



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Regular Meeting Agenda - Final-Amended City Council

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Tuesday, March 7, 2023

6:00 PM

City Council Chambers

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630 E. Hopkins

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.*

### 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 2023-21, on the second of two readings, approving the abandonment of 0.3269 acres (14,240 square feet) of public right of way known as Nash Lane in final plat of Lot 1, Nash Subdivision, located in the vicinity of the Interstate 35 west frontage road south of Yarrington Road and north of Chuck Nash Loop, subject to replacement right of way being dedicated to the city; authorizing the City Manager, or her designee, to execute the quitclaim deed on behalf of the city; including procedural provisions; and providing an effective date.
2. Consider approval of Ordinance 2023-22, on the second of two readings, reducing the speed limit on State Highway 123 from 60 miles per hour to 55 miles per hour; authorizing the installation of signs and traffic control devices reflecting the new speed limits; directing that the traffic register maintained under Section 82.067 of the San Marcos City Code be amended to reflect the new speed limits and penalties to be

applied accordingly; and including procedural provisions.

3. Consider approval of Ordinance 2023-23, on the second of two readings, amending the City's 2022-2023 fiscal year budget to allocate up to \$45,000.00 from State Seized Asset Funds to provide funding for the construction of a metal awning for police vehicle protection and repair; and providing an effective date.
4. Consider approval of Resolution 2023-47R, approving an agreement for the provision of services in connection with the proposed owner requested annexation in Case No. AN-23-05 (Oak Creek) of approximately 28.91 acres of land out of the Cyrus Wickson Survey, Abstract Number 474; the John Frederick Geister Survey, Abstract Number 203; the Farnham Frye Survey, Abstract Number 183, and the Rebecca Brown Survey, Abstract Number 46, in Hays County, Texas, generally located at 2409 Old Bastrop Highway, authorizing the City Manager, or her designee, to execute said agreement on behalf of the City; setting a date for a Public Hearing concerning the proposed annexation of said tract of land; and declaring an effective date.
5. Consider approval of Resolution 2023-48R, approving a Change in Service to the Highway 80 Utility Project agreement with Freese and Nichols, Inc. related to design of 15,700 additional linear feet of reclaimed water main from city's wastewater treatment plan to the Highway 80 lift station, and a cultural resource survey, in the amount of \$190,451.00 for a total contract price of \$2,949,156.00; authorizing the City Manager or her designee to execute the appropriate documents to implement the Change in Service; 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.*

6. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2023-24, amending the Official Zoning Map of the City in Case No. ZC-23-04, by rezoning approximately 16.234 acres of land, more or less, out of the Joel Miner Survey, Abstract 321, Hays County, Texas, located at 2700 North Interstate Highway 35, at the intersection of the north bound frontage of Interstate Highway 35 and Saddle Run Way, from "MH" Manufactured Housing and "FD" Future Development to "HC" Heavy Commercial, 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 2023-24, on the first of two readings.
7. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2023-25, amending the Official Zoning Map of the City in Case ZC-23-08, by rezoning approximately 1.811 acres of land out of Cottonwood Creek, Phase 3 (Unit 9, Lot 1) in Hays County, Texas, located north of the intersection of Rattler Road and Monterrey Oak, from "GC" General Commercial to "CD-4" Character District 4, 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 2023-25, on the first of two readings.

8. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2023-26, adopting Youth Programs Standards of Care for 2023; providing a severability clause; providing for the repeal of any conflicting provision; declaring an effective date; and consider approval of Ordinance 2023-26, on the first of two readings.

## **NON-CONSENT AGENDA**

9. Consider approval of Ordinance 2023-27, on the first of two readings, amending certain funds in the City's 2022-2023 Fiscal Year Budget to authorize the use of funds for one-time non-recurring park improvements; including procedural provisions; and declaring an effective date.
10. Consider approval of Ordinance 2023-28, on the first of two readings, amending Chapter 22, Cemeteries, of the San Marcos City Code by, among other things, correcting typographical errors in various sections and amending Sections 22.013 and 22.014; adopting a fee schedule related to the use and operation of the cemetery; providing for the repeal of any conflicting provisions; and providing an effective date.
11. Consider approval of Ordinance 2023-29, on the first of two readings, amending Chapter 2, Article 3, Division 5 - Zoning Board of Adjustments, of the San Marcos City Code by amending Section 2.151(a) Membership from three years to two years to comply with the Texas Local Government Code, Section 211.008 - Board of Adjustment; and providing an effective date.
12. Consider approval of Ordinance 2022-96, on the second of two readings, amending Chapter 6, Animals, of the San Marcos City Code to amend definitions, delegate authority for department to waive or reduce fees, limit reasons to impound cats, delete stray hold requirement in some instances, include stricter requirements for spay/neuter and microchipping, create an offense for failure to reclaim or surrender pet upon notice, add requirements for pet shops/pet stores; including regulation of source of pets; and provide for permitting and inspections; repealing any conflicting provisions; and providing an effective date.
13. Consider approval of Resolution 2023-49R, authorizing proceeding with issuance of certificates of obligation and further directing the publication of notice of intention to issue City of San Marcos, Texas Combination Tax and Surplus Revenue Certificates of Obligation for the Wallace Offsite Drainage Improvements Project in an amount not to exceed \$4,060,000.
14. Consider approval of Resolution 2023-50R, authorizing proceeding with issuance of certificates of obligation and further directing the publication of notice of intention to issue City of San Marcos, Texas Combination Tax and Surplus Revenue Certificates of Obligation for the Castle Forest Drainage Improvements Project in an amount not to exceed \$1,120,000.
15. Receive a Staff presentation and approve Resolution 2023-51R, allocating to non-profit agencies, Human Services Grant Funding of \$500,000.00 from the City's General Fund; authorizing the City Manager, or her designee, to act as the official representative

of the City in matters related to said grant funds, including authorization to execute funding contracts with selected agencies on behalf of the City; and declaring and declaring an effective date.

16. Discuss and consider appointment(s) to fill vacancies on the following Boards and Commissions, and provide direction to Staff.
- A) Human Services Advisory Board
  - B) Cemetery Commission
  - C) Senior Citizen Advisory Board
  - D) Zoning Board of Adjustments

## EXECUTIVE SESSION

17. Executive Session in accordance with the following:
- A. Sec. §551.072 of the Texas Government Code: Real Property: to hold discussion regarding Community Development Block Grant-Disaster Recovery (CDBG-DR) Affordability Period; and Sec. §551.071 Consultation with attorney regarding CDBG-DR Affordability Period.

## DIRECTION/ACTION FROM EXECUTIVE SESSION

18. Consider action, by motion, or provide direction to Staff regarding the following Executive Session item held during the Work Session and/or Regular Meeting:
- Executive Session in accordance with the following:
- A. Sec. §551.072 of the Texas Government Code: Real Property: to hold discussion regarding Community Development Block Grant-Disaster Recovery (CDBG-DR) Affordability Period; and Sec. §551.071 Consultation with attorney regarding CDBG-DR Affordability Period.

## 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, MARCH 2, 2023 @4:00PM**

**ELIZABETH TREVINO, CITY CLERK**

## VIII. ADDENDUM

#17 and #18 was added after the agenda posted on Thursday, March 2, 2023 @4:00PM

**ADDENDUM POSTED ON SATURDAY, MARCH 4, 2023 @2:30PM**

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)