



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Regular Meeting Agenda - Final-Amended City Council

Tuesday, September 7, 2021

6:00 PM

City Council Chambers/Virtual

630 E. Hopkins

This will be a hybrid (in-person/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 the day prior to the meeting and before 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. Please indicate if you would like to speak in person.

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.

1. Consider approval of Ordinance 2021-63, on the second of two readings, amending section 34.401 and 34.402 of the San Marcos City Code to correct a typographical error and to limit the applicability of vehicle idling restrictions to the City limits and areas of the City's Extraterritorial Jurisdiction within 1,000 feet of the City limits; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.
2. Consider approval of Ordinance 2021-64, on the second of two readings, amending the City's 2020-2021 Fiscal Year budget in the total amount of \$581,600.00 to allocate funds needed for the utility account forgiveness program; and providing an effective date.
3. Consider approval of Resolution 2021-162R, approving a Change in Service to the contract with Cobb Fendley & Associates, Inc. to advance the Kissing Alley Improvement

Project to the design phase and increase the contract in the amount of \$624,402.25; authorizing the City Manager or his designee to execute the appropriate documents to implement the Change in Service; and declaring an effective date.

4. Consider approval of Resolution 2021-163R, approving the Second Amendment to the Interlocal Agreement between the City and Texas State University relating to the implementation of the Edwards Aquifer Habitat Conservation Plan to, among other things, include a description of the duties and compensation of the Habitat Conservation Project Manager and extend the agreement through March 31, 2028; authorizing the City Manager or his designee to execute the Amendment on behalf of the City; and declaring an effective date.
5. Consider approval of Resolution 2021-164R, approving a contract with Alpha Building Corporation through the Texas Buyboard Purchasing Cooperative for maintenance and repairs at the City of San Marcos Animal Shelter in the amount of \$240,047.55; authorizing the City Manager or his designee to execute the contract on behalf of the City; and declaring an effective date.
6. Consider approval of Resolution 2021-179R, approving an agreement that grants a Non-Exclusive License to Skinny Labs, Inc., doing business as SPIN, that enables SPIN'S shared micromobility devices such as electric scooters and electric bicycles to be operated within City rights-of-way; and declaring an effective date.
7. Consider approval of Resolution 2021-166R, correcting Resolution 2021-110R to clarify the actual purchase price of capital equipment to be used by the Streets Division of the Public Works Department: for the purchase of a trailer from Cooper Equipment Company in the amount of \$97,733.10, instead of \$92,840.35, through the Buyboard Purchasing Cooperative; authorizing the City Manager or his designee to execute the contracts necessary to implement these corrections on behalf of the City; and declaring an effective date.
8. Consider approval of Resolution 2021-167R, approving a Change in Service to the Uninterrupted Power Supply Maintenance Agreement with Weissco Power, LLC ratifying an emergency purchase and installation of batteries in the amount of \$7,355.00 and for the purchase of additional services and equipment in the amount of \$20,000 for a total contract amount of \$73,241; authorizing the City Manager or his designee to execute the appropriate documents to implement the Change in Service; and declaring an effective date.
9. Consider approval of Resolution 2021-168R, approving a Change in Service to the agreement with SHI Government Solutions, Inc. relating to the Microsoft Enterprise Agreement through the State Department of Information Resources in the amount of \$616,673.99; 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 2021-169R, approving an agreement with Bluebonnet Electric Cooperative for interconnection of the City's solar array at the Public Service Center located at 2217 East McCarty Lane; authorizing the City Manager, or his designee,

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

11. Consider approval of Resolution 2021-170R, approving a Change in Service to the agreement with Operations Management, Inc., now Jacobs Engineering, to provide consultation services related to water and wastewater services for the City in an annual not-to-exceed amount of \$60,000.00 and authorizing two 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.
12. Consider approval of Resolution 2021-171R, approving a Change in Service to add additional monitoring services to the agreement with Madden Reprint Media, LLC relating to internet search engine marketing used by the San Marcos Convention Visitor Bureau to promote tourism in the revised annual amount of \$65,000.00 for the two remaining one-year renewals; authorizing the City Manager or his designee to execute the documents necessary to implement the Change in Service on behalf of the City; and declaring an effective date.
13. Consider approval of Resolution 2021-172R, approving a one-year renewal to the agreement with GOW Media, LLC relating to Digital Advertisement for used by the San Marcos Convention and Visitor Bureau to promote tourism in an annual amount of \$12,000 and authorizing two additional one-year renewals for a total contract amount of \$80,745; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.
14. Consider approval of Resolution 2021-173R, approving the Terms and Conditions of an Interlocal Agreement between City of San Marcos and the San Marcos Consolidated Independent School District (SMCISD) relating to the City's provision of Officers to serve as School Resource Officers; 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 2021-174R, approving several Change Orders to the construction contract with Trimbuilt Construction Inc. relating to the San Marcos Police Department Building Renovations and Additions Project in the amount of \$153,621.48; authorizing the City Manager or his designee to execute the appropriate documents relating to the Change Orders on behalf of the City; and declaring an effective date.
16. Consider approval of Resolution 2021-175R, approving an Interlocal Agreement with Hays County under which Hays County is authorized to submit, on behalf of the City, an application for funding under the U.S. Department of Justice, OJP, BJA Edward Byrne Memorial Justice Assistance Grant (JAG) Program in the amount of \$18,869.00 to fund the purchase of forensic lab equipment and supplies; authorizing the City Manager, or his designee, to execute any and all documents as necessary to accept and implement the grant, if awarded; and declaring effective date.
17. Consider approval of Resolution 2021-176R, approving the terms and conditions of an Interlocal Agreement between the City of San Marcos and Texas State University for, among other services, research for a needs assessment relating to homelessness in San Marcos, authorizing the City Manager or his designee to execute the agreement on behalf

of the City; and declaring an effective date.

18. Consider approval of Resolution 2021-177R, approving a contract to provide funding to Austin Area Research Organization (AARO) on behalf of Central Texas Addressing Cancer Together in the amount of \$271,915.00 from American Rescue Plan Funds for the purpose of supporting the Breast Cancer Initiative to address health disparities among uninsured, low-income women at risk of breast cancer which will support the recovery of the community from the COVID-19 Pandemic; and declaring an effective date.
19. Consider approval of Resolution 2021-182R, approving a contract to provide funding to Mermaid Society SMTX in the sum of \$25,000 from American Rescue Plan Funds for the purpose of supporting the Mermaid Festival which will support the recovery of the community from the COVID-19 Pandemic; and declaring an effective date.
20. Consider approval of Resolution 2021-183R, approving a contract to provide funding to Nosotros La Gente in the amount of \$25,000 from American Rescue Plan Funds for the purpose of supporting the "Viva Zapatos" shoe drive/community assistance program which will support the recovery of the Community from the COVID-19; 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 the day prior to the meeting and before 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. Please indicate if you would like to speak in person.

21. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2021-66, adopting a budget in the amount of \$259,813,834 for the fiscal year beginning October 1, 2021 and ending September 30, 2022; authorizing certain adjustments to the budget with the approval of the City Manager; approving fiscal year 2021-2022 Capital Improvements Program Projects; adopting a fee schedule; including procedural provisions; and declaring an effective date; consider approval of Ordinance 2021-66, on first of two readings.
22. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2021-67, increasing rates established for Water, Wholesale Water, Reclaimed Water, Wastewater Treatment, and Sewer Surcharges; including procedural provisions; declaring an effective date; and consider approval of Ordinance 2021-67, on the first of two readings
23. Receive a Staff Presentation and hold a Public Hearing to receive comments for or against Ordinance 2021-68, increasing the rates for Electric Utility Services; and including procedural provisions; and providing an effective date; and consider approval of Ordinance 2021-68, on the first of two readings.
24. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2021-69, increasing Drainage Utility Rates as authorized by Section 86.505 of the San Marcos City Code; and providing an effective date; and consider approval

Ordinance 2021-69, on the first of two readings.

25. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2021-70, amending the rates for both Residential and Multifamily Customers of Municipal Solid Waste Programs (currently known as Resource Recovery) in accordance with Section 66.028 of the San Marcos Code of Ordinances; and including procedural provisions; and providing an effective date; consider approval of Ordinance 2021-70 on the first of two readings.
26. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2021-71, setting the Tax Rate for the 2021 Tax Year at 60.30 cents on each \$100 of taxable value of real property that is not exempt from taxation; levying taxes for the use and support of the Municipal Government of the City for the fiscal year beginning October 1, 2021, and ending September 30, 2022; providing a sinking fund for the retirement of the bonded debt of the city; including procedural provisions; and declaring an effective date; and consider approval of Ordinance 2021-71, on the first of two readings.
27. Receive a staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2021-72, annexing into the City approximately 8.704 acres of land generally located at the northwest corner of the W. Centerpoint Rd. and Central Park Loop intersection in Case No. AN-21-04; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2021-72, on the first of two readings.
28. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2021-73, amending the Official Zoning Map of the City in Case No. ZC-21-10 by rezoning approximately 7.777 acres of land, described as Lot 1, Block A, La Cima Amenity Center, located at 301 Central Park Loop, from "FD" Future Development District to "SF-4.5" single-family - 4.5 District, or subject to consent of the owner, another less intense zoning district classification; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2021-73, on the first of two readings.

NON-CONSENT AGENDA

29. Consider approval of Ordinance 2021-74, on the first of two readings, amending Chapter 58 Public Facilities, Parks and Recreation of the San Marcos City Code, making amendments to Section 58.042 prohibited items in a City Park or Natural Area by inserting possession of a weapon as defined in Section 58.026 definitions; and amending Section 58.068 of the San Marcos City Code that prohibits possession or shooting of a speargun by any person while in or upon the San Marcos River without a permit issued by the Parks and Recreation Department; and providing an effective date.
30. Consider approval of Ordinance 2021-75, on first and final reading, amending Ordinance 2021-61 ordering a General and Special Election to be held on November 2, 2021 by establishing early voting and election day polling places for this election; and making provisions for conducting the election; declaring an emergency creating the need to adopt this ordinance with only one reading; and providing an effective date.
31. Consider approval of Resolution 2021-155R, rejecting all proposals to conduct an

18-month Electric Cab Pilot Microtransit Program relating to Downtown parking; and declaring an effective date.

32. Consider approval of Resolution 2021-180R, approving a Public Transit System Interlocal Agreement with the Capital Area Rural Transportation System ("CARTS") for CARTS to provide transit services on behalf of the City in the San Marcos urbanized area, with a funding amount by the City not to exceed \$2,200,00.00; authorizing the City Manager, or his designee, to execute the agreement on behalf of the City; and declaring effective date.
33. Consider approval of Resolution 2021-181R, approving a one-year State Use Contract with Easter Seals-Central Texas as certified through WorkQuest, a State purchasing cooperative, for vegetation and litter control, and landscape maintenance in the estimated amount of \$1,166,293.36; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.
34. Consider approval of Resolution 2021-178R, approving an agreement with the Greater San Marcos Economic Development Corporation ("The Greater San Marcos Partnership") for economic development and small business economic development services in the amount of \$400,000 per year, plus authorized expenses, over a term of at least three years; authorizing the City Manager, or his designee, to execute the agreement on behalf of the City; and declaring an effective date.
35. Consider approval of Resolution 2021-165R, nominating Cooperative Laundry SMS, LLC's location of a new facility in San Marcos as an enterprise project under the Texas Enterprise Zone Program; and declaring an effective date.
36. Consider approval, by motion, authorizing Mayor Hughson to sign onto a joint letter with Texas State University to United States Secretary of Labor Martin J. Walsh requesting assistance with projects involving Gary Job Corps and the Department of Labor; and declaring an effective date.
37. Consider approval, by motion, authorizing negotiations of a Development Agreement with TKAR Commercial Real Estates Services, on behalf of Casata San Marcos, LLC, for approximately 31.79 acres out of the William Ward Survey, Abstract 467 and the J.M. Veramendi Survey, Abstract 17 located at 2138 and 2390 Post Rd, and consider the appointment of a Council Committee to review the aforementioned Development Agreement, if desired
38. Consider approval, by motion, of an Out of City Utility Connection request for water and wastewater service by Sarah Corona for approximately 3.598 acres, more or less, located at 2101 Clovis Barker Road.
39. Consider an appeal of the decision of the Planning and Zoning Commission to deny CUP-21-17, a request by John Mark Slack, on behalf of Mr. Exotics Steakhouse, for a new Conditional Use Permit to allow the sale and on-premise consumption of Mixed Beverages at 101 and 105 East Hopkins Street, and provide direction to Staff.
40. Discuss and consider appointment(s) to fill vacancies on the following Boards and Commissions, and provide direction to staff:

- A) Convention and Visitors Bureau
- B) Neighborhood Commission

- 41. Discuss and consider an appointment to serve as the delegate for the Texas Municipal League Business Meeting, and provide direction to Staff.
- 42. Hold discussion on a Recommendation Resolution 2021-01RR from the Arts Commission that transfers responsibility of future Mermaid March Sculpture creation and promotion to the Mermaid Society of Texas, and provide direction to the City Manager.

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.

- 43. Executive Session in accordance with the following:
 - A. Sec. §551.071 of the Texas Government Code: Consultation with Attorney: To receive legal advice regarding the pending wastewater discharge permit application dockets: Application of HK Real Estate Development, LLC for Proposed Permit for New TPDES Permit No. WQ0015784001; TCEQ Docket No. 2021-0053-MWD; SOAH Docket No. 582-21-1893;
 - B. Sec. §551.071 of the Texas Government Code: Consultation with Attorney: To receive legal advice regarding the contract with Together for a Cause; and
 - C. Sec. §551.071 of the Texas Government Code: Personnel Matters: to discuss the duties and responsibilities of the City Manager

ACTION/DIRECTION FROM EXECUTIVE SESSION

- 44. 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 legal advice regarding the pending wastewater discharge permit application dockets: Application of HK Real Estate Development, LLC for Proposed Permit for New TPDES Permit No. WQ0015784001; TCEQ Docket No. 2021-0053-MWD; SOAH Docket No. 582-21-1893;
 - B. Sec. §551.071 of the Texas Government Code: Consultation with Attorney: To receive legal advice regarding the contract with Together for a Cause; and
 - C. Sec. §551.071 of the Texas Government Code: Personnel Matters: to discuss the duties and responsibilities of the City Manager

VI. Question and Answer Session with Press and Public.

This is an opportunity for the Press and Public to ask questions related to items on this agenda. Persons wishing to participate remotely in the Q&A session must email citizencomment@sanmarcostx.gov beginning the day prior to the meeting and before 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. If attending in person, no sign up is required.

VII. Adjournment.

POSTED ON WEDNESDAY, SEPTEMBER 1, 2021 @ 9:00AM**TAMMY K. COOK, INTERIM CITY CLERK**

VIII. ADDENDUM

*The Caption for Item 7 changed after the original posting. It previously read:
Consider approval of Resolution 2021-166R, correcting Resolution 2021-110R to clarify the actual purchase prices of capital equipment to be used by the Streets Division of the Public Works Department: awarding a contract to Rush Truck Center for the purchase of two dump trucks in the amount of \$294,702.40 and one semi-tractor in the amount of \$154,245.10 through the Texas Buyboard Purchasing Cooperative and the purchase of a trailer from Cooper Equipment Company in the amount of \$97,733.10 through the Texas Buyboard Purchasing Cooperative and the purchase of one roadway patcher in the amount of \$204,376.00 from Santex Truck Centers, Ltd. through the HGAC Purchasing Cooperative for a total expenditure in the amount of \$751,056.60; authorizing the City Manager or his designee to execute the contracts necessary to implement these corrections on behalf of the City; and declaring an effective date.*

*It now reads:
Consider approval of Resolution 2021-166R, correcting Resolution 2021-110R to clarify the actual purchase price of capital equipment to be used by the Streets Division of the Public Works Department: for the purchase of a trailer from Cooper Equipment Company in the amount of \$97,733.10, instead of \$92,840.35, through the Buyboard Purchasing Cooperative; authorizing the City Manager or his designee to execute the contracts necessary to implement these corrections on behalf of the City; and declaring an effective date.*

ADDENDUM POSTED ON WEDNESDAY, SEPTEMBER 1, 2021 @ 10:30AM**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