



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes City Council

Tuesday, March 15, 2016

5:30 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 Guerrero at 5:31 p.m. Tuesday, March 15, 2016 in the City Council Chambers, 630 E. Hopkins, San Marcos, Texas 78666.

II. Roll Call

Present: 7 - Mayor Daniel Guerrero, Mayor Pro-Tem John Thomaides, Council Member Jude Prather, Deputy Mayor Pro Tem Lisa Prewitt, Council Member Jane Hughson, Council Member Melissa Derrick and Council Member Scott Gregson

III. Invocation

Pastor Jarrell Sharp of First United Methodist San Marcos, provided this evening's invocation

IV. Pledges Of Allegiance - United States And Texas

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

EXECUTIVE SESSION

1. 5:30PM Executive Session in accordance with Section §551.087 of the Texas Government Code: Economic Development - to deliberate the offer of an incentive for Project Ultra.

Council did not enter in Executive Session this evening.

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

The Council did not adjourn into Executive Session.

PRESENTATIONS

3. Receive the City of San Marcos' Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ended September 30, 2015 from the City's audit firm ABIP, P.C.

Heather Hurlbert, Finance Director, presented the Comprehensive Annual Financial Report.

4. Receive a presentation from the San Marcos Commission on Children and Youth, and provide direction to Staff.

Dr. Michelle Hamilton, provided a presentation on the San Marcos Commission on Children and Youth's activities over the past year. Staff will bring back an item for the Youth Commission Grant funding, Staff will also bring appointments back at the April 5th meeting. The Council asked that the Resource Mapping Survey results be shared with them upon it's completion.

6:00 PM

V. 30 Minute Citizen Comment Period

Ben Kvanli, addressed the Council on Item #23 and about his experiences with youth that are learning river stewardship. He also mentioned the veterans that also utilize his services through the OOC and the media exposure that they received. He mentioned how the use of the river energizes people that participate. He asked the Council to not remove the dam.

Johnson Ning, addressed the Council on Item #23 and spoke about the community service that is providing by the Olympic Outdoor Center (OOC). He provided exhibits to the City Council and he spoke about Dr. Hardy's presentation and how he believes that the water level will drop. He stated that the shallow water will also impact fishing. He provided that OOC cannot just pick up and move like the fish can. He stated that the sediment would hurt the OCC's very existence.

Taddeus Mills, addressed the Council on Item #23 and spoke strongly about the repair of Cape's Dam. He read Dr. Hardy's study and that it is still better to repair the dam versus removal. He stated that they spend a lot of money here and that maybe there should be a river user's fee to help protect the species. The dam is already there and it will harm the ecosystem when it is removed. He asked the Council to use the allocated funds and repair the dam.

Melissa Daly, spoke on behalf of the Greenbelt Alliance in support of Item # 14 that was previously approved on the consent agenda. She spoke about the implementation of the Greenway Master Plan and its implementation. She listed the different goals of the Greenway Master Plan. In additional the greenways plan has a broader vision of a system of greenways and trails that connect the entire community.

Brad Bowen, addressed the Council as a retired Master Sargent that currently bring veterans to San Marcos. He stated that he recently brought about 352

veterans and their families to San Marcos and kayaked the San Marcos. The bottom-line is that if the dam is removed then there really isn't any reason to come back here. He told a story about a veteran that has been positively impacted by kayaking. He asked the council to repair the dam.

Dianne Wassenich, San Marcos River Foundation, thanked the Parks Board and the Staff that have taken the time to get the truth. She provided that there is a lot of incorrect information has been provided to people and that there is a long process ahead of us in regards to permitting to get the dam removed. There are several alternatives that will be presented regarding the Mill Race she stated that the Council has to be careful that stagnant water doesn't stand there. She asked the Council to vote in support of removal.

Rachael Rodgers, addressed the Council regarding her love of kayaking the San Marcos River and how it has helped her as a disabled veteran. She asked the Council to not remove the dam.

Paul Murray, addressed the Council about Item #23 and the work and the research that has gone into the making of this decision regarding the dam. He referenced that the Parks Board recommendation is to remove the dam. He mentioned that there will have to be the cleanup of sweepers (tree limbs into the river). He asked the Council to remove the dam.

Lisa Marie Coppoletta, addressed the Council on item #20 and item #21 and she stated that she believes that this creates a slippery slope. She said asked why the citizens should pay for an attorney for a council member and asked the Council to set a standard. She asked why the City isn't giving rebates to local business for parklets instead of charging them. She stated that she is opposed any fee increase for youth.

Tina Simek, spoke about the Lindsey Hill project and would like to see the entrance and exit not be placed on Burleson and to save the historic neighborhood.

Michelle Harper, United Way of Hays County, thanked the Council requesting the review of the San Marcos Commission on Children and Youth. She stated that they are taking some action very quickly and they are doing an amazing job of working together. She stated that there is not a better way to invest than in our youth of this community. She stated that the Commission felt that if the City was going to spend and invest in a master plan then the United Way Board of Directors should follow that plan, and they do. She thanked the

Council for putting their dollars back into the community.

Marie Black, Physical Therapist at Brook Army Medical Center stated that she has worked with Ben Kvanli to get veterans down the river, and this is a great opportunity to get out and give them a different frame of reference and the confidence to move past their injury. She stated that Ben has this opportunity to take these veterans to get an adrenaline rush again. The section that Ben takes them on provides them with various obstacles and when the dam was in repair it provided them a drop and how to navigate that kind of drop. She asked the Council to repair the dam.

Angela Oliver, addressed the Council asking for help regarding her current living situation at the Villas at Willow Springs.

Duane Te Grotehuis, operates TG Canoes and Kayaks, spoke about his business and how they utilize the San Marcos River and Thompson's island as a put in and get out point. Most people do not have the skills needing to navigate the right hand channel. He asked the Council to not remove the dam.

CONSENT AGENDA

A motion was made by Council Member Gregson, seconded by Council Member Derrick, to approve the Consent Agenda with the exception of Item #6 and Item #14 which were pulled and considered separately. The Consent Agenda was approved prior to the Citizen Comment Period. The motion carried by the following vote:

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

Against: 0

- 5. Consider approval of the following:
February 22, 2016 - Cape's Dam Workshop
February 26, 2016 - Packet Meeting Minutes
March 1, 2016 - Regular Meeting Minutes
March 2, 2016 - Budget Policy Meeting**
- 6. Consider approval of Ordinance 2016-04, on the second of two readings, amending Section 2.332 of the San Marcos City Code Composition; Qualifications and Appointment of Members of the Airport Advisory Board; providing for the repeal of any conflicting provisions; and providing an effective date.**

A motion was made by Deputy Mayor Pro Tem Prewitt, seconded by Council Member Hughson, to postpone Ordinance 2016-04 to the April 19, 2016 City

Council meeting and for Staff to place a discussion item on the April 5, 2016 meeting. The motion carried by the following vote:

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

Against: 0

7. Consider approval of Resolution 2016-26R approving a Lease-Purchase Agreement between the City and U.S. Bancorp Government Leasing and Finance, Inc., which authorizes the lease/purchase of a new xl3100 v 4x4-c34 truck mounted Gradall excavator in the total financed amount of \$359,120.45 inclusive of financing costs; authorizing the City Manager or his designee to execute all appropriate documents associated with this transaction; and declaring an effective date.
8. Consider approval of Resolution 2016-27R approving the purchase of a new XL3100 V 4x4-C34 truck mounted Gradall excavator for the Public Services Department-Drainage Division in the total purchase amount of \$359,120.45 from Waukesha- Pearce Industries, Inc. through the Texas Local Government Purchasing Cooperative Buyboard Contract for Construction, Road, Bridge & other Equipment (Contract #424-13); authorizing the City Manager or his designee to execute the appropriate purchase documents on behalf of the City; and declaring an effective date.
9. Consider approval of Resolution 2016-29R, approving the purchase of concrete from Texmix Concrete for the Community Services Department-Parks Division in the total amount of \$216,000.00; authorizing the City Manager or his designee to execute the appropriate purchasing documents on behalf of the City and declaring an effective date.
10. Consider approval of Resolution 2016-30R approving the extension of an annual contract with Gene Bagwell, dba Maintenance Management for the management and operation of the San Marcos Cemetery; authorizing the City Manager or his designee to execute the appropriate documents related to this contract extension on behalf of the City, and declaring an effective date.
11. Consider approval of Resolution 2016-31R approving the procurement of Mobile Data Terminals for the Fire Department in the estimated amount of \$68,736.62 from Dell, Inc. through the Texas Comptroller of Public Account's Department of Information Resources ("DIR") (Contract DIR-SDD-1951); authorizing the City Manager or his designee to execute the appropriate purchasing documents on behalf of the city; and declaring an effective date.
12. Consider approval of Resolution 2016-32R approving a Water Reuse System Asset Management Plan; and providing an effective date.
13. Consider approval of Resolution 2016-33R approving an Agreement with Bellwether Edge, LLC for the provision of Personal Consulting Services in connection with Water

Loss/Water Use Reporting in the amount of \$64,350.00 which includes a prior increase of \$3,000.00 (ACIS NO. 1), an increase of \$5,000.00 (ACIS NO. 2) an increase of \$20,500.00 (ACIS NO. 3), and this increase of \$20,850.00 (ACIS NO. 4) above the previous not-to-exceed contract amount of \$15,000.00; ratifying the City Manager's execution of this agreement on behalf of the City; authorizing the City Manager or his designee to execute authorization of Change in Services No. 4 on behalf of the City; and declaring an effective date.

14. Consider approval, by motion, of Change in Service #2 to add Greenways Master Plan into HDR Transportation Master Plan scope in the amount of \$90,000.

Main Motion: A motion was made by Deputy Mayor Pro Tem Prewitt, seconded by Council Member Derrick, to approve this Change in Service #5.

Motion to Amend: A motion was made by Deputy Mayor Pro Tem Prewitt, seconded by Council Member Derrick, to amend by adding a member of the Parks Advisory Board to the Stakeholder group Task 2.1 of the City of San Marcos Greenways and Trails Master Plan.. The motion carried by the following vote:

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

Against: 0

Main Motion: to approve the change in service as amended. The motion carried by the following vote:

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

Against: 0

PUBLIC HEARINGS - 7:00 PM

15. 7:00PM Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2016-07, approving an amendment to the preferred scenario map of the city's comprehensive plan to change the land use designation for a 50.643 acre, more or less, tract of land out of the William H. Van Horn survey, abstract 464, located West of IH-35 along Posey Road, from an area of stability to employment center; and including procedural provisions.

Shannon Mattingly, Director of Development Services, provided the Council with a brief presentation.

Mayor Guerrero opened the Public Hearing at 8:37 p.m.

Richard McDonald, 130 Jackson Lane, represented Ash & Associates and

spoke in favor of this item.

There being no further comments, Mayor Guerrero closed the Public Hearing at 8:38 p.m.

A motion was made by Council Member Prather, seconded by Council Member Hughson, to approve Ordinance 2016-07, on the first of two readings. The motion carried by the following vote:

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

Against: 0

NON-CONSENT AGENDA

16. Consider approval of Ordinance 2016-01, on the first of two readings, amending chapter 22, Cemeteries, of the San Marcos city code by establishing miscellaneous rules, procedures and restrictions with regard to the city's cemetery, including, among other things, providing new limits for casketed burials and cremations, and prohibiting private mausoleums; providing for the repeal of any conflicting provisions; providing penalties; and providing an effective date.

A motion was made by Council Member Hughson, seconded by Deputy Mayor Pro Tem Prewitt, to approve Ordinance 2016-01, on the first of two readings. The motion carried by the following vote:

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

Against: 0

17. Consider approval of Ordinance 2016-02, on the first of two readings, amending the fees to be charged for Cemetery lots, Mausoleum Crypts, and Columbarium niches at the San Marcos Cemetery; providing for the repeal of any conflicting provisions; and providing an effective date.

A motion was made by Council Member Derrick, seconded by Council Member Hughson, to approve Ordinance 2016-02, on the first of two readings. The motion carried by the following vote:

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

Against: 0

18. Consider approval of Ordinance 2016-05, on the first of two readings, amending Section 82.170 of the San Marcos City Code by modifying the rules for loading or

unloading of passengers by operators of taxicabs and limousines and extending such rules to drivers of transportation network company vehicles; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

A motion was made by Council Member Prather, seconded by Deputy Mayor Pro Tem Prewitt, to approve Ordinance 2016-05, on the first of two readings.

The motion carried by the following vote:

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

Against: 0

19. Consider approval of Resolution 2016-34R, approving a license to encroach agreement with the Woodlands of San Marcos, L.L.C. to allow balcony improvements to encroach within a public drainage easement at 650 River Road; authorizing the City Manager to execute the license to encroach agreement on behalf of the City; and declaring an effective date.

A motion was made by Deputy Mayor Pro Tem Prewitt, seconded by Council Member Gregson, to approve Resolution 2016-34R. The motion carried by the following vote:

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

Against: 0

20. Consider approval of Resolution 2016-36R approving the appointment of the law firm of Davidson, Troilo, Ream & Garza as special counsel to advise the Ethics Review Commission as it considers a request from Council Member Scott Gregson for an Ethics Advisory Opinion; and declaring an effective date.

A motion was made by Mayor Pro-Tem Thomaides, seconded by Council Member Hughson, to approve Resolution 2016-36R. Council Member Gregson abstained to avoid the appearance of impropriety, and left the Council Chambers during this item. The motion carried by the following vote:

For: 6 - Mayor Guerrero, Mayor Pro-Tem Thomaides, Council Member Prather, Deputy Mayor Pro Tem Prewitt, Council Member Hughson and Council Member Derrick

Against: 0

Abstain: 1 - Council Member Gregson

21. Consider approval of Resolution 2016-37R approving the payment of legal fees and expenses incurred by Council Member Scott Gregson in connection with his request to the San Marcos Ethics Review Commission for an advisory opinion regarding his eligibility to vote on matters pertaining to implementation of the Downtown Master

Plan; and declaring an effective date.

Main Motion: A motion was made by Mayor Pro-Tem Thomaides, seconded by Council Member Prather, to approve payment of legal fees and expenses incurred by Council Member Scott Gregson in connection with his request to the San Marcos Ethics Review Commission for an advisory opinion regarding his eligibility to vote on matters pertaining to implementation of the Downtown Master Plan.

Motion to Amend: A motion was made by Mayor Pro-Tem Thomaides, seconded by Council Member Prather, to amend by capping the amount of \$5000.00 for legal expenses. Council Member Gregson abstained to avoid the appearance of impropriety, and left the Council Chambers during this item. The motion carried by the following vote:

For: 4 - Mayor Guerrero, Mayor Pro-Tem Thomaides, Council Member Prather and Council Member Hughson

Against: 2 - Deputy Mayor Pro Tem Prewitt and Council Member Derrick

Abstain: 1 - Council Member Gregson

Main Motion: to approve this action item as amended. Council Member Gregson abstained to avoid the appearance of impropriety. The Council also provided direction that they would like to the review of the Ethics Ordinance placed on a future agenda. The motion died due to tie by the following vote:

For: 3 - Mayor Guerrero, Mayor Pro-Tem Thomaides and Council Member Prather

Against: 3 - Deputy Mayor Pro Tem Prewitt, Council Member Hughson and Council Member Derrick

Abstain: 1 - Council Member Gregson

- 22.** Discuss and consider appointment(s) to fill vacancies on the following Boards/Commissions:
Airport Advisory Board
Economic Development Board
Historic Preservation Commission

A motion was made by Mayor Guerrero, seconded by Council Member Hughson, to postpone the appointments to the Airport Advisory Board to the May 3, 2016 Regular City Council meeting. The motion carried by the following vote:

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

Against: 0

A motion was made by Council Member Hughson, seconded by Deputy Mayor Pro Tem Prewitt, to approve the appointment of Molly Ann Rosas-Garcia to the Economic Development. The motion carried by the following vote:

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

Against: 0

A motion was made by Council Member Gregson, seconded by Council Member Derrick, to approve the appointment of Thea Dake to the Historic Preservation Commission. The motion carried by the following vote:

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

Against: 0

- 23.** Consider, by motion, the removal of Cape's Dam, and provide direction to Staff.

A motion was made by Deputy Mayor Pro Tem Prewitt, seconded by Council Member Derrick, to approve the removal of Cape's Dam. The motion carried by the following vote:

For: 6 - Mayor Guerrero, Mayor Pro-Tem Thomaides, Deputy Mayor Pro Tem Prewitt, Council Member Hughson, Council Member Derrick and Council Member Gregson

Against: 1 - Council Member Prather

- 24.** Receive a Staff update and hold discussion regarding an agreement in the amount of \$292,000.00 to sponsor an event at the San Marcos Regional Airport; and consider the creation of a Council Subcommittee, and provide direction to Staff.

Steve Parker provided a brief update on the proposed SM Regional Airport event. Staff will move forward with discussions with Crosswind, TAP, and CVB toward an event in 2017.

Appointment of Subcommittee: Council Member Derrick, Council Member Prather, Council Member Gregson

- 25.** Receive a Staff presentation regarding implementation of the City of San Marcos Business Improvement and Growth (BIG) Program, and provide direction to Staff.

Kevin Burke provided a brief presentation regarding a new Business Improvement Program. Staff will bring back a Resolution to formally establish a policy for expending a minimum of \$20,000 in funds within the Main Street boundaries. Staff will research the Sign Ordinance item from 2013.

VI. Question and Answer Session with Press and Public.

None.

VII. Adjournment.

Mayor Guerrero adjourned the regular meeting of the San Marcos City Council at 9:56 p.m.

Jamie Lee Pettijohn, TRMC, City Clerk
Mayor

Daniel Guerrero,