



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes City Council

Tuesday, May 19, 2015

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 Daniel Guerrero at 5:30 p.m. Tuesday, May 19, 2015 in the City Council Chambers, 630 E. Hopkins, San Marcos, Texas 78666.

II. Roll Call

Deputy Mayor Pro Tem Scott and Council Member Thomason were absent as they were attending the International Council of Shopping Centers Conference.

Present: 5 - Mayor Daniel Guerrero, Council Member John Thomaides, Mayor Pro-Tem Jude Prather, Council Member Lisa Prewitt and Council Member Jane Hughson

Absent: 2 - Council Member Ryan Thomason and Deputy Mayor Pro Tem Shane Scott

EXECUTIVE SESSION

1. 5:30PM Executive Session 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, Project Endurance and Project PowerChip.

A motion was made by Council Member Hughson, seconded by Council Member Prewitt, to enter Executive Session at 5:31 p.m. The motion carried by the following vote:

For: 5 - Mayor Guerrero, Council Member Thomaides, Mayor Pro-Tem Prather, Council Member Prewitt and Council Member Hughson

Against: 0

Absent: 2 - Council Member Thomason and Deputy Mayor Pro Tem Scott

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

The Council reconvened into regular session at 6:41 p.m. These items will be brought back at a later date for consideration by Council.

PRESENTATIONS

3. Receive a Staff presentation and update on the Sessom Bike and Pedestrian Improvements Project, and provide direction to Staff.

Shawn Condor provided a presentation on the Sessom Bike and Pedestrian Improvements Project. Council provided direction to stripe the 10ft sidewalk for inclusion of a bike lane. Staff

was also asked to discuss pedestrian lighting options with Texas State.

6:00 PM

III. Invocation

Mark McConkey, with Riverstone Community Church provided this evening's invocation.

IV. Pledges Of Allegiance - United States And Texas

Mayor Pro Tem Prather led the Pledges this evening.

V. 30 Minute Citizen Comment Period

Rob Roark, addressed the Council regarding things that he is hearing in the community. He was out in the community this weekend and asked if a family moved away do we ask why? He encouraged everyone to go out and meet their neighbors. He stated that they were leaving because of the lack of enforcement of the no more than 2 related in the same house issue. This particular neighbor said she was tired of kids throwing up in her front yard. He also addressed the trees being cut in Willow Creek. He mentioned the petition that was submitted by the Communities for Thriving Water and that there was a lot of people that signed it and that the Council needed to follow through with it.

Lenee Lovejoy, addressed the Council on behalf of Hays Constitutional Republicans and the Communities for Thriving Waters regarding the petition that was submitted to the City Clerk's Office April 2, 2015. She stated that they only needed 5% of that number and the petition is valid under Texas law. She is submitting the letter from her Attorney and is intended to resolve the applicable law. She stated that they would humbly ask to meet with the Council and their Attorney.

Shannon Dorn, addressed the Council on behalf of the Communities of Thriving Waters. She stated that they had a legal team double check or triple check the petition, and that this is meant to be successful. She stated that the same people that signed the petition were the same people that voted council into office. She stated that they have failed the people of San Marcos and that they should listen to the people.

Kathleen O'Connell, addressed the Council on behalf of Communities of Thriving Waters, stating that the petition is valid and is legal and should be placed on the ballot immediately. She mentioned that she had emailed the Council a letter from their attorney. She recommended and required that the City of San Marcos follow the law. This current issue is impeding the process. She asked the Council to accept the ballot language they presented.

Sam Brannon, addressed the Council on behalf Communities of Thriving Waters stating that 1090 registered voter signatures is that was needed and they submitted more than that. There is no question here. He stated that this decision was based on City Codes that do not apply. This isn't handled on a regular basis. State Law gives the City the charge to place this on the ballot. He stated that if the City Attorney doesn't get it we may need a new attorney, and if the City Manager doesn't get it that we may need a new City Manager.

Terry Norris, addressed the Council and asked they review the documents that he had placed on the dais for the Council. He reviewed the issues with Mill St and in his driveway. He provided photographs so that the Council can view the unsafe repair that was completed within 72 hours of it being repaired. There is an issue on Mill St and there have been 18 repairs up to now costing \$13,000. He proposed not spending anymore tax payer money on quick fixes and spend the 10 days and the \$31,000 to make a permanent semi-permanent repair.

JJ Winterhalter, addressed the Council about flooding on Sarah St. He stated that they contacted the City and they have surveyed the area. There is a City installed drain, but they can't find a record of when it was installed. HE stated that It's getting worse and the standing water is becoming an issue. The water gets into his neighbor's house every time that it rains. They need a little assistance.

CONSENT AGENDA

A motion was made by Council Member Thomaides, seconded by Mayor Pro-Tem Prather, to approve the consent agenda Items 4-12, with the exception of #11, which was pulled and considered separately. Council Member Hughson filed an affidavit recusing on Item #7. Item #12 was reconsidered separately following the approval of the Consent Agenda. The motion carried by the following vote:

For: 5 - Mayor Guerrero, Council Member Thomaides, Mayor Pro-Tem Prather, Council Member Prewitt and Council Member Hughson

Against: 0

Absent: 2 - Council Member Thomason and Deputy Mayor Pro Tem Scott

4. Consider approval of the following meeting minutes:
May 1, 2015, Visioning Workshop
May 5, 2015, Regular City Council Meeting
5. Consider approval of Ordinance 2015-18, on the second of two readings, amending Ordinance No. 2014-13 consenting to the creation of LaSalle Municipal Utility District Number 1 and Ordinance No. 2013-18 consenting to the creation of LaSalle Municipal Utility Districts Numbers 2, 3, 4, and 5 to provide for an amendment to the Consent Agreements to extend the date for a confirmation hearing to four years rather than two years from the date the Texas Legislature created the Municipal Utility Districts.
6. Consider approval of Resolution 2015-53R authorizing the submission of an application to the Office of the Attorney General, Criminal Justice Division, for a Victim Coordinator and Liaison Grant in an amount not to exceed \$42,000.00 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.
7. Consider approval of Resolution 2015-54R approving the award of a construction contract to Protta Construction, Inc. for the North LBJ Lift Station Improvements Project in the total amount of \$1,484,033.50 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.

A motion was made to approve Resolution 2015-54R. The motion carried by the following vote:

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

Against: 0

Absent: 2 - Council Member Thomason and Deputy Mayor Pro Tem Scott

Recused: 1 - Council Member Hughson

8. Consider approval Resolution 2015-55R awarding an annual contract to Techline Construction, Inc. for the provision of highway and street lighting maintenance for the Public Services Department, Electric Utilities Division in the estimated annual amount of \$194,570.00; authorizing the City Manager or his designee to execute the appropriate purchasing documents on behalf of the City; and declaring an effective date.
9. Consider approval of Resolution 2015-56R approving the procurement of Oracle Database Licenses for the City of San Marcos in the estimated amount of \$241,105.09 from Mythics, Inc. (which includes the first year of annual software support) through the Texas Comptroller of Public Account's Department of Information Resources ("DIR") (contract (DIR-TSO-254); approving the second year of annual software support at \$64,082.52, and for each remaining year of annual software support beyond the first two years at a 3% increase for each year contingent upon City Council's appropriation of adequate funds in the budget; 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, by motion, authorizing the use of Contingency Funds in the amount of \$100,000 for Belt Press rental at Waste Water Treatment Plant while the centrifuges were being repaired.
11. Consider approval, by motion, of Change in Service No. 3 Halff Associates, Inc. for Engineering Services for the Sessom Bike and Pedestrian Improvements Project in a not to exceed amount of \$184,733.80.

A motion was made by Council Member Thomaides, seconded by Council Member Hughson, that the Change in Service No. 3 to Halff Associates, Inc for Engineering Services be approved. The motion carried by the following vote:

For: 5 - Mayor Guerrero, Council Member Thomaides, Mayor Pro-Tem Prather, Council Member Prewitt and Council Member Hughson

Against: 0

Absent: 2 - Council Member Thomason and Deputy Mayor Pro Tem Scott

12. Consider approval, by motion, authorizing Change in Services No. 7 in the not to exceed amount of \$81,718.00 to HDR Engineering, Inc. for Waterline Construction Administration Services and for Screen Wall Design Services for the Loop 82/Aquarena Springs Overpass Project.

A motion was made by Council Member Hughson, seconded by Council Member Prewitt, that this item be reconsidered. The motion carried by the following vote:

For: 5 - Mayor Guerrero, Council Member Thomaides, Mayor Pro-Tem Prather, Council Member Prewitt and Council Member Hughson

Against: 0

Absent: 2 - Council Member Thomason and Deputy Mayor Pro Tem Scott

A motion was made by Council Member Hughson, seconded by Council Member Prewitt, to approve the Change in Services No. 7 to HDR Engineering, Inc for Waterline Construction Administration Services and for Screen Wall Design Services for the Loop 82/Aquarena Springs Overpass Project.

Council has asked that staff not move forward with screen wall design services without further discussion by Council regarding the design options. The motion carried by the following vote:

For: 5 - Mayor Guerrero, Council Member Thomaides, Mayor Pro-Tem Prather, Council Member Prewitt and Council Member Hughson

Against: 0

Absent: 2 - Council Member Thomason and Deputy Mayor Pro Tem Scott

NON-CONSENT AGENDA

13. Consider approval of Ordinance 2015-19, on the second of two readings, amending the City's 2014-2015 Budget to authorize the expenditure of State Asset Forfeiture Funds in an amount not to exceed \$11,888.32 for painting, marking, and equipping an armored personnel vehicle obtained in 2013 through the Department of Defense 1033 Program; and providing an effective date.

A motion was made by Mayor Pro-Tem Prather, seconded by Council Member Thomaides, to approve Ordinance 2015-19, on the first of two readings. The motion carried by the following vote:

For: 5 - Mayor Guerrero, Council Member Thomaides, Mayor Pro-Tem Prather, Council Member Prewitt and Council Member Hughson

Against: 0

Absent: 2 - Council Member Thomason and Deputy Mayor Pro Tem Scott

14. Receive a Staff presentation, provide direction and consider approval of Resolution 2015-57R adopting the Community Development Block Grant (CDBG) Action Plan that provides for the allocation of CDBG funds for Program Year 2015; authorizing the 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.

A motion was made by Council Member Prewitt, seconded by Council Member Hughson to approve Resolution 2015-57R, with the funding allocations as suggested by Staff during the presentation as follows:

**Southside Housing Rehab \$100,000
Dunbar Park Improvements \$242,117
CASA \$29,810
Hays-Caldwell Women's Center \$25,000
United Way \$10,000
City – Rec Fee Scholarships \$12,750
Program Administratios \$97,400
Total \$517,077**

For: 5 - Mayor Guerrero, Council Member Thomaides, Mayor Pro-Tem Prather, Council Member Prewitt and Council Member Hughson

Against: 0

Absent: 2 - Council Member Thomason and Deputy Mayor Pro Tem Scott

15. Consider approval of Resolution 2015-58R nominating Epic Piping, LLC (fka United Weld Operations, LLC) to the Office of the Governor, Economic Development and Tourism, through the Economic Development Bank as an Enterprise Project pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code; designating a liaison for the communication with interested parties; and providing an effective date.

A motion was made by Council Member Thomaides, seconded by Mayor Pro-Tem Prather, to approve Resolution 2015-58R. The motion carried by the following vote:

For: 5 - Mayor Guerrero, Council Member Thomaides, Mayor Pro-Tem Prather, Council Member Prewitt and Council Member Hughson

Against: 0

Absent: 2 - Council Member Thomason and Deputy Mayor Pro Tem Scott

16. Discuss a possible amendment to Ordinance 2013-58 establishing the Comprehensive Plan Oversight Committee to expand their duties to include review of Comprehensive Plan Amendments, and provide direction to Staff.

Shannon Mattingly, Director of Planning and Development Services led a discussion regarding possible amendments to the Comprehensive Plan Oversight Committee. Following discussion the Council provided direction to take Neighborhood characterization studies to the Neighborhood Commission for review and to not expand the duties of the Comprehensive Plan Oversight Committee.

VI. Question and Answer Session with Press and Public.

None.

VII. Adjournment.

A motion was made by Council Member Thomaides, seconded by Mayor Pro-Tem Prather, that the regular meeting of the San Marcos City Council be adjourned at 8:41 p.m. The motion carried by the following vote:

For: 5 - Mayor Guerrero, Council Member Thomaides, Mayor Pro-Tem Prather, Council Member Prewitt and Council Member Hughson

Against: 0

Absent: 2 - Council Member Thomason and Deputy Mayor Pro Tem Scott

Jamie Lee Pettijohn, City Clerk

Daniel Guerrero, Mayor

