



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes City Council

Tuesday, April 2, 2019

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 6:08 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

III. Invocation

Pastor Eric Barbosa with Community Baptist Church provided this evening's invocation.

IV. Pledges Of Allegiance - United States And Texas

Aurelia Garza from San Marcos Preparatory School led the assembly in the pledges of allegiance.

V. 30 Minute Citizen Comment Period

Sarah Lee Underwood, spoke on a few things that Council and the City should say "No" to. She held a sign that says "We love our Single-Family Neighborhoods." We need to say "No" to developers that come in and want to create multi-family units in our neighborhoods. We need to keep our single-family neighborhoods. She stated there are problems with bikeshare companies and asked staff to have designated areas and manage these veo-type bikes, please manage it. She spoke on the sidewalk project and she will attend a meeting at the Westover Neighborhood location. She asked Council to reconsider this project and consider what the residents want on Belvin Street. She also stated that is working with the Street Department to define Blanco Garden neighborhood. She also reminded everyone about the Bobcat Build event that will occur on April 13th.

William Agnew, spoke on a front-page article that was written by publisher

Lance Winter in last Sundays Daily Record. He thought this article was out of line in several respects, including a reference to votes cast by some council members, and that it should have been on the Opinion Page, not the front page. He wrote a letter to the Daily Record in response because he felt there should be a public response. Mr. Agnew read the following letter that he submitted to the Daily Record in response to this article:

"I am neither an advocate for nor an opponent of the proposed SMART project, but I take exception to the article by publisher Lance Winter on the front page of the March 17, 2019 Daily Record. First this is an opinion piece and should have appeared on the Opinion page like all other opinion pieces. Just because the publisher wrote it should not entitle it to the prominence of a front-page location. Second, both the headline and the first three paragraphs are deceptive. They led me to believe that I was going to read about upcoming changes to the Daily Record. Instead I found myself sucked into a piece shilling for a private industrial project. Lastly, calling out without naming "some members of the city council that have voted against the development is not appropriate for the local newspaper. City council members are elected to vote in accordance with their own judgment and conscience, not the preferences of the publisher of the local newspaper.

I have been a subscriber to the Daily Record for 26 years and have always trusted it to be impartial, both as a source of information and as a forum for opinion on local matters. Mr. Winters' stealth propaganda piece has caused me to wonder if this is still true. Has Mr. Winter suppressed letters sent to the Daily Record opposing the project while giving the developer prominent space for a self-serving column in Wednesdays edition and then running a letter in Sunday's edition advocating for SMART and signed by six former mayors. I am hopeful that Mr. Winter's boosterism doesn't run to that extreme, but I shouldn't even have to consider that possibility."

He is not opposed to the Daily Record stating their opinion or giving a recommendation on a local issue, but in doing so, they should avoid over partisanship and they should acknowledge and respect differing viewpoints.

Roland Saucedo, thanked the City Manager and Assistant City Manager Steve Parker and Laurie Moyer for their response to Sunset Acres drainage project. In light that the Historical Survey has not been completed yet, the Affordable Workforce committee and Innovation District have not met he feels any re-zonings need to be postponed until plans come before them. It will be hard to undue things if we allow re-zoning in neighborhoods and increasing density.

There are different options that can be looked at if they are sustainable. We are limited on single family so if they are zoned this way currently, we need to leave it as is. He asked to please postpone any re-zonings.

Kelly Stone, read a poem "roses are red, violets are blue, Capes Dam is an unsafe nuisance, what are you going to do?" She then spoke about the need for a pedestrian walk way near the mural wall because she had to scale a wall. She mentioned a scientist doing soil samples near the sidewalk at the library to see the permeability of the soil. She spoke about the two professors that are studying the effects of dam removal after they are removed. The study findings should improve future dam removals in similar areas urbanized and this will help us understand what to expect. Government agencies are increasingly tearing out unneeded dams to improve water quality, fish and wildlife habitat, recreational safety and access to rivers. Take out the dam, free the river and make it safer for everyone.

Benjamin Murdoch, Senior at San Marcos High School and Chair of the San Marcos Youth Commission, thanked Council for their support of the Youth Commission and their implementation of the Youth Master Plan. He spoke on the Youth Commission's 1st major event that will happen this Saturday called the "Live your best Life" Leadership Conference. There will be breakfast open assembly, numerous breakout sessions, and a service learning project. As a member of the commission he has learned the importance of civic engagement. He is passionate about representing the youth of the community and advising elected officials on matters that affect our youth. He expressed his gratitude to the many sponsors of the event and City staff for their work and support of the Youth Commission.

Joe Deshotel, representative for Lime, the dockless scooter company, spoke next. He participated in the original Request For Proposal (RFP) process for the City. Their company performed well but they did not change color of their vehicles and that may have been the deciding factor. He provided background information on the average age and annual salary of their current customers. With 25% being over 37 years old and over 50% have an annual salary of less than \$75,000. To differentiate his company from others he stated they have members going around to pick up scooters when knocked over and they have a quick response team that works 24 hours. They know how the Request For Proposal (RFP) process went, but he asked that Staff look at Lubbock. He stated Texas Tech University did the RFP and not the City of Lubbock.

EXECUTIVE SESSION

1. Consider action, by motion, regarding Executive Session held during the Work 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.

Mayor Hughson stated this item was discussed during work session, but Council did not reach a conclusion yet, so they will re-convene into Executive Session at the end of the Regular meeting.

PRESENTATIONS

2. Receive a Staff presentation of the Quarterly Investment and Financial Reports, and provide direction to City Manager.

Heather Hurlbert, Director of Finance provided the quarterly financial and investment update and indicated both of these reports were presented to the Finance & Audit Committee last week. The following Revenues were reported within the Financial Report:

General Fund-Favorable \$786K or 2.4%

Sales tax collections above forecast \$1.2M due to collections above budget for the Outlet Malls and Best Buy Call Center

City owned Franchise Fees \$300K below forecast due to reduced utility revenue

Other fees/charges for services trending slightly below forecast

W/WW-Unfavorable \$1.8M or -17.2%

Primarily due to mild weather pattern and rains in the fall

Electric-Unfavorable \$600K or -4.2%

Primarily due to mild temperatures in the fall

Hotel/Motel Tax-Favorable \$48K or 5.9%

Revenue collections slightly higher than same time last year due to new hotel collections

The following Expenditures were reported within the Financial Report:

General Fund-Favorable \$352K or 1.9%

Due to timing of expenses

W/WW-Favorable \$582K or 10.2%

Primarily due to timing of contract payments and capital expenditures

**Electric-Favorable \$1.4M or 9.56%
Reduced power purchases due to reduced usage**

The investment report compared the final quarter of 2018 and the first quarter of 2019 which indicates an increase in investments of \$5M.

CONSENT AGENDA

A motion was made by Council Member Rockeymoore, seconded by Council Member Gonzales, to approve the consent agenda, with the exception of item #4, 6, and 9 which were pulled and considered separately. 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

3. Consider approval, by motion, of the following meeting Minutes:
A) March 19, 2019 Regular Meeting Minutes
4. Consider approval of Resolution 2019-56R, adopting revised Investment Policies for Operating Funds and Reserve Funds as required by Texas Government Code Section 2256.005; and declaring an effective date.

A motion was made by Council Member Mihalkanin, seconded by Council Member Derrick, to approve Resolution 2019-56R. 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

5. Consider approval of Resolution 2019-57R, approving an amended and restated Interconnection Agreement with the LCRA Transmission Services Corporation ("LCRA TSC") which includes, among other items, approving an associated bill of sale to transfer certain bulk electric system components at the Hilltop and Strahan Substations to LCRA TSC; authorizing the City Manager, or his designee, to execute said amended and restated interconnection agreement and bill of sale on behalf of the city; and declaring an effective date.
6. Consider approval of Resolution 2019-58R, approving an Agreement with LNV, Inc. for the provision of Professional Engineering Services for the Linda Drive Improvements Project in the estimated amount of \$875,688 contingent upon the engineer's provision of sufficient insurance in accordance with the agreement; 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 Mayor Pro Tem Prewitt, seconded by Council Member Mihalkanin, to approve Resolution 2019-58R. 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

7. Consider approval of Resolution 2019-59R, approving an addendum to the Master Lease-Purchase Financing Agreement with US Bancorp Government Leasing and Finance Inc. to add two Chevrolet one-half ton crew cab trucks for the Fire Prevention Division of the San Marcos Fire Department as vehicles to be financed under the Agreement in the amount of \$71,215.90, inclusive of interest, for a three-year term; authorizing the City Manager or his designee to execute all appropriate documents associated with this transaction; and declaring an effective date.
8. Consider approval of Resolution 2019-60R, approving the purchase of two Chevrolet one-half ton crew cab trucks for \$66,890 from Caldwell Country through the Texas Local Government Cooperative Buyboard contract for vehicles, heavy duty trucks, police motorcycles, parts and service labor (Contract No. 521-16) each for use by the Fire Prevention Division of the San Marcos Fire Department; authorizing the City Manager or his designee to execute all appropriate documents to complete these purchases; and declaring an effective date.
9. Consider approval of Resolution 2019-61R, approving a Master Interlocal Purchasing Agreement with the North Central Texas Council of Governments (NCTCG) for the City's procurement of Actuarial 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 Council Member Mihalkanin, seconded by Council Member Derrick, to approve Resolution 2019-61R. 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

NON-CONSENT AGENDA

10. Consider approval of Resolution 2019-62R, directing publication of a Notice of Intention to Issue Certificates of Obligation in the amount of approximately \$31,000,000 for Constructing, Improving, Designing and Equipping the City's (1) Water and Waste Water System including Meter Upgrades, System Operating Software, Water Quality Improvements and Utility Relocation; (2) Electric Utility System including Master Planning

and Studies, Utility Relocation, and Meter Upgrades; (3) Streets including related Drainage, Sidewalks, Bicycle and Pedestrian Improvements; (4) Municipal Buildings to include the City Hall, Library and Charles S. Cock House; (5) Drainage and Flood Control Facilities; (6) Airport; (7) Public Safety Facilities to include Police and Fire Station Improvements; (8) Fiber Optic Infrastructure Equipment; (9) Recreational Facilities including the Sports Complex and City Parks; (10) Land Acquisition for a City Cemetery; and (11) the Payment of Professional Services in connection therewith including Legal, Fiscal and Engineering Fees and the costs of issuing the Certificates of Obligation and other matters related thereto.

Heather Hurlburt, Finance Director, stated this is the 2nd Step in the process to issue debt. and notice must be published twice. This is approval to direct publication of a Notice of Intention to Issue Certificates of Obligation.

A motion was made by Council Member Mihalkanin, seconded by Mayor Pro Tem Prewitt, to approve Resolution 2019-62R. 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

11. Discuss and consider appointments to the Census 2020 Complete Count Committee, and provide direction to staff.

A motion was made by Council Member Gonzales, seconded by Council Member Derrick, to postpone appointments to the April 16, 2019 Regular City Council Meeting. 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

12. Discuss and consider the creation of and appointments to a Sustainability Council Committee, and provide direction to staff.

Council Member Mihalkanin nominated Council Member Marquez, Council Member Rockeymoore nominated Mayor Pro Tem Prewitt, and Mayor Pro Tem Prewitt Nominated Council Member Rockeymoore to serve on the Sustainability Council Committee. Following a roll call vote all three members were unanimously approved for appointment.

13. Consider the appointment of John Trinidad, with the Hays County Sheriff's Office, to fill the Hays County Official Representative Position vacancy on the Animal Shelter Advisory Committee, and provide direction to Staff.

A motion was made by Council Member Derrick, seconded by Council Member Rockeymoore, to approve the appointment of John Trinidad, with the Hays County Sheriff's Office, to fill the Hays County Official Representative Position vacancy on the Animal Shelter Advisory Committee. 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

14. Hold discussion regarding possible amendments to the City of San Marcos Charter, and provide direction to Staff.

Mayor Hughson introduced the item by stating her concerns about council elections in even-numbered years, which are presidential and gubernatorial election years, plus a multitude of state-wide elections and county elections. There is much more focus on city races in odd-numbered years due to the shorter ballot. In addition, having elections every other year, instead of every year, could allow for more productivity by the council in the years without an election. There is no need to discuss moving elections back to May as the state legislature removed that option a number of years ago.

To hold elections every other year would require changing the terms of council members from three years to two or four.

In addition, she pointed out that council has discussed ways to make it easier to run for office. Odd-numbered years, without the national, state, and regional elections allows for candidate to get their platforms seen and heard easier.

Council also discussed whether we would like to have term limits.

She also stated the Mayoral election occurs in even numbered years and it was discussed to move these to odd numbered years as it would not be complicated by federal or state elections. After discussion by Council, consensus was to create a Charter Review Commission. These appointments and the charge to the commission will be made at the April 16, 2019 regular meeting with each Council Member selecting one person to serve.

15. Hold discussion regarding the Chapter 2, Article 3, Division 3 - Neighborhood Commission of the San Marcos City Code, including, but not limited to composition and activities and duties, and provide direction to Staff.

Mayor Hughson opened discussion on the Neighborhood Commission and their current activities and duties. There is no longer a Sunset Commission so it is up to the Council to review Boards and Commissions and it is now time to review the Neighborhood Commission. Mayor Hughson went around the dais and asked for recommendations or revisions to the current Ordinance.

Council Member Derrick asked to insert the following language into Section 2.113 – Activities and Duties of our Ordinance: "Develop a plan to strengthen neighborhood identity and resilience, and to facilitate communication and cooperation between San Marcos' neighborhoods and City offices."

Mayor Pro Tem Prewitt requested the addition of the following language to Section 2.113 (a): "Advise on recommended public infrastructure maintenance and improvement projects within specific neighborhoods to enhance the safety and well-being of residents."

After discussion Council consensus was to allow these suggestions to go to the Neighborhood Commission for their review and discussion.

Bert Lumbreras, City Manager, made a few closing comments and asked that Council pay attention to wording, the charge and expectations of the Commission. Their charge should, as with all boards and commissions, is to advise Council and Staff will support them.

16. City Council Reports:

- a) Mayor Hughson will provide a brief update regarding her membership on various Capital Area Council of Governments (CAPCOG) committees.
- b) Mayor Hughson will provide a brief update related to her membership on the Capital Area Metro Planning Organization (CAMPO).
- c) Update from the Mayor or Council Members regarding their recent attendance to the Texas Municipal League - Elected Officials Conference that was held in San Marcos.
- d) Update from the Community Partnership Committee, Mayor Hughson and Deputy Mayor Pro Tem Gonzales.

Mayor and Council reported on the following meetings:

A) Mayor Hughson indicated there has not been a Capital Area Council of Governments (CAPCOG) Executive Committee meeting since the last time they met, so nothing new to report.

B) Mayor Hughson indicated there has not been another Capital Area Metro Planning Organization (CAMPO) meeting since the last time they met, so nothing new to report.

C) The Texas Municipal League - Elected Officials Conference was held in San Marcos recently. Mayor Hughson attended the keynote session, the roundtable

meeting, and various breakout sessions.

Mayor Pro Tem Prewitt commented on the Yellow Rose in Bloom Session which discussed the changing demographics in Texas and how they are reflected in different economies.

Council Member Marquez stated it was a great networking event to meet other public officials and learn outside of these meetings.

Council Member Derrick enjoyed the networking and the timely update on social media and the laws that pertain to this as public officials.

The general session was closed out with "Our Home, Our Decision" regarding the legislature.

D) Mayor Hughson and Council Member Gonzales provided an update from the Community Partnership Committee Meeting held last week. There was discussion on the Youth Master Plan, Mental Health Coalition, and Early Childhood Coalition of Hays County. During this meeting, City Manager Bert Lumbreras reported on the meetings in 2012 from the Core 4 Committee. There have been many programs created with the City's participation. There are some additional issues to address and mental health is one of these. There are also reports that show students are prepared for college but not career ready when the graduate from High School. The committee will continue to look at gaps that may exist and how to address these.

VI. Question and Answer Session with Press and Public.

Roland Saucedo, stated the spirit of the law for elections is to have joint elections to minimize cost of municipalities. He asked Council to have the Charter Review Commission to consider moving Elections to odd number years. He asked if any one on the dais recalls or have any constituents let you know the reason for low voter turnout? He stated the City has not had the best candidates in the past and it is due to the mistrust. He asked if anyone has shared this with them?

Griffin Spell, Chair of the Historic Preservation Commission, asked about two resolutions the commission is proposing. He wanted to make sure they were received by staff and if Council will be considering these? Mayor Hughson stated they were received and it will be on a future agenda for discussion.

VII. Adjournment.

Mayor Hughson adjourned the Regular Meeting of the San Marcos City Council at 8:22 p.m. and reconvened into the Work Session to discuss item #4 regarding shared mobility platforms, specifically dockless electric scooters.

Jamie Lee Case, TRMC, City Clerk

Jane Hughson, Mayor