



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Regular Meeting Agenda - Final-Amended City Council

Tuesday, August 2, 2022

6:00 PM

City Council Chambers

630 E. Hopkins

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.

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 of Ordinance 2022-44, on the second of two readings, annexing into the City approximately 136.912 acres of land and abutting right-of-way, located at 900 Francis Harris Lane, in Case Number AN-22-11; including procedural provisions; and providing an effective date.
2. Consider approval of Ordinance 2022-45, on the second of two readings, amending the official zoning map of the City in Case No. ZC-22-24, by rezoning approximately 136.912 acres of land, located at 900 Francis Harris Ln, from "FD" Future Development to "CD-2.5" Character District - 2.5, or, subject to consent of the owner, another less intense zoning district classification; including procedural provisions; and providing an effective date.
3. Consider approval of Ordinance 2022-46, on the second of two readings, amending the

Official Zoning Map of the City in Case ZC-22-09, by rezoning approximately 52.4 acres of land, generally located between Harris Hill Road and the I-35 North Frontage Road approximately 600 feet south of Saddle Run Way, from "CM" Commercial 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.

4. Consider approval of Ordinance 2022-47, on the second of two readings, annexing into the City approximately 159.467 acres of land, generally located at Harris Hill Road and Opportunity Boulevard and the 2900 Block of Yarrington Road in Case No. AN-22-10; including procedural provisions; and providing an effective date.
5. Consider approval of Ordinance 2022-48, on the second of two readings, amending the Official Zoning Map of the City in Case No. ZC-22-21 by rezoning approximately 50.38 acres of land located at Harris Hill Road and Opportunity Boulevard from "FD" Future Development District to "CM" Commercial District, or, subject to the consent of the owner, another less intense zoning classification; including procedural provisions; and providing an effective date.
6. Consider approval of Ordinance 2022-49, on the second of two readings, amending the Official Zoning Map of the City in Case No. ZC-22-22, by rezoning approximately 79.901 acres of land located at the 2900 block of Yarrington Road, from "FD" Future Development District 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.
7. Consider approval of Ordinance 2022-50, on the second of two readings, amending the Official Zoning Map of the City in Case No. ZC-22-23, by rezoning approximately 22.811 acres of land located at the 2900 block of Yarrington Road, from "FD" Future Development District to "CM" Commercial District, or, subject to consent of the owner, another less intense zoning district classification; including procedural provisions; and providing an effective date.
8. Consider approval of Ordinance 2022-51, on the second of two readings, amending the official zoning map of the City in Case No. ZC-22-20, approximately 27.1 acres generally located due west of the Premier Pkwy and Champions Blvd intersection, from General Commercial District (GC) to Character District 4 (CD-4), 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 Ordinance 2022-52, on the second of two readings, clarifying the restrictions under a restrictive covenant agreement associated with Ordinance No. 2021-77 that approved a 22.58 acre "EC" Employment Center Zoning District located at the northwest corner of the Wonder World Drive by removing "warehouse" as a prohibited use; including procedural provisions; and providing an effective date.
10. Consider approval of Ordinance 2022-55, on the second of two readings, amending certain funds in the City's 2021-2022 Fiscal Year Budget to authorize the use of funds for one-time non-recurring items such as parkland acquisition and park improvements;

including procedural provisions; and declaring an effective date.

11. Consider approval of Resolution 2022-153R, authorizing a Change in Service to the agreement with Garver, LLC relating to the San Marcos Regional Airport Taxiway Engineering Project to advance the project to the construction phase in the amount of \$372,100.00; 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 2022-154R, approving a professional services agreement with Freese and Nichols, Inc. for an update to the City's Wastewater Master Plan in the not to exceed amount of \$696,480.00; authorizing the City Manager or her designee to execute the agreement on behalf of the City; and declaring an effective date.
13. Consider approval of Resolution 2022-155R, authorizing a Change in Service to the agreement with Bowman Consulting Services, Ltd, to provide for final design, bidding and construction administration phase professional engineering services for the West Purgatory Creek Wastewater Improvements project in an additional amount not exceeding \$49,940.00 for a total estimated contract amount of \$90,580.00; 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.
14. Consider approval of Resolution 2022-156R, approving a Change Order to the Surface Water Treatment Plant Improvements Construction Contract requested by the Guadalupe-Blanco River Authority in the total amount of \$266,893.94 with the City's portion being \$52,667.82 to upgrade select line items; 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.
15. Consider approval of Resolution 2022-157R, approving an Advance Funding Agreement with the State of Texas, acting through the Texas Department of Transportation ("TXDOT"), for the roadway resurfacing of Sessom Drive from Alamo Street to University Drive ("Loop 82") with an estimated city participation amount of \$116,290.00; authorizing the City Manager, or her designee, to executive said agreement on behalf of the City; and declaring an effective date.
16. Consider approval of Resolution 2022-158R, approving a Change in Service and Extension of the Media Plan Main Street Agreement with AJR Media Group to add digital and connected digital television advertising from August 15, 2022 through March 31, 2023 for the San Marcos Convention and Visitor Bureau to promote tourism in the amount of \$21,000.00; authorizing the City Manager or her designee to executive the documents necessary to implement the Change in Service and Extension on behalf of the City; and declaring an effective date.
17. Consider approval of Resolution 2022-159R, approving a Commercial Lease Amendment with Two Fold, LLC for the lease of the Women, Infants, and Children (WIC) Program Satellite Office at 641 North Walnut Avenue, New Braunfels, Texas for the purpose of extending the lease term for one additional year, with an increase in rent from \$1,625.00 to

\$1,700.00 per month plus a pro-rated share of property tax related costs; authorizing the City Manager or her designee, to execute said Commercial Lease Amendment on behalf of the City; and declaring an effective date.

18. Consider approval of Resolution 2022-160R, authorizing a Change in Service to the agreement with Arch Technical Services, LLC relating to Plan Review and Inspection Services for the Planning and Development Department on an as needed basis to increase the amount of the agreement by \$10,500.00 for a total contract amount of \$60,000.00; 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.
19. Consider approval of Resolution 2022-161R, approving an agreement for the provision of services in connection with the proposed owner requested annexation in Case No. AN-22-13 of approximately 82.89 acres of land, located at 5800 Block of South IH 35; authorizing the City Manager, or her 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.
20. Consider approval of Resolution 2022-162R, authorizing a Change in Service to the agreement with Dr. Tania Glenn & Associations, PA relating to the provision of medical services to City of San Marcos first responders when needed in the annual contract amount of \$32,000.00 and authorizing additional annual renewals at the same annual amount; 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.
21. Consider approval of Resolution 2022-163R, approving an agreement with Knight Security System, LLC for Security Video & Access Control Maintenance in the estimated annual amount of \$109,328.88 for an initial two year term with the option to extend the agreement for three additional annual terms; authorizing the City Manager or her designee to execute the agreement on behalf of the City; and declaring an effective date.
22. Consider approval of Resolution 2022-164R, approving an amendment to an existing Lower Colorado River Authority ("LCRA") electric line easement across a 5.875 acre tract of City property generally located at the intersection of Ed JL Green Drive and Alta Vista Drive for the purpose of enabling overhead electric transmission line improvements; authorizing the City Manager, or her designee, to executive this amendment on behalf of the City; and declaring an effective date.
23. Consider approval of Resolution 2022-165R, approving an Election Services Agreement with the Hays County Elections Administrator for the provision of Election Services for the City's General Election to be held on November 8, 2022 and, if necessary, a Runoff Election to be held in accordance with State law; authorizing the City Manager or her designee to execute the agreement on behalf of the City; 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.

- 24.** Receive a staff presentation and hold a Public Hearing to receive comments for or against an Ordinance 2022-56, annexing into the City approximately 42.698 acres of land, located approximately 750 feet northwest of the Rattler Road and East McCarty Lane in Case No. AN-22-14; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2022-56, on the first of two readings.
- 25.** Receive a staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-57, amending the Official Zoning Map of the City in Case No. ZC-22-29, by rezoning approximately 40.74 acres of land located approximately 750 feet northwest of the Rattler Road and East McCarty Lane intersection from “FD” Future Development District to “CD-5” Character District-5, 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 2022-57, on the first of two readings.
- 26.** Receive a staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-58, amending the Official Zoning Map of the City in Case No. ZC-22-10, by rezoning approximately 202.2 acres, generally located 800 feet east of the Centerpoint Road and Centerpoint Court intersection and on the north side of Centerpoint Road, from “SC” Smart Code 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 of approval of Ordinance 2022-58, on the first of two readings.
- 27.** Receive a staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022 59, amending the Official Zoning Map of the City in Case No. ZC-22-12, by rezoning approximately 150.14 acres generally located at the northwest corner of the Centerpoint Road and South Old Bastrop Highway intersection from “SC” Smart Code District to “CD-3” Character District-3, or, subject to consent of the owner, another less intense zoning district classification; including procedural provisions; and providing an effective date, and consider of approval of Ordinance 2022-59, on the first of two readings.
- 28.** Receive a staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-60, amending the Official Zoning Map of the City in Case No. ZC-22-13, by rezoning approximately 48.87 acres generally located on the north side of Centerpoint Road between Old Bastrop Highway and Centerpoint Court from “SC” Smart Code District to “CD-5” Character District-5, 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 2022-60, on the first of two readings.
- 29.** Receive a staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-61, amending the Official Zoning Map of the City in Case No. ZC-22-30, by rezoning approximately 27.50 acres of land, generally located at the northwest corner of the East McCarty Lane and Leah Avenue intersection from “GC” General Commercial 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 2022-61, on the first of two readings.

30. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2022-166R, 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 proposed 1800 apartments multifamily housing project located on the south side of Centerpoint Road approximately 1,900 feet east of IH-35, approving findings related to the application, imposing conditions for such non objection; authorizing the City Manager, or her designee, to execute said agreement and to submit and execute documents related to the application; and declaring an effective date; and consider approval of Resolution 2022-166R.
31. Receive a staff presentation and hold a Public Hearing to receive comments for or against Resolution 2022-167R, approving a Development Agreement with Seymour Dreyfus Family Limited Partnership providing for annexation and regulating the development of approximately 20.07 acres of land in the City's extraterritorial jurisdiction located south of Centerpoint Road approximately 1,900 feet east of IH-35; authorizing the City Manager, or her designee, to execute said agreement on behalf of the City; and providing an effective date; and consider approval of Resolution 2022-167R.
32. Receive a staff presentation and hold a Public Hearing to receive comments for or against Resolution 2022-168R, adopting the Community Development Block Grant (CDBG) Action Plan that provides for the allocation of \$727,486.00 of CDBG entitlement funds for program year 2022-2023; authorizing the City Manager, or her designee, to act as the Official Representative of the City in matters related to the CDBG Program and Action Plan; and declaring an effective date; and consider approval of Resolution 2022-168R.
33. Receive a staff briefing and hold a Public Hearing to receive comments for or against Resolution 2022-169R, approving an amendment to an existing Lower Colorado River Authority ("LCRA") electric line easement across City property designated as parkland located in the cul-de-sac near the intersection of Quail Creek Drive and Hummingbird Lane for the purpose of enabling overhead electric transmission line improvements; authorizing the City Manager, or her designee, to execute this amendment on behalf of the City; and declaring an effective date; and consider approval of Resolution 2022-169R.

NON-CONSENT AGENDA

34. Consider approval of Ordinance 2022-62, 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; including procedural provisions; and providing an effective date.
35. Consider approval of Ordinance 2022-63, on the first of two readings, reappointing Dallari Landry as Presiding Municipal Court Judge for the San Marcos Municipal Court of Record for a term of two years; and providing an effective date.
36. Consider approval of Ordinance 2022-64, on the first of two readings, amending Chapter

- 2, Administration, Article 2, Section 2.024 of the San Marcos City Code to clarify City Council compensation and set policy for reimbursable expense; including procedural provisions; and establishing an effective date.
37. Consider approval of Resolution 2022-170R, adopting a City Council Procurement Card Policy; and declaring an effective date.
38. Consider approval of Resolution 2022-171R, authorizing a renewal and amendment to the agreement with WEX Bank, through a Cooperative Purchasing Agreement with Sourcewell, to increase the annual amount from \$800,000.00 to \$1,300,000.00 for a Fuel Card Management System to provide fuel for various City vehicles; authorizing the City Manager or her designee to execute the renewal and amended agreement on behalf of the City; and declaring an effective date.
39. Consider approval of Resolution 2022-172R, approving and authorizing the filing of an application for assistance from the Texas Water Development Board (TWDB) in an amount not to exceed \$5,800,000.00 in connection with the Wallace Offsite Drainage Improvement project; designating an authorized representative to act on behalf of the City for purposes of furnishing information and executing required documents in connection with the application; designating firms and individuals authorized and directed to aid the assist the City in the preparation and submission of the application and to appear on behalf of and represent the City in any hearing held on the application; and declaring an effective date.
40. Consider approval of Resolution 2022-173R, approving an authorization for Change in Services to the Interlocal Agreement with the Lower Colorado River Authority ("LCRA") for the provision of various goods and services concerning electrical transmission, control and substation facilities, which includes the ability to contract directly with LCRA vendors through cooperative purchasing, to increase the annual contract amount from \$6,600,000.00 to an amount not to exceed \$8,600,000.00 per year; authorizing the City Manager or her designee to execute appropriate documents to implement the Change in Services on behalf of the City; and declaring an effective date.
41. Consider approval of Resolution 2022-174R, approving a Change in Services for the contract with Techline, Inc., through a Cooperative Purchasing Interlocal Agreement with the Lower Colorado River Authority ("LCRA"), for the provision of materials and supplies to be used primarily by the San Marcos Electric Utility in an additional annual amount not to exceed \$2,000,000.00, bringing the maximum total annual amount of the contract to \$6,000,000.00; authorizing the City Manager or her designee to execute the appropriate documents to implement the Change in Services on behalf of the City; and declaring an effective date.
42. Consider approval of Resolution 2022-175R, approving an Interlocal Agreement with Hays County providing for the County to fund \$6,600,000.00 toward the City's purchase of land east at 2701 State Highway 21, formerly the site of Quail Creek Country Club, to be used for parkland; authorizing the City Manager, or her designee, to execute said agreement on behalf of the City; and declaring an effective date.

43. Consider approval of Resolution 2022-176R, approving a contract with QCCC, Ltd., for the City to purchase the former Quail Creek Country Club site at 2701 State Highway 21 for a price of \$8,500,000.00, plus related closing costs, funded in part with Hays County Parks and Opens Space Bond funds in the amount of \$6,600,000.00, for a future municipal park; authorizing the City Manager, or her designee, to execute said contract and all closing documents related to such purchase on behalf of the City; and declaring an effective date.
44. Consider approval, by motion, authorizing negotiations with Franklin Mountain San Marcos I, LP to amend the (SMART Terminal) Chapter 380 Economic Development Incentive and ETJ Development Agreement previously approved by City Council to among other things, remove references to the incentive for the Katterra project and include acreage previously approved under the Cotton Center Development Agreement, and consider the appointment of a Council Committee to review the aforementioned Development Agreement, if desired.
45. Consider approval, by motion, authorizing negotiations of a Development Agreement with Aaron Ketchand with the Holigan Development, LLC, on behalf of Holigan Communities, Inc, for approximately 306.42 acres of land located approximately 2,750 feet south of the intersection of South Old Bastrop Highway and Centerpoint Road, and consider the appointment of a Council Committee to review the aforementioned Development Agreement, if desired.
46. Receive certification from the Interim City Clerk on the initiative petition for a new City of San Marcos ordinance to eliminate enforcement to low-level marijuana offenses.
47. Hold discussion to consider adding decriminalization of marijuana to the November ballot as proposed by the recent petition and provide direction to staff.
48. Hold discussion regarding protection on abortion rights and provide direction to the City Manager.
49. Hold discussion regarding paying members on boards and commissions and provide direction to the City Manager.
50. Hold discussion to add workshops to meetings that would require Citizen Comment Period and Questions and Answers from the Press and Public and provide direction to the City Manager.
51. Hold discussion to require two readings for Chapter 380 Agreements and provide direction to the City Manager.
52. Hold discussion regarding Area Plans and Neighborhood Character Studies planned in 2013 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.

- 53.** Executive Session in accordance with the following:
- A. Sec. §551.071 of the Texas Government Code: Real Property: discuss acquisition of a public utility easement at 230 Ramsay Street
 - B. Sec. §551.072 of the Texas Government Code: Real Property: to discuss the lease of city-owned property at the San Marcos Regional Airport related to Project Condor
 - C. Sec. §551.074 of the Texas Government Code: Personnel Matters: to discuss the City Clerk Position
- 54.** Consider action, by motion, or provide direction to Staff regarding the following Executive Session held during the Special Meeting in accordance with the following:
- A. Sec. §551.071 of the Texas Government Code: Real Property: discuss acquisition of a public utility easement at 230 Ramsay Street
 - B. Sec. §551.072 of the Texas Government Code: Real Property: to discuss the lease of city-owned property at the San Marcos Regional Airport related to Project Condor
 - C. Sec. §551.074 of the Texas Government Code: Personnel Matters: to discuss the City Clerk Position

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 THURSDAY, JULY 28, 2022 @ 9:00 AM

ELIZABETH TREVINO, INTERIM CITY CLERK

VIII. ADDENDUM

Item #34 was amended after the agenda was posted on Thursday, July 28, 2022. Consider approval of Ordinance 2022-62, 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; including procedural provisions; and declaring an effective date.

ADDENDUM POSTED ON THURSDAY, JULY 28, 2022 @1:30PM

ELIZABETH TREVINO, 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