



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Regular Meeting Agenda - Final City Council

Tuesday, September 19, 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

*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 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 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 2023-57, on the second of two readings, annexing into the City approximately 1.8 acres of land out of the Andrew Mitchell Survey in Guadalupe County and the Charles Henderson Survey in Hays County, generally located east of the intersection between Lovelady Lane and SH-123 (Case No. AN-23-09); including procedural provisions; and providing an effective date.
2. Consider approval of Ordinance 2023-58, on the second of two readings, approving the abandonment of a 43,560 square foot right-of-way described as Paramount Circle within the Champions Business Park Subdivision and located between I-35 Frontage and Post Road, subject to replacement right-of-way being dedicated to the city; authorizing the City Manager, or her designee, to execute a quitclaim deed to the abutting property owner requesting such abandonment, subject to the owner dedicating a replacement right-of-way to the city; and providing an effective date.

3. Consider approval of Ordinance 2023-59, on the second of two readings, approving the abandonment of a 36,154 square foot right-of-way described as Champions Boulevard within the Champions Business Park subdivision and located between I-35 frontage and Post Road, subject to replacement right-of-way being dedicated to the city; authorizing the City Manager, or her designee, to execute a quitclaim deed to the abutting property owner requesting such abandonment, subject to the owner dedicating a replacement right-of-way to the city; and declaring an effective date.
4. Consider approval of Ordinance 2023-60, on the second of two readings, approving the abandonment of a 52,272 square foot right-of-way described as Premier Parkway within the Champions Business Park subdivision and located between I-35 frontage and Post Road, subject to replacement right-of-way being dedicated to the city; authorizing the City Manager, or her designee, to execute a quitclaim deed to the abutting property owner requesting such abandonment, subject to the owner dedicating a replacement right-of-way to the city; and declaring an effective date.
5. Consider approval of Ordinance 2023-63, on the second of two readings, amending the rates for Electric Utility Services in accordance with Section 86.177 of the San Marcos Code of Ordinances; including procedural provisions; and declaring an effective date.
6. Consider approval of Ordinance 2023-64, on the second of two readings, amending rates for the Water, Wholesale Water, Reclaimed Water, and Wastewater Treatment Utility Services in accordance with Section 86 of the San Marcos City Code of Ordinances; including procedural provisions; and declaring an effective date.
7. Consider approval of Ordinance 2023-65, on the second of two readings, amending the rates for residential and multifamily customers of solid waste programs, known as Resource Recovery, in accordance with Section 66.028 of the San Marcos Code of Ordinances; including procedural provisions; and declaring an effective date.
8. Consider approval of Ordinance 2023-66, on the second of two readings, amending the rates for the Clean Community Fee, known as the Community Enhancement Fee, in accordance with Section 66.002 of the San Marcos Code of Ordinances; including procedural provisions; and declaring an effective date.
9. Consider approval of Ordinance 2023-67, on the second of two readings, re-appointing Daniel Matthew Burns as an Associate Municipal Court Judge for the San Marcos Municipal Court of Record for a term of two years; and providing an effective date.
10. Consider approval of Ordinance 2023-68, on the second of two readings, authorizing the installation of speed cushions in both directions in the 200 through 400 blocks of Horace Howard Drive (from approximately 670 feet west of Old Bastrop Highway to Dachsund Drive); including procedural provisions; and providing an effective date.
11. Consider approval of Ordinance 2023-70, on the second of two readings, amending Section 6.030 of the San Marcos City Code to eliminate the five-day holding period exception for impounded stray cats having no traceable identification; including procedural provision; and declaring an effective date.
12. Consider approval of Resolution 2023-148R, amending Resolutions 2023-122R and

2023-109R to change the approved date for the public hearing 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 State Highway 123 and Redwood Road intersection; setting the date for a Public Hearing concerning the proposed annexation of said tract of land; and declaring an effective date.

13. Consider approval of Resolution 2023-149R, approving a ten-year lease agreement with The Teacher Reuse for the lease of space at 1040 Highway 123 for the nonprofit purpose of storing donated educational and classroom materials for teachers; authorizing the City Manager, or her designee, to execute said nonprofit facility lease agreement; and declaring an effective date.
14. Consider approval of Resolution 2023-150R, approving a Natural Areas Land Management Plan for the city; and declaring an effective date.
15. Consider approval of Resolution 2023-151R, approving an Encroachment Agreement with various citizens, and San Marcos Publishing, LP, to allow the existing San Marcos Daily Record building to encroach within a city easement located at 1910 South IH 35; authorizing the City Manager, or her designee, to execute the said agreement 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 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.

16. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2023-61, adopting an operating budget in the amount of \$321,150,452.00 for the fiscal year beginning October 1, 2023 and ending September 30, 2024; authorizing certain adjustments to the budget with the approval of the City Manager; adopting a fee schedule; approving fiscal year 2023-2024 Capital Improvements Program Projects in the amount of \$77,033,000.00; including procedural provisions; and declaring an effective date; and consider approval of Ordinance 2023-61, on the second of two readings.
17. Consider approval of Resolution 2023-152R, ratifying the property tax revenue increase in the budget for the fiscal year October 1, 2023 through September 30, 2024; and providing an effective date.
18. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2023-62, setting the tax rate for the 2023 tax year at 60.30 cents on each \$100 of taxable value of real property that is not exempt from taxation; levying taxes for the use and support of the municipal government of the city for the fiscal year beginning October 1, 2023, and ending September 30, 2024; providing a sinking fund for the retirement of the bonded debt of the city; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2023-62, on the

second of two readings.

19. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2023-71, adopting the "Vision SMTX Comprehensive Plan" as the Comprehensive Plan of the City of San Marcos; adopting the Preferred Scenario Map therein as the future land use map of the City; repealing the adoption of the previous Comprehensive Plan, "Vision San Marcos: A River Runs Through Us"; repealing the associated Preferred Scenario Map designations and providing new associated designations from the Preferred Scenario Map; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2023-71, on the first of two readings.
20. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2023-72, amending the San Marcos Development Code to, among other things, address changes made in the 2023 Legislative Session, improve development processes related to development agreements, certificates of appropriateness, demolition by neglect, and parks and open space dedication, add clarity, correct discrepancies within the Code, and incorporate City Council direction for Code amendments including improved Historic District & Landmark Designation Criteria, increasing the Occupancy Restriction limit from two to three unrelated persons, creating a new business park zoning district, and making Waste Related Services a conditional use in all instances, providing a savings clause; and providing for the repeal of any conflicting provisions; and providing an effective date, and consider approval of Ordinance 2023-72, on the first of two readings.

NON-CONSENT AGENDA

21. Consider approval of Resolution 2023-153R, approving a contract with Axon Enterprises, Inc., through the Texas BuyBoard Purchasing Cooperative for the purchase of law enforcement body cameras and related supplies and technology in the amount of \$3,994,049.12 over a five (5) year period; authorizing the City Manager or her designee, to execute the agreement on behalf of the city; and declaring an effective date.
22. Consider approval of Resolution 2023-154R, approving an agreement providing for the city to sell Edwards Aquifer Water on a temporary basis to the City of Kyle; authorizing the City Manager, or her designee, to execute the agreement on behalf of the city; and declaring an effective date.
23. Hold discussion regarding single use container ban, and provide direction to the City Manager.
24. Discuss and consider appointments to fill the following Board and Commission vacancies, and provide direction to Staff.
 - A) Convention and Visitors Bureau Board
 - B) Economic Development San Marcos Board
 - C) Neighborhood Commission

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. 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; Section 551.072-Real Property; and Sec.551.087-Economic Development: to discuss Project Condor and associated issues related to a possible development project at the San Marcos Regional Airport
 - B. Sec. 551.074: Personnel Matters: to discuss performance goals for the City Attorney

DIRECTION/ACTION FROM EXECUTIVE SESSION

26. Consider action, by motion, or provide direction to Staff regarding the following Executive Session items held during the Work Session and/or Regular Meeting pursuant to the following sections of the Texas Government Code:
- A. Sec. 551.071-Consultation with Attorney; Section 551.072-Real Property; and Sec.551.087-Economic Development: to discuss Project Condor and associated issues related to a possible development project at the San Marcos Regional Airport
 - B. Sec. 551.074: Personnel Matters: to discuss performance goals for the City Attorney

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 before 12:00PM the day of the meeting. A call in number and link will be provided for participation on a mobile device, laptop or desktop computer. If attending in person, no sign up is required.

NOTICE: In accordance with Section 2.045 (d) of the City Code, speakers must state their name, and must limit their remarks to three minutes. The allotted time will commence from the beginning of the speaker's remarks and will include any time spent in discussion between the speaker and council or board or commission members. Issues taking longer to communicate can be addressed outside the meeting to the city staff or to individual members of the council or board or commission, or submitted in writing.

VII. Adjournment.

POSTED ON WEDNESDAY, THURSDAY, SEPTEMBER 14, 2023 at 4:30 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