

ORDINANCE NO. 2020-86

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING THE PROJECT PLAN AND REINVESTMENT ZONE FINANCING PLAN FOR THE SAN MARCOS, TEXAS TAX INCREMENT REINVESTMENT ZONE NO. 4; AND OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the City Council (the "Council") of the City of San Marcos, Texas (the "City") adopted Ordinance No. 2011-68, which designated the San Marcos, Texas Reinvestment Zone No. 4 (the "Zone") pursuant to Section 311.005(a) of the Tax Increment Finance Act, Texas Tax Code, Chapter 311, as amended (the "Act"); and

WHEREAS, the Board of Directors of the Zone (the "Zone Board") prepared and adopted a Project Plan and Reinvestment Zone Financing Plan (the "Project and Financing Plan") for the Zone pursuant to Section 311.011 of the Act, and

WHEREAS, the Council adopted Resolution No. 2014-121R on September 2, 2014, which gave effect to the Project and Financing Plan pursuant to Section 311.011(d) of the Act, and

WHEREAS, the City desires to amend the Project and Financing Plan to (i) include additional anticipated projects and cost estimates and (ii) increase the maximum amount of tax increment that may be reimbursed to the developer of property within the Zone, all as set forth and further described in the amended Project and Financing Plan (the "Amended Project and Financing Plan") attached as Exhibit A; and

WHEREAS, on October 27, 2020, the Zone Board adopted the Amended Project and Financing Plan and recommended that the City approve the Amended Project and Financing Plan, as set forth in the meeting minutes of the Zone Board attached hereto as Exhibit B; and

WHEREAS, pursuant to the Act, the City must amend the Project and Financing Plan by ordinance; and

WHEREAS, notice of a public hearing to be held on December 2, 2020, was duly published in the *San Marcos Daily Record* in its issue dated November 22, 2020, in compliance with Section 311.003(c) of the Act; and

WHEREAS, a public hearing was held on December 2, 2020, at 6:00 p.m. via a free public video conference due to the ongoing public health concerns regarding the COVID-19 virus as authorized by Executive Order of the Governor of Texas (the "Hearing") to consider the amendment to the Project and Financing Plan at which time the City provided a reasonable opportunity for protest in accordance with Section 311.003(d) of the Act; and

WHEREAS, the Council hereby finds and determines that the adoption of this Ordinance is in the best interests of the citizens of San Marcos, Texas; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. The City, after conducting the Hearing and having heard such evidence and testimony, hereby finds, based upon the testimony presented, that the Hearing on the proposed Amended Project and Financing Plan has been properly called, held and conducted and that notice of the Hearing has been published at least seven (7) days before the Hearing in the *San Marcos Daily Record*, a newspaper of general circulation in the City.

SECTION 2. The Project and Financing Plan is hereby amended pursuant to Section 311.011 of the Act to (i) include additional anticipated projects and cost estimates and (ii) increase the maximum amount of tax increment that may be reimbursed to the developer of property within the Zone, all as set forth and further described in the Amended Project and Financing Plan attached as Exhibit A.

SECTION 3. The Council hereby approves the Amended Project and Financing Plan for the Zone, which shall take effect on such approval pursuant to Section 311.011 of the Act.

SECTION 4. The officers of the City are authorized to take any and all action necessary to carry out and consummate the transactions described in or contemplated by the documents approved hereby or otherwise to give effect to the actions authorized hereby and the intent hereof.

SECTION 5. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

SECTION 6. All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

SECTION 7. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 8. If any provision of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance and the application thereof to other circumstances shall nevertheless be valid, as if such invalid provision had never appeared herein, and this governing body hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 9. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter

of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 10. This Ordinance shall be in force and effect from and after its final passage and it is so ordained.

[The remainder of this page intentionally left blank.]

APPROVED ON FIRST READING on the 2nd day of December, 2020.

APPROVED ON SECOND READING, PASSED AND ADOPTED on the 15th day of December, 2020.

CITY OF SAN MARCOS

Jane Hughson, Mayor

ATTEST:

Tammy Cook, City Clerk
(City Seal)

APPROVED:

Michael Cosentino, City Attorney

EXHIBIT A

[Amended Project and Financing Plan]

EXHIBIT B

[Meeting Minutes of October 27, 2020 Zone Board Meeting]