



CITY OF AUSTIN
DRAFT ANNEXATION SERVICE PLAN

Case Name:	Anderson Mill MUD Area Subject to the Strategic Partnership Agreement
Case Number:	C7a-08-004
Date:	March 13, 2008

INTRODUCTION

This Service Plan ("Plan") is made by the City of Austin, Texas ("City") pursuant to a Strategic Partnership Agreement ("SPA") between the City of Austin and Anderson Mill Municipal Utility District ("MUD"), pursuant to Texas Local Government Code Section 43.0751. This Plan relates to the annexation to the City of a tract of land ("annexation area") known as the Anderson Mill MUD Area. The Anderson Mill MUD was created in 1973 and consists of approximately 1,105 acres. The MUD is located in Williamson and Travis Counties, Texas. Approximately 14 acres within the MUD located east of US 183 are currently in the City's full purpose jurisdiction. Several commercial properties within the MUD along both Anderson Mill Road and US 183, totaling approximately 41 acres, were annexed for limited purposes in 1998 in accordance with the terms of the SPA between the City and the MUD. The remainder of the MUD's territory is in the City's extraterritorial jurisdiction. The District's boundaries are generally RM 620 to the west, US 183 to the north, and Anderson Mill Road to the south.

This annexation area is adjacent to the City's full-purpose jurisdiction on the north, east, and south sides. The annexation area encompasses approximately 1,091 acres including both the limited purpose commercial property and residential property. The annexation area is described by metes and bounds in Exhibit A which is attached to this Plan and to the annexation ordinance of which this Plan is a part. The annexation area is also shown on the map in Exhibit A.

EFFECTIVE TERM

This Plan shall be in effect for a ten-year period commencing on the effective date of the annexation, unless otherwise stated in this Plan.

INTENT

It is the intent of the City of Austin that services under this Plan shall provide full municipal services as required and defined by the Texas Local Government Code.

The City reserves the right guaranteed to it by the Texas Local Government Code to amend this Plan if the City Council determines that changed conditions or subsequent occurrence, or any other legally sufficient circumstances, exist under the Local Government Code or other Texas laws to make this Plan unworkable or obsolete or unlawful.

SERVICE COMPONENTS

This Plan includes three service components: (1) the Early Action Program, (2) Additional Services, and (3) a Capital Improvement Program.

As used in this Plan, providing services includes having services provided by any method or means by which the City extends municipal services to any other area of the City. This may include causing or allowing private utilities, governmental entities, and other public service organizations to provide such services by contract, in whole or in part. It may also include separate agreements with associations or similar entities.

Unless otherwise noted or agreed to in this Plan or in the Strategic Partnership Agreement, the assets and liabilities of the Anderson Mill MUD will be assumed by the City after full purpose annexation. However, the Anderson Mill Limited District retains ownership and title to all Amenities in the area as defined in the SPA, including community facilities, parks, pools, greenbelts, and other recreational facilities owned by the District or the Limited District and located within the District Boundaries, and is responsible for maintenance of all such facilities, for so long as the SPA remains in effect and the Limited District remains in existence.

1. EARLY ACTION PROGRAM

The following services will be provided in the annexation area commencing on the effective date of the annexation, unless otherwise noted.

- a. Police Protection. The Austin Police Department (“APD”) will provide protection and law enforcement services in the annexation area. These services include:
 - normal patrols and responses;
 - handling of complaints and incident reports;
 - special units, such as, traffic enforcement, criminal investigations, narcotics, gang suppression, and special weapons and tactics team.
- b. Fire Protection. The Austin Fire Department (“AFD”) will provide emergency and fire prevention services in the annexation area. These services include:
 - fire suppression and rescue;
 - emergency medical services first response for Austin/Travis County Emergency Medical Services Department on Priority One, Two, Three, and Four medical calls;
 - hazardous materials mitigation and regulation;
 - emergency prevention and public education efforts;
 - dive rescue;
 - technical rescue;
 - aircraft/rescue/firefighting;
 - construction plan review;
 - inspections;

- rescue/hazardous materials unit.

AFD serves as the first responder on Priority One, Two, Three, and Four medical calls. For these calls, AFD will often be the first responder on the scene. EMS will also be dispatched and will take over response from AFD upon arrival and will transport the patients to the hospital if needed. All AFD personnel are certified at an Emergency Medical Technician (“EMT”) level or higher. All engines (pumpers), ladder trucks, and rescue units carry Automatic External Defibrillators for use with heart attack victims.

- c. Emergency Medical Service The City of Austin/Travis County Emergency Medical Services (“EMS”) Department will provide services in the annexation area.

Austin/Travis County EMS will provide the following emergency and safety services to the annexation area:

- emergency dispatch, pre-arrival First Aid instructions and coordination of other public safety support agencies;
- emergency Advanced Life Support (ALS) ambulance response;
- medical rescue services.

Austin/Travis County EMS is a mobile service provider, with units constantly moving throughout the system area. An ambulance is frequently dispatched from a location outside the station.

The Austin Fire Department will provide emergency medical first response on Priority One, Two, Three, and Four medical calls;. All Austin Fire Department personnel are certified at the Emergency Medical Technician (EMT) level or higher and assist EMS personnel providing patient care.

- d. Maintenance of Water and Wastewater Facilities. The City will assume ownership of Anderson Mill MUD’s water and wastewater facilities and associated water and wastewater related real and personal property and equipment on the Conveyance Date pursuant to the terms of the SPA. The City will assume the provision of water and wastewater service for the customers within Anderson Mill MUD and those currently served out-of-district areas pursuant to the terms of the SPA. The facilities will be maintained and operated by the City's Austin Water Utility as governed by standard policies and procedures, and under the provisions of the attached City service extension policy.

- e. Maintenance of Roads and Streets, Including Street Lighting. The Street and Bridge Division of the Public Works Department will maintain public streets over which the City has jurisdiction. These services include:

- emergency pavement repair;
- ice and snow monitoring of major thoroughfares;
- street maintenance. Maintenance activities include crack seal, sealcoat, slurry seal, and PM overlay;
- repair maintenance of public streets on an as-needed basis. Repair maintenance operations include pothole repair, filling depressions (level up), spot surface replacement, spot full-depth repair, and utility cut repairs.

The area is fully developed with existing residential streets. Any necessary street or bridge rehabilitation or reconstruction will be considered on a City-wide priority basis. The existing streets are performing adequately to serve the area at a comparable level of service to other City of Austin residential areas. Streets that have been dedicated and accepted for maintenance will be included in the City's preventative maintenance program. Preventative maintenance projects are prioritized on a City-wide basis and scheduled based on a variety of factors, including surface condition (distresses), rideability (smoothness), age, traffic volume, functional classification, and available funding.

If necessary, the Transportation Division of the Transportation and Public Works Department will also provide regulatory signage services in the annexation area. Traffic signal, stop, and all other regulatory studies are conducted in conjunction with growth of traffic volumes. All regulatory signs and signals are installed when warranted following an engineering study. Faded, vandalized, or missing signs are replaced as needed. "CALL BACK" service provided 24 hours a day, 365 days a year for emergency repair of critical regulatory signs.

Street lighting will be maintained in accordance with state law.

- f. Maintenance of Any Other Publicly-Owned Facility, Building, or Service. Should the City acquire any other facilities, buildings, or services necessary for municipal services located within the annexation area, an appropriate City department will provide maintenance services for them.

2. ADDITIONAL SERVICES

Certain services, in addition to the above services, will be provided within the annexation area. They are as follows:

- a. Watershed Protection and Development Review Department. The City of Austin's Watershed Protection and Development Review Department will provide drainage maintenance services in the annexation area. Drainage planning and maintenance are fee-based services. Services currently provided by the department, in accordance with and as limited by applicable codes, laws, ordinances and special agreements, include:
- water quality protection: environmental impact assessments; aquatic endangered species protection; city compliance with state and federal water quality regulations; pollution detection, tracking and forecasting; stormwater quality education; stormwater treatment; water quality education; pollution prevention and reduction;
 - watershed protection master planning for flood hazard mitigation, streambank restoration and erosion control, and water quality protection;
 - land development review and inspection: land development review and assistance; environmental inspection;
 - building development regulations: commercial building plan review; permit center; permit inspections;
 - flood hazard mitigation: voluntary floodplain home buyout program; regional stormwater management evaluation; creek flood hazard mitigation; localized flood hazard mitigation; flood early warning system; floodplain management;

- streambank restoration and erosion management: streambank restoration and erosion management services;
 - infrastructure and waterway maintenance: creek vegetation control; erosion repair; open waterway maintenance; pond inspection and maintenance; storm drain cleaning; storm drain rehabilitation; town lake cleanup.
- b. Library. Upon annexation, residents may utilize all Austin Public Library facilities.
- c. Austin Health and Human Services Department/Travis County Health Department. Upon annexation, the following additional services will be available from the Department.
- investigation of public health related complaints including food-borne illness, recreational water quality, tall weeds and grass, litter abatement, and public swimming pools and spas,
 - enforcement of the City's smoking in public places ordinance and the minor's access to tobacco ordinance;
 - inspection of food establishments, child care facilities;
 - investigation of reported elevated blood lead levels in children;
 - animal services including leash law, pet licensing, and rabies control;
 - access to community health clinics;
 - Medical Assistance Program benefits;
 - rodent and vector control consultation.
- d. Austin Energy. Austin Energy will continue to provide electric utility service to all areas which the City is authorized to serve by the Public Utility Commission of Texas. A portion of this annexation area is in Pedernales Electric Cooperative's service area.
- e. Anti-litter Services. The Austin Solid Waste Services Department will provide anti-litter services in the annexed area. Anti-litter is a fee-based service. Services currently provided in the City include:
- bulky item collection – twice per year; a notice to customers is provided in advance of the pickup date;
 - large brush collection – twice per year; a notice to customers is provided in advance of the pickup date;
 - street sweeping service – approximately six (6) times per year for streets with curb and gutter;
 - dead animal collection – dead animals are removed from roadways upon request;
 - household hazardous waste drop-off facility – use of facility on regularly scheduled days of operation;
 - tall weed and grass and litter abatement programs.
- f. Other Services. All other City Departments with jurisdiction in the area will provide services according to City policy and procedure.

3. CAPITAL IMPROVEMENTS PROGRAM

The City will initiate the construction of capital improvements necessary for providing municipal services for the annexation area as necessary.

Each component of the Capital Improvement Program is subject to the City providing the related service directly. In the event that the related service is provided through a contract service provider, the capital improvement may not be constructed or acquired by the City but may be provided by the contract provider. The City may also lease buildings in lieu of construction of any necessary buildings.

- a. Police Protection. No capital improvements are necessary at this time to provide police services.
- b. Fire Protection. No capital improvements are necessary at this time to provide fire services.
- c. Emergency Medical Service. No capital improvements are necessary at this time to provide EMS services.
- d. Water and Wastewater Facilities. No capital improvements are planned at this time to provide water and wastewater service.

Water and wastewater services to any new development and subdivisions will be provided according to the standard policies and procedures of the Austin Water Utility, which may require the developer of a new subdivision or site plan to install water and wastewater lines. The extension of water and sewer service will be provided in accordance with the attached water and wastewater service extension policy.

- e. Roads and Streets. No road or street related capital improvements are necessary at this time.
- f. Parks, Playgrounds and Swimming Pools. No capital improvements are necessary at this time to provide services.
- g. Watershed Protection Department. No capital improvements are necessary at this time to provide services.
- h. Street Lighting. No capital improvements are necessary at this time to provide services. Street lighting in new and existing subdivisions will be installed and maintained in accordance with the applicable standard policies and procedures.
- i. Other Publicly Owned Facilities, Building or Services: Additional Services. In general, other City functions and services, and the additional services described above, can be provided for the annexation area by using existing capital improvements. Additional capital improvements are not necessary to provide such City services.
- j. Capital Improvements Planning. The annexation area will be included with other territory in connection with planning for new or expanded facilities, functions, and services.

4. SERVICES TO BE PROVIDED BY LIMITED DISTRICT

The Anderson Mill Limited District created under the Strategic Partnership Agreement will provide the following services.

- a. **Solid Waste Collection.** Anderson Mill Limited District shall be responsible for providing solid waste pick-up and disposal for the area during the existence of the limited district. Services may be provided by district employees or by private solid waste service providers under contract with the District.

The Anderson Mill Municipal Utility District currently provides solid waste collection services under a contract with a private solid waste service provider, which contract expires on or about December 31, 2008. After conversion of the Municipal Utility District to the Limited District, the Limited District will continue to provide solid waste services under this contract. When the term of the contract expires, or the contract is terminated for any reason, or the District and the contractor agree to extend the contract, any new, extended, or amended contract for solid waste collection will include a provision for the collection of recyclable material by the private solid waste provider as 'Single Stream'. This requirement will not be enforced by the City if (1) the City has not commenced a program providing for single stream recycling in the City, and (2) a Single Stream Material Recovery Facility is not in operation and available for the District's use, prior to the approval of the new contract by the Anderson Mill Limited District. 'Single Stream' is defined as the curbside collection of all recyclable containers and fiber products from a single cart that is emptied into a non-compartmentalized truck.

- b. **Maintenance and Security in Parks, Playgrounds, and Swimming Pools.** The limited district will retain ownership of the Amenities in the area as defined in the SPA, including community facilities, parks, pools, greenbelts, other recreational facilities and associated buildings and structures owned by the District or the Limited District and located within the District Boundaries during the existence of the district. The district shall be responsible for providing security, maintenance, and any necessary capital improvements for all such parks and recreation facilities currently owned by Anderson Mill MUD. Security and maintenance services may be provided by district personnel or by private service providers under contract with the district.

Recreational facilities and area amenities, including parks, pools, and medians, that are privately owned, maintained, or operated will be unaffected by the annexation.

- c. **Deed Restriction Enforcement.** The Anderson Mill Limited District shall retain the authority of the Anderson Mill MUD under Texas law, as it may be amended, to enforce deed restrictions applicable to property within the boundaries of the district and any restrictive covenants to which the MUD is a party.

5. SERVICES TO BE PROVIDED BY CITY IF LIMITED DISTRICT IS DISSOLVED

If the limited district is dissolved or ceases to exist for any reason, the City shall provide the following services within 60 days of dissolution, or the date upon which the District ceases to exist:

- a. **Solid Waste Collection.** The Austin Solid Waste Services Department will provide services in the area. Services will be provided by City personnel or by solid waste service providers

under contract with the City. Services currently provided in the City for single family residences, including duplex, triplex, and fourplex dwelling units, include:

- garbage collection – scheduled cart collection in accordance with City Pay-As-You-Throw guidelines;
- recycling collection – scheduled curbside collection, materials collected include newspaper, magazines, catalogs, junk mail, corrugated cardboard; tin, steel, and aluminum cans; glass bottles and jars; plastic bottles and containers (#1 and #2);
- yard trimmings collection – scheduled residential collection in paper bags or reusable containers.

Commercial garbage collection service for businesses is available on a subscription basis from the City or private service providers.

- b. Maintenance of Parks, Playgrounds, and Swimming Pools. Ownership and title to all parks and recreational facilities then owned by the Anderson Mill Limited District shall vest in the City. The City will maintain such parks as recreational facilities at their current levels of service described in the March 2008 Anderson Mill MUD Parks and Aquatics Department Level of Services document. Services may be provided by the City Parks and Recreation Department or by private service providers under contract with the City.

Recreational facilities and area amenities, including parks, pools, and medians, that are privately owned, maintained, or operated will be unaffected by the annexation.

AMENDMENT: GOVERNING LAW

This Plan may not be amended or repealed except as provided by the Texas Local Government Code or other controlling law. Neither changes in the methods or means of implementing any part of the service programs nor changes in the responsibilities of the various departments of the City shall constitute amendments to this Plan, and the City reserves the right to make such changes. This Plan is subject to and shall be interpreted in accordance with the Constitution and laws of the United States of America and the State of Texas, the Texas Local Government Code, and the orders, rules and regulations of governmental bodies and officers having jurisdiction.

FORCE MAJEURE

In case of an emergency, such as force majeure as that term is defined in this Plan, in which the City is forced to temporarily divert its personnel and resources away from the annexation area for humanitarian purposes or protection of the general public, the City obligates itself to take all reasonable measures to restore services to the annexation area of the level described in this Plan as soon as possible. Force Majeure shall include, but not be limited to, acts of God, acts of the public enemy, war, blockages, insurrection, riots, epidemics, landslides, lightning, earthquakes, fires, storms, floods, washouts, droughts, tornadoes, hurricanes, arrest and restraint of government, explosions, collisions, and other inability of the City, whether similar to those enumerated or otherwise, which is not within the control of the City. Unavailability or shortage of funds shall not constitute Force Majeure for purposes of this Plan.

SUMMARY OF THE WATER AND WASTEWATER UTILITY SERVICE EXTENSION POLICY

The following information is a summary of the Austin Water Utility Service Extension Policy, Chapters 25-1 through 25-5 and 25-9 of the 2006 Austin Code of Ordinances, in conformance with the Texas Local Government Code requirement that the Plan have a summary of the service extension policy.

Water and wastewater service is only provided to lots that have been properly subdivided and platted or are a legal lot. For property that is required by subdivision regulations to construct water or wastewater facilities connecting to the City system, funding and construction of those facilities will remain the responsibility of the developer. If the specific undeveloped property does not have City water or wastewater service fronting the property, the owner/developer may make an application for an extension of service to the Austin Water Utility for review.

Depending on the size of the new facilities and other conditions, with City Council approval, the City may reimburse the developer for part of the cost of constructing certain facilities. With City Council approval, the City may cost participate by reimbursing costs associated with the oversize capacity of wastewater mains larger than 8 inches but less than 18 inches in diameter, and of water mains greater than 12 inches but less than 24 inches in diameter. With City Council approval, the City may reimburse to the developer the hard construction cost of the full capacity of wastewater facilities 18 inches in diameter or larger, and water facilities 24 inches in diameter or larger, as well as other facilities such as reservoirs or pumps. The actual calculation of the cost participation and reimbursement amounts, including limits and the schedules for the payments, are included in the Land Development Code.

For lots that have water or wastewater lines in the street fronting the lot, the owner may receive water or wastewater service by applying for a tap permit and paying any required fees. New customers will be required to pay the impact fees and all connection fees. However, if the tap is purchased within two years of the completion of the line by the City or within two years after the date of the City's annexation, the impact fee will be waived.

As long as a property is using a septic system, the property owner remains responsible for the operation and maintenance of the septic system. If the septic system fails before the City sewer service is extended to the property, the property owner must repair the system. Under certain circumstances the Austin/Travis County Health and Human Services Department may require connection to the City sewer facilities.

This policy is set by the City Council and can be amended in the future by ordinance.