

AN ORDINANCE

APPROVING THE LEVY OF A SPECIAL ASSESSMENT TO FUND SUPPLEMENTAL SERVICES FOR THE DOWNTOWN PUBLIC IMPROVEMENT DISTRICT (PID); LEVYING AN ASSESSMENT RATE FOR FISCAL YEAR 2005 AT \$0.11 PER \$100 VALUE OF REAL PROPERTY IN THE PID; AND APPROVING THE FISCAL YEAR 2005 SERVICES AND ASSESSMENT PLAN FOR THE PID TO INCLUDE AN ANNUAL BUDGET, A FIVE-YEAR FISCAL FORECAST, THE SUPPLEMENTAL SPECIAL ASSESSMENT RATE, A MAINTENANCE AND LANDSCAPING PROGRAM, A MARKETING PROGRAM, AND A PUBLIC SERVICES REPRESENTATIVES PROGRAM.

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**WHEREAS**, pursuant to Ordinance Number 99288, passed and approved on June 3, 2004, the City Council approved the re-establishment of the Downtown Public Improvement District ("PID") pursuant to the Public Improvement District Assessment Act, Local Government Code, Chapter 372 (the "Act"); and

**WHEREAS**, the PID is a means through which property owners in the District can self-fund additional improvements and services to enhance the appearance and safety of the San Antonio downtown area; and

**WHEREAS**, for Fiscal Year ("FY") 2005, in addition to the annual property taxes, property owners in the PID will be required to pay an additional assessment rate of eleven cents (\$0.11) per one hundred dollar (\$100.00) valuation which could raise in excess of one million dollars (\$1,000,000.00) annually to fund a variety of supplemental services; and

**WHEREAS**, the City is responsible for payment of assessments against exempt municipal property in the PID and at this time, staff estimates that the City's PID contribution on City-controlled property at \$77,650 for FY 2005, and CPS' FY 2005 contribution to be \$16,018; and

**WHEREAS**, although the special PID assessments will be collected by the City, Centro San Antonio Management Corporation ("Centro"), a Texas non-profit corporation, has again offered to assist the City by providing, furnishing or performing such improvements and services; and

**WHEREAS**, the provisions of the proposed FY 2005 Services and Assessment Plan (the "Plan") have been negotiated and agreed to between City staff and Centro and include an annual budget, a five-year fiscal forecast, the supplemental special assessment rate to fund services and improvements for the PID management program, a management program, a maintenance and landscaping program, a marketing program, and a public service representatives program; and

**WHEREAS**, payment for the services and improvements to be provided for under the Plan, which is attached hereto as Exhibit A, are proposed to be rendered to Centro from the PID Fund; and

**WHEREAS**, the Act requires a public hearing to be held annually to consider oral and written objections to the levying of a supplemental special assessment to fund services and improvements for the PID in the Downtown Area; and

**WHEREAS**, pursuant to Section 372.016(b) of the Act, notice of the public hearing must be advertised in a newspaper of general circulation at least ten (10) days prior to the public hearing

to consider the proposed levy of a special supplemental assessment on the real property in the PID; and

**WHEREAS**, pursuant to Section 372.016(c) of the Act, all property owners in the proposed PID must be notified in writing of the petitioned action and public hearing; and

**WHEREAS**, notices were mailed to individual property owners on August 23, 2004, and the required public notice appeared in the San Antonio Express News on August 22, 2004; and

**WHEREAS**, a public hearing was held and closed on September 2, 2004, at 2:00 p.m., in the San Antonio City Council Chambers, to consider the levy of a special assessment to fund supplemental services for the PID; levying an assessment rate for FY 2005 at \$0.11 per \$100 value of real property in the PID; and approval of the FY 2005 Service and Assessment Plan of the PID; and

**WHEREAS**, at or on the adjournment of the public hearing the City Council heard and passed on any objections to the levying of the supplemental special assessment; and

**WHEREAS**, at the end of the public hearing, the levy of the supplemental special assessment, approval of the supplemental special assessment rate, and approval of the FY 2005 Service and Assessment Plan for the PID was requested; and

**WHEREAS**, it is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 372, Texas Local Government Code; and

**WHEREAS**, it is now necessary for the City Council to levy a special assessment to fund supplemental services for the PID; levy an assessment rate for FY 2005 at \$0.11 per \$100 value of real property in the PID; and approve the FY 2005 Service and Assessment Plan of the PID;  
**NOW THEREFORE:**

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

**SECTION 1.** The City Council of the City of San Antonio, following a public hearing held in accordance with Chapter 372, Texas Local Government Code, hereby approves the levy of a Special Supplemental Assessment to fund supplemental services for the Public Improvement District ("PID").

**SECTION 2.** The City Council hereby levies a supplemental special assessment rate of \$0.11 per \$100.00 valuation of real property in the PID during the Fiscal Year ("FY") 2005 to fund supplemental improvements and services in the PID.

**SECTION 3.** Based on the estimated \$70,591,690 value of City of San Antonio controlled property within the PID, and subject to annual appropriations by City Council, the City shall make a net contribution for FY 2005 of \$77,650 to the PID beginning in FY 2005 and continuing through FY 2009 for the payment of PID assessments. The City Council hereby further establishes the value of the net assessment on and contribution from City Public Service (CPS) controlled property for FY 2005 at \$16,018, based upon the estimated \$14,562,400 value of CPS controlled property within the PID.

**SECTION 4.** The City Council of the City of San Antonio hereby approves the FY 2005 Service and Assessment Plan, attached hereto as Exhibit A.

**SECTION 5.** The following amounts are budgeted for FY 2005 in the following Index Codes for Fund 69-018000 entitled "Special Public Improvement District Fund" or their successor identifiers upon implementation of the ERM System:

<u>Index Code</u>	<u>Description</u>	<u>Amount</u>
063255	Assessment Collection – Private	\$1,124,059
063263	Assessment Collection – City	\$77,650
063271	Assessment Collection – CPS	\$16,018
063289	Contributions from other Governmental Agencies	\$67,500
062885	Interest on Time Deposits	\$4,000
063537	Delinquent Payments, Penalties and Interest	\$30,000
	<b>Total Budgeted Revenues:</b>	<b>\$1,319,227</b>

**SECTION 6.** The following amounts are encumbered and appropriated for FY 2005 in the following Index Codes for Fund 69-018000 entitled "Special Public Improvement District Fund" or their successor identifiers upon implementation of the ERM System:

<u>Index Code</u>	<u>Description</u>	<u>Amount</u>
632430	Re-Authorization Expenses	\$12,000
632448	Centro SA Management Contract	\$198,000
632570	District Operations	\$130,000
632455	Maintenance Program	500,000
632463	Landscaping Program	120,000
632471	Public Service Representatives	400,000
632489	Marketing & Promotions	50,000
632497	Unallocated Contingency	100,000
	<b>Total Appropriations</b>	<b>\$1,510,000</b>

**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 allocations to specific index codes and fund numbers as necessary to carry out the purpose of this Ordinance.

**SECTION 8.** The City Council hereby finds that the statements set forth in the recitals of this Ordinance are true and correct, and the Council hereby incorporates such recitals as a part of this Ordinance.

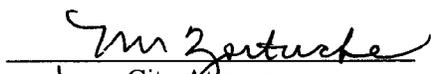
**SECTION 9.** This ordinance shall become effective on the tenth (10<sup>th</sup>) day after passage hereof.

PASSED AND APPROVED THIS 2<sup>nd</sup> day of September, 2004.



M A Y O R  
EDWARD D. GARZA

Attest:   
City Clerk

APPROVED AS TO FORM:   
for City Attorney

# Agenda Voting Results

**Name:** 3A. **99655**

**Date:** 09/02/04

**Time:** 02:40:13 PM

**Vote Type:** Multiple selection

**Description:** A.An ordinance approving the levy of a Supplemental Special Assessment to fund supplemental services for the Downtown Public Improvement District (PID); levying an assessment rate at \$0.11 per \$100 value of real property in the PID; and approving the Fiscal Year 2005 Services And Assessment Plan for the PID to include an Annual Budget, a Five-Year Fiscal Forecast, the Supplemental Special Assessment rate, a maintenance and landscaping program, a marketing program, and a public services representatives program.

**Notes:** Motioned: RICHARD PEREZ    Seconded: CHRISTOPHER "CHIP" HAAS    Notes:

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
JOEL WILLIAMS	DISTRICT 2		x		
RON H. SEGOVIA	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
ENRIQUE M. BARRERA	DISTRICT 6		x		
JULIAN CASTRO	DISTRICT 7	Not present			
ART A. HALL	DISTRICT 8		x		
CARROLL SCHUBERT	DISTRICT 9		x		
CHRISTOPHER "CHIP" HAAS	DISTRICT_10		x		
MAYOR ED GARZA	MAYOR		x		