



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Regular Meeting Agenda - Final City Council

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Tuesday, July 5, 2022

6:00 PM

City Council Chambers

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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](mailto: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 2022-41, on the second of two readings, annexing into the City 66.933 acres of land, generally located just south of the West Centerpoint Road and Central Park Loop intersection, in Case Number AN-22-09; including procedural provisions; and providing an effective date.
2. Consider approval of Ordinance 2022-42, on the second of two readings, amending the Official Zoning Map of the City in Case No. ZC-22-18, by rezoning approximately 66.933 acres generally located just south of the West Centerpoint Rd. and Central Park Loop intersection from "FD" Future Development District to "SF-4.5" Single-Family - 4.5 District, 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 2022-43, on the second of two readings, amending certain funds in the City's 2021-2022 Fiscal Year budget to authorize the use of fund balance for financing capital improvement projects and the Tax Increment Reinvestment Zone No. 4 Financing and Project Plan; including procedural provisions; and declaring an effective date.
4. Consider approval of Resolution 2022-132R, approving an agreement with Priority Personnel, LLC. for the provision of a temporary staff person to perform plan reviews for residential and commercial projects for the Planning and Development Services Department in an annual amount not to exceed \$65,000.00; authorizing the City Manager or her designee to execute the agreement on behalf of the City; and declaring an effective date.
5. Consider approval of Resolution 2022-133R, approving an agreement for the provision of services in connection with the proposed owner requested annexation in Case No. AN-22-14 of approximately 42.698 acres of land, located approximately 750 feet northwest of the Rattler Road and East McCarty Lane intersection; 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.
6. Consider approval of Resolution 2022-134R, approving a sole source contract with Environmental Systems Research Institute, Inc. (ESRI) for a three-year contract renewal for Geographic Information System Software subscriptions and maintenance services in an amount not to exceed \$196,053.00 over a three-year term; authorizing the City Manager or her designee to execute this contract on behalf of the City; and declaring an effective date.
7. Consider approval of Resolution 2022-135R, approving a contract with Southwest Solutions Group, Inc., through the Sourcewell Cooperative Purchasing Program for the purchase of evidence storage shelving at the San Marcos Police Department in the estimated amount of \$70,995.71; authorizing the City Manager or her designee to execute the contract on behalf of the City; and declaring an effective date.
8. Consider approval of Resolution 2022-136R, approving a contract award for furniture for the Police Department to Core Office Interiors through a cooperative agreement with the Texas BuyBoard Purchasing Cooperative in the estimated amount of \$69,304.83; authorizing the City Manager or her designee to execute the agreement on behalf of the City; and declaring an effective date.
9. Consider approval of Resolution 2022-137R, approving a construction contract with Azteca Designs, Inc., through the Texas BuyBoard Purchasing Cooperative for flooring and wall repairs at the Police Department in the amount of \$186,732.82; authorizing the City Manager or her designee to execute the contract on behalf of the City; and declaring an effective date.
10. Consider approval of Resolution 2022-138R, approving a Restated and Amended Interlocal Agreement between the City of San Marcos, City of Kyle, City of New Braunfels and Texas State University to remove the City of Kyle and to reestablish a commitment to

collaborate on sponsoring an annual conference and stormwater pollution prevention public education programs; authorizing the City Manager or her designee to execute the agreement on behalf of the City; and declaring an effective date.

11. Consider approval of Resolution 2022-139R, approving a contract with Consolidated Traffic Controls, Inc. through the Houston Galveston Area Council Cooperative Purchasing Program for the purchase of cell modems and software for all school zone flashers in the estimated amount of \$95,340.00; authorizing the City Manager or her designee to execute the contract on behalf of the City; and declaring an effective date.
12. Consider approval of Resolution 2022-140R, approving a contract award to Mike Rite Lines Equipment Company, Inc. in an amount up to \$91,264.00 for the purchase of a Thermoplastic Striping Machine for the Transportation Division of Public Works Department; authorizing the City Manager or her designee to execute the contract on behalf of the City; and declaring an effective date.
13. Consider approval of Resolution 2022-141R, awarding an Indefinite Delivery Indefinite Quantity contract with Triton Environmental, LLC. for the purchase of erosion control materials on an as needed basis for use by the Stormwater Division of the Public Works Department in the estimated annual amount of \$22,000.00; authorizing three additional annual renewals; authorizing the City Manager or her designee to execute the contract on behalf of the City; and declaring an effective date.
14. Consider approval of Resolution 2022-142R, approving award of a construction contract to Jerdon Enterprise, L.P. for the Loop 82 and Bobcat Stadium Rectangular Rapid Flashing Beacon (RRFB) Project in the estimated amount of \$82,364.00; authorizing the City Manager or her designee to execute the contract on behalf of the City; and declaring an effective date.
15. Consider approval of Resolution 2022-143R, authorizing a Change in Service to the agreement with Visit San Antonio to extend the agreement for a one year term in the amount of \$30,000.00 for the creation and monitoring of a digital advertising campaign to promote tourism in the City and authorizing three additional annual 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.
16. Consider approval of Resolution 2022-144R, approving a contract with Inception Lighting through the Texas Interlocal Purchasing System Cooperative (TIPS) for the Downtown Lighting System Installation in an amount not to exceed \$77,225.68; authorizing the City Manager or her designee to execute the contract on behalf of the City; and declaring an effective date.
17. Consider approval of Resolution 2022-145R, authorizing a restated agreement with Tanger Properties Limited Partnership to lower the annual not to exceed amount to \$50,000.00 to fund a joint advertising program and authorizing four additional one-year contract renewals; authorizing the City Manager or her designee to execute the restated agreement on behalf of the City; and declaring an effective date.
18. Consider approval of Resolution 2022-146R, approving award of a contract to WestNet

Inc. through the Houston Galveston Area Council ("HGACBUY") Purchasing Cooperative for the purchase of a First-In Fire Station Alerting System with automated voice dispatch system and Fire Stations First-In Alerting Smart Station System in an amount not to exceed \$645,554.44; authorizing the City Manager or her designee to execute the contract on behalf of the City; and declaring an effective date.

19. Consider approval, by motion, of a 2% pay adjustment plus a car allowance to Municipal Court Judge Dallari Landry, effective May 1, 2022.
20. Consider approval, by motion, of a 2% pay adjustment to City Attorney, Michael Cosentino effective May 1, 2022

## PUBLIC HEARINGS

*Persons wishing to participate remotely in the Public Hearing session must email [citizencomment@sanmarcostx.gov](mailto: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.*

21. Receive a staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-44, annexing into the City 136.912 acres of land located at 900 Francis Harris Lane in Case No. AN-22-11; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2022-44, on the first of two readings.
22. Receive a staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-45, 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 Lane, one mile South of the Francis Harris Lane and South Old Bastrop Highway Intersection from "FD" Future Development District 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, and consider of approval of Ordinance 2022-45, on the first of two readings.
23. Receive a staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-46, 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, and consider approval of Ordinance 2022-46, on the first of two readings.
24. Receive a staff presentation and hold a Public Hearing to receive comments for or against an Ordinance 2022-47, 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; and consider approval of Ordinance 2022-47, on the first of two readings.
25. Receive a staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-48, 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; providing an effective date, and consider approval of Ordinance 2022-48, on the first of two readings.

26. Receive a staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-49, 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, and consider approval of Ordinance 2022-49, on the first of two readings.
27. Receive a staff presentation and hold a public hearing to receive comments for or against Ordinance 2022-50, 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, and consider approval of Ordinance 2022-50, on the first of two readings.
28. Receive a staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-51, amending the Official Zoning Map of the City in Case No. ZC-22-20, by rezoning approximately 27.1 acres of land generally located due west of the Premier Parkway and Champions Boulevard intersection from "GC" General Commercial District to "CD-4" Character District 4, 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 2022-51, on the first of two readings.

## **NON-CONSENT AGENDA**

29. Consider approval of Ordinance 2022-52, on the first 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.
30. Consider approval of Ordinance 2022-53, on first and final reading, authorizing the issuance and sale of an amount not to exceed \$1,200,000.00 of Combination Tax and Surplus Revenue Certificates of Obligation, Series 2022A, for (1) planning, acquisition, design and construction of certain drainage and flood control improvements and acquisition of land; and (2) the payment of professional services in connection therewith including legal, fiscal and engineering fees and the costs of issuing the certificates of obligation and other matters related thereto; providing for adoption of Ordinance 2022-53, on one reading only in accordance with State Law.
31. Consider approval of Ordinance 2022-54, on first and final reading, authorizing the

issuance and sale of an amount not to exceed \$26,135,000.00 of Combination Tax and Revenue Certificates of Obligation, Series 2022, for constructing, improving, designing, and equipping the City's (1) Water and Wastewater System, including an elevated water storage tank and extending/upgrading water and wastewater lines; (2) Streets including related drainage, sidewalks, traffic improvements and lighting (3) Airport; (4) Public Safety facilities and equipment to include police and fire improvements, including acquisition of vehicles and a fire engine; (5) Stormwater Management and Flood Control facilities; (6) Electric Utility System, including an additional circuit; and (7) the payment of professional services in connection therewith including legal, fiscal and engineering fees and the costs of issuing the certificates of obligation and other matters related thereto; and providing for the approval of this Ordinance 2022-54, on one reading as authorized by with State Law.

32. Consider approval of Ordinance 2022-55, on the first 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.
33. Consider approval of Resolution 2022-147R, awarding a construction contract to Tegrity Contractors, Inc. for construction of the new Fire Training Facility authorized by City of San Marcos voters during the 2017 Bond Election in the amount of \$2,777,777.00; authorizing the City Manager or her designee to execute the contract on behalf of the City; and declaring an effective date.
34. Consider approval of Resolution 2022-148R, approving a Restated and Amended Interlocal Cooperation Agreement with Texas State University relating to the Edwards Aquifer Habitat Conservation Plan to, among other things, provide the process for the equal sharing in the cost of the salary for the Habitat Conservation Project Plan Manager, identify conservation plan services to be provided by Texas State University at a cost of up to \$266,000.00 per year and not to exceed \$2,830,316.56 during the term, and extend the term of the agreement through March 31, 2028; authorizing the City Manager, or her designee, to execute this agreement on behalf of the city; and declaring an effective date.
35. Consider approval of Resolution 2022-149R, approving the allocation of \$5,101,600.00 in funds received by the City of San Marcos in June 2022 under the American Rescue Plan for projects determined to support the recovery of the community from the COVID-19; and declaring an effective date.
36. Consider approval of Resolution 2022-150R, approving a three-year extension of a Property Use Agreement between the City and Texas State University for the City's use of a parking area downtown and Texas State University's use of a parking area along Charles Austin Drive; authorizing the City Manager, or her designee, to execute this agreement on behalf of the City; and declaring an effective date.
37. Consider approval of Resolution 2022-151R, 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.

38. Consider approval of Resolution 2022-152R, approving a Joint Election Agreement between the City of San Marcos and Hays County for the holding of a joint election to be held on November 8, 2022; authorizing the City Manager or her designee to execute the agreement on behalf of the City; and declaring an effective date.
39. Consider approval, by motion, authorizing negotiations of a Development Agreement with Bain Medina Bain, Inc, on behalf of JLBC 710 Investments, LLC, for approximately 645.05 acres out of the Charles Henderson, Andrew Mitchell, and S.A & M.G.R.R Co Surveys in Hays and Guadalupe County, generally located on SH 123 northeast of the intersection of SH 123 and FM 1978, and consider the appointment of a Council Committee to review the aforementioned Development Agreement, if desired.
40. Discuss and consider an appointment to fill a vacancy on the Cemetery Commission, and provide direction to staff.
41. Consider appointments of City representatives to the Greater San Marcos Partnership (GSMP) Board of Directors.
42. Hold discussion on the Library Board Recommendation regarding overdue fines, and provide direction to the City Manager.
43. Hold discussion regarding the applicability of across-the-board Cost of Living Adjustments (COLA) to council appointees.
44. Hold discussion on possible amendments to the Council Committee Rules of Procedure and provide direction to the City Manager.
45. Hold discussion regarding Amtrak Support Letter and provide direction to Staff.
46. Hold discussion regarding: a. the Ethics Review Commission's review of Annual Financial Disclosure statements; b. the need for amendments to the San Marcos City Code of ordinances to codify the process for such reviews including explanation by the ERC of its requests to city officials to clarify or correct annual disclosure statements; and c. the need for code amendments to provide for ERC review of campaign contribution reports to address compliance with the Texas Election Code and the city's campaign finance ordinance and provide direction to staff.
47. Hold discussion regarding Council digital access policy and provide direction to staff.
48. Discuss possible reconsideration or amendment of the Chapter 380 Economic Development Incentive Agreement with Hill Country Group, LLC that was approved by city council on June 7, 2022 after holding a discussion regarding environmental concerns and economic development benefits.

## 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.*

49. Executive Session in accordance with the following:
- A. Sec. §551.071 of the Texas Government Code: Consultation with Attorney: to seek legal advice regarding enforcement of provisions in ground leases and facility leases at the San Marcos Regional Airport
  - 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
  - C. Sec. §551.072 of the Texas Government Code: Real Property: to receive a staff update and deliberate regarding the acquisition of property for public safety facilities

#### **DIRECTION/ACTION FROM EXECUTIVE SESSION**

50. 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 legal advice regarding enforcement of provisions in ground leases and facility leases at the San Marcos Regional Airport
  - 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
  - C. Sec. §551.072 of the Texas Government Code: Real Property: to receive a staff update and deliberate regarding the acquisition of property for public safety facilities

#### **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](mailto: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, JUNE 29, 2022 @ 3:00 PM**

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