

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

AN ORDINANCE

**AUTHORIZING THE BLANCO ROAD UTILITY ASSISTANCE
PILOT PROGRAM AND ASSOCIATED ECONOMIC
DEVELOPMENT LOAN AGREEMENT.**

* * * * *

WHEREAS, it is the desire of the City of San Antonio (the “City”) to develop a utility assistance pilot program (the “Program”) to assist local businesses along Blanco Road who are impacted by construction activities undertaken by the City that have resulted in a demonstrated loss of revenue and a diminished capacity to pay utility costs of the business; and

WHEREAS, the Program is anticipated to promote local economic development and to stimulate business and commercial activity in the municipality by aiding in the continued operation of the business and the retention of jobs in the impacted area; and

WHEREAS, the Program defines the criteria and qualifications upon which a business would qualify for a Chapter 380 Economic Development Program Loan to pay utility bills of the business during the time of construction activity; and

WHEREAS, pursuant to Chapter 380 of the Texas Local Government Code, the City of San Antonio (the “City”) is authorized to establish and provide for the administration of one or more programs, including programs for making loans and grants of public money to promote state or local economic development and to stimulate business and commercial activity in the municipality; and

WHEREAS, in accordance with City Ordinance No. 100684, the City created an Economic Development Program (the “Program”) for the purpose of making loans and grants available for economic development projects that the City finds will accomplish the purpose and goals of Chapter 380; and

WHEREAS, the City finds that the Blanco Road Utility Assistance Program will meet the goals of Chapter 380; **NOW THEREFORE:**

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

SECTION 1. The City Council approves the creation and implementation of the Blanco Road Utility Assistance Program as more fully described in **Exhibit A**. Administrative changes and amendments to the Program shall be authorized by the City Manager.

SECTION 2. The City Manager or her designee is authorized to execute all necessary documents, including Chapter 380 Economic Development Loan Agreements as more fully described in Exhibit A, to effectuate the purpose of this Ordinance.

SECTION 3. [RESERVED FOR FINANCIAL LANGUAGE]

SECTION 4. [RESERVED FOR FINANCIAL LANGUAGE]

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 become effective immediately upon its passage by eight (8) votes or more and upon ten (10) days following its passage if approved by fewer than eight (8) votes.

PASSED AND APPROVED this __ day of _____ 2014.

M A Y O R
Julián Castro

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Robert F. Greenblum, City Attorney

EXHIBIT A

BLANCO ROAD UTILITY ASSISTANCE PILOT PROGRAM

Purpose: The purpose of the Blanco Road Utility Assistance Pilot Program is to assist Qualifying Businesses experiencing significant downturn as a result of construction activities associated with the 2007-2012 Bond Program's Blanco Road Improvements Project.

Assistance: The City, under the terms and conditions of an economic development loan agreement, will provide Qualifying Businesses, as defined below, a loan in the amount of _____ percent (___%) of the business' utility costs payable to CPS Energy and SAWS. Funds disbursed by the City under this Program shall only be used to pay such utility costs.

Impacted Area: The Impacted Area shall be that area on Blanco Road, one block to the east and one block to the west, from San Francisco Street to Lee Hall and from El Monte Boulevard to Olmos Creek.

Qualifying Business(es): A Qualifying Business(es) shall be:

- located within the Impacted Area, and
- independently owned and operated, and
- with a single location within the Impacted Area.

Determinations: The City's Transportation and Capital Improvements Department ("TCI") shall determine whether a business is located within the Impacted Area. The City's Finance Department shall determine whether a business has experienced significant downturn as a result of construction activities associated with the 2007-2012 Bond Program's Blanco Road Improvements Project. Each Department may request any and all documentation necessary to make such determinations from any business seeking to take part in the Blanco Road Utility Assistance Pilot Program. Failure to provide such documentation shall require the Departments to deem such business disqualified from participation in the Program.

Economic Development Loan Agreement: Upon a determination by the Departments that a business is qualified to participate in the Blanco Road Utility Assistance Pilot Program, the Qualifying Business(es) shall be required to sign an Economic Development Loan Agreement, in the form of Attachment I. Any deviations from Attachment I shall require the approval of the City Attorney's Office.

Time Period: The Blanco Road Utility Assistance Pilot Program shall commence upon the passage of a City Ordinance adopting the Program and shall terminate on September 1, 2014. upon termination, the City shall determine the effectiveness of the Program by determining: 1) the Program's benefit to Qualified Businesses and its effect on keeping such businesses in operation through the construction period; 2) the impact of implementing the Program on the City, CPS Energy and SAWS staff; 3) Qualified Businesses commitments to adhering to the terms and conditions of the Program; and 4) effectiveness of the Program's guidelines and eligibility criteria.