

A G E N D A



Recommendation for Council Action

Austin City Council	Item ID	18174	Agenda Number	99.
Meeting Date:	8/23/2012		Department:	Planning and Development Review
Subject				
Conduct a public hearing and adopt an ordinance approving an interim consent agreement for the Rio de Vida Municipal Utility District ("MUD"); and waiving Sections 25-9-155 (review of petition and recommendation by city employees), 25-9-156 (board and commission review and recommendation), and 25-9-157 (distribution of reports) of the City Code relating to an interim consent agreement.				
Amount and Source of Funding				
Fiscal Note				
Purchasing Language:				
Prior Council Action:	February 17, 2011 - Council approved Resolution No. 20110217-030, establishing a policy and general criteria under which municipal utility district requests will be considered; April 07, 2011 - Council approved Resolution No. 20110407-018, consenting to special legislation that would create the Rio de Vida Municipal Utility District; August 16, 2012 - Council set public hearing.			
For More Information:	Virginia Collier, 974-2022.			
Boards and Commission Action:				
MBE / WBE:				
Related Items:				
Additional Backup Information				

In December 2010, TXI Operations, L.P. ("TXI") submitted a petition to the City for consent to create Rio de Vida Improvement District No. 1 . The district includes approximately 2,130 acres located in eastern Travis County along the east and west sides of SH 130 between FM 969 and the Colorado River.

In April 2011 City Council approved a resolution consenting to special legislation that would create the district subject to criteria that would protect the City's interests. The City's municipal utility district ("MUD") policy, adopted in February 2011, provides for consideration of extraordinary public benefits, superior development, and enhancement of other City interests when negotiating the consent agreement.

In May 2011 the Texas Legislature created the Rio de Vida Municipal Utility District No. 1 conditioned upon the City entering into a consent agreement with the MUD no later than September 1, 2012. TXI has been unable to resolve water and wastewater utility issues that are currently in litigation. Other terms and conditions of a consent agreement have not been negotiated. An interim consent agreement between the City and TXI would avoid the MUD being dissolved on September 1, 2012, and allow additional time for TXI to address the utility and other matters, and for the City and TXI to negotiate a permanent consent agreement. The interim consent agreement provides that if the City and TXI do not enter into a permanent consent agreement or other agreements as are required by the terms of the City's consent ordinance, the MUD will be dissolved on date certain.

Staff and board and commission review will be required for the permanent consent agreement and the City Council will conduct another public hearing and consider the permanent consent agreement.