



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes City Council

Tuesday, October 15, 2019

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 6:05 p.m. Tuesday, September 30, 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 Chad Chaddick with San Marcos First Baptist Church provided the invocation this evening.

IV. Pledges Of Allegiance - United States And Texas

4th Grade Student, Aurelia Garza and Kindergarten Student, Caleb Garza with the San Marcos Preparatory School led the assembly in the pledges of allegiance.

V. 30 Minute Citizen Comment Period

Dianne Wassenich, stated that she is grateful the County brought the topic of Cape's Dam to the forefront. Flood infrastructure and mitigation has been the City's focus since 2015. Today is a great time to work on this park because we have a grant writer. Since this is in a low-income area this will assist us in getting grants. The continued health of the river is essential for this community and not just this neighborhood. Look at all past studies and if you need more information get a real expert for a second opinion. Fish and Wildlife will want to know how you will handle issues with the island holes and the broken-down dam. Which alternative will take years and years to permit? Don't go with that option. She believes that dam removal will get the park open sooner.

Walt Meitzen, provided his view as a recreationist and proud resident of San Marcos. He would like to see the City of San Marcos reopen Stokes park by

removing Cape's Dam. He stated that he would like to see the history of the dam, how it was constructed and by whom and have it displayed by everyone that comes to the river. He would like to see the City keep the park and remove the dam. It makes for a safer and less obstructive run of the river. Keep the park and remove the dam.

Sara Lee Underwood Myers, stated that she lives in the flood area near Cape's Dam and while she didn't have an opinion she is very interested in the conversation. She provided that the League of Women Voter's Guide is out for review. She invited everyone to the next Council of Neighborhood Associations meeting on October 21 and to their Candidate Forum to be held at San Marcos Activity Center, Room 3 at 7pm. Lastly, she stated she had a thief come on her porch and her camera captured their image. She will be publishing the picture in the paper.

Kelly Stone, provided that she was the gal holding the signs during the Work Session and spoke against Cape's Dam. She stated that she is the chair of the Parking Advisory Board and spoke about their recommendations that will be discussed by the Council tonight. She provided that we are trying to help residents and employees downtown before we go to meters. She provided that we are trying to create solutions that are ADA friendly, employee friendly and resident friendly. We want to change the dynamics of downtown parking. In conclusion, free the river.

Kathy Morris, spoke as a representative of the Family Justice Center Board. She provided that this is a completely volunteer board and reviewed the history of the board from inception (2007) and the beginning of fundraising for the Village Main. Twelve years later, the Family Justice Center opened in 2019. She provided the financial responsibilities of the center includes maintenance fees, office communications systems, furnishings and supplies. The purpose of the \$45,000 allocation is to help fund a full-time director who will provide services, coordinate daily activities and partners, and a receptionist to assist the director with intake and other responsibilities. Hays County has already approved the funding within their budget. They hope this will be an annually recurring partnership agreement with funding from both the City and County. The family justice center will continue to raise funds to meet the financial obligations of daily, monthly, and annual operations.

Gabriela Lara, Director of the Family Justice Center, stated that currently victims of domestic violence and violent crimes in San Marcos and Hays County, Texas must travel around the city of San Marcos to reach vital

services and assistance at locations scattered throughout the city and county. Transportation to numerous locations is difficult for victims with limited means. Most important, the primary location to receive help is at law enforcement facilities with referrals to other agencies and social service organizations located around town. We currently serve thousands of victims in the same facilities where offenders are taken when arrested or questioned. This is not a welcoming environment and victims are discouraged by the prospect of possibly encountering the person who victimized them in the same building they are going for assistance. The purpose for the Family Justice Center (FJC) at the Village of San Marcos is to provide multiple community and government services at one location. Public and private partner agencies assign staff to provide services from one location. Partner coordination reduce the number of times victims tell their story, the numerous locations victims must go for help, and FJC increases access and expedites services and support for victims and their children. The current On- Site Partners include the San Marcos Police Department, Hays County District Attorney's Office, Hays Caldwell Women's Center, Kyle Police Department, Buda Police Department, Hays County Sheriff's Office, Texas State University Police, and Texas Department of Family and Protective Services. She thanked Council for their time and support of the Family Justice Center.

Melissa Millicam, expressed her strong support for the funding of the Family Justice Center. As a founding member of the Hays Caldwell Women's Center back in 1988 they did many great things. She knows that this will do a lot of good for our community. She was privileged to work for the City and she has a lot of passion for working with this program.

Samantha Benavides, spoke on behalf of MOVE Texas and expressed her support of Cite and Release as well as LEAD. She stated this will work to put an end to the discrimination of persons of color, young people, poor people and those people whose identities intersect with all these labels. She read a statement about a well-loved Superintendent in Waco, Dr. Nelson. She stated that over the summer he was pulled over on his way out of Harris County for a small amount of marijuana. He was arrested and ultimately forced to resign. Dr. Nelson asked about cite and release in Harris County and the arresting officer said we aren't in Harris County are we? She stated this officer had the power to cite and release, but he chose not to. She does not want to see this happen, a person should not have their careers ruined for non-violent offenses.

Emma Mayers, spoke on behalf of MOVE Texas, she provided an explanation of what MOVE Texas is and stands for. She spoke on the issue of Cite and

Release. She stated that Cite and Release is being discussed along the I-35 corridor. She stated that at least 500 people's lives were positively impacted by the implementation of cite and release in San Antonio according to a recently released report. She provided cite and release would benefit San Marcos residents by solving the over population issue in Hays County jail, more resources would be allocated to our community and this would benefit the young people that are cited and released.

Katelyn Horner, spoke on behalf of MOVE Texas, stated that she supports cite and release for non-violent offenders. She stated that the edited ordinance is sending non violent offenders to jail, and there are people in jail that have not yet been found guilty in the court of law. She spoke in favor of Cite and Diversion and LEAD. She stated that implementing these policies would only apply to residents of Hays County. A lot of students live here, but may have their home address listed on their drivers licenses. Automatically arresting someone with a license that lists a different address is unreasonable and shouldn't occur. We need to see every resident of Hays County included, show San Marcos that you care through action and policy.

Eric Martinez made the following comments:

"I want to thank everybody for making time to be here today. I also want to say while some people in this room may have disagreements with one another, I can easily say that everyone here wants a safer community, so I'm glad we're having these conversations so we can determine through dialogue what looks best to suit our lovely and unique city of San Marcos. Some of you may have noticed my Statue of Liberty tie. Wearing it at this moment in time in American politics can be contentious, but I wear it as a reminder of who we strive to be, and how we are all hypocrites striving for an ever more perfect union. You see, America is a nation that is built on a foundation of principals that have not always applied to everyone equally. By example, when the phrase "all men are created equal" was written, women were excluded. When we first became a nation women and black Americans could not vote. In order to imbue more meaning into this principle of equality, it took many movements and plenty of suffering to secure this fundamental right to vote. But Today, when I say the words "you are innocent until proven guilty" no doubt people are also familiar with this sacred principle in our democracy. Does this really mean anything when somebody can be jailed even before they've been convicted of the crime for which they are accused? How much suffering must take place for this criminal legal reform movement to reach you? To reach all of us? In particular, when we talk about cite & release eligible offenses, the current status quo is that these people are jailed for low-level nonviolent

offenses before the court has even made a determination of guilt. This city has a lot of power and a lot of responsibility and y'all on this dais have this power as our elected officials. But when we talk about power, the power to tax pales in comparison to the power to set policies that can deprive people of their liberty, to take a resident out of the community, from their home, from their family & loved ones, is a very important decision. I personally believe the decision to deprive someone of their liberty and freedom is something that should always be made with great concern. Someone is ineligible for cite & release if they are a danger to themselves or others, have an outstanding warrant, or are not a resident of the county where the alleged offense occurred. By definition, everyone who is eligible for cite & release is not a danger to society or themselves, so they should be released. When an officer instead chooses to arrest somebody, who is eligible for cite & release they are taking punishment & judgement into their own hands. This is something that should be determined by the courts & not law enforcement. I ask that you please guide officer's discretion and show support for an ordinance that does."

Sue Diegelman, came to speak in the favor of the San Marcos Police Department. She stated that the cite and release issue is very much in the forefront and that there are different feelings about it. She feels that the San Marcos Police Department is very capable of making decisions when it should be enforced. We need to give them the opportunity to make that decision when it needs to be made.

Cathy Dillon, originally came to San Marcos for her love of canoeing. She spoke about her admiration for Tom Goynes and about a recent canoeing run they made by Cape's Camp and the dam. She provided that Tom feels this is a historic dam that is mostly rocks but has a tremendous history to it. If the entire river was diverted to the right side then someone will get hurt by the bottom of the Thompson Island Bridge. Cape's Dam needs to the stay and the park being proposed needs to come to fruition.

Jordan Buckley, wanted to invite everyone to the Lost Rivers Film Festival this weekend. He provided a number of items on the schedule including Underground Cinema, which is a film at Wonder World Park. He stated that the cite and release and LEAD topics were discussed last week. There was an argument that stated it takes a lot of time to write a ticket, but less time to make an arrest. He stated that cite and release will only be for Hays County residents. He would like the Police to define residency by living, working or going to school in Hays County. If you leave discretion to the officers he stated that white people primarily benefit from cite and release as indicated in

reports.

Rachel Sanborn, runs the Water Quality Testing Program with River Rangers, stated that they have 75 volunteers and they have large samples of the water quality. She provided the Mill Race runs more slowly and that they pick up a lot more sediment. It is one thing to have two banks that erode, but it is a lot more when you have four banks. The water quality is degraded because of the divisions of the river. She stated that they think that the Mill Race area is probably impacted by the Woods Apartments and runoff in that area. She stated that when dams are removed, water quality improves. They have seen important water quality changes when dams are removed. She provided that this river is extremely historical by its very nature. The depths and springs make it historical.

Kyle Mylius, made the following comments:

"As most of you know I own the Root Cellar Cafe. The Coffee Bar, and Rhea's Ice Cream downtown. I am also a member of the Parking Advisory Board and here to talk to you specifically about our 6th official recommendation to Council. This is the allocation of \$50,000 from the downtown revitalization funds to immediately subsidize 120 off-street parking spots for residents of downtown. This would be ideally in 2 large sections at the Hitch lot and old Frost Bank lot. Both property owners have expressed interest in a bulk discount as many spots are currently unused due to a combination of them being cost prohibitive and weak enforcement of the current 2-hour parking downtown. Through the bulk pricing, and matching dollars with these funds, we can bring the current price from \$50 per spot/per month, down to \$20 per month for a resident, employee, or business owner downtown. An equitable system for allocating these spots would then be created and this money would fund these spots for 18 months as part of our phased-in transition. This would immediately unlock 120 prime spots throughout our downtown for patrons. This is very important because when an employee or resident parks on-street downtown, they are often there for 8 hours plus unlike a customer. It is easy to quantify the Return on Investment (ROI) of these dollars spent. We know that the average person spends around \$20 per trip downtown in towns our size. This would translate to \$2400 per day, spent downtown. That's if each car only had one person in it and those 120 spots were filled just once a day. Conservatively we can expect 3 turns on a given day. This would translate into \$7200 per day and \$216,000 per month in additional revenue for downtown. That would translate to almost \$3.9 million dollars in additional downtown revenue over the course of the 18-month program. This would create over \$320,000 worth of sales tax for the City and State. Another important note is

that downtown is truly the hub of local business for our community with close to 250 businesses and over 2,000 employees currently. Studies show that around \$68 out of every \$100 spent locally, stays in that community which is more than double that of dollars spent at chains. This gives the city an even great ROI as the vast majority of businesses downtown are local. I think that it is plain to see that these revitalization dollars spent in this way, would have an enormous and immediate impact. I must also state that effective and enhanced enforcement of the current 2-hour parking is vital to the success of this program. Without it, the current abuse of patron parking will continue. My hope is that this council will allocate these funds accordingly."

Chris Rue, made the following comments:

"I am coming before you today to speak about agenda item #26 as it pertains to transportation equity. An estimated 18.5 million Americans are limited in their travel in some way - this group includes people with disabilities, such as blind people, people with intellectual and developmental disabilities, and wheelchair users, as well people with epilepsy. Even where accessible public transportation exists, adults with disabilities consider transportation inadequate. In the U.S., 24 million individuals with disabilities use public transit to maintain their independence and participate fully in society. Currently almost 15% of the San Marcos population is disabled or of the aging population with 35% of those residences living under the poverty line. Our current transportation plan neglects a significant portion of our population to participate in downtown. Adding to the quality of life and vitality, our proposed recommendations in Phase Two, would add to the solution with a paratransit on-demand solution if the program recommended is seen past its year-long implementation. Our fellow citizens from the Schieb Center at 1200 N. Bishop, serves approximately 2,900 adults and children who receive regular services. Additionally, this number does not include all the family members, parents, and caregivers who benefit from the counseling, education, and emotional support involved in helping their loved ones. The bottom line is simple:

\$9,498: average annual cost of owning a car

\$27,261: median income of a SMTX resident

\$58,736: median annual income of households without disabilities

\$25,550: median annual income of households with disabilities

26%: the percentage of adults with disabilities who do not have a car.

80%: portion of federal transportation funding dedicated to highways (catering to those who have cars and public buses). Thank you for your time and consideration."

Roland Saucedo, 211 Ebony Street, spoke about item #25 and stated that his niece was a victim of domestic violence and that she nearly died due to her boyfriend trying to suffocate her. Thankfully her brother walked in, but he still held her hostage. She contacted 911 and she was advised to go to the San Marcos Police Department and she was then treated at Central Texas Medical Center. They thought that the justice system would protect her and he stated that he was sent to several people and that it took 3 months before the boyfriend was arrested. In September she was kidnapped and had they not been tracking her they would have been unable to track her. He spoke in favor of item #25 to help victims like this, she was very discouraged because she felt like she didn't have credibility.

Mark Tolley, spoke about his work with the San Marcos Low Income Housing Tax Credit Policy and stated that he is speaking about subsection C. He stated that 35% being 3 or 4-bedroom units gives them pause. This is substantially higher than what they see around the state. He stated that that this could be problematic down the road and could depress the rents and supply. He stated that their project meets all aspects of this policy, but that some level of relief valve should be considered within this ordinance related to the 3-bedroom units.

CONSENT AGENDA

A motion was made by Mayor Pro Tem Prewitt, seconded by Council Member Mihalkanin, to approve the consent agenda, items #1-12. 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

1. Consider approval, by motion, of the following meeting Minutes:
 - A. September 17, 2019 - Work Session Meeting Minutes
 - B. September 17, 2019 - Regular Meeting Minutes
 - C. September 30, 2019 - Work Session Meeting Minutes
 - D. September 30, 2019 - Regular Meeting Minutes
2. Consider approval of Ordinance 2019-31, on the second of two readings, amending the Official Zoning Map of the City by rezoning approximately 0.72 acres of land out of lot 5, Block 1 San Marcos Business Park, Section 2, located at 1909 Dutton Drive, from "GC" General Commercial District to "CD-4" Character District 4; and including procedural provisions.
3. Consider approval of Resolution 2019-193R, approving an agreement between the City

and Hays County Animal Hospital, PC for the provision of professional veterinary services for animals under the care and supervision of the San Marcos Regional Animal Shelter in an annual amount not-to-exceed \$140,000.00 for the initial one-year term with options to renew for up to four additional one-year terms for a total contract price of \$850,000.00; authorizing the City Manager or his designee to execute the professional services agreement; and declaring an effective date.

4. Consider approval of Resolution 2019-199R, approving a contract with Kelly Williams Plumbing, Inc. for emergency sewer line repairs at the San Marcos Police Department in the amount of \$76,840.00; ratifying the City Manager's prior authorization for the emergency services; and declaring an effective date.
5. Consider approval of Resolution 2019-200R, awarding a contract to Fleet Safety Supply Inc. through the BuyBoard Cooperative Agreement (Contract No. 524-17) in the amount of \$121,067.97 for the purchase of patrol equipment to outfit recently purchased Dodge Chargers for the Police Department; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.
6. Consider approval of Resolution 2019-201R, approving an addendum to the Master Lease-Purchase Financing Agreement with U.S. Bancorp Government Leasing and Finance Inc. that adds twenty 2020 police Chevrolet Tahoes to be financed under the agreement in the amount of \$678,973.23, inclusive of interest, for a three-year term; authorizing the City Manager or his designee to execute all appropriate documents associated with this transaction; and declaring an effective date.
7. Consider approval of Resolution 2019-202R, awarding a contract to Johnson Grayson Automotive, Inc., doing business as Holiday Chevrolet, for the purchase of twenty 2020 police Chevrolet Tahoes in the amount of \$649,780; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.
8. Consider approval of Resolution 2019-203R, approving a Resolution by the Board of Directors of the Alliance Regional Water Authority Authorizing the Issuance of Alliance Regional Water Authority Contract Revenue Bonds (Regional Water Supply Contract Project - City of San Marcos, Texas), Series 2019C for Phase 1B Improvements in the Amount of \$30,800,000 and Approving Other Related Matters.
9. Consider approval of Resolution 2019-204R, authorizing the filing of applications with the Federal Transit Administration, an operating administration of the United States Department of Transportation, for Federal Transportation Assistance authorized by 49 U.S.C. Chapter 53; Title 23, United States Code, or other Federal Statutes administered by the Federal Transit Administration; and declaring effective date.
10. Consider approval of Resolution 2019-205R, approving an agreement with Conversant LLC in the amount of \$150,000.00 for the creation and monitoring of a digital advertising campaign to promote tourism in the City; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.

11. Consider approval of Resolution 2019-206R, authorizing a Change in Service to the agreement with CrowdRiff, Inc. to renew the core platform and advanced media license used by the San Marcos Convention and Visitors Bureau to promote tourism in the City in the amount of \$18,000.00 through September 30, 2020; authorizing the City Manager or his designee to execute the appropriate documents to implement the change in service; and declaring an effective date.
12. Consider approval of Resolution 2019-207R, approving a contract between the City and Hays County for the City's provision of Library Services to residents of Hays County; authorizing the City Manager or his designee to execute the contract on behalf of the City; and declaring an effective date.

PUBLIC HEARINGS

13. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2019-33, annexing into the City approximately 92.787 acres of land out of the Barnette O. Kane Survey, Abstract No. 281, generally located in the 1900 block of Redwood Road between State Highway 123 and Old Bastrop Road; including procedural provisions; and providing an effective date; and Consider approval of Ordinance 2019-33, on the first of two readings.

Shannon Mattingly, Director of Planning and Development Services, provided the Council with a brief presentation regarding the voluntary annexation request of approximately 92.787 acres of land generally located in the 1900 block of Redwood Road. She explained that the annexations on the agenda tonight (Items 13 & 14) were presented to Council previously in September and that the public hearings are not required, but these are the first readings of both annexation requests.

Mayor Hughson opened the Public Hearing at 7:06 p.m.

Those who spoke:

Roland Saucedo, spoke in support of the annexation of this property. He stated that one of the pieces of this tract will be sold and developed into a mixed income level housing and they will offering tutoring classes and financial resource classes and will partner with Splash Coworking.

There being no further comments, the Mayor closed the Public Hearing at 7:09 p.m.

A motion was made by Council Member Mihalkanin, seconded by Council Member Derrick, to approve Ordinance 2019-33, on the first of two readings. The motion carried by the following vote:

For: 6 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin and Council Member Rockeymoore

Against: 1 - Council Member Marquez

14. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2019-34, annexing into the City approximately 102.434 acres of land out of the Barnette O. Kane Survey, Abstract No. 281, generally located at 2357 Redwood Road; including procedural provisions; and providing an effective date; and Consider approval of Ordinance 2019-34, on the first of two readings.

Shannon Mattingly, Director of Planning and Development Services, provided a brief presentation regarding the annexation of approximately 102.434 acres of land located at 2357 Redwood Road.

Mayor Hughson opened the Public Hearing at 7:12 p.m.

There being no comments, the Mayor closed the Public Hearing at 7:12 p.m.

A motion was made by Mayor Pro Tem Prewitt, seconded by Council Member Gonzales, to approve Ordinance 2019-34, on the first of two readings. The motion carried by the following vote:

For: 6 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin and Council Member Rockeymoore

Against: 1 - Council Member Marquez

15. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2019-35, amending the Official Zoning Map of the City by rezoning approximately 8.534 acres of land out of the Barnette O. Kane Survey, Abstract No. 281, Hays County, Texas, located at the 1600 Block of Redwood Road from "FD" Future Development to "CD-4" Character District - 4, and including procedural provisions; and consider approval of Ordinance 2019-35, on the first of two readings.

Shannon Mattingly, Director of Planning and Development Services, provided the Council with a brief presentation regarding the rezoning request of approximately 8.534 acres of land located at 1600 block of Redwood Road from "FD" Future Development to "CD-4" Character District -4. She provided that the developer will be platting the remainder of the annexed land and additional zoning requests will be coming back at a later time.

Mayor Hughson opened the Public Hearing at 7:17p.m.

Those who spoke:

Roland Saucedo, spoke in favor of this project. Stated that the developer has

agreed to provide a transportation service until public transit is available. He stated that there is a grocery store less than 2 miles away so this is not in a food desert. He is in full support of this item.

There being no further comments, the Mayor closed the Public Hearing at 7:19 p.m.

A motion was made by Council Member Derrick, seconded by Mayor Pro Tem Prewitt, to approve Ordinance 2019-35, on the first of two readings. The motion carried by the following vote:

For: 6 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin and Council Member Rockeymoore

Against: 1 - Council Member Marquez

16. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2019-36, amending the Official Zoning Map of the City by rezoning approximately 192.951 acres of land out of the Barnette O. Kane Survey, Abstract No. 281, Hays County, Texas, located at 2357 Redwood Road, from "FD" Future Development and "CD-4" Character District - 4, to "CD-3" Character District - 3, and including procedural provisions; and consider approval of Ordinance 2019-36, on the first of two readings.

Shannon Mattingly, Director of Planning and Development Services, provided the Council with a brief presentation regarding the rezoning request of approximately 192.951 acres of land located at 2357 Redwood Road from "FD" Future Development and "CD-4" Character District-4 to "CD-3" Character District-3. She provided the Current Configuration of this parcel as Vacant / Agricultural land and the surrounding uses include:

- vacant and agricultural land
- El Camino Real and Hills of Hays Neighborhoods
- La Vista Retirement Community

The existing zoning includes:

- 6.5 acres of CD-4 (zoned in 2018)
- Remainder of property is located Outside City Limits (ETJ)

The proposed zoning includes:

Character District -3 (CD-3)

- Proposed CD-3 zoning allows for residential uses and Building Types.
- Annexation request is being processed concurrently for property located outside City Limits
- FD zoning is default classification for newly annexed land.

Mayor Hughson opened the Public Hearing at 7:27p.m.

Those who spoke:

James Ingalls, Moeller & Associates engineer for Two Rivers Development, spoke on behalf of the applicant, addressed the drainage issues that they have been working with the City's Engineering Department to address any drainage issues.

Lee Baker, Principle of Two Rivers Development, stated that their intention is single family homes on this tract and he is here to answer any questions Council may have.

Roland Saucedo, 211 Ebony Street, stated that he would like to support this, but he is concerned about the costs of these homes and asked if they are going to be affordable. He stated that we have had a number of developers provide homes in the \$200-\$250k range and they are just out of reach of the workforce in San Marcos.

There being no further comments, the Mayor closed the Public Hearing at 7:31p.m.

The developer will honor the occupancy restrictions required in SF-6 but not required in CD-3. Mr. Baker indicated that the entry level homes will likely be in the low \$200's.

Discussion was held regarding the developer requesting SF-6 and Ms. Mattingly explained that they discussed it and it would require a Preferred Scenario Map Amendment. It was discussed numerous times and the applicant decided to proceed this way.

A motion was made by Council Member Rockeymoore, seconded by Mayor Pro Tem Prewitt, to approve Ordinance 2019-36, on the first of two readings. The motion carried by the following vote:

For: 6 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin and Council Member Rockeymoore

Against: 1 - Council Member Marquez

- 17. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2019-37, granting to SiEnergy, LP, d/b/a SiEnergy, the right, privilege and franchise to construct, install, extend, remove, replace, abandon, operate and maintain its facilities within the public rights-of-way of the City of San Marcos, Texas for the transportation, delivery, sale and distribution of natural gas; containing other provisions relating to the foregoing subject; providing for severability; including procedural**

provisions; providing for approval on three readings of the ordinance; and providing an effective date; and consider of approval of Ordinance 2019-37, on the first of three readings.

Tom Taggart, Executive Director of Public Services, provided the Council with a brief presentation regarding SiEnergy wishing to enter into a franchise agreement to construct, install, extend, remove, replace, abandon, operate and maintain its facilities within public rights-of-way for the transportation, delivery, sale and distribution of natural gas.

Mayor Hughson opened the Public Hearing at 11:35 p.m.

Those who spoke:

Daniel Pope, Vice President of Business Development with SiEnergy, spoke in favor of this request.

David Oliva spoke in support.

There being no further comments, the Mayor closed the Public Hearing at 11:36 p.m.

A motion was made by Mayor Pro Tem Prewitt, seconded by Council Member Mihalkanin, to approve Ordinance 2019-37, on the first of three 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 Rockeymoore

Against: 0

- 18.** Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2019-208R, approving a third amended and restated Development Agreement with Lazy Oaks Ranch, LP and its Partial Assignees in connection with the La Cima Development near the intersection of Old Ranch Road 12 and Wonder World Drive for the purposes of adding 122.305 Acres of land subject to the agreement, increasing the number of allowed dwelling units by 150, and increasing required parkland dedication by 2.06 acres; authorizing the City Manager, or his designee, to execute the agreement on behalf of the City; and providing an effective date; and consider approval of Resolution 2019-208R.

Shannon Mattingly, Director of Planning and Development Services, provided a brief presentation a third amended and restated Development Agreement with Lazy Oaks Ranch, LP and its partial assignees in connection with the La Cima Development near the intersection of Old Ranch Road 12 and Wonder World Drive for the purposes of adding 122.305 acres of land subject to the agreement, increasing the number of allowed dwelling units by 150, and

increasing required parkland dedication by 2.06 acres.

The Original Development Agreement was approved in 2014. The Development Agreement was amended in 2018 and includes the following:

- Increased acreage
- Decreased overall density to 1.16 units per acre
- Addition of up to 30 acres of multifamily to be developed in 2 phases

The current request is an amendment to Resolution 2018-75R:

- Increase in acreage by an addition of 122.305 acres. This includes the combination of property commonly referred to as the “Wills Tract” and 5 acres released by Frost Bank to the property owner.
- Increase in dwelling units by an addition of 150 dwelling units
- No increase in overall density, this remains 1.16 units per acre
- Slight increase in parkland acreage required due to increase in overall acreage to development (2.06 acres)

The request to amend the Development Agreement is consistent with Chapter 2, Article 2 of the City’s Land Development Code.

Eric Willis, La Cima Representative, stated that the entire development is in the Edwards Aquifer Recharge Zone.

Mayor Hughson Opened the Public Hearing at 9:53 p.m.

Those who spoke:

Johna Temple, asked the Council how much of San Marcos is built over the recharge zone and how much the water quality is impacted. Mayor asked her to leave her email address and the City Manager or staff will get back with her to address these concerns.

There being no further comments, the Mayor closed the Public Hearing at 9:55 p.m.

A motion was made by Council Member Derrick, seconded by Mayor Pro Tem Prewitt, to deny Resolution 2019-208R. After Council discussion the motion to deny carried by the following vote:

For: 5 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Council Member Marquez and Council Member Rockeymoore

Against: 2 - Mayor Hughson and Council Member Mihalkanin

19. Receive a Staff presentation and hold a Public Hearing to consider an appeal by James Ingalls, on behalf of Two Rivers Interests, LP, of the decision of the Planning and Zoning Commission on September 10, 2019 to deny the request for Alternative Compliance as to the residential garage parking requirements in Section 7.1.4.1. of the Development Code for a proposed residential development located at 2357 Redwood Road, Hays County, Texas.

Shannon Mattingly, Director of Planning and Development Services, provided a brief presentation regarding the appeal of the decision of the Planning and Zoning Commission on September 10, 2019 to deny the request for Alternative Compliance as to the residential garage parking requirements in Section 7.1.4.1 of the Development Code for the proposed residential development located at 2357 Redwood Road.

Council held conversation and asked questions of the applicant and developer.

Mayor Hughson opened the Public Hearing at 9:29 p.m.

Those who spoke:

Lee Baker, Principle of Two Rivers Development, provided some clarifications related to their request and explained what they are requesting and that they are not trying to build a “snout house”. They do not want the development to look like a “storage facility” with a bunch of garage doors down the street. He stated that it costs a lot more to build a house when you start to move the garage too much out of the “L” shape per the CD-3 standards.

James Ingalls, Moeller & Associates and engineer for Two Rivers Development, spoke in favor of this request.

There being no further comments, the Mayor closed the Public Hearing at 9:31 p.m.

MOTION TO TABLE: a motion was made by Council Member Mihalkanin, seconded by Council Member Rockeymoore, to table this item to allow the applicant and staff time to work on this further. The motion carried by the following vote:

For: 6 - Mayor Pro Tem Prewitt, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

Against: 1 - Council Member Gonzales

After item # 20 there was a MOTION TO REMOVE FROM TABLE: a motion was made by Council Member Mihalkanin, seconded by Council Member Rockeymoore, to remove this item from the table. 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

MOTION TO AMEND: a motion was made by Council Member Mihalkanin, seconded by Mayor Pro Tem Prewitt, to amend item 3 and 4 of the Staff recommendation list.

Item 3 currently reads:

3. Garages may extend a maximum of 6 feet beyond the front façade of the house on a maximum of 50% of the homes within the subdivision. All other garages shall not be located in front of the front façade of the house.

Item 3 will now read as follows:

3. In no case shall the garage be the front most protrusion of the house, but it may be flush. All other garages shall not be located in front of the front façade of the house..

Item 4 currently reads:

4. A front porch shall be required on a minimum of 25% of the homes. The front porch shall extend in front of the front façade of the house and shall be a minimum of 6 feet of clear space in all directions and shall have a minimum area of 60 square feet.

Item 4 will now read as follows:

A front porch shall be required on a minimum of 50% of the homes. The front porch shall extend in front of the front façade of the house and shall be a minimum of 6 feet of clear space in all directions and shall have a minimum area of 60 square feet.

The motion to amend 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

MOTION TO AMEND: a motion was made by Mayor Hughson, seconded by Council Member Mihalkanin, to amend Item 11 of the Staff recommendation list.

Item 11 currently reads: A 4' concrete pedestrian sidewalk shall be provided connecting the main entrance of the home to the public sidewalk along the street.

Item 11 will now read as follows:

11. A 4' concrete pedestrian sidewalk shall be provided, separated from the driveway, connecting the main entrance of the home to the public sidewalk along the street.

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

MAIN MOTION: a motion was made by Council Member Derrick, seconded by Mayor Pro Tem Prewitt, to approve, as amended, the request for Alternative Compliance as to the residential garage parking requirements in Section 7.1.4.1. of the Development Code for a proposed residential development located at 2357 Redwood Road that was recently denied by the Planning and Zoning Commission. 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

NON-CONSENT AGENDA

- 20.** Consider approval of Ordinance 2019-38, on the first of two readings, creating a new Water and Wastewater Rate Class for Industrial Water and Wastewater customers inside and outside the City Limits with an average daily usage of over 200,000 gallons that receive water service from a meter 3" or larger; and including procedural provisions.

A motion was made by Council Member Derrick, seconded by Council Member Mihalkanin, to approve Ordinance 2019-38, on the first of two readings.

Tom Taggart provided an update regarding the creation of a new Water and Wastewater Rate Class for Industrial Water and Wastewater customers. The motion to approve 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

21. Consider approval of Resolution 2019-195R, awarding a design contract to Cobb, Fendley & Associates, Inc., of 505 East Hunterland Drive, Suite 100, Austin, Texas; for the Reconstruction of Downtown Alleys: Kissing Alley preliminary engineering, and field services, in the estimated amount of \$148,298.00; authorizing the City Manager or his designee to execute the appropriate purchasing documents on behalf of the City; and declaring an effective date.

A motion was made by Council Member Derrick, seconded by Council Member Rockeymoore, to approve Resolution 2019-195R.

Council thanked staff for providing answers to their questions posed at the last meeting. The motion to approve 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

22. Consider approval of Resolution 2019-209R, approving amendments to the Affordable/Workforce Housing Policy regarding the criteria for approval of applications relating to the Low-Income Housing Tax Credit Program administered by the Texas Department of Housing and Community Affairs; and declaring an effective date.

A motion was made by Council Member Derrick, seconded by Council Member Mihalkanin, to postpone Resolution 2019-209R to the November 6, 2019 Regular City Council Meeting. 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

23. Consider approval of Resolution 2019-210R, approving an amendment of the current Meet and Confer Agreement with the San Marcos Professional Firefighters Association Local #3963 to provide for the establishment of pay plan progression guidelines for employees promoting from the job of Fire Driver/Engineer to the job of Fire Captain; and declaring an effective date.

A motion was made by Council Member Mihalkanin, seconded by Mayor Pro Tem Prewitt, to approve Resolution 2019-210R. 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

24. Consider an appointment to fill a vacancy on the Housing Authority, and provide direction to staff.

A motion was made by Council Member Rockeymoore, seconded by Council Member Marquez, to appoint Cathy Carson to the Housing Authority. 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

25. Hold discussion regarding an adjustment to the FY20 Budget to fund the Council-directed addition of expenses for the Family Justice Center staff person as well as a Youth Services Manager to be employed by a local social services agency for implementation of the Youth Master Plan, and provide direction to the City Manager.

Council consensus is to allow staff to move forward with the FY20 budget adjustment to fund the addition of expenses for the Family Justice Center staff person as well as a Youth Services Manager to be employed by a local social services agency for implementation of the Youth Master Plan.

Stephanie Reyes, Interim Assistant City Manager, asked for clarification since this is a recurring expense if Council would like to look at this at budget policy next year. Council would like to have this brought back for review at that time.

26. Hold discussion and receive a presentation regarding recommendation Resolution 2019-01RR of the Parking Advisory Board detailing the first set of downtown parking and mobility recommendations, receive an update from Mayor Pro Tem Lisa Prewitt and Council Member Joca Marquez as Council representatives on the Parking Advisory Board regarding the progress of the board, and provide direction to the City Manager.

Carina Boston-Pinales, Vice Chair of the Parking Advisory Board, provided the Council with a brief presentation detailing the first set of downtown parking and mobility recommendations as follows:

Phase 1

Increased enforcement with supplemental parking

- **Increase funding for parking enforcement staff**
- **Citation letters be mailed out to all parking violators**
- **Create an 18-month surface lot parking program using vitality funds**

Simultaneous educational and marketing plan and program to increase outreach and capture metrics.

Phase 2**Establish a Park and Ride system**

- Utilizing the available parking
- Walkable to downtown
- Serviced by electric cabs
- Requested through TIRZ funds

Educational and marketing plan and program to increase outreach and capture metrics.

Phase 3**Conduct an assessment of paid meters and a possible parking garage.**

- Place 100% of net parking funds generated into a parking and mobility fund
- Use parking funds generated downtown for the 1st phase of the Parking

Benefit District

Educational and marketing plan and program to increase outreach and capture metrics.

This committee used the model provided by Kimley-Horn, but they made it unique to the needs of the downtown.

Council reviewed the Parking Advisory Recommendation Resolution outlined below and provided direction.

Part 1. It is recommended that 100% of net parking funds garnered downtown since December 4, 2018, to be placed into the parking and mobility fund rather than the general fund, per Council's December 4, 2018 motion.

Part 2. It is recommended that parking funds garnered downtown should stay downtown, for the first phase of Parking Benefit District creation and establishment with the understanding that additional districts will be recommended in additional phasing.

Part 1 & 2 Direction: Staff will look at a report and provide an analysis of net parking fund from the License Plate Recognition Program and the possibility of setting up a parking and mobility fund. Additionally, the report will include the percentage of time that the Parking Techs spend downtown and in the neighborhoods..

Part 3. It is recommended that citation letters be mailed out to all parking violators after the fifteenth day of citation issuance, to assist with enforcement

and increasing collection.

Direction: Council would like the staff to move forward but utilize volunteers to help with this effort as much as possible and not Parking Techs. The Parking Committee noted that downtown business owners are willing to help with this effort.

Part 4. It is recommended that a Park and Ride system be developed by utilizing the available parking, walkable to downtown, to be serviced by electric cabs to shuttle employees and others to Downtown. It is recommended that funds to establish this 18-month pilot program be requested through the TIRZ fund utilizing the proposal from Electric Cab North America as it promotes economic vitality in bringing people Downtown; concept to be attached.

Direction: As part of phase II, Council would like staff and the board to look into Grant and all sources of revenue to help with the electric cab purchases. The Parking Committee is looking at 6 months to start. This may also be added to the Transit program that will be changing in the very near future. Council also wants this to be added to next Downtown TIRZ Board agenda.

Part 5. It is recommended that in addition to hiring a Parking and Mobility Manager, additional parking enforcement staff be added within the next three months, exclusive of paid parking revenue generation to fund these positions; position descriptions to be attached.

Direction: Look at hiring these positions at a later time.

Part 6. It is recommended that the City utilize a portion of downtown vitality funds, not to exceed \$50,000, for a matching funds program to create an 18-month permitted 24-hour employee and downtown resident surface lot parking program. This will serve approximately 120 parking spaces to promote downtown vitality, including wayfinding, educational outreach, and marketing for this program.

Direction: Staff will look into this further.

27. Hold discussion and receive a report from the Criminal Justice Reform Committee, including a draft Ordinance supporting a Cite and Release Program, and provide direction to the City Manager.

Council Member Mark Rockeymoore provided an introduction as the Chair of the Council's Criminal Justice Reform Committee. He provided an overview

of the work that the committee has been conducting related to a Cite and Release Program. Mayor Pro Tem Prewitt reviewed the aspects of a Cite and Release Program that were considered. She preferred to refer to it as Cite and Summons.

Following discussion, the council provided consensus for the committee to continue to meet and to bring back a recommendation.

EXECUTIVE SESSION (If necessary)

28. Executive Session in accordance with the following Government Code Section(s):
- A. Section § 551.071 - Consultation with Attorney: to receive advice from Legal Counsel on Kinder Morgan Pipeline
 - B. Section §551.087 - Economic Development: receive a briefing and deliberate regarding the potential offer of Economic Development Incentives to Katerra

A motion was made by Council Member Gonzales, seconded by Council Member Rockey Moore, to enter into Executive Session at 11:49 p.m. 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

29. Consider action, by motion, regarding the following Executive Session items held during the Work Session and/or Regular Meeting:
- A. Section § 551.071 - Consultation with Attorney: to receive advice from Legal Counsel on Kinder Morgan Pipeline
 - B. Section §551.087 - Economic Development: receive a briefing and deliberate regarding the potential offer of Economic Development Incentives to Katerra

Council returned to open session at 12:01 a.m. Mayor Hughson made the following motion:

"I move to authorize environmental law attorney William S. Eubanks II to submit a notice of intent to sue letter, on behalf of the City of San Marcos, to the United States Army Corp of Engineers and the United States Fish and Wildlife Service regarding the process for environmental review under the Endangered Species Act of the proposed Kinder Morgan Permian Highway Pipeline." This motion was seconded by Council Member Mihalkanin. The motion carried by the following vote:

For: 6 - Mayor Pro Tem Prewitt, Council Member Gonzales, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockey Moore

Against: 0

Absent: 1 - Council Member Derrick

Mayor Hughson stated that direction was provided to staff regarding the Katerra Item and an item will be placed on a future agenda for consideration.

VI. Question and Answer Session with Press and Public.

None.

VII. Adjournment.

Mayor Hughson adjourned the regular meeting of the City Council at 12:02 a.m. Wednesday, October 16, 2019.

Jamie Lee Case, TRMC, City Clerk

Jane Hughson, Mayor