT

12.1 This written Agreement embodies the final and entire agreement between Parties hereto and may not be contradicted by evidence of prior, contemporaneous, or subsequent oral agreements of Parties.

12.2 The exhibits attached to this Agreement are incorporated herein and shall be considered a part of this Agreement for the purposes stated herein. Notwithstanding, the exhibits shall not constitute any binding commitment regarding, but not limited to, the final location of boundaries, lots, and improvements and infrastructure, such being of approximate location that may be amended from time to time by the Parties.

XIII. AMENDMENTS

Except where the terms of this Agreement expressly provide otherwise, any alterations, additions, or deletions to the terms hereof, shall be affected only by amendment, in writing, executed by the Amending Parties, and subject to the written approval by the City, which shall not be unreasonably withheld, conditioned, or delayed. This section is reserved to the Amending Parties of this Agreement and shall only be assigned by such a Party when that Party no longer owns Property subject to this Agreement or if assigned in writing to another fee owner of real property subject to the terms hereof, and with notice to the other Parties.

As used in this Section, the term "Amending Parties" shall mean: (i) Forestar, as the fee title holder of the Forestar Property as of the date hereof, (ii) the Undivided Interest Holders as the fee title holders of the Frontage Property as of the date hereof, and (iii) the City of Boerne. Notwithstanding anything herein to the contrary, there shall be only three (3) Amending Parties under this Agreement at all times. In the event the Undivided Interest Holders convey fee title to the entirety of the acreage of the Frontage Property, the Amending Party rights hereunder shall convey therewith and such successor fee title holder shall be the successor Amending Party to the Undivided Interest Holders. In the event less than the entirety of the acreage of the Forestar Property or Frontage Property is conveyed, the such conveying Amending Party whose property is subdivided in such case shall have the right, but not the obligation, in its sole and absolute discretion, to assign all of its Amending Party rights under this Section to the owner that acquires

the fee simple title of any portion of the Property by recording an assignment to this effect in the real property records of Kendall County, Texas.

XIV. SEVERABILITY

If any clause or provision of this Agreement is held invalid, illegal or unenforceable under present or future federal, state or local laws, including but not limited to the charter, code, or ordinances of the City, then and in that event it is the intent of Parties hereto that such invalidity, illegality or unenforceability shall not affect any other clause or provision hereof and that the remainder of this Agreement shall be construed as if such invalid, illegal or unenforceable clause or provision was never contained herein. It is also the intent of Parties hereto that in lieu of each clause or provision of this Agreement that is invalid, illegal, or unenforceable, there be added as a part of this Agreement a clause or provision as similar in terms to such invalid, illegal or unenforceable clause or provision as may be possible, legal, valid and enforceable.

XV. LEGAL AUTHORITY

The person(s) executing this Agreement on behalf of the respective Parties, represent, warrant, assure, and guarantee that they have full legal authority to (i) execute this Agreement on behalf of the respective Party, and (ii) to bind the respective Party to all of the terms, conditions, provisions, and obligations herein contained.

XVI. VENUE AND GOVERNING LAW

16.1 THIS AGREEMENT SHALL BE CONSTRUED UNDER AND IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS.

16.2 Any legal action or proceeding brought or maintained, directly or indirectly, as a result of this Agreement shall be heard and determined in Kendall County, Texas.

XVII. PARTIES' REPRESENTATIONS

This Agreement has been jointly negotiated between the Parties and shall not be construed against a Party because that Party may have primarily assumed responsibility for the drafting of this Agreement.

XVIII. NOTICE

18.1 All notices, demands or other communications given in connection with or required

under this Agreement must be in writing and delivered to the person to whom it is directed and may be given by (a) overnight delivery using a nationally recognized overnight courier, in which case notice shall be deemed delivered one business day after deposit with such courier, (b) sent by email with a PDF attachment with an original copy thereof transmitted to the recipient by one of the means described in clauses (a), (c) or (d), in which case notice shall be deemed delivered on the date of transmittal of the email with PDF attachment, (c) personal delivery, in which case notice shall be deemed delivered upon receipt or refusal of delivery, or (d) United States certified mail, return receipt requested, postage prepaid, addressed to the addressee, in which case notice shall be deemed delivered three business after deposit of such notice, postage prepaid, in a mailbox under the care, custody or control of the United States Postal Service. All notices, demands and other communications shall be given to the Parties (and in all events the Amending Parties) at the addresses set forth below, or at any other addresses that they have theretofore specified by written notice delivered in accordance herewith:

City:
City of Boerne
Attn: Boerne City Manager
P.O. Box 1677
447 N. Main St
Boerne, Texas, 78006
Email: bthatcher@boerne-tx.gov

Forestar:
Forestar (USA) Real Estate Group, Inc.
10700 Pecan Park Blvd., Suite 150
Austin, Texas, 78750
Email: JohnMaberry@forestar.com; CarrieCappel@forestar.com

With copies to:
Brown & Ortiz, P.C.
Attention: Daniel Ortiz
112 E. Pecan Street, Suite 1360
San Antonio, Texas 78205
Email: doa@brownortiz.law

Frontage Owners:
Attn: John-Mark Matkin
8 Spencer Road, Suite 100
Boerne, Texas 78006
Email:

Attn: Harold T. duPerier III
28615 IH 10W
Boerne, Texas 78006

Matkin Properties
Matkin Properties, LP

Attn: John-Mark Matkin
8 Spencer Road, Suite 100
Boerne, Texas 78006
Email:

Each Party may change its address by written notice in accordance with this Article XVIII.

Whenever a Frontage Owner conveys all or any portion of the Frontage Owners Property to a third party, such conveying Frontage Owner shall have the right to: (i) record or cause the subject transferee to record a notice in the Official Public Records of Kendall County, Texas, making reference to the recording information of this Agreement at the closing of such conveyance that states the address of the transferee (i.e. the new Frontage Owner) for notice purposes under this Agreement; and (ii) send or cause the subject transferee to send copy of the aforesaid notice to the then current Parties at their then effective address or addresses. Upon recordation of the notice and sending a copy of such notice to the other then current Parties, this Article XVIII will be deemed as modified and updated accordingly and each then current Party will be deemed to have constructive and/or actual notice of the new address of the affected Frontage Property Owner for notice purposes hereunder.

XIX. CAPTIONS

All captions used herein are only for the convenience of reference and shall not be construed to have any effect or meaning as to the Agreement between Parties hereto.

XX. UNINTENDED OMISSION

If any punctuation, word, clause, sentence, or provisions necessary to give meaning, validity, or effect to any other word, clause, sentence, or provision of this Agreement is omitted, then it is hereby declared that such omission was unintentional and that the omitted punctuation, word, clause, sentence or provision shall be supplied by inference.

XXI. TIME IS OF THE ESSENCE

Time is of the essence in this Agreement and each and every provision hereof.

XXII. COUNTERPARTS

This Agreement may be executed in counterparts. Each of the counterparts shall be deemed an original instrument, but all of the counterparts shall constitute one and the same instrument. This Agreement may be executed in any number of counterparts and by different Parties in separate counterparts, each of which when so executed and delivered, shall be deemed an original, and all of which, when taken together, shall constitute one and the same instrument. Delivery of an executed counterpart of a signature page to this Agreement by facsimile or electronic mail shall be as effective as delivery of a manually executed counterpart of this Agreement, except that any Party delivering an executed counterpart of this Agreement by facsimile or electronic mail also must deliver a manually executed counterpart of this Agreement. Notwithstanding the foregoing, failure to deliver a manually executed counterpart shall not affect the validity, enforceability, and binding effect of this Agreement.

XXIII. RECORDATION

This Agreement shall be recorded in the Real Property Records of Kendall County, Texas.

XXIV. TERM

The term of this Agreement shall commence on the Effective Date and terminate fifteen (15) years from the Effective Date. The term may be extended upon mutual consent and written agreement between the Parties and subject to written approval of the City Manager, not to be unreasonably withheld, conditioned, or delayed.

Signatures on the Following Pages

IN WITNESS THEREOF, Parties hereto have executed this Agreement to be effective as of the Effective Date.

CITY:

CITY OF BOERNE, TEXAS

By: _____

Name: Ben Thatcher

Title: City Manager

Date: 6/16/2021

ATTEST/SEAL:

By: LORI A. CARROLL

Name: Lori A Carroll

Title: City Clerk

Date: 6/16/2021

APPROVED AS TO LEGAL FORM:

By: _____

Name: Barbara L. Quirk

Title: City Attorney

Date: 6-16-21

ACKNOWLEDGEMENT

State of Texas §
§
County of Kendall §

This instrument was acknowledged before me on this 16th day of June, 2021 by Ben Thatcher, City Manager of the City of Boerne, a Texas home rule municipality, on behalf of said municipality.

Date: 6/16/2021

_____
Notary Public, State of Texas

My Commission expires: 2/9/2023

SIRIA ARREOLA
Notary Public, State of Texas
My Commission expires
February 9, 2023
ID # 12594878-7

FORESTAR (USA) REAL ESTATE GROUP, INC.
Forestar (USA) Real Estate Group, Inc.

By: _____

Title: Vice President - Central Texas Division President

Date: 6/11/2021

ACKNOWLEDGEMENT

State of Texas §
§
County of Williamson §

The foregoing instrument was acknowledged before me this 11th day of June, 2021, by John Maberry, Vice President of Forestar (USA) Real Estate Group, Inc.

Date: 6/11/2021

_____
Notary Public, State of Texas

My Commission expires: 07-18-2022

THERESE TRAN
Notary Public, State of Texas
Comm. Expires 07-18-2022
Notary ID 131651657

MATKIN PROPERTIES:

MATKIN PROPERTIES, LP,
a Texas limited partnership

By: JM2 MANAGEMENT, LLC,
a Texas limited liability company,
its sole General Partner

By: _____
John-Mark Matkin, Manager

STATE OF TEXAS §
§
COUNTY OF Kendall §

This instrument was acknowledged before me, the undersigned authority, this 16th day of June, 2021, by JOHN-MARK MATKIN, the Manager of JM2 MANAGEMENT, LLC, a Texas limited liability company, the sole general partner of MATKIN PROPERTIES, LP, a Texas limited partnership, on behalf of said limited partnership.

SIRIA ARREOLA
Notary Public, State of Texas
My Commission expires
February 9, 2023
ID # 12594878-7

_____
Notary Public ★ State of Texas

UNDIVIDED INTEREST HOLDER:

EQUITY TRUST COMPANY CUSTODIAN FBO HAROLD T. DUPERIER III IRA,
50% undivided interest

By: JMM on Behalf of Trip DuPerier
Name: Trip DuPerier
Title: Owner

Account Holder Acknowledgment:

JMM on behalf of Trip DuPerier
Harold T. duPerier, III

Date: 6/16/21

STATE OF TEXAS §
§
COUNTY OF Kendall §

This instrument was acknowledged before me on the 16th day of June, 2021 by John Mark Matkin, as the owner of Equity Trust Company Custodian FBO Harold T. dePerier, III IRA.

SIRIA ARREOLA
Notary Public, State of Texas
My Commission expires
February 9, 2023
ID # 12594878-7

Siria Arreola
Notary Public – State of Texas

STATE OF TEXAS §
§
COUNTY OF Kendall §

This instrument was acknowledged before me on the 16th day of June, ~~2020~~ 2021 by ~~Harold T. dePerier III.~~ John Mark Matkin on behalf of Harold T. dePerier III.

SIRIA ARREOLA
Notary Public, State of Texas
My Commission expires
February 9, 2023
ID # 12594878-7

Siria Arreola
Notary Public – State of Texas

UNDIVIDED INTEREST HOLDER:

EQUITY TRUST COMPANY CUSTODIAN FBO JOHN-MARK MATKIN IRA, 50% undivided interest

By: _____

Name: JOHN-MARK MATKIN

Title: OWNER

Account Holder Acknowledgment:

_____

John-Mark Matkin

Date: 6/16/21

STATE OF TEXAS §
§
COUNTY OF Kendall §

This instrument was acknowledged before me on the 16th day of June, 2021 by John-Mark Matkin, as the owner of Equity Trust Company Custodian FBO John-Mark Matkin IRA.

SIRIA ARREOLA
Notary Public, State of Texas
My Commission expires
February 9, 2023
ID # 12594878-7

_____

Notary Public – State of Texas

STATE OF TEXAS §
§
COUNTY OF Kendall §

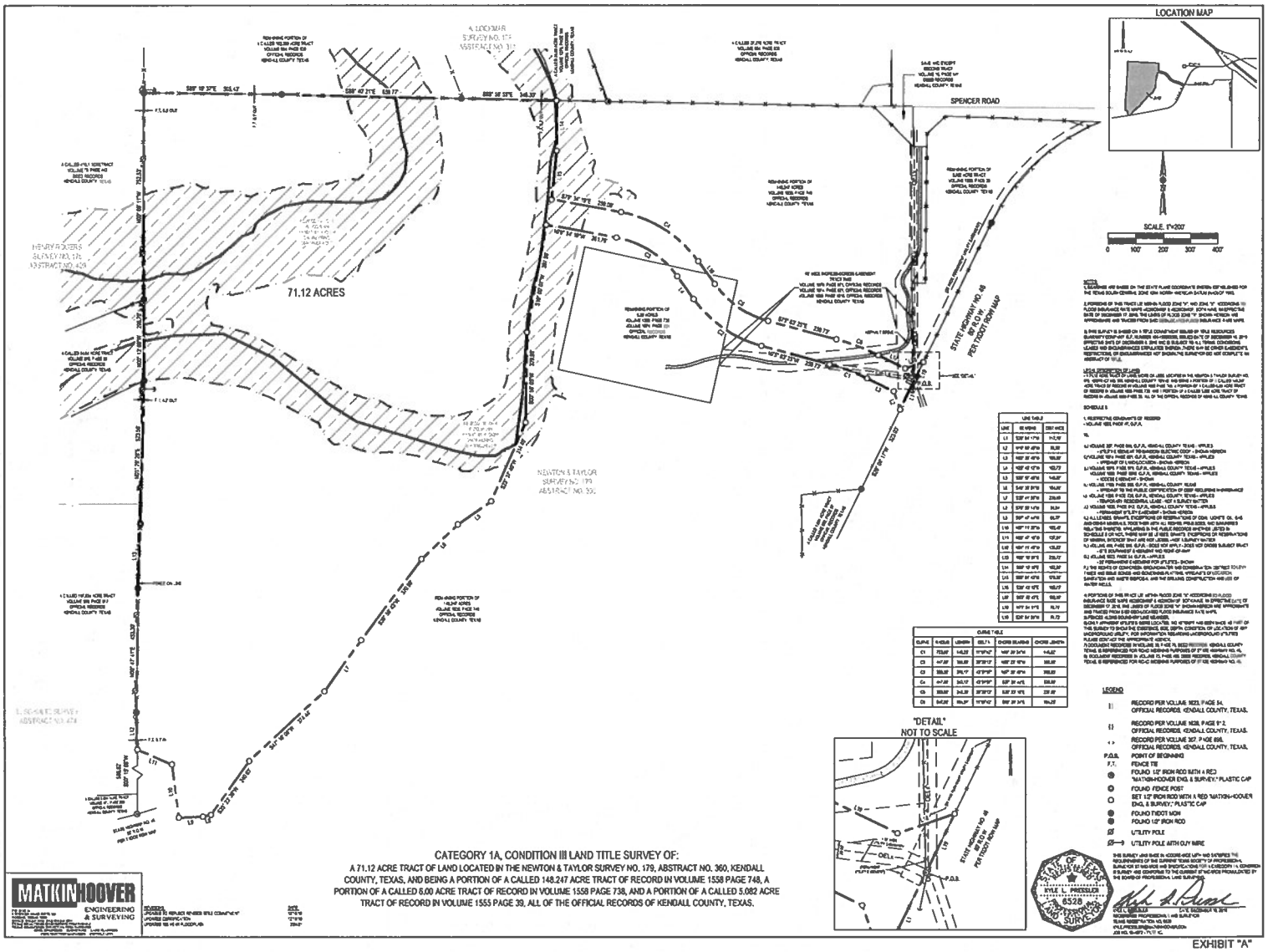
This instrument was acknowledged before me on the 16th day of June, 2021 by John-Mark Matkin.

SIRIA ARREOLA
Notary Public, State of Texas
My Commission expires
February 9, 2023
ID # 12594878-7

_____

Notary Public – State of Texas

914



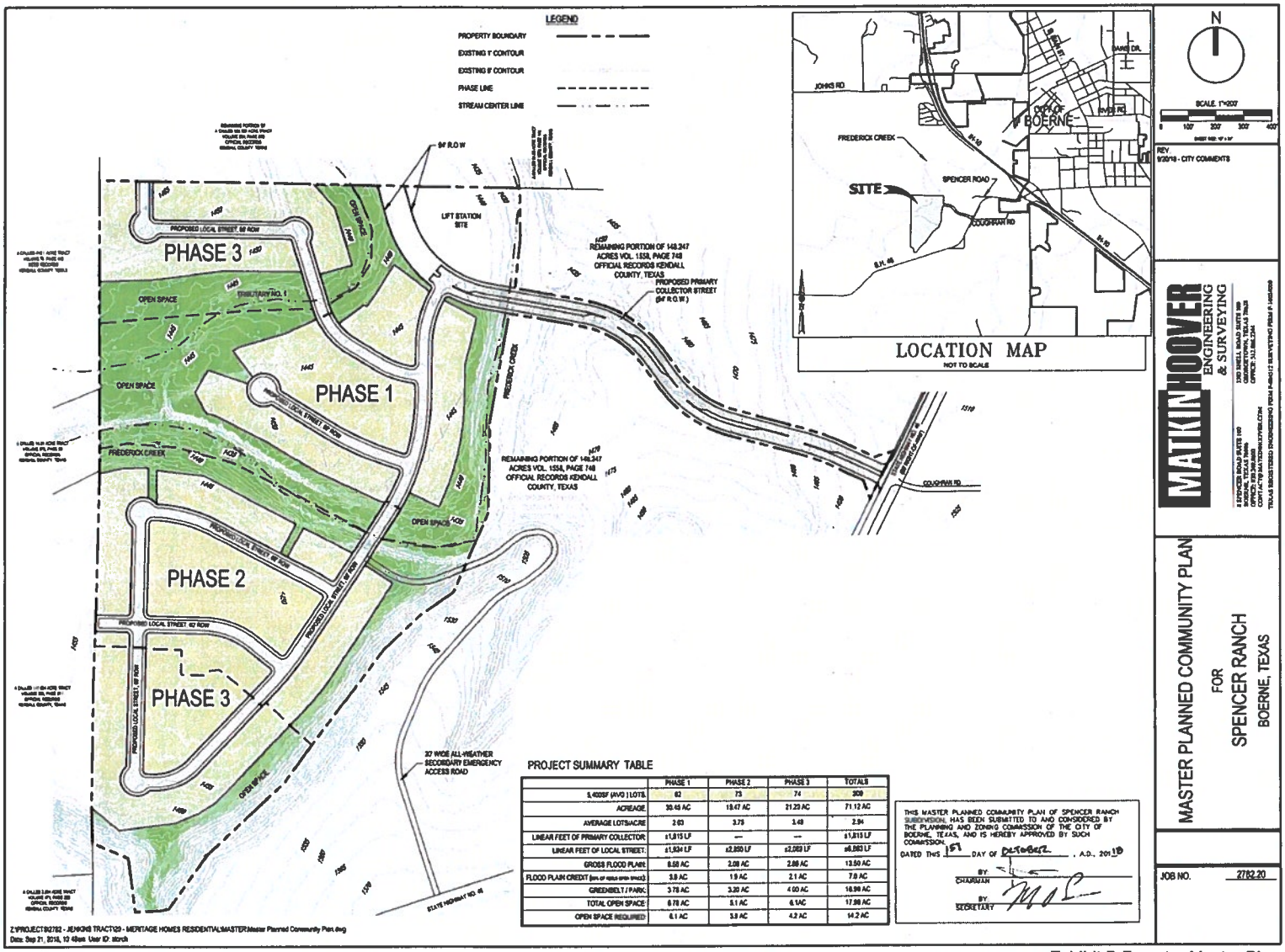
CATEGORY 1A, CONDITION III LAND TITLE SURVEY OF:

A 71.12 ACRE TRACT OF LAND LOCATED IN THE NEWTON & TAYLOR SURVEY NO. 179, ABSTRACT NO. 360, KENDALL COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 148.247 ACRE TRACT OF RECORD IN VOLUME 1558 PAGE 748, A PORTION OF A CALLED 6.00 ACRE TRACT OF RECORD IN VOLUME 1558 PAGE 738, AND A PORTION OF A CALLED 5.082 ACRE TRACT OF RECORD IN VOLUME 1555 PAGE 39, ALL OF THE OFFICIAL RECORDS OF KENDALL COUNTY, TEXAS.

MATKIN HOOVER ENGINEERING & SURVEYING

KYLE L. PRESSLER 6528 REGISTERED PROFESSIONAL LAND SURVEYOR

EXHIBIT "A"



PROJECT SUMMARY TABLE

	PHASE 1	PHASE 2	PHASE 3	TOTALS
5,400SF (AVG.) LOTS	62	73	74	209
ACREAGE	30.48 AC	19.47 AC	21.23 AC	71.12 AC
AVERAGE LOTS/ACRE	2.03	3.75	3.48	2.94
LINEAR FEET OF PRIMARY COLLECTOR	±1,815 LF	—	—	±1,815 LF
LINEAR FEET OF LOCAL STREET	±1,934 LF	±2,850 LF	±2,069 LF	±6,853 LF
GROSS FLOOD PLAIN	6.58 AC	2.08 AC	2.88 AC	13.50 AC
FLOOD PLAIN CREDIT (5% OF GROSS OPEN SPACE)	3.8 AC	1.9 AC	2.1 AC	7.8 AC
GREENBELT / PARK	3.78 AC	3.20 AC	4.00 AC	10.98 AC
TOTAL OPEN SPACE	8.78 AC	5.1 AC	6.1AC	17.98 AC
OPEN SPACE REQUIRED	6.1 AC	3.9 AC	4.2 AC	14.2 AC

THIS MASTER PLANNED COMMUNITY PLAN OF SPENCER RANCH SUBDIVISION, HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF BOERNE, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS 1st DAY OF December, A.D., 2018

BY CHAIRMAN

BY SECRETARY

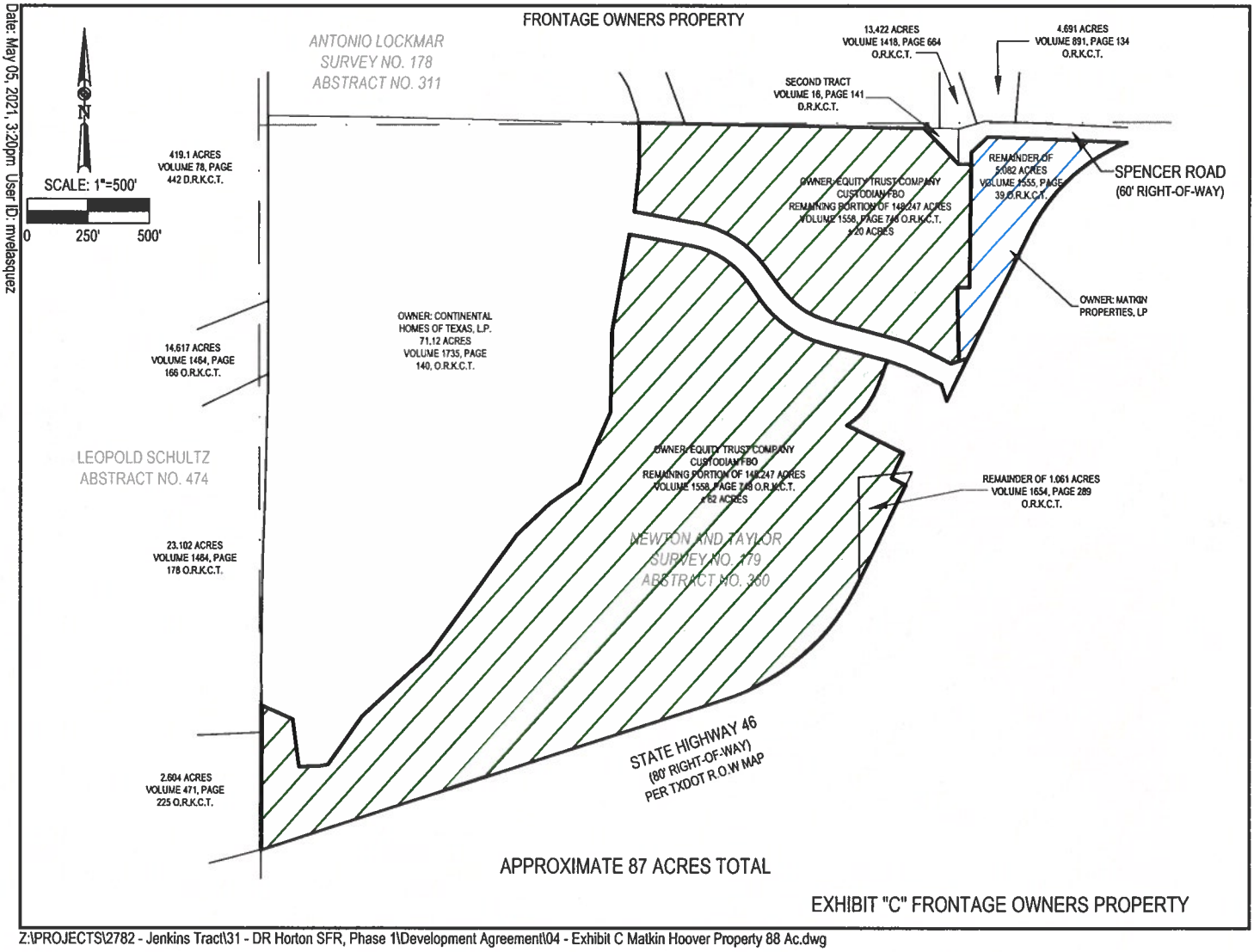
MATKIN HOOVER ENGINEERING & SURVEYING

MASTER PLANNED COMMUNITY PLAN FOR SPENCER RANCH BOERNE, TEXAS

JOB NO. 2782.20

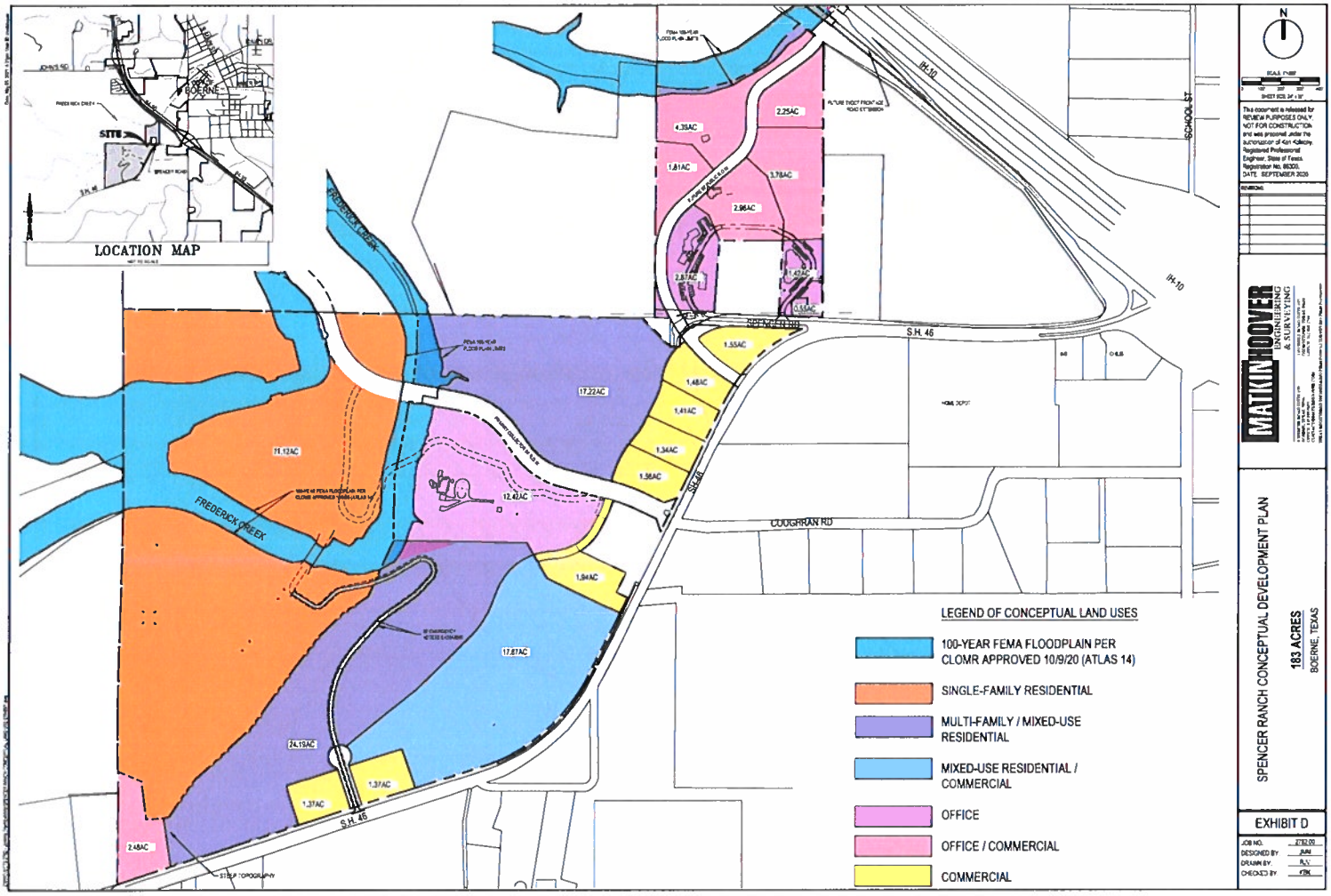
Z:\PROJECTS\2782 - JENKINS TRACT\23 - HERITAGE HOMES RESIDENTIAL\MASTER\Master Planned Community Plan.dwg
Date: Sep 21, 2018, 10:49am User ID: storch

Exhibit B Forestar Master Plan



Date: May 05, 2021, 3:20pm User ID: mvelasquez

Z:\PROJECTS\2782 - Jenkins Tract\31 - DR Horton SFR, Phase 1\Development Agreement\04 - Exhibit C Matkin Hoover Property 88 Ac.dwg


LOCATION MAP
SITE
BOERNE
S.H. 46
IH-10
FREDERICK CREEK
COUGHRAN RD
SCHOOL ST
4.39AC
2.25AC
1.81AC
3.78AC
2.96AC
2.87AC
1.43AC
0.13AC
1.55AC
1.48AC
1.41AC
1.34AC
1.56AC
17.22AC
71.12AC
12.42AC
1.94AC
17.87AC
24.15AC
1.37AC
1.37AC
2.48AC
LEGEND OF CONCEPTUAL LAND USES
100-YEAR FEMA FLOODPLAIN PER CLOMR APPROVED 10/9/20 (ATLAS 14)
SINGLE-FAMILY RESIDENTIAL
MULTI-FAMILY / MIXED-USE RESIDENTIAL
MIXED-USE RESIDENTIAL / COMMERCIAL
OFFICE
OFFICE / COMMERCIAL
COMMERCIAL
N
MATKINHOOVER ENGINEERING & SURVEYING
SPENCER RANCH CONCEPTUAL DEVELOPMENT PLAN
183 ACRES
BOERNE, TEXAS
EXHIBIT D
JOB NO. 2782.00
DESIGNED BY JMH
DRAWN BY RJV
CHECKED BY KBK

REMAINING PORTION OF
148.247 ACRES
VOLUME 1338, PAGE 748
OFFICIAL RECORDS
KENDALL COUNTY, TEXAS
REMAINING PORTION OF
6 ACRES
VOLUME 1338, PAGE 748
OFFICIAL RECORDS
KENDALL COUNTY, TEXAS
REMAINING PORTION OF
148.247 ACRES
VOLUME 1338, PAGE 748
OFFICIAL RECORDS
KENDALL COUNTY, TEXAS
REMAINING PORTION OF
71.12 ACRES
VOLUME 1735, PAGE 54
OFFICIAL RECORDS
KENDALL COUNTY, TEXAS
REMAINING PORTION OF
71.12 ACRES
VOLUME 1735, PAGE 54
OFFICIAL RECORDS
KENDALL COUNTY, TEXAS
PROPOSED BRIDGE
SIDEWALK ACROSS R.O.W.
TO BE CONSTRUCTED
BIRCH RANCH BLVD
LEGEND
PROPERTY BOUNDARY
PROPOSED ASPHALT
PROPOSED CONCRETE
PROPOSED SIDEWALK
PROPOSED BIKE LANE
EXISTING SIGN
EXISTING UTILITY POLE
FUTURE ROAD TO BE CONSTRUCTED BY OTHERS
N
SCALE: 1"=60'
This document is released for REVIEW PURPOSES ONLY NOT FOR CONSTRUCTION and was prepared under the authorization of JOSHUA J. VALENTA, Registered Professional Engineer, State of Texas, Registration No. 114393.
REVISIONS
MATKIN HOOVER ENGINEERING & SURVEYING
ROAD EXHIBIT
FOR
THE BIRCH AT SPENCER RANCH
BOERNE, TEXAS
EXHIBIT E
JOB NO. 2783.21
DESIGNED BY KRH
DRAWN BY MEV
CHECKED BY JJV
SHEET # 14 OF 21

City of Boerne

P.O. Box 1677 • 447 N. Main
Boerne, Texas 78006

October 1, 2020

RE: Spencer Ranch Project – 183.03 Acres
City of Boerne Rough Proportionality Determination

In response to the proportionality determination request pursuant to section 212.904 of the Texas Local Government Code received on September 3rd, 2020, City staff has provided a rough proportionality determination for the Spencer Ranch Project. Attached you will find several exhibits that provide detail of the analysis.

The area analyzed for rough proportionality was the 183.03-acre Spencer Ranch Project, as demonstrated by the Spencer Ranch Conceptual Land Use Plan dated May 2017, as provided to the City by John-Mark Matkin on July 23rd, 2020.

We color coded each area of use to provide a clear delineation between acreages and uses. Each area was considered separately and then compiled to provide a complete picture regarding the overall impact of the projected development on the existing roadway system. The total proportional impact for the entire Spencer Ranch Project demonstrates a demand greater than supply, therefore the roadway improvements listed on the attached Table 1 are justified.

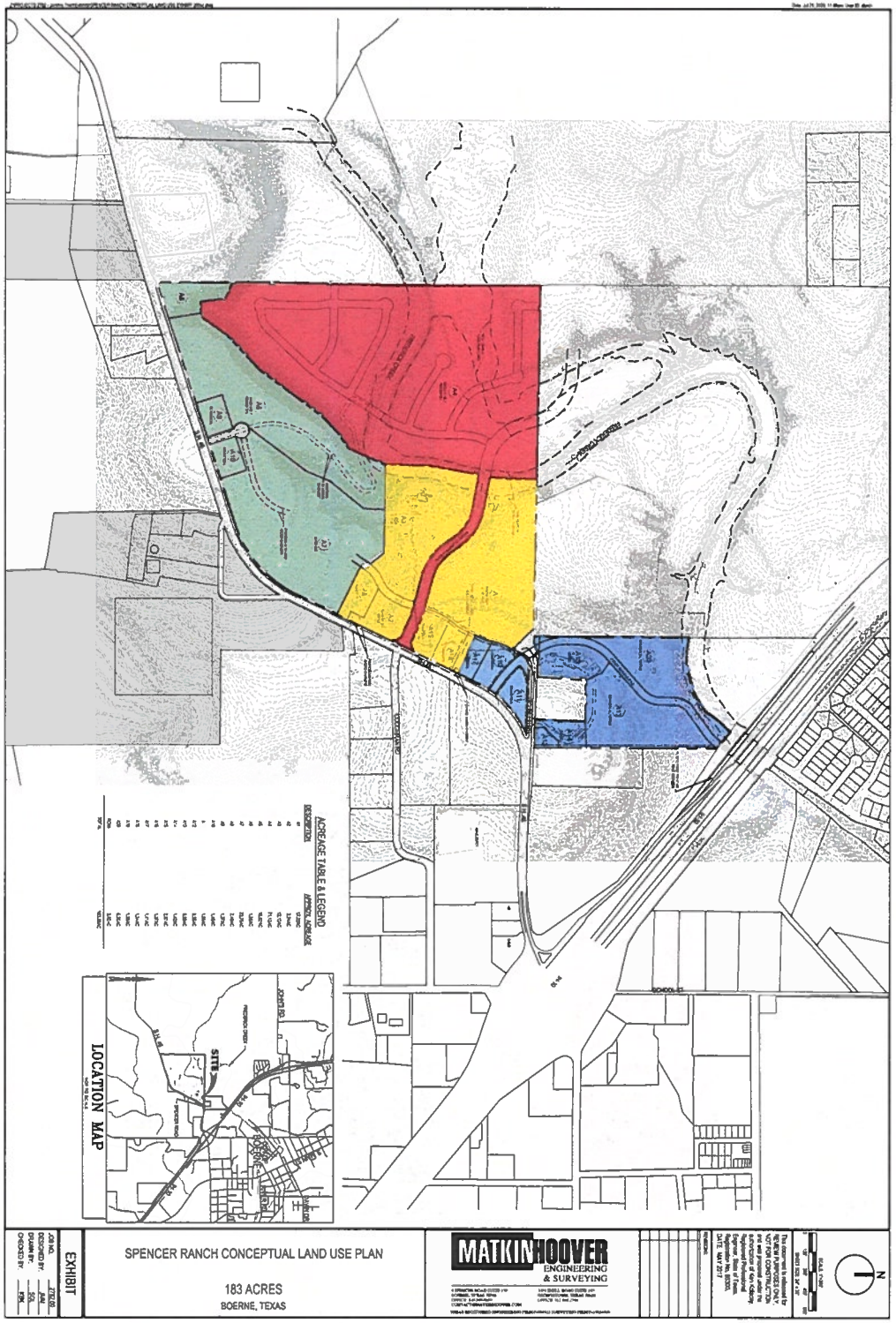
If you have any further questions or need any assistance, please do not hesitate to call.

Sincerely,

Jeffrey D. Carroll, P.E.
Director of Development Services

cc: Jeff Thompson, Deputy City Manager/General Manager of Utilities
Nick Montagno, Assistant to City Manger

Exhibit F


ACREAGE TABLE & LEGEND
LOCATION MAP
SITE
EXHIBIT
SPENCER RANCH CONCEPTUAL LAND USE PLAN
183 ACRES
BOERNE, TEXAS
MATKINHOOVER
ENGINEERING
& SURVEYING
N

Project:	Spencer Ranch
Parcel Info:	Conceptual Landplan, dated May 2017
Land Area:	183 Acres
Date:	10/1/2020
Prepared by:	City of Boerne

TABLE 1 - ROADS OR IMPROVEMENTS TO BE FUNDED BY DEVELOPERS (SUPPLY)

Phase	Associated Development Unit	Roadway Type	Improvement Type	Description of Improvement	Improvement Trigger	Cost Source	Estimated Value
	Spencer Ranch, Birch P1A	Primary Collector	Roadway	NB & SB lanes (4 lanes for 950') north of Hwy 46 & SB lanes (2 lanes for 1,000') (MH OPC)	Traffic Mitigation	MH OPCC	$825,225.00
	Spencer Ranch, Birch P1A	Primary Collector	Roadway	SB bridge - 2 lanes	Traffic Mitigation	MH OPCC	$501,888.75
Red	Spencer Ranch, Birch P1A	Primary Collector	Intersection	Decel & Right Turn Lane @ Hwy46	Traffic Mitigation	MH OPCC	$55,492.50
	Spencer Ranch, Birch P1A	Primary Collector	ROW	Dedicate 94' ROW for limits of Phase 1A (2,000')	Traffic Mitigation	City RP Worksheet	$41,824.25
	Spencer Ranch, Birch P3	Primary Collector	ROW	Dedicate 94' ROW from limits of Phase 1A to Wynn Ranch	Traffic Mitigation	City RP Worksheet	$8,046.95
							$1,432,477.45
	Spencer Ranch Central	Primary Collector	Roadway	NB lanes to Wynn Ranch (2 lanes for 1,376')	Traffic Mitigation	City RP Worksheet	$739,000.00
	Spencer Ranch Central	Primary Collector	Roadway	SB lanes to Wynn Ranch (2 lanes for 376')	Traffic Mitigation	City RP Worksheet	$202,000.00
Yellow	Spencer Ranch Central	Primary Collector	Roadway	NB bridge - 2 lanes (MH OPC)	Traffic Mitigation	MH OPCC	$501,888.75
	Spencer Ranch Central	Primary Collector	Intersection	Left Turn Lane @ Hwy 46	Traffic Mitigation	City RP Worksheet	$150,000.00
	Spencer Ranch Central	Primary Collector	Intersection	Traffic Signal @ Hwy 46	Traffic Mitigation	City RP Worksheet	$300,000.00
	Spencer Ranch Central	Major Arterial	ROW	Dedicate 14' ROW along Hwy 46 (750')	Traffic Mitigation	City RP Worksheet	$2,384.28
							$1,895,273.03
	Spencer Ranch, North	Secondary Collector	Roadway	NB & SB lanes from Hwy46 to IH10 (2 lanes for 2,250')	Traffic Mitigation	City RP Worksheet	$1,948,000.00
	Spencer Ranch, North	Secondary Collector	Intersection	Decel & Right Turn Lane @ IH10	Traffic Mitigation	City RP Worksheet	$75,000.00
	Spencer Ranch, North	Secondary Collector	Intersection	Decel & Right Turn Lane @ Hwy46	Traffic Mitigation	City RP Worksheet	$75,000.00
Blue	Spencer Ranch, North	Secondary Collector	Intersection	Left Turn Lane @ Hwy 46	Traffic Mitigation	City RP Worksheet	$150,000.00
	Spencer Ranch, North	Secondary Collector	Intersection	Traffic Signal @ Hwy 46	Traffic Mitigation	City RP Worksheet	$300,000.00
	Spencer Ranch, North	Major Arterial	Intersection	Realignment/Improvements of exist road @ Hwy 46	Traffic Mitigation	City RP Worksheet	$150,000.00
	Spencer Ranch, North	Secondary Collector	ROW	Dedicate 74' ROW from Hwy46 to IH10 (2,250')	Traffic Mitigation	City RP Worksheet	$37,973.00
	Spencer Ranch, North	Major Arterial	ROW	Dedicate 14' ROW along Hwy 46 (750')	Traffic Mitigation	City RP Worksheet	$2,384.28
							$2,738,357.28
	Spencer Ranch, South	Secondary Collector	Roadway	NB & SB lanes from Hwy46 to IH10 (2 lanes for 350')	Traffic Mitigation	City RP Worksheet	$303,000.00
	Spencer Ranch, South	Secondary Collector	Intersection	Decel & Right Turn Lane @ Hwy46	Traffic Mitigation	City RP Worksheet	$75,000.00
Green	Spencer Ranch, South	Secondary Collector	Intersection	Left Turn Lane @ Hwy46	Traffic Mitigation	City RP Worksheet	$150,000.00
	Spencer Ranch, South	Secondary Collector	Intersection	Traffic Signal @ Hwy46	Traffic Mitigation	City RP Worksheet	$300,000.00
	Spencer Ranch, South	Secondary Collector	ROW	Dedicate 74' ROW from Hwy46 (350')	Traffic Mitigation	City RP Worksheet	$5,907.17
	Spencer Ranch, South	Major Arterial	ROW	Dedicate 14' ROW along Hwy 46 (3,150')	Traffic Mitigation	City RP Worksheet	$10,033.85
							$843,941.02

Total capacity (supply) added to system: $6,910,048.78

Spencer Ranch - overall
183.03 Acres
10/1/2020

Rough Proportionality Summary

	Total Capacity (Supply)	Total Demand Placed
Spencer Ranch - Red	$1,432,477.45	$878,082.00
Spencer Ranch - Yellow	$1,895,273.03	$2,054,470.00
Spencer Ranch - Green	$843,941.02	$3,333,980.00
Spencer Ranch - Blue	$2,738,357.28	$1,354,510.00
	$6,910,048.78	$7,621,042.00
	Delta =	***$710,993.22***

Demand > Supply

Therefore, the roadway improvements required by City are justified

Rough Proportionality Worksheet
City of Boerne, Texas

City of Boerne

Development Name: Spencer Ranch (209 SF lots) [RED]

Applicant: MH on behalf of Forestar

Legal Description (Lot, Block): Spencer Ranch - 71.12 Acres as shown on Masterplan approved 10/1/2018

Case / Plat Number: | **Date:** October 1, 2020

Worksheet Last Updated: 11/13/2018

DEMAND - Traffic Generated by Proposed Development

Land Use Type:	Development Unit:	Intensity:	PM Peak Hour Trip Rate:	Trip Length: (miles)	Demand: (vehicle-miles)	Impact of Development: ($)
Single-Family Detached Housing	Dwelling Unit	209	0.99	1.50	310.37	878,082.00

TOTAL DEMAND PLACED ON THOROUGHFARE SYSTEM: 310.37 $878,082

Estimated Average Cost Per Vehicle Mile: $2,829.15

SUPPLY - Roads to be built or funded by Applicant:

COST ESTIMATES BASED ON DETAILED OPCC

Roadway Name:	Classification:	Capacity: (vphpl)	Length: (Linear Feet)	Number of Lanes:	Cost of Capacity / Supply Added: ($)	Cost Estimate Based on Detailed OPCC: ($)
Spencer Ranch Blvd as shown on phase 1A plans dated 9/4/2020	Primary Collector	525	2,060			$825,225.00
Spencer Ranch Bridge	Primary Collector	525				$501,888.75

ROADWAY SYSTEM SUPPLY SUBTOTAL: $1,327,114

INTERSECTION IMPROVEMENTS - Specific Improvements to be Built or Funded by the Applicant:

Intersection:	Description of Improvement:	Estimated Cost: ($)
Spencer Ranch @ Hwy 46	Right Hand Decel/turn lane (from MH estimate)	$55,492.50

INTERSECTION IMPROVEMENTS SYSTEM SUBTOTAL: $55,493

RIGHT-OF-WAY DEDICATION - ROW to be dedicated by the Applicant:

ROW Dedication:	General Description of ROW Dedication:	Estimated Cost: ($)
4.21 Acres - Phase 1A	Collector Road X $9,934.50/Ac.	$41,824.25
0.81 - Phase 3	Collector Road X $9,934.50/Ac.	$8,046.95

RIGHT-OF-WAY DEDICATION SUPPLY ADDED TO THE SYSTEM SUBTOTAL: $49,871

TOTAL VALUE OF SUPPLY ADDED TO THOROUGHFARE SYSTEM: $1,432,477

SUPPLY / DEMAND COMPARISON:

A comparison of the capacity provided by a development exaction against the traffic impacts of the proposed development.

	Cost	Comparison
TOTAL CAPACITY (SUPPLY) ADDED TO SYSTEM:	$1,432,477	SUPPLY > DEMAND
TOTAL DEMAND PLACED ON THOROUGHFARE SYSTEM:	$878,082	61.30%

Based upon the results of this rough proportionality analysis, the capacity (supply) provided by the proposed development exceeds the anticipated demand it places on the system. Given these assumptions, only 61.30% of the capacity supplied can be attributed to the proposed development. Therefore, the roadway improvements are NOT roughly proportional to the demands placed on the system (i.e. the applicant is adding more capacity than needed to support their development).

Rough Proportionality Worksheet
City of Boerne, Texas

Development Name: Spencer Ranch (Yellow Portion)

Applicant: MH on behalf of Duperier/Matkin IRA

Legal Description (Lot, Block): 183 Acres - Yellow Portion

Case / Plat Number: _____ **Date:** October 1, 2020

Worksheet Last Updated: 11/13/2018

DEMAND - Traffic Generated by Proposed Development

Land Use Type:	Development Unit:	Intensity:	PM Peak Hour Trip Rate:	Trip Length: (miles)	Demand: (vehicle-miles)	Impact of Development: ($)
Multifamily Housing (Low-Rise)	Dwelling Unit	356	0.56	1.50	299.04	846,028.00
Gasoline/Service Station w/ Conv Mark	Vehicle Fueling Position	8	6.16	1.50	73.92	209,131.00
Shopping Center	1,000 SF GLA	48.8	2.51	1.50	183.73	519,799.00
Office Park	1,000 SF GFA	105.6	1.07	1.50	169.49	479,512.00

TOTAL DEMAND PLACED ON THOROUGHFARE SYSTEM: 726.18 $2,054,470

Estimated Average Cost Per Vehicle Mile: $2,829.15

SUPPLY - Roads to be built or funded by Applicant:

COST ESTIMATES BASED ON DETAILED OPCC

Roadway Name:	Classification:	Capacity: (vphpl)	Length: (Linear Feet)	Number of Lanes:	Cost of Capacity / Supply Added: ($)	Cost Estimate Based on Detailed OPCC: ($)
S.R. Blvd - S.B. 2 lane	Primary Collector	525	1,376	2	739,000.00	
S.R. Blvd - N.B. 2 lane	Primary Collector	525	376	2	202,000.00	
Bridge - 2 lanes	Primary Collector	525				$501,888.75

ROADWAY SYSTEM SUPPLY SUBTOTAL: $1,442,889

INTERSECTION IMPROVEMENTS - Specific Improvements to be Built or Funded by the Applicant:

Intersection:	Description of Improvement:	Estimated Cost: ($)
Spencer Ranch @ Hwy 46	Left Turn Lane	$150,000.00
Spencer Ranch @ Hwy 46	Traffic Signal	$300,000.00

INTERSECTION IMPROVEMENTS SYSTEM SUBTOTAL: $450,000

RIGHT-OF-WAY DEDICATION - ROW to be dedicated by the Applicant:

ROW Dedication:	General Description of ROW Dedication:	Estimated Cost: ($)
0.24 Acres	750 LF of 14' Hwy 46 Dedication ($9,934.50/Acre)	$2,384.28

RIGHT-OF-WAY DEDICATION SUPPLY ADDED TO THE SYSTEM SUBTOTAL: $2,384

TOTAL VALUE OF SUPPLY ADDED TO THOROUGHFARE SYSTEM: $1,895,273

SUPPLY / DEMAND COMPARISON:

A comparison of the capacity provided by a development exaction against the traffic impacts of the proposed development.

	Cost	Comparison
TOTAL CAPACITY (SUPPLY) ADDED TO SYSTEM:	$1,895,273	SUPPLY > DEMAND
TOTAL DEMAND PLACED ON THOROUGHFARE SYSTEM:	$2,054,470	108.40%

Based upon the results of this rough proportionality analysis, the anticipated demand on the system exceeds the capacity (supply) provided by the proposed development. Given these assumptions, the anticipated demand of the development exceeds the capacity supplied by approximately 8.40%. Therefore, the roadway improvements required by the City are justified (i.e. the applicant is adding less capacity than needed to support their development).

Rough Proportionality Worksheet
City of Boerne, Texas

Development Name: Spencer Ranch (Blue Portion)

Applicant: MH on behalf of Duperier/Matkin IRA

Legal Description (Lot, Block):

Case / Plat Number: **Date:** October 1, 2020

Worksheet Last Updated: 11/13/2018

DEMAND - Traffic Generated by Proposed Development

Land Use Type:	Development Unit:	Intensity:	PM Peak Hour Trip Rate:	Trip Length: (miles)	Demand: (vehicle-miles)	Impact of Development: ($)
Office Park	1,000 SF GFA	54	1.07	1.50	86.67	245,202.00
Office Park	1,000 SF GFA	78.3	1.07	1.50	125.67	355,539.00
Office Park	1,000 SF GFA	52.7	1.07	1.50	84.58	239,289.00
Shopping Center	1,000 SF GLA	48.3	2.51	1.50	181.85	514,480.00

TOTAL DEMAND PLACED ON THOROUGHFARE SYSTEM: 478.77 $1,354,510

Estimated Average Cost Per Vehicle Mile: $2,829.15

SUPPLY - Roads to be built or funded by Applicant:

Roadway Name:	Classification:	Capacity: (vphpl)	Length: (Linear Feet)	Number of Lanes:	Cost of Capacity / Supply Added: ($)	Cost Estimate Based on Detailed OPCC: ($)
Collector Road	Secondary Collector	425	2,250	2	1,948,000.00	

ROADWAY SYSTEM SUPPLY SUBTOTAL: $1,948,000

INTERSECTION IMPROVEMENTS - Specific Improvements to be Built or Funded by the Applicant:

Intersection:	Description of Improvement:	Estimated Cost: ($)
Road @ IH10	Right Hand Decel/turn lane	$75,000.00
Road @ Hwy 46	Right Hand Decel/turn lane	$75,000.00
Road @ Hwy 46	Left Hand Turn lane	$150,000.00
Collector Road @ Hwy 46	Traffic Signal	$300,000.00
Existing Spencer Rd.	Realignment/Improvements of Exist Road	$150,000.00

INTERSECTION IMPROVEMENTS SYSTEM SUBTOTAL: $750,000

RIGHT-OF-WAY DEDICATION - ROW to be dedicated by the Applicant:

ROW Dedication:	General Description of ROW Dedication:	Estimated Cost: ($)
3.82 Acres	250 LF of 74' ROW Secondary Collector Road ($9,934.50/Ac	$37,973.00
0.24 Acres	750 LF of 14' Hwy 46 Dedication ($9,934.50/Acre)	$2,384.28

RIGHT-OF-WAY DEDICATION SUPPLY ADDED TO THE SYSTEM SUBTOTAL: $40,357

TOTAL VALUE OF SUPPLY ADDED TO THOROUGHFARE SYSTEM: $2,738,357

SUPPLY / DEMAND COMPARISON:

A comparison of the capacity provided by a development exaction against the traffic impacts of the proposed development.

	Cost	Comparison
TOTAL CAPACITY (SUPPLY) ADDED TO SYSTEM:	$2,738,357	SUPPLY > DEMAND
TOTAL DEMAND PLACED ON THOROUGHFARE SYSTEM:	$1,354,510	49.46%

Based upon the results of this rough proportionality analysis, the capacity (supply) provided by the proposed development exceeds the anticipated demand it places on the system. Given these assumptions, only 49.46% of the capacity supplied can be attributed to the proposed development. Therefore, the roadway improvements are NOT roughly proportional to the demands placed on the system (i.e. the applicant is adding more capacity than needed to support their development).

Rough Proportionality Worksheet
City of Boerne, Texas

City of Boerne

Development Name: Spencer Ranch (Green Portion)

Applicant: MH on behalf of Duperier/Matkin IRA

Legal Description (Lot, Block):

Case / Plat Number: **Date:** October 1, 2020

Worksheet Last Updated: 11/13/2018

DEMAND - Traffic Generated by Proposed Development

Land Use Type:	Development Unit:	Intensity:	PM Peak Hour Trip Rate:	Trip Length: (miles)	Demand: (vehicle-miles)	Impact of Development: ($)
Multifamily Housing (Low-Rise)	Dwelling Unit	225	0.56	1.50	189.00	534,709.00
Shopping Center	1,000 SF GLA	56.8	2.51	1.50	213.85	605,013.00
Shopping Center	1,000 SF GLA	206	2.51	1.50	775.59	2,194,258.00
TOTAL DEMAND PLACED ON THOROUGHFARE SYSTEM:					**1,178.44**	**$3,333,980**
Estimated Average Cost Per Vehicle Mile:						**$2,829.15**

SUPPLY - Roads to be built or funded by Applicant:

Roadway Name:	Classification:	Capacity: (vphpl)	Length: (Linear Feet)	Number of Lanes:	Cost of Capacity / Supply Added: ($)	Cost Estimate Based on Detailed OPCC: ($)
Collector Road	Secondary Collector	425	350	2	303,000.00	
ROADWAY SYSTEM SUPPLY SUBTOTAL:						**$303,000**

INTERSECTION IMPROVEMENTS - Specific Improvements to be Built or Funded by the Applicant:

Intersection:	Description of Improvement:	Estimated Cost: ($)
Road @ Hwy 46	Right Hand Decel/turn lane	$75,000.00
Road @ Hwy 46	Left Turn Lane	$150,000.00
Road @ Hwy 46	Traffic Signal	$300,000.00
INTERSECTION IMPROVEMENTS SYSTEM SUBTOTAL:		**$525,000**

RIGHT-OF-WAY DEDICATION - ROW to be dedicated by the Applicant:

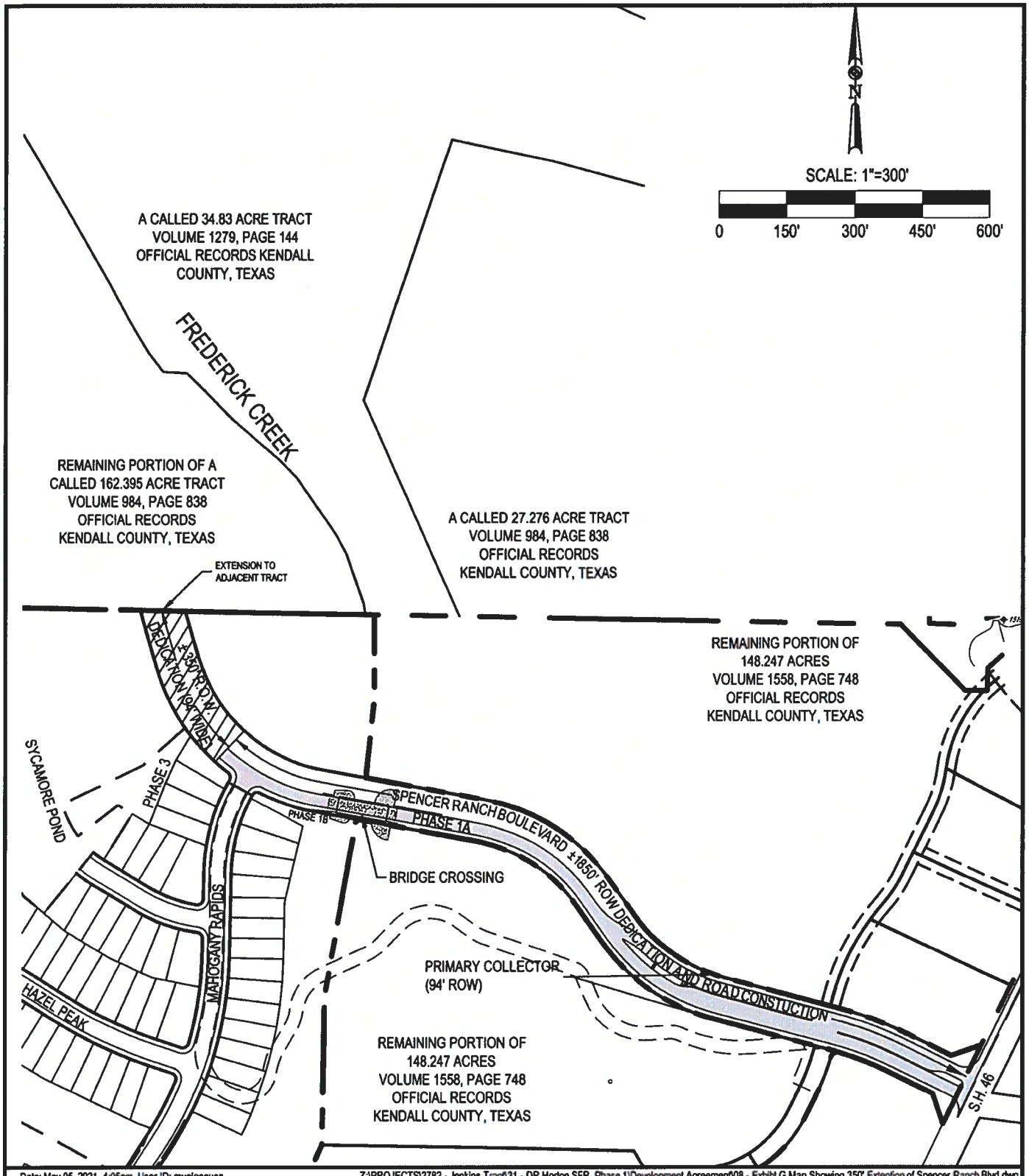
ROW Dedication:	General Description of ROW Dedication:	Estimated Cost: ($)
0.59 Acres	50 LF of 74' ROW Secondary Collector Road ($9,934.50/Acre	$5,907.00
1.01 Acres	3150 LF of 14' Hwy 46 Dedication ($9,934.50/Acre)	$10,033.85
RIGHT-OF-WAY DEDICATION SUPPLY ADDED TO THE SYSTEM SUBTOTAL:		**$15,941**
TOTAL VALUE OF SUPPLY ADDED TO THOROUGHFARE SYSTEM:		**$843,941**

SUPPLY / DEMAND COMPARISON:

A comparison of the capacity provided by a development exaction against the traffic impacts of the proposed development.

	Cost	Comparison
TOTAL CAPACITY (SUPPLY) ADDED TO SYSTEM:	$843,941	SUPPLY < DEMAND
TOTAL DEMAND PLACED ON THOROUGHFARE SYSTEM:	$3,333,980	395.05%

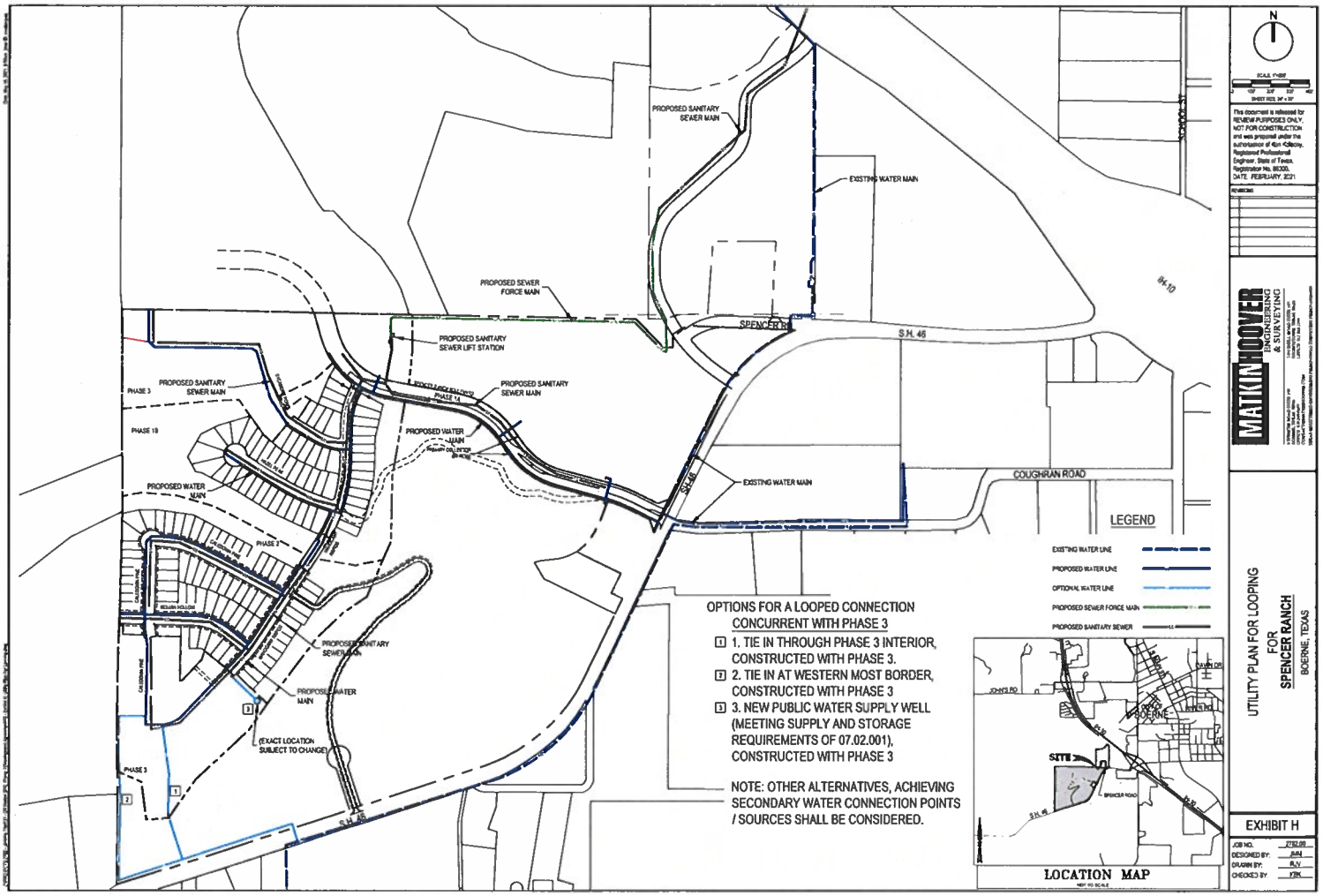
Based upon the results of this rough proportionality analysis, the anticipated demand on the system exceeds the capacity (supply) provided by the proposed development. Given these assumptions, the anticipated demand of the development exceeds the capacity supplied by approximately 295.05%. Therefore, the roadway improvements required by the City are justified (i.e. the applicant is adding less capacity than needed to support their development).



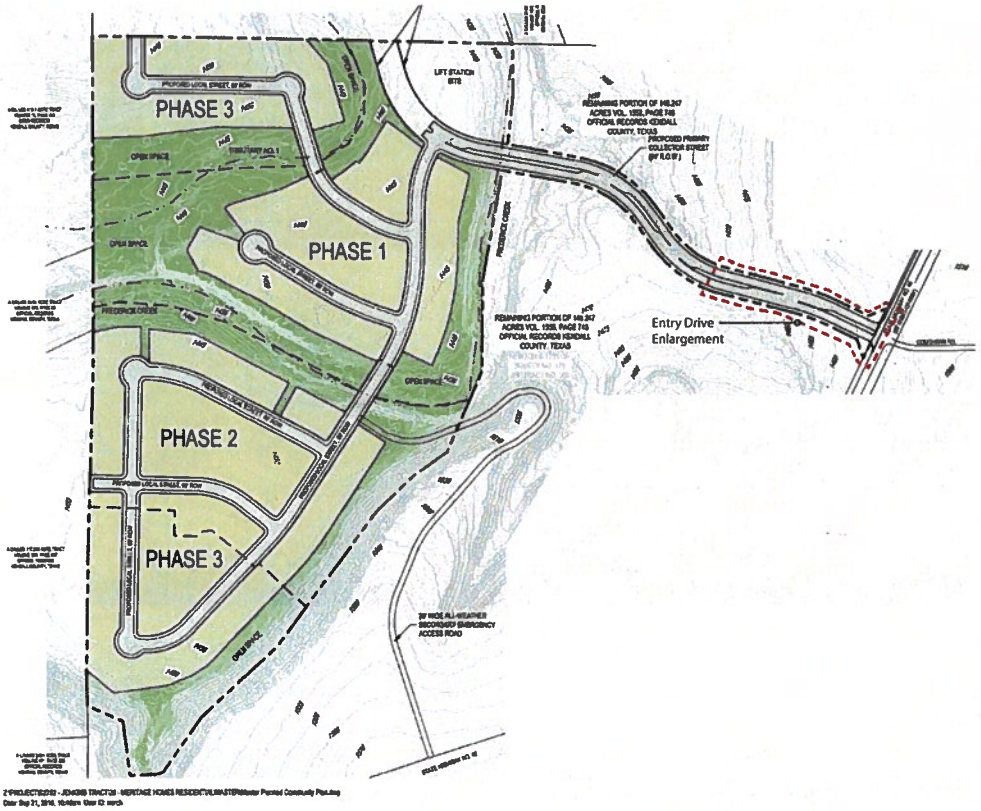
Date: May 05, 2021, 4:05pm User ID: mvelasquez Z:\PROJECTS\2782 - Jenkins Tract\31 - DR Horton SFR, Phase 1\Development Agreement\08 - Exhibit G Map Showing 350' Extention of Spencer Ranch Blvd.dwg

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P.O. BOX 54
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BOERNE, TEXAS 78006
OFFICE: 830.249.0600 FAX.830.249.0099
CIVIL ENGINEERS SURVEYORS LAND PLANNERS CONSTRUCTION MANAGERS CONSULTANTS

EXHIBIT "G";
FUTURE 350-FOOT. EXTENSION OF SPENCER RANCH BOULEVARD


PROPOSED SANITARY SEWER MAIN
EXISTING WATER MAIN
SCHOOL ST
PROPOSED SEWER FORCE MAIN
SPENCER RD
S.H. 46
PROPOSED SANITARY SEWER LIFT STATION
PHASE 3
PROPOSED SANITARY SEWER MAIN
PHASE 1A
PHASE 1B
PROPOSED WATER MAIN
PHASE 2
COUGHRAN ROAD
EXISTING WATER MAIN
PROPOSED SANITARY SEWER MAIN
PROPOSED WATER MAIN
(EXACT LOCATION SUBJECT TO CHANGE)
PHASE 3
S.H. 46
LEGEND
EXISTING WATER LINE
PROPOSED WATER LINE
OPTIONAL WATER LINE
PROPOSED SEWER FORCE MAIN
PROPOSED SANITARY SEWER
OPTIONS FOR A LOOPED CONNECTION CONCURRENT WITH PHASE 3
1. TIE IN THROUGH PHASE 3 INTERIOR, CONSTRUCTED WITH PHASE 3.
2. TIE IN AT WESTERN MOST BORDER, CONSTRUCTED WITH PHASE 3
3. NEW PUBLIC WATER SUPPLY WELL (MEETING SUPPLY AND STORAGE REQUIREMENTS OF 07.02.001), CONSTRUCTED WITH PHASE 3
NOTE: OTHER ALTERNATIVES, ACHIEVING SECONDARY WATER CONNECTION POINTS / SOURCES SHALL BE CONSIDERED.
JOHNS RD
SITE
SPENCER ROAD
S.H. 46
LOCATION MAP
N
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MATKIN HOOVER ENGINEERING & SURVEYING
UTILITY PLAN FOR LOOPING FOR SPENCER RANCH
BOERNE, TEXAS
EXHIBIT H
JOB NO. 2752.05
DESIGNED BY: AJM
DRAWN BY: RJV
CHECKED BY: KBK

LEGEND
PROPERTY BOUNDARY
PHASE BOUNDARY
PROPOSED ASPHALT
PROPOSED CONCRETE
PROPOSED DITCH
PROPOSED CENTERLINE
EXISTING DITCH
EXISTING UTILITY POLE
SIDEWALK CONSTRUCTED WITH PHASE 1 (+/-)
FUTURE SIDEWALK TO BE BUILT BY DEVELOPERS WITH FUTURE ROAD IMPROVEMENTS
FUTURE ROAD TO BE CONSTRUCTED BY OTHERS
REMAINING PORTION OF 148.247 ACRES VOLUME 1538, PAGE 748 OFFICIAL RECORDS KENDALL COUNTY, TEXAS
5' SIDEWALK
SIDEWALK/CROSSWALK TO BE CONSTRUCTED
REMAINING PORTION OF 6 ACRES VOLUME 1538, PAGE 748 OFFICIAL RECORDS KENDALL COUNTY, TEXAS
PROPOSED BRIDGE
SIDEWALK/CROSSWALK TO BE CONSTRUCTED
REMAINING PORTION OF 71.12 ACRES VOLUME 1733, PAGE 54 OFFICIAL RECORDS KENDALL COUNTY, TEXAS
REMAINING PORTION OF 148.247 ACRES VOLUME 1538, PAGE 748 OFFICIAL RECORDS KENDALL COUNTY, TEXAS
REMAINING PORTION OF 71.12 ACRES VOLUME 1733, PAGE 54 OFFICIAL RECORDS KENDALL COUNTY, TEXAS
SPENCER RANCH BLVD
N
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REVISIONS
MATKIN HOOVER ENGINEERING & SURVEYING
SIDEWALK CONSTRUCTION PLAN
FOR
THE BIRCH AT SPENCER RANCH
BOERNE, TEXAS
EXHIBIT I
JOB NO. 2752.21
DESIGNED BY KMH
DRAWN BY MCV
CHECKED BY JJV
SHEET # 14 OF 21



Orientation Map
SPENCER RANCH

Boerne, Texas

ISSUE DATE: March 12, 2021
All drawings are preliminary and subject to change.
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NORTH

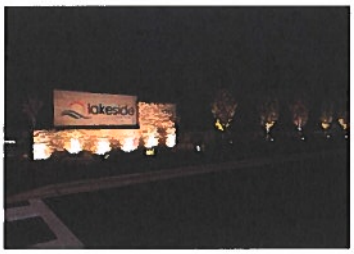
PREPARED FOR
FORESTAR

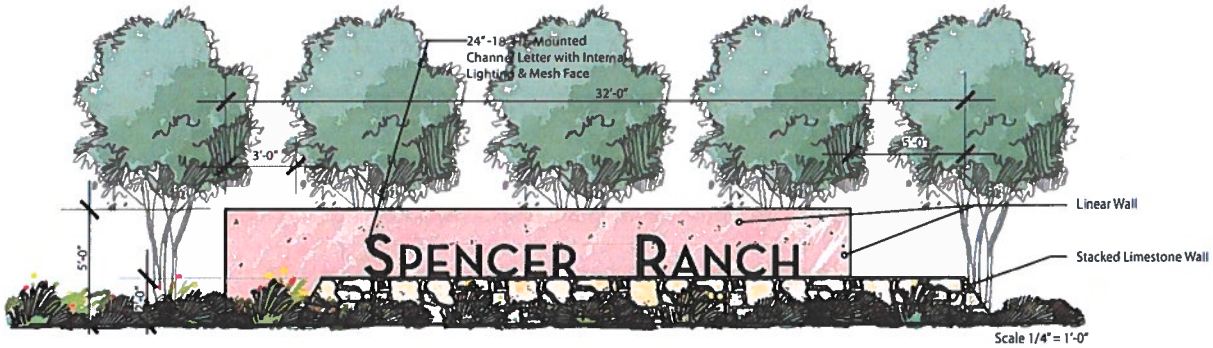
Exhibit J











Scale 1/4" = 1'-0"



Not to Scale

Entry Tower Concept
SPENCER RANCH

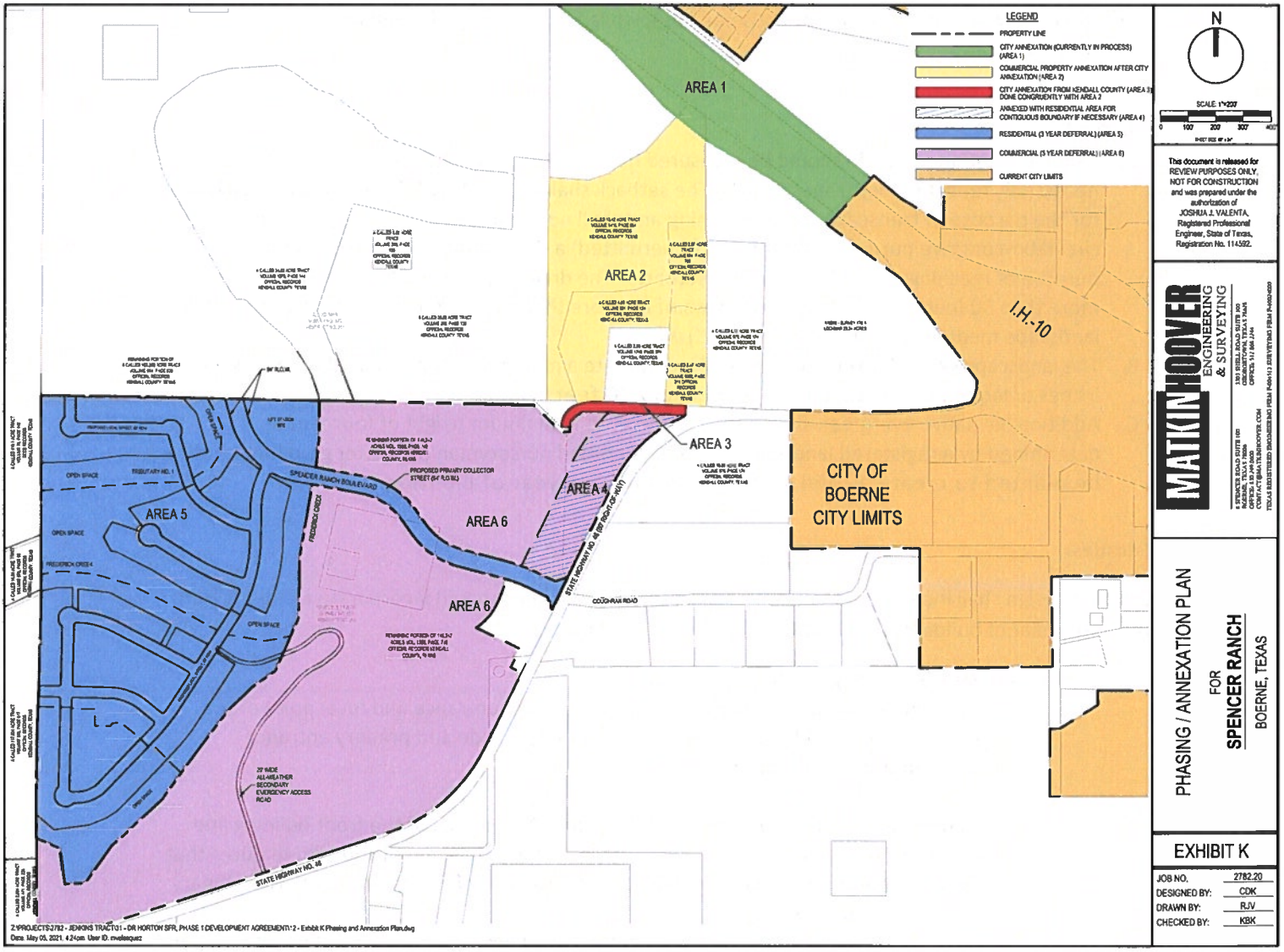
Boerne, Texas

ISSUE DATE: March 12, 2021
All drawings are preliminary and subject to change.
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SCALE: 1/8"= AS NOTED

FORESTAR

Exhibit J



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TEXAS REGISTERED ENGINEERING FIRM F-9904 | TEXAS SURVEYING FIRM #10001600

PHASING / ANNEXATION PLAN
FOR
SPENCER RANCH
BOERNE, TEXAS

EXHIBIT K

JOB NO.	2782.20
DESIGNED BY:	CDK
DRAWN BY:	RJV
CHECKED BY:	KBK

Z:\PROJECTS\2782 - JENKINS TRACT\01 - DR HORTON SFR, PHASE 1 DEVELOPMENT AGREEMENT\1-2 - Exhibit K Phasing and Annexation Plan.dwg
Date: May 05, 2021, 4:24pm User ID: ewalasquez

Exhibit L

I. Commercial Design Standards

The following Design Standards shall apply to commercial uses 350 feet from the right-of way of the major arterial (Hwy 46 East) and the primary collector (continuation of Coughran Road).

The Design Standards are intended to enhance the community character. Specifically, they are intended to create character and identity through a wide variety of diverse architectural details, and to create consistent well-designed frontages along streets and other public or community spaces. Creativity is encouraged to avoid dull or homogeneous buildings, while incorporating elements of the Texas Hill Country style.

Setbacks.

A. Setbacks contained herein should be measured from the Hwy 46 right-of-way and do not necessarily reflect the lot front setback. The setback shall be fifty feet (50') and shall be used only for the purpose of landscaping and screening and shall not be utilized for parking or internal circulation or drive purposes, except that (if permitted) a driveway may cut through for the purpose of reaching the area behind the setback. The driveway may cut through the setback no more than 30 feet (30') or paired driveways of no more than 20 feet (20') each if separated by a landscape median at least twelve feet (12') wide.
B. The landscape setback along Hwy 46 shall incorporate a minimum of one legacy tree of twelve inches or larger in circumference planted every 20 feet.
C. Additionally native evergreen shrubs that will grow to a minimum height of four feet as determined by a registered landscape architect, certified nurseryman or master gardener shall be planted to create a solid screening within one year of planting.

Facades.

Building design shall incorporate the following standards. Buildings should incorporate elements from the vernacular of buildings in Boerne and the Texas Hill Country.

A. **Primary and Secondary Façade Standards.**

1. The primary façade of a building shall be the main entrance and focal point of the structure. All buildings should have its primary façade and primary entrance oriented towards the street.

2. All primary façades of a building shall occupy at least 50% of the front building line and shall be designed with consistent architectural style, detail and trim features that will keep within the architectural style and heritage of the community. The primary façade must incorporate:
   a. Entrance areas, arcades, display windows, awnings or other architectural variety features along no less than sixty percent (60%) of the primary façade. The remaining forty percent (40%) may not be contiguous.
   b. Offsets, reveals, or projecting ribs shall be used to express architectural or structural bays.

3. Building materials for primary facades - shall be finished using two or more of the following materials or finishes:

a. Cultured or cast stone, natural rock, brick, marble, or granite
b. Stucco or plaster
c. Exterior Insulation and Finish Systems (EIFS) or equivalent product
d. Decorative metal – less than 10% of any façade
e. Decorative treated wood – less than 10% of any facade

4. Secondary façades attached to a primary façade (such as a side wall not facing a public street) shall wrap around the building by incorporating building materials and features of the primary façade for a minimum of 60% of the overall wall length measured from the primary façade.

5. All facades shall include architectural elements such as accent banding, base plates, cornices, soffits, sills, parapets, transoms, and windows aligned horizontally. The horizontal alignment should differentiate stories in a building and create a base and crown for the building.

6. A rear wall that faces or has the likely potential to face the primary façade of another building must follow secondary façade standards.

7. No long horizontal blank wall space without openings to the interior of the building should occur along street level facades.

8. Any building containing a loading dock, bay or service area shall not be facing a primary street.

9. All buildings with a height of twenty-four feet (24') or greater shall be designed to express a base, midsection, and top. The base and tops of buildings shall vary in material.

10. All buildings within a planned development or development as shown on a concept plan or preliminary site plan shall have similar architectural styles, materials, and colors. Colors on adjacent sides and rear façades shall be finished in a similar color as the front of the proposed building.

B. **Building Material Requirements for remaining facades.** The vertical walls of all buildings (excluding doors and windows) shall be finished in two or more of the following materials:

1. Any permitted primary material, or an equal or better simulated product of a permitted primary material may be used as a secondary material;

2. Split-face concrete block, poured-in-place concrete, and tilt-wall concrete. Any use of concrete products shall have an integrated color and be textured or patterned to compliment the primary material.

C. **Accent Material Requirements.** Up to two accent materials are permitted for moldings and ornamental details, or other significant architectural features. Accent Materials shall consist

of no more than 15% of the façade and may consist of:

1. Any permitted primary or secondary material.
2. Standing seam metal.
3. Precast stone, metal, or wood moldings or similar architectural or ornamental details.

D. **Roof Treatments.**

1. Parapets consisting of similar materials to those on the primary façade shall be used to conceal roof top equipment on flat roofs.

2. All sloping roofs less than or equal to a 2:12 pitch shall utilize full parapet coverage not less than two feet (2') above the highest point of the roof

Parking.

The following design and location standards shall apply to on-site parking:

A. To the greatest extent possible, on-site parking areas shall be designed to reduce the negative visual effects of vast paved areas and shall contain screening, landscape planting islands and defined pedestrian walkways.
B. Any parking along Hwy 46 shall be located behind the fifty foot (50') landscape setback.

The location of the on-site parking surface areas shall to the greatest extent possible be located to the side or rear of a building. No more than 15% of the on-site parking areas shall not be located between the front building line of any principal building and a street. Any alternative to this parking requirement must be approved by the Design Review Committee.

1. Where practical, on-site parking areas shall be connected to adjacent parcels through a rear or side lot line access drive or street. If the adjacent parcel is undeveloped or vacant, the access drive, private street, etc., shall be extended to the lot line for future connection to the adjacent parcel.

C. All on-site parking lots shall include planting islands and planting medians.

1. There shall be at least one shade tree, nine inches or larger in circumference planted for each 12 parking spaces.

2. Additionally, parking areas that contain over 100 vehicles shall provide a planting median between every third parking bay of adjacent parking bays, at a minimum, to prevent traffic movement across parking isles.

3. The planting median shall be a minimum of 15 feet wide and may be designed with a curb-less or perforated curb system provided they are engineered to infiltrate run-off from the parking lot, such as a rain garden or bioswale.

4. Parking area for Over 100 vehicles shall provide a planting median

a. Shall be placed between every third parking bay of adjacent parking bays, at a minimum, to prevent traffic movement across parking isles.

b. A minimum of one shade tree of nine inches or larger in circumference shall be planted in each such landscaped area. If a shade tree of nine inches or larger in circumference or larger already exists in the landscaped area.

c. In addition to any other required plantings, all parking lot planting areas shall be planted with drought tolerant species normally grown as permanent lawns, such as Bermuda, Zoysia, or Buffalo. Grass areas shall be solid sided. Mulch, stone, or similar materials may be used sparingly.

D. Parking areas shall be designed to allow for logical interconnection to abutting properties. All parking areas located within 50 feet of a common property line in a non-residential zoning district shall be interconnected to adjacent lots in a nonresidential zoning district

1. For each nonresidential use, the applicant must provide an access easement for proposed parking areas and driveways guaranteeing access to all abutting lots that are within a nonresidential zoning district where such easements enhance traffic circulation and connectivity. In addition, this easement shall provide for the construction of the interconnection between the development's proposed parking area and any parking area on adjacent lots.

2. When an access easement has been provided on an adjacent lot in accordance with this Section, the development must directly connect the parking areas via a driveway.

3. Access easements shall logically connect to internal streets, where practical.

4. Access easements and maintenance agreements or other suitable legal mechanism shall be provided for common parking areas or driveways of each nonresidential use.

Screening.

A. *Screening of parking areas.*

1. Landscaped screening of the parking area from the street is required. This may be achieved with a couple of methods.

a) A planting of 1 2 " n a t ive trees or large evergreen shrubs that shall grow to a minimum height of eight feet as determined by a registered landscape architect, arborist, certified nurseryman or master gardener

b) A three-foot landscaping berm

c) A combination of the above

B. *Screening of Mechanical Equipment.*

1. All roof, ground and wall mounted mechanical equipment (e.g. air handling equipment, compressors, duct work, transformers and elevator equipment) from

view at ground level of the property line.

2. Roof-mounted mechanical equipment shall be shielded from view on four sides. Screening shall consist of materials consistent with the primary building materials, and may include metal screening or louvers, which are painted to blend with the primary building.

3. Screening shall result in the mechanical equipment blending in with the primary building and not appearing separate from the building. The slab shall be sized to accommodate the proposed container and sufficient area to receive the front axle loaded points of the collection vehicle.

4. Wall or ground-mounted equipment screening shall be constructed of one of the following:
   a) Evergreen planting screens
   b) Brick, stone, reinforced concrete, or other similar masonry materials
   c) Redwood, cedar, preservative pressure treated wood, or other similar materials
   d) A combination of the above

5. All fence posts shall be rust-protected metal, concrete-based masonry or concrete pillars.

C. *Screening of Outside Storage.*

1. Outside storage shall be located on the side or rear of the primary building and shall be screened from public view.

2. Outside storage shall be screened with:
   a) A masonry wall or other material that is similar to the primary structure and at least eight feet tall
   b) A three-foot landscaped berm
   c) A planting enclosure of large evergreen shrubs planted a maximum of four feet (4') apart that shall create a solid screen to a minimum height of eight feet within five (5) years as determined by a registered landscape architect, certified nurseryman or master gardener
   d) A combination of the above

D. *Screening of Waste Containers.*

1. Waste containers shall be discretely located on the side or rear of the building and screened from public view.

2. Waste containers shall be located on a minimum six-inch (6") reinforced slab, sloped to drain.

3. Waste containers shall be screened on four sides, using an enclosure that screens the waste container from view at the property line. Screening shall be composed

of:

a) Brick, stone, reinforced concrete, or other similar masonry materials that have a similar finish to the primary finish; or

b) Redwood, cedar, preservative pressure treated wood, or other similar materials; or

c) Large shrubs planted four feet on center and staggered 30 to 36 inches. Shrubs shall be watered with an irrigation system; and

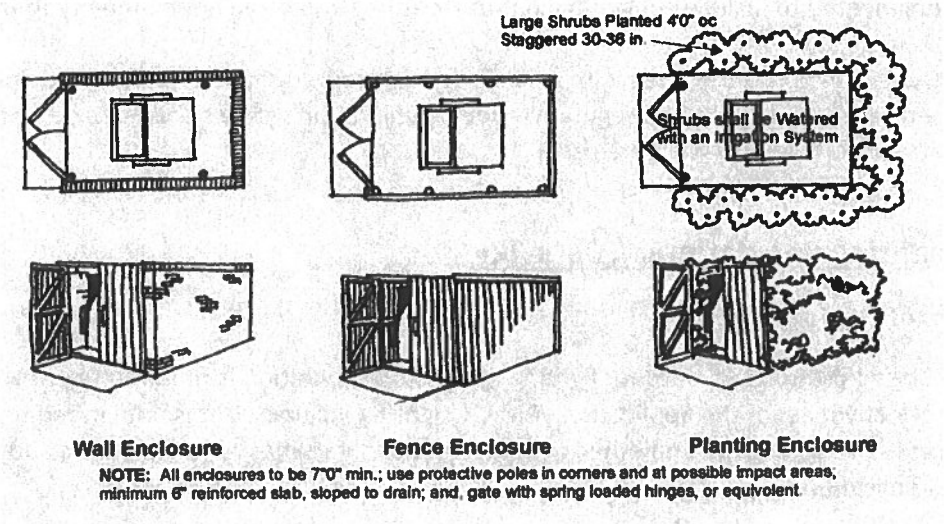
4. All fence posts shall be rust-protected metal, concrete based masonry or concrete pillars; and

5. Six inch (6") concrete filled steel pipes or better shall be located to protect the enclosure from truck operations.

6. Waste container enclosures shall have steel framed gates with spring-loaded hinges or the equivalent and fasteners to keep them closed. When in use, tiebacks should be used to secure the steel framed gates in the open positions.

7. Waste containers shall not be located closer than 50 feet (50') to any single-family lot, unless wholly located within an enclosed building.

8. Planting Enclosures using large evergreen shrubs shall incorporate plants similar to those used elsewhere on primary site and shall be not less than 15-Gallon in size.



E. *Screening of Loading Docks.*

Any delivery and service areas, loading docks, external support equipment, site utility areas, or other similar high-impact elements of site and building design shall be subject to the following:

1. All delivery or service areas and loading docks shall be located on a discrete façade, and internal to the block wherever possible.

2. Any rooftop equipment shall be screened from view of the adjacent public streetscape or other public or common opens spaces by a parapet on flat roofs, or located on a discrete pitch for pitched roofs.

3. Loading areas shall be enclosed on three sides by a wall or other screening device not less than seven feet in height.

4. Loading areas shall not be located closer than 50 feet (50') to any single-family lot, unless wholly located within an enclosed building.

5. Any service areas, loading docks, service equipment, or other site utility area that is visible from adjacent property or public right-of-way shall be screened with a combination of landscape and wall built of a similar material to the main structure at least 6 feet high.

6. Any service use that involves vehicle service bays on a primary or secondary façade shall be located on only secondary or support streets, shall have the service bay portion of the building screened with a combination of landscape and wall built of a similar material to the main structure at least 6 feet high, and shall not have service bays that occupy more than 40% of a single façade.

Drainage and Detention Facilities.

A. Drainage facilities, provided they are non-structural drainage facilities, shall be designed and engineered to include substantial natural features and serve as an amenity to the site.

B. Detention ponds designed with a curvilinear contoured shape, are designed not to require fencing, and shall utilize vegetative slope stabilization with a slope not exceeding 3:1, with no structural retaining walls are used.

II. Lighting Regulations / Dark Sky

Definitions of Class Lighting:

1. Class 1 Lighting: All outdoor lighting where color rendition is required to preserve the effectiveness of the application. Class 1 Lighting includes, but is not limited to, outdoor sales, advertising displays and other signs, recreational facilities, amphitheaters and other similar applications.

2. Class 2 Lighting: All outdoor lighting where general illumination for safety and security of grounds is the primary concern and color rendition is not required to preserve the effectiveness of the application. Class 2 Lighting includes, but is not limited to, illumination for walkways, roadways, equipment yards, parking lots, outdoor eating areas, and outdoor security lighting.

3. Class 3 Lighting: All outdoor lighting for primarily decorative effect where safety and security of grounds is not the primary concern and color rendition is not required to preserve the

effectiveness of the application. Class 3 Lighting includes, but is not limited to, architectural illumination, flag and monument lighting, landscape illumination, signs and seasonal holiday lighting and lighting in residential areas (District 3).

Applicability

1. All public and private outdoor lighting installed in the ETJ of the City of Boerne shall conform to the requirements established here, applicable electrical codes, and building codes.
2. All outdoor lighting shall be fully shielded fixture, the luminous elements of the fixture shall not be visible from any other property, and the fixture shall have a correlated color temperature of 2700 K or less. All off-site impacts will be limited to the greatest extent possible.
3. Outdoor lighting fixtures with a maximum output of 1000 lumens per fixture, regardless of the number of bulbs, may be left unshielded, provided that the fixture has an opaque top to prevent light from shining directly up, the source of the light is not visible from any other

B. Lighting Classification

1. Class 1 Lighting

a. Recreational facilities

Any light source permitted by this ordinance may be used for lighting of outdoor recreational facilities (public or private), including, but not limited to, sports fields or courts, amphitheaters, and similar applications, provided the following conditions are met:

i. A secondary low-level lighting system that complies with Class 2 Lighting shall be installed to facilitate security, cleanup, maintenance, and exit from the facility. The low-level lighting system shall provide an average horizontal illumination, at grade level, of no more than three (3) foot-candles.
ii. Recreational facilities shall turn off Class 1 lighting within thirty (30) minutes of the end of an event.
iii. Comply with the levels of illumination consistent with the IESNA "Recommended Practice for Sports and Recreational Area Lighting" (IESNA RP-6-10) or successor recommendations for the class of play appropriate for the kinds of facilities.
iv. Timers must be installed to prevent lights being left on accidentally overnight.
v. Off-site impacts will be limited to the greatest extent possible.

b. Outdoor Sales

Any light source permitted by this ordinance may be used for lighting of outdoor sales located in non-residential districts, provided the following conditions are met:

i. The primary outdoor lighting of the primary facility shall be turned off at 11:00 p.m. or thirty (30) minutes after closing, whichever is later, but in no event shall the main outdoor lighting be illuminated after 12:00 a.m. unless there is a scheduled "special event"; i.e. an all-night sale.
ii. Lighting Levels - During operating hours:

(a) Feature display area (the area within 200 ft. of the main building) the average horizontal illumination level shall not exceed twenty (20) foot-candles. These areas shall not be located within 100 feet of a residentially zoned areas.
(b) Other display areas the average horizontal illumination level shall not exceed fifteen (15) foot-candles. These areas shall not be located within 100 feet of a residentially zoned area.
(c) General parking areas for staff etc. shall not exceed five (5) foot-candles

iii. Timers must be installed to prevent lights being left on accidentally overnight.

c. Lighting Levels - After Hours:

i. The primary outdoor lighting of the primary facility shall be turned off at 11:00 p.m. or thirty (30) minutes after closing, whichever is later, but in no event shall the main outdoor lighting be illuminated after 12:00 a.m. unless there is a scheduled "special event" i.e. an all-night sale.
ii. A secondary low-level lighting system that complies with Class 2 Lighting shall be installed to facilitate security, cleanup, maintenance, and exit from the facility if the property owner desires. The lamps may be metal Halide or LED. The low-level lighting system shall provide an average horizontal illumination, at grade level, of no more than two and one half (2.5) foot-candles.

2. Class 2 lighting

a. Parking lots

Parking lot lighting shall be designed to provide the minimum lighting necessary to ensure adequate vision, security and comfort in parking areas, and to not cause glare or direct illumination onto adjacent properties or streets. Any light source permitted by this ordinance may be used for parking lots, provided the following conditions are met:

i. All luminaires used for parking lot lighting shall be either yellow high-pressure sodium or LED and shall follow the standards for lighting identified below. Any exceptions to this section of the ordinance may be made by the City Manager and/or the City Manager's designee.
ii. All luminaires shall use Fully Shielded Fixtures as that term is defined herein.
iii. Design levels shall correspond to the appropriate IES (Illuminating Engineering Society) minimum requirements for illumination.
iv. No up lighting.
v. Poles are measured from grade.
vi. Light trespass at the property line is 0.00 foot-candle.
vii. Design goals should be the lowest levels that meet the requirement of the task
viii. Any lighting under awnings or canopies shall be completely recessed or shielded
ix. Yellow high-pressure sodium luminaires used for parking lot lighting may be installed at a maximum height of thirty (30) feet

(a) Perimeter poles that abut a residence or residential district shall be no more than 10 feet in height.

(b) They shall turn off by 9:00 p.m. unless there is a special event.

x. LED parking lot lighting shall adhere to the following criteria.

(a) All fixtures are Full cut-off.
(b) Poles shall be 20 feet in height with perimeter (at the property line) poles at 10 feet in height.
(c) Lumens per net acre in industrial areas shall not exceed 75,000 (does not include governmental owned streetlights).

(i) This lumen per net acre value is an upper limit and not a design goal.
(ii) Design goals should be the lowest levels that meet the requirement of the task

(d) Maximum 2,700 kelvins for bulbs.
(e) Any lighting under awnings or canopies shall be completely recessed or shielded.
(f) Outdoor lighting intended to be left on more than 30 minutes after closing, or the completion of activities must be reduced to 50% or less of the normal lumen output. Motion sensor activation may be allowed to cause the light to resume normal lumen output only when activated and to be reduced back to 50% or less of normal lumen output with 5 minutes after activation.
(g) Wall packs may be used in combination with pole lights if they are full cut-off and/or shielded fixtures.

b. Street Lighting

i. Street lighting installed, repaired or replaced after the adoption of this ordinance shall be fully shielded fixture or full cutoff standard for all fixture over 1,000 lumens initial lamp output, in order to limit light trespassing, and shall have a correlated color temperature of 2700 K or less. No exemption shall apply to any street lighting and to any lighting within the public right of way or easement when the purpose of the luminaire is to illuminate areas outside of the public right of way or easement.
ii. New street lighting shall be designed to provide minimum lighting necessary to ensure adequate vision, and comfort in public and private streets, and to not cause glare or direct illumination more than five (5) feet beyond the right of way. Any light source permitted by this ordinance may be used for street lighting in any District, provided the following conditions are met:

(a) Luminaires used for public/private street lighting that are installed after the effective date of this ordinance shall be installed using Fully Shielded Fixtures, as that term is defined herein. Design levels shall correspond to the appropriate IES (Illuminating Engineering Society) minimum requirements for illumination.
(b) The use of adaptative controls are to be employed in all future installations of public outdoor lighting, considering the circumstances indicating the need for said public outdoor lighting based on the presence or absence of citizens on public property or rights-of-way. For the

purposes of this subsection, "public outdoor lighting" shall be defined as all City public street lighting and outdoor lighting on other City property and City owned rights-of-way.

(c) Motion sensor shall be installed and properly maintained, and the trigger threshold set such that the light doesn't inappropriately trigger on; a failed motion sensor must fail only to the "off" state, and not to the "on"; the duration of each trigger should be limited to no longer than five (5) minutes.

c. Security lighting

For the purposes of this section, security lighting is defined as lighting intended to reduce the risk (real or perceived) of personal attack. Any light source permitted by this ordinance may be used for security lighting in any Lighting District, provided the following conditions are met:

i. All security lighting fixtures installed after the effective date of this ordinance shall be fully shielded and aimed so that illumination is directed only within the owner's property boundaries and not cast on other areas. The use of general floodlighting fixtures shall be prohibited.

ii. Security lighting may illuminate vertical surfaces (e.g. building facades and walls) up to a level eight (8) feet above grade or eight (8) feet above the bottoms of doorways or entries, whichever is greater. The use of up-lighting luminaires shall be prohibited.

iii. Security lighting fixtures may be mounted on poles located no less than ten (10) feet from the perimeter of the property boundary.

iv. Security lights intended to illuminate a perimeter (such as a fence line) shall include motion sensors and be designed to be off unless triggered by an intruder located within five (5) feet of the perimeter. The zone of activation sensors must be within the property boundaries of the property wishing to be illuminated.

v. It is the property owner's responsibility to ensure that the motion sensor is properly maintained, and the trigger threshold set such that the light doesn't inappropriately trigger on; a failed motion sensor must fail only to the "off" state, and not to the "on"; the duration of each trigger should be limited to no longer than five (5) minutes.

d. Lighting of Canopies and Service Islands

Lighting levels on service islands and under canopies shall be adequate to facilitate the activities taking place in such locations.

i. Areas on the apron away from the service islands used for parking or vehicle storage shall be illuminated in accordance with the Illuminating Engineering Society (IES) requirements for parking areas.

ii. Areas around the service islands and under canopies shall be illuminated so that the minimum horizontal illuminance at grade level is at least one (1) foot candles and no more than fifteen (15) foot candles in areas of industrial use and ten (10) foot candles in areas of commercial use.

iii. Light fixtures mounted on canopies shall be fully shielded or recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy.

iv. Lights shall not be mounted on top, or sides (fascia) of the canopy, and the sides (fascia) of the canopy shall not be illuminated.

v. Outdoor light fixtures located under canopies, under building overhangs, or under roof eaves where the center of the lamp or luminaire is located at 5 feet, but less than 10 feet from the nearest edge of the canopy or overhang are to be included in the total outdoor light output as though they produced only one-quarter (1/4) of the lamp's rated lumen output.

vi. Outdoor light fixture located under canopies, under building overhang, or under roof eaves where the center of the lamp or luminaire is located 10 or more feet from the nearest edge of a canopy, building overhang, or eaves are to be included in the total outdoor light output as though they produced only one-tenth (1/10) of the lamp's rated lumen output.

e. Lighting Curfews

Nonresidential outdoor lighting intended to be left on more than 30 minutes after closing, or the completion of activities, must be reduced to 25% or less of the total outdoor light output allowed.

i. Motion sensor activation may be allowed to cause the light to resume total outdoor light output allowed only when activated and to be reduced back to 25% or less of total outdoor light output allowed within 5 minutes after activation has ceased, and the light shall not be triggered by activity off the property.

ii. The 75% reduction in illumination may be accomplished by dimming, by turning off 75% of the light fixtures, by a combination of the two, or by any other method that results in a total outdoor light output of no more than 25% of the total outdoor light output allowed.

iii. Illumination for all advertising signs, both externally and internally illuminated, shall be turned off by the later of closing time or 10:00 p.m., provided, however, that such signs may be turned back on prior to sunrise, but no more than one hour prior to opening.

iv. Street lighting, other than at the intersection of roadways, shall utilize half night photocells or timers to turn off the lights halfway between dusk and dawn. Passive reflective roadway markings are encouraged.

v. All outdoor lighting is encouraged to be turned off when no one is present to use the light. Luminance levels for operation between sunset and sunrise shall not exceed 1250 lumens.

3. Class 3 Lighting

Class 3 Lighting shall apply to all outdoor lighting for primarily decorative effect where safety and security of grounds is not the primary concern and color rendition is not required to preserve the effectiveness of the application. Class 3 Lighting includes, but is not limited to, architectural illumination, flag and monument lighting, landscape illumination, and seasonal holiday lighting.

a. Lighting of Building Facades and Landscaping.

Any light source permitted by this ordinance may be used for lighting of building facades and landscaping in any District, provided the following conditions are met:

i. The maximum illumination on any vertical surface or angular roof surface shall not exceed two (2) foot-candles.
ii. Lighting fixtures shall be at least partially shielded, as defined herein, and aimed so that no light is directed onto adjacent streets or roads.
iii. The use of up-lighting luminaires shall be prohibited, unless such luminaires are fully shielded, and directed in such a way that no light is aimed beyond the building or landscaping directly into the night sky with the exception the illumination of governmental flags.

b. Ornamental Lights

Ornamental lights may be used in any Lighting District, provided the following conditions are met:

i. Decorative strings of lamps/bulbs must not create glare on adjacent streets or property.
ii. Lighting (including strings of lamps/bulbs) for parties, celebrations, and other social gatherings is allowed.

c. Lighting of Walkways, Bikeways, Sidewalks

Any light source permitted by this ordinance may be used for lighting walkways, bikeways and sidewalks in any District, provided the following conditions are met:

i. The walkway, pathway, sidewalk, or ground area may be illuminated with bollards.
ii. Lighting fixtures shall be fully shielded, or otherwise designed to direct light downward, and light sources shall have an initial output of no more than 2000 lumens.

d. Outdoor Advertising Signs

Any light source permitted by this ordinance may be used for lighting of outdoor advertising signs located in any District, provided the following conditions are met. In the event of a conflict, the City of Boerne's Sign Ordinance shall control:

i. All legally installed externally illuminated signs shall have top-mounted luminaires which meet the shielding and grandfathering requirements contained herein.
ii. Bottom-mounted luminaires on externally illuminated signs shall be prohibited.
iii. Legally installed internally illuminated signs, to the degree same are permitted by the Boerne Sign Ordinance, shall be constructed of translucent materials, and the source of internal illumination shall not be directly visible through said material. Internally illuminated signs are prohibited in Residential Districts.
iv. Sign illumination shall be extinguished completely one (1) hour after sunset and remain off until one (1) hour before sunrise.

v. The illuminated surface area of an individual sign shall not exceed 200 square feet.

vi. Luminance levels shall not exceed 100 nits (100 candelas per sq. meter)

e. Lighted Signs.

An establishment shall only have one lighted window or door sign per store front, not to exceed three (3) square feet. These signs shall be turned off when the establishment is not open for business. Illuminated exterior signs not lit by internal lighting shall be illuminated by down lighting methods; "up–lighting" is prohibited.

f. Residential Area Lighting.

While fully shielded lights are required, individual lamps are limited to 2700 lumens or less.

C. Illumination Plan requirements for Development Projects

1. Outdoor lighting should be carefully designed with regards to placement, intensity, timing, duration and color. A good lighting plan can promote safety, save money, conserve natural resources, retain community character, reduce skyglow.
2. The submission of an illumination plan shall contain, but shall not be limited to the following, all or part of which may be part or in addition to the information required elsewhere in the ordinances of the City of Boerne upon application for the required permit.

a. Two copies of an illumination plan shall be submitted with the building permit for review for compliance with this section.
b. A site plan, drawn to an appropriate scale, showing buildings, landscaping, parking area, and all proposed exterior fixtures including lamps, supports, reflectors and other devices.
c. Specifications for all proposed lighting fixtures including photometric data designation as IESNA full cut-off fixtures where required, and other descriptive information on the fixtures.

D. Total Outdoor Light Output and Shielding Requirements

Table 1 gives requirements of the total light output permitted per acre for the different lighting areas for class of lighting, lamp type and lighting area. These requirements shall be met for all lighting installations subject to this section.

1. Total Outdoor Light Output

Total outdoor light output shall not exceed the lumen limits given in Table 1. In the table, Total means the sum of shielded. For determining compliance with this section, the total lumens is the sum of the following:

a. One hundred percent of the lumens from outdoor light fixtures installed on grade, on poles, on the top or sides of buildings or other structures.
b. 2. Outdoor light fixture located under canopies, under buildings overhangs, or under roof eaves where the center of the lamp or luminaire is located at 5 feet, but less than 10 feet from the nearest edge of the canopy or overhang are to be included in the total outdoor light output as though they produced only one-quarter (1/4) of the lamp's

rated lumen output. Outdoor light fixture located under canopies, under building overhang, or under roof eaves where the center of the lamp or luminaire is located 10 or more feet from the nearest edge of a canopy, building overhang, or eaves are to be included in the total outdoor light output as though they produced only one-tenth (1/10) of the lamp's rated lumen output.

Maximum Total Outdoor Light Output Requirements Lumen Caps: Mean Lumens per Net Acre (1)			
Uses			
	Industrial	Commercial	Residential
Commercial, Industrial and Multifamily			
Maximum total outdoor light	75,000	50,000	20,000

Notes to Table 1:

1. Mean lumens per acre equals total outdoor light output divided by net acres.

E. Exemptions

1. Emergency lighting utilized during natural or man-made disasters, but only for the duration of the declared emergency may be exempted.
2. Lighting elements, such as shades with perforated patterns and opaque diffusers, shall be exempted from the fully shielded requirement provided they do not exceed 1000 lumens.
3. Ornamental lights that are string lighting.
4. If a proposed lighting plan or fixture does not meet the requirements of this ordinance, and no other reasonable technical solution is available, but is of demonstrable community benefit, the Design Review Committee may approve an exemption. The applicant requesting a permanent exemption under this ordinance shall submit enough information so that the Design Review Committee may adequately consider the proposed community benefit. All requests for exemptions must comply with the zoning variance request procedures.
5. The provisions of this code do not prevent the replacement of an existing grandfathered luminaire with an alternate fixture, or the use of bottom-mounted luminaires on externally illuminated signs if it can be shown that the luminaire(s) to be used improve the view of the night sky consistent with the intent of this code. A person may request (and the City Manager may approve) an exemption if the following information is provided:

   a. The location of the luminaire to be installed or replaced;
   b. The purpose of the luminaire;
   c. The total wattage and lumens of the grandfathered and the replacement luminaire, if applicable;
   d. The type of luminaire to be installed, and if applicable, the type of replacement;
   e. If the luminaire is a replacement, through manufacturer's literature or otherwise, the replacement luminaire will reduce light pollution, glare, or Total Outdoor Light Output; or,
   f. When the luminaire is bottom-mounted, through the use of manufacturer's literature or otherwise, its use is superior in reducing light pollution, glare, or Total Outdoor Light Output as compared to a top-mounted luminaire.
   g. Any other information deemed relevant.

F. Temporary Exemption

1. Any person may submit a written request, to the City Manager or the City Manager's designee for a temporary exemption from the requirements of this section. The Request for Temporary Exemption shall contain the following information:

   a. Specific exemption or exemptions requested;
   b. Type and use of outdoor fixture involved;
   c. Duration of time for requested exemption;
   d. Total wattage of lamp or lamps;
   e. Proposed location on premises (if any) and addresses of premises;
   f. Physical size of outdoor light fixture(s) and type of shielding provided;
   g. Such other data and information as may be required by the Building Official.

2. Approval, Duration

   The City Manager or the City Manager's designee shall have five (5) business days from the date of submission of the Request for Temporary Exemption to act in writing on the request. If approved, the exemption shall be valid for not more than thirty (30) days from the date of issuance of the approval. The approval shall be renewable at the discretion of the City Manager or the City Manager's designee upon a consideration of all the circumstances. Each such renewed exemption shall be valid for not more than thirty (30) days. Each exemption can be renewed up to two (2) times.

3. Disapproval, Appeal

   If the Request for Temporary Exemption is disapproved, the person making the request will have the appeal rights as provided in the City of Boerne's Zoning Ordinance.

G. Prohibitions

1. The installation of any mercury vapor fixture or lamp, krypton, or argon discharge tubes intended for use as an architectural highlight to attract attention is prohibited.
2. The use of laser source light or any similar high-intensity light (such as a strobe light) is prohibited.
3. The operation of searchlights is prohibited.
4. Outdoor lighting that interferes with the safe operation of a motor vehicle is prohibited.
5. Up-lighting is prohibited, except as otherwise provided in this ordinance.
6. It shall be unlawful for any outdoor lighting fixture to cause glare, as defined herein and determined by the City Manager or the City Manager's designee, of sufficient intensity as to create an unsafe condition on public or private streets between the hours of midnight (12:00 a.m.) and 6:00 a.m.

H. Temporary Lighting for Sports Practices

1. Where temporary lighting is to be provided for sports practices that are not located in City Parks, or schools the following requirements shall apply.

   a. The field to be illuminated shall be a minimum of fifty (50) feet from a residential property line or a residential district.

b. Luminaires used for sports practices shall be at a maximum height of twenty (20) feet and may be positioned at that height up to the edge of the property on which the practice is being held.

c. The Luminaires shall be turned triat 9:00 p.m. or thirty (30) minutes after the practice is over, but in no event shall the field be illuminated after 9:30 p.m.

Figure A

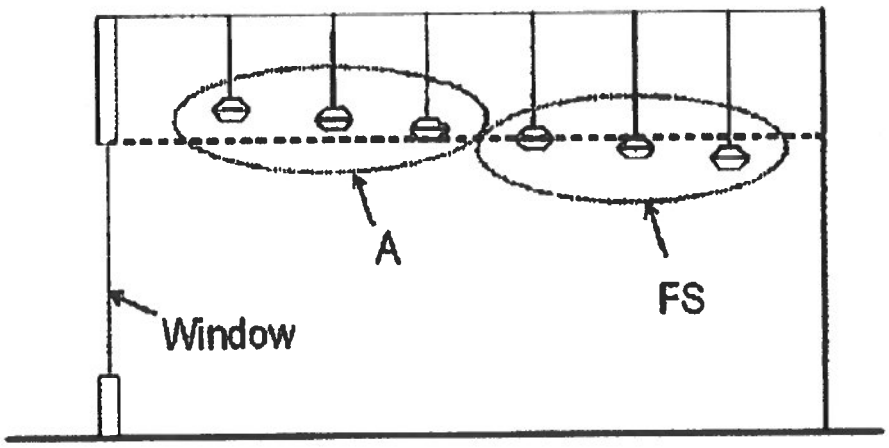
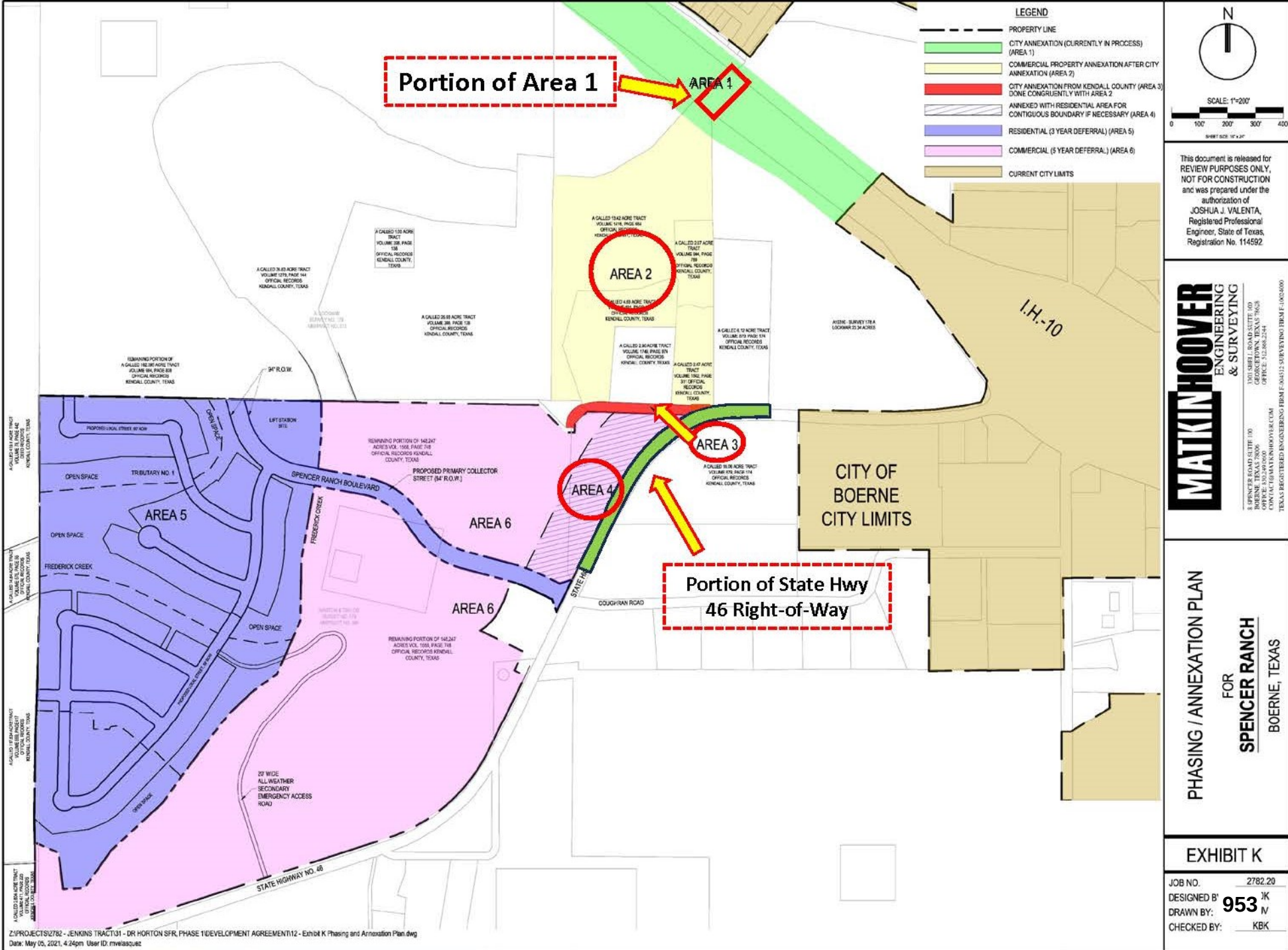


Figure A: Elevation view showing a nonresidential application of indoor lighting, labeled FS, which will be subject to this article and indoor lighting, labeled A, which is installed so that it is not subject to this article. This example presumes the structure in question is not elevated such that any of the luminaires labeled A in the figure above may be seen from any other property. If the structure is elevated such that the luminaires labeled A are visible from another property then, the



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3503 SHELL ROAD SUITE 103 GEORGETOWN, TEXAS 78628 OFFICE: 512.868.2244
TEXAS REGISTERED ENGINEERING FIRM F-9043 | SURVEYING FIRM F-10024600

PHASING / ANNEXATION PLAN FOR SPENCER RANCH BOERNE, TEXAS

EXHIBIT K

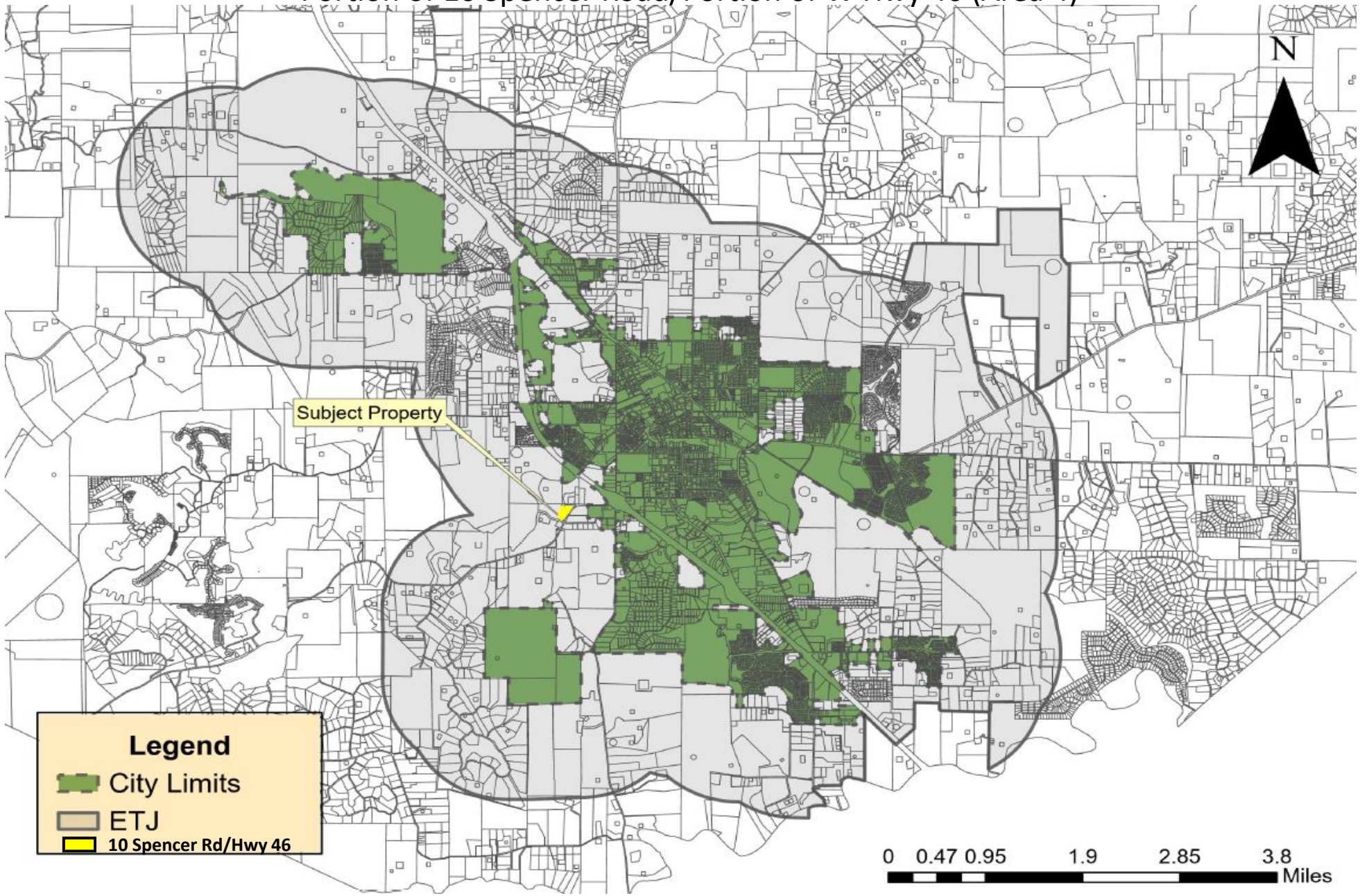
JOB NO. 2782.20
DESIGNED BY: JK
DRAWN BY: MV
CHECKED BY: KBK

953

Z:\PROJECTS\2782 - JENKINS TRACT\31 - DR HORTON SFR, PHASE 1\DEVELOPMENT AGREEMENT\12 - Exhibit K Phasing and Annexation Plan.dwg
Date: May 05, 2021, 4:24pm User ID: mvelasquez

SUBJECT PROPERTY - LOCATION MAP

Portion of 10 Spencer Road/Portion of W Hwy 46 (Area 4)



NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council of the City of Boerne, Texas will hold a Public Hearing on September 12, 2023, at 6:00 p.m., in the City Council Chambers, located at Boerne City Hall, Ronald C. Bowman Council Chambers, 447 N Main Street, Boerne, Texas, to discuss the following:

A. Proposed annexation of approximately 34.199 acres being a portion of right-of-way on Interstate Highway 10, 12 Spencer Road (KAD No. 37948), 2B Spencer Road (KAD No. 37947), 2 Spencer Road (KAD No. 14354), 8 Spencer Road (KAD No. 36891), a portion of right-of-way also known as Spencer Road, a portion of West State Highway 46 (KAD No. 14918), a portion of 10 Spencer Road (KAD No. 14916), and a portion of State Highway 46 right-of-way. *(One of one public hearing)*

All interested parties are encouraged to attend.

s/s Lori A. Carroll
City Secretary

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS
The Boerne City Hall is wheelchair accessible. Access to the building and special parking are available at the north entrance of the building. Requests for special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 830-249-9511.

AGENDA ITEM SUMMARY

Agenda Date	September 12, 2023
Requested Action	PRESENTATION, PUBLIC HEARING AND CONSIDER ON FIRST READING ORDINANCE NO. 2023-32; AN ORDINANCE ANNEXING A 2.807 ACRE PORTION OF WEST STATE HIGHWAY 46 TO THE CITY OF BOERNE, KENDALL COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY. *(One of one public hearing and consider the first reading of an ordinance annexing a portion of W Hwy 46, at the request of Forestar (USA) Real Estate Group, Inc., Matkin Properties, LP, Equity Trust Company Custodian FBO Harold T. duPerier III IRA, and Equity Trust Company Custodian FBO John-Mark Matkin IRA.)*
Contact Person	Nathan Crane, Interim Planning Director
Background Information	This request is to hold a public hearing and consider the first reading of an ordinance to approve the voluntary annexation of 2.807 acres. The second reading of the ordinance will be held on September 26, 2023. The entire request totals 34.199 acres and is divided into five separate areas. Each area will be considered as a separate agenda item.

Area	*Owner*	*Acres*
1	TxDOT (I-10)	1.633
2	Matkin Properties and DBT Investments	22.653
3	Kendall County (Spencer Road)	1.122
4	Balous and Julie Miller	5.984
5	TxDOT (State Hwy 46)	2.807
Total		34.199

**Shaded row indicates current agenda item.*

Development Agreement

The Spencer Ranch Development Agreement was approved by the Council on June 8, 2021. As part of this agreement the property is to be annexed into the City.

The agreement includes approximately 183 acres. The development plan includes the following uses:

Land Use Category	*Acres*
Single Family	71.12
Mixed Use Residential	21.41
Office	16.97
Commercial/Office	15.19
Mixed Use	23.7
Right of Way	3.82

Municipal Service Plan

A Municipal Service Plans (MSP) is required as part of each annexation. The MSP outlines how property in the annexed area will be served with municipal services. All owners have approved the Municipal Service Plans (MSP).

Texas Water will be the permanent water and sewer provider. The City of Boerne will be responsible for Fire, Police, Road Maintenance, and all other government functions.

Access to the site is provided from Highway 46 through a new proposed collector known as Spencer Ranch Road. The 2023 Mobility Master Plan identifies Spencer Ranch as a Collector Road. It also identifies Fredrick's Creek as a location for a future trail.

Current and Future Zoning

In accordance with Section 2.5 of the Unified Development Code, the property will be designated as a Holding (HOL) district until such time as the property is permanently zoned by the Council. Individual landowners will be responsible for applying to rezone their property.

	Birch at Spencer Ranch The single-family portion of the development is known as the Birch at Spencer Ranch which includes 209 single-family homes on 71.12 acres. The density is 2.93 units per acre. Kendall County has issued a permit to allow grading of the site for the single-family portion of the development. The Planning and Zoning Commission has approved the final plats for phases 1A, 1B, and 2 and the preliminary plat for phase 3. Plat recordation is contingent on the construction of Spencer Ranch Boulevard and approval from the Federal Emergency Management Association (FEMA) of a LOMR (Letter of Map Revision).
Item Justification	[X] Legal/Regulatory Obligation [ ] Infrastructure Investment [ ] Reduce Costs [ ] Customer Pull [ ] Increase Revenue [ ] Service Enhancement [ ] Mitigate Risk [ ] Process Efficiency [X] Master Plan Recommendation [ ] Other:
Strategic Alignment	C1 – Offering Quality Customer Experiences B2 – Advancing Master Plan Recommendations
Financial Considerations	
Citizen Input/Board Review	The private property owners provided consent of the annexation with approval of the Development Agreement. They have also approved the Municipal Service Plans in May and June 2023. Kendall County was notified of the annexation in October 2022 and TxDot was notified in May 2023. No comments have been received. Municipal Service Plans are not required for roadways. All other required notifications for annexation were completed on August 27, 2023. The property is part of the City's Extra-Territorial Jurisdiction (ETJ) and has been designated as Auto Oriented Commercial and Neighborhood Residential on the Future Land Use Map. The 2023 Mobility Master Plan identifies Spencer Ranch as a Collector Road. It also identifies Fredrick's Creek as a location for a future trail. On September 8, 2023, the Council set the date and time for a public

	hearing to be held on September 12, 2023.
Legal Review	This action is a statutory requirement for annexation.
Alternative Options	
Supporting Documents	Attachment 1 – Resolution Attachment 2 – Spencer Ranch Agreement Executed Jun1621 Attachment 3 - Annexation Area Map Attachment 4 – Field Notes and Exhibit – Portion of Hwy 46 ROW – 2.807 Acres Attachments 5 - Location Map Attachment 6 – TxDOT Notification Letter

ORDINANCE NO. 2023-32

AN ORDINANCE ANNEXING A 2.807 ACRE PORTION OF WEST STATE HIGHWAY 46 TO THE CITY OF BOERNE, KENDALL COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY

WHEREAS, Chapter 43 of the Texas Local Government Code and City Charter of the City of Boerne, Texas, an incorporated city, authorizes the annexation of territory, subject to the laws of this state as of January 1, 2019; and

WHEREAS, pursuant to Section 43.1056(b) of the Texas Local Government Code the City of Boerne provided written notice more than sixty-one (61) days ago to the owner (TxDOT) of the right-of-way of the City's intent to annex the right-of-way and the owner of the right-of-way did not submit a written objection; and

WHEREAS, the City Council of the City of Boerne approved Resolution No. 2023-R59 on August 8, 2023, setting a public hearing for the proposed annexation of 2.807 being a portion of Highway 46 right-of-way by the City; and

WHEREAS, the right-of-way being annexed is contiguous to and running parallel to the City limits in accordance with Local Government Code Section 43.1056; and

WHEREAS, the City held a public hearing on September 12, 2023, to give all interested persons the right to appear and be heard on the proposed annexation; and

WHEREAS, the procedures prescribed by Chapter 43 Texas Local Government Code and/or Charter of the City of Boerne, Texas, and the laws of this state have been duly followed with respect to the following described territory, to wit:

BEING a 2.807 acre tract of land located in the Newton & Taylor Survey No. 179, Abstract No. 360, Kendall County, Texas, and being across the existing State Highway 46, an 80' wide right-of-way per the Texas Department of Transportation right-of-way map, Control 1042, Section 2, Job 1. Said 2.807 acre tract being more fully described in attached Exhibit "A".

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

Section 1. The facts, findings, recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct and are incorporated herein and expressly made part hereof, as if copied herein verbatim.

Section 2. That the heretofore described property is hereby annexed to the City of Boerne, Kendall County, Texas, and that the boundary limits of the City of Boerne be and the same are hereby extended to include the above described territory within the city limits of the City of Boerne, and the same shall hereafter be included within the territorial limits of said city, and the inhabitants thereof shall hereafter be entitled to all the rights and privileges of other citizens of the city of Boerne and they shall be bound by the acts, ordinances, resolutions, and regulations of said city.

Section 3. Services for the contiguous right-of-way being annexed with this tract will be addressed and governed under the provisions of the Municipal Maintenance Agreement between City of Boerne and TxDOT, dated September 28, 2010, as amended, and any other agreements with TxDOT applicable to this right-of-way.

The City Secretary is hereby directed to file with the County Clerk of Kendall County, Texas, a certified copy of this ordinance.

PASSED AND APPROVED on this the first reading the ____ day of September, 2023.

PASSED, APPROVED AND ADOPTED on this the second reading the ____ day of September, 2023.

APPROVED:

_____
Mayor

ATTEST:

_____
City Secretary

APPROVED AS TO FORM:

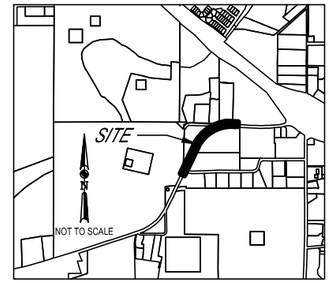
_____
City Attorney

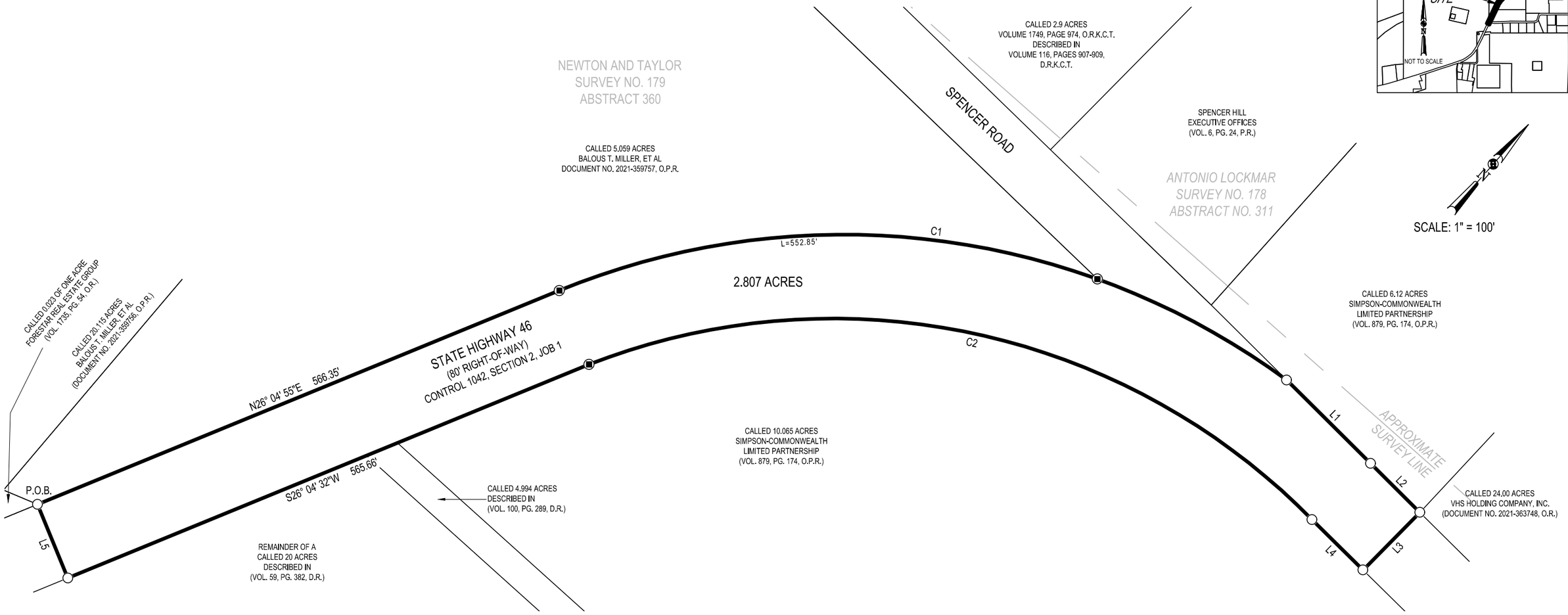
NOTES
1. BEARINGS ARE BASED ON THE STATE PLANE COORDINATE SYSTEM ESTABLISHED FOR THE TEXAS SOUTH CENTRAL ZONE 4204, NORTH AMERICAN DATUM (NAD) OF 1983.
2. "THIS DOCUMENT WAS PREPARED UNDER 22 TEXAS ADMINISTRATIVE CODE § 138.95, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED."

EXHIBIT OF

A 2.807 ACRE TRACT OF LAND LOCATED IN THE NEWTON & TAYLOR SURVEY NO. 179, ABSTRACT NO. 360, KENDALL COUNTY, TEXAS, AND BEING ACROSS THE EXISTING STATE HIGHWAY (S.H.) 46, AN 80' WIDE RIGHT-OF-WAY PER THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) RIGHT-OF-WAY MAP, CONTROL 1042, SECTION 2, JOB 1.

LOCATION MAP





LINE TABLE		
LINE	BEARING	DISTANCE
L1	S86° 50' 14"E	118.77'
L2	S86° 45' 49"E	69.88'
L3	S02° 59' 30"W	81.30'
L4	N87° 00' 30"W	72.10'
L5	N63° 55' 28"W	80.06'

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C1	751.99'	768.96'	58°35'19"	N55° 22' 34"E	735.89'
C2	673.93'	786.44'	66°51'40"	S60° 28' 16"W	742.57'

LEGEND

P.O.B.	POINT OF BEGINNING
○	POINT
◙	FOUND TXDOT TYPE I MONUMENT

MATKINHOOVER
ENGINEERING & SURVEYING
HEADQUARTERS
8 SPENCER ROAD SUITE 300
BOERNE, TEXAS 78006
OFFICE: 830.249.0600 FAX:830.249.0099
3303 SHELL ROAD SUITE 3
GEORGETOWN, TEXAS 78628
OFFICE: 512.868.2244
BOERNE, TEXAS REGISTERED SURVEYING FIRM F-10024000
BOERNE, TEXAS REGISTERED ENGINEERING FIRM F-004512
CIVIL ENGINEERS SURVEYORS LAND PLANNERS
CONSTRUCTION MANAGERS CONSULTANTS

STATE OF TEXAS
REGISTERED
KYLE L. PRESSLER
6528
PROFESSIONAL
LAND SURVEYOR

KYLE L. PRESSLER DATE: JANUARY 16, 2023
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6528
KYLE.PRESSLER@MATKINHOOVER.COM
JOB NO. 16-4072 - 2.807 ACRES

MATKINHOOVER
ENGINEERING
& SURVEYING

FIELD NOTES FOR A 2.807 ACRE TRACT OF LAND

A **2.807 acre** tract of land located in the Newton & Taylor Survey No. 179, Abstract No. 360, Kendall County, Texas, and being across the existing State Highway (S.H.) 46, an 80' wide right-of-way per the Texas Department of Transportation (TxDOT) right-of-way map, Control 1042, Section 2, Job 1. Said **2.807 acre** tract being more particularly described by metes and bounds as follows:

BEGINNING at a point in the westerly right-of-way line of said S.H. 46, at the southeast corner of a called 5.059 acre tract of land as described of record in Document No. 2021-359757 of the Official Public Records of Kendall County, Texas, the northeast corner of a called 0.023 of one acre tract of land as described of record in Volume 1735, Page 54 of the Official Public Records of Kendall County, Texas and for the southwest corner of the tract described herein;

THENCE: With the common lines between said S.H. 46 and said 5.059 acre tract, the following two (**2**) courses:

1. **N 26° 04' 55" E**, a distance of **566.35 feet** to a found TDOT Right-of-Way Monument, Type I, for a point of curvature, and
2. With a tangent curve to the right having a radius of **751.99 feet**, at an arc length of 552.85 feet, passing a found TxDOT Right-of-Way Monument, Type I, at the intersection of the northwesterly right-of-way line of said S.H. 46 and the south right-of-way line of Spencer Road and continuing for a total arc length of **751.99 feet**, a delta angle of **058° 35' 19"** and a chord bears, **N 55° 22' 34" E**, a distance of **735.89 feet** to a point at the intersection of the north right-of-way line between said Spencer Road and the northwest right-of-way line of said S.H. 46, in the south line of a called 6.12 acre tract of land as described of record in Volume 879, Page 174 of the Official Public Records of Kendall County, Texas, for a northerly corner and a point of non-tangency of the tract described herein;

THENCE: Continuing with the north right-of-way line of said State Highway 46 and the south line of said 6.12 acre tract, the following two (**2**) courses:

1. **S 86° 50' 14" E**, a distance of **118.77 feet** to a point for angle, and
2. **S 86° 45' 49" E**, a distance of **69.88 feet** to a point at the southwest corner of a called 24.00 acre tract of land as described of record in Document No. 2021-363748 of the Official Records of Kendall County, Texas, for the southeast conre of said 6.12 acre tract and for the northeast corner of the tract described herein;

THENCE: **S 02° 59' 30" W**, into said S.H. 46 right-of-way, a distance of **81.30 feet** to a point in the south right-of-way line of said S.H. 46 and for a northeasterly corner of the tract described herein;

THENCE: With the southeast right-of-way line of said S.H. 46, the following three (**3**) courses:

1. **N 87° 00' 30" W**, a distance of **72.10 feet** to a point of curvature,
2. With a non-tangent curve to the left having a radius of **673.93 feet**, an arc length of **786.44 feet**, a delta angle of **066° 51' 40"** and a chord bears, **S 60° 28' 16" W**, a distance of **742.57 feet** to a found TDOT Right-of-Way Monument, Type I for a point of non-tangency, and
3. **S 26° 04' 32" W**, a distance of **565.66 feet** to a point for a southwest corner of the tract described herein;

THENCE: **N 63° 55' 28" W**, into said S.H. 46 right-of-way, a distance of **80.06 feet** to the **POINT OF BEGINNING** and containing **2.807 acres of land**, situated in Kendall County, Texas.

Note: The basis of bearing was established using the Trimble VRS Network, NAD (83), Texas State Plane Coordinate System, South Central Zone, 4204, US Survey Foot, Grid. A survey plat was prepared by a separate document. "This document was prepared under 22 Texas Administrative Code § 138.95, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the reconfiguration of the boundary of the political subdivision for which it was prepared."



Job#16-4072 Annexation 2.807 Acres

Date: January 16, 2023

SPENCER RANCH
DEVELOPMENT AGREEMENT

This Development Agreement (this "Agreement") is entered by and between the **City of Boerne**, a Texas home-rule municipal corporation located within Kendall County, Texas (hereinafter, referred to as "City"), **Forestar (USA) Real Estate Group, Inc.** (a Delaware Corporation, hereinafter referred to as "Forestar"), **Matkin Properties, LP**, a Texas limited partnership ("Matkin Properties"), **Equity Trust Company Custodian FBO Harold T. duPerier III IRA**, 50% undivided interest, and **Equity Trust Company Custodian FBO John-Mark Matkin IRA**, 50% undivided interest (collectively, the "Undivided Interest Holders"). Matkin Properties and the Undivided Interest Holders are referred to herein collectively as the "Frontage Owners." Forestar and the Frontage Owners are, collectively, the owners of approximately +/-160 acres of Real Property generally located at Spencer Road and State Highway 46, more specifically described below. Forestar and Frontage Owners hereby enter into this Agreement with the City to allow for certain development provisions and the annexation of the property described herein. City, Forestar, and Frontage Owners shall hereafter collectively be referred to as "Parties" or in the singular as "Party."

RECITALS

WHEREAS, Forestar owns approximately 71.12-acres of Real Property in Kendall County, Texas (the "County") and within the extra-territorial jurisdiction ("ETJ") of the City (hereinafter referred to as the "Forestar Property;" *see* **"Exhibit A"**). Forestar has submitted and the City has approved the Master Plan for approximately 209 single-family homes (*see* **"Exhibit B;"** hereinafter referred to as "Forestar's Project" or the "Birch at Spencer Ranch");

WHEREAS, Frontage Owners own approximately 87-acres of Real Property in the County and within the City's ETJ (hereinafter referred to as the "Frontage Owners Property;" *see* **"Exhibit C"**). Such Property is intended to be developed for mixed use purposes (the "Frontage Owners Project" *see* **"Exhibit D"**).

WHEREAS, in order for Forestar and Frontage Owners to carry out their respective projects, and pursuant to the City's Subdivision Ordinance No. 2007-56, et. Seq., (the "Subdivision Ordinance") certain improvements in the area need to be made. Specifically, the construction and/or dedication of a Spencer Ranch Boulevard, which is approximately 2,200 (1,850+350) feet and traverses both the Forestar Property and the Frontage Owners Property (the "Road;" *see* **"Exhibit E"**).

WHEREAS, It is the intent that both Forestar and Frontage Owners, and any successor owners of the identified properties, shall participate in their proportionate share of construction and/or dedication of 2,200 feet of a 4 lane, primary collector roadway, from Highway 46 in a northwestern direction as depicted in Exhibit E, including a traffic signal and any required turn lanes at the intersection of Highway 46 and the Road, referred to herein collectively as "Spencer

Ranch Roadway Improvements", either by constructing their proportionate share of roadway improvements or by providing roadway funds for the City to construct roadway improvements when warranted, all of which is provided in the Rough Proportionality Determination issued by the City on October 1, 2020 ("Rough Proportionality Determination; *see* "**Exhibit F**").

WHEREAS, the Parties desire to enter into this Agreement pursuant to Subchapter C-3 of Chapter 43 of the Texas Local Government Code, § 43.0671, et. Seq., (the "Code") to reflect that in consideration of Forestar's and Frontage Owners' agreement to voluntary annexation and other consideration as stated herein, the City shall abide by and comply with the terms of this Agreement and the conditions stated herein. More specifically, City shall agree to (1) allow for the Road to be constructed and maintained as a Private Road pursuant to the methods and procedures in this Agreement, (2) annex the Forestar Property and the Frontage Owners' Property in a timely manner in accordance with procedures set forth in state law, and (3) the remaining provisions contained herein.

NOW, THEREFORE, in consideration of the mutual covenants and agreements, and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties now wish to enter into this Agreement and agree as follows:

I. DEFINITIONS

1.1 "Agreement" shall mean this document executed by the Parties, which may be amended from time to time, pursuant to the provisions contained herein.

1.2 "Annexation Area" shall reflect the Properties in Exhibit K (see below).

1.3 "Birch at Spencer Ranch" shall have the meaning specified above.

1.4 "City" and "County" shall have the meaning specified above.

1.5 "Code" shall mean the Texas Local Government Code, as amended.

1.6 "CPI Adjustment" shall mean means the year-to-year adjustment commencing on the first anniversary of the date this Agreement is signed by all Parties, unless otherwise noted, which adjustment shall use the Bureau of Labor Statistics, U.S. Department of Labor Price Index for all Urban Consumers for All Items for the South Region, 1982-84=100.

1.7 "Cure Period" shall have the meaning described in Article VII, below.

1.8 "Effective Date" shall mean the date of execution of this Agreement by all Parties.

1.9 "ETJ" shall have the meaning specified above.

1.10 "Forestar" shall have the meaning specified above.

1.11 "Forestar Project" shall have the meaning specified above.

1.12 "Forestar Property" shall have the meaning specified above.

1.13 "Forestar's Rough Proportionality" shall have the meaning specified below.

1.14 "Frontage Owners" shall have the meaning specified above.

1.15 "Frontage Owners Project" shall have the meaning specified above.

1.16 "Frontage Owners Property" shall have the meaning specified above.

1.17 "Frontage Owners' Rough Proportionality" shall mean the Rough Proportionality Determination issued by the City on October 1, 2020 (see Exhibit F, below).

1.18 "Road" shall have the meaning specified above.

1.19 "Road Reserve Fund" shall have the definition prescribed below.

1.20 "Spencer Ranch Roadway Improvements" shall have the meaning specified above.

1.21 "Subdivision Ordinance" shall have the meaning specified above.

1.22 "Traffic Impact Analysis" shall have the meaning described in the Subdivision Ordinance.

Singular and Plural: Words used herein in the singular, where the context so permits, also includes the plural and vice versa, unless otherwise specified.

II. REPRESENTATIONS AND ACKNOWLEDGMENTS

2.1 The recitals set forth hereinabove are included here as if set out in full and are part of the conditions of this Agreement and binding on Parties.

2.2 Forestar and Frontage Owners represent to City that they collectively are the owners of their respective properties and have the legal capacity and authority to enter into this Agreement and to perform the requirements of this Agreement.

2.3 City acknowledges that it has the authority to agree to the provisions herein and

annex the Frontage Owners Property and the Forestar Property pursuant to the Code and all City regulations, ordinances, and rules pursuant to statutory requirements.

III. THE BIRCH AT SPENCER RANCH

3.1 The Birch at Spencer Ranch consists of approximately 209 single-family homes on the Forestar Property (see previously mentioned Exhibit B). Pursuant to the Subdivision Ordinance and Code, Forestar is required to construct its proportion of infrastructure in coordination with the development of the Birch at Spencer Ranch. Specifically, Forestar's monetary contribution to the Road, as determined by the City's Rough Proportionality Determination for said 209 single-family homes, issued on October 1, 2020 (see previously mentioned Exhibit F) shall not exceed $1,432,477.45 ("Forestar's Rough Proportionality") as adjusted in accordance with the CPI Adjustment (as hereinafter defined). This includes the design and construction of approximately 1,850 ft. of the Road. Upon complete payment of Forestar's Rough Proportionality, all Rough Proportionality for the Birch at Spencer Ranch shall be satisfied and no additional payment or construction of improvements shall be requested or required of Forestar. The City reserves the right to reassess and recalculate the rough proportionality determination if the single-family home count at the Birch at Spencer Ranch changes by more than ten (10) percent.

3.2 This Agreement shall allow Forestar to design, construct, and maintain its proportion (such proportion as specified in previously mentioned Exhibit F) of the Road as a private road, as that term is identified in the Subdivision Ordinance, until such time that the City completes the state prescribed requirements to annex Forestar's Property. City shall perform and complete all inspections and approvals of such portion of the Road as though the City would be maintaining such Road to allow for a timely transfer of maintenance of the Road upon annexation of Forestar's Property.

3.3 Forestar shall dedicate 94-foot right-of-way for the construction of the 350-foot extension of the Road to the City (*see* **"Exhibit G"**) with Phase 3 of the Birch at Spencer Ranch (see previously mentioned Exhibit D) or no later than five (5) years after the date of execution of this agreement. Forestar shall not be required to design or construct the 350 feet of the Road depicted in Exhibit G.

3.4 In association with the permitting, platting, design, and construction of the Birch at Spencer Ranch, Forestar shall be Subject to the following provisions:

> 3.4.1 Pursuant to Sec. 7.03.004 of the Subdivision Ordinance, all water mains for the Birch at Spencer Ranch shall be looped and such water looping shall coincide with the phased development, as indicated in the Overall Utility Plan (see "**Exhibit H**"). Such looping can occur by other means acceptable to both Forestar and the City, as evidenced in writing and executed by both Parties. Compliance with Sec. 7.03.004 of the Subdivision Ordinance shall be completed

concurrently with Phase 3 of the Birch at Spencer Ranch or no later than five (5) years after the date of execution of this agreement.

3.4.2 In lieu of the method of calculation of the yearly contribution for common area reserve fund as described in Section 5.11.014(F)(8)(ii) of the subdivision ordinance, the value of the yearly contribution to the Birch at Spencer Ranch HOA reserve fund shall be assessed at $26,120 per year for the Road, and upon the completion and annexation of each Phase of the Birch at Spencer Ranch (see Exhibit B) the Association shall cause the following funds to be contributed for local streets: $27,385 for Phase 1B, $28,928 for Phase 2, and $22,549 for Phase 3, respectively. The year each Phase of the Birch at Spencer Ranch is annexed such fees shall be prorated. The aforementioned amounts can be adjusted in accordance with the CPI Adjustment. The HOA shall deposit the $26,120 yearly Reserve Fund contribution amount for the Road every 12 months from execution of this Agreement. Upon annexation of Area 5 (see Exhibit K, below), and written request by Forestar, the City shall take over maintenance of the Road and local streets per the process as described in Section 5.11.011 of the Subdivision Ordinance. Upon City commencing maintenance of the Road, the HOA reserve fund balance shall be dedicated to City of Boerne per subdivision ordinance section 5.11.005(C)(iv).

3.4.3 A five-foot (5') sidewalk shall be constructed on the North and South side of the Road where there are four (4) traffic lanes. Where there are only two (2) traffic lanes on the Road a sidewalk shall only be constructed on the South side of the Road (*see* "**Exhibit I**").

3.4.4 The Monument Signs shown in Exhibit J shall be located outside of the right-of-way and outside of the intersection visibility area on either side of the primary collector known as Spencer Ranch Blvd at the intersection of Highway 46 West. These signs will serve as an entrance feature for the Road and the entire development, including the residential and commercial development surrounding the primary collector. The monument signs shall be constructed as shown in Exhibit J, the letters may be backlit and the landscaping shall be provided as demonstrated using the plants listed in Exhibit J and shall not be allowed to exceed one hundred (100) square feet in size. No up-lighting of the monument signs will be permitted, and the signs shall only contain the words Spencer Ranch on the face of the signs. Each sign, landscaping and irrigation shall be maintained in perpetuity by the Birch at Spencer Ranch Homeowners Association which shall be demonstrated in the CCR's.

IV. FRONTAGE OWNERS PROJECT

4.1 Future developments within the Frontage Owners Property are responsible for their

proportionate share of the Spencer Ranch Roadway improvements as defined in Exhibit F. If future development on the Frontage Owners Property requires a Traffic Impact Assessment (TIA), and the results of the same require border street or turn Lane improvements, then these improvements shall be constructed at time of platting. However, if the future development's proposed traffic impact, as determined by the TIA, is an amount that does not require construction of those border street or turn lane improvements, the development shall be required to provide roadway funds into an escrow account, managed by the City, based upon each development's proportionate share of the roadway improvements. Such proportionate share of roadway funds shall be calculated based upon the maximum peak hour trips as determined in each development's TIA and as described in City ordinances as of the Effective Date, multiplied by $551.55 per peak hour trip, subject however to the maximum contribution amounts set forth in Section 4.1.2 below.

4.2 At time of plat submittals to the City, each development shall provide a TIA that determines the peak hour trip for the development. Upon approval of the TIA by the City, the proportionate share of roadway funds shall be provided to the City prior to final plat approval for each development. Any change of land use from the initial TIA, provided during the platting process, shall require an updated TIA and the development shall provide additional roadway funds for any increase in peak hour trips pursuant to the Subdivision Ordinance prior to the City issuing a building permit. At no time shall the roadway funds described herein and provided to the City exceed a total of $1,742,889.00 (total cost equaling $1,442,889 in estimated cost for the completion of the Road and $300,000 in estimated cost for a traffic signal at Hwy 46), as adjusted in accordance with the CPI Adjustment (as hereinafter defined) which is the proportionate share of the Frontage Owners Property roadway improvements per the City's Rough Proportionality determination. All TIA's for development projects within the Frontage Owners Property shall include background traffic generation data from all previously platted parcels in the Frontage Owners Property and Forestar Property for warrant determination of said Spencer Ranch Roadway Improvements. Upon City approval of a TIA that warrants said Spencer Ranch Roadway Improvements, City shall begin the design and construction of said warranted roadway improvements to be paid from the available funds in City's escrow account. The City reserves the right to reassess and recalculate the rough proportionality determination if the single-family home count at the Birch at Spencer Ranch changes by more than ten (10) percent.

4.3 At such time that all roadway improvements, full buildout of the Road and Highway 46 Intersection Road Improvements, are constructed and accepted by the regulating authority, the collection of the proportionate share of the roadway funds shall cease.

4.4 All commercial construction on the Frontage Owners' Property that is within 350 feet of the State Highway 46 right of way and 350 feet. of the Road that occurs prior to annexation into the City limits shall comply with the specific design criteria and lighting regulations (*see* **Exhibit "L"**).

4.5 No structure shall be constructed on the Frontage Owners Property unless a building permit has been issued by the City and a final plat has been recorded for the lot on which the Structure is proposed to be built on.

970

V. ANNEXATION

5.1 Upon City's compliance with Subchapter C-3 of Chapter 43 of the Code and Annexation of Area 1, the Properties referenced in this Agreement shall be annexed as described below (*see* "**Exhibit K**"):

5.1.1 Area 2 and Area 3 to be annexed as soon as legally permissible in accordance with requirements of state law.

5.1.2 Area 4 to be annexed as soon as legally permissible in accordance with requirements of state law.

5.1.3 Area 5 to be annexed within 18 months of execution of this agreement or as soon thereafter the annexation in 5.1.2 as legally permissible in accordance with State law.

5.1.4 Area 6- Any portions of land within Area 6 that are contiguous to land previously annexed by the City in Areas 1-5 must be annexed and zoned by the City prior to the application by the owner of such contiguous land for a building permit. The owner of any portion of land within Area 6 that is not contiguous to land previously annexed by the City in Areas 1-5 for which development is proposed by such owner, must take whatever action is necessary in order for the City to be able to annex and zone such affected land, prior to such owner applying for a building permit. The platting of any tracts within Area 6 into tracts of smaller acreage does not trigger the requirement for annexation. The owner of any remaining land in Area 6 that has not been theretofore annexed by the City at the expiration of 60 months from the Effective Date of this Agreement must begin the annexation process immediately after the expiration of such 60-month period.

VI. CONSIDERATION

Section 1.01 6.1 Voluntary petition for annexation. The Parties agree that this Agreement constitutes a voluntary petition to the City for annexation of the Forestar Property and the Frontage Owners' Property for full purposes under the provisions of Subchapter C-3 of Chapter 43 of the Code which shall be deemed submitted to the City on the Effective Date of this Agreement.

6.2 Parties agree that this voluntary petition and consent may not be revoked and is intended to be and shall be binding upon the Parties as well as their successors and assigns in ownership of any right, title, or interest in and to the Forestar Property and the Frontage Owners' Property or any part thereof.

6.3 Waiver. To the extent authorized by state and local laws, the Parties agree that the City is only obligated to perform those tasks set forth in Subchapter C-3 of Chapter 43 of the Texas Local Government Code that are required when annexing property under that subchapter. Parties agree that the Parties shall not oppose any action taken by the City to annex the Annexation Area under this Agreement or under Subchapter C-3 of Chapter 43 of the Code.

6.4 All covenants, agreements and terms contained in this agreement obligating Parties shall run with the land and shall hereafter bind all of their successors and assigns and all future owners of the Forestar Property or Frontage Owners' Project.

6.5 Notwithstanding any provision herein to the contrary, the Parties agree and acknowledge that, in accordance with Section 212.172(g), this Agreement constitutes a permit under Chapter 245 of the Code.

VII. WRITTEN AGREEMENT REGARDING SERVICES

7.1 When the City annexes the Forestar Property and the Frontage Owners' Property pursuant to this Agreement, the Parties agree that this Section VII of this Agreement shall constitute a Written Agreement Regarding Services required under Chapter 43, section 43.0672 of the Code; shall run with the land; and shall govern all municipal services to be provided to the Forestar Property and the Frontage Owners' Property.

A. PROGRAM FOR SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF THE ANNEXATION.

The City will provide the following services in the Annexation Area on the effective date of the annexation, unless otherwise noted. As used in this plan, the term "providing services" includes having services provided by any method or means by which the City may extend municipal services to any other area of the City, including the City's infrastructure extension policies and developer or property owner participation in accordance with applicable City ordinances.

1. POLICE PROTECTION

The City of Boerne Police Department will provide regular and routine patrols to the Annexation Area at the same or similar level now being provided to other areas of the City with similar topography, land use and population densities.

The services will include, but are not limited to:

- Normal patrols and responses to calls for service;
- Handling of offense and incident reports;
- Special units, such as traffic enforcement, criminal investigations, narcotics law enforcement, gang suppression, and crime response team deployment when required; and
- Animal Control services.

2. FIRE SERVICE

The City of Boerne, Texas and its Fire Department will provide fire protection services to the Annexation Area at the same or similar level now being provided to other areas of the City with similar topography, land use and population densities. The Fire Department will perform these duties as part of its overall activities. Adequate fire suppression activities can be afforded to the annexed area within current budget appropriation. Fire prevention activities will be provided by the Fire Marshall's office as needed.

These services include, but are not limited to:

- Basic Life Support (BLS) 1st responder emergency medical services;
- Fire suppression and rescue;
- Hazardous materials mitigation and regulation;
- Technical rescue;
- Fire Safety Education;
- Aircraft/rescue/firefighting;
- Fire protection system plan review; and
- Inspections.

3. BUILDING INSPECTION AND CODE ENFORCEMENT SERVICES

The City of Boerne Code Enforcement Department activities will extend to Annexation Area, pursuant to applicable policies and/or ordinances of the City, now existing or as such policies and/or ordinances may be amended. These services include, but are not limited to, consultation with project developers for building code requirements, plan review for structures, issuance of building permits, and on-site inspection services for new construction.

The Code Enforcement Department will also enforce the City's code of ordinances and will respond to requests for inspection and complaints of suspected City Code violations including, but not limited to: high weeds and grass, trash and debris, solid waste, trash carts and illegal dumping, junked and abandoned vehicles, zoning, food, daycare, pool and spa inspections, stray animals, cruelty and bite investigations. Complaints of ordinance or regulation violations within the Annexation Area will be answered and investigated by existing personnel within the appropriate City department beginning on the effective date of the annexation.

4. PLANNING AND ZONING

The City of Boerne Planning and Zoning Department activities will extend to the Annexation Area, pursuant to applicable policies and/or ordinances of the City, now existing or as may be amended. The Planning and Zoning Commission will initiate permanent zoning of the newly annexed area as soon as possible after annexation.

5. LIBRARY

Free library uses, and privileges will be available to residents of the Annexation Area, pursuant to applicable policies and/or ordinances as may be amended.

6. PARKS, PLAYGROUNDS, AND SWIMMING POOLS

Residents of the Annexation Area may utilize all existing parks and community service facilities throughout the City subject to existing ordinances and policies as may be amended. Existing parks, playgrounds, swimming pools and other recreational and community facilities within the Annexation Area that are private facilities will be unaffected by the annexation.

7. SOLID WASTE COLLECTION

Solid waste collection is contracted for by the City's contracted agent upon annexation. Solid waste collection will be provided to the Annexation Area at the same or similar level of service now being provided to other areas of the City in accordance with existing ordinances and policies as may be amended from time to time.

8. STREET AND DRAINAGE MAINTENANCE

The effects of this addition on drainage will be addressed under the provisions of the Subdivision Ordinance in effect at the time of platting.

Roads, streets and drainage improvements that have been properly platted, duly dedicated, and accepted by the City of Boerne and/or Kendall County shall be maintained by the Department of Development Services. All roads, streets or alleyways in the Annexation Area which have been dedicated to the public shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas of the City of Boerne with similar land use, population density and topography.

Construction of new roads and streets, if any, is the responsibility of the developer or land owner desiring them and must be designed and built in accordance with applicable City of Boerne ordinances and policies as may be amended.

The effects of this addition on drainage will be addressed under the provisions of the Subdivision Ordinance in effect at the time of platting, if and when such platting occurs. The effects will be consistent with such maintenance provided by the City of Boerne to other areas within the City exhibiting land use, population density and topography similar to that of the Annexation Area.

VIII. DEFAULT

8.1 Subject to Sections 8.3 and 8.4 below, a Party shall be declared in "Default" of this

Agreement if such Party violates or causes a violation of any rules, regulations, orders, ordinances or other laws that are applicable to the Property covered in this Agreement, as described herein, during the term of this Agreement.

8.2 Subject to Sections 8.3 and 8.4 below, a Party shall be declared in "Default" if that Party materially breaches any covenant, obligation, or provisions of this Agreement.

8.3 Notwithstanding any provision to the contrary, no Party shall be declared in Default, under this Agreement and subject to the remedies available to the non-defaulting party, as set forth herein, until written notice of Default has been given to the defaulting Party (which notice shall set forth in reasonable detail the nature of the Default) and until such Party has been given, from and after the receipt of such written notice, ninety (90) calendar days to cure the Default (the "Cure Period"). The Cure Period may be extended by written agreement of the Amending Parties (defined below) and shall be subject to written approval of the City Manager.

8.4 The duties of a Party to observe or perform any of the provisions of this Agreement, on its part to be performed or observed, shall be excused for a period equal to the period of prevention, delay, or stoppage due to causes beyond the control of the applicable Party, including reason of strikes, pandemics, epidemics, terrorism, civil riots, war, invasion, fire or other casualty, or Acts of God.

IX. REMEDIES

9.1 Upon the occurrence of Default by a Party, the non-defaulting Party may seek all remedies available to it at law or in equity, including, without limitation, termination, injunctive relief, mandamus, and specific performance. Notwithstanding any provision herein to the contrary, the following applies: (i) upon the occurrence of Default by Frontage Owners, regarding the terms provided herein for the Frontage Owners' Project, the City may proceed with any and all remedies described herein of only the Frontage Owners' Project (or any portion thereof); and (ii) upon the occurrence of Default by Forestar, regarding the terms provided herein for the Forestar Property, the City may proceed with any and all remedies described herein of only the Forestar Property.

9.2 The Parties hereto expressly agree that, in the event of litigation, each Party hereby waives its right to payment of attorneys' fees.

X. NON-WAIVER

No course of dealing on the part of the Parties nor any failure or delay by the Parties in exercising any right, power, or privilege under this Agreement shall operate as a waiver of any right, power or privilege owing under this Agreement.

XI. ASSIGNMENT

11.1 All covenants and agreements contained herein by the City shall bind its successors and assigns and shall inure to the benefit of Parties and their successors and assigns.

11.2 This Agreement (including the duties, rights and obligations set forth herein) may be assigned, in whole or in part by Forestar or Frontage Owners, for their respective properties, without the prior written consent of City.

XII. ENTIRE AGREEMENT

12.1 This written Agreement embodies the final and entire agreement between Parties hereto and may not be contradicted by evidence of prior, contemporaneous, or subsequent oral agreements of Parties.

12.2 The exhibits attached to this Agreement are incorporated herein and shall be considered a part of this Agreement for the purposes stated herein. Notwithstanding, the exhibits shall not constitute any binding commitment regarding, but not limited to, the final location of boundaries, lots, and improvements and infrastructure, such being of approximate location that may be amended from time to time by the Parties.

XIII. AMENDMENTS

Except where the terms of this Agreement expressly provide otherwise, any alterations, additions, or deletions to the terms hereof, shall be affected only by amendment, in writing, executed by the Amending Parties, and subject to the written approval by the City, which shall not be unreasonably withheld, conditioned, or delayed. This section is reserved to the Amending Parties of this Agreement and shall only be assigned by such a Party when that Party no longer owns Property subject to this Agreement or if assigned in writing to another fee owner of real property subject to the terms hereof, and with notice to the other Parties.

As used in this Section, the term "Amending Parties" shall mean: (i) Forestar, as the fee title holder of the Forestar Property as of the date hereof, (ii) the Undivided Interest Holders as the fee title holders of the Frontage Property as of the date hereof, and (iii) the City of Boerne. Notwithstanding anything herein to the contrary, there shall be only three (3) Amending Parties under this Agreement at all times. In the event the Undivided Interest Holders convey fee title to the entirety of the acreage of the Frontage Property, the Amending Party rights hereunder shall convey therewith and such successor fee title holder shall be the successor Amending Party to the Undivided Interest Holders. In the event less than the entirety of the acreage of the Forestar Property or Frontage Property is conveyed, the such conveying Amending Party whose property is subdivided in such case shall have the right, but not the obligation, in its sole and absolute discretion, to assign all of its Amending Party rights under this Section to the owner that acquires

the fee simple title of any portion of the Property by recording an assignment to this effect in the real property records of Kendall County, Texas.

XIV. SEVERABILITY

If any clause or provision of this Agreement is held invalid, illegal or unenforceable under present or future federal, state or local laws, including but not limited to the charter, code, or ordinances of the City, then and in that event it is the intent of Parties hereto that such invalidity, illegality or unenforceability shall not affect any other clause or provision hereof and that the remainder of this Agreement shall be construed as if such invalid, illegal or unenforceable clause or provision was never contained herein. It is also the intent of Parties hereto that in lieu of each clause or provision of this Agreement that is invalid, illegal, or unenforceable, there be added as a part of this Agreement a clause or provision as similar in terms to such invalid, illegal or unenforceable clause or provision as may be possible, legal, valid and enforceable.

XV. LEGAL AUTHORITY

The person(s) executing this Agreement on behalf of the respective Parties, represent, warrant, assure, and guarantee that they have full legal authority to (i) execute this Agreement on behalf of the respective Party, and (ii) to bind the respective Party to all of the terms, conditions, provisions, and obligations herein contained.

XVI. VENUE AND GOVERNING LAW

16.1 THIS AGREEMENT SHALL BE CONSTRUED UNDER AND IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS.

16.2 Any legal action or proceeding brought or maintained, directly or indirectly, as a result of this Agreement shall be heard and determined in Kendall County, Texas.

XVII. PARTIES' REPRESENTATIONS

This Agreement has been jointly negotiated between the Parties and shall not be construed against a Party because that Party may have primarily assumed responsibility for the drafting of this Agreement.

XVIII. NOTICE

18.1 All notices, demands or other communications given in connection with or required

under this Agreement must be in writing and delivered to the person to whom it is directed and may be given by (a) overnight delivery using a nationally recognized overnight courier, in which case notice shall be deemed delivered one business day after deposit with such courier, (b) sent by email with a PDF attachment with an original copy thereof transmitted to the recipient by one of the means described in clauses (a), (c) or (d), in which case notice shall be deemed delivered on the date of transmittal of the email with PDF attachment, (c) personal delivery, in which case notice shall be deemed delivered upon receipt or refusal of delivery, or (d) United States certified mail, return receipt requested, postage prepaid, addressed to the addressee, in which case notice shall be deemed delivered three business after deposit of such notice, postage prepaid, in a mailbox under the care, custody or control of the United States Postal Service. All notices, demands and other communications shall be given to the Parties (and in all events the Amending Parties) at the addresses set forth below, or at any other addresses that they have theretofore specified by written notice delivered in accordance herewith:

City:
City of Boerne
Attn: Boerne City Manager
P.O. Box 1677
447 N. Main St
Boerne, Texas, 78006
Email: bthatcher@boerne-tx.gov

Forestar:
Forestar (USA) Real Estate Group, Inc.
10700 Pecan Park Blvd., Suite 150
Austin, Texas, 78750
Email: JohnMaberry@forestar.com; CarrieCappel@forestar.com

With copies to:
Brown & Ortiz, P.C.
Attention: Daniel Ortiz
112 E. Pecan Street, Suite 1360
San Antonio, Texas 78205
Email: doa@brownortiz.law

Frontage Owners:
Attn: John-Mark Matkin
8 Spencer Road, Suite 100
Boerne, Texas 78006
Email:

Attn: Harold T. duPerier III
28615 IH 10W
Boerne, Texas 78006

Matkin Properties
Matkin Properties, LP

Attn: John-Mark Matkin
8 Spencer Road, Suite 100
Boerne, Texas 78006
Email:

Each Party may change its address by written notice in accordance with this Article XVIII.

Whenever a Frontage Owner conveys all or any portion of the Frontage Owners Property to a third party, such conveying Frontage Owner shall have the right to: (i) record or cause the subject transferee to record a notice in the Official Public Records of Kendall County, Texas, making reference to the recording information of this Agreement at the closing of such conveyance that states the address of the transferee (i.e. the new Frontage Owner) for notice purposes under this Agreement; and (ii) send or cause the subject transferee to send copy of the aforesaid notice to the then current Parties at their then effective address or addresses. Upon recordation of the notice and sending a copy of such notice to the other then current Parties, this Article XVIII will be deemed as modified and updated accordingly and each then current Party will be deemed to have constructive and/or actual notice of the new address of the affected Frontage Property Owner for notice purposes hereunder.

XIX. CAPTIONS

All captions used herein are only for the convenience of reference and shall not be construed to have any effect or meaning as to the Agreement between Parties hereto.

XX. UNINTENDED OMISSION

If any punctuation, word, clause, sentence, or provisions necessary to give meaning, validity, or effect to any other word, clause, sentence, or provision of this Agreement is omitted, then it is hereby declared that such omission was unintentional and that the omitted punctuation, word, clause, sentence or provision shall be supplied by inference.

XXI. TIME IS OF THE ESSENCE

Time is of the essence in this Agreement and each and every provision hereof.

XXII. COUNTERPARTS

This Agreement may be executed in counterparts. Each of the counterparts shall be deemed an original instrument, but all of the counterparts shall constitute one and the same instrument. This Agreement may be executed in any number of counterparts and by different Parties in separate counterparts, each of which when so executed and delivered, shall be deemed an original, and all of which, when taken together, shall constitute one and the same instrument. Delivery of an executed counterpart of a signature page to this Agreement by facsimile or electronic mail shall be as effective as delivery of a manually executed counterpart of this Agreement, except that any Party delivering an executed counterpart of this Agreement by facsimile or electronic mail also must deliver a manually executed counterpart of this Agreement. Notwithstanding the foregoing, failure to deliver a manually executed counterpart shall not affect the validity, enforceability, and binding effect of this Agreement.

XXIII. RECORDATION

This Agreement shall be recorded in the Real Property Records of Kendall County, Texas.

XXIV. TERM

The term of this Agreement shall commence on the Effective Date and terminate fifteen (15) years from the Effective Date. The term may be extended upon mutual consent and written agreement between the Parties and subject to written approval of the City Manager, not to be unreasonably withheld, conditioned, or delayed.

Signatures on the Following Pages

IN WITNESS THEREOF, Parties hereto have executed this Agreement to be effective as of the Effective Date.

CITY:

CITY OF BOERNE, TEXAS

By: _____

Name: Ben Thatcher

Title: City Manager

Date: 6/16/2021

ATTEST/SEAL:

By: LORI A. CARROLL

Name: Lori A Carroll

Title: City Clerk

Date: 6/16/2021

APPROVED AS TO LEGAL FORM:

By: _____

Name: Barbara L. Quirk

Title: City Attorney

Date: 6-16-21

ACKNOWLEDGEMENT

State of Texas §
§
County of Kendall §

This instrument was acknowledged before me on this 16th day of June, 2021 by Ben Thatcher, City Manager of the City of Boerne, a Texas home rule municipality, on behalf of said municipality.

Date: 6/16/2021

_____
Notary Public, State of Texas

My Commission expires: 2/9/2023

SIRIA ARREOLA
Notary Public, State of Texas
My Commission expires
February 9, 2023
ID # 12594878-7

FORESTAR (USA) REAL ESTATE GROUP, INC.
Forestar (USA) Real Estate Group, Inc.

By: _____

Title: Vice President - Central Texas Division President

Date: 6/11/2021

ACKNOWLEDGEMENT

State of Texas §
§
County of Williamson §

The foregoing instrument was acknowledged before me this 11th day of June, 2021, by John Maberry, Vice President of Forestar (USA) Real Estate Group, Inc.

Date: 6/11/2021

_____
Notary Public, State of Texas

My Commission expires: 07-18-2022

THERESE TRAN
Notary Public, State of Texas
Comm. Expires 07-18-2022
Notary ID 131651657

MATKIN PROPERTIES:

MATKIN PROPERTIES, LP,
a Texas limited partnership

By: JM2 MANAGEMENT, LLC,
a Texas limited liability company,
its sole General Partner

By: _____
John-Mark Matkin, Manager

STATE OF TEXAS §
§
COUNTY OF Kendall §

This instrument was acknowledged before me, the undersigned authority, this 16th day of June, 2021, by JOHN-MARK MATKIN, the Manager of JM2 MANAGEMENT, LLC, a Texas limited liability company, the sole general partner of MATKIN PROPERTIES, LP, a Texas limited partnership, on behalf of said limited partnership.

SIRIA ARREOLA
Notary Public, State of Texas
My Commission expires
February 9, 2023
ID # 12594878-7

_____
Notary Public ★ State of Texas

UNDIVIDED INTEREST HOLDER:

EQUITY TRUST COMPANY CUSTODIAN FBO HAROLD T. DUPERIER III IRA,
50% undivided interest

By: JMM on Behalf of Trip DuPerier
Name: Trip DuPerier
Title: Owner

Account Holder Acknowledgment:

JMM on behalf of Trip DuPerier
Harold T. duPerier, III

Date: 6/16/21

STATE OF TEXAS §
§
COUNTY OF Kendall §

This instrument was acknowledged before me on the 16th day of June, 2021 by John Mark Matkin, as the owner of Equity Trust Company Custodian FBO Harold T. dePerier, III IRA.

SIRIA ARREOLA
Notary Public, State of Texas
My Commission expires
February 9, 2023
ID # 12594878-7

Siria Arreola
Notary Public – State of Texas

STATE OF TEXAS §
§
COUNTY OF Kendall §

This instrument was acknowledged before me on the 16th day of June, ~~2020~~ 2021 by ~~Harold T. dePerier III.~~ John Mark Matkin on behalf of Harold T. dePerier III.

SIRIA ARREOLA
Notary Public, State of Texas
My Commission expires
February 9, 2023
ID # 12594878-7

Siria Arreola
Notary Public – State of Texas

UNDIVIDED INTEREST HOLDER:

EQUITY TRUST COMPANY CUSTODIAN FBO JOHN-MARK MATKIN IRA, 50% undivided interest

By: _____

Name: JOHN-MARK MATKIN

Title: OWNER

Account Holder Acknowledgment:

_____

John-Mark Matkin

Date: 6/16/21

STATE OF TEXAS §
§
COUNTY OF Kendall §

This instrument was acknowledged before me on the 16th day of June, 2021 by John-Mark Matkin, as the owner of Equity Trust Company Custodian FBO John-Mark Matkin IRA.

SIRIA ARREOLA
Notary Public, State of Texas
My Commission expires
February 9, 2023
ID # 12594878-7

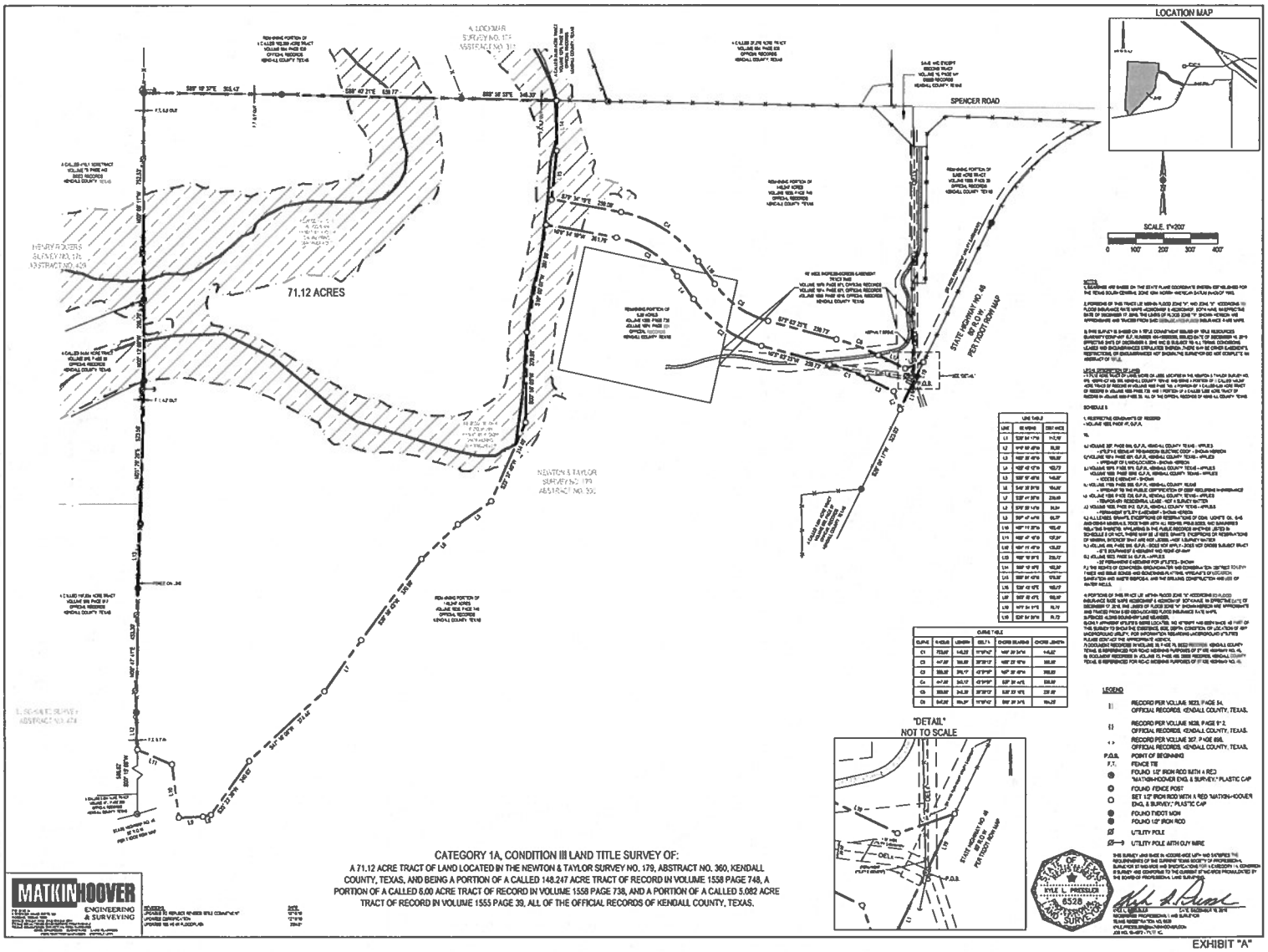
_____
Notary Public – State of Texas

STATE OF TEXAS §
§
COUNTY OF Kendall §

This instrument was acknowledged before me on the 16th day of June, 2021 by John-Mark Matkin.

SIRIA ARREOLA
Notary Public, State of Texas
My Commission expires
February 9, 2023
ID # 12594878-7

_____
Notary Public – State of Texas

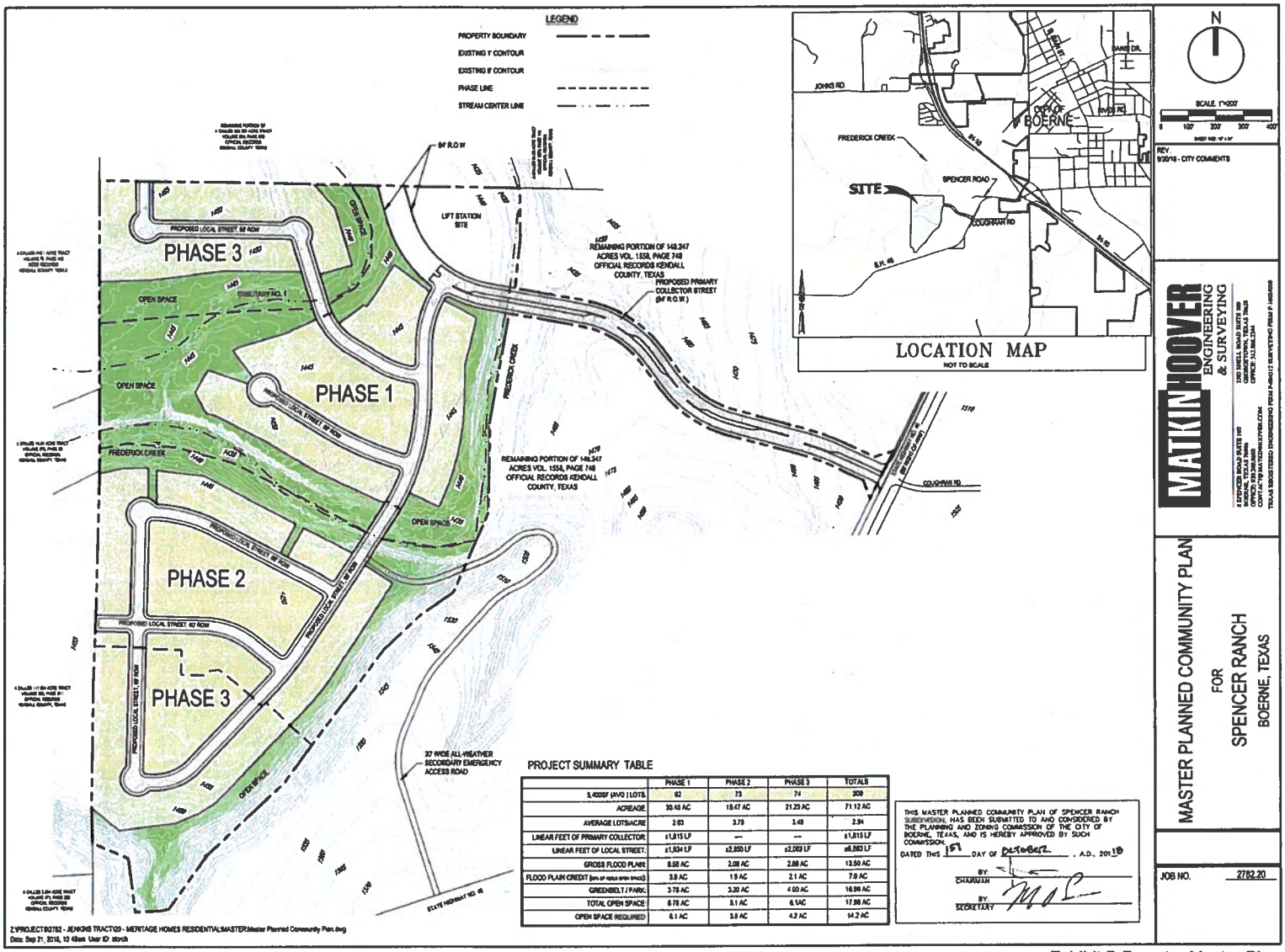


CATEGORY 1A, CONDITION III LAND TITLE SURVEY OF:

A 71.12 ACRE TRACT OF LAND LOCATED IN THE NEWTON & TAYLOR SURVEY NO. 179, ABSTRACT NO. 360, KENDALL COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 148.247 ACRE TRACT OF RECORD IN VOLUME 1558 PAGE 748, A PORTION OF A CALLED 6.00 ACRE TRACT OF RECORD IN VOLUME 1558 PAGE 738, AND A PORTION OF A CALLED 5.082 ACRE TRACT OF RECORD IN VOLUME 1555 PAGE 39, ALL OF THE OFFICIAL RECORDS OF KENDALL COUNTY, TEXAS.

MATKIN HOOVER ENGINEERING & SURVEYING

EXHIBIT "A"



PROJECT SUMMARY TABLE

	PHASE 1	PHASE 2	PHASE 3	TOTALS
5,400SF (MVO.) LOTS	62	73	74	209
ACREAGE	30.48 AC	19.47 AC	21.23 AC	71.12 AC
AVERAGE LOTS/ACRE	2.03	3.75	3.48	2.94
LINEAR FEET OF PRIMARY COLLECTOR	±1,815 LF	---	---	±1,815 LF
LINEAR FEET OF LOCAL STREET	±1,934 LF	±2,850 LF	±2,069 LF	±6,853 LF
GROSS FLOOD PLAIN	6.58 AC	2.08 AC	2.88 AC	13.50 AC
FLOOD PLAIN CREDIT (5% OF GROSS OPEN SPACE)	3.8 AC	1.9 AC	2.1 AC	7.8 AC
GREENBELT / PARK	3.78 AC	3.20 AC	4.00 AC	10.98 AC
TOTAL OPEN SPACE	8.78 AC	5.1 AC	6.1AC	17.98 AC
OPEN SPACE REQUIRED	6.1 AC	3.9 AC	4.2 AC	14.2 AC

THIS MASTER PLANNED COMMUNITY PLAN OF SPENCER RANCH SUBDIVISION, HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF BOERNE, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION.

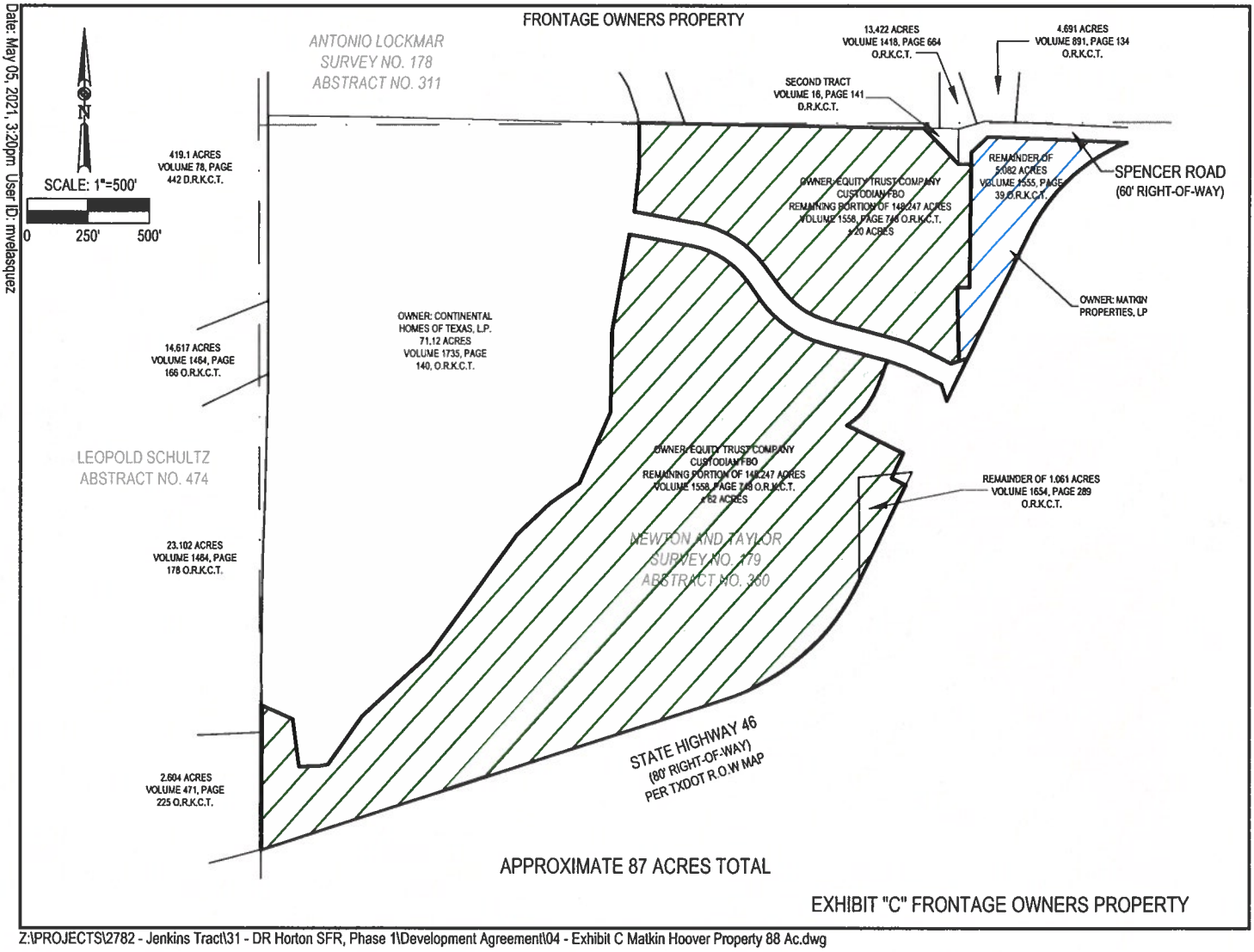
DATED THIS 15th DAY OF December, A.D., 2018

BY CHAIRMAN

BY SECRETARY

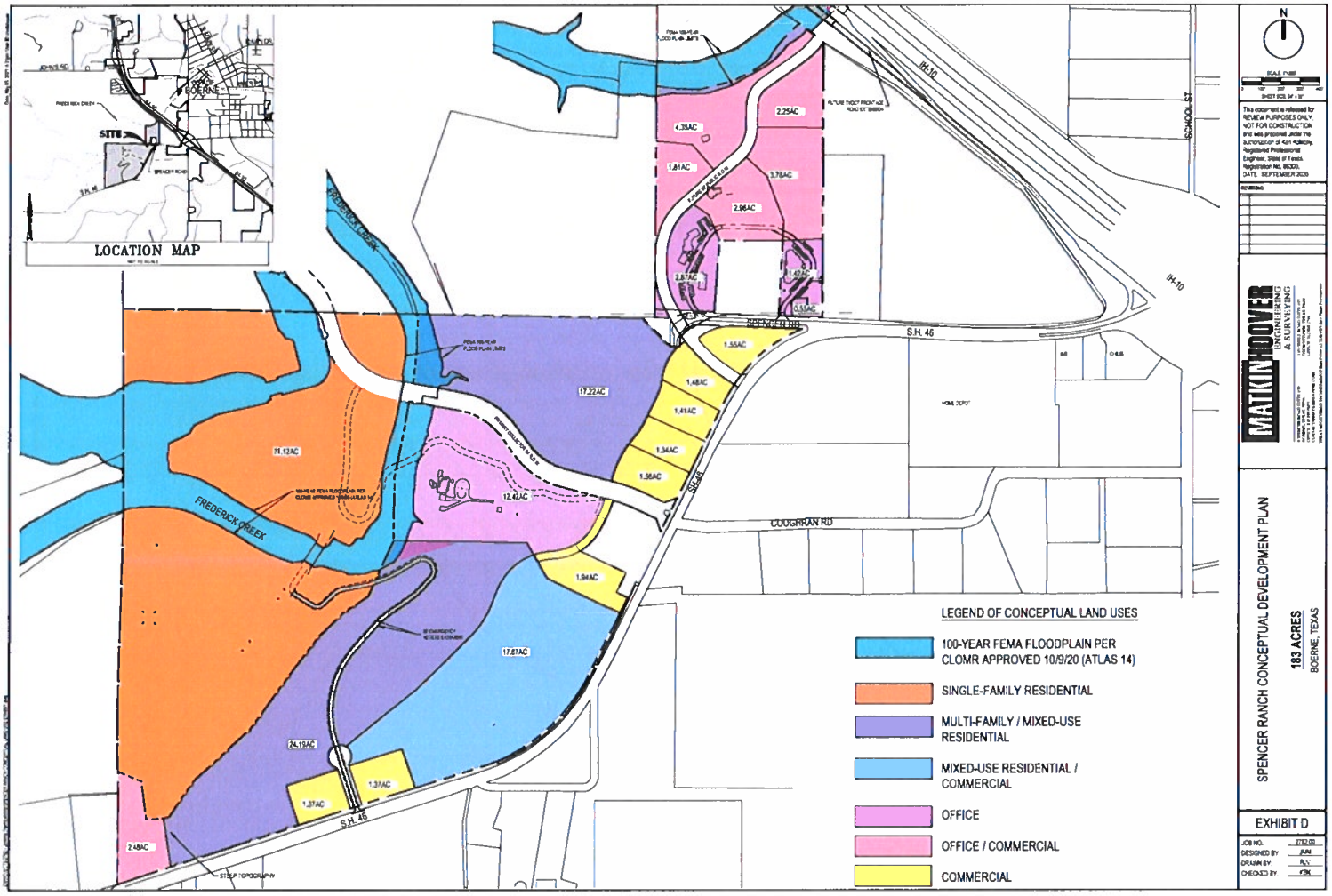
Z:\PROJECTS\2782 - JENKINS TRACT\23 - HERITAGE HOMES RESIDENTIAL\MASTER\Master Planned Community Plan.dwg
Date: Sep 21, 2018, 10:49am User ID: storch

Exhibit B Forestar Master Plan



Date: May 05, 2021, 3:20pm User ID: mvelasquez

Z:\PROJECTS\2782 - Jenkins Tract\31 - DR Horton SFR, Phase 1\Development Agreement\04 - Exhibit C Matkin Hoover Property 88 Ac.dwg


LOCATION MAP
SITE
BOERNE
S.H. 46
IH-10
SCHOOL ST
FREDERICK CREEK
COUGHRAN RD
SPENCER RANCH CONCEPTUAL DEVELOPMENT PLAN
183 ACRES
BOERNE, TEXAS
EXHIBIT D
MATKINHOOVER ENGINEERING & SURVEYING
LEGEND OF CONCEPTUAL LAND USES
100-YEAR FEMA FLOODPLAIN PER CLOMR APPROVED 10/9/20 (ATLAS 14)
SINGLE-FAMILY RESIDENTIAL
MULTI-FAMILY / MIXED-USE RESIDENTIAL
MIXED-USE RESIDENTIAL / COMMERCIAL
OFFICE
OFFICE / COMMERCIAL
COMMERCIAL

REMAINING PORTION OF
148.247 ACRES
VOLUME 1538, PAGE 748
OFFICIAL RECORDS
KENDALL COUNTY, TEXAS
REMAINING PORTION OF
6 ACRES
VOLUME 1538, PAGE 748
OFFICIAL RECORDS
KENDALL COUNTY, TEXAS
REMAINING PORTION OF
148.247 ACRES
VOLUME 1538, PAGE 748
OFFICIAL RECORDS
KENDALL COUNTY, TEXAS
REMAINING PORTION OF
71.12 ACRES
VOLUME 1735, PAGE 54
OFFICIAL RECORDS
KENDALL COUNTY, TEXAS
REMAINING PORTION OF
71.12 ACRES
VOLUME 1735, PAGE 54
OFFICIAL RECORDS
KENDALL COUNTY, TEXAS
PROPOSED BRIDGE
SIDEWALK ACROSS R.O.W.
TO BE CONSTRUCTED
SPENCER RANCH BLVD
LEGEND
PROPERTY BOUNDARY
PROPOSED ASPHALT
PROPOSED CONCRETE
PROPOSED BIKE LINE
FUTURE ROAD TO BE CONSTRUCTED BY OTHERS
N
SCALE: 1"=60'
This document is released for REVIEW PURPOSES ONLY NOT FOR CONSTRUCTION and was prepared under the authorization of JOSHUA J. VALENTA, Registered Professional Engineer, State of Texas, Registration No. 114393.
REVISIONS
MATKIN HOOVER ENGINEERING & SURVEYING
ROAD EXHIBIT
FOR
THE BIRCH AT SPENCER RANCH
BOERNE, TEXAS
EXHIBIT E
JOB NO. 2783.21
DESIGNED BY KBM
DRAWN BY MEV
CHECKED BY JJV
SHEET # 14 OF 21

City of Boerne

P.O. Box 1677 • 447 N. Main
Boerne, Texas 78006

October 1, 2020

RE: Spencer Ranch Project – 183.03 Acres
City of Boerne Rough Proportionality Determination

In response to the proportionality determination request pursuant to section 212.904 of the Texas Local Government Code received on September 3rd, 2020, City staff has provided a rough proportionality determination for the Spencer Ranch Project. Attached you will find several exhibits that provide detail of the analysis.

The area analyzed for rough proportionality was the 183.03-acre Spencer Ranch Project, as demonstrated by the Spencer Ranch Conceptual Land Use Plan dated May 2017, as provided to the City by John-Mark Matkin on July 23rd, 2020.

We color coded each area of use to provide a clear delineation between acreages and uses. Each area was considered separately and then compiled to provide a complete picture regarding the overall impact of the projected development on the existing roadway system. The total proportional impact for the entire Spencer Ranch Project demonstrates a demand greater than supply, therefore the roadway improvements listed on the attached Table 1 are justified.

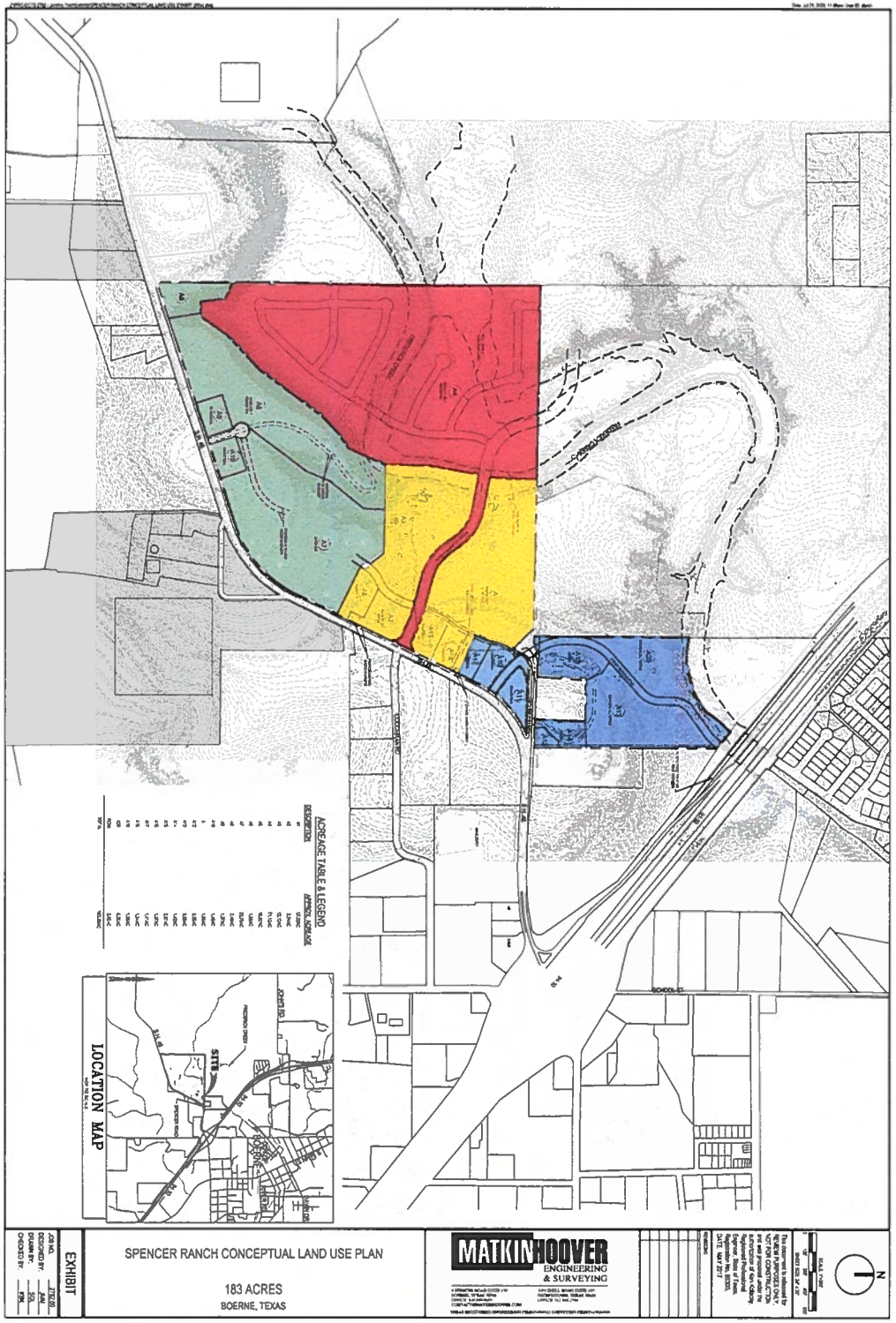
If you have any further questions or need any assistance, please do not hesitate to call.

Sincerely,

Jeffrey D. Carroll, P.E.
Director of Development Services

cc: Jeff Thompson, Deputy City Manager/General Manager of Utilities
Nick Montagno, Assistant to City Manger

Exhibit F


ACREAGE TABLE & LEGEND
LOCATION MAP
SITE
EXHIBIT
SPENCER RANCH CONCEPTUAL LAND USE PLAN
183 ACRES
BOERNE, TEXAS
MATKINHOOVER
ENGINEERING
& SURVEYING

Project:	Spencer Ranch
Parcel Info:	Conceptual Landplan, dated May 2017
Land Area:	183 Acres
Date:	10/1/2020
Prepared by:	City of Boerne

TABLE 1 - ROADS OR IMPROVEMENTS TO BE FUNDED BY DEVELOPERS (SUPPLY)

Phase	Associated Development Unit	Roadway Type	Improvement Type	Description of Improvement	Improvement Trigger	Cost Source	Estimated Value
	Spencer Ranch, Birch P1A	Primary Collector	Roadway	NB & SB lanes (4 lanes for 950') north of Hwy 46 & SB lanes (2 lanes for 1,000') (MH OPC)	Traffic Mitigation	MH OPCC	$825,225.00
	Spencer Ranch, Birch P1A	Primary Collector	Roadway	SB bridge - 2 lanes	Traffic Mitigation	MH OPCC	$501,888.75
Red	Spencer Ranch, Birch P1A	Primary Collector	Intersection	Decel & Right Turn Lane @ Hwy46	Traffic Mitigation	MH OPCC	$55,492.50
	Spencer Ranch, Birch P1A	Primary Collector	ROW	Dedicate 94' ROW for limits of Phase 1A (2,000')	Traffic Mitigation	City RP Worksheet	$41,824.25
	Spencer Ranch, Birch P3	Primary Collector	ROW	Dedicate 94' ROW from limits of Phase 1A to Wynn Ranch	Traffic Mitigation	City RP Worksheet	$8,046.95
							$1,432,477.45
	Spencer Ranch Central	Primary Collector	Roadway	NB lanes to Wynn Ranch (2 lanes for 1,376')	Traffic Mitigation	City RP Worksheet	$739,000.00
	Spencer Ranch Central	Primary Collector	Roadway	SB lanes to Wynn Ranch (2 lanes for 376')	Traffic Mitigation	City RP Worksheet	$202,000.00
Yellow	Spencer Ranch Central	Primary Collector	Roadway	NB bridge - 2 lanes (MH OPC)	Traffic Mitigation	MH OPCC	$501,888.75
	Spencer Ranch Central	Primary Collector	Intersection	Left Turn Lane @ Hwy 46	Traffic Mitigation	City RP Worksheet	$150,000.00
	Spencer Ranch Central	Primary Collector	Intersection	Traffic Signal @ Hwy 46	Traffic Mitigation	City RP Worksheet	$300,000.00
	Spencer Ranch Central	Major Arterial	ROW	Dedicate 14' ROW along Hwy 46 (750')	Traffic Mitigation	City RP Worksheet	$2,384.28
							$1,895,273.03
	Spencer Ranch, North	Secondary Collector	Roadway	NB & SB lanes from Hwy46 to IH10 (2 lanes for 2,250')	Traffic Mitigation	City RP Worksheet	$1,948,000.00
	Spencer Ranch, North	Secondary Collector	Intersection	Decel & Right Turn Lane @ IH10	Traffic Mitigation	City RP Worksheet	$75,000.00
	Spencer Ranch, North	Secondary Collector	Intersection	Decel & Right Turn Lane @ Hwy46	Traffic Mitigation	City RP Worksheet	$75,000.00
Blue	Spencer Ranch, North	Secondary Collector	Intersection	Left Turn Lane @ Hwy 46	Traffic Mitigation	City RP Worksheet	$150,000.00
	Spencer Ranch, North	Secondary Collector	Intersection	Traffic Signal @ Hwy 46	Traffic Mitigation	City RP Worksheet	$300,000.00
	Spencer Ranch, North	Major Arterial	Intersection	Realignment/Improvements of exist road @ Hwy 46	Traffic Mitigation	City RP Worksheet	$150,000.00
	Spencer Ranch, North	Secondary Collector	ROW	Dedicate 74' ROW from Hwy46 to IH10 (2,250')	Traffic Mitigation	City RP Worksheet	$37,973.00
	Spencer Ranch, North	Major Arterial	ROW	Dedicate 14' ROW along Hwy 46 (750')	Traffic Mitigation	City RP Worksheet	$2,384.28
							$2,738,357.28
	Spencer Ranch, South	Secondary Collector	Roadway	NB & SB lanes from Hwy46 to IH10 (2 lanes for 350')	Traffic Mitigation	City RP Worksheet	$303,000.00
	Spencer Ranch, South	Secondary Collector	Intersection	Decel & Right Turn Lane @ Hwy46	Traffic Mitigation	City RP Worksheet	$75,000.00
Green	Spencer Ranch, South	Secondary Collector	Intersection	Left Turn Lane @ Hwy46	Traffic Mitigation	City RP Worksheet	$150,000.00
	Spencer Ranch, South	Secondary Collector	Intersection	Traffic Signal @ Hwy46	Traffic Mitigation	City RP Worksheet	$300,000.00
	Spencer Ranch, South	Secondary Collector	ROW	Dedicate 74' ROW from Hwy46 (350')	Traffic Mitigation	City RP Worksheet	$5,907.17
	Spencer Ranch, South	Major Arterial	ROW	Dedicate 14' ROW along Hwy 46 (3,150')	Traffic Mitigation	City RP Worksheet	$10,033.85
							$843,941.02

Total capacity (supply) added to system: $6,910,048.78

Spencer Ranch - overall
183.03 Acres
10/1/2020

Rough Proportionality Summary

	Total Capacity (Supply)	Total Demand Placed
Spencer Ranch - Red	$1,432,477.45	$878,082.00
Spencer Ranch - Yellow	$1,895,273.03	$2,054,470.00
Spencer Ranch - Green	$843,941.02	$3,333,980.00
Spencer Ranch - Blue	$2,738,357.28	$1,354,510.00
	$6,910,048.78	$7,621,042.00
	Delta =	***$710,993.22***

Demand > Supply

Therefore, the roadway improvements required by City are justified

Rough Proportionality Worksheet
City of Boerne, Texas

City of Boerne

Development Name: Spencer Ranch (209 SF lots) [RED]

Applicant: MH on behalf of Forestar

Legal Description (Lot, Block): Spencer Ranch - 71.12 Acres as shown on Masterplan approved 10/1/2018

Case / Plat Number: | **Date:** October 1, 2020

Worksheet Last Updated: 11/13/2018

DEMAND - Traffic Generated by Proposed Development

Land Use Type:	Development Unit:	Intensity:	PM Peak Hour Trip Rate:	Trip Length: (miles)	Demand: (vehicle-miles)	Impact of Development: ($)
Single-Family Detached Housing	Dwelling Unit	209	0.99	1.50	310.37	878,082.00

TOTAL DEMAND PLACED ON THOROUGHFARE SYSTEM: 310.37 $878,082

Estimated Average Cost Per Vehicle Mile: $2,829.15

SUPPLY - Roads to be built or funded by Applicant:

COST ESTIMATES BASED ON DETAILED OPCC

Roadway Name:	Classification:	Capacity: (vphpl)	Length: (Linear Feet)	Number of Lanes:	Cost of Capacity / Supply Added: ($)	Cost Estimate Based on Detailed OPCC: ($)
Spencer Ranch Blvd as shown on phase 1A plans dated 9/4/2020	Primary Collector	525	2,060			$825,225.00
Spencer Ranch Bridge	Primary Collector	525				$501,888.75

ROADWAY SYSTEM SUPPLY SUBTOTAL: $1,327,114

INTERSECTION IMPROVEMENTS - Specific Improvements to be Built or Funded by the Applicant:

Intersection:	Description of Improvement:	Estimated Cost: ($)
Spencer Ranch @ Hwy 46	Right Hand Decel/turn lane (from MH estimate)	$55,492.50

INTERSECTION IMPROVEMENTS SYSTEM SUBTOTAL: $55,493

RIGHT-OF-WAY DEDICATION - ROW to be dedicated by the Applicant:

ROW Dedication:	General Description of ROW Dedication:	Estimated Cost: ($)
4.21 Acres - Phase 1A	Collector Road X $9,934.50/Ac.	$41,824.25
0.81 - Phase 3	Collector Road X $9,934.50/Ac.	$8,046.95

RIGHT-OF-WAY DEDICATION SUPPLY ADDED TO THE SYSTEM SUBTOTAL: $49,871

TOTAL VALUE OF SUPPLY ADDED TO THOROUGHFARE SYSTEM: $1,432,477

SUPPLY / DEMAND COMPARISON:

A comparison of the capacity provided by a development exaction against the traffic impacts of the proposed development.

	Cost	Comparison
TOTAL CAPACITY (SUPPLY) ADDED TO SYSTEM:	$1,432,477	SUPPLY > DEMAND
TOTAL DEMAND PLACED ON THOROUGHFARE SYSTEM:	$878,082	61.30%

Based upon the results of this rough proportionality analysis, the capacity (supply) provided by the proposed development exceeds the anticipated demand it places on the system. Given these assumptions, only 61.30% of the capacity supplied can be attributed to the proposed development. Therefore, the roadway improvements are NOT roughly proportional to the demands placed on the system (i.e. the applicant is adding more capacity than needed to support their development).

Rough Proportionality Worksheet
City of Boerne, Texas

Development Name: Spencer Ranch (Yellow Portion)

Applicant: MH on behalf of Duperier/Matkin IRA

Legal Description (Lot, Block): 183 Acres - Yellow Portion

Case / Plat Number: _____ **Date:** October 1, 2020

Worksheet Last Updated: 11/13/2018

DEMAND - Traffic Generated by Proposed Development

Land Use Type:	Development Unit:	Intensity:	PM Peak Hour Trip Rate:	Trip Length: (miles)	Demand: (vehicle-miles)	Impact of Development: ($)
Multifamily Housing (Low-Rise)	Dwelling Unit	356	0.56	1.50	299.04	846,028.00
Gasoline/Service Station w/ Conv Mark	Vehicle Fueling Position	8	6.16	1.50	73.92	209,131.00
Shopping Center	1,000 SF GLA	48.8	2.51	1.50	183.73	519,799.00
Office Park	1,000 SF GFA	105.6	1.07	1.50	169.49	479,512.00

TOTAL DEMAND PLACED ON THOROUGHFARE SYSTEM: 726.18 $2,054,470

Estimated Average Cost Per Vehicle Mile: $2,829.15

SUPPLY - Roads to be built or funded by Applicant:

COST ESTIMATES BASED ON DETAILED OPCC

Roadway Name:	Classification:	Capacity: (vphpl)	Length: (Linear Feet)	Number of Lanes:	Cost of Capacity / Supply Added: ($)	Cost Estimate Based on Detailed OPCC: ($)
S.R. Blvd - S.B. 2 lane	Primary Collector	525	1,376	2	739,000.00	
S.R. Blvd - N.B. 2 lane	Primary Collector	525	376	2	202,000.00	
Bridge - 2 lanes	Primary Collector	525				$501,888.75

ROADWAY SYSTEM SUPPLY SUBTOTAL: $1,442,889

INTERSECTION IMPROVEMENTS - Specific Improvements to be Built or Funded by the Applicant:

Intersection:	Description of Improvement:	Estimated Cost: ($)
Spencer Ranch @ Hwy 46	Left Turn Lane	$150,000.00
Spencer Ranch @ Hwy 46	Traffic Signal	$300,000.00

INTERSECTION IMPROVEMENTS SYSTEM SUBTOTAL: $450,000

RIGHT-OF-WAY DEDICATION - ROW to be dedicated by the Applicant:

ROW Dedication:	General Description of ROW Dedication:	Estimated Cost: ($)
0.24 Acres	750 LF of 14' Hwy 46 Dedication ($9,934.50/Acre)	$2,384.28

RIGHT-OF-WAY DEDICATION SUPPLY ADDED TO THE SYSTEM SUBTOTAL: $2,384

TOTAL VALUE OF SUPPLY ADDED TO THOROUGHFARE SYSTEM: $1,895,273

SUPPLY / DEMAND COMPARISON:

A comparison of the capacity provided by a development exaction against the traffic impacts of the proposed development.

	Cost	Comparison
TOTAL CAPACITY (SUPPLY) ADDED TO SYSTEM:	$1,895,273	SUPPLY > DEMAND
TOTAL DEMAND PLACED ON THOROUGHFARE SYSTEM:	$2,054,470	108.40%

Based upon the results of this rough proportionality analysis, the anticipated demand on the system exceeds the capacity (supply) provided by the proposed development. Given these assumptions, the anticipated demand of the development exceeds the capacity supplied by approximately 8.40%. Therefore, the roadway improvements required by the City are justified (i.e. the applicant is adding less capacity than needed to support their development).

Rough Proportionality Worksheet
City of Boerne, Texas

Development Name: Spencer Ranch (Blue Portion)

Applicant: MH on behalf of Duperier/Matkin IRA

Legal Description (Lot, Block):

Case / Plat Number: **Date:** October 1, 2020

Worksheet Last Updated: 11/13/2018

DEMAND - Traffic Generated by Proposed Development

Land Use Type:	Development Unit:	Intensity:	PM Peak Hour Trip Rate:	Trip Length: (miles)	Demand: (vehicle-miles)	Impact of Development: ($)
Office Park	1,000 SF GFA	54	1.07	1.50	86.67	245,202.00
Office Park	1,000 SF GFA	78.3	1.07	1.50	125.67	355,539.00
Office Park	1,000 SF GFA	52.7	1.07	1.50	84.58	239,289.00
Shopping Center	1,000 SF GLA	48.3	2.51	1.50	181.85	514,480.00

TOTAL DEMAND PLACED ON THOROUGHFARE SYSTEM: 478.77 $1,354,510

Estimated Average Cost Per Vehicle Mile: $2,829.15

SUPPLY - Roads to be built or funded by Applicant:

Roadway Name:	Classification:	Capacity: (vphpl)	Length: (Linear Feet)	Number of Lanes:	Cost of Capacity / Supply Added: ($)	Cost Estimate Based on Detailed OPCC: ($)
Collector Road	Secondary Collector	425	2,250	2	1,948,000.00	

ROADWAY SYSTEM SUPPLY SUBTOTAL: $1,948,000

INTERSECTION IMPROVEMENTS - Specific Improvements to be Built or Funded by the Applicant:

Intersection:	Description of Improvement:	Estimated Cost: ($)
Road @ IH10	Right Hand Decel/turn lane	$75,000.00
Road @ Hwy 46	Right Hand Decel/turn lane	$75,000.00
Road @ Hwy 46	Left Hand Turn lane	$150,000.00
Collector Road @ Hwy 46	Traffic Signal	$300,000.00
Existing Spencer Rd.	Realignment/Improvements of Exist Road	$150,000.00

INTERSECTION IMPROVEMENTS SYSTEM SUBTOTAL: $750,000

RIGHT-OF-WAY DEDICATION - ROW to be dedicated by the Applicant:

ROW Dedication:	General Description of ROW Dedication:	Estimated Cost: ($)
3.82 Acres	250 LF of 74' ROW Secondary Collector Road ($9,934.50/Ac	$37,973.00
0.24 Acres	750 LF of 14' Hwy 46 Dedication ($9,934.50/Acre)	$2,384.28

RIGHT-OF-WAY DEDICATION SUPPLY ADDED TO THE SYSTEM SUBTOTAL: $40,357

TOTAL VALUE OF SUPPLY ADDED TO THOROUGHFARE SYSTEM: $2,738,357

SUPPLY / DEMAND COMPARISON:

A comparison of the capacity provided by a development exaction against the traffic impacts of the proposed development.

	Cost	Comparison
TOTAL CAPACITY (SUPPLY) ADDED TO SYSTEM:	$2,738,357	SUPPLY > DEMAND
TOTAL DEMAND PLACED ON THOROUGHFARE SYSTEM:	$1,354,510	49.46%

Based upon the results of this rough proportionality analysis, the capacity (supply) provided by the proposed development exceeds the anticipated demand it places on the system. Given these assumptions, only 49.46% of the capacity supplied can be attributed to the proposed development. Therefore, the roadway improvements are NOT roughly proportional to the demands placed on the system (i.e. the applicant is adding more capacity than needed to support their development).

Rough Proportionality Worksheet
City of Boerne, Texas

Development Name: Spencer Ranch (Green Portion)

Applicant: MH on behalf of Duperier/Matkin IRA

Legal Description (Lot, Block):

Case / Plat Number: **Date:** October 1, 2020

Worksheet Last Updated: 11/13/2018

DEMAND - Traffic Generated by Proposed Development

Land Use Type:	Development Unit:	Intensity:	PM Peak Hour Trip Rate:	Trip Length: (miles)	Demand: (vehicle-miles)	Impact of Development: ($)
Multifamily Housing (Low-Rise)	Dwelling Unit	225	0.56	1.50	189.00	534,709.00
Shopping Center	1,000 SF GLA	56.8	2.51	1.50	213.85	605,013.00
Shopping Center	1,000 SF GLA	206	2.51	1.50	775.59	2,194,258.00
TOTAL DEMAND PLACED ON THOROUGHFARE SYSTEM:					**1,178.44**	**$3,333,980**
Estimated Average Cost Per Vehicle Mile:						**$2,829.15**

SUPPLY - Roads to be built or funded by Applicant:

Roadway Name:	Classification:	Capacity: (vphpl)	Length: (Linear Feet)	Number of Lanes:	Cost of Capacity / Supply Added: ($)	Cost Estimate Based on Detailed OPCC: ($)
Collector Road	Secondary Collector	425	350	2	303,000.00	
ROADWAY SYSTEM SUPPLY SUBTOTAL:						**$303,000**

INTERSECTION IMPROVEMENTS - Specific Improvements to be Built or Funded by the Applicant:

Intersection:	Description of Improvement:	Estimated Cost: ($)
Road @ Hwy 46	Right Hand Decel/turn lane	$75,000.00
Road @ Hwy 46	Left Turn Lane	$150,000.00
Road @ Hwy 46	Traffic Signal	$300,000.00
INTERSECTION IMPROVEMENTS SYSTEM SUBTOTAL:		**$525,000**

RIGHT-OF-WAY DEDICATION - ROW to be dedicated by the Applicant:

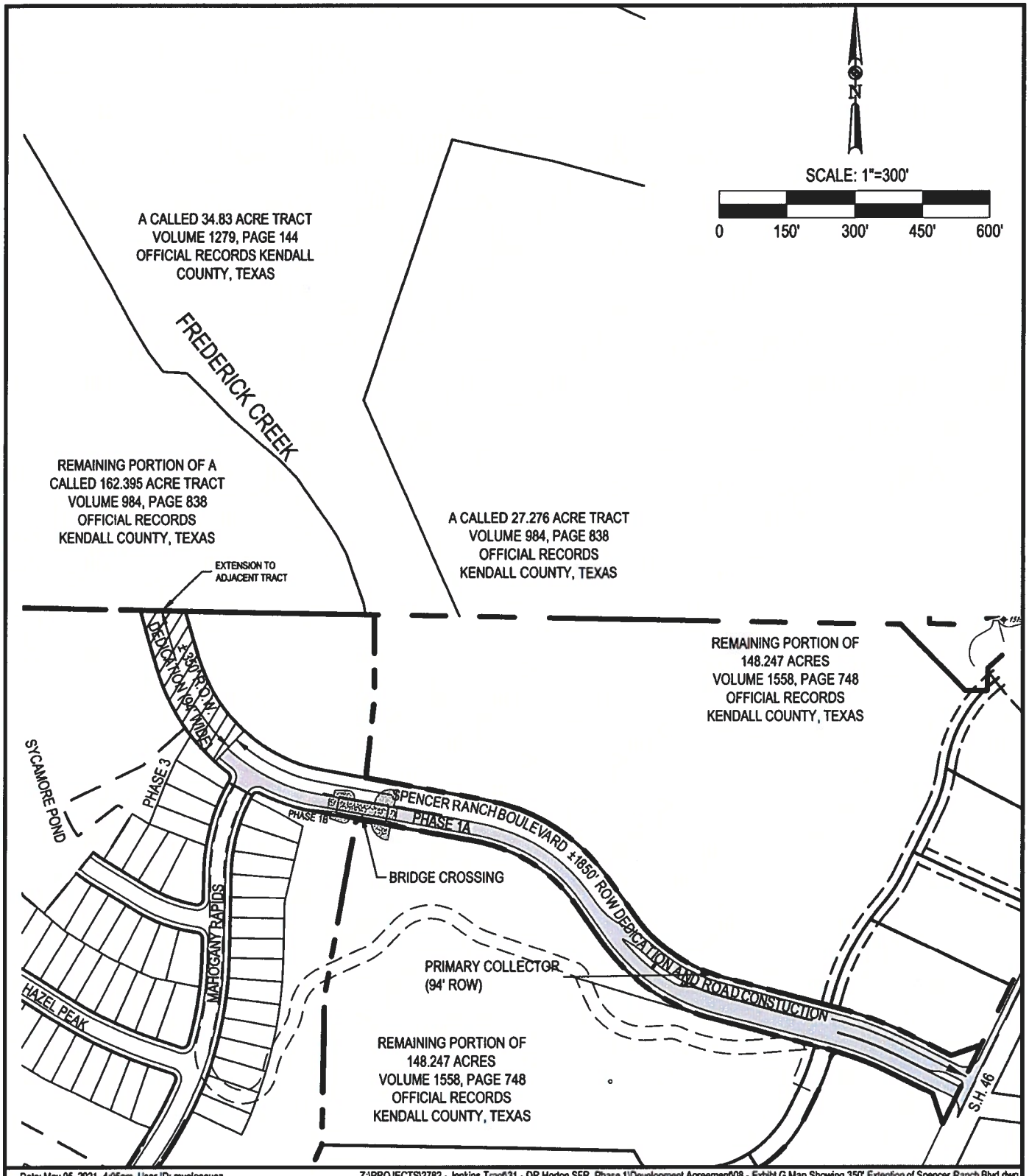
ROW Dedication:	General Description of ROW Dedication:	Estimated Cost: ($)
0.59 Acres	50 LF of 74' ROW Secondary Collector Road ($9,934.50/Acre	$5,907.00
1.01 Acres	3150 LF of 14' Hwy 46 Dedication ($9,934.50/Acre)	$10,033.85
RIGHT-OF-WAY DEDICATION SUPPLY ADDED TO THE SYSTEM SUBTOTAL:		**$15,941**
TOTAL VALUE OF SUPPLY ADDED TO THOROUGHFARE SYSTEM:		**$843,941**

SUPPLY / DEMAND COMPARISON:

A comparison of the capacity provided by a development exaction against the traffic impacts of the proposed development.

	Cost	Comparison
TOTAL CAPACITY (SUPPLY) ADDED TO SYSTEM:	$843,941	SUPPLY < DEMAND
TOTAL DEMAND PLACED ON THOROUGHFARE SYSTEM:	$3,333,980	395.05%

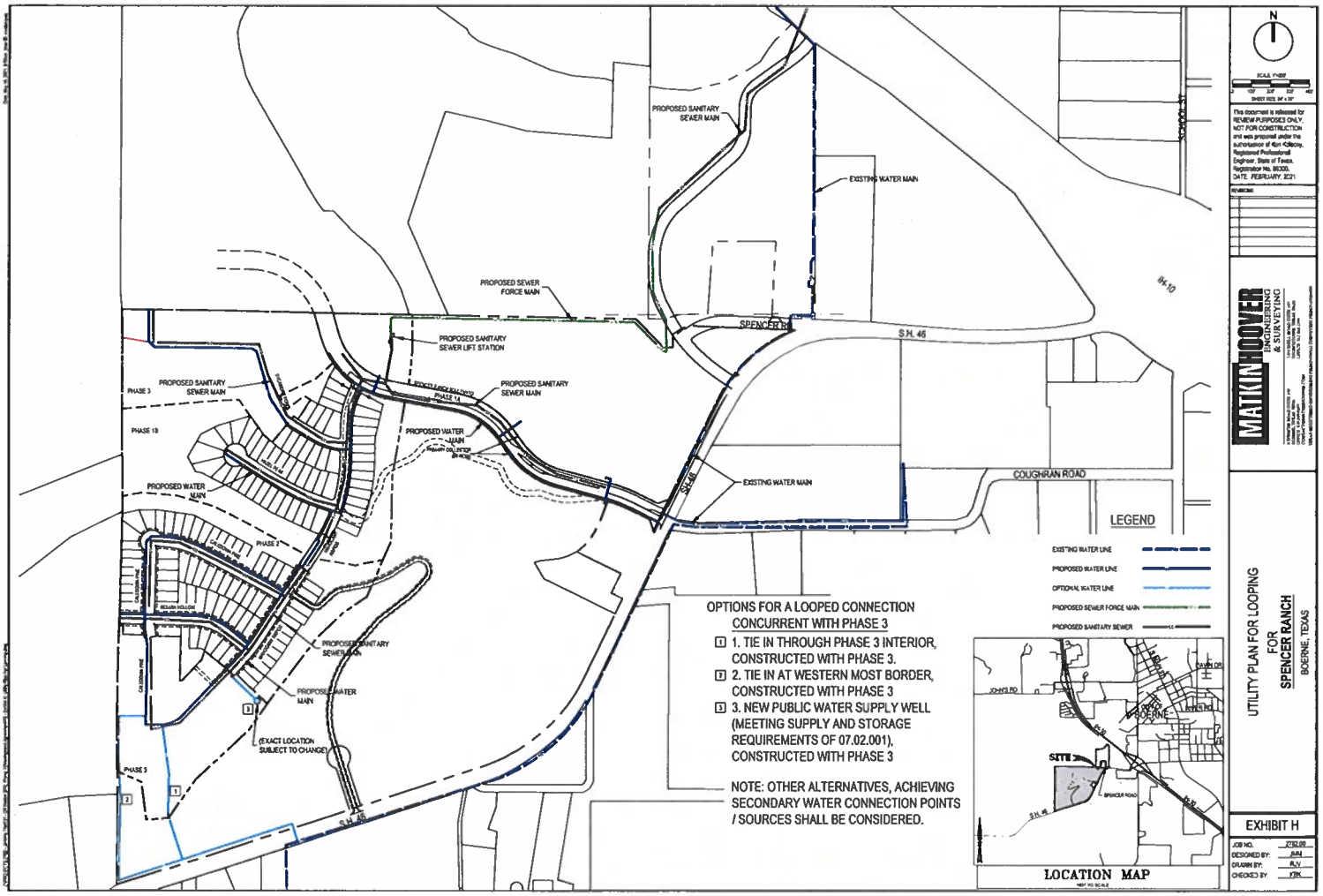
Based upon the results of this rough proportionality analysis, the anticipated demand on the system exceeds the capacity (supply) provided by the proposed development. Given these assumptions, the anticipated demand of the development exceeds the capacity supplied by approximately 295.05%. Therefore, the roadway improvements required by the City are justified (i.e. the applicant is adding less capacity than needed to support their development).



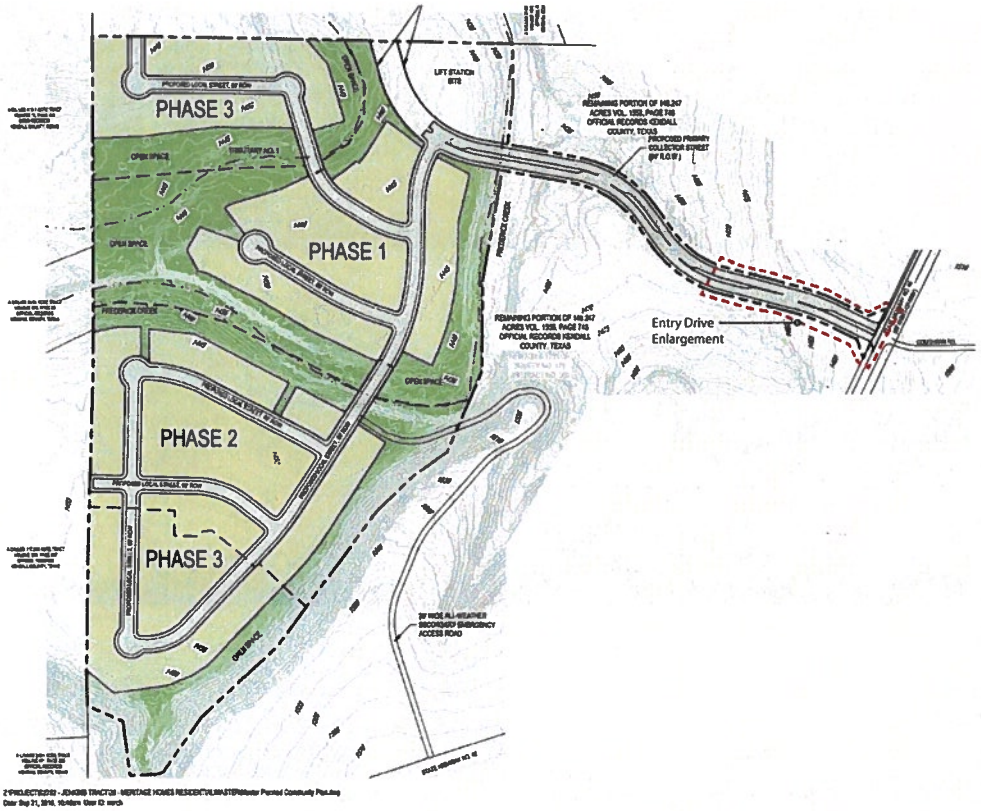
Date: May 05, 2021, 4:05pm User ID: mvelasquez Z:\PROJECTS\2782 - Jenkins Tract\31 - DR Horton SFR, Phase 1\Development Agreement\08 - Exhibit G Map Showing 350' Extention of Spencer Ranch Blvd.dwg

MATKINHOOVER
ENGINEERING & SURVEYING
P.O. BOX 54
8 SPENCER ROAD SUITE 100
BOERNE, TEXAS 78006
OFFICE: 830.249.0600 FAX.830.249.0099
CIVIL ENGINEERS SURVEYORS LAND PLANNERS CONSTRUCTION MANAGERS CONSULTANTS

EXHIBIT "G";
FUTURE 350-FOOT. EXTENSION OF SPENCER RANCH BOULEVARD


PROPOSED SANITARY SEWER MAIN
EXISTING WATER MAIN
SCHOOL ST
PROPOSED SEWER FORCE MAIN
SPENCER RD
S.H. 46
PROPOSED SANITARY SEWER LIFT STATION
PHASE 3
PROPOSED SANITARY SEWER MAIN
PHASE 1A
PHASE 1B
PROPOSED WATER MAIN
PHASE 2
COUGHRAN ROAD
EXISTING WATER MAIN
PROPOSED SANITARY SEWER MAIN
PROPOSED WATER MAIN
(EXACT LOCATION SUBJECT TO CHANGE)
PHASE 3
S.H. 46
LEGEND
EXISTING WATER LINE
PROPOSED WATER LINE
OPTIONAL WATER LINE
PROPOSED SEWER FORCE MAIN
PROPOSED SANITARY SEWER
OPTIONS FOR A LOOPED CONNECTION CONCURRENT WITH PHASE 3
1. TIE IN THROUGH PHASE 3 INTERIOR, CONSTRUCTED WITH PHASE 3.
2. TIE IN AT WESTERN MOST BORDER, CONSTRUCTED WITH PHASE 3
3. NEW PUBLIC WATER SUPPLY WELL (MEETING SUPPLY AND STORAGE REQUIREMENTS OF 07.02.001), CONSTRUCTED WITH PHASE 3
NOTE: OTHER ALTERNATIVES, ACHIEVING SECONDARY WATER CONNECTION POINTS / SOURCES SHALL BE CONSIDERED.
JOHNS RD
SITE
SPENCER ROAD
S.H. 46
LOCATION MAP
N
This document is released for REVIEW PURPOSES ONLY, NOT FOR CONSTRUCTION and was prepared under the authorization of Kim Kilkenny, Registered Professional Engineer, State of Texas, Registration No. 86300, DATE: FEBRUARY, 2021
MATKIN HOOVER ENGINEERING & SURVEYING
UTILITY PLAN FOR LOOPING FOR SPENCER RANCH
BOERNE, TEXAS
EXHIBIT H
JOB NO. 2782.05
DESIGNED BY: AJM
DRAWN BY: RJV
CHECKED BY: KBK

LEGEND
PROPERTY BOUNDARY
PHASE BOUNDARY
PROPOSED ASPHALT
PROPOSED CONCRETE
PROPOSED DITCH
PROPOSED CENTERLINE
EXISTING DITCH
EXISTING UTILITY POLE
SIDEWALK CONSTRUCTED WITH PHASE 1 (+/-)
FUTURE SIDEWALK TO BE BUILT BY DEVELOPERS WITH FUTURE ROAD IMPROVEMENTS
FUTURE ROAD TO BE CONSTRUCTED BY OTHERS
REMAINING PORTION OF 148.247 ACRES VOLUME 1538, PAGE 748 OFFICIAL RECORDS KENDALL COUNTY, TEXAS
5' SIDEWALK
SIDEWALK/CROSSWALK TO BE CONSTRUCTED
REMAINING PORTION OF 6 ACRES VOLUME 1538, PAGE 748 OFFICIAL RECORDS KENDALL COUNTY, TEXAS
PROPOSED BRIDGE
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REMAINING PORTION OF 71.12 ACRES VOLUME 1733, PAGE 54 OFFICIAL RECORDS KENDALL COUNTY, TEXAS
N
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MATKIN HOOVER ENGINEERING & SURVEYING
SIDEWALK CONSTRUCTION PLAN
FOR
THE BIRCH AT SPENCER RANCH
BOERNE, TEXAS
EXHIBIT I
JOB NO. 2752.21
DESIGNED BY KMH
DRAWN BY MCV
CHECKED BY JJV
SHEET # 14 OF 21



Orientation Map
SPENCER RANCH

Boerne, Texas

ISSUE DATE: March 12, 2021
All drawings are preliminary and subject to change.
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NORTH

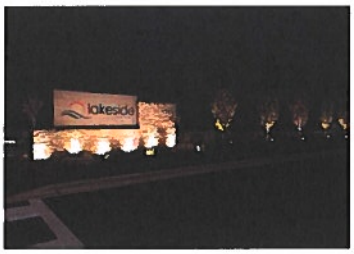
FORESTAR

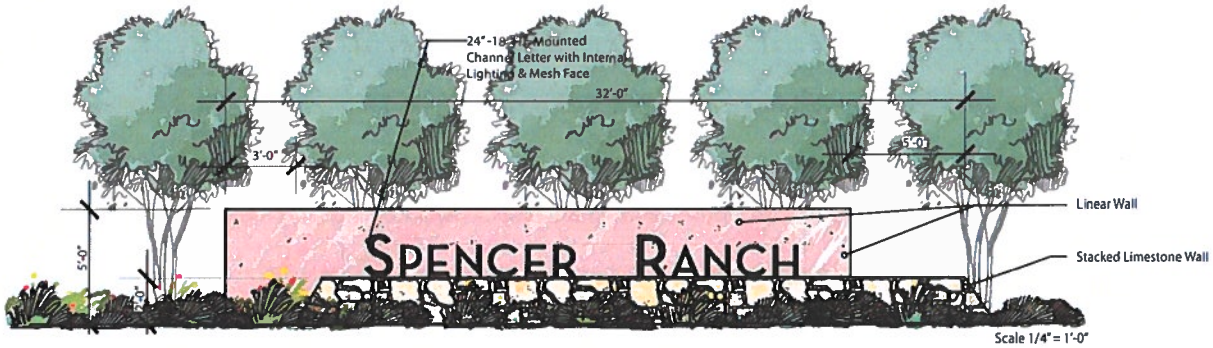
Exhibit J











Scale 1/4" = 1'-0"



Not to Scale

Entry Tower Concept
SPENCER RANCH

Boerne, Texas

ISSUE DATE: March 12, 2021
All drawings are preliminary and subject to change.
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SCALE: 1/8"= AS NOTED

FORESTAR

Exhibit J

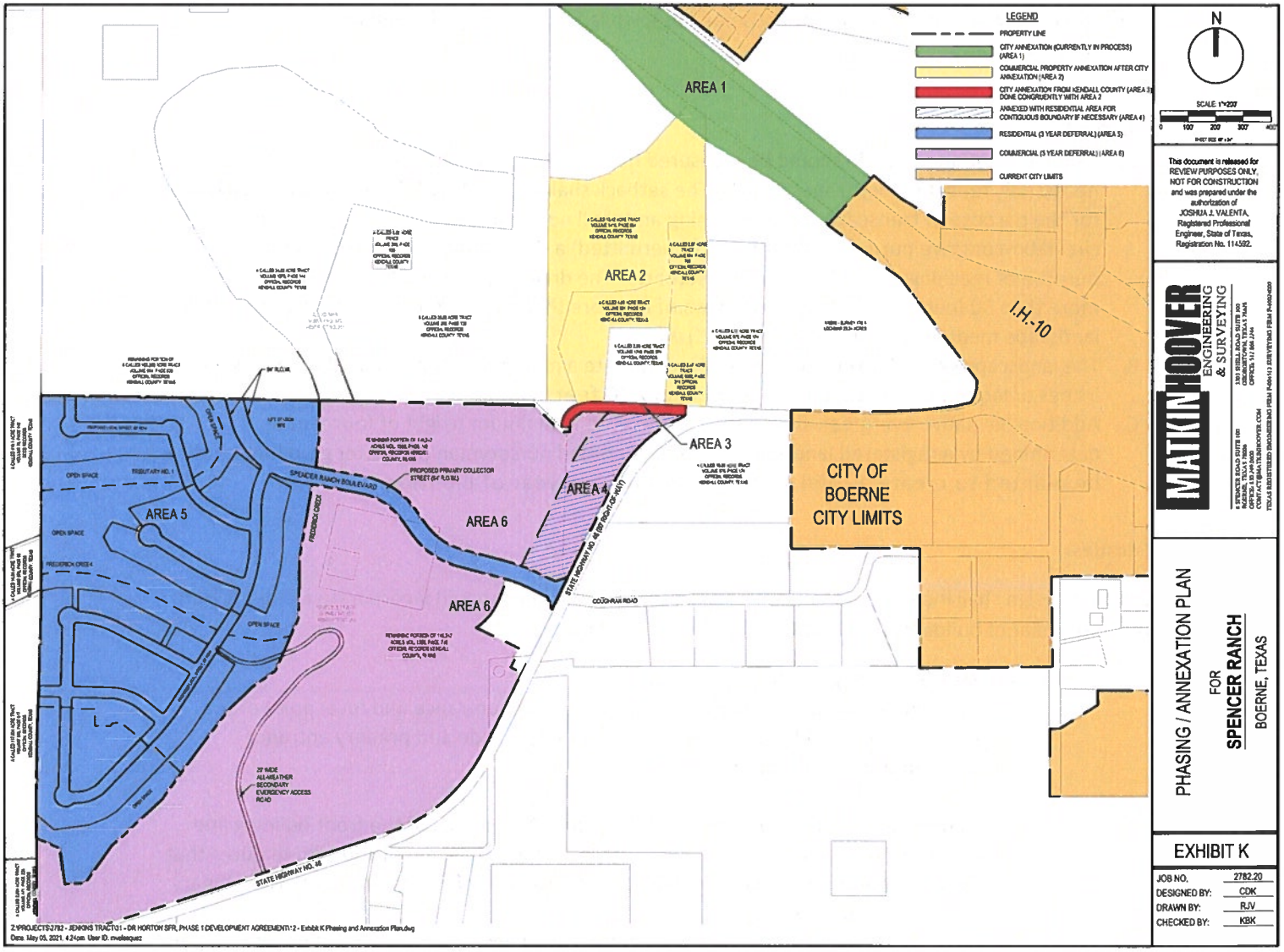

LEGEND
PROPERTY LINE
CITY ANNEXATION (CURRENTLY IN PROCESS) (AREA 1)
COMMERCIAL PROPERTY ANNEXATION AFTER CITY ANNEXATION (AREA 2)
CITY ANNEXATION FROM KENDALL COUNTY (AREA 3) DONE CONGRUENTLY WITH AREA 2
ANNEXED WITH RESIDENTIAL AREA FOR CONTIGUOUS BOUNDARY IF NECESSARY (AREA 4)
RESIDENTIAL (3 YEAR DEFERRAL) (AREA 5)
COMMERCIAL (3 YEAR DEFERRAL) (AREA 6)
CURRENT CITY LIMITS
AREA 1
AREA 2
AREA 3
AREA 4
AREA 5
AREA 6
AREA 6
I.H.-10
CITY OF BOERNE CITY LIMITS
SPENCER RANCH BOULEVARD
PROPOSED PRIMARY COLLECTOR STREET (64' R.O.W.)
TRIBUTARY NO. 1
FREDERICK CREEK
OPEN SPACE
STATE HIGHWAY NO. 46 (80' R.O.W.)
COCHRAN ROAD
29' WIDE ALL-WEATHER SECONDARY EMERGENCY ACCESS ROAD
STATE HIGHWAY NO. 46
N
SCALE: 1"=200'
0 100 200 300 400
This document is released for REVIEW PURPOSES ONLY, NOT FOR CONSTRUCTION and was prepared under the authorization of JOSHUA J. VALENTA, Registered Professional Engineer, State of Texas, Registration No. 114592.
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TEXAS REGISTERED ENGINEERING FIRM F-9904 | TEXAS SURVEYING FIRM #10001600
PHASING / ANNEXATION PLAN
FOR
SPENCER RANCH
BOERNE, TEXAS
EXHIBIT K
JOB NO. 2782.20
DESIGNED BY: CDK
DRAWN BY: RJV
CHECKED BY: KBK
Z:\PROJECTS\2782 - JENKINS TRACT\01 - DR HORTON SFR, PHASE 1 DEVELOPMENT AGREEMENT\12 - Exhibit K Phasing and Annexation Plan.dwg
Date: May 05, 2021, 4:24pm User ID: ewalesquez

Exhibit L

I. Commercial Design Standards

The following Design Standards shall apply to commercial uses 350 feet from the right-of way of the major arterial (Hwy 46 East) and the primary collector (continuation of Coughran Road).

The Design Standards are intended to enhance the community character. Specifically, they are intended to create character and identity through a wide variety of diverse architectural details, and to create consistent well-designed frontages along streets and other public or community spaces. Creativity is encouraged to avoid dull or homogeneous buildings, while incorporating elements of the Texas Hill Country style.

Setbacks.

A. Setbacks contained herein should be measured from the Hwy 46 right-of-way and do not necessarily reflect the lot front setback. The setback shall be fifty feet (50') and shall be used only for the purpose of landscaping and screening and shall not be utilized for parking or internal circulation or drive purposes, except that (if permitted) a driveway may cut through for the purpose of reaching the area behind the setback. The driveway may cut through the setback no more than 30 feet (30') or paired driveways of no more than 20 feet (20') each if separated by a landscape median at least twelve feet (12') wide.
B. The landscape setback along Hwy 46 shall incorporate a minimum of one legacy tree of twelve inches or larger in circumference planted every 20 feet.
C. Additionally native evergreen shrubs that will grow to a minimum height of four feet as determined by a registered landscape architect, certified nurseryman or master gardener shall be planted to create a solid screening within one year of planting.

Facades.

Building design shall incorporate the following standards. Buildings should incorporate elements from the vernacular of buildings in Boerne and the Texas Hill Country.

A. **Primary and Secondary Façade Standards.**

1. The primary façade of a building shall be the main entrance and focal point of the structure. All buildings should have its primary façade and primary entrance oriented towards the street.

2. All primary façades of a building shall occupy at least 50% of the front building line and shall be designed with consistent architectural style, detail and trim features that will keep within the architectural style and heritage of the community. The primary façade must incorporate:
   a. Entrance areas, arcades, display windows, awnings or other architectural variety features along no less than sixty percent (60%) of the primary façade. The remaining forty percent (40%) may not be contiguous.
   b. Offsets, reveals, or projecting ribs shall be used to express architectural or structural bays.

3. Building materials for primary facades - shall be finished using two or more of the following materials or finishes:

a. Cultured or cast stone, natural rock, brick, marble, or granite
b. Stucco or plaster
c. Exterior Insulation and Finish Systems (EIFS) or equivalent product
d. Decorative metal – less than 10% of any façade
e. Decorative treated wood – less than 10% of any facade

4. Secondary façades attached to a primary façade (such as a side wall not facing a public street) shall wrap around the building by incorporating building materials and features of the primary façade for a minimum of 60% of the overall wall length measured from the primary façade.

5. All facades shall include architectural elements such as accent banding, base plates, cornices, soffits, sills, parapets, transoms, and windows aligned horizontally. The horizontal alignment should differentiate stories in a building and create a base and crown for the building.

6. A rear wall that faces or has the likely potential to face the primary façade of another building must follow secondary façade standards.

7. No long horizontal blank wall space without openings to the interior of the building should occur along street level facades.

8. Any building containing a loading dock, bay or service area shall not be facing a primary street.

9. All buildings with a height of twenty-four feet (24') or greater shall be designed to express a base, midsection, and top. The base and tops of buildings shall vary in material.

10. All buildings within a planned development or development as shown on a concept plan or preliminary site plan shall have similar architectural styles, materials, and colors. Colors on adjacent sides and rear façades shall be finished in a similar color as the front of the proposed building.

B. **Building Material Requirements for remaining facades.** The vertical walls of all buildings (excluding doors and windows) shall be finished in two or more of the following materials:

1. Any permitted primary material, or an equal or better simulated product of a permitted primary material may be used as a secondary material;

2. Split-face concrete block, poured-in-place concrete, and tilt-wall concrete. Any use of concrete products shall have an integrated color and be textured or patterned to compliment the primary material.

C. **Accent Material Requirements.** Up to two accent materials are permitted for moldings and ornamental details, or other significant architectural features. Accent Materials shall consist

of no more than 15% of the façade and may consist of:

1. Any permitted primary or secondary material.
2. Standing seam metal.
3. Precast stone, metal, or wood moldings or similar architectural or ornamental details.

D. **Roof Treatments.**

1. Parapets consisting of similar materials to those on the primary façade shall be used to conceal roof top equipment on flat roofs.

2. All sloping roofs less than or equal to a 2:12 pitch shall utilize full parapet coverage not less than two feet (2') above the highest point of the roof

Parking.

The following design and location standards shall apply to on-site parking:

A. To the greatest extent possible, on-site parking areas shall be designed to reduce the negative visual effects of vast paved areas and shall contain screening, landscape planting islands and defined pedestrian walkways.
B. Any parking along Hwy 46 shall be located behind the fifty foot (50') landscape setback.

The location of the on-site parking surface areas shall to the greatest extent possible be located to the side or rear of a building. No more than 15% of the on-site parking areas shall not be located between the front building line of any principal building and a street. Any alternative to this parking requirement must be approved by the Design Review Committee.

1. Where practical, on-site parking areas shall be connected to adjacent parcels through a rear or side lot line access drive or street. If the adjacent parcel is undeveloped or vacant, the access drive, private street, etc., shall be extended to the lot line for future connection to the adjacent parcel.

C. All on-site parking lots shall include planting islands and planting medians.

1. There shall be at least one shade tree, nine inches or larger in circumference planted for each 12 parking spaces.

2. Additionally, parking areas that contain over 100 vehicles shall provide a planting median between every third parking bay of adjacent parking bays, at a minimum, to prevent traffic movement across parking isles.

3. The planting median shall be a minimum of 15 feet wide and may be designed with a curb-less or perforated curb system provided they are engineered to infiltrate run-off from the parking lot, such as a rain garden or bioswale.

4. Parking area for Over 100 vehicles shall provide a planting median

a. Shall be placed between every third parking bay of adjacent parking bays, at a minimum, to prevent traffic movement across parking isles.

b. A minimum of one shade tree of nine inches or larger in circumference shall be planted in each such landscaped area. If a shade tree of nine inches or larger in circumference or larger already exists in the landscaped area.

c. In addition to any other required plantings, all parking lot planting areas shall be planted with drought tolerant species normally grown as permanent lawns, such as Bermuda, Zoysia, or Buffalo. Grass areas shall be solid sided. Mulch, stone, or similar materials may be used sparingly.

D. Parking areas shall be designed to allow for logical interconnection to abutting properties. All parking areas located within 50 feet of a common property line in a non-residential zoning district shall be interconnected to adjacent lots in a nonresidential zoning district

1. For each nonresidential use, the applicant must provide an access easement for proposed parking areas and driveways guaranteeing access to all abutting lots that are within a nonresidential zoning district where such easements enhance traffic circulation and connectivity. In addition, this easement shall provide for the construction of the interconnection between the development's proposed parking area and any parking area on adjacent lots.

2. When an access easement has been provided on an adjacent lot in accordance with this Section, the development must directly connect the parking areas via a driveway.

3. Access easements shall logically connect to internal streets, where practical.

4. Access easements and maintenance agreements or other suitable legal mechanism shall be provided for common parking areas or driveways of each nonresidential use.

Screening.

A. *Screening of parking areas.*

1. Landscaped screening of the parking area from the street is required. This may be achieved with a couple of methods.
   a) A planting of 1 2 " n a t ive trees or large evergreen shrubs that shall grow to a minimum height of eight feet as determined by a registered landscape architect, arborist, certified nurseryman or master gardener
   b) A three-foot landscaping berm
   c) A combination of the above

B. *Screening of Mechanical Equipment.*

1. All roof, ground and wall mounted mechanical equipment (e.g. air handling equipment, compressors, duct work, transformers and elevator equipment) from

view at ground level of the property line.

2. Roof-mounted mechanical equipment shall be shielded from view on four sides. Screening shall consist of materials consistent with the primary building materials, and may include metal screening or louvers, which are painted to blend with the primary building.

3. Screening shall result in the mechanical equipment blending in with the primary building and not appearing separate from the building. The slab shall be sized to accommodate the proposed container and sufficient area to receive the front axle loaded points of the collection vehicle.

4. Wall or ground-mounted equipment screening shall be constructed of one of the following:
   a) Evergreen planting screens
   b) Brick, stone, reinforced concrete, or other similar masonry materials
   c) Redwood, cedar, preservative pressure treated wood, or other similar materials
   d) A combination of the above

5. All fence posts shall be rust-protected metal, concrete-based masonry or concrete pillars.

C. *Screening of Outside Storage.*

1. Outside storage shall be located on the side or rear of the primary building and shall be screened from public view.

2. Outside storage shall be screened with:
   a) A masonry wall or other material that is similar to the primary structure and at least eight feet tall
   b) A three-foot landscaped berm
   c) A planting enclosure of large evergreen shrubs planted a maximum of four feet (4') apart that shall create a solid screen to a minimum height of eight feet within five (5) years as determined by a registered landscape architect, certified nurseryman or master gardener
   d) A combination of the above

D. *Screening of Waste Containers.*

1. Waste containers shall be discretely located on the side or rear of the building and screened from public view.

2. Waste containers shall be located on a minimum six-inch (6") reinforced slab, sloped to drain.

3. Waste containers shall be screened on four sides, using an enclosure that screens the waste container from view at the property line. Screening shall be composed

of:

a) Brick, stone, reinforced concrete, or other similar masonry materials that have a similar finish to the primary finish; or

b) Redwood, cedar, preservative pressure treated wood, or other similar materials; or

c) Large shrubs planted four feet on center and staggered 30 to 36 inches. Shrubs shall be watered with an irrigation system; and

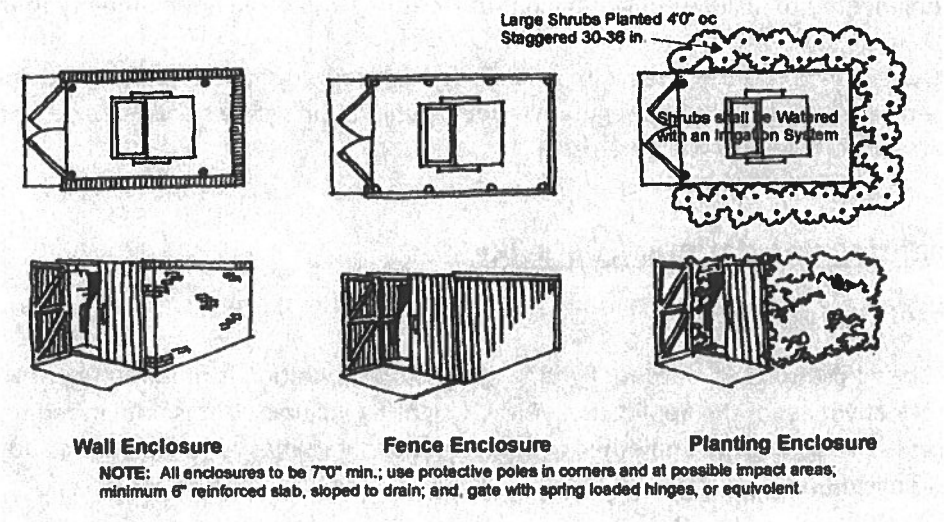
4. All fence posts shall be rust-protected metal, concrete based masonry or concrete pillars; and

5. Six inch (6") concrete filled steel pipes or better shall be located to protect the enclosure from truck operations.

6. Waste container enclosures shall have steel framed gates with spring-loaded hinges or the equivalent and fasteners to keep them closed. When in use, tiebacks should be used to secure the steel framed gates in the open positions.

7. Waste containers shall not be located closer than 50 feet (50') to any single-family lot, unless wholly located within an enclosed building.

8. Planting Enclosures using large evergreen shrubs shall incorporate plants similar to those used elsewhere on primary site and shall be not less than 15-Gallon in size.



E. *Screening of Loading Docks.*

Any delivery and service areas, loading docks, external support equipment, site utility areas, or other similar high-impact elements of site and building design shall be subject to the following:

1. All delivery or service areas and loading docks shall be located on a discrete façade, and internal to the block wherever possible.

2. Any rooftop equipment shall be screened from view of the adjacent public streetscape or other public or common opens spaces by a parapet on flat roofs, or located on a discrete pitch for pitched roofs.

3. Loading areas shall be enclosed on three sides by a wall or other screening device not less than seven feet in height.

4. Loading areas shall not be located closer than 50 feet (50') to any single-family lot, unless wholly located within an enclosed building.

5. Any service areas, loading docks, service equipment, or other site utility area that is visible from adjacent property or public right-of-way shall be screened with a combination of landscape and wall built of a similar material to the main structure at least 6 feet high.

6. Any service use that involves vehicle service bays on a primary or secondary façade shall be located on only secondary or support streets, shall have the service bay portion of the building screened with a combination of landscape and wall built of a similar material to the main structure at least 6 feet high, and shall not have service bays that occupy more than 40% of a single façade.

Drainage and Detention Facilities.

A. Drainage facilities, provided they are non-structural drainage facilities, shall be designed and engineered to include substantial natural features and serve as an amenity to the site.

B. Detention ponds designed with a curvilinear contoured shape, are designed not to require fencing, and shall utilize vegetative slope stabilization with a slope not exceeding 3:1, with no structural retaining walls are used.

II. Lighting Regulations / Dark Sky

Definitions of Class Lighting:

1. Class 1 Lighting: All outdoor lighting where color rendition is required to preserve the effectiveness of the application. Class 1 Lighting includes, but is not limited to, outdoor sales, advertising displays and other signs, recreational facilities, amphitheaters and other similar applications.

2. Class 2 Lighting: All outdoor lighting where general illumination for safety and security of grounds is the primary concern and color rendition is not required to preserve the effectiveness of the application. Class 2 Lighting includes, but is not limited to, illumination for walkways, roadways, equipment yards, parking lots, outdoor eating areas, and outdoor security lighting.

3. Class 3 Lighting: All outdoor lighting for primarily decorative effect where safety and security of grounds is not the primary concern and color rendition is not required to preserve the

effectiveness of the application. Class 3 Lighting includes, but is not limited to, architectural illumination, flag and monument lighting, landscape illumination, signs and seasonal holiday lighting and lighting in residential areas (District 3).

Applicability

1. All public and private outdoor lighting installed in the ETJ of the City of Boerne shall conform to the requirements established here, applicable electrical codes, and building codes.
2. All outdoor lighting shall be fully shielded fixture, the luminous elements of the fixture shall not be visible from any other property, and the fixture shall have a correlated color temperature of 2700 K or less. All off-site impacts will be limited to the greatest extent possible.
3. Outdoor lighting fixtures with a maximum output of 1000 lumens per fixture, regardless of the number of bulbs, may be left unshielded, provided that the fixture has an opaque top to prevent light from shining directly up, the source of the light is not visible from any other

B. Lighting Classification

1. Class 1 Lighting

a. Recreational facilities

Any light source permitted by this ordinance may be used for lighting of outdoor recreational facilities (public or private), including, but not limited to, sports fields or courts, amphitheaters, and similar applications, provided the following conditions are met:

i. A secondary low-level lighting system that complies with Class 2 Lighting shall be installed to facilitate security, cleanup, maintenance, and exit from the facility. The low-level lighting system shall provide an average horizontal illumination, at grade level, of no more than three (3) foot-candles.
ii. Recreational facilities shall turn off Class 1 lighting within thirty (30) minutes of the end of an event.
iii. Comply with the levels of illumination consistent with the IESNA "Recommended Practice for Sports and Recreational Area Lighting" (IESNA RP-6-10) or successor recommendations for the class of play appropriate for the kinds of facilities.
iv. Timers must be installed to prevent lights being left on accidentally overnight.
v. Off-site impacts will be limited to the greatest extent possible.

b. Outdoor Sales

Any light source permitted by this ordinance may be used for lighting of outdoor sales located in non-residential districts, provided the following conditions are met:

i. The primary outdoor lighting of the primary facility shall be turned off at 11:00 p.m. or thirty (30) minutes after closing, whichever is later, but in no event shall the main outdoor lighting be illuminated after 12:00 a.m. unless there is a scheduled "special event"; i.e. an all-night sale.
ii. Lighting Levels - During operating hours:

(a) Feature display area (the area within 200 ft. of the main building) the average horizontal illumination level shall not exceed twenty (20) foot-candles. These areas shall not be located within 100 feet of a residentially zoned areas.
(b) Other display areas the average horizontal illumination level shall not exceed fifteen (15) foot-candles. These areas shall not be located within 100 feet of a residentially zoned area.
(c) General parking areas for staff etc. shall not exceed five (5) foot-candles

iii. Timers must be installed to prevent lights being left on accidentally overnight.

c. Lighting Levels - After Hours:

i. The primary outdoor lighting of the primary facility shall be turned off at 11:00 p.m. or thirty (30) minutes after closing, whichever is later, but in no event shall the main outdoor lighting be illuminated after 12:00 a.m. unless there is a scheduled "special event" i.e. an all-night sale.
ii. A secondary low-level lighting system that complies with Class 2 Lighting shall be installed to facilitate security, cleanup, maintenance, and exit from the facility if the property owner desires. The lamps may be metal Halide or LED. The low-level lighting system shall provide an average horizontal illumination, at grade level, of no more than two and one half (2.5) foot-candles.

2. Class 2 lighting

a. Parking lots

Parking lot lighting shall be designed to provide the minimum lighting necessary to ensure adequate vision, security and comfort in parking areas, and to not cause glare or direct illumination onto adjacent properties or streets. Any light source permitted by this ordinance may be used for parking lots, provided the following conditions are met:

i. All luminaires used for parking lot lighting shall be either yellow high-pressure sodium or LED and shall follow the standards for lighting identified below. Any exceptions to this section of the ordinance may be made by the City Manager and/or the City Manager's designee.
ii. All luminaires shall use Fully Shielded Fixtures as that term is defined herein.
iii. Design levels shall correspond to the appropriate IES (Illuminating Engineering Society) minimum requirements for illumination.
iv. No up lighting.
v. Poles are measured from grade.
vi. Light trespass at the property line is 0.00 foot-candle.
vii. Design goals should be the lowest levels that meet the requirement of the task
viii. Any lighting under awnings or canopies shall be completely recessed or shielded
ix. Yellow high-pressure sodium luminaires used for parking lot lighting may be installed at a maximum height of thirty (30) feet

(a) Perimeter poles that abut a residence or residential district shall be no more than 10 feet in height.

(b) They shall turn off by 9:00 p.m. unless there is a special event.

x. LED parking lot lighting shall adhere to the following criteria.

(a) All fixtures are Full cut-off.
(b) Poles shall be 20 feet in height with perimeter (at the property line) poles at 10 feet in height.
(c) Lumens per net acre in industrial areas shall not exceed 75,000 (does not include governmental owned streetlights).

(i) This lumen per net acre value is an upper limit and not a design goal.
(ii) Design goals should be the lowest levels that meet the requirement of the task

(d) Maximum 2,700 kelvins for bulbs.
(e) Any lighting under awnings or canopies shall be completely recessed or shielded.
(f) Outdoor lighting intended to be left on more than 30 minutes after closing, or the completion of activities must be reduced to 50% or less of the normal lumen output. Motion sensor activation may be allowed to cause the light to resume normal lumen output only when activated and to be reduced back to 50% or less of normal lumen output with 5 minutes after activation.
(g) Wall packs may be used in combination with pole lights if they are full cut-off and/or shielded fixtures.

b. Street Lighting

i. Street lighting installed, repaired or replaced after the adoption of this ordinance shall be fully shielded fixture or full cutoff standard for all fixture over 1,000 lumens initial lamp output, in order to limit light trespassing, and shall have a correlated color temperature of 2700 K or less. No exemption shall apply to any street lighting and to any lighting within the public right of way or easement when the purpose of the luminaire is to illuminate areas outside of the public right of way or easement.
ii. New street lighting shall be designed to provide minimum lighting necessary to ensure adequate vision, and comfort in public and private streets, and to not cause glare or direct illumination more than five (5) feet beyond the right of way. Any light source permitted by this ordinance may be used for street lighting in any District, provided the following conditions are met:

(a) Luminaires used for public/private street lighting that are installed after the effective date of this ordinance shall be installed using Fully Shielded Fixtures, as that term is defined herein. Design levels shall correspond to the appropriate IES (Illuminating Engineering Society) minimum requirements for illumination.
(b) The use of adaptative controls are to be employed in all future installations of public outdoor lighting, considering the circumstances indicating the need for said public outdoor lighting based on the presence or absence of citizens on public property or rights-of-way. For the

purposes of this subsection, "public outdoor lighting" shall be defined as all City public street lighting and outdoor lighting on other City property and City owned rights-of-way.

(c) Motion sensor shall be installed and properly maintained, and the trigger threshold set such that the light doesn't inappropriately trigger on; a failed motion sensor must fail only to the "off" state, and not to the "on"; the duration of each trigger should be limited to no longer than five (5) minutes.

c. Security lighting

For the purposes of this section, security lighting is defined as lighting intended to reduce the risk (real or perceived) of personal attack. Any light source permitted by this ordinance may be used for security lighting in any Lighting District, provided the following conditions are met:

i. All security lighting fixtures installed after the effective date of this ordinance shall be fully shielded and aimed so that illumination is directed only within the owner's property boundaries and not cast on other areas. The use of general floodlighting fixtures shall be prohibited.

ii. Security lighting may illuminate vertical surfaces (e.g. building facades and walls) up to a level eight (8) feet above grade or eight (8) feet above the bottoms of doorways or entries, whichever is greater. The use of up-lighting luminaires shall be prohibited.

iii. Security lighting fixtures may be mounted on poles located no less than ten (10) feet from the perimeter of the property boundary.

iv. Security lights intended to illuminate a perimeter (such as a fence line) shall include motion sensors and be designed to be off unless triggered by an intruder located within five (5) feet of the perimeter. The zone of activation sensors must be within the property boundaries of the property wishing to be illuminated.

v. It is the property owner's responsibility to ensure that the motion sensor is properly maintained, and the trigger threshold set such that the light doesn't inappropriately trigger on; a failed motion sensor must fail only to the "off" state, and not to the "on"; the duration of each trigger should be limited to no longer than five (5) minutes.

d. Lighting of Canopies and Service Islands

Lighting levels on service islands and under canopies shall be adequate to facilitate the activities taking place in such locations.

i. Areas on the apron away from the service islands used for parking or vehicle storage shall be illuminated in accordance with the Illuminating Engineering Society (IES) requirements for parking areas.

ii. Areas around the service islands and under canopies shall be illuminated so that the minimum horizontal illuminance at grade level is at least one (1) foot candles and no more than fifteen (15) foot candles in areas of industrial use and ten (10) foot candles in areas of commercial use.

iii. Light fixtures mounted on canopies shall be fully shielded or recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy.

iv. Lights shall not be mounted on top, or sides (fascia) of the canopy, and the sides (fascia) of the canopy shall not be illuminated.

v. Outdoor light fixtures located under canopies, under building overhangs, or under roof eaves where the center of the lamp or luminaire is located at 5 feet, but less than 10 feet from the nearest edge of the canopy or overhang are to be included in the total outdoor light output as though they produced only one-quarter (1/4) of the lamp's rated lumen output.

vi. Outdoor light fixture located under canopies, under building overhang, or under roof eaves where the center of the lamp or luminaire is located 10 or more feet from the nearest edge of a canopy, building overhang, or eaves are to be included in the total outdoor light output as though they produced only one-tenth (1/10) of the lamp's rated lumen output.

e. Lighting Curfews

Nonresidential outdoor lighting intended to be left on more than 30 minutes after closing, or the completion of activities, must be reduced to 25% or less of the total outdoor light output allowed.

i. Motion sensor activation may be allowed to cause the light to resume total outdoor light output allowed only when activated and to be reduced back to 25% or less of total outdoor light output allowed within 5 minutes after activation has ceased, and the light shall not be triggered by activity off the property.

ii. The 75% reduction in illumination may be accomplished by dimming, by turning off 75% of the light fixtures, by a combination of the two, or by any other method that results in a total outdoor light output of no more than 25% of the total outdoor light output allowed.

iii. Illumination for all advertising signs, both externally and internally illuminated, shall be turned off by the later of closing time or 10:00 p.m., provided, however, that such signs may be turned back on prior to sunrise, but no more than one hour prior to opening.

iv. Street lighting, other than at the intersection of roadways, shall utilize half night photocells or timers to turn off the lights halfway between dusk and dawn. Passive reflective roadway markings are encouraged.

v. All outdoor lighting is encouraged to be turned off when no one is present to use the light. Luminance levels for operation between sunset and sunrise shall not exceed 1250 lumens.

3. Class 3 Lighting

Class 3 Lighting shall apply to all outdoor lighting for primarily decorative effect where safety and security of grounds is not the primary concern and color rendition is not required to preserve the effectiveness of the application. Class 3 Lighting includes, but is not limited to, architectural illumination, flag and monument lighting, landscape illumination, and seasonal holiday lighting.

a. Lighting of Building Facades and Landscaping.

Any light source permitted by this ordinance may be used for lighting of building facades and landscaping in any District, provided the following conditions are met:

i. The maximum illumination on any vertical surface or angular roof surface shall not exceed two (2) foot-candles.
ii. Lighting fixtures shall be at least partially shielded, as defined herein, and aimed so that no light is directed onto adjacent streets or roads.
iii. The use of up-lighting luminaires shall be prohibited, unless such luminaires are fully shielded, and directed in such a way that no light is aimed beyond the building or landscaping directly into the night sky with the exception the illumination of governmental flags.

b. Ornamental Lights

Ornamental lights may be used in any Lighting District, provided the following conditions are met:

i. Decorative strings of lamps/bulbs must not create glare on adjacent streets or property.
ii. Lighting (including strings of lamps/bulbs) for parties, celebrations, and other social gatherings is allowed.

c. Lighting of Walkways, Bikeways, Sidewalks

Any light source permitted by this ordinance may be used for lighting walkways, bikeways and sidewalks in any District, provided the following conditions are met:

i. The walkway, pathway, sidewalk, or ground area may be illuminated with bollards.
ii. Lighting fixtures shall be fully shielded, or otherwise designed to direct light downward, and light sources shall have an initial output of no more than 2000 lumens.

d. Outdoor Advertising Signs

Any light source permitted by this ordinance may be used for lighting of outdoor advertising signs located in any District, provided the following conditions are met. In the event of a conflict, the City of Boerne's Sign Ordinance shall control:

i. All legally installed externally illuminated signs shall have top-mounted luminaires which meet the shielding and grandfathering requirements contained herein.
ii. Bottom-mounted luminaires on externally illuminated signs shall be prohibited.
iii. Legally installed internally illuminated signs, to the degree same are permitted by the Boerne Sign Ordinance, shall be constructed of translucent materials, and the source of internal illumination shall not be directly visible through said material. Internally illuminated signs are prohibited in Residential Districts.
iv. Sign illumination shall be extinguished completely one (1) hour after sunset and remain off until one (1) hour before sunrise.

v. The illuminated surface area of an individual sign shall not exceed 200 square feet.

vi. Luminance levels shall not exceed 100 nits (100 candelas per sq. meter)

e. Lighted Signs.

An establishment shall only have one lighted window or door sign per store front, not to exceed three (3) square feet. These signs shall be turned off when the establishment is not open for business. Illuminated exterior signs not lit by internal lighting shall be illuminated by down lighting methods; "up–lighting" is prohibited.

f. Residential Area Lighting.

While fully shielded lights are required, individual lamps are limited to 2700 lumens or less.

C. Illumination Plan requirements for Development Projects

1. Outdoor lighting should be carefully designed with regards to placement, intensity, timing, duration and color. A good lighting plan can promote safety, save money, conserve natural resources, retain community character, reduce skyglow.
2. The submission of an illumination plan shall contain, but shall not be limited to the following, all or part of which may be part or in addition to the information required elsewhere in the ordinances of the City of Boerne upon application for the required permit.

a. Two copies of an illumination plan shall be submitted with the building permit for review for compliance with this section.
b. A site plan, drawn to an appropriate scale, showing buildings, landscaping, parking area, and all proposed exterior fixtures including lamps, supports, reflectors and other devices.
c. Specifications for all proposed lighting fixtures including photometric data designation as IESNA full cut-off fixtures where required, and other descriptive information on the fixtures.

D. Total Outdoor Light Output and Shielding Requirements

Table 1 gives requirements of the total light output permitted per acre for the different lighting areas for class of lighting, lamp type and lighting area. These requirements shall be met for all lighting installations subject to this section.

1. Total Outdoor Light Output

Total outdoor light output shall not exceed the lumen limits given in Table 1. In the table, Total means the sum of shielded. For determining compliance with this section, the total lumens is the sum of the following:

a. One hundred percent of the lumens from outdoor light fixtures installed on grade, on poles, on the top or sides of buildings or other structures.
b. 2. Outdoor light fixture located under canopies, under buildings overhangs, or under roof eaves where the center of the lamp or luminaire is located at 5 feet, but less than 10 feet from the nearest edge of the canopy or overhang are to be included in the total outdoor light output as though they produced only one-quarter (1/4) of the lamp's

rated lumen output. Outdoor light fixture located under canopies, under building overhang, or under roof eaves where the center of the lamp or luminaire is located 10 or more feet from the nearest edge of a canopy, building overhang, or eaves are to be included in the total outdoor light output as though they produced only one-tenth (1/10) of the lamp's rated lumen output.

Maximum Total Outdoor Light Output Requirements Lumen Caps: Mean Lumens per Net Acre (1)			
Uses			
	Industrial	Commercial	Residential
Commercial, Industrial and Multifamily			
Maximum total outdoor light	75,000	50,000	20,000

Notes to Table 1:

1. Mean lumens per acre equals total outdoor light output divided by net acres.

E. Exemptions

1. Emergency lighting utilized during natural or man-made disasters, but only for the duration of the declared emergency may be exempted.
2. Lighting elements, such as shades with perforated patterns and opaque diffusers, shall be exempted from the fully shielded requirement provided they do not exceed 1000 lumens.
3. Ornamental lights that are string lighting.
4. If a proposed lighting plan or fixture does not meet the requirements of this ordinance, and no other reasonable technical solution is available, but is of demonstrable community benefit, the Design Review Committee may approve an exemption. The applicant requesting a permanent exemption under this ordinance shall submit enough information so that the Design Review Committee may adequately consider the proposed community benefit. All requests for exemptions must comply with the zoning variance request procedures.
5. The provisions of this code do not prevent the replacement of an existing grandfathered luminaire with an alternate fixture, or the use of bottom-mounted luminaires on externally illuminated signs if it can be shown that the luminaire(s) to be used improve the view of the night sky consistent with the intent of this code. A person may request (and the City Manager may approve) an exemption if the following information is provided:

   a. The location of the luminaire to be installed or replaced;
   b. The purpose of the luminaire;
   c. The total wattage and lumens of the grandfathered and the replacement luminaire, if applicable;
   d. The type of luminaire to be installed, and if applicable, the type of replacement;
   e. If the luminaire is a replacement, through manufacturer's literature or otherwise, the replacement luminaire will reduce light pollution, glare, or Total Outdoor Light Output; or,
   f. When the luminaire is bottom-mounted, through the use of manufacturer's literature or otherwise, its use is superior in reducing light pollution, glare, or Total Outdoor Light Output as compared to a top-mounted luminaire.
   g. Any other information deemed relevant.

F. Temporary Exemption

1. Any person may submit a written request, to the City Manager or the City Manager's designee for a temporary exemption from the requirements of this section. The Request for Temporary Exemption shall contain the following information:

   a. Specific exemption or exemptions requested;
   b. Type and use of outdoor fixture involved;
   c. Duration of time for requested exemption;
   d. Total wattage of lamp or lamps;
   e. Proposed location on premises (if any) and addresses of premises;
   f. Physical size of outdoor light fixture(s) and type of shielding provided;
   g. Such other data and information as may be required by the Building Official.

2. Approval, Duration

   The City Manager or the City Manager's designee shall have five (5) business days from the date of submission of the Request for Temporary Exemption to act in writing on the request. If approved, the exemption shall be valid for not more than thirty (30) days from the date of issuance of the approval. The approval shall be renewable at the discretion of the City Manager or the City Manager's designee upon a consideration of all the circumstances. Each such renewed exemption shall be valid for not more than thirty (30) days. Each exemption can be renewed up to two (2) times.

3. Disapproval, Appeal

   If the Request for Temporary Exemption is disapproved, the person making the request will have the appeal rights as provided in the City of Boerne's Zoning Ordinance.

G. Prohibitions

1. The installation of any mercury vapor fixture or lamp, krypton, or argon discharge tubes intended for use as an architectural highlight to attract attention is prohibited.
2. The use of laser source light or any similar high-intensity light (such as a strobe light) is prohibited.
3. The operation of searchlights is prohibited.
4. Outdoor lighting that interferes with the safe operation of a motor vehicle is prohibited.
5. Up-lighting is prohibited, except as otherwise provided in this ordinance.
6. It shall be unlawful for any outdoor lighting fixture to cause glare, as defined herein and determined by the City Manager or the City Manager's designee, of sufficient intensity as to create an unsafe condition on public or private streets between the hours of midnight (12:00 a.m.) and 6:00 a.m.

H. Temporary Lighting for Sports Practices

1. Where temporary lighting is to be provided for sports practices that are not located in City Parks, or schools the following requirements shall apply.

   a. The field to be illuminated shall be a minimum of fifty (50) feet from a residential property line or a residential district.

b. Luminaires used for sports practices shall be at a maximum height of twenty (20) feet and may be positioned at that height up to the edge of the property on which the practice is being held.

c. The Luminaires shall be turned triat 9:00 p.m. or thirty (30) minutes after the practice is over, but in no event shall the field be illuminated after 9:30 p.m.

Figure A

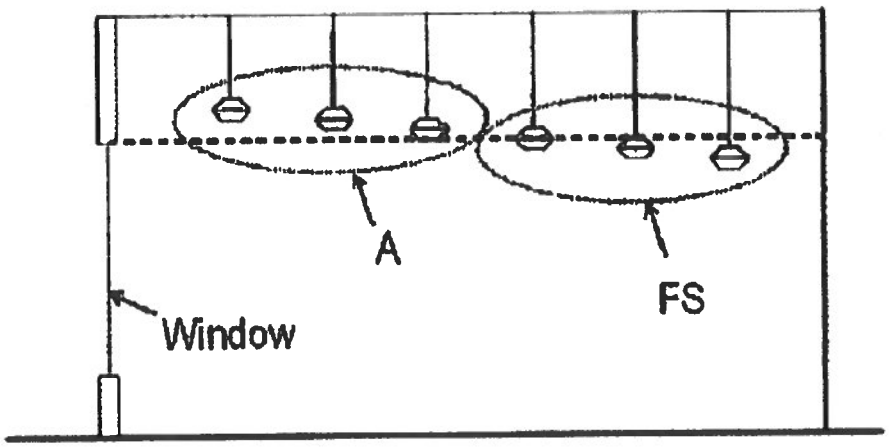
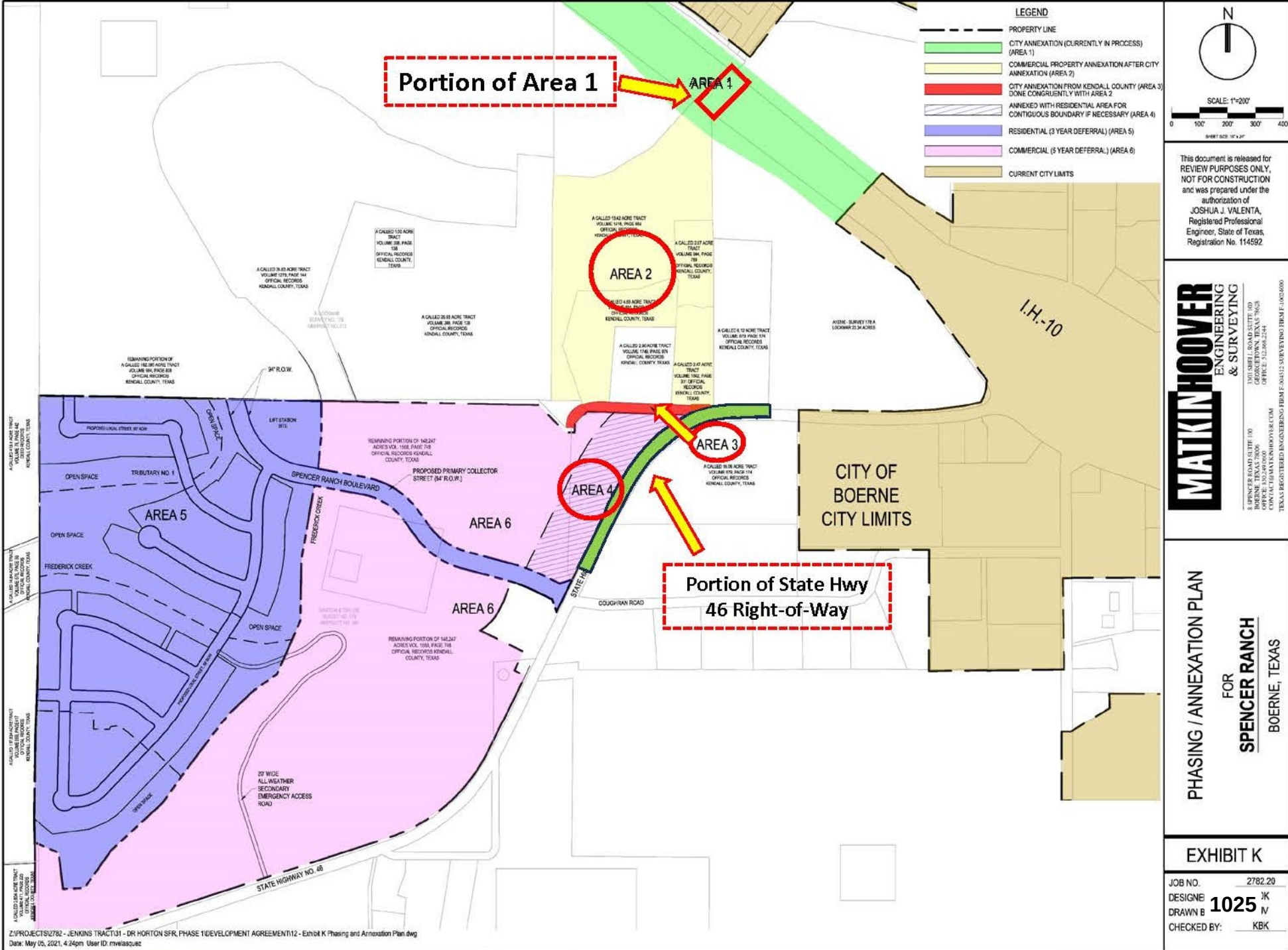


Figure A: Elevation view showing a nonresidential application of indoor lighting, labeled FS, which will be subject to this article and indoor lighting, labeled A, which is installed so that it is not subject to this article. This example presumes the structure in question is not elevated such that any of the luminaires labeled A in the figure above may be seen from any other property. If the structure is elevated such that the luminaires labeled A are visible from another property then, the



This document is released for REVIEW PURPOSES ONLY, NOT FOR CONSTRUCTION and was prepared under the authorization of JOSHUA J. VALENTA, Registered Professional Engineer, State of Texas, Registration No. 114592

MATKINHOOVER ENGINEERING & SURVEYING
8 SPENCER ROAD SUITE 100 BOERNE, TEXAS 78006 OFFICE: 830.249.0600
3501 SHELL ROAD SUITE 103 GEORGETOWN, TEXAS 78628 OFFICE: 512.868.2244
TEXAS REGISTERED ENGINEERING FIRM F-9043 | SURVEYING FIRM F-10024000

PHASING / ANNEXATION PLAN FOR SPENCER RANCH BOERNE, TEXAS

EXHIBIT K

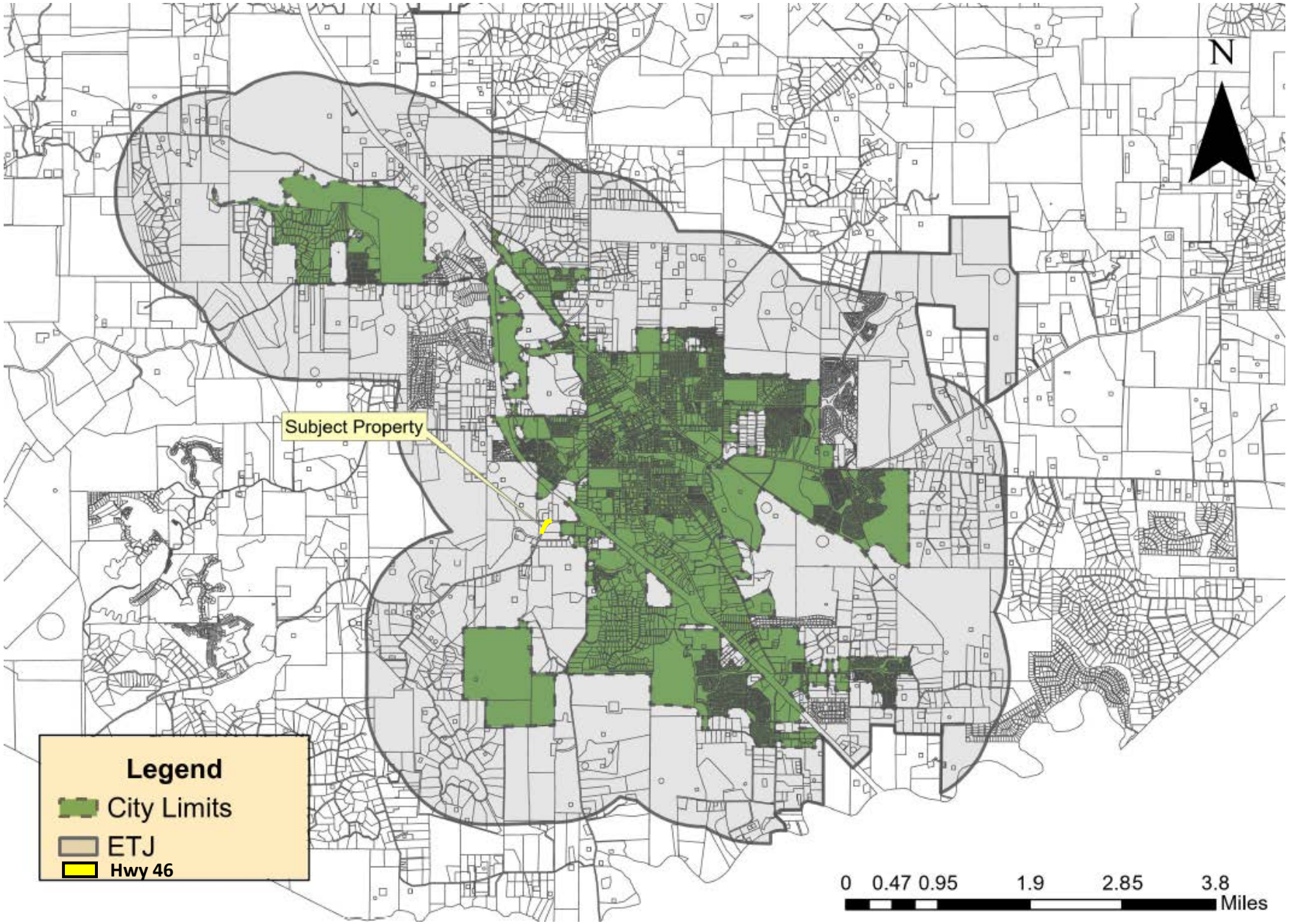
JOB NO. 2782.20
DESIGNED JK
DRAWN BY JV
CHECKED BY: KBK

1025

Z:\PROJECTS\2782 - JENKINS TRACT\31 - DR HORTON SFR, PHASE 1\DEVELOPMENT AGREEMENT\12 - Exhibit K Phasing and Annexation Plan.dwg
Date: May 05, 2021, 4:24pm User ID: mvelasquez

SUBJECT PROPERTY - LOCATION MAP

Portion Hwy 46



CITY OF Boerne

P.O. Box 1677 • 447 N. Main
Boerne, Texas 78006

5/8/2023

Andres Gonzalez, PE
1832 Sidney Baker
Kerrville, TX 78028

RE: City of Boerne Notice of Intent to Annex a portion of the following Road Right of Way: Portion of Bandera Road (Highway 46) and IH 10 West

Dear Mr. Gonzalez,

This letter is being sent pursuant to Texas Local Government Code Section 43.1056 to notify the Texas Department of Transportation ("TXDOT") that the City of Boerne ("the City") intends to annex a portion of the following road right of way on or after the 61st day after delivery of this notice:

Bandera Road (Highway 46) and 1.633 acres of IH-10 West

The right of way is contiguous to other property being annexed by the City and is contiguous to the City's boundaries. The annexation is expected to be considered by City of Boerne City Council on July 11, 2023. If TXDOT objects to this annexation, you must notify the undersigned of the objection in writing on or before that date at the following address:

447 N. Main
Boerne, Texas 78006

With courtesy e-mail copies to the following:

lhaning@boerne-tx.gov

You have received this notice because the City has been informed that you are the person designated by TXDOT for receipt of notice under Section 43.1056. If this is not correct, or if the designated person or location for delivery has changed, please inform the undersigned immediately. If we do not hear from you the City will proceed with annexation proceedings in accordance with the law.

Best Regards,

Laura Haning
Planning Director

cc: City Secretary, City Attorney

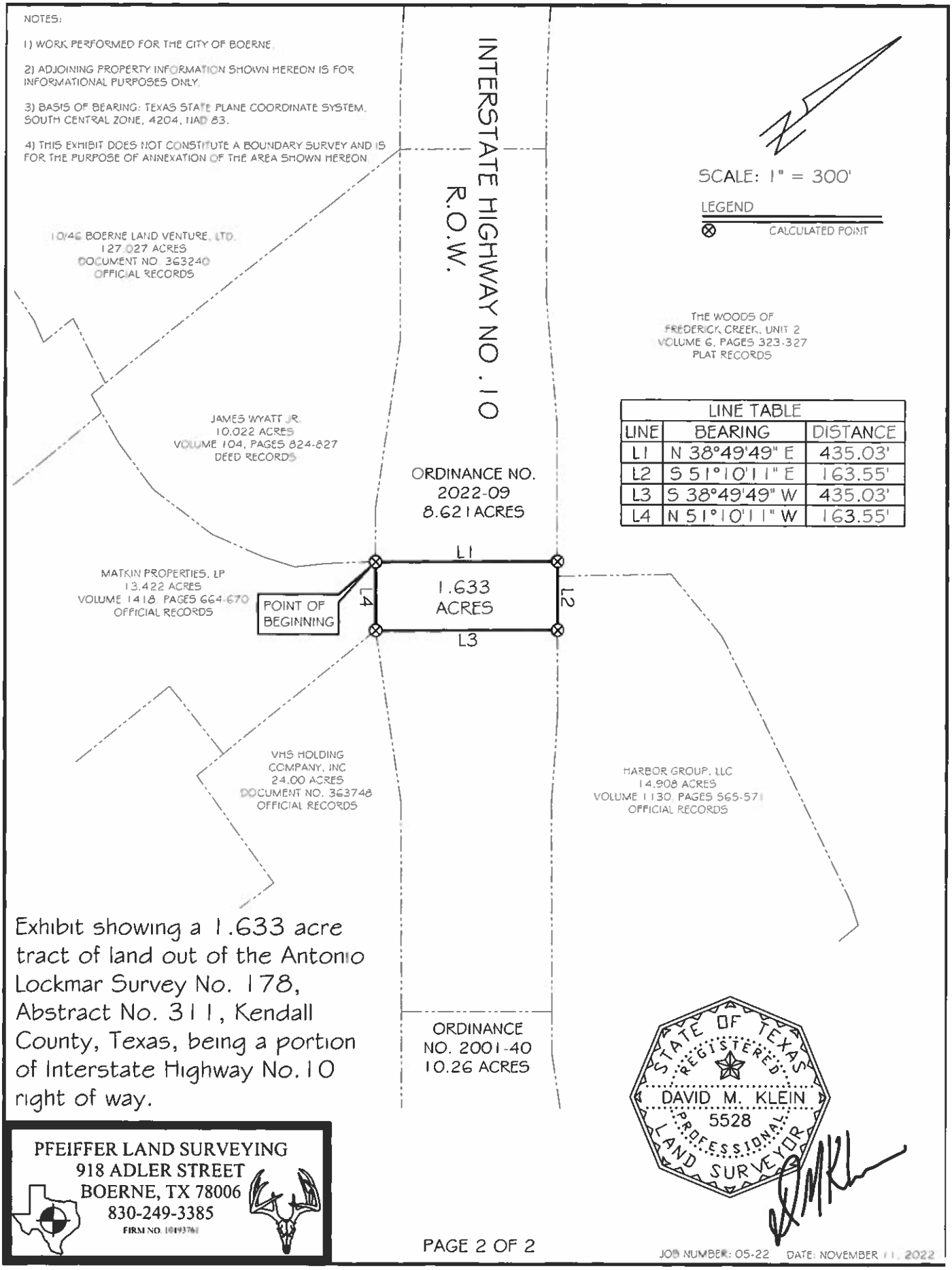
NOTES:

1) WORK PERFORMED FOR THE CITY OF BOERNE.

2) ADJOINING PROPERTY INFORMATION SHOWN HEREON IS FOR INFORMATIONAL PURPOSES ONLY.

3) BASIS OF BEARING: TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, 4204, NAD 83.

4) THIS EXHIBIT DOES NOT CONSTITUTE A BOUNDARY SURVEY AND IS FOR THE PURPOSE OF ANNEXATION OF THE AREA SHOWN HEREON.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 38°49'49" E	435.03'
L2	S 51°10'11" E	163.55'
L3	S 38°49'49" W	435.03'
L4	N 51°10'11" W	163.55'

Exhibit showing a 1.633 acre tract of land out of the Antonio Lockmar Survey No. 178, Abstract No. 311, Kendall County, Texas, being a portion of Interstate Highway No. 10 right of way.

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

STATE OF TEXAS
REGISTERED
DAVID M. KLEIN
5528
PROFESSIONAL
LAND SURVEYOR

JOB NUMBER: 05-22 DATE: NOVEMBER 11, 2022

EXHIBIT OF

A 2.807 ACRE TRACT OF LAND LOCATED IN THE NEWTON & TAYLOR SURVEY NO. 179, ABSTRACT NO. 360, KENDALL COUNTY, TEXAS, AND BEING ACROSS THE EXISTING STATE HIGHWAY (S.H.) 46, AN 80' WIDE RIGHT-OF-WAY PER THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) RIGHT-OF-WAY MAP CONTROL 1042, SECTION 2, JOB 1.

NOTES:
1. BEARINGS ARE BASED ON THE STATE PLANE COORDINATE SYSTEM ESTABLISHED FOR THE TEXAS SOUTH CENTRAL ZONE 4204 NORTH AMERICAN DATUM (NAD) OF 1983.
2. THIS DOCUMENT WAS PREPARED UNDER 22 TEXAS ADMINISTRATIVE CODE § 138.95, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED."

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S86° 50' 14"E	118.77'
L2	S84° 45' 44"E	68.88'
L3	S02° 36' 36"W	81.35'
L4	N87° 00' 30"W	72.10'
L5	N85° 55' 28"W	80.06'

CURVE TABLE						
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C1	751.88'	768.36'	58°33'19"	N35° 22' 34"E	735.89'
C2	673.83'	768.44'	64°51'48"	S60° 28' 16"W	742.37'

LEGEND
P.O.B. POINT OF BEGINNING
○ POINT
● FOUND TXDOT TYPE I MONUMENT

MATKIN HOOVER ENGINEERING & SURVEYING

KYLE L. PRESSLER
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6528
KYLE.PRESSLER@MATKINHOOVER.COM
JOB NO. 164072 - 2.807 ACRES

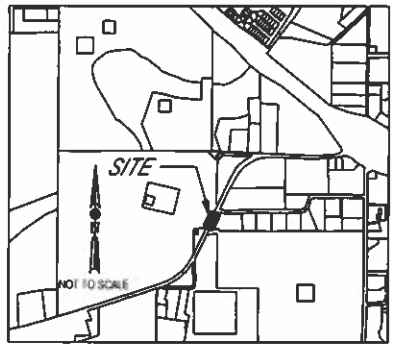
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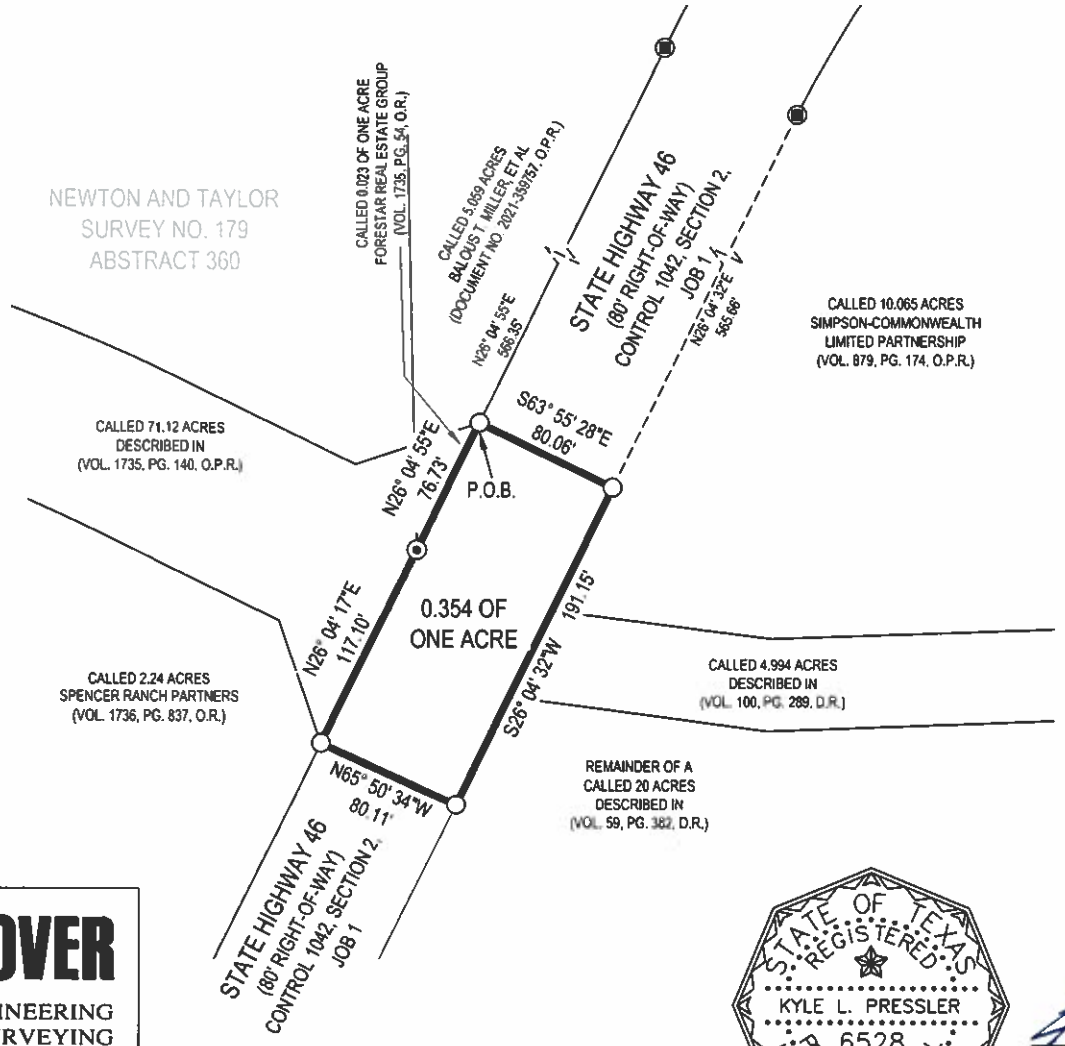
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2. "THIS DOCUMENT WAS PREPARED UNDER 22 TEXAS ADMINISTRATIVE CODE § 138.95, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED."

EXHIBIT OF

A 0.354 OF ONE ACRE TRACT OF LAND, LOCATED IN THE NEWTON & TAYLOR SURVEY NO. 179, ABSTRACT NO. 360, KENDALL COUNTY, TEXAS, AND BEING ACROSS THE EXISTING STATE HIGHWAY (S.H.) 46, 80' WIDE RIGHT-OF-WAY PER THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) RIGHT-OF-WAY MAP, CONTROL 1042, SECTION 2, JOB 1.

LOCATION MAP





N

SCALE: 1" = 100'

LEGEND

P.O.B.	POINT OF BEGINNING
○	POINT
◉	FOUND TXDOT TYPE I MONUMENT
⊙	FOUND 1/2" IRON ROD W/ YELLOW CAP STAMPED "DYE ENT SA TX"

MATKINHOOVER
ENGINEERING & SURVEYING
HEADQUARTERS
8 SPENCER ROAD SUITE 300
BOERNE, TEXAS 78006
OFFICE: 830.249.0600 FAX: 830.249.0099
3303 SEDELL ROAD SUITE A
GEORGETOWN, TEXAS 78628
OFFICE: 512.868.2244
BOERNE, TEXAS REGISTERED SURVEYING FIRM F-10024000
BOERNE, TEXAS REGISTERED ENGINEERING FIRM F-8004512
CIVIL ENGINEERS SURVEYORS LAND PLANNERS
CONSTRUCTION MANAGERS CONSULTANTS

STATE OF TEXAS
REGISTERED
KYLE L. PRESSLER
6528
PROFESSIONAL
LAND SURVEYOR

KYLE L. PRESSLER DATE: JANUARY 17, 2023
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6528
KYLE.PRESSLER@MATKINHOOVER.COM
JOB NO. 16-4072 - 0.354 OF ONE ACRE

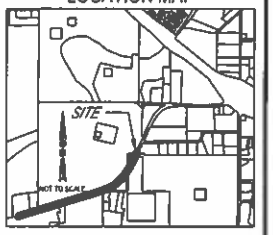
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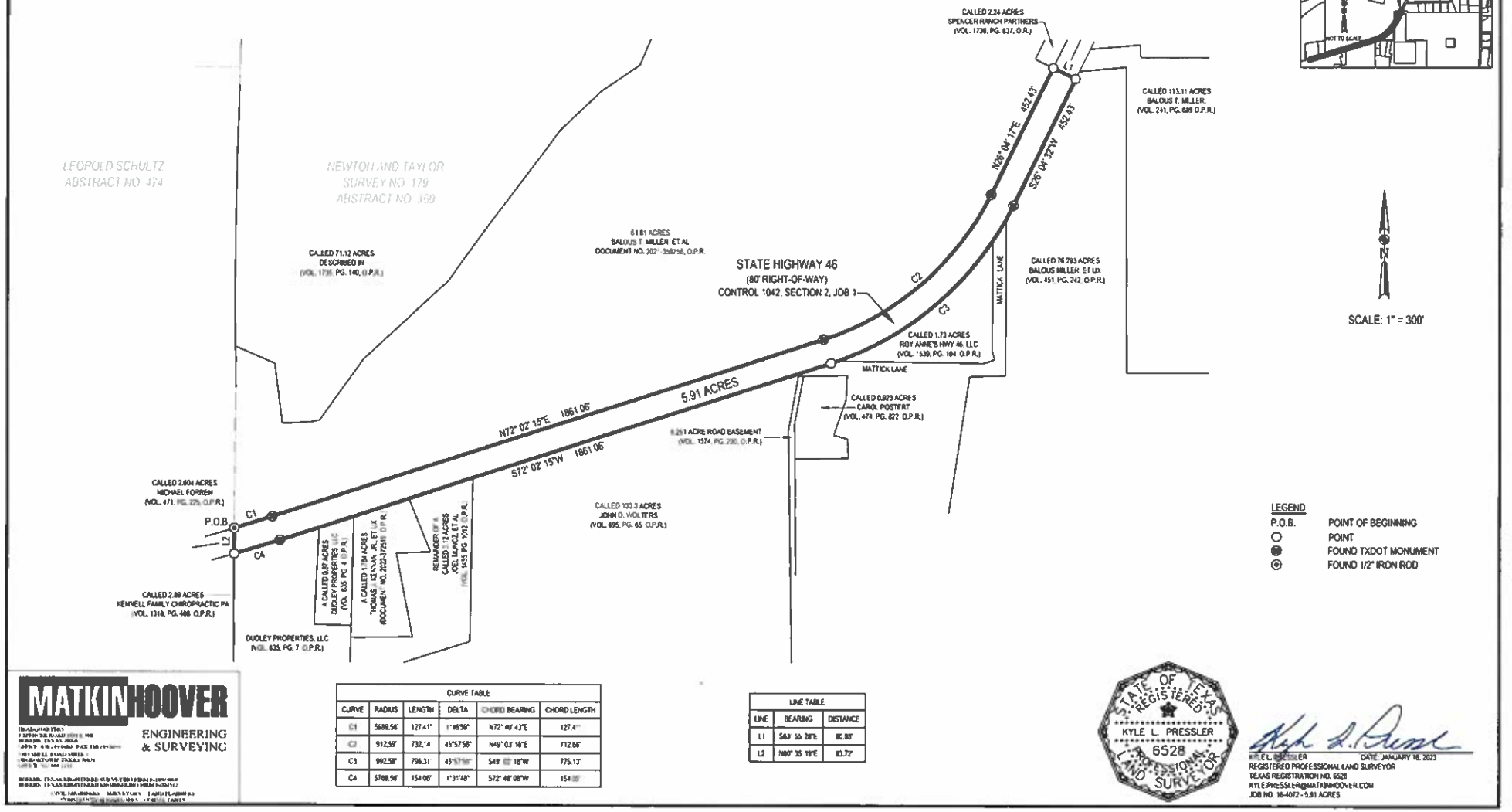
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2. "THIS DOCUMENT WAS PREPARED UNDER 22 TEXAS ADMINISTRATIVE CODE § 138.95, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED."

EXHIBIT OF

A 5.91 ACRE TRACT OF LAND, LOCATED IN THE NEWTON & TAYLOR SURVEY NO. 179, ABSTRACT NO. 360, KENDALL COUNTY, TEXAS, AND BEING ACROSS THE EXISTING STATE HIGHWAY (S.H.) 46, 80' WIDE RIGHT-OF-WAY PER TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) RIGHT-OF-WAY MAP, CONTROL 1042, SECTION 2, JOB 1.

LOCATION MAP





SCALE: 1" = 300'

LEGEND

P.O.B.	POINT OF BEGINNING
○	POINT
●	FOUND TXDOT MONUMENT
⊙	FOUND 1/2" IRON ROD

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C1	5689.58'	127.41'	1°16'58"	N72° 40' 43"E	127.41'
C2	912.58'	732.14'	45°57'58"	N49° 03' 16"E	712.66'
C3	992.58'	796.31'	45°57'58"	S49° 03' 16"W	775.13'
C4	5788.58'	154.06'	1°31'48"	S72° 48' 08"W	154.05'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S63° 55' 28"E	80.00'
L2	N00° 35' 19"E	63.72'

MATKINHOOVER
ENGINEERING & SURVEYING

STATE OF TEXAS
REGISTERED
KYLE L. PRESSLER
6528
PROFESSIONAL
LAND SURVEYOR

KYLE L. PRESSLER — DATE: JANUARY 18, 2023
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6528
KYLE.PRESSLER@MATKINHOOVER.COM
JOB NO. 16-4072 - 5.91 ACRES

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council of the City of Boerne, Texas will hold a Public Hearing on September 12, 2023, at 6:00 p.m., in the City Council Chambers, located at Boerne City Hall, Ronald C. Bowman Council Chambers, 447 N Main Street, Boerne, Texas, to discuss the following:

A. Proposed annexation of approximately 34.199 acres being a portion of right-of-way on Interstate Highway 10, 12 Spencer Road (KAD No. 37948), 2B Spencer Road (KAD No. 37947), 2 Spencer Road (KAD No. 14354), 8 Spencer Road (KAD No. 36891), a portion of right-of-way also known as Spencer Road, a portion of 10 Spencer Road (KAD No. 14916), a portion of West State Highway 46 (KAD No. 14918) and a portion of State Highway 46 right-of-way. *(One of one public hearing)*

All interested parties are encouraged to attend.

s/s Lori A. Carroll
City Secretary

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS

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

	AGENDA ITEM SUMMARY
Agenda Date	September 12, 2023
Requested Action	APPROVE ORDINANCE NO. 2023-33; REPEALING ARTICLE IV, "YOUTH CURFEW" OF CHAPTER 15, "OFFENSES AND MISCELLANEOUS PROVISIONS" OF THE BOERNE CITY CODE.
Contact Person	Steve M. Perez, Chief of Police
Background Information	With the introduction of 88(R), HB 1819, juvenile curfew ordinances are no longer allowed. Specifically, Chapter 370, Local Government Code, is amended by adding 370.007 to read as follows: JUVENILE CURFEWS PROHIBITED. (a) Notwithstanding any other law, a political subdivision may not adopt or enforce an order, ordinance, or other measure that imposes a curfew to regulate the movements or actions of persons younger than 18 years of age. (b). This section does not apply to a curfew implemented under Chapter 418, Government Code, for purposes of emergency management.
Item Justification	[X] Legal/Regulatory Obligation [ ] Reduce Costs [ ] Increase Revenue [ ] Mitigate Risk [ ] Master Plan Recommendation [ ] Infrastructure Investment [ ] Customer Pull [ ] Service Enhancement [ ] Process Efficiency [ ] Other:
Strategic Alignment *(Example: C2 – Customer Feedback, B1 – Data Driven Decision)*	B3 – Streamlined and efficient process
Financial Considerations	N/A
Citizen Input/Board Review	N/A

Legal Review	Reviewed by legal team.
Alternative Options	N/A
Supporting Documents	Copy of Ordinance No. 2022-12, Copy of HB 1819

ORDINANCE NO. 2023-33

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, REPEALING ARTICLE IV, "YOUTH CURFEW" OF CHAPTER 15, "OFFENSES AND MISCELLANEOUS PROVISIONS" OF THE BOERNE CITY CODE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

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

WHEREAS, the City Council of the City of Boerne adopted a curfew ordinance for minors in the City which is codified as "Article IV, "Youth Curfew" of Chapter 15, "Offenses and Miscellaneous Provisions" of the Boerne City Code; and

WHEREAS the City Council has determined that, based on the passage of House Bill 1819, "Juvenile Curfew," which bans the imposition of a curfew of persons younger than 18 years of age, except for purposes of emergency management, signed into law June 9, 2023, there exists a need to repeal "Article IV, "Youth Curfew" of Chapter 15, "Offenses and Miscellaneous Provisions" of the Boerne City Code.

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

SECTION 1.

Article IV, "Youth Curfew" of Chapter 15, "Offenses and Miscellaneous Provisions" of the Boerne City Code is hereby repealed in its entirety.

SECTION 2.

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

SECTION 3.

This Ordinance shall be in full force and effect from and after the date of its passage.

PASSED, APPROVED and ADOPTED on this the ____ day of September, 2023.

APPROVED:

_____
Mayor

ATTEST:

_____
City Secretary

APPROVED AS TO FORM:

_____
City Attorney

ORDINANCE NO. 2022-12

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF BOERNE, TEXAS, BY AMENDING CHAPTER 15, ARTICLE IV, YOUTH CURFEW; PROVIDING FOR DEFINITIONS; ESTABLISHING DEFENSES TO PROSECUTION; ESTABLISHING AN ENFORCEMENT PROCEDURE; PROVIDING FOR A MAXIMUM PENALTY OF $500.00 FOR VIOLATION OF THIS ORDINANCE.

WHEREAS, recently the City has experienced incidents of juvenile mischief and possible criminal activity; and

WHEREAS, the City Council has determined that if this activity remains unchecked, that juveniles could become involved in a wide range of unacceptable behavior including vandalism, public drinking, littering, drug use, breaking and entering, and harassment of residents; and

WHEREAS, persons under the age of 17 are particularly susceptible by their lack of maturity and experience to participate in unlawful activities and to be victims of older perpetrators of crime; and

WHEREAS, the City Council has found that juvenile mischief can indicate a breakdown in the supervision and guidance normally provided by parents for juveniles; and

WHEREAS, the City of Boerne has an obligation to provide for the protection of minors from each other and from other persons, for the protection of the general public, and for the reduction of the incidents of juvenile mischief; and

WHEREAS, a curfew for those under the age of 17 will be in the interest of the public health, safety, and general welfare of the public, will help to attain the foregoing objectives, and will help to diminish the undesirable impact of such conduct on the citizens of the City of Boerne; and

WHEREAS, parental responsibility for the whereabouts of children is the accepted norm and legal sanctions to enforce such responsibility have had demonstrated effectiveness in many Texas cities~~,~~ and

WHEREAS, the City Council has determined that a curfew ordinance will increase parental responsibility for juveniles within their control and decrease juvenile delinquency and mischief; and

WHEREAS, the passage of this ordinance is pursuant to the City of Boerne's police power as stated in its Charter and as set forth in the laws and constitutions of the State of Texas.

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

Sec. 15.86 Definitions

As used in this ordinance the following words and terms shall have the meanings respectively ascribed:

(a) Minor shall mean any person under seventeen (17) years of age and over nine (9) years of age.

(b) Parent shall mean a person who is the natural or adoptive parent of a person. As used herein, “parent” shall also include a court appointed guardian or other person eighteen (18) years of age or older, authorized by the parent, by a court order, or by the court appointed guardian to have the care and custody of a person.

(c) Guardian shall mean any person to whom custody of a minor has been given by a court order.

(d) Emergency shall include, but not be limited to fire, natural disaster, an automobile accident, or obtaining immediate medical care for another person.

(e) Public place means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office building, transport facilities, and shops.

Sec. 15.87 Offenses

(a) It shall be unlawful for a minor to purposefully remain, walk, run, stand, drive or ride about, in, or upon, any public place in the City of Boerne between the hours of 12:00 a.m. (Midnight) and 6:00 a.m. on a Sunday, Monday, Tuesday, Wednesday, Thursday, Friday, or Saturday.

(b) It shall be unlawful for the parent having legal custody of a minor to knowingly allow or permit the minor to be in violation of the curfew imposed in section (a).

Sec. 15.88 Defenses

It is a defense to prosecution under Section 2 of this article that:

(a) The minor was accompanied by his or her parent;

(b) The minor was accompanied by another adult approved by the parents;

(c) The minor was on an emergency errand;

(d) The minor was attending a school, government sponsored, or religious activity or is going to or coming from a school, religious or government sponsored activity without detour or stop;

(e) The minor was engaged in a lawful employment or volunteer work at a recognized charity institution or is going to or coming from such activity without detour or stop;

(f) The minor was on the sidewalk of the place where such minor resides or on the sidewalk of a place where the minor has permission from his/her parent or guardian to be or on the sidewalk of a next-door neighbor if such neighbor is not communicating an objection to the police officer;

(g) The minor was on an errand directed by his or her parent;

(h) The minor was in a motor vehicle involved in intrastate or interstate transportation or transportation for which passage through the curfew area is the most direct route;

(i) The minor was exercising his or her First Amendment Rights protected by the United States or Texas Constitution, including but not limited to, the free exercise of religion, freedom of speech, and freedom of assembly; and/or

(j) The minor was married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code.

Sec. 15.89 Enforcement Procedure

(a) Any police officer, upon finding a minor in violation of Section 2, shall determine the name and address of the minor, and the name and address of his or her parent(s) or guardian(s). A warning notice shall be issued to the minor, who shall be ordered to go home or will be taken home by the most direct means and route. A copy of the notice shall be forwarded to the Criminal Investigations Unit of the Boerne Police Department, which shall send a letter to the parent(s) or guardian(s) of the minor advising of the fact that the minor was found in violation of this article, and soliciting cooperation in the future.

(b) Provided that if a police officer shall find a minor in violation of section 2 and such minor has once previously been found and so warned, as in (a) above, the officer shall again record the name and address of the minor and his parent(s) or guardian(s) and shall issue a second warning notice ordering the minor to go home or taking him/her home by the most direct means and route. A copy of the second warning shall be forwarded to the Criminal Investigations Unit of the Boerne Police Department, which at this point shall schedule a person to person conference with the parent(s) or guardian(s) and the child, concerning this curfew ordinance and the City's expectation and requirement for parental control.

(c) Any police officer, upon finding a minor in violation of section 2, who has twice previously been found in violation and issued warnings as provided for in (a) and (b) above, shall transfer the case to proper authorities for handling under the provisions of Title 3 of the Family Code. In addition, a complaint will be filed against the parents in Municipal Court for violation of section 2 (c) hereof. The police department shall file all necessary legal papers, supply all necessary documentation, and provide necessary testimony as required for pursuing violation of this article by either the minor or by any parent or guardian.

Sec. 15.90 Penalties

(a) Any minor violating the provisions of this article shall be guilty of a Class C Misdemeanor as defined in the Texas Penal Code and shall be dealt with in accordance with the provisions of Title 3 of the Texas Family Code.

(b) A parent of a minor violating this article shall be guilty of a misdemeanor, which shall be punishable by a fine of not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00).

(c) In assessing punishment for either a parent or a child, the municipal court judges are encouraged to consider the community service program.

Severability

If any article, section, subsection, paragraph, subdivision, clause, phrase, or provision of this ordinance shall be held invalid, unenforceable, or illegal, said invalidity, unenforceability, or illegality shall not affect any other article, section, subsection, paragraph, subdivision, clause, phrase, or provision of this ordinance, it being the intent of the City Council that this ordinance would have been enacted in the absence of the article, section, subsection, paragraph, subdivision, clause, phrase, or provision of this ordinance having been held invalid, unenforceable, or illegal.

Repealer

All ordinances and resolutions, and parts of ordinances and parts of resolutions, in conflict with this ordinance are hereby repealed, to the extent of conflict only.

PASSED and APPROVED on this the 12th day of April, 2022.

PASSED, APPROVED and ADOPTED on this the 26th day of April, 2022.

APPROVED:

_____
Mayor

ATTEST:

_____
City Secretary

APPROVED AS TO FORM:

_____
City Attorney

AN ACT

relating to the repeal of the authority of political subdivisions to adopt or enforce juvenile curfews.

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

SECTION 1. Article 45.045(c), Code of Criminal Procedure, is amended to read as follows:

(c) This article does not limit the authority of a court to order a child taken into custody under Article 45.058 [~~or 45.059~~].

SECTION 2. Article 45.060(a), Code of Criminal Procedure, is amended to read as follows:

(a) Except as provided by Article [~~Articles~~] 45.058 [~~and 45.059~~], an individual may not be taken into secured custody for offenses alleged to have occurred before the individual's 17th birthday.

SECTION 3. Section 51.02(15), Family Code, is amended to read as follows:

(15) "Status offender" means a child who is accused, adjudicated, or convicted for conduct that would not, under state law, be a crime if committed by an adult, including:

(A) running away from home under Section 51.03(b)(2);

(B) a fineable only offense under Section 51.03(b)(1) transferred to the juvenile court under Section 51.08(b), but only if the conduct constituting the offense would

not have been criminal if engaged in by an adult;

(C) a violation of standards of student conduct as described by Section 51.03(b)(4);

(D) [~~a violation of a juvenile curfew ordinance or order;~~

[~~(E)~~] a violation of a provision of the Alcoholic Beverage Code applicable to minors only; or

(E) [~~(F)~~] a violation of any other fineable only offense under Section 8.07(a)(4) or (5), Penal Code, but only if the conduct constituting the offense would not have been criminal if engaged in by an adult.

SECTION 4. Section 38.003(a), Government Code, is amended to read as follows:

(a) The judge of a county, justice, or municipal court, in accordance with Section 38.002, may award money from a judicial donation trust fund established under Section 38.001 to eligible children or families who appear before the court for a truancy [~~or curfew~~] violation or in another misdemeanor offense proceeding before the court.

SECTION 5. Section 71.0352, Government Code, is amended to read as follows:

Sec. 71.0352. JUVENILE DATA: JUSTICE, MUNICIPAL, AND TRUANCY COURTS. As a component of the official monthly report submitted to the Office of Court Administration of the Texas Judicial System:

(1) a justice court, municipal court, or truancy court shall report the number of cases filed for:

(A) truant conduct under Section 65.003(a), Family Code; and

(B) the offense of parent contributing to nonattendance under Section 25.093, Education Code; and

[~~(C) a violation of a local daytime curfew ordinance adopted under Section 341.905 or 351.903, Local Government Code; and~~]

(2) in cases in which a child fails to obey an order of a justice court, municipal court, or truancy court under circumstances that would constitute contempt of court, the justice court, municipal court, or truancy court shall report the number of incidents in which the child is:

(A) referred to the appropriate juvenile court for delinquent conduct as provided by Article 45.050(c)(1), Code of Criminal Procedure, or Section 65.251, Family Code; or

(B) held in contempt, fined, or denied driving privileges as provided by Article 45.050(c)(2), Code of Criminal Procedure, or Section 65.251, Family Code.

SECTION 6. Chapter 370, Local Government Code, is amended by adding Section 370.007 to read as follows:

Sec. 370.007. JUVENILE CURFEWS PROHIBITED. (a) Notwithstanding any other law, a political subdivision may not adopt or enforce an order, ordinance, or other measure that imposes a curfew to regulate the movements or actions of persons younger than 18 years of age.

(b) This section does not apply to a curfew implemented under Chapter 418, Government Code, for purposes of emergency

management.

SECTION 7. Section 8.07(e), Penal Code, is amended to read as follows:

(e) A person who is at least 10 years of age but younger than 15 years of age is presumed incapable of committing an offense described by Subsection (a)(4) or (5)[~~, other than an offense under a juvenile curfew ordinance or order~~]. This presumption may be refuted if the prosecution proves to the court by a preponderance of the evidence that the actor had sufficient capacity to understand that the conduct engaged in was wrong at the time the conduct was engaged in. The prosecution is not required to prove that the actor at the time of engaging in the conduct knew that the act was a criminal offense or knew the legal consequences of the offense.

SECTION 8. The following provisions are repealed:

(1) Article 45.059, Code of Criminal Procedure;

(2) Section 341.905, Local Government Code;

(3) Section 351.903, Local Government Code; and

(4) Section 370.002, Local Government Code.

SECTION 9. A violation of a juvenile curfew ordinance or order may not be prosecuted or adjudicated after the effective date of this Act. If on the effective date of this Act a criminal or civil action is pending for a violation of a juvenile curfew ordinance or order, the action is dismissed on that date. However, a final conviction or adjudication for a violation of a juvenile curfew ordinance or order that exists on the effective date of this Act is unaffected by this Act.

SECTION 10. This Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I certify that H.B. No. 1819 was passed by the House on May 4, 2023, by the following vote: Yeas 114, Nays 28, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1819 was passed by the Senate on May 17, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

_____

Governor

	AGENDA ITEM SUMMARY
Agenda Date	September 12, 2023
Requested Action	RECEIVE AND ACCEPT THE RESIGNATION FROM COUNCIL MEMBER DISTRICT 4 BRYCE BODDIE AND DECLARE A VACANCY AS PER THE CITY OF BOERNE HOME RULE CHARTER.
Contact Person	Mayor Frank Ritchie and City Secretary Lori Carroll
	On August 31, 2023, Bryce Boddie submitted a letter of resignation to Mayor Ritchie regarding his position as City Council Member District 4. The reason for the resignation is that he will be moving out of his district. The City Charter Section 3.08 Vacancies *states that when a vacancy occurs in the City Council, the remaining members of the Council shall, within thirty (30) days, appoint a qualified person to fill the unexpired term.* The 30 days begin when the City Council receives the resignation. The Texas Election Code states that the governmental authority may not refuse to accept the resignation. If the city of Boerne had 3 or 4-year terms, we would call a special election to fill the vacancy as per the Texas Constitution, but since we have 2-year terms we must follow the city charter. Application forms will be available on the city's website from September 13 through September 22. On September 26, the city council will interview qualified applicants in executive session and vote to approve an appointment in open session. The Oath of Office will be administered on October 10. If the council isn't able to meet the above timeline, the Texas Constitution allows for a "Holdover Doctrine". The Holdover Doctrine does not have a maximum length of time - the member serves until the successor qualifies and takes the oath of office. During the Holdover period, if needed Council Member Boddie would continue to hold the city council seat.

Item Justification	[x] Legal/Regulatory Obligation [ ] Infrastructure Investment [ ] Reduce Costs [ ] Customer Pull [ ] Increase Revenue [ ] Service Enhancement [ ] Mitigate Risk [ ] Process Efficiency [ ] Master Plan Recommendation [ ] Other:
Strategic Alignment	
Financial Considerations	
Citizen Input/Board Review	
Legal Review	
Alternative Options	
Supporting Documents	Letter of resignation

Bryce Boddie
City Council District 4, City of Boerne, Texas
bboddie@boerne-tx.gov

Dear Ben Thatcher, and City Council,

On July 7, 2020 in the Covid days I was sworn in to the council seat for District 4 in the City of Boerne. Oh what I have learned in that time span. My time spent with those who were on council then, and those who are on council now has greatly enriched my life.

I appreciate the work that we have been able to do together to steward the great City of Boerne. I value your leadership and friendship.

My Family has purchased a home in the great metropolitan area of Waring, TX. Waring holds a special place for the Boddie family, it is the place where my wife and I met at Church Camp, it is where our daughters have spent a significant amount of time, and it is now a place that the Boddie's are calling home.

This was difficult for me because of my duties to District 4, and because of the amazing city staff, and city council that I have been able to serve alongside have been a blessing. I regretfully have to resign from the position of District 4 City Council for the City of Boerne.

I understand that the City Council and City Manager need to embark on the process of filling my seat, and I'm willing to serve for the 30 daytime period if the council needs my service, until Council sees fit.

As of the Council Meeting Scheduled for Tuesday September 12, 2023 I will no longer have an address in the City of Boerne.

Thank you for the opportunity to serve alongside you, and please accept my resignation from the position with heartfelt gratitude.



Bryce Boddie