



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes City Council

Tuesday, February 20, 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 Pro Tem Prewitt at 6:02 p.m. Tuesday, February 20, 2018 in the City Council Chambers, 630 E. Hopkins, San Marcos, Texas 78666.

II. Roll Call

**Mayor Thomaides was ill but in attendance for a portion of the meeting.
Council Member Derrick arrived shortly after 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

Aaron Williams, Kindergarten Student, and Malaya Williams, 1st Grade Student at San Marcos Texas Preparatory School led the assembly in the pledges of allegiance.

V. 30 Minute Citizen Comment Period

Sarah Lee Underwood, interested in the update regarding the PSA amendments and Code SMTX. She also advocated for Bobcat Build and stated there is a need for more job sites. The event will be April 7th and she wants to get the message out, everyone in the community can take advantage of this, all homes in San Marcos are eligible. She said that they are wanting to be #1 in the state for Texas Community Service program. They have extended the deadline to March 2. She has applications with her and the deadline has been extended to March 2nd.

John David Carson, spoke in support of Code SMTX and knows Council acknowledges the work that has gone into this 4 year long process. Staff worked diligently on this process and there are major provisions that he has concerns with such as parking and technical things that are far above the Staff recommendations. This is not a perfect document, but a very good document that needs to be adopted without further amendment.

Sherwood Bishop, spoke in support of the new Land Development Code. Council, Staff and Citizens have worked hard on this process beginning with the drafting and adoption of the Comprehensive Master Plan. The first implementation meeting was in October of 2014 and lots of City Staff were there to listen to all who came. The current code is outdated and does not provide proper protections within neighborhoods and green space. Please vote yes.

Jason Mock, President Chamber of Commerce, spoke in favor of Code SMTX and reiterated items that have been stated before. This creates a variety of Transportation options and providing a walkable City. He asks that the Council approve this and bring this in line with our Comprehensive Master Plan. He encouraged the Council to vote yes.

Roland Saucedo, 211 Ebony Street, ask for postponement of Code SMTX because we still do not have a full dais. We do not need to rush Code SMTX, we have been doing this 4 years but we need to get it right. We appreciate the hard work that has been put into the process. If we go back to look at what work was done in 2015 on the Neighborhood Character Studies we will see they were not completed. There is a summary on the City's website, but no documentation of the work and in the caption it states that it was to go back to the Neighborhoods for their revisions and their approval. He understands the floods happened and became a priority. However, If we don't follow everything to full fruition what good is an Ordinance, how will it protect neighborhoods, if there is no follow through. He asked that they look in their heart and do what it right for the citizens.

PRESENTATIONS

1. Receive a Staff update and hold discussion regarding the following Spring 2018 Preferred Scenario Amendments, and provide direction to Staff.

A) PSA-18-01/ZC-18-01 (Peques Street) Doucet and Associates on behalf of Aurelius LTD :: +/- 6.73 acres located at the 800 Block of Peques Street :: Proposal to change

from Area of Stability to High Intensity :: Proposal to change from Single Family (SF-6) to T5 SmartCode. (A. Villalobos)

B) PSA-18-02/ZC-18-02 (801 Chestnut Street) Vance Elliott, on behalf of Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints, a Utah corporation solo :: +/- 0.447 acres located at 801 Chestnut Street :: Proposal to change from Area of Stability to Medium Intensity :: Proposal to change from Neighborhood Commercial (NC) to General Commercial (GC). (A. Brake)

Shannon Mattingly, Director of Planning and Development Services, provided the Council with an update regarding the 2018 Spring Preferred Scenario Map Amendments. The Peques Street model will be updated on all future travel demand models and will be updated before the Planning and Zoning Commission and Council see anything.

Council inquired about the Travel Impact Analysis and what will trigger one in the new Code. What percentage of the Sessom Watershed is still there and functioning as natural land? Council Member Gregson recused himself during the discussion of PSA-18-02/ZC-18-02.

CONSENT AGENDA

A motion was made by Council Member Mihalkanin, seconded by Deputy Mayor Pro Tem Gregson, to approve the consent agenda items with the exception of items #2, 3, and 5 which were pulled and considered separately. The motion carried by the following vote:

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

Against: 0

Absent: 1 - Mayor Thomaides

2. Consider approval, by motion, of the following meeting Minutes:
 - A) January 30, 2018 - Work Session Minutes
 - B) January 30, 2018 - Regular Meeting Minutes
 - C) February 6, 2018 - Work Session Minutes
 - D) February 6, 2018 - Regular Meeting Minutes

A motion was made by Council Member Hughson, seconded by Deputy Mayor Pro Tem Gregson, to postpone the January 30, 2018 Work Session minutes, January 30, 2018 Regular Meeting Minutes, February 6, 2018 Work Session minutes, and February 6, 2018 Regular Meeting minutes to the next regular City Council meeting. The motion carried by the following vote:

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

Against: 0

Absent: 1 - Mayor Thomaides

3. Consider approval of Ordinance 2018-05, on the second of two readings, 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 Hughson, seconded by Deputy Mayor Pro Tem Gregson to approve Ordinance 2018-05, on the second of two readings.

Motion to Amend: a motion was made by Council Member Hughson, seconded by Council Member Mihalkanin, to amend the Conditional Use Permit (CUP) appeal fees by striking homestead and inserting residence and reducing the fee from \$300.00 to \$100.00. The motion carried by the following vote:

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

Against: 1 - Deputy Mayor Pro Tem Gregson

Absent: 1 - Mayor Thomaides

Motion to Amend: a motion was made by Council Member Hughson, seconded by Deputy Mayor Pro Tem Gregson, to reduce CUP fees (by half the standard fee) for any applications submitted by a Non-Profit from \$750.00 to \$375.00 for all types and from \$400.00 to \$200.00 for a renewal or amendment. The motion carried by the following vote:

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

Against: 0

Absent: 1 - Mayor Thomaides

Main Motion: to approve Ordinance 2018-05, on the second of two readings, as amended. The motion carried by the following vote:

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

Against: 0

Absent: 1 - Mayor Thomaides

4. Consider approval of Resolution 2018-21R, awarding a design contract to Alan Plummer Associates, Inc. of 630 La Calma Drive, Suite 400, Austin, Texas; for the Sunset Acres Drainage Preliminary Engineering services, in the estimated amount of \$187,900; authorizing the City Manager or his designee to execute the appropriate purchasing documents on behalf of the City; and declaring an effective date
5. Consider approval of Resolution 2018-22R, approving the award of a contract to Maldonado Nursery and Landscaping, Inc. for the Craddock Avenue Medians Project (IFB 218-023) to remove and replace old fill and plant material between Old Ranch Road 12 and Bishop Street in the amount of \$262,847.81; authorizing the City Manager or his designee to execute all contract documents on behalf of the City and declaring an effective date.

A motion was made by Deputy Mayor Pro Tem Gregson, seconded by Mayor Pro Tem Prewitt, to approve Resolution 2018-22R. The motion carried by the following vote:

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

Against: 1 - Council Member Hughson

Absent: 1 - Mayor Thomaides

6. Consider approval of Resolution 2018-23R, awarding contracts to Wesco Distribution Inc. and Techline Inc. for tools for San Marcos Electric Utilities; authorizing the Purchasing Manager to execute purchasing documents on behalf of the City in an amount of \$73,489.99; and declaring an effective date.
7. Consider approval of Resolution 2018-24R, awarding an annual contract for the management and operation of the San Marcos Cemetery to Gene Bagwell, D/B/A Maintenance Management in the estimated annual amount of \$74,172.67 for Fiscal Year 2018 and the remainder to be budgeted in 2019 for the Community Services Department, Parks and Recreation Division contingent upon the proponent's timely submission of sufficient insurance in accordance with the City's request for proposal documents; authorizing the City Manager or his designee to execute the appropriate purchasing documents on behalf of the City; and declaring an effective date.
8. Consider approval of Resolution 2018-25R, adopting the 2018 Hays County, Texas Hazard Mitigation Plan as the official plan of the City; authorizing the inclusion of the City of San Marcos Hazard Mitigation Plan as an appendix; designating the City Manager as the official authorized to coordinate with other government offices and prepare and submit reports to the Texas Division of Emergency Management; and declaring an effective date.
9. Consider approval of Resolution 2018-26R, authorizing the City Manager, or his

designee, to apply for Homeland Security Grants for Hazardous Materials Monitor Support; authorizing the City Manager, or his designee, to accept the grants, if awarded, and to execute all contracts and documents as necessary to implement the grants; and declaring an effective date.

10. Consider approval of Resolution 2018-27R, 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 the amount of \$70,000 per year 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.
11. Consider approval, by motion, the ratification of Change Order #2 to Rocking Q Construction, LLC in the not to exceed amount of \$78,792.35 for emergency wastewater line replacement on San Antonio St between Wilson St. and Johnson Ave.

NON-CONSENT AGENDA

12. 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.

Main Motion: A motion was made by Deputy Mayor Pro Tem Gregson, seconded by Council Member Mihalkanin to approve Ordinance 2017-70, on the second of two readings.

Motion to Amend: a motion was made by Council Member Hughson, seconded by Mayor Pro Tem Prewitt, to amend by removing section 74.217 Newsracks in the Main Street District and renumbering Section 74.216 Issuance of Citations to Section 74.217 and renumbering Section 74.217 Violations to Section 74.218.

The motion carried by the following vote:

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

Against: 1 - Deputy Mayor Pro Tem Gregson

Absent: 1 - Mayor Thomaides

Motion to Amend: a motion was made by Deputy Mayor Pro Tem Gregson, seconded by Council Member Hughson, to amend by changing effective date to July 1, 2018. The motion carried by the following vote:

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

Against: 0

Absent: 1 - Mayor Thomaides

Main Motion: to approve Ordinance 2017-70, on the second of two readings, as amended. The motion carried by the following vote:

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

Against: 0

Absent: 1 - Mayor Thomaides

13. Consider approval of Ordinance 2018-06, on the first of two readings, amending the City's 2017-2018 Fiscal Year Budget to allocate PEG (Public, Educational And Governmental) Funds in the amount of \$60,000.00 for modifications to city facilities and the purchase of equipment to enhance the broadcast of city meetings; and providing an effective date.

Heather Hurlbert, Finance Director, provided a brief update on this item and how these PEG funds will be utilized.

A motion was made by Deputy Mayor Pro Tem Gregson, seconded by Council Member Mihalkanin, to approve Ordinance 2018-06, on the first of two readings. The motion carried by the following vote:

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

Against: 0

Absent: 1 - Mayor Thomaides

14. Receive a Staff presentation and consider the following:

A. 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.

B. 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.

C. 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.

D. Provide direction to staff on a resolution regarding the next steps following adoption of Code SMTX.

Abigail Gillfillan, Planning Manager, provided an update to the City Council and she presented the Council Member proposed amendments.

Main Motion: a motion was made by Mayor Pro Tem Prewitt, and seconded by Deputy Mayor Pro Tem Gregson to approve Ordinance 2018-02, on the first of two readings.

Motion to Amend: a motion was made by Mayor Pro Tem Prewitt, seconded by Council Member Mihalkanin, to amend by renaming home share rental to short term rental. 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 Thomaidas and Council Member Mihalkanin

Against: 0

Motion to Amend: a motion was made by Mayor Pro Tem Prewitt, seconded by Council Member Derrick, to amend Section 34.824 by creating 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 that occur. 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 Thomaidas and Council Member Mihalkanin

Against: 0

Motion to Amend: a motion was made by Mayor Pro Tem Prewitt, seconded by Council Member Derrick, to amend Section 3.10.1.3 to include conservation land, green space and hike and bike trails for fee in lieu. 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 Thomaidēs and Council Member Mihalkanin

Against: 0

A motion was made by Mayor Pro Tem Prewitt, seconded by Deputy Mayor Pro Tem Gregson, by amending Section 7.1.2.1 to read: On-street public parking in conformance with the requirements in Chapter 3 and the approved Transportation Master Plan that is located directly adjacent to the property may be counted towards the minimum parking requirements in Section 7.1.2.1 or Section 7.1.2.2. 1. On-street public parking used in this calculation may not be reserved. 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 Thomaidēs and Council Member Mihalkanin

Against: 0

Motion to Amend: a motion was made by Mayor Pro Tem Prewitt, seconded by Deputy Mayor Pro Tem Gregson, to amend Section 7.1.3.3 by updating language to read "Valet Services for Lodging Use: No Distance Required". 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 Thomaidēs and Council Member Mihalkanin

Against: 0

Motion to Amend: Motion to Amend: a motion was made by Mayor Pro Tem Prewitt, seconded by Council Member Hughson, to amend the 4:3 chart of the Land Development Code regarding Neighborhood Districts.

Motion to Postpone: a motion was made by Council Member Hughson, seconded by Mayor Pro Tem Prewitt, to postpone the detailed Neighborhood District chart until Staff can provide analysis and discussion at the Worksession.

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 Thomaidēs and Council Member Mihalkanin

Against: 0

Motion to Amend: a motion was made by Council Member Mihalkanin, seconded by Council Member Hughson, to amend Section 4.2.1.2 by removing cottage courts from ND3 in texts and charts. The motion carried by the following vote:

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

Against: 1 - Mayor Thomaides

Motion to amend: a motion was made by Council Member Mihalkanin, seconded by Council Member Hughson, to amend section 4.2.1.2 by adding attached homes as allowable in ND 3.5.

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

Council Member Hughson discussed her proposed amendments and will submit to Staff for their review. These include the following items:

Amend 4.1.2.8 Legacy Districts

Remove SF11 from the list to allow them for the future

Suggestion to make occupancy restrictions by district

SFR, SF6, SF4.5, ND3, ND3.5

Include occupancy use restrictions and the corresponding section numbers.

Also include these on the 2 page descriptions

ADUs

Staff analysis including where without a CUP and when one is required

Requirements/restrictions

Regulating Plans

Applications for zoning map amendments to others than NDs

Staff will provide a clear definition of regulating plans and how the process will work

PSAs

When they are required and where is it in the Code

Add (PSA) next to not allowed on the page 4:3 table

Historic Districts

Application process for NDs in Historic District**Include whether it is in a Historic District in the staff report****2.5.14.4 criteria for approval****Require a response from Police Department & Fire Department on large developments and include in staff report****Staff will do this as standard protocol and will set up a process for this info****Educational impact analysis****Community partnership****Neighborhood Character Studies****Changes to sections of the Code not the LDC****Spoil piles****Staff analysis regarding the height, width, time limit****Council would like the ordinances related to this.****Rental Registration****34.821 Item 7****Define where to find occupancy restrictions****Remove 34.824 entirely****ACT shouldn't be excluded from rental registration****Anything of substance removed from rental registration?****CD4D CD5****Correct typo on graphics****Triangle Intensity Zone****Modify so it is not high, or as high, intensity zone****Include this information in the Resolution that defines the next steps****Add Flag signs to list****PSAs****Council would like to receive an analysis regarding commercial and employment centers****ND3 ND3.5****Analysis on cottage courts****Discuss the possibility of renaming Neighborhood District to Residential Density District****Main Motion: to approve Ordinance 2018-02, on the first of two readings, as**

amended. The motion carries by the following vote:

A motion was made by Deputy Mayor Pro Tem Gregson, seconded by Mayor Thomaides, to approve Ordinance 2018-03, on the first of two readings. The motion carried by the following vote:

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

Against: 0

Abstain: 2 - Council Member Hughson and Council Member Mihalkanin

A motion was made by Deputy Mayor Pro Tem Gregson, seconded by Mayor Thomaides, to approve Ordinance 2018-04, on the first of two readings. The motion carried by the following vote:

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

Against: 1 - Council Member Mihalkanin

- 15.** Discuss and consider the appointment of a Council Member to the Capital Area Council of Governments (CAPCOG) Clean Air Coalition, and provide direction to Staff.

A motion was made by Deputy Mayor Pro Tem Gregson, seconded by Council Member Derrick, to approve the appointment of Council Member Hughson to the Capital Area Council of Government (CAPCOG) Clean Air Coalition . The motion carried by the following vote:

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

Against: 0

Absent: 1 - Mayor Thomaides

- 16.** Discuss and consider appointments to the Citizen Utility Advisory Board (CUAB) and Human Services Advisory Board (HSAB), and provide direction to Staff.

A motion was made by Deputy Mayor Pro Tem Gregson, seconded by Council Member Derrick, to approve the appointment of Devin Barrett, Mary Peterson Earls, David Ross, and Mariana Zamora to the Human Services Advisory Board and to approve the appointment of Heather Baca to the Citizen Utility Advisory Board. The motion carried by the following vote:

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

Against: 0

Absent: 1 - Mayor Thomaides

VI. Question and Answer Session with Press and Public.

Roland Saucedo, in regards to Neighborhood Character Studies and the Resolution, can we be a part of this? We know our neighborhoods, can staff facilitate but let the community members do the work, collect data, create surveys etc.

Staff will look at ways to best utilize citizens.

VII. Adjournment.

Mayor Pro Tem Prewitt adjourned the Regular Meeting of the City Council at 10:38 p.m.

Jamie Lee Case, TRMC, City Clerk

John Thomaides, Mayor

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