RCA	Austin City Council	Item ID	6360
Meeting Date:	4/28/2011	**Department:**	Economic Growth and Redevelopment

Subject

Approve a resolution authorizing the execution of a Memorandum of Understanding between the City of Austin and the Waller Creek Conservancy relating to the revitalization of the Waller Creek District. Related to Item # 14.

Amount and Source of Funding

Funding in the amount of $400,000 is available in the 2010-2011 operating budget of the Economic Growth and Redevelopment Services Office.

Fiscal Note

Purchasing Language:	
Prior Council Action:	September 23, 2010 - Council passed a resolution directing the City Manager to explore a public-private partnership for the development, management, and operation of the Waller Creek District with the Waller Creek Conservancy and to make a recommendation for the structure of the partnership.
For More Information:	Kevin Johns, Director, EGRSO, 974-7802; Jacqueline Cullom, Attorney, Law Department, 974-2918.
Boards and Commission Action:	
MBE / WBE:	
Related Items:	

Additional Backup Information

In an effort to promote the revitalization of the Waller Creek District, City Council passed Resolution No. 2010923-090, directing the City Manager to explore a public-private partnership for the development, management, and operation of the Waller Creek District including Waterloo and Palm Park with the Waller Creek Conservancy (WCC). The attached draft Memorandum of Understanding ("MOU") describes a recommended partnership structure and associated roles and responsibilities of the City and the WCC.

The MOU is intended to lay the foundation for a cooperative working relationship between the City and WCC that will further a common goal of preserving, restoring, developing, managing, and operating the Waller Creek District.

The MOU envisions the development of an international design competition that will invite world-class designs of the highest standards and esthetics for the District. The MOU contemplates the execution of a Joint Development

Agreement between the City and the Conservancy once the design competition has been completed and a design chosen. The public-private relationship created by the MOU is similar to those created in other cities, including partnerships for Atlanta's Piedmont Park, Brooklyn's Prospect Park, Chicago's Millennium Park, Detroit's Campus Martius Park, Houston's Discovery Green Park, New York's Central Park, Pittsburgh Forest Park, Portland's Courthouse Square, and St. Louis's Forest Park. The MOU also provides that both the City and the WCC are committed to contributing up to $400,000 each towards the costs of implementing the international design competition.

The Waller Creek Conservancy is a 501(c)(3) non-profit corporation formed on July 30, 2010, to, among other things, (i) facilitate and aid the City with respect to its enhancement and development of the District, (ii) raise a portion of the necessary funds to develop a comprehensive design of the District, (iii) defray costs of the landscaping and other amenities, and (iv) assist the City with developing proposed zoning and land use rules to be adopted as a zoning or development overlay to ensure the quality and consistency of the design and development of the District.

There will be a related agenda item creating a Local Government Corporation, the Waller Creek Local Government Corporation, pursuant to Subchapter D, Chapter 431 of the Texas Transportation Code to act on behalf of the City in its efforts to revitalize the Waller Creek District. Section 431.101 provides: "A local government corporation may be created to aid and act on behalf of one or more local governments *to accomplish any governmental purpose* of those local governments."

Pursuant to the terms of the MOU, the City or the LGC retains ownership of all public property currently owned by the City. The City also maintains its authority to approve the Design Plan for the District. The MOU creates a process to be followed in selecting the final design. A design manager will conduct the design process.