

AGENDA
REGULAR CITY COUNCIL MEETING
RONALD C. BOWMAN CITY COUNCIL CHAMBERS
447 North Main Street
Boerne, TX 78006
May 23, 2023 – 6:00 PM

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

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

1. CALL TO ORDER – 6:00 PM

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. [2023-438](#) ADMINISTER OATHS OF OFFICE - MAYOR, COUNCIL MEMBER DISTRICTS 2 AND 4.

[2023-434](#) CITY COUNCIL BREAK FOR RECEPTION IN THE CITY HALL LOBBY.
 (20 Minutes)

5. [2023-439](#) CONSIDER ELECTION OF THE OFFICE OF MAYOR PRO-TEM FOR THE PERIOD OF MAY 2023 THROUGH MAY 2024.

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

- A. [2023-436](#) CONSIDER APPROVAL OF MINUTES OF THE REGULAR CITY COUNCIL MEETING OF MAY 9, 2023 AND THE SPECIAL CALLED CITY COUNCIL MEETING OF MAY 16, 2023 (CANVASS ELECTION RETURNS).

- B. [2023-435](#) CONSIDER ON SECOND READING ORDINANCE NO. 2023-18; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, REPEALING AND REPLACING ORDINANCE NO. 2019-56 AND ESTABLISHING IMPACT FEES FOR WATER AND WASTEWATER UTILITIES. (Update to Impact Fees, one of one public hearing)

- C. [2023-428](#) CONSIDER ON SECOND READING ORDINANCE NO. 2023-19; AN ORDINANCE AMENDING THE CITY OF BOERNE, TEXAS, CODE OF ORDINANCES, CHAPTER 5. BUILDINGS AND BUILDING REGULATIONS, ARTICLE II. CONSTRUCTION STANDARDS, ADOPTING THE INTERNATIONAL RESIDENTIAL CODE 2021 EDITION AND THE INTERNATIONAL ENERGY CONSERVATION CODE 2021. (Adopt International Residential and Energy Conservation Codes 2021 Edition)

7. RESOLUTIONS:

- A. [2023-322](#) RECEIVE BIDS FOR 2023 SLURRY SEAL AND CONSIDER RESOLUTION NO. 2023-R41; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, AWARDING THE CONTRACT FOR 2023 SLURRY SEAL TO _____ FOR AN AMOUNT NOT TO EXCEED \$_____; AND AUTHORIZING THE CITY MANAGER TO MANAGE AND EXECUTE THE RELATED CONTRACT. (Slurry seal contract)

8. OTHER:

- A. [2023-440](#) MAYORAL APPOINTMENT TO VARIOUS BOARDS AND COMMISSIONS.

9. CITY MANAGER'S REPORT:

A. [2023-289](#) MONTHLY PROJECTS REPORT.

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

11. ADJOURNMENT

CERTIFICATION

**I hereby certify that the above notice of meeting was posted on the 19th day of
May, 2023 at 2:30 p.m.**

s/s Lori A. Carroll
City Secretary

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS

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

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

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



AGENDA ITEM SUMMARY

District Impacted

- ☐ 1 = Wolosin
- ☐ 2 = Woolard
- ☐ 3 = Scott
- ☐ 4 = Boddie
- ☐ 5 = Macaluso
- ☒ All

Agenda Date	May 23, 2023
Requested Action	ADMINISTER OATHS OF OFFICE – MAYOR, COUNCIL MEMBER DISTRICTS 2 AND 4.
Contact Person	Lori A. Carroll, City Secretary
Background Information	The Oaths of Office will be administered to the Mayor Frank Ritchie, City Council Member District 2 Sharon D. Wright, and City Council Member District 4 Bryce Boddie.
Item Justification	<div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> Legal/Regulatory Obligation <input type="checkbox"/> Reduce Costs <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Mitigate Risk <input type="checkbox"/> Master Plan Recommendation </div> <div> <input type="checkbox"/> Infrastructure Investment <input type="checkbox"/> Customer Pull <input type="checkbox"/> Service Enhancement <input type="checkbox"/> Process Efficiency <input type="checkbox"/> Other: _____ _____ </div> </div>
Financial Considerations	
Citizen Input/Board Review	
Legal Review	
Alternative Options	
Supporting Documents	



OATH OF OFFICE

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS

I, _____ do solemnly swear (or affirm), that I will faithfully execute the duties of the office of _____ for the City of Boerne, of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

Affiant

SWORN TO and subscribed before me by affiant on this 23rd day of May 2023.

Signature of Person Administering Oath

Printed Name

Title



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Agenda Date	May 23, 2023	
Requested Action	CONSIDER ELECTION OF THE OFFICE OF MAYOR PRO-TEM FOR THE PERIOD OF MAY 2023 THROUGH MAY 2024.	
Contact Person	Lori A. Carroll, City Secretary	
Background Information	The Mayor Pro Tem is elected annually by the City Council as per the City of Boerne Home Rule Charter Section 3.07: "The Mayor Pro-Tem shall be a Council Member elected by the Council at the first regular Council meeting following the canvass of the vote of each regular City election. The Mayor Pro-Tem shall act as Mayor during the absence or disability of the Mayor and when acting in this capacity he shall retain the right to vote."	
Item Justification	<div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> Legal/Regulatory Obligation <input type="checkbox"/> Reduce Costs <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Mitigate Risk <input type="checkbox"/> Master Plan <input type="checkbox"/> Recommendation </div> <div> <input type="checkbox"/> Infrastructure Investment <input type="checkbox"/> Customer Pull <input type="checkbox"/> Service Enhancement <input type="checkbox"/> Process Efficiency <input type="checkbox"/> Other: _____ _____ </div> </div>	
Financial Considerations		
Citizen Input/Board Review		
Legal Review		
Alternative Options		
Supporting Documents		

MINUTES
REGULAR CITY COUNCIL MEETING
RONALD C. BOWMAN CITY COUNCIL CHAMBERS
447 North Main Street
Boerne, TX 78006
May 9, 2023 – 6:00 PM

Minutes of the May 9, 2023 City Council Meeting.

Present: 5 - Mayor Tim Handren, Mayor Pro Tem Ty Wolosin, Council Member Quinten Scott, Council Member Bryce Boddie, and Council Member Joseph Macaluso

Absent: 1 - Council Member Nina Woolard

Staff Present: Ben Thatcher, Siria Arreola, Sarah Buckelew, Jeff Carroll, Lori Carroll, Laura Haning, Mike Mann, Mick McKamie, Mike Raute, Steve Riggs, Chris Shadrock, Kristy Stark and Danny Zincke.

Registered/Recognized Guests: Christina Ryrholm, Anne Handren, Greg and Stephanie Arreola, Sharon Wright, Joe Bateman, Frank Ritchie, Robert Imler, Tyler Hunt, and Carol and Jim Marquardt.

1. CALL TO ORDER – 6:00 PM

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

Mayor Handren asked Pastor Greg Arreola of the Kendall County Cowboy Church to provide the Invocation.

Mayor Handren 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:

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, 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 Scott, Council Member Boddie, and Council Member Macaluso

A. CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CITY COUNCIL MEETING ON APRIL 25, 2023.

THE MINUTES WERE APPROVED.

REGULAR AGENDA:

5. PRESENTATIONS, PUBLIC HEARINGS, AND ORDINANCES:

A. CONSIDER ON SECOND READING ORDINANCE NO. 2023-17; AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BOERNE, TEXAS, CHAPTER 2. ADMINISTRATION, ARTICLE IV. RECORDS MANAGEMENT PROGRAM; AND AMENDING THE RECORDS MANAGEMENT PLAN. (Amendments to Records Management Program and Records Management Plan)

Mayor Handren called on Ms. Lori Carroll, City Secretary. Ms. Carroll reminded the City Council of the discussion at the last council meeting regarding the proposed changes to the city's Records Management Plan. It is staff's recommendation to also include the modification to destroy commercial building plans after scanning. Discussion ensued regarding retaining commercial building plans that may have a historical value.

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER MACALUSO, TO APPROVE ON SECOND READING ORDINANCE NO. 2023-17; AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BOERNE, TEXAS, CHAPTER 2. ADMINISTRATION, ARTICLE IV. RECORDS MANAGEMENT PROGRAM; AND AMENDING THE RECORDS MANAGEMENT PLAN. (AMENDMENTS TO RECORDS MANAGEMENT PROGRAM AND RECORDS MANAGEMENT PLAN). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

B. PUBLIC HEARING AND CONSIDER ON FIRST READING ORDINANCE NO. 2023-18; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, REPEALING AND REPLACING ORDINANCE NO. 2019-56 AND ESTABLISHING IMPACT FEES FOR WATER AND WASTEWATER UTILITIES. (Update to Impact Fees, one of one public hearing)

Mayor Handren called on Utilities Director Mike Mann to review the Utilities Impact Fees. He discussed the calculation requirement which equates to a reduction. Mr. Mann provided the modifications to the ordinance.

Mayor Handren opened the Public Hearing at 6:15 p.m.

No comments were received.

Mayor Handren closed the Public Hearing at 6:15 p.m.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY COUNCIL MEMBER SCOTT, TO APPROVE ON FIRST READING ORDINANCE NO. 2023-18; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, REPEALING AND REPLACING ORDINANCE NO. 2019-56 AND ESTABLISHING IMPACT FEES FOR WATER AND WASTEWATER UTILITIES. (UPDATE TO IMPACT FEES, ONE OF ONE PUBLIC HEARING). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

C. CONSIDER ON FIRST READING ORDINANCE NO. 2023-19; AN ORDINANCE AMENDING THE CITY OF BOERNE, TEXAS, CODE OF

ORDINANCES, CHAPTER 5. BUILDINGS AND BUILDING REGULATIONS, ARTICLE II, CONSTRUCTION STANDARDS, SECTION 5-36, ADOPTING THE INTERNATIONAL RESIDENTIAL CODE 2021 EDITION AND THE INTERNATIONAL ENERGY CONSERVATION CODE 2021 EDITION; PROVIDING A PENALTY FOR VIOLATION; PROVIDING FOR PUBLICATION IN THE NEWSPAPER. (Adopt International Residential and Energy Conservation Codes 2021 Edition)

Mayor Handren called on Ms. Laura Haning, Planning Director. Ms. Haning discussed proposed exemptions in the Building Regulation Ordinance. Chief Building Official Steve Riggs explained the Climate Zones and recommended the city use Zone 2 which doesn't require as much insulation as climates in Zone 3. Mr. Haning reviewed staff recommendations to amend Chapter 5 Article II R105.2 regarding accessory structures, sidewalks and driveways, and decks. Discussion ensued regarding wooden decks and impervious cover.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY COUNCIL MEMBER BODDIE, TO APPROVE ON FIRST READING ORDINANCE NO. 2023-19; AN ORDINANCE AMENDING THE CITY OF BOERNE, TEXAS, CODE OF ORDINANCES, CHAPTER 5. BUILDINGS AND BUILDING REGULATIONS, ARTICLE II, CONSTRUCTION STANDARDS, SECTION 5-36, ADOPTING THE INTERNATIONAL RESIDENTIAL CODE 2021 EDITION AND THE INTERNATIONAL ENERGY CONSERVATION CODE 2021 EDITION; PROVIDING A PENALTY FOR VIOLATION; PROVIDING FOR PUBLICATION IN THE NEWSPAPER TO INCLUDE AMENDMENTS AS PRESENTED. (ADOPT INTERNATIONAL RESIDENTIAL AND ENERGY CONSERVATION CODES 2021 EDITION). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

6. RESOLUTIONS

A. PUBLIC HEARING AND CONSIDER RESOLUTION NO. 2023-R37; A RESOLUTION OF NO OBJECTION BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS SUPPORTING EC OAKS TRAILS, LLC'S APPLICATION FOR HOUSING TAX CREDITS TO THE TEXAS

**DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA)
FOR TRAILS AT RIVER ROAD (711 RIVER ROAD). (Proposed
construction or rehabilitation of a 107 unit complex located at
711 River Road)**

Mayor Handren called on City Manager Ben Thatcher to explain the application for housing tax credits from EC Oaks Trails, LLC. Tyler Hunt representing Evolve Communities, LLC stated that the complex will remain a unit mix site. Mr. Hunt stated that the interiors and exteriors will be updated. The tax credit will not affect the city's tax rolls.

Mayor Handren opened the Public Hearing at 6:43 p.m.

Robert Imler, 215 West Bandera Road asked for clarification of the name of the apartment complex.

Mayor Handren closed the Public Hearing at 6:44 p.m.

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER SCOTT, TO APPROVE RESOLUTION NO. 2023-R37; A RESOLUTION OF NO OBJECTION BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS SUPPORTING EC OAKS TRAILS, LLC'S APPLICATION FOR HOUSING TAX CREDITS TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) FOR TRAILS AT RIVER ROAD (711 RIVER ROAD). (PROPOSED CONSTRUCTION OR REHABILITATION OF A 107 UNIT COMPLEX LOCATED AT 711 RIVER ROAD). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

B. CONSIDER RESOLUTION NO. 2023-R38; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS SUPPORTING EC OAKS TRAILS, LLC'S APPLICATION FOR HOUSING TAX CREDITS TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) FOR TRAILS AT RIVER ROAD (711 RIVER ROAD) AND ACKNOWLEDGING MORE THAN TWICE THE STATE AVERAGE PER CAPITA SUPPORTED BY HOUSING TAX CREDITS. (Proposed construction or rehabilitation of a 107 unit complex located at

711 River Road)

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER SCOTT, TO APPROVE RESOLUTION NO. 2023-R38; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS SUPPORTING EC OAKS TRAILS, LLC'S APPLICATION FOR HOUSING TAX CREDITS TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) FOR TRAILS AT RIVER ROAD (711 RIVER ROAD) AND ACKNOWLEDGING MORE THAN TWICE THE STATE AVERAGE PER CAPITA SUPPORTED BY HOUSING TAX CREDITS. (PROPOSED CONSTRUCTION OR REHABILITATION OF A 107 UNIT COMPLEX LOCATED AT 711 RIVER ROAD). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

7. OTHER ITEMS:**A. RECEIVE AND APPROVE THE SECOND QUARTER FINANCIAL AND INVESTMENT REPORTS FOR FISCAL YEAR 2023.**

Mayor Handren called on Ms. Sarah Buckelew, Finance Director. Ms. Buckelew provided an overview of the Quarterly Financial and Investment Reports. She stated that since the budget was set, Fed Funds Target Rate has more than quadrupled. As of March, actual revenue is approximately four times budget. Discussion ensued regarding sales tax projections.

A MOTION WAS MADE BY COUNCIL MEMBER BODDIE, SECONDED BY MAYOR PRO TEM WOLOSIN, TO RECEIVE AND APPROVE THE SECOND QUARTER FINANCIAL AND INVESTMENT REPORTS FOR FISCAL YEAR 2023. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

B. MAYORAL APPOINTMENT TO THE HISTORIC LANDMARK COMMISSION AND THE PLANNING AND ZONING COMMISSION.

Mayor Handren stated that there were some resignations, appointments and re-appointments that needed to be resolved on the Planning and Zoning Commission and the Historic Landmark Commission.

A MOTION WAS MADE BY MAYOR PRO TEM WOLOSIN, SECONDED BY COUNCIL MEMBER SCOTT, TO APPROVE THE MAYORAL APPOINTMENT TO THE HISTORIC LANDMARK COMMISSION AND THE PLANNING AND ZONING COMMISSION AS PROVIDED. HISTORIC LANDMARK COMMISSION: RE-APPOINT PATTI MAINZ, APPOINT JUSTIN BOERNER AS CHAIR , APPOINT SALLY PENA AS VICE CHAIR AND APPOINT JULIA MURPHY AND LYNNESSE GRAVES. PLANNING AND ZONING COMMISSION: RE-APPOINT TIM BANNWOLF AS CHAIR, RE-APPOINT LUCAS HILER AND APPOINT CARLOS VECINO. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

8. CITY MANAGER'S REPORT:

Mayor Handren called on City Manager Ben Thatcher to provide the City Manager's Report.

A. WEBSITE UPDATE AND LAUNCH OF NEW COMMUNITY CALENDAR.

City Manager Thatcher called on Mr. Chris Shadrock, Communications Director to review the changes to the city's website. Mr. Shadrock displayed the new website pages.

B. BEAUTIFICATION TASK FORCE UPDATE.

City Manager Thatcher called on Mr. Danny Zincke, Assistant City Manager to provide information on the new Beautification Task Force, made up of 10 different city departments. This is a way not only to engage city staff but to also utilize and engage community partners. He reviewed the objective of the program.

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

Mayor Pro Tem Wolosin congratulated those who won the election and those who didn't win. It takes a lot of effort. He expressed appreciation to Mayor Handren for his service to the community. The city accomplished a lot with his

leadership. Mayor Pro Tem Wolosin stated that he learned a lot from Mayor Handren.

Council Member Boddie stated that Mayor Handren's leadership has been special. He expressed appreciation to Ms. Handren for her support. People don't realize we are neighbors, just not council members and it gets nasty sometimes.

Council Member Scott stated he was appreciative of the service Mayor Handren provided. His leadership will be missed.

Council Member Macaluso stated that he ran against Mayor Handren in the District 5 Council Member race in 2018 and lost. When it was time for him to take the Mayor's seat, Mayor Handren urged Council Member Macaluso to run again. Boerne is growing and causing change. With Mayor Handren's leadership, the city was successful in tackling difficult matters.

Mayor Handren stated that this was his last council meeting. He thanked city staff for the professionalism and is humbled by their attitude of service. He stated he led the community during Covid and the change of city manager. He has learned a lot from staff. As a new member of city council, there is a lot to learn. Mayor Handren expressed appreciation to the city council members. He said we have been through a lot and it's not an easy job. It's complicated, not trivial. It takes time. He stated that he spends 20 to 40 hours a week devoted to city responsibilities. Council is always thoughtful, insightful, respectful, and discussions are always without contempt because we care about the city of Boerne despite social media negativity. He expressed appreciation to City Manager Thatcher for all that has been accomplished. He thanked Ms. Handren for the 30 years they have been together. Mayor stated that his success is because of her.

City Manager Thatcher stated that on behalf of city staff, we appreciate the partnership you brought to city council as the role of Mayor. Your support and appreciation for all things strategic has allowed us to expedite the things that make Boerne even better. The respect of the City Manager Form of Government is greatly appreciated. City Manager Thatcher expressed

appreciation to Ms. Handren for her support. City Manager Thatcher presented Mayor Handren with a "Key to the City" and Ms. Handren with a bouquet of flowers.

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

Mayor Handren convened the City Council into Executive Session at 7:27 p.m.

- A. SECTION 551.072 - TO DELIBERATE THE PURCHASE OR VALUE OF REAL PROPERTY WHERE DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE CITY IN NEGOTIATIONS WITH A THIRD PERSON. (Utility easement at the north end of Ranch Drive)

No action was taken.

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

Mayor Handren reconvened the City Council into Open Session at 7:33 p.m.

- A. CONSIDER RESOLUTION NO. 2023-R39; A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE ____ ACRES, MORE OR LESS, LOCATED AT _____, BOERNE, TEXAS, 78006, FROM _____; AND EXECUTE ALL NECESSARY DOCUMENTATION. (Utility easement at the north end of Ranch Drive)

A MOTION WAS MADE BY COUNCIL MEMBER BODDIE, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE RESOLUTION NO. 2023-R39; A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE A UTILITY EASEMENT OF 0.460 ACRES, MORE OR LESS, LOCATED AT 164 RANCH DRIVE, BOERNE, TEXAS, 78006, FROM BRET AND SHAWN BEACH; AND EXECUTE ALL NECESSARY DOCUMENTATION. (UTILITY EASEMENT AT THE NORTH END OF RANCH DRIVE). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

12. ADJOURNMENT

Mayor Handren adjourned the City Council meeting at 7:34 p.m.

Approved:

Mayor

Attest:

City Secretary

MINUTES
SPECIAL CALLED CITY COUNCIL MEETING
RONALD C. BOWMAN CITY COUNCIL CHAMBERS
447 North Main Street
Boerne, TX 78006
May 16, 2023 – 5:00 PM

Minutes of the Special Called City Council Meeting of May 16, 2023.

Present: 5 - Mayor Pro Tem Ty Wolosin, Council Member Nina Woolard,
 Council Member Quinten Scott, Council Member Bryce
 Boddie, and Council Member Joseph Macaluso

Absent: 1 - Mayor Tim Handren

Staff Present: Ben Thatcher, Siria Arreola, Sarah Buckelew, Lori Carroll, Lissette Jimenez, Mike Mann, Mike Raute, Chris Shadrock, Kelly Skovbjerg, Kristy Stark, Jeanette Teague, Larry Woods, Mary Woods, and Danny Zincke.

Recognized/Registered Guests: John Woolard

1. CALL TO ORDER – 5:00 PM

Mayor Pro Tem Wolosin called the City Council Meeting to order.

2. PUBLIC COMMENTS:

No comments were received.

**3. RECEIVE ELECTION RETURNS FROM THE PRESIDING JUDGES OF
THE VOTING BALLOT BOARD AND EARLY VOTING BALLOT BOARD.**

Mayor Pro Tem Wolosin called on Ms. Lori Carroll, City Secretary to present the election returns from the May 6, 2023, General Election. Ms. Carroll stated that the reports received from the Kendall County Election office were provided to the Council Members. Ms. Carroll reviewed the summary of results.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY MAYOR PRO TEM WOLOSIN, TO RECEIVE THE ELECTION RETURNS FROM THE PRESIDING JUDGES OF THE VOTING BALLOT BOARD AND EARLY VOTING BALLOT BOARD. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

4. CONSIDER RESOLUTION NO. 2023-R40; A RESOLUTION CERTIFYING THE CANVASS OF ELECTION RETURNS OF THE MAY 6, 2023, GENERAL ELECTION AND DECLARING SAID MAYOR AND DISTRICT 2 AND 4 COUNCIL MEMBERS DULY ELECTED.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY COUNCIL MEMBER SCOTT, TO APPROVE RESOLUTION NO. 2023-R40; A RESOLUTION CERTIFYING THE CANVASS OF ELECTION RETURNS OF THE MAY 6, 2023, GENERAL ELECTION AND DECLARING SAID MAYOR AND DISTRICT 2 AND 4 COUNCIL MEMBERS DULY ELECTED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

5. EXPRESSION OF GRATITUDE TO OUTGOING COUNCIL MEMBER.

Mayor Pro Tem Wolosin called on City Manager Ben Thatcher to acknowledge Ms. Woolard on her tenure as a city council member. Mr. Thatcher provided history of Ms. Woolard's participation on various city committees. He stated that he is appreciative of her willingness to participate, always prepared and wants to do what is best for the city. The city benefited from her historical knowledge.

Mayor Pro Tem Wolosin stated that he appreciated her leadership. He learned a lot from her and knows her interest is making the community the best it can be.

Council Member Scott stated that he always looked to her for historical information. He appreciated her service to the community.

Council Member Boddie stated that she is a role model to his girls and is thankful for that. He expressed appreciation to Mr. Woolard for his support.

Council Member Macaluso stated that she has done a wonderful job on city council. She has an institutional memory which is invaluable. He expressed appreciation to her for her willingness to serve.

Council Member Woolard stated that it has been a pleasure working with staff and council. She knows the City is in great hands.

City Manager Thatcher presented Council Member Woolard with a "Key to the City" and a flower bouquet. Mr. Woolard was presented with a gift card.

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

No comments were received.

7. ADJOURNMENT

Mayor Pro Tem Wolosin adjourned the City Council at 5:12 p.m.

Approved:

Mayor

Attest:

City Secretary



AGENDA ITEM SUMMARY

District Impacted

- ☐ 1 = Wolosin
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Agenda Date	May 23, 2023	
Requested Action	CONSIDER ON SECOND READING ORDINANCE NO. 2023-18; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, REPEALING AND REPLACING ORDINANCE NO. 2019-56 AND ESTABLISHING IMPACT FEES FOR WATER AND WASTEWATER UTILITIES.	
Contact Person	Michael Mann – Utilities Director	
Background Information	<p>On May 9, Council held a public hearing and passed the subject Impact Fees Ordinance on first reading. It is being presented on the consent agenda at this meeting because the first vote to pass was unanimous.</p> <p>The only change to this ordinance draft, as stated in the Staff presentation on May 9, is modification of the effective date of the new fees in Tables C1 and C2. That date is now based on the date of this proposed passing on second reading.</p> <p>The proposed ordinance updating the fees is attached for your review. Staff requests that the Council approve the new impact fee ordinance as presented.</p>	
Item Justification	<input checked="" type="checkbox"/> Legal/Regulatory Obligation <input type="checkbox"/> Reduce Costs <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Mitigate Risk <input type="checkbox"/> Master Plan Recommendation	<input type="checkbox"/> Infrastructure Investment <input type="checkbox"/> Customer Pull <input type="checkbox"/> Service Enhancement <input type="checkbox"/> Process Efficiency <input checked="" type="checkbox"/> Other: Impact Fee Fund Administration Requirements
Financial Considerations	Adoption of the new fees will allow application of impact fee funds to cover projects that are in the recently revised utilities capital improvements plan.	
Citizen Input/Board Review	Recommendations from the Impact Fee Advisory Board were presented on March 28, 2023. There were no public comments at the public hearing held on May 9.	
Legal Review	Ordinance Revisions Reviewed and approved.	

Alternative Options	We could choose to adopt fees lower than the maximum, but that would put more burden on the ratepayers to fund the capital improvements needed to serve growth.
Supporting Documents	N/A

ORDINANCE NO. 2023-18

AN ORDINANCE OF THE CITY OF BOERNE, TEXAS REPEALING AND REPLACING ORDINANCE NOS. 2014-38, 2015-03, 2017-13, 2019-56, AND ESTABLISHING IMPACT FEES FOR WATER AND WASTEWATER UTILITIES

WHEREAS, the City of Boerne, Texas, is responsible for and committed to the provision of public facilities and services (including water and wastewater service) at levels necessary to cure any existing public service deficiencies in already developed areas; and

WHEREAS, such facilities and service levels shall be provided by the City of Boerne utilizing funds allocated in the capital budget and capital improvements programming processes and relying upon the funding sources indicated therein; and

WHEREAS, new residential and nonresidential development causes and imposes increased and excessive demands upon Boerne Water and Wastewater Utilities public facilities and services, including water and sewer facilities, that would not otherwise occur; and

WHEREAS, planning and zoning projections indicate that such development will continue and will place ever-increasing demands on the City of Boerne to provide necessary public facilities; and

WHEREAS, the development potential and property values of properties are strongly influenced and encouraged by City policy as expressed in the Comprehensive Plan and as implemented via the City zoning ordinance and map; and

WHEREAS, to the extent that such new development places demands upon the public facility infrastructure, those demands should be satisfied by shifting the responsibility for financing the provision of such facilities from the public at large to the developments actually creating the demands for them; and

WHEREAS, the amount of the impact fee to be imposed shall be determined by the cost of the additional public facilities needed to support such development, which public facilities shall be identified in a capital improvements program, and

WHEREAS, the City Council, after careful consideration of the matter, hereby finds and declares that impact fees imposed upon residential and nonresidential development to finance specified major public facilities, the demand for which is created by such development, is in the best interests of the general welfare of the City and its residents, is equitable, and does not impose an unfair burden on such development;

WHEREAS, in 1987 the Texas Legislature adopted Senate Bill 336; now Texas Local Government Code Chapter 395; and

WHEREAS, the City Council finds that in all things the City has complied with said statute in the notice, adoption, promulgation, and methodology necessary to adopt Impact Fees; and

WHEREAS, the City has completed a review and update of the land use assumptions, the capital improvements plan for water and wastewater facilities, and the impact fees in accordance with the procedures set forth in Texas Local Government Code Chapter 395; and

WHEREAS, from time to time it becomes necessary for the City Council to repeal and reestablish ordinances of the City of Boerne, Texas.

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

That Ordinance Nos. 2014-38, 2015-03, 2017-13, 2019-56 are hereby repealed and replaced with the following:

WATER AND WASTEWATER IMPACT FEES

ARTICLE I

GENERAL PROVISIONS

Section 1.01 Short Title

This Ordinance shall be known and cited as the Water and Wastewater Impact Fee Ordinance.

Section 1.02 Intent

This Ordinance is intended to impose water and wastewater impact fees, as established in this Ordinance, in order to finance public facilities, the demand for which is generated by new development in the designated service area.

Section 1.03 Authority

The City is authorized to enact this Ordinance by Texas Local Government Code Chapter 395 (Senate Bill 336 enacted by the 70th Texas Legislature) and its successors, which authorizes cities, among others, to enact or impose impact fees (impact fees) on land within their corporate boundaries or extraterritorial jurisdictions, as charges or assessments imposed against new development in order to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to such new development. The provisions of this Ordinance shall not be construed to limit the power of the City to adopt such Ordinance pursuant to any other source of local authority, nor to utilize any other methods or powers otherwise available for accomplishing the purposes set forth herein, either in substitution of or in conjunction with this Ordinance. Guidelines may be developed by resolution or otherwise to implement and administer this chapter.

Section 1.04 Definitions

As applied in this Ordinance, the following words and terms shall be used:

- (1) **Area Related Facility** - A capital improvement or facility expansion which is designated in the Capital Improvements Plan and which is not a site-related service facility. An area-related service facility may include a capital improvement which is located off-site, within, or on the perimeter of the development site.

- (2) Assessment - The determination of the amount of the maximum impact fee per service unit which can be imposed on new development pursuant to this Ordinance.
- (3) Boerne Utilities - The municipal water and wastewater utilities of the City of Boerne, Texas.
- (4) Capital Construction Cost of Service - Costs of constructing capital improvements or facility expansions, including and limited to the construction contract price, surveying and engineering fees, land acquisition costs (including land purchases, court awards and costs, attorney's fees, and expert witness fees), and the fees actually paid or contracted to be paid to an independent qualified engineer or financial consultant preparing or updating the capital improvements plan who is not an employee of the City.
- (5) Capital Improvement Advisory Committee (Advisory Committee) - Advisory committee, appointed by the City Council, consisting of at least five members which are not employees of the City, not less than 40 percent of which shall be representatives of the real estate, development, or building industries who are not employees or officials of a political subdivision or governmental entity. The Planning and Zoning Commission may act as the advisory committee if the commission includes at least one representative of the real estate, development, or building industry who is not an employee or official of a political subdivision or governmental entity. If no such representative is a member of the Planning and Zoning Commission, one such member may be appointed as an ad hoc member. If the impact fee is to be applied in the extraterritorial jurisdiction of the political subdivision, the membership must include a representative from that area. The advisory committee is appointed to regularly review and update the capital improvements program in accordance with the requirements of Texas Local Government Code Chapter 395, and its successors.
- (6) Capital Improvements Plan (CIP) - Plan which identifies water and wastewater capital improvements or facility expansions pursuant to which impact fees may be assessed.
- (7) City – City of Boerne, Texas.
- (8) City Council - Governing body of the City of Boerne, Texas.
- (9) City Manager - The chief administrative and executive officer of the City, appointed by the City Council and responsible to the City Council for the administration of all the affairs of the city. City Manager includes any city employee designated to act in the City Manager's behalf.
- (10) Commercial Development - For the purposes of this Ordinance, all development which is neither residential nor industrial. Commercial development includes any structure or structures on a single lot designed to accommodate more than four dwelling units.

- (11) Comprehensive Plan - The comprehensive long-range plan, adopted by the City Council, which is intended to guide the growth and development of the City which includes analysis, recommendations and proposals for the City regarding such topics as population, economy, housing, transportation, community facilities, and land use.
- (12) Cottage – A small home within a Cottage development per Article 5. Zoning Districts and Use Regulations, Section 31.CHD – Cottage Housing Development Overlay District.
- (13) Duplex - A structure on a single lot designed to accommodate two dwelling units, as authorized under the City's zoning regulations.
- (14) Dwelling Unit - a structure or portion of an overall structure in which a typical household or person or unrelated persons would reside together. A single dwelling unit would include a single family detached house or individual units of attached housing, i.e. one unit within a duplex, triplex, fourplex, or larger apartment building.
- (15) Effective Impact Fee - Amount of impact fee collected per service unit, which may be equal to or less than the maximum impact fees as set forth in Exhibit C to this ordinance.
- (16) Existing Development - All development within the service area which has a water or wastewater utility service, whether on the Boerne Utilities' system or other centralized water or sewer system, as of the date of the adoption of this Ordinance.
- (17) Facility Expansion - The expansion of the capacity of an existing facility which serves the same function as an otherwise necessary new capital improvement in order that the existing facility may serve new development. Facility expansion does not include the repair, maintenance, modernization, or expansion of an existing facility to better serve existing development.
- (18) Final Subdivision Plan or Final Plat - The map, drawing, or chart on which is provided a subdivider's plan of a subdivision, and which has received final approval by the Planning and Zoning Commission or City Council and which is recorded with the office of the County Clerk.
- (19) Fourplex – A structure on a single lot designed to accommodate four dwelling units, as authorized under the City's zoning regulations.
- (20) Growth-Related Costs - Capital Construction costs of service related to providing additional service units to new development, either from excess capacity in existing facilities, from facility expansions, or from new capital facilities. Growth-related costs do not include:
 - (a) Construction, acquisition, or expansion of public facilities or assets other than capital improvements or facility expansions identified in the capital improvements plan;

- (b) Repair, operation, or maintenance of existing or new capital improvements or facility expansions;
 - (c) Upgrading, updating, expanding, or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental, or regulatory standards;
 - (d) Upgrading, updating, expanding, or replacing existing capital improvements to provide better service to existing development;
 - (e) Administrative and operating costs of the Boerne Utilities; and
 - (f) Principal payments and interest or other finance charges on bonds or other indebtedness, except for such payments for facilities contained in the capital improvements plan.
- (21) Impact Fee - Fee to be imposed upon new development, calculated based upon the growth-related costs of facilities in proportion to development creating the need for such facilities, fees do not include dedication of rights-of-way or easements, or construction or dedication of site-related water distribution or wastewater collection facilities required by other ordinances of the City Code or policy; or pro rata fees placed in trust funds for the purpose of reimbursing developers for oversizing or constructing water or sewer mains.
- (22) Industrial Development - Development which will be assigned to the industrial customer class of the water or wastewater utilities; generally development in which goods are manufactured, or development which is ancillary to such manufacturing activity.
- (23) Land Use Assumptions - Projections of changes in land uses, densities, intensities, and population therein over at least a 10-year period, adopted by the City, as may be amended from time to time, upon which the capital improvement plan is based.
- (24) Living Unit Equivalent (LUE) - Basis for establishing equivalency among and within various customer classes based upon the relationship of the continuous duty maximum flow rate in gallons per minute for a water meter of a given size and type compared to the continuous duty maximum flow rate in gallons per minute for a 5/8" diameter non-turbine water meter, using American Water Works Association C700-C703 standards and AWWA Manual of Practice M22. For purposes of this ordinance, 5/8" water meters are considered to equal one (1) LUE. LUE's for various water meter sizes are as follows:

METER SIZE AND TYPE

5/8" Non-turbine	1.0
3/4" Non-turbine	1.5*
1" Non-turbine	2.5
1-1/2" Non-turbine	5.0

2" Non-turbine	8.0
2" Compound	8.0
2" Turbine	10.0
3" Compound	16.0
3" Turbine	25.0
4" Compound	25.0
4" Turbine	42.0
6" Compound	50.0
6" Turbine	92.0
8" Turbine	160.0
10" Turbine	250.0
12" Turbine	330.0

* Where a residential 3/4" combined domestic/fire service is allowed, a required 3/4" meter shall be considered to equal one (1) LUE if a 5/8" domestic meter would normally suffice.

- (25) New Development - Subdivision of land; or the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure; or any use or extension of the use of land; any of which increases the number of service units for water or wastewater service. New development includes the provision of water or wastewater service resulting from the conversion of an individual well or septic or other individual waste disposal system, to the Boerne Utilities' water or wastewater utility.
- (26) Offset - The amount of the reduction of an impact fee designed to fairly reflect the value of area-related facilities, pursuant to rules herein established or administrative guidelines, provided and funded by a developer pursuant to the City's subdivision regulations or requirements.
- (27) Preliminary Subdivision Plan or Preliminary Plat - The initial map, drawing, or chart on which is provided a subdivider's plan of a subdivision, and which accompanies the completed application for preliminary plat approval filed pursuant to Article 2 of the City's Subdivision Ordinance.
- (28) Residential - A lot developed for use and occupancy as a single-family residence, a duplex, a triplex, or a fourplex.
- (29) Service Area - Area within the corporate boundaries and/or within the extraterritorial jurisdiction as defined by the Municipal Annexation Act (Chapter 42, Section 42.021, Local Government Code), or such areas as contractually defined to be served by the water and wastewater capital improvements or facilities expansions specified in the capital improvements program applicable to the service area.
- (30) Service Unit - Standardized measure of consumption, use, generation, or discharge attributable to an individual unit of development calculated in accordance with generally accepted engineering or planning standards for a particular category of capital improvements or facility expansions, expressed in living units equivalent.

- (31) Single-Family Residence - Single-family dwelling unit, as authorized under the City's zoning regulations.
- (32) Site-related Facility - Improvement or facility which is for the primary use or benefit of a new development and/or which is for the primary purpose of safe and adequate provision of water or wastewater facilities to serve the new development, and which is not included in the capital improvements plan, and for which the developer or property owner is solely responsible under subdivision and other applicable regulations.
- (33) Application for City Utility Service - The filing with the City of a written application for water or wastewater service and the acceptance of applicable fees by the City. The term "Application for City Utility Service" shall not be applicable to a meter purchased for and exclusively dedicated to fire protection.
- (34) Triplex - A structure on a single lot designed to accommodate three dwelling units, as authorized under the City's zoning regulations.
- (35) Wastewater Facility - Improvement for providing wastewater service, including, but not limited to, land or easements, treatment facilities, lift stations, or interceptor mains. Wastewater facility excludes wastewater lines or mains which are constructed by developers, the costs of which are reimbursed from pro rata charges paid by subsequent users of the facilities and which are maintained in dedicated trusts. Wastewater facilities also exclude dedication of rights-of-way or easements or construction or dedication of on-site wastewater collection facilities required by valid ordinances or policies of the City and necessitated by and attributable to the new development.
- (36) Wastewater Facility Expansion - Expansion of the capacity of any existing wastewater improvement for the purpose of serving new development, not including the repair, maintenance, modernization, or expansion of an existing wastewater facility to serve existing development.
- (37) Wastewater Improvements Plan (Wastewater CIP) - Portion of the CIP, as may be amended from time to time, which identifies the wastewater facilities or wastewater facility expansions and their associated costs which are necessitated by and which are attributable to new development, for a period not to exceed ten (10) years, which are to be financed in whole or in part through the imposition of wastewater facilities fees pursuant to this Ordinance.
- (38) Water Facility - Improvement for providing water service, including, but not limited to, land or easements, water supply facilities, treatment facilities, pumping facilities, storage facilities, or transmission mains. Water facility excludes water lines or mains which are constructed by developers, the costs of which are reimbursed from pro rata charges paid by subsequent users of the facilities and which are maintained in dedicated trusts. Water facilities also exclude dedication of rights-of-way or easements or construction or dedication of on-site water distribution facilities required by valid ordinances of the City and necessitated by and attributable to the new development.

- (39) Water Facility Expansion - Expansion of the capacity of any existing water improvement for the purpose of serving new development, not including the repair, maintenance, modernization, or expansion of an existing water facility to serve existing development.
- (40) Water Improvement Plan (Water CIP) - Portion of the CIP, as may be amended from time to time, which identifies the water facilities or water facility expansions and their associated costs which are necessitated by and which are attributable to new development, for a period not to exceed ten (10) years, which are to be financed in whole or in part through the imposition of water facilities fees pursuant to this Ordinance.

Section 1.05 Applicability of Impact Fees

(1) No new development shall be exempt from the assessment of impact fees as defined in this Ordinance. However, the City Council of Boerne may determine that for reasons of applicant hardship or for reasons of general community welfare, the applicable fees may be paid by the City into the appropriate utility funds in lieu of payment by the applicant.

Section 1.06 Impact Fees as Conditions of Development Approval

No application for new development shall be approved without assessment of impact fees pursuant to this Ordinance, and no Application for City Utility Service or building Certificate of Occupancy shall be issued unless the applicant has paid the impact fees imposed by and calculated herein.

Section 1.07 Establishment of Water and Wastewater Service Areas

(1) The conceptual water and wastewater service area(s) for development of impact fee purposes are established as shown on the Service Area Map(s) which is Exhibit A for this Ordinance.

(2) The conceptual service areas shall be established consistent with any facility service area established in the CIP for each utility. Additions to the service area may be designated by the City Council consistent with the procedure set forth in Texas Local Government Code Chapter 395 and its successors.

Section 1.08 Land Use Assumptions

Land use assumptions used in the development of the impact fees are contained in Exhibit B of this Ordinance. These assumptions may be revised by the City Council according to the procedure set forth in Texas Local Government Code Chapter 395 and its successors.

Section 1.09 Service Units

(1) Service units are established in accordance with generally accepted engineering and planning standards.

(2) Upon application for City Utility Service or Building Permit, the number of service units for levy of impact fees related to water and wastewater utilities shall be based on the size of the water meter(s) for the development. Development which consists of more than four dwelling units on a single lot is considered to be commercial development and impact fees shall be based on the size of the water meter(s).

(3) In the case of multi-family customers with greater than four living units on a single lot with individual meters and a separate meter for all irrigation, the levy of Impact Fees can alternately be based upon the potential size of a hypothetical master meter that would serve all of the units on the lot exclusive of irrigation. Impact Fees shall be assessed based on the irrigation meter size and the hypothetical master meter size. All irrigation for the lot shall be through the irrigation meter. The hypothetical master meter shall be sized by a licensed professional engineer to provide the maximum water demand exclusive of irrigation calculated using the following procedure:

- (a) Compute the load value in water supply fixture units (wsfu) of all the plumbing fixtures being served on the lot per the Appendix: "Sizing of Water Piping System", of the City adopted plumbing code.
- (b) Use the load value in wsfu in the table for estimating demand per the City adopted plumbing code to determine the total demand for the units served on the lot. Add continuous demands for air conditioners and other equipment to the total from the table. Linear interpolation between values in the plumbing code table is acceptable.
- (c) Use the following table to determine the meter size and number of LUE's to be assessed by selecting a hypothetical master meter size with the Maximum Continuous Flow greater than the estimated total demand plus continuous demands:

High Normal Flow Rate(qpm)	Meter Size	LUE's
10	5/8" Non-turbine	1.0
15	3/4" Non-turbine	1.5
25	1" Non-turbine	2.5
50	1-1/2" Non-turbine	5.0
80	2" Non-turbine	8.0
100	2" Turbine	10.0
160	3" Compound	16.0
220	3" Turbine	25.0
250	4" Compound	25.0
420	4" Turbine	42.0
500	6" Compound	50.0
920	6" Turbine	92.0
1,600	8" Turbine	160.0
2,500	10" Turbine	250.0
3,300	12" Turbine	330.0

(4) If the City Manager determines that the water pressure in the Boerne Utilities' main is significantly higher or lower than standard pressure such that the size of the water meter is not

indicative of actual service demand, the City Manager may adjust the number of LUE's based on a smaller or larger sized meter which more accurately reflects the flow rate and the system pressure conditions.

(5) If a fire demand meter is purchased for a property, the meter size utilized to calculate the number of LUE's shall be the dimension of the portion of the fire demand meter which reflects the meter size which would provide only domestic service to the property. Said reduced meter size shall then be utilized to calculate the number of LUE's. The meter types used to calculate the number of LUE's shall be either non-turbine or compound meters.

(6) Upon application for Utility Service for lots for which no water meter has been purchased, service units shall be established by a professional engineer licensed in the State of Texas, and shall be approved by the City Manager.

(7) The City Council may revise the service units' designation according to the procedure set forth in Texas Local Government Code Chapter 395 and its successors.

(8) When a Cottage development per Article 5. Zoning Districts and use Regulations, Section 31. CHD – Cottage Housing Development Overlay District includes a master irrigation meter for the common areas and all other irrigated space including lawns on individual lots and the services to the Cottages will not be used for irrigation the number of water service units for a 5/8" Non-turbine meter shall be .65 LUE. Each cottage shall have its own 5/8" domestic water meter

Section 1.10 Impact Fees per Service Unit

(1) The maximum impact fee per service unit for each service area shall be computed by dividing the growth-related capital construction cost of service in the service area identified in the capital improvements plan for that category of capital improvements, by the total number of projected service units anticipated within the service area which are necessitated by and attributable to new development and based on the land use assumptions for that service area. The initial base amount of maximum impact fee per service unit for each service area shall be established by category of capital improvements and shall be set forth in Exhibit C to this Ordinance.

(2) Exhibit C may be amended by the City Council according to the procedure set forth in Texas Local Government Code Chapter 395 and its successors.

(3) The effective Impact Fees per service unit may be amended from time to time by the City Council through ordinance amendment to any amount less than or equal to that set forth in Exhibit C to this ordinance.

(4) The effective Impact Fees per service unit shall be equal to or less than the maximum Impact Fees per service unit as set forth in Exhibit C to this ordinance.

(5) Unless changed by subsequent ordinance the effective Impact Fees per Living Unit Equivalent (LUE) for water and wastewater shall be:

Seven Thousand Six Hundred Twenty-Nine Dollars (\$7,629) broken down as follows: Two Thousand Five Hundred Nine Dollars (\$2,509) for water facilities and Five Thousand One Hundred Twenty Dollars (\$5,120) for wastewater facilities.

(6) The impact fees per service unit set forth in Section 1.10 (5) shall apply to any plat application filed after the effective date of this ordinance.

(7) Impact fees assessed by previous ordinances are attached hereto as Exhibits C1 – C9 and incorporated herein by reference.

Section 1.11 Assessment of Impact Fees

(1) The approval of any subdivision of land or of any new development shall include as a condition the assessment of the impact fee applicable to such development.

(2) Assessment of the impact fee for any new development shall be made as follows:

(a) For a development which is submitted for approval pursuant to the City's subdivision ordinances, regulations and policies, and/or the Development Plat Ordinance, following the effective date of this Ordinance, assessment shall be on the date of filing of a completed application for preliminary plat approval, and shall be the amount as set forth in Section 1.10(5).

(b) For a development which has received final plat approval but for which there has been no prior assessment of fees, fees shall be assessed pursuant to Exhibit C, except as provided for in section 1.11(2)(d).

(c) For land on which new development occurs or is proposed to occur without platting, assessment shall be made at the time upon which an Application for City Utility Service is filed, and shall be calculated as set forth in Section 1.10(5).

(d) For any assessments made after the effective date of this ordinance, the impact fee per service unit set forth in Section 1.10 (5) shall apply. Any development that has received final plat approval, and has been assessed an impact fee under a previous ordinance, which is noted on the subdivision or development plat, shall not have the previously assessed impact fee changed. Any development that has received final plat approval prior to December 11, 1990, shall be assessed a unit fee per Exhibit C9.

(e) Because fire protection is of critical concern to the community as a whole, water demand related solely to fire protection is not subject to assessment of an impact fee. However, if the fire protection capacity of the fire demand meter is routinely utilized for domestic purposes as evidenced by the registration of consumption recorded on the City of Boerne's meter-reading and billing systems, the current owner of the property shall be assessed the current impact fees, as set forth in Section 1.10(5), for the fire protection capacity which has been converted to domestic capacity by its routine usage as domestic capacity.

(3) Following assessment of the impact fee pursuant to subsection (2), no additional impact fees or increases thereof shall be assessed against that development unless the number of service

units increases, as set forth under Section 1.09. An increase in service units shall be deemed to have occurred when existing development with existing services for which impact fees have been paid is redeveloped or otherwise altered to require additional water and/or wastewater capacity. The additional service units provided to the lot shall be assessed impact fees based on difference in LUE's between the new services and previous services multiplied by the Effective Impact fee per LUE in accordance with Section 1.10(5).

(4) Following the lapse or expiration of approval for a preliminary plat, which was made pursuant to the Subdivision Ordinance, the assessment made at the time the completed application for a preliminary plat was filed expires, and a new assessment shall be made in accordance with the procedure described in Section 1.11 (2)

Section 1.12 Calculation of Impact Fees

(1) Following the request for new development as provided in Section 1.11 of this Ordinance, the City shall compute impact fees due for the new development in the following manner:

- (a) The applicable number of service units per dwelling unit or per water meter size shall be determined according to Section 1.09 of this Ordinance;
- (b) Service units for all land uses for the development shall be summed;
- (c) The total service units shall be multiplied by the appropriate per-unit fee amount determined as set forth in Section 1.10; and
- (d) Fee credits and offsets shall be subtracted as determined by the process prescribed in Section 1.14 of this Ordinance.

(2) The amount of each impact fee due for a new development, whether calculated at time of final plat approval or at time of Application for City Utility Service, shall not exceed an amount computed by multiplying the fee assessed per service unit pursuant to Section 1.10 by the number of service units generated by the development.

Section 1.13 Collection of Impact Fees

(1) No approval of Application for City Utility Service shall be made until all relevant impact fees have been paid to the City, or until a "notice of impact fee due" is recorded as provided in this Section, except as provided otherwise by contract.

(2) For a platted or unplatted development which is submitted in accordance with all applicable ordinance submission requirements for approval pursuant to the City's subdivision regulations and Utilities policies subsequent to the effective date of this Ordinance, impact fees shall be collected at the time of Application for City Utility Service or Application for Building Permit for use of water and wastewater utility facilities in an amount as determined in Section 1.11 and 1.12 above.

(3) For a development which has received final plat approval prior to the effective date of this Ordinance and for which no replatting is necessary prior to provision of a water or wastewater utility services, impact fees shall be collected at the time of Application for City Utility Service or Application for Building Permit except as provided by Section 1.14.

(4) In the event that a water or wastewater utility service is provided as the result of a conversion from an individual well, or septic or other individual waste disposal system, the appropriate fee shall be collected at the time of Application for City Utility Service, except as provided below:

(a) At the request of the applicant, and with the approval of the City Manager, the impact fees for such customers may be paid in increments over a period of not more than one year, with interest computed on the unpaid balance at the statutory rate as set forth in Tex. Rev. Civ. Stat.art.5069-1.03, or any successor statute.

(b) If the applicant chooses this extended payment option, the applicant shall, as a condition of utility service, sign and file with the City Manager, and consent to the recordation of, a "notice of impact fee due", which shall be recorded as a lien against the subject property. The City shall release the lien held only upon payment in full of the impact fees and any late penalties and applicable interest.

(c) Late payments shall subject the applicant to a penalty of ten percent of the amount due and additional interest in addition to all other remedies available to the City as lien holder.

(5) In no case will the unit fee collected be higher than the assessed fee per LUE, as specified herein.

Section 1.14 Offsets and Credits Against Impact Fees

(1) The City shall offset the present value of any area-related facilities listed in the CIP, pursuant to rules established in this section, and which have been dedicated to and have been received by the City, including the value of rights-of-way or capital improvements constructed pursuant to an agreement with the City, against the amount of the impact fee due for that category of capital improvement.

(2) The City shall credit impact fees which have been paid pursuant to Ordinance No. 84-14, Ordinance No. 90-22, Ordinance No. 98-02, Ordinance No. 2001-12, Ordinance No. 2005-67, Ordinance No. 2006-27, Ordinance No. 2009-15, Ordinance No. 2014-01, Ordinance 2014-38, Ordinance 2015-03, Ordinance 2017-13, and Ordinance 2019-56 prior to the effective date of this Ordinance, against the amount of an impact fee due for that category of capital improvement, subject to guidelines established by the City.

(3) All offsets and credits against impact fees shall be subject to the following limitations and shall be granted based on this Ordinance and additional standards promulgated by the City, which may be adopted as administrative guidelines:

(a) No offset or credit shall be given for the dedication or construction of site-related facilities.

(b) The unit costs used to calculate the offsets shall not exceed those assumed for the capital improvements included in the capital improvements plan for the category of facility within the service area for which the impact fee is imposed.

(c) If an offset or credit applicable to a plat has not been exhausted within ten (10) years from the date of the acquisition of the first building permit issued or connection made after the effective date of this ordinance or within such period as may be otherwise designated by contract, such offset or credit shall lapse.

(d) In no event will the City reimburse the property owner or developer for an offset or credit when no impact fees for the new development can be collected pursuant to this Ordinance or for any amount exceeding the total impact fees due for the development for that category of capital improvement as specified in Section 1.10(5), unless otherwise agreed to by the City.

(4) An applicant for new development must apply for an offset or credit against impact fees due for the development either at the time of application for final plat approval or at the time of application for City Utility Service, unless the City agrees to a different time. The applicant shall file a petition for offsets or credits with the City on a form provided for such purpose. The contents of the petition shall be established by administrative guidelines. The City must provide the applicant, in writing, with a decision on the offset or credit request, including the reasons for the decision. The decision shall specify the maximum value of the offset or credit which may be applied against an impact fee, which amount and the date of the determination shall be associated with the plat for the new development.

(5) The available offset or credit associated with the plat shall be applied against an impact fee at time of final plat (if fees are paid at that time), or alternatively in the following manner:

(a) Such offset or credit shall be prorated equally among all living unit equivalents, as calculated in Section 1.09, and remain applicable to such LUE's, to be applied at time of filing and acceptance of an application for City Utility Service, as appropriate, against impact fees due.

(b) If the total number of LUE's used by the City in the original offset or credit calculation described in (a) is eventually exceeded by the number of total LUE's realized by the actual development, the City may, at its sole discretion, collect the full impact fee exclusive of any associated offset or credits for the excess LUE's.

(c) At its sole discretion, the City may authorize alternative credit or offset agreements upon petition by the owner in accordance with guidelines promulgated by the City.

Section 1.15 Establishment of Accounts

(1) The City shall establish separate interest bearing accounts, in an institution authorized in the City's Investment Policy, for the two major categories of water and wastewater facilities for which an impact fee is imposed pursuant to this Ordinance.

(2) Interest earned by each account shall be credited to that account and shall be used solely for the purposes specified for funds authorized in Section 1.16.

(3) The City shall establish adequate financial and accounting controls to ensure that impact fees disbursed from the accounts are utilized solely for the purposes authorized in Section 1.16. Disbursement of funds shall be authorized by the City Council of Boerne at such times as are reasonably necessary to carry out the purposes and intent of this Ordinance; provided, however, that any fee paid shall be expended within a reasonable period of time, but not to exceed ten (10) years from the date the fee is deposited into the account.

(4) The City Manager shall maintain and keep adequate financial records for each such account, which shall show the source and disbursement of all revenues, which shall account for all monies received, and which shall ensure that the disbursement of funds from each account shall be used solely and exclusively for the provision of projects specified in the capital improvements program as area-related facilities. The City shall also maintain such records as are necessary to ensure that refunds are appropriately made under the provision in Section 1.18 of this Ordinance.

Section 1.16 Use of Proceeds of Impact Fee Amounts

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

(2) Impact fees collected pursuant to this Ordinance shall not be used to pay for any of the following expenses:

(a) Construction, acquisition or expansion of capital improvements or assets other than those identified for the appropriate utility in the capital improvements plan;

(b) Repair, operation, or maintenance of existing or new capital improvements or facilities expansions;

(c) Upgrading, expanding, or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental, or regulatory standards;

(d) Upgrading, expanding, or replacing existing capital improvements to provide better service to existing development; provided, however, that impact fees may be used to pay the costs of upgrading, expanding, or replacing existing capital improvements in order to meet the need for new capital improvements generated by new development; or

(e) Administrative and operating costs of the City of Boerne.

Section 1.17 Appeals

(1) The property owner or applicant for new development may appeal the following decisions to the City Council of Boerne:

- (a) The applicability of an impact fee to the development;
- (b) The availability or the amount of an offset or credit;
- (c) The application of an offset or credit against an impact fee due;
- (d) The amount of the refund due, if any.

(2) The burden of proof shall be on the appellant to demonstrate that the amount of the fee or the amount of the offset or credit was not calculated according to the applicable impact fee schedule or the guidelines established for determining offsets and credits.

(3) The appellant must file a notice of appeal with the City Manager of Boerne within thirty (30) days following the decision. If the notice of appeal is accompanied by a bond or other sufficient surety satisfactory to the City Secretary in an amount equal to the original determination of the impact fee due, the development application or Application for City Utility Service may be processed while the appeal is pending.

Section 1.18 Refunds

(1) Any impact fee or portion thereof collected pursuant to this Ordinance which has not been expended within ten (10) years from the date of payment, shall be refunded, upon application, to the record owner of the property at the time the refund is paid, or, if the impact fee was paid by another governmental entity, to such governmental entity, together with interest calculated from the date of collection to the date of refund at the statutory rate as set forth in Tex. Rev. Civ. Stat. Art. 5069-1.03, or any successor statute.

(2) An impact fee collected pursuant to this Ordinance shall be considered expended if the total expenditures for capital improvements or facilities expansions authorized in Section 1.16 within ten (10) years following the date of payment exceed the total fees collected for such improvements or expansions during such period.

(3) If a refund is due pursuant to subsections (1) and (2), the City shall pro-rate the same by dividing the difference between the amount of expenditures and the amount of the fees collected by the total number of service units assumed within the service area for the period to determine the refund due per service unit. The refund to the record owner or governmental entity shall be calculated by multiplying the refund due per service unit by the number of service units for the development for which the fee was paid, and interest due shall be calculated upon that amount.

(4) Upon the request of an owner of the property on which an impact fee has been paid, the City shall refund such fees if:

- (a) Existing service is available and service is denied; or

(b) Service was not available when the fee was collected and the City has failed to commence construction of facilities to provide service within two years of fee payment; or

(c) Service was not available when the fee was collected and has not subsequently been made available within a reasonable period of time considering the type of capital improvement or facility expansion to be constructed, but in any event later than five years from the date of fee payment.

(5) The City shall refund an appropriate proportion of impact fee payments in the event that a previously purchased water meter is replaced with a smaller meter, based on the LUE differential of the two meter sizes and the per-LUE fee at the time of the original fee payment, less an administrative charge of \$50.

(6) Petition for refunds shall be submitted to the City Manager on a form provided by the City for such purpose. Within two months of the date of receipt of a petition for refund, the City Manager must provide the petitioner, in writing, with a decision on the refund request, including the reasons for the decision. If a refund is due to the petitioner, the City Manager shall cause a refund payment be made to the petitioner. The petitioner may appeal the determination to the City Council of Boerne, as set forth in Section 1.17.

Section 1.19 Updates to the Plan and Revision of Fees

The City shall review the land use assumptions and capital improvements plan for water and wastewater facilities at an interval consistent with the requirements set forth in Texas Local Government Code Chapter 395, or any successor statute. The City Council shall accordingly then make a determination of whether changes to the land use assumptions, capital improvements plan or impact fees are needed and shall, in accordance with the procedures set forth in Texas Local Government Code Chapter 395, or any successor statute, either update the fees or make a determination that no update is necessary.

Section 1.20 Functions of the Advisory Committee

(1) The functions of the Advisory Committee are those set forth in Texas Local Government Code Chapter 395, or any successor statute, and shall include the following:

(a) Advise and assist the City in adopting land use assumptions;

(b) Review the capital improvements plan regarding water and wastewater capital improvements and file written comments thereon;

(c) Monitor and evaluate implementation of the capital improvements plan;

(d) Advise the City of the need to update or revise the land use assumptions, capital improvements program, and impact fees; and

(e) File a semiannual report evaluating the progress of the City in achieving the capital improvements plans and identifying any problems in implementing the plans or administering the impact fees.

(2) The City shall make available to the Advisory Committee any professional reports prepared in the development or implementation of the capital improvements plan.

(3) The Council shall adopt procedural rules for the committee to follow in carrying out its duties.

Section 1.21 Agreement for Capital Improvements

The City Council of Boerne may approve the owner of a new development to construct or finance some of the public improvements identified in the CIP. In the case of such approval, the property owner must enter into an agreement with the City prior to fee collection. The agreement shall be on a form approved by the City, and shall establish the estimated cost of improvement, the schedule for initiation and completion of the improvement, a requirement that the improvement shall be completed to City standards, and any other terms and conditions the City deems necessary. The City Manager shall review the improvement plan, verify costs and time schedules, determine if the improvement is contained in the CIP, and determine the amount of the applicable credit for such improvement to be applied to the otherwise applicable impact fee before submitting the proposed agreement to the Council for approval.

Section 1.22 Use of Financing Mechanisms

(1) The City may finance water and wastewater capital improvements of facilities expansions designated in the capital improvements plan through the use of operating cash transfers, issuance of bonds, through the formation of public improvement districts or other assessment districts, or through any other authorized mechanism, in such manner and subject to such limitations as may be provided by law, in addition to the use of impact fees.

(2) Except as herein otherwise provided, the assessment and collection of an impact fee shall be additional and supplemental to, and not in substitution of, any other tax, fee, charge, or assessment which is lawfully imposed on and due against the property.

Section 1.23 Impact Fees as Additional and Supplemental Regulation

(1) Impact fees established by this Ordinance are additional and supplemental to, and not in substitution of, any other requirements imposed by the City on the development of land or the issuance of building permits or water or wastewater utility service or the issuance of certificates of occupancy. Such fees are intended to be consistent with and to further the policies of City's Comprehensive Plan, capital improvements plan, zoning ordinance, subdivision regulations, and other City policies, ordinances and resolutions by which the City seeks to ensure the provision of adequate public facilities in conjunction with the development of land.

(2) This Ordinance shall not affect, in any manner, the permissible use of property, density of development, design, and improvement standards and requirements, or any other aspect of the development of land or provision of public improvements subject to the zoning and subdivision

regulations or other regulations of the City, which shall be operative and remain in full force and effect without limitation with respect to all such development.

Section 1.24 Relief Procedures

(1) Any person who has paid an impact fee or an owner of land upon which an impact fee has been paid may petition the Council to determine whether any duty required by this ordinance has not been performed within the time so prescribed. The petition shall be in writing and shall state the nature of the unperformed duty and request that the act be performed within sixty (60) days of the request. If the Council determines that the duty is required pursuant to the ordinance and is late in being performed, it shall cause the duty to commence within sixty (60) days of the date of the request and to continue until completion.

(2) The Council may grant a variance or waiver from any requirement of this ordinance, upon written request by a developer or owner of property subject to the ordinance, following a public hearing, and only upon finding that a strict application of such requirement would when regarded as a whole, result in confiscation of the property.

(3) The Council may grant a waiver from any requirement of this ordinance on other grounds, as may be set forth in administrative guidelines.

(4) If the Council grants a variance or waiver to the amount of the impact fees due for a new development under this Section, it shall cause to be appropriated from other City funds the amount of the reduction in the impact fees to the account in which the fees would have been deposited.

Section 1.25 Exemption from Ordinance

No exemptions will be granted from payment of applicable water and wastewater impact fees, except as provided for in Section 1.14.

ARTICLE II

WATER FACILITIES FEES

Section 2.01 Water Service Area

(1) There is hereby established a conceptual water service area for planning and impact fee calculation purposes as depicted in Exhibit A, attached hereto and incorporated by reference.

(2) The boundaries of the water service area may be amended from time to time, and new water service areas may be delineated, pursuant to the procedures in Section 1.07.

Section 2.02 Water Improvements Plan

(1) The Water Improvements Plan for the City of Boerne for impact fee calculation purposes is hereby adopted as Exhibit D attached hereto and incorporated by reference herein.

(2) The Water Improvements Plan may be amended from time to time, pursuant to the procedures set forth in Texas Local Government Code Chapter 395 and its successors.

Section 2.03 Water Facilities Fees

(1) The maximum base impact fees per service unit for water facilities are hereby adopted and incorporated in Exhibit C attached hereto and made a part hereof by reference.

(2) The impact fees per service unit for water facilities may be amended from time to time, pursuant to the procedures in Section 1.10.

ARTICLE III

WASTEWATER FACILITIES FEES

Section 3.01 Wastewater Service Area

(1) There is hereby established a conceptual wastewater service area for planning purposes and impact fee calculation as depicted on Exhibit A, attached hereto and incorporated herein by reference.

(2) The boundaries of the conceptual wastewater service area may be amended from time to time, and new wastewater service areas may be delineated, pursuant to the procedures in Section 1.07.

Section 3.02 Wastewater Improvements Plan

(1) The Wastewater Improvements Plan for the City of Boerne for impact fee calculation purposes is hereby adopted as Exhibit E attached hereto and incorporated by reference herein.

(2) The Wastewater Improvements Plan may be amended from time to time, pursuant to the procedures set forth in Texas Local Government Code Chapter 395 and its successors.

Section 3.03 Wastewater Facilities Fees

(1) The maximum base impact fees per service unit for wastewater facilities are hereby adopted and incorporated in Exhibit C attached hereto and made a part hereof by reference.

(2) The impact fees per service unit for wastewater facilities may be amended from time to time, pursuant to the procedures in Section 1.10.

ARTICLE IV

MISCELLANEOUS PROVISIONS

If any sentence, section, subsection, clause, phrase, part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes, which are hereby found and declared to be in furtherance of the public health, safety, and welfare. Any member of the City Council, City official, or employee charged with the enforcement of this ordinance, acting for the City in the discharge of his or her duties, shall not thereby render himself or herself personally liable; and is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of said duties.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Boerne in court of competent jurisdiction, and this remedy shall be in addition to any penalty provision in this ordinance.

This Ordinance shall take effect immediately upon passage on the second reading.

PASSED and APPROVED on first reading the 9th day of May 2023.

PASSED, APPROVED, and ADOPTED on second reading this 23rd day of May 2023.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney

EXHIBIT A
POTENTIAL SERVICE AREA MAP



EXHIBIT B

LAND USE ASSUMPTIONS

Current and Projected Land Use

<i>Item</i>	<i>Current</i>		<i>Future (Including ETJ)</i>	
	<i>Acres</i>	<i>%</i>	<i>Acres</i>	<i>%</i>
Rural Residential	3,750	13.4%	3,500	12.5%
Single-Family Residential	8,000	30.4%	12,000	46.5%
Multi-Family Residential	250	0.9%	400	1.4%
Mobile/Manufactured Homes	150	0.5%	150	0.5%
Commercial/Schools/Churches	2,750	9.8%	3,500	12.5%
Utility/Transportation	400	1.4%	500	1.8%
Industrial	60	0.2%	120	0.4%
Government Owned/Parks	1,000	3.6%	1,500	5.4%
Agricultural/Undeveloped/Open Space	10,473	39.7%	5,163	19.0%
Total Land Use Acreage	26,833	100%	26,833	100%
Source: Adapted from Boerne 2018 Master Plan – Technical Plan, August 28, 2018. Land values have been projected from those contained in the plan to be consistent with recent and current growth forecast. Acreage includes the land area of WCID #4.				

EXHIBIT C**SCHEDULE OF MAXIMUM IMPACT FEES**

UTILITY	CALCULATED FEE	RATE CREDIT	MAXIMUM FEE
WATER	\$3,294	\$786	\$2,509
WASTEWATER	\$5,637	\$517	\$5,120

EXHIBIT C1**IMPACT FEES BY METER SIZE**

ASSESSED BEGINNING May 23, 2023

METER SIZE	LUE'S PER METER	WATER FEE	WASTEWATER FEE	TOTAL FEE
5/8"	1.0	\$2,509.00	\$5,120.00	\$7,629.00
3/4"	1.5	\$3,763.50	\$7,680.00	\$11,443.50
1"	2.5	\$6,272.50	\$12,800.00	\$19,072.50
1 1/2"	5.0	\$12,545.00	\$25,600.00	\$38,145.00
2" Non-turbine	8.0	\$20,072.00	\$40,960.00	\$61,032.00
2" Compound	8.0	\$20,072.00	\$40,960.00	\$61,032.00
2" Turbine	10.0	\$25,090.00	\$51,200.00	\$76,290.00
3" Compound	16.0	\$40,144.00	\$81,920.00	\$122,064.00
3" Turbine	25.0	\$62,725.00	\$128,000.00	\$190,725.00
4" Compound	25.0	\$62,725.00	\$128,000.00	\$190,725.00
4" Turbine	42.0	\$105,378.00	\$215,040.00	\$320,418.00
6" Compound	50.0	\$125,450.00	\$256,000.00	\$381,450.00
6" Turbine	92.0	\$230,828.00	\$471,040.00	\$701,868.00
8" Turbine	160.0	\$401,440.00	\$819,200.00	\$1,220,640.00
10" Turbine	250.0	\$627,250.00	\$1,280,000.00	\$1,907,250.00
12" Turbine	330.0	\$827,970.00	\$1,689,600.00	\$2,517,570.00

EXHIBIT C2**IMPACT FEES BY METER SIZE**

ASSESSED DECEMBER 10, 2019, to May 22, 2023

METER SIZE	LUE'S PER METER	WATER FEE	WASTEWATER FEE	TOTAL FEE
5/8"	1.0	\$5,743.00	\$3,814.00	\$9,557.00
3/4"	1.5	\$8,614.50	\$5,721.00	\$14,335.50
1"	2.5	\$14,357.50	\$9,535.00	\$23,892.50
1 1/2"	5.0	\$28,715.00	\$19,070.00	\$47,785.00
2" Non-turbine	8.0	\$45,944.00	\$30,512.00	\$76,456.00
2" Compound	8.0	\$45,944.00	\$30,512.00	\$76,456.00
2" Turbine	10.0	\$57,430.00	\$38,140.00	\$95,570.00

3" Compound	16.0	\$91,888.00	\$61,024.00	\$152,912.00
3" Turbine	25.0	\$143,575.00	\$95,350.00	\$238,925.00
4" Compound	25.0	\$143,575.00	\$95,350.00	\$238,925.00
4" Turbine	42.0	\$241,206.00	\$160,188.00	\$401,394.00
6" Compound	50.0	\$287,150.00	\$190,700.00	\$477,850.00
6" Turbine	92.0	\$528,356.00	\$350,888.00	\$879,244.00
8" Turbine	160.0	\$918,880.00	\$610,240.00	\$1,529,120.00
10" Turbine	250.0	\$1,435,750.00	\$953,500.00	\$2,389,250.00
12" Turbine	330.0	\$1,895,190.00	\$1,258,620.00	\$3,153,810.00

EXHIBIT C3
IMPACT FEES BY METER SIZE
 ASSESSED OCTOBER 15, 2014 to DECEMBER 9, 2019

METER SIZE	LUE'S PER METER	WATER FEE	WASTEWATER FEE	TOTAL FEE
5/8"	1.0	\$4,081.00	\$3,218.00	\$7,299.00
3/4"	1.5	\$6,121.50	\$4,827.00	\$10,948.50
1"	2.5	\$10,202.50	\$8,045.00	\$18,247.50
1 1/2"	5.0	\$20,405.00	\$16,090.00	\$36,495.00
2" Non-turbine	8.0	\$32,648.00	\$25,744.00	\$58,392.00
2" Compound	8.0	\$32,648.00	\$25,744.00	\$58,392.00
2" Turbine	10.0	\$40,810.00	\$32,180.00	\$72,990.00
3" Compound	16.0	\$65,296.00	\$51,488.00	\$116,784.00
3" Turbine	22.0	\$89,782.00	\$70,796.00	\$160,578.00
4" Compound	25.0	\$102,025.00	\$80,450.00	\$182,475.00
4" Turbine	42.0	\$171,402.00	\$135,156.00	\$306,558.00
6" Compound	50.0	\$204,050.00	\$160,900.00	\$364,950.00
6" Turbine	92.0	\$375,452.00	\$296,056.00	\$671,508.00
8" Turbine	160.0	\$652,960.00	\$514,880.00	\$1,167,840.00
10" Turbine	250.0	\$1,020,250.00	\$804,500.00	\$1,824,750.00
12" Turbine	330.0	\$1,346,730.00	\$1,061,940.00	\$2,408,670.00

EXHIBIT C4
IMPACT FEES BY METER SIZE
 ASSESSED JUNE 10, 2009 – OCTOBER 14, 2009

METER SIZE	LUE'S PER METER	WATER FEE	WASTEWATER FEE	TOTAL FEE
5/8"	1.0	\$2,563.00	\$4,580.00	\$7,143.00
3/4"	1.5	\$3,844.50	\$6,870.00	\$10,714.50
1"	2.5	\$6,407.50	\$11,450.00	\$17,857.50
1 1/2"	5.0	\$12,815.00	\$22,900.00	\$35,715.00
2" Simple	8.0	\$20,504.00	\$36,640.00	\$57,144.00
2" Turbine	12.0	\$30,756.00	\$54,960.00	\$85,716.00

3" Compound	16.0	\$41,008.00	\$73,280.00	\$114,288.00
3" Turbine	25.0	\$64,075.00	\$114,500.00	\$178,575.00
4" Compound	25.0	\$64,075.00	\$114,500.00	\$178,575.00
4" Turbine	42.0	\$107,646.00	\$192,360.00	\$300,006.00
6" Compound	50.0	\$128,150.00	\$229,000.00	\$357,150.00
6" Turbine	92.0	\$235,796.00	\$421,360.00	\$657,156.00
8" Compound	80.0	\$205,040.00	\$366,400.00	\$571,440.00
8" Turbine	160.0	\$410,080.00	\$732,800.00	\$1,142,880.00
10" Compound	115.0	\$294,745.00	\$526,700.00	\$821,445.00
10" Turbine	250.0	\$640,750.00	\$1,145,000.00	\$1,785,750.00
12" Turbine	330.0	\$845,790.00	\$1,511,400.00	\$2,357,190.00

EXHIBIT C5
IMPACT FEES BY METER SIZE
 ASSESSED OCTOBER 26, 2005 – JUNE 9, 2009

METER SIZE	LUE'S PER METER	WATER FEE	WASTEWATER FEE	TOTAL FEE
5/8"	1.0	\$2,536.16	\$3,154.12	\$5,690.28
3/4"	1.5	\$3,804.24	\$4,731.18	\$8,535.42
1"	2.5	\$6,340.40	\$7,885.30	\$14,225.70
1 1/2"	5.0	\$12,680.80	\$15,770.60	\$28,451.40
2" Simple	8.0	\$20,289.28	\$25,232.96	\$45,522.24
3" Compound	16.0	\$40,578.56	\$50,465.92	\$91,044.48
3" Turbine	25.0	\$63,404.00	\$78,853.00	\$142,257.00
4" Compound	25.0	\$63,404.00	\$78,853.00	\$142,257.00
4" Turbine	42.0	\$106,518.72	\$132,473.04	\$238,991.76
6" Compound	50.0	\$126,808.00	\$157,706.00	\$284,514.00
6" Turbine	92.0	\$233,326.72	\$290,179.04	\$523,505.76
8" Compound	80.0	\$202,892.80	\$252,329.60	\$455,222.40
8" Turbine	160.0	\$405,785.60	\$504,659.20	\$910,444.80
10" Compound	115.0	\$291,658.40	\$362,723.80	\$654,382.20
10" Turbine	250.0	\$634,040.00	\$788,530.00	\$1,422,570.00
12" Turbine	330.0	\$836,932.80	\$1,040,859.60	\$1,877,792.40

EXHIBIT C6
IMPACT FEES BY METER SIZE
 ASSESSED MAY 9, 2001 – OCTOBER 25, 2005

METER SIZE	LUE'S PER METER	WATER FEE	WASTEWATER FEE	TOTAL FEE
5/8"	1.0	\$1,464.00	\$1,173.00	\$2,637.00
3/4"	1.5	\$2,196.00	\$1,759.50	\$3,955.50
1"	2.5	\$3,660.00	\$2,932.50	\$6,592.50
1 1/2"	5.0	\$7,320.00	\$5,865.00	\$13,185.00
2" Simple	8.0	\$11,712.00	\$9,384.00	\$21,096.00

2" Compound	8.0	\$11,712.00	\$9,384.00	\$21,096.00
2" Turbine	10.0	\$14,640.00	\$11,730.00	\$26,370.00
4" Compound	25.0	\$36,600.00	\$29,325.00	\$65,925.00
4" Turbine	42.0	\$61,488.00	\$49,266.00	\$110,754.00
6" Compound	50.0	\$73,200.00	\$58,650.00	\$131,850.00
6" Turbine	92.0	\$134,688.00	\$107,916.00	\$242,604.00
8" Compound	80.0	\$117,120.00	\$93,840.00	\$210,960.00
8" Turbine	160.0	\$234,240.00	\$187,680.00	\$421,920.00
10" Turbine	250.0	\$366,000.00	\$293,250.00	\$659,250.00
12" Turbine	330.0	\$483,120.00	\$387,090.00	\$870,210.00

EXHIBIT C7

IMPACT FEES BY METER SIZE ASSESSED MARCH 11, 1998 – MAY 8, 2001

METER SIZE	LUE'S PER METER	WATER FEE	WASTEWATER FEE	TOTAL FEE
5/8"	1.0	\$1,746.00	\$1,065.00	\$2,811.00
3/4"	1.5	\$2,619.00	\$1,597.50	\$4,216.50
1"	2.5	\$4,365.00	\$2,662.50	\$7,027.50
1 1/2"	5.0	\$8,730.00	\$5,325.00	\$14,055.00
2" Simple	8.0	\$13,968.00	\$8,520.00	\$22,488.00
2" Compound	8.0	\$13,968.00	\$8,520.00	\$22,488.00
2" Turbine	10.0	\$17,460.00	\$10,650.00	\$28,110.00
4" Compound	25.0	\$43,650.00	\$26,625.00	\$70,275.00
4" Turbine	42.0	\$73,332.00	\$44,730.00	\$118,062.00
6" Compound	50.0	\$87,300.00	\$53,250.00	\$140,550.00
6" Turbine	92.0	\$160,632.00	\$97,980.00	\$258,612.00
8" Compound	80.0	\$139,680.00	\$85,200.00	\$224,880.00
8" Turbine	160.0	\$279,360.00	\$170,400.00	\$449,760.00
10" Turbine	250.0	\$436,500.00	\$266,250.00	\$702,750.00
12" Turbine	330.0	\$576,180.00	\$351,450.00	\$927,630.00

EXHIBIT C8

IMPACT FEES ASSESSED NOVEMBER 14, 1990 – MARCH 10, 1998

WATER FEE PER LUE	WASTEWATER FEE PER LUE	TOTAL FEE PER LUE
\$465.00	\$560.00	\$1,025.00

Fee assessment per LUE = Unit fee x (1.03)ⁿ

Unit Fee = the base amount of effective impact fee per service unit, as set forth above.

ⁿ = the elapsed time in years or portion of years from November 14, 1990.

EXHIBIT C9

IMPACT FEES BY USE/METER SIZE ASSESSED JUNE 12, 1984 – NOVEMBER 13, 1990

	WATER FEE	WASTEWATER FEE	TOTAL FEE
Single family dwellings	\$350.00	\$675.00	\$1,025.00
Multi-family dwellings up to 4 units	\$350.00**	\$600.00**	\$950.00**
Multi-family dwellings greater than 4 units	\$350.00**	\$575.00**	\$925.00**
Hospitals and/or Nursing Homes	\$250.00*	\$500.00*	\$750.00*
Hotels and Motels	\$125.00**	\$250.00**	\$375.00**

* Bed

** Unit

All other commercial and industrial fees will be based on water meter size as follows:

METER SIZE	WATER FEE	WASTEWATER FEE	TOTAL FEE
5/8"	\$350.00	\$675.00	\$1,025.00
1"	\$875.00	\$1,688.00	\$2,563.00
1 1/2"	\$1,750.00	\$3,375.00	\$5,125.00
2"	\$2,800.00	\$5,400.00	\$8,200.00
4"	\$8,750.00	\$16,875.00	\$25,625.00
6"	\$28,000.00	\$54,000.00	\$82,000.00

EXHIBIT D

WATER IMPROVEMENTS PLAN

<i>Water Capital Projects</i>	<i>Cost</i>
WATER TREATMENT	
WTP Expansion	\$20,000,000
WATER PUMPING	
Amman Road Water Tank & Pump Station	2,240,000
WATER SUPPLY	
GBRA Amman Road Main	2,570,000
WCID #4 Supply Main (Amman)	2,000,000
WCID #4 Supply Main (SH-46) – Oversizing	175,000
RECLAIMED WATER	
Reclaimed Main Transmission Upgrade	1,050,000
Trails of Herff Ranch Reclaimed Main	1,100,000
Reclaimed Water Elevated Storage	1,800,000
SH-46 Main Bore	200,000
WWTRC Storage Tank and Pumps	1,660,000
Total 10-Year Projects for Growth	\$32,795,000

EXHIBIT E

WASTEWATER IMPROVEMENTS PLAN

<i>Wastewater Capital Projects</i>	<i>Cost</i>
WASTEWATER TREATMENT	
1st WWTRC Expansion	\$8,805,000
2 nd WWTRC Expansion	14,000,000
PUMPING (Lift Stations)	
School Lift Station 3 rd Wet Well Addition	1,200,000
INTERCEPTORS	
South Cibolo Collector	7,000,000
Suggs Creek Sewer Main	2,250,000
Trails of Herff Ranch Main	2,090,000
Total 10-Year Projects for Growth	\$35,.345,000



AGENDA ITEM SUMMARY

District Impacted

- ☐ 1 = Wolosin
- ☐ 2 = Woolard
- ☐ 3 = Scott
- ☐ 4 = Boddie
- ☐ 5 = Macaluso
- ☒ All

Agenda Date	May 26, 2023
Requested Action	CONSIDER ON SECOND READING ORDINANCE NO. 2023-19; AN ORDINANCE AMENDING THE CITY OF BOERNE, TEXAS, CODE OF ORDINANCES, CHAPTER 5. BUILDINGS AND BUILDING REGULATIONS, ARTICLE II. CONSTRUCTION STANDARDS, ADOPTING THE INTERNATIONAL RESIDENTIAL CODE 2021 EDITION AND THE INTERNATIONAL ENERGY CONSERVATION CODE 2021. <i>(Adopt International Residential and Energy Conservation Codes 2021 Edition)</i>
Contact Person	Laura Haning, Director, Planning and Community Development Department
Background Information	<p>Update following May 9 Council Meeting:</p> <p>On first reading at the May 9 meeting, Council voted to approve the ordinance updates for the International Residential Code 2021 (IRC) and the International Energy Conservation Code 2021 (IECC) with the following local amendments:</p> <ul style="list-style-type: none"> • In the IRC, sidewalks and driveways will continue to require a building permit; • In the IECC, the Kendall County climate zone is amended from 3A to 2A. <p>Original Background:</p> <p>In August 2022, Council adopted the most recent Building Codes and Fire Code except for the Energy and Residential Code. Those sections were called out in the ordinance but were not part of the official approval. At this Council meeting, we will officially adopt the new Energy and Residential Codes and recommend several amendments to those Codes which are both specific to Boerne and in coordination with surrounding jurisdictions.</p> <p>CHAPTER 5. BUILDINGS AND BUILDING REGULATIONS ARTICLE II. CONSTRUCTION STANDARDS Sec. 5-36. Codes adopted. (b) The International Residential Code, 2021 Edition:</p>

The 2021 IRC does provide exemptions, most of which fall in line with our current regulations and don't need consideration, but there are a few requiring Council input. They are as follows:

R105.2 Work Exempt From Permit

- **Building:**

1. One-story detached accessory structures, provided that the floor area does not exceed 200 square feet (18.58 m²). *Note: commercial accessory structures in the IBC are not to exceed 120 square feet without a permit. (This conflicts with our Engineering Design Manual - 100 sf requires a permit)*
5. Sidewalks and driveways. *(Because we regulate impervious cover, receiving these plans with the building permit would be beneficial)*
10. Decks not exceeding 200 square feet (18.58 m²) in area, that are not more than 30 inches (762 mm) above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4. *(This conflicts with our Engineering Design Manual – 100 sf requires a permit)*

(c) The International Energy Conservation Code, 2021 Edition.

The Energy Code categorizes regions of the United States into distinct Climate Zones. Kendall County falls under Zone 3 while Bexar County falls under Zone 2. As a result, Zone 3 requires higher levels of insulation and air sealing than Zone 2. Our Building Official is proposing amendments enabling the City to enforce Zone 2 requirements, which most builders are currently utilizing due to our proximity to San Antonio. Zone 2 standards are appropriate for our area and would provide a smoother transition to the 2021 Energy Code requirements. This amendment would have the effect of:

- Reducing the required wall insulation from R20 to R13 and wall thickness to 2 by 4-inch-thick walls plus insulated sheathing. *(Ceiling insulation would be required to be R49 either way).*
- Removes requirement to insulate foundation perimeter walls. *(The insulation is to protect foundations from extreme long-term weather conditions not typical of our area).*
- Air infiltration requirements are lessened. *(Structures allow a little more air transfer from interior to exterior and require a 3rd party test of air ceiling with a blower door test and duct sealing*

	<p>test).</p> <p>Adopting these amendments to the 2021 IECC standards satisfies the ISO and FEMA guidelines of adopting current codes. It also provides relief to builders by easing the requirements of new code compliance and coordinating our regulations with those of surrounding jurisdictions.</p>
Item Justification	<div> <div> <input checked="" type="checkbox"/> Legal/Regulatory Obligation <input type="checkbox"/> Reduce Costs <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Drive Down Risk <input type="checkbox"/> Master Plan <input type="checkbox"/> Recommendation </div> <div> <input type="checkbox"/> Infrastructure Investment <input checked="" type="checkbox"/> Customer Demand <input type="checkbox"/> Service Enhancement <input type="checkbox"/> Process Efficiency <input type="checkbox"/> Other: _____ </div> </div>
Financial Considerations	
Citizen Input/Board Review	
Legal Review	
Alternative Options	
Supporting Documents	

ORDINANCE NO. 2023-19

AN ORDINANCE AMENDING THE CITY OF BOERNE, TEXAS, CODE OF ORDINANCES, CHAPTER 5. BUILDINGS AND BUILDING REGULATIONS, ARTICLE II, CONSTRUCTION STANDARDS, SECTION 5-36, ADOPTING THE INTERNATIONAL RESIDENTIAL CODE 2021 EDITION AND THE INTERNATIONAL ENERGY CONSERVATION CODE 2021 EDITION; PROVIDING A PENALTY FOR VIOLATION; PROVIDING FOR PUBLICATION IN THE NEWSPAPER

WHEREAS, the City Council previously deemed it necessary to adopt building regulations to help promote the public health, safety and general welfare of the citizens of the City of Boerne; and

WHEREAS, the building regulations are designed to minimize public and private losses due to inferior construction within the corporate limits of the City of Boerne; and

WHEREAS, the building regulations will help maintain a stable tax base by providing sound construction standards to minimize future blight; and

WHEREAS, from time to time it becomes necessary for the City to update and adopt the new editions with amendments to the various codes.

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

That the following Articles of Chapter 5, Buildings and Building Regulations, City of Boerne, Texas, are hereby amended to read as follows:

Section 1.

CHAPTER 5. BUILDINGS AND BUILDING REGULATIONS

ARTICLE II. CONSTRUCTION STANDARDS

Sec. 5-36. Codes adopted.

(b) The International Residential Code, 2021 Edition, as adopted and published by the International Code Council, is hereby adopted and incorporated by reference as though it was copied herein fully with the following amendment to:
Section R105.2, Work Exempt from Permit.
5. ~~Sidewalks and driveways.~~

(c) The International Energy Conservation Code, 2021 Edition, together with all appendices as published by the International Code Council, is hereby adopted and incorporated by reference as though was copied herein fully with the following amendment to:
Table C301.1 Climate Zones, amending Kendall County climate zone from 3A to 2A.

Section 2.

Any person, firm, or corporation who violates any provision of this Ordinance shall be deemed guilty of a

misdemeanor and, upon conviction thereof, shall be punished by a fine as provided in Section 5-8 of the Code of Ordinances, City of Boerne, Texas. Each day any such violation or violations exist shall constitute a separate offense and shall be punishable as such.

Section 3.

The City Secretary is hereby directed to publish the caption and penalty clause of this Ordinance as required by Section 3.11 of Article III of the Charter of the City of Boerne.

Section 4.

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 5.

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

PASSED and APPROVED on first reading this 9th day of May, 2023.

PASSED, APPROVED and ADOPTED on the second reading this ____ day of May, 2023.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney



AGENDA ITEM SUMMARY

District Impacted

- ☐ 1 = Wolosin
- ☐ 2 = Woolard
- ☐ 3 = Scott
- ☐ 4 = Boddie
- ☐ 5 = Macaluso
- ☒ All

Agenda Date	May 23, 2023										
Requested Action	RECEIVE BIDS AND CONSIDER RESOLUTION NO. 2023-R41; AWARDING THE CONTRACT FOR 2023 SLURRY SEAL TO VIKING CONSTRUCTION, LLC; AND AUTHORIZING THE CITY MANAGER TO MANAGE AND EXECUTE THE RELATED CONTRACT.										
Contact Person	Jeffrey Carroll – Engineering & Mobility Director										
Background Information	<p>Slurry Sealing (or micro-surfacing) is proposed as part of the City’s 10-year street maintenance plan. Street patching for streets included in this project are underway and crack sealing is complete.</p> <p>Because the construction cost of the project was estimated to be greater than \$50,000, State Law prescribes procurement be done under a competitive bidding process.</p> <p>We bid the project on May 16, 2023 and received two (2) bids ranging from \$155,374.75 to \$171,537.50. It is staff’s understanding there are only two companies in the state of Texas that can apply slurry seal.</p> <p>The low bid was submitted by Viking Construction, LLC in the amount of \$155,374.75. Staff reviewed the bids and recommends the Council receive the bids and award the construction contract to Viking Construction, LLC.</p>										
Item Justification	<table border="0"> <tr> <td><input type="checkbox"/> Legal/Regulatory Obligation</td> <td><input checked="" type="checkbox"/> Infrastructure Investment</td> </tr> <tr> <td><input type="checkbox"/> Reduce Costs</td> <td><input type="checkbox"/> Customer Pull</td> </tr> <tr> <td><input type="checkbox"/> Increase Revenue</td> <td><input type="checkbox"/> Service Enhancement</td> </tr> <tr> <td><input checked="" type="checkbox"/> Mitigate Risk</td> <td><input type="checkbox"/> Process Efficiency</td> </tr> <tr> <td><input type="checkbox"/> Master Plan</td> <td><input type="checkbox"/> Other:</td> </tr> </table> <p>Recommendation</p>	<input type="checkbox"/> Legal/Regulatory Obligation	<input checked="" type="checkbox"/> Infrastructure Investment	<input type="checkbox"/> Reduce Costs	<input type="checkbox"/> Customer Pull	<input type="checkbox"/> Increase Revenue	<input type="checkbox"/> Service Enhancement	<input checked="" type="checkbox"/> Mitigate Risk	<input type="checkbox"/> Process Efficiency	<input type="checkbox"/> Master Plan	<input type="checkbox"/> Other:
<input type="checkbox"/> Legal/Regulatory Obligation	<input checked="" type="checkbox"/> Infrastructure Investment										
<input type="checkbox"/> Reduce Costs	<input type="checkbox"/> Customer Pull										
<input type="checkbox"/> Increase Revenue	<input type="checkbox"/> Service Enhancement										
<input checked="" type="checkbox"/> Mitigate Risk	<input type="checkbox"/> Process Efficiency										
<input type="checkbox"/> Master Plan	<input type="checkbox"/> Other:										
Financial Considerations	Proposed amount is under budget for street construction.										

Citizen Input/Board Review	N/A
Legal Review	N/A
Alternative Options	N/A
Supporting Documents	Bid Tabulation Summary

RESOLUTION NO. 2023-R41

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS,
AWARDING THE CONTRACT FOR 2023 SLURRY SEAL TO _____
FOR AN AMOUNT NOT TO EXCEED \$_____; AND AUTHORIZING THE
CITY MANAGER TO MANAGE AND EXECUTE THE RELATED CONTRACT**

WHEREAS, slurry sealing (or micro-surfing) is part of the City's 10-year street maintenance plan; and

WHEREAS, the City of Boerne received two bids for slurry sealing; and

WHEREAS, City of Boerne Staff reviewed the bids, checked references, and provided a recommendation of award to Viking Construction, LLC; and

WHEREAS, the City Council finds it necessary to award the contract slurry seal and authorizes the City Manager to manage and execute the related contract and documents;

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

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

SECTION 2. The City Council received the bids and awards the contract for 2023 Slurry Seal to _____ for an amount not to exceed \$_____.

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

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

APPROVED:

Mayor

ATTEST:

City Secretary



BID TABULATION SHEET


City of Boerne
2023 Slurry Seal

BIDS WERE RECEIVED BY:

Time: 10:00 AM

Date: 5/16/2023

	BIDDERS				
	Viking Construction LLC	Intermountain Slurry Seal, Inc.			
Base Bid	\$ 155,374.75	\$ 171,537.50			
Bid Form	Yes	Yes			
Qualifications Statement	Yes	Yes			
Bid Bond	Yes	Yes			

	<div data-bbox="1268 149 1507 388"> <p>District Impacted</p> <ul style="list-style-type: none"> <input type="checkbox"/> 1 = Wolosin <input type="checkbox"/> 2 = Woolard <input type="checkbox"/> 3 = Scott <input type="checkbox"/> 4 = Boddie <input type="checkbox"/> 5 = Macaluso <input checked="" type="checkbox"/> All </div> <h2 style="text-align: center;">AGENDA ITEM SUMMARY</h2>
Agenda Date	May 23, 2023
Requested Action	MAYORAL APPOINTMENT TO VARIOUS BOARDS AND COMMISSIONS
Contact Person	Mayor Frank Ritchie and Lori Carroll, City Secretary
Background Information	<p>At the May 9, 2023, City Council meeting, Council approved the appointments and re-appointment to the Historic Landmark Commission and the Planning and Zoning Commission listed below.</p> <p>Historic Landmark Commission: Justin Boerner was appointed to the Chair position. Patti Mainz was re-appointed as a Member and Julia Murphy and Lynnese Graves were appointed to fill the vacancies of Mr. Adam and Ms. Redd.</p> <p>Planning and Zoning Commission: Tim Bannwolf was re-appointed as Chair; Charles (Lucas) Hiler was re-appointed as a Member and Carlos Vecino was appointed to fill the unexpired term of Patrick Cohoon.</p> <p>In addition to the above appointments, Mayor Ritchie recommends the following appointments to the remaining Boards and Commissions:</p> <p>Official: Re-appointment of Ed Phillips, Municipal Court Judge; Lawrence Morales, Alternate Municipal Court Judge; Dana Jacobson, Municipal Court Prosecutor; Michael Latimer, Alternate Municipal Court Prosecutor; Dusty Fisher, Cemetery Sexton; and William Holt, Cemetery Sexton.</p> <p>Public Housing Authority: Re-appointment of members Heather Ontiveroz, Allen Taha, Sister Kathleen Higgins, and Nelda de Lourdes Arroyo-Perez, Resident Commissioner.</p> <p>Zoning Board of Adjustments: Re-appoint Jon Paul Bergman, Chairman; Justin McKenzie, Vice Chairman; and Daniel Wood, Member.</p> <p>Boerne Public Library: Re-appointment of members Laura Bray and Judy Broussard.</p>

	<p>Historic Landmark Commission: Re-appointment of member Michael Nichols</p> <p>Visit Boerne Advisory Board: Re-appointment of Joe Granados, Chair; Brandon Phillips, Vice Chair; Tommy Mathews, Member; Ross Partlow, Member; Elizabeth Castle, Member; and Brad Wilson, Member.</p> <p>Ethics Review Commission: Re-appointment of members Ben Walker, Darren Smith, and Robert Lee</p>	
Item Justification	<input type="checkbox"/> Legal/Regulatory Obligation <input type="checkbox"/> Reduce Costs <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Mitigate Risk <input type="checkbox"/> Master Plan Recommendation	<input type="checkbox"/> Infrastructure Investment <input type="checkbox"/> Customer Pull <input type="checkbox"/> Service Enhancement <input type="checkbox"/> Process Efficiency <input checked="" type="checkbox"/> Other: Mayoral appointments
Financial Considerations	N/A	
Citizen Input/Board Review	N/A	
Legal Review	N/A	
Alternative Options		
Supporting Documents	List of Boards and Commission Members	

CITY OF BOERNE
Appointments
2022-2023

Board/Commission/Entity		Term Expires	Last CC Mtg. Appointed	Original appointment
Statutory Officials				
City Manager	Ben Thatcher			
City Attorney	Mick McKamie			
Official Appointments				
Municipal Court Judge	Ed Phillips	5/31/2023	appointed 5/22	
Alternate Mun. Court Judge	Lawrence Morales	5/31/2023	appointed 5/22	
Municipal Court Prosecutor	Dana Jacobson	5/31/2023	appointed 5/22	
Alternate Mun. Ct. Prosecutor	Michael Latimer	5/31/2023	appointed 5/22	
Cemetery Sexton	Dusty Fisher	5/31/2023	appointed 5/22	
	William Holt	5/31/2023	appointed 5/22	
Public Housing Authority (2 year term)				
Chairman	Heather Ontiveroz	5/31/2023	appointed 6/21	5/2015
Vice Chairman	Allen Taha	5/31/2023	appointed 6/21	6/2018
Members	Anita Zurell	5/31/2024	appointed 5/22	5/24/2022
	Sister Kathleen Higgins	5/31/2023	appointed 6/21	6/2011
Resident Commissioner	Nelda de Lourdes Arroyo-Perez	5/31/2023	appointed 6/21	*1st term
Mayor appoints Members. Members must reside within the City limits or Kendall County. Members may serve an unlimited number of terms, Resident Commissioner may serve only two consecutive terms.				
<u>Planning & Zoning Commission (3 year term)</u>				
Chairman	Tim Bannwolf- Place 7	5/31/2026	appointed 5/23	5/26/2020
Vice Chairman				
Secretary	Bob Cates- Place 3	5/31/2024	appointed 6/21	5/22/2018
Members	Susan Friar - Place 2	5/31/2024	appointed 12/21	12/14/2021

CITY OF BOERNE

Appointments
2022-2023

Terry Lemoine - Place 4	5/31/2025	appointed 12/22	12/13/2022
Bill Bird - Place 5	5/31/2025	appointed 5/22	5/28/2019
Charles Hiler- Place 6	5/31/2026	appointed 5/23	3/23/2021
Carlos Vecino- Place 1	5/31/2024	appointed 5/23	5/9/2023

Mayor appoints Chairman. Vice Chair & Secretary are elected by the board. Members must reside within the City limits or ETJ. No limit on number of terms served.

Design Review Committee (4 year term)

Chairman	Chris Taylor - Place 1	5/31/2025	appointed 8/21	8/10/2021
Vice Chairman	Cody Keller - Place 2	5/31/2025	appointed 8/21	8/10/2021
	Shelly Condra - Place 3	5/31/2025	appointed 8/21	8/10/2021
	Chris Harthcock - Place 4	5/31/2024	appointed 8/21	8/10/2021
	Carr Stokes - Place 5	5/31/2024	appointed 8/21	8/10/2021

Mayor appoints Chairman and Vice Chair. Secretary is elected by the board. Members must reside within the City limits or ETJ. No limit on number of terms served.

Zoning Board of Adjustments (2 year term)

Chairman	Jon Paul Bergman	5/31/2023	appointed 6/21	5/28/2013
Vice Chairman	Justin McKenzie	5/31/2023	appointed 6/21	6/8/2021
Members	Steve Stewart	5/31/2024	appointed 5/22	5/26/2020
	Daniel Wood	5/31/2023	appointed 6/21	6/8/2021
	Rich McCormick	5/31/2024	appointed 5/20	10/25/2016
Alternates	Josh Surely	5/31/2024	appointed 5/22	5/24/2022
	vacant	5/31/2023		
	Vacant	5/31/2024		
	Vacant	5/31/2024		

CITY OF BOERNE
Appointments
2022-2023

Mayor appoints Chairman and Vice Chairman; Secretary elected by the Board. Members must reside within the City limits or ETJ. No limit on number of terms served.

Boerne Public Library (4 year term)

Chairman	Susan Nelson	5/31/2024	appointed 5/20	8/2015
Vice Chair	Laura Bray	5/31/2023	appointed 5/19	5/2019
Secretary	Jennifer Hackett	5/31/2025	appointed 6/21	6/2021
Members	Angela Kirby Buser	5/31/2026	appointed 5/22	5/24/2022
	Huong-Trinh Arrieta	5/31/2025	appointed 12/21	12/14/2021
	Pamela Bransford	5/31/2026	appointed 5/22	5/24/2022
	Amy Bean	5/31/2024	appointed 6/21	12/21 unexpired te
	Judy Broussard	5/31/2023	appointed 12/22	12/2022

Mayor appoints Members; Chairman, Vice Chairman and Secretary elected by the Board. Members must reside within the City limits or Kendall County. Additional terms may be served after a one year interval.

Historic Landmark Commission (4 year term)

Chairman	Justin Boerner	5/31/2025	appointed 6/21	6/2009
Vice Chairman	Sally Pena	5/31/2025	appointed 6/21	6/22/2021
Members	Patti Mainz	5/31/2027	appointed 5/23	5/2019
	Cesar Hance	5/31/2025	appointed 6/21	5/2017
	Michael Nichols	5/31/2023	appointed 6/19	9/2013
	Julia Murphy	5/31/2027	appointed 5/23	5/9/2023
	Lynnese Graves	5/31/2027	appointed 5/23	5/9/2023

Mayor appoints Chairman & Vice Chairman. Members must reside within the City limits or ETJ. No limit on number of terms served.

Visit Boerne Advisory Board (2 year terms)

Chairman	Joe Granados- <i>Limited Service Hotel</i>	5/31/2023	appointed 6/21	5/2019
Vice Chair	Brandon Phillips- <i>Business District</i>	5/31/2023	appointed 5/22	5/2022

CITY OF BOERNE
Appointments
2022-2023

Members	Tommy Mathews- <i>Business District</i>	5/31/2023	appointed 6/21	!/2021 unexpired t
	Guy Sanders – <i>Restaurant</i>	5/31/2024	appointed 5/20	5/2020
	Joey Boatright - <i>Venue</i>	5/31/2024	appointed 6/22	6/15/2022
	Ross Partlow— <i>Full Service Hotel</i>	5/31/2023	appointed 6/21	6/2021
	Jacquelyn Vasquez – <i>Limited Service Hotel</i>	5/31/2024	appointed 6/22	5/24/2022
	Elizabeth Castle – <i>Arts</i>	5/31/2023	appointed 6/21	5/2017
	Brad Wilson – <i>B & B</i>	5/31/2023	appointed 6/21	5/2019

Eligible members must: (1) reside within the City limits; (2) Kendall County; and/or (3) own, operate, manage or control any hotel, motel, or bed and breakfast within the City limits. 1-Full Service Hotel, 2-Limited Service Hotel, one 1-B&B, 1-Attraction/Venue,1-Arts Community, 1-Restaurant, and 2-Business District. No limit on number of terms served. The Chairman and Vice Chairman are appointed by Mayor.

Ethics Review Commission (3 year terms)

Chairman	Carlin Friar	5/31/2024	appointed 6/21	6/8/2021
Vice Chairman	Ben Walker	5/31/2023	appointed 5/20	2/8/2011
Secretary	Darren Smith	5/31/2023	appointed 5/20	2/8/2011
Members	Ken Dunbar	5/31/2025	appointed 5/22	7/26/2016
	Robert Lee	5/31/2023	appointed 5/20	2/8/2011
Alternates	Denver McCarty, Jr.	5/31/2025	appointed 8/22	8/17/2022
	Vacant	5/31/2023		

Members must reside within the City limits. Mayor appoints Chair, Commission elects Vice Chair & Secretary. Term begins on the first meeting held by the commission after being appointed.

Boerne - Kendall County Economic Development Board (3 year term)

Mayor Pro Tem (Ex Officio)
Council Member Macaluso
Nick Montagno

CITY OF BOERNE
Appointments
2022-2023

Ben Thatcher	3/24	appointed 6/21
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Individuals are nominated by the City Council and elected by the Board. Members must reside within the City limits.

Kendall County Library System Advisory Board (2 year term)

Members	Kevin M. Henning	12/31/2023	appointed 12/19	4/2016
	Angela Kirby Buser	12/31/2023	appointed 2/23	2/14/2023

City may nominate 2 Board Members, term of office is 2 years commencing on January 1.

Kendall County Appraisal District (2 year term)

Jeff Haberstroh	12/31/2023	appointed 12/21	1/2018
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AACOG

Alternate Member	Fair Oaks Ranch Mayor Gregory Maxton	appointed 5/2021
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MPO

Committee Members	Bryce Boddie	appointed 4/11/23
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Updated 5/10/2023