



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes City Council

Tuesday, January 21, 2020

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 6:03 p.m. Tuesday, January 21, 2020 in the City Council Chambers, 630 E. Hopkins, San Marcos, Texas 78666.

II. Roll Call

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

III. Invocation

Pastor Dennis Spire, with Calvary Baptist Church, provided this evening's invocation.

IV. Pledges Of Allegiance - United States And Texas

Colt Miller, 4th grade student at San Marcos Preparatory School led the assembly in the pledges of allegiance.

V. 30 Minute Citizen Comment Period

Roland Saucedo, spoke as a member of the Complete Count Committee on the 2020 Census. At the last City Council meeting there was mention of transferring funds for this committee prior to the February 4th kickoff. He is awaiting a response and asked if this could be expedited. He stated that the Communication's Department has not placed anything on the website as of yet and they need this ASAP as they will be sending out letters and they would like the website listed. Mr. Lumbreras mentioned that he will get with Mr. Saucedo and let him know the steps regarding the funding. The money will be going towards the Complete Count Committee and Staff will work on the process of releasing the funds and managing the process. Mr. Lumbreras understands that this is an urgent issue and will work on it quickly.

Mary Beth Harper, spoke on item #15, noted she has attended many meetings on the annexation and zoning change for the SMART terminal that is on

Highway 80 and in a floodplain. San Marcos claims that this was in their ETJ but it's in Martindale ETJ. Now, fourteen months later an agreement has been worked on with Martindale officials and they are meeting tonight to finalize their part of the agreement. I hope Martindale agrees with what the City provided. She expressed her appreciation to the Mayor and Council Members for their time, effort and deliberations on the matter.

CONSENT AGENDA

A motion was made by Council Member Derrick, seconded by Council Member Gonzales to approve the consent agenda, with the exception of items #9 and #10 as they were pulled and considered separately. The motion carried by the following vote:

For: 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockey Moore, Council Member Baker and Council Member Gonzales

Against: 0

1. Consider approval, by motion, of the January 7, 2020 Work Session Meeting Minutes.
2. Consider approval of Ordinance 2020-01, on the second of two readings, annexing into the City approximately 39.37 acres of land out of the Cyrus Wickson Survey, Abstract No. 474, Hays County, generally located at the western corner of South Old Bastrop Highway and Rattler Road; including procedural provisions; and providing an effective date.
3. Consider approval of Ordinance 2020-02, on the second of two readings, amending the Official Zoning Map of the City by rezoning approximately 29.4 acres out of the Cyrus Wickson Survey, Abstract No. 474, Hays County, generally located in the 3200 block of South Old Bastrop Highway, from "FD" Future Development District to "CD-3" Character District 3; and including procedural provisions.
4. Consider approval of Resolution 2020-08R, approving the award of a Construction Contract to M.A. Smith Contracting Co., Inc. for the Blanco River Waterline Bore Improvements Project in the total amount of \$795,933.75; authorizing the City Manager or his designee to execute the appropriate documents related to the contract on behalf of the City; and declaring an effective date.
5. Consider approval of Resolution 2020-09R, approving a professional services agreement with Kimley-Horn and Associates, Inc. for preliminary engineering and field services for the Hopkins Street Improvements Project in the estimated amount of \$388,096.53; authorizing the City Manager or his designee to execute the professional services agreement on behalf of the City; and declaring an effective date.
6. Consider approval of Resolution 2020-10R, approving a contract with Green Equipment Company, Inc. through the Interlocal Cooperative Agreement with the Houston Galveston Area Council of Governments for the purchase of Sewer Inspection Equipment in the

amount of \$160,635; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.

7. Consider approval of Resolution 2020-11R, approving the replacement of a Crew Leader Truck to be purchased from Altec Industries, Inc. through the Sourcewell Cooperative for use by the San Marcos Electric Utility in the amount of \$86,990; authorizing the City Manager or his designee to execute all appropriate documents to complete the purchase; and declaring an effective date.
8. Consider approval of Resolution 2020-12R, approving the purchase of a new bucket truck from Altec Industries, Inc. through the Sourcewell Cooperative for use by the Utility Metering Division of the San Marcos Electric Utility in the amount of \$145,429; authorizing the City Manager or his designee to execute all appropriate documents to complete the purchase; and declaring an effective date.
9. Consider approval of Resolution 2020-13R, approving a professional services agreement with Winter & Company to update the architectural design standards for downtown San Marcos in the estimated amount of \$68,160; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.

Shannon Mattingly, Director of Development Services provided an update on the report from Winter & Company from 2012. The staff worked on a comparison of what was incorporated and what was not. The comparison report will be sent out to Council, the Historic Preservation Commission and to the citizens that have requested the report.

A motion was made by Council Member Derrick, seconded by Mayor Pro Tem Mihalkanin, to approve Resolution 2020-13R. The motion carried by the following vote:

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

Against: 0

10. Consider approval of Resolution 2020-14R, adopting Guiding Principles for the City's 2020 Federal and State Legislative Action Program; and declaring an effective date.

MOTION TO POSTPONE: A motion was made by Mayor Pro Tem Mihalkanin, seconded by Council Member Baker, to postpone Resolution 2020-14R.

Council Member Baker asked that the following items be incorporated into the guiding principles:
Economic development

- Increase minimum wage through incremental growth
- Support incentives and initiatives for sustainable businesses

Revenue and Finance

- Support legislation that would have TXST University support Firefighters based on their usage

Mental health

- Support action and incentives for LEAD programs with State support

Education

- Support skilled labor and certification programs

Water resources and Environment

- Change promote to prioritize at the bottom of the paragraph

Transportation

- Change "Air, highway, pedestrian, etc." to "Multi-modal transportation"

Consensus from Council was to allow the Legislative Committee to meet and discuss these recommendations.

The motion to postpone carried by the following vote:

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

Against: 0

NON-CONSENT AGENDA

11. Consider approval of Ordinance 2020-03, on the first of two readings, amending the Official Zoning Map of the City by rezoning approximately 4.96 acres out of the Cyrus Wickson Survey, Abstract No. 474, Hays County, generally located at the western corner of South Old Bastrop Highway and Rattler Road, from "FD" Future Development District to "CD-5" Character District 5; and including procedural provisions.

MAIN MOTION: a motion was made by Mayor Pro Tem Mihalkanin, second by Deputy Mayor Pro Tem Rockeymoore, to approve Ordinance 2020-03, on the first of two readings.

MOTION TO AMEND: a motion was made by Mayor Pro Tem Mihalkanin, seconded by Council Member Baker, to amend Ordinance 2020-03, by reducing the amount of the rezoning tract by adding an additional 15-foot

buffer. The motion carried by the following vote:

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

Against: 0

MAIN MOTION: to approve Ordinance 2020-03, on the first of two readings, as amended. The motion carried by the following vote:

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

Against: 0

12. Consider approval of Ordinance 2020-04, on the first of two readings, amending the City's 2018-2019 Fiscal Year budget to allocate a total amount not to exceed \$573,000 to increase the General Fund budget to \$548,000 for economic development incentives and to increase the Resource Recovery Fund budget \$25,000 for trash and recycling services; and providing an effective date.

Heather Hurlbert, Director of Finance, provided a brief presentation regarding an amendment due to revenues coming in higher than budgeted to the General Fund and Resource Recovery Fund budgets.

A motion was made by Council Member Derrick, seconded by Deputy Mayor Pro Tem Rockeymoore, to approve Ordinance 2020-04, on the first of two readings. The motion carried by the following vote:

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

Against: 0

13. Consider approval of Resolution 2020-15R, approving an agreement for the provision of services in connection with the proposed owner requested annexation of approximately 56.923 acres of land generally located west of the intersection of Old Ranch Road 12 and Wonder World Drive; authorizing the City Manager, or his designee, to execute said agreement on behalf of the City; setting a date for a Public Hearing concerning the proposed annexation of said tract of land; and declaring an effective date.

Shannon Mattingly, Director of Development Services, provided a brief presentation regarding a proposed owner requested annexation of approximately 56.923 acres of land generally located west of the intersection of Old Ranch Road 12 and Wonder World Drive.

A motion was made by Council Member Derrick, seconded by Mayor Pro Tem

Mihalkanin, to approve Resolution 2020-15R. The motion carried by the following vote:

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

Against: 0

14. Consider approval of Resolution 2020-16R, approving the appointment of the Law Firm of Davidson Troilo Ream & Garza, PC as special counsel to advise the Ethics Review Commission as it considers Ethics Complaint No. 2019-2; and declaring an effective date.

Council member Marquez recused herself on this item and filed an affidavit with the City Clerk.

A motion was made by Council Member Derrick, seconded by Council Member Baker, to approve Resolution 2020-16R. The motion carried by the following vote:

For: 6 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

Recused: 1 - Council Member Marquez

15. Consider approval of Resolution 2020-17R, approving an agreement with the City of Martindale relating to the extra-territorial boundaries between the cities; authorizing the Mayor or City Manager to execute the agreement on behalf of the City; and declaring an effective date.

A motion was made by Council Member Derrick, seconded by Mayor Pro Tem Mihalkanin, to table Resolution 2020-17R until after executive session. The motion carried by the following vote:

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

Against: 0

16. Hold discussion on non-discrimination policies within the City, including but not limited to, those with whom the City conducts business or solicits contracts, and provide direction to the City Manager.

Council member Baker will like to amend the City's non discrimination policy to include sexual orientation and gender identity as it applies to:

City of San Marcos health insurance

Private/public employment applies to City contracts/380 agreements

Housing

Public accommodations City of San Marcos public restrooms/gender neutral restrooms

School districts - contact the SMCISD school board members

After discussion, Council directed staff to bring a recommendation forward within the next 30 days.

EXECUTIVE SESSION (If necessary)

17. Executive Session in accordance with the following Government Code Sections:
- A. Section § 551.074 - Personnel Matters: to discuss duties and responsibilities of the City Manager.
 - B. Section § 551.071 - Consultation with Attorney: to receive a staff briefing and deliberation regarding Martindale ETJ Matters.
 - C. Section § 551.071 - Consultation with Attorney: to receive advice from Legal Counsel on Kinder Morgan Pipeline.

A motion was made by Council Member Gonzales, seconded by Council Member Baker, to enter into Executive Session at 7:23 p.m. The motion carried by the following vote:

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

Against: 0

Council reconvened into Regular session at 8:01p.m. from Executive Session.

A motion was made by Mayor Pro Tem Mihalkanin, seconded by Deputy Mayor Pro Tem Rockeymoore to remove item #15 (Resolution 2020-17R) from the table. The motion carried by the following vote:

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

Against: 0

A motion was made by Mayor Pro Tem Mihalkanin, seconded by Council Member Derrick, to postpone Resolution 2020-17R. The motion carried by the following vote:

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

Against: 0

18. Consider action, by motion, regarding the following Executive Session items held during the Work Session and/or Regular Meeting:
- A. Section § 551.074 - Personnel Matters: to discuss duties and responsibilities of the City Manager
 - B. Section § 551.071 - Consultation with Attorney: to receive a staff briefing and deliberation regarding Martindale ETJ Matters.
 - C. Section § 551.071 - Consultation with Attorney: to receive advice from Legal Counsel on Kinder Morgan Pipeline.

The City Council completed Executive Session at 8:01 p.m.

Mayor Hughson stated the following regarding Executive Session items A, B, and C:

A.) Direction was provided to Staff on Item A

B.) Item #15 Martindale ETJ is postpone

C.) Mayor Hughson made a motion to authorize the City of San Marcos to join with other Central Texas public entities and private landowners to file a suit in U.S. District Court regarding the process for issuing federal permits for the Kinder Morgan Permian Highway pipeline and approving a not to exceed budget of \$25,000 for the City's participation.

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

Against: 0

VI. Question and Answer Session with Press and Public.

None.

VII. Adjournment.

A motion was made by Deputy Mayor Pro Tem Rockeymoore, seconded by Council Member Derrick, to adjourn the regular City Council Meeting at 8:11 p.m. The motion carried by the following vote:

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

Against: 0

Tammy K. Cook, Interim City Clerk

Jane Hughson, Mayor