



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Meeting Minutes City Council

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Tuesday, July 7, 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 Guerrero at 5:00 p.m. Tuesday, July 7, 2015 in the City Council Chambers, 630 E. Hopkins, San Marcos, Texas 78666.**

### II. Roll Call

**Council Member Thomason arrived after roll call at 5:04 p.m.**

**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 §551.074 of the Texas Government Code: Personnel Matters - to discuss annual Appointee Evaluations and the duties of the city manager regarding the meet & confer negotiation process; 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 Humpty Dumpty, Project Endurance, Project PowerChip, and Tanger; and in accordance with Section §551.071 - Consultation With Attorney - to receive legal advice from the City Attorney regarding pending litigation, to wit: City of San Marcos, Texas v. Sam Brannon, Communities For Thriving Water - Fluoride Free San Marcos, Morgan Knecht and Kathleen O'Connell; Case No. 15-1266 in the 274th District Court of Hays County Texas

**A motion was made by Deputy Mayor Pro Tem Scott, seconded by Council Member Hughson, to enter Closed Session at approximately 5:04 p.m. The motion carried by the following vote:**

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

**Against:** 0

**Absent:** 1 - Council Member Thomason

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

**The Council reconvened into Open Session at approximately 7:11 p.m. The Council provided direction to Staff in executive session and announced that they will have to return to executive session to complete the remainder of the economic development items later in the meeting.**

**A motion was made by Mayor Guerrero, seconded by Deputy Mayor Pro Tem Scott, to hereby move that we, the San Marcos City Council, authorize City Attorney Michael Cosentino, Assistant City Attorney Sam Aguirre, or Assistant City Attorney Jacque Cullom to appear in court on behalf of the City of San Marcos and to prosecute the pending declaratory judgment lawsuit styled City of San Marcos v. Sam Brannon, Communities for Thriving Water - Fluoride Free San Marcos, Morgan Knecht and Kathleen O'Connell; Case No. 15-1266; in the 274th District Court of Hays County, Texas. 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

## **PRESENTATIONS**

3. Receive a presentation by Tom Taggart, Public Services Director regarding levels of naturally occurring fluoride in the City of San Marcos water supply, hold discussion, and provide direction to Staff.

**A motion was made by Council Member Thomason, seconded by Council Member Hughson, that this Presentation be postponed. The motion carried by the following vote:**

**For:** 6 - Mayor Guerrero, Council Member Thomason, Deputy Mayor Pro Tem Scott, Mayor Pro-Tem Prather, Council Member Prewitt and Council Member Hughson

**Against:** 0

**Absent:** 1 - Council Member Thomaides

4. Receive a Staff Presentation and update on the flooding of businesses located on N. LBJ, and provide direction to staff.

**Laurie Moyer, Director of Engineering and CIP, provided the Council with a brief presentation and update regarding the recent flooding of businesses located on N. LBJ. Staff will investigate if there was a different design for the inlets in the drainage plan based on the back-in parking. Staff will also look at options to divert water down a different pathway, and approach Texas State University about participating in the cost of the drainage improvements. Council provided direction to move forward with the University section plus**

**bidding out the small portion of Guadalupe and including the utilization of some configuration of the seat wall or other structure to divert the water, this will require substantial funding.**

### **6:00 PM**

#### **III. Invocation**

**The assembly recognized a moment of silence.**

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

**Council Member Thomason led the assembly in the Pledges of Allegiance.**

#### **V. 30 Minute Citizen Comment Period**

**Sam Brannon, addressed the Council regarding the naturally occurring fluoride in the water. He stated that this is a defense to an argument that no one has made. He mentioned a meeting that he and Kathleen O'Connell had with City Manager Jared Miller and how Jared asked him twice about the naturally occurring fluoride. Mr. Brannon stated that it was not part of the petition. He mentioned that there is a 97 million price tag on the equipment to remove the naturally occurring fluoride. He continued with reviewing the history of the petition, the petition process and that they submitted. He stated that this is a shameful place for the City to be and that the Council is are allowing it. He stated that State law is on their side.**

**Laura Weatherford, building owner 300 N LBJ where KnD's boutique is, and spoke about the failed project of the drainage in downtown. She requested that all options be exercised to remedy the problem. She has faith that the Council will rectify the problem so that their business people can prosper. She referenced that Kristan Alvarez and her mother are struggling to achieve this lifelong dream and that she is very worried about the structural damage to her building and black mold creating a health hazard. She stated that as the fast growing city in the United States the eyes of the Nation and the State are upon us and that this project failed.**

**Kristan Alvarez, addressed the Council regarding her store getting flooded twice after she was told that she would never be flooded again. She mentioned her conversations with the Mayor and City Manager in her store at what was supposed to be the end of construction ribbon cutting. She doesn't live close, and she is always afraid of the store flooding any time it rains. They use sand bags and were recently told that they didn't need them anymore. She began remodeling the store herself and has been closed for about a week. She**

mentioned that she feels like she doesn't have a job anymore because she's been closed so much. She asked the Council to please do something to resolve these problems.

Nick Doucov, addressed the Council regarding the 1st phase of annexation and the Briarwood Subdivision's request to be removed from consideration at this time due to the flooding on Memorial Day. He stated that most of the homes are not habitable. He requested that they be granted time to rebuild their lives first. He mentioned a petition that the home owners have signed to not be annexed at this time that was submitted to the Council via email.

Rob Roark, addressed the Council about the flooding and the impacted neighborhoods. He stated that we still have people that are still trying to rebuild their lives. He stated that he is getting phone calls asking why their building permits are getting pulled because they are wanting to know how much they are spending. Mr. Roark stated that this has people confused. He referenced the hardship of an impacted family that is still in a hotel room because they want their son to graduate from San Marcos High School. He reminded the Council that we're only at 30% home ownership, and that a lot of people rent. He concluded with telling the Council that we need to show these people that we care.

## **CONSENT AGENDA**

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

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

**Against:** 0

**Absent:** 1 - Council Member Thomason

5. Consider approval of the following meeting minutes:  
June 12, 2015, Packet Meeting Minutes  
June 16, 2015 Regular Meeting Minutes
6. Consider approval of Ordinance 2015-21, on the second of two readings, revising and updating Chapter 14, Buildings and Building Regulations, of the City Code; including procedural provisions; and providing for penalties.
7. Consider approval of Resolution 2015-73R, awarding an annual contract to Texas Electric Cooperatives for the provision of Residential Electric Meters for the Public Services Department-Electric Utilities Division in the estimated annual amount of

\$258,120.00; authorizing the City Manager or his designee to execute the appropriate purchasing documents on behalf of the City; and declaring an effective date.

8. Consider approval of Resolution 2015-74R, expressing the City's official intent to reimburse the costs of the Mill Street, Loop/Alto Street repaving, and Stagecoach Trail widening; in accordance with the attached Exhibit A; and declaring an effective date.

**A motion was made by Council Member Prewitt, seconded by Council Member Thomason, that Resolution 2015-74R be approved. 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

9. Consider approval of Resolution 2015-75R, approving the purchase of furniture for the Fire Department from furniture for business through the Texas Comptroller of Public Account's Texas multiple award schedule for Highmark Furniture and Installation (TXMAS-4-7110140) in the amount of \$6,948.63; approving the purchase of furniture for the Fire Department from furniture for business through the Texas Cooperative Purchasing Network for Hon Company Furniture and Installation (r142208) in the total amount of \$30,634.74 and for Allsteel Furniture and Installation (r142201) in the amount of \$20,633.22; approving the purchase of furniture for the Fire Department from furniture for business for open market items in the amount of \$5,861.88; approving the expenditure of \$3,100.00 for the procurement of labor from furniture for business; authorizing the City Manager or his designee to execute the appropriate purchasing documents on behalf of the City and declaring an effective date.

**A motion was made by Council Member Prewitt, seconded by Council Member Thomason, that Resolution 2015-75R be approved. 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

10. Consider approval of Resolution 2015-76R, approving the terms and conditions of an interlocal agreement with Hays County authorizing the City to accept the full allocation of Justice Assistance Grant funds from the U.S. Department of Justice in the amount of \$13,533.00 for the City's eligible law enforcement programs; authorizing the City Manager to execute this agreement on behalf of the City; and declaring an effective date.
11. Consider approval, by motion, to approve Change in Service #1 to HDR for the Transportation Master Plan for One-Way/Two-Way analysis on N. LBJ and Guadalupe Streets

**A motion was made by Council Member Thomason, seconded by Deputy Mayor Pro Tem Scott, that Change in Service #1 to HDR for the Transportation Master Plan for One-way/Two-way analysis on N. LBJ and Guadalupe Streets be approved. 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

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

12. 7:00PM Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2015-22 amending the Official Zoning Map of the City by rezoning 9.717 acres, more or less, of land located at 2805 Hunter Road from "MH" Manufactured Home District to "MF-24" Multifamily Residential District, and including procedural provisions; and consider approval of Ordinance 2015-22, on the first of two readings.

**Shannon Mattingly, Director of Development Services, provided a presentation on the request.**

**Mayor Guerrero opened the Public Hearing at 8:57 p.m.**

**There being no comments the Mayor closed the Public Hearing at 8:57 p.m.**

**A motion was made by Deputy Mayor Pro Tem Scott, seconded by Mayor Pro-Tem Prather, that Ordinance 2015-22 be approved on first reading. 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 Ordinance 2015-23 amending the Official Zoning Map of the City by rezoning 101.199 acres, more or less of land in the 1300 block of East McCarty Lane from "GC" General Commercial to "HI" Heavy Industrial District, and including procedural divisions; and consider approval of Ordinance 2015-23, on the first of two readings.

**Shannon Mattingly, Director of Development Services, provided a presentation on the request.**

**Mayor Guerrero opened the Public Hearing at 9:00 p.m.**

**There being no comments the Mayor closed the Public Hearing at 9:00 p.m.**

**Staff will discuss the potential to have 18-wheelers access the site from Clovis Barker via Leah instead of McCarty.**

**A motion was made by Deputy Mayor Pro Tem Scott, seconded by Council Member Thomaides, that Ordinance 2015-23 be approved on first reading. The motion carried by the following vote:**

**For:** 6 - Mayor Guerrero, Council Member Thomaides, Council Member Thomason, Deputy Mayor Pro Tem Scott, Council Member Prewitt and Council Member Hughson

**Against:** 0

**Absent:** 1 - Mayor Pro-Tem Prather

- 14.** 7:00PM Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2015-77R, approving the issuance of a permit to Rasier, LLC (a wholly owned subsidiary of Uber technologies, Inc.) to operate a Transportation Network Company in the City of San Marcos; and declaring an effective date; and consider approval of Resolution 2015-77R.

**Police Chief Chase Stapp provided a brief statement on the request.**

**Mayor Guerrero opened the Public Hearing at 9:03 p.m.**

**There being no comments the Mayor closed the Public Hearing at 9:03 p.m.**

**A motion was made by Council Member Prewitt, seconded by Mayor Pro-Tem Prather, that Resolution 2015-77R 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:** 2 - Council Member Thomason and Deputy Mayor Pro Tem Scott

- 15.** 7:00PM Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2015-78R, approving the issuance of a Limousine Service Certificate to Elton Zeneli, d/b/a Luxury Limo Express for the provision limousine service in the City; and declaring an effective date, and consider approval of Resolution 2015-78R.

**Jamie Lee Pettijohn, City Clerk, provided a brief statement on the request.**

**Mayor Guerrero opened the Public Hearing at 9:05 p.m.**

**There being no comments the Mayor closed the Public Hearing at 9:06 p.m.**

**A motion was made by Council Member Prewitt, seconded by Mayor Pro-Tem Prather, that Resolution 2015-78R be approved. 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.** 7:00PM Receive a Staff presentation and hold a Public Hearing to receive comments for or against the annexation of 1077.19 +/- acres, consisting of multiple tracts of land and associated rights-of-way, located within 14 separate areas within the Extra Territorial Jurisdiction (ETJ) as guided by the City of San Marcos Annexation/Extraterritorial Jurisdiction (ETJ) Management Strategy.

**Shannon Mattingly, Director of Development Services, provided the Council with a presentation regarding the 1st year annexations being submitted.**

**Mayor Guerrero opened the Public Hearing at 9:16 p.m.**

**Walter Plummer, 462 Briarwood, addressed the Council about the potential annexation of the Briarwood Subdivision. He said it sounded like a good idea to have improved water and street services. He reminded the Council of the purchase of the purchase of water service 20 years ago. You let the Aspen Heights apartment complex be built and this created an unprecedented flooding situation. It was during the talks about how you had great plans for our neighborhood and zone us multifamily. What you offer is fixing our water and roads. Our water service is still what it is before. Its clear we are just another revenue source. You offer us nothing but an increase in taxes. What we need for you to do is to back off and leave us alone.**

**Buddy Able, 3226 Hunter Road, addressed the Council about annexing two tracts of land that he owns 3207 Hunter Rd, currently cultivated land that is used for bird hunting, and 3226 Hunter Rd which consists of 50 acres of brush land. He stated that he has deer hunting on it and it is under wildlife management. He stated that both parcels are a source of income for him. He asked to not be included in the annexations.**

**There being no further comments Mayor Guerrero closed the Public Hearing at 9:22 p.m.**

**Staff will verify that Mr. Abel's are under ag exemption. Staff will remove**



**Briarwood from the list due to the current need for residents to rebuild after the Memorial Day Flood. Staff will provide a list of those who were not notified and those that do not want to be annexed. Staff will also provide how much it would the City potentially lose by not annexing those properties.**

17. 7:00PM Receive a Staff presentation and hold a Public Hearing to receive comments for or against granting a petition by Highpointe Communities for voluntary annexation and annexing for all purposes, a 417.630 +/- acre tract of land out of the William H. Van Horn Survey, Abstract No. 464, Hays County, Texas. Being a portion of those certain 100.22 Acre, 67.53 Acre, 248.77 Acre, and 5.01 Acre Tracts Conveyed to JOQ - San Marcos Ventures L.P. by Deed of Record in Volume 1820, Page 715, of the Official Public Records of Hays County, Texas. Generally located on the east side of IH 35, south side of Posey Road and east side of Old Bastrop Road.

**Shannon Mattingly, Director of Development Services, provided the Council with a presentation regarding the annexation requested by Highpointe.**

**Mayor Guerrero opened the Public Hearing at 9:49 p.m.**

**Caren Williams, spoke in favor of the project and told there Council she was there to answer any questions.**

**There being no further comments Mayor Guerrero closed the Public Hearing at 9:50 p.m.**

18. 7:00PM Receive a Staff presentation and hold a public hearing to receive comments for or against a request by Robert H. Jett on behalf of 19 households, located within the Sunset Acres Neighborhood, to appeal a decision made at the May 26, 2015 Planning and Zoning Commission, in which the Planning and Zoning Commission granted a Conditional Use Permit (CUP 15-09) for the sale of mixed beverages for onsite consumption to Hooters, located at 1305 S IH 35.

**Shannon Matthingly, Director of Development Services, provided an overview of the CUP application and the appeal request.**

**Mayor Guerrero opened the Public Hearing at 9:54 p.m.**

**Duey Braksen 600 Commerce, Austin, TX, representing the applicant of the CUP and referenced the history of the CUP application process up to now. He mentioned that he has representatives of Hooters and the landlord all present if the council had any questions. They requested that the appeal be denied based on the code. They certainly understand the neighbors' concerns, but they do not find any errors with their CUP application. They are ok with increasing the fence to 8 ft. to increase the buffer. He stated that this property is right on IH35 and that this property will be contained with a fence. He stated that they**

flipped the patio to help with the noise.

Robert Jett, 219 Parker Dr, addressed the Council regarding the Comprehensive Plan that was approved and the fact that it mentions neighborhoods being protected. He mentioned that this would be a party atmosphere in their neighborhood. He stated that if all it took was bushes and fences to block the sound then we wouldn't hear all the ambient noises from fire trucks and traffic. He mentioned the traffic concerns in the area as well. Hooters will do well in San Marcos, but they shouldn't be allowed to open in their neighborhood.

Joe Ptak, 505 Patricia, Sunset Acres representative for CONA, stated that the issue is the traffic that will place customers on Hays Street and spoke about traffic concerns for the neighborhood. He feels that the P&Z acted erroneously and feel that they should have asked for a TIA. He would like the Council to send it back to P&Z and requested that they approve this appeal.

Robert Cleamon, 600 Commerce, Austin, TX representing the landowner, stated that the property is directly off of IH35. In terms of the compatibility the code already addresses these issues of the 300 ft buffer and that this project meets every single requirement in the code and zoning. It is appropriately zoned for commercial. He mentioned that there was a restaurant that operated 24 hours a day previously. He stated that Hooter's sales are 70% food and are no different than an Applebee's.

Lupe Lopez, 220 Parker Dr, stated her concerns about the traffic that would impact their neighborhood. She stated that this is a quiet neighborhood and it's decent. There are no issues with the commercial, but she feels that there shouldn't be an increase of traffic in their neighborhood due to the restaurant. She feels like she is being runoff from her neighborhood.

RW McDonald, 750 Mulberry Avenue, San Antonio, TX, property owner, stated that they have an easement to allow more ingress and egress which is a one way street. He explained the process of the traffic flows to and from the project. He stated that this property is zoned General Commercial and that it was a 24 hour diner before it was Car dealership.

Mike (last name and address inaudible), representing Hooters, stated that they are a themed restaurant that is 70-72% food. He stated that they will not be doing any outdoor events. He mentioned how Hooter's gets incredibly involved in the community once they are present, and listed the numerous charities that

they are involved in.

**There being no further comments Mayor Guerrero closed the Public Hearing at 10:15 p.m.**

**A motion was made by Council Member Hughson, seconded by Council Member Prewitt, that the appeal be approved. The motion carried by the following vote:**

**For:** 6 - Mayor Guerrero, Council Member Thomaides, Council Member Thomason, Deputy Mayor Pro Tem Scott, Council Member Prewitt and Council Member Hughson

**Against:** 1 - Mayor Pro-Tem Prather

## **NON-CONSENT AGENDA**

19. Consider approval of Resolution 2015-79R, approving an access easement with William A. Taylor to accommodate the relocation of a driveway near the intersection of Hopkins Street and West San Antonio Street in connection with the Hunter Road Widening Project; authorizing the City Manager to execute this release of easement on behalf of the City; and declaring an effective date.

**A motion was made by Council Member Prewitt, seconded by Mayor Guerrero, Resolution 2015-79R be approved. The motion carried by the following vote:**

**For:** 6 - Mayor Guerrero, Council Member Thomason, Deputy Mayor Pro Tem Scott, Mayor Pro-Tem Prather, Council Member Prewitt and Council Member Hughson

**Against:** 0

**Absent:** 1 - Council Member Thomaides

20. Consider approval, by motion, of City Manager Jared Miller's appointment of George Landry to the Civil Service Commission.

**A motion was made by Council Member Hughson, seconded by Deputy Mayor Pro Tem Scott, that the Appointment of George Landry be approved. The motion carried by the following vote:**

**For:** 6 - Mayor Guerrero, Council Member Thomason, Deputy Mayor Pro Tem Scott, Mayor Pro-Tem Prather, Council Member Prewitt and Council Member Hughson

**Against:** 0

**Absent:** 1 - Council Member Thomaides

21. Consider the appointment of Catherine Cox Welsh to fill a vacancy on the Housing Authority as a Resident Commissioner, and provide direction to staff.

**A motion was made by Council Member Prewitt, seconded by Deputy Mayor**

**Pro Tem Scott, that the appointment of Catherine Cox Welsh be approved.**

**The motion carried by the following vote:**

**For:** 6 - Mayor Guerrero, Council Member Thomason, Deputy Mayor Pro Tem Scott, Mayor Pro-Tem Prather, Council Member Prewitt and Council Member Hughson

**Against:** 0

**Absent:** 1 - Council Member Thomaides

- 22.** Receive a Staff presentation and hold discussion regarding a possible amendment to Chapter 74 of the City Code to include a new Article 6 that allows for Sidewalk Cafés, Parklets, and Similar Uses of Public Rights-of-way and associated fees, and provide direction to Staff.

**A motion was made by Council Member Thomason, seconded by Council Member Hughson, that this discussion Item be postponed and brought back at a packet meeting. The motion carried by the following vote:**

**For:** 6 - Mayor Guerrero, Council Member Thomason, Deputy Mayor Pro Tem Scott, Mayor Pro-Tem Prather, Council Member Prewitt and Council Member Hughson

**Against:** 0

**Absent:** 1 - Council Member Thomaides

- 23.** Hold discussion regarding the Airport Commission, and provide direction to Staff.

**Jamie Lee Pettijohn, City Clerk, introduced the item and Steve Parker, Assistant City Manager provided some additional information. Council provided direction for staff to bring back the ordinance for them to review at a future meeting and get input from Texas Aviation Partners and Redbird Skyport.**

- 24.** Hold discussion regarding Section 2.044 - Preparation of Agenda of the San Marcos City Code, and provide direction to Staff.

**A motion was made by Council Member Thomason, seconded by Council Member Hughson, that this discussion Item be postponed to the next meeting. The motion carried by the following vote:**

**For:** 6 - Mayor Guerrero, Council Member Thomason, Deputy Mayor Pro Tem Scott, Mayor Pro-Tem Prather, Council Member Prewitt and Council Member Hughson

**Against:** 0

**Absent:** 1 - Council Member Thomaides

5:00PM Executive Session in accordance with Section §551.074 of the Texas Government Code: Personnel Matters - to discuss annual Appointee Evaluations and the duties of the city manager regarding the meet & confer negotiation process; 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 Humpty Dumpty, Project Endurance, Project PowerChip, and Tanger; and in accordance with Section §551.071 - Consultation With Attorney - to receive legal advice from the City Attorney regarding pending litigation, to wit: City of San Marcos, Texas v. Sam Brannon, Communities For Thriving Water - Fluoride Free San Marcos, Morgan Knecht and Kathleen O'Connell; Case No. 15-1266 in the 274th District Court of Hays County Texas

**A motion was made by Mayor Guerrero, seconded by Council Member Prewitt, to enter Closed Session at 11:05 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

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

**The Council reconvened into open session at 12:25p.m. Mayor Guerrero stated that meet&confer projects would be coming back at a future meeting for the Council to review.**

VI. Question and Answer Session with Press and Public.

**None.**

VII. Adjournment.

**A motion was made by Mayor Pro-Tem Prather, seconded by Council Member Prewitt, that the regular meeting of the San Marcos City Council be adjourned at 12:26 a.m. Wednesday, July 8, 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

Jamie Lee Pettijohn, City Clerk

Daniel Guerrero, Mayor