

ORDINANCE NO. 2010-05-06-0388

AN ORDINANCE AUTHORIZING AND APPROVING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CITY OF SAN ANTONIO, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2010 IN A MAXIMUM PRINCIPAL AMOUNT NOT TO EXCEED \$46,000,000; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council (the *Governing Body*) of the City of San Antonio, Texas (the *Issuer*) has determined that it is advisable and necessary to issue and sell one or more series of certificates of obligation (the *Certificates*) in an amount not to exceed \$46,000,000 as provided pursuant to the provisions of the Certificate of Obligation Act of 1971, as amended, Texas Local Government Code, Section 271.041 through 271.065, for the purpose of paying contractual obligations of the Issuer to be incurred for making permanent public improvements and for other public purposes, to-wit: (1) constructing, improving, renovating and equipping public safety facilities, including fire protection facilities (construction of new and renovation of existing fire stations throughout the City, construction of a new fire protection services facility, and construction of a new water rescue training center) and law enforcement facilities (renovation of existing police stations and related facilities), (2) constructing, renovating, and improving drainage facilities, sidewalks, bridges, and streets (along with drainage incidental thereto) throughout the City, including construction, renovation, improvement, and/or expansion of 24th Street, Hardy Oak, various streets and related infrastructure within the Medical Center, Mission, Roosevelt, Alamo, South New Braunfels, and the Mission Trails (from the Alamo to Mission Espada), (3) constructing, renovating, improving, and equipping cultural, recreation, and park facilities, including renovations and improvements at Beacon Hill Linear Park, Burbank High School (walking track), Ella Austin Community Center, Hillije, King William Park, La Villita, Main Plaza, Market Square, Medina Valley High Future Palms, MLK/Wheatley Heights Sportsplex, Palm Heights, San Antonio Riverwalk, and Woodlawn Lake, renovations and improvements to the City's Central Library and construction and equipping of new libraries, and expansion, renovation, equipment, and improvement of the Carver Community Cultural Center, the College Access Center, the Early Childhood Center, and the Senior Center Facility, (4) constructing, renovating, and improving municipal facilities, including construction of a new Eastside Education and Workforce Development Center, renovations to animal care facilities, solid waste, public works, street, storm water, and fleet service maintenance facilities, and City-owned community family resource learning centers, (5) constructing, renovating, improving, and equipping certain municipally-owned golf courses, (6) purchasing materials, supplies, equipment, machinery, land, and rights-of-way for authorized needs and purposes relating to public safety, solid waste, drainage, flood control, street, library, parks, cultural, recreational, utility infrastructure, and public works purposes, and (7) the payment of professional services related to the construction and financing of the aforementioned projects; and

WHEREAS, prior to the issuance of the Certificates, the Governing Body is required to publish notice of its intention to issue the Certificates in a newspaper of general circulation in the Issuer, such notice stating: (i) the time and place the Governing Body tentatively proposes to pass the ordinance authorizing the issuance of the Certificates, (ii) the maximum amount

proposed to be issued, (iii) the purposes for which the Certificates are to be issued, and (iv) the manner in which the Governing Body proposes to pay the Certificates; and

WHEREAS, the Governing Body hereby finds and determines that such documents pertaining to the sale of the Certificates should be approved, and the Issuer should proceed with the giving of notice of intention to issue the Certificates in the time, form, and manner provided by law; and

WHEREAS, the Governing Body hereby finds and determines that the adoption of this Ordinance is in the best interests of the citizens of the Issuer; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO THAT:

SECTION 1: The City Clerk is hereby authorized and directed to cause notice to be published of the Governing Body's intention to issue the Certificates in an amount not to exceed \$46,000,000 for the purpose of paying contractual obligations of the Issuer to be incurred for making permanent public improvements and for other public purposes, to-wit: (1) constructing, improving, renovating and equipping public safety facilities, including fire protection facilities (construction of new and renovation of existing fire stations throughout the City, construction of a new fire protection services facility, and construction of a new water rescue training center) and law enforcement facilities (renovation of existing police stations and related facilities), (2) constructing, renovating, and improving drainage facilities, sidewalks, bridges, and streets (along with drainage incidental thereto) throughout the City, including construction, renovation, improvement, and/or expansion of 24th Street, Hardy Oak, various streets and related infrastructure within the Medical Center, Mission, Roosevelt, Alamo, South New Braunfels, and the Mission Trails (from the Alamo to Mission Espada), (3) constructing, renovating, improving, and equipping cultural, recreation, and park facilities, including renovations and improvements at Beacon Hill Linear Park, Burbank High School (walking track), Ella Austin Community Center, Hillije, King William Park, La Villita, Main Plaza, Market Square, Medina Valley High Future Palms, MLK/Wheatley Heights Sportsplex, Palm Heights, San Antonio Riverwalk, and Woodlawn Lake, renovations and improvements to the City's Central Library and construction and equipping of new libraries, and expansion, renovation, equipment, and improvement of the Carver Community Cultural Center, the College Access Center, the Early Childhood Center, and the Senior Center Facility, (4) constructing, renovating, and improving municipal facilities, including construction of a new Eastside Education and Workforce Development Center, renovations to animal care facilities, solid waste, public works, street, storm water, and fleet service maintenance facilities, and City-owned community family resource learning centers, (5) constructing, renovating, improving, and equipping certain municipally-owned golf courses, (6) purchasing materials, supplies, equipment, machinery, land, and rights-of-way for authorized needs and purposes relating to public safety, solid waste, drainage, flood control, street, library, parks, cultural, recreational, utility infrastructure, and public works purposes, and (7) the payment of professional services related to the construction and financing of the aforementioned projects. The Certificates will be payable from the levy of an annual ad valorem tax, within the limitations prescribed by law, upon all taxable property within the Issuer and additionally from a pledge of and lien on certain revenues derived from the operation of the Issuer's municipally owned parks. The notice hereby approved and authorized to be published shall read substantially

in the form and content of Exhibit B attached hereto, which notice is incorporated herein by reference as a part of this Ordinance for all purposes.

SECTION 2: The City Clerk shall cause the notice described in Section 3 to be published in a newspaper of general circulation in the Issuer, once a week for two consecutive weeks, the date of the first publication shall be at least thirty (30) days prior to the date stated therein for passage of the ordinance authorizing the issuance of the Certificates.

SECTION 3: The City Clerk is directed to maintain a copy of this Ordinance in the Issuer's official records in a manner that will allow any member of the general public to review this Ordinance during the normal business hours of the Issuer during the period beginning thirty (30) days after the adoption hereof and ending on the date of issuance of the Certificates.

SECTION 4: The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Governing Body.

SECTION 5: All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

SECTION 6: This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 7: If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Governing Body hereby declares that this Ordinance would have been enacted without such invalid provision.

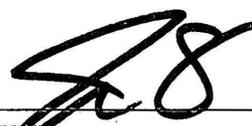
SECTION 8: It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 9: The effective date of this Ordinance shall be governed by the provisions of Section 1-15 of the City Code of San Antonio, Texas and this Ordinance shall become effective immediately upon its passage by eight affirmative votes, and it is so enacted.

[The remainder of this page intentionally left blank.]

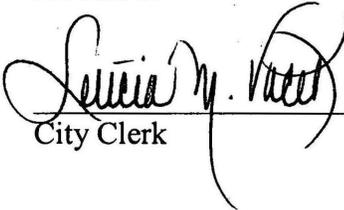
PASSED AND APPROVED, this the 6th day of May, 2010.

CITY OF SAN ANTONIO



Mayor
JULIÁN CASTRO

ATTEST:

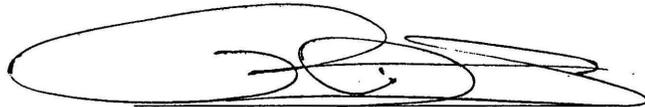


City Clerk



(CITY SEAL)

I, the undersigned, City Attorney of the City of San Antonio, Texas, hereby certify that I read, passed upon, and approved as to form the foregoing Ordinance prior to its adoption and passage as aforesaid.



Michael D. Bernard, City Attorney
City of San Antonio, Texas

Exhibit A

NOTICE OF INTENTION TO ISSUE CITY OF SAN ANTONIO, TEXAS CERTIFICATES OF OBLIGATION

NOTICE IS HEREBY GIVEN that the City Council of the City of San Antonio, Texas will convene at its regular meeting place in the Municipal Plaza Building in San Antonio, Texas, at 9:00 o'clock A.M., San Antonio, Texas time on June 10, 2010, and, during such meeting, the City Council will consider the passage of an ordinance or ordinances and take such other actions as may be deemed necessary to authorize the issuance of one or more series of certificates of obligation in an aggregate principal amount not to exceed \$46,000,000 for the purpose or purposes of paying contractual obligations of the City to be incurred for making permanent public improvements and for other public purposes, to-wit: (1) constructing, improving, renovating and equipping public safety facilities, including fire protection facilities (construction of new and renovation of existing fire stations throughout the City, construction of a new fire protection services facility, and construction of a new water rescue training center) and law enforcement facilities (renovation of existing police stations and related facilities), (2) constructing, renovating, and improving drainage facilities, sidewalks, bridges, and streets (along with drainage incidental thereto) throughout the City, including construction, renovation, improvement, and/or expansion of 24th Street, Hardy Oak, various streets and related infrastructure within the Medical Center, Mission, Roosevelt, Alamo, South New Braunfels, and the Mission Trails (from the Alamo to Mission Espada), (3) constructing, renovating, improving, and equipping cultural, recreation, and park facilities, including renovations and improvements at Beacon Hill Linear Park, Burbank High School (walking track), Ella Austin Community Center, Hillije, King William Park, La Villita, Main Plaza, Market Square, Medina Valley High Future Palms, MLK/Wheatley Heights Sportsplex, Palm Heights, San Antonio Riverwalk, and Woodlawn Lake, renovations and improvements to the City's Central Library and construction and equipping of new libraries, and expansion, renovation, equipment, and improvement of the Carver Community Cultural Center, the College Access Center, the Early Childhood Center, and the Senior Center Facility, (4) constructing, renovating, and improving municipal facilities, including construction of a new Eastside Education and Workforce Development Center, renovations to animal care facilities, solid waste, public works, street, storm water, and fleet service maintenance facilities, and City-owned community family resource learning centers, (5) constructing, renovating, improving, and equipping certain municipally-owned golf courses, (6) purchasing materials, supplies, equipment, machinery, land, and rights-of-way for authorized needs and purposes relating to public safety, solid waste, drainage, flood control, street, library, parks, cultural, recreational, utility infrastructure, and public works purposes, and (7) the payment of professional services related to the construction and financing of the aforementioned projects. The certificates of obligation (the *Certificates*) will be payable from the levy of an annual ad valorem tax, within the limitations prescribed by law, upon all taxable property within the City and from a lien on and pledge of certain revenues derived by the City from the operation of the City's municipally owned parks. The Certificates are to be issued, and this notice is given, under and pursuant to the provisions of the Certificate of Obligation Act of 1971, as amended, Texas Local Government Code Section 271.041 through Section 271.065, Chapter 1502, as amended, Texas Government Code, and the City's Home Rule Charter.

/s/ Leticia Vacek
City Clerk
City of San Antonio, Texas

Agenda Item:	18						
Date:	05/06/2010						
Time:	07:26:13 PM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing and approving publication of Notice of Intention to issue "City of San Antonio, Texas Combination Tax and Revenue Certificates of Obligation, Series 2010" in a maximum principal amount up to \$46,000,000.00; and providing for an effective date. [Pat DiGiovanni, Deputy City Manager; Ben Gorzell, Chief Financial Officer, Finance]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		x				x
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x				
Leticia Cantu	District 4	x					
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				
Justin Rodriguez	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
John G. Clamp	District 10		x			x	