



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Regular Meeting Agenda - Final City Council

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Tuesday, April 7, 2020

6:00 PM

City Council Chambers

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630 E. Hopkins

**Due to COVID-19, this will be a virtual meeting. To view the meeting please go to [www.sanmarcostx.gov/videos](http://www.sanmarcostx.gov/videos) 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 speak during the citizen comment period please submit your written comments to [citizencomment@sanmarcostx.gov](mailto:citizencomment@sanmarcostx.gov) no later than 12:00pm on the day of the meeting. The first 20 comments will be read aloud during the citizen comment portion of the meeting. Comments shall have a time limit of three minutes each. Any threatening, defamatory or other similar comments prohibited by Chapter 2 of the San Marcos City Code will not be read.*

### PRESENTATIONS

1. Receive a presentation and update on the following semi-annual Preferred Scenario Map Amendment application(s); and provide direction to staff:

PSA-20-02 (Riverbend Ranch) - Request to amend the Preferred Scenario Map from "Area of Stability-Low Intensity" to "Growth Area-Medium Intensity" for +/- 1,142 acres of land, located approximately at the intersection of North Old Bastrop Highway and Staples Road.

**Attachments:** [PSA-20-02 Comp Plan Analysis Checklist](#)  
[PSA-20-02 Presentation](#)  
[PSA-20-02 Map Packet](#)  
[PSA-20-02 Application](#)

### 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.*

2. Consider approval, by motion, of the following meeting Minutes:
  - A. March 3, 2020 - Work Session Meeting Minutes
  - B. March 17, 2020 - Emergency Special Meeting Minutes
  - C. March 24, 2020 - Special Meeting Minutes
3. Consider approval of Ordinance 2020-08, on the second of two readings, approving annexation of approximately 62.48 acres of land generally located at the intersection of Gregsons Bend and Commercial Loop, including procedural provisions; and providing an effective date.

**Attachments:**     [AN-20-02 Presentation](#)  
                          [Ordinance](#)  
                          [Service Agreement](#)  
                          [AN-20-02 Map Package](#)  
                          [AN-20-02 Application Documents](#)

4. Consider approval of Ordinance 2020-09, on the second of two readings, amending the Official Zoning Map of the City by rezoning approximately 62.48 acres of land generally located at the intersection of Commercial Loop and Gregsons Bend from “FD” Future Development District and “GC” General Commercial District to “PA” Planning Area District; and including procedural provisions.

**Attachments:**     [ZC 20 03 Presentation](#)  
                          [Ordinance](#)  
                          [ZC-20-03 StaffReport](#)  
                          [ZC-20-03 Maps](#)  
                          [ZC-20-03 CodeComparison](#)  
                          [ZC-20-03 Comp Plan Analysis Checklist](#)  
                          [ZC-20-03 Personal Notice](#)  
                          [ZC 20 03 Application Documents](#)

5. Consider approval of Ordinance 2020-10, on the second of two readings, annexing into the City approximately 30.5 acres of land, generally located on the east side of Highway 123 between Old Bastrop Road and Monterrey Oak Road; including procedural provisions; and providing an effective date.

**Attachments:** [AN-20-03 Presentation Ordinance](#)  
[AN-20-03 Map Package](#)  
[Agreement for Services](#)  
[AN-20-03 12.43 metes and bounds](#)  
[AN-20-03 18.58 metes and bounds](#)  
[AN-20-03 Owner's Consent to Annexation of Land](#)  
[AN-20-03 Declination of offer of development.pdf](#)

6. Consider approval of Ordinance 2020-12, on the second of two readings, amending the Official Zoning Map of the City by rezoning approximately 18.5 acres of land generally located North of the intersection of Highway 123 and Monterey Oak Drive, from "FD" Future Development District to "CD-4" Character District 4; and including procedural provisions.

**Attachments:** [ZC-20-05 Presentation.pptx](#)  
[Ordinance](#)  
[ZC-20-05 Map Package](#)  
[ZC-20-05 Land Use and Code Comparison](#)  
[ZC-20-05 Comp Plan Analysis Checklist](#)  
[ZC-20-05 Personal Notice](#)  
[ZC-20-05 Application Packet](#)

7. Consider approval of Ordinance 2020-13, on the second of two readings, amending Chapter 38 of the City Code titled Fire Prevention and Protection, of the San Marcos City Code by revising the local amendments recommended in the 2015 edition of the International Fire Code to include provisions relating to mobile food vending operations, gate access, signage, location of fire extinguishers in multi-family structures and requiring buildings in certain zoned areas of the City that have been impacted by a fire event to install fire-sprinkler systems prior to re-occupancy, among other revisions, to enhance public safety in the City; providing for the repeal of any conflicting provisions; and providing an effective date.

**Attachments:** [Ordinance - Fire Code Amendments FORMATTED.docx](#)  
[SMFD Chapter 38-REDLINE-Mar2020\\_kk-v3](#)  
[SMFD Chapter 38-REDLINE-Mar2020\\_kk-v3](#)

8. Consider approval of Ordinance 2020-14, on the second of two readings, adopting fees to be charged by the City for various Parks and Recreation Facilities, including changes to existing fees; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

**Attachments:** [Ordinance](#)  
[Exhibit A - Parks and Recreation Fees Redlined](#)  
[Exhibit A - Parks and Recreation Fees - Clean](#)  
[Non-Resident Incremental Fee Increases Options](#)  
[Non Profit Fee Memo](#)  
[Non-Profit Rate Options](#)

9. Consider approval of Ordinance 2020-15, on the second of two readings, amending Section 34.080 of the San Marcos City Code to establish an administrative fee and provide for the collection of costs related to the filing of a nuisance abatement lien; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

**Attachments:** [Nuisance Abatement Administrative Fee Ordinance 2020.docx](#)

10. Consider approval of Resolution 2020-75R, awarding a construction contract to Cash Construction Company, Inc. for the Main Lift Station Force Main Replacement Project in the total amount of \$9,286,059.00; authorizing the City Manager or his designee to execute the appropriate documents relating to this contract on behalf of the City; and declaring an effective date.

**Attachments:** [Resolution - Construction Contract - Main Lift Station Force Main Replacement |](#)  
[Bid Recommendation Letter - Force Main, Reclaimed Water Line and Bulk Fillin](#)  
[Project Location Map.pdf](#)  
[220-099 Bid Tabulation.pdf](#)

11. Consider approval of Resolution 2020-76R, approving a Change in Service to the engineering services agreement with Alan Plummer Associates, Inc. (Contract No. 218-394) relating to the Sunset Acres Subdivision Drainage Improvements Project to add engineering design services for replacing wastewater lines along Lockwood and Candlelight in the estimated amount of \$59,020.00; 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 - Change in Service - Sunset Acres Alan Plummer Associates.docx](#)  
[CIS#3 scope & fee.pdf](#)

12. Consider approval of Resolution 2020-77R, approving a commercial office lease amendment with Two Fold, LLC for the lease of the Women, Infants, and Children (WIC) Satellite Office at 641 North Walnut Avenue, New Braunfels, Texas for the purpose of extending the lease term for two additional years with an increase in rent from \$1,575 to \$1,600 per month the first year and \$1,625 per month the second year; and authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.

**Attachments:** [Resolution - WIC New Braunfels Satellite Office Amendment.docx](#)  
[NB WIC Lease Extension 2020 to 2022](#)  
[NB WIC Lease 2019-2020](#)  
[NB WIC Lease 2018-2019](#)

13. Consider approval of Resolution 2020-78R, approving a fifth amendment to the Interlocal Agreement for Commercial Office Lease with Hays County for the Women, Infants, and Children (WIC) satellite office at 150 Lockhart Street, Kyle, Texas for the purpose of extending the lease term for five additional years; authorizing the City Manager or his designee to execute the amended interlocal agreement; and declaring an effective date.

**Attachments:** [Fifth Amended ILA - WIC \(2\) \(clean\) \(1\)](#)  
[Resolution - WIC Hays County Lease Kyle Satellite Office Fifth Amendment Res: 5th Amendment.WIC.Kyle \(Partially executed\)](#)

14. Consider approval of Resolution 2020-79R, authorizing a participation in the U.S. Fixed Income Trust Investment Pools; designating authorized representatives; and declaring an effective date.

**Attachments:** [TXFIT Investment Pools Resolution.docx](#)

15. Consider approval of Resolution 2020-80R, approving a fourth amendment to the term sheet attached to Resolution 2014-143R regarding the advisability of the improvements in the Whisper Public Improvement District and declaring an effective date.

**Attachments:** [Resolution](#)  
[Term Sheet 03.27.2020 4th amendment jsh red 032720 minimal version jbf.doc](#)  
[Resolution No. 2014-143R](#)

16. Consider approval of Resolution 2020-81R, approving the award of a contract to River City Power Washing for the cleaning of sidewalks in the downtown area of the City in the estimated annual amount of \$18,000 and authorizing three one-year extensions for a total contract price of \$72,000; authorizing the City Manager or his designee to execute the contract on behalf of the City; and declaring an effective date.

**Attachments:** [Resolution - Cleaning of Downtown Sidewalks.docx](#)  
[220-123 Bid Tabulation](#)

17. Consider approval of Resolution 2020-82R, approving a license agreement with E&T Real Estate LLC to allow the partial paving of a gravel section of Hillyer Street near Allen Street to a driveway standard to improve access to the lot at 1105 Hillyer Street; authorizing the City Manager, or his designee, to execute the license agreement on behalf of the City; and declaring an effective date.

**Attachments:** [Resolution](#)  
[License Agreement](#)  
[Exhibit A to License Agreement](#)  
[LA-19-01 Location Map](#)  
[LA-19-01 Survey of ROW](#)  
[LA-19-01 Neighbors Letters of Consent](#)  
[LA-19-01 Application](#)  
[LA-19-01 CC Presentation](#)

## NON-CONSENT AGENDA

18. Consider approval of Ordinance 2020-18, on the first of two readings, supporting the San Marcos Police Department's increased use of the cite and release process, when appropriate, instead of arresting individuals suspected of having committed certain misdemeanor offenses: requiring recordkeeping and reporting of use of the cite and release process and instances in which individuals have been arrested for cite and release eligible offenses; and providing an effective date.

**Attachments:** [Article 14.06 memo.docx](#)  
[CITE AND RELEASE ORDINANCE - FIRST READING - APRIL 7, 2020](#)  
[Background Memo](#)  
[Summary Memo C&R Stats](#)  
[2018 Cite and Release Analysis](#)  
[2018 Cite Arrest Ineligibility](#)  
[2019 Cite and Release Analysis](#)  
[2019 Cite Arrest Ineligibility](#)  
[Final draft 040720.docx](#)

19. Consider approval of Ordinance 2020-19, requiring a landlord to provide notice of a proposed eviction action prior to issuing an actual notice to vacate and provide tenants a ninety day period to cure any delinquency as a result of the COVID-19 pandemic; creating an offense and penalty, providing for adoption of this Ordinance as an emergency measure on only one reading; and providing an effective date.

**Attachments:** [Eviction Delay Ordinance - MJC](#)  
[Supreme Court Fourth Emergency Order.pdf](#)

20. Consider approval of Ordinance 2020-20, temporarily waiving the 15 percent late charge and the 1 percent per month interest charge for delinquent payment of Hotel Occupancy Taxes under Section 78.103 of the San Marcos City Code due to the COVID-19 pandemic; providing for adoption of this Ordinance as an emergency measure on only one reading; and providing an effective date.

**Attachments:** [HOTEL OCCUPANCY TAX - LATE CHARGES AND INTEREST - TEMPORAR'](#)

21. Consider approval of Ordinance 2020-21, amending section 2.566 of the San Marcos City

Code to authorize the City Manager to approve certain contracts on behalf of the City for the purchase of goods and services necessary for the preservation of the public health, safety and welfare in relation to COVID-19 in amounts up to \$500,000.00 without further City Council approval; including procedural provisions; providing for the adoption of this Ordinance on only one reading as an emergency measure; and declaring an effective date.

**Attachments:** [City Manager Spending Authority During COVID-19 Ordinance](#)

22. Consider approval of Resolution 2020-83R, filling a vacancy on the Board of Directors of the Alliance Regional Water Authority (ARWA), and declaring an effective date.

**Attachments:** [Res. 2020-XXR.doc](#)  
[San Marcos Director Appt Letter Form 20200302.pdf](#)

23. Receive a presentation and hold discussion regarding a possible budget amendment to provide funding for personal protective equipment and testing for COVID-19, and provide direction to the City Manager.

### EXECUTIVE SESSION (If Necessary)

*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 Government Code Section(s):
- A. Section §551.074 - Personnel Matters: to discuss the Appointee Review Process
  - B. Section §551.071 - Consultation with Attorney: to seek legal advice concerning a request for consideration by council of an anti-discrimination ordinance

### DIRECTION/ACTION FOLLOWING EXECUTIVE SESSION

25. Consider action, by motion, regarding the following Executive Session items held during the Work Session and/or Regular Meeting:
- A. Section §551.074 - Personnel Matters: Appointee Review Process
  - B. Section §551.071 - Consultation with Attorney: to discuss Legal considerations of anti-discrimination ordinance

### 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.*

### VII. Adjournment.

**POSTED ON WEDNESDAY, APRIL 1, 2020 @ 4:00PM**

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