

ORDINANCE

APPROVING A FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE MISSION DRIVE-IN TIRZ BOARD OF DIRECTORS, THE CITY OF SAN ANTONIO, AND R&A GARCIA PROPERTIES OF LUFKIN, LLC FOR THE NICHAS COMIDA MEXICANA PROJECT, LOCATED AT 3331 ROOSEVELT AVE, IN COUNCIL DISTRICT 3.

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WHEREAS, in accordance with the Tax Increment Financing Act (the “Act”), Chapter 311 of the Texas Tax Code, the City through Council Ordinance No. 2008-12-11-1174, established Tax Increment Reinvestment Zone Number Thirty-Two, known as the Mission Drive-In TIRZ, and a Board of Directors (“Board”) authorized with all the rights, powers, and duties provided by the Act, in order to promote development and revitalization activities within TIRZ; and

WHEREAS, the City and Board recognizes the importance of their continued role in economic development, community development and urban design; and

WHEREAS, the Project consists of the demolition of the existing buildings on the property, and the construction of a new Nicha’s Comida Mexicana restaurant to include a surface parking lot with approximately 200 parking spaces. The new restaurant will provide indoor and outdoor dining; and

WHEREAS, on December 10, 2020, through Ordinance 2020-12-10-0900, City Council authorized the execution of the Project Development Agreement with R&A Garcia Properties of Lufkin, LLC for an amount not to exceed \$600,000; 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 May 19, 2022, the Mission Drive-In TIRZ board approved Resolution T32 2022-05-19-02R authorizing a First Amendment to the Project Development Agreement with R&A Garcia Properties of Lufkin, LLC to amend the project commencement date to July 2022 and project completion date to December 31, 2023 for the Nicha’s Comida Mexicana Project located at 3331 Roosevelt Avenue in San Antonio, Texas and within the Mission Drive-In TIRZ in City Council District 3; and

WHEREAS, it is now necessary for the City Council to approve the First Amendment to the Project Development Agreement between R&A Garcia Properties of Lufkin, LLC and the Board for the public improvements. **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 Project Development Agreement by and between R&A Garcia Properties of Lufkin, LLC and the Board of Directors of Tax Increment Reinvestment Zone #32, attached hereto as **Exhibit A**, are hereby approved.

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

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

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

PASSED AND APPROVED this 16th day of June, 2022.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney

Exhibit A

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