



# City of San Marcos

## Meeting Minutes City Council

---

Tuesday, May 4, 2021

6:00 PM

---

**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 6:02 p.m. Tuesday, May 4, 2021. This meeting was held online.**

### II. Roll Call

**Mayor Pro Tem Derrick arrived after roll call at 6:05 p.m.**

**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

**A moment of reflection was observed this evening.**

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

**Deputy Mayor Pro Tem Scott led the assembly in the Pledges of Allegiance.**

### V. 30 Minute Citizen Comment Period

**Garth Haakensonas, a business owner and recent home owner just north of San Marcos, stated he is excited to be a part of the growing business development in the area. He stated that Pacific Mobile is considering opening it's 10th branch sales office and maintenance facility at the H&H Industrial Park located in San Marcos. He highlighted the company and their future growth plans. He asked Council to consider removing the height restriction so the company can complete the land purchase and development at the H&H Industrial Park. Mr. Haakensonas stated the development investment into San Marcos is budgeted to be approximately \$5M. The current height restriction for on-site storage of 12' would prevent them from storing thier finished mobile office rental product and force them to look at other alternative locations outside of San Marcos. The average height of our mobile offices**

range from 12' to 14'.

**David Cummings, President of Dorado Development Company, a San Antonio based real estate development and management company, stated he is a managing General Partner of H & H Dorado, Ltd, which is the Owner/ Developer of the H&H Industrial Park. He stated H&H Industrial Park is first class heavy/light use industrial park with a set of deed restrictions and covenants to that will ensure high quality building standards and methods suitable for an array of industrial type uses are met. The height restriction of 12 feet for outside storage uses will not only deter the company to look beyond San Marcos for suitable sites but will also force other local and industrial type companies to locate such facilities to other markets outside of San Marcos. He stated this would be a significant impact to the tax revenue for San Marcos, as well as the loss of jobs for its citizens and surrounding neighbors. He hopes Council will vote to modify this height restriction to allow for outside storage items above the current 12 feet limitation. Increasing this height restriction would allow for the purchase of an additional \$50 million in mobile offices over the next 5-7 years which will be manufactured in Texas and will likely bring an additional 50+ long term jobs to our area.**

**Lisa Marie Coppoletta expressed concern with the Belvin Street Project which was rolled out with only 30 days notice. She stated the City's Urban Forrester came to her house and inspected five heritage live oak trees and is disappointed that her trees were butchered during the project.**

## **CONSENT AGENDA**

**A motion was made by Council Member Gleason, seconded by Deputy Mayor Pro Tem Scott, to approve the consent agenda, with the exception of item #2, #3, and #9, which was pulled and considered separately . 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**

- 1. Consider approval, by motion, of the following meeting minutes:
  - A. March 16, 2021 Regular Meeting Minutes**
  - B. April 6, 2021 - Work Session Meeting Minutes****
- 2. 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 Council Member Gleason, to postpone Ordinance 2021-21, indefinitely. 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 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 Mayor Pro Tem Derrick, to postpone Ordinance 2021-22, indefinitely. 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

4. Consider approval of Ordinance 2021-25, on the third 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.
5. Consider approval of Ordinance 2021-26, on the second of two readings, 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.
6. Consider approval of Ordinance 2021-28, on the second 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.

7. Consider approval of Ordinance 2021-29, on the second 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.
8. Consider approval of Resolution 2021-79R, approving a contract with Musco Sports Lighting, LLC, through the Texas BuyBoard Purchasing Cooperative, in the amount of \$847,000.00 for the purchase and replacement of existing light poles and fixtures at the adult softball fields at the Gary Sports Complex; authorizing the City Manager or his designee to execute the contract on behalf of the City; and declaring an effective date.
10. Consider approval of Resolution 2021-81R, approving an agreement with Carma Blanco Vista, LLC providing for the city to purchase a 0.71 acre tract of land located in the Blanco Vista subdivision for a price of \$210,000.00, together with associated closing costs, for the location of a water tower to serve as a delivery point for water from the Alliance Regional Water Authority to the City's water system; authorizing the City Manager, or his designee, to execute said agreement and associated closing documents; and declaring an effective date.
11. Consider approval of Resolution 2021-83R, approving a Change in Service to the agreement with Schneider Engineering, LTD, for additional Electrical Engineering Services in the amount of \$80,679.98; 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 2021-84R, approving a contract with Centerline Supply, Inc. through the Texas BuyBoard Purchasing Cooperative for materials to be used for the Guadalupe Street Bike Lane Pavement Markings and Signage project in the amount of \$174,082.86; authorizing the City Manager or his designee to execute the contract on behalf of the City; and declaring an effective date.
13. Consider approval of Resolution 2021-63R, awarding an Indefinite Delivery Indefinite Quantity contract to Haulbrooke, Inc. for Demolition Services to be funded through the Community Development Block Grant program in a not-to-exceed amount of \$125,000 and authorizing two additional annual renewals; authorizing the City Manager or his designee to execute the contract on behalf of the city; and declaring an effective date.

## **PUBLIC HEARINGS**

14. Receive a Staff presentation and hold a Public Hearing to consider comments for or against Ordinance 2021-02, amending the Official Zoning Map of the City in Case No. ZC-20-22 by rezoning approximately 72.85 acres of land located on Harris Hill Road, approximately one-half mile south of Yarrington Road; from "FD" Future Development District to "MH" Manufactured Home District; including procedural provision; and

providing an effective date; and consider approval of Ordinance 2021-02, on the first of two readings.

**Shannon Mattingly, Director of Planning and Development Services, provided the presentation regarding the rezoning of the Harris Hill Mobile Home Community located at 2811 Harris Hill Road. Mrs. Mattingly stated the subject property is currently located outside the City Limits in the San Marcos Extraterritorial Jurisdiction (ETJ). The property is currently vacant and is adjacent to the Saddlebrook Manufactured Home park. The applicant is proposing for-lease lots where renters could place their own manufactured home.**

**Mayor Hughson opened the Public Hearing at 6:22 p.m.**

**Those who spoke:**

**Karen Wunsch, representative of the applicant spoke in favor of the project. Ms. Wunsch stated at the last discussion, council concerns fell under three categories: storm water management, emergency response and land ownership vs. housing alternatives. Ms. Wunsch clarified at the last discussion in January the emergency response time was identified as 20 minutes and in later discussions with GIS staff and Fire personnel it was identified that route 1 had a 9 minute response time and route 3 has a 12 1/2 minute response time, although this estimate is still not within the target time. She stated the technical issue is the need for housing options in the San Marcos community. Ms. Wunsch stated she is available to answer questions.**

**Jose Santos, spoke in favor of the project and strongly believes the proposed development will bring alternative options for residents. He would like Council to consider approval of this project.**

**Rachel Arthur, spoke in favor of the project and shared her housing experience while attending the University. Ms. Arthur stated living at a mobile home, while attending school, provided an affordable housing option for her. Ms. Arthur mentioned that selling the home alone made it more marketable.**

**Roland Saucedo, expressed support of the proposed project. Mr. Saucedo stated there is a huge shortage for affordable housing. This project will give residents opportunities and a great stepping stone that is affordable and will gain equity. Mr. Saucedo would like for Council to approve the development.**

**Zach Sambrano, provided written comments in favor of the project.**

**There being no further comments, Mayor Hughson closed the Public Hearing at 6:35 p.m.**

**MAIN MOTION: A motion was made by Council Member Gleason, seconded by Mayor Pro Tem Derrick, to approve Ordinance 2021-02, on the first of two readings.**

**Deputy Mayor Pro Tem Scott inquired about an access point for emergency personnel and asked if this is a guarantee. Ms. Wunsch stated there are two locations to access Saddlebrook as a connection point, but this may not be an ideal solution as this is not a preferred route for emergency personnel because Saddlebrook has speed bumps and a low posted speed limit. Mr. Scott asked if just manufactured homes will be placed in this community. Ms. Wunsch stated that is all that is being proposed.**

**Mr. Santos stated they are only doing manufactured homes in the community.**

**Council Member Baker inquired about the equity piece and noted that these houses do not appreciate very well in value. He wants to mitigate the negative outcomes associated with manufactured homes. He would like the homeowner to have the opportunity to buy the land.**

**Council Member Gonzales inquired about the age of manufactured homes. Mr. Santos stated for aesthetics reasons, no manufactured home older than five years will be allowed. He inquired about the lot size and Mr. Santos stated the lots will be a minimum of 5,000 square feet. He believes ownership of the lot is important. Mr. Santos stated if we go this route they would be competing in another market with a different product.**

**Mayor Hughson asked if they plan to place any homes or will residents have to bring their own. Mr. Santos stated there will be some homes for sale.**

**Mayor Hughson noted that our MH zoning is similar to a traditional neighborhood. Ms. Mattingly noted that sidewalks and landscaping are required.**

**Deputy Mayor Pro Tem Scott also inquired about occupancy restrictions. Ms. Mattingly confirmed that does not apply in MH zoning. He also inquired if rent-by-the-bedroom would be allowed. Ms. Wunsch stated that it would not be allowed.**

**Ms. Wunch noted that the leasing office would be monitoring the leases.**

**Council Member Baker inquired if there would be a Home Owners Association? He is also concerned about home owners renting out rooms in the homes.**

**Mayor Pro Tem Derrick inquired about a restriction in the agreement that state a home can not be leased if it is owner occupied.**

**Mr. Santos stated they will place this within the agreement. Mr. Aguirre stated in order to require that, the adoption of the Ordinance will need to be effective upon the recording of a restriction, and a motion to amend would be needed.**

**MOTION TO AMEND: A motion was made by Mayor Pro Tem Derrick, seconded by Council Member Baker, to amend Ordinance 2021-02, by placing a restriction stating homes can not be placed for lease if they are owner occupied.**

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

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

**Against:** 2 - Deputy Mayor Pro Tem Scott and Council Member Garza

**MOTION TO AMEND: A motion was made by Mayor Pro Tem Derrick, seconded by Council Member Baker, to amend Ordinance 2021-02, that requires notification, to lessee, of emergency response time before land is leased.**

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

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

**Against:** 1 - Deputy Mayor Pro Tem Scott

**MOTION TO AMEND: A motion was made by Council Member Gonzales, seconded by Deputy Mayor Pro Tem Scott, to amend Ordinance 2021-02, by requiring a majority of the lots to be at least 5,000 square feet. The motion failed by the following vote:**

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

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

**Mayor Hughson shared her experience of living in a manufactured home and the value of having income upon the sale of that home as opposed to having**

**nothing had she been renting. She expressed her support for this development as this is an opportunity for people to get into a home with a yard. This helps get people toward home ownership.**

**MAIN MOTION: to approve Ordinance 2021-02, on the first of two readings, as amended.**

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

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

**Against:** 1 - Council Member Gonzales

15. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2021-30, annexing into the City approximately 23.2 acres of land generally located at the Northeast corner of Redwood Road and South Old Bastrop Hwy (Case No. AN-20-10), including procedural provisions; and providing an effective date; and consider approval of Ordinance 2021-30, on the first of two readings.

**Shannon Mattingly, Director of Planning and Development Services, provided the presentation regarding annexation of approximately 23.2 acres of land generally located at the Northeast corner of Redwood Road and South Old Bastrop Hwy.**

**Mayor Hughson opened the Public Hearing at 7:10 p.m.**

**Those who spoke:**

**Jessica Mullins, spoke in favor of the project and thanked staff for their work.**

**Brad Williams, spoke in favor and would like for Council to approve the project. He is available to answer questions.**

**There being no further comments, Mayor Hughson closed the Public Hearing at 7:11p.m.**

**A motion was made by Deputy Mayor Pro Tem Scott, seconded by Council Member Gleason, to approve Ordinance 2021-30, 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

16. Receive a Staff Presentation and hold a Public Hearing to receive comments for or

against Ordinance 2021-31, amending the Official Zoning Map of the City in Case No. ZC-20-25 by rezoning approximately 20 acres of land, generally located at the Northeast corner of Redwood Road and South Old Bastrop Hwy from "FD" Future Development District to "CD-5" Character District-5 District; and including procedural provisions; and consider approval of Ordinance 2021-31, on the first of two readings.

**Shannon Matting, Director of Planning and Development Services, provided the presentation regarding rezoning of Legacy Square Senior Living located at the Northeast corner of Redwood Road and Old Bastrop Highway.**

**Mayor Hughson opened the Public Hearing at 7:20 p.m.**

**Those who spoke:**

**Jessica Mullins, spoke in favor of the project and is committed to meet the housing needs. Ms. Mullins stated they heard the concerns from the Planning and Zoning commission and will do a traffic impact analysis (TIA) and will do its best to comply. The corner of the lot will be commercial and the remaining 15 acres for housing.**

**Brad Williams, spoke in favor of the project. Mr. Williams stated the Senior housing will be a multifamily use and the corner lot for commercial will be CD-5 usage. He mentioned Redwood Road will go through the development process to make improvements and will address safety concerns as the development occurs. Mr. Williams would like Council to approve this project.**

**There being no further speakers, Mayor Hughson closed the Public Hearing at 7:24 p.m.**

**MAIN MOTION: a motion was made by Council Member Gleason, seconded by Deputy Mayor Pro Tem Scott, to approve Ordinance 2021-31, on the first of two readings.**

**Mayor Pro Tem Derrick would like to add to the agreement that no more than two stories will be built and expressed concern that it is intrusive to the existing neighborhoods. Ms. Mattingly stated in the Land Development Code there is a 70 foot setback before the developers can go over two stories. Mr. Williams stated the two stories buildings will be along Redwood Road. Ms. Mattingly noted that we could tie the site plan to the zoning.**

**MOTION TO AMEND: a motion was made by Council Member Gleason, seconded by Deputy Mayor Pro Tem Scott, to amend Ordinance 2021-31, by requiring the site plan to be included in the ordinance and to state the**

**restricted number of stories included in the plans. 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

**MAIN MOTION: to approve Ordinance 2021-31, on the first of two readings, as amended. Five votes are required to pass. 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. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2021-86R, 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 Legacy Square Senior (55+) Multifamily Housing Project located at the corner of Redwood Road and South Old Bastrop Hwy; approving findings related to the application; imposing conditions for such non objection; approving an associated agreement under which the owner of the project will make an annual payment in lieu of taxes in the amount of \$75,000 and increasing by \$1,500 annually; authorizing the city manager, or his designee, to execute said agreement and to submit and execute documents related to the application; and declaring an effective date; and consider approval of Resolution 2021-86R.

**Shannon Mattingly, Director of Planning and Development Services, provided the presentation regarding 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 Legacy Square Senior (55+) Multifamily Housing Project located at the corner of Redwood Road and South Old Bastrop Hwy.**

**Mayor Hughson open the Public Hearing at 8:00 p.m.**

**Those who spoke:**

**Jessica Mullins, spoke in favor and would appreciate Council's support.**

**Brad Williams, spoke in favor of the proposed project.**

**There being no further speakers, Mayor Hughson closed the Public Hearing at 8:01 p.m.**

**A motion was made by Mayor Pro Tem Derrick, seconded by Deputy Mayor**

**Pro Tem Scott, to approve Resolution 2021-86R. 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

17. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2021-32, annexing into the City approximately 7.024 acres of land, described as Lot 1 and Lot 2, La Cima Fire Station Subdivision, generally located at the intersection of West Centerpoint Road and Flint Ridge Road, in Case No. AN-21-01; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2021-32, on the first of two readings.

**Shannon Mattingly, Director of Planning and Development Services, provided the presentation regarding the annexation for the La Cima Fire Station Lot 1 in the La Cima Subdivision.**

**Mayor Hughson opened the Public Hearing at 8:05 p.m.**

**Those who spoke:**

**Eric Willis, Developer for La Cima and spoke in favor of the project.**

**Doug Goss, Project Manager for La Cima, spoke in favor and is available to answer questions.**

**There being no further speakers, Mayor Hughson closed the Public Hearing at 8:06 p.m.**

**A motion was made by Council Member Gleason, seconded by Deputy Mayor Pro Tem Scott, to approve Ordinance 2021-32, 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

18. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2021-33, amending the Official Zoning Map of the City in Case No. ZC-21-04 by rezoning approximately 1.197 acres, described as Lot 2, La Cima Fire Station Subdivision, located at 115 Flint Ridge Road, from "FD" Future Development District to "CC" Community Commercial District, or subject to consent to the owner, another less intense Zoning District Classification; including procedural provisions; and

providing an effective date; and consider approval of Ordinance 2021-33, on the first of two readings.

**Shannon Mattingly, Director of Planning and Development Services, provided the presentation regarding rezoning of 1.197 acres, Lot 2 located at 115 Flint Ridge Road, from “FD” Future Development District to “CC” Community Commercial District.**

**Mayor Hughson opened the Public Hearing at 8:10 p.m.**

**Those who spoke:**

**Doug Goss, Project Manager for La Cima, spoke in favor and no plans have been discussed for development on the lot.**

**There being no further speakers, Mayor Hughson closed the Public Hearing at 8:12 p.m.**

**A motion was made by Deputy Mayor Pro Tem Scott, seconded by Council Member Gonzales, to approve Ordinance 2021-33, 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

- 19.** Receive a Staff Presentation and hold a Public Hearing to receive comments for or against Ordinance 2021-34, amending the Official Zoning Map of the City in Case No. ZC-21-05 by rezoning approximately 4.310 acres, described as Lot 1, La Cima Fire Station Subdivision, located at 205 Flint Ridge Road from “FD” Future Development District to “P” Public and Institutional District, or subject to consent of the owner, another less intense Zoning District Classification; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2021-34, on the first of two readings.

**Shannon Mattingly, Director of Planning and Development Services, provided a presentation regarding the rezoning of 4.310 acres, Lot 1 for La Cima Fire Station Subdivision located at 205 Flint Ridge Road.**

**Mayor Hughson opened the Public Hearing at 8:14 p.m.**

**Those who spoke:**

**Doug Goss, Project Manager for La Cima and spoke in favor of the project.**

**There being no further speakers, Mayor Hughson closed the Public Hearing at 8:14 p.m.**

**A motion was made by Council Member Gleason, seconded by Council Member Baker, to approve Ordinance 2021-34, 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

20. Receive a Staff Presentation and hold a Public Hearing to receive comments for or against Ordinance 2021-37, amending the project plan for Tax Increment Reinvestment Zone No. 5, also known as the "Downtown TIRZ," approving an amendment to the Tax Increment Participation Interlocal Agreement with Hays County to extend the City's and the County's reduced contribution rate of the tax increment deposited into the Tax Increment Fund from 70 percent to 25 percent for one additional year; authorizing the City Manager or his designee to execute the amendment on behalf of the City; including procedural provisions; and declaring an effective date; and consider approval of Ordinance 2021-37, on the first of two readings.

**Marie Kalka, Finance Director, provided the presentation regarding the amendment to the Tax Increment Participation Interlocal Agreement with Hays County to extend the City's and the County's reduced contribution rate of the tax increment deposited into the Tax Increment Fund from 70 percent to 25 percent for one additional year**

**Ms. Kalka stated the TIRZ #5 board met on March 22, 2021 to discuss the property tax dedication to the TIRZ #5 projects and the Board unanimously agreed that only 25% of 2021 Property tax assessment taxes would be dedicated to the Tax Increment Zone for one additional year.**

**Ms. Kalka mentioned to extend the City and County's property tax contributions for 2021 assessments at 25% for one additional year will be as follows:**

**Property tax assessments:**

**- Tax Year 2019 to 2020 increased from \$268,922,632 to \$348,627,389 (30% increase)**

**- Tax Year 2021 through 2026 estimated conservative growth of 5%**

**Estimated City contribution:**

**- At 70% in Tax Year 2021 would be \$992,681**

**- At 25% in Tax Year 2021 would be \$354,529**

**Estimated County contribution:**

- At 70% in Tax Year 2021 would be \$656,877
- At 25% in Tax Year 2021 would be \$234,599

**Mayor Hughson opened the Public Hearing at 8:19 p.m.**

**There being no speakers, Mayor Hughson closed the Public Hearing at 8:19 p.m.**

**A motion was made by Council Member Baker, seconded by Mayor Pro Tem Derrick, to approve Ordinance 2021-37, on the first of two readings. The motion carried by the following vote:**

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

**Against:** 1 - Council Member Garza

- 22.** Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2021-87R and Resolution 2021-91R, making finds as to the advisability of the improvements proposed in the Whisper South Public Improvement District; creating the Whisper South Public Improvement District in accordance with Chapter 372 of the Texas Local Government Code; and consider approval of Resolution 2021-87R and Resolution 2021-91R.

**Shannon Mattingly, Director of Planning and Development Services provided a brief introduction and introduce Bart Fowler, McCall, Parkhurst & Horton, provided the presentation regarding the Whisper Public Improvement District (PID) summary.**

**Mr. Fowler stated Council Committee met with staff and the developer to negotiate the terms not to exceed \$14M that will be used for infrastructure including water, wastewater, roads, signage and parks. These funds are provided to the developer in the form of bonds which are repaid by property owners within the boundaries of the PID. Mr. Fowler mentioned that it will require a Development Agreement including provisions for annexation of the property currently in the Extraterritorial Jurisdiction (ETJ) and zoning of the entire project.**

**It will also require inclusion of the property in the City's water & wastewater. Mr. Fowler said it will require dedication of land for the city's bypass channel project which is a long-term flood prevention solution.**

**Mayor Hughson opened the Public Hearing at 8:27 p.m.**

**Those who spoke:**

**RW McDonald, thanked Council and staff for working together on this project and is available to answer questions.**

**Jon Synder, P3 Works, and is available to answer questions.**

**There being no further speakers, Mayor Hughson closed the Public Hearing at 8:29p.m.**

**A motion was made by Council Member Gleason, seconded by Mayor Hughson, to approve Resolution 2021-87R for advisability of the improvements proposed in the Whisper South Public Improvement District. The motion 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

**A motion was made by Council Member Gleason, seconded by Mayor Hughson, to approve Resolution 2021-91R, for the creation of Whisper South Public Improvement District. The motion 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

## **CONSENT AGENDA**

9. Consider approval of Resolution 2021-80R, authorizing the submission of an application to the Office of the Attorney General, Crime Victims Services Division, for a Victim Coordinator and Liaison Grant (VCLG) in an amount not to exceed \$45,000 to continue funding for the Police Department's Victim's Services Program; authorizing the City Manager or his designee to execute any and all documents as needed to accept and implement the grant, if awarded; and declaring an effective date.

**A motion was made by Deputy Mayor Pro Tem Scott, seconded by Mayor Hughson, to approve Resolution 2021-80R.**

**Council Member Bakers inquired about the "special conditions" mentioned in the grant that may be placed at any time and he believes this to imply that it could include anything and asked if this would require us to work with Immigration and Customs Enforcement (ICE) or not passing resolutions related to de-funding police departments.**

**Chief Standridge stated the program began in 2004 and, since inception, there have been no special conditions attached to this grant from the Attorney**

**General's office. He stated three factors to qualify for this grant. The victim must fully cooperate through the disposition of the case. He stated the crime victim compensation is only eligible if this is a crimes against persons, such as assault, and the crime victim compensation act is a payer of last resort. Chief Standridge, stated the San Marcos Police Department employs two victim advocates.**

**Council Member Baker stated since this is tied to the crime victims compensation could the City have a link on the website to the Texas Attorney General website. Chief Standridge stated he will work with our communications team.**

**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

## **NON-CONSENT AGENDA**

23. Consider approval of Ordinance 2021-35, on the first of two readings, amending Chapter 34, Environment, Article 5, Air Pollution, by adding a New Division 4, Clean Air, that provides supplemental regulations concerning the emission of air contaminants and controlling or abating air pollution; creating associated offenses and penalties; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

**A motion was made by Council Member Baker, seconded by Mayor Pro Tem Derrick, to approve Ordinance 2021-35, 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

24. Consider approval of Ordinance 2021-36, on the first of two readings, amending Chapter 82, Article 9 of the San Marcos City Code by exempting motor-assisted scooters provided by a commercial scooter company under the terms of a License Agreement approved by the City Council from the prohibition against commercially owned scooters on public property, streets and sidewalks in the City; providing a savings clause; providing for the repeal of any conflicting provisions; providing for penalties; and providing an effective date.

**A motion was made by Mayor Pro Tem Derrick, seconded by Council Member**

**Baker, to approve Ordinance 2021-36, 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

25. Consider approval of Resolution 2021-82R, approving the award of a construction contract to Santa Clara Construction, Ltd. for the Sessom Creek Bank Stabilization and Wastewater Replacement Phase I Project in the amount of \$3,186,928.00; authorizing the City Manager or his designee to execute the construction contract on behalf of the City; and declaring an effective date.

**A motion was made by Mayor Pro Tem Derrick, seconded by Deputy Mayor Pro Tem Scott, to approve Resolution 2021-82R. 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 of Resolution 2021-88R, approving a Chapter 380 Economic Development Incentive Agreement with 320 Barnes 2020, L.P., a Texas Limited Partnership, providing incentives in the form of refunds of a percentage of real property taxes over three years for the development of approximately 135,000 square feet of space for lease to light manufacturing, office, warehouse, showroom, and research & development users at 320 Barnes Drive; authorizing the City Manager, or his designee, to execute said agreement; and declaring an effective date.

**A motion was made by Deputy Mayor Pro Tem Scott, seconded by Council Member Gleason, to approve Resolution 2021-88R.**

**Joe Pantalion, Assistant City Manager, stated this is an incentive project for Project Outlook located at 320 Barnes Drive. The project involves the construction of a 135,000+ square feet speculative industrial and flex space that will be offered for lease to light manufacturing, office, warehouse, showroom, and research & development users. The planned investment is \$14,000,000, with the proposed rebate incentives beginning at 100% in year 1, 75% in year 2 50% in year 3 with incentives being void as buildings become leased; no incentive at 100% occupancy.**

**The motion 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

27. Consider approval of Resolution 2021-89R, approving an agreement with Amber Nichols Fowler providing for the City to purchase 7.777 acres of land located at State Highway 80 and River Road for \$106,000, including associated closing costs, in connection with the Blanco Riverine Flood Mitigation Project; authorizing the City Manager, or his designee, to execute said agreement and associated closing documents; and declaring an effective date.

**A motion was made by Mayor Pro Tem Derrick, seconded by Council Member Gleason, to approve Resolution 2021-89R. 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

28. Consider approval of Resolution 2021-90R, approving an agreement for the provision of services in connection with the proposed owner requested annexation in Case No. AN-21-03 of approximately 21.73 acres of land, generally located 1,500 feet southwest of the Centerpoint Rd. and Center Point Ct. intersection; 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 Mayor Pro Tem Derrick, seconded by Deputy Mayor Pro Tem Scott, to approve Resolution 2021-90R. 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

29. Consider a Revised purpose statement for the Council Criminal Justice Reform Committee.

**Bert Lumbreras, City Manager provided a brief introduction and stated City Council approved the committee rules of procedure on April 20. These rules govern the purpose statements of the individual committees and have a procedure in which that purpose can be changed, after approval by the City Council. Mr. Lumbreras stated having a clear purpose statement serves both the Council and staff well by setting guidelines about what can and cannot be discussed at the committee level. Council also made it clear at the April 20 meeting that since by rule, committees are made up of less than a majority of City Council, direction should not be provided to staff at that level. Mr.**

Lumbreras mentioned having discussions at the Council level provides the clear direction of what should be discussed and agendas can be set accordingly. He stated he has began having discussions with staff on how to start scheduling time to bring all of the purpose statements for council committees forward for a similar review.

Council Member Baker stated as the Chair of the Criminal Justice Reform (CJR) Committee stated the committee has an important on-going role in the community. Mr. Baker stated at the last meeting, members of the committee discussed the mission statement "continuing to work the Hays County towards city and divert and bring transparency to the policing processes in San Marcos as allowed by law." Mr. Baker mentioned the need of a broad scope for the committee to help the community heal and have better understanding of the implications of police action within the community. He hopes Council will approve the proposed CJR mission statement that state "Work with the county toward implementation of Cite and Divert and to bring transparency to the policing processes in San Marcos as allowed by law."

Mayor Hughson expressed concern with the limitation of working with the County on only cite and divert as there are other issues that can be addressed. She noted that she had watched the meeting at which the CJR committee was formed and noted the discussion from them was mostly about supporting the county on such topics. A public defenders' office was another topic.

Mayor Pro Tem Derrick suggested adding "Work with the County on all criminal justice reform issues" to the purpose statement since there are likely to be more issues in the future. This would include concerns for those that do not have representation of a lawyer.

Council Member Garza would like Council to approve the mission statement and is open to the County's initiatives.

Upon a question by Mayor Hughson, Council Member Baker provided examples of what 'bringing transparency to the policing processes in San Marcos as allowed by law' means to him. He noted how police activity is reported and actions taken by the San Marcos Police Officers Association during the last election. Helping citizens file complaints is another item. He noted that Police Chief Standridge has asked that the phrase "as allowed by law" be included in the statement.

Deputy Mayor Pro Tem Scott stated the committee originally had a beginning

and an end. Mayor Hughson stated originally, but the committee has mentioned there are more things to discuss.

Council Member Baker noted that the purpose is important so that staff time can be allocated as needed. He also noted that he and Council Member Garza hear from individuals who have been impacted by the criminal justice system and want to be better able to help our community bring forward issues around criminal justice. He spoke to the issue of wanting to place items on the agenda but there is concern that those items may not be within the scope of the committee so it's important that we set the purpose so that we can cover the issues we see.

Council Member Garza noted that criminal justice reform currently in our political socio-political landscape is complex. She wants to ensure that we can have conversations about a range of issues. Chief Standridge has provided some excellent information to the committee.

Mayor Hughson reminded all that the committee rules provide for a process that any committee can use and it includes sending a resolution to the city council, which, if approved, could allow for additional staff time to be devoted to an issue.

Mr. Lumbreras stated the CJR had an intended purpose and the context was around arrest, jail, and incarceration. The County was forming their Criminal Justice Reform Commission and Council wanted to have a connection because some residents are having negative issues. There was discussion to create a CJR committee under the context of working with the County. We are now being asked to expand the committee and he reminded all that every committee serves at the will of the Council and the council as a whole needs to decide what the purpose and scope if of this committee. The council needs to determine what do they want this committee to do. If Council wants to weigh in on policy then he is open to discussing, but city operations are not meant to be discussed at this level. He noted that he is responsible to the council as a whole, not just one or two members. He reminded the council that two council members can bring forward a topic for discussion on a council agenda.

Mayor Hughson provided an example of the School Resource Officer (SRO) that Council Member Baker wanted to place this on the CJR committee agenda, and reminded Council this was not the original purpose of this committee. She stated that we have a new Police Chief and she would like to allow him to time to do

his job and to ask him his thoughts on this item, but when he is ready. She noted that the committee cannot tackle everything at once. She noted to Mr. Lumbreras that we will need to rely on his staff to tell us where the line is regarding the staff time that is needed to respond to the committee regarding tasks about which the committee inquires.

Mr. Lumbreras agreed and noted that they have done that several times already.

Council Member Baker spoke on SRO which can be a policy issue. He also indicated issues with the use of the thin blue Line flag. He wants those on the CJR agenda. He stated that some of these issues may be an uncomfortable conversation. He feels that it would be better for some issues to be discussed at the committee level first.

Mayor Hughson inquired about the San Marcos Police Officer's Association and Mr. Baker noted wanting to have some influence there. She asked there are restrictions for a Council committee to meet with them. Mr. Aguirre stated there could be restrictions, there is a contract and there are some policies regarding the role as city manager with operations. There is no problem with dialogue but there could be restrictions.

A motion was made by Council Member Baker, seconded by Mayor Pro Tem Derrick, to establish the purpose statement of the Criminal Justice Reform Committee to read as follows: "work with the county on criminal justice reform issues including Cite and Divert and to bring transparency to the policing processes in San Marcos as allowed by law."

Deputy Mayor Scott asked Chief Standridge what his thoughts are on this with these proposed changes. Is this within your scope and is the committee interfering in anyway? Chief Standridge stated we will not find a stronger more critical lover of his profession, than he is. He believes the national narrative is being conflated at the local level. He spoke on the comments made by some council members regarding the shooting of citizens by the Police and these comments are spoken out of context. He shared his work experience and he was hired to address many of the issues discussed and that includes the fact that the very police officers that you are now targeting have been shot and killed in this city. Because we have a lot of unaddressed acute and chronic trauma we have a ton of work to do in our Police Department. There is an accountability structure in place where every pursuit, crash, use of force and significant event is reviewed. He spoke to Mr. Scott's question regarding the

**time commitment related to the committee and he stated it will increase work, but he is willing to take on the task at the consensus of Council vs. the expressed interest of one or two people that are conflating the national narrative with the local issues.**

**Council Member Garza discussed the relationship between the national issues and local issues.**

**Mayor Hughson suggested looking into a partnership of the committee and Police Chief. We need to determine where the items on the CJR list may fall on his priority list, but we need to allow him to do his job and she is confident that he is looking into things that we have not looked at before. She suggested to Mr. Lumbreras that the committee make a list of what they want to look at and work with staff to see what it will take to review the list, see what would need to come to council for authorization, and see where we are and where we want to go.**

**Mayor Hughson stated that with the new committee rules, this is where the staff and committee can work on a list and identify what goes to Council. There needs to be a good compromise on this. Mr. Lumbreras stated he will work with the committee on Council policy related issues and not operations.**

**Council Member Baker stated he agrees with this plan.**

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

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

**Against:** 1 - Deputy Mayor Pro Tem Scott

- 30.** Receive a staff update and consider, by motion, the initial authorization of text amendments to the San Marcos Land Development Code to address typographical and technical errors, and to implement changes related to engineering requirements, residential garage and access standards, the use of self storage and outdoor storage, allowable uses in CD-2.5 and ND-3.2 and provide direction to Staff.

**Shannon Mattingly, Director of Planning and Development Services, provided a brief presentation regarding the initial authorization of text amendments to the San Marcos Land Development Code. A redline is attached but this is a working document so changes are still being made, but the amendments proposed by Staff at this time include City Engineering staff recommendations, Residential garage/access standards, Use of self storage and outdoor storage, Allowable uses in CD-2.5 and ND-3.2, and address some typographical errors.**

**Mrs. Mattingly stated staff would work on these, they will go before the Planning and Zoning Commission for their approval and then brought back to Council for final approval.**

**A motion was made by Council Member Baker, seconded by Deputy Mayor Pro Tem Scott, to approve the initial authorization of text amendments to the San Marcos Land Development Code.**

**Mayor Pro Tem Derrick inquired about "L" (Limited) and asked what this entails and inquired about the process. Mrs. Mattingly stated this is "Limited" and the columns on the right on the Land Use Matrix notes the section with details that indicates the requirements necessary. Mayor Pro Tem Derrick would like a legend on the bottom of the land use maps.**

**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**

- 31. Hold discussion related to the potential formation of a Covid-19 Recovery Council Committee, including, but not limited to defining the scope and purpose for said committee; and provide direction to the City Manager.**

**Mr. Lumbreras stated this item is a result of the previous Covid update and direction was provided to bring an item forward to discuss the possible formation of Covid committee. He understands the interest in creating a committee, but he did remind Council there are a number of committees and staff is dedicating a lot of time with those. Staff has been proactive in providing communication with council related to the Covid-19 pandemic and he is committed to bringing any big issues and periodic reports to Council.**

**Council Member Garza inquired about a Covid-19 city level recovery plan. Mr. Stapp stated an initial draft was submitted to the County but no revisions or additions have been sent back to us at this time, as they have been undergoing staff changes. Mr. Stapp informed Council that the City is interviewing for the Emergency Management Coordinator position this Friday and one of the first tasks will be to update the recovery report as it is outdated.**

**Mr. Stapp stated they are actively working with the County and they are taking suggestions from Council in an effort to address concerns. Mayor Hughson stated if any Council Members have ideas or ways to outreach, they should**

share it with Staff.

Council Member Gleason, stated communication has been open and he does not feel there is a need to create a committee. Any decisions can come straight back to Council.

Mayor Pro Tem Derrick, stated she would be more comfortable not having this committee if we had a full time Emergency Manager. If this position could be filled by the City and County level then there is no need for the committee. She believes a committee is necessary until we have an Emergency Management Coordinator on staff. She would like to see this committee handle things until this Staff member is onboard full-time, at which point this committee could be disbanded. She expressed her gratitude for the effort by staff and all the time they have dedicated.

Mayor Hughson expressed her gratitude to Mr. Stapp for his hard work and dedication over the last year.

Mayor Pro Tem Derrick knows there are a lot of council concerns and this committee would help explain and express the needs of our community to the new Emergency Management Coordinator. She is less concerned about a committee if the Coordinator position is filled soon. Mr. Stapp ensured Council this is his top priority for this position.

Council Member Baker supports having a committee. He believes this committee will help identify and find solutions to some concerns that may not have been addressed up to this point.

Mayor Hughson expressed concern with three Council Members on boarding the new Emergency Staff because not everyone will have the same idea of topics of importance.

Council Member Garza Alyssa stated the New Emergency Management Coordinator may want to keep the committee. She discussed ideas she shared with the Management team and believes this committee would be a more formal space to share information and discuss these ideas. She is in support of a committee.

Council Member Gonzales does not feel there is a need for a committee at this time.

**Mayor Hughson asked each Council Member if a committee should be created. Mayor Pro Tem Derrick, Council Member Garza, Council Member Baker and Mayor Hughson said yes. Deputy Mayor Pro Tem Scott, Council Member Gonzales and Council Member Gleason said no.**

**Council Member Gonzales inquired about the membership of the committee and what Staff members would be involved. Mr. Stapp indicated himself, Mr. Kistner, and the new Emergency Management Coordinator**

**Mayor Hughson noted that it is almost flood season for us.**

**Mr. Lumbreras stated he will consider the staff that will be assigned to this committee. He reminded Council that the City does not operate a Health Department, the County does. He suggests the committee find a way to work with the Judge and the County Health Department.**

**Mayor Hughson asked if this is for health recovery only or finance recovery as well? She asked Council for a proposed purpose statement.**

**Council Member Baker stated that Covid recovery and response is one of the City's strategic initiatives. He proposed a statement that is "to assist Staff with Covid-19 recovery and response related to Health and Financial Outcomes". Staff would not need to do a lot of preparation for committee meetings. This would be for the council members on the committee to discuss ideas.**

**Mayor Hughson inquired about the length of time this committee would need to serve. Mr. Stapp stated he would work with a committee as long as Council would like and as long as the objective is accomplished.**

**Mayor Pro Tem Derrick Melissa expressed concern with waiting a year to hire an Emergency Management Coordinator.**

**Consensus was provided to form a committee for six months and if this committee is to extend this time frame, it will be brought back to Council.**

**Mayor Hughson expressed her concern about including financial outcomes within the purpose statement, and Council concurred. The proposed purpose statement will now be "To assist Staff with Covid-19 recovery and response related to Health Outcomes".**

**This item will be brought forward at the next Council Meeting to appoint the**

**committee members and finalize the purpose statement.**

**Mr. Lumbreras noted that they have been seeking a new Emergency Management Coordinator since Ms. Ingle left last July. Mr. Kistner has been doing a good job in the interim. The process has taken a while because people with these skills are in high demand in the government and private sector.**

- 32. Hold discussion regarding Recommendation Resolution 2021-02RR of the Parks and Recreation Board of the City of San Marcos, Texas which amends Recommendation Resolution 2020-04RR supporting the implementation of paid parking in the River Parks commonly known as City Park and Rio Vista Park; and provide direction to the City Manager.**

**Drew Wells, Director of Parks and Recreation provided a brief presentation of the recommendation by the Parks and Recreation Board related to the implementation of paid parking in the River Parks commonly known as City Park and Rio Vista Park. Mr. Wells stated direction is requested, as Staff has not done any preliminary analysis to see what implementation implication may be.**

**Council Member Baker expressed concern with the impact of overflow parking near Rio Vista. He suggested we remove Rio Vista Park and have only the City Park parking lot considered for the paid parking program.**

**Council Member Gonzales inquired about paid parking by San Marcos residents. Mayor Hughson stated the recommendation is to have no fee or very reduced rate for citizens. He is in favor of paid parking in City Park, but not Rio Vista.**

**Deputy Mayor Pro Tem Scott is not in favor of paid parking for San Marcos residents.**

**Mayor Pro Tem Derrick inquired about charging at City Park for sporting events. Mr. Wells stated the recommendation was to limit it only to City Park and Rio Vista. However, issues will have to be addressed including what happens when the Rec Hall is rented, addressing parking and determining the fee structure. There are numerous issues that the Parks and Recreation Board and Parking Advisory Board could continue to discuss, but this recommendation is limited only to these parks and it is meant to capture revenue from out-of-town guests and not residents. Mayor Pro Tem Derrick would like to see no charge to residents.**

**Council Member Gleason would like a pilot program for City park only with**

no charge to citizens. However, he noted the process for residents to obtain the free permits may be problematic.

Council Member Garza asked how someone can prove they are a city resident? She does not want to see a charge for residents.

Council Member Baker stated he does not want to charge residents. He hopes the parking fees will cover all administrative costs.

Mayor Hughson agreed with not charging residents and would like to see only City Park in this program. However, she expressed concern with this because it will be hard to determine who is a resident as many college students may not update their driver license while attending school, but they are residents. This may end up causing a lot of ill will for those who do not get permits and it may be more trouble than it's worth. She also noted that when the Lion's Club surveys those who rent tubes most of their customers are from San Marcos so she is not sure that we will make much money on this. She also noted concern about those that rent the Rec Hall for an event. We may not want to charge and getting permits out may be an issue.

Mayor Hughson suggested charging to park in City Park during University football games in the fall. Mr. Wells stated there are over 225 parking spaces at the City Park. She also noted that football game attendees even park at city hall and that's another revenue opportunity.

Council provided consensus to move forward with compiling information and further studies on a paid parking program at City Park, not Rio Vista at no charge for residents. Council also provided direction to look at a fee for parking during University home football games at City Park.

Mr. Wells stated if there is no desire to expand this beyond City Park at any time, this program may not be worth the effort as it will likely not produce much revenue. However, staff will research this data and provide information and a recommendation at a future date.

## **EXECUTIVE SESSION**

### **33. Executive Session in accordance with:**

A. Section §551.071 of the Texas Government Code: Consultation with Attorney - to receive advice of legal counsel regarding the pending application to discharge wastewater from Fleming Farms Wastewater Treatment Facility proposed to be constructed 1.2 miles east of the intersection of Farm-to-Market 1978 and State Highway

123 in Guadalupe County under the following case name and docket numbers: Application by Regal, LLC for a new TPDES Permit No. WQ0015817001; TCEQ Docket No. 2020-0973-MWD; SOAH Docket No. 582-21-0576.

B. Section §551.072 of the Texas Government Code: Real Property - for deliberations regarding the possible acquisition of property for parks purposes and the possible lease of existing park property to a third party.

**Executive Session was completed during the Work Session, and was not needed this evening.**

#### **ACTION/DIRECTION FROM EXECUTIVE SESSION**

**34.** Consider action, by motion, or provide direction to Staff regarding the following Executive Session item held during the Work Session and/or Regular Meeting:

A. Section §551.071 of the Texas Government Code: Consultation with Attorney - to receive advice of legal counsel regarding the pending application to discharge wastewater from Fleming Farms Wastewater Treatment Facility proposed to be constructed 1.2 miles east of the intersection of Farm-to-Market 1978 and State Highway 123 in Guadalupe County under the following case name and docket numbers: Application by Regal, LLC for a new TPDES Permit No. WQ0015817001; TCEQ Docket No. 2020-0973-MWD; SOAH Docket No. 582-21-0576.

B. Section §551.072 of the Texas Government Code: Real Property - to receive a staff briefing and deliberate regarding the possible acquisition of property for parks purposes.

**Mayor Hughson stated direction was provided for items A and B during Work Session.**

VI. Adjournment.

**A motion was made by Deputy Mayor Pro Tem Scott, seconded by Mayor Pro Tem Derrick, to adjourn the regular meeting of the City Council on Tuesday, May 4, 2021 at 11:41 p.m. 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

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

**Jane Hughson, Mayor**