

**AGENDA**  
**REGULAR CITY COUNCIL MEETING**  
**RONALD C. BOWMAN CITY COUNCIL CHAMBERS**  
**447 North Main Street**  
**Boerne, TX 78006**  
**APRIL 14, 2026 – 6:00 PM**

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

1. CALL TO ORDER – 6:00 PM

INVOCATION

PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG

PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG

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

2. CONFLICTS OF INTEREST

3. RECOGNITIONS:

- A. [2026-099](#) RECOGNITION OF CITY OF BOERNE ELECTRIC DEPARTMENT FOR RECEIPT OF THE 2025 APPA SAFETY AWARD OF EXCELLENCE.

**Attachments:** [AIS APPA Safety Award](#)  
[APPA Safety Award](#)

- B. [2026-119](#) RECOGNITION OF THE CITY OF BOERNE GAS DEPARTMENT FOR RECEIVING AN EXCELLENT PERFORMANCE RATING IN THE TML RISK POOL GAS UTILITY SURVEY FOR THE HIGHEST LEVEL OF SAFE OPERATION PRACTICES.

**Attachments:** [AIS TML Gas Audit](#)  
[2026 Gas Survey Report-Boerne](#)

4. 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)

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

- A. [2026-106](#) CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CALLED CITY COUNCIL MEETING AND THE SPECIAL CALLED JOINT CITY COUNCIL AND PLANNING AND ZONING COMMISSION MEETING OF MARCH 24, 2026.

**Attachments:** [Minutes.26.0324](#)  
[Minutes.26.324 joint pz and cc](#)

- B. [2026-104](#) CONSIDER RESOLUTION NO. 2026-R17; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE TEXAS, ESTABLISHING A CAPITAL IMPROVEMENTS ADVISORY COMMITTEE; PROVIDING FOR ITS PURPOSE, COMPOSITION, TERMS, AND DUTIES; AND PROVIDING AN EFFECTIVE DATE

**Attachments:** [AIS CIAC established](#)  
[Resolution No. 2026-R17](#)

- C. [2024-593](#) CONSIDER RESOLUTION NO. 2026-R18; A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE 0.0635 ACRES, 0.3181 ACRES PERMANENT DRAINAGE EASEMENT, AND 0.1035 ACRES TEMPORARY CONSTRUCTION EASEMENT, ALL LOCATED IN THE M.I. LEAL SURVEY 180, ABSTRACT 298, IN THE CITY OF BOERNE, KENDALL COUNTY, TEXAS AND ALL BEING A PORTION OF THAT CALLED 8.5 ACRE TRACT OF LAND AS DESCRIBED BY DEED RECORDS IN DOCUMENT VOLUME 1034, PAGE 607, OFFICIAL PUBLIC RECORDS OF KENDALL COUNTY, TEXAS. (Tracts required for the Adler Road drainage project)

**Attachments:** [AIS - Adller Road Drainage -MorrisonLandAquistion](#)  
[Resolution No. 2026-R18](#)  
[Morrison Parcel and Easements from Closing Package](#)

- D. [2026-098](#) CONSIDER RESOLUTION NO. 2026-R19; A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT WITH HDR ENGINEERING, INC. FOR CONSTRUCTION CONTRACT ADMINISTRATION FOR THE RECLAIMED WATER FACILITIES EXPANSION PROJECT AT THE OLD SAN ANTONIO ROAD WASTEWATER TREATMENT AND RECYCLING CENTER (WWTRC) FOR AN AMOUNT NOT TO EXCEED \$ 231,060.

**Attachments:** [AIS WWTRC Reclaimed Expansion Construction Phase Services - HDR Resolution No. 2026-R19](#)  
[City of Boerne WWTRC Expansion Task Order 37 Amendment No 2](#)

REGULAR AGENDA:

6. RESOLUTIONS:

- A. [2026-043](#) RECEIVE BIDS AND CONSIDER RESOLUTION NO. 2026-R20; A RESOLUTION AWARDED THE CONTRACT FOR 2026 STREET RECONSTRUCTION TO \_\_\_\_\_, AND AUTHORIZING THE CITY MANAGER TO MANAGE AND EXECUTE THE RELATED CONTRACT FOR AN AMOUNT NOT TO EXCEED \$\_\_\_\_\_.

**Attachments:** [AIS-2026 Street Rehab Resolution No. 2026-R20](#)  
[2026 Street Recon Bid Tab](#)

- B. [2026-097](#) RECEIVE BIDS AND CONSIDER RESOLUTION NO. 2026-R21; A RESOLUTION AWARDED THE CONTRACT FOR CONSTRUCTION OF THE RECLAIMED WATER FACILITIES EXPANSION PROJECT TO \_\_\_\_\_, AND AUTHORIZING THE CITY MANAGER TO MANAGE AND EXECUTE THE RELATED CONTRACT FOR AN AMOUNT NOT TO EXCEED \$\_\_\_\_\_.

**Attachments:** [AIS WWTRC Reclaimed Expansion Bid Award - Avila Resolution No. 2026-R21](#)  
[WWTRC Expansion of Reclaimed Water Facilities Bid Award Recommend](#)

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

8. ADJOURNMENT

**CERTIFICATION**

**I hereby certify that the above notice of meeting was posted on the 8 day of April, 2026 at 4:15 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.



## AGENDA ITEM SUMMARY

	<b>AGENDA ITEM SUMMARY</b>
<b>Agenda Date</b>	April 14, 2026
<b>Requested Action</b>	RECOGNITION OF CITY OF BOERNE ELECTRIC DEPARTMENT FOR RECEIPT OF THE 2025 APPA SAFETY AWARD OF EXCELLENCE.
<b>Contact Person</b>	Andrea Snouffer – Utilities Administrative Supervisor
<b>Background Information</b>	<p>The City of Boerne Electric Department has achieved national recognition by receiving the prestigious 2025 American Public Power Association (APPA) Safety Award of Excellence! This honor highlights the department’s exceptional commitment to safe work practices and its steadfast dedication to fostering a culture where safety is the top priority.</p> <p>Competing against more than 240 utilities nationwide, Boerne rose to the top through outstanding performance in key areas like workplace safety, injury prevention, and overall safety culture. Ranked among systems with 15,000–29,999 worker-hours of exposure, the department didn’t just place—it excelled, earning the prestigious Diamond designation with a score of 90 points or higher.</p> <p>This achievement highlights the City of Boerne’s relentless focus on protecting its team and setting the standard for excellence in public power.</p>
<b>Strategic Alignment</b>	<p>C1 - Offering quality customer experiences          F2 – Investing in and maintaining high-quality infrastructure systems and public assets          L1 – Promoting learning &amp; growth          L2 – Fostering a strong culture of employee engagement          L3- Emphasizing a values-centric work culture</p>
<b>Financial Considerations</b>	N/A
<b>Citizen Input/Board Review</b>	N/A

<b>Legal Review</b>	N/A
<b>Alternative Options</b>	N/A
<b>Supporting Documents</b>	Safety Award



**ELECTRIC UTILITY**

# **SAFETY AWARD OF EXCELLENCE**

**City of Boerne  
Boerne, TX**

For meritorious achievement in developing exceptional programs that promote safe work practices and create a culture of safety within the organization.

**DIAMOND**

Group B, for systems with 15,000 - 29,999 worker-hours of exposure



## AGENDA ITEM SUMMARY

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<b>Contact Person</b>	Andrea Snouffer – Utilities Administrative Supervisor
<b>Background Information</b>	<p>The City’s natural gas system undergoes a thorough annual review to ensure top safety and reliability, as part of the Texas Municipal League Intergovernmental Risk Pool assessment. On February 5, 2026, our system was tested—and the results were excellent.</p> <p>The comprehensive assessment involved a detailed 45-point review covering operational procedures, maintenance records, leak detection, employee training, inspections, and emergency preparedness. To verify real-world performance, the evaluation also included random field inspections of our gas facilities. The result? A perfect score.</p> <p>With an excellent performance rating defined as 95% to 100%, the City’s Gas Department not only met expectations but also exceeded them, achieving a perfect 100%.</p> <p>This outcome reflects not just the strength of our system but also the dedication, expertise, and commitment of our team to keeping our community safe every day.</p>
<b>Strategic Alignment</b>	<p>C1 – Offering quality customer experiences          F2 – Investing in and maintaining high-quality infrastructure systems and public assets          L1 – Promoting learning &amp; growth          L2 – Fostering a strong culture of employee engagement          L3- Emphasizing a values-centric work culture</p>
<b>Financial Considerations</b>	N/A

<b>Citizen Input/Board Review</b>	N/A
<b>Legal Review</b>	N/A
<b>Alternative Options</b>	N/A
<b>Supporting Documents</b>	Survey Report

# PIPELINE SAFETY CONSULTING AND TRAINING

ORTIZ PIPELINE SERVICES LLC.  
PO BOX 7224  
CORPUS CHRISTI, TEXAS 78467  
ORTIZPIPELINESERVICES.COM



MITCHELL ORTIZ, MANAGING MEMBER  
361-903-8113  
MITCH@ORTIZPIPELINESERVICES.COM

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## ON SITE SURVEY REPORT OF THE CITY OF BOERNE

Operator P-5 Organization Number: 154628

DEPARTMENT OF TRANSPORTATION (DOT) OPERATOR ID NUMBER: 01592

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## FOR THE TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL

SURVEY CONDUCTED ON: Thursday, February 5, 2026  
447 N. MAIN ST., BOERNE, TX 78006  
KENDALL

Submitted by:

Mitchell Ortiz, Managing Member

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## DEMOGRAPHIC INFORMATION

Information provided by operator representative(s)

Name of Municipality	City of Boerne	
Business (Physical) Address	447 N. Main St.	
City, State, Zip	Boerne, TX, 78006	
Mailing Address	P.O. Box 1677	
County	Kendall	
Date of inspection	2/5/2026	
Survey Representative	Mitchell Ortiz, Ortiz Pipeline Services LLC.	
Name(s) and Title(s)	Crystal Barrera	Michael Sharp
City representative(s)	Regulatory SVCS Admin	Gas Construction Supt.
Office Address	447 N. Main St.	447 N. Main St.
Telephone Number	830-331-9708	830-248-1538
Fax Number	830-331-9708	830-331-9708
Email	cbarrera@boerne-tx.gov	msharp@boerne-tx.gov
24- hour emergency number	830-248-1633	
Area(s) Served	Boerne	
Population	27038	
Mayor	Frank Ritchie	
City Manager	Benjamin Thatcher	
Assistant City Manager	Kristy Stark/Danny Zincke	
City Secretary	Lori Carroll	
Operation Administrator	Terry Nolan	
Gas Superintendent	Michael Sharp	
Administrative Assistant	Jessica Nelson	
Number of gas utility personnel	65	

OPERATOR ON SITE SURVEY REPORT

**SYSTEM INFORMATION**

Information provided by operator representative(s)

Gas purchased from	Enterprise/Grey Forest Utilities		
Gas odorized by	City of Boerne/Grey Forest Utilities		
Date gas system originally installed	Unknown		
Total number of Meters in Service	4738		
Residential	3920	Commercial	815
		Industrial	
Farm taps		Master Meters	3
		Other	
Number of Supply Points to the city	2		
Gas Suppliers	Enterprise/Grey Forest Utilities		
Number of City-Owned Wells			
Number of Key Valves in the System	38		
Pipe Material Type	Distribution	Transmission	
Bare Steel			
Coated Steel	25.51		
Polyethylene	68.02		
Total Miles of Pipe in System	93.53		
Distributions Maximum Allowable Operating Pressure (MAOP)	50		
Frequency of Business System Patrols	Quarterly		
Date of Last Business Area Leak Survey	5/16/2025		
	Classification	Found	Repaired
Number of Leaks by Grade	Grade I	0	0
	Grade II	2	2
	Grade III	0	0
Date of Last Non-Business Area Leak Survey	5/20/2025		
Number of Leaks by Grade	Grade I	0	0
	Grade II	0	0
	Grade III	0	0
Unaccounted for Gas reported by the city representative for the past three years	2025	0.85% Gain	
	2024	4.0% Gain	
	2023	4.67% Gain	

## SURVEY QUESTIONNAIRE

Information provided by operator representative(s)

Question	Yes	No
1. Have there been any natural gas fires or explosions during the past year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Have there been any reportable incidents concerning natural gas during the past year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2a. If yes to 1 and/or 2 above, please explain.		
3. Has the municipality adopted a municipal building code?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3a. If yes, which building code has been adopted?	IBC 2021	
4. Have there been any system upgrades over the past year?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4a. If yes, please explain:	Steel and poly pipeline replacements.	
5. Is a regular meter replacement program in place?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Has an annual maintenance schedule been developed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Are maintenance tasks conducted in accordance with the annual maintenance schedule?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Are any outside consultants/contractors used to work on the gas system?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8a. If yes, list individuals and/or company names:	Steve Schroeder/Chapman Engineering	
9. Have consultants/contractors been operator qualified on this gas system, or do they work under the direct observation of a qualified individual?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Has the operator verified the drug and alcohol plans of any qualified contractors who work on this gas system?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Has the O & M Manual been reviewed at least once each calendar year but no more than 15 months apart?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. Is the O & M Manual current?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12a. Date of Last Review:	10/24/2025	

OPERATOR ON SITE SURVEY REPORT

Question	Yes	No
13. Are all currently used task procedures covered in the O & M Manual?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Is the operator's drug and alcohol plan current?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15. Who implements operator's drug and alcohol testing program? City of Boerne		
16. Are safety meetings held on a regularly scheduled basis and documented?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16a. If yes, how often are documented meetings held? Weekly		
17. Has the operator conducted a documented annual training and review of the procedures necessary to implement the emergency plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
18. Has the Railroad Commission completed a Standard Comprehensive Inspection of this facility within the past twelve months?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Type of Last Inspection: Operator Qualification	19a. Date of Last Inspection:	1/30/2026
20. Has an operator qualification program been implemented?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
21. Has the operator qualification program been reviewed and/or updated and documented as necessary?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
22. Has the operator qualified or re-qualified, (as necessary) all individuals performing covered tasks?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
23. Does documentation of the continuing surveillance program include adequate verification of leak repairs and remedial measures to address lost and unaccounted for gas (LAUFG)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
24. Has the operator implemented a Distribution Integrity Management Plan (DIMP) pursuant to PHMSA Form-22/24?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
25. Has the operator filed an annual report to the Texas Railroad Commission for the Texas DIMP (16 TAC 8.209(i))?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
26. Has the operator identified and prioritized any potential DIMP risk(s) to the system?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

OPERATOR ON SITE SURVEY REPORT

Question	Yes	No
27. Is the DIMP program proactive to provide for replacement of older piping and upgrading of aging infrastructure?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
28. Does the operator installing excess flow valves on new or replaced service lines operated at or above 10 psig that provide up to 1,000 standard cubic feet of gas per hour?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
29. Does the operator install curb valves on services that provide over 1,000 standard cubic feet of gas per hour?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
30. Does the operator provide notice to customers about available retrofitting of existing services with an excess flow valve?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
31. Is the utility a member of a one-call program?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
32. Does the operator mark pipelines in the vicinity of excavation when requested by the one-call system?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
33. Are the markings (line locates) documented?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
34. Are line locate records retained for at least 4 years?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
35. Does the operator have a program to meet the requirements of the Texas Damage Prevention program?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
36. Does the operator notify all new customers (within 90 days), and provide an annual notice to all customers of their responsibility to maintain and repair service lines not owned or maintained by the operator?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
37. Has a documented liaison been conducted with public officials during the past year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
37a. Date of last documented meeting: 9/21/2025		
38. Does the operator have a trenching procedure for excavation and the necessary equipment for rescue?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
39. Has the operator implemented a Bi-Lingual Public Awareness Program in accordance with the requirements of API RP 1162 and §192.616, with bilingual gas information twice annually?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
40. Has the operator enhanced the Public Awareness Program within the past 4 years?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

OPERATOR ON SITE SURVEY REPORT

Question	Yes	No
41. Has the operator evaluated the effectiveness of the Public Awareness Program through stakeholder surveys?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
42. Who implements the operator's Public Awareness Program? City of Boerne		
43. Is the operator aware that PHMSA has rescinded Section 114?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
44. Has the operator filed in 2025		
44a. The Form PS-95 Semi-Annual Leak Report (Jan. & July)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
44b. The PMSA F7100.1-1 by March 15 <sup>th</sup> , 2025?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
44c. The Form P-5 Organization Report?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
45. Does operator's gas system contain compression couplings?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
45a. If yes, are they positive restraint couplings?	Yes	

## **PREFACE TO SURVEY REPORT**

On February 5, 2026, I visited the City of Boerne in Kendall County with a population of about 27,038 citizens. I met with Ms. Crystal Barrera, the Regulatory Services Administrator, and Mr. Michael Sharp, Gas Construction Superintendent, to review information provided in a Survey/Questionnaire previously sent to be completed in preparation for a safety analysis of the gas system, documents, and operations. During my visit, documents and policies were readily available for review to compile this report. Documents available for review consisted of their most recent filing of their EIA-176 gas sales/purchases, operation procedures, maintenance records, gas leak records, and leak survey documentation. Additionally, I performed a general review of their gas utility safety practices including inspections of the city gas system in random areas. The combination of the documents reviewed, the interview with the representatives, and my personal observations aided in the completion of this report.

## **REPORT ON PIPELINE SAFETY INSPECTION**

Based on my observations and reviews, here is my assessment of the Gas Utility. The Operator operates a medium size gas system that is made up of 93.53 miles of polyethylene pipe and coated steel pipe. There are an estimated 4,738 customers connected to the distribution system. The operator is expected to buy more natural gas for the year compared to smaller gas systems.

During field inspections of the gas distribution system, the above ground facilities indicated that the maintenance program is adequate. Regulation 49 CFR §192.481, regarding atmospheric corrosion control, dictates that the operator is to monitor above ground piping for evidence of atmospheric corrosion, and should be conducted at least once every three years, not to exceed thirty-nine months and for services lines, at least once every 5 calendar years, but within intervals not exceeding 63 months, however, if atmospheric corrosion is found on a service line during the most recent inspection, then the next inspection of the pipeline or portion of pipeline must be within 3 calendar years, but with intervals not exceeding 39 months. During my consultation, the representative asserted that they perform atmospheric corrosion inspections as specified above, demonstrating adherence to regulatory requirements.

PHMSA has rescinded Advisory Bulletin (ADB)-2021-01 as of June 2025 – and any PHMSA policy statements, letters of interpretation, guidance documents, congressional testimony, and public statements that rely on or assert the reading of the section 114 mandate expressed in ADB-2021-01. Owners and operators of pipeline facilities should adhere to the text of section 114 of the 2020 PIPES Act and section 60108(a) of the Pipeline Safety Act in developing and implementing their inspection and maintenance plans. PHMSA and State authorities will do the same in considering the factors in section 60108(a)(2) and in exercising their inherent enforcement discretion to decide whether an operator's inspection and maintenance plan is adequate. Owner and operators should remember that they are required to comply with their OM&E as it is written even if the manual exceeds the requirements of the rule or law. Therefore, it is recommended that owners and operators revise their written procedures, if they

## OPERATOR ON SITE SURVEY REPORT

have not done so yet, to eliminate statements which are no longer required to get the full benefit of ADB-2021-01 rescission.

The Operator states that documented safety meetings are held weekly. Industry's best practices suggest that natural gas Utility Operators conduct and document safety meetings at least once every 3 months to improve their readiness and preparedness of AOC's or other situations that might arise. In addition to that, according to §192.615(c) the emergency plan should be trained on and include documented reviews of the procedures necessary to implement the emergency plan. A plan for periodic review of the procedures in the Emergency Plan must be made to ensure personnel work is effective and adequate for those outlined procedures. Equally, the Operator must have procedures to modify those outlined procedures when deficiencies are found. 16 TAC §8.235: The operator's representative shall communicate and conduct liaison activities at intervals not exceeding 15 months, but at least once each calendar year. As of the date of this survey, the operator's most recent recorded liaison meeting occurred on September 21, 2025, demonstrating adherence to regulatory requirements.

Scheduling liaison meetings earlier in the year is recommended, as it provides additional time to finish related tasks within intervals not exceeding 15 months. This strategy also helps address possible scheduling conflicts with other important meetings attended by key personnel.

The frequency of patrolling mains must be determined by the severity of the conditions which could cause failure or leakage, and the consequent hazards to public safety. Operators must include in the plan provisions for patrolling mains located in places or on structures where anticipated physical movement or external loading (e.g., weight and traffic) could cause failure or leakage. These places include bridges, waterways, landslide areas, areas susceptible to earth subsidence (cave ins), or areas of construction activity. According to the prequestionnaire, the Operator conducts business district patrols on a quarterly basis and non-business district patrols semi-annually, demonstrating adherence to regulatory requirements.

The Operator reported that a leakage survey of the entire gas system was completed on May 20, 2025. According to the operator, 2 Grade Two Leaks were found and repaired. Each operator must ensure that leak grading is done only by those individuals who possess training, experience, and knowledge in the field of leak classification and investigation, including extensive association with actual leakage work. The judgment of these individuals, based upon all pertinent information and a complete leakage investigation at the scene, must form the basis for the leak grade determination. The purpose of the leak grading system is to determine the degree or extent of the potential hazard resulting from gas leakage and to prescribe remedial actions. Each operator must promptly respond to any notification of a gas leak or gas odor or any notification of damage to facilities by excavators or other outside sources. In addition, each operator must ensure that its leak detection equipment is properly calibrated. The operator is adhering to regulatory requirements.

## OPERATOR ON SITE SURVEY REPORT

Lost And Unaccounted For (LAUF) Gas is the difference between the volume of natural gas supply and the volume of natural gas consumption. Natural gas is bought and sold by volume, but since natural gas is highly compressible, the pressure and the temperature at which the volume is recorded has a strong effect on the measured volume. To ensure equitable payments for natural gas, the industry has adopted standard conditions for measurement of volume: 60 degrees Fahrenheit and 14.73(Atm) pounds per square inch absolute (PSIA).

The reported unaccounted-for gas for 2025 was a gain of 0.85%. The data for unaccounted for gas was provided by the operator. It is recommended that the operator review the equation for calculating % of LAUF gas **highlighted** below.

The equation for calculating % of LAUF gas:

$$\% \text{ LAUF Gas} = \frac{(\text{Purchased gas} + \text{produced gas}) - (\text{Customer use} + \text{city use} + \text{appropriate adjustments})}{(\text{Purchased gas} + \text{produced gas})} \times 100$$

The BTU content of the purchased natural gas was not provided by the Operator, however, the operator indicated that the quality of gas they are receiving from their supplier is dry with no signs of impurities.

The O&M Manual must be reviewed and updated by the operator at intervals not exceeding 15 months, but at least once each calendar year. The manual is required to include procedures for maintenance and normal operations for operating a pipeline in accordance with 49 CFR Subpart L & Subpart M. The manual must include instructions enabling personnel who perform operation and maintenance activities to recognize conditions that potentially may be safety-related conditions that are subject to the reporting requirements of 49 CFR §191.23. There shall also be procedures included in the manual for surveillance, emergency response, and accident investigation. As of the date of this survey, the operator's most recent O&M review occurred on October 24, 2025, demonstrating adherence to regulatory requirements.

The most recent comprehensive Railroad Commission inspection (in public records) was conducted between March 17, 2025, through March 21, 2025. The Utility Operator was cited for one (1) alleged violation, which has been addressed. The Operator has also undergone the following specialized inspections in the past.

1. Operator Qualification: January 30, 2026, 0 alleged violations.
2. Distribution Integrity Management Program (DIMP): January 14, 2026, 0 alleged violations.
3. Drug and Alcohol: January 7, 2026, 0 alleged violations.
4. Operations and Maintenance Procedures: October 30, 2025, 0 alleged violations.

It is recommended that the operator review the areas noted above and below for suggestions and recommendations to continue to strive for excellence. It should be noted that Texas Railroad Commission inspectors have been encouraged to use the federal forms and protocols

## OPERATOR ON SITE SURVEY REPORT

for the inspections (audits) of pipeline operators. In addition to the standard pipeline safety audits, Texas Railroad Commission inspectors are conducting random audits specifically targeting O & M Manuals, Operator Qualification Programs, Damage Prevention Programs, Public Awareness Programs, Distribution Integrity Management Programs (DIMP), and Drug and Alcohol Testing Regulations and Procedures. Operators should carefully review these programs for regulatory compliance and perform updates as necessary. If the operator needs any assistance preparing for Texas Railroad Commission inspections or any reference documents, including copies of federal and state forms, pipeline safety regulations, industry interpretations of pipeline safety regulations, sample (generic) forms, maintenance records, etc., please contact our office.

**REGULATORY REPORTING PERFORMANCE AND RECORDS  
(FEDERAL)**

- §191.5                      *Telephonic Reports to National Response Center (NRC)*
- §191.15                    *Written Incident Reports; Supplemental Incident Reports (Form F 7100.2)*
- §191.11                    *Annual Reports (Forms 7100.1-1, 7100.2-1)*
- §191.23                    *Safety Related Condition Reports*

*Comments/Recommendation:*

Meets survey criteria for the related regulations above.

**REGULATORY REPORTING PERFORMANCE AND RECORDS  
(STATE)**

- §8.51                      *Organization Report (Form P-5)*
- §8.105                    *Records*
- §8.115                    *New Construction Commencement Report (Form PS-48)*
- §8.207                    *Leak grading and repair*
- §8.208                    *Mandatory Removal and Replacement Program*
- §8.209                    *Distribution Facilities Replacements (DIMP)*
- §8.209(d)                *Risk analysis using data collected under its DIMP and the data submitted on the PS-95.*
- §8.210                    *Reports*
- §8.230                    *School Pipe Testing*

*Comments/Recommendation:*

Meets survey criteria for the related regulations above.

**GENERAL, MATERIALS, AND PIPE DESIGN**

- §192.5                    *Class locations*

OPERATOR ON SITE SURVEY REPORT

<i>§192.16</i>	<i>Customer notification</i>
<i>§192.55</i>	<i>Steel pipe</i>
<i>§192.59</i>	<i>Plastic pipe</i>
<i>§192.69</i>	<i>Storage and handling of plastic pipe and associated components</i>
<i>§192.204</i>	<i>Risers installed after January 22, 2019</i>

*Comments/Recommendation:*

Meets survey criteria for the related regulations above.

**CONSTRUCTION PERFORMANCE AND RECORDS**

<i>§192.225</i>	<i>Test Results to Qualify Welding Procedures</i>
<i>§192.227</i>	<i>Welder Qualification</i>
<i>§192.241(a)</i>	<i>Visual Weld Inspector Trainer/Experience</i>
<i>§192.243(b)(2)</i>	<i>Nondestructive Technician Qualification</i>
<i>§§192.273/.283</i>	<i>Qualified Joining Procedures Including Test Results</i>
<i>§192.285</i>	<i>Personnel Joining Qualifications</i>
<i>§192.287</i>	<i>Joining Inspection Qualifications</i>
<i>§192.303</i>	<i>Construction Specifications</i>
<i>§192.325</i>	<i>Underground Clearance</i>
<i>§192.327</i>	<i>Amount, Location, Cover of Each Size of Pipe Installed</i>
<i>§§192.381/.383</i>	<i>EFV Customer Installation and Performance</i>
<i>§192.385</i>	<i>Manual Service Line Shut-Off Valve Installation</i>
<i>§192.455</i>	<i>Cathodic Protection</i>
<i>§192.627</i>	<i>Tapping Pipelines Under Pressure</i>
<i>§192.629</i>	<i>Purging of Pipelines</i>
<i>§192.225</i>	<i>Test Results to Qualify Welding Procedures</i>

OPERATOR ON SITE SURVEY REPORT

- §192.227 *Welder Qualification*
- §192.285 *Personnel Joining Qualifications*

*Comments/Recommendation:*

Meets survey criteria for the related regulations above.

**OPERATIONS AND MAINTENANCE PERFORMANCE AND RECORDS**

- §192.517(a) *Pressure Testing (Operates at or Above 100 psig) - Useful Life of Pipe*
- §192.517(b) *Pressure Testing (Operates Below 100 psig, Service Lines, Plastic Lines) - 10 Years*
- §192.605(a) *Procedural Manual Review (O & M Manual) - 1 per year/15 months*  
192.605(b)(3) *Availability of Construction Records, Maps, Operating History to Operating Personnel*
- §192.605(b)(8) *Periodic Review of Personnel Work - Effectiveness of Normal O & M Procedures*
- §192.605(c)(4) *Periodic Review of Personnel Work - Effectiveness of Abnormal Operations Procedures*
- §192.609 *Class Location Study (if applicable)*
- §192.613 *Continuing Surveillance*
- §192.614 *Damage Prevention – One Call; Compliance with 16 TAC 18.1-18.12 (Texas Damage Prevention)*
- §192.615(b)(1) *Location Specific Emergency Plan*
- §192.615(b)(2) *Emergency Procedure Training, Verify Effectiveness of Training*
- §192.615(b)(3) *Employee Emergency Activity Review, determine if Procedures were Followed*
- §192.615(c) *Liaison Program with Public Officials*
- §192.616 *Public Awareness Program*
- § 192.616(e)(f) *Documentation Properly and Adequately Reflects Implementation of the Operator's Public Awareness Program Requirements - Stakeholder Audience Identification, Message Type and Content,*

OPERATOR ON SITE SURVEY REPORT

*Delivery Method and Frequency, Supplemental Enhancements, Program Evaluations, etc.*

- §192.616(g) *The Public Awareness Program (Must be Conducted in English and Any Other Languages Commonly Understood by a Significant Number of the Population in the Operator's Area)*
- §192.616(h) *Effectiveness Review of Operator's Public Awareness Program; LDC Frequency*
- §192.617 *Failure Investigation Reports (Also Include Third Party Damage and Leak Response Records)*
- §192.517 *Pressure Testing*
- §§192.619–.623 *Maximum Allowable Operating Pressure (MAOP)*
- §192.625 *Odorization of Gas – Readily Detectable at 20% LEL and Uniform Odorant All Year*
- §192.705 *Patrolling*
- §192.721(b)(1) *Patrolling Business District (4 per year/4½ months)*
- §192.721(b)(2) *Patrolling Outside Business District (2 per year/7½ months)*
- §192.723 *Leakage Survey (Federal) - Outside Business District (5 years),  
Cathodically Unprotected Distribution Lines (3 years),  
Leakage Survey (State) - Business District (1 per year),  
Outside Business District (Polyethylene 5 years),  
Cathodically Protected Steel (3 years),  
Cathodically Unprotected Steel and All others (2 years)*
- §192.725 *Tests for Reinstating Service Lines*
- §192.727 *Abandoned Pipelines*
- §192.739 *Pressure Limiting and Regulating Stations (1 per year/15 months)*
- §192.743 *Pressure Limiting and Regulating Stations - Capacity (1 per year/15 months)*
- §192.745 *Valve Maintenance Transmission Lines (1 per year/15 months)*
- §192.747 *Valve Maintenance Distribution Lines (1 per year/15 months)*
- §192.749 *Vault Maintenance (1 per year/15 months)*

## OPERATOR ON SITE SURVEY REPORT

<i>§192.751</i>	<i>Prevention of Accidental Ignition (Hot Work Permits)</i>
<i>§192.755</i>	<i>Caulked Bell and Spigot Joint Repair</i>
<i>§192.225(b)</i>	<i>Welding - Procedure</i>
<i>§192.227/.229</i>	<i>Welding - Welder Qualification</i>
<i>§192.243(b)(2)</i>	<i>Non-Destructive Testing (NDT) - NDT Personnel Qualification</i>
<i>§192.283</i>	<i>Joining - Procedures</i>
<i>§192.285</i>	<i>Joining - Personnel Qualifications</i>
<i>§192.287</i>	<i>Joining - Inspector Qualifications</i>

### *Comments/Recommendation:*

Meets survey criteria for the related regulations above.

Recommendation: The Operator should ensure the effectiveness of its Emergency Plan with annual documented training. Moreover, the Operator should perform a documented mock drill. It is recommended that a mock drill be performed at a minimum, once every 5 years.

## **CORROSION CONTROL PERFORMANCE AND RECORDS**

<i>§192.491(a)</i>	<i>Maps or Records</i>
<i>§192.459</i>	<i>Examination of Buried Pipe When Exposed</i>
<i>§192.461</i>	<i>External Corrosion Control: Protective Coating</i>
<i>§192.465(a)</i>	<i>Annual Pipe-to-Soil Monitoring (1 per year/15 months) for Short Sections (10% per year; all in 10 years)</i>
<i>§192.465(b)</i>	<i>Rectifier Monitoring (6 per year/2 months)</i>
<i>§192.465(c)</i>	<i>Interference Bond Monitoring - Critical (6 per year/2 months)</i> <i>Interference Bond Monitoring - Non-Critical (1 per year/15 months)</i>
<i>§192.465(d)</i>	<i>Prompt Remedial Actions</i>
<i>§192.465(e)</i>	<i>Unprotected Pipeline Surveys, CP Active Corrosion Areas (1 per 3 calendar years/39 months)</i>
<i>§192.467</i>	<i>Electrical Isolation (Including Casings)</i>

OPERATOR ON SITE SURVEY REPORT

§192.469	<i>Test Stations - Sufficient Number</i>
§192.471	<i>Test Lead Maintenance</i>
§192.473	<i>Interference Currents</i>
§192.475(a)	<i>Internal Corrosion; Corrosive Gas Investigation</i>
§192.475(b)	<i>Internal Corrosion; Internal Surface Inspection; Pipe Replacement</i>
§192.476(d)	<i>Internal Corrosion; New System Design; Evaluation of Impact of Configuration Changes to Existing Systems</i>
§192.477	<i>Internal Corrosion Control Coupon Monitoring (2 per year/7½ months)</i>
§192.481	<i>Atmospheric Corrosion Control Monitoring (1 per 3 calendar years/39 months onshore; 1 per year/15 months offshore)</i>
§§192.483/.485	<i>Remedial: Replaced or Repaired Pipe; Coated and Protected; Corrosion Evaluation and Actions</i>

*Comments/Recommendation:*

Meets survey criteria for the related regulations above.

**PIPELINE FIELD INSPECTION**

§192.179	<i>Valve Protection from Tampering or Damage</i>
§192.463	<i>Cathodic Protection</i>
§192.465	<i>Rectifiers</i>
§192.476	<i>Systems Designed to Reduce Internal Corrosion</i>
§192.479	<i>Pipeline Components Exposed to the Atmosphere</i>
§192.605	<i>Knowledge of Operating Personnel</i>
§192.707	<i>Right-of-Way Markers, Road, and Railroad Crossings</i>
§192.719	<i>Pre-pressure Tested Pipe (Markings and Inventory)</i>
§192.741	<i>Telemetry, Recording Gauges</i>
§§192.739/.743	<i>Pressure Limiting and Regulating Devices</i>

OPERATOR ON SITE SURVEY REPORT

§192.745                      *Valve Maintenance*

§192.751                      *Warning Signs*

*Comments/Recommendation:*

Meets survey criteria for the related regulations above.

Recommendation: The Operator should ensure that individuals performing covered tasks on field inspections are qualified and evaluated according to Subpart N, CFR 49, Part 192, and their OQ Program.

**QUALIFICATION OF PIPELINE PERSONNEL PROCEDURES  
(SUBPART N)**

§§192.801-.809              *Operator Qualification*

*Comments/Recommendation:*

Meets survey criteria for the related regulations above.

**GAS DISTRIBUTION PIPELINE INTEGRITY MANAGEMENT  
(SUBPART P)**

§192.1005                      *Written Plan Proposed and Implemented by August 2, 2011*

§192.1007                      *Written Plan Identifies Adequate Sources For: Design/Construction; Operating Conditions/Procedures; Operating Environmental Factors; Knowledge of System; One Call/Excavation Damage; O & M Procedures; Field Surveys; Historical Data*

§192.1007(b)                 *Identification of Threats: Corrosion; Natural Forces; Excavation Damage; Other Outside Force Damage; Materials, Welds or Joints; Equipment Failure; Incorrect Operations; Other Concerns*

§192.1007(c)                 *Evaluation and Ranking of Risk*

§192.1007(d)                 *Evaluation of Measures Beyond Minimum Code Compliance*

§192.1007(e)                 *Measure, Monitor and Evaluate*

§192.1007(f)                 *Periodic Review*

§192.1007(g)                 *Reporting*

OPERATOR ON SITE SURVEY REPORT

§192.1009                      *Mechanical Fittings*

§192.1011                      *Records Retained for 10 Years*

*Comments/Recommendation:*

Meets survey criteria for the related regulations above.

**PROTECTION OF UNDERGROUND PIPELINES FROM EXCAVATION  
ACTIVITY (PART 196)**

*SUBPARTS A – C              Damage Prevention Requirements and Administrative Enforcement  
Process*

*Comments/Recommendation:*

Meets survey criteria for the related regulations above.

Recommendation: Title 49 CFR Part 196 references protection of underground pipelines from excavation activity. A review by the operator is recommended.

**DRUG AND ALCOHOL TESTING REGULATIONS AND PROCEDURES  
(PART 199)**

*SUBPARTS A – C              Drug and Alcohol Testing and Alcohol Misuse Prevention Program*

*Comments/Recommendation:*

Meets survey criteria for the related regulations above.

**PERFORMANCE RATING**

The rating system used by the Survey Representative is based on a percentage scale, with 100% representing the highest level of prudent and safe operation practices.

95 – 100% = EXCELLENT

90 – 94% = VERY GOOD

85 – 89% = GOOD

80 – 84% = ABOVE AVERAGE

75 – 79% = AVERAGE

70 – 74% = BELOW AVERAGE

65 – 69% = POOR

60 – 64% = VERY POOR

BELOW 60% = DOES NOT MEET SURVEY CRITERIA

PERCENTAGES OF TOTAL SCORE

DOCUMENTS AND RECORDS	15%	OF	15%
PIPELINE SAFETY COMPLIANCE	20%	OF	20%
UNACCOUNTED FOR GAS	20%	OF	20%
SAFETY AND TRAINING	15%	OF	15%
QUALIFICATION OF PERSONNEL	15%	OF	15%
GAS SYSTEM CONDITION AND INTEGRITY	15%	OF	15%

PERFORMANCE RATINGS OF LAST FIVE FISCAL YEARS

<b>2025-26 PERFORMANCE RATING:</b>	<b>100%</b>
2024-25 PERFORMANCE RATING:	99%
2023-24 PERFORMANCE RATING:	99%
2022-23 PERFORMANCE RATING:	100%
2021-22 PERFORMANCE RATING:	No Data

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**RONALD C. BOWMAN CITY COUNCIL CHAMBERS**  
**447 North Main Street**  
**Boerne, TX 78006**  
**MARCH 24, 2026 – 6:00 PM**

Minutes of the Regular Called City Council Meeting of March 24, 2026.

**Present:** 6 - Mayor Frank Ritchie, Mayor Pro Tem Ty Wolosin, Council Member Joe Bateman, Council Member Kyle Mickelsen, Council Member Bret A. Bunker, and Council Member Joseph Macaluso

**Staff Present:** Ben Thatcher, Val Anderson, Tori Bellos, Sarah Buckelew, Mike Brinkmann, Jeff Carroll, Lori Carroll, Nathan Crane, Susan Finch, Maria Garcia, Lissette Jimenez, Franci Linder, Mick McKamie, Terry Nolan, Steve Perez, Mike Raute, Chris Shadrock, Kristy Stark, Jeanette Teague, Chastity Valdes, Larry Woods, Mary Woods, and Danny Zincke.

**Registered / Recognized Guests:** Donna Stewart

**1. CALL TO ORDER – 6:00 PM**

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

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

**2. CONFLICTS OF INTEREST**

No conflicts were declared.

**3. RECOGNIZE LARRY WOODS AND HIS YEARS OF SERVICE TO OUR COMMUNITY.**

Mayor Ritchie called on City Manager Ben Thatcher, who recognized Director Woods on his retirement after 17 years of service to the City. Director Woods

addressed the Council and spoke about his tenure. Council Members expressed their appreciation for his dedicated service and the positive contributions he has made to the City.

**4. PUBLIC COMMENTS:**

No comments were received.

**5. CONSENT AGENDA:**

A MOTION WAS MADE BY COUNCIL MEMBER BUNKER, 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 Bateman, Council Member Mickelsen, Council Member Bunker, and Council Member Macaluso

**A. CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CALLED CITY COUNCIL MEETING OF MARCH 10, 2026.**

THE MINUTES WERE APPROVED.

**B. CONSIDER THE MAYORAL APPOINTMENTS OF LILLIAN OLER AND MONICA WINTERS TO THE VISIT BOERNE ADVISORY BOARD.**

THE MAYORAL APPOINTMENTS WERE APPROVED.

**REGULAR AGENDA:**

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

**A. RECEIVE THE CITY COUNCIL WINTER WORKSHOP STRATEGIC REFLECTION SUMMARY.**

Mayor Ritchie called on City Manager Ben Thatcher, who provided a summary from the Winter Workshop in February and noted that the materials distributed document the information presented. He advised that a future meeting on the 10-year rolling master plan will incorporate Council input on

the strategy map. CM Thatcher reviewed the SPOT feedback provided by Council during the workshop and offered comparisons to prior survey results. He encouraged Council to provide additional feedback on the strategy map in advance of a future meeting. Discussion ensued regarding including resiliency as a top priority.

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER MACALUSO, TO RECEIVE THE CITY COUNCIL WINTER WORKSHOP STRATEGIC REFLECTION SUMMARY. THE MOTION CARRIED BY THE FOLLOWING VOTE:

**Yeah:** 5 - Mayor Pro Tem Wolosin, Council Member Bateman, Council Member Mickelsen, Council Member Bunker, and Council Member Macaluso

## 7. RESOLUTIONS:

**A. RECEIVE BIDS AND CONSIDER RESOLUTION NO. 2026-R16; A RESOLUTION AWARDING THE CONTRACT FOR CITY OF BOERNE MOWING FISCAL YEAR 2026 TO \_\_\_\_\_ IN THE AMOUNT NOT TO EXCEED \$\_\_\_\_\_; AND AUTHORIZING THE CITY MANAGER TO MANAGE AND EXECUTE THE RELATED CONTRACT.**

Mayor Ritchie called on Jeff Carroll, Engineering and Mobility Director, to present the proposed mowing contract. Director Carroll explained that utilizing a contract mowing service allows City staff to focus on streets and mobility priorities, while Parks staff can concentrate on core park functions. He noted that contracting these services also avoids the need for the City to purchase additional mowing equipment. Director Carroll reported that two bids were received, with the lowest bidder being a contractor previously used by the City. He recommended awarding the contract to this vendor based on prior performance and cost. He further explained that the contract is structured to be flexible, with payment only required when mowing services are needed. Additionally, locations can be adjusted or substituted as necessary to meet operational needs.

A MOTION WAS MADE BY COUNCIL MEMBER BUNKER, SECONDED BY COUNCIL MEMBER MACALUSO, TO RECEIVE BIDS AND APPROVE RESOLUTION NO. 2026-R16; A RESOLUTION AWARDING THE CONTRACT FOR CITY OF BOERNE MOWING FISCAL YEAR 2026 TO YELLOWSTONE LANDSCAPE IN THE AMOUNT NOT TO EXCEED \$300,145.00; AND AUTHORIZING THE CITY MANAGER TO MANAGE AND EXECUTE THE RELATED CONTRACT. THE MOTION CARRIED BY THE FOLLOWING VOTE:

**Yeah:** 5 - Mayor Pro Tem Wolosin, Council Member Bateman, Council Member Mickelsen, Council Member Bunker, and Council Member Macaluso

**8. CITY MANAGER'S REPORT:**

**A. MONTHLY PROJECTS UPDATE.**

City Manager Thatcher provided a status of various city projects.

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

Mayor Pro Tem Wolosin reported that he attended the Alamo Area Metropolitan Planning Organization (AAMPO) meeting the previous day, noting it was the first meeting with the organization’s new director. He also shared that Judge Stolarczyk was in attendance. The meeting discussions centered on regional growth and future transportation needs. Mayor Pro Tem Wolosin further reported that he participated in a ride-along with Meals on Wheels through the Center. He described the experience as enjoyable and encouraged others to take part.

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

Mayor Ritchie convened the City Council into Executive Session at 6:41 p.m.

**A. SECTION 551.086 - DELIBERATIONS CONCERNING MUNICIPALLY OWNED UTILITY. (Gas Meter Rates)**

No action was taken.

**B. SECTION 551.071 - CONSULTATION WITH ATTORNEY; LITIGATION LAURA HANING V. CITY OF BOERNE CAUSE NO. 24-622 A LAWSUIT PENDING THE 451st JUDICIAL DISTRICT.**

No discussion took place.

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

Mayor Ritchie reconvened the City Council into Open Session at 7:31 p.m.

No action was taken.

**12. ADJOURNMENT**

Mayor Ritchie adjourned the meeting at 7:32 p.m.

Approved:

\_\_\_\_\_  
Mayor

Attest:

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

**MINUTES**  
**SPECIAL CALLED JOINT CITY COUNCIL AND**  
**PLANNING AND ZONING COMMISSION MEETING**  
**City Hall Staff Training Room – 1st Floor**  
**447 N Main**  
**Boerne, TX 78006**

**MARCH 24, 2026 – 6:30 PM or immediately following the City Council Meeting**

Minutes of the Special Called Joint City Council and Planning and Zoning Commission of March 24, 2026.

**Present:**       **13** - Mayor Frank Ritchie, Mayor Pro Tem Ty Wolosin, Council Member Joe Bateman, Council Member Kyle Mickelsen, Council Member Bret A. Bunker, Council Member Joseph Macaluso, Tim Bannwolf, Lucas Hiler, Bill Bird, Bob Cates, Susan Friar, Cody Keller, and Carlos Vecino

**Staff Present:** Ben Thatcher, Mike Brinkmann, Jeff Carroll, Lori Carroll, Nathan Crane, Maria Garcia, Franci Linder, Mick McKamie, Kristy Stark, Chastity Valdes, and Danny Zincke.

**1. CALL TO ORDER**

Mayor Ritchie called the City Council Members to order at 7:35 p.m.

Chairman Bannwolf called the Planning and Zoning Commission to order at 7:35 p.m.

**2. PUBLIC COMMENTS:**

No comments were received.

**3.                   REVIEW AND DISCUSSION REGARDING POTENTIAL UPDATES TO THE UNIFIED DEVELOPMENT CODE.**

Mayor Ritchie called on Nathan Crane, Planning Director, to review proposed updates to the Unified Development Code (UDC). Director Crane began by outlining the various types of plats, the current development process, and

approval responsibilities of the Planning and Zoning Commission and those that are considered administrative. He presented a proposed flowchart illustrating revisions to the development process and plat approval responsibilities to ensure compliance with HB 3699.

Director Crane then discussed proposed additions to land use categories, including vape shops, CBD dispensaries, tattoo studios, and permanent makeup establishments. He also reviewed proposed environmental regulations related to xeriscaping, impervious cover limitations, rainwater harvesting, and HVAC condensate capture, along with updates to dark sky standards.

He continued with an overview of recent legislative changes, including HB 24 regarding notice and protest procedures for zoning changes, HB 2464 concerning no-impact home-based businesses, and HB 2844 related to food truck vendor licensing.

Director Crane outlined additional proposed amendments addressing telecommunications, fencing, signage, swimming pool setbacks, parking standards, overlay districts, automobile service uses, city property zoning districts, temporary use permits, and flag size regulations.

He also presented a proposed change to the Historic Landmark Commission meeting schedule, moving it from the first Tuesday to the third Monday of each month, and proposed combining the Design Review Committee with the Historic Landmark Commission. Director Crane further noted that the Impact Fee Committee is currently composed of the Planning and Zoning Commission. However, due to recent legislative changes, the Impact Fee Committee may no longer consist of "city officials," requiring the City to establish a separate committee. He indicated that, if the Historic Landmark Commission and Design Review Committee are combined, some members of that body could potentially serve on the new Impact Fee Committee, which must be comprised of at least 50 percent individuals from the development, real estate, or building industries.

Further discussion included proposed Engineering and Mobility updates, such as sidewalk requirements and alignment with the Safe Streets for All initiative.

Director Crane noted that the UDC allows for two comprehensive amendment cycles per year, each requiring two public hearings-one before the Planning and Zoning Commission and one before City Council. He also presented a prioritized list of amendments anticipated for Summer 2026 and Fall 2026.

Discussion followed regarding a potential requirement for a super-majority vote of City Council when a zoning change recommendation is denied by the Planning and Zoning Commission, as well as proposed revisions to tree mitigation regulations.

**4. ADJOURNMENT**

Mayor Ritchie adjourned the City Council Members at 8:47 p.m.

Chairman Bannwolf adjourned the Planning and Zoning Commission at 8:47 p.m.

Approved:


\_\_\_\_\_  
Mayor

Attest:

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



## AGENDA ITEM SUMMARY

	<b>AGENDA ITEM SUMMARY</b>
<b>Agenda Date</b>	April 14, 2026
<b>Requested Action</b>	APPROVE RESOLUTION NO. 2026-R17; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE TEXAS, ESTABLISHING A CAPITAL IMPROVEMENTS ADVISORY COMMITTEE; PROVIDING FOR ITS PURPOSE, COMPOSITION, TERMS, AND DUTIES; AND PROVIDING AN EFFECTIVE DATE.
<b>Contact Person</b>	Andrea Snouffer, Utilities Administrative Supervisor
<b>Background Information</b>	<p>With recent legislative changes, it is necessary to establish a Capital Improvements Advisory Committee (CIAC), which will replace the existing Impact Fee Committee. As you are aware, the Impact Fee Committee previously consisted of the Planning and Zoning Commission. However, under the new legislation, members of the committee may no longer be “city officials” or “public officials,” a designation that applies to all current city board and commission members.</p> <p>The attached resolution provides for the creation of the new committee. Appointments to the CIAC will be made at a later date.</p>
<b>Strategic Alignment</b>	C3 – Collaborating with community partners to enhance quality of life. B1- Utilizing data to drive smart decision making.
<b>Financial Considerations</b>	
<b>Citizen Input/Board Review</b>	
<b>Legal Review</b>	
<b>Alternative Options</b>	
<b>Supporting Documents</b>	Resolution No. 2026-R17

## RESOLUTION NO. 2026-R17

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE TEXAS, ESTABLISHING A CAPITAL IMPROVEMENTS ADVISORY COMMITTEE; PROVIDING FOR ITS PURPOSE, COMPOSITION, TERMS, AND DUTIES; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, Chapter 395 of the Texas Local Government Code authorizes municipalities to impose impact fees and requires the establishment of a Capital Improvements Advisory Committee; and

**WHEREAS**, the City Council desires to ensure that land use assumptions, capital improvements plans, and impact fees, if applicable, are reviewed by qualified members of the community; and

**WHEREAS**, the City Council finds that the creation of a Capital Improvements Advisory Committee will promote transparency, technical review, and informed decision-making regarding capital infrastructure planning and financing;

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

#### **Section 1. Establishment**

There is hereby established a Capital Improvements Advisory Committee (the "Committee") to advise the City Council on matters related to capital improvements planning and impact fees.

#### **Section 2. Purpose and Duties**

The Committee shall have the following responsibilities, consistent with Chapter 395 of the Texas Local Government Code:

- a. Advise and assist the City in adopting land use assumptions;
- b. Review the capital improvements plan and file written comments;
- c. Monitor and evaluate implementation of the capital improvements plan;
- d. File semiannual reports with respect to the progress of the capital improvements plan and report on any perceived inequities in implementing the plan or imposing impact fees;
- e. Advise the City Council of the need to update or revise land use assumptions, capital improvements plans, and impact fees;
- f. Provide such other advice as may be requested by the City Council regarding capital improvements and related infrastructure planning.

#### **Section 3. Composition**

The Committee shall consist of not fewer than five (5) members appointed by the City Council. At least fifty percent (50%) of the members shall be representatives of the real estate, development, or building industries who are not employees or officials of the City. Membership to include representative from the ETJ.

**Section 4. Terms of Office**

Members shall serve staggered terms of four (4) years, unless otherwise specified by the City Council at the time of appointment. Members may be reappointed and shall serve until their successors are appointed.

**Section 5. Appointment**

Members of the Committee shall be appointed by the City Council. The Mayor may make recommendations for appointment consistent with the City’s standard board and commission appointment process.

**Section 6. Organization**

The Mayor shall elect a chair. Vice-chair and secretary are elected from among its members. The Committee shall establish rules of procedure as necessary to conduct its business and shall comply with applicable state laws, including the Texas Open Meetings Act and the City’s Ethics ordinance.

**Section 7. Meetings**

The Committee shall meet as necessary to fulfill its duties, but not less than twice annually, or as required by law.

**Section 8. Staff Support**

City staff shall provide administrative and technical support to the Committee as necessary for the performance of its duties.

**Section 9. Effective Date**

This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED and ADOPTED on this the \_\_\_\_ day of \_\_\_\_, 2026.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_

City Secretary



## AGENDA ITEM SUMMARY

<b>Agenda Date</b>	April 14, 2026
<b>Requested Action</b>	APPROVE RESOLUTION NO. 2026-R18; A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE 0.0635 ACRES, 0.3181 ACRES PERMANENT DRAINAGE EASEMENT, AND 0.1035 ACRES TEMPORARY CONSTRUCTION EASEMENT, ALL LOCATED IN THE M.I. LEAL SURVEY 180, ABSTRACT 298, IN THE CITY OF BOERNE, KENDALL COUNTY, TEXAS AND ALL BEING A PORTION OF THAT CALLED 8.5 ACRE TRACT OF LAND AS DESCRIBED BY DEED RECORDS IN DOCUMENT VOLUME 1034, PAGE 607, OFFICIAL PUBLIC RECORDS OF KENDALL COUNTY, TEXAS. <i>(Tracts required for the Adler Road drainage project)</i>
<b>Contact Person</b>	Jeffrey Carroll – Engineering & Mobility Director
<b>Background Information</b>	<p>In Fiscal Year 2022, the City Council approved a contract to design drainage improvements at two existing low water crossings on Adler Road. These crossings are often covered by water during rainstorms, which creates unsafe conditions for drivers and can delay emergency response.</p> <p>This drainage project was started before the separate Adler Road widening project and is being managed separately. The project also includes a cost-sharing agreement with Kendall County, which was approved through a distinct interlocal agreement.</p> <p>To make the improvements, the City needs additional right-of-way and/or drainage easements from four private property owners. City staff and the City’s right-of-way acquisition consultant started working with these property owners in early 2023. Agreements were successfully reached with three of the four property owners, and those properties were acquired in late 2024.</p> <p>Recently the City and the property owner reached a mutually acceptable agreement, removing the need to pursue eminent domain.</p> <p>This item represents the fourth and final property acquisition necessary to complete the drainage project. Looking ahead, staff will start presenting additional right-of-way acquisitions related to the separate</p>

	Adler Road widening project for City Council approval.
<b>Strategic Alignment</b> <i>(Example: C2 – Customer Feedback, B1 – Data Driven Decision)</i>	F2 – Investing in and maintaining high-quality infrastructure systems and public assets. B2 – Advancing master plan recommendations.
<b>Financial Considerations</b>	Mutually acceptable land and easement purchases from private citizens will prevent delays and reduce costs associated with the eminent domain process.
<b>Citizen Input/Board Review</b>	Boerne Drainage Master Plan (2022)
<b>Legal Review</b>	The City Attorney has been consulted regarding the requirements for the purchase of land by the City.
<b>Alternative Options</b>	N/A
<b>Supporting Documents</b>	Resolution No. 2026-R18 Legal Descriptions for Parcel and Easements to be acquired.

**RESOLUTION NO. 2026-R18**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE 0.0635 ACRES, 0.3181 ACRES PERMANENT DRAINAGE EASEMENT, AND 0.1035 ACRES TEMPORARY CONSTRUCTION EASEMENT, ALL LOCATED IN THE M.I. LEAL SURVEY 180, ABSTRACT 298, IN THE CITY OF BOERNE, KENDALL COUNTY, TEXAS AND ALL BEING A PORTION OF THAT CALLED 8.5 ACRE TRACT OF LAND AS DESCRIBED BY DEED RECORDS IN DOCUMENT VOLUME 1034, PAGE 607, OFFICIAL PUBLIC RECORDS OF KENDALL COUNTY, TEXAS (*Tracts required for the Adler Road drainage project*)**

**WHEREAS**, the City of Boerne is undertaking the Adler Road Drainage Improvement Project, which necessitates the acquisition of land and associated easements; and

**WHEREAS**, it has been determined that the acquisition of +/- 0.0635 acres, +/- 0.3181 acres permanent drainage easement, and +/- 0.1035 acres temporary construction easement, all located in the Maria Leal Survey 180, Abstract 298, in the City of Boerne, Kendall County, Texas, is required for the successful implementation of the project; and

**WHEREAS**, these parcels are a portion of an 8.5 acre tract of land described by Deed Records in Document Volume 1034, Page 607, Official Public Records of Kendall County, Texas; and

**WHEREAS**, the City Council finds it necessary to authorize the City Manager to purchase these properties to facilitate the Adler Road Drainage Improvement Project;

**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 purchase +/- 0.0635 acres, +/- 0.3181 acres permanent drainage easement, and +/- 0.1035 acres temporary construction easement, all located in the Maria Leal Survey 180, Abstract 298, in the City of Boerne, Kendall County, Texas, and all being a portion of that called 8.5 acre tract of land as described by deed records in document volume 1034, page 607, official public records of Kendall County, Texas, and to execute all necessary documentation.

PASSED, APPROVED, and ADOPTED on this the \_\_\_ day of April, 2026.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

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

**SPECIAL WARRANTY DEED**

THE STATE OF TEXAS                    §  
                                                  §       KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF KENDALL                 §

That **ALICIA CORISE CORYELL MORRISON**, in the County of Kendall Texas, whose address is PO Box 176, Boerne, Texas 78006 ("Grantor"), for and in consideration of the sum of TEN and NO/100 DOLLARS (\$10.00) and other good and valuable consideration paid to the **CITY OF BOERNE**, TEXAS, a home-rule municipality located in Kendall County, Texas ("Grantee"), whose mailing address is 447 N. Main Street, Boerne, Texas 78006, the receipt and sufficiency of which consideration are hereby acknowledged and confessed, has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY, unto, Grantee, the property depicted on Exhibit "A" attached hereto and incorporated herein by reference ("Property") subject to all of the reservations, exceptions and other matters set forth or referred to herein.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, unto Grantee, and Grantee's successors or assigns, forever; and Grantor does hereby bind Grantor, and Grantor's successors and assigns, to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee, Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof by, through or under Grantor, but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

No responsibility for validity of real estate title assumed by attorney preparing this instrument unless a written title opinion rendered.

EXECUTED AND EFFECTIVE as of this \_\_\_\_ day of \_\_\_\_\_, 2024.

**GRANTOR:**

By: \_\_\_\_\_  
**ALICIA CORISE CORYELL MORRISON**

THE STATE OF TEXAS           §  
                                          §  
COUNTY OF KENDALL       §

BERORE ME, the undersigned authority, on this day personally appeared **ALICIA CORISE CORYELL MORRISON** known to me to be the person whose name is subscribed to the foregoing instrument; and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Notary Public Signature

(seal)

**GRANTEE:**

**CITY OF BOERNE, TEXAS,**  
a Texas home-rule municipality

By: \_\_\_\_\_  
Ben Thatcher, City Manager

**ATTEST:**

By: \_\_\_\_\_  
Lori Carroll, City Secretary

THE STATE OF TEXAS    §  
                                  §  
COUNTY OF KENDALL   §

This instrument was acknowledged before me on \_\_\_\_\_, 2024, by **Ben Thatcher**, City Manager of the City of Boerne, Texas, a Texas home-rule municipality, on behalf of said municipality.

\_\_\_\_\_  
Notary Public Signature

(seal)

After recording please return to:  
City of Boerne  
Attn: Ben Thatcher, City Manager  
447 North Main Street  
Boerne, Texas 78006

**Metes and Bounds Description  
of a Right-of-Way  
Boerne, Kendall County, Texas**

Being a Right-of-Way containing 0.0635 acres of land, situated in the Maria Ilnacio Leal Survey, Abstract 298, City of Boerne, Kendall County, Texas, out of a called 8.5 acre tract as described by deed recorded in Volume 1034, Page 607, Official Public Records of Kendall County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8-inch iron rod with orange cap stamped "MAESTAS" set on the north Right-of-Way (R.O.W.) line of Adler Street (variable width R.O.W.) and the south boundary line of said 8.5 acre tract, for the southwest corner of the tract described herein, from which a 1/2-inch iron rod found on the north R.O.W. line of Adler Street at the southwest corner of said 8.5 acre tract bears N 89°26'00" W, a distance of 64.07 feet;

THENCE departing the north R.O.W. line of Adler Street, over and across said 8.5 acre tract the following courses and distances:

N 00°42'22" E, a distance of 22.22 feet to a 5/8-inch iron rod with orange cap stamped "MAESTAS" set for the northwest corner of the tract described herein;

S 89°34'31" E, a distance of 82.75 feet to a 5/8-inch iron rod with orange cap stamped "MAESTAS" set for an exterior corner of the tract described herein;

S 00°42'22" W, a distance of 18.63 feet to a 5/8-inch iron rod with orange cap stamped "MAESTAS" set for an interior corner of the tract described herein;

S 89°26'00" E, a distance of 240.80 feet to a 5/8-inch iron rod with orange cap stamped "MAESTAS" set on the west boundary line of a 38.863 acre tract as described by deed recorded in Volume 1146, Page 942, Official Public Records of Kendall County, Texas, and the east boundary line of said 8.5 acre tract, for the northeast corner of the tract described herein;

THENCE S 19°21'38" E, coincident with the west boundary line of said 38.863 acre tract and the east boundary line of said 8.5 acre tract, a distance of 4.04 feet to the southwest corner of said 38.863 acre tract and the southeast corner of said 8.5 acre tract, for the southeast corner of the tract described herein, from which a 1/2-inch iron rod found on the north R.O.W. line of Adler Street at a southeasterly corner of said 38.863 acre tract bears S 89°26'00" E, a distance of 991.03 feet;

THENCE N 89°26'00" W, coincident with the north R.O.W. line of Adler Street and the south boundary line of said 8.5 acre tract, a distance of 324.93 feet to the POINT OF BEGINNING and containing 0.0635 acres, or 2,766 square feet, of land.

Basis of bearings is the Texas State Plane Coordinate System, NAD83, South Central Zone (4204). An easement plat accompanies this description of even date.

I hereby certify that this Metes and Bounds description was prepared from an actual survey made on the ground under my supervision on September 6, 2023, and substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications.

Keith C. Keppler  
Registered Professional Land Surveyor  
Texas No. 6271



EXHIBIT "A"

LEGEND

IRF = IRON ROD FOUND  
 IRSC = IRON ROD SET WITH CAP STAMPED "MAESTAS ASSOC"  
 RM = RECORD MONUMENT  
 O.P.R.K.C.T. = OFFICIAL PUBLIC RECORDS OF KENDALL COUNTY, TEXAS  
 P.R.K.C.T. = PLAT RECORDS OF KENDALL COUNTY, TEXAS

SCALE 1" = 50'

CORYELL HARRY JOSEPH  
 (VOL. 1242, PG. 1008, O.P.R.K.C.T.)  
 80.99 ACRES

1/2" IRF  
 (R.M.)

P.O.B.

RIGHT-OF-WAY  
 0.0635 ACRES  
 (2,766 SQ. FT.)

MARIA IBNACIO LEAL SURVEY  
 ABSTRACT 298

ADLER STREET  
 (VARIABLE WIDTH R.O.W.)

N89°26'00"W 324.93'  
 S89°26'00"E 240.80'

ALICIA CORISE CORYELL MORRISON  
 (VOL. 1034, PG. 607, O.P.R.K.C.T.)

8.5 ACRES

520 ADLER ST., BOERNE, TX 78006

CITY OF BOERNE  
 (VOL. 1146, PG. 942, O.P.R.K.C.T.)

38.863 ACRES

524 ADLER ST., BOERNE, TX 78006

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS.



KEITH C. KEPPLER, RPLS  
 TEXAS NO. 6271

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	N00°42'22"E	22.22'
L2	S89°34'31"E	82.75'
L3	S00°42'22"W	18.63'
L4	S19°21'38"E	4.04'
L5	N89°26'00"W	64.07'
L6	S89°26'00"E	991.03'

NOTES:

- THE BASIS OF BEARINGS IS THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD83, SOUTH CENTRAL ZONE (4204), AS ESTABLISHED BY GPS OBSERVATIONS.
- ALL DISTANCES SHOWN HEREON ARE SURFACE VALUES USING A SURFACE ADJUSTMENT FACTOR OF 1.00011.
- SURVEY WAS PERFORMED ON SEPTEMBER 06, 2023.
- A METES AND BOUNDS DESCRIPTION ACCOMPANIES THIS SURVEY PLAT OF EVEN DATE.
- 5/8-INCH IRON RODS WITH GREEN CAP STAMPED "MAESTAS" SET AT ALL CORNERS UNLESS NOTED OTHERWISE.

<b>MAESTAS</b>		8122 DATAPoint DR., STE. 840 SAN ANTONIO, TX 78229 (210) 366-1988
TBPE No.: F-333		TBPLS No.: 10194506
<b>RIGHT-OF-WAY</b>		
BEING 0.0635 ACRES OF LAND OUT OF A CALLED 8.5 ACRE TRACT AS RECORDED IN VOL. 1034, PG. 687, OFFICIAL PUBLIC RECORDS KENDALL COUNTY, TEXAS 520 ADLER ST., BOERNE, TX 78006		
PROJECT NO.: M309	DATE: 01-30-2024	
DRAWN BY: KCK	CHECKED BY: KCK	SHEET NO.: 3 OF 3

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

**PERMANENT DRAINAGE EASEMENT**

**Grantor:** Alicia Corise Coryell Morrison

**Grantor's Mailing Address (including county):**

PO Box 176  
Kendall County  
Boerne, Texas 78006

**Grantee:** City of Boerne

**Grantee's Mailing Address (including county):**

447 N. Main Street  
Kendall County  
Boerne, Texas 78006

**Property:**

All those certain tracts, pieces, or parcels of land, lying and being situated in the County of Kendall, State of Texas, described as being more or less 8.5 acres of land out of Lot 46 and Lot 50 in an apparent division of the M. I. Leal Survey No. 180, Abstract 298, City of Boerne (the "Property").

**Grant of Easement:**

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

Drainage and water diversion, including without limitation, walls, bed, embankments, spillways, appurtenances, and other engineered devices (the "Drainage System").

Said easement being a +/- 0.3181-acre (13,856 square feet) tract of land, described in Exhibits "B" attached hereto and made a part hereof for all purposes. Said easement is conveyed subject to all matters recorded in the Official Public Records of Kendall County, Texas.

Together with the right of ingress and egress over passable areas of the Grantor's adjacent land, when the delineated entrance point that abuts public right-of-way is obstructed and/or inaccessible, either in whole or in part, in order to access or leave the Easement for the purpose of constructing,

reconstructing, inspecting, patrolling, operating, maintaining, repairing, and removing the Drainage System; the right to change the size of the Drainage System within the Easement; the right to relocate along the same general direction of the Drainage System; the right to create and/or dredge a stream course, refill, or dig out such stream course, establish or change stream embankments within the Easement, install storm sewer systems, culverts, water gaps, and protecting rails; the right to remove from the Easement all trees and parts thereof, or other obstructions, which reasonably endanger or may reasonably interfere with the efficiency of the Drainage System; and the right to place temporary structures for use in constructing or repairing the Drainage System.

With respect to the Drainage System, it is expressly agreed and understood by all parties hereto, that the Grantee intends to improve conditions of water drainage control on the Property for the benefit of the Property, adjacent property, and the community, but the Grantee does not guarantee or warrant that such control work will be effective, nor does the Grantee assume any liability whatsoever for the effects of flood, standing water, or drainage on or to the Property, or any other property or persons that might be affected by said stream, wash, or gully in its natural state or as changed by the Grantee.

TO HAVE AND TO HOLD the above described Easement unto the Grantee, its successors and assigns, until the Easement shall be abandoned by the Grantee, as evidenced by a Certificate of Abandonment executed by the Mayor of the City of Boerne or his designated representative. This Easement is MADE and ACCEPTED subject to the following:

1. The Grantor specifically reserves the right to use all or any part of the Easement for any purpose, which does not damage, destroy, injure, and/or unreasonably interfere with the Grantee's use of the Easement.
2. The Grantee shall make commercially reasonable efforts to ensure the damage to the Property is minimized and will at all times, after doing any work in connection with the Drainage System, restore the Property to the condition in which the Property was found before such work was undertaken to the extent that such restoration is reasonable in accordance with the Grantee's usual and customary practices.
3. The Grantee shall make necessary modifications and improvements to conform with the City of Boerne Drainage Policy and Plan at such a time as the said plan and policy are enacted by City Council of the City of Boerne, Texas.
4. The Grantee shall install adequate structures to allow the unhindered passage of all storm and drainage flows wherever fences cross the Easement.

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

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed on this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

GRANTOR:

By: \_\_\_\_\_  
**ALICIA CORISE CORYELL MORRISON**

ACKNOWLEDGEMENT

THE STATE OF TEXAS                    §  
                                                  §  
COUNTY OF KENDALL                 §

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2024, by **ALICIA CORISE CORYELL MORRISON** known to me to be the person whose name is subscribed to the foregoing instrument; and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

(seal)

\_\_\_\_\_  
Notary Public Signature

**Metes and Bounds Description  
 of a Permanent Drainage Easement  
 Boerne, Kendall County, Texas**

Being a Permanent Drainage Easement, containing 0.3181 acres of land, situated in the Maria Ilnacio Leal Survey, Abstract 298, City of Boerne, Kendall County, Texas, out of a called 8.5 acre tract as described by deed recorded in Volume 1034, Page 607, Official Public Records of Kendall County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with green cap stamped "MAESTAS EASEMENT" set on the north Right-of-Way (R.O.W.) line of Adler Street (variable width R.O.W.) and the south boundary line of said 8.5 acre tract, for the southwest corner of the easement described herein, from which a 1/2-inch iron rod found on the north R.O.W. line of Adler Street at the southwest corner of said 8.5 acre tract bears N 89°26'00" W, a distance of 46.95 feet;

THENCE departing the north R.O.W. line of Adler Street, over and across said 8.5 acre tract the following courses and distances:

N 00°42'22" E, a distance of 146.02 feet to a 1/2-inch iron rod with green cap stamped "MAESTAS EASEMENT" set for the northwest corner of the easement described herein;

N 67°27'33" E, a distance of 42.58 feet to a 1/2-inch iron rod with green cap stamped "MAESTAS EASEMENT" set for north corner of the easement described herein;

S 38°28'04" E, a distance of 82.60 feet to a 1/2-inch iron rod with green cap stamped "MAESTAS EASEMENT" set for an angle point;

S 14°34'31" E, a distance of 78.97 feet to a 1/2-inch iron rod with green cap stamped "MAESTAS EASEMENT" set for an angle point;

S 00°42'22" W, a distance of 11.33 feet to a 1/2-inch iron rod with green cap stamped "MAESTAS EASEMENT" set for an interior corner of the easement described herein;

S 89°26'00" E, a distance of 225.91 feet to a 1/2-inch iron rod with green cap stamped "MAESTAS EASEMENT" set on the west boundary line of a 38.863 acre tract as described by deed recorded in Volume 1146, Page 942, Official Public Records of Kendall County, Texas, and the east boundary line of said 8.5 acre tract, for the northeast corner of the easement described herein;

THENCE S 19°21'38" E, coincident with the west boundary line of said 38.863 acre tract and the east boundary line of said 8.5 acre tract, a distance of 7.66 feet to a 5/8-inch iron rod with orange cap stamped "MAESTAS" set at the northeast corner of a proposed R.O.W. line, surveyed this same date, for the southeast corner of the easement described herein;

THENCE coincident with the north, east, and west lines of said proposed R.O.W., over and across said 8.5 acre tract the following courses and distances:

N 86°26'00" W, a distance of 240.80 feet to a 5/8-inch iron rod with orange cap stamped "MAESTAS" set at an interior corner of said R.O.W., for an exterior corner of the easement described herein;

**EXHIBIT "B"**

N 00°42'22" E, a distance of 18.63 feet to a 5/8-inch iron rod with orange cap stamped "MAESTAS" set at an exterior corner of said R.O.W., for an interior corner of the easement described herein;

N 89°34'31" W, a distance of 82.75 feet to a 5/8-inch iron rod with orange cap stamped "MAESTAS" set at the northwest corner of said R.O.W., for an interior corner of the easement described herein;

S 00°42'22" E, a distance of 22.22 feet to a 5/8-inch iron rod with orange cap stamped "MAESTAS" set on the north R.O.W. line of Adler Street, being the southwest corner of said R.O.W., for an exterior corner of the easement described herein;

THENCE N 89°26'00" W, a distance of 17.11 feet to the POINT OF BEGINNING and containing 0.3181 acres, or 13,856 square feet, of land.

Basis of bearings is the Texas State Plane Coordinate System, NAD83, South Central Zone (4204). An easement plat accompanies this description of even date.

I hereby certify that this Metes and Bounds description was prepared from an actual survey made on the ground under my supervision on September 6, 2023, and substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications.



Keith C. Keppler  
Registered Professional Land Surveyor  
Texas No. 6271

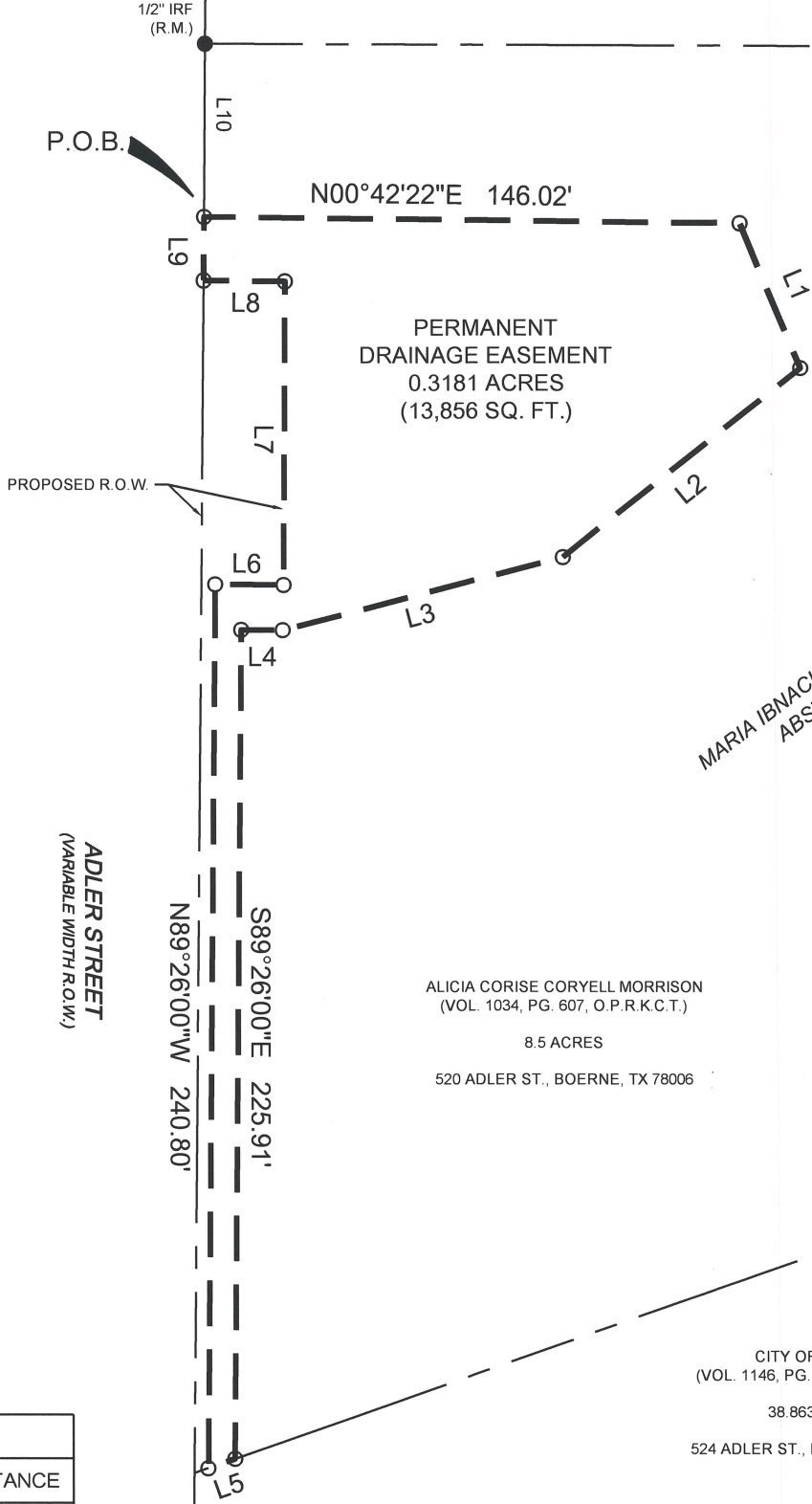
EXHIBIT "B"

LEGEND

IRF = IRON ROD FOUND  
 IRSC = IRON ROD SET WITH CAP STAMPED "MAESTAS ASSOC"  
 RM = RECORD MONUMENT  
 O.P.R.K.C.T. = OFFICIAL PUBLIC RECORDS OF KENDALL COUNTY, TEXAS  
 P.R.K.C.T. = PLAT RECORDS OF KENDALL COUNTY, TEXAS

SCALE 1" = 50'

CORYELL HARRY JOSEPH  
 (VOL. 1242, PG. 1008, O.P.R.K.C.T.)  
 80.99 ACRES



ALICIA CORISE CORYELL MORRISON  
 (VOL. 1034, PG. 607, O.P.R.K.C.T.)

8.5 ACRES

520 ADLER ST., BOERNE, TX 78006

CITY OF BOERNE  
 (VOL. 1146, PG. 942, O.P.R.K.C.T.)

38.863 ACRES

524 ADLER ST., BOERNE, TX 78006

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS.

STATE OF TEXAS  
 REGISTERED  
 KEITH C. KEPPLER  
 6271  
 PROFESSIONAL  
 LAND SURVEYOR  
 11/30/2024

KEITH C. KEPPLER, RPLS  
 TEXAS NO. 6271

LINE TABLE

LINE #	BEARING	DISTANCE
L1	N67°27'33"E	42.58'
L2	S38°28'04"E	82.60'
L3	S14°34'31"E	78.97'
L4	S00°42'22"W	11.33'
L5	S19°21'38"E	7.66'
L6	N00°42'22"E	18.63'
L7	N89°34'31"W	82.75'
L8	S00°42'22"W	22.22'
L9	N89°26'00"W	17.11'
L10	N89°26'00"W	46.95'
L11	S89°26'00"E	991.03'

NOTES:

- THE BASIS OF BEARINGS IS THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD83, SOUTH CENTRAL ZONE (4204), AS ESTABLISHED BY GPS OBSERVATIONS.
- ALL DISTANCES SHOWN HEREON ARE SURFACE VALUES USING A SURFACE ADJUSTMENT FACTOR OF 1.00011.
- SURVEY WAS PERFORMED ON SEPTEMBER 06, 2023.
- A METES AND BOUNDS DESCRIPTION ACCOMPANIES THIS SURVEY PLAT OF EVEN DATE.

**MAESTAS**

8122 DATAPOINT DR., STE. 840  
 SAN ANTONIO, TX 78229  
 (210) 366-1988

TBPE No.: F-333

TBPLS No.: 10194506

PERMANENT DRAINAGE EASEMENT

BEING 0.3181 ACRES OF LAND OUT OF A CALLED 8.5 ACRE TRACT AS RECORDED IN VOL. 1034, PG. 687, OFFICIAL PUBLIC RECORDS KENDALL COUNTY, TEXAS 520 ADLER ST., BOERNE, TX 78006

PROJECT NO.: M309

DATE: 01-30-2024

DRAWN BY: KCK

CHECKED BY: KCK

SHEET NO.: 3 OF 3

# Agreement for Temporary Construction Easement

**Date:** \_\_\_\_\_

**Grantor:** Alicia Corise Coryell Morrison

**Grantor's Mailing Address:** PO Box 176  
Boerne, Kendall County, Texas 78006

**Grantee:** City of Boerne, Texas , a home-rule municipality

**Grantee's Mailing Address:** 447 N. Main Street  
Boerne, Kendall County, Texas 78006

**Easement Property:** Being a +/- 0.0975-acre temporary construction easement and a +/- 0.0060-acre temporary construction easement and being more particularly depicted and described by metes and bounds in Exhibit "C" attached to this Temporary Construction Easement Agreement and by this reference incorporated in it.

**Easement Purpose:** The purpose of this easement is to provide Grantee, its employees, representatives, and contractors reasonable pedestrian and vehicular ingress and egress across the Easement Property to perform the installation and construction of certain water line, drainage, and/or roadway and pedestrian improvements and related facilities (collectively, the "Facilities") within the area depicted and described by metes and bounds in Exhibit "C".

**Consideration:** Good and valuable consideration, the receipt and sufficiency of which are acknowledged by Grantor.

**Grant of Easement:** Grantor, for the Consideration and subject to the Reservations from Conveyance and Exceptions to Warranty, grants, sells, and conveys to Grantee and Grantee's successors and assigns an easement over, on, and across the Easement Property for the Easement Purpose, together with all and singular the rights and appurtenances thereto in any way belonging (collectively, the "Easement"), to have and to hold the Easement to Grantee and Grantee's successors and assigns for the duration set forth below. Grantor binds Grantor and Grantor's heirs, successors, and assigns to warrant and forever defend the title to the Easement in Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to claim the Easement or any part of the Easement, when the claim is by, through or under Grantor but not otherwise and except as to the Reservations from Conveyance and Exceptions to Warranty.

**Terms and Conditions:** The following terms and conditions apply to the Easement granted by this agreement:

1. *Character of Easement.* The Easement is nonexclusive and irrevocable.
2. *Duration of Easement.* The duration of the Easement is temporary. The Easement shall expire and revert to Grantor upon the earlier of (a) the completion of all phases of the City's planned construction of the Facilities or (b) twenty-four (24) months from the date construction begins on the Facilities (the "Construction Start Date").
3. *Reservation of Rights.* City's right to use the Easement Property is nonexclusive, and Grantor reserves for Grantor and Grantor's heirs, successors, and assigns the right to use all or part of the Easement Property in conjunction with City as long as such use by Grantor and Grantor's heirs, successors, and assigns does not interfere with the use of the Easement Property by City for the Easement Purpose, and the right to convey to others the right to use all or part of the Easement Property in conjunction with City, as long as such further conveyance is subject to the terms of this agreement.
4. *Binding Effect.* This agreement binds and inures to the benefit of the parties and their respective heirs, successors, and permitted assigns.
5. *Choice of Law.* This agreement will be construed under the laws of the state of Texas, without regard to choice-of-law rules of any jurisdiction. Venue is in the county or counties in which the Easement Property is located.
6. *Counterparts.* This agreement may be executed in any number of counterparts with the same effect as if all signatory parties had signed the same document. All counterparts will be construed together and will constitute one and the same instrument.
7. *Waiver of Default.* It is not a waiver of or consent to default if the nondefaulting party fails to declare immediately a default or delays in taking any action. Pursuit of any remedies set forth in this agreement does not preclude pursuit of other remedies in this agreement or provided by law.
8. *Further Assurances.* Each signatory party agrees to execute and deliver any additional documents and instruments and to perform any additional acts necessary or appropriate to perform the terms, provisions, and conditions of this agreement and all transactions contemplated by this agreement.
9. *Integration.* This agreement contains the complete agreement of the parties and cannot be varied except by written agreement of the parties. The parties agree that there are no oral agreements, representations, or warranties that are not expressly set forth in this agreement.
10. *Legal Construction.* If any provision in this agreement is for any reason unenforceable, to the extent the unenforceability does not destroy the basis of the bargain among the parties, the unenforceability will not affect any other provision hereof, and this agreement will be construed as if the unenforceable provision had never been a part of the agreement.

Whenever context requires, the singular will include the plural and neuter include the masculine or feminine gender, and vice versa. Article and section headings in this agreement are for reference only and are not intended to restrict or define the text of any section. This agreement will not be construed more or less favorably between the parties by reason of authorship or origin of language.

11. *Recitals.* Any recitals in this agreement are represented by the parties to be accurate, and constitute a part of the substantive agreement.

12. *Time.* Time is of the essence.

*Signatures to follow.*

**GRANTOR:**

By: \_\_\_\_\_  
**ALICIA CORISE CORYELL MORRISON**

STATE OF TEXAS           §

COUNTY OF KENDALL   §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2024 by **ALICIA CORISE CORYELL MORRISON** known to me to be the person whose name is subscribed to the foregoing instrument; and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

(seal)

\_\_\_\_\_  
Notary Public Signature

**GRANTEE:**

CITY OF BOERNE, TEXAS

By: \_\_\_\_\_  
Ben Thatcher, City Manager

**ATTEST:**

By: \_\_\_\_\_  
Lori Carroll, City Secretary

STATE OF TEXAS           §

COUNTY OF KENDALL   §

This instrument was acknowledged before me on \_\_\_\_\_, 2024, by **Ben Thatcher**, City Manager of the City of Boerne, Texas, a Texas home-rule municipality, on behalf of said municipality.

\_\_\_\_\_  
Notary Public Signature

(seal)

**Metes and Bounds Description  
Temporary Construction Easements No. 1 & 2  
Boerne, Kendall County, Texas**

Being two Temporary Construction Easements, hereafter referred to Temporary Construction Easement No. 1 and Temporary Construction Easement No. 2, containing 0.0975 and 0.0060 acres respectively, for a total of 0.1035 acres, or 4,508 square feet, of land situated in the Maria Ilnacio Leal Survey, Abstract 298, City of Boerne, Kendall County, Texas, out of a called 8.5 acre tract as described by deed recorded in Volume 1034, Page 607, Official Public Records of Kendall County, Texas, and being more particularly described as follows:

**TEMPORARY CONSTRUCTION EASEMENT NO. 1**

BEGINNING at a 1/2-inch iron rod with green cap stamped "MAESTAS EASEMENT" set at the northwest corner of a proposed drainage easement, surveyed this same date, for the southwest corner of the easement described herein, from which a 1/2-inch iron rod found on the north R.O.W. line of Adler Street (variable width R.O.W.) at the southwest corner of said 8.5 acre tract bears S 18°31'09" W, a distance of 153.49 feet;

THENCE over and across said 8.5 acre tract the following courses and distances:

N 18°44'34" W, a distance of 100.00 feet to the northwest corner of the easement described herein;

N 67°27'33" E, a distance of 42.58 feet to the northeast corner of the easement described herein;

S 18°44'34" E, a distance of 100.00 feet to a 1/2-inch iron rod with green cap stamped "MAESTAS EASEMENT" set the northmost corner of said drainage easement, for the southeast corner of the easement described herein;

S 67°27'33" E, coincident with a north line of said drainage easement, a distance of 42.58 feet the POINT OF BEGINNING and containing 0.0975 acres, or 4,247 square feet, of land.

**TEMPORARY CONSTRUCTION EASEMENT NO. 2**

BEGINNING at a 1/2-inch iron rod with green cap stamped "MAESTAS EASEMENT" set at an interior corner of said drainage easement, for the southwest corner of the easement described herein, from which a 1/2-inch iron rod found on the north R.O.W. line of Adler Street (variable width R.O.W.) at the southwest corner of said 8.5 acre tract bears S 86°48'19" W, a distance of 159.44 feet;

THENCE over and across said 8.5 acre tract the following courses and distances:

N 00°42'22" E, coincident with an east line of said drainage easement, a distance of 11.87 feet to a 1/2-inch iron rod with green cap stamped "MAESTAS EASEMENT" set at an angle point of said drainage easement, for the northwest corner of the easement described herein;

S 90°00'00" E, a distance of 21.78 feet to the northeast corner of the easement described herein;

S 00°12'48" W, a distance of 12.04 feet to a point on a north line of said drainage easement, for the southeast corner of the easement described herein;

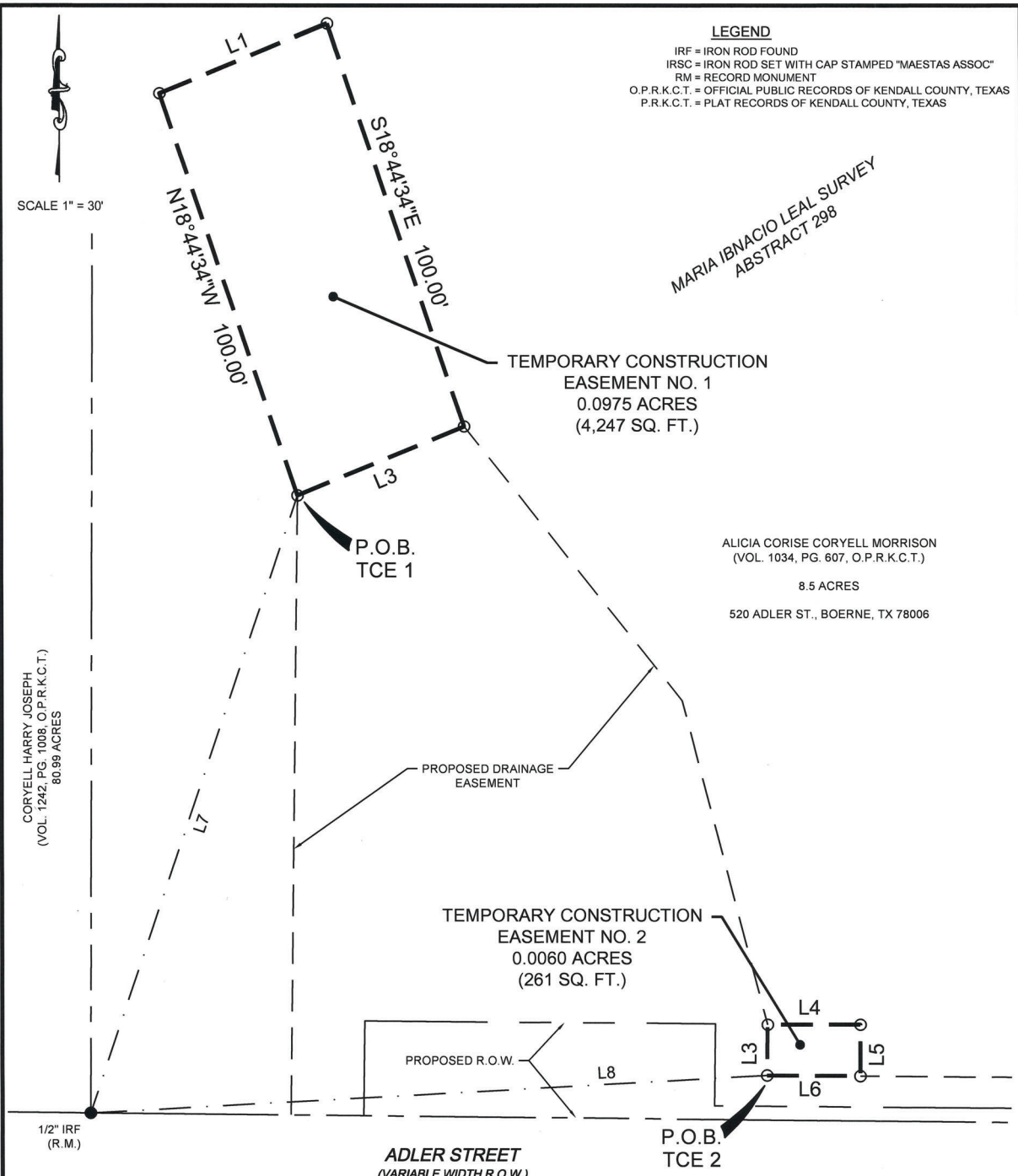
N 89°34'31" W, coincident with a north line of said drainage easement, a distance of 21.88 feet to the POINT OF BEGINNING and containing 0.0060 acres, or 261 square feet, of land.

Basis of bearings is the Texas State Plane Coordinate System, NAD83, South Central Zone (4204). An easement plat accompanies this description of even date.

I hereby certify that this Metes and Bounds description was prepared from an actual survey made on the ground under my supervision on September 6, 2023, and substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications.

Keith C. Keppler  
Registered Professional Land Surveyor  
Texas No. 6271





**LEGEND**  
 IRF = IRON ROD FOUND  
 IRSC = IRON ROD SET WITH CAP STAMPED "MAESTAS ASSOC"  
 RM = RECORD MONUMENT  
 O.P.R.K.C.T. = OFFICIAL PUBLIC RECORDS OF KENDALL COUNTY, TEXAS  
 P.R.K.C.T. = PLAT RECORDS OF KENDALL COUNTY, TEXAS

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	N67°27'33"E	42.58'
L2	S67°27'33"W	42.58'
L3	N00°42'22"E	11.87'
L4	S90°00'00"E	21.78'
L5	S00°12'48"W	12.04'
L6	N89°34'31"W	21.88'
L7	S18°31'09"W	153.49'
L8	S86°48'19"W	159.44'

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS.



- NOTES:
- THE BASIS OF BEARINGS IS THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD83, SOUTH CENTRAL ZONE (4204), AS ESTABLISHED BY GPS OBSERVATIONS.
  - ALL DISTANCES SHOWN HEREON ARE SURFACE VALUES USING A SURFACE ADJUSTMENT FACTOR OF 1.00011.
  - SURVEY WAS PERFORMED ON SEPTEMBER 06, 2023.
  - A METES AND BOUNDS DESCRIPTION ACCOMPANIES THIS SURVEY PLAT OF EVEN DATE.

**MAESTAS** 8122 DATAPOINT DR., STE. 840  
 SAN ANTONIO, TX 78229  
 (210) 366-1988

TBPE No.: F-333 TBPLS No.: 10194506

**TEMPORARY CONSTRUCTION EASEMENTS**  
 BEING 0.0060 & 0.0975 ACRES OF LAND OUT OF A CALLED 8.5 ACRE TRACT AS RECORDED IN VOL. 1034, PG. 687, OFFICIAL PUBLIC RECORDS KENDALL COUNTY, TEXAS  
 520 ADLER ST., BOERNE, TX 78006

PROJECT NO.: M309	DATE: 01-30-2024
DRAWN BY: KCK	CHECKED BY: KCK
SHEET NO.: 3 OF 3	



## AGENDA ITEM SUMMARY

<b>Agenda Date</b>	April 14, 2026
<b>Requested Action</b>	APPROVE RESOLUTION NO. 2026-R19; A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT WITH HDR ENGINEERING, INC. FOR CONSTRUCTION CONTRACT ADMINISTRATION FOR THE RECLAIMED WATER FACILITIES EXPANSION PROJECT AT THE OLD SAN ANTONIO ROAD WASTEWATER TREATMENT AND RECYCLING CENTER (WWTRC) FOR AN AMOUNT NOT TO EXCEED \$ 231,060.
<b>Contact Person</b>	Andrew Wilkinson – Utilities Engineer Michael Brinkmann – Utilities Director
<b>Background Information</b>	<p>The City has entered into an agreement with HDR Engineering for professional services to plan and design multiple expansion phases for the Old San Antonio Road Wastewater Treatment and Recycling Center (WWTRC). HDR's original design contract did not include construction phase or inspection services for the expansion projects. The first construction phase of the WWTRC expansion involves enlarging the plant's reclaimed water facilities, which generally includes building a new 600,000-gallon steel reclaimed water storage tank, constructing a new pump building, upgrading the existing pump station, adding an additional transfer pump, and making associated site improvements.</p> <p>The project was recently publicly bid, and bids were received on March 4, 2026. Design documents were completed by HDR, and now, as the project begins construction, professional engineering services are recommended to ensure the project is built according to the design standards of the construction contract documents and complies with all building codes and state requirements.</p> <p>The amendment to the existing professional services contract with HDR will include construction phase support, such as assisting with requests for information from the Contractor regarding any questions about the design drawings, responding to requests for change orders as necessary, holding regular progress meetings with the Contractor including site visits as needed, reviewing facility submittals of a technical nature, and preparing the final construction contract documents and associated project closeout activities, such as a final walk-through and the preparation of as-built drawings upon completion</p>

	<p>of construction. Additionally, the professional services amendment includes materials testing and special inspections to ensure the construction meets building code requirements. Services that may not be utilized will not be compensated and will be considered as savings upon completion of the project.</p> <p>Based on the above, staff requests that the Council authorize the City Manager to contract with HDR for construction contract administration services for the WWTRC Reclaimed Water Facilities Expansion project, in an amount not to exceed \$231,060.00. A copy of the HDR proposal is attached.</p>
<b>Strategic Alignment</b>	<p>F2 – Investing in and maintaining high-quality infrastructure systems and public assets.</p> <p>B2 – Advancing master plan recommendations.</p>
<b>Financial Considerations</b>	Funding for these professional services is available from the impact fee fund.
<b>Citizen Input/Board Review</b>	N/A
<b>Legal Review</b>	The City Attorney’s office has reviewed this amendment to the task order.
<b>Alternative Options</b>	We could try to have these services done by current City personnel, but the extra workload would probably need more professional staff.
<b>Supporting Documents</b>	<p>Resolution No. 2026-R19</p> <p>HDR Proposal – Amendment No. 2 to Task Order No. 37</p>

**RESOLUTION NO. 2026-R19**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT WITH HDR ENGINEERING, INC. FOR CONSTRUCTION CONTRACT ADMINISTRATION FOR THE RECLAIMED WATER FACILITIES EXPANSION PROJECT AT THE OLD SAN ANTONIO ROAD WASTEWATER TREATMENT AND RECYCLING CENTER (WWTRC) FOR AN AMOUNT NOT TO EXCEED \$ 231,060**

**WHEREAS**, the City of Boerne has previously entered into an agreement with HDR Engineering, Inc. for the planning and design of expansion phases for the Old San Antonio Road Wastewater Treatment and Recycling Center (WWTRC); and

**WHEREAS**, the initial design contract did not include construction phase or inspection services for the expansion projects; and

**WHEREAS**, the first phase of construction includes improvements to the reclaimed water facilities, and the project has been publicly bid and is ready to begin construction; and

**WHEREAS**, the City finds it necessary to amend the existing agreement to include construction phase services, including construction administration, inspections, and project closeout;

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

that the City Council hereby authorizes the City Manager to enter into and manage an amendment to the professional services agreement with HDR Engineering, Inc. for construction phase services related to the Old San Antonio Road Wastewater Treatment and Recycling Center (WWTRC) Reclaimed Water Facilities Expansion project, for an amount not to exceed \$231,060.00.

PASSED, APPROVED and ADOPTED on this the \_\_\_ day of April, 2026.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

**TASK ORDER No. 37**  
**WWTRC Expansion**

**Amendment No. 2**

WHEREAS:

HDR ENGINEERING, INC. ("HDR") entered into an Agreement on the 13<sup>th</sup> day of December, 2024 to perform engineering services for The City of Boerne, Texas ("CITY");

The CITY desires to amend this Agreement in order for HDR to perform services beyond those previously contemplated;

HDR is willing to amend the agreement and perform the additional engineering services.

NOW, THEREFORE, HDR and the CITY do hereby agree:

**The following modifications are made to:**

**PART 2.0 SCOPE OF SERVICES TO BE PERFORMED BY ENGINEER ON THE PROJECT:**

Add new Task 12: Construction Phase Services for Construction Package 1, Expansion of Reclaimed Water Facilities.

- 1) ENGINEER will provide the following construction phase services for Package 1 of the WWTRC Expansion, Expansion of Reclaimed Water Facilities. These services include:
  - a) Prepare and assemble the Contract Documents, as described in the Agreement.
  - b) Develop agenda for, and attend, one pre-construction meeting.
  - c) Attend up to eight construction progress meetings, as requested by CITY, each followed by a site visit to the WWTRC.
    - i) Progress meetings will be attended by Project Manager or Deputy Project Manager, and up to one Project Engineer.
  - d) Attend up to four additional site visits, as needed or requested by CITY.
  - e) Review of up to 100 technical submittals or product shop drawings.
  - f) Review of up to 15 equipment operation and maintenance (O&M) manuals.
  - g) Review and respond to up to 50 contractor requests for information (RFI).
  - h) Review and respond to up to 12 change proposal requests (CPR).
  - i) Process accepted CPRs into up to two Change Orders (CO).
  - j) Review up to eight monthly contractor pay applications. Provide recommendation of payment based on ENGINEER's knowledge, information and belief that the Work has progressed to the point indicated based on site observations.
  - k) Provide direction to the contractor with up to eight field orders to authorize minor variations in the Work, where no change in contract time or amount is required.

- l) Setup and maintain a log of submittals, RFIs, CPRs, COs, field orders and pay applications.
- m) Evaluate the acceptability of substitute or “or-equal” materials or equipment proposed by Contractor, in accordance with the procedures defined in the Contract Documents.
- n) Attend Substantial Completion walk through promptly after receiving notice from the contractor that the work is substantially complete and ready for intended use.
- o) Provide Notice of Substantial Completion to Contractor, once CITY and ENGINEER agree the relevant completion milestone has been reached.
- p) Attend Final Completion walk through promptly after receiving notice from the contractor that the work is complete and acceptable, and ready for final payment.
- q) Provide Notice of Final Completion to Contractor, once CITY and ENGINEER agree the relevant completion milestone has been reached.
- r) Prepare record drawings based on markups provided by the Contractor.

Add new Task 13: Materials Testing and Special Inspections for Construction Package 1, Expansion of Reclaimed Water Facilities.

- 1) ENGINEER will contract with a subcontractor to provide the construction materials testing, laboratory tests, and inspections during construction of Construction Package 1 of the WWTRC Expansion, Expansion of Reclaimed Water Facilities. These services include:
  - a) Soil samples and in-place testing (field density, Atterberg limits, sieve analysis) of backfill and subgrade soil materials.
    - i) Testing up to four bulk proctor soils samples is included. Additional tests will be considered additional services.
  - b) Field concrete testing, rebar observation, and concrete cylinder testing.
    - i) Testing up to six concrete cylinders per set is included, with two tested at seven days, two tested at 28 days, and two additional. Additional tests will be considered additional services.
  - c) Field asphalt testing, aggregate sieve analysis, specific gravity testing, molding test, asphalt content, asphalt coring and testing.
    - i) Testing up to two cores, each up to 12 inches thick, is included. Additional tests will be considered additional services.
  - d) Special inspections for steel, welding inspection by a Certified Welding Inspector, ultra sonic testing, and reporting.

- e) Proposed pump station field concrete testing, rebar observation, inspection of field grout, mortar testing, masonry testing, and concrete cylinders laboratory tests.
- f) Proposed ground storage tank field concrete testing and rebar observation.
- g) Results of the field tests will be submitted electronically to the ENGINEER, CITY, and Contractor.

Assumptions:

- The construction phase services described in this Amendment are limited to the activities associated with the construction of the first package of the WWTRC Expansion, Expansion of Reclaimed Water Facilities. Construction phase services for future expansions at the WWTRC are not included and will be considered additional services.
- Construction duration is assumed to be 11 months. If the construction duration is extended through no fault of ENGINEER, ENGINEER shall be entitled to an equitable increase in compensation if construction phase services are required beyond 11 months past the Contractor Notice to Proceed.
- The extent and limitations of the duties, responsibilities and authority of ENGINEER as assigned in the General Conditions, as may be modified by the Supplementary Conditions, shall not be modified.
- ENGINEER shall not be responsible for the acts or omissions of any Contractor, subcontractors, suppliers, or other individuals or entities performing or furnishing any of the Work. ENGINEER shall not be responsible for the failure of any Contractor to perform or furnish the Work in accordance with the Contract Documents.
- Pre-construction meeting will be in person at Boerne City Hall, attended by ENGINEER's project manager and deputy project manager, and up to one hour in duration.
- Construction progress meetings will be attended by ENGINEER's project manager and one project engineer, and up to one hour in duration.
- ENGINEER's recommendation of contractor pay applications will be dependent on CITY input if ENGINEER has not made a site visit that month. By recommending payment, ENGINEER does not represent that an exhaustive, extended effort to evaluate every aspect of Contractors Work in progress has occurred.
- ENGINEER's site visits will be limited to observation only. The OWNER will provide construction inspection services. ENGINEER will not be required to make exhaustive or continuous on-site inspections to check the quality or quantity of the work.

- ENGINEER neither guarantees the performance of any Contractor, nor assumes responsibility for any Contractor's failure to furnish or perform the Work, or any portion of the Work, in accordance with the Contract Documents.
- Record Drawings will depict the completed project, or a specific portion of the completed project, prepared by ENGINEER based on Contractor's record copy of Drawings, Specifications, Addenda, Change Orders, Field Orders and written interpretations and clarifications, as delivered to ENGINEER and annotated by Contractor to show changes made during construction.
- ENGINEER shall not be required to make exhaustive or continuous on-site inspections to check the quality or quantity of the work, or to perform special inspections as defined in the applicable codes or required by the authorities having jurisdiction. ENGINEER neither guarantees the performance of any Contractor nor assumes responsibility for any Contractor's failure to furnish or perform the Work, or any portion of the Work, in accordance with the Construction Contract Documents.
- ENGINEER shall rely on the ENGINEER's best judgment in providing advice to the OWNER so that, when completed, the project will be in general conformance to the Contract Documents. ENGINEER shall not be responsible for the failure of the contractor to perform the construction work in accordance with the Contract Documents and the contract for construction; however, ENGINEER shall report to the CITY any deficiencies in the work actually detected by the ENGINEER.
- After Contractor's review and approval, ENGINEER shall review and take appropriate action on the Contractor's submittals, such as Shop Drawings, Product Data and samples, but only for conformance with the design concept of the project and compliance with the information given in the Contract Documents. Such reviews shall not extend to means, methods, techniques, sequences, or procedures of construction or to safety precautions and programs incident thereto. The review of a specific item shall not indicate review of an assembly of which the item is a component.
- Construction progress meetings will be scheduled and led by the contractor, held in person at either at the project site or CITY's office. Progress meetings will be up to one hour in duration and attended by ENGINEER'S project manager and project engineer.
- ENGINEER will not provide nor attend witness testing of equipment, electrical gear, or SCADA equipment.
- ENGINEER will not provide Resident Project Representative (RPR) services.
- ENGINEER will not provide any expert witness services.
- The Conformed Documents developed as part of the bid phase services to incorporate changes made by Addenda will serve as the Issued for Construction documents.
- No attendance or presentations at any City Council meetings are required.
- This scope of services does not include any start-up training or operations assistance, and would be considered additional services.

- Only laboratory cured cylinders are included. If field cured samples are required, it will be considered additional services.
- Retesting of materials that fail initial testing is not included and will be considered additional services.

**Replace PART 5.0 ENGINEER’s FEE as follows:**

Compensation will be on a lump sum basis for Tasks 1 through 11 as follows. Compensation will be on a time and materials basis for Tasks 12 and 13 as follows.

<b>TASK No.</b>	<b>FEE (Not to Exceed Amount)</b>
Task 1: Project Kickoff, Management, Coordination, Data Acquisition and Review	\$369,920
Task 2: Site, Tree and Topographic Survey, and Subsurface Utility Investigation	\$151,630
Task 3: Geotechnical Subsurface Exploration	\$108,810
Task 4: Preliminary Engineering and Evaluations	\$303,400
Task 5: Permitting Assistance	\$89,180
Task 6: Basis of Design and Facility Plan	\$215,410
Task 7: Final Design and Bidding Documents – Interim Re-Rated Phase	\$941,230
Task 8: Final Design and Bidding Documents – 3.9 MGD Phase	\$1,718,840
Task 9: Bid Phase Services – Interim, Re-Rated Phase	\$88,410
Task 10: Bid Phase Services – 3.9 MGD Phase	\$119,100
Task 11: Final Design, Bidding Documents, and Bid Phase Services – Reclaimed Water	\$239,860
<b>Total Professional Services</b>	<b>\$4,345,790</b>
Task 12: Construction Phase Services for Construction Package 1, Expansion of Reclaimed Water Facilities (time and materials)	<b>\$144,950</b>
Task 13: Materials Testing and Special Inspections for Construction Package 1, Expansion of Reclaimed Water Facilities (time and materials)	<b>\$86,110</b>
<b>Amended Total Professional Services</b>	<b>\$4,576,850</b>

ENGINEER will submit monthly invoices listing the amount of work completed to date as a percentage of lump sum fee for Tasks 1-11.

ENGINEER will submit monthly invoices based on time spent on Tasks 12 and 13, according to the hourly billing rates in the Master Services Agreement. The billing rates will be updated annually to reflect changes in personnel compensation.

This Amendment is executed this \_\_\_\_\_ day of \_\_\_\_\_, 2026. Execution of this Amendment shall serve as ENGINEER'S Notice to Proceed.

CITY OF BOERNE  
"OWNER"

HDR ENGINEERING, INC.  
"ENGINEER"

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

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

NAME: Ben Thatcher

NAME: Cory Shockley, P.E.

TITLE: City Manager

TITLE: Vice President

ADDRESS: 447 N. Main St.  
Boerne, TX 78006

ADDRESS: 613 NW Loop 410, Suite 700  
San Antonio, TX 78216



## AGENDA ITEM SUMMARY

<b>Agenda Date</b>	April 14, 2026
<b>Requested Action</b>	APPROVE RESOLUTION NO. 2026-R20; A RESOLUTION AWARDDING THE CONTRACT FOR 2026 STREET RECONSTRUCTION TO TEXAS MATERIALS GROUP, INC., AND AUTHORIZING THE CITY MANAGER TO MANAGE AND EXECUTE THE RELATED CONTRACT FOR AN AMOUNT NOT TO EXCEED \$343,438.13.
<b>Contact Person</b>	Jeffrey Carroll – Engineering & Mobility Director
<b>Background Information</b>	<p>Street reconstruction (patching) is part of the City’s ongoing 10-year street maintenance plan. This plan uses a proactive, data-driven approach to keep streets in good shape by identifying issues early and applying the most cost-effective repairs at the right time. Instead of waiting for streets to deteriorate and need full reconstruction, the plan assesses each roadway and assigns the appropriate repair—such as crack sealing, surface treatments, patching, or complete reconstruction—based on its condition.</p> <p>Streets are prioritized using the Pavement Condition Index (PCI), which scores roadway conditions from 0 to 100. The City completed a system-wide pavement assessment using truck-mounted laser technology to evaluate all streets. This data helps staff identify which streets need repairs and determine the best maintenance approach to prolong pavement life in a cost-effective way.</p> <p>Based on this assessment, Johns Road, Old San Antonio Road, and West San Antonio Avenue were identified as needing pavement repairs and selected for patching as part of this year’s program.</p> <p>Because the estimated construction cost exceeds \$100,000, state law requires the project to be awarded through a competitive bidding process. The project was publicly advertised for bids on March 8th and 15th, 2026, and the city received six bids ranging from \$274,750.50 to \$479,668.34, including additive alternates.</p> <p>The lowest responsive bid, including all alternates, was submitted by</p>

	<p>Texas Materials Group, Inc., amounting to \$274,750.50. The contractor has prior experience working with other municipalities, such as Castle Hills, Windcrest, and Live Oak. Staff recommends that the City Council accept the bids and award the construction contract to Texas Materials Group, Inc.</p> <p>The bids were competitive and came in under the approved budget. To maximize available funds, staff recommends increasing the project scope by 25% to include additional street patching. The total contract, including this extra work, would not exceed \$343,438.13, remaining within the approved budget.</p> <p>The Texas Administrative Code allows construction contracts to be increased by up to 25% through a change order without requiring the project to be rebid. If approved, staff will negotiate a change order to expand the scope by approximately 20%, while reserving a 5% contingency for any unforeseen conditions, if necessary.</p>
<b>Strategic Alignment</b>	<p>F2 – Investing in and maintaining high-quality infrastructure systems and public assets.  B1 – Using data to drive smart decision making.</p>
<b>Financial Considerations</b>	<p>The project is within the approved budget.</p>
<b>Citizen Input/Board Review</b>	<p>N/A</p>
<b>Legal Review</b>	<p>N/A</p>
<b>Alternative Options</b>	<p>N/A</p>
<b>Supporting Documents</b>	<p>Bid Tabulation Summary</p>

**RESOLUTION NO. 2026-R20**

**A RESOLUTION AWARDING THE CONTRACT FOR 2026 STREET RECONSTRUCTION TO \_\_\_\_\_, AND AUTHORIZING THE CITY MANAGER TO MANAGE AND EXECUTE THE RELATED CONTRACT FOR AN AMOUNT NOT TO EXCEED \$ \_\_\_\_\_**

**WHEREAS**, street reconstruction is part of the City's 10-year street maintenance plan; and

**WHEREAS**, the City of Boerne received six (6) bids from firms to patch Johns Road, Old San Antonio Road, and West San Antonio Avenue; and

**WHEREAS**, City of Boerne Staff reviewed the bids, checked references, and provided a recommendation of award to \_\_\_\_\_; and

**WHEREAS**, the City Council finds it necessary to award the contract for 2026 Street reconstruction and authorizes the City Manager to manage and execute the related contract and documents;

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

SECTION 1. The above recitals are true and correct and are incorporated herein and made part hereof for all purposes.

SECTION 2. The City Council awards the contract for 2026 Street Reconstruction to \_\_\_\_\_ for an amount not to exceed \$ \_\_\_\_\_.

SECTION 3. The City Manager is hereby authorized to manage and execute the related contract and documents thereto on behalf of the City of Boerne, Texas.

PASSED, APPROVED and ADOPTED on this the \_\_\_ day of April, 2026.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

**BID OPENING RESULTS**

**Project: City of Boerne 2026 Street Rehabilitation**  
**Bid Opening Date: March 31, 2026**  
**Time: 3:00 PM**

Company Name	Bid Amount		Addendum Acknowledgment (Y/N)	Bid Bond Included (Y/N)	Qualifications Included (Y/N)
Bobcat Paving, LLC	Base Bid:	\$ 226,525.18	Y	Y	Y
	Add Alt 1:	\$ 21,524.42			
	Add Alt 2:	\$ 24,693.80			
	Add Alt 3:	\$ 44,371.13			
	Add Alt 4:	\$ 109,850.63			
	Add Alt 5:	\$ 46,251.33			
LCR Total Transportation, LLC	Base Bid:	\$ 251,766.83	Y	Y	Y
	Add Alt 1:	\$ 2,430.12			
	Add Alt 2:	\$ 18,738.93			
	Add Alt 3:	\$ 48,793.02			
	Add Alt 4:	\$ 131,295.26			
	Add Alt 5:	\$ 26,643.48			
Lone Star Paving	Base Bid:	\$ 234,712.44	Y	Y	Y
	Add Alt 1:	\$ 16,212.37			
	Add Alt 2:	\$ 6,039.41			
	Add Alt 3:	\$ 38,326.92			
	Add Alt 4:	\$ 103,989.76			
	Add Alt 5:	\$ 39,863.21			
Brooke Paving & Construction, LLC	Base Bid:	\$ 224,792.85	Y	Y	Y
	Add Alt 1:	\$ 10,052.36			
	Add Alt 2:	\$ 7,977.35			
	Add Alt 3:	\$ 27,330.54			
	Add Alt 4:	\$ 85,259.59			
	Add Alt 5:	\$ 35,033.79			
Alamo City Constructors, Inc.	Base Bid:	\$ 206,746.20	Y	Y	Y
	Add Alt 1:	\$ 1,189.10			
	Add Alt 2:	\$ 3,736.30			
	Add Alt 3:	\$ 30,610.60			
	Add Alt 4:	\$ 108,490.30			
	Add Alt 5:	\$ 26,294.30			
Texas Materials Group, Inc.	Base Bid:	\$ 159,157.00	Y	Y	Y
	Add Alt 1:	\$ 8,111.50			
	Add Alt 2:	\$ 34,605.00			
	Add Alt 3:	\$ 26,609.00			
	Add Alt 4:	\$ 65,258.50			
	Add Alt 5:	\$ 32,806.00			

\*lowest responsible bid will need to submit 1295 form, non-collusion document, and conflict of interest questionnaire



## AGENDA ITEM SUMMARY

<b>Agenda Date</b>	April 14, 2026
<b>Requested Action</b>	APPROVE RESOLUTION NO. 2026-R21; A RESOLUTION AWARDING THE CONTRACT FOR CONSTRUCTION OF THE RECLAIMED WATER FACILITIES EXPANSION PROJECT TO AVILA CONSTRUCTION GROUP, AND AUTHORIZING THE CITY MANAGER TO MANAGE AND EXECUTE THE RELATED CONTRACT FOR AN AMOUNT NOT TO EXCEED \$5,300,000.00.
<b>Contact Person</b>	Andrew Wilkinson – Utilities Engineer Michael Brinkmann – Utilities Director
	<p>The City has entered into an agreement with HDR Engineering for professional services to plan and design multiple expansion phases of the Old San Antonio Road Wastewater Treatment and Recycling Center (WWTRC). The first construction phase of the WWTRC expansion involves enlarging the plant’s reclaimed water facilities. This expansion generally includes building a new 600,000-gallon steel reclaimed water storage tank, a new pump building, improvements to the existing pump station, an additional transfer pump, and related site upgrades.</p> <p>Construction bids were opened on March 4, 2026, with a total of eight bids received, ranging from \$5.19 million to \$7.64 million, resulting in an average of \$6.61 million. The engineer’s estimate of the probable construction cost was \$6.15 million. The apparent low bidder was Avila Construction Group of San Antonio, TX, with a bid amount of \$5,187,900.00. Their bid included references for similar projects, which were verified by HDR with positive feedback about Avila Construction’s performance. Attached is a letter prepared by HDR detailing their reference checks and recommendation for award.</p> <p>Based on the above, staff requests that the Council approve awarding the construction contract to Avila Construction in the amount of \$5,187,900.00.</p> <p>Staff requests that the Council approve a total construction expenditure not exceeding \$5,300,000 to cover any potential changes during construction. If not necessary, the additional funds beyond the contract amount would not be used.</p>

<b>Strategic Alignment</b>	F2 – Investing in and maintaining high-quality infrastructure systems and public assets. B2 – Advancing master plan recommendations.
<b>Financial Considerations</b>	Funding for this work is available from the impact fee fund and capital reserves.
<b>Citizen Input/Board Review</b>	N/A
<b>Legal Review</b>	N/A
<b>Alternative Options</b>	The project might be delayed, but as the demand for the reclaimed system continues to grow, any delay could cause operational issues with the reclaimed system.
<b>Supporting Documents</b>	Resolution No. 2026-R21 HDR Award Recommendation Letter

**RESOLUTION NO. 2026-R21**

**A RESOLUTION AWARDING THE CONTRACT FOR CONSTRUCTION OF THE RECLAIMED WATER FACILITIES EXPANSION PROJECT TO \_\_\_\_\_, AND AUTHORIZING THE CITY MANAGER TO MANAGE AND EXECUTE THE RELATED CONTRACT FOR AN AMOUNT NOT TO EXCEED \$\_\_\_\_\_**

**WHEREAS**, the City of Boerne has entered into an agreement with HDR Engineering, Inc. for the planning and design of expansion phases for the Old San Antonio Road Wastewater Treatment and Recycling Center (WWTRC); and

**WHEREAS**, the first phase of construction includes expansion of the reclaimed water facilities, including a new storage tank, pump building, pump station improvements, an additional transfer pump, and related site upgrades; and

**WHEREAS**, the project was publicly bid, and eight (8) bids were received on March 4, 2026, ranging from \$5,187,900.00 to \$7,640,000.00; and

**WHEREAS**, City of Boerne Staff and HDR Engineering, Inc. reviewed the bids, checked references, and provided a recommendation of award to \_\_\_\_\_; and

**WHEREAS**, the City Council finds it necessary to award the construction contract and authorize the City Manager to manage and execute the related contract and documents;

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

SECTION 1. The above recitals are true and correct and are incorporated herein and made part hereof for all purposes.

SECTION 2. The City Council awards the construction contract for the Old San Antonio Road Wastewater Treatment and Recycling Center (WWTRC) Reclaimed Water Facilities Expansion project to \_\_\_\_\_ for an amount not to exceed \$\_\_\_\_\_.

SECTION 3. The City Manager is hereby authorized to manage and execute the related contract and documents thereto on behalf of the City of Boerne, Texas.

PASSED, APPROVED and ADOPTED on this the \_\_\_ day of April, 2026.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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



March 25, 2026

Mr. Mike Brinkmann, P.E.  
Director of Utilities  
City of Boerne  
447 N. Main St.  
Boerne, Texas 78006

RE: City of Boerne WWTRC Expansion of Reclaimed Water Facilities  
Recommendation to Award

Dear Mr. Brinkmann,

Bids were received for the City of Boerne WWTRC Expansion of Reclaimed Water Facilities project on Wednesday, March 4, 2026. The project generally includes construction of a proposed 600,000 gallon steel reclaimed water storage tank, construction of a new reclaimed water pump station building, and pump replacements in the existing distribution pump station and transfer pump station.

The engineer's opinion of probable construction cost (OPCC) for the project was \$6,148,200. A total of eight bids were received, with total bids ranging from \$5,187,900.00 to \$7,640,300.00. The average bid was \$6,605,179.46. Based on our review of the eight bids submitted, Avila Construction Group, LLC of San Antonio, Texas is the apparent low bidder. The attached bid tabulation includes a summary of the bids received.

There are no noted irregularities in the bid as submitted by Avila Construction Group. A Bid Bond for five (5) percent of the total amount of the bid was provided with the bid package. Both Addendum No. 1 and Addendum No. 2 were acknowledged on the Bid Form.

Avila Construction Group provided qualification materials with their bid. The qualification materials included:

- General company and personnel information
- Financial information including balance sheets and supplementary information dated November 2025
- Surety and Insurance information
- Work currently under contract and work completed, with reference information

- OSHA Log of Work-Related Injuries and Illnesses

Review of the financial information provided indicates that Avila Construction Group is in a solvent financial position. The information provided included no reference to existing liens present.

HDR attempted to contact the references provided, and spoke with four of the references, listed below:

- Ryan Tinsley with Strand Associates, regarding construction of a new ground storage tank and pump station building at the City of Sealy Rexville Road Water Treatment Plant.
- Bryce Brady with Quiddity Engineering, regarding the Fort Bend County No. 151 Wastewater Treatment Plant Improvements.
- Joe Schwieterman with SPI Engineering, regarding the City of Hitchcock Wastewater Treatment Plant Headworks Improvements.
- Merrit Preis with Hanson, Inc. regarding the City of Robstown lift station improvements.

The references praised Avila Construction Group on the project work they performed. They completed projects on time, on budget, and with minimal change orders. If change orders occurred, they were due to unforeseen conditions or suggested improvements to the project accepted by the Owner. There was good communication during the projects, and all references indicated they would work with Avila Construction Group again in the future.

The City's Utilities staff and HDR spoke with Avila Construction Group on March 5, 2026. Avila indicated they had checked their bid for completeness, have a good understanding of the project scope and risk, and expressed confidence in their bid and ability to perform the Work for the indicated bid amount.

Based on the information available to us for review, HDR would recommend an award for construction be made to Avila Construction Group. Based on the City's budget availability, it is recommended to award the total lump sum bid of \$5,187,900.00.

If you have any questions or need any information, please feel free to contact me at 210-841-2800.

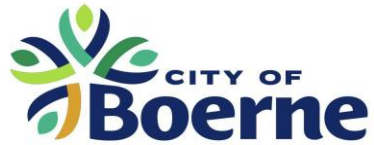
Sincerely,  
*HDR Engineering, Inc.*



Alberto Rodriguez, P.E.  
*Project Manager*

Enclosure – Bid Tabulation

Cc: Terry Nolan – City of Boerne  
Taylor Hill – City of Boerne  
Andrew Wilkinson – City of Boerne  
HDR File



City of Boerne, Texas  
 WWTRC Expansion of Reclaimed Water Facilities

Bids Opened March 4, 2026 @ 10:00 AM



<i>Bidder</i>	Avila Construction Group	Payton Construction, Inc.	Pesado Construction Company	Associated Construction Partners, Ltd	M5 Utilities	Keystone Construction Services, LP	Argo Utilities, LLC	Keeley Construction Group
<b>Attachments:</b>								
Required Bid Security	✓	✓	✓	✓	✓	✓	✓	✓
List of Proposed Subcontractors	✓	✓	✓	✓	✓	✓	✓	✓
List of Proposed Suppliers	✓	✓	✓	✓	✓	✓	✓	✓
List of Project References	✓	✓	✓	✓	✓	✓	✓	✓
Required Bidder Qualification Statement with Supporting Data	✓	✓	✓	✓	✓	✓	✓	✓
<b>Description</b>	<b>Total Price</b>	<b>Total Price</b>	<b>Total Price</b>	<b>Total Price</b>	<b>Total Price</b>	<b>Total Price</b>	<b>Total Price</b>	<b>Total Price</b>
Lump Sum Base Bid Price for all Work in accordance with the Construction Plans and Specifications	\$5,187,900.00	\$6,146,553.00	\$6,490,000.00	\$6,494,750.00	\$6,512,432.67	\$6,899,500.00	\$7,470,000.00	\$7,640,300.00