



Legislation Details (With Text)

**File #:** ID 17-362      **Version:** 1      **Name:**

**Type:** Action Item

**File created:** 3/7/2017      **In control:** City Council

**On agenda:** 3/21/2017      **Final action:**

**Title:** Consider adoption of an ordinance authorizing the City Manager to execute an amendment to a Development Agreement between the City of Denton and Carmen Investments, Inc., for the provision of water and sanitary sewer service for Phase II A of the Country Club Village Addition. The Public Utilities Board recommends approval (4-0).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit 1 - Location Map, 2. Exhibit 2 - Water Distribution System Analysis, 3. Exhibit 3 - Development Agreement, 4. Exhibit 4 - Approval of Amendment to DA Ordinance

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

AGENDA INFORMATION SHEET

**DEPARTMENT:** Utilities Administration

**ACM:** Jon Fortune, 8535

**AGENDA DATE:** March 21, 2017

**SUBJECT**

Consider adoption of an ordinance authorizing the City Manager to execute an amendment to a Development Agreement between the City of Denton and Carmen Investments, Inc., for the provision of water and sanitary sewer service for Phase II A of the Country Club Village Addition. The Public Utilities Board recommends approval (4-0).

**BACKGROUND**

Carmen Investments, Inc. is the developer of the Country Club Village Addition Phase IIA project located in southwest Denton at the southeast intersection of US 377 and Brush Creek Road (see location map Exhibit 1).

The Developer and City entered into the previous Development Agreement on December 1, 2009, approved by the City Council under Ordinance 2009-299. The purpose of the original agreement was to allow the City to collect water impact fees from the Developer prior to filing of the final plat as opposed to upon building permit in order to assist in expedition of necessary water system improvements in the southwest region of the City.

The Developer has since expanded the Development and is now seven (7) phases comprised of approximately 131 lots and 80.54 acres; and Developer is requesting that these phases be incorporated into this amendment to the Development Agreement (see Exhibit 2).

In 2013 the City revised its Water and Wastewater Impact Fees, and in 2016 the City revised its Water and Wastewater Tap Fees. This

amendment to the Development Agreement will also reflect the new fee amounts and will apply to newly developed lots in the Development.

Staff has briefed the PUB previously on the water supply issues in the southwestern portion of the City on three occasions (April 23, 2007; September 24, 2007; and March 24, 2008) to discuss the history behind the growth in this area and the evolution of water system improvements that have occurred over time to keep pace with this development activity. The third briefing also included policy level discussions on the development of an impact fee zone for providing water system improvements for this portion of the water service area. These discussions ultimately lead to the inclusion of a second water impact fee zone for that portion of the water service area south and west of Hickory Creek. This specific water impact fee zone did not include any development that the City had specific development agreements with (either via contract, memorandums of agreement or development exactions as a condition of plat approval). Staff also provided an additional briefing the PUB on August 25, 2008 that covered the results of the Freese and Nichols 2007 Waster Distribution System Master Plan and the amendment to this contract to address short term water supply and capital improvement needs to serve the growing southwest water service area. A copy of the final report on the southwest service area is included as Exhibit 3 for reference purposes.

In an attempt to offer some short term solution for smaller developments in the interim while trying to manage the City's risks in meeting water system demands for existing customers and for developer's that have constructed water supply lines in exchange for platting approval, staff is proposing the following approach:

- Require the developer to make financial commitment for their project in the form of payment of water impact fees at the time of plat approval as opposed to the time of building permit issue.
- Use a voluntary developer agreement approach to deviate from local impact fee ordinance and Chapter 395 TAC procedures.
- Use water impact fee funds collected under these agreements to fund water system improvements to this specific portion of the water service area to work towards improving water supply capacity for this area.

In working with Carmen Investments, Inc., they are in agreement with this approach. Staff has drafted the development agreement in accordance with these principles (Exhibit 2).

#### **OPTIONS**

1. Approve the proposed development agreement with Carmen Investments, Inc. as prepared and submitted by staff.
2. Recommend desired changes to the development agreement.
3. Reject the development agreement approach for this situation.

#### **RECOMMENDATIONS**

Staff recommends approval of the proposed development agreement as drafted and submitted.

#### **ESTIMATED SCHEDULE OF PROJECT**

Project to commence within 30 days.

#### **PRIOR ACTION/REVIEW (Council, Boards, Commissions)**

Ordinance 2009-299 was approved by City Council on December 1, 2009. Prior PUB briefings on the water supply issues for the southwest portion of the City's service area as listed above.

#### **FISCAL INFORMATION**

This item has no direct fiscal participation by the City but does obligate the City to provide additional water service to this development in an area with very limited water supply capacity available in the next several years.

#### **STRATEGIC PLAN RELATIONSHIP**

The City of Denton's Strategic Plan is an action-oriented road map that will help the City achieve its vision. The foundation for the plan is the five long-term Key Focus Areas (KFA): Organizational Excellence; Public Infrastructure; Economic Development; Safe, Livable, and Family-Friendly Community; and Sustainability and Environmental Stewardship. While individual items may support multiple KFAs, this specific City Council agenda item contributes most directly to the following KFA and goal:

**Related Key Focus Area:**

**Public Infrastructure**

**Related Goal:**

**2.3 Promote superior utility services and facilities**

#### **EXHIBITS**

1. Location Map

2. Freese and Nichols Water Distribution System Study for the Southwest Service Area.
3. Development Agreement
4. Ordinance

Submitted by:  
Tim Fisher  
General Manager of Water Utilities

P.S. Arora  
General Manager of Wastewater Utilities

Prepared by:  
Earl A. Escobar  
Engineering Development Review Manager