



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes City Council

Tuesday, December 4, 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 Hughson at 6:02 p.m. Tuesday, December 4, 2018 in the City Council Chambers, 630 E. Hopkins, San Marcos, Texas 78666.

II. Roll Call

Deputy Mayor Pro Tem Gregson was absent due to illness.

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

A moment of silence was observed in honor of fallen Officer Kenneth Copeland. Mayor Hughson read the following statement: "Today we observe a moment of silence in remembrance of Officer Kenneth M. Copeland. Officer Copeland joined the San Marcos Police Department on March 30, 1998. Prior to joining our team, he served as a corrections officer for the Texas Department of Corrections. He also served for 5 years with the Los Angeles County Sheriff's Office. Ken joined the U.S. Coast Guard in 1999 and served in support of Operation Iraqi Freedom. Ken became the first San Marcos Police Officer to lose his life in the line of duty one year ago today. He was shot and killed while attempting to serve a domestic violence arrest warrant. We are forever indebted to Ken for his service and for his sacrifice."

IV. Pledges Of Allegiance - United States And Texas

Kaylee Caraway, 5th grade student at Preparatory San Marcos, led the assembly in the pledges of allegiance.

EXECUTIVE SESSION

1. Consider action, by motion, to provide direction to Staff regarding the following Executive Session in accordance with Section §551.087 of the Texas Government Code: Economic Development - to receive a staff briefing and deliberate regarding a potential

Chapter 380 economic development incentive agreement with Urban Mining.

Council met in Executive Session and direction was provided to bring back this item for consideration on the January 29, 2019 Regular City Council Meeting agenda.

V. 30 Minute Citizen Comment Period

John David Carson, addressed the Council in support of item #19 and #20 related to Parking Management Items. He then expressed his support of item #17 regarding adoption of the Transportation Master Plan (TMP). He encouraged the Council to adopt a Zero Vision plan within the first quarter of 2019. He spoke in opposition of the speed limit increase on Hunter Road from 30mph to 35mph. He stated that the 85th percentile speed limit study is not a valid way to study this. He said we could redesign the lanes to have a lower design speed and this can be done cost effectively with stripping and delineator posts.

Sara Lee Myers, addressed the Council regarding the a speed limit decrease from 30mph to 25mph within her neighborhood, Blanco Gardens. She expected this to be done already, but was informed this would need to go before Council. She is hoping to have this on the agenda in January. She also spoke on the possibility of getting a 4 way stop at the corner of Bliss and Conway.

Carina Boston, addressed the Council regarding a letter from the Downtown Association related to downtown parking. She read the following letter: "The Board of the Downtown Association of San Marcos (DTA) continues to thank the City for actively taking steps toward managing the downtown public parking resources such that the availability of on street parking for downtown customers and guests is improved and additional options are introduced for downtown employees and residents. Our DTA Parking Subcommittee has been actively involved in this conversation with City staff and we appreciate Mr. Burke's detailed presentation to our membership at this past Monday's DTA meeting.

We have reviewed Agenda Items #19 and 20 for this coming Tuesday, December 4th Council Meeting related to establishing a "Parking Management Fund," hiring a Parking Manager, and forming a "Parking Advisory Board." We offer this letter in support for these actions subject to the following key recommendations:

1. Use names that reflect the broader objectives of mobility and transportation demand management in establishing the Fund and Advisory Board. For

example:

- **Mobility and Parking Management Fund [MaP Fund]**
- **Mobility and Parking Advisory Board [MaP Board]**

2. Do not transfer any funds out of the MaP Fund to the General Fund. It is critical that the City establish trust regarding its intentions in managing parking downtown. The DTA firmly believes any parking revenue generated should be spent on parking resources or other benefits for the districts where the revenue is generated. We oppose the proposed transfer of 30% of parking revenue to the General Fund where it may be allocated to other initiatives or areas.

3. Ensure the Advisory Board's duties and responsibilities include mobility and transportation demand management objectives. While improving the efficiency, availability, and accessibility of public parking resources will be the Advisory Board's first tasks, policy should come from a holistic perspective aimed at managing transportation demand within any future benefit districts. For Council's convenience and consideration, we have enclosed some proposed redlines to Sec. 2.174 of the proposed Ordinance establishing the Advisory Board.

Again, we thank you for the open engagement and dialogue on parking and mobility issues within the Downtown. We will provide additional thoughts and guidance regarding the implementation of paid on street parking and benefit districts in a subsequent letter once those items are on a future agenda for Council action."

Rodrigo Amaya, addressed the Council regarding a meeting with the City Manager. He encouraged Council to talk to him since concerns have not fixed and within his job description it states "address citizens concerns". He stated his concerns regarding the salaries of the City Manager, Assistant City Managers, and Directors. He stated the City of San Antonio is in the process of capping the City Manager's salary at \$250,000. He believes Council should look at doing this here in San Marcos. He also addressed an issue regarding his neighbor cutting some grass recently and that they had to clean it up and he felt that it was the City's job not his.

Matt Akins, spoke in support of the new Transportation Master Plan and was excited about the newly proposed bike and pedestrian friendly roadways. We should encourage students to walk and bike more to reduce traffic. More roads

usually mean more driving, not the opposite. We need to create more walking and biking access for our citizens.

PRESENTATIONS

2. Receive the Annual Community Development Block Grant - Disaster Recovery (CDBG-DR) Risk Assessment Presentation from the internal auditor Deloitte and Touche, LLP.

Ryan Foughty, representative with Deloitte and Touche, LLP, provided a brief presentation regarding the Internal Audit Plan for the Next 12 Months. He also discussed the internal audit process for CDBG-DR procurement and expenditures. He looks forward to our continued partnership.

CONSENT AGENDA

A motion was made by Council Member Gonzales, seconded by Council Member Derrick, to approve the consent agenda items #3-13. 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

3. Consider approval, by motion, of the following meeting Minutes:
 - A) November 14, 2018 - Special Meeting Minutes
 - B) November 20, 2018 - Regular Meeting Minutes
4. Consider approval of Resolution 2018-217R, authorizing the agreement with Starboard Consulting, LLC for Maximo Upgrade Services, our work order system for the Public Services Department, (RFP 218-291) in an amount estimated at \$133,800; authorizing the City Manager to execute said agreement; and declaring an effective date.
5. Consider approval of Resolution 2018-218R, authorizing a contract with Techline, Inc. for the provision of inventory and warehouse management services for the Public Services Department for one year for an amount not-to-exceed \$102,000.00, contingent upon the contractor's provision of sufficient insurance in accordance with the agreement; authorizing the City Manager to execute said agreement; and declaring an effective date.
6. Consider approval of Resolution 2018-219R, authorizing the agreement with G4 Spatial Technologies for six GPS Units (DIR-TSO-3676) in an amount estimated at \$114,447.92; authorizing the City Manager to execute said agreement; and declaring an effective date.
7. Consider approval of Resolution 2018-220R, authorizing an engineering agreement with HDR Engineering for the Castle Forest Channel Drainage Design Project in an amount estimated at \$155,862; authorizing the City Manager to execute said agreement; and

declaring an effective date.

8. Consider approval of Resolution 2018-221R, authorizing an engineering contract with HDR Engineering for the evaluation and recommendations to correct existing drainage problems at five (5) specific locations including Crockett Elementary, Fire Station Number 1 Drain, Harper Driver and River Road, S. LBJ Drive at Willow Springs Bridge Repair and Water Quality Improvement #51 in an amount estimated at \$111,925; authorizing the City Manager to execute said agreement; and declaring an effective date.
9. Consider approval of Resolution 2018-222R, authorizing an engineering services contract for the eastside of Aquarena Springs Drive Project with Brown and Gay Engineers, Inc. for an amount estimated at \$178,985; authorizing the City Manager to execute said contract; and declaring an effective date.
10. Consider approval of Resolution 2018-223R, authorizing a construction contract with Cox Commercial Construction, LLC for the Travis Street Heritage Drainage outfall project in an amount estimated at \$2,951,744.50; authorizing the City Manager to execute said agreement; and declaring an effective date.
11. Consider approval of Resolution 2018-224R, approving a supplemental agreement to the Interlocal Agreement with Caldwell County for subdivision regulation within the Extraterritorial Jurisdiction of the City to allow Caldwell County to exclusively review, process and approve development applications related to the construction of a new Bluebonnet Electric Cooperative Facility on Highway 142 near Church Street in Maxwell; and declaring an effective date.
12. Consider approval, by motion, of a Change Order with Lambda Construction, Ltd for the installation of a new perimeter ground loop and grounding the security fencing of the Ranch Road 12 Substation Transformer Project in the amount of \$50,682.
13. Consider approval, by motion, of Change Order #8 for the N. LBJ and Oak Ridge Utility Improvements Project by replacing a water main between Ed JL Green and the University Drive intersection in the not to exceed amount of \$391,000.00.

PUBLIC HEARINGS

14. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2018-51, 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 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 assessments in accordance with Chapter 372, Texas Local Government Code; providing for the method of assessment and the payment of the additional 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 or Ordinance 2018-51, on the first of two readings.

Steve Parker, Assistant City Manager provided a brief update regarding the updated Service and Assessment Plan for the Trace Public Improvement District.

John Schneider with P3 Works spoke regarding the Service Assessment Plan (SAP) that Council approved a couple of months ago. This is a simple amendment to this SAP.

Mayor Hughson opened the Public Hearing at 6:26 p.m.

There being no comments, the Mayor closed the Public Hearing at 6:26 p.m.

A motion was made by Mayor Pro Tem Prewitt, seconded by Council Member Gonzales, to approve Ordinance 2018-51, on the first of two readings. 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

- 15.** Receive a Staff Presentation and hold a Public Hearing to receive comments for or against Ordinance 2018-52 (ZC-18-16), amending the Official Zoning Map of the City by rezoning a 1.206 acre, more or less, tract of land, being lots 17 through 22 of the Z Williamson Second Addition located at Earle Street and Baylor Avenue, from "SF-6" Single-Family Residential District to "ND-3" Neighborhood Density District-3; approving a regulating plan associated with such zoning map amendment; and including procedural provision; and consider approval of Ordinance 2018-52, on the first of two readings.

Amanda Hernandez, Manager of Development Services, provided a brief update on the zoning amendment request. She stated the Planning & Zoning Commission denied the request 7 to 1.

Mayor Hughson opened the Public Hearing at 6:33p.m.

Those who spoke:

Yolanda Hernandez, spoke as the property owner right behind this project. She said the presentation shows detached houses, but this would be two detached units attached by one roof. She is concerned there could be discrepancies with neighbors and this could create problems within the Neighborhood. There is talk about neighborhood characteristic studies and she feels this project is not a good fit for this neighborhood. This is one of the oldest neighborhoods

in the City. She thanked Council for their service.

Rita Samaniego, stated she would rather have residential homes in this area. A duplex has been built across the street and there is no parking except on the street. Her concern is the safety of everyone that lives on that street, especially the children.

Lance Hubert, spoke as the property owner of the proposed project. He sent emails requesting postponement until a full Council is seated as it would require 6 council members to vote for approval.

Carina Boston, spoke as a member of the community that has family who owns property on Earle Street. She hopes they have a long time relationship with the neighbors. She spoke about possible flooding and erosion issues if this property were to be developed as proposed. She hopes the process is a little more considerate of long term effects when zoning requests are made.

John Bud, stated that he has lived on Earle Street for the last 18 years. He expressed his objection to this project. There is already an apartment and duplex in this neighborhood and the density will increase if this project is improved. He believes it is not conducive of quality of life for the members of this neighborhood. He stated other issues such as parking, the safety of children, and environmental issues as this is located over the Edwards Aquifer.

There being no further comments, the Mayor closed the Public Hearing at 6:44 p.m.

A motion was made by Council Member Mihalkanin, seconded by Mayor Pro Tem Prewitt, to postpone Ordinance 2018-52, on the first of two readings, until the January 15, 2019. 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

16. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2018-225R, authorizing the submission of the 2017 Community Development Block Grant ("CDBG") Program Consolidated Annual Performance Evaluation Report (CAPER) to the United States Department of Housing and Urban Development; and declaring an effective date; and consider approval of Resolution 2018-225R.

Aaron Harris, Community Initiatives Program Administrator, provided a few comments regarding the submission of the 2017 Community Development Block Grant (“CDBG”) Program Consolidated Annual Performance Evaluation Report (CAPER) to the United States Department of Housing and Urban Development.

Mayor Hughson opened the Public Hearing at 6:58 p.m.

There being no comments, the Mayor closed the Public Hearing at 6:58 p.m.

A motion was made by Mayor Pro Tem Prewitt, seconded by Council Member Mihalkanin, to approve Resolution 2018-225R. 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

- 17.** Consider approval of Ordinance 2018-19, on the first of two readings, adopting a new Transportation Master Plan and Thoroughfare Plan; including procedural provisions; and providing an effective date.

A motion was made by Council Member Derrick, seconded by Council Member Mihalkanin, to approve Ordinance 2018-19, on the first of two readings. 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

- 18.** Consider approval of Ordinance 2018-53, on the first of two readings, increasing the speed limit from 30 miles per hour to 35 miles per hour along the section of Hunter Road between Wonder World Drive (RM 12) and West San Antonio Street; authorizing the installation of signs and traffic control devices reflecting such new speed limit; directing that the traffic register maintained under Section 82.067 of the San Marcos City Code be amended to reflect such new speed limit; and, including procedural provisions.

A motion was made by Council Member Mihalkanin, seconded by Council Member Gonzales, to approve Ordinance 2018-53, on the first of two readings. 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

19. Consider approval of Ordinance 2018-54, on the first of two readings, amending the City's 2018-2019 Fiscal Year budget to create the Parking Management Fund, allow expenditures in the sum of \$134,411 from the Parking Management Fund to provide for operating expenditures for the Parking Management Program, and add one full-time employment position titled Parking Manager in the Parking Management Fund; amending the City's staffing table to reflect the addition of one full-time employee; and providing an effective date.

MAIN MOTION: a motion was made by Council Member Derrick, seconded by Council Member Mihalkanin, to approve Ordinance 2018-54, on the first of two readings.

MOTION TO AMEND: a motion was made by Mayor Hughson, seconded by Council Member Mihalkanin, to amend the expenditures from the Parking Managemet Fund by decreasing it from \$134,411 to \$87,258. 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 Ordinance 2018-54, on the first of two readings, 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

20. Consider approval of Ordinance 2018-55, on the first of two readings, amending Chapter 2, Article 3, Boards, Committees and Commissions, of the San Marcos City Code by replacing Division 6 to establish a Parking Advisory Board; including procedural provisions and providing an effective date.

MAIN MOTION: a motion was made by Council Member Mihalkanin, seconded by Mayor Pro Tem Prewitt to approve Ordinance 2018-55, on the first of two readings.

MOTION TO AMEND: a motion was made by Council Member Mihalkanin, seconded by Mayor Pro Tem Prewitt, to amend the composition of the Parking Advisory Board by adding two at large members. 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

MOTION TO AMEND: a motion was made by Mayor Hughson, seconded by Mayor Pro Tem Prewitt, to amend the composition of the Parking Advisory Board by adding two Council Members as non voting members. 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

MOTION to AMEND: a motion was made by Mayor Pro Tem Prewitt, seconded by Council Member Derrick, to amend Ordinance 2018-55 by adding the following language to Sec 2.174 Duties and Responsibilities as provided by the Downtown Association.

(a) The Board will serve an advisory function, providing recommendations to the city manager and city council regarding creation and operation of the parking and transportation demand management program including, but not limited to, the establishment, modification or termination of parking benefit districts; on-street parking regulations including areas, hours of operation, time limits, rates, citations and penalties; off-street parking regulations including areas, hours of operation, time limits, rates, citations and penalties; parking permit areas and rates; codes and ordinances governing the planning, design, construction, operation and maintenance of parking facilities; and codes and ordinances governing transportation demand management policies, programs, or infrastructure investments within any established parking benefit districts.

(b) The Board will develop written guidelines regarding the process for allocation of city parking benefit district funds, and in accordance with the codes and ordinances governing city parking benefit districts shall provide oversight for the expenditure of city parking benefit district funds for the promotion of: economic development; transit supporting facilities; active and

shared-use transportation; community vitality; and quality of life.

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 Ordinance 2018-55, on the first of two readings, 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

21. Consider approval of Resolution 2018-226R, approving the form and authorizing the distribution of a Preliminary Limited Offering Memorandum for "City of San Marcos, Texas Special Assessment Revenue Bonds, Series 2018 (Trace Public Improvement District)"

A motion was made by Council Member Mihalkanin, seconded by Mayor Pro Tem Prewitt, to approve Resolution 2018-226R. 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 8:36 p.m.

Jamie Lee Case, TRMC, City Clerk

Jane Hughson, Mayor