

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

**ORDINANCE**

**AUTHORIZING THE EXECUTION OF A CHAPTER 380 ECONOMIC DEVELOPMENT GRANT AGREEMENT WITH BITTERBLUE, INC. AND THE MISSION DRIVE-IN TIRZ #32 IN AN AMOUNT NOT TO EXCEED \$4,341,569.00 FOR THE ROOSEVELT HEIGHTS DEVELOPMENT, LOCATED IN COUNCIL DISTRICT 3 AND WITHIN THE MISSION DRIVE-IN TIRZ BOUNDARIES**

\* \* \* \* \*

**WHEREAS**, in accordance with the Tax Increment Financing Act (the “Act”), Chapter 311 of the Texas Tax Code, the City through Council Ordinance No. 2008-12-11-1174, established Tax Increment Reinvestment Zone Number Thirty-Two, known as the Mission Drive-In City TIRZ, and a Board of Directors (“Board”) authorized with all the rights, powers, and duties provided by the Act, in order to promote development and revitalization activities within TIRZ; and

**WHEREAS**, the City of San Antonio (“City”) and the Mission Drive-In TIRZ Board of Directors (“Board”) recognize the importance of their continued role in economic development within the Zone; and

**WHEREAS**, the City seeks to incentivize Bitterblue Inc. to undertake and complete the Roosevelt Heights Development, an economic development project consisting of the construction of 135 single family residential units, public improvements; and park and open space areas, generally located on or about 23.724 acres situated west of Roosevelt Avenue along SE Loop 410 in Council District 3, and within TIRZ boundaries; and

**WHEREAS**, it is anticipated that the Project will result in the investment of no less than \$5,495,537 in real property improvements at the site; and

**WHEREAS**, on April 28, 2021, through Resolution T32 2021-04-28-01R, attached hereto as **Exhibit A**, the Board approved execution of a Chapter 380 Economic Development Grant Agreement for the Project in cumulative amount not to exceed FOUR MILLION THREE HUNDRED FORTY ONE THOUSAND FIVE HUNDRED SIXTY NINE DOLLARS AND NO CENTS (\$4,341,569.00) in tax rebate above the Project Site’s 2021 real property tax value (the “Tax Increment”) over a fifteen (15) year period, based upon (1) the City’s ninety-percent (90%) participation level for five years prior to TIRZ expiration, and thereafter (2) the City’s Operations & Management (“O&M”) rate, which is currently sixty-two and one hundred fifteenth percent (62.115%); and

**WHEREAS**, in accordance with Chapter 380 of the Local Government Code, and Sections 311.010(b) and 311.010(h) of the Texas Tax Code, the City and Board are authorized to grant funds to promote state and local economic development and to stimulate business and commercial activity in the municipality and TIRZ. **NOW THEREFORE:**

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

**SECTION 1.** The terms and conditions of a Chapter 380 Economic Development Grant Agreement with Bitterblue, Inc., for the Roosevelt Heights Development is hereby approved. A copy of the agreement, in substantially final form, is attached to this Ordinance as **Exhibit B**.

**SECTION 2.** The City Manager or his designee is authorized to execute this Agreement, which has been incorporated into this Ordinance for all purposes.

**SECTION 3.** TIF Unit staff is hereby authorized to amend the Mission Drive-In TIRZ Project and Finance Plans to include this Project.

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

**PASSED AND APPROVED** this 6<sup>th</sup> day of May, 2021.

**M A Y O R**  
Ron Nirenberg

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Tina J. Flores, City Clerk**

\_\_\_\_\_  
**Andrew Segovia, City Attorney**

**EXHIBIT A**

DRAFT

**EXHIBIT B**

DRAFT