



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes City Council

Tuesday, March 5, 2019

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 6:00 p.m. Tuesday, March 5, 2019 in the City Council Chambers, 630 E. Hopkins, San Marcos, Texas 78666.

II. Roll Call

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

III. Invocation

Pastor Peter Dusan with the Springs Church provided this evening's invocation.

IV. Pledges Of Allegiance - United States And Texas

Gael Valdez, from Texas Preparatory School-San Marcos led the assembly in the Pledges of Allegiance.

V. 30 Minute Citizen Comment Period

Sara Lee Underwood Myers, 1415 Harper Drive, she greeted the Mayor, Council and public. She thanked the City Manager for placing great people in positions to make our community better. She spoke about Tuesday evening's jam sessions at Crystal River Inn from 6:00 to 9:00 p.m. It is open to the public and free. They have opened their inn to allow musicians to play. She stated that they are doing a murder mystery dinner and that they need two more couples to finish this out. Thank you all for voting for her position on Human Services Advisory Board and stated that she is resigning because Tuesday evening's are her date night and this is the only time HSAB meets. She would like to be appointed to something else if Council sees a need. She provided that she has tickets to the lion's club Mexican dinner on March 15th.

Nikkye Vargas, did a land recognition prior to beginning her comments and thanked it for being a home to all of us. She spoke about how the water is the

reason why we are here and that our community is standing together for our unique environment. She stated that two things are clear, our water and our efforts and desire to protect it. She spoke in opposition to the Permian Highway Pipeline (PHP) and asked that council approve the resolution objecting to it to set precedence for any other company that follows. She spoke about a huge explosion that occurred this past Sunday in the panhandle. We can't afford a project like this, we will stand for our water now and always.

Zoe Foster, addressed the Council regarding a peer of hers that was hit by a car while crossing an intersection. She spoke about her concerns with pedestrian access in the Sessom areas. She asked the Council to have some sort of anything so that there can be safety of students, parents, cyclists and anyone that wants to get downtown.

Margo Handwerker, spoke about her concerns at the Sessom and Alamo Street intersection following a terrible accident where a student was hit by a car. She stated that she and her family moved here in 2016 and she works at Texas State. She stated that her office is at the corner of Sessom and Comanche. She stated nothing feels safer or more legal than crossing where this young lady crossed. She invited the council to her home and to walk with her or to urge City employees to flag projects that can make this area safer. With great emotion she stated that she could see the first responder lights from her office and she immediately thought it was her husband that was struck, it was not, but it could have been. It could have been any of us.

Kelly Stone, stated that she was on the Main Street Board and was able to attend the Town & Gown relations in Columbus Ohio. The city of Columbus recently removed five dams and this added an additional 33 acres of parkland to the downtown area. She would like Cape's Dam to be removed as Council approved the removal years ago. She stated that Council has taken steps in the right direction as they voted to recognize Indigenous People's Day instead of Columbus Day, so it's time to remove the dam. Free the River.

Jackie Lynn, addressed the Council to oppose the Permian Highway Pipeline. She stated that she has done everything that she can to educate herself about this project and has attended Kinder-Morgan presentations. She stated that no one is going to benefit from this project. She provided that our environment will be in danger and Kinder-Morgan is known for cutting corners with safety policies. She provided that you can educate yourself via several films including First Daughter and the Black Snake, Pipeline Fighters, and Bill Nye Saves the World regarding climate change. She also stated that

others are fighting pipelines around the world.

Ryan Perkins, spoke in support of the resolution opposing the pipeline. He stated that we live in Texas and that our leaders have allowed this to come forward and take people's private property and put our natural resources in jeopardy. Please follow suit and let Kinder-Morgan know that we are against this pipeline. He stated that this will be at our expense. We live in one of the fastest growing regions in the State and it will put all of our natural resources in danger. He also spoke on his concerns about the Hunter Road/Wonder World Intersection item regarding large truck traffic through this area.

Scott Cove, thanked the Council for representing us and thank you for hearing citizen requests for joining in solidarity with Hays County, the City of Kyle, the City of Woodcreek and so many that would be negatively impacted by the construction of this pipeline. He stated that a majority of us are made up of water and the idea that any company could risk our own lifeline to serve themselves is unacceptable and wake up call moment. The things that sustain our life should be held above profits and gain. He stated the natural gas that will run through this pipeline will be dangerous for us and the Earth. He hopes we can put the pressure on for investments and sustainable ways to have an energy system that doesn't put us at risk. We need to consider our future generations. He thanked the Council.

Karen Ford, representing SMARTER San Marcos and stated that she went to a luncheon in Austin where the Texas Audabon Society recognized four women in the State for their conservation efforts, Dianne Wassenich was one of these women. She stated that today made her more aware of the potential tragedy that could occur from a heavy industrial area such as the SMART Terminal. She created an overlay of the project and laid it over the city to show how much the area covered. She stated this is the terminal project that ate San Marcos.

Rob Roark, addressed the Council and thanked the Clerk's Office for all that they do to make sure that these meetings happen. He appreciates everyone that came out to speak about health and safety. He spoke about 5G networking and the health risks associated with it that we know nothing about. He stated that there is a lot of concern of health risks that have not been studied yet.

EXECUTIVE SESSION

1. Consider adoption or Staff direction regarding matters discussed in Executive Session in accordance with Section 551.087, Economic Development, to receive a staff briefing and

deliberate regarding a potential Chapter 380 Economic Development incentive agreement for Project World Series.

Mayor Hughson stated the Council provided direction to staff during Executive Session.

PRESENTATIONS

2. Receive the Annual Audit Report and highlights from the City of San Marcos' Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ended September 30, 2018 from the City's audit firm ABIP, P.C.

Heather Hurlbert, Director of Finance, provided a brief introduction of the audit report. She introduced Mr. Mike Deltoro, with ABIP, P.C., who presented the audit and stated that they did not find any issues during their review. He stated that the Auditor's opinion was unmodified which is the highest level of assurance the auditor can give. He stated that the General Fund balance increased by \$200,000. The issuance of bonds was discussed so there is still funding out there as these projects are ongoing. He reviewed the Electric, Water/Wastewater and stormwater funds as well and are all inline with a healthy fund balance. The WIC fund was reviewed they are happy to report they found no questionable costs or issues. He stated that the City of San Marcos is the longest recipient of the Government Finance Officers Association (GFOA) Certificate of Achievement in Financial Reporting in the State of Texas.

CONSENT AGENDA

A motion was made by Council Member Gonzales, seconded by Council Member Derrick, to approve the consent agenda with the exception of items #6,14,15, and 16. The motion carried by the following vote:

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

Against: 0

3. Consider approval, by motion, of the following meeting Minutes:
 - A) November 20, 2018 Work Session Meeting Minutes
 - B) January 15, 2019 Work Session Meeting Minutes
 - C) January 29, 2019 Work Session Meeting Minutes
 - D) February 5, 2019 Work Session Meeting Minutes
 - E) February 5, 2019 Regular Meeting Minutes
 - F) February 13, 2019 Budget Policy Workshop Meeting Minutes
 - G) February 19, 2019 Work Session Meeting Minutes
 - H) February 19, 2019 Regular Meeting Minutes

4. Consider approval of Ordinance 2019-09, on the second of two readings, amending Chapter 2, Article 3, Division 11 - Citizens Utility Advisory Board of the San Marcos City Code by; amending Section 2.271 - Composition, Section 2.272 - Terms of Office, Section 2.276 - Organization, and Section 2.278. - Bylaws and Open Meetings Act Compliance; including procedural provisions and providing an effective date.
5. Consider approval of Resolution 2019-36R, approving the award of a construction contract to Insituform Technologies, LLC for the Aquarena Springs Waterline Rehabilitation Project in the total amount of \$267,356.50 through the Texas Local Government BuyBoard Purchasing Cooperative (Contract No.555-18), contingent upon the contractor's timely submission of sufficient bonds and insurance in accordance with the City's construction contract documents for the project; authorizing the City Manager or his designee to execute the appropriate documents related to this contract on behalf of the City; and declaring an effective date.
6. Consider approval of Resolution 2019-37R, approving an Interlocal Cooperation Agreement between the City and Hays County establishing the Hays County Unmanned Robotics Team and providing the rights and duties of the parties thereto; authorizing the City Manager or his designee to execute this agreement on behalf of the City; and declaring an effective date.

A motion to approve and amend Resolution 2019-37R was made by Mayor Hughson, seconded by Council Member Mihalkanin, by adding the following statement to the end of number 12. PUBLIC INFORMATION OFFICER in the Interlocal agreement: "For operations occurring within the San Marcos city limits, media releases will be handled jointly by the City of San Marcos Office of Communications and the Hays County Sheriff's Office Public Information Officer."

The entire section will read: 12. PUBLIC INFORMATION OFFICER: In compliance with the Public Information Act, the Hays County Sheriff's Office will be responsible for the releasing of any information to the media as it relates to the Hays County Unmanned Robotics Team and its operations. For operations occurring within the San Marcos city limits, media releases will be handled jointly by the City of San Marcos Office of Communications and the Hays County Sheriff's Office Public Information Officer.

The motion to approve as amended carried by the following vote:

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

Against: 0

7. Consider approval of Resolution 2019-38R, awarding a contract to Townsend Tree

Service Company, LLC doing business as National Tree Expert Company for tree trimming services in the estimated total amount of \$847,392.00 over a four-year period contingent upon the bidder's timely submission of sufficient insurance in accordance with the City's bid documents; authorizing the purchasing manager to execute the appropriate purchasing documents on behalf of the City; and declaring an effective date.

8. Consider approval of Resolution 2019-39R, approving an addendum to the Master Lease Purchasing Financing Agreement with US Bancorp Government Leasing and Finance, Inc. that adds a dump truck, water truck, backhoe, steel roller, skid steer and trailer for the Public Services, Transportation Division as vehicles to be financed under the Agreement in the amount of \$524,550.60, inclusive of interest, for a seven year term; authorizing the City Manager or his designee to execute all appropriate documents associated with this transaction; and declaring an effective date.
9. Consider approval of Resolution 2019-40R, approving the purchase of a water truck for \$65,365.47 from Texas First Rentals through the BuyBoard Cooperative Contract, a Backhoe for \$88,865.97 from RDO Equipment through the Sourcewell Cooperative Contract, a Steel Roller for \$153,338.00 through the BuyBoard Cooperative Contract, a Skid Steer for \$44,475.18 through the Sourcewell Cooperative Contract, a Dump Truck for \$80,162.00 through the BuyBoard Cooperative Contract, and a Trailer for \$30,123.76 through the Sourcewell Cooperative Contract, each for use by the Public Services Department, Streets Division; authorizing the city manager or his designee to execute all appropriate documents to complete these purchases; and declaring an effective date.
10. Consider approval of Resolution 2019-41R, awarding an annual contract for lawn maintenance services to Landscape Commander, LLC in the estimated annual amount of \$60,450.00 for the Community Service Department, Parks and Recreation Division contingent upon the bidder's timely submission of sufficient insurance in accordance with the City's bid documents; authorizing the City Manager or his designee to execute the appropriate purchasing documents on behalf of the City; and declaring an effective date.
11. Consider approval of Resolution 2019-42R, approving the award of a construction contract to Ultimate Roofing Systems for the replacement of roofing at the San Marcos Regional Animal Shelter in the total amount of \$108,904.04 through the Texas Interlocal Purchasing System Cooperative (Contract No. 2092415) contingent upon the contractor's timely submission of sufficient bonds and insurance in accordance with the City's construction contract documents for the project; authorizing the City Manager or his designee to execute the appropriate documents related to this contract on behalf of the City; and declaring an effective date.
12. Consider approval of Resolution 2019-43R, approving the award of a construction contract to Ultimate Roofing Systems for replacement of roofing at the Price Center in the total amount of \$89,938.35 through the Texas Interlocal Purchasing System Cooperative (Contract No. 2092415) contingent upon the contractor's timely submission of sufficient bonds and insurance in accordance with the City's construction contract documents for the project; authorizing the City Manager or his designee to execute the appropriate documents related to this contract on behalf of the City; and declaring an effective date.

13. Consider approval of Resolution 2019-44R, approving the annual renewal of the agreement with Gene Bagwell doing business as Maintenance Management for the management and operation of the San Marcos Cemetery in the amount of \$148,345.34; authorizing the City Manager or his designee to execute the appropriate documents related to this contract extension on behalf of the City, and declaring an effective date.
14. Consider approval of Resolution 2019-45R, approving an Advance Funding Agreement with the State of Texas, acting through the Texas Department of Transportation (CSJ No. 3379-01-016), for the Hunter Road and Wonder World Drive Intersection Improvements Project, including the installation of median islands and pedestrian poles, reconstruction of sidewalks and curb ramps, and striping of crosswalks and bike lanes, with an estimated cost of participation by the city in the amount of \$28,126; authorizing the City Manager to execute said agreement on behalf of the City; and declaring an effective date.

Council inquired about the final design of this project. Staff informed Council this is only the funding agreement and this project will be brought back prior to final design for Council input.

A motion was made by Mayor Pro Tem Prewitt, seconded by Council Member Derrick, to approve Resolution 2019-45R. The motion carried by the following vote:

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

Against: 0

15. Consider approval of Resolution 2019-46R, approving the City Council's Strategic Initiatives for Fiscal Year 2020; and declaring an effective date.

A motion to approve and amend Resolution 2019-46R, was made by Mayor Hughson, seconded by Council Member Gonzales, by changing the Downtown Vitalization Key Priority Title to Downtown Vitality. The motion to approve as amended carried by the following vote:

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

Against: 0

16. Consider approval of Resolution 2019-47R, opposing the routing of the proposed Permian Highway Pipeline through Hays County; requesting immediate action from the State Legislature; and providing an effective date.

Greg Neal, a consultant with Kinder Morgan, provided a few statements and asked Council to reject the proposed Resolution as it is unnecessary and ill-conceived. He provided his family history and stated that his family is still

proudly serving the country in the military and in the oil/gas industry. This industry has been good to his family and he is sure it has benefited all of our families. He stated that there have been over 120 route changes since this pipeline was first proposed. He made comments about the historic floods we encountered and the aid and support we received at this time, we were proud to be Texans then. Are we now a community that says no based on an attitude of anti-government, anti-energy, and anti-commerce or are we still the pioneers committed to improving our lives and creating opportunity for all who are interested in able by utilizing resources wisely. We can protect our environment and our way of life at the same time now and for future generations. This resolution does nothing to address the stewardship of the resources we claim to value. He asked if anyone has noticed that this resolution punts to both houses of the Texas state government. Have those that oppose the PHP brought forth any evidence of the negative impact or is it just speculation. Have those that oppose been told that they are having a negative impact on the over 500 workers. If we have challenges lets find a way, If we have questions lets discover answers and if we have real difficulties lets work together.

Ashley Waymouth, Managing Director of Wimberley Valley Watershed Association spoke next. Ms. Waymouth has lived in San Marcos for nine years, and she is a ninth generation Texan. She provided that the Wimberley Valley Watershed Association has been doing studying our springs for 23 years. They are in no way against any energy company or it's employees directly. She reviewed the letters that were provided by Kinder-Morgan to property owners. She mentioned that they will bury the 42 inch line 36 inches below the surface unless they encounter rock. She reviewed the Aquifer recharge zone and indicates it will go straight through this zone. Scientists have been studying this process through dye trace studies. She explained dye was placed in the Blanco River in 2009 and the dye showed up in the San Marcos Springs. She stated that the Blanco River ultimately connects this entire area. This pipeline is threatening Barton Springs and the San Marcos Springs. The San Marcos River Foundation is working on a land trust to help preserve lands that help keep these watersheds protected. She reviewed various maps and addressed the karst features and how there are major karst features along this proposed pipeline. Any amount of digging and trenching could increase sedimentation into our springs. She displayed an image of Barton Springs illustrating the sedimentation that was increased from digging just one well in the Edwards Aquifer. She showed maps that illustrated where all the known natural springs are in the Hill Country.

The San Marcos Springs is the head waters for many endangered species such

as the blind salamander and Golden Cheek Warbler, their population is at risk. If the San Marcos Springs are impacted what do we think will happen to our economy? If we lose the San Marcos Springs how will Texas State draw students to their campus? We are not against the energy company or the pipeline, but against the route. They have other options to take and not to come through this area. We have identified that the evacuation zone for this pipeline has a 1.4 mile diameter. We are very concerned with the well being of our ground water and the Springs.

Mayor Pro Tem Prewitt asked why wouldn't Kinder-Morgan consider another route? Mr. Neel stated he is a consultant and his presentation is only to engage Kinder-Morgan in discussions instead of punting to the State level. He has no comment on re-routing. He stated that his comments reflect the interests of Kinder Morgan. He stated that this Resolution refers to taking this to the legislature in regards to action they would take. He suggested that there is opportunity to engage Kinder Morgan as opposed to passing this Resolution which would pass this to the State Legislature. The question was asked if Kinder Morgan would be amendable to changing this route? Mr. Neel stated that Kinder-Morgan has changed this routing over 120 times. Kinder Morgan does not want the Council to pass this Resolution in order to allow Council to have conversation with them. Mr. Neal stated that Mr. Alan Fore, Executive Vice President would be the appropriate person to answer any questions that the Council may have.

A motion was made by Council Member Derrick, seconded by Mayor Pro Tem Prewitt, to approve Resolution 2019-47R. The motion carried by the following vote:

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

Against: 0

PUBLIC HEARINGS

17. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2019-48R, approving a Budget Policy Statement for preparation of the 2019-2020 Fiscal Year budget; and declaring an effective date; and consider approval of Resolution 2019-48R.

Melissa Neel, Assistant Director of Finance, provided the City Council with a brief presentation.

Mayor Hughson opened the Public Hearing at 7:59 p.m. Those that spoke:

Lisa Marie Coppoletta, made general comments on Budget Policy and stated that we should prioritize sidewalk projects. She spoke on the lack of drainage at the Hunter Road bridge. She also asked that the City Arborist get more money in her budget so she can have a staff to assist her, she could really be an advocate for the public. She asked that council have a workshop on shovel tests. She asked that a portion of the City budget be put aside to perform these shovel tests.

Roland Saucedo, spoke to Council regarding the Sunset Acres project being moved up in the CIP and asked what work has been initiated by the City. He stated that it feels that this drainage project has been put on hold. He stated the drains have been flushed and Staff keeps an eye on this, but he hasn't seen any movement on it. Maybe be a little more elaborate regarding where the city is on these projects.

There being no further comments Mayor Hughson closed the Public Hearing at 8:05 p.m.

A motion was made by Mayor Pro Tem Prewitt, seconded by Council Member Gonzales, to approve Resolution 2019-48R. The motion carried by the following vote:

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

Against: 0

NON-CONSENT AGENDA

- 18. Consider approval of Ordinance 2019-10, on the first of two readings, amending the City's 2018-2019 Fiscal Year Budget to allocate a total amount not to exceed of \$65,000.00 from State Seized Asset Funds to provide funding for Unmanned Aerial Vehicle (drone) equipment and supporting hardware to support the capabilities of the Police Department's unmanned robotics team; and providing an effective date.**

A motion was made by Council Member Derrick, seconded by Council Member Rockeymoore, to approve Ordinance 2019-10, on the first of two readings. The motion carried by the following vote:

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

Against: 0

19. Consider the appointment of Tafari Robertson to serve as the representative of the Calaboose Museum on the San Marcos Innovation District Stakeholder Group, and provide direction to the City Manager.

A motion was made by Mayor Pro Tem Prewitt, seconded by Council Member Rockeymoore, to approve the appointment of Tafari Robertson to serve as the representative of the Calaboose Museum on the San Marcos Innovation District Stakeholder Group. The motion carried by the following vote:

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

Against: 0

VI. Question and Answer Session with Press and Public.

Roland Saucedo, asked questions regarding Project World Series: Have you reached out to the San Marcos Little League, Select League, Pony League and other organizations that use the ball fields? They receive money from concessions and agreements they have with the field. The Mayor stated that there is not a Little League organization, but there is a youth baseball organization. Staff will talk offline to address these concerns.

Lisa Marie Coppoletta, asked questions related to number #14 on the agenda: Has there been any prioritization on Hunter Road and the drainage in this area with the flooding under the Hunter Road Bridge? Why are we redoing it? Mayor Pro Tem Prewitt responded this was a TxDOT design. Mayor Hughson stated that standards have changed and that safety for pedestrians and bicyclists are of more concern.

VII. Adjournment.

Mayor Hughson adjourned the Regular Meeting of the San Marcos City Council at 8:19 p.m.

Jamie Lee Case, City Clerk

Jane Hughson, Mayor