

## AGENDA



Thursday, November 8, 2007

**Austin Water Utility  
RECOMMENDATION FOR COUNCIL ACTION**
**Item No. 9**

**Subject:** Authorize the City Manager to negotiate and execute an amendment to the wholesale wastewater agreement (titled "Agreement for Wholesale Wastewater Utility Service for the Comanche Canyon Extraterritorial Jurisdiction Planned Unit Development") with Travis County Water Control and Improvement District No. 17 ("WCID No. 17") for the City's provision of wholesale wastewater service to a 43-acre tract located within WCID No. 17 and southeast of the intersection of FM 2222 and RM 620.

**Amount and Source of Funding:** The WCID or the developer will be responsible for the necessary infrastructure improvements. No City funding is required for this agreement.

**Fiscal Note:** A fiscal note is not required

**For More Information:** Bart Jennings, 972-0118, Denise Avery, 972-0104

**Boards and Commission Action:** Recommended by the Water and Wastewater Commission.

**Prior Council Action:** October 30, 2003 (Comanche Canyon Wholesale Agreement); June 23, 2005 (First Amendment of Comanche Canyon Wholesale Agreement); June 22, 2006 (Second Amendment of the Comanche Canyon Wholesale Agreement); September 28, 2006 (Joseph Tract)

WCID No. 17 provides water and wastewater services within its boundaries in northwest Travis County along the RM 620 and Lake Travis. The City of Austin ("City") and WCID No. 17 previously entered into wholesale wastewater agreements for portions of WCID No. 17's service area.

WCID No. 17 and the developer of a 43-acre tract (Joseph Tract), located southeast of the intersection of FM 2222 and RM 620, desired the City to provide utility service to the tract. City Council approved on September 28, 2006, the negotiation and execution of an agreement with WCID No. 17 for the City to provide retail water and wastewater service. The Joseph Tract property owner continued to pursue additional terms of consideration from WCID No. 17 until July 2007, when the board of WCID No. 17 ceased negotiations and disapproved the proposed agreement.

WCID No. 17 and the developer of the Joseph Tract now desire the City to provide wholesale wastewater service to the tract. This tract is located in the City's extraterritorial jurisdiction and entirely within WCID No. 17's boundary. The tract is located adjacent to the City's approved Comanche Canyon wholesale wastewater service area, but currently is not included in the area. The tract does not currently possess City approved platted lot status. Upon City approval of a final plat, the City will provide the appropriate level of wholesale wastewater service that matches the service requirements of the final plat, but no more than 450 LUEs, the amount of LUEs in the original Council approval. The tract is proposed to contain mixed-use development subject to all City ordinances and policies.

The City's Watershed Protection and Development Review Department has determined, based upon its research, that the City's provision of wholesale wastewater service for this tract will not result in a greater density than allowed under City ordinances. The agreement between the City and WCID No. 17 contains terms and conditions such as:

- the City's collection of its wastewater capital recovery fees for new connections from the tract,
- the WCID's installation of a wastewater meter to measure wastewater flows for contractual compliance and billing purposes, and
- the developer's compliance with all applicable City ordinances and policies, including water conservation ordinances.