

**CITY OF SAN ANTONIO
NEIGHBORHOOD ACTION DEPARTMENT
CITY COUNCIL AGENDA MEMORANDUM**

TO: Mayor and City Council

FROM: David D. Garza, Director, Neighborhood Action Department

SUBJECT: Appointments to Tax Increment Reinvestment Zone Board Number Seventeen – Mission Creek

DATE: April 28, 2005

SUMMARY AND RECOMMENDATIONS

This ordinance will appoint Salah E. Diab, Grant Michael Gaines, Leslie Joseph Hall, Grace L. Mendez and Lynda C. Rodriguez to the Board of Directors for Tax Increment Reinvestment Zone Number Seventeen (17), City of San Antonio, Texas, known as Mission Creek, for two-year terms beginning January 1, 2005. This ordinance will also provide for waivers of Section 2-402 of the City Code regarding the process for at-large appointments for these terms only. Pursuant to Ordinance Number 100074, passed and approved on December 9, 2004, City Council authorized the designation of the Mission Creek reinvestment zone to support new housing development on approximately 101.06 acres of land located in City Council District 3 in the southeast section of the City, with project boundaries including Brooks City-Base to the north, Texas A & M property to the east, vacant land to the west and vacant industrial land to the south. Each year the board of directors of a reinvestment zone shall elect one of its members to serve as presiding officer for a term of one year.

Staff recommends approval of this ordinance.

BACKGROUND INFORMATION

Soon after Board appointments are approved by the City Council, the Board will convene to consider the Final Project and Final Finance Plans and to complete the TIRZ creation process by executing all the necessary legal documents.

This Reinvestment Zone was designated following the submission of a petition to the City by property owners in the proposed zone. When the City designates a TIRZ, the TIF Act requires that the City Council establish a reinvestment zone board of directors. Amended in 2001, the TIF Act states that the board of directors of a TIRZ created pursuant to a petition shall consist of at least nine (9) members, unless a greater number is necessary to comply with the statute. The TIF Act provides a formula for calculating the number of seats an entity may have based on its anticipated pro rata contributions to the zone fund.

In compliance with the formula for board composition in the Act, the board is composed of five (5) directors appointed by the City for two-year terms and two (2) directors appointed by Bexar County. Additionally, the State Senator and State Representative in whose districts the zone is located shall also be members of this Board, except that either may designate another individual to serve in the member's place at the pleasure of the member. In the event that other taxing entities wish to participate by contributing their increment to the TIRZ Fund or that the City wishes to appoint all the directors to which it is entitled (up to a total of seven (7)), the Board composition will be adjusted up to eleven (11) board members, with appointments based on a pro-rata share of the total projected revenue. All appointees will continue to serve until reappointed or replaced by City Council action, or else removed for noncompliance by the City Clerk. State law prescribes that to be eligible for appointment, a person must: "(1) be a qualified voter of the municipality; or (2) be at least 18 years of age and own real property in the zone or be an employee or agent of a person that owns real property in the zone."

POLICY ANALYSIS

On December 17, 2004, City Council passed and approved Ordinance Number 100199, which governs the creation and operation of all boards and commissions created by ordinance or resolution passed by the City of San Antonio City Council. It has been the City's policy, and continues to be, that the boards and commissions policies of the City of San Antonio apply to TIRZ Boards, except as provided otherwise by state law.

Due to the unique nature of TIRZ Boards, and in an effort to comply with this new ordinance, staff requests that this round of board appointments be exempted from Chapter 2, Article VIII, Section 2-402 of the City of San Antonio City Code regarding at-large appointments, for the following individual appointees and for these terms only.

While TIRZ Board members by state law are not City officials, it is City policy to require them to comply with the Financial Disclosure Report statement provision of the City Ethics Code. All board and commission members must file a Financial Disclosure Report with the Office of the City Clerk upon appointment, and annually thereafter, throughout the member's term and any possible holdover status. Failure to file a Financial Disclosure Report within the time required by the City Ethics Code will be considered an automatic removal.

Staff advertised for Applications for Appointment to TIRZ Boards in January 2005. Five (5) applications were received. All applicants meet statutory requirements. The five (5) applicants include:

Applicant

Salah E. Diab
Grant Michael Gaines
Leslie Joseph Hall
Grace L. Mendez
Lynda C. Rodriguez

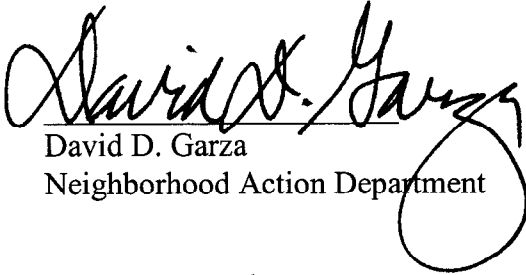
These appointments will serve a term of two years that will begin retroactively on January 1, 2005 and expire on December 31, 2006.

FISCAL IMPACT

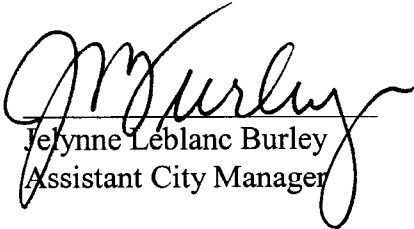
There is no fiscal impact associated with this item.

COORDINATION

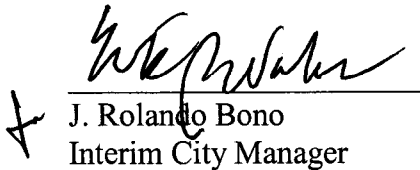
This item has been coordinated with the City Attorney's Office and the City Clerk's Office.



David D. Garza
Neighborhood Action Department



Jelynn Leblanc Burley
Assistant City Manager



J. Rolando Bono
Interim City Manager

Mission Creek

Tax Increment Reinvestment Zone Number 17



BACKGROUND

- **Designated:** December 9, 2004
- **Location:** South of Brooks-City Base, west of Texas A & M Engineering Service on South Presa and north of South Presa (TxDOT)
- **Developer:** HLH Development LP
- **City Council District:** 3
- **Local School District:** San Antonio ISD
- **Bexar County Precinct:** 1
- **State Representative District:** 118
- **State Senator District:** 19
- **Proposed Developments:** 19.48 acres of multi-family residential development, 448 single-family homes, a fire station and a recreational park
- **Zone Term:** 24.82 Years
- **Participating Taxing Entities:** City, Bexar County
- **Size:** 101.06 Acres

CONSTRUCTION SCHEDULE

Year	Phase	Single-Family	
		Proposed	Actual
2003-2004	I	77	105
2005	II	71	23
2006	III	74	
2007	IV	81	
2008	V	69	
2009	VI	76	
Total		448	128

- **Next step:** Appoint TIRZ Board, TIRZ Board consideration of Final Project, Finance Plans and Legal documents, and City Council consideration of Final Project, Finance Plan and Legal documents