



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes City Council

Tuesday, March 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 6:04 p.m. Tuesday, March 6, 2018 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

Reverend Ben Nelson, with St. Mark's Episcopal Church, provided the invocation this evening.

IV. Pledges Of Allegiance - United States And Texas

Elijah Chaney, Pre-K Student at San Marcos Texas Preparatory School, led the assembly in the pledges of allegiance.

EXECUTIVE SESSION

1. Consider action, by motion, or provide direction to Staff regarding the following Executive Session items in accordance with Local Government Code Section § 551.086 Public Power Utility Competitive Matters.

A motion was made by Council Member Hughson, seconded by Deputy Mayor Pro Tem Gregson, that this Executive Session be approved. 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

V. 30 Minute Citizen Comment Period

Richard Shaver, spoke to council regarding his application to serve on the Parks Board. He outlined his work experience as a supervisor at the Blue Hole Park in Wimberley and his experience in parks and recreation. He is asking Council for their appointment to the parks board.

Roland Saucedo, 211 Ebony, spoke of some concerns in regards to the workshop on CodeSMTX regarding Neighborhood Districts. He was under the impression that Small area plans were going to replace the Neighborhood Character Studies. In the last few meetings, the City staff has done amazing. However, he just wants clarification on what is different from the small area plan vs neighborhood character study. He believes this can be done simultaneously.

Diane Baker, 727 Belvin, stated that it has been more than 20 years since a historic survey has been completed and preservationist encourage these every 5 years. Please consider how the results might affect CodeSMTX and how this might fit into it. This could be a game changer if it comes into effect after Code SMTX is approved.

PRESENTATIONS

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 # 7, 11, and 12 which were pulled and considered separately. 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) 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**
 - E) February 20, 2018 - Regular Meeting Minutes**
 - F) February 22, 2018 - Budget Policy Workshop**
- 3. Consider approval of Ordinance 2018-06, on the second 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.

4. Consider approval of Resolution 2018-28R, approving the purchase of plate carrier ballistic vest packages for the Police Department and Peace Officers in the Neighborhood Services Department from GT Distributors, Inc. through the Texas Local Government Purchasing Cooperative Buyboard Contract for Public Safety and Fire House Supplies and Equipment (Contract #524-17); in the total purchase amount of \$57,500; authorizing the City Manager or his designee to execute the appropriate purchase documents on behalf of the City; and declaring an effective date.
5. Consider approval of Resolution 2018-29R, approving the renewal of the Aerial Fireworks Display Agreement (Contract #217-007) with Pyro Shows of Texas, Inc. for one year in the amount of \$27,000; authorizing the City Manager to execute the Appropriate documents related to the renewal of this agreement; and declaring an effective date.
6. Consider approval of Resolution 2018-30R, approving a license to encroach agreement with Ricardo Garza Hinojosa to allow certain driveway access and trash and recycling receptacle enclosure improvements to encroach within the right-of-way at 1654 Post Road; authorizing the City Manager to execute the license agreement on behalf of the City; and declaring an effective date.
7. Consider approval of Resolution 2018-31R, approving an Interlocal Cooperative Purchasing Agreement between the City of San Marcos and the City of Grand Prairie, Texas to establish a cooperative purchasing agreement for Slurry Seal Pavement Treatment Services and other Public Works contracts; approving funding under this agreement in an amount not to Exceed \$500,000.00; authorizing the City Manager or his designee to execute the agreement; and declaring effective date.

A motion was made by Mayor Pro Tem Prewitt, seconded by Deputy Mayor Pro Tem Gregson, to approve Resolution 2018-31R. 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

8. Consider approval of Resolution 2018-32R, approving an Interlocal Agreement with the Lower Colorado River Authority concerning electrical distribution, control and substation facilities including the Canyon Substation; authorizing the City Manager to execute the agreement; and providing an effective date.
9. Consider approval of Resolution 2018-33R, approving an Economic Development Incentive Agreement with Haddad Enterprises, LLC, DBA Leyali's Mediterranean Grill, that grants a waiver of the requirement under Section 4.3.4.2 of the Land Development Code that a restaurant in the Central Business Area must be in operation for at least six

months before it may sell beer and wine for on-premises consumption in connection with a proposed restaurant at 301 N. Guadalupe Street, Suite 154; authorizing the City Manager to execute said agreement on behalf of the City; and declaring an effective date.

10. Consider approval of Resolution 2018-34R approving the City Council's Strategic Initiatives for Fiscal Year 2019; and declaring an effective date.
11. Consider approval, by motion, of the final locations for the Mermaid March Sculptures, and allowing the City Manager or his designee to make changes as necessary.

Main Motion: a motion was made by Mayor Pro Tem Prewitt, seconded by Council Member Derrick to approve final locations of the Mermaid Sculptures.

Motion to Amend: a motion was made by Council Member Derrick, seconded by Council Member Hughson, to place the "Blooming Brightly Sculpture" at Children's park. 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

Main Motion: to approve the locations for the Mermaid Sculptures as amended. 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

12. Consider approval, by motion, to waive Impact Fees for Hays County Public Safety Facility Projects in the estimated amount of \$400,486.

A motion was made by Mayor Pro Tem Prewitt, seconded by Deputy Mayor Pro Tem Gregson, to postpone the approval to waive impact fees for Hays County Public Safety Facility Projects to a later date, so further discussion can be held. 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

PUBLIC HEARINGS - 6:00 PM

13. Receive a Staff briefing and hold a Public Hearing to receive comments for or against Resolution 2018-35R, approving the issuance of a Limousine Service Certificate to

Adam Jester, d/b/a Luck Man Limo Service for the provision limousine service in the City; and declaring an effective date, and consider approval of Resolution 2018-35R.

Mayor Thomaides opened the Public Hearing at 6:38 p.m. there being no comments, the Public Hearing was closed at 6:39 p.m.

A motion was made by Mayor Pro Tem Prewitt, seconded by Deputy Mayor Pro Tem Gregson, to approve Resolution 2018-35R. 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. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2018-36R approving a Budget Policy Statement for preparation of the 2018-2019 fiscal year budget; and declaring an effective date; and consider approval of Resolution 2018-36R.

Main Motion: a motion was made by Deputy Mayor Pro Tem Gregson, seconded by Mayor Pro Tem Prewitt to approve Resolution 2018-36R

Motion to Amend: a motion was made by Mayor Pro Tem Prewitt, seconded by Deputy Mayor Pro Tem Gregson, that this Resolution be amended to include direction that the City Manager will review the Special Economic Development Funding Policy during the budget process in order to analyze the policies potential uses. 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

Main Motion: to approve Resolution 2018-36R, 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 Hughson, Mayor Thomaides and Council Member Mihalkanin

Against: 0

Absent: 1 - Council Member Derrick

NON-CONSENT AGENDA

15. Consider approval of Ordinance 2018-07, on the first of two readings, amending the City's 2017-2018 Fiscal Year Budget by budgeting and appropriating \$442,000 from

General Fund to be distributed to The Village to provide funding for the construction of Phase II of The Village Main Project; and providing an effective date.

A motion was made by Council Member Mihalkanin, seconded by Council Member Derrick, to approve Ordinance 2018-07, 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 Thomaidēs and Council Member Mihalkanin

Against: 0

16. Consider approval of Ordinance 2018-08, on the first of two readings, creating a designated permit area under Section 82.189 of the San Marcos City Code that allows parking by permit only on the West side of the 300 Block of North Street between Burleson Street and Hutchison Street, amending the traffic register to reflect such designated permit area; and providing for an effective date.

A motion was made by Deputy Mayor Pro Tem Gregson, seconded by Mayor Thomaidēs, to deny Ordinance 2018-08. 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

17. Discuss and consider annual appointments to various Boards and Commissions, to wit:
- A) Airport Commission
 - B) Animal Shelter Advisory Committee
 - C) Arts Commission
 - D) Cemetery Commission
 - E) Convention and Visitors Bureau Board
 - F) Economic Development San Marcos Board
 - G) Ethics Review Commission
 - H) Historic Preservation Commission
 - I) Housing Authority
 - J) Library Board
 - K) Main Street Advisory Board
 - L) Neighborhood Commission
 - M) Parks and Recreation Board
 - N) Planning and Zoning Commission
 - O) San Marcos Youth Commission
 - P) Senior Citizen Advisory Board
 - Q) Veteran's Affairs Advisory Committee
 - R) Zoning Board of Adjustment

The following applicants were nominated by Deputy Mayor Pro Tem Gregson

for consideration to serve on the Airport Advisory Board:

Tom Roach

David Badal

Dan Stauffer

Following a roll call vote all members were unanimously approved for appointment to the Airport Advisory Board.

The following applicants were nominated by Deputy Mayor Pro Tem Gregson for consideration to serve on the Animal Shelter Advisory Committee:

Kara Montiel

Gail Ann Sharp

Following a roll call vote both members were unanimously approved for appointment to the Animal Shelter Advisory Committee.

The following applicants were nominated for consideration to serve on the Arts Commission:

Amy Lou Cox - nominated by Council Member Derrick

Barbara Williamson - nominated by Deputy Mayor Pro Tem Gregson

Jamie Poole - nominated by Council Member Prewitt

Following a roll call vote all members were unanimously approved for appointment to the Arts Commission.

The following applicants were nominated for consideration to serve on the Cemetery Commission

Dolores Gibbs - nominated by Council Member Hughson

Robert Moore - nominated by Council Member Hughson

Robert Cotner - nominated by Deputy Mayor Pro Tem Gregson

Shannon Fitzpatrick - nominated by Council Member Hughson

Michele Donnelly - nominated by Council Member Hughson

Patsy Pohl - nominated by Mayor Pro Tem Prewitt

Following a roll call vote Dolores Gibbs, Robert Moore, Robert Cotner, and Shannon Fitzpatrick received a majority of council votes and were appointed to the Cemetery Commission.

The following applicants were nominated by Mayor Pro Tem Prewitt for consideration to serve on the Convention and Visitor Bureau Board:

Michael Vivroux

**Kristin Williams
Celina McGuill
Adriana Cruz
Sandy Clinton
Jason Mock
Saul Gonzales**

Following a roll call vote all members were unanimously approved for appointment to the Convention and Visitor Bureau Board.

The following applicants were nominated for consideration to serve on the Economic Development San Marcos Board:

**Scott Gregson - nominated by Mayor Thomaides
Vikash Patel - nominated by Mayor Pro Tem Prewitt**

Following a roll call vote both members were unanimously approved for appointment to the Economic Development San Marcos Board.

The following applicants were nominated for consideration to serve on the Ethics Review Commission:

**Arthur Taylor - nominated by Council Member Derrick
Forrest Fulkerson - nominated by Council Member Gregson
Judy Kay Thomas - nominated by Mayor Thomaides
Lee Garcia - nominated by Council Member Mihalkanin
Lea Rice - nominated by Council Member Hughson
Maurizio Turri - nominated by Mayor Pro Tem Prewitt**

Following a role call vote Arthur Taylor, Lee Garcia, Lea Rice, and Maurizio Turri received a majority of council votes and were appointed to the Ethics Commission.

The following applicants were nominated for consideration to serve on the Historic Preservation Commission

**Griffin Spell - nominated by Council Member Hughson
Diana Baker - nominated by Mayor Pro Tem Prewitt to serve a one year term
Thea Dake - nominated by Council Member Hughson
Sue Cohen - nominated by Deputy Mayor Pro Tem Gregson
Ben Kvanli - nominated by Deputy Mayor Pro Tem Gregson**

Following a roll call vote Griffin Spell, Diana Baker, and Thea Dake received a majority of council votes and were appointed to the Historic Preservation

Commission.

The following applicants were nominated for consideration to serve on the Housing Authority:

Rose Brooks

Gloria Salazar

Richard Cruz

Juan Miguel Arredondo

Following a roll call vote Rose Brooks, Richard Cruz, and Juan Miguel Arredondo received a majority of council votes and were appointed to the Housing Authority.

The following applicants were nominated for consideration to serve on the Library Board:

Donnell Gooch - nominated by Council Member Hughson

Adelaide McAninch - nominated by Council Member Hughson

Joanne Engel - nominated by Deputy Mayor Pro Tem Gregson

Joan Nagel - nominated by Deputy Mayor Pro Tem Gregson

Following a roll call vote all members were unanimously approved for appointment to the Library Board.

The following applicants were nominated for consideration to serve on the Main Street Advisory Board:

Kristan Alvarez - nominated by Council Member Hughson

Cory S. Glisson-Munier - nominated by Council Member Derrick

Salana Henderson - nominated by Mayor Pro Tem Prewitt

Ashley McCafferty - nominated by Council Member Mihalkanin

Following a roll call vote Kristan Alvarez and Ashley McCafferty received a majority of council votes and were appointed to the Main Street Advisory Board.

The following applicants were nominated for consideration to serve on the Neighborhood Commission:

Michelle McWaters - nominated by Mayor Thomaides

Roland Saucedo - nominated by Mayor Thomaides

Lizbeth Dobbins - nominated by Mayor Pro Tem Prewitt

Lupe Costilla - nominated by Council Member Gregson

Robert Mooney - nominated by Mayor Thomaides

Following a roll call vote Michelle McWaters, Roland Saucedo, Lizbeth Dobbins, and Lupe Costilla received a majority of council votes and were appointed to the Neighborhood Commission.

The following applicants were nominated for consideration to serve on the Parks Board:

**Richard Shaver - nominated by Mayor Pro Tem Prewitt
Thomas Hardy - nominated by Council Member Derrick
Brian Olson - nominated by Deputy Mayor Pro Tem Gregson
Diane Phalen - nominated by Council Member Hughson
Maggie Hutchins-Wagner - nominated by Council Member Hughson
Ryan McGillicuddy - nominated by Council Member Derrick
Joshua Simpson - nominated by Council Member Mihalkanin
Lea Rice - nominated by Council Member Hughson**

Following a roll call vote Richard Shaver, Diane Phalen, Maggie Hutchins-Wagner, and Ryan McGillicuddy received a majority of council votes and were appointed to the Parks Board.

The following applicants were nominated for consideration to serve on the Planning and Zoning Commission:

**Shawn Dupont - nominated by Deputy Mayor Pro Tem Gregson
Mike Dillon - nominated by Council Member Hughson
Maxfield Baker - nominated by Council Member Derrick
Elena Duran - nominated by Council Member Gonzales
Rick Henderson - nominated by Mayor Thomaides
Matthew Haverland - nominated by Mayor Pro Tem Prewitt**

Following a roll call vote Mike Dillon, Maxfield Baker, and Matthew Haverland received a majority of council votes and were appointed to the Planning and Zoning Commission.

The following applicants were nominated by Council Member Hughson for consideration to serve on the San Marcos Youth Commission:

**Tellef Ault
Isabella de la Iglesia
Aaron MacEmerich
Aubrey Ashton
Fatima Cardenas
George Daniel**

**Dakota Fernandez
Avery Jones
Benjamin Murdoch
Gabriel Ortiz**

Following a roll call vote all members were unanimously approved for appointment to the Youth Commission.

The following applicants were nominated by Deputy Mayor Pro Tem Gregson for consideration to serve on the Senior Citizen Advisory Board:

**Marie Gobble
Sandra Martinez
Marianne Reese
Megan Jones**

Following a roll call vote all members were unanimously approved for appointment to the Senior Citizen Advisory Board.

The following applicants were nominated for consideration to serve on the Veteran Affairs Advisory Board:

**Linda Darlene Upshaw - nominated by Mayor Pro Tem Prewitt
Jerry Lager - nominated by Council Member Hughson
Samantha Bagley - nominated by Mayor Thomaides
Ben Kvanli - nominated by Council Member Hughson
Theodore Dake, Jr. - nominated by Council Member Hughson**

Following a roll call vote Linda Darlene Upshaw, Jerry Lager, Ben Kvanli, and Theodore Dake, Jr. received a majority of council votes and were appointed to the Veteran Affairs Advisory Board.

The following applicants were nominated for consideration to serve on the Zoning Board of Adjustments:

**Wayman Jones - nominated by Council Member Mihalkanin
Floyd Akers - nominated by Mayor Pro Tem Prewitt
Tom Rowe - nominated by Mayor Thomaides
Nicholas Costilla - nominated by Council Member Gonzales
Jennifer Rogers - nominated by Mayor Thomaides**

Following a roll call vote Wayman Jones, Tom Rowe, and Nicholas Costilla received a majority of council votes and were appointed to the Zoning Board of Adjustments.

VI. Question and Answer Session with Press and Public.

Roland Saucedo, 211 Ebony, what is the difference in an arterial road and thoroughfare road and whom makes that determination?

Assistant City Manager Collette Jamison responded. The difference can be the section of street, how wide it is including the right of way and sidewalk. There is a thoroughfare plan outlined in the Transportation Master Plan.

Stephanie Battle, asked a question about item #12 on the agenda. If Council does not approve the waiver of fees for the Public Safety Facilities how do you suggest staff will pay for this facility.

Mayor responded that it was postponed to allow further discussion between the City and County to determine a way to move forward.

Ms. Ybarra, clarification on item #16 on the agenda. What are you suggesting regarding parking.

Mayor responded that it was denied this evening, but staff will continue to redefine what Residential Public Parking are actually allowed and staff meetings will be held to discuss further.

VII. Adjournment.

Jamie Lee Case, TRMC, City Clerk

John Thomaides, Mayor

Notice of Assistance at the Public Meetings

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