



**RCA
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

AGENDA ITEM NO.: 11
AGENDA DATE: Thu 07/29/2004
PAGE: 1 of 1

SUBJECT: Authorize the City Manager to negotiate and execute an agreement with Sun Communities Texas Limited Partnership, a Michigan Limited Partnership, through its general partner Sun Texas QRS, Inc., a Michigan Corporation, and Sun Secured Financing Houston Limited Partnership, a Michigan limited partnership, through its general partner, Sun Secured Financing GP, Inc. for the termination of the City of Austin wholesale water and wastewater agreements related to Branch Creek Estates, a mobile home community, and the conversion of Branch Creek Estates' customer status from a wholesale customer to a retail customer.

AMOUNT & SOURCE OF FUNDING: No City funds are required by this action.

FISCAL NOTE: There is no unanticipated fiscal impact. A fiscal note is not required.

REQUESTING Austin Water Utility **DIRECTOR'S**
DEPARTMENT: **AUTHORIZATION:** Chris Lippe

FOR MORE INFORMATION CONTACT: Bart Jennings, 972-0118; Laura Wiley, 972-0104

PRIOR COUNCIL ACTION: N/A

BOARD AND COMMISSION ACTION: Recommended by the Water and Wastewater Commission.

PURCHASING: N/A

MBE / WBE: N/A

Branch Creek Estates is a mobile home community generally located on the east side of Dessau Road between Parmer Lane and Gregg Lane. Branch Creek Estates has been a wholesale water and wastewater customer of the City of Austin since July 1991 serving approximately 392 connections.

Branch Creek Estates has determined that it is no longer interested in retaining its water CCN and retail public utility status and wishes to become a retail customer of the City. The major terms of the agreement related to Branch Creek Estates include:

1. The filing of a TCEQ decertification application of Branch Creek Estate's water CCN.
2. Branch Creek Estates retaining ownership, operation and maintenance responsibilities for internal water and wastewater infrastructure.
3. Branch Creek Estates conveying, at no cost to the City, a portion of existing wastewater main that crosses Dessau Road and connects to a City manhole.
4. Branch Creek Estates replacing, at its cost, the existing 3" water meter with a 3" fire demand meter. Since the size of domestic water service will not change, the City will not charge additional water and wastewater capital recovery fees.
5. Branch Creek Estates will be charged outside City rates and will be subject to all applicable City ordinances and policies affecting retail customers.
6. The wholesale water and wastewater contracts between the City and Branch Creek Estates would be terminated.

No. 070704-H

WATER AND WASTEWATER COMMISSION RESOLUTION

APPROVE A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH SUN COMMUNITIES TEXAS LIMITED PARTNERSHIP, A MICHIGAN LIMITED PARTNERSHIP, THROUGH ITS GENERAL PARTNER SUN TEXAS QRS, INC., A MICHIGAN CORPORATION, AND SUN SECURED FINANCING HOUSTON LIMITED PARTNERSHIP, A MICHIGAN LIMITED PARTNERSHIP, THROUGH ITS GENERAL PARTNER, SUN SECURED FINANCING GP, INC. FOR THE TERMINATION OF THE CITY OF AUSTIN WHOLESALE WATER AND WASTEWATER AGREEMENTS RELATED TO BRANCH CREEK ESTATES, A MOBILE HOME COMMUNITY, AND THE CONVERSION OF BRANCH CREEK ESTATES' CUSTOMER STATUS FROM A WHOLESALE CUSTOMER TO A RETAIL CUSTOMER

July 7, 2004

REGULAR MEETING

VOTE: 8-0-0-1

Motion made by: Friese

Commissioners Consenting: Lee, Coleman, Warner, Kirfman, Miller, Raun, Chan

Commissioners Dissenting:

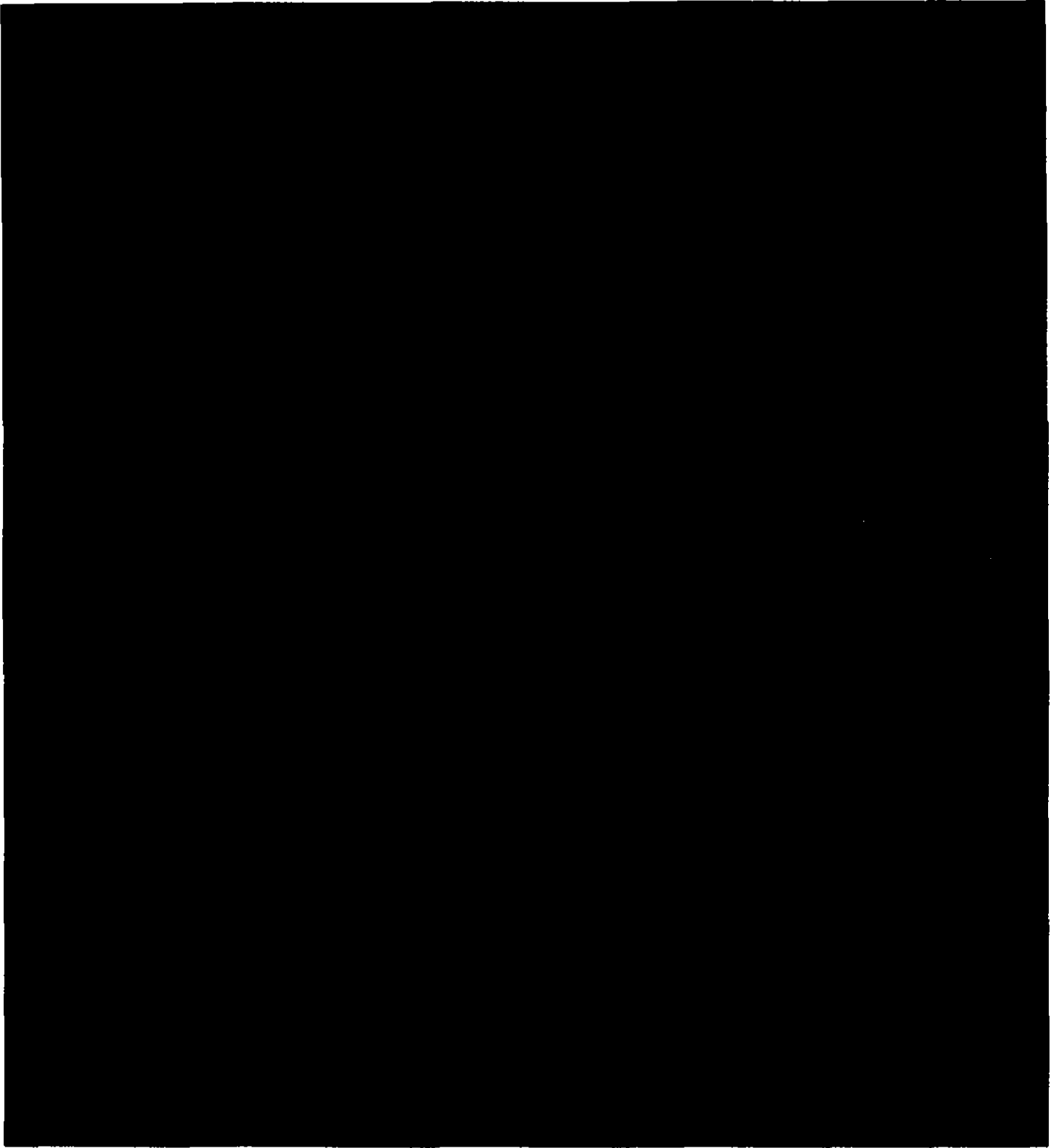
Commissioners Abstaining:




Commissioners Absent: Pool

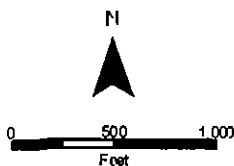
The Water and Wastewater Commission recommends the Council authorize the approval of a resolution authorizing the City Manager to negotiate and execute an agreement with Sun Communities Texas Limited Partnership, a Michigan Limited Partnership, through its general partner Sun Texas QRS, Inc., a Michigan Corporation, and Sun Secured Financing Houston Limited Partnership, a Michigan limited partnership, through its general partner, Sun Secured Financing, GP, Inc. for the termination of the City of Austin wholesale water and wastewater agreements related to Branch Creek Estates, a mobile home community, and the conversion of Branch Creek Estates' customer status from a wholesale customer to a retail customer.


Michael Warner, Chairperson
Water and Wastewater Commission


Date



-  Branch Creek Estates
-  City of Austin ETJ
-  Full-purpose City Limit



City of Austin
Austin Water Utility



June 2004

Branch Creek Estates

Produced by Systems Planning & GIS

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