



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Regular Meeting Agenda - Final City Council

Tuesday, April 18, 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 Resolution 2023-75R, approving the final Change Order to the Hopkins Street Improvements Project with Jordan Foster, LLC in the amount of \$197,664.59; 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.
2. Consider approval of Resolution 2023-76R, approving a contract with Maguire Iron, Inc. through the Interlocal Purchasing System, TIPS Cooperative for water storage tank repairs for the Utilities Department in the estimated amount of \$166,730.00; authorizing the City Manager or her designee to execute the contract on behalf of the City; and declaring an effective date.
3. Consider approval of Resolution 2023-77R, a resolution by the City of San Marcos,

Texas, ("city") responding to the application of CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Entex and CenterPoint Energy Texas Gas - South Texas Division (CenterPoint), to increase rates under the gas reliability infrastructure program; suspending the effective date of this rate application for forty-five days; authorizing the city's participation in a coalition of cities known as the "Alliance of CenterPoint Municipalities (ACM); requiring the reimbursement of costs; determining that the meeting at which the resolution was adopted complied with the Texas Open Meetings Act; making such other findings and provisions related to the subject; and declaring an effective date.

4. Consider approval of Resolution 2023-78R, approving the allocation of up to \$248,881.00 from the City's General Fund (formerly CRF) and allocating up to \$446,071.00 in funds received by the City of San Marcos under the American Rescue Plan to support the recovery of the community; and declaring an effective date.
5. Consider approval of Resolution 2023-79R, authorizing a Change in Service to the professional services agreement with Dragonfly Veterinary Services, PLLC for the provision of veterinary services to the City of San Marcos Regional Animal Shelter in an additional amount not to exceed \$50,000.00 bringing the total for the contract to an amount not to exceed \$150,000.00 for the period of June 22, 2022 through June 21, 2023; allowing a one-year optional extension in the amount of \$150,000.00 for the period of June 22, 2023 through June 21, 2024; allowing an additional one-year optional extension in the amount of \$180,000.00 for the period of June 22, 2024 through June 21, 2025; authorizing the City Manager or her designee to execute the appropriate documents to implement the Change in Service 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 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.

6. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2023-32, annexing into the City 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 northwest of the intersection between FM 110 and SH 80; between FM 110, SH 80, and FM 1984; approximately 4,000 feet northeast of the intersection between SH 80 and Quail Run Road, and between SH 142 and Valley Way Drive Case No. AN-22-20 SMART Terminal; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2023-32, on the first of two readings.
7. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2023-33, amending the Official Zoning Map of the City in Case No. ZC-23-01, by rezoning approximately 588.821 acres of land, more or less, out of the William Pettus Survey, Abstract No. 21 and the Thomas Maxwell Survey No.17, Abstract No. 188, Caldwell County, Texas, generally located northwest of the intersection between FM 110 and SH 80; between FM 110, SH 80, and FM 1984;

approximately 4,000 feet northeast of the intersection between SH 80 and Quail Run Road, and between SH 142 and Valley Way Drive, from "FD" Future Development to "HI" Heavy Industrial, 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 2023-33, on the first of two readings.

8. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2023-34, annexing into the City approximately 28.91 +/- acres of land, more or less, out of the Cyrus Wickson Survey, Abstract No. 474, the John Frederick Geister Survey, Abstract No. 203, the Farnham Frye Survey, Abstract Number 183, and the Rebecca Brown Survey, Abstract Number 46, Hays County, Texas, generally located at 2409 Old Bastrop Highway in Case No. AN-23-05 Oak Creek CD-5 including procedural provisions; and providing an effective date; and consider approval of Ordinance 2023-34, on the first of two readings.
9. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2023-35, amending the Official Zoning Map of the City in Case No. ZC-23-10, by rezoning approximately 27.6 acres of land, more or less, out of the Cyrus Wickson Survey, Abstract No. 474, the John Frederick Geister Survey, Abstract No. 203, the Farnham Frye Survey, Abstract No. 183, and the Rebecca Brown Survey, Abstract No. 46, in Hays County, Texas, generally located at 2409 Old Bastrop Highway, from "FD" Future Development 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 2023-35, on the first of two readings.
10. Receive a Staff presentation and hold a Public Hearing to receive comments for or against, and discuss 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.
11. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2023-36, annexing into the City approximately 3.278 +/- acre tract of land (called 2.699 acres) out of the T.H.W Forsith Survey, Abstract No. 173, being all of Lot 14, Section 2, Country Estates, in Hays County, Texas, along with the adjacent county right of way, generally located at 722 Palomino Lane in Case No. AN-23-07; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2023-36, on the first of two readings.

NON-CONSENT AGENDA

12. Consider approval of Resolution 2023-80R, approving an addendum to the Master Lease-Purchase Financing Agreement with US Bancorp Government Leasing and Finance Inc. that adds one (1) 41' Digger Derrick-Tracked Backyard, five (5) Ford F350 Supervisor Trucks, two (2) 47' Digger Derricks (DC47), one (1) AM55 Overcenter Aerial Device, four (4) Articulating Telescopic Aerial Devices (AT41M) for the Electric - Utilities Department as equipment to be financed under the Agreement in the amount of \$3,103,948.12, inclusive of interest for a seven (7) year term; authorizing the City Manager or her designee to execute all appropriate documents associated with this

transaction; and declaring an effective date.

13. Consider approval of Resolution 2023-81R, approving agreements with Altec Industries, Inc. through Sourcewell Cooperative Contract No. 110421-ALT for purchases of one (1) 41' Digger Derrick-Tracked Backyard, five (5) Ford F350 Supervisor Trucks, two (2) 47' Digger Derricks (DC47), one (1) AM55 Overcenter Aerial Device, four (4) Articulating Telescopic Aerial Devices (AT41M), all in the total amount of \$2,644,798.00, (exclusive of financing cost) for the Electric-Utilities Department; authorizing the City Manager or her designee to execute the agreements on behalf of the City; and declaring an effective date.
14. Discuss and consider appointment(s) to fill vacancies on the following Boards and Commissions, and provide direction to staff.
 - A) Arts Commission
 - B) Parks and Recreation Board
15. Hold discussion regarding carports in front of residential homes, and provide direction to the City Manager.

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.

16. Executive Session in accordance with the following:
 - A. Sec. §551.071 of the Texas Government Code: Consultation with Attorney: to hold discussion regarding litigation matter, S M Block 21, LLC. vs. City of San Marcos
 - B. Sec. §551.089 of the Texas Government Code: Deliberation regarding security devices or security audits; specifically, the deployment, or specific occasions for implementation, of a security personnel, critical infrastructure, or security devices, and Sec. §551.071 Consultation with the City's Attorney regarding legal matters related to same.

DIRECTION/ACTION FROM EXECUTIVE SESSION

17. 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 hold discussion regarding litigation matter, S M Block 21, LLC. vs. City of San Marcos
 - B. Sec. §551.089 of the Texas Government Code: Deliberation regarding security devices or security audits; specifically, the deployment, or specific occasions for implementation, of a security personnel, critical infrastructure, or security devices, and Sec. §551.071 - Consultation with the City's Attorney regarding legal matters related to same.

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, APRIL 12, 2023 @10:30AM

LUCIA CORDOVA, DEPUTY 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