



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Regular Meeting Agenda - Final City Council

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Tuesday, May 16, 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

*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.*

### PRESENTATIONS

1. Receive a presentation from Deloitte and Touche, LLP on the Quarterly Internal Audit Report and provide direction to staff.
2. Receive a Staff presentation of the quarter ended March 31, 2023 Financial Report, and provide direction to the City Manager.
3. Receive a Staff presentation of the quarter ended March 31, 2023 Investment Report, and provide direction to the 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 Ordinance 2023-37, on the second of two readings, approving

TMP-23-01, amending the City's Transportation Master Plan, Appendix E (Roadway), Appendix G (Bicycle Plan), and Appendix H (Greenways Plan) to remove the extension of McCoy Drive from McCoy Circle to Davis Lane, to remove a future avenue from River Road across the subject property to Davis Lane, and to remove a portion of the proposed greenway adjacent to the applicant's property; and including procedural provisions; and providing an effective date.

5. Consider approval of Ordinance 2023-38, on the second of two readings, amending the Official Zoning Map of the City in Case No. ZC-23-03, by rezoning approximately 67.121 acres of land out of the Edward Burleson Survey, No. 18, Abstract No. 63 in Hays County, Texas, located at and near 3830 South IH 35 (Centerpoint and IH 35), from "FD" Future Development and "LI" Light Industrial to "CD-5" Character District 5, or, subject to consent of the owner, another less intense zoning district classification, including procedural provisions.
6. Consider approval of Resolution 2023-87R, authorizing Change in Services to agreements between the City and Atrium Real Estate Services, BBG, Inc., and the AEGIS Group, Inc. for the provision of additional on-call professional appraisal services in connection with the City's real estate projects; increasing the original contract amounts in each agreement from \$100,000.00 to \$300,000; authorizing the City Manager or her designee to execute the Changes in Services; and declaring an effective date.
7. Consider approval of Resolution 2023-88R, supporting the City's application for the San Marcos Shared Use Pathway project to the Texas Department of Transportation's 2023 Transportation Alternatives Set-aside (TA) call for projects; and declaring an effective date.
8. Consider approval of Resolution 2023-89R, supporting the City's application for the Purgatory Creek Improvements - Trails project to the Texas Department of Transportation's 2023 Transportation Alternatives Set-aside (TA) call for projects; and declaring an effective date.
9. Consider approval of Resolution 2023-90R, supporting the City's application for the Old Ranch Road 12 Bike and Pedestrian Widening Project to the Texas Department of Transportation's 2023 Transportation Alternatives Set-aside (TA) call for projects with required local match; authorizing the City Manager or her designee to execute all documents necessary for the application for these funds; and declaring an effective date.
10. Consider approval of Resolution 2023-91R, authorizing the use of the power of Eminent Domain to acquire a 1.501 acre wastewater line easement as depicted in the exhibit "A" attached hereto and incorporated herein for all purposes; determining the public necessity for this acquisition to advance and achieve the public use of the Staples Road Wastewater Improvements Project to extend public wastewater lines to provide wastewater services to the area south and east of the intersection of Staples Road and Old Bastrop Highway; authorizing the City Manager, or her designee, to take all steps necessary to acquire the needed interest in the property in compliance with all applicable laws; authorizing the City Attorney or his designee to institute condemnation proceedings as necessary to acquire said property interests to the extent negotiations are unsuccessful; and declaring an effective date.

11. Consider approval of Resolution 2023-92R, approving a renewal for a term of one year of the License Agreement with Skinny Labs, Inc., doing business as SPIN, that enables SPIN's shared micro-mobility devices such as electric scooters to be operated within city rights-of-way; authorizing the City Manager, or her designee, to execute said renewal on behalf of the City; and declaring an effective date.
12. Consider approval of Resolution 2023-93R, approving an Advance Funding Agreement with the State of Texas, acting through the Texas Department of Transportation ("TXDOT"), for the construction of the Highway Safety Improvement Program Grant Improvements for the roadway resurfacing of Sessom Drive from Alamo Street to University Drive ("Loop 82") with an estimated city participation amount of \$116,290.00 plus 100 percent of any cost overruns; authorizing the City Manager, or her designee, to execute said agreement on behalf of the City; and declaring an effective date.
13. Consider approval of Resolution 2023-94R, approving a contract with First United Methodist Church of San Marcos for the purchase of approximately 0.23 of an acre (10,163 square feet) for public right of way and the fee simple purchase of 0.10 acre (4,346 square feet), as detailed in exhibit "A" attached hereto and incorporated herein for all purposes, near the intersection of North Guadalupe Street and University Drive at a price of \$900,439.00, plus related closing costs; authorizing the City Manager, or her designee, to execute said contract and all closing documents related to such purchase on behalf of the city; and declaring an effective date.
14. Consider approval of Resolution 2023-95R, approving the procurement of NeoGov Applicant Tracking Software System licenses, support, and maintenance from SHI Government Solutions through Omnia Partners Cooperative for a total amount not to exceed \$107,133.10 per year with the option of renew once a year for up to two years for a total amount not to exceed \$321,399.30; authorizing the City Manager or her designee, to execute the appropriate purchase documents 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.*

15. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2023-39, amending the Official Zoning Map of the City in Case No. ZC-23-13, by rezoning approximately 104.179 acres of land generally located southeast of the intersection of FM-110 and Staples Road from "CD-4" Character District-4 and "CD-5" Character District-5 to "CD-3" Character District-3, 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 2023-39, on the first of two readings.
16. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Substantial Amendments to the Community Development Block Grant-Entitlement (CDBG)

Action Plans for Program Years 2019, 2020, 2021, 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.

## NON-CONSENT AGENDA

17. Consider approval of Ordinance 2023-40, on the first of two readings, amending the City’s 2022-2023 fiscal year budget to authorize mid-year adjustments to facilities maintenance costs, programming costs, adding personnel to authorized schedule, and carry forward funds from the 2021-2022 fiscal year encumbrances; including procedural provisions; and providing an effective date.
18. Consider approval of Ordinance 2023-41, on first and final reading, authorizing the issuance and sale of an amount not to exceed \$4,060,000.00 of Combination Tax and Surplus Revenue Certificates of Obligation, Series 2023A for (1) planning, acquisition, design and construction of certain drainage and flood control improvements; and (2) 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; providing for adoption of Ordinance 2023-41, on one reading only in accordance with State Law.
19. Consider approval of Ordinance 2023-42, on first and final reading, authorizing the issuance and sale of an amount not to exceed \$1,120,000.00 of Combination Tax and Surplus Revenue Certificates of Obligation, Series 2023 for (1) planning, acquisition, design and construction of certain drainage and flood control improvements; and (2) 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; providing for adoption of Ordinance 2023-42, on one reading only in accordance with State Law.
20. Consider approval of Resolution 2023-96R, approving a Meet and Confer Agreement with the San Marcos Police Officers’ Association; providing an effective date for the agreement; authorizing the City Manager, or her designee, to execute the agreement on behalf of the City; and declaring an effective date for this Resolution.
21. Consider approval of Resolution 2023-97R, approving Change Order No. 01 to the contract with MA Smith Contracting Company, Inc. for the Blanco Riverine Flood Mitigation Project in the estimated amount of \$1,980,209.25; authorizing the City Manager, or her designee, to execute the contract on behalf of the City; and declaring an effective date.
22. Consider approval of Resolution 2023-98R, ending the declaration of a local state of disaster in the City due to the COVID-19 pandemic, and declaring an effective date.
23. Discuss and consider appointment to fill a vacancy on the Convention and Visitors Bureau, and provide direction to Staff.
24. Hold discussion on City Council Committee Policy and Procedures; and provide direction to staff.

25. Hold discussion and give direction on testing requirements for contractors in the City of San Marcos.

## 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.*

26. Executive Session in accordance with the following:
  - A. Sec. §551.071-Consultation with the City's Attorney and §551.072-Real Property: each regarding the airport lease with Blue Skies Aviation
  - B. Sec. §551.071-Consultation with the City's Attorney regarding the provision of EMS services in the City
  - C. Sec. §551.071-Consultation with the City's Attorney regarding the SMART Terminal Development Agreement

### DIRECTION/ACTION FROM EXECUTIVE SESSION

27. 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 the City's Attorney and §551.072-Real Property: each regarding the airport lease with Blue Skies Aviation
  - B. Sec. §551.071-Consultation with the City's Attorney regarding the provision of EMS services in the City
  - C. Sec. §551.071-Consultation with the City's Attorney regarding the SMART Terminal Development Agreement

## 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, MAY 11, 2023 @ 4:45 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)