



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Meeting Minutes City Council

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Tuesday, February 1, 2022

6:00 PM

City Council Chambers

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630 E. Hopkins

This will be a hybrid (in-person/virtual meeting). To view the meeting please go to <http://sanmarcostx.gov/421/City-Council-Videos-Archives> or watch on Grande channel 16 or Spectrum channel 10.

### 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 6:01 p.m. Tuesday, February 1, 2021. 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 Mayor Mark Gleason

### III. Invocation

Rev. J.D. Elshoff, from First Baptist Church provided this evening's invocation

### IV. Pledges of Allegiance - United States and Texas

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

Mayor Hughson read a proclamation of appreciation of Bert Lumbreras who retired from the City January 31, 2022

### V. 30 Minute Citizen Comment Period

Shannon Graham, spoke regarding item #17 and stated she visited the Pick a Pet store and inquired about a puppy. She scanned the documents which showed the puppy came from a puppy mill breeder. She stated the puppy owners called her to get the pedigree of the puppy since the store did not give them the pedigree information. The puppy came from a USDA licensed breeder, and the owner had one thousand puppies on the property. She expressed concern that the store lies to the consumer.

Peter Campbell, Clarewood Apartment Property Manager, is requesting the city to remove the eviction of 90 day moratorium. He stated there are jobs

available and Texas Rent Relief does not have more funds. Renters are in debt, and some property owners are struggling. He expressed concern with the increase of catalytic converters being stolen and notices things are escalating and would like to know if there is a plan in place.

Gloria Salazar, spoke in support of the LIV Whisper Hills project. She stated as a member of the San Marcos Housing Authority, we continue to seek ways to provide income for additional affordable housing units under the Housing Authority umbrella. She stated if it is homes or multifamily units, especially now we see the need for more affordable housing units. She mentioned the low income housing tax credits (LIHTC) projects could provide the Housing Authority the additional revenue needed not only to maintain our current housing stock in operating order, but to add affordable housing units. She noted that this project will help them do that. She stated the Whisper Hills Senior project will add 267 permanently affordable Senior units to the San Marcos community. Currently we have 176 seniors on our Housing Authority waiting list. It would take two years for them to receive housing based on our current situation. This project has 65 units in the 30 40% AMI and 176 units in the 60% AMI. And they will be new and highly amenitized. She mentioned that San Marcos needs this. Ms. Salazar stated the income will provide additional support for the daily operations and maintenance of the current housing stock and resident programs.

Dianne Wassenich, stated there is extreme erosion the river is suffering in the last few years below Cheatham Street and Wildlife Habitat Park. She mentioned there a bank vegetation is wiped out;trampled to death with no access points. She stated trees are falling in since the soil has washed away in the riverbanks. The issue is harmful for the endangered species which is the reason we have a river. The species need gravel river bottoms. She noted that the City is lucky to get the funds from the HCP to plan the upper parts of the river parks over the past 9 years and we were able to decide where the access points should be in erosion spots. She doesn't want money spent on fences but instead to plant the Wildlife Habitat Park that is washing away. She would like the city to spend money on signs that explains what happens when people trample plants. She stated this explanation has nothing to do with item #19 and would like council to approve the contract.

Stephen Gross, expressed concerned about the lack of on street parking for residents in the North Street neighborhood and our denial of permits by the city. He shared there are about 3 - 4 parking spots and the property is close to

downtown and campus. It was built in the 50s or 60s before there was parking issues. There is a huge parking deck across the street and they are not selling parking spots. He stated residents have limited parking and can't expand the lot. The petition is for residents on west side of North Street that need parking. Not asking for west side of North street between Hutchison and Burleson just asking for permits to allow residents to avoid parking tickets.

Jonathan Galvan, owner of Pick a Pet, stated he opened the store to give a residents an opportunity to buy a happy puppy and to provide the community to interact with the puppies to ensure that puppy fits the family. He would like to continue to keep the store open but there is a possibility to close the business due to the ordinance. The store obeys the state and federal regulations when selling animals from breeders. We don't mistreat animals and some animals are not lucky, but the store provides information on adoption option for rescues that need a home. He stated he would like dialogue for the city to use this resource. He would like council to please reconsider this bill.

Vanessa Gagne, from the National Animal Interest Alliance (NAIA), spoke in opposition of the proposed city ordinance that allows for sale of dogs and cats at pet stores. She stated NAIA provides solutions to complex emotional and controversial issues regarding animals. She would like council to consider the unintended consequences and ask yourself if this is right for the City. She expressed concern that this ordinance can create a black market for breeding and sales. She mentioned stores can be required to buy their pets only from approved sources for example USDA licenses with no direct violations in the last inspection reports. There is an opportunity to create an ordinance that can improve animal wellbeing and responsible business practices instead of driving the businesses underground.

Virginia Parker, from the San Marcos River Foundation, spoke in support of the city continuing efforts of the Edwards Aquifer Habitat Conversation Plan (EAHCP). She stated the EAHCP studies the flows, weather predications and endangered species that monitors pumping that keeps the springs in river flowing. She noted that the EAHCP on a local level works to remove invasive species and plants native species with deep roots to help with bank stabilization. She stated that some steep areas are fenced to prevent foot traffic that leads trampling on the plants. She noted that it is important of deep roots to hold the banks of the river together. She would like the city to continue the partnership with HCP that brings so much to the river and city.

**Phil Watson, from Texans United for Pets, spoke in opposition of the proposed pet store ban ordinance as it is currently written. He stated pet breeding or sales through businesses are regulated by the Texas Occupational Code 802 and the USDA Animal Welfare Act. Mr. Watson mentioned if any welfare operator violates standard of humane treatment there can be serious consequences from state and federal authorities. He stated providing local residents access to local pet shops operating under state and federal regulations to protect consumers and ensures humane treatment of pets. He proposed an amendment that would allow pet shops to sell healthy and humanely treated pets from breeders licensed under state and federal law. He would like council to consider the suggested amendment to the proposed ordinance.**

**Lauren Loney, Texas state director for the Humane Society of the United States, support the humane pet store ordinance. She stated this ordinance is a strong stance against the well documented consumer protection and animal welfare concerns. Ms. Loney stated this ordinance will encourage existing businesses to become supporters of local animal shelter and animal rescues rather than adding to the overpopulated issues. She hopes council will join the 10 Texas cities and 400 localities across the county that have passed similar ordinances prohibiting the retail sale of puppy mill puppies.**

**Donnie Stolte, manager at Pick a Pet, expressed concern that anyone would mention impropriety in the manner in how they receive, sale and care for puppies. He stated the store ensures that proper documentation is received providing vaccinations and medications are administered. They are here to serve the community with the highest standards and care for the animals.**

**Elizabeth Oreck, National Manager Puppy Mill Initiatives for Best Friends Animal Society, spoke in support of the proposed humane pet sales ordinance. She stated many adoptable dogs and cats are dying for lack of homes and this ordinance is an effective, reasonable, and business friendly way to address the issues. She stated this ordinance will protect pets and consumers by preventing out of state puppy and kitten mills from selling inhumanely bred pets through local pet stores. Ms. Oreck stated this will allow pets stores to sell products and services a \$58B industry in the U.S. She thanked council for the consideration on this issue.**

**Rafael Ramirez, shared his experience with his purchase of his puppy at the store. He stated the staff is great and very helpful with the transition period to the new environment. He mentioned that previous health information and vaccination records were provided.**

**Decarlo Calaunan, shared his experience with his purchase of his puppy from Pick a Pet. Staff was very accommodating and provided the extensive paperwork on the puppy. The puppies were clean, happy, friendly and they were taken care of properly.**

**Paula Buenrostro, spoke in favor of the humane pet store ordinance. She expressed concern with dogs and cats being euthanized for a lack of space and the animal shelters and animal rescue are working hard to find homes. She mentioned breeders will place their animals first and will work directly with consumers to place in great homes. Ms. Buenrostro stated an inspection was questioned at a problematic facility about an animal that was slowing dying and nobody could intervene, so USDA licenses is not enough to protect animals.**

**Suzanne Lynn, shared her experience at Pick a Pet store. She stated she was looking at a German Shepherd puppy and expressed concern with the health of the puppy. She mentioned that the puppy that was kenneled with the German Shepherd was not in good health condition. She expressed concern with the welfare of the puppies at the Pick a Pet store. She mentioned responsible breeders have contracts with buyers to keep buyers from sending animals to the animal shelter because they can return animals back to the breeders.**

**Scott Storment, Program Manager with Edwards Aquifer Habitat Conservation Plan (EAHCP), spoke in favor of item #19. He stated one of the priorities of the Edwards Aquifer Authority (EAA) is spring flow protection for the endangered species. He noted having endangered species in the river gives state and federal protection for requirements of spring flows. It is important to EAA that they dedicate the majority of the EAHCP funds to bring flow protection measures. He stated that EAHCP funding covers habitat restorations at no cost to the city.**

**Stacy Sutton Kerby, Director of Government Relations for the Texas Humane Legislation, spoke in favor of Ordinance 2022 14. She stated the store owner mentioned that they have complied with all state laws regarding the sales of animals. She stated there no such thing at state level; house bill 1818 did not pass. She noted that the current responsibility to protect consumers and pets is falling on the cities since there is no state law that regulates pet store sales. She mentioned that USDA is failing at protecting consumers and animals at large breeding facilities.**

**Richard Wakluk, Manager at Pick a Pet store, he stated the store has positive community impacts, he mentioned a parent taking her daughter to the store because she was being bullied at school and staff allowed the child to play with the puppy. He noted there are many wonderful stories on the families with the puppies. He stated the complaint received on a puppy was inaccurate, animal control checked the dog and appeared the dog had no health issues. He mentioned if the puppy needs to be returned to the store the customer will be refunded.**

**Elizabeth Sanchez, spoke against Ordinance 2022 14 banning pet stores in San Marcos. She mentioned she has learned a lot about different breeds from the staff there. She mentioned it would be really sad to see this place shut down because it's great for the area and the people around San Marcos. The place is clean, the staff are really friendly and seem to take really good care of their dogs.**

**Kimberly Meitzen, spoke in favor of item #19 regarding the EAHCP. Ms. Meitzen stated that EAHCP provides numerous benefits for the San Marcos River. She would like council to support the EAHCP efforts to provide diversity of native plants, provide necessary vegetation for structure and protect water quality.**

**Lisa Marie Coppoletta, spoke against #2, and stated the population gives quarterly payments for taxes with no interest and some citizens go into situations where they are in collections almost losing their home. She would like council to watch the budget so citizens doesn't have high taxes. She expressed concern with citizens walking across Bishop Street because of no sidewalks. She would like staff to correct the TxDOT project in connection with the CIP project to install sidewalks on Bishop Street. She expressed concern with the cost increase of the EAHCP.**

## **CONSENT AGENDA**

**A motion was made by Mayor Gleason, seconded by Mayor Pro Tem Scott, to approve the consent agenda items 1-8, with the exception of item 1(A) which was pulled and will be considered separately. 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 Mayor Gleason**

**Against: 0**

1. Consider approval, by motion, of the following meeting minutes:
  - A. January 4, 2022 - Regular Meeting Minutes
  - B. January 18, 2022 - Work Session Meeting Minutes

**A motion was made by Mayor Hughson, seconded by Council Member Gonzales, to postpone the January 4, 2022 Regular Meeting Minutes to the next Regular City Council meeting. 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 Mayor Gleason

**Against:** 1 - Mayor Pro Tem Scott

2. Consider approval of Ordinance 2022-07, on the second of two readings, amending Chapter 78, Taxation, of the City Code of Ordinances; establishing a residential homestead exemption in the amount of \$15,000; increasing the residence homestead exemption for disabled persons and persons 65 or older from \$25,000 to \$35,000; including procedural provisions; and declaring an effective date.
3. Consider approval of Resolution 2022-26R, approving a professional services agreement with Plummer Associates, Inc. for miscellaneous water modeling projections to assist the Engineering and Utilities Departments in assessing the impact of new developments in the amount of \$60,000.00; authorizing the City Manager or her designee to execute the agreement on behalf of the City; and declaring an effective date.
4. Consider approval of Resolution 2022-27R, approving an agreement with Texas Waterfront investments LLC. providing for the City to purchase a drainage easement across approximately 0.1650 acres of land located at 700 River Road, together with a temporary workspace license, for a price of \$98,224.00, plus associated closing costs, in connection with the Blanco Gardens Drainage Improvements Project; authorizing the City Manager, or his designee, to execute said agreement and associated closing documents; and declaring an effective date.
5. Consider approval of Resolution 2022-28R, approving the appointment of Margaret Salinas as the Local Registrar in accordance with Texas Health and Safety Code Section 191.022(b) in place of the City Clerk and approving the appointment of Elizabeth Trevino as Deputy Local Registrar in accordance with Texas Health and Safety Code Section 191.022(c); and declaring an effective date.
6. Consider approval of Resolution 2022-29R, approving a contract with RDO Equipment Co. through the sourcewell Cooperative Purchasing Program, for the purchase of John Deere Skid Steer Loader Base Equipment for use by the Streets Division of the Public Works Department to ensure the safety of roadways during extreme weather events in the amount of \$90,909.20; authorizing the City Manager or the City Manager's designee to execute the agreement on behalf of the City; and declaring effective date.
7. Consider approval of Resolution 2022-30R, approving an agreement for the provision of services in connection with the proposed owner requested annexation in Case No.

AN-22-03 of approximately 53.951 acres of land, generally located on Posey Road approximately 280 feet northwest of the intersection of Posey Road and South Old Bastrop Highway; authorizing the City Manager, or the City Manager's 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.

8. Consider approval of Resolution 2022-31R, approving an agreement for the provision of services in connection with the proposed owner requested annexation in Case No. AN-22-04 of approximately 1.11 acres of land located approximately 1,900 feet West of the Intersection of Craddock Avenue and Old Ranch Road 12; authorizing the City Manager, or the City Manager's 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.

## **PUBLIC HEARINGS**

9. Receive a staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-08, annexing into the City approximately 2.527 acres of land generally located on Centerpoint Rd approximately 340' northwest of the intersection between Centerpoint Rd and Gregson's Bend in Case No. AN-22-05; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2022-08, on the first of two readings.

**Mayor Hughson stated the applicant requested a postponement to the Council regular meeting on February 15th.**

**Shannon Mattingly, Director of Planning and Development Services provided a presentation regarding the Centerpoint Commons annexation of 2.5274 acres located on Centerpoint Road. Ms. Mattingly stated this location was the former Sportsplex site.**

**Mayor Hughson opened the Public Hearing at 7:24 p.m.**

**Those who spoke:**

**Tyler Sibley, is in favor of the project.**

**Lisa Marie Coppoletta, inquired if annexations provide a tax base for citizens. The citizens does not have an itemized breakdown of the budget. She expressed concern that the itemized budget is not available to the public. She mentioned if council is going to continue passing these annexations council will need to put a belt on the budget due to the excess spending. She expressed concern with the property located on a floodway. She would like council to be in-person in the Council Chambers.**



**There being no further speakers, Mayor Hughson closed the Public Hearing at 7:27 p.m.**

**A motion was made by Mayor Pro Tem Scott, seconded by Mayor Hughson, to postpone the annexation to February 15th regular meeting. 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 Mayor Gleason

**Against:** 1 - Council Member Baker

- 10.** Receive a staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-09, amending the Official Zoning Map of the City in Case ZC-21-26, by rezoning approximately 70.89 acres, more or less, out of the Edward Burleson Survey, Abstract 63, generally located north of the intersection of Gregson's Bend and Commercial Loop, from Planning Area (PA), Future Development (FD), and General Commercial (GC) to Character District-5 (CD-5), 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 2022-09, on the first of two readings.

**Shannon Mattingly, Director of Planning and Development Services, provided the presentation regarding the rezoning of 70.89 acres of land located on Gregson's Bend and Commercial Loop. She stated it is currently vacant with the surrounding uses of hotels, car dealership, railway line and rural/undeveloped. She noted it was originally annexed and zoned for the Sportsplex development in March 2020. Currently, the property has approval of 40% for CD-5 but the applicant would like for council to reconsider approval of 100% for the entire site to be CD-5.**

**Mayor Hughson opened the Public Hearing at 7:36 p.m.**

**Those who spoke:**

**Tyler Sibley, applicant and spoke in favor of the project. Three questions raised by the Planning and Zoning Commission were 1) what is the current vision? 2) what is the current occupancy rate for non student multifamily apartments? 3) what is the future demand for additional non student multifamily apartment? He mentioned the land was previously planned for a Sportsplex and hotel but that project not moving forward . He stated this project will be a mix of product types including multifamily, with attached townhomes and he would like to include a concept such as Top Golf. He stated #2 the current occupancy rate, data shows essentially no vacancy in the market. There**

is a total of 6500 market rate units and only 167 units are available so the occupancy percentage is at 97.4%. He answered #3 that future demand of apartments in San Marcos is high. He spoke on growth for Hays County which is 100,000 people and grew more than 50% during the last decade, per the 2020 census data. San Marcos grew at the same rate. If the growth rate continues from 2020 to 2030, there will be an additional 34,000 residents. He stated with the new found population growth, the city will need 14,000 housing units which based current projections of single family and multifamily stock.

Lisa Marie Coppoletta, spoke against this project and inquired how many super majority overruling will occur this year. She expressed concern with many super majority situations. She expressed concern with flooding and would like council to vote no.

There being no further speakers, Mayor Hughson closed the Public Hearing at 7:43 p.m.

Mayor Hughson informed the council that the applicant has requested a postponement of this item to the next meeting.

A motion was made by Mayor Gleason, seconded by Mayor Pro Tem Scott, to postpone the rezoning to February 15th regular meeting. 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 Mayor Gleason

**Against:** 1 - Council Member Baker

11. Receive a staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-10, annexing into the City approximately 105.41 acres of land generally located due north of the Rattler Rd and E. McCarty Lane intersection and commonly known as 1601 E. McCarty Ln, together with an approximately 13.55 acre road segment, in Case Number AN-22-01; including procedural provisions; and providing an effective date, and consider approval of Ordinance 2022-10, on the first of two readings.

Shannon Mattingly, Director of Planning and Development Services, provided a presentation regarding annexing into the City approximately 105.41 acres of land located at 1601 E. McCarty Lane. She stated the applicant is proposing logistics warehouse facility to be developed pursuant to the regulations of the Character District 1 (CD-1) and Light Industrial (LI) zoning districts. The annexation will also include the adjacent E. McCarty Ln right-of-way.

**Mayor Hughson opened the Public Hearing at 7:59 p.m.**

**Those who spoke:**

**James B. Griffin, spoke in favor of the project. The annexation for the entire property on the northside of E. McCarty. He stated they are annexing of 17 acres Character District 1(CD-1) for floodplain and floodplain protection and 88 acres requesting for Light Industrial (LI) for an advanced manufacturing logistic center project. He stated Planning and Zoning Commission unanimously supports the project along with two surrounding neighbors.**

**Brian Brooke, spoke in favor of the project and is available to answer questions.**

**Lisa Marie Coppoletta, expressed concern with flooding.**

**There being no further speakers, Mayor Hughson closed the Public Hearing at 8:04 p.m.**

**A motion was made by Mayor Gleason, seconded by Council Member Prather, to approve Ordinance 2022-10, on the first of two readings.**

**Mayor Hughson asked if the development agreement is in the works? Ms. Mattingly stated no development agreement for this project but including restrictive covenant is an option.**

**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 Mayor Gleason

**Against:** 1 - Council Member Baker

- 12.** Receive a staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-11, amending the Official Zoning Map of the City in Case No. ZC-22-01, by rezoning approximately 17.420 acres of land, generally located due North of the Rattler Road and East McCarty Lane intersection, from "FD" Future Development District to "CD-1" Character District-1, 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 2022-11, on the first of two readings.

**Shannon Mattingly, Director of Planning and Development Services, provided a presentation regarding the rezoning of 17.420 acres of land located at 1601 E. McCarty from "FD" Future Development District to "CD-1" Character District-1. This CD-1 acreage is intended to serve as the location of drainage**

improvements for the associated light industrial zoning. She stated the currently property is vacant.

Mayor Hughson opened the Public Hearing at 8:11 p.m.

Those who spoke:

James B. Griffin, spoke in favor of the project. He stated they are willing to add restrictive covenants on the entire property.

Brian Brooke, spoke in favor of the project.

Lisa Marie Coppoletta, she expressed concern with flooding and does not see the logic of using a flood area floodplain as detention.

There being no further speakers, Mayor Hughson closed the Public Hearing at 8:14 p.m.

A motion was made by Mayor Gleason, seconded by Mayor Hughson, to approve Ordinance 2022-11, on the first of two readings.

Council Member Baker expressed concern with the lot being split up. He stated it's for a water retention but why not on the water retention plan for the entire property. He asked if this impacts the requirements that would be require to have if the entire property is Light Industrial. Does this benefit them paying cheaper taxes or fees? Ms. Mattingly stated in a CD-1 zoning keeps anything from being developed. They have taken the floodway and rezone to CD-1 for open space and couldn't do any Light Industrial in the area. Council Member Baker asked what led them to make this choice and why not rezone the entire property as Light Industrial? Ms. Mattingly stated the CD-1 does allow development that would be in the floodway and would not be able to develop multifamily because of the floodway area. Mr. Griffin stated no benefits to the developer only conservation of open space and only kept as an open area. The request was for Character District-1 to ensure nothing is permitted to be built. He mentioned on the far end of the floodplain about an acre is developable land is included for CD-1. Ms. Mattingly stated the preferred scenario map identifies as open space and a preferred scenario amendment to allow Light Industrial in the open space.

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 Mayor Gleason

**Against: 0**

- 13.** Receive a staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-12, amending the official zoning map of the City in Case No. ZC-22-02, by rezoning approximately 87.998 acres of land, generally located due North of the Rattler Road and East McCarty Lane Intersection, from "FD" Future Development to "LI" Light Industrial 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 2022-12, on the first of two readings.

**Shannon Mattingly, Director of Planning and Development Services, provided the presentation regarding rezoning 87.998 acres of land, located at 1601 E. McCarty from "FD" Future Development to "LI" Light Industrial District. She stated the applicant intends for light industrial and manufacturing uses and seeking to limit the uses that would not allow waste related services. The property is currently vacant and the surrounding uses is the City of San Marcos Public Services Complex and a vacant property.**

**Mayor Hughson open the Public Hearing at 8:26 p.m.**

**Those who spoke:**

**James B. Griffin, spoke in favor and is available to answer questions.**

**Brian Brooke, spoke in favor of the project. He would like for council to approve this project.**

**Lisa Marie Coppoletta, this is not in the preferred scenario map and why do we have a map if it is not going to be followed. She expressed concern with the property in the floodplain.**

**There being no further speakers, Mayor Hughson closed the Public Hearing at 8:28 p.m.**

**A motion was made by Mayor Pro Tem Scott, seconded by Mayor Gleason, to approve Ordinance 2022-12, on the first of two readings.**

**Council Member Baker expressed concern with future traffic and the high school near the project. He stated the path of zoning for light industrial near the high school is a waste and suggested housing. He commented that the light industrial zoning as oppose to a buffer between the high school is a bad idea.**

**Mayor Hughson asked about residential outparcel being surrounded by light**

**industrial. Mr. Griffin stated the family is selling the property and has issued a letter of support. He stated the other neighbor is looking forward of having neighbors behind their house.**

**MOTION TO AMEND: A motion was made by Mayor Gleason, seconded by Mayor Hughson, to add a restrictive covenant to not allow waste related services. 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 Mayor Gleason

**Against:** 0

**MAIN MOTION: to approve Ordinance 2022-12, as amended 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 Mayor Gleason

**Against:** 1 - Council Member Baker

- 14.** Receive a staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-13, amending the Official Zoning Map of the City in Case ZC-21-27, by rezoning approximately 0.294 acres of land, being Lot 46 of the A.M Ramsay Subdivision, located at 101-103 Lockhart Street from "D" Duplex District to "ND-3" Neighborhood Density-3 District, 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 2022-13 on the first of two readings.

**Shannon Mattingly, Director of Planning and Development Services, provided a presentation regarding rezoning approximately 0.294 acres of land, located at 101-103 Lockhart Street from "D" Duplex District to "ND-3" Neighborhood Density-3 District. The site currently contains one duplex building. The requested zoning change will increase the allowed density of the site from 6 units per acre to 10 units per acre and will allow the construction of one additional unit.**

**Mayor Pro Tem Scott recused himself as he owns property in the area of this project.**

**Mayor Hughson opened the Public Hearing at 8:40 p.m.**

**Those who spoke:**

**Andrew Nance, spoke in favor of the project. He stated the goal is to keep the duplex and maintain the existing structure and build another one. The idea is**

to divide the lot into three, splitting the duplex and adding another house. He mentioned this project is keeping with the character of the neighborhood. Mr. Nance stated the goal is to take multifamily duplex and change them to single family and there will be an addition of one residence to the neighborhood.

Ryan Bragg, spoke in favor of the project. He stated we need to increase the supply of affordable housing. He would like for council to see the details and he stated the project is within the code.

Lisa Marie Coppoletta, she expressed concern that it is rental and she would like to see the neighborhood plans, character studies and historical resources survey rollout. She expressed concern with encroachment and destroying the neighborhood. She would like council to project the integrity of the neighborhoods. She asked the council to not override the denial of the Planning and Zoning Commission.

There being no further speakers, Mayor Hughson closed the Public Hearing at 8:48 p.m.

A motion was made by Council Member Gonzales, seconded by Council Member Baker, to deny Ordinance 2022-13, on the first of two readings.

Council Member Gonzales stated he would like to deny this project because it is not compatible with the area.

Deputy Mayor Pro Tem Garza stated that she spoke to people who live in the neighborhood who do not seem overly concerned about this project.

Council Member Gleason noted the lot sizes and that this change would be not similar to the rest of the neighborhood.

Mayor Hughson stated she had driven in the neighborhood and is concerned that this project would be an anomaly including being a two-story structure. Splitting the duplex so each side could be purchased separately would be OK.

Council Member Prather expressed concerns with sprawling and prefers to become dense and walkable to provide missing middle housing. He feels we need more infill housing in our neighborhoods.

The motion carried by the following vote:

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

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

**Recused:** 1 - Mayor Pro Tem Scott

15. Receive a staff presentation and hold a Public Hearing to receive comments for or against Resolution 2022-32R, approving a development agreement with Whisper Master Community Limited Partnership in connection with the Whisper East Development providing for annexation and regulating the development of approximately 153.09 Acres of land in the City's Extraterritorial Jurisdiction, generally located at the Southeast corner of the Harris Hill Road and Yarrington Road Intersection; authorizing the City Manager, or her designee, to execute said agreement on behalf of the City; and providing an effective date; and consider approval of Resolution 2022-32R.

**Amanda Hernandez, Assistant Director of Planning and Development Services, provided a presentation regarding the Whisper East Development Agreement for approximately 153.09 acres located South of the intersection Yarrington Road and Harris Hill Rd. The Whisper East development agreement is intended to mirror the development patterns previously approved in the Whisper North PDD and Whisper South Development Agreement. This includes the modification / waiver of Development Code standards such as: parking lot location and build-to zones, alley requirements, and the allowance for double fronting lots. She stated the developer is proposing dedication of parkland which will be publicly accessible, but privately owned and maintained. A three-acre fire station site will be donated as part of this agreement.**

**Mayor Hughson opened the Public Hearing at 9:04p.m.**

**There being no speakers, Mayor Hughson closed the Public Hearing at 9:05p.m.**

**A motion was made by Mayor Pro Tem Scott, seconded by Council Member Prather, to approve Resolution 2022-32R. 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 Mayor Gleason

**Against:** 1 - Council Member Baker

16. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2022-33R, providing no objection to the submission of an application for low income housing tax credits to the Texas Department of Housing and Community



Affairs for the proposed LIV at Whisper Hills (55+) Multifamily Housing Project (LIHTC-21-02) located in the 500 Block of Celebration Way; approving findings related to the application; imposing conditions for such non objection; approving an associated agreement under which the owner of the project will make an annual payment in lieu of taxes in the amount of \$11,000 annually; providing authorization for the execution of said agreement and the execution and submission of documents related to the application; and declaring an effective date; and consider approval of Resolution 2022-33R.

**Shannon Mattingly, Director of Planning and Development Services, provided a presentation regarding LIV at Whisper Hills (55+) Multifamily Housing Project located in the 500 Block of Celebration Way within the Whisper Planned Development District (PDD). The applicant is proposing a 267 unit senior (55+) multifamily project. There will be 27 units for those at 0-30%AMI, 38 units for those at 31-50% AMI, 176 units for those at 51-60% AMI, 26 units for those at 61-80% AMI and none at market rate. The project will provide a mix of one and two bedroom options and will provide a total of 14 ADA accessible units. The project meets the minimum requirements set by the council. The council housing committee was not in support of the project but asked that it be brought to the council.**

**Mayor Hughson opened the Public Hearing at 9:14 p.m.**

**Those who spoke:**

**Mark Tolley, spoke in support of this project. He stated there are 178 low income seniors on the San Marcos Housing Authority waiting list and it takes about 2 3 years for seniors to receive housing within their income range. He mentioned this project will have the capacity to house them all. He stated retail services will follow due to the growth in the surrounding areas. Mr. Tolley stated that within LIV at Whisper Hills 90% of the proposed senior independent living units will be low income with 24% of being at the 30-40% area median income (AMI) that is \$500 per unit for a one bedroom. He next spoke about the relationship of this project to the Housing Authority. This project will provide \$600,000 to the SMHA in the next six months. In the next two years it should be \$1.8 million. He stated by year 13 the Housing Authority will receive \$16M which could be use for maintenance, additional support administrative services and increase housing stock to shelter residents in need. In year 15, the SMHA will be able to purchase the units in their entirety.**

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

**Council discussed the need for this type of housing in San Marcos.**

**Mayor Hughson is concerned that there will be no property tax to the city for this project given that the people there will be using services which property tax funds. County and school taxes will be paid.**

**A motion was made by Mayor Gleason, seconded by Council Member Prather, to approve Resolution 2022-33R. 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 Mayor Gleason

**Against:** 0

## **NON-CONSENT AGENDA**

17. Consider approval of Ordinance 2022-14, on the first of two readings, amending Chapter 6 of the San Marcos City Code concerning animals by amending and adding certain definitions in Section 6.001 and adding a new section 6.065 in order to regulate the sale of cats and dogs by pet stores; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

**A motion was made by Council Member Baker, seconded by Mayor Hughson, to approve Ordinance 2022-14, on the first of two readings.**

**Stephanie Reyes, Interim City Manager, provided a brief introduction, she stated staff from animal services and legal department prepared the draft ordinance. The draft ordinance would ban the retail sale of dogs and cats unless those animal are sourced from an animal control agency, an animal shelter or an animal rescue organization.**

**Mayor Pro Tem Scott asked if ordinance passes, will the ordinance close the PickAPet store? Mr. Cosentino stated if they provide other services that are not prohibited they will not be closed by this ordinance. Mr. Scott stated he doesn't think they sell large volumes of animals but local breeders will have an outlet that will allow them to sell animals.**

**Mayor Hughson asked staff what happened with the concept of the owners of the store working with the animal shelter staff. Mr. Carr stated most pet stores want the cute puppies and leaves the shelter with the not so lucky adoptable dogs. Mr. Scott mentioned that we can help each other depleting the stock of animals and expressed concern with how the animal shelter staff questions the visitors.**

**Mayor Hughson asked about the crowding occurring at the shelter and if**

someone else housed a number of them to get them adopted, will that help the shelter? Mr. Carr stated the larger dogs are hard to get adopted and small dogs are no problem for them to be housed. Mayor Hughson suggested to ask if the owners of the store are willing to advertise the larger dogs that are at the animal shelter. Mr. Carr stated yes, staff will reach out to the owners.

Council Member Gleason would like to add in the ordinance that a licensed breeder is acceptable. Mr. Gleason expressed concern with the verbiage of "pet store" under definitions and doesn't want to see breeders sell outside of home.

Council Member Baker asked staff if there was a follow up from citizens that had complaints from the Pick A Pet store. Mr. Carr stated staff has done several inspections and found that the store is good standing and the store is a licensed breeder through the USDA but those regulations allow for horrendous conditions. He stated the concerns of citizens are from the source of animals. Most puppy mills are out of state and the store didn't want to provide the information. Mr. Carr stated the animals look healthy and the sooner the staff has the compliant the faster staff can investigate.

Deputy Mayor Pro Tem Garza stated having a USDA license does allow breeders with a thousand dogs and conditions are atrocious. There laws and regulations that have flaws but she would like to have regulations.

**MOTION TO POSTPONE:** a motion was made by Mayor Hughson, seconded by Council Member Gleason, to postpone Ordinance 2022-14 and defer this to the Animal Services Council Committee with the intent to bring this Ordinance back no later than six months. 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 Mayor Gleason

**Against:** 0

18. Consider approval of Resolution 2022-34R, awarding a construction contract to Udelhoven, Inc. for the Lift Station No. 5 Replacement Project in the amount of \$919,930.03; authorizing the City Manager or the City Manager's designee to execute the contract on behalf of the City; and declaring an effective date.

**A motion was made by Mayor Gleason, seconded by Mayor Pro Tem Scott, to approve Resolution 2022-34R. 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 Mayor Gleason

**Against:** 0

19. Consider approval of Resolution 2021-163R, approving the Second Amendment to the Interlocal Agreement between the City and Texas State University relating to the implementation of the Edwards Aquifer Habitat Conservation Plan to, among other things, include a description of the duties and compensation of the Habitat Conservation Project Manager and extend the agreement through March 31, 2028; authorizing the City Manager or the City Manager's designee to execute the Amendment on behalf of the City; and declaring an effective date along with a review of the requested River Fence/Education report.

**Council Member Prather abstained from a vote due to his Spouse's employment with Texas State University.**

**A motion was made by Mayor Pro Tem Scott, seconded by Council Member Gonzales, to approve Resolution 2021-163R. The motion carried by the following vote:**

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

**Against:** 0

**Abstain:** 1 - Council Member Prather

20. Receive a staff update and consider, by motion, the initial authorization of text amendments to the San Marcos Land Development Code to address Airport Height Hazard Zoning and Compatibility Land Use Zoning related to the San Marcos Regional Airport.

**A motion was made by Mayor Pro Tem Scott, seconded by Council Member Prather, to approve the initial authorization of text amendments to the San Marcos Land Development Code that addresses Airport Height Hazard Zoning and Compatibility Land Use Zoning related to the San Marcos Regional Airport. 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 Mayor Gleason

**Against:** 1 - Council Member Baker

21. Receive an update and consider appointments to the Cooperative Governance Committee and provide direction to staff.

**Mayor Hughson volunteered to serve and nominated Deputy Mayor Pro Tem Alyssa Garza. After a roll call vote Council voted 6-0 to appoint Mayor Hughson and Deputy Mayor Pro Tem Garza with Council Member Prather abstaining.**

## **EXECUTIVE SESSION**

22. Executive Session in accordance with Sec. §551.071 of the Texas Government Code: Consultation with Attorney: To receive advice of legal counsel regarding the Purchase and Sale Agreement with Pursuant Ventures, LLC

**Mayor Hughson stated Executive Session was completed during the Work Session, and was not needed this evening.**

### **ACTION/DIRECTION FROM EXECUTIVE SESSION**

23. Consider action, by motion, or provide direction to Staff regarding the following Executive Session item held during the Work Session and/or Regular Meeting:  
Sec. §551.071 of the Texas Government Code: Consultation with Attorney: To receive advice of legal counsel regarding the Purchase and Sale Agreement with Pursuant Ventures, LLC

**Direction was provided to staff earlier this afternoon at the 3:00 p.m. meeting.**

#### **VI. Question and Answer Session with Press and Public.**

**Samantha DeFrost, asked if the pet store ordinance is going to grandfather in existing stores? Mayor Hughson stated it will be discussed at the council committee.**

**Lisa Marie Coppoletta, inquired about item #2 if the cost will be rolled to the taxpayers and if her question had been answered? Mayor Hughson stated the tax base is growing and she voted yes because she feels that it will not affect other taxpayers. Mayor stated it will be discussed at the budget policy workshop. Ms. Coppoletta asked if the city has explored revenue neutral? Mayor Hughson informed her that there is an upcoming budget policy workshop. She asked when will the public be able to view the itemized budget that the city council has? Mayor Hughson stated we have received documents that are in the agenda packets or on the website and the public has access to the same documents. Ms. Coppoletta stated the public does not have a breakdown of the budget.**

#### **VII. Adjournment.**

**Mayor Hughson adjourned the regular meeting of the City Council on Tuesday, February 1st, 2022 at 10:34 p.m.**

**Tammy K. Cook, City Clerk**

**Jane Hughson, Mayor**