



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Regular Meeting Agenda - Final-Amended City Council

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Tuesday, June 16, 2020

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 [www.sanmarcostx.gov/videos](http://www.sanmarcostx.gov/videos) or watch on Grande channel 16 or Spectrum channel 10.**

- I. Call To Order
- II. Roll Call
- III. 30 Minute Citizen Comment Period

### CONSENT AGENDA

1. Consider approval, by motion, of the following meeting Minutes:
  - A. May 19, 2020 - Regular Meeting Minutes
  - B. May 28, 2020 - Special Meeting Minutes

**Attachments:**      [05.28.2020 Special Meeting Minutes.pdf](#)  
[05.19.2020 Regular Meeting Minutes.pdf](#)

2. Consider approval of Ordinance 2020-40, on the second of two readings, amending Chapter 86, Article 5, Division 4 of the San Marcos City Code regarding impact fees to, among other things, change the methodology for establishing impact fees for industrial and commercial uses having peak flow rates in excess of 500 gallons per minute, and to add homes constructed with federal funds awarded to the City and City facilities as projects exempt from the assessment of impact fees; including procedural provisions; providing for the repeal of any conflicting provisions; and providing an effective date.

**Attachments:**      [Impact Fee Ordinance Update 6-2-20.pptx](#)  
[Council Memo on Impact Fee Ord Changes 5-21-20.docx](#)  
[Ordinance](#)

3. Consider approval of Ordinance 2020-41, on the second of two readings, amending Chapter 86, Article 8, Division 1 and 2 of the San Marcos City Code to, among other things, change the rate structure of the Stormwater Utility to an impervious basis for all customer classes, and to update provisions regarding the maintenance and repair of structural controls in connection with the municipal separate Storm Sewer System (MS4); including procedural provisions; providing for the repeal of any conflicting provisions; and providing an effective date.

**Attachments:**      [Ordinance](#)  
[Stormwater Utility Ordinance Update 6-2-20.pptx](#)

4. Consider approval of Ordinance 2020-42, on the second of two readings, adopting Youth Programs Standards of Care for 2020; providing a severability clause; declaring an effective date.

**Attachments:** [Youth Standards of Care Ordinance - with 1st reading amendment](#)

5. Consider approval of Ordinance 2020-43, on the second of two readings, reclassifying and increasing the rank of the firefighter position assigned to the Fire Prevention Division, from the rank of firefighter to the rank of engineer in accordance with Section 143.021 of the Texas Local Government Code; amending the Fire Department staffing table maintained by the City Clerk in accordance with Section 2.373 of the San Marcos City Code to reflect such reclassification; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

**Attachments:** [Ordinance.docx](#)  
[Fire Staffing Change.pdf](#)

6. Consider approval of Ordinance 2020-44, on the second of two readings, amending section 2.421 of the San Marcos City Code by adding a new subsection (e) to clearly state that the policy and purpose statements in that section supporting the adoption of the San Marcos Code of Ethics shall not be cited, used, or considered by a citizen or by the ethics review commission as the basis of an ethics complaint filed against any officer or employee of the city; and declaring an effective date.

**Attachments:** [Section 2.421 San Marcos City Code - Amendment - June 2020](#)

7. Consider approval of Resolution 2020-116R, approving the Texas Department of Transportation sponsored Public Transportation Agency Safety Plan and establishing safety performance targets for the City of San Marcos Public Transit Services in accordance with 49 CFR part 673; and declaring an effective date.

**Attachments:** [Resolution](#)  
[20200515\\_City of San Marcos\\_PTASP.docx](#)  
[Appendix A - Table 8 PTASP Supporting Documents.pdf](#)

8. Consider approval of Resolution 2020-117R, authorizing the filing of applications with the Federal Transit Administration, an operating administration of the United States Department of Transportation, for federal transportation assistance authorized by 49 U.S.C. Chapter 53; Title 23, United States Code, or other federal statutes administered by the Federal Transit Administration; and declaring effective date.

**Attachments:** [20200616\\_ApplicationFTA\\_Resolution\\_FINAL.docx](#)

9. Consider approval of Resolution 2020-118R, approving a change in service to the engineering services agreement with Brown and Gay Engineers, Inc. (Contract No. 219-129) relating to the Briarwood and River Ridge Improvements Project in the estimated amount of \$262,148.00 to add environmental and final design services bringing the total contract price to \$386,183.00; authorizing the City Manager or his designee to execute the appropriate documents to implement the change in service; and declaring an effective

date.

**Attachments:** [Resoluion - Change in Service - Briarwood and River Ridge Improvements Proj](#)  
[Authorization of Change in Service 1](#)  
[Location Map.pdf](#)

10. Consider approval of Resolution 2020-119R, approving a professional services agreement with Jones and Carter for engineering services relating to the Dunbar Utility Improvements project in the estimated amount of \$311,094.00; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.

**Attachments:** [Resolution - Dunbar Utility Improvement Project.docx](#)  
[Location Map.pdf](#)  
[JC\\_Dunbar WWW Improvements Proposal\\_20200504.pdf](#)

11. Consider approval of Resolution 2020-120R, approving the award of a construction contract to Insituform Technologies, LLC for the Fredericksburg Street wastewater Replacement Project in the amount of \$93,300.00 through the Texas Local Government BuyBoard Purchasing Cooperative (Contract No. 555-18); authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.

**Attachments:** [Resolution -Construction Contract Frederickburg Wastewater Project.docx](#)  
[Legistar Map.pdf](#)  
[Insituform Buyboard Proposal 5Mar2020.pdf](#)

12. Consider approval of Resolution 2020-121R, authorizing the execution of a Ground Lease and Acquisition Agreement between the City and Hunt San Marcos Development, LLC for the City's New Public Services Center; establishing a facility purchase price under the ground lease in an amount not to exceed \$44,400,000.00; approving and authorizing the execution of amendment one to the exclusive negotiating agreement (ENA) with Hunt San Marcos Development, LLC to, among other things, provide for \$62,409 of additional pre-development services for a new total amount payable under the ENA of \$1,562,409.00; authorizing other matters in connection therewith; and declaring an effective date.

**Attachments:** [PS Center Presentation](#)  
[Resolution](#)  
[Ground Lease \(Revised Final\).pdf](#)  
[Ground Lease 6-10 Comparison \(Changed Pages Only\).pdf](#)  
[Exhibit B-ENA Amendment One](#)  
[Cost Exhibit to be attached to ENA Amendment One](#)

13. Consider approval of Resolution 2020-123R, approving Change Orders No. 1 and No. 3 to the construction contract awarded to The Brandt Companies, LLC for the Redwood, Strahan, and McCarty Substation Improvements Project (Contract No. 219-310) in the net

increase amount of \$91,276.77 bringing the total contract price to \$1,986,449.30; authorizing the City Manager or his designee to execute the appropriate documents to implement the change orders; and declaring an effective date.

**Attachments:**      [Resolution - Change Orders Redwood.docx](#)  
[219-310 Change Order #1](#)  
[219-310 Change Order #3](#)

14. Consider approval of Resolution 2020-124R, approving an agreement with Simpleview, LLC for the redesign of the San Marcos Convention and Visitor Bureau website in the initial amount of \$102,700.00 and authorizing up to nine annual extensions for website support in a not-to-exceed amount of \$547,000.00; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.

**Attachments:**      [Resolution - CVB website.docx](#)  
[219-365 Proposal Submittal Log](#)  
[219-365 Simpleview.pdf](#)  
[219-365 Recommendation memo Signed](#)

15. Consider approval of Resolution 2020-125R, approving a Change in Service to the agreement with Knight Security Systems, LLC for the provision of professional high technology services, maintenance, and equipment related to security at the San Marcos Police Department, Trace Fire Station #6 and Rattler Electric Substation in the estimated amount of \$268,684. through the Texas Comptroller of Public account's Department of Information Resources ("DIR") program (contract DIR-TSO-3430) bringing the total contract price to \$623,063.37; authorizing the City Manager or his designee to execute the appropriate purchasing documents on behalf of the City; and declaring an effective date.

**Attachments:**      [Resolution - Knight Security.doc](#)  
[218-058 ACIS 24 Revised 05.15.20.pdf](#)

16. Consider approval of Resolution 2020-126R, approving an agreement with Moore Iacofano Goltsman, Inc. for services related to the City's Comprehensive Plan project in the estimated amount of \$673,418; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.

**Attachments:**      [Res. 2020-126R - Comprehensive Plan Project](#)  
[Resolution - Comprehensive Plan.docx](#)  
[Memo - Comprehensive Plan Update - 20200605](#)  
[220-137 Proposal Submittal Log](#)  
[220-137 Recommendation Memo signed](#)  
[220-137 RFP Final with attachments](#)  
[220-137 Addendum No.1 - digitally signed](#)  
[220-137 Moore Iacofano Goltsman, Inc.](#)  
[San Marcos Comp Plan Interview Presentation MIG \(002\)](#)

17. Consider approval of Resolution 2020-127R, approving the award of a construction

contract to Trimbuilt Construction, Inc. for the Police Department Building Additions and Renovations Project in the amount of \$9,141,358.00; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.

**Attachments:**      [Resolution -Police Department Additions and Renovation Project.docx](#)  
[220-149 Bid Tabulation](#)

18. Consider approval of Resolution 2020-128R, authorizing the submission of the terms and conditions and certification documents to the State of Texas Division of Emergency Management for funding from the Federal Coronavirus Relief Fund; authorizing the City Manager to submit the required documentation and accept funds from the Coronavirus Relief Fund as authorized expenditures related to COVID-19 relief activities during the period from March 1, 2020 through December 30, 2020; and declaring an effective date.

**Attachments:**      [Resolution - CARES CRF Grant.doc](#)  
[200511\\_CRF\\_CertificationPages.pdf](#)  
[200511\\_CRF\\_TermsConditions.pdf](#)  
[TDEM\\_CRF\\_Allocations.pdf](#)

19. Consider approval of Resolution 2020-129R, approving a Change in Service to the agreement with Strategic Government Resources (Contract No. 220-117) relating to the Interim Community Development Block Grant Administrator position in the estimated amount of \$75,000.01 bringing the total contract price to \$125,000.00; authorizing the City Manager or his designee to execute the appropriate documents to implement the Change in Service; and declaring an effective date.

**Attachments:**      [Resolution - Change in Service - SGR CDBG Administrator.docx](#)  
[220-117 ACIS#1.pdf](#)

20. Consider approval of Resolution 2020-130R, approving a Change in Service to the agreement with Strategic Government Resources (Contract No. 220-186) relating to the Interim Finance Director position in the estimated amount of \$80,000 bringing the total contract price to \$125,000.00; authorizing the City Manager or his designee to execute the appropriate documents to implement the Change in Service; and declaring an effective date.

**Attachments:**      [Resolution - Change in Service - SGR Finance Director.docx](#)  
[220-186 ACIS#1.pdf](#)

## PUBLIC HEARINGS

21. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2020-46, amending the project plan and reinvestment zone financing plan for Tax Increment Reinvestment Zone No. 5, also known as the "Downtown TIRZ" to add eligible projects and associated eligible project costs, including the acquisition of property for parking and other public priorities and related operations and maintenance costs up to \$2,000,000.00; approving an amendment to the Tax Increment Participation Interlocal Agreement with Hays County to reduce the City's and the County's contribution rate of the

tax increment deposited into the Tax Increment Fund from 70 percent to 25 percent for one year; authorizing the City Manager, or his designee, to execute such amendments on behalf of the City; including procedural provisions; and declaring an effective date; and consider approval of Ordinance 2020-46, on the first of two readings.

**Attachments:**     [Presentation June 16, 2020.pdf](#)  
                          [Ordinance](#)  
                          [Exhibit A-TIRZ 5 Project Plan.docx](#)  
                          [ATTACHMENT B BOARD RESOLUTION.pdf](#)

22. Receive a Staff presentation and hold a Public Hearing in regards to proposed projects and programs for the 2020 Community Development Block Grant (CDBG) - Entitlement allocation of \$722,904 and reallocation of \$125,000 in the 2019 CDBG Entitlement allocation.

**Attachments:**     [Presentation](#)  
                          [Centro\\_combined-redacted](#)  
                          [CASA-combined-redacted](#)  
                          [Habitat\\_Cslg\\_combined-redacted](#)  
                          [Habitat\\_Acq\\_combined-redacted](#)  
                          [Southside\\_combined-redacted](#)

## NON-CONSENT AGENDA

23. Consider approval of Ordinance 2020-47, extending the temporary waiver of the 15 percent late charge and the one percent per month interest charge for delinquent hotel occupancy tax payment under section 78.103 of the San Marcos City Code to monthly payments due on July 20, 2020 due to the continuing COVID-19 pandemic; providing for adoption of this ordinance as an emergency measure on only one reading; and providing an effective date.

**Attachments:**     [Ordinance](#)

24. Consider approval of Resolution 2020-131R, amending the Community Development Block Grant (CDBG) Action Plan for Program Year 2019 to add the awarded Community Development Block Grant-Coronavirus (CDBG-CV) allocation of \$425,261 and approving projects for the use of these funds; 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.

**Attachments:**     [Presentation](#)  
                          [Resolution](#)  
                          [2019\\_CDBG Action Plan Amd2 to post](#)

25. Consider approval of Resolution 2020-132R, 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 Lantana on Bastrop Multifamily Housing Project

located at the intersection of South Old Bastrop Highway and Rattler Road, approving findings related to the application, imposing conditions for such non objection, including the requirement that the applicant make an annual payment in lieu of taxes; providing authorizations for execution or submission of documents related to the application and for negotiation and execution of an agreement for the annual payment in lieu of taxes, and declaring an effective date.

**Attachments:**     [Presentation](#)  
                              [Resolution 2020-28R - Redlined](#)  
                              [Staff Memo](#)  
                              [Amended Resolution of No Objection](#)  
                              [Applicant Request](#)  
                              [Low Income Housing Tax Credit Policy & Criteria](#)  
                              [San Marcos Development Code-CD4 and CD5 Standards](#)  
                              [San Marcos Development Code-CD4 and CD5 Allowed Uses](#)

26. Consider approval of Resolution 2020-133R, approving an agreement for the provision of services in connection with the proposed owner requested annexation of approximately 10 acres of land, generally located at Highway 123 and Rattler Road, 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.

**Attachments:**     [AN-20-06 Presentation](#)  
                              [Resolution](#)  
                              [AN-20-06 Annexation Service Agreement](#)  
                              [AN-20-06 Legal Description](#)  
                              [AN-20-06 Map Packet](#)  
                              [AN-20-06 Site Plan](#)  
                              [AN-20-06 Application](#)

27. Consider approval of Resolution 2020-134R, approving an agreement for the provision of services in connection with the proposed owner requested annexation of approximately 83.291 acres of land, generally located at 2519 Redwood Road; 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.

**Attachments:**      [AN-20-07 Presentation](#)  
[Resolution](#)  
[AN-20-07 Annexation Service Agreement](#)  
[AN-20-07 Maps](#)  
[AN-20-07 Application](#)  
[AN-20-07 SIGNED Consent to Annexation](#)  
[AN-20-07 SIGNED Declination of offer of development agreement](#)

28. Consider approval of Resolution 2020-135R, opposing the senseless death of Mr. George Floyd and supporting the San Marcos Police Department's current policies regarding the use of force; requiring annual review and updates of those policies; and providing an effective date.

**Attachments:**      [Resolution - Supporting SMPD's Use Of Force Policy and Practices - FINAL DR](#)  
[20June3 Mayor's Statement.docx](#)  
[Chief Klett Statement following Mr. Floyd Death.docx](#)

29. Receive a Staff update and hold discussion on Arts Recommendation Resolution 2020-01RR regarding a one-time withdrawal from the permanent art fund to supplement the FY 2020-2021 Arts and Cultural Grant Program, and provide direction to Staff.

**Attachments:**      [SIGNEDArts Commission Resolution Recommendation 2020-01RR.pdf](#)

30. Discussion of summer marketing efforts of the Convention and Visitor Bureau, and direction to Staff.

31. Hold discussion and consider the addition of City Council meetings for the month of July, and provide direction to Staff.

**Attachments:**      [Memo regarding June 16 Discussion Item - July City Council Meetings - 060920](#)

## EXECUTIVE SESSION

32. Executive Session in accordance with the following Government Code Sections:
- A. §Sec.551.071 of the Texas Government Code: Consultation with attorney - to receive advice of legal counsel regarding state law preemption of city ordinances regulating the sale or use of single-use packages and containers.
  - B. §Sec. 551.087 of the Texas Government Code: Economic Development - to receive a briefing and deliberate regarding the following projects: Project Rx, Project Molly, Project Red Dawn, Project Free Flow, Project Focus, and Project Big Hat

## DIRECTION/ACTION FOLLOWING EXECUTIVE SESSION

33. Consider action, by motion, regarding the following Executive Session item(s) held during the Work Session and/or Regular Meeting:
- A. §Sec.551.071 of the Texas Government Code: Consultation with attorney - to receive advice of legal counsel regarding state law preemption of city ordinances regulating the sale or use of single-use packages and containers.

B. §Sec. 551.087 of the Texas Government Code: Economic Development - to receive a briefing and deliberate regarding the following projects: Project Rx, Project Molly, Project Red Dawn, Project Free Flow, Project Focus, and Project Big Hat

IV. Adjournment.

**POSTED ON THURSDAY, JUNE 11, 2020 @ 11:00AM**

**TAMMY K. COOK, INTERIM CITY CLERK**

V. ADDENDUM

Item #20 was amended to reflect a different contract amount. Previously it read:

Consider approval of Resolution 2020-130R, approving a Change in Service to the agreement with Strategic Government Resources (Contract No. 220-186) relating to the Interim Finance Director position in the estimated amount of \$65,000 bringing the total contract price to \$110,000.00; authorizing the City Manager or his designee to execute the appropriate documents to implement the Change in Service; and declaring an effective date.

**ADDENDUM POSTED ON FRIDAY, JUNE 12, 2020 @ 12:00PM**

**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)