

A G E N D A



Recommendation for Council Action

Austin City Council		Item ID	29173	Agenda Number	136.
Meeting Date:	12/12/2013		Department:	Planning and Development Review	
Subject					
Conduct a public hearing and consider an ordinance approving a consent agreement for the Cascades Municipal Utility District No. 1 (“MUD”) subject to adoption of an ordinance approving a strategic partnership agreement between the City and the MUD.					
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 – Unanimously approved by the Parks and Recreation Board on a 6-0 vote with Commissioner Abell absent. July 10, 2013 – Approved by the Water and Wastewater Commission on a 4-1 vote with Commissioner Faust abstaining and Commissioner Gray absent. August 13, 2013 – Not approved by the Urban Transportation Commission on a 6-0 vote, with Commissioner Blocker absent, on the basis that the proposal does not meet the requirement of providing superior transportation infrastructure and precludes it in the future. October 2, 2013 – Not approved by the Environmental Board on a 3-4 vote due to a lack of consensus on the recommended conditions. December 10, 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. 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.

The Applicant's proposal indicates that it intends to significantly increase the size of the MUD in the future with the addition of a 158 acre tract that is not adjacent to the initial MUD boundary but is contiguous to the current city limits. The Applicant requests that this tract be designated as additional project area that may be annexed to the district in the future. Presumably the expanded MUD would require additional bond capacity to develop, creating further constraints on the City's ability to annex. Staff believes that the MUD boundary should not be allowed to expand in the future.

The Applicant requests that the MUD be authorized to issue 25-year bonds in accordance with the City's MUD policy. If these bonds are issued within the next five years, the City must wait 30 years to annex the area or otherwise assume all remaining outstanding bond debt at the time of annexation. Staff believes a shorter term of the bonds, comparable to the 15-year PID bonds that were recently authorized for the Estancia project directly across IH 35 from this project would reduce the negative impact of delayed full purpose annexation on the City's general fund.

If Council decides to grant consent to the creation of the MUD, staff will need specific direction on MUD Bonds and MUD Boundary expansion to resolve issues related to these aspects of the proposed consent agreement.