



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Regular Meeting Agenda - Final City Council

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Tuesday, June 7, 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.*

### 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 a Staff presentation of the Quarter End March 31, 2022 Financial Report, and provide direction to City Manager.
3. Receive a Staff presentation of the Quarter End March 31, 2022 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.*

4. Consider approval, by motion, of the following meeting minutes:
  - A. April 5, 2022 - Regular Meeting Minutes
  - B. April 19, 2022 - Regular Meeting Minutes
  - C. May 23, 2022 - Special Meeting Minutes - Appointee Evaluations
  - D. May 25, 2022 - Special Meeting Minutes - Appointee Evaluation
5. Consider approval of Ordinance 2022-36, on the second of two reading, amending the Official Zoning Map of the City in Case No. ZC-22-11, by rezoning approximately 64.78 acres of land located at the 1800 block of Clovis Barker Road from "FD" Future Development District to "LI" Light Industrial District, or, subject to consent of the owner, another less intense zoning district classification, including procedural provisions; providing an effective date.
6. Consider approval of Ordinance 2022-40, on the second of two readings, increasing electric utility rates charged for Large Independent, Redundant Service and Large Distributed Generation Standby Service customers; and including procedural provisions; and providing an effective date.
7. Consider approval of Resolution 2022-110R, approving the renewal for a term of one year of the license agreement with Skinny Labs, Inc., doing business as SPIN, that enables SPIN's shared micro-mobility devices such as electric scooters and electric bicycles to be operated within city rights-of-way; authorizing the City Manager, or her designee, to execute said renewal on behalf of the City; and declaring an effective date.
8. Consider approval of Resolution 2022-111R, approving a contract with Rush Truck Center through the Texas Buyboard Purchasing Cooperative for the purchase of a chipper dump truck in the amount of \$99,575.00; authorizing the City Manager or her designee to execute the contract on behalf of the City; and declaring effective date.
9. Consider approval of Resolution 2022-112R, terminating an agreement to purchase four buses from Creative Bus Sales through the SmartBuy Purchasing Cooperative in the amount of \$423,548.00; authorizing the City Manager or her designee to terminate the agreement on behalf of the City; and declaring an effective date.
10. Consider approval of Resolution 2022-113R, awarding an Indefinite Delivery Indefinite Quantity Contract to Viking Construction, Inc. through an Interlocal Cooperative Purchasing Agreement with the City of Grand Prairie for slurry seal to be used by the Transportation Department in an annual not to exceed amount of \$500,000.00 and authorizing four additional annual renewals; authorizing the City Manager or her designee to execute the contract on behalf of the City; and declaring an effective date.
11. Consider approval of Resolution 2022-114R, awarding a construction contract to Western Specialty Contractors through the Omnia Cooperative Purchasing Program for the Activity Center Wall Coating Project in the estimated amount of \$154,681.03; authorizing the City Manager or her designee to execute the contract on behalf of the City; and declaring an effective date.
12. Consider approval of Resolution 2022-115R, approving a contract with Walker Engineering, Inc. through the Texas Interlocal Purchasing System Cooperative (TIPS) for

the replacement of fluorescent light fixtures with LED light fixtures at the San Marcos Activity Center in the estimated amount of \$134,457.05; authorizing the City Manager or her designee to execute the contract on behalf of the City; and declaring effective date.

13. Consider approval of Resolution 2022-116R, approving an Interlocal Agreement with Hays County providing for the addition work to a county road project along FM 621 (Staples Road) to install a turn lane on Staples Road at DeZavala Drive and sidewalks connecting the sidewalk on DeZavala to the Hills of Hays Subdivision, providing for city water and wastewater utility adjustments in conflict with the county's project and providing for cost participation by the city in the amount of \$289,366.00; authorizing the City Manager, or her designee, to execute said agreement; and declaring an effective date.
14. Consider approval of Resolution 2022-117R, approving an amendment to the Interlocal Agreement with Guadalupe-Blanco River Authority for the Surface Water Treatment Plant Improvements for the Alliance Regional Water Authority to add a provision for construction change orders, financial responsibility and repayment timeframe; authorizing the City Manager or her designee to execute the agreement on behalf of the City; and declaring an effective date.
15. Consider approval of Resolution 2022-118R, approving a contract with Thumbs Up Compliance, LLC for Alcohol and Drug Testing for the Human Resources Department in the annual amount of \$16,250.00 and authorizing three additional one year renewals; authorizing the City Manager or her designee to execute the contract on behalf of the City; and declaring an effective date.
16. Consider approval of Resolution 2022-119R, approving an Interlocal Agreement with the City of Brownsville/Brownsville Public Utility Board to enable each entity to utilize vendors for goods and services under contracts procured by the other; authorizing the City Manager or her designee to execute the agreement on behalf of the City; and declaring an effective date.
17. Consider approval of Resolution 2022-120R, approving a contract with Infosend, Inc., through the City's Cooperative Purchasing Interlocal Agreement with the City of Brownsville/Brownsville Public Utility Board, for the provision of Printing and Mailing Services for Utility Bills and Reminder Notices in the estimated annual amount of \$210,000.00 and authorizing five additional one-year renewals; authorizing the City Manager or her designee to execute the contract on behalf of the City; and declaring an effective date.
18. Consider approval of Resolution 2022-121R, 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 renew the contract for Email Security Remediation Software Maintenance for the Information Technology Department in the annual amount of \$27,639.00 and authorizing three additional one-year renewals; authorizing the City Manager or her designee to execute the appropriate documents to implement the Change in Service; and declaring an effective date.
19. Consider approval of Resolution 2022-122R, awarding a construction contract to L.J. Power, Inc. for Generator, Maintenance, Repairs and Parts for the Water/Wastewater

Division of the Utilities Department in the estimated annual amount of \$23,000.00 and authorizing three additional one-year renewals; authorizing the City Manager or her designee to execute the contract on behalf of the City; and declaring an effective date.

20. Consider approval of Resolution 2022-123R, approving an Interlocal Agreement with Hays County allowing the City access to the County's CAD/Mobile Data System; authorizing the City Manager or her designee to execute the agreement on behalf of the City; and declaring effective date.
21. Consider approval of Resolution 2022-124R, approving an agreement for the provision of services in connection with the proposed owner requested annexation in Case No. AN-22-11 of approximately 136.912 acres of land, located at 900 Francis Harris Lane; 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.
22. Consider approval of Resolution 2022-125R, approving an agreement for the provision of services in connection with the proposed owner requested annexation in Case No. AN-22-12 of approximately 69.407 acres of land, generally located between I-35 south and the Union Pacific railroad, approximately 1,000 ft south of Posey Road; 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.
23. Consider approval of Resolution 2022-126R, approving an agreement for the provision of services in connection with the proposed owner requested annexation in Case No. AN-22-10 (Whisper East) of approximately 159.467 acres of land generally located at the Southeast corner of the Harris Hill Road and Yarrington Road intersection; 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.
24. Consider approval of Resolution 2022-127R, approving a contract to BCL of Texas for Small Business Counseling Services for an initial term of two years in the amount of \$350,000.00 to be funded with American Rescue Funds and authorizing three additional one-year renewals; authorizing the City Manager or her designee to execute the contract on behalf of the City; and declaring an effective date.
25. Consider approval of Resolution 2022-128R, approving the appointment of Barbara L. Quirk to the position of Assistant City Attorney; declaring an effective date.
26. Consider approval of Resolution 2022-129R, amending Resolution 2022-92R, to adjust the base salary of Interim City Clerk Elizabeth Trevino while serving in that capacity; and declaring an effective date.

## **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.*

27. Receive a staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-41, annexing into the City 66.933 acres of land, generally located just south of the West Centerpoint Road and Central Park Loop intersection in Case Number AN-22-09; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2022-41, on the first of two readings.
28. Receive a staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-42, amending the Official Zoning Map of the City in Case No. ZC-22-18, by rezoning approximately 66.933 acres generally located just south of the West Centerpoint Road and Central Park Loop intersection from "FD" Future Development District to "SF-4.5" Single-Family - 4.5 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 2022-42, on the first of two readings.
29. Receive a staff presentation and hold a Public Hearing to obtain the views of citizens on the use of \$727,486 in new Community Development Block Grant (CDBG) funding and \$144,200 in reallocated Community Development Block Grant (CDBG) funding for housing, social services, public facilities, and infrastructure, and the selection of projects for the 2022-2023 Community Development Block Grant (CDBG) Action Plan; and provide direction to staff.

## **NON-CONSENT AGENDA**

30. Consider approval of Ordinance 2022-43, on the first of two readings, amending certain funds in the City's 2021-2022 Fiscal Year budget to authorize the use of fund balance for financing capital improvement projects and TIRZ project plan; including procedural provisions; and declaring an effective date.
31. Consider approval of Resolution 2022-130R, approving a Chapter 380 Economic Development Incentive Agreement with Hill Country Group, LLC, providing incentives in the form of refunds of a percentage of real and personal property taxes over five years for the construction of a minimum 820,000 square feet of space for the location of a studio facility for film and video production within the La Cima Development; authorizing the City Manager, or her designee, to execute said agreement; and declaring an effective date.
32. Consider approval of Resolution 2022-131R, authorizing a Change in Service to the agreement with Freese and Nichols, Inc. to provide engineering services for the Highway 80 Utility Project in the amount of \$2,412,652.00; authorizing the City Manager or her designee to execute the appropriate documents to implement the Change in Service on behalf of the City; and declaring an effective date.
33. Consider approval, by motion, authorizing negotiations of a Development Agreement requested by Scott Gaughan, Acres Advisory Group on behalf of R.W. McDonald, Harris Hill Residential Land Holdings, Ltd., for approximately 97.05 acres out of the Thomas G. McGehee Survey, Hays County, Texas, generally located between State Highway 21 and Harris Hill Road, and consider the appointment of a Council Committee to review

aforementioned Development Agreement, if desired.

34. Discuss and consider an appointment to fill a vacancy on the Economic Development San Marcos Board, and provide direction to Staff.
35. Discussion on Council facilitators in regard to team building and Diversity, Equity, and Inclusion (DEI) subject matter.
36. Discussion regarding the applicability of across-the-board Cost of Living Adjustments (COLA) to council appointees.
37. Discussion regarding Test and Treat COVID-19 therapeutic care to be provided in San Marcos.
38. Hold Discussion on possible amendments to the Council Committee Rules of Procedure 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.*

39. Executive Session in accordance with the following:
  - A. Sec. §551.087 of the Texas Government Code: Economic Development: to receive a briefing and deliberate on Project Snow Leopard and Project Thin Mint
  - B. Sec. §551.071 of the Texas Government Code: Consultation With Attorney: to seek legal advice regarding enforcement of provisions in ground leases and facility leases at the San Marcos Regional Airport
  - C. Sec. §551.072 of the Texas Government Code: Real Property: to discuss the lease of city-owned property at the San Marcos Regional Airport

## DIRECTION/ACTION FROM EXECUTIVE SESSION

40. 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. §551.087 of the Texas Government Code: Economic Development: to receive a briefing and deliberate on Project Snow Leopard and Project Thin Mint
  - B. Sec. §551.071 of the Texas Government Code: Consultation With Attorney: to seek legal advice regarding enforcement of provisions in ground leases and facility leases at the San Marcos Regional Airport
  - C. Sec. §551.072 of the Texas Government Code: Real Property: to discuss the lease of city-owned property at the San Marcos Regional Airport

## 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, JUNE 1, 2022 @ 4:30PM**

**ELIZABETH TREVINO, 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)