



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Regular Meeting Agenda - Final City Council

Wednesday, December 15, 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.

PRESENTATIONS

1. Receive a presentation from Deloitte and Touche, LLP on the Community Development Block Grant-Disaster Recovery (CDBG-DR) Quarterly Internal Audit Report, and provide direction to Staff.
2. Receive the Community Development Block Grant - Disaster Recovery (CDBG-DR) Risk Assessment Presentation from the internal auditor Deloitte and Touche, LLP.
3. Receive a Staff presentation of the Quarter End September 30, 2021 Financial Report, and provide direction to City Manager.
4. Receive a Staff presentation of the Quarter End September 30, 2021 Investment Report, and provide direction to City Manager.

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.

5. Consider approval of Ordinance 2021-92, on the second of two readings, 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.
6. Consider approval of Ordinance 2021-93, on the second of two readings, 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 "CM" Commercial District, or, subject to consent of the owner, another less intense zoning district classification, and including procedural provisions.
7. Consider approval of Resolution 2021-242R, approving an annual State Use Contract between the City and Goodwill Temporary Services, Inc. through WorkQuest for the provision of janitorial services for the City of San Marcos in the estimated amount of \$995,741.80; 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 2021-254R, awarding a construction contract to Cedar Hills Construction, LLC for the Feltner Alley Wastewater Line Improvements Project in the estimated amount of \$345,842.00; 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 2021-255R, authorizing the use of U.S. Department of Housing and Urban development funds for the acquisition of fee simple title to two portions of privately owned property at 1320 and 1320A River Road for drainage rights of way generally depicted in the exhibits attached hereto and incorporated herein for all purposes, this acquisition being necessary to advance and achieve the public use of the Blanco Riverine Flood Mitigation project to reduce the risk of and damage from future flooding in the Blanco Gardens Neighborhood; authorizing the institution of condemnation proceedings to acquire the necessary land rights to the extent negotiations are unsuccessful; and providing an effective date.
10. Consider approval of Resolution 2021-256R, authorizing the use of U.S. Department of Housing and Urban Development funds for the acquisition of fee simple title to two portions of privately owned property at 1310 and 1380 River Road for drainage rights of way, a permanent slope easement and two temporary construction easements generally depicted in the exhibits attached hereto and incorporated herein for all purposes, this acquisition being necessary to advance and achieve the public use of the Blanco Riverine Flood Mitigation Project to reduce the risk of and damage from future flooding in the Blanco Gardens neighborhood; authorizing the institution of condemnation proceedings to acquire the necessary land rights to the extent negotiations are unsuccessful; and providing an effective date.
11. Consider approval of Resolution 2021-257R, approving an agreement with Adrienne Nicole Craft, also known as Adrienne McEwen, and Andrew McEwen providing for the City to purchase 8.971 acres of land located at 1320 and 1324 Old Martindale Road for a price

of \$1,350,000 plus associated closing costs, in connection with the Blanco Riverine Flood Mitigation Project; authorizing the City Manager, or his designee, to execute said agreement and associated closing documents; and declaring an effective date.

12. Consider approval of Resolution 2020-258R, authorizing a Change in Service to the agreement with the San Marcos Area Chamber of Commerce to extend the agreement for one year in the amount of \$28,760 and authorizing two additional annual renewals; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.
13. Consider approval of Resolution 2021-259R, approving a Change Order to the construction contract with Hunt San Marcos Development, LLC in the amount of \$84,874.10 to reimburse the company for utility fees it paid to Bluebonnet Electric Cooperative, Inc. for electric service for the Public Services Center to avoid disruption of the construction schedule; authorizing the City Manager or his designee to execute the appropriate documents relating to the Change Order on behalf of the City, and declaring an effective date.
14. Consider approval of Resolution 2021-260R, awarding a contract to SEL Engineering Services, Inc. for services to be provided to San Marcos Electric Utility in the estimated amount of \$199,937.00; authorizing the City Manager or his designee to execute the contract on behalf of the City; and declaring an effective date.
15. Consider approval of Resolution 2021-261R, authorizing the submission of a Subdivision Participation Form to the Office of the Attorney General of the State of Texas to secure the City's participation in a class action lawsuit against multiple opioid distributors and manufacturers before the deadline of January 2, 2022; authorizing the City Manager or his designee to execute all documents necessary related to signing on to the class action lawsuit; and declaring an effective date.

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.

16. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2021-96, adopting amendments to Appendix A - Thoroughfare Plan and Appendix G - Bicycle Plan of the Transportation Master Plan to modify various roadway alignments and bicycle facility classifications; and consider approval of Ordinance 2021-96, on the first of two readings.
17. 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 second of two readings.

NON-CONSENT AGENDA

18. Consider approval of Ordinance 2021-97, authorizing the Issuance of the “City Of San Marcos, Texas Special Assessment Revenue Bonds, Series 2022 (Whisper South Public Improvement District Project)”; Approving and Authorizing an Indenture of Trust, a Bond Purchase Agreement, an Offering Memorandum, a Continuing Disclosure Agreement, a Landowner Agreement, an Agreement Regarding Waiver of Right of Redemption and Waiver of Agricultural Valuation, Financing Agreement, Construction, Funding and Acquisition Agreement and Other Agreements and Documents in Connection Therewith; Making Findings with Respect to the Issuance of Such Bonds; and Providing for approval of this Ordinance on only one reading as authorized by State Law; and providing an Effective Date.
19. Consider approval of Ordinance 2022-02, on the first of two readings, amending certain funds in the City’s 2021-2022 Fiscal Year budget for the rollover of funds and to adjust for transfers to Capital; including procedural provisions; and declaring an effective date.
20. Consider approval of Ordinance 2022-03, on the first of two readings, amending Chapter 2, Division 18, Section 2.367 of the City Code titled powers and duties relating to the Animal Advisory Committee to expand the powers and duties of the animal advisory committee as recommended by the Animal Advisory Committee; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.
21. Consider approval of Resolution 2021-262R, 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.
22. Hold discussion regarding the Ethics Review Commission Recommendation Resolution 2021-3, related to a Code Amendment that would add a definition for “Fair Market Value”
23. Hold discussion regarding the Ethics Review Commission Recommendation Resolution 2021-1, a code amendment to require disclosure of an interest in real property occupied by a City Official or a family member of as a residence.
24. Hold a discussion regarding additional funding for outreach ministry to First Baptist NBC, 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.

25. 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 the Purchase and Sale Agreement with Pursuant Ventures, LLC
 - B. Sec. §551.071 of the Texas Government Code: Consultation with Attorney: to discuss the use, sale, and disposition of an alley located at 420 University Dr totaling approximately 1,382 square feet
 - C. Sec. §551.071 of the Texas Government Code: Consultation with Attorney: Blanco Riverine Property Acquisitions
 - D. Sec. §551.074 of the Texas Government Code: Personnel Matter: To discuss the duties and responsibilities of City Council Members
 - E. Sec. §551.074 of the Texas Government Code: Personnel Matter: To discuss the duties and responsibilities of the City Manager regarding the meet and confer process
26. 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 the Purchase and Sale Agreement with Pursuant Ventures, LLC
 - B. Sec. §551.071 of the Texas Government Code: Consultation with Attorney: to discuss the use, sale, and disposition of an alley located at 420 University Dr totaling approximately 1,382 square feet
 - C. Sec. §551.071 of the Texas Government Code: Consultation with Attorney: Blanco Riverine Property Acquisitions
 - D. Sec. §551.074 of the Texas Government Code: Personnel Matter: To discuss the duties and responsibilities of City Council Members
 - E. Sec. §551.074 of the Texas Government Code: Personnel Matter: To discuss the duties and responsibilities of the City Manager regarding the meet and confer 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 THURSDAY, DECEMBER 9, 2021 @ 4:00PM

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