



## CITY OF SAN ANTONIO

Tom Currah – Chief Revenue Estimator  
Lyndon B. Johnson State Office Building  
111 E. 17<sup>th</sup> Street  
Austin, TX 78774

RE: Request For State Fiscal Impact Analysis for City of San Antonio Chapter 334  
Venue Projects

Dear Mr. Currah,

The City of San Antonio plans to develop and finance the following two Venue Projects as authorized under Chapter 334 of the Texas Local Government Code: (1) an Aquifer Protection Project of acquiring land for a conservation easement or an open space preservation program and an associated recharge protection program under Section 334.001(4)(F) and (2) a Linear Park Project of acquiring open space and linear parks along various creeks in the City of San Antonio for improvements and additions to the City's Municipal Parks and Recreation System under Section 334.001(4)(D).

The City Council of the City of San Antonio designated the Venue Projects by Resolution, a certified copy of which is enclosed, adopted on Thursday, January 29, 2015 and plans to call an election to be held on May 9, 2015. The City has designated a 1/8 of 1% sales and use tax to finance both Venue Projects with revenue from the proposed tax to be shared between the projects in the event both projects are approved by the voters. As indicated in the Resolution the City intends to limit the total amount collected for these Venue Projects to \$100 million for the Aquifer Protection Program and \$80 million for the Linear Park Project.

The City of San Antonio requests a fiscal impact analysis from your office as required by Section 334.022 of the Texas Local Government Code. Please let us know if you need any other information in order to determine if the approval and implementation of the Venue Project Resolution will have a significant negative fiscal impact on State revenue.

Please note that the proposed sales and use tax would function as a continuation of currently existing sales and use tax of 1/8 of 1% which is being utilized to finance two Venue Projects which are extremely similar to the proposed Venue Projects. A tax in the same amount was approved by the voters of San Antonio three separate times, most recently in November 2010, and your office after conducting a similar fiscal impact review for a 1/8 of 1% sales and use tax increase found no negative state fiscal impact.

Thank you for your consideration and assistance in this matter. Should you have any questions, please do not hesitate to contact Stephen Whitworth, Assistant City Attorney, at 210-207-8940.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Peter Zanoni". The signature is fluid and cursive, with a prominent initial "P" and a trailing flourish.

Peter Zanoni  
Deputy City Manager

A RESOLUTION **2015-01-29-0005R**

**DESIGNATING THE EDWARDS AQUIFER PROTECTION  
VENUE PROJECT AND THE PARKS DEVELOPMENT AND  
EXPANSION VENUE PROJECT UNDER LOCAL  
GOVERNMENT CODE CHAPTER 334 AND AUTHORIZING  
THE CONTINUATION OF A 1/8 CENT SALES 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 he 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, provides that if the Comptroller determines that implementation of this Resolution will have a significant negative fiscal 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 further 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 his

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 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 A VENUE PROJECT.** The City Council does hereby adopt this Resolution to provide for the planning, acquisition, establishment, development, construction, monitoring, maintenance or renovation of a "Venue Project" 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 and the development of a recharge, recharge area or recharge feature protection program in the Edwards Aquifer Recharge and Contributing Zones both inside and outside Bexar County 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 development of linear parks along San Antonio's Creekways, specifically including the Leon Creek, Salado Creek, Medina River, San Antonio River, and tributaries, such as the Apache, Alazan, Culebra, Huesta, Huebner, Lorence, Martinez, Olmos, 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 his review and analysis as required by the provisions of such Section. Upon receipt of notice from the Comptroller that he 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 shall take effect immediately, upon passage by eight (8) affirmative votes.


PASSED AND APPROVED this 29th day of January, 2015.

  
M A Y O R  
Ivy R. Taylor

ATTEST:

  
Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

  
for Martha G. Sepeda, Acting City Attorney

STATE OF TEXAS  
COUNTY OF BEXAR  
CITY OF SAN ANTONIO



SS.

CERTIFIED COPY

The undersigned, the City Clerk of the City of San Antonio in the State and County afore said, does by these presents certify that the attached and foregoing is a true and exemplified copy of a part of the records, papers and books in the Office of the City Clerk; and, that I am the custodian of such papers, books and records as an officer of the City of San Antonio.

Given under my hand and the official seal of the City of San Antonio, this 29<sup>th</sup>  
day of January, A. D. 2015  
(SEAL)

Laura Vaca  
City Clerk, City of San Antonio.



<b>Agenda Item:</b>	4						
<b>Date:</b>	01/29/2015						
<b>Time:</b>	11:16:26 AM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	A Resolution designating the Edwards Aquifer Protection Venue Project at \$100 million and the Parks Development and Expansion Venue Project at \$80 million funded by a 1/8th cent sales and use tax under Local Government Code Chapter 334. [Peter Zanoni, Deputy City Manager; Mike Etienne, EastPoint and Real Estate Services; Xavier Urrutia, Director, Parks and Recreation]						
<b>Result:</b>	Passed						
<b>Voter</b>	<b>Group</b>	<b>Not Present</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Motion</b>	<b>Second</b>
Ivy R. Taylor	Mayor		x				
Roberto C. Trevino	District 1		x				
Alan Warrick	District 2		x				
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				x
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x			x	
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				