

AGENDA
REGULAR CITY COUNCIL MEETING
RONALD C. BOWMAN CITY COUNCIL CHAMBERS
447 North Main Street
Boerne, TX 78006
JANUARY 28, 2025 – 6:00 PM

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

1. CALL TO ORDER – 6:00 PM

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG

PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG

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

2. CONFLICTS OF INTEREST

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

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

A. [2025-029](#) CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CALLED CITY COUNCIL MEETING OF JANUARY 14, 2025.

Attachments: [Minutes.25.0114](#)

- B. [2025-026](#) CONSIDER RESOLUTION NO. 2025-R05; A RESOLUTION ESTABLISHING PROCEDURES FOR A GENERAL ELECTION FOR MAY 3, 2025. (Considerar la resolución numero 2025-R05; una resolución que establece los procedimientos para la elección general del 3 de mayo, 2025)

Attachments: [AIS Election 2025](#)
[Resolution No. 2025-R05](#)

- C. [2025-027](#) CONSIDER RESOLUTION NO. 2025-R06: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, CALLING FOR A SPECIAL ELECTION ON MAY 3, 2025 FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY PROPOSED AMENDMENTS TO THE EXISTING BOERNE HOME RULE CHARTER, STATING THE SUBJECT MATTER OF THE PROPOSED AMENDMENTS TO THE CITY CHARTER TO BE VOTED UPON AT SAID ELECTION, PROVIDING THE FORM OF THE BALLOT FOR SUCH ELECTION, DESIGNATING THE POLLING PLACES, DIRECTING AND GIVING NOTICE OF SUCH ELECTION, AND PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION. (Una resolución de la ciudad de Boerne, Texas, llamando para una elección especial el 3 de Mayo de 2025 para el propósito de enviar a los votantes calificados de la ciudad enmiendas propuestas a la carta de la regla del hogar de la ciudad, declarando el asunto de las enmiendas propuestas a la carta de la ciudad para ser votado en esta dicha elección, proporcionando la forma de la boleta dicha elección, designando los lugares de votación, dirigiendo y dando aviso de dicha elección, y proporcionando detalles relacionados con la realización de dicha elección.)

Attachments: [AIS charter order 2025](#)
[Resolution No. 2025-R06](#)

- D. [2025-001](#) CONSIDER RESOLUTION NO. 2025-R07; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, ACCEPTING THE REQUEST AND SETTING THE DATE, TIME AND PLACE FOR A PUBLIC HEARING ON THE PROPOSED ANNEXATION OF APPROXIMATELY 6.46 +/- ACRES OF LAND LOCATED AT 727A JOHNS ROAD, BY THE CITY OF BOERNE, TEXAS; AUTHORIZING AND DIRECTING THE PUBLICATION OF NOTICE OF SUCH PUBLIC HEARING. (Set Public Hearing for February 25, 2025)

Attachments: [AIS - Resolution Accepting Petition 727A Johns Road Resolution No. 2025-R07](#)
[Att 1 - Annexation Petition and Legal Description](#)
[Att 2 - Aerial View](#)

- E. [2025-007](#) CONSIDER APPROVAL OF THE CITY OF BOERNE INVESTMENT POLICY AND BROKER-DEALER LIST.

Attachments: [AIS Investment Policy Review 2025](#)
[Invest Policy Review January 2025](#)

REGULAR AGENDA:

5. PRESENTATIONS, PUBLIC HEARINGS, AND ORDINANCES:

- A. [2025-028](#) RECEIVE THE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION, HOLD A PUBLIC HEARING AND CONSIDER ON FIRST READING ORDINANCE NO. 2025-01; AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BOERNE UNIFIED DEVELOPMENT CODE, BY AMENDING CHAPTER 3. ZONING, SECTION 3.2, ZONING MAP, ZONING 71.12 ACRE TRACT FROM A HOL-INTERIM HOLDING ZONING DISTRICT TO R2-M MODERATE DENSITY RESIDENTIAL ZONING DISTRICT, LOCATED AT WEST STATE HIGHWAY 46 (KAD NO. 307605 AND 316184; A10360 - SURVEY 179 NEWTON & TAYLOR 71.12 ACRES) TO ALLOW FOR A SINGLE FAMILY SUBDIVISION. (FORESTAR (USA) REAL ESTATE GROUP INC. AND CONTINENTAL HOMES OF TEXAS, LP)

Attachments: [AIS - Spencer Ranch Rezone 1.28.2025 Final Ordinance No. 2025-01](#)
[Att 1 - Vicinity Map](#)
[Att 2 - Zoning Map](#)
[Att 3 - Future Land Use Map](#)
[Att 4 - Spencer Ranch Master Community Plan - Oct 2018](#)
[Att 5 - Approval Criteria - Section 2.5.C.5](#)
[Att 6 - 500 ft. Buffer](#)
[Att 7 - Conceptual Development Plan from 2021 Development Agreemen](#)
[Att 8 - Spencer Ranch Plats Conditions for Approval](#)
[Att 9 - Community Responses](#)
[Att 10 - Annexation Phasing Map](#)
[Att 11 - Spencer Ranch Open Space](#)
[Att 12 - P&Z Minutes](#)

6. CITY MANAGER'S REPORT:

- A. [2025-011](#) MONTHLY PROJECTS UPDATE.

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

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

- A. [2025-030](#) SECTION 551.071 - CONSULTATION WITH CITY ATTORNEY; SPENCER RANCH.

- B. [2025-032](#) SECTION 551.071 - CONSULTATION WITH CITY ATTORNEY;
PENDING OR CONTEMPLATED LITIGATION.

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

10. ADJOURNMENT

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the 23 day of January, 2025 at 5:30 p.m.

s/s Lori A. Carroll
City Secretary

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS

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

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

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

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

Present: 5 - Mayor Frank Ritchie, Mayor Pro Tem Ty Wolosin, Council Member Quinten Scott, Council Member Bret A. Bunker, and Council Member Joseph Macaluso

Absent: 1 - Council Member Sharon D. Wright

Staff Present: Ben Thatcher, Sarah Buckelew, Jeff Carroll, Lori Carroll, Nathan Crane, Lissette Jimenez, Mike Mann, Mick McKamie, Mike Raute, Chastity Valdes, and Danny Zincke.

Recognized / Recognized Guests: Linda Zartler and Josh Valenta

1. CALL TO ORDER – 6:00 PM

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

Mayor Ritchie called Pastor Chad Mason with First Baptist Church to provide the invocation.

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

Mayor Ritchie stated that agenda item 5.b. will not be considered this evening nor will the public hearing take place.

2. CONFLICTS OF INTEREST

No conflicts were declared.

3. PUBLIC COMMENTS:

No comments were received.

4. CONSENT AGENDA:

4.D. Council Member Macaluso stated that he hoped the project looked like the rendering with Hill County appeal.

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

Yeah: 4 - Mayor Pro Tem Wolosin, Council Member Scott, Council Member Bunker, and Council Member Macaluso

Absent: 1 - Council Member Wright

A. CONSIDER APPROVAL OF THE MINUTES FROM THE REGULAR CALLED CITY COUNCIL MEETING OF DECEMBER 10, 2024.

THE MINUTES WERE APPROVED.

B. CONSIDER ON SECOND READING ORDINANCE NO. 2024-22; AN ORDINANCE ESTABLISHING THE RATE CLASSIFICATIONS AND RATES TO BE CHARGED FOR WATER SERVICE PROVIDED BY THE CITY OF BOERNE UTILITIES, AND REPEALING AND REPLACING ORDINANCE NO. 2018-30 DATED SEPTEMBER 11, 2018, AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH. (Water Service)

THE ORDINANCE WAS APPROVED.

C. CONSIDER ON SECOND READING ORDINANCE NO. 2024-24; AN ORDINANCE ESTABLISHING THE RATE CLASSIFICATIONS AND RATES TO BE CHARGED FOR RECLAIMED WATER SERVICE PROVIDED BY THE CITY OF BOERNE UTILITIES, AND REPEALING AND REPLACING ORDINANCE NO. 2021-23 DATED JULY 27, 2021, AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH. (Reclaimed Water Service)

THE ORDINANCE WAS APPROVED.

D. CONSIDER ON SECOND READING ORDINANCE NO. 2024-26; AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY

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

THE ORDINANCE WAS APPROVED.

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

THE ORDINANCE WAS APPROVED.

- F. CONSIDER ON SECOND READING ORDINANCE NO. 2024-28; AN ORDINANCE OF THE CITY OF BOERNE, TX, AMENDING THE UNIFIED DEVELOPMENT CODE ADOPTED BY ORDINANCE NO. 2020-29 ON NOVEMBER 24, 2020, INCLUDING BUT NOT LIMITED TO CHAPTER 3, ZONING SECTION 3-6. PERMITTED USES OF BUILDINGS AND LAND, E. ACCESSORY USES; SECTION 3-7 PERMITTED USE TABLES; SECTION 3-11 HISTORIC DISTRICT C. USES; SECTION 3-13 RIVER ROAD OVERLAY DISTRICT C. USES; CHAPTER 5. NONRESIDENTIAL SITES, SECTION 5-6 ON-SITE PARKING FOR NONRESIDENTIAL PROPERTIES; APPENDIX A. DEFINITIONS CHAPTER 5 - ON-SITE PARKING FOR NONRESIDENTIAL PROPERTIES, APPENDIX A - DEFINITIONS RELATED TO MOBILE FOOD UNITS AND MOBILE FOOD PARKS;

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

THE ORDINANCE WAS APPROVED.

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

THE ORDINANCE WAS APPROVED.

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

THE ORDINANCE WAS APPROVED.

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

THE RESOLUTION WAS APPROVED.

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

THE RESOLUTION WAS APPROVED.

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

THE RESOLUTION WAS APPROVED.

REGULAR AGENDA:

5. PRESENTATIONS, PUBLIC HEARINGS, AND ORDINANCES:

- A. CONSIDER THE PROPOSED CHARTER AMENDMENTS AS PRESENTED BY THE CHARTER REVIEW COMMISSION.

Mayor Ritchie invited Lori Carroll, City Secretary, to provide an overview of the Charter Review Commission's process for evaluating and recommending proposed amendments to the Home Rule Charter. Ms. Carroll reviewed each proposed amendment, outlining their purpose and implications. Mayor Ritchie extended his gratitude to the members of the Commission, recognizing their dedication and the significant time they devoted to this important effort.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY COUNCIL MEMBER BUNKER, TO APPROVE THE PROPOSED CHARTER AMENDMENTS AS PRESENTED BY THE CHARTER REVIEW COMMISSION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Mayor Pro Tem Wolosin, Council Member Scott, Council Member Bunker, and Council Member Macaluso

Absent: 1 - Council Member Wright

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

The public hearing and the ordinance was not discussed or considered.

6. RESOLUTIONS:

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

Mayor Ritchie called on Lissette Jimenez, Parks Director. Director Jimenez reviewed the process for selecting the Construction Manager at Risk for Northside Community Park Bond improvements. She displayed the agreement terms and fees.

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER MACALUSO, TO RECEIVE THE PROPOSALS AND APPROVE RESOLUTION NO 2025-R04; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A CONTRACT BETWEEN THE CITY OF BOERNE AND WATERMAN CONSTRUCTION AS CONSTRUCTION MANAGER AT RISK FOR NORTHSIDE COMMUNITY PARK BOND IMPROVEMENTS. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Mayor Pro Tem Wolosin, Council Member Scott, Council Member Bunker, and Council Member Macaluso

Absent: 1 - Council Member Wright

7. CITY MANAGER'S REPORT:

Mayor Ritchie called on Ben Thatcher, City Manager.

A. CITY PARK PLAYGROUND EXPANSION UPDATE.

City Manager Thatcher requested an update from Director Jimenez regarding the expansion of the playground at City Park. Director Jimenez highlighted that discussions about the project began in 2023 in partnership with the City of Boerne and the Parks Association. The project focuses on installing new equipment designed to promote inclusive play for children of all abilities. The anticipated completion date for the expansion is Spring 2025.

B. WEATHER RESPONSE UPDATE.

City Manager Thatcher stated fortunately the weather was not as bad as anticipated. He expressed appreciation to staff for being prepared and ready for the next weather event.

City Manager Thatcher stated that today was the start of the 89th legislative session and he will be providing periodic updates.

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

Mayor Pro Tem Wolosin expressed his gratitude and admiration for the Boerne Fire Department, noting that they have dispatched staff to assist with the ongoing fires in California. He extended his wishes for their safety and well-being during their efforts.

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

Mayor Ritchie convened the City Council into Executive Session at 6:21 p.m.

A. SECTION 551.071 - CONSULTATION WITH CITY ATTORNEY REGARDING CITY POWERS AND DUTIES WITH REGARD TO PUBLIC HEALTH CONCERNS. (Cascade Cavern Road)

No action was taken.

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

Mayor Ritchie reconvened the City Council into Open Session at 6:41 p.m.

No action was taken.

11. ADJOURNMENT

Mayor Ritchie adjourned the City Council at 6:41 p.m.

Approved:

Mayor

Attest:

City Secretary



AGENDA ITEM SUMMARY

	AGENDA ITEM SUMMARY
Agenda Date	January 28, 2025
Requested Action	APPROVE RESOLUTION NO. 2025-R05; A RESOLUTION ESTABLISHING PROCEDURES FOR A GENERAL ELECTION FOR MAY 3, 2025. <i>(Aprobar la resolución una resolución que establece los procedimientos para la elección general del 3 de mayo, 2025)</i>
Contact Person	Lori A. Carroll, City Secretary
Background Information	<p>As part of the election process, it is necessary for the City Council to order the General Election of May 3, 2025, for the positions of Mayor, Council Member District 2 and Council Member District 4.</p> <p>Filing for a place on the ballot began January 15, 2025, through February 14, 2025.</p> <p>The attached Resolution details the Early Voting and Election Day voting, conducted through the Kendall County Elections Office. The City is responsible for all formal actions required by law within the election process.</p>
Item Justification	<input checked="" type="checkbox"/> Legal/Regulatory Obligation <input type="checkbox"/> Infrastructure Investment <input type="checkbox"/> Reduce Costs <input type="checkbox"/> Customer Pull <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Service Enhancement <input type="checkbox"/> Mitigate Risk <input type="checkbox"/> Process Efficiency <input type="checkbox"/> Master Plan Recommendation <input type="checkbox"/> Other:
Strategic Alignment	
Financial Considerations	Depends on number of entities participating in a joint election.
Citizen Input/Board Review	
Legal Review	
Alternative Options	
Supporting Documents	Resolution No. 2025-R05

RESOLUTION NO. 2025-R05

A RESOLUTION ESTABLISHING PROCEDURES FOR A GENERAL ELECTION FOR MAY 3, 2025 (*Una resolución que establece los procedimientos para la elección general del 3 de mayo, 2025*)

WHEREAS, the laws of the State of Texas provide that on May 3, 2025, there shall be elected the following officials for this City:

Mayor
Council Member District 2
Council Member District 4

WHEREAS, the laws of the State of Texas further provide that the Election Code of the State of Texas is applicable to said election, and in order to comply with said Code, a resolution should be passed establishing the procedures to be followed in said election, and designating the voting place for said election;

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

All candidates of the election to be held on May 3, 2025, for the above mentioned offices shall file an application to become a candidate with the City Secretary of this City at City Hall, 447 N Main Street, Boerne, Texas. Applications to have the name of a candidate placed on the ballot may not be filed later than seventy-eight (78) days before the election, that deadline being at 5:00 p.m. on February 14, 2025. The earliest date for a candidate to file will be no more than thirty (30) days before the deadline, that date being January 15, 2025, at 8:00 a.m., in accordance with Election Code Sections 143.006 and 143.007.

The order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing by the City Secretary as provided by Section 52.094 of the Texas Election Code.

Said election shall be held at Boerne City Hall, 447 N. Main Street Boerne, Texas or as designated by the Kendall County Elections Administrator. The designated polling place(s) shall, on said election day be open from 7:00 a.m. to 7:00 p.m.

The City Secretary is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct said election.

The City of Boerne having contracted with Kendall County for the conduct and supervision of the City of Boerne General Election. The Kendall County Election Officer is responsible for recruiting all election judges and clerks for Early Voting and/or Election Day.

The early voting for the above designated election shall be at 221 Fawn Valley Drive, Boerne, Texas or the location designated by the Kendall County Elections Administrator. The said place of early voting shall remain open for at least eight hours on each day for early voting which is not a Saturday, a Sunday, or an official State Holiday, beginning on April 21, 2025, and continuing through April 29, 2025, preceding the date of said election. Said place of early voting shall remain open between the hours of 8:00 a.m. and 6:00 p.m. on each day for said early voting, except Saturday April 26, 2025, when polls shall remain open from 10:00 a.m. to 4:00 p.m. and

on April 28th and April 29th when the polls shall remain open from 7:00 a.m. to 7:00 p.m. or as designated by the Kendall County Elections Administrator.

Early Voting by Mail

Applications for voting by mail may be obtained through Staci L. Decker, Elections Administrator, 221 Fawn Valley Dr. Ste. 100, Boerne, Texas.

Said election shall be held in accordance with the Election Code of this State, and only resident qualified voters of said City shall be eligible to vote at said election.

The Mayor shall give notice of this election in accordance with the terms and provisions of Sections 4.004, 83.010, 85.004, and 85.007 of the Election Code, and all necessary orders and writs for said election shall be issued by the proper authority. Returns of said election shall be delivered to the appropriate authorities immediately after the returns are completed.

It is further found and determined that in accordance with the order of this governing body, the City Secretary posted written notice of the date, place and subject of this meeting on the bulletin board located in the City Hall, a place convenient and readily accessible to the general public, and said notice having been so posted and remaining posted continuously for at least 72 hours preceding the scheduled time of said meeting. A copy of the return of said posting shall be attached to the minutes of this meeting and shall be made a part thereof for all intents and purposes.

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

APPROVED:

ATTEST:

Mayor

City Secretary



AGENDA ITEM SUMMARY

	AGENDA ITEM SUMMARY								
Agenda Date	January 28, 2025								
Requested Action	<p>APPROVE RESOLUTION NO. 2025-R06; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, CALLING FOR A SPECIAL ELECTION ON MAY 3, 2025 FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY PROPOSED AMENDMENTS TO THE EXISTING BOERNE HOME RULE CHARTER, STATING THE SUBJECT MATTER OF THE PROPOSED AMENDMENTS TO THE CITY CHARTER TO BE VOTED UPON AT SAID ELECTION, PROVIDING THE FORM OF THE BALLOT FOR SUCH ELECTION DESIGNATING THE POLLING PLACES, DIRECTING AND GIVING NOTICE OF SUCH ELECTION, AND PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION.</p> <p>(APROBAR LA RESOLUCIÓN NO. 2025-R06; UNA RESOLUCIÓN DE LA CIUDAD DE BOERNE, TEXAS, LLAMANDO PARA UNA ELECCIÓN ESPECIAL EL 3 DE MAYO DE 2025 PARA EL PROPÓSITO DE ENVIAR A LOS VOTANTES CALIFICADOS DE LA CIUDAD ENMIENDAS PROPUESTAS A LA CARTA DE LA REGLA DEL HOGAR DE LA CIUDAD, DECLARANDO EL ASUNTO DE LAS ENMIENDAS PROPUESTAS A LA CARTA DE LA CIUDAD PARA SER VOTADO EN ESTA DICHA ELECCIÓN, PROPORCIONANDO LA FORMA DE LA BOLETA DICHA ELECCIÓN, DESIGNANDO LOS LUGARES DE VOTACIÓN, DIRIGIENDO Y DANDO AVISO DE DICHA ELECCIÓN, Y PROPORCIONANDO DETALLES RELACIONADOS CON LA REALIZACIÓN DE DICHA ELECCIÓN)</p>								
Contact Person	Lori A. Carroll, City Secretary								
Background Information	<p>At this time, it is appropriate for the City Council to call for a Special Election on May 3, 2025, for Home Rule Charter Amendments.</p> <p>The attached Resolution details the Early Voting and Election Day voting, conducted through the Kendall County Elections Office. The City is responsible for all formal actions required by law within the election process.</p>								
Item Justification	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"><input checked="" type="checkbox"/> Legal/Regulatory Obligation</td> <td style="width: 50%; border: none;"><input type="checkbox"/> Infrastructure Investment</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Reduce Costs</td> <td style="border: none;"><input type="checkbox"/> Customer Pull</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Increase Revenue</td> <td style="border: none;"><input type="checkbox"/> Service Enhancement</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Mitigate Risk</td> <td style="border: none;"><input type="checkbox"/> Process Efficiency</td> </tr> </table>	<input checked="" type="checkbox"/> Legal/Regulatory Obligation	<input type="checkbox"/> Infrastructure Investment	<input type="checkbox"/> Reduce Costs	<input type="checkbox"/> Customer Pull	<input type="checkbox"/> Increase Revenue	<input type="checkbox"/> Service Enhancement	<input type="checkbox"/> Mitigate Risk	<input type="checkbox"/> Process Efficiency
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<input type="checkbox"/> Reduce Costs	<input type="checkbox"/> Customer Pull								
<input type="checkbox"/> Increase Revenue	<input type="checkbox"/> Service Enhancement								
<input type="checkbox"/> Mitigate Risk	<input type="checkbox"/> Process Efficiency								

	<input type="checkbox"/> Master Plan Recommendation <input type="checkbox"/> Other:
Strategic Alignment	
Financial Considerations	
Citizen Input/Board Review	
Legal Review	
Alternative Options	
Supporting Documents	Resolution No. 2025-R06 (includes Measures and Propositions A-D)

RESOLUTION NO. 2025-R06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, CALLING FOR A SPECIAL ELECTION FOR MAY 3, 2025, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY PROPOSED AMENDMENTS TO THE EXISTING BOERNE HOME RULE CHARTER, STATING THE SUBJECT MATTER OF THE PROPOSED AMENDMENTS TO THE CITY CHARTER TO BE VOTED UPON AT SAID ELECTION, PROVIDING THE FORM OF THE BALLOT FOR SUCH ELECTION, DESIGNATING THE POLLING PLACES, DIRECTING AND GIVING NOTICE OF SUCH ELECTION, AND PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION *(Una resolución de la ciudad de Boerne, Texas, llamando para una elección especial el 3 de Mayo de 2025 para el propósito de enviar a los votantes calificados de la ciudad enmiendas propuestas a la carta de la regla del hogar de la ciudad, declarando el asunto de las enmiendas propuestas a la carta de la ciudad para ser votado en esta dicha elección, proporcionando la forma de la boleta dicha elección, designando los lugares de votación, dirigiendo y dando aviso de dicha elección, y proporcionando detalles relacionados con la realización de dicha elección)*

WHEREAS, the laws of the State of Texas further provide that the Election Code of the State of Texas is applicable to said election, and in order to comply with said Code, a resolution should be passed establishing the procedures to be followed in said election, and designating the voting place for said election; and

WHEREAS, the City Council has determined that holding an election is in the best interest of the public;

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

Section 1. Call of Election; Date; Eligible Electors and Hours.

(a) It is hereby ordered to hold a Special Election (the "Special Election") to be held in and throughout the City of Boerne on Saturday, May 3, 2025, between the hours of 7:00 a.m. and 7:00 p.m. for the purpose of submitting to the resident, qualified electors of the City of Boerne, Texas four (4) proposed Charter Amendments proposed by the Boerne Charter Review Commission. Such proposed Charter amendments are attached hereto as measures in the attached **Exhibit "C"**, with underlines being additions to the Charter and cross-outs being deletions to the Charter, said measures to be placed on the ballot in the form of the propositions as shown on the attached **Exhibit "D"**.

(b) The Special Election shall be held under the provisions of the Charter of the City, the Constitution and laws of the State of Texas and of this Resolution. All qualified voters residing in the City shall be allowed to vote at the Election; and each voter shall vote in the election precinct in which such voter resides.

Section 2. Election Polling Places; Election Officers.

(a) The election precincts for the Election shall include county election precincts and such precincts, the polling places are hereby established and shall be as described in **Exhibit "A"** hereto.

(b) The election officials for each City precinct shall be designated by the Kendall County Elections Office of Kendall County, Texas (the "Elections Administrator"); and such officials shall conduct the City's Election in accordance with a Joint Election Agreement and Contract for Election Services (the "Election Contract") between Kendall County, Texas and the City. The Elections Administrator is hereby authorized and instructed to provide and furnish all necessary election supplies for all City precincts. The official mailing address and physical address for Elections Administrator: Staci Decker, 221 Fawn Valley Dr. Ste. 100, Boerne, Texas, 78006.

(c) In the event the Election Administrator shall find that one or more of the polling places listed on **Exhibit “A”** have become unavailable or unsuitable for use or if any person or persons appointed herein do not appear or are unable to perform their duties, is hereby authorized to designate substitute polling places and appoint substitute personnel, giving such notice as deemed appropriate.

Section 3. Ballots. The City Secretary and the Elections Administrator are hereby authorized and directed to prepare the ballots for the Special Election in accordance with the provisions of the Texas Election Code. The ballots for the Special Election shall have printed the four (4) proposed Charter Amendments in accordance with the provisions of the Texas Election Code.

Section 4. Voting. Voting in the Election, including early voting by personal appearance shall be by an electronic voting system adopted by the City and the Commissioners Court of Kendall County, Texas for use in elections held by the City and Kendall County. Each voter in the Special Election shall mark the ballot indicating such voter’s choice of candidate for each of the four (4) proposed Charter Amendments. Voting shall be conducted in accordance with the Texas Election Code.

Section 5. Early Voting. Early voting by personal appearance shall be conducted at the dates, times and polling places listed in **Exhibit “B”** to this Resolution. In the event the Election Administrator shall find that one or more of the polling places listed on **Exhibit “B”** have become unavailable or unsuitable for use or if any person or persons appointed herein do not appear or are unable to perform their duties, is hereby authorized to designate substitute polling places and appoint substitute personnel, giving such notice as deemed appropriate.

The City Council hereby establishes Kendall County Courthouse Annex, 221 Fawn Valley Dr. Ste. 100, Boerne, Texas 78006 as main early voting polling location at which early voting by personal appearance shall be conducted.

The Council hereby appoints the Elections Administrator as the early voting clerk. The Elections Administrator shall receive applications for a ballot to be voted by mail. Completed applications may be submitted to the Early Voting Clerk in person, by mail, by contract or common carrier, or by fax. Completed applications may also be submitted to the Early Voting Clerk by e-mail if the e-mail contains the scanned application containing the applicant’s original signature. Applications for ballots by mail may be received no later than 5:00 p.m. on April 22, 2025. An applicant submitting an application for ballot by mail via fax or e-mail must also submit the physical application for ballot by mail via mail. In order for a faxed or e-mail application for ballot by mail to be effective, the physical, mailed application for ballot by mail must be received within four days of the submission of the application by fax or email. The mailing address of the Early Voting Clerk is Staci Decker, Kendall County Elections Administrator, 221 Fawn Valley Dr. Ste. 100, Boerne, Texas 78006.

The Council hereby appoints the Counting Station Judge or Alternate as the presiding judge of the early voting ballot board to count and return early voting ballots in accordance with the Election Code. The presiding judge shall appoint election clerks as needed, and such judge and clerks shall constitute the early voting ballot board and shall perform the duties set forth for such board in the Texas Election Code. The Central Counting Station will be located at the Kendall County Courthouse Annex, 221 Fawn Valley, Boerne, Texas 78006.

Section 6. Notice of Elections. Notice of the Election, shall be printed as required by Chapter 4 of the Election Code and the Charter of this City, in English and Spanish, stating in substance the contents of this Resolution, shall be: (i) published on the same day in each of two successive weeks, with the first publication occurring before the tenth (10th) day before the date of the election in a newspaper of general circulation within the City’s territory not earlier than the thirtieth (30th) day before the Elections; (ii) posted on the bulletin board used by the Council to post notices of the Council’s

meetings no later than the twenty-first (21st) day before the date of the Elections. Notice of the Special Election on the proposed amendments to the City's Home Rule Charter shall be published in a newspaper of general circulation published in the City and shall include a substantial copy of the proposed amendments; include an estimate of the anticipated fiscal impact to the municipality if the proposed amendment is approved at the election; and be published on the same day in each of two successive weeks, with the first publication occurring before the 14th day before the date of the election.

Section 7. Declaring Results. City Council shall canvass the returns and declare the results of the Election.

At the Special Election, the Propositions that receive a majority of all votes cast approving each particular Proposition, except as provided for in the attached Exhibit "C", shall be declared as approved and effective upon the City Council entering an order in the records of the City declaring that the charter or amendment is adopted pursuant to the requirements of Texas Local Government Code Section 9.05. As soon as practicable after the adoption of the charter amendments, the mayor shall certify to the secretary of state an authenticated copy of the amendments under the City's seal showing the approval by the voters of the municipality.

Section 8. Notice of Meeting. It is further found and determined that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this Resolution and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 9. Authority of the Mayor. The mayor shall have the authority to take, or cause to be taken, all actions reasonable and necessary to insure that the Elections are fairly held and returns properly counted and tabulated for the canvass of the Election returns by the City Council in accordance with state law.

Section 10. Severability Clause. If any section, subsection, sentence, phrase or word of this resolution be found to be illegal, invalid or unconstitutional, the adjudication shall not affect any other section, sentence, phrase, word, paragraph or provision of this resolution or the application of any other section, sentence, phrase, word, paragraph, or provision of any other resolution of the City. The City Council declares that it would have adopted the valid portion and applications of this resolution without the invalid part, and to this end the provisions of this resolution are declared to be severable.

Section 11. Effective Date. This Resolution is effective immediately upon its Passage and approval.

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

APPROVED:

Mayor

ATTEST:

City Secretary

Exhibit A

Kendall County participates in the Countywide Polling Place Program. Any registered voter of Kendall County may choose to vote at any of the Vote Center Locations listed below on Election Day.

May 3, 2025,
Election Day Polling Locations
Subject to Change

Location	Address	City/State
Boerne City Hall	447 N. Main St. (Training Room)	Boerne, Texas
Fair Oaks Ranch Police Department	7286 Dietz Elkhorn (Training Room)	Fair Oaks Ranch, Texas

EXHIBIT "B"

**NOTICE OF EARLY VOTING FOR THE FOLLOWING POLITICAL SUBDIVISIONS BEING HELD
IN KENDALL COUNTY, TEXAS ON MAY 3, 2025**

EARLY VOTING BY PERSONAL APPEARANCE LOCATIONS:

Location	Address	City/State
Kendall County Courthouse Annex	221 Fawn Valley Dr. Ste 100	Boerne, Texas
Fair Oaks Ranch Police Department	7286 Dietz Elkhorn	Fair Oaks Ranch, Texas

Personal Appearance Times and Dates for Above Locations:

April 21 - 258 AM – 6 PM
April 26.....10 AM – 4 PM
April 28 - 297 AM – 7 PM

EXHIBIT “C”
Four (4) Proposed Charter Amendments

Measure A

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

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

Measure B

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

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

Measure C

C. Filling of Vacancies. When a vacancy occurs in the City Council, it shall be filled as required by the Texas Constitution and other law applicable to Home-Rule cities; provided that if a vacancy occurs in a position that has less than 12 months remaining, the City Council shall appoint a qualified individual to serve the unexpired term. ~~the remaining members of the Council shall, within thirty (30) days, appoint a qualified person to fill the unexpired term. At no given time shall two (2) appointed Council members serve on the Council. In the case where a vacancy has been filled by the Council prior to a subsequent vacancy or vacancies, the Council shall call a special election within thirty (30) days from the date the last vacancy occurred, to be held within forty five (45) days thereafter, unless otherwise provided by law, for the purpose of electing the successor or successors to the office or offices vacated.~~

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

Measure D

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

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

**EXHIBIT “D”
Propositions**

Measure A shall be placed on the ballot in the form of the following Proposition:

Proposition A

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

Measure B shall be placed on the ballot in the form of the following Proposition:

Proposition B

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

Measure C shall be placed on the ballot in the form of the following Proposition:

Proposition C

“Shall Section 3.08 C. Filling of Vacancies of the Boerne City Charter be amended to read:
When a vacancy occurs in the City Council, it shall be filled as required by the Texas Constitution and other law applicable to Home-Rule cities; provided that if a vacancy occurs in a position that has less than 12 months remaining, the City Council shall appoint a qualified individual to serve the unexpired term?”


Measure D shall be placed on the ballot in the form of the following Proposition:

Proposition D

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



AGENDA ITEM SUMMARY

	<h2>AGENDA ITEM SUMMARY</h2>
Agenda Date	January 28, 2025
Requested Action	APPROVE RESOLUTION NO. 2025-R07; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, ACCEPTING THE REQUEST AND SETTING THE DATE, TIME AND PLACE FOR A PUBLIC HEARING ON THE PROPOSED ANNEXATION OF APPROXIMATELY 6.46 +/- ACRES OF LAND LOCATED AT 727A JOHNS ROAD, BY THE CITY OF BOERNE, TEXAS; AUTHORIZING AND DIRECTING THE PUBLICATION OF NOTICE OF SUCH PUBLIC HEARING. <i>(Set Public Hearing for February 25, 2025)</i>
Contact Person	Nathan Crane, AICP Planning Director ncrane@boerne-tx.gov (830) 248-1521
Background Information	<p>REQUEST:</p> <ol style="list-style-type: none"> 1. This request is to accept the voluntary annexation of approximately 6.462 acres and set a time and place for a public hearing, which if approved would be held on February 25, 2025. 2. The request includes one KAD parcel under one ownership (Dennis Spinelli). The subject property is contiguous to Boerne City Limits on all four sides. 3. In accordance with Section 2.5 of the Unified Development Code, the property will be designated as a Holding (HOL) district until such time as the property is permanently zoned by the Council. However, the property owner has applied to zone the property to R3-D Duplex Residential. This zoning request is being processed concurrently and will be heard by City Council after the Planning and Zoning Commission holds a public hearing and makes a recommendation. <p>The annexation process includes the following steps:</p> <ol style="list-style-type: none"> 1. <u>January 28, 2025</u> – Council adopts a Resolution accepting the request for annexation and setting a time and place for a public hearing. 2. <u>February 25, 2025</u> – Council holds a public hearing and considers the first reading of the proposed annexation. 3. <u>March 11, 2025</u> – Council considers the second reading and approval of the proposed annexation ordinance.

Legal Review	This action is a statutory requirement for annexation.
Alternative Options	N/A
Supporting Documents	Resolution No. 2025-R07 Annexation Petition & Legal Description Annexation Area Map

RESOLUTION NO. 2025-R07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, ACCEPTING THE REQUEST AND SETTING THE DATE, TIME AND PLACE FOR A PUBLIC HEARING ON THE PROPOSED ANNEXATION OF APPROXIMATELY 6.46 +/- ACRES OF LAND LOCATED AT 727A JOHNS ROAD, BY THE CITY OF BOERNE, TEXAS; AUTHORIZING AND DIRECTING THE PUBLICATION OF NOTICE OF SUCH PUBLIC HEARING.

WHEREAS, the City Council of the City of Boerne, Texas, has been petitioned by Dennis Spinelli for the annexation of approximately 6.46 +/- acres of land in Boerne, Kendall County, Texas; and

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

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

Section 1: On the 25th day of February 2025, in the Ronald C. Bowman City Council Chambers located at 447 N Main Street, Boerne, Texas, the City Council will hold a public hearing giving all interested persons the right to appear and be heard on the proposed annexation by the City of Boerne, Texas of the following described property, to wit:

BEING a 6.46 +/- tract of land out of the Anton Lockmar Survey No. 178, Abstract No. 311, Kendall County, Texas, being a portion of Northwest Quarter.

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

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

APPROVED:

Mayor

ATTEST:

City Secretary

ANNEXATION PETITION

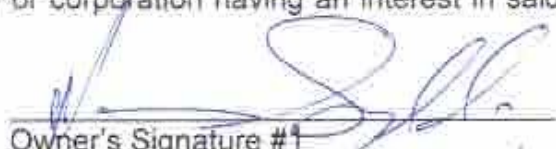
TO THE MAYOR AND GOVERNING BODY
OF THE CITY OF BOERNE, TEXAS:

The undersigned owner(s) of the hereinafter described tract of land hereby petition your honorable body to extend the present city limits so as to include as a part of the City of Boerne, Texas, the following described territory, to-wit:

(Provide physical address, if available)

(Description by metes and bounds attached)

I/We certify that the above described tract of land is contiguous to the City of Boerne, Texas, is not more than one-half (1/2) mile in width and that this petition is signed and duly acknowledged by each and every person or corporation having an interest in said land.


Owner's Signature #1

Dennis Spinelli
Owner's Printed Name

331 Fifth St
Owner's Mailing Address

Cooper TX 78013

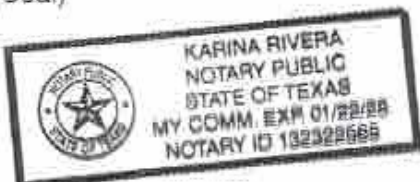
8304460264
Owner's Phone No.

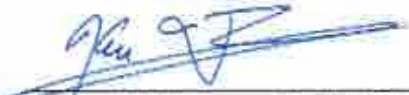
THE STATE OF TEXAS #
COUNTY OF KENDALL #

Before me, the undersigned authority, on this day personally appeared _____
Known to me to be the person whose name is subscribed to the foregoing instrument and
acknowledged to me that he/she executed the same for the purposes and consideration therein
expressed.

Given under my hand and seal of office, this 17 day of December, 2021.

(Seal)




Notary Public in and for the State of Texas
My commission expires 1/22/22

KENDALL COUNTY, TEXAS

BEING all that certain 6.462 Acre tract, as described in County Clerk File No. 350671, Official Public Records of Kendall County, Texas, located in the Northwest Quarter of Section 178, Abstract 311, Anton Lockmar Survey, Kendall County, Texas, and being further described by metes and bounds as follows:

BEGINNING at a 1/2 Inch Iron Rod Found for the Northwest Corner of this Tract, same being the Southwest Corner of Carrington Place Addition, as recorded in Volume 4, Page 158-159, Deed Records of Kendall County, Texas;

THENCE South 89°08'47" East - 246.95 feet along the South line of said Carrington Place Addition to a 1/2 Inch Iron Rod Found for the Northeast Corner of this tract, same being the Southerly most Southeast Corner of said Carrington Place Addition;

THENCE South 4°56'36" East - 118.07 feet along the West line of the New Fabra Elementary School Addition, as recorded in Volume 8, Page 185-189, Deed Records of Kendall County, Texas, to a 1/2 Inch Iron Rod Found for a Corner;

THENCE South 18°29'52" East - 587.10 feet continuing along the West line of said New Fabra Elementary School Addition to a 1/2 Inch Iron Rod with Cap marked "CEC 10194378" Set for the Southeast Corner, same being the Southwest Corner of said New Fabra Elementary School Addition;


THENCE North 89°23'35" West - 434.34 feet along the North line of the Villas at Hampton Place, Unit 2 Addition, as described in Volume 4, Page 186-187, Deed Records of Kendall County, Texas, to a 1/2 Inch Iron Rod Found for the Southwest Corner of this tract, same being the Northwest Corner of said Villas at Hampton Place, Unit 2;

THENCE North 15°35'26" West - 523.23 feet along the East line of John's Crossing Addition, as described in Volume 5, Page 30-31, Deed Records of Kendall County, Texas, to a 1/2 Inch Iron Rod Found for a Corner;

THENCE North 15°42'09" West - 178.85 feet continuing along the East line of said John's Crossing to the POINT OF BEGINNING and containing 6.46 Acres more or less.

Certificate

I do here by certify to **Davis Spinelli** that this plat is true and correct to the best of my knowledge, information and belief and in my professional opinion; that it was prepared from a survey made on the ground under my supervision on this the **21st day of February, 2024**; that no visible above ground encroachments exist other than shown. Property is located in Zone X as according to the Flood Insurance Rate Map Panel 48259C0415F with an effective date 12/17/2010


Justin W. Cantwell, RPLS 6331



KENDALL COUNTY, TEXAS

BEING all that certain 6.462 Acre tract, as described in County Clerk File No. 350671, Official Public Records of Kendall County, Texas, located in the Northwest Quarter of Section 178, Abstract 311, Anton Lockmar Survey, Kendall County, Texas, and being further described by metes and bounds as follows:

BEGINNING at a 1/2 Inch Iron Rod Found for the Northwest Corner of this Tract, same being the Southwest Corner of Carrington Place Addition, as recorded in Volume 4, Page 158-159, Deed Records of Kendall County, Texas;

THENCE South 89°08'47" East - 246.95 feet along the South line of said Carrington Place Addition to a 1/2 Inch Iron Rod Found for the Northeast Corner of this tract, same being the Southern most Southeast Corner of said Carrington Place Addition;

THENCE South 4°56'36" East - 118.07 feet along the West line of the New Fabra Elementary School Addition, as recorded in Volume 8, Page 185-189, Deed Records of Kendall County, Texas, to a 1/2 Inch Iron Rod Found for a Corner;

THENCE South 18°29'52" East - 587.10 feet continuing along the West line of said New Fabra Elementary School Addition to a 1/2 Inch Iron Rod with Cap marked "CEC 10194378" Set for the Southeast Corner, same being the Southwest Corner of said New Fabra Elementary School Addition;

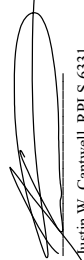
THENCE North 89°23'35" West - 434.34 feet along the North line of the Villas at Hampton Place, Unit 2 Addition, as described in Volume 4, Page 186-187, Deed Records of Kendall County, Texas, to a 1/2 Inch Iron Rod Found for the Southwest Corner of this tract, same being the Northwest Corner of said Villas at Hampton Place, Unit 2;

THENCE North 15°35'26" West - 523.23 feet along the East line of John's Crossing Addition, as described in Volume 5, Page 30-31, Deed Records of Kendall County, Texas, to a 1/2 Inch Iron Rod Found for a Corner;

THENCE North 15°42'09" West - 178.85 feet continuing along the East line of said John's Crossing to the POINT OF BEGINNING and containing 6.46 Acres more or less.

Certificate

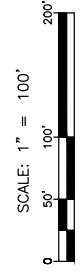
I do here by certify to **Davis Spinelli** that this plat is true and correct to the best of my knowledge, information and belief and in my professional opinion; that it was prepared from a survey made on the ground under my supervision on this the **21st day of February, 2024**; that no visible above ground encroachments exist other than shown. Property is located in Zone X as according to the Flood Insurance Rate Map Panel 48259C0415F with an effective date 12/17/2010


Justin W. Cantwell, RPLS 6331



LEGEND

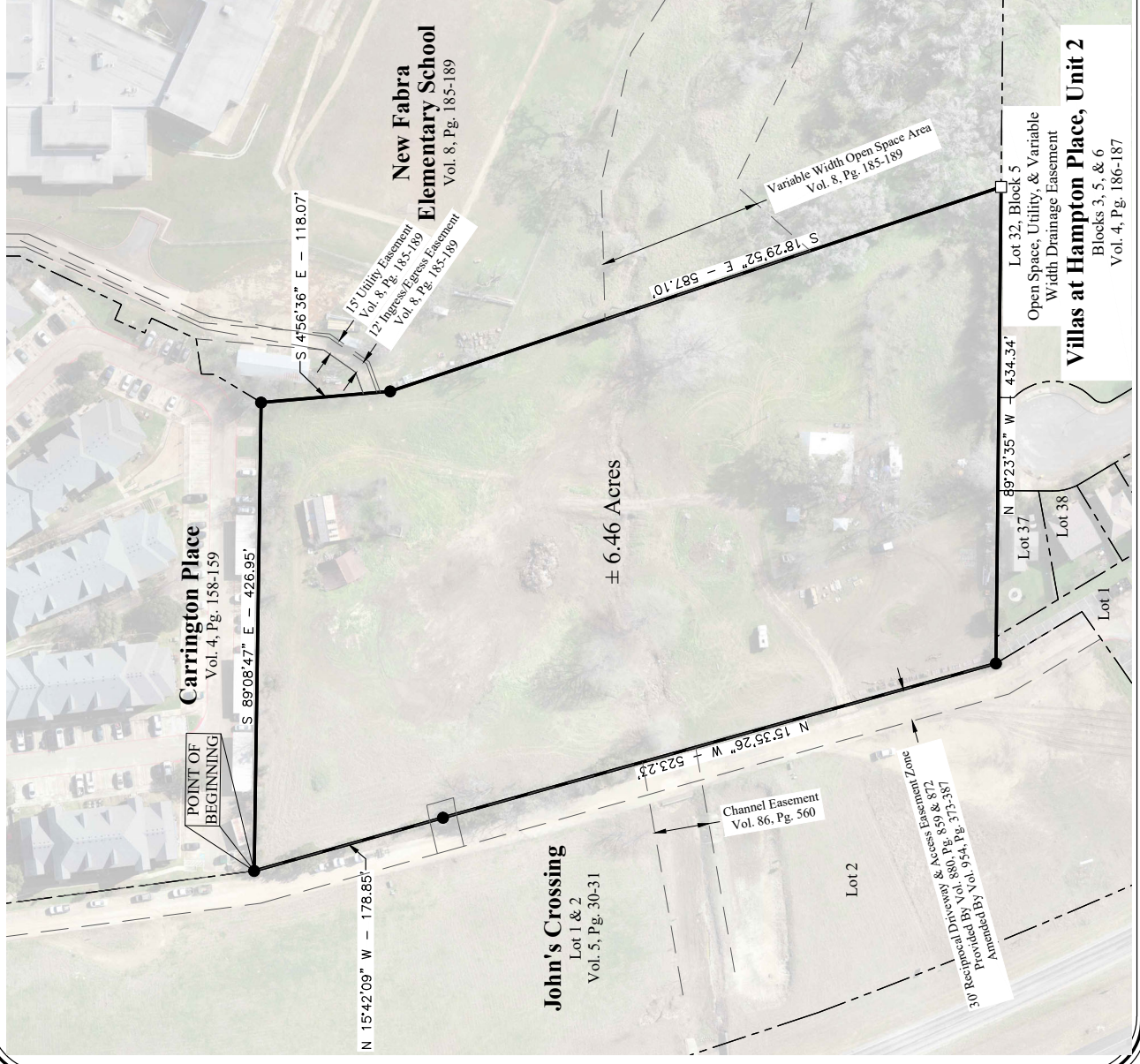
- - Set 1/2" With Cap - "C.E.C. 10194378"
- - Found 1/2" Iron Rod
- - Property Line
- - - - Lot Line
- - - - Easement Line



PLAT OF SURVEY

± 6.46 Acres
Bourne, Kendall County, Texas

CONTRIVE ENGINEERING & CONSULTING, LLC.
3512 Upland Avenue, Lubbock, Texas 79424
(806) 470-8886
TXPE Reg. No. 17-0713, 7982.5 Reg. No. 10194378
CONTRIVE ENGINEERING & CONSULTING, LLC.



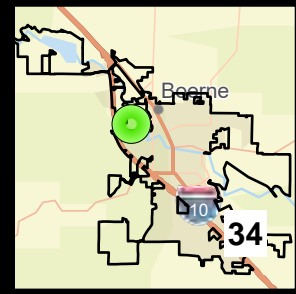
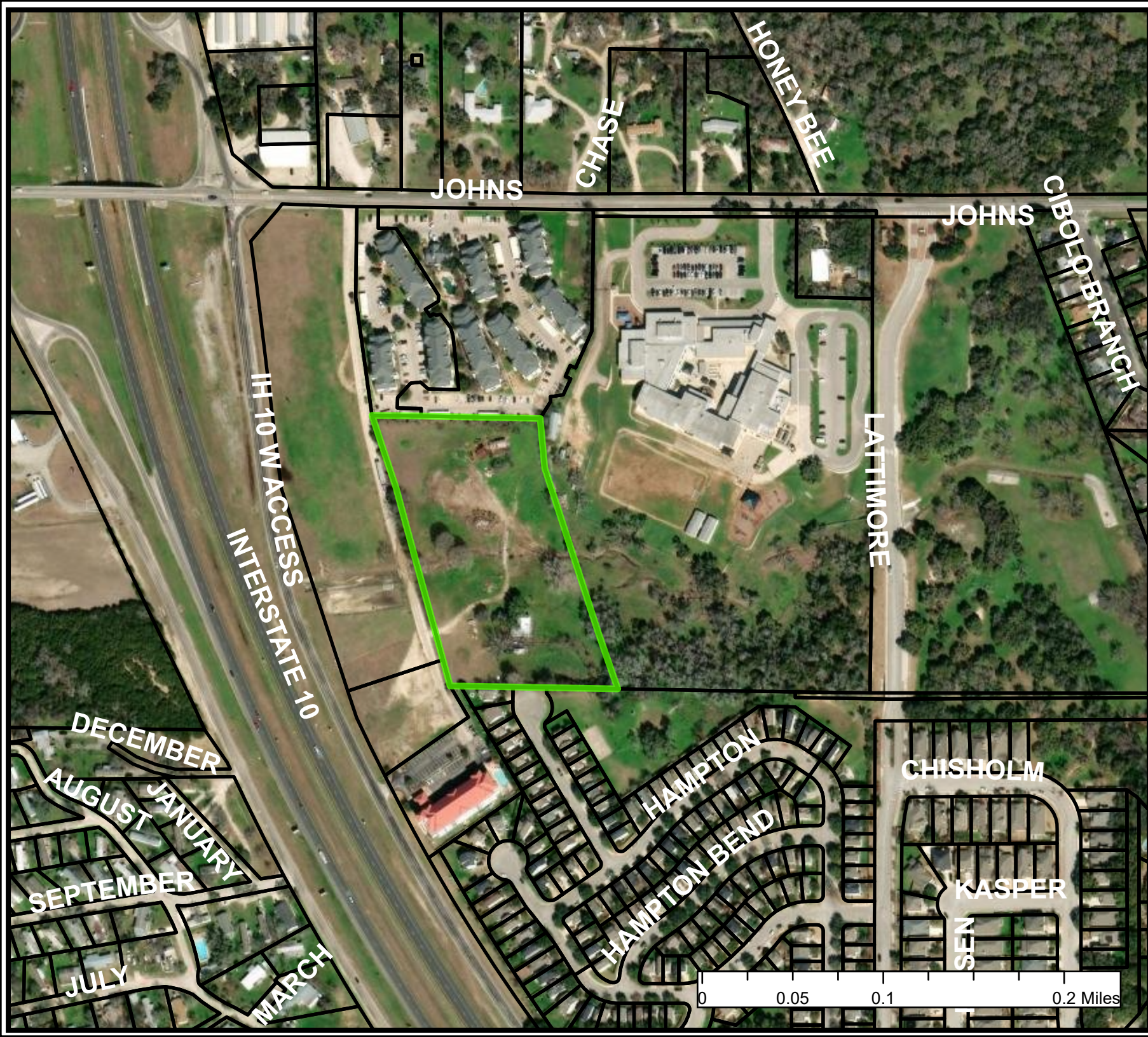


SUBJECT PROPERTY

727A Johns Rd.


Legend

-  SUBJECT PROPERTY
-  Parcels






AGENDA ITEM SUMMARY

	AGENDA ITEM SUMMARY
Agenda Date	January 28, 2025
Requested Action	APPROVE AND ADOPT THE CITY OF BOERNE INVESTMENT POLICY AND BROKER-DEALER LIST.
Contact Person	Sarah Buckelew, Finance Director
Background Information	<p>The City of Boerne is required by the Texas Public Funds Investment Act (PFIA) to have an Investment Policy that is reviewed and adopted on an annual basis. This Act applies to all governmental entities in Texas. The PFIA outlines authorized investments for governmental entities, investment policies, standards of care for investing, required investment training by investment officers and reporting requirements.</p> <p>Staff has reviewed the policy to ensure that it continues to follow PFIA rules and maintains the safety and security of City funds and is recommending no changes to the existing policy.</p> <p>The Broker-Dealer list is also required to be approved by City Council. Those listed on the Broker-Dealer list have indicated an interest in providing this service for the City of Boerne and must agree to follow the requirements of the Public Funds Investment Act and the City's Investment Policy.</p>
Item Justification	<input checked="" type="checkbox"/> Legal/Regulatory Obligation <input type="checkbox"/> Infrastructure Investment <input type="checkbox"/> Reduce Costs <input type="checkbox"/> Customer Pull <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Service Enhancement <input type="checkbox"/> Mitigate Risk <input type="checkbox"/> Process Efficiency <input type="checkbox"/> Master Plan Recommendation <input type="checkbox"/> Other:
Strategic Alignment <i>(Example: C2 – Customer Feedback, B1 – Data Driven Decision)</i>	B3 – Streamlined and Efficient Processes
Financial Considerations	N/A

Citizen Input/Board Review	N/A
Legal Review	N/A
Alternative Options	N/A
Supporting Documents	Investment Policy and Broker-Dealer List

	CITY OF BOERNE – FINANCE DEPARTMENT	
	POLICY 200 - INVESTMENT POLICY	
	VERSION # 2025.1	EFFECTIVE DATE: AUGUST 13, 1996
	POLICY OWNER: FINANCE DIRECTOR	REVIEW CYCLE: ANNUALLY
	APPROVED BY: CITY COUNCIL	VERSION APPROVAL DATE: JANUARY 28, 2025

- Section 1: SCOPE & OBJECTIVES
- 1.1 Scope
 - 1.2 Statement of Cash Management Philosophy
 - 1.3 Objectives
- Section 2: STANDARD OF CARE
- 2.1 Prudence
 - 2.2 Ethics & Conflict of Interest
 - 2.3 Delegation of Authority
 - 2.4 Investment Committee
- Section 3: INVESTMENT STRATEGIES
- 3.1 Operating Funds
 - 3.2 Contingency Reserves (or operating reserves)
 - 3.3 Debt
 - 3.3.1 Reserves
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- Section 4: AUTHORIZED INVESTMENTS
- 4.1 Allowable Investments
 - 4.1.1 Certificates of Deposit
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 - 4.1.7 Banker's Acceptances
 - 4.1.8 Other Investments
 - 4.2 Compliance with State Law
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- Section 5: SAFEKEEPING AND CUSTODY
- 5.1 Authorized Dealers
 - 5.1.1 Investments
 - 5.1.2 Deletions by Investment Committee
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- 5.4 Safekeeping
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Section 6: REPORTING

- 6.1 Quarterly Reporting
- 6.2 Annual Reporting
- 6.3 Performance Standards
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Section 7: POLICY REVIEW AND AMENDMENTS

**CITY OF BOERNE, TEXAS
INVESTMENT POLICY**

SECTION 1: SCOPE & OBJECTIVES

1.1 SCOPE

This investment policy applies to the investment and management of all funds under direct authority of the City of Boerne, Texas.

1.2 STATEMENT OF CASH MANAGEMENT PHILOSOPHY

The City of Boerne will maintain a comprehensive cash management program to include the effective collection of all accounts receivable, the prompt deposit of receipts to the City's bank accounts, the payment of obligations to comply with state law and in accord with vendor invoices, and the prudent investment of idle funds in accord with this policy.

1.3 OBJECTIVES

The City's investment program will be conducted to accomplish the following objectives, listed in priority order:

- a. *Safety*. The City will give priority to the preservation and safety of the principal invested. Investments will be made in a manner that will mitigate credit risk and interest rate risk.
- b. *Liquidity*. The City will maintain the availability of sufficient cash to pay obligations of the City when they are due.
- c. *Yield*. The City will invest idle cash at the highest possible rate of return, consistent with state and local laws and the objectives of safety and liquidity listed above.
- d. *Diversity*. It is also the objective of the City of Boerne to diversify its investments to eliminate the risk of loss resulting from over concentration of assets in a specific maturity, a specific issuer or a specific class of securities. It is the intent of the City of Boerne to invest its funds to maturity.

SECTION 2: STANDARD OF CARE

2.1 PRUDENCE

Investments will be made with judgment and care, under prevailing circumstances, that a person of prudence, discretion, and intelligence would exercise in the management of the person's own affairs, not for speculation, but for investment, considering the probable safety of capital and the probable income to be derived. The City Council recognizes that in maintaining a diversified portfolio occasional measured losses due to market volatility are inevitable and must be considered within

the context of the overall portfolio's investment return, provided that adequate diversification has been implemented. In determining whether prudence has been exercised with respect to an investment decision, the determination shall be made taking into consideration:

- (1) the investment of all funds, or funds under the City's control rather than a consideration as to the prudence of a single investment; and
- (2) whether the investment decision was consistent with the written investment policy of the City.

2.2 ETHICS & CONFLICT OF INTEREST

Officers and employees involved in the investment process will refrain from personal business activity that could conflict with the proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Employees and investment officers shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal investment positions that could be related to the performance of the investment portfolio. Employees and officers shall refrain from undertaking personal investment transactions with the same individual with which business is conducted on behalf of the City. Personal business relationship, for these purposes, is defined as: a). the investment officer owns 10 percent or more of the voting stock or shares of the business organization or owns \$5,000 or more of the fair market value of the business organization; b). funds received by the investment officer from the business organization exceed 10 percent of the investment officer's gross income for the previous year; or c). the investment officer has acquired from the business organization during the previous year investments with a book value of \$2,500 or more for the personal account of the investment officer.

2.3 DELEGATION OF AUTHORITY

The Finance Director, as the City's chief financial officer, is responsible for overall management of the City's investment program and is designated as the City's Investment Officer. Accordingly, the Finance Director is responsible for day-to-day administration of the investment program and for the duties listed below:

- a. Maintain current information as to available cash balances in City accounts, and as to the amount of idle cash available for investment;
- b. Make investments and maintain written procedures for the operating and internal control of the investment program consistent with this policy. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. All persons involved in investment activities will be referred to as investment officer with the Finance Director as the primary investment officer;
- c. Ensure that all investments are adequately secured; and
- d. Attend training as required by Section 2256.008 (a) of the Texas Government Code and ensure that any staff executing transactions covered by this policy attend the required training. Training required includes at least one training session related to their respective duties within 12 months of assuming office or duties. An investment officer

shall attend an investment training session not less than once in a two-year period that begins on the first day of the City's fiscal year and consists of the two consecutive fiscal years after that date. The training provider must be an independent provider approved by City Council.

- e. Independent providers authorized to provide the required investment training shall include but not be limited to Alamo Area Council of Governments (AACOG), Government Treasurers' of Texas (GTOT), University of North Texas, Government Finance Officers Association (state and local chapters), Texas Municipal League, Texas Society of CPA's, TexPool, and Texas State University.

2.4 INVESTMENT COMMITTEE

An investment committee consisting of the Finance Director, the Assistant Finance Director, Finance Officer II – Payroll & Investment Administrator, Assistant City Manager and the City Manager, shall meet at least quarterly to determine general strategies and to monitor results. The investment committee shall include in its deliberations such topics as: economic outlook, portfolio diversification, maturity, structure, potential risk to the City's funds, and authorized brokers and dealers. Any two members of the committee may request a special meeting, and three members shall constitute a quorum.

SECTION 3: INVESTMENT STRATEGIES

3.1 OPERATING FUNDS

Operating Funds are defined as cash and investments used for day-to-day operations that do not fall into one of the other categories. Operating funds will be invested in a manner suitable for funds requiring a high degree of liquidity. Investments of Operating Funds shall be limited to a dollar weighted average maturity no greater than one year, and all investment instruments must meet credit and safety criteria as required by the Public Funds Investment Act and this policy. Involuntary liquidation of Operating Fund investments is unlikely due to their short term nature. However, should a liquidation of investments prior to maturity be necessary, their short term nature will make material losses unlikely. Operating Fund investments will be diverse and include any listed authorized investment as stated in Section 4.1. Investment of Operating funds will be structured to attain the highest possible yield given the liquidity and safety requirements.

3.2 CONTINGENCY RESERVES (or operating reserves)

Contingency Reserves are the minimum fund balance/working capital requirements as defined by Council in the Annual Operating Budget. Contingency Reserve balances may be used to cover any cash operating shortfalls due to timing of bond issues, revenue receipts, etc. When short-term cash flow needs are met, investments of these funds may exceed 24 months per Section 4.3. The maximum maturity of an individual investment shall not exceed 36 months. Involuntary liquidation of Contingency Reserve investments is unlikely due to their nature. However, should a liquidation

of investments prior to maturity be necessary, the comparatively longer term nature of some of the investments, could result in material losses depending on financial and economic conditions. Contingency Reserve investments will be diverse and include any listed authorized investment as stated in Section 4.1. Investment of Contingency Reserves will be structured to attain the highest possible yield given the liquidity and safety requirements.

3.3 DEBT

3.3.1 Reserves. Debt reserves are defined as bond reserve funds required to be set aside in accordance with bond covenants. The City of Boerne reserve funds will include investments appropriate to provide reserves to meet any shortfalls in bond funds. Bond reserve funds are not anticipated to be utilized except in the case of extreme situations; therefore, investments of these funds may exceed 24 months per Section 4.3. The maximum maturity of an individual investment shall not exceed 60 months. Involuntary liquidation of Debt Reserve investments is unlikely due to their nature. However, should a liquidation of investments prior to maturity be necessary, the comparatively longer term nature of some of the investments, could result in material losses depending on financial and economic conditions. Debt reserve investments will be diverse if allowed by bond covenants and include any listed authorized investment as stated in Section 4.1. Federal tax law limits the earnings on these funds and investment yield will be considered accordingly.

3.3.2 Debt Service Funds. Debt Service funds are defined as those funds accumulated to meet periodic payments required by bond and note maturity schedules. The investment maturities are limited by pertinent debt service requirements and tax laws limiting accumulation and earnings for such funds. Involuntary liquidation of investments is highly unlikely due to the nature of these funds. Debt Service fund investments will be diverse and include any listed authorized investment as stated in Section 4.1. The maximum maturity of an individual investment shall not exceed one year.

3.4 BOND PROCEEDS (capital projects funds)

Capital Projects funds are defined as those funds received from the sale of City of Boerne bonds or notes and not otherwise set aside for debt service or reserve purposes. These funds typically include money to fund infrastructure construction or other large projects. The investment maturities are limited by pertinent project draw requirements and tax laws limiting earnings for such funds. Involuntary liquidation of investment is highly unlikely. Bond proceed investments will be diverse and include any listed authorized investment as stated in Section 4.1. The maximum maturity of an individual investment shall not exceed 24 months.

3.5 CEMETERY ENDOWMENT FUNDS

Cemetery Endowment funds are defined as those funds received by the City of Boerne that are to be set aside for the perpetual care and maintenance of the City of Boerne Cemetery. The principal of these funds is to remain intact and cannot be used for any purpose except in the case of extreme

situations and only upon request to and approval by the City Council of the City of Boerne. The interest earned on these funds may be used for the perpetual care and maintenance of the cemetery. Based on the restriction of the use of the principal of these funds, they may be invested for a period that may exceed 24 months and up to 60 months per Section 4.3.

SECTION 4: AUTHORIZED INVESTMENTS

4.1 ALLOWABLE INVESTMENTS

For all investments acquired with public funds by the City of Boerne, procedures to monitor rating changes at least once on a monthly basis must be followed. As described by Section 2256.021 of the Government Code, an investment that requires a minimum rating under this subchapter does not qualify as an authorized investment during the period the investment does not have the minimum rating. The City shall take all prudent measures that are consistent with its investment policy to liquidate an investment that does not have the minimum rating.

The City of Boerne funds may be invested in the following instruments:

4.1.1 Certificates of Deposit: Certificates of Deposit if the certificate is issued by a depository institution that has its main office or a branch office in the State of Texas. In addition, funds may be invested in Certificates of Deposit through a broker that has its main office or a branch office in the State of Texas and is selected from a list adopted by the City or the broker or the depository institution selected by the City arranges for the deposit of the funds in Certificates of Deposit in one or more federally insured depository institution, wherever located, for the account of the City. All certificates of deposits in excess of the FDIC insured amount must be collateralized as described by Section 2256.009 (a) of the Code. Collateral must be held by a third party and in accordance with Section 5.4 of this policy. Bids for Certificates of Deposit may be solicited: orally, in writing, electronically, or in any combination of those methods.

4.1.2 U.S. Treasuries and U.S. Agencies and direct obligations of this state:

- a. Securities issued by the United States Treasury or its Governmental Agencies, which are backed as to principal and interest, including obligations that are fully guaranteed or insured by the Federal Deposit Insurance Corporation or by the explicit full faith and credit of the United States of America.
- b. Obligations of states, agencies, counties, cities, and other political subdivisions of this state or any state rated as to investment quality by a nationally recognized investment rating firm not less than "A" or its equivalent and backed by the full faith and credit of the state or the respective instrumentality.

4.1.3 Investment Pools: Investment pools that meet the following criteria:

- a. Investment objectives of an investment pool must be in order of priority:

- (1) preservation and safety of principal;
 - (2) liquidity; and
 - (3) yield.
- b. An investment pool must provide an offering circular or other similar disclosure instruments and provide monthly transaction reporting as required by Section 2256.016 of the Texas Government Code.
 - c. Investment in a new pool will require the approval of the City Council.
 - d. A public funds investment pool created to function as a money market mutual fund must (1) mark its portfolio to market daily, (2) include in its investment objectives the maintenance of a stable net asset value of \$1 for each share, (3) In addition to the requirements of its investment policy and any other forms of reporting, a public funds investment pool created to function as a money market mutual fund shall report yield to its investors in accordance with regulations of the federal Securities and Exchange Commission applicable to reporting by money market funds and (4) be continuously rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating service.
 - e. If the investment pool operates an Internet website, the information in a disclosure instrument or report described in Subsection (b) and (d) must be posted on the website.
 - f. To maintain eligibility to receive funds from and invest funds on behalf of the City under this chapter, an investment pool must make available to the City an annual audited financial statement of the investment pool in which the City has funds invested.
 - g. If an investment pool offers fee breakpoints based on fund balances invested, the investment pool in advertising investment rates must include either all levels of return based on the breakpoints provided or state the lowest possible level of return based on the smallest level of funds invested.

4.1.4 Money Market Mutual Funds: No-load money market mutual funds if the fund:

- a. Is registered and regulated by the Securities and Exchange Commission and provides a prospectus and other information required by the Securities Exchange Act of 1934 (15 U.S.C. Sec 78a et seq.) or the Investment Company Act of 1940 (15 U.S.C. Sec 80a-1 et seq.);
- b. Marks its portfolio to market daily;
- c. Includes in its investment objectives the maintenance of a stable net asset value of \$1 for each share;
- d. Has a dollar-weighted average stated maturity of 90 days or fewer;
- e. Is continuously rated no lower than AAA or at an equivalent rating by at least one nationally recognized rating service.

The City may not invest more than 15 percent of its monthly average fund balance, excluding bond proceeds, reserves and other debt service monies, in money market mutual funds.

4.1.5 Repurchase Agreements: A fully collateralized repurchase agreement is an authorized investment if the repurchase agreement:

- a. Has a defined termination date;
- b. Is secured by a combination of cash and obligations described by Section 2256.009 (a)(1) of the Texas Government Code; and
- c. Requires the securities being purchased by the entity or cash held by the entity to be pledged to the entity, held in the entity's name, and deposited at the time the investment is made with the entity or with a third party selected and approved by the entity; and
- d. Is placed through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in this state.

4.1.6 Commercial Paper: Commercial paper is an authorized investment if the commercial paper;

- a. Has a stated maturity of 365 days or fewer from the date of its issuance; and
- b. Is rated not less than A-1 or P-1 or an equivalent rating by at least:
 1. Two nationally recognized credit rating agencies; or
 2. One nationally recognized credit rating agency and is fully secured by an irrevocable letter of credit issued by a bank organized and existing under the laws of the United States or any state.

4.1.7 Banker's Acceptances: A banker's acceptance is an authorized investment if the banker's acceptance:

- a. Has a stated maturity of 270 days or fewer from the date of its issuance; and
- b. Will be, in accordance with its terms, liquidated in full at maturity;
- c. Is eligible for collateral for borrowing from a Federal Reserve Bank; and
- d. Is accepted by a bank organized and existing under the laws of the United States or any state, if the short-term obligations of the bank or of a bank holding company of which the bank is the largest subsidiary are rated not less than A-1 or P-1 or at an equivalent rating by at least one nationally recognized credit rating agency.

4.1.8 Other Investments: Other investments as approved by the City Council and not prohibited by law.

4.2 COMPLIANCE WITH STATE LAW

All authorized investments outlined above must meet the requirements of the Public Funds Investment Act, Section 2256 of the Texas Government Code. No investment may be made in any instrument except as provided above.

4.3 LENGTH OF INVESTMENTS

The following general constraints will apply: maturities exceeding 24 months will require authorization by the City Manager or Deputy City Manager or a minimum of two (2) members of the Investment Committee. Maturities will be staggered to avoid undue concentration of assets in a specific maturity sector and maturities selected will provide for stability of income and reasonable liquidity. In no instance shall the maximum stated maturity be greater than its longest stated debt service requirement unless further restricted in Section 3, Investment Strategies, of this policy; bond covenants or state law.

4.4 MEASURING MARKET VALUE

Market Value of the investment portfolio will be calculated quarterly. Pricing information will come from Bloomberg or any other source deemed reliable by the Finance Director. If the price of a particular security is not available from any of these sources, the price may be estimated by analyzing similar securities' market values.

SECTION 5: SAFEKEEPING AND CUSTODY

5.1 AUTHORIZED DEALERS

The City of Boerne will purchase investments only from institutions which are included on a list of banks and broker/dealers approved by the investment committee. All dealers on this list are required to complete a questionnaire and furnish supporting documentation required by the Finance Director. Securities shall only be purchased from those institutions on the approved list.

5.1.1 Investments shall only be made with those dealers who have:

- a. Received, and reviewed the City's Investment Policy, and;
- b. Acknowledged that it has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the entity and the City that are not authorized by the city's investment policy, except to the extent that this authorization is dependent on an analysis of the makeup of the city's entire portfolio.
- c. Submitted a certification signed by a qualified representative of the firm acknowledging the above requirements (see Appendix B for an example). A qualified representative of a business organization is a person who holds a position with the organization, is authorized to act on behalf of the organization, and who is: a). for organizations regulated or registered with a securities commission, registered under the rules of the National Association of Securities Dealers; or b). for state and national banks and savings banks, a member of the loan committee or authorized by corporate resolution to act on behalf of and bind the banking institution; c). for an investment pool, a person authorized by the elected official or board with authority to administer the activities of the

- investment pool to sign the written instrument on behalf of the investment pool.
- d. Been included on the Federal Reserve Bank of New York list of primary government securities dealers or been
 - e. Licensed by the State of Texas.
 - f. Regulation by the Securities and Exchange Commission (SEC).
 - g. Membership in good standing of the National Association of Securities Dealers, Inc. (NASD).
 - h. Been in continuous compliance with the Fed's capital adequacy guideline throughout the recent trading period.
 - i. Provided immediate disclosure to the City of Boerne whenever the firm's capital position falls short of the capital adequacy standard.
 - j. Provided independent certification by an outside auditor or similar agency that the dealer firm complied with the capital adequacy standard on its most recent balance sheet date (year-end).

5.1.2 The Investment Committee will be authorized to delete dealers from the approved list for:

- a. Slow response time;
- b. Less than competitive pricing;
- c. Little or no information on technical or fundamental expectations based on economic indicators;
- d. Decayed Transactions or continuing operational difficulties;
- e. Unwillingness to continue to abide by the provisions listed in Section 5; or
- f. The dealer firm did not comply with the capital adequacy standard on its most recent balance sheet date (year-end).

City investment officers will be authorized to transact business with up to ten brokers/dealers during any six months period and will monitor those on an ongoing basis. The Investment Committee will perform an annual review of approved firms, in order to assess performance, and to add or delete firms from the approved list as it deems necessary. The Investment Committee may perform reviews to amend the approved list on a more frequent basis, if necessary, upon approval by the City Manager or Deputy City Manager.

5.2 AUTHORIZED FINANCIAL INSTITUTIONS

Certificates of Deposit may be purchased at the qualified City depository. The City must have a written agreement with the qualified depository and that depository must meet all State Law for deposit of public funds. The City's Depository will be selected at least every five years, unless otherwise provided by law.

5.3 INTERNAL CONTROLS

All investment transactions will be documented by the Investment Officer. The Investment Officer

may make investments orally, but will follow promptly with a written confirmation to the financial institution or broker/dealer, with a copy of such confirmation retained in the City's files.

On investments in U.S. treasuries and agencies, the Investment Officer will take competitive bids. At least two (2) quotations will be taken for each such investment made.

A system of internal controls shall be designed to prevent losses of public funds arising from fraud, employee error, misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions by employees and officers of the City of Boerne. Controls deemed most important shall include:

1. Separation of duties to prevent collusion.
2. Separation of transaction authority from accounting and record keeping.
3. Custodial safekeeping at the depository bank.
4. Avoidance of bearer-form securities.
5. Clear delegation of authority.
6. Limiting the number of authorized investment officials.
7. Documentation of transactions and strategies.

These controls shall be reviewed by the City of Boerne's independent auditing firm.

5.4 SAFEKEEPING

With the exception of Investment Pools and Mutual Funds, all securities purchased by the City under this policy must be designated as assets of the City, must be conducted on a delivery-versus-payment (DVP) basis, and must be protected through the use of a third-party custody/safekeeping agent. The City will enter into a formal agreement with an institution of such size and expertise as is necessary to provide the services needed to protect and secure the investment assets of the City.

5.5 COLLATERALIZATION

To the extent not insured by federal agencies that secure deposits, City of Boerne funds (including cash on hand and Certificates of Deposit) must be collateralized by collateral securities in compliance with the Texas Public Funds Collateral Act. Only securities prescribed as eligible investments under the Public Funds Investment Act qualify as pledged securities. In order to provide an appropriate level of protection, the pledged securities must maintain a market value at least 102 percent of the amount on deposit plus accrued interest.

Securities pledged as collateral must be retained in the City's name in a third party bank that is approved by the Comptroller and has a branch in the State of Texas or by the Federal Reserve Bank. If pledged collateral is retained in a third-party bank other than the Federal Reserve Bank, the City will be provided the digital safekeeping receipt on each pledged security and the City, financial institution, and the safekeeping bank(s) will operate in accordance with a master safekeeping agreement signed by each of the parties. Collateral may be increased or decreased without approval

from the City's Investment Officer in accordance with the terms of the master safekeeping agreement providing the pledged securities have a market value of 102 percent of the amount on deposit plus accrued interest.

The financial institution(s) with which the City invests and/or maintains deposits will provide monthly a listing of the collateral pledged to the City marked to current market prices. The listing will include total pledged securities itemized by name, type and description of the security; safekeeping receipt number; par value; current market value; maturity date, if available; and Moody's or Standard & Poor's rating, if available.

SECTION 6: REPORTING

6.1 QUARTERLY REPORTING

The Investment Officer shall prepare and submit to the Council a quarterly report on investment transactions for all funds covered by this policy. The report will be prepared in compliance with the Public Funds Investment Act and cover the investment position of the City at the end of each fiscal quarter. The contents will include at a minimum:

- a. Beginning and ending market value for the reporting period;
- b. Beginning and ending market value, type of funds and yield for each category of investment; and
- c. A statement as to the compliance with this policy and state law.

6.2 ANNUAL REPORTING

Within 60 days following the end of the fiscal year, the Investment Officer will present to the City Council a comprehensive annual report on the investment program and investment activity. In addition to the information required for quarterly reporting, the annual report will include a review of the activities and return for the twelve months, suggest policy revisions and improvements that might enhance the investment program, and include an investment plan for the ensuing fiscal year.

6.3 PERFORMANCE STANDARDS

In order to evaluate portfolio performance of funds subject to this policy, the City of Boerne portfolio will be compared against appropriately competitive and reasonable benchmarks, including money market mutual funds or investment pools of similar make-up and maturities.

6.4 COMPLIANCE

A compliance audit of management controls and adherence to this policy as it relates to the City of Boerne investments and investing activity will be performed on an annual basis in conjunction with the City's annual financial audit.

6.5 INDEMNITY

The Mayor, City Council, City Manager, Deputy City Manager, Finance Director and any other finance department employees shall be personally indemnified in the event of investment loss, provided the Investment Policies of the City of Boerne have been followed.

SECTION 7: POLICY REVIEW AND AMENDMENTS

This investment policy will be reviewed by the City Council of the City of Boerne at least on an annual basis as required by the Public Funds Investment Act and will be amended as necessary.

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

APPROVED:

MAYOR

ATTEST:

City Secretary

APPENDIX A: GLOSSARY OF COMMON TREASURY TERMS

ACTIVE PORTFOLIO MANAGEMENT:

An approach to investment management in which the investment officer actively trades the portfolio to take advantage of changing market conditions. This style requires the investment officer to develop a comprehensive economic outlook and to take actions based upon that outlook. Requires relatively technical knowledge of the investment field.

BENCHMARKS:

A measure used to evaluate the effectiveness of the investment program. Suitable benchmarks are readily available and share the characteristics of the portfolio with respect to legal constraints and investment policy compliance. Benchmarks may be published figures or indexes in publications such as the Wall Street Journal or they may be specially created for the entity.

BOOK ENTRY SECURITIES:

Securities that are purchased, sold and held with only electronic computer entries rather than the transfer of physical certificates. Buyers typically receive receipts or confirmations as evidence of ownership.

BROKER:

A party who brings buyers and sellers together. Brokers do not take ownership of the property being traded. They are compensated by commissions.

COLLATERAL:

Securities that a borrower pledges to secure repayment of a loan. Also, refers to securities pledged by a bank to secure deposits of public monies.

CREDIT RISK:

Credit risk is the risk of loss due to failure of the security issuer to pay interest and/or principal in a timely manner.

DEALER:

A firm or an individual who buys and sells for his own account. Dealers have ownership, even if only for an instant, between a purchase from one party and a sale to another party. They are compensated by the spread between the price they pay and the price they receive.

DERIVATIVES:

Financial instruments whose value depends on the values of underlying assets or indexes.

INTEREST RATE RISK:

Interest rate risk is the risk that the market value of securities in the portfolio will fall due to changes in general interest rates. The longer the term, the more tendency there is for rates to fluctuate.

MARKET VALUE:

The price at which a security is trading and could presumably be purchased or sold.

PASSIVE INVESTMENT MANAGEMENT:

An approach to investment management in which the investment officer adopts a buy and hold strategy. Some investment techniques are used. Requires basic level investment knowledge.

PRIMARY DEALERS:

A group of securities dealers who are recognized as major participants in the government securities markets and who are willing to market all government securities. Primary dealers must submit daily reports of market activity and positions and monthly financial statements to the Federal Reserve Bank of New York and are subject to its oversight.

RATE OF RETURN:

The yield obtainable on a security based on its purchase price or its current market price.

REGIONAL DEALERS:

The second tier of broker/dealers (after primary dealers) composed of brokerage firms that specialize in certain market niches, typically on a regional basis.

SAVINGS BANK DEPOSITS:

Demand deposits held in an account at a savings and loan association.

SECONDARY MARKET:

A market made for the purchase and sale of outstanding debt issues following the initial distribution.

TREASURY BILLS:

Short term obligations issued by the United States Treasury. Bills are issued for maturities of one year or less. They do not pay interest but are issued on a discount basis instead.

TREASURY NOTES:

Medium term obligations issued by the United States Treasury. Notes are issued for initial maturities over 1 to 10 years.

YIELD:

The annual return on an investment expressed as a percentage.

CITY OF BOERNE
LIST OF BROKERS/DEALERS
AS OF JANUARY 2025

Dealer	Contact	Phone	Email
Bank of America	John Vanderwilt	415-953-2621	john.a.vanderwilt@baml.com
Cabrera Capital*	Mario Carrasco	210-857-8517	mcarrasco@cabreracapital.com
Cantor Fitzgerald	James Shamoun Jr	901-347-1724	jshamoun@cantor.com
Fidelity	Michael O'Donnell	817-474-0100	michael.odonnell@fmr.com
First Horizon Financial	Buddy Saragusa	713-435-4475	bsaragusa@bloomberg.net
Goldman Sachs	Daniel Hopton	212-357-9892	daniel.hopton@gs.com
Hilltop Securities	Gil Ramon	713-654-8606	gilbert.ramon@hilltopsecurities.com
JP Morgan	Brittany Guinee	212-834-5718	brittany.guinee@jpmorgan.com
Morgan Stanley	Peter Lambert	214-468-7232	peter.lambert@ms.com
Multi-Bank Securities*	Luigi Mancini	800-967-9049	lmancini@mbssecurities.com
Oppenheimer	Javier Altimari	713-650-2025	javier.altimari@opco.com
Piper Sandler	Matt McGrory	312-267-5168	matt.mcgrory@psc.com
RBC	Thomas Kelly	212-847-8748	thomas.kelly@rbc.com
Stifel Nicolaus	Brian Conlon	617-753-6303	conlonb@stifel.com
UBS Bank	Dick Ebert	281-362-6340	richard.ebert@ubs.com
Wells Fargo	Susan Ward	214-740-1586	wardst@wellsfargo.com
Frost Bank	Manuel Long	(210) 220-5372	manuel.long@frostbank.com
Hilltop Securities	Gilbert H. Ramon	(713) 654-8606	Gilbert.Ramon@hilltopsecurities.com

**Historically underutilized business and/or minority/women owned business.*

APPENDIX B: ILLUSTRATIVE BROKER/DEALER
CERTIFICATION FORM

BROKER DEALER CERTIFICATION FORM
(as required by Texas Government Code 2256.005(k))

The City acknowledges that the only means the firm has to preclude unauthorized investment transactions between the firm and the City is to confirm that all provisions of the City's investment policy are followed in investment transactions conducted between the firm and the City, and, the second paragraph below should be read accordingly.

I, _____ as a qualified representative for the firm _____ do hereby certify that I and the broker covering this account, _____, have received and reviewed the investment policy of the City of Boerne, Texas.

I acknowledge that this firm has implemented reasonable internal procedures and controls in an effort to preclude investment transactions not authorized by the City's investment policy.

Signature

Name: _____

Title: _____

Date: _____



AGENDA ITEM SUMMARY

	<h2 style="margin: 0;">AGENDA ITEM SUMMARY</h2>
Agenda Date	January 28, 2025
Requested Action	<p>RECEIVE THE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION, HOLD A PUBLIC HEARING AND APPROVE ON FIRST READING ORDINANCE NO. 2025-01; AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BOERNE UNIFIED DEVELOPMENT CODE, BY AMENDING CHAPTER 3. ZONING, SECTION 3.2, ZONING MAP, ZONING 71.12 ACRE TRACT FROM A HOL-INTERIM HOLDING ZONING DISTRICT TO R2-M MODERATE DENSITY RESIDENTIAL ZONING DISTRICT, LOCATED AT WEST STATE HIGHWAY 46 (KAD NO. 307605 AND 316184; A10360 - SURVEY 179 NEWTON & TAYLOR 71.12 ACRES) TO ALLOW FOR A SINGLE-FAMILY SUBDIVISION. <i>(Forestar (USA) Real Estate Group Inc. and Continental Homes of Texas, LP) (Spencer Ranch)</i></p>
Contact Person	<p>Nathan Crane, AICP Planning Director (830) 248.1521 ext. 1105 ncrane@boerne-tx.gov</p>
Background Information	<p>REVISED REQUEST:</p> <p>The applicant has revised their request as of January 21, 2025, adjusting the zoning proposal from HOL to R2-M to HOL to R2-N. Since R2-N zoning permits lower density, the Council may review and consider this request within the scope of the original application.</p> <p>The applicant has also agreed to provide a trail easement within the floodplain along Fredrick Creek and the adjacent tributary as shown of the 2023 Thoroughfare Plan.</p> <p>BACKGROUND:</p> <p>Forestar (USA) Real Estate Group, Inc. (Mr. Elliott Condos) is the owner, and Kevin DeAnda, Ortiz McKnight, PLLC, serves as the representative.</p> <p>The property is designated as Neighborhood Residential on the Future Land Use Map. The current zoning of the property is HOL-Interim Zoning District.</p> <p>The Planning and Zoning Commission (P&Z) approved a Master Community Plan (Master Development Plan) for The Birch at Spencer Ranch on October 1, 2018. The Master Plan included 209 single family lots for an average</p>

density of 2.94 units per acre. The Master Plan also included a total of 24.48 acres of open space of which 13.5 acres was floodplain and 10.98 acres is greenbelt/park.

The Birch at Spencer Ranch is vested to development regulations in effect as of October 1, 2018.

A Development Agreement was approved by the City Council on June 8, 2021. The development agreement included two different areas:

- Birch at Spencer Ranch which included approval for 209 single family lots on 71.12 acres.
- Frontage Properties which include 87 acres which includes a variety of uses.

The development agreement also outlined the order in which the property would be annexed. The order was determined so that the annexations would meet the contiguous land requirement in State Law for annexation. The HOL-Interim Zoning District has been assigned to all property annexed.

Area	Acres	Annexation Date	Description
1	1.63	September 26, 2023	IH-10 ROW
2	22.65	September 26, 2023	Matkin Properties/DBT Investments
3	1.12	September 26, 2023	SH46 ROW
4	5.98	September 26, 2023	Balous Miller
5	71.12	June 25, 2024	Birch at Spencer Ranch
6	87.03	N/A	Frontage Properties

The Development Agreement allowed for the review and approval of subdivision plats prior to annexation and zoning. This facilitated progression of the development while the property awaited formal annexation. The Planning and Zoning Commission has approved the following subdivision plats:

- April 4, 2022 – Final Plat Phase 1A (Spencer Ranch Boulevard)
- April 4, 2022 – Final Plat Phase 1B (59 single family lots)
- April 3, 2023 – Final Plat Phase 2 (72 single family lots)
- July 1, 2024 – Preliminary Plat Phase 3 (70 single family lots)

The public infrastructure for phases 1B, and a portion of phase 3 has been constructed. Spencer Ranch Boulevard (phase 1A) has also been constructed. Improvements for phase 2 are under construction.

REQUEST:

- The request is to rezone 71.12 acres from HOL-Interim Zoning District to R2-N Neighborhood Residential to allow for 201 single family lots. Due to the reduction of eight lots, the density is now 2.82 units per acre.
- The approved plats provide for 28.92 total acres of open space; Phase 1A: 2.62 acres; Phase 1B: 10.36 acres; Phase 2: 9.35 acres; and Phase 3: 6.59 acres. This is 1.82 more acres than what was shown in the Master Plan.
- The approved plats provide for 201 single family lots with a maximum density of 2.82 dwelling units per acre. There are three different lot sizes as follows:

<i>Minimum Lot Size (Square Feet)</i>	<i>Number of Lots</i>	<i>Percentage of Total Lots</i>
4,000 to 5,400	56	28%
5,400 to 7,800	124	62%
7,800 to 10,800	17	8%
Over 10,800	4	2%
Total	201	100%

- In terms of lot coverage (or total percentage of impervious cover by Phase):
 - Phase 1B contains 30.2% impervious cover.
 - Phase 2 contains 42.38% impervious cover.
 - Phase 3 contains 32.98 impervious cover.
- This zoning request does not apply to any of the property outside of the subdivision.

ANALYSIS:

Comprehensive Master Plan

- The City’s Future Land Use Plan classifies this property as Neighborhood Residential. Forty percent of the city is classified as Neighborhood Residential.
- The Neighborhood Residential land use category is intended for areas that will be primarily developed with new single-family detached residential subdivisions. Development reflects a suburban

to auto-oriented character. Generally, new development density is between two and six units per acre.

- The proposed residential subdivision with a density of 2.82 dwelling units per acre (201 residential lots across 71.12 acres) will be compatible with future development in the area.
- The proposed zoning district is consistent with the Master Plan.

Master Community Plan and Development Agreement

- The Spencer Ranch Master Community Plan (MCP) approved by P&Z in 2018 articulates a total of 209 units across 3 total phases of development. The average density is 2.94 lots per acre, with an average lot size of 5,400 sq. ft. for individual lots. The approved MCP is referenced in the development agreement.
- The following charts compare the approved MCP with the approved plats.

<i>Number of Lots</i>			
Area	Master Plan	Development Agreement	Plat
Phase 1	62	62	59
Phase 2	73	73	72
Phase 3	74	74	70
Total	209	209	201

<i>Average Lot Size</i>			
Area	Master Plan	Development Agreement	Plat
Phase 1	5,400	5,400	6,127
Phase 2	5,400	5,400	6,068
Phase 3	5,400	5,400	6,653

- At the time of approval of the MCP, a total of 14.2 acres of open space was required. However, the MCP provided 24.48 acres of open space. This was increased to 28.92 acres of open space during the platting process. The applicant has also agreed to provide a trail easement along Fredrick Creek and its tributary as shown on the 2023 Thoroughfare Plan. The trail would be constructed by the city in the future.

- The developer will be responsible for a proportionate share of a traffic signal at the intersection of Spencer Ranch Boulevard and SH46.
- The proposed zoning district is consistent with the Master Development Plan and Development Agreement.

Utilities and Impervious Coverage

- Water and sewer are provided by Texas Water. There is an agreement for 6 years (from 2020) for the city to be the wholesale sewer provider for Spencer Ranch until Texas Water can transfer and treat the sewer as was provided for in the development agreement.
- According to the master drainage study, the impervious cover for the entire subdivision is 34.9%. This is less than the maximum impervious cover allowed by the 2018 subdivision code of 50%.

Proposed Zoning District

- Zoning District Standards
 - Minimum lot size R2-N: 5,400 square feet
 - Setbacks: front yard 15' (garage 25'), side yard 5', corner side yard 10', rear yard 15'
 - Building Height: 36'
 - Impervious Cover: 60%
 - Note: The R2-N District did not exist until the adoption of the new UDC. Further, the front and rear yard setbacks have been reduced from the 2018 Zoning Ordinance (front and rear yard 20' ft) to the UDC (see above).
- Overall Development
 - Total Lots: 201
 - 147 of 201 lots meet lot area requirements for R2-N
 - 59 of the lots would be non-conforming.
 - Average Lot Size: 6,280 square feet
- Phase 1A (Completed)
 - No residential lots. Spencer Ranch Boulevard. This is the road that is on our Thoroughfare Master Plan.
- Phase 1B (Completed)
 - Total Lots: 59
 - 50 of the 59 lots meet the lot area requirements for R2-N.
 - 9 lots would be non-conforming.

- The average lot size for these nine lots is 5,178 square feet.
- There is one lot that is 4,791 square feet which is the smallest.
- All others are: 5,227 square feet.
- Phase 2 (Under Construction)
 - Total Lots: 72
 - 50 of the 72 lots meet the lot area requirements for R2-N.
 - 22 lots would be non-conforming.
 - The average lot size for these 22 lots is 5,207 square feet.
 - There is one lot that is 4,791 square feet which is the smallest.
 - All others are: 5,227 square feet.
- Phase 3 (Under Construction)
 - Total Lots: 70
 - 47 of the 70 lots meet the lot area requirements for R2-N.
 - 23 lots would be non-conforming.
 - The average lot size for these 23 lots is 5,208.
 - There is one lot that is 4,791 square feet which is the smallest.
 - All others are: 5,227 square feet.
 - In other words,
- Staff compared the zoning and density of several subdivisions within the city. The UDC defines density as the number of dwelling units per acre of land. Lot sizes are impacted by open space, flood plains, detention ponds, etc.

<i>Development</i>	<i>Density (lots per acre)</i>	<i>Zoning</i>
Champion Heights	3.17	R2-M
Birch at Spencer Ranch	2.82	R2-N (proposed)
Ranches at Creek Side	2.86	R1-M and R2-M
Regent Park	2.26	R2-M and R2-N
Woods of Boerne	2.67	R2-N

FINDINGS:

The proposed zoning meets the follow findings:

- It is consistent with Comprehensive Master Plan and Future Land Use Map.
- It is consistent with the Development Agreement and approved Master Community Plan.
- It meets the approval criteria stipulated in (UDC 2-5.C.5).

	<p>PLANNING AND ZONING COMMISSION ACTION:</p> <p>The Planning and Zoning Commission held a Public Hearing on November 4, 2024, and tabled the request for further discussion at the December 2, 2024, meeting. The recording of the meeting can be found here: https://boernetx.new.swagit.com/videos/319228?Mode2=Video</p> <p>At their December 2, 2024, meeting, the Planning and Zoning Commission voted 6-0 to recommend DENIAL of the zoning request. The recording of the meeting can be found here: https://boernetx.new.swagit.com/videos/321520?Mode2=Video.</p> <p>The meeting minutes from both meetings are attached.</p> <p>RECOMMENDATION:</p> <p>Staff recommends that the City Council hold a public hearing and determine the appropriate zoning district for the property.</p> <p>MOTIONS FOR CONSIDERATION:</p> <p>The following motions are provided to assist the Council’s decision.</p> <p>I move that the City Council accept the findings and APPROVE the proposed zoning from HOL-Interim to R2-N.</p> <p>OR</p> <p>I move that the City Council DENY based on the following findings: (The Council will need to draft appropriate findings.)</p>
Item Justification	<p><input checked="" type="checkbox"/> Legal/Regulatory Obligation <input type="checkbox"/> Infrastructure Investment</p> <p><input type="checkbox"/> Reduce Costs <input checked="" type="checkbox"/> Customer Pull</p> <p><input checked="" type="checkbox"/> Increase Revenue <input type="checkbox"/> Service Enhancement</p> <p><input type="checkbox"/> Mitigate Risk <input type="checkbox"/> Process Efficiency</p> <p><input checked="" type="checkbox"/> Master Plan <input type="checkbox"/> Other:</p> <p>Recommendation</p>
Strategic Alignment	<p>C2 – Seeking customer-driven feedback.</p> <p>B2 – Advancing master plan recommendations.</p>
Financial Considerations	<p>N/A</p>

<p>Citizen Input/Board Review</p>	<p>In coordination with the city, the applicant appeared at a Boerne Neighborhood Discussion (BND) Meeting the evening of Tuesday, October 15th, 2024, via Zoom. There were not any virtual attendees from the public. No concerns were expressed during the meeting. The meeting was recorded for public viewing and posted on the city website.</p> <p>A notice of the Planning Commission hearing of November 4th, 2024, was published in the Boerne Star on October 20th, 2024. Letters were mailed out to 17 property owners on October 18th, 2024. A public hearing sign was posted on the subject property to notice the Zoning request in anticipation of the November 4th P&Z meeting.</p> <p>Two property owners submitted written comments in opposition to the request.</p> <p>Three property owners provided verbal public comment in opposition of the request during the November 4th P&Z meeting.</p> <p>A notice of the Planning Commission hearing of December 2nd, 2024, was published in the Boerne Star on November 17th, 2024. Letters were mailed out to 17 property owners on November 14th, 2024. A notice of public hearing sign was posted on November 17th, 2024.</p> <p>The applicant updated the public notice sign as of January 5, 2025, to advertise the January 14th City Council meeting.</p> <p>A notice of the January 28, 2025, City Council meeting was published in the Boerne Star on January 12, 2024. The applicant also updated the public notice sign on January 18, 2024.</p>
<p>Legal Review</p>	<p>This action is a statutory requirement for zoning approval.</p>
<p>Alternative Options</p>	<p>The Council may recommend approval; approval in part; denial; or denial in part. Each condition or reason for denial must be directly related to the requirements of city regulations and may not be arbitrary.</p>
<p>Supporting Documents</p>	<p>Ordinance No. 2025-01 Aerial Map Zoning Map Future Land Use Map Spencer Ranch Master Community Plan UDC Section 2.5.C.5 Approval Criteria 500 ft. Notice Buffer Conceptual Development Plan Exhibit from Development Agreement Spencer Ranch Plats Conditions for Approval Community Responses</p>

	<p>Annexation Phasing Map Open Space Map Excerpt of the Minutes of the November 4, 2024, and the December 2, 2024, Planning and Zoning Commission Meetings</p>
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ORDINANCE NO. 2025-01

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BOERNE UNIFIED DEVELOPMENT CODE, BY AMENDING CHAPTER 3. ZONING, SECTION 3.2, ZONING MAP, ZONING 71.12 ACRE TRACT FROM A HOL-INTERIM HOLDING ZONING DISTRICT TO R2-M MODERATE DENSITY RESIDENTIAL ZONING DISTRICT, LOCATED AT WEST STATE HIGHWAY 46 (KAD NO. 307605 AND 316184; A10360 - SURVEY 179 NEWTON & TAYLOR 71.12 ACRES) TO ALLOW FOR A SINGLE-FAMILY SUBDIVISION. (*Forestar (USA) Real Estate Group Inc. and Continental Homes of Texas, LP (Spencer Ranch)*)

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

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

WHEREAS, the City Council of the City of Boerne has complied with all requirements of notice of public hearing and such hearing was held on January 28, 2025, at which time interested parties and citizens were given an opportunity to be heard; and

WHEREAS, on January 21, 2025, the applicants have requested to amend the zoning from the Interim Holding (HOL) Zoning District to R2-N Neighborhood Residential Zoning District, in order to allow for the development of a single-family subdivision on the property; and

WHEREAS, the City Council finds it in the best interest of the citizens to amend the zoning map by changing the zoning for a total of 71.12 acres, located at W State Highway 46 (KAD No. 307605 and 316184; A10360 - Survey 179 Newton & Taylor 71.12 acres) from Interim Holding (HOL) Zoning District to R2-N Neighborhood Residential Zoning District.

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

Section 1.

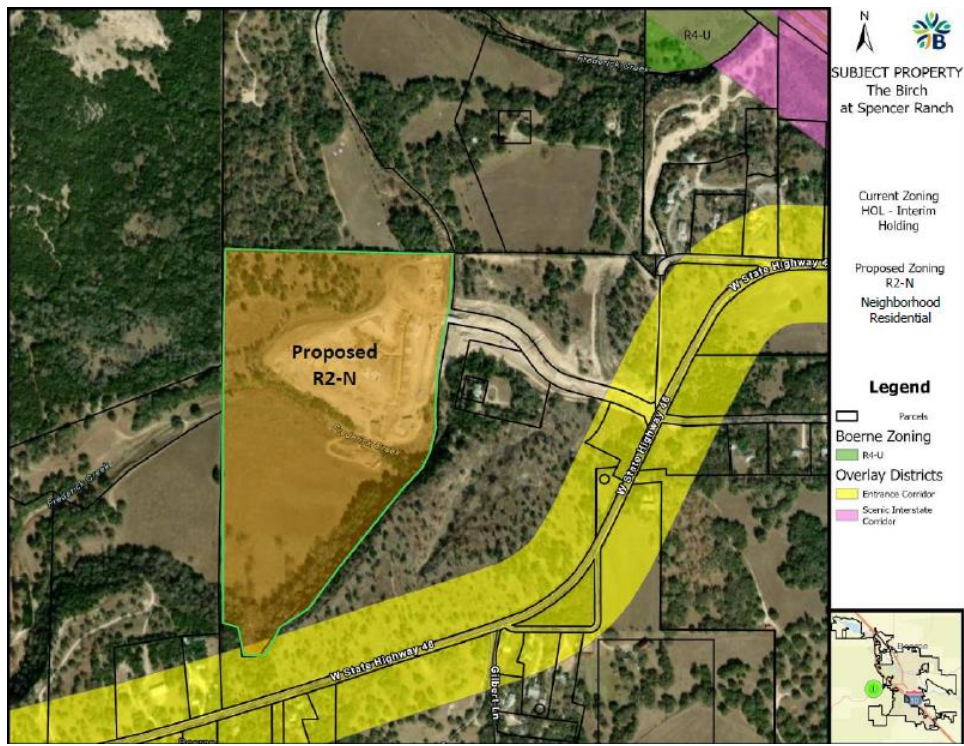
The foregoing recitals are hereby made a part for all purposes as findings of fact.

Section 2.

That Chapter 3. Zoning, Section 3.2, Zoning Map, Zoning 71.12 acre tract from a HOL-Interim Holding Zoning District to R2-N Neighborhood Residential Zoning District, generally located at W State Highway 46 To Allow For A Single-Family Subdivision (KAD No. 307605 and 316184; A10360 - Survey 179 Newton & Taylor 71.12 acres)

Section 3.

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



Section 4.

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

Section 5.

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

Section 6.

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

Section 7.

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

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

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

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:



City Attorney

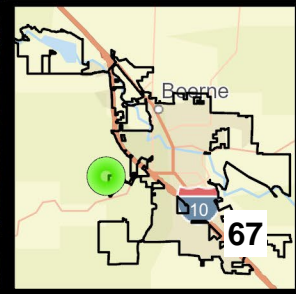


SUBJECT PROPERTY

The Birch
at Spencer Ranch

Legend

-  Parcels
-  SUBJECT PROPERTY









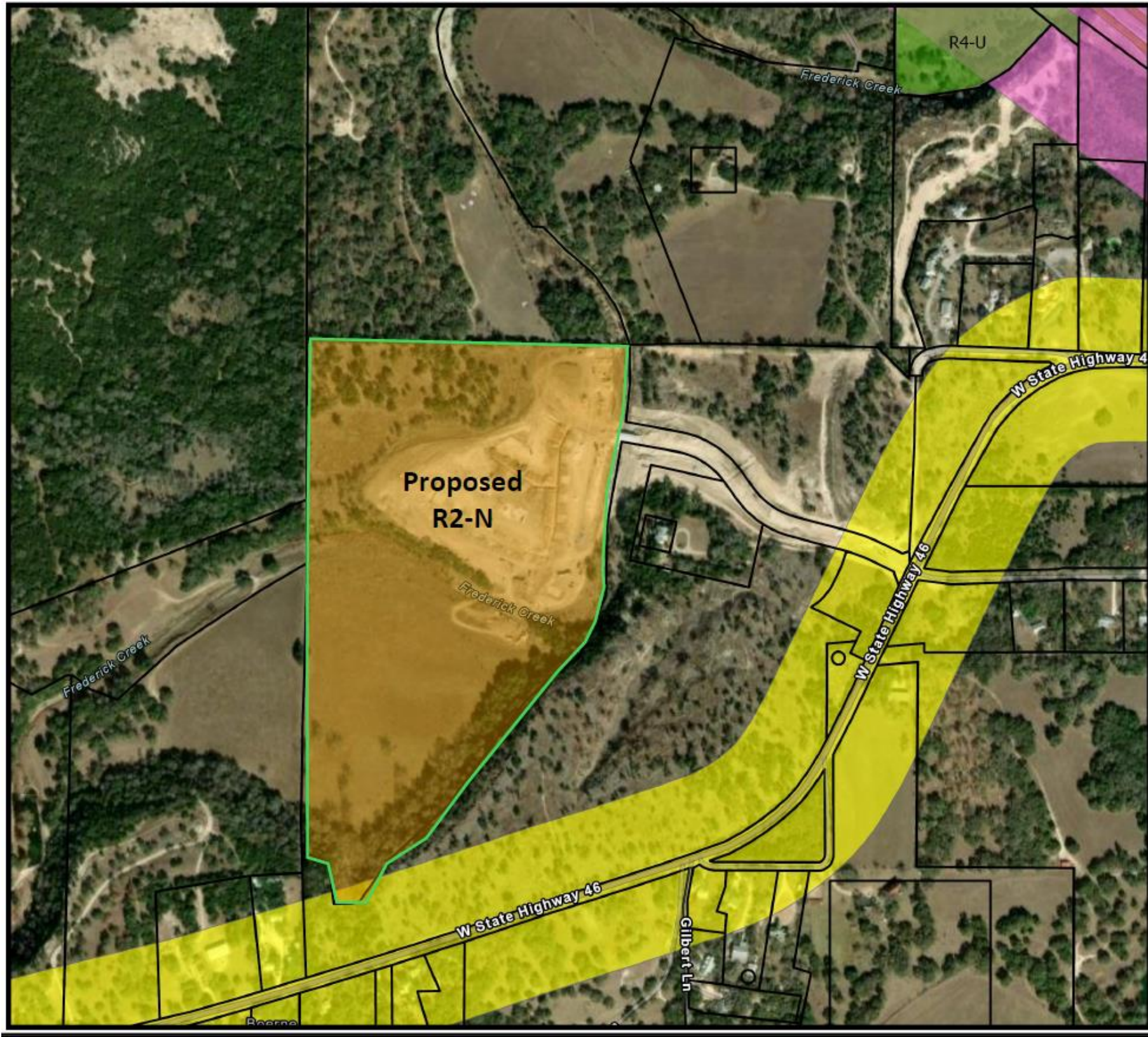
SUBJECT PROPERTY
 The Birch
 at Spencer Ranch

Current Zoning
 HOL - Interim
 Holding

Proposed Zoning
 R2-N
 Neighborhood
 Residential

Legend

-  Parcels
- Boerne Zoning**
-  R4-U
- Overlay Districts**
-  Entrance Corridor
-  Scenic Interstate Corridor



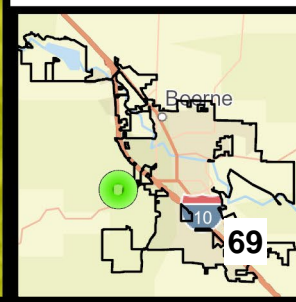
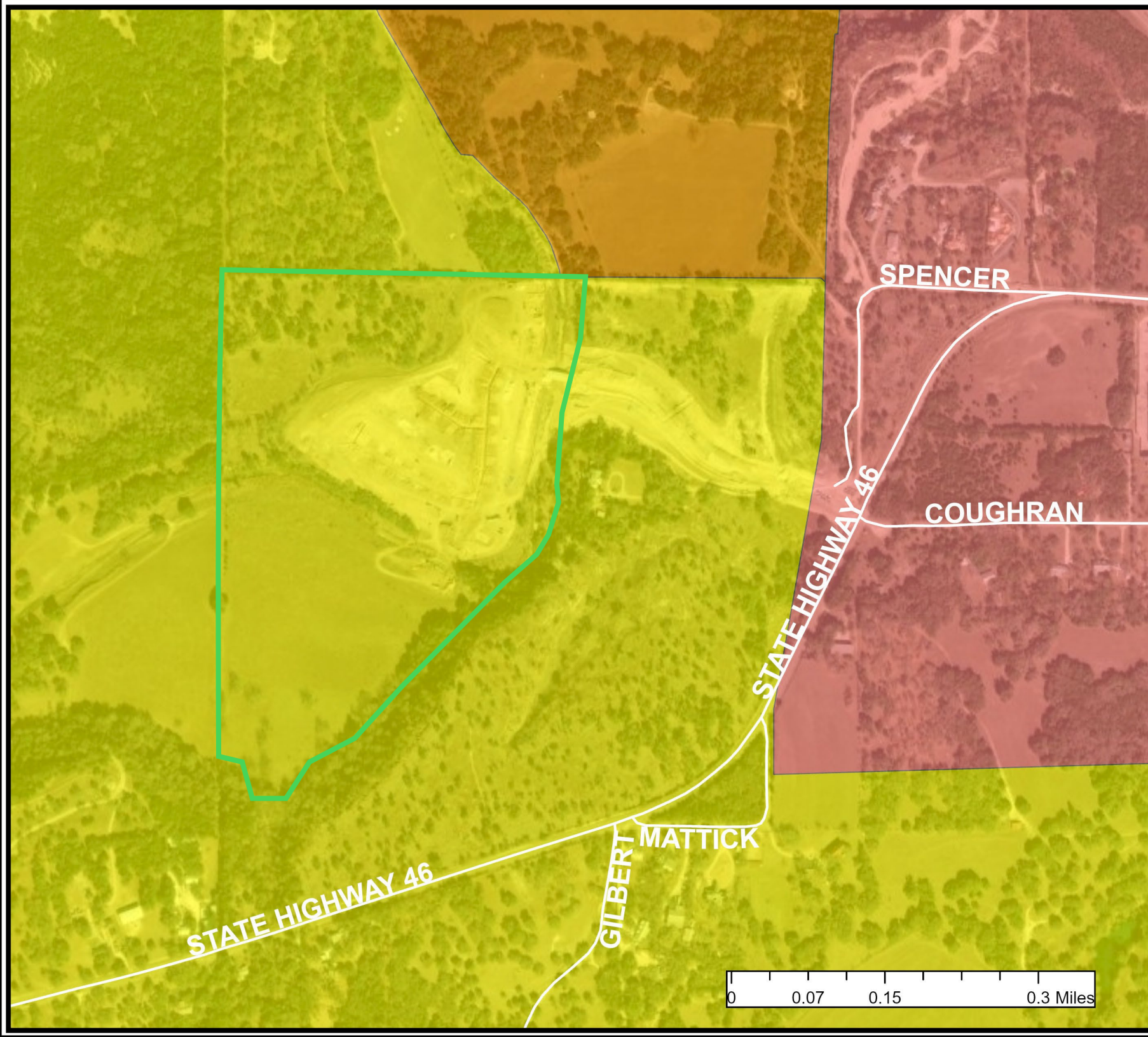


SUBJECT PROPERTY

The Birch
at Spencer Ranch

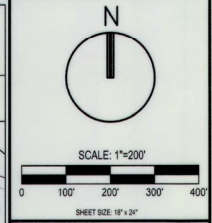
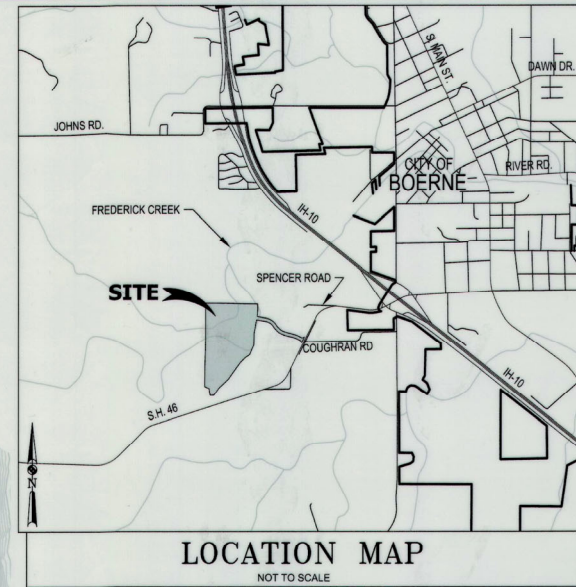
Legend

- FLU
- Auto-Oriented Commercial
 - Neighborhood Residential
 - Transitional Residential



LEGEND

- PROPERTY BOUNDARY
- EXISTING 1' CONTOUR
- EXISTING 5' CONTOUR
- PHASE LINE
- STREAM CENTER LINE



REV. 9/20/18 - CITY COMMENTS

MATKINHOOPER
ENGINEERING & SURVEYING

300 SHIELL ROAD SUITE 100
BOERNE, TEXAS 78006
OFFICE: 381.390.0600
CELL: 381.390.0600
TEXAS REGISTERED ENGINEERING FIRM F-006512 SURVEYING FIRM F-10034008

**MASTER PLANNED COMMUNITY PLAN
FOR
SPENCER RANCH
BOERNE, TEXAS**

JOB NO. 2782.20



REMAINING PORTION OF 148.247 ACRES VOL. 1558, PAGE 748 OFFICIAL RECORDS KENDALL COUNTY, TEXAS

NEWTON & TAYLOR SURVEY NO. 179 ABSTRACT NO. 350

PROJECT SUMMARY TABLE

	PHASE 1	PHASE 2	PHASE 3	TOTALS
5,400SF (AVG.) LOTS:	62	73	74	209
ACREAGE:	30.45 AC	19.47 AC	21.20 AC	71.12 AC
AVERAGE LOTS/ACRE:	2.03	3.75	3.49	2.94
LINEAR FEET OF PRIMARY COLLECTOR:	±1,815 LF	---	---	±1,815 LF
LINEAR FEET OF LOCAL STREET:	±1,824 LF	±2,850 LF	±2,089 LF	±6,863 LF
GROSS FLOOD PLAIN:	8.58 AC	2.06 AC	2.86 AC	13.50 AC
FLOOD PLAIN CREDIT (50% OF RELO OPEN SPACE):	3.0 AC	1.9 AC	2.1 AC	7.0 AC
GREENBELT / PARK:	3.78 AC	3.20 AC	4.00 AC	10.98 AC
TOTAL OPEN SPACE:	6.78 AC	5.1 AC	6.1 AC	17.98 AC
OPEN SPACE REQUIRED:	6.1 AC	3.9 AC	4.2 AC	14.2 AC

THIS MASTER PLANNED COMMUNITY PLAN OF SPENCER RANCH SUBDIVISION, HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF BOERNE, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS 1ST DAY OF OCTOBER, A.D., 20118

BY:
CHAIRMAN

BY:
SECRETARY

Sec. 2-5. Zoning procedures.

5. *Approval criteria.*

- a. In making a determination regarding a proposed zoning amendment, planning and zoning commission, and the city council shall consider the criteria of this section. No single factor shall be controlling in the decision-making process.
- b. *Criteria for approval of a zoning amendment.*
 - i. The proposed zoning amendment is consistent with the comprehensive plan;
 - ii. The proposed amendment will not prevent the use and enjoyment of a neighboring property that is currently exercising a permitted use;
 - iii. The city is able to adequately service the new use or new development with the needed streets, water supply, sanitary sewers, and other public services and utilities, or mitigation measures are in place to ensure the city's ability to adequately service the change in use of the subject property, or documentation from the service provider verifying ability to provide adequate service, if utility service is provided by an entity other than the city;
 - iv. The proposed amendment will not inhibit the preservation and protection of, or negatively impact the view, accessibility or performance of historical or cultural places and areas that are of value to the community;
 - v. The proposed amendment meets a significant, city-wide public need or purpose (affordable housing, economic development, etc.); and/or
 - vi. Any other factors which will substantially affect the public health, safety, morals, or general welfare of the city.

https://library.municode.com/tx/boerne/codes/unified_development_code?nodeId=UNDECOB_OTE_CH2PR_S2-5ZOPR







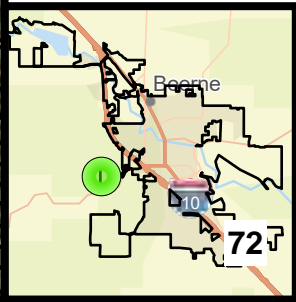
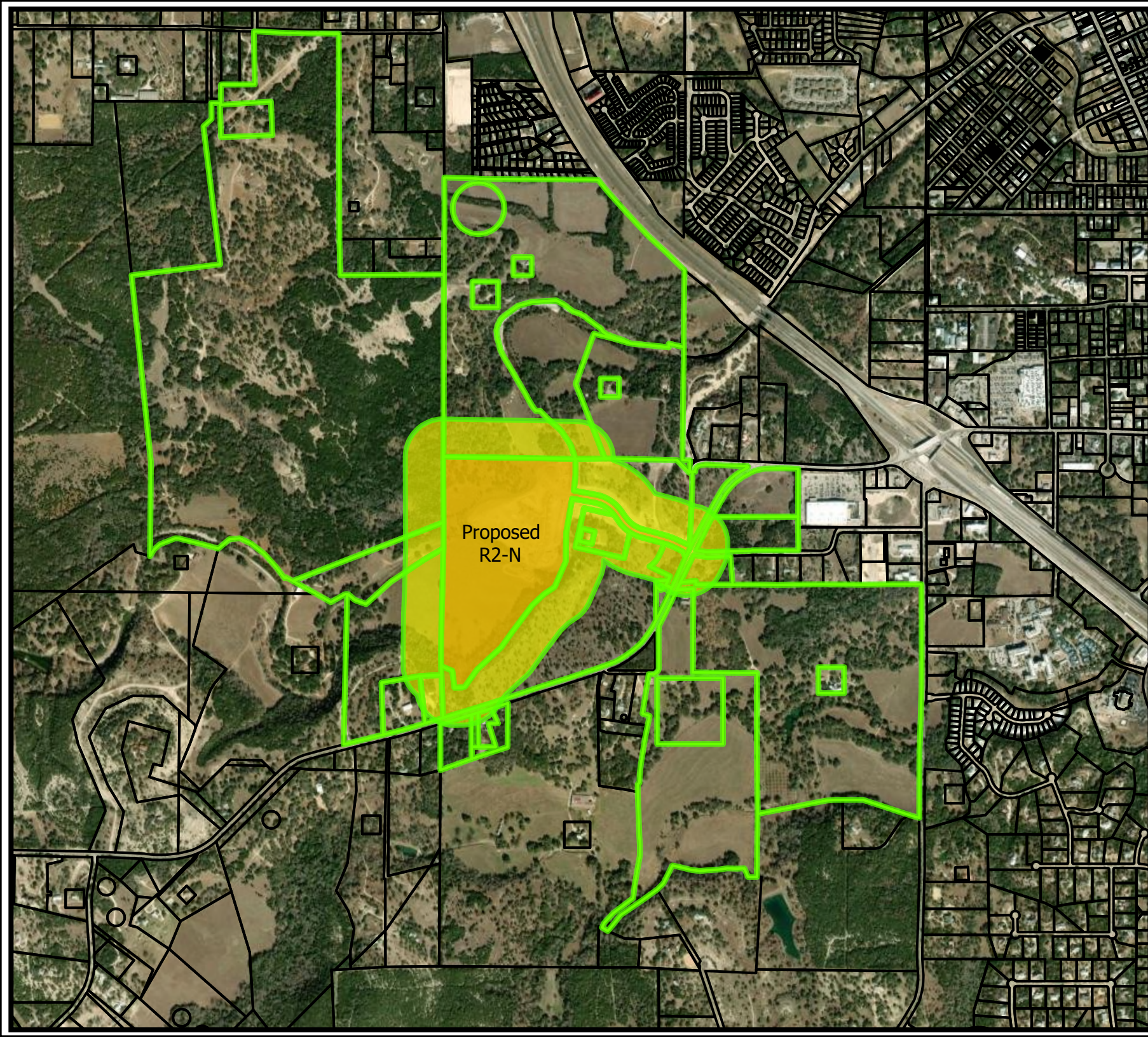
SUBJECT PROPERTY
The Birch
at Spencer Ranch

Current Zoning
HOL - Interim
Holding

Proposed Zoning
R2-N
Neighborhood
Residential

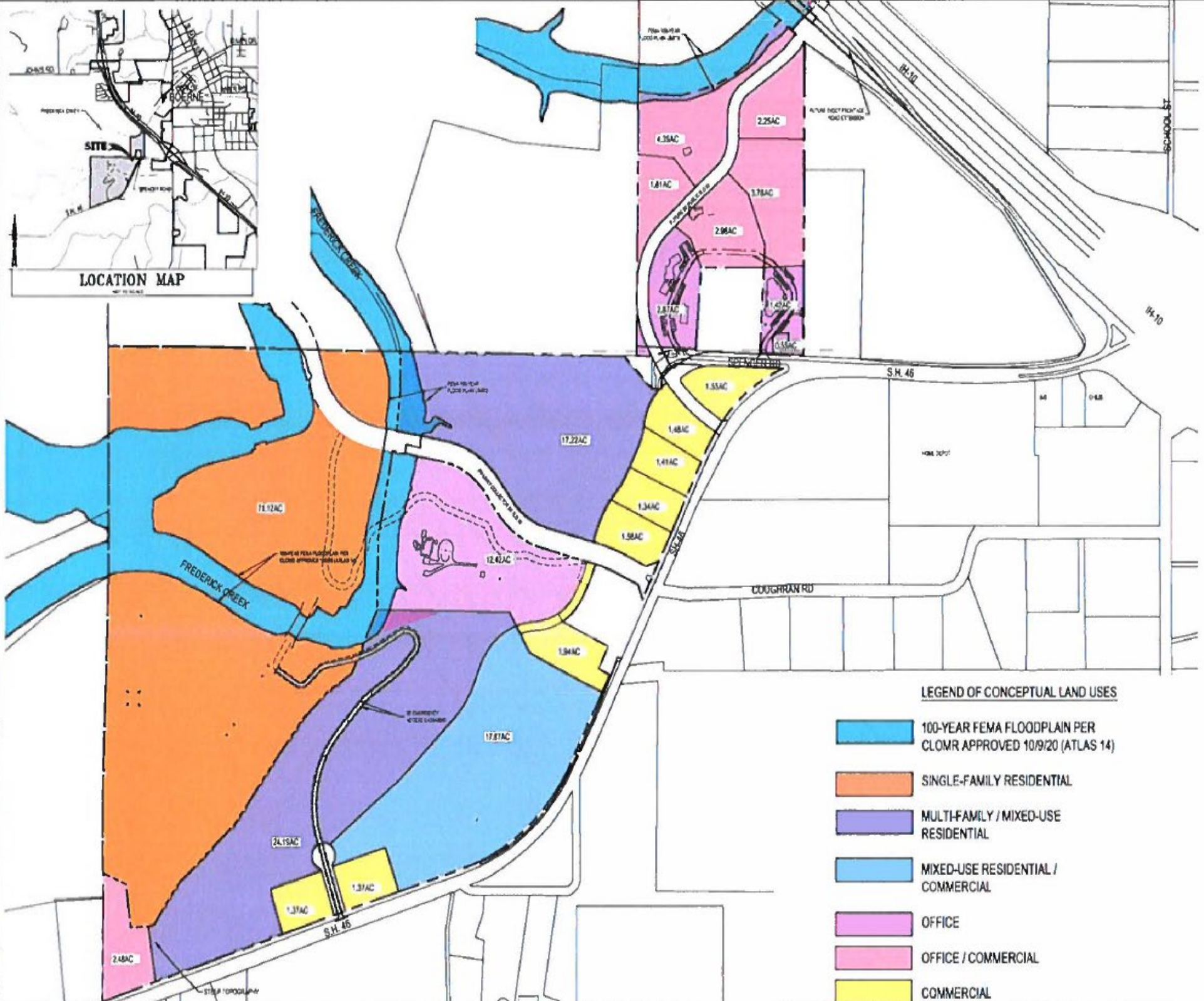
Legend

-  Parcels within Notice Radius
-  SUBJECT PROPERTY
-  500 Ft. Buffer
-  Parcels





LOCATION MAP



LEGEND OF CONCEPTUAL LAND USES

- 100-YEAR FEMA FLOODPLAIN PER CLOMR APPROVED 10/9/20 (ATLAS 14)
- SINGLE-FAMILY RESIDENTIAL
- MULTI-FAMILY / MIXED-USE RESIDENTIAL
- MIXED-USE RESIDENTIAL / COMMERCIAL
- OFFICE
- OFFICE / COMMERCIAL
- COMMERCIAL

N

SCALE 1"=80'

SHEET NO. 24 OF 27

This document is released for REVIEW PURPOSES ONLY. NOT FOR CONSTRUCTION and was prepared under the supervision of Ken Kinney, Registered Professional Engineer, State of Texas, Registration No. 85303. DATE: SEPTEMBER 2020

MATKINHOVER
ENGINEERING
& SURVEYING

1833 BOERNE BOULEVARD, SUITE 100
BOERNE, TEXAS 78002
PH: 817.251.1100
WWW.MATKINHOVER.COM

SPENCER RANCH CONCEPTUAL DEVELOPMENT PLAN

183 ACRES
BOERNE, TEXAS

EXHIBIT D

JOB NO. 183-20
DESIGNED BY M
DRAWN BY L
DATE 9/20/20

73

BY C/ENR

Spencer Ranch Phase 1A Final Plat - April 4, 2022 - Planning & Zoning Commission

CONSIDER CONDITIONAL APPROVAL FOR THE BIRCH AT SPENCER RANCH PHASE 1A FINAL PLAT, 7.33 ACRES, 1 NON-**RESIDENTIAL** LOT, AND 4.71 ACRES OF PRIVATE RIGHT-OF-WAY (KAD NO. 307605, 63687, & 14916) AS IS PROVIDED BY ARTICLE 2, SECTION 2.04.001 B OF THE SUBDIVISION ORDINANCE

Passed Unanimously (7-0) on the Consent Agenda:

“The plat meets all the requirements of the subdivision ordinance. The only remaining condition is that the infrastructure be built and accepted by the City.”

Spencer Ranch Phase 1B Final Plat - April 4, 2022 - Planning & Zoning Commission

CONSIDER CONDITIONAL APPROVAL FOR THE BIRCH AT SPENCER RANCH PHASE 1B FINAL PLAT, 21.27 ACRES, 59 RESIDENTIAL LOTS, 4 OPEN SPACE LOTS, AND 2.61 ACRES OF PRIVATE RIGHT-OF-WAY (KAD NO. 307605) AS IS PROVIDED BY ARTICLE 2, SECTION 2.04.001 B OF THE SUBDIVISION ORDINANCE AND BASED ON COMMENTS STATED IN STAFF’S REVIEW MEMO

Passed Unanimously (7-0) on the Consent Agenda:

“The plat meets all the requirements of the subdivision ordinance with the conditions identified in the staff review memo.”

“To: Cody Morris and Josh Valenta, Matkin-Hoover Engineering

From: Rebecca Pacini, AICP, Planner III

Date: April 1, 2022

Re: Review Comments – The Birch at Spencer Ranch Phase 1B Final Plat

All comments have been addressed with the following conditions to be addressed prior to recording:

- *Phase 1A must be recorded and Spencer Ranch Boulevard must be constructed prior to Phase 1B final plat recordation per Subdivision Ordinance 3.02.002 E.3; and*
- *The Letter of Map Revision must be approved by FEMA prior to recordation of the plat to remove the single-family residential lots from the FEMA 100-year floodplain (UDC 8.1.D.3.i.(a)).”*

Spencer Ranch Phase 2 Final Plat - April 3, 2023 - Planning & Zoning Commission

CONSIDER CONDITIONAL APPROVAL FOR THE BIRCH AT SPENCER RANCH PHASE 2 FINAL PLAT, 23.09 ACRES, 72 RESIDENTIAL LOTS, 3 OPEN SPACE LOTS, AND 3.57 ACRES OF PRIVATE RIGHT-OF-WAY (KAD NO. 307605) AS IS PROVIDED BY ARTICLE 2, SECTION 2.04.001 B OF THE SUBDIVISION ORDINANCE AND BASED ON COMMENTS STATED IN STAFF'S REVIEW MEMO

Passed Unanimously (6-0) on the Consent Agenda:

“The plat meets all the requirements of the subdivision ordinance with the conditions identified in the staff review memo to be addressed prior to plat recordation.”

“To: Joshua Valenta, Matkin-Hoover Engineering

From: Martha E Bernal, Planner II

Date: March 30, 2023

Re: Review Comments – The Birch at Spencer Ranch Phase 2 Final Plat

The above referenced application is found to be Technically Incompliant for the following reasons listed below:

Planning Comments:

- a. Per Subdivision Ordinance, Article 2, Section 5, 2.05.002 A, Identify the scale, location map, and the location of the subdivision in reference to an original corner of the original survey of which said land is a part.
 - i. Update the city limits line on the location map.**
- b. Per Subdivision Ordinance, Article 2, Section 5, 2.05.002 I, The name and location of adjacent streets, alleys, easements, watercourses, and other required information, all lines outside of the subdivision boundaries to be dashed.
 - i. Verify and update recording information for 30' Emergency Access Easement, if applicable.*
 - ii. Provide a heavy line weight along the plat boundaries to clearly reflect the area being platted.**
- c. Per Subdivision Ordinance, Article 2, Section 5, 2.05.002 L, Locations, dimensions, acreage and purposes of any easements or other rights-of-way to be dedicated to public use.
 - i. Delete any dashed lines indicating easements, if not needed or label and provide recording information if previously recorded. See redline.**
- d. Per Subdivision Ordinance, Article 5, Section 11, 5.11.006, Private Street Lots: Private streets must conform to the City's standards for public street rights-of-way. An easement covering the street lot shall be granted to the City and its employees providing unrestricted access to and use of the private streets and*

private street lot in pursuit of their official duties, private Street ROW's or lot shall be dedicated as utility easements so that the utilities can be installed in their usual locations and configurations.

i. Label private ROWs as utility easements.

e. Per Subdivision Ordinance, Article 5, Section 11, 5.11.014:

An Association agreement consistent with State and other appropriate laws must be submitted to and approved by the City Manager and made a part of the final plat documents. The restrictive covenants --Covenants, Conditions and Restrictions ("CCRs")

i. Submit an approved CCR

f. Per Subdivision Ordinance, Article 3, Section 02, 3.02.002 E.3, all Residential development shall have at least one connection to an existing external Arterial or Collector Street in the surrounding transportation network, or to a newly proposed Arterial or Collector street connected to the external network.

i. Reflect the recording information of Birch at Spencer Ranch Phase 1B on the face of the plat and ensure recordation of Birch at Spencer Ranch, Phase 1A and that Spencer Ranch Boulevard is constructed prior to Phase 2 final plat recordation.

Development Services & Utilities Comments:

a. See redline plat comments – revise and resubmit

Fire Department Comments:

a. No comments

Kendall County Comments:

a. No comment”

Spencer Ranch Phase 3 Preliminary Plat – January 10, 2022 - Planning & Zoning Commission

CONSIDER CONDITIONAL APPROVAL FOR THE BIRCH AT SPENCER RANCH PHASE 3 PRELIMINARY PLAT, 22.62 ACRES, 70 RESIDENTIAL LOTS, 5 OPEN SPACE LOTS, AND 3.35 ACRES OF RIGHT-OF-WAY (KAD NO. 307605).

Passed Unanimously (5-0) on the Regular Agenda:

“The plat as currently submitted meets all the requirements of the subdivision ordinance with the following conditions:

- 1. Prior to final plat approval of Phase 3, Phase 1B must be replatted to show the required connection between Hazel Peak and Sycamore Pond such that Phase 3 will be in accordance with Subdivision Ordinance 3.02.002 E, 3.04.002, and 2.05.002 N; and*
- 2. The Letter of Map Revision must be approved by FEMA prior to recordation of the plat to remove the single-family residential lots from the FEMA 100-year floodplain (UDC 8.1.D.3.i.(a)).”*

Hello to all of the Planning & Zoning Commission Members & City Council Members,

This message is from Lee & Pat Carriker, who own approximately 65 acres of property at #6 Spencer Road in Boerne. We have lived in our home on the Spencer Road property for 35 years.....since 1989. We originally rented our home beginning in 1989 from our landlords Murray and Barbee Winn. We loved it so much that we happily purchased our home & property in 1993 from the Winns.

We have recently found out that a zoning change request has been made for the 71.12 acre tract of land for The Birch at Spencer Ranch housing development. That development is on the property next to the south side of our property. We recently received a mailed notice about the November 4th meeting that will discuss the proposal of the zoning change. After receiving the mailed notice, we drove over to the parkway that leads into the newly proposed housing development. We were shocked to find a bent sign announcing this Public Hearing posted on that parkway in an area where only construction crews might see the sign. We noticed that the sign is way off of the well-travelled Highway 46W. The parkway is not a road where people travel on a daily basis, so the general public was not likely to see the public notice sign. Then, facing downward in a nearby dirt area, by a fire hydrant, was a smaller handwritten sign that mentioned the same November 4th meeting and other future meetings. No one passing by the area on Highway 46W would have seen either of those two signs. It seems like someone didn't really care for many people to be aware of the public hearing and/or the chance to voice their opinion or opposition to the proposed zoning change. We would think that the City of Boerne would place a better & bigger sign along Highway 46W where the people most impacted (nearby residents and drivers) would really see it and could give their views on this rezoning.

We did receive the one mailed notice regarding the hearing, so we will respond to it here. We understand that only 18 nearby property owners received that mailed notice.

We oppose this rezoning and housing development at that location for many reasons. One of the main reasons we oppose this rezoning is a safety factor. That housing development road/parkway opens onto Highway 46W in a dangerous location, between two blind curves, where traffic on Highway 46W usually is very heavy and very fast.... and there is no traffic light there. We already have to enter Highway 46W, from our Spencer Road, near one of those blind curves, and we risk our lives often, just trying to get onto Highway 46W from Spencer Road with the current busy traffic going both directions. Cars coming west out of Boerne on Highway 46W are often in a constant row of traffic that is accelerating to a speed that we assume is over the speed limit, so it's hard to cross that traffic to travel east into Boerne. We sometimes can drive out of our Spencer Road, toward Boerne, when the Hwy 46W road is totally clear both directions and will then find a car driving right up to our bumper the moment we get turned to come east into Boerne. Those cars are speeding into Boerne and appear from around those blind curves before you can even see that they were coming. The road/parkway entrance into the Birch at Spencer Ranch is in between TWO of those blind curves on Hwy 46W, so it will become a very dangerous area with all the new traffic that will be going in & out of that parkway along with the already busy Hwy 46W traffic. If you are talking about over 200 medium density homes being built first..... and then 560 more multi-family units being built later in that development, you will be adding a minimum of 1,500 vehicles that will be having to risk driving in & out of that parkway/Highway 46W intersection between those two blind curves with all the speeding Highway 46W traffic. Highway 46W is already a dangerous road without adding all of that traffic. There have already been numerous accidents and some fatalities along these areas of Highway 46W in the past. There have been fatalities on these curves, even though it did not even involve people pulling out onto Hwy 46W. It will only get worse with all this new traffic. We don't feel like adding all that traffic in that area is a safe and wise move. We don't want to see fatalities occurring in that area before a traffic light is installed, and we have been told that no traffic light is planned for that intersection at this time.

We also are opposed to this zoning that will add all this housing when there is such a water shortage in our area. The City of Boerne seems to have severe drought restrictions in place already and then we hear of more high/medium density housing and more multi-family units being built. The city has already allowed a 190-unit multi-family low-income housing apartment complex to be built at Frederick Creek/IH-10 area, which is next to the north side of our property. Now 200+ homes, with front & back yards, and 560 more multi-family units are planned near the south side of our property. All of these new residences will need water provided by City of Boerne, and Boerne is already imposing drought restrictions regarding water usage. This whole area is having an issue with water supplies being used up and drying up. Look at Boerne Lake, Cibolo Creek, Frederick Creek, Canyon Lake, etc..

As we said, we have lived in our house for 35 years. When we moved here, Frederick Creek was a live creek that constantly flowed well on 2 borders of our property.... on the west side and the north side. It flowed all of the time back in the earlier part of our residency on this property. Our older children were allowed to swim in the clear flowing creek for most of their childhood. After our last son was born in 1997, we rarely allowed him to swim in the murky, barely flowing creek. By then, Frederick Creek was always either too dry or not flowing at all. It was not flowing clearly enough for safe swimming. It has been that way for most of his life, and he is now almost 27 years old. We have not seen that creek flowing well in many, many years. Cibolo Creek seemed to do a little better, but it, too, has seemed to have quit flowing. And I hear about how low Boerne Lake is now. So, I think that the water issues should really be considered when allowing all these new housing developments.

On the signs at The Birch at Spencer Ranch, we saw where the developers were given a permit to water their landscaping with water from Frederick Creek for 6 months. That was shocking. We don't believe nearby homeowners are allowed to use creek water to irrigate their properties near the creek. Plus, the creek has already been so very dry... and maybe that is why it has been so dry. That is water that would normally be allowed to flow on into Boerne to join up with the Cibolo Creek to form the downtown creek. We went to the downtown Cibolo Creek one week ago and were saddened to see the dry creek bed.

Resident's water wells are also drying up and many residents are having water brought in by trucks for their household water needs. The lack of water in this area is a big concern. So, it would seem that approving zoning for high/medium density housing developments would be postponed until we are past this long drought that our area has had. Please consider waiting to approve such zoning until we have our lake filled and rivers and creeks flowing regularly again and water wells not going dry. Please consider waiting until the City of Boerne has enough water to not have to impose drought restrictions.

I will mention something else for everyone to think about. If Frederick Creek does start flowing well again, it will have the main part of the Frederick Creek and several Frederick Creek tributaries flowing through the middle of The Birch at Spencer Ranch property. So, it will be getting drainage from those Spencer Ranch streets, driveways, yards, and properties in that development. So, all the trash, oils, gasolines, fertilizers, insecticides, and other chemicals will be flowing into the Frederick Creek and on downstream in the water into the downtown Boerne Cibolo Creek if the creeks are flowing well. If the Frederick Creek is barely flowing, all that pollution will end up hanging around our property, which we hate to think about. We definitely won't be allowing our grandchildren to swim in the Frederick Creek in the times ahead if a housing development with all those houses is allowed on the Frederick Creek just upstream of us. What a way to spoil the wonderful creek that used to flow into Boerne.

Along with other reasons that we object to approval of this rezoning is that we know that all these new developments next to our property will bring new trespassing on our property by teens and other people who don't belong here. We already have had numerous trespassing teens that come from the other side of Interstate 10. They have no business being on our property, and it is often worrisome regarding what their intentions are. With 190 new low-income

housing apartments next to one corner of our land and 200+ homes and 560 more multi-family units on the other side of us, we hate to think of all the new trespassers that will be wandering across our land where they do not belong. It may become unsafe to even live here anymore. Think of residents from that many homes & units wandering through your own private back yard without your permission. It's hard to put up enough "No Trespassing" signs to get the point across to these people who want to wander around our property without permission.

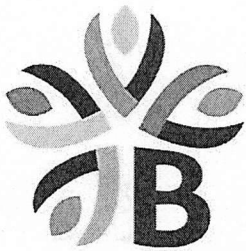
Last, but not least, we worry about all these multi-family apartments/units (some low income housing) and high/medium density housing developments hurting the value of our land and spoiling our life that we have had out here for 35 years. This has been our home. We wanted it to be our home for ever. But, it won't be the same if you approve all this new rezoning for all this construction and water usage.

Thank you for listening and for your consideration regarding not approving the rezoning of the Spencer Ranch property.

Dr. Lee and Pat Carriker

[REDACTED]
830-431-3165
[REDACTED]





Notice of Planning and Zoning Commission Public Hearing

Case Manager: Tyler Cain

☎: 830-248-1628

Email: tcain@boerne-tx.gov

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

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

Date and Time: **Monday, December 2, 2024**
6:00 p.m.

Proposal: **A zoning change request from a HOL-Interim Zoning District to R2-M Medium Density Residential Zoning District for a 71.12 acre tract of land, generally located at the western intersection of Coughran Road and Highway 46 to allow for a single family subdivision (KAD: 307605).**

Authorized Agent: **Forestar (USA) Real Estate Group Inc. and Continental Homes of Texas, L.P.**

**CASE: Zoning – The Birch at Spencer Ranch (TC)
PZ – December 2, 2024**

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

Name: John WELTERS

Address: [REDACTED]

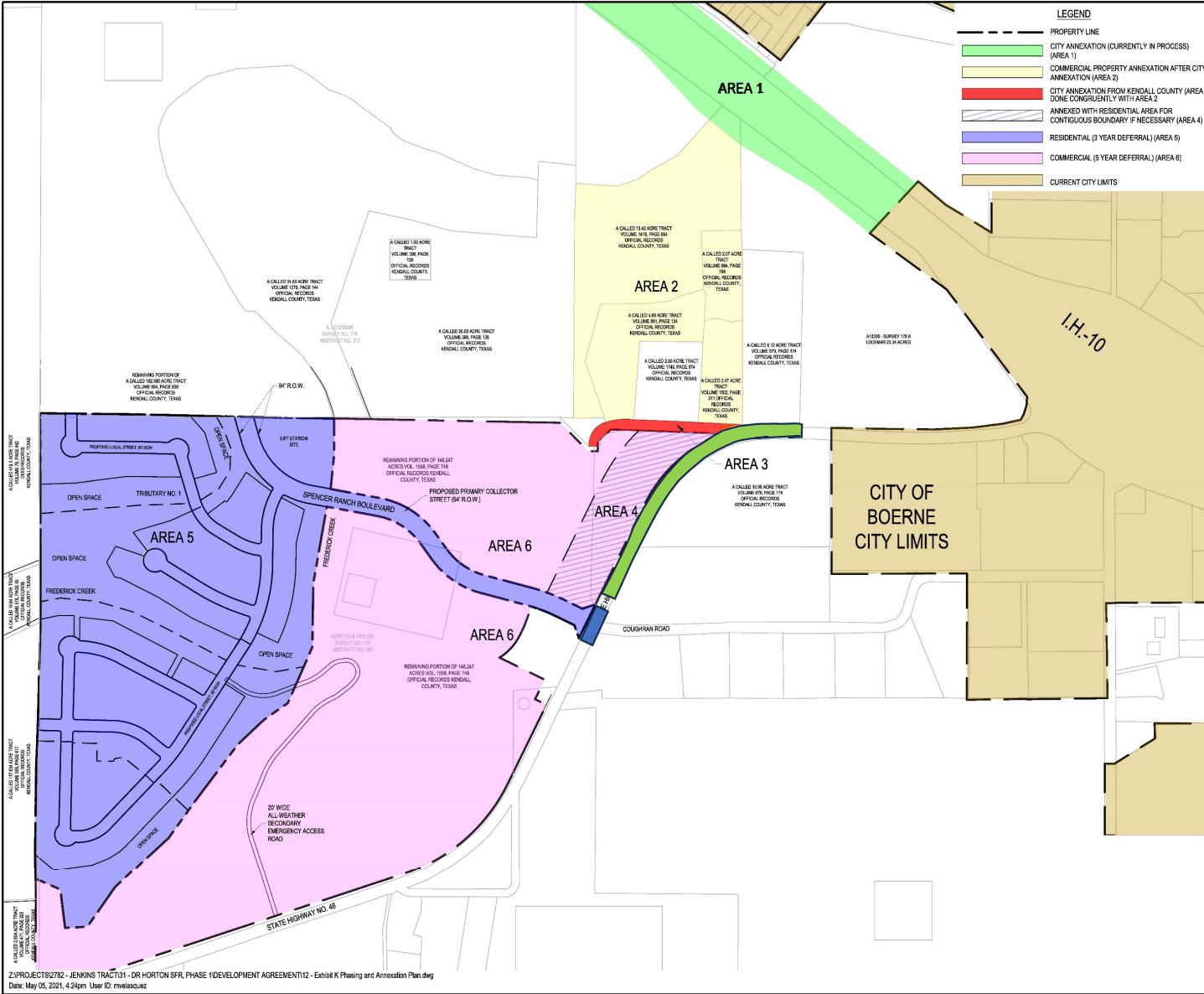
() In Favor (X) Oppose

Reason: High Density CAUSES TRAFFIC AND HIGH WATER USE

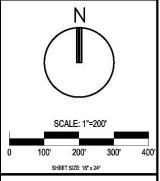
INTEGRITY • COLLABORATION • RESPECT • SERVICE • EXCELLENCE

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

Phone: (830) 248-1628 Email: tcain@boerne-tx.gov



- LEGEND**
- PROPERTY LINE
 - CITY ANNEXATION (CURRENTLY IN PROCESS) (AREA 1)
 - COMMERCIAL PROPERTY ANNEXATION AFTER CITY ANNEXATION (AREA 2)
 - CITY ANNEXATION FROM KENDALL COUNTY (AREA 3) DONE CONGRUENTLY WITH AREA 2
 - ANNEXED WITH RESIDENTIAL AREA FOR CONTIGUOUS BOUNDARY IF NECESSARY (AREA 4)
 - RESIDENTIAL (3 YEAR DEFERRAL) (AREA 5)
 - COMMERCIAL (5 YEAR DEFERRAL) (AREA 6)
 - CURRENT CITY LIMITS



This document is released for REVIEW PURPOSES ONLY, NOT FOR CONSTRUCTION and was prepared under the authorization of JOSHUA J. VALENTA, Registered Professional Engineer, State of Texas, Registration No. 114592.

MATKIN-HOOVER ENGINEERING & SURVEYING

1305 SHILOH, TEXAS COUNTRY, SUITE 100
 BOERNE, TEXAS 78009
 CONTACT: USA@MATKIN-HOOVER.COM
 TEXAS REGISTERED ENGINEERING FIRM # 00511 SURVEYING FIRM # 10025000

PHASING / ANNEXATION PLAN
 FOR
SPENCER RANCH
 BOERNE, TEXAS

EXHIBIT K





JOB NO.	2782.20
DESIGNED BY:	CDK
DRAWN BY:	RJV
CHECKED BY:	KBK

Z:\PROJECTS\2782 - JENKINS TRACT\11 - DR HORTON SFR, PHASE 1\DEVELOPMENT AGREEMENT\12 - Exhibit K Phasing and Annexation Plan.dwg
 Date: May 05, 2021, 4:24pm User ID: mvelasquez



SUBJECT PROPERTY Spencer Ranch

Legend

-  Phase 1A
Spencer Ranch Blvd.
2.62 Acres of Open Space
-  Phase 1B
59 Residential Lots
10.36 Acres of Open Space
-  Phase 2
72 Residential Lots
9.35 Acres of Open Space
-  Phase 3
70 Residential Lots
6.59 Acres of Open Space
-  Open Space
28.92 Total Acres



Mapbox, Microsoft, Esri Community Maps Contributors, TomTom, © OpenStreetMap contributors, Microsoft, © NAVIP, Esri, TomTom, Garmin, FourSquare, SafeGraph, GeoTechnologies, Inc. METI/MASA, USGS, ERI, NPS, US Census Bureau, USDA

property lines approximate

0 0.05 0.1 0.2 Miles

Boerne

Excerpt of the Minutes
Planning and Zoning Commission Meeting Minutes
November 4, 2024

Present:

Chairman Tim Bannwolf
Vice Chair Lucas Hiler
Commissioner Bill Bird
Commissioner Bob Cates
Commissioner Susan Friar
Commissioner Terry Lemoine

Absent:

Commissioner Carlos Vecino

5.A - Zoning change request from HOL-Interim Zoning District to R2-M Moderate Density Residential for a 71.12 acre tract of land, generally located at the southwest intersection of Spencer Ranch Boulevard and Highway 46, in the City of Boerne, Kendall County, Texas.

Anisa Schell, project representative, gave a brief presentation explaining that the master community plan for this project is in alignment with the city's master plan and was accepted by the city prior to adoption of the Unified Development Code. She clarified that they anticipate approximately 2-3 years for construction and that a traffic impact analysis resulted in the construction of a new southwest-bound deceleration right-turn lane, as well as a new primary collector street at Coughran Road (to accommodate any trips being generated from the homes being built).

Chairman Bannwolf opened the public hearing at 6:14 p.m.

John Wolters, spoke in opposition of the proposed zoning case and high density development. He expressed concerns with the public notice from the city indicating it was not effective in notifying citizens of this case.

Pat and Lee Carriker, residents to the north of the site, spoke in opposition of the proposed zoning case; they expressed safety concerns with added traffic, and Mrs. Carriker read a letter to the Commission that they submitted to staff earlier in the day.

Tammy Miller, spoke on behalf of her father-in-law who owns the adjacent property to the west; she expressed concerns with traffic, perimeter fencing, noise, light pollution, and the potential impact on property values.

Chairman Bannwolf closed the public hearing at 6:36 p.m.

Commissioner Cates expressed concerns with high-density development, impervious cover, floodplain concerns, and traffic safety on Highway 46. He questioned if steep

slope/impervious cover issues had been addressed and if the development reclaimed any parts of the flood zone/updated maps to get more acreage out of the floodway.

Overall Commission discussion included a range of concerns and considerations. They expressed concerns with added traffic, and questioned if a traffic signal would be required. They discussed concerns with the density allowed in R2-M zoning, public notice for this zoning case, and inquired about certain aspects of the development agreement as it relates to the number of units being proposed. The Commission also inquired about previous plat approvals and the limited authority over density due to the development being situated in the city's extra-territorial jurisdiction (ETJ) at the time those plats were presented and approved.

Nathan Crane, Planning Director, explained that with the property being located in the ETJ, combined with the terms of the development agreement, it allowed the developers to obtain permits through the county, prior to required annexation into the city limits; this allowed road construction and for them to address floodplain concerns. He further explained that the development is bound by the approvals of Phases 1-3, which are consistent with the master community plan that was approved by the Planning and Zoning Commission back in 2018. The development agreement for the project was approved by the Boerne City Council in 2021, granting the developers certain vested rights dating back to the 2018 approval. The agreement provides some specific guidance on zoning approvals that must be obtained from City Council. There were other terms that allowed them to move through the platting process with the city but annexation had to occur in proper order. As for steep slope, he explained that he was unsure if they have been addressed in previous plats, but can find out. As for public notice, he clarified that the city has a number of notification processes and they notify neighbors as close to subject properties as possible. The city has also extended to a 500-foot radius for mail out notification letters. He noted that any multi-family housing components will require a Specific Use Permit (SUP) that will be reviewed by the Planning and Zoning Commission, who will then make a recommendation to Boerne City Council.

Mick McKamie, Associate City Attorney, clarified that zoning is tool to use to control some aspects of density once a property is annexed into the city limits and zoning is applied.

Cheryl Rogers, City Engineer, addressed questions regarding a possible traffic signal and about changes to the floodplain. For the traffic signal, she explained that at some point frontage properties will have to do traffic studies and at a later time one of the property owners will need to put in the traffic signal. She also clarified that currently there is not a middle turn lane but property owners in the future will need to provide a left turn lane when they decide to develop. As for the floodplain, she explained that

Spencer Ranch submitted a letter of map revision (LOMR) to Federal Emergency Management Agency (FEMA) which received approval. Subsequently, FEMA surveyed the bridges, culvert and grading that had been completed, resulting in a reduction in the floodplain area.

The applicant, Kevin DeAnda, requested a continuance to allow for more time to prepare a comprehensive response and acknowledged that a 30-day postponement period was likely sufficient.

A motion was made by Commissioner Hiler, seconded by Commissioner Bird, to table a zoning change request from a HOL-Interim zoning district to R2-M Moderate Density Residential Zoning District for a 71.12 acre tract of land, generally located at the southwest intersection of Spencer Ranch and Highway 46, in the City of Boerne, Kendall County, Texas (KAD: 307605; A10360 - Survey 179 Newton & Taylor 71.12 acres) until the December Planning and Zoning Commission meeting. The motion carried by the following vote:

Tabled: 6-0

Yea - Chairman Bannwolf, Commissioner Hiler, Commissioner Friar, Commissioner Bird, Commissioner Cates, Commissioner Lemoine

Mick McKamie provided more detail to the commission regarding zoning considerations with or without development agreements. He noted that the City of Boerne has negotiated development agreements before they were even recognized by state statute and that every major development agreement has language that the developer must divulge the terms of the agreement and any covenants included, to future purchasers, for the benefit of the residents; therefore, there would be something recorded for this development. A new developer could seek a new agreement but regardless, with or without a development agreement, the zoning considerations following annexation would remain the same.

Excerpt of the Minutes
Planning and Zoning Commission Meeting Minutes
December 2, 2024

Present:

Chairman Tim Bannwolf
Vice Chair Lucas Hiler
Commissioner Bill Bird
Commissioner Bob Cates
Commissioner Susan Friar
Commissioner Terry Lemoine

Absent:

Commissioner Carlos Vecino

5.A - Zoning change request from HOL-Interim Zoning District to R2-M Moderate Density Residential for a 71.12 acre tract of land, generally located at the southwest intersection of Spencer Ranch Boulevard and Highway 46, in the City of Boerne, Kendall County, Texas.

Tyler Cain, City Planner II, presented the proposed zoning change request.

The applicant, Kevin DeAnda, gave a brief presentation highlighting the single family residential development and addressing concerns that were brought up at the November Planning and Zoning Commission meeting. He noted that the proposed use is consistent with both the master plan and future land use plan, and is in conformance with the Unified Development Code. He explained that the development agreement stipulates that a zoning designation shall be in alignment with the approved plats for this subdivision. In response to traffic concerns, a Traffic Impact Analysis (TIA) was completed at the time of the development agreement. Two separate TIAs were performed, which recognized that State Highway 46 has the capacity to accommodate the proposed 209 residential lots. However, this necessitated certain mitigations and improvements, including the completion of a southwest-bound right turn lane on Highway 46 and the establishment of a new primary collector street (four lanes) at Coughran Road, both of which have been finalized. Additionally, a separate TIA was prepared for the 87 acres of frontage owners. Should this area be developed for commercial or mixed-use purposes, the installation of a traffic light at the intersection of Highway 46 and Spencer Ranch Boulevard would then be required. He also addressed issues related to water and sewer services, noting that a Utility Service Agreement has been established with Texas Water Company, which reserves 219 Equivalent Dwelling Units (EDUs). Additionally, drainage concerns are being managed through the allocation of 18 acres of open space and the implementation of on-site detention ponds to facilitate proper drainage and runoff management.

Chairman Bannwolf questioned if the public hearing requirements have been met.

Mick McKamie confirmed that one public hearing is required and one was held in the November Planning and Zoning Commission meeting, so this requirement has been met.

Chairman Bannwolf allowed time for the public to speak and opened a public hearing at 6:33 p.m.

No comments were received.

Chairman Bannwolf closed the public hearing at 6:34 p.m.

Commissioner Cates sought clarification on the definition of "customer" as mentioned in the strategy map shared during the staff presentation, particularly in relation to customer-driven feedback.

Staff members Tyler Cain, City Planner II, and Nathan Crane, Planning Director, acknowledged that the spirit of customer driven feedback encompasses both internal and external customers, including current homeowners, prospective homeowners, applicants, other departments, developers, and various boards and commissions.

Chairman Bannwolf elaborated on the role of the Planning and Zoning Commission, which serves as a representative body that seeks to balance the diverse interests of various customers when providing recommendations to the Boerne City Council.

Commissioner Hiler spoke regarding the plats that have been approved for this development throughout the years when the property was in the city's Extra-territorial Jurisdiction (ETJ). He noted that the Commission was unaware of the development transitioning into the city limits. The city has limited control on density in the ETJ, as detailed in a staff memorandum dated October 1, 2018. He noted that, to the commission's knowledge, there were no plans for annexation or zoning at that time and now the process is disordered; typically, the sequence is annexation, followed by zoning, and then the approval of development plats, however, in this instance, the development plats had already been approved. He also expressed concerns with the overall density, the utility agreement that is in place, several parts of the approval criteria not being met, and the lack of amenities in the proposed development.

Mick McKamie, Associate City Attorney, clarified that the current order is the only way it could be done because the property began in the city's ETJ. He explained that it is standard for municipalities to engage in development agreements, which are subsequently followed by zoning considerations upon annexation and should be treated like any other zoning matter.

Commissioner Friar addressed the citywide need for housing and noted that there are already several thousand lots in the pipeline to be built. She emphasized that to effectively meet the citywide demand, the city needs larger lots within larger

neighborhoods. Furthermore, she raised concerns about unaddressed safety issues and inquired about the number of property owners who were notified, questioning whether they are local residents. She further cautioned that if the R2-M zoning is granted, there would be no safeguards to prevent the developer from returning to replat the land, potentially altering the proposed development plans.

Kevin DeAnda clarified that they have no intention of replatting, but that would be a possibility.

The Commission further discussed exploring other zoning designations that would be less dense and would mandate larger lot sizes. Commissioner Cates raised concerns with the comparative density analysis chart in staff's presentation not taking topography, utilities and infrastructure into consideration, and mentioned that the dedicated green space is not developable. Commissioner Bird raised questions about the non-conforming lots that were mentioned in the staff presentation, seeking further clarification. Commissioner Lemoine inquired about the permanence of the lift station shown in the master plan and whether it was included within the 71 acres under consideration. Overall, the Commission emphasized the importance of managing growth properly in alignment with the mindset and desires of the Boerne citizens, and what reflects the best interests of the community as a whole.

Nathan Crane clarified that they cannot develop more than the 209 units, as they are tied to the approved plats.

Tyler Cain and Nathan Crane responded to inquiries concerning steep slopes, clarifying that the regulations pertaining to slopes are included in the 2018 zoning ordinance rather than the subdivision ordinance. One of the goals of the city is to preserve areas of steep slope regions, and as such, the master plan showing those areas preserved meets the intent of environmental stewardship.

Mick McKamie clarified that under the zoning ordinance only the uses in that zoning category are allowed and nonconforming uses occur if it is in existence (built and in use) the date the zoning is adopted. The lot sizes have to comply with the zoning requirements when they construct in order to obtain building permits. He further clarified that there are provisions for variances that can be obtained from the Zoning Board of Adjustment and Appelas (BOA) on a case by case basis, but not a development as a whole.

Emiliano Guerrero, representative with Forestar development, addressed concerns raised regarding the potential replatting of the development site. He explained that replatting at this stage would not be feasible due to the advanced state of construction on the majority of the lots. He noted that significant progress has been made over the past year and a half, with most lots already paved and fully energized with critical

infrastructure including water, sewer, and power utilities. Throughout the construction process, Forestar development has engaged in consultations with city staff and emphasized that they have proceeded with the project in good faith, relying on the 2021 development agreement and the subsequent plat approvals granted in 2022.

Josh Valenta, engineer with Matkin Hoover, spoke to why this project was not developed in the city's ETJ; the collector road is a city requirement on the thoroughfare plan and the city does not allow the collector road to be private. The county would not take a collector road so the agreement was necessary as a collector road cannot be a private road.

The Commission continued to discuss other various zoning categories, various phases that could be zoned differently and reiterated their reservations regarding the density in the proposed zoning.

Emiliano indicated that they would like to move forward to City Council consideration one way or the other.

A motion was made by Commissioner Hiler, seconded by Commissioner Bird, to make a recommendation to the Boerne City Council to deny a zoning change request from a HOL-Interim zoning district to R2-M Moderate Density Residential Zoning District for a 71.12 acre tract of land, generally located at the southwest intersection of Spencer Ranch and Highway 46, in the City of Boerne, Kendall County, Texas (KAD: 307605; A10360 - Survey 179 Newton & Taylor 71.12 acres). The motion carried by the following vote:

Recommendation to Deny: 6-0

Yea - Chairman Bannwolf, Commissioner Hiler, Commissioner Friar, Commissioner Bird, Commissioner Cates, Commissioner Lemoine