



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Regular Meeting Agenda - Final City Council

Tuesday, July 2, 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.

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 2024-25, on the second of two readings, amending the regulations and standards of the Paso Robles (Kissing Tree) Planned Development District (PDD), consisting of approximately 1,338.58 acres of land, generally located in the area of Centerpoint Road and Hunter Road, establishing, among other things, a reduction in the total number of residential units in the Mixed Use portion of the development west of Hunter Road, and allowing all of those residential units to be active adult dwelling units for use by adults aged 55 and over, in Case No. PDD-08-05(b) (Kissing Tree second amendment); including procedural provisions; and providing an effective date.
2. Consider approval of Resolution 2024-89R, approving an agreement for the provision of services in connection with the proposed owner requested annexation in Case No. AN-24-03 (AXIS Logistics) of approximately 7.553 acres of land (inclusive of a portion of

county right-of-way) in Caldwell County generally located on the western side of FM-1984 approximately 4,600 feet northeast of the intersection between State Highway 80 and FM-1984; 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.

3. Consider approval of Resolution 2024-93R, on the second of two readings, approving a Chapter 380 Economic Development Incentive Agreement with BRE Group 500 Wonder World 2022 LP., also known as project Snapdragon, providing for the rebate of real property taxes owed to the city for only the unoccupied portions of a newly constructed spec building for the first three years after construction in amounts equivalent to 100 percent in year one, 75 percent in year two, and 50 percent in year three; authorizing the City Manager, or her designee, to execute said agreement; and declaring an effective date.
4. Consider approval of Resolution 2024-107R, approving an agreement for the provision of services in connection with the proposed owner requested annexation in Case No. AN-24-04 of approximately 7.913 acres of land generally located on the south side of Ranch Road 12, approximately 1,200 feet northwest of West Centerpoint Road; 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.
5. Consider approval of Resolution 2024-108R, approving an agreement for the provision of services in connection with the proposed owner requested annexation in Case No. AN-24-05 of approximately 3.43 acres of city-owned land area, known as Rattler Substation; generally located southeast of the intersection of Clovis Barker Road and Leah Avenue; 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.
6. Consider approval of Resolution 2024-109R, approving a Right of Way Dedication Agreement with Carma Paso Robles, LLC, under which Carma Paso Robles, LLC, will dedicate to the city the land needed for a future extension of Centerpoint Road from the Kissing Tree development; authorizing the City Manager, or her designee, to execute this agreement on behalf of the city; and declaring an effective date.
7. Consider approval of Resolution 2024-110R, authorizing a request for reimbursement from the Texas Department of Transportation ("TXDOT") for 90 percent of the cost of an updated master plan for the San Marcos Regional Airport in the estimated amount of \$157,500.00; authorizing the City Manager, or her designee, to execute all contracts and agreements with TXDOT as necessary to obtain such reimbursement on behalf of the City; and declaring an effective date.
8. Consider approval of Resolution 2024-111R, approving an agreement with Garver, LLC, for services to update the San Marcos Regional Airport Master Plan in the estimated amount of \$171,463.50; 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 2024-112R, approving a developer participation agreement with McCoy Corporation, providing for the city to participate in the cost of wastewater facility improvements to cover the cost of additional improvements needed by the city in an amount not to exceed \$430,000.00; authorizing the City Manager, or her designee, to execute said agreement on behalf of the city; and declaring an effective date.
10. Consider approval of Resolution 2024-113R, approving a developer participation agreement with Palace Way Partners, LLC, providing for the city to participate in the cost of extending wastewater infrastructure to provide additional capacity to the airport and fire training facility properties in an amount not to exceed \$450,000.00 but no more than 50 percent of the construction cost for the project; authorizing the City Manager, or her designee, to execute said agreement on behalf of the city; and declaring an effective date.
11. Consider approval of Resolution 2024-114R, approving a contract with Titan Utility Services for onsite dielectric testing in an annual amount not to exceed \$25,000.00 for an initial term of one year with options for four one-year extensions for a total contract price in an amount not to exceed \$125,000.00; authorizing the City Manager, or her designee, to execute the contract on behalf of the city; and declaring an effective date.
12. Consider approval of Resolution 2024-115R, approving an agreement with Rush Truck Center, through the Texas Buyboard Purchasing Cooperative for the purchase of a crane truck for use by the Utilities Department - Water/Wastewater Division, in the amount of \$187,780.00; authorizing the City Manager, or her designee, to execute the agreement on behalf of the city; and declaring an effective date.
13. Consider approval of Resolution 2024-116R, approving an agreement with Altec Industries, Inc, through the Sourcewell Purchasing Cooperative, for the purchase of an AT48M truck for use by the Utilities Department-Water/Wastewater Division, in the amount of \$296,856.00; authorizing the City Manager, or her designee, to execute the agreement and other appropriate documents to complete this purchase on behalf of the city; and declaring an effective date.
14. Consider approval of Resolution 2024-117R, approving an agreement with Altec Industries, Inc, through the Sourcewell Purchasing Cooperative, for the purchase of an AM60E truck for use by the Utilities Department-Water/Wastewater Division, in the amount of \$369,826.00; authorizing the City Manager, or her designee, to execute the agreement and other appropriate documents to complete this purchase on behalf of the city; and declaring an effective date.
15. Consider approval of Resolution 2024-118R, approving a contract with Climatec LLC, through the Buyboard Purchasing Cooperative, to monitor the city's energy management and control systems for city facilities in the amount of \$45,000.00 for one year, with the possibility of two one-year renewals for a total contract price of \$135,000.00; authorizing the City Manager, or her designee, to execute the agreement on behalf of the city; and declaring an effective date.
16. Consider approval of Resolution 2024-119R, approving a contract with Trugreen Commercial through the Buyboard Purchasing Cooperative, to treat lawns and beds for

multiple city facilities in the amount of \$120,000.00 for one year, with the possibility of three one-year renewals for a total contract price of \$480,000.00; authorizing the City Manager, or her designee, to execute the agreement on behalf of the city; and declaring an effective date.

17. Consider approval of Resolution 2024-120R, approving a contract with the Pounds Group, LLC., dba, Sullivan Contracting Services through the Choice Partners Cooperative Contract for the Hull Street Stormwater Improvements project in the amount of \$439,645.19; authorizing the City Manager, or her designee, to execute the agreement on behalf of the city; and declaring an effective date.
18. Consider approval of Resolution 2024-121R, approving a contract with Musco Sports Lighting, LLC, through the Texas Buyboard Purchasing Cooperative, for the installation of sports lighting on six soccer fields at Five Mile Dam Soccer complex in the amount of \$829,950.00; authorizing the City Manager, or her designee, to execute the agreement on behalf of the city; and declaring an effective date.
19. Consider approval of Resolution 2024-122R, approving contracts with Austin Arborist Co., Heritage Tree Care LLC, the Davey Tree Expert Co., and Kriewaldt Tree Services for emergency tree removal services in response to the May 9, 2024 wind storm in the amounts of \$50,000, \$120,000, \$40,000, and \$5,000, respectively; ratifying the City Manager's prior authorization for the emergency services; and declaring an effective date.
20. Consider approval of Resolution 2024-123R, approving an extension to the contract with United Healthcare Services, Inc., for medical, pharmacy, and dental insurance administration to extend the contract for two years through December 31, 2026, at an estimated cost of \$432,910.19; authorizing the City Manager, or her designee, to execute documents necessary to implement the extension; and providing an effective date.
21. Consider approval of Resolution 2024-124R, approving an interlocal agreement with Texas State University outlining participation in the "Piloting Innovative Community Co-creation in San Marcos" research study that seeks feedback from communities historically underrepresented in city processes; authorizing the City Manager, or her designee, to execute the agreement 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/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.

22. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2024-125R, providing no objection to the submission of an application for Low Income Housing Tax Credits to the Texas Department of Housing and Community Affairs for the proposed "The Springs" multifamily housing project located east of the intersection of interstate Highway 35 and Aquarena Springs Drive and between Aquarena Springs Drive and Davis Lane; 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; authorizing the City Manager, or her designee, to execute an agreement providing for the owner of the project to make payments to the city in lieu of property taxes; and declaring an effective date; and consider approval of Resolution 2024-125R.

23. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2024-26, amending the project plan and reinvestment zone financing plan for Tax Increment Reinvestment Zone No. 4 - Kissing Tree, to increase reimbursements to the developer by \$16,000,000.00 and to add eligible project costs for completing the Centerpoint Road four lane extension, changing the water storage tank to an elevated storage tank, and upgrading a water line; providing authorization to consummate the transactions contemplated by this amendment; including procedural provisions and declaring an effective date; and consider approval of Ordinance 2024-26, on the second of two readings.

NON-CONSENT AGENDA

24. Consider approval of Resolution 2024-126R, approving an amendment to the reimbursement agreement with Carma Paso Robles, LLC, for the San Marcos, Texas Tax Increment Reinvestment Zone No. 4 that increases the reimbursement amount to the developer from \$30,000,000.00 to \$46,000,000.00 in connection with the Kissing Tree development at Hunter and Centerpoint Roads; authorizing the City Manager, or her designee, to execute the amendment on behalf of the city; and declaring an effective date.
25. Consider approval of Resolution 2024-127R, approving the award of a construction contract to Guerra Underground, LLC, for the Dunbar Water and Wastewater Improvements project in the estimated amount of \$6,285,310.72; authorizing the City Manager, or her designee, to execute the contract on behalf of the city; and declaring an effective date.
26. Consider approval of Resolution 2024-128R, approving an agreement with Plummer Associates, Inc., to provide on-call professional services for the Sunset Acres Subdivision drainage and associated improvements in the estimated amount of \$3,000,000.00; authorizing the City Manager, or her designee, to execute the agreement on behalf of the city; and declaring an effective date.
27. Consider approval of Resolution 2024-129R, approving a contract with WEX Bank for a Fleet Card Management System, managed with Enterprise Fleet Management, for city vehicles in the annual amount of \$1,389,551.60 for one year, with the possibility of nine annual renewals; authorizing the City Manager, or her designee, to execute the agreement on behalf of the city; and declaring an effective date.
28. Receive certification from the City Clerk on the initiative petition for the repeal of Chapter 143 Police Officers' Civil Service.
29. Hold discussion regarding Low Income Housing Tax Credit projects, including those with property tax exemptions and policies governing city council approval of projects.

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.

30. 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 following matters:
- A. A petition submitted to the City Clerk proposing to repeal police civil service under Chapter 143 of the Texas Local Government Code.
 - B. The matter of State of Texas v. City of San Marcos, Cause No. 24-0267, in the 207th District Court, Hays County, Texas concerning the City's enforcement of certain laws related to marijuana.
 - C. An offer of settlement from Walton Texas, LP relating to a request to be released from the City's Sewer CCN and related Development Agreement and MUD Consent Agreement.

DIRECTION/ACTION FROM EXECUTIVE SESSION

31. Consider action, by motion, or provide direction to Staff regarding the following Executive Session items held during the Work Session and/or Regular Meeting: Consultation with Attorney pursuant to Section 551.071 of the Texas Government Code, to receive legal advice regarding the following matters:
- A. A petition submitted to the City Clerk proposing to repeal police civil service under Chapter 143 of the Texas Local Government Code.
 - B. The matter of State of Texas v. City of San Marcos, et al, Cause No. 24-0267, in the 207th District Court, Hays County, Texas concerning the City's enforcement of certain laws related to marijuana.
 - C. An offer of settlement from Walton Texas, LP relating to a request to be released from the City's Sewer CCN and related Development Agreement and MUD Consent Agreement.

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 THURSDAY, JUNE 27, 2024 @ 5:00PM

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