



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Regular Meeting Agenda - Final-Amended City Council

Tuesday, March 2, 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

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.

PRESENTATIONS

1. Receive status reports and updates on response to COVID-19 pandemic; 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 February 19, 2021 Special Emergency Meeting Minutes.

Attachments: [02.19.2021 Emergency Meeting Minutes.pdf](#)

3. Consider approval of Ordinance 2021-10, on the second 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.

Attachments: [ORDINANCE 2021- YE 2020 Budget Amendment.docx](#)

4. Consider approval of Ordinance 2021-11, on the second 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.

Attachments: [2021 Budget Amendment Ordinance MFK](#)
[FY 20 Gen Fund Dept Budget to Actual](#)

5. Consider approval of Ordinance 2021-12, on the second 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.

Attachments: [Ordinance](#)
[Memo_CVB Board Composition 1.2021](#)

6. Consider approval of Ordinance 2021-13, on the second 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.

Attachments: [Ordinance](#)

7. 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.

Attachments: [Resolution](#)
[Extension Amendment](#)
[Seguin Court Plaza Council Resolution 2016-71R](#)
[Seguin Court Plaza LP fully executed 2016 07 exp 08.31.2021](#)

8. Consider approval of Resolution 2021-44R, approving the award of a construction contract to Rural Electric, Inc. for the Wastewater Treatment Plant Electric Backup Feed Distribution Project in the estimated amount of \$1,652,864.00; authorizing the City Manager or his designee to execute the contract on behalf of the City; and declaring an effective date.

Attachments: [Resolution](#)
[221-028 Bid Tabulation](#)
[Res 2020-254 award a contract to Electro Technical Industries, Inc for the San](#)

9. Consider approval of Resolution 2021-45R, awarding an Indefinite Delivery Indefinite Quantity agreement to Lone Star Paving for Street Overlay services on an as needed basis in the estimated annual cost of \$1,675,625.00 and authorizing two additional annual renewals for a total contract amount of \$5,026,875.00; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.

Attachments: [Resolution](#)
 [221-015 Bid Tabulation](#)
 [5 - Year Street Maintenance Program.pdf](#)

10. Consider approval of Resolution 2021-46R, rejecting the sole bid received from Denbow Company, Inc. in response to an invitation for bids for an Indefinite Delivery Indefinite Quantity agreement to assist the San Marcos Electric Utility with large electrical underground components; and declaring an effective date.

Attachments: [Resolution](#)
 [221-034 Bid Tabulation](#)

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.

Attachments: [Resolution](#)
 [Sample Bill with Renewable Energy Adder](#)
 [Renewable Energy Credits Recommendation](#)
 [CUAB 20200113](#)

12. Consider approval of Resolution 2021-47R, approving a Change in Service to the agreement with Cannon Technologies, Inc. for the renewal of hosting fees for a Yukon Master Server and related support services in the amount of \$63,336.00 and authorizing three 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.

Attachments: [Resolution](#)
 [216-103R ACIS3 Yukon Server - All.pdf](#)

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.

13. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2021-15, amending the Official Zoning Map of the City in Case No. ZC-21-02 by designating the property at 200 West MLK Drive, currently the location of the Calaboose African American History Museum, as a local historic landmark; including procedural provisions, and consider approval of Ordinance 2021-15, on the first of two readings.

Attachments: [ZC-21-02 Presentation](#)
[Ordinance](#)
[ZC-21-02 Staff Report](#)
[ZC-21-02 Maps](#)
[ZC-21-02 Personal Notification Letter](#)
[ZC-21-02 Report from Preservation Texas](#)
[ZC-21-02 San Marcos Daily Record Newspaper Clipping \(November 1943\)](#)
[ZC-21-02 APPROVED 1.7.21 HPC Minutes](#)

14. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2021-16, on the first of two readings, amending Chapters 3 and 4 of the San Marcos Development Code and Appendix A, Article 1 of the Design Manual, by, among other things, updating provisions concerning nonconforming streetscapes, the Character District 5 Downtown description, the minimum two story building height in downtown, and the downtown architectural design standards and guidelines related to varied massing, transparency, blank wall area, expression elements, building elements, and contextual height stepdown; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

Attachments: [CC1 Presentation - All Slides](#)
[Ordinance](#)
[Memo - Project Overview](#)
[Memo - Joint Workshop Direction](#)
[Memo - PZ Amendments](#)
[Summary of Outreach - December Meetings](#)
[Development Code \(standards\)](#)
[Design Manual \(guidelines\)](#)
[Memo - Protecting Views](#)

15. Receive a Staff presentation and Hold a Public Hearing to receive comments for or against Ordinance 2021-17, adopting Youth Programs Standards of Care for 2021; and consider approval of Ordinance 2021-17, on the first of two readings; providing a severability clause; providing for the repeal of any conflicting provision; declaring an effective date.

Attachments: [Ordinance](#)

NON-CONSENT AGENDA

16. Consider approval of Ordinance 2021-08, on the first of two readings amending the Official Zoning Map of the City in Case No. ZC-20-26 by rezoning approximately 15.2331 acres of land, generally located in the 400 Block of Riverway Avenue, from "CC" Community Commercial District to "HC" Heavy Commercial District; including procedural provisions; and consider approval of Ordinance 2021-08 on the first of two readings.

Attachments: [ZC-20-26 Presentation](#)
[Ordinance](#)
[ZC-20-26 Staff Report](#)
[ZC-20-26 Maps](#)
[ZC-20-26 Personal Notification Letter](#)
[ZC-20-26 Code Comparison](#)
[ZC-20-26 Comp Plan Analysis Checklist](#)
[ZC-20-26 Application Documents](#)

17. Consider approval of Ordinance 2021-18, on the first of two readings, to approve Deeds with access easements to Hays County for FM 110 ROW and drainage easements associated with FM 110.

Attachments: [Ordinance](#)
[ROW Agreement Package](#)
[FM110 Roadway with Driveway.pdf](#)

18. Consider approval of Resolution 2021-48R, approving amendment number one to the chapter 380 Economic Development Incentive agreement with Best Buy Texas.com, LLC that provided certain incentives for said company to locate and operate an internet sales operations center in the city for the purpose of conforming the agreement to changes in law regarding the sourcing of sales taxes on internet sales; authorizing the City Manager, or his designee, to execute said amendment; and declaring an effective date.

Attachments: [Best Buy 380 Amendment One Resolution](#)
[San Marcos Amendment - Best Buy - Exe 2-9-21](#)

19. Consider approval of Resolution 2021-49R, approving a Change in Service to the agreement with Recreation Engineering and Planning, Inc. for additional design and construction services for the Rio Vista Falls Maintenance Project in the estimated amount of \$74,000.00; 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](#)

20. Consider approval of Resolution 2021-50R, approving the award of a construction contract to Austin Filter Systems, Inc. for the Rio Vista Falls Maintenance Project in the estimated amount of \$966,730.00; authorizing the City Manager or his designee to execute the contract on behalf of the City; and declaring an effective date.

Attachments: [Resolution](#)
[221-011 Bid Tabulation.pdf](#)
[Rio Vista Falls Maintenance Project Council 2021 03 02](#)

21. Consider approval of Resolution 2021-51R, approving an updated Council Electronics Policy that provides guidelines, expectations and responsibilities for the procurement and use of technology used by the City Council, and aligns hardware standards for devices

used by the City Council with the city's current standards; and declaring an effective date.

Attachments: [Resolution](#)
 [Council Electronics Policy.docx](#)
 [Council Electronic Device Policy - Draft_v2.pdf](#)
 [Council Approved Hardware Catalog](#)

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.

Attachments: [Redwood Amendment Presentation](#)
 [Resolution 2020-164R Redlined](#)
 [Resolution 2021-38R](#)
 [Staff Memo](#)
 [Resolution 2020-164R](#)
 [Redwood Multifamily PILOT Agreement](#)
 [Applicant Request](#)

23. 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.

Attachments: [PDA-21-01 Presentation](#)
 [PDA-21-01 Application](#)
 [PDA-21-01 Whisper PDD](#)

24. Receive a Staff presentation and hold discussion regarding the utility disconnections for non-payment and late fees, and provide direction to Staff.

Attachments: [Utility disconnect presentation 3.2.21 - 2pptx.pptx](#)

25. Hold a discussion regarding use standards and zoning for outdoor storage and self-storage facilities, and provide direction to Staff.

Attachments: [Development Code Use Table](#)
 [Development Code Outdoor Storage](#)
 [Development Code Self Storage](#)

26. Hold discussion on Rules of Decorum for City Council Meetings and provide direction to Staff.

Attachments: [City Council meeting procedures DRAFT.docx](#)
 [Sec. 2.045.docx](#)

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. §Sec. 551.071 of the Texas Government Code: Consultation with attorney - to receive advice of legal counsel regarding the acquisition of property, through eminent domain proceedings if necessary, for the Blanco Riverine Construction Project
 - B. §Sec. 551.072 of the Texas Government Code: Real Property - to discuss acquisition of property for the Blanco Riverine Construction Project.
 - C. §Sec. 551.071 of the Texas Government Code: Consultation with attorney - To Seek Advice of Legal Counsel Regarding Pending Litigation to wit: Top of the Hill Partners, LLC. v. City of San Marcos; Cause No. 21-0408; In The 453rd District Court of Hays County, Texas.

ACTION/DIRECTION FROM EXECUTIVE SESSION

28. 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. §Sec. 551.071 of the Texas Government Code: Consultation with attorney - to receive advice of legal counsel regarding the acquisition of property, through eminent domain proceedings if necessary, for the Blanco Riverine Construction Project
 - B. §Sec. 551.072 of the Texas Government Code: Real Property - to discuss acquisition of property for the Blanco Riverine Construction Project.
 - C. §Sec. 551.071 of the Texas Government Code: Consultation with attorney - To Seek Advice of Legal Counsel Regarding Pending Litigation to wit: Top of the Hill Partners, LLC. v. City of San Marcos; Cause No. 21-0408; In The 453rd District Court of Hays County, Texas.

VII. Adjournment.

POSTED ON THURSDAY, FEBRUARY 25, 2021 @ 3:00PM

TAMMY K. COOK, INTERIM CITY CLERK

VIII. ADDENDUM

The following Executive Session Item was added after the agenda was posted on Thursday, February 25, 2021:

C. §Sec. 551.071 of the Texas Government Code: Consultation with attorney - To Seek Advice of Legal Counsel Regarding Pending Litigation to wit: Top of the Hill Partners, LLC. v. City of San Marcos; Cause No. 21-0408; In The 453rd District Court of Hays County, Texas.

ADDENDUM POSTED ON SATURDAY, FEBRUARY 27, 2021 @ 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