



Recommendation for Action

File #: 23-2254, **Agenda Item #:** 20.

7/20/2023

Posting Language

Approve a resolution adopting the preliminary Service and Assessment Plan and proposed assessment roll for the Whisper Valley Public Improvement District (Improvement Area #3) and authorizing the negotiation and execution of a Whisper Valley Public Improvement District Acquisition and Reimbursement Agreement Improvement Area #3. Related to Item #138.

Lead Department

Financial Service Department

Fiscal Note

This item has no fiscal impact.

Prior Council Action:

June 18, 2009 - Council approved the Whisper Valley Development Agreement.

August 26, 2010 - Council approved Ordinance No. 20100826-004 authorizing negotiation and execution of an Amended and Restated Cost Reimbursement Agreement with Club Deal 120 Whisper Valley, LP for construction of 48-inch and 24-inch water mains; for the design of a wastewater treatment plant; 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 the limited purposes of planning and zoning; and approved Ordinance No. 20100826- 025 adopting a regulatory plan for the Whisper Valley annexation area.

November 3, 2011 - Council approved Ordinance No. 20111103-012 accepting and approving a Service and Assessment Plan and Assessment Roll; approved Ordinance No. 20111103-054 authorizing the issuance of City of Austin, Texas Special Assessment Revenue Bonds, Senior Series 2011, in an amount not to exceed \$16,500,000, and approved Ordinance No. 20111103-055 authorizing the issuance of City of Austin, Texas Special Assessment Revenue Bonds, Subordinate Series 2011, in an amount not to exceed \$18,800,000.

September 17, 2015 - Council approved Ordinance No. 20150917-008 authorizing negotiation and execution of an amendment to the Water Cost Reimbursement Agreement.

August 23, 2018 - Council approved Ordinance No. 20180823-073 levying the Improvement Area #1 assessments and approving the 2018 Service and Assessment Plan.

February 7, 2019 - Council ratified and confirmed Ordinance No. 20180823-073 pertaining to the 2018 Service and Assessment Plan and the Assessment Roll.

March 28, 2019 - Council approved Ordinance No. 20190328-008 authorizing the issuance of revenue bonds in an estimated amount not to exceed \$4,500,000 and authorizing all related documents and fees.

October 1, 2020 - Council adopted Ordinance No. 20201001-039 approving a Whisper Valley Improvement Area #2 assessment roll and levying assessments on benefited properties within Whisper Valley Improvement

Area #2.

July 28, 2022 - Council approved Ordinance No. 20210729-042 adopting the 2022 Annual Service and Assessment Plan Update.

December 01, 2022 - Council approved Ordinance No. 20221201-006 authorizing the issuance of City of Austin, Texas Special Assessment Revenue Bonds, Series 2022, and authorizing all related documents and fees.

For More Information:

Marija Jukic, Controller, 512-974-2951; Kim Euresti, Deputy Controller, 512-974-2232

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 (2,066 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, roads, and related infrastructure).

On November 3, 2011, Special Assessment Revenue Bonds, Subordinate Series in the amount of \$15,500,000 and Senior Series in the amount of \$16,500,000 were sold to finance the infrastructure improvements. On March 28, 2019, Council authorized the issuance of Special Assessment Revenue Bonds, series 2019 in the amount of \$4,500,000 to finance the infrastructure improvements for Improvement Area #1. On December 1, 2022, Council authorized the issuance of Special Assessment Revenue Bonds, series 2022 in the amount of \$6,820,000 to finance the infrastructure improvements for Improvement Area #2. Existing assessments are used to make the debt service payments on the outstanding bonds, fund required reserves, and cover costs of administering the PID.

Improvement Area #3 assessments will be used to finance infrastructure improvements benefiting Improvement Area #3, and, if bonds are issued, to finance such improvements, make the debt service payments on bonds, fund required reserves, and cover costs of administering the PID. All such costs will be paid either by the developer or by the Improvement Area #3 assessments.

Prior to levying the Improvement Area #3 assessments, state law requires the Council to approve a preliminary Service and Assessment Plan and proposed assessment roll, to file these with the City Clerk, and to hold a public hearing after publishing notice in a newspaper of general circulation.

Whisper Valley PID Bonds:

Original Issue Date	Series	Original Issue Amount	Amount Outstanding, 6/30/23
November 3, 2011	Senior Bonds, Series 2011	\$15,500,000	\$8,425,000
November 3, 2011	Subordinate Series, 2011	16,500,000	0(1)

March 28, 2019	Series 2019	4,500,000	4,260,000
December 22, 2022	Series 2022	6,820,000	6,820,000