



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of November 13, 2018

TO: Members of the City Council

SUBMITTED BY: David Biggs, City Manager

SUBJECT: Amendment to Hilltown Development Agreement to Extend Performance Dates by Four (4) Months

RECOMMENDED ACTION: Direct Staff to Process an Amendment to the Development Agreement for the Hilltown Site to Extend Performance Deadlines by Four (4) Months

FISCAL IMPACT OF RECOMMENDATION: None as a result of this action.

DISCUSSION: On April 24, 2018, the City Council approved an amendment to the existing Development Agreement for the Hilltown site, with the second reading of the Development Agreement amendment ordinance having taken place on May 8th. The main purpose of the approved amendment was to extend key performance dates in regard to the build-out of the project based on the original scope of development. After the April approval, the Developer began to develop their entitlement application approval package.

Subsequently, the Hilltown Developer was contacted by a big box retailer which expressed interest in the Hilltown site. On August 14, 2018, the City Council received a report from staff and the Hilltown developer regarding this interest in the Hilltown site by a big box retailer which both staff and the Developer believed to be worth exploring. In order to do so, the Developer requested an extension to the key performance dates in the Development Agreement. The City Council expressed a willingness to do so, subject to validation of the big box retailer's interest, but did not take any formal action.

Since that time, the big box retailer and Developer did engage in an exchange of offers, which have been verified by staff. Unfortunately, the two parties were not able to reach agreement on terms. The Developer has submitted a formal request (Attachment 1) for a four month extension to their key performance dates which is the amount of time which was needed to explore this opportunity.

Under the City's municipal code, the requested amendments to the Development Agreement are considered a major amendment and first require a review by the Planning Commission followed by a public hearing before the City Council. Staff is requesting that the City Council confirm their direction to process a Development Agreement Amendment for public hearing before the City Council.

ATTACHMENTS:

1. Developer Request

<i>Financial Impact</i>			
Description:			
Funding Source:			
Budget Recap:			
Total Estimated cost:	\$	New Revenue:	\$
Amount Budgeted:	\$	Lost Revenue:	\$
New funding required:	\$	New Personnel:	\$
Council Policy Change: Yes <input type="checkbox"/> No <input type="checkbox"/>			