



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Regular Meeting Agenda - Final-Amended City Council

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Tuesday, September 5, 2017

4:00 PM

City Council Chambers

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630 E. Hopkins

- I. Call To Order
- II. Roll Call
- III. Invocation
- IV. Pledges Of Allegiance - United States And Texas

### 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.*

- 1. 4:00PM Executive Session in accordance with Section §551.074 of the Texas Government Code: Personnel Matters - to discuss and provide Annual Appointee Evaluations to the City Attorney and City Clerk; and in accordance with Section §551.087: Economic Development - to receive an update and deliberate regarding Project Warehouse; and in accordance with Section §551.072: Real Property - Real Property - to receive an update and deliberate regarding the purchase of undeveloped property over the Edwards Aquifer Recharge Zone to mitigate nonpoint source pollution to the Edwards Aquifer and the San Marcos Springs and River.
- 2. Consider adoption or direction to Staff on matters discussed in Executive Session.

### PRESENTATIONS

- 3. Receive a presentation and hold discussion regarding a potential agreement with car2go NA, Ltd. for provision of car sharing services in San Marcos, and provide direction to staff.
- 4. Receive a presentation and hold discussion regarding a potential agreement with Spin for provision of bike sharing services in San Marcos, and provide direction to staff.

### 6:00 PM

- V. 30 Minute Citizen Comment Period

**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, by motion, of the following meeting Minutes:
  - A) July 31, 2017 - Code SMTX Workshop Meeting Minutes
  - B) August 1, 2017 - Regular Meeting Minutes
  - C) August 7, 2017 - Code SMTX Workshop Meeting Minutes
  - D) August 11, 2017 - Packet Meeting Workshop Minutes
  - E) August 15, 2017 - Regular Meeting Minutes
  - F) August 22, 2017 - Special Meeting Minutes
6. Consider approval of Ordinance 2017-44, on the second of two readings, approving an amendment to the Preferred Scenario Map of the City's Comprehensive Plan to change the land use intensity designation for a 0.212 acre, more or less, tract of land located at 323 Lindsey Street from an area of stability to high intensity; amending the Official Zoning Map of the City by rezoning this tract from "MF-24" Multiple-Family Residential District to Smartcode "T5" Urban Center District; and including procedural provisions.
7. Consider approval of Resolution 2017-131R, approving an agreement with Freese and Nichols, Inc. for the provision of a professional engineering services in connection with the Community Development Block Grant - Disaster Recovery (CDBG-DR) Uhland Road Improvements design amount estimated at \$677,419 contingent upon the consultant's provision of sufficient insurance in accordance with the attached agreement; authorizing the City Manager or his designee to execute this agreement on behalf of the City; and declaring an effective date.
8. Consider approval of Resolution 2017-132R, approving the filing of an application for a loan in the amount not to exceed \$4,400,000 with the Texas Water Development Board to be used for the acquisition of undeveloped land over the Edwards Aquifer Recharge Zone to mitigate nonpoint source pollution in the Edwards Aquifer and the San Marcos Springs and River; designating an authorized representative to act on behalf of the City for the purpose of furnishing information and executing documents that may be required in connection with the preparation and filing of the application; designating firms and individuals authorized and directed to aid and assist the City in the preparation and submission of the application for financial assistance and to appear on behalf of and represent the City in any hearing held by the Texas Water Development Board on the application; and declaring an effective date.
9. Consider approval of Resolution 2017-133R, approving an agreement between the City and Credit Systems International, Inc. for the provision of debt collection services for an amount estimated at \$20,000.00 for each year of the five year term of the agreement; 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 2017-134R, finding a 2.5 inch fire hose once utilized by the Fire Department to be surplus property and of no value to the City; authorizing such fire hose to be donated to the York Creek Volunteer Fire Department; and declaring an effective date.
11. Consider approval of Resolution 2017-135R, approving an Assignment and Assumption of License Agreement that assigns the license agreement with Carma Paso Robles, LLC for subdivision gateway improvements for the Kissing Tree Subdivision in the City's right-of-way to the homeowners' association for the subdivision; authorizing the City Manager to execute said agreement on behalf of the City; and declaring an effective date.

### **PUBLIC HEARINGS - 7:00 PM**

12. 7:00PM Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2017-47, amending the Official Zoning Map of the City by rezoning a 3.553 acre tract of land located within the Cottonwood Creek Subdivision Master Plan near the intersection of State Highway 123 and Rattler Road, from "DR" Duplex Restricted District to "GC" General Commercial; and including procedural provisions; and consider approval of Ordinance 2017-47, on the first of two readings.
13. 7:00PM Receive a Staff presentation and hold a Public Hearing to receive comments for or against the approval of Ordinance 2017-48, adopting a Budget in the amount of \$213,968,615 for the Fiscal Year beginning October 1, 2017 and ending September 30, 2018; authorizing certain adjustments to the Budget with the approval of the City Manager; approving fiscal year 2017-2018 Capital Improvements Program Projects; and consider approval of Ordinance 2017-48, on the first of two readings.
14. 7:00PM Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2017-49, setting the Property Tax Rate for the 2017 Tax Year at 61.39 cents on each \$100 of taxable value of property that is not exempt from taxation; levying taxes for the use and support of the Municipal Government of the City for the Fiscal Year beginning October 1, 2017 and ending September 30, 2018; the 8.37 cent increase was approved by voters during the May 2017 Bond Election for debt retirement of and operational expenses for public safety and library projects; providing a Sinking Fund for the retirement of the bonded debt of the City; and consider approval of Ordinance 2017-49, on the first of two readings.
15. 7:00PM Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2017-50, increasing drainage utility rates as authorized by Section 86.505 of the San Marcos City Code; including procedural provisions; and consider approval of Ordinance 2017-50, on the first of two readings.
16. 7:00PM Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2017-51, increasing rates established for Water, Wholesale Water, Reclaimed Water, Wastewater Treatment, and Sewer Surcharges; and including procedural provisions; and consider approval of Ordinance 2017-51, on the first of two readings.

17. 7:00PM Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2017-52, amending the rates for both Residential and Multifamily Customers of Municipal Solid Waste Programs in accordance with Section 66.028 of the San Marcos Code of Ordinances; including procedural provisions; and declaring an effective date; and consider approval of Ordinance 2017-52, on the first of two readings.

## **NON-CONSENT AGENDA**

18. Consider approval of Ordinance 2017-46, on the first of two readings, creating a designated permit area under Section 82.189 of the San Marcos City Code to require parking by permit only on the west side of the 400 Block of McGehee Street between Cheatham Street and Grove Street from 3:00 pm to 9:00 pm daily; amending the traffic register to reflect the designated permit area; and providing for an effective date.
19. Consider approval of Ordinance 2017-53R, on the first of two readings, amending section 2.566 of the San Marcos City Code to authorize City Manager, Bert Lumbreras, to approve change orders to City contracts involving increases or decreases of \$50,000 or less; including procedural provisions; and declaring an effective date.
20. Consider approval of Resolution 2017-136R, adopting, in Resolution form, the "City Council statement regarding Senate Bill 4 (SB4) and pending litigation about the bill," previously approved by motion of the Council on August 15, 2017; and declaring an effective date.
21. Consider approval of Resolution 2017-137R, recognizing the uncanvassed returns and declaring results of the General Election, held on November 8, 2016, for the purpose of electing a Mayor, City Council Member, Place One, City Council Member, Place Two, and a Special Election to fill a vacancy for the one year remainder of the unexpired term of City Council Member Place Three which was conducted concurrently with the General Election.
22. Consider approval of Resolution 2017-138R, approving the sale of a tract of property identified as Lots 14, Block 33, Victory Gardens (Property ID No. R46543), acquired by Hays County for unpaid taxes, to Dean Cherer for \$1,100; authorizing the execution of any deed or instruments necessary to complete the sale; and declaring an effective date.
23. Consider approval of Resolution 2017-139R, approving a financing agreement with Whisper Master Community Limited Partnership and Yarrington Partners Ltd. in connection with the Whisper Public Improvement District; authorizing the City Manager to execute said agreement on behalf of the City; and declaring an effective date.
24. Consider approval of Resolution 2017-140R, approving a second amendment to the term sheet attached to Resolution 2014-143 regarding the advisability of the improvements in the Whisper Public Improvement District for the purpose of extending the date by which construction of the public improvements must be completed to September 1, 2018 and amending the maximum annual assessment rate as an equivalent tax rate from \$0.150 per hundred dollars valuation to a maximum rate of \$0.170 for residential property and a maximum rate of \$0.220 for non-residential property; and declaring an effective date.

25. Consider approval of Resolution 2017-141R, providing nominations to serve on the Hays Central Appraisal District Board of Directors for a two year term commencing on January 1, 2018; and declaring an effective date.
26. Consider approval, by motion, authorizing the first Regular City Council meeting of October to be changed due to National Night Out, and authorizing the first Regular City Council meeting of November to be changed due to the General and Special Election.
27. Receive a Staff update and hold discussion regarding the following Fall 2017 Preferred Scenario Amendment, and provide direction to Staff:

A.) SLF II - HWY 360 & Camp Wisdom LP & SLF II San Marcos LP & ET AL :: 95 acres, more or less, located adjacent to North IH 35 and Champions Boulevard, submitting a request to change from Medium Intensity to Employment Center, and also requesting a change from General Commercial to Light Industrial.

28. Receive a Staff presentation and hold a discussion regarding State Lobbying Services, and provide direction to Staff.
29. Hold discussion to consider the creation of enforcement mechanisms that would require Purpose Built Student Housing Developments to provide alternative housing options to lease holders if the development has not received a certificate of occupancy by the original agreed upon move-in date, and provide direction to Staff.

#### 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.*

#### VII. Adjournment.

**POSTED ON WEDNESDAY, AUGUST 30, 2017 at 4:00PM**

**JAMIE LEE CASE, CITY CLERK**

#### VIII. ADDENDUM

The caption on Item #14 was expanded and reposted. It was previously posted as:

7:00PM Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2017-49, setting the Property Tax Rate for the 2017 Tax Year at 61.39 cents on each \$100 of taxable value of property that is not exempt from taxation; levying taxes for the use and support of the Municipal Government of the City for the Fiscal Year beginning October 1, 2017 and ending September 30, 2018; providing a Sinking Fund for the retirement of the bonded debt of the City; and consider approval of Ordinance 2017-49, on the first of two readings.

The caption on Item #24 was expanded and reposted with the date changed from May 1, 2018 to September 1, 2018.

It was previously posted as:

Consider approval of Resolution 2017-140R, approving a second amendment to the term sheet attached to Resolution 2014-143 regarding the advisability of the improvements in the Whisper Public Improvement District for the purpose of extending the date by which construction of the public improvements must be completed to May 1, 2018 and amending the maximum annual assessment rate as an equivalent tax rate from \$0.150 per hundred dollars valuation to a maximum rate of \$0.170 for residential property and a maximum rate of \$0.220 for nonresidential property; and declaring an effective date.

**ADDENDUM POSTED ON FRIDAY, SEPTEMBER 1, 2017 at 4:45PM**

**JAMIE LEE CASE, 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)