



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Regular Meeting Agenda - Final-Amended City Council

---

Monday, July 3, 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](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.*

NOTICE: ZONING CASE NO. ZC-23-01 FOR SMART TERMINAL/AXIS LOGISTICS PARK HAS BEEN REMOVED FROM THIS AGENDA AND WILL NOT BE DISCUSSED OR CONSIDERED BY THE CITY COUNCIL AS THE APPLICANT HAS WITHDRAWN ITS APPLICATIONS FOR BOTH THE ZONING AND ASSOCIATED ANNEXATION (CASE NO. AN-22-20)

### 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 2023-43, on the second of two readings, amending Chapter 2, Administration, Article 3, Boards, Committees and Commissions, Division 2, Planning and Zoning Commission, of the San Marcos City Code by adding a new section 2.092 that designates the Planning and Zoning Commission as the Airport Zoning Commission; including procedural provisions; and providing an effective.

2. Consider approval of Ordinance 2023-44, on the second of two readings, creating a four-hour parking restriction between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday in the general area of downtown San Marcos as authorized by Section 82.160 of the San Marcos City Code and amending the traffic register to reflect such parking restriction; including procedural provisions; and providing an effective date.
3. Consider approval of Ordinance 2023-45, on the second of two readings, amending Chapter 82, Article 4, Stopping, Standing, Parking, Division 1, of the San Marcos City Code by modifying the requirements and fees for, and remedies related to, the City's immobilization of vehicles illegally parked on public rights-of-way or city property; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.
4. Consider approval of Ordinance 2023-46, on the second of two readings, reducing the speed limit from 30 miles per hour to 25 miles per hour in the Oak Heights Neighborhood; authorizing the installation of signs and traffic control devices reflecting the new speed limits; directing that the traffic register maintained under Section 82.067 of the San Marcos City Code be amended to reflect the new speed limits; including procedural provisions; and providing an effective date.
5. Consider approval of Ordinance 2023-47, on the second of two readings, authorizing the installation of speed cushions in both directions in the 500 through 700 blocks of Uhland Road (from Mill Street to IH 35 West Access Road); including procedural provisions; and providing an effective date.
6. Consider approval of Resolution 2023-108R, approving an agreement with Creative Bus Sales, through the Texas Smart Buy Purchasing Cooperative for the purchase of two (2) Glaval Universal 24 foot transit buses in the amount of \$372,454.00; authorizing the City Manager or her designee to execute agreement on behalf of the City; and declaring an effective date.
7. Consider approval of Resolution 2023-109R, approving an agreement for the provision of services in connection with the proposed owner requested annexation in Case No. AN-23-08 (Achieve Apartments) of approximately 17.937 acres of land out of the Barnett K. Kane Survey, Abstract No. 281 (including adjacent right-of-way), in Hays County, Texas, generally located at the northeast corner of the Hwy 123 and Redwood Road intersection; 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.
8. Consider approval of Resolution 2023-110R, selecting Shane Allbritton and her design for a new public art project at Ramon Lucio Park; and declaring an effective date.
9. Consider approval of Resolution 2023-111R, approving a professional services agreement with Abercrombie Planning + Design for Fire Station # 4 Mechanical, Electrical, and Plumbing Engineering (MEP) design services in an amount not to exceed \$100,000.00; 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 2023-112R, approving a professional services agreement with AG/CM Inc. for Fire Station #3 Project Management Services in an amount not to exceed \$200,000.00; authorizing the City Manager or her designee to execute the agreement 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.*

11. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2023-48, annexing into the City approximately 147.846 acres of land out of the L. Glasgow Survey No. 14, Abstract No. 188 and the John Williams Survey, Abstract No's. 471 and 490 (including adjacent right-of-way), in Hays County, Texas, generally located at the southwest corner of the West Centerpoint Road and Ranch Road 12 intersection (Case No. AN-23-01); including procedural provisions; and providing an effective date; and consider approval of Ordinance 2023-48, on the first of two readings.
12. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2023-49, amending the Official Zoning Map of the City in Case No. ZC-23-02, by rezoning approximately 90.00 acres of land generally located at the southwest corner of the West Centerpoint Road and Ranch Road 12 intersection, from "FD" Future Development District to "CC" Community Commercial 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 2023-49, on the first of two readings.
13. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2023-50, amending the Official Zoning Map of the City in Case No. ZC-23-15, by rezoning approximately 57.846 acres of land generally located at the southwest corner of the West Centerpoint Road and Ranch Road 12 intersection, from "FD" Future Development District 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 2023-50, on the first of two readings.
14. Receive a presentation and hold a Public Hearing to receive comments for or against Ordinance 2023-50, granting to Universal Natural Gas, LLC d/b/a Universal Natural Gas, Inc., the right, privilege and franchise to construct, install, extend, remove, replace, abandon, operate and maintain its facilities within the public rights-of-way of the City of San Marcos, Texas for the transportation, delivery, sale and distribution of natural gas; containing other provisions relating to the foregoing subject; providing for severability; including procedural provisions; providing for approval on three readings of the ordinance; and providing an effective date; and consider approval of Ordinance 2023-50, on the first of three readings.

**NON-CONSENT AGENDA**

15. Receive a Staff presentation and consider approval of Resolution 2023-113R, amending the Community Development Block Grant (CDBG) Action Plans for Program Years 2019, 2020, 2021, and 2022 to reallocate funding from the "Southside Community Center Housing Rehabilitation", "Emergency Repair", and "Priority Repair" programs to the CDBG Owner Occupied Housing Rehabilitation Program administered by the City; authorizing the City Manager, or her designee, to act as the official representative of the City in matters related to CDBG Program and Action Plans; and declaring an effective date.
16. Discuss and consider appointment to fill a vacancy on the Animal Shelter Advisory Committee; 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.*

17. A. Section §551.071 of the Texas Government Code: Consultation with Attorney: to seek the advice of legal counsel regarding: the pending application to discharge wastewater from the privately-operated Fleming Farms Wastewater Treatment Facility proposed to be constructed 1.2 miles east of the intersection of Farm-to-Market 1978 and State Highway 123 in Guadalupe County under the following case name and docket numbers: Application by Regal, LLC for a new TPDES Permit No. WQ0015817001; TCEQ Docket No. 2020-0973 MWD; SOAH Docket No. 582-21-0576; and, the pending application to discharge wastewater from the privately-operated Rattler Ridge Wastewater Treatment Facility proposed to be constructed approximately 7,656 feet southeast of the intersection of Farm-to-Market Road 1878 and State Highway 123, in Guadalupe County, 78666, under the following case name and docket numbers: Application by Rattler Ridge, LLC for a new TPDES Permit No. WQ0016049001; TCEQ Docket No. 2022-1046-MWD; SOAH Docket NO. 582-23-07913
- B. Section §551.071 of the Texas Government Code: Consultation with Attorney: regarding a request for consent to the creation of an Emergency Services District to provide Emergency Medical Services to certain areas of Caldwell County, including areas within the City of San Marcos
- C. Section §551.074 of the Texas Government Code: Personnel Matters: to discuss appointee evaluations for city manager, municipal court judge, city clerk and city attorney

**DIRECTION/ACTION FROM EXECUTIVE SESSION**

18. 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. Section §551.071 of the Texas Government Code: Consultation with Attorney: to seek the advice of legal counsel regarding: the pending application to discharge wastewater from the privately-operated Fleming Farms Wastewater Treatment Facility proposed to be

constructed 1.2 miles east of the intersection of Farm-to-Market 1978 and State Highway 123 in Guadalupe County under the following case name and docket numbers: Application by Regal, LLC for a new TPDES Permit No. WQ0015817001; TCEQ Docket No. 2020-0973 MWD; SOAH Docket No. 582-21-0576; and, the pending application to discharge wastewater from the privately-operated Rattler Ridge Wastewater Treatment Facility proposed to be constructed approximately 7,656 feet southeast of the intersection of Farm-to-Market Road 1878 and State Highway 123, in Guadalupe County, 78666, under the following case name and docket numbers: Application by Rattler Ridge, LLC for a new TPDES Permit No. WQ0016049001; TCEQ Docket No. 2022-1046-MWD; SOAH Docket NO. 582-23-07913

B. Section §551.071 of the Texas Government Code: Consultation with Attorney: regarding a request for consent to the creation of an Emergency Services District to provide Emergency Medical Services to certain areas of Caldwell County, including areas within the City of San Marcos

C. Section §551.074 of the Texas Government Code: Personnel Matters: to discuss appointee evaluations for city manager, municipal court judge, city clerk and city attorney

#### 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 WEDNESDAY, JUNE 28, 2023 @ 5:00PM**

**ELIZABETH TREVINO, CITY CLERK**

#### VIII. ADDENDUM

Item #15 was removed after posting the agenda on Wednesday, June 28, 2023.

##### Item #15

Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2023-113R, authorizing the Director of the San Marcos Parks and Recreation Department, or her designee, on behalf of the City, to apply for and to represent the City in dealing with the Texas Parks and Wildlife Department for the purpose of applying and participating in the Local Park Grant Program; certifying that the City is eligible to receive program assistance; certifying that the matching share in an amount not to exceed \$300,000.00 is readily available; and affirming the site is dedicated parkland used for public park and recreational purposes; authorizing the City Manager or her designee to represent and act as the representative of the City for purposes of the program; and declaring an effective date; and consider approval of Resolution 2023-113R.

**ADDENDUM POSTED ON FRIDAY, JUNE 30, 2023 @ 11:30AM**

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)