



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Regular Meeting Agenda - Final City Council

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Tuesday, December 17, 2024

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

*NOTE: Citizen Comment sign up procedures have changed:*

*Persons wishing to participate remotely (speak) during the Citizen Comment portion must sign up at [www.sanmarcostx.gov/citizencommentsignup](http://www.sanmarcostx.gov/citizencommentsignup) before 12:00PM the day of the meeting. A 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

### 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 2024-56, on the second of two readings, amending the Official Zoning Map of the City in Case No. ZC-24-08, by rezoning approximately 21.46 acres of land in Hays County, Texas, generally located northeast of the intersection between Wonder World Drive and South Stagecoach Trail, and northwest of the intersection between Dutton Drive and South Stagecoach Trail, from Light Industrial ("LI") District and General Commercial ("GC") District to Character District-5 ("CD-5"), or, subject to consent of the owner, another less intense zoning district classification; including procedural provisions; and declaring an effective date.
2. Consider approval of Ordinance 2024-57, on the second of two readings, amending the

Official Zoning Map of the City in Case No. ZC-24-10, by rezoning approximately 56.76 acres of land in Hays County, Texas, generally located west of the Union Pacific Railroad between the southwestern end of Gravel Street and South Stagecoach Trail, from Light Industrial ("LI") District to Character District-4 ("CD-4"), or, subject to consent of the owner, another less intense zoning district classification; including procedural provisions; and declaring an effective date.

3. Consider approval of Ordinance 2024-58, on the second of two readings, amending the Official Zoning Map of the City in Case No. ZC-24-09, by rezoning approximately 16.637 acres of land in Hays County, Texas, generally located on Dutton Drive approximately 650 feet northwest of the intersection between Dutton Drive and Corporate Drive, from Light Industrial ("LI") District, General Commercial ("GC") District, and Future Development ("FD") District to Character District-1 ("CD-1"), or, subject to consent of the owner, another less intense zoning district classification; including procedural provisions; and declaring an effective date.
4. Consider approval of Ordinance 2024-59, on the second of two readings, amending the City's 2024-2025 Fiscal Year budget to carry forward funds from the 2023-2024 Fiscal Year; to adjust revenue and expenditure accounts in multiple operating, special revenue, and internal service funds; including procedural provisions; and declaring an effective date.
5. Consider approval of Resolution 2024-235R, approving: 1) a Change In Services to the agreement with Sunrise Rehab & Recovery, dba Evoke Wellness San Marcos, that provides a substance use treatment program for qualified adults identified through the Police Department's mental health diversion program for the purpose of increasing funding from \$99,000.00 to \$150,000.00 of American Resue Plan Act (ARPA) funds; and 2) an amendment to the scope of services exhibit to said agreement; authorizing the City Manager, or her designee, to execute any documents to implement said changes; and declaring an effective date.
6. Consider approval of Resolution 2024-244R, approving a contract with McKimm & Creed, Inc., through an Interlocal Agreement with the City of Austin, for Leak Detection Services for one year, plus up to four optional one-year renewals in the estimated annual amount of \$45,000.00; authorizing the City Manager, or her designee, to execute the contract on behalf of the city; and declaring an effective date.
7. Consider approval of Resolution 2024-245R, approving a five-year Ground Lease Agreement with Ted Breihan Electric Co, LLC to lease city-owned property located at 118 South Edward Gary Street; authorizing the City Manager, or her designee, to execute said lease agreement; and declaring an effective date.
8. Consider approval of Resolution 2024-246R, approving a five-year Ground Lease Agreement with Kyle D. Reese to lease city-owned property located at 169-75 South LBJ Drive; authorizing the City Manager, or her designee, to execute said lease agreement; and declaring an effective date.
9. Consider approval of Resolution 2024-247R, approving a five-year Ground Lease Agreement with Frayezur Properties, LP to lease city-owned property located at 179 South LBJ Drive; authorizing the City Manager, or her designee, to execute said lease

agreement; and declaring an effective date.

10. Consider approval of Resolution 2024-248R, approving a Ground Lease Agreement with Becerra Corp to lease city-owned property located at 201 South LBJ Drive for a term of 13 months; authorizing the City Manager, or her designee, to negotiate final terms and conditions related to use of the property as a restaurant and to execute said lease agreement on behalf of the city; authorizing a sublease of the property; and declaring an effective date.
11. Consider approval of Resolution 2024-249R, approving the purchase of various playground and outdoor fitness equipment for ages 2-5, 6-12 and 13 plus for the City Park Improvement Project from Cunningham Recreation, through the Buyboard Cooperative Purchasing Program, in the not to exceed amount of \$241,036.36; authorizing the City Manager, or her designee, to execute documents necessary to complete the purchase on behalf of the city; and declaring an effective date.
12. Consider approval of Resolution 2024-250R, approving a Client Memorandum of Understanding (“MOU”) with the University of Texas at Austin, Strauss Center for International Security and Law, providing for a no-cost clinic that will deploy a student team to complete a business impact analysis of the city’s IT systems; authorizing the City Manager, or her designee, to execute the MOU on behalf of the city; and declaring an effective date.
13. Consider approval of Resolution 2024-251R, approving the purchase of a Wirtgen Asphalt Milling Machine from Nueces Power Equipment, through a Buyboard Cooperative Contract, in the amount of \$573,458.79; authorizing the City Manager, or her designee, to execute such documents as needed to complete the purchase on behalf of the city; and declaring an effective date.

## **NON-CONSENT AGENDA**

14. Consider approval of Ordinance 2024-61, on the first of two readings, amending Chapter 39 of the San Marcos City Code regarding Flood Damage Prevention by adopting the preliminary map revision to the flood insurance rate maps, clarifying certain provisions and making revisions consistent with such adoption; providing a savings clause; providing for the repeal of any conflicting provisions; and declaring an effective date.
15. Receive a Staff presentation and consider approval of Resolution 2024-252R, allocating to non-profit agencies Human Services Grant funding of \$550,000.00 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 an effective date.
16. Consider approval of Resolution 2024-253R, adopting City of San Marcos Guiding Principles for the 89th Texas Legislative Session (2025); and declaring an effective date.
17. Consider approval of Resolution 2024-254R, approving an Authorization for Change in Service to extend a contract with McCoy Tree Surgery Company, through an Interlocal Agreement with the Lower Colorado River Authority (“LCRA”), for continued tree trimming

services for the San Marcos Electric Utility Division through September 30, 2027, with two additional possible one-year extensions for an annual amount not to exceed \$2,000,000.00 and a total contract price not to exceed \$10,000,000.00; authorizing the City Manager, or her designee, to execute the Authorization for Change in Service and related documents on behalf of the city; and declaring an effective date.

18. Consider approval of Resolution 2024-255R, approving an Authorization of Change in Service to a contract with Techline, Inc. through a Cooperative Purchasing Interlocal Agreement with the Lower Colorado River Authority ("LCRA"), for the provision of materials and supplies to be used by the San Marcos Electric Utility, to extend the contract for an additional year with four possible additional one-year extensions in an estimated annual amount not to exceed \$6,000,000.00; authorizing the City Manager, or her designee, to execute the Authorization of Change in Service and related documents on behalf of the city; and declaring an effective date.
19. Consider approval of Resolution 2024-256R, approving an agreement with the Lower Colorado River Authority ("LCRA") for the provision of various goods and services concerning electrical transmission, control and substation facilities, which includes the ability to contract directly with LCRA vendors through cooperative purchasing, in an amount not to exceed \$8,600,000.00 per year for a term of five years with three possible additional one-year renewals; authorizing the City Manager, or her designee, to execute the agreement on behalf of the city; and declaring an effective date.
20. Consider approval of Resolution 2024-257R, authorizing a refund of \$765.00 to Jeffrey Colasurd for the fee paid to appeal to the City Council a decision of the Planning and Zoning Commission regarding a Conditional Use Permit for Tantra to serve alcoholic beverages for on-premises consumption at 217 West Hopkins Street; and declaring an effective date.
21. Discuss and confirm appointments to fill vacancies on the Animal Shelter Advisory Committee; 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.*

22. The City Council will convene in executive session pursuant to Section 551.071 of the Texas Government Code (Consultation with Attorney) to receive legal advice regarding the matter of Whisper Master Community, LP vs. City of San Marcos, Cause No. 24-2917, filed in Hays County District Court.

## DIRECTION/ACTION FROM EXECUTIVE SESSION

23. Consider action, by motion, or provide direction to Staff regarding the City Council's Executive Session deliberation under Section 551.071 of the Texas Government Code (Consultation with Attorney) during the Work Session and/or Regular Meeting regarding the matter of Whisper Master Community, LP vs. City of San Marcos, Cause No. 24-2917,

filed in Hays County District Court.

## VI. Question and Answer Session with Press and Public.

*NOTE: Question and Answer with Press and Public sign up procedures have changed: This is an opportunity for the Press and Public to ask questions related to items on this agenda. Persons wishing to participate remotely (speak) during the Citizen Comment portion must sign up [www.sanmarcostx.gov/citizencommentsignup](http://www.sanmarcostx.gov/citizencommentsignup) before 12:00PM the day of the meeting. A call in number and link will be provided for participation on a mobile device, laptop or desktop computer. If attending in person, no sign up is required.*

*NOTICE: In accordance with Section 2.045 of the City Code, speakers must state their name, and must limit their remarks to three minutes. The allotted time will commence from the beginning of the speaker's remarks and will include any time spent in discussion between the speaker and council or board or commission members. Issues taking longer to communicate can be addressed outside the meeting to the city staff or to individual members of the council or board or commission, or submitted in writing.*

## VII. Adjournment.

**POSTED ON FRIDAY, DECEMBER 13, 2024 AT 3:00 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)