



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Regular Meeting Agenda - Final City Council

Tuesday, August 3, 2021

6:00 PM

City Council Chambers

630 E. Hopkins

This will be a hybrid (in-person/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 Public Hearing portion of the meeting must email citizencomment@sanmarcostx.gov the day prior to the meeting and before 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. Please indicate if you would like to speak in person.

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. June 29, 2021 - Budget Workshop Meeting Minutes
 - B. June 29, 2021 - Special Meeting Minutes
 - C. June 30, 2021 - Special Meeting Minutes; Appointee Evaluations
 - D. July 1, 2021 - Special Meeting Minutes; City Manager Evaluation
 - E. July 7, 2021 - Special Meeting Minutes; Appointee Goal Setting
 - F. July 12, 2021 - Special Meeting Minutes; City Manager Goal Setting
- 2. Consider approval of Ordinance 2021-47, on the second of two readings, 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.

3. Consider approval of Ordinance 2021-48, on the second 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.
4. Consider approval of Ordinance 2021-50, on the second 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.
5. Consider approval of Ordinance 2021-51, on the second 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.
6. Consider approval of Ordinance 2021-52, on the second 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.
7. Consider approval of Ordinance 2021-53, on the second 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.
8. Consider approval of Resolution 2021-131R, approving a Change in Service to the agreement with Clean Earth of Alabama, Inc. for the provision of services relating to the Household Hazardous Waste Program to authorize a revised estimated annual amount of \$140,000.00 for the remaining three years of the contract; authorizing the City Manager or his designee to execute the appropriate documents to implement the Change in Service; and declaring an effective date.
9. Consider approval of Resolution 2021-132R, approving an agreement to purchase four buses from Creative Bus Sales, through the Texas SmartBuy purchasing cooperative in the amount of \$423,548.00; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring effective date.
10. Consider approval of Resolution 2021-133R, approving a contract with Move Solutions,

Ltd, through the Texas BuyBoard Purchasing Cooperative to relocate the Utilities and Public Works Departments to the new Public Services Complex in the amount of \$181,314.46; authorizing the City Manager or his designee to execute the contract on behalf of the City; and declaring an effective date.

11. Consider approval of Resolution 2021-134R, approving the submittal of the amended 2019 revised Water Conservation and Drought Response Plan to the Texas Water Development Board; and declaring an effective date.
12. Consider approval of Resolution 2021-135R, approving a Change in Service to the agreement with Woodbury Financial Services, Inc. to add an additional \$66,000 and extend the agreement through April 3, 2025; authorizing the City Manager or his designee to execute the appropriate documents to implement the Change in Service; and declaring an effective date.
13. Consider approval of Resolution 2021-136R, approving a Change Order to the construction contract with New Age General Contractors, Inc. related to the South Guadalupe Street Sidewalk and Landscaping Improvements Project to fund, among other things, the extension of underground infrastructure north of MLK Drive and the replacement of curb along Guadalupe Street in the amount of \$130,370.00; authorizing the City Manager or his designee to execute the appropriate documents to implement the Change Order; and declaring an effective date.
14. Consider approval of Resolution 2021-137R, approving an agreement with Francis R. & Linda M. Horne providing for the City to purchase an approximately 1,979 square foot portion of 1008, 1010 & 1014 Academy St for a price of \$67,601.00, together with associated closing costs, in connection with the Sessom/Academy Drainage and Infrastructure Improvements project; authorizing the City Manager, or his designee, to execute said agreement; and declaring an effective date.
15. Consider approval of Resolution 2021-138R, approving an agreement with the Icon Properties Ltd. providing for the City to purchase an approximately 2,992 square foot portion of land out of 1102, 1104 & 1106 Academy Street for a price of \$80,000.00, together with associated closing costs, in connection with the Sessom/Academy Drainage and Infrastructure Improvements project; authorizing the City Manager, or his designee, to execute said agreement; and declaring an effective date.
16. Consider approval of Resolution 2021-139R, concerning an Amendment to Reimbursement Agreement with Carma Paso Robles, LLC for San Marcos, Texas Tax Increment Reinvestment Zone No. 4 in connection with the Paso Robles Development at Hunter and Centerpoint Roads; authorizing the City Manager to execute the amendment to Reimbursement Agreement on behalf of the City and other related matters, and declaring an effective date.
17. Consider approval of Resolution 2021-140R, appointing Tyler Hjorth, Interim Director of Utilities to fill the vacancy on the Board of Directors of the Alliance Regional Water Authority (ARWA) created by the retirement of the former Director of Public Services; and declaring an effective date.

18. Consider approval of Resolution 2021-141R, authorizing the submission by Hays County of an application for funding under the U.S. Department of Justice, OJP, BJA Edward Byrne Memorial Justice Assistance Grant (JAG) program that includes a funding request on behalf of the City in the amount of \$18,869.00 for the purchase of forensic lab equipment and supplies; authorizing the City Manager, or his designee, to execute any and all documents as necessary to accept the grant funds, if awarded; and declaring effective date.
19. Consider approval, by motion, authorizing a corrected Change in Service #4 to the Water Treatment Facilities Operations and Asset Management agreement with the Guadalupe-Blanco River Authority to add \$25,863.84 annually through 2025 for maintenance of the McCarty Lane Wells and Elevated Storage Facility recently acquired from Crystal Clear Special Utility District; authorizing the City Manager or designee to execute the Change in Service on behalf of the City; and declaring an effective date.
20. Consider approval of a pay increase in the amount of \$4,576.00 to Municipal Court Judge, Dallari Landry, effective May 1, 2021.
21. Consider approval of a pay increase in the amount of \$1,869.30 to City Attorney, Michael Cosentino effective May 1, 2021.
22. Consider approval of a pay increase in the amount of \$3,201.54 to Interim City Clerk, Tammy Cook effective May 1, 2021.
23. Consider approval of a pay increase in the amount of \$ 2,705.25 to City Manager Bert Lumbreras effective May 1, 2021.

PUBLIC HEARINGS

Persons wishing to participate (speak) during the Public Hearing portion of the meeting must email citizencomment@sanmarcostx.gov the day prior to the meeting and before 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. If attending in person, no sign up is required.

24. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2021-62, amending the official zoning map of the City in Case No. ZC-21-11 by rezoning approximately 0.98 acres of land, more or less, out of lot 5, block 1, San Marcos Business Park, Section 2, located at 1909 Dutton Drive, from "GC" General Commercial District 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; and consider approval of Ordinance 2021-62, on the first of two readings.
25. Receive a staff presentation and hold a Public Hearing to receive comments for or against Resolution 2021-142R, approving a Development Agreement with Harris Hill Residential Land Holdings, Ltd., providing for annexation and regulating the development of approximately 379.84 acres of land in the City's Extraterritorial Jurisdiction generally located between Harris Hill Road and future FM 110 North of Harris Hill Road; authorizing the City Manager, or is designee, to execute said agreement on behalf of the City; and providing an effective date.

26. Receive a Staff presentation and hold a public hearing to receive comments for or against the proposed application and funding process for human services funding.
27. Receive a Staff presentation and hold a public hearing to receive comments for or against and consider an appeal of the decision of the Planning and Zoning Commission to deny CUP-21-17, a request by John Mark Slack, on behalf of Mr. Exotics Steakhouse, for a new Conditional Use Permit to allow the sale and on-premise consumption of Mixed Beverages at 101 and 105 East Hopkins Street.

NON-CONSENT AGENDA

28. Consider approval of Ordinance 2021-55, on the first of two readings, amending Section 30.029 of the San Marcos City Code to authorize the assessment of a Service Fee to the holder of an alarm permit for each city response to a false alarm in excess of four false alarms, instead of six, within any 12-month period; and providing an effective date.
29. Consider approval of Ordinance 2021-54, on the second 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.
30. Consider approval of Ordinance 2021-56, on first and final reading, authorizing the issuance and sale of an amount not to exceed \$38,115,000 of Combination Tax and Revenue Certificates of Obligation, Series 2021A, for constructing, improving, designing, acquiring and equipping the City's (1) water and wastewater system; (2) electric utility system; (3) streets including related drainage, sidewalks, traffic improvements and lighting, including acquisition of right-of-way; (4) municipal buildings to include HVAC improvements; roof replacements and security improvements; (5) stormwater management and flood control facilities, including acquisition of land; (6) airport; (7) public safety facilities to include police and fire improvements and technology equipment upgrades; (8) network and fiber optic infrastructure equipment; (9) recreational facilities including parks and sports fields; (10) parking facilities; and (11) the payment of professional services in connection therewith including legal, fiscal and engineering fees and the costs of issuing the certificates of obligation and other matters related thereto; providing for adoption of this Ordinance on one reading only in accordance with State Law.
31. Consider approval of Ordinance 2021-57, on first and final reading, authorizing the issuance and sale of an amount not to exceed \$34,555,000 of Combination Tax and Revenue Certificates of Obligation, Series 2021B, for constructing, improving, designing, acquiring and equipping the City's (1) new Public Services Facility, including acquisition of land; and (2) the payment of professional services in connection therewith including legal, fiscal and engineering fees and the costs of issuing the certificates of obligation and other matters related thereto; providing for adoption of this Ordinance on one reading only in accordance with State Law.
32. Consider approval of Ordinance 2021-58, on first and final reading, authorizing the issuance of City of San Marcos, Texas General Obligation Bonds, Series 2021 in the amount not to exceed \$4,750,000 for (1) constructing, improving, renovating and equipping public safety facilities to include the police and fire departments and related emergency

and training facilities and related water, wastewater, drainage, streets, sidewalks, parking, infrastructure and other related costs, and (2) paying the legal fees and other such costs incurred in connection therewith; including the costs of issuing the bonds authorizing the levy of an ad valorem tax in support of the bonds; approving an official statement, a bond purchase agreement, a paying agent/registrar agreement, and other documents related to the issuance of the bonds thereto; providing for adoption of this Ordinance on one reading only in accordance with State Law.

33. Consider approval of Ordinance 2021-59, on first and final reading, authorizing the second supplemental ordinance to the master ordinance establishing the City of San Marcos, Texas electric utility system revenue financing program; authorizing the issuance of City of San Marcos, Electric Utility Revenue Refunding Bonds in an amount not to exceed \$17,000,000 for the purpose of refunding the City's outstanding electric utility system revenue bonds; providing for approval of this Ordinance on one reading only as authorized by State law; authorizing other matters relating to the bonds; and declaring an effective date.
34. Consider approval of Ordinance 2021-60, on the first of two readings, amending the City's 2020-2021 Fiscal Year budget in the total amount of \$18,923,548 for the Tax Increment Reinvestment Zone #5 Board approved Downtown Electric Cab Microtransit Project, purchase of four buses with FTA funds and adjusting the Electric budget due to Winter Storm Uri; and declaring an effective date.
35. Consider approval of Ordinance 2021-61, on first and final reading, ordering a General and Special Election to be held on November 2, 2021 for the purpose of electing a City Council Member for Place 5, a City Council Member for Place 6 and to submit proposed amendments to the San Marcos City Charter to the voters; making provisions for conducting the election; providing for the approval of this ordinance as an emergency measure on only one reading; 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 2021-143R, awarding two Indefinite Delivery Indefinite Quantity agreements to Alterman Energy Services, Inc., in the not-to-exceed annual amount of \$3,000,000 and Rural Electric, Inc., in a not-to-exceed annual amount of \$2,000,000 to assist San Marcos Electric Utility with multiple capital improvement projects on an as needed basis for a term of two years and authorizing three additional one year terms; authorizing the City Manager or his designee to execute the contracts on behalf of the City; and declaring an effective date.
38. Receive a staff presentation and consider approval of Resolution 2021-144R, adopting the Community Development Block Grant (CDBG) Action Plan that provides for the allocation of \$823,415.00 of CDBG Entitlement Funds for program year 2021-2022; 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.
39. Receive a staff presentation and consider approval of Resolution 2021-145R, approving

Substantial Amendment No. 11 to the Community Development Block Grant-Disaster Recovery (CDBG-DR) Action Plan to reallocate project funding; authorizing the City Manager to act as the official representative of the City in matters related to the CDBG-DR program and action plan; and declaring an effective date.

40. Consider approval of Resolution 2021-146R, establishing a Mexican American and Indigenous Heritage and Cultural District generally in the area of Hopkins Street at City Park along the San Marcos River and East of IH-35 to Durango Street and Staples Road, South to Ellis Street and West to Purgatory Creek; and declaring an effective date.
41. Consider approval of Resolution 2021-147R, 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.
42. Receive an update and hold discussion regarding the utility assistance program and disconnections for non-payment and late fees, and provide direction to Staff.
43. Hold discussion regarding options related to amending 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 direction to Staff.
44. Hold discussion related to the Champions Crossing, LLC Letter of Support for an application to the Texas Department of Housing and Urban Affairs (TDHCA), and provide direction to Staff.
45. Hold discussion on Recommendation Resolution 2021-04RR, of the Historic Preservation Commission, recommending the City Council support the restoration and preservation of the Dunbar School Building, also known as the Dunbar Home Economics Building; and provide direction to Staff.

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.

46. Executive Session in accordance with:
Section §551.071 of the Texas Government Code: Consultation with Attorney - to receive legal advice regarding the pending wastewater discharge permit application dockets:
 1. Application by Crystal Clear Special Utility District and MCLB Land, LLC for TPDES Permit No. WQ0015266002; TCEQ Docket No. 2020-0411-MWD; SOAH Docket No. 582-20-4141;
 2. Application by Regal, LLC for issuance of New TPDES Permit No. WQ0015817001; TCEQ Docket No. 2020-0973-MWD; SOAH Docket No. 582-21-0576; and
 3. Application of HK Real Estate Development, LLC for Proposed Permit for New TPDES Permit No. WQ0015784001; TCEQ Docket No. 2021-0053-MWD; SOAH Docket No. 582

-21-1893

ACTION/DIRECTION FROM EXECUTIVE SESSION

- 47.** Consider action, by motion, or provide direction to Staff regarding the following Executive Session item held during the Work Session and/or Regular Meeting:
Section §551.071 of the Texas Government Code: Consultation with Attorney - to receive legal advice regarding the pending wastewater discharge permit application dockets:
1. Application by Crystal Clear Special Utility District and MCLB Land, LLC for TPDES Permit No. WQ0015266002; TCEQ Docket No. 2020-0411-MWD; SOAH Docket No. 582-20-4141;
 2. Application by Regal, LLC for issuance of New TPDES Permit No. WQ0015817001; TCEQ Docket No. 2020-0973-MWD; SOAH Docket No. 582-21-0576; and
 3. Application of HK Real Estate Development, LLC for Proposed Permit for New TPDES Permit No. WQ0015784001; TCEQ Docket No. 2021-0053-MWD; SOAH Docket No. 582-21-1893

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. Persons wishing to participate remotely in the Q&A session must email citizencomment@sanmarcostx.gov beginning the day prior to the meeting and before 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. If attending in person, no sign up is required.

VII. Adjournment.

POSTED ON TUESDAY, JULY 27, 2021 @ 4:00PM

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