



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Meeting Minutes City Council

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Tuesday, May 15, 2018

6:00 PM

City Council Chambers

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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 Thomaides at 6:00 p.m. Tuesday, May 15, 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

**A moment of silence was observed.**

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

**Lina Hartoin, 3rd Grade Student at San Marcos Texas Preparatory School, led the assembly in the pledges of allegiance.**

### V. 30 Minute Citizen Comment Period

**Joe Ptak, expressed his support of the Cultural District resolution. He indicated this is the culmination of the first step in creating the Dunbar Cultural District. He also addressed his concern with Council and double standards. He noted the inconsistencies that prevailed when we were a small town. He believes Mr. Becerra honored all his agreements when renting the property. The City made a "hand shake" deal with the previous owner versus a written agreement, and this was done for some groups and not others. The City should create processes and procedures that are consistent across all groups. These double standards should not exist in the City.**

**Jordan Buckley, spoke on behalf of the San Marcos Cinema Club and their support of the cultural district. He also spoke in regards to the Ruben Becerra lease agreement that is currently on the agenda. He filed an open record requests regarding the Ruben Becerra Lease and these documents indicated there was no signed contract and no payment from Mr. Anderson to the City.**

He is unsure why this is such a hot topic all of a sudden. He mentioned the City Manager letter that the City did not bill the property owner properly. He thinks we can do better than this in the future.

Frank Arredondo, Sr, addressed the Council as a former Mayor and reminded Council they are a City Manager form of government. We need continued civility from Council and citizens to get things done. Reports say the City made a mistake and Mr. Becerra and his family should not bear that burden. If a mistake is made, then own it and things will work out better. He believes the City wants to do better and a lot is expected from Council and you should have the best interest of the City at heart. Don't go after one person, we need to benefit the entire community.

Suzanne Riley, spoke as the owner of Salon Therapy and spoke on the parking challenges in downtown. As a representative of the Downtown Association Parking Subcommittee, she spoke of the several meetings held in the last few months and the survey they are currently conducting. They are excited about the parking management program that is being discussed. She asked that Council act on the License Plate Recognition program in June. She spoke of the struggles she faces as business owner and how those parking are often non patronage citizens, usually students. The two hour parking is not enough for her types of services. As a stylist many of her consumers spend three hours at the salon. Consumers don't have time to patronize other businesses. She suggested that metered parking may be a good option

Monica Becerra, spoke on behalf of herself and her two sons who are not running for public office. She expressed her appreciation to the City Manager and staff for getting this lease set up. There has been a lot of misinformation as there is no lease between the City of San Marcos and the Becerra Family. The assignment and assumption agreement with Union Pacific Rail Road was relinquished when a bill or lease was not established with the past or present owner.

Ruben Becerra, expressed his appreciation for the support the community is showing to his family. He stated that we are not freeloaders or looking for handouts. We are willing and able to help anyone in need. He wanted to take a moment to shed light on this item. He mentioned the "hand-shake" lease was turned into a written monetary agreement and he accepted this and honored this agreement.

Roland Saucedo, spoke in regards to the Dunbar Cultural District and

expressed his support for creating this district. There was a meeting held at the Greater Bethel Church and there was a great turnout in support of this district. He also stated that he hopes the issue with the Ruben Beccera issue is resolved this evening.

Kate Shaw, addressed the Council regarding the Hays County Animal Advocates. She wanted to share how the San Marcos Regional Animal Shelter can expand its operations. 1) Expanding the hours for adoption and add a Sunday. 2) Make improvements to the website, more friendly and fun by adding pictures of adoptable pets. The landing page is all text and no pictures of animals 3) Take a picture of every animal that comes in shelter and place it on the City's website.

Gabrielle Moore, spoke as a Hays County Animal Advocate, she noted that 30% of dogs were euthanized and 70% of cats. More money would help expand the facility, and more staff is needed. She asked that Council fully fund this year's shelter budget. She stated there are grants but not enough staff to apply for them.

Elly Del Prado Dietz, addressed the council regarding item #22 on the agenda and stated that a lease is a lease. When someone has a lease they know rent is due, a bill is not sent. If Mr. Becerra was running a business on that property then he must have thought he was running it for free. Mr. Becerra claims he wasn't aware of a lease. In Section 5 of the item being considered this evening it is stated there is consideration for a new lease and asking to terminate prior lease. So this means the City is acknowledging there was a lease. For council to have forgiven him is one thing but to go forward with a new lease that is below market value is not right. She implored Council to do their job. The only right thing is to reconsider the debt forgiveness and make him pay 100%, go forward with one lease, this is what a prudent landlord would do.

## **PRESENTATIONS**

1. Receive a presentation regarding the Transportation Master Plan, and provide direction to the City Manager.

Laurie Moyer, Director of Engineering and CIP and Rashad Islam with HDR provided a presentation regarding the Transportation Master Plan. There were numerous Community engagement events throughout the last few years to provide information and obtain feedback from citizens. The goals of the Transportation Master Plan include the implementation of cross-sections that preserve character and encourage economic development, expand bicycle lanes and trails, build a safe, efficient multimodal system that accesses key land uses,

**build a connected, safe, and accessible pedestrian network, and maximize efficiency through best practices.**

**Discussion was held regarding removing the Craddock extension since Hays County has removed it from their plans. Council Member Hughson recused herself from the discussion on the Craddock Extension. Ms. Moyer will go to CAMPO and inquire about implications if we don't move forward with Craddock Extension.**

**Council consensus was to add an item to the May 29, 2018 regular meeting or have Staff provide an email to Council with additional information regarding the Craddock Extension thoroughfare prior to taking action at the June 5, 2018 regular meeting.**

## **CONSENT AGENDA**

**A motion was made by Mayor Thomaides, seconded by Deputy Mayor Pro Tem Gregson, to approve the consent agenda with the exception of items #5, 12, and 13 which were pulled and considered separately. 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) May 1, 2018 - Work Session Minutes
  - B) May 1, 2018 - Regular Meeting Minutes
3. Consider approval of Ordinance 2018-11, on the second of two readings, amending the Design Manual for the Installation of Network Node Support Poles authorized by Ordinance 2017-56 to establish a daily penalty of \$500 for failure to relocate improperly placed equipment; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.
4. Consider approval of Ordinance 2018-12, on the second of two readings, amending Chapter 14, Buildings and Building Regulations, of the City Code to implement recent legislation prohibiting the City from collecting fees from members of certain trades before they are authorized to practice their trades in the City; providing for an effective date.
5. Consider approval of Ordinance 2018-13, on the second of two readings, adopting fees to be charged by the City for various city services, including changes to some existing fees and the addition of new fees; providing a savings clause; providing for the repeal of

any conflicting provisions; and providing an effective date.

**A motion was made by Deputy Mayor Pro Tem Gregson, seconded by Council Member Mihalkanin, to approve Ordinance 2018-13, on the second of two readings. 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

6. Consider approval of Ordinance 2018-14, on the second of two readings, amending Section 2.041 of the San Marcos City Code to update the frequency of Regular Meetings per month; including procedural provisions; and declaring an effective date.
7. Consider approval of Resolution 2018-71R, approving the award of an Engineering Services Contract to Walker Partners, LLC. for the Red Sky Water Improvements Project to replace the current of two inch waterline along Horace Howard Dr. with an eight inch waterline for the estimated purchase amount of \$199,998.00, contingent upon the provision of sufficient insurance; authorizing the City Manager or his designee to execute the appropriate purchase documents on behalf of the city and declaring an effective date.
8. Consider approval of Resolution 2018-72R, approving a Developer Participation Agreement with Highpointe Trace, LLC providing for the City to participate in the cost of a regional wastewater lift station to serve the area along Posey Road from Hunter Road to Old Bastrop Highway in the amount of \$1,247,216.00; authorizing the City Manager to execute said agreement; and declaring an effective date.
9. Consider approval of Resolution 2018-73R, granting an easement to Bluebonnet Electric Cooperative, Inc. for the installation of electric utility facilities to loop electrical service for the Cottonwood Creek Subdivision; authorizing the City Manager to execute said easement on behalf of the city; and declaring an effective date.
10. Consider approval of Resolution 2018-80R, approving an expenditure of \$45,000 from the Permanent Art Fund for the purchase of a Texas Wild Rice Sculpture as recommended by the Arts Commission; and declaring an effective date.
11. Consider approval of Resolution 2018-74R, approving the award of a contract to TRC Engineers, Inc. for the execution of the Electric Utility Pole Attachment Survey Project (IFB 218-232) for the estimated purchase amount of \$93,039.02 is approved; 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, by motion, of Change in Service No. 3 with Kimley Horn and Associates for Engineering Services related to providing design and construction phase services for the Sessom Creek Wastewater Replacement from N.LBJ to Canyon Road Project in a not to exceed amount of \$232,555.00.

**A motion was made by Deputy Mayor Pro Tem Gregson, seconded by Council Member Derrick, to approve the design services portion of Change in Service No. 3 with Kimley Horn and Associates, but the construction phase services for the Sessom Creek Wastewater Replacement from N.LBJ to Canyon Road Project will be brought back for approval at a later date. Council Member Hughson expressed her concerns with the permanent closure of Loquat Drive and wants to make sure all residents are notified. 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

13. Consider approval, by motion, of Change Order # 3 with Rocking Q Construction LLC, in the amount of \$170,941.30, for the upsizing of the IH-35 bore casing from 24" to 36", replace internally restrained pipe joints with external restraints, and overlay Durango Street in connection with the Reclaimed Water Expansion Project.

**A motion was made by Mayor Thomaides, seconded by Council Member Hughson, to enter into Executive Session at 11:38 p.m. under Texas Govt Ccode 551.071, Consultation with Attorney, to receive legal advice regarding Change Order #3 to the contract with Rockin Q Construction for the reclaimed water line expansion project. The motion carried by the following vote:**

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

**Against:** 0

**Absent:** 1 - Council Member Derrick

14. Consider approval, by motion, of the updated 2018 City Council Meeting Calendar, officially setting the Regular Meeting dates for 2018 per San Marcos City Code Section 2.041.

## **PUBLIC HEARINGS**

15. Receive a staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2018-15, amending the Official Zoning Map of the City by rezoning a 59.734 acre, more or less, tract of land in the La Cima Subdivision, located west of the intersection of Old Ranch Road 12 and Wonder World Drive, from "FD" Future Development District to "SF-4.5" Single-Family District; and including procedural provisions; and consider approval of Ordinance 2018-15, on the first of two readings.

**Shannon Mattingly, Director of Planning and Development Services, provided a brief review on this rezoning.**

**Mayor Thomaides opened the Public Hearing at 8:13 p.m. There being no comments, the Mayor closed the Public Hearing at 8:14 p.m.**

**A motion was made by Deputy Mayor Pro Tem Gregson, seconded by Council Member Mihalkanin, to approve Ordinance 2018-15, on the first of two readings. 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

16. Receive a staff presentation and hold a Public Hearing to receive comments for or against Resolution 2018-75R, approving a second amended and restated Development Agreement with Lazy Oaks Ranch, LP and its partial assignees in connection with the La Cima Development near the intersection of Old Ranch Road 12 and Wonder World Drive that, among other things, adds approximately 394 acres of land to the project area, adds 400 dwelling units, and allows up to 720 multi-family units, but not purpose built student housing, within up to 30 acres of the project area; authorizing the City Manager to execute the agreement on behalf of the City; and providing an effective date.

**Shannon Mattingly, Director of Planning and Development Services, provided a brief presentation of the requested amendments to the Land Development Agreement with Lazy Oaks Ranch, LP. The Council Committee met in November of 2017 and March 2018 to review the proposed land development agreement amendments. Mrs. Mattingly shared a summary chart showing the changes between the existing Development Agreement and the revised document presented to Council for their approval.**

**The Mayor opened the Public Hearing at 8:27 p.m. There being no comments, the Mayor closed the Public Hearing at 8:28 p.m.**

**A motion was made by Council Member Gregson, seconded by Council Member Gonzales, that this Action Item be approved. 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

17. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2018-79R, approving a variance from the cut and fill requirements under Section 5.1.1.2 of the Land Development Code to allow fill of up to ten feet within a

portion of the site for a new San Marcos Consolidated Independent School District Elementary School at Esplanade Parkway and William Moon Way in the Trace Subdivision; and declaring an effective date; and consider approval of Resolution 2018-79R.

**Richard Reynosa, Senior Engineer, gave a brief presentation of the variance that was requested by the school district to allow a fill of ten feet instead of the four foot requirement.**

**Mayor Thomaides opened the public hearing at 8:06 p.m. There being no comments, the Mayor closed the Public Hearing at 8:07 p.m.**

**A motion was made by Mayor Pro Tem Prewitt, seconded by Council Member Mihalkanin, to approve Resolution 2018-79R. 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

## **NON-CONSENT AGENDA**

18. Consider approval of Ordinance 2018-16, on first and final reading, authorizing the issuance and sale of \$33,750,000 City of San Marcos, Texas, Combination Tax And Revenue Certificates of Obligation, Series 2018; providing for funding for (1) constructing, improving, extending and expanding City streets, bridges, sidewalks, bike lanes, pedestrian lanes, bus stops, parking, and related traffic improvements including acquiring any necessary rights-of-way and equipment; (2) constructing, improving and extending the City's water and waste water system including acquiring equipment; (3) constructing, improving and equipping City parks; (4) constructing, improving and designing municipal buildings to include the Animal Shelter, Municipal Services Complex, Public/Community Services Building and related equipment purchases; (5) constructing, designing, equipping and renovating City parking facilities; (6) constructing and improving the City's drainage and flood control facilities; (7) constructing, improving and equipping the City's airport; (8) constructing, designing, equipping and renovating public safety facilities to include vehicle and equipment purchases; (9) replacing, improving, and developing network infrastructure equipment; (10) preparation and completion of the electric utility system master plan; and (11) the payment of professional services in connection therewith including legal, fiscal and engineering fees and the costs of issuing the Certificates; providing for adoption of this Ordinance on one reading only in accordance with State Law; and authorizing other matters relating to the certificates.

**Heather Hurlburt, Finance Director, indicated this is a delegation ordinance for a negotiated sale. This delegates authority to Bert Lumbreras allowing him to accept the pricing. This is for funding 2018 CIP Projects.**



**A motion was made by Deputy Mayor Pro Tem Gregson, seconded by Mayor Pro Tem Prewitt, to approve Ordinance 2018-16, on first and final reading. 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

19. Consider approval of Ordinance 2018-17, on first and final reading, authorizing the issuance of City of San Marcos, Texas General Obligation Bonds in an amount not to exceed \$28,000,000 for one or more of the purposes of providing funds for (i) constructing, improving, renovating and equipping Public Safety Facilities to include the police and fire departments and related emergency and training facilities, including improvements to the police station, replacing existing Fire Station No. 2 and the acquisition of any necessary sites and related water, wastewater, drainage, streets, sidewalks, parking, infrastructure and other related costs, (ii) constructing, improving, extending, expanding, upgrading and/or developing City library facilities including acquisition of any necessary sites and related water, wastewater, drainage, streets, sidewalks, parking infrastructure and (iii) paying the legal fees and other such costs incurred in connection therewith including the costs of issuing the Bonds; levying an ad valorem tax in support of the bonds; approving a paying agent/registrar agreement, an official statement, and a purchase agreement; establishing procedures for selling and delivery of one or more series of the bonds; providing for adoption of this Ordinance on one reading only in accordance with State Law; and authorizing other matters relating to the bonds.

**Heather Hulbert, Finance Director, provided a brief update. This is the issuance of General Obligation Bonds for Public Safety Facilities and City library facilities that were approved by voters in the May 2017 Election.**

**A motion was made by Council Member Mihalkanin, seconded by Deputy Mayor Pro Tem Gregson, to approve Ordinance 2018-17, on first and final reading. 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

20. Consider approval of Resolution 2018-76R, approving the award of an Engineering Services Contract to MWM DesignGroup, Inc. for the Hills of Hays Neighborhood Drainage Improvements Project for the estimated purchase amount of \$80,160.00, contingent upon the provision of sufficient insurance; 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 Council Member Mihalkanin, seconded by Deputy Mayor Pro Tem Gregson, to approve Resolution 2018-76R. 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

- 21.** Consider approval of Resolution 2018-77R, supporting the Cultural Arts District Application of the P2P Movement to be submitted to the Texas Commission on the Arts seeking designation of the Dunbar Cultural Arts District; declaring an effective date.

**Drew Wells, Assistant Director of Community Services, provided a presentation for the cultural arts district application. He explained the application process and the need for city's recommendation to move forward. He noted that Dr. Shetay Ashford is in attendance to answer any questions.**

**Council Member Gonzales abstained from discussion as he owns a property in the proposed district.**

**Mayor Thomaides questioned the boundaries stated within part 2 of the Resolution. Two different drawings and maps were provided so there is uncertainty of the boundaries. There was inquiry if a map identifying the boundaries is required in order to support this application moving forward.**

**Roland Saucedo spoke as an attendee of the P2P meeting held by Dr. Ashford on May 14th. He indicated a proposed boundary map was presented at this meeting. Council inquired about outreach for this proposed district. Mr. Saucedo indicated there was resident outreach by flyers and notification to churches within the area.**

**Dr. Shetay Ashford spoke in detail about the boundaries and explained how this district would be a benefit to the community and a way to help preserve the African American Heritage. There will be continued outreach and community events that promote resident involvement.**

**A motion was made by Council Member Hughson, seconded by Mayor Pro Tem Prewitt, to approve Resolution 2018-77R with the condition that the proposed Option "A" boundary map (on the document presented to council this evening by Dr. Ashford) be amended to terminate the boundary at N. LBJ and not include land East of N. LBJ and to change this to Option "E" (attached to these minutes). The motion carried by the following vote:**

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

**Against:** 0

**Abstain:** 1 - Council Member Gonzales

22. Consider approval of Resolution 2018-78R, approving a Lease Agreement with Becerra Corp. for the year to year lease of approximately 9,817 square feet of space at 201 South LBJ (the site of the former Dixie Cream Donut Shop); authorizing the City Manager to execute said lease; and declaring an effective date.

**Main Motion: a motion was made by Mayor Pro Tem Prewitt, seconded by Council Member Derrick, to approve Resolution 2018-78R.**

**Motion to Amend: a motion was made by Deputy Mayor Pro Tem Gregson, seconded by Mayor Thomaides, to amend the lease agreement by requiring a personal guarantee from Mr. Becerra, if Becerra Corporation does not perform then Mr. Becerra would be personally responsible for financial obligations. The motion failed by the following vote:**

**For:** 2 - Deputy Mayor Pro Tem Gregson and Mayor Thomaides

**Against:** 5 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Council Member Hughson and Council Member Mihalkanin

**Motion to Amend: A motion was made by Deputy Mayor Pro Tem Gregson, seconded by Mayor Thomaides, to amend the lease agreement by requiring Becerra Corporation to submit financials on an annual basis. The motion failed by the following vote:**

**For:** 2 - Deputy Mayor Pro Tem Gregson and Mayor Thomaides

**Against:** 5 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Council Member Hughson and Council Member Mihalkanin

**Motion to Amend: A motion was made by Deputy Mayor Pro Tem Gregson, seconded by Mayor Thomaides, to amend the lease by requiring the lessee show proof of registration for all taxing authorities of the true and correct ownership of any and all personal and real property located on premises within five days of execution of this lease. The motion failed by the following vote:**

**For:** 2 - Deputy Mayor Pro Tem Gregson and Mayor Thomaides

**Against:** 5 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Council Member Hughson and Council Member Mihalkanin

**Motion to Amend: a motion was made by Deputy Mayor Pro Tem Gregson, seconded by Mayor Thomaides, to amend the lease by including an addition to Section 18 C. that states "lessee shall provide an executed, correct and current copy of all lease documentation with the Union Pacific Railroad within 30 days**

**of this lease being executed and within 30 days of any changes to lease agreement." 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

**Motion to Amend: A motion was made by Deputy Mayor Pro Tem Gregson, seconded by Mayor Thomaides, to amend the lease by stating "lessee acknowledges that no invoice is required to be sent for any and all sums and obligations to be due and payable under the terms and conditions of this lease." The motion failed by the following vote:**

**For:** 2 - Deputy Mayor Pro Tem Gregson and Mayor Thomaides

**Against:** 5 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Council Member Hughson and Council Member Mihalkanin

**Motion to Amend: A motion was made by Mayor Thomaides, seconded by Deputy Mayor Pro Tem Gregson, to amend the lease by changing the ground lease rate to .51 cents per square foot and have those numbers adjusted within the agreement. The motion failed by the following vote:**

**For:** 2 - Deputy Mayor Pro Tem Gregson and Mayor Thomaides

**Against:** 5 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Council Member Hughson and Council Member Mihalkanin

**Motion to Amend: A motion was made by Mayor Thomaides, seconded by Council Member Gregson, to amend Section 18A by replacing "Lessor may terminate..." with "The City manager shall terminate this Lease for Lessee's default by giving Lessee notice of termination". The motion failed by the following vote:**

**For:** 2 - Deputy Mayor Pro Tem Gregson and Mayor Thomaides

**Against:** 5 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Council Member Hughson and Council Member Mihalkanin

**Motion to Amend: A motion was made by Mayor Thomaides, seconded by Council Member Gregson, to amend Section 11B of the lease by prohibiting the placement of political signs or advertising on this property and adjacent City right of way. The motion carried by the following vote:**

**For:** 5 - Council Member Gonzales, Deputy Mayor Pro Tem Gregson, Council Member Hughson, Mayor Thomaides and Council Member Mihalkanin

**Against:** 2 - Mayor Pro Tem Prewitt and Council Member Derrick

**Motion to Amend: A motion was made by Council Member Gregson, seconded by Council Member Derrick, to amend the lease by cleaning up the**

language in 17A as it was corrupted when it was created into a PDF.

The correct section reads reads: " As a material part of the consideration for this Lease, Lessee, to the extent it may lawfully do so, waives and releases any and all claims against Lessor for, and agrees to indemnify, defend and hold harmless Lessor, its affiliates, and its and their officers, agents and employees ("Indemnified Parties") from and against, any loss, damage (including, without limitation, punitive or consequential damages), injury, liability, claim, demand, cost or expense (including, without limitation, attorneys' fees and court costs), fine or penalty (collectively, "Loss") incurred by any person (including, without limitation, Lessor, Lessee, or any employee of Lessor or Lessee) (i) for personal injury or property damage caused to any person while on or about the Premises, or (ii) arising from or related to any use of the Premises by Lessee or any invitee or licensee of Lessee, any act or omission of Lessee, its officers, agents, employees, licensees or invitees or any breach of this Lease by Lessee". 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

**Motion to Amend:** a motion was made by Council Member Derrick, seconded by Council Member Gonzales, to amend Section 13A by including a statement that states "for which lessee has contracted to pay". The complete language will read: Lessee will arrange and pay for all utilities and services supplied to the Premises or to lessee for which lessee has contracted to pay".The motion carried by the following vote:

**For:** 5 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Council Member Hughson and Council Member Mihalkanin

**Against:** 2 - Deputy Mayor Pro Tem Gregson and Mayor Thomaides

**Main Motion:** to Approve Resolution 2018-78R, as amended. The motion carried by the following vote:

**For:** 4 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Hughson and Council Member Mihalkanin

**Against:** 2 - Deputy Mayor Pro Tem Gregson and Mayor Thomaides

**Absent:** 1 - Council Member Derrick

23. Hold discussion regarding City Council's participation in the Cultural Arts District Designation efforts, and direction to the City Manager.

**A motion was made by Mayor Thomaides, seconded by Council Member**

**Gonzales, to postpone this item to the May 29, 2018 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 Thomaidēs and Council Member Mihalkanin

**Against:** 0

24. Discuss and consider appointments to the following Council Committees and the GSMP Board of Directors to fill a vacancy, and provide direction to Staff:
- a) Joint Partnership Committee of the City Council, Hays County Commissioners, and San Marcos Consolidated Independent School District Board of Trustees (2 Council Members)
  - b) Transit Committee (3 Council Members)
  - c) Workforce Housing Committee (3 Council Members)
  - d) Rental Registration Council Committee (3 Council Members)
  - e) Greater San Marcos Partnership (GSMP) Board of Directors (1 Council Member to fill vacancy)
  - f) Student Housing Committee (1 Council Member to fill vacancy)

**A motion was made by Mayor Thomaidēs, seconded by Council Member Gonzales, to postpone this item to the May 29, 2018 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 Thomaidēs and Council Member Mihalkanin

**Against:** 0

VI. Question and Answer Session with Press and Public.

None.

VII. Adjournment.

**Mayor Thomaidēs adjourned the Regular Meeting of the San Marcos City Council Wednesday, May 16, 2018 @ 12:03a.m.**

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

**John Thomaidēs, Mayor**

# DUNBAR CULTURAL DISTRICT BOUNDARIES



Google