



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Regular Meeting Agenda - Final-Amended City Council

Tuesday, August 17, 2021

6:00 PM

City Council Chambers

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 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.
- 2. Receive a presentation from TxDOT staff on I-35 at SH 123 Improvements project.

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.

- 3. Consider approval, by motion, of the following meeting minutes:
 - A. July 6, 2021 - Work Session Meeting Minutes
 - B. July 6, 2021, - Regular Meeting Minutes
 - C. August 3, 2021 - Work Session Meeting Minutes
- 4. Consider approval of Ordinance 2021-62, on the second of two readings, amending the official zoning map of the City in Case No. ZC-21-11 by rezoning approximately 0.98 acres

of land, more or less, out of lot 5, block 1, San Marcos Business Park, Section 2, located at 1909 Dutton Drive, from "GC" General Commercial District to "CD-4" Character District-4, or subject to consent of the owner, another less intense zoning district classification; including procedural provisions; and providing an effective date.

5. Consider approval of Ordinance 2021-60, on the second of two readings, amending the City's 2020-2021 Fiscal Year budget in the total amount of \$18,923,548 for the Tax Increment Reinvestment Zone #5 Board approved Downtown Electric Cab Microtransit Project, purchase of four buses with FTA funds and adjusting the Electric budget due to Winter Storm Uri; and declaring an effective date.
6. Consider approval of Ordinance 2021-55, on the second of two readings, amending Section 30.029 of the San Marcos City Code to authorize the assessment of a Service Fee to the holder of an alarm permit for each city response to a false alarm in excess of three false alarms, instead of six, within any 12-month period; and providing an effective date.
7. Consider approval of Resolution 2021-148R, awarding an Indefinite Delivery Indefinite Quantity contract for Traffic Signal Construction and Maintenance to Austin Traffic Signal Construction Company, Inc. on an as needed basis in the annual not-to-exceed amount of \$130,000.00 and authorizing two additional annual renewals for a total contract price of \$390,000; authorizing the City Manager or his designee to execute the contract on behalf of the City; and declaring an effective date.
8. Consider approval of Resolution 2021-149R, approving a contract with Climatec, LLC through the Texas BuyBoard Purchasing Cooperative for monitoring and preventive maintenance of the City's energy management and control systems for City facilities in the annual amount of \$33,283.00 and authorizing two annual renewals for a total contract price of \$99,849.00; authorizing the City Manager or his designee to execute the contract on behalf of the City; and declaring an effective date.
9. Consider approval of Resolution 2021-150R, approving a contract with the Commercial Electronics Corporation through the HGAC Purchasing Cooperative in the amount of \$30,480.83 for hardware and \$31,365.37 for software in the total amount of \$61,846.20 for use by the Police Department related to telephone lines and radio channels; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.
10. Consider approval of Resolution 2021-151R, approving an update to the Service and Assessment Plan for the Whisper Public Improvement District; authorizing the City Manager, or his designee, to execute said document on behalf of the city; and declaring an effective date.
11. Consider approval of Resolution 2021-152R, approving the 2021 Annual Service Plan Update for the Trace Public Improvement District; authorizing the City Manager, or his designee, to execute said document on behalf of the city; and declaring an effective date.
12. Consider approval, by motion, a recommendation by the Zoning Board of Adjustments to

refund LVLYLN, LLC for the cost of the application fee for their variance request (VR-21-02), in an amount not to exceed \$753.00, and provide direction to the City Manager.

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.

13. Hold a Public Hearing to hear comments for or against Ordinance 2020-80, amending the official Zoning Map of the City in Case No. ZC-20-23 (Vantage San Marcos) by rezoning approximately 12.5 acres of land out of the J.F. Geister Surveys, No. 6 and No. 7, Hays County, located near the intersection of State Highway 123 and Monterey Oak Drive from "FD Future Development District to "CD-2.5" Character District - 2.5 or, subject to consent of the owner, another less intense zoning district classification, including procedural provisions; providing for an effective date; and consider approval of Ordinance 2020-80, on the second of two readings.

NON-CONSENT AGENDA

14. Consider approval of Ordinance 2021-63, on the first 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.
15. Consider approval of Ordinance 2021-64, on the first 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.
16. Consider approval of Resolution 2021-153R, approving an agreement for the provision of services in connection with the proposed owner requested annexation in Case No. AN-21-05 (Whisper South) of approximately 390.25 acres of land generally located between Harris Hill Road and the future FM 110 north of Harris Hill Road; authorizing the City Manager, or his 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.
17. Consider approval of Resolution 2021-154R, approving an agreement for the provision of services in connection with the proposed owner requested annexation in Case No. AN-21-07 of approximately 22.58 acres of land, generally located at the northwest corner of the Wonder World Dr and Hwy 123 intersection; authorizing the City Manager, or his 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.
18. Consider approval of Resolution 2021-155R, awarding a contract to Rideco US, Inc. to

conduct an eighteen-month Electric Cab Pilot Microtransit Program relating to downtown parking in a not-to-exceed amount of \$500,000.00 with funding provided by the Tax Increment Reinvestment Zone #5; authorizing the City Manager or his designee to execute the contract on behalf of the City; and declaring an effective date.

19. Consider approval of Resolution 2021-156R, authorizing Change in Services to the agreements with the engineering firms previously selected to be on an on-call list to provide material testing services for various City projects, Arias and Associates, Inc. Fugro, Inc. Kleinfelder Inc., Raba Kistner, Inc. and Terracon Consultants, Inc. to increase each firm's contract amount; authorizing the City Manager or his designee to execute the necessary documents to implement the change in services; and declaring an effective date.
20. Consider approval of Resolution 2021-157R, approving a Chapter 380 Economic Development Incentive Agreement with Whisper Industrial 2019 QOZB, LLC, providing incentives in the form of refunds of a percentage of real and personal property taxes over three years for the lease of a minimum of 90,000 square feet of space at 1225 Fortuna Road to Cooperative Laundry, SMS, LLC for the location of a new regional robotic operated commercial laundry facility; authorizing the City Manager, or his designee, to execute said agreement; and declaring an effective date.
21. Consider approval of Resolution 2021-158R, setting a maximum proposed Tax Rate of \$60.30 cents per \$100 taxable value; and declaring an effective rate.
22. Consider approval of Resolution 2021-159R, supporting the application by the San Marcos River Foundation to the for Hays County Parks and Opens Space Advisory Commission ("POSAC") for Hays County 2020 Parks Bond funds to fund the acquisition of approximately 102 acres of land, more or less, commonly known as the Elsik Tract for future open space and conservation purposes; and declaring an effective date.
23. Consider approval, by motion, of an Out of City Utility Connection request for water service by Brian Page for approximately 1.001 acres, more or less, located at 4130 Knight Street.
24. Consider approval, by motion, authorizing negotiations of a Development Agreement with Cuatro Consultants, LTD, on behalf of Holman-Farrar Holdings, LLC, for approximately 1.108 acres out of the T H Forsithe Survey located at 1850 Old Ranch Road 12, and consider the appointment of a Council Committee to review aforementioned Development Agreement, if desired.
25. Consider the nomination of City Manager, Mayor and two Council Members to serve on the Greater San Marcos Partnership Board of Directors, and provide direction to Staff.
26. Consider the appointment, to fill a vacancy, of a city representative to the Core Four Task Force, and provide direction to Staff.
27. Discuss and consider appointment(s) to fill vacancies on the following Boards and Commissions, and provide direction to staff:
 - A) Ethics Review Commission
 - B) Historic Preservation Commission

- C) Neighborhood Commission
 - D) Planning and Zoning Commission
 - E) San Marcos Industrial Development Corporation
28. Hold discussion regarding options related to 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 direction to Staff.
29. Hold discussion related to the requirement for all City Council Members and Planning & Zoning Commission to complete a CODE SMTX training, and provide direction to the City Manager.
30. Hold discussion related to deferment of some American Rescue Plan funding to a future date, and provide direction to Staff.

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.

31. Executive Session in accordance with:
- 1. Section §551.071 of the Texas Government Code: Consultation with Attorney: To receive advice of legal counsel regarding the Purchase and Sale Agreement with Pursuant Ventures Development, LLC for the San Marcos Sportsplex Project
 - 2. Section §551.071 of the Texas Government Code: Consultation with Attorney: To receive advice of legal counsel regarding the 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
 - 3. Section §551.087 of the Texas Government Code: Economic Development to receive a briefing and deliberate regarding the Project Robot.

ACTION/DIRECTION FROM EXECUTIVE SESSION

32. Consider action, by motion, or provide direction to Staff regarding the following Executive Session item held during the Work Session and/or Regular Meeting:
- 1. Section §551.071 of the Texas Government Code: Consultation with Attorney: To receive advice of legal counsel regarding the Purchase and Sale Agreement with Pursuant Ventures Development, LLC for the San Marcos Sportsplex Project;
 - 2. Section §551.071 of the Texas Government Code: Consultation with Attorney: To receive advice of legal counsel regarding the 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; and
 - 3. Section §551.087 of the Texas Government Code: Economic Development to receive a briefing and deliberate regarding the Project Robot.

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 FRIDAY, AUGUST 13, 2021 @ 11:00AM

TAMMY K. COOK, INTERIM CITY CLERK

ADDENDUM

Item 31 and 32 were amended after the original posting at 11:00AM on Friday August 13, 2021 to include the following:

2. Section §551.071 of the Texas Government Code: Consultation with Attorney: To receive advice of legal counsel regarding the 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

Item 22 was added to include the following:

Supporting the application by the San Marcos River Foundation to the for Hays County Parks and Opens Space Advisory Commission ("POSAC") for Hays County 2020 Parks Bond funds to fund the acquisition of approximately 102 acres of land, more or less, commonly known as the Elsik Tract for future open space and conservation purposes; and declaring an effective date.

POSTED ON FRIDAY, AUGUST 13, 2021 @ 5:45PM

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