



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Regular Meeting Agenda - Final City Council

Tuesday, February 7, 2023

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. 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 2023-09, on the second 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.
2. Consider approval of Ordinance 2023-10, on the second 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.
3. Consider approval of Ordinance 2023-11, on the second 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.

4. Consider approval of Ordinance 2023-12, on the second of two readings, amending Section 2.045 of the City Code, pertaining to the rules of decorum for city council meetings and city board and commission meetings; including procedural provisions and providing an effective date.
5. Consider approval of Resolution 2023-25R, approving a Change in Service to the City of San Marcos Regional Airport Master Plan update agreement with Garver, LLC relating to a gap analysis study, in the amount of \$108,270.00 for a total contract price of \$520,187.00; authorizing the City Manager or her designee to execute the appropriate documents to implement the Change in Service; and declaring an effective date.
6. Consider approval of Resolution 2023-26R, approving an agreement for the provision of services in connection with the proposed owner requested annexation in Case No. AN-22-20 of approximately 619.755 +/- acres of land out of the William Pettus Survey, Abstract No. 21 and the Thomas Maxwell Survey No.17, Abstract No. 188, Caldwell County, Texas, generally located northeast of the intersection between State Highway 80 and FM 110, 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.
7. Consider approval of Resolution 2023-27R, authorizing the acceptance of a grant award in the amount of \$20,859.00 from the Department of Justice FY22 Edward Byrne Memorial Justice Assistance Award to purchase a vertical platform for its evidence and storage rooms and equipment and a digital imager; authorizing the City Manager or her designee to execute a Memorandum of Understanding and all documents as necessary to implement the grant award; and declaring an effective date.
8. Consider approval of Resolution 2023-28R, approving an interlocal agreement with City of Buda allowing the City of Buda to utilize the City of San Marcos's contract with clean earth for disposal of household hazardous waste; authorizing the City Manager, or her designee, to execute said agreement on behalf of the City; and declaring an effective date.
9. Consider approval of Resolution 2023-29R, confirming the City Manager's appointment of George Landry to the City of San Marcos Firefighters and Police Officers Civil Service Commission; and declaring an effective date.
10. Consider approval of Resolution 2023-30R, rejecting the three bids received in response to an invitation for bids for the animal resistant trash and recycling containers; and declaring an effective date.
11. Consider approval of Resolution 2023-31R, appointing an interim city attorney and setting the compensation to be paid while serving in that capacity; and providing 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 an Ordinance 2023-13, annexing into the City approximately 5.022 acres out of the William H. Van Horn Survey No. 18, Abstract No. 464, in Hays County, Texas, located at 5618 South Old Bastrop Highway in Case No. AN-22-15 (including adjacent road right-of-way); including procedural provisions; and providing an effective date; and consider approval of Ordinance 2022-13, on the first of two readings.
13. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-14, amending the Official Zoning Map of the City in Case No. ZC-22-31, by rezoning 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, from "FD" Future Development 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 2022-14, on the first of two readings.
14. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2023-15, annexing into the City approximately 351.73 +/- acres of land, more or less, out of the Elijah Clark Survey, A-84, and the Thomas Forsyth Survey in Hays County, Texas, generally located on Country Estates Drive approximately 1,400 feet north of the intersection between Country Estates Drive and Ranch Road 12 in Case No. AN-23-03 (City Property) including procedural provisions; and providing an effective date; and consider approval of Ordinance 2023-15, on the first of two readings.
15. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2023-16, amending the Official Zoning Map of the City in Case No. ZC-23-07, by rezoning approximately 350.881 acres out of the Elijah Clark Survey, A-84, and the Thomas Forsyth Survey Hays County, Texas, generally located on Country Estates Drive approximately 1,400 feet north of the intersection between Country Estates Drive and Ranch Road 12, from "FD" Future Development, to "CD-1" Character District-1, 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 2023-16, on the first of two readings.
16. Receive a Staff presentation and hold a Public Hearing to receive comments for or against an Ordinance 2023-17, annexing into the City approximately 31.79 acres out of the William Ward Survey, Abstract No. 467 and the J.M. Veramendi Survey, Abstract No. 17 in Hays County, Texas, generally located at 2138 and 2390 Post Road in Case No. AN-23-02 (including adjacent road right-of-way); including procedural provisions; and providing an effective date; and consider approval of Ordinance 2022-17, on the first of two readings.

17. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2023-18, amending the Official Zoning Map of the City in Case No. ZC-23-06, by rezoning approximately 6.5 acres of land out of the William Ward Survey, Abstract No. 467 and the J.M. Veramendi Survey, Abstract No. 17, located at 2138 and 2390 Post Road, from "FD" Future Development 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 2023-18, on the first of two readings.
18. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2023-19, amending the Official Zoning Map of the City in Case No. ZC-23-09, by rezoning approximately 24.47 acres of land out of the William Ward Survey, Abstract No. 467 and the J.M. Veramendi Survey, Abstract No. 17, located at 2138 and 2390 Post Road, from "FD" Future Development to "MH" Manufactured Home 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 2023-19, on the first of two readings.
19. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2023-20, amending the regulations and standards of the Blanco Riverwalk Planned Development District (PDD), consisting of approximately 83.57 acres of land, generally located between the Chuck Nash auto dealership and Riverway Avenue, to authorize multi-family residential uses and to establish development standards for the same on approximately 13.994 acres out of the Blanco Riverwalk Subdivision, Block E, Lot 1, Hays County, Texas, located at 205 Chuck Nash Loop, in Case No. PDD-06-01(A); including procedural provisions; and providing an effective date, and consider approval of Ordinance 2023-20, on the first of two readings.
20. Receive a staff presentation and hold a public hearing to consider a request by Brian Jeffrey, on behalf of Sean Patricks, to appeal the decision of the Planning and Zoning Commission which approved a Conditional Use Permit to allow on-premises consumption of mixed beverages, but limited outdoor music, at 202 E. San Antonio Street.

NON-CONSENT AGENDA

21. Receive a Staff presentation and consider approval of Resolution 2023-32R, amending the Community Development Block Grant (CDBG) Action Plan for Program Year 2019 to reallocate funding; awarding Community Development Block Grant-Coronavirus Response ("CDBG-CV") round one funding of \$188,433.00 to the Blanco River Recovery Team (BR3T) for use in a Rent and Utility Bill Relief program; authorizing the City Manager, or her designee, to execute a funding agreement with BR3T in such amount and to act as the official representative of the City in matters related to CDBG Program and Action Plan; and declaring an effective date.
22. Receive a Staff presentation and consider approval of Resolution 2023-33R, approving Substantial Amendment No. 13 to the Community Development Block Grant-Disaster Recovery ("CDBG-DR") Action Plan cancelling two activities and reallocating certain project funding to the Midtown Aquarena Springs project; authorizing the City Manager

to act as the official representative of the City in matters related to the CDBG-DR Program and Action Plan; and declaring an effective date.

23. Consider approval of Resolution 2023-34R, providing for repeal of the Meet and Confer agreement between the San Marcos Police Officers' Association and the City of San Marcos that was approved by the City Council on September 6, 2022; and declaring an effective date.
24. Discuss and consider annual appointments to various Boards and Commissions, to wit:
 - A) Airport Advisory Board
 - B) Animal Shelter Advisory Committee
 - C) Arts Commission
 - D) Cemetery Commission
 - E) Citizen Utility Advisory Board (CUAB)
 - F) Convention and Visitors Bureau Board
 - G) Economic Development San Marcos Board
 - H) Ethics Review Commission
 - I) Historic Preservation Commission
 - J) Housing Authority
 - K) Human Services Advisory Board
 - L) Library Board
 - M) Main Street Advisory Board
 - N) Neighborhood Commission
 - O) Parking Advisory Board
 - P) Parks and Recreation Board
 - Q) Planning and Zoning Commission
 - R) San Marcos Industrial Development Corporation
 - S) Senior Citizen Advisory Board
 - T) Veteran Affairs Advisory Board
 - U) Zoning Board of Adjustment

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.

25. Executive Session in accordance with the following:
 - A. Sec. §551.071 of the Texas Government Code: Consultation with Attorney: to receive advice of legal counsel regarding pending litigation, to wit:
 - Albian Leyva vs. Ryan Hartman, Jacinto Melendrez, and City of San Marcos; Civil Action No. 1:22-CV-00580-LY; In the United States District Court, Western District of Texas; Austin Division
 - Eric Cervini, et al. vs. Chase Stapp, Brandon Winkenwerder, Matthew Danzer, and City of San Marcos; Civil Action No. 1:21-CV-00568-RP; In the United States District Court, Western District of Texas; Austin Division
 - B. Sec. §551.071 of the Texas Government Code: Consultation with Attorney: to seek advice of legal counsel regarding the petition to repeal the Meet and Confer Agreement

with the San Marcos Police Officers' Association

C. Sec. §551.072 of the Texas Government Code: Real Property: for deliberations regarding the possible acquisition of properties for parks, conservation, and stormwater mitigation services

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

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

DIRECTION/ACTION FROM EXECUTIVE SESSION

- 26.** 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 receive advice of legal counsel regarding pending litigation, to wit:

- Albian Leyva vs. Ryan Hartman, Jacinto Melendrez, and City of San Marcos; Civil Action No. 1:22-CV-00580-LY; In the United States District Court, Western District of Texas; Austin Division

- Eric Cervini, et al. vs. Chase Stapp, Brandon Winkenwerder, Matthew Danzer, and City of San Marcos; Civil Action No. 1:21-CV-00568-RP; In the United States District Court, Western District of Texas; Austin Division

B. Sec. §551.071 of the Texas Government Code: Consultation with Attorney: to seek advice of legal counsel regarding the petition to repeal the Meet and Confer Agreement with the San Marcos Police Officers' Association

C. Sec. §551.072 of the Texas Government Code: Real Property: for deliberations regarding the possible acquisition of properties for parks, conservation, and stormwater mitigation services

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

E. 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 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, FEBRUARY 2, 2023 @ 6:15PM

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