



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Regular Meeting Agenda - Final-Amended City Council

Monday, October 3, 2022

6:00 PM

City Council Chambers

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 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 2022-79, on the second of two readings, approving the 2022 Annual Service Plan Update for the Trace Public Improvement District; authorizing the City Manager, or her designee, to execute said document on behalf of the City; and declaring an effective date.
2. Consider approval of Ordinance 2022-80, on the second of two readings, approving the 2022 Annual Service Plan Update for the Whisper Public Improvement District; authorizing the City Manager, or her designee, to execute said document on behalf of the City; and declaring an effective date.
3. Consider approval of Ordinance 2022-81, on the second of two readings, approving the 2022 Annual Service Plan Update for the Whisper South Public Improvement District;

authorizing the City Manager, or her designee, to execute said document on behalf of the City; and declaring an effective date.

4. Consider approval of Ordinance 2022-82, on the second of two readings, amending Section 58.127 of the San Marcos City Code to, among other things, eliminate fees for overdue library materials; include procedural provisions; and providing an effective date.
5. Consider approval of Ordinance 2022-83, on the second of two readings, approving the abandonment and release of all or portions of various streets, easements and alleyways, including portions of Loquat Street and Locust Street, to Texas State University in exchange for the conveyance by Texas State University of certain real property interests in connection with the Sessom Creek Improvements Project (Phase 2); authorizing the City Manager, or her designee, to execute the appropriate conveyance instruments to and from Texas State University, subject to approval of the forms thereof by the City Attorney; and declaring an effective date.
6. Consider approval of Resolution 2022-222R, authorizing a sole source agreement with Water & Earth Technologies, Inc. for a Flood Early Warning System in the estimated amount of \$294,202.70; authorizing the City Manager or her designee to execute the agreement on behalf of the City; and declaring an effective date.
7. Consider approval of Resolution 2022-223R, approving a professional services agreement with Stantec Consulting Services, Inc. for the preparation of National Register of Historic Places Nomination in an amount not to exceed \$60,000.00; authorizing the City Manager or her designee to execute the agreement on behalf of the City; and declaring an effective date.
8. Consider approval of Resolution 2022-224R, approving an Interlocal Funding Agreement with Hays County that provides for the joint funding of improvements to the Five-Mile Dam Soccer Complex, including expanding the field lighting, the lighting in parking areas, and various minor building improvements, with a contribution from the County of \$400,000.00 and matching funds from the City of \$392,000.00; authorizing the City Manager, or her Designee, to execute said agreement; and declaring an effective date.
9. Consider approval of Resolution 2022-225R, amending the contract prosecutor agreement with Douglas G. Montgomery for professional legal services in the San Marcos Municipal Court of Record to increase the fee for such services from \$70.00 to \$80.00 per hour; authorizing the city attorney to execute the agreement; and declaring an effective date.
10. Consider approval of Resolution 2022-226R, authorizing submission of a grant application to the Office of the Governor's Public Safety Office for funding in the estimated amount of \$122,621.00 for the FY23 Bullet-Resistant Shield Grant Program; designating the City Manager as the official authorized to act on behalf of the City and execute required documents for purposes of this application and any resulting grant; providing assurances; and declaring an effective date.
11. Consider approval of Resolution 2022-227R, approving a contract with FreeIT Data Solutions, Inc. through the Texas Comptroller of Public Accounts Department of Information

Resources (DIR) Program, for Information Technology network hardware and wireless equipment in the estimated amount of \$839,231.41, inclusive of software and maintenance, for a term of five years, plus up to two additional one-year renewals of software and maintenance related services; authorizing the City Manager, or her designee, to execute the contract; 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.

12. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-84, amending the Official Zoning Map of the City in Case No. ZC-22-37, by rezoning approximately 2.64 acres of land located at 710 River Rd from "P" Public and Institutional District to "SF-6" Single Family-6 District, or, subject to consent of the owner, another less intense zoning district classification; including procedural provisions, and providing an effective date; consider approval of Ordinance 2022-84, on the first of two readings.
13. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-85, annexing into the City approximately 20.66 acres of land, generally located on Centerpoint Road south of the intersection of Centerpoint Court and Centerpoint Road in Case No. AN-22-16; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2022-85, on the first of two readings.
14. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-86, amending the Official Zoning Map of the City in Case No. ZC-22-32, by rezoning approximately 20.07 acres of land generally located on Centerpoint Road south of the intersection of Centerpoint Road and Centerpoint Court 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 2022-86, on the first of two readings.
15. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-87, annexing into the City 38.586 acres of land generally located at the southwest corner of the West Centerpoint Road and Central Park Loop intersection in Case No. AN-22-17; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2022-87, on the first of two readings.
16. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-88, amending the Official Zoning Map of the City in Case No. ZC-22-36, by rezoning approximately 38.586 acres generally located at the southwest corner of the West Centerpoint Road and Central Park Loop intersection from "FD" Future Development 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 2022-88, on the first of two readings.

17. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-89, amending the Official Zoning Map of the City in Case No. ZC-22-35, by rezoning approximately 1.35 acres of land located at 126 and 128 Smith Lane from "SF-6" Single Family-6 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, and consider approval of Ordinance 2022-89, on the first of two readings.
18. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-90, amending the Official Zoning Map of the City in Case No. ZC-22-34, by rezoning approximately 8.8 acres located at 221 East McCarty Lane from "GC" General Commercial District, "MF-12" Multifamily-12 District, and "MF-18" Multifamily-18 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 2022-90, on the first of two readings.
19. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-91, approving the abandonment of an alley in Block 3 of the Dan McKie Second Addition that runs the length of the block between East Grove and Lee Streets, and authorizing the conveyance of the alley, together with Lots 1, 2, 6 and 7 of said block to the San Marcos Consolidated Independent School District; authorizing the City Manager, or her designee, to execute the appropriate conveyance instruments as to said alley and lots, subject to approval of the forms thereof by the City Attorney; and declaring an effective date, and consider approval of Ordinance 2022-91, on the first of two readings.

NON-CONSENT AGENDA

20. Consider approval of Ordinance 2022-92, on the first of two readings, amending the San Marcos Code of Ethics to add provisions relating to review by the Ethics Review Commission (ERC) of Annual Financial Disclosure statements submitted by City Council members, Planning and Zoning Commissioners, and the four city council appointees; requiring periodic review by the ERC of Campaign Finance Reports to determine compliance with the individual contribution limit and aggregate fund-raising limits set by the Code; and providing an effective date.
21. Consider approval of Ordinance 2022-93, on the first of two readings, amending Chapter 22, Cemeteries, of the San Marcos City Code by, among other things, adding definitions for Decorations and Ecofriendly Burials, amending Section 22.010 to add Ecofriendly Burials and amending Section 22.014 clarifying language regarding curbing or monument installation, as well as prohibiting animal feeders, animal houses or items that may be hung from any tree, shrub or plant within the City Cemetery; providing for the repeal of any conflicting provisions; and providing an effective date.
22. Consider approval of Resolution 2022-228R, approving a one-year State Use Contract

with Easter Seals-Central Texas as certified through WorkQuest, a State purchasing cooperative, for vegetation and litter control, and landscape maintenance in the estimated amount of \$1,305,959.10; authorizing the City Manager, or her designee, to execute this agreement on behalf of the City; and declaring an effective date.

23. Discuss and consider appointment(s) to fill vacancies on the following Boards and Commissions, and provide direction to Staff.
 - A) Human Services Advisory Board
 - B) Library Board
24. Hold discussion and possible direction to staff and appoint a council committee that may include members of the Planning and Zoning Commission, appointed by the Planning and Zoning Commission regarding alcohol CUP changes to require sounds boards for amplified music outside and restricting bottle service at venues.
25. Hold discussion on the Disaster Declaration, including but not limited to the eviction delay ordinance and provide direction to the City Manager.

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 WEDNESDAY, SEPTEMBER 28, 2022 @ 4:45PM

ELIZABETH TREVINO, CITY CLERK

VIII. ADDENDUM

Item #24 was updated after the agenda was posted on Wednesday, September 28, 2022. Previously captioned: Hold discussion regarding the Noise Ordinance and CUP's, consider appointment of a committee and provide direction to the City Manager.

New Caption: Hold discussion and possible direction to staff and appoint a council committee that may include members of the Planning and Zoning Commission, appointed by the Planning and Zoning Commission regarding alcohol CUP changes to require sounds boards for amplified music outside and restricting bottle service at venues.

ADDENDUM POSTED ON THURSDAY, SEPTEMBER 29, 2022 @3:30PM

ELIZABETH TREVINO, 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