



City of San Marcos

Regular Meeting Agenda - Final-Amended City Council

Tuesday, February 16, 2021

6:00 PM

Virtual Meeting

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

PRESENTATIONS

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

CONSENT AGENDA

2. Consider approval, by motion, of the following meeting Minutes:
 - A. January 19, 2021 - Regular Meeting Minutes
 - B. February 2, 2021 - Work Session Meeting Minutes
3. Consider approval of Ordinance 2021-06, on the second of two readings, amending section 14.126 of the San Marcos City Code concerning Landscape Irrigation Systems to require separate irrigation meters in new development; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.
4. Consider approval of Resolution 2021-27R, confirming the City Manager's appointment of Kathy Martinez-Prather to the San Marcos Civil Service Commission; and declaring an effective date.
5. Consider approval of Resolution 2021-28R, approving a Change in Service to the agreement with Dell Marketing, LP through the Texas Comptroller of Public Accounts Department of Information Resources program for the purchase of VMware equipment and support services in the estimated annual amount of \$49,821.26 and authorizing four additional annual renewals; authorizing the City Manager or his designee to execute the

appropriate documents to implement the Change in Service; and declaring an effective date.

6. Consider approval of Resolution 2021-29R, approving a first lease modification and extension agreement providing for a five year extension of the commercial lease for the space at 550 North Highway 123 Bypass, Seguin, Texas for the operation of a WIC Program Satellite Office, authorizing the City Manager, or his designee, to execute said lease; and declaring an effective date.
7. Consider approval of Resolution 2021-30R, approving a Change in Service to the agreement with Kimley-Horn and Associates, Inc. to add additional engineering design services for the Hopkins Street Improvements project in the estimated amount of \$57,915.00; authorizing the City Manager or his designee to execute the appropriate documents to implement the Change in Service; and declaring an effective date.
8. Consider approval of Resolution 2021-31R, approving an Advanced Funding Agreement (AFA) between the City of San Marcos and the Texas Department of Transportation (TxDOT) for utility betterments along IH35 from south of SH 80 (Hopkins St) to north of RM 12 (Wonder World Dr); in the amount of \$185,195.28, to be paid by the City of San Marcos, at least 45 days prior to the date set by TxDOT, for receipt of the construction bids; authorizing the City Manager to execute the agreement; and declaring an effective date.
9. Consider approval of Resolution 2021-32R, approving a Change in Service to the agreement with HDR Engineering, Inc., for various drainage improvement projects identified in the Stormwater Master Plan to add additional design and construction phase services in the estimated amount of \$220,692.00; authorizing the City Manager or his designee to execute the appropriate documents to implement the Change in Service; and declaring an effective date.
10. Consider approval of Resolution 2021-33R, approving a contract with Paradigm Traffic Systems, Inc. through the BuyBoard Purchasing Cooperative for a backup battery system to be used to operate traffic signals in the event of a power outage, in the estimated amount of \$105,600.00; authorizing the City Manager or his designee to execute the contract on behalf of the City; and declaring effective date.
11. Consider approval of Resolution 2021-34R, authorizing the City's Electric Utility Division ("SMEU") to implement a voluntary program allowing its customers to purchase certified renewable energy; and declaring an effective date.

PUBLIC HEARINGS

12. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2021-05, amending sections 7.2.4.1 and 7.2.4.2 and Chapter 8, Article 1 of the City's Development Code by, among other things, including limitations on turfgrass installed in new developments, requiring the use drought-tolerant turf grass species in new developments, requiring minimum soil depths in new developments, adding a definition for turfgrass, and making other minor edits for clarification; providing a savings clause;

providing for the repeal of any conflicting provisions; and providing an effective date; and consider approval of Ordinance 2021-05, on the second of two readings.

NON-CONSENT AGENDA

13. Consider approval of Ordinance 2021-09, authorizing the issuance and sale of \$8,700,000 of Combination Tax and Revenue Certificates of Obligation, Series 2021 for (1) constructing, improving, designing, acquiring and equipping the City's Road and Street Projects, to include a Railroad Overpass and related Infrastructure on Yarrington Road; and (2) the payment of professional services in connection therewith including Legal, Fiscal and Engineering Fees and the costs of issuing the Certificates of Obligation; providing for approval of this Ordinance an emergency measure on only one reading as authorized by State Law; and other matters related thereto.
14. Consider approval of Ordinance 2021-10, on the first of two readings, amending the City's 2019-2020 Fiscal Year budget to allocate an additional \$8,423,553 from the General Fund for Economic Development Incentive payments; and providing an effective date.
15. Consider approval of Ordinance 2021-11, on the first of two readings, amending certain funds in the City's 2020-2021 Fiscal Year budget to allocate for the rollover of funds and to adjust the revenue and expenditure budget for lower Economic Incentives; and providing an effective date.
16. Consider approval of Ordinance 2021-12, on the first of two readings, amending section 2.351 of the San Marcos City Code relating to the composition of the Convention and Visitor Bureau Advisory Board; including updating language of representative titles; and providing an effective date.
17. Consider approval of Ordinance 2021-13, on the first of two readings, amending Section 86.003. of the San Marcos City Code to required that both connections and extensions for City Water and Wastewater Service outside the City Limits will be subject to approval by the City Council; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.
18. Consider approval of Resolution 2021-41R, Authorizing Extraordinary Optional Redemption of a portion of the City of San Marcos, Texas Special Assessment Revenue Bonds, Series 2020 (Whisper Public Improvement District).
19. Consider approval of Resolution 2021-35R, approving the award of a Construction Contract to Seidel Construction, LLC, for construction of San Marcos Fire Station No. 6 in the amount of \$5,502,900.00; authorizing the City Manager or his designee to execute the contract on behalf of the City; and declaring an effective date.
20. Consider approval of Resolution 2021-36R, approving the award of a construction contract to Lambda Construction I, LLC, for construction of the Rattler Electric Substation in the estimated amount of \$6,448,491.00; authorizing the City Manager or his designee to execute the contract on behalf of the City; and declaring an effective date.

21. Consider approval of Resolution 2021-37R, approving an agreement with John Bugge providing for the City to purchase approximately 3.64 acres of land located at 1410 and 1412 River Road for a price of \$396,500.00, together with associated closing costs, in connection with the Blanco Riverine Flood Mitigation Project; authorizing the City Manager, or his designee, to execute said agreement; and declaring an effective date.
22. Consider approval of Resolution 2021-38R, amending Resolution 2020-164R, which provided no objection to an application for low income housing tax credits to the Texas Department of Housing and Community Affairs for the proposed Redwood Multifamily project located in the 1600 Block of Redwood Road, to include language which approves the application of the Texas Housing Finance Corporations Act, Chapter 394, Local Government Code and grants approval for the use of bond proceeds issued by a housing finance corporation pursuant to the Act, and providing no objection to the submission of an application for low income housing tax credits; approving findings related to such application, imposing conditions for such non objection; providing authorizations for execution or submission of documents related to the such application, and declaring an effective date.
23. Consider approval of Resolution 2021-39R, approving the issuance of revenue bonds in a principal amount not to exceed \$30,000,000 to be issued by the New Hope Cultural Education Facilities Finance Corporation for a residential senior living project to be known as the Villas Del San Xavier Senior Residences and located at 2621 South IH-35; and declaring an effective date.
24. Consider approval of Resolution 2021-40R, expressing the City Council's support for exploring the possibility of a collaboration with the Indigenous Cultures Institute in establishing an Indigenous Cultures Center, including exploring the possibility of joining with the Indigenous Cultures institute in applying for Hays County Parks and Opens Space Bond funding and providing City property for this project; and declaring an effective date.
25. Consider approval, by motion, authorizing negotiations of a Development Agreement requested by R.W. McDonald IV, on behalf of the Whisper Master Community Limited Partnership, for approximately 153 acres out of the Joel Miner Survey, Abstract 321, the William Hemphill Survey, Abstract 221, and the Thomas G. McGehee Survey, Abstract 11, Hays County, Texas, generally located at the intersection of Harris Hill Road and Yarrington Road, and consider the appointment of a Council Committee to review aforementioned Development Agreement, if desired.

EXECUTIVE SESSION

26. Executive Session in accordance with Section §551.071 of the Texas Government Code: Consultation with Attorney - to seek the advice of legal counsel regarding the pending application to discharge wastewater from the privately-operated 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.

ACTION/DIRECTION FROM EXECUTIVE SESSION

27. Consider action, by motion, or provide direction to Staff regarding the following Executive Session item held during the Work Session and/or Regular Meeting: Section §551.071 of the Texas Government Code: Consultation with Attorney - to seek the advice of legal counsel regarding the pending application to discharge wastewater from the privately-operated 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.

VI. Adjournment.

POSTED ON WEDNESDAY, FEBRUARY 10, 2021 @ 3:00PM

TAMMY K. COOK, INTERIM CITY CLERK

VII. ADDENDUM

Item #8 was amended after the Agenda was posted at 3:00PM on February 1, 2021.

Original Posting Language:

Consider approval of Resolution 2021-31R, approving an Advanced Funding Agreement (AFA) with the State of Texas, acting through the Texas Department of Transportation (TxDOT) for utility betterments along IH35 from south of SH 80 (Hopkins St) to north of RM 12 (Wonder World Dr) in connection with certain improvements by TxDOT to IH-35, with a contribution amount by the City of \$178,773.31, authorizing the City Manager, or his designee, to execute the agreement on behalf of the City; and declaring an effective date.

New Posting Language:

Consider approval of Resolution 2021-31R, approving an Advanced Funding Agreement (AFA) between the City of San Marcos and the Texas Department of Transportation (TxDOT) for utility betterments along IH35 from south of SH 80 (Hopkins St) to north of RM 12 (Wonder World Dr); in the amount of \$185,195.28, to be paid by the City of San Marcos, at least 45 days prior to the date set by TxDOT, for receipt of the construction bids; authorizing the City Manager to execute the agreement; and declaring an effective date.

ADDENDUM POSTED ON THURSDAY, FEBRUARY 2, 2021 @ 10:00AM

TAMMY K. COOK, INTERIM CITY CLERK

Notice of Assistance at the Public MeetingsThe 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