



# City of Austin

## Recommendation for Action

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**File #:** 24-4403, **Agenda Item #:** 58.

5/2/2024

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### Posting Language

Approve an ordinance authorizing the negotiation and execution of an amendment to the interlocal agreement with the Texas Facilities Commission related to the development of the 2016 Texas Capitol Complex Master Plan and waiving additional temporary use of right-of-way permit fees related to Phase Two of the development, in an amount not to exceed \$12,000,000.

### Lead Department

Transportation and Public Works Department.

### Fiscal Note

Approval of this item will result in unrealized revenue estimated to be up to \$12,000,000 for the Transportation and Public Works Department, to be waived over multiple fiscal years. A fiscal note is attached.

### Prior Council Action:

January 27, 2021 - Ordinance No. 20210127-51, correcting Ordinance No. 20201203-039 to remove the new fee schedule for the project. Item was approved on an 11-0 vote.

December 3, 2020 - Ordinance No. 20201203-039, authorizing an amendment to the interlocal agreement related to the development of Phase One of the 2016 Texas Capitol Complex Master Plan, waiving fees in an amount not to exceed \$1,700,000 related to the development, and setting forth a new fee schedule for the project. Item was approved on an 11-0 vote.

January 23, 2020 - Ordinance No. 20200123-56, waiving fees in an amount not to exceed \$3,500,000 related to the development of Phase One of the 2016 Texas Capitol Complex Master Plan. Item was approved on a 10-0 vote. Mayor Adler was absent.

August 9, 2018 - Ordinance No. 20180809-030, vacating approximately 4.44 acres of certain portions of Congress Avenue, 16th Street, 17th Street, and 18th Street, all out of Division E of the Government Tract adjoining the Original City of Austin, to the Texas Facilities Commission, and waiving City Code Sections 14-11-74 (Appraisal of Property) and 14-11-75 (Payment for Right-of-Way). Item was approved on an 11-0 vote.

December 14, 2017 - Ordinance No. 20171214-090, waiving fees in an amount not to exceed \$6,800,000.00 and requirements related to the vacation of right-of-way, associated with the development of Phase One of the 2016 Texas Capitol Complex Master Plan. Item was approved on a 9-1 vote, with Council Member Houston voting nay and Council Member Pool abstaining.

December 14, 2017 - Council authorized execution of an interlocal agreement with the Texas Facilities Commission for development of Phase One of the 2016 Texas Capitol Complex Master Plan. Item was approved on a 9-1 vote, with Council Member Houston voting nay and Council Member Pool abstaining.

June 22, 2017 - Council authorized negotiation of an interlocal agreement with the State of Texas, acting by and through the Texas Facilities Commission, for development of Phase One of the 2016 Texas Capitol

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Complex Master Plan was approved on a 6-2 vote with Council Members Houston and Kitchen voting nay, Council Members Garza and Pool abstaining, and Council Member Troxclair absent.

**For More Information:**

Richard Mendoza, Director, 512 974-2488; Lewis Leff, Acting Assistant Director, 512 974-6421; Dan Valbracht, Acting Assistant Director, 512 974-7901; Stella Deshotel, Business Process Consultant, 512-974-8054.

**Additional Backup Information:**

In response to a request from the State of Texas, Council authorized negotiation and execution of an interlocal agreement with the Texas Facilities Commission (TFC) for development of Phase One of the 2016 Texas Capitol Complex Master Plan in 2017. In 2017 and 2020, Council approved ordinances waiving fees related to Phase One of the development in a combined amount not to exceed \$12,000,000.

TFC has requested an amendment to the interlocal agreement to include the development of Phase Two of the 2016 Texas Capitol Complex Master Plan and to waive additional temporary use of right-of-way permit (TURP) fees related to Phase Two. This item authorizes the negotiation and execution of the requested amendment and waives the additional TURP fees using the Tier 1 fee structure, in an amount not to exceed \$12,000,000. Pursuant to the interlocal agreement, the amount of any fees waived will be added as a credit to the City on the ledger maintained between TFC (and formerly, the General Services Commission) and the City.

This ordinance does not waive any fees to be assessed that will cover the costs of providing City services. All cost-of-service fees will be collected.

If approved, the total amount of fees waived for Phases One and Two of the project will not exceed \$24,000,000.