

JYW
05/07/2020
Item No. 14

RESOLUTION **2020-05-07-0029R**

DECLARING A NEED FOR THE TEXAS HOUSING FOUNDATION TO EXERCISE ITS POWERS IN THE CITY OF SAN ANTONIO, TEXAS; AND AUTHORIZING A COOPERATION AGREEMENT.

* * * * *

WHEREAS, the City Council of the City of San Antonio finds that there exists in the City of San Antonio (“City”) a shortage of safe and sanitary housing available to lower income residents at rents they can afford; and

WHEREAS, the Texas Housing Foundation, a Texas Regional Housing Authority, (“Housing Authority”) has significant experience in providing, developing, financing, and managing housing projects that are affordable to lower income residents and are assets to the community; and

WHEREAS, the Texas Housing Foundation proposes to plan, develop, finance, construct, rehabilitate, and operate multifamily housing rental housing projects to meet the affordable housing needs for low-income families and senior citizens in the City of San Antonio; and

WHEREAS, Texas Local Government Code, Section 392.017 (d) requires that the governing body of a municipality adopt a resolution declaring a need for a regional housing authority to exercise its powers in the City and authorize a cooperation agreement under Section 392.059 of the Local Government Code; and

WHEREAS, the City’s municipal housing authority, San Antonio Housing Authority, has also approved the exercise of the Housing Authority’s powers within its jurisdiction and has entered into a cooperation agreement with the Housing Authority; and

WHEREAS, the City Council of the City of San Antonio hereby finds that authorizing the Housing Authority to undertake affordable housing projects as described herein will serve the City’s need to provide as much affordable housing in the City as possible and is, therefore, in the best interest of the citizens of the City of San Antonio; **NOW, THEREFORE:**

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

SECTION 1. Declaration of Need. Under Tex. Local Govt Code, Section 392.017(d)(1), the City Council declares that there is a need for the Texas Housing Foundation to exercise its powers in the City of San Antonio in order to provide decent, safe, and sanitary housing that is affordable to lower income residents, and the Texas Housing Foundation is hereby authorized to exercise its powers in the City of San Antonio.

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SECTION 2. Cooperation Agreement. Under Texas Local Government Code, Section 392.017(d)(2), a Cooperation Agreement, attached hereto and incorporated herein as **Attachment A**, between the Texas Housing Foundation and the City of San Antonio, is approved.


SECTION 3. The Cooperation Agreement authorizes the Texas Housing Foundation to plan, undertake, develop, construct, finance, rehabilitate, or operate the projects at the following locations:

- (i) Ingram Square, located at 5901 Flynn Drive;
- (ii) San Jose, located at 2914 Roosevelt; and
- (iii) Whitefield Place, located at 4622 Clark Avenue.

SECTION 4. General Authority. The City Manager or his designee is authorized to execute the Cooperation Agreement to take any reasonable and necessary action to effectuate and implement the direction and intention of this resolution and the Cooperation Agreement.

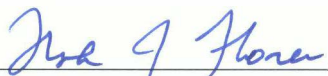
SECTION 5. This Resolution is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED this 7th day of May, 2020.



M A Y O R
Ron Nirenberg

ATTEST:

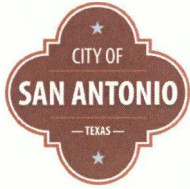
APPROVED AS TO FORM:



Tina Flores, Acting City Clerk



for Andrew Segovia, City Attorney



City of San Antonio

City Council

May 07, 2020

Item: 14

File Number: 20-3038

Enactment Number:

2020-05-07-0029R

Resolution declaring a need for the Texas Housing foundation to exercise its powers in the city of San Antonio, Texas; and authorizing a cooperation agreement for the purposes of rehabilitating Oaks on Clark Apartments (aka Whitefield Place), an 80 unit affordable multi-family rental housing development, located at 4622 Clark Avenue in Council District 3; San Jose Apartments, a 220 unit affordable multi-family rental housing development, located at 2914 Roosevelt Avenue in Council District 3; and, Ingram Square Apartments, a 120 unit affordable multi-family rental housing development, located at 5901 Flynn Drive in Council District 7. [Lori Houston, Assistant City Manager; Verónica R. Soto, Director, Neighborhood and Housing Services]

Councilmember John Courage made a motion to approve. Councilmember Roberto C. Treviño seconded the motion. The motion passed by the following vote:

Aye: 11 Nirenberg, Treviño, Andrews-Sullivan, Viagran, Rocha Garcia, Gonzales, Cabello Havrda, Sandoval, Pelaez, Courage and Perry

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ATTACHMENT "A"
Cooperation Agreement

COOPERATION AGREEMENT
BETWEEN
THE CITY OF SAN ANTONIO, TEXAS
AND THE
TEXAS HOUSING FOUNDATION

WHEREAS, on May 7th, 2020 the City of San Antonio (“City”), declared that there is a need for the Texas Housing Foundation, a Texas regional housing authority, to exercise its powers within the City because there exists in City of San Antonio a shortage of safe and sanitary housing available to lower income persons at rentals they can afford;

WHEREAS, Tex. Local Govt. Code, Section 392.017(d), requires that the City Council adopt a resolution authorizing the Texas Housing Foundation to exercise its powers in the city, and to authorize a cooperation agreement with the Texas Housing Foundation in order to establish the terms and conditions of the Texas Housing Foundation exercise of its powers in the City;

WHEREAS, the Board of Commissioners of the Texas Housing Foundation has adopted a resolution to exercise its powers in the city and has authorized a cooperation agreement under Section 392.059(a) of the Local Government Code.

NOW, THEREFORE, the parties hereto, the City, and the Texas Housing Foundation agree as follows:

Section 1. Cooperation Agreement. The City and the Texas Housing Foundation agree that the Texas Housing Foundation is authorized to exercise its powers under the Texas Housing Authorities Law, Tex. Local Govt. Code, Chapter 392, to complete affordable housing projects as provided in this Agreement.

Section 2. The Texas Housing Foundation is authorized to acquire land, develop site improvements, and construct buildings for housing development within the City, and to operate and manage such projects for the benefit of lower income residents of the City. This Cooperation Agreement only authorizes the Texas Housing Foundation to take action in connection with the following apartment complexes: 1) Ingram Square, located at 5901 Flynn Drive; 2) San Jose, located at 2914 Roosevelt; and 3) Whitefield Place, located at 4622 Clark Avenue. Additional authority would be required for the Texas Housing Foundation to participate in any other development within the territorial boundaries of the City.

Section 3. Annual Reports. The Texas Housing Foundation shall submit within 120 days after the end of its fiscal year a report to the Mayor of the City describing the housing and services operation undertaken for the benefit of lower income residents of the City of San Antonio and other activities of the Texas Housing Foundation in the City.

Section 4. Preservation of Authority. No applicable provision or intention in this Cooperation Agreement limits the authority or power of the City to exercise its powers under any law. No provision or intention in this cooperation agreement limits the authority or power of the Texas Housing Foundation to exercise its powers under the Texas Housing Authorities Law, Tex. Local Govt. Code, Chapter 392, to finance, plan, undertake, construct, rehabilitate or operate a housing project under this Cooperation Agreement or in the area of operation of the Texas Housing Foundation defined in Tex. Local Govt. Code Section 392.016. Any future re-syndication of tax credits for these properties would require re-authorization of this agreement.

Section 5. Indemnification. The Parties acknowledge that they are political subdivisions of the State of Texas and are subject to, and comply with, the applicable provisions of the Texas Tort Claims Act, as set out in the Civil Practice and Remedies Code, Section 101.001, et. seq., and the remedies authorized therein regarding claims or causes of action that may be asserted by third parties for accident, injury or death. The Parties shall each promptly notify the other in writing of any claim or demands that become known against them in relation to or arising out of activities under this Agreement.

Section 6. Implementation. The City Manager and the President of the Texas Housing Foundation are authorized to take any reasonable and necessary action to effectuate and implement the direction and intention of this cooperation agreement and the authorizing resolutions.

Section 7. Effective Date. This Agreement shall be effective on the date the last party executes the Agreement.

Agreed this _____ day of _____, 2020.

City of San Antonio

By: Lori Houston
Assistant City Manager

Texas Housing Foundation

By: Mark Mayfield, President

Attest:

Interim City Clerk