



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Meeting Minutes City Council

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Tuesday, April 21, 2015

5:00 PM

City Council Chambers

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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 Daniel Guerrero at 5:00 p.m. Tuesday, April 21, 2015 in the City Council Chambers, 630 E. Hopkins, San Marcos, Texas 78666.**

### II. Roll Call

**Present:** 7 - Mayor Daniel Guerrero, Council Member John Thomaides, Council Member Ryan Thomason, Deputy Mayor Pro Tem Shane Scott, Mayor Pro-Tem Jude Prather, Council Member Lisa Prewitt and Council Member Jane Hughson

### EXECUTIVE SESSION

1. 5:00PM Executive Session in accordance with Section §551.071 of the Texas Government Code: Consultation with Attorney - to receive the advice of legal counsel regarding the process for amendment of a home rule city charter under the requirements of state law and the San Marcos City Charter; and in accordance with Section §551.087 of the Texas Government Code: Economic Development - to receive a briefing from the Greater San Marcos Partnership and deliberate regarding the potential offer of Economic Development Incentives to Project Flores.

**A motion was made by Deputy Mayor Pro Tem Scott, seconded by Council Member Thomason, to enter into Executive Session at 5:02 p.m.. The motion carried by the following vote:**

**For:** 7 - Mayor Guerrero, Council Member Thomaides, Council Member Thomason, Deputy Mayor Pro Tem Scott, Mayor Pro-Tem Prather, Council Member Prewitt and Council Member Hughson

**Against:** 0

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

**The Council reconvened into regular session at 6:36 p.m. The Council provided direction to Staff in Executive Session.**

### PRESENTATIONS

3. Receive a Staff presentation of the Quarterly Investment and Financial Reports, and provide direction to Staff.

**Heather Hurlbert, Finance Director provided an update to council on the Quarterly Investment and Financial Reports.**

4. Receive the City of San Marcos' Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ended September 30, 2014 from the City's audit firm ABIP, P.C.

Heather Hurlbert, Director of Finance and Janet Pittman, Auditor with the City's audit firm ABIP, P.C. provided an un-modified opinion and had no findings. Ms. Pittman explained that this was the best opinion the auditee can receive.

## **6:00 PM**

### III. Invocation

Pastor John McComb of San Marcos Community Church provided this evening's invocation.

### IV. Pledges Of Allegiance - United States And Texas

Rodney Hudinall, a student at Hernandez Elementary, led the assembly in the pledges of allegiance.

### V. 30 Minute Citizen Comment Period

Gary Gauci, Republic Services, spoke in opposition to item #18 and how going to a single provider for all multifamily properties would have a negative impact on their business and the San Marcos residents that work for them. He asked that the Council please allow this to remain an open market for multifamily.

Megan Walker, Stone Brooks Seniors Community, spoke in opposition to item #18 and how the increase would place an undue hardship on their low income seniors. She stated that the proposed rate would be an increase of 5 times the current rate, and she felt that the proposed is overkill for them.

Charles Soechting, addressed the Council about an issue that occurred last week between him and the San Marcos Police Department. He accused the Police of entering his airplane hangar without his consent and lying about it.

E.F. Romano, also addressed the Council about the issue that Mr. Soechting spoke about in addition to some traffic stops that he felt were conducted out of suspicion and not for him actually breaking any traffic laws. He worries about how many students are getting prosecuted because cops are lying.

Lisa Marie Coppoletta, addressed Council Member Scott about his voting records. She stated that he first wanted to cut funding to GSMP and now he is wanting to increase their funding. Ms. Coppoletta stated that the contract needs to adhere to the Open Meetings Act and not just the spirit of it.

William Kennen, addressed the Taxi Cab ordinance and stated that Taxi meters are a thing of the past. He stated that requiring the sealed taxi meters was outdated and hoped to see something more digital being accepted in the ordinance. He addressed concerns with Section 90.222 fares for service and the dynamic pricing for TNC and feels that taxis should be able to compete with a TNC in the ordinance. He expressed his concerns about capping the taxi rates. He also expressed concerns about having to only provide electronic receipts and no cash fares being allowed.

Sara Lee Underwood, addressed the Council and asked for a returned call on her three concerns. 1) She mentioned changing city street light auditing from 1 time a year to 4 times a year, 2) she mentioned River Road parking problems and asked that the City consider making an appropriate spot for the students to park so they can enjoy the parks there, 3) lastly she requested a dog

park at 750 river road and would like feedback on how to achieve that request.

Ruben Garza, addressed the Council regarding item #18 and how it would increase their costs at affordable housing units. He spoke against it for the low income and elderly people in the community. He thanked the Council for their service and addressed the negative comments made about the Police Department and spoke about how great they are in this town. He issued thanks to the Police Officers.

Courtney Cooley, property manager for Pinnacle, spoke in opposition of item #18 and stated that if the proposed plan goes back the bill would go up to \$92,000 from \$35,000 and thus forcing them to increase rent and fees on their residents.

Rick Skyles, property manager, spoke in opposition of the multifamily single source provider item and how the cost has increased and the service has gone down at properties he manages that have a single source provider. The cost of service would be a 400% cost increase. He respectfully asked that the Council not fix something that isn't broken.

Pat Fernandez, addressed the Council about multifamily solid waste service and spoke in opposition to a single provider. She stated that the cost would double or triple and made no sense. This also takes away from other amenities like valet trash service. She stated that they can pay for extra service on move outs if necessary, but please take off the table.

Don Eyssen, spoke about the drought ordinances and looked at the Code to research how it was originally written. He compared the two versions and he found that basically it's half as strong as it used to be. He asked the Council to think about that. He also stated that he believes that we have a high turnover. He stated we can start looking at people like Adriana Cruz or Jared Miller and trying to keep them here for a long time. He also stated that Hutchinson Street is nice.

## **CONSENT AGENDA**

A motion was made by Council Member Thomaides, seconded by Deputy Mayor Pro Tem Scott, to approve the consent agenda items #5-11, with the exception of #6 and 7, which were pulled and considered separately. The motion carried by the following vote:

**For:** 7 - Mayor Guerrero, Council Member Thomaides, Council Member Thomason, Deputy Mayor Pro Tem Scott, Mayor Pro-Tem Prather, Council Member Prewitt and Council Member Hughson

**Against:** 0

**5. Consider approval of the following meeting minutes:**

April 3, 2015, Packet Meeting Workshop  
April 7, 2015, Regular City Council Meeting  
April 10, 2015, Council Visioning Workshop

**6. Consider approval of Ordinance 2015-12, on the second of two readings, amending Chapter 2, Administration, Article 2, Section 2.024 of the San Marcos City Code, to increase the compensation for each Council Member from \$950 per month to \$1,450 per month and to increase the compensation for the Mayor from \$1,200 per month to \$1,700 per month; including procedural provisions; and, establishing an effective date.**

A motion was made by Deputy Mayor Pro Tem Scott, seconded by Council Member Thomason, that Ordinance 2015-12 be approved on the second of two readings. The motion carried by the following vote:

**For:** 5 - Mayor Guerrero, Council Member Thomaides, Council Member Thomason, Council Member Prewitt and Council Member Hughson

**Against:** 2 - Deputy Mayor Pro Tem Scott and Mayor Pro-Tem Prather

7. Consider approval of Ordinance 2015-14, on the second of two readings, amending Chapter 90, Article 3 of the San Marcos City Code Governing Taxicabs by modifying inspection and application requirements, requiring criminal background checks for drivers, and increasing rates of fare; further amending said Chapter 90 by adding a new Article 6 that establishes regulations for Transportation Network Companies; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

**A motion was made by Mayor Guerrero, seconded by Council Member Thomaides, that Ordinance 2015-14 be postponed until the May 5, 2015 regular meeting. The motion carried by the following vote:**

**For:** 7 - Mayor Guerrero, Council Member Thomaides, Council Member Thomason, Deputy Mayor Pro Tem Scott, Mayor Pro-Tem Prather, Council Member Prewitt and Council Member Hughson

**Against:** 0

8. Consider approval of Ordinance 2015-15, on the second of two readings, amending Chapter 86, Article 2, Division 2 of the San Marcos City Code pertaining to Water Conservation measures, allowances and use restrictions applicable year-round and during Stages 1 through 5 of the Drought Response Plan; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.
9. Consider approval Ordinance 2015-16, on the second of two readings, amending the Schedule of Permit Fees previously adopted by Ordinance No. 2012-38; increasing the Swimming Pool Permit Fee from \$100 to \$200 for permits issued during Stages 2,3,4 and 5 of the City's Drought Response Plan; including procedural provisions and establishing an effective date.
10. Consider approval of Resolution 2015-48R, approving the award of a Construction Contract to Insituform Technologies, LLC for the Victory Gardens Wastewater Improvements Project in the total amount of \$964,360.00 through the Texas Local Government Purchasing Cooperative (Buyboard Contract #462-14) contingent upon the Contractor's timely submission of sufficient bonds and insurance in accordance with the City's Construction Contract documents for the project; authorizing the City Manager or his designee to execute all appropriate contract documents on behalf of the City and declaring an effective date.
11. Consider approval of Resolution 2015-49R, approving the terms and conditions of an Interlocal Agreement with the North Central Texas Council of Governments for the City's procurement of actuarial services in the estimated amount of \$10,000.00; authorizing the City Manager or his designee to execute this agreement on behalf of the City; and declaring an effective date.

## **PUBLIC HEARINGS - 7:00 PM**

12. 7:00PM Receive a Staff presentation and hold the second of two public hearings to receive comments for or against Ordinance 2015-13, continuing the juvenile curfew for minors established by Ordinance No. 2009-28 and subsequently extended by Ordinance 2012-16; and declaring an effective date; and consider approval of Ordinance 2015-13, on the second of two readings.

Chase Stapp, Police Chief, provided the Council with a brief update on the Juvenile Curfew Ordinance and the requirement to hold two public hearings.

Mayor Guerrero opened the Public Hearing at 7:19 p.m.

There being no comments, the Mayor closed the public hearing at 7:19 p.m.

A motion was made by Council Member Prewitt, seconded by Mayor Pro-Tem Prather, that Ordinance 2015-13 be approved, on the second of two readings. The motion carried by the following vote:

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

Against: 0

13. 7:00PM Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2015-50R approving a Budget Policy Statement for preparation of the 2015-2016 fiscal year budget; and declaring an effective date; and consider approval of Resolution 2015-50R.

Heather Hurlbert, Director of Finance provided the Council with an overview of the Budget Policy Statement.

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

Rob Roark, 1804 A, Hunter Road, spoke neither for nor against the Budget Policy Statement but believes in fiscal conservancy and stated that what the council is setting forward are things that he is concerned about. He mentioned that he sees that everything is basically being kept flat, but there is an extra \$200,000 for Economic Development and it was added without a policy. He stated that he feels the City does not have the staffing in place to keep up with the amount of capital improvement projects projected and underway.

There being no further comments. Mayor Guerrero closed the Public Hearing at 7:22 p.m.

Main Motion: A motion was made by Council Member Thomaides, seconded by Council Member Thomason, that Resolution 2015-50R be approved.

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

Against: 0

Motion to amend: A motion was made by Council Member Thomaides, seconded by Council Member Hughson, to amend Resolution 2015-50R by amending Section V. Other Initiatives - Social Services to state "Explore opportunities to appropriate additional funding in addition to the \$410,000 funding level of FY 2015." The motion carried by the following vote:

**For:** 7 - Mayor Guerrero, Council Member Thomaides, Council Member Thomason, Deputy Mayor Pro Tem Scott, Mayor Pro-Tem Prather, Council Member Prewitt and Council Member Hughson

**Against:** 0

**Motion to Amend:** A motion was made by Council Member Prewitt, seconded by Deputy Mayor Pro Tem Scott, that Resolution 2015-50R be amended to include all additional language recommended by Staff in blue. Council also provided consensus to insert the following statement to the end of the Education and Youth Initiatives language, "...after receiving details of existing programs." Council also provided consensus to move the IV. Fund Expenditures - Comprehensive Master Plan statement up to the top of the policy. Staff was also directed to add the \$200,000 for economic development incentive funding back into the policy. The motion carried by the following vote:

**For:** 7 - Mayor Guerrero, Council Member Thomaides, Council Member Thomason, Deputy Mayor Pro Tem Scott, Mayor Pro-Tem Prather, Council Member Prewitt and Council Member Hughson

**Against:** 0

**Main Motion:** A motion was made by Council Member Thomaides, seconded by Council Member Thomason, that Resolution 2015-50R be approved as amended. The motion carried by the following vote:

**For:** 7 - Mayor Guerrero, Council Member Thomaides, Council Member Thomason, Deputy Mayor Pro Tem Scott, Mayor Pro-Tem Prather, Council Member Prewitt and Council Member Hughson

**Against:** 0

14. 7:00PM Receive a Staff presentation and hold a public hearing to receive comments for or against the 2015-2019 Community Block Grant (CDBG) Consolidated Plan including the 2015 Action Plan.

Janis Hendrix, Community Initiatives Program Administrator, provided the Council with a brief overview of the CDBG Consolidated Plan and 2015 Action Plan. A total of \$517,077 has been allocated.

Mayor Guerrero opened the Public Hearing at 7:42 p.m.

Marla Johnson, Hays Caldwell Woman's Center, asked for support for their \$25,000 request. She provided statistics of residents served over the past year and that they have seen a 19% increase in shelter days.

Tricia Snyder, CASA, asked for support for their \$35,000 request based on an increase in services being provided. She provided statistics on their program over the past year and explained how this funding would serve more children. She thanked the Council for their support.

Carol Grimm, 612 Dale St, spoke in support of the request made by CASA as a volunteer. She provided her experiences with CASA and how valuable the program is. She stated how she feels that if a child has a CASA they are more likely to be high performing and in a permanent home.

Michelle Harper, United Way, asked for the Council's support for their \$11,000 funding request. Mrs. Harper provided information on the literacy program that the funds would be used for, as

well as, a post-secondary school program in conjunction with the Chamber of Commerce that they have seen success in. She read a letter of support from a principal about the programs that they are offering.

Ruben Garza, Southside Community Center; 518 S Guadalupe, asked for support of \$100,000 for housing rehabilitation projects. He explained how neighborhood reinvestment is visible through their program. Mr. Garza encouraged the Council to look at expanding the CDBG department and stated that the State of Texas has a lot of money. That would provide funds for building affordable homes like what has been done on Armstrong and MLK, and not only using funds for improving sidewalks and parks.

Rob Roark addressed the Council requesting support for the Hays County Food Bank and thanked the CDBG employees for all they do. He explained how it makes a difference in our community and that this money goes a long way at the Food Bank. He thanked the Council for their support.

There being no further comments, Mayor Guerrero closed the Public Hearing at 7:54 p.m.

## **NON-CONSENT AGENDA**

15. Consider approval of Ordinance 2015-17, on first and final reading, authorizing the issuance and sale of City of San Marcos, Texas, Waterworks and Waste Water System Revenue Bonds, Series 2015; providing for the security for and payment of said bonds; prescribing the form of said bonds; awarding the sale thereof; approving the private placement memorandum; enacting other provisions relating to the subject; providing for the approval of this Ordinance as an emergency measure on only one reading.

**A motion was made by Deputy Mayor Pro Tem Scott, seconded by Council Member Prewitt, that Ordinance 2015-17 be approved, on emergency. The motion carried by the following vote:**

**For:** 7 - Mayor Guerrero, Council Member Thomaides, Council Member Thomason, Deputy Mayor Pro Tem Scott, Mayor Pro-Tem Prather, Council Member Prewitt and Council Member Hughson

**Against:** 0

16. Discussion regarding the terms and conditions to be included in a contract for Economic Development Services between the City of San Marcos and the Greater San Marcos Economic Development Corporation (GSMP), and provide direction to Staff.

**Following discussion the Council provided direction that the GSMP Board approved version of the contract will be the contract to come back on May 5, 2015 for final consideration.**

17. Receive a presentation on tree mitigation for the Victory Gardens Channel and Wastewater Improvement Project, and provide direction to Staff.

**A motion was made by Mayor Guerrero, seconded by Council Member Thomaides, that this Discussion Item be postponed to the May 5, 2015 regular meeting. The motion carried by the following vote:**

**For:** 7 - Mayor Guerrero, Council Member Thomaides, Council Member Thomason, Deputy Mayor Pro Tem Scott, Mayor Pro-Tem Prather, Council Member Prewitt and Council Member Hughson

**Against:** 0

- 18.** Receive a staff presentation on Municipal Solid Waste Services and a single service provider for Multifamily Trash and Recycling Services, and direction to staff.

**Amy Kirwin, Solid Waste Coordinator, provided the Council with a presentation on Municipal Solid Waste Services and a single service provider for Multifamily trash and recycling services. Following discussion the Council provided direction to Staff to no move forward with a single service provider for Multifamily trash and recycling services at this time.**

- 19.** Hold discussion regarding a possible Chapter 380 Economic Development Incentive Agreement between the City of San Marcos and Tanger Outlet Mall, and provide direction to Staff.

**John Larison, General Manager of Tanger Outlet - San Marcos, provided the Council with a presentation of Tanger's request for an economic development incentive not to exceed \$2.5 million over 10 years. Council provided consensus to move forward with the request.**

**VI. Question and Answer Session with Press and Public.**

**Patrick Montgomery, 66 Alabama, asked the City Attorney why Council Members didn't recuse themselves on #16 that are on the GSMP Board. Mr. Cosentino explained that the Council represents the Council on the Board and that there is not a conflict.**

**VII. Adjournment.**

**A motion was made by Mayor Guerrero, seconded by Council Member Thomason, that the regular meeting for the San Marcos City Council be adjourned at 10:46 p.m. The motion carried by the following vote:**

**For: 7 - Mayor Guerrero, Council Member Thomaides, Council Member Thomason, Deputy Mayor Pro Tem Scott, Mayor Pro-Tem Prather, Council Member Prewitt and Council Member Hughson**

**Against:** 0

Jamie Lee Pettijohn, City Clerk

Daniel Guerrero, Mayor