

**THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED  
ORDINANCE OR RESOLUTION ADOPTED BY CITY COUNCIL.**

**AN ORDINANCE**

**APPROVING AMENDMENTS TO THE MISSION DEL LAGO TIRZ #6 AGREEMENT WITH DEVELOPER MISSION DEL LAGO, LTD, THE PROJECT AND FINANCING PLANS, INCLUDING AGREEMENTS WITH PARTICIPATING TAXING ENTITIES; AND AUTHORIZING A DEVELOPER PARTICIPATION AGREEMENT REQUIRING THE DEVELOPER TO RECONSTRUCT CERTAIN STREETS IN THE SUBDIVISION, INITIALLY FUNDED BY THE CITY WITH A TAX NOTE UP TO \$1,700,000 BUT PAID WITH CITY TIRZ INCREMENT FUNDS, IN ORDER TO RESOLVE MATTERS IN DISPUTE WITH THE DEVELOPER; AND AUTHORIZING THE EXTENSION OF TIRZ #6 BY 2 YEARS UNTIL SEPTEMBER 30, 2027.**

\* \* \* \* \*

**WHEREAS**, in accordance with the Texas Tax Code Chapter 311 (“TIF Act”), on August 19, 1999, the City Council through Ordinance No. 90312 designated the Mission del Lago TIRZ, an 812 acre area located south of Loop 410 along US HWY 281 located in City Council District 3 in order to foster development which would otherwise not occur, and authorized a Development Agreement with Developer Mission del Lago, LTD; and

**WHEREAS**, the TIRZ Board, at its meetings on December 19, 2013 and April 15, 2014, approved Amendments to the Mission del Lago TIRZ #6 Project and Finance Plans, the Project Development Agreement, Agreements with participating taxing entities, a Developer Participation Agreement, and an agreement to resolve certain matters in dispute between the Developer Mission del Lago, LTD and the City, including the financing of the reconstruction of streets in the Mission del Lago Subdivision; and

**WHEREAS**, at the December 19, 2013 and April 15, 2014 meetings, the TIRZ Board also agreed to support the City’s extension of this TIRZ by two years, until September 30, 2027, in order to provide for continued opportunities for development which would otherwise not occur within the TIRZ; and

**WHEREAS**, the City recognizes the importance of its continued role in economic development to encourage development which would otherwise not occur within the TIRZ; and

**WHEREAS**, a public hearing was conducted during the same meeting at which this Ordinance was passed and both the hearing and the meeting were open to the public and public notice of the time, place and purpose of each was given as required by Chapter 551, Texas Government Code and the TIF Act; **NOW THEREFORE:**

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

**SECTION 1.** City Council hereby approves: (i) Amendments to the TIRZ #6 Development Agreement, Project and Finance Plans, and the Interlocal Agreements with Participating Taxing Entities; (ii) a Developer Participation Agreement; and (iii) an agreement to resolve certain matters in dispute between the Developer Mission del Lago, LTD and the City, including the financing of the reconstruction of streets in the Subdivision and settlement of the judgment in the case styled *Virginia Rogers, as Chairperson of the City of San Antonio Tax Increment Reinvestment Zone Number Six v. Leticia Vacek, et al.*, Cause No. 2013-CI-04574, in the 45th Judicial District Court, Bexar County, Texas.

**SECTION 2.** The City Manager or her designee is authorized to execute the Agreements referenced above and other related documents approved by the City Attorney and needed to carry out the intent of this Ordinance. Copies of the Agreements, in substantially final form, are set out in **Exhibit A**. Copies of the Amended Project and Finance Plans are set out in **Exhibit B**.

**SECTION 3.** The Termination Date of the TIRZ is extended to September 30, 2027, unless otherwise terminated earlier as result of payment by the City of its maximum contribution of \$21,212,813.00 or as authorized or permitted by law.

**SECTION 4.** The City intends to issue a tax note for up to \$1.7 million for street repairs that are referenced in the Developer Participation Agreement. The difference between the tax note and the sum of Developer's contract for street construction will be paid through available tax increment currently in the TIRZ fund. All debt service payments will be paid only from the City's future tax increment.

**SECTION 5.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance, may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

**SECTION 6.** This Ordinance shall be effective immediately upon passage by eight affirmative votes; otherwise, it shall be effective on the tenth day after passage.

**PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2014.

**M A Y O R**  
Julián Castro

VZ

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Item No.

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Leticia M. Vacek, City Clerk

\_\_\_\_\_  
Robert F. Greenblum, City Attorney

DRAFT

# Exhibit A

# Exhibit B