



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes City Council

Tuesday, February 6, 2018

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, February 6, 2018 in the City Hall Conference Room, 630 E. Hopkins, San Marcos, Texas 78666.

II. Roll Call

Present: 5 - Mayor Pro Tem Lisa Prewitt, Council Member Saul Gonzales, Council Member Melissa Derrick, Mayor John Thomaides and Council Member Ed Mihalkanin

Absent: 2 - Deputy Mayor Pro Tem Scott Gregson and Council Member Jane Hughson

III. Invocation

Eric Barbosa, pastor at Community Baptist Church, provided this evening's invocation.

IV. Pledges Of Allegiance - United States And Texas

Rachel Bucholtz, 6th Grade Student, at San Marcos Texas Preparatory School, led the assembly in the Pledges of Allegiance.

V. 30 Minute Citizen Comment Period

Karl Brown, addressed the City Council and thanked them for their service. He requested Council table consideration on item #12. Mr. Brown discussed some of the issues that need to be resolved on the Code prior to adoption. City Staff has not sufficiently defined the neighborhood character studies. We must find ways to enforce the code that is adopted. He spoke about concerns of affordable housing and not placing developments in established neighborhoods. This is a big step in the right direction.

John David Carson, addressed the Council as the Chair of the Think Tank. He asked the Council to adopt Code SMTX once you have a full council. He

stated that we must change development patters and it is time to develop for people and not cars. He stated that PDD's have always sewn conflicts into the community. The new Code will finally bring the standards in line with the Comprehensive Master Plan. This Code is not perfect, but lightyears ahead of where it was. There has been four years of open discussion and this adoption process could go on forever if we are looking for perfect. This is a living document and we need to use it to see the advantages and problems. Encourage feedback on the plan once adopted. He expressed his gratitude to Abigail and the staff for the time and care they put into the process.

Sarah Simpson, as an architect and member of the design community spoke in favor of Code SMTX. She stated this is a vital mechanism in making San Marcos a more sustainable community. This will help replace the car dependent and sprawl like developments. She hopes this Code will continue to evolve and change as transportation changes. The Transportation Master Plan is equally as important. She urged the council to pass Code SMTX and thanked them for their work and consideration.

Tricia Schneider, Development Director of CASA Central Texas, provided the Council with an update of their building project. They are moving into the design development phase and they look forward to working with Staff. Construction will being in July. They would be happy to give an expanded presentation, but wanted to give Council a brief update.

Kevin Carswell, thanked the men and woman that have worked so hard to develop Code SMTX. He asked that the Council move forward and approve.

Matthew Worthington, stated that he was in support of Code SMTX. Mr. Worthington made a reference of the most popular cell phone in 2002, the Nokia. He asked the council to imagine trying to function today with such outdated technology. He expressed his appreciation of Staff time, and stated this is the time to approve, dont hit pause, we need to move forward. Please approve Code SMTX

Lisa Marie Coppoletta, spoke about civic engagement and those that are involved. She spoke about the Chamber of Commerce and read a white paper about communities investing in their natural environment. She challenged the Chamber and GSMP to focus on the natural environment and collaborate with environmental stakeholders. Local assets can be used to build a town and towns can be revitalized by reducing pollution, making them clean and healthy, and engaging all members of the community to develop a vision.

Shawn Ash, asked the Council to please pass Code SMTX and spoke about the bad dichotomy that has been created here. People are defined as either pro business or an environmentalist. He said he is both.

Kayli Head, addressed the Council and her support of Code SMTX. She said that this code sets up a beautiful blueprint for us. She provided how this new Code would improve and benefit young professionals. She said that sadly her friends are leaving San Marcos for lack of these diverse housing types. She spoke about the wonderful staff that has poured years of work into this Code. She is also is obsessed with Historic Preservation and that these can co exist.

CONSENT AGENDA

A motion was made by Council Member Mihalkanin, seconded by Council Member Gonzales, to approve the consent agenda with the exception of Item # 3, 4, and 11 which were pulled and considered separately. The motion carried by the following vote:

For: 5 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Thomaides and Council Member Mihalkanin

Against: 0

Absent: 2 - Deputy Mayor Pro Tem Gregson and Council Member Hughson

1. Consider approval, by motion, of the following meeting Minutes:
 - A) December 19, 2017 - Work Session Minutes
 - B) January 9, 2018 - Visioning Day 1 Minutes, with exhibits
 - C) January 10, 2018 - Visioning Day 2 Minutes
 - D) January 18, 2018 - Governance Session Minutes
 - E) January 19, 2018 - Governance Session Minutes
 - F) January 19, 2018 - Code SMTX Work Session
2. Consider approval of Ordinance 2018-01, on the second of two readings, amending Section 2.369 of the San Marcos City Code to require the City's Economic Development Board ("EDSM") to hold meetings at least four times per year, and at least once per quarter; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.
3. Consider approval of Resolution 2018-11R, approving a construction agreement between the City and DSW Homes, LLC. for the provision of construction services in the estimated amount of \$2,930,682.19 contingent upon the 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.

A motion was made by Council Member Mihalkanin, seconded by Mayor Pro

Tem Prewitt, to approve Resolution 2018-11R. The motion carried by the following vote:

For: 5 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Thomaides and Council Member Mihalkanin

Against: 0

Absent: 2 - Deputy Mayor Pro Tem Gregson and Council Member Hughson

4. Consider approval of Resolution 2018-12R, approving a construction agreement between the City and James W. Turner Construction, Ltd. for the provision of construction services in the estimated amount of \$2,768,586.00 contingent upon the 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.

A motion was made by Council Member Mihalkanin, seconded by Mayor Pro Tem Prewitt, to approve Resolution 2018-12R. The motion carried by the following vote:

For: 5 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Thomaides and Council Member Mihalkanin

Against: 0

Absent: 2 - Deputy Mayor Pro Tem Gregson and Council Member Hughson

5. Consider approval of Resolution 2018-13R, approving an annual State Use Contract between the City and Goodwill Temporary Services, Inc. through TIBH Industries, Inc. for the provision of janitorial services for the City of San Marcos in the estimated annual amount of \$481,642.95, authorizing the City Manager or his designee to execute this contract on behalf of the City and declaring an effective date.
6. Consider approval of Resolution 2018-14R, authorizing the submission of an application to the Office of the Governor, Criminal Justice Division, Victims of Crime Assistance (VOCA) program for a grant in an amount not to exceed \$70,000 to fund the continuation of the second position in the Police Department's Victim Services program for two more years, authorizing the expenditure of matching funds of 20 percent; authorizing the City Manager or his designee to execute any and all documents as necessary to accept and implement the grant, if awarded; and declare an effective date.
7. Consider approval of Resolution 2018-15R, finding a Police vehicle to be surplus and of no further value to the Police Department; authorizing the City to donate the Police vehicle to "Saving a Hero's Place, Inc"; finding that such conveyance serves the public purpose of honoring law enforcement officers killed in the line of duty; authorizing the City Manager or his designee to execute a donation agreement; and declaring an effective date.
8. Consider approval of Resolution 2018-16R, awarding a contract to Sherman + Reilly, Inc. for a trailer mounted underground puller for the City Public Services Department;

authorizing the City Manager or his designee to execute purchasing documents on behalf of the City in the amount of \$155,530.00; and declaring an effective date.

9. Consider approval of Resolution 2018-17R, approving a Memorandum of Understanding to extend the current Meet and Confer Agreement between the San Marcos Professional Firefighters Association Local #3963 and the City of San Marcos for one year to September 30, 2019 and to provide a 4.5 percent salary increase for firefighters beginning October 1, 2018; authorizing the City Manager to execute the amendment; and declaring an effective date.
10. Consider approval of Resolution 2018-18R, approving a Memorandum of Understanding to extend the terms and conditions of the current meet and confer agreement between the San Marcos Police Officers' Association and City of San Marcos for one year to September 30, 2019 and provide a 4.5 percent salary increase for Police Officers beginning October 1, 2018; authorizing the City Manager to execute the amendment; and declaring an effective date.
11. Consider approval of Resolution 2018-19R, approving Change Order No. 2 to the River Ridge to Loop 82 Utility Relocation Project in order to facilitate the necessary environmental services required because of the presence of LPSTs (leaking petroleum storage tanks) in the vicinity of the project and increasing the total amount of the project to \$70,671.12; ratifying the City's execution of the change order and increase in dollar amount; and declaring an effective date.

Staff will provide an update on this project as soon as it is available.

A motion was made by Council Member Mihalkanin, seconded by Council Member Derrick, to approve Resolution 2018-19R. The motion carried by the following vote:

For: 5 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Thomaides and Council Member Mihalkanin

Against: 0

Absent: 2 - Deputy Mayor Pro Tem Gregson and Council Member Hughson

PUBLIC HEARINGS

12. Receive a Staff presentation and hold a Public Hearing to receive comments for or against the following:

Ordinance 2018-02, adopting a new San Marcos Development Code ("CodeSMTX"), including appendices (the "Design Manual"), under Subpart B of the San Marcos City Code to replace both the current Land Development Code under Subpart B and the San Marcos Smartcode under Subpart C of the San Marcos City Code; approving other technical references to be used by City Staff in administering the new San Marcos Development Code; providing for penalties; providing a savings clause; providing for the

repeal of any conflicting provisions; and providing an effective date; and consider approval of Ordinance 2018-02, on the first of two readings.

Ordinance 2018-03, amending the City's Comprehensive Plan, Vision San Marcos: A River runs Through Us, by amending various sections for consistency with the goals of the City's new Development Code ("CodeSMTX"), including providing updated descriptions of and visions for identified Development Zones, establishing existing Neighborhood Areas or Land Preservation Areas as two types of areas of stability, providing new descriptions for types of Development Corridors, and amending the boundaries of Activity Nodes, Employment Centers and Intensity Zones described in the Preferred Scenario Map; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date; and consider approval of Ordinance 2018-02, on the first of two readings.

Ordinance 2018-04, amending various sections of the San Marcos City Code for consistency with, or to complement the concurrent adoption of the new San Marcos Development Code ("CodeSMTX"); providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date; and consider approval of Ordinance 2018-04, on the first of two readings.

Bert Lumbreras, City Manager, provided a brief overview of what council will see tonight from Staff based on Councils previous direction.

Abigail Gillfillan, Planning Manager, provided the City Council with the presentation.

Code SMTX Alternatives include Regulating Plan, Single Family Buffer, Neighborhood District 2, and modifying the attached home building type. Staff recommends approval of Code SMTX and Design Manual list which includes:
1) Alternatives 2) Neighborhood Character Studies 3) Affordable Housing

The other two ordinances are about consistency between the Comprehensive Plan/PSA updates and the new Code. Staff recommends approval of the Comprehensive Plan and Map Recommendations which include: 1) property owner request 2) Change low intensity reference to Land Preservation Area 3) Neighborhood areas. City Code Recommendations #1 Rental Registration - Staff recommends that the effective date be January 2019 to allow time to implement.

Mayor Thomaides opened the Public Hearing at 6:46pm

Those who spoke:

Roland Saucedo, 211 Ebony Street, thanked the Council for everything that

the Council and staff has done. They are not against Code SMTX they are just concerned about what the definition of the Neighborhood Character Study is. What all does it entail and how will that data be used. We just need that one little piece. He believes that it is only fair for a little more patience to wait for a full council and when we know what the Neighborhood Character Study is.

Jay Hiebert, 209 W. Sierra Circle, stated that many of you on the Dais stood where he was and called for a moratorium on development until the Comprehensive Master Plan was complete. He asked why the Comprehensive Plan has to be amended to fit the new Code? The new Code should fit the Comprehensive Plan. He asked the Council to please refrain from adopting the new code until the Neighborhood Character Study's have been completed.

Jason Mock, San Marcos Area Chamber of Commerce, spoke in favor of Code SMTX and stated that the process has been strengthened. There have been increased approval by Council and strengthening the input of the community by expanding the public notice area. He listed the amount of outreach or workshops that have been held over the years including 34 small meetings, 35 open houses, 2000 mail pieces, 40 emails sent out, 30 think tank meetings, 27 City Council meetings, 21384 interactions with individuals. I encourage Council to support Code SMTX as is.

Lisa Marie Coppoletta, 1322 Belvin, asked the Council to expand the Historic District boundaries. She addressed the Neighborhood Character Studies on page 90 of the Comprehensive Master Plan. She continued to read a paper regarding Historic Preservation and development and when preservation should be done. The following should encourage historic preservation: public officials, planners, community developers, and community activists. On environmental level we should preserve because we are over the Edwards Aquifer.

Diana Baker, San Marcos, she asked that the Council please table this out of respect for the council members that could not be in attendance this evening. She spoke about the neighborhood meetings and asked they take the little green dots into consideration.

Paul Murray, 102 Barclay, spoke about how the Code is a good document, but the Neighborhood Districts are a little half-baked. He stated that he felt maybe changing the zoning translation table that with the knowledge that medium and high density Districts make clear is the non SF zoned areas, the zoning atlas can then be looked at. If we get to the Neighborhood Character Studies it

would be the icing on the cake.

Diane Wassenich, 11 Tanglewood, she spoke on behalf of the River Foundation and thanked the Council for all that they did to protect the environment she feels with this Code there will not be another development happen like the Woods Apartment. Speaking as a citizen she discussed what is happening in her neighborhood. A long established neighborhood, but things have been inserted into our neighborhoods and they don't want to see anything radical change. Proposals and Alternatives look good but how do you enact a ban on accessory dwellings or cottages going into a neighborhood. We are seeing parking happening helter-skelter all over the place. She said that things are really changing and they are really worried about that.

There being no further comments, Mayor Thomaides closed the Public Hearing at 7:03pm.

Ms. Gillfillan provided examples of Neighborhood Character Study Models #1 Guidance Document - Provides guidance for future land use, transportation, and building form decisions #2 Design Guidelines - Establishes design guidelines focused primarily on building form standards #3 Neighborhood Plan - includes detailed implementation steps including targeted re-zoning and improvements #4 Small Area Plan - Includes detailed implementation steps including targeted re-zoning and improvements for smaller targeted areas.

Staff would like to work with the Public and Council to determine which model works best.

Mayor Pro Tem Prewitt and Council Member Derrick suggested the following amendments. However these will be brought for discussion and a vote at the February 20, 2018 Regular City Council meeting. These include the following:

4.1.1.6 Single Family Zoning Districts shall not request a change to ND3.5, ND4, or ND4M until character or small area studies are complete and have identified areas where higher density zoning districts are appropriate.

Rename Home Share Rentals to Short Term Rentals

34.824 of the City Code, create an exception from required long term rental registration for a unit where at least one of the occupants is an owner of record unless there are violations.

3.10.1.3 Include conservation land, green space and hike and bike trails for fee in lieu.

7.1.2.2 Purpose built student housing: CD-4 / CD-5 should be increased to 1.05 parking spaces per bedroom with the same reductions allowed through fee-in-lieu in the downtown area.

7.1.3.3 Lodging: can there be an exception if the CD5-D has offsite valet parking to fulfill the parking requirements? COSM will have to have metered parking in order for this to be applicable. We may be able to incentivize a hotel DT in one of our historic buildings if the applicant can provide valet parking in alternative location.

A motion was made by Mayor Thomaides, seconded by Mayor Pro Tem Prewitt, to postpone Ordinance 2018-02, on first reading, to the February 20, 2018 City Council meeting. The motion carried by the following vote:

For: 5 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Thomaides and Council Member Mihalkanin

Against: 0

Absent: 2 - Deputy Mayor Pro Tem Gregson and Council Member Hughson

A motion was made by Mayor Thomaides, seconded by Mayor Pro Tem Prewitt, to postpone Ordinance 2018-03, on first reading, to the February 20, 2018 City Council meeting.. The motion carried by the following vote:

For: 5 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Thomaides and Council Member Mihalkanin

Against: 0

Absent: 2 - Deputy Mayor Pro Tem Gregson and Council Member Hughson

A motion was made by Mayor Thomaides, seconded by Council Member Mihalkanin, to postpone Ordinance 2018-04, on first reading, to the February 20, 2018 City Council meeting. The motion carried by the following vote:

For: 5 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Thomaides and Council Member Mihalkanin

Against: 0

Absent: 2 - Deputy Mayor Pro Tem Gregson and Council Member Hughson

- 13. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2018-20R, approving a request for a conditional use permit to allow**

more than 20 percent of the exterior building materials for a new restaurant located at 4206 South Interstate 35 to be comprised of wood; authorizing City Staff to issue a conditional use permit consistent with this Resolution; and declaring an effective date; and consider approval of Resolution 2018-20R.

A motion was made by Mayor Pro Tem Prewitt, seconded by Council Member Derrick, to approve Resolution 2018-20R. The motion carried by the following vote:

For: 5 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Thomaides and Council Member Mihalkanin

Against: 0

Absent: 2 - Deputy Mayor Pro Tem Gregson and Council Member Hughson

NON-CONSENT AGENDA

14. Consider approval of Ordinance 2018-05, adopting fees to be charged by the City for various city services, including changes to some existing fees and the addition of new fees; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

Main Motion: a motion was made by Council Member Mihalkanin, seconded by Council Member Gonzales, to approve Ordinance 2018-05, on the first of two readings.

Motion to Amend: A motion was made Mayor Pro Tem Prewitt, seconded by Mayor Thomaides, to amend Ordinance 2018-05, that would appeal fee related to CUPs. Fee would be \$300 for residents within the 400ft buffer if it has a homestead exception, otherwise it will remain at \$600. The motion carried by the following vote:

For: 5 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Thomaides and Council Member Mihalkanin

Against: 0

Absent: 2 - Deputy Mayor Pro Tem Gregson and Council Member Hughson

Main Motion: to approve Ordinance 2018-05, as amended on first reading. The motion carried by the following vote:

For: 5 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Thomaides and Council Member Mihalkanin

Against: 0

Absent: 2 - Deputy Mayor Pro Tem Gregson and Council Member Hughson

15. Consider approval of Ordinance 2017-70, on the second 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 Mihalkanin, seconded by Council Member Gonzales, to postpone Ordinance 2017-70 to the next Regular City Council meeting. The motion carried by the following vote:

For: 5 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Thomaides and Council Member Mihalkanin

Against: 0

Absent: 2 - Deputy Mayor Pro Tem Gregson and Council Member Hughson

VI. Question and Answer Session with Press and Public.

Jim Garber, stated that the Planning & Zoning Commission made a series of recommendations and he did not hear these. Will Council address these?

Paul Murray, asked if Council will be doing appointments to Boards and Commission at the February 20th City Council Meeting.

VII. Adjournment.

Mayor Thomaides adjourned the regular meeting of the San Marcos City Council at 8:42 p.m.

Jamie Lee Case, TRMC, City Clerk

John Thomaides, Mayor