

AGENDA
REGULAR CITY COUNCIL MEETING
RONALD C. BOWMAN CITY COUNCIL CHAMBERS
447 North Main Street
Boerne, TX 78006
November 14, 2023 – 6:00 PM

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

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

1. CALL TO ORDER – 6:00 PM

INVOCATION

PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG

PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG

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

2. CONFLICTS OF INTEREST

3. [2023-751](#) PROCLAMATION FOR NURSE PRACTITIONER WEEK, NOVEMBER 12TH THROUGH NOVEMBER 18TH.

Attachments: [AIS Nurse Practitioner Week Proclamation](#)
[Nurse Practitioners Week Proclamation](#)

4. [2023-792](#) 2023 CITIZENS FIRE ACADEMY GRADUATES.

5. 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)

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

- A. [2023-765](#) CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CALLED CITY COUNCIL MEETING OF OCTOBER 24, 2023.

Attachments: [Minutes.23.1024](#)

- B. [2023-764](#) CONSIDER ON SECOND READING ORDINANCE NO. 2023-36; AN ORDINANCE ANNEXING 3.877 ACRES LOCATED AT 36432 INTERSTATE HIGHWAY 10 (KAD NO. 222994) AND A 6.676 ACRE PORTION OF INTERSTATE HIGHWAY 10 RIGHT-OF-WAY TO THE CITY OF BOERNE, KENDALL COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY. (Consider the second reading of an ordinance annexing 36432 IH 10 and a portion of IH 10 right-of-way, at the request of Alejandro Gutierrez)

Attachments: [AIS - 36432 IH10 Annexation - 2nd Reading](#)
[Att 1 - Ordinance No. 2023-36](#)
[Att 2 - Petition](#)
[Att 3 - MSP and Exhibits](#)
[Att 4 - Location Map](#)
[Att 5 - TxDOT Notice - 36432 IH 10](#)
[Att 6 - Floodplain and DPZ Map](#)

- C. [2023-773](#) CONSIDER RESOLUTION NO. 2023-R81; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND KIMLEY-HORN AND ASSOCIATES, INC. FOR FISCAL YEAR 2024 ON-CALL TRAFFIC ENGINEERING FOR AN AMOUNT NOT TO EXCEED \$35,000.00.

Attachments: [202311077-AIS - FY24 Traffic Engineering Resolution No. 2023-R81](#)
[FY 2024 On-Call Traffic](#)

- D. [2023-752](#) CONSIDER RESOLUTION NO. 2023-R82; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PUBLIC ACCESS EASEMENT AGREEMENT WITH BUCKSHOT ENTERPRISES, LLC; AND PROVIDING AN EFFECTIVE DATE. (1261 N Main)

Attachments: [AIS 1261 N Main Access Easement Resolution No. 2023-R82](#)
[Attachment A - Pfeiffer Heritage Subdivision Amending Plat 2018 1261 N](#)
[Attachment B - Public Access Easement Agreement - 1261 N Main](#)

- E. [2023-757](#) CONSIDER RESOLUTION NO. 2023-R83; A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE SCALE SERVERS FROM SHI GOVERNMENT SOLUTIONS, INC. FOR AN AMOUNT NOT TO EXCEED \$217,557.00. (Replacement servers to be used at City Hall and the Police Department.)

Attachments: [City Servers 2023 AIS Resolution No. 2023-R83](#)
[SHI Quote-23994675](#)
[SHI Quote-23994677](#)

REGULAR AGENDA:

7. RESOLUTIONS:

- A. [2023-796](#) CONSIDER RESOLUTION NO. 2023-R84; A RESOLUTION OF THE CITY OF BOERNE, SUPPORTING INNOVATIVE ONE WATER STRATEGIES AND DIRECTING STAFF TO EXPLORE SUCH STRATEGIES IN PUBLIC AND PRIVATE DEVELOPMENT PROJECTS.

Attachments: [AIS One Water Resolution No. 2023-R84](#)
[One Water](#)

8. CITY MANAGER'S REPORT:

- A. [2023-775](#) PRESENTATION ON CITY'S 10-YEAR PAVEMENT MANAGEMENT PLAN.
- B. [2023-793](#) PRESENTATION REGARDING WATER UTILITY MANAGEMENT AND

FUTURE PLANT EXPANSION.

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

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

- A. [2023-794](#) SECTION 551.071 - CONSULTATION WITH ATTORNEY TO DISCUSS LEGAL IMPLICATIONS OF SUPPORTING TAX-EXEMPT FINANCING PROJECT.
- B. [2023-795](#) SECTION 551.074 - PERSONNEL MATTERS: RELATED TO THE CITY MANAGER'S EVALUATION.

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

12. ADJOURNMENT

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the 9th day of November, 2023 at 4:15 p.m.

s/s Lori A. Carroll
City Secretary

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS


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

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

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



AGENDA ITEM SUMMARY

	AGENDA ITEM SUMMARY
Agenda Date	November 14, 2023
Requested Action	PROCLAMATION FOR NURSE PRACTITIONER WEEK, NOVEMBER 12 TH THROUGH NOVEMBER 18 TH .
Contact Person	Mayor Frank Ritchie Lori A. Carroll, City Secretary
Background Information	In recognition of Nurse Practitioners as highly valued members of the health care community.
Item Justification	<input type="checkbox"/> Legal/Regulatory Obligation <input type="checkbox"/> Infrastructure Investment <input type="checkbox"/> Reduce Costs <input type="checkbox"/> Customer Pull <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Service Enhancement <input type="checkbox"/> Mitigate Risk <input type="checkbox"/> Process Efficiency <input type="checkbox"/> Master Plan Recommendation <input type="checkbox"/> Other: <u>Proclamation</u>
Strategic Alignment	
Financial Considerations	
Citizen Input/Board Review	
Legal Review	
Alternative Options	
Supporting Documents	

PROCLAMATION

WHEREAS, Texas is a home to over 27,000 highly skilled nurse practitioners with advanced graduate nursing education and clinical training. These dedicated professionals provide high quality, personalized health care to countless Texans, and their expertise and hard work are critical to the well-being of communities throughout the City of Boerne; and

WHEREAS, among their many duties, nurse practitioners perform and interpret diagnostic tests, diagnose, and treat acute and chronic conditions, and prescribe medications and other treatments. In addition to clinical service, nurse practitioners educate patients on smarter health and lifestyle choices by focusing on disease prevention, health education, and counseling; and

WHEREAS, nurse practitioners are highly valued members of Texas' health care community, making one billion patient visits annually across the state and country to ensure patients can access the care they need. Five decades of research demonstrate the high quality of care nurse practitioners provide, quality that has been extolled by leading policy and government entities such as the National Academy of Medicine, National Governors Association, Federal Trade Commission, and the Robert Wood Johnson Foundation; and

WHEREAS, as Texas continues to respond to the challenges posed by the novel coronavirus (COVID-19) pandemic, the professional and compassionate care of nurse practitioners remains vital. To raise awareness of nurse practitioner's essential role in health care, a public awareness campaign will be conducted throughout the City of Boerne during the week of November 12th, 2023.

NOW, THEREFORE, I, Mayor Frank Ritchie, hereby declare November 12-18, 2023, as

Nurse Practitioner Week.

and encourage all citizens to recognize and celebrate our nurse practitioners who will no doubt help to pave the way for a healthier, happier future.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of Boerne, Texas to be affixed on this the 14th day of November 2023.

Frank Ritchie, Mayor
City of Boerne, Texas

MINUTES
REGULAR CITY COUNCIL MEETING
RONALD C. BOWMAN CITY COUNCIL CHAMBERS
447 North Main Street
Boerne, TX 78006
October 24, 2023 – 6:00 PM

Minutes of the Regular Called City Council Meeting of October 24, 2023.

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

Staff Present: Ben Thatcher, Siria Arreola, Sarah Buckelew, Jeff Carroll, Lori Carroll, Nathan Crane, Steve Perez, Mike Raute, Chris Shadrock, Kristy Stark, Jeanette Teague, and Larry Woods. Mick McKamie was present via Zoom.

Registered / Recognized Guests: Ben Eldredge, Mason Fly, and Cori Meredith.

1. CALL TO ORDER – 6:00 PM

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

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

2. CONFLICTS OF INTEREST

No conflicts were declared.

3. PUBLIC COMMENTS:

Ben Eldredge, 205 Shane Lane, Director of Cow Creek Groundwater Conservation District and Director of Cibolo Center for Conservation spoke on water conservation, the Hill Country Alliance One Water Conference to be held

Thursday, October 26, and recommended the passage of a resolution supporting One Water strategies.

4. CONSENT AGENDA:

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

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

A. CONSIDER APPROVAL OF THE MINUTES OF THE CITY COUNCIL MEETING OF OCTOBER 10, 2023 AND THE SPECIAL CALLED CITY COUNCIL MEETING OF OCTOBER 19, 2023 (STATE OF THE CITY).

THE MINUTES WERE APPROVED.

B. CONSIDER ON SECOND READING ORDINANCE NO. 2023-34; AN ORDINANCE AMENDING THE 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 TO ALLOW AN ACCESSORY DWELLING UNIT AT 605 GRAHAM STREET (KAD NO. 23565) IN AN R2-M, MODERATE-DENSITY RESIDENTIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (At the request of K & C Holding LLC)

THE ORDINANCE WAS APPROVED.

C. CONSIDER RESOLUTION NO. 2023-R77; A RESOLUTION AUTHORIZING THE CITY MANAGER TO PAY REGULAR INVOICES AND BILLS FROM SPECIFIC PROVIDERS OF GOODS AND SERVICES, IN ACCORDANCE WITH THE APPROVED ANNUAL BUDGET, IN ACCORDANCE WITH SECTION 6.08 OF THE CITY OF BOERNE'S HOME RULE CHARTER, AND IN ACCORDANCE WITH TEXAS MUNICIPAL PROCUREMENT LAWS. (Payment of regular invoices and bills that exceed \$50,000.00)

THE RESOLUTION WAS APPROVED.

- D. CONSIDER RESOLUTION NO. 2023-R78; A RESOLUTION RESCINDING RESOLUTION NO. 2022-R49 AND ESTABLISHING THE NUMBER OF TERMS, RESIDENCY REQUIREMENTS, AND ATTENDANCE OF THE VARIOUS BOARDS, COMMITTEES AND COMMISSIONS WHERE THE MAYOR AND CITY COUNCIL OF THE CITY OF BOERNE, TEXAS APPOINT THE MEMBERS, AND THE VARIOUS BOARDS, COMMITTEES, AND COMMISSIONS ARE ESTABLISHED BY STATE LAW, CITY ORDINANCE, AND BY LAWS OF OTHER ENTITIES. (Update Visit Boerne Advisory Board meeting dates)

THE RESOLUTION WAS APPROVED.

- E. CONSIDER RESOLUTION NO. 2023-R79; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN INTERLOCAL AGREEMENT BETWEEN KENDALL COUNTY AND THE CITY OF BOERNE FOR HEALTH SANITARIAN SERVICES.

THE RESOLUTION WAS APPROVED.

5. PRESENTATIONS, PUBLIC HEARINGS, AND ORDINANCES:

- A. CONSIDER ON FIRST READING ORDINANCE NO. 2023-35; AN ORDINANCE VACATING AND ABANDONING A RIGHT OF WAY PREVIOUSLY GRANTED TO THE CITY OF BOERNE, TEXAS BY ROSEWOOD RETREAT LLC, AS RECORDED IN DOCUMENT NO. 2021-354598 OF THE DEED RECORDS OF KENDALL COUNTY; DECLARING THAT SUCH RIGHT OF WAY IS UNNECESSARY FOR USE BY THE PUBLIC; AUTHORIZING THE CITY MANAGER TO EXECUTE A QUITCLAIM DEED RELEASING AND ASSIGNING THIS RIGHT OF WAY TO THE OWNERS OF THE FEE ESTATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (Abandon right of way on Rosewood)

There was no discussion or consideration on this agenda item.

- B. PRESENTATION, PUBLIC HEARING AND CONSIDER ON FIRST READING ORDINANCE NO. 2023-36; AN ORDINANCE ANNEXING 3.877 ACRES LOCATED AT 36432 INTERSTATE HIGHWAY 10 (KAD NO. 222994) AND A 6.676 ACRE PORTION OF INTERSTATE HIGHWAY 10 RIGHT-OF-WAY TO THE CITY OF BOERNE, KENDALL COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY. (One of one public hearing and consider the first reading of an ordinance annexing 36432 IH 10 and a portion of IH 10 right-of-way, at the request of Alejandro Gutierrez)**

Mayor Ritchie called on Nathan Crane, Planning Director. Mr. Crane displayed a map of the property location. He stated that the proposed annexation is at the request of the property owner. If annexed, the city will provide all utility services. The proposed use is a retail center.

Mayor Ritchie opened the Public Hearing at 6:08 p.m.

No comments were received.

Mayor Ritchie closed the Public Hearing at 6:08 p.m.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE ON FIRST READING ORDINANCE NO. 2023-36; AN ORDINANCE ANNEXING 3.877 ACRES LOCATED AT 36432 INTERSTATE HIGHWAY 10 (KAD NO. 222994) AND A 6.676 ACRE PORTION OF INTERSTATE HIGHWAY 10 RIGHT-OF-WAY TO THE CITY OF BOERNE, KENDALL COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY. (ONE OF ONE PUBLIC HEARING AND CONSIDER THE FIRST READING OF AN ORDINANCE ANNEXING 36432 IH 10 AND A PORTION OF IH 10 RIGHT-OF-WAY, AT THE REQUEST OF ALEJANDRO GUTIERREZ). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

6. RESOLUTIONS:

- A. CONSIDER RESOLUTION NO. 2023-R80; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, ACCEPTING 1.18 ACRES OF LAND IN THE COMMONS OF MENGER CREEK UNIT 7, DONATED BY BOERNE COMMONS, LTD.; DEDICATING PROPERTY AS PARKLAND; AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS.**

Mr. Crane continued with the dedication of parkland. A map of the property location was displayed. Mr. Crane stated that a Development Agreement with the property owner was approved in February of 2006 which includes dedication of parkland along Menger Creek. This dedication will allow the City to construct a trail as future capital improvement.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE RESOLUTION NO. 2023-R80; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, ACCEPTING 1.18 ACRES OF LAND IN THE COMMONS OF MENGER CREEK UNIT 7, DONATED BY BOERNE COMMONS, LTD.; DEDICATING PROPERTY AS PARKLAND; AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

7. CITY MANAGER'S REPORT:

Mayor Ritchie called on City Manager Ben Thatcher.

A. POST ECLIPSE EVENT UPDATE.

City Manager Thatcher asked Police Chief Steve Perez to provide an update on the October 14th Eclipse. Chief Perez provided statistics, noting that state and local agencies were involved in the event. Last week's Eclipse has helped prepare for the full eclipse which will take place in April 2024.

B. MONTHLY PROJECTS REPORT.

City Manager Thatcher provided an update on various city related projects.

City Manager Thatcher expressed appreciation to Mayor Pro Tem Wolosin, Council Member Macaluso and Mayor Ritchie for their participation in the BKCEDC Economic Summit.

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

Council Member Macaluso recognized the Boerne Greyhounds Football who are rated number one in the State. Champion Chargers Football are in the playoffs and the Water Polo Team is going to State. He also mentioned that he is proud that the City of Boerne was asked to host the One Water Conference.

Mayor Ritchie stated that the State of the City event was successful. He received good reports from the audience and expressed appreciation to city staff for the work they do.

9. ADJOURNMENT

Mayor Ritchie adjourned the City Council Meeting at 6:35 p.m.

Approved:

Mayor

Attest:

City Secretary



AGENDA ITEM SUMMARY

Agenda Date

November 14, 2023

Requested Action

CONSIDER ON SECOND READING ORDINANCE NO. 2023-36; AN ORDINANCE ANNEXING 3.877 ACRES LOCATED AT 36432 INTERSTATE HIGHWAY 10 (KAD NO. 222994) AND A 6.676 ACRE PORTION OF INTERSTATE HIGHWAY 10 RIGHT-OF-WAY TO THE CITY OF BOERNE, KENDALL COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY. *(Consider the second reading of an ordinance annexing 36432 IH 10 and a portion of IH 10 right-of-way, at the request of Alejandro Gutierrez)*

Contact Person

Nathan Crane, Planning Director

Background Information

PRIOR REVIEW:

The City Council held a public hearing on the annexation and approved the first reading of the ordinance on October 24, 2023. No one spoke in favor or opposition at the public hearing.

REQUEST:

This request is to consider on second reading the ordinance approving the voluntary annexation of one parcel totaling 3.877 acres.

Municipal Service Plan

A Municipal Service Plans (MSP) is required as part of each annexation. The MSP outlines how property in the annexed area will be served with municipal services. The property owner has approved the MSP.

The City of Boerne will be the water and sewer provider. The city will also be responsible for Fire, Police, Road Maintenance, and all other government functions.

Primary access to the site is proposed from IH-10 access road/off ramp to Johns Road. TxDOT will need to approve any access to the frontage road. There is an easement that allows secondary access

	<p>to Lattimore Drive.</p> <p><i>Current and Future Zoning</i></p> <p>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. The landowner will be responsible for applying to rezone the property.</p> <p><i>Floodplain and Drainage Protection Zones</i></p> <p>The property is not within the floodplain or a drainage protection zone.</p>
Item Justification	<p><input checked="" type="checkbox"/> Legal/Regulatory Obligation <input type="checkbox"/> Infrastructure Investment</p> <p><input type="checkbox"/> Reduce Costs <input type="checkbox"/> Customer Pull</p> <p><input 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	B2 – Advancing Master Plan Recommendations
Financial Considerations	
Citizen Input/Board Review	<p>The private property owners provided consent of the annexation with approval of the Development Agreement. They have also approved the Municipal Service Plan on July 13, 2023.</p> <p>TxDot was notified of the annexation on July 17, 2023. No comments have been received. Municipal Service Plans are not required for roadways.</p> <p>The property is part of the City’s Extra-Territorial Jurisdiction (ETJ) and has been designated as Neighborhood Residential on the Future Land Use Map.</p> <p>The Council held a public hearing on this item on October 24, 2023. No one spoke in favor or opposition of the request.</p>
Legal Review	This action is a statutory requirement for annexation.
Alternative Options	
Supporting Documents	<p>Attachment 1 –Ordinance 2023-36</p> <p>Attachment 2 – Petition</p> <p>Attachment 3 – MSP and Exhibits</p> <p>Attachment 4 – Location Map</p> <p>Attachment 5 – TxDOT Notice</p>

ORDINANCE NO. 2023-36

AN ORDINANCE ANNEXING 3.877 ACRES LOCATED AT 36432 INTERSTATE HIGHWAY 10 (KAD NO. 222994) AND A 6.676 ACRE PORTION OF INTERSTATE HIGHWAY 10 RIGHT-OF-WAY TO THE CITY OF BOERNE, KENDALL COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY

WHEREAS, Chapter 43 of the Texas Local Government Code and City Charter of the City of Boerne, Texas, an incorporated city, authorizes the annexation of territory, subject to the laws of this state as of January 1, 2019; and

WHEREAS, the owner of 36432 Interstate Highway 10, Boerne, Texas, in the extraterritorial jurisdiction of Boerne, Texas, has requested that the area be annexed into the City of Boerne; and

WHEREAS, the City Council of the City of Boerne approved Resolution No. 2023-R72 on September 26, 2023, setting a public hearing for the proposed annexation of 3.877 acres located at 36432 Interstate Highway 10 and a portion of Interstate Highway 10 by the City and approved the service plan agreement for the area in the City Extraterritorial Jurisdiction ("ETJ") being considered for annexation into the corporate limits of the City of Boerne; and

WHEREAS, the right-of-way being annexed is contiguous to and running parallel to the City limits and is contiguous to the parcel being annexed in accordance with Local Government Code Section 43.1056; and

WHEREAS, the City held a public hearing on October 24, 2023, to give all interested persons the right to appear and be heard on the proposed annexation; and

WHEREAS, the procedures prescribed by Chapter 43 Texas Local Government Code and/or Charter of the City of Boerne, Texas, and the laws of this state have been duly followed with respect to the following described territory, to wit:

BEING a 3.877 acre tract of land, more or less, out of the Anton Lockmar Survey No. 311 in Kendall County, Texas, said tract being more fully described in attached Exhibit "A"; and

BEING A 6.676 acre tract of land, located in the Antonio Lockmar Survey No. 178, Abstract 311, Kendall County, Texas, and being a portion of a called 9.077 acre tract of land as described of record in Volume 87, Page 353 of the Deed Records of Kendall County, Texas, and also being a portion of the current right-of-way of Interstate Highway 10, as shown on the Texas Department of Transportation (TxDOT) Right-of-Way Map,

Account No. I10-4(53)544. Said 6.676 acre tract being more fully described in attached Exhibit "B".

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

Section 1. The facts, findings, recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct and are incorporated herein and expressly made part hereof, as if copied herein verbatim.

Section 2. That the heretofore described property is hereby annexed to the City of Boerne, Kendall County, Texas, and that the boundary limits of the City of Boerne be and the same are hereby extended to include the above described territory within the city limits of the City of Boerne, and the same shall hereafter be included within the territorial limits of said city, and the inhabitants thereof shall hereafter be entitled to all the rights and privileges of other citizens of the city of Boerne and they shall be bound by the acts, ordinances, resolutions, and regulations of said city.

Section 3. A service plan for the area was hereby adopted by City Council on September 26, 2023, and attached as Exhibit C.

The City Secretary is hereby directed to file with the County Clerk of Kendall County, Texas, a certified copy of this ordinance.

PASSED AND APPROVED on this the first reading the 24th day of October, 2023.

PASSED, APPROVED AND ADOPTED on this the second reading the ____ day of November, 2023.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney

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)

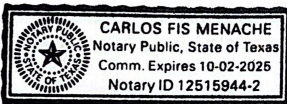
I/We certify that the above described tract of land is contiguous to the City of Boerne, Texas, is not more than one-half (1/2) mile in width and that this petition is signed and duly acknowledged by each and every person or corporation having an interest in said land.

[Handwritten Signature]
Owner's Signature #1

ALEJANDRO GUTIERREZ
Owner's Printed Name

16515 BLANCO RD SAT TX 78232
Owner's Mailing Address

210-3831071
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 2nd day of June, 2023

(Seal)

[Handwritten Signature]
Notary Public in and for the State of Texas
My commission expires: 10-02-25

**2023 ANNEXATION
CITY OF BOERNE, TEXAS
MUNICIPAL SERVICE PLAN AGREEMENT**

Property Subject to the Plan: Being a 3.877 acre tract of land, more or less, out of the Anton Lockmar Survey No. 311 in Kendall County, Texas; More particularly described as follows:

Said acre tract being more fully described in attached Exhibits "A" and "B", which is incorporated as if fully set forth herein and hereinafter referred to as the "Property" or the "Annexation Area".

Municipal services to the Annexation Area will be furnished by or on behalf of the City of Boerne, Texas, at the following levels and in accordance with the following service plan programs:

A. SPECIFIC FINDINGS

The City Council of the City of Boerne, Texas finds and determines that this Municipal Service Plan will not provide any fewer services nor will it provide a lower level of service, in the Annexation Area, than were in existence at the time immediately preceding this territory's annexation to the City of Boerne, Texas.

B. PROGRAM FOR SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF THE ANNEXATION.

The City will provide the following services in the Annexation Area on the effective date of the annexation unless otherwise noted. As used in this plan, the term "providing services" includes having services provided by any method or means by which the City may extend municipal services to any other area of the City, including the City's infrastructure extension policies and developer or property owner participation in accordance with applicable City ordinances.

1. POLICE PROTECTION

The City of Boerne Police Department will provide regular and routine patrols to the Annexation Area at the same or similar level now being provided to other areas of the City with similar topography, land use and population densities.

The services will include, but are not limited to:

- Normal patrols and responses to calls for service;
- Handling of offense and incident reports;
- Special units, such as traffic enforcement, criminal investigations, narcotics law enforcement, gang suppression, and crime response team deployment when required; and
- Animal Control services.

2. FIRE SERVICE

The City of Boerne, Texas and its Fire Department will provide fire protection services to the Annexation Area at the same or similar level now being provided to other areas of the City with

similar topography, land use and population densities. The Fire Department will perform these duties as part of its overall activities. Adequate fire suppression activities can be afforded to the annexed area within current budget appropriation. Fire prevention activities will be provided by the Fire Marshall's office as needed.

These services include, but are not limited to:

- Basic Life Support (BLS) 1st responder emergency medical services;
- Fire suppression and rescue;
- Hazardous materials mitigation and regulation;
- Technical rescue;
- Fire Safety Education;
- Aircraft/rescue/firefighting;
- Fire protection system plan review; and
- Inspections.

3. BUILDING INSPECTION AND CODE ENFORCEMENT SERVICES

The City of Boerne Code Enforcement Department activities will extend to Annexation Area, pursuant to applicable policies and/or ordinances of the City, now existing or as such policies and/or ordinances may be amended. These services include, but are not limited to, consultation with project developers for building code requirements, plan review for structures, issuance of building permits, and on-site inspection services for new construction.

The Code Enforcement Department will also enforce the City's code of ordinances and will respond to requests for inspection and complaints of suspected City Code violations including, but not limited to: high weeds and grass, trash and debris, solid waste, trash carts and illegal dumping, junked and abandoned vehicles, zoning, food, daycare, pool and spa inspections, stray animals, cruelty and bite investigations. Complaints of ordinance or regulation violations within the Annexation Area will be answered and investigated by existing personnel within the appropriate City department beginning on the effective date of the annexation.

4. PLANNING AND ZONING

The City of Boerne Planning and Zoning Department activities will extend to the Annexation Area, pursuant to applicable policies and/or ordinances of the City, now existing or as may be amended.

5. LIBRARY

Free library uses, and privileges will be available to residents of the Annexation Area, pursuant to applicable policies and/or ordinances as may be amended.

6. PARKS, PLAYGROUNDS, AND SWIMMING POOLS

Residents of the Annexation Area may utilize all existing parks and community service facilities throughout the City subject to existing ordinances and policies as may be amended. Existing parks, playgrounds, swimming pools and other recreational and community facilities within the Annexation Area that are private facilities will be unaffected by the annexation.

7. SOLID WASTE COLLECTION

Solid waste collection is contracted for by the City's contracted agent upon annexation. Solid waste collection will be provided to the Annexation Area at the same or similar level of service now being provided to other areas of the City in accordance with existing ordinances and policies as may be amended from time to time.

8. STREET AND DRAINAGE MAINTENANCE

The effects of this addition on drainage will be addressed under the provisions of the City of Boerne ordinances and policies in effect at the time of platting.

Public roads, streets and drainage improvements that have been properly platted, duly dedicated, and accepted by the City of Boerne and/or Kendall County shall be maintained by City Street Department. All roads, streets or alleyways in the Annexation Area which have been dedicated to the public shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas of the City of Boerne with similar land use, population density and topography.

Construction of new roads and streets, if any, is the responsibility of the developer or landowner desiring them and must be designed and built in accordance with applicable City of Boerne ordinances and policies as may be amended.

The effects of this addition on drainage will be addressed under the provisions of the City of Boerne ordinances and policies in effect at the time of platting, if and when such platting occurs. The effects will be consistent with such maintenance provided by the City of Boerne to other areas within the City exhibiting land use, population density and topography similar to that of the Annexation Area.

9. ELECTRIC SERVICE

The annexation area is within the service territory of the City of Boerne. Electric service to and throughout the property can be extended according to City standards. Electric service is provided as it is to all other areas within the City of Boerne with the same or similar topography, land use, and population density. The nearest three-phase electric line is an underground line located at the intersection of Chisholm Dr. and Lattimore Blvd. The nearest single-phase electric line is an underground line located along Fischer Drive near the east boundary of the subject property. The nearest overhead electric primary distribution is a three-phase line along Johns Road at Lattimore Blvd.

10. GAS SERVICE

Natural gas service from the City of Boerne may be extended to and throughout the property according to City standards. Natural Gas service is provided for as it is to all other areas within the City of Boerne with the same or similar topography, land use, and population density. The nearest natural gas main of significant capacity is located along the east side of IH-10 adjacent to the subject property.

11. WATER SERVICE

Water service to the area from the City of Boerne may be extended to and throughout the property according to City standards. Extension of service shall comply with State law as provided

in Chapter 43 of the Local Government Code. The nearest water mains of significant capacity are located along the east side of IH-10 adjacent to the northwest corner of the subject property and along Fischer Drive adjacent to the east side of the subject property.

12. SEWER SERVICE

Sanitary sewer service to the area from the City of Boerne may be extended to and throughout the property according to City standards. Extension of service shall comply with applicable State law as provided in Chapter 43 of the Local Government Code. The nearest sewer main of significant capacity is located along Fischer Drive near the east side of the subject property.

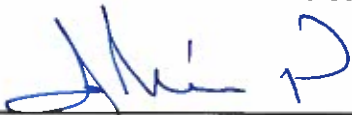
C. CAPITAL IMPROVEMENTS PROGRAM

No capital improvements are necessary at this time to provide services to the Annexation Area consistent with all other areas within the City of Boerne with the same or similar topography, land use, and population density. Need for construction of new facilities will be assessed periodically based on population growth and predicted growth. Any capital improvements deemed necessary to serve the subject annexation area shall be and shall remain the responsibility of the petitioner.

*THE STATE OF TEXAS
COUNTY OF KENDALL*


The undersigned acknowledge that the Municipal Service Plan Agreement has been read and the requirements and stipulations contained therein are understood.

ALEJANDRO CORTESERREZ
Printed Name


Signature

7/13/2023
Date

Printed Name


Signature

JULY 13 2023
Date

*THE STATE OF TEXAS
COUNTY OF KENDALL*

THE STATE OF TEXAS
COUNTY OF KENDALL

The undersigned acknowledge that the Municipal Service Plan Agreement has been read and the requirements and stipulations contained therein are understood.

ALEJANDRO GUTIERREZ [Signature]
Printed Name Signature

7/13/2023
Date

Printed Name

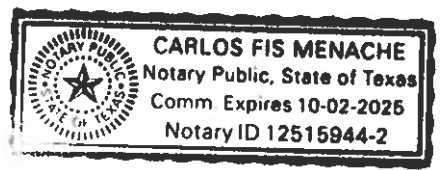
Signature

Date

This Municipal Service Plan Agreement was acknowledged before me on the day of

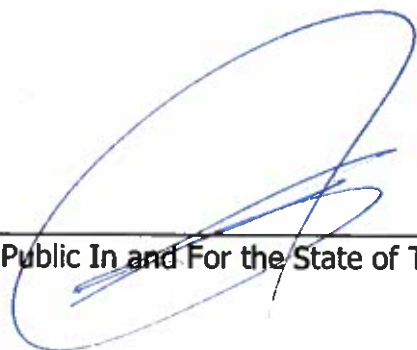
July 13, 2023

[Signature]
Notary Public In and For the State of Texas

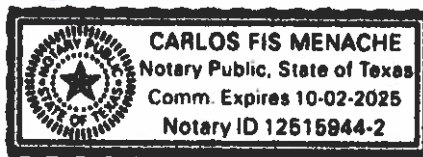


This Municipal Service Plan Agreement was acknowledged before me on the day of

July 13, 2023



Notary Public In and For the State of Texas



STATE OF TEXAS #
COUNTY OF KENDALL #

Fieldnotes for 3.877 acres of land, more or less, out of the Anton Lockmar Survey No. 178, Abstract No. 311 in Kendall County, Texas (locations and configurations of any original patents, etc. on or adjoining this tract are approximate, said patents, etc. were not researched or located on the ground. Patent problems and/or conflicts may exist.) and being the same tract of land conveyed to Mark G. Riser described as Tract 2 in deed recorded in Volume 892, Page 927 - Kendall County Official Records, said 3.877 acres of land, more or less, being more particularly described as follows:

All iron pins cited are $\frac{1}{4}$ " diameter.

Reference is made to a 12" X 18" plat of 3.877 acres of land dated October 20, 2004 and February 6, 2008 accompanying these fieldnotes.

BEGINNING at a found iron pin by fence corner on the west line of the adjoining THE WOODS OF FREDERICK CREEK, UNIT 2 recorded in Volume 5, Pages 276-280 - Kendall County Plat Records for the northeast corner of this tract and the southeast corner of the adjoining VILLAS AT HAMPTON PLACE, UNIT I PUD recorded in Volume 4, Page 183-185 - Kendall County Plat Records.

Thence along the westerly line of said adjoining THE WOODS OF FREDERICK CREEK, UNIT 2,

South $00^{\circ} 16' 50''$ West, (Bearing Base Used: Reference Volume 873, Page 559 - Kendall County Official Records), 575.68 feet to a found iron pin on the northeasterly line of Interstate Highway No. 10 for the south corner of this tract, another found iron pin used for reference only bears North $54^{\circ} 03' 35''$ West, 0.74 feet.

Thence along the northeasterly line of Interstate Highway No. 10,

EXHIBIT "A"
Page 1 of 2

An arc length of 805.06 feet along a curve to the right having a radius of 5559.70 feet and a chord that bears North 43° 58' 08" West, 804.36 feet to a found iron pin for the southwest corner of the above referenced adjoining VILLAS AT HAMPTON PLACE, UNIT I and the northwest corner of this tract.

Thence along the southerly line of the above referenced adjoining VILLAS AT HAMPTON PLACE, UNIT I,

South 89° 22' 40" East, 265.96 feet to a set P-K nail for the southwest corner of the adjoining Lot 10 in VILLAS AT HAMPTON PLACE, UNIT I,

South 89° 24' 07" East, 51.57 feet to a found iron pin for the southeast corner of the adjoining Lot 10 in VILLAS AT HAMPTON PLACE, UNIT I,

South 89° 33' 18" East, 48.39 feet to a found iron pin, and North 89° 49' 59" East, 195.36 feet to the PLACE OF BEGINNING.

I, Thomas C. Pfeiffer, Registered Professional Land Surveyor for the State of Texas, certify that the foregoing fieldnotes represents surveys made on the ground under my supervision.

October 20, 2004 and February 6, 2008.



Thomas C. Pfeiffer Pfeiffer Land Surveying
Registered Professional Land Surveyor No. 1973
Boerne, Texas 78006 Phone: 830-249-3385

EXHIBIT "A"

Page 2 of 2

Filed for Record in:

Kendall County
Darlene Herrin
County Clerk

On: Apr 11, 2008 at 04:28P

Document Number: 00230977
Total Fees : 31.00

Receipt Number - 109612
By Deputy: Paula Pfeiffer

This Document has been received by this Office
for Recording into the Official Public Records.
We do hereby swear that we do not discriminate
due to Race, Creed, Color, Sex or National
Origin.

KCAC

STATE OF TEXAS, COUNTY OF KENDALL
I hereby certify that this instrument was filed in File
Number Sequence on the date and at the time
stamped hereon and was duly recorded in the
Official Records of Kendall County, Texas on:



APR 14 2008
DARLENE HERRIN, County Clerk
Kendall County, Texas

By: *[Signature]* Deputy

FIELD NOTES FOR A 6.676 ACRE TRACT OF LAND

A **6.676 acre** tract of land, located in the Antonio Lockmar Survey No. 178, Abstract 311, Kendall County, Texas, and being a portion of a called 9.077 acre tract of land as described of record in Volume 87, Page 353 of the Deed Records of Kendall County, Texas, and also being a portion of the current right-of-way of Interstate Highway 10, as shown on the Texas Department of Transportation (TxDOT) Right-of-Way Map, Account No. I10-4(53)544. Said **6.676 acre** tract being more particularly described by metes and bounds as follows:

BEGINNING at a point in the northeast right-of-way line of Interstate Highway 10, for the southwest corner of Lot 1, Block 1 of the Villas At Hampton Place, Unit 1 of record in Volume 4, Pages 183-185 of the Deed and Plat Records of Kendall County, Texas, for the northwest corner of a called 3.877 acre tract of land as described of record in Volume 1483, Page 933 of the Official Records of Kendall County, Texas, for the north corner of said 9.077 acre tract and the tract described herein, from which a found ½” iron rod for the northeast corner of said 3.877 acre tract of land bears, S 89° 31’ 45” E, a distance of 366.34 feet and N 89° 37’ 55” E, a distance of 195.41 feet;

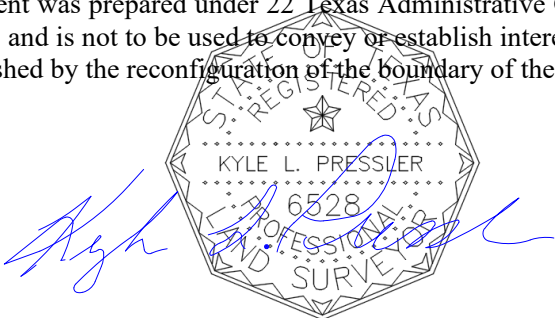
THENCE: With the northeast right-of-way line of Interstate Highway 10, the northeast line of said 9.077 acre tract, the southwest line of said 3.877 acre tract and a non-tangent curve to the left having a radius of **5559.70 feet**, an arc length of **805.46 feet**, a delta angle of **008° 18’ 03”** and a chord bears, **S 44° 07’ 11” E**, a distance of **804.76 feet** to a found ½” iron rod with a plastic cap stamped “Gibbons Survey RPLS 4716” for the westerly corner of an Open Space Lot as shown on the Woods of Frederick Creek, Unit 2 Subdivision Plat of record in Volume 6, Pages 323-327 of the Deed and Plat Records of Kendall County, Texas, for the northeast corner and a point of non-tangency of said 9.077 acre tract and the tract described herein;

THENCE: **S 41° 43’ 24” W**, into said 9.077 acre tract and said Interstate Highway 10 right-of-way, a distance of **349.96 feet** to a point in the southwest right-of-way line of Interstate Highway 10, the southwest line of said 9.077 acre tract, in the northeast line of a called 127.027 acre tract of land as described of record in Document No. 2021363240 of the Official Public Records of Kendall County, Texas, for the south corner and a point of curvature of the tract described herein, from which a found TxDOT Right-of-Way Monument for a point of tangency in said right-of-way line and the southwest line of said 9.077 acre tract bears, S 49° 42’ 54” E, a distance of 296.67 feet;

THENCE: With the southwest right-of-way line of Interstate Highway 10, the southwest line of said 9.077 acre tract and the northeast line of said 127.027 acre tract and a non-tangent curve to the right having a radius of **5909.70 feet**, an arc length of **856.17 feet**, a delta angle of **008° 18’ 03”** and a chord bears, **N 44° 07’ 35” W**, a distance of **855.42 feet** to a point for the west corner and a point of non-tangency of the tract described herein, from which a found ½” iron rod in the southwest right-of-way line of Interstate Highway 10, for the northeast corner of said 127.027 acre tract and the northwest corner of said 9.077 acre tract bears, N 38° 33’ 32” W, a distance of 292.28 feet;

THENCE: **N 50° 01’ 27” E**, into said 9.077 acre tract and said Interstate Highway 10 right-of-way, a distance of **350.05 feet** to the **POINT OF BEGINNING** and containing **6.676 acres** of land situated in Kendall County, Texas.

Note: The basis of bearing was established using the Trimble VRS Network, NAD (83), Texas State Plane Coordinate System, South Central Zone, 4204, US Survey Foot, Grid. A survey plat was prepared by a separate document. “This document was prepared under 22 Texas Administrative Code § 138.95, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the reconfiguration of the boundary of the political subdivision for which it was prepared.”



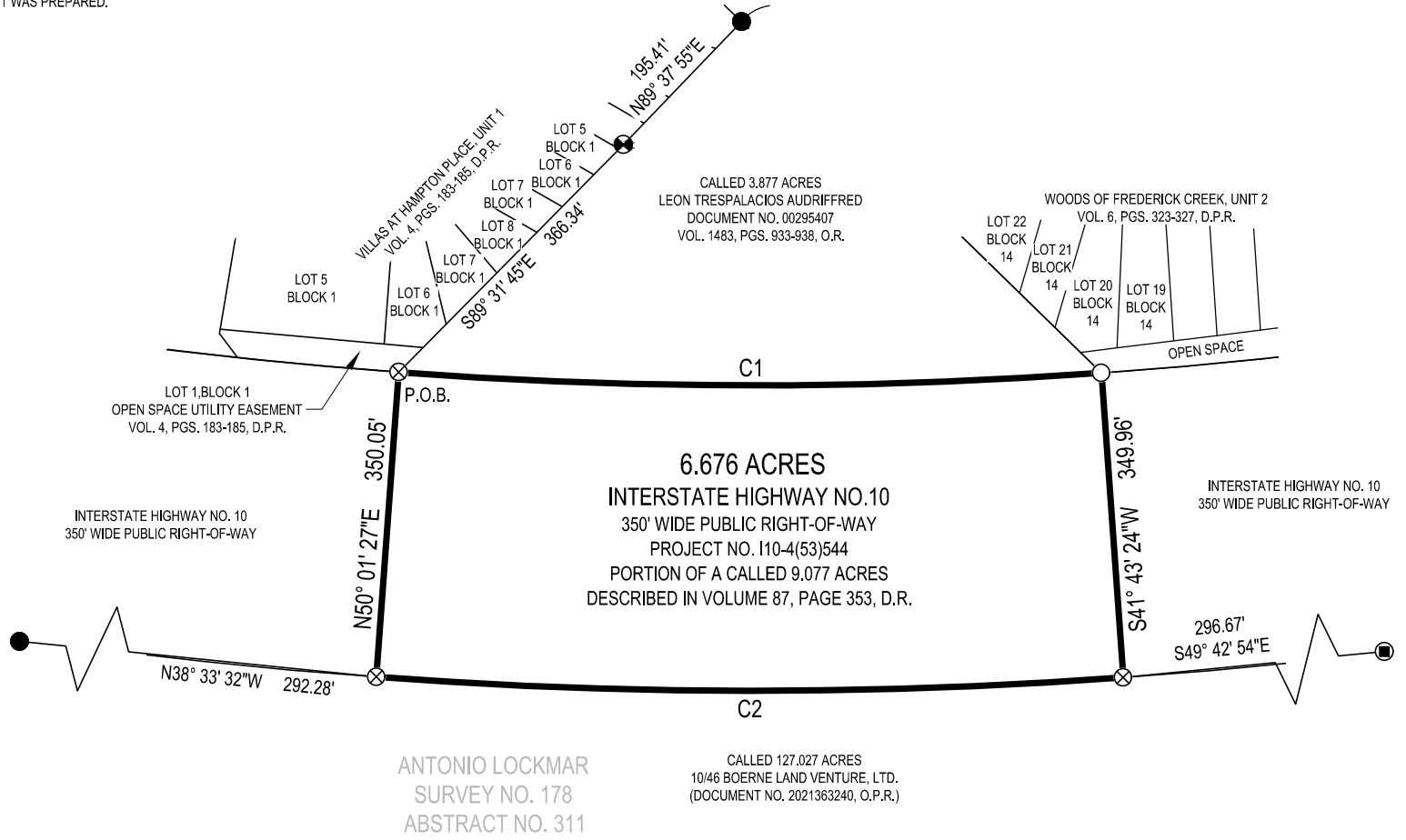
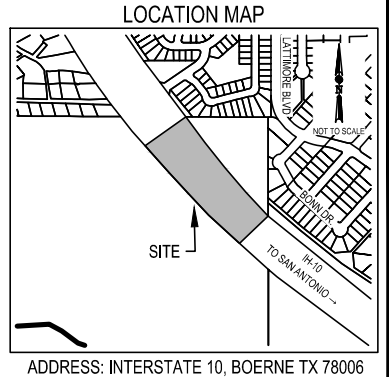
Job #22-4157 – 6.676 Acres

Date: July 7, 2023

EXHIBIT OF:

A 6.676 ACRE TRACT OF LAND, LOCATED IN THE ANTONIO LOCKMAR SURVEY NO. 178, ABSTRACT 311, KENDALL COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 9.077 ACRE TRACT OF LAND AS DESCRIBED OF RECORD IN VOLUME 87, PAGE 353 OF THE DEED RECORDS OF KENDALL COUNTY, TEXAS, AND ALSO BEING A PORTION OF THE CURRENT RIGHT-OF-WAY OF INTERSTATE HIGHWAY 10, AS SHOWN ON THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) RIGHT-OF-WAY MAP, ACCOUNT NO. I10-4(53)544

NOTES
 1. BEARINGS ARE BASED ON THE STATE PLANE COORDINATE SYSTEM ESTABLISHED FOR THE TEXAS SOUTH CENTRAL ZONE 4204, NORTH AMERICAN DATUM (NAD) OF 1983.
 2. "THIS DOCUMENT WAS PREPARED UNDER 22 TEXAS ADMINISTRATIVE CODE § 138.95, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED."



- LEGEND**
- O.R. OFFICIAL RECORDS
 - D.R. DEED RECORDS
 - D.P.R. DEED & PLAT RECORDS
 - R.O.W. RIGHT-OF-WAY
 - P.O.B. POINT OF BEGINNING
 - FOUND 1/2" IRON ROD WITH A PLASTIC CAP STAMPED "GIBBONS SURVEY RPLS 4716"
 - ⊗ POINT
 - FOUND 1/2" IRON ROD
 - ⊙ FOUND TxD.O.T. RIGHT-OF-WAY MONUMENT
 - ⊗ FOUND 1/2" IRON ROD WITH A RED PLASTIC CAP

MATKINHOOVER
 ENGINEERING & SURVEYING

HEADQUARTERS
 8 SPENCER ROAD SUITE 300
 BOERNE, TEXAS 78006
 OFFICE: 830.249.0600 FAX: 830.249.0099
 3303 SHELL ROAD SUITE 3
 GEORGETOWN, TEXAS 78628
 OFFICE: 512.868.2244

BOERNE, TEXAS REGISTERED SURVEYING FIRM F-10024000
 BOERNE, TEXAS REGISTERED ENGINEERING FIRM F-004512
 CIVIL ENGINEERS SURVEYORS LAND PLANNERS
 CONSTRUCTION MANAGERS CONSULTANTS

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C1	5559.70'	805.46'	8°18'03"	S44° 07' 11"E	804.76'
C2	5909.70'	856.17'	8°18'03"	N44° 07' 35"W	855.42'



Kyle L. Pressler
 KYLE L. PRESSLER DATE: JULY 7, 2023
 REGISTERED PROFESSIONAL LAND SURVEYOR
 TEXAS REGISTRATION NO. 6528
 KYLE.PRESSLER@MATKINHOOVER.COM
 JOB NO. 22-4157 - ANNEXATION EXHIBIT 6.676 Ac.



SCALE: 1" = 100'

SURVEY SHOWING:
 3.877 ACRES OF LAND, MORE OR LESS, OUT OF THE ANTON LOCKMAR SUR. NO. 178, ABS. NO. 311 IN KENDALL COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND CONVEYED TO MARK G. RISER DESCRIBED AS TRACT 2 IN DEED RECORDED IN VOL. 892, PG. 927, KENDALL COUNTY OFFICIAL RECORDS.

CALLLED 3.877 ACRES
 LEON TRESPALACIOS AUDRIFFRED
 DOCUMENT NO. 00295407
 VOL. 1483, PGS. 933-938, O.R.

LOT 1
 OPEN SPACE
 UTILITY VOL.
 4, PGS.
 183-185, D.P.R.

VILLAS AT HAMPTON
 PLACE UNIT 1 BLOCK 1
 VOL. 4, PGS. 183-185,
 D.P.R.

P.O.B.

LOT 6

LOT 7

LOT 8

LOT 9

LOT 10

LOT 11

LOT 12

LOT 13

LOT 14

LOT 15

N89° 31' 45"W 366.34'

S89° 37' 55"W 195.41'

UTTIHORE BLVD
 VARIABLE WIDTH RIGHT OF WAY

LOT 24

THE WOODS OF
 FREDERICK CREEK
 UNIT 2
 BLOCK 14

LOT 23

INTERSTATE HIGHWAY NO. 10 - FRONTAGE
 ROAD VARIABLE WIDTH R.O.W.

C1

N00° 08' 52"E 575.97'

OPEN SPACE
 VARIABLE WIDTH
 DRAINAGE
 EASEMENT

FREDERICK CREEK
 VARIABLE WIDTH RIGHT OF WAY

BONDORIE
 VARIABLE WIDTH RIGHT OF WAY

LOT 22

LOT 21

LOT 20

GREEN SPACE

LEGEND

- P.O.B. POINT OF BEGINNING
- POINT

NOTES:

- 1) DATE PREPARED JUNE 12, 2023
- 2) CLIENT, CITY OF SAN ANTONIO
- 3) THIS EXHIBIT DOES NOT REPRESENT A SURVEY OF ANY KIND AND SHALL NOT BE USED FOR THE CONVEYANCE OF OWNERSHIP
- 4) JOB NUMBER: 3253.01.01 WESTOVER AOG ANNEX



ENGINEERING & SURVEYING

HEADQUARTERS
 8 SPENCER ROAD SUITE 300
 BOERNE, TEXAS 78006
 OFFICE: 830.249.0600 FAX: 830.249.0099

3303 SHELL ROAD SUITE 3
 GEORGETOWN, TEXAS 78628
 OFFICE: 512.868.2244

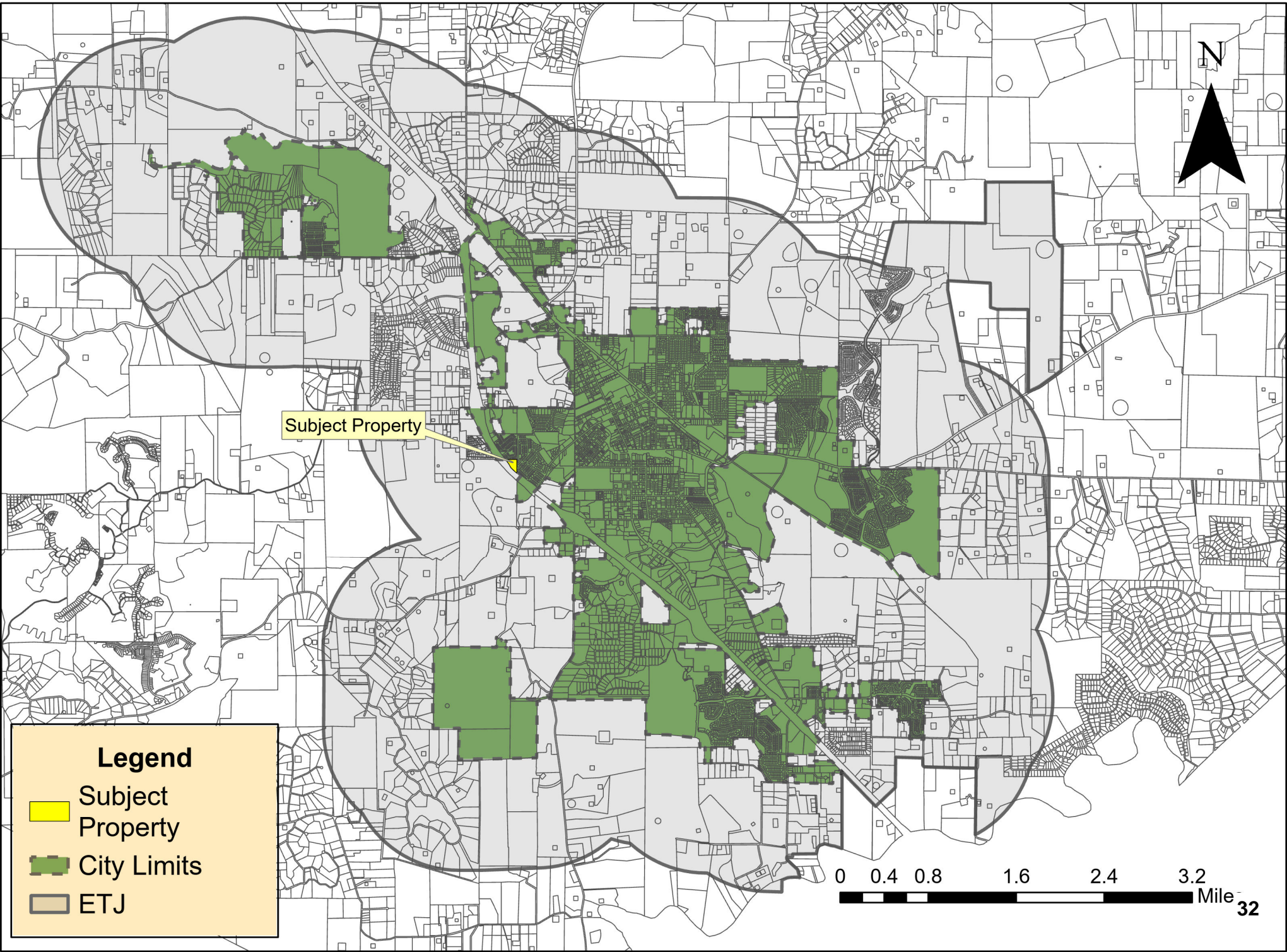
GEORGETOWN, TEXAS REGISTERED SURVEYING FIRM F-10194347
 BOERNE, TEXAS REGISTERED SURVEYING FIRM F-10024000
 BOERNE, TEXAS REGISTERED ENGINEERING FIRM F-004512

CIVIL ENGINEERS SURVEYORS LAND PLANNERS
 CONSTRUCTION MANAGERS CONSULTANTS

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C1	5559.70'	805.46'	8°18'03"	S44° 07' 11"E	804.76'




SUBJECT PROPERTY - LOCATION MAP

36432 IH-10



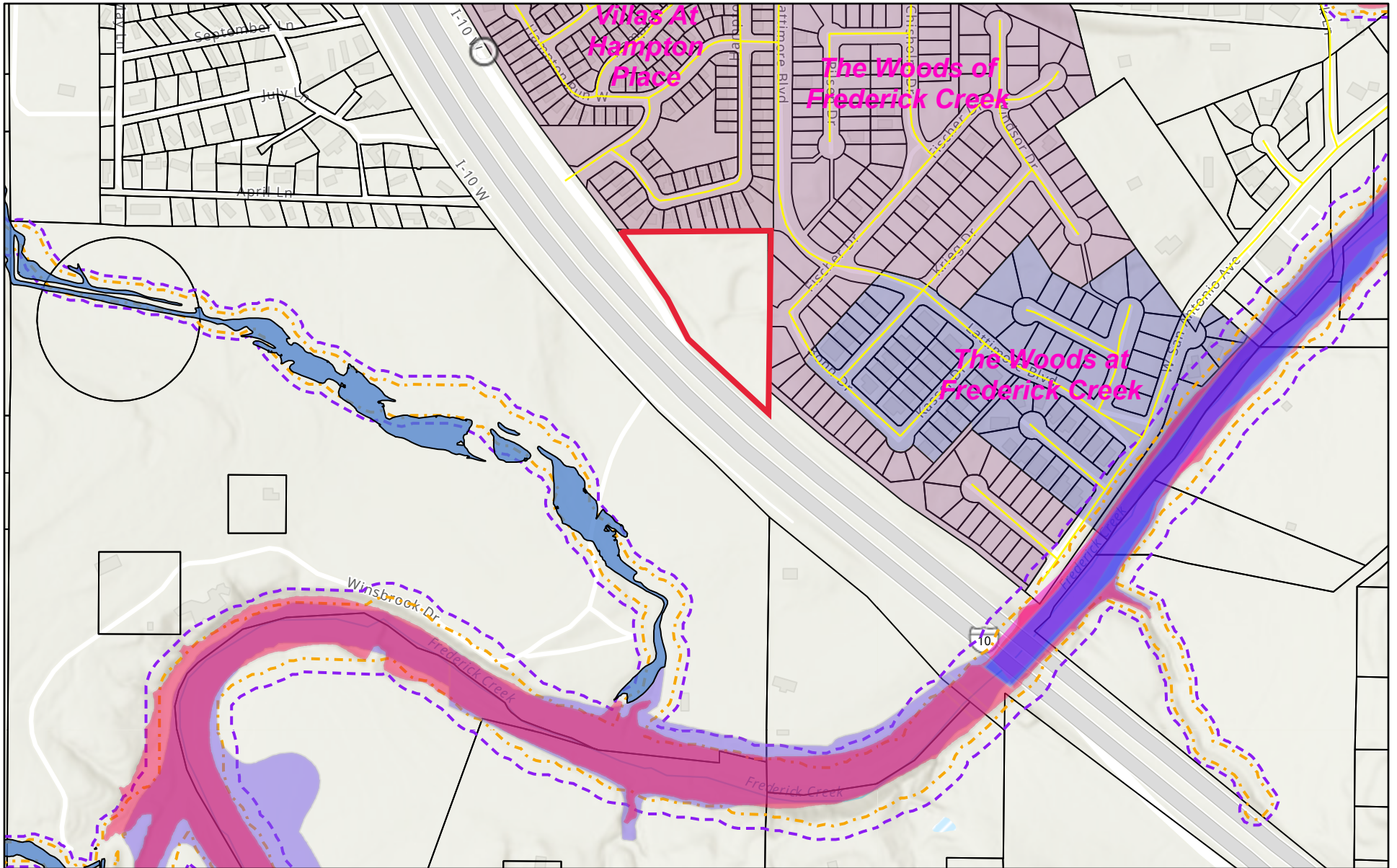
Subject Property

Legend

-  Subject Property
-  City Limits
-  ETJ

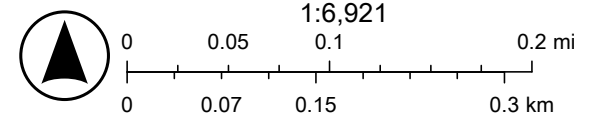
0 0.4 0.8 1.6 2.4 3.2 Mile **32**

36432 INTERSTATE 10



10/19/2023

- | | | | |
|------------------------|------------------------|----------------------------|----------------------------|
| 100 YR SARA Floodplain | Local Floodplain | FEMA FLOODPLAIN | Drainage Protection Zone 1 |
| SARA FLOODWAY | 100 YR FEMA Floodplain | COB Maintained Streets | Subdivisions |
| SARA FLOODPLAIN | FEMA FLOODWAY | Drainage Protection Zone 2 | John's Crossing |



Esri Community Maps Contributors, Texas Parks & Wildlife, © OpenStreetMap, Microsoft, CONANP, Esri, HERE, Garmin, Foursquare,



AGENDA ITEM SUMMARY

	AGENDA ITEM SUMMARY		
Agenda Date	<i>November 14, 2023</i>		
Requested Action	CONSIDER RESOLUTION NO. 2023-R81; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND KIMLEY-HORN AND ASSOCIATES, INC. FOR FISCAL YEAR 2024 ON-CALL TRAFFIC ENGINEERING FOR AN AMOUNT NOT TO EXCEED \$35,000.00.		
Contact Person	Jeffrey Carroll – Engineering & Mobility Director		
Background Information	<p>The City takes measures every year to continue transportation planning for local streets and major thoroughfares within the City.</p> <p>Kimley-Horn and Associates, Inc. is an engineering firm which has worked with the City for on-call traffic engineering for numerous years and also the firm that helped prepare the City’s Mobility Master Plan.</p> <p>The attached proposal includes continuing three efforts: (1) traffic engineering studies including warrants for traffic control devices including stop signs, traffic signals, etc.; (2) Citywide traffic operations evaluations to update the City’s traffic models and prepare conceptual schematics for street and intersection improvements; and (3) data collection required for tasks 1 and 2 above. Staff negotiated a fee for the scope of work for an amount not to exceed \$35,000. Due to other contracts with Kimley-Horn this will bring our annual payment to them over the \$50,000 threshold.</p> <p>This task was allocated in the approved budget and staff concurs this is appropriate compensations and recommends Council authorize the City Manager to contract with Kimley-Horn and Associates, Inc.</p>		
Item Justification	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Legal/Regulatory Obligation <input type="checkbox"/> Reduce Costs <input type="checkbox"/> Increase Revenue <input checked="" type="checkbox"/> Mitigate Risk <input checked="" type="checkbox"/> Master Plan <input type="checkbox"/> Recommendation </td> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Infrastructure Investment <input type="checkbox"/> Customer Pull <input checked="" type="checkbox"/> Service Enhancement <input type="checkbox"/> Process Efficiency <input type="checkbox"/> Other: _____ _____ </td> </tr> </table>	<input type="checkbox"/> Legal/Regulatory Obligation <input type="checkbox"/> Reduce Costs <input type="checkbox"/> Increase Revenue <input checked="" type="checkbox"/> Mitigate Risk <input checked="" type="checkbox"/> Master Plan <input type="checkbox"/> Recommendation	<input type="checkbox"/> Infrastructure Investment <input type="checkbox"/> Customer Pull <input checked="" type="checkbox"/> Service Enhancement <input type="checkbox"/> Process Efficiency <input type="checkbox"/> Other: _____ _____
<input type="checkbox"/> Legal/Regulatory Obligation <input type="checkbox"/> Reduce Costs <input type="checkbox"/> Increase Revenue <input checked="" type="checkbox"/> Mitigate Risk <input checked="" type="checkbox"/> Master Plan <input type="checkbox"/> Recommendation	<input type="checkbox"/> Infrastructure Investment <input type="checkbox"/> Customer Pull <input checked="" type="checkbox"/> Service Enhancement <input type="checkbox"/> Process Efficiency <input type="checkbox"/> Other: _____ _____		

Strategic Alignment <i>(Example: C2 – Customer Feedback, B1 – Data Driven Decision)</i>	F2 – Investing in and maintaining high-quality infrastructure systems and public assets. B1 – Utilizing data to drive smart decision making.
Financial Considerations	Proposed amount is within Engineering & Mobility department budget for fiscal year 2024.
Citizen Input/Board Review	N/A
Legal Review	N/A
Alternative Options	N/A
Supporting Documents	Kimley-Horn Proposal

RESOLUTION NO. 2023-R81

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND KIMLEY-HORN AND ASSOCIATES, INC. FOR FISCAL YEAR 2024 ON-CALL TRAFFIC ENGINEERING FOR AN AMOUNT NOT TO EXCEED \$35,000.00

WHEREAS, the City of Boerne utilizes on-call professional service contracts for engineering services; and

WHEREAS, Kimley-Horn and Associates, Inc. has worked with the city for on-call traffic engineering; and

WHEREAS, the City Council finds it necessary to enter into and manage an agreement for on-call engineering services and authorizes the City Manager to enter into and manage an agreement with Kimley-Horn and Associates, Inc.

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

That the City Manager is hereby authorized to enter into and manage an agreement between the City of Boerne and Kimley-Horn and Associates, Inc. for Fiscal Year 2024 on-call traffic engineering for an amount not to exceed \$35,000.00.

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

APPROVED:

Mayor

ATTEST:

City Secretary

TASK ORDER FORM
FY 2024 On-Call Traffic Engineering

This Task Order is to provide a specific scope under the *Agreement to Provide Professional Services* dated July 6, 2022 which establishes terms between the City of Boerne and Kimley-Horn and Associates, Inc.

The City hereby accepts the scope of work as attached and compensation in an amount not to exceed \$35,000 on this _____ day of _____, 20____.

CITY OF BOERNE, TEXAS

KIMLEY-HORN AND ASSOCIATES, INC

BY: _____

BY: Amy E. Avery

TITLE: _____

TITLE: Assistant Secretary



447 N. Main Street, Boerne, TX 78006
Phone: 830-248-1538 • Fax: 830-249-9264

WWW.BOERNE-TX.GOV

FY 2024 On-Call Traffic Engineering

PROJECT DESCRIPTION AND UNDERSTANDING

Kimley-Horn will provide traffic engineering services on an as-needed basis to supplement staff capacity on traffic related evaluations.

SCOPE OF SERVICES

Task 1 – Traffic Engineering Services

Kimley-Horn will provide hourly traffic engineering support services at the request of the City. Potential tasks include:

- A. Review and draft a response to citizen traffic concerns
- B. Perform traffic signal warrant analysis
- C. Perform multi-way stop warrant analysis
- D. Signal timing plan development
- E. Design of operational improvements such as signing and striping modifications

Task 2 – Citywide Traffic Operations Evaluation

Kimley-Horn will perform the following tasks associated with the Citywide Synchro Model and associated operational evaluation and improvement planning efforts.

- A. Synchro Model Revisions - Update the Citywide Synchro model to add new intersections and associated traffic count data.
- B. Recommendation Development – Kimley-Horn will develop recommendations for potential improvements at the study intersections. Kimley-Horn will prepare a conceptual layout of recommended improvements on aerial imagery and prepare a planning level opinion of probable construction cost (OPCC). The conceptual layout will be schematic in nature for planning purposes only, no design documents will be prepared as part of this task.
- C. Documentation – The results will be documented in a Technical Memorandum. Kimley-Horn will submit a draft of the Technical Memorandum to the City for review and address one round of comments.

Task 3 – Data Collection

Kimley-Horn will subcontract with a traffic data collection firm to collect turning movement count, ADT or speed data required to perform analysis requested as part of Task 1 or Task 2.

INFORMATION PROVIDED BY CLIENT

Professional shall be entitled to rely on the completeness and accuracy of all information provided by the City or the City's consultants or representatives. The City shall provide all available information requested by Professional during the project.


TERMS OF COMPENSATION

Kimley-Horn will perform the services in Tasks 1-3 on a labor fee plus expense basis with a maximum fee not to exceed \$35,000.

Labor fee will be billed on an hourly basis according to the rates in the Professional Services Agreement which are subject to annual adjustment. As to these tasks, direct reimbursable expenses such as traffic count data collection, express delivery services, fees, air travel, and other direct expenses will be billed at cost. A percentage of labor fee will be added to each invoice to cover certain other expenses as to these tasks such as telecommunications, in-house reproduction, postage, supplies, project related computer time, and local mileage. Administrative time related to the project may be billed hourly.



AGENDA ITEM SUMMARY

	AGENDA ITEM SUMMARY
Agenda Date	November 14 th , 2023
Requested Action	CONSIDER RESOLUTION 2023-R82; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PUBLIC ACCESS EASEMENT AGREEMENT WITH BUCKSHOT ENTERPRISES, LLC AND PROVIDING AN EFFECTIVE DATE (1261 N MAIN)
Contact Person	Nicholas Montagno, Assistant to the City Manager
Background Information	In November of 2017, an ingress/egress easement was granted to what is now the Ebensberger Fisher lot (Lot 2B-A on Attachment A) from US Hwy 87 (N. Main) across the Stanbio (Lot 3-A) lot. This easement, acknowledged by the City in the 2018 amending plat of Pfeiffer Heritage Subdivision (Attachment A) was incorrectly dedicated in 2017. The City of Boerne, who retains ownership of the Stanbio lot, should have been the entity to dedicate that ingress/egress easement and this agenda item allows the proper dedication of said easement. The attached Public Access Easement Agreement (Attachment B), correctly dedicates the ingress easement between lots 2B-A and Lot 3-A.
Item Justification	<input type="checkbox"/> Legal/Regulatory Obligation <input type="checkbox"/> Infrastructure Investment <input type="checkbox"/> Reduce Costs <input checked="" 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	C1 – Offering quality customer experiences
Financial Considerations	N/A
Citizen Input/Board Review	N/A
Legal Review	Staff has been working with legal for over 2 years to review, prepare, and approve the easement document.

Alternative Options	N/A
Supporting Documents	Attachment A – Pfeiffer Heritage Subdivision Amending Plat 2018 Attachment B – Public Access Easement Agreement

RESOLUTION NO. 2023-R82

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PUBLIC ACCESS EASEMENT AGREEMENT WITH BUCKSHOT ENTERPRISES, LLC; AND PROVIDING AN EFFECTIVE DATE

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

WHEREAS, the Buckshot Enterprises, LLC is the owner of Lot 2B-A, Pfeiffer Heritage Subdivision, Boerne, Texas (“Lot 2B-A”) and the City is the owner of Lot 3-A, Pfeiffer Heritage Subdivision, Boerne, Texas, which abuts Lot 2B-A; and

WHEREAS, Buckshot Enterprises, LLC has requested the City enter into a public access easement agreement for public access to Lot 2B-A from North Main Street across Lot 3-A (“Easement Agreement”); and

WHEREAS, pursuant to Section 272.001(b)(1) of the Texas Local Government Code, notice and bidding requirements for the sale of real property do not apply to this Easement Agreement as it involves a narrow strip of land or land that because of its shape, lack of access to public roads, or small area cannot be used independently under its current zoning or under applicable subdivision or other development control ordinances; and

WHEREAS, the City Council believes it is in the best interest of the City to enter into this Easement Agreement; and

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

SECTION 1.

The recitals above are incorporated herein for all purposes.

SECTION 2.

The City Council of the City of Boerne approves the Public Access Easement Agreement attached as Exhibit A and incorporated into this Resolution for all purposes as if set forth herein, and hereby authorizes the City Manager to execute same on behalf of the City.

SECTION 3.

This Resolution shall be in full force and effect from and after its date of passage.

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

APPROVED:

Mayor

ATTEST:

City Secretary

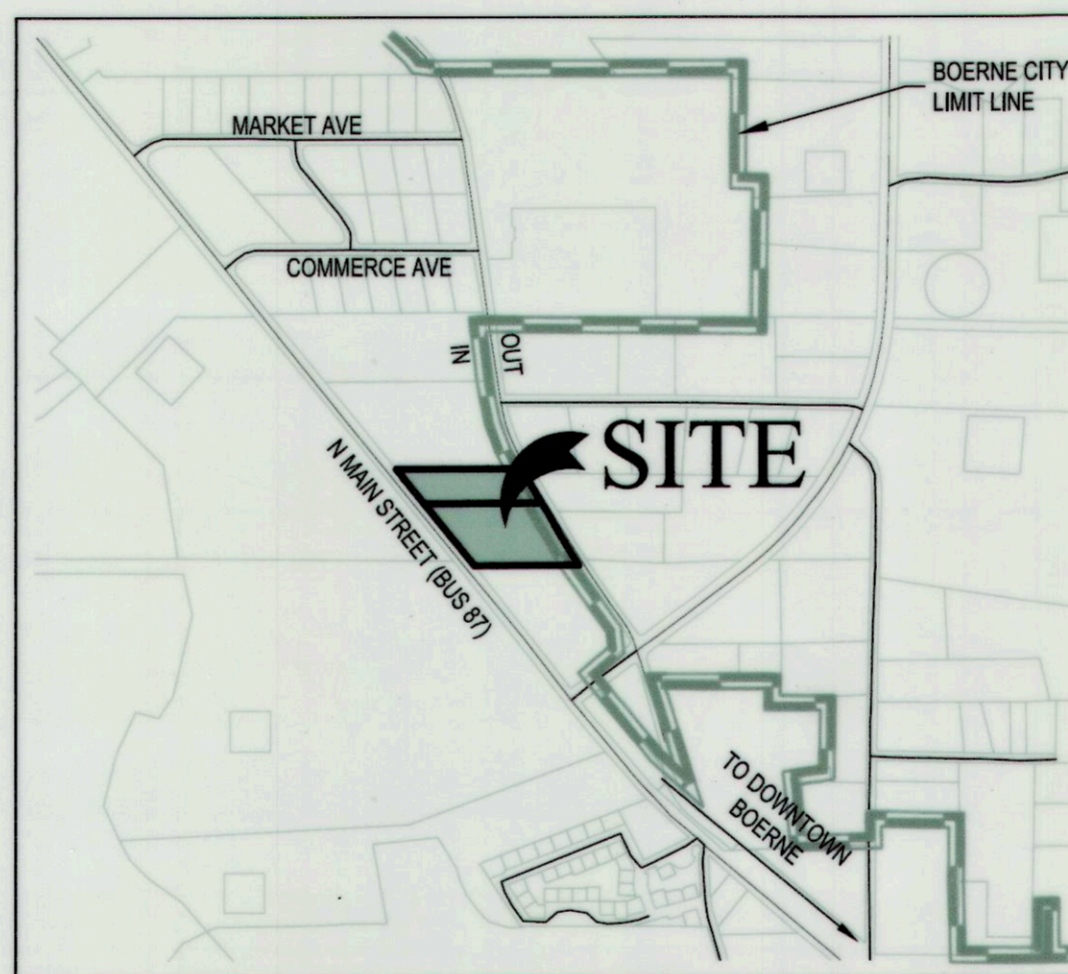
ADMINISTRATIVE AMENDING PLAT OF PFEIFFER HERITAGE SUBDIVISION LOT 2B-A AND 3A FROM LOT 2B & LOT 3

BEING LOT 2B & LOT 3, PFEIFFER HERITAGE SUBDIVISION AS SHOWN ON THE PLAT RECORDED IN VOLUME 6, PAGES 59-61, PLAT RECORDS, LOCATED IN THE NEWTON AND TAYLOR SURVEY NO. 181, ABSTRACT NO. 36, KENDALL COUNTY, TEXAS.

EXISTING LOT COUNT = 2
PROPOSED LOT COUNT = 2
0.0 L. F. OF NEW STREET



NOTE: THE PURPOSE OF THIS PLAT IS TO MODIFY THE COMMON BOUNDARY LINE BETWEEN LOT 2B & LOT 3, PFEIFFER HERITAGE SUBDIVISION AS RECORDED IN VOLUME 6, PAGES 59-61, PLAT RECORDS, KENDALL COUNTY, TEXAS, TO CREATE, LOT 2B-A & LOT 3A, PFEIFFER HERITAGE SUBDIVISION.



LOCATION MAP
N.T.S.

GENERAL NOTES:

- 1.) NO PART OF THIS SUBDIVISION IS LOCATED UPSTREAM FROM A CITY WATER SUPPLY LAKE.
- 2.) LOCATIONS AND CONFIGURATIONS OF ANY ORIGINAL LOT LINES, ETC. ON OR ADJOINING THIS TRACT ARE APPROXIMATE, SAID LOT LINES AND/OR PATENTS, ETC. WERE NOT RESEARCHED OR LOCATED ON THE GROUND.
- 3.) NO PORTIONS OF THIS PROPERTY ARE LOCATED IN FEMA FLOOD ZONE "AE" OR "A" ACCORDING TO FLOOD INSURANCE RATE MAP #48259C0415F, EFFECTIVE DATE DECEMBER 17, 2010, AS PREPARED BY THE FEDERAL MANAGEMENT AGENCY (FEMA).
- 4.) BASIS OF BEARING WAS ESTABLISHED USING THE TRIMBLE VRS NETWORK, NAD (83), TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, 4204, US SURVEY FOOT, GRID.

EASEMENT NOTES:

ALL PROPERTIES DESIGNATED AS EASEMENTS SHALL OR MAY BE UTILIZED FOR THE FOLLOWING PURPOSES:

DRAINAGE EASEMENT:

DRAINAGE, WATER DIVERSION AND SANITARY CONTROL, INCLUDING WITHOUT LIMITATION, WALL, BEDS, EMBANKMENTS, SPILLWAYS, APPURTENANCES AND OTHER ENGINEERED DEVICES (THE "DRAINAGE SYSTEM")

TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS OVER THE ADJACENT LAND TO OR FROM THE EASEMENT FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, OPERATING, MAINTAINING, REPAIRING AND REMOVING THE DRAINAGE SYSTEM; THE RIGHT TO CHANGE THE SIZE THEREOF; THE RIGHT TO RELOCATE ALONG THE SAME GENERAL DIRECTION OF THE DRAINAGE SYSTEM; THE RIGHT TO CREATE AND/OR DREDGE A STREAM COURSE, REFILL, OR DIG OUT SUCH STREAM COURSE, ESTABLISH OR CHANGE STREAM EMBANKMENTS WITH IN THE EASEMENT, INSTALL STORM SEWER SYSTEMS, CULVERTS, WATER GAPS, AND PROTECTING RAILS; THE RIGHT TO REMOVE FROM THE EASEMENT ALL TREES AND PARTS THEREOF, OR OTHER OBSTRUCTIONS, WHICH REASONABLY ENDANGER OR MAY REASONABLY INTERFERE WITH THE EFFICIENCY OF THE DRAINAGE SYSTEM; AND THE RIGHT TO PLACE TEMPORARY STRUCTURES FOR USE IN CONSTRUCTING OR REPAIRING THE DRAINAGE SYSTEM.

WITH RESPECT TO THE DRAINAGE SYSTEM, IT IS EXPRESSLY AGREED AND UNDERSTOOD BY ALL PARTIES HERETO, THAT THE INTENTION IS TO IMPROVE CONDITIONS OF SANITATION AND WATER DRAINAGE CONTROL ON THE PROPERTY FOR THE BENEFIT OF THE PROPERTY, ADJACENT PROPERTY AND THE COMMUNITY, BUT THE CITY DOES NOT GUARANTEE OR WARRANT THAT SUCH CONTROL WORK WILL BE EFFECTIVE, NOR DOES THE CITY ASSUME ANY ADDITIONAL LIABILITY WHATSOEVER FOR THE EFFECTS OF FLOOD, STANDING WATER, WASH, OR GULLY IN ITS NATURAL STATE OR AS CHANGED BY THE CITY.

UTILITY EASEMENT:

UTILITIES, INCLUDING, WITHOUT LIMITATION, SEWER, WATER, GAS, ELECTRICITY, TELEPHONE AND CABLE TELEVISION, WITH ALL NECESSARY AND/OR DESIRABLE LINES, LATERALS, AND/OR APPURTENANCES THERETO (THE "UTILITIES")

TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS OVER THE ADJACENT LAND TO OR FROM THE EASEMENT FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, OPERATION, MAINTAINING, REPAIRING AND REMOVING THE UTILITIES; THE RIGHT TO PLACE NEW OR ADDITIONAL UTILITIES IN THE EASEMENT AND TO CHANGE THE SIZE THEREOF; THE RIGHT TO RELOCATE ALONG THE SAME GENERAL DIRECTION OF THE UTILITIES; THE RIGHT TO REMOVE FROM THE EASEMENT ALL TREES AND PARTS THEREOF, OR OTHER OBSTRUCTIONS, WHICH REASONABLY ENDANGER OR MAY REASONABLE INTERFERE WITH THE EFFICIENCY OR OPERATION OF THE UTILITIES; AND THE RIGHT TO PLACE TEMPORARY STRUCTURES FOR USE IN CONSTRUCTING OR REPAIRING THE UTILITIES.

1. THE PROPERTY OWNER RETAINS THE RIGHT TO USE ALL OR ANY PART OF THE EASEMENT FOR ANY PURPOSE WHICH DOES NOT DAMAGE, DESTROY, INJURE, AND/OR REASONABLY INTERFERE WITH THE USE OF THE EASEMENT. HOWEVER, THE EASEMENT SHALL BE KEPT CLEAR OF ALL STRUCTURES OR OTHER IMPROVEMENTS.
2. THE CITY SHALL MAKE COMMERCIALY REASONABLE EFFORTS TO ENSURE THAT DAMAGE TO THE PROPERTY IS MINIMIZED AND THE CITY WILL AT ALL TIMES, AFTER DOING ANY WORK IN CONNECTION WITH THE SYSTEM, RESTORE THE PROPERTY TO THE CONDITION IN WHICH THE PROPERTY WAS FOUND BEFORE SUCH WORK WAS UNDERTAKEN TO THE EXTENT THAT SUCH RESTORATION IS REASONABLE IN ACCORDANCE WITH THE CITY'S USUAL AND CUSTOMARY PRACTICES.

APPROVAL OF THE PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT AS FOLLOWS:

THIS ADMINISTRATIVE AMENDING PLAT OF LOT 2B & LOT 3, PFEIFFER HERITAGE SUBDIVISION HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT OF THE CITY OF BOERNE, TEXAS, AND IS HEREBY APPROVED BY SUCH DEPARTMENT.

DATED THIS 2nd DAY OF March, A.D., 2018

BY: Laura Talley
LAURA TALLEY
PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR

TAX CERTIFICATE:
TAX CERTIFICATE AFFIDAVIT FILED THIS DATE IN VOLUME 1625 PAGE 471-473, 474-476, KENDALL COUNTY OFFICIAL RECORDS.

CAPITAL RECOVERY FEE ASSESSMENT:
ASSESSMENT AND COLLECTION OF THE CITY OF BOERNE WATER AND WASTEWATER UTILITIES' CAPITAL RECOVERY FEES SHALL BE THE AMOUNT PER LOT AS SET FORTH IN CITY ORDINANCE NO. 2009-15, SECTION 1.10 (5)

SIDEWALK NOTE:
SIX-FOOT WIDE REINFORCED CONCRETE SIDEWALKS (INCLUDING CURB RAMPS) SHALL BE INSTALLED IN THE SIDEWALK EASEMENT WHERE PROVIDED, OR ADJACENT TO CURBS WHERE NO SIDEWALK EASEMENT IS PROVIDED, OF EACH LOT FRONTING A STREET AT SUCH TIME AS THAT LOT IS DEVELOPED.

FENCE NOTES:
GATES ACROSS EASEMENT: DOUBLE SWING GATES SHALL BE INSTALLED WHEREVER FENCES CROSS UTILITY AND DRAINAGE EASEMENTS.

OBSTRUCTIONS OF DRAINAGE: ADEQUATE STRUCTURES SHALL BE PROVIDED TO ALLOW THE UNHINDERED PASSAGE OF ALL STORM AND DRAINAGE FLOWS WHEREVER FENCES CROSS DRAINAGE EASEMENTS.

STATE OF TEXAS
COUNTY OF KENDALL

THE OWNER OF LAND SHOWN ON THIS PLAT, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, DEDICATES TO THE USE OF THE PUBLIC, EXCEPT AREAS IDENTIFIED AS PRIVATE, FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

William R. Pippin
WILLIAM R. PIPPIN
OWNER OF LOT 2B
2830 E. HOUSTON
SAN ANTONIO, TEXAS 78202

STATE OF TEXAS
COUNTY OF KENDALL

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED William R. Pippin, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED, GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 16 DAY OF February, A.D. 2018

Randi L. Matter
NOTARY PUBLIC
KENDALL COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF KENDALL

THE OWNER OF LAND SHOWN ON THIS PLAT, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, DEDICATES TO THE USE OF THE PUBLIC, EXCEPT AREAS IDENTIFIED AS PRIVATE, FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

Michael B. Schuler
THE CITY OF BOERNE
OWNER OF LOT 3
402 E. BLANCO
BOERNE, TEXAS 78006

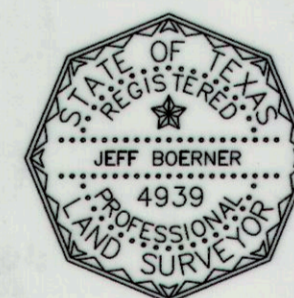
STATE OF TEXAS
COUNTY OF KENDALL

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED Michael B. Schuler, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED, GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 14 DAY OF March, A.D. 2018

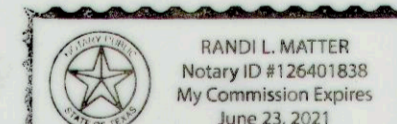
Susana Ramos
SUSANA RAMOS
Notary Public, State of Texas
My Comm. Exp. 09-18-2021
ID No. 13128456-3

STATE OF TEXAS
COUNTY OF KENDALL

I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE ON THE GROUND UNDER MY SUPERVISION



Jeff Boerner
JEFF BOERNER
REGISTERED PROFESSIONAL LAND SURVEYOR #4939



SWORN TO AND SUBSCRIBED BEFORE ME THIS 16 DAY OF February, A.D. 2018

Randi L. Matter
NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS

STATE OF TEXAS
COUNTY OF KENDALL

I, Darlene Berni, COUNTY CLERK OF SAID COUNTY, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE, ON THE 16th DAY OF March, A.D. 2018 AT 10:50 a.m. IN THE RECORDS OF DEEDS AND PLATS OF SAID COUNTY, IN BOOK VOLUME 9, ON PAGE 34-35 IN TESTIMONY WHEREOF, WITNESS BY HAND AND OFFICIAL SEAL OF OFFICE, THIS 16th DAY OF March, A.D. 2018. KENDALL COUNTY TAX CERTIFICATE AFFIDAVIT FILED THIS DATE IN VOLUME 1625 PAGE 471-473-476 OFFICIAL RECORDS, IN TESTIMONY WHEREOF, WITNESS BY HAND AND OFFICIAL SEAL OF OFFICE, THIS 16th DAY OF March, A.D. 2018

Darlene Berni
COUNTY CLERK, KENDALL COUNTY, TEXAS
BY: Paula Pallas DEPUTY

REVISED: JANUARY 23, 2018
REVISED: DECEMBER 04, 2017
PREPARED: OCTOBER 23, 2017

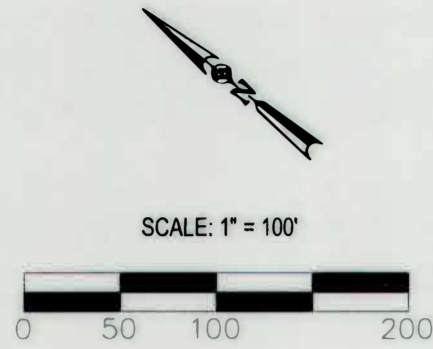
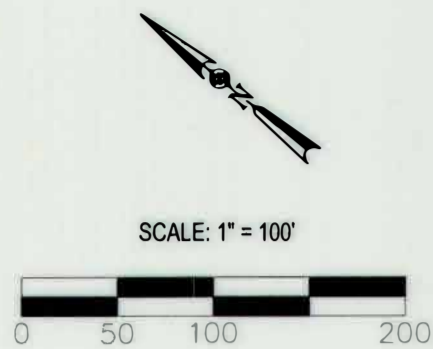
JOB NO. 15-4124

MATKINHOOPER
ENGINEERING & SURVEYING

P.O. BOX 54
8 SPENCER ROAD SUITE 100
BOERNE, TEXAS 78006
OFFICE: 830.249.0600 FAX: 830.249.0999
TEXAS REGISTERED ENGINEERING FIRM F-004512
CIVIL ENGINEERS SURVEYORS LAND PLANNERS
CONSTRUCTION MANAGERS CONSULTANTS

ADMINISTRATIVE AMENDING PLAT OF PFEIFFER HERITAGE SUBDIVISION LOT 2B-A AND 3A FROM LOT 2B & LOT 3

BEING LOT 2B & LOT 3, PFEIFFER HERITAGE SUBDIVISION AS SHOWN ON
THE PLAT RECORDED IN VOLUME 6, PAGES 59-61, PLAT RECORDS,
LOCATED IN THE NEWTON AND TAYLOR SURVEY NO. 181, ABSTRACT NO.
36, KENDALL COUNTY, TEXAS.

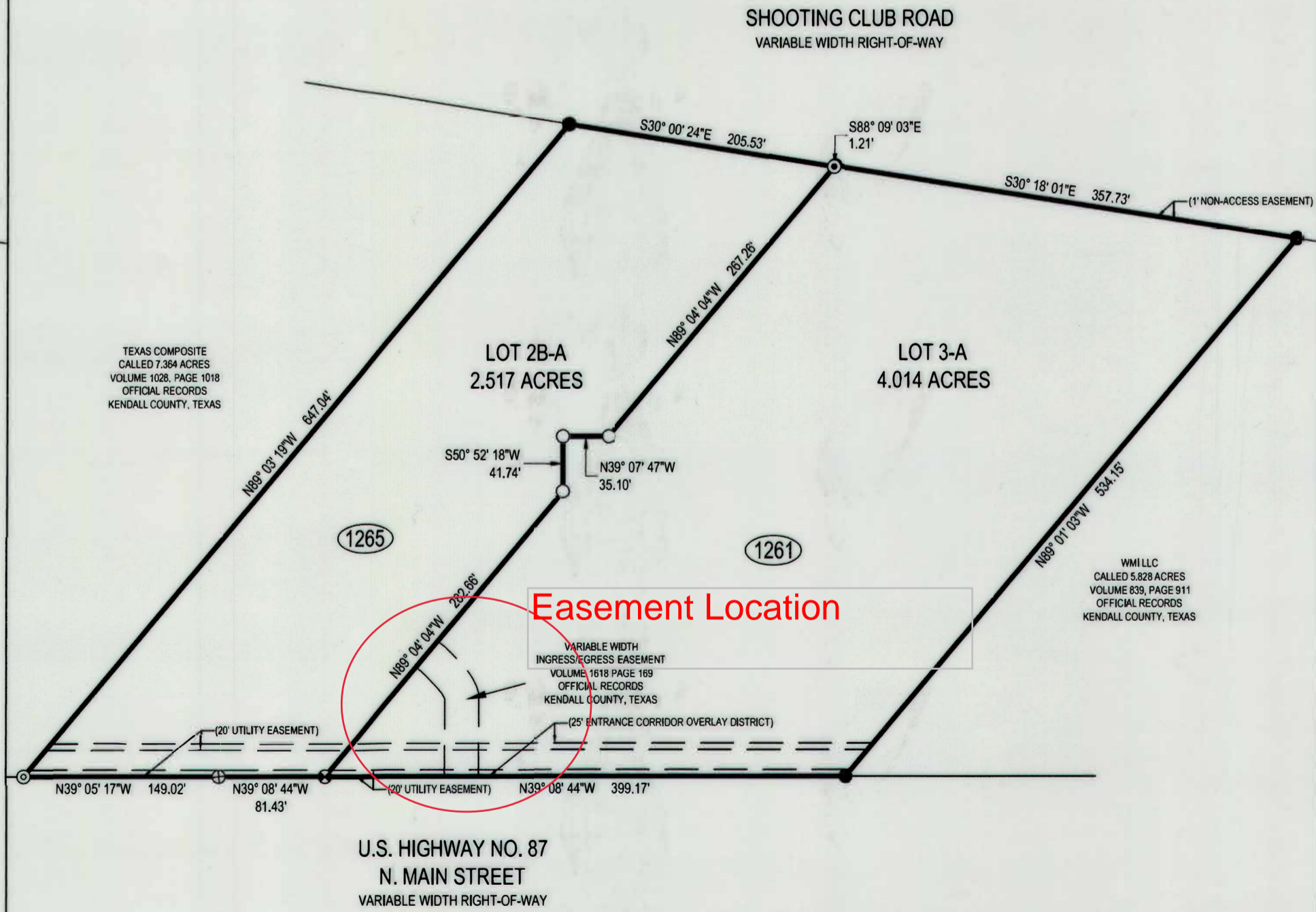
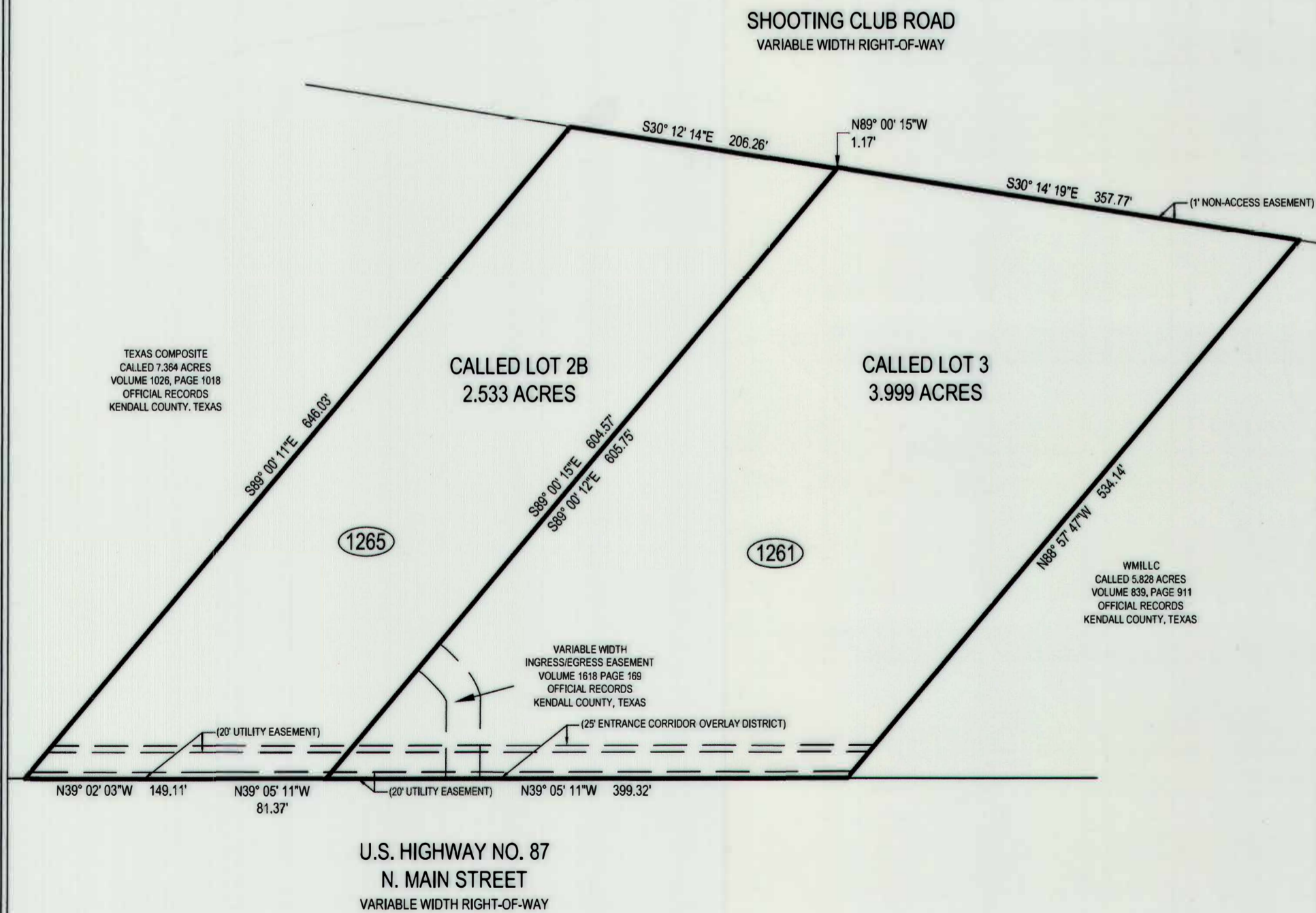


AS PLATTED

PROPOSED

LEGEND

- ⊙ FOUND 1/2" IRON ROD WITH A YELLOW "PD" PLASTIC CAP
- ⊙ FOUND 1/2" IRON ROD WITH A "OBLIT" PLASTIC CAP
- FOUND 1/2" IRON ROD
- ⊗ FOUND 5/8" IRON ROD
- ⊙ FOUND PK NAIL IN CONCRETE
- ⊙ SET 1/2" IRON ROD WITH A RED "MATKIN-HOOVER ENG. & SURVEY" PLASTIC CAP
- ### DENOTES ADDRESS



REVISED: DECEMBER 04, 2017
PREPARED: OCTOBER 23, 2017

JOB NO. 15-4124

MATKINHOOPER
ENGINEERING & SURVEYING

P.O. BOX 54
8 SPENCER ROAD SUITE 100
BOERNE, TEXAS 78006
OFFICE: 830.249.0000 FAX: 830.249.0099
TEXAS REGISTERED ENGINEERING FIRM F-004512
CIVIL ENGINEERS SURVEYORS LAND PLANNERS
CONSTRUCTION MANAGERS CONSULTANTS

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

PUBLIC ACCESS EASEMENT AGREEMENT

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

The City of Boerne, a Texas home-rule municipality ("**Grantor**"), for and in consideration of the sum of \$10.00 and other good and valuable consideration to Grantor paid by _____ ("**Grantee**"), the receipt and sufficiency of which are hereby acknowledged, and subject to the reservations and easements described below, has GRANTED, BARGAINED, SOLD, and CONVEYED and by these presents does GRANT, BARGAIN, SELL, and CONVEY unto Grantee a non-exclusive variable-width ingress and egress public access easement (the "Easement") for the Grantee's use, and for the use of the general public, and for laying out, constructing, and maintaining driveway facilities for vehicular ingress to and egress from all that certain tract or parcel of land generally depicted as described in **Exhibits A-1 and A-2**, which is attached hereto and made a part hereof for all purposes (collectively the "Property").

TO HAVE AND TO HOLD, the above described Property for the limited Easement purposes described herein "**AS-IS, WHERE-IS, AND WITH ALL FAULTS**" and without warranty or guarantee of any kind, to the Grantee, its successors and assigns, together with the non-exclusive right and privilege, at any and all times to enter the Property, or any part thereof, for the purposes of vehicular ingress and egress on the Property, but the Grantee shall not have the right to limit public access to or obstruct the same, and for the purposes of laying out, constructing, and maintaining driveway facilities on the Property, all subject to the limited Easement purposes described above and the terms and conditions described below.

NOW, THEREFORE, in consideration of the Easement granted above and for other good and valuable consideration in accordance with the mutual rights and obligations in this this Public Access Easement Agreement (the "Easement Agreement") the parties mutually agree as follows:

1. Grantor reserves the right to use and enjoy the Easement for any and all municipal purposes; provided, however, that Grantor its successors, and assigns, and invitees shall not create a nuisance or do any act that will be detrimental to the Grantee's use and enjoyment of the Easement.
2. This Easement Agreement is expressly made subject to the terms and conditions of the "Easement Agreement for Access" dated November 9th, 2017, and recorded in the Official Public Deed Records for Kendall County by Instrument No. 00318360.

3. Grantor shall have the right, but not the obligation, to maintain the Easement in a condition required for proper operation as a public access easement. As additional consideration to Grantor, and to ensure that Grantor's public municipal purposes are satisfied, Grantee shall have the continuous obligation to maintain the Easement and all driveway facilities thereon in compliance with Grantor's ordinances and specifications for public driveway access, as amended.

4. INDEMNIFICATION. GRANTEE DOES HEREBY INDEMNIFY, DEFEND, RELEASE, AND HOLD HARMLESS, THE GRANTOR, ITS OFFICERS, AGENTS AND EMPLOYEES FROM ALL SUITS, ACTIONS, OR CLAIMS OF ANY CHARACTER, NAME, AND DESCRIPTION BROUGHT FOR OR ON ACCOUNT OF ANY INJURIES OR DAMAGES RECEIVED OR SUSTAINED BY ANY PERSON, PERSONS OR PROPERTY ON ACCOUNT OF GRANTEE'S USE OF THE PROPERTY, INCLUDING GRANTEE'S AGENTS, EMPLOYEES, OR SUBCONTRACTORS; OR ON ACCOUNT OF ANY NEGLIGENT ACT OR FAULT OF THE GRANTEE, OR ITS AGENTS, EMPLOYEES, OR SUBCONTRACTORS; AND GRANTEE SHALL PAY ANY JUDGMENT, WITH COSTS, WHICH MAY BE OBTAINED AGAINST THE GRANTOR GROWING OUT OF SUCH INJURY OR DAMAGE AND SHALL DEFEND THE CITY CONCERNING THE SAME.

5. APPLICABLE LAW. This Easement Agreement shall be construed under and governed in accordance with the laws of the State of Texas, without regard for conflict of laws principles. This Easement Agreement is performable and venue for any action hereunder shall exclusively be in the state district court physically located in Kendall County, Texas.

6. ATTORNEYS' FEES. In any legal proceeding brought under or with relation to this Easement Agreement, the prevailing party in such proceeding shall be entitled to recover court costs, reasonable attorneys' fees, and all other litigation expenses from the other.

7. INTEGRATION. This Easement Agreement contains the complete agreement between the Parties with respect to the Property and cannot be varied except by written agreement. The Parties agree that there are no oral agreements, understandings, representations or warranties signed by the Parties which are not expressly set forth herein.

8. SEVERABILITY. In the event any one or more of the provisions contained in this Easement Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, by a court of competent jurisdiction, such invalidity, illegality, or unenforceability shall not affect any other provisions hereof, and this Easement Agreement shall be construed as if such invalid, illegal, or unenforceable provision is severed and deleted from this Easement Agreement.

9. GOVERNMENTAL IMMUNITY. THIS EASEMENT AGREEMENT IS EXPRESSLY MADE SUBJECT TO GRANTOR'S GOVERNMENTAL IMMUNITY AND THE PARTIES AGREE THAT GRANTOR IS ACTING PURSUANT TO ITS GOVERNMENTAL FUNCTIONS AND NOTHING CONTAINED IN THIS EASEMENT AGREEMENT SHALL BE CONSTRUED AS CONSTITUTING A WAIVER OF GRANTOR'S GOVERNMENTAL IMMUNITY FROM SUIT OR LIABILITY, WHICH IS EXPRESSLY RESERVED TO THE FULLEST EXTENT ALLOWED BY LAW.

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

EXECUTED to be effective this ____ day of _____, 2023.

GRANTOR:

City of Boerne, a Texas home-rule municipality

By: _____
Ben Thatcher, City Manager

THE STATE OF TEXAS §
§
COUNTY OF KENDALL §

BEFORE ME, the undersigned authority, a Notary Public in and for said State, on this day personally appeared Ben Thatcher, City Manager of the City of Boerne, Texas, a municipal corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that the same was the act of the said City of Boerne, Texas, a home-rule municipal corporation, that he was duly authorized to perform the same by appropriate action of the City Council of the City of Boerne and that he executed the same as the act of the said City for the purpose and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____, A.D. 2023.

Notary Public, in and for the State of Texas

My Commission Expires:

GRANTEE:

By: _____

Name: _____

Title: _____

STATE OF TEXAS §

§

COUNTY OF KENDALL §

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by _____, _____ of the _____, who is personally known to me to be the person who signed the foregoing instrument and (s)he acknowledged that the execution thereof was his/her free act and deed as such _____ for the uses and purposes therein expressed, and that the said instrument is the act and deed of said _____ for the uses and purposes therein expressed.

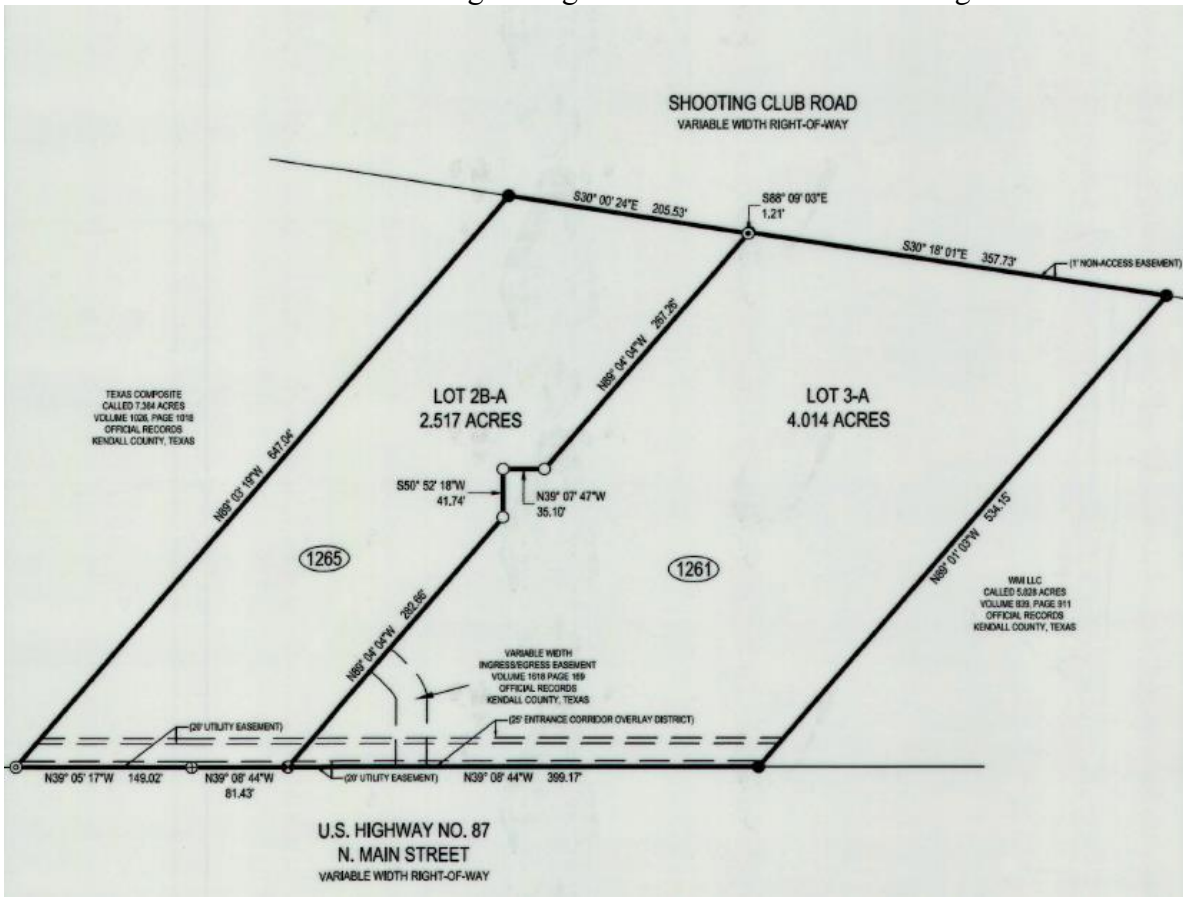
WITNESS my hand and official seal this ____ day of _____, 2023.

Notary Public, in and for the State of Texas

My Commission Expires: _____

Exhibit A-1

Depiction of Public Access Easement Identified as
“Variable Width Ingress/Egress Easement” - Vol. 1618 Pg. 169



WHEN RECORDED, RETURN TO:

City of Boerne, Texas
447 N. Main Street
Boerne, TX 78006
Attn: City Manager's Office

Exhibit A-2

Description of Public Access Easement Identified as “Variable Width Ingress/Egress Easement” - Vol. 1618 Pg. 169

A VARIABLE WIDTH INGRESS/EGRESS EASEMENT (0.062 OF ONE ACRE) LOCATED IN THE C.W. NEWTON & T TAYLOR SURVEY NO. 181, ABSTRACT NO. 361, KENDALL COUNTY, TEXAS, SAID VARIABLE WIDTH INGRESS/EGRESS EASEMENT (0.062 OF ONE ACRE) BEING LOCATED ON LOT 3, PFEIFFER HERITAGE SUBDIVISION, RECORDED IN VOLUME 6, PAGES 59-61, PLAT RECORDS OF KENDALL COUNTY, TEXAS. SAID VARIABLE WIDTH INGRESS/EGRESS EASEMENT (0.062 OF ONE ACRE) BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Beginning at a ½” iron rod with a yellow “JM Matkin Easement” plastic cap set in the northeast right-of-way line of State Highway No. 87, the southwest boundary line of Lot 3, said point bears S 39° 08' 44" E, a distance of 91.71' from a PK nail in concrete found at the northwest corner of Lot 3, the southwest corner of Lot 2B, Pfeiffer Heritage Subdivision;

- (1) Thence, departing the northeast right-of-way line of State Highway No. 87, the southwest boundary line of Lot 3, with the northwest and west lines of the herein described easement, the following courses and distances:**
 - a. N 51° 06' 59" E, 58.60' to a ½” iron rod with a yellow “JM Matkin Easement” plastic cap set for angle;**
 - b. with the arc of a curve to the left, with a radius of 24.00', a central angle of 21° 46' 22", an arc length of 9.12', and a chord which bears N 17° 20' 30" E, a distance of 9.07' to a ½” iron rod with a yellow “JM Matkin Easement” plastic cap set for angle;**
 - c. N 07° 27' 48" E, 13.30' to a ½” iron rod with a yellow “JM Matkin Easement” plastic cap set for angle;**
 - d. with the arc of a curve to the left, with a radius of 53.19', a central angle of 11° 35' 33", an arc length of 10.76', and a chord which bears N 00° 42' 14" E, a distance of 10.74' to a ½” iron rod with a yellow “JM Matkin Easement” plastic cap set for corner in the north boundary line of Lot 3, and the south boundary line of Lot 2B;**
- (2) Thence, S 89° 04' 04" E, with the south boundary line of Lot 2B, the north boundary line of Lot 3, and the north line of the herein described easement, a distance of 26.00' to a ½” iron rod with a yellow “JM Matkin Easement” plastic cap set for corner;**
- (3) Thence, departing the south boundary line of Lot 2B, the north boundary line of Lot 3, with the east and southeast lines of the herein described easement, the following courses and distances:**
 - a. with the arc of a curve to the right, with a radius of 61.54', a central angle of 12° 22' 29", an arc length of 13.29', and a chord which bears S 01° 16' 39" W, a distance of 13.27' to an “x” scribed in brick for angle;**
 - b. S 07° 27' 54" W, 13.27' to an “x” scribed in brick for angle;**
 - c. with the arc of a curve to the right, with a radius of 50.00', a central angle of 28° 51' 30", an arc length of 25.18', and a chord which bears S 20° 53' 04" W, a distance of 24.92' to an “x” scribed in brick for angle;**
 - d. S 51° 06' 59" W, 62.77' to a ½” iron rod with a yellow “JM Matkin Easement” plastic cap set for corner in the southwest boundary line of Lot 3, and the northeast right-of-way line of State Highway No. 87;**
- (4) Thence, N 39° 08' 44" W, with the northeast right-of-way line of State Highway No. 87, the southwest boundary line of Lot 3, and the southwest line of the herein described easement, a distance of 26.00' to the POINT OF BEGINNING for this VARIABLE WIDTH INGRESS/EGRESS EASEMENT, containing 0.062 OF ONE ACRE, more or less.**



AGENDA ITEM SUMMARY

Agenda Date	November 14, 2023
Requested Action	CONSIDER RESOLUTION NO. 2023-R83; A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE SCALE SERVERS FROM SHI GOVERNMENT SOLUTIONS, INC. FOR AN AMOUNT NOT TO EXCEED \$217,557.00. (Scale Servers from SHI Government Solutions in an amount not to exceed \$217,556.33)
Contact Person	Mike Raute, I.T. Director
Background Information	<p>As technology continues to advance rapidly, it has become increasingly important for our organization to maintain an efficient, secure, and reliable IT environment. Our current servers have been in use for several years, and their performance and reliability are beginning to degrade. This poses a significant risk to our business operations, data security, and overall productivity.</p> <p>Server replacements are a good practice for several reasons, as they contribute to the overall efficiency, security, and reliability of the city’s IT infrastructure. Here are some key reasons why regular server replacements are important:</p> <p>Performance Improvement: Over time, hardware components in servers can become outdated and less efficient. Our existing servers are at the end of life (EOL) and will begin struggling to keep up with the demands of our growing IT infrastructure. Slow response times and frequent downtime would negatively impact on our employees’ productivity. Replacing current city servers with the Scale servers will allow the city to take advantage of the latest technology, leading to improved performance and faster response times for applications and services.</p> <p>Reliability: Aging servers are more prone to hardware failures and downtime. Server replacements reduce the risk of unexpected outages, ensuring that critical business operations run smoothly and without interruptions.</p> <p>Security Enhancement: Older servers can lack the latest security</p>

features and updates, making them vulnerable to cyberattacks and data breaches. Upgrading to the new Scale servers with robust security features helps protect sensitive data and maintain compliance with industry regulations.

Energy Efficiency: Modern servers are designed to be more energy-efficient, consuming less power while delivering better performance. This not only reduces operational costs but also aligns with environmental sustainability goals.

Compatibility: As software and applications evolve, it will require more advanced hardware to run efficiently. Replacing servers ensures compatibility with the latest software, preventing performance bottlenecks and compatibility issues.

Support and Warranty: Our current servers will no longer be under warranty or supported by the manufacturer. The Scale server replacements will provide us to acquire hardware with warranty coverage and ongoing support, reducing the risk of costly repairs.

Data Center Optimization: Replacing the older servers will help consolidate hardware and optimize the data center layout, improving overall resource utilization and making it easier to manage and maintain the infrastructure.

Compliance and Regulation: Local governments have specific compliance and regulatory requirements related to data storage and security. Replacing our servers with up-to-date hardware will continue to make sure the City of Boerne remains compliant with these regulations.

Future-Proofing: Investing in modern server technology ensures that the organization's IT infrastructure remains competitive and adaptable to future technological advancements.

To ensure the continued success of our IT infrastructure, Last year we initiated a comprehensive server replacement and upgrade study. This study has included the following steps:

Assessment: Conducted a thorough assessment of our current server infrastructure to identify specific weaknesses and areas for improvement.

Planning: Developed a detailed plan that outlined the scope of the server replacement project, including hardware and software requirements, budget considerations, and a timeline for

	<p>implementation.</p> <p>Vendor Selection: Researched and selected reputable Texas Department of Information Resources (TX DIR) vendors who helped provide the necessary server hardware contracts and related services.</p> <p>Our steps going forward after council approval:</p> <p>Data Migration: Plan and execute a seamless data migration strategy to ensure minimal disruption to our business operations during the transition.</p> <p>Testing and Quality Assurance: Rigorously test the new server environment to ensure it meets performance, security, and reliability standards.</p> <p>Training: Provide training for our IT staff to effectively manage and maintain the new server infrastructure.</p> <p>Monitoring and Maintenance: Establish a proactive monitoring and maintenance program to ensure the ongoing health and performance of our server environment.</p> <p>In summary, server replacements are the proactive approach to maintaining a high-performing, secure, and reliable IT environment. By periodically upgrading server hardware, organizations can reduce operational risks, lower total cost of ownership, and position themselves for future growth and technological advancements.</p>										
Item Justification	<table border="0"> <tr> <td><input type="checkbox"/> Legal/Regulatory Obligation</td> <td><input checked="" type="checkbox"/> Infrastructure Investment</td> </tr> <tr> <td><input type="checkbox"/> Reduce Costs</td> <td><input type="checkbox"/> Customer Pull</td> </tr> <tr> <td><input type="checkbox"/> Increase Revenue</td> <td><input checked="" type="checkbox"/> Service Enhancement</td> </tr> <tr> <td><input checked="" type="checkbox"/> Mitigate Risk</td> <td><input type="checkbox"/> Process Efficiency</td> </tr> <tr> <td><input type="checkbox"/> Master Plan Recommendation</td> <td><input type="checkbox"/> Other:</td> </tr> </table>	<input type="checkbox"/> Legal/Regulatory Obligation	<input checked="" type="checkbox"/> Infrastructure Investment	<input type="checkbox"/> Reduce Costs	<input type="checkbox"/> Customer Pull	<input type="checkbox"/> Increase Revenue	<input checked="" type="checkbox"/> Service Enhancement	<input checked="" type="checkbox"/> Mitigate Risk	<input type="checkbox"/> Process Efficiency	<input type="checkbox"/> Master Plan Recommendation	<input type="checkbox"/> Other:
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<input type="checkbox"/> Master Plan Recommendation	<input type="checkbox"/> Other:										
Strategic Alignment	<p>Safety & Security, F2 – Investing in and maintaining high-quality infrastructure systems and public assets. B3 Providing streamlined and efficient processes.</p>										
Financial Considerations	<p>In the current budget, the police department replacement servers are being funded by the communications fund, which is a three-way split between the Boerne Police Department, Kendall County Sherriff’s Office, and Fair Oaks Police Department. - \$108,722.62.</p> <p>The cost for the city servers was included capital item in the FY 2023-2024 approved IT Budget. -\$108,833.71.</p>										

	<p>The purchases will be made through SHI, a reseller for Scale Solutions under procurement contract Omnia Partners-IT Solutions contract #: 2018011-02 and will not exceed \$217,556.33.</p> <p>Cost Savings: While there is an upfront cost associated with server replacements, it can result in long-term cost savings. Newer servers are typically more reliable and require less maintenance, reducing ongoing operational expenses.</p>
Citizen Input/Board Review	N/A
Legal Review	N/A
Alternative Options	N/A
Supporting Documents	Pricing proposals from SHI Quote 23994675 Quote 23994677

RESOLUTION NO. 2023-R83

A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE SCALE SERVERS FROM SHI GOVERNMENT SOLUTIONS, INC. FOR AN AMOUNT NOT TO EXCEED \$217,557.00

WHEREAS, the Home Rule Charter establishes purchase procedures requiring approval for all contract expenditures in excess of the state law competitive bidding threshold requirements; and

WHEREAS, the City participates in a cooperative purchasing program through SHI Government Solutions, Inc. that satisfies State Law bidding requirements; and

WHEREAS, the item/vehicle to be purchased has been appropriated for in the budget; and

WHEREAS, the City Council finds it necessary to purchase scale servers from SHI Government Solutions, Inc.;

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

that the City Council hereby authorizes the City Manager to make the following purchase(s):

Scale servers from SHI Government Solutions, Inc.
for an amount not to exceed \$217,557.00.

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

APPROVED:

Mayor

ATTEST:

City Secretary



Pricing Proposal
 Quotation #: 23994675
 Created On: 9/27/2023
 Valid Until: 10/20/2023

TX-City of Boerne

Inside Account Manager

Barrett Squires

United States
 Phone: 210 417-6490
 Fax:
 Email: BSquires@boerne-tx.gov

Richard Lettiere

3828 Pecana Trail
 Austin, TX 78749
 Phone: 800-870-6079
 Fax: 512-732-0232
 Email: Richard_Lettiere@SHI.com

All Prices are in US Dollar (USD)

Product	Qty	Retail	Your Price	Total
1 XEON SP CPU 4X NVME CTLR HC3350F Scale Computing - Part#: CHA-2-12 Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	3	\$18,458.00	\$17,535.10	\$52,605.30
2 INTEL GOLD 5317 12C/24T CHIP 3.0GHZ 2933MT/S Scale Computing - Part#: CPU-2-13 Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	3	\$0.01	\$0.01	\$0.03
3 32GB DDR4 3200 MHZ RDIMM 32GB CPNT DDR4 RDIMM Scale Computing - Part#: RAM-2-0D Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	18	\$0.01	\$0.01	\$0.18
4 7.68TB 2.5 U.2 NVME SSD INT 7.68TB 2.5 U.2 NVME SSD Scale Computing - Part#: NVM-2-09 Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	12	\$0.01	\$0.01	\$0.12
5 4PORT INTEL/DELL X710 CTLR 4PORT 10GB RJ45 Scale Computing - Part#: NIC-2-0B Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	3	\$0.01	\$0.01	\$0.03
6 5 YR LICS AND SW LICS SC//HYPERCORE - 12C STANDARD Scale Computing - Part#: HCOS-S-5-12C Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02 Coverage Term: 10/30/2023 – 10/29/2028	3	\$24,735.72	\$16,355.84	\$49,067.52
7 5YRS HW WARRANTY SVCS Scale Computing - Part#: HW-5 Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02 Coverage Term: 10/30/2023 – 10/29/2028	1	\$5,537.40	\$5,260.53	\$5,260.53

8	SUP-ADVANCED INSTALL SVCS SVCS-HWANDSW SCALECARE Scale Computing - Part#: QSPI Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	1	\$2,000.00	\$1,900.00	\$1,900.00
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Total \$108,833.71

Additional Comments

Hardware items on this quote may be updated to reflect changes due to industry wide constraints and fluctuations.

Please note, if Emergency Connectivity Funds (ECF) will be used to pay for all or part of this quote, please let us know as we will need to ensure compliance with the funding program.

Thank you for choosing SHI-GS! The pricing offered on this quote proposal is valid through the expiration date set above. To ensure the best level of service, please provide End User Name, Phone Number, Email Address and applicable Contract Number when submitting a Purchase Order. SHI Government Solutions, Inc. is 100% Minority Owned, Woman Owned Business. TAX ID# 22-3695478; DUNS# 14-724-3096

The products offered under this proposal are resold in accordance with the terms and conditions of the Contract referenced under that applicable line item.



Pricing Proposal
 Quotation #: 23994677
 Created On: 9/27/2023
 Valid Until: 10/20/2023

TX-City of Boerne

Inside Account Manager

Barrett Squires
 United States
 Phone: 210 417-6490
 Fax:
 Email: BSquires@boerne-tx.gov

Richard Lettiere
 3828 Pecana Trail
 Austin, TX 78749
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 Fax: 512-732-0232
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All Prices are in US Dollar (USD)

Product	Qty	Retail	Your Price	Total
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3 32GB DDR4 3200 MHZ RDIMM 32GB CPNT DDR4 RDIMM Scale Computing - Part#: RAM-2-0D Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	18	\$0.01	\$0.01	\$0.18
4 7.68TB 2.5 U.2 NVME SSD INT 7.68TB 2.5 U.2 NVME SSD Scale Computing - Part#: NVM-2-09 Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	12	\$0.01	\$0.01	\$0.12
5 4PORT INTEL/DELL X710 CTLR 4PORT 10GB RJ45 Scale Computing - Part#: NIC-2-0B Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	3	\$0.01	\$0.01	\$0.03
6 5 YR LICS AND SW LICS SC//HYPERCORE - 12C STANDARD Scale Computing - Part#: HCOS-S-5-12C Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02 Coverage Term: 10/29/2023 – 10/28/2028	3	\$24,735.72	\$16,355.84	\$49,067.52
7 5YRS HW WARRANTY SVCS Scale Computing - Part#: HW-5 Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02 Coverage Term: 10/29/2023 – 10/28/2028	1	\$5,637.90	\$5,356.00	\$5,356.00

8	NODE INSTALL REMOTE SUP REMOTE SVCS INSTALLATION	3	\$330.00	\$246.23	\$738.69
	Scale Computing - Part#: QSRN				
	Contract Name: Omnia Partners - IT Solutions				
	Contract #: 2018011-02				

Total \$108,722.62

Additional Comments


Please note, if Emergency Connectivity Funds (ECF) will be used to pay for all or part of this quote, please let us know as we will need to ensure compliance with the funding program.

Hardware items on this quote may be updated to reflect changes due to industry wide constraints and fluctuations.

The products offered under this proposal are resold in accordance with the terms and conditions of the Contract referenced under that applicable line item.



AGENDA ITEM SUMMARY

	AGENDA ITEM SUMMARY										
Agenda Date	November 14, 2023										
Requested Action	CONSIDER RESOLUTION NO. 2023-R84; SUPPORTING INNOVATIVE ONE WATER STRATEGIES AND DIRECTING STAFF TO EXPLORE SUCH STRATEGIES IN PUBLIC AND PRIVATE DEVELOPMENT PROJECTS.										
Contact Person	Ben Thatcher, City Manager										
Background Information	<p>In October, the City of Boerne along with the Hill Country Alliance and the Cibolo Center for Conservation brought together representatives from 15 cities in the region to discuss sustainable water practices and conservation.</p> <p>Council Member Macaluso and City Manager Ben Thatcher participated in the One Water conference.</p> <p>One Water refers to an integrated approach to planning and implementation in order to manage finite water resources for long-term resilience and reliability.</p>										
Item Justification	<table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> Legal/Regulatory Obligation</td> <td><input type="checkbox"/> Infrastructure Investment</td> </tr> <tr> <td><input type="checkbox"/> Reduce Costs</td> <td><input type="checkbox"/> Customer Pull</td> </tr> <tr> <td><input type="checkbox"/> Increase Revenue</td> <td><input type="checkbox"/> Service Enhancement</td> </tr> <tr> <td><input type="checkbox"/> Mitigate Risk</td> <td><input type="checkbox"/> Process Efficiency</td> </tr> <tr> <td><input type="checkbox"/> Master Plan Recommendation</td> <td><input checked="" type="checkbox"/> Other</td> </tr> </table>	<input type="checkbox"/> Legal/Regulatory Obligation	<input type="checkbox"/> Infrastructure Investment	<input type="checkbox"/> Reduce Costs	<input type="checkbox"/> Customer Pull	<input type="checkbox"/> Increase Revenue	<input type="checkbox"/> Service Enhancement	<input type="checkbox"/> Mitigate Risk	<input type="checkbox"/> Process Efficiency	<input type="checkbox"/> Master Plan Recommendation	<input checked="" type="checkbox"/> Other
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Strategic Alignment	<p>Environmental Responsibility</p> <p>Collaborating with community partners to enhance quality of life.</p>										
Financial Considerations											
Citizen Input/Board Review											

Legal Review	
Alternative Options	
Supporting Documents	

RESOLUTION NO. 2023-R84

A RESOLUTION OF THE CITY OF BOERNE, SUPPORTING INNOVATIVE ONE WATER STRATEGIES AND DIRECTING STAFF TO EXPLORE SUCH STRATEGIES IN PUBLIC AND PRIVATE DEVELOPMENT PROJECTS

WHEREAS, the City of Boerne has three primary sources for its potable water supply, including surface water from Canyon Lake and Boerne City Lake as well as groundwater from the Trinity Aquifer; and

WHEREAS, the City's water sources are vulnerable to conditions that could limit their availability including drought, reduced recharge, water quality impairments, and heightened demand on regional supplies; and

WHEREAS, without a renewed approach to water supply management, the City could face water shortages in the future; and

WHEREAS, the City of Boerne has already demonstrated its commitment to water conservation and resilience through its capital investments in the creation of retail reclaimed water distribution system, automated meter reading, water main replacement, and aggressive leak detection and repair to curb water loss; and

WHEREAS, acquiring additional water rights and supplies would be very expensive; and

WHEREAS, our region has a history of and reputation for innovative water conservation strategies that produce results, including a tradition of rainwater harvesting and public education campaigns related to groundwater recharge and water conservation; and

WHEREAS, a commitment to water conservation is only one of the necessary steps to water security and resiliency in the future; and

WHEREAS, the City has a responsibility to ensure water supplies in the future can meet demand, and to employ innovative strategies to that end, when necessary; and

WHEREAS, there is a growing suite of water infrastructure and management strategies known as "One Water" that is proving its effectiveness in several Texas communities and across the country; and

WHEREAS, "One Water" is defined as an integrated approach to water management that views all water in our community—drinking water, wastewater, stormwater, greywater—as a single resource to be managed holistically and sustainably, for the benefit of strong economies, vibrant communities, and healthy environments; and

WHEREAS, One Water strategies can include recycling wastewater to offset potable water demand, investing in green infrastructure to ensure stormwaters soak into the ground, capturing water at the building-scale through onsite rainwater harvesting systems or AC-condensate collection, and optimizing potable water supplies through efficiency and conservation; and

WHEREAS, there are a number of organizations and institutions in our region who are available to provide expertise on One Water strategies, including but not limited to the Hill Country Alliance, The Meadows Center for Water and the Environment at Texas State University, the National Wildlife Federation, the Greater Edwards Aquifer Alliance, and Texas Water Trade, as well as a growing professional community of engineers and planners versed in One Water design and implementation.

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

by action of the Boerne City Council at a duly noticed and held public meeting and as reflected in the minutes of the Council, be it resolved that the city staff shall study opportunities to deploy One Water strategies in the city, with an assessment of the costs and benefits associated with doing so. These shall include considerations for public infrastructure and facilities, as well as private developments and buildings.

PASSED and APPROVED this the ____ day of November, 2023.

APPROVED:

Mayor

ATTEST:

City Secretary



For Immediate Release
November 1, 2022

Inaugural "One Water in the Texas Hill Country" Conference brings Hill Country communities together for sustainable water solutions

Boerne, Texas – The first-ever "One Water in the Texas Hill Country" conference, a landmark event dedicated to sustainable water practices and conservation in the picturesque Texas Hill Country, was held in Boerne on Thursday, October 26, 2023. This visionary conference, organized in partnership between the Hill Country Alliance, the City of Boerne, and the Cibolo Center for Conservation, brought together over 70 participants from across the Hill Country, including county commissioners, groundwater conservation district personnel, and local officials representing 15 cities in the region.

“Representatives of local governments and other entities are stewards of our communities' most vital resource: water. It is our collective responsibility to craft innovative, forward-thinking solutions that not only meet our immediate needs but also safeguard the future for generations to come,” opened Boerne City Manager Ben Thatcher.

The Hill Country is one of the fastest growing regions in the country, and despite the recent rains, most of the region remains in extreme drought. “These dual pressures of growth and drought call for innovative solutions to managing our limited, precious water supplies. A whole category of these solutions fall under the banner of the One Water approach to water management,” said Marisa Bruno, Water Program Manager at the Hill Country Alliance.

One Water, as defined by Jenna Walker, Director of Watershed Services at the Meadows Center for Water and the Environment at Texas State University, is an approach to water management that considers all water, from rainwater to wastewater, stormwater, and drinking water, as potential supply to be managed collectively. A One Water approach considers the combined benefits to economies, community, and environment when managing water.

The City of Boerne provided a case study for this kind of holistic water management approach during a panel discussion featuring Kendall County Commissioner Andra Wisian, Boerne’s Utilities Director Mike Mann and Director of Engineering Jeff Carrol, and Dr. Troy Dorman from Half. The panel was moderated by Ben Eldredge, Board Member of the Cow Creek GCD and Vice President of Conservation at the Cibolo Center for Conservation.

Boerne and Kendall County have each made a series of policy decisions to preserve and protect their aquifers. These One Water solutions include a low impact development ordinance focused on filtering stormwater and a stream setbacks policy that protects the ecosystem services provided by healthy streambanks, as well as a recent decision by the county and the local groundwater conservation district to raise the minimum lot size for a private exempt well to 10 acres. Boerne also maintains a “purple pipe” system that delivers treated wastewater to the Esperanza Development for their irrigation needs. These

policy decisions have the combined effect of reducing demand on groundwater for potable use and recharging the aquifers that provide the region's water supply.

Another potential way to reduce pressure on our water supplies is by integrating water conservation and reuse into the designs of our buildings. As explained by Sharlene Leurig, CEO of Texas Water Trade, buildings have the potential to collect large amounts of water through the capture of A/C condensate and rainwater. This water can be used for non-potable needs like toilet flushing and irrigation, significantly reducing demand on potable supplies.

One building that uses these techniques is Blue Hole Primary School in Wimberley, which in its first year used 50% less potable water than neighboring Jacob's Well Elementary - and paid 50% less, too. Wimberley Mayor Gina Fulkerson and Nick Dornak of Doucet Engineering discussed the history and success of Blue Hole Primary School, the first "One Water School" in the Hill Country. "Blue Hole and Cypress Creek are the heart of Wimberley and protecting them is important for our community and economy," said Fulkerson. "The residents of Wimberley were behind the project," Dornak added, "You've got to have the community behind you if you want these projects to work and last."

In nearby New Braunfels, the City, New Braunfels Utilities, and the Guadalupe-River Authority are working together in an initiative called "One Water New Braunfels" to make sure integrated water management is considered in every planning decision. "This initiative builds on the partner organizations' many individual successes and aims to maximize environmental, social, and economic benefits that come with increased collaborative, sustainable resource management."

For other communities wanting to take the next step with One Water, the Hill Country Alliance offered a template for a One Water Resolution that encourages city staff to consider this kind of integrated water management in new projects. "Hill Country city and county officials are in a position to take the lead when it comes to innovative water projects because they're thinking about the full lifetime of a facility or development and the financial and natural resource impacts it will have on the community, not just the upfront costs of building." says Hill Country Alliance Program Director, Cliff Kaplan. "We hope this resolution and the One Water conference itself will help leaders across the region put forward-thinking One Water projects on the ground in their communities."

As the Hill Country grapples with the challenges of rapid development, these discussions and insights will undoubtedly pave the way for a more resilient and sustainable future.

To learn more about the One Water Conference or One Water Resolution, please contact marisa@hillcountryalliance.org.

The Hill Country Alliance is a nonprofit organization, bringing together a diverse coalition of partners to preserve the open spaces, starry night skies, clean and abundant waters, and unique character of the Texas Hill Country. Visit us at www.hillcountryalliance.org.

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