



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Regular Meeting Agenda - Final City Council

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Wednesday, November 3, 2021

6:00 PM

City Council Chambers/Virtual

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630 E. Hopkins

This will be a hybrid (in-person/virtual 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.*

### PRESENTATIONS

1. Receive a Staff presentation and update on the Blanco Riverine Flood Mitigation project.

### 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.*

2. Consider approval, by motion, of the October 4, 2021 Regular Meeting Minutes.
3. Consider approval of Ordinance 2021-45, on the second of two readings, amending Chapter 2, Administration, Article 5, Code of Ethics, by adding a new Division 5 requiring registration of lobbyists and periodic reporting of contacts made by lobbyists with elected City officials, City Board and Commission members, and City Employees; establishing penalties for violations of this ordinance; providing certain exemptions from lobbying

registration and reporting requirements; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

4. Consider approval of Ordinance 2021-88, on the second of two readings, amending Table 2.1 and Section 2.5.5.3(A)(1) to require posted notice of a Public Hearing before the Historic Preservation Commission regarding a request for a certificate of appropriateness; amending Section 4.5.2.1(N)(2) to eliminate the limitation of allowing only one demolition by neglect case to be considered per quarter; and amending Section 4.5.2.1(N)(3) to require notice by certified mail to the owner of a property being cited for demolition by neglect, including procedural provisions; providing for the repeal of any conflicting provisions; and declaring an effective date.
5. Consider approval of Resolution 2021-212R, approving the terms and conditions of an Interlocal Agreement between the City of San Marcos and Texas State University for Water Quality Analytical Testing services in an annual not-to-exceed amount of \$95,000 per year for five years; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.
6. Consider approval of Resolution 2021-213R, approving a Change in Service to the agreement with Bio West, Inc, relating to the Rio Vista Falls Repair Project in the amount of \$15,000.00 for continued biological monitoring; authorizing the City Manager or his designee to execute the appropriate documents to implement the Change in Service; and declaring an effective date.
7. Consider approval of Resolution 2021-214R, approving a Change in Service to the s agreement with BGE, Inc. relating to the Wallace Offsite Drainage Improvements Project to add services required for preparing an addendum to the original preliminary engineering report to provide analysis of an additional parcel in the estimated amount of \$134,767.00 for a total contract price of \$815,319.00; authorizing the City Manager or his designee to execute the appropriate documents to implement the Change in Service; and declaring an effective date.
8. Consider approval of Resolution 2021-215R, approving an agreement for the provision of services in connection with the proposed owner requested annexation, in Case Number AN-21-06, of approximately 2.1 acres of land, generally located in the 5900 Block of S IH-35; authorizing the City Manager, or his 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.
9. Consider approval of Resolution 2021-216R, approving an agreement for the provision of services in connection with the proposed owner requested annexation, in Case No. AN-21-10, of approximately 3.60 acres of land, generally located at the northwest corner of the State Highway 123 and Clovis Barker Road intersection; authorizing the City Manager, or his 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.
10. Consider approval of Resolution 2021-217R, approving a Resolution enacted by the Guadalupe County Appraisal District Board of Directors approving an expansion of the

parking lot at the Guadalupe County Appraisal District Seguin location; and providing an effective date.

11. Consider approval of Resolution 2021-218R, authorizing the Mayor to sign a letter of support addressed to the Hays County Office of Emergency Services regarding an application to the Federal Emergency Management Administration for a Hazard Mitigation Planning Grant; and declaring an effective date.
12. Consider approval of Resolution 2021-219R, approving a reallocation of no more than \$53,775 of American Rescue Plan Funds from Together for a Cause to provide for certain direct payments to local hotels housing persons negatively impacted by the pandemic in accordance with American Rescue Plan standards and authorizing the City Manager or his designee to execute all associated agreements on behalf of the City; and declaring an effective date.

## NON-CONSENT AGENDA

13. Consider approval of Ordinance 2021-89, on the first of two readings, designating the City as a Media Production Development Zone; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.
14. Consider approval of Resolution 2021-146R, establishing a Mexican American and Indigenous Heritage and Cultural District generally in the area of Hopkins Street at City Park along the San Marcos River and East of IH-35 to Durango Street and Staples Road, South to Ellis Street and West to Purgatory Creek; and declaring an effective date.
15. Hold discussion regarding Recommendation Resolution 2021-01RR, of the Animal Shelter Advisory Committee, regarding revisions to their bylaws, and provide direction to the City Manager.
16. Consider approval, by motion, and hold discussion regarding the proposed 2022 City Council Meeting Schedule, and provide direction to Staff.

## 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.*

17. Executive Session in accordance with the following:
  - A. Sec. §551.071 of the Texas Government Code: Consultation with Attorney: - To receive legal counsel regarding state law preemption of city ordinances regulating the sale or use of single-use packages and containers.
  - B. Sec. §551.071 of the Texas Government Code: Consultation with Attorney: - To receive legal advice regarding the contract with Together for a Cause.
  - C. Sec. §551.071 of the Texas Government Code: Consultation with Attorney: - Blanco Riverine Property Acquisitions.
  - D. Sec. §551.072 of the Texas Government Code: Real Property: Exchange of City ROW (Loquat St. & other unopened ROW) for Texas State Property along Sessom Creek

**ACTION/DIRECTION 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:
- A. Sec. §551.071 of the Texas Government Code: Consultation with Attorney: - To receive legal counsel regarding state law preemption of city ordinances regulating the sale or use of single-use packages and containers.
  - B. Sec. §551.071 of the Texas Government Code: Consultation with Attorney: - To receive legal advice regarding the contract with Together for a Cause.
  - C. Sec. §551.071 of the Texas Government Code: Consultation with Attorney: - Blanco Riverine Property Acquisitions.
  - D. Sec. §551.072 of the Texas Government Code: Real Property: Exchange of City ROW (Loquat St. & other unopened ROW) for Texas State Property along Sessom Creek.

**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 TUESDAY, OCTOBER 26, 2021 @ 5:00PM****TAMMY K. COOK, INTERIM 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)