



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Regular Meeting Agenda - Final City Council

Tuesday, March 21, 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 2023-24, on the second of two readings, amending the Official Zoning Map of the City in Case No. ZC-23-04, by rezoning approximately 16.234 acres of land, more or less, out of the Joel Miner Survey, Abstract 321, Hays County, Texas, located at 2700 North Interstate Highway 35, at the intersection of the north bound frontage of Interstate Highway 35 and Saddle Run Way, from "MH" Manufactured Housing and "FD" Future Development to "HC" Heavy Commercial, or, subject to consent of the owner, another less intense zoning district classification, including procedural provisions; and providing an effective date subject to the recording of a restrictive covenant agreement on the property.
2. Consider approval of Ordinance 2023-25, on the second of two readings, amending the Official Zoning Map of the City in Case ZC-23-08, by rezoning approximately 1.811 acres

of land out of Cottonwood Creek, Phase 3 (Unit 9, Lot 1) in Hays County, Texas, located north of the intersection of Rattler Road and Monterrey Oak, from "GC" General Commercial 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 2023-26, on the second of two readings, adopting Youth Programs Standards of Care for 2023; providing a severability clause; providing for the repeal of any conflicting provision; declaring an effective date.
4. Consider approval of Ordinance 2023-27, on the second of two readings, amending certain funds in the City's 2022-2023 Fiscal Year Budget to authorize the use of funds for one-time non-recurring park improvements; including procedural provisions; and declaring an effective date.
5. Consider approval of Ordinance 2023-28, on the second of two readings, amending Chapter 22, Cemeteries, of the San Marcos City Code by, among other things, correcting typographical errors in various sections and amending Sections 22.013 and 22.014; adopting a fee schedule related to the use and operation of the cemetery; providing for the repeal of any conflicting provisions; and providing an effective date.
6. Consider approval of Ordinance 2023-29, on the second of two readings, amending Chapter 2, Article 3, Division 5 - Zoning Board of Adjustments, of the San Marcos City Code by amending Section 2.151(a) Membership from three years to two years to comply with the Texas Local Government Code, Section 211.008 - Board of Adjustment; and providing an effective date.
7. Consider approval of Resolution 2023-52R, approving an addendum to the Master Lease-Purchase Financing Agreement with US Bancorp Government Leasing and Finance Inc. that adds a Freightliner vac truck for the Public Works Department as equipment to be financed under the agreement in the amount of \$602,300.11, inclusive of interest for a seven-year term; authorizing the City Manager or her designee to execute all appropriate documents associated with this transaction; and declaring an effective date.
8. Consider approval of Resolution 2023-53R, approving the purchase of a 2024 vac truck for \$504,805.82 from Doggett Freightliner of South Texas LLC - Austin for use by the Public Works Department; 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 2023-54R, approving contracts with CT Electric, Lockhart, Texas and Alterman, Austin, Texas for Electrician Services in the combined annual amount of \$100,000.00; authorizing the City Manager or her designee, to execute the agreements on behalf of the City; and declaring an effective date.
10. Consider approval of Resolution 2023-55R, approving an agreement with FreeIT Data Solutions for Antivirus Software through the Texas Department of Information Resources (DIR) Contract for an initial five-year term in the amount of \$153,700.00, with an option for two (2) one-year renewal terms making the total value of the agreement \$248,489.80; authorizing the City Manager or her designee to execute the agreement; and declaring an

effective date.

11. Consider approval of Resolution 2023-56R, approving an agreement with T.F. Harper & Associates, LP through the Local Government Purchasing Cooperative BuyBoard for the Kenneth M. Copeland Memorial Park Improvements Project for the Parks and Recreation Department in the amount of \$165,941.50; authorizing the City Manager or her designee to execute the agreement on behalf of the City; and declaring an effective date.
12. Consider approval of Resolution 2023-57R, awarding and approving a services contract with Booth Management Consulting, LLC for the provision of consulting services for oversight and compliance in connection with the American Rescue Plan Act (ARPA) of 2021 for an amount up to \$110,000.00 for the term of April 1, 2023 through December 31, 2023 with the option to extend for up to three (3) additional one-year periods; authorizing the City Manager or her designee to execute this agreement on behalf of the City; and declaring an effective date.
13. Consider approval of Resolution 2023-58R, approving the selection of attorney William M. McKamie of Taylor Olson Adkins Sralla and Elam, LLP (TOASE) as outside counsel to represent the City in certain litigation matters as assigned; authorizing the Interim City Attorney to execute an agreement with the TOASE firm for these services; and providing an effective date.
14. Consider approval of Resolution 2023-59R, approving the selection of attorney Bradford E. Bullock of Messer Fort & McDonald PLLC, as outside counsel to represent the City in certain litigation matters as assigned; authorizing the Interim City Attorney to execute an agreement with the law firm for these services; and declaring an effective date.
15. Consider approval of Resolution 2023-60R, authorizing the Interim City Attorney to execute revised legal services agreements with attorney Arturo Rodriguez to reflect the fact that the agreements are now with the law firm Mr. Rodriguez recently joined, Messer Fort & McDonald, PLLC ("the Firm"); 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.

16. Hold a Public Hearing to receive comments for or against Resolution 2023-61R, approving a Budget Policy Statement for preparation of the 2023-2024 Fiscal Year budget; and declaring an effective date; and consider approval of Resolution 2023-61R.

NON-CONSENT AGENDA

17. Consider approval of Ordinance 2023-30, on the first of two readings, amending Chapter 62, Article 4, City Marshal's Department, of the San Marcos City Code to clarify and correct language to match current law and practice, add a section on Parking Enforcement Division, and add a section on Court Bailiff and Warrant Division; repealing any conflicting provisions; and providing an effective date.

18. Consider approval of Resolution 2023-62R, adopting the City Council's Strategic Plan for Fiscal Year 2023-2024; and declaring an effective date.
19. Consider approval of Resolution 2023-63R, appointing Samuel J. Aguirre as City Attorney; approving his employment agreement; authorizing the Mayor to execute the agreement; and declaring an effective date.
20. Consider approval, by motion, authorizing negotiations of a Development Agreement in case PDA-21-05(A) with Casata San Marcos LLC, to amend the Casata Development Agreement, consisting of approximately 30.1 acres, to authorize microhome construction in accordance with the US Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards, on approximately 26.789 acres out of the William Ward Survey, Abstract 467 and the J.M. Veramendi League Survey, Abstract 17 located at 2138 and 2390 Post Road, and consider the appointment of a Council Committee to review the aforementioned Development Agreement, if desired.
21. Receive a Staff presentation and hold a discussion on a request by Eckermann Engineering, Inc on behalf of the McCoy Corporation to remove two proposed Thoroughfares in the City's Thoroughfare Plan generally located between Davis Lane, McCoy Circle and River Road.
22. Hold discussion on the Arts Commission Recommendation Resolution 2023-01RR, supporting the Gateway Mural project proposed for the back wall of the old Hays County Justice Center (the building with Industry, THRC Downtown, etc.), and provide direction to the City Manager.
23. Confirm appointment to the Animal Shelter Advisory Committee, and provide direction to Staff.
24. Hold discussion regarding the boards and commissions process and provide direction to Staff.

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: John Kelley vs. City of San Marcos, John Dehkordi, Andrew Wisener, Basil Pierce and John Does
 - B. Sec. §551.074 of the Texas Government Code: Personnel Matters: to discuss the duties of the City Manager related to the San Marcos Professional Fire Fighters Association Meet and Confer Process

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:

A. Sec. §551.071 of the Texas Government Code: Consultation with Attorney: to receive advice of legal counsel regarding pending litigation, to wit: John Kelley vs. City of San Marcos, John Dehkordi, Andrew Wisener, Basil Pierce and John Does

B. Sec. §551.074 of the Texas Government Code: Personnel Matters: to discuss the duties of the City Manager related to the San Marcos Professional Fire Fighters Association Meet and Confer Process

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, MARCH 16, 2023 @ 3:00PM

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