



## Travis County Commissioners Court Agenda Request

**Meeting Date:** May 15, 2012

**Prepared By/Phone Number:**

Belinda Powell, Strategic Planning Manager, Planning & Budget Office  
(512) 854-9506

**Elected/Appointed Official/Dept. Head:** Leslie Browder, County  
Executive of Planning & Budget (512) 854-8679

**Commissioners Court Sponsor:** Karen Huber, Commissioner, Precinct 3

### AGENDA LANGUAGE:

Consider and take appropriate action on Petition for the Continuation of Austin Downtown Public Improvement District in relation to County owned properties. (This item may be taken into executive session under Tex. Gov't. Code Ann 551.071, consultation with Attorney)

### BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:

The Downtown Austin Alliance, (DAA), is requesting support for the continuation of the Downtown Public Improvement District that provides funding for the DAA. In the past these renewals have occurred on a five year basis. The DAA is requesting support of a ten year renewal and a slight expansion to the area of assessment to area east to San Antonio to Lamar between 8<sup>th</sup> street and 3<sup>rd</sup> street.

As Travis County now owns properties that generate some revenue to be assessed for the PID, the DAA is requesting signatures on the attached Petition for the subject sites, 700 Lavaca Street and the Associated Garage at 306 W. 8<sup>th</sup> Street.

### STAFF RECOMMENDATIONS:

Staff recommends approval of the ten year extension of the PID as well as the expansion area through the signature of the attached petitions.

### ISSUES AND OPPORTUNITIES:

NA

**AGENDA REQUEST DEADLINE:** All agenda requests and supporting materials must be submitted as a pdf to Cheryl Aker in the County Judge's office, [Cheryl.Aker@co.travis.tx.us](mailto:Cheryl.Aker@co.travis.tx.us) by Tuesdays at 6:00 p.m. for the next week's meeting.



**FISCAL IMPACT AND SOURCE OF FUNDING:**

The assessments made for the PID are paid by the lease entities in the property. There is no direct county disbursement for the PID.

**REQUIRED AUTHORIZATIONS:**

Leroy Nellis, Budget Director, Planning & Budget Office,  
Jessica Rio, Planning & Budget  
Cheryl Aker, County Judge's Office

**Copies to:**

John Hille, Assistant County Attorney

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DOWNTOWN AUSTIN ALLIANCE  
211 East 7th Street, Suite 818  
Austin, TX 78701  
512.469.1766

www.downtownaustin.com  
www.downtownaustintv.org

MAR 29 2012



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Texas Gas Service

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McCall, Parkhurst & Horton LLP

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Alex Pope Company

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Austin Theatre Alliance

**Fred Schmidt**  
Wild About Music

**Joel Sher, Chair Emeritus**  
Congress Holdings Group

**Sania Shiffer**  
Davis

**Andy Smith**  
Thomas Properties Group

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T. Stacy & Associates

**Mark Tester**  
Austin Convention Center

**Michele Van Hyfte**  
Monarch Design/Consulting

**Daniel Woodroffe**  
dwg.

**Charles Betts**  
Executive Director

March 28, 2012

TRAVIS COUNTY

PO BOX 1748

AUSTIN, TX 78767-1748

**Subject: Public Improvement District Reauthorization Petition**

Since 1993, the Downtown Austin Alliance has provided direct services and advocacy to fulfill our mission of "*preserving and enhancing the value and vitality of downtown Austin,*" and we want to thank you for your continued support of our organization. As you will recall, the Downtown Public Improvement District is renewed every five years, with renewal occurring this year. Enclosed, you will find the petition for your property, as well as highlights of our accomplishments and goals for your Public Improvement District (PID).

As we look forward to our next term, there are a couple of changes we would like you to consider. First, we ask that you extend the length of our next term to ten years. This additional longevity will allow for better long-term planning and more effective advocacy. Second, we propose expanding the district to include the boundaries on the enclosed map. As downtown grows, the properties adjacent to the PID benefit from the advocacy and positive perception we help to create. Bringing these additional properties into the district will allow the DAA to expand its direct services, improving more of downtown Austin while maintaining the level of service afforded its current members.

**To support the renewal of the expanded district for a ten-year term, please do the following by Tuesday, May 1, 2012:**

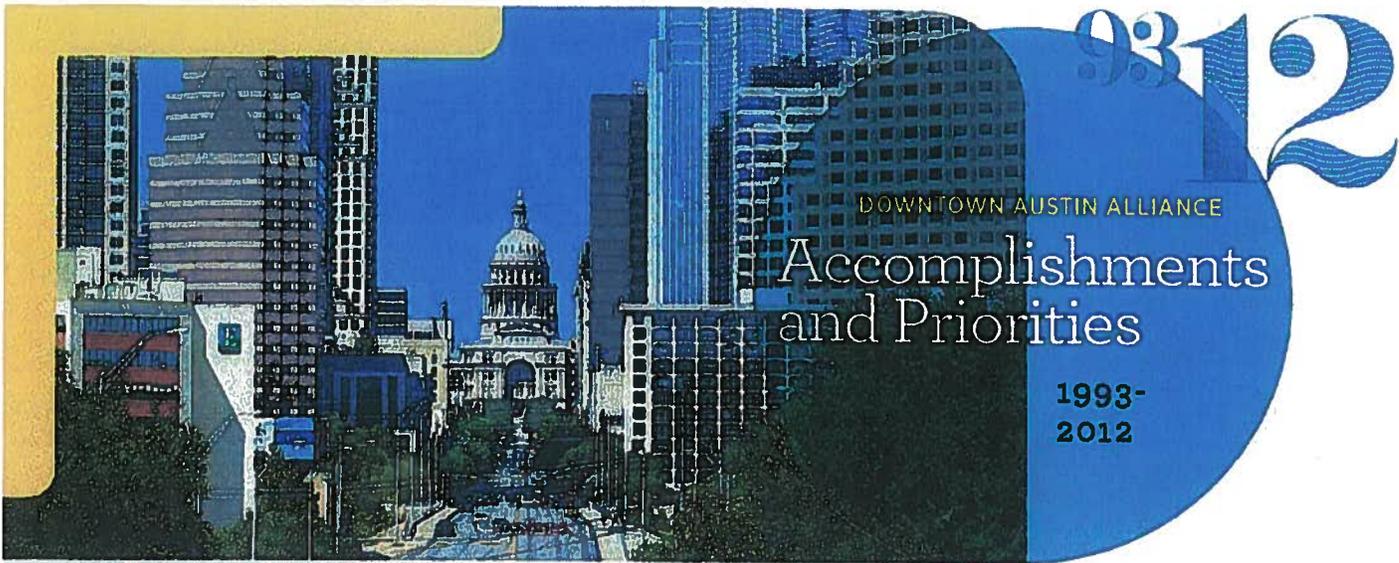
1. Sign the two pages that have been flagged.
  - Please note that the petition must be notarized. Alice Vargas at the DAA is a Notary Public. If you would like to set an appointment for her to notarize your petition, please email her at [alicev@downtownaustin.com](mailto:alicev@downtownaustin.com).
2. Return by mail or in person to the DAA at 211 E. 7<sup>th</sup> Street, Suite 818, Austin, Texas 78701. We have provided a postage paid self-addressed envelope for your convenience.

We appreciate your continued support and look forward to advancing our collective vision for the future of downtown Austin. If you have any questions, please contact me, or any staff member, at 512.469.1766.

Sincerely,

Charles Betts  
Executive Director

Pamela Power  
2011-2012 Chair



Since downtown property owners petitioned City Council in 1993 to form the Public Improvement District, the Downtown Austin Alliance has advocated and worked towards many significant accomplishments in downtown Austin. As we approach the renewal of the district this year, we look forward to continuing our role in strengthening our city's urban core.



## A LOOK AT DOWNTOWN by the numbers

	1993	TODAY
<i>Number of Residents</i>	4,000	9,500
<i>Number of Employees</i>	67,000	116,540
<i>Office Occupancy</i>	79.8%	86.6%
<i>Office Rental Rate (All classes)</i>	\$13.77/sq ft	\$32.34/sq ft
<i>PID Value</i>	\$699,876,329	\$5,251,989,081
<i>Hotel Occupancy</i>	72.2%	76.8%
<i>Hotel Average Daily Rate</i>	\$67.48/night	\$145.32/night

Sources: U.S Census Bureau, On the Map, Capitol Market Research, Travis Central Appraisal District, Austin Convention & Visitors Bureau, STR Global

## STRATEGIC PRIORITIES

### ◆ CONGRESS AVENUE

Develop Congress Avenue into an extraordinary place that is the heart and soul of Austin and "The Main Street of Texas."

- Conducted Congress Avenue Charrette and created Visioning Report.
- Leading Congress Avenue Tree Lighting Project (launching in 2012).

### ◆ MOBILITY

Actively participate in transportation planning to monitor and influence transportation ingress, egress, and circulation in downtown Austin.

- Leading advocacy and education efforts for multi-modal transportation options including rail, bus rapid transit, and express lanes.
- Collaborated on parking improvements and bike share.

- Created the Downtown Austin Transportation Management Association.

### ◆ NORTHEAST QUADRANT

Advocate for the transformation of the Northeast Quadrant into a safe, appealing, economically vital, and historically significant asset to downtown.

- Advocated for Waller Creek Tunnel Project and formation of Waller Creek Conservancy.
- Support State redevelopment and proposed medical school and teaching hospital.
- Advocate for East Sixth Street Makeover Project.



# ACCOMPLISHMENTS & ONGOING EFFORTS

## ★ ECONOMIC DEVELOPMENT

- Conduct market and demographic research annually.
- Advocate to maintain downtown's competitive advantage through the Downtown Austin Plan, the Historic Landmark Program, and other policy initiatives.

## ★ PARKS AND OPEN SPACE

- Continually support public initiatives for Waller Creek, including the tunnel, the Waller Creek Master Plan, and the recent formation of the Waller Creek Conservancy.
- Provide advocacy and funding support for the revitalization and programming of downtown's historic squares: Republic Square, Wooldridge Square, and Brush Square.

## ★ RETAIL

- Recruited 35 new businesses downtown since 2005.
- Conduct periodic Retail Psychographic Research.
- Employ full-time retail recruiter.

## ★ ARTS AND ENTERTAINMENT

- Annually sponsor 15-20 cultural projects/organizations per year.
- Produce annual Holiday Sing-Along and Downtown Stroll, bringing more than 10,000 people to downtown Austin.

## ★ STREETSCAPES

- Advocate for ongoing streetscapes improvements in the Great Streets Master Plan, including Brazos Street and 2nd Street.
- Supported the I-35 Makeover Project creating a safe, well-lit parking area and vital link between East Austin and downtown.

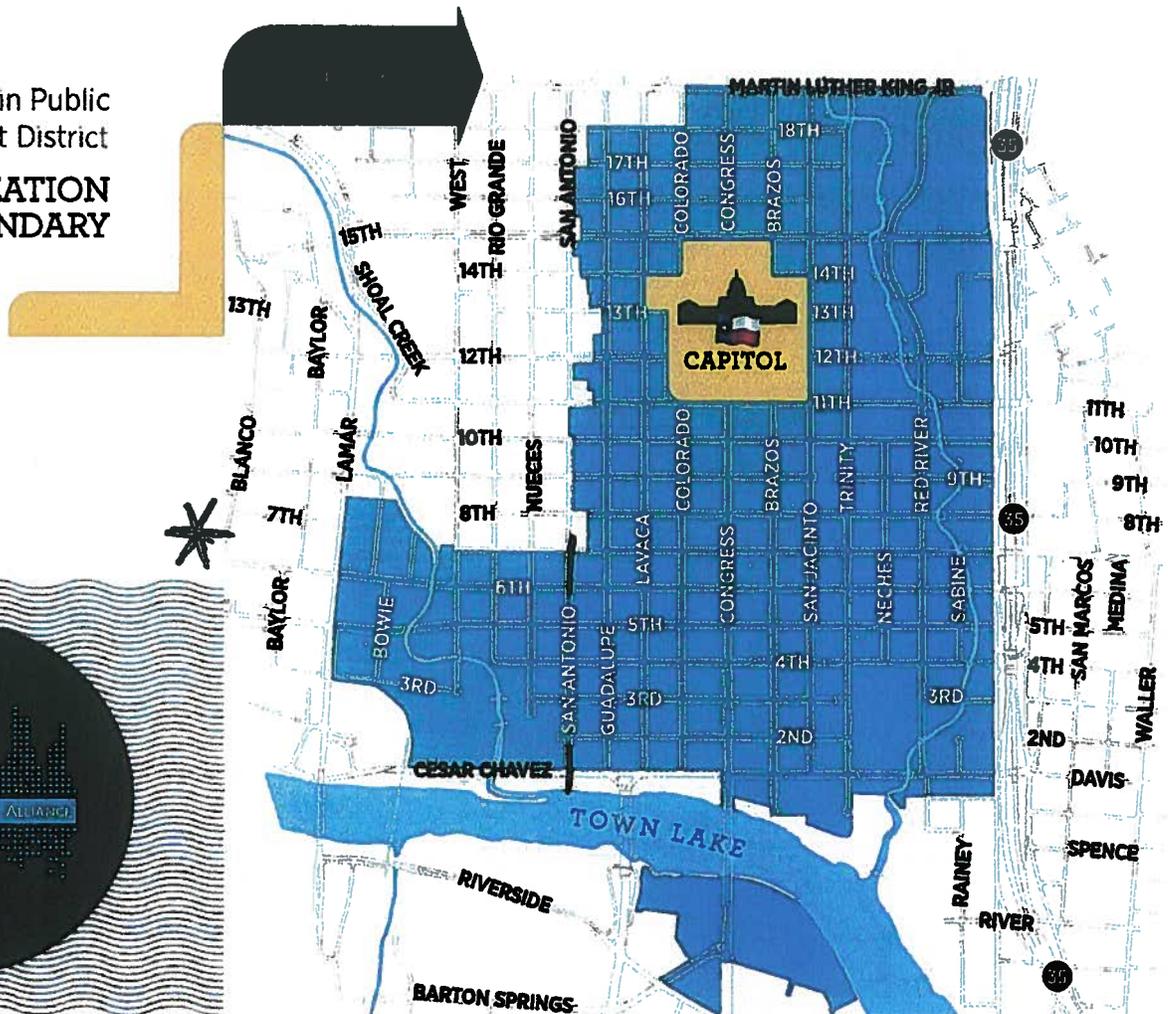
## ★ SECURITY AND MAINTENANCE

- Provide funding, support, and oversight for 7-days per week Downtown Rangers safety patrol.
- Provide direct street maintenance services for daily litter control, sidewalk cleaning, graffiti removal, and seasonal bird control in key locations.
- Provide advocacy, funding support, and coordination to improve the effectiveness of law enforcement, offender prosecution, and provision of social services and housing.

## ★ COMMUNICATIONS

- Keep constituents up-to-date through a weekly newsletter, educational events, annual report, and new website.
- Produced *DOWNTOWN* program on KLRU-TV, highlighting the people, places, stories, and situations that make DOWNTOWN: As Austin As It Gets™, and winning six Lone Star EMMYs.
- Redesigning DAA website, [www.DowntownAustin.com](http://www.DowntownAustin.com).

Downtown Austin Public Improvement District  
REAUTHORIZATION  
BOUNDARY



★ The new expansion is the shaded area west of San Antonio Street.

Property tax account number: 795833  
Property address: 306 W 8 ST

**PETITION FOR CONTINUATION OF  
AUSTIN DOWNTOWN PUBLIC IMPROVEMENT DISTRICT**

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS:

The undersigned (the "Petitioners"), holding title to land within the area described on the map attached hereto as Exhibit A ("Downtown Austin"), acting pursuant to the provisions of Chapter 372, Vernon's Texas Code Annotated, Texas Local Government Code (the "Act"), respectfully petition the City Council of the City of Austin, Texas (the "City" or "City of Austin"), for the continuation and re-establishment of a public improvement district (the "District") and present the following information concerning the District:

**CERTIFICATE AS TO AUTHORITY OF SIGNER**

**TO BE COMPLETED BY THE CHAIRMAN OF THE BOARD, THE PRESIDENT, A VICE PRESIDENT, THE SECRETARY, OR ANOTHER AUTHORIZED OFFICER OF, OR AUTHORIZED LEGAL COUNSEL TO, THE OWNER IF THE OWNER IS A CORPORATION, OR BY A GENERAL PARTNER OF, OR AUTHORIZED LEGAL COUNSEL TO, THE OWNER IF THE OWNER IS A PARTNERSHIP, OR A MANAGER OR MANAGING MEMBER OR, OF AUTHORIZED LEGAL COUNSEL TO, THE OWNER IF THE OWNER IS A LIMITED LIABILITY COMPANY, AND IF THE PETITION IS COMPLETED AND SIGNED BY A REPRESENTATIVE OF OWNER:**

I hereby certify to the Honorable Mayor and City Council of the City of Austin, Texas that I am the \_\_\_\_\_ (title) of \_\_\_\_\_

(name of owner), a \_\_\_\_\_ (type of entity and state in which organized), and I hereby further certify that \_\_\_\_\_ (name of signer), was duly authorized and empowered, at the time this Petition was executed to sign the Petition on behalf of the owner and that the act of the signer in executing this Petition is binding on the owner.

Name: \_\_\_\_\_

Title: \_\_\_\_\_

I.

The name of the District is **AUSTIN DOWNTOWN PUBLIC IMPROVEMENT DISTRICT**. The District contains an area of approximately 750 acres of land, situated within the City of Austin in Travis County, Texas (the "County"). The land is incorporated as a part of this Petition for all purposes. The area included in the District is described by the map attached as Exhibit A, which is incorporated as a part of this Petition for all purposes. The area proposed to be included in the District lies entirely within the corporate limits of the City of Austin. The area included in the District does not lie in either the corporate limits or extraterritorial jurisdiction of any city other than the City. The area included in the District is devoted primarily to commercial, retail, and business activities. All of the land included in the District may properly be included in the District.

II.

The Petitioners hold title to land within the District and collectively are (a) the owners of taxable real property representing more than fifty percent (50%) of the appraised value of taxable real property liable for assessment within the District, as determined by the current roll of the Travis Central Appraisal District; and (b) the record owners of real property liable for assessment within the District who (1) constitute more than 50 percent of all record owners of property that is liable for assessment under the proposal or (2) own taxable real property that constitutes more than fifty percent (50%) of the area of all taxable real property that is liable for assessment within the District.

III.

The District shall be continued to provide to the City the power to undertake the improvements and provide the services in Downtown Austin authorized by the Act. The Petitioners propose that the District provide services and improvements for Downtown Austin necessary or desirable to (a) provide for public safety and security; (b) protect the public health and promote sanitation and provide waste management; (c) promote economic growth and diversification including advertisement, business recruitment, marketing, and public relations; (d) provide recreational activities and cultural enhancements; (e) provide landscaped and scenic areas and parks; (f) provide distinctive lighting, signs, and public art; (g) enhance pedestrian and vehicular mobility; (h) expand commerce; and (i) plan for and manage the needs of Downtown Austin. The Petitioners do not propose any improvements or services which would require the relocation or adjustment of utilities in public streets or rights-of-way without prior authorization from the City.

IV.

The Petitioners estimate that the annual cost of the services and improvements to be provided by the District will be approximately \$2,800,000, although such amount may be subject to change over the life of the District. The power of the City to levy assessments for the purposes of providing the services and improvements proposed by the Petitioners shall not exceed \$0.10 per \$100 valuation of taxable real property as shown by the tax rolls of the Travis Central Appraisal District, unless a petition executed in the manner required by Section 372.005(b) of the Act requesting the City to levy and assess for services and improvements in excess of that amount has been presented to the City, and, after receipt of that Petition, the City Council shall have conducted hearings in accordance with the Act on the advisability of the services and improvements, shall have established an amended or new service plan and plan of assessment, and shall have levied additional assessments as required by the Act.

V.

The proposed method of assessing property within the District to pay the estimated cost of the proposed services and improvements is by an assessment of up to (but in no case more than) \$0.10 per \$100 valuation of taxable real property as shown on the tax rolls of the Travis Central Appraisal District, provided, however, that property designated by the City as "H" Historic shall have the exemptions from assessment contained in Section 11-1-22 of the City Code and shall be assessed on the basis of the reduced value provided by the formula therein. Further, the first \$500,000 of valuation of all taxable real properties in the District shall be exempt from assessment.

VI.

Except with the prior consent of the owners thereof, the Petitioners propose that the following classes of property be excluded from assessment: (a) property of the City used for public purposes (provided, however, that during each year in which the District remains in effect and the Council appropriates sufficient funds, the City shall pay an amount in lieu of an assessment, as provided in Section VIII hereof); (b) property of the County, and property owned by political subdivisions of the State of Texas and used for public purposes; (c) property that is exempt from taxation under Section 11.20 of the Texas Property Tax Code, as amended; (d) property owned by persons or an association of persons which is used exclusively for school purposes; (e) property used exclusively for school purposes; (f) property owned by an association engaged in promoting the religious, educational, and physical development of boys, girls, young men, or young women operating under a state or national organization of like character and used exclusively and necessarily for such purpose, including, but not limited to, property owned by the Austin Independent School District; (g) property owned by institutions of purely public charity; (h) property that was used primarily for recreational, park, or scenic purposes during the immediately preceding calendar year; (i) property owned by public or private utilities that is located in public streets or rights-of-way; (j) property used for residential purposes and fitting the definition of a homestead provided in Section 11.13(j)(1), Vernon's Texas Code Annotated, Texas Property Code; (j) all hospitals; and (k) property owned by The University of Texas and the State of Texas.

VII.

The total cost of the improvements and services, which the Petitioners propose shall be paid solely by the District. Payment of assessments (or amounts paid in lieu of assessments) by exempt jurisdictions and entities must be established by contract.

VIII.

The District will be managed by Austin DMO, Inc. (the "Corporation"), d.b.a. Downtown Austin Alliance, in accordance with a management contract to be negotiated between the City and the Corporation, and approved by the City Council and the board of directors of the Corporation. The Corporation is a private non-profit corporation incorporated in the State of Texas. The City will make an annual payment to the District in lieu of an annual assessment of City-owned property. On or before the date which is 90 days prior to the date each year on which property owners in the District are to be assessed, the City shall enter into an agreement with the Corporation under which the City, subject to appropriation of funds from the Council, will agree to pay the Corporation a sum that shall be no less than an amount equal to 15% of the total assessments to be assessed against the property owners in the District in the ensuing year; provided, however, that notwithstanding the amount of the total assessments to be

assessed in the ensuing year, in each year the sum paid by the City shall not be less than \$100,000 and shall not exceed \$150,000.

IX.

An advisory board may be established to develop and recommend an improvement plan to the City Council. In order to provide for efficient management of the District, the City Council, by acceptance of this petition and the re-establishment of the District, agrees to assign to the Corporation the responsibility for developing and recommending a service plan, improvement plan, and other responsibilities of the advisory body contained in the Act, and further agrees that it will not establish an advisory body independent of the board of directors of the Corporation. The service plan and assessment rolls of the District shall be reviewed and approved by the board of directors of the Corporation prior to finalization by the City Council.

X.

There is a necessity for the continuation of the District because Downtown Austin is in need of supplemental services and improvements in addition to those provided by the City, the State of Texas, and political subdivisions of the State of Texas in order to preserve, maintain, and enhance the economic health and vitality of Downtown Austin as the major economic activity center of the City, and to preserve, protect and maintain the health, safety, and welfare of residents, visitors, employers, employees, and consumers in Downtown Austin as well as the general public. The petition for the continuation of the District is not submitted to the City with the intention of relieving the City, the County, or the Capital Metropolitan Transportation Authority ("Capital Metro"), from providing the present level of services and improvements to Downtown Austin, or to release the City, the County, or Capital Metro from the obligations they have to provide municipal, county, and mobility service to Downtown Austin. If continued as proposed, the District will ensure a long term financial commitment to the improvements and services required for Downtown Austin in order that it will continue to prosper and enjoy economic health and vitality as the city's primary commercial, retail, and business center.

XI.

The District shall automatically dissolve ten (10) years from the date the District is reestablished by action of the City Council unless the District is renewed through the petition and approval process provided by the Act. Additionally, the power of the City to continue to levy and collect assessment within the District in accordance with this Petition and pursuant to the Act will cease and the District will be dissolved if a petition requesting dissolution is filed with the Austin City Clerk and the petition contains the signatures of at least enough property owners within the District to make the petition sufficient for the continuation of a public improvement district as provided by Section 372.005(b) of the Act.

XII.

Each of the Petitioners requests the continuation of the District and concurs with the re-establishment of the District with the powers and upon the conditions set forth in this Petition. This petition is executed in multiple counterparts, each of which shall constitute an original Petition for all purposes.

The Petitioners request that this petition be considered at the earliest possible time, that the City conduct a hearing as provided under the provisions of Chapter 372 of the Act, and, after such hearing, that

the City Council duly pass and approve an ordinance continuing the District covering the property described in Exhibit A with the powers described in this Petition.

Respectfully submitted this \_\_\_\_ day of \_\_\_\_\_, 2012.

_____	_____
Signature of person signing for owner	Date
Printed name of signer: _____	
Owner's printed name, if different from signer: _____	
Signer's relation to owner, if not owner: _____	
Signer's mailing address: _____	
_____	
Signer's telephone: _____	

By executing this Petition, the foregoing person represents and warrants that he or she is authorized to execute this Petition on behalf of the property owner named above.

STATE OF TEXAS	§
	§
COUNTY OF TRAVIS	§
This instrument was ACKNOWLEDGED before me this ____ day of _____, 2012 by _____.	
_____	
Notary Public, State of Texas	
Printed name of Notary Public: _____	
My commission expires: _____	

**Signed, notarized petitions should be returned to the Downtown Austin Alliance,  
211 East Seventh Street, Suite 818, Austin, TX 78701  
Telephone: (512) 469-1766**

Property tax account number: 795822  
Property address: 700 LAVACA ST

**PETITION FOR CONTINUATION OF  
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I hereby certify to the Honorable Mayor and City Council of the City of Austin, Texas that I am the \_\_\_\_\_ (title) of \_\_\_\_\_ (name of owner), a \_\_\_\_\_ (type of entity and state in which organized), and I hereby further certify that \_\_\_\_\_ (name of signer), was duly authorized and empowered, at the time this Petition was executed to sign the Petition on behalf of the owner and that the act of the signer in executing this Petition is binding on the owner.

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assessed in the ensuing year, in each year the sum paid by the City shall not be less than \$100,000 and shall not exceed \$150,000.

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An advisory board may be established to develop and recommend an improvement plan to the City Council. In order to provide for efficient management of the District, the City Council, by acceptance of this petition and the re-establishment of the District, agrees to assign to the Corporation the responsibility for developing and recommending a service plan, improvement plan, and other responsibilities of the advisory body contained in the Act, and further agrees that it will not establish an advisory body independent of the board of directors of the Corporation. The service plan and assessment rolls of the District shall be reviewed and approved by the board of directors of the Corporation prior to finalization by the City Council.

X.

There is a necessity for the continuation of the District because Downtown Austin is in need of supplemental services and improvements in addition to those provided by the City, the State of Texas, and political subdivisions of the State of Texas in order to preserve, maintain, and enhance the economic health and vitality of Downtown Austin as the major economic activity center of the City, and to preserve, protect and maintain the health, safety, and welfare of residents, visitors, employers, employees, and consumers in Downtown Austin as well as the general public. The petition for the continuation of the District is not submitted to the City with the intention of relieving the City, the County, or the Capital Metropolitan Transportation Authority ("Capital Metro"), from providing the present level of services and improvements to Downtown Austin, or to release the City, the County, or Capital Metro from the obligations they have to provide municipal, county, and mobility service to Downtown Austin. If continued as proposed, the District will ensure a long term financial commitment to the improvements and services required for Downtown Austin in order that it will continue to prosper and enjoy economic health and vitality as the city's primary commercial, retail, and business center.

XI.

The District shall automatically dissolve ten (10) years from the date the District is reestablished by action of the City Council unless the District is renewed through the petition and approval process provided by the Act. Additionally, the power of the City to continue to levy and collect assessment within the District in accordance with this Petition and pursuant to the Act will cease and the District will be dissolved if a petition requesting dissolution is filed with the Austin City Clerk and the petition contains the signatures of at least enough property owners within the District to make the petition sufficient for the continuation of a public improvement district as provided by Section 372.005(b) of the Act.

XII.

Each of the Petitioners requests the continuation of the District and concurs with the re-establishment of the District with the powers and upon the conditions set forth in this Petition. This petition is executed in multiple counterparts, each of which shall constitute an original Petition for all purposes.

The Petitioners request that this petition be considered at the earliest possible time, that the City conduct a hearing as provided under the provisions of Chapter 372 of the Act, and, after such hearing, that

the City Council duly pass and approve an ordinance continuing the District covering the property described in Exhibit A with the powers described in this Petition.

Respectfully submitted this \_\_\_\_ day of \_\_\_\_\_, 2012.

_____ Signature of person signing for owner		_____ Date
Printed name of signer: _____		
Owner's printed name, if different from signer: _____		
Signer's relation to owner, if not owner: _____		
Signer's mailing address: _____ _____ _____		
Signer's telephone: _____		

By executing this Petition, the foregoing person represents and warrants that he or she is authorized to execute this Petition on behalf of the property owner named above.

STATE OF TEXAS	§
	§
COUNTY OF TRAVIS	§
This instrument was ACKNOWLEDGED before me this ____ day of _____, 2012 by _____.	
_____ Notary Public, State of Texas Printed name of Notary Public: _____ My commission expires: _____	

**Signed, notarized petitions should be returned to the Downtown Austin Alliance,  
211 East Seventh Street, Suite 818, Austin, TX 78701  
Telephone: (512) 469-1766**