



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Regular Meeting Agenda - Final City Council

Tuesday, May 3, 2022

6:00 PM

City Council Chambers

630 E. Hopkins St.

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 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 on the Sidewalk Maintenance and Gap Infill Program and provide direction to staff.
2. Receive staff presentation regarding Approved FY22 CIP Projects and related funding; including proposed issuance of debt - 2022 Certificates of Obligation Issuance; and provide direction to staff.

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.

3. Consider approval, by motion, of the following meeting minutes:
 - A. March 23, 2022 - Work Session Meeting Minutes
 - B. April 5, 2022 - Work Session Meeting Minutes

- C. April 6, 2022 - Special Meeting Minutes
- D. April 11, 2022 - Special Meeting Minutes

4. Consider approval of Ordinance 2022-28, on the second of two readings, annexing into the City approximately 75.17 acres of land generally located on State Highway 123 approximately 1,400 ft south of the intersection with Rattler Road (Case No. AN-22-02: Sedona Subdivision); including procedural provisions; and providing an effective date.
5. Consider approval of Ordinance 2022-29, on the second of two readings, amending the Official Zoning Map of the City in Case ZC-22-03, by rezoning approximately 66.66 acres of land generally located on State Highway 123 approximately 1,400 ft south of the intersection with Rattler Road, from "FD" Future Development to "CD-3" Character District-3 or, subject to the consent of the owner, another less intense zoning district classification, including procedural provisions; and providing an effective date.
6. Consider approval of Ordinance 2022-30, on the second of two readings, amending the Official Zoning Map of the City in Case ZC-22-04, by rezoning approximately 1.95 acres of land generally located on the east side of State Highway 123 across from the intersection with Lovelady Lane 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.
7. Consider approval of Ordinance 2022-31, on the second of two readings, annexing into the City approximately 74.24 acres out of the William Smithson Survey, Abstract 419 and the John Williams Survey, Abstract 490, generally located at the west corner of the Central Park Lp & Fountain Grass Dr Intersection, in Case Number AN-22-06; including procedural provisions; and providing an effective date.
8. Consider approval of Ordinance 2022-32, on the second of two readings, amending the official zoning map of the City in Case No. ZC-22-07, by rezoning approximately 74.243 acres generally located at the west corner of the Central Park Lp & Fountain Grass Dr intersection, from Future Development (FD) to Single-Family - 4.5 District (SF-4.5), or, subject to consent of the owner, another less intense zoning district classification, including procedural provisions; and providing an effective date.
9. Consider approval of Resolution 2022-84R, authorizing a Change in Service to the professional services agreement with John Gleason, LLC for engineering services for the Sessom Creek Middle Reach Restoration Project in the amount of \$45,000.00 relating to infrastructure designs that accommodate wastewater improvements and landscaping services for a total contract price of \$94,995.00; 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.
10. Consider approval of Resolution 2022-85R, authorizing a Change in Service to the professional services agreement with Lockwood, Andrews & Newnam, Inc., related to the Purgatory Creek Improvements Project in the estimated amount of \$65,906.25 for additional archeological field work; 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.

11. Consider approval of Resolution 2022-86R, authorizing a Change in Service to the agreement with Floodace, LLC for additional Watershed Protection Plan review as needed in the estimated amount of \$30,000.00; 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.
12. Consider approval of Resolution 2022-87R, approving a Change in Service to the agreement with Pierpoint Technologies, LLC. to renew ActiveG Annual Software Maintenance for use by the Information Technology Department in the estimated annual amount of \$11,470.00 for a total contract price of \$60,650.00; 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 on behalf of the city; and declaring an effective date.
13. Consider approval of Resolution 2022-88R, authorizing a Change in Service to the professional services agreement with Jacobs Engineering Group, Inc. related to the San Marcos Wastewater Treatment Plant Project to add \$137,624.00 to the contract for the replacement of equipment; 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.
14. Consider approval of Resolution 2022-89R, approving a renewal of the agreement with McKim & Creed, Inc. (formerly Matchpoint Water Asset Management, Inc.) for leak detection services in the estimated annual amount of \$29,250.00 and authorizing three additional one-year renewals; authorizing the City Manager or her designee to execute the documents necessary to renew the agreement; and declaring an effective date.
15. Consider approval of Resolution 2022-90R, authorizing a Change in Service to the interlocal agreement with Lower Colorado River Authority relating to trunked radio services for the Police Department Renovation Project and increase the contract price by \$95,043.72; 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.
16. Consider approval of Resolution 2022-91R, awarding Indefinite Delivery Indefinite Quantity contracts for concrete construction services to Partners Remodeling Restoration & Waterproofing in a not to exceed amount of \$500,000.00 and Myers Concrete Construction in a not to exceed amount of \$300,000.00 on an as needed basis; authorizing the City Manager or her designee to execute the contracts on behalf of the City; and declaring an effective date.
17. Consider approval of Resolution 2022-92R, approving the appointment of Elizabeth Trevino as Interim City Clerk, Lucia Cordova as Interim Deputy City Clerk, and approving an interim pay increase of ten percent to their base salaries effective on May 16, 2022; and declaring an effective date.
18. Consider approval of Resolution 2022-93R, authorizing the appointment of Attorney Charles Soechting as outside legal counsel to represent the City of San Marcos and the

San Marcos Regional Airport in matters relating to the enforcement of airport lease default provisions including representing the City in any necessary court proceedings; and authorizing the City Manager or her designee to execute a legal services agreement with Mr. Soechting; 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.

19. Receive a staff presentation and hold a Public Hearing to receive comments for or against an Ordinance 2022-33, annexing into the City approximately 39.36 acres of land generally located northeast of the intersection of Posey Rd and Transportation Way in Case No. AN-22-08; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2022-33, on the first of two readings.
20. Receive a staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-34, amending the Official Zoning Map of the City in Case No. ZC-22-15, by rezoning approximately 18.61 acres of land generally located northwest of the intersection of I-35 South and Posey Road from "FD" Future Development District and "AR" Agricultural Ranch 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 2022-34, on the first of two readings.
21. Receive a staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-35, amending the Official Zoning Map of the City in Case No. ZC-22-16, by rezoning approximately 18.33 acres of land generally located northeast of the intersection of Transportation Way and Posey Road from "FD" Future Development District to "HI" Heavy Industrial 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 2022-35, on the first of two readings.
22. Receive a staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-36, 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, and providing an effective date, and consider approval of Ordinance 2022-36 on the first of two readings.

NON-CONSENT AGENDA

23. Consider approval of Ordinance 2022-37, on the first of two readings, amending Section 2.461 of the San Marcos City Code to provide a definition of the term "fair market value" for the purpose of reporting interests in real property in annual financial disclosure statements required under the San Marcos City Code of Ethics; including procedural provisions; and

providing an effective date.

24. Consider approval of Ordinance 2022-38, on the first of two readings, amending Section 2.232 of the San Marcos City Code to revise the Human Services Advisory Board meeting schedule requirements, including procedural provisions; and providing an effective date.
25. Consider approval of Ordinance 2022-39, on the first of two readings, amending Chapter 2, Article 3 - Boards, Committees and Commissions, of the San Marcos City Code by amending section 2.111 relating to the composition of the Neighborhood Commission; Section 2.172 relating to the composition of the Parking Advisory Board; Section 2.211 relating to the composition of the Main Street Advisory Board; Section 2.271 relating to the composition of the Citizen Utility Advisory Board; Section 2.351 relating to the composition of the Convention and Visitor Bureau Board; and Section 2.369 relating to the composition of the Economic Development San Marcos Board; including procedural provisions; and providing an effective date.
26. Consider approval of Resolution 2022-94R, amending the City's Economic Development Policy to, among other things, expand available incentive categories for new and existing businesses, reallocate scoring matrix points, and update definitions; and declaring an effective date.
27. Consider approval of Resolution 2022-95R, approving a Change Order to the construction contract with Santa Clara Construction, Ltd. relating to the Blanco Gardens Improvements Project to decrease the contract price in the amount of \$2,976,426.00; authorizing the City Manager or her designee to execute the appropriate documents relating to the change order on behalf of the City; and declaring an effective date.
28. Consider approval of Resolution 2022-96R, approving an agreement with Joe C. Garza providing for the City to purchase 1.327 acres of land and associated easement interests at 1310 and 1380 River Road for a price of \$405,000.00, together with associated closing costs and construction of a loop road serving the owner's remaining property, in connection with the Blanco Riverine Flood Mitigation Project; authorizing the City Manager, or her designee, to execute said agreement and associated closing documents; and declaring an effective date.
29. Consider approval of Resolution 2022-97R, approving an agreement with Armando C. Garza and Joe C. Garza providing for the City to purchase 4.581 acres of land and located at 1320 and 1320B River Road, together with any associated interests, for a price of \$600,000.00 plus associated closing costs, in connection with the Blanco Riverine Flood Mitigation Project; authorizing the City Manager, or her designee, to execute said agreement and associated closing documents; and declaring an effective date.
30. Consider re-establishing a City Council Committee to discuss amendments to the LaSalle (aka Waterstone) Development Agreement.
31. Hold discussion regarding initial authorization to change Light Industrial Zoning District "waste-related service" use from P-Permitted to C-Condition Use Permit, and provide direction to staff.

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.

- 32.** Executive Session in accordance with the following:
- A. Sec. §551.071 of the Texas Government Code: Consultation with Attorney: to seek advice of legal counsel regarding flood prevention and watershed protection measures applicable in the city's extraterritorial jurisdiction

DIRECTION/ACTION FROM EXECUTIVE SESSION

- 33.** 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. §551.071 of the Texas Government Code: Consultation with Attorney: to seek advice of legal counsel regarding flood prevention and watershed protection measures applicable in the city's extraterritorial jurisdiction

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, APRIL 27, 2022 @ 2:00PM

ELIZABETH TREVINO, DEPUTY 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