

	<div data-bbox="1235 218 1474 457"> <p><b>District Impacted</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> 1 = Wolosin</li> <li><input type="checkbox"/> 2 = Woolard</li> <li><input type="checkbox"/> 3 = Vacant</li> <li><input type="checkbox"/> 4 = Cisneros</li> <li><input type="checkbox"/> 5 = Handren</li> <li><input type="checkbox"/> All</li> </ul> </div> <p style="text-align: center;"><b>AGENDA ITEM SUMMARY</b></p>
<b>AGENDA DATE</b>	February 12, 2019
<b>DESCRIPTION</b>	<p>CONSIDER RESOLUTION NO. 2019-R13; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS DENYING OR CONSENTING TO THE CREATION OF KENDALL COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 3, 3A, 3B AND PETITIONS FILED FOR THE CREATION OF WCID NO. 3, 3A, 3B AND ANNEXATION OF APPROXIMATELY 42 ACRES INTO THE WCID'S AND PROVISION OF CITY WATER AND SEWER SERVICES TO THE WCID NO. 3, 3A, AND 3B AS REQUIRED BY SPECIAL DISTRICT LOCAL LAWS CODE CHAPTER 9072.004 (SENATE BILL 914, 85<sup>TH</sup> LEGISLATIVE SESSION EFFECTIVE June 9, 2017).</p>
<b>STAFF'S RECOMMENDED ACTION (be specific)</b>	<p>Approve Resolution No. 2019-R13; A Resolution of the City Council of the City of Boerne, Texas denying consent to the creation of Kendall County Water Control and Improvement District No. 3, 3A, 3B and petitions filed for the creation of WCID No. 3, 3A, 3B and annexation of approximately 42 acres into the WCID's and provision of city water and sewer services to the WCID No. 3, 3A, and 3B as required by Special District Local Laws Code Chapter 9072.004 (Senate Bill 914, 85<sup>th</sup> Legislative Session effective June 9, 2017).</p>
<b>CONTACT PERSON</b>	Dan Blankenship, Assistant City Manager
<b>SUMMARY</b>	<p>In 2016 the City of Boerne was approached by a developer, Boernebak II, LLC about providing water and wastewater services to a proposed development off of Scenic Loop Road. Various discussions were held between city staff and the developer, but no agreement was reached.</p> <p>In 2017, State Senator Donna Campbell sponsored Senate Bill 914 which authorized the creation of the Kendall County Water Control and Improvement District No. 3 (WCID NO. 3) to provide services to the development. The legislation requires consent, by the City of Boerne, for the creation of the District by ordinance or resolution for the WCID NO. 3 to move forward. Following approval of the enabling legislation, Boernebak approached the City requesting consent to the creation of the WCID NO. 3 as required by the legislation.</p> <p>Prior to consideration of Boernebak's request for consent to form the WCID NO. 3, the City requested detailed information about the proposed development, specifically how the project would be served by water and wastewater, the source of the water supply, and how</p>

	<p>mobility impacts would be mitigated. Boernebak submitted a proposed development agreement, various discussions were held between city staff and the developer, a list of requested items for the development agreement was provided to the developer but no agreement was reached.</p> <p>Boernebak has requested that the City either consent to the formation of the WCID NO. 3 or deny consent to the formation of the WCID NO. 3. According to State Law, the City has ninety days to respond to the request. Denial of consent for the formation of the WCID NO. 3 by the City Council will not necessarily stop the proposed development. The WCID NO. 3 could still be created by requesting new legislation through the Texas Legislature or by application to TCEQ to form the WCID NO. 3.</p> <p>Due to City Council concerns about the impact of the proposed development, the City Council received public comments on the proposed WCID NO. 3 at the January 22, 2019 regularly scheduled City Council meeting. Several members of the public expressed concerns about the impacts that would be created by the proposed development and encouraged the City to not support the WCID.</p> <p>At the January 28, 2019 Kendall County Commissioners Court meeting, a letter was authorized to be sent to Senator Donna Campbell requesting denial of WCID #3 by repealing SB 914. A copy of the letter was sent to the TCEQ.</p>
<b>COST</b>	NA
<b>SOURCE OF FUNDS</b>	NA
<b>ADDITIONAL INFORMATION</b>	

This summary is not meant to be all inclusive. Supporting documentation is attached.