

ORDINANCE 2020-12-10-0901

AUTHORIZING EXECUTION OF A FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT WITH 114 MAIN PLAZA, LLC TO MODIFY THE CONSTRUCTION SCHEDULE FOR THE 114 MAIN PLAZA RENOVATION PROJECT, LOCATED AT 114 MAIN PLAZA, SAN ANTONIO, TEXAS, IN COUNCIL DISTRICT 1, WITHIN THE HOUSTON STREET TIRZ.

* * * * *

WHEREAS, the City of San Antonio (“City”) and the Houston Street TIRZ Board of Directors (“Board”) support programs which allow for economic development within its boundaries; and

WHEREAS, on February 20, 2020 through Ordinance No. 2020-02-20-0114, and in accordance with Chapter 311 of the Texas Tax Code (the “Act”), the Board and City entered into the 114 Main Plaza Renovation Development Agreement for the 114 Main Plaza Renovation Project (“Project”) in San Antonio, Texas, in City Council District 1, and within the boundary of the Houston Street TIRZ; and

WHEREAS, the Project was to commence on March 1, 2020 and be completed by August 31, 2021; and

WHEREAS, due to the COVID-19 pandemic the developer has been unable to begin construction for this Project and is seeking an extended start date of no later than September 30, 2021 and a completion date of August 31, 2023; and

WHEREAS, on October 7, 2020 the Board adopted resolution T9 2020-10-07-03R approving a new construction schedule with a start date of no later than September 30, 2021 and completion date of August 31, 2023; and

WHEREAS, it is now necessary for the City Council to approve the First Amendment to the Development Agreement with 114 Main Plaza, LLC; **NOW THEREFORE:**

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

SECTION 1. The terms and conditions of the First Amendment to the Development Agreement with 114 Main Plaza, LLC are hereby approved. A copy of the First Amendment, in substantial final form, is attached to this Ordinance as **Exhibit A**.


SECTION 2. The City Manager or his designee is hereby authorized to execute the First Amendment to the Development Agreement which has been incorporated into this Ordinance for all purposes.

SECTION 3. TIF Division staff is authorized to amend the Houston Street TIRZ Project and Finance Plans to include amendments to this Project.

SECTION 4. This Ordinance shall be effective immediately upon passage by eight affirmative votes; otherwise it shall be effective on the tenth day after passage.


1090-01-51-0505

PASSED AND APPROVED this 10th day of December, 2020.



M A Y O R
Ron Nirenberg

ATTEST:



Tina J. Flores, City Clerk

APPROVED AS TO FORM:



Andrew Segovia, City Attorney



City of San Antonio

City Council

December 10, 2020

Item: 27

Enactment Number:

File Number: 20-6936

2020-12-10-0901

Ordinance approving a First Amendment to the Development Agreement between 114 Main Plaza, LLC, City of San Antonio, and Houston Street TIRZ Board of Directors to revise the project commencement and completion dates for the 114 Main Plaza Project. [Lori Houston, Assistant City Manager; Verónica R. Soto, FAICP, Director, Neighborhood and Housing Services]

Councilmember Jada Andrews-Sullivan made a motion to approve. Councilmember Adriana Rocha Garcia seconded the motion. The motion passed by the following vote:

Aye: 11 Nirenberg, Treviño, Andrews-Sullivan, Viagran, Rocha Garcia, Gonzales, Cabello Havrda, Sandoval, Pelaez, Courage and Perry

VR
12/10/2020
Item No. 27

EXHIBIT A

**FIRST AMENDMENT TO THE 114 MAIN PLAZA RENOVATION
PROJECT DEVELOPMENT AGREEMENT**

This First Amendment to the 114 Main Plaza Renovation Project Development Agreement (hereafter referred to as this “Agreement”), made and entered into by the City of San Antonio (“City”), a municipal corporation of the State of Texas, the Houston Street Tax Increment Reinvestment Zone No. Nine (TIRZ”), acting by and through its Board of Directors (the “Board”), and 114 Main Plaza, LLC (“Developer”), a for profit corporation registered with the State of Texas, (collectively, the “Parties”).

RECITALS

WHEREAS, City and Board entered into a Development Agreement (the “Agreement”) authorized by City of San Antonio Ordinance No. 2020-02-20-0114, passed and approved on the 20th of February 2020, and attached hereto as **EXHIBIT A**; and

WHEREAS, due to the COVID-19 pandemic, the Parties now seek to amend the terms and conditions of the Agreement in order to postpone the start and completion dates for the Project.

NOW THEREFORE, the Parties hereby agree and amend as follows:

1. The Parties mutually agree to amend the following sections of the Agreement :

Section 5.1 PROJECT is deleted in its entirety and replaced with the following paragraph:

The Project consists of the renovation of two historic buildings located at 114 Main Plaza and includes the design, and construction of a mixed use development combining residential and commercial tenants with approximately 2,000 square feet of retail space and approximately 1,100 square feet of storage space for both the residential and retail tenants. The project includes and is not limited to the following public improvements including exterior restoration, exterior lighting, landscaping, awnings, as well as improvements to the surrounding public courtyards and alleyway. The Project is anticipated to commence no later than September 30, 2021 and shall be completed no later than August 31, 2023, subject to Force Majeure.

Section 6.8 DELAYS is deleted entirely and replaced with the following:

Developer is responsible for the Project’s construction, which shall be completed no later than August 31, 2023. If the commencement or completion of the Project is delayed by reason(s) beyond the Developer’s control (including, without limitation, events of Force Majeure), then at the reasonable discretion of the Director of the City’s Neighborhood & Housing Services (or successor) Department, the commencement and completion deadlines set forth in this Agreement may be extended by no more than six (6) months. In the event that Developer does not complete the Project substantially in accordance with the Construction Schedule (or extended schedule), then, in accordance with Article XXII Changes and Amendments of this Agreement, the Parties may extend the deadlines in the Construction Schedule, but not past the expiration of the TIRZ. If the parties cannot reasonably reach an agreement on the extension of the Construction Schedule, or if Developer fails to complete the Project in compliance with the revised Construction Schedule, other than as a result of Force Majeure, this constitutes a material breach.

2. All other terms, conditions, covenants and provisions of the Agreement are hereby continued and shall remain in effect in their original form, except for the provisions expressly modified by this First Amendment.

This First Amendment has been fully executed as of the date of signature of the last party to sign.

**CITY OF SAN ANTONIO,
a Texas Municipal Corporation**

**BOARD OF DIRECTORS
Houston Street TIRZ #9**

City Manager or his designee

Councilman Roberto Treviño

Date: _____

Board Chair 11-2-20
Date: _____

114 Main Plaza, LLC

By: _____

Date: Oct 29 2020

ATTEST/SEAL

APPROVED AS TO FORM:

Tina Flores
City Clerk

Andrew Segovia
City Attorney