

Mayor and Council Communication

DATE: 06/25/24

M&C FILE NUMBER: M&C 24-0535

LOG NAME: 06DEVELOPMENT AGREEMENT RENEWAL - IMELDA AND LOUIS RODRIGUEZ

SUBJECT

(ETJ near CD 4) Authorize the Execution of Development Agreements in Lieu of Annexation with Owner of Multiple Properties for Properties Located Generally East of North Beach Street, South of Ray White Road and Along the Eastern Side of Alta Vista Road

RECOMMENDATION:

It is recommended that the City Council authorize the City Manager to execute a development agreement between the City and the owners of multiple properties for the application of development standards in lieu of annexation for properties located generally east of North Beach Street, south of Ray White Road and along the eastern side of Alta Vista Road.

DISCUSSION:

State law requires a municipality to offer Development Agreements in lieu of annexation to property owners who maintain a current agricultural tax exemption on property considered for annexation. If a Development Agreement is signed, the property will retain its extraterritorial jurisdiction status until it loses its agricultural exemption or the Development Agreement expires, whichever comes first.

The 2023 Comprehensive Plan Annexation Program, as shown in Appendix F, identifies this property as being Area 18 and as an area where property owners have opted for Development Agreements. Approximately 9.487 acres of land in Area 18 qualify for Development Agreements in lieu of annexation. The City has received one signed contract from property owners Louis Rodriguez Jr. and Imelda Rodriguez. Mr. and Mrs. Rodriguez own three eligible properties (as shown on Exhibit A) which consist of approximately 9.487 acres located generally east of North Beach Street, south of Ray White Road and along the eastern side of Alta Vista Road.

Louis Rodriguez Jr. and Imelda Rodriguez, have requested a renewal of the agreement on their properties. The original agreement (City Secretary Contract No. 41290) was effective on December 12, 2010. If eligibility is maintained future options for successive renewals, not to exceed 45 years, are possible. By signing, Mr. and Mrs. Rodriguez, agree to the conditions of the Development Agreement in lieu of annexation. The Development Agreement will provide for the enforcement of development regulations including: subdivision ordinances in accordance with the Comprehensive Plan, municipal building, mechanical, plumbing, residential, energy and fire codes, building permit requirements, minimum building standard codes, environmental protection/compliance and health codes, prohibitions on septic tanks, gas drilling and production ordinance and other City regulations as they currently exist or may be enacted in the future. The property will adhere to the city's zoning ordinance 19475. The area covered by the development agreement was zoned under case ZC-10-179 as "A-10" One-Family. Additionally, the property owner consents to the jurisdiction of the City's Municipal Court, boards and commissions to enforce City codes and regulations, as well as prosecuting criminal violations of City regulations. The Development Agreement causes the property to be generally in compliance with development standards within the City limits.

Area 18 in the 2023 Comprehensive Plan Annexation Program as shown in Appendix F is adjacent to COUNCIL DISTRICT 4.

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that approval of this recommendation will have no material effect on City funds.

Submitted for City Manager's Office by: Dana Burghdoff 8018

Originating Business Unit Head: D.J. Harrell 8032

Additional Information Contact: