



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Regular Meeting Agenda - Final City Council

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Tuesday, June 2, 2020

6:00 PM

Virtual Meeting

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**Due to COVID-19, this will be a virtual meeting. To view the meeting please go to [www.sanmarcostx.gov/videos](http://www.sanmarcostx.gov/videos) or watch on Grande channel 16 or Spectrum channel 10.**

I. Call To Order

II. Roll Call

III. 30 Minute Citizen Comment Period

### PRESENTATIONS

1. Receive status reports and updates on response to COVID-19 pandemic; hold council discussion, and provide direction to Staff.

### CONSENT AGENDA

2. Consider approval, by motion, of the following meeting Minutes:
  - A. May 14, 2020 - Special Meeting Minutes
  - B. May 19, 2020 - Special Meeting Minutes

**Attachments:**     [05.19.2020 Special Meeting Minutes.pdf](#)

3. Consider approval of Ordinance 2020-31, on the second of two readings, amending the official zoning map of the city by rezoning approximately 5.217 acres of land, generally located west of the intersection of Old Ranch Road 12 and Craddock Avenue, from "FD" Future Development, "CC" Community Commercial, and "P" Public and Institutional districts to "SF-6" Single Family District; including procedural provisions; and providing an effective date.

**Attachments:**     [ZC-20-04 Presentation](#)  
[Ordinance](#)  
[ZC-20-04 StaffReport CC](#)  
[ZC-20-04 Land Use and Code Comparison](#)  
[ZC-20-04 Comp Plan Analysis Checklist](#)  
[ZC-20-04 Notification Letter](#)  
[ZC-20-04 Application Documents](#)

4. Consider approval of Ordinance 2020-32, on the second of two readings, annexing into the City approximately 9.61 acres of land, generally located in the 400 Block of Centerpoint

Road; including procedural provisions; and providing an effective date.

**Attachments:**      [AN-20-04 Presentation](#)  
                              [Ordinance](#)  
                              [AN-20-04 Maps](#)  
                              [AN-20-04 Metes and Bounds](#)  
                              [AN-20-04 CL vs OCL Comparison Chart](#)  
                              [AN-20-04 Application](#)  
                              [AN-20-04 SIGNED Annexation Service Agreement](#)  
                              [AN-20-04 SIGNED Annexation Consent](#)  
                              [AN-20-04 SIGNED Declination of Offer of Development Agreement](#)

5. Consider approval of Ordinance 2020-33, on the second of two readings, amending the Official Zoning Map of the City by rezoning approximately 7.959 acres of land, generally located in the 400 Block of Centerpoint Road, from “FD” Future Development District to “HC” Heavy Commercial District; and including procedural provisions.

**Attachments:**      [ZC-20-06 Presentation 4.29.2020](#)  
                              [Ordinance](#)  
                              [ZC-20-06 CC Staff Report](#)  
                              [ZC-20-06 Maps](#)  
                              [ZC-20-06 Code Comparison](#)  
                              [ZC-20-06 Comp Plan Analysis Checklist](#)  
                              [ZC-20-06 Personal Notice](#)  
                              [ZC-20-06 Application Documents](#)  
                              [ZC-20-06 Applicant Example Images](#)

6. Consider approval of Ordinance 2020-34, on the second of two readings, annexing into the City approximately 59.89 acres of land located at 4087 State Highway 21; including procedural provisions; and providing an effective date.

**Attachments:**      [AN-20-05 Presentation](#)  
                              [Ordinance](#)  
                              [AN-20-05 Maps](#)  
                              [AN-20-05 Metes and Bounds](#)  
                              [AN-20-05 Survey](#)  
                              [AN-20-05 Proposed Zoning Boundary](#)  
                              [AN-20-05 CL vs OCL Comparison Chart](#)  
                              [AN-20-05 Application](#)  
                              [AN-20-05 Annexation Consent \(signed\)](#)  
                              [AN-20-05 Declination of Offer of Development Agreement \(signed\)](#)  
                              [AN-20-05 Annexation Service Agreement \(signed\)](#)

7. Consider approval of Ordinance 2020-35, on the second of two readings, amending the

Official Zoning Map of the City by rezoning approximately 14.90 acres of land located at 4087 State Highway 21, from “FD” Future Development District to “LI” Light Industrial District; and including procedural provisions.

**Attachments:**     [Ordinance](#)  
                              [ZC-20-07 Presentation CC](#)  
                              [ZC-20-07 CC Staff Report](#)  
                              [ZC-20-07 Maps](#)  
                              [ZC-20-07 Code Comparison](#)  
                              [ZC-20-07 Comp Plan Analysis Checklist](#)  
                              [ZC-20-07 Personal Notice](#)  
                              [ZC-20-07 Application Documents](#)  
                              [ZC-20-07 Metes and Bounds](#)  
                              [ZC-20-07 Amended Deed Restrictions](#)  
                              [P. Hennington - Opposition Letter](#)

8. Consider approval of Ordinance 2020-36, on the second of two readings, amending the Official Zoning Map of the City by rezoning approximately 44.99 acres of land located at 4087 State Highway 21, from “FD” Future Development District to “MH” Manufactured Home District; and including procedural provisions.

**Attachments:**     [Ordinance](#)  
                              [ZC-20-08 CC Presentation](#)  
                              [ZC-20-08 CC Staff Report](#)  
                              [ZC-20-08 Maps](#)  
                              [ZC-20-08 Comp Plan Analysis Checklist](#)  
                              [ZC-20-08 Code Comparison](#)  
                              [ZC-20-08 Personal Notice](#)  
                              [ZC-20-08 Application Documents](#)  
                              [ZC-20-08 Amended Deed Restrictions](#)  
                              [ZC-20-08 Metes and Bounds](#)  
                              [ZC-20-08 Applicant Video](#)  
                              [P. Hennington - Opposition Letter](#)

9. Consider approval of Ordinance 2020-37, on the second of two readings, approving an update to the Service and Assessment Plan for the Whisper Public Improvement District; making a finding of special benefit to the property in the district, levying additional assessments against property with the district; establishing a lien on such property; approving an updated assessment roll for the district; providing for payment of the assessments in accordance with Chapter 372, Texas Local Government Code; providing for the method of assessment and the payment of the additional assessments; providing for penalties and interest on delinquent assessments; providing for a severability clause; providing an effective date; and providing for related matters.

**Attachments:**     [AssessmentOrdinance 05.08.2020.doc](#)  
                              [2020-5-7 SANM Whisper SAP.DOCX](#)

10. Consider approval of Resolution 2020-106R, rejecting the sole bid received in response to an invitation for bids (IFB No. 220-163) from MA Smith Contracting Company, Inc. for the Guadalupe Street Improvements Project; and declaring an effective date.

**Attachments:**     [Resolution - Rejection of Bid Guadalupe Street Improvements Project.docx](#)  
                              [SmithContracting.pdf](#)  
                              [220-163 Bid Tabulation.pdf](#)  
                              [Reject All Bids Letter.docx](#)  
                              [LG Concurrence Letter - 0016-09-040.docx.pdf](#)

11. Consider approval of Resolution 2020-107R, approving a Change Order to the construction contract with Cash Construction Company, Inc. for the Main Lift Station Force Main Replacement Project to increase the contract price by \$526,585.00 bringing the total contract price to \$6,876,093.04; 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.

**Attachments:**     [Resolution - Change Order - Main Lift Station Force Main Replacement Project](#)  
                              [Change Order 2-TD-ES-RG-LM](#)  
                              [Project Location Map](#)

12. Consider approval of Resolution 2020-108R, approving a Change in Service to the engineering services agreement with Lockwood, Andrews & Newnam, Inc. relating to the Purgatory Creek Improvements Project in the estimated amount of \$174,734.00 for a total contract price of \$2,336,948.00; authorizing the City Manager or his designee to execute the appropriate purchasing documents to implement the change in service; and declaring an effective date.

**Attachments:**     [Resolution - Change in Service Lockwood, Andrews & Newman - .docx](#)  
                              [200427 LAN PURGCRKPH2 PermittingProposal.pdf](#)  
                              [USACE Phase 2 Area Project Location Map.pdf](#)  
                              [LAN Authorization of Change in Service.pdf](#)

13. Consider approval of Resolution 2020-109R, approving contracts with Hays Energy, LLC for the sale of reclaimed water for and the treatment of Wastewater from Hays Energy's Electric Power Generation Facility South of the city; authorizing the City Manager, or his designee, to execute said contracts on behalf of the City; and declaring an effective date.

**Attachments:**     [Resolution](#)  
                              [Hays Energy-Reclaimed Water Supply Contract](#)  
                              [Hays Energy-Wastewater Treatment Services Contract](#)

14. Consider approval of Resolution 2020-110R, approving an agreement with Express Personnel for the provision of a temporary staff person to perform professional services including electrical inspections for the Development Services Department in an annual

amount not to exceed \$90,000.00 for up to three years; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.

**Attachments:**      [Resolution - Contract for temporary Electrical Inspector.doc](#)

15. Consider approval of Resolution 2020-111R, authorizing a property tax refund of \$80.73 assessed on the property located at 705 Crystal Cove, San Marcos, Texas for Tax Year 2019 as allowed by Section 33.011(k) of the Texas Property Tax Code; and declaring an effective date.

**Attachments:**      [Resolution - Property Tax Refund.docx](#)  
                             [Backup.pdf](#)

16. Consider approval of Resolution 2020-112R, directing the Interim Director of Finance of the City of San Marcos to calculate the voter-approval tax rate of the City of San Marcos in the manner provided for a special taxing unit by using an 8% threshold for new revenue instead of 3.5% as authorized by Texas Tax Code Section 26.04(C-1) due to the Governor's State-Wide Declaration of Disaster in response to the COVID-19 Pandemic; and declaring an effective date.

**Attachments:**      [Tax Rate Resolution.docx](#)  
                             [Special Taxing Unit Calculation.pdf](#)

17. Consider approval of Resolution 2020-113R, approving the first amendment of the Interlocal Agreement with Texas State University for the provision of reclaimed water; and declaring an effective date.

**Attachments:**      [Resolution - First Amendment - Texas State University - Intelocal Agreement - F](#)  
                             [First Amendment - Reclaimed Water Agreement - Texas State](#)  
                             [Resolution 2015-84R - Approving Original Reclaimed Water Interlocal Agreeeme](#)

## **PUBLIC HEARINGS**

18. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2020-40, amending Chapter 86, Article 5, Division 4 of the San Marcos City Code regarding impact fees to, among other things, change the methodology for establishing impact fees for industrial and commercial uses having peak flow rates in excess of 500 gallons per minute, and to add homes constructed with federal funds awarded to the City and City facilities as projects exempt from the assessment of impact fees; including procedural provisions; providing for the repeal of any conflicting provisions; and providing an effective date; and consider approval of Ordinance 2020-40, on the first of two readings.

**Attachments:**      [Impact Fee Ordinance Update 6-2-20.pptx](#)  
                             [Council Memo on Impact Fee Ord Changes 5-21-20.docx](#)  
                             [Ordinance](#)

19. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2020-41, amending Chapter 86, Article 8, Division 1 and 2 of the San Marcos City Code to, among other things, change the rate structure of the Stormwater Utility to an

impervious basis for all customer classes, and to update provisions regarding the maintenance and repair of structural controls in connection with the municipal separate Storm Sewer System (MS4); including procedural provisions; providing for the repeal of any conflicting provisions; and providing an effective date and consider approval of Ordinance 2020-41, on the first of two readings.

**Attachments:**     [Stormwater Utility Ordinance Update 6-2-20.pptx](#)  
                              [Ordinance](#)

20. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2020-42, adopting Youth Programs Standards of Care for 2020; providing a severability clause; declaring an effective date; and consider approval of Ordinance 2020-42, on the first of two readings

**Attachments:**     [Ordinance](#)

21. Receive a Staff presentation and hold a Public Hearing to receive comments for or against amending the Community Development Block Grant (CDBG) 2019-2020 Action Plan to add the Community Development Block Grant - Coronavirus Response (CDBG-CV) allocation of \$425,261, and proposed programs and projects.

**Attachments:**     [200602\\_CDBG-CV\\_pres](#)  
                              [CASA\\_app](#)  
                              [CASA\\_attch](#)  
                              [ED-Chamber](#)  
                              [OEM](#)  
                              [OEM\\_JobDesc\\_DRSpec](#)  
                              [OEM\\_OrgChart](#)  
                              [TX\\_State](#)  
                              [TX\\_State\\_Page10\\_Replacement](#)  
                              [TX\\_State\\_Page117\\_Replacement](#)

## NON-CONSENT AGENDA

22. Consider approval of Ordinance 2020-43, on the first of two readings, reclassifying and increasing the rank of the firefighter position assigned to the Fire Prevention Division, from the rank of firefighter to the rank of engineer in accordance with Section 143.021 of the Texas Local Government Code; amending the Fire Department staffing table maintained by the City Clerk in accordance with Section 2.373 of the San Marcos City Code to reflect such reclassification; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

**Attachments:**     [Ordinance.docx](#)  
                              [Fire Staffing Change.pdf](#)

23. Consider approval of ordinance 2020-44, on the first of two readings, amending section 2.421 of the San Marcos City Code by adding a new subsection (e) to clearly state that the policy and purpose statements in that section supporting the adoption of the San Marcos

Code of Ethics shall not be cited, used, or considered by a citizen or by the ethics review commission as the basis of an ethics complaint filed against any officer or employee of the city; and declaring an effective date.

**Attachments:**      [Section 2.421 San Marcos City Code - Amendment - June 2020](#)

24. Consider approval of Ordinance 2020-45, on first and final reading, authorizing the issuance of the City of San Marcos, Texas Special Assessment Revenue Bonds, Series 2020 (Whisper Public Improvement District)"; approving and authorizing an indenture of trust, a bond purchase agreement, an offering memorandum, a continuing disclosure agreement, a landowner agreement and other agreements and documents in connection therewith; making findings with respect to the issuance of such bonds; providing for approval of this Ordinance on only one reading as authorized by Texas Government Code, Section 1201.028; and providing an effective date.

**Attachments:**      [Bond Ordinance 05.26.2020.doc](#)  
[Landowner Agreement chs \(red\) 040920.docx](#)  
[Redemption and Waiver of Ag Valuation Agreement 2nd draft 040920.docx](#)  
[San Marcos, Whisper PID - S2020 BPA 4123-4673-6929 4.docx](#)  
[Trust Indenture 05.20.2020.doc](#)  
[Appendix E1 San Marcos, Whisper PID S2020 - Issuer CDA 4138-6501-5840 3](#)

25. Consider approval of Resolution 2020-114R, adopting the Community Development Block Grant (CDBG) 2020-2024 Citizen Participation Plan that sets the timing for hearings and comment periods for grants from the US Department of Housing and Urban Development (HUD); authorizing the City Manager, or his designee, to act as the Official Representative of the City in matters related to the (CDBG) Program; and declaring an effective date.

**Attachments:**      [Resolution](#)  
[Draft 2020-2024 CPP](#)  
[Presentation - CPP](#)

26. Consider approval of Resolution 2020-115R, amending the Community Development Block Grant (CDBG) Consolidated plan for Fiscal Years 2015-2019 to add the Community Development Block Grant-Coronavirus (CDBG-CV) Allocation of \$425,261.00 and to add Economic Development as a funding category; and declaring an effective date.

**Attachments:**      [Resolution](#)  
[Amd2-2015 ConsPlan draft](#)  
[Amd2-200602 2015 ConsPlan](#)

27. Hold discussion on Capes Dam and Hays County Parks proposals, and provide direction to the City Manager.

**Attachments:**      [City Council Work Session 10.15.19 - Hays Co Cape's Dam Vision Plan](#)

## **EXECUTIVE SESSION (if necessary)**

28. Executive Session in accordance with the following Government Code Sections:

A. §Sec.551.071 of the Texas Government Code: Consultation with attorney - to receive advice of legal counsel regarding state law preemption of city ordinances regulating the sale or use of single-use packages and containers.

B. §Sec.551.071 of the Texas Government Code: Consultation with attorney - to receive advice of legal counsel regarding pending litigation, to wit: The Mayan at San Marcos River, LLC and City of Martindale v. City of San Marcos, Docket No. 04-19-00018-CV in the 4th Court of Appeals of Texas

### **ACTION/DIRECTION PROVIDED DURING EXECUTIVE SESSION**

29. Consider action, by motion, regarding the following Executive Session items 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 state law preemption of city ordinances regulating the sale or use of single-use packages and containers.

B. §Sec.551.071 of the Texas Government Code: Consultation with attorney - to receive advice of legal counsel regarding pending litigation, to wit: The Mayan at San Marcos River, LLC and City of Martindale v. City of San Marcos, Docket No. 04-19-00018-CV in the 4th Court of Appeals of Texas

IV. Question and Answer Session with Press and Public.

V. Adjournment.

**POSTED ON WEDNESDAY, MAY 27, 2020 @ 8:00PM**

**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](mailto:ADArequest@sanmarcostx.gov)