



San Marcos  
City Council Agenda  
Regular Meeting  
City Council Chambers  
Tuesday, September 7, 2010  
5:30 p.m.

1. Call to Order
2. Roll Call
3. Discussion on Economic Development contract pertaining to the Budget and direction to staff.
4. Executive Session in accordance with §551.074-Personnel Matters.
  - A. Deliberation regarding City Manager and City Clerk vacancies.
5. Consider adoption or direction to Staff on matters discussed in 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.

**7:00 P.M.**

6. Invocation
7. Pledge of Allegiance
8. 30 Minute Citizen Comment Period
9. Consider adoption of Resolution 2010-128R, approving a San Marcos Community Brand and declaring an effective date.

10. Discussion on FY2010 Budget and Capital Improvement Projects (CIP) and direction to staff.

## **Consent Agenda**

THE FOLLOWING ORDINANCES, RESOLUTIONS AND OTHER ITEMS NUMBERED 11 - 23 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.

11. Consider adoption of minutes.
  - A. August 10, 2010 Special Meeting
  - B. August 12, 2010 Workshop
  - C. August 17, 2010 Regular Meeting
  - D. August 24, 2010 Special Meeting
12. Consider adoption on second and final reading of Ordinance 2010-47, amending the San Marcos City Code by adding a new chapter numbered as Chapter 19 to provide for the regulation of special events; establishing a permit system and rules and regulations for obtaining permits for such events; and establishing an effective date.
13. Consider adoption on second and final reading of Ordinance 2010-48, amending Chapter 14, Buildings and Building Regulations by repealing the existing 2003 Code and local amendments thereto and adopting the 2009 Edition of the International Codes with local amendments; including procedural provisions, providing for penalties and a delayed effective date.
14. Consider adoption on second and final reading of Ordinance 2010-49, amending various sections of the Land Development Code as follows: amending Chapter 1 by modifying platting procedures for property used for governmental purposes and reducing maintenance bond requirements related to public improvements; amending Chapter 4 by modifying building height restrictions based upon number of stories rather than feet, consolidating multiple land uses into general land use categories and removing parking variances from the variances considered by the Zoning Board of Adjustment; amending Chapter 6 by establishing new off-street parking limits according to use and establishing a process for approval of an alternate parking plan, modifying permissible noise limits within the City and distinguishing lot frontage requirements for townhome lots; amending Chapter 7 by creating exceptions to requiring sidewalks for certain projects, establishing a fee in lieu of sidewalk dedication and creating a sidewalk account for the development of sidewalks; amending Chapter 8 by clarifying certain definitions; providing a savings clause; providing for the repeal of

any conflicting provisions; and providing an effective date.

15. Consider adoption of Resolution 2010-129R, approving an agreement with the Texas Department of State Health Services, Vital Statistics Unit, for the provision of on-line vital statistic computer services for the City; authorizing the Interim City Manager or her designee to execute the agreement on behalf of the City; and declaring an effective date.
16. Consider adoption of Resolution 2010-130R, approving a 10% salary increase and a car allowance of \$350 per month as additional compensation for the duration of Shelley Goodwin's service as Interim City Clerk; and declaring an effective date.
17. Consider adoption of Resolution 2010-131R, approving the extension of an annual contract with American Maid and Janitorial Services for the provision of janitorial services; authorizing the Purchasing Manager to execute the appropriate documents related to this contract extension on behalf of the City; and declaring an effective date.
18. Consider adoption of Resolution 2010-132R, authorizing the City to join a Coalition of Cities to protect consumers from losing access to public, education and government channels provided by Time Warner Cable through conversion to digital format; and declaring an effective date.
19. Consider adoption of Resolution 2010-133R, authorizing the acceptance of a Financial Assistance Award in the amount of \$1,845,000.00 to the City of San Marcos and Texas State University-San Marcos ("Texas State") from the United States Department of Commerce, Economic Development Administration ("EDA") pursuant to a joint application for such award for the construction of facilities and infrastructure related to Texas State's Planned Research and Commercialization Center ("The Project"); authorizing the expenditure of an amount not to exceed \$150,000.00 in matching funds related to water and wastewater infrastructure for the project; and declaring an effective date.
20. Consider adoption of Resolution 2010-134R, finding certain computers utilized by the City of San Marcos to be surplus and of no value; authorizing the Technology Services Department to donate these computers to the City of Martindale, Texas; and declaring an effective date.
21. Consider adoption of Resolution 2010-135R, reappointing Charles P. Anderson, MD as the Local Health Authority; approving a letter agreement engaging Dr. Anderson in this capacity; authorizing the Interim City Manager to execute the agreement on behalf of the City; and declaring an effective date.
22. Consider approval of Change Order #2 for Austin Underground for Sessom Drive Pavement Repair and Drainage Improvements, in an amount not to exceed \$64,582.53,

and authorize the Interim City Manager to execute the Change Order.

23. Consider approval of Change Order #13 for Texas Sterling Construction Co. for Post Road Project-Streets and Drainage Improvement, and Sink Creek Interceptor Phase I in an amount not to exceed \$86,858.05, and authorize the Interim City Manager to execute the Change Order.

## **Public Hearings**

24. **8:00 PM** Public Hearing to receive comments for and against an amendment to Section 4.3.1.2 of the City Land Development Code regarding the addition of Charitable Gaming Facilities to the Land Use Matrix; and including a definition of Charitable Gaming Facilities added to Chapter 8 of the City Land Development Code.
25. **8:00 PM** Public Hearing to receive comments for and against adopting a budget in the sum of \$145,856,004 for the Fiscal Year beginning on October 1, 2010 and ending on September 30, 2011; authorizing certain adjustments to the Budget with the approval of the Interim City Manager; approving Fiscal Year 2010-2011 Capital Improvements Program Projects; including procedural provisions; and providing an effective date; and **consider ordinance on the first of two readings.**
26. **8:00 PM** Public Hearing to receive comments for and against increasing the rates for Drainage Utility Services; including procedural provisions; and **consider ordinance on the first of two readings.**
27. **8:00 PM** Public Hearing to receive comments for and against increasing the rates for Electric Utility Services; including procedural provisions; and **consider ordinance on the first of two readings.**
28. **8:00 PM** Public Hearing to receive comments for and against approving an amendment to the Future Land Use Map from “I” Industrial to “MDR” Medium Density Residential for an 8.61 acre, more or less, tract of land out of the J.M. Veramendi Survey No.2, located at 1653 Mill Street; amending the Official Zoning Map of the City by rezoning this tract from “HI” Heavy Industrial District to “MF-12” Multiple-Family Residential District; including procedural provisions; and **consider adoption of Zoning Ordinance 2010-50.**
29. **8:00 PM** Public Hearing to receive comments for and against approving an amendment to the Future Land Use Map from “LDR” Low Density Residential to “HDR” High Density Residential for a 0.360 acre, more or less, tract of land out of the Third Division Park Addition located at 1028 Chestnut Street; and including procedural provisions and **consider adoption of Zoning Ordinance 2010-51.**
30. **8:00 PM** Public Hearing to receive comments for and against amending the Official

Zoning Map of the City by rezoning a 0.360 acre tract of land (Lot 80) and a 0.361 acre tract of land (Lot 81), more or less, out of the Third Division Park Addition located at 1028 Chestnut Street from “SF-6” Single-Family Residential District to “MF-24” Multiple-Family Residential District; and including procedural provisions; and **consider adoption of Zoning Ordinance 2010-52.**

### **Non-Consent Agenda**

31. Consider an ordinance setting the tax rate for the 2010 tax year at 53.02¢ on each \$100 of taxable value of real and personal property that is not exempt from taxation; levying taxes for the use and support of the Municipal Government of the City for the Fiscal Year beginning October 1, 2010, and ending September 30, 2011; providing a sinking fund for the retirement of the bonded debt of the City; including procedural provisions; and providing an effective date; and **consider ordinance on the first of two readings.**
32. Consider an ordinance repealing Article 3, Standards, of Chapter 38, Fire Prevention and Protection and replacing it with a new Article 3, Standards, of Chapter 38, of the San Marcos Code; adopting the International Fire Code, 2009 Edition with Appendices B, D, E, F, G, I and J with local amendments; including procedural provisions; providing for penalties and an effective date; and **consider ordinance on first of two readings.**
33. Reconsideration of Ordinance 2010-45, adopted August 17, 2010, amending the Future Land Use Map from “I” Industrial to “MDR” Medium Density Residential for a 5.85 acre, more or less, tract of land out of the J.M. Veramendi Survey No. 2, Abstract No. 17, located on the southeast corner of Briar Meadow Road and the Missouri Pacific Railroad; amending the Official Zoning Map of the City by rezoning this tract from “LI” Light Industrial to “MF-12” Multi-Family; and including procedural provisions.
34. Reconsideration of Ordinance 2010-46, adopted August 17, 2010, amending the Future Land Use Map from “C” Commercial to “MDR” Medium Density Residential for a 9.90 acre, more or less, tract of land out of the J.M. Veramendi Survey No. 2, Abstract No. 17, located approximately 600 feet west of the 1900 Block of North IH-35 and 200 feet north of the Mill Street extension; amending the Official Zoning Map of the City by rezoning this tract from “GC” General Commercial to “MF-12” Multi-Family; and including procedural provisions.
35. Discussion on implementation of an Ordinance that would require door-to-door solicitors to register with the City of San Marcos, and provide direction o staff.
36. 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.*
37. Adjournment.

POSTED on Thursday, September 2, 2010 at 9:00 a.m.

Shelley Goodwin  
Interim City Clerk

Notice of Assistance at the Public Meetings

The San Marcos City Hall is wheelchair accessible. The entry ramp is located in the front of the building. Accessible parking spaces are also available in that area. Sign interpretative services for meetings must be made 48 hours in advance of the meeting. Call the City Clerk's Office at 512-393-8090

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_ Title: \_\_\_\_\_