

A RESOLUTION **2010-05-06-0021R**

**DESIGNATING THE EDWARDS AQUIFER PROTECTION VENUE PROJECT AND THE PARKS DEVELOPMENT AND EXPANSION VENUE PROJECT UNDER LOCAL GOVERNMENT CODE CHAPTER 334 AND REAUTHORIZING THE CURRENT 1/8TH CENT SALES AND USE TAX TO FUND THESE VENUE PROJECTS.**

\* \* \* \* \*

**WHEREAS**, the City Council of the City of San Antonio, Texas ("City Council") desires to provide for the planning, acquisition, establishment, development, construction or renovation of two venue projects ("Venue Projects") as authorized by, and defined in, Chapter 334, Texas Local Government Code, as amended ("Chapter 334"), which is described in Section 2 below; and

**WHEREAS**, if the Venue Projects described herein are approved by the voters under Chapter 334, the City may use money received from the sales and use tax approved by the voters to reimburse or pay the costs of planning, acquiring, establishing, developing, constructing, monitoring, maintaining or renovating such approved Venue Projects, or pay the principal and interest on, and other costs relating to bonds or other obligations issued by the City to finance these Venue Projects; and

**WHEREAS**, Chapter 334, Section 334.024, authorizes the City to order an election on the question of approving and implementing this Resolution and approving these Venue Projects and the method of financing; and

**WHEREAS**, Chapter 334, Section 334.022, requires the City before calling an election, to send a copy of this Resolution to the State Comptroller, who shall before the 15<sup>th</sup> day after the date she receives a copy of this Resolution, (1) perform an analysis to determine if approval and implementation of this Resolution will have a significant negative fiscal impact on state revenue, and (2) provide the City written notice of the results of the analysis; and

**WHEREAS**, Chapter 334, Section 334.022, further provides that if the Comptroller determines that implementation of this Resolution will have a significant negative impact on state revenue, the written analysis required thereunder must include information on how to change this Resolution so that implementation will not have a significant negative fiscal impact on state revenue; and

**WHEREAS**, Chapter 334 provides that if the Comptroller determines that implementation of this Resolution will not have a significant negative impact on state revenue or if the Comptroller has not provided the analysis by the 30<sup>th</sup> day, the City Council may order an election on the question of approving and implementing this Resolution; and

**WHEREAS**, the City Council further desires to authorize and direct the City Manager to forward a copy of this Resolution to the State Comptroller as required by Section 334.022 for her review and analysis as prescribed therein, prior to the City Council's consideration of an order calling an election under Chapter 334; and

**WHEREAS**, it is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public; and that public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code;

**NOW THEREFORE:**

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

**SECTION 1. INTENTION TO PROVIDE FOR VENUE PROJECTS.** The City Council does hereby adopt this Resolution to provide for the planning, acquisition, establishment, development, construction, monitoring, maintenance or renovation of two "Venue Projects" as defined by Chapter 334, and as described herein, and to provide for the financing of both Venue Projects by the continued imposition of a sales and use tax at the rate of one-eighth of one percent (1/8 of 1%), upon approval of the Venue Projects designated in Section 2, and the method of financing thereof, by the voters of the City at an election to be called by the City Council.

**SECTION 2. DESIGNATION OF THE VENUE PROJECTS.** The City Council does hereby designate the following project authorized by Section 334.001(4)(F) of Chapter 334 as a "Venue Project" and hereby declares its intention to finance and to provide for the planning, acquisition, establishment, development, construction, monitoring, maintenance or renovation thereof, all pursuant to authority granted by Chapter 334 (referred to herein as the Edwards Aquifer Protection Venue Project):

*The acquisition of property for a conservation easement or open-space preservation program intended to protect water in the Edwards Aquifer.*

The City Council does hereby designate the following project authorized by Section 334.001(4)(D) of Chapter 334 as a "Venue Project" and hereby declares its intention to finance and to provide for the planning, acquisition, establishment, development, construction, monitoring, maintenance, or renovation thereof, all pursuant to authority granted by Chapter 334 (referred to herein as the "Parks Development and Expansion Venue Project"):

*The acquisition of open space and linear parks along Leon Creek, Salado Creek, Medina River, San Antonio River, and the Westside Creeks of San Antonio, being the Apache, Alazan, Martinez, and San Pedro and for improvements and additions to the Municipal Parks and Recreation System.*

**SECTION 3. DESIGNATION OF THE METHOD OF FINANCING FOR THE VENUE PROJECTS.** The City Council does hereby designate and determine that the method

of financing for the Edwards Aquifer Protection Venue Project and the Parks Development and Expansion Venue Project, if approved by the voters, shall be through the imposition of a sales and use tax at the rate of one-eighth of one percent (1/8 of 1%), a portion of which tax will be shared if both Projects are approved by the voters.

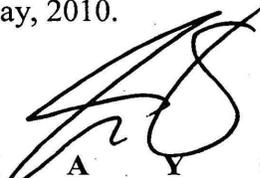
**SECTION 4. AUTHORIZING AND DIRECTING CITY MANAGER TO SUBMIT RESOLUTION TO STATE COMPTROLLER.** The City Council does hereby authorize and direct the City Manager to submit a copy of this Resolution to the State Comptroller, as required by the provisions of Section 334.022 of the Texas Local Government Code, for her review and analysis as required by the provisions of such Section. Upon receipt of notice from the Comptroller that she has determined that implementation of this Resolution will not have significant negative impact on state revenue, the City Manager is authorized and directed to bring before the City Council for its consideration an ordinance calling an election pursuant to the authority and requirements of Chapter 334.

**SECTION 5. INCORPORATION OF RECITALS.** The City Council hereby finds that the statements set forth in the recitals of this Resolution are true and correct, and the City Council hereby incorporates such recitals as a part of this Resolution.

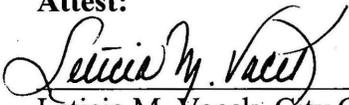
**SECTION 6. SEVERABILITY.** If any provision of this Resolution or the application thereof to any circumstance shall be held to be invalid, the remainder of this Resolution and the application thereof to other circumstances shall nevertheless be valid, and this governing body hereby declares that this Resolution would have been enacted without such invalid provision.

**SECTION 7. EFFECTIVE DATE.** This ordinance becomes effective 10 days after passage, unless it receives the eight votes requisite to immediate effectiveness under San Antonio Municipal Code § 1-15, in which case it becomes effective immediately.

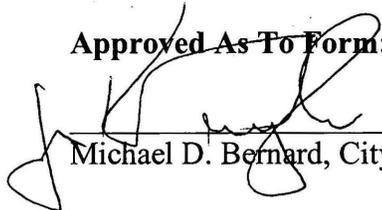
**PASSED AND APPROVED** this 6<sup>th</sup> day of May, 2010.

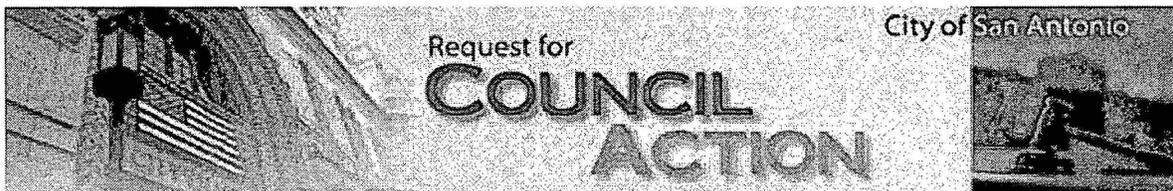
  
M A Y O R  
Julián Castro

**Attest:**

  
Leticia M. Vacek, City Clerk

**Approved As To Form:**

  
Michael D. Bernard, City Attorney



## Agenda Voting Results - 16

<b>Name:</b>	16						
<b>Date:</b>	05/06/2010						
<b>Time:</b>	07:20:30 PM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	A Resolution designating the Edwards Aquifer Protection Venue Project and the Parks Development and Expansion Venue Project under Local Government Code Chapter 334 and reauthorizing the current 1/8th cent sales and use tax to fund these venue projects. [Penny Post oak Ferguson, Assistant City Manager; Mike Frisbie, Director, Capital Improvements Management Services]						
<b>Result:</b>	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			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				

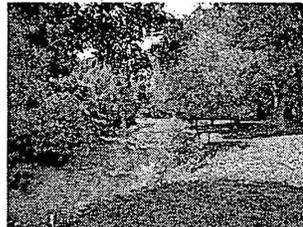
# Resolution Reauthorizing Sales Tax Venues for Edwards Aquifer Protection and Linear Creekway Projects

CIMS Department – Mike Frisbie, P.E.  
Parks & Recreation Department – Xavier Urrutia

City Council Presentation

Item #16  
May 6, 2010

## Request



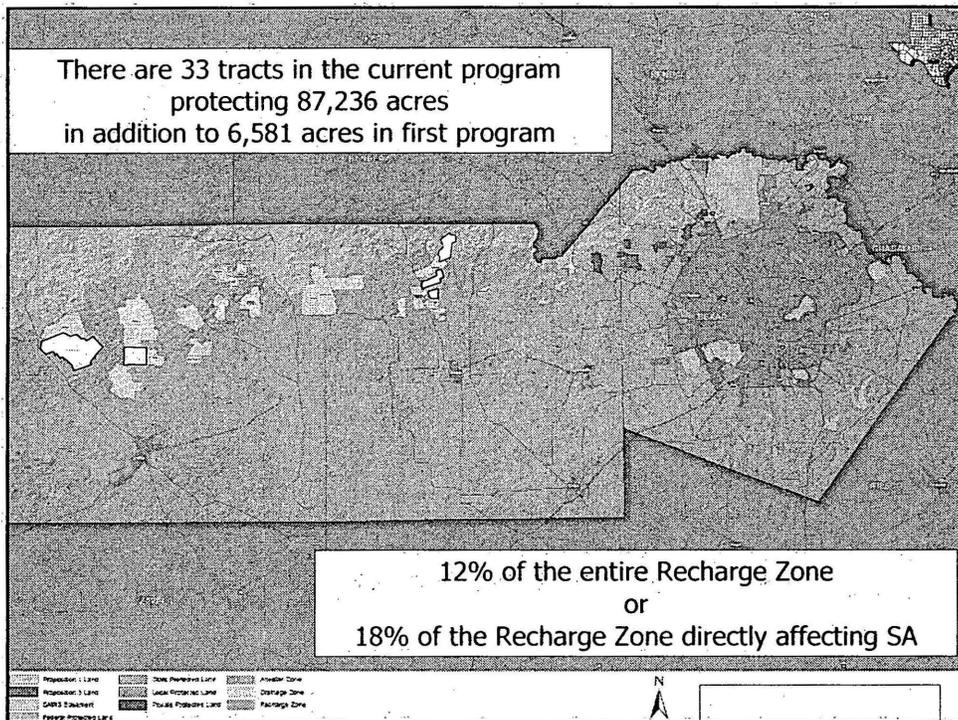
Approval of Resolution re-designating Edwards Aquifer Protection Project and Parks Development and Expansion Project (Linear Creekways) as Venue Projects under Local Government Code 334.

Resolution is first step in process to present the programs to voters in November 2010 for reauthorization and extension of 1/8th cent "Sales and Use Tax" to fund these venues.

## Background Information

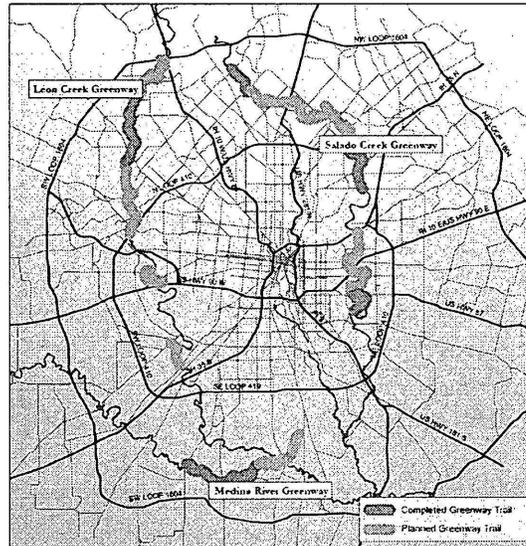
- May 2000 voters approved Proposition 3, a parks and aquifer protection program
- May 2005 voters approved Propositions 1 & 2:
  - the Edwards Aquifer Protection Program and
  - the Linear Creekways Parks Program
- 1/8 of 1 cent sales tax up to the collection of
  - \$90 million for Aquifer Protection, and
  - \$45 million for Linear Creekway Parks

3

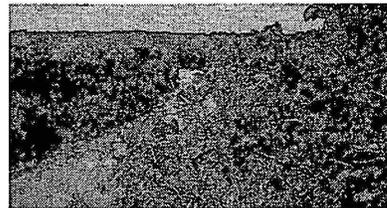


# Linear Creekways

- Since inception of Linear Creekways Parks System,
  - over **1,000 acres** of Creekway properties preserved as public park space
  - construction of over **16 miles** of accessible multi-use paths open to public for recreation and
  - an additional **25 miles** of trails currently under design or construction.



# Election Process



- Upon adoption of this Resolution,
  1. request to State Comptroller for determination of fiscal impact of the 1/8th cent sales extension;
  2. ordinance calling the November election, expected to come forward to Council on June 10;
  3. ordinances approving elections contract with Bexar County and any changes to the election information to include polling sites, etc.;
  4. ordinance canvassing the election;
  5. ordinances establishing the venue fund.