



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Meeting Minutes City Council

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Tuesday, November 20, 2018

6:00 PM

City Council Chambers

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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 Hughson at 6:02 p.m. Tuesday, November 20, 2018 in the City Council Chambers, 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 Jane Hughson and Council Member Ed Mihalkanin  
**Absent:** 1 - Deputy Mayor Pro Tem Scott Gregson

### III. Invocation

**Pastor Chad Chaddick with First Baptist San Marcos 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

**Joe Schneider, spoke in opposition of the Earl Street rezoning case that will come before Council on the December 4th agenda. This property is currently zoned SF 6 and the requester would like to go to ND3. He provided his concerns related to the zero lot line allowance and parking issues. It is his hopes that Council denies this zoning change like the Planning & Zoning Commission.**

**Roland Saucedo, addressed the Council regarding the work session that was held related to the small area plan. He spoke about some issues that Citizens are already working on with City Staff. One concern is the outreach that has been done by the City. He has been in contact with staff from Development Services regarding an outreach plan that goes out to the hot spots in neighborhoods as well as a petition type effort to ensure all citizens know what is going on. He would like Council to consider allowing participants such as**

himself to be a part of the conversation and not just a spectator as they may have answers to some of the concerns.

## **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 #2 which was pulled and considered separately. The motion carried by the following vote:**

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

**Against:** 0

**Absent:** 1 - Deputy Mayor Pro Tem Gregson

1. Consider approval, by motion, of the November 7, 2018 Regular Meeting Minutes.
2. Consider approval of Ordinance 2018-46 (ZC-18-19), on the second of two readings, amending Section 4.5.2.1(B)(2) of the City's Development Code to establish the "Old African American Baptist Church" located at 219 West MLK Drive as a Local Historic Landmark; and including procedural provisions.

**Council expressed their appreciation for all the votes that came in on this project and all the work Main Street put into this effort.**

**A motion was made by Council Member Derrick, seconded by Mayor Pro Tem Prewitt, to approve Ordinance 2018-46, on the second of two readings.**

3. Consider approval of Ordinance 2018-47, on the second of two readings, consolidating five Commercial and Industrial Electric Rate Classes into two large General Service Rate Classes by eliminating the Texas State University Cogeneration contract and all Primary and Secondary Key Accounts as recommended by the Citizens Utility Advisory Board; reducing the energy charge and demand charge associated with such large general service rate classes; including procedural provisions; and providing an effective date.
4. Consider approval of Ordinance 2018-48, on the second of two readings, amending Chapter 2, Article 3 - Boards, Committees and Commissions, of the San Marcos City Code by amending Section 2.072 to provide Terms of Office for City Board and Commission Members, and adding a new Section 2.073 that requires such Boards and Commissions to adopt a standard set of bylaws; including procedural provisions; and providing an effective date.
5. Consider approval of Ordinance 2018-49, on the second of two readings, dissolving the Sunset Advisory Commission; repealing Sections 2.171 - 2.178, Of Division 6, Article 3,

Chapter 2 of the San Marcos City Code pertaining to Boards, Committees And Commissions; including procedural provisions; and providing an effective date

6. Consider approval of Resolution 2018-213R, authorizing the amendment to the Interlocal Agreement with the San Marcos Consolidated Independent School District to allow first responders greater access to the School District's Video Surveillance; authorizing the City Manager to execute said amendment; and declaring an effective date.
7. Consider approval of Resolution 2018-214R, authorizing an IDIQ (Indefinite Delivery Indefinite Quantity) Master Contract for Electric Distribution Construction (IFB 218-368) with Linetec Services, LLC for an amount estimated at \$8,591,068.50 for a three year period beginning in January of 2019; authorizing the City Manager to execute said contract; and declaring an effective date.
8. Consider approval by motion of Change in Service #5 in the amount of \$94,775; for Professional Engineering Services in Connection with 2D Model Enhancement and 2015 Blanco Flood Analysis (Contract #216-076), with, Halff Associates, Inc. for providing engineering services to update the 30% storm drain system within the TxDOT right-of-way.

#### **PUBLIC HEARINGS - 6:00 PM**

9. Receive a Staff presentation and hold the second of two Public Hearings to receive comments for or against Ordinance 2018-19; adopting a new Transportation Master Plan and Thoroughfare Plan; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2018-19, on the first of two readings.

**Mayor Hughson opened the Public Hearing at 6:13 p.m.**

**Those who spoke on the item:**

**Sarah Simpson, she made the following comments:**

**I am here tonight in general support of the revised Transportation Master Plan (TMP) and want to start out by applauding all the recent revisions. Staff has done a great job in adapting the document to incorporate important improvements. Where there was previously no mention, there is now discussion within the TMP of induced demand and the correlation between new roads and traffic; sustainable performance measures to better achieve and track multimodal outcomes; roadway death and the need for safer streets policies, amongst other things. That being said, transportation planning in its very essence, is land use planning and I am here once again to encourage a revision of the Thoroughfare Plan before adoption. Amidst all of these improvements, the Thoroughfare Plan - the document that some might argue is the go-to exhibit of the entire report - remains largely the**

same as the previous draft version. It is also very similar to the 2004 version, something that was developed a decade before the current Comprehensive Plan's vision of growth - and at a time when sustainability within transportation planning was not quite as urgent. So what remains is a Thoroughfare plan that continues to project a business-as-usual future with significant ETJ build out and city limit expansion, particularly on the east side of town. The design raises concerns of equity, fiscal responsibility, economic vitality, increased impervious cover, natural land loss, the list is long. So, before you adopt this plan, please just look carefully at the Thoroughfare Plan and ask yourselves, is this aligned with the recent vision laid out in the Comprehensive Plan? Does this project a future of compact, connected development that minimizes sprawl and natural land conversion? Does this thoroughfare plan reinforce and support a future of multimodal transit - where both current and future residents have legitimate options to walk, bike and bus around town? Where kids can better walk and bike to school? Does this thoroughfare plan project equitable forms of development throughout all neighborhoods, all sides of town? While I generally support the revised draft, I believe that - despite all of the great improvements to the report - the thoroughfare plan continues to be at odds with the comprehensive plan and should be revised to emphasize the roads that serve the intensity zones, to encourage transit-supportive densities - not the opposite. Let's learn from the mistakes of nearby cities like Houston that triggered decades of sprawl simply with designs for their ringed beltways in the 1970s. Instead, let's follow the lead of cities like Portland that are pushing not to build more roads but are digging in to move people along their existing roads more efficiently. This change can be accomplished in a variety of very easy ways - one being to simply remove the extraneous roadways, similar to what was done with the craddock extension and the revised CIP plan; alternatively, move these proposed ringed roads to a separate category of reserved ROW so they do not serve as prominent pieces of the plan. I encourage you to improve upon the preferred scenario - not make it worse. Before this TMP rewrite is complete, take this opportunity to make sure the thoroughfare plan reflects the community's vision. Thanks for your time.

**John David Carson, he provided the following comments:**

I complement staff's responsiveness to input provided on the Transportation Master Plan (TMP) and for making this revised draft a more sustainable plan. I'll also echo Sarah's comments, particularly as it relates to removing far-flung roads from the Plan. That said, I'm going to focus my comments on just one issue I am thankful has been added. You will now find, on page 93, recommendations for "Safe Streets Design and Public Health". Traffic violence

is a public health epidemic. In Texas, nearly 10 people die from traffic fatalities every day. Another 50 people suffer life-altering injuries every day. Because this happens so frequently, we've become numb to it. We accept it, we use euphemisms like traffic "accident" to remove responsibility. We design "roads" for speed, for flow, to make large vehicles easy to maneuver, we've turned our public streets over to private vehicles and designed them to make people think our public rights of way are just for cars. We blame the victims. But we must remind ourselves that 10 times the number of Americans die in traffic crashes each year than die in fires. We must remind ourselves that traffic crashes are the #1 cause of death for individuals under 24 years of age. And, remind ourselves that the median age in San Marcos is 24. These deaths are not unavoidable. They are preventable. The idea that the only acceptable number of traffic deaths is ZERO started in 1997 in Sweden. At the time, they had traffic fatality rates comparable to the US. After implementing a policy to redesign their streets, Sweden's fatality rate is now just a quarter of the US rate. What is now frequently referred to as a Vision Zero policy has been adopted by many states and cities across the US. Minnesota, Utah, and Washington state have all adopted policies that have led to reductions in fatalities over 40%. Sunday at the Texas Capital, the non-profit Farm&City hosted a vigil in remembrance of the victims of traffic violence as they prepare to ask the Legislature to adopt Vision Zero policies. San Marcos should join in these efforts. As San Marcos grows and promotes more walkable and bikeable places, this Council should take action to make its streets safer, particularly for vulnerable street users. While education and enforcement can play a role, posting a speed limit doesn't do much. Reducing road deaths in the long term means redesigning roads to restrict motor traffic. That is where political will and commitment are required. The TMP before you tonight sets only modest goals such as creating a Vision Zero Action Plan by 2023. I'm here tonight to challenge this Council to make this a priority for 2019:

1. Adopt a Resolution committing to Vision Zero in the first quarter of 2019
2. Make certain your CAMPO representative and alternates carry these priorities forward to an organization that is in need of them
3. Tell the Texas Legislature that San Marcos supports state legislative action
4. Create and adopt a Vision Zero Action Plan for San Marcos by the end of 2019, not 2023

Thank you in advance for your commitment to this critical issue

There being no further comments, Mayor Hughson closed the Public Hearing at 6:20 p.m.

Staff recommended postponement of this item. The appendices have been

**added to this item for this meeting, resulting in approximately 1,500 additional pages to be reviewed. A motion was made by Mayor Pro Tem Prewitt, seconded by Council Member Derrick, to postpone Ordinance 2018-19 to the December 4, 2018 Regular City Council Meeting. The motion carried by the following vote:**

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

**Against:** 0

**Absent:** 1 - Deputy Mayor Pro Tem Gregson

- 10.** Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2018-215R, 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 1114 North Interstate 35 to be comprised of wood and allow the use of an exterior insulation and finishing system on the building; authorizing City Staff to issue a conditional use permit consistent with this Resolution; consider approval of Resolution 2018-215R; and declaring an effective date.

**Shannon Mattingly, Director of Development Services, corrected a typo on the 1st Page that stated Hat Creek Burger but this is for Salt Grass Steak House. This is located in the old Logan's Roadhouse Lot, the current building will be torn down and an 11,000 square foot building will be constructed. Ms. Mattingly stated the request is to allow more than 20 percent of the exterior building materials for Saltgrass Steakhouse at 1114 North Interstate 35 to be comprised of wood and allow the use of an exterior insulation and finishing system on the building.**

**Mayor Hughson opened the Public Hearing at 6:29 p.m.**

**There being no comments Mayor Hughson closed the Public Hearing at 6:30 p.m.**

**Mayor Hughson asked for verification that the Exhibit with the elevations showing the location of the exterior building materials would be included with the resolution and asked that the exact percentages be included also. A motion was made by Mayor Pro Tem Prewitt, seconded by Council Member Gonzales, to approve Resolution 2018-215R. The motion carried by the following vote:**

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

**Against:** 0

**Absent:** 1 - Deputy Mayor Pro Tem Gregson

**NON-CONSENT AGENDA**

11. Consider approval of Resolution 2018-216R, appointing a member and alternate members to the Capital Area Metropolitan Planning Organization (“CAMPO”) Board; and declaring an effective date.

**MAIN MOTION: a motion was made by Council Member Mihalkanin, seconded by Mayor Pro Tem Prewitt, to approve Resolution 2018-216R.**

**MOTION TO AMEND: a motion was made by Mayor Hughson, seconded by Council Member Mihalkanin, to amend Resolution 2018-216R approving the appointment of Mayor Pro Tem Lisa Prewitt as an alternate member to the Capital Area Metropolitan Planning Organization (“CAMPO”) Board and hold over other alternate positions until after the Election. The motion carried by the following vote:**

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

**Against:** 0

**Absent:** 1 - Deputy Mayor Pro Tem Gregson

**MAIN MOTION: to approve Resolution 2018-216R, as amended. The motion carried by the following vote:**

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

**Against:** 0

**Absent:** 1 - Deputy Mayor Pro Tem Gregson

12. Consider the appointment of the Mayor or a City Council Member to fill vacancies on the following Boards or Committees:
- Citizen Utility Advisory Board, ex-officio, non-voting - (Mayor)
  - San Marcos Area Chamber of Commerce, Board of Directors ex-officio (1 - Member of the Council)
  - Community Partnership Committee - (1 - Member of the Council)
  - Legislative Committee - (1 - Member of the Council)
  - Workforce Housing Committee - (1 - Member of the Council)

**A motion was made by Mayor Pro Tem Prewitt, seconded by Council Member Derrick, to approve the following appointments:**

**A. Citizen Utility Advisory Board - Mayor Jane Hughson but bring back the ordinance in January for review of the membership.**

**B. San Marcos Area Chamber of Commerce, Board of Directors - Mayor Jane Hughson**

**C. Community Partnership Committee - Mayor Jane Hughson**

**D. Legislative Committee - Mayor Jane Hughson, Council Member Melissa Derrick, Council Member Ed Mihalkanin**

**E. Workforce Housing Committee- Council Member Saul Gonzales.**

**The motion carried by the following vote:**

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

**Against:** 0

**Absent:** 1 - Deputy Mayor Pro Tem Gregson

- 13.** Discuss and consider approval of setting the proposed schedule for the annexation of the Smart Terminal Development, and provide direction to the City Manager.

**A motion was made by Mayor Pro Tem Prewitt, seconded by Council Member Mihalkanin, to approve the proposed schedule. The motion carried by the following vote:**

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

**Against:** 0

**Absent:** 1 - Deputy Mayor Pro Tem Gregson

**VI. Question and Answer Session with Press and Public.**

**None.**

**VII. Adjournment.**

**Mayor Hughson adjourned the Regular Meeting of the San Marcos City Council Tuesday, November 20, 2018 at 6:54 p.m.**

**Jamie Lee Case, TRMC, City Clerk**

**Jane Hughson, Mayor**