



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes City Council

Tuesday, July 21, 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 Guerrero at 5:36 p.m. Tuesday, July 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

PRESENTATIONS

1. Receive a presentation from Chris Tatham of ETC Institute regarding the 2015 City of San Marcos Community Survey results, and provide direction to Staff.

Chris Tatham, ETC Institute, provided the Council with a presentation reviewing the results of the 2015 City of San Marcos' Community Survey. Staff will provide the full report including maps to the Council.

6:00 PM

III. Invocation

Pastor Dennis Spire, Calvary Baptist Church, provided the invocation.

IV. Pledges Of Allegiance - United States And Texas

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

V. 30 Minute Citizen Comment Period

Roscoe Bertsch, addressed the Council regarding bikes lanes and stated that he feels the city roads are unfit and unsafe for most cyclists in town. He would love to see the City incorporate more bike lanes before infrastructure impairs the process. He stated that he has passed around a petition to garner more support for bike lanes in the community. He stated that he hopes the bike lanes will be added sooner rather than later.

Jim Fife, spoke in opposition of the annexation of Block 11 which contains Wonderland School. He stated that they have been able to get by on the services that the County provides and because their costs are low their charges are minimal compared to anything north or south of us. The annexation would bring higher taxes to his business and that would drive up the price of their attendance. He feels comfortable being on a well and being on septic. He asked that they be left alone.

CONSENT AGENDA

A motion was made by Deputy Mayor Pro Tem Scott, seconded by Council Member Thomason, that the Consent Agenda Items # 2-15 approved. Council Member Hughson recused herself on Items # 8, 9 and 10. 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 approval of the following minutes: June 30, 2015 Pre-Budget Update Workshop Minutes and July 7, 2015 Regular Meeting Minutes.
3. Consider approval of Ordinance 2015-22, on the second of two readings, 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.
4. Consider approval of Ordinance 2015-23, on the second of two readings, 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.
5. Consider approval of Resolution 2015-80R authorizing the acceptance of a grant from the Texas Department of Transportation for construction of t-hangars and associated improvements at the City's airport in the estimated amount of \$755,000; approving the City's expenditure of local matching funds in the amount of 10 percent of the grant award; authorizing the City Manager or his designee to execute all contracts and documents as necessary to implement the grant; and declaring an effective date.
6. Consider approval of Resolution 2015-81R approving a five year Airport Facility Lease Agreement with Central Texas Wing, Commemorative Air Force, Inc. for the hangar space located at 2249 Airport Drive; and declaring an effective date.
7. Consider approval of Resolution 2015-82R approving the assignment of a Private Hangar Lease from the Dozier Family Trust to Edwin H. Cooper for the hangar space

located at 1733 Airport Drive; and declaring an effective date.

8. Consider approval of Resolution 2015-83R approving an Interlocal Agreement with Texas State University that provides for participation by Texas State University in the costs for design and construction of a reclaimed waterline extension that connects Texas State University to the City's reclaimed water system; authorizing the City Manager to execute said agreement on behalf of the City; and declaring an effective date
9. Consider approval of Resolution 2015-84R approving an Interlocal Agreement with Texas State University that provides for the extension of a reclaimed waterline and provision of reclaimed water service to Texas State University in exchange for the transfer by Texas State University of certain rights to withdraw water from the San Marcos River to the City in furtherance of the Habitat Conservation Plan; authorizing the City Manager to execute said agreement on behalf of the City; and declaring an effective date.
10. Consider approval of Resolution 2015-85R, approving an Interlocal Agreement with Texas State University for cost sharing in connection with the design and construction of street, sidewalk, bicycle and pedestrian improvements along Sessom Drive; and that provides for exchanges of portions of rights-of-way to facilitate the project authorizing the City Manager to execute this Interlocal Agreement on behalf of the City; and declaring an effective date.
11. Consider approval of Resolution 2015-86R, approving the procurement of multiple goods and services as procurements exempt from State competitive bidding requirements in the total amount of \$808,922.07 which were necessary due to substantial damage incurred by the city in connection with the 2015 Memorial Day weekend flood; ratifying the City Manager's or his designee's execution of appropriate procurement documents with each vendor listed in the attached exhibit a on behalf of the City and declaring an effective date.
12. Consider approval of Resolution 2015-87R approving the purchase of twenty-seven traffic signal battery back-up units for the Public Services Department-Transportation Division in the total amount of \$118,800.00 from Paradigm Traffic Systems, Inc. through the Texas Local Government Purchasing Cooperative Buyboard Contract for Public Safety, Fire House Supply & Equipment & Traffic Signals (Contract #432-13); authorizing the City Manager or his designee to execute the appropriate purchasing documents on behalf of the City and declaring an effective date.
13. Consider approval of Resolution 2015-88R approving the award of an annual contract to Green Planet, Inc. for the contractor's provision of Collection, Transportation and Disposal of Household Hazardous Waste for the Community Services Department, Environmental Health-Solid Waste Division in the estimated annual amount of \$50,000.00; ratifying the Purchasing Manager's execution of the appropriate purchasing documents on behalf of the City; and declaring an effective date.
14. Consider approval of Resolution 2015-89R, approving the award of an annual contract

to Wachs Water Services for the contractor's provision of leak detection services for the Public Services Department-Water/Wastewater Division in the estimated annual amount of \$32,925.00; ratifying the Purchasing Manager's execution of the appropriate purchasing documents on behalf of the City and declaring an effective date.

15. Consider approval, by motion, of Change in Service #2 to CompassCom Software Inc. in the amount of \$84,281.00 for Automatic Vehicle Locator software licensing and maintenance.

PUBLIC HEARINGS - 7:00 PM

16. 7:00PM Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2015-24 changing the name of Chuck Nash Lane to Riverwalk Drive; and Including Procedural Provisions; and consider the approval of Ordinance 2015-24, 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 7:56 p.m.

There being no comments the Mayor closed the Public Hearing at 7:56 p.m.

A motion was made by Deputy Mayor Pro Tem Scott, seconded by Council Member Thomason, that Ordinance 2015-24 be approved, on the first 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

17. 7:00PM Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2015-25, changing the name of Riverwalk Loop to Chuck Nash Loop; and including procedural provisions; and consider approval of Ordinance 2015-25, 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 7:57 p.m.

There being no comments the Mayor closed the Public Hearing at 7:57 p.m.

A motion was made by Deputy Mayor Pro Tem Scott, seconded by Council Member Thomason, that Ordinance 2015-25 be approved, on the first 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

18. 7:00PM Receive a Staff presentation and hold second of two Public Hearings to receive comments for or against the annexation of 1060.81 +/- acres, consisting of multiple tracts of land and associated rights-of-way, located within 13 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 a presentation on the request.

Mayor Guerrero opened the Public Hearing at 8:01 p.m.

Sharon Blacklock, 1140 Old Mill Road Salado, addressed the Council regarding the parcel identified as R14226 at 1850 Ranch Road. They had their certified mail sent to the wrong address. She asked for the address to be removed at this time to determine how this will impact their business.

Arnold (Last name inaudible), 1140 Old Mill Road Salado, they are concerned about how this annexation will impact their business. They need time to determine the final impact.

Jim David, Grace Bible Church, did not receive any notification of this annexation and voiced the opposition of the congregation. He stated that they do not receive any City services or utilities. The pastor emeritus that lives on a house on the property would be potentially negatively impacted by the additional taxes. This is not a benefit to them or the city. Since block 11 is such a tiny part it does not seem reasonable at this time. Spoke about how wonderful the Wonderland School is to the community and the negative impact of a raised tuition would impact them.

Carl Grimes 1900 Old Ranch Road Drive, provided the Council with a packet that he put together with property information. He spoke in opposition and stated that it was a surprise to them that they were being considered for annexation and that they were even in the ETJ. He put together some estimates of what it would cost to connect to City utilities. He put the cut sheets together for the engineering department to make the determination of what

kind of lift station they may need to have. He is concerned with how much it will cost them to come into the City.

Chris Wood, 1104 Mountain View Dr, spoke in opposition on behalf of Grace Bible Church and Wonderland, he spoke about his history with the church and the school and how they are invested in the area. He stated that this does not benefit the city or the church.

Nick Doucov, Briarwood, thanked the Council for postponing their consideration of the annexation of the Briarwood Subdivision.

There being no comments the Mayor closed the Public Hearing at 8:14 p.m.

19. 7:00PM Receive a Staff presentation and hold the second of two Public Hearings 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 a presentation on the request.

Mayor Guerrero opened the Public Hearing at 8:35 p.m.

There being no comments the Mayor closed the Public Hearing at 8:36 p.m.

20. 7:00PM Receive a staff presentation and hold a public hearing to receive comments for or against a request by Jones & Carter, Inc., on behalf of WUSD Properties, for a variance from the cut and fill requirements of Section 5.1.1.2 of the Land Development Code (LDC), for 101.199 acres, more or less, of land in the 1300 block of E. McCarty Lane; and consider approval, by motion, of the variance request.

Richard Reynosa, Project Engineer, provided a presentation on the request.

Mayor Guerrero opened the Public Hearing at 8:41 p.m.

There being no comments the Mayor closed the Public Hearing at 8:41 p.m.

A motion was made by Deputy Mayor Pro Tem Scott, seconded by Council Member Prewitt, that this variance for cut and fill 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

NON-CONSENT AGENDA

21. Consider approval of Resolution 2015-94R approving a Chapter 380 Economic Development Incentive Agreement with Amazon.com.kydc LLC, providing incentives in the form of annual refunds of 85 percent of ad valorem taxes generated from personal property and 40 percent of ad valorem taxes generated from real property over ten years, with a possible extension for an additional five years, and a portion of sales tax revenues over twenty years, to locate and operate a fulfillment center on McCarty Lane; authorizing the City Manager to execute said agreement; and declaring an effective date.

Main Motion: A motion was made by Deputy Mayor Pro Tem Scott, seconded by Council Member Thomaides, that Resolution 2015-94R be approved.

Motion to Amend: A motion was made by Council Member Hughson, seconded by Council Member Thomaides, that this Resolution be amended as recommended in the version provided to the Council on July 21, 2015 by City Manager Jared Miller . 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: that Resolution 2015-94R 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

22. Consider approval of Resolution 2015-90R directing publication of Notice of Intention to issue Certificates of Obligation; and other matters related thereto.

A motion was made by Deputy Mayor Pro Tem Scott, seconded by Mayor Pro-Tem Prather, that Resolution 2015-90R 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

23. Consider approval of Resolution 2015-91R, approving a Chapter 380 Economic Development Incentive Agreement with Humpty Dumpty SSM, Ltd. for the redevelopment of Springtown Shopping Center that provides incentives over ten years in the form of annual refunds of a portion of new property and sales taxes generated from the redevelopment and that waives certain sign and development standards under the City's Land Development Code; and declaring an effective date.

Main Motion: A motion was made by Deputy Mayor Pro Tem Scott, seconded by Mayor Pro-Tem Prather, that Resolution 2015-91R be approved.

Motion to Amend: A motion was made by Council Member Hughson, seconded by Council Member Prewitt, to amend Resolution 2015-91R by amending the following: to strike sections 2.02 and 2.04, renumbering the rest in section 2 as needed, In 4.02, to strike the column entitled Additional Sales Taxes % and the words "and 90 percent of the Additional Sales Taxes", Section 4.04 line 4 - "sum of sales taxes and" and in line 6 "sales and," Section 4.05 item (c) Exhibit "C" the section for Sales Taxes and the paragraph below it, and the Sales Tax calculation line. The motion failed by the following vote:

For: 2 - Council Member Prewitt and Council Member Hughson

Against: 5 - Mayor Guerrero, Council Member Thomaides, Council Member Thomason, Deputy Mayor Pro Tem Scott and Mayor Pro-Tem Prather

Main Motion: that Resolution 2015-91R be approved. The motion carried by the following vote:

For: 4 - Mayor Guerrero, Council Member Thomason, Deputy Mayor Pro Tem Scott and Mayor Pro-Tem Prather

Against: 3 - Council Member Thomaides, Council Member Prewitt and Council Member Hughson

24. Consider approval of Resolution 2015-92R approving an Economic Development Incentive Agreement, pursuant to Section 1.4.4.1 of the Land Development Code ("LDC"), between the City of San Marcos and Willy Jack, L.L.C. that grants a waiver of the requirement under Section 4.3.4.2 of the Land Development Code that a restaurant in the Central Business Area must be in operation for at least six months before it may sell beer and wine for on-premises consumption; and at least 12 months before it may sell mixed beverages for on-premises consumption in connection with a proposed restaurant and bar at 242 N. LBJ Drive; authorizing the City Manager to execute said agreement on behalf of the City contingent upon the issuance of a Conditional Use Permit for on-premises consumption of alcoholic beverages by the Planning and Zoning Commission; and declaring an effective date.

A motion was made by Deputy Mayor Pro Tem Scott, seconded by Council Member Thomason, that Resolution 2015-92R 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

25. Consider approval of Resolution 2015-93R, approving a Chapter 380 Economic Development Incentive Agreement with Tanger Properties Limited Partnership that provides incentives over ten years in an amount not to exceed \$2,500,000.00 in the form of annual refunds of a portion of new property and sales taxes generated from the expansion of Tanger Outlet Center-San Marcos; and declaring an effective date.

Main Motion: A motion was made by Council Member Prewitt, seconded by Deputy Mayor Pro Tem Scott, that Resolution 2015-93R be approved.

Motion to Amend: A motion was made by Council Member Hughson, seconded by Council Member Prewitt, that Resolution 2015-93R be amended by modifying the language to include a listing of the site improvements with anticipated costs as presented in Exhibit A and also including a verification section for the itemized improvement expenditures. 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: that Resolution 2015-93R 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

26. Consider the Public Hearing Dates proposed by Staff regarding the 2015 Property Tax Rate and Fiscal Year 2015-2016 Budget, and provide direction to Staff.

Council provided consensus to move forward with the Staff proposed dates for the first public hearing on the tax rate on August 18, 2015, and the second on September 1, 2015; and the public hearing on the budget and any proposed utility rate increases will also be on September 1, 2015.

27. Receive a presentation by Greater San Marcos Partnership staff on the Vision2020 Strategic Plan for economic development in Hays and Caldwell County, and provide direction to Staff.

Adriana Cruz, President of the Greater San Marcos Partnership, provided the

Council with an overview presentation on updates to their Vision 2020 Strategic Plan. No direction was provided.

28. Hold discussion regarding the proposed Economic Development Supplemental Fund policy, and provide direction to Staff.

Jared Miller, City Manager, provided the Council with an introduction on the proposed Economic Development Supplemental Fund policy. Following discussion the Council directed Staff to add to the list that a portion of these funds can be used for Economic Development personnel. Council will continue to review, add and prioritize items. Staff will include the policy in the Visioning workshop at the beginning of the year.

29. Receive a Staff presentation and hold discussion regarding Loop 82 Substation screening, and provide direction to Staff.

Tom Taggart, Executive Director of Public Services, provided the Council with a brief presentation. Following discussion the Council directed Staff to move forward with option 1 which will have the same design as the Loop 82 overpass, to make sure that the panels on the gate matched the color of the stone and for the Arts Commission to discuss the potential for murals in the arched areas.

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

Jared Miller, City Manager, introduced the item for discussion. Sam Aguirre, Assistant City Attorney, provided the Council with the history of the Ordinance. Following discussion the Council directed Staff to keep the process as it is currently.

31. 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.

Motion to Table: A motion was made by Deputy Mayor Pro Tem Scott, seconded by Council Member Thomaides, that this discussion Item be tabled so that the Council could consider Item #21. 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 Remove from Table: A motion was made by Council Member

Hughson, seconded by Council Member Prewitt, that this Discussion Item be removed from the table. 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

Jared Miller, City Manager, introduced the discussion to the Council. Following discussion the Council provided direction that the funds will remain as is for this year and to have Staff bring back the topic next fiscal year for discussion and direction on the utilization of next years funds towards 2015 Memorial Day flood programs.

VI. Question and Answer Session with Press and Public.

VII. Adjournment.

A motion was made by Deputy Mayor Pro Tem Scott, seconded by Council Member Hughson, that the regular meeting of the San Marcos City Council be adjourned at 9:43 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