



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes City Council

Monday, October 1, 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. Monday, October 1, 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

Pastor Peter Dusan of the Springs Church provided this evening's invocation.

IV. Pledges Of Allegiance - United States And Texas

Council Member Prewitt led the assembly in the pledges of allegiance.

V. 30 Minute Citizen Comment Period

William Agnew, spoke on the Planning and Zoning Commission that was held last Tuesday. He stated that a staff member made the comment that their department is not responsible for neighborhood presentations held by developers. According to the newly adopted Land Development Code, these presentations are now required of the developer and he believes the staff is responsible for these presentations whether they want to be or not. He stated Development Services should be responsible and make sure these presentations are held according to the rules of decorum standards that all other public meetings adhere to.

Rodrigo Amaya, spoke in regards to a meeting with the City Manager. He stated that numerous emails have been sent and he feels he is getting the run around. He is a busy man and he is frustrated. He stated there is construction all over town and doesn't understand why the city is taking on so many projects if they can't handle them all. He stated this is an inconvenience to the citizens because projects are extended and we are tired of seeking alternative

routes all over town. He asked for assistance in securing a meeting with the City Manager.

Lisa Marie Coppoletta, she spoke of her support for the Mystic Canyon Development. She stated this development is transparent and local and spoke highly about the developer. They were the first presentation after the adoption of the Land Development Code. They show up to meetings and they went door to door regarding their project. She spoke on the flooding issues due to the Cape Cottages, but she said these guys are ethical and go above and beyond their requirements. She spoke against the Lindsey Hill meeting that was held last week.

Dianne Wassenich, spoke on the Mystic Canyon Development. She would like to see no development over the recharge zone, but she is realistic that it won't happen in her lifetime. However, she does appreciate all the efforts of these developers. They are building less homes than could, they are giving more green space, they are avoiding sensitive features and they will make the main entrance on Ranch Road 12. These developers have also come to multiple CONA and Neighborhood meetings to accommodate the concerns of citizens. They are doing the right things

Shawn Kirkpatrick, Director of Public Affairs for KB homes spoke in regards to the Mystic Canyon Development. He stated this development provides attainable housing in San Marcos. There will be no disturbance to neighborhoods as the main access point will be off Ranch Road 12. He also spoke of the great drainage plan this development offers along with impervious cover. This development helps us get back into San Marcos and we look forward to providing housing within the community.

Brian Olson, made a comment regarding consent item # 7, approving a contract with Normandy Group. He stated they have done a great job and just wanted to make sure a correction was made because it states annual charge, but he believes this is for the entire contract. Normandy Group brought the City a large amount of money in 2016 from the National Conservation for Flood Damage. This money is repair dams in the city and Hays County, but it has been stated that Capes Dam doesn't have any funds for repair. He would like to know why if \$8.2 million is available for dams why isn't it used and if it was used what dams were repaired and how much it is still remaining. Capes Dam is still standing and it has been over 31 months and no agency has been given permits to remove the dam. He would like discussion and options on repairing the dam. Council Member Prewitt would like to have City Staff

discuss the money Mr. Olson mentioned in his comments. Laurie Moyer, Director of Engineering will speak with Mr. Olson.

ACTION FOLLOWING EXECUTIVE SESSION

1. Consider action, by motion, to provide direction to Staff regarding the following Executive Session in accordance with Section §551.074 of the Texas Government Code: Personnel Matters - to receive a briefing and deliberate regarding the Municipal Court Judges' positions; and in accordance with Section §Sec.551.071 of the Texas Government Code: Consultation with Attorney - to receive legal advice regarding State Law preemption of City Ordinances regulating the sale or use of single-use packages and containers.

Council received legal advice regarding the items on the agenda and discussed the personnel issues.

CONSENT AGENDA

A motion was made by Deputy Mayor Pro Tem Gregson, seconded by Council Member Mihalkanin, to approve the consent agenda with the exception of item #7, which was pulled and considered separately. Council Member Hughson abstained from item #11 as it has to do with greenspace. 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 Thomaiden and Council Member Mihalkanin

Against: 0

2. Consider approval, by motion, of the following meeting Minutes:
 - A) September 13, 2018 - Joint Council/Planning & Zoning Commission
 - B) September 18, 2018 - Work Session Meeting Minutes
 - C) September 18, 2018 - Regular Meeting Minutes
3. Consider approval of Resolution 2018-174R, approving an IDIQ Master Contract for Traffic Signal Construction and Maintenance between the City and Austin Traffic Signal, Inc. in the estimated annual amount of \$679,275 for a total possible term of 3 years; authorizing the City Manager or his designee to execute this contract on behalf of the City and declaring an effective date.
4. Consider approval of Resolution 2018-175R, approving an Engineering Contract between the City and Garver, LLC. for Engineering Services to update the San Marcos Regional Airport Master Plan in the estimated annual amount of \$300,000; authorizing the City Manager or his designee to execute this contract on behalf of the City and declaring an effective date.
5. Consider approval of Resolution 2018-176R, approving an Interlocal Agreement between

the City and the San Marcos Consolidated Independent School District for School Resource Officer (SRO) services, 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 2018-177R, 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.
7. Consider approval of Resolution 2018-178R, approving a contract between the City and the Normandy Group for Federal Government Consulting Services in the estimated annual amount of \$300,000; authorizing the City Manager or his designee to execute this contract on behalf of the City and declaring an effective date.

Main Motion: a motion was made by Deputy Mayor Pro Tem Gregson, seconded by Mayor Pro Tem Prewitt, to approve Resolution 2018-178R.

Motion to Amend: a motion was made by Mayor Thomaides, seconded by Deputy Mayor Pro Tem Gregson, to amend the resolution by changing annual amount to total amount. 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 2018-178R, 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

8. Consider approval of Resolution 2018-179R, approving a contract between the City and Bickerstaff Heath Delgado Acosta, LLP. for State Legislative Services (RFQ 218-175) in the estimated amount of \$60,000; authorizing the City Manager or his designee to execute this contract on behalf of the City and declaring an effective date.
9. Consider approval of Resolution 2018-180R, approving the roof and exterior repairs and parking expansion project for facilities of the Guadalupe Appraisal District; and declaring an effective date.
10. Consider approval of Resolution 2018-181R, approving an agreement between the City and the Modspace Corporation for the purchase of a modular office building, through the Texas Purchasing Cooperative Buyboard, in an amount not to exceed \$190,000; authorizing the City Manager or his designee to execute this contract on behalf of the City

and declaring an effective date.

11. Consider approval of Resolution 2018-182R, rescheduling consideration of an Ordinance to authorize the issuance of Combination Tax and Surplus Revenue Certificates of Obligation in an amount not to exceed \$1,935,000.00 in connection with the purchase of the Millican Tract to October 16, 2018; and providing an effective date.

PUBLIC HEARINGS - 6:00 PM

12. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2018-38, approving an update to the service and assessment plan for the Trace Public Improvement District; making a finding of special benefit to the property in the district; levying additional special assessments against property within the district; establishing a lien on such property; approving an updated assessment roll for the district; providing for payment of the additional special assessments in accordance with Chapter 372, Texas Local Government Code; providing for the method of assessment and the payment of the additional special assessments; providing for penalties and interest on delinquent assessments; providing for a severability clause; providing an effective date; and providing for related matters; and consider approval of Ordinance 2018-38, on the first of two readings.

Mayor Thomaides abstained from this item and signed the proper paperwork for this abstention.

Steve Parker, Assistant City Manager provided a brief presentation.

Mayor Pro Tem Prewitt opened the Public Hearing at 7:17 p.m.

There being no comments, Mayor Pro Tem Prewitt closed the Public Hearing at 7:17 p.m.

A motion was made by Deputy Mayor Pro Tem Gregson, seconded by Council Member Gonzales, to approve Ordinance 2018-38, 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

Abstain: 1 - Mayor Thomaides

NON-CONSENT AGENDA

13. Consider approval of Ordinance 2018-20, on the first of two readings, amending the Official Zoning Map of the City by rezoning a 56.6098 acre, more or less, tract of land out of the Benjamin White Survey, the John Williams Survey and the T.H.W. Survey, located

south of Old Ranch Road 12 and west of Craddock Avenue, from “FD” Future Development District To “SF-6” Single-Family District for the Mystic Canyon project; and including procedural provisions.

A motion was made by Deputy Mayor Pro Tem Gregson, seconded by Council Member Mihalkanin, to approve Ordinance 2018-20, 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 of Ordinance 2018-39, on the first of two readings, amending Chapter 2, Article 5, Code of Ethics, Section 2.423 of the San Marcos City Code, to require City Officials to publicly disclose the basis for their recusal from discussion and consideration of items on Board, Commission, and City Council Agendas; and providing an effective date.

A motion was made by Council Member Derrick, seconded by Mayor Pro Tem Prewitt, to approve Ordinance 2018-39, 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

15. Consider approval of Ordinance 2018-40, on the first of two readings, amending section 2.566 of the San Marcos City Code to authorize the City Manager to delegate authority for the approval or execution of certain contracts; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

A motion was made by Council Member Hughson, seconded by Deputy Mayor Pro Tem Gregson, to approve Ordinance 2018-40, 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

16. Consider approval of Resolution 2018-183R, approving an Assessment and Collection Agreement between the City and Hays County relating to the Trace Public Improvement District and the collection of assessments; authorizing the City Manager to execute the agreement on behalf of the City; and providing an effective date.

A motion was made by Deputy Mayor Pro Tem Gregson, seconded by Mayor Pro Tem Prewitt, to approve Resolution 2018-183R. 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. Consider approval of Resolution 2018-185R, approving an agreement with the Greater San Marcos Economic Development Corporation (GSMP) for Economic Development Services, providing for payments for such services in the amount of \$375,000 per year over a term of three years, with an option to renew for three additional years; authorizing the City Manager to execute the 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 Hughson, to approve Resolution 2018-185R.

Motion to Amend: a motion was made by Mayor Thomaidēs, seconded by Deputy Mayor Pro Tem Gregson, to amend this resolution by increasing the total amount of the agreement by \$25,000, with \$15,000 being distributed in year one, and \$5,000 in year two and three. The motion failed by the following vote:

For: 2 - Deputy Mayor Pro Tem Gregson and Mayor Thomaidēs

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

Motion to Amend: a motion was made by Council Member Hughson, seconded by Mayor Pro Tem Prewitt, to amend section 2 (c) Board Appointments of this agreement by striking the word "annually" regarding the Nominating Committee meetings and replacing with "not less than 3 times in each fiscal year". 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

Main Motion: to approve Resolution 2018-185R, 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 Thomaidēs and Council Member Mihalkanin

Against: 0

VI. Question and Answer Session with Press and Public.

None.

VII. Adjournment.

Mayor Thomaides adjourned the Regular Meeting of the San Marcos City Council Monday, October 1, 2018 at 7:22 p.m.

Jamie Lee Case, TRMC, City Clerk

John Thomaides, Mayor

Notice of Assistance at the Public Meetings

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