

ORDINANCE

2021-05-20-0367

**AUTHORIZING EXECUTION OF THE FIRST AMENDMENT TO THE
RED BERRY ESTATE MASTER DEVELOPMENT AGREEMENT TO
INCLUDE AN INCREASE IN FUNDING AND CHANGES TO THE
SALADO CREEK HIKE AND BIKE TRAIL LOCATED AT 827
RICHLAND DRIVE IN SAN ANTONIO, TEXAS AND WITHIN THE
INNER CITY TIRZ IN CITY COUNCIL DISTRICT 2.**

* * * * *

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

WHEREAS, on October 12, 2017 the City approved the Red Berry Estate Master Development Agreement with San Antonio Housing Trust Public Facility Corporation ("PFC") through City Ordinance No. 2017-10-12-0791; and

WHEREAS, due to changes in the location of the Salado Creek Hike and Bike Trail and the need for a new water pump for the lake, PFC is requesting an increase in funding as well as an amendment reflecting these changes; and

WHEREAS, PFC is requesting an additional \$1.2 Million in TIRZ reimbursable funding for the Salado Creek Hike and Bike Trail and the new water pump; and

WHEREAS, on March 19, 2021, the Board adopted resolution T11 2021-03-19-02R authorizing the execution of the First Amendment to the Red Berry Estate Master Development Agreement to provide more reimbursable funding not to exceed \$1.2 million and to change the location of the Salado Creek Hike and Bike Trail and new water pump; 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, it is now necessary for the City Council to approve the First Amendment to the Red Berry Estate Master Development Agreement with PFC; **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 Red Berry Estate Master Development Agreement 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 First Amendment to the Red Berry Estate Master Development Agreement which has been incorporated into this Ordinance for all purposes.

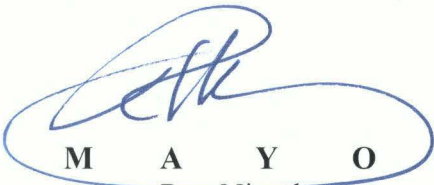
SECTION 3. TIF Division staff is authorized to amend the Inner City TIRZ Project and Finance Plans to include this Project.

SECTION 4. Funding for any projects through the Inner City TIRZ will be paid from Fund 29086007, Cost Center 0703290001 and General Ledger 5201040. Total funding should not exceed \$1,200,000.00 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 is effective immediately upon passage by eight affirmative votes; otherwise it shall be effective on the tenth day after passage.

PASSED AND APPROVED this 20th day of May, 2021.


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

May 20, 2021

Item: 22

File Number: 21-3493

Enactment Number:

2021-05-20-0367

Ordinance approving a First Amendment to the Red Berry Estate Master Development Agreement between the Inner City TIRZ Board of Directors, San Antonio Housing Trust Public Facility Corporation, and the City of San Antonio for eligible public improvements for an amount not to exceed \$1,200,000 for the Salado Creek Trail Extension Project located within the Red Berry Estate property. [Lori Houston, Assistant City Manager; Verónica R. Soto, FAICP, Director, Neighborhood and Housing Services]

Councilmember John Courage made a motion to approve. Councilmember Rebecca Viagran 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
05/20/2021
Item No. 22

EXHIBIT A

**FIRST AMENDMENT TO THE RED BERRY ESTATE MASTER
DEVELOPMENT AGREEMENT**

This First Amendment to the Master Development Agreement ("First Amendment") is entered into by and between the City of San Antonio ("City"), a Texas Municipal Corporation, acting by and through its City Manager pursuant to Ordinance _____, the Board of Directors for the Tax Increment Reinvestment Zone Number Eleven of City of San Antonio, Texas ("Board"), and San Antonio Housing Trust Public Facility Corporation ("Developer"), a Texas public facility corporation, whom, together referred as the "Parties."

RECITALS

WHEREAS, City authorized the Red Berry Estate Master Development Agreement (the "Agreement") through City of San Antonio Ordinance No. 2017-10-12-0790 and 2017-10-12-0791, passed and approved on October 12, 2017, and attached hereto as **EXHIBIT D**.

WHEREAS, the Parties now seek to amend the terms and conditions of the Agreement in order to change the location of the Salado Creek Greenway Trailhead, move and replace the water pump, and to add additional reimbursement for the increased cost due to these modifications to the scope of the project.

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

- A) **Section D. CITY IMPROVEMENT SITE** is amended by including new section 1.2:
 - a. The RK Group is granting an easement across its property for use as the Salado Creek Hike and Bike Trail. The commitment letter is attached, hereto as **Exhibit E**.
- B) **Article IV. ECONOMIC DEVELOPMENT PROGRAM GRANT** Section A.1(c) is amended as follows to reflect the new reimbursement amount related to the Salado Creek Hike and Bike Trail System and water pump:
 - (c) Three Million Sixteen Thousand Two Hundred and Ninety Dollars and No Cents (\$3,016,290.00) shall be paid for construction of the Improvements. Developer understands and agrees that the additional funding of One Million Two Hundred Thousand Dollars and No Cents (\$1,200,000.00) is contingent on Developer receiving approval from City's Parks and Recreation Department concerning the new location of the Salado Creek Hike and Bike Trail as well as City receiving a copy of the recorded easement.

This First Amendment is intended to address the new location for the Salado Creek Hike and Bike Trail System, the water pump, and the additional funding and shall control in instances

where the Master Development Agreement and this First Amendment conflict.

All other terms, conditions, covenants, and provisions of the Agreement are hereby continued and shall remain in effect in their original form. All exhibits attached hereto are hereby incorporated into the Master Development Agreement.


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

San Antonio Housing Trust
Public Facility Corporation

City Manager or his designee

Date: _____



Pedro A. Alanis, Assistant Secretary

Date: 5-7-2021

BOARD OF DIRECTORS
Inner City TIRZ #11

Councilwoman Jada-Andrews Sullivan
Board Chair

Date: _____

ATTEST/SEAL

APPROVED AS TO FORM:

Tina J. Flores
City Clerk

Andrew Segovia
City Attorney