



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes City Council

Tuesday, May 7, 2019

6:00 PM

City Council Chambers

630 E. Hopkins

I. Call To Order

With a quorum present, the regular meeting of the San Marcos City Council was called to order by Mayor Hughson at 6:04 p.m. Tuesday, May 7, 2019 in the City Council Chambers, 630 E. Hopkins, San Marcos, Texas 78666.

II. Roll Call

Present: 7 - Mayor Pro Tem Lisa Prewitt, Council Member Saul Gonzales, Council Member Melissa Derrick, Mayor Jane Hughson, Council Member Ed Mihalkanin, Council Member Joca Marquez and Council Member Mark Rockeymoore

III. Invocation

A moment of silence was observed.

IV. Pledges Of Allegiance - United States And Texas

Council Member Gonzales led the assembly in the pledges of allegiance.

V. 30 Minute Citizen Comment Period

Lisa Marie Coppoletta spoke on sidewalks. Sidewalks are supposed to bring communities together, not tear neighbors apart. She provided her Twitter handle and explained that her house is now Historic Designation, high priority for the historical designation survey. She stated that the sidewalk will be a trampoline for the criminal element. She stated that the Council is about to sign a death warrant for her street. She stated that she has provided the Council with a 100 page "Shark Report" regarding this issue. She stated that the recording of Mr. Parker is up online and claims these statements are false regarding drainage. She stated that she has footage of water that was just going down her street due to the current rain.

Joe Ptak, expressed his appreciation for passing the Mermaid Capital of Texas designation this evening. Thank you for the foresight and support of the 214 E. Hutchison Street public place project and how it can be a bridge from the river to downtown and to the University. This is essential for members of the community as a transportation hub. He expressed his support as it relates to

the arts aspect, but believes there is a lack of art in the parks within the Parks Master Plan. He stated there is a lack of vision and planning in moving forward in the community. He spoke about the processes and procedures that are established, there needs to be clear cut guidelines, and user friendly. Plans need to be put in place to determine where art will be placed within the community.

Kelly Stone, started with a cheer for Council regarding freeing the river and stating that Cape's Dam has to go. She provided that Climate Change is real and reviewed a study regarding water within a reservoir. She stated that methane emissions during a draw down period creates greenhouse gases. She reminded Council that in March 2016 they voted to remove the dam and it is still there and it is unsafe.

Christine Terrell, asked the Council to approve the funding for the transportation hub on Item #7. As a downtown business owner she is excited to see this space built and it will provide various benefits to the community. This is the impression that tourist and travelers should have of the community. She is pleased the city is investing in this crucial infrastructure. She provided a brief history of this parcel and explained that it was previously going to be a small parking lot. She provided that the citizens held public events and this little lot is a huge win for the community. As quoted by Socrates "The secret of change is to focus all your energy, not on fighting the old, but building the new." She thanked Council.

Roland Saucedo, thanked the Council for their service. He spoke as the newly elected president of Together for a Cause and sent a huge thank you Collette Jamison. On April 27th they held their first annual chili cookoff and approximately 180 people attended. Ms. Jamison stayed late to ensure they received all their permits needed for this event. He expressed his appreciation to the Council Members that assisted with security to confirm he was following code. He provided some information regarding the fifteen teams that entered the cookoff and only one was from San Marcos.

Sara Lee Underwood-Myers, stated that she was here to speak on several items. She stated that she had no idea the work session Item #2 had to deal with Community Development Block Grant-Disaster Recovery Substantial Amendment #8. She was informed there is a meeting to be held on this topic at the activity center tomorrow and she would like clarification. She said neighbors should be getting a letter when there is topic that concerns their neighborhood. She then stated that there is a community cleanup this Saturday

at 750 River Road and everyone is welcome to drop off. She has a problem with panhandlers in her neighborhood and wants something to be done about homelessness in San Marcos. She wants to be a part of this discussion and would like an Ordinance that states "no panhandling".

Rodrigo Amaya, stated that he met with Collette Jamison and he shared his experience. He thanked Ms. Jamison for her time and showing him that she was interested in what he wanted to discuss with her. He has concerns that she had to reference maps for certain areas during their hour long meeting. He stated that he drives a bus out of Missouri for a student housing complex in town. He provided complaints about the Parking Enforcement Officers being aggressive. They need to practice safety, but they are causing congestion and blocking traffic. He expressed his concern regarding the red and blue lights on these parking enforcement vehicles and believes they need to be properly trained and not abuse their power. They need to be monitored.

Griffin Spell, addressed the Council on behalf of the Historic Preservation Commission. He stated the Commission unanimously adopted the two recommendation resolutions that will be discussed this evening and they are now seeking direction from Council. He reflected on both of them and provided statements of support for both of these items. He also included that the historic survey that was conducted was a way to get an objective view of what are strengths and weaknesses are as a City. He stated that San Marcos doesn't have any tax incentive program. He asked Council to provide direction to the commission and city staff to work on these areas, outreach, and they will return with a plan. He stated that they would like the Victory Gardens and East Guadalupe neighborhoods to be included in any tax incentive program. He spoke on the painting of masonry and stated the Code does not give the commission any jurisdiction over the painting of buildings. However, the Secretary of the Interior Standard on Historic Preservation does not recommend painting on historic structures.

Robert Neighbors, has lived on Hill Drive for 24 years. As a current member of the Activity Center he provided information about an expensive accident that occurred there in 2003 regarding the damage to a pool heater. He expressed his concern at that time and he believes the exact same thing has happened again. He has attempted to get information, but is met with a cold brick wall. He would like to have the name of the firm as we may be looking at an expensive repair. Staff has not been willing to talk to him and asked that Council make some communication to staff as this has been going on for two weeks.

CONSENT AGENDA

A motion was made by Mayor Pro Tem Prewitt, seconded by Council Member Derrick to approve the consent agenda items, with the exception of item # 2, 5, 7, 10, 11, and 16, which were pulled and considered separately. The motion carried by the following vote:

For: 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

Against: 0

1. Consider approval, by motion, of the following meeting Minutes:
 - A) March 19, 2019 Work Session Meeting Minutes
 - B) April 2, 2019 Work Session Meeting Minutes
 - C) April 16, 2019 Work Session Meeting Minutes
 - D) April 16, 2019 Regular Meeting Minutes

2. Consider approval of Ordinance 2019-11, on the second of two readings, amending Chapter 38, Fire Prevention and Protection, of the San Marcos City Code by, among other things, providing that the Fire Marshal shall be appointed by the Fire Chief and revising the local adoption of and amendments to the 2015 edition of the International Fire Code, including the addition of penalties for violations and providing that no culpable mental state is required for violations of this chapter; providing for the repeal of any conflicting provisions; and providing an effective date.

MAIN MOTION: A motion was made by Council Member Rockeymoore, seconded by Mayor Hughson to approve Ordinance 2019-11, on the second of two readings.

MOTION TO AMEND: A motion was made by Mayor Hughson, seconded by Council Member Derrick, to amend section 111.4 by inserting the following language: "is directed by a governmental official to perform in order..."

The complete section will now read: "Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as is directed by a governmental official to perform in order to remove a violation or unsafe condition, shall be liable of a fine of not less than \$0.00 dollars or more than \$2,000 dollars." The motion passes by the following vote:

For: 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

Against: 0

MAIN MOTION AS AMENDED: to approve Ordinance 2019-11, on the second of two readings, as amended. The motion carried by the following vote:

For: 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

Against: 0

3. Consider approval of Resolution 2019-71R, approving an interlocal agreement between the City of San Marcos and Hays County to provide Hays County with Animal Shelter Services for a payment of \$259,596 to cover expenses through the end of the current Fiscal Year to be paid by Hays County upon execution of the agreement; authorizing the City Manager or his designee to execute the agreement; and declaring an effective date.
4. Consider approval of Resolution 2019-72R, approving an interlocal agreement between the City of San Marcos and the City of Buda to provide the City of Buda with Animal Shelter Services for a payment of \$37,463 to cover expenses through the end of the current fiscal year to be paid by the City of Buda upon execution of this agreement; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.
5. Consider approval of Resolution 2019-73R, approving the award of a contract to Compumeric Engineering, inc., DBA Bearsaver, for Animal Resistant Trash and Recycling containers in the amount of \$40,960.00; authorizing the City Manager or his designee to execute the contract and associated documents on behalf of the City; and declaring an effective date.

A motion was made by Council Member Mihalkanin, seconded by Mayor Pro Tem Prewitt, to approve Resolution 2019-73R. The motion carried by the following vote:

For: 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

Against: 0

6. Consider approval of Resolution 2019-74R, approving a list of qualified firms to provide professional surveyor services to the City on an as-needed basis for a period of six years; and declaring an effective date.
7. Consider approval of Resolution 2019-75R, approving the award of a construction contract to T. F. Harper and Associates for the installation of walkways and landscaping at 214 East Hutchison in the total amount of \$360,032.95; authorizing the City Manager or his designee to execute the appropriate documents relating to this contract on behalf of the City; and declaring an effective date.

A motion was made by Mayor Pro Tem Prewitt, seconded by Council Member Derrick, to approve Resolution 2019-75R. The motion carried by the following

vote:

For: 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

Against: 0

8. Consider approval of Resolution 2019-76R, approving the award of a construction contract to Cash Construction Company, Inc. in the total amount of \$1,624,995.00 for the Cottonwood Creek 24-inch Water Main Extension Project; authorizing the City Manager or his designee to execute the appropriate documents related to this contract on behalf of the City; and declaring an effective date.
9. Consider approval of Resolution 2019-77R, 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 \$42,000 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.
10. Consider approval of Resolution 2019-78R, supporting the Cultural Arts District application of the Department of Occupational, Workforce, and Leadership Studies to be submitted to the Texas Commission on the Arts seeking designation of the Dunbar Arts, Cultural and Innovation District; and declaring an effective date.

A motion was made by Council Member Mihalkanin, seconded by Mayor Pro Tem Prewitt, to approve Resolution 2019-78R. The motion carried by the following vote:

For: 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

Against: 0

11. Consider approval of Resolution 2019-79R, approving the recommendation of the San Marcos Commission on Children and Youth to allocate \$63,750 in 2018-2019 Fiscal Year funding for 21 youth programs that contribute to implementation of the Youth Master Plan; authorizing the City Manager to take such actions as are necessary to enable such allocation of funds; and declaring an effective date.

A motion was made by Council Member Gonzales, seconded by Council Member Derrick, to approve Resolution 2019-79R. The motion carried by the following vote:

Staff will follow-up regarding how Texas State employees get access to the grant funds, this will ensure funding is fair and equitable.

On the summary document next year, Council would like to see what the money will be used for by the applicants.

For: 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

Against: 0

12. Consider approval of Resolution 2019-80R, authorizing the suspension of an application by CenterPoint Energy Texas Gas to increase the fixed monthly charge for the Gas Reliability Infrastructure Program (GRIP) from the effective date of May 27, 2019, for forty-five days; authorizing the hiring of special counsel; determining that the meeting at which this Resolution was adopted complied with the Texas Open Meetings Act; making such other findings and provisions related to the subject; and declaring an effective date.
13. Consider approval of Resolution 2019-81R, supporting the construction of FM 110 from State Highway 123 to I-35 at Yarrington Road.
14. Consider approval of Resolution 2019-84R, amending the 2019 Guiding Principles for the 86th Legislative Session to add pursuit of a concurrent resolution designating the City as "The Mermaid Capital of Texas" as part of the City's Legislative Program; and declaring an effective date.
15. Consider approval of Resolution 2019-83R, approving a trademark license agreement with July Moreno granting to the City a license to use the phrase "The Mermaid Capital of Texas" in connection with city promotions and activities; authorizing the City Manager or his designee to execute the agreement; and declaring an effective date.
16. Consider approve of Resolution 2019-82R, supporting a concurrent resolution of the Texas Legislature designating the City as "The Mermaid Capital of Texas", and declaring an effective date.

MAIN MOTION: a motion was made by Council Member Derrick, seconded by Deputy Mayor Pro Tem Gonzales, to approve Resolution 2019-82R.

MOTION TO AMEND: a motion was made by Council Member Derrick, seconded by Council Member Mihalkanin, to amend Resolution 2019-82R, by inserting " or Simple" into part 1. The complete language will now read: "The City Council hereby supports a Concurrent or Simple Resolution of the Texas Legislature designating the City as The Mermaid Capital of Texas." The motion passes by the following vote:

For: 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

Against: 0

MAIN MOTION AS AMENDED: to approve Resolution 2019-82R, as amended. The motion carried by the following vote:

For: 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

Against: 0

17. Consider approval, by motion, of Change in Service No. 4 with Kimley Horn and Associates for Engineering Services related to providing design and construction phase services for the Sessom Creek Wastewater Replacement from N.LBJ to Canyon Road Project in a not to exceed amount of \$317,738.00.

PUBLIC HEARINGS

18. Receive a Staff Presentation and hold the second of two public hearings to receive comments for or against the adoption of the Parks, Recreation, and Open Space Master Plan, and consider approval of Ordinance 2019-12, on the first of two readings adopting the 2019 Parks, Recreation and Open Space Master Plan; including procedural provisions; and providing an effective date.

Drew Wells, Interim Director of Community Services, provided a brief update and stated this is the 2nd Public Hearing for the Parks Master Plan and first reading to approve the Ordinance. Mayor Hughson stated the complete presentation was held during the March 19th Work Session and can be viewed online at the City's website.

Mayor Hughson opened the Public Hearing at 7:53 p.m.

Those who spoke:

Lisa Marie Coppoletta, spoke about the greenbelt they put through Victory Gardens. She asked if you would like strangers going through your backyard. She stated the HEB park was eliminated because they didn't have a bathroom. There was also a full basketball court at one time in Victory Gardens and they put up a half court in its place. She believes consultants should have spoken to the neighbors prior to this happening. She addressed her concern with the report that lists the race and ethnicity of the City and stated this report is wrong. Kissing Tree isn't listed on the HOA listing report and she was uncertain about information regarding the CARTS usage listed in the report. She hopes that park benches are put up after this conversation.

Roland Saucedo, commended the staff of the Parks Department and the open process. He stated that he looks forward to more people spending time in the

parks and he received feedback from various neighbors regarding response from Staff and how they are willing to listen. He expressed his support of the Parks Master Plan.

Rodrigo Amaya, spoke about his concerns with the Parks Department. He stated the benches in Victory Gardens park that were taken away and replaced with limestone boulders. He expressed concerns about Park Rangers riding 4-wheelers in the neighborhoods and he believes this needs to be addressed before Mr. Loy Locke runs someone over. He expressed his concerns with various projects throughout different parks. There are fences blocking off the Rio Vista area and he stated the boulders were placed before the ground had time to settle and that is why the rocks collapsed. The basketball courts are being repainted because they were not done right. He said quit doing business with people that don't have a good work ethic.

Dianne Wassenich, expressed her appreciation to Staff and spoke in support of the Parks Master Plan. She stated if you received a communication from her neighborhood that regarded a trail in their backyard that this map is part of the Transportation Master Plan. She stated that they were trying to explain to the consultants that you can't place a trail in the place that it is shown. She provided that the trail should be on the street and not in the easement. She stated that they tried to show the consultant during the Transportation Master Plan process and it wasn't fixed but she knows the Transportation Master Plan will be changing over time.

There being no further comments, the Mayor closed the Public Hearing at 8:04 p.m.

Staff stated all residents will be contacted if they are in an area where a trail will be located. Some Council members would like to see a policy in place regarding how/when we contact residents prior to projects.

The Race and Ethnicity graph in Table 2.1 is reflected in the same manner as the U.S. Census Bureau. Council provided consensus to see this table changed to reflect the true demographics of our City. This should report ethnicities instead of race. Staff will use other demographic methods to capture this and it will be reflected at the next meeting.

A motion was made by Mayor Pro Tem Prewitt, seconded by Council Member Rockeymoore, to approve Ordinance 2019-12, on the first of two readings. The motion carried by the following vote:

For: 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

Against: 0

19. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2019-14, amending the Official Zoning Map of the City by rezoning an approximately 8.1 acre tract of land, being Lot 1, Block A, Uniprop Subdivision, located at 2821 Leah Avenue, from "FD" Future Development District to "LI" Light Industrial District; and including procedural provisions; and consider approval of Ordinance 2019-14, on the first of two readings.

Amanda Hernandez, Development Services Manager provided a brief presentation.

Mayor Hughson opened the Public Hearing at 8:38 p.m.

Those who spoke:

Lisa Marie Coppoletta, stated that she spoke against this at the Planning & Zoning Meeting in regards to the flooding on this property. She encouraged the Council to drive by there and look at what happens in a flash flooding situation.

Glenn Couch, applicant for Uniprop, stated that this was annexed into the city as Future Development. Future Development doesn't allow him to do anything. He suggested that Council look at the topographical map and see that it is in fact the highest point in that area and is not in the flood plain or flood way.

There being no further comments, the Mayor closed the Public Hearing at 8:41 p.m.

Council provided consensus to have Staff look at the annexation process during the Code SMTX review.

A motion was made by Council Member Gonzales, seconded by Mayor Pro Tem Prewitt, to approve Ordinance 2019-14, on the first of two readings. The motion carried by the following vote:

For: 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

Against: 0

NON-CONSENT AGENDA

20. Consider approval of Ordinance 2019-13, on the first of two readings, updating and revising Chapter 18, Article 3, Food Establishments and Food Vending Machines, of the City Code by repealing the current provisions and replacing them with provisions consistent with State law governing food establishments and discussion of applicable fees; including procedural provisions; and providing an effective date.

MAIN MOTION: a motion was made by Council Member Derrick, seconded by Deputy Mayor Pro Tem Gonzales, to approve Ordinance 2019-13, on the first of two readings.

MOTION TO AMEND: a motion was made by Mayor Hughson, seconded by Deputy Mayor Pro Tem Gonzales, to amend the currently proposed Sec.

18.087. Definitions

(B) (19) SEASONAL FOOD ESTABLISHMENT which reads: "means a food establishment that operates for a period of time as determined by the health authority, but not to exceed 270 days within a calendar year."

The section will read as follows: "Sec. 18.087. Definitions

(B) (19) SEASONAL FOOD ESTABLISHMENT means a food establishment that operates for a set number of events and conditions as defined by the Health Authority. A seasonal permit may not exceed 180 days and each event may not last longer than four days."

The motion carried by the following vote:

For: 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

Against: 0

MOTION TO AMEND: a motion was made by Council Member Mihalkanin, seconded by Council Member Derrick, to amend "Sec. 18.099 by replacing 45 days with 14 days.

The section will read as follows:

(B) A person employed at a food establishment shall obtain a food handler certificate within 14 calendar days of employment."

For: 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

Against: 0

MAIN MOTION AS AMENDED: to approve Ordinance 2019-13, on the first

of two readings, as amended. The motion carried by the following vote:

For: 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

Against: 0

21. Consider a request to approve the sale of a tract of property identified as Lot 8, Block 12, Combs Addition, (Hays CAD Parcel ID No. R24712), Acquired by San Marcos Consolidated School District for Unpaid Taxes, to Uhuru Ndirangu for \$3,200.00; authorizing the execution of any deed or instruments necessary to complete the sale; and declaring an effective date, as set forth in Resolution 2019-85R.

A motion was made by Council Member Mihalkanin, seconded by Mayor Hughson, to approve Resolution 2019-85R. The motion carried by the following vote:

For: 0

Against: 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

A motion was made by Mayor Hughson, seconded by Council Member Mihalkanin, to deny Resolution 2019-85R. The motion carried by the following vote:

For: 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

Against: 0

22. Receive a Staff presentation and consider approval of setting the proposed schedule for the annexation of the Redwood 1 (High Branch) Development, and provide direction to the City Manager.

Amanda Hernandez, Development Services Manager provided a brief presentation regarding proposed schedule for the annexation. The property is located on the 1600 Block of Redwood Road and is approximately 107 acres. The applicant is proposing single family development with a portion of multifamily along Redwood Road.

Mayor Hughson noted an error on the proposed schedule. August 1st is Thursday and this is already slated for a budget workshop so the first public hearing will be brought forward that evening.

A motion was made by Council Member Rockeymoore, seconded by Council Member Mihalkanin, to approve the proposed schedule for the annexation of

the Redwood 1 (High Branch) Development. The motion carried by the following vote:

For: 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

Against: 0

23. Receive a Staff presentation and consider approval of setting the proposed schedule for the annexation of the Redwood 2 (High Branch) Development, and provide direction to the City Manager.

A motion was made by Council Member Gonzales, seconded by Council Member Mihalkanin, to approve the proposed schedule for the annexation of the Redwood 2 (High Branch) Development. The motion carried by the following vote:

For: 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

Against: 0

24. Consider the appointment of Shelley Sherman, to fill the Housing Resident Position vacancy on the Housing Authority Board, and provide direction to Staff.

A motion was made by Council Member Derrick, seconded by Council Member Rockeymoore, to approve the appointment of Shelley Sherman to fill the Housing Resident position vacancy on the Housing Authority. The motion carried by the following vote:

For: 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

Against: 0

25. Hold discussion regarding Historic Preservation Commission Recommendation Resolution 2019-01RR requesting policy that would implement incentive programs, including tax-based incentive programs, designed to encourage or enable the ownership, rehabilitation, and continued maintenance of historic structures in the City, and provide direction to Staff.

Council Member Mihalkanin and Deputy Mayor Pro Tem Prewitt recused themselves and left the chambers, during discussion, to avoid a conflict of interest as they both own homes in a Historic District.

This recommendation was recently approved by the Historic Preservation Commission and they are seeking a policy, from Council, that would implement incentive programs, including tax-based incentive programs,

designed to encourage or enable the ownership, rehabilitation, and continued maintenance of historic structures in the City.

Mayor Hughson would like a list of cities nearby or communities our size that have a policy in place such as this and she also expressed her concerns for the loss of revenue with the implementation of these tax incentives.

Bert Lumbreras, City Manager suggested a financial analysis be done to see what benefit or direct impact a program like this would have prior to implementing this program.

Griffin Spell, Historic Preservation Commission Chair, provided additional information on why a city would implement this type of program and the benefits of the tax break. He stated there are typically three reasons which include to promote ordinary maintenance, significant restoration, and promote new districts and new expansions.

Council provided direction to move forward with this recommendation.

- 26. Hold discussion regarding Historic Preservation Commission Recommendation Resolution 2019-02RR to consider the management of painting historic commercial buildings and masonry in the City, and provide direction to Staff.**

Council Member Mihalkanin and Deputy Mayor Pro Tem Prewitt recused themselves and left the chambers, during discussion, to avoid a conflict of interest as they both own homes in a Historic District.

This recommendation was recently approved by the Historic Preservation Commission and they are seeking approval from Council to consider the management of painting historic commercial buildings and masonry in the City. The following recommendations were supported by the Historic Preservation Commission:

- 1. Amend the San Marcos Development Code to prohibit painting of previously unpainted masonry as part of the Annual Code Update**
- 2. Adopt the color palette from the National Trust for Historic Preservation in Historic Design Guidelines, while allowing historic palettes from all major paint manufacturers, and require an administrative Certificate of Appropriateness for the current Downtown Historic District and potential future commercial historic districts**
- 3. Include educational guidance and information for residential properties**

within guidelines and on website

4. Strengthen the definition of primary materials in the San Marcos Development Code to include the Secretary of the Interior Standard's definition of masonry.

Council provided direction to move forward with this recommendation.

27. Discuss a recommendation Resolution requested by the Cemetery Commission that would dissolve the perpetual care fund, modify the cemetery fee schedule, and amend Chapter 22 of the City Code of Ordinances, and provide direction to Staff.

The Cemetery Commission recently approved a recommendation resolution that would dissolve the perpetual care fund, modify the cemetery fee schedule, and amend Chapter 22 of the City Code of Ordinances.

Mayor Hughson asked about the perpetual care fund and stated her concerns about dissolving the fund. She asked Mr. Wells why we would dissolve that fund and where the money would go if we did?

Heather Hurlbert, Director of Finance, stated the revenue fund is divided between the cemetery fund and the perpetual care fund. The Cemetery Fund is subsidized by \$180,000 from the general fund to make it whole in order to fund its operations. All funds from the sale of plots go into the cemetery account.

Ms. Hurlbert provided that the perpetual care fund was not set aside for the purchase of future property, but it was to be used for the operations of the cemetery.

Bert Lumbreras, City Manager, stated that you could have a perpetual care fund, but it doesn't cover operations or anything for future expansion. He believes the best route to take is to dissolve the perpetual fund.

Council provided direction to bring this back for formal approval.

28. Discuss and potentially create a council committee on Criminal Justice Reform, and provide direction to Staff.

Council Member Mihalkanin would like to form a Criminal Justice Committee to explore different options for action to provide something to Council by early August. Mayor Pro Tem Prewitt noted that the County is also working on this topic and stated they worked on it this in 2010 and has been rejuvenated. This committee can work with the County and would like to turn this conversation into action. If appointed, the next discussion is to determine

how we can work together.

This committee will look at ordinances and procedures that are current. Mayor Pro Tem Prewitt would also like to look at assisted diversion and get numbers on this.

The following Council Members were appointed to serve on the Criminal Justice Committee: Council Member Mihalkanin, Council Member Rockeymoore and Mayor Pro Tem Prewitt

29. City Council Reports:

- a) Mayor Hughson will provide a brief update regarding her membership on various Capital Area Council of Governments (CAPCOG) committees.
- b) Mayor Hughson will provide a brief update related to her membership on the Capital Area Metro Planning Organization (CAMPO).
- c) Mayor Hughson and Council Member Rockeymoore will provide a brief update related to their membership on the Alliance Regional Water Authority (ARWA) Board of Directors.
- d) Mayor Hughson will provide a brief update regarding her participation in this years Texas Municipal League Leadership Academy.
- e) Council Member Derrick will provide a brief update regarding her membership on the San Marcos Commission for Children and Youth.
- f) Mayor Pro Tem Prewitt will provide a brief update regarding her membership on the Capital Area Rural Transit (CARTS) Board.

A motion was made by Mayor Hughson, seconded by Council Member Gonzales, to postpone City Council Reports to the May 21, 2019 Regular City Council meeting. The motion carried by the following vote:

For: 5 - Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Marquez and Council Member Rockeymoore

Against: 0

Absent: 2 - Mayor Pro Tem Prewitt and Council Member Mihalkanin

EXECUTIVE SESSION

- 30. Executive Session in accordance with the following Local Government Code Sections:**
- A. Section § 551.071 - Consultation with Attorney: to receive a staff briefing and deliberate regarding Martindale ETJ matters and Project Big Hat
 - B. Section § 551.087 - Economic Development: to receive a staff briefing and deliberate regarding Project Big Hat

A motion was made by Council Member Mihalkanin, seconded by Council Member Derrick to enter into Executive Session at 9:59 p.m. The motion carried by the following vote:

For: 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

Against: 0

31. Consider action, by motion, regarding the following Executive Session items held during the Work Session and/or Regular Meeting:

A. Section § 551.071 - Consultation with Attorney: to receive a staff briefing and deliberate regarding Martindale ETJ matters and Project Big Hat

B. Section § 551.087 - Economic Development: to receive a staff briefing and deliberate regarding Project Big Hat

Mayor Hughson stated direction was provided to Staff regarding Project Big Hat and Martindale ETJ matters during Executive Session.

VI. Question and Answer Session with Press and Public.

None.

II. Adjournment.

A motion was made by Council Member Derrick, seconded by Council Member Gonzales to adjourn the Regular Meeting of the San Marcos City Council at 11:34 p.m. The motion carried by the following vote:

For: 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

Against: 0

Jamie Lee Case, TRMC, City Clerk

Jane Hughson, Mayor