



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes City Council

Wednesday, November 8, 2017

5:00 PM

City Council Chambers

630 E.Hopkins

I. Call To Order

With a quorum present, the regular meeting of the San Marcos City Council was called to order by Mayor Thomaides at 5:00 p.m. Wednesday, November 8, 2017 in the City Council Chambers, 630 E. Hopkins, San Marcos, Texas 78666

II. Roll Call

Present: 7 - Mayor Pro Tem Lisa Prewitt, Council Member Ed Mihalkanin, Council Member Saul Gonzales, Deputy Mayor Pro Tem Scott Gregson, Council Member Melissa Derrick, Jane Hughson and John Thomaides

III. Invocation

Mayor Thomaides recognized the recent tragedy in Sutherland Springs and asked for prayers for the victims and their families. A moment of silence was observed.

IV. Pledges Of Allegiance - United States And Texas

Council Member Mihalkanin led the assembly in the Pledges of Allegiance.

EXECUTIVE SESSION

1. 5:00PM Executive Session in accordance with Section §551.087: Economic Development - to receive an update and deliberate regarding Project Panel and Project World Series.

A motion was made by Council Member Gregson and seconded by Mayor Pro Tem Hughson to enter Executive Session at 5:03 p.m.. The motion carried by the following vote:

For: 5 - Mayor Pro Tem Prewitt, Council Member Mihalkanin, Council Member Gonzales, Deputy Mayor Pro Tem Gregson and Council Member Derrick

Against: 0

2. Consider adoption or direction to Staff on matters discussed in Executive Session.

Council reconvened into Regular Session at 6:33 p.m.

PRESENTATIONS

3. Receive a Staff presentation and hold discussion regarding the annexation strategy, and provide direction to Staff.

Alison Brake, Planner, provided the Council with a presentation of the annexation strategy. Staff will go through a significant notification process of any potential candidates for annexation. Staff will move forward with the strategy for 2018. No additional direction was provided.

6:00 PM

V. 30 Minute Citizen Comment Period

Harvey Jenkins, addressed the Council regarding the recent death of his beloved miniature pet donkey and the refusal of animal control to come and remove the body. He was told initially that they could come out and remove and dispose of the body and then was later told that the City could not come and remove the animal. He said that he would be filing a lawsuit against the city regarding the issue.

Rodrigo Amaya, addressed the Council about the services that he is receiving from the city and expressed his frustrations with getting some things addressed. He mentioned a sidewalk on gravel street that was recently laid and it is already broken and in need of repair. He also mentioned the request he submitted to community services for some park benches in the Victory Gardens area. He said that they have black top on top of concert and that it is temporary. He mentioned that there are several trees that are rotten around town, and that the Neighborhood Services Department has mentioned nothing can be done about it. He mentioned Municode not being updated and then a leak on Cheatham street.

Sherwood Bishop, spoke about Item #13 and the Greenbelt Alliance, River Foundation and numerous citizens working on a greenbelt loop around town and this piece of property will be instrumental in completing that loop. He also mentioned the trees that fell during hurricane Harvey and the impressive work by the City's Electric Department. Three different power failures occurred in their neighborhood and the Utility workers came out and solidly worked on repairing these and restored all power. He noted this took 26 hours when it should have taken them 2 weeks. He said Tom Taggart has his staff trained and prepared and they are heroes. He thanked them and feels that they should be celebrated.

CONSENT AGENDA

A motion was made by Council Member Gregson, seconded by Deputy Mayor Pro Tem Prewitt, to approve the consent agenda items, with Mayor Pro Tem Hughson abstaining from item #13 and Council Member Mihalkanin abstaining from item #12. The motion carried by the following vote:

For: 5 - Mayor Pro Tem Prewitt, Council Member Mihalkanin, Council Member Gonzales, Deputy Mayor Pro Tem Gregson and Council Member Derrick

Against: 0

4. Consider approval, by motion, of the following meeting Minutes:
 - A) September 27, 2017 - Code SMTX Workshop Meeting Minutes
 - B) October 13, 2017 - Packet Meeting Workshop Minutes
 - C) October 17, 2017 - Regular Meeting Minutes
5. Consider approval of Ordinance 2017-58, on the second of two readings, amending Chapter 4, Article 3 of the Land Development Code, Subpart B, and Section 1.5.4 of the San Marcos Smartcode, Subpart C, of the City Code, by adding requirements for the City Council's approval of a Conditional Use Permit or a Warrant for Purpose Built Student Housing, including the requirement that, as a condition of the approval, the lease offered to a student shall incorporate provisions ensuring that, when a rental unit is unavailable for occupancy as of the first day of the lease term, the landlord will provide temporary alternate housing or allow the student to terminate the lease without penalty; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.
6. Consider approval of Ordinance 2017-56, on the second of two readings, amending Chapter 74 of the Code of Ordinances to add a new Article 7 to provide a framework for the deployment of Network Nodes and Node Support Poles in the right-of-way by Network Providers in accordance with Senate Bill 1004 codified as Texas Local Government Code Chapter 284; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.
7. Consider approval of Resolution 2017-161R, approving a Public Transit System interlocal agreement between the City and the Capital Area Rural Transportation System; approving funding to CARTS under this agreement in the amount of \$450,000.00; authorizing the City Manager or his designee to execute the agreement; and declaring effective date.
8. Consider approval of Resolution 2017-162R, approving an agreement with the Hays County Local Health Department relating to the Strategic National Stockpile Program created by the Centers for Disease Control and Prevention to assist local governments during public health emergencies; and providing an effective date.
9. Consider approval of Resolution 2017-163R, approving a Master Agreement between

the City and Scheibe Consulting, LLC. for the provision of Professional Engineering Services in connection with the CDBG-DR Blanco Gardens Improvements Project in the estimated amount of \$217,000.00 contingent upon the engineer's provision of sufficient insurance in accordance with the attached agreement; authorizing the City Manager or his designee to execute this agreement on behalf of the City; and declaring an effective date.

10. Consider approval of Resolution 2017-164R, authorizing a Change in Services to the contract for Court Fines and Fees Collection Services with Perdue, Brandon, Fielder, Collins & Mott, L.L.P. that grants the last of three one-year extensions of the contract term; authorizing the City Manager to execute said Change in Services; and declaring an effective date.
11. Consider approval of Resolution 2017-165R, approving an Interlocal Agreement with the Capital Area Emergency Communications District for Public Safety Answering Point Maintenance, Equipment Upgrade and Training; authorizing the City Manager to execute this Interlocal Agreement on behalf of the City; and declaring an effective date.
12. Consider approval of Resolution 2017-166R, approving an Interlocal Agreement between the City of San Marcos, Texas State University, the City of Kyle, and the City of New Braunfels for an amount of \$625.00 to help organize and participate in the 2018 Texas Regional Stormwater Conference; authorizing the City Manager or her designee to execute this agreement on behalf of the City; and declaring an effective date.
13. Consider approval of Resolution 2017-167R, approving a Lease-Purchase Agreement with the Trust for Public Land providing for the City to lease with an option to purchase approximately 102 acres of land west of the City off of Derby Court (located within the Country Estates Subdivision), which agreement provides for payment by the City of three annual installments of \$423,333 to be applied toward the purchase of the property at a price of \$1,270,000; authorizing the City Manager to execute said agreement on behalf of the City; authorizing the City Manager or his designee to submit applications for grants to offset the costs to the City of leasing and purchasing such property; and declaring an effective date.
14. Consider approval of Resolution 2017-168R, approving the procurement of LIFEPAK 15 Monitor/Defibrillators and LUCAS Chest Compression Systems from Physio-Control, Inc. on a sole source basis in the amount of \$365,396.82; authorizing the City Manager or his designee to execute the appropriate procurement documents on behalf of the City; and declaring an effective date.
15. Consider approval of Resolution 2017-169R, approving the purchase of a John Deere backhoe for the Public Services Department-Water Distribution Division in the total purchase amount of \$83,124.80 from RDO Equipment Company through the Texas Local Government Purchasing Cooperative Buyboard Contract for Construction Equipment, Road and Bridge Equipment, Ditching, Trenching, Utility and Other Equipment (Buyboard Contract #515-16); authorizing the City Manager or his designee to execute the appropriate purchase documents on behalf of the City and declaring an effective date.

16. Consider approval, by motion, of Change in Service #3, in the not to exceed amount of \$333,392.67, to the Wallace Addition Water & Wastewater Improvements (Contract #215-212), with Klotz Associates, Inc. for providing surveying, preliminary engineering, design, bidding and construction phase services required for drainage improvements along Staples Road and within Wallace Addition.
17. Consider approval, by motion, of Authorization of Change in Services No. 1, with BLX Group, LLC for the provision of Arbitrage Rebate Compliance Services, in the not to exceed amount of \$24,250.00, extending the services through July 31, 2018; and increasing the total contract amount to \$50,000.00.

PUBLIC HEARINGS - 7:00 PM

18. 7:00PM Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2017-59, concerning an approximately 85 acre tract of land along the North Side of Centerpoint Road, East of Centerpoint Court with a base zoning of Smartcode District; amending the Official Zoning Map of the City by expanding the 62.158 acre Special District Area within said tract to include the remaining 23.354 acres and amending the development standards applicable to the expanded special district; and including procedural provisions; and consider approval of Ordinance 2017-59, on the first of two readings.

Shannon Mattingly, Director of Planning and Development Services, provided the Council with a Staff presentation and then presented Becky Collins, General Manager of Walton Development. Ms. Collins provided that Walton and Staff have compromised and can agree with all revisions to the Special District with one exception:

- **Smart Code requires a “Thoroughfare” on all 4 sides to create a block perimeter**
- **Staff has provided a compromise that the thoroughfare requirement be met through the use of a Bicycle Trail or Passage up to 35’ wide with a 12’ Multi Use Path (concrete or asphalt) in a Public Access Easement.**
- **Staff has confirmed that no Thoroughfare is required on parcel C.**
- **Walton is requesting that a buffer yard be allowed in lieu of a thoroughfare on Parcels A & B as shown here in bright green.**

Mayor Thomaides oped the Public Hearing at 7:14 p.m. There being no comments, the Mayor closed the Public Hearing at 7:14 p.m

Main Motion: a motion was made by Council Member Gregson, seconded by Deputy Mayor Pro Tem Prewitt to approve Ordinance 2017-59, on the first of two readings.

Motion to Amend: a motion was made by Council Member Gregson, seconded

by Council Member Derrick, to amend exhibit C by striking “Block Perimeter 5,000 Feet Max” and inserting “Only A and B grid streets shown on the Regulating Plan are required” (attached as Exhibit A to these minutes). The motion carried by the following vote:

For: 5 - Mayor Pro Tem Prewitt, Council Member Mihalkanin, Council Member Gonzales, Deputy Mayor Pro Tem Gregson and Council Member Derrick

Against: 0

Main Motion: to approve Ordinance 2017-59, on the first of two readings, as amended. The motion carried by the following vote:

For: 5 - Mayor Pro Tem Prewitt, Council Member Mihalkanin, Council Member Gonzales, Deputy Mayor Pro Tem Gregson and Council Member Derrick

Against: 0

19. 7:00PM Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2017-60, amending Ordinance 2016-54, which amended Ordinance 2015-18, which amended Ordinance 2014-13 consenting to the creation of LaSalle Municipal Utility District Number 1 and Ordinance 2013-18 consenting to the creation of LaSalle Municipal Utility Districts Numbers 2, 3, 4, and 5 to provide for an amendment which clarifies the terms for Expiration and Dissolution, extends the timeframe for payment of the Master Development Fee and clarifies the terms for Assignment; providing for an effective date; and consider approval of Ordinance 2017-60, on the first of two readings.

Shannon Mattingly, Director of Planning and Development Services, provided a presentation regarding the LaSalle Municipal Utility District (MUD) Number 1.

Mayor Thomaides opened the Public Hearing at 7:32 p.m.

Those who spoke:

Andy Barrett, attorney on behalf of LaSalle Holdings, spoke in favor of everything Staff presented and supports this item.

There being no further comments, the Mayor closed the Public Hearing at 7:33 p.m.

A motion was made by Deputy Mayor Pro Tem Prewitt and seconded by Mayor Pro Tem Hughson, to approve Ordinance 2017-60, on the first of two readings. The motion carried by the following vote:

For: 5 - Mayor Pro Tem Prewitt, Council Member Mihalkanin, Council Member Gonzales, Deputy Mayor Pro Tem Gregson and Council Member Derrick

Against: 0

NON-CONSENT AGENDA

20. Consider approval of Ordinance 2017-61, on the first of two readings, amending the City's 2016-2017 Fiscal Year Budget to reallocate the unused stipend for City Council Member Ed Mihalkanin to the Drainage Utility Fund; and providing an effective date.

A motion was made by Council Member Gonzales, seconded by Council Member Derrick, to approve Ordinance 2017-61, on the first of two readings.

The motion carried by the following vote:

For: 5 - Mayor Pro Tem Prewitt, Council Member Mihalkanin, Council Member Gonzales, Deputy Mayor Pro Tem Gregson and Council Member Derrick

Against: 0

21. Consider the appointment of an ad hoc Extraterritorial Jurisdiction (ETJ) member to the Impact Fee Advisory Committee, and provide direction to Staff.

A motion was made by Council Member Derrick and seconded by Mayor Pro Tem Hughson to postpone the appointment to this committee to a future date.

The motion carried by the following vote:

For: 5 - Mayor Pro Tem Prewitt, Council Member Mihalkanin, Council Member Gonzales, Deputy Mayor Pro Tem Gregson and Council Member Derrick

Against: 0

VI. Question and Answer Session with Press and Public.

None.

VII. Adjournment.

Mayor Thomaides adjourned the regular meeting of the San Marcos City Council at 8:01 p.m.

Jamie Lee Case, TRMC, City Clerk

John Thomaides, Mayor