



City of San Marcos

Meeting Minutes City Council

Tuesday, April 19, 2022

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 6:02 p.m. April 19, 2022. This meeting was held in-person and online.

II. Roll Call

Present: 7 - Mayor Jane Hughson, Council Member Maxfield Baker, Council Member Saul Gonzales, Mayor Pro Tem Shane Scott, Deputy Mayor Pro Tem Alyssa Garza, Council Member Jude Prather and Council Member Mark Gleason

III. Invocation

Rev. J.D. Elshoff with First Baptist Church of San Marcos provided this evening's invocation.

Present: 7 - Mayor Jane Hughson, Council Member Maxfield Baker, Council Member Saul Gonzales, Mayor Pro Tem Shane Scott, Deputy Mayor Pro Tem Alyssa Garza, Council Member Jude Prather and Council Member Mark Gleason

IV. Pledges of Allegiance - United States and Texas

Council Member Prather led the assembly in the Pledges of Allegiance.

V. 30 Minute Citizen Comment Period

Shaune Maycock, stated he is the owner of Blue Skies Aviation which as been at the San Marcos Airport for 16 years. He expressed concern with Texas Aviation Partners management. He would like an independent investigation to evaluate leases, contracts, grants, policy, action and payment by/to Texas Aviation Partners.

Penny Slavik, stated she has 343 names of people that want action on the intersection of West Hutchison and Fredericksburg next to the First Methodist Church and day care. She expressed concern with the intersection and would like council to approve the installation of the four way stop sign because it is

dangerous for residents to cross. Drivers don't stop for the flashing lights when a pedestrian presses the button.

Katie Deolloz, Executive Director of Walk SMTX, expressed concern with the safety near the First Methodist Church. She read letters from concerned citizens regarding the intersection at West Hutchison and Fredericksburg. Mrs. Deolloz stated this has been an issue since before November 2015. Many drivers do not stop for pedestrians.

Christie Maycock, spoke on item #23, expressed concern with violations of FAA polices done by Texas Aviation Partners. She expressed concern with treatment done by the Texas Aviation Partners. She would like the city to help with the issues done by Texas Aviation Partners to Blue Skies Aviation.

Sonia Cortez, spoke in opposition of AC-22-01. She stated the tenants of a new high development is ending neighborhood traditions. The developer would like to dictate how Victory Garden residents live their lives. She mentioned she would like the developer to be part of the neighborhood but he is building a wall around his business. She would like for the developer to address his plans on the noise level while a church service is going on across the street and while the children are playing at the park.

Christina Casas Moreno, spoke in opposition of the proposed development located at 312 Camacho. She expressed concern with the business owner's management on the property. She stated it is hard to built a relationship with the business owner who doesn't value the importance of neighbors or is inconsiderate of the damage he is causing. She expressed concern on the warehouse project of unloading on the public street and a safety hazard near the neighborhood park.

Rudy Rodriguez, spoke against item #22. He lives behind the proposed project and inquires if the developer knew there was a residential senior citizens place near the property. He stated senior citizens have expressed concern for children playing at the playground nearby. Mr. Rodriguez stated the developer was rude regarding a meeting that was scheduled and the developer never showed up in person but the meeting was held through Zoom. He mentioned that he went around the neighborhood to collect signatures to oppose the warehouse.

Roland Saucedo, spoke in opposition of item #22. He stated he is speaking on behalf of the residents of Victory Gardens. He mentioned there was a flyer sent to have a meeting at Victory Gardens park but the owner didn't show up in

person, only by phone. Mr. Saucedo stated people in the neighborhood attempted to communicate with the owner who become hostile There was no basis of communication. The purpose of the meeting was to address concerns from the residents. He would like council to deny #22 and to enforce the owner to stop all development.

Lisa Marie Coppoletta, stated Maycock's are being harassed and would like the council to intervene. She stated the warehouse project would never occur in a white neighborhood. She mentioned speakers 2 and 3 would like a roundabout. Ms. Coppoletta expressed concern with high property taxes and the effect it is causing on residents. She expressed concern with the mold at City Hall and concern that staff ignored the issue.

Carina Boston Pinales, spoke about item #22. She would like a pause or postponement because of the frustration on both sides of the development. She shared her reasons of getting involved with the project. First, safety and security of the warehouse addressing concerns from citizens. She stated there is a lot of miscommunication between the property owner and within the community. Secondly, the opportunity as an active space that could employ citizens. Third, to tell the story of the history of the warehouse, the need to preserve it and she doesn't want staff to encroach upon the design and value of the building.

PRESENTATIONS

1. Receive a staff presentation on the community survey, and provide direction to the City Manager.

Lauren Surley, Director of Communications provided the presentation on the community survey. She discussed the reporting aspect, reminded council on the topics they submitted previously, and the estimated timeline for this project.

There were inquiries as to how many city-specific questions are allowed on the survey. Mrs. Surley stated they are typically 7-10 questions and she also addressed the option on allowing open ended questions and said she will determine what is the best way to phrase these questions.

Upon completion of discussion, council provided consensus to add something that identifies what types of businesses are being missed and where local dollars are being spent elsewhere. The survey company will look at ways to present these questions to the community in order to identify this information.

Council provided consensus to add a question to the survey that relates to the city's economic policies and the communities satisfaction on these policies. Mrs. Surley stated she will work on the wording with the survey company.

Council provided consensus to include downtown parking in the survey and preservation of natural areas including impact to aquifers and environmentally sensitive areas.

Council provided consensus to push this survey out in the Fall to allow university students will be included in the process.

- 22.** Receive a staff presentation and hold a public hearing to consider an appeal by Troy Turner of the decision of the Planning and Zoning Commission on March 8, 2022 to deny a request for Alternative Compliance (AC-22-01) to the protective yard installation requirements in Section 7.2.2.4 of the Development Code for a proposed development located at 312 Camacho Street.

Deputy Mayor Pro Tem Garza asked if item #22 could be discussed prior to moving into the next item. Council concurred. Council Member Gonzales recused himself from discussion due to his ownership of property nearby.

Shannon Mattingly, Director of Planning and Development Services provided a brief presentation.

Mayor Hughson opened the Public Hearing at 7:20PM

Those who spoke:

Leonard Rodriguez Jr., who lives on Camacho Street, spoke in opposition of this project and expressed his frustration and distrust for the proposed use of this property. He expressed concern with safety and noise and the negative impact it will have on the residents.

David Sergi, spoke as a representative for the developer and in favor of this project. He stated this developer wants to be in the community and they did not create the problem, but they are trying to provide a solution. He stated there has been a lot of miscommunications about this project and they are asking for alternative compliance in order to be a good neighbor.

Jacqueline Perez, represents the applicant, stated she has worked with the developer for six years and when this purchase was made in 2020 they identified systems in the building that were not in compliance and there were safety concerns. She met with fire marshals and made sure they were operating a safe space and they addressed the safety concerns immediately. She stated

that she is active in this situation, she is involved in this process and stated there will be no un-heard voices. She is here for the community and the business which is trying to improve the Neighborhood as a whole.

Troy Turner, applicant, spoke in favor of the project and is here to address any questions.

There being no further comments, the Mayor closed the Public Hearing at 7:32 p.m.

A motion was made by Council Member Gleason, seconded by Mayor Pro Tem Scott, to postpone this item to May 17, 2022.

Ms. Garza inquired about uses in a heavy industrial district. Mr. Sergi commented about being a good neighbor and heavy industrial would not represent being a good neighbor.

Mayor Hughson asked Ms. Mattingly what can be in a heavy industrial district. Mrs. Mattingly stated it can be intense use, including carwashes, junkyards, waste related services, vehicle repair minor, food processing and recycling.

Council Member Baker supports postponement to allow more time to come into compliance and to negotiate and discuss the potential for restrictive covenants, this would leverage the communities concerns. Mrs. Mattingly stated conditions could be put in place.

Council Member Prather advises and encourages the applicant to work with the neighbors.

Mayor Hughson wanted confirmation that the alternative compliance stays with the property forever. Mrs. Mattingly said yes.

Upon completion of discussion, the motion to postpone to carried by the following vote:

For: 6 - Mayor Hughson, Council Member Baker, Mayor Pro Tem Scott, Deputy Mayor Pro Tem Garza, Council Member Prather and Council Member Gleason

Against: 0

Abstain: 1 - Council Member Gonzales

2. Receive a staff presentation and hold discussion on utility customer assistance programs; the

effectiveness of changing the water tiered rate structure to increase initial tier from 0-6,000 gallons to 0-8,000; and provide direction to the City Manager.

Tyler Hjorth, Utilities Director, provided the presentation on the utility customer assistance programs. Mr. Hjorth reviewed the rate model and cost of service philosophy, the impact to the City and the benefit to customers at a tier 1 threshold change from 0-6,000 to 0-8,000 gallons, the current utility assistance programs & usage, the lifeline rate utility bill delinquency, water leaks & meter re-read requests, and high usage alerts. The number show that there would be very few people who would benefit from this change.

Upon completion of discussion council provided consensus for the City to continue to assist citizens with over usage and to allow the sustainability council committee to work on this alongside staff. Council also chose to keep the tier 1 threshold at the 0-6,000 gallons and not make a change at this time.

CONSENT AGENDA

A motion was made by Council Member Prather, seconded by Mayor Pro Tem Scott, to approve items #3 - 7, 9-16, and item #8 was pulled and considered separately. Council Member Baker voted no on items # 4 and 11. The motion carried by the following vote:

For: 7 - Mayor Hughson, Council Member Baker, Council Member Gonzales, Mayor Pro Tem Scott, Deputy Mayor Pro Tem Garza, Council Member Prather and Council Member Gleason

Against: 0

3. Consider approval, by motion, of the following meeting minutes:
 - A. February 15, 2022 - Regular Meeting Minutes
 - B. March 1, 2022 - Regular Meeting Minutes
4. Consider approval of Ordinance 2022-27, on the second of two readings, amending the Official Zoning Map of the City in Case ZC-22-08, by rezoning approximately 5.01 acres of land generally located at the intersection of E McCarty Lane and Hwy 123 from "LI", Light Industrial District to "CM", Commercial District, or, subject to the consent of the owner, another less intense zoning district classification, including procedural provisions; providing an effective date.
5. Consider approval of Resolution 2022-73R, approving a partial release of easement that releases the portion of a public drainage located within the C-Store lot in the Trace Subdivision, Planning Area 9, such portion of the easement being no longer necessary; authorizing the City Manager, or her designee, to execute the partial release of easement on behalf of the City; and declaring an effective date.
7. Consider approval of Resolution 2022-75R, approving the filing of an application with the Texas Water Development Board seeking financial assistance in connection with the Castle Forest Drainage Improvement project; designating an authorized representative to act on behalf of the

City for the purpose of furnishing information and executing documents that may be required in connection with the preparation and filing of the application; designating firms and individuals authorized and directed to aid and assist the City in the preparation and submission of the application for financial assistance and to appear on behalf of and represent the City in any hearing held by the Texas Water Development Board on the application; and declaring an effective date.

9. Consider approval of Resolution 2022-77R, awarding contracts to FMG Architects and RVK Architecture for on-call Architectural Services for an initial term of three years in a not to exceed amount of \$250,000 and authorizing two additional one-year terms; authorizing the City Manager or her designee to execute the agreements on behalf of the City; and declaring an effective date.
10. Consider approval of Resolution 2022-78R, approving a three-year contract renewal with Granicus, Inc. for the Agenda Management Workflow System and Video Streaming Services in the estimated amount of \$143,470.16; ratifying the City Staff's acceptance of the contract; and declaring an effective date.
11. Consider approval of Resolution 2022-79R, approving an agreement for the provision of services in connection with the proposed owner requested annexation (La Cima Phase 4) in Case No. AN-22-09 of approximately 66.933 acres of land, generally located just south of the West Centerpoint Road and Central Park Loop Intersection; authorizing the City Manager, or her 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.
12. Consider approval of Resolution 2022-80R, approving an advertising agreement with Texas Productions, Inc. to promote the thriving music scene in San Marcos in the annual amount of \$65,000.00 and authorizing two additional one-year renewal terms; authorizing the City Manager or her designee to execute the agreement on behalf of the City; and declaring an effective date.
13. Consider approval of Resolution 2022-81R, authorizing an on-call list of construction companies approved to contract with the City for CDBG Housing Rehabilitation projects to include Byrdson Services, LLC, TLI & Environmental Services, and DSW Homes, LLC; authorizing the City Manager or her designee to execute approved construction contracts on behalf of the City; and declaring an effective date.
14. Consider approval of Resolution 2022-82R, awarding construction contracts to Brydson Services, LLC and DSW Homes for a CDBG Housing Construction Services contract on an as-needed basis for an initial term of two years and authorizing two additional one-year terms in a not to exceed amount of \$1,330,000.00; authorizing the City Manager or her designee to execute the agreements on behalf of the City; and declaring an effective date.
15. Consider approval of Resolution 2022-83R, approving a sole source agreement with Flock Group, Inc. for license plate recognition software to be used by the San Marcos Police Department for an initial term of two years with an option to renew for two additional years in the total estimated amount of \$103,500.00; authorizing the City Manager or her designee to execute the agreement on behalf of the City; and declaring an effective date.

16. Consider approval, by motion, to accept the Animal Services Committee Purpose Statement:
“The Animal Services Council Committee will educate and engage the community and our regional government partners, seek to analyze and address the various animal welfare concerns in Hays County and their effects on the San Marcos Regional Animal Shelter, and to assist the shelter in the fulfillment of the Pawsitive Outcomes Implementation Plan.”

PUBLIC HEARINGS

17. Receive a staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-28, annexing into the City approximately 75.17 acres of land generally located on State Highway 123 approximately 1,400 ft south of the intersection with Rattler Road (Case No. AN-22-02: Sedona Subdivision); including procedural provisions; and providing an effective date; and consider approval of Ordinance 2022-28, on the first of two readings.

Shannon Mattingly, Director of Planning and Development Services, provided the presentation regarding the annexation of 75.17 acres located south of the Cottonwood Creek subdivision on SH 123.

Mayor Hughson opened the 8:59 p.m.

Those who spoke:

Hernan Jaramillo, applicants expressed support of this single family residential project.

There being no further speakers the Mayor closed the Public Hearing at 9:01 p.m.

A motion was made by Council Member Gleason, seconded by Council Member Prather, to approve Ordinance 2022-28, on the first of two readings. The motion carried by the following vote:

For: 5 - Mayor Hughson, Council Member Gonzales, Deputy Mayor Pro Tem Garza, Council Member Prather and Council Member Gleason

Against: 1 - Council Member Baker

Absent: 1 - Mayor Pro Tem Scott

18. Receive a staff presentation and hold a public hearing to receive comments for or against Ordinance 2022-29 amending the Official Zoning Map of the City in Case ZC-22-03, by rezoning approximately 66.66 acres of land generally located on State Highway 123 approximately 1,400 ft south of the intersection with Rattler Road, from “FD” Future Development to “CD-3” Character District-3 or, subject to the consent of the owner, another less intense zoning district classification, including procedural provisions; and providing an effective date, and consider approval of Ordinance 2022-29 on the first of two readings.

Shannon Mattingly, Director of Planning and Development Services, provided the presentation for rezoning of 66.66 acres located at SH-123 south of the Cottonwood Creek Subdivision.

Mayor Hughson opened the Public Hearing at 9:05 p.m.

Those who spoke:

Hernan Jaramillo, spoke in support of this single family residential project. He stated a retention pond and park will be included on the property. He stated lots are 50x120 and they are following all city code guidelines.

There being no more speakers, the Mayor closed the Public Hearing at 9:06 p.m.

A motion was made by Council Member Gleason, seconded by Council Member Prather, to approve Ordinance 2022-29, on the first of two readings. The motion carried by the following vote:

For: 4 - Mayor Hughson, Council Member Gonzales, Council Member Prather and Council Member Gleason

Against: 1 - Council Member Baker

Absent: 2 - Mayor Pro Tem Scott and Deputy Mayor Pro Tem Garza

- 19.** Receive a staff presentation and hold a public hearing to receive comments for or against Ordinance 2022-30, amending the Official Zoning Map of the City in Case ZC-22-04, by rezoning approximately 1.95 acres of land generally located on the east side of State Highway 123 across from the intersection with Lovelady Lane from "FD" Future Development District to "HC" Heavy Commercial District, or, subject to consent of the owner, another less intense zoning district classification, including procedural provisions; and providing an effective date, and consider approval of Ordinance 2022-30 on the first of two readings.

Shannon Mattingly, Director of Planning and Development Services, provided the presentation regarding the rezoning of 1.95 acres located on the east side of SH 123 across from the intersection of SH 123 and Lovelady Lane.

Mayor Hughson opened the Public Hearing at 9:11 p.m.

Those who spoke:

Hernan Jaramillo, expressed support of this project and is here for questions. He stated the proposed land use is currently unknown but there is interest in a convenience store with a gas station. However, the developer is okay with going to commercial zoning if Council desires.

There being no further comments, the Mayor closed the Public Hearing at 9:12 p.m.

MAIN MOTION: a motion was made by Council Member Gleason, seconded by Council Member Prather, to approve Ordinance 2022-30, on the first of two readings.

MOTION TO AMEND: a motion to amend was made by Mayor Hughson, seconded by Council Member Gleason to change zoning from Heavy Commercial (HC) district to Commercial district. The motion carried by the following vote:

For: 6 - Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Garza, Council Member Prather and Council Member Gleason

Against: 0

Absent: 1 - Mayor Pro Tem Scott

MAIN MOTION: to approve Ordinance 2022-30, on the first of two readings as amended. The motion carried by the following vote:

For: 4 - Mayor Hughson, Council Member Gonzales, Council Member Prather and Council Member Gleason

Against: 2 - Council Member Baker and Deputy Mayor Pro Tem Garza

Absent: 1 - Mayor Pro Tem Scott

- 20.** Receive a staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-31, annexing into the City approximately 74.24 acres of land within the La Cima Development and generally located at the west corner of the Central Park Loop and Fountain Grass Drive intersection in Case No. AN-22-06; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2021-31, on the first of two readings.

Shannon Mattingly, Director of Development Services provided a brief presentation regarding the annexation of 74.24 acres of land within the La Cima Development at the west corner of the Central Park Loop and Fountain Grass Drive intersection

Mayor Hughson opened the Public Hearing at 9:17 p.m.

Those who spoke:

Eric Willis, spoke in support of the project and is here for questions.

There being no further comments, the Mayor closed the Public Hearing at 9:18 p.m.

A motion was made by Council Member Gleason, seconded by Council Member Gonzales, to approve Ordinance 2022-31, on the first of two readings. The motion carried by the following vote:

For: 5 - Mayor Hughson, Council Member Gonzales, Deputy Mayor Pro Tem Garza, Council Member Prather and Council Member Gleason

Against: 1 - Council Member Baker

Absent: 1 - Mayor Pro Tem Scott

- 21.** Receive a staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-32, amending the Official Zoning Map of the City in Case No. ZC-22-07, by rezoning approximately 74.24 acres of land generally located at the west corner of the Central Park Loop and Fountain Grass Drive intersection from "FD" Future Development District to "SF-4.5" Single-Family-4.5 District, or, subject to consent of the owner, another less intense zoning district classification; including procedural provisions; and providing an effective date, and consider approval of Ordinance 2022-32, on the first of two readings.

Shannon Mattingly, Director of Planning and Development Services, provided the presentation regarding the rezoning of 74.24 acres located at the west corner of the Central Park Loop and Fountain Grass Drive in the La Cima subdivision. The proposed development is to construct 248 single-family lots.

Mayor Hughson opened the Public Hearing at 9:22 p.m.

Those who spoke:

Eric Willis, developer for La Cima, expressed his support and is available to answer questions.

There being no further comments, the Mayor closed the Public Hearing at 9:22 p.m.

Council Member Baker inquired about the occupancy restrictions and if they can be removed. Mr. Willis stated it is not enforceable through a development agreement but it is more of a code enforcement issue through the city.

A motion was made by Council Member Gleason, seconded by Council Member Prather, to approve Ordinance 2022-32, on the first of two readings. The motion carried by the following vote:

For: 6 - Mayor Hughson, Council Member Gonzales, Mayor Pro Tem Scott, Deputy Mayor Pro Tem Garza, Council Member Prather and Council Member Gleason

Against: 1 - Council Member Baker

8. Consider approval of Resolution 2022-76R, approving a list of qualified firms to provide professional architectural services to the city on an as-needed basis through the end of 2027; and declaring an effective date.

A motion was made by Mayor Hughson, seconded by Mayor Pro Tem Scott, to approve Resolution 2022-76R. The motion carried by the following vote:

For: 7 - Mayor Hughson, Council Member Baker, Council Member Gonzales, Mayor Pro Tem Scott, Deputy Mayor Pro Tem Garza, Council Member Prather and Council Member Gleason

Against: 0

6. Consider approval of Resolution 2022-74R approving a list of qualified firms to provide professional engineering services to the City on an as-needed basis through the end of 2027; and declaring an effective date.

MOTION TO RECONSIDER: a motion was made by Mayor Hughson, seconded by Mayor Pro Tem Scott, to reconsider Resolution 2022-74R. The motion carried by the following vote:

For: 7 - Mayor Hughson, Council Member Baker, Council Member Gonzales, Mayor Pro Tem Scott, Deputy Mayor Pro Tem Garza, Council Member Prather and Council Member Gleason

Against: 0

A motion was made by Mayor Hughson, seconded by Council Member Gleason, to approve Resolution 2022-74R.

Mayor Hughson noted that 4 of the companies shown in the agenda request form are not included on the official resolution. She made a motion to amend by adding HDR Engineering, Inc., Jones & Carter, Inc., dba Jones|Carter, K Friese & Associates, Inc., Kimley-Horn and Associates, Inc. to the list of companies in the resolution. Mayor Pro Tem Scott seconded the motion.

The motion to amend carried by the following vote:

For: 7 - Mayor Hughson, Council Member Baker, Council Member Gonzales, Mayor Pro Tem Scott, Deputy Mayor Pro Tem Garza, Council Member Prather and Council Member Gleason

Against: 0

EXECUTIVE SESSION

23. Executive Session in accordance with the following:

A. Sec. §551.071 of the Texas Government Code: Consultation with Attorney: To seek legal advice from the city attorney regarding enforcement of provisions in ground leases and

facility leases at the San Marcos Regional Airport.

- B. Sec. §551.072 of the Texas Government Code: Real Property: to receive a briefing and deliberate on the possible acquisition of property in downtown for future fire station.

A motion was made by Mayor Pro Tem Scott, seconded by Council Member Gleason, to enter into Executive Session at 9:33 p.m. The motion carried by the following vote:

For: 7 - Mayor Hughson, Council Member Baker, Council Member Gonzales, Mayor Pro Tem Scott, Deputy Mayor Pro Tem Garza, Council Member Prather and Council Member Gleason

Against: 0

DIRECTION/ACTION FROM EXECUTIVE SESSION

- 24.** Consider action, by motion, or provide direction to Staff regarding the following Executive Session item held during the Work Session and/or Regular Meeting:
- A. Sec. §551.071 of the Texas Government Code: Consultation with Attorney: To seek legal advice from the city attorney regarding enforcement of provisions in ground leases and facility leases at the San Marcos Regional Airport.
- B. Sec. §551.072 of the Texas Government Code: Real Property: to receive a briefing and deliberate on the possible acquisition of property in downtown for future fire station.

Executive Session concluded at 12:05 a.m. Mayor Hughson stated direction was provided on item A and B.

VI. Question and Answer Session with Press and Public.

VII. Adjournment.

Mayor Hughson adjourned the regular meeting of the City Council on Wednesday, April 20, 2022 at 12:07 a.m.

Elizabeth Trevino, Deputy City Clerk

Jane Hughson, Mayor