



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Regular Meeting Agenda - Final City Council

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Tuesday, August 1, 2023

6:00 PM

City Council Chambers

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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

*NOTE: Citizen Comment sign up procedures have changed:*

*Persons wishing to participate remotely (speak) during the Citizen Comment portion must sign up at [www.sanmarcostx.gov/citizencommentsignup](http://www.sanmarcostx.gov/citizencommentsignup) before 12:00PM the day of the meeting. A link will be provided for participation on a mobile device, laptop or desktop computer. Those wishing to speak in person must sign up using the kiosk 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 2023-48, on the second of two readings, 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;
2. Consider approval of Ordinance 2023-49, on the second of two readings, amending the Official Zoning Map of the City in Case ZC-23-02, by rezoning approximately 90.00 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, in Hays County, Texas, generally located at the

southwest corner of the West Centerpoint Road and Ranch Road 12 intersection, from "FD" Future Development to "CC" Community Commercial 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 2023-50, on the second of two readings, amending the Official Zoning Map of the City in Case ZC-23-15, by rezoning approximately 57.846 acres of land out of the L. Glassgow Survey No. 14, Abstract No. 188 and the John Williams Survey, Abstract No's. 471 and 490, generally located at the southwest corner of the West Centerpoint Road and Ranch Road 12 intersection, 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.
4. Consider approval of Ordinance 2023-51, on the second of third readings, 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.
5. Consider approval of Resolution 2023-114R, approving the award of a construction contract to EVT Construction for the Blanco Vista Waterline project in the amount of \$511,505.06; authorizing the City Manager or her designee to execute the appropriate documents related to this contract on behalf of the City; and declaring an effective date.
6. Consider approval of Resolution 2023-115R, authorizing a Change in Service to the professional services agreement with Lockwood, Andrews & Newman, Inc. related to the Purgatory Creek Improvements Phase 1 project in the estimated amount of \$825,756.35 for supplemental engineering services; 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.
7. Consider approval of Resolution 2023-116R, increasing the base salary of City Clerk, Elizabeth Trevino, by \$4,410.00, effective as of May 1, 2023; and declaring an effective date.
8. Consider approval of Resolution 2023-117R, increasing the base salary of Municipal Court Judge, Dallari Landry, by \$7,645.26, effective as of May 1, 2023; and declaring an effective date.
9. Consider approval of Resolution 2023-118R, increasing the base salary of City Manager, Stephanie Reyes, by \$10,000.00, effective as of May 1, 2023; amending the City Manager's Employment Agreement to provide for the City to pay the City Manager's contributions to the TMRS retirement system; authorizing the Mayor to execute this amendment on behalf of the City; and declaring an effective date.

**PUBLIC HEARINGS**

*NOTE: Public Hearing sign up procedures have changed:*

*Persons wishing to participate remotely (speak) during the Public Hearing portion must sign up at [www.sanmarcostx.gov/citizencommentssignup](http://www.sanmarcostx.gov/citizencommentssignup) before 12:00PM the day of the meeting. A 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 Resolution 2023-119R, adopting the Community Development Block Grant (CDBG) Action Plan that provides for the allocation of \$712,899.00 in CDBG entitlement funds for program year 2023-2024; authorizing the City Manager, or her designee, to act as the Official Representative of the City in matters related to the CDBG Program and Action Plan; and declaring an effective date; and consider approval of Resolution 2023-119R.
11. Receive a Staff briefing and hold a Public Hearing to receive comments for or against Resolution 2023-120R, authorizing the installation of wastewater infrastructure across City of San Marcos dedicated parkland known as Blanco Shoals Natural Area located at 1201 East River Ridge Parkway in San Marcos to allow the installation to tie into existing City wastewater infrastructure to serve the Whisper South Development; making certain findings; authorizing the City Manager or her designee, to execute documents evidencing this authorization on behalf of the City; and declaring an effective date; and consider approval of Resolution 2023-120R.

**NON-CONSENT AGENDA**

12. Consider approval of Ordinance 2023-52, on first and final reading, authorizing the issuance and sale of an amount not to exceed \$32,700,000.00 of Combination Tax and Revenue Certificates of Obligation, Series 2023C, levying an ad valorem tax and pledging certain surplus revenues in support of the certificates; approving an official statement, a paying agent/registrar agreement for the city's water and wastewater system; streets and transportation facilities; airport; technology infrastructure and facilities; public safety facilities; stormwater management system; and electric utility system; and the payment of professional services in connection therewith including legal, fiscal and engineering fees and the costs of issuing the certificates of obligation and other matters related thereto; and providing for the approval of this Ordinance 2023-52, on one reading as authorized by state law.
13. Consider approval of Ordinance 2023-53, on first and final reading, ordering Ordinance 2023-53, ordering a General Election to be held on November 7, 2023, for the purpose of electing a City Council Member for Place 3, and a City Council Member for Place 4; making provisions for conducting the election; providing for the approval of this ordinance as an emergency measure on only one reading; and providing an effective date.
14. Consider approval of Ordinance 2023-54, on the first of two readings, repealing the City's juvenile curfew ordinance in Article 3, Chapter 54 of the San Marcos City Code; including procedural provisions; and declaring an effective date.
15. Receive a Staff presentation and consider approval of Ordinance 2023-55, on the first of

two readings, amending Chapter 14, Buildings and Building Regulations, Article 11, Licensing and Registration of Residential, General and Trade Contractors to eliminate certain local testing requirements; including procedural provisions; and declaring an effective date.

16. Consider approval of Resolution 2023-121R, approving a Meet and Confer agreement between the San Marcos Professional Firefighters' Association Local #3963 and the City of San Marcos; authorizing the City Manager, or her designee, to execute the agreement on behalf of the City; and declaring an effective date.
17. Discuss and consider appointment(s) to fill vacancies on the following Boards and Commissions, and provide direction to Staff.
  - A) Cemetery Commission
  - B) Convention and Visitors Bureau Board
  - C) Ethics Review Commission
  - D) Human Services Advisory Board
  - E) Parks and Recreation Board
18. Receive a Staff presentation and consider, by motion, the initial authorization of text amendments to the San Marcos Development Code to, among other things, address changes made in the 2023 Legislative Session, create a new business park zoning district, improve development processes, incorporate City Council direction for Code amendments, add clarity, and correct discrepancies within the Code.

## 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.*

19. The City Council will convene in executive session pursuant to the following sections of Chapter 551 of the Texas Government Code:
  - A. Sec. §551.071: Consultation with Attorney regarding pending litigation: 1) Money, et al vs. City of San Marcos, Civil Action No. 1:23-CV-718-RP, United States District Court, Western District, Austin Division; and 2) Cervini, et al vs City of San Marcos, Civil Action No. 1:21-CV-00568-RP United States District Court, Western District, Austin Division
  - B. Sec. §551: Economic Development: to receive a briefing and deliberate on Project Grand Slam
  - C. Sec. §551.089: Security devices or security audits, and Sec. 551.071: Consultation with Attorney: to deliberate the deployment, or specific occasions for implementation, of security personnel, critical infrastructure, or security devices, and associated legal issues

## DIRECTION/ACTION FROM EXECUTIVE SESSION

20. 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: Consultation with Attorney regarding pending litigation: 1) Money, et al vs. City of San Marcos, Civil Action No. 1:23-CV-718-RP, United States District Court,

Western District, Austin Division; and 2) Cervini, et al vs City of San Marcos, Civil Action No. 1:21-CV-00568-RP United States District Court, Western District, Austin Division

B. Sec. §551: Economic Development: to receive a briefing and deliberate on Project Grand Slam

C. Sec. §551.089: Security devices or security audits, and Sec. 551.071: Consultation with Attorney: to deliberate the deployment, or specific occasions for implementation, of security personnel, critical infrastructure, or security devices, and associated legal issues.

## VI. Question and Answer Session with Press and Public.

*NOTE: Question and Answer with Press and Public sign up procedures have changed:*

*This is an opportunity for the Press and Public to ask questions related to items on this agenda. Persons wishing to participate remotely (speak) during the Citizen Comment portion must sign up [www.sanmarcostx.gov/citizencommentsignup](http://www.sanmarcostx.gov/citizencommentsignup) before 12:00PM the day of the meeting. A 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, JULY 26, 2023 @ 6:00 PM**

**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)