



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Regular Meeting Agenda - Final City Council

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Tuesday, April 5, 2022

6:00 PM

City Council Chambers

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630 E. Hopkins

This will be an in-person and online 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. February 15, 2022 - Regular Meeting Minutes
  - B. March 1, 2022 - Regular Meeting Minutes
- 2. Consider approval of Ordinance 2022-18, on the second of two readings, annexing into the City approximately 55.344 acres of land located on Posey Road approximately 280 feet northwest of the intersection of Posey Road and South Old Bastrop Hwy (Case No. AN-22-03); including procedural provisions; and providing an effective date; and consider approval of Ordinance 2022-18, on the first of two readings.

**Attachments:**     [Ordinance](#)  
                              [AN-22-03 Presentation](#)  
                              [AN-22-03 Service Agreement](#)  
                              [AN-22-03 Maps](#)  
                              [AN-22-03 Notice](#)  
                              [AN-22-03 Public Comments](#)  
                              [AN-22-03 Application Documents](#)

3. Consider approval of Ordinance 2022-19, on the second of two readings, amending the Official Zoning Map of the City in Case ZC-22-05, by rezoning approximately 55.344 acres of land generally located approximately 280 feet northwest of the intersection of Posey Road and South Old Bastrop Highway from “FD” Future Development District to “CD-3” Character District - 3, or, subject to the consent of the owner, another less intense zoning district classification, including procedural provisions; providing an effective date.

**Attachments:**     [Ordinance](#)  
                              [Restrictive Covenant](#)  
                              [ZC-22-05 Presentation](#)  
                              [ZC-22-05 Maps](#)  
                              [ZC-22-05 Code Comparison](#)  
                              [ZC-22-05 Comprehensive Plan Checklist](#)  
                              [ZC-22-05 Public Comments](#)  
                              [ZC-22-05 Application Documents](#)  
                              [ZC-22-05 Comments](#)

4. Consider approval of Ordinance 2022-24, on the second of two readings, amending certain funds in the City’s 2021-2022 Fiscal Year budget to authorize a mid-year Cost of Living Allowance, an adjustment to Public Safety Overtime, adding personnel, and revising sales tax revenue and transfers; including procedural provisions; and declaring an effective date.

**Attachments:**     [2022 budget amendment #2rev.docx](#)  
                              [Amendment 2 Exhibit A](#)

5. Consider approval of Ordinance 2022-25, on the second of two readings, amending certain funds in the City’s 2021-2022 Fiscal Year budget to authorize the use of fund balance for one-time non-recurring items, recognition of donation revenue for specific costs, and increases in fuel and other contractual services; including procedural provisions; and declaring an effective date.

**Attachments:**     [2022 budget amendment #3rev.docx](#)  
                              [Amendment 3 Exhibit A.pdf](#)

6. Consider approval of Resolution 2022-66R, approving an agreement with Knight Security System, LLC, through the Texas Department of Information Resources Cooperative Purchasing Program for the purchase and installation of a security system for the San

Marcos Activity Center in the estimated amount of \$105,070.82 and \$10,837.44 for the annual service agreement and authorizing three additional one-year renewals; authorizing the City Manager or her designee to execute the agreement on behalf of the City; and declaring an effective date.

**Attachments:**     [Resolution](#)  
[16954-1-0-CoSM-Activity Center Security v3 kg.2 \(002\)](#)

7. Consider approval of Resolution 2022-67R authorizing a Change Order to the construction contract with Myers Concrete Construction, LP, relating to the San Marcos Downtown Accessible Pedestrian Traffic Signal Improvements Project to decrease the contract price in the amount of \$125,994.80; authorizing the City Manager or her designee to execute the Change Order on behalf of the City; and declaring an effective date.

**Attachments:**     [Resolution](#)  
[221-113 Change Order k-signed.pdf](#)

8. Consider approval of Resolution 2022-68R, approving a third change order amendment to the participation agreement with Lazy Oaks Ranch, LP (La Cima) providing for traffic signal and intersection improvements at Wonder World Drive and Centerpoint Road in the La Cima development with an additional cost participation amount by the City of \$550,000.00; authorizing the City Manager or her designee to execute the appropriate documents relating to the change order on behalf of the City; and declaring an effective date.

**Attachments:**     [Resolution](#)  
[La Cima Participation Agreement Change Order #3](#)  
[Graphic Cost Breakdown Exhibit](#)  
[Contractor Breakdown of Costs](#)  
[Cost Summary](#)  
[Project Location Map](#)

9. Consider approval of Resolution 2022-69R, approving a Developer Participation Agreement with Holman-Farrar Holdings, LLC providing for the city to participate in the cost of extending wastewater infrastructure to the old Ranch Road 12 storage site in an amount not to exceed \$500,000.00; authorizing the City Manager, or her designee, to execute said agreement on behalf of the city; and declaring an effective date.

**Attachments:**     [Resolution](#)  
[Developer Participation Agreement](#)  
[Project Location Map](#)

10. Consider approval of Resolution 2022-70R, approving an agreement for the provision of services in connection with the proposed owner requested annexation in Case No. AN-22-08 of approximately 39.36 acres of land, generally located northeast of the intersection of Posey Rd and Transportation Way; authorizing the City Manager, or her designee, to execute said agreement on behalf of the City; setting a date for a Public Hearing concerning the proposed annexation of said tract of land; and declaring an

effective date.

**Attachments:**      [Resolution](#)  
[AN-22-08 Annexation Service Agreement Draft](#)  
[AN-22-08 Presentation](#)  
[AN-22-08 Maps](#)  
[AN-22-08 Application Documents](#)

11. Consider approval of Resolution 2022-71R, approving an agreement with Knight Security Systems, LLC through the Texas Department of Information Resources Cooperative Purchasing Program for the purchase and installation of security cameras to be placed in downtown San Marcos in the estimated amount of \$73,015.10 and \$8,048.64 for the annual service agreement and authorizing four additional one year renewals; authorizing the City Manager or her designee to execute the agreement on behalf of the City; and declaring an effective date.

**Attachments:**      [Resolution](#)  
[20959-1-0-CoSanMarcos-PD-downtown cameras v2 kg.2.1](#)

## 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.*

12. Receive a staff presentation and hold a public hearing to receive comments for or against Ordinance 2022-26, amending the Official Zoning Map of the City in Case ZC-22-09, by rezoning approximately 52.4 acres of land, generally located between Harris Hill Road and the I-35 North Frontage Road approximately 600ft south of Saddle Run Way, from "CM" Commercial District to "LI" Light Industrial 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 2022-26 on the first of two readings.

**Attachments:**      [Ordinance](#)  
[ZC-22-09 Staff Report](#)  
[ZC-22-09 Maps](#)  
[ZC-22-09 Application Documents](#)  
[ZC-22-09 Code Comparison](#)  
[ZC-22-09 Comp Plan Checklist](#)  
[ZC-22-09 Presentation](#)

13. Receive a staff presentation and hold a public hearing to receive comments for or against Ordinance 2022-27, amending the Official Zoning Map of the City in Case ZC-22-08, by rezoning approximately 5.01 acres of land generally located at the intersection of E McCarty Lane and Hwy 123 from "LI", Light Industrial District to "CM", Commercial District, or, subject to the consent of the owner, another less intense zoning district classification,

including procedural provisions; providing an effective date, and consider approval of Ordinance 2022-27 on the first of two readings.

**Attachments:**      [Ordinance](#)  
                              [ZC-22-08 Staff Report](#)  
                              [ZC-22-08 Maps](#)  
                              [ZC-22-08 Code Comparison](#)  
                              [ZC-22-08 Comprehensive Plan Checklist](#)  
                              [ZC-22-08 Application Documents](#)  
                              [ZC-22-08 Presentation](#)

## NON-CONSENT AGENDA

14. Consider approval of Resolution 2022-63R, adopting the City Council's Strategic Initiatives for Fiscal Year 2022-2026; and declaring an effective date.

**Attachments:**      [Resolution](#)  
                              [Strategic Plan - 2022-2026 - revised March 23, 2022](#)  
                              [Strategic Plan - 2022-2026 - REDLINE - revised March 23, 2022](#)

15. Consider approval of Resolution 2022-72R approving the renaming of City Recreation Hall (located within City Park) to Pauline Espinosa Community Hall; authorizing the Interim City Manager to install any signs and recognition plaques reflecting the new name of the facility as may be appropriate; and declaring an effective date.

**Attachments:**      [City Rec Hall Renaming Resolution](#)

16. Hold discussion on the Legislative trip to Washington D.C. and provide direction to the City Manager
17. Hold discussion on the Disaster Declaration, including but not limited to the eviction delay ordinance and provide direction to the City Manager.

**Attachments:**      [Eviction Delay Ordinance - MJC](#)

18. Hold discussion on Ethics Commission Recommendation Resolution 2022-1 that recommends an amendment to Section 2.461 of the San Marcos City Code to provide a definition of the term "fair market value" for the purpose of reporting the value of real property on financial disclosure statements filed by the city officials and council appointees and provide direction to the City Manager.

**Attachments:**      [ERC - Resolution No. 2022-1 - Defining Fair Market Value](#)

19. Hold discussion regarding ways to help lower income population find affordable housing by increasing the number of unrelated people per household "occupancy restrictions" and provide direction to the City Manager.
20. Hold discussion regarding future flooding mitigation and watershed protection from the Blanco and San Marcos rivers and provide direction to the City Manager.
21. Hold discussion on Human Services Advisory Board Recommendation Resolution

2022-01RR that amends Section 2.232 of the San Marcos City Code of Ordinances to revise the board's meeting requirements, and provide direction to the City Manager.

**Attachments:** [2022-01RR\\_ordinance\\_change.pdf](#)  
[2022\\_Calendar\\_Final](#)  
[2022\\_Rules-Regulations\\_final](#)

22. Hold discussion regarding Historic Preservation Commission Recommendation Number 2021-05RR, that recommends that the City Council support alternative designation options, such as Neighborhood Conservation Districts and Cultural Heritage Districts as recommended in My Historic SMTX and provide direction to the City Manager.

**Attachments:** [2021-05RR - Alternative Designation Options.pdf](#)  
[2021-05RR Presentation](#)

## 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.*

23. Executive Session in accordance with the following:
- A. Sec. §551.071 of the Texas Government Code: Consultation with Attorney: To receive a briefing on pending litigation, to wit: Civil Action No. 1:21-CV-00568-RP; In the United States District Court; Western District of Texas; Eric Cervini, Wendy Davis, David Gins, and Timothy Holloway v. Chase Stapp, Brandon Winkenwerder, Matthew Daenzer, and City of San Marcos
  - B. Sec. §551.072 of the Texas Government Code: Real Property: to receive a briefing and deliberate on Blanco Riverine Acquisitions

## DIRECTION/ACTION FROM EXECUTIVE SESSION

24. 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 a briefing on pending litigation, to wit: Civil Action No. 1:21-CV-00568-RP; In the United States District Court; Western District of Texas; Eric Cervini, Wendy Davis, David Gins, and Timothy Holloway v. Chase Stapp, Brandon Winkenwerder, Matthew Daenzer, and City of San Marcos
  - B. Sec. §551.072 of the Texas Government Code: Real Property: to receive a briefing and deliberate on Blanco Riverine Acquisitions

## 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, MARCH 30, 2022 @ 2:00PM**

**TAMMY K. COOK, 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)