



**NOTICE OF A REGULAR MEETING  
OF THE CITY COUNCIL  
OF THE CITY OF SUNSET VALLEY, TEXAS  
TUESDAY, AUGUST 2, 2022  
6:00 P.M.**

Notice is hereby given that the City Council of the City of Sunset Valley, Texas will hold a regular meeting on Tuesday, the 2<sup>nd</sup> day of August 2022 at 6:00 P.M. in the Council Chambers, Municipal Building, 3205 Jones Road, Sunset Valley, Texas, at which time the following items will be discussed, to-wit:

1. Call to order of the City Council.
2. Citizen/Public Communication
3. Staff Reports
  - A. [Administration](#)
  - B. [Public Safety](#)
4. Council consideration of agenda items for approval on consent

*Items Which May Be Considered and Acted on Consent*

5. [Consider and act on approval of the minutes from July 19, 2022 regular meeting and work session.](#)
6. [Consider and act on moving the second regular City Council meeting in September to September 27<sup>th</sup> and cancelling the first regular City Council meeting in October \(October 4<sup>th</sup>\). \(Mayor Bruner/Administration\)](#)
7. [Consider accepting the resignation of Joe Huston as a regular member of the Arts Commission and appointing him as an alternate member. \(Council Member Johnson/Administration\)](#)
8. [Consider and act on approval of a Temporary Special Use Permit for the Austin Runner's Club to hold their Daisy Dash 5k and 10k events on October 23, 2022. \(Mayor Bruner/Administration\)](#)
9. [Consider releasing the Stearns Lane Lift Station Rehabilitation project for bids with the modifications recommended by staff and the Public Works Committee. \(Mayor Bruner/Administration\)](#)

*Presentation Items for Discussion and Possible Action*

10. Consider and act on releasing a Request for Qualifications (RFQ) for Professional Services to provide revisions to the Land Development Code and a review of the Comprehensive Plan revisions. (Mayor Bruner/Administration)
11. Consider and act on the creation of an internal policy regarding handling of delinquent utility accounts and adding a reference to the Sunset Valley Code of Ordinances. (Mayor Bruner/Administration)

*Presentation Items for Discussion Only*

12. Discussion and direction on an Ordinance amending the FY 2022 Budget for speed limit signs, flood warning signs, and striping of Jones and Sunflower. (Mayor Bruner/Public Works)
13. Adjourn


*Executive Session Notice*

Council may announce that it will deliberate in a closed session any matter listed on this agenda for which an exception to open meetings requirements (Open Meetings Act, Chapter 551 of the Texas Government Code) permits such closed deliberation, as announced at the time of such closed session, including but not limited to: (i) consultation with the City's attorney pursuant to Tex. Gov't Code § 551.071 and Texas Disciplinary Rules of Professional Conduct Section 1.05; (ii) deliberation of personnel matters pursuant to Tex. Gov't Code § 551.074. The City Council may deliberate and take action in open session on any issue that may be discussed in executive session.

*Remote Participation Notice*

AT THIS MEETING AT THE STATED LOCATION, A QUORUM OF THE CITY COUNCIL WILL BE PHYSICALLY PRESENT AND THIS NOTICE SPECIFIES THE INTENT TO HAVE A QUORUM PRESENT THERE, AND THE MEMBER OF THE CITY COUNCIL PRESIDING OVER THE MEETING WILL BE PHYSICALLY PRESENT AT THAT LOCATION. ONE OR MORE MEMBERS OF THE CITY COUNCIL MAY PARTICIPATE IN THIS MEETING REMOTELY, AND IF SO, VIDEOCONFERENCE EQUIPMENT PROVIDING TWO-WAY AUDIO AND VIDEO DISPLAY AND COMMUNICATION WITH EACH MEMBER WHO IS PARTICIPATING BY VIDEOCONFERENCE CALL WILL BE MADE AVAILABLE.

I certify that the above notice of meeting was posted at City Hall, 3205 Jones Road, Sunset Valley, Texas, on the 28<sup>th</sup> day of July 2022 at 6:00 P.M.

  
Matt Lingafelter  
City Secretary

# Administration Report

08.02.2022



Council Information Requests	<ul style="list-style-type: none"><li>• Summary of the Budget Work Session held on July 19<sup>th</sup>, including information related to utility subsidies, transfers, rates, personnel costs, and infrastructure, is being compiled and will be provided at the August 16<sup>th</sup> Budget Presentation</li></ul>
Projects Ongoing or Planned	<ul style="list-style-type: none"><li>• FY 2023 Budget Preparation<ul style="list-style-type: none"><li>◦ Mayor’s Budget filed August 11<sup>th</sup></li><li>◦ Budget Presentation at Council August 16<sup>th</sup></li><li>◦ Budget Work Session, Saturday August 20<sup>th</sup></li></ul></li><li>• Laserfiche Document Management System – see Attachment A</li><li>• Beautification and Branding – Canales and Co.</li><li>• Comprehensive Plan Revisions</li><li>• STR Registration Process – implementation by October 1<sup>st</sup></li></ul>
Resident Information Requests	N/A
Upcoming Meetings & Topics of Interest	<p>CED Committee 8.03.22</p> <ul style="list-style-type: none"><li>• Community Coordinator introduction and programming</li><li>• Volunteer Appreciation event planning</li><li>• Winter Solstice event planning</li></ul> <p>Budget &amp; Finance Committee 8.04.22</p> <ul style="list-style-type: none"><li>• Final budget meeting prior to filing of Mayor’s Budget</li><li>• Final Budget Amendments for FY22</li></ul> <p>Parks and Open Space Committee 8.09.22</p> <ul style="list-style-type: none"><li>• Finalizing conceptual plan by Asakura Robinson</li></ul> <p>Zoning Commission 8.24.22</p> <ul style="list-style-type: none"><li>• Development Process review</li></ul> <p><i>No Arts Commission meeting, workday at City Hall 8.06.22</i></p>

<p>Upcoming Topics for Agenda or Discussion</p>	<ul style="list-style-type: none"> <li>• Parks and Open Space Plan – Work Session 8.16.22</li> <li>• FY 2023 Budget Presentation 8.16.22</li> <li>• Preliminary Plat for 6405 Brodie Lane 8.16.22</li> <li>• Development Review Process (LDC)</li> <li>• Landscaping Services Decisions for FY 2023</li> <li>• Hwy 290 Waterline – participation with Townbridge</li> <li>• Emergency Operations follow-up</li> <li>• FY 2023 Budget Adoption 9.27.22</li> <li>• Committee Appointments 9.27.22</li> </ul>
<p>Development &amp; Commercial Permitting Activity</p>	<p><i>Next report will be provided on September 6<sup>th</sup></i></p>

**Candidate Filing for the November 8<sup>th</sup> Election**

The Offices for Election this year are the Mayor and two Council Member positions. Candidate filing began July 23<sup>rd</sup> and ends August 22<sup>nd</sup> at 5:00 pm. As of July 28<sup>th</sup>, there have been no candidate filings. To file for a place on the ballot, a resident must file in-person with either the City Secretary or Court Clerk (Matt or Melissa) at the city offices, Monday through Friday, 8 am until 5 pm. Click on the link above for additional information and eligibility requirements.

**Applications for Standing Committees and Arts Commission**

Standing Committee (Budget and Finance, CED, P&E, Public Safety and Public Works) and Arts Commission applications are due September 1<sup>st</sup>. Appointments will be made in late September by City Council for a term of October 1, 2022 - September 30, 2023. Current members do not need to complete an application.

## ADMIN REPORT ATTACHMENT A

CITY COUNCIL MEETING DATE: AUGUST 2, 2022



# STAFF REPORT ADDITIONAL INFORMATION

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STAFF PREPARER/CONTACT INFORMATION: Matt Lingafelter, Asst. City Administrator

SUBJECT: Laserfiche Document Management System & Public Portal

Administrative staff have been working diligently to archive all the City Council, Board, Commission and Committee Agendas, Minutes and Packets from the old website (GovOffice), [www.sunsetvalley.city](http://www.sunsetvalley.city) on the City's new cloud-based Document Management System, Laserfiche.

The following bodies have been completely migrated from the old website:

- City Council
- Board of Adjustment
- Zoning Commission
- Arts Commission
- Budget & Finance Committee

The following bodies should be completed by August 2<sup>nd</sup>:

- Community & Economic Development Committee
- Planning & Environmental Committee
- Public Safety Committee
- Public Works Committee

While archiving the documents from the old website, it became apparent that there were missing documents (mostly minutes). Staff is working on locating the paper copies of these documents so they can be scanned and uploaded to the Public Portal.

In addition to agendas, minutes, and agenda packets, other information needs to be archived from the old website and uploaded to the Public Portal. These include Newsletters, budget documents, plans and presentations. Staff plans to have the archiving completed by September 30, 2022.

Once the old website has been completely archived, staff will publicly launch the Public Portal on the new website (Granicus), [www.sunsetvalley.org](http://www.sunsetvalley.org). Staff will also be creating guides to use the Public Portal, which will be posted online.

Even though we have not "officially launched" the Public Portal, anyone may access it: <https://portal.laserfiche.com/Portal/browse.aspx?repo=r-f514b7d2>

Staff has created guides using Tango (attached) on how to browse the Public Portal and how to search for a specific topic or document. Council Members, please feel free to begin practicing using the Public Portal. If you have any questions, please contact Matt. Links to Tango Guides: [browsing](#) and [specific searches](#)



## Browsing the Laserfiche Public Portal

This is an example of how to browse the Public Portal to find a specific Council Agenda Packet, in this case the Budget Adoption for FY 2018-2019, which typically happens at the second City Council meeting in September

9 Steps [View on Tango](#)

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Created by

Matt Lingafelter

Creation Date

July 28, 2022

Last Updated

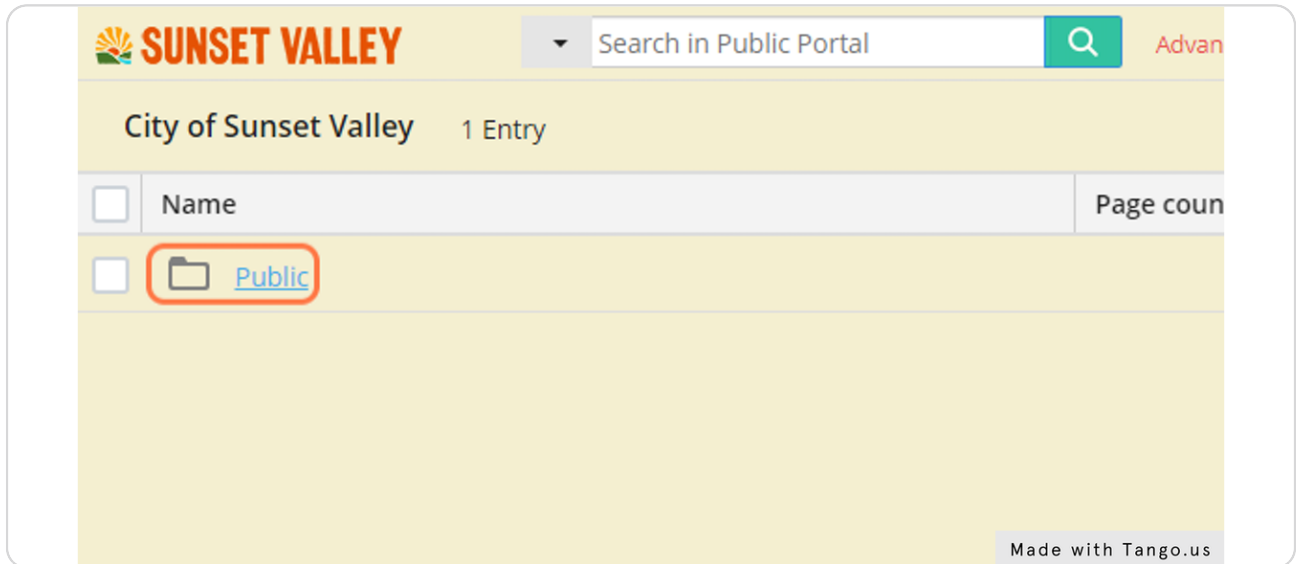
July 28, 2022

STEP 1

**Go to the City of Sunset Valley's Public Portal**

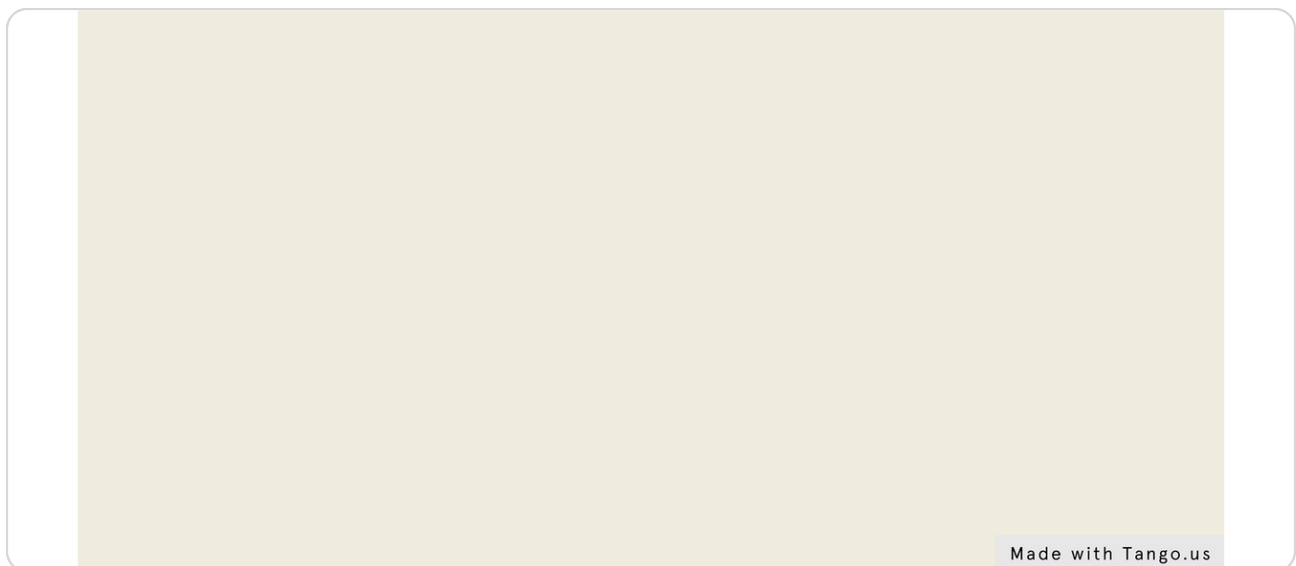
STEP 2

**Click on Public**










STEP 3

**Click on City Council, or the meeting body you wish to access**



STEP 4











Click on 2018, or the year you wish to access

<input type="checkbox"/>		<a href="#">2015</a>
<input type="checkbox"/>		<a href="#">2016</a>
<input type="checkbox"/>		<a href="#">2017</a>
<input type="checkbox"/>		<a href="#">2018</a>
<input type="checkbox"/>		<a href="#">2019</a>
<input type="checkbox"/>		<a href="#">2020</a>
<input type="checkbox"/>		<a href="#">2021</a>

Made with Tango.us

STEP 5

Click on City Council Agenda Packet 09-18-2018, or the Agenda, Packet or Minutes you are looking for

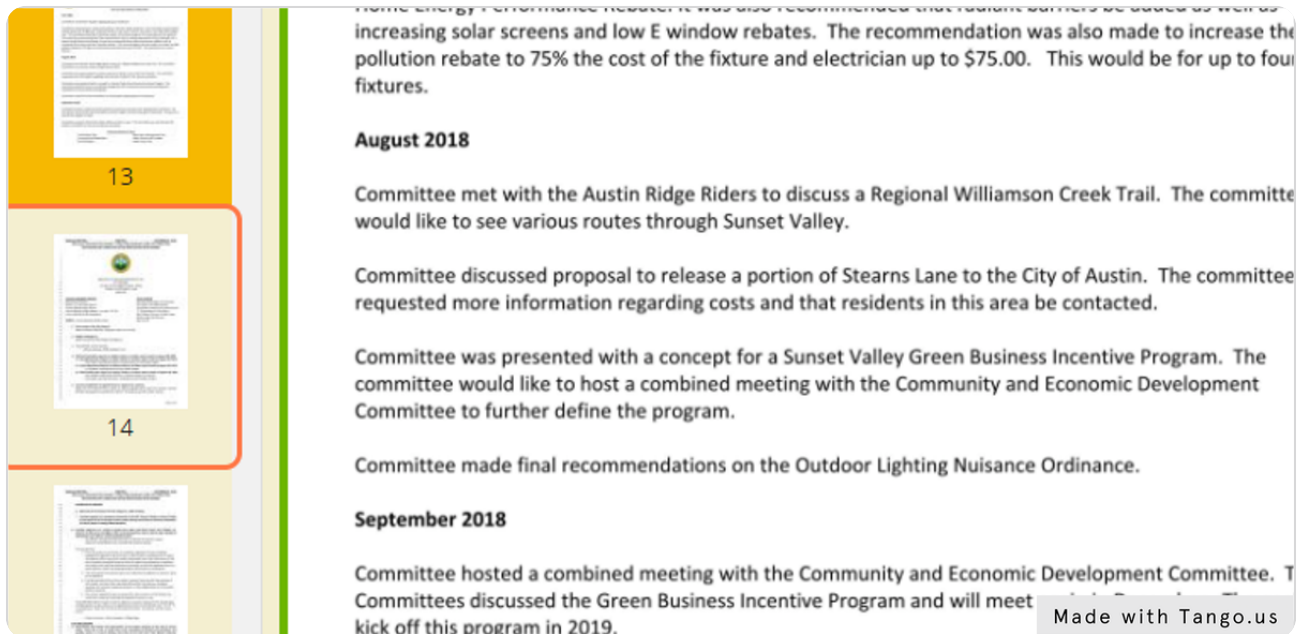
<input type="checkbox"/>		<a href="#">City Council Agenda Packet 07-17-2018</a>	120
<input type="checkbox"/>		<a href="#">City Council Agenda Packet 08-07-2018</a>	229
<input type="checkbox"/>		<a href="#">City Council Agenda Packet 08-21-2018</a>	286
<input type="checkbox"/>		<a href="#">City Council Agenda Packet 09-04-2018</a>	73
<input type="checkbox"/>		<a href="#">City Council Agenda Packet 09-04-2018_2</a>	37
<input type="checkbox"/>		<a href="#">City Council Agenda Packet 09-18-2018</a>	167
<input type="checkbox"/>		<a href="#">City Council Agenda Packet 10-09-2018</a>	79
<input type="checkbox"/>		<a href="#">City Council Agenda Packet 10-23-2018</a>	185
<input type="checkbox"/>		<a href="#">City Council Agenda Packet 11-20-2018</a>	22
<input type="checkbox"/>		<a href="#">City Council Agenda Packet 11-30-2018</a>	5

Made with Tango.us



STEP 6

## You can scroll through the document to find what you are looking for



Home Energy Performance Rebate. It was also recommended that residents be educated as well as increasing solar screens and low E window rebates. The recommendation was also made to increase the pollution rebate to 75% the cost of the fixture and electrician up to \$75.00. This would be for up to four fixtures.

**August 2018**

Committee met with the Austin Ridge Riders to discuss a Regional Williamson Creek Trail. The committee would like to see various routes through Sunset Valley.

Committee discussed proposal to release a portion of Stearns Lane to the City of Austin. The committee requested more information regarding costs and that residents in this area be contacted.

Committee was presented with a concept for a Sunset Valley Green Business Incentive Program. The committee would like to host a combined meeting with the Community and Economic Development Committee to further define the program.

Committee made final recommendations on the Outdoor Lighting Nuisance Ordinance.

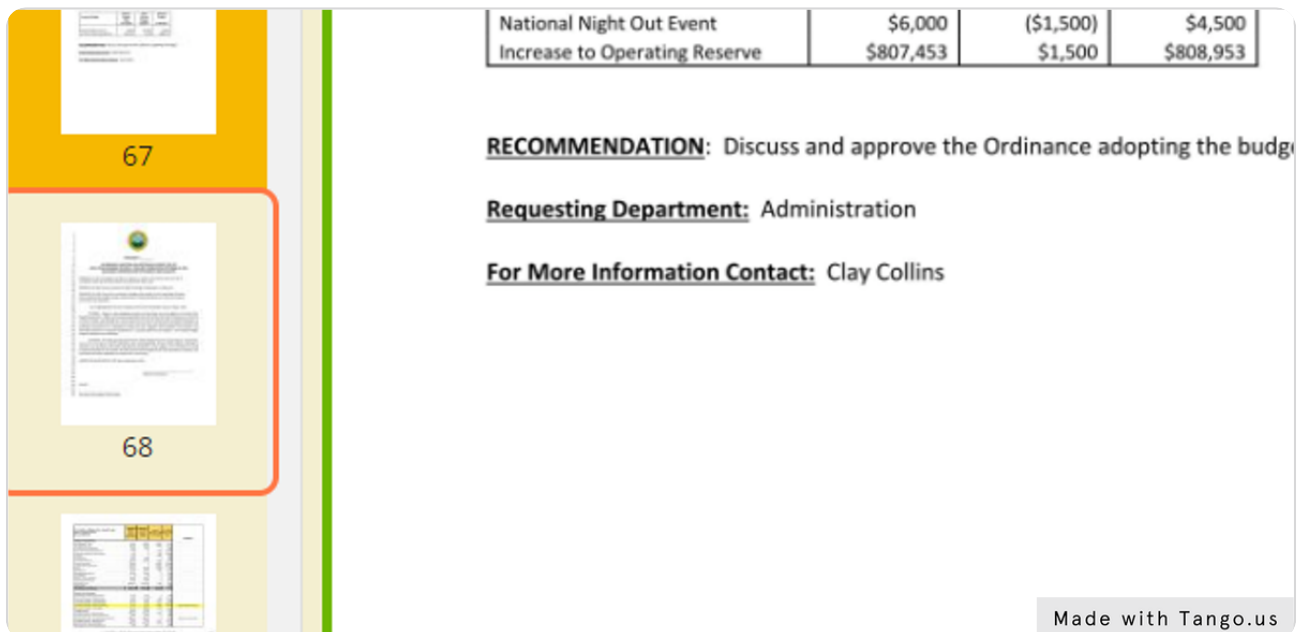
**September 2018**

Committee hosted a combined meeting with the Community and Economic Development Committee. T  
Committees discussed the Green Business Incentive Program and will meet  
kick off this program in 2019.

Made with Tango.us

STEP 7

## For example, here is the Budget Approval Item for FY18-19



National Night Out Event	\$6,000	(\$1,500)	\$4,500
Increase to Operating Reserve	\$807,453	\$1,500	\$808,953

**RECOMMENDATION:** Discuss and approve the Ordinance adopting the budget

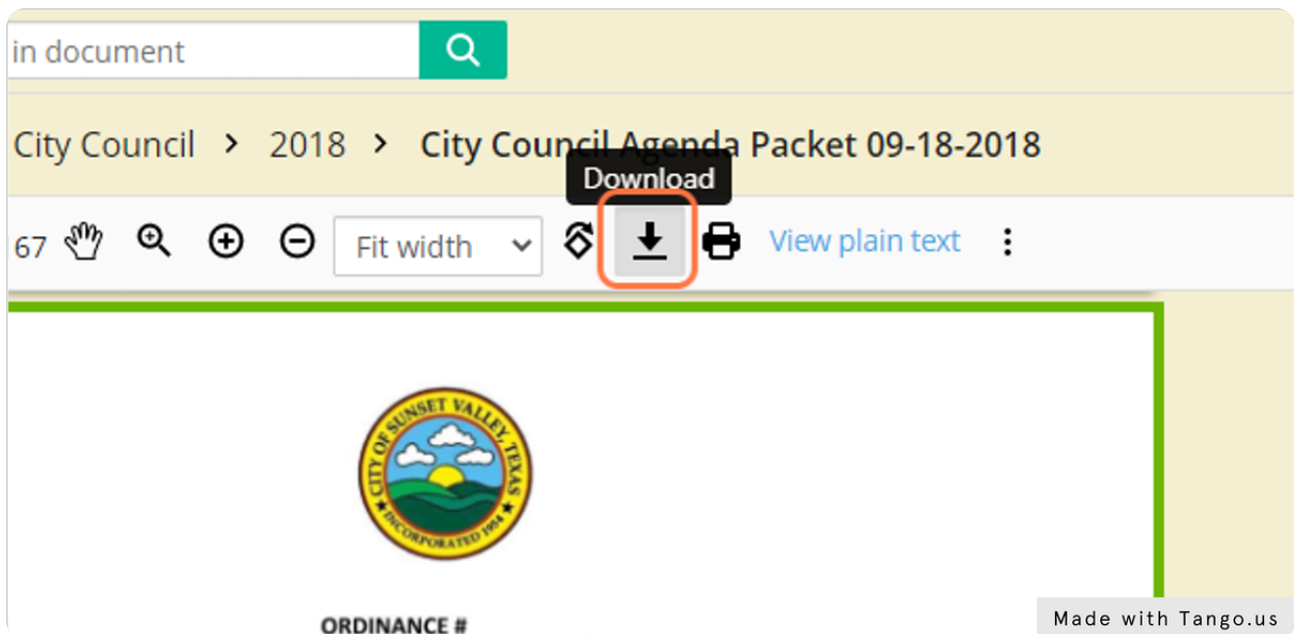
**Requesting Department:** Administration

**For More Information Contact:** Clay Collins

Made with Tango.us

STEP 8

You can also download the entire document - Click on Download



STEP 9

It will download the document as a pdf - make sure you have your pop up blocker turned off for the Public Portal



# Searching for topics and documents using the Laserfiche Public Portal

This workflow illustrates how to use the advanced search features in the Public Portal. In this example, the user is searching for City Council action and/or agenda items related to the JDRF One Walk Event.

12 Steps [View on Tango](#)

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Created by

Matt Lingafelter

Creation Date

July 28, 2022

Last Updated

July 28, 2022

STEP 1


## Go to the Laserfiche Public Portal

STEP 2

## Click on Public

**SUNSET VALLEY** Search in Public Portal   [Advan](#)

City of Sunset Valley 1 Entry

<input type="checkbox"/>	Name	Page coun
<input type="checkbox"/>	 <a href="#">Public</a>	

Made with Tango.us

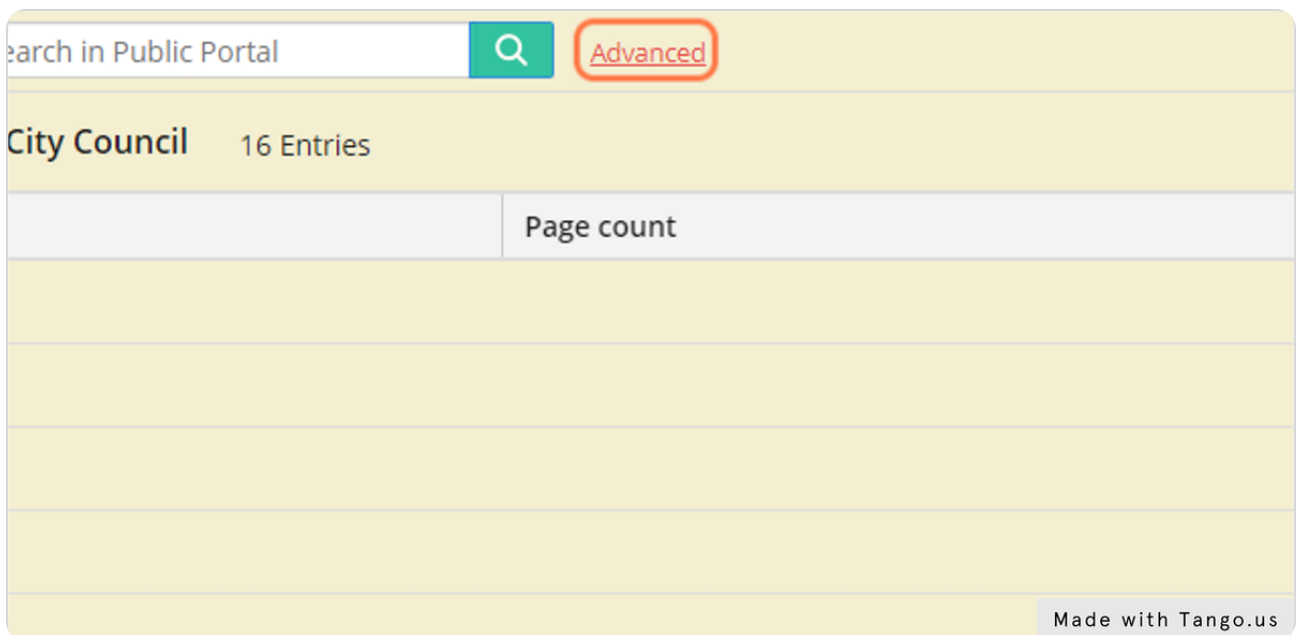
STEP 3

Click on **City Council**, or the meeting body where you wish to limit your search to



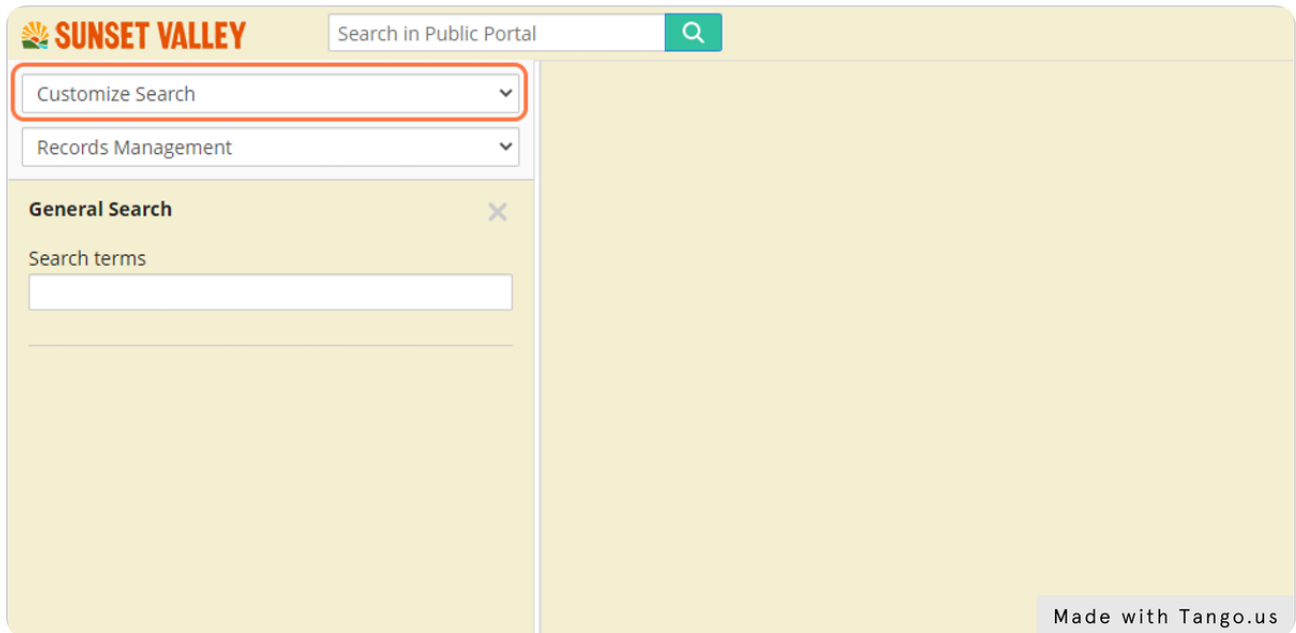
STEP 4

Click on **Advanced**



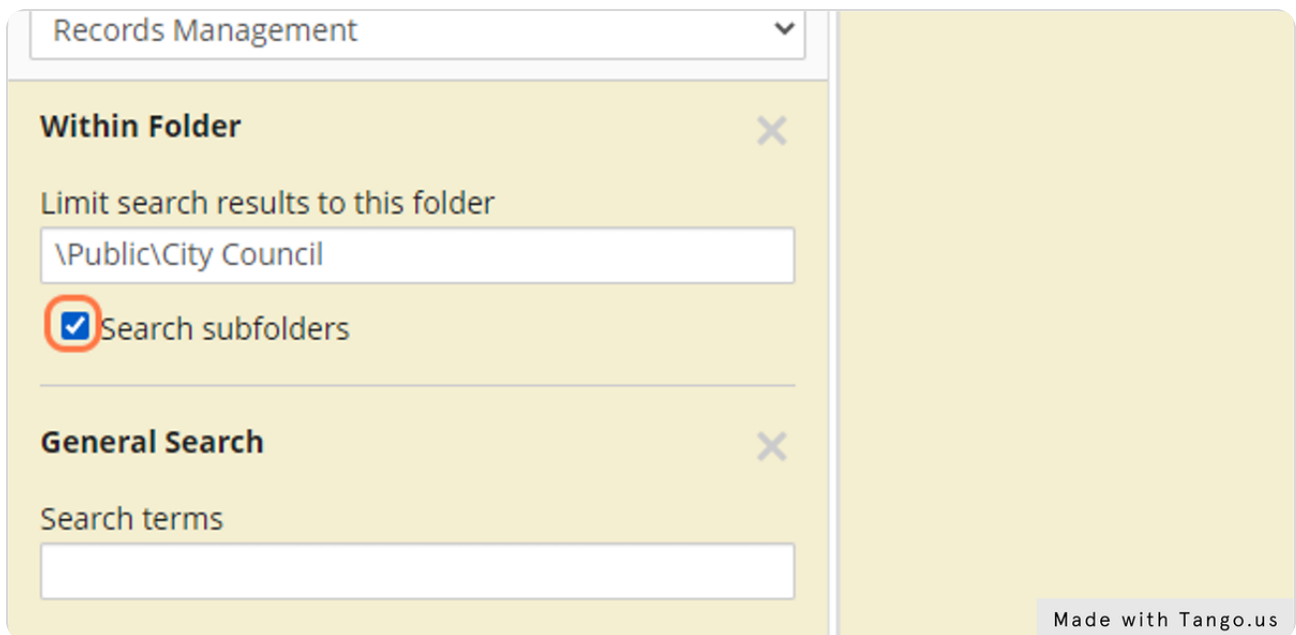
STEP 5

Click on **Customize Search** and select **Within Folder**. The last folder you selected (in this example **City Council**) will populate in the bar below



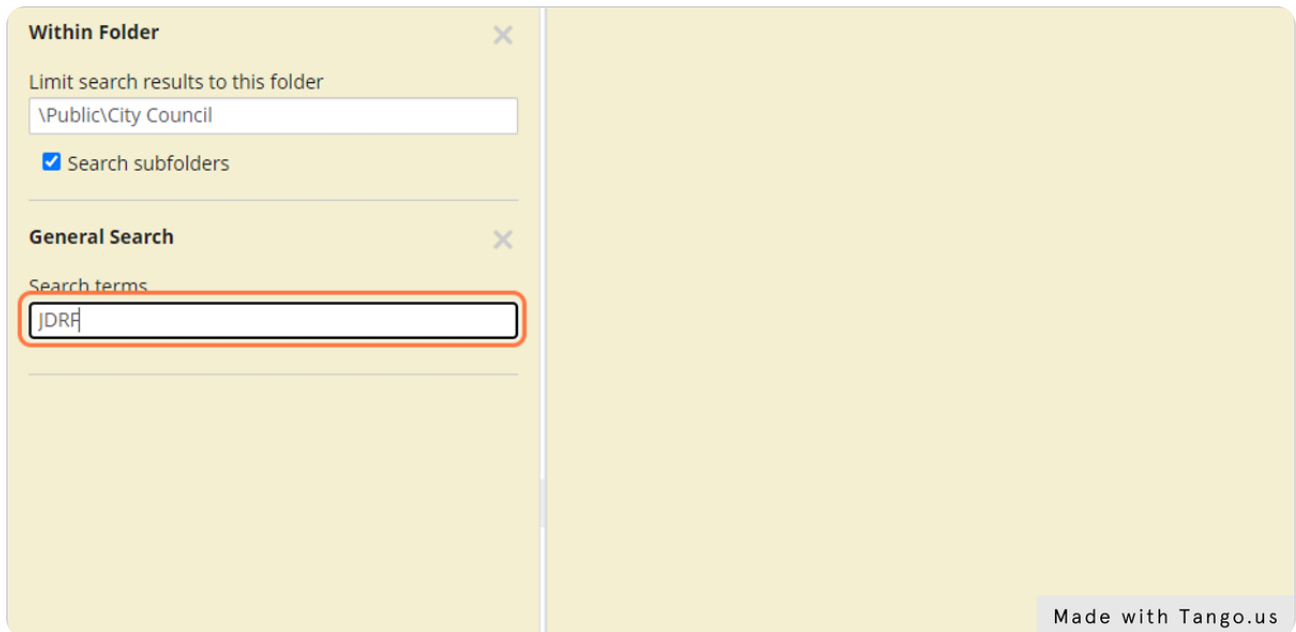
STEP 6

Check **Search subfolders**, so that it will search all the subfolders (years)



STEP 7

Type "JDRF" or whatever term or terms you wish to search for



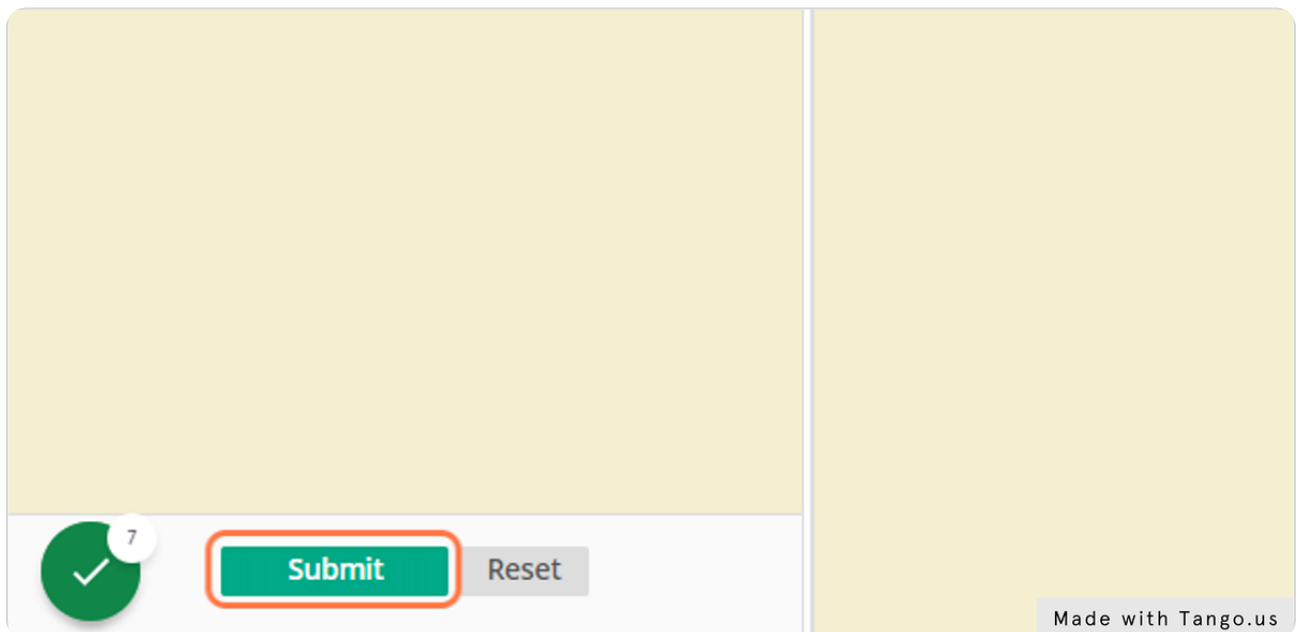
The screenshot shows a search interface with two main sections: "Within Folder" and "General Search".

- Within Folder:** Includes a text input field containing "\Public\City Council" and a checked checkbox labeled "Search subfolders".
- General Search:** Includes a text input field containing "JDRF", which is highlighted with a red rectangular border.

A watermark "Made with Tango.us" is visible in the bottom right corner of the interface.

STEP 8

Click on Submit



The screenshot shows the bottom portion of the search interface. On the left, there is a green circular icon with a white checkmark and a small white circle containing the number "7". To the right of this icon is a green rectangular button labeled "Submit", which is highlighted with a red rectangular border. Further to the right is a grey button labeled "Reset".

A watermark "Made with Tango.us" is visible in the bottom right corner of the interface.

## STEP 9

The results are populated, with descriptions of the terms displayed and what page they appear on

Search in Public Portal

Sort results by: Relevance

**City Council Agenda Packet 09-18-2018**

Public Meetings - 167 pages

Page count: 167

Template name: Public Meetings

Page 2 ... xpensitures for the JDRF One Walk. (Mayor Cardona/Administration) 16. Co ...

Page 87 ... xpensitures for the JDRF One Walk. (Mayor Cardona/Administration) BACKGR ...

Page 87 ... f HOT funds for the JDRF One Walk to be held in Sunset Valley on November 11, ...

Page 87 ... mber 11, 2018. JDRF requested Hotel Occupancy funds to assist with advertis ...

Page 88 ... OTIONS FOR THE 2018 JDRF ONE WALK PROVIDING FOR 7 SEVERABILITY AND AN E

Fields

Board Names: City Council

Made with Tango.us

## STEP 10

You can search through the document, your search terms will be highlighted in green

SUNSET VALLEY

Search in document

City of Sunset Valley > Public > City Council > 2018 > City Council Agenda Packet 09-18-2018

160

161

162

163

164

165

166

167

action on a petition requesting annexation from residents on Stearns Lane submitted on September 12, 2018. (Mayor Cardona/Administration)

11. Consider approval of an Ordinance adopting and approving a Budget for the Fiscal Year beginning October 1, 2018 and terminating September 30, 2019 and making appropriations for projects and accounts. (Mayor Cardona/Administration)

12. Consider approval of an Ordinance levying taxes for the use and support of the Municipal Government of the City of Sunset Valley Texas for the fiscal year beginning October 1, 2018 and apportioning each levy for the specific purposes. [The City is required by law to approve an ordinance levying taxes even though the proposed tax rate is \$0.00] (Mayor Cardona/Administration)

13. Consider approval of an Ordinance adopting water, wastewater, solid waste/recycling and drainage utility rates for residential and commercial customers of the City of Sunset Valley Texas for the fiscal year beginning October 1, 2018. Water, Wastewater and Drainage Utility Rates are not changing. The residential Solid Waste and Recycling rate proposed to increase by \$0.77 per month. (Mayor Cardona/Administration)

Agenda items 14 through 16 may not be approved until after the Budget is adopted (agenda item 11), but they could be approved by a single motion of the Council.

14. Consider approval of a Resolution and agreement with the Sustainable Food Center authorizing the reimbursement of expenditures of up to \$41,900 from Hotel Occupancy Tax Revenues for eligible promotional expenditures for the SFC Farmer's Market at Sunset Valley. (Mayor Cardona/Administration)

15. Consider approval of a Resolution and Agreement with the Juvenile Diabetes Research Fund authorizing the reimbursement of expenditures of up to \$15,000 from Hotel Occupancy Tax Revenues for eligible promotional expenditures for the JDRF One Walk. (Mayor Cardona/Administration)

16. Consider approval of Annual Contracts and Purchases for the City of Sunset Valley for the Fiscal Year beginning October 1, 2018. (Mayor Cardona/Administration)

Contracts that are on a one-year term or require annual renewal:

- a. Scanlan Buckle and Young, Attorneys - City legal services
- b. White Hat - City advertising and events

The remaining contracts listed in the backup materials require no action (unless there is a decision to cancel) as they are automatic renewals or long-term contracts.

Downloaded from the City of Sunset Valley website

Page 2 of 3

Details Annotations

Entry Properties

Modified 6/7/2022 12:02:50 PM

Created 6/7/2022 11:32:11 AM

Path \\Public\City Council\2018\City Council Agenda Packet 09-18-2018

Template Public Meetings

Fields

Board Names City Council

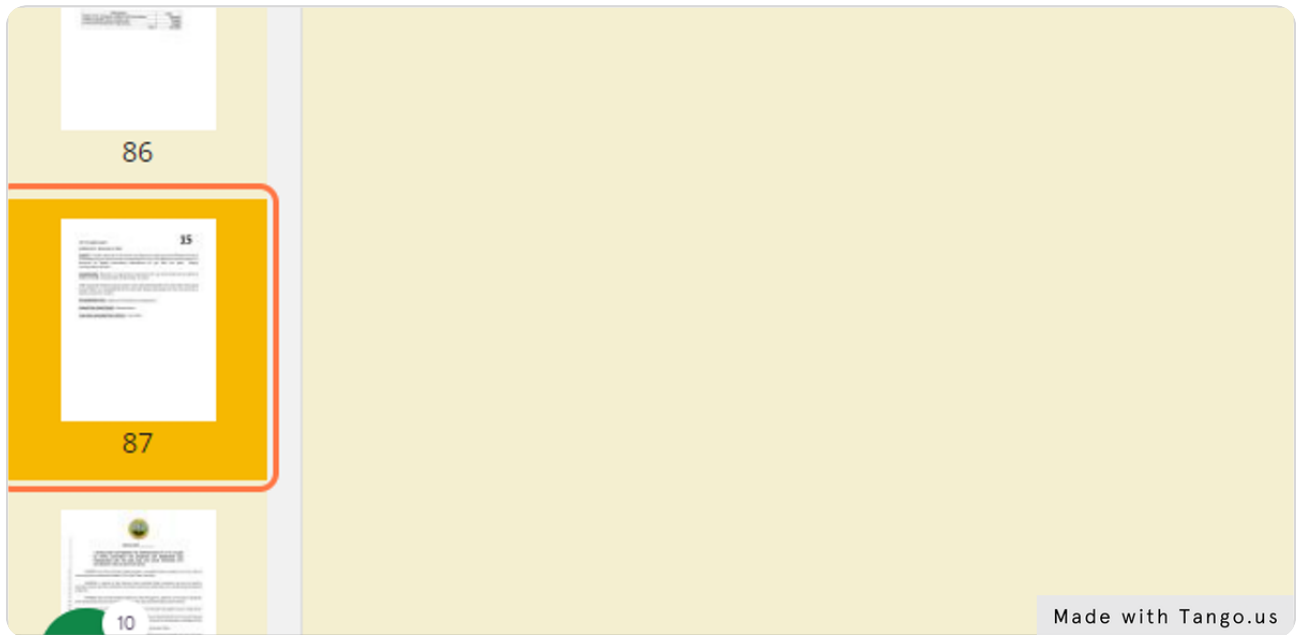
Meeting Type Agenda

Made with Tango.us



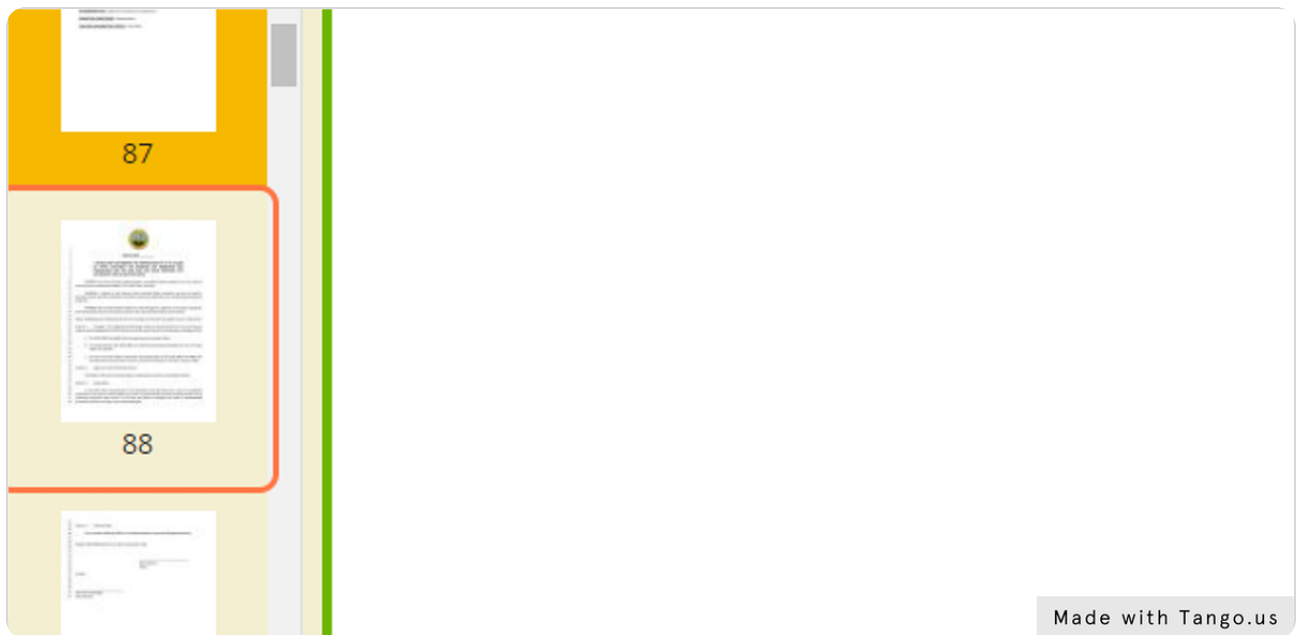
STEP 11

For example, JDRF was Agenda Item #15, so you can scroll down to that agenda item



STEP 12

Additional JDRF documents



# Public Safety Report

City Council Meeting 8.2.2022



Council Information Requests	N/A
Projects Ongoing or Planned (See project planning sheet)	<ul style="list-style-type: none"><li>• Texas Police Chiefs Best Practices Recognition Program</li><li>• Emergency Exercise Tabletop 10/2022</li><li>• Emergency Operations Purchases</li><li>• Facility Security Project Update</li><li>• 290 W/B cleanup two dates moved to October 2022</li></ul>
Issues	<ul style="list-style-type: none"><li>• Illegal camping</li><li>• Trail patrols</li><li>• Animal Welfare Concern Reese Dr</li><li>• Westgate Campsite Cleanup</li></ul>
Resident Information Requests	

Meetings	5.23.2022 Public Safety Meeting Recommended digital flood warning signs with automated water sensors for low water crossings. Also recommended that City purchase and install speed radar warning signs for residential streets for FY 22/23.
Upcoming Topics for Agenda or Discussion	Villas residents Town Hall to discuss speeding and traffic calming devices. Notice will be mailed to Villas residents for meeting August 26, 2022 .
Council Action Requests	

Eyes on Sunset Valley

The department is continuing on ongoing effort to help the city maintain a clean and orderly appearance. On a weekly basis officers are removing abandoned shopping carts and remnants of campsites from public spaces. In addition, our officers are conducting foot patrols of the trails several days each week in order to monitor conditions in the area. Please call the police department at 512.892.1384 and report abandoned property. Officers will impound any identifiable personal property found. The police department and public works will be doing a cleanup of the US Highway 290 easement in Sunset Valley into 2022.

Police Department Phone

The police department phone line has been updated and is now more user friendly. Callers now have the option of leaving a message or remaining on the line and being directed to a dispatcher. In addition, voice messages are sent to the receiver's email so that they can be returned more efficiently. Residents are reminded to please call 911 for in-progress calls.

## City Security Cameras

The city security cameras have increased safety and security within the city. Since February, SVPD has recovered 21 stolen vehicles and two enclosed utility trailers. In addition, four fraud identity theft rings have been disrupted as a result of stolen mail and credit cards being recovered in stolen vehicles.

CITY COUNCIL MEETING DATE: AUGUST 2, 2022



## CITY COUNCIL AGENDA ITEM #5

STAFF PREPARER/CONTACT INFORMATION: Melissa Marquez, Asst. City Secretary  
[mmarquez@sunsetvalley.org](mailto:mmarquez@sunsetvalley.org)

COUNCIL SPONSOR: Mayor Bruner/Administration

SUBJECT: MINUTES

DESCRIPTION: Consider and act on approval of the minutes from the July 19, 2022 regular meeting and work session.

BACKGROUND: N/A

APPLICABLE CODE SECTIONS: TEXAS LOCAL GOVT. CODE 22.073

FUNDING:

CURRENT YEAR FISCAL BUDGET				
ACCOUNT	BUDGET	ENCUMBERED	THIS ITEM	REMAINING
N/A	\$0	\$0	\$0	\$0
PRIOR YEAR FISCAL BUDGET(S)				
BUDGET YEAR	ACCOUNT	AMOUNT	TOTAL	NOTES

STAFF RECOMMENDATION: APPROVE

SUPPORTING MATERIALS PROVIDED: YES

- DRAFT MINUTES 7-19-2022



**MINUTES OF A REGULAR MEETING  
OF THE CITY COUNCIL  
OF THE CITY OF SUNSET VALLEY, TEXAS  
TUESDAY, JULY 19, 2022  
6:00 P.M.**

**COUNCIL MEMBERS PRESENT**

Mayor Marc Bruner  
Mayor Pro tem Alfonso Carmona  
Council Member Wanda Reetz  
Council Member Rudi Rosengarten

**COUNCIL MEMBERS REMOTE**

Council Member Rob Johnson

**COUNCIL MEMBERS ABSENT**

Council Member Justin Litchfield

**STAFF PRESENT**

Sylvia Carrillo, City Administrator  
Matt Lingafelter, Asst. City Administrator  
Carolyn Meredith, Public Works Director  
Police Chief Lenn Carter  
Duncan Moore, A/V Technician  
Barbara Boulware-Wells, Attorney  
Kyle Sorahan, Accounting Manager

**1. Call to order of the City Council.**

Mayor Bruner called the meeting to order at 6:02 P.M.

Mayor Bruner announced recent upgrades to the audio-visual system.

**2. Citizen/Public Communication**

- Helen Besse
- Danny Horrigan

**3. Staff Reports**

- Matt Lingafelter, Asst. City Administrator, delivered the Administration Report
  - Question and concern from Council Member Rosengarten regarding some businesses not using cash as a form of payment.
  - Comments from Sylvia Carrillo and Legal stating legislature has not addressed whether or not cash must be accepted as legal tender and would take a further look into it.
- Carolyn Meredith, Public Works Director, delivered the Public Works Report
- Chief Carter delivered the Public Safety Report
  - Questions from Council Members regarding active shooter training and grants

**4. Council consideration of agenda items for approval on consent**

Council Member Rosengarten made a motion to approve Agenda Items #5,7,8, and 9 on consent, seconded by Council Member Reetz. All voted in favor and the motion carried.

*Items Which May Be Considered and Acted on Consent*

5. **Consider and act on approval of the minutes from the June 18, 2022 work session and the June 21, 2022 regular meeting and work session. *Agenda Item Approved on Consent***
6. **Consider denial of the Statement of Qualifications from SimpleCity Design Professional Services for Land Development Code Revisions RFQ #04222022. (Mayor Bruner/Administration)**
  - Matt Lingafelter delivered overview of the agenda item
  - Comments and questions from Council Members
  - Citizen Comment:
    - Melissa Gonzales
    - Burton Pierson

Council Member Rosengarten made a motion to deny the Statement of Qualifications from SimplyCity Design Professional Services for RFQ #04222022, and to direct staff to bring back a revised RFQ for Land Development Code revisions to include a review of the Comprehensive Plan revisions, motion seconded by Council Member Reetz.

Mayor Pro tem Carmona voted yes                      Council Member Johnson voted no  
Council Member Reetz voted yes  
Council Member Rosengarten voted yes

With three votes in favor, and one against, the motion carried.

7. **Consider and act on approval the May 2022 financial statements as recommended by the Budget and Finance Committee. (Council Member Rosengarten/Administration) *Agenda Item Approved on Consent***
8. **Consider and act on approval of an Ordinance amending the FY 2022 Budget (Budget Amendment #13) for various departmental and repair and replacement expenses. (Council Member Rosengarten/Administration) *Agenda Item Approved on Consent***
9. **Consider and act on approval of the purchase of Automated Meter Infrastructure meters and endpoints. (Mayor Bruner/Public Works) *Agenda Item Approved on Consent***

*Presentation Items for Discussion and Possible Action*

10. **Presentation and selection of proposal for Information Technology Support Services pursuant to RFP #06072022. (Mayor Bruner/Administration) – TIME CERTAIN 7:00 P.M.**
  - A. Matt Lingafelter introduced the agenda item
  - B. Presentation of Proposal for IT Support Services given by:
    - Punit Singh, Principle from *CMIT Solutions*
    - Andy Higgins, President for *IMCollaboration, Inc.*

- Larry Whelan, President for UniVista
- C. Questions and concerns from Council Members directed to prospective vendors and Staff

Council Member Reetz made a motion to accept the proposal from UniVista, seconded by Council Member Johnson. All voted in favor and the motion carried.

Mayor Bruner announced that the Council would take a 5-minute recess.

Council reconvened at 8 P.M.

*Presentation Items for Discussion Only*

11. **Discussion by the City Council regarding lighting regulations and the possible adoption of a Dark Sky resolution. (Mayor Bruner/Administration)**
  - Mayor Bruner introduced the agenda item
  - Comments from Council Members and Legal regarding requirements on becoming a Dark Sky community
  - Citizen comments:
    - Barbara Wilson
    - Melissa Gonzales
    - Helen Besse
    - Randy Rosengarten
    - Burton Pierson

Mayor Bruner concluded agenda item with interest in gathering more feedback and information regarding proper management of light pollution.

Mayor Pro tem Carmona made a motion to extend the meeting for one hour, seconded by Council Member Reetz. All voted in favor, except for Council Member Rosengarten, and the motion carried.

*Executive Session Items – Possible Action in Open Session*

12. **Convene into Executive Session pursuant to Texas Government Code Section 551.072 for deliberation regarding the acquisition of real property. (Council Member Johnson)**

Council Member Johnson made a motion to move into Executive Session, seconded by Council Member Reetz. All voted in favor and Council moved into Executive Session at 9 P.M.

13. **Reconvene into Open Session**

Council reconvened at 9:46 P.M. and no action was taken from the Executive Session.

14. **Adjourn**

Council Member Reetz made a motion to adjourn, seconded by Council Member Rosengarten. All voted in favor and the meeting adjourned at 9:47 P.M.





**MINUTES OF A WORK SESSION  
OF THE CITY COUNCIL  
OF THE CITY OF SUNSET VALLEY, TEXAS  
TUESDAY, JULY 19, 2022  
4:30 P.M. - 6:00 P.M.**

**COUNCIL MEMBERS PRESENT**

Mayor Marc Bruner  
Mayor Pro tem Alfonso Carmona  
Council Member Wanda Reetz  
Council Member Rudi Rosengarten

**COUNCIL MEMBERS REMOTE**

Council Member Rob Johnson

**COUNCIL MEMBERS ABSENT**

Council Member Justin Litchfield

**STAFF PRESENT**

Sylvia Carrillo, City Administrator  
Matt Lingafelter, Asst. City Administrator  
Carolyn Meredith, Public Works Director  
Police Chief Lenn Carter  
Duncan Moore, A/V Technician  
Barbara Boulware-Wells, Attorney  
Kyle Sorahan, Accounting Manager

**1. Call to order of the City Council**

Mayor Pro tem Carmona called the work session to order at 4:33 P.M. (Mayor Bruner arrived at 4:43 P.M.)

**2. Citizen/Public Communication (Limited to 3 minutes):**

- o Melissa Gonzales

**3. Council will discuss the following items, but take no action:**

**A. Budget familiarization**

Sylvia Carrillo gave an overview of the City budget, discussing funds and the relationship between funds.

Discussion, comments, and questions from Council Members. There was a lengthy discussion of the subsidy for the Utility Fund, both projected for FY23 and past years. Mayor Pro tem requested a summary of the budget work session to be provided to Council Members to assist with the budget process for FY23.

**B. Development Process Review**

Sylvia Carrillo introduced the development process review to comply with state legislation, in particular what is required for a completed application, and requiring development fees at the time of submittal.

Comments and questions from Council Members. The Mayor asked the City Administrator to provide an overview of the development application process as outlined in the flow chart provided with the work session packet.

4. **Directive to the City Administrator by the Mayor regarding follow-up work products for a future Council Agenda.**

Staff was directed to provide additional information from both work session topics to the Council. The Mayor's Budget will be filed on August 11<sup>th</sup>, with a budget presentation at the regular August 16<sup>th</sup> meeting. Additional work sessions may be required.

For the development process review, the proposed changes will be taken to the Zoning Commission on August 24<sup>th</sup>, and then brought back to Council in September.

5. **Adjourn**

Mayor Bruner adjourned the work session at 5:50 P.M.

DRAFT

CITY COUNCIL MEETING DATE: AUGUST 2, 2022



## CITY COUNCIL AGENDA ITEM #6

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STAFF PREPARER/CONTACT INFORMATION: Matt Lingafelter, City Secretary  
[mlingafelter@sunsetvalley.org](mailto:mlingafelter@sunsetvalley.org)

COUNCIL SPONSOR: Mayor Bruner/Administration

SUBJECT: COUNCIL MEETINGS

DESCRIPTION: Consider and act on moving the second regular City Council meeting in September to September 27<sup>th</sup> and cancelling the first regular City Council meeting in October (October 4<sup>th</sup>).

BACKGROUND: The City Council adopts the budget for the next fiscal year at the second meeting in September. In order to give sufficient time for public feedback and Council deliberation, the Mayor and staff are proposing to change the second meeting date in September from the 20<sup>th</sup> to the 27<sup>th</sup>. The budget for 2022-2023 will be adopted at this meeting.

The following week, October 4<sup>th</sup> would be the regularly scheduled Council Meeting. However, that date is the event date for National Night Out. The Mayor and staff are proposing cancelling the first meeting in October for both the National Night Out event and a break from the many budget meetings that will have occurred in August and September.

Chapter 30.01 indicates that “the day fixed for any regular meeting of the Council may be cancelled or rescheduled at the discretion of the Council.”

APPLICABLE CODE SECTIONS: [CHAPTER 30.01](#)

FUNDING: N/A

STAFF RECOMMENDATION: APPROVE

SUPPORTING MATERIALS PROVIDED: NO

CITY COUNCIL MEETING DATE: AUGUST 2, 2022



## CITY COUNCIL AGENDA ITEM #7

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STAFF PREPARER/CONTACT INFORMATION: Matt Lingafelter, City Secretary  
[mlingafelter@sunsetvalley.org](mailto:mlingafelter@sunsetvalley.org)

COUNCIL SPONSOR: Mayor Bruner [mbruner@sunsetvalley.org](mailto:mbruner@sunsetvalley.org) /Administration

SUBJECT: COMMISSION ASSIGNMENTS

DESCRIPTION: Consider accepting the resignation of Joe Huston as a regular member of the Arts Commission and appointing him as an alternate member.

BACKGROUND: Joe Hutson has resigned from the Arts Commission as a regular member and asks to be made an alternate. If approved, the Arts Commission membership would be:

Karen Medicus, Chair  
Sasha Russell, Vice Chair  
John Frick  
Myles Fox  
Ruth Pifer-Hutson  
Julie Kestner  
Barbara Wilson  
James Hart, alternate  
Joe Hutson, alternate

The Arts Commission is accepting applications for new members to be appointed in late September for the October 2022 – September 2023 term.

APPLICABLE CODE SECTIONS: [Section 31.35 Arts Commission](#)

FUNDING: N/A

STAFF RECOMMENDATION: Accept and Appoint

SUPPORTING MATERIALS PROVIDED: NO

**From:** [Joe Hutson](#)  
**To:** [Karen & John Frick](#); [sashafree0](#)  
**Cc:** [Matt Lingafelter](#)  
**Subject:** Sunset Valley Arts Commission  
**Date:** Friday, July 1, 2022 8:36:51 AM

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CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or give critical information unless you recognize the sender and know the content is safe.

Good Morning Karen,

I am writing to you this morning to say that after much thought and consideration that I am hereby turning in my resignation as an active member of the Sunset Valley Arts Commission effective immediately. With the death of my Mom and my returning to work to UT for a season I cannot devote my time to also serve on the Arts Commission full time. Please consider me an alternate member along the same manner as James Hart. When available, I do offer my services for setting up events such as Arts Fest etc... Though it has been challenging at times it has been a pleasure to work with you all. Thank you. I now make a motion that this letter come to an end.

Blessings to you all,

Joe D. Hutson

CITY COUNCIL MEETING DATE: AUGUST 2, 2022



## CITY COUNCIL AGENDA ITEM #8

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STAFF PREPARER/CONTACT INFORMATION: Matt Lingafelter, Asst. City Administrator  
[mlingafelter@sunsetvalley.org](mailto:mlingafelter@sunsetvalley.org)

COUNCIL SPONSOR: Mayor Bruner/Administration

SUBJECT: SPECIAL USE PERMITS

DESCRIPTION: Consider and act on approval of a Temporary Special Use Permit for the Austin Runner's Club to hold their Daisy Dash 5k and 10k events on October 23, 2022.

BACKGROUND: This is a request from the Austin Runner's Club to host the second [Daisy Dash 5k and 10k marathons and kid's race](#) in the City of Sunset Valley. The first Daisy Dash in the City took place in October of 2021. The course for both the 5k and 10k include Jones Road, Ernest Robles Way, Brodie Lane and Upper Cougar Creek. The organization has also completed an application for a Hotel Occupancy Tax Fund grant in the amount of \$5,000 (FY 2023).

APPLICABLE CODE SECTIONS: Section 2.501(j) of the Land Development Code  
*A Temporary Special Use Permit may be granted by the City Council on the terms and conditions determined by the City Council for a period not to exceed thirty (30) consecutive calendar days. A Temporary Special Use Permit may be extended for an additional fifteen (15) consecutive calendar days upon approval of the City Council.*

Sec. 2.502 General Criteria Applicable to All Special Uses and Temporary Special Uses

Sec. 2.504 General Requirements for All Special Uses and Temporary Special Uses

FUNDING: N/A

STAFF RECOMMENDATION: Approve, with the condition that the Austin Runner's Club coordinate with Public Safety and other city officials for their event operation plan.

SUPPORTING MATERIALS PROVIDED: YES

- Permit Application
- [10k and 5k course](#)
- [Kid's race course](#)

CITY OF SUNSET VALLEY, TEXAS  
TEMPORARY SPECIAL USE PERMIT APPLICATION

Name of Applicant: Andrea Fisker

Phone: 512.731.4766

Email Address: andrea.fisker@caushrunners.org

Mailing Address: P.O. Box 41317 Austin TX 78704 (c/o Marathon Kids)

THE FOLLOWING INFORMATION MUST BE COMPLETED PRIOR TO SUBMISSION TO THE CITY COUNCIL FOR CONSIDERATION OF APPROVAL:

Dates you wish this permit to cover: From 10/23/2022 To 10/23/2022  
(Must not exceed thirty (30) days)

Site Location/Address: Upper Cougar Creek, Ernest Robles, Sunset Valley TX 78745

Describe Special Use Requested: Daisy Dusk 5K & 10K route via Ernest Robles, Jones + Brodie Lane plus use of Upper Cougar Creek for Irish line festival.

IF THE APPLICANT REQUESTING THE PERMIT IS NOT THE OWNER OF THE PROPERTY, THIS APPLICATION SHALL BE ACCOMPANIED BY WRITTEN APPROVAL FROM THE PROPERTY OWNER.

Please attach a letter that addresses compatibility with the location's zoning, nuisance and disturbance factors impacting neighboring properties, and traffic issues, such as congestion, safety hazards, or parking. Also, please attach a map showing location site, roadways, entrance and exits, and location of any accessory structures to be placed on the site.

It is hereby agreed that for and in consideration of the approval of this permit application, the proposed use shall be performed and completed in accordance with the plans and specifications as approved and any applicable Ordinance requirements of the City of Sunset Valley. All plans and specifications by the applicant and approved by Sunset Valley in connections with this application are hereby made a part of this application. All work approved by this permit is subject to the inspection and control of the City of Sunset Valley.

I certify that the above statements are true and correct. Authorization is hereby given to the licensing authority of the City of Sunset Valley to enter upon the above described private property for the purpose of evaluation and inspection.

SPECIAL CONDITIONS: \_\_\_\_\_

5/31/2022                      [Signature]                      Andrea Fisker  
Date                                      Applicant Signature                                      Applicant Printed Name

Permit Fee: \_\_\_\_\_  
Amount Paid                                      Date Paid                                      Receipt Number

COUNCIL MEETING DATE: AUGUST 2<sup>ND</sup>, 2022



## CITY COUNCIL AGENDA ITEM #9

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STAFF PREPARER/CONTACT INFORMATION: Carolyn Meredith, Public Works Director  
[cmeredith@sunsetvalley.org](mailto:cmeredith@sunsetvalley.org)

Council Sponsor: Mayor Bruner, [mbruner@sunsetvalley.org](mailto:mbruner@sunsetvalley.org)

SUBJECT: STEARNS LANE LIFT STATION

DESCRIPTION: Consider releasing the Stearns Lane Lift Station Rehabilitation project for bids with the modifications recommended by staff and the Public Works Committee.

BACKGROUND: The City received bids for the Stearn's Lane Lift Station Rehabilitation Project on April 28th. The bids received were nearly twice the anticipated cost of the project. On June 7<sup>th</sup>, City Council denied the bids allowing staff to further analyze the project and determine the next course of action. Staff has reviewed the project and reached out to a local company, Austin Armature Works (AAW), that works on lift station panels and pumps. The original plan for the lift station had a complete rebuild of the electrical panel. This portion of the project greatly increased the cost of the entire project. After consultation with AAW, staff has developed a plan to purchase the pumps and make the changes to the panel necessary for the new pumps while retaining the working components of the electrical panel. This proposal does not completely replace the panel but upgrades the necessary components of the panel for new grinder pumps while retaining working portions of the panel such as the existing SCADA system. The electrical engineer has reviewed the pumps and proposal from AAW and believe that this system will function as needed for the lift station. This proposal would replace the existing 1.5 hp solids pump with a 3 hp grinder pump.

The proposal from AAW does not include the civil portion of the project. This portion of the project, including pump installation with bypass pumping, fence construction, washdown station, and area lighting will need to be bid separately. Staff is proposing to purchase the pumps and complete the electrical repairs through the Buyboard contract with AAW and to release the civil portion of the project for bids for the following items:

- Installation of grinder pump and lifting rails.
- Bypass Pumping
- Fencing, Gates, and Signage
- Concrete floor in valve vault and drain line, vented lids.
- Site Civil Demolition-removal of existing pumps and rails



- Repair and Replace Pavement as needed at lift station
- 6" Concrete washout pad with drain cored to lift station
- LED area lighting

The project was discussed at the Public Works meeting on July 12<sup>th</sup> and the committee recommended moving forward with the project by bidding out the civil portion of the work and the City purchasing the pumps and electrical upgrades separately. Based on the analysis of the previous bids these changes will bring the project closer to the original project estimates.

Once the project is released for bids and the bids received, staff will present council with the bid proposals as well as the Buyboard purchase order to be considered for approval as complete project.

**FUNDING:**

CURRENT YEAR FISCAL BUDGET							
FUND	DEPT.	ACCT.	BUDGET	FY 22 EXPENDITURES	THIS ITEM	REMAINING	
Stearns Lane Lift Station	30	7213	\$194,000	\$15,020	N/A	\$178,980	
PRIOR YEAR FISCAL BUDGET(S)							
BUDGET YEAR	FUND	DEPT.	DESC.	ACCOUNT	AMOUNT	TOTAL	NOTES

STAFF RECOMMENDATION: Release Project for Bids

SUPPORTING MATERIALS PROVIDED: NO

CITY COUNCIL MEETING DATE: AUGUST 2, 2022



## CITY COUNCIL AGENDA ITEM #10

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STAFF PREPARER/CONTACT INFORMATION: Matt Lingafelter, Asst. City Administrator  
[mlingafelter@sunsetvalley.org](mailto:mlingafelter@sunsetvalley.org)

COUNCIL SPONSOR: Mayor Bruner, [mbruner@sunsetvalley.org](mailto:mbruner@sunsetvalley.org)

SUBJECT: LAND DEVELOPMENT CODE RFQ

DESCRIPTION: Consider and act on releasing a Request for Qualifications (RFQ) for Professional Services to provide revisions to the Land Development Code and a review of the Comprehensive Plan revisions.

BACKGROUND: The Land Development Code is in need of revisions. In order to facilitate the revisions to the code in a timely manner, professional services are needed to assist the city in this process. This RFQ is seeking Statements of Qualifications (SOQ) from qualified planning professionals to assist the City of Sunset Valley in updating their Land Development Code (LDC). The initial RFQ (without the Comprehensive Plan review) was recommended by the Planning and Environmental Committee.

The LDC will include topics related to general provisions, review authority and procedures, applications and permits, Zoning District and uses, site and building development standards, watershed protection, signs, compliance, and enforcement. The City of Sunset Valley wishes to produce a Land Development Code that supports the goals and policies outlined in its Comprehensive Plan and all other long range planning documents. The LDC will be created to be easily understood by the public, administrators, and the development community. The revised LDC will create regulations that meet contemporary needs, incorporate best practices, and address contextual issues throughout the City including:

1. Remove or amend outdated and inconsistent standards.
2. Remove redundancies and conflicts
3. Create clear terminology and definitions
4. Provide graphics and illustrations to complement regulations.
5. Create regulations that provide for effective enforcement
6. Create a code that is in-line with federal and state statutes governing development.

In March, City Council approved release of the initial RFQ for LDC revisions and was released in April. Only one firm submitted a responsive Statement of Qualifications – SimpleCity Design Professional Services. The initial timeline of the LDC revisions assumed that the Comprehensive Plan updates would have been adopted by the City

Council by this time. However, after initial Public Hearings and a town hall meeting, City Council made the decision to modify the timeline of the Comprehensive Plan revisions. In June, Council directed staff to implement the following schedule:

- Council approves final mission and vision statements July 2022
- Individual Committee Presentations at Meetings July 2022
- Joint Committee Meetings to review committee comments Aug. & Sept. 2022
- Zoning Commission & Legal Review October – November 2022
- Draft Document to Council November 2022 for Preliminary Review (no action)
- Public Comment Period December 2022 – January 2023
- Final Action and Council Adoption January 2023

At the July 21<sup>st</sup> Council Meeting, Council formally denied the SOQ submitted by SimpleCity Design. However, Council discussed possibly reissuing the RFQ to include in the statement of work a review of the Comprehensive Plan revisions.

Anticipated Timeline:

- 1.** May 2022 - City to Award Contract
- 2.** June 2022 - Project Begins
- 3.** June 2022 - Consultant Review of Existing Document
- 4.** July 2022 - Feedback from Committees, Boards and Commissions, Administrative Working Group, and City Council
- 5.** August 2022 - Preparation of table of contents, and outline of potential changes presented to Committees, Boards, Commissions, and City Council.
- 6.** September-November 2022 - Draft LDC Development
- 7.** December 2022- April 2023 - Public Engagement Process.  
Committees will review the different sections of the draft code based on their areas of expertise. Feedback will also be gathered from the general public.
- 8.** May 2023 - Presentation to Joint Committee Working Group regarding public feedback.
- 9.** May-June 2023 - Final Draft Preparation
- 10.** June-July 2023 - Joint Committee Working Group Review and Recommendation.
- 11.** August-2023 Final Land Development Code Revisions presented to City Council

APPLICABLE CODE SECTIONS : City of Sunset Valley Financial Policies

FUNDING:

CURRENT YEAR FISCAL BUDGET							
FUND	DEPT.	ACCT.	BUDGET	FY 22 EXPENDITURES	FY 22 YTD	THIS ITEM	REMAINING
Land Development Code	30		\$50,000	\$0	\$0	TBD	
PRIOR YEAR FISCAL BUDGET(S)							
BUDGET YEAR	FUND	DEPT.	DESC.	ACCOUNT	AMOUNT	TOTAL	NOTES

STAFF RECOMMENDATION: APPROVE AMENDED RFQ

SUPPORTING MATERIALS PROVIDED: YES – RFQ



# City of Sunset Valley

## Request for Qualifications

### Comprehensive Plan Review and Land Development Code Revisions

#### I. Introduction

- II. Project Overview: The City of Sunset Valley is seeking Statements of Qualifications (SOQ) from qualified planning professionals to assist the City of Sunset Valley in reviewing updates to their Comprehensive Plan and updating their Land Development Code (LDC). The Comprehensive Plan and Future Land Use Map (FLUM) have not been updated since 2011. A preliminary draft has already been completed. The Comprehensive Plan update is currently being vetted by City Committees, the Zoning Commission and legal. Public input from the community is needed. The City Council hopes to adopt the revised Comprehensive Plan and FLUM by January 2023. The LDC will include topics related to general provisions, review authority and procedures, applications and permits, Zoning District and uses, site and building development standards, watershed protection, signs, compliance and enforcement. The City of Sunset Valley wishes to produce a Land Development Code that supports the goals and policies outlined in its Comprehensive Plan and all other long range planning documents. The LDC will be created to be easily understood by the public, administrators, and the development community. The revised LDC will create regulations that meet contemporary needs, incorporate best practices, and address contextual issues throughout the City including:
- Remove or amend outdated and inconsistent standards
  - Remove redundancies and conflicts.
  - Create clear terminology and definitions
  - Provide graphics and illustrations to complement regulations
  - Create regulations that provide for effective enforcement
  - Create a code that is in-line with federal and state statutes governing development.
  - Create a code that is consistent with Sunset Valley values and community

The LDC revision project will include engaging the community for feedback throughout the process. A Joint Committee Working Group will serve as the advisory committee for drafting the revised LDC. Key stakeholders including other committees within the City will also be involved in the public engagement process. The goal of the revision is to produce a LDC that implements the vision of the community that is in accordance with state statutes.

The City of Sunset Valley will select a single consultant to accomplish the services outlined in the RFQ.

#### III. RFQ Questions:

- RFQ Clarifications: All questions related to requirements, processes, or scope of work for this RFQ should be submitted in writing to the City Contact identified in section 2 below. The City is the final judge of the meaning of any word(s), sentences, paragraphs or other parts of the solicitation documents. Respondents are encouraged to seek clarification, before submitting a Response, of any portion of the Response documents that appears to Be ambiguous, unclear, inconsistent, or otherwise in error.

Clarifications will be in writing.

- b. Replies: Responses to inquiries which directly affect an interpretation or effect a change to this RFQ will be issued in writing by addendum and will be uploaded to the City of Sunset Valley website (<http://www.sunsetvalley.org>). All such addenda issued by City prior to the submittal deadline shall be considered part of the RFQ. The City shall not be bound by any reply to an inquiry unless such reply is made by such formal written addendum.
  - c. Acknowledgement of Addenda: The Respondent must acknowledge all addenda by signing and returning such document(s) or by initialing appropriate area of the Response.
- IV. Notification of Errors or Omissions: Respondents shall promptly notify the City of any omissions, ambiguity, inconsistency or error that they may discover upon examination of this RFQ. The City shall not be responsible or liable for any errors and/or misrepresentation that result from the solicitations which are inadvertently incomplete, ambiguous, inconsistent or obviously erroneous.
- V. Conflict of Interest Questionnaire (Form CIQ): A person or business, and their agents, who seek to contract or enter into an agreement with the City, are required by Texas Local Government Code, Chapter 176, to file a conflict of interest questionnaire (FORM CIQ) which is found in Appendix C.
- VI. Certificate of Interested Parties (1295 Form): A person or business, and their agents, who seek to contract or enter into an agreement with the City, are required by Texas Local Government Code Chapter 2252, Subtitle F, Title 10, Section 2252.908, to file a disclosure of interested parties with the Texas Ethics Commission ([https://www.ethics.state.tx.us/whatsnew/elf\\_info\\_form1295.htm](https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm)). A sample form and instruction sheet can be found in Appendix D.
- VII. House Bill 89 Verification Form: A person or business, and their agents, who seek to contract or enter into an agreement with the City, are required by Texas Local Government Code Chapter 2270 Section 1, Subtitle F, Title 10, Section 2270.001 to submit a verification form to the City. This Chapter reads "Prohibition on Contracts with Companies Boycotting Israel". This form is found in Appendix E.
- VIII. Definitions
- a. Administrative Working Group: City staff from various departments involved in the development process who will work together to help facilitate revisions to the Land Development Code.
  - b. Joint Committee Working Group: A working group of the City of Sunset Valley composed of current members of the Planning and Environmental Committee, Zoning Commission, Board of Adjustments, and Public Works Committee. These members will also act as liaisons with the standing committees, commissions, and boards and provide regular reports. This working group will have a Chair and Vice Chair.

- c. Response: The signed and executed submittal of the entirety of Appendix A –Response.
- d. Respondent: The Respondent and the Respondent’s designated contact signing the first page of the Response.
- e. City of Sunset Valley (“City”): The City of Sunset Valley, Texas.  
Sunset Valley -  
RFQ - 04222022 Land Development Code Revisions City of Sunset Valley  
3205 Jones Road Sunset Valley, Texas 78745 (512)891-9103
- f. Project: The name is identified on the cover sheet and first page of Appendix A –Scope of Services.
- g. City Contact: Carolyn Meredith (512)891-9103  
Email: [cmeredith@sunsetvalley.org](mailto:cmeredith@sunsetvalley.org)
- h. Request for Responses (RFQ): The entirety of this document, including all Appendices and Addenda.
- i. Scope of Services: The entirety of Appendix A – Scope of Services.

#### IX. General Information

- a. Tax Exempt Status: City purchases are exempt from State Sales Tax and Federal Excise Tax. Do not include tax in the Response. City will furnish Excise Tax Exemption Certificate upon request.
- b. Public Inspection of Responses: The City strictly adheres to the Texas Public Information Act (Texas Government Code Chapter 552.001, et seq.) and all other governing statutes, regulations, and laws regarding the disclosure of RFQ information. Responses are not available for public inspection until after the contract award. If the Respondent has notified the City, in writing, that the Response contains trade secrets or confidential information, the City will generally take reasonable steps to prevent disclosure of such information, in accordance with the Public Information Act. This is a statement of general policy only, and in no event shall the City be liable for disclosure of such information by the City in response to a request, regardless of the City’s failure to take any such reasonable steps, even if the City is negligent in failing to do so.
- c. Legal Relations and Responsibilities: Respondent shall maintain adequate records to justify all charges, expenses and costs incurred in performing the Services for a period of at least Five (5) years following the termination date of the contract. The City shall have full and complete access to all records, documents and information collected and/or maintained by Respondent in the course of the administration and performance of the Contract. This information shall be made accessible at Respondent’s local place of business in the City’s jurisdiction, for purposes of inspection, reproduction and audit without restriction.

- d. Application: These standard terms and conditions shall apply to all City of Sunset Valley (hereafter "City" or "Owner") solicitations and procurements, unless specifically accepted in the solicitation specifications.
- e. Requirements: By submitting a Response, the Respondent agrees to provide the City of Sunset Valley with the services requested in the solicitation in accordance with these standard terms and conditions, at the agreed upon price and in compliance with the stated specifications and any subsequent addendums issued prior to the date of the Response opening.
- f. Legal Compliance: Respondent must comply with all Federal, State and Local laws, statutes, ordinances, regulations and standards in effect at the time of delivery of goods and services and must maintain any and all required licenses and certificates required under the same laws, statutes, ordinances, regulations and standards for services and/or goods provided in response to this solicitation. Respondent certifies that he/she holds all licenses required by the State of Texas for a provider of the goods and/or services described by the Scope of Services herein.
- g. Right to Refuse Response: The City reserves the right to refuse any and/or all parts of any and or/all Responses and to waive formalities in the best interest of the City. The City of Sunset Valley does not discriminate based on race, color, national origin, sex, religion, and age or disability status in employment, procurement or provisions of service.
- h. Independent Contractor: Respondent agrees that Respondent and Respondent's employees and agents have no employer-employee relationship with the City. Respondent agrees that if Respondent is selected and awarded a contract, City shall not be responsible for the Federal Insurance Contribution Act (FICA) payments, Federal or State unemployment taxes, income tax withholding, Workers Compensation Insurance payments, or any other insurance payments, nor will City furnish any medical or retirement benefits or any paid vacation or sick leave.
- i. Assignments: The rights and duties awarded the successful Respondent shall not be assigned to another without the written consent of the City's Agent. Such consent shall not relieve the assigner of liability in the event of default by the assignee.
- j. Liens: Respondent shall indemnify and save harmless the City against any and all liens and encumbrances for all labor, goods, and services which may be provided to the City by Respondent or Respondent's vendor(s), and if the City requests, a proper release of all liens or satisfactory evidence of freedom from liens shall be delivered to the City.
- k. Gratuities/Bribes: Respondent certifies that no bribes in the form of entertainment, gifts, or otherwise, were offered or given by the successful Respondent, or its agent or representative, to any City officer, employee or elected representative, with respect to this RFQ or any contract with the City, and that if any such bribe is found to have been made this shall be grounds for voiding of the contract.



- l. Financial Participation: Respondent certifies that it has not received compensation from the City to participate in preparing the specifications or RFQ on which the Response is based and acknowledges that this contract may be terminated and/or payment withheld if this certification is inaccurate.
- m. Responsiveness of Responses: The City desires to receive qualified Responses but will declare any Responses “nonresponsive” if they fail to meet the significant requirements outlined in this solicitation document.
- n. Withdrawal of Responses: Respondents may withdraw any submitted Responses prior to the Response submission deadline. Respondents may not withdraw once the Responses have been publicly opened, without the approval of the City’s Agent. Respondents will be allowed to withdraw Responses that contain substantial mathematical errors in extension. However, once a Response has been withdrawn, it can no longer be considered.
- o. Disqualification of Respondent: The City may disqualify Respondents, and their Responses not be considered, for any of the following reasons: Collusion among Respondents; Respondent’s default on an existing or previous contract with the City, including failure to deliver goods and/or services of the quality and price Response; Respondent’s lack of financial stability; any factor concerning the Respondent’s inability to provide the quantity, quality, and timeliness of services or goods specified in the solicitation; Respondent involved in a current or pending lawsuit with the City; Respondent’s attempt to influence the outcome of the solicitation through unauthorized contact with City officials outside of those listed in the solicitation documents; and Respondent’s attempt to offer gifts, gratuities, or bribes to any City employee or elected official in connection with a solicitation.
- p. Waiver of Formalities: City reserves the right to reschedule, extend, or cancel this RFQ at any time. City reserves the right to reject any or all responses, and to waive formalities or irregularities in connection with this RFQ and may consider submissions not made in compliance with this request for Responses if it elects to do so, to the extent permitted by law, although the City will have no obligation for such consideration. The City reserves the right to waive any minor irregularities that do not materially affect the scope or pricing of submitted Responses.
- q. Outstanding Liabilities: Respondents shall not have outstanding, unpaid liabilities owed to the City. Liabilities may include, but are not limited to, property taxes, hotel occupancy taxes, and license or permit fees. Responses will be considered non-responsive and not given further consideration if submitted by a Respondent with such outstanding liabilities.
- r. Offset: The City may, at its option, offset any amounts due and payable under contract award under this solicitation against any debt lawfully due the City from a vendor, whether or not the amount due arises pursuant to

the terms of the contract and whether or not the debt has been reduced to judgment by a court.

- s. Solicitation Results: The City normally posts solicitation results online after Responses are received and approved by the City Council. The City's website is [www.sunsetvalley.org](http://www.sunsetvalley.org). Results are on the Purchasing Solicitation page, in the same place as the original solicitation documents. Posted results are for informational purposes only, not a notice of award.
  - t. Control of The Work: Respondent shall furnish all materials and perform work in reasonably close conformity with the scope of work referenced in this Request for Qualifications. Respondent must obtain written approval from the City of Sunset Valley before deviating from the scope of work provided in this request for Responses. Failure to promptly notify the City of any errors or concerns with the scope of work will constitute a waiver of all claims for misunderstandings or ambiguities that result from the errors, omissions, or discrepancies discovered. Cost of Response: The cost of submitting Responses shall be borne by the Respondent, and the City will not be liable for any costs incurred by a Respondent responding to this solicitation.
- X. RFQ Withdrawals and/or Amendment
- a. RFQ Withdrawal: The City reserves the right to withdraw this RFQ for any reason.
  - b. RFQ Amendments: The City reserves the right to amend any aspect of this RFQ by formal written addendum prior to the Response submittal deadline and will endeavor to notify all potential Respondents that have registered with the City, but failure to notify shall impose no obligation or liability on the City. All modifications and addendums must be in written form prepared by the City department issuing the solicitation. Respondent is responsible for incorporating any and all modifications and addendums into their Responses
- XI. Response Submittal Requirements
- a. Submittal Packet – Required Content: Respondent shall submit one (1) signed original Response and 3 copies. This submittal packets shall be submitted in a sealed envelope with a completed, signed and executed Appendix B – Response Verification Document.
  - b. Mandatory Attendance at the Pre-submittal Meeting – the mandatory meeting will be held on Wednesday, May 11<sup>th</sup> at 2:00 p.m. at the Police Department Training Room, 3207 Jones Road, Sunset Valley, Texas 78745. Virtual attendance at this mandatory meeting will be available. Please contact the City for more information, 512-892-1383.
  - c. Submittal Deadline: The deadline for submittal of Responses is, May 23<sup>rd</sup> at 2:00 p.m. It is the Respondent's responsibility to have the Response correctly marked and hard copies delivered to the City of Sunset Valley offices. No extensions will be granted, and no late Responses will be accepted.
  - d. Responses Received Late: Respondents are encouraged to submit their Responses as soon as possible. The time and date of receipt as recorded at the City of Sunset Valley and shall be the official time of receipt. The City is not responsible for late delivery of mail or other carrier. Late Responses will not be considered under any circumstances.

- e. Alterations or Withdrawals of Response: Any submitted Response may be withdrawn or a revised Response substituted if a written notice is submitted to the City of Sunset Valley prior to the submittal deadline. Any interlineations, alteration, erasure, or other amendment made before the submittal deadline, must be signed or initialed by the Respondent or the Respondent's authorized agent, guaranteeing authenticity. Responses cannot be altered, amended or withdrawn by the Respondent after the submittal deadline.
- f. Response Format: All Responses must be prepared in single-space type, on standard 8-1/2" x 11" vertically oriented pages, using one side of the paper only. Pages shall be numbered at the bottom. Entries shall be typed, or legibly written in ink. All Responses shall be mailed, or hand delivered to the City of Sunset Valley. Any other format (via telephone, fax, email, etc.) shall be rejected by the City.
- g. Validity Period: Once the submittal deadline has passed, any Response shall constitute an irrevocable Response to provide the commodities and/or services set forth in the Scope of Services at the price(s) shown in the Response on the terms set forth in the Response, such Response to be irrevocable until the earlier of the expiration of ninety (90) days from the submittal deadline, or until a contract has been awarded by the City.

## XII. Response Evaluation and Contract Award

- a. SELECTION PROCESS AND EVALUATION PROCESS: A selection committee will evaluate each statement of qualifications based on the following criteria. The CITY will not release the names of evaluation committee members and requires that the RESPONDENT direct any questions to the aforementioned CITY Point of Contact for questions. The City Council will make the final award based on the following general criteria.
  - i. Experience and Qualifications relevant to the key personnel and/or subcontractors. Preference will be given to respondents who are LEED, Green Building, and/or SITE certified.
  - ii. Project Understanding and Knowledge Area depth or relevant technical experience.
  - iii. Ability to Meet Schedule required to complete the project and deliverables.
  - iv. Demonstration of approach to scope of work and community engagement process.
  - v. Quality, Clarity and Completeness of Submittal Package
- b. **Scoring Points**
  - 0- Missing or does not meet expectations
  - 1- Partially meets expectations
  - 2- Meets Expectations
  - 3- Exceeds Expectations

Criteria	Weight (a)	Score (0-3) (b)	Weighted Score (a x b)
Experience and Qualifications relevant to the key personnel and/or subcontractors.	20		
Project Understanding and Knowledge Area depth or relevant technical experience.	40		
Ability to Meet Schedule required to complete the project and deliverables.	15		
Demonstration of approach to scope of work and community engagement process.	20		
Quality, Clarity and Completeness of Submittal Package	5		
Final Score			

XIII. ANTICIPATED PROJECT SCHEDULE: The CITY ~~would like for all related work, inclusive of design to be completed by August 2023~~ anticipates the Comprehensive Plan to be updated and adopted by Council in January 2023. The LDC revision project will begin afterwards. The CITY would like the LDC revisions to be completed by March 2024. The CITY reserves the right to amend all dates. The timeline below may be subject to change and is provided to assist in the development of tasks and the project timeline.

- a. ~~June-October~~ 2022 - City to Award Contract
- b. ~~October-June~~ 2022 ~~— Comprehensive Plan Review Project~~ Begins
- c. ~~July-January~~ 2022~~3~~ ~~— LDC Revision Project begins~~ - Consultant Review of Existing Documents
- d. ~~February-August~~ 2022~~3~~ - Feedback from Committees, Boards and Commissions, Administrative Working Group, and City Council
- e. ~~September-March~~ 2022~~3~~ - Preparation of table of contents, and outline of potential changes presented to Committees, Boards, Commissions, and City Council.
- f. ~~October-December~~ April - ~~June~~ 2022~~3~~ - Draft LDC Development
- g. ~~January 2023-April~~ July-October 2023 - Public Engagement Process. Committees will review the different sections of the draft code based on their areas of expertise. Feedback will also be gathered from the general public.

- h. ~~May-November~~ 2023 - Presentation to Joint Committee Working Group regarding public feedback.
- i. ~~May-June~~~~November-December~~ 2023 - Final Draft Preparation
- j. ~~June-July~~~~December 2023-January 2024~~ - Joint Committee Working Group Review and Recommendation.
- k. ~~August-September~~~~February-March~~ 2024 Final Land Development Code Revisions presented to City Council

XIV. Completeness: If the Response is incomplete or otherwise fails to conform to the requirements of the RFQ, City alone will determine whether the variance is so significant as to render the Response non-responsive, or whether the variance may be cured by the Respondent or waived by the City, such that the Response may be considered for award.

XV. Ambiguity: Any ambiguity in the Response because of omission, error, lack of clarity or non-compliance by the Respondent with specifications, instructions and all conditions shall be construed in the favor of the City. In the event of a conflict between these standard RFQ requirements and details provided in Appendix A – Scope of Services or Appendix B – Response, the Appendices shall prevail.

XVI. Controlling Document: In the case of a discrepancy between this solicitation and the formal contract, the formal contract will prevail and control.

XVII. Additional Information: City may request any other information necessary to determine Respondent's ability to meet the minimum standards required by this RFQ.

XVIII. Debarment: The selected Respondent must NOT be debarred from any federal and/or state agency and Sunset Valley will conduct a review of the Respondent's status on SAM.Gov. The City of Sunset Valley City Council makes the final selection and award. The City has the right to reject any and/or all Responses.

## Appendix A – Scope of Services

- I. Project Title: [Comprehensive Plan Review](#) Land Development Code Revisions
- II. Scope of Services Contact: Questions about the technical nature of the Scope of Services, etc. may be directed to Carolyn Meredith, Public Works Director through email at [cmeredith@sunsetvalley.org](mailto:cmeredith@sunsetvalley.org).
- III. Project Overview

Sunset Valley is a welcoming community of diverse people working cohesively to uphold the environment. Sunset Valley is located in Texas, just southwest of the Austin metropolitan area, and has a population of approximately 660 individuals. The city is 1.4 square miles, including the commercial sector, residential areas, and public lands. The city contains an array of businesses and activities to entertain residents and tourists. The City is seeking qualified applicants to complete revisions ~~of the~~ [of the](#) City's [Comprehensive Plan](#) Land Development Code (LDC) to reflect the City's goals, policies, and vision for the future. Sunset Valley has unique development challenges. It is completely surrounded by the City of Austin and is located over the recharge zone for the Barton Spring segment of the Edward's Aquifer. Protection of the environment is a key principle of the City of Sunset Valley and is of utmost importance to any revisions to the Code. The [Comprehensive Plan and the](#) LDC should facilitate sustainable development while also addressing community interests. The revisions to the LDC will affect all areas located within the incorporated limits of the City of Sunset Valley. Certain provisions may apply to extraterritorial jurisdiction to the extent permitted by the State of Texas.

Project Team

### **[Comprehensive Plan Review](#)**

[The Planning and Environmental Committee completed its preliminary revisions to the City's Comprehensive Plan. As a General Law City, the Comprehensive Plan acts as the City's main source for planning and land use decisions. After some initial town hall meetings, public hearings, and Council discussion, it was determined by Council to allow more time for both Committee and community input on the Comprehensive Plan revisions. The City is seeking professional assistance in the final review of the Plan and FLUM revisions, with any recommendations made to City Council prior to final adoption.](#)

### **[Land Development Code Revisions](#)**

An Administrative Working Group comprised of City Staff from various City Departments will help to facilitate the revision process. An Ad Hoc Committee made up of members of the Planning and Environmental Committee, Zoning Commission, Board of Adjustments, and Public Works Committee will serve as the Citizen Advisory Committee for this project. The City Council will be the governmental body that oversees the entire process. Each of these groups will work with the Consultant to provide feedback to code revisions.

### **Evaluation of Current LDC and Plans**

The first 30-60 days of the project will be dedicated to an evaluation of the existing LDC and other applicable long-term plans by the consultant team. The consultant team will then meet with the Planning and Environmental Committee, Public Works Committee, Zoning Commission, Board of Adjustments, Administrative Working Group, and City Council for further feedback. The Consultant team is expected to demonstrate knowledge of the current regulations and actions needed to achieve future goals.

**Plan of Action and Draft Plan**

After evaluation of the existing LDC and other plans the consultant team will present a plan of action to address changes to the code. This will include solutions and approaches the City of Sunset Valley should take to revise the code. A preliminary table of contents and an outline of potential changes will be presented for initial review. The consultant team will also provide information on implications regarding code changes. This process is anticipated to take approximately 45-60 days.

After meeting with the committees, boards, commissions, City Council, and administrative working group the consultant will create a written draft of a revised LDC that incorporates the City's vision. The consultant will ensure all aspects of the code are in compliance with all county, state, and federal laws. The draft document should include graphics and links to supporting documents. This process is anticipated to take approximately 90 days.

### **Public Engagement**

Public meetings and workshops with the City Council, administrative working group, Citizen Advisory Committee, other standing committees, representatives from the commercial districts and development community, and the general public are expected as part of this project. The consultant team will identify the methodology for public engagement that may include but is not limited to public meetings, media releases, websites, surveys, etc. The public engagement process should address the use of technology, but also understand that some populations prefer more traditional engagement methods. The revisions to the LDC will be a result of an interactive community process. This process is anticipated to take approximately 90-120 days. After the public engagement process is coming to a close, the Citizen Advisory Committee will meet with the consultant to receive information on the public feedback process. This process is anticipated to take approximately 30 days.

### **Final Document**

The consultant team is expected carry the revisions from inception through adoption by the City Council. Once the draft is completed and all public feedback is provided, the final document will be presented to Citizen Advisory Committee for final review. The Citizen Advisory Committee will review the document. The Citizen Advisory Committee will then provide a recommendation to the City Council on the LDC. Council will provide final review and once satisfied will adopt the revised LDC. Once the City Council adopts the revised code, the consultant team shall provide the City with a document that is user friendly, searchable, and linked to a glossary of diagrams and terms to the extent practicable. The consultant will provide the City with 3 hard copies of the document, an electronic form acceptable to the city (docx), and a web-ready electronic format. All maps will be presented in ARCGIS shapefile format.

#### **IV. Response Requirements:**

- a. Each SOQ is limited to 10 double sided or 20 single sided pages (excluding cover sheets, cover letters, dividers, and signed appendix documents) and should address the following:
  - i. Cover Letter. The SOQ transmittal letter shall be on company letterhead signed by a person authorized to submit and sign a SOQ, address, telephone number, the name of the person authorized to submit/sign the SOQ, and his/her title, telephone number and e-mail address
  - ii. Qualifications.
    1. Specific Project Experience. Provide summaries of at least three (3) similar projects that your company has completed. These summaries should be relevant to the size and scope of this project.
    2. Each individual project summary should include information such as project description, stated objectives, timeline, budget, and results. Please include the name of the customer,



the main contact, and a contact phone number. These contacts may be used as references.

- iii. Team Qualifications. Provide qualifications, education, and relevant experience of the key team members, as a team and as individuals, including sub-contractors that will provide these services.
- iv. Technical Proposal.
  1. Project Approach. A description of the approach to be taken toward completion of the project, and explanation of any variances to the proposed scope of work, or deliverables, as outlined in the RFQ and, any insights into the project gained as a result of developing this SOQ.
  2. Scope of Work. Description of the scope of work that includes steps to be taken, including any products or deliverables.
  3. Estimated Labor Hours. A summary of estimated total hours by task that clearly defines the project team members on the task. List any hours to be performed by subcontractor.
  4. Project Schedule. A proposed schedule that indicates project milestones and overall time for completion.

V. Key Events Schedule:

- a. Response Release Date – ~~April 22, 2022~~ September 1, 2022
- b. Mandatory Pre-Submittal Meeting – ~~May 11<sup>th</sup>~~ September 15<sup>th</sup> at 2:00 P.M.
- c. Deadline for Submittal of Written Questions is ~~May 16<sup>th</sup>~~ September 20<sup>th</sup> at 5 P.M.
- d. Sealed Responses Due and opened – ~~May 23, 2022~~ October 1<sup>st</sup> at 2:00 P.M.
- e. Anticipated Award Date – ~~June 7, 2022~~ October 18, 2022

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Authorized Signature of Respondent

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Date

## APPENNDIX B-RESPONSE VERIFICATION

### Response Verification Submittal Checklist

(To determine validity of Response - all Responses received without the following items will be considered non-responsive and will be rejected. Forms from previous solicitations for goods or services will not be used in place of the required forms for this RFQ 03162022A.

- Appendix A must be completed, signed, and included in the Response submittal.
- Appendix B must be completed, signed, and included in the Response submittal.
- Appendix C – Conflict of Interest Form (CIQ Form) must be completed, signed, and included in the Response submittal.
- Form 1295 filed online
- Appendix E– HB 89 Verification Form must be completed, signed, and included in the Response submittal.
- Appendix F- Non-discrimination Form must be completed, signed and included in the Response Submittal.
- Appendix G-Acknowledgement of contact with key contracting persons must be completed, signed, and included in the Response submittal.
- Appendix H-Drug Free Workplace Certification must be completed, signed, and included in the Response submittal.
- Certificate of Insurance showing Proof of Contractor's Ability to Meet the Insurance Requirements.
- Signed Addendum(s) (If any are issued by Owner).
- Contact information for 3 references.

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Authorized Signature of Respondent

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Date

<b>All Responses must be submitted to the City of Sunset Valley with this page included</b>	
RFQ NO:	<a href="#">03162022A</a> <a href="#">10012022A</a>
Project Title	<a href="#">Comprehensive Plan Review &amp; Land Development Code Revisions</a>
Submittal Deadline	<a href="#">May 23, 2022 at 2:00 p.m.</a> <a href="#">October 1, 2022 at 2:00 p.m.</a>
Submit Hardcopies to:	Carolyn Meredith City of Sunset Valley 3203 Jones Road Sunset Valley, Texas 78745
<b>Respondent's Information</b>	
Respondent's Legal Name:	
Address:	
City, State & Zip	
Federal Employers Identification Number #	
Respondent's Point of Contact:	
Phone Number:	
E-Mail Address:	
<b>Respondent Authorization</b>	
I, the undersigned, have the authority to execute this Response in its entirety as submitted and enter a contract on behalf of the Respondent.	
Printed Name of Representative Name:	
Position:	
Signature:	
Date:	

**1. CONTRACT AWARD INFORMATION:**

- A. Term of Contract** Any contract resulting from this RFQ shall be effective from the date that the Notice to Proceed is received by the contractor and shall remain in effect for 6 months
- B. Federal, State and/or Local Identification Information** (if available)
  - i. Centralized Master Bidders List registration number: \_\_\_\_\_
  - ii. Prime contractor HUB / MWBE registration number: \_\_\_\_\_
  - iii. Employer Identification Number (EIN)/Federal Tax Identification Number: \_\_\_\_\_.

**2. CONTRACT TERMS AND CONDITIONS.** EXCEPT WHERE RESPONDENT MAKES SPECIFIC EXCEPTION IN THE SUBMITTED RESPONSE, ANY CONTRACT RESULTING FROM THIS RFQ WILL CONTAIN THE FOLLOWING TERMS AND CONDITIONS, WHICH RESPONDENT HEREBY ACKNOWLEDGES, AND TO WHICH RESPONDENT AGREES BY SUBMITTING A RESPONSE:

**A. Standard Terms and Conditions**

- i. **Taxpayer Identification:** Respondents must provide the City with a current W-9 before any goods or services can be procured from the Respondent.

**B. Governing Law and Venue:** All Responses submitted in response to this solicitation and any resulting contract shall be governed by, and construed in accordance with the laws and court decisions of the State of Texas. Any legal or equitable actions arising from this request for Responses, or any resulting contract shall be brought before an appropriate court located in Travis County.

**C. Resolution of Program Non-compliance and Disallowed Costs:** In the event of any dispute, claim, question, or disagreement arising from or relating to this agreement, or the breach thereof, including determination of responsibility for any costs disallowed because of non-compliance with federal, state or TxCDBG program requirements, the parties hereto shall use their best efforts to settle the dispute, claim, question or disagreement. To this effect, the parties shall consult and negotiate with each other in good faith within 30 days of receipt of a written notice of the dispute or invitation to negotiate and attempt to reach a just and equitable solution satisfactory to both parties. If the matter is not resolved by negotiation within 30 days of receipt of written notice or invitation to negotiate, the parties agree first to try in good faith to settle the matter by mediation administered by the American Arbitration Association under its Commercial Mediation Procedures before resorting to arbitration, litigation, or some other dispute resolution procedure. The parties may enter into a written amendment to this Agreement and choose a mediator that is not affiliated with the American Arbitration Association. The parties shall bear the costs of such mediation equally. [This section may also provide for the qualifications of the mediator(s), the locale of meetings, time limits or any other item of concern to the parties. If the matter is not resolved through such mediation within 60 days of the initiation of that procedure, either party may proceed to file suit.

**D. Termination for Cause:** The occurrence of any one or more of the following events will justify termination of the contract by the City for cause:

1. The successful Respondent fails to perform in accordance with the provisions of these specifications; or
2. The successful Respondent violates any of the provisions of these specifications; or
3. The successful Respondent disregards laws or regulations of any public body having jurisdiction; or
4. The successful Respondent transfers, assigns, or conveys any or all of its obligations or duties under the contract to another without written consent of the City.
5. If one or more of the events identified in Subparagraphs I (1) through (4) occurs, the City may, terminate the contract by giving the successful Respondent seven (7) Calendar days written notice. In such case, the successful Respondent shall only be entitled to receive

payment for goods and services provided before the effective date of termination. The successful Respondent shall not receive any payment on account of loss of anticipated profits or revenue or other economic loss resulting from such termination.

6. When the contract has been so terminated by the City, such termination shall not affect any rights or remedies of the City then existing or which may thereafter accrue.
7. A "Termination for Cause" clause will be added to selected Respondent's contract with Sunset Valley.

**E. Termination for Convenience:** This contract may be cancelled or terminated at any time by giving vendor thirty (30) days written notice. Vendor may be entitled to payment for services actually performed; to the extent said services are satisfactory. A "Termination for Convenience" clause will be added to selected Respondent's contract with City of Sunset Valley.

**F. Force Majeure:** To the extent that either party to this Contract shall be wholly or partially prevented from the performance within the term specified of any obligation or duty placed on such party by reason of or through strikes, stoppage of labor, riot, fire, flood, acts of war, insurrection, accident, order of any court, act of God, or specific cause reasonably beyond the party's control and not attributable to its neglect or nonfeasance, in such event, the time for the performance of such obligation or duty shall be suspended until such disability to perform is removed. Determination of force majeure shall rest solely with City of Sunset Valley.

**G. Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708):** Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

**H. Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387):** Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

- I. Affirmative Action/EOE:** Sunset Valley is an Affirmative Action/Equal Opportunity Employer and strives to attain goals for of the Housing and Urban Development Act of 1968 (12U.S.C. 1701u) as amended. During the performance of an awarded contract, the contractor agrees as follows:
- i. The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places. Available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.
  - ii. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive considerations for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.
  - iii. The Contractor will not discourage or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant. This Provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such employee's essential job functions discloses the compensation of such other employees or applicants to individuals who do not otherwise have access to such information, unless such disclosure is in response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with the contractor's legal duty to furnish information.
  - iv. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
  - v. The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.
  - vi. The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.
  - vii. In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this

contract may be canceled , terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

- viii. The contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (i) through (vii) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, That in the event a contractor becomes involved in, or is threatened with litigation with a subcontractor or vendor as a result of such direction by the administering agency the contractor may request the United States to enter into such litigation to protect the interests of the United States.
- ix. The applicant further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in federally assisted construction work: Provided, That if the applicant so participating is a State or local government, the above equal opportunity clause is not applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract.
- x. The applicant agrees that it will assist and cooperate actively with the administering agency and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that it will furnish the administering agency and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the administering agency in the discharge of the agency's primary responsibility for securing compliance.
- xi. The applicant further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24 , 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to the Executive order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by the administering agency or the Secretary of Labor pursuant to Part II, Subpart D of the Executive order . In addition, the applicant agrees that if it fails or refuses to comply with these undertakings, the administering agency may take any or all of the following actions: Cancel, terminate, or suspend in whole or in part this grant (contract, loan, insurance, guarantee); refrain from extending any further assistance to the applicant under the program with respect to which the failure or refund occurred until satisfactory assurance of future compliance has been received

from such applicant; and refer the case to the Department of Justice for appropriate legal proceedings.

- xii. **Subcontracts.** Each nonexempt prime contractor or subcontractor shall include the equal opportunity clause in each of its nonexempt subcontracts.

- J. Payment Terms:** Unless otherwise specified in the Scope of Services or otherwise agreed to in writing by City of Sunset Valley, payment terms for the City are Net 30 days upon receipt of invoice after receipt of goods or services. A 5% retainage will be held from each invoice until the completion of the project. Pay applications must be submitted to the Public Works Director for approval and processing for payment. Sunset Valley will pay based on percentage of completion at the time of pay application submission pending verification from the Public Works Director. Final approval will be based on inspection of the project for verification of compliance with all aspects of the scope of work listed within Appendix A of this RFQ. The work performed in accordance with this contract shall be paid for using lump sum and unit pricing. This price is full compensation for all tasks listed in the Response submitted by the vendor and must include all necessary fees, charges and bonds needed to complete this work. Sunset Valley will NOT pay any fees to the vendor other than the agreed upon Response price.
- K. Liquidated Damages:** Should the CONTRACTOR fail to complete the requirements set forth in the scope of work, Sunset Valley will suffer damage. The amount of damage suffered by Sunset Valley is difficult, if not impossible, to determine at this time. Therefore, the CONTRACTOR shall pay Sunset Valley as liquidated damages, the following:
  - i. The CONTRACTOR shall pay Sunset Valley liquidated damages of \$1000 per day for each day past the specified completion date agreed to by the City of Sunset Valley and the Contractor.
- L. Funding:** State of Texas statutes prohibit the obligation and expenditure of public funds beyond the fiscal year for which a budget has been approved. Orders or other obligations that may arise beyond the end of the current fiscal year shall be subject to approval of budget funds.
- M. Taxes:** The City is exempt from all federal excise taxes and all state and local sales and use taxes. If such taxes are listed on a Respondent's invoice, they will not be paid.
- N. Insurance:** The Respondent, consistent with its status as an independent contractor, shall carry, and shall require any of its subcontractors to carry, at least the following insurance in such form, with such companies, and in such amounts (unless otherwise specified) as City may require:
  - i. Worker's Compensation and Employer's Liability insurance, including All States Endorsement, to the extent required by federal law and complying with the laws of the State of Texas;
  - ii. Commercial General Liability insurance, including Blanket Contractual Liability, Broad Form Property Damage, Personal Injury, Completed Operations/Products Liability, Premises Liability, Medical Payments, Interest of



Employees as additional insureds, and Broad Form General Liability Endorsements, for at least One Million Dollars (\$1,000,000) Combined Single Limit Bodily Injury and Property Damage on an occurrence basis;

- iii. Comprehensive Automobile Liability insurance covering all owned, non-owned or hired automobiles to be used by the Contractor, with coverage for at least One Million Dollars (\$1,000,000) Combined Single Limit Bodily Injury and Property Damage. \
- iv. Contractor shall submit proof to City of Sunset Valley that said contractor has the ability to meet all insurance requirements listed above.

**3. Indemnification:** Respondent agrees to defend, indemnify and hold harmless the City of Sunset Valley, all of its officers, agents, employees, appointees and volunteers from and against all claims, actions, suits, demands, proceedings, costs, damages and liabilities, including reasonable attorneys' fees, court costs, related expenses for personal injury (including death), property damage or other harm for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by Respondent's breach of any of the terms or provisions of any contract awarded as a result of this solicitation, or by any negligent or strictly liable act or omission of the Respondent, its officers, agents, employees, or subcontractors, in the performance of an awarded contract; except that the indemnity provided for in this paragraph shall not apply to any liability resulting from the sole negligence or fault of the City, its officers, agents or employees, and in the event of joint and concurrent negligence or fault of the Respondent and City, responsibility and indemnity, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas, without waiving any governmental immunity available to the City under Texas law and without waiving any defenses of the parties under Texas law. The provisions of this paragraph are solely for the benefit of the parties hereto and are not intended to create or grant any rights, contractual or otherwise, to any other person or entity.

**IN SUBMITTING A RESPONSE TO THIS RFQ, THE RESPONDENT AGREES THAT IT WAIVES ANY CLAIMS IT HAS OR MAY HAVE AGAINST THE CITY, THE CITY'S EMPLOYEES, OFFICERS, AGENTS, REPRESENTATIVES, AND THE MEMBERS OF THE CITY'S GOVERNING BODY IN CONNECTION WITH OR ARISING OUT OF THIS RFQ, INCLUDING, THE ADMINISTRATION OF THE RFQ, THE BASIS FOR SELECTION, THE EVALUATIONS OF THE RESPONSES, THE METHOD USED FOR SELECTION, AND ANY DISCLOSURE OF INFORMATION REGARDING THE RESPONSES OR EVALUATIONS. THE SUBMISSION OF A RESPONSE CONSTITUTES THE ACCEPTANCE BY THE RESPONDENT OF THE EVALUATION TECHNIQUE DESCRIBED IN THIS RFQ. THE PERSON SIGNING ON BEHALF OF RESPONDENT CERTIFIES THAT THE SIGNER HAS AUTHORITY TO SUBMIT THE RESPONSE ON BEHALF OF THE RESPONDENT AND TO BIND THE RESPONDENT TO ANY RESULTING CONTRACT I ACKNOWLEDGE THAT I HAVE READ AND UNDERSTAND ALL REQUIREMENTS SETFORTH IN THIS REQUEST FOR RESPONSES:**

\_\_\_\_\_  
Authorized Signatory for Contractor

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Company Name

## **APPENDIX D**

### **Implementation of House Bill 1295**

**Implementation of House Bill 1295 Certificate of Interested Parties (Form 1295):** In 2015, the Texas Legislature adopted House Bill 1295, which added section 2252.908 of the Government Code. The law states that a governmental entity or state agency may not enter into certain contracts with a business entity unless the business entity submits a disclosure of interested parties to the governmental entity or state agency at the time the business entity submits the signed contract to the governmental entity or state agency. The law applies (with a few exceptions) only to a contract between a business entity and a governmental entity or state agency that either (1) requires an action or vote by the governing body of the entity or agency before the contract may be signed or (2) has a value of at least \$1 million. The disclosure requirement applies to a contract entered into on or after January 1, 2016.

**Changed or Amended Contracts:** Form 1295 is only required for a change made to an existing contract in certain circumstances: (1) if a Form 1295 was not filed for the existing contract, then a filing is only required if the changed contract either requires an action or vote by the governing body or the value of the changed contract is at least \$1 million; or (2) if a Form 1295 was filed for the existing contract, then another filing is only required for the changed contract if there is a change to the information disclosed in the Form 1295, the changed contract requires an action or vote by the governing body, or the value of the changed contract increases by at least \$1 million. As required by law, the Commission adopted the Certificate of Interested Parties form (Form 1295) on October 5, 2015. The Commission also adopted rules (Chapter 46) to implement the law. The Commission does not have any additional authority to enforce or interpret section 2252.908 of the Government Code.

**Filing Process:** A business entity must use the Form 1295 filing application the Commission created to enter the required information on Form 1295 and print a copy of the completed form. Once entered into the filing application, the completed form will include a unique certification number, called a "certification of filing." An authorized agent of the business entity must sign the printed copy of the form affirming under the penalty of perjury that the completed form is true and correct. The completed, printed, and signed Form 1295 bearing the unique certification of filing number must be filed with the governmental body or state agency with which the business entity is entering into the contract.

**Acknowledgement by State Agency or Governmental Entity:** The governmental entity or state agency must acknowledge receipt of the filed Form 1295 with the certification of filing, using the Commission's filing application, not later than the 30th day after the date the governing body or state agency receives the Form 1295. The Commission will post the completed Form 1295 to its website within seven business days after the governmental entity or state agency acknowledges receipt of the form. Changes to Form 1295 Changes to the law requiring certain businesses to file a Form 1295 are in effect for contracts entered into or amended on or after January 1, 2018. The changes exempt businesses from filing a Form 1295 for certain types of contracts and replace the need for a completed Form 1295 to be notarized. Instead, the person filing a 1295 needs to complete an "unsworn declaration."

**What type of contracts are exempt from the Form 1295 filing requirement under the amended law?** The amended law adds to the list of types of contract exempt from the Form 1295 filing requirement. A completed Form 1295 is not required for:

- A sponsored research contract of an institution of higher education;
- An interagency contract of a state agency or an institution of higher education;
- A contract related to health and human services if: the value of the contract cannot be determined at the time the contract is executed; and any qualified vendor is eligible for the contract;
- A contract with a publicly traded business entity, including a wholly owned subsidiary of the business entity;\*
- A contract with an electric utility, as that term is defined by Section 31.002, Utilities Code;\* or
- A contract with a gas utility, as that term is defined by Section 121.001, Utilities Code.\* The newly exempt contract types are marked with an asterisk.

**Why do I need to include my date of birth and address when I sign Form 1295? Was this always the case?** In 2017, the legislature amended the law to require Form 1295 to include an “unsworn declaration” which includes, among other things, the date of birth and address of the authorized representative signing the form. The change in the law applies to contracts entered into, renewed, or amended on or after January 1, 2018. The unsworn declaration, including the date of birth and address of the signatory, replaces the notary requirement that applied to contracts entered into before January 1, 2018.

**Will my date of birth and address appear on the TEC’s website when I file the form?** No. The TEC filing application does not capture the date of birth or street address of the signatory and it will not appear on forms that are filed using the TEC filing application. Although the TEC does not capture the date of birth and street address of the signatory, the contracting state agency or governmental agency will have a physical copy of the form that includes the date of birth and address of the signatory. The TEC cannot answer whether the contracting state agency or governmental agency may release such information. Questions regarding the Texas Public Information Act may be directed to the Office of the Attorney General. See also *Paxton v. City of Dallas*, No. 03-13-00546-CV, 2015 Tex. App. LEXIS 5228, at \*10-11 (App.—Austin May 22, 2015)

## APPENDIX E

### House Bill 89 VERIFICATION

I, \_\_\_\_\_, the undersigned representative of \_\_\_\_\_ (hereafter referred to as company) being an adult over the age of eighteen (18) years of age, after being duly sworn by the undersigned notary, do hereby depose and verify under oath that the company named above, under the provisions of Subtitle F, Title 10, Government Code Chapter 2270::

1. Does not boycott Israel currently; and
2. Will not boycott Israel during the term of the contract the above-named Company, business or individual with City of Sunset Valley.

Pursuant to Section 2270.001, Texas Government Code:

1. "Boycott Israel" means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes; and
2. "Company" means a for-profit sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or any limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate of those entities or business associations that exist to make a profit.

\_\_\_\_\_  
Authorized Signatory for Contractor

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Company Name

ON THIS THE \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared \_\_\_\_\_, the above-named person, who after by me being duly sworn, did swear and confirm that the above is true and correct.

NOTARY SEAL

\_\_\_\_\_  
NOTARY SIGNATURE

**APPENDIX F**  
**LAND DEVELOPMENT CODE REVISIONS**  
**CERTIFICATION OF NON-DISCRIMINATION**

The CONTRACTOR hereby certifies not to discriminate and to comply with the CITY's Non-Discrimination provision of this Request for Qualifications. The CITY's Policy on Non-Discrimination requires compliance with applicable Federal and Texas state laws, regulations and orders relating to equal employment opportunity and non-discrimination.

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Contractor

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Signature

---

Title

---

Date

## APPENDIX G

### LAND DEVELOPMENT CODE REVISIONS

#### ACKNOWLEDGMENT OF CONTACT WITH KEY CONTRACTING PERSONNEL

Respondent acknowledges doing business or has done business during the 365 day period immediately prior to the date on which this Response is due with the following key persons and warrants that these are the only such key persons:

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If no one is listed above, Respondent on oath swears that the following statements are true:

1. Respondent is authorized by Respondent to make this affidavit for Respondent.
2. Respondent is fully aware of the facts stated in this affidavit.
3. Respondent has received the list of key contracting persons associated with this invitation for Responses, which is attached to this affidavit as Exhibit G-1.
4. Respondent has personally read Appendix G and G-1 to this RFQ.
5. Respondent has no knowledge of any key contracting person on Exhibit "A" with whom Respondent is doing business or has done business during the 365-day period immediately before the date of this affidavit whose name is not disclosed in the Invitation for Responses.

---

Authorized Signatory for Contractor

---

Printed Name

---

Date

---

Company Name

**EXHIBIT G-1**  
**LAND DEVELOPMENT CODE REVISIONS**  
**LIST OF KEY CONTRACTING PERSONS**

January 31<sup>st</sup>, 2022

Position Held	Name of Individual
Mayor	Marc Bruner
Councilmember	Justin Litchfield
Councilmember	Rudi Rosengarten
Councilmember	Alfonso Carmona
Councilmember	Wanda Reetz
Councilmember	Robert Johnson
City Administrator	Sylvia Carrillo
Public Works Director	Carolyn Meredith
Accountant	Suzanna Fleegal
Assistant to the City Administrator	Matt Lingafelter

**APPENDIX H**  
**LAND DEVELOPMENT CODE REVISIONS**  
**DRUG-FREE WORKPLACE CERTIFICATION**

It is the policy of the City of Sunset Valley to maintain a drug-free workplace. CONTRACTORS, SUBCONTRACTORS and their employees are expected to report to work with an appropriate mental and physical condition for work; and are not to report to or remain at work under the influence of intoxicants. For the purpose of this policy, intoxicants include abused inhalants such as glue or paint thinner, alcoholic beverages, and any drug which is not legally obtainable, or which is legally obtainable but has not been legally obtained or not used for their prescribed purposes.

In order to have a drug-free workplace, CONTRACTOR shall:

1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
2. Inform employees about the dangers of drug abuse in the workplace, the CONTRACTOR'S policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
3. Give each employee engaged in providing the commodities or contractual services that are under this request for qualifications a copy of the statement specified in Subsection (1)
4. Notify the employees that, as a condition of working under this SOQ, the employee will respond by the terms of the statement and will notify the employer of any conviction or plea of guilty or nolo contendere to, of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five (5) days after such conviction. CONTRACTOR will impose a sanction on any employee who is so convicted or require the satisfactory participation in a drug abuse assistance or rehabilitation.
5. Make a good faith effort to continue to maintain a drug-free workplace through implementation of applicable laws, rules and regulations.

As the person authorized to sign the statement, I certify that this CONTRACTOR complies fully with the above requirements.

---

Authorized Signatory for Contractor

---

Printed Name

---

Date

---

Company Name



**APPENDIX I**  
**LAND DEVELOPMENT CODE REVISIONS**  
**CITY INSURANCE REQUIREMENTS**

Insurance Provided by the CONTRACTOR

For any Contract resulting from this request for qualifications, the CONTRACTOR shall, prior to Notice to Proceed, provide the CITY with a Certificate of Insurance in the below listed minimum amounts and shall maintain such coverage in effect for the full duration of the Contact, unless such Contract specified different coverage or amounts. Each insurance policy to be furnished by successful Respondent shall include, by endorsement to the policy, a statement that a notice shall be given to the CITY by certified mail thirty (30) days prior to cancellation or upon any material change in coverage.

1.	Workers' Compensation	\$500,000	
2.	Employer's Liability	\$500,000	
3.	Bodily Injury Liability:	\$500,000	per each occurrence
	Except automobile	\$1,000,000	aggregate
4.	Automobile Bodily Injury Liability	\$500,000	per each person
		\$1,000,000	per each occurrence
5.	Automobile Property Damage	\$500,000	per each occurrence
6.	Excess Umbrella Liability	\$500,000	per each occurrence

## **APPENDIX J**

### **LAND DEVELOPMENT CODE REVISIONS**

Provide a list of three (3) references of clients documenting their experience working with your company.

- Each reference should include the individual's name, title, description, tenure of service for the client and contact information (telephone number and email address).
- *Individuals identified as references will be assured of anonymity to the fullest degree possible under the Freedom of Information Law.*

COUNCIL MEETING DATE: AUGUST 2<sup>ND</sup>, 2022



## CITY COUNCIL AGENDA ITEM #11

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STAFF PREPARER/CONTACT INFORMATION: Sylvia Carrillo, City Administrator  
scarrillo@sunsetvalley.org

Council Sponsor: Mayor Bruner, [mbruner@sunsetvalley.org](mailto:mbruner@sunsetvalley.org)

SUBJECT: UTILITY BILLING DELINQUENCY AND COLLECTIONS

DESCRIPTION: Consider and act on the creation of an internal policy regarding handling of delinquent utility accounts and adding a reference to the Sunset Valley Code of Ordinances.

BACKGROUND: Recent aging reports for both commercial and residential customers shows significant amount of past due utility accounts. Upon further research, the City does not have an adopted policy, nor an internal document on how to handle such matters. This item proposes to amend the Code of Ordinances to reference an internal policy governing utility billing and disconnection of service via an internal policy that is managed by the City Administrator with oversight by the Budget and Finance Committee every 5 years. (Attachment 1) Highlights of the policy include:

1. A late fee of 10% of the delinquent account balance
2. Allowance for payment arrangements up to 6 months to be handled administratively
3. Allowance for payment arrangements greater than 6 months to be handled by the City Council
4. Review of the policy by the Budget and Finance Committee every 5 years.

FUNDING: NA

CURRENT YEAR FISCAL BUDGET						
FUND	DEPT.	ACCT.	BUDGET	FY 22 EXPENDITURES	THIS ITEM	REMAINING
PRIOR YEAR FISCAL BUDGET(S)						

BUDGET YEAR	FUND	DEPT.	DESC.	ACCOUNT	AMOUNT	TOTAL	NOTES

STAFF RECOMMENDATION: Amend Section 50.03 to add a utility billing policy to handle delinquent accounts and disconnections.

SUPPORTING MATERIALS PROVIDED:

- ATTACHMENT 1 – PROPOSED POLICY
- ATTACHMENT 2 – CITY COMPARATIVES

# Attachment 1

## Late Fee Policy

### Policy for processing late charges and delinquent payments

- Utility bills are due on the 20<sup>th</sup> of the month, unless that falls on a weekend. The bill is due the next business day after the 20<sup>th</sup>.
- Late fee of 10% of the delinquent account balance will be charged on the 3<sup>rd</sup> business day after the bill is due.
- Delinquency notices will be sent when a customer reaches 31 days delinquent and arrangements will be made to get the account current within a reasonable period of time as determined by the City Administrator.
- Payment plan arrangements will be made in writing and will describe the amount and date to be paid.
- Failure to pay or honor an agreed upon payment arrangement will result in disconnection of utility services on the next business day following the original payment arrangement date.
- In no instance shall the payment arrangement be greater than 6 months without Council approval.

§ 50.02 RATES AND CHARGES ADOPTED BY REFERENCE.

The rates and charges for water usage are hereby adopted by reference and incorporated herein as if set out in full.

Cross-reference:

Land Development Code, see Chapter 150

§ 50.03 UTILITY BILLING AND DISCONNECTION OF SERVICE

A. Utility Billing.

Charges for utility services shall be billed monthly to each customer receiving such service and shall be due and payable on the date of rendition thereof.

~~A.B.~~ The City Council shall create a policy for delinquent payment or non-payment of utility bills, including disconnection of service and other remedies available. Such policy shall be reviewed every 5 years with the Budget and Finance Committee.

**City Water & WW Utility - Residential Late Fees and Billing Comparison**

	<b>Sunset Valley</b>	<b>Rollingwood</b>	<b>Dripping Springs</b>	<b>Fredericksburg</b>	<b>Lockhart</b>	<b>Westlake</b>	<b>Bastrop</b>
<i>Population</i>	800	1,500	5,000	12,000	15,000	1,800	10,000
<i>Time until late</i>		30 Days	15 Days	30 Days	0 Days	N/A	15 days
<i>Late Fee Amount</i>		2%	10%	10%	10%	N/A	10%
<i>Time until disconnect</i>		Code violation	7 days from notice	10 days from notice	3 days from notice - 1st time tag, then disconnect	N/A	10 days from notice
<i>Required Notice</i>		N/A	Next day	Next day	5 days from delinquency	N/A	Next day
<i>Reconnect fee</i>		N/A	Cost + 25%	\$30-\$50	\$25	N/A	\$100
<i>Utility Deposit \$</i>	\$82.50	\$500	\$100-\$500	\$75+	\$75	\$90-\$800	\$75

COUNCIL MEETING DATE: AUGUST 2<sup>ND</sup>, 2022



## CITY COUNCIL AGENDA ITEM #12

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STAFF PREPARER/CONTACT INFORMATION: Carolyn Meredith, Public Works Director  
[cmeredith@sunsetvalley.org](mailto:cmeredith@sunsetvalley.org)

Council Sponsor: Mayor Bruner, [mbruner@sunsetvalley.org](mailto:mbruner@sunsetvalley.org)

DESCRIPTION: Discussion and direction on an Ordinance amending the FY 2022 Budget for speed limit signs, flood warning signs, and striping of Jones and Sunflower.

BACKGROUND: As part of safety and emergency management activities throughout the city, the city has been working toward installing flood warning signs near the low water crossings on Lone Oak Trail, Sunset Trail, and Pillow Road. These signs would include flashing lights along the edge that come on when a sensor located at the creek is triggered. The Public Works Committee and Public Safety Committee have reviewed the flood signs and have recommended them to be installed on the streets. The Police Department has also met with nearby neighbors to discuss the change in signage.

Public Works Committee Recommendation:

*The committee recommended that signs as presented be purchased and installed, once all due diligence has been completed. Randy M motioned, Ken seconded. All in favor.*

Additionally, the Public Works Department has received several complaints regarding striping and street markings along Jones Road and Sunflower Trail. The plan will be to repaint all street markings on both streets and add additional one-way markings on Sunflower Trail.

Public Safety Committee has reviewed and recommended the speed radar signs to be installed in strategic locations throughout the city.

These proposals will require a budget adjustment to the FY 2022 budget to be funded by street fund reserves. Budget and finance will review this item on August 4<sup>th</sup>.

### **Street Reserve Funding:**

- **Flood Warning Signs- \$25,000** The cost includes three locations around Sunset Valley that have low water crossings. The signs were planned but never put in the budget.
- **Speed Radar Signs- \$36,000** The cost includes eight signs to be placed around various locations of Sunset Valley. Public Safety Committee has recommended the signs to help reduce the amount of traffic that is speeding.
- **Striping of Jones and Sunflower- \$36,000** Public Works Department has received several complaints about the striping on Jones Road. There have been



complaints about wrong way traffic on Sunflower Trail. Recommendation for Sunflower Trail is to add more one-way markings.

**Total Street Reserve Adjustments: \$97,000**

**\*All Pricing included a 10% contingency due to supply chain fluctuations.**

FUNDING:

CURRENT YEAR FISCAL BUDGET							
FUND	DEPT.	ACCT.	BUDGET	FY 22 EXPENDITURES	THIS ITEM	REMAINING	
14-Street	14-Street	5750- R&M Streets	\$83,000	\$75,903	\$97,000	\$-89,903- if this item is approved (BA will need to be done) \$7,097- if this item is not approved	
PRIOR YEAR FISCAL BUDGET(S)							
BUDGET YEAR	FUND	DEPT.	DESC.	ACCOUNT	Budget	Actuals	NOTES
2021	14-Street	14-Street	R&M- Streets	5750	\$74,936	\$40,970	

STAFF RECOMMENDATION: Return to council for approval on August 16<sup>th</sup>

SUPPORTING MATERIALS PROVIDED:

# HIGH WATER WARNING SYSTEM



Designed to reliably detect water over the roadway in real-time, TrafficCalm® High Water Warning Systems use flashing signs to warn the public to stay off of flooded roadways. The goal is to save lives and reduce the stress on your agency's resources during weather emergencies.

Flooding can occur with little warning and sometimes flooded roadways can appear deceptively shallow. According to the National Weather Service it only takes 12 inches of water to sweep a car away.

The system is simple and rugged. When the water level rises above the sensor, the controller wirelessly activates the Flashing Sign System, the LEDs flash continuously as long as flood waters are detected. The system is deactivated once the water level lowers below the sensor.

## FEATURES

### **SOLID-STATE WATER PRESENCE SENSOR**

Works in fresh, brackish and salt water; even covered in mud. We designed an innovative sensor with no moving parts that is highly reliable.

### **HIGHLY VISIBLE LED WARNING SIGNS**

TrafficCalm fully outlines the shape of the sign, with the most LEDs on the market, for a bright, visible sign in any environmental condition.

### **RETROFITTABLE LED RINGS**

Utilize existing signage and add our LED sign rings for a more cost-effective solution.

### **RUGGEDIZED ELECTRONICS**

All electronics, radios, and LEDs are fully potted and environmentally sealed. The entire pole with the sign, controller, solar panels and batteries can be fully submerged and still operate.

TRAFFICCALM.COM



# iQ1200 PERMANENT MOUNT SIGN



TRAFFICCALM.COM

**iQ1200 Driver Feedback Signs** improve driver speed awareness and road safety. The bright 12" characters can be seen from up to 750' away, and help increase compliance on the roadways where crashes can be so dangerous.

SafetyCalm™ data collection software allows you to gather hard data of traffic patterns and program the sign to help keep roads safer.

TrafficCalm™ Driver Feedback Signs are manufactured in the USA under an ISO 9001:2015 quality system, meeting and exceeding industry standards and state testing requirements. TrafficCalm™ signs are unmatched in durability, accuracy, ease of use and affordability.

## FEATURES

### EASY CONNECTIVITY

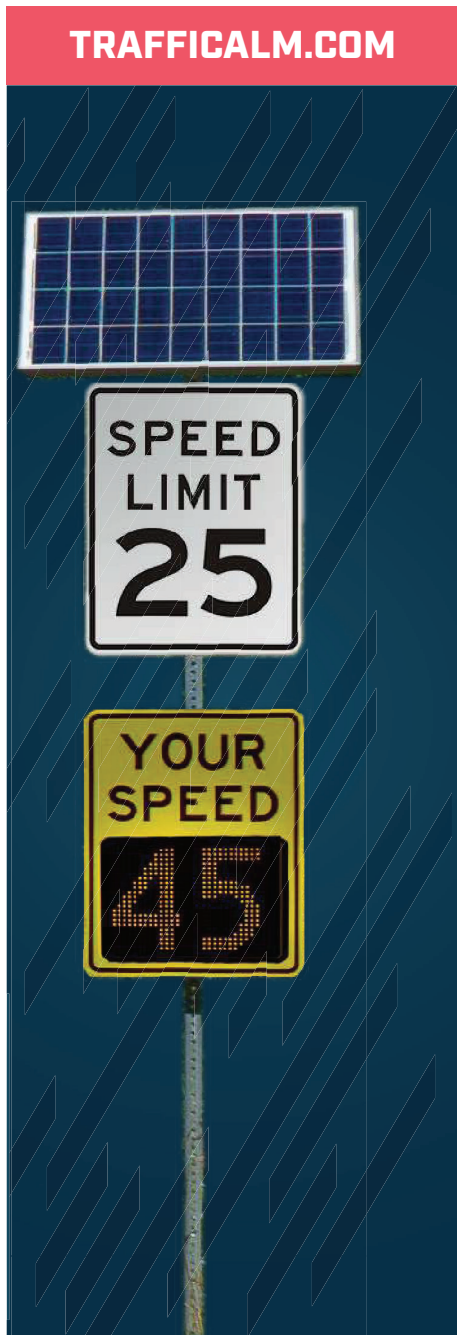
Bluetooth connectivity makes connection to any Windows laptop or Android device a familiar process. Our License-Free SafetyCalm Software and App offer fast connection and easy configuration of any iQ Driver Feedback Sign.

### EYE CATCHING DISPLAY

15° AllnGaP Amber LEDs produce a display that cannot be missed. MUTCD compliant dynamic feedback and Highway Gothic display send a clear, highly-visible message to all drivers.

### RUGGEDIZED ELECTRONICS

Integrated electronics and LEDs are fully conformal coated and environmentally sealed. An industry leading 3 year warranty backed by unlimited phone support makes ownership easy.



+1 855.738.2722 / [sales@trafficalm.com](mailto:sales@trafficalm.com)

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# Sunflower Trail



# Jones Road

