



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Meeting Minutes City Council

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Tuesday, April 17, 2018

6:00 PM

City Council Chambers

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### I. Call To Order

**With a quorum present, the regular meeting of the San Marcos City Council was called to order by Mayor Thomaides at 6:05 p.m. Tuesday, April 17, 2018 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, Deputy Mayor Pro Tem Scott Gregson, Council Member Melissa Derrick, Council Member Jane Hughson, Mayor John Thomaides and Council Member Ed Mihalkanin

### III. Invocation

**Rev. Gregory Ross, Sr. Minister of First Christian Church provided this evening's invocation.**

### IV. Pledges Of Allegiance - United States And Texas

**Cuauhtemoc Ramirez, a 5th grade student at San Marcos Texas Preparatory School, led the assembly in the pledges of allegiance.**

1. Consider action, by motion, or provide direction to Staff regarding the following Executive Session item in accordance with Local Government Code Section § 551.071 - Consultation with Attorney: Discuss and Review the latest on the Senate Bill (SB) 4 Ruling.

**Council received consultation with the City Attorney regarding Senate Bill 4.**

### V. 30 Minute Citizen Comment Period

**Tom Cummins, spoke in opposition of the rental registration proposed in the Code. He noted that renters make up about 57% of all cities. He registered his properties voluntarily, but believes this should not be mandatory. He asked Council to rethink their position on this topic.**

**Chris Secrest, 719 W. San Antonio Street, spoke in opposition of the rental registration proposed in the Code. In 2014 this was initiated as a way to contact landlords. This new proposed change would make rental registration a mandatory process. He stated this can be discriminatory if enacted and stated**

other cities do not require long term rental registries. He has requested that this be pulled from the Code.

Pat Fernandez, spoke on behalf of Four Rivers Realtor Association, which represents buyers, renters, and sellers. She stated her objection of rental registration proposed in the Code. CodeSMTX has taken a lot of time and they are in support of most of the amendments, but not in support of the rental registration amendment.

Sherwood Bishop, concerned citizen speaking about protecting neighborhoods and is in support of the adoption of the Code that is being considered this evening. If there are still problems within the Code then we change those, but getting the new Code enacted now is very important.

Virgilio Altamirano, property owner in San Marcos and active community member. He has called the Council to utilize all City Resources with a progressive forward looking approach for all members of the community. He sated that housing is very restricted in San Marcos and there is a tendency to infringe on property rights.

Brad Barnard, in opposition to the rental registration amendment of the Code stating that it violates his property rights. He stated that the society we live in today wants to put the blame on someone else. He made the example that he has never rented a property to an under age tenant, however if his tenants choose to throw a party, then the police should cite this action. He should not be penalized for the action of someone else.

Katy Roden, expressed her concern of the required rental registration amendment. She urged Council to remove this requirement.

Matt Lewis, expressed his support of CodeSMTX. He noted a lot of hard work was put into this process and he is happy to see that data was used to guide this plan. The Land Use Suitability Map was useful and cultural norms were recognized. He noted that walking the neighborhoods is important and he is proud that the City is moving forward with the adoption of CodeSMTX.

Roland Saucedo, 211 Ebony, expressed his appreciation for Councils time and service. He mentioned the seminar he attended called Cultivating Strong Towns that was hosted by Matthew Lewis and Kevin Sheppard and how he gained a lot of valuable information. He read the definition of Neighborhood Character Study aloud which states it should define the DNA and character of

**a neighborhood and should examine patterns in existing neighborhoods and adjacent quarters to determine the future of that neighborhood and how land use and street patterns change to better support the neighborhood. He looks forward to working with Staff to make sure information is distributed to all neighborhoods and make it easy for everyone to understand.**

## **CONSENT AGENDA**

**A motion was made by Council Member Mihalkanin, seconded by Deputy Mayor Pro Tem Gregson, to approve the consent agenda with the exception of #10 and 12 which were pulled and considered separately, and item # 2A, 2C, and 2D were postponed. The motion carried by the following vote:**

**For:** 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Deputy Mayor Pro Tem Gregson, Council Member Derrick, Council Member Hughson, Mayor Thomaides and Council Member Mihalkanin

**Against:** 0

2. Consider approval, by motion, of the following meeting Minutes:
  - A) April 3, 2018 - Work Session Minutes
  - B) April 3, 2018 - Regular Meeting Minutes
  - C) March 20, 2018 - Work Session Minutes
  - D) March 26, 2018 - Special Meeting Minutes
3. Consider approval of Ordinance 2018-09, on the second of two readings, updating and amending the Water and Wastewater impact fees to be charged by the City in connection with new land development under Chapter 86, Article 5, Division 4 of the San Marcos City Code and associated land use assumptions; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.
4. Consider approval of Ordinance 2018-10, on the second of two readings, amending Chapter 86, Article 5, Division 4 to change the methodology by which Water and Wastewater impact fees are calculated based upon peak flow; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.
5. Consider approval of Resolution 2018-52R, adopting Guiding Principles for the 2018 City of San Marcos Federal Program Activities; and declaring an effective date.
6. Consider approval of Resolution 2018-53R, granting consent to an assignment of the Master Development Agreement and Conference Center Lease Agreement for operation of the City's Conference Center adjoining the Embassy Suites Hotel from JQH-San Marcos Development, LLC, also known as John Q. Hammons Hotels and Resorts, to JDHQ Hotels LLC, commonly known as Atrium Hospitality; authorizing the City Manager to execute the consent to assignment on behalf of the City; and declaring an effective date.

7. Consider approval of Resolution 2018-54R, approving the award of a contract for San Marcos Electric Utility Substation Maintenance Services (IFB 218-199) to Pike Electric, LLC in the estimated amount of \$39,384.00; authorizing the City Manager or his designee to execute the appropriate documents related to the renewal of this agreement; and declaring an effective date.
8. Consider approval of Resolution 2018-55R, approving the award of a contract to LJ Power, Inc for maintenance, repair, and parts for San Marcos Water and Wastewater Facilities Generators (IFB 218-201) in the estimated amount of \$37,735.00; authorizing the City Manager or his designee to execute the appropriate documents related to the renewal of this agreement; and declaring an effective date.
9. Consider approval of Resolution 2018-56R, approving the award of a contract to Texas Utility Engineering, Inc. for the Annual Utility Pole Loading and Structural Soundness Survey (IFB 218-213) in the estimated amount of \$31,250.00; authorizing the City Manager or his designee to execute the appropriate documents related to the renewal of this agreement; and declaring an effective date.
10. Consider approval of Resolution 2018-57R, approving an Agreement of Sale with the Trust for Public Land for the City to purchase approximately 151 acres of land for the third and final acquisition out of the Wildenthal Tract at a cost neutral amount of \$2,265,368, subject to the award to the City of Federal Grant Funds from the Texas Parks and Wildlife Department for such purchase; authorizing the extension of any federal grant restrictions to the abutting approximately 52 acres acquired in phase two; authorizing the City Manager to execute said agreement and related closing documents on behalf of the City; and declaring an effective date.

**A motion was made by Deputy Mayor Pro Tem Gregson, seconded by Council Member Derrick, to approve Resolution 2018-57R. The motion carried by the following vote:**

**For:** 6 - Mayor Pro Tem Prewitt, Council Member Gonzales, Deputy Mayor Pro Tem Gregson, Council Member Derrick, Mayor Thomaides and Council Member Mihalkanin

**Against:** 0

**Recused:** 1 - Council Member Hughson

11. Consider approval of Resolution 2018-58R, approving the purchase of ten (10) 2018 Dodge Charger Police vehicles for the Police Department in the total purchase amount of \$221,766.00 from Cowboy Motor Company, LC, through the Texas Local Government Purchasing Cooperative Buyboard Contract for vehicles, heavy duty trucks, police motorcycles, parts, and service labor (Buyboard Contract #521-16); authorizing the City Manager or his designee to execute the appropriate purchase documents on behalf of the City and declaring an effective date.
12. Consider approval of Resolution 2018-59R, approving the purchase of the Parking

Mobility Software Application, including training and support, in the total purchase amount of \$38,000.00 annually from Access Empowerment, a Texas-Based 501(c)(3) Nonprofit Organization; authorizing the City Manager or his designee to execute the appropriate purchase documents on behalf of the City and declaring an effective date.

**A motion was made by Deputy Mayor Pro Tem Gregson, seconded by Council Member Derrick, to approve Resolution 2018-59R. The motion carried by the following vote:**

**For:** 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Deputy Mayor Pro Tem Gregson, Council Member Derrick, Council Member Hughson, Mayor Thomaidis and Council Member Mihalkanin

**Against:** 0

13. Consider approval of Resolution 2018-60R, approving the terms and conditions of two subordination agreements between the City of San Marcos, Compass Bank and Berry Aviation, Inc. to secure Compass Bank's lien as superior in regards to aircraft and aircraft components purchased with loan proceeds and located in two separate hangars at the San Marcos Regional Airport; authorizing the city manager to execute the subordination agreements; and declaring an effective date.

#### **NON-CONSENT AGENDA**

14. Consider the following ordinances on second reading:

A. Ordinance 2018-02, adopting a new San Marcos Development Code ("CodeSMTX"), including appendices (the "Design Manual"), under Subpart B of the San Marcos City Code to replace both the current Land Development Code under Subpart B and the San Marcos Smartcode under Subpart C of the San Marcos City Code; approving other technical references to be used by City Staff in administering the new San Marcos Development Code; providing for penalties; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

B. Ordinance 2018-03, amending the City's Comprehensive Plan, Vision San Marcos: A River runs Through Us, by amending various sections for consistency with the goals of the City's new Development Code ("CodeSMTX"), including providing updated descriptions of and visions for identified Development Zones, establishing existing Neighborhood Areas or Land Preservation Areas as two types of areas of stability, providing new descriptions for types of Development Corridors, and amending the boundaries of Activity Nodes, Employment Centers and Intensity Zones described in the Preferred Scenario Map; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

C. Ordinance 2018-04, amending various sections of the San Marcos City Code for consistency with, or to complement the concurrent adoption of the new San Marcos Development Code ("CodeSMTX"); providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

**Main Motion: A motion was made by Deputy Mayor Pro Tem Gregson, seconded by Mayor Pro Tem Prewitt, to approve Ordinance 2018-02, on the second of two readings.**

**Motion to Amend: A motion was made by Council Member Hughson, seconded by Council Member Mihalkanin, to amend Ordinance 2018-02, Section 4.2.1.1, Building Types, by replacing the zero lot line house description with the description in Section 4.4.6.6 which reads: A building type that accommodates one detached or two attached dwelling units with each unit located on separate lots with separate entrances facing the street. If units are attached they share a common wall along a lot line. Zero lot line buildings. The motion carried by the following vote:**

**For:** 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Deputy Mayor Pro Tem Gregson, Council Member Derrick, Council Member Hughson, Mayor Thomaidis and Council Member Mihalkanin

**Against:** 0

**Main Motion: to approve Ordinance 2018-02, on second reading as amended. The motion carried by the following vote:**

**For:** 6 - Mayor Pro Tem Prewitt, Council Member Gonzales, Deputy Mayor Pro Tem Gregson, Council Member Derrick, Council Member Hughson and Mayor Thomaidis

**Against:** 1 - Council Member Mihalkanin

**A motion was made by Deputy Mayor Pro Tem Gregson, seconded by Mayor Pro Tem Prewitt, to approve Ordinance 2018-03, on the second of two readings. The motion carried by the following vote:**

**For:** 6 - Mayor Pro Tem Prewitt, Council Member Gonzales, Deputy Mayor Pro Tem Gregson, Council Member Derrick, Council Member Hughson and Mayor Thomaidis

**Against:** 1 - Council Member Mihalkanin

**A motion was made by Deputy Mayor Pro Tem Gregson, seconded by Mayor Pro Tem Prewitt, to approve Ordinance 2018-04, on the second of two readings. The motion carried by the following vote:**

**For:** 6 - Mayor Pro Tem Prewitt, Council Member Gonzales, Deputy Mayor Pro Tem Gregson, Council Member Derrick, Council Member Hughson and Mayor Thomaidis

**Against:** 1 - Council Member Mihalkanin

15. Consider approval of Resolution 2018-61R, approving an Action Plan that outlines further measures to be taken to implement or enhance the purposes and objectives of the newly adopted San Marcos Development Code ("Code SMTX") and associated changes to the City's Comprehensive Plan; authorizing City Staff to undertake such efforts as are necessary to implement such measures; and declaring an effective date.

**Main Motion: a motion was made by Council Member Derrick, seconded by Council Member Hughson to approve Resolution 2018-61R.**

**Motion to Amend: a motion was made by Council Member Hughson, seconded by Mayor Pro Tem Prewitt, to amend Part 1 of Resolution 2018-61R with the following language:**

**Section A: change Small Area Plan to Neighborhood Character Studies**

**Subsection a: work with community members, landowners, and residents to update the neighborhood character studies of the City's Comprehensive Plan by holding at least 12 area neighborhood meets for initial discussion**

**Subsection c: Create the Small Area Plans, and subsection d: Hold another neighborhood meeting in each of the areas to discuss and possibly alter, depending on resident input, the Small Area Plan(s).**

**The motion failed by the following vote:**

**For:** 3 - Council Member Gonzales, Council Member Hughson and Council Member Mihalkanin

**Against:** 4 - Mayor Pro Tem Prewitt, Deputy Mayor Pro Tem Gregson, Council Member Derrick and Mayor Thomaides

**A motion was made by Mayor Thomaides, seconded by Council Member Derrick, to postpone Resolution 2018-61R to the next Regular City Council meeting. The motion carried by the following vote:**

**For:** 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Deputy Mayor Pro Tem Gregson, Council Member Derrick, Council Member Hughson, Mayor Thomaides and Council Member Mihalkanin

**Against:** 0

VI. Question and Answer Session with Press and Public.

**Roland Saucedo, 211 Ebony, Stated that he was under the impression that a Small Area plan is a model Neighborhood Character Study. If the small area study worked for their neighborhood because they don't have the money to perform a Neighborhood Character Study, then what is the debate?**

VII. Adjournment.

Mayor Thomaides adjourned the Regular Meeting of the San Marcos City Council at 9:03 p.m.

**Jamie Lee Case, TRMC, City Clerk**

**John Thomaides, Mayor**

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