



# TOWN COUNCIL COMMUNICATION

**DATE** February 21, 2023

**FROM:** Tammy Dixon, Town Secretary

**AGENDA ITEM:** First Reading of a resolution concerning the approval of a Type B Economic Development Project and Third Amended and Restated Performance Agreement by and between the Bartonville Community Development Corporation, and Cloud 9 Management LLC..

**SUMMARY:**

A Performance Agreement between the Board and Cloud 9 Management LLC (Kim Cloud) was approved in April 2019, and amended the agreement in 2020 and 2021, to provide financial assistance for the construction of Cloud 9 Salon and Spa. The agreement provided a total incentive of \$32,000. \$16,000 was paid in accordance of the agreement and the remaining \$16,000 was to paid within 30 days after the issuance of a Certificate of Occupancy (April 2023).

Due to required architectural design changes, project cost negotiations and cost of materials, the groundbreaking of the project was delayed to January of 2023.

On February 8, 2023, the Bartonville Community Development Corporation Board approved a Third Amended and Restated Performance Agreement by and between the Community Development Corporation, and Cloud 9 Management LLC amending the dates of Section 4 of the agreement to coincide with the new construction completion date of early 2024.

Section 505.158 of the Texas Local Government Code provides that a Type B corporation may not undertake a project that requires an expenditure of more than \$10,000 until the governing body of the corporation's authorizing municipality adopts a resolution authorizing the project after giving the resolution at least two separate readings.

**FISCAL INFORMATION:** N/A

**LEGAL REVIEW:** The resolution and Seconded Amended and Restated Performance Agreement were prepared by Jeff Moore, BCDC Attorney.

**RECOMMENDED MOTION OR ACTION:** No Action. First Reading of Resolution

**ATTACHMENTS:**

1. Request from Cloud 9
2. Resolution