



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Regular Meeting Agenda - Final City Council

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Tuesday, January 17, 2023

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 2023-01, on the second of two readings, annexing into the City approximately 65.522 acres out of the Cyrus Wickson Survey, in Hays County, Texas, generally located on East McCarty Lane south of the intersection of Rattler Road and East McCarty Lane in Case No. AN-22-19 (including adjacent road right-of-way; including procedural provisions; and providing an effective date.
2. Consider approval of Ordinance 2023-02, on the second of two readings, amending the Official Zoning Map of the City in Case ZC-22-43, by rezoning approximately 59.845 acres within the Cyrus Wickson Survey, Abstract No. 474, Hays County, Texas, generally located on East McCarty Lane south of the intersection of Rattler Road and East McCarty Lane, 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.

3. Consider approval of Ordinance 2023-03, on the second of two readings, amending regulations and standards applicable within the Trace Planned Development District (PDD) consisting of approximately 417.63 acres of land, generally located at 5818 South Old Bastrop Highway, to establish, among other things, the creation of a “PD-GC/MF-24” overlay allowing for multi-family residential use within approximately 19 acres of Planning Area 9, located approximately 700 feet northeast of the intersection between Van Horn Trace and El Rio Street, in Case PDD-15-01(c) including procedural provisions; and providing an effective date.
4. Consider approval of Ordinance 2023-04, on the second of two readings, adopting fees to be charged by the City for various city services; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.
5. Consider approval of Ordinance 2023-05, on the second of two readings, amending the City's 2022-2023 Fiscal Year budget to carry forward funds from the 2021-2022 Fiscal Year; including procedural provisions; and providing an effective date.
6. Consider approval of Ordinance 2023-06, on the second of two readings, amending Section 2.566 of the City Code to increase the City Manager’s authority to approve contracts for the purchase of budgeted items from \$50,000.00 to \$100,000.00; and providing an effective date.
7. Consider approval of Resolution 2023-09R, approving an agreement for the provision of services in connection with the proposed owner requested annexation Case No. AN-22-15 of approximately 5.022 acres of land out of the William H. Van Horn Survey No. 18, Abstract No. 464, located at 5618 South Old Bastrop Highway; 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.
8. Consider approval of Resolution 2023-10R, approving an agreement for the provision of services in connection with the proposed owner requested annexation in Case No. AN-23-02 of approximately 31.79 acres of land out of the out of the William Ward Survey, Abstract 467 and the J.M. Veramendi Survey, located at 2138 and 2390 Post Road; 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.
9. Consider approval of Resolution 2023-11R, approving a contract with Progressive Commercial Aquatics, Inc., through the Texas BuyBoard Purchasing Cooperative for the purchase and installation of Neptune Benson fiberglass sand filtration on the Rio Vista Lap Pool in the amount of \$121,056.53; 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 2023-12R, awarding and approving a contract with Eurofins Environment Testing South Central, LLC., for Analytical Wastewater Testing in the annual amount of \$47,260.00, plus up to three one-year optional extensions for a total

estimated contract amount of \$189,040.00; authorizing the City Manager or her designee to execute the contract on behalf of the City; and declaring an effective date.

11. Consider approval of Resolution 2023-13R, approving a Change in Service to the professional services agreement with BGE, Inc. relating to the Wallace Offsite Drainage Improvements Project to add engineering drainage design, cost estimation, and bidding services for proposed improvements within the Cape's Pond property, in the estimated amount of \$694,455.00 for a total contract price of \$1,509,774.00; authorizing the City Manager or her designee to execute the appropriate documents to implement the Change in Service; and declaring an effective date.
12. Consider approval of Resolution 2023-14R, approving Change Order No. 4 for the Surface Water Treatment Plant (SWTP) Improvements construction contract in the total amount of \$234,488.64, the City's portion being \$117,244.32 for electrical modifications; authorizing the City Manager or her designee to execute the appropriate documents relating to the Change Order on behalf of the City; and declaring an effective date.
13. Consider approval of Resolution 2023-15R, approving an agreement with Rush Truck Center, through the Texas Buyboard Purchasing Cooperative for the purchase and delivery of one sewer inspection van, in the amount of \$269,998.00; 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 2023-16R, approving an agreement with Rush Truck Center, through the Texas BuyBoard Purchasing Cooperative for the purchase and delivery of Hino L6 Dump Truck in the amount of \$107,000.00; authorizing the City Manager or her designee to execute the agreement on behalf of the City; and declaring an effective date.
15. Consider approval of Resolution 2023-17R, approving the purchase of a public utility easement across approximately 0.265 acres of land located at 230 Ramsay for a price of \$115,000.00 plus associated closing costs; authorizing the City Manager, or her designee, to purchase and accept said agreement and execute associated closing documents; and declaring an effective date.
16. Consider approval of Resolution 2023-18R, approving a Memorandum of Understanding with the Capital Area Metropolitan Planning Organization and Texas Department of Transportation - Public Transportation Division determining mutual responsibilities in carrying out the Metropolitan Transportation Planning (MTP) process and meeting Federal Transit Administration requirements; authorizing the City Manager or her designee to execute the Memorandum of Understanding on behalf of the City; and declaring an effective date.
17. Consider approval of Resolution 2023-19R, approving an Airport Facility Redevelopment Agreement for Commercial Use with US Aviation Group, LLC for the lease of airport premises with certain conditions; authorizing the City Manager, or her designee, to execute said agreement on behalf of the City; and declaring an effective date.

## **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.*

18. Receive a Staff presentation and hold a Public Hearing to receive comments for or against an Ordinance 2023-07, annexing into the City approximately 82.91 acres out of the Samuel Craft Sr Survey, Abstract No. 89, in Hays County, Texas, generally located at the 5800 block of South IH 35 in Case No. AN-22-18 (including adjacent Old Bastrop Highway right-of-way); including procedural provisions; and providing an effective date; and consider approval of Ordinance 2022-07, on the first of two readings.
19. Receive a Staff presentation and hold a public hearing to receive comments for or against Ordinance 2022-08, amending the Official Zoning Map of the City in Case ZC-22-42, by rezoning approximately 169.22 acres out of the Samuel Craft Sr Survey, Abstract No. 89, generally located at the 5800 block of South Interstate 35, from "FD" Future Development, "CC" Community Commercial, "GC" General Commercial, and "MF-18" Multiple-Family Residential Districts 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 2022-08, on the first of two readings.
20. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2023-20R, approving a first amended and restated Development Agreement with Franklin Mountain San Marcos 1, LP, in connection with the Development Case No. PDA-22-07; SMART Terminal, for approximately 2,017 acres more or less out of the William Petus Survey, Abstract No. 21 and the Thomas Maxwell Survey No. 17, Abstract No. 188, generally located between State Highway 80 and the Union Pacific Railroad, and between future FM 110 and State Highway 142; authorizing the City Manager to execute the agreement on behalf of the City; and providing an effective date; and consider approval of Resolution 2023-20R.
21. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2023-21R, approving a first amended and restated Development Agreement with Franklin Mountain San Marcos 1, LP, in connection with the Development Case No. PDA-14-03(A): Cotton Center, for approximately 2,358 acres more or less out of the Williams Petus Survey, Abstract No. 21 and the Thomas Maxwell Survey, Abstract No. 188 and the Thomas Yates Survey, Abstract No. 313, generally located between FM 1966 and State Highway 80 and the San Marcos Regional Airport and State Highway 142; authorizing the City Manager to execute the agreement on behalf of the City; and providing an effective date; and consider approval of Resolution 2023-21R.

## **NON-CONSENT AGENDA**

22. Consider approval of Ordinance 2023-09, on the first of two readings, amending Chapter 14, Buildings and Building Regulations and Chapter 38, Fire Prevention and Protection of the City of San Marcos Code of Ordinances to adopt the 2021 International Code Council (ICC) Family of Codes and the 2020 National Electric Code with amendments; repealing certain provisions adopting and amending previous versions of the International Codes;

and providing for penalties and an effective date.

23. Consider approval of Ordinance 2023-10, on the first of two readings, amending Chapter 2, Article 5, Division 4 of the San Marcos City Code pertaining to campaign finances to change the method of setting aggregate fundraising limits for candidates for mayor or city council; and providing an effective date.
24. Consider approval of Ordinance 2023-11, on the first of two readings, amending Chapter 2, Division 19 of the San Marcos City Code to clarify and change the qualifications for membership and voting rights of the City's Economic Development Board ("EDSM"); providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.
25. Consider approval of Resolution 2023-22R, awarding a construction contract to Qro Mex Construction, Inc. for the West Purgatory Creek Wastewater Improvement project in the estimated amount of \$2,381,741.00; authorizing the City Manager or her designee to execute the contract on behalf of the City; and declaring an effective date.
26. Consider approval of Resolution 2023-23R, approving a funding contract with the non-profit Riparius Foundation for bookkeeping training, providing general funds (formerly CRF) in an amount not to exceed \$100,000.00; authorizing the City Manager or her designee to execute the agreement on behalf of the City; and declaring an effective date.
27. Consider approval of Resolution 2023-24R, approving a funding contract with Workforce Solutions Rural Capital Area providing general funds of \$100,000.00 for childcare programs; authorizing the City Manager or her designee to execute said contract on behalf of the City; and declaring an effective date.
28. Consider approval, by motion, authorizing negotiations with HK Real Estate Development, LLC, to amend the Riverbend Ranch Development Agreement previously approved by City Council, in order to, among other things, address water utility service and incorporate additional variance, and consider the appointment of a Council Committee to review the aforementioned Development Agreement, if desired.
29. Hold discussion on the Parks and Recreation Board Recommendation Resolution 2022-01RR, regarding paid parking implementation in city park parking lot, and provide direction to the City Manager.
30. Receive a staff presentation and approve a resolution providing guidance on policy and process for the Human Services Advisory Board.

## 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.*

31. Executive Session in accordance with the following:
  - A. Sec. §551.071 of the Texas Government Code: Consultation with Attorney: to hold

discussion on petition for the Meet and Confer agreement

B. Sec. §551.074 of the Texas Government Code: Personnel Matters: to hold discussion regarding the city attorney position

C. Sec. §551.074 of the Texas Government Code: Personnel Matters: to hold discussion regarding the city attorney position

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

32. Consider action, by motion, or provide direction to Staff regarding the following Executive Session item held during the Work Session and/or Regular Meeting:

Executive Session in accordance with the following:

A. Sec. §551.071 of the Texas Government Code: Consultation with Attorney: to hold discussion on petition for the Meet and Confer agreement

B. Sec. §551.074 of the Texas Government Code: Personnel Matters: to hold discussion regarding the city attorney position

C. Sec. §551.074 of the Texas Government Code: Personnel Matters: to hold discussion regarding the city attorney position

## **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, JANUARY 11, 2023 @ 4:45PM**

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