



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Regular Meeting Agenda - Final City Council

Tuesday, January 4, 2022

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.

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.

1. Consider approval, by motion, of the following meeting minutes:
 - a. November 16, 2021 - Regular Meeting Minutes
 - b. November 30, 2021 - Special Meeting Minutes
 - c. December 7, 2021 - Regular Meeting Minutes
 - d. December 15, 2021 - Work Session Meeting Minutes
2. Consider approval of Ordinance 2021-94, on the second of two readings, amending the Official Zoning Map of the City in Case ZC-21-22, by rezoning approximately 12.75 acres of land, described as Lot 3A of the Replat of Lot 3A, Block 1, Section 2, McKinley Place, located at 1250 Wonder World Drive, from "GC" General Commercial District to "CD-5" Character District - 5, or, subject to consent of the owner, another less intense zoning district classification; including procedural provisions.

3. Consider approval of Ordinance 2021-86, on the second of two readings, annexing into the City approximately 21.31 acres of land, generally located at the northwest corner of the W. Centerpoint Rd. and Flint Ridge Rd. intersection in Case No. AN-21-08; including procedural provisions; and declaring an effective date.
4. Consider approval of Ordinance 2021-87, on the second of two readings, amending the Official Zoning Map of the City in Case No. ZC-21-18 by rezoning approximately 21.31 acres of land located at the northwest corner of the West Centerpoint Road and Flint Ridge Road intersection from "FD" Future Development District to "MF-24" Multi-Family Residential District, or subject to consent of the owner, another less intense subject to consent of the owner, another less intense zoning district classification; including procedural provisions; and providing an effective date.
5. Consider approval of Ordinance 2021-96, on the second of two readings, 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.
6. Consider approval of Ordinance 2022-02, on the second 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.
7. Consider approval of Ordinance 2022-03, on the second 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.
8. Consider approval of Resolution 2022-01R, approving the award of a professional services agreement to HDR Engineering, Inc. for the CDBG-DR and CDBG-MIT Infrastructure support on an on-call basis in a not-to-exceed amount of \$500,000.00 for a term of three years; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.
9. Consider approval of Resolution 2022-02R, approving an Interlocal Funding Agreement with Hays County relating to the testing of drug evidence by the Texas Department of Public Safety; 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 2022-03R, approving a contract with SHI Government Solutions, Inc., through the Texas BuyBoard Purchasing Cooperative for the purchase of Nearmap GIS Software for a term of three years in the amount of \$53,750.00; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.
11. Consider approval of Resolution 2022-04R, awarding a contract to Fleet Analytics, LLC for an annual subscription, technical support and software maintenance of an Automated

Vehicle Location (AVL) System for a term of five years in the total contract amount of \$213,000.00; authorizing the City Manager or his designee to execute the contract on behalf of the City; and declaring an effective date.

12. Consider approval of Resolution 2022-05R, approving Change in Services to the agreements with the five firms previously selected to provide professional surveyor services to the City on an as-needed basis for various City projects by increasing the not-to-exceed amount of each contract from \$50,000 to \$150,000.00 for a total expenditure of \$750,000.00 for a term to be extended through 2025; and declaring an effective date.
13. Consider approval of Resolution 2022-06R, approving an agreement for the provision of services in connection with the proposed owner requested annexation in Case No. AN-22-05 of approximately 2.57 acres of land, generally located on Centerpoint Road approximately 340 feet northwest of the intersection between Centerpoint Road and Gregson's Bend; 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.
14. Consider approval of Resolution 2022-07R, approving an agreement for the provision of services in connection with the proposed owner requested annexation in Case No. AN-22-01 of approximately 105.41 acres of land, generally located north of the Rattler Road and E. McCarty Lane intersection; 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.
15. Consider approval of Resolution 2022-08R, approving a Change in Services to the contract with Alliance Transportation Group Inc. through the Houston-Galveston Area Council Cooperative Purchasing Program to add services relating to a Federal Transit Administration required audit in the amount of \$70,000 bringing the total contract price to \$85,000; authorizing the City Manager or his designee to execute the appropriate documents to implement the Change in Services; 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 2022-01, amending the official zoning map of the city in Case No. ZC-21-21, by rezoning approximately 3.59 acres of land, generally located at the Northwest Corner of Highway 123 and Clovis Barker Road intersection, from "FD" Future Development District to "HC" Heavy Commercial 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 2022-01, on the first of two readings.
17. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2022-09R, providing no objection to the submission of an application for Low

Income Housing Tax Credits (LIHTC) to the Texas Department of Housing and Community Affairs for the renovation of the existing Champions Crossing multifamily housing project located at 345 Champions Boulevard, approving findings related to such application, imposing conditions for such non objection; providing authorizations for execution or submission of documents related to such application; and declaring an effective date; and consider approval of Resolution 2022-09R.

18. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2022-10R, approving a sixth amended and restated development agreement with Lazy Oaks Ranch, LP and its partial assignees in connection with the La Cima Development near the intersection of Old Ranch Road 12 and Wonder World Drive that provides additional standards for the first phase of multifamily development; authorizing the City Manager, or his designee, to execute the agreement on behalf of the City; and providing an effective date; and consider approval of Resolution 2022-10R.

NON-CONSENT AGENDA

19. Consider approval of Ordinance 2022-04, on the first of two readings, amending Section 2.566 of the San Marcos City Code to authorize the City Manager or the City Manager's designee(s) to approve change orders to city contracts involving increases or decreases of \$50,000.00 or less by deleting any reference to the individual holding the position of City Manager; including procedural provisions; and declaring an effective date.
20. Consider approval of Ord. 2022-05, granting the consent of the City of San Marcos, Texas, to the creation of Hays County Municipal Utility District No. 8 and the inclusion therein of approximately 567.663 acres of land located within the City's Extraterritorial Jurisdiction in the vicinity of Old Bastrop Highway between Redwood Road and the San Marcos River; approving an associated consent agreement with HK Baugh Ranch, LLC; authorizing the City Manager, or the City Manager's designee, to execute the consent agreement; providing procedural provisions; providing for the adoption of this ordinance on only one reading; and providing for an effective date.
21. Consider approval of Ordinance 2022-06, granting the consent of the City of San Marcos, Texas, to the creation of Hays County Municipal Utility District No. 9 and the inclusion therein of approximately 475.393 acres of land located within the City's Extraterritorial Jurisdiction in the vicinity of Old Bastrop Highway between Redwood Road and the San Marcos River; approving an associated consent agreement with HK Riley's Pointe, LLC and Benchmark Acquisitions, LLC; authorizing the City Manager, or the City Manager's designee, to execute the consent agreement; providing procedural provisions; providing for the adoption of this Ordinance on only one reading and providing for an effective date.
22. Hold discussion related to Section 2.044 - Preparation of an agenda, including but not limited to, Council Member requests and pending agenda items, and provide direction to the City Manager.
23. Hold discussion regarding the consideration of the creation of a Council Committee for the Animal Shelter, discussion on the mission of this committee, 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.

- 24.** Executive Session in accordance with the following:
- A. Sec. §551.086 of the Texas Government Code: Public Power Utility Competitive Matters: - To receive staff briefing regarding the City's Wholesale Power Agreements and the cost recovery mechanism for wholesale power purchases
 - B. Sec. §551.071 of the Texas Government Code: Consultation with Attorney: To receive a briefing on pending litigation, to wit: Civil Action No. 1:21-CV-00568-RP; In the United States District Court; Western District of Texas; Eric Cervini, Wendy Davis, David Gins, and Timothy Holloway v. Chase Stapp, Brandon Winkenwerder, Matthew Daenzer, and City of San Marcos
 - C. Sec. §551.074 of the Texas Government Code: Personnel Matter: To discuss the duties and responsibilities of the Presiding Municipal Court Judge

ACTION/DIRECTION FROM EXECUTIVE SESSION

- 25.** 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. §551.086 of the Texas Government Code: Public Power Utility Competitive Matters: - To receive staff briefing regarding the City's Wholesale Power Agreements and the cost recovery mechanism for wholesale power purchases
 - B. Sec. §551.071 of the Texas Government Code: Consultation with Attorney: To receive a briefing on pending litigation: Civil Action 1:21-CV-00568-RP; In the United States District Court; Western District of Texas; Eric Cervini, Wendy Davis, David Gins, and Timothy Holloway v. Chase Stapp, Brandon Winkenwerder, Matthew Daenzer, and City of San Marcos
 - C. Sec. §551.074 of the Texas Government Code: Personnel Matter: To discuss the duties and responsibilities of the Presiding Municipal Court Judge

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 WEDNESDAY, DECEMBER 29, 2021 @ 10:30AM

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