



# City of San Marcos

## Meeting Minutes City Council

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Tuesday, April 20, 2021

6:00 PM

Virtual

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**This meeting was held using conferencing software due to COVID-19 rules.**

### 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 6:01 p.m. Tuesday, April 20, 2021. The meeting was held online.**

### II. Roll Call

**Present:** 7 - Mayor Pro Tem Melissa Derrick, Mayor Jane Hughson, Council Member Maxfield Baker, Council Member Saul Gonzales, Deputy Mayor Pro Tem Shane Scott, Council Member Alyssa Garza and Council Member Mark Gleason

### III. Invocation

**Rev. J.D. Elshoff with First Baptist Church, San Marcos provided this evening's invocation.**

### IV. Pledges of Allegiance - United States and Texas

**Mayor Hughson led the assembly in the Pledges of Allegiance.**

### V. 30 Minute Citizen Comment Period

**Ellie Stewart, asked to re-read her comments from the April 6th meeting, as there were technical issues during her time. She spoke in support of the Lion's Club and has witnessed firsthand the difference they make in the City with their financial support that helps so many in need. When the building at City Park had a devastating fire, the San Marcos Lions Club made a huge contribution toward rebuilding it. They continue to contribute to our city and schools in other ways. The San Marcos Lion's Club Tube Rental has been extremely successful. Every penny of the profit they take in, after expenses, is used to make San Marcos a better place to live. Ms. Stewart encourages the City Council to allow the San Marcos Lions Club to continue serving the people of San Marcos.**

**Lisa Marie Coppoletta, spoke on item #22 and expressed concerns that small**

businesses are being treated differently and costs will increase for the city for enforcement. Ms. Coppoletta mentioned Council is only focusing on a portion of Center for Disease Control (CDC) guidelines and not the most effective ones.

Jordan Buckley, spoke on Officer Hartman's incident and expressed concern with how it was handled. Mr. Buckley expressed his belief that the Police Department is untrustworthy. If accountability for misconduct by local law enforcement is to be taken seriously in the slightest, there needs to be restoration of community participation and open governance on the San Marcos Criminal Justice Reform committee (CJR). Mr. Buckley wants the City to stop resisting transparency and public involvement on the CJR committee.

Samantha Benavides expressed concern regarding item #26. Ms. Benavides stated this is an undemocratic effort to minimize public input. Ms. Benavides would like for the Criminal Justice Reform Committee to allow public input. Closing meetings and allowing little input is shameful. This is a step backward and allows little transparency. She asked that Council consider giving the people a chance stand in decisions that could impact them.

Erick Martinez, spoke against item #26 and expressed concern with not allowing citizen input during committee meetings. Mr. Martinez would like to see more transparency and public participation. He would like to allow each committee to set up their own rules for community engagement.

Natalie Abbey, expressed concern that the City is minimizing community input in committee meetings by not allowing public access. The decisions of the meetings affect lives and is undemocratic. Ms. Abbey would like to increase public input but also have a seat at the table and citizens should have access to meetings.

Randy Polk, advocate for the Arts and Arts organization in San Marcos spoke on The Cinema Club and annual River Festival. The Cinema Club hosted an in-person event just outside of the City limits and the Arts Commission asked the City for a refund of half from the hotel occupancy tax for the River Festival. Mr. Polk stated arts organization can't sustain a \$5,000 hit and continue to survive. Within the last five years the Lost River has become a respected organization and future growth will be a great asset to the Community.

## **PRESENTATIONS**

1. Receive status reports and updates on response to COVID-19 pandemic; and provide direction to Staff.

**Chase Stapp, Director of Public Safety, provided the presentation on the COVID-19 update.**

**County Vaccination Update**

- For week of April 16, approx. 7,000 doses sent to providers in Hays (1st and 2nd doses)
- 126,271 total Hays residents vaccinated with at least one dose
- Providers – HEB, Wal-Mart, Sam's Club, Medpark Pharmacy, B&J Pharmacy, Wimberley Pharmacy, Dripping Springs Pharmacy, Hays County Health Department and hub clinics
- Vaccination appointments available at [www.haysinformed.com](http://www.haysinformed.com)
- Large public clinic this Thursday – TX State Events Center

**Mr. Stapp responded to Council Member Garza's question on the demographic data and noted that he had spoken to the Department of State Health Services (DSHS) and they do not have that information.**

**Mr. Stapp stated 2 employees have tested positive for COVID recently. Mr. Stapp mentioned that Texas State will open Sewell Park only through the summer.**

**Deputy Mayor Pro Tem Scott asked if we can receive the numbers in a memo since the cases are decreasing and suggested if anything serious occurs, an agenda item can be brought forward. Council Member Gleason and Derrick agreed.**

**Council Member Gonzales would like to keep these updates on the agenda.**

**Council Member Garza wants to keep this on the agenda and stated data coming forward needs to have better interpretations and would like to have outreach plans in getting people vaccinated. Council Member Garza would like to see data more consistently. She noted that the number of vaccinations are still low in the county.**

**Council Member Baker suggested the creation of a COVID Recovery and Response Council committee. Mr. Lumbreras, City Manager, recommends placing a discussion item on an agenda to determine the purpose and charge of the committee, if Council would like to create one.**

**Council Member Garza inquired about vaccination outreach and is concerned that information is not being shared. She expressed concern with barriers to set up appointments. Mr. Lumbreras stated it is not clear what data Council Member Garza is discussing and would like to see the information points. The County has the Health Department and for us to get there will take the cooperation of the County. Mr. Lumbreras will present the information provided by Council Member Garza and will discuss with the County Judge the urgency of why we need the information.**

**Council consensus is to receive written information in place of an agenda item at Council meetings and to discuss the possible creation of a COVID-19 Council committee. Council consensus if there are changes or an issue arises, Staff will add to Council meetings. Mayor Hughson suggested an alternative might be to have an Update only every third meeting.**

**Deputy Mayor Pro Tem Scott suggested asking Texas State to assist with compiling the numbers and begin vaccination outreach.**

- 2. Receive a presentation from Deliotte and Touche, LLP on the Community Development Block Grant-Disaster Recovery (CDBG-DR) Quarterly Internal Audit Report, and provide direction to Staff.**

**Shannon Mattingly, Director of Planning and Development Services introduced the speakers.**

**Kathryn Schwerdtfeger, Deliotte and Touche, LLP, performed the internal audit function required by HUD for the CDBG-DR funds that have been granted to the City for flood recovery.**

**Ms. Schwerdtfeger provided an introduction on the Community Development Block Grant – Disaster Recovery (CDBG-DR) Quarterly Internal Audit Report for the third and fourth quarters of fiscal year 2020 that determines the following design and operating effectiveness of internal controls, compliance with Federal program and administrative regulations governing the CDBG-DR program, compliance with City policies and procedures governing the CDBG-DR program and compliance with the City's HUD Action Plan for Disaster Recovery and related amendments.**

**Ms. Schwerdtfeger stated the City's overall system of internal controls are working effectively, they complied with rules and regulations of the CDBG program, they follow the action plan and all policies and procedures that are established.**

Casey Soberon, Deliotte and Touche, LLP, provided the presentation regarding the recommendations for enhancements. These include the following:

1. **Expenditure Review: Timely billing of invoicing**
2. **Drawdown Review: The City should consider amending this procedure to require City staff to draw down funds monthly to biweekly to better tie federal drawdowns to federal program expenditures occurring in the period.**
3. **Change Orders: The City should amend its current policies to create an internal control for ACIS for professional services. Federally funded Engineering contracts should include a not-to exceed amount that reflects the overall budgeted amount of services throughout the life of the project. City policy should be amended to reflect limitations and permissions for executing ACIS should the established not-to-exceed amount or scope of services change.**

## **CONSENT AGENDA**

A motion was made by Council Member Gleason, seconded by Council Member Gonzales, to approve items 3, 6, 7, 9, 10, 11, and 12. Items 4, 5, 8, and 13 were pulled and considered separately after the public hearings.

The motion carried by the following vote:

**For:** 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

**Against:** 0

3. Consider approval, by motion, of the following meeting minutes:
  - A. February 26, 2021 Budget Workshop Meeting Minutes
  - B. March 2, 2021 Regular Meeting Minutes
6. Consider approval of Ordinance 2021-25, on the second of three readings, granting to Maxwell Special Utility District, formerly Maxwell Water Supply Corporation, 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 potable water; 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.
7. Consider approval of Ordinance 2021-24, on the second of two readings, authorizing the conveyance, at no cost, of City-owned lots located at 404 Broadway (also addressed as 501-503 Parkdale Drive), 300 Herndon, 318 Shady Lane and 207 South Comanche (also addressed as 213 South Comanche) to qualified buyers under applicable Community Development Block Grant (CDBG) and Home Grant Programs for the purpose of constructing affordable single-family homes using Grant Funds under such programs; authorizing the City Manager or his designee, to execute contracts, deeds and

associated closing document necessary for the conveyance of these lots under terms as allowed under said Grant programs on behalf of the City; including procedural provisions; and providing an effective date.

9. Consider approval of Resolution 2021-70R, approving a license agreement with Hays County to enable the City's use of County Property along Guadalupe Street adjacent to the courthouse for a cycle track; authorizing the city manager, or his designee, to execute said agreement on behalf of the City; and declaring an effective date.
10. Consider approval of Resolution 2021-71R, approving a data archiving solutions contract with Dell Marketing, LP procured through the Texas Department of Information Resources, for a five-year term in the sum of \$285,000; authorizing the City Manager or his designee to execute the contract; and declaring an effective date.
11. Consider approval of Resolution 2021-72R, approving a Change in Service to the agreement with Environmental Systems Research Institute, Inc. for an annual subscription to the Enterprise Advantage Program in the amount of \$96,115.50 and authorizing three additional annual renewals; 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 2021-73R, awarding a construction contract to MLP Ventures, Inc., for the Cemetery Ossuary and Columbaria Improvements Project in the amount of \$133,806.00; authorizing the City Manager or his designee to execute the contract; and declaring an effective date.

## **PUBLIC HEARINGS**

14. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2021-26, extending by five years the period within which Development Permits may be requested for development as allowed by the Planned Development District ("PDD") standards for approximately 4.78 acres of land located at 2158 Interstate Highway 35 at East River Ridge Parkway, also known as the Holt Tract; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2021-26, on the first of two readings.

**Shannon Mattingly, Director of Planning and Development Services, provided the presentation that would extend the development rights granted by the Holt Tract Planned Development District for an additional five years. The Planned Development District (PDD) is set to expire in August 2021. She reviewed the basics of the requirements of the PDD including environmental requirements. Ms. Mattingly stated the applicant is requesting the extension to allow additional time for the completion of the TxDOT northbound exit ramp from IH-35 to River Ridge Parkway. The applicant has stated that finding a developer for the tract while IH-35 is undergoing significant changes will be difficult.**

**Mayor Hughson opened the Public Hearing at 7:15 p.m.**

**Those who spoke:**

**Greg Gitcho, applicant spoke in favor of this extension and is available to answer questions.**

**Jason Middlebrook, applicant spoke in favor of this extension and is available to answer questions.**

**Lisa Marie Coppoletta, expressed concern that a character study has not been completed. Ms. Coppoletta also mentioned the topic of impervious cover. She stated a workshop for the sidewalk program would be conducted and this has not been done. She expressed concerns with Planned Development Districts (PDDs) and how Council said they would not create anymore, but this process seems to be circumvented. She is concerned with the species that may be affected.**

**There being no further speakers, Mayor Hughson closed the Public Hearing at 7:20 p.m.**

**A motion was made by Deputy Mayor Pro Tem Scott, seconded by Council Member Gonzales, to approve Ordinance 2021-26, on the first of two readings.**

**Council Member Baker inquired if the approval of the extension is not approved, would they be grandfathered in because they already applied for permits? Is there any consideration for a character district or something to achieve a better use and increased tax presence for this piece of property.**

**Mrs. Mattingly stated there are no applications for permits on the property currently. If the extension does not happen in the PDD it would revert back to Future Development. They must meet the flood prevention part of our new code as it's in their PDD. She noted that the impervious cover limitation of 50% is better than what would be required under the new code.**

**Mayor Pro Tem Derrick asked why there is no parkland dedication required. Mrs. Mattingly stated this is because there is no residential, this is only commercial.**

**Mayor Hughson asked if there is a detrimental effect to extending this PDD since our new codes are stricter in many ways. Ms. Mattingly stated they are**

meeting the current environmental standards.

Council Member Baker asked if we could ask the applicant to make this identical to our current code? Ms. Mattingly stated the flood prevention standards are effectively the same as our current standards.

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

**For:** 6 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

**Against:** 1 - Council Member Baker

15. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2020-77, amending the Official Zoning Map of the City in Case No. ZC-20-12 by rezoning approximately 14.71 acres out of the J.W. Berry Survey, located near the 1500 block of N LBJ Drive (Steen Road) from "FD" Future Development District to "SF-6" Single Family District; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2020-77, on the first of two readings.

Mayor Hughson, recused herself as she owns property on two sides of the property for which there is a zoning request. She has filed the recusal form with the City Clerk. She asked Mayor Pro Tem Derrick to handle this item.

Shannon Mattingly, Director of Planning and Development Services, provided the presentation regarding the rezoning of 14.71 acres located at 1500 block of N. LBJ Drive (Steen Road).

Mayor Pro Tem Derrick opened the Public Hearing at 7:50 p.m.

Mike Seifert, spoke on behalf of the applicant, and spoke in support of the project. Mr. Seifert stated the developer has compromised by increasing the lot sizes to 10,000 sq. ft. and believes this is a good lot size. Mr. Seifert stated he is available to answer questions.

Jane Saunders, spoke in opposition of the project. Ms. Saunders expressed concerned with the Planning and Zoning Commissioners comments. Ms. Saunders stated she would like the developer to serve families to include parks, schools, and other community resources but this has not been planned or discussed. She expressed concern with Texas State students having parties, reckless driving on an already dangerous upper LBJ road, and the diminishment of home values. Ms. Saunders expressed concern that low or middle-income families will have less of a chance to purchase these new homes because of the ready cash and financial standing of a small portion of wealthy



and upper-middle class families who snap them up first.

Debi Hernandez, spoke in opposition of the proposed Steen Road development. She expressed concern with the neighborhoods space with very little diversity in style, size, and market price. Small lots and privacy fences abound. In the long run, these areas tend to plateau out as property values will have no basis to increase beyond a certain point due to lack of diversity, which often times leads to a decline in the area. Ms. Hernandez stated she is concerned that the college heavy rentals can lead to a decline in surrounding home values for those who wish to remain long term. Noise, traffic, and homes that are less maintained are notorious amongst that particular demographic. She expressed concern with the unintended consequences and safety impact that additional home developments will bring to an already congested area.

John Casseb, spoke in opposition of this project. Mr. Casseb stated the developer did not speak with the community neighbors regarding concerns. Mr. Casseb expressed concerns with the lack of transparent and honest discussion with the developer representative and this leads him to believe that any agreement will not be fully upheld. Other concerns he express included environmental degradation, traffic and safety, and neighborhood integrity. Mr. Casseb would like Council to deny this rezoning request.

George Gilbert, spoke in opposition of this project and would like for council to deny this request. He stated a promise was made to not allow more than 4 homes per acre on the property. Mr. Gilbert stated that Mr. Siefert is asking the Council to break this promise and allow him to do whatever he wants on this property.

Eddie Hernandez, spoke in opposition of this project and would like the city to address traffic and safety on an already congested section of LBJ that falls into an area with many blind spots. He expressed concern with the developer's initiative to place numerous homes on smaller lots which will most certainly increase the volume of cars in this region. Mr. Hernandez would like for Council to consider the new development to harmonize not only with nature, but the surrounding neighborhoods to balance the diversity of homes and lots which are available for those who wish to call San Marcos home for the long term.

Diane Eure, spoke in opposition of the rezoning and the impact that can occur. Ms. Eure expressed concern that traffic and safety is a major concern and needs to be thought out properly. She would like to see less density on the

property. The developer will be detrimental to the Tanglewood neighborhood and would like a traffic impact study done. She expressed concern that the river will be impacted since it is above the Edwards Aquifer zone.

Julie House, spoke in opposition of the proposed project and expressed concern about the current infrastructure and if it can support the new development. Lot sizes will change the value of the homes, noise has increased and she would like to see single family homes that are not turned into rental properties. She also expressed concern with the wildlife and increased traffic along the streets.

Pam House, spoke in opposition of the rezoning request. She expressed concern with the number of proposed houses and the noise it would cause behind her house. Ms. House expressed concern with the proposed change of potential density of the area, displacement of wildlife and increased traffic.

Bobbie Gilbert, spoke in opposition of the proposed project and would like Council to deny this request. He stated the neighborhood is concerned about the traffic that would result from more homes being built on this property. He expressed concern with speeding cars coming down the hill on N. LBJ that can not handle the curves or stop sign and end up crashing into the yard at the bottom of the hill. Another concern is many people are in agreement that one entry into the property is not safe, especially when fire trucks, ambulances, and emergency vehicles are needed.

Harold Stern, spoke in opposition of the rezoning of the project. He expressed concern with the lots sizes. Mr. Stern stated the developer did not contact residents and submit the exact request. He urges Council to deny the request.

Noami Medina, spoke in opposition of the rezoning and agrees with the rest of the speakers. She expressed concern that comments made by some of the Planning and Zoning Commissioner's were insensitive. She expressed concern with traffic and speeding cars and is concerned with the increase in vehicles. Ms. Medina is not opposed to development but is against this project.

Mary Potter, spoke in opposition of the proposed project. Ms. Potter expressed concern with that the neighborhood is already adversely affected by noise, traffic, Texas State buses en route every 15 minutes, and dense student housing. She expressed concern that additional buildings in the neighborhood would further strain the resources and adversely affects the minimal wildlife space. Ms. Potter asked Council to vote against the building proposal as is

unless and until significant and tangible changes are made. Any consideration for approval should be made after the builder has addressed and amended changes, to mitigate traffic, infrastructure, and green space use.

Melonie Caldwell, spoke in opposition of the proposed rezoning. She expressed concern with this area being zoned to SF-6 without any restrictions on the Plat sizes, including the 2 acres that Lookout Partners already owns, and it only has one way in and one way out. Ms. Caldwell stated the single entrance is located on a blind hill and narrow section of N LBJ. All these factors along with excessive traffic, drainage issues, and wildlife relocation are concerning. Ms. Caldwell is concerned that Lookout Partners are not planning to develop this area. They strictly want to plat the land and sell it. If it is rezoned to SF-6, restrictions on this land would need to be in place for them or any future development owners. Ms. Caldwell would like the City of San Marcos to have a new zoning area that falls between SF-6 and one acre lots. That is what this area should be zoned.

Charles Hurt, spoke in opposition of the zoning change for the Steen Road property as it is presently presented. They have requested multiple times to meet with the street builder, Mr. Siefert, without any success. Mr. Hurt expressed concern with traffic, combined with blind hills and stated that has been a challenge in this area for decades and increasing traffic has major safety implications for everyone in the area. Mr. Hurt stated they are not against the development of this property but against unsafe and irresponsible development of this land. Mr. Hurt does not want to see rental properties for Texas State students but would like families to live in and raise their children here. Mr. Hurt expressed major concerns with traffic impact on blind hill, mud/debris runoff from construction, water pressure that is already less than optimal, indigenous artifacts that have been found in the aforementioned property and displacement of wildlife

Cynthia Gonzales, spoke in opposition of the proposed project. Ms. Gonzales expressed concern of a single access to the proposed homes and the increased traffic that new homes will bring to the narrowest and curviest portion of N. LBJ. Single access to the homes is unwise and unsafe. Adding an entrance to N. LBJ at the proposed Steen Road is also unwise. Ms. Gonzales would like to request that the proposal to develop Steen Road be rejected.

Dan Caldwell, spoke in opposition of the rezoning change. Mr. Caldwell expressed concern with the zoning change from FD to SF-6. He stated Mr. Seifert of Lookout Partners is unwilling to agree to a minimum lot size of

14,460 square foot, and has made it clear that Lookout Partners will put as many homes as possible on the 2.21 acres already zoned SF-6. He expressed concern with safety related to the access point (Steen Road) and the unsafe condition this will create. Mr. Caldwell would like Council to deny the SF-6 zoning change and that this matter be tabled until a new zoning code between SF-6 and 1 Acre can be enacted.

Diane & Randall Osborne, spoke in opposition of the proposed development. Ms. Osborne stated it would be very dangerous for a road to be a main access to the housing development off of N. LBJ (Steen Rd.) that is being proposed. here are also public-school buses, CART vans, Texas State buses, Amazon trucks, UPS, FedEx, moving vans, store delivery trucks, RVs, and large city vehicles (just to name a few) that travel this section as well. Ms. Osborne expressed concern with the extra noise and traffic this will create or the number of accidents or near misses that will be involved since drivers in the cars would not have a very good visual on the hill to pull in or out of here. N. LBJ is already heavily trafficked in this area with so many apartments and houses needing access to their surrounding neighborhoods.

Jennifer & Caleb Jensen, spoke in opposition of this project. Mr. Jensen stated the developer did explain that he would develop the roads and lot utility infrastructure for the property but not the houses. If Mr. Seifert was able to provide a plan, neighbors would have a better idea of what the intentions are for the property. Mr. Jensen expressed concern with the traffic impact and safe access, drainage features, steep slopes, significant increase in impervious surface after development and no effort by Mr. Seifert to meeting with the neighborhood residents.

Lee Stern, spoke in opposition of rezoning the property for aesthetic, environmental, and economic reasons. Mr. Stern is concern with houses becoming rental properties to students. A new development will be cheaper housing, much of which is bought by people who live elsewhere, for their children to occupy for a few years while attending school. Mr. Stern mentioned the parcel is unique with challenging terrain. It's very steep, and would require drastic digging and leveling. The area is riddled with holes, which may indicate a honeycomb of natural drains leading to the aquifer. Runoff from impervious surfaces would flow to Sink Creek.

Marcel Sullivan, spoke in opposition of the rezoning. Concern was expressed about the danger of the road as it is to handle additional traffic and there will be increased noise due to this. The repaved road/hill with surface treatment to

control vehicles on slippery pavement added more dimension, height and angle at the curve side. Mr. Sullivan would like to request the lot sizes of the proposed houses be equal to those surrounding streets and be 17,399 square feet.

Lisa Marie Coppoletta, applauded the neighbors for speaking up. She would like council to follow the Planning and Zoning recommendation in denying this project. Ms. Coppoletta stated flooding will impact the residents and the developer hasn't responded to concerns. She spoke on the increased traffic and the increased frustrations among neighbors.

There being no further speakers, Mayor Pro Tem Derrick closed the Public Hearing at 8:45 p.m.

A motion was made by Council Member Gonzales, seconded by Council Member Baker, to deny Ordinance 2020-77.

Council Member Baker asked applicant why he was unable to meet with the residents? Mr. Seifert stated they communicated with one resident to engage feedback and the feedback was that development is opposed and didn't want to waste time and he felt this was a fair proposal.

Deputy Mayor Pro Tem Scott and Council Member Gonzales expressed their concern with not having a meeting with the neighbors.

Council Member Gleason expressed his concern with the traffic in the area and he thinks deed restrictions would have been helpful and a meeting with the neighbors would have been more impactful.

Council Member Garza expressed concerns with the traffic safety in that area.

Mayor Pro Tem Derrick expressed her concern with the traffic safety and environmental impact and she provided her personal experience as she lived in that area in the past.

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

**For:** 6 - Mayor Pro Tem Derrick, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

**Against:** 0

**Recused:** 1 - Mayor Hughson

16. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2021-27, amending the Official Zoning Map of the City in Case No. ZC-21-03 by rezoning approximately 21.22 acres of land generally located on Chuck Nash Loop at Riverwalk Drive from "MU" Mixed Use District to "CD-5" Character District 5, or subject to the consent of the owner, another less intense Zoning District Classification; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2021-27, on the first of two readings.

**Shannon Mattingly, Director of Planning and Development Services, provided the presentation on the rezoning of 21.22 acres located on Chuck Nash Loop at Riverwalk Drive. Ms. Mattingly stated the applicant is requesting to change the current Legacy Mixed Use Zoning (MU) to Character District 5 (CD-5). The purpose of this zoning change is to allow a large multifamily development, which is not a permitted use under the current zoning. The site is located next to the Blanco River and the adjacent properties are existing multifamily and commercial uses. Mrs. Mattingly stated that staff recommends alternate approval of this item request to rezone only the northern 13.3 acres of the 21.22 acre site to Character District 5 (CD-5).**

**Mayor Hughson opened the Public Hearing at 9:03 p.m.**

**Hugo Elizondo Jr., spoke in support of this project and is the consultant engineer and represents the owner. He stated the multi-family repurpose and stated impervious cover will be 60-70%. He mentioned they will comply with water quality even though it is not in the recharge zone. Mr. Elizondo stated he is available to answer questions.**

**Mac Jones, the potential buyer, spoke in favor of the project and he stated he will meet the demand of multi-family in the area. Mr. Jones stated he is happy to comply with code and ordinances.**

**Lisa Marie Coppoletta, expressed concern with the landowner not being present. She expressed concern with flooding and that no character studies have been completed. She said it is concerning the development will occur in the 500-year floodplain.**

**There being no further speakers, the Mayor closed the Public Hearing at 9:11 p.m.**

**A motion was made by Council Member Baker, seconded by Mayor Pro Tem Derrick to deny Ordinance 2021-27. Mayor Hughson noted that the Planning and Zoning Commission denied this item so a motion to approve would have required 6 votes.**

**Deputy Mayor Pro Tem Scott inquired about the alternate approval and would like to compromise.**

**Mayor Hughson asked for confirmation of the Planning and Zoning decision on the alternate approval. Mrs. Mattingly stated they denied the entire 21.22 acre rezone.**

**Council Member Gleason inquired about a motion to approve the alternate approval. Mr. Cosentino stated the motion on the table would have to be removed or the it would have to fail, in order to offer another motion.**

**Mayor Pro Tem Derrick withdrew her second. Council Member Gonzales provided a second to deny.**

**Council Member Gleason would like to consider the 13.3 acres as a majority of the property is outside of the floodway.**

**Mayor Hughson asked about the floodway and floodplain and wanted clarification on this. Ms. Mattingly reviewed the maps and stated the applicant would still need to build to certain standards.**

**Council Member Gleason asked about impervious cover restrictions in CD-5. Richard Reynosa, Assistant Director of Engineering, stated the criteria for floodway and floodplain is the same within the City Limits. The limitation of impervious cover is based on developable areas. Mr. Reynosa stated the development could be around 60% impervious cover. Mr. Elizondo stated they will bring all structures at least two feet above the floodplain and he commends the City on their floodplain policy and will comply with all City standards. His company has built on land such as this in other areas.**

**Council Member Baker stated this development is constrained on all sides by the floodplain. He expressed concerns with future flooding and will support denial.**

**Council Member Gleason stated he lives downstream of this project and is not concerned that he will be flooded out. He will support this project due to the new flood maps and the new land development codes.**

**The motion to deny failed by the following vote:**

**For: 3 - Mayor Pro Tem Derrick, Council Member Baker and Council Member Gonzales**

**Against:** 4 - Mayor Hughson, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

**A motion was made by Deputy Mayor Pro Tem Scott, seconded by Council Member Gleason, to approve the staff recommendation of an alternate approval of this item which would rezone only the northern 13.3 acres of the 21.22 acre site to Character District 5 (CD-5). This will require 6 votes to pass. The motion to approve failed by the following vote:**

**For:** 3 - Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

**Against:** 4 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker and Council Member Gonzales

17. Receive a Staff presentation and hold a Public Hearing to consider comments for or against Ordinance 2021-08, amending the Official Zoning Map of the City in Case No. ZC-20-26 by rezoning approximately 15.2331 acres of land, generally located in the 400 Block of Riverway Avenue, from "CC" Community Commercial District to "HC" Heavy Commercial District, or subject to the consent of owner, another less intense zoning district classification, subject to the addition of certain restrictive covenants; including procedural provisions; and consider approval of Ordinance 2021-08 on the first of two readings.

**Shannon Mattingly, Director of Planning and Development Services, provided the presentation regarding the rezoning of 15.2331 acres located in the 400 Block of Riverway Avenue. Mrs. Mattingly stated the purpose of the zoning change to "Heavy Commercial" is to allow for the development of an outdoor storage facility and according to the applicant, the facility would be used for safe and secure storage of RVs and boats.**

**Staff provides this request to the Council and recommends approval of this request with a delayed effective date to allow the applicant the ability to record restrictive covenants prohibiting all uses except self-storage, outdoor-storage uses, and associated office space on the property as well as prohibiting the changing of oil or other fluids on the property.**

**At a minimum, restrictions could include the following statement:**

**"Only Self-Storage and Outdoor-Storage uses, with associated office space, are permitted on the property. At no time shall the property be used for-profit for vehicle service or maintenance. The changing of oil or other fluids on the property shall be prohibited. Vehicle maintenance shall be limited to necessary repair required to move a vehicle to an off-site location for service, such as replacement of tires and batteries."**

**Mrs. Mattingly reminded Council that a super majority vote of 6 votes of**



**Council would be required in order to approve because this was denied by the Planning and Zoning Commission.**

**Mayor Hughson opened the Public Hearing at 10:02 p.m.**

**Lisa Marie Coppoletta, would like to see the developer attend the meetings when their projects are being discussed. She expressed concern with City staff not including citizen comments or public hearing letters in the packet and would like to see them included, not only include P&Z commissioners comments.**

**There being no further comments, the Mayor closed the Public Hearing at 10:07 p.m.**

**A motion was made by Deputy Mayor Pro Tem Scott, seconded by Council Member Gleason, to approve Ordinance 2021-08, with staff's proposed recommendations, as outlined above.**

**Council Member Baker stated he will not support this Ordinance as he does not feel this is a good use for this property.**

**Council Member Gleason said without the covenant restrictions, he would not be in support of this. However, these covenants are stringent so he will support this.**

**The motion to approve failed by the following vote because 6 votes are required:**

**For:** 4 - Mayor Hughson, Council Member Gonzales, Deputy Mayor Pro Tem Scott and Council Member Gleason

**Against:** 3 - Mayor Pro Tem Derrick, Council Member Baker and Council Member Garza

**A motion was made by Council Member Baker, seconded by Mayor Pro Tem Derrick, to deny Ordinance 2021-08.**

**Mayor Pro Tem Derrick expressed her reasoning for seconding the denial. She is concerned with flooding and does not want to see projectiles in the river causing harm to residents.**

**The motion to deny failed by the following vote:**

**For:** 3 - Mayor Pro Tem Derrick, Council Member Baker and Council Member Garza

**Against:** 4 - Mayor Hughson, Council Member Gonzales, Deputy Mayor Pro Tem Scott and Council Member Gleason

18. Receive a staff presentation and hold a Public Hearing to receive comments for or against Resolution 2021-75R, approving Substantial Amendment No. 1 to the Community Development Block Grant-Mitigation (CDBG-MIT) Action Plan to designate projects for the use of CDBG-MIT funds and allocate funding for such projects; authorizing the City Manager to act as the Official Representative of the City in matters related to the CDBG-MIT Program and Action Plan, and declaring an effective date; and consider approval of Resolution 2021-75R.

**Carol Griffith, Housing and Community Development Manager, provided an update related to the Community Development Block Grant-Mitigation (CDBG-MIT) Action Plan to designate projects for the use of CDBG-MIT funds and allocate funding for such projects. In 2015, the City had two Devastating Floods. During these floods, more than 1,500 homes and 35 businesses were impacted. 1,200 of those homes were in Blanco Gardens, where most households have incomes below 50% of area median income. The Purpose of the CDBG-MIT Grant is to reduce the risk of loss of life and damage to property in the future and to prioritize lower-income areas while addressing the area most impacted in the 2015 floods. Council previously approved categories of expenses and now staff is seeking direction for specific projects. The proposed projects include a Repetitive Loss Infrastructure Category which includes two storm water infrastructure projects:**

- 1) Blanco Riverine Regional Flood Mitigation Project \$13 million**
- 2) Blanco Gardens Neighborhood Drainage Project \$3 million**

**It also includes a Hazard Warning System Category for an Enhanced Flood Early Warning System in the amount of \$300,000 and a Signs and Barricades Category that can be used to warn the public of risks ahead and to set up evacuation routes if needed in the amount of \$60,000.**

**Mayor Hughson opened the Public Hearing at 10:24 p.m.**

**Lisa Marie Coppoletta, expressed concern with transparency by staff not being on camera during virtual meetings. Ms. Coppoletta stated there should be more outreach meetings and not by Zoom. She stated city staff was not transparent during the meeting and citizens were not allowed to speak.**

**There being no further speakers, the Mayor closed the Public Hearing at 10:27 p.m.**

**MAIN MOTION: A motion was made by Deputy Mayor Pro Tem Scott,**

seconded by Mayor Pro Tem Derrick, to approve Resolution 2021-75R.

Council Member Gleason inquired about the flood gauges on the Blanco River and he asked if these will be integrated with the National Oceanic and Atmospheric Administration in order to get accurate data. He noted the good information that is provided by this agency that is current information. John Espinosa, Project Engineer, stated these will tie into the Hays County System which is utilized by the National Weather Service.

Mayor Hughson asked for confirmation that physical flood gauges/depth markers will be added to any roads that are not currently marked and that are prone to flooding. This informs the public that those roads are likely to flood. Ms. Griffith confirmed this is correct.

Council Member Baker inquired about cement buffers in alleyways to move water and asked if this will replace trees and natural elements to move water. Laurie Moyer, Director of Engineering and CIP, stated alleyways are being constructed with concrete lined channels in order to align with flood reduction requirements that our code requires. Trees will be removed but they are working with property owners and the City Urban Forester to assist with tree mitigation and tree protection during the process.

Council Member Gonzales asked if these will be placed in the Blanco River or the San Marcos River. Mr. Espinoza stated these will be placed on the San Marcos River. Hays County will be placing gauges along the Blanco River.

**MOTION TO AMEND:** A motion was made by Mayor Hughson, seconded by Deputy Mayor Pro Tem Scott, to amend Resolution 2021-75R by amending Table 2 CDBG-MIT Budget Allocation by Project by changing the Blanco Riverine Regional Flood Mitigation Project from \$13M to \$14M and changing the Blanco Gardens Neighborhood Flood Mitigation Project from \$3M to \$2M.

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

**For:** 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

**Against:** 0

**MAIN MOTION:** to approve Resolution 2021-75R, as amended. The motion carried by the following vote:

**For:** 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

**Against:** 0

## **CONSENT AGENDA**

4. Consider approval of Ordinance 2021-21, on the second of two readings, extending the delayed effective date of Ordinance 2020-08 that provided for the Annexation into the City of Approximately 62.48 acres of land generally located at the intersection of Gregson's Bend and Commercial Loop; including procedural provisions; and providing an effective date.

**A motion was made by Mayor Hughson, seconded by Deputy Mayor Pro Tem Scott, to postpone Ordinance 2021-21, on the second of two readings, to the next Regular City Council Meeting. The motion carried by the following vote:**

**For:** 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

**Against:** 0

5. Consider approval of Ordinance 2021-22, on the second of two readings, extending the delayed effective date of Ordinance 2020-09 that provided for the rezoning of approximately 62.48 acres of land generally located at the intersection of Commercial Loop and Gregson's Bend from "FD" Future Development District and "GC" General Commercial District to "PA" Planning Area District; and including procedural provisions.

**A motion was made by Mayor Hughson, seconded by Deputy Mayor Pro Tem Scott, to postpone Ordinance 2021-22, on the second of two readings, to the next Regular City Council Meeting. The motion carried by the following vote:**

**For:** 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

**Against:** 0

8. Consider approval of Resolution 2021-69R, approving the San Marcos Regional Airport Master Plan to guide the Airport's future development and operations; and declaring an effective date.

**A motion was made by Deputy Mayor Pro Tem Scott, seconded by Council Member Gleason, to approve Resolution 2021-69R.**

**Council Member Baker inquired about the health study that Council would like to see done related to the airport. He would like some funds to do this health study and would like to see this added to the Airport Master Plan.**

**Joe Pantalion, Assistant City Manager, stated a memo was sent to Council related to the questions about public health impacts associated with airports. The review done provided a conclusion that the level of expertise needed for this type of study is above the City staff level. Should the City Council desire to pursue a study, the County's Office of Epidemiology or some other health services organization should oversee the effort. Mr. Pantalion stated there is difficulty in correlating data specifically to air traffic pollution with very limited data out there. The City should certainly look at best management practices to address any health concerns.**

**Mayor Hughson stated that Staff provided numerous reports and studies but many had to do with large or international airports. She asked if there was any study done by a smaller municipal government. Mr. Pantalion stated there were not any conducted by cities, after doing research, that have completed a health study related to their airport. He also noted that the city is responsible for only 10% of the cost of the Master Plan. Mayor Hughson reminded Council that the consensus from Council was to look for a health study but not have it hold up approval or be tied to the Airport Master Plan. Mr. Lumbreras confirmed this.**

**Deputy Mayor Pro Tem Scott stated a study like this won't exist because the FAA and EPA work together closely to monitor this and they do not do this for small airports, but larger airports. We follow all federal guidelines related to our airport.**

**Council Member Baker expressed concern that if this isn't included in the Master Plan then this study won't occur.**

**Mayor Pro Tem Derrick just wants to look at overall health concerns and work with the County to ensure we do not put housing too close to the airport.**

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

**For:** 6 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

**Against:** 1 - Council Member Baker

- 13. Consider approval of Resolution 2021-74R, approving a Change Order to the Police Department Additions and Renovations Contract with Trimbuilt Construction, Inc. increasing owner's contingency from \$350,000 to \$529,975.95 and thereby increasing the total amount of the contract by \$179,975.95 from \$9,141,358 to \$9,321,333.95; authorizing the City Manager or his designee to execute the appropriate documents**

relating to the Change Order on behalf of the City; and declaring an effective date.

**A motion was made by Deputy Mayor Pro Tem Scott, seconded by Council Member Gleason, to approve Resolution 2021-74R.**

**Council Member Baker expressed his concern with the overall expenditure of the Police Department renovations. When looking at the current cost of the project would we have considered another bidder or construction company?**

**Mr. Stapp stated that bids are evaluated under strict parameters and the submissions are evaluated on what is presented. It is hard to determine what may come up as the project progresses. Material costs have increased a great amount and he stated funding has not been fully allocated for this project. Given the nature of what is driving this increase, it is likely a different construction company would experience the same issue.**

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

**For: 7 -** Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

**Against: 0**

## **NON-CONSENT AGENDA**

- 22.** Consider approval of Resolution 2021-67R, designating categories and criteria for the use of General Fund dollars made available due to the Award to the City of CARES Act Coronavirus Relief Funds; partially allocating such funds; authorizing the City Manager to act as the Official Representative of the City in matters related to said funds on behalf of the City, and declaring an effective date.

**Mayor Hughson stated the Coronavirus Relief Fund reimbursement is in the final stage in being issued for payment. It has actually been submitted for payment processing; however, the funds are still not in our bank. If we do not receive by the 2nd reading on May 4th we can either defer to another date or amend the ordinance to basically amend the effective date to state that its effective when the funds are received.**

**MAIN MOTION: A motion was made by Deputy Mayor Pro Tem Scott, seconded by Council Member Gleason, to approve Resolution 2021-67R.**

**Council Member Baker expressed concern with giving \$200,000 to the Chamber for businesses for this program and focus on more direct relief to individuals. Ms. Griffith noted that the only funds kept by the Chamber of Commerce are to reimburse the time spent on administering the program. The**

**new program will be simpler and different from the current program.**

**There was discussion about when or whether this item would come back to Council for refinement and the recommendation was that it would not if included with this allocation of funds. Ms. Griffith suggested that perhaps it would be better if this funding would be in a later set of funding.**

**MOTION TO AMEND: A motion was made by Council Member Baker, seconded by Council Member Garza, to amend the allocation of funds by removing the \$200,000 allocated to the San Marcos Chamber of Commerce and re-allocate this to rent/mortgage assistance.**

**Carol Griffith, Housing and Community Development Manager, provided updated numbers related to the Coronavirus Relief Funding. These include the following changes:**

**Ongoing Unbudgeted Pandemic Expenses went from \$371,995 to \$153,995**

**One-Time Grant Fund went from \$640,000 to \$814,000**

**One-Time Non-Profit Capacity Building Fund went from \$450,000 to \$503,600**

**The motion to amend failed by the following vote:**

**For:** 2 - Council Member Baker and Council Member Garza

**Against:** 5 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Gonzales, Deputy Mayor Pro Tem Scott and Council Member Gleason

**MOTION TO AMEND: A motion was made by Mayor Hughson, seconded by Council Member Gleason, to amend the allocations as suggested by staff.**

**These include the following changes:**

**Ongoing Unbudgeted Pandemic Expenses from \$371,995 to \$153,995**

**One-Time Grant Fund went from \$640,000 to \$814,000**

**One-Time Non-Profit Capacity Building Fund went from \$450,000 to \$503,600**

**Mayor Pro Tem Derrick asked if there is interest in compromising for the rent/mortgage assistance and small business assistance. Mayor Hughson restated her motion to include Mayor Pro Tem Derrick's suggestions. The following changes include:**

**Ongoing Unbudgeted Pandemic Expenses from \$371,995 to \$153,995**

**Rent-Mortgage Assistance from \$0 to \$174,000**

**One-Time Grant Fund will remain at \$640,000**

**One-Time Non-Profit Capacity Building Fund went from \$450,000 to \$503,600**

**Council Member Gleason inquired about the rental/mortgage assistance funding and if this would take a lot of Staff time to implement . Ms. Griffith**

stated these funds could be sent to Community Action as they already have the contract for implementing the CDBG-DR funding. They can provide the capacity for intake as this is the most time consuming process. Council Member Gleason would like to see it implemented in this manner.

Council Member Baker, inquired about the HMIS licenses for two years at the cost of \$10,000 that is included but not discussed. Ms. Griffith apologized for not speaking to this earlier, but this should be considered in the one-time capacity building item. She stated this fund should be \$493,600 to account for this \$10,000. To ensure accuracy, Ms. Griffith restated the numbers as follows:

- (1) Ongoing Unbudgeted Pandemic Expenses from \$371,995 to \$153,995
- (2) Utility Bill Assistance is \$1M
- (3) Rent-Mortgage Assistance from \$0 to \$174,399
- (4) Small Business Assistance remains at \$200,000
- (5) One-Time Grant Fund will remain at \$640,000
- (6) One-Time Non-Profit Capacity Building Fund went from \$450,000 to \$493,600
- (7) HMIS licenses will remain at \$10,000

Mayor Hughson and Council Member Gleason agreed to these numbers for their motion.

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

**For:** 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

**Against:** 0

**MAIN MOTION: to approve Resolution 2021-67R, as amended. The motion carried by the following vote:**

**For:** 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

**Against:** 0

19. Consider approval of Ordinance 2021-28, on the first of two readings, amending certain funds in the City's 2020-2021 Fiscal Year budget to allocate funds made available due to the Award to the City of CARES Act Coronavirus Relief Funds; and providing an effective date.

**MAIN MOTION: A motion was made by Council Member Gleason, seconded by Council Member Baker to approve Ordinance 2021-28, on the first of two readings.**



**Marie Kalka, Finance Director, stated that Exhibit A of the Ordinance requires a slight adjustment. Fund balance funds must be moved to special revenue fund in order to expend them. The Pandemic Expenses Account will need to be revised from \$371,995 to \$153,995 and Other COVID Relief Account will need to be revised from \$1,300,000 to \$1,518,000.**

**MOTION TO AMEND: A motion was made by Mayor Hughson, seconded by Council Member Gleason, to amend Ordinance 2021-28 to reflect the revisions Ms. Kalka stated regarding the Pandemic Expense Account and Other Covid Relief Account.**

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

**For:** 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

**Against:** 0

**MAIN MOTION: to approve Ordinance 2021-28, on the first of two readings, as amended.**

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

**For:** 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

**Against:** 0

- 20.** Consider approval of Ordinance 2021-29, on the first of two readings, temporarily changing the method for calculating residential Wastewater Rates established by Ordinance No. 2007-54 by excluding the month of February 2021 from the months used to calculate average water consumption upon which Wastewater Rates are based due to the higher than average water consumption resulting from Winter Storm Uri during the week of February 15; including procedural provisions; and providing an effective date.

**A motion was made by Deputy Mayor Pro Tem Scott, seconded by Council Member Baker, to approve Ordinance 2021-29, on the first of two readings.**

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

**For:** 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

**Against:** 0

- 21.** Consider approval of Resolution 2021-64R, approving Substantial Amendment No. 10 to the Community Development Block Grant-Disaster Recovery (CDBG-DR) Action Plan; and declaring an effective date.

**Carol Griffith, provided an amendment related to Substantial Amendment #10 to CDBG-DR Action Plan. This moves money that was intended for the Clarewood/Barbara Stormwater Infrastructure Project to the administration category. Additional design after project was selected showed it would not fulfill its goals for stormwater control, so the project was then discontinued.**

**Additional funding is needed for expanded project design of the Blanco Gardens Stormwater Infrastructure Project. No additional studies are anticipated for the grant. The amendment will move \$1 million from Planning to Blanco Gardens project.**

**Finally this amendment would remove the \$196,000 cap on housing construction costs. This results from a previous amendment so instead this would enable purchase of lots and construction of housing at market prices with cost comparisons.**

**A motion was made by Deputy Mayor Pro Tem Scott, seconded by Mayor Pro Tem Derrick, to approve Resolution 2021-64R.**

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

**For: 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason**

**Against: 0**

- 23. Consider approval of Resolution 2021-76R, providing no objection to the submission of an application for low income housing tax credits to the Texas Department of Housing and Community Affairs for the proposed Sendero at Centerpoint multifamily housing project located in the 100 Block of Centerpoint Road, approving findings related to such application, imposing conditions for such non objection; providing authorizations for execution or submission of documents related to the such application, and declaring an effective date.**

**A motion was made by Deputy Mayor Pro Tem Scott, seconded by Mayor Pro Tem Derrick, to approve Resolution 2021-76R.**

**Shannon Mattingly, Director of Planning and Development Services, provided the presentation regarding the Sendero at Centerpoint for an approval of a resolution of no objection for a low-income housing tax credit multifamily project. The multifamily project is proposed to include 164 units.**

**Mayor Pro Tem Derrick expressed concern with the third party handling of the Resident Services. She would like to have a commitment it in writing related to the landscape and all things discussed at that committee level. Marvin**

**Wilmoth, managing principle of generation development group, stated they do have an agreement in writing and it will be sent to Council.**

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

**For:** 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

**Against:** 0

- 24.** Consider approval of Resolution 2021-77R, approving an agreement for the provision of services in connection with the proposed owner requested annexation in Case Number AN-20-10 (Legacy Square) of approximately 23.2 acres of land, generally located in the Northeast corner of Redwood Road and Old Bastrop Highway; authorizing the City Manager, or his designee, to execute said agreement on behalf of the City; setting a date for a Public Hearing concerning the proposed annexation of said tract of land; and declaring an effective date.

**A motion was made by Deputy Mayor Pro Tem Scott, seconded by Council Member Gleason, to approve Resolution 2021-77R.**

**Shannon Mattingly, Director of Planning and Development Services, provided the presentation regarding Legacy Square Annexation of the 23.2 acres located at the Northeast corner of Redwood Road and Old Bastrop Hwy. Ms. Mattingly stated the applicant is proposing to develop property as an Affordable Senior Housing project with potential commercial uses at the corner. This item is to set the Public Hearing dates.**

**Mayor Hughson stated this project is on Redwood Road, but not in the Redwood community.**

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

**For:** 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

**Against:** 0

- 25.** Consider approval of Resolution 2021-78R, filling a vacancy on the Board of Directors of the Alliance Regional Water Authority (ARWA), and declaring an effective date.

**A motion was made by Mayor Hughson, seconded by Mayor Pro Tem Derrick, to approve Resolution 2021-78R, that appoints Paul Kite to the Alliance Regional Water Authority. The motion carried by the following vote:**

**For:** 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

**Against:** 0

26. Consider approval, by motion, of the Council Committee Rules of Procedure and provide direction to the City Manager.

**MAIN MOTION:** A motion was made by Deputy Mayor Pro Tem Scott, seconded by Council Member Baker, to approve the Council Committee Rules of Procedures.

**MOTION TO AMEND:** A motion was made by Council Member Baker, seconded by Council Member Garza, to amend ARTICLE 8. STAFF LIAISON RESPONSIBILITIES

A. Schedule meetings by sending an electronic meeting invitation, reserving a conference room or other meeting space (if needed), and when needed, sending an online meeting link, by removing the words "when needed". The new section would read:

**ARTICLE 8. STAFF LIAISON RESPONSIBILITIES**

A. Schedule meetings by sending an electronic meeting invitation, reserving a conference room or other meeting space (if needed), and sending an online meeting link.

Council Member Baker stated this will allow more transparency and allow more participation from citizens.

Mayor Hughson suggested that each committee should determine how they would meet and what would work best for them in the future.

Mayor Pro Tem Derrick stated this is not her intention to vote in a way to limit transparency.

The motion to amend failed by the following vote:

**For:** 2 - Council Member Baker and Council Member Garza

**Against:** 5 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Gonzales, Deputy Mayor Pro Tem Scott and Council Member Gleason

**MOTION TO AMEND:** A motion was made by Council Member Baker, seconded by Council Member Garza, to amend Article 6 MEETINGS section E. by replacing the entire sentence of "The committee, during a discussion item, upon unanimous vote, may call upon members of the public to attend a

**future committee meeting for a presentation." with "The committee shall invite the public to attend their meetings." The new section would read:**

**Article 6 MEETING section E. "The committee shall invite the public to attend their meetings".**

**The motion to amend failed by the following vote:**

**For:** 3 - Council Member Baker, Council Member Gonzales and Council Member Garza

**Against:** 4 - Mayor Pro Tem Derrick, Mayor Hughson, Deputy Mayor Pro Tem Scott and Council Member Gleason

**Ms. Cook noted that there is not an item C under Section 6. Upon inquiry by Mayor Hughson, Mr. Cosentino confirmed that this change may be made administratively.**

**MOTION TO AMEND: A motion was made by Council Member Baker, seconded by Council Member Garza, to amend ARTICLE 5. AGENDAS section B to add #5 "that a chair can add an item to the agenda".**

**The motion to amend failed by the following vote:**

**For:** 2 - Council Member Baker and Council Member Garza

**Against:** 5 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Gonzales, Deputy Mayor Pro Tem Scott and Council Member Gleason

**Mr. Lumbreras inquired how to distinguish, for items requested for placement on an agenda, the difference in council policy-related issues and city operations which are strictly administrative. Mayor Hughson stated that her intent to address one part of that is found in ARTICLE 7. RECOMMENDATIONS FOR ACTION BY CITY COUNCIL which provides for a process by which a committee can propose action by City Council through the resolution process, just as our boards and commissions may do. In addition, we must rely on staff to make those determinations between policy and operations.**

**MOTION TO AMEND: A motion was made by Council Member Garza, seconded by Council Member Baker, to amend Article 6 MEETINGS section E. "The committee, during a discussion item, upon unanimous vote, may call upon members of the public to attend a future committee meeting for a presentation", by removing "unanimous" and inserting "majority" The section would read:**

**"The committee, during a discussion item, upon majority vote, may call upon members of the public to attend a future committee meeting for a**

**presentation."**

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

**For:** 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

**Against:** 0

**MAIN MOTION: to approve the Council Committee Rules of Procedure, as amended.**

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

**For:** 5 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Gonzales, Deputy Mayor Pro Tem Scott and Council Member Gleason

**Against:** 2 - Council Member Baker and Council Member Garza

- 27. Discuss and consider appointment(s) to fill vacancies on the following Boards and Commissions, and provide direction to staff:**
- A) Construction Board of Appeals
  - B) Convention and Visitor Bureau Board
  - C) Economic Development Board
  - D) Historic Preservation Commission
  - E) Neighborhood Commission
  - F) San Marcos Industrial Development Corporation

**The following applicants were nominated for consideration to serve on the Construction Board of Appeals:**

**John Rogers - nominated by Deputy Mayor Pro Tem Derrick**

**Chris Oliveira - nominated by Deputy Mayor Pro Tem Derrick**

**Following a roll call vote both members were unanimously appointed to serve on the Construction Board of Appeals.**

**The following applicants were nominated for consideration to serve on the Convention and Visitor Bureau Advisory Board:**

**July Moreno, Impactful/Annual Event representative - nominated by Council Member Baker**

**David Case, Impactful/Annual Event representative - nominated by Council Member Gleason**

**Michael Rowley, Hotel with more than 90 rooms representative - nominated by Mayor Hughson**

**Following a roll call vote July Moreno and Michael Rowley received a majority of the votes and were appointed to the Convention and Visitor Bureau**

**Advisory Board.**

**The following applicants were nominated for consideration to the Economic Development San Marcos Board:**

**Dr. Michael Cardona, SMCISD representative - nominated by Mayor Hughson**  
**David Case, Medium Business representative - nominated by Mayor Hughson**

**Following a roll call vote both members were appointed to the Economic Development San Marcos Board.**

**The following applicants were nominated for consideration to serve on the Historic Preservation Commission:**

**Jennifer Rogers - nominated by Mayor Hughson**  
**Nezahualcoyotl Paniagua-Jimenez- nominated by Council Member Garza**

**Following a roll call vote both members were unanimously appointed to serve on the Historic Preservation Commission.**

**George Garcia Jr. was nominated by Council Member Gleason for consideration to serve on the Neighborhood Commission as the Sector 6 representative.**

**Following a roll call vote Mr. Garcia was unanimously appointed to serve on the Neighborhood Commission.**

**Joel Dellinger was nominated by Mayor Hughson for consideration to serve on the San Marcos Industrial Development Corporation.**

**Following a roll call vote Mr. Dellinger was unanimously appointed to serve on the San Marcos Industrial Development Corporation.**

- 28. Receive a Staff presentation and hold discussion on allowing goats for urban farming, and provide direction to Staff.**

**Greg Carr, Director of Neighborhood Enhancement, provided a brief presentation.**

**Mr. Carr stated a request from a resident was discussed at the Sustainability Committee held on January 29, 2021 to allow specific types of goats to be raised in the city to support urban farming. The proposed ordinance allows for miniature goats (Pygmy or Dwarf) goats to be allowed in the city.**

**Council provided consensus to bring this forward for action at a future Council meeting.**

VI. Adjournment.

**Mayor Hughson adjourned the regular meeting of the City Council at 1:16 a.m. Wednesday, April 21, 2021.**

**Tammy K. Cook, Interim City Clerk**

**Jane Hughson, Mayor**

#### Notice of Assistance at the Public Meetings

The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 855-461-6674 or sent by e-mail to [ADArequest@sanmarcostx.gov](mailto:ADArequest@sanmarcostx.gov)