



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Meeting Minutes City Council

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Tuesday, February 19, 2019

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 6:07 p.m. Tuesday, February 19, 2019 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, Council Member Melissa Derrick, Mayor Jane Hughson, Council Member Ed Mihalkanin, Council Member Joca Marquez and Council Member Mark Rockeymoore

### III. Invocation

**Pastor Dr. Chad Chaddick ,with First Baptist Church, provided this evening's invocation.**

### IV. Pledges Of Allegiance - United States And Texas

**Council Member Rockeymoore led the assembly in the pledges of allegiance.**

### V. 30 Minute Citizen Comment Period

**Sara Lee Underwood Myers, invited the public to the next Council of Neighborhood Association (CONA) meeting on March 19th. She also referenced Bobcat Build and that they are seeking applications because they want to be number one in the state for community service. A representative with Bobcat Build will speak on the details of the application process. She also asked that the Council approve the ordinance reducing the speed limit in Blanco Gardens.**

**Lisa Marie Coppoletta, spoke in support of Item #6 and the sirens purchase. She introduced her costume for the Mardi Gras Parade and invited Council to attend. She said you are welcome to park in her driveway and in front of her house. She said she loves the spunk and enthusiam from Kelly Stone and she requested that she ask for reparations for the Blanco Garden Neighborhood because there is environmental racism, known as the Woods.**

Karen Ford, representative of WaterPR, she is here representing a group called SMARTER San Marcos that is against the SMART Terminal and asked that the council take no action on the Chapter 380 agreement. She stated they are not against the project but the location of the project. This location may not be in the best interest of the citizens or the environment. She has requested that Council slow down and let engaged citizens learn more about this project. They ask the City to require an Environmental Impact Study and a Traffic Impact Analysis. If these already exist we want time to review this information. She asked if there is another location for this project?

Erin Magee, expressed her appreciation for Council looking over the City and she spoke against the SMART Terminal and the location. She expressed concern with drainage of this project into our river. She asked that the Council require a 60% impervious cover limit instead of the 72% that it is currently proposed. She stated that there are options and she is open to any options that the Council puts forward. She hopes the Blanco Bypass Project where Yarrington Road meets Hwy I-35 and Hwy 130 is not being considered the flood mitigation project for this property.

Kelly Stone, she spoke out against Cape's Dam, and read information related to dams from Internationalrivers.org which states dams are not climate neutral and affect climate change negatively. In the United States more than 1200 dams have been removed, which is a step in the right direction. She stated that our community is not immune to these side effects and she stated the flood, the dam and climate change contributed to the flooding that impacted Blanco Gardens neighborhood. Please restore the river by removing the dam.

Becky Patterson, addressed concerns about the SMART Terminal project. She stated that neighbors want to be heard and want to know what the implications are. She asked Council to slow down. She said this area is prone to flooding and spoke about being able to see standing water on the farm lands. She lived in a part of town that co-existed in an industrial area and it was not pretty. Fuel emissions, toxicity from oil and gas, loud engine noise, and constant traffic is not an acceptable environment for people, plants or pets. She stated that there is no guarantee that the San Marcos River will be protected. She asked that the environmental impact study and traffic impact analysis be conducted and look for a different location.

Jennifer Hayes, provided the Council with a DVD of the audio of a recent Animal Shelter conference. She expressed her concerns with the Animal Shelter's website and the lack of information. She provided that most of the

**information on the adoption site is blank and volunteers can help write bios.**

**David Sergi, spoke on behalf of SmarterSan Marcos.org. He reminded Council of the days of Sessom Creek and the development they fought against at that time. He referenced the Comprehensive Plan and asked if this SMART Terminal project fits the criteria outlined in this plan. He then spoke about policies and read the land use vision statement of the comp plan: "We envision San Marcos as a community with balanced and diverse land uses that expand our lifestyle choices while protecting and enriching our historical, cultural, and natural resources." We must look at whether or not our comp plan can be looked at when it comes to annexation.**

**Zachary Lopez, spoke on behalf of Bobcat Build and informed Council the event will be held on April 13th. They are currently seeking job sites, with applications due by March 1st. Request forms are located at the library and online at [bobcatbuild.txstate.edu](http://bobcatbuild.txstate.edu).**

**Frank Parrott, spoke in opposition of the SMART Terminal project. He stated that the San Marcos River is one of a kind. He stated that the vision of San Marcos Comp Plan even states that "a river runs through us". He has heard three reasons why we would put a Heavy Industrial Complex 1,250 feet from the river. The first is to bring jobs to San Marcos, the truth is we currently have full employment. Second he stated that our new land development code will protect all and save all, but it will not win against all and human errors will happen. Do not test the code with this project. The third is that the complex is South and the springs will not be affected. However the terminal complex will fowl the river to the south and will destroy habitat.**

**Written Statements were provided by Scott Cove, Mary Beth Harper, and Sharri Boyett**

## **EXECUTIVE SESSION**

- 1. Consider action, by motion, regarding the following Executive Session items:**
  - A.) Executive Session in accordance with Section 551.087, Economic Development, to receive a staff briefing and deliberate regarding a potential Chapter 380 Economic Development incentive agreement for the S.M.A.R.T Terminal Project.**
  - B.) Executive Session in accordance with Section 551.087, Economic Development, to receive a staff briefing and deliberate regarding a potential Chapter 380 Economic Development incentive agreement for Project World Series.**

**Mayor Hughson stated the Project World Series item was postponed.**

She also stated the SMART Terminal Project has given staff a 380 economic development agreement outlining a lot of uses that will not be allowed on the property. This is set to come back at a future date.

## CONSENT AGENDA

**A motion was made by Council Member Derrick, seconded by Council Member Gonzales, to approve the Consent Agenda, with the exception of item #2D, 4, and 11, which were pulled considered separately. The motion carried by the following vote:**

**For:** 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

**Against:** 0

**2. Consider approval, by motion, of the following meeting Minutes:**

- A) December 12, 2018 Work Session Minutes
- B) January 2, 2019 Special Meeting Minutes
- C) January 11, 2019 Visioning Session Minutes
- D) January 15, 2019 Work Session Minutes
- E) January 29, 2019 Regular Meeting Minutes

**A motion was made by Mayor Hughson, seconded by Council Member Mihalkanin, to postpone the January 15, 2019 Work Session Minutes. The motion carried by the following vote:**

**For:** 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

**Against:** 0

**3. Consider approval of Ordinance 2019-08, on the second of two readings, reducing the speed limit from 30 miles per hour to 25 miles per hour along the following sections of Roadway in the Blanco Garden and Blanco Terrace Neighborhoods: 1400 block of Harper Drive, between River Road and Bugg lane; 100 to 200 block of Highline Drive; 100 to 200 block of Wendell Drive; 400 to 500 block of Bliss Lane between Barbara Drive and Sturgeon Drive; 200 to 300 block of Sherbarb Street between Linda Drive and Barbara Drive; 400 to 500 block of Mary Lane between Barbara Drive and Sturgeon Drive; 100 to 200 block of Clair Drive between Barbara Drive and Sturgeon Drive; 100 to 300 block of Smith Lane between River Road and north end; 600 to 1300 block of Barbara Drive between River Road and Bugg Lane; 600 to 1300 block of Conway Drive between River Road and Bugg Lane; 600 to 900 block of Sturgeon Drive between River Road and Seth 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.**

4. Consider approval of Resolution 2019-27R, approving the award of a Construction Contract to T.F. Harper and Associates, LP, through the Buyboard Cooperative (Contract No. 512-16), for improvements to Anita Reyes Park in the amount of \$143,530.75; authorizing the City Manager or his designee to execute the appropriate documents related to this contract on behalf of the City; and declaring an effective date.

**A motion was made by Council Member Derrick, seconded by Mayor Pro Tem Prewitt, to approve Resolution 2019-27R. The motion carried by the following vote:**

**For:** 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

**Against:** 0

5. Consider approval of Resolution 2019-28R, authorizing the City Manager or his designee to apply for Homeland Security Grants for continuity of operations planning; authorizing the City Manager or his designee to accept, reject, alter or terminate the grants, if awarded, and to execute all contracts and documents as necessary to implement the grants; and declaring an effective date.
6. Consider approval of Resolution 2019-29R, authorizing the City Manager or his designee to apply for Homeland Security Grants for San Marcos Emergency Warning Sirens; authorizing the City Manager or his designee to accept, reject, alter or terminate the grants, if awarded, and to execute all contracts and documents as necessary to implement the grants; and declaring an effective date.
7. Consider approval of Resolution 2019-30R, authorizing the City Manager or his designee to apply for Homeland Security Grants for Primary Emergency Operations Center Technology Upgrades; authorizing the City Manager or his designee to accept, reject, alter or terminate the grants, if awarded, and to execute all contracts and documents as necessary to implement the grants; and declaring an effective date.
8. Consider approval of Resolution 2019-31R, authorizing the City Manager or his designee to apply for Homeland Security Grants for Emergency Mobile Command Vehicle; authorizing the City Manager or his designee to accept, reject, alter or terminate the grants, if awarded, and to execute all contracts and documents as necessary to implement the grants; and declaring an effective date.
9. Consider approval of Resolution 2019-32R, consenting to and supporting the conversion of Maxwell Water Supply Corporation to a Special Utility District Operating under Chapter 65, Texas Water Code; making findings of fact; and declaring an effective date.
10. Consider approval of Resolution 2019-33R, renewing for up to three additional years an Indefinite Delivery and Indefinite Quantity (IDIQ) contract for Slurry Seal Materials with Viking Construction, Inc. in an amount not to exceed \$550,000.00 per year, through the City's Interlocal Cooperative Purchasing Contract with the City of Grand Prairie;

authorizing the City Manager or his designee to execute all documents necessary to renew such contract for up to three years; and declaring effective date.

11. Consider approval of Resolution 2019-34R, approving an agreement with Geographic Technologies Group, Inc. for contract services related to the 2019-2024 Five-Year Geographic Information System (GIS) Strategic Plan and an amendment thereto for a total contract amount of \$100,000; authorizing the City Manager or his designee to execute all necessary documents related thereto; and declaring an effective date.

**A motion was made by Mayor Pro Tem Prewitt, seconded by Council Member Gonzales, to approve Resolution 2019-34R. The motion carried by the following vote:**

**For:** 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockey Moore

**Against:** 0

12. Consider approval, by motion, of Change Order #1 for the Victory Gardens Subdivision Improvement Project in the amount of \$142,076.00 adding locations for water and wastewater replacement to replace all of the water and wastewater infrastructure within the Project limits.

## **NON-CONSENT AGENDA**

13. Consider approval of Ordinance 2019-09, on the first of two readings, amending Chapter 2, Article 3, Division 11 - Citizens Utility Advisory Board of the San Marcos City Code by; amending Section 2.271 - Composition, Section 2.272 - Terms of Office, Section 2.276 - Organization, and Section 2.278. - Bylaws and Open Meetings Act Compliance; including procedural provisions and providing an effective date.

**A motion was made by Council Member Rockey Moore, seconded by Mayor Pro Tem Prewitt, to approve Ordinance 2019-09, on the second of two readings. The motion carried by the following vote:**

**For:** 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockey Moore

**Against:** 0

14. Consider approval of Resolution 2019-35R supporting the United States Census Bureau by creating a Census 2020 Complete Count Committee to coordinate efforts and deploy resources across the community to achieve the most accurate and complete population count in the upcoming decennial census; and declaring an effective date.

**MAIN MOTION: a motion was made by Mayor Pro Tem Prewitt, seconded by Council Member Rockey Moore to approve Resolution 2019-35R.**

**MOTION TO AMEND: A motion was made by Mayor Pro Tem Prewitt, seconded by Council Member Rockey Moore to amend Resolution 2019-35R, Part 1 by adding an additional section J. At Large Members. The motion carried by the following vote:**

**For:** 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockey Moore

**Against:** 0

**MOTION TO AMEND: a motion was made by Mayor Pro Tem Prewitt, seconded by Mayor Hughson, to amend the composition of the committee by having two members of each category with the exception of the at large position, which will have three members. The motion carried by the following vote:**

**For:** 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockey Moore

**Against:** 0

**MOTION TO AMEND: a motion was made by Mayor Hughson, seconded by Council Member Mihalkanin, to amend Resolution 2019-35R by including the following statements in Part 1: "all members of the committee shall be residents of the City of San Marcos" and "endeavor to appoint at least three members who are bilingual." The motion carried by the following vote:**

**For:** 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockey Moore

**Against:** 0

**MAIN MOTION: to approve Resolution 2019-35R, as amended. The motion carried by the following vote:**

**For:** 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockey Moore

**Against:** 0

15. Consider an appointment to fill a vacancy on the following Boards or Commissions, and provide direction to staff:

- A) Human Services Advisory Board
- B) San Marcos Commission on Children and Youth

**Sara Lee Underwood was nominated by Mayor Pro Tem Prewitt for consideration to serve on the Human Services Advisory Board.**

**Michelle Hamilton was nominated by Council Member Derrick to serve on the**

**Commission on Children and Youth.**

**Following a roll call vote both members were unanimously approved for appointment.**

16. Discuss and consider an appointment to the Capital Area Rural Transportation System (CARTS) Board of Directors, and provide direction to Staff.

**A motion was made by Mayor Hughson, seconded by Council Member Rockey Moore, to approve the appointment of Mayor Pro Tem Prewitt to serve on the Capital Area Rural Transportation System (CARTS) Board of Directors. The motion carried by the following vote:**

**For:** 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockey Moore

**Against:** 0

17. Reconsider the appointment of the property owner, business owner, or resident of the Downtown Historic District position on the Historic Preservation Commission which was made on February 5, 2019, make appointment, and provide direction to Staff.

**It was determined that the person previously appointed to the Downtown Historic District position does not qualify to fill this role. Brian Jeffrey was nominated by Council Member Derrick for consideration to serve on the Historic Preservation Commission. Following a roll call vote he was unanimously approved for appointment.**

18. Discuss the current decision-making and appeal processes pertaining to the issuance of certificates of appropriateness for construction, alteration, restoration, relocation or demolition of city-owned historic landmarks or city-owned structures within historic districts and provide direction to staff regarding possible code amendments.

**Mayor Hughson stated the appeals process is currently set by City Council and not an outside entity. Therefore the ordinance could be amended to allow for appeals related to all City owned properties and structures to come before City Council and leave all other appeals as is. The Historic Preservation Commission will still be deciding factor but for appeals it will come before Council. Staff will bring back an ordinance with this amendment and a workshop with the Historic Preservation Commission will be set regarding the Capes Dam project.**

19. City Council Reports:
- a) Mayor Hughson will provide a brief update regarding her membership on various Capital Area Council of Governments (CAPCOG) committees.
  - b) Mayor Hughson will provide a brief update related to her membership on the Capital Area Metro Planning Organization (CAMPO).



c) Mayor Hughson will provide a brief updated related to her membership on the Alliance Regional Water Authority (ARWA).

**Mayor Hughson provided a brief update on the various Capital Area Council of Governments (CAPCOG) committees on which she currently serves.**

**At the most recent Capital Area Economic Development District meeting, Charisse Bodisch of the Austin Chamber of Commerce provided a presentation on Opportunity Austin, including an overview of the campaign current data, and how economic development trends are shaping the region.**

**Craig Eissler, CAPCOG GIS Program Manager, presented information about New Flood Scenario Modeling. Last fall, NOAA (National Oceanic and Atmospheric Administration) released Atlas 14, which substantially increases expectations for rainfall events in our region. This means it is not just FEMA flood maps anymore. At the same time, TNRIS (Texas Natural Resources Information Systems) provided new LiDAR terrain data for much of the state. By combining these data, CAPCOG can produce flood scenarios of unprecedented accuracy and timeliness. Mr. Eissler discussed the potential value regarding economic development and planning in addition to general city and county planning. The City will continue to collaborate with CAPCOG to utilize these resources.**

**Each meeting of CARTPO (Capital Area Regional Transportation Planning Organization) includes information regarding TxDOT programs, including grant opportunities. Updates were also received on commute solutions. In October, the committee heard about the Texas Department of Agriculture's Downtown Revitalization and Main Street Programs which offer competitive funding to CDBG (Community Development Block Grant) non-entitlement communities for public infrastructure improvements, to eliminate slum or blight conditions in a downtown area. This does not apply to San Marcos but this information was well received by those who qualify. They also heard about a pilot program between United Way 2-1-1 and Lyft which provides free rides to those with unmet transportation needs in twelve cities around the nation. Austin is one of those cities.**

**Last week the Clean Air Coalition met and discussed funding of our programs. In 2016, the governor vetoed part of the funding for our monitoring activities and the member counties and cities split the cost so the programs could continue. The committee saw an excellent program by the City of Austin Office of Sustainability on Regional Climate Change Collaboration. It covered Greenhouse Gas Emissions, and their Community Climate Plan. Mayor**

**Hughson indicated that she will provide this information to Council and stated additional information can be found at CAPCOG.org.**

**Mayor Hughson provided a brief update on the Capital Area Metro Planning Organization (CAMPO) stating that at last week's CAMPO meeting an interlocal agreement was approved with Caldwell County for planning and engineering analysis to extend Yarrington Road and FM 150 from Hwy 21 to Hwy 130 to increase connectivity. Additional information can be found on their website at campotexas.org.**

**Mayor Hughson provided a brief update on the Alliance Regional Water Authority (ARWA). Phase 1A, the construction of a pipeline between Kyle and Buda to serve Buda's more immediate needs, is currently underway. The next phase will be drilling wells into the Carrizo Wilcox, to determine pipeline routes from the well site to all of the destination sites. These sites include San Marcos, Kyle, Buda, Canyon Regional Water Authority, plus the sites associated with the Guadalupe Blanco River Authority customers who is our partner in this effort. Major water lines from our well fields will be shared which are located near ours.**

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

**Jordan Buckley, inquired about the SMART terminal and what steps are next? Bert Lumbreras, City Manager, stated the Chapter 380 agreement and the zoning change request will be considered at the March 5th meeting.**

**James Lombardo, asked no question, but made some statements about the issues he sees with the SMART terminal. He stated his concern with the increase in property taxes and the loss of citizens due to these tax increases. Steve Parker, Assistant City Manager, will meet after the meeting to discuss his concerns.**

**VII. Adjournment.**

**Mayor Hughson adjourned the Regular Meeting of the San Marcos City Council at 7:22 p.m.**

**Jamie Lee Case, City Clerk**

**Jane Hughson, Mayor**