



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Regular Meeting Agenda - Final City Council

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Tuesday, December 6, 2022

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. 30 Minute 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.*

### 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 Resolution 2022-263R, approving a contract with The Pounds Group, LLC DBA Sullivan Contracting Services through the Choice Partners Purchasing Cooperative for airport hangars repairs at the San Marcos Regional Airport for the Public Works Department in the estimated amount of \$95,671.83; authorizing the City Manager or her designee to execute the contract on behalf of the City; and declaring an effective date.
2. Consider approval of Resolution 2022-264R, awarding and approving a contract with Atlas Environmental, Inc. for Aquatic Invasive Fish & Snail Removal in the estimated annual amount of \$16,200.00, plus up to four one-year extensions for a total estimated contract amount of \$81,000.00; authorizing the City Manager or her designee, to execute the contract on behalf of the City; and declaring an effective date.

3. Consider approval of Resolution 2022-265R, awarding and approving a contract with EBR Enterprises for Removal of Invasive Plants from the Riparian Buffer of the San Marcos River in the estimated annual amount of \$38,412.50, plus up to four one-year extensions for a total estimated contract amount of \$192,062.50; authorizing the City Manager or her designee to execute the contract on behalf of the City; and declaring an effective date.
4. Consider approval of Resolution 2022-266R, authorizing Change in Service No. 3 to the contract with Schneider Engineering, LLC for Engineering Services for regulatory tracking and compliance that provides for a one year extension of the contract, plus administratively approved one year extensions for a term up to six years in the estimated annual amount of \$18,000.00 and estimated cumulative amount of \$102,000.00; 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.
5. Consider approval of Resolution 2022-267R, approving an interlocal agreement with the Lower Colorado River Authority (LCRA) for the provision of market support for the SMTXU Renewable Energy Credit Program; authorizing the City Manager or her designee to execute the agreement on behalf of the City; and declaring an effective date.
6. Consider approval of Resolution 2022-268R, approving Change Orders #27 and #28 to the construction contract with Trimbuilt Construction, Inc. for Police Department Additions and Renovations increasing the contract amount by \$51,853.23 from \$9,886,410.19 to \$9,938,263.42; authorizing the City Manager, or her designee, to execute the appropriate documents relating to the Change Orders on behalf of the City; and declaring an effective date.
7. Consider approval of Resolution 2022-269R, approving an agreement with Bonfire Interactive Ltd., through the Texas Department of Information Resources Cooperative, for e-Sourcing Software in the amount of \$68,400.00 for a term of three years; authorizing the City Manager or her designee to execute the agreement on behalf of the City and declaring an effective date.
8. Consider approval of Resolution 2022-270R, adopting the City's procedures for safe and secure receipt of electronic bids and proposals; authorizing the City Manager or her designee to execute the appropriate documents to implement the procedures 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.*

9. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-100, amending the Official Zoning Map of the City in Case No. ZC-22-41, by rezoning approximately 42.51 acres out of the Juan M. Veramendi Survey, Abstract No. 17, Hays County, Texas, generally located at the northwest corner of the East McCarty Lane and Leah Avenue intersection, from "GC" General Commercial 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; and consider approval of Ordinance 2022-100, on the first of two readings.

10. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2022-271R, authorizing the submission of the 2021-2022 Community Development Block Grant ("CDBG") Program Consolidated Annual Performance Evaluation Report ("CAPER") to the United States Department of Housing and Urban Development (HUD); declaring an effective date; and consider approval of Resolution 2022-271R.
11. Receive a Staff presentation and hold the second of two public hearings to receive comments for or against Ordinance 2022-98, amending Chapter 54, Miscellaneous Offenses, of the San Marcos City Code by re-adopting Article 3, Curfew, creating curfew hours for minors; removing sections related to establishments and operators; setting out violations and defenses; establishing penalties for the violation thereof; providing for the publication; and declaring an effective date; and consider approval of Ordinance 2022-98, on the first of two readings.

## **NON-CONSENT AGENDA**

12. Consider approval of Ordinance 2022-92, on the first of two readings, amending the San Marcos Code of Ethics to add provisions relating to review by the Ethics Review Commission (ERC) of Annual Financial Disclosure statements submitted by City Council members, Planning and Zoning Commissioners, and the four city council appointees; requiring periodic review by the ERC of Campaign Finance Reports to determine compliance with the individual contribution limit and aggregate fund-raising limits set by the Code; and providing an effective date.
13. Consider approval of Ordinance 2022-101, amending Ordinance 2022-99 adopted on November 17, 2022, by updating information regarding the number of votes cast in the November 8, 2022 General and Special Election for the purpose of electing a Mayor, City Council Member, Place 1, and City Council Member, Place 2, and to submit a citizen-initiated ordinance to eliminate low-level marijuana enforcement to the voters; declaring an emergency creating the need to adopt this ordinance with only one reading; and providing an effective date.
14. Receive a staff presentation and discuss possible reallocation of General Fund (formerly Coronavirus Relief Fund) dollars previously allocated for use by the San Marcos Area Chamber of Commerce.
15. Receive staff presentation on the status of current projects and potential reallocation of remaining Community Development Block Grant - Coronavirus Response (CDBG-CV) funding to new programs and provide staff direction.
16. Discuss and consider an appointment to fill a vacancy on the Cemetery Commission and provide direction to Staff.
17. Discuss and consider the appointment of the Mayor or a City Council Member to fill

vacancies left by the departure of Council Member Maxfield Baker on the following Boards or Committees:

- a. Alcohol CUP Committee #2
- b. Casata Development
- c. Convention and Visitors Bureau Board
- d. COVID-19 Recovery Committee
- e. Criminal Justice Committee
- f. Economic Development San Marcos Board
- g. Hopson Development
- h. Multimodal Transit Committee
- i. Notification Requirements
- j. Parking Advisory Board
- k. Sedona Development
- l. SMART Terminal
- m. Sustainability Council Committee
- n. Workforce Housing Committee
  - Riverbend Ranch
  - 1800 Centerpoint

- 18. Discuss and consider appointments or reappointments to Positions One, Three, Five and Six, confirm appointments of Positions 7, 8, 9 and appoint a Chair of the Tax Increment Reinvestment Zone (TIRZ) Number 4 - Paso Robles (now known as Kissing Tree) Board of Directors, and provide direction to Staff.
- 19. Discuss and consider appointment and/or reappointment to Position One, Position Two and confirm Hays County appointment to Position Four and appoint a Chair to the Tax Increment Reinvestment Zone (TIRZ) No. 5 (Downtown) Board of Directors, and provide direction to Staff.
- 20. Hold discussion regarding compliance with the individual contribution limit and aggregate fund raising limits in the San Marcos Code of Ethics and provide direction to staff.
- 21. Hold discussion regarding possible amendments to the land development code to create a new zoning district providing for less intensive uses than currently allowed in Heavy Industrial, Light Industrial, and Heavy Commercial zoning districts and provide direction to the City Manager.

#### 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, DECEMBER 1, 2022 @ 5:15PM**

**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)