



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes City Council

Tuesday, January 29, 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 6:03 p.m. Tuesday, January 29, 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, Mayor Pro Tem Ed Mihalkanin, Council Member Joca Marquez and Deputy Mayor Pro Tem Mark Rockeymoore

III. Invocation

Ben Nelson with St. Mark's Episcopal Church and daughter Cooper provided this evening's invocation.

IV. Pledges Of Allegiance - United States And Texas

Cooper Nelson, 5th Grade Student at Crockett Elementary, led this assembly in the Pledges of allegiance.

EXECUTIVE SESSION

1. Consider action, by motion, regarding 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 the S.M.A.R.T Terminal Project, and to receive a staff briefing and deliberate regarding the amendment to the Chapter 380 Economic Development incentive agreement with Urban Mining.

Direction was provided to Staff during Executive Session.

V. 30 Minute Citizen Comment Period

Lisa Marie Coppoletta, spoke on the sidewalk that is being developed in front of her house. There is a 5-foot sidewalk being planned and she stated that she has not received any information regarding the platting, the removal of trees, and the dig test results. She stated that a bus stop was discussed, however this bus stop is not existent on Bishop and Belvin, in fact it was eliminated from

the plan. She expressed her appreciation to members of Council that have listened and advocate for transportation. She mentioned that the kids getting off the bus don't walk in the direction of the proposed sidewalk, but in a different direction. The sidewalk being constructed does not connect Bishop to Hopkins or Dixon to Hopkins.

Rob Roark, spoke on item #10. He stated that we are stewards of our history and we have a park that was given to us from a family with the understanding that it would be kept. Now we want to give it a Historical Designation and he would like more info on the limits put on this. He spoke years ago at the Parks Board regarding the dam and he said if we did not deal with with the race and the dam this would be a problem. This is a historical place but what is it without the water? We need to look beyond this and know that it is about the history and what we do with the memories. We need to pass these along to the new people as we are stewards of the history of this city.

Zekarias Abnet, spoke in support of the Historical Designation of Capes Dam. He stated that many students make the decision to come here because of the river and makes up a big portion of the identity of this City. If we do not protect this this will be detrimental to businesses. He personally uses this area and invites family and friends to join him and spend time during Spring Break. If you fail to protect that dam that is money lost and he speaks for many students and we want that dam protected.

Sara Lee Underwood-Myers, spoke about CONA and the Bobcat Build. 36 neighborhoods are represented by CONA and they meet every third monday. Everyone is invited and this is an association not led by the City. She also invited everyone to attend Bobcat Build on Saturday, April 13th. She is grateful to the University and the services they offer. She indicated she signed up for help with clean up and she encourages others to do the same.

Cameron Crosby, has lived in Texas for about 5 years and now calls Texas State home. He was in occupational and rehabilitation therapy and he used the river for his therapy. He hopes to be able to speak on the behalf of the veteran community and the happiness and strength that is seen when they come off the river. He expresses his support of the historical designation of capes dam.

Gary Germer Jr., spoke on behalf of the Heritage Association of San Marcos. He gave background info on some of the historic restoration that have been made in the City and read the mission statement of the Heritage Association. The history of Cape's Dam and the Mill Race has been important on the

growth and without the river there would not be the growth we have seen. This dam is one of the oldest structures in this area it can not be downplayed so please say yes in designating Capes Dam a Historical Landmark.

Brad Bowen, retired Master Sergeant from the U. S. Army. Received his degree in Recreation Therapy after his service. He has helped rehabilitate veterans using the river starting at Sewell park past Cape's Dam and using the Mill Race. He expressed his support of designating Capes Dam a Historical Landmark.

Alfred McAlister, spoke about Capes Dam and said if you mention that you speak of Stokes park. He stated it is a typical East Side park and it was given by the Stokes family with the promise that it would be preserved as a whole structure. He has enjoyed this river for over 50 years. He said some people want the dam removed. He is upset about this and stated that he asked Thom Hardy what will happen if you remove the dam? What would happen to Stokes park.

Antonio Palacios, spoke in support Cape's Dam. It was here before us and veterans use it and we owe it to them. Please keep the dam.

Tricia Schneider, spoke as a Court Appointed Special Advocate (CASA) representative. She spoke about the groundbreaking for the new training and support center they will be locating to later this year. She explained that CASA is an organization, social services provider, that helps children that have been abused, neglected, or abandoned. CASA is a current HUD recipient through the CDBG Grant program and she asked Council to maintain their funding of their organization.

CONSENT AGENDA

A motion was made by Council Member Mihalkanin, seconded by Council Member Derrick, to approve the Consent Agenda with the exception of item #8 and 9, which were pulled and considered separately. The motion carried by the following vote:

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

Against: 0

- 2. Consider approval, by motion, of the following meeting Minutes:
A) January 15, 2019 - Regular Meeting Minutes**

3. Consider approval of Resolution 2019-13R, approving the award of an annual contract to Testamerica Laboratories, Inc. for analytical testing for water and wastewater services (IFB 219-090) in the initial annual contract amount of \$25,592.50; authorizing the City Manager to execute the appropriate documents related to this contract on behalf of the City; and declaring an effective date.
4. Consider approval of Resolution 2019-14R, awarding an Indefinite Delivery Indefinite Quantity (IDIQ) Master Contract for surface/edge milling to Alpha Paving Industries, LLC in the amount of \$239,250.00; authorizing the City Manager or his designee to execute the contract documents on behalf of the City; and declaring an effective date.
5. Consider approval of Resolution 2019-15R, approving an addendum to the Master Lease-Purchase Financing Agreement with Santander Bank, N.A. that adds a dump truck, street sweeper, compact track loader with mulcher, and trailer for use by the Public Services, drainage division as vehicles and equipment to be financed under the agreement in the amount of \$564,871.15, inclusive of interest, for a five year term; authorizing the City Manager or his designee to execute all appropriate documents associated with this transaction; and declaring an effective date.
6. Consider approval of Resolution 2019-16R, approving the purchase of a dump truck for \$163,208.68 from Rush Truck Center through the Buyboard Cooperative Contract, a Street Sweeper for \$238,800.00 from Burgoon Company through the TXMAS Cooperative Contract, a compact track loader with mulcher for \$99,774.80 from Waukesha-Pearce Industries through the Buyboard Cooperative Contract, and a trailer for \$12,957.00 from Tymco, Inc. through the HGACBUY Cooperative Contract, each for use by the Public Services, Drainage Division; authorizing the City Manager or his designee to execute all appropriate documents to complete these purchases; and declaring an effective date.
7. Consider approval of Resolution 2019-17R, approving a release of a Wastewater Easement running through View on the Square Apartments located along Guadalupe Street; authorizing the City Manager to execute the release of easement on behalf of the city; and declaring an effective date.
8. Consider approval of Resolution 2019-18R, authorizing the sale of three surplus police cars to the City of Kyle, Texas; finding that such conveyance serves the public purpose of fiscal responsibility for both the City of San Marcos and the City of Kyle; authorizing the City Manager to execute a contract and any and all documents as necessary to transfer title and convey the police cars to the City of Kyle; and declaring an effective date.

MAIN MOTION: A motion was made by Council Member Derrick, seconded by Council Member Mihalkanin, to approve Resolution 2019-18R.

MOTION TO AMEND: A motion was made by Mayor Hughson, seconded by Mayor Pro Tem Prewitt, to amend Section 1 of the used equipment purchase agreement, by striking the word "donated" and replacing it with "sold". The

Section is now titled: Equipment Sold. The motion carried by the following vote:

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

Against: 0

MAIN MOTION: to approve Resolution 2019-18R, as amended. The motion carried by the following vote:

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

Against: 0

9. Consider approval of Resolution 2019-19R, approving a renewal agreement between the City and Knight Security Systems LLC for the provision of professional high tech services, maintenance, and equipment related to security in the estimated amount of \$225,575.57 through the Texas Comptroller of Public Account's Department of Information Resources ("DIR") program (Contract DIR-TSO-3430) bringing the total contracted amount to \$260,194.74; authorizing the City Manager or his designee to execute the appropriate purchasing documents on behalf of the City; and declaring an effective date.

A motion was made by Council Member Mihalkanin, seconded by Mayor Pro Tem Prewitt, to approve Resolution 2019-19R. The motion carried by the following vote:

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

Against: 0

PUBLIC HEARINGS

10. Receive a Staff Presentation and hold a Public Hearing to receive comments for or against Ordinance 2019-04, amending section 4.5.2.1(b)(2) of the City's Development Code to establish the Thompson/Cape Dam and Ditch Engineering Structure near the intersection of Cape Road and the San Marcos River as a Local Historic Landmark; and including procedural provisions; and consider approval of Ordinance 2019-04, on the first of two readings.

Alison Brake, Historic Preservation Officer and Planner, provided a Staff presentation outlining the history and location of the Thompson/Cape Dam and Ditch Engineering Structure. It was determined eligible for listing on the National Register of Historic Places (NRHP) in 1985. The Dam was built in 1867 and consists of three structures: the dam, ditch, and wheel pit &

machinery platform.

The Historical Preservation Commission recommended approval of designating Thompson/Cape Dam and Ditch Engineering Structure as a local historic landmark 4-2. The Planning & Zoning Commission denied recommendation 5-4. A super majority vote by Council would be required for approval.

Mayor Hughson opened the Public Hearing at 6:55 p.m.

Those who spoke:

Kelly Stone, stated the legislature recently removed a piece of history from the State Capital. She feels it was put there as a reminder that the white man has the power and they determine what is considered history. She made a comment stating this white man can put a dam up wherever he wants. She is thankful more women and people of color have been elected that said enough is enough and that version of history is short sided and is plain wrong. She stated this dam is dangerous to vegetative, aquatic, and human life. She ended by saying "Cape's needs to go, its about dam time."

Frank Arredondo, has been a resident for 72 years. He has dedicated his time to civic activity, to represent those that can not speak for themselves. He stated it is time to take back what is ours. We went to the river, Capes Dam, the waterfall and he explained how beautiful it is. It needs to be there for the future generations. He asked that Council make the historical designation of Cape's dam. He ended his comments with a saying from his grandfather "son, everything changes except man's stupidity."

Ryan Patrick Perkins, spoke in support of the historical designation and we want to maintain the river. We do not need 75 pages of documents to tell us this area is historical. This river brings us together, it is a landmark. We need to take a holistic approach to what our cultural resources are and the identity of our community. What do we value and what do we respect. We need to put value on our landscape and our history. Please consider making this landmark designation.

**Linda Coker, is a member of the Hays County Historical Commission. Tonight Ms. Coker read a letter from one of the State's Top Preservationist and President of the Hays County Historical Commission, Kate Johnson.
"To the Honorable Mayor Hughson and Members of the San Marcos City**

Council:

I regret to inform you that I will be unable to attend the City Council meeting scheduled for this Tuesday, January 29th, at which time you will be considering the local historic landmark designation of Cape's Dam and Engineering Structure. As you are well aware, this has been very important to me. But I have a family engagement that has been scheduled for many weeks, and I must be with them.

I don't believe it is necessary for me to restate how important the Hays County Historical Commission believes Cape's Dam is to the history of the development of San Marcos. I have appeared before you on numerous occasions as chair of the county historical commission to discuss the historical significance of the dam, millrace and its associated features. It's continued recognition as being eligible for listing on the National Register of Historic Places should be more than sufficient to convince anyone of its historic and engineering significance.

I do, however, want to make one thing clear to the members of the City Council. A historic designation, whether local, state or national, is a very separate matter from the actual restoration or preservation of the building or structure. Historic designation never requires the subsequent restoration of a structure, nor does it even insure that this will eventually be a reality.

The question before the San Marcos City Council is simply: does Cape's Dam meet the city's requirements for historic designation. As the city's requirements are based on those of the National Register of Historic Places, and the dam and mill race are eligible for the National Register - the answer is simply - yes.

No one is asking the City of San Marcos to preserve, restore or rehabilitate the dam. And historic designation does not prevent a demolition permit from being issued by the City.

All that is under consideration is the historic designation of a dam and millrace that made enormous contributions to the early history of San Marcos and Hays County. Those contributions should be recognized by the City of San Marcos, regardless of what future decisions may ultimately be made for its preservation.

I'm looking forward to your decision. I am confident you will choose to recognize the history of San Marcos."

Dava Flowers, student at San Marcos High School. She has done a lot of research on Cape's Dam. She stated we need to look at preservation and historical designation at two different levels. We can overlook the historical significance and fear that it could influence the debate on removal. City Council has responsibility to see the whole picture regardless of precedence. If precedence is of concern, she reminded Council that landmark status can be granted prior to demolition of a site. Landmark status does not keep a structure from being removed for safety reason. She has done a lot of research over the last year on Cape's Camp and believes it deserves historical designation. This dam helps us understand how residents utilized technology at the first industrial movement of Hays County. She asked Council to please your scope to recognize the historical value above all else.

Amanda Alexander, stated that At the end of the meeting it is your decision to determine if historical preservation financial, safety and environmental cost is preferable over the removal of the dam. We have a fiscal, moral and historical responsibility to remove the dam. We need to allow the river to run freely again.

Charles Soechting, stated he does not understand why this is such a hard decision to make this a historical designation. City Staff has even recommended designation status. He stated there are many people who want the river to go back to the way it was and he stated he has seen many changes in San Marcos. However, changes do happen and you can not go back to the way things were. The decision tonight is whether this designation meets our criteria, and it does. This has been approved since the mid 80s to allow this designation and there are many that have showed support of this dam. With approval, a lot of heritage will be preserved.

Virginia Parker, stated that she has paddled the safari and we can all recognize what a special place this area is. Her concern is the safety of the area. If this is deemed a historical location, and if something like a piece of rebar pops up, we Council be able to properly fix this issue? Another concern is the bacteria levels. She has two children now and she mentioned the bacteria levels are already high in that area and if we keep the mill race the bacteria levels rise even more during drought situations. Please consider the safety aspect of the entire area.

Jordan Buckley, quoted Zora Neale Hurston "If you are silent about your pain, they will kill you and say you enjoyed it." Mr. Buckley made the

following comments: " William Alexander Thompson did not, by himself, dig out the ditch later to be reinforced in 1867 as the dam and mill race discussed tonight. No, Mr. Thompson was a slaver. When Thompson moved to Texas, he brought 8 enslaved families with him to build up his wealth by performing the bulk of the plantations labor under a constant threat of violence. The people that Mr. Thompson held against their will, in 1852, carved out a ditch 1,850 feet long, 10 feet wide & 3 feet deep, according to Hays County records.

So, if we are here to commemorate local history, lets be honest about that history. In 1994, applicants for the so-called Thompson Islands Historical Marker were, in fact, dishonest about our local history.

I hold a copy of a letter sent by the Texas Historical Commission that year. It takes issue with the depiction of our local history by the San Marcos applicants, stating their refusal to recognize the crucial labor of dozens of individuals held in bondage by the Thompson clan — a false rendition of history that “would essentially leave out an important part of the history — that is, the fact that African Americans played an important role in the history of the business.”

While we may never know all the names & stories of everyone enslaved by the Thompsons, research at the Public Library reveals an individual called “A Man” lived on the plantation throughout the 1860s. It is quite possible his forced labor, and the forced labor of his family, contributed to the construction.

A century and a half before Tom Brady became a household name due to football, it was also the name of the youngest of twelve children of a family enslaved by the Thompsons. I was unable to find the names of everyone in the Brady family, forced to toil against their will to create considerable profit for the Thompsons, but Tom’s father’s name was Steven Brady & a few of Tom’s brothers were named Alonzo, Freeman & Walt.

As I mentioned, the Thompsons already enslaved at least eight families upon moving to the San Marcos area several years before, but in 1860 the Thompsons also enslaved the Brady family. Tom’s mother was forced to regularly prepare meals for the Thompsons, while her children labored under the punishing Texas sun in the plantation.

For my part, I no longer refer to the park as “Thompson’s Island”. I now call that area “Brady Island” as a tribute to the family who lived there -- & whose

labor actually made possible the spectacular, unearned wealth of the Thompsons, for generations to follow.

Many of you have visited the Cephas House, across from the Calaboose Museum. It was Mr. Thompson who purchased Joe Cephas from a slave auction in New Orleans and brought him against his will to San Marcos. Later, Mr. Cephas, a blacksmith, would help construct the water-wheel used on Cape's Dam sluiceway.

I don't care how you vote to acknowledge the history of this dam & mill race, but I implore this body and the community at large to be truthful about the reality behind its existence.

If we are going to recognize local history in an honest way, then we must admit the ugly legacy that violent white supremacy has played in San Marcos. But white supremacy continues to persist when we irresponsibly re-write history in a way to conveniently overlook that trauma & violence, and choose instead to erase the individuals whose reprehensible bondage was truly the backbone of the early San Marcos economy."

Cathy Dillon, stated that she and her husband moved here in 1984. Most weekends were dedicated to canoeing and enjoying the river. They later opened a Historical Hotel in downtown and over the last 35 years they have continued spending a lot of time on the river and have brought thousands of people to the river and to this town. Tourism is their life. She stated that Capes Dam must stay, is is the original industrial complex in San Marcos and we must acknowledge this. This area deserves more than just a marker the dam was built to divert water in order to grind grain. This dam mattered to the origins of this town. Of course there are details that need to be discussed and worked out, but the whole dam complex is eligible for historic designation. Why would we not designate. She stated history matters.

Dianne Wassenich, spoke as a representative of the San Marcos River Foundation. She has written Council regarding what she feels is important. In hearing those that spoke tonight she believes they have very limited information and misinformation has been put out there. We have history lying all around Rio Vista dam, the gears, the mill race. This is all about keeping the dam. The public needs to understand that the dam is harmful, the species are in danger, that spot gets hot because the river is split. Bacterial levels are high. This sediment piles up and creates shallow mushy areas above the dam. The island is being washed away. All these issues need to be addressed. It doesn't

matter if you designate or not there are other issues that need to be addressed.

Roland Saucedo, stated that it is important to look at the agenda item and that it is declaring a historical designation and many other speakers have stated it meets the criteria, but designating this does nothing to save this dam or remove this dam. It is part of his history because he learned how to canoe as a boy scout. He has taken nieces and nephews out to this part of the river. Regardless of what happens to the dam, a marker would atleast identify that area was of historical significance. The Civil Air Patrol facility was declared a historical landmark however years later it was demolished because it was deemed unsafe. He stated there is correspondence between the Army Corp of Engineers and Texas Historical Preservation Commission and these need to be reviewed by Council. He stated the Army Corp of Engineers is the only agency that can remove this structure.

Rodney Van Ouderkerke, gave a brief background stating that he has served as the chair of the Historic Preservation Commission and Hays County Historic Preservation Commission and Heritage Association Member. When he brought the idea of having Dunbar designated as a Historic neighborhood it was highly scrutinized. What we realized as a commission is we need to determine what is considered historical structures. Just because something is designated as historical that does not mean it won't get repaired.

Raven Stokes, spoke on the history and feels there is negativity on how the dam was built, however she believes a historical designation should be made. She believes the dam should be removed because of health and safety issues that were mentioned by previous speakers. She believes the City should be able to move on past the history and make new memories.

David Montolongo, stated that many people have come here to speak tonight and he wants Council to really listen to what the citizens are asking. There is alot of history in San Marcos and developments have destroyed much of this history. Please do not let Cape's Dam be another issue that the City makes without listening to the citizens.

Griffin Spell, stated he is not an attorney, so when he has questions about law he contacts an attorney. He is not a kayaker, so if he has questions on kayaking the river and the mill race, he contacts people that kayak that part of the river. He seeks out experts and does not rely on his own instincts. He is not an expert on historic preservation, but he has learned alot and is getting better. Every expert we have trusted and spoken to say Cape's Dam has something

worth recognizing, so please don't forget that.

Marisola Suarez, She is a native of San Marcos and she stated that seeing the City change so much is sad. She realizes changes happen, but she asked Council to please keep the Dam.

There being no other speakers, the Mayor closed the Public Hearing at 7:40 p.m.

City Manager Bert Lumbreras suggested postponement of this item as many questions came in and to better inform Council.

MOTION TO POSTPONE: A motion was made by Mayor Hughson, seconded by Council Member Derrick, to postpone this item and bring back within six months or less. The motion carried by the following vote:

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

Against: 1 - Mayor Pro Tem Mihalkanin

NON-CONSENT AGENDA

11. Consider approval of Ordinance 2019-05, on the first of two readings, amending the City's 2018-2019 Fiscal Year Budget to allocate up to \$8,250,000 to be applied toward the costs for construction of the Rattler Electric Substation off of Clovis Barker Road near Leah Avenue; and providing an effective date.

Tyler Hjorth, Assistant Director - Electric Utility, provided a brief update on this budget amendment.

A motion was made by Council Member Rockeymoore, seconded by Council Member Derrick, to approve Ordinance 2019-05, 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, Mayor Pro Tem Mihalkanin, Council Member Marquez and Deputy Mayor Pro Tem Rockeymoore

Against: 0

12. Consider approval of Ordinance 2019-06, on first and final reading as allowed by Texas Government Code 1201.028, amending Ordinance 2019-03 authorizing the issuance of the "City of San Marcos, Texas Special Assessment Revenue Bonds, Series 2019 (Trace Public Improvement District)"; approving and authorizing an Indenture of Trust, a Bond Purchase Agreement, an offering Memorandum, a continuing Disclosure Agreement and other Agreements and documents in connection therewith including amendments to the Financing Agreement and Acquisition and Reimbursement

Agreement; making findings with respect to the issuance of such bonds; and providing an effective date.

A motion was made by Council Member Mihalkanin, seconded by Council Member Gonzales, to approve Ordinance 2019-06, on first and final reading. The motion carried by the following vote:

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

Against: 0

13. Consider approval of Resolution 2019-12R, amending the Business Improvement and Growth (BIG) Grant Program guidelines to prohibit City employees and officials from benefiting from BIG Grant Program Funds and to clarify program eligibility and intent; and declaring an effective date.

MAIN MOTION: A motion was made by Council Member Rockeymoore, seconded by Mayor Pro Tem Prewitt, to approve Resolution 2019-12R.

MOTION TO AMEND: A motion was made by Council Member Derrick, seconded by Mayor Pro Tem Prewitt, to make the following amendments to Exhibit A of Resolution 2019-12R:

Under: Who is eligible for the BIG Grant Program?

Remove the following text:

Council Appointees, Assistant City Managers and Directors are ineligible to apply for or receive BIG Program funds;

• Former city council members are ineligible to apply for or receive BIG program funds

for one year after leaving office;

• BIG Program funds may not be awarded for any improvements to property or

buildings owned in whole or in part by any city employee or official, or their immediate family members (spouse, children, siblings, parents), or any business

organization of which such persons are equity owners, shareholders, members, partners or officers;

• All owners and partial owners of property or buildings to be benefitted by BIG

program funds must be disclosed on the funding application; and

And INSERT the following text:

“Council Appointees, Assistant City Managers and Directors, are ineligible to apply for or receive BIG Program funds.

“Former City Council members are ineligible to apply for or receive BIG program funds for one year after leaving office”

The motion carried by the following vote:

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

Against: 0

MOTION TO AMEND: Mayor Hughson noted that she should not have stated that the last item was to be removed. To correct her error she made a motion, seconded by Council Member Derrick, to INSERT

• All owners and partial owners of property or buildings to be benefitted by BIG program funds must be disclosed on the funding application; and

The motion carried by the following vote:

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

Against: 0

MAIN MOTION: to approve Resolution 2019-12R, as amended. The motion carried by the following vote:

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

Against: 0

14. Consider approval of Resolution 2019-20R, making appointments to Board Positions 5, 7 and 8, and reconfirming the appointment of Board Positions 6 and 9, on the Board of Directors of the Alliance Regional Water Authority (ARWA), formally known as the Hays Caldwell Public Utility Agency; and declaring an effective date.

A motion was made by Council Member Derrick, seconded by Mayor Pro Tem Prewitt, to approve Resolution 2019-20R by appointing Council Member Mark Rockeymoore, reappointing Jon Clack and Steve Parker; and reconfirming the appointment of Mayor Hughson and Tom Taggart to the Alliance Regional Water Authority. The motion carried by the following vote:

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

Against: 0

15. Consider approval of Resolution 2019-21R, approving an amendment to the Chapter 380

Economic Development Incentive Agreement with Urban Mining Company and Urban Mining Development, LLC that extends the date by which the company shall begin construction of its facilities, provides for the company to dedicate land to the City for the Rattler Electric Substation and provides for offsets against any grant payments due for any unpaid amounts under a contribution in aid of construction agreement related to the construction of said substation; authorizing the City Manager to execute the agreement; and declaring an effective date.

A motion was made by Council Member Gonzales, seconded by Council Member Rockey Moore, to approve Resolution 2019-21R. The motion carried by the following vote:

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

Against: 0

16. Consider approval of Resolution 2019-22R, approving a contribution in aid of construction agreement with Urban Mining Company and Urban Mining Development, LLC to provide for the mutual participation in the cost of constructing the Rattler Electric Substation off of Clovis Barker Road near Leah Avenue; and declaring an effective date.

A motion was made by Mayor Pro Tem Prewitt, seconded by Council Member Derrick, to approve Resolution 2019-22R. The motion carried by the following vote:

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

Against: 0

17. Consider approval of Resolution 2019-23R, approving a third amendment to the term sheet attached to Resolution 2014-143 regarding the advisability of the improvements in the Whisper Public Improvement District for the purpose of extending the date by which construction of the public improvements must be completed by May 31, 2019 and creating Traffic Impact Analysis criteria for the development; and declaring an effective date.

A motion was made by Council Member Derrick, seconded by Mayor Pro Tem Prewitt, to approve Resolution 2019-23R. The motion carried by the following vote:

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

Against: 0

18. Hold discussion regarding Community Development Block Grant (CDBG) Application

criteria, and provide direction to Staff.

Mayor Hughson introduced this item and Council discussed the Community Development Block Grant (CDBG) application criteria. Currently the application indicates funds can not be utilized for personnel costs. Discussion was held to determine if this statement should be removed from the application and consensus is to remove and allow for personnel funding, but Council will make sure priorities are aligned when allocating CDBG funding.

19. City Council Reports:

- a) Mayor Hughson will provide a brief update regarding her membership on various Capital Area Council of Governments (CAPCOG) committees.
- b) Mayor Hughson will provide a brief update related to her membership on the Capital Area Metro Planning Organization (CAMPO).
- c) Mayor Hughson will provide a brief update regarding a recent visit to Bautex, at their request.
- d) Mayor Hughson will provide a brief update regarding the recent City Council Visioning Workshop that was held on January 11, 2019.
- e) Legislative Committee - Mayor Hughson, Council Member Mihalkanin and Council Member Derrick will provide an update regarding their recent attendance to State Representative Erin Zwiener's swearing in ceremony.

Mayor Hughson provided a short update on all items with the exception of Items A and B which she indicated written correspondence would be sent to Council.

VI. Question and Answer Session with Press and Public.

None.

VII. Adjournment.

Mayor Hughson adjourned the Regular Meeting of the San Marcos City Council Tuesday, January 29, 2019 at 9:41 p.m.

Jamie Lee Case, TRMC, City Clerk

Jane Hughson, Mayor