



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes City Council

Tuesday, June 16, 2015

5:00 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 Guerrero at 5:03 p.m. Tuesday, June 16, 2015 in the City Council Chambers, 630 E. Hopkins, San Marcos, Texas 78666.

II. Roll Call

Council Member Thomason arrived at 5:05 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 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 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 and Project PowerChip.

A motion was made by Deputy Mayor Pro Tem Scott, seconded by Mayor Pro-Tem Prather, to enter into Executive Session at 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 6:34 p.m. The Council provided direction while in executive session and provided notice that they will have to return to closed session at the end of the meeting to complete the Economic Development portion of their posted executive session.

PRESENTATIONS

3. Receive a Flood Recovery update from the Memorial Weekend Flood Event, and provide direction to Staff.

Kenneth Bell, Fire Marshall and Emergency Management Coordinator, provided an update regarding the current flood recovery plan from the Memorial Weekend Flood event.

4. 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 Mayor Guerrero, seconded by Deputy Mayor Pro Tem Scott, that this Presentation be postponed until July 7, 2015. 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. Receive a Staff presentation of the Annual Program Update for the Main Street Program, and provide direction to Staff.

A motion was made by Mayor Guerrero, seconded by Deputy Mayor Pro Tem Scott, that this Presentation be postponed until July 7, 2015. 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

6:00 PM**III. Invocation**

Merlin Starr, Director of Spiritual Care at CTMC provided the evening's invocation.

IV. Pledges Of Allegiance - United States And Texas

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

V. 30 Minute Citizen Comment Period

Rob Roark, thanked the Council and the employees for all of the hard work. He spoke about how the most important things aren't things. He stated that its important to get these displaced folks back in their homes. He asked the Council to focus on the budget and focus on getting the number of how many are truly displaced. Mission #1 should be to get those people back in their homes.

Jim Garber, spoke about drainage at The Woods. There is a point in the process that we have to prove our legal obligation. He read the attorney's statement that was made during the rezoning

process. He provided an example of the bypass channel grading plan via the ELMO for the Council and explained how the collectors and conduits were present, but not fully operational. He stated that the moats aren't complete and the moat can't convey the water if it isn't ready to do so. He also stated that the pipes dead-end into solid clay and it is a drain system to nowhere. The portions that do exist aren't ready.

Dianne Wassenich, addressed the Council regarding the leasing of water and how the HCP keeps our rivers flowing. The HCP has a need for extra water rights also and she asked that we keep that in mind. She left a one page of some of the record floods in Central Texas and how we can expect larger floods(attached). She stated that we need rules that are stricter than in other parts of the US because we have rain fall events similar to world record rainfall events. We do not have rules about piles of dirt blocking drainage at construction site. There is no earthly way this should have been allowed when this project has the amount of drainage planning that it does. This is a high priority.

Melissa Derrick, addressed the Council about flooding and the CM Allen Homes evictions. Who is supposed to be helping those people? This needs to be a priority. She also spoke about building in the flood plains and how the apartments at Cape's Camp definitely caused issues. She stated that our highest concern right now is for the people that are homeless.

Sherwood Bishop, addressed that Council about flooding and FEMA rules not allowing building in the flood way. The Woods are not in the flood way, but are in the flood plain. He showed pictures of the retaining wall of the apartment complex. He also showed photo of a grate at the complex. He explained how it is going to have tons of debris caught in it and the water will not flow through them. Recommend that the City look into redesigning the drainage system.

David Wendel, addressed the Council regarding the drainage system at the Tuscaloosa apartment complex owned by Dovetail. His father mentioned that they had a locks and channels system along the Warrior River to assist in the flooding in Tuscaloosa. They started having flooding issues again when Dovetail placed their project in Tuscaloosa. There was already a system and that project caused water displacement and flooding of nearby neighborhoods. They are seriously talking about putting in additional channels.

CONSENT AGENDA

A motion was made by Deputy Mayor Pro Tem Scott, seconded by Council Member Prewitt, that Consent Items 6,8, 9, 10, and 12 approved. Items 7 and 11 were pulled and considered separately. Council Member Hughson recused herself on Item #10 (form attached). 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

6. Consider approval of the following meeting minutes:
June 12, 2015, Packet Meeting Minutes
June 16, 2015 Regular Meeting Minutes
7. Consider approval of Ordinance 2015-20, on the second of two readings, amending the San Marcos Smartcode by amending Section 1.5.2 and corresponding provisions to set a limit of seven stories as the maximum building height allowed by warrant, correcting Table 1.2 to reflect a building height limit of two stories in a T3 Transect, and amending Table 1.2 to reduce the building height limit from five stories to three

stories in a T4 Transect; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

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

For: 4 - Mayor Guerrero, Council Member Thomaides, Council Member Prewitt and Council Member Hughson

Against: 3 - Council Member Thomason, Deputy Mayor Pro Tem Scott and Mayor Pro-Tem Prather

8. Consider approval of Resolution 2015-67R, adopting the Public Agency Retirement System Trust ("PARS"), including the PARS section 457(b) Alternative Retirement Plan; approving an agreement for administrative services with phase II systems, doing business as Public Agency Retirement Services; appointing the City Manager, or his/her successor or his/her designee as the City's Plan Administrator for the PARS section 457(b) Alternative Retirement Plan/Trust; authorizing the City's Plan Administrator to implement the plan(s), execute the PARS legal and administrative documents on behalf of the City and to take whatever additional actions are necessary to maintain the City's participation in PARS and to maintain PARS compliance of any relevant regulation issued or as may be issued; therefore, authorizing him/her to take whatever additional actions are required to administer the City's PARS; authorizing the City Manager or his designee to execute the Administrative Services Agreement on behalf of the City; and declaring an effective date.
9. Consider approval of Resolution 2015-68R, approving the award of a Construction Contract to Westar Construction, Inc. for the Blanco River-River Road Slope Stabilization Project in the total amount of \$485,825.00 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.
10. Consider approval of Resolution 2015-69R, approving a three year extension of a Property Use Agreement between the City and Texas State University for the City's use of a parking area downtown and Texas State University's use of a parking area along Charles Austin; authorizing the City Manager to execute this agreement on behalf of the City; and declaring an effective date.
11. Consider approval of Resolution 2015-70R, approving the award of a construction contract to Cox Commercial Construction, LLC for the Stagecoach Trail Widening Project in the total amount of \$350,583.00 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 by Council Member Prewitt, seconded by Council Member Thomaides, that this Resolution be approved. The motion carried by the following vote:

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

Against: 0

Absent: 2 - Council Member Thomason and Mayor Pro-Tem Prather

12. Consider approval, by motion to approve Change Order #16 to RGM for the Downtown Reconstruction Project for street, sidewalk, lighting and pedestrian improvements in the amount of \$525,368.48.

NON-CONSENT AGENDA

13. 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.

A motion was made by Deputy Mayor Pro Tem Scott, seconded by Council Member Prewitt, that Ordinance 2015-21 be approved, on the first of two readings. 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

14. Consider approval of Resolution 2015-71R adopting the City Council's Visioning Goals for 2015-2016; and declaring an effective date.

Main Motion: A motion was made by Council Member Prewitt, seconded by Deputy Mayor Pro Tem Scott, that Resolution 2015-71R be approved.

Motion to Amend: A motion was made by Council Member Hughson, seconded by Council Member Prewitt, that Resolution 2015-71R be amended by adding Goal #7 Sound Finances. 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 that Resolution 2015-71R 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

15. Consider approval of Resolution 2015-72R, under the authority of Section 418.108 of the Texas Government Code, extending a local state of disaster in the City of San Marcos, Texas due to recent historic flooding.

A motion was made by Council Member Hughson, seconded by Council Member Prewitt, that Resolution 2015-72R 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. Discuss and consider an additional appointment to the Greater San Marcos Partnership (GSMP) Board of Directors, and provide direction to Staff.

A motion was made by Council Member Prewitt, seconded by Mayor Pro-Tem Prather, that the appointment of Council Member Jane Hughson be approved. The motion carried by the following vote:

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

Against: 0

Abstain: 1 - Council Member Hughson

17. Hold discussion regarding the possible reallocation and use of Community Development Block Grant (CDBG) Funds that were approved for use for City projects, not non-profits or outside agencies, for Memorial Day 2015 flood program(s), and provide direction to Staff.

A motion was made by Mayor Guerrero, seconded by Deputy Mayor Pro Tem Scott, that this Discussion Item be postponed until July 7, 2015. 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

18. Receive a Staff update and hold discussion on the lease and sale of water, and provide direction to Staff.

Tom Taggart, Executive Director of Public Services, provided the Council with and update regarding the lease and sale of water. Following discussion the Council provided direction to move forward with marketing surplus water and to also bring back a policy discussion at a future meeting.

19. 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 Mayor Guerrero, seconded by Deputy Mayor Pro Tem Scott, that this Discussion Item be postponed until July 7, 2015. 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

20. Presentation and discussion regarding the impacts of the Woods of San Marcos apartment development on the Blanco Gardens neighborhood including but not limited to traffic circulation, parking, and drainage issues, and provide direction to staff

Council Members Prewitt and Thomaides led the discussion. Council provided direction to hire an independent qualified hydrologist to study drainage issues and whether or not the complex exacerbated the 2015 Memorial Day Flood event. They will also be asked to study the flood event in all affected areas and to bring back the results to the Council. Council also provided direction to Staff to bring back a back discussion item regarding traffic patterns; parking; noise; emergency access, and ingress and egress to the park at The Woods late summer/early fall along with potential options to address issues. Staff will also confirm that the 2 time-locked access gates from the complex to the park are in the PDD. Staff assured the Council that the Flood plain administrator will work with the complex to get the soil berms moved. Staff will provide a summary of the event timeline and expectations for the certified independent study to Council once complete.

VI. Question and Answer Session with Press and Public.

Sherwood Bishop asked if there was anyway to keep the intakes of the drainage system from getting plugged up with debris. Laurie Moyer, Director of Engineering, provided him a response.

Cori Schwartz asked if there was any kind of evacuation plan in place with all the students living at The Woods and this kind of flooding happening again? Jared Miller, City Manager, responded that there was a plan in place.

Mary (last name inaudible), asked if Redwood was being included? She also asked if communications could be improved? She asked if the developer was helping in the recovery process? Kristi Wyatt, Director of Communications, spoke with her following her questions.

Jim Garber, asked about if The Woods would be issued a Certificate of Occupancy if the drainage was incomplete. Laurie Moyer responded with, "No."

Bob Holder asked how much of San Marcos is actually suitable for building with most of it in the flood plan? What percentage of the City is outside of the flood plain or not over a recharge zone? What is the implication of planning to grow and expand the City? Staff spoke with Mr. Holder following his questions.

5:00PM Executive Session in accordance with Section §551.074 of the Texas Government Code: Personnel Matters - to discuss annual Appointee Evaluations; and 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 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 and Project PowerChip.

A motion was made by Deputy Mayor Pro Tem Scott, seconded by Mayor Pro-Tem Prather, to

enter into Executive Session at 9:53 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 regular session at 10:40 p.m. The Council provided direction for Staff to bring back an item for approval at a future meeting.

VII. Adjournment.

A motion was made by Deputy Mayor Pro Tem Scott, seconded by Mayor Pro-Tem Prather, that the regular meeting of the San Marcos City Council be adjourned at 10:41 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