



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Regular Meeting Agenda - Final City Council

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Tuesday, March 5, 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.*

### 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 2024-09, on the second of two readings, amending the city's 2023-2024 Fiscal Year budget to adjust expenditure accounts in special revenue funds; including procedural provisions; and providing an effective date.
2. Consider approval of Resolution 2024-21R, on the second of two readings, approving a Chapter 380 Economic Development Incentive Agreement with Buc-ee's San Marcos, LLC., that provides incentives in the form of refunds of 50 percent of sales taxes generated by the company over 15 years for the construction of a new Buc-ee's Travel Center along IH-35 south of Yarrington Road, and grants a variance to the height and area requirements for one pole sign; authorizing the City Manager, or her designee, to execute said agreement; and declaring an effective date.

3. Consider approval of Resolution 2024-25R, authorizing a Change in Service to the agreement with the Quetel Corporation to provide for the renewal of evidence management software for use by the Police Department in the amount of \$44,931.38 and approving three (3) additional one-year extensions of the agreement; authorizing the City Manager, or her designee, to execute the appropriate documents to implement the Change in Service and the extensions on behalf of the city; and declaring an effective date.
4. Consider approval of Resolution 2024-26R, authorizing the fourth Change in Service to the contract with recreation engineering and planning in the amount of \$230,730.00, related to the IH-35 shared use path connection project to include final design, bidding, and construction phase services; authorizing the City Manager, or her designee, to execute the appropriate documents to implement the Change in Service; and declaring an effective date.
5. Consider approval of Resolution 2024-27R, approving a fourth Change Order amendment to the participation agreement with Lazy Oaks Ranch, LP for changes in work that include additional costs incurred with the signalization of the intersection of Centerpoint Road and Wonder World Drive and upsizing the waterline the line from 12 to 16 inches, with an additional cost participation amount by the city of \$206,533.22; authorizing the City Manager, or her designee, to execute the appropriate documents relating to the Change Order on behalf of the city; and declaring an effective date.
6. Consider approval of Resolution 2024-28R, approving a Change in Service to extend the agreement with Certified Folder Display Service, Inc., for media brochure distribution for the Convention and Visitors Bureau in the estimated annual amount of \$20,268.96, with up to three additional one-year renewals; authorizing the City Manager, or her designee, to execute the appropriate documents to implement the Change in Service on behalf of the city; and declaring an effective date.
7. Consider approval of Resolution 2024-29R, renewing Indefinite Delivery Indefinite Quantity (IDIQ) electrician services contracts with CT Electric and Alterman, Inc., in an annual amount not to exceed \$125,000.00 (\$93,750 for CT Electric, \$31,250 for Alterman) with up to four one-year renewals; authorizing the City Manager, or her designee, to execute the renewals on behalf of the city; and declaring an effective date.
8. Consider approval of Resolution 2024-30R, approving an agreement for the provision of services in connection with the proposed owner requested annexation in Case No. AN-24-01 of approximately 176.5 acres of land, commonly known as Quail Creek, generally located north of the intersection of State Highway 21 and the railroad and south of the Blanco River; 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.
9. Consider approval of Resolution 2024-31R, approving the appointment of the law firm Messer Fort, PLLC as special counsel to advise the Ethics Review Commission as required when the Commission receives a complaint against a member of City Council or one of the City Council's appointees; designating Brad Bullock as the attorney with the firm to serve in such role; and declaring an effective date.

10. Consider approval of Resolution 2024-32R, approving the terms of a settlement agreement to resolve all claims in the pending litigation styled "SM Block 21, LLC v. City of San Marcos", Case No. 23-0339, in the 207th Judicial District Court of Hays County, Texas; authorizing the City Manager, or her designee, to sign the settlement agreement on behalf of the city; and declaring an effective date.
11. Consider approval of Resolution 2024-33R, approving the appointment of Douglas G. Montgomery to the position of Assistant City Attorney; 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/citizencommentssignup](http://www.sanmarcostx.gov/citizencommentssignup) 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.*

12. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2024-10, 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; and consider approval of Ordinance 2024-10, on the first of two readings.
13. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2024-11, 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 consent of the owner, another less intense zoning district classification; including procedural provisions; and providing an effective date, and consider approval of Ordinance 2024-11, on the first of two readings.
14. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2024-12, amending the Official Zoning Map of the City in Case ZC-24-02, by rezoning approximately 2.133 acres of land generally located north of the Old Bastrop/Redwood intersection, from Character District - 5 "CD-5" 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, and consider approval of Ordinance 2024-12, on the first of two readings.

## **NON-CONSENT AGENDA**

15. Consider an appeal of the administrative decision denying a request to vary from the requirement to install electrical facilities underground rather than overhead in the Whisper South Development.
16. Consider an appeal of the administrative decision denying a request to vary from the requirement to install electrical facilities underground rather than overhead in the Whisper Industrial Development.

17. Hold discussion regarding the Neighborhood Commission Recommendation Resolution 2024-01RR-NC, encouraging the Council to return the number of unrelated individuals to two unrelated persons in the Development Code; and provide direction to the City Manager.
18. Hold discussion regarding the Neighborhood Commission Recommendation Resolution 2024-02RR-NC, encouraging the Council to deny any future rent by the bed, or purpose-built student housing, to be constructed in the city; and provide direction to the City Manager.
19. Hold discussion regarding city council procurement card, among other things, and set up limits based solely on amount in the awarded travel. Requiring council members themselves to be responsible for their accounts.

## 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.*

20. The City Council will convene in executive session pursuant to the following section of the Texas Government Code:
  - A. Section 551.071: Consultation with Attorney: to receive legal advice regarding the process related to appeals of administrative determinations on the standards for installation of electric facilities.
  - B. Section 551.071: Consultation with Attorney, and Section 551.072: Real Property: regarding the lease of real property near the intersection of South Edward Gary Street and South LBJ Drive.

## DIRECTION FROM EXECUTIVE SESSION

21. Consider action, by motion, or provide direction to Staff regarding the following Executive Session item held during the Work Session and/or Regular Meeting pursuant to the following section of the Texas Government Code:
  - A. §Section 551.071: Consultation with Attorney: to receive legal advice regarding the process related to appeals of administrative determinations on the standards for installation of electric facilities.
  - B. §Section 551.071: Consultation with Attorney, and Section 551.072: Real Property: regarding the lease of real property near the intersection of South Edward Gary Street and South LBJ Drive.

## 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, MARCH 1, 2024 AT 9:30 A.M.**

**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)