



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes City Council

Wednesday, December 12, 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. Wednesday, December 12, 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

A moment of silence was observed.

IV. Pledges Of Allegiance - United States And Texas

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

EXECUTIVE SESSION

1. Consider action, by motion, regarding the following Executive Session items:
 1. Executive Session in accordance with Section §551.071 of the Texas Government Code: Consultation with Attorney, - to receive legal advice regarding pending litigation, The Mayan At San Marcos, LLC, vs. City of San Marcos, Cause No. 18-0958-CV-A, in the 25th Judicial District Court of Guadalupe County, Texas, filed on April 18, 2018 in an attempt to invalidate Ordinance No. 2008-16 that annexed a 563.199 tract of land commonly known as the Hillert Tract into the city limits of San Marcos, Texas;
 2. Executive Session in accordance with Section §551.072 of the Texas Government Code: Real Property Deliberations Regarding, to discuss the acquisition of land for cemetery purposes
 3. Executive Session in accordance with Section §551.087 of the Texas Government Code: Economic Development - to receive a Staff briefing and deliberate regarding potential economic development incentives for projects Desert Wind and Big Hat.

Mayor Hughson stated that council received legal advice on item #1 and discussion was held and direction was provided on items #2 and #3 in Executive Session.

V. 30 Minute Citizen Comment Period

Sharri Boyett, addressed the Council in support of the no kill resolution that will be presented this evening. This is a giant step towards our goal of becoming a safe and humane community for our people and pets. People dont want pets to die, they will rally behind the shelter that is proactive and humane. We applaud the staff and look forward to increased hours and programs. Expediting this process is important. There are proven best practices to approve this goal and people are ready to help. We just need the commitment from Council. Please expedite as the time is now, it is time to stop the killing.

Lisa Marie Coppoletta, addressed the Council regarding the discussion last night at the Planning & Zoning Commission in regards to the rezoning of 900+ acres of land. She stated Council had a closed session and approved an Economic Development agreement that went against the code. This area went from low density to high industrial and this is in the flood way and there is no buffer for neighbors to be protected. The public has a right to know that Council approved a 600,000 square foot building on this property with 80% impervious cover. She wants Council to listen to the video from the Planning and Zoning Commission.

Trampas Sibert, addressed Council regarding conflicts of interest in regards to the San Marcos Police Department. He feels he has been targeted and retaliated against for years. He provided a recording and wants Council to listen to this.

Keith Spell, addressed the Council regarding his employment as a wrecker driver for Trampus Sibert and the issues he has had since that time. He claims the police did noting when his home and vehicle were vandalized. He asked that Council listen to the tape that Mr. Sibert discussed in his comments. He would like a fair shake and there should be the same consequences for everyone.

CONSENT AGENDA

A motion was made by Council Member Gonzales, seconded by Council Member Mihalkanin, to approve the consent agenda, with the exception of items # 3, 13, 14, and 15 which were 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

2. Consider approval, by motion, of the following meeting Minutes:
 - A. October 30, 2018 - Special Meeting
 - B. October 30, 2018 - Transportation Master Plan Workshop Meeting Minutes
 - C. November 7, 2018 - Work Session Meeting Minutes
3. Consider approval of Ordinance 2018-19, on the second 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 Mihalkanin, seconded by Council Member Derrick, to approve Ordinance 2018-19, on the second of two readings, adopting the version that includes the amendments. 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

4. Consider approval of Ordinance 2018-53, on the second 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.
5. Consider approval of Ordinance 2018-54, on the second of two readings, amending the City's 2018-2019 Fiscal Year budget to create the Parking Management Fund, allow expenditures in the sum of \$87,258 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.
6. Consider approval of Ordinance 2018-55, on the second 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.
7. Consider approval of Resolution 2018-227R, adopting Guiding Principles for the City's 2019 State Legislative Program Activities; and declaring an effective date.
8. Consider approval of Resolution 2018-237R, adopting Guiding Principles for the City's

2019 Federal Legislative Action Program, and declaring an effective date.

9. Consider approval of Resolution 2018-228R, approving the award of a contract for Meter Installation & Field Service Upgrades (IFB 218-364) to the Olameter Corporation for an amount estimated at \$597,935.64; authorizing the City Manager to execute said agreement; and declaring an effective date.
10. Consider approval of Resolution 2018-229R, authorizing an agreement between the City of San Marcos and Dewberry Engineers Inc. for a three-year subscription for Nearmap ArcGIS Aerial Imagery Software in an amount estimated at \$53,985.63; authorizing the City Manager to execute said agreement; and declaring an effective date.
11. Consider approval of Resolution 2018-230R, authorizing a change in service between the City of San Marcos and Visit San Antonio which will extend the current marketing and promotional services contract for one year at an amount estimated at \$35,000.00 and bringing the total value of the contract to \$70,000.00; authorizing the City Manager to execute said agreement; and declaring an effective date.
12. Consider approval of Resolution 2018-231R, approving a 20 year lease with the Village of San Marcos for a Women, Infants and Children ("WIC") Program office at 215 Reimer Avenue; authorizing the City Manager to execute said lease; and declaring an effective date.
13. Consider approval of Resolution 2018-232R, approving an Interlocal Agreement between the City of San Marcos and Hays County to provide Hays County with animal shelter services for a payment of \$259,596 to cover expenses through the end of the fiscal year to be paid by Hays County upon execution of the Agreement; authorizing the City Manager to execute the agreement; and declaring an effective date.

MAIN MOTION: a motion was made by Council Member Derrick, seconded by Mayor Pro Tem Prewitt, to approve Resolution 2018-232R.

MOTION TO AMEND: a motion was made by Mayor Hughson, seconded by Council Member Derrick, to amend Resolution 2018-232R, by amending Section 1, Subpart B(1) of the Interlocal Agreement with Hays County by designating Hays County Commissioner, Precinct 1, as the County's representative in all matters related to this Agreement. 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 2018-232R, 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

14. Consider approval of Resolution 2018-233R, approving an Interlocal Agreement between the City of San Marcos and the City of Kyle to provide the City of Kyle with animal shelter services for a payment of \$141,881 to cover expenses through the current fiscal year to be paid by the City of Kyle upon execution of this Agreement; authorizing the City Manager or his designee to execute the Agreement; and declaring an effective date.

MAIN MOTION: MAIN MOTION: a motion was made by Council Member Derrick, seconded by Mayor Pro Tem Prewitt, to approve Resolution 2018-233R.

MOTION TO AMEND: a motion was made by Mayor Hughson, seconded by Council Member Gonzales, to amend Resolution 2018-233R, by amending section 2, sentence 2 of the Interlocal Agreement with the City of Kyle by removing the word City and replacing it with San Marcos. The sentence now reads "The Parties acknowledge that San Marcos is currently reviewing and studying its animal services efforts and the Parties anticipate negotiating a new long-term agreement over the next year. 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 Council Member Gonzales, to amend Resolution 2018-233R, by amending Section 1, Subpart B(1) of the Interlocal Agreement with the City of Kyle, by designating the Police of Chief as Kyle's representative in all matters related to this Agreement. 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 2018-233R, as amended. The motion carried by the following vote:

15. Consider approval of Resolution 2018-234R, approving an Interlocal Agreement between

the City of San Marcos and the City of Buda to provide the City of Buda with animal shelter services for a payment of \$37,463 to cover expenses through the end of the current fiscal year to be paid by the City of Buda upon execution of this Agreement; authorizing the City Manager to execute the agreement; and declaring an effective date.

MAIN MOTION: a motion was made by Mayor Pro Tem Prewitt, seconded by Council Member Mihalkanin, to approve Resolution 2018-234R.

MOTION TO AMEND: a motion was made by Mayor Hughson, seconded by Council Member Gonzales, to amend Resolution 2018-234R, by amending Section 1, Subpart B(1) designating the Police of Chief as Buda's representative in all matters related to this Agreement and amending section 2, sentence 2 of the Interlocal Agreement with the City of Buda by removing the word City and replacing it with San Marcos. The sentence now reads "The Parties acknowledge that San Marcos is currently reviewing and studying its animal services efforts and the Parties anticipate negotiating a new long-term agreement over the next year. 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 234R, 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

PUBLIC HEARINGS

16. Hold the second of two Public Hearings to receive comments for or against Ordinance 2018-51, on the second of two readings, 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; and consider approval of Ordinance 2018-51, on the second of two readings, providing an effective date; and providing for related matters.

Steve Parker, Assistant City Manager provided a brief update regarding th

Service and Assessment Plan for the Trace Public Improvement District.

Mayor Hughson opened the Public Hearing at 6:39 p.m. There being no comments, the Mayor closed the Public Hearing at 6:39 p.m.

A motion was made by Council Member Mihalkanin, seconded by Mayor Pro Tem Prewitt, to approve Ordinance 2018-51, on the second 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

- 17. Receive a Staff Presentation and hold the first of two Public Hearings to receive comments for or against the Annexation (AN-08-05) of approximately 934.34 acres, more or less, comprised of six separate tracts of land along State Highway 80 and FM 1984, out of the William Pettus Survey, Abstract No. 21.**

Shannon Mattingly, Director of Development Services, provided a presentation regarding the annexation of land along side State Highway 80 and FM 1984. She provided a map of other properties that are located near this proposed annexation.

Laurie Moyer, Director of Engineering and CIP, provided the floodplain map of this property. She stated that stormwater management requires the rate of runoff after construction must be equal to or less than runoff prior to construction.

Mayor Hughson opened the Public Hearing at 6:54 p.m.

Those who spoke:

Mary Beth Harper, addressed council regarding the annexation being requested. She lives between San Marcos and Martindale. She thinks San Marcos is reaching into Martindale and she doesn't like it. She mentioned the map that staff illustrated was incorrect and that Martindale's Extraterritorial Jurisdiction (ETJ) is bigger than shown. She spoke of the floodway running through projects, increased traffic and stated we need to check the ETJ.

Dianne Wassenich, spoke on behalf of the San Marcos River Foundation. She indicated that last night the Planning & Zoning Commission (P&Z) did not receive as much information as Council is receiving this evening. We have

rules and we need to protect downstream unlike ever before. 2-D modeling is not required in this area, but work needs to be done. She mentioned P&Z turned it down because they just didn't receive all the information.

Ed Theriot, spoke as the Caldwell County Precinct 3 Commissioner. He stated that Commissioner's Court recently passed a 381 Economic Development Agreement with Katerra which will bring needed investment and many jobs. There is preliminary discussions with three other companies that are looking at the Smart Terminal for their development. They are currently pursuing grants for rail infrastructure. They are supportive of San Marcos and getting this zoned and annexed.

Mike Schroedder, developer of the Smart Terminal, discussed the history of this project and the economic stimulus of this property. He explained the rail line expansion and the support of Burlington Northern Santa Fe (BNSF) and Union Pacific Railways. He stated the building will be comparable to the Amazon building and they will have a cafeteria and daycare on site. He stated that we want to be successful but also respectful of the environment as well.

Adriana Cruz, Greater San Marcos President, she stated this is called SMART for San Marcos Air Rail Truck and will be part of the future FM110. She expressed her support of this annexation and the development of this area. Caldwell County, the City and GSMP are working on Grants. This project will attract higher end industrial companies, this will be the first of its kind in Central Texas.

There being no further comment, the Mayor closed at 7:06 p.m.

No action will be taken this evening, but the Mayor opened up discussion to allow Council to ask questions of Staff regarding this property.

Council provided consensus for Ms. Moyer to look into getting 2D modeling done on this property. She will discuss it with Halff and Associates. Council would also like FM 110 illustrated on this property map.

NON-CONSENT AGENDA

18. Consider approval of Ordinance 2018-56, on the first of two readings, amending Ch. 82, Article 4 of the City of San Marcos City Code by adding a new Division 3 regulating Vehicle Booting Activities On Private Parking Facilities; providing a savings clause; providing for the repeal of any conflicting provisions; providing for penalties; and providing an effective date.

MAIN MOTION: a motion was made by Council Member Mihalkanin, seconded by Council Member Derrick, to approve Ordinance 2018-56, on the first of two readings.

MOTION TO AMEND: a motion was made by Mayor Hughson, seconded by Mayor Pro Tem Prewitt, to amend Section 82.191, Subsection (e) by including cash as a form of payment, so the section now reads "A booting company may not collect a fee for any charge associated with the removal of a boot from a person who offers to pay the charge with cash, an electronic check, debit card, or credit card form of payment that the booting company is not equipped to accept." 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 2018-56, 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

19. Consider approval of Resolution 2018-235R, directing the City Manager to develop an implementation plan to achieve and sustain 90% or higher live outcome rates for dogs and cats at the San Marcos Regional Animal Shelter and return to City Council to present the proposed implementation plan; and declaring an effective date.

MAIN MOTION: a motion was made by Council Member Derrick, seconded by Council Member Gonzales, to approve Resolution 2018-235R.

MOTION TO AMEND: a motion was made by Mayor Pro Tem Prewitt, seconded by Council Member Derrick, to amend Resolution 2018-235R by changing the caption language "directing the City Manager to develop an implementation plan to achieve and sustain 90% or higher live outcome rates for dogs and cats at the San Marcos Regional Animal Shelter by June 28, 2024, or before, and return to City Council no later than June 28, 2019 to present the proposed implementation plan". 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 2018-235R, 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 Resolution 2018-236R, amending Resolution No. 2018-131R pertaining to the establishment of the San Marcos Innovation District by, among other possible amendments, modifying the boundaries of the District and the modifying the qualifications for appointment to the District Stakeholder Advisory Group; and declaring an effective date.

MAIN MOTION: a motion was made by Council Member Mihalkanin, seconded by Council Member Derrick, to approve Resolution 2018-236R.

MOTION TO AMEND: a motion was made by Mayor Pro Tem Prewitt, seconded by Council Member Mihalkanin, to amend Resolution 2018-236R by including a representative from the Callaboose Museum to serve on the San Marcos Innovation District. 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 Council Member Mihalkanin, to amend Resolution 2018-236R by including a citizen-at-large to serve on the San Marcos Innovation District. 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 Council Member Derrick, to amend Resolution 2018-236R by removing the residential portion of the map that is included. Staff will update accordingly. 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 2018-236R, 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

VI. Question and Answer Session with Press and Public.

Roland Saucedo, spoke on item 20 on the agenda. He is under the impression that is up to the stakeholders and committee would determine the boundaries. Mayor Hughson stated boundaries can change and believe it will be up to future stakeholders to change boundaries. However for the time Council wants the homes out of the process so there are no worries from homeowners.

VII. Adjournment.

Mayor Hughson adjourned the Regular Meeting of the San Marcos City Council Wednesday, December 12, 2018 at 8:28 p.m.

Jamie Lee Case, TRMC, City Clerk

Jane Hughson, Mayor