



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Meeting Minutes City Council

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Tuesday, May 5, 2015

5:30 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 5:31 p.m. Tuesday, May 5, 2015 in the City Council Chambers, 630 E. Hopkins, San Marcos, Texas 78666.

### II. Roll Call

Mayor Pro Tem Prather and Council Member Thomason arrived after roll call at 5:33 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. 5:30PM 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.

A motion was made by Deputy Mayor Pro Tem Scott, seconded by Council Member Hughson, to enter into Executive Session at 5:33 p.m. 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

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

The Council reconvened into open session at 6:07 p.m. The Council provided direction to Staff to bring back Project Flores for consideration at future meeting.

### PRESENTATIONS

3. Receive a staff update and hold discussion regarding CodeSMTX and the recent environmental workshop, and provide direction to Staff.

Abigail Gillfillan, Permit Center Manager, provided the Council with an update on the Code SMTX project and the recent environmental workshops held. No direction provided.

4. Receive the City Clerk's certification regarding the examination of a petition for a citizen-initiated charter amendment election submitted by the Communities for Thriving Water- Fluoride Free San Marcos.

Jamie Lee Pettijohn, City Clerk, certified that the petition submitted to her office on April 2, 2015 by the Communities for Thriving Water – Fluoride Free San Marcos for a charter amendment election is invalid. It does not comply with the requirements for the validity and verification of petition signatures in Section 6.03 of the San Marcos City Charter because none of the petition papers contains an oath or affirmation that each signature was the genuine signature of the person who signed it and that each signature was placed thereon in the presence of a person making such oath or affirmation. Therefore, none of the signatures may be counted.

5. Receive an update from Council Members Prewitt and Thomaides on the recent American Planning Association Conference, and provide direction to Staff.

Council Members Lisa Prewitt and John Thomaides provided a brief presentation on the recent American Planning Association Conference that they attending in Seattle, Washington. No direction was provided.

## **6:00 PM**

### III. Invocation

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

### V. 30 Minute Citizen Comment Period

Brad Smith, thanked the council for the opportunity to speak and asked the Council to consider his application to fill the vacancy on the Parks & Recreation board. He read the ordinance of the Parks board's duties and provided his qualifications to the Council.

Melissa Derrick, addressed the Council regarding the Greater San Marcos Partnership. She stated that the City gives them 30% of their budget and should be guaranteed on the way that it is spent. She requested that Annual Disclosures be required by private members, and that if they plan to benefit in any way that it should be disclosed. Ms. Derrick also addressed the issue of the Open Meetings Act and that this should be a must, and not just in the "spirit." She stated that we need more than what we have been provided, and that we need more than members of the board advocating for City Council items.

Rob Roark, addressed the Council about volunteering and recognized the Staff involved in the neighborhood meeting on Saturday. He stated that we will see the big picture, and that this is just a part of the picture for economic development. He stated that GSMP is only here for a small sliver of what we are trying to do, and that it's good that they have transparency and accountability. He asked the Council to listen to the small voices, and stated that there are other things that we need to be looking at locally. Specifically that there are a lot of needs of the people in the neighborhoods. He stated that we have to move on and get out of the trenches.

Terry Norris, addressed the Council regarding what he referred to as "nightmare on Mill Street." He stated that there was not a Traffic Impact Study completed for the Wildwood Apartment Complex. This has resulted in very dangerous situations and there have been three repairs. He stated that there is a proposal to repair this section of street in the 2017 CIP. He stated that now the citizens of San Marcos now have to fit the bill of \$1,000,000.00 to have this properly repaired permanently. He provided several photographs of the damaged street and code enforcement information to the Council.

Lisa Marie Coppeleta, addressed the Council about the previous meeting and how the discussions happened last week. She mentioned the politicians on the Greater San Marcos Partnership board, and how she is concerned with the board being more transparent to expose more. She spoke about how she wasn't allowed to bid for the Code Rodeo consultant position.

Jennifer Brown, addressed the council regarding the Taxi Rates of Fare Ordinance on behalf of Aloha Taxi. She stated that she was frustrated and concerned about how the students were going to get home from the square. She stated that Mr. Kennon has grown this business into 15 cars and a dozen employees, and that we should keep our local businesses running and get to know our local employers. She provided some stories of her experiences as a cab driver. Uber is something that we cannot avoid, but there are ideals that they don't share. She stated that we should be careful and selective when we draft these ordinances.

Samuel Montoya, addressed the Council regarding item #4 and the effects of fluoride. He spoke about a Harvard University study regarding children and fluoride's effect on their mental capacity. He also spoke about dental fluorosis and how it disturbed him.

## **CONSENT AGENDA**

A motion was made by Council Member Prewitt, seconded by Mayor Pro-Tem Prather, that the Consent Agenda be approved consisting of Items #6 and 7. 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:  
April 17, 2015, Packet Meeting Workshop  
April 21, 2015, Regular City Council Meeting
7. Consider approval of Resolution 2015-51R approving an agreement between the City and RPS for the provision of Professional Engineering Services in connection with the Water Reuse System Expansion Project, in a not to exceed amount of \$824,742.00, authorizing the City Manager or his designee to execute Professional Engineering Services Agreement on behalf of the City and declaring an effective date.

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

8. 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.

Shannon Mattingly, Director of Development Services, provided the Council with a brief presentation.

Mayor Guerrero opened the Public Hearing at 7:22 p.m.

Andy Barrett, 8200 Hickory Creek Austin, TX 78735, spoke in favor of the item.

**A motion was made by Mayor Pro-Tem Prather, seconded by Council Member Prewitt, that Ordinance 2015-18 be approved, on the first of two readings. 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

## **NON-CONSENT AGENDA**

9. 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.

**Main Motion:** A motion was made by Deputy Mayor Pro Tem Scott, seconded by Mayor Pro-Tem Prather, that Ordinance 2015-14 be approved.

**Motion to Amend:** A motion was made by Council Member Hughson, seconded by Mayor Pro-Tem Prather, that Ordinance 2015-14 Section 90.330 (b) by striking "Within 7 calendar days, a TNC shall furnish these records to the Chief of Police upon written request to aid in the investigation of complaints." and inserting, " Within 7 business days of the receipt of a duly issued subpoena, court order or warrant relating to investigation of a criminal matter, or within a longer period of time if agreed to by the parties, the TNC shall furnish the requested records to the Chief of Police. For any non-criminal investigations conducted by the Chief of Police in his administrative capacity, a TNC will conduct an internal investigation and shall furnish records in response to a written request related to the underlying complaint, in accordance with it publicly posted privacy policies." 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

**Vote on Main Motion:** A motion was made that Ordinance 2015-14 be approved as amended, on the second of two readings. The motion carried by the following vote:

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

**Against:** 1 - Deputy Mayor Pro Tem Scott

10. Consider approval of Resolution 2015-52R approving an agreement with the Greater San Marcos Economic Development Corporation (GSMP) for Economic Development Services; authorizing the City Manager to execute the agreement on behalf of the City; and declaring an effective date.

**Main Motion:** A motion was made by Council Member Thomason, seconded by Council Member

Prewitt, that Resolution 2015-52R be approved.

**Motion to Amend:** A motion was made by Council Member Thomaides, seconded by Council Member Prewitt, that Resolution 2015-52R be amended by amending Section 1 (Q) by using the following language: The Corporation hereby agrees to post notice of meetings of its Board of Directors and the Executive Directors and conduct such meetings in accordance with the Texas Open Meetings Act, Chapter 551, Texas Government Code. The motion failed by the following vote:

**For:** 3 - Council Member Thomaides, Council Member Prewitt and Council Member Hughson

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

**Motion to Amend:** A motion was made by Council Member Hughson, seconded by Mayor Guerrero, that Resolution 2015-52R be amended by amending Section 3 to terminate contract on April 30, 2016 (instead of September 30, 2016), and in Section 2 (A) to strike "...for the months of April of 2015 through September of 2016." 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

**Motion to Amend:** A motion was made by Council Member Hughson, seconded by Council Member Prewitt, that Resolution 2015-52R be amended by inserting a new Section 4 (H) Corporation Bylaws. The Corporation shall submit its bylaws and any amendments thereof to the City Council on the same day the amendments are sent to the GSMP Board of Directors as stated in the GSMP bylaws Section entitled Amendments. The motion carried by the following vote:

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

**Against:** 1 - Deputy Mayor Pro Tem Scott

**Motion to Amend:** A motion was made by Council Member Hughson, seconded by Mayor Guerrero, that Resolution 2015-52R be amended by amending Section 1 (K) that the following language be added,, "Any proposed changes to the approved GSMP budget must be submitted to the City Council on the same day they are submitted to the GSMP Board.". 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 Hughson, seconded by Mayor Pro-Tem Prather, that Resolution 2015-52R be amended by striking "Financial" from Section 1 (M) to only read "Records.". The motion carried by the following vote:

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

**Against:** 1 - Deputy Mayor Pro Tem Scott

**Motion to Amend:** A motion was made by Council Member Hughson, seconded by Council Member Prewitt, that Resolution 2015-52R be amended by creating a new Section 1 (I) titled "City Economic Development Director." "This section intentionally left blank.". 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

**Motion to Amend:** A motion was made by Council Member Thomaides, seconded by Council Member Hughson, that Resolution 2015-52R be amended by adding language in Section 1 (O) "...that information shall be disclosed to the City Manager as soon as the member is aware of the conflict but no later than the presentation of the proposal to the City Council for final approval and..." "This section shall not apply to any economic interest or benefit arising after the City has executed an agreement to provide an incentive to a prospect.". 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 Council Member Hughson, that Resolution 2015-52R be amended by striking the language in Section 1 (B) Mission and Goals following the sentence, "The Corporation agrees to use its best efforts to accomplish this mission." The motion failed by the following vote:

**For:** 3 - Council Member Thomaides, Council Member Prewitt and Council Member Hughson

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

**Motion to Amend:** A motion was made by Council Member Prewitt, seconded by Council Member Hughson, that Resolution 2015-52R be amended by amending Section 1 (F) to add "Provide quarterly report on Workforce Development strategies and activities." . 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 Council Member Hughson, that Resolution 2015-52R be amended by amending Section 1 (H) to include language that "The City Manager shall have the right to approve the selection of the Corporation's President/CEO." The motion failed by the following vote:

**For:** 3 - Council Member Thomaides, Council Member Prewitt and Council Member Hughson

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

**Motion to Amend:** A motion was made by Council Member Thomaides, seconded by Council Member Prewitt, that Resolution 2015-52R be amended by amending Section 1 (H)(3) to add, "...a due diligence report including criteria set forth in Exhibit "C" for each prospect and proposed incentive...". The motion carried by the following vote:

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

**Against:** 1 - Deputy Mayor Pro Tem Scott

**Motion to Amend:** A motion was made by Council Member Thomaides, seconded by Council Member Hughson, that Resolution 2015-52R be amended by amending Section 2 (C) to strike "These appointees shall include the City Manager, or his/her designee, the Economic Development San Marcos Chair, San Marcos Regional Airport representative and at least one elected official.". The motion failed by the following vote:

**For:** 2 - Council Member Thomaides and Council Member Hughson

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

**Motion to Amend:** A motion was made by Council Member Hughson, seconded by Mayor Pro-Tem Prather, that Resolution 2015-52R be amended by amending Section 2 (C) to add the word "elected" before "...city representative shall serve...". 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 Mayor Pro-Tem Prather, seconded by Council Member Hughson, that Resolution 2015-52R be amended by including the following language in Section 1 (Q) "Notices and agendas for all meetings of the Board of the GSMP shall be posted on the website of the GSMP and provided to the City Clerk's Office at least 48 hours in advance of the meeting. Members of the public are invited to attend and listen to all non-executive portions of such meetings. The GSMP will post minutes and agenda of the meeting within a reasonable time after the minutes are 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

**Motion to Amend:** A motion was made by Council Member Prewitt, seconded by Council Member Hughson, that Resolution 2015-52R be amended by including a GSMP Code of Ethics as Exhibit D to the contract. The motion failed by the following vote:

**For:** 3 - Council Member Thomaides, Council Member Prewitt and Council Member Hughson

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

**Motion to Amend:** A motion was made by Council Member Thomaides, seconded by Mayor Pro-Tem Prather, that Resolution 2015-52R be amended by amending Section 1 (R) to strike "restrict" and replace it with "oppose.". 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 Mayor Guerrero, seconded by Council Member Hughson, that Resolution 2015-52R be amended by striking Section 1 (I) Services for EDSM Board. 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 Deputy Mayor Pro Tem Scott, seconded by Council Member Thomason, that Resolution 2015-52R be amended by striking the following language in Section 3 "April 30, 2016" and extending the contract to "April 30, 2017". The motion failed by the following vote:

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

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

**Vote on Main Motion:** A motion was made that Resolution 2015-52R be approved as amended. The motion failed by the following vote:

**For:** 3 - Mayor Guerrero, Council Member Thomason and Mayor Pro-Tem Prather

**Against:** 4 - Council Member Thomaides, Deputy Mayor Pro Tem Scott, Council Member Prewitt and Council Member Hughson

11. Consider the appointment of Stacey Shackelford, Ph.D. to the Commission on Children and Youth, as the Austin Community College representative, and provide direction to staff.

**A motion was made by Deputy Mayor Pro Tem Scott, seconded by Council Member Prewitt, that the appointment of Stacey Shackelford 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:** 0

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

12. Discuss and consider an appointment to fill a vacancy on the Parks and Recreation Board, and provide direction to staff.

**A motion was made by Council Member Thomaides, seconded by Council Member Hughson, that the appointment of Brad Smith 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:** 0

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

13. Discuss and consider an appointment to fill a vacancy on the Veteran Affairs Advisory Board, and provide direction to staff.

**A motion was made by Mayor Pro-Tem Prather, seconded by Deputy Mayor Pro Tem Scott, that the appointment of Russell Hastings 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

14. Hold discussion and consider appointments to the Neighborhood Commission, and provide direction to Staff.

**Following nominations the Council voted to approved the following appointments:**

**Elena Duran - Sector 5**

**Allie Hackley - ASG Representative**

**Kenneth Dees - Sector 3**

**Lisa Marie Coppoletta - Sector 1**

**Melissa Derrick - Sector 2**

**Blanca Teresa Loya - Sector 6**

**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. Hold discussion regarding the Senior Citizen Advisory Board, and provide direction to Staff.

**Jamie Lee Pettijohn, City Clerk, provided the Council with an overview of the recommendations previously submitted by the Sunset Review Commission of the changes to be considered to the Senior Citizens Advisory Board. Following discussion the Council provided direction to bring back language at a future meeting with no more than 2 non-residents being part of the composition of the Board.**

16. Hold discussion regarding possible revisions to the San Marcos Youth Commission Ordinance, and provide direction to Staff.

**Jamie Lee Pettijohn, City Clerk, provided information to the Council regarding their previous request to postpone appointments and the possibility of reducing the size of the Commission. Following discussion the Council would like to change the composition to 7, but would like for the San Marcos Commission on Children and Youth to meet some more to review the Youth Commission Ordinance. Council directed Staff to bring back the first meeting in August.**

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

**None.**

## VII. Adjournment.

**A motion was made by Council Member Thomason, seconded by Deputy Mayor Pro Tem Scott, that the regular meeting of the San Marcos City Council be adjourned at 12:31 a.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