



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes City Council

Tuesday, February 18, 2020

6:00 PM

City Council Chambers

630 E. Hopkins

I. Call To Order

With a quorum present, the regular meeting of the San Marcos City Council was called to order by Mayor Hughson at 6:00 p.m. Tuesday, February 18, 2020 in the City Council Chambers, 630 E. Hopkins, San Marcos, Texas 78666.

II. Roll Call

Council Member Marquez was absent due to business travel.

Present: 6 - Council Member Melissa Derrick, Mayor Jane Hughson, Mayor Pro Tem Ed Mihalkanin, Deputy Mayor Pro Tem Mark Rockeymoore, Council Member Maxfield Baker and Council Member Saul Gonzales

Absent: 1 - Council Member Joca Marquez

III. Invocation

Pastor Dr. Chad R. Chaddick, with First Baptist Church provided the invocation this evening.

IV. Pledges of Allegiance - United States and Texas

Theodore Gonzales, 3rd grade student at San Marcos Preparatory School, led the assembly in the pledges of allegiance.

V. 30 Minute Citizen Comment Period

Kimberly Meitzen, spoke on item #7, on behalf of the Franklin Square Homeowners Associations. Ms. Meitzen asked the City to accept the land donation on behalf of their HOA. The Homeowners Association is in the process of dissolving their HOA and this 5 acre tract provides greenspace. They would be grateful if you accepted this and add it to greenspace for the City.

Lisa Marie Coppoletta, stated that she loved the opening prayer regarding the Golden Rule. She claimed this never happened under several previous Mayors and only four times under Mayor Thomaides. She continued to state that under this administration, citizens are interrupted and the Mayor feels the need to correct them. She kindly asked the Mayor to please refrain from

commenting. She stated that we do have three Assistant City Managers and that her statement was correct from the last Council meeting. She mentioned the letter that her neighbors received on speed bumps and neighbors on the other side of Belvin are being ignored. She claims Mr. Lumbreras will not place a public sidewalk in his staff's neighborhood. She stated that an employee who works in the street department has a private sidewalk. Ms. Coppoletta believes that her street has a speed trap because Mr. Lumbreras is protecting his own city employees who don't want a sidewalk.

Roland Saucedo, thanked Council for their service. He spoke on items #13 and 14. He applauds the steps taken towards the no objection for housing tax credits. Stated he is still concerned and would like to see Small Area Plans finalized, it is part of Land Development Code and there is no plan. Secondly, Small Area Plans were there to protect the neighborhoods. We have a couple of neighborhoods that are being invaded with stealth dorms. Mr. Saucedo asked Council to bring forward this year and make the Small Area Plan a priority. He asked they finalize the task force affordable housing action plan that was proposed by the committee. There is concern from the members of the task force that Council may not be satisfied with the work they completed. Please approve of the renaming of El Camino Real Park to Officer Kenneth Copeland Memorial Park.

CONSENT AGENDA

A motion was made by Mayor Pro Tem Mihalkanin, seconded by Council Member Baker to approve the consent agenda with the exception of item # 2, 3, 4, 5, and 7, which were pulled and considered separately. The motion carried by the following vote:

For: 6 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

Absent: 1 - Council Member Marquez

1. Consider approval, by motion, of the following meeting Minute(s):
 - A. February 4, 2020 - Work Session Meeting Minutes
2. Consider approval of Resolution 2020-30R, approving revisions to the Interlocal Agreement with Texas State University that provides for the provision of reclaimed water service to Texas State University in exchange for the transfer by Texas State University of certain rights to withdraw water from the San Marcos River to the City in furtherance of the Habitat Conservation Plan; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.

Mayor Pro Tem Mihalkanin recused himself on this item as he is employed by Texas State University.

A motion was made by Council Member Gonzales, seconded by Council Member Derrick, to approve Resolution 2020-30R. The motion carried by the following vote:

For: 5 - Council Member Derrick, Mayor Hughson, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

Absent: 1 - Council Member Marquez

Recused: 1 - Mayor Pro Tem Mihalkanin

3. Consider approval of Resolution 2020-31R, approving a Master Interlocal Purchasing agreement with the North Central Texas Council of Governments for the City's procurement of goods and services; authorizing the City Manager or his designee to execute this agreement on behalf of the City; and declaring an effective date.

A motion was made by Deputy Mayor Pro Tem Rockeymoore, seconded by Council Member Derrick, to approve Resolution 2020-31R. The motion carried by the following vote:

For: 6 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

Absent: 1 - Council Member Marquez

4. Consider approval of Resolution 2020-32R, approving an agreement with Texas State University, San Marcos Consolidated Independent School District, and Hays County providing for the joint funding of a contract with Community Action, Inc. of Central Texas to provide personnel to serve as a youth services director to administer youth services and programs for the benefit of the City and such entities; authorizing the City Manager or his designee to execute the agreement; and declaring an effective date.

Mayor Pro Tem Mihalkanin recused himself on this item as he is employed by Texas State University.

A motion was made by Council Member Derrick, seconded by Deputy Mayor Pro Tem Rockeymoore, to postpone Resolution 2020-32R to the March 3, 2020 regular meeting. The motion carried by the following vote:

For: 5 - Council Member Derrick, Mayor Hughson, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

Absent: 1 - Council Member Marquez

Recused: 1 - Mayor Pro Tem Mihalkanin

5. Consider approval of Resolution 2020-33R, approving an agreement with Community Action, Inc. of Central Texas to provide personnel to serve as a Youth Services Director to administer Youth Services and Programs for the benefit of the City, Texas State University, San Marcos Consolidated Independent School District, and Hays County in an amount not to exceed \$110,000.00, to be jointly funded by the City and such other entities, with a participation amount for the City not to exceed \$50,000.00; authorizing the City Manager or his designee to execute the agreement; and declaring an effective date.

Mayor Pro Tem Mihalkanin recused himself on this item as he is employed by Texas State University.

A motion was made by Council Member Derrick, seconded by Deputy Mayor Pro Tem Rockey Moore, to postpone Resolution 2020-33R to the March 3, 2020 regular meeting. The motion carried by the following vote:

For: 5 - Council Member Derrick, Mayor Hughson, Deputy Mayor Pro Tem Rockey Moore, Council Member Baker and Council Member Gonzales

Against: 0

Absent: 1 - Council Member Marquez

Recused: 1 - Mayor Pro Tem Mihalkanin

6. Consider approval of Resolution 2020-34R, approving an Interlocal Agreement between the City and San Marcos Consolidated Independent School District for the use of District Facilities for the purpose of hosting adult pickleball practices, games, tournaments and events when not scheduled for use by the District; authorizing the City Manager, or his designee, to execute the agreement on behalf of the City; and declaring an effective date.
7. Consider approval of Resolution 2020-35R, authorizing the acceptance of a donation from the Franklin Square Homeowners Association, Inc. of approximately 5.009 acres of land off of Craddock Avenue and adjacent to the Bishop Crossing Subdivision, subject to the release of any deed restrictions that would prevent or interfere with the use of the land for municipal purposes; authorizing the City Manager, in consultation with the City Attorney, to approve the final form of deed conveying the land to the City consistent with this resolution; authorizing the City Manager or his designee to execute any closing or other documents necessary to complete the conveyance of the land to the City; and declaring an effective date.

Council Member Derrick abstained from this item to avoid the appearance of impropriety as she lives in a nearby neighborhood.

A motion was made by Mayor Pro Tem Mihalkanin, seconded by Deputy

Mayor Pro Tem Rockeymoore, to approve Resolution 2020-35R. The motion carried by the following vote:

For: 5 - Mayor Hughson, Mayor Pro Tem Mihalkanin, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

Absent: 1 - Council Member Marquez

Abstain: 1 - Council Member Derrick

8. Consider approval of Resolution 2020-14R, adopting Guiding Principles for the City's 2020 Federal and State Legislative Action Program; and declaring an effective date.

PUBLIC HEARINGS

9. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2020-05, annexing into the City approximately 56.923 acres of land out of the John Williams Survey, Abstract 490, Hays County, being Phase 1, Section 2 of the La Cima Development, generally located west of the intersection of Old Ranch Road 12 and Wonder World Drive; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2020-05, on the first of two readings.

Shannon Mattingly, provided Council with a presentation and explained this is a request for voluntary annexation in the La Cima subdivision and proposal is single family residential. This is part of the original plan and they request annexation as new plats are approved.

Mayor Hughson opened the Public Hearing at 6:27 p.m.

Those who spoke:

Roland Saucedo, expressed his support of this annexation. The decision made today will increase revenue for the City with utility services and taxes. He expressed his concern of the excess traffic that will be on Ranch Road 12 and Wonder World with this development. He hopes traffic studies are being done to address this.

There being no further comments, the Mayor closed the Public Hearing at 6:29 p.m.

A motion was made by Mayor Pro Tem Mihalkanin, seconded by Council Member Baker, to approve Ordinance 2020-05, on the first of two readings. The motion carried by the following vote:

For: 6 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

Absent: 1 - Council Member Marquez

10. Consider approval of Resolution 2020-36R, approving amendments to the Affordable/Workforce Housing Policy regarding the criteria for approval of applications relating to the Low-Income Housing Tax Credit Program administered by the Texas Department of Housing and Community Affairs; and declaring an effective date.

Shannon Mattingly, Director of Planning and Development Services, provided a brief presentation.

Mayor Hughson opened the Public Hearing at 6:32 p.m.

Those who spoke:

Eric Willis, manager of the project, stated this is the second phase of La Cima and explained these are larger lots with a quarter acre or a little more. He spoke on traffic and plans to complete the buildout and this will create deceleration and acceleration lanes at intersection of Old RR12 and Wonder World, those plans are to be done all at one time. They will continue to work with TxDOT and the City to improve the entire intersection.

Roland Saucedo, supports this request, likes what they have done so far and the contributions to the community, for example, sponsoring the Mermaid Society. Not only developing in our community but also giving back to the community. He thanked them for addressing the concerns of traffic. This increases housing stock, perhaps there is some kind of opportunity that some of these houses can reach our affordable housing working demographics.

There being no further comments, the Mayor closed the Public Hearing at 6:35 p.m.

A motion was made by Deputy Mayor Pro Tem Rockeymoore, seconded by Mayor Pro Tem Mihalkanin, to approve Ordinance 2020-06, on first of two readings. The motion carried by the following vote:

For: 6 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

Absent: 1 - Council Member Marquez

NON-CONSENT AGENDA

11. Consider approval of Ordinance 2020-03, on the second of two readings, amending the Official Zoning Map of the City by rezoning approximately 4.85 acres out of the Cyrus Wickson Survey, Abstract No. 474, Hays County, generally located at the western corner of South Old Bastrop Highway and Rattler Road, from “FD” Future Development District to “CD-5” Character District 5; and including procedural provisions.

A motion was made by Deputy Mayor Pro Tem Rockeymoore, seconded by Council Member Derrick, to approve Ordinance 2020-03, on the second of two readings. The motion carried by the following vote:

For: 6 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

Absent: 1 - Council Member Marquez

12. Consider approval of Ordinance 2020-07, amending section 2.191 of the San Marcos City Code relating to the composition of the Historic Preservation Commission; including procedural provisions; providing for the repeal of any conflicting provisions; and providing an effective date.

A motion was made by Mayor Pro Tem Mihalkanin, seconded by Council Member Baker, to approve Ordinance 2020-07, on the first of two readings. The motion carried by the following vote:

For: 6 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

Absent: 1 - Council Member Marquez

13. Consider approval of Resolution 2020-36R, approving amendments to the Affordable/Workforce Housing Policy regarding the criteria for approval of applications relating to the Low-Income Housing Tax Credit Program administered by the Texas Department of Housing and Community Affairs; and declaring an effective date.

MAIN MOTION: A motion was made by Council Member Derrick, seconded by Council Member Baker, to approve Resolution 2020-36R.

MOTION TO AMEND: A motion was made by Council Member Baker, seconded by Council Member Rockeymoore, to amend the Affordable / Workforce Housing Policy, Low Income Housing Tax Credit Policy (LIHTC)

section by removing "should" and replacing it with "shall" in item 8, the second sentence, and in 8(a), (b) and (c).

The new section will now read:

The project incorporates wraparound support services that provide flexible voluntary social, economic, or education benefits to the residents. The project shall meet the following criteria and will be

considered in the analysis of whether criteria 8 is met:

- a. Proposed support services shall meet the needs of the local community;
- b. The project shall utilize local support services and resources;
- c. The project shall exceed the minimum TDHCA requirements for amenities;
- d. The project shall submit to the City the Project's TDHCA Application for Low Income Housing Tax Credits and includes the list of amenities in the Project's Land Use Restriction Agreement (LURA).
- e. The project shall submit surety documentation to the City that the proposed support services will be included in the completed project. Projects will be required to submit documentation such as a Memorandum of Understanding (MOU) or any other legal documentation indicating the partnership between the project and the support service. Such documentation shall be required prior to the issuance of a Certificate of Occupancy for the project.

The motion carried by the following vote:

For: 6 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

Absent: 1 - Council Member Marquez

MAIN MOTION: to approve Resolution 2020-36R as amended. The motion carried by the following vote:

For: 6 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

Absent: 1 - Council Member Marquez

14. Hold discussion regarding Recommendation Resolution 2019-03RR of the Parks and Recreation Advisory Board supporting the renaming of El Camino Real Park to Kenneth

M. Copeland Memorial Park, and provide direction to Staff.

Council provided direction to staff to move forward with the recommendation. Council agreed with the proposal and it will be brought forward for formal approval at the March 17, 2020 regular City Council meeting. Staff was thanked for the thorough job done regarding support for the resolution.

EXECUTIVE SESSION (if necessary)

15. Executive Session in accordance with the following Government Code Sections:
A. Section § 551.072 - Real Property: to receive a staff briefing and deliberation regarding acquisition of property in Downtown San Marcos for Public Use.

No Executive Session needed this evening.

DIRECTION / ACTION FOLLOWING EXECUTIVE SESSION

16. Consider action, by motion, regarding the following Executive Session items held during the Work Session:
A. Section § 551.072 - Real Property: to receive a staff briefing and deliberation regarding acquisition of property in Downtown San Marcos for Public Use

Council provided direction to staff during Executive Session this afternoon.

VI. Question and Answer Session with Press and Public.

None.

VII. Adjournment.

A motion was made by Council Member Derrick, seconded by Council Member Gonzales, to adjourn the regular meeting of the City Council on Tuesday, February 18, 2020 at 6:53 p.m. The motion carried by the following vote:

For: 6 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

Absent: 1 - Council Member Marquez

Tammy K. Cook, Interim City Clerk

Jane Hughson, Mayor