



City of San Marcos

Regular Meeting Agenda - Final City Council

Tuesday, July 6, 2021

6:00 PM

Virtual Meeting

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 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.

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.

1. Consider approval, by motion, of the following meeting minutes:
 - A. May 18, 2021 - Work Session Meeting Minutes
 - B. May 18, 2021 - Regular Meeting Minutes
 - C. June 1, 2021 - Work Session Meeting Minutes
 - D. June 1, 2021 - Regular Meeting Minutes
2. Consider approval of Ordinance 2021-40, on the second of two readings, annexing into the City approximately 21.73 acres of land generally located 1,500 feet West of the Centerpoint Road and Center Point Court Intersection in No. AN-21-03; including procedural provisions; and providing an effective date.
3. Consider approval of Ordinance 2021-41, on the second of two readings, amending the Official Zoning Map of the City in Case No. ZC-21-06 by rezoning approximately 10.19 acres of land, generally located 2,000 feet southwest of the of the Centerpoint Road and Centerpoint Court intersection, from "FD" Future Development District to "CD-1 Character

District-1, or subject to consent of the owner, another less intense zoning district classification; including procedural provisions; and providing an effective date.

4. Consider approval of Ordinance 2021-42, on the second of two readings, amending the official zoning map of the city in Case No. ZC-21-07 by rezoning approximately 9.66 acres of land, generally located 1,050 feet West of the of the Centerpoint Road and Centerpoint Court intersection, from "GC" General Commercial and "FD" Future Development Districts to "CD-5" Character District-5, or subject to consent of the owner, another less intense zoning district classification; including procedural provisions; and providing an effective date.
5. Consider approval of Ordinance 2021-43, on the second of two readings, amending the official zoning map of the City in Case No. ZC-21-08 by rezoning approximately 29.66 acres of land, generally located 300 feet West of the of the Centerpoint Road and Centerpoint Court intersection, from "GC" General Commercial and "FD" Future Development Districts to "CD-4" Character District-4, or subject to consent of the owner, another less intense zoning district classification; including procedural provisions; and providing an effective date.
6. Consider approval of Ordinance 2021-44, on the second of two readings, amending the City's 2020-2021 fiscal year budget to allocate \$41,705 from State Seized Asset Funds to provide funding for the purchase of equipment for the Crisis Negotiations Team, GPS trackers for CID personnel, and drone mapping software; and declaring an effective date.
7. Consider approval of Ordinance 2021-45, on the second of two readings, amending Chapter 2, Administration, Article 5, Code of Ethics, by adding a new Division 5 requiring registration of lobbyists and periodic reporting of contacts made by lobbyists with elected City officials, City Board and Commission members, and City Employees; establishing penalties for violations of this ordinance; providing certain exemptions from lobbying registration and reporting requirements; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.
8. Consider approval of Resolution 2021-110R, approving a contract with Rush Truck Center for the purchase of two dump trucks in the amount of \$308,442.30 and one semi-tractor in the amount of \$147,231.95 through the BuyBoard Purchasing Cooperative (Contract No. 601-190) and a contract for the purchase of a trailer from Cooper Equipment Company in the amount of \$92,840.35 through the BuyBoard Purchasing Cooperative (Contract No. 599-19) and a contract for the purchase of one roadway patcher in the amount of \$204,376.00 from Santex Truck Centers, Ltd. through the HGACBuy Purchasing Cooperative (Contract No. HT06-20), for a total expenditure in the amount of \$752,890.60 for the purchase of capital equipment for use by the Streets Division of the Public Works Department; authorizing the City Manager or his designee to execute the contracts on behalf of the City; and declaring an effective date.
9. Consider approval of Resolution 2021-111R, approving an addendum to the Master Lease-Purchase Financing Agreement with Santander Inc. to add a tractor, trailer, roadway patcher, and two dump trucks for use by the Streets Division of the Public Works Department to be financed under the agreement in the amount of \$793,977.94, inclusive of

interest, for a seven-year term; authorizing the City Manager or his designee to execute all appropriate documents associated with this transaction; and declaring an effective date.

10. Consider approval of Resolution 2021-112R, approving a Change Order to the Indefinite Delivery/Indefinite Quantity contract with Lone Star Paving to increase the contract in the not-to-exceed amount of \$259,472.75 for asphalt street overlay materials; authorizing the City Manager or his designee to execute the appropriate documents relating to the Change Order on behalf of the City; and declaring an effective date.
11. Consider approval of Resolution 2021-113R, approving the terms and conditions of an Interlocal Agreement between the City of San Marcos and Texas State University for a temporary fire suppression service interconnection of the City's water system to allow for elevated storage tank maintenance by the University; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.
12. Consider approval of Resolution 2021-114R, awarding a contract to Houston Freightliner through the HGACBuy Purchasing Cooperative for the purchase of a combination truck (hydroexcavator) for use by the Water/Wastewater Division of the Utilities Department in the amount of \$333,146.20; authorizing the City Manager or his designee to execute the contract on behalf of the City; and declaring effective date.
13. Consider approval of Resolution 2021-115R, approving an addendum to the Master Lease-Purchase Financing Agreement with U.S. Bancorp Government Leasing and Finance, Inc. that adds a Combination Truck (Excavator) for use by the Water/Wastewater Division of the Utilities Department to be financed under the agreement in the amount of \$333,146.20, inclusive of interest, for a seven-year term; authorizing the City Manager or his designee to execute all appropriate documents associated with this transaction; and declaring effective date.
14. Consider approval of Resolution 2021-116R, approving a Change in Service to the agreement with CenturyTel of San Marcos for telecommunications services to extend the contract for one additional year in the not-to-exceed amount of \$125,000; authorizing the City Manager or his designee to execute the appropriate documents to implement the Change in Service; and declaring an effective date.
15. Consider approval of Resolution 2021-117R, approving an agreement with P3Works, LLC for Public Improvement District administration services in connection with Whisper South Public Improvement District; authorizing the City Manager or his designee to execute the said agreement and closing documents; and declaring an effective date.
16. Consider approval of Resolution 2021-118R, approving a Change in Service to the agreement with Paymentus Corporation for payment processing for Utility Billing in the amount of \$125,000 for the remainder of Fiscal Year 2021 and authorizing three additional annual renewals in the amount \$300,000 per year; authorizing the City Manager or his designee to execute the appropriate documents to implement the Change in Service; and declaring an effective date.
17. Consider approval of Resolution 2021-119R, awarding a contract to Deere & Company in the amount of \$63,720.93 and Austin Turf & Tractor in the amount of \$73,846.00 both

through the BuyBoard Purchasing Cooperative for the purchase of three mowers for use by the Parks and Recreation Department for a total price of \$137,566.93; authorizing the City Manager or his designee to execute the contract on behalf of the City; and declaring effective date.

18. Consider approval of Resolution 2021-120R, approving an addendum to the Master Lease-Purchase Financing Agreement with Santander, Inc. that adds three mowers for use by the Parks and Recreation Department to be financed under the agreement in the amount of \$143,178.50, inclusive of interest, for a five-year term; authorizing the City Manager or his designee to execute all appropriate documents associated with this transaction; and declaring effective date.
19. Consider approval of Resolution 2021-121R, expressing the City Council's support for an application by Centro Cultural Hispano de San Marcos for Hays County Parks and Opens Space Bond funding to establish a new urban park or plaza associated with the cultural center; exploring the possibility of a collaboration with the City for this project; and declaring an effective date.
20. Consider approval of Resolution 2021-122R, supporting the application by the San Marcos River Foundation to the for Hays County Parks and Opens Space Advisory Commission ("POSAC") for Hays County 2020 Parks Bond funds to fund the acquisition of approximately 102 acres of land, more or less, commonly known as the Elsik Tract for future open space and conservation purposes; and declaring an effective date.
21. Consider approval of Resolution 2021-123R, ratifying a Developer Participation Agreement with SML Owner I, LLC for the City to participate in the cost of replacing a section of a water main in the vicinity of the Lofts I and II Apartments bounded by West San Antonio, West Hopkins and Fredericksburg streets for an amount not to exceed \$200,000.00; authorizing the City Manager, or his designee, to execute said agreement; and declaring an effective date.
22. Consider approval of Resolution 2021-124R, approving an agreement with the Estate of Myrtle McCarty Estate providing for the City to purchase approximately 10.492 acres of land in the vicinity East of the intersection of San Antonio and Olive Streets, together with a drainage, water and wastewater easement across 0.251 acres and a temporary workspace license across 0.41 acres, for a price of \$100,000.00, together with associated closing costs, in connection with the Purgatory Creek 18-inch Wastewater Main, Bishop and Belvin improvements and Purgatory Creek Phase 2 improvements projects; authorizing the City Manager, or his designee, to execute said agreement; and declaring an effective date.
23. Consider approval of Resolution 2021-125R, approving an agreement for the provision of services in connection with the proposed owner requested annexation in Case No. AN-21-04 of approximately 8.704 acres of land, generally located at the northwest corner of the West Centerpoint Road and Central Park Loop intersection; authorizing the City Manager, or his designee, to execute said agreement on behalf of the City; setting a date for a Public Hearing concerning the proposed annexation of said tract of land; and declaring an effective date.

24. Consider approval, by motion, to accept the Sustainability Committee Purpose Statement - "To promote sustainable practices as defined in the City Council Sustainability Strategic Initiative."
25. Consider approval, by motion, to accept the Homelessness Committee Purpose Statement - "The Committee on Homelessness seeks to analyze and address the various sides of homelessness and housing vulnerability and its effects on the San Marcos community. Using experience, understanding, data and inclusive resolutions, the committee will work closely with service providers and various San Marcos stakeholders to help propose solutions that will address preventing homelessness, case management for those experiencing homelessness, transitional housing needs, workforce training, and all issues related to improving and stabilizing the lives of our most vulnerable neighbors."

PUBLIC HEARINGS

Persons wishing to participate (speak) during the Public Hearing portion of the meeting must email 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.

26. Receive a staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2021-47, amending various sections of the City's development code, to among other things, address typographical and technical errors, and implement changes related to site permit requirements, detention, stormwater quality and stream protection, residential garage and pedestrian access requirements, building activation, the use of self-storage and outdoor storage, the Employment Center Zoning District, allowable uses in CD-2.5, ND-3.2, and the Land Use Matrix, providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date; and consider approval Ordinance 2021-47, on the first of two readings.
27. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2021-126R, approving a fourth amended and restated Development Agreement with Lazy Oaks Ranch, LP and its partial assignees in connection with the La Cima Development near the intersection of Old Ranch Road 12 and Wonder World Drive that changes the number of multi-family units authorized for construction within the first phase to be based off 360 units instead of 15 acres; authorizing the City Manager to execute the agreement on behalf of the City; and providing an effective date; and consider approval of Resolution 2021-126R.
28. Receive a staff presentation and hold a Public Hearing to receive comments for or against proposed Substantial Amendment No. 11 to reallocate project funding in the Community Development Block Grant-Disaster Recovery (CDBG-DR) Action Plan.

NON-CONSENT AGENDA

29. Consider approval of Ordinance 2021-48, on the first of two readings, amending Chapter 22, Cemeteries, of the San Marcos City Code by, among other things, eliminating the issuance of a recorded deed as the instrument granting a right of interment at the cemetery, removing the reference of a specific city department responsible for cemetery matters, adopting a fee schedule related to the use and operation of the cemetery;

providing for the repeal of any conflicting provisions; and providing an effective date.

30. Consider approval of Ordinance 2021-49, on the first of two readings, repealing Section 58.068 of the San Marcos City Code that prohibits possession or shooting of a speargun by any person while in or upon the San Marcos River without a permit issued by the Parks and Recreation Department; and providing an effective date.
31. Consider approval of Ordinance 2021-50, on the first of two readings, appointing Daniel Matthew Burns as an associate Municipal Court Judge for the San Marcos Municipal Court of Record for a term of two years; and providing an effective date.
32. Consider approval of Ordinance 2021-51, on the first of two readings, amending Chapter 2, Article 5 (Code of Ethics) of the San Marcos City Code by adding a new section 2.422.1; requiring members of the City Council and appointed members of City Boards, Commissions, and Committees to attend Ethics Training during the first thirty (30) days of their initial term of office; and declaring an effective date.
33. Consider approval of Ordinance 2021-52, on the first of two readings, amending Section 2.444 of the San Marcos City Code to require a copy of the Commission's rules of procedure for hearings to be provided by the city attorney to the complainant and to the person accused of an ethics violation within seven business days of accepting an ethics complaint, and provide direction to Staff.
34. Consider approval of Ordinance 2021-53, on the first of two readings, approving an agreement with G&H Rental Properties, LLC providing for the City to purchase 0.110 acres of land located at 1414-1420 River Road for a price of \$24,000.00, plus associated closing costs, and also providing for the exchange of an adjacent 0.111 acres owned by the City at 1412 River Road as further consideration for such purchase in connection with the Blanco Riverine Flood Mitigation Project; authorizing the City Manager, or his designee, to execute said agreement and associated closing documents; and declaring an effective date.
35. Consider approval of Ordinance 2021-54, on the first of two readings, amending the City's 2020-2021 Fiscal Year budget to allocate funds made available due to the Award to the City of American Rescue Plan Funds; and providing an effective date.
36. Consider approval of Resolution 2021-130R, approving the allocation of \$9,050,741 in funds received by the City of San Marcos on June 1, 2021 under the American Rescue Plan, and declaring an effective date.
37. Consider approval of Resolution 2021-127R, allocating up to \$640,000 in one time grant funds from the City's General Fund for non-profit activities that mitigate adverse impacts of the Coronavirus Pandemic; authorizing the City Manager, or his designee, to act as the Official Representative of the City in matters related to said grant funds on behalf of the City; providing for the reallocation of any funds not awarded for non-profit activities related to the pandemic; and declaring an effective date.
38. Consider approval of Resolution 2021-128R, approving an Election Services Agreement with the Hays County Elections Administrator for the provision of Election Services for the

City's General and Special Election to be held on November 2, 2021 and, if necessary, a Runoff Election to be held in accordance with State law; authorizing the Interim City Clerk to execute the agreement on behalf of the City; and declaring an effective date.

39. Consider approval of Resolution 2021-129R, approving a Joint Election Agreement between the City of San Marcos and Hays County for the holding of a joint election to be held on November 2, 2021; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.
40. Receive a staff presentation and hold preliminary discussion on the selection of proposed activities for \$823,414.87 in the 2021-2022 Community Development Block Grant (CDBG) Action Plan
41. Receive an update and hold discussion regarding the utility assistance program and disconnections for non-payment and late fees, and provide direction to Staff.
42. Hold discussion on Recommendation Resolution 2021-02RR, of the Historic Preservation Commission, recommending that the City Council authorize an amendment to Table 2.1 and Section 2.5.5.3 of the San Marcos Development Code to require posted signage providing notice of any public hearing regarding a request for a Certificate of Appropriateness; and provide direction to Staff.
43. Hold discussion on returning to Council Chambers for in person meetings, and provide direction to the City Manager.
44. Hold discussion regarding the need for a market study to include occupancy rates for all housing that markets to students, both student purpose build housing and traditional student apartments, and provide direction to the City Manager

VI. Adjournment.

POSTED ON WEDNESDAY, JUNE 30, 2021 @ 5:00PM

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