



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Regular Meeting Agenda - Final City Council

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Tuesday, February 1, 2022

6:00 PM

City Council Chambers

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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 Citizen Comment portion of the meeting must email [citizencomment@sanmarcostx.gov](mailto: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. Those wishing to speak in person must sign up in the City Clerk's office between 8:00AM - 5:45PM the day of the meeting.*

### 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. January 4, 2022 - Regular Meeting Minutes
  - B. January 18, 2022 - Work Session Meeting Minutes
2. Consider approval of Ordinance 2022-07, on the second of two readings, amending Chapter 78, Taxation, of the City Code of Ordinances; establishing a residential homestead exemption in the amount of \$15,000; increasing the residence homestead exemption for disabled persons and persons 65 or older from \$25,000 to \$35,000; including procedural provisions; and declaring an effective date.
3. Consider approval of Resolution 2022-26R, approving a professional services agreement with Plummer Associates, Inc. for miscellaneous water modeling projections to assist the

Engineering and Utilities Departments in assessing the impact of new developments in the amount of \$60,000.00; authorizing the City Manager or her designee to execute the agreement on behalf of the City; and declaring an effective date.

4. Consider approval of Resolution 2022-27R, approving an agreement with Texas Waterfront investments LLC. providing for the City to purchase a drainage easement across approximately 0.1650 acres of land located at 700 River Road, together with a temporary workspace license, for a price of \$98,224.00, plus associated closing costs, in connection with the Blanco Gardens Drainage Improvements Project; authorizing the City Manager, or his designee, to execute said agreement and associated closing documents; and declaring an effective date.
5. Consider approval of Resolution 2022-28R, approving the appointment of Margaret Salinas as the Local Registrar in accordance with Texas Health and Safety Code Section 191.022(b) in place of the City Clerk and approving the appointment of Elizabeth Trevino as Deputy Local Registrar in accordance with Texas Health and Safety Code Section 191.022(c); and declaring an effective date.
6. Consider approval of Resolution 2022-29R, approving a contract with RDO Equipment Co. through the sourcewell Cooperative Purchasing Program, for the purchase of John Deere Skid Steer Loader Base Equipment for use by the Streets Division of the Public Works Department to ensure the safety of roadways during extreme weather events in the amount of \$90,909.20; authorizing the City Manager or the City Manager's designee to execute the agreement on behalf of the City; and declaring effective date.
7. Consider approval of Resolution 2022-30R, approving an agreement for the provision of services in connection with the proposed owner requested annexation in Case No. AN-22-03 of approximately 53.951 acres of land, generally located on Posey Road approximately 280 feet northwest of the intersection of Posey Road and South Old Bastrop Highway; authorizing the City Manager, or the City Manager's 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.
8. Consider approval of Resolution 2022-31R, approving an agreement for the provision of services in connection with the proposed owner requested annexation in Case No. AN-22-04 of approximately 1.11 acres of land located approximately 1,900 feet West of the Intersection of Craddock Avenue and Old Ranch Road 12; authorizing the City Manager, or the City Manager's 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.

## **PUBLIC HEARINGS**

*Persons wishing to participate remotely in the Public Hearing session must email [citizencomment@sanmarcostx.gov](mailto: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.*

9. Receive a staff presentation and hold a Public Hearing to receive comments for or against

Ordinance 2022-08, annexing into the City approximately 2.527 acres of land generally located on Centerpoint Rd approximately 340' northwest of the intersection between Centerpoint Rd and Gregson's Bend in Case No. AN-22-05; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2022-08, on the first of two readings.

10. Receive a staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-09, amending the Official Zoning Map of the City in Case ZC-21-26, by rezoning approximately 70.89 acres, more or less, out of the Edward Bureson Survey, Abstract 63, generally located north of the intersection of Gregson's Bend and Commercial Loop, from Planning Area (PA), Future Development (FD), and General Commercial (GC) to Character District-5 (CD-5), or, subject to the consent of the owner, another less intense zoning district classification, including procedural provisions; and providing an effective date, and consider approval of Ordinance 2022-09, on the first of two readings.
11. Receive a staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-10, annexing into the City approximately 105.41 acres of land generally located due north of the Rattler Rd and E. McCarty Lane intersection and commonly known as 1601 E. McCarty Ln, together with an approximately 13.55 acre road segment, in Case Number AN-22-01; including procedural provisions; and providing an effective date, and consider approval of Ordinance 2022-10, on the first of two readings.
12. Receive a staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-11, amending the Official Zoning Map of the City in Case No. ZC-22-01, by rezoning approximately 17.420 acres of land, generally located due North of the Rattler Road and East McCarty Lane 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; and consider approval of Ordinance 2022-11, on the first of two readings.
13. Receive a staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-12, amending the official zoning map of the City in Case No. ZC-22-02, by rezoning approximately 87.998 acres of land, generally located due North of the Rattler Road and East McCarty Lane Intersection, from "FD" Future Development to "LI" Light Industrial District, 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 2022-12, on the first of two readings.
14. Receive a staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-13, amending the Official Zoning Map of the City in Case ZC-21-27, by rezoning approximately 0.294 acres of land, being Lot 46 of the A.M Ramsay Subdivision, located at 101-103 Lockhart Street from "D" Duplex District to "ND-3" Neighborhood Density-3 District, or, subject to the consent of the owner, another less intense zoning district classification, including procedural provisions; and providing an effective date, and consider approval of Ordinance 2022-13 on the first of two readings.
15. Receive a staff presentation and hold a Public Hearing to receive comments for or against Resolution 2022-32R, approving a development agreement with Whisper Master

Community Limited Partnership in connection with the Whisper East Development providing for annexation and regulating the development of approximately 153.09 Acres of land in the City's Extraterritorial Jurisdiction, generally located at the Southeast corner of the Harris Hill Road and Yarrington Road Intersection; authorizing the City Manager, or her designee, to execute said agreement on behalf of the City; and providing an effective date; and consider approval of Resolution 2022-32R.

16. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2022-33R, providing no objection to the submission of an application for low income housing tax credits to the Texas Department of Housing and Community Affairs for the proposed LIV at Whisper Hills (55+) Multifamily Housing Project (LIHTC-21-02) located in the 500 Block of Celebration Way; approving findings related to the application; imposing conditions for such non objection; approving an associated agreement under which the owner of the project will make an annual payment in lieu of taxes in the amount of \$11,000 annually; providing authorization for the execution of said agreement and the execution and submission of documents related to the application; and declaring an effective date; and consider approval of Resolution 2022-33R.

## **NON-CONSENT AGENDA**

17. Consider approval of Ordinance 2022-14, on the first of two readings, amending Chapter 6 of the San Marcos City Code concerning animals by amending and adding certain definitions in Section 6.001 and adding a new section 6.065 in order to regulate the sale of cats and dogs by pet stores; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.
18. Consider approval of Resolution 2022-34R, awarding a construction contract to Udelhoven, Inc. for the Lift Station No. 5 Replacement Project in the amount of \$919,930.03; authorizing the City Manager or the City Manager's designee to execute the contract on behalf of the City; and declaring an effective date.
19. Consider approval of Resolution 2021-163R, approving the Second Amendment to the Interlocal Agreement between the City and Texas State University relating to the implementation of the Edwards Aquifer Habitat Conservation Plan to, among other things, include a description of the duties and compensation of the Habitat Conservation Project Manager and extend the agreement through March 31, 2028; authorizing the City Manager or the City Manager's designee to execute the Amendment on behalf of the City; and declaring an effective date along with a review of the requested River Fence/Education report.
20. Receive a staff update and consider, by motion, the initial authorization of text amendments to the San Marcos Land Development Code to address Airport Height Hazard Zoning and Compatibility Land Use Zoning related to the San Marcos Regional Airport.
21. Receive an update and consider appointments to the Cooperative Governance Committee 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.*

22. Executive Session in accordance with 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, LLC

### **ACTION/DIRECTION FROM EXECUTIVE SESSION**

23. Consider action, by motion, or provide direction to Staff regarding the following Executive Session item held during the Work Session and/or Regular Meeting:  
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, LLC

### **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](mailto: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, JANUARY 25, 2022 @ 5:00PM**

**TAMMY K. COOK, 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)