



City of Pflugerville

Legislation Text

File #: RES-0622, **Version:** 1

Approving a resolution approving the Amended and Restated Comprehensive Development Agreement for Lakeside Municipal Utility District No. 5 and authorizing the City Manager to execute the agreement.

In 2004 the City entered into a Comprehensive Development and Consent Agreement for Lakeside Water Control Improvement District (WCID) No. 5, which was later amended in 2006 and then again in 2011. In 2017 the Developer for Lakeside WCID, now known as Municipal Utility District (MUD) No. 5, expressed interest in adding land to the area known as Lakeside MUD 5 and requested the City consider adding additional area.

The Original Agreement authorized the creation of either a water control and improvement district or a municipal utility district to include approximately 199 acres in Travis and Williamson counties. On August 11, 2008, the Texas Commission on Environmental Quality (TCEQ) issued an order creating the District and the District was confirmed at an election held on May 9, 2009. Per the Original Agreement, the City also consented to the District's annexation of approximately 206 acres of land identified as Parcel 2 and Parcel 3 within the attached Exhibit A, of which at this point only 5.05 acres of land, identified as Parcel 2 have been annexed by the District. The project is generally located along Hodde Lane and Cele Road to the north and east of the ISD tracts, extending north to Rowe Lane and east to Melber Lane.

The resolution under consideration amends and restates the Comprehensive Development Agreement for Lakeside MUD 5, allowing for additional acreage to be added to the overall development, provisions for creating a maximum of four individual MUDs within the overall Lakeside MUD 5 area and incorporates the following provisions as outlined in the Special District Policy created by City Council in March of this year:

- A land plan is provided that is consistent with the City's 2030 Comprehensive Plan. The land plan includes 850.6 acres of single family residential totaling to 3,456 dwelling units; 34.2 acres of commercial; 15.7 acres for a school site; 6.2 acres for a public facility; 43.5 acres of right of way; and 219.1 acres of open space.
- The development will dedicate right of way for arterials and collector roadways along the boundary of the project as well as internally to the site. The Developer will also participate in planning, designing and construction of Hodde Lane, Cele Road, Melber Lane and Kelly Lane Phases 2 and 3 with a total contribution of \$1,200 per dwelling unit for residential and per service unit for non-residential.
- The development is located within Manville's water CCN. The Developer has agreed to secure a wholesale contract with Manville Water Supply Corporation for service to the District which will then be assigned to the City at the time of annexation. Conditions have been included within the development agreement for the City to provide service prior to annexation should Manville not execute a contract for wholesale water service.
- The development is located within the City's wastewater CCN and will ultimately be served by both the Wilbarger and Cottonwood Basins. During the initial phases of the development, the

development will be served in a limited capacity by infrastructure in the Wilbarger Basin with a maximum service of 1,045 LUEs. Ultimately, the balance of the LUEs needed to service the Lakeside Development will be handled through the Cottonwood Basin. This is however, contingent upon the City's determination that providing service within the Cottonwood Basin is feasible and in the best interest of the City. In the event that the City determines that providing service in the Cottonwood Basin is not feasible and in the best interest of the City, capacity to the District shall be limited to 1,045 LUEs from the Wilbarger Basin until such time that the City constructs additional capacity in the Wilbarger Basin via existing facilities or a new wastewater treatment plant in the Wilbarger Basin, but then only to the extent of such additional available capacity as determined in the City's sole discretion based on current and projected capacity needs in the Wilbarger Basin. In the event that sufficient capacity is not available in the Wilbarger Basin as determined by the City the District for additional capacity, the District shall be entitled to seek a wastewater treatment and discharge permit without opposition from the City.

- The Development has demonstrated that it will exceed the minimum requirements established by the City's Code of Ordinances by offering additional historical residential design options, dedicating 48.5 acres above the minimum required parkland dedication; and incorporating a public school site as well as a public facilities site.
- A post annexation surcharge has been incorporated as permitted by state law to allow the City to collect sufficient funds for payment of any remaining debt service at the time of annexation.
- Development agreement includes provisions for a Strategic Partnership Agreement (SPA) which includes provisions for dissolution of the MUD at the time of annexation, imposition of taxes, and limitations on debt.

Prior City Council Action

January 23, 2018: Passed resolution RES-0479 authorizing the City Manager to prepare and negotiate the documents required for the modification and creation of a municipal utility district for the area.

November 22, 2004: Rowe Lane Development, Ltd. and Robert M. Tiemann (collectively the "Developer") and the City of Pflugerville, Texas (the "City") have previously entered into that certain Comprehensive Development and Consent Agreement for Lakeside WCID No. 5

July 3, 2006: First Amendment to Comprehensive Development and Consent Agreement for Lakeside WCID No. 5

October 14, 2011: Second Amendment to the Comprehensive Development Agreement

Deadline for City Council Action

There is no deadline for City Council Action

Funding Expected: Revenue ☐ Expenditure ☐ N/A ☒

Budgeted Item: Yes ☐ No ☐ N/A ☒

Amount: ☐ N/A

1295 Form Required? Yes ☐ No ☒

Legal Review Required: N/A ☐ Required ☐ Date Completed: May 17, 2019

Supporting documents attached:

Resolution

Exhibit A: Amended and Restated Comprehensive Development Agreement

Recommended Action

Motion to approve the resolution approving the amended and restated Comprehensive Development Agreement for Lakeside MUD 5 as proposed and authorizing the City Manager to execute the agreement.