



AGENDA ITEM SUMMARY

Agenda Date	July 14, 2026
Requested Action	APPROVE RESOLUTION NO. 2026-R36; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF BOERNE, TEXAS AND KENDALL COUNTY, TEXAS FOR CONSTRUCTION AND FUNDING OF DRAINAGE IMPROVEMENTS PROJECTS.
Contact Person	Jeffrey Carroll – Engineering & Mobility Director
Background Information	The Adler Road Culvert Project involves the design and construction of stormwater improvements to convey flows in Currey Creek and No Name Creek beneath Adler Road. The project is \$4.7 million dollar construction project that includes \$1.5 million of County American Rescue Plan Act (ARPA) funds through an Interlocal Agreement (ILA) between the City and Kendall County. This Second Amendment modifies Article II, Section 2.1 of the Original Agreement regarding project completion schedule only, revising the final acceptance date from July 1, 2026 to October 1, 2026 ILA Agreement History: February 2022 – Original ILA executed. Authorized two projects: (1) Adler Road culvert and (2) Old San Antonio Road @ Menger Creek bridge. Total County ARPA contribution not to exceed \$1,500,000. • Design funding: \$100,00 (\$50,000 per project) upon RFQ issuance [this payment has already been received by City] • Construction funding: \$550,000 (Adler Road) / \$850,000 (Old San Antonio Road) • Original completion deadline: July 1, 2026, or six months prior to ARPA return deadline

	August 2024 – First Amendment executed. Removed the Old San Antonio Road / Menger Creek project due to unforeseen issues and consolidated all remaining County ARPA construction funding to the Adler Road Culvert Project at \$1,400,000. The City has served as lead agency for design, procurement, and construction management consistent with Article III, Section 3.2 of the Original ILA, with the City Engineer overseeing project compliance with City standards and applicable regulatory requirements. The Adler Road Culvert Project has encountered two categories of delay beyond the City’s reasonable control: Right-of-Way and Easement Acquisition Delays: Project required acquisition of ROW and easement from 4 private landowners. 3 of 4 parcels were acquired in typical 12-18 month time period, however the remaining 4th parcel took approximately 36 months of negotiations to reach mutually agreeable purchase without the use of eminent domain. The City phased mobilization for the two culvert project locations to allow construction of Currey Creek culvert without delay. With recent acquisition of the 4th parcel now complete the no-name creek portion of the project is underway. Unforeseen Construction Conditions: Construction has encountered unanticipated subsurface and site conditions requiring design and field modifications. At the Currey Creek location a hand dug well was uncovered that required unplanned coordination with Texas Historic Commission and Cow Creek Groundwater Authority to properly plug the well. In addition, the project discovered previously undocumented telecom communication lines in the area that required time for design and relocation by the telecom company. The City’s requested revised schedule is necessary to prevent noncompliance with previously approved ILA agreement and establish clear contractual milestones accepted by both the City and County. Kendall County Commissioners Court approved the 2nd amendment at their 5/12/26 meeting and now requires City approval.
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Strategic Alignment	F1 – Committing to strategic, responsible, and conservative financial management B3 – Providing streamlined and efficient processes
Financial Considerations	This amendment is a schedule modification only. There is no change to the approved funding amounts, cost allocation, or City/County financial obligations under the Original ILA or First Amendment. Per Article IV of the Original ILA, should the project not be completed prior to the ARPA return deadline of December 31, 2026, the County may be required to repay up to \$1,400,000 to the U.S. Government, and the City would be obligated to refund those funds to the County.
Citizen Input/Board Review	N/A
Legal Review	N/A
Alternative Options	N/A
Supporting Documents	Resolution No. 2026-R36 Interlocal Agreement