



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes City Council

Tuesday, June 5, 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 6:31 p.m. Tuesday, June 5, 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 this evening's invocation.

IV. Pledges Of Allegiance - United States And Texas

Kia Davis, Miss Beautiful SMTX 2017, led the assembly in the pledges of allegiance.

ACTION/DIRECTION FOLLOWING WORK SESSION EXECUTIVE SESSION

1. Consider action, by motion, or provide direction to Staff regarding the following Executive Session item in accordance with Section §551.074 of the Texas Government Code: Personnel Matters - to discuss and provide Annual Appointee Evaluations to the City Attorney and City Manager, which took place during the June 5, 2018 Work Session at 3:30PM.

The Mayor informed those in attendance that Council will reconvene back into Executive Session later in the evening and will provide direction at that time.

V. 30 Minute Citizen Comment Period

Frank Pereira, spoke as a representative that serves on the Court Appointed Special Advocates (CASA) board and his main role is fundraising. The challenge is keeping up with growth in our community. He has done numerous 3rd party fundraising activities which include the Inaugural golf tournament

that Corridor Title Company sponsored. This will be held again in October. Two other events include a mud water volleyball tournament and car wash event. With the support of Council we can achieve our goals.

John Barthel, spoke as a volunteer for CASA, he encourages Council to continue funding. CASA serves foster children caught in the system and our sole role is to make sure they do not get overlooked. These children get everything they need so they are safe and out of harms way. We have asked for a certain allocated amount, and the past three years you have responded. Although our growth is rapid the dollars do not increase. We are requesting grant funds in the amount of \$45,000.

Joseph Ptak, would like to see the creation of a set of rules, especially bylaws and regulations, for boards and commissions. Mr. Ptak served on the Arts Commission and they realized bylaws were needed. These were created and submitted to City Council for approval. This allows the ability to create Ad Hoc Committees and this is one of the necessities of these bylaws. Members of these Ad Hoc Committees include various people from various different organizations throughout our community.

Seth Worley, spoke as a CASA board member. He thanked Council for their past support. CASA is continuing to do great things and we are not keeping up with the growth. We are not even at the half way mark. He publically thanked Miriam McCoy for her very generous gift so construction on their building will soon be underway.

Lynnette Lombardo, spoke as a CASA services representative and expressed her support of funding. Ms. Lombardo noted that CASA advocated for 94 children in San Marcos last year. She worked on a dozen child abuse cases and stated no two cases are the same. Volunteering with CASA is like no other experience she has ever had and she encourages anyone that would like to volunteer to remember these three things: know the specific issues your specific child faces, know the resources available to you, and be the voice that gets the conversation started. Get involved and help these children find safe and supportive homes.

Carol J. Grimm, spoke as a CASA volunteer since 2001. She stated these volunteers help taxpayers save money. She shared a personal story of an individual that was under CASA care and how vital these services are to them. Please continue to support and grow as our numbers grow.

CONSENT AGENDA

A motion was made by Council Member Mihalkanin, seconded by Council Member Hughson, to approve the consent agenda, with the exception of item #3, 8, 9, 13, 14, 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 of Resolution 2018-68R, approving the award of a contract to Infosend Inc. for utility billing and notice services for a maximum term of four years in an amount not to exceed \$1,050,000.00; authorizing the City Manager or his designee to execute the said agreement on behalf of the City and declaring an effective date.
3. Consider approval of Resolution 2018-85R, approving the award of a contract for radar system for patrol vehicles to Stalker Radar d/b/a Applied Concepts, Inc., in the estimated amount of \$80,863.28; approving the award of a contract for patrol vehicle equipment and installation to Fleet Safety Equipment, Inc. (Buyboard #534-17) in the estimated amount of \$32,105.50; approving the award; authorizing the City Manager or his designee to execute the said agreement on behalf of the City and declaring an effective date.

Main Motion: A motion was made by Deputy Mayor Pro Tem Gregson, seconded by Council Member Mihalkanin to approve Resolution 2018-85R.

Motion to Amend: A motion was made by Deputy Mayor Pro Tem Gregson, seconded by Council Member Hughson to amend Resolution 2018-85R, by switching the two contract amounts making the contract for radar system for patrol vehicles to Stalker Radar d/b/a Applied Concepts, Inc as \$32105.50 and the contract for patrol vehicle equipment and installation to Fleet Safety Equipment, Inc. (Buyboard #534-17) as \$80,863.28.

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 2018-85R, 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

4. Consider approval of Resolution 2018-86R, approving the award of a contract to Lambda Construction I, Ltd., for transformer and feeder breaker replacement services in connection with the Ranch Road 12 Substation Transformer Upgrades Project in an amount not to exceed \$828,697.00; authorizing the City Manager or his designee to execute the said agreement on behalf of the City and declaring an effective date.
5. Consider approval of Resolution 2018-87R, approving the award of a three year contract to Climatec, LLC., for climate control system maintenance and support in the estimated amount of \$99,062.00; authorizing the City Manager or his designee to execute the said agreement on behalf of the City and declaring an effective date.
6. Consider approval of Resolution 2018-88R, approving the award of a contract to Cobb, Fendley & Associates, Inc., for the provision of engineering services in connection with the Bishop Street Improvements Project in an amount not to exceed \$357,209.50, contingent upon the engineer's provision of sufficient insurance; authorizing the City Manager or his designee to execute this agreement on behalf of the City; and declaring an effective date.
7. Consider approval of Resolution 2018-89R, approving the award of a contract to RPS for the provision of professional services in connection with the Staples Road Water Line Project in an amount not to exceed \$185,584.40, 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.
8. Consider approval of Resolution 2018-90R, approving the award of an Engineering Services Contract to Maestas & Associates, LLC, for the Guadalupe Street Improvement project in the estimated amount of \$211,845; authorizing the City Manager or his designee to execute the appropriate purchasing documents on behalf of the City; and declaring an effective date.

A motion was made by Mayor Thomaidēs, seconded by Council Member Derrick, to approve Resolution 2018-90R. 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

9. Consider approval of Resolution 2018-91R, approving the award of an Engineering Contract to Lockwood, Andrews & Newnam, Inc., for the Purgatory Creek project, in the estimated amount of \$467,440; authorizing the City Manager or his designee to execute the said agreement on behalf of the City; and declaring an effective date.

A motion was made by Council Member Derrick, seconded by Council Member Mihalkanin, to approve Resolution 2018-91R. 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

10. Consider approval of Resolution 2018-92R, approving the award of a contract to Denbow Company, Inc. for services to reroute storm water run-off from residential areas to Coers Creek for an amount estimated at \$1,690,365.03; authorizing the City Manager or his designee to execute the said agreement on behalf of the City and declaring an effective date.
11. Consider approval of Resolution 2018-93R, approving the award of a Construction Contract to Cox Commercial Construction, LLC., for the Victory Gardens Neighborhood Improvements Project for the estimated amount of \$8,260,891.20; authorizing the City Manager or his designee to execute the said agreement on behalf of the City and declaring an effective date.
12. Consider approval of Resolution 2018-94R, approving the change of the Fuel Flowage Fee rate for the San Marcos Regional Airport from 4% of the cost of fuel delivered to \$0.09 per gallon of fuel delivered; and declaring an effective date.
13. Consider approval of Resolution 2018-95R, approving a subordination agreement with Goldman Sachs Mortgage Company and JPMorgan Chase Bank that subordinates the City's Deed of Trust lien against the Embassy Suites Hotel Property securing a note in the principal amount of \$1,500,000 to the lien of such entities securing their loan to JDHQ Hotels, LLC. (a subsidiary of Atrium Hospitality) for the purchase of the hotel from JQH-San Marcos Development (a subsidiary of John Q. Hammons Hotels and Resorts); authorizing the City Manager to execute the subordination agreement on behalf of the City; and declaring an effective date.

A motion was made by Deputy Mayor Pro Tem Gregson, seconded by Council Member Hughson, to postpone Resolution 2018-95R to the June 19, 2018 City Council meeting and discuss during executive session in accordance with Section 551.071 of the Local Government Code: Consultation with Attorney. 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

14. Consider approval of Resolution 2018-96R, approving a loan assignment and assumption agreement between the City, JQH-San Marcos Development, LLC. (a subsidiary of John Q. Hammons Hotels and Resorts) and JDHQ Hotels LLC. (a subsidiary of Atrium Hospitality) that assigns the duties and obligations of JQH Development LLC under various loan documents with the City related to the development of the Embassy Suites Hotel and Conference Center to JDQH Hotels, LLC. in connection

with the sale of the hotel from JQH-San Marcos Development, LLC to JDQH Hotels LLC.; authorizing the City Manager to execute the agreement on behalf of the City; and declaring an effective date.

A motion was made by Deputy Mayor Pro Tem Gregson, seconded by Council Member Hughson, to postpone Resolution 2018-96R to the June 19, 2018 City Council meeting and discuss during executive session in accordance with Section 551.071 of the Local Government Code: Consultation with Attorney. 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

PUBLIC HEARINGS

15. Receive a Staff update and hold a Public Hearing to receive comments on the 2018 CDBG Annual Action Plan, and provide direction to the City Manager.

Aaron Harris, Community Initiatives Program Administrator, provided council with a brief presentation regarding the CDBG action plan. There is no action needed this evening. Mr. Harris indicated the allocation for this year is \$649,948 which is a 15% increase from 2017. Two applications were received for Public Services with include CASA, requesting \$45,000 and City of San Marcos Parks and Recreation for Youth Scholarships, requesting \$10,500. The Human Services Advisory Board recommends the funding of both applicants.

The Non Public Service Summary includes:

BR3T - \$220,000

Southside Community Center - \$100,000

City - Anita Reyes Park - \$125,000

City - Tree Planting at Children's Park - \$9,750

City - Home Buyer Down Payment Assistance - \$80,000

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

Those who spoke:

Tricia Snider, CASA Director, spoke on their role to recruit, train, and support volunteers. This funding will be used for partial salary support. Ms. Snider spoke on the role these advocates have from meeting directly with children, teachers, healthcare providers and attending court. CASA is experiencing a high demand, and we anticipate serving 102 children in San Marcos. The City

and CASA have been long standing partners in helping children and we thank you for your continued support.

Roland Saucedo, expressed his appreciation to Council for their time and service. He is in support of the allocating CDBG funds to BR3T, Southside Community Center, Anita Reyes Park, and the Down Payment Assistance Program. Mr. Saucedo likes that BR3T is focusing on roofing and leveling of homes. Mr. Saucedo spoke on the issues at Anita Reyes Park which is located in his neighborhood. This park is utilized but there is a lot of concern in regards to the accessibility to the park. Entrances are just an opening in the gate. Older citizens make up a majority of this neighborhood and getting into the park is not safe or fun to navigate and there is an issue of not having enough play equipment for the children. The Down Payment Assistance Program is a way to promote and assist residents to stay and contribute to our community.

Kelly Eby, Urban Forester for the City of San Marcos, is seeking CDBG funds for the planting of trees in the children's playscape. We need trees planted as others mature. Trees are environmentally important, they provide shade and encourages kids to be more active. She indicated the community would be invited to help with the planting of these trees.

Trey Bell, representative for BR3T, stated they are focusing these funds on roofing and leveling. Many agencies will not go into these projects. The primary group of people we serve are low income families, the elderly, and disabled. We want to help those that do not have a safe environment. Mr. Bell spoke as a former employee of the Southside Community Center and is in support of funding their request.

There being no further comments, the Mayor closed the Public Hearing at 7:18 p.m.

Council Member Hughson inquired about the request from CASA to fund salaries. In years past Council has not funded salaries and she asked if this has changed. Council asked how we audit the \$45,000. Ms. Brown stated that we look at timesheets and who they are serving and this does go to payroll.

Council directed Staff to hold a work session or discussion late in the year to discuss CDBG Programs, Larger projects, and a policy that makes it a requirement that these funds will not go for salaries.

NON-CONSENT AGENDA

16. Discuss and consider appointments to fill vacancies on the Convention and Visitor Bureau Board (CVB) and provide direction to Staff.

A motion was made by Deputy Mayor Pro Tem Gregson, seconded by Mayor Pro Tem Prewitt, to approve the appointment of Ruth Buck as the Hotel/Motel +90 rooms representative, James Martin as the museum representative, Dan Alden as the Texas State representative, and Monte Sheffield as the Food/Beverage representative on the Convention and Visitor Bureau Board . 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

EXECUTIVE SESSION

17. Executive Session item in accordance with Section §551.072 of the Texas Local Government Code which allows deliberations regarding the purchase, exchange, lease or value of Real Property: Discuss and deliberate possible options available to the City related to the property in the vicinity of the intersection of South Edward Gary Street and South LBJ Drive purchased from Union Pacific Railroad Company in 2013.

A motion was made by Council Member Hughson, seconded by Mayor Pro Tem Prewitt, to enter into Executive Session at 7:39 p.m. 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

18. Consider action, by motion, or provide direction to Staff regarding the following Executive Session item in accordance with Section §551.072 of the Texas Local Government Code which allows deliberations regarding the purchase, exchange, lease or value of Real Property: Discuss and deliberate possible options available to the City related to the property in the vicinity of the intersection of South Edward Gary Street and South LBJ Drive purchased from Union Pacific Railroad Company in 2013.

Council reconvened into regular session at 9:08 p.m. Council completed appointee evaluations and provided direction to staff on matters discussed during executive session.

VI. Question and Answer Session with Press and Public.

None.

VII. Adjournment.

Mayor Thomaides adjourned the Regular Meeting of the San Marcos City Council Tuesday, June 5, 2018 @ 9:10 p.m.

Tammy K. Cook, TRMC, Deputy City Clerk

John Thomaides, Mayor