



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Regular Meeting Agenda - Final City Council

Tuesday, May 19, 2020

6:00 PM

Virtual Meeting

Due to COVID-19, this will be a virtual meeting. To view the meeting please go to www.sanmarcostx.gov/videos or watch on Grande channel 16 or Spectrum channel 10.

I. Call To Order

II. Roll Call

III. 30 Minute Citizen Comment Period

Persons wishing to speak during the citizen comment period please submit your written comments to citizencomment@sanmarcostx.gov no later than 12:00pm on the day of the meeting. The first 10 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 status reports and updates on response to COVID-19 pandemic; hold council discussion, and provide direction to Staff.

Attachments: [COVID-19 Update PPT 051920.pptx](#)

2. Receive the FY2021 - FY2030 Capital Improvement Plan (CIP) with Planning & Zoning Commission Recommendation, and provide direction to Staff.

Attachments: [20200519 CIP Presentation](#)

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. April 21, 2020 - Regular Meeting Minutes
 - B. April 30, 2020 - Special Meeting Minutes
 - C. May 5, 2020 - Regular Meeting Minutes

Attachments: [04.21.2020 Regular Meeting Minutes.pdf](#)

[04.30.2020 Special Meeting Minutes.pdf](#)

[05.05.2020 Minutes.pdf](#)

4. Consider approval of Ordinance 2020-27, on the second of two readings, amending Article 6, Divisions 1 and 2 of Chapter 2 of the San Marcos City Code to revise and update the City's public records management program; including procedural provisions; and declaring an effective date.

Attachments: [RM Ordinance.docx](#)

5. Consider approval of Ordinance 2020-28, on the second of two readings, amending Chapter 82, Traffic and Vehicles, of the San Marcos City Code, by adding a new Article 9 that prohibits the placement and use of Motor-Assisted Scooters owned by Commercial Scooter Companies on public property, streets and sidewalks; providing a savings clause; providing for the repeal of any conflicting provisions; providing for penalties; and providing an effective date.

Attachments: [Scooter Ordinance - Final.docx](#)

6. Consider approval of Resolution 2020-98R, approving the renewal of the agreement with Matchpoint Water Asset Management, Inc. for leak detection services for three additional one-year terms in the amount of \$26,475.00 each for a total contract price of \$132,375.00; authorizing the City Manager or his designee to execute the appropriate documents related to the renewal of the agreement; and declaring an effective date.

Attachments: [Resolution - Leak Detection Services.docx](#)
[3rd RENEWAL LOA Leak Detection Matchpoint 217-020.pdf](#)

7. Consider approval of Resolution 2020-99R, approving an agreement that renews the service contract for Water Treatment Facilities Operations and Asset Management with the Guadalupe Blanco River Authority for an additional five years; authorizing the City Manager or his designee to execute the agreement; and declaring an effective date.

Attachments: [Resolution - GBRA Plant Operating Agreement Five Year renewal.doc](#)
[City of San Marcos 2nd 5 year Extension](#)
[GBRA SWTP OPERATIONS CONTRACT.pdf](#)

8. Consider approval of Resolution 2020-100R, approving a professional services agreement with Cobb, Fendley & Associates, Inc., for the provision of professional engineering services in connection with the Bishop and Belvin Street Improvements Project in an estimated amount of \$976,921.90; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.

Attachments: [Resolution - Professional Services Cobb, Fendley & Associates.docx](#)
[Bishop-LocationMap](#)
[ApprovedDrainageAlternative](#)
[Bishop-Schedule20200211](#)
[Scope Of Services and Deliverables-03172020](#)

9. Consider approval of Resolution 2020-101R, approving a professional services agreement with Weston Solutions, Inc. for design services relating to the Highway 21 Waterline Project in the estimated amount of \$215,917.36; authorizing the City Manager or

his designee to execute the agreement on behalf of the City; and declaring an effective date.

Attachments: [Resolution - Professional Services for Highway 21 Waterline Project.docx](#)
[LegistarLocationMap.pdf](#)
[_Hwy 21 WL Extension Scope and Fee - 25Mar2020](#)

10. Consider approval of Resolution 2020-102R, approving a change in service to the construction contract with Cash Construction Company, Inc. relating to the Main Lift Station Force Main Replacement Project to decrease the contract price by \$2,936,550.26; authorizing the City Manager or his designee to execute the appropriate documents relating to the change in service on behalf of the City; and declaring an effective date.

Attachments: [Resolution - Change in Service - Cash Construction.docx](#)
[Project Location Map.pdf](#)
[Change Order 1.pdf](#)

11. Consider approval of Resolution 2020-103R, approving the form and authorizing the distribution of a Preliminary Limited Offering Memorandum for “City of San Marcos, Texas special assessment revenue bonds, series 2020, Whisper Public Improvement District.”

Attachments: [Resolution approving the PLOM 05.06.2020.doc](#)
[San Marcos, Whisper PID, S2020 - PLOM 4123-2153-1937 7.docx](#)
[Appendix B Trust Indenture 05.06.2020.doc](#)
[Appendix C - Service and Assessment Plan.pdf](#)
[Appendix D Opinion - Bond Counsel - 05.11.2020 PLOM Draft.doc](#)
[Appendix E1 San Marcos, Whisper PID S2020 - Issuer CDA 4138-6501-5840 3](#)
[Appendix E2 San Marcos, Whisper PID S2020 - Developer CDA 4153-2299-52](#)
[Appendix E3 San Marcos, Whisper PID S2020 - Yarrington CDA 4165-4278-55](#)
[Appendix E4 San Marcos, Whisper PID S2020 - 135 Residential CDA 4153-013](#)
[Appendix F - Appraisal of the District.pdf](#)
[Appendix G Amended and Restated Whisper PID Financing Agreement chs \(cle](#)
[Appendix H Acquisition Reimbursement Agreement \(District\) chs \(clean\) 050820](#)

12. Consider approval of Resolution 2020-104R, approving an agreement with OpenGov, Inc. for software that allows multiple years of financial data to be accessible to citizens and staff through an online portal in the annual amount of \$12,000.00 for a total contract price of \$60,000.00; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.

Attachments: [Resolution - OpenGov Software Agreement.docx](#)
[216-263 Original Agreement](#)

PUBLIC HEARINGS

Persons wishing to participate (speak) during the Public Hearing portion of the meeting you must email citizencomment@sanmarcostx.gov prior to 12:00PM the day of the meeting. A call in number will be

provided for participation.

13. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2020-31, amending the official zoning map of the city by rezoning approximately 5.217 acres of land, generally located west of the intersection of Old Ranch Road 12 and Craddock Avenue, from “FD” Future Development, “CC” Community Commercial, and “P” Public and Institutional districts to “SF-6” Single Family District; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2020-31, on the first of two readings.

Attachments: [ZC-20-04 Presentation](#)
 [Ordinance](#)
 [ZC-20-04 StaffReport CC](#)
 [ZC-20-04 Land Use and Code Comparison](#)
 [ZC-20-04 Comp Plan Analysis Checklist](#)
 [ZC-20-04 Notification Letter](#)
 [ZC-20-04 Application Documents](#)

14. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2020-32, annexing into the City approximately 9.61 acres of land, generally located in the 400 Block of Centerpoint Road; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2020-32, on the first of two readings.

Attachments: [AN-20-04 Presentation](#)
 [Ordinance](#)
 [AN-20-04 Maps](#)
 [AN-20-04 Metes and Bounds](#)
 [AN-20-04 CL vs OCL Comparison Chart](#)
 [AN-20-04 Application](#)
 [AN-20-04 SIGNED Annexation Service Agreement](#)
 [AN-20-04 SIGNED Annexation Consent](#)
 [AN-20-04 SIGNED Declination of Offer of Development Agreement](#)

15. Receive a Staff Presentation and hold a Public Hearing to receive comments for or against Ordinance 2020-33, amending the Official Zoning Map of the City by rezoning approximately 7.959 acres of land, generally located in the 400 Block of Centerpoint Road, from “FD” Future Development District to “HC” Heavy Commercial District; and including procedural provisions; and consider approval of Ordinance 2020-33, on the first of two readings.

Attachments: [ZC-20-06 Presentation 4.29.2020](#)
 [Ordinance](#)
 [ZC-20-06 CC Staff Report](#)
 [ZC-20-06 Maps](#)
 [ZC-20-06 Code Comparison](#)
 [ZC-20-06 Comp Plan Analysis Checklist](#)
 [ZC-20-06 Personal Notice](#)
 [ZC-20-06 Application Documents](#)
 [ZC-20-06 Applicant Example Images](#)

16. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2020-34, annexing into the City approximately 59.89 acres of land located at 4087 State Highway 21; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2020-34, on the first of two readings.

Attachments: [AN-20-05 Presentation](#)
 [Ordinance](#)
 [AN-20-05 Maps](#)
 [AN-20-05 Metes and Bounds](#)
 [AN-20-05 Survey](#)
 [AN-20-05 Proposed Zoning Boundary](#)
 [AN-20-05 CL vs OCL Comparison Chart](#)
 [AN-20-05 Application](#)
 [AN-20-05 Annexation Consent \(signed\)](#)
 [AN-20-05 Declination of Offer of Development Agreement \(signed\)](#)
 [AN-20-05 Annexation Service Agreement \(signed\)](#)

17. Receive a Staff Presentation and hold a Public Hearing to receive comments for or against Ordinance 2020-35, amending the Official Zoning Map of the City by rezoning approximately 14.90 acres of land located at 4087 State Highway 21, from “FD” Future Development District to “LI” Light Industrial District; and including procedural provisions; and consider approval of Ordinance 2020-35, on the first of two readings.

Attachments: [ZC-20-07 Presentation CC Ordinance](#)
[ZC-20-07 CC Staff Report](#)
[ZC-20-07 Maps](#)
[ZC-20-07 Code Comparison](#)
[ZC-20-07 Comp Plan Analysis Checklist](#)
[ZC-20-07 Personal Notice](#)
[ZC-20-07 Application Documents](#)
[ZC-20-07 Metes and Bounds](#)
[ZC-20-07 Amended Deed Restrictions](#)
[P. Hennington - Opposition Letter](#)

18. Receive a Staff Presentation and hold a Public Hearing to receive comments for or against Ordinance 2020-36, amending the Official Zoning Map of the City by rezoning approximately 44.99 acres of land located at 4087 State Highway 21, from “FD” Future Development District to “MH” Manufactured Home District; and including procedural provisions; and consider approval of Ordinance 2020-36, on the first of two readings.

Attachments: [ZC-20-08 CC Presentation Ordinance](#)
[ZC-20-08 CC Staff Report](#)
[ZC-20-08 Maps](#)
[ZC-20-08 Comp Plan Analysis Checklist](#)
[ZC-20-08 Code Comparison](#)
[ZC-20-08 Personal Notice](#)
[ZC-20-08 Application Documents](#)
[ZC-20-08 Amended Deed Restrictions](#)
[ZC-20-08 Metes and Bounds](#)
[ZC-20-08 Applicant Video](#)
[P. Hennington - Opposition Letter](#)

19. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2020-37, approved an update to the Service and Assessment Plan for the Whisper Public Improvement District; making a finding of special benefit to the property in the district, levying additional assessments against property with the district; establishing a lien on such property; approving an updated assessment roll for the district; providing for payment of the assessments in accordance with Chapter 372, Texas Local Government Code; providing for the method of assessment and the payment of the additional assessments; providing for penalties and interest on delinquent assessments; providing for a severability clause; providing an effective date; and providing for related matters; and consider approval of Ordinance 2020-37, on the first of two readings.

Attachments: [AssessmentOrdinance 05.08.2020.doc](#)
[2020-5-7 SANM Whisper SAP.DOCX](#)

20. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2020-105R, approving a Consolidated Plan for fiscal years 2020-2024 that provides guidance for annual Community Development Block Grant (“CDBG”) allocations; authorizing the City Manager, or his designee, to act as the Official Representative of the City in matters related to the CDBG Program; declaring an effective date, and consider approval of Resolution 2020-105R.

Attachments: [Resolution](#)
[Presentation](#)
[Consolidated Plan](#)
[200409 Cares Act CDBG Flexibilities](#)
[Quick-Guide-CDBG-Infectious-Disease-Response](#)

21. Receive a Staff presentation and hold a Public Hearing to receive comments in regards to amending the 2015-2019 Community Development Block Grant (CDBG) Consolidated Plan to add Economic Development as a funding category and add the Community Development Block Grant-Coronavirus (CDBG-CV) allocation of \$425,261.

Attachments: [Presentation - 2015-2019 Consolidated Plan - Amendment 2](#)
[2015-2019 Consolidated Plan - Amendment 2](#)

22. Receive a Staff presentation and hold a Public Hearing to receive comments in regards to amending the proposed 2020-2024 Citizen Participation Plan to add a shortened review period for actions related to the COVID-19 response.

Attachments: [Draft 2020-2024 CPP](#)

NON-CONSENT AGENDA

23. Consider approval of Ordinance 2020-38, on first and final reading, authorizing the issuance and sale of an amount not to exceed \$40,000,000 of Combination Tax And Revenue Certificates Of Obligation, Series 2020 for constructing, improving, designing and equipping the City's (1) water and waste water system; (2) electric utility system; (3) streets including related drainage, sidewalks, traffic improvements and lighting; (4) municipal buildings to include the City Hall and other city facilities, HVAC improvements, roof replacements and security improvements; (5) stormwater management and flood control facilities; (6) airport, including hangars; (7) public safety facilities to include police and fire station improvements and a new ladder truck and engine; (8) network and fiber optic infrastructure equipment; (9) recreational facilities including parks and sports fields; (10) cemetery including land acquisition; (11) animal shelter; (12) parking including land acquisition; and (13) 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 this Ordinance on one reading only in accordance with State Law.

Attachments: [Ordinance FY20 CO Issuance 05.19.2020 REVISED.doc](#)
[NOTICE OF INTENTION March 20.pdf](#)
[2020 CIP Updated Debt Sale List for Council 05152020.pdf](#)

24. Consider approval of Ordinance 2020-39, on first and final reading, authorizing the issuance of City of San Marcos, Texas General Obligation Refunding Bonds in the amount not to exceed \$120,000,000 in one year or more series; approving an official statement, a paying agent/registrar agreement, a bond purchase agreement and an escrow agreement; establishing the procedures for selling and delivering one or more series of the bonds; providing for the approval of this ordinance on one reading only as authorized by state law; and authorizing other matters relating to the bonds.

Attachments: [Ordinance Refunding 05.19.2020.pdf](#)

25. Hold discussion regarding the recent use of the policy and purpose statements in Section 2.421 of the San Marcos Code of Ethics as the basis of ethics complaints; and provide direction to staff

Attachments: [Redline of Section 2.421 - San Marcos City Code - Policy and Purpose - San M:](#)
[Section 2.421 - San Marcos City Code - Policy and Purpose - San Marcos Code](#)
[Sections 2.423 through 2.426 - San Marcos City Code](#)

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.

26. Executive Session in accordance with Section §551.074 of the Texas Government Code: Personnel Matters - to discuss and provide Annual Appointee Evaluations to the City Attorney and Interim City Clerk.

ACTION/DIRECTION FOLLOWING EXECUTIVE SESSION

27. Consider action, by motion, or provide direction to Staff regarding the following Executive Session item in accordance with Section §551.074 of the Texas Government Code: Personnel Matters - to discuss and provide Annual Appointee Evaluations to the City Attorney and Interim City Clerk.

IV. 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.

V. Adjournment.

POSTED ON WEDNESDAY, MAY 13, 2020 @ 3:00PM

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