

A RESOLUTION
NO. 86-54-65

AUTHORIZING THE DOWNTOWN IMPROVEMENT DISTRICT
IN SAN ANTONIO, INSTRUCTING PUBLICATION OF THIS
AUTHORIZATION, AND ASSIGNING RESPONSIBILITY FOR
PREPARATION OF A SERVICE AND ASSESSMENT PLAN

WHEREAS, a petition was submitted pursuant to Article 1269j-4.12, V.A.C.S. (the Act) to Norma S. Rodriguez, City Clerk, containing sufficient signatures of property owners as required in Sections 1 and 5(b) of the Act, and containing all other required information pursuant to Section 5(a) of the Act; which requested the establishment of a Downtown Improvements Special Assessment District; and

WHEREAS, the City Council public hearing was held after notice was published in local newspapers of general circulation and mailed to property owners in the proposed district pursuant to Article 1269j-4.12, V.A.C.S., Section 7; and

WHEREAS, City Council, by resolution passed and approved on November 20, 1986, made findings as to the advisability of the improvement, the estimated cost, the method of assessment and the apportionment of cost between the improvement district and the City as a whole; and

WHEREAS, it is the desire of the City to assure the implementation of Phase II A of the TriParty Downtown Transportation Improvements Plan including the award of a grant from the Urban Mass Transportation Administration, U.S. Department of Transportation which is contingent upon the petitioning for and establishment of a special assessment district to provide a portion of the local matching funds for the Federal Grant in connection with the TriParty Downtown Transportation Improvements Project; NOW THEREFORE:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

- 1) The Downtown Improvement District is authorized to be and is hereby established as a public improvement district under Article 1269j-4.12, V.A.C.S. in accordance with the City Council's findings numbered 1 - 9 in by Resolution Number 86-54-64 passed and approved November 20, 1986.
- 2) The City Clerk is hereby directed to give notice of the authorization for establishment of the public improvement district by publishing the resolution once in at least one local newspaper of general circulation in the City of San Antonio. Such authorization shall take effect and the public improvement district shall be deemed to be established effective upon the publication of such notice.

- 3) The City Manager is assigned and authorized to cause preparation of a service and assessment plan in accordance with Article 1269j-4.12(9).
- 4) No actual construction of improvements by the District shall begin until at least 20 days after authorization of the district takes effect.

PASSED AND APPROVED THIS 20th DAY OF November, 1986.

Henry Cisneros
M A Y O R

ATTEST: *Norma S. Rodriguez*
City Clerk

APPROVED AS TO FORM: *John P. Wilkins*
City Attorney

86-54

**AUTHORIZING
DOWNTOWN
IMPROVEMENT
DISTRICT**

ITEM NO. 4C

DATE: NOV 20 1986

MEETING OF THE CITY COUNCIL

DATE: _____

MOTION BY: Berriozabal

SECONDED BY: Dutmer

ORD. NO. _____

ZONING CASE _____

RESOL. 86-54-65

PETITION _____

AVIATION	
BUDGET & RESEARCH	1
BUILDING INSPECTIONS	
BUILDING INSPECTIONS-HOUSE NUMBER	
CITY WATER BOARD	
CITY ATTORNEY	
COMMERCIAL RECORDER	1
CONVENTION & VISITORS BUREAU	
CONVENTION FACILITIES	
ECONOMIC & EMPLOYMENT DEVELOPMENT	
EQUAL EMPLOYMENT OPPORTUNITY	
FINANCE DIRECTOR	1
ASSESSOR	1
CONTROLLER	1
TREASURY DIVISION	1
GRANTS	
INTERNAL AUDIT	
RISK MANAGEMENT	
FIRE DEPARTMENT	
HUMAN RESOURCES & SERVICES	
INFORMATION RESOURCES	
LIBRARY	
MARKET SQUARE	
METROPOLITAN HEALTH DISTRICT	
MUNICIPAL COURTS	
PARKS & RECREATION	
PERSONNEL	
PLANNING	
POLICE DEPARTMENT	
PUBLIC UTILITIES	
PUBLIC WORKS	
ENGINEERING	
CENTRAL MAPPING	
REAL ESTATE	
TRAFFIC ENGINEERING	
PURCHASING & GENERAL SERVICES	
WASTEWATER MANAGEMENT	
DOWNTOWN INITIATIVES	1
SPECIAL PROJECTS - CITY MANAGER	
File-"DOWNTOWN IMPROVEMENT DISTRICT"	

	ROLLCALL	AYES	NAYS
MARIA BERRIOZABAL PLACE 1		✓	
JOE WEBB PLACE 2		✓	
HELEN DUTMER PLACE 3		✓	
FRANK D. WING PLACE 4			X
WALTER MARTINEZ PLACE 5		✓	
BOB THOMPSON PLACE 6		✓	
YOLANDA VERA PLACE 7		✓	
G.E. HARRINGTON PLACE 8		<i>absent</i>	
WEIR LABATT PLACE 9		✓	
JAMES C. HASSLOCHER PLACE 10		✓	
HENRY G. CISNEROS PLACE 11 (MAYOR)		✓	

PUBCISA!

86-54

#1

18-01-01
CITY OF SAN ANTONIO

Interdepartment Correspondence Sheet

AGENDA ITEM NO. 40-4:00PM

TO: Mayor and City Council
FROM: Frank Perry, Director, Department of Downtown Initiatives
COPIES TO: File
SUBJECT: Proposed Downtown Improvement Special Assessment District

Date November 17, 1986

SUMMARY AND RECOMMENDATION

Following the 4:00 p.m. City Council public hearing as to the advisability of establishing a Downtown Improvement Special Assessment District as proposed in a petition from a majority of Downtown property owners pursuant to 1269J 4.12 V.A.C.S., two Resolutions are prepared for City Council consideration. One is Resolution finding that it is advisable to establish the proposed District. The second is a Resolution establishing the Downtown Improvement District and instructing that the Resolution be published as required by law. Staff recommends approval of both Resolutions.

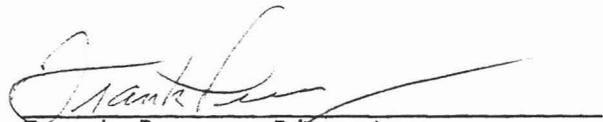
POLICY CONSIDERATIONS

Discussion at the City Council "B" Session on November 6, 1986 raised a question of broader representation in governing of the proposed District centered around a thirteen member board of Downtown Improvement District, Inc. This matter is clarified in a legal opinion from Acting City Attorney Tom Finlay (copy attached) advising that City Council has sole governing responsibility for the Assessment District. Downtown Improvement District, Inc. is proposed in the petition to administer the special assessment district and would contract with the City to provide accounting and contracting services. This affords opportunity for the private sector in the public-private partnership administrative review of accomplishments toward the plan and sign off for release of payments with special assessment funds.

It is recommended that City Council not designate an advisory body as provided in the State law. Such a large advisory body would be cumbersome in the decision-making process and very difficult to maintain from year to year with such uncontrollable variables as changes in ownership.

FINANCIAL CONSIDERATIONS

The proposed Special Assessment District will be self supporting out of the proposed assessment and will provide \$5,200,000 in capital improvements funds for the TriParty Downtown Transportation Improvements project. This principal amount, together with funds for management fees, administrative costs and interest is expected to require an assessment rate of approximately \$.04 per \$100 valuation assuming a ten-year ammortization.



Frank Perry, Director
Department of Downtown Initiatives

APPROVED:



Louis J. Fox
City Manager

CITY OF SAN ANTONIO

Interdepartment Correspondence Sheet

TO: Frank Perry, Director, Department of Downtown Initiatives

FROM: Tom Finlay, Acting City Attorney

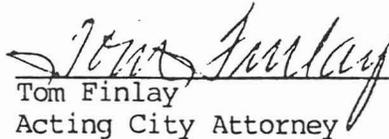
COPIES TO: File

SUBJECT: Petition for Downtown Public Improvement District

Date November 4, 1986

The petition submitted to the City, as drawn up by the Downtown Owners Association for a Downtown Public Improvement District, provides for a thirteen (13) member Board of Downtown Improvement District, Inc. to administer the Improvement District, not govern it. City Council is responsible under 1269J, V.A.C.S., to govern the District. The administrative board will only be able to carry out policy established by City Council. It is my understanding that the administrative entity, Downtown Improvement District, Inc., intends to contract with the City of San Antonio for accounting and all professional and construction services to be carried out.

The Act, 1269J, V.A.C.S., makes provision for the composition of an advisory body if the local governing body (City Council) desires to have one; however, it is not required. If City Council chooses to appoint an advisory body, the advisory body must (not may) be composed of more than 50 percent of owners of record of property or record owners of property of more than 50 percent of the land area and owners of taxable property representing more than 50 percent of the appraised value of the taxable real property including the value of structures and other improvements within the district determined by the current tax roll. The petition submitted to the City met the criteria and the signers of the petition could be designated by City Council as advisory to the City Council. However, such a large (over 90 persons) body would be cumbersome in the decision-making process and very difficult to maintain from year to year with changes in ownership, etc.



Tom Finlay
Acting City Attorney

file
17

STATE OF TEXAS)
COUNTY OF BEXAR)

BEFORE ME, the undersigned authority:

personally appeared Linda Kriewald

to me personally known to be the Bookkeeper

OF THE EXPRESS-NEWS CORPORATION, daily newspapers published in the City of San Antonio,
in the county and state aforesaid, and being by me first duly sworn, deposes and says that the

advertisement of
CITY OF SAN ANTONIO
CITY CLERK

appeared in all editions of said newspaper on the following dates:
NOVEMBER 24, 1986.

Subscribed and sworn to this 26th day of NOVEMBER



[Signature]
Notary Public

My Commission Expires _____

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- 3) The City Manager is assigned and authorized to cause preparation of a service and assessment plan in accordance with Article 1269f-4.12(f).
- 4) No actual construction of improvements by the District shall begin until at least 20 days after authorization of the district takes effect.

PASSED AND APPROVED THIS 2ND DAY OF NOVEMBER, 1986.
 /s/ HENRY G. CISNEROS
 MAYOR
 ATTEST: /s/ NORMA S. RODRIGUEZ
 City Clerk