



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes City Council

Tuesday, April 2, 2019

3:00 PM

City Council Chambers

630 E. Hopkins - Work Session

I. Call To Order

With a quorum present, the work session meeting of the San Marcos City Council was called to order by Mayor Hughson at 3:02 p.m. Tuesday, April 2, 2019 in the City Council Chambers, 630 E. Hopkins, San Marcos, Texas 78666.

II. Roll Call

Present: 7 - Mayor Pro Tem Lisa Prewitt, Council Member Saul Gonzales, Council Member Melissa Derrick, Mayor Jane Hughson, Council Member Ed Mihalkanin, Council Member Joca Marquez and Council Member Mark Rockeymoore

1. Receive a staff presentation, and hold discussion, regarding a proposed update to Chapter 18, Article 3 - Food Establishments and Food Vending Machines of the San Marcos City Code, and provide direction to Staff.

Stacy Wright, Environmental Health Manager, provided a presentation regarding food establishments and food vending machines regulations within our Code.

Mr. Wright discussed the objective of this presentation which is transition to the new code that will achieve the following:

Adherence to the State of Texas Food Establishment Rules effective October 2015 (Minimum Requirements by State Law), Streamline COSM Food Ordinance, create local amendments to clarify vague language in state code, innovation at work by providing permitting processes that meet the specific needs of the community, improve the customer experience by streamlining processes while maintaining food safety, and provide education and outreach to our customers.

Mr. Wright explained the various food establishments which include: Fixed food establishments, Mobile food units, Temporary food establishments, Cottage Kitchens, and Farmer's Markets. He explained in detail the proposed changes, clarifications, variances, and amendments to these various food establishments.

There are three permit fees proposed by staff which include:

A Central Prep Facility Permit proposed at \$50.00 and this covers inspection.

An Expedited Permit proposed at \$50.00 for permits needed in less than seven days.

Seasonal Permit proposed at \$101.50 for special conditions and these will be longer than temporary permits but less than annual.

Staff is proposing a decrease in the Farmers Market permit fee. Currently the fee is \$101.50, staff is proposing a \$10.00 fee only for vendors selling potentially hazardous foods.

Council would like the Legislative Committee to review the current State regulations on food establishments and be proactive so concerns can be addressed prior to the next Legislative session.

- 2. Receive a Staff presentation and hold discussion regarding proposed amendments to Chapter 38 - Fire Prevention and Protection of the San Marcos City Code of Ordinances, and provide direction to Staff.**

Les Stephens, Fire Chief and Kelly Kistner, Fire Marshal provided a presentation regarding proposed amendments to Chapter 38 - Fire Prevention and Protection of the San Marcos City Code of Ordinances.

Mr. Kistner explained the International Fire Code (IFC) addresses conditions hazardous to life and property from fire, explosion, handling or use of hazardous materials and the use and occupancy of buildings and premises. The Code also establishes minimum regulations for fire prevention and fire protection systems. The IFC is currently in use or adopted in 42 states, the District of Columbia, New York City, Guam and Puerto Rico.

The significant changes proposed include the following:

- Fire Marshal Appointment**
 - In-line with move to Fire Department**
 - Civil Service**
 - Meet and Confer**

- Fire Investigations**
 - Cleans up language**
 - Ensures consistency with State law**

- **Inspections and Amendments**

- **Adopts the Code in a more intended form.**
- **Provides for local needs and requirements.**
- **Provides consistency with other jurisdictions based on science and technology.**
- **Provides for additional safety and protection of citizens, residents, and firefighters.**
- **Multi-family residential**
- **Grills on multi-family patios**
- **Fire extinguishers in hallways**
- **Gate access (not retroactive)**
- **Fire Department Connections (FDC)**
- **Knox boxes**
- **False alarms**

These amendments will be adopted by ordinance and updated in 2021; unless critical issue arises before.

The proposed amendments are data and/or science based, developed locally, regionally, nationally and provides consistency with neighbors.

3. **Receive a Staff presentation regarding the Sustainability and Clean Air Initiative for the City of San Marcos, and provide direction to the City Manager.**

Jan Klein, Conservation Coordinator, provided a presentation regarding City Greenhouse Gas (GHG) Emissions which was initially discussed by Council in October 2017. During this time there was discussion on creating a San Marcos Climate Action Plan to reduce GHG emissions and impacts by setting benchmarks and expanding existing programs. Council provided direction to measure the cities GHG emissions. In August 2018 Council had a workshop on municipal GHG inventory and asked staff to develop and recommend targets for GHG reductions.

Ms. Klein provided the Municipal GHG inventory and reviewed the actions the City has taken to reduce emissions. The GHG Emission reduction measures that are recommended include:

- **Implement Reclaim Water for irrigation at City facilities**
- **Evaluate Fleet purchases for Electric Vehicle Cost Benefit**
- **Evaluate LEED/Building Efficiency Cost/Benefit for new City facility construction (Budget Capacity)**
- **Evaluate site specific solar installation Cost/Benefit for new City facility construction (Budget Capacity)**

- **Implement Solar Purchase Power Agreement when appropriate**

Ms. Klein spoke on the Renewable Wind Project and stated the City has already signed contract for supply of 41,707 Megawatt Hours (MWH)/year. 23,340 MWH will be used to offset ALL COSM GHG emissions (including vehicles). 14,074 MT CO₂e will be saved which equals 100% savings from Baseline and 18,357 MWH would still be available for community use. An application of renewable energy to City GHG reductions is a common methodology for reaching target goals.

Ms. Klein spoke on the future proposed Solar Power Purchase Agreement with a contract coming forward in 2022. The San Marcos projected share of solar plant output is 84,927 MWH/year. 39,558 MWH of that can be used in San Marcos (without exceeding the LCRA 15% Intermittent Progressive Power Generation (IPPG) cap). The remaining 45,369 will be sold to the grid but will be available to San Marcos for future growth. This would save 23,854 MT CO₂e which is equal to 169.5% savings from Baseline.

Direction has been requested of Council for the following items:

- **Participation in new regional Clean Air Coalition (CAC) 2019- 2023 air quality plan? Consensus from Council is to participate in the new Clean Air Coalition.**

- **CAPCOG has requested COSM to pay \$9994 to support implementation of the regional CAC 2019-2023 air quality plan? Consensus from Council is to pay this amount to implement this plan.**

- **Trent renewable wind project alone can offset 100% of Municipal GHG emissions; Council adoption of 100% reduction in municipal GHG emissions through wind project? Council will discuss further at a later time.**

- **Additional measures (building efficiency, site-specific solar) can be implemented at a cost. These costs are not currently included in building cost estimates or bond funding. Council adoption of policies for building efficiency and site-specific solar? Consensus from Council is to have a policy for building efficiency and site-specific solar for new building standards for future projects.**

4. Receive a Staff presentation and hold discussion regarding shared mobility platforms, specifically dockless electric scooters, and provide direction to Staff.

The City Council recessed the remaining Work Session item #4 and Executive Session until the completion of the Regular Meeting due to the time

approaching 6:00 p.m. This item was taken up following the adjournment of the Regular Meeting at 8:22 p.m.

Bert Lumbreras, City Manager, provided a brief update regarding e-scooters and shared mobility. Mr. Lumbreras gave background information and stated the E-scooters emerged in September 2017. These e-scooters are small, battery-powered, two-wheel scooters to rent for one-way trips, this is an App-based business model, same as dockless bike share and there has been a rapid evolution of the industry with many

competitors. The following observations were made by other cities:

- Increase in user, pedestrians and traffic-related injuries and deaths.
- Illegal sidewalk riding creates pedestrian conflict.
- Inappropriate e-scooter parking creates hazards and accessibility constraints.
- Parks and Park Trail system impacts.
- Use of streets creates traffic conflicts and challenges with a lack of proper infrastructure.

Mr. Lumbreras spoke on legislation that allows a city to restrict and regulate the use of scooters.

After discussion, consensus of Council is to prohibit scooters in the public right-of-way streets and sidewalk.

EXECUTIVE SESSION

5. Executive Session in accordance with Section 551.087, Economic Development and Section 551.071, Consultation with Attorney, to receive a staff briefing and deliberate regarding the creation of the Hays County Municipal Utility District No. 8.

A motion was made by Council Member Gonzales, seconded by Council Member Derrick, to enter into Executive Session at 5:26 p.m. The motion carried by the following vote:

For: 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

Against: 0

Mayor Hughson recessed the Work Session meeting which included Item #4 and Executive Session at 5:55 p.m. to conduct the Regular Meeting scheduled for 6:00 p.m.

After discussion and direction on item #4 of the agenda Mayor Hughson called

for a motion to re-enter into Executive Session to continue the staff briefing and deliberation regarding the creation of the Hays County Municipal Utility District No. 8.

Mayor Pro Tem Prewitt made a motion, seconded by Mayor Hughson to enter into Executive Session at 8:44p.m. The motion carried by the following vote:

For: 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

Against: 0

III. Adjournment.

Mayor Hughson adjourned the Work Session meeting of the San Marcos City Council at 10:17 p.m.

Jamie Lee Case, TRMC, City Clerk

Jane Hughson, Mayor