



AGENDA ITEM SUMMARY

District Impacted

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

Agenda Date	<i>June 13, 2023</i>
Requested Action	CONSIDER RESOLUTION NO. 2023-R42; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE, TEXAS AND KENDALL COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 3A FOR FIRE PROTECTION SERVICES.
Contact Person	Kristy Stark, Assistant City Manager
Background Information	<p>In November 2019, the City entered into a Development Agreement with BoerneBak, LLC and BoerneBak II, LLC for the development of 374 acres within the City's Extraterritorial Jurisdiction (ETJ). Article 3, Section 3.6 within the agreement states that the District must provide fire fighting services pursuant to the authority of Chapter 49 of the Texas Water Code and that these services may be provided by contracting with the City.</p> <p>As a result, the District and the City have memorialized the service arrangement in the attached Fire Protection Agreement. This agreement is modeled after the fire protection service provided for the Esperanza subdivision which also resides in the ETJ and includes a charge for service since the properties being serviced are not subject to City property taxes. The agreement includes the following:</p> <ul style="list-style-type: none"> • Per Call Charge: District agrees to pay the Fire Department a charge for each call within the District to which the Department responds to include the time, personnel, equipment, and fuel costs applicable to each such call, plus \$100.00. • 15-Year Initial Term: The term of this Agreement shall be fifteen (15) years from the Effective Date of this Agreement and shall thereafter renew for one (1) year terms. Either party may terminate this Agreement at least six (6) months before the expiration of the fifteen-year primary term, or any one-year renewal term.

	<p>Since development activity and platting is underway within the District, the execution of the agreement will allow the developer to satisfy the condition of the development agreement and move forward with the development process to include vertical construction.</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 </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> <p>Recommendation _____</p>
Financial Considerations	<p>A per call charge shall be applied for service with invoicing being sent to the District every six months and payment required within 30 days from invoice date.</p>
Citizen Input/Board Review	
Legal Review	<p>Legal reviewed the document and added language as necessary</p>
Alternative Options	
Supporting Documents	<p>Fire Protection Agreement Development Agreement</p>