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 5:03 p.m. Tuesday, June 20, 2017 in the City Council Chambers, 630 E. Hopkins, San Marcos, Texas 78666.

II. Roll Call

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

III. Invocation

A moment of silence was observed.

IV. Pledges Of Allegiance - United States And Texas

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

PRESENTATIONS

1. Discuss proposed amendments to the San Marcos City Charter; and provide direction to Staff.

Paul Mayhew, Chair of the Charter Review Commission, provided an opening statement and made himself available to the City Council.

Mayor Thomaides guided the Council through cumulative list of recommended City Charter amendments. The following amendments had consensus of the City Council to move forward, except as otherwise noted:

1. Require the proposed city budget to be made available at city hall, at the San Marcos Public Library, and on the city’s website. Require the adopted budget and supporting schedules to be published on the city’s website. [Sections 8.02 and 8.05] Consensus to create a new (a) that would require a Visioning Workshop to be held by January 31 of each year. Staff will correct,
“policy budget workshop” to read “budget policy workshop”.

2. Require proposed ordinances granting a public utility franchise to be made available at the San Marcos Public Library, at city hall, and on the city’s website. [Section 11.04]

3. Require updates to annual financial disclosure forms by council members, council appointees, and board and commission members within 30 days of any significant changes. [Section 12.02(a)(2)]

4. Prohibit council members and employees from having a financial interest in the purchase from the city of any land, materials, supplies, or service. [Section 12.02(a)(3)]

5. Prohibit council members from having a financial interest in the sale to the city of any land, materials, supplies, or service for a period of two years from the date of leaving office; rendering contracts entered into in violation of this provision voidable by city manager or city council. [Section 12.02; add a new subsection (a)(4)]

Staff will insert, “These provisions shall not apply to acquisitions of property by the city as a result of eminent domain proceedings or the threat of eminent domain proceedings.” at the end of Section 12.02 (a) (4). The Council provided direction for the City Attorney Staff to provide language to the Council at the July 5 meeting related to this item.

6. Correct punctuation errors - Insert a comma, known as the Oxford comma or serial comma, immediately before the coordinating conjunction (usually “and” or “or”) in a series of three or more items – in each instance where this occurs in the city charter.

7. Amend the powers of the Ethics Review Commission; granting the authority to conduct hearings regarding alleged violations of the city charter, render advisory opinions regarding potential violations of the city charter, and make recommendations regarding such violations. [Section 12.02(c), subparagraphs (2),(3), and (4)]

8. Amendments to Section 12.03, Nepotism:
   a. Rename this section to read: “12.03 Nepotism and Conflict of Interest”
   b. Rephrase the sentence structure of the current provision to make it less cumbersome and to provide greater clarity (this topic to be further discussed on July 5)
c. Prohibit direct supervision of an employee by his/her relative, roommate, or sexual partner. Council provided direction to Staff to look into what other communities have in their Charter.

d. Require supervisors to report relationships with subordinates promptly to the Human Resources Department. Staff to look into what other communities have in their Charter.

e. Defining “relative” to include persons related within the third degree by blood or within the second degree by affinity (marriage, including common law marriage) Staff to look into what other communities have in their Charter.

Council discussed the addition the statement: Prohibit any councilpersons business associate to be nominated or appointed by any council member. If a council member’s business associate is nominated or appointed then it will have to be disclosed. Following discussion the Council consensus was to not accept the language as submitted by the Charter Review Commission for Section 12.03, and would like it to be modified. The Council directed the City Attorney’s Office to clarify this item by looking into what other cities have in their Charters and all boards that have final decision making authority.

6:00 PM

V. 30 Minute Citizen Comment Period

Emily Fabian, no show.

Jessie Hargrave, spoke about he and his wife’s involvement in San Martians for Off leash areas and the benefits of having dogs in an off leash environment. He spoke in support of the proposed dog park, and believed that it could help alleviate the pressures of the current dog park. He asked the Council to approve the request for funds.

Elena Duran, spoke in opposition of the Mermaid Society request for funding. She stated that they received sponsorships last year and that July Moreno paid herself $9000 of those monies. She stated that if the Council wants to give $25,000 to give it to her so that she can establish a kid’s dental clinic, to construct an entrance into the Hills of Hays neighborhood that would keep drivers from running into homes that are next to Staples Road.

Christopher Hanson, spoke as a proud member of the Mermaid Society, and stated that he hoped the Council would support the Mermaid Society request. He invited his wife up to the podium and they played a song that was inspired by the image of the mermaid.
Roland Saucedo addressed the Council regarding the desire to include the Sunset Acres Drainage Project in the upcoming CIP. He would like the Council to move this up in the CIP from 2020 to 2017. He stated that he has been communicating with TxDot, and he believes that once it has been approved on the Council side that it will be easier to get the TxDot ball rolling.

Sean Quinones spoke on the Mermaid Society request, and he feels that asking for $25,000 is not necessary. He stated that the City just purchased 10 mermaid statues that will require maintenance to be up kept. He stated that the Mermaid Society needs to fundraise, and not put this burden on the taxpayer. He spoke about the City being in poverty and other areas of the City that could benefit from a $25,000 investment. He asked council to deny the request and to use the funds more appropriately.

Diana Gonzales addressed the Council on behalf of the Sunset Acres Neighborhood and explained how the residents would like to see the Sunset Acres Drainage Project moved up in the CIP. She spoke about homes that were recently damaged or impacted in the recent flood event. She explained how many of the residents in this area are on fixed incomes, and that they are asking the council to start working towards improving the quality of life for this neighborhood.

Chris Rue, spoke to the Council on behalf of the Downtown Association. He spoke in favor of the License Plate Recognition software and the need to get it implemented as soon as possible. He thanked the Staff for locating the additional parking spots for the employee parking permit program. He asked that spots on Guadalupe and LBJ that are currently parallel spots be made into angled parking to add additional spots. He spoke about a parking lot sharing program that they are working on, but it is the LPR that will make this work.

Matt Akins, spoke in favor of the Hopkins Bike and Ped improvements. He spoke in favor of metered parking and about an incentive program that would encourage employees or residents to not drive to downtown.

Lisa Marie Coppoletta, thanked the Sunset Acres Neighborhood for being organized. She applauded the Communications Director for her awards. She spoke about the mold that affects her and about the air quality reports that the City recently had completed. She then spoke about the “split screen” during public hearings, and about how a viewer cannot see the council/staff and the speaker at the same time.
Following Ms. Coppoletta’s comments, Mayor Thomaides provided a statement of fact that the City has completed an indoor the air quality study and that the air quality meets all of the required standards.

The following individuals submitted written comments:
Lacey Carnes
Amanda Hargrave
Melissa Millecam
Dean John Fleming
Christina McCourt
Thomas R. Simpson
Kimberly M. Mietzen, Ph.D.
Megan Jung
Matthew Hill
Erika Olsen
Michael Scanio
Karen Jennett
Stephanie Symmes

CONSENT AGENDA

A motion was made, seconded by Mayor Pro-Tem Hughson, to approve the consent agenda with the exception of Item #5, which was pulled and considered separately. The motion carried by the following vote:

For: 7 - Mayor Thomaides, Mayor Pro-Tem Hughson, Deputy Mayor Pro Tem Prewitt, Council Member Mihalkanin, Council Member Gonzales, Council Member Gregson and Council Member Derrick

Against: 0

2. Consider approval, by motion, of the following meeting Minutes:
   A) June 2, 2017 - Packet Meeting Minutes
   B) June 6, 2017 - Regular Meeting Minutes

3. Consider approval of Resolution 2017-87R approving an agreement between the City and ABIP, P.C. for the provision of professional auditing services in an amount not to exceed $323,245.00 for all five terms of the agreement contingent upon the Auditor's provision of sufficient insurance in accordance with the attached agreement; authorizing the Interim City Manager or his designee to execute this agreement on behalf of the City; and declaring an effective date.

4. Consider approval of Resolution 2017-93R, approving a lease agreement between the City of San Marcos and Terry Serur for property located at 317 North LBJ Drive to be occupied by the Main Street Program for a term of one year with two one year
extension options; authorizing the City Manager to execute the lease agreement on behalf of the City; and declaring an effective date.

5. Consider approval of Resolution 2017-98R, approving the procurement of a subscription for Kaspersky Anti-Virus Protection Software and associated technical support from Insight Public Sector in the total amount of $92,744.18 through the U.S. Communities Government Purchasing Alliance Contract #4400006644 for technology products, equipment, services and solutions; authorizing the Interim City Manager or his designee to execute the appropriate purchasing documents on behalf of the City and declaring an effective date.

A motion was made by Mayor Pro-Tem Hughson, seconded by Council Member Gregson, to postpone Resolution 2017-98R indefinitely. The motion carried by the following vote:

For: 7 - Mayor Thomaides, Mayor Pro-Tem Hughson, Deputy Mayor Pro Tem Prewitt, Council Member Mihalkanin, Council Member Gonzales, Council Member Gregson and Council Member Derrick

Against: 0

6. Consider approval of Resolution 2017-99R, approving Amendment No. 1 to the Local Transportation Project Advance Funding Agreement with the State of Texas, acting through the Texas Department of Transportation for construction of a multi-use bike and pedestrian facility along Hopkins street from Thorpe Lane to CM Allen Parkway (CSI No. 0914-33-075) for the purpose of amending the project budget to reflect the allocation of CAMPO funds toward design and construction costs and the application of $500,000 in transportation credits toward project costs; authorizing the Interim City Manager to execute said amendment on behalf of the City; and declaring an effective date.

7. Consider approval of Resolution 2017-100R, approving a list of qualified Engineering Firms for their provision of Professional Engineering Services in connection with CDBG-DR Infrastructure Projects as needed; and declaring an effective date.

PUBLIC HEARINGS - 7:00 PM

8. 7:00PM Hold a Public Hearing to receive comments for or against Resolution 2017-101R, adopting the Community Development Block Grant (CDBG) Action Plan that provides for the allocation of CDBG funds for Program Year 2017; authorizing the Interim City Manager or his designee to act as the official representative of the City in matters related to the CDBG program and action plan; and declaring an effective date; and consider approval of Resolution 2017-101R.

Stacy Brown, Housing and Community Manager, presented the applications and funding matrix to allow the City Council to allocate the City's annual award for the Community Development Block Grant (CDBG) funding.

Mayor Thomaides opened the Public Hearing at 7:21 p.m.
Tricia Snyder, CASA of Central Texas, spoke about their request for CDBG funding. She addressed the timeline, and explained how it would meet the requirements of HUD. The timeline is contingent upon securing funding. She stated that two other organizations are asking for the support of the city this evening. She stated that they could take out a loan, but they do not want to go that route. Most of the children they serve are from San Marcos and she stated that Hays County is awarding them $300,000.

Marla Johnson, spoke in support of the Hays Caldwell Women's Center's request for $22,000 for their building remodel so that they can apply for a grant to get additional staffing.

Lisa Coppoletta, spoke about Blanco Gardens and environmental racism. She made comments related to CDBG-DR funds, and not the CDBG Action Plan. She continued to speak about flooding in the Blanco Gardens areas and the demographics within that area. She asked for reparations instead of buyouts. She said that this benefits the developers and not the citizens. She asked the Council to look into their hearts and give them reparations.

There being no further comments, the Mayor closed the Public Hearing at 7:30 p.m.

A motion was made by Council Member Gregson, seconded by Mayor Pro-Tem Hughson, to approve Resolution 2017-101R with the following funding allocations:
- Program Admin Request - $112,560
- CASA - $29,810
- CenTex Dispute Resolution - $24,500
- City - Rec Fee Scholarship - $10,500
- BR3T - $217,349  (BR3T to do outreach to the Sunset Acres Neighborhood to provide assistance)
- HCWomen's Shelter - $22,000
- Southside Rehab - $100,000
- Dog Park - $75,000 (For use on improvements to the current dog park)
- Veteran's Park - $30,000
- Cumulative Total Allocated - $621,719

Staff will identify another method to finance the $350,000 requested by CASA. The motion carried by the following vote:
NON-CONSENT AGENDA

9. Consider approval of Ordinance 2017-25, on the first of two readings, creating a two-hour parking restriction between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday in the general area of downtown San Marcos as authorized by Section 82.160 of the San Marcos City Code and amending the traffic register to reflect such parking restriction; and including procedural provisions.

A motion was made by Council Member Gregson, seconded by Mayor Pro-Tem Hughson, to approve Ordinance 2017-25, on the first of two readings.

The motion carried by the following vote:

For: 7 - Mayor Thomaides, Mayor Pro-Tem Hughson, Deputy Mayor Pro Tem Prewitt, Council Member Mihalkanin, Council Member Gonzales, Council Member Gregson and Council Member Derrick

Against: 0

10. Consider approval of Ordinance 2017-33, on the first of two readings, amending section 86.531 of the San Marcos City Code regarding the maintenance and repair of permanent Stormwater Management Facilities to require that annual inspections be performed by engineers who are precertified by the City; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

A motion was made by Mayor Pro-Tem Hughson, seconded by Council Member Gregson, to approve Ordinance 2017-33, on the first of two readings.

The motion carried by the following vote:

For: 7 - Mayor Thomaides, Mayor Pro-Tem Hughson, Deputy Mayor Pro Tem Prewitt, Council Member Mihalkanin, Council Member Gonzales, Council Member Gregson and Council Member Derrick

Against: 0

11. Receive a Staff update, hold a discussion and hear details regarding the following Summer 2017 Preferred Scenario Amendment applications received and provide direction to staff:

1. PSA-17-02 / ZC-17-12 Walton Development & Management: 85.5 acres, more or less, located on Centerpoint Road: Proposal to change from Medium Intensity / Area of Stability to Employment Center: Proposal to change from SmartCode / SmartCode Special-District to Heavy Commercial / Light Industrial.

2. PSA-17-03 / ZC-17-13 Jennifer M. Garcia on behalf of 417 North Comanche Partners, LLC: 0.212 acres, more or less, located at 323 Lindsey Street: Proposal to change from Area of Stability to High Intensity: Proposal to change from Multifamily (MF-24) to T5 Urban Center, SmartCode.
Shannon Mattingly, Director of Development Services, provided the Council with an overview of the requests. Following the presentation and discussion the Council provided direction to Staff to proceed.

12. Hold discussion regarding the capital funding request related to the Village Main Building along with the potential discussion of how the City sponsored Women, Infants and Children (WIC) will participate in the building program of the Village Main Project, and provide direction to Staff.

Council Member Mihalkanin provided an overview of the request made by the Village Main Project. Assistant City Manager, Steve Parker, provided an overview of how WIC would be involved with this request. Following discussion, Council provided direction to Staff to look at funding options, and to bring this item back in either late July or early August.

13. Hold discussion regarding a sponsorship request from the Mermaid Society SMTX for the Second Annual Mermaid SPLASH community event in the amount of $25,000 for Fiscal Year 2017 and a like amount for Fiscal Year 2018, and provide direction to Staff.

Council Member Mihalkanin provided an overview of why he requested this discussion item regarding the sponsorship request from the Mermaid Society SMTX in the amount of $25,000. July Moreno, Founder of the Mermaid Society SMTX, responded to questions from the Council regarding the request. Following discussion the Council provided direction to Staff to expend the funds from Hotel Motel Tax Funds, if Legal provides assurance that is allowed, and the general fund. Council provided direction to Ms. Moreno to request funds through the Arts Commission for next year.

Council Member Gregson filed an affidavit abstaining on this item and was not present during this discussion.

14. Hold discussion regarding a request from the Downtown Association for City Council to consider a license agreement allowing downtown business employees to park in the City Park parking lot Monday-Friday during the hours of 8:00 a.m. - 5:00 p.m.; and also discuss other potential locations identified by the City and the Downtown Association, and provide direction to staff.

Mayor Thomaides introduced this discussion item and turned it over to Kevin Burke, Economic and Development Coordinator. The Council was informed that because the City Park Parking Lot is designated parkland that in order to use it for anything other than a parks purpose it would require the City to go through a lengthy process. Following discussion the Council provided direction to Staff to stripe the 100 peripheral parking spaces that Staff identified previously. Staff will inform downtown businesses that they are
available for use by employees. Staff will also stripe the parking lot at the dog park as well.

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 10:45 p.m.

Jamie Lee Case, TRMC, City Clerk                                      John Thomaides, Mayor

Notice of Assistance at the Public Meetings

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