RESOLUTION NO.

2	WHEREAS, in 1998 Council determined that construction of a full service
3	hotel on a site adjacent to the Austin Bergstrom International Airport would result
4	in economic benefits to the City, including the generation of additional tax
5	revenues, employment opportunities, and economic activity related to the
6	construction and operation of the hotel; and
7	WHEREAS, in Resolution No. 981209-11, Council authorized the creation
8	of Austin Bergstrom Landhost Enterprises, Inc. ("ABLE"), a nonprofit public
9	facility corporation created and existing under Article 717s, Vernon's Annotated
0	Texas Civil Statutes, the predecessor to Chapter 303 of the Texas Local
1	Government Code, as amended, to finance the construction, renovation, and
2	improvement of a hotel; and
3	WHEREAS, ABLE entered into an Amended and Restated Hotel
4	Management Agreement with Boykin Prospera, LLC, dated as of October 1, 2017
5	("ABLE Management Agreement"); and
6	WHEREAS, the ABLE Management Agreement has an initial term of 60
7	months, ending in 2022, and may be extended thereafter for up to two additional
8	12-month periods; and
9	WHEREAS, in Resolution No. 00303-030 Council adopted corporate
0	bylaws for Austin Convention Enterprises which provided in Article I, Section 4
1	that the City "shall be entitled to approve all programs and expenditures of [ACE]
22	and annually review any financial statements of [ACE]"; and
.3	WHEREAS, in Resolution No. 981209-11, Council approved ABLE's
4	Bylaws which contain identical language that "[Council] shall be entitled to

25	approve all programs and expenditures of [ABLE] and annually review any
26	financial statements of [ABLE]"; and
27	WHEREAS, ABLE'S Amended and Restated Articles of Incorporation and
28	Chapter 303 of the Texas Local Government Code provide that Council appoints
29	all directors to the ABLE Board of Directors and may remove a director at any
30	time for cause or without cause; and
31	WHEREAS, Resolution No. 20191017-024 established certain conditions
32	for Council approval of the ACE operating agreement; and
33	WHEREAS, in accordance with Resolution No. 20191017-024 Council
34	approved the ACE operating agreement on December 3, 2020 under Resolution
35	No. 20201203-047; NOW, THEREFORE,
36	BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
37	In order to responsibly and consistently exercise its rights under Article I,
38	Section 3 of the ABLE Bylaws to approve ABLE expenditures, Council directs the
39	Board of Directors of ABLE to follow the City's ACE Operating Agreement
40	approval policy described in Resolution No. 20191017-024, including minimum
41	briefing and Council approval standards therein, regarding any future amendment,
42	renewal, successor, or extension of the ABLE Management Agreement and all
43	future ABLE hotel management agreements. Council will not approve any ABLE
44	hotel management agreement that does not meet the standards and achieve the
45	goals of Resolution No. 20191017-024.
46	ADOPTED: , 2021 ATTEST:
47	Jannette S. Goodall
48	City Clerk