

AN ORDINANCE ORDERING A SPECIAL ELECTION TO BE HELD IN THE CITY OF AUSTIN ON NOVEMBER 5, 2019 FOR THE PURPOSE OF SUBMITTING TO THE VOTERS A PROPOSED CITIZEN-INITIATED ORDINANCE REGARDING THE CONVEYANCE OF CITY-OWNED PROPERTY FOR SPORTS OR ENTERTAINMENT FACILITIES

The ballot shall be prepared to permit voting "Yes" or "No" on the proposition:

Proposition A: Shall a city ordinance be adopted that requires that a sale, lease, conveyance, mortgage, or other alienation of City-owned land for any existing or future youth, recreational, or professional sports facility or any existing or future entertainment facility be approved by a supermajority vote of council (9 of 11 members) and also be approved by the voters at an election for which the City must pay; requires that any site development permits and variances related thereto be approved by a supermajority vote of council (9 of 11 members); requires that site development permits and variances related thereto be approved by the voters at an election for which the City must pay, if the sale, lease, conveyance, mortgage, or other alienation of City-owned land for the facility has not already obtained voter approval; requires that the facility post payment and performance bonds and pay ad valorem taxes, or payments equal to the amount of ad valorem taxes; and requires that all information concerning such sale, lease, conveyance, mortgage, or other alienation shall be disclosed to the public.

If the proposition is approved by the majority of voters voting at the election, the City Code is amended to read as follows:

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 equal to the ad valorem taxes which would have been owed in that tax year to the tax assessor-collector for all taxing entities taken together if the land and improvements had been determined to be taxable.

Part 4. Notwithstanding any exceptions to public disclosure pursuant to the Texas Public Information Act which could be claimed by the City, any party, or its agents or representatives, to any such agreement relating to such sale, lease, conveyance, mortgage, or other alienation, all agreements, documents, files, communications and records relating to the sale, lease, conveyance, mortgage, or other alienation of said City-owned land shall be promptly disclosed to the public upon request by any person and shall be deemed public information under the Texas Public Information Act.

Part 5. This ordinance shall apply to any sale, lease, conveyance, mortgage, or other alienation of any City-owned land that is or will be used as a sports stadium, sports facility, sports arena, and/or entertainment stadium, entertainment facility or entertainment arena regardless of the effective date of the sale, lease, conveyance, mortgage, or other alienation, except that this ordinance shall not apply to periodic events, such as the Austin City Limits Music Festival or the Trail of Lights, that have been held since prior to January 1, 2018.

Part 6. The City shall require the submittal and customary review of applications for a site development permit and all variances related thereto or necessary for the development of any such sports stadium, sports facility, sports arena, entertainment stadium, entertainment facility and/or entertainment arena on or to be located on City-owned land to go through the City's normal development review processes, and said site development permit and variances shall not be valid or approved unless and until they are approved by the affirmative vote of at least three-fourths of the members of the City Council.

Part 7. The site development permit for any sports stadium, sports facility, sports arena, entertainment stadium, entertainment facility and/or entertainment arena on or to be located on City-owned land must be approved by a majority of the qualified voters of the City in a municipal election prior to the construction of the sports stadium, sports facility, sports arena, entertainment stadium, entertainment facility and/or entertainment arena if the 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.