



## Recommendation for Action

**File #:** 19-1096, **Agenda Item #:** 2.

2/7/2019

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### **Posting Language**

Approve an ordinance ratifying and confirming Ordinance No. 20180823-073 pertaining to the 2018 Service and Assessment Plan and the Assessment Roll for the Whisper Valley Public Improvement District.

### **Lead Department**

Financial Services

### **Fiscal Note**

This item has no fiscal impact.

### **Prior Council Action:**

**August 26, 2010** - Council approved Resolution No. 20100826-026 authorizing creation of a Public Improvement District for the Whisper Valley Area; Approved Ordinance No. 20100826-024 annexing the Whisper Valley Annexation Area for limited purposes of planning and zoning.

**November 3, 2011** - Council approved Ordinance No. 20111103-012 accepting and approving a Service and Assessment Plan and Assessment Roll.

**November 3, 2016** - Council approved Resolution No. 20161103-013 approving the Service and Assessment Plan Update for 2017.

**June 15, 2017** - Council approved Resolution No. 20170615-013 adopting the 2017 Addendum Service and Assessment Plan and Service and Assessment Plan Update for 2018.

**June 28, 2018** - Council approved Resolution No. 20180628-014 adopting the 2019 Annual Service and Assessment Plan Update (as it relates to the Master Improvement Area) and the Preliminary 2018 Addendum to the Service and Assessment Plan (as it relates to Improvement Area #1).

**August 23, 2018** - Council approved Ordinance No. 20180823-073 levying assessments and accepting and approving the 2018 Service and Assessment Plan and Assessment Roll.

### **For More Information:**

Diana Thomas, Controller, 512-974-1166

### **Additional Backup Information:**

Whisper Valley is a mixed-use planned community located in the SH 130 corridor in the City of Austin's Desired Development Zone. The Whisper Valley property (2,065 acres) was purchased by Taurus of Texas Holdings L.P. in June 2006 and is located east of SH 130. The site plan includes approximately 7,500 single and multi-family homes, and more than 2 million square feet of retail and office space. In addition, 700 acres of open space is to be dedicated to the City for use as trails and parkland.

The Public Improvement District (PID) provides the financing mechanism through the apportionment, levying and collection of assessments to support the issuance of debt for the basic infrastructure for the planned community (water, wastewater and roads).

The City Council convened a public hearing on August 23, 2018, at which all persons, if any, who appeared, or requested to appear, in person or by their attorney, were given the opportunity to support or contest the 2018 Addendum, the Improvement Area #1 Assessment Roll, and each proposed assessment, and to offer testimony pertinent to any issue presented on the amount of the Improvement Area #1 Assessments, the allocation of Improvement Area #1 costs, the purposes of the Improvement Area #1 Assessments, the special benefits conferred on Improvement Area #1 by the Improvement Area #1 Assessments, and the penalties and interest on annual installments and on delinquent annual installments of the Improvement Area #1 Assessments. During such public hearing, no person appeared. Thereafter, the City Council found and determined that the Improvement Area #1 Assessment Roll and the 2018 Addendum should be approved and that the Improvement Area #1 Assessments should be levied as an assessment on each tract of property located within Improvement Area #1. Because of an administrative error, Exhibit A and Exhibit B to the Assessment Ordinance, each of which was approved by the Assessment Ordinance, contained contradictory information relating to the Improvement Area #1 Assessment Roll. Exhibit B to Ordinance No. 20180823-073 contained the assessment roll that corresponded to the assessment amounts determined, the notices of assessments provided and the public hearing held pursuant to of Section 372.016 of the Texas Local Government Code.