



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
September 21, 2023

AGENDA TOPIC: Consideration and possible action approving a resolution authorizing a First Amendment to the 2008 Water Supply Agreement between the City of Fair Oaks Ranch and Mark J. Minahan, Sr. And Brenda S. Minahan for the reservation of water and other related matters, and authorizing the City Manager to execute the First Amendment.

DATE: September 21, 2023

DEPARTMENT: Public Works

PRESENTED BY: Carole Vanzant, CPM, Asst City Manager, Community Services

INTRODUCTION/BACKGROUND:

On July 20, 2006, the City of Fair Oaks Ranch, under Ordinance 153, accepted the City of San Antonio's release of 3,258 acres of its extraterritorial jurisdiction adjacent to the North, East, and Southwest of Fair Oaks Ranch city limits. To ensure future water availability to property owners in the area, the City entered into Water Supply Agreements with six owners in September 2008.

The Agreement with Mark Minahan (**Attachment 1**) states: *This Agreement shall become enforceable upon execution by the City and Owner. This Agreement shall terminate on the 15th anniversary of its execution unless extended by mutual agreement of the parties, or upon full build-out of the property.*

The Agreement was signed on September 22, 2008. On August 8, 2023, the City received a letter from Mr. Minahan requesting a 10-year term extension. For City Council's consideration tonight is a First Amendment to the Agreement amending the terms for an additional 10 years.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

1. Continued reservation and water capacity fees paid by the property owners.
2. Payment of the second installment of the Contribution in Aid of Construction.
3. Furthers Priority 3.1 of the Strategic Action Plan – Enhance and ensure continuity of reliable water resources in accordance with CCN obligations.

LEGAL ANALYSIS:

The Amendment was drafted by Mr. Minahan's Attorney and approved to form by the City Attorney.

RECOMMENDATION/PROPOSED MOTION:

I move to approve a resolution authorizing a First Amendment to the 2008 Water Supply Agreement between the City of Fair Oaks Ranch and Mark J. Minahan, Sr. and Brenda S. Minahan and authorizing the City Manager to execute the Amendment.