



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Regular Meeting Agenda - Final City Council

Tuesday, March 19, 2024

6:00 PM

City Council Chambers

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 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

- 1. Receive a Staff presentation of the Quarter End September 30, 2023 Financial Report, and provide direction to City Manager.
- 2. Receive a Staff presentation of the Quarter End September 30, 2023 Investment Report, and provide direction to City Manager.
- 3. Receive the Annual Audit Report and highlights from the City's audit firm ABIP, P.C. on the City of San Marcos' Annual Comprehensive Financial Report (ACFR) for the Fiscal Year ended September 30, 2023.

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 2024-10, on the second of two readings, adopting Youth Programs Standard of Care of 2024, providing a severability clause, providing for the repeal of any conflicting provisions; and declaring an effective date.
5. Consider approval of Ordinance 2024-11, on the second of two readings, amending the Official Zoning Map of the City in Case ZC-24-01, by rezoning approximately 3.04 acres of land out of the subdivision known as Thermon Industrial Park No. 2, Unit 1, Lot 2-B, Block 2, located at 2420 IH-35 South, from Heavy Commercial "HC" District to Commercial "CM" District or, subject to the consent of the owner, another less intense zoning district classification, including procedural provisions; and providing an effective date.
6. Consider approval of Ordinance 2024-12, on the second of two readings, amending the Official Zoning Map of the City in Case No. ZC-24-02, by rezoning approximately 2.133 acres of land out of the Barnette O. Kane survey, Abstract No. 281, Hays County, Texas, generally located at the northeast corner of the South Old Bastrop Highway and Redwood Road intersection, from character District-5 "CD-5" District to Commercial "CM" District, or, subject to consent of the owner, another less intense zoning district classification; including procedural provisions; and providing an effective date.
7. Consider approval of Resolution 2024-34R, approving a full release and a partial release of an easement that releases all and a portion of Electric Easements in the Replat of Wide-Lite Unit 1 Subdivision development, located in the vicinity of Wonder World Drive, between IH-35 and Stagecoach Trail, subject to replacement easements being dedicated to the City; authorizing the City Manager, or her designee, to execute the full release of easement and partial release of easement on behalf of the city; and declaring an effective date.
8. Consider approval of Resolution 2024-35R, approving an agreement with Rush Truck Center, through the Texas Buyboard Purchasing Cooperative for the purchase and delivery of one Peterbilt Chassis with 548 Dump Body for use by the city's Water and Wastewater Divisions, in the amount of \$175,374.73; authorizing the City Manager, or her designee, to execute the agreement on behalf of the city; and declaring an effective date.
9. Consider approval of Resolution 2024-36R, approving an agreement with Doggett Freightliner of South Texas, LLC., through the Texas Buyboard Purchasing Cooperative for the purchase and delivery of one Freightliner Chassis with Truvac HXX for use by the city's Water and Wastewater Divisions, in the amount of \$524,797.00; authorizing the City Manager, or her designee, to execute the agreement on behalf of the city; and declaring an effective date.
10. Consider approval of Resolution 2024-37R, approving an agreement with Rush Truck Center, through the Texas Buyboard Purchasing Cooperative for the purchase and delivery of one Peterbilt Chassis with Fassi F245A.2.23 Crane for use by the city's Water and Wastewater Divisions, in the amount of \$351,276.51; authorizing the City Manager, or her designee, to execute the agreement on behalf of the city; and declaring an effective date.

11. Consider approval of Resolution 2024-38R, approving the terms and conditions of an Interlocal Cooperation Agreement with the Region 20 Education Service Center, which sponsors the Purchasing Association of Cooperative Entities (PACE) Purchasing Cooperative, providing for a Cooperative Purchasing Program for goods and services; designating the City Purchasing Manager as the official representative of the city relating to the program; authorizing the City Manager, or her designee, to execute the agreement on behalf of the city; and declaring an effective date.
12. Consider approval of Resolution 2024-39R, approving a contract with H-E-B Grocery Company through the PACE Purchasing Cooperative Program for the purchase of disposable diapers for the City's Caregiver Support Program on an as-needed basis funded through America Rescue Plan (ARP) funds in the amount of \$130,000.00 to be distributed through the Women, Infants, and Children "WIC" Program with assistance from other participating non-profit organizations serving low-income families; authorizing the City Manager, or her designee, to execute the contract on behalf of the city; and declaring an effective date.
13. Consider approval of Resolution 2024-40R, adopting a revised Investment Policy for Operating and Reserve Funds; and declaring an effective date.
14. Consider approval of Resolution 2024-41R, approving a contract with Chain Electric Company, through the City's interlocal agreement with the City of New Braunfels, for the provision of Indefinite Delivery Indefinite Quantity ("IDIQ") fiber optic installation, maintenance, and repair services in an estimated annual amount of \$700,000.00; authorizing the City Manager, or her designee, to execute the contract on behalf of the city; and declaring an effective date.
15. Consider approval of Resolution 2024-42R, approving funding agreements with Southside Community Center in the amount of \$50,000.00 from funds received by the City of San Marcos under the American Rescue Plan for the purpose of establishing an implementation plan for recommendations provided by the Comprehensive Needs Assessment Study and Recommendations on Homelessness to support the recovery of the community; authorizing the City Manager, or her designee, to execute said agreements and any necessary documents on behalf of the city; and declaring an effective date.

PUBLIC HEARINGS

NOTE: Public Hearing sign up procedures have changed:

Persons wishing to participate remotely (speak) during the Public Hearing portion must sign up at 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. If attending in person, no sign up is required.

16. Hold a Public Hearing to receive comments for or against Resolution 2024-43R, approving a Budget Policy Statement for preparation of the 2024-2025 Fiscal Year budget; and declaring an effective date; and consider approval of Resolution 2024-43R.

17. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2024-13, annexing into the City approximately 176.5 acres of City-owned land known as Quail Creek out of the J. M. Veramendi Survey, No. 2, and Thomas G. McGehee Survey, No. 11, in Hays County, Texas, generally located north of the intersection of State Highway 21 and the railroad and south of the Blanco River (Case No. AN-24-01); including procedural provisions; and providing an effective date; and consider approval of Ordinance 2024-13, on the first of two readings.
18. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2024-44R, providing no objection to the submission of an application for Low Income Housing Tax Credits (LIHTC) to the Texas Department of Housing and Community Affairs for the proposed Roers Multifamily Housing Project located on the south side of Old Bastrop Highway approximately 1,100 feet southwest of the intersection between Old Bastrop Highway and State Highway 123; approving findings related to the application; imposing conditions for such non objection; authorizing the City Manager, or her designee, to execute said agreement and to submit and execute documents related to the application; and declaring an effective date; and consider approval of Resolution 2024-44R.
19. PSA-23-02 (North Street & Lindsey Street Preferred Scenario Amendment) Receive a Staff presentation and hold a Public Hearing to receive comments for or against a request by Shannon Mattingly, Drenner Group, on behalf of Peggy Taylor and Daryl Burtshell, for a Preferred Scenario Amendment from "Existing Neighborhood" to "High Intensity-Downtown" for approximately 1.139 acres of land, more or less, out of the J.M Veramendi Survey, Abstract 17, generally located southwest of the intersection between Lindsey Street and North Street.

NON-CONSENT AGENDA

20. Consider approval of Ordinance 2024-14, on the first of two readings, amending Chapter 34, Article 7, Rental Property Standards, of the San Marcos City Code by updating the regulations governing Short-Term Rentals; providing a savings clause; providing for a the repeal of conflicting ordinances; and providing an effective date.
21. Consider approval of Resolution 2024-45R, approving the 2024 City of San Marcos Hazard Mitigation Action Plan ("HMAP"); authorizing final submission to both the Texas Division of Emergency Management ("TDEM") and the Federal Emergency Management Agency ("FEMA"); and declaring an effective date.
22. Consider approval of Resolution 2024-46R, reappointing Tyler Hjorth to the Board of Directors of the Alliance Regional Water Authority (ARWA) to position 9 with a term beginning on May 1, 2024; and declaring an effective date.
23. Consider approval of Resolution 2024-47R, approving a contract with Cenikor to provide a program for opioid treatment, awareness, and education; authorizing the City Manager, or her designee, to execute the contract on behalf of the city; and declaring an effective date.

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.

- 24.** The City Council will convene in executive session pursuant to the following sections of the Texas Government Code:
- A. Section 551.072-Real Property:
1. To deliberate regarding the possible use, lease or disposition of City owned property at 715 Valley Street (Mitchell Center).
 2. To deliberate regarding the possible acquisition of three Texas State University buildings known as the Castro House, the Thornton House and the Alumni House.
 3. To deliberate regarding the possible acquisition of land in the Blanco Gardens neighborhood for use as a park.
 4. To deliberate regarding the possible lease and sublease of property at the San Marcos Regional Airport for uses including hangar space, offices and fuel tanks.
 5. To deliberate the possible acquisition of land for cemetery purposes.
- B. Section 551.071-Consultation with Attorney:
1. To receive legal advice regarding and discuss a possible settlement in the matter captioned as The State of Texas v. the City of San Marcos, et al, Case No. 24-0267, in the District Court of Hays County, Texas pertaining to the City's enforcement of marijuana laws under Chapter 54, Article 4 of the City Code.
 2. To receive legal advice regarding the applicability of Section 86.003 of the City Code concerning consent to annexation for the provision of utilities outside the city limits to a proposed development in the southeastern area of the City's extraterritorial jurisdiction.

DIRECTION/ACTION FROM EXECUTIVE SESSION

25. Consider action, by motion, or provide direction to Staff regarding the following Executive Session items held during the Work Session and/or Regular Meeting:

A. Section 551.072-Real Property:

1. To deliberate regarding the possible use, lease or disposition of City owned property at 715 Valley Street (Mitchell Center).
2. To deliberate regarding the possible acquisition of three Texas State University buildings known as the Castro House, the Thornton House and the Alumni House.
3. To deliberate regarding the possible acquisition of land in the Blanco Gardens neighborhood for use as a park.
4. To deliberate regarding the possible lease and sublease of property at the San Marcos Regional Airport for uses including hangar space, offices and fuel tanks.
5. To deliberate regarding the possible acquisition of land for cemetery purposes.

B. Section 551.071-Consultation with Attorney:

1. To receive legal advice regarding and discuss a possible settlement in the matter captioned as The State of Texas v. the City of San Marcos, et al, Case No. 24-0267, in the District Court of Hays County, Texas pertaining to the City's enforcement of marijuana laws under Chapter 54, Article 4 of the City Code.
2. To receive legal advice regarding the applicability of Section 86.003 of the City Code concerning consent to annexation for the provision of utilities outside the city limits to a proposed development in the southeastern area of the City's extraterritorial jurisdiction.

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 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 WEDNESDAY, MARCH 13, 2024 AT 6:30PM

ELIZABETH TREVINO, CITY CLERK

VIII. ADDENDUM

Item #2: Executive Session A. 5. To deliberate the possible acquisition of land for cemetery purposes was added after the agenda posted on Wednesday, March 13, 2024

ADDENDUM POSTED ON FRIDAY, MARCH 15, 2024 @ 1:00PM

LUCIA CORDOVA, DEPUTY 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