



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Regular Meeting Agenda - Final City Council

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Monday, August 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 Resolution 2024-130R, approving a partial release of a wastewater easement located between Premier Parkway and Post Road in the Champions Business Park, such part of the easement being no longer necessary; authorizing the City Manager, or her designee, to execute the partial release of easement on behalf of the city; and declaring an effective date.
2. Consider approval of Resolution 2024-131R, authorizing a Local On-System Agreement ("LOSA") with the Texas Department of Transportation, relating to the Briarwood and River Ridge Drainage Improvement Project, to provide for necessary construction of a detention pond outfall along the IH-35 frontage road, in the amount of \$584,065.00; authorizing the City Manager, or her designee, to execute the appropriate documents to implement the LOSA on behalf of the city; and declaring an effective date.

3. Consider approval of Resolution 2024-132R, approving a Release and Partial Release of Wastewater Easements located near Posey Road and IH 35 and expending \$35,505.00 and closing costs in exchange for a larger wastewater easement saving operational money for an abandoned lift station, under the terms of an Easement Exchange Agreement with BKCK, Ltd., a Texas limited partnership; authorizing the City Manager, or her designee, to execute necessary documents on behalf of the city; and declaring an effective date.
4. Consider approval of Resolution 2024-133R, approving a professional services agreement with Lopez Salas Architects, Inc., for city facility space planning and cost estimating services in the amount of \$247,719.50; authorizing the City Manager, or her designee, to execute the agreement on behalf of the city; and declaring an effective date.
5. Consider approval of Resolution 2024-134R, approving a contract with Survalent Technology, Inc., for the supply and installation of an Electric Supervisory Control and Data Acquisition (SCADA) System for the Utilities Division for an estimated total contract amount of \$522,733.49; authorizing the City Manager, or her designee, to execute the contract on behalf of the city; and declaring an effective date.
6. Consider approval of Resolution 2024-135R, approving a contract with NWN Corporation to upgrade the Emergency Operations Center room at the city's Public Services Complex in the amount of \$219,052.67 from funds received by the City under the American Rescue Plan Act; authorizing the City Manager, or her designee, to execute the agreements and any necessary related documents on behalf of the city; and declaring an effective date.
7. Consider approval of Resolution 2024-136R, approving an Amended and Restated Interlocal Cooperation Agreement regarding the Austin Regional Intelligence Center (ARIC) and the Interlocal Cooperation Agreement for sustainment funding for ARIC that enables the Police Department and other regional law enforcement agencies to share information; 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](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.*

8. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2024-137R, adopting the Community Development Block Grant ("CDBG") Action Plan that provides for the allocation of \$1,405,990.00 in CDBG entitlement funds for program year 2024-2025; authorizing the City Manager, or her designee, to act as the official representative of the city in matters related to the CDBG Program and Action Plan; and declaring an effective date; and consider approval of Resolution 2024-137R.
9. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2024-27, annexing into the City approximately 7.553 acres of land (inclusive of a portion of county right-of-way) in Caldwell County, Texas, generally located on the

western side of FM 1984 approximately 4,600 feet northeast of the intersection between State Highway 80 and FM 1984, and approximately 150 feet northeast of the intersection between FM 1984 and Foster Boulevard (Case No. AN-24-03) (AXIS Logistics); including procedural provisions; and providing an effective date; and consider approval of Ordinance 2024-27, on the first of two readings.

10. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2024-28, annexing into the City approximately 7.913 acres of land in Hays County, Texas, generally located on the south side of Ranch Road 12, approximately 1,200 feet northwest of west Centerpoint Road, in Case No. AN-24-04 (La Cima PEC substation); including procedural provisions; and providing an effective date; and consider approval of Ordinance 2024-28, on the first of two readings.
11. Receive a Staff presentation and hold a public hearing to receive comments for or against Ordinance 2024-29, amending the Official Zoning Map of the City in Case No. ZC-24-05 (La Cima PEC substation), by rezoning approximately 7.5 acres of land in Hays County, Texas, generally located on the south side of Ranch Road 12, approximately 1,200 feet northwest of west Centerpoint Road, from 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 providing an effective date; and consider approval of Ordinance 2022-29, on the first of two readings.
12. Receive a staff presentation and hold a public hearing to receive comments for or against Ordinance 2024-30, annexing into the City approximately 3.43 acres of city-owned land, known as Rattler Substation, in Hays County, Texas, generally located southeast of the intersection of Clovis Barker Road and Leah Avenue (Case No. AN-24-05); including procedural provisions; and providing an effective date; and consider approval of Ordinance 2024-30, on the first of two readings.

## **NON-CONSENT AGENDA**

13. Consider approval of Ordinance 2024-31, on the first of two readings, amending Chapter 90, Article 4, Wreckers, of the San Marcos City Code for the purposes of modifying signage requirements, placing responsibility for administering the wrecker rotation system with the city marshal, improving safety equipment requirements, increasing the response time allowed for wreckers, improving impound and inventory requirements, expanding the locations for storage facilities to include the extraterritorial jurisdiction, increasing maximum fees for all types of tows and related services, creating a duty for storage facilities to report vehicles received to the police department and providing new fines and penalties for violations; including procedural provisions; and providing an effective date.
14. Consider approval of Ordinance 2024-32, granting consent to the annexation of 74.29 acres with situs address 5740 Redwood Road by the Guadalupe County Municipal Utility District No. 9; providing for the adoption of this Ordinance on only one reading as an emergency; and providing for an effective date.
15. Consider approval of Ordinance 2024-33, granting consent to the creation of Sedona Municipal Utility District No. 1 and the inclusion therein of approximately 279.484 acres of

land located within the City's Extraterritorial Jurisdiction in the vicinity of State Highway 123 and FM 1978; providing for the adoption of this Ordinance on only one reading as an emergency; and providing an effective date.

16. Consider approval of Ordinance 2024-34, granting consent to the creation of Sedona Municipal Utility District No. 2 and the inclusion therein of approximately 337.396 acres of land located within the City's Extraterritorial Jurisdiction in the vicinity of State Highway 123 and FM 1978; providing for the adoption of this Ordinance on only one reading as an emergency; and providing for an effective date.
17. Consider approval of Ordinance 2024-35, ordering a General Election to be held on November 5, 2024, for the purpose of electing a Mayor, City Council Member for Place 5, and a City Council Member for Place 6; making provisions for conducting the election; providing for the approval of this Ordinance as an emergency measure on only one reading; and providing an effective date.
18. Consider approval of Resolution 2024-138R, approving a contract with Strickland Hail Group for the repair of hail damage to city vehicles in the estimated amount of \$1,483,482.00, to be paid through the TML Intergovernmental Risk Pool, less a \$25,000 deductible paid by the city; authorizing the City Manager, or her designee, to execute the contract on behalf of the city; and declaring an effective date.
19. Consider approval of Resolution 2024-139R, approving the award of a construction contract to Payton Construction, Inc., for the Comanche Pump Station Improvements Project in the estimated amount of \$3,218,046.00; authorizing the City Manager, or her designee, to execute the contract on behalf of the city; and declaring an effective date.
20. Consider approval of Resolution 2024-140R, approving a developer participation agreement with Lennar Homes of Texas Land and Construction, Ltd., providing for the city to participate in the cost of waterline construction along Staples Road to cover the cost of additional improvements needed by the city in an amount not to exceed \$2,340,876.46; authorizing the City Manager, or her designee, to execute said agreement on behalf of the city; and declaring an effective date.
21. Consider appointments to fill vacancies on the Boards and Commissions; and provide direction to Staff.
  - A) Library Board
  - B) Veteran Affairs Advisory Committee

## 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 the following sections of the Texas Government Code:
  1. Section 551.071-Consultation with Attorney:

A. To receive legal advice regarding 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.

B. To receive legal advice 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.

2. Section 551.072-Deliberation Regarding Real Property:

A. To deliberate regarding the possible purchase or lease of land for the development of affordable workforce housing.

B. To deliberate regarding the ground lease of real property to the San Marcos Area Chamber of Commerce at 202 North CM Allen Parkway.

## **DIRECTION/ACTION FROM EXECUTIVE SESSION**

23. Consider action, by motion, or provide direction to Staff regarding the following Executive Session items deliberated under Chapter 551 of the Texas Government Code during the Work Session and/or Regular Meeting:

1. Section 551.071-Consultation with Attorney:

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B. To receive legal advice 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.

2. Section 551.072-Deliberation Regarding Real Property:

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B. To deliberate regarding the ground lease of real property to the San Marcos Area Chamber of Commerce at 202 North CM Allen Parkway

## **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 THURSDAY, AUGUST 1, 2024 AT 2:30PM**

**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)