

ORDINANCE

APPROVING A FUNDING AGREEMENT BETWEEN THE WESTSIDE TAX INCREMENT REINVESTMENT ZONE BOARD OF DIRECTORS AND THE CITY OF SAN ANTONIO FOR AN AMOUNT NOT TO EXCEED \$6,597,500.00 FOR PUBLIC IMPROVEMENTS AT HISTORIC MARKET SQUARE LOCATED IN COUNCIL DISTRICT #1, AND AUTHORIZING THE APPROPRIATION AND AMENDING OF THE FY2023-FY2028 CAPITAL IMPROVEMENTS PROGRAM.

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WHEREAS, in accordance with the Tax Increment Financing Act, Texas Tax Code, Chapter 311 (the “Act”), the City through Ordinance No. 2008-12-11-1173 established Tax Increment Reinvestment Zone Number Thirty, San Antonio, Texas, known as the Westside TIRZ (“TIRZ”), to promote development and redevelopment which would not otherwise occur solely through private investment in the reasonably foreseeable future and created the Board and authorized the Board to exercise all the rights, powers, and duties as provided to such boards under the Act; and

WHEREAS, in December 2022, the City of San Antonio’s Center City Development Office (“CCDO”) applied for funding from the City’s Tax Increment Financing Program (“TIF”) to undertake necessary capital and infrastructure improvements at Market Square, 514 W. Commerce St., San Antonio, Texas 78207 and located in Council District 1 within the boundaries of the Westside TIRZ; and

WHEREAS, the proposed funding will be utilized for public infrastructure, public improvement costs, and other necessary costs to complete the Market Square Project; and

WHEREAS, the cost for capital improvements related to infrastructure upgrades at Market Square is approximately \$6,597,500.00 plus Interest Expenses with plans to provide for replacement of mechanical systems such as HVAC, and upgrade façade, plaza lighting and shade structures, as well as funding for public art; and

WHEREAS, in accordance with Section 311.010(b) of the Act, the Board is authorized to enter into agreements to dedicate revenue from the tax increment fund to pay for eligible project costs related to the construction of public infrastructure and eligible project costs that benefit the TIRZ; and

WHEREAS, on December 6, 2022, the Westside TIRZ board approved Resolution T30 2022-12-06-01R authorizing a Funding Agreement in an amount not to exceed \$6,597,500 for public improvements, public infrastructure and public art at Historic Market Square located in Council District #1; and

WHEREAS, it is now necessary for the City Council to approve the Funding Agreement. **NOW THEREFORE:**

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

SECTION 1. The terms and conditions of the Funding Agreement, attached hereto as **Exhibit A**, between CCDO and the Board to provide available tax increment funding in an amount not to exceed

SIX MILLION FIVE HUNDRED NINETY-SEVEN THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS (\$6,597,500.00) plus Interest Expenses for eligible project costs for Market Square, 514 W. Commerce St., San Antonio, Texas 78207 and within the Westside TIRZ in City Council District 1, are hereby approved.

SECTION 2. The City Manager or his designee is authorized to execute this Agreement, which has been incorporated into this Ordinance for all purposes.

SECTION 3. TIF Department staff is hereby authorized to amend the Westside TIRZ Project and Finance Plans to include this Project.

SECTION 4. Funds in the amount of \$6,597,500.00 are authorized to be appropriated in Fund 29086026, Internal Order 39000000xxxx and GL account 6102100 and amends the FY 2023 – FY 2028 Capital Improvement Program.

SECTION 5. Funds in the amount of \$6,597,500.00 are authorized to be transferred and shall be appropriated in Fund 45099000, WBS Element 23-0xxxx-90-xx-xx-xx and GL account 6101100.

SECTION 6. Funds in the amount of \$6,500,000.00 shall be appropriated in Fund 45099000, WBS Element 23-0xxx-05-02-0x and GL account 5201140.

SECTION 7. Funds in the amount of \$97,500.00 shall be appropriated in Fund 45099000, WBS Element 23-0xxx-05-02-0x and GL account 5201140.

SECTION 8. The financial allocations in this Ordinance are subject to approval by the Deputy Chief Financial Officer, City of San Antonio. The Deputy Chief Financial Officer may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 9. This Ordinance shall be effective immediately upon passage by eight affirmative votes; otherwise, it shall be effective on the tenth day after passage.

[SIGNATURES ON FOLLOWING PAGE]

TR
6/15/23
Item No. 23-192216

PASSED AND APPROVED this ____ day of June, 2023.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, Acting City Clerk

Andrew Segovia, City Attorney

TR
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Exhibit A