

RESOLUTION NO. 2010-02-18-0012R

**RESOLUTION REQUESTING THE CITY OF SAN ANTONIO, TEXAS MUNICIPAL FACILITIES CORPORATION TO ISSUE LEASE REVENUE REFUNDING BONDS IN ORDER TO REFUND A PORTION OF THE CORPORATION'S OUTSTANDING LEASE REVENUE BONDS, SERIES 2001 THAT WERE ISSUED TO FINANCE THE ACQUISITION AND CONSTRUCTION OF THE DEVELOPMENT & BUSINESS SERVICES CENTER, AND APPROVING THE FORM OF A PRELIMINARY OFFICIAL STATEMENT RELATING TO SUCH REFUNDING BONDS; COMPLYING WITH THE REQUIREMENTS CONTAINED IN SECURITIES AND EXCHANGE COMMISSION RULE 15c2-12; AUTHORIZING THE CITY'S STAFF, CO-FINANCIAL ADVISORS AND BOND COUNSEL TO TAKE ALL ACTIONS DEEMED NECESSARY IN CONNECTION WITH THE SALE OF SUCH OBLIGATIONS; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the **CITY OF SAN ANTONIO, TEXAS** (the "*City*") created the **CITY OF SAN ANTONIO, TEXAS MUNICIPAL FACILITIES CORPORATION** (the "*Corporation*"), as a non-profit local government corporation pursuant to the provisions of Subchapter D of Chapter 431, Texas Transportation Code, as amended, to aid and act on behalf of the City to acquire, construct, equip, finance, operate and maintain land and municipal facilities for the City at the request of the City Council; and

**WHEREAS**, on March 1, 2001, the City Council of the City formally requested the Corporation to undertake, on behalf of the City, the acquisition, construction and equipping of a municipal office facility which would house representatives of various City departments, utility providers and other local governmental units that provide services to private sector businesses for the primary purpose of providing a convenient, single source of information and assistance to private sector entities that are expanding, developing or relocating their businesses within the City, which facility generally was referred to as the "*One Stop Development Services Center*," now is known as the "*Development & Business Services Center*," and is herein referred to as the "*Project*"; and

**WHEREAS**, in order to finance the acquisition, construction and equipping of the Project, the Corporation issued \$14,465,000 in principal amount of its **CITY OF SAN ANTONIO, TEXAS MUNICIPAL FACILITIES CORPORATION LEASE REVENUE BONDS, SERIES 2001** (the "*Series 2001 Bonds*"); and

**WHEREAS**, the Series 2001 Bonds maturing on and after August 15, 2012 are subject to redemption by the Corporation, at the option and request of the City, on August 15, 2011 or any date thereafter; and

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**WHEREAS**, the City has determined that it can refinance the Project and reduce the City's cost of lease payments paid in connection therewith by having the Corporation issue a series of lease revenue refunding bonds (herein referred to as the "*Series 2010 Bonds*") to refund all Series 2001 Bonds maturing on and after August 15, 2012 (the "**Refunded Bonds**") and redeeming the Refunded Bonds on August 15, 2011; and

**WHEREAS**, the City Council hereby finds and declares a public purpose and deems it advisable and in the best interests of the City for the Corporation to issue the Series 2010 Bonds and use the proceeds thereof to pay costs of issuance and refund the Refunded Bonds in order to achieve a debt service savings for the Corporation and the City; and

**WHEREAS**, Securities and Exchange Commission Rule 15c2-12, codified at 17 C.F.R. §240.15c2-12 ("**Rule 15c2-12**"), requires that the Preliminary Official Statement prepared and distributed in connection with the issuance of the Series 2010 Bonds be "deemed final" as of its date by the Corporation (except for the omission of no more than the information permitted by Rule 15c2-12); and

**WHEREAS**, such Preliminary Official Statement contains financial and statistical information relating to the City, which has been reviewed by the City Council and appropriate members of the City's staff; and

**WHEREAS**, it is hereby officially found and determined that the meeting at which this Resolution 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 551, Texas Government Code and the Bylaws of the Corporation; **NOW THEREFORE**:

***BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, TEXAS:***

**SECTION 1. REQUEST CORPORATION TO UNDERTAKE ISSUANCE OF THE SERIES 2010 BONDS TO REFINANCE DEVELOPMENT & BUSINESS SERVICES CENTER.** The City Council hereby formally requests the Corporation to aid and act on behalf of the City to accomplish a governmental purpose of the City by issuing the Series 2010 Bonds in order to refund the Refunded Bonds and redeem the Refunded Bonds on August 15, 2011. The City Council further approves and consents to the issuance and delivery by the Corporation of the Series 2010 Bonds on final terms approved by the Corporation's Board of Directors without further action required by the City Council as long as the following criteria are met: (i) the final maturity of the Series 2010 Bonds does not exceed August 15, 2020; (ii) the aggregate principal amount of the Series 2010 Bonds does not exceed \$12,000,000; (iii) the net effective interest rate does not exceed 5.00%; and (iv) the Corporation achieves a net present value savings of not less than 3.00% of the principal amount of the Refunded Bonds.

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**SECTION 2. PRELIMINARY OFFICIAL STATEMENT DEEMED FINAL.** With respect to the information regarding the City contained in the Preliminary Official Statement referenced above relating to the proposed sale of the Series 2010 Bonds, such Preliminary Official Statement is hereby "deemed final" by the City as of its date (subject to the permissible omissions described in Rule 15c2-12) within the meaning of the provision of 17 C.F.R. §240.15c2-12(b)(1). The Director of Finance of the City, together with the Co-Financial Advisors (Coastal Securities and Estrada Hinojosa & Company, Inc.) and Bond Counsel (McCall, Parkhurst & Horton L.L.P.) in connection with the issuance of the Series 2010 Bonds are authorized to approve all changes deemed necessary to the Preliminary Official Statement.

**SECTION 3. AUTHORIZATION OF OTHER NECESSARY ACTIONS; SIGNATURES.** The Mayor, the City Manager, any Deputy City Manager, any Assistant City Manager, the City Clerk, the Director of Finance, any Assistant Director of Finance and all other officers, employees, agents and officials of the City are hereby expressly authorized, empowered and directed from time to time and at any time to do and perform and to take any and all action necessary in order to accomplish the purposes of this Resolution, including the execution of certificates, opinions, and the other documents necessary in connection therewith.

**SECTION 4. INCORPORATION OF RECITALS.** The City Council hereby finds that the statements set forth in the recitals of this Resolution are true and correct, and the City Council hereby incorporates such recitals as a part of this Resolution.

**SECTION 5. EFFECTIVE DATE.** This Resolution shall become effective on the tenth day from passage hereof.

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*PASSED AND APPROVED THIS 18<sup>TH</sup> DAY OF FEBRUARY, 2010.*



**MAYOR**

ATTEST:

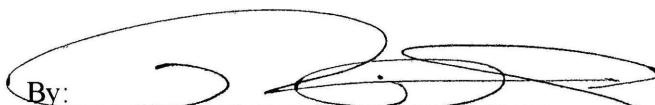


**City Clerk, City of San Antonio, Texas**

(CITY SEAL)



APPROVED AS TO FORM:



**By:**  
**City Attorney**

\*\* \* \* \* \*

[EXECUTION PAGE TO CITY RESOLUTION REQUESTING ISSUANCE OF  
LEASE REVENUE REFUNDING BONDS]

## CERTIFICATE FOR RESOLUTION

I, the undersigned City Clerk of the CITY OF SAN ANTONIO, TEXAS (the "City"), hereby certify as follows:

1. The City Council of the City convened in REGULAR MEETING ON THE 18<sup>th</sup> DAY OF FEBRUARY, 2010, at the designated meeting place, and the roll was called of the duly constituted officers and members of said City Council, to wit:

Julián Castro, Mayor	Ray Lopez, Councilmember, District 6
Mary Alice P. Cisneros, Councilmember, District 1	Justin Rodriguez, Councilmember, District 7
Ivy R. Taylor, Councilmember, District 2	W. Reed Williams, Councilmember, District 8
Jennifer V. Ramos, Councilmember, District 3	Elisa Chan, Councilmember, District 9
Philip A. Cortez, Councilmember, District 4	John G. Clamp, Councilmember District 10
David Medina, Jr., Councilmember, District 5	

and all of said persons were present, except the following absentees: NOVE  
\_\_\_\_\_, thus constituting a quorum. Whereupon, among other business, the following was transacted at said Meeting: a written Resolution No. 2010-02-18-C012R, entitled:

**RESOLUTION REQUESTING THE CITY OF SAN ANTONIO, TEXAS MUNICIPAL FACILITIES CORPORATION TO ISSUE LEASE REVENUE REFUNDING BONDS IN ORDER TO REFUND A PORTION OF THE CORPORATION'S OUTSTANDING LEASE REVENUE BONDS, SERIES 2001 THAT WERE ISSUED TO FINANCE THE ACQUISITION AND CONSTRUCTION OF THE DEVELOPMENT & BUSINESS SERVICES CENTER, AND APPROVING THE FORM OF A PRELIMINARY OFFICIAL STATEMENT RELATING TO SUCH REFUNDING BONDS; AUTHORIZING THE CITY'S STAFF, CO-FINANCIAL ADVISORS AND BOND COUNSEL TO TAKE ALL ACTIONS DEEMED NECESSARY IN CONNECTION WITH THE SALE OF SUCH OBLIGATIONS; AND PROVIDING FOR AN EFFECTIVE DATE**

was duly introduced for the consideration of said City Council. It was then duly moved and seconded that said Resolution be passed; and, after due discussion, said motion, carrying with it the passage of said Resolution, prevailed and carried by the following vote:

AYES: 11 NOES: 0 ABSTENTIONS: 0

2. A true, full and correct copy of the aforesaid Resolution passed at the Meeting described in the above and foregoing paragraph is attached to and follows this Certificate; said Resolution has been duly recorded in said City Council's minutes of said Meeting; the above and foregoing paragraph is a true, full and correct excerpt from said City Council's minutes of said Meeting pertaining to the passage of said Resolution; the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of said City Council as indicated therein; each of the officers and members of said City Council was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the aforesaid Meeting, and that said Resolution would be introduced and considered for passage at said Meeting, and each of said officers and members consented, in advance, to the holding of said Meeting for such purpose; and said Meeting was open to the public, and public notice of the time, place and purpose of said Meeting was given, all as required by Texas Government Code, Chapter 551.

