

ORDINANCE

2022-05-05-0308

**APPROVING THE ISSUANCE BY THE LAS VARAS PUBLIC FACILITY CORPORATION OF ITS MULTIFAMILY HOUSING REVENUE BONDS (RIVER TRAILS APARTMENTS) SERIES 2022 (THE "BONDS") FOR PURPOSES OF SECTION 147 (F) OF THE INTERNAL REVENUE CODE**

\* \* \* \* \*

**WHEREAS**, the Housing Authority of the City of San Antonio, Texas (the "Housing Authority") has, pursuant to the Texas Public Facility Corporations Act, Chapter 303 Texas Local Government Code, as amended (the "Act"), approved and created the Las Varas Public Facility Corporation, a Texas nonstock, nonprofit public facility corporation (the "Issuer"); and

**WHEREAS**, the Issuer is empowered to issue revenue bonds to finance the costs of residential ownership and development that will provide decent, safe, and sanitary housing at affordable prices for residents of the City of San Antonio (the "City"), and in furtherance of the public purposes of the Act; and

**WHEREAS**, the Issuer intends to issue its Sustainable Tax-Exempt Mortgage-Backed Bonds (the "Bonds") pursuant to the terms of the Act, to finance the costs of acquisition, rehabilitation, and equipping of an approximately 220-unit multifamily housing facility located at approximately 2914 Roosevelt Avenue, San Antonio, Bexar County, Texas 78214, to be known as the River Trails Apartments (f/k/a San Jose Apartments) (the "Project"), for the benefit of THF River Bend Apartments, LP (the "Borrower"); and

**WHEREAS**, pursuant to section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), the Issuer conducted a public hearing on March 21, 2022 (the "Hearing"), following reasonable public notice with respect to the Bonds and the Project and no comments were received; and

**WHEREAS**, in order to satisfy the requirements of section 147(f) of the Code, it is necessary for the City Council or the Mayor of the City in which the Project is located to approve the Bonds after the Hearing has been held, together with any other necessary elected official or governing body pursuant to the Code; and

**WHEREAS**, it is deemed necessary and advisable that this Ordinance be adopted; **NOW, THEREFORE:**

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

**SECTION 1.** This Ordinance is adopted for the purposes of section 147(f) of the Code and the regulations promulgated thereunder.

**SECTION 2.** The Bonds, which will be issued in a maximum aggregate principal amount not to exceed \$40,000,000 to finance the costs associated with the Project and to pay certain costs of issuance of the Bonds, are hereby approved pursuant to section 147(f) of the Code.

**SECTION 3.** The approvals herein given are in accordance with the provisions of section 147(f) of the Code, and are not to be construed as any undertaking by the City, and the Bonds shall never constitute an indebtedness or pledge of the City, or the State of Texas, within the meaning of any constitutional or statutory provision, and the holders of the Bonds shall never be paid in whole or in part out of any funds raised or to be raised by taxation or any part out of any funds raised or to be raised by taxation or any other revenues of the Issuer, the City, or the State of Texas, except those revenues assigned and pledged by the Issuer in the Trust Indenture to be executed by the Issuer in connection with the issuance of the Bonds.

**SECTION 4.** Funds received for this ordinance for administrative fees will be deposited in Fund 11001000, Internal Order 2800000000006 and General Ledger 4909930.

**SECTION 5.** 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 6.** 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 City Council.

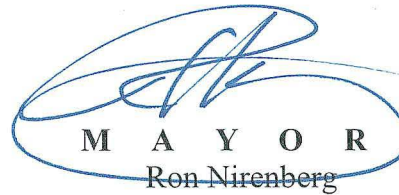
**SECTION 7.** All resolutions or ordinances, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

**SECTION 8.** This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

**SECTION 9.** If any section, paragraph, clause, or provision of this Ordinance shall be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance. In case any obligation of the Issuer authorized or established by this Ordinance, or the Bonds is held to be in violation of law as applied to any person or in any circumstance, such obligation shall be deemed to be the obligation of the Issuer to the fullest extent permitted by law.

**SECTION 10.** The effective date of this Ordinance shall be governed by the provisions of Section 1-15 of the City Code of San Antonio, Texas. This Ordinance shall take effect immediately if passed by eight (8) affirmative votes; otherwise, this Ordinance shall take effect ten (10) days from the date of passage.

**PASSED AND ADOPTED** by an affirmative vote of 11 members of the City Council of the City of San Antonio, Texas, this the 5th day of May, 2022.



M A Y O R  
Ron Nirenberg

**ATTEST:**



Debbie Racca-Sittre, Interim City Clerk

**APPROVED AS TO FORM:**



Andrew Segovia, City Attorney





## City of San Antonio

### City Council Meeting May 5, 2022

20.

2022-05-05-0308

Ordinance approving the issuance by the Las Varas Public Facility Corporation of its Multifamily Housing Revenue Bonds (River Trails Apartments) Series 2022 (the "Bonds") for purposes of Section 147 (f) of the Internal Revenue Code [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director of Finance]

Councilmember Viagran moved to Approve on the Consent Agenda. Councilmember Rocha Garcia seconded the motion. The motion carried by the following vote:

**Aye:** Nirenberg, Bravo, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello  
Havrda, Sandoval, Pelaez, Courage, Perry