



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes City Council

Tuesday, August 21, 2018

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 Thomaides at 6:25 p.m. Tuesday, August 21, 2018 in the City Council Chambers, 630 E. Hopkins, San Marcos, Texas 78666.

II. Roll Call

Deputy Mayor Pro Tem Gregson was absent due to work travel.

Present: 6 - Mayor Pro Tem Lisa Prewitt, Council Member Saul Gonzales, Council Member Melissa Derrick, Council Member Jane Hughson, Mayor John Thomaides and Council Member Ed Mihalkanin

Absent: 1 - Deputy Mayor Pro Tem Scott Gregson

III. Invocation

A moment of silence was observed.

IV. Pledges Of Allegiance - United States And Texas

Council Member Mihalkanin led the assembly in the pledges of allegiance.

EXECUTIVE SESSION

1. Consider action, by motion, or provide direction to Staff regarding the following Executive Session item in accordance with Section §551.074 of the Texas Government Code: Personnel Matters - to discuss and set evaluation goals for the City Attorney, City Manager, and City Clerk., which took place during the August 21, 2018 Work Session at 3:00PM.

Council discussed in Executive Session and provided direction to each individual appointee.

V. 30 Minute Citizen Comment Period

Cliff Caskey, stated a few concerns regarding the Farmer's Market and he has not been able to attend work sessions that the Health Department has held. Many years ago he helped start the farmers market and it was moved to

Saturday's in downtown. The merchants at the Farmer's Markets obey the State laws, remain sanitary, but the problem is permits to sell at the farmers market. There are different permit types such as A, B, C and some just do not fit into any category. If someone is selling whole foods, he would like an exemption, but he suggests coming up with a permit and permit fee that would allow one permit to cover everyone at the Farmer's Marker and then the organization could write a check.

Camille Phillips, spoke of her concerns with the Lindsey Hill project and flooding on that property. Ms. Phillips stated there is currently 55% impervious cover and 45% non impervious cover. If this land is paved where the water will go? She asked that the project have very stringent storm water regulations.

LeAnne Smith, thanked the Council for their service and thanked her neighbors and friends that have come as well. She stated that she is for development, but not for the sake of development that could be a detriment. The City of San Marcos should not proceed without a comprehensive study of the environmental Impacts. She lives in the Historic District and that this is not reasonable or responsible. She stated that she loves where she lives and she loves her neighbors. Just because it is possible doesn't mean it is desirable, just because you can doesn't mean you should.

Carl Furry, addressed the Council regarding the Lindsey Hill Project and he voiced his general support for the project and asked that the Council and his Neighbors look at this with an open mind. This would be a residence for townies and not gownies, a residential development that is not focused on students. These would be deed restricted and he believes Condos will be attractive to older San Marcos residents that don't want to keep up with a stand alone home. He believes the only options for this property is Lindsey Hill, something else entirely, or student housing. He stated this defies logic that Texas State wouldn't purchase this project. He supports this project because it would be a community asset and other options are far less desirable.

James Baker, addressed the Council regarding the Lindsey Hill Project. He stated that we should not be afraid of the University buying this project, he believes they are responsible stewards of the property they utilize. He said that this project has been approved as an Amended PDD, which he believes is an oxymoron. He described the PSA and zoning project has changed to a high intensity growth area and this tends to be where we put large student housing. Developers get the change and they will likely sell the property then the owner

will want an amended PDD as well and wonder why they can't get it and sue the City. I can live with Residential, but not this.

Kama Davis, addressed the Council regarding the Lindsey Hill Project. She spoke in opposition because this is too dense of an area and stated this will create a domino affect if we approve the amended PDD. This would allow other developers to come in and request areas in neighborhoods. She stated that there a number of streets closer than Lindsey Street and feels this project will be expanded. She passed around a map to Council with this information. Many of these properties are owned by low to middle income families, do we really want to lose these in our community? Please do not allow the property to be rezoned, this will set a precedent for other neighborhoods.

Sue Cohen, addressed the Council regarding the Lindsey Hill Project and expressed her excitement about the prospect of something happening on this property. She spoke in favor of this development and how she was immediately surprised by the negative reaction from her neighbors. She stated that just down the street from her there are numerous multifamily units, including bungalows, duplexes, garage apartments, and AirBnB properties within a few blocks of her home and this reflects the goals of Vision San Marcos. We are within walking distance to downtown and several other amenities and this encourages us to support our downtown. The residents on San Antonio Street are not afraid of this change in the district because it has already occurred in their area. The Historical Neighborhoods are protected by the City's Historic District overlays and if changes are made they must be approved by the Historical Preservation Commission and abide by other City processes. Others in opposition noted the historical significance of the Lamar School. She explained there are two types of Historical Designation: The architectural value of a structure or a site marker noting historical significance of the site. Developers have agreed to mark and record the history of the Lamar School at the site. This is a great opportunity to maintain our quality of life, our neighborhoods, and achieve Economic growth. Please support this project.

Tracy Mock, addressed the Council regarding the closure of Loquat Street. She wanted to go on the record of being supportive of the closure of the road. She stated that she had previously voted to keep it open, but that was before she had all the information and how it is better watershed.

Lisa Marie Coppoletta, she provided a definition of trickery, and spoke of her opposition to the Lindsey Hill project. She feels this is the perfect solution for NO neighborhood and feels like this is pitting neighbors against neighbors it is

interesting and sad what is going on in the community. The Comp plan should guide our development and we need to follow rules so we don't get sick. She expressed her concern about the demolition of the Lamar school and how there will be issues with pests and asbestos and citizens will be blasted with dust and bird and bat poop.

Amy Meeks, read a letter on behalf of Preston Reese Morrison who lives on Burleson Street. He is opposed to the high-density development in his neighborhood. He stated that he lives in home that was built by his grandparents and the developers are proposing a development that doesn't fit the unique feel of the neighborhood. He stated that the only thing that should go on the site are homes that will add to the character. He stated that the headlights would be coming out at all hours of the night and hitting the homes on Burleson. He is concerned the renditions submitted by the developer may be different than what they build. He asked that the Council protect the neighborhood.

PRESENTATIONS

2. Receive a Staff presentation and update related to the Loquat Road closure alternatives, and provide direction to the City Manager.

Shaun Condor, Senior Engineer, and Melani Howard, Habitat Conservation Plan Program Manager, provided the Council with an update regarding the Sessom Creek Improvements Project and the Loquat Road closure alternatives. Mrs. Howard provided that removal of this section of Loquat that crosses Sessom Creek would restore the natural channel. Mr. Condor reviewed the public outreach that has been completed since December 2017 regarding the Loquat closure. He addressed the emergency response times and how the proposed options would adjust these times. He indicated a longer response time from emergency personnel. Following discussion and questions for the engineer and assistant fire chief, Council provided direction to have Loquat Street remain open for the time being. Council Member Hughson would like testing done at various times of the day to see what the exact response times are by emergency personnel, Council Member Derrick and Mihalkanin would like to look at information on putting a bridge in place, and Mayor Pro Tem Prewitt and Council Member Gonzales would like to look at other options.

3. Receive a Staff presentation and update on the following Fall 2018 Preferred Scenario Amendment Application:
 - (a) PSA-18-04 (Lindsey Hill) - A Preferred Scenario Amendment from "Area of Stability - Existing Neighborhood" to "Growth Area - High Intensity" located at 500 W. Hutchison

Street.

Council Member Mihalkanin recused himself prior to discussion on this item.

Shannon Mattingly, Director of Planning and Development Services, provided Council with a brief update on the Preferred Scenario Amendment (PSA) request. There will be a schedule adjustment because the developer will not have the final documents until August 31st. There is no action at this meeting, but it will come back to hearing and action by the Planning & Zoning Commission and then hearing by City Council with an expected January/February final action date. There was discussion to form a Council Committee and an item will be placed on a future agenda to appoint members to serve on this committee.

CONSENT AGENDA

A motion was made by Council Member Hughson, seconded by Council Member Mihalkanin, to approve the consent agenda with the exception of item #13, which was pulled and considered separately. The motion carried by the following vote:

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

Against: 0

Absent: 1 - Deputy Mayor Pro Tem Gregson

4. Consider approval, by motion, of the following meeting Minutes:
 - A) August 2, 2018 - Budget Workshop Minutes
 - B) August 7, 2018 - Work Session Meeting Minutes
 - C) August 7, 2018 - Regular Meeting Minutes
5. Consider approval of Ordinance 2018-21, on the second of two readings, annexing into the City approximately 15.038 acres of land out of the Barnette O. Kane Survey, Abstract No. 281, located in the 1600 block of Redwood Road; approving a service plan for this area; including procedural provisions; and providing an effective date.
6. Consider approval of Ordinance 2018-22, on the second of two readings, amending the Official Zoning Map of the City by rezoning a 15.038 acre, more or less, tract of land, Located In The 1600 Block Of Redwood Road, From "FD" Future Development District to "CD-4" Character District 4; and including procedural provisions.
7. Consider approval of Resolution 2018-143R, approving a construction contract with CB&I, Inc. for the Reclaimed Water Expansion Project - Elevated Storage Tank for an amount estimated at \$1,841,000.00; authorizing the City Manager or his designee to execute the appropriate documents on behalf of the City and declaring an effective date.

8. Consider approval of Resolution 2018-144R, approving a construction contract with Winters Construction, Inc. for the North Bishop Sidewalk Project, (218-256), for an estimated amount of \$288,446.72; authorizing the City Manager or his designee to execute the appropriate documents on behalf of the City; and declaring an effective date.
9. Consider approval of Resolution 2018-145R, approving a Construction Contract with Santa Clara Construction, Ltd. for the San Marcos Sanitary Sewer Rehabilitation-Edward Aquifer Recharge Zone Project for an amount estimated at \$1,843,136.00; authorizing the City Manager or his designee to execute the appropriate documents on behalf of the City and declaring an effective date.
10. Consider approval of Resolution 2018-146R, approving a contract with McCamant Consulting, LLC. for personal services concerning wholesale power and utility consulting for an amount estimated at \$71,500.00 annually with maximum term of four years; authorizing the City Manager or his designee to execute the appropriate documents on behalf of the City and declaring an effective date.
11. Consider approval of Resolution 2018-148R, recommending to the Texas Department of Transportation that the City of San Marcos be chosen as the Direct Recipient for the Federal Transit Administration Funding in accordance with Title 49, Subtitle III, Chapter 53, Section 5307 of the United States Code, for the San Marcos Urbanized Area; authorizing the Mayor to execute any documents required to evidence the City's support of the City of San Marcos as the Direct Recipient for Federal Section 5307 Funding; authorizing the City Manager to coordinate further actions with the Capital Area Rural Transportation System and the Metropolitan Planning Organization; and providing for an effective date.
12. Consider approval of Resolution 2018-149R, approving an Interlocal Agreement with the Capital Area Emergency Communications District for Public Safety Answering Point Maintenance, Equipment Upgrades and Training; authorizing the City Manager to execute this Interlocal Agreement on behalf of the City; and declaring an effective date.
13. Consider approval of Resolution 2018-150R, approving the design build procurement process as an acceptable delivery method for the following 2017 Bond Election Projects: Library Expansion and Renovation, the relocation of Fire Station #2 and the future Highpointe Trace Fire Station and approving the competitive sealed proposal methodology for the Police Department and Fire Department Training Facility Projects; authorizing the Mayor to execute said document on behalf of the City; and declaring an effective date.

Steve Parker, Assistant City Manager, provided a brief update on the 2017 Bond Election Projects and approving the proposal methods. The consultants have recommended something different than what was requested and Mr. Parker provided these revisions.

A motion was made by Council Member Hughson, seconded by Mayor Pro

Tem Prewitt, to approve Resolution 2018-150R. The motion carried by the following vote:

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

Against: 0

Absent: 1 - Deputy Mayor Pro Tem Gregson

14. Consider approval by motion of the use the Department of Information Resources (DIR) Cooperative Contracts as allowed under Section 2054.0565 of the Texas Government Code.

PUBLIC HEARINGS - 6:00 PM

15. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2018-25, setting the Tax Rate for the 2018 Tax Year at 61.39 cents on each \$100 of taxable value of real property that is not exempt from taxation; levying taxes for the use and support of the Municipal Government of the City for the fiscal year beginning October 1, 2018, and ending September 30, 2019; providing a sinking fund for the retirement of the bonded debt of the city; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2018-25, on the first of two readings.

Heather Hurlbert, Director of Finance, provided a presentation regarding the setting of the tax rate. She noted this occurs prior to the budget, it is the same as last year, and above the effective tax rate.

Mayor Thomaides opened the Public Hearing at 8:46 p.m.

Those who spoke on the item:

Roland Saucedo, spoke in support of this and wanted to clarify this is something the voters approved.

There being no further comments the Mayor closed the Public Hearing at 8:47p.m.

A motion was made by Council Member Mihalkanin, seconded by Council Member Gonzales, that the Property Tax Rate be increased by the adoption of a tax rate of 61.39 cents per hundred, which is effectively a 3.9 percent increase in the tax rate and approve Ordinance 2018-25, on the first of two readings.

The motion carried by the following vote:

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

Against: 0

Absent: 1 - Deputy Mayor Pro Tem Gregson

16. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2018-26, amending the Official Zoning Map of the City by rezoning 0.2068 acres, more or less, legally known as the Westover Addition, Block 27, Lot 329, located at 1012 North Bishop Street from "SF-6" Single Family-6 to "ND-3" Neighborhood Density - 3, and including procedural provisions on the first of two readings; and consider approval of Ordinance 2018-26, on the first of two readings.

Shannon Mattingly, Director of Planning and Development Services, provided a brief update on the Zoning Map amendment. This request is to go from SF-6 to ND-3. In 2015 the Planning & Zoning Commission approved a Conditional Use Permit for the property, however the property owner now plans on building two single family houses. These will be built in accordance with existing Neighborhood Regulating Plan. Mrs. Mattingly stated a comparison chart was provided to Council as well. On July 24th the Planning & Zoning Commission held a Public Hearing and recommended approval 7-0.

Mayor Thomaides opened the Public Hearing at 8:51 p.m.

Those who spoke on this item:

David Mendez, thanked the Council for allowing these changes to be implemented. He is excited about the changes to the code that allows him to build two small cottages on this property. One of these will be their home and the secondary home will be for their in-laws.

There being no further comments, the Mayor closed the PH at 8:52 p.m.

A motion was made by Council Member Hughson, seconded by Council Member Gonzales, to approve Ordinance 2018-26, on the first of two readings. The motion carried by the following vote:

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

Against: 0

Absent: 1 - Deputy Mayor Pro Tem Gregson

17. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2018-28 (ZC-18-09 (beyond grooming)), amending the Official Zoning Map of the City by rezoning a 0.977 acre, more or less, tract of land, located at 1200 Old Martindale Road, from "NC" Neighborhood Commercial District to "N-MS" Neighborhood

Main Street District; and including procedural provisions; and consider approval of Ordinance 2018-28, on the first of two readings.

Shannon Mattingly, provided a brief update of the Zoning Request and noted that a comparison chart was presented to Council. The owner is proposing to use the building as is, but additional parking will be in the lot in rear of building. It was previously a day care but will now become a pet grooming facility. The current zoning does not allow animal facilities, but the requested Neighborhood Main Street District does allow this type of service.

Mayor Thomaides opened the PH at 8:39 p.m.

Those who spoke on the item:

Michelle McWatters, spoke on behalf of her business and stated that she began her business in 2010 as a mobile unit. Ms. McWatters stated the new location hours will be 8am - 6pm, there will be a mobile vaccine clinic, small shop, and she offers the Animal Shelter two grooms per week, and is in support of adoption events. She is ready to begin clean up and excited to get started. The only future changes she foresees is the removal of the building but that will not occur anytime soon. She will not offer boarding and she loves what she does and doesn't know what she would do without this business.

Sara Underwood Meyers, stated her excitement about this business coming to her neighborhood.

Lisa Marie Coppoletta, stated that she is sad this business is leaving her neighborhood.

There being no further comments, the Mayor closed the Public Hearing at 8:42 p.m.

A motion was made by Mayor Pro Tem Prewitt, seconded by Council Member Gonzales, to approve Ordinance 2018-28, on the first of two readings. The motion carried by the following vote:

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

Against: 0

Absent: 1 - Deputy Mayor Pro Tem Gregson

NON-CONSENT AGENDA

18. Consider approval of Ordinance 2018-24, on the second of two readings, reducing the speed limit to 30 miles per hour from the present speed limits of 35 and 45 miles per hour along the sections of Hopkins Street and Hunter Road located between Guadalupe Street (Loop 82) and Wonder World Drive (RM 12); authorizing the installation of signs and traffic control devices reflecting such new speed limit; directing that the traffic register maintained under Section 82.067 of the San Marcos City Code be amended to reflect such new speed limit; and, including procedural provisions.

Sabas Avila, Assistant Director of Public Services-Transportation Division, provided an overview of the measures that the City has done to make Hopkins Street safer. Council held discussion regarding the renaming of Hopkins Street all the way down to Wonder World Drive and there was concern about the abrupt drop of speed limits on this portion of road and placement of speed limit signs.

A motion was made by Council Member Hughson, seconded by Mayor Pro Tem Prewitt, to approve Ordinance 2018-24, on the first of two readings. The motion carried by the following vote:

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

Against: 0

Absent: 1 - Deputy Mayor Pro Tem Gregson

19. Consider approval of Resolution 2018-151R, directing publication of Notice of Intention to issue Combination Tax and Surplus Revenue Certificates of Obligation, Series 2018 and other matters related thereto.

Council Member Hughson recused herself prior to discussion on this item.

Heather Hurlbert provided a brief update on this item. Mayor Pro Tem Prewitt asked about the Water Development Board and what they will be investing as well.

A motion was made by Council Member Mihalkanin, seconded by Mayor Pro Tem Prewitt, to approve Resolution 2018-151R. The motion carried by the following vote:

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

Against: 0

Absent: 1 - Deputy Mayor Pro Tem Gregson

Recused: 1 - Council Member Hughson

20. Consider approval of Resolution 2018-152R, approving a contract with the Texas Realty Retail Partners, Inc. for the City to purchase approximately 27.094 acres of land located on the South Side of Farris Street near its intersection with Wilson Street for a price of \$475,000.00 for stormwater drainage and possible greenway and open space purposes; authorizing the City Manager to execute said contract and related closing documents on behalf of the City; and declaring an effective date.

Mayor Thomaides and Council Member Hughson abstained prior to discussion of this item.

A motion was made by Council Member Mihalkanin, seconded by Council Member Gonzales, to enter into Executive Session in accordance with Sec. 551.072 – Real Property, of the Texas Local Government Code, to discuss a contract with the Texas Realty Retail Partners, Inc. for the City to purchase approximately 27.094 acres of land located on the South Side of Farris Street near its intersection with Wilson Street for a price of \$475,000.00 for Stormwater drainage and possible greenway and open space purposes. The motion carried by the following vote:

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

Against: 0

Absent: 1 - Deputy Mayor Pro Tem Gregson

Abstain: 2 - Council Member Hughson and Mayor Thomaides

Council reconvened back into regular session at 9:57 p.m. Council received information to make a decision on this item.

A motion was made by Council Member Mihalkanin, seconded by Council Member Gonzales, to approve Resolution 2018-152R. The motion carried by the following vote:

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

Against: 0

Absent: 1 - Deputy Mayor Pro Tem Gregson

Abstain: 2 - Council Member Hughson and Mayor Thomaides

21. Consider approval of Resolution 2018-126R, approving a Developer Participation Agreement with SLF II-McCarty, L.P. for the construction of a 24-inch waterline adjacent to the McCarty Commons Development at McCarty Lane and IH-35 in the estimated amount of \$493,800.00; and declaring an effective date.

A motion was made by Council Member Mihalkanin, seconded by Council Member Gonzales, to approve Resolution 2018-126R. The motion carried by the following vote:

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

Against: 0

Absent: 1 - Deputy Mayor Pro Tem Gregson

- 22.** Discuss and consider appointments to fill vacancies on the following board/commission:
- A. Main Street Advisory Board
 - B. Veteran Affairs Advisory Board

The following applicants were nominated for consideration to serve on the Main Street Advisory Board:

Ramika Alexis-Adams - nominated by Mayor Thomaides

Cory Glissen-Munier - nominated by Council Member Derrick

Following a roll call vote Ramika Alexis-Adams recieved a majority of the votes and was appointed to the Main Street Advisory Board.

The following applicants were nominated for consideration to serve on the Veteran Affairs Advisory Board:

Samantha Bagley - nominated by Council Member Mihalkanin

Michael Hernandez - nominated by Mayor Thomaides

Following a roll call vote Samantha Bagley and Michael Hernandez were unanimously approved and appointed to the Veteran Affairs Advisory Board.

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

Against: 0

Absent: 1 - Deputy Mayor Pro Tem Gregson

- 23.** Hold discussion regarding the two times per year Preferred Scenario Map Amendment (PSA) limitation for any PSA request, and provide direction to the City Manager.

Council Member Hughson and Mayor Pro Tem Prewitt brought this item forward for discussion. They would like to open up discussion to allow residential Preferred Scenario Amendments (PSA) to occur anytime of the year like Council does for Commercial. The two time per year regulation creates some unintended consequences and creates an unlevel playing field for our local community. They also expressed concerns about missing out on good

opportunities. Staff will bring an item before the Planning & Zoning Commission as a Code Amendment and then to Council for a vote.

24. Hold discussion regarding neighborhood presentations, and provide direction to the City Manager.

Council Member Hughson stated that neighborhood presentations should be held in or near the neighborhood when items pertain to them. They can meet onsite or at the closest public meeting place or atleast endeavor to do so. Staff will bring back verbiage that can accomodate this request at a future date.

VI. Question and Answer Session with Press and Public.

Roland Saucedo, asked how the discussion regarding Neighborhood presentations would affect current projects in the works? Council said that with notifications this should take about two months.

VII. Adjournment.

Mayor Thomaides adjourned the Regular Meeting of the San Marcos City Council Tuesday, August 21, 2018 @ 10:00 p.m.

Jamie Lee Case, TRMC, City Clerk

John Thomaides, Mayor

Notice of Assistance at the Public Meetings

The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 855-461-6674 or sent by e-mail to ADArequest@sanmarcostx.gov