

AN ORDINANCE **97705**

AUTHORIZING PAYMENTS TO THE LAW FIRMS OF COX & SMITH, INCORPORATED AND LOEFFLER, JONAS & TUGGEY, L.L.P. FOR LEGAL SERVICES AND ASSOCIATED EXPENSES INCURRED IN CONNECTION THE ECONOMIC DEVELOPMENT AGREEMENT WITH THE TOYOTA MOTOR MANUFACTURING NORTH AMERICA, INC. FOR AN AMOUNT UP TO \$590,000.

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WHEREAS, pursuant to the passage of Ordinance No. 96939 on December 19, 2002, City Council approved the retention of the law firm of Cox & Smith, Inc. and authorized the initial payment of up to \$135,000.00 for services provided in connection with Project Starbright; and

WHEREAS, Cox & Smith has been the primary source and coordinator of legal services to the team assembled by the City of San Antonio to respond to Toyota's interest in San Antonio as the site for its next North American automobile manufacturing plant and the law firm of. Loeffler, Jonas & Tuggey, L.L.P. has likewise been an active and valuable member of the team from the beginning of negotiations with Toyota's representatives; and .

WHEREAS, the attorneys at these firms have reviewed, drafted, and responded on the City's behalf to multiple drafts of the Project Starbright Agreement and the related contracts and documents executed by Toyota, the City, the State of Texas, Bexar; and

WHEREAS, throughout the negotiations with Toyota, the firms have provided timely and thorough analysis and resolution of complex legal issues, and since Toyota's public announcement of its decision to locate its latest manufacturing plant in south San Antonio, have continued drafting and reviewing the final version of the Project Starbright Agreement and associated agreements; and

WHEREAS, as a result of the continued involvement of both Cox & Smith, Inc. and Loeffler, Jonas & Tuggey, L.L.P in this complex and important legal transaction, staff seeks approval of a budget in the additional sum of \$455,000 to compensate the firms for services associated with this Project, for a total Project legal budget not to exceed \$590,000; and

WHEREAS, funds to pay these legal fees and associated expenses in the amounts authorized by this ordinance will be reimbursed to the City from proceeds of the bond sale by the City of San Antonio, Texas Starbright Industrial Development Corporation, authorized by separate corporate resolution; **NOW THEREFORE:**

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

SECTION 1. The amount of \$455,000.00 is appropriated and is authorized to be encumbered and made payable to the law firms of Cox & Smith, Inc. and Loeffler, Jonas & Tuggey, L.L.P. for legal services in connection with the Project Starbright Agreement

SECTION 2. The Director of Finance is authorized to take all action necessary to appropriate and encumber the necessary funds to carry out the purpose of this ordinance when specific funds and index codes are identified.

SECTION 3. Amounts will be transferred from available funding sources to be identified and assigned.

SECTION 4. The Director of Finance is authorized to record and account for this transaction in accordance with Generally Accepted Accounting Principles (GAAP) and all applicable laws.

SECTION 5. This Ordinance is a declaration of the City's official intent to receive reimbursement of City funds utilized to make interim payments to these firms from proceeds derived from the sale of Obligations to be sold by the City of San Antonio, Texas Starbright Industrial Development Corporation.

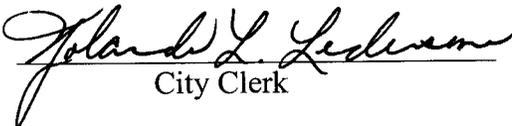
SECTION 6. This Ordinance is also a declaration of the City's official intent to be reimbursed from proceeds derived from the sale of Obligations to be sold by the Corporation.

SECTION 7. 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 allocation to specific index codes and fund numbers as necessary to carry out the purpose of this Ordinance.

SECTION 8. This ordinance shall become effective on the 10th day after passage hereof .

PASSED AND APPROVED this 29th day of May, 2003.


M A Y O R
EDWARD D. GARZA

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
for City Attorney