



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Regular Meeting Agenda - Final City Council

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Tuesday, January 3, 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 2022-92, on the second 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.
2. Consider approval of Ordinance 2022-102, on the second of two readings, amending Section 2.042 of the City Code pertaining to the Order of Business for City Council meetings by deleting the 30 minute limitation on Citizen Comments, and adding Citizen Comments and Question and Answer Session with the Press and Public to all City Council

Workshop and Work Session Agendas; and providing an effective date.

3. Consider approval of Resolution 2023-01R, approving an Interlocal Agreement with Hays County providing for the County to fund \$2,000,000.00 toward the purchase of easements and right-of-way for the Purgatory Creek Improvements Project; authorizing the City Manager, or her designee, to execute said agreement on behalf of the City; declaring an effective date.
4. Consider approval of Resolution 2023-02R, approving an Advanced Funding Agreement (AFA) with the State of Texas, acting through the Texas Department of Transportation (TxDOT) providing for waterline relocation for State Highway 123 at De Zavala intersection improvements with a cost to be paid by the city of \$338,834.00; authorizing the City Manager, or her designee, to execute said amendment; and declaring an effective date.
5. Consider approval of Resolution 2023-03R, approving an agreement with LJ Power Generators, through the Texas Buyboard Purchasing Cooperative for the purchase and delivery of one portable 600 kw diesel-powered generator, in the amount of \$329,635.00; 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 2023-04R, approving a professional services agreement with Arcadis, U.S., Inc. for cost assessment of the City's water supply in the amount of \$100,000.00; 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 2023-05R, approving an Indefinite Delivery Indefinite Quantity (IDIQ) contract with Ferguson Enterprises, LLC, for erosion control materials in the estimated amount of \$32,320.00 for a term of one year, with three one year renewals; 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 2023-06R, awarding and approving a construction contract with Dustrol, Inc. for Indefinite Delivery Indefinite Quantity (IDIQ) for Surface and Edge Milling for the Public Works Department in an annual amount not to exceed of \$171,250.00 on an as needed basis for one year with the option for two one year renewals; authorizing the City Manager or her designee to execute the agreement on behalf of the City; and declaring an effective date.
9. Consider approval of Resolution 2023-07R, approving an agreement with Environmental Services Research Institute, Inc. (ESRI), through the Texas Department of Information Resources Cooperative for the ESRI Enterprise Advantage Program in the amount of \$99,440.25 for a term of one year, with the option for three one year renewals; 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 2023-08R, approving an agreement for the provision of services in connection with the proposed owner requested annexation in Case No. AN-23-03 of approximately 350.28 acres of land, generally located on Country Estates Drive approximately 1,400 feet north of the intersection between Country Estates Drive and

Ranch Road 12, 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.

## **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.*

11. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-01, annexing into the City approximately 65.522 acres of land out of the Cyrus Wickson Survey, 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; and consider approval of Ordinance 2022-01, on the first of two readings.
12. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-02, amending the Official Zoning Map of the City in Case No. ZC-22-43, by rezoning approximately 59.845 acres within the Cyrus Wickson Survey, Abstract No. 474, 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, and consider approval of Ordinance 2022-02 on the first of two readings.
13. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-03, 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, and consider approval of Ordinance 2022-03, on the first of two readings.
14. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Substantial Amendment Number 6 to the 2019-2020 Community Development Block Grant-Entitlement (CDBG) Action Plan reallocating \$188,443 to a new rental and utility assistance program to be administered by Blanco River Regional Recovery Team (BR3T).
15. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Substantial Amendment Number 2 to the Community Development Block Grant-Mitigation (CDBG-MIT) Action Plan designating one new project and re-allocating project funding.
16. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Substantial Amendment Number 13 to the Community Development Block Grant-Disaster Recovery (CDBG-DR) Action Plan canceling two activities and re-allocating project

funding.

## NON-CONSENT AGENDA

17. Consider approval of Ordinance 2023-04, on the first 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.
18. Consider approval of Ordinance 2023-05, on the first 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.
19. Consider approval of Ordinance 2023-06, on the first 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.
20. Receive a staff presentation and hold discussion on policy and process recommendations for the Human Services Advisory Board and provide direction to the City Manager.
21. Receive certification from the City Clerk on the petition for the repeal of the Chapter 142 Meet and Confer Agreement.

## 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.*

22. Executive Session in accordance with the following:  
Sec. §551.074 of the Texas Government Code: Personnel Matters: to hold discussion regarding the city attorney position

## DIRECTION/ACTION FROM EXECUTIVE SESSION

23. Consider action, by motion, or provide direction to Staff regarding the following Executive Session item held during the Work Session and/or Regular Meeting:  
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 related to items on this agenda.

*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 THURSDAY, DECEMBER 29, 2022 @ 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)