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2 **AN ORDINANCE AMENDING THE CITY CODE RELATING TO THE**
3 **CONVEYANCE OF CITY-OWNED PROPERTY FOR SPORTS OR**
4 **ENTERTAINMENT FACILITIES.**

6 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

7 **PART 1.** An as yet to be determined Section of the City Code is added to read:

8 **ARTICLE** __. _____

9
0 § _____

Part 1. The City shall not sell, lease, convey, mortgage, or otherwise alienate any City-owned land that will be used as a sports stadium, sports facility, sports arena, and/or entertainment stadium, entertainment facility or entertainment arena unless approved by an affirmative vote of at least three-fourths of the members of the City Council and by a majority of the qualified voters in a municipal election, submitting the question and setting forth the final terms and conditions under which such sale, lease, conveyance, mortgage, or alienation is to be made, including, without limitation, a list of any ad valorem taxes from which the proposed stadium, facility, or arena and land will be exempt.

Part 2. No such sale, lease, conveyance, mortgage, or alienation shall be effective unless and until the lessee, buyer, mortgagee, beneficiary, or recipient of the City-owned land posts with the City Attorney of the City a payment and performance bond guaranteeing the lessee's, buyer's, mortgagee's, beneficiary's, or recipient's payment and performance of all of its obligations under said lease, conveyance, mortgage, or other alienation in an amount approved and accepted by the affirmative vote of at least three-fourths of the members of the City Council.

Part 3. The City shall require that the lessees, purchasers, or recipients of said City-owned land shall pay all ad valorem taxes each tax year due on said land and any improvements in any agreement relating to such sale, lease, conveyance, mortgage, or other alienation; or, if such land is determined to be exempt from taxation, the City shall require said lessees, purchasers, or recipients to make an annual payment in lieu of taxes to the City in an amount

37 equal to the ad valorem taxes which would have been owed in that tax year to
38 the tax assessor-collector for all taxing entities taken together if the land and
39 improvements had been determined to be taxable.
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41 Part 4. Notwithstanding any exceptions to public disclosure pursuant to the
42 Texas Public Information Act which could be claimed by the City, any party,
43 or its agents or representatives, to any such agreement relating to such sale,
44 lease, conveyance, mortgage, or other alienation, all agreements, documents,
45 files, communications and records relating to the sale, lease, conveyance,
46 mortgage, or other alienation of said City-owned land shall be promptly
47 disclosed to the public upon request by any person and shall be deemed public
48 information under the Texas Public Information Act.
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50 Part 5. This ordinance shall apply to any sale, lease, conveyance, mortgage,
51 or other alienation of any City-owned land that is or will be used as a sports
52 stadium, sports facility, sports arena, and/or entertainment stadium,
53 entertainment facility or entertainment arena regardless of the effective date
54 of the sale, lease, conveyance, mortgage, or other alienation, except
55 that this ordinance shall not apply to periodic events, such as the Austin City
56 Limits Music Festival or the Trail of Lights, that have been held since prior to
57 January 1, 2018.
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59 Part 6. The City shall require the submittal and customary review of
60 applications for a site development permit and all variances related thereto or
61 necessary for the development of any such sports stadium, sports facility,
62 sports arena, entertainment stadium, entertainment facility and/or
63 entertainment arena on or to be located on City-owned land to go through the
64 City's normal development review processes, and said site development
65 permit and variances shall not be valid or approved unless and until they are
66 approved by the affirmative vote of at least three-fourths of the members of
67 the City Council.
68

69 Part 7. The site development permit for any sports stadium, sports facility,
70 sports arena, entertainment stadium, entertainment facility and/or
71 entertainment arena on or to be located on City-owned land must be approved
72 by a majority of the qualified voters of the City in a municipal election prior
73 to the construction of the sports stadium, sports facility, sports arena,
74 entertainment stadium, entertainment facility and/or entertainment arena if the
75 sale, lease, conveyance, mortgage, or other alienation of said City-owned land

has not been submitted to the voters in a municipal election pursuant to Part 1, hereof.

Part 8. The lessee, recipient, mortgagee, or other beneficiary of City-owned land on which a sports stadium, sports facility, sports arena, and/or entertainment stadium, entertainment facility or entertainment arena is or will be constructed shall be responsible for all off-site infrastructure costs and municipal services costs related to or necessitated by the construction and operation of the facility, arena, or stadium, including, without limitation, vehicle and pedestrian transportation, additions, improvements or alterations to mass transit, wet and dry utilities, parking infrastructure, police service, fire service, and Emergency Medical Services.

Part 9. This ordinance shall be liberally construed to ensure the public's right to all and complete information about and to vote on sales, leases, conveyances, mortgages or alienations of City land for any sports stadium, sports facility, sports arena, and/or entertainment stadium, entertainment facility or entertainment arena before it can become effective.

Part 10. If any provision of this Ordinance or its application to any circumstances or person is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable to the maximum extent allowed by law.

Part 11. This Ordinance shall be effective as of the date that it is adopted by a majority of the voters of the City of Austin.

PART 2. This ordinance takes effect on _____, 2019.

PASSED AND APPROVED

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Steve Adler
Mayor

APPROVED: _____

ATTEST: _____

Anne L. Morgan
City Attorney

Jannette S. Goodall
City Clerk