

AGENDA
REGULAR CITY COUNCIL MEETING
RONALD C. BOWMAN CITY COUNCIL CHAMBERS
447 North Main Street
Boerne, TX 78006
JUNE 24, 2025 – 6:00 PM

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

1. CALL TO ORDER – 6:00 PM

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG

PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG

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

2. CONFLICTS OF INTEREST

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

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

- A. [2025-277](#) CONSIDER THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF JUNE 10, 2025.

Attachments: [Minutes.25.0610](#)

REGULAR AGENDA:

5. PRESENTATIONS, PUBLIC HEARINGS, AND ORDINANCES:

- A. [2025-280](#) CONSIDER THE UN-TABLING OF ORDINANCE NO. 2025-07, AS DESCRIBED BELOW. (tabled on 6/10/2025)

- B. [2025-282](#) CONSIDER ON FIRST READING ORDINANCE NO. 2025-07; AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BOERNE UNIFIED DEVELOPMENT CODE, BY AMENDING CHAPTER 3. ZONING, SECTION 3.2, ZONING MAP, GRANTING A SPECIAL USE PERMIT (SUP) TO ALLOW A DRIVE-THRU IN THE C2 - TRANSITIONAL COMMERCIAL ZONING DISTRICT WITHIN THE SOBO - SOUTH BOERNE OVERLAY DISTRICT AT COMMONS OF MENDER UNIT 11, LOT 11A, GENERALLY LOCATED NEAR THE NORTHEAST CORNER OF GALLANT FOX AND HERFF ROAD; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (At the request of Boerne Commons, Ltd.)

Attachments: [AIS Coffee Shop with Drive-thru CC 6-24-25](#)
[Ordinance No. 2025-07](#)
[Public Hearing - SUP](#)
[APPROVED Commons at Menger Creek Feb2018](#)
[Att 1 - Aerial Map](#)
[Att 2- Future Land Use Map](#)
[Att 3 - Zoning Map](#)
[Att 4- Environmental Constraints](#)
[Att 5- Project Narrative](#)
[Att 6 - Site Plan](#)
[Att 7 - UDC Sec. 2-5.D.4 Special Use Permit Approval Criteria](#)
[Project Renderings](#)

- C. [2025-235](#) CONSIDER ON FIRST READING ORDINANCE NO. 2025-08; AN ORDINANCE AMENDING THE CITY OF BOERNE, TEXAS, CODE OF ORDINANCES, CHAPTER 22, UTILITIES, AMENDING ARTICLE II. WATER SYSTEM, SEC. 22-55. CRITERIA FOR INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES (EXCEPT WHEN A CRITICAL WATER SHORTAGE EXISTS); SEC. 22-56. DROUGHT RESPONSE STAGES. (TCEQ Mandated Drought Contingency Plan Update)

Attachments: [AIS - Conservation and Emergency Drought Management Ordinance Upd;](#)
[Ordinance No. 2025-08](#)

- D. [2025-278](#) FIRE STATION #2 PROJECT DESIGN UPDATE.

Attachments: [AIS Fire Station 2](#)
[Estimate of Probable Cost](#)
[Fire Station 2 images](#)

6. RESOLUTIONS:

- A. [2025-281](#) RECEIVE BIDS AND CONSIDER RESOLUTION NO. 2025-R41; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, AWARDING THE CONTRACT FOR CONSTRUCTION OF THE AMMANN ROAD GROUND STORAGE TANK AND PUMP STATION PROJECT TO PESADO CONSTRUCTION FOR AN AMOUNT NOT TO EXCEED \$8,907,229.00; AND AUTHORIZING THE CITY MANAGER TO MANAGE AND EXECUTE THE RELATED CONTRACT WITH A NOT TO EXCEED TOTAL CONSTRUCTION COST OF \$9,000,000.00.

Attachments: [AIS Ammann Tank and Pump Station Bid Award](#)
[Resolution No. 2025-R41](#)
[Bid Tabulation_Ammann Road Ground Storage Tank_20250603 - RTH](#)
[VRS Signed Bid Recommendation Letter](#)

7. CITY MANAGER'S REPORT:

- A. [2025-016](#) MONTHLY PROJECTS REPORT.

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

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

- A. [2025-288](#) SECTION 551.072 - DELIBERATION REGARDING REAL PROPERTY: DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY. (Medical Dr.)

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

11. ADJOURNMENT

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the 18 day of June,
2025 at 4:00 p.m.

s/s Lori A. Carroll

City Secretary

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS

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

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

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

MINUTES
REGULAR CITY COUNCIL MEETING
RONALD C. BOWMAN CITY COUNCIL CHAMBERS
447 North Main Street
Boerne, TX 78006
JUNE 10, 2025 – 6:00 PM

Minutes of the Regular Called City Council Meeting of June 10, 2025.

Present: 5 - Mayor Frank Ritchie, Mayor Pro Tem Ty Wolosin, Council Member Joe Bateman, Council Member Quinten Scott, and Council Member Joseph Macaluso

Absent: 1 - Council Member Bret A. Bunker

Staff Present: Sarah Buckelew, Lori Carroll, Nathan Crane, Mike Mann, Mick McKamie, Mike Raute, Cheryl Rogers, Chris Shadrock, Kristy Stark, Chastity Valdes, and Danny Zincke.

Registered / Recognized Guests: Mike Harris, Justin Hobson, Heather Bateman, and Mark Santos

1. CALL TO ORDER – 6:00 PM

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

Mayor Ritchie called on Pearson Segina, student minister from Currey Creek Church to provide the Invocation.

Mayor Ritchie 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:

No comments were received.

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

A 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: 4 - Mayor Pro Tem Wolosin, Council Member Bateman, Council Member Scott, and Council Member Macaluso

Absent: 1 - Council Member Bunker

A. CONSIDER THE MINUTES OF THE REGULAR CALLED CITY COUNCIL MEETING OF MAY 27, 2025.

THE MINUTES WERE APPROVED.

B. CONSIDER ON SECOND READING ORDINANCE NO. 2025-06; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, DESIGNATING TERMS OF OFFICE FOR CITY COUNCIL MEMBERS AND ESTABLISHING A STAGGERED ELECTION SCHEDULE.

THE ORDINANCE WAS APPROVED.

REGULAR AGENDA:

5. PRESENTATIONS, PUBLIC HEARINGS, AND ORDINANCES:

A. PRESENTATION ON BUDGET CONSIDERATIONS, PROCESS, AND CALENDAR.

Mayor Ritchie called on Sarah Buckelew, Finance Director, to provide an update on the budget process. Director Buckelew presented an overview of where the City stands in the development of the upcoming budget, noting that every Council agenda moving forward will include a budget-related item until final approval. She reviewed the budget's guiding principles and priorities, highlighted the supplemental requests submitted by departments, and shared

key economic indicators impacting personnel planning. Director Buckelew also reported that the City has received preliminary property tax rolls and provided an update on current sales tax trends. She concluded by previewing the upcoming budget topics that will be brought before Council for discussion.

- B. RECEIVE THE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION, HOLD A PUBLIC HEARING, AND CONSIDER ON FIRST READING ORDINANCE NO. 2025-07; AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BOERNE UNIFIED DEVELOPMENT CODE, BY AMENDING CHAPTER 3. ZONING, SECTION 3.2, ZONING MAP, GRANTING A SPECIAL USE PERMIT (SUP) TO ALLOW A DRIVE-THRU IN THE C2-TRANSITIONAL COMMERCIAL ZONING DISTRICT WITHIN THE SOBO - SOUTH BOERNE OVERLAY DISTRICT AT COMMON OF MENDER UNIT 11, LOT 11A, GENERALLY LOCATED NEAR THE NORTHEAST CORNER OF GALLANT FOX AND HERFF ROAD; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (At the request of Boerne Commons, Ltd.)**

Mayor Ritchie called on Planning Director Nathan Crane, who presented maps showing land use, zoning, environmental constraints including the floodplain for which a Letter of Map Revision (LOMAR) was approved, and the proposed site plan. He reviewed the history of the Herff Road driveway noting that the construction plans for this project were submitted August 7, 2024 before the city council approved the update to the UDC increasing the separation from 250' to 400'. The plan was reviewed and discussed at a BND meeting with no oppositions and received a 4-2 recommendation for approval from the Planning & Zoning Commission, with four conditions:

1. A connection to either the east or west cul-de-sac must be completed before a certificate of occupancy is issued.
2. A third-party traffic study (funded by the applicant) must determine if a deceleration lane is needed for the right-in/right-out access; if required, it must be built before a certification occupancy is issued.
3. Provide directional signage for drive-thru access.
4. Landscaping and permeable paving must meet UDC requirements at development.

Discussion focused on traffic concerns related to right-in, right-out access, multiple cul-de-sacs, and drive-thrus in the area to include the upcoming HTeaO. City Engineer Cheryl Rogers discussed deceleration lane requirements. Concerns were expressed about evolving stipulations for businesses, advocating for consistent application of UDC standards. Property owner Jason Hobson said the project aligns with city goals and noted differences from the existing Starbucks. He stated that Starbucks would not approve removing the right-in, right-out and would withdrawal the application if this was required. Majority property owner Bill Walters agreed to build the deceleration lane regardless of the traffic study. Mark Santos, of LJA Engineering, Inc. supported the current access plan, citing previous traffic studies on Herff Road.

Mayor Ritchie opened the Public Hearing at 7:10 p.m.

No comments were received.

Mayor Ritchie closed the Public Hearing at 7:10 p.m.

Mr. Walters questioned the approval process. He stated he is available to meet with council members if additional information is needed.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT TO APPROVE ON FIRST READING ORDINANCE NO. 2025-07; AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BOERNE UNIFIED DEVELOPMENT CODE, BY AMENDING CHAPTER 3. ZONING, SECTION 3.2, ZONING MAP, GRANTING A SPECIAL USE PERMIT (SUP) TO ALLOW A DRIVE-THRU IN THE C2 - TRANSITIONAL COMMERCIAL ZONING DISTRICT WITHIN THE SOBO - SOUTH BOERNE OVERLAY DISTRICT AT COMMON OF MENDER UNIT 11, LOT 11A, GENERALLY LOCATED NEAR THE NORTHEAST CORNER OF GALLANT FOX AND HERFF ROAD; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE WITH THE STIPULATION THAT A DECELERATION LANE BE CONSTRUCTED.

THE MOTION FAILED DUE TO A LACK OF SECOND.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY MAYOR PRO TEM WOLOSIN TO TABLE ON FIRST READING ORDINANCE NO. 2025-07; AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BOERNE UNIFIED DEVELOPMENT CODE, BY AMENDING CHAPTER 3. ZONING, SECTION 3.2, ZONING MAP, GRANTING A SPECIAL USE PERMIT (SUP) TO ALLOW A DRIVE-THRU IN THE C2 - TRANSITIONAL COMMERCIAL ZONING DISTRICT WITHIN THE SOBO - SOUTH BOERNE OVERLAY DISTRICT AT COMMON OF MENDER UNIT 11, LOT 11A, GENERALLY LOCATED NEAR THE NORTHEAST CORNER OF GALLANT FOX AND HERFF ROAD; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE UNTIL THE NEXT CITY COUNCIL MEETING JUNE 24, 2025. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Absent: 1 - Council Member Bunker

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

Mayor Pro Tem Wolosin expressed appreciation to the city council for electing him once again to the Mayor Pro Tem position and congratulated Mayor Ritchie and Council Member Bateman on a successful election.

Council Member Bateman wished everyone a Happy Father's Day and reminded everyone of the Das Festival this weekend.

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

Mayor Ritchie convened the City Council into Executive Session at 7:18 p.m.

**A. SECTION 551.071 - CONSULTATION WITH CITY ATTORNEY;
POTENTIAL EMINENT DOMAIN DISCUSSION.**

No action was taken.

**B. SECTION 551.087 - DELIBERATION REGARDING ECONOMIC
DEVELOPMENT NEGOTIATIONS; CONSIDERATION OF OFFER OF
FINANCIAL INCENTIVES TO A COMMERCIAL ENTITY CONSIDERING
DEVELOPMENT WITHIN THE CITY LIMITS AND/OR ETJ. (IH-10
Frontage)**

No action was taken.

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

Mayor Ritchie reconvened the City Council into Open Session at 8:39 p.m.

**A. CONSIDER RESOLUTION NO. 2025-R40; A RESOLUTION OF THE
CITY OF BOERNE, TEXAS, AUTHORIZING THE USE OF EMINENT
DOMAIN TO ACQUIRE FEE SIMPLE TITLE TO _____ OF
LAND, OUT OF A CALLED _____ AS DESCRIBED BY DEED
RECORDED IN _____, OFFICIAL PUBLIC RECORDS
OF KENDALL COUNTY, TEXAS, LOCATED IN THE
_____, CITY OF BOERNE, KENDALL COUNTY,
TEXAS, DEPICTED AND DESCRIBED IN EXHIBIT "A" AND "B"
THERETO, ALONG WITH TEMPORARY CONSTRUCTION
EASEMENTS EXHIBIT "C", AS PART OF THE ADLER ROAD
IMPROVEMENT PROJECT, TO ADVANCE AND ACHIEVE THE**

PUBLIC USES OF ADLER ROAD, AND THE SAFE AND EFFICIENT MOBILITY OF THE PUBLIC, EMERGENCY AND LAW ENFORCEMENT VEHICLES AND CITY SUPPORT PERSONNEL, AND TO ADVANCE THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC.

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER MACALUSO, TO APPROVE RESOLUTION NO. 2025-R40; A RESOLUTION OF THE CITY OF BOERNE, TEXAS, AUTHORIZING THE USE OF EMINENT DOMAIN TO ACQUIRE FEE SIMPLE TITLE TO 0.3816 ACRES OF LAND, OUT OF A CALLED 8.5 ACRE TRACT AS DESCRIBED BY DEED RECORDED IN VOLUME 1034, PAGES 607, OFFICIAL PUBLIC RECORDS OF KENDALL COUNTY, TEXAS, LOCATED IN THE MARIA IGNACIO LEAL SURVEY, ABSTRACT 298, CITY OF BOERNE, KENDALL COUNTY, TEXAS, DEPICTED AND DESCRIBED IN EXHIBIT "A" AND "B" THERETO, ALONG WITH TEMPORARY CONSTRUCTION EASEMENTS EXHIBIT "C", AS PART OF THE ADLER ROAD IMPROVEMENT PROJECT, TO ADVANCE AND ACHIEVE THE PUBLIC USES OF ADLER ROAD, AND THE SAFE AND EFFICIENT MOBILITY OF THE PUBLIC, EMERGENCY AND LAW ENFORCEMENT VEHICLES AND CITY SUPPORT PERSONNEL, AND TO ADVANCE THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC.. \ THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

9. ADJOURNMENT

Mayor Ritchie adjourned the City Council Meeting at 8:41 p.m.

s/s Lori A. Carroll
City Secretary

Attest:

City Secretary



AGENDA ITEM SUMMARY

Agenda Date	June 24, 2025
Requested Action	APPROVE ON FIRST READING ORDINANCE NO. 2025-07; AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BOERNE UNIFIED DEVELOPMENT CODE, BY AMENDING CHAPTER 3. ZONING, SECTION 3.2, ZONING MAP, GRANTING A SPECIAL USE PERMIT (SUP) TO ALLOW A DRIVE-THRU IN THE C2 - TRANSITIONAL COMMERCIAL ZONING DISTRICT WITHIN THE SOBO - SOUTH BOERNE OVERLAY DISTRICT AT COMMONS OF MENDER UNIT 11, LOT 11A, GENERALLY LOCATED NEAR THE NORTHEAST CORNER OF GALLANT FOX AND HERFF ROAD; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. <i>(At the request of Boerne Commons, Ltd.)</i>
Contact Person	Nathan Crane, Planning Director (830) 248-1521 ncrane@boerne-tx.gov
Background Information	<p>PRIOR REVIEW:</p> <p>The City Council held a public hearing on this item at the June 10, 2025, Council meeting. The Council voted 4-0 to continue the item to the June 24, 2025, meeting.</p> <p>BACKGROUND:</p> <p>The property is one acre in size and is located at the northeast corner of Gallant Fox and Herff Road. It is owned by Boerne Commons, Ltd. The applicant is Mark Santos of LJA Engineering, Inc.</p> <p>The property is designated Auto-Oriented Commercial on the Future Land Use Map.</p> <p>The property is located within the city limits, zoned C2 (Transitional Commercial), and falls within the SOBO overlay district (South Boerne).</p> <p>The SOBO overlay district, as detailed in UDC Chapter 3, Section 3.14, establishes additional use, design, and development standards to promote the unique development of the area. The area is divided into</p>

	<p>three unique character zones and should include commercial, mixed-use, and residential developments.</p> <p>A Development Agreement for Commons at Menger Creek was approved by the City Council on March 9, 2009. A Master Development Plan was approved by the Planning and Zoning Commission (Commission) on June 15, 2017. A revision to the master plan was approved by the Commission on February 12, 2018. The Final Plat for this site, Commons at Menger Unit 11, was approved by the Commission on May 6, 2024, and recorded July 2, 2024.</p> <p>The Commons at Menger is vested to the regulations that were in place as of 2009. Texas Local Government Code Section 245.002(d) states:</p> <p>“Notwithstanding any provision of this chapter to the contrary, a permit holder may take advantage of recorded subdivision plat notes, recorded restrictive covenants required by a regulatory agency, or a change to the laws, rules, regulations, or ordinances of a regulatory agency that enhance or protect the project, including changes that lengthen the effective life of the permit after the date the application for the permit was made, without forfeiting any rights under this chapter.”</p> <p>An accessory drive-thru is allowed in the C-2 zoning district subject to review and approval of a Special Use Permit (SUP) (UDC Chapter 3, Section 3.7).</p> <p>A Boerne Neighborhood Discussion (BND) Meeting was held on April 15, 2025, to gather input from the community. Three community members attended the meeting.</p> <p>REQUEST:</p> <ol style="list-style-type: none">1. The applicant is requesting a Special Use Permit (SUP) to allow an accessory drive-thru to serve a coffeehouse.2. The site plan includes one multi-tenant building with two suites. The first is a 2,400 square foot suite for the coffeehouse and the second is a 3,900 square foot suite for retail use.3. The drive-thru includes stacking for eleven vehicles and 36 parking spaces.4. The hours of operation are 5:00 AM – 9:00 PM seven days a week.
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	<p>ANALYSIS:</p> <p>The City Council must determine whether the proposed use meets the requirements of Section 2.5.D.4 of the UDC (Attachment 7) prior to making a recommendation on the Special Use Permit. The applicant bears the responsibility of demonstrating compliance. Below is a summary of staff analysis:</p> <p><u><i>Compatibility and Consistency with Comprehensive Master Plan</i></u></p> <ul style="list-style-type: none">• The property is designated as Auto-Oriented Commercial on the Future Land Use Map within the City’s Comprehensive Master Plan; this district is intended for commercial developments that rely on higher traffic volumes, serve local and regional areas, and are designed to be auto-oriented. Primary uses include automobile sales/services, brew pubs, convenience stores, daycares, office, retail, and restaurants.• New developments in this district should have access from arterial roadways or new collectors that are designed for higher traffic volumes. Sites should also be developed with elevated landscaping and incorporate bicycle and pedestrian accessibility. This development will take access from an arterial road (Herff Rd), will exceed minimum landscaping requirements, and have designated bicycle parking. <p><u><i>Compatibility with Zoning District, and UDC</i></u></p> <ul style="list-style-type: none">• The proposed accessory drive-thru may be allowed within the C2 zoning district with the approval of a SUP, this allows for an evaluation of compatibility with the surrounding context.• Surrounding properties are zoned C2 (Transitional Commercial) and R4-L (Low-Density Multi-family Residential); the entire area is within the SOBO overlay district.• The subject site is located within the SOBO overlay district mixed-use character zone (MU-CZ). This zone is for small to mid-scale commercial development (retail, restaurant, office) uses, mid-scale mixed use buildings, and multi-dwelling structures. <p><u><i>Evaluation of Design, Configuration, and Operation</i></u></p> <ul style="list-style-type: none">• The proposed site plan includes one multi-tenant building with two suites. The first is a 2,400 square foot suite for the coffeehouse and the second is a 3,900 S.F. suite for retail use.
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	<ul style="list-style-type: none">• The applicant has submitted plans addressing potential concerns such as visual impacts, noise, and traffic. The landscape plan features large and medium sized trees being planted in the rear of the property and small trees along the drive-thru. This layered vegetated screen appears to mitigate potential impacts of the drive-thru on neighboring properties. The development will be complying with the Dark Sky Ordinance, ensuring there is no light trespass affecting the rear properties. <p><u>Access, Circulation, and Parking</u></p> <ul style="list-style-type: none">• The site will have one access directly to Herff Rd (an arterial roadway); it will also have cross-access through an ingress-egress easement at the rear of the property. This easement connects through the adjacent properties to Gallant Fox Lane and Belair Stable Road (future development).• The drive-thru will have stacking for eleven vehicles. The SOBO overlay district has a standard parking requirement of 1 space per 300 SF. Using this ratio, the site requires a minimum of 21 parking spaces including 1 space being ADA compliant. The applicant is proposing 36 parking spaces with 2 ADA spaces. Per the UDC, they are allowed to exceed their minimum parking requirement by 10% without issue but must mitigate any parking spaces over the 10% threshold. They are proposing to do this with a combination of increased landscaping and utilizing a permeable paving system.• A Peak Hour Traffic (PHT) Generation Worksheet has been reviewed and approved by Engineering and Mobility. The applicant intends to attract a retail use which offsets peak traffic generating times for the coffeehouse to activate the site throughout the day without overburdening the onsite vehicle facilities. <p><u>Herff Road Driveway</u></p> <ul style="list-style-type: none">• The following is a summary of the driveway on Herff Road:<ul style="list-style-type: none">○ Commons at Menger Creek development is vested to the regulations that were in place as of 2009. The regulations at this time did not allow driveway access.
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	<ul style="list-style-type: none">○ In 2018, the Planning and Zoning Commission approved the Master Development Plan for Commons at Menger Creek. The Master Plan included the proposed driveway.○ In 2022, the UDC modified the access separation standards to include provisions for right-in/right-out driveways specifically on roadways with a raised median. The rules were updated to reflect the current TxDOT standards, which in this specific case allowed for access points to be separated by 250’.○ August 7, 2024, updated construction plans submitted showing the driveway.○ August 27, 2024, City Council approved an update to the UDC that modified this language to increase the spacing from 250’ to 400’.○ On April 17, 2025, the public infrastructure plans were approved to include the driveway.● The Planning and Zoning Commission is recommending a stipulation for a traffic study analyzing the need for a deceleration lane for the driveway to be completed. If the study finds that there is a need, then a deceleration lane would need to be constructed. <p><u>Environmental Considerations</u></p> <ul style="list-style-type: none">● The proposed development is expected to maintain approximately 75% impervious cover, below the maximum of 80% allowed by the UDC.● A landscape plan complies with the SOBO overlay district and UDC. It includes a mix of 31 medium and small trees.● This property is subject to a LOMR (Letter of Map Revision) and is no longer located with the FEMA floodplain. <p><u>Utilities</u></p> <ul style="list-style-type: none">● The recorded plat includes a variable width drainage easement and 30 FT utility easement along Herff Road; these will facilitate drainage and access to water, sewer, and electrical services. The
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	<p>plat also features a 26-foot ingress/egress easement near the rear of the property.</p> <p>CONCLUSION:</p> <p>The request appears to meet the criteria required to grant a SUP listed in Section 2.5.D of the UDC.</p> <p>PLANNING AND ZONING COMMISSION ACTION:</p> <p>The Planning and Zoning Commission considered this request at their June 2, 2025, meeting. The Commission voted 5-2 to recommend approval of the request subject to the following stipulations:</p> <ol style="list-style-type: none">1. The connection to either cul-de-sac to the east or west be established prior to the certificate of occupancy being issued.2. Hire a third-party consultant (selected by the City) to prepare a traffic study (paid for by the applicant), for both lots 11A +11B, to determine the need for a deceleration lane on Herff Road to the right in, right out access point; the traffic study would assume that the connection to the west was opened but not the connection to the east. If the study determines that there is a need for the deceleration lane it shall be constructed prior to the issuance of a certificate of occupancy.3. Provide directional signage for individuals to access the drive-thru4. The landscaping plan and permeable paving system must meet UDC requirements at time of development as determined by the Planning Director. <p>RECOMMENDATION:</p> <p>Based on alignment with the Comprehensive Master Plan, compliance with requirements outlined in UDC Sec 2-5.D Special use permits, and the recommendation of the Planning and Zoning Commission, staff recommends that the City Council accept the findings and APPROVE the Special Use Permit to allow a drive-thru in the C2 zoning district and SOBO overlay district subject to the four stipulations recommend by the Planning and Zoning Commission.</p> <p>COUNCIL ACTION:</p>
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	<p>Upon completion of a public hearing, the Council may: approve; approve with conditions; approve in part; deny; or deny in part the request.</p> <p>MOTIONS FOR CONSIDERATION:</p> <p>The following motions are provided to assist the Council’s decision.</p> <p>I move that the City Council accept the findings and recommend APPROVAL of the request for a Special Use Permit subject to the four stipulations recommended by the Planning and Zoning Commission.</p> <p>OR</p> <p>I move that the City Council DENY the request for a Special Use Permit. (The Commission will need to state the reasons for denial, referencing UDC Section 2.5.D of the UDC.)</p>
Strategic Alignment	<p>C1 – Offering quality customer experiences.</p> <p>C3 – Collaborating with community partners to enhance quality of life.</p>
Financial Considerations	N/A
Citizen Input/Board Review	<p>A BND meeting for this request was held on April 15, 2025. Text message notifications were sent to neighbors in a geo-targeted area surrounding the project and three community members attended.</p> <p>Notice of the Planning & Zoning Commission public hearing was published in the Boerne Star on May 18, 2025. Letters were sent to 3 property owners within 500 feet, and public notice was posted on the property on May 18, 2025. No written correspondence was received in response to the request.</p> <p>Notice of the City Council public hearing was published in the Boerne Star on May 25, 2025. A public notice was posted on the property on May 18, 2025. No written correspondence was received in response to the request.</p>
Legal Review	This action is needed to meet statutory requirements.
Alternative Options	The Commission may recommend approval, approval with conditions, extend the review, or disapproval of the SUP.
Supporting Documents	<p>Ordinance No. 2025-07</p> <p>Public Hearing – SUP</p>

	Aerial Map Future Land Use Map Zoning Map 2018 Approved Project Master Plan Environmental Constraints Project Narrative Site Plan UDC Sec. 2-5.D.4 Special Use Permit Approval Criteria Project Renderings
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ORDINANCE NO. 2025-07

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BOERNE UNIFIED DEVELOPMENT CODE, BY AMENDING CHAPTER 3. ZONING, SECTION 3.2, ZONING MAP, GRANTING A SPECIAL USE PERMIT (SUP) TO ALLOW A DRIVE-THRU IN THE C2 - TRANSITIONAL COMMERCIAL ZONING DISTRICT WITHIN THE SOBO - SOUTH BOERNE OVERLAY DISTRICT AT COMMONS OF MENDER UNIT 11, LOT 11A, GENERALLY LOCATED NEAR THE NORTHEAST CORNER OF GALLANT FOX AND HERFF ROAD; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE

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

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

WHEREAS, the City has received an application for a Special Use Permit (SUP) to allow a drive-thru facility within the C2 – Transitional Commercial Zoning District and the SOBO – South Boerne Overlay District, at Commons of Menger Unit 11, Lot 11A, generally located near the northeast corner of Gallant Fox and Herff Road; and

WHEREAS, the Unified Development Code (UDC) requires a Special Use Permit for drive-thru uses in the C2 – Transitional Commercial Zoning District, as outlined in Chapter 3, Section 3.7; and

WHEREAS, the property is located within the South Boerne Overlay District (SOBO), as established in Chapter 3, Section 3.14 of the Unified Development Code (UDC), which provides additional use, design, and development standards to promote the unique development of the area through a mix of commercial, mixed-use, and residential developments; and

WHEREAS, the City Council of the City of Boerne has complied with all requirements of notice of public hearing and such hearing was held on June 10, 2025, at which time interested parties and citizens were given an opportunity to be heard; and

WHEREAS, the City Council finds it in the best interest of the citizens to amend the Zoning Map by granting a Special Use Permit to allow the accessory drive-thru at Commons of Menger Unit 11, Lot 11A, subject to the conditions set forth herein.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF

BOERNE, TEXAS:

Section 1.

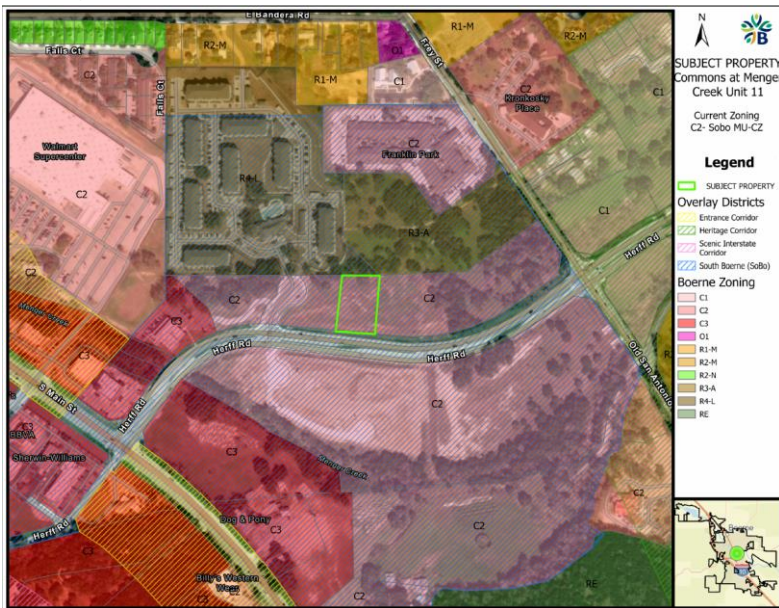
The foregoing recitals are hereby made a part for all purposes as findings of fact.

Section 2.

That Chapter 3. Zoning, Section 3.2, Zoning Map, of the City of Boerne Unified Development Code is hereby amended by granting a Special Use Permit to allow a drive-thru at Commons of Menger Unit 11, Lot 11A, located in a C2 – Transitional Commercial Zoning District and SOBO overlay district.

Section 3.

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



Section 4.

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

Section 5.

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

Section 6.

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

Section 7.

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

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

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

APPROVED:

ATTEST:

Mayor

City Secretary

APPROVED AS TO FORM:

City Attorney

THE BOERNE STAR

CLASSIFIEDS

Wednesday online edition, 11 a.m. on Monday;
Weekend issue, 11 a.m. on Thursday.
Call 830-249-2441 and ask for Sonya.

WWW.BOERNESTAR.COM

FULL TIME

Caregivers Needed! Please call 830-331-8496 or apply online at 155.axiscare.com

FOR SALE

FOR SALE: 55 gallon ink drums \$10, wood pallets \$5 and end rolls \$10. Call Granite Printing, 512-352-3687, or come by 2675 CR 374, Circleville, TX.

RENTALS

RV Spot in country. \$500/mo plus electric, quiet, long-term tenants, text 210-414-9409

ESTATE SALE

Estate Sale 5/30, 5/31 from 9:00-3:00. 714 River Mountain Drive. Kitchenware, glassware, appliances, women's size small clothes/designer shoes/boots 6-7, designer purses, jewelry, men's clothes, patio furniture, garden and yard décor.

GARAGE SALE

CITYWIDE YARD SALE! Castroville June 7th, 8A-5P. Spaces available. 830-931-2525.

BUSINESS OPPORTUNITY

Please carefully consider the value or benefits before you purchase a product or service. Publication of products or services does not indicate endorsement by the Boerne Star. If you feel you have been the victim of fraud, please contact the Attorney General's Office and/or the Better Business Bureau.

MUSICAL INSTRUMENTS


ATTENTION FORMER BAND STUDENTS AND PARENTS! Did you know that you can donate used band instruments to SAM'S Kids and count it as a tax deduction? SAM'S Kids needs used band instruments for BISD students. For more information, please contact Janet D'Spain at BISD, 830-357-2006

SERVICES

Remodel Work/ Painting – Carpentry, painting, install doors, windows, trim, hardware, bathroom remodel, etc. Jonathan Thomas 512-755-6479

All real estate advertised herein is subject to the Federal Fair Housing Act, which makes it illegal to advertise any preference, limitation, or discrimination because of race, color, religion, sex, handicap, familial status, or national origin, or intention to make any such preference, limitation, or discrimination.

We will not knowingly accept any advertising for real estate which is in violation of the law. All persons are hereby informed that all dwellings advertised are available on an equal opportunity basis.



EQUAL HOUSING OPPORTUNITY

Golden Girls Estate Sales Presents a Fabulous 3 Day Sale! 107 Falcon Point


Cordillera Ranch, Boerne, TX 78006, May 29-31, Thursday – Saturday 9-5 **Please enter through the Main Gate off Hwy 46 to pick up your map to the sale location.** Custom sofa, chairs, Clawfoot antique sofa, Chaise, Power leather sofa, Over size chair, End tables, Sm. Decorative cabinets, Roll top desk, Glass / iron entrance table, Live edge entrance table, Corner cabinets, Lg table / 8 chairs, glass / iron table / 6 chairs, Bar stools, Iron king beds King, night stands, media chest wood/copper, Misc furniture, Home décor, Clocks, Lamps, Rugs, Linens, Glassware, Tiffany bowl, Lenox, Spode, Dishware, Housewares, ART: Original by Charlotte Curry, Signed Prints, Wall Art, OUTDOOR: Patio table/ 6 chairs, Fire pit, Umbrella, Lg heater, Pellet grill, Smoker, Pots/ Plants, GARAGE: Exercise, equipment, Bikes, Shelves, Lots of misc items, Womens Clothes: Chico, Shoes sz 8, Jewelry! TOO Much to list! Parking on Falcon Point on 1 side of the street.

LEGALS

LEGALS

LEGALS

LEGALS



**INVITATION TO BIDDERS – KENDALL COUNTY WCID #3A IMPROVEMENTS
Corley Farms Unit 5**

Sealed Bids, in duplicate, addressed to **Pulte Homes of Texas, L.P. on behalf of Kendall County Water Control and Improvement District No. 3A**, will be electronically received, until 2:00 p.m. Local Time, June 17th, 2025, and then publicly opened and read for **“Corley Farms Unit 5 for Kendall County Water Control and Improvement District No. 3A**, Kendall County, Texas.” To electronically submit your bid package visit www.CivcastUSA.com: search **Corley Farms Unit 5**; then click “Bid.”

Scope of Work of the Contract includes the following: The installation of streets, drainage, sewer, water, grading and SWPPP infrastructure required for the construction of a residential subdivision unit.

Bids received after the closing time will be returned unopened. A **MANDATORY** pre-bid conference will be held on **June 3rd, 2025, at 2:00 p.m.** Local Time. The meeting will be held in person at Cude Engineers (4122 Pond Hill Road, Ste. 101, San Antonio Texas, 78231). Attendance by each prospective bidder or its representative at the pre-bid conference is mandatory, and NO BID WILL BE ACCOUNTED FOR UNLESS A CONSTRUCTION SCHEDULE IS INCLUDED IN THE BID PACKAGE.

Each Bid must be accompanied by a Bid Bond or a certified or cashier’s check, acceptable to the Owner, in an amount not less than five percent (5%) of the total amount Bid, as a guarantee that the successful bidder will enter into the Contract and execute the Bonds on the forms provided and provide the required insurance certificates within seven (7) days after the date Contract Documents are received by the Contractor. If a certified or cashier’s check is provided, the successful bidder shall deliver the original certified or cashier’s check within twenty-four (24) hours of receipt of the bid opening.

Copies of the bidding documents may be obtained from www.CivcastUSA.com: search **Corley Farms Unit 5**. Bidders must register on this website in order to view and/or download any document for this Project. There is NO charge to view or download documents.

Bidder must submit its Bid and bid securities in compliance with Owner’s Order Adopting Section 49.2731 Electronic Bidding Rules and all Bids and bid securities must be submitted through www.CivcastUSA.com. Bidder must register on this website to submit a Bid and bid security, there is no charge to submit Bids and bid securities on this website.

By submitting a Bid, Bidder acknowledges and agrees that the Contract Documents may be accepted, executed, or agreed to through the use of an Electronic Signature, as defined by and in accordance with Owner’s Electronic Signature Rules for Construction Contracts.

The Owner reserves the right to reject any or all Bids and to waive all defects and irregularities in bidding or bidding process except time of submitting a Bid. The Successful Bidder, if any, will be the responsible Bidder which in the Board’s judgment will be most advantageous to the District and result in the best and most economical completion of the Project.

The requirements of Subchapter J, Chapter 552, Government Code, may apply to this Bid and/or Contract and the Contractor agrees that the Contract can be terminated if the Contractor knowingly or intentionally fails to comply with a requirement of that subchapter.

CITY OF BOERNE 2025-2027 STREET STRIPING

ADVERTISEMENT FOR BIDS

Sealed Bids for construction of the **City of Boerne 2025-2027 Street Striping** will be received by the City of Boerne Engineering and Mobility Department, Attention: Cheryl Rogers, 447 N. Main St., Boerne, Texas 78006, until 10:00 AM local time on Tuesday, June 3, 2025, at which time Bids received will be publicly opened and read aloud. Bids received after this time will be returned unopened. The Project consists of all labor, equipment, traffic control and work for street striping on street within the City of Boerne for a potential three year contract, see bid documents for information on contract renewal.

Bidding Documents may be viewed at City of Boerne City Hall (*Issuing Office*) at 447 N. Main St., Boerne, TX 78006. Plans and specifications may be viewed or downloaded free of charge from <https://www.civcastusa.com>, Project ID “City of Boerne 2025-2027 Street Striping”. It is the bidder’s responsibility to determine that a complete set of documents, as defined in the Agreement are received. Neither the Owner or Engineer are responsible for full or partial sets of Bidding Documents, including Addenda, obtained from sources other than the Issuing Office or civcastusa.com. Bids will be received for a single prime Contract.

Bids shall be on a lump sum or unit price basis as indicated in the Bid Form. Bid, payment, and performance bonds are required. City of Boerne reserves the right to reject any or all bids or waive any informalities in the bidding. A pre-bid conference will be held at 10:00 AM local time on Tuesday, May 27th at 10:00 AM via a Teams Meeting link located on CivCast. Attendance at the pre-bid conference is highly encouraged but is not mandatory.

All technical questions shall be submitted via <https://www.civcastusa.com>. The deadline for questions is 5:00 PM on Wednesday, May 28, 2025. Answers to all written questions received prior to the deadline will be posted to <https://www.civcastusa.com> on May 29, 2025.

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council of the City of Boerne, Texas will hold a Public Hearing on June 10, 2025, at 6:00 p.m., in the Ronald C. Bowman City Council Chambers, located at Boerne City Hall, 447 N Main Street, Boerne, Texas, to discuss the following:

A. Consider a request for a Special Use Permit (SUP) to allow a drive-thru in the C2 – Transitional Commercial Zoning District within the SOBO – South Boerne Overlay District at Common of Menger Unit 11, Lot 11A, generally located near the northeast corner of Gallant Fox and Herff Road.

All interested parties are encouraged to attend.

s/s Lori Carroll
City Secretary

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS

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

**INVITATION TO BIDDERS – KENDALL COUNTY
WCID #3A IMPROVEMENTS**

Corley Road Improvements Phase I & Phase II

Sealed Bids, in duplicate, addressed to **Pulte Homes of Texas, L.P. on behalf of Kendall County Water Control and Improvement District No. 3A**, will be electronically received, until **2:00 p.m.** Local Time, **June 17th, 2025**, and then publicly opened and read for **“Corley Road Improvements Phase I & Phase II”** for **Kendall County Water Control and Improvement District No. 3A**, Kendall County, Texas.” To electronically submit your bid package visit www.CivcastUSA.com: search **Corley Road Improvements Phase I & Phase II**; then click “Bid.”

Scope of Work of the Contract includes the following: The installation of streets, drainage, grading and SWPPP infrastructure required for the construction of a public right-of-way.

Bids received after the closing time will be returned unopened. A **MANTADORY** pre-bid conference will be held on **June 3rd, 2025, at 2:00 p.m.** Local Time. The meeting will be held in person at Cude Engineers (4122 Pond Hill Road, Ste. 101, San Antonio Texas, 78231). Attendance by each prospective bidder or its representative at the pre-bid conference is mandatory, and NO BID WILL BE ACCOUNTED FOR UNLESS A CONSTRUCTION SCHEDULE IS INCLUDED IN THE BID PACKAGE.

Each Bid must be accompanied by a Bid Bond or a certified or cashier’s check, acceptable to the Owner, in an amount not less than five percent (5%) of the total amount Bid, as a guarantee that the successful bidder will enter into the Contract and execute the Bonds on the forms provided and provide the required insurance certificates within seven (7) days after the date Contract Documents are received by the Contractor. If a certified or cashier’s check is provided, the successful bidder shall deliver the original certified or cashier’s check within twenty-four (24) hours of receipt of the bid opening.

Copies of the bidding documents may be obtained from www.CivcastUSA.com: search **Corley Road Improvements Phase I & Phase II**. Bidders must register on this website in order to view and/or download any document for this Project. There is **NO** charge to view or download documents.

Bidder must submit its Bid and bid securities in compliance with Owner’s Order Adopting Section 49.2731 Electronic Bidding Rules and all Bids and bid securities must be submitted through www.CivcastUSA.com. Bidder must register on this website to submit a Bid and bid security, there is no charge to submit Bids and bid securities on this website.

By submitting a Bid, Bidder acknowledges and agrees that the Contract Documents may be accepted, executed, or agreed to through the use of an Electronic Signature, as defined by and in accordance with Owner’s Electronic Signature Rules for Construction Contracts.

The Owner reserves the right to reject any or all Bids and to waive all defects and irregularities in bidding or bidding process except time of submitting a Bid. The Successful Bidder, if any, will be the responsible Bidder which in the Board’s judgment will be most advantageous to the District and result in the best and most economical completion of the Project.

The requirements of Subchapter J, Chapter 552, Government Code, may apply to this Bid and/or Contract and the Contractor agrees that the Contract can be terminated if the Contractor knowingly or intentionally fails to comply with a requirement of that subchapter.

DEPARTMENT OF HOMELAND SECURITY

FEDERAL EMERGENCY MANAGEMENT AGENCY

Proposed Flood Hazard Determinations for Unincorporated Areas of Kendall County, Texas, Case No. 24-06-0477P. The Department of Homeland Security’s Federal Emergency Management Agency (FEMA) solicits technical information or comments on proposed flood hazard determinations for the Flood Insurance Rate Map (FIRM), and where applicable, the Flood Insurance Study (FIS) report for your community. These flood hazard determinations may include the addition or modification of Base Flood Elevations, base flood depths, Special Flood Hazard Area boundaries or zone designations, or the regulatory floodway. The FIRM and, if applicable, the FIS report have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Title 44, Part 65 of the Code of Federal Regulations. These determinations are the basis for the floodplain management measures that your community is required to adopt or show evidence of having in effect to qualify or remain qualified for participation in the National Flood Insurance Program. For more information on the proposed flood hazard determinations and information on the statutory 90-day period provided for appeals, please visit FEMA’s website at https://www.floodmaps.fema.gov/fhm/BFE_Status/bfe_main.asp, or call the FEMA Mapping and Insurance eXchange (FMIX) toll free at 1-877-FEMA MAP (1-877-336-2627).

NOTICE TO CREDITORS
Cause No. 24-184-PR

IN THE MATTER OF

THE ESTATE OF

JOSE LUIS ROCHA,

DECEASED

§

§

§

§

IN THE COUNTY COURT

OF

KENDALL COUNTY, TEXAS

**NOTICE TO ALL PERSONS HAVING CLAIMS AGAINST
THE ESTATE OF JOSE LUIS ROCHA**

Administration of the Estate of Jose Luis Rocha, decedent, has been commenced by the issuance of original letters of temporary administration to the undersigned on **November 19, 2024**, by the County Court of Kendall County, Texas, acting in **Case No. 24-184-PR**, styled In the Matter of the **Estate of Jose Luis Rocha**, Deceased. Administration of the estate is pending in that court.

All persons having claims against the estate are notified to present those claims in writing to the undersigned at the address shown below within the time and manner prescribed by law.

Dated: May 22, 2025
Lorena Gonzalez Rocha
Temporary Administrator of the Estate of Jose Luis Rocha, Deceased

Address: c/o A. Briseno II Attorney, PLLC
Attn: Alvaro Briseno II
901 N.E. Loop 410, Suite 508
San Antonio, Texas 78209

Dated at San Antonio, Texas, May 22, 2025

**A BIG
HIGH FIVE**

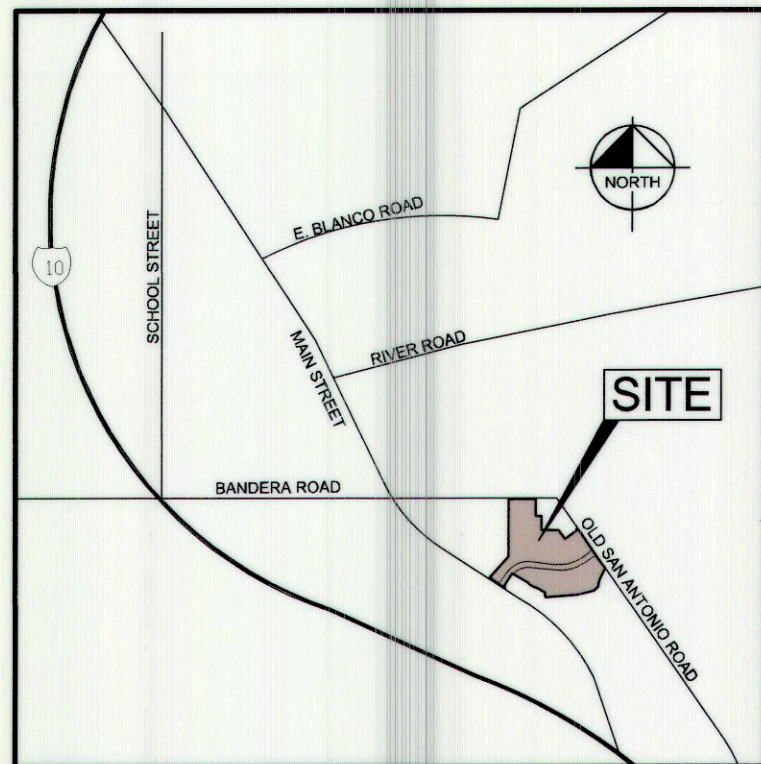


**TO ALL
OUR LOYAL**

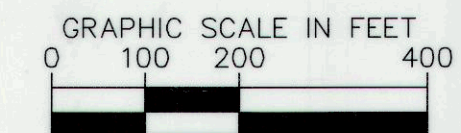
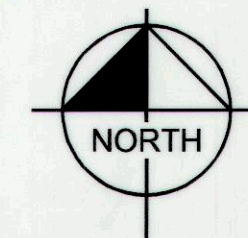
CUSTOMERS AND SUBSCRIBERS

BOERNE STAR
205 Water St. | Boerne, TX 78006 | (830) 249-2441 | boerne

23



LOCATION MAP
NOT TO SCALE



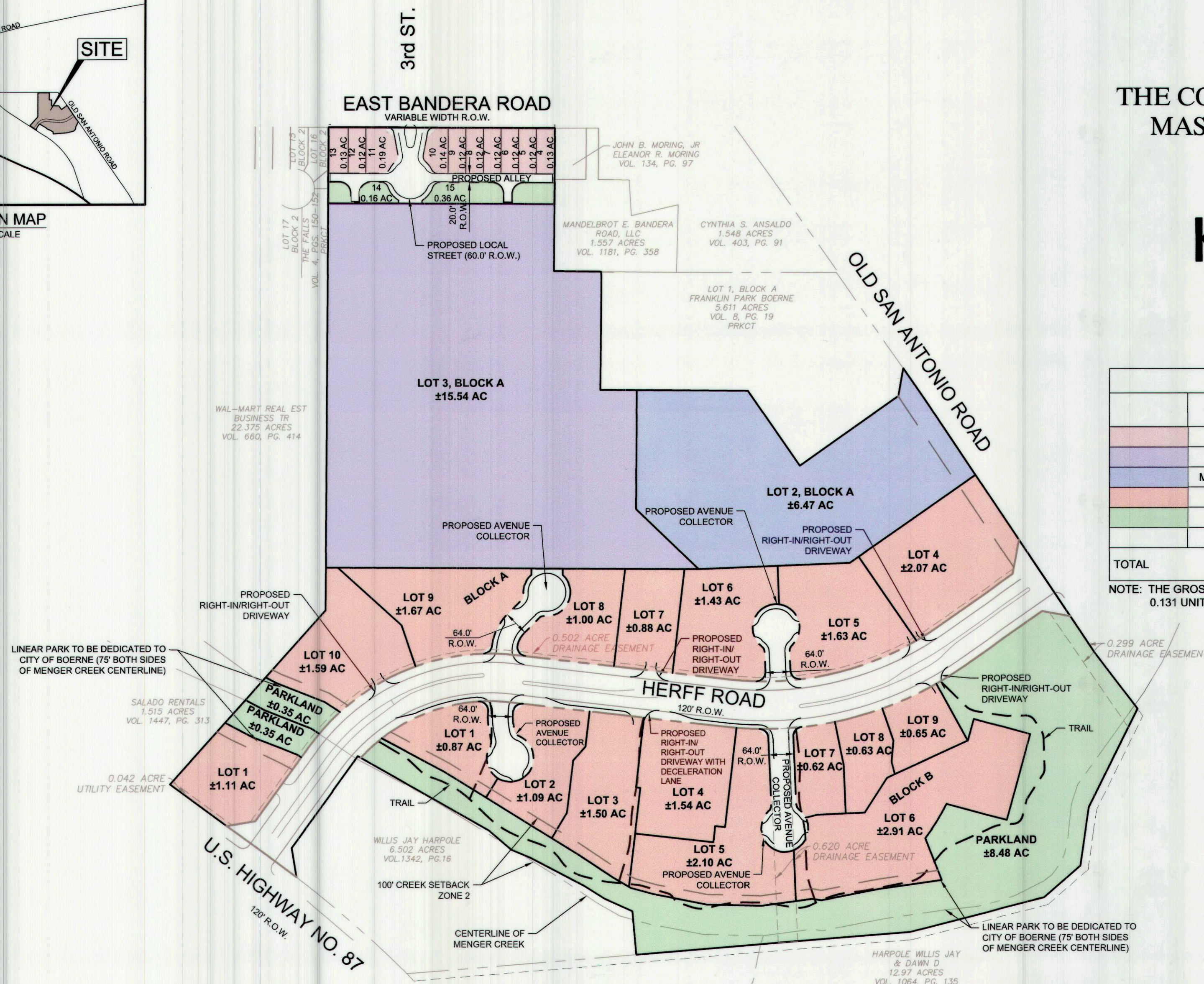
THE COMMONS AT MENDER CREEK MASTER DEVELOPMENT PLAN

BOERNE ★ TEXAS

FEBRUARY 2018

Kimley»Horn

© 2018 KIMLEY-HORN AND ASSOCIATES, INC.



LEGEND

	USE	# OF LOTS	AREA (ACRES)
	SINGLE FAMILY	10	±1.31
	MULTI-FAMILY	1	±15.54
	MULTI-FAMILY/HIGH DENSITY RESIDENTIAL	1	±6.47
	OFFICE/ RESTAURANT/ RETAIL	17	±23.25
	PARK/ OPEN SPACE	-	±9.70
	PROPOSED RIGHT-OF-WAY	-	±2.78
TOTAL			59.05

NOTE: THE GROSS DENSITY OF THE SINGLE FAMILY LOTS IS EQUAL TO 0.131 UNITS PER ACRE.

REVISION LOG

DATE	DESCRIPTION
06/05/2017	ORIGINAL APPROVAL
02/07/2018	REVISION NO.1

THIS MASTER DEVELOPMENT PLAN OF THE COMMONS AT MENDER CREEK HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF BOERNE, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS 12th DAY OF February, A.D., 2018

BY: CHAIRMAN

BY: SECRETARY

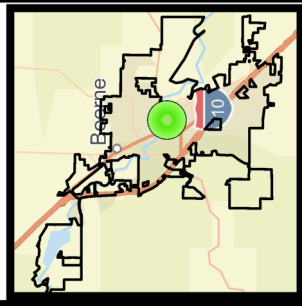


SUBJECT PROPERTY

Commons at Menger
Creek Unit 11

Legend

- Parcels
- SUBJECT PROPERTY





SUBJECT PROPERTY

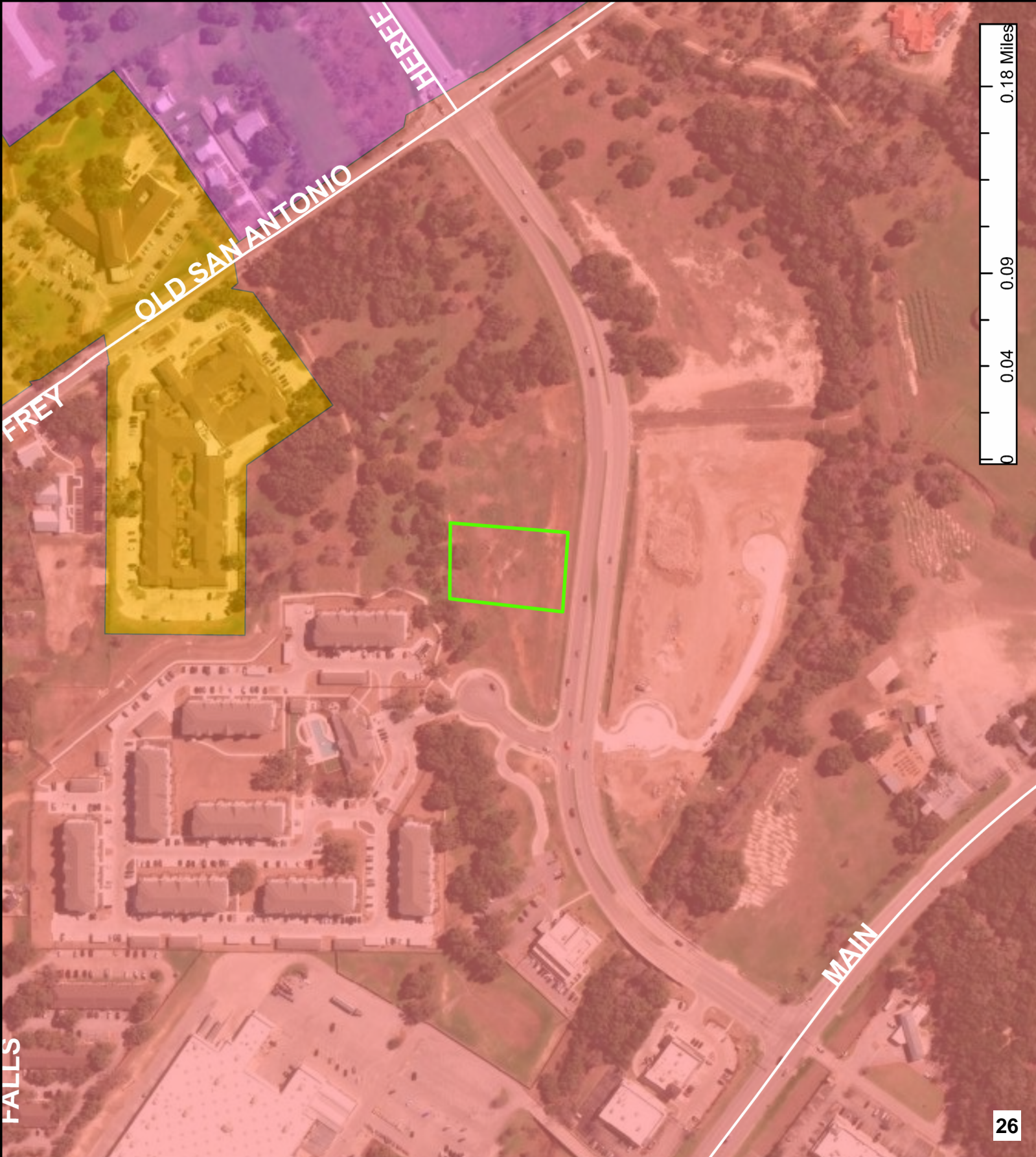
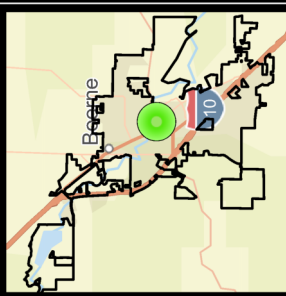
Commons at Menger
Creek Unit 11

Legend

SUBJECT
PROPERTY

FLU

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





SUBJECT PROPERTY
Commons at Menger
Creek Unit 11

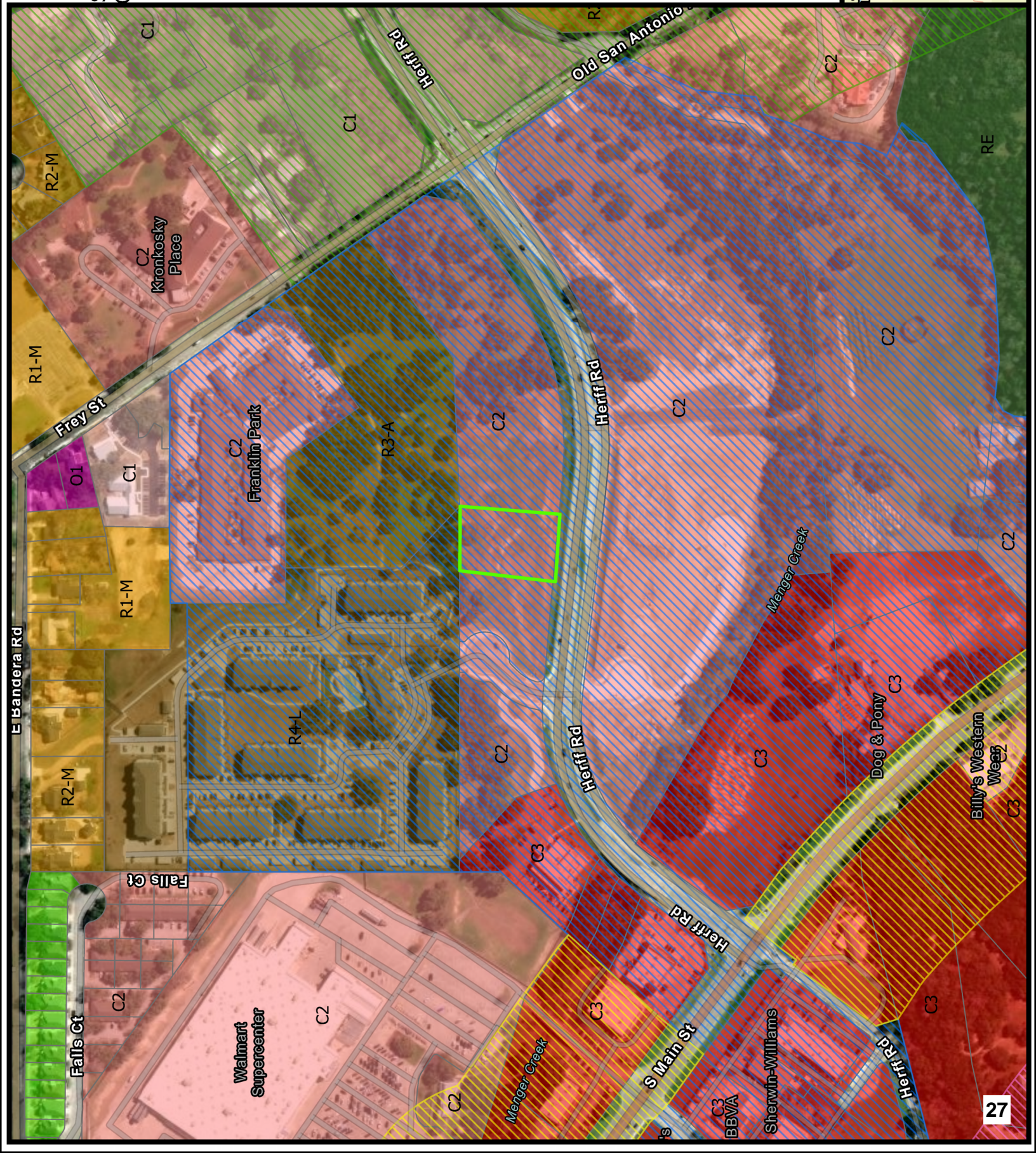
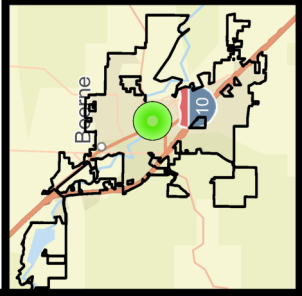
Current Zoning
C2- Sobo MU-CZ

Legend

- SUBJECT PROPERTY
- Overlay Districts**
 - Entrance Corridor
 - Heritage Corridor
 - Scenic Interstate Corridor
 - South Boerne (SoBo)

Boerne Zoning

- C1
- C2
- C3
- O1
- R1-M
- R2-M
- R2-N
- R3-A
- R4-L
- RE

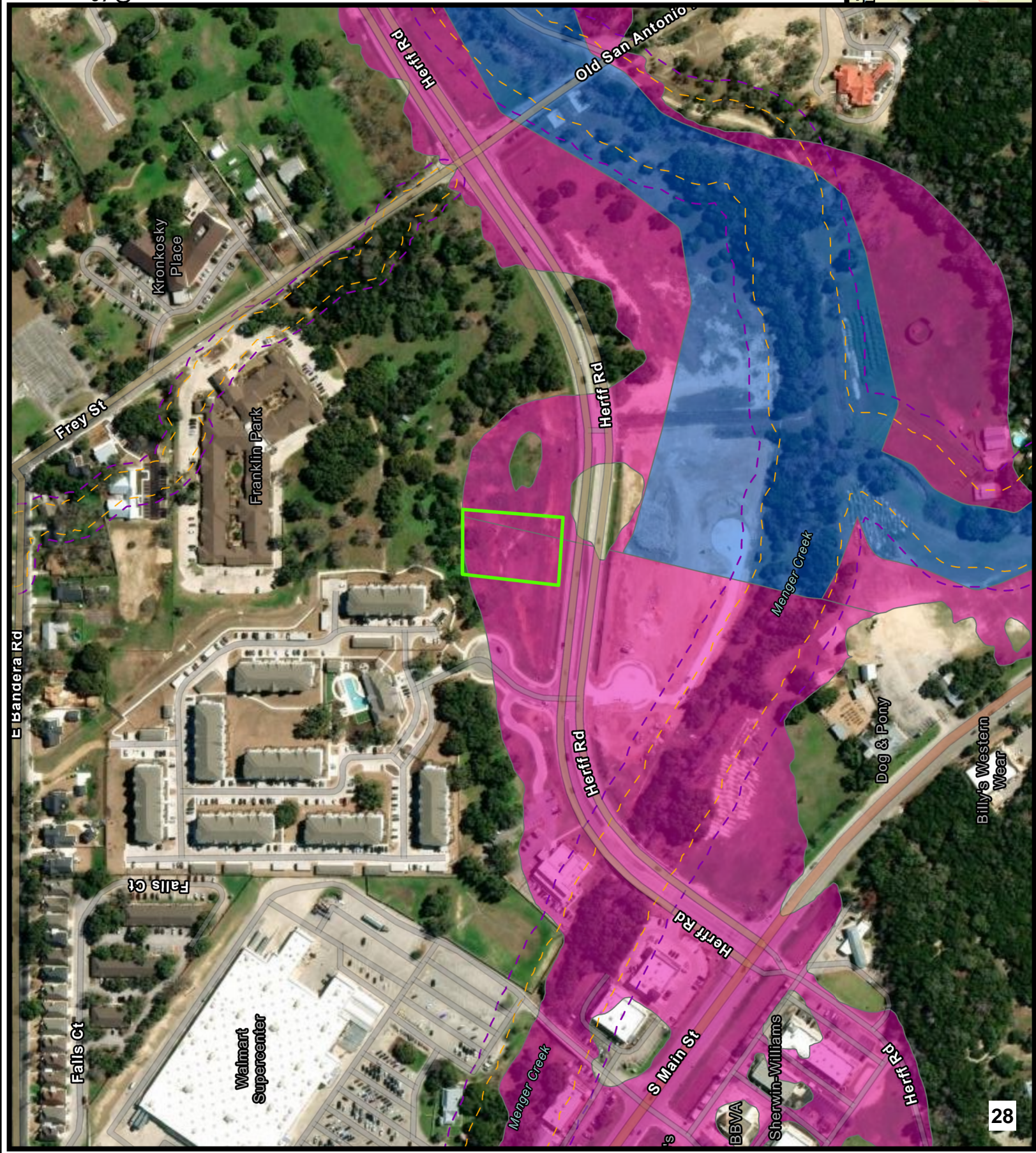
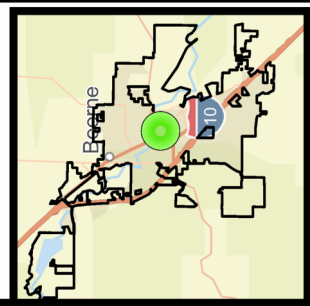




SUBJECT PROPERTY
Commons at Menger
Creek Unit 11

Legend

- SUBJECT PROPERTY**
- DPZ 1
 - DPZ 2
 - SARA Floodplain
 - SARA Floodway
 - <all other values>



April 9, 2025

City of Boerne
Planning and Community Development
447 N. Main Street

Re: SUP Submittal – Development Impact Letter
Commons at Menger Creek Unit 11 – Starbucks Herff Road – South Boerne
LJA Project Number SA195-0407A.SUP

To Whom It May Concern:

Please consider this letter as efforts to satisfy UDC requirements in Sec. 2.5.D pertaining to Special Use Permits in direct reference to Development Impacts of the proposed Starbucks Coffee Shop & Retail Development @ Herff Road South Boerne, Tx.

Factors considered include but not limited to:

1. Community Safety – The day-to-day use of the proposed Starbucks & Retail establishment is not foreseen to disrupt community safety or contribute to any unsafe work practices in anyway. At ultimate development, pedestrian accessibility will be with regard to internal access & routing throughout the northern tract. With a major arterial roadway dividing the tracts & a 35 mph speed limit, we feel each tract shall operate in a similar manner as well. It is likely best suited for southern tract pedestrians to cross Herff road via vehicle or city funded transit or stop lights with crosswalks be designed and constructed. As far as a Starbucks coffee shop drive thru window, no foreseen safety concerns are identifiable with this special request.
2. Traffic – Traffic to and from the proposed Starbucks establishment has been evaluated and found to be compliant with a previously city approved traffic study, However the peak hour trip counts for Starbucks South Boerne are in excess of the right-in-right-out threshold and will likely require a deceleration lane on the Herff Roadway fronting the establishment. Starbucks drive thru window is anticipated to assist in traffic maneuverability into, through and out of the site as opposed to potential internal traffic congestion without a drive thru window.
3. Parking – Parking will be in accordance with Texas Accessibility Standards and also in accordance with the City of Boerne ordinances, EDM and screening requirements. Parking and traffic that this subject site will not to pose a negative impact to this area. With a gross floor area of 6,300 & a 1:300 parking requirement, the proposed development requires 21 space w/ 1 ADA.
4. Loading – All loading & unloading for the Starbucks & Retail establishment will take place on-site within the Platted boundary of this parcel Block B, Lot 11A. Typical loading and unloading practices shall be made within proximity of the patio area but also available will be rear access within the 26' wide access road with back door access into the building facility. It is not foreseen that loading and unloading will pose a disruption on basic parking maneuvering within the site.

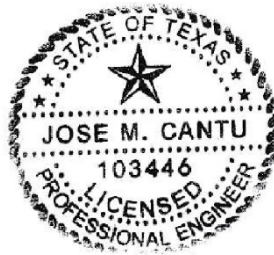
5. Driveways – One Herff Road curb cut commercial driveway right-in-right-out (RIRO) has been granted acceptable by the city to propose so long as TxDOT spacing requirements have been met and a right in and right out (RIRO) situation can be met. In planning & designing the site plan LJA can confirm that this spacing requirement of 250' pavement to pavement has been met as well as a 40' throat length into the site. The 26' wide (fire accessible) curb-cut access drive into the subject site shall not have a negative adverse impact to the normal flow of traffic on Herff Rd. This commercial driveway RIRO is part of the Public Improvements Plans (LOC Infrastructure Documents) submittal which is currently in the city's court at the brink of approval at review #4. Refer to those plans if need be also provided within this submittal.
6. Building Setbacks – Building setbacks will be in accordance with current C-2 zoning requirements. Front Yard 0-15 ft, side yard 5', rear yard 10'. The site plan provided meets these requirements.
7. Access and Curb Cuts – As mentioned above, one Herff Road curb cut driveway has been granted acceptable by the city to propose so long as TxDOT spacing requirements have been met and the RIRO situation can be met. Furthermore, this curb cut access has been deemed acceptable since the MDP approval stage as it is reflected within the approved MDP.
8. Development Density – The proposed development density establishes *1 building per acre*. This site development manages to provide a 6,300 gross floor area mixed use integrated footprint with a 2,400 S.F. dedicated to Starbucks Coffee shop and the remainder 3,900 S.F. being dedicated to general retail. Density remains under the 80% threshold to be in accordance with the master drainage report.
9. Hours of Operation – Normal operation hours are 5am – 9pm Monday thru Sunday.
10. Property Values – Starbucks South Boerne will be a good tax generating business with a significantly positive impact to surrounding properties. Starbucks is a highly reputable name in the coffee industry, this SoBo location will boast a local owner/franchisee, 1 manager and 3-5 baristas employees at all times. Additional values include no loitering, pet friendly and a clean site expectations. Their stores are well built with architectural finishes that are aesthetically pleasing.
11. Viewshed Protection – With all loading and offloading being constrained to onsite and in conjunction with a comprehensive landscape and natural screening plan tailored to the cities liking; Starbucks SoBo view from the public eye and Herff road will complement the crisp & clean natural look that the SoBo Overlay district desires. The development boasts a 25' x 25' patio area, complementary internet access and a casual/leisure pocket park with seating on the neighboring lot (Lot 11B Site Development Permit). The building footprint, refreshing patio, future pocket park and organic landscape screening fits well with any neighboring community. The drive thru window is not foreseen to adversely affect the viewshed.
12. Impervious Cover – C-2 Transitional commercial zone requires 80% max impervious cover allowed. The Starbucks & Retail South Boerne parcel manages to accommodate 36 parking spaces, 2 drive isles (w/ 1 fire access) and a building envelope amounting to 75% impervious meeting the threshold requirement.
13. Noise – Starbucks South Boerne and retail boutique is not anticipated to generate noise in excess to the city's noise ordinance. In conjunction with the natural screening, noise generated from the drive thru window is not expected to be of any concern.

14. Light – Starbucks South Boerne and retail establishment will meet the city’s dark sky and light ordinances of District 3 & any additional ordinances described therein. Light fixtures are cut-off and downcast to prevent glare and additional light on surrounding properties. The drive thru window special request is not anticipated to adversely impact lightning ordinances.
15. Vibration – Vibration is not anticipated to be a pollutant within the site as a whole. It is presumed that the decibels from the traffic of Herff Road will overcome all noise and vibrations that Starbucks & Retail South Boerne drive thru window can produce.
16. Hazardous or Flammable Materials – At Starbucks & Retail South Boerne shall not produce or house hazardous or flammable materials as whole nor will any drive thru window contribute to this concept.
17. Discharge/Water Contamination – This development is not anticipating to produce any contaminants that need be discharged into public municipal infrastructures. This site will tap into existing domestic & sanitary infrastructure for those needs. Drive thru window shall not play any role in this concept either.

This Letter of compliance to your office comes with intention to satisfy requirements from the City of Boerne Unified Development Code in reference the Special Use Permit Submittal Application Checklist. We appreciate your time and consideration in this matter.

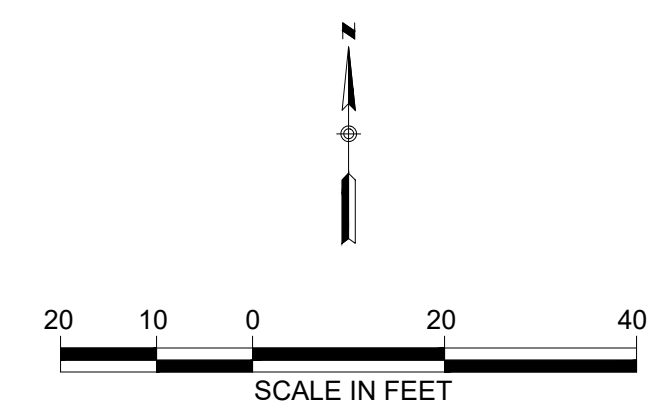
If you have any questions or require additional information, please do not hesitate to call our office.

Sincerely,
LJA Engineering, Inc.
TBPE No. F-1386



Jose M. Cantu, PE
Senior Project Manager

1. SITE ZONE = C-2 TRANSITIONAL COMMERCIAL (SOBO MIXED-USE CHARACTER ZONE)
2. GROSS = 1 ACRE (43,583 S.F.)
NET= 0.80 ACRE (34,866 S.F.)
3. BUILDING G.F.A. = 6,300 S.F. *MIXED USE* (2,400 S.F. STARBUCKS & 3,900 RETAIL)
4. BUILDING COVERAGE = 13.8%
5. PARKING REQUIREMENT 1:300 = 6,300/300 = 21 PARKING SPACES. 36 PROVIDED (34 STANDARD AND 2 ADA)
6. BICYCLE PARKING REQUIREMENT: 1:20 = 1 SPACE PER EVERY 20 PARKING SPACES = 1 SPACE REQUIRED (2 PROPOSED)



- (A) 10' UTILITY ESM'T
- (B) 26' INGRESS/EGRESS ESM'T
- (C) 30' UTILITY ESM'T
(VOL. 1642, PG. 1, KCOPR)
- (D) 0.502-AC. DRAINAGE ESM'T
(VOL. 1485, PG. 787, KCOPR)
- (E) 26' INGRESS/EGRESS ESM'T
DOC# 2022-373511

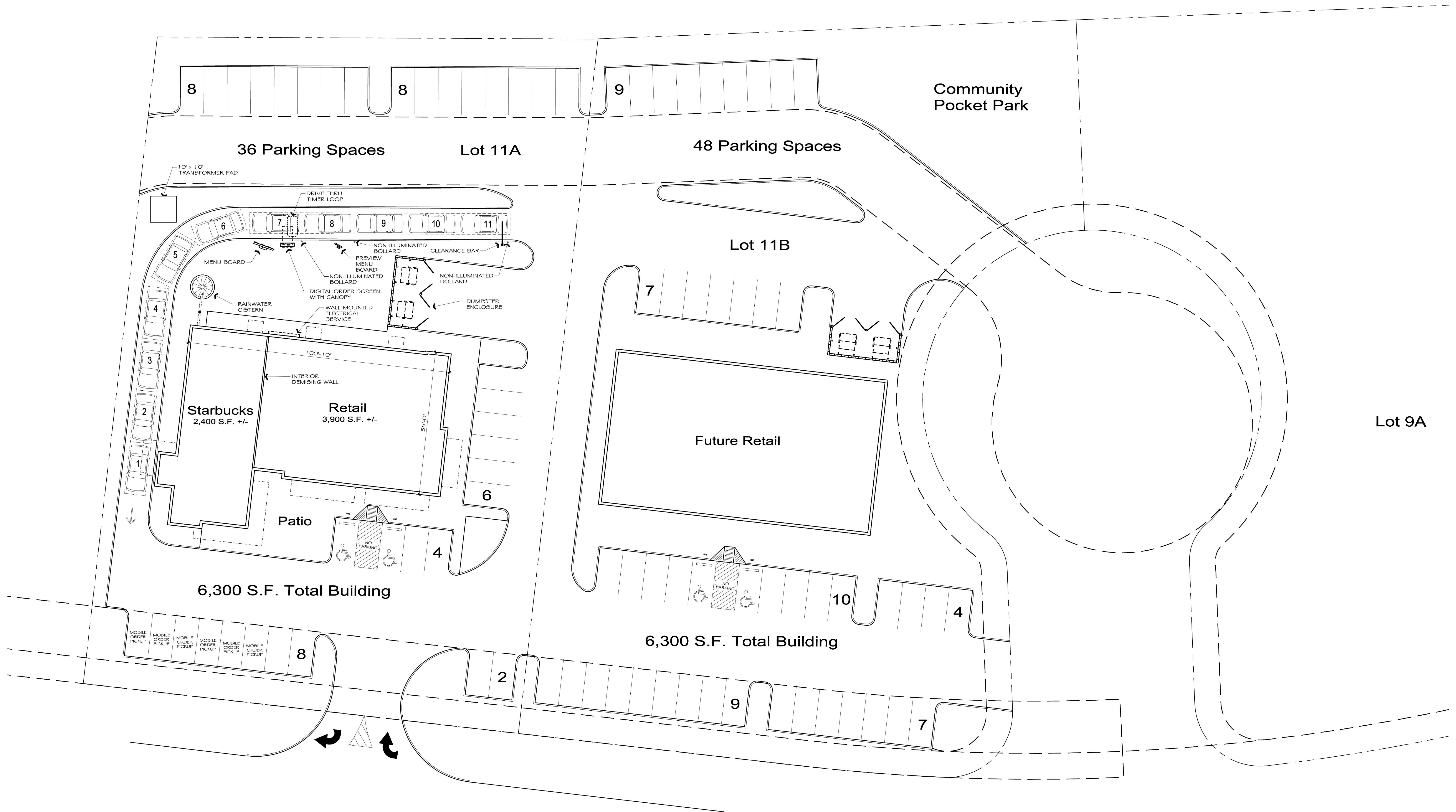
SHEET NAME

STARBUCKS SOUTH BOERNE
INVESTCOR

LJA Engineering, Inc.
9830 Colomade Blvd
Suite 300
San Antonio, Texas 78230
Phone 210.503.2700
LJA.COM
TBPE No. F-1386

1 OF 1

Date\Time : Thu, 01 May 2025 - 4:30pm



1 ARCHITECTURAL SITE PLAN

SCALE: 1/16" = 1'-0"



* This SUP is only for lot 11A

HERITAGE LEGACY TREE:
1. THERE ARE 1 HERITAGE LEGACY TREES, AS DEFINED IN SUBSECTION 2.02.002,
IDENTIFIED ON THIS PLAT.

TREE TABLE

TREE TAG NO.	TC/SPECIES
20062	98" LIVE OAK

COMMONS AT MENDER CREEK UNIT 5
LOT 12A, BLOCK A
15.538 ACRES
676,835 SQ. FT.
VOL. 9 PG. 379
D.P.R.

JOHN SMALL SURVEY No. 183
ABSTRACT No. 441
CITY OF BOERNE
KENDALL COUNTY, TX

J-B REALTY, LP
CALLED 6.479 ACRES
VOL. 1614, PG. 1021
O.P.R.

UNPLATTED
REMAINDER 4.23 ACRES
OF BOERNE COMMONS, LTD.
LIMITED PARTNERSHIP
VOLUME 1614, PAGE 971
O.P.R.

2.105 ACRES
(91,683 SQ.-FT.)

LOT 4
BLOCK B
1.10 ACRES
47,916 SQ. FT.
COMMONS AT MENDER
CREEK UNIT 6
DOC# 2022-373511
O.P.R.

LOT 11A
BLOCK B
1.00 ACRES
43,583 SQ. FT.

LOT 11B
BLOCK B
1.10 ACRES
48,091 SQ. FT.

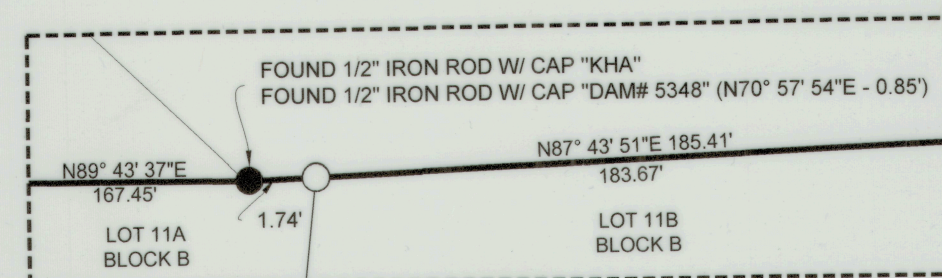
HERFF ROAD
MAJOR ARTERIAL
(120' R.O.W.)
VOL. 1485, PG. 773 O.P.R.

100 YEAR FLOODPLAIN LIMITS
LJA LOMR APPROVED BY CITY OF BOERNE ON
6/15/2023 & SUBMITTED TO FEMA

UNPLATTED
REMAINDER 16.415 ACRES
OF BOERNE COMMONS, LTD.
LIMITED PARTNERSHIP
VOLUME 1614, PAGE 971
O.P.R.

LINE	BEARING	DISTANCE
L1	N87° 43' 51"E	1.74'
L2	S2° 17' 08"E	80.84'
L3	S2° 10' 31"E	54.14'
L4	S89° 43' 38"E	159.72'
L5	N87° 42' 52"E	80.23'
L6	S52° 18' 45"E	85.69'
L7	N52° 18' 45"W	59.95'
L8	S87° 42' 52"W	80.82'
L9	N89° 43' 38"W	160.30'
L10	S69° 38' 10"W	3.91'
L11	S2° 10' 31"E	56.50'
L12	S2° 31' 45"E	10.00'

Curve #	Rad.	Arc	Delta	Chord Bearing	Chord
C1	65.00'	158.78'	139°57'41"	S17° 29' 22"W	122.15'
C2	18.00'	15.81'	50°18'57"	S27° 20' 00"E	15.30'
C3	25.00'	41.32'	94°42'17"	S45° 10' 37"W	36.78'
C4	775.10'	54.26'	4°00'40"	N85° 27' 55"W	54.25'
C5	51.00'	9.43'	10°35'57"	N84° 58' 24"E	9.42'
C6	51.00'	35.60'	39°59'22"	S72° 18' 26"E	34.88'
C7	35.00'	23.95'	39°12'43"	S71° 55' 07"E	23.49'
C8	50.00'	251.71'	288°26'35"	S52° 41' 49"W	58.47'
C9	35.00'	42.29'	69°13'52"	N17° 41' 49"W	39.76'
C10	25.00'	17.45'	39°59'22"	N72° 18' 26"W	17.10'
C11	25.00'	9.00'	20°38'12"	S79° 57' 16"W	8.96'
C12	75.00'	185.44'	141°39'48"	S16° 38' 10"W	141.68'
C13	3.00'	2.72'	52°01'12"	S28° 11' 08"E	2.63'
C14	15.00'	24.79'	94°42'16"	S45° 10' 12"W	22.06'



DETAIL 'A'
SCALE 1" = 1"

ENGINEER:
LJA ENGINEERING, INC.
9830 COLONNADE BLVD., SUITE 300
SAN ANTONIO, TEXAS 78230
CONTACT: JOSE M. CANTU, P.E.
PHONE # (210) 503-2700
FAX # (210) 503-2749

SURVEYOR:
LJA SURVEYING
9830 COLONNADE BLVD., SUITE 300
SAN ANTONIO, TEXAS 78230
CONTACT: GORDON N. ANDERSON, R.P.L.S.
PHONE # (512) 439-4700

FINAL SUBDIVISION PLAT OF COMMONS AT MENDER CREEK UNIT 11

BEING 2.105 ACRES OF LAND OUT OF THE JOHN SMALL
SURVEY No. 183, ABSTRACT No. 441, CITY OF BOERNE,
KENDALL COUNTY, TEXAS, BEING ALL OF THE REMAINDER OF
A CALLED 31.981 ACRES, TRACT 1, BY INSTRUMENT TO
BOERNE COMMONS, LTD. RECORDED IN VOLUME 1614, PAGE
971 OF THE OFFICIAL PUBLIC RECORDS OF KENDALL COUNTY,
TEXAS.

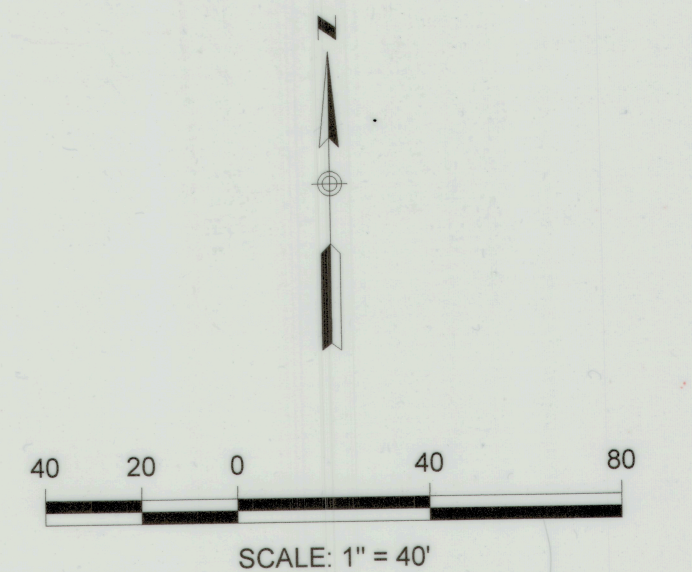
LJA Engineering & Surveying, Inc.

9830 Colonnade Blvd
Suite 300
San Antonio, Texas 78230

Phone 210.503.2700
LJA.COM
FRN - F-1386

T.B.P.E.L.S. FIRM No. 10194382

SHEET 2 OF 2



LEGEND

- 1/2" IRON ROD FOUND (UNLESS NOTED)
- 5/8" IRON ROD W/ 'LJA SURVEYING CAP' SET
- CALCULATED POINT
- BOUNDARY
- EASEMENT BY THIS PLAT
- PROPERTY LINE
- LJA LOMR AS APPROVED BY CITY OF BOERNE ON 6/15/2023 (FEMA SUBMITTED)
- EXISTING EASEMENT
- REFERENCE TIE
- O.P.R. OFFICIAL PUBLIC RECORDS OF KENDALL COUNTY, TEXAS
- D.P.R. DEED AND PLAT RECORDS OF KENDALL COUNTY, TEXAS
- R.O.W. RIGHT-OF-WAY
- VOL. VOLUME
- PG. PAGE
- DOC # DOCUMENT NUMBER
- TC TOTAL CIRCUMFERENCE
- SQ.-FT. SQUARE FEET
- HERITAGE LEGACY TREE

EASEMENT TABLE

- A 10' UTILITY ESMT
- B 26' INGRESS/EGRESS ESMT
- C 30' UTILITY ESMT (VOL. 1642, PG. 1, O.P.R.)
- D 0.502-AC. DRAINAGE ESMT (VOL. 1485, PG. 787, O.P.R.)
- E 26' INGRESS/EGRESS ESMT (DOC# 2022-373511, O.P.R.)

ADDRESS TABLE

LOT	ADDRESS
11A	84 HERFF ROAD
11B	82 HERFF ROAD



Peak Hour Trip Generation Form City of Boerne, Texas

Development Name:	Starbucks & Retail
Applicant:	
Legal Description (Lot, Block):	Unit 11A
Case / Plat Number:	
Date:	4/8/2025

Alternate Peak (SAT, SUN, Generator):

Saturday

ITE Code	Land Use	Variable	Density	AM Peak Hour Rate	AM Total Trips	AM In 0.51	AM Out 0.49	PM Peak Hour Rate	PM Total Trips	PM In 0.50	PM Out 0.50	Other Peak Hour Rate	Other Total	Other In 0.50	Other Out 0.50
937	Coffee Shop	1,000 sf	2.4	88.99	213.6	108.9	104.7	43.48	104.4	52.2	52.2	87.7	210.48	105.24	105.24
						0.8	0.2			0.51	0.49			0.50	0.50
876	Retail	1,000 sf	3.4	1.0	3.4	2.72	0.68	4.12	14.0	7.14	6.86	5.32	18.1	9.05	9.05
Total					217.0				118.4				228.58		

To Be Completed by City of Boerne

Peak Period	
Peak Hour Trips	
TIA Required	
Turn Lane Evaluation Required	

Reviewed/Approved By _____

Worksheet Last Updated: 3/24/2023

D. SPECIAL USE PERMITS

1. Purpose and Applicability

A Special Use Permit (SUP) allows for certain uses that are not permitted in a particular base zoning category by right, but which may be permitted under certain circumstances and application of certain conditions. SUPs require individual, discretionary review of location, design, configuration and operation in order to demonstrate compatibility with neighboring uses, adequate mitigation or resolution of negative impact, consistency with the Comprehensive Master Plan, and adequate offsets of any disproportionate burden upon the public infrastructure systems of the City.

2. Special Use Permits

An owner of real property, or that owner's authorized representative, may initiate a SUP for that property by filing an application with the Planning Department. The SUP request may, upon owner's discretion, be included as a part of an overall zoning or rezoning application, provided that all of the requirements of this Chapter are met. SUPs will be processed and considered in accordance with the procedures described in Section 2.6.

3. Pre-Application Meeting

The owner or owner's authorized representative shall meet with the Planning Director or designated staff prior to submittal of the SUP application. At this pre-submittal meeting, the owner will present a preliminary, non-binding plan (conceptual or sketch plan) to the Planning Director, for discussion purposes only. The official will provide the owner or owner's authorized representative with a checklist of submittal requirements for the SUP application, including impact mitigation factors that should be addressed. The particular requirements for impact mitigation will depend on the special use being proposed, the scale of the project, and the location of the property in question. Staff may make recommendations for the presented plan based on similar projects submitted for consideration by the Commission.

a. Application Contents

- i. General Content Required for All Zoning Applications
- ii. The SUP application shall be organized into the sections defined for all zoning applications. Project Checklist, provided at the pre-application meeting, shall be included
- iii. Letter of Justification
The applicant shall include in the SUP Application, in accordance with the SUP Application Checklist, a Letter of Justification that describes the proposed project. The letter should be a summary of application content, and should include, at a minimum:
 - (a) Project owner and/or developer
 - (b) Project description
 - (c) Benefits of the proposed project to neighboring properties and to the community at large
 - (d) Description of consistency with the Comprehensive Master Plan
 - (e) Description of consistency with the other Comprehensive Master Plans of the City, including thoroughfares, utilities, parks and economic development
 - (f) Measures taken to ensure compatibility of the proposed project with surrounding (existing) uses

b. Development Impact

- i. Each SUP application shall also include information indicating how potential impacts of the requested special use will be addressed, according to the particular land use district in which the property is located, in order to promote the character, intent and right of use of neighboring properties. These potential impacts will be identified during the pre-submittal meeting and provided as a part of the checklist of application requirements and will be included in the application. For more information, see the SUP Application Checklist.
- ii. The potential impacts of special use projects on neighboring properties will be selected from the list of factors below and identified on the submittal checklist that the applicant receives from the City at the pre-submittal conference. It is the property owner's responsibility to demonstrate adequate treatment of these issues either through design or operation of the proposed special use. Council reserves the right to accept, reject, or require modification to any measures proposed in the application.
 - (a) Community safety;
 - (b) Traffic;
 - (c) Parking;
 - (d) Loading;

- (e) Driveways;
- (f) Building setbacks;
- (g) Access and curb cuts;
- (h) Development density (may include footprint, height, people dwelling onsite, or other factors);
- (i) Hours of operation;
- (j) Property values;
- (k) Viewshed protection;
- (l) Impervious cover;
- (m) Noise;
- (n) Light;
- (o) Vibration;
- (p) Hazardous or flammable materials;
- (q) Special solid waste disposal requirements;
- (r) Discharge/water contamination; and
- (s) Other

c. Application copies

The application package shall be submitted digitally. A paper copy of the document will also be required when certified documents are included. The application check list will indicate the number of paper copies required.

4. Criteria for Approval

- a. Planning and Zoning Commission may recommend, and City Council may approve the application for a Special Use Permit if:
 - i. the proposed special use is determined to comply with the intent of all applicable requirements of the Code and with adopted plans and policies of the City;
 - ii. the application demonstrates mitigation of potential impacts; and
 - iii. the following general criteria are met:
 - (a) The use complies with the purpose and intent of the zoning classification of the property, as well as any applicable supplemental regulations as required by Council.
 - (b) The use is consistent with the Comprehensive Master Plan.
 - (c) The establishment, maintenance, or operation of the proposed use shall not endanger or be detrimental to the public health, safety, morals, comfort, or general welfare of the community.
 - (d) The use shall have no more adverse effects on health, safety, or comfort of persons living or working in neighboring properties or shall be no more injurious to neighboring properties than would any other use generally permitted under the same categorical zoning designation.
 - (e) The use will not result in traffic volumes or circulation patterns that negatively affect streets and intersections likely to be used by traffic to and from the proposed development without approved mitigation of impact;
 - (f) The proposed use shall not injure the use and enjoyment of the property in the immediate vicinity for the purposes already permitted nor substantially diminish or impair the property values within the neighborhood.
 - (g) The proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted therein.
 - (h) The use will not create detrimental operational impacts, through hours of operation, management of traffic, servicing and loading operations, and any on-site operations associated with the ongoing functions of the use on the site, on neighboring properties.
 - (i) The use will not create detrimental health and safety impacts, such as noise, emissions, or vibrations, through functions within the proposed site.
 - (j) The use will not create detrimental impacts on the potential for future development of neighboring properties; and
 - (k) The public interest and welfare supporting the use shall be sufficient to outweigh the individual interests that are adversely affected by the establishment of the proposed use.

5. Public Hearings and Decisions

a. The Planning and Zoning Commission and the City Council shall hear applications for Special Use Permits.

b. Public hearings shall be held for applications for Special Use Permits.

c. Notice of Public Hearings

Notice required for a public hearing before the Planning and Zoning Commission or the City Council shall be in accordance with the requirements for public notice established by this Chapter.

d. Hearing and Recommendation by the Planning and Zoning Commission

The Planning and Zoning Commission shall hold a public hearing on the Special Use Permit application at the next meeting following notification requirements as stated in this Code. After the public hearing, the Commission shall recommend to approve, approve with conditions, approve in part, deny or deny in part the application. Where the Commission fails to render its decision at the required public hearing, the decision shall be deemed to have been rendered as a recommendation for denial of the applicant, unless the applicant has agreed in writing or on the record to an extension of time.

e. Negative Recommendation of Planning and Zoning Commission

If the Planning and Zoning Commission recommends denial of a Special Use Permit application, the permit application shall require approval by a super majority vote by City Council.

f. Hearing and Action by City Council

City Council shall hold a public hearing on the Special Use Permit application within forty-five (45) days of the Planning and Zoning Commission's action on the application. After the public hearing, Council shall act to approve, approve with conditions, approve in part, deny or deny in part the application, within forty-five (45) days of the council hearing, or the next scheduled meeting in which public notice can be made. In taking action, the City Council shall consider the criteria for approving a Special Use Permit. Where Council fails to render its decision within the period specified by this subsection, or fails to hold the required public hearing within forty-five (45) days from the date of the decision of the Planning and Zoning Commission, the decision shall be deemed to have been rendered in denial of the applicant, unless the applicant has agreed in writing or on the record to an extension of time. When a decision is rendered in denial of the applicant because of the failure of Council to meet or render a decision as hereinabove provided, the Planning Director shall give public notice of said decision within ten (10) days of expiration of the forty-five (45) days following the council hearing.

g. Requirements for Approval by Three-fourths Vote

The affirmative vote of three-fourths of the members of the City Council is required for approval of a proposed Special Use Permit if:

i. The proposed Special Use is protested in writing by the owners of at least 20% of the area of land that is either included in the proposed zoning classification or at least twenty percent (20%) of the area of land immediately adjoining the area included in the proposed zoning classification and extending 200 feet from that area. In computing the percentage of land area, the area of streets and alleys shall not be included in the computation.

ii. Written protests must be received by the City Manager no later than 12:00 p.m. of the previous business day prior to the posted date and time for the zoning hearing on the city council's agenda.

- iii. If the written protests appear to be at least twenty percent (20%) of either the area of the lots or land covered by the proposed change or the area of the lots or land immediately adjoining the area covered by the proposed change and extending two hundred (200) feet there from, the applicant shall be entitled to, but is not required to, request a continuance if all members of the City Council are not present.

6. Subsequent Applications

- a. When an application has been withdrawn

An application for a SUP may be withdrawn at any time. If the application has been advertised in compliance with State Law, an application requesting substantially the same use on all or part of the same described land shall not be reconsidered within three months of withdrawal.

- b. When an application has been denied

In the event that the City Council denies an application for a Special Use Permit, a similar application shall not be refiled within one year from the date of the denial, unless the Planning and Zoning Commission, upon petition by the applicant, determines that significant physical, economic or land use changes have taken place within the immediate vicinity, or a significant zoning regulation text change has been adopted, or when the reapplication is for a different use than the original request. The applicant shall submit a statement in detail setting out those changes which he or she deems significant and upon which he or she relies for refiled the application.

7. Scope of Approval

- a. Once a SUP has been granted, the approved use may only be enlarged, extended, increased in intensity or relocated under the conditions of a major or minor amendment, unless, in approving the initial application for a SUP the City specifically established an alternative procedure for future expansion or enlargement. The provisions for nonconforming uses and vested rights do not supersede this requirement, unless the specially permitted use is no longer a use permitted by right or as a special use in the assigned zoning category.
- b. The terms of approval shall be set by City Council. Special Use Permits are granted to the property, and not to the landowner. Therefore, the Permit shall be transferable upon sale.

8. Expiration of Approval of Special Use Permits

- a. A Special Use Permit shall automatically lapse and become null and void if:
 - i. the applicant fails to satisfy any condition that was imposed as part of the approval of the SUP or that was made under the terms of any development agreement, within the time limits established for satisfaction of such condition or term;
 - ii. the applicant fails to submit a subsequent development application required by the Code within the time so required. If no time limit for satisfaction of conditions is specified in the decision on the development application, the time shall be presumed to be one year from the date the decision was made;
 - iii. the Special Use involves physical improvements that have not been substantially initiated within one (1) year of the date of approval or authorization approval of the SUP;
 - iv. after starting construction, the construction is discontinued for a period of one (1) year or more; or
 - v. No physical improvements are made, and a Certificate of Occupancy is not issued for the Special Use within two (2) years of the date of approval or authorization.
- b. Effect of Expiration

- i. No Certificate of Occupancy shall be issued after approval lapses unless the approval or authorization is renewed.
 - ii. No physical improvements shall be made after approval lapses unless the approval or authorization is renewed.
 - iii. Upon the expiration of a SUP, all previously approved permits for the same land also shall expire on the expiration date if (1) the expired permit is subordinate to such previously approved permits and (2) the filing of an application for or approval of the expired permit was required to avoid expiration for the previously approved permit or permits. Thereafter, a new application for each permit deemed expired under this Section must be approved subject to regulations in effect at the time the new application is accepted for filing.
- c. Renewal after lapse

The City Council may renew its approval of a SUP for which approval has lapsed, provided that no more than one (1) year has elapsed since the date of expiration of the original approval or, in the case of discontinuance of work, since the date of discontinuance. Renewal shall require formal action, but it shall not require public notice or hearings. Renewal shall have the same effect as the original approval. If no renewal is granted with the one-year period allowed for renewals, the original approval shall be void and no further effect. Occupancy Permits shall be automatically renewed coincidentally with and for the same time periods and limitations as prescribed for SUP renewals.

9. Minor SUP Amendments

A SUP amendment is a request for any enlargement, expansion, increases in intensity, relocation, or modification of any condition of a previously approved and currently valid SUP. Amendments shall be processed as follows: shifts in on-site location and changes in size, shape, intensity, or configuration of less than 5 percent, or a 5 percent or less increase in either impervious surface or floor area over what was originally approved, may be authorized by the Planning Director, provided that such minor changes comply with the following criteria:

- i. No previous minor modification has been granted pursuant to this section;
- ii. There will be no detrimental impact on any adjacent property caused by significant change in the appearance or use of the property or any other contributing factor;
- iii. Nothing in the currently valid SUP precludes or otherwise limits such expansion or enlargement; and
- iv. The proposal conforms to all applicable requirements of Title XV and is in keeping with the spirit and intent of the Comprehensive Master Plan.

10. Major SUP Amendments

All amendments, other than those amendments provided for in this Section, shall be considered major SUP amendments and shall require approval in the same manner and under the same procedures as are applicable to the issuance of the original SUP approval.





DRIVE THRU

STARBUCKS
COFFEE

















AGENDA ITEM SUMMARY

Agenda Date	June 24, 2025
Requested Action	APPROVE ON FIRST READING ORDINANCE NO. 2025-08; AN ORDINANCE AMENDING THE CITY OF BOERNE, TEXAS, CODE OF ORDINANCES, CHAPTER 22, UTILITIES, AMENDING ARTICLE II. WATER SYSTEM, SEC. 22-55. CRITERIA FOR INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES (EXCEPT WHEN A CRITICAL WATER SHORTAGE EXISTS); SEC. 22-56. DROUGHT RESPONSE STAGES. (TCEQ MANDATED DROUGHT CONTINGENCY PLAN UPDATE)
Contact Person	Andrea Snouffer – Utilities Administrative Supervisor Michael Mann – Utilities Director
Background Information	<p>As required by the Texas Commission on Environmental Quality (TCEQ), the City submitted its five-year update of the Water Conservation Plan on May 1, 2024. This update includes the City’s Conservation and Emergency Drought Management Ordinance.</p> <p>Following TCEQ’s review, the agency requested additional revisions to meet current requirements. Specifically, TCEQ requested that the ordinance be updated to include:</p> <ul style="list-style-type: none"> • Clear criteria for initiating and ending drought response stages • Quantified targets for water use reductions during drought and water shortages • Procedures for residents and businesses to request a water use variance <p>Additionally, the Guadalupe-Blanco River Authority (GBRA) recently notified the City that all wholesale customers with contracted supplies from Canyon Reservoir must submit a curtailment plan that aligns with Section 10.2 of GBRA’s Drought Contingency Plan. The proposed ordinance language has been reviewed and deemed sufficient by GBRA.</p> <p>City staff have incorporated all required revisions and recommend that City Council approve the updated Conservation and Emergency Drought Management Ordinance prior to its final submission to TCEQ.</p>

Strategic Alignment	B1 - Utilizing data to drive smart decision making B2 - Advancing master plan recommendations	
Financial Considerations	There is no fiscal impact associated with this ordinance update.	
Citizen Input/Board Review	N/A	
Legal Review	The City Attorney's Office has reviewed the proposed ordinance language.	
Alternative Options	Council may suggest edits to the ordinance language; however, approval of an ordinance including the required information is mandated by TCEQ to maintain compliance.	
Supporting Documents	Ordinance No. 2025-08 (includes proposed changes)	

ORDINANCE NO. 2025-08

AN ORDINANCE AMENDING THE CITY OF BOERNE, TEXAS, CODE OF ORDINANCES, CHAPTER 22, UTILITIES, AMENDING ARTICLE II. WATER SYSTEM, SEC. 22-55. CRITERIA FOR INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES (EXCEPT WHEN A CRITICAL WATER SHORTAGE EXISTS); SEC. 22-56. DROUGHT RESPONSE STAGES

WHEREAS, it becomes necessary from time to time to make certain changes in ordinances of the City of Boerne, Texas;

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

that the Code of Ordinances, City of Boerne, Texas, Chapter 22, Utilities, Section 22-55. Criteria for initiation and termination of drought response stages (except when a critical water shortage exists); Section 22-56. Drought responses stages:

ARTICLE II. WATER SYSTEM

DIVISION 2. CONSERVATION AND EMERGENCY DROUGHT MANAGEMENT.

Sec. 22-55. Criteria for initiation and termination of drought response stages (except when a critical water shortage exists).

(a) Upon determination that a critical water shortage exists or is imminent as described in section 22-53, or other pertinent conditions indicate that implementation criteria have been met, the utilities director shall report the condition of the water supply to the city manager.

(b) The city manager shall report the water supply conditions to the city council within three (3) days (seventy-two (72) hours) of consultation with the utilities director.

(c) Upon consultation with the mayor and utilities director on water supply conditions, storage and production restraints, the city manager shall determine the implementation date of Stage I and all consequent water use restrictions. Thereafter, each subsequent stage shall take effect after determination by the city manager that the new implementation conditions have been reached and with at least twenty-four (24) hours public notice of the change.

(d) The city manager may terminate emergency water use restrictions or water stage restrictions, when conditions warrant such termination. Public notice of such termination, giving the effective date and listing the restrictions being terminated, shall be posted electronically, if feasible, and in the usual physical location for posting of public notices.

(e) No person, corporation or other entity including, without limitation, any customer utilizing water provided by the city (including reclaimed water) shall knowingly make, cause, use or permit the use of water received from the city for residential, commercial, industrial, agricultural, governmental or any other purpose in a manner contrary to any provision of this ordinance. There shall be four (4) designated stages which incorporate progressive water use restrictions intended to curb non-essential water use to both lower overall water consumption as well as minimize peak demand for water production.

(1) Stage 1 – Mandatory conservation measures with the desired result of a fifteen (15) percent reduction in overall water consumption.

(2) Stage 2 – Mandatory conservation measures with the desired result of a twenty-five (25) percent reduction in overall water consumption.

(3) Stage 3 - Mandatory conservation measures with the desired result of a thirty-five (35) percent reduction in overall water consumption.

(4) Stage 4 - Mandatory conservation measures with the desired result of a forty-five (45) percent reduction in overall water consumption.

(f) The city manager may initiate and terminate emergency water use restrictions on reclaimed water use as a response to limitations on production and/or supply, including implementation of drought response stages shown in section 22-56.

(g) Water Production Capability and Pumping Capacity

1. Surface Water (Boerne City Lake)- The City can produce up to 1.3 million gallons per day (MGD) with high service pumping capacity of 2,600 GPM in addition to onsite treated water storage of 3.0 MG. Production, storage, as well as weather conditions within the watershed draining to Boerne City Lake are monitored on a daily basis. Factors that can limit production are TCEQ withdrawal limits and drought conditions.

2. Groundwater (Boerne City Wells) – The City's withdrawal permit from Cow Creek Groundwater Conservation District allows up to 1,850-acre feet per year or 1.65 MGD. There are nine (9) active wells with a combined pumping capacity of 1,428 GPM. Production is monitored on a daily basis. Factors that can limit production are curtailments from Cow Creek Groundwater Conservation District, and weather conditions such as drought or freezing temperatures.

3. Purchased Wholesale Water (GBRA Western Canyon Regional Water Supply Project) – The City's contracted allotment with GBRA allows up to 3,611-acre feet per year or 3.22 MGD. Annual allocation is based upon anticipated need. This water source is delivered on a constant flow basis. The onsite treated storage capacity is 1.0 MG with a total pumping capacity of 3,150 GPM. A factor that can limit usage is a curtailment from GBRA.

4. Initiation or advancement of drought stages shall occur when demand exceeds the City's combined production capability for at least five (5) consecutive days, and the City is unable to completely replenish storage over a period of two (2) consecutive days. See Section 22-55(g) for a detailed description of City water production capability and how it is evaluated as to the advancement of drought stages.

5. Termination of drought stages will occur when production capability exceeds demand for at least fourteen (14) consecutive days and when the demand model forecast shows this trend anticipated to continue for at least fourteen (14) more days.

6. Due to the combination of water sources, criteria to trigger advancement of water stages is not mandatory.

i. One or more of the following may trigger Stage 1:

- Water storage levels at Boerne City Lake reach 75% full.
- Cow Creek Groundwater Conservation District curtailment of at least 15%.
- Water storage levels in Canyon Lake Reservoir reach 70% full.

ii. One or more of the following may trigger Stage 2:

- Water storage levels at Boerne City Lake reach 65% full.
 - Cow Creek Groundwater Conservation District curtailment of 25%.
 - Water storage levels in Canyon Lake Reservoir reach 60% full.
- iii. One or more of the following may trigger Stage 3:
- Water storage levels at Boerne City Lake reach 55% full.
 - Cow Creek Groundwater Conservation District curtailment of 35%.
 - Water storage levels in Canyon Lake Reservoir reach 50% full.
- iv. One or more of the following may trigger Stage 4:
- Water storage levels at Boerne City Lake reach 45% full.
 - Cow Creek Groundwater Conservation District curtailment of 50%.
 - Water storage levels in Canyon Lake Reservoir reach 40% full and GBRA imposes curtailments on the City's contracted allotment.

Sec. 22.56. Drought Response Stages

All of the following Drought Response Stages are mandatory compliance.

(a) *Stage I.*

- (1) Formal public notification by the City Manager or duly authorized representative of an existing or impending water supply, production, or quality concern.
- (2) Request public to initiate water use curtailments.
- (3) Increase efforts to educate the public by disseminating information on such subjects as water saving tips, water saving devices, irrigation practices, etc.
- (4) Irrigation utilizing individual sprinklers or sprinkler systems of lawns, gardens, landscaped areas, trees, shrubs, and other plants is prohibited except on one designated outdoor water use days (see section 22-57 Designated outside water use days) and only then during the non-restricted hours of 12:00 midnight to 11:00 a.m. and 7:00 p.m. to 12:00 midnight. However, this restriction does not apply to the irrigation of commercial nurseries, commercial sod farms, and similarly situated commercial establishments. Said establishments will be requested to curtail all nonessential water use. Irrigation of lawns, gardens, landscaped areas, trees, shrubs, or other plants is permitted at any time if:
 - a. A hand-held hose is used with a manual or automatic shutoff nozzle;
 - b. A hand-held, faucet-filled bucket of five (5) gallons or less is used; or
 - c. A properly functioning drip irrigation system is used.
- (5) Request general curtailment of indoor water use.

(6) Washing of automobiles, trucks, trailers, recreational vehicles, boats, airplanes and other mobile equipment must be done with a hand-held bucket and hand-held hoses must be equipped with a manual or automatic shutoff nozzle.

(7) Identify and eliminate defective plumbing in a home, business establishment or any location where water is used on the premises to avoid wasting of any water by such defective plumbing.

(8) Allowing defective plumbing in a home, business establishment or any location where water is used on the premises is prohibited. Wasting of any water by reason of defective plumbing as hereinabove mentioned is prohibited and shall include the existence of out-of-repair water closets, underground leaks, defective faucets and taps. Allowing water to flow constantly through a tap, hydrant, valve or otherwise by any user of water connected to the City system, shall be considered wasting of water and is prohibited.

(9) The following uses of water are defined as "waste of water" and are prohibited:

- a. Allowing water to run off into a gutter, ditch, or drain;
- b. Failing to repair a controllable leak;
- c. Applying water to impermeable surfaces; or
- d. Operating an irrigation system with damaged sprinkler heads

(10) Any use of water for the purposes or in a manner prohibited in this section shall be deemed to be a waste of water; and any person in whose name a water meter connection is registered in the utilities department (including reclaimed water meters), which water connection serves premises upon which a violation occurs, shall constitute in evidence a prima facie presumption that the person in whose name such water connection is registered was the person who permitted or caused the act of waste charged to occur on the premises.

(11) The City Manager or his duly authorized representative shall consider permit requests of water users for special consideration to be given due to their respective particular circumstances and shall review and decide such requests. **These special requests are submitted through a variance permit application with the City's Permitting and Code Compliance Department and are issued for a period of thirty (30) days (following approval), or until the effective date of Stage 4 water restrictions, whichever comes first.** The City Manager is hereby authorized, in special cases, to grant a permit from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done. Should a permit for special exception be granted, it shall be in effect from the time of granting; provided, that the permit is prominently posted on the premises. Should the City Manager receive written protest after granting of any such permit which indicates the conditions of the permit are not being met, the City Manager or his duly authorized representative may reconsider the permit. After the conclusion of reconsideration, the City Manager shall take such action by way of revocation of such permit, or refusal to revoke the same, or modification of such permit as the City Manager may deem proper under the circumstances.

(12) The City Manager shall update members of the City Council on a regular basis of any water supply, production, quality or system issues.

(b) *Stage II.*

- (1) All of the restrictions of Stage I shall apply in addition to those hereinafter set forth.
- (2) Formal notification of the public by city manager or his duly authorized representative through media notice, social media outlets, message boards, and/or direct contact with all customers.
- (3) Continue public education program set forth in Stage I.
- (4) Irrigation utilizing individual sprinklers or sprinkler systems of lawns, gardens, landscaped areas, trees, shrubs, and other plants is prohibited except on the one designated outdoor water use day (see section 22-57, designated outside water use days) and only then during the non-restricted hours of 7:00 a.m. to 11:00 a.m. and 7:00 p.m. to 11:00 p.m. However, this restriction does not apply to the irrigation of commercial nurseries, commercial sod farms, and similarly situated commercial establishments. Said establishments will be requested to curtail all nonessential water use. Irrigation of lawns, gardens, landscaped areas, trees, shrubs, or other plants is permitted at any time if:
 - a. A hand-held hose is used with a manual or automatic shutoff nozzle;
 - b. A hand-held, faucet-filled bucket of five (5) gallons or less is used; or
 - c. A properly functioning drip irrigation system is used.
- (5) Refrain from installation of new or replacement turf grass lawn or other landscape features which require water use.
- (6) Entities operating athletic playing fields must apply for a special use permit to allow irrigation on more than the one (1) designated water use day. The permit must be reviewed and approved by the city manager or designee. The entity must file a conservation plan and satisfy the "Guidelines for Athletic Field Variance on Water Restrictions" (Exhibit A). All reclaimed, rain catchment or condensate water systems will be used as a first source of water for irrigation if feasible.
- (7) The use of water for dust control is prohibited other than from reclaimed water sources.
- (8) The refilling or adding of water to swimming and/or wading pools is prohibited except on the one (1) designated outdoor water use day during the non-restricted hours of 7:00 a.m. to 11:00 a.m. and 7:00 p.m. to 11:00 p.m. However, this restriction does not apply to public swimming pools which must be maintained pursuant to health regulations.

(c) *Stage III.*

- (1) All of the restrictions of Stages I and II shall apply in addition to those hereafter set forth.
- (2) Irrigation utilizing individual sprinklers or sprinkler systems of lawns, gardens, landscaped areas, trees, shrubs, and other plants is prohibited except every other week beginning on the first Monday after Stage III has been declared on the designated outdoor water use day (see section 22-57, designated outside

water use day) and only then during the non-restricted hours of 7:00 a.m. to 11:00 a.m. and 7:00 p.m. to 11:00 p.m. However, this restriction does not apply to the irrigation of commercial nurseries, commercial sod farms, and similarly situated commercial establishments. Said establishments will be requested to curtail all nonessential water use. Irrigation of lawns, gardens, landscaped areas, trees, shrubs, or other plants is permitted on any day between the hours of 7:00 a.m. to 11 a.m. and 7:00 p.m. to 11:00 p.m. if:

- a. A hand-held hose is used with a manual or automatic shutoff nozzle;
 - b. A hand-held, faucet-filled bucket of five (5) gallons or less is used; or
 - c. A properly functioning drip irrigation system is used.
- (3) Request the discontinued operation of all ornamental fountains, water-falls, and similar amenities drawing water from city supply, except for those fountains/structures with a re-circulating system.
 - (4) Curtail all nonessential public and governmental water uses such as City vehicle washing and street cleaning.
 - (5) Commercial nurseries, commercial sod farms and other similar establishments must curtail all nonessential water use and shall use only hand held hoses, drip irrigation systems or hand held buckets.
 - (6) All restaurants are prohibited from serving water to their customers except when specifically requested by the customer.
 - (7) Work with large commercial water customers to develop and implement individual water conservation plans.

(d) *Stage IV.*

- (1) All restrictions of Stages I, II and III shall apply in addition to those hereinafter set forth.
- (2) All variances granted by the city manager under Stage II and III shall become null and void upon implementation of Stage IV and no new permits shall be granted.
- (3) The sprinkling or watering of lawns is prohibited. The city manager or designee may authorize the watering of trees, shrubbery, annual, biennial or perennial plants, vines, gardens, vegetables and flowers through the means of a hand-held hose equipped with a positive shutoff nozzle, properly functioning drip irrigation or a hand-held bucket or watering can. When authorized, such watering shall be done only between the non-restricted hours of 7:00 a.m. to 11:00 a.m. and 7:00 p.m. to 11:00 p.m. on the one (1) designated outside water use day as specified in section 22-57, stage III. Commercial nurseries shall be exempted from this prohibition and shall be permitted to water nursery stock by means of a hand-held hose equipped with a positive shut-off nozzle, drip irrigation or hand-held bucket or watering can on any day during the non-restricted hours of 7:00 p.m. and 11:00 a.m.
- (4) Vehicle washing allowed only at commercial or automatic car wash establishments which utilize water recycling systems.
- (5) Commercial or automatic car wash establishments shall use minimum practical water settings.

- (6) Washing sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas, except to alleviate immediate health or fire hazards are prohibited.
- (7) The washing of building exteriors is prohibited, except in the interest of public health.
- (8) The draining and filling of public swimming pools not equipped with filtration and re-circulation equipment is prohibited; said pools shall be closed.
- (9) The operation of any ornamental fountain or similar structure is prohibited.
- (10) The following water uses are hereby determined to be nonessential and are prohibited:
 - a. The use of water for the expansion of commercial nursery facilities.
 - b. The use of water for scenic and recreational ponds and lakes (except for the minimum amount required to support aquatic life) or for the filling of swimming pools or spas (except where the pool is required by a medical doctor's prescription).
 - c. The use of water to put new agricultural land into production.
 - d. The use of water for new planting or landscaping.
- (11) A drought surcharge, at the rate of five dollars (\$5.00) per one thousand (1,000) gallons for residential water used in excess of ten thousand (10,000) gallons per billing cycle, shall be implemented. The city council of Boerne may implement other surcharges to ensure compliance.
- (12) **Curtailment Plan for Contracted Annual Commitment of Water - Guadalupe-Blanco River Authority's (GBRA) Drought Contingency Plan**, in response to Stage 4, requires wholesale customers with contracted supplies from Canyon Reservoir to submit a curtailment plan to address the following:
 - (a) **City of Boerne Drought Coordinator:** Utilities Regulatory Services Administrator, 447 N. Main St., Boerne, TX 78006.
 - (b) **Monthly Distribution of Annual Allotment:** City of Boerne's monthly distribution shall be 1/12 of the annual allotment per month.
 - (c) **Curtailment Measures:** City of Boerne will not withdraw any water in excess of the contracted raw water reservation or annual commitment amounts as set forth in the February 22, 2000, agreement and subsequent executed amendments between the City and GBRA. In the event, GBRA curtails the delivery of wholesale purchase water from Western Canyon, the City will reduce consumption by enforcing drought restrictions or increasing water production from the City's other three sources of water: wells, surface water and reclaimed water. In addition, the City will also restrict landscape watering with an irrigation system to be limited to once per week or less frequently if necessary. The City will continue to comply with all TCEQ drought management planning requirements.

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

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

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney



AGENDA ITEM SUMMARY

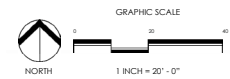
Agenda Date	June 24, 2025
Requested Action	NO ACTION. FIRE STATION #2 PROJECT DESIGN UPDATE.
Contact Person	Manny Casarez, Fire Chief
Background Information	<p>This item provides an update on the City's Fire Station #2 Project. This project represents a long-term investment in Boerne's emergency services, improving safety & emergency response capabilities for residents. This facility has been designed to serve as a community hub, featuring a community room, fire museum, library services, built-in training facilities, health and wellness amenities, and space for police patrol report services.</p> <p>The following timeline illustrates the project's progress to date.</p> <ul style="list-style-type: none"> • RFQ opened in December 2023 for Architectural Services for COB Fire Station #2 and closed on December 20, 2023. Fourteen firms submitted applications, and the top six firms were selected for interviews. • The project committee unanimously selected Hoefer Welker in February 2024. • Eco Charrette was conducted on June 28, 2024. • Design Charrette was conducted on July 9-11, 2024. • Schematic Design meetings were conducted 8/1/24, 8/16/24, and 9/13/24. • Design Development meetings were conducted 10/31/24, 11/13/24, 1/16/25, 1/24/25, and 2/14/25. • City Plat clarification meeting conducted 12/9/24. • Exterior Review meeting conducted 12/19/24. • Thoroughfare Infrastructure Coordination meeting 5/12/25. • Conceptual Cost estimates received.

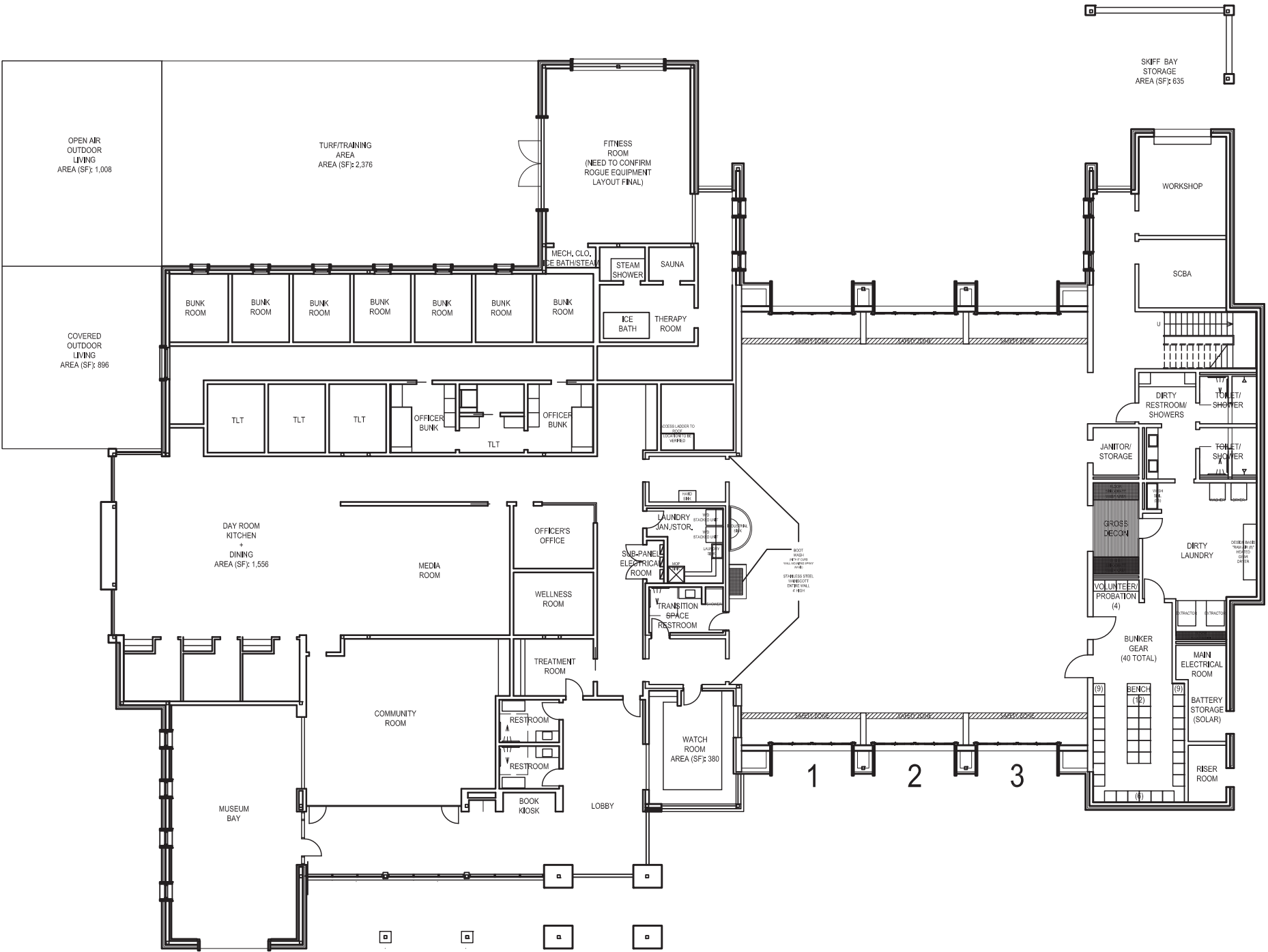
	<p>Next steps...</p> <ul style="list-style-type: none"> • Working with the planning department to develop a timeline of next steps. • Receive the design of Esperanza's infrastructure and road redesign from the engineer, including a cost estimate. • Goal of July 23, 2025, to have a complete set of plans submitted. • Open bids to hire a General Contractor. • Start construction in October 2025.
Strategic Alignment	Fiscal excellence, community charm, environmental responsibility, C1- offering quality customer experience, C3- collaborating with community partners to enhance quality of life, F1- committing to strategic, responsible, and conservative financial management, F2- investing in and maintaining high-quality infrastructure systems and public assets, B1- utilizing data to drive intelligent decision making, B2- advancing master plan recommendations, B3- providing streamlined and efficient process.
Financial Considerations	N/A
Citizen Input/Board Review	N/A
Legal Review	N/A
Alternative Options	
Supporting Documents	<p>Estimate of Probable Cost</p> <p>Fire Station 2 images</p>

							HOEFER WELKER
ID	Building Area Designations	Building Area (SF)	Level 1.5-CST (SF)	Level 2 (SF)	Level 3 (SF)	Level 4 (SF)	Comments
01	Living	12,468					
02	Apparatus Bay	5,006					
03	Decon	3,311					
04							
05	Day Room Clerestory			1556			Included for reference for cost estimating
06	Museum	1,400					Included for reference for cost estimating
07	Community Room	984					Included for reference for cost estimating
08	Watch Room	380					Included for reference for cost estimating
09							
10	Outdoor Living (Covered)	896					Hardscape (+- 1,008 sf) included in Civil / Landscape Cost
11	Turf Area	2,376					Included in Civil / Landscape Cost
12							
13	Skiff Bay Storage	635					
14	Confined Space		1240				
15	Mezzanine Training			1580			
16	Rooftop Training			1360			
17							
18	Level 3 Stair				291		
19	Level 3 Roof Training				1196		
20	Level 4 Stair Platform					291	
21							
22	Sub-Total	Building Area (SF)	Cost / SF (\$)	Total Cost		Comments	
23	Level 1 Conditioned Space	20,785	675 \$	14,029,875		Sub-Total of Level 1 Conditioned Space	
24	Level 1 Outdoor Storage	635	375 \$	238,125			
25	Level 1 Outdoor Living Covered	896	275 \$	246,400			
26	Sub-Total (Level 1)		\$	14,514,400			
27							
28	Level 1.5 (Confined Space Training)	1,240	100 \$	124,000			
29							
30	Level 2 (Day Room Clerestory)	1,556	150 \$	233,400			
31	Level 2 (Mezzanine Training)	1,580	375 \$	592,500			
32	Level 2 (Rooftop Training)	1,360	65 \$	88,400			
33							
34	Level 3 (Stair)	291	375 \$	109,125			
35	Level 3 (Roof Training)	1,196	65 \$	77,740			
36							
37	Level 4 (Stair Platform)	291	65 \$	18,915			
38							
39	Building Probable Cost Estimate	23,896	\$	15,758,480		Total Conditioned Space	
40							
41	Site Probable Cost Estimate		\$	3,500,000		Additional costs due to excavation, site balance and stone work	
42							
43	Sub-Total (Building + Site)		\$	19,258,480			
44							
45	Construction Contingencies (Inflation + Tarriff)		5% \$	962,924		Tarriff added as consideration for estimate	
46							
47	Sub-Total (Building + Site + Contingencies)		\$	20,221,404			
48							
49	Additional A/E Fee		\$	625,000			
50	Esparanza Off-Site Improvement		\$	105,000		For reference purposes for City Improvement Engineering Fee	
51	Total Updated Cost Estimate		\$	20,951,404		Price includes directed increased building aesthetic modifications from SD Package (Tower, Building, Site)	

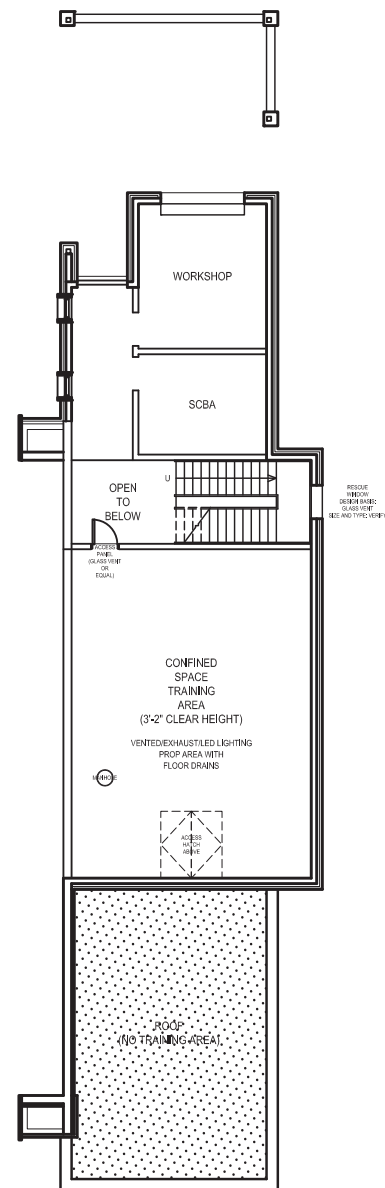


LANDSCAPE SITE
BOERNE FIRE STATION #2
ESPERANZA, BOERNE, TEXAS

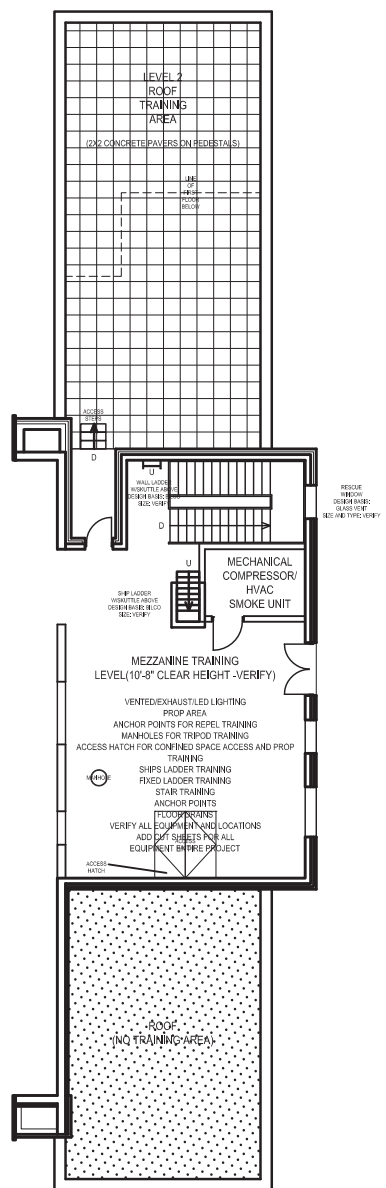




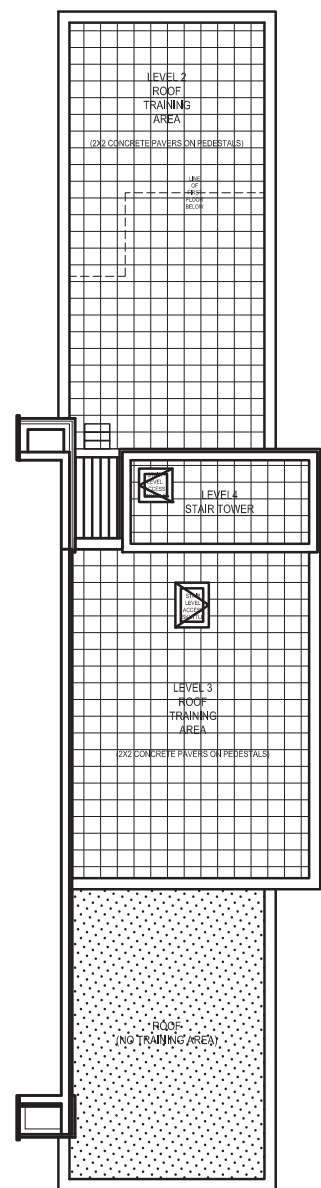
FIRST FLOOR PLAN
AREA (SF): 20,785



LEVEL 1.5
CONFINED
SPACE TRAINING
AREA (SF): 1,240

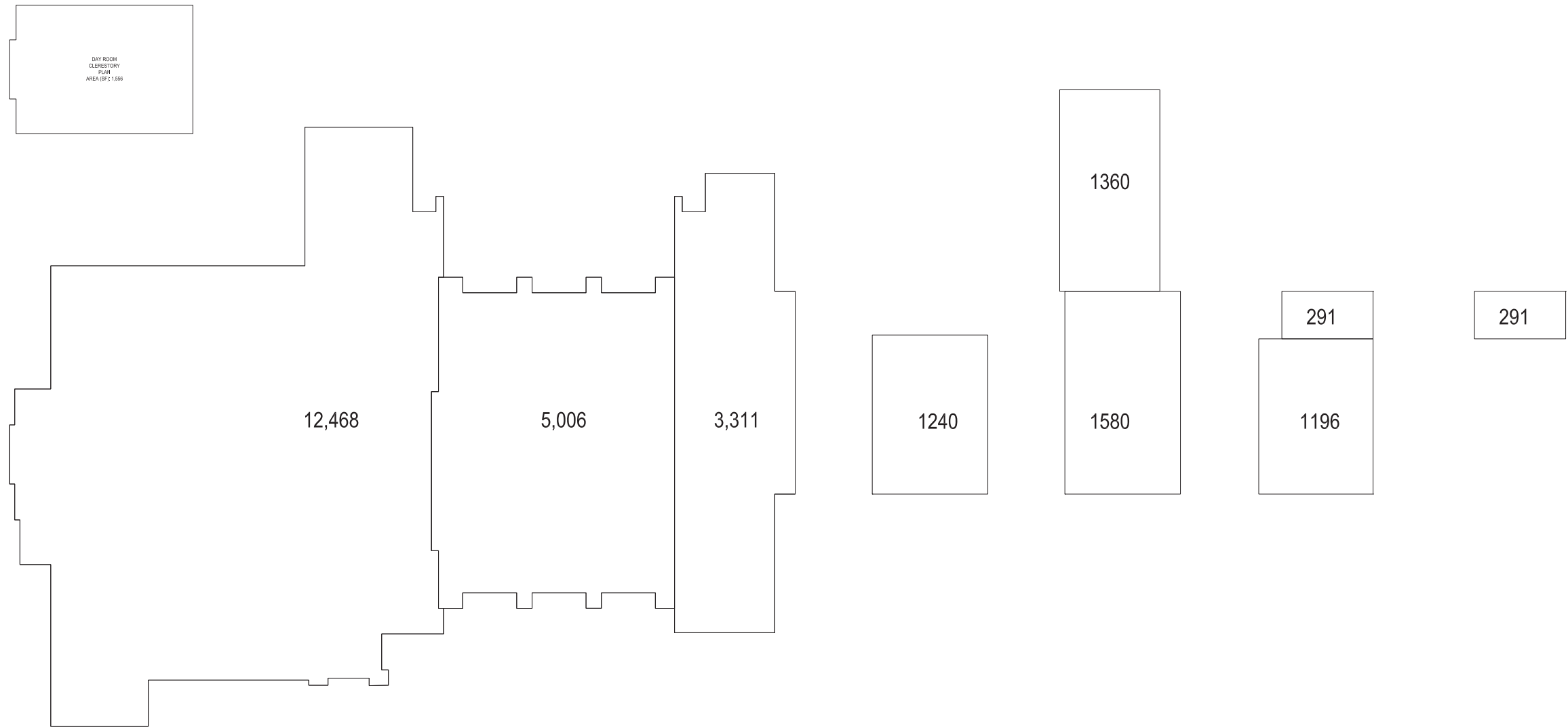


LEVEL 2
MEZZANINE
TRAINING
AREA (SF): 1,580
ROOFTOP TRAINING
AREA (SF): 1,360



LEVELS 3 & 4
LEVEL 3 | ROOF TRAINING
AREA (SF): 1,196
LEVEL 4 | STAIR PLATFORM
AREA (SF): 291

LEVEL 4
TRAINING
STAIR TOWER



HOEFER WELKER

238101 | CITY OF BOERNE | FIRE STATION NO. 2

FLOOR PLAN DIAGRAMS FOR AREA PURPOSES ONLY
SCALE: 1" = 30'-0"

























AGENDA ITEM SUMMARY

Agenda Date	June 24, 2025
Requested Action	APPROVE RESOLUTION NO. 2025-R41; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, AWARDING THE CONTRACT FOR CONSTRUCTION OF THE AMMANN ROAD GROUND STORAGE TANK AND PUMP STATION PROJECT TO _____ FOR AN AMOUNT NOT TO EXCEED \$_____; AND AUTHORIZING THE CITY MANAGER TO MANAGE AND EXECUTE THE RELATED CONTRACT WITH A NOT TO EXCEED TOTAL CONSTRUCTION COST OF \$_____.
Contact Person	Michael Mann – Utilities Director
Background Information	<p>The Utilities Capital Improvements Plan includes three interrelated projects to receive and distribute additional water from the GBRA Western Canyon Project. These projects include:</p> <ol style="list-style-type: none"> 1. A new storage tank and pump station on Ammann Road near the City of Fair Oaks Ranch 2. A GBRA-delivered pipeline bringing water to the site 3. A City pipeline delivering water from the new tank and pump station to the easternmost point of Boerne’s potable water system in the George’s Ranch area <p>The tank and pump station project is the first to be bid, given its longer construction timeline. Completion is scheduled for March 2027. The pipeline projects will be timed accordingly to ensure alignment.</p> <p>This project includes the construction of a one-million-gallon ground storage tank and a pump station facility with three high-service pumps, with space for a future fourth pump. Kimley-Horn and Associates completed the design, and Kendall County issued the site development permit in April 2025. At design completion, the engineer’s cost estimate was \$7.7 million.</p> <p>Seven bids were received on June 3, ranging from \$8.9 million to \$10.5 million for the base project. An alternate bid option featuring a smaller tank (approximately 500,000 gallons) was also included for comparison. However, the alternate only reduced the cost by an average of</p>

	<p>\$312,000.</p> <ul style="list-style-type: none"> • Lowest base bid: Pesado Construction (San Antonio) – \$8,907,229.00 • Lowest alternate bid: Keeley Construction Group (New Braunfels) – \$8,541,000.00 <p>Because all bids exceeded the engineer’s estimate and budgeted CIP amount, staff and Kimley-Horn conducted a value engineering review. Potential cost-saving measures include:</p> <ul style="list-style-type: none"> • Reducing on-site paving and parking areas • Installing chain link fence on the east side instead of ornamental steel • Removing the security system from the current plans <p>Estimated savings from these adjustments total \$160,000 to \$170,000. Final savings would be negotiated with the selected contractor.</p> <p>Staff recommends awarding the base bid (without scope reductions) to Pesado Construction. A recommendation letter from Kimley-Horn is included. To allow for possible scope adjustments or unanticipated costs, staff further recommends authorizing a not-to-exceed construction amount of \$9,000,000.</p>
Strategic Alignment	<p>F2 – Investing in and maintaining high-quality infrastructure systems and public assets.</p> <p>B2 – Advancing master plan recommendations.</p>
Financial Considerations	Funding for this project is available from the Water Impact Fee Fund.
Citizen Input/Board Review	N/A
Legal Review	N/A
Alternative Options	The City Council may consider awarding the contract for the smaller tank version or including some of the value engineering reductions. However, these options could impact long-term operations or site aesthetics.
Supporting Documents	<p>Resolution No. 2025-R41</p> <p>Bid Tabulation</p> <p>Kimley-Horn Award Recommendation Letter</p>

RESOLUTION NO. 2025-R41

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, AWARDING THE CONTRACT FOR CONSTRUCTION OF THE AMMANN ROAD GROUND STORAGE TANK AND PUMP STATION PROJECT TO _____ FOR AN AMOUNT NOT TO EXCEED \$_____; AND AUTHORIZING THE CITY MANAGER TO MANAGE AND EXECUTE THE RELATED CONTRACT WITH A NOT TO EXCEED TOTAL CONSTRUCTION COST OF \$_____

WHEREAS, the City of Boerne's Utilities Capital Improvements Plan includes construction of a new ground storage tank and pump station on Ammann Road to support the GBRA Western Canyon water supply project; and

WHEREAS, the City solicited bids and evaluated proposals for the Ammann Road Ground Storage Tank and Pump Station Project; and

WHEREAS, the City has reviewed the bids and recommends awarding the contract to the lowest responsible bidder, _____, for an amount not to exceed \$_____; and

WHEREAS, the City Council finds it in the public interest to award the contract to _____ and authorize the City Manager to manage and execute the necessary documents;

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

Section 1. The City Council hereby awards the contract for the Ammann Road Ground Storage Tank and Pump Station Project to _____ in an amount not to exceed \$_____.

Section 2. The City Manager is authorized to manage and execute all related contracts and documents, with a total construction cost not to exceed \$_____.

Section 3. This Resolution shall take effect immediately upon its passage.

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

APPROVED:

Mayor

ATTEST:

City Secretary

2019 2018 2017 2016 2015 2014 2013 2012 2011 2010 2009 2008 2007 2006 2005 2004 2003 2002 2001 2000 1999 1998 1997 1996 1995 1994 1993 1992 1991 1990 1989 1988 1987 1986 1985 1984 1983 1982 1981 1980 1979 1978 1977 1976 1975 1974 1973 1972 1971 1970 1969 1968 1967 1966 1965 1964 1963 1962 1961 1960 1959 1958 1957 1956 1955 1954 1953 1952 1951 1950 1949 1948 1947 1946 1945 1944 1943 1942 1941 1940 1939 1938 1937 1936 1935 1934 1933 1932 1931 1930 1929 1928 1927 1926 1925 1924 1923 1922 1921 1920 1919 1918 1917 1916 1915 1914 1913 1912 1911 1910 1909 1908 1907 1906 1905 1904 1903 1902 1901 1900 1899 1898 1897 1896 1895 1894 1893 1892 1891 1890 1889 1888 1887 1886 1885 1884 1883 1882 1881 1880 1879 1878 1877 1876 1875 1874 1873 1872 1871 1870 1869 1868 1867 1866 1865 1864 1863 1862 1861 1860 1859 1858 1857 1856 1855 1854 1853 1852 1851 1850 1849 1848 1847 1846 1845 1844 1843 1842 1841 1840 1839 1838 1837 1836 1835 1834 1833 1832 1831 1830 1829 1828 1827 1826 1825 1824 1823 1822 1821 1820 1819 1818 1817 1816 1815 1814 1813 1812 1811 1810 1809 1808 1807 1806 1805 1804 1803 1802 1801 1800 1799 1798 1797 1796 1795 1794 1793 1792 1791 1790 1789 1788 1787 1786 1785 1784 1783 1782 1781 1780 1779 1778 1777 1776 1775 1774 1773 1772 1771 1770 1769 1768 1767 1766 1765 1764 1763 1762 1761 1760 1759 1758 1757 1756 1755 1754 1753 1752 1751 1750 1749 1748 1747 1746 1745 1744 1743 1742 1741 1740 1739 1738 1737 1736 1735 1734 1733 1732 1731 1730 1729 1728 1727 1726 1725 1724 1723 1722 1721 1720 1719 1718 1717 1716 1715 1714 1713 1712 1711 1710 1709 1708 1707 1706 1705 1704 1703 1702 1701 1700 1699 1698 1697 1696 1695 1694 1693 1692 1691 1690 1689 1688 1687 1686 1685 1684 1683 1682 1681 1680	
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BID TABULATION				Pseudo Construction 4848 Sinclair Road San Antonio, TX 78222 210-651-4452		Engineer's Estimate		Unit Price Comparison					
Project: Ammann Road Ground Storage Tank and Pump Station Bid Submittal: Tuesday, June 3, 2025 Owner: City of Boerne Utilities Department Engineer: Kimley-Horn and Associates, Inc. 10101 Reunion Place, Suite 400, San Antonio, Texas 78216 (210) 541-9166 KHA Project No.: 068657033				LOWEST RESPONSIVE BIDDER									
ITEM	DESCRIPTION	QUANTITY	UNIT			UNIT PRICE	TOTAL	DELTA	% DELTA				
BASE BID													
1	SITE IMPROVEMENTS	1	LS	\$	1,863,237.00	\$	1,863,237.00	\$	683,237.00	57.90%			
2	1.0 MG GROUND STORAGE TANK	1	LS	\$	1,740,725.00	\$	1,740,725.00	\$	60,725.00	3.61%			
3	PUMP STATION	1	LS	\$	1,340,244.00	\$	1,340,244.00	\$	170,244.00	14.55%			
4	PUMP STATION BUILDING	1	LS	\$	515,000.00	\$	515,000.00	\$	(65,000.00)	-11.21%			
5	STRUCTURAL	1	LS	\$	77,619.00	\$	77,619.00	\$	470,000.00	-83.49%			
6	ELECTRICAL I&C AND SCADA	1	LS	\$	2,631,200.00	\$	2,631,200.00	\$	1,875,000.00	40.33%			
7	STARTUP AND COMMISSIONING	1	LS	\$	23,705.00	\$	23,705.00	\$	-	(676,295.00)	-96.61%		
8	ELECTRICAL SERVICE ALLOWANCE	1	ALW	\$	30,000.00	\$	30,000.00	\$	30,000.00	\$	-	0.00%	
9	UTILITY SERVICE RELOCATION ALLOWANCE	1	ALW	\$	15,000.00	\$	15,000.00	\$	15,000.00	\$	-	0.00%	
10	MOBILIZATION (10% OF ITEMS 1-7)	1	LS	\$	670,499.00	\$	670,499.00	#REF!	\$	700,000.00	#REF!	#REF!	
Base Bid Total (Items 1-10):						\$	8,907,229.00		\$	7,700,000.00		15.68%	
ALTERNATE BID													
2A	DIFFERENCE BETWEEN 1.0 MG AND 0.56 MG GROUND STORAGE TANK	1	LS	\$	(227,276.24)	\$	(227,276.24)	\$	-	\$	-	(227,276.24)	#DIV/0!
824.1	LONG SERVICE RELAY	7	EA	\$	-	\$	-	\$	-	\$	-	-	#DIV/0!
826	VALVE BOX ADJUSTMENT	25	EA	\$	-	\$	-	\$	-	\$	-	-	#DIV/0!
826A	VALVE BOX LOCATE & ADJUSTMENT	5	EA	\$	-	\$	-	\$	-	\$	-	-	#DIV/0!
833.1	EXISTING METER & METER BOX RELOCATION	75	EA	\$	-	\$	-	\$	-	\$	-	-	#DIV/0!
833.2	NEW METER BOX	10	EA	\$	-	\$	-	\$	-	\$	-	-	#DIV/0!
833.3	ADJUSTING EXISTING METER BOX	130	EA	\$	-	\$	-	\$	-	\$	-	-	#DIV/0!
834.3	RELOCATE FIRE HYDRANT	7	EA	\$	-	\$	-	\$	-	\$	-	-	#DIV/0!
#REF!				#REF!	#REF!	#REF!		#REF!		#REF!		#REF!	
Alternate Bid Total (Items 1,2A,3-10):						\$	8,679,952.76	-				#DIV/0!	



June 16, 2025

Via Electronic Mail

Mr. Mike Mann, PE
Director of Utilities
City of Boerne
447 N Main St.
Boerne, Texas 78006

**RE: Recommendation Letter – Lowest Responsive Bidder
City of Boerne, TX
Ammann Road Ground Storage Tank and Pump Station Project**

Dear Mr. Mann:

On June 3rd, 2025, at 2:00 PM, the City of Boerne received seven (7) bids via physical submission for construction of the above referenced project. The Ammann Road Ground Storage Tank (GST) and Pump Station Project includes a 1.0 MG GST with a 0.56 MG GST alternate, a pump station with associated electrical and instrumentation, a sodium hypochlorite disinfection system, and various site improvements.

Kimley-Horn evaluated the submitted bids from the following bidders (listed in order of base bid total amount from lowest to highest) with the purpose of identifying any errors that were apparent in the submitted Bid Forms:

- Pesado Construction
- Keeley Construction
- Taknek LLC
- Associated Construction Partners
- M5 Utilities
- Payton construction
- C C Carlton Industries

Bids were checked to ensure the bid bond was provided, acknowledgment of addenda was signed, qualifications for equipment suppliers were met, the HB – 1295 form was provided, evidence of signing authority was provided, and subcontractor list was provided. One error was noted in Keeley Construction's bid that the signed addenda acknowledgment was provided but not signed.

Based upon our review of the qualifications and references, it is our opinion that Pesado Construction Company is the lowest qualified bidder for the Ammann Road Ground Storage Tank and Pump Station Project for the base bid total amount of \$8,907,229.00. This total amount is based on the following bid items:

1. Site Improvements: \$1,863,237.00
2. 1.0 MG Ground Storage Tank: \$1,740,725.00
3. Pump Station: \$1,340,244.00
4. Pump Station Building: \$515,000.00
5. Structural: \$77,619.00
6. Electrical, I&C, and SCADA: \$2,631,200.00
7. Startup and Commissioning: \$23,705.00
8. Electrical Service Allowance: \$30,000.00
9. Utility Service Relocation Allowance: \$15,000.00
10. Mobilization (10% of Items 1-7): \$670,499.00

Base Bid \$8,907,229.00

2A. Difference Between 0.56 MG and 1.00 MG Ground Storage Tank: \$227,276.54

Alternate Bid \$8,679,952.76

We recommend the contract be awarded to Pesado Construction Company. Should you have any questions, do not hesitate to call me at 210-321-3414.

Sincerely,

Kimley-Horn and Associates, Inc.
State of Texas Registered Firm #928



V. Ryan Sowa, P.E.

Attachments: Project Reference Verification
 Bid Tabulation

Project Reference Check Form
Pesado Construction Company– Project 1

Project Name:	Highland Estates Unit 1 Montana Pass Floating GST
Utility/Owner name:	San Antonio Water System (SAWS)
Utility/Owner Project Manager's name and contact information to include a valid, recently verified email and telephone number:	Angel Morales-Vazquez angel.morales-vazquez@saws.org 210-233-3754
Proposed Contractor's Key Personnel who participated on this project:	Shane Ahrens, Thomas O'Sullivan, Shane Hudson, Joel Schwerelk
Key Personnel's role on this project:	In order – Project Manager, Supervisor, Supervisor, and Superintendent
Questions	
Do you recall the Project?	Yes
When was your project completed?	October 25, 2018
Any change orders on the project? If so, were they contractor driven or owner driven?	5 change orders, mostly owner requested for small design choices
Was project completed on time and within budget?	Completed within time and budget
Were there any significant issues / problems?	This was a developer project and developer's consultant Engineer of record was relocated to another company so there were issues with that, but they were not the contractor's fault.
Was the contractor cooperative and easy to work with to solve any issues that may have come up?	It was their first water plant that they did with us, and there were growing pains but eventually the project was successful.
Overall Satisfaction? If given opportunity, would you hire this contractor again in the future?	They do good pipeline work, and they are growing slowly in their facilities work. I would work with them again, but the growing pains were present on this project.
Can you rate this company on a scale from 1 to 5? 1 being the lowest and 5 being the highest.	
Quality of workmanship	4
Ease to work with	3
Kept to schedule	4
Adhered to contract	4
Work site kept clean & organized	3-4
Communication between parties	3
Offered sound advice	3-4
Was willing to work through problems	3-4

Pesado Construction Company – Project 2

Project Name:	Grandview Pump Station
Utility/Owner name:	New Braunfels Utilities
Utility/Owner Project Manager's name and contact information to include a valid, recently verified email and telephone number:	Lee Perry 830-608-8924 mperry@nbutexas.com
Proposed Contractor's Key Personnel who participated on this project:	Shane Ahrens (not with Pesado anymore), Clint Smith, Peter McMahon
Key Personnel's role on this project:	
Questions	
Do you recall the Project?	Yes, pump station and ground storage tank replacement and upsize, and well pump upgrades at the well 4 site
When was your project completed?	Project has been substantially complete for some time. April 3, 2023. Had to work through some issues with Eaton and the VFD's. Waiting on final as built shop drawings from Eaton for the VFD's to final out.
Any change orders on the project? If so, were they contractor driven or owner driven?	One major change order added a pump and motor to this project. Owner driven request.
Was project completed on time and within budget?	Schedule was extended due to lead times on equipment and issues with VFD's. see below.
Were there any significant issues / problems?	The biggest issue was lead times on equipment. This project was occurring right in the middle of COVID. Eaton VFD's were the main culprit for this. Wrong VFD's were delivered and took some time to resolve. Also, the well pump at well 4 had to be pulled and checked by the pump manufacturer.
Was the contractor cooperative and easy to work with to solve any issues that may have come up?	yes
Overall Satisfaction? If given opportunity, would you hire this contractor again in the future?	yes
Can you rate this company on a scale from 1 to 5? 1 being the lowest and 5 being the highest.	
Quality of workmanship	4
Ease to work with	5
Kept to schedule	3
Adhered to contract	5
Work site kept clean & organized	4
Communication between parties	4
Offered sound advice	4
Was willing to work through problems	5

Project Reference Check Form
Pesado Construction Company – Project 3

Project Name:	Biedenharn Pump Station & Tank Site
Utility/Owner name:	Pulte Homes of Texas
Utility/Owner Project Manager's name and contact information to include a valid, recently verified email and telephone number:	Cameron Sasko 210-246-6450 Bart Lamond, blamond@papedawson.com 210-375-9000
Proposed Contractor's Key Personnel who participated on this project:	Brian Thompson & William Brunner
Key Personnel's role on this project:	Project Managers
Questions	
Do you recall the Project?	Yes
When was your project completed?	2023
Any change orders on the project? If so, were they contractor driven or owner driven?	They had a change order for the connection from the air compressor room to the hydropneumatics tank underneath the building got lost between structural engineering and our plans, contractor caught it brought it to their attention and that was the only significant change order
Was project completed on time and within budget?	It wasn't, but this project was during COVID, and they couldn't get the MCC's on schedule despite ordering them immediately after receiving NTP. The construction was completed and then MCC's arrived approximately 6 months later.
Were there any significant issues / problems?	Yes, but they had nothing to do with the contractor or the site, it was offsite connections
Was the contractor cooperative and easy to work with to solve any issues that may have come up?	Absolutely yes
Overall Satisfaction? If given opportunity, would you hire this contractor again in the future?	Yes, would work with them again and have since this project
Can you rate this company on a scale from 1 to 5? 1 being the lowest and 5 being the highest.	
Quality of workmanship	4
Ease to work with	5
Kept to schedule	4
Adhered to contract	4
Work site kept clean & organized	5
Communication between parties	5
Offered sound advice	4
Was willing to work through problems	4

BID TABULATION Project: Ammann Road Ground Storage Tank and Pump Station Bid Submittal: Tuesday, June 3, 2025 Owner: City of Boerne Utilities Department Engineer: Kimley-Horn and Associates, Inc. 10101 Reunion Place, Suite 400, San Antonio, Texas 78216 (210) 541-9166 KHA Project No.: 068657033				Pesado Construction 4848 Sinclair Road San Antonio, TX 78222 210-651-4452		Keeley Construction Group 1993 Wald Rd New Braunfels, TX 78132 210-336-5949		Taknek LLC 4400 West Highway 82 Gainsville, TX 76240 940-641-1041		Associated Construction Partners 215 W Bandera Rd. Ste 114-461 Boerne, TX 78006 210-698-8714		M5 Utilities 10038 Johns Rd. Boerne, TX 78006 830-331-9044		Payton Construction 2311 FM 3237 Wimberley, TX 78676 512-847-3702		CC Carlton Industries 3102 Bee Caves Rd. Ste 200 Austin, TX 78746 512-476-4282		Contractor Average	
				APPARENT LOW BIDDER															
ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	AVG UNIT PRICE	TOTAL
	BASE BID																		
1	SITE IMPROVEMENTS	1	LS	\$ 1,863,237.00	\$ 1,863,237.00	\$ 900,000.00	\$ 900,000.00	\$ 350,000.00	\$ 350,000.00	\$ 2,620,000.00	\$ 2,620,000.00	\$ 1,362,820.48	\$ 1,362,820.48	\$ 2,400,000.00	\$ 2,400,000.00	\$ 1,650,000.00	\$ 1,650,000.00	\$ 1,592,293.93	\$ 1,592,293.93
2	1.0 MG GROUND STORAGE TANK	1	LS	\$ 1,740,725.00	\$ 1,740,725.00	\$ 2,100,000.00	\$ 2,100,000.00	\$ 2,100,000.00	\$ 2,100,000.00	\$ 2,000,000.00	\$ 2,000,000.00	\$ 1,939,836.51	\$ 1,939,836.51	\$ 2,290,000.00	\$ 2,290,000.00	\$ 2,820,000.00	\$ 2,820,000.00	\$ 2,141,508.79	\$ 2,141,508.79
3	PUMP STATION	1	LS	\$ 1,340,244.00	\$ 1,340,244.00	\$ 1,300,000.00	\$ 1,300,000.00	\$ 1,700,000.00	\$ 1,700,000.00	\$ 1,100,000.00	\$ 1,100,000.00	\$ 1,473,889.71	\$ 1,473,889.71	\$ 1,125,000.00	\$ 1,125,000.00	\$ 1,490,000.00	\$ 1,490,000.00	\$ 1,361,304.82	\$ 1,361,304.82
4	PUMP STATION BUILDING	1	LS	\$ 515,000.00	\$ 515,000.00	\$ 800,000.00	\$ 800,000.00	\$ 494,000.00	\$ 494,000.00	\$ 600,000.00	\$ 600,000.00	\$ 1,688,438.41	\$ 1,688,438.41	\$ 580,000.00	\$ 580,000.00	\$ 743,600.00	\$ 743,600.00	\$ 774,434.06	\$ 774,434.06
5	STRUCTURAL	1	LS	\$ 77,619.00	\$ 77,619.00	\$ 206,000.00	\$ 206,000.00	\$ 1,500,000.00	\$ 1,500,000.00	\$ 548,000.00	\$ 548,000.00	\$ 196,554.49	\$ 196,554.49	\$ 270,000.00	\$ 270,000.00	\$ 300,000.00	\$ 300,000.00	\$ 442,596.21	\$ 442,596.21
6	ELECTRICAL, I&C, AND SCADA	1	LS	\$ 2,631,200.00	\$ 2,631,200.00	\$ 2,750,000.00	\$ 2,750,000.00	\$ 2,200,000.00	\$ 2,200,000.00	\$ 2,300,000.00	\$ 2,300,000.00	\$ 3,001,604.95	\$ 3,001,604.95	\$ 3,350,000.00	\$ 3,350,000.00	\$ 2,482,500.00	\$ 2,482,500.00	\$ 2,673,614.99	\$ 2,673,614.99
7	STARTUP AND COMMISSIONING	1	LS	\$ 23,705.00	\$ 23,705.00	\$ 150,000.00	\$ 150,000.00	\$ 250,000.00	\$ 250,000.00	\$ 5,000.00	\$ 5,000.00	\$ 13,091.48	\$ 13,091.48	\$ 35,000.00	\$ 35,000.00	\$ 40,000.00	\$ 40,000.00	\$ 73,828.07	\$ 73,828.07
8	ELECTRICAL SERVICE ALLOWANCE	1	ALW	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00
9	UTILITY SERVICE RELOCATION ALLOWANCE	1	ALW	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00
10	MOBILIZATION (10% OF ITEMS 1-7)	1	LS	\$ 670,499.00	\$ 670,499.00	\$ 790,000.00	\$ 790,000.00	\$ 859,400.00	\$ 859,400.00	\$ 500,000.00	\$ 500,000.00	\$ 160,492.15	\$ 160,492.15	\$ 115,000.00	\$ 115,000.00	\$ 900,000.00	\$ 900,000.00	\$ 570,770.16	\$ 570,770.16
	Base Bid Total (Items 1-10):				\$ 8,907,229.00		\$ 9,041,000.00		\$ 9,498,400.00		\$ 9,718,000.00		\$ 9,881,728.18		\$ 10,210,000.00		\$ 10,471,100.00		\$ 9,675,351.03
	ALTERNATE BID																		
2A	DIFFERENCE BETWEEN 0.56 MG AND 1.00 MG GROUND STORAGE TANK	1	LS	\$ (227,276.24)	\$ (227,276.24)	\$ (500,000.00)	\$ (500,000.00)	\$ (300,000.00)	\$ (300,000.00)	\$ (200,000.00)	\$ (200,000.00)	\$ (274,281.14)	\$ (274,281.14)	\$ (390,000.00)	\$ (390,000.00)	\$ (295,000.00)	\$ (295,000.00)		
	Alternate Bid Total (Items 1,2A,3-10):				\$ 8,679,952.76		\$ 8,541,000.00		\$ 9,198,400.00		\$ 9,518,000.00		\$ 9,607,447.04		\$ 9,820,000.00		\$ 10,176,100.00		\$ 9,362,985.69