



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Regular Meeting Agenda - Final City Council

Tuesday, February 20, 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 presentation on the Dunbar & Heritage Neighborhood Area Plan and provide direction to staff.

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.

2. Consider approval of Ordinance 2024-05, on the second of two readings, annexing into the city approximately 6.26 acres of land, generally located south of the intersection between Rattler Road and East McCarty Lane/FM 110 (Case No. AN-23-11); including procedural provisions; and providing an effective date.
3. Consider approval of Ordinance 2024-06, on the second of two readings, amending the Official Zoning Map of the city in Case No. ZC-23-26, by rezoning approximately 2.69

acres of land, generally located on Rattler Road approximately 400 feet south of the intersection between Rattler Road and East McCarty Lane/FM 110, from Future Development "FD" 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.

4. Consider approval of Ordinance 2024-07, on the second of two readings, amending the Official Zoning Map of the city in Case No. ZC-23-27, by rezoning approximately 3.57 acres of land, generally located south of the intersection between Rattler Road and East McCarty Lane/FM 110, from Future Development "FD" District to Heavy Commercial "HC" District, or, subject to consent of the owner, another less intense zoning district classification; including procedural provisions; and providing an effective date.
5. Consider approval of Ordinance 2024-08, on the second of two readings, amending Chapter 58, Public Facilities, Parks and Recreation of the San Marcos City Code to add restrictions on certain beverage containers and coolers in the San Marcos River and within designated park areas adjacent to the river; providing penalties for violations of such restrictions; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.
6. Consider approval of Resolution 2024-11R, approving an agreement with Pape Dawson Engineers to provide professional services related to the Shady Valley Gravel Utility Improvement Project in the amount of \$169,935.00; authorizing the City Manager, or her designee, to execute the agreement on behalf of the city; and declaring an effective date.
7. Consider approval of Resolution 2024-12R, approving an agreement with Half Associates, Inc., to provide on-call professional services related to Stormwater Master Plan update/development review and modeling assistance in the estimated amount of \$950,000.00; authorizing the City Manager, or her designee, to execute the agreement on behalf of the city; and declaring an effective date.
8. Consider approval of Resolution 2024-13R, authorizing a Change Order No. 5 to the construction contract with Austin Underground, Inc., relating to the Sessom Drainage and Street Improvements Project, increasing the contract price by \$472,771.00; authorizing the City Manager, or her designee, to execute the appropriate documents to implement the Change Order on behalf of the city; and declaring an effective date.
9. Consider approval of Resolution 2024-14R, authorizing changes in service to the agreements with RMO P.C. and Baker Moran Doggett Ma & Dobbs LLP, to increase each agreement in the amount of \$200,000.00 for legal services related to acquisition of real property interests necessary for CIP and engineering projects; authorizing the City Manager, or her designee, to execute the appropriate documents to implement the Changes in Service; and declaring an effective date.
10. Consider approval of Resolution 2024-15R, awarding a contract with EBR Enterprises for removal of littoral and riparian invasive vegetation in the estimated annual amount of \$29,450.00 plus up to four one-year extensions for a total estimated contract amount of \$147,250.00; authorizing the City Manager, or her designee, to execute the contract and extensions on behalf of the city; and declaring an effective date.

11. Consider approval of Resolution 2024-16R, awarding a contract to Atlas Environmental, Inc., for aquatic litter removal in the estimated annual amount of \$50,400.00, plus up to four one-year extensions for a total estimated contract amount of \$252,000.00; authorizing the City Manager, or her designee, to execute the contract and renewals on behalf of the city; and declaring an effective date.
12. Consider approval of Resolution 2024-17R, authorizing a Change in Service to the agreement with Plummer Associates, Inc., for the provision of services associated with completing a study of water services infrastructure costs for the purpose of updating the city's impact fee rates in the not to exceed amount of \$107,112.00 and approving a one-year extension of the agreement; 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.
13. Consider approval of Resolution 2024-18R, awarding an Indefinite Delivery Indefinite Quantity (IDIQ) contract to Xevex Materials, LLC., for the provision of ready mixed concrete in an annual amount not to exceed \$400,000.00, with four one-year extension options; authorizing the City Manager, or her designee, to execute the contract on behalf of the city; and declaring an effective date.
14. Consider approval of Resolution 2024-19R, approving a multiple use agreement with the State of Texas Department of Transportation for the installation of automated license plate reader cameras along state rights-of-way; authorizing the City Manager, or her designee, to execute said 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.

15. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2024-20R, providing support for the submission of an application for Low Income Housing Tax Credits (LIHTC) to the Texas Department of Housing and Community Affairs for Riverview Apartments located at 601 River Road, approving findings related to such application; providing authorizations for execution or submission of documents related to such application; and declaring an effective date; and consider approval of Resolution 2024-20R.

NON-CONSENT AGENDA

16. Consider approval of Ordinance 2024-09, on the first 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.
17. Consider approval of Resolution 2024-21R, on the first 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.

18. Consider approval of Resolution 2024-22R, authorizing proceeding with issuance of Certificates of Obligation and further directing the publication of Notice of Intention to Issue City of San Marcos, Texas Combination Tax and Revenue Certificates of Obligation for certain projects for improving, constructing, equipping, acquiring, or designing the City's: water and wastewater system, including technology improvements; streets, sidewalks; public safety facilities, including fire station improvements; stormwater management for flood control and drainage, electric utility system; and the payment of professional services in connection therewith including fiscal and engineering fees and the costs of issuing the certificates of obligation related thereto in an amount not to exceed \$31,100,000.
19. Consider approval of Resolution 2024-23R, approving the purchase of a transformer for the Hilltop Substation operated by the San Marcos Electric Utility from the lowest responsible bidder Texas Electric Cooperatives in the amount of \$1,645,556.00; authorizing the City Manager, or her designee, to execute all appropriate documents to complete the purchase; and declaring an effective date.
20. Consider approval of Resolution 2024-24R, adopting the City Council's Strategic Plan for Fiscal Year 2024-2025; 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.

21. The City Council will convene in executive session pursuant to the following sections of the Texas Government Code:
 - A. Sections 551.071, Consultation with Attorney and 551.072, Deliberation Regarding Real Property: to receive legal advice regarding and deliberate possible options for development of city owned property on South Guadalupe Street.
 - B. Section 551.071: Consultation with Attorney: to receive legal advice concerning requirements pertaining to landowner petitions for release of land from the city's extraterritorial jurisdiction.
 - C. Section 551.071: Consultation with Attorney: to receive legal advice regarding a possible settlement agreement with WestEast Design Group related to the Fire Station No. 6 generator.
 - D. Section 551.071: Consultation with Attorney: to receive legal advice regarding The State of Texas v. The City of San Marcos, filed in the District Court of Hays County, Texas in Cause No. 24-0267, pertaining to the city's enforcement of marijuana laws under Chapter 54, Article 4 of the City Code.

DIRECTION FROM EXECUTIVE SESSION

22. Consider action, by motion, or provide direction to Staff regarding the following Executive Session items held during the Work Session and/or Regular Meeting pursuant to the following section of the Texas Government Code:
- A. Sections 551.071, Consultation with Attorney and 551.072, Deliberation Regarding Real Property: to receive legal advice regarding and deliberate possible options for development of city owned property on South Guadalupe Street.
 - B. Section 551.071: Consultation with Attorney: to receive legal advice concerning requirements pertaining to landowner petitions for release of land from the city's extraterritorial jurisdiction.
 - C. Section 551.071: Consultation with Attorney: to receive legal advice regarding a possible settlement agreement with WestEast Design Group related to the Fire Station No. 6 generator.
 - D. Section 551.071: Consultation with Attorney: to receive legal advice regarding *The State of Texas v. The City of San Marcos*, filed in the District Court of Hays County, Texas in Cause No. 24-0267, pertaining to the city's enforcement of marijuana laws under Chapter 54, Article 4 of the City Code.

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/citizencommentssignup 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, FEBRUARY 15, 2024 AT 5:00 PM

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

