



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Regular Meeting Agenda - Final City Council

Tuesday, February 2, 2021

6:00 PM

Virtual Meeting

**Due to COVID-19, this will be a virtual meeting. To view the meeting please go to
<http://www.sanmarcostx.gov/541/PZ-Video-Archives> 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; and provide direction to Staff.

CONSENT AGENDA

2. Consider approval, by motion, of the following meeting Minutes:
 - A. December 10, 2020 - Joint City Council/Planning & Zoning Meeting Minutes
 - B. January 5, 2021 - Work Session Meeting Minutes
 - C. January 5, 2021 - Regular Meeting Minutes
 - D. January 19, 2021 - Work Session Meeting Minutes

Attachments: [12.10.20 Joint CC PZC Meeting Minutes.pdf](#)
[01.05.2021 Work Session Minutes.pdf](#)
[01.19.2021 Work Session Minutes.pdf](#)
[01.05.2021 Regular Meeting Minutes.pdf](#)

3. Consider approval of Ordinance 2021-07, on the second of two reading, amending Chapter 2, Article V (Code of Ethics) of the San Marcos City Code; requiring ethics complaints to be sworn before a notary public; establishing a twelve month time period to file a complaint regarding an alleged violation; requiring city employees and officials to cooperate in hearings before the ethics review commission; prohibiting the use of intimidation to discourage employees from filing ethics complaints or testifying at hearings before the commission; prohibiting retaliation in the form of adverse personnel action against city employees who file ethics complaints or testify at commission hearings on pending complaints; and providing an effective date.

Attachments: [Ethics Ordinance Amendment - For Second Reading on February 2, 2021 - Incl](#)

4. Consider approval of Resolution 2021-23R, approving a change in service to the agreement with Dell Marketing, L.P. through the Texas Comptroller of Public Accounts Department of Information Resources for the purchase of core servers, server networking hardware, end-user devices and one third of Public Safety in-vehicle laptops to replace out of warranty devices in an estimated amount not to exceed \$600,000; authorizing the City Manager or his designee to execute the appropriate documents to implement the change in service; and declaring an effective date.

Attachments: Resolution
218-298 ACIS 2 \$600,000.00 12.14.2020 - Draft
US_QUOTE_3000075017118.1

5. Consider approval of Resolution 2021-24R, approving a Memorandum of Understanding with Keep Texas Beautiful providing for the award to the City (Keep San Marcos Beautiful Initiative), as a subrecipient, of up to \$100,000.00 in Trash Free Waters Grant Funds from the U.S. Environmental Protection Agency; authorizing the City Manager, or his designee, to execute the agreement; and declaring an effective date.

Attachments: [Resolution](#)
[Memorandum of Understanding](#)

6. Consider approval of Resolution 2021-25R, approving a first amended and restated agreement to provide joint funding for the provision of Youth Services with Texas State University, San Marcos Consolidated Independent School District, and Hays County; providing for the joint funding of a Youth Services Director to administer youth services and programs for the purposes of modifying the term of the original agreement; replacing references in the original agreement to the "San Marcos Commission on Children and Youth" with the "Core Four Policy Group"; authorizing the City Manager, or his designee, to execute the agreement; and declaring an effective date.

Attachments: [Youth Services Contract Amendment Resolution](#)
[Amended Agreement for Joint Funding - Redline](#)
[Clean Version of Agreement](#)

PUBLIC HEARINGS

7. Receive a Staff Presentation and hold a Public Hearing to receive comments for or against Ordinance 2021-08, amending the Official Zoning Map of the City in Case No. ZC-20-26 by rezoning approximately 15.2331 acres of land, generally located in the 400 Block of Riverway Avenue, from "CC" Community Commercial District to "HC" Heavy Commercial District; including procedural provisions; and consider approval of Ordinance 2021-08 on the first of two readings.

Attachments: [Ordinance](#)
 [ZC-20-26 Staff Report](#)
 [ZC-20-26 Maps](#)
 [ZC-20-26 Personal Notification Letter](#)
 [ZC-20-26 Code Comparison](#)
 [ZC-20-26 Comp Plan Analysis Checklist](#)
 [ZC-20-26 Application Documents](#)
 [ZC-20-26 Presentation](#)

NON-CONSENT AGENDA

8. Consider approval of Resolution 2021-26R, approving an agreement with Rattler Road Storage, LLC, for the provision of services in connection with the proposed owner requested annexation in Case Number AN-20-09 of approximately 3.63 acres of land generally located on the North Side of Rattler Road, between Old Bastrop Highway and Highway 123; 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.

Attachments: [Resolution](#)
 [Agreement](#)
 [AN-20-09 Rattler Service Agreement Presentation](#)
 [AN-20-09 Map Packet](#)
 [AN-20-09 Development Agreement Approved City Council 12.2.2020](#)
 [AN-20-09 Application](#)

9. Consider approval, by motion, that authorizes submission of a letter to Governor Greg Abbott from the San Marcos City Council expressing the body's collective request for more aggressive public safety and health measures related to slowing the spread of COVID-19 in Texas.

Attachments: [Letter To Governor Abbott - June 18, 2020](#)

10. Consider denial of an Out of City Utility Extension request for water and wastewater services by Thomas K. Rhodes, on behalf of Top of the Hill Properties, LLC for approximately 4.851 acres, more or less, out of the J.M. Veramendi Survey, located at 128 Spring Road (previously approved on December 15, 2020), and provide direction to Staff.

Attachments: [OCU-20-04 Presentation](#)
 [City Limits vs ETJ Development Comparison](#)
 [1. OCU-20-04 Maps](#)
 [2. OCU-20-04 Application Docs](#)
 [3. OCU-20-04 Site Plan](#)

11. Consider approval, by motion, and hold discussion regarding the proposed 2021 City Council Meeting Schedule (June - December), and provide direction to Staff.

Attachments: [2021 Council Calendar.docx](#)

12. Discuss and consider annual appointments to various Boards and Commissions, to wit:

- A) Airport Advisory Board
- B) Animal Shelter Advisory Committee
- C) Arts Commission
- D) Cemetery Commission
- E) Citizen Utility Advisory Board (CUAB)
- F) Comprehensive Plan Oversight Committee
- G) Construction Board of Appeals
- H) Convention and Visitors Bureau Board
- I) Economic Development San Marcos Board
- J) Ethics Review Commission
- K) Historic Preservation Commission
- L) Housing Authority
- M) Human Services Advisory Board
- N) Library Board
- O) Main Street Advisory Board
- P) Neighborhood Commission
- Q) Parking Advisory Board
- R) Parks and Recreation Board
- S) Planning and Zoning Commission
- T) San Marcos Industrial Development Corporation
- U) Senior Citizen Advisory Board
- V) Veteran Affairs Advisory Board
- W) Zoning Board of Adjustment

Attachments: [Board Commission Appointment Matrix 2021.xlsx](#)

13. Consider nominations and make an appointment to fill a vacancy on the La Cima Council Committee.

Attachments: [Council Member Membership List.xlsx](#)

14. Hold discussion and provide direction to staff related to the passage of one or more emergency orders related to the current disaster declaration stemming from the COVID-19 pandemic.

15. Hold a discussion on changes to Section 86.003. - Extensions and connections to city water or wastewater system outside the city limits, and provide direction to Staff.

Attachments: [Sec. 86.003. Original & Optional Redlines](#)

16. Hold discussion on the sequence for the approval process and LDC amendments for Out of City Utility Extensions; and provide direction to Staff.

Attachments: [City Limits vs ETJ Development Comparison](#)
[Sequence of Approvals](#)

17. Hold a discussion regarding amendments to Sec. 14.372 (a) sentence (2) to remove the

words “and occupied” AND “as his homestead”, and provide direction to Staff.

Attachments: [Sec. 14.372. License required exception](#)
[Texas Statutes for Trade License Exemptions](#)
[Building Code Amendment Comparison Table](#)

EXECUTIVE SESSION

18. Executive Session in accordance with Section §551.071 of the Texas Government Code: Consultation with Attorney - to receive advice of legal counsel regarding the process for consideration of out of city utility extension requests under Section 86.003 of the San Marcos City Code and state law restrictions on municipal regulation of land uses on development projects initiated prior to annexation.

ACTION/DIRECTION FROM EXECUTIVE SESSION

19. 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. Section §551.071 of the Texas Government Code: Consultation with Attorney - to receive advice of legal counsel regarding the process for consideration of out of city utility extension requests under Section 86.003 of the San Marcos City Code and state law restrictions on municipal regulation of land uses on development projects initiated prior to annexation.

IV. Question and Answer Session with Press and Public.

V. Adjournment.

POSTED ON WEDNESDAY, JANUARY 27, 2021 @ 3:00PM

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