



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes City Council

Tuesday, December 19, 2017

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 Thomaides at 6:02 p.m. Tuesday, December 19, 2017 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, Deputy Mayor Pro Tem Scott Gregson, Council Member Melissa Derrick, Council Member Jane Hughson, Mayor John Thomaides and Council Member Ed Mihalkanin

III. Invocation

A moment of silence was observed.

IV. Pledges Of Allegiance - United States And Texas

Mayor Thomaides led the assembly in the Pledges of Allegiance.

V. 30 Minute Citizen Comment Period

Dianne Wassenich, addressed the Council as a representative of the San Marcos River Foundation. She spoke about the recent land donation on the Eastside of San Marcos. She stated that she looks forward to working with City Staff and consultants. She applauded the Council for moving forward with the Texas Water Development Board loan application. She played a 19 second video showing rainfall entering a cave on the property.

Stephen Ramirez, spoke to the Council as the president of the San Marcos River Foundation and encouraged Council to approve the loan application to the Texas Water Development Board to purchase the Millican Tract and pay off the Grady Early tract that the City recently purchased. He stated that these land acquisition projects will have long term benefits for the river and wildlife. He stated that its not always the 100 year floods that reunion lives its the next one that is bigger. He said that this deal can't be beat and development ordinances alone are not a safety net.

Sherwood Bishop, San Marcos Greenbelt Alliance, he spoke in favor of the Texas Water Development Board Application and explained two maps that he provided the Council illustrating the greenbelt alliances dream of a loop going around San Marcos. The second one shows how much has been accomplished and it has come a long way. There is also a feeder creek that protects this land and will provide flood mitigation and water quality protection. There has been a lot of land that is acquired by grants or donations and at very little to no cost to the City. The is at an advantage to get a low interest loan. Please vote yes to continue this process and purchase the property.

EXECUTIVE SESSION

1. Consider action, by motion, or provide direction to Staff regarding the following Executive Session items in accordance with Section §551.074 of the Texas Government Code: Personnel Matters - to discuss the duties of the City Manager regarding the meet & confer negotiation process; and in accordance with Section §551.071: Consultation with Attorney - regarding a pending claim of damage to property located at 880 River Road.

A motion was made by Mayor Thomaides, seconded by Deputy Mayor Pro Tem Gregson, to authorize the City Attorney and City Manager to execute documents to settle a claim for damage for property located at 880 River Road in San Marcos and the payment of the Sum of \$100,000 to the Konze Family Trust in settlement of the claim. The motion carried by the following vote:

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

Against: 0

Absent: 1 - Mayor Pro Tem Prewitt

CONSENT AGENDA

A motion was made by Deputy Mayor Pro Tem Gregson, seconded by Mayor Pro Tem Prewitt, to approve the consent agenda. Council Member Hughson voted no on item # 6. The motion carried by the following vote:

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

Against: 0

2. Consider approval, by motion, of the following meeting Minutes:
 - A) December 5, 2017 - Work Session Meeting Minutes
 - B) December 5, 2017 - Regular Meeting Minutes
3. Consider approval of Ordinance 2017-67, on the second of two readings, amending

Section 2.041 of the City Code to update the frequency of regular meetings per month as authorized by the voters in the recent Special Charter Amendment Election; including procedural provisions; and declaring an effective date.

4. Consider approval of Resolution 2017-183R, approving a Developer Participation Agreement between the City and Whisper Master Community Limited Partnership providing for the City's participation in the cost of oversizing certain Public Street Improvements in the estimated amount of \$1,592,681.86; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.
5. Consider approval of Resolution 2017-184R, approving a master agreement between the City and Lockwood Andres and Newnam Inc. for the provision of professional Engineering services in connection with the Purgatory Creek Watershed Storm Drain Study, in the estimated amount of \$252,605.00 contingent upon the Engineer's provision of sufficient insurance in accordance with the attached agreement; authorizing the City Manager or his designee to execute this agreement on behalf of the City; and declaring an effective date.
6. Consider approval of Resolution 2017-185R, approving a license agreement with JDSI Celmark VOTS, LLC. To allow hardscape and patio improvements to encroach over a drainage easement at the View on the Square Apartments located at 228 South Guadalupe Street; authorizing the City Manager to execute the license agreement on behalf of the City; and declaring an effective date.
7. Consider approval of Resolution 2017-186R, approving the purchase of a mini excavator for the Public Services Department-Transportation Division in the total purchase amount of \$77,922.00 from Pipehunter Inc. through the Texas Local Government Purchasing Cooperative Buyboard contract for construction equipment, road and bridge equipment, ditching, trenching, utility and other equipment (Contract #515-16); authorizing the City Manager or his designee to execute the appropriate purchase documents on behalf of the City; and declaring an effective date.
8. Consider approval of Resolution 2017-187R, in connection with the rate increase filing made on about November 16, 2017 by CenterPoint Energy Resources Corporation, d/b/a, CenterPoint Energy Entex and CenterPoint Energy Texas Gas, for its South Texas Division; authorizing intervention in proceedings at the Railroad Commission of Texas and related proceedings; finding that the meeting complies with the Open Meetings Act; making other findings and provisions related to the subject; and declaring an effective date.

PUBLIC HEARINGS - 6:00 PM

9. 6:00PM Receive a Staff presentation and hold a Public Hearing to receive comments to discuss the proposed San Marcos Development Code (Code SMTX), and associated design manuals, Preferred Scenario Map amendments, Comprehensive Plan text amendments, and City Code text amendments.

Mayor Thomaides opened the Public Hearing at 7:04 p.m.

Those who spoke:

Kenneth Dees, thanked the Council for adjusting the agenda to allow Public Hearings to begin earlier in the meetings. He stated there are lot of good things in the new Code. However there is a glaring error related to the neighborhood section in Chapter 4 which allows for existing established neighborhoods to be modified. He hopes this will be changed. There are high intensity areas in the code to allow this type of development in downtown and this area will never be the same, but neighborhood districts don't need to be altered and should be protected. If you want to build in SF 6 then you build to SF 6 standards and keep the integrity of the neighborhood.

Diana Baker, spoke about her personal experience with Neighborhood Character Studies. Years ago we were told we are coming out with consultants in your neighborhood, we walked the neighborhood with all of them. She doesn't know how we can trust anyone at the City because it seems like everything just goes away. This doesn't inspire trust among citizens.

Cathy Dillon, stated that she doesn't know a lot about Code SMTX, but spoke of the fears that others have regarding the neighborhood character studies. She stated that some are against these studies and she doesn't know why. She doesn't want to wake up one day and there be a three story building in their neighborhood.

Karen Brown, read a letter from her daughter Kama Davis that was sent to council:

Thank you for your service. At Tuesdays meeting, when it comes time to vote on whether to conduct, use, and complete Neighborhood Character Studies, I have faith that our city will do what is right and simply follow the rules we have in place. As you know, Section 1.5.7.5. in San Marcos' Master Plan requires that Neighborhood Character studies be conducted, used, and completed, the same way it requires traffic and drainage studies to be completed.

We have rules and regulations for a reason. The City Council who created the Master Plan and put in 1.5.7.5. did so with great thought, planning, and steady deliberation. They made it mandatory to complete Neighborhood Character Studies. It seems there should be no questions on the table. There is nothing to ponder. There is no debate to be had. We do not get to pick and choose

which rules we will act in accordance with. There is only one thing to do, and that is to adhere to what the rules instruct us to do.

If we do not want to follow Section 1.5.7.5., we need to change it. And, if we choose to change it, we need to do it with the same care our previous City Council used to establish it. The regulations are in place to protect and guide everyone - citizens, developers, city planners, and public servants alike. For those who wish to bypass our directives, no matter what their stated motives are, we need to stand together and send a clear message that they also have to play by our rules.

At this point, all we must do is comply with the rules. Please vote to conduct, use, and complete Neighborhood Character Studies before neighborhood districts are even considered.

Griffin Spell, cautiously in support of Code SMTX. He is concerned about density within the neighborhoods and it is a defining character. We need to be very clear where we are with density when approving the Code. Another concern was with Neighborhood Studies. Council asked to refer the item back to the Historic Preservation Commission to collect more information regarding these studies, but this seems confusing to bring about such a radical change in the Code without all the information we need. If the Master Plan says we should have these in place then why are we considering not having these in place. We just need to make sure we have all the information needed.

John David Carson, works in San Marcos and serves on Code SMTX Think Tank and elected as Chair by his peers. He spoke on how Code SMTX was drafted. The first thing done was to gather information on Neighborhood Character study. Meetings were held to gather input from all citizens not just the usual voices. Some concerns that came from these meetings included a near universal dissatisfaction with the products being delivered by Zoning Districts such as PDDs, MF-12, MF-18, and MF-24, second was the need for more diverse housing types called for by the Comprehensive Master Plan, and third was a call for little to no change. He stated that Planning and Zoning's recent recommendation to remove Neighborhood Districts and keep Legacy Districts is the definition of a reactionary policy and it was made without an understanding of what is in Code SMTX. He asked Council to move forward with the Code SMTX proposal but continue neighborhood studies.

Sarah Simpson, she stated that she would like to correct some comments that were made against the missing middle housing type at a November Planning

and Zoning Commission meeting. She spoke of the small group that does not represent the under represented neighborhoods. She asked Council to please consider the silent majority rather than listening to only a vocal few and move forward with the full adoption of the Code SMTX proposal.

James baker, asked that Council uphold Planning and Zoning recommendation and take out Neighborhood Districts from Code SMTX. He asked those in support of this in the audience to raise their hand. He provided a letter to Council and stated the neighborhoods around the university are most at risk and they are not acting out of fear or ignorance. There is a real chance that investor properties will increase. The only fear he sees is the fear of character studies. We need to see what is appropriate for each area and the Master Plan commands us to protect neighborhoods.

Roland Saucedo, stated that he has spoken with Abigail Gillfilan and she is always available to answer his questions and meet with anyone. The community needs to restore their trust in the Mayor and City Council. He stated this is our town and you need to listen to the citizens. Listen to what the citizens are saying even if it is a small group and to act on our behalf and be conscience of the decision you make. Please listen to what the people are asking.

Sharon O'Neal, stated she was under the assumption that the Code would be driven by the Neighborhood Character Studies and it appears that they have been replaced with Neighborhood Character Districts. She feels like they have been abandoned in their efforts. She asked council go forward with Planning & Zoning recommendation to take out neighborhood districts

Amy meeks, she thanked the Council for their service. She stated Neighborhood Districts will change existing neighborhoods. Please listen to the people when they tell you they don't want them. Affordable housing is the reason discussed for these neighborhood districts and this will not provide or deliver affordable housing. She asked that neighborhood character studies be completed before making decision

Paul Murray, stated his neighborhood was probably the most involved. He stated that he likes the entire Code SMTX document but is concerned about the Neighborhood Character Studies. He asked Council to pass the Code and complete the Neighborhood Character Studies.

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

10. 6:00PM Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2017-68, annexing into the City approximately 59.734 acres of land, being Phase 1, Section 1, La Cima Subdivision, located West of the intersection of Old Ranch Road 12 and the extension of Wonder World Drive; approving a service plan for this area; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2017-68, on the first of two readings.

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

Mayor Thomaides opened the Public Hearing at 9:30 p.m.

Those who spoke:

Don Eysen, feels the City gives away a lot. He asked if the City will be responsible for what the developer brings in. Please make the developers pay then annex into the City after this. These developers want to be here.

There being no further comments the Mayor closed the Public Hearing at 9:31 p.m.

A motion was made by Deputy Mayor Pro Tem Gregson, seconded by Mayor Pro Tem Prewitt, to approve Ordinance 2017-68, on the first of two readings. The motion carried by the following vote:

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

Against: 0

11. 6:00PM Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2017-188R, approving the issuance of a permit to operate a taxicab business to San Marcos Taxi, LLC, subject to submission of proof of required insurance; and declaring an effective date.

Mayor Thomaides opened the Public Hearing at 9:34 p.m.

There being no further comments the Mayor closed the Public Hearing at 9:34 p.m.

A motion was made by Council Member Derrick, seconded by Deputy Mayor Pro Tem Gregson, to approve Resolution 2017-188R. The motion carried by the following vote:

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

Against: 0

NON-CONSENT AGENDA

12. Consider approval of Ordinance 2017-69, on the first of two readings, amending Ordinance 2017-46 creating a designated permit area that allows parking by permit only from 3:00 P.M. to 9:00 P.M. daily on the west side of the 400 block of McGehee Street between Cheatham Street and Grove Street by making the area a Tow-Away Zone as authorized by Section 82.161 of the City Code; amending the traffic register to reflect such designation; and providing for an effective date.

A motion was made by Council Member Hughson, seconded by Deputy Mayor Pro Tem Gregson, to approve Ordinance 2017-69, on the first of two readings.

The motion failed by the following vote:

For: 1 - Council Member Gonzales

Against: 6 - Mayor Pro Tem Prewitt, Deputy Mayor Pro Tem Gregson, Council Member Derrick, Council Member Hughson, Mayor Thomaides and Council Member Mihalkanin

13. Consider approval of Ordinance 2017-70, on the first of two readings, amending Chapter 74 of the San Marcos City Code by creating a new Article 7 for the purpose of regulating the placement and maintenance of newsracks on City sidewalks and Rights-of-Way; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

A motion was made by Council Member Derrick, seconded by Deputy Mayor Pro Tem Gregson, to approve Ordinance 2017-70, on the first of two readings.

The motion carried by the following vote:

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

Against: 0

14. Consider approval, by motion, authorizing Staff to continue with the Texas Water Development Board (TWDB) loan application process to secure a loan for the acquisition of the 249 acre "Millican Tract"; authorizing the City Manager or his designee to begin negotiations with the property owner including authorization for preparation of appraisals and other documents; directing Staff to investigate additional grant funding sources that could be obtained prior to final closing of the TWDB loan and thereby reduce the final loan amount; and directing Staff to prepare a prioritized list of conservation properties considering water quality and flood mitigation purposes for future acquisition considerations.

A motion was made by Mayor Pro Tem Prewitt, seconded by Council Member Derrick, authorizing Staff to continue with the Texas Water Development Board (TWDB) loan application process, to secure a loan for the acquisition of the 249 acre “Millican Tract”; authorizing the City Manager or his designee to begin negotiations with the property owner including authorization for preparation of appraisals and other documents; directing Staff to investigate additional grant funding sources that could be obtained prior to final closing of the TWDB loan and thereby reduce the final loan amount; and directing Staff to prepare a prioritized list of conservation properties considering water quality and flood mitigation purposes for future acquisition. The motion carried by the following vote:

For: 4 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick and Council Member Mihalkanin

Against: 2 - Deputy Mayor Pro Tem Gregson and Mayor Thomaides

Abstain: 1 - Council Member Hughson

15. Consider the appointment of an ad hoc Extraterritorial Jurisdiction (ETJ) member to the Impact Fee Advisory Committee, and provide direction to Staff.

A motion was made by Mayor Thomaides, seconded by Council Member Hughson, to approve the appointment of Dan Stauffer as an ad hoc Extraterritorial Jurisdiction (ETJ) member on the Impact Fee Study Committee. The motion carried by the following vote:

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

Against: 0

VI. Question and Answer Session with Press and Public.

None.

VII. Adjournment.

Jamie Lee Case, TRMC, City Clerk

John Thomaides, Mayor

Notice of Assistance at the Public Meetings

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