

## A G E N D A



## Recommendation for Council Action

Austin City Council	Item ID	13731	Agenda Number	37.
Meeting Date:	3/22/2012		Department:	Planning and Development Review
Subject				
<p>Approve second and third readings of an ordinance that adopts a consent agreement for the Southeast Travis County Municipal Utility District 2 ("MUD"); the consent agreement will be conditioned on the approval of an ordinance that adopts a strategic partnership agreement between the City and the MUD.</p>				
Amount and Source of Funding				
Fiscal Note				
Purchasing Language:				
Prior Council Action:	<p>February 17, 2011: Council approved Resolution No. 20110217-030, establishing a policy and general criteria under which municipal utility district requests will be considered.</p> <p>April 07, 2011: Council approved Resolution No. 20110407-019, consenting to special legislation that would create the Pilot Knob Municipal Utility Districts.</p> <p>January 26, 2012: Council set a public hearing for March 1, 2012.</p> <p>March 1, 2012: Council postponed the public hearing and action to March 8, 2012.</p> <p>March 8, 2012: Council approved first reading and set public hearings on the Strategic Partnership Agreement for April 12, 2012 and April 26, 2012.</p>			
For More Information:	Virginia Collier 974-2022			
Boards and Commission Action:	Recommended by the Water and Wastewater Commission, the Environmental Board, the Parks Board, and the Planning Commission. Not recommended by the Urban Transportation Commission.			
MBE / WBE:				
Related Items:				
Additional Backup Information				

In February 2011, City Council approved a resolution establishing a policy and general criteria under which the City Council will consider requests to create municipal utility districts. The policy states that the Council shall consider the following criteria: adherence to the comprehensive plan, extension of public infrastructure with MUD or developer financing, affordable housing, environmental improvement, public transportation facilities, open space, green building, development standards, amenities, school and public safety sites, City provision of water and wastewater services, and financial viability.

In March 2011 Qualico CR LP submitted petitions to the City for consent to create four municipal utility districts ("MUDs") known as the Southeast Travis County MUDs 1-4.

In April 2011 City Council approved a resolution consenting to special legislation that would create the MUDs, subject to criteria that would protect the City's interests. The City's MUD policy provides for consideration of extraordinary public benefits, superior development, and enhancement of other City interests when negotiating the consent agreement.

In May 2011, the Texas Legislature created the Southeast Travis County Municipal Utility Districts 1-4 conditioned upon the City entering into a consent agreement with each MUD no later than September 1, 2012. Each MUD's enabling legislation also allows continuation of the district as a "limited district" after full-purpose annexation by the City if the district and the City enter into a strategic partnership agreement ("SPA"). The City is requiring a SPA as a condition of its consent. If the City does not consent to the creation of the district or enter into such agreements as are required by the terms of the City's consent ordinance, the MUDs will be dissolved. The legislation also provides that the consent agreement would be valid and enforceable, authorizes one permanent board director to be appointed by the City Council, creates board member term limits, and authorizes setting a minimum tax rate equal to or exceeding the City's rate.

These MUDs include approximately 1,604 acres located in southeastern Travis County within the City's extraterritorial jurisdiction. As part of the agreement consenting to the creation of the MUDs, the City would defer full purpose annexation of the MUDs for approximately 25 years or longer but would annex the MUDs for limited purposes shortly after giving consent to MUD creation. In addition, the developer will apply for PUD zoning. Proposed future development includes a mix of land uses typical in suburban developments. The City would be the retail service provider for water and wastewater services and solid waste services.

Following staff and board and commission review, the City Council must conduct a public hearing and consider the request for city consent to the creation of the MUDs. If approved, Council must conduct two additional public hearings regarding a strategic partnership agreement and adopt the SPA after each MUD has adopted the SPA.