



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Regular Meeting Agenda - Final-Amended City Council

Tuesday, May 4, 2021

6:00 PM

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. March 16, 2021 Regular Meeting Minutes
 - B. April 6, 2021 - Work Session Meeting Minutes
2. Consider approval of Ordinance 2021-21, on the second 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.
3. Consider approval of Ordinance 2021-22, on the second 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.

4. Consider approval of Ordinance 2021-25, on the third of three readings, granting to Maxwell Special Utility District, formerly Maxwell Water Supply Corporation, the right, privilege and franchise to construct, install, extend, remove, replace, abandon, operate and maintain its facilities within the Public Rights-of-Way of the City of San Marcos, Texas for the transportation, delivery, sale and distribution of potable water; containing other provisions relating to the foregoing subject; providing for severability; including procedural provisions; providing for approval on three readings of the ordinance; and providing an effective date.
5. Consider approval of Ordinance 2021-26, on the second of two readings, extending by five years the period within which Development Permits may be requested for development as allowed by the Planned Development District ("PDD") standards for approximately 4.78 acres of land located at 2158 Interstate Highway 35 at East River Ridge Parkway, also known as the Holt Tract; including procedural provisions; and providing an effective date.
6. Consider approval of Ordinance 2021-28, on the second of two readings, amending certain funds in the City's 2020-2021 Fiscal Year budget to allocate funds made available due to the Award to the City of CARES Act Coronavirus Relief Funds; and providing an effective date.
7. Consider approval of Ordinance 2021-29, on the second of two readings, temporarily changing the method for calculating residential Wastewater Rates established by Ordinance No. 2007-54 by excluding the month of February 2021 from the months used to calculate average water consumption upon which Wastewater Rates are based due to the higher than average water consumption resulting from Winter Storm Uri during the week of February 15; including procedural provisions; and providing an effective date.
8. Consider approval of Resolution 2021-79R, approving a contract with Musco Sports Lighting, LLC, through the Texas BuyBoard Purchasing Cooperative, in the amount of \$847,000.00 for the purchase and replacement of existing light poles and fixtures at the adult softball fields at the Gary Sports Complex; authorizing the City Manager or his designee to execute the contract on behalf of the City; and declaring an effective date.
9. Consider approval of Resolution 2021-80R, authorizing the submission of an application to the Office of the Attorney General, Crime Victims Services Division, for a Victim Coordinator and Liaison Grant (VCLG) in an amount not to exceed \$45,000 to continue funding for the Police Department's Victim's Services Program; authorizing the City Manager or his designee to execute any and all documents as needed to accept and implement the grant, if awarded; and declaring an effective date.
10. Consider approval of Resolution 2021-81R, approving an agreement with Carma Blanco Vista, LLC providing for the city to purchase a 0.71 acre tract of land located in the Blanco Vista subdivision for a price of \$210,000.00, together with associated closing costs, for the location of a water tower to serve as a delivery point for water from the Alliance Regional Water Authority to the City's water system; authorizing the City Manager, or his designee, to execute said agreement and associated closing documents; and declaring an effective date.

11. Consider approval of Resolution 2021-83R, approving a Change in Service to the agreement with Schneider Engineering, LTD, for additional Electrical Engineering Services in the amount of \$80,679.98; authorizing the City Manager or his designee to execute the appropriate documents to implement the Change in Service; and declaring an effective date.
12. Consider approval of Resolution 2021-84R, approving a contract with Centerline Supply, Inc. through the Texas BuyBoard Purchasing Cooperative for materials to be used for the Guadalupe Street Bike Lane Pavement Markings and Signage project in the amount of \$174,082.86; authorizing the City Manager or his designee to execute the contract on behalf of the City; and declaring an effective date.
13. Consider approval of Resolution 2021-63R, awarding an Indefinite Delivery Indefinite Quantity contract to Haulbrooke, Inc. for Demolition Services to be funded through the Community Development Block Grant program in a not-to-exceed amount of \$125,000 and authorizing two additional annual renewals; authorizing the City Manager or his designee to execute the contract on behalf of the city; and declaring an effective date.

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.

14. Receive a Staff presentation and hold a Public Hearing to consider comments for or against Ordinance 2021-02, amending the Official Zoning Map of the City in Case No. ZC-20-22 by rezoning approximately 72.85 acres of land located on Harris Hill Road, approximately one-half mile south of Yarrington Road; from "FD" Future Development District to "MH" Manufactured Home District; including procedural provision; and providing an effective date; and consider approval of Ordinance 2021-02, on the first of two readings.
15. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2021-30, annexing into the City approximately 23.2 acres of land generally located at the Northeast corner of Redwood Road and South Old Bastrop Hwy (Case No. AN-20-10), including procedural provisions; and providing an effective date; and consider approval of Ordinance 2021-30, on the first of two readings.
16. Receive a Staff Presentation and hold a Public Hearing to receive comments for or against Ordinance 2021-31, amending the Official Zoning Map of the City in Case No. ZC-20-25 by rezoning approximately 20 acres of land, generally located at the Northeast corner of Redwood Road and South Old Bastrop Hwy from "FD" Future Development District to "CD-5" Character District-5 District; and including procedural provisions; and consider approval of Ordinance 2021-31, on the first of two readings.
17. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2021-32, annexing into the City approximately 7.024 acres of land, described as Lot 1 and Lot 2, La Cima Fire Station Subdivision, generally located at the intersection

of West Centerpoint Road and Flint Ridge Road, in Case No. AN-21-01; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2021-32, on the first of two readings.

18. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2021-33, amending the Official Zoning Map of the City in Case No. ZC-21-04 by rezoning approximately 1.197 acres, described as Lot 2, La Cima Fire Station Subdivision, located at 115 Flint Ridge Road, from "FD" Future Development District to "CC" Community Commercial District, or subject to consent to the owner, another less intense Zoning District Classification; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2021-33, on the first of two readings.
19. Receive a Staff Presentation and hold a Public Hearing to receive comments for or against Ordinance 2021-34, amending the Official Zoning Map of the City in Case No. ZC-21-05 by rezoning approximately 4.310 acres, described as Lot 1, La Cima Fire Station Subdivision, located at 205 Flint Ridge Road from "FD" Future Development District to "P" Public and Institutional 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 2021-34, on the first of two readings.
20. Receive a Staff Presentation and hold a Public Hearing to receive comments for or against Ordinance 2021-37, amending the project plan for Tax Increment Reinvestment Zone No. 5, also known as the "Downtown TIRZ," approving an amendment to the Tax Increment Participation Interlocal Agreement with Hays County to extend the City's and the County's reduced contribution rate of the tax increment deposited into the Tax Increment Fund from 70 percent to 25 percent for one additional year; authorizing the City Manager or his designee to execute the amendment on behalf of the City; including procedural provisions; and declaring an effective date; and consider approval of Ordinance 2021-37, on the first of two readings.
21. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2021-86R, 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 Legacy Square Senior (55+) Multifamily Housing Project located at the corner of Redwood Road and South Old Bastrop Hwy; 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 \$75,000 and increasing by \$1,500 annually; authorizing the city manager, or his designee, to execute said agreement and to submit and execute documents related to the application; and declaring an effective date; and consider approval of Resolution 2021-86R.
22. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2021-87R and Resolution 2021-91R, making finds as to the advisability of the improvements proposed in the Whisper South Public Improvement District; creating the Whisper South Public Improvement District in accordance with Chapter 372 of the Texas Local Government Code; and consider approval of Resolution 2021-87R and Resolution

2021-91R.

NON-CONSENT AGENDA

23. Consider approval of Ordinance 2021-35, on the first of two readings, amending Chapter 34, Environment, Article 5, Air Pollution, by adding a New Division 4, Clean Air, that provides supplemental regulations concerning the emission of air contaminants and controlling or abating air pollution; creating associated offenses and penalties; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.
24. Consider approval of Ordinance 2021-36, on the first of two readings, amending Chapter 82, Article 9 of the San Marcos City Code by exempting motor-assisted scooters provided by a commercial scooter company under the terms of a License Agreement approved by the City Council from the prohibition against commercially owned scooters on public property, streets and sidewalks in the City; providing a savings clause; providing for the repeal of any conflicting provisions; providing for penalties; and providing an effective date.
25. Consider approval of Resolution 2021-82R, approving the award of a construction contract to Santa Clara Construction, Ltd. for the Sessom Creek Bank Stabilization and Wastewater Replacement Phase I Project in the amount of \$3,186,928.00; authorizing the City Manager or his designee to execute the construction contract on behalf of the City; and declaring an effective date.
26. Consider approval of Resolution 2021-88R, approving a Chapter 380 Economic Development Incentive Agreement with 320 Barnes 2020, L.P., a Texas Limited Partnership, providing incentives in the form of refunds of a percentage of real property taxes over three years for the development of approximately 135,000 square feet of space for lease to light manufacturing, office, warehouse, showroom, and research & development users at 320 Barnes Drive; authorizing the City Manager, or his designee, to execute said agreement; and declaring an effective date.
27. Consider approval of Resolution 2021-89R, approving an agreement with Amber Nichols Fowler providing for the City to purchase 7.777 acres of land located at State Highway 80 and River Road for \$106,000, including associated closing costs, 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.
28. Consider approval of Resolution 2021-90R, approving an agreement for the provision of services in connection with the proposed owner requested annexation in Case No. AN-21-03 of approximately 21.73 acres of land, generally located 1,500 feet southwest of the Centerpoint Rd. and Center Point Ct. 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.
29. Consider a Revised purpose statement for the Council Criminal Justice Reform

Committee.

30. Receive a staff update and consider, by motion, the initial authorization of text amendments to the San Marcos Land Development Code to address typographical and technical errors, and to implement changes related to engineering requirements, residential garage and access standards, the use of self storage and outdoor storage, allowable uses in CD-2.5 and ND-3.2 and provide direction to Staff.
31. Hold discussion related to the potential formation of a Covid-19 Recovery Council Committee, including, but not limited to defining the scope and purpose for said committee; and provide direction to the City Manager.
32. Hold discussion regarding Recommendation Resolution 2021-02RR of the Parks and Recreation Board of the City of San Marcos, Texas which amends Recommendation Resolution 2020-04RR supporting the implementation of paid parking in the River Parks commonly known as City Park and Rio Vista Park; and provide direction to the City Manager.

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.

33. Executive Session in accordance with:
 - A. Section §551.071 of the Texas Government Code: Consultation with Attorney - to receive advice of legal counsel regarding the pending application to discharge wastewater from Fleming Farms Wastewater Treatment Facility proposed to be constructed 1.2 miles east of the intersection of Farm-to-Market 1978 and State Highway 123 in Guadalupe County under the following case name and docket numbers: Application by Regal, LLC for a new TPDES Permit No. WQ0015817001; TCEQ Docket No. 2020-0973-MWD; SOAH Docket No. 582-21-0576.
 - B. Section §551.072 of the Texas Government Code: Real Property - for deliberations regarding the possible acquisition of property for parks purposes and the possible lease of existing park property to a third party.

ACTION/DIRECTION FROM EXECUTIVE SESSION

34. Consider action, by motion, or provide direction to Staff regarding the following Executive Session item held during the Work Session and/or Regular Meeting:
 - A. Section §551.071 of the Texas Government Code: Consultation with Attorney - to receive advice of legal counsel regarding the pending application to discharge wastewater from Fleming Farms Wastewater Treatment Facility proposed to be constructed 1.2 miles east of the intersection of Farm-to-Market 1978 and State Highway 123 in Guadalupe County under the following case name and docket numbers: Application by Regal, LLC for a new TPDES Permit No. WQ0015817001; TCEQ Docket No. 2020-0973-MWD; SOAH Docket No. 582-21-0576.
 - B. Section §551.072 of the Texas Government Code: Real Property - to receive a staff

briefing and deliberate regarding the possible acquisition of property for parks purposes.

VI. Adjournment.

POSTED ON WEDNESDAY, APRIL 28, 2021 @ 3:00PM

TAMMY K. COOK, INTERIM CITY CLERK

VII. ADDENDUM

Item #22 was updated.

Previously Captioned: Receive a Staff presentation and hold a public hearing to receive comments for or against Resolution 2021-87R, making finds as to the advisability of the improvements proposed in the Whisper South Public Improvement District in accordance with Chapter 372 of the Texas Government Local Government Code; and consider approval of Resolution 2021-87R.

New Caption: Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2021-87R and Resolution 2021-91R, making finds as to the advisability of the improvements proposed in the Whisper South Public Improvement District; creating the Whisper South Public Improvement District in accordance with Chapter 372 of the Texas Local Government Code; and consider approval of Resolution 2021-87R and Resolution 2021-91R.

ADDENDUM POSTED ON FRIDAY, APRIL 30, 2021 @ 5:30PM

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