



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Regular Meeting Agenda - Final City Council

Tuesday, December 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. Those wishing to speak in person must sign up in the City Clerk's office between 8:00AM - 5:45PM the day of the meeting.

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, by motion, of the following meeting minutes:
 - a. November 3, 2021 - Regular Meeting Minutes
 - b. November 3, 2021 - Work Session Meeting Minutes
 - c. November 15, 2021 - Special Meeting Minutes - Election Canvass & Swearing In
 - d. November 16, 2021 - Work Session Meeting Minutes

Attachments: [11.03.2021 Regular Meeting Minutes.pdf](#)
[11.03.2021 Work Session Meeting Minutes.pdf](#)
[11.15.2021 Special Meeting Minutes.pdf](#)
[11.16.2021 Work Session Meeting Minutes.pdf](#)

2. 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.

Attachments: [Resolution](#)
[217-077 MOD 2 Redlined.pdf](#)
[217-077 Modification 1 ILA 2019 Executed.docx](#)
[217-077 mod1 mod2 .docx](#)

3. Consider approval of Resolution 2021-235R, authorizing a Change in Service to the agreement with Pest Management, Inc. to extend the agreement for one year for pest control services at City-owned facilities in the amount of \$25,000.00 for a total contract price of \$63,665.10 and authorizing one additional annual renewal; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.

Attachments: [Resolution](#)
[219-294 ACIS8 Renewal 22 Rev.pdf](#)

4. Consider approval of Resolution 2021-236R, authorizing a Change in Service to the agreement with MGT Consulting Group, LLC to add cost allocation plan services in the amount of \$25,400.00 for a total contract amount of \$60,800.00; 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](#)
[219-297 ACIS3 Cost Allocation Plan.pdf](#)

5. Consider approval of Resolution 2021-237R, authorizing a Change in Service to the agreement with Alan Plummer Associates, Inc. for the provision of design, bidding, and construction phase services associated with the Comanche Pump Station Improvements Project in the not-to-exceed amount of \$214,815.00; 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.

Attachments: [Resolution](#)
[Comanche PS Location Map.pdf](#)
[ACIS01-Backup.pdf](#)

6. Consider approval of Resolution 2021-238R, authorizing a Change in Service to the agreement with Tyler Technologies, Inc. to renew a license for MobileEyes Inspection Software for use by the City of San Marcos Fire Department in the estimated annual amount of \$14,280.00 for a total contract amount of \$61,715.00 and authorizing three 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](#)
 [219-082 ACIS3 Renew 2021-22.pdf](#)

7. Consider approval of Resolution 2021-239R, approving a contract with National Railroad Safety Service, Inc. for flagging services in connection with the San Marcos River Shared Use Pathway Project in the estimated amount of \$80,000.00; authorizing the City Manager, or his designee, to execute the contract and associated documents on behalf of the City;

Attachments: [Resolution](#)
 [NRSS Quote](#)
 [222-034 CAPO](#)

8. Consider approval of Resolution 2021-240R, approving a contract between the City and Hays County for the City's provision of Library Services to residents of Hays County; authorizing the City Manager or his designee to execute the contract on behalf of the City; and declaring an effective date.

Attachments: [Resolution - Hays County FY21 Library Services Contract](#)
 [FY2022 Hays County Contract.pdf](#)

9. Consider approval of Resolution 2021-241R, authorizing a Change in Service to the agreement with Tyler Technologies, Inc. for a one-time conversion of system department codes in the amount of \$60,000.00; authorizing the City Manager or his designee to execute the appropriate documents necessary to implement the Change in Service on behalf of the City; and declaring an effective date.

Attachments: [Resolution](#)
 [213-001.1 ACIS11 \\$60,000 Tyler Tech Financial-HR Software2](#)

PUBLIC HEARINGS

Persons wishing to participate remotely in the Public Hearing 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.

10. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2021-91, annexing into the City approximately 3.60 acres of land generally located at the northwest corner of the State Highway 123 and Clovis Barker Road Intersection in Case Number AN-21-10; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2021-91, on the first of two readings.

Attachments: [AN-21-10 Presentation](#)
 [AN-21-10 Ordinance](#)
 [AN-21-10 Maps](#)
 [AN-21-10 Annexation Service Agreement](#)
 [AN-21-10 Application Documents](#)

11. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2021-92, annexing into the City approximately 2.1 acres of land, generally

located in the 5900 Block of South IH-35; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2021-92, on the first of two readings.

Attachments: [AN-21-06 Presentation](#)
 [Ordinance](#)
 [AN-21-06 Maps](#)
 [AN-21-06 Annexation Service Agreement](#)
 [AN-21-06 Application Documents](#)

12. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2021-93, amending the Official Zoning Map of the City in Case No. ZC-21-17 by rezoning approximately 2.78 acres of land, generally located in the 5900 Block of South IH-35, from “FD” Future Development District and “AR” Agricultural Ranch District to “HC” Heavy Commercial District, or, subject to consent of the owner, another less intense zoning district classification, and including procedural provisions; and providing an effective date and consider approval of Ordinance 2021-93, on the first of two readings.

Attachments: [ZC-21-17 Presentation](#)
 [Ordinance](#)
 [ZC-21-17 Staff Report](#)
 [ZC-21-17 Maps](#)
 [ZC-21-17 Code Comparison](#)
 [ZC-21-17 Comprehensive Plan Checklist](#)
 [ZC-21-17 Personal Notification Letter](#)
 [ZC-21-17 CM Consent from Owner](#)
 [ZC-21-17 Application Documents](#)
 [ZC-21-17 Citizen Comment](#)

13. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2021-94, amending the Official Zoning Map of the City in Case ZC-21-22, by rezoning approximately 12.75 acres of land, described as Lot 3A of the Replat of Lot 3A, Block 1, Section 2, McKinley Place, located at 1250 Wonder World Drive, from “GC” General Commercial District to “CD-5” Character District - 5, 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 2021-94, on the first of two readings.

Attachments: [ZC-21-22 Presentation](#)
 [Ordinance](#)
 [ZC-21-22 Staff Report](#)
 [ZC-21-22 Maps](#)
 [ZC-21-22 Personal Notification Letter](#)
 [ZC-21-22 Code Comparison](#)
 [ZC-21-22 Comprehensive Plan Checklist](#)
 [ZC-21-22 Application Documents](#)

14. Receive a Staff presentation and hold a Public hearing to receive comments for or against Ordinance 2021-95, Levying Special Assessments for, and apportioning the costs of, certain improvements to property in and for the Whisper South Public Improvement District; fixing a charge and lien against all properties within the district, and the owners thereof; providing for the manner and method of collection of such assessments; making a finding of special benefit to property in the district and the real and true owners thereof; approving a service and assessment plan; providing a severability clause; and providing an effective date, and consider approval of Ordinance 2021-95, on the first of two readings.

Attachments: [AssessmentOrdinance 11.16.2021](#)
[2021-11-16 SAN WhisperSouth PSAP w. Engineer's Report](#)

15. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2021-243R, authorizing the submission of the 2020-2021 Community Development Block Grant ("CDBG") Program Consolidated Annual Performance Evaluation Report ("CAPER") to the United States Department of Housing and Urban Development (HUD); and declaring an effective date; and consider approval of Resolution 2021-243R.

Attachments: [Presentation](#)
[Resolution](#)
[PY2020 CAPER Draft](#)

16. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2021-244R, approving a Development Agreement with Casata San Marcos, LLC to provide for the annexation and to regulate the future development of approximately 31.79 acres of land in the Extraterritorial Jurisdiction located at 2138 and 2390 Post Road; 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 2021-244R.

Attachments: [PDA-21-05 Council Presentation](#)
[PDA-21-05 Development Agreement D \(clean\)](#)
[PDA-21-05 Resolution](#)
[PDA-21-05 Maps](#)
[PDA-21-05 Application Documents](#)
[PDA-21-05 Applicant Presentation](#)

17. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2021-245R, approving a Development Agreement with Holman-Farrar Holdings, LLC, to provide for the annexation and to regulate the future development of approximately 1.11 acres of land in the City's Extraterritorial Jurisdiction located at 1850 Old Ranch Road 12; 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 2021-245R.

Attachments: [PDA-21-04 Presentation](#)
 [PDA-21-04 Resolution](#)
 [PDA-21-04 Development Agreement](#)
 [PDA-21-04 Maps](#)
 [PDA-21-04 Application](#)

18. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2021-246R, approving a Development Agreement with HK Baugh Ranch, LLC, HK Riley's Pointe, LLC, and Benchmark Acquisitions, LLC, to regulate the annexation and future development of approximately 1,142 acres of land presently in the City's Extraterritorial Jurisdiction and generally located along Old Bastrop Highway between Redwood Road on the Southwest and the San Marcos River on the Northeast; 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 2021-246R.

Attachments: [PH-19-02 Presentation](#)
 [Resolution](#)
 [PDA-19-02 Maps](#)
 [Development Agreement](#)
 [Consent Agreement \(Hays 8\)](#)
 [Consent Agreement \(Hays 9\)](#)
 [Utility Agreement \(Hays 8\)](#)
 [Utility Agreement \(Hays 9\)](#)

19. Receive a Staff presentation and hold a Public Hearing to receive comments for or against proposed amendments to Appendix A - Thoroughfare Plan and Appendix G - Bicycle Plan of the Transportation Master Plan that would modify various roadway alignments and bicycle facility classifications.

Attachments: [TMP-21-01 Presentation](#)
 [TMP-21-01 Staff Report](#)
 [TMP-21-01 Exhibits](#)
 [TMP-21-01 Application](#)

NON-CONSENT AGENDA

20. Consider approval of Resolution 2021-247R, approving the form and authorizing the distribution of a Preliminary Limited Offering Memorandum for "City of San Marcos, Texas Special Assessment Revenue Bonds, Series 2021 (Whisper South Public Improvement District)."

Attachments: [Resolution approving the PLOM 11.16.2021](#)
[San Marcos, Whisper South PID, S2021 - PLOM](#)
[Appendix B -- Trust Indenture 11.23.2021](#)
[Appendix C -- 2021-11-4_SAN_WhisperSouth_SAP](#)
[Appendix D -- Bond Counsel Opinion](#)
[Appendix E1 -- San Marcos, Whisper South PID IA #1-3 S2021 - Issuer CDA 41](#)
[Appendix E2 -- San Marcos, Whisper South PID IA #1-3 Bonds S2021 - Develop](#)
[Appendix F -- Appraisal 21-FRA-1110 Whisper South PID Paper Lots Final Rev](#)
[Appendix G -- Whisper South Financing Agreement MH clean 112321](#)
[Appendix H -Whisper South Construction Funding and Acquisition Agreement N](#)

21. Consider approval of Resolution 2021-248R, awarding a construction contract to Santa Clara Construction, Ltd. for the Blanco Gardens Drainage Improvements Project in the estimated amount of \$15,222,644.00; authorizing the City Manager or his designee to execute the contract on behalf of the City; and declaring an effective date.

Attachments: [Resolution](#)
[Recommendation for Award Letter](#)
[221-069 Bid Tabulation](#)
[Project Location Map](#)
[Blanco Gardens Story Map](#)
[Blanco Gardens Funding Overview](#)
[Blanco Gardens Funding Overview](#)

22. Consider approval of Resolution 2021-249R, allocating, to non-profit agencies, Human Services Grant funding of \$150,000 from the American Rescue Plan and \$849,120.00 from the City's General Fund, for a total of \$999,120.00; authorizing the City Manager, or his designee, to act as the Official Representative of the City in matters related to said grant funds, including authorization to execute fundings contracts with selected agencies on behalf of the City; and declaring an effective date.

Attachments: [Presentation](#)
[Resolution](#)
[Recommended Agencies and Funding](#)
[2022 Blank Grant Application and Evaluation Criteria](#)
[Resolution 2021-130R American Rescue Plan](#)
[Resolution 2021-127R Former Coronavirus Relief Fund](#)
[Final Scoring in Excel](#)

23. Consider approval of Resolution 2021-250R, providing nominations to serve on the Caldwell County Appraisal District Board of Directors for a one year term commencing on January 1, 2022; and declaring an effective date.

Attachments: [Caldwell CAD Resolution.doc](#)
 [BOD NEW TERM ballot ltr.docx](#)
 [BOD NEW TERM BALLOT.doc](#)

24. Consider approval of Resolution 2021-251R, against antisemitism and hate crimes committed against Jewish people; and declaring an effective date.

Attachments: [Resolution - Against Hate Crimes Motivated by Antisemitism.docx](#)

25. Consider approval of Resolution 2021-252R, approving the appointment of Tammy K. Cook, as City Clerk; and declaring an effective date.

Attachments: [City Clerk Appointment 2021.doc](#)

26. Consider approval of Resolution 2021-253R, appointing Stephanie Reyes as Interim City Manager, effective on February 1, 2022.

Attachments: [Appointing Stephanie Reyes as Interim City Manager - Effective February 1 2022](#)

27. Consider the appointment of the Mayor or City Council Member to the Capital Area Council of Governments (CAPCOG) Clean Air Coalition and provide direction to Staff.

Attachments: [CAC Bylaws Revised 2016-02-10.pdf](#)

28. Hold discussion regarding the sale of dogs and cats at pet stores 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.

29. Executive Session in accordance with the following:
- A. Sec. §551.071 of the Texas Government Code: Consultation with Attorney: - To receive legal counsel regarding the pending wastewater discharge application dockets; the application of HK Real Estate Development, LLC for proposed permit for new TPDES Permit No. Q0015784001; TCEQ Docket No. 2021-0053-MWD; SOAH Docket No. 582-21-1893
 - B. Sec. §551.074 of the Texas Government Code: Personnel Matters: to discuss the City Manager Search Process

ACTION/DIRECTION FROM EXECUTIVE SESSION

30. 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 counsel regarding the pending wastewater discharge application dockets; the application of HK Real Estate Development, LLC for proposed permit for new TPDES Permit No. Q0015784001; TCEQ Docket No. 2021-0053-MWD; SOAH Docket No. 582-21-1893

B. Sec. §551.074 of the Texas Government Code: Personnel Matters: to discuss the City Manager Search Process

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, DECEMBER 1, 2021 @ 3:00PM

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