



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Regular Meeting Agenda - Final City Council

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Tuesday, March 16, 2021

6:00 PM

Virtual Meeting

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**Due to COVID-19, this will be a virtual meeting. To view the meeting please go to <http://sanmarcostx.gov/421/City-Council-Videos-Archives> or watch on Grande channel 16 or Spectrum channel 10.**

- I. Call To Order
- II. Roll Call
- III. Invocation
- IV. Pledges of Allegiance - United States and Texas
- V. 30 Minute Citizen Comment Period

*Persons wishing to participate (speak) during the Citizen Comment portion of the meeting must email [citizencomment@sanmarcostx.gov](mailto:citizencomment@sanmarcostx.gov) prior to 12:00PM the day of the meeting. A call in number to join by phone or link will be provided for participation on a mobile device, laptop or desktop computer.*

### PRESENTATIONS

1. Receive status reports and updates on response to COVID-19 pandemic; and provide direction to Staff.

### 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.*

2. Consider approval, by motion, of the following meeting minutes:
  - A. February 24, 2021 Work Session Meeting Minutes
  - B. February 24, 2021 Regular Meeting Minutes
  - C. March 2, 2021 Work Session Meeting Minutes

**Attachments:** [02.24.2021 Work Session Minutes.pdf](#)  
[02.24.2021 Regular Meeting Minutes.pdf](#)  
[03.02.2021 Work Session Minutes.pdf](#)

3. Consider approval of Ordinance 2021-06, on the second of two readings, amending

section 14.126 of the San Marcos City Code concerning Landscape Irrigation Systems to require separate irrigation meters in new development; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

**Attachments:**     [Ordinance](#)  
                          [14.126 Landscape irrigation systems \(redlines\)](#)  
                          [14.126 landscape irrigation systems \(clean\)](#)

4. Consider approval of Ordinance 2021-15, on the second of two readings, amending the Official Zoning Map of the City in Case No. ZC-21-02 by designating the property at 200 West MLK Drive, currently the location of the Calaboose African American History Museum, as a local historic landmark; including procedural provisions.

**Attachments:**     [Ordinance](#)  
                          [ZC-21-02 Presentation](#)  
                          [ZC-21-02 Staff Report](#)  
                          [ZC-21-02 Maps](#)  
                          [ZC-21-02 Personal Notification Letter](#)  
                          [ZC-21-02 Report from Preservation Texas](#)  
                          [ZC-21-02 San Marcos Daily Record Newspaper Clipping \(November 1943\)](#)  
                          [ZC-21-02 APPROVED 1.7.21 HPC Minutes](#)

5. Consider approval of Ordinance 2021-18, on the second of two readings, to approve Deeds with access easements to Hays County for FM 110 ROW and drainage easements associated with FM 110.

**Attachments:**     [Ordinance](#)  
                          [ROW Agreement Package](#)  
                          [FM110 Roadway with Driveway.pdf](#)  
                          [FM 110 North Exhibit](#)

6. Consider approval of Resolution 2021-52R, awarding a contract to Wells Fargo, N.A., for Depository Services in the estimated annual amount of \$60,000 for a three year term and authorizing one additional extension of up to two years; authorizing the City Manager or his designee to execute the contract on behalf of the City; and declaring an effective date.

**Attachments:**     [Resolution](#)  
                          [220-226 Proposal Submittal Log](#)

7. Consider approval of Resolution 2021-53R, approving a contract with Techline Pipe, LP through the Interlocal Purchasing Cooperative Agreement with the Lower Colorado River Authority for the provision of materials and supplies to be used by the Public Services Department in the estimated annual amount of \$350,000 and authorizing four additional annual renewals; authorizing the City Manager or his designee to execute the contract on behalf of the City; and declaring an effective date.

**Attachments:**     [Resolution](#)

8. Consider approval of Resolution 2021-54R, approving a pedestrian underpass agreement with Union Pacific Railroad Company (UPRR) for department of Transportation Project No 97547H at Milepost 209.39; authorizing the City Manager or his designee to execute the contract on behalf of the City; and declaring an effective date.

**Attachments:** [Union Pacific Railroad - Pedestrian Underrpass Agreement - Resolution 3214-78 - San Marcos Pedestrian Underpass - DOT 975471H - San Marcos, TX](#)

9. Consider approval of Resolution 2021-55R, approving Change Order No. 2 in the amount of \$124,320; and Change Order No. 6 in the amount of \$67,182.31, for a total of \$191,502.31, to the Advance Funding Agreement with the State of Texas, acting through the Texas Department of Transportation for the San Marcos River Shared Use Path Project, also known as the Cross-Town Pathway Project, that provides for construction of a multi-use bike and pedestrian trail, which change orders enable work related to the construction and installation of Americans with Disabilities Act (ADA) access ramps for river access as part of the project without increasing the City's required funding contribution under the original agreement; authorizing the City Manager, or his designee, to execute the appropriate documents to implement the change orders; and declaring an effective date.

**Attachments:** [Resolution](#)  
[TxDOT Change Order No. 2](#)  
[TxDOT Change Order No. 6](#)  
[Res 2018-100](#)

## PUBLIC HEARINGS

*Persons wishing to participate (speak) during the Public Hearing portion of the meeting must email [citizencomment@sanmarcostx.gov](mailto:citizencomment@sanmarcostx.gov) prior to 12:00PM the day of the meeting. A call in number to join by phone or link will be provided for participation on a mobile device, laptop or desktop computer.*

10. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2021-05, amending sections 7.2.4.1 and 7.2.4.2 and Chapter 8, Article 1 of the City's Development Code by, among other things, including limitations on turfgrass installed in new developments, requiring the use drought-tolerant turf grass species in new developments, requiring minimum soil depths in new developments, adding a definition for turfgrass, and making other minor edits for clarification; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date; and consider approval of Ordinance 2021-05, on the second of two readings.

**Attachments:** [City Council pres 1-19-21\(edits\)](#)  
[Ordinance](#)  
[HBA Sensible Landscaping Bro](#)  
[HBA EMAIL](#)  
[CHAPTER 7 ARTICLE 2 DIVISION 4 \(clean\)](#)  
[CHAPTER 7 ARTICLE 2 DIVISION 4 \(redlines\)](#)

11. Receive a Staff presentation and hold a Public Hearing to receive comments for or against

Ordinance 2021-19, annexing into the City approximately 3.62 acres of land generally located on Rattler Road, between Old Bastrop Highway and Highway 123, including procedural provisions; and providing an effective date; and consider approval of Ordinance 2021-19 on the first of two readings.

**Attachments:**

[Ordinance](#)

[1. AN-20-09 Presentation 1st Reading](#)

[2. AN-20-09 Resolution-Annexation Service Agreement \(to be signed\)](#)

[3. AN-20-09 Maps](#)

[4. AN-20-09 ETJ vs. City Development Standards](#)

[5. AN-20-09 Application](#)

[6. Resolution 2020-219R](#)

12. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2021-20, amending the Official Zoning Map of the City in Case No. ZC-20-16 by rezoning approximately 3.62 acres of land, generally located at 2835 Rattler Road, from Future Development (FD) to Light Industrial (LI), or subject to consent of the owner, another less intense zoning district classification; including procedural provisions; and consider approval of Ordinance 2021-20, on the first of two readings.

**Attachments:**

[Ordinance](#)

[ZC-20-16 Presentation](#)

[ZC-20-16 Staff Report](#)

[ZC-20-16 Maps](#)

[ZC-20-16 Personal Notification Letter](#)

[ZC-20-16 Code Comparison](#)

[ZC-20-16 Comprehensive Plan Checklist](#)

[ZC-20-16 Application Documents](#)

[Rattler Road Storage Development Agreement](#)

13. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2021-56R, approving a Budget Policy Statement for preparation of the 2021-2022 Fiscal Year budget; and declaring an effective date; and consider approval of Resolution 2021-56R.

**Attachments:**

[Budget Policy Statement - Resolution.doc](#)

[FY22 Proposed Budget Policy DRAFT](#)

[FY22 Proposed Budget Policy DRAFT redline](#)

14. Receive a Staff presentation and hold a Public Hearing to consider an appeal by Chris Weigand of the decision of the Planning and Zoning Commission on February 23, 2021 to deny the request for Alternative Compliance (AC-21-01) to the residential garage parking requirements in Section 7.1.4.1. of the Development Code for a proposed residential development located in the 3800 Block of Hwy 123.

- Attachments:** [AC-21-01 Staff Report](#)  
[AC-21-01 Maps](#)  
[AC-21-01 Personal Notification Letter](#)  
[AC-21-01 Application Documents](#)  
[AC-21-01 Code Excerpt - 7.1.4.1](#)  
[AC-21-01 Presentation](#)

## NON-CONSENT AGENDA

15. Consider approval of Ordinance 2021-16, on the second of two readings, amending Chapters 3 and 4 of the San Marcos Development Code and Appendix A, Article 1 of the Design Manual, by, among other things, updating provisions concerning nonconforming streetscapes, the Character District 5 Downtown description, the minimum two story building height in downtown, and the downtown architectural design standards and guidelines related to varied massing, transparency, blank wall area, expression elements, building elements, and contextual height stepdown; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

- Attachments:** [Ordinance](#)  
[Presentation](#)  
[Memo - Council Additional Information](#)  
[Memo - Project Overview](#)  
[Memo - Joint Workshop Direction](#)  
[Memo - PZ Amendments](#)  
[Development Code \(Redlined\)](#)  
[Design Manual \(Redlined\)](#)  
[Summary of Outreach - December Meetings](#)  
[Memo - Protecting Views](#)

16. Consider approval of Ordinance 2021-17, on the second of two readings, adopting Youth Programs Standards of Care for 2021; providing a severability clause; providing for the repeal of any conflicting provision; declaring an effective date.

- Attachments:** [Ordinance](#)  
[June Lunch Off Site Summer Menu 2019](#)  
[menu](#)  
[Summer Feeding Program information](#)

17. Consider approval of Ordinance 2021-21, on the first of two readings, extending the delayed effective date of Ordinance 2020-08 that provided for the Annexation into the City of Approximately 62.48 acres of land generally located at the intersection of Gregson's Bend and Commercial Loop; including procedural provisions; and providing an effective date.

**Attachments:** [Ordinance](#)  
[Annexation Ordinance 2020-08](#)  
[Original AN-20-02 Presentation](#)  
[Service Agreement](#)  
[AN-20-02 Map Package](#)  
[AN-20-02 Application Documents](#)

18. Consider approval of Ordinance 2021-22, on the first of two readings, extending the delayed effective date of Ordinance 2020-09 that provided for the rezoning of approximately 62.48 acres of land generally located at the intersection of Commercial Loop and Gregson's Bend from "FD" Future Development District and "GC" General Commercial District to "PA" Planning Area District; and including procedural provisions.

**Attachments:** [Ordinance](#)  
[Zoning Ordinance 2020-09](#)  
[Original ZC\\_20\\_03 Presentation](#)  
[ZC-20-03 Staff Report](#)  
[ZC-20-03 Maps](#)  
[ZC-20-03 Code Comparison](#)  
[ZC-20-03 Comp Plan Analysis Checklist](#)  
[ZC-20-03 Personal Notice](#)  
[ZC 20 03 Application Documents](#)

19. Consider approval of Ordinance 2021-23, on the first of two readings, amending Sections 14.006(c) and 14.372(a)(2) of the San Marcos City Code to continue the residential home improvement exemption from fees and to enable one to perform construction work on the home of an immediate family member without a contractor's license, unless a license is required by State Law; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

**Attachments:** [Ordinance](#)  
[14.372 License Required; Exception Redlines](#)  
[14.006 Fees & Exemption from Fees Redline](#)

20. Consider approval of Resolution 2021-57R, approving the terms and conditions of an interlocal agreement between the City of San Marcos and Hays County regarding the use of City-owned property on Airport Drive for a project to provide direct access to the San Marcos Regional Airport and Gary Job Corp from FM 110; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.

**Attachments:** [Resolution](#)  
[ILA.MOU - CoSM.Airport.Roadways,clean.final.doc](#)  
[San Marcos Traffic Study - Concept Dwg.pdf](#)  
[Security Gate Drawing Red Dots are Access Points](#)

21. Consider approval of Resolution 2021-58R, approving an agreement with Blanco River, L.P. providing for the City to acquire 0.052 ac. of Drainage Right-Of-Way, a 0.066 ac. Drainage Easement and a 0.060-acre Temporary Construction Easement located at 1442 and 1452 River Road for a price of \$63,900.00, together with associated closing costs, in connection with the Blanco Riverine Flood Mitigation Project; authorizing the City Manager or his designee to execute the agreement; and declaring an effective date.

**Attachments:** [Resolution](#)  
[Offer Package Blanco Riverine P-4, Blanco Final 1.28.21](#)  
[04 - Blanco River, L.P. Location Maps](#)

22. Consider approval of Resolution 2021-59R, approving a first amendment to the San Marcos Conference Center Side Agreement with JDHQ Hotels, LLC for the purpose of extending the date for JDHQ's completion of certain improvements under the Conference Center property improvement plan by two years; authorizing the City Manager, or his designee, to execute this amendment on behalf of the city; and declaring an effective date.

**Attachments:** [Resolution](#)  
[First Amendment](#)  
[San Marcos - Conference Center Side Agreement Extension Request](#)

23. Consider approval of Resolution 2021-60R, filling a vacancy on the Board of Directors of the Alliance Regional Water Authority (ARWA), and declaring an effective date.

**Attachments:** [Res. 2021-XXR.doc](#)

24. Receive a Staff presentation and hold discussion regarding the utility disconnections for non-payment and late fees, and provide direction to Staff.

**Attachments:** [COSM Disconnect Presentation FINAL](#)

25. Hold discussion on Council Committee Rules of Procedure and provide direction to Staff.

**Attachments:** [Council Committee Rules of Procedure .docx](#)

## 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.*

26. Executive Session in accordance with:
- A. Sec. §551.071 of the Texas Government Code: Consultation with Attorney: To receive advice of legal counsel regarding the Purchase and Sale Agreement with Pursuant Ventures Development, LLC for the San Marcos Sportsplex Project
  - B. Sec. §551.074 of the Texas Government Code: Personnel Matters: to discuss the duties and responsibilities of a Public Officer - to wit City Council Members

## ACTION/DIRECTION FROM EXECUTIVE SESSION

27. Consider action, by motion, or provide direction to Staff regarding the following Executive Session item held during the Work Session and/or Regular Meeting:  
Executive Session in accordance with:
- A. Sec. §551.071 of the Texas Government Code: Consultation with Attorney: To receive advice of legal counsel regarding the Purchase and Sale Agreement with Pursuant Ventures Development, LLC for the San Marcos Sportsplex Project
  - B. Sec. §551.074 of the Texas Government Code: Personnel Matters: to discuss the duties and responsibilities of a Public Officer - to wit City Council Members

VI. Adjournment.

**POSTED ON WEDNESDAY, MARCH 10, 2021 @ 3:00PM**

**TAMMY K. COOK, INTERIM 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)