



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Regular Meeting Agenda - Final City Council

Tuesday, August 16, 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 2022-56, on the second of two readings, annexing into the City approximately 42.698 acres of land, located approximately 750' northwest of the Rattler Rd. and E. McCarty Ln intersection in Case Number AN-22-14; including procedural provisions; and providing an effective date.
2. Consider approval of Ordinance 2022-57, on the second of two readings, amending the official zoning map of the City in Case No. ZC-22-29, approximately 40.74 acres of land, located approximately 750' northwest of the Rattler Rd. and E. McCarty Ln intersection, from "FD" Future Development 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.

3. Consider approval of Ordinance 2022-63, on the second 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.
4. Consider approval of Ordinance 2022-64, on the second 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.
5. Consider approval of Resolution 2022-177R, approving a professional services agreement with K Friese and Associates for design services relating to the Barnes Drive Wastewater Improvements Project in the estimated amount of \$99,965.00; authorizing the City Manager or her designee to execute the agreement on behalf of the City; and declaring an effective date.
6. Consider approval of Resolution 2022-178R, authorizing a Change in Service to the agreement with HDR Engineering, Inc. relating to the Castle Forest Drainage Project to advance the project to the bidding phase by developing plans, specifications and estimates in the estimated amount of \$114,202.00; 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.
7. Consider approval of Resolution 2022-179R, awarding and approving a design contract with Kimley-Horn and Associates, Inc. for engineering services for State Highway 123 at De Zavala Intersection Improvements Waterline Relocation design, bidding, and construction phase services, in the estimated amount of \$89,920.75; 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 2022-180R, approving a contract for the sale of used transformers to Alamo Transformers Supply Company for the bid amount of \$68,514; authorizing the City Manager or her designee to execute the contract and complete the sale; and declaring an effective date.
9. Consider approval of Resolution 2022-181R, awarding and approving a professional services contract with ABIP, P.C. for the provision of Financial Auditing Services to the City of San Marcos in the estimated amount of \$377,525.00 over a period of five years; authorizing the City Manager or her designee to execute the agreement on behalf of the City; and declaring an effective date.
10. Consider approval of Resolution 2022-182R, approving a Ground Lease Agreement for Non-Aeronautical Use between the San Marcos Regional Airport and the City of San Marcos Fire Department relating to the Fire Training Facility approved by the voters of San Marcos during a 2017 Bond Election; authorizing the City Manager or her designee to execute the lease on behalf of the City; and declaring an effective date.
11. Consider approval of Resolution 2022-183R, approving a modification to a project using Community Development Block Grant (CDBG) Entitlement funds allocated in the City's Action Plan for the year 2020-2021 for renovations at 211 Lee Street with houses the

Centro Cultural Hispano De San Marcos; authorizing the City Manager, or her designee, as the City's Representative to execute any necessary documents related to the modification of the project; and declaring an effective date.

12. Consider approval of Resolution 2022-184R, approving the Terms and Conditions of an Interlocal Agreement between City of San Marcos and the San Marcos Consolidated Independent School District (SMCISD) relating to the provision of Officers to serve as School Resource Officers; 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 2022-185R, approving an Interlocal Agreement with Hill Country Community Health & Mental Retardation Center D/B/A Hill Country Mental Health and Developmental Disabilities Centers ("HCMHDD") for the provision of services including a qualified mental health professional from HCMHDD to be assigned to the San Marcos Police Department's Mental Health Unit and authorizing use of American Rescue Plan Act of 2021 ("ARPA") funds previously approved for this project in an amount not to exceed \$425,000.00 to pay for these services through the calendar year 2026; authorizing the City Manager, or her designee, to execute the agreement on behalf of the City; and declaring an effective date.
14. Consider approval of Resolution 2022-186R, approving the appointment of Attorney Julia Gannaway, with the law firm of Ross Gannaway Clifton, PLLC to provide legal advice and counsel regarding employment matters, including civil service and meet and confer, in an annual estimated amount not to exceed \$50,000; 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.

15. Receive a staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-65, annexing into the City approximately 69.407 acres of land, generally located between I-35 South and the Union Pacific railroad, approximately 1,000 feet south of Posey Road in Case No. AN-22-12; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2022-65, on the first of two readings.
16. Receive a staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-66, amending the Official Zoning Map of the City in Case No. ZC-22-25, by rezoning approximately 7.251 acres of land, generally located east of the Union Pacific railroad, approximately 1,000 feet south of Posey Road from "FD" Future Development District to "HI" Heavy Industrial District, 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 2022-66, on the first of two readings.
17. Receive a staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-67, amending the Official Zoning Map of the City in Case No. ZC-22-26, by rezoning approximately 48.718 acres of land, generally located on the I-35 South

Frontage Road, approximately 1,000 feet south of the intersection of I-35 and Posey Road from "FD" Future Development District and "AR" Agricultural Ranch District to "LI" Light Industrial District, 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 2022-67, on the first of two readings.

18. Receive a staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-68, amending the Official Zoning Map of the City in Case No. ZC-22-27, by rezoning approximately 15.6 acres of land, generally located on the I-35 South Frontage Road, approximately 1,400 feet south of the intersection of I-35 and Posey Road, from "FD" Future Development District and "AR" Agricultural Ranch District to "HC" Heavy Commercial District, 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 2022-68, on the first of two readings.
19. Receive a staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-69, amending Chapter 74, Article 6 of the San Marcos City Code related to Sidewalk Cafes, Parklets, and Similar Special Uses of Public Rights-of-Way, by, among other things, adding a definition and criteria for sidewalk seating areas, and deleting provisions for the 2020 Temporary Parklets Program related to the COVID-19 pandemic; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date; and consider approval of Ordinance 2022-69, on the first of two readings.
20. Receive a staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-70, amending the project plan and reinvestment zone financing plan for Tax Increment Reinvestment Zone No. 5, also known as the "Downtown TIRZ" to allocate funding in support of an annual downtown operations plan and approved project plans submitted via an application process; authorizing the City Manager, or her designee, to execute such amendments on behalf of the City; including procedural provisions; and declaring an effective date; and consider approval of Ordinance 2022-70, on the first of two readings.

NON-CONSENT AGENDA

21. Consider approval of Ordinance 2022-71, on first and final reading, ordering a General Election and Special Election to be held on November 8, 2022 for the purpose of electing a Mayor and a City Council Member for Place 1, a City Council Member for Place 2 and to submit a Citizen-Initiated Ordinance to Eliminate Low-Level Marijuana Enforcement to the voters; making provisions for conducting the election; providing for the approval of this ordinance as an emergency measure on only one reading; and providing an effective date.
22. Consider approval of Ordinance 2022-72, on the first of two readings, amending Chapter 2, Administration, Article 5, Code of Ethics, by adding a new Division 5, requiring registration of lobbyists and periodic reporting of contacts made by lobbyists with elected city officials; establishing penalties for violations of this ordinance; providing certain exemptions from lobbying registration and reporting requirements; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective

date.

23. Consider approval of Resolution 2022-187R, setting a maximum proposed Tax Rate of \$60.30 cents per \$100 taxable value; and declaring an effective rate.
24. Consider approval of Resolution 2022-188R, approving the appointment of Elizabeth Trevino as City Clerk; and declaring an effective date.
25. Receive a staff presentation and provide direction on whether to bring forward an amendment to the Community Development Block Grant "CDBG" Disaster Recovery Action Plan to cancel the Reimbursement and Rental Rehabilitation programs and reallocate funding to infrastructure projects.
26. Discuss and consider an appointments to fill vacancies on various boards, and provide direction to Staff.
 - A) Animal Shelter Advisory Committee
 - B) Convention and Visitor Bureau
 - C) Historic Preservation Commission
 - D) Housing Authority
 - E) Human Services Advisory Board
 - F) Neighborhood Commission
27. Hold discussion on Protecting the Edwards Aquifer Recharge Zone and provide direction to the City Manager.
28. Hold discussion regarding the naming of East Centerpoint Road and provide direction to the City Manager.
29. Hold discussion regarding Recommendation Resolution 2022-01RR, of the Convention Visitor Bureau, regarding renaming of the alley to "Boyhood Alley", and provide direction to the City Manager.
30. Hold discussion regarding allocating \$25,000 to the Mermaid Festival for this year's event from American Rescue Plan Act funding, and provide direction to the City Manager.
31. Hold discussion regarding paying members on boards and commissions and provide direction to the City Manager.
32. 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.

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.

33. Executive Session in accordance with the following:
 - A. Sec. §551.087 of the Texas Government Code: Economic Development: to receive a briefing and deliberate on Project Thin Mint

B. Sec. §551.074 of the Texas Government Code: Personnel Matters: duties and responsibilities of the City Manager regarding Meet and Confer Agreement

DIRECTION/ACTION FROM EXECUTIVE SESSION

- 34.** 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. §551.087 of the Texas Government Code: Economic Development: to receive a briefing and deliberate on Project Thin Mint
 - B. Sec. §551.074 of the Texas Government Code: Personnel Matters: duties and responsibilities of the City Manager regarding Meet and Confer Agreement

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 FRIDAY, AUGUST 12, 2022 @ 3:00PM

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