



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Regular Meeting Agenda - Final City Council

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Tuesday, May 2, 2023

6:00 PM

City Council Chambers

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630 E. Hopkins St.

This will be a hybrid (in-person/virtual 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](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.*

### PRESENTATIONS

1. Receive a staff presentation related to the ongoing Meet and Confer negotiations between the City and the San Marcos Police Officer's Association including an explanation of considered reform policies and an update on negotiated contract parameters.

### 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.*

2. Consider approval of Ordinance 2023-34, on the second of two readings, 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.

3. Consider approval of Ordinance 2023-35, on the second of two readings, 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.
4. Consider approval of Ordinance 2023-36, on the second of two readings, 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.
5. Consider approval of Resolution 2023-82R, expressing support for the Taxiway Alpha Reconstruction Project at the San Marcos Regional Airport and authorizing the City's participation in the project with the Texas Department of Transportation's Aviation Division by contributing ten percent of the construction costs in the estimated amount of \$606,020.00; authorizing the City Manager or her designee to appoint Kirk Abbott, Project Engineer to execute all necessary documents related to the project; and declaring an effective date.
6. Consider approval of Resolution 2023-83R, approving a 10 year lease with JLFH Investments, LLC for the lease of space for the Women, Infants, and Children (WIC) Program office at 705 Landa Street, New Braunfels, Texas; authorizing the City Manager to execute said commercial lease agreement; and declaring an effective date.
7. Consider approval of Resolution 2023-84R, approving a contract with AE Cummings Co. Inc., for provision of a Spoilage Dump Site in the annual amount of \$48,000.00 with the option of three (3) additional one (1) year terms for a maximum contract amount not to exceed \$192,000.00; authorizing the City Manager or her designee to execute the contract on behalf of the City; and declaring an effective date.
8. Consider approval of Resolution 2023-85R, approving a contract with Martin Marietta North Texas Cement, LLC, formerly known as TXI Operations LP d/b/a Martin Marietta, for the sale of reclaimed water at prevailing rates; authorizing the City Manager or her designee to execute the contract documents; and declaring an effective date.
9. Consider approval of Resolution 2023-86R, approving a contract for the purchase of Bullet Resistant Shields from Lionheart Alliance, LLC, through GSA Contract #GSA 47QSWA20D001M, in the amount of \$115,329.20, as authorized and funded by a state-funded grant from the Office of the Governor; authorizing the City Manager or her designee to execute the contract 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.*

10. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2023-37, approving TMP-23-01, amending the City's Transportation Master Plan, Appendix E (Roadway), Appendix G (Bicycle Plan), and Appendix H (Greenways Plan) to remove the extension of McCoy Drive from McCoy Circle to Davis Lane, to remove a future avenue from River Road across the subject property to Davis Lane, and to remove a portion of the proposed greenway adjacent to the applicant's property; and including procedural provisions; and providing an effective date, and consider approval of Ordinance 2023-37, on the first of two readings.
11. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2023-38, amending the Official Zoning Map of the City in Case ZC-23-03, by rezoning approximately 67.121 acres out of the Edward Bureson Survey, No. 18, Abstract No. 63 in Hays County, Texas, located at and near 3830 South IH 35 (Centerpoint and IH 35), from "FD" Future Development and "LI" Light Industrial 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 2023-38, on the first of two readings.
12. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-78, on the second of two readings, amending the Official Zoning Map of the City in Case No. ZC-22-33, by rezoning approximately 120 acres of land, generally located near the 4100 block of State Highway 21, approximately 1,400 feet north of Harris Hill Road from "P" Public and Institutional District 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 subject to restrictive covenants on waste-related uses.

## **NON-CONSENT AGENDA**

13. Consider approval, by motion, authorizing Out-Of-City Utility Connection request for water service by Keith Buck on behalf of David Welch for an approximately 1 Acre, more or less, located at 1321 Lazy Lane.
14. Receive a Staff presentation, hold discussion, and consider approval, by motion, initiating a review of the development agreement, providing direction on topics for discussion with the developer, and authorizing negotiations with Franklin Mountain San Marcos I, LP, if desired, to amend the SMART Terminal Development Agreement.
15. Hold discussion regarding the Parking Advisory Board Recommendation Resolution 2023-01RR-PAB, the Board's support for an amended booting ordinance, and provide direction to the City Manager
16. Hold discussion regarding the Parking Advisory Board Recommendation Resolution 2023-02RR-PAB, extending parking to four hours in low demand areas downtown, and

provide direction to the City Manager

17. Hold discussion on the Disaster Declaration, including but not limited to the eviction delay ordinance 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.*

18. Executive Session in accordance with the following:
  - A. Sec. §551.072 of the Texas Government Code: Real Property: to deliberate the sale, lease, or value of City property located on Lime Kiln Road
  - B. Sec. §551.072 of the Texas Government Code: Real Property: to deliberate the purchase, or value of real property regarding potential use of eminent domain as contemplated by the River Bend and Riley's Pointe development agreement
  - C. Sec. §551.071 of the Texas Government Code: Consultation with the City's Attorney regarding the law and legal matters related to the development process regarding the SMART Terminal project and the Development Agreement

## DIRECTION/ACTION FROM EXECUTIVE SESSION

19. 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. §551.072 of the Texas Government Code: Real Property: to deliberate the sale, lease, or value of City property located on Lime Kiln Road
  - B. Sec. §551.072 of the Texas Government Code: Real Property: to deliberate the purchase, or value of real property regarding potential use of eminent domain as contemplated by the River Bend and Riley's Pointe development agreement
  - C. Sec. §551.071 of the Texas Government Code: Consultation with the City's Attorney regarding the law and legal matters related to the development process regarding the SMART Terminal project and the Development Agreement

## 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 THURSDAY, APRIL 27, 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)