



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Regular Meeting Agenda - Final-Amended City Council

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Tuesday, June 19, 2018

6:00 PM

City Council Chambers

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630 E. Hopkins

- I. Call To Order
- II. Roll Call
- III. Invocation
- IV. Pledges Of Allegiance - United States And Texas

### **ACTION/DIRECTION FOLLOWING WORK SESSION EXECUTIVE SESSION**

*NOTE: The City Council may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The City Council may also publicly discuss any item listed on the agenda for Executive Session.*

1. Consider action, by approval, or provide direction to Staff following the Executive Session conducted in accordance with Section §551.071 of the Texas Government Code, Consultation with Attorney, to seek advice of legal counsel regarding:

Resolution 2018-95R, a subordination agreement with Goldman Sachs Mortgage Company and JPMorgan Chase Bank that subordinates the City's Deed of Trust lien against the Embassy Suites Hotel Property securing a note in the principal amount of \$1,500,000 to the lien of such entities securing their loan to JDHQ Hotels, LLC. (a subsidiary of Atrium Hospitality) for the purchase of the hotel from JQH-San Marcos Development (a subsidiary of John Q. Hammons Hotels and Resorts); authorizing the City Manager to execute the subordination agreement on behalf of the City; and declaring an effective date.

2. Consider action, by approval, or provide direction to Staff following the Executive Session conducted in accordance with Section §551.071 of the Texas Government Code, Consultation with Attorney, to seek advice of legal counsel regarding:

Resolution 2018-96R, a loan assignment and assumption agreement between the City, JQH-San Marcos Development, LLC. (a subsidiary of John Q. Hammons Hotels and Resorts) and JDHQ Hotels LLC. (a subsidiary of Atrium Hospitality) that assigns the duties and obligations of JQH Development LLC under various loan documents with the City related to the development of the Embassy Suites Hotel and Conference Center to JDQH

Hotels, LLC. in connection with the sale of the hotel from JQH-San Marcos Development, LLC to JDQH Hotels LLC.; authorizing the City Manager to execute the agreement on behalf of the City; and declaring an effective date.

#### V. 30 Minute Citizen Comment Period

### PRESENTATIONS

3. Receive a Staff presentation of the Quarterly Investment and Financial Reports, and provide direction to City Manager.

### CONSENT AGENDA

*THE FOLLOWING ORDINANCES, RESOLUTIONS AND OTHER ITEMS MAY BE ACTED UPON BY ONE MOTION. NO SEPARATE DISCUSSION OR ACTION ON ANY OF THE ITEMS IS NECESSARY UNLESS DESIRED BY A COUNCIL MEMBER OR A CITIZEN, IN WHICH EVENT THE ITEM SHALL BE CONSIDERED IN ITS NORMAL SEQUENCE AFTER THE ITEMS NOT REQUIRING SEPARATE DISCUSSION HAVE BEEN ACTED UPON BY A SINGLE MOTION.*

4. Consider approval, by motion, of the following meeting Minutes:
  - A) May 29, 2018 - Work Session Minutes
  - B) May 29, 2018 - Regular Meeting Minutes
  - C) June 5, 2018 - Work Session Minutes
  - D) June 5, 2018 - Regular Meeting Minutes
5. Consider approval of Resolution 2018-97R, approving a third amendment to an Interlocal Agreement for Commercial Office Lease with Hays County for the WIC office at 401C Broadway Street for the purpose of extending the lease term for one additional year; authorizing the City Manager to execute said agreement; and declaring an effective date.
6. Consider approval of Resolution 2018-98R, approving a third amendment to an Interlocal Agreement for Commercial Office Lease with Hays County for the WIC Satellite Office at 150 Lockhart Street in Kyle for the purpose of extending the lease term for one additional year; authorizing the City Manager to execute said agreement; and declaring an effective date.
7. Consider approval of Resolution 2018-99R, approving the award of a contract to DellEmc, Inc. For the Dell Servers and Hardware Licensing (#DIR-TSO-3763) with a total value estimated of \$174,130.71; authorizing the City Manager or his designee to execute the said agreement on behalf of the City and declaring an effective date.
8. Consider approval of Resolution 2018-100R, authorizing the execution of an Advance Funding Agreement with the State of Texas, acting through the Texas Department of Transportation (CSJ No. 0914-33-078), for construction of a multi-use bike and pedestrian trail to begin east of the Hopkins Street Bridge and extend west of the Interstate Highway 35 southbound frontage road along the San Marcos River, with an estimated cost of participation by the City of \$645,253; authorizing the City Manager to execute the Agreement on behalf of the City; and declaring an effective date.

9. Consider approval of Resolution 2018-101R, approving the award of a construction contract for Parks and Recreation Equipment and Installation (Buyboard Contract #512-16) to T.F. Harper and Associates, LP for the Dog Park Improvements Project in the estimated amount of \$116,183.75, utilizing CDBG funds; authorizing the City Manager or his designee to execute the said agreement on behalf of the City and declaring an effective date.
10. Consider approval of Resolution 2018-102R, approving the award of a construction contract for Parks and Recreation Equipment and Installation (Buyboard Contract #512-16) to T.F. Harper and Associates, LP for the Dunbar Park Improvements Project in the estimated amount of \$232,468.95, utilizing CDBG funds; authorizing the City Manager or his designee to execute the said agreement on behalf of the City and declaring an effective date.
11. Consider approval of Resolution 2018-103R, approving the award of a contract for minor construction (Choice Partners Cooperative Purchasing Contract #18/029JN) to Fence Lady, Inc. for the materials and construction of a pedestrian bridge in Ramon Lucio Park in the estimated amount of \$263,106.05, funded by TML Insurance; authorizing the City Manager or his designee to execute the said agreement on behalf of the City and declaring an effective date.
12. Consider approval of Resolution 2018-104R, approving the award of a professional services contract to Schrickel, Rollins and Associates, Inc. for the design of the Adult Softball Complex at the Gary Sports Complex with a total value estimated of \$269,500.00; authorizing the City Manager or his designee to execute the said agreement on behalf of the City and declaring an effective date.
13. Consider approval of Resolution 2018-105R, approving and authorizing the termination for convenience of the agreement with Pike Electric, LLC for San Marcos Electric Utility related maintenance services (Contract Number 218-199); authorizing the City Manager or his designee to execute the said termination on behalf of the City.
14. Consider approval of Resolution 2018-106R, approving an Amended and Restated Airport Facility Lease Agreement for Commercial Fixed Base Operator (FBO) Use with Berry Aviation, Inc. for the FBO terminal facility and associated fueling facilities at the San Marcos Regional Airport; authorizing the City Manager to execute the Agreement; and declaring an effective date.
15. Consider approval of Resolution 2018-107R, approving an Amended and Restated Revised Lease of Unimproved Property for Construction and Operation of Business Facilities with Berry Aviation, Inc. for an aircraft hangar and tract of land at the San Marcos Regional Airport; authorizing the City Manager to execute the Agreement; and declaring an effective date.
16. Consider approval of Resolution 2018-108R, approving and authorizing the termination for convenience of the agreement with M2 Federal, Inc. concerning Hutchison Street Bio-Filtration Pond Improvements Project (contract number 218-153); authorizing the City Manager or his designee to execute the said termination on behalf of the City.

17. Consider approval of Resolution 2018-109R, authorizing the City Manager or his designee to apply for flood protection grant funds from the Texas Water Development Board ("TWDB"); authorizing the City Manager to enter into a contract with the TWDB to receive such flood protection grant funds; authorize the matching of City funds; authorizing the matching of flood protection grant funds received from TWDB with CBDG-DR funds or in-kind services.
18. Consider approval of Resolution 2018-110R, approving the award of a construction contract to M.A. Smith Contracting Company, Inc. for the CM Allen Parkway Improvements Project in the estimated amount of \$2,775,080.54; authorizing the City Manager or his designee to execute the said agreement on behalf of the City and declaring an effective date.
19. Consider approval of Resolution 2018-111R, approving the authorized change in service to increase the value of the contract with Freese and Nichols, Inc. for the CDBG-DR Uhland Road Improvements Project in the amount of \$109,570.00; authorizing the City Manager or his designee to execute the said authorized change in service on behalf of the City and declaring an effective date
20. Consider approval of Resolution 2018-112R, approving the award of a contract to the Jacobs Project Management Company (RFQ 218-279) for Construction Project Management Services with maximum estimated contract value of \$2,299,000; authorizing the City Manager or his designee to execute the said agreement on behalf of the City and declaring an effective date.
21. Consider approval of Resolution 2018-113R, approving a contract between the City and the Texas Department of State Health Services, Vital Statistics Unit, for the provision of on-line vital statistic computer services for the City; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.
22. Consider approval of Resolution 2018-114R, approving the terms and conditions of a Joint Election Agreement between the City of San Marcos and Hays County for the holding of a joint election on November 6, 2018; authorizing the City Manager to execute the agreement on behalf of the City; authorizing the City Manager and City Clerk to negotiate minor revisions to this agreement; and declaring an effective date
23. Consider approval of Resolution 2018-115R, approving an Election Services Agreement with the Hays County Election Administrator, for her provision of Election Services for the City's General Election to be held on November 6, 2018 and, if necessary, a Runoff Election to be held in accordance with State Law; Authorizing the City Manager to execute this agreement on behalf of the City; and declaring an effective date.
24. Consider the Public Hearing Dates proposed by Staff regarding the 2018 Property Tax Rate and Fiscal Year 2018-2019 Budget, and provide direction to the City Manager.
25. Consider approval of a pay increase in the amount of \$4,306.65 to City Clerk, Jamie Lee Case effective May 1, 2018.

26. Consider approval of a pay increase in the amount of \$7,665.84 to City Attorney, Michael Cosentino effective May 1, 2018.
27. Consider approval of a pay increase in the amount of \$5,100.00 to City Manager Bert Lumbreras effective May 1, 2018.

## **NON-CONSENT AGENDA**

28. Consider approval of Ordinance 2018-18, on the first of two readings, amending the City's 2017-2018 Fiscal Year budget to allocate a total of \$314,000 of sales tax revenues in the general fund to the following programs in the following individual amounts: Homebuyer Incentive Program (\$60,000) ; IT Security Review Project (\$25,000), Facility Security Project (\$100,000), CIS Software License Upgrade (\$129,000) and adding full time equivalent positions in the Finance, Engineering, and Planning Departments to be paid with HUD Disaster Recovery funds; amending the staffing table for the Fire Department due to reclassification of positions performing the Fire Marshal function; and providing an effective date.
29. Consider approval of Resolution 2018-116R, adopting the Community Development Block Grant (CDBG) Action Plan that provides for the allocation of \$649,948.00 CDBG funds for Program Year 2018; authorizing the City Manager or his designee to act as the official representative of the City in matters related to the CDBG program and action plan; and declaring an effective date.
30. Consider approval of Resolution 2018-117R, adopting the "Parking Program Framework Plan" as a guide for the development of a comprehensive and strategic approach to managing parking in and around Downtown San Marcos, identifying key program objectives, draft program vision and mission statements, a set of guiding principles, as well as a set of primary action items to guide program evolution and development; authorizing the City Manager to carry out parking management planning and operational activities on behalf of the City; and declaring an effective date.
31. Consider approval of Resolution 2018-118R, approving amendments to the Affordable/Workforce Housing Policy relating to the definition of workforce housing and the criteria for the Low Income Housing Tax Credit Policy; and declaring an effective date.
32. Consider approval of Resolution 2018-119R, approving the award of a contract to P3Works, LLC for consulting and administrative services concerning the Trace Public Improvement District; authorizing the City Manager or his designee to execute the said agreement on behalf of the City and declaring an effective date.
33. Discuss and consider the possible reassembling of the Trace Public Improvement District (PID) Project Committee, and provide direction to the City Manager.

## **VI. Question and Answer Session with Press and Public.**

*This is an opportunity for the Press and Public to ask questions related to items on this agenda.*

## **VII. Adjournment.**

**POSTED ON MONDAY, JUNE 11, 2018 @ 4:30PM**

**Tammy K. Cook, TRMC, Deputy City Clerk**

**VIII. ADDENDUM**

The following items have been amended and reposted:

Item #20: Consider approval of Resolution 2018-112R, approving the award of a contract to the Jacobs Project Management Company (RFQ 218-279) for Construction Project Management Services with maximum estimated contract value of \$3,085,000.00; authorizing the City Manager or his designee to execute the said agreement on behalf of the City and declaring an effective date.

It is now posted as: Consider approval of Resolution 2018-112R, approving the award of a contract to the Jacobs Project Management Company (RFQ 218-279) for Construction Project Management Services with maximum estimated contract value of \$2,299,000; authorizing the City Manager or his designee to execute the said agreement on behalf of the City and declaring an effective date.

Item #28: Consider approval of Ordinance 2018-18, on the first of two readings, amending the City's 2017-2018 Fiscal Year budget to allocate a total of \$654,000 of sales tax revenues in the general fund to the following programs in the following individual amounts: Homebuyer Incentive Program (\$60,000) Temporary Office Space in the amount of \$205,000, City Hall

Parking Improvements (\$135,000); IT Security Review Project (\$25,000), Facility Security Project (\$100,000), CIS Software License Upgrade (\$129,000) and adding full time equivalent positions in the Finance, Engineering, and Planning Departments to be paid with HUD Disaster Recovery funds; amending the staffing table for the Fire Department due to reclassification of positions performing the Fire Marshal function; and providing an effective date.

It is now posted as: Consider approval of Ordinance 2018-18, on the first of two readings, amending the City's 2017-2018 Fiscal Year budget to allocate a total of \$314,000 of sales tax revenues in the general fund to the following programs in the following individual amounts: Homebuyer Incentive Program (\$60,000) ; IT Security Review Project (\$25,000), Facility Security Project (\$100,000), CIS Software License Upgrade (\$129,000) and adding full time equivalent positions in the Finance, Engineering, and Planning Departments to be paid with HUD Disaster Recovery funds; amending the staffing table for the Fire Department due to reclassification of positions performing the Fire Marshal function; and providing an effective date.

**ADDENDUM POSTED ON FRIDAY, JUNE 15, 2018 @ 4:50PM**

**JAMIE LEE CASE, TRMC, CITY CLERK**

**Notice of Assistance at the Public Meetings**

The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 855-461-6674 or sent by e-mail to [ADArequest@sanmarcostx.gov](mailto:ADArequest@sanmarcostx.gov)