



# City of San Marcos

## Regular Meeting Agenda - Final City Council

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Tuesday, October 20, 2020

6:00 PM

Virtual Meeting

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**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](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

*Persons wishing to participate (speak) during the Citizen Comment portion of the meeting must email [citizencomment@sanmarcostx.gov](mailto: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.*

### 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. September 15, 2020 - Work Session Meeting Minutes
  - B. September 15, 2020 - Regular Meeting Minutes
  - C. September 23, 2020 - Special Meeting Minutes
  - D. September 29, 2020 - Special Meeting Minutes
3. Consider approval of Ordinance 2020-60, on the second 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.
4. Consider approval of Ordinance 2020-78, on the second of two readings, repealing Divisions 23 and 24 of Article 3, Chapter 2 of the San Marcos City Code that established the San Marcos Youth Commission and the San Marcos Commission on Children and

Youth, respectively, in connection with the transitioning of the provision of Youth Services through the Core 4 Partnership with Hays County, Texas State University and the San Marcos Consolidated Independent School District; dissolving said commissions; including procedural provisions; and providing an effective date.

5. Consider approval of Ordinance 2020-79, on the second of two readings, reducing the speed limit from 30 miles per hour to 25 miles per hour along the 500-1200 blocks of Burleson Street between Moore Street and Prospect street; authorizing the installation of signs and traffic control devices reflecting the new speed limit; directing that the traffic register maintained under section 82.067 of the San Marcos City Code be amended to reflect the new speed limit; and including procedural provisions.
6. Consider approval of Resolution 2020-220R, approving an Interlocal Contract with the Edwards Aquifer Authority ("EAA") and Texas State University for funding by the EAA of activities under the Edwards Aquifer Habitat Conservation Plan Program; authorizing the City manager, or his designee, to execute this contract on behalf of the City; and declaring an effective date.
7. Consider approval of Resolution 2020-221R, authorizing a Change in Service to the agreements with the real estate appraisal firms previously selected to be on an on-call list to provide appraisal services for various City projects to increase each firm's contract amount from \$50,000.00 to \$100,000.00; authorizing the City Manager or his designee to execute the necessary documents to implement the Change in Service; and declaring an effective date.
8. Consider approval of Resolution 2020-222R, approving a Real Estate Sales Contract with Randy N. and Patrice A. Greer for the City to purchase lots 2 and 3, block 12 of the original town of San Marcos, located at 128 and 140 South Guadalupe Street, for a price of \$1,600,000, plus any associated closing costs, approving amendments to said contract including an amendment providing for the withholding of funds in an amount up to \$225,000 for expenses associated with enrolling in the Texas Commission on Environmental Quality ("TCEQ") voluntary cleanup program; approving a Voluntary Cleanup Program Agreement with the TCEQ in connection with the purchase of the property; approving the execution of said Real Estate Sales Contract by the City Manager, or his designee, on behalf of the city; authorizing the City Manager, or his designee, to execute the contract amendment regarding the withholding of funds under the TCEQ voluntary cleanup program, any related closing documents and the TCEQ Voluntary cleanup program agreement on behalf of the City; and declaring an effective date.
9. Consider approval of Resolution 2020-223R, approving a Real Estate Sales Contract with Patricia R. Murphy and Mary O. Black for the city to purchase lot 1, block 12 of the original town of San Marcos, located at 152 South Guadalupe street, for a price of \$824,000, plus any associated closing costs; approving the execution of said contract by the City Manager, or his designee, on behalf of the city; authorizing the city manager, or his designee, to execute any related closing documents on behalf of the city; and declaring an effective date.
10. Consider approval of Resolution 2020-224R, approving the Alliance Regional Water

Authority (ARWA) Issuing Contract Revenue Bonds for the City of San Marcos in the aggregate principal amount of \$43,955,000.00 including approval of the Bond Resolution and other related matters in accordance with the Regional Water Supply Contract; authorizing the City Manager or his designee to execute any necessary related documents; and declaring an effective date.

11. Consider approval of Resolution 2020-225R, approving an interlocal agreement with the Canyon Regional Water Authority for the treatment and transmission of water from the Canyon Regional Water Authority Hays-Caldwell Water Treatment Plant; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.
12. Consider approval of Resolution 2020-226R, approving a Change in Service to the agreement with GDS Associates, Inc. relating to a utility rate study to increase the contract amount by \$62,000.00 for a total contract amount of \$142,000.00; authorizing the City Manager or his designee to execute the documents necessary to implement the Change in Service; and declaring an effective date.
13. Consider approval of Resolution 2020-227R, approving an Airport Facility Lease Agreement for Commercial Use for Airport property located at 2049 Airport Drive with Gryphon Aviation, Inc for an initial eighteen-month term; authorizing the City Manager or his designee to execute the lease on behalf of the City; and declaring an effective date.
14. Consider approval of Resolution 2020-228R, approving a month-to-month Airport Facility Lease Agreement for Commercial Use for Airport property located at 4400 Highway 21 with Air Carriage Over Texas, LLC; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.
15. Consider approval of Resolution 2020-229R, approving the compliance policy under Title VI of the Civil Rights Act of 1964 in connection with the City's requirements as Direct Recipient of Federal Transit Administration Funding, and declaring an effective date.
16. Consider approval of Resolution 2020-230R, approving a Chapter 380 Economic Development Incentive Agreement with DBI San Marcos Property, L.P., providing incentives in the form of refunds of a percentage of real property taxes over three years for the development of approximately 174,515 square feet of space for lease to commercial and industrial users at 1551 Clovis Barker; authorizing the City Manager, or his designee, to execute said agreement; 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](mailto: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.*

17. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2020-77, amending the Official Zoning Map of the City in Case No. ZC-20-12 by rezoning approximately 14.71 acres out of the J.W. Berry Survey, located near the 1500 block of N LBJ Drive (Steen Road) from "FD" Future Development District to "SF-6" Single Family District; including procedural provisions; and providing an effective date; and

consider approval of Ordinance 2020-77, on the first of two readings.

## **NON-CONSENT AGENDA**

18. Consider approval of Resolution 2020-231R, approving an agreement for the provision of services in connection with the proposed owner requested annexation of approximately 33 acres of land, generally located in the 2400 Block of State Hwy 123 (Case No. AN-20-12: Picoma); 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.
19. Consider approval, by motion, to move the December 1, 2020 Regular City Council meeting, due to the Election Runoff, to Wednesday, December 2, 2020, and provide direction to Staff.
20. Consider applications from interested citizens for service on an ad hoc committee to study the use of force policies of the San Marcos Police Department and make recommendations to the Chief of Police and City Council, hold discussion and make appointments to the committee, and provide direction to staff.
21. Consider applications from interested citizens for service on a Comprehensive Plan Rewrite Steering Committee charged with assisting in the City's Comprehensive Plan rewrite; hold discussion and make appointments to the committee, and provide direction to Staff.
22. Receive a Staff update on CARES Funding, discuss program strategy and options for Coronavirus Relief Fund (CRF) and Community Development Block Grant - Coronavirus (CDBG-CV) Round Three funding, and provide direction to staff.
23. Receive a Staff presentation and hold discussion regarding the utility disconnections for non-payment, and provide direction to Staff.
24. Hold discussion on San Marcos Convention and Visitor Bureau Board Recommendation Resolution proposing to the City Council that the Second Saturday of May and October be recognized as World Migratory Bird Days; and provide direction to staff.
25. Hold discussion on Parks and Recreation Board Recommendation Resolution 2020-02RR, supporting the implementation of healthy streets, also known as slow streets, to promote active recreation and transportation in the public right of way on low traffic neighborhood streets and to promote a multimodal network connecting greenspaces and parks, and provide direction to staff.
26. Hold discussion on Historic Preservation Commission Recommendation Resolution 2020-02RR, proposing City Council support for the repatriation efforts of the Miakan-Garza Band of the Coahuiltecan people, 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.*

27. Executive Session in accordance with:
- A. Section §551.074 of the Texas Government Code: Personnel Matters - to discuss the duties and responsibilities of the City Manager, pertaining to the Police Chief Selection Process
  - B. Section §551.071 of the Texas Government Code: Consultation with Attorney - to receive advice of legal counsel regarding acquisition of wastewater easement for proposed development in the Southeast area of the Extraterritorial Jurisdiction
  - C. Section §551.072 of the Texas Government Code: Real Property - to receive a staff briefing and deliberations regarding the acquisition of wastewater easement for proposed development in the Southeast area of the Extraterritorial Jurisdiction
  - D. Section §551.072 of the Texas Government Code: Real Property - to receive a staff briefing and deliberations regarding acquisition of property in Downtown San Marcos for public use.

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

28. Consider action, by motion, or provide direction to Staff regarding the following Executive Session items held during the Work Session and/or Regular Meeting:
- A. Section §551.074 of the Texas Government Code: Personnel Matters - to discuss the duties and responsibilities of the City Manager, pertaining to the Police Chief Selection Process
  - B. Section §551.071 of the Texas Government Code: Consultation with Attorney - to receive advice of legal counsel regarding acquisition of wastewater easement for proposed development in the Southeast area of the Extraterritorial Jurisdiction
  - C. Section §551.072 of the Texas Government Code: Real Property - to receive a staff briefing and deliberations regarding the acquisition of wastewater easement for proposed development in the Southeast area of the Extraterritorial Jurisdiction
  - D. Section §551.072 of the Texas Government Code: Real Property - to receive a staff briefing and deliberations regarding acquisition of property in Downtown San Marcos for public use.

IV. Adjournment.

**POSTED ON WEDNESDAY, OCTOBER 14, 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](mailto:ADArequest@sanmarcostx.gov)