

A G E N D A



Recommendation for Council Action

Austin City Council		Item ID	25923	Agenda Number	76.
Meeting Date:	8/8/2013			Department:	Planning and Development Review
Subject					
Set a public hearing to consider a request for City consent to the creation of the Cascades Municipal Utility District No. 1 (“MUD”). (Suggested date and time: August 29, 2013, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.).					
Amount and Source of Funding					
Fiscal Note					
Purchasing Language:					
Prior Council Action:	April 11, 2013 – Council approved Resolution No. 20130411-007, consenting to special legislation that would create the Cascades Municipal Utility Districts No. 1. May 23, 2013 – Council approved Resolution No. 20130523-035, granting variances to City Code allowing an extension of time beyond the 90 day review period provided by law relating to a petition for creation of a MUD.				
For More Information:	Virginia Collier, 512-974-2022.				
Boards and Commission Action:	June 25, 2013 – Unanimous recommendation by the Parks and Recreation Board on a 6-0 vote, that Council approve the MUD following recommendation from the Community Development Commission. July 10, 2013 – Approved by the Water and Wastewater Commission on a 4-1 vote with Commissioner Faust abstaining and Commissioner Gray absent. August 7, 2013 – To be reviewed by the Environmental Board August 13, 2013 – To be reviewed by the Urban Transportation Commission. August 13, 2013 – To be reviewed by the Planning Commission.				
MBE / WBE:					
Related Items:					
Additional Backup Information					

On January 3, 2013, Onion Associates, Ltd. submitted a petition to the City for consent to create the Cascades Municipal Utility District No. 1 ("MUD"). In response to staff comments on the original petition, the applicant submitted a revised petition on February 22, 2013.

The applicant filed special legislation on March 26, 2013, intended to create the MUD conditioned upon the City entering into a consent agreement, with contractual provisions acceptable to the City. In April 2013 City Council approved a resolution consenting to special legislation that would create the MUD, subject to criteria that would protect the City's interests.

In May 2013 the Texas Legislature created the Cascades MUD No. 1 conditioned upon the City entering into a consent agreement with the MUD no later than September 1, 2014. The enabling legislation also allows continuation of the MUD as a "Limited District" after full purpose annexation by the City if the MUD and the City enter into a strategic partnership agreement ("SPA").

Following city 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 in accordance with State law and the Austin City Code. The City's MUD policy, adopted in February 2011, establishes general criteria under which the City will consider requests to create MUDs.

If approved, Council must conduct two additional public hearings regarding a strategic partnership agreement and adopt a SPA after the MUD has adopted the SPA. 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 MUD will be dissolved on September 1, 2014.

The MUD includes approximately 136 acres located in southern Travis County immediately south of the current City limits in Austin's extraterritorial jurisdiction ("ETJ"), along the east side of IH 35 South, along Onion Creek. The applicant's proposal indicates that it intends to significantly increase the size of the MUD in the future with the addition of land that is not adjacent to the initial MUD boundary but is contiguous to the current city limits. As part of the agreement consenting to the creation of the MUD, the City would defer full purpose annexation of the MUD but would annex the MUD for limited purposes shortly after giving consent to MUD creation. In addition, the developer would apply for PUD zoning. Proposed future development includes single-family residential, multi-family residential and commercial land uses typical in suburban development. The City would be the retail service provider for water and wastewater services and solid waste services.