



## AGENDA ITEM SUMMARY

### District Impacted

- ☐ 1 = Wolosin
- ☐ 2 = Woolard
- ☐ 3 = Scott
- ☐ 4 = Boddie
- ☒ 5 = Macaluso
- ☐ All

<b>Agenda Date</b>	January 11, 2022
<b>Requested Action</b>	CONSIDER RESOLUTION NO. 2022-R02; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE THE SECOND AMENDMENT TO THE INFRASTRUCTURE AND DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BOERNE AND TENOTEX DEVELOPMENT CO. INC.
<b>Contact Person</b>	Nicholas Montagno- Assistant to the City Manager
<b>Background Information</b>	<p>In March of 2021, staff was approached by representation for Tenotex Development, the developer of Regent Park, about the possibility of amending the development agreement for Regent Park. Requirements of the original agreement had dictated that the developer was to provide to the City construction documents for the design of a bridge (said bridge to be constructed at some later point in time by the City) at the western boundary of the development (See Attachment A, Exhibit D-1) prior to the approval of the Phase VII final plat. In lieu of this, the developer has proposed paying for oversizing of a water storage tank located near the southern center boundary of the development (shown in Attachment B-Tank Location) and still provide the right of way for the future bridge. Given that the construction of the bridge will not be necessary for at the least several years, any design done now for that project would need to be completely redone by the time it is actually needed, given natural changes to the environment and topography over time. As such, an oversizing of the water tank, which is a currently listed short term project for the City, is a much more timely and economically beneficial endeavor.</p> <p>Concurrent to that request, another issue was brought forward that involves the platting of Phases VI and VII of the development. Subdivision ordinance requirements dictate a minimum number of external roadway connections based on residential lots. Due to topography issues for both phases that lower feasibility for external connection points for not only the current development, but possible development of adjacent parcels in the future, a reduction in those external connection requirements was requested. Staff worked with the developer to locate where those connection points should be based on the topography of the area (See Attachment A, Exhibit D-1) and</p>

	<p>language to address that change has been included in this amendment.</p> <p>A summary of the modification to the original Agreement that are addressed in the 2<sup>nd</sup> Amendment are as follows:</p> <ul style="list-style-type: none"> <li>• Section 4.01, which references development of roadway infrastructure, is amended to reference the updated Exhibit D-1 (which replaces exhibit D)</li> <li>• Section 4.02 repeals the original Section 4.04 detailing the requirement to provide design for the “Bridge” and amends the language to say that the developer must provide the right of way for the bridge, but does not have to provide anything else regarding design or construction.</li> <li>• Section 4.03 cleans up the language to address the new Exhibit D-1. The requirement to build, location, and timing of construction of the “Park Road” does not change from the original agreement. The new exhibit D-1 reflects the most updated Master Plan that was approved by P&amp;Z.</li> <li>• A new Section 4.04 has been included which delineates, for Units VI and VII, the external roadway connections required for those two units within the development. Topography issues limit the feasibility of what the City would normally require for external connections. These connections are shown in Exhibit D-1.</li> <li>• Section 5.02 is added for oversizing of the Water Storage Tank located near the southern center boundary of the development. (Shown in Attachment B-Tank Location)</li> </ul> <p>An additional Attachment C has been included for reference with this material which is the original Section IV, Section V, and Exhibit D of the Tenotex Infrastructure and Development Agreement from 2014 that is being modified with this amendment.</p>
<b>Item Justification</b>	<div> <div> <input type="checkbox"/> Legal/Regulatory Obligation  <input checked="" type="checkbox"/> Reduce Costs  <input type="checkbox"/> Increase Revenue  <input type="checkbox"/> Mitigate Risk  <input type="checkbox"/> Master Plan  Recommendation </div> <div> <input checked="" type="checkbox"/> Infrastructure Investment  <input checked="" type="checkbox"/> Customer Pull  <input checked="" type="checkbox"/> Service Enhancement  <input type="checkbox"/> Process Efficiency  <input type="checkbox"/> Other: _____  _____ </div> </div>
<b>Financial Considerations</b>	N/A

<b>Citizen Input/Board Review</b>	N/A
<b>Legal Review</b>	Legal has reviewed and approved this document
<b>Alternative Options</b>	N/A
<b>Supporting Documents</b>	Attachment A- Second Amendment to Development Agreement Attachment B- Tank Location within Regent Park Attachment C- Excerpt of Sections Being Amended from Original Agreement