

## CITY COUNCIL MEMORANDUM

### AGENDA ITEM

**AMENDING EXHIBIT F - OFFSITE UTILITY PLAN INCLUDED WITH THE CONSENT AND DEVELOPMENT AGREEMENT FOR BELL COUNTY MUNICIPAL UTILITY DISTRICT, NO. 2**

### ORIGINATING DEPARTMENT

**PUBLIC WORKS - ADMINISTRATION**

### BACKGROUND INFORMATION

The City of Killeen entered into a Consent and Development agreement ("Agreement") with WBW Land Investments, LP ("Developer") and the to-be-created Bell County Municipal Utility District, No. 2 ("District") on June 30, 2013 (CCM/R 13-058). The Agreement addresses the planned development of approximately 1,373 acres south of Chaparral through the creation of a municipal utility district.

The Agreement includes provisions for: 1) the ability of the City to exercise development control and oversight that the City would not otherwise have due to the development's location in the County; 2) the realization of approximately \$5,125,000.00 in reimbursements for the construction of improvements necessary to mitigate the community impact of the development and serve the development and surrounding areas; 3) the reduction of the density of the project from a possible 4,816 residential dwelling units to a maximum of 3,750 residential dwelling units; 4) control relating to the design and construction of water, wastewater and storm water drainage infrastructure to ensure compliance with City standards; 5) generation of additional revenue from the provision of water, wastewater and solid waste services, without the typical offset expense associated with debt issuance necessary to construct master plan projects within the City; 6) a commitment from the developer to preserve 25% of the property as open space, including a commitment to provide a minimum of 100 acres of parkland; 7) control relating to District bond issuance to add a measure of predictability and facilitate the future annexation of the District; and 8) control regarding development setbacks, architectural and building standards and materials, landscaping, lighting, street standards, and a host of other provisions typically not within the City's jurisdiction or control in the County.

On November 4, 2014 an election was held and the District was officially created on November 17, 2014. The District then ratified the Agreement and the Developer is moving forward with refining plans and engineering designs for the area known as Turnbo Ranch.

### DISCUSSION/CONCLUSION

Following the official creation of the District, the Developer commenced with preliminary design concepts needed to provide services to the area, including water, sewer, and electric. City staff has been in continuous contact with the Developer. As a result of the progress of design, City staff discussions and at the request of the Developer, the purpose of this resolution is to authorize an amendment to the Agreement substituting the attached "Exhibit F - Offsite Utility"

plan for the "Exhibit F - Offsite Utility" plan in the Agreement as the existing exhibit was based on displaying connectivity to the City's water and sanitary sewer system, rather than actual preliminary engineering analysis.

The changes proposed will allow the development to advance in a logical and predictable order and will provide the City with additional time to address potential sanitary sewer over-sizing issues associated with providing service to the south end of the project. In relation to water infrastructure, the amendment allows the development to connect to an existing water line on Chaparral without the need to extend infrastructure to Featherline. This connection will ultimately serve the portion of Turnbo Ranch in the upper pressure plane, while a transmission main coming from the south from the progressing Stillhouse Hollow water treatment plant will connect to a to-be-constructed elevated storage tank to serve the portion of Turnbo Ranch in the lower pressure plane. Additionally, as part of this amendment, the Developer and District have agreed to provide easements across the property to facilitate the transmission main project at no cost to the City or Bell County Water Control and Improvement District, No. 1 ("WCID"). This will result in significant savings to WCID and, by extension, to the City.

In reviewing the proposed offsite utility plan changes, City staff does not object to the changes and believes that the changes provide mutually-beneficial solutions for the City, the District and the Developer.

#### **FISCAL IMPACT**

There is no fiscal impact associated with this action.

#### **RECOMMENDATION**

City staff recommends that City Council authorize amending the Agreement as provided for herein and that the City Manager be authorized to execute the same.