



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Regular Meeting Agenda - Final City Council

Monday, October 2, 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.

PRESENTATIONS

1. Receive a presentation from Deloitte and Touche, LLP on the Community Development Block Grant-Disaster Recovery (CDBG-DR) Quarterly Internal Audit Report, and provide direction to Staff.
2. Receive a Staff presentation of the Quarter End June 30, 2023 Financial Report, and provide direction to City Manager.
3. Receive a Staff presentation of the Quarter End June 30, 2023 Investment Report, and provide direction to City Manager.

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.

4. Consider approval of Resolution 2023-155R, accepting financial assistance for the Taxiway Alpha Reconstruction Project at the San Marcos Regional Airport from the Texas Department of Transportation Aviation Division and authorizing the City's participation in the project by contributing ten percent of the construction costs in the estimated amount of \$737,811.50; authorizing the City Manager, or her designee, to execute all necessary documents related to the project; and declaring an effective date.
5. Consider approval of Resolution 2023-156R, approving contracts with Austin Arborist Co., doing business as Austin Tree Experts, and Heritage Tree Care LLC., each in a not to exceed amount of \$135,000.00 per year, per contract, per firm, for initial two-year terms, and authorizing three additional one-year renewals, for tree removal; authorizing the City Manager, or her designee, to execute any documents associated with the agreement and the renewals on behalf of the city; and declaring an effective date.
6. Consider approval of Resolution 2023-157R, approving an extension with SHI Government Solutions, Inc., through the State Department of Information Resources Contract for Microsoft Enterprise Agreement licenses for the period of one year with two annual renewals; authorizing the City Manager, or her designee, to execute the appropriate documents on behalf of the city; and declaring an effective date.
7. Consider approval of Resolution 2023-158R, approving a contract with Progressive Commercial Aquatics, Inc., through the Texas Buyboard Purchasing Cooperative for the purchase of pool chemicals and maintenance of city pools and splash pad in the annual amount of \$60,000.00, with two (2) one-year extensions, for a total contract price of \$180,000.00; authorizing the City Manager, or her designee, to execute any documents associated with the agreement and the renewals 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.

8. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2023-73, amending Chapter 10, Aviation, by adding a new Article 3, Airport Hazard Zoning and Surrounding Land Use Ordinance, that establishes Airport Zoning Regulations to support land use compatibility and airspace protection for the San Marcos Regional Airport; creating associated offenses and penalties; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date; and consider approval of Ordinance 2023-73, on the first of two readings.

NON-CONSENT AGENDA

9. Consider approval of Ordinance 2022-72, on the second of two readings, 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 and 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.

10. Consider approval of Ordinance 2023-74, on the first of two readings, approving the 2023 Annual Service Plan Update for the Whisper Public Improvement District; authorizing the City Manager, or designee, to execute said document on behalf of the city; and declaring an effective date.
11. Consider approval of Ordinance 2023-75, on the first of two readings, approving the 2023 Annual Service Plan Update for the Whisper South Public Improvement District; authorizing the City Manager, or designee, to execute said document on behalf of the city; and declaring an effective date.
12. Consider approval of Ordinance 2023-76, on the first of two readings, approving the 2023 Annual Service Plan Update for the Trace Public Improvement District; authorizing the City Manager, or designee, to execute said document on behalf of the city; and declaring an effective date.
13. Consider approval of Ordinance 2023-77, on the first of two readings, amending Chapter 19 of the San Marcos City Code regarding special events for the purposes of creating more ease in the application process, establishing a one stop shop for customers and improving safety, equity and coordination of events; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.
14. Consider approval of Ordinance 2023-78, on the first of two readings, amending Section 2.172 of the San Marcos City Code to change the membership requirements for service on the Parking Advisory Board; including procedural provisions; and providing an effective date.
15. Consider approval of Resolution 2023-159R, approving Change Order No. 2 for the contract with Santa Clara Construction, Ltd., for the Blanco Gardens Drainage Improvements Project in the amount of \$1,964,712.71 for storm drain and river outfall construction; 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.
16. Consider approval of Resolution 2023-160R, providing a nomination to serve on the Hays Central Appraisal District Board of Directors for a one-year term commencing on January 1, 2024; and declaring an effective date.
17. Receive a Staff presentation and discuss a request in Case No. PSA-23-02 (Preferred Scenario Amendment North Lindsey Student Housing), to amend the Preferred Scenario map from "Existing Neighborhood" to "High Intensity" for approximately 1.13 acres of land, more or less, generally located southwest of the intersection between Lindsey Street and

North Street.

18. Hold discussion regarding the city council meeting procedures under Chapter 2 of the City Code, and provide direction to Staff.
19. Discuss and consider appointment(s) to fill vacancies on the following Boards and Commissions, and provide direction to Staff.
 - (A) Library Board
 - (B) Parks and Recreation Board

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.

20. The City Council will convene in executive session pursuant to the following sections of the Texas Government Code:
 - A. Sec. §551.071: Consultation with Attorney: to receive advice of legal counsel regarding pending litigation concerning the title to an alleyway located near the intersection of University Drive and CM Allen Parkway in Cause No. 23-0339, in the District Court of Hays County, 207th Judicial District Court.
 - B. Sec. §551.071: Consultation with Attorney: to receive advice of legal counsel regarding pending litigation regarding Eric Cervini, et al. vs. Chase Stapp, Brandon Winkenwerder, Matthew Danzer, and City of San Marcos; Civil Action No. 1:21-CV-00568-RP; In the United States District Court, Western District of Texas; Austin Division.

DIRECTION/ACTION FROM EXECUTIVE SESSION

21. 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: to receive advice of legal counsel regarding pending litigation concerning the title to an alleyway located near the intersection of University Drive and CM Allen Parkway in Cause No. 23-0339, in the District Court of Hays County, 207th Judicial District Court.
 - B. Sec. §551.071: Consultation with Attorney: to receive advice of legal counsel regarding pending litigation regarding Eric Cervini, et al. vs. Chase Stapp, Brandon Winkenwerder, Matthew Danzer, and City of San Marcos; Civil Action No. 1:21-CV-00568-RP; In the United States District Court, Western District of Texas; Austin Division.

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 THURSDAY, SEPTEMBER 28, 2023 AT 4:00PM

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