



City of San Marcos

Regular Meeting Agenda - Final City Council

Tuesday, August 18, 2020

6:00 PM

Virtual Meeting

Due to COVID-19, and as long as the State Disaster Declaration is in effect, this will be a virtual meeting. To view the meeting please go to 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

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/link will be provided for participation.

PRESENTATIONS

1. Receive status reports and updates on response to COVID-19 pandemic; hold council discussion, and provide direction to Staff.

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.

2. Consider approval, by motion, of the following meeting Minutes:
 - A. August 4, 2020 - Work Session Meeting Minutes
 - B. August 4, 2020 - Regular Meeting Minutes

Attachments: [08.04.2020 Work Session Minutes.pdf](#)

3. Consider approval of Ordinance 2020-48, on the second of two readings, annexing into the City approximately 10.1073 acres of land generally located at South Old Bastrop Highway and Rattler Road, including procedural provisions; and providing an effective date.

Attachments: [Ordinance](#)
[AN-20-06 Presentation](#)
[AN-20-06 Maps](#)
[AN-20-06 CL vs OCL](#)
[AN-20-06 Application](#)
[AN-20-06 Annexation Service Agreement](#)
[AN-20-06 Signed Consent to Annexation](#)
[AN-20-06 Signed Declination of Offer of Development Agreement](#)

4. Consider approval of Ordinance 2020-49, on the second of two readings, amending the Official Zoning Map of the City by rezoning approximately 10.1073 acres of land, generally located at the northern corner of South Old Bastrop Highway and Rattler Road, from “FD” Future Development District to “CD-5” Character District-5 District; and including procedural provisions.

Attachments: [ZC-20-11 Presentation](#)
[Ordinance](#)
[ZC-20-11 Staff Report](#)
[ZC-20-11 Maps](#)
[ZC-20-11 Code Comparison](#)
[ZC-20-11 Comp Plan Analysis Checklist](#)
[ZC-20-11 Personal Notice](#)
[ZC-20-11 Application](#)

5. Consider approval of Ordinance 2020-50, on the second of two readings, annexing into the City approximately 83.291 acres of land located at 2519 Redwood Road; including procedural provisions; and providing an effective date.

Attachments: [Ordinance](#)
[AN-20-07 Presentation](#)
[AN-20-07 Maps](#)
[AN-20-07 CL vs OCL Comparison Chart](#)
[AN-20-07 Application](#)
[AN-20-07 Annexation Service Agreement](#)
[AN-20-07 SIGNED Consent to Annexation](#)
[AN-20-07 SIGNED Declination of offer of development agreement](#)

6. Consider approval of Ordinance 2020-51, on the second of two readings, amending the Official Zoning Map of the City by rezoning approximately 80 acres of land located at 2519 Redwood Road, from “FD” Future Development District to “SF-6” Single Family-6 District; and including procedural provisions; and consider approval of Ordinance 2020-51 on the first of two readings.

Attachments: [Ordinance - 2519 Redwood - Rezoning - 2nd Reading -With Restrictive Coven](#)
[ZC-20-13 Presentation](#)
[ZC-20-13 Staff Report](#)
[ZC-20-13 Maps](#)
[ZC-20-13 Code Comparison](#)
[ZC-20-13 Comp Plan Analysis Checklist](#)
[ZC-20-13 Personal Notification Letter](#)
[ZC-20-13 Application Documents](#)

7. Consider approval of Ordinance 2020-53, on the second of two readings, appointing a Presiding Judge for the San Marcos Municipal Court of Record for a term of two years; and providing an effective date.

Attachments: [Municipal Court Judges Appointments 2020.doc](#)

8. Consider approval of Ordinance 2020-54, on the second of two readings, amending section 78.103 of the San Marcos City Code to modify the amounts of additional fees to be assessed and paid on delinquent hotel occupancy taxes; providing a savings clause; providing for the repeal of any conflicting provisions; and declaring an effective date.

Attachments: [Hotel Occupancy Tax - Late Charges - Second Reading Agenda Packet](#)
[Ordinance - As Presented on First Reading 8-4-2020](#)
[HOT Payment Policy rvsd7.16.20](#)
[HOTEL OCCUPANCY TAX - LATE CHARGES AND INTEREST - TEMPORAR'](#)

9. Consider approval of Ordinance 2020-55, on the second of two readings, amending the City's 2019-2020 Fiscal Year Budget to allocate \$148,250.00 from the Municipal Court Technology Fund to provide funding for an updated Municipal Court Case Management System and expansion of the City's Ticket Writing System; and declaring an effective date.

Attachments: [Budget Amendment Ordinance Municipal Court Fund.docx](#)

10. Consider approval of Resolution 2020-155R, approving a Change in Service to the agreement between the City and Axon Enterprises Inc. relating to the Police Video Upgrade Project to increase the contract in the amount of \$180,002.01 for additional equipment, and annual software maintenance, hosting and plan fees; 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 - Axon Enterprise.docx](#)
[San Marcos IP Clarification.pdf](#)
[ACIS 4 216-153R \\$180,002.01 05.19.20 -.pdf](#)
[Axon Partner Agencies.png](#)

11. Consider approval of Resolution 2020-166R, awarding a contract to Johnston Technical Services, Inc, through the Texas Comptroller of Public Accounts, Department of Information Services Purchasing Cooperative for the Public Services Communications Tower project in the total estimated amount of \$286,381.31; authorizing the City Manager or his designee

to execute the agreement on behalf of the City; and declaring an effective date.

Attachments: [Resolution - Public Services Communication Tower.doc](#)
[1.3.2 - Cost Proposal - Johnston Technical Services Cost Proposal.pdf](#)

12. Consider approval of Resolution 2020-167R, approving a contract with the Texas Health and Human Services Commission (HHSC) providing funding for the City's Women, Infants, and Children ("WIC") nutrition program with a \$14.72 per-participant reimbursement rate for a term of five years; authorizing the City Manager or his designee to execute the contract on behalf of the City; and providing an effective date.

Attachments: [Resolution](#)
[WIC contract HHSC 2020_2025_\\$10879173.00_HHS000806200001](#)
[FY21 Funding Letter LA # 036 - City of San Marcos](#)

13. Consider approval of Resolution 2020-168R, approving an agreement with Library Interiors of Texas, LLC through the Choice Partners Cooperative in the estimated amount of \$86,750.00 for moving library shelving for the renovated San Marcos Public Library; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring effective date.

Attachments: [Resolution - Library Shelving.docx](#)
[Shelving Proposal.pdf](#)

14. Consider approval of Resolution 2020-169R, approving a change order to the Design-Build Construction Contract with JE Dunn Construction relating to the renovation of the San Marcos Public Library for the addition of a 65,000 gallon rainwater collection system in the net increase amount of \$247,813.14 bringing the total contract price to \$13,134,113.14; authorizing the City Manager or his designee to execute all necessary documents on behalf of the City; and declaring an effective date.

Attachments: [Resolution - Change Order - JE Dunn Library Rainwater System.docx](#)
[SMPL CO 3 - Water Harvesting 8.5.20 R1.pdf](#)

15. Consider approval of Resolution 2020-170R, approving Change in Service No. 3 to the construction contract with Cash Construction Company, Inc. for the Main Lift Station Force Main Replacement Project to increase the contract price by \$824,481.25 to add the replacement of a wastewater main on University Drive from Moon Street to North LBJ Drive; authorizing the City Manager or his designee to execute the appropriate documents to implement the change in service on behalf of the City; and declaring an effective date.

Attachments: [Resolution - Change in Service No. 3- Cash Construction.docx](#)
[Location Map](#)
[CO#3r.pdf](#)

16. Consider approval of Resolution 2020-171R, approving an Advance Funding Agreement (AFA) with the State of Texas, acting through the Texas Department of Transportation (TxDOT) for the Guadalupe Street (Loop 82) Improvements project from University Drive to Grove Street including bike lanes, parking, bike signals and signs; with an estimated cost of participation by the City in the amount of \$36,954.00; authorizing the City Manager or his

designee to execute the agreement on behalf of the City; and declaring an effective date.

Attachments: [Resolution](#)
 [Agreement](#)

17. Consider approval of Resolution 2020-172R, authorizing the use of the Power of Eminent Domain to acquire fee simple title to 0.1454 acres of land out of the J.M Veramendi Survey No. 1, Abstract No. 17, Hays County, Texas, such parcel being at the Southeast Corner of River Road and West Uhland Road and within a larger parcel of 6.92 acres located at 1816 Uhland Road, San Marcos, Texas, for right-of-way, drainage and related improvements associated with the Uhland Road Improvements Project; determining the public necessity for such acquisition; authorizing the City Manager, or his designee, to take all steps necessary to acquire the needed interests in the property in compliance with all applicable laws; authorizing the City Attorney or his designee to institute condemnation proceedings as necessary to acquire said property interests; and declaring an effective date.

Attachments: [Resolution](#)

18. Consider approval of Resolution 2020-173R, approving an amended agreement with Community Action, Inc. of Central Texas (“Community Action”) under which Community Action administers City funds to assist qualified residential utility customers with their utility bills for the purpose of expanding the eligibility criteria for customer assistance to include emergencies, such as the current pandemic, deemed by the City Council to create a financial hardships for certain utility customers, and to increase the administration fee paid to Community Action; authorizing the City Manager, or his designee, to execute the amended agreement on behalf of the city; and declaring an effective date.

Attachments: [Resolution](#)
 [AMENDED AGREEMENT](#)

19. Consider approval of Resolution 2020-174R, approving the 2020 Annual Service Plan Update for the Trace Public Improvement District; authorizing the City Manager, or his designee, to execute said document on behalf of the city; and declaring an effective date.

Attachments: [Resolution Trace PID Amended Restated SAP 2020.docx](#)
 [2020-08-06_SANM_Trace_2020_SAP_Update_V2.pdf](#)

20. Consider approval of Resolution 2020-175R, approving an Interlocal Agreement with Hays County, Texas to enable the City and the County to utilize vendors for goods and services under contracts procured through a competitive process by the other; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.

Attachments: [Resolution - Interlocal Agreement with Hays County.docx](#)
 [Hays County Master Interlocal](#)

21. Consider approval of Resolution 2020-176R, approving a one-year contract extension with Colorado Materials, LTD for the purchase of road building material to be used by the Public Services Department in the estimated annual amount of \$150,000; authorizing the

City Manager or his designee to execute the contract extension on behalf of the City; and declaring an effective date.

Attachments: [Resolution - Colorado Materials Extension.docx](#)
[216-012.2 Road Building Materials Renew 2020-2021.pdf](#)

22. Consider approval of Resolution 2020-177R, directing the City Manager to begin negotiation of an Interlocal Agreement with Hays County that provides for the repair and rehabilitation of Cape's Dam and The Mill Race on the San Marcos River; and declaring an effective date.

Attachments: [Cape's Dam Resolution - Final - For August 18, 2020 Agenda](#)

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/link will be provided for participation.

23. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2020-56, amending the Official Zoning Map of the City in Case No. ZC-20-09 by rezoning approximately 0.34 acres of land located at 724 Valley Street from "SF-6" Single Family-6 District to "ND-3" Neighborhood Density District-3; including procedural provisions; and consider approval of Ordinance 2020-56, on first of two readings.

Attachments: [ZC-20-09 CC Presentation PDF](#)
[Ordinance](#)
[ZC-20-09 Staff Report](#)
[ZC-20-09 Map Package](#)
[ZC-20-09 Land Use and Code Comparison](#)
[ZC-20-09 Comp Plan Analysis Checklist](#)
[ZC-20-09 Regulating Plan](#)
[ZC-20-09 Application Documents](#)
[Letter Regarding P&Z process](#)

24. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2020-57, amending the Official Zoning Map of the City in Case No. ZC-20-10 by rezoning approximately 109.5 acres out of the Barnett O. Kane, Cyrus Wickson, and J.M. Veramendi No. 1 Surveys, located near the intersection of Wonder World Drive and State Highway 123, from "FD" Future Development District to "PA-MI" Planning Area-Medium Intensity District; including procedural provisions; and consider approval of Ordinance 2020-57, on the first of two readings.

Attachments: [ZC-20-10 CC Presentation](#)
 [Ordinance](#)
 [ZC-20-10 Staff Report](#)
 [ZC-20-10 Map Package](#)
 [ZC-20-10 Code Comparison](#)
 [ZC-20-10 Comp Plan Analysis Checklist](#)
 [ZC-20-10 Application](#)
 [ZC-20-10 Opposition Letter](#)

25. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2020-58, amending the Official Zoning Map of the City in Case No. ZC-20-14 by rezoning approximately 0.2938 acres of land located at 101 and 103 Lockhart Street from “D” Duplex District to “ND-3” Neighborhood Density District-3; including procedural provisions, and consider approval of Ordinance 2020-58, on first of two readings.

Attachments: [ZC-20-14 Presentation](#)
 [Ordinance](#)
 [ZC-20-14 Staff Report CC](#)
 [ZC-20-14 Existing Neighborhood Regulating Plan](#)
 [ZC-20-14 Maps](#)
 [ZC-20-14 Zoning Comparison](#)
 [ZC-20-14 Comp Plan Analysis Checklist](#)
 [ZC-20-14 Personal Notification Letter](#)
 [ZC-20-14 Application Documents](#)

26. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2020-59, amending various sections of the City’s Development Code to, among other things, address recommendations from the Alcohol Conditional Use Permit Committee, the Housing Task Force, the Historic Preservation Commission, and recommendations from City staff concerning application processing and requirements, block perimeter standards, Certificate of Appropriateness appeals, Concept Plat applicability, right-of-way dimensional standards, building type definitions, Neighborhood Density District zoning regulations, Character District zoning regulations, a new Special Events Facility use, multifamily parking standards, accessory dwelling units, neighborhood transitions, durable building materials, detention and water quality requirements for plats of four residential lots or less, detention requirements outside the Urban Stormwater Management District, delineation of water quality and buffer zones, channel design for water quality zone reclamation, sensitive geologic feature protection zones, geological assessment waivers, amending Section 14.041 of the San Marcos City Code to Adopt Appendix Q to the International Residential Code, which appendix establishes certain standards for tiny houses where allowed, providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date; and consider approval of Ordinance 2020-59, on the first of two readings.

Attachments: [Presentation](#)
[Ordinance](#)
[Staff Memo](#)
[Exhibit A - Code Amendment Table](#)
[Exhibit B - Redlined Code](#)
[Exhibit C-Windemere Ranch Request Letter](#)
[Exhibit D-HPC Resolution](#)
[Exhibit E-Appendix Q of IRC](#)
[Public Comment to Date 6.9.2020](#)

27. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2020-178R, approving a request, assigned Case No. AC-20-03, for alternative compliance to various design requirements in Section 4.4.3.2 of the Multifamily Residential Design Standards in Ordinance 2014-35 for a Multifamily Residential Project proposed to be built at the Northwest corner of West Centerpoint Road and Flint Ridge Road within the La Cima Development in Hays County; authorizing City staff to issue permits consistent with this resolution; and declaring an effective date; and consider approval of Resolution 2020-178R.

Attachments: [AC-20-03 Presentation](#)
[Resolution](#)
[AC-20-03 Staff Report](#)
[AC-20-03 Map Package](#)
[AC-20-03 Schematic Site Plan](#)
[AC-20-03 Concept Showing MF, TH, and Fire Station](#)
[AC-20-03 Correspondence between Applicant & Staff](#)
[AC-20-03 Citizen Comments Received - In Opposition](#)
[AC-20-03 Application](#)
[AC-20-03 CC Presentation](#)

28. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2020-179R, approving a Third Amended and Restated Development Agreement in connection with the La Cima Development near the intersection of Old Ranch Road 12 and Wonder World Drive to, among other things, add up to 129.383 acres of land to the area covered by the agreement, reduce the project density from 1.16 to 1.10 dwelling units per acre if all of such land is added, enlarge the area within which the originally allowed 720 multi-family units may be located from 30 acres to any area designated in the Conceptual Land Use Plan as community commercial, save and except outparcels and a 22 acre portion of land added to the agreement, and allow condominiums as a new use only by a conditional use permit approved by the City Council; authorizing the City Manager, or his designee, to execute the agreement on behalf of the City; and providing an effective date, and consider approval of Resolution 2020-179R.

Attachments: [Presentation](#)
[Resolution](#)
[Third Amended and Restated Development Agreement](#)
[Redlined Development Agreement](#)
[Comparison Chart](#)

NON-CONSENT AGENDA

29. Consider approval of Ordinance 2020-60, on the first of two readings, amending Section 2.361 of the San Marcos City Code relating to the general powers and duties of the San Marcos Arts Commission and recommendations and decisions on funding made by the San Marcos Arts Commission; including procedural provisions; providing for the repeal of any conflicting provisions; and providing an effective date.

Attachments: [Arts Commission Ordinance Amendment.doc](#)
[2019-03RR Arts Commission Resolution](#)

30. Consider approval, by motion, authorizing negotiations of a Development Agreement requested by Gene Eitel, on behalf of Rattler Storage for PDA-20-01 (Rattler Road Storage), approximately 3.58 acres out of the Rebecca Brown survey located on Rattler Road between Old Bastrop Hwy and Hwy 123 and consider the appointment of a Council Committee to review aforementioned Development Agreement, if desired.

Attachments: [ZC-20-10 CC Presentation](#)
[PDA-20-01 Aerial Map](#)
[PDA-20-01 - Agreement Draft v1](#)
[PDA-20-01 Application](#)

31. Discuss and consider an appointment to fill a vacancy on the Human Services Advisory Board, and provide direction to Staff.
32. Receive a Staff presentation and hold discussion regarding the City's contract with Texas Disposal Systems in preparation for an upcoming consideration of contract extension, and provide direction to Staff.

Attachments: [Resource Recovery Program Presentation.pdf](#)
[Supplimental Data Resource Recovery Program 2020 CC Presentation](#)

33. Receive a Staff presentation and hold discussion regarding Recommendation Resolution Number 2020-0201 of the Main Street Advisory Board regarding the Emergency Installation of Curbside Pickup Parking Spaces for COVID-19 Small Business Operations, and provide direction to Staff.

Attachments: [2020-0201 Recommendation Resolution Curbside Parking](#)
[R2 Overview - Curbside Parking for Downtown San Marcos](#)

34. Hold discussion on Ethics Commission Recommendation 2019-02 regarding a code amendment to require yearly ethics training for appointed and elected city officials and city board and commission members, and provide direction to Staff.

Attachments: [Resolution 2019-2 Yearly Ethics Training \(executed copy\).pdf](#)

35. Hold discussion on Ethics Commission Recommendation 2020-01 regarding a code amendment to require disclosure of an interest in real property occupied by a city official or a family member as a residence, and provide direction to Staff.

Attachments: [Resolution 2020-1 - Disclosure of an Interest in Real Property Occupied \(execut](#)

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.

IV. Adjournment.

POSTED ON WEDNESDAY, AUGUST 12, 2020 @ 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