

THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL SIGNED ORDINANCE

ORDINANCE

AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT WITH R&A GARCIA PROPERTIES OF LUFKIN, LLC TO PROVIDE REIMBURSABLE TIRZ FUNDING IN AN AMOUNT NOT TO EXCEED \$600,000 FOR THE NICHAS COMIDA MEXICANA PROJECT, LOCATED AT 3331 ROOSEVELT AVENUE, SAN ANTONIO, TEXAS, IN COUNCIL DISTRICT 3, WITHIN THE MISSION DRIVE-IN TIRZ

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

WHEREAS, in February 2020, R&A Garcia Properties of Lufkin, LLC applied for funding from the City’s Tax Increment Financing (“TIF”) Program in order to undertake the oversight and delivery of the Nicha’s Comida Mexicana Project to construct a new and larger restaurant on Roosevelt Avenue in San Antonio, Texas, in City Council District 3, and within the boundary of the Mission Drive-In TIRZ; and

WHEREAS, the total development cost for the Nicha’s Comida Mexicana Project is approximately \$4 million with plans to demolish the existing structures on the site, construct a new restaurant with indoor and outdoor seating, to add surface parking, and to add extra features such as bicycle racks and new landscaping; and

WHEREAS, in accordance with Section 311.010 (b) of the Act, the Board is authorized to enter into agreements to dedicate revenue from the tax increment fund to pay for eligible project costs related to the construction of public infrastructure and eligible project costs that benefit the TIRZ; and

WHEREAS, on October 23, 2020, the Board adopted resolution T32 2020-10-23-02R approving reimbursable funding for the design and construction of a new commercial development including eligible public improvements such as, demolition, exterior signage, sidewalks, curbcuts, utilities, and landscaping; and

WHEREAS, it is now necessary for the City Council to approve the Development Agreement with R&A Garcia Properties of Lufkin, LLC; **NOW THEREFORE:**

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

SECTION 1. The terms and conditions of the Development Agreement with R&A Garcia Properties of Lufkin, LLC are hereby approved. A copy of the agreement, 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 Development Agreement which has been incorporated into this Ordinance for all purposes.

SECTION 3. TIF Unit staff is authorized to amend the Mission Drive-In TIRZ Project and Finance Plans to include this Project.

SECTION 4. Funding for any projects through the Mission Drive-In TIRZ will be paid from Fund 29086025, Cost Center 8002910001 and General Ledger 5201040. Total funding should not exceed \$600,000.00 for the duration of this agreement.

SECTION 5. The financial allocations in this Ordinance are subject to approval by the Deputy Chief Financial Officer, City of San Antonio. The Deputy Chief Financial Officer may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 6. This Ordinance shall be effective immediately upon passage by eight affirmative votes; otherwise it shall be effective on the tenth day after passage.

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

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Tina J. Flores, City Clerk

Andrew Segovia, City Attorney

EXHIBIT A

DRAFT