



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Regular Meeting Agenda - Final City Council

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Tuesday, November 16, 2021

6:00 PM

City Council Chambers/Virtual

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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](mailto: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. September 29, 2021 - Special Meeting Minutes
  - B. October 4, 2021 - Work Session Meeting Minutes
  - C. October 19, 2021 - Work Session Meeting Minutes
  - D. October 19, 2021 - Regular Meeting Minutes

**Attachments:** [09.29.2021 Special Meeting Minutes.pdf](#)  
[10.04.2021 Work Session Minutes.pdf](#)  
[10.19.2021 Work Session Meeting Minutes.pdf](#)  
[10.19.2021 Regular Meeting Minutes.pdf](#)

- 2. Consider approval of Ordinance 2021-89, on the second of two readings, designating the

City as a Media Production Development Zone; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

**Attachments:**      [Ordinance](#)

3. Consider approval of Resolution 2020-220R, approving a contract with CLS Equipment Co., Inc., through The Interlocal Purchasing System, for the purchase of a Bike Lane Street Sweeper for use by the Public Works Department in the amount of \$226,844.55; authorizing the City Manager or his designee to execute the contract on behalf of the City; and declaring an effective date.

**Attachments:**      [Resolution](#)  
                              [222-022 CLS Quote](#)

4. Consider approval of Resolution 2021-221R, approving a Change in Service to the Indefinite Delivery Indefinite Quantity contract for firefighter uniforms from Galls LLC, through the BuyBoard Purchasing Cooperative in the amount of \$55,000 for a total contract amount of \$95,000; authorizing the City Manager or his designee to execute the documents necessary to implement the change in service; and declaring an effective date.

**Attachments:**      [Resolution](#)  
                              [222 016 Fire Uniform IDIQ Executed](#)  
                              [222-016 ACIS#1.pdf](#)

5. Consider approval of Resolution 2021-222R, approving a Change in Service to the agreement with EC America, Inc. to renew the Procore Software subscription in the amount of \$22,617.31 for a total contract amount of \$67,851.93 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](#)  
                              [220-055 ACIS2 \\$22,617.31 Renew 2021-22 attch.pdf](#)

6. Consider approval of Resolution 2021-223R, approving a Change in Service to the agreement with Freeit Data Solutions, Inc. through the Texas Comptroller of Public Accounts Department of Information Resources (DIR) Program to purchase additional storage, software and five years of support in the amount of \$397,091.32 for a total contract amount of \$771,696.95; 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](#)  
                              [217-338 ACIS1 \\$397,091.32 Nimble.pdf](#)

7. Consider approval of Resolution 2021-224R, authorizing a Change Order to the contract with Austin Filter Systems, Inc., for the addition of Dog Beach maintenance repairs in the amount of \$148,896.00 and adding a contingency in the amount of \$100,000.00 to be added to the Rio Vista Falls Maintenance Project; authorizing the City Manager or his designee to execute the documents necessary to implement the Change Order; and

declaring an effective date.

**Attachments:**     [Resolution](#)  
                              [Dog Beach.pdf](#)  
                              [221-011 Change Order #1 GS](#)

8. Consider approval of Resolution 2021-225R, approving a Change in Service to the Engineering Services agreement with Halff Associates, Inc. relating to the Blanco Riverine Flood Mitigation Project to advance the project to the bid phase, construction phase, and final close-out services in the estimated amount of \$314,181.00; 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](#)  
                              [Blanco Riverine Mitigation \(Halff\) CIS#7 Authorization Form](#)  
                              [Blanco Riv PROJECT COMPONENTS](#)

9. Consider approval of Resolution 2021-226R, authorizing the sale of five surplus police vehicles to the City of Sweeny and City of Oak Ridge in the amount of \$26,000; finding that such conveyances serve the public purpose of fiscal responsibility for each of the entities; authorizing the City Manager to execute all documents necessary to transfer title and convey the police vehicles; and declaring an effective date.

**Attachments:**     [Resolution](#)  
                              [Oak Ridge LEGAL 8.2021.docx](#)  
                              [Sweeny PD LEGAL 8.2021.docx](#)

10. Consider approval of Resolution 2021-227R, casting all of the City's 490 votes in favor of Jane Hughson to serve on the Hays Central Appraisal District Board of Directors for a two year term commencing on January 1, 2022; and declaring an effective date.

**Attachments:**     [Resolution Hays CAD.doc](#)  
                              [Hays CAD Board Member Election Packet.pdf](#)

11. Consider approval of Resolution 2021-228R, approving a letter agreement with JDHQ Hotels LLC. granting the City's consent to JDHQ's creation of a new restructured company to be the lessee of the Embassy Suites Hotel and to the sublease of the hotel and conference center to an affiliated operating company without any change to the terms and conditions of the existing lease and agreements with the City; authorizing the City Manager, or his designee, to execute the letter agreement; and declaring an effective date.

**Attachments:**     [Resolution](#)  
                              [Atrium IPO - Lessor Consent Request \(San Marco TX\) 11-16-21 Agenda](#)  
                              [Embassy JDHQ Conference Center Side Agreement Resolution](#)

12. Consider approval of Resolution 2021-229R, approving the appointment of Attorney Charles Soechting as outside legal counsel to represent the City of San Marcos and the San Marcos Regional Airport before the Caldwell County Appraisal Board in regards to the Caldwell County Chief Appraiser's decision to remove the public exemptions from property

located at the San Marcos Regional Airport; and declaring an effective date

**Attachments:**     [Resolution](#)  
                              [21-1109 Engagement Ltr.pdf](#)  
                              [Letter to Chief Appraiser - Final.docx](#)  
                              [Notices of Exemption Removal.pdf](#)  
                              [Airport Tax Summary.docx](#)

13. Consider approval, by motion, to accept the Workforce Housing Committee Purpose Statement "Promote the preservation and expansion of diverse, affordable housing choices in San Marcos in accordance with the Affordable / Workforce Housing Policy, City's Comprehensive Plan, or any applicable plan or ordinance related to housing including the Strategic Housing Action Plan, once adopted. Review applications for Low Income Housing Tax Credit developments to ensure new developments provide the best services in a safe location for San Marcos residents with the most need. Review applicable Community Development Block Grant (CDBG) applications and initiatives."

**Attachments:**     [Purpose Statement](#)

## PUBLIC HEARINGS

*Persons wishing to participate remotely in the Public Hearing session must email [citizencomment@sanmarcostx.gov](mailto: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.*

14. Receive a Staff briefing and hold a Public Hearing to receive comments for or against Resolution 2021-230R, authorizing Pedernales Electric Cooperative ("PEC") to use a portion of the Purgatory Creek Natural Area to install an access path beginning at Wonder World Drive and continuing for a distance of approximately 1,155 feet within the northern portion of the natural area for PEC's vehicles, equipment and crews to access existing PEC Electric Distribution Facilities within an existing PEC easement, also located in the natural area, such access path enabling shared use by the City for park related purposes; authorizing the City Manager, or his designee to approve final plans for such installation consistent with this Resolution; and declaring an effective date.

**Attachments:**     [Resolution](#)  
                              [PEC - Purgatory Easement Map](#)

15. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2021-231R, amending Resolution 2020-132R (LIHTC-20-01, Lantana on Bastrop), by revising the list of common amenities, providing no objection to the submission of an application for low income housing tax credits to the Texas Department of Housing and Community Affairs for the proposed Lantana on Bastrop Multifamily Housing Project located at the intersection of South Old Bastrop and Rattler Road; approving findings related to such application; imposing conditions for such no objection; providing authorizations for execution or submission of documents related to the such application; and declaring an effective date.

**Attachments:**     [LIHTC-20-01 Presentation](#)  
[Resolution](#)  
[LIHTC-20-01 Redlined Resolution 11-16-21 Agenda](#)  
[LIHTC-20-01 Aerial Map](#)  
[LIHTC-20-01 Redlined Amenities](#)  
[LIHTC-20-01 Policy Criteria Analysis](#)  
[LIHTC-20-01 Application Documents](#)

16. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2021-232R, approving a fifth amended and restated Development Agreement with Lazy Oaks Ranch, LP and its partial assignees in connection with the La Cima Development near the intersection of Old Ranch Road 12 and Wonder World Drive that adds Film and Television Production Facilities as a permitted use and establishes associated development standards; authorizing the City Manager, or his designee, to execute the agreement on behalf of the City; and providing an effective date.

**Attachments:**     [PDA-21-06 Presentation](#)  
[PDA-21-06 Resolution](#)  
[PDA-21-06 Packet](#)  
[PDA-21-06 Development Agreement](#)

## NON CONSENT

17. Consider approval of Resolution 2021-233R, determining costs of the proposed public improvements in the Whisper South Public Improvement District, approving a proposed assessment roll, and making related findings and determinations, in accordance with Chapter 372 of the Texas Local Government Code.

**Attachments:**     [San Marcos Cost Determination Resolution Whisper South PID 11.04.2021](#)  
[2021-11-4 SAN WhisperSouth SAP](#)

18. Consider approval of Resolution 2021-234R, affirming San Marcos is a welcoming City that respects the innate dignity of all people and will not tolerate hate, extremism and bigotry; reaffirming the City Council's support for the US Conference of Mayor's Compact to combat hate, extremism, and bigotry; and declaring an effective date.

**Attachments:**     [Resolution](#)

19. Consider the appointment of the Mayor or a City Council Member to fill vacancies left by the departure of Council Member Melissa Derrick on the following Boards or Committees:
- Capital Area Council of Governments (CAPCOG) General Assembly
  - Community Action Board
  - Core 4 Policy Group
  - Finance & Audit Committee
  - Homelessness Committee
  - Legislative Committee
  - Sustainability Committee

## h. Workforce Housing Committee

Attachments:      [Council Member Board-Commission Membership List - Updated May 2019](#)

20. Discuss and consider appointments or reappointments to Positions Two, Three, Four and Six, confirm appointments of Positions 7, 8, 9 and appoint a Chair of the Tax Increment Reinvestment Zone (TIRZ) Number 4 - Paso Robles (now known as Kissing Tree) Board of Directors, and provide direction to Staff.

Attachments:      [Ord 2011-068 - TIRZ 4](#)

21. Discuss and consider appointment and/or reappointment to Position Five, confirm Hays County appointment to Position Three and appoint a Chair to the Tax Increment Reinvestment Zone (TIRZ) No. 5 (Downtown) Board of Directors, and provide direction to Staff.

Attachments:      [TIRZ No. 5 Map](#)  
                             [Res 2011-150.pdf](#)  
                             [Ord 2020-46 TIRZ Financing Plan revised.pdf](#)

22. Consider appointments to fill vacancies on the Comprehensive Plan Rewrite Steering Committee charged with assisting in the City's Comprehensive Plan rewrite and provide direction to Staff.
23. Consider approval, by motion, and hold discussion regarding the proposed 2022 City Council Meeting Schedule, and provide direction to Staff.

Attachments:      [2022 DRAFT Council Calendar.docx](#)

24. Hold discussion regarding archaeological surveys and artifact preservation strategies for public and private development projects and provide direction to the City Manager.
25. Hold discussion regarding the City Council Work Session meeting format, 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.*

26. Executive Session in accordance with the following:
- A. Sec. §551.071 of the Texas Government Code: Consultation with Attorney: - To receive advice of legal counsel regarding state law preemption of city ordinances regulating the sale or use of single-use packages and containers
  - B. Sec. §551.071 of the Texas Government Code: Consultation with Attorney: - To receive advice of legal counsel regarding tax exemptions for real and personal property at the San Marcos Regional Airport
  - C. Sec. §551.074 of the Texas Government Code: Personnel Matters: to discuss the City Manager Search Process
  - D. Sec. §551.074 of the Texas Government Code: Personnel Matters: to discuss the City Clerk Position

E. Sec. §551.087 of the Texas Government Code: Economic Development: to receive a briefing and deliberate on Project Dark Monday

## **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:
- A. Sec. §551.071 of the Texas Government Code: Consultation with Attorney: - To receive advice of legal counsel regarding state law preemption of city ordinances regulating the sale or use of single-use packages and containers
  - B. Sec. §551.071 of the Texas Government Code: Consultation with Attorney: - To receive advice of legal counsel regarding tax exemptions for real and personal property at the San Marcos Regional Airport
  - C. Sec. §551.074 of the Texas Government Code: Personnel Matters: to discuss the City Manager Search Process
  - D. Sec. §551.074 of the Texas Government Code: Personnel Matters: to discuss the City Clerk Position
  - E. Sec. §551.087 of the Texas Government Code: Economic Development: to receive a briefing and deliberate on Project Dark Monday

## **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](mailto: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, NOVEMBER 10, 2021 @ 11:30AM**

**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](mailto:ADArequest@sanmarcostx.gov)