



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes City Council

Monday, October 5, 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 5:00 p.m. Monday, October 5, 2015 in the City Council Chambers, 630 E. Hopkins, San Marcos, Texas 78666.

II. Roll Call

Mayor Pro Tem Prather arrived after roll call at 5:56 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 §551.072 of the Texas Government Code: Real Property - to receive an update regarding negotiations for the sale of City real estate comprised of three tracts of land known as the "Leah Tract," comprised of a 1.378 acre tract out of the J.M. Veramendi Survey No. 1, Abstract No. 17, a 25.05 acre tract, being Lot 1 of the Cottonwood Parkway Addition and a 1.36 acre tract, being Lot 10A of the Municipal Airport Subdivision.

A motion was made by Deputy Mayor Pro Tem Scott, seconded by Council Member Thomaides, to adjourn into Executive Session at 5:02 p.m.. 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

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

The Council reconvened into open session at 5:30 p.m. Direction was provided to Staff in Executive Session.

PRESENTATIONS

3. Receive a Staff update of the results of the Certificates of Obligation (CO) Bond Sale and the results of the recent Standard and Poors rating review.

Dan Wegmiller, provided the results of the Certificates of Obligation Bond sale to the Council and provided out new bond rating of AA Stable.

4. Receive a Staff presentation of the Quarterly Investment and Financial Reports, and provide direction to Staff.

Heather Hurlbert, Director of Finance, provided the Council with a brief presentation of the Quarterly Investment and Financial Reports.

6:00 PM**III. Invocation**

The assembly recognized a moment of silence.

IV. Pledges Of Allegiance - United States And Texas

Jamie Lee Pettijohn, City Clerk, led the assembly in the Pledges of Allegiance.

V. 30 Minute Citizen Comment Period

Lisa Marie Coppoletta, spoke about the Preferred Scenario Map Amendment and establishing some sort of standards for these requests. She mentioned Mr. Carson's development of properties around town and the use of illegal fill. She questioned why there hasn't been a shovel test for the TXDOT Project. She stated that this area in Purgatory Creek is a flood zone and that this is one big archaeological site. She spoke in opposition of Item #19 and stated that it is just another scrub situation.

Ted Breihan, addressed the council regarding the street work and the drainage system in the downtown and how he felt it was a joke. He stated that the inlets were not installed properly and are not shaped right. He stated that the change order is to install 2 in one place and 6 on another. He asked why they don't just catch the water before it gets down that way. He stated that the Council needed to make somebody straighten this out.

CONSENT AGENDA

A motion was made by Deputy Mayor Pro Tem Scott, seconded by Council Member Thomason, to approve the consent agenda consisting of items #5-13 with the exception of item #8 and 13 which were considered separately. 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

5. Consider approval of the following minutes:
September 11, 2015 - Packet Meeting Workshop Minutes
September 15, 2015 - Regular Meeting Minutes
6. Consider approval of Ordinance 2015-41, on the second of two readings, setting the rate for Wholesale Water Treatment at the City's Surface Water Treatment Plant at \$0.4175 per thousand gallons; and including procedural provisions.
7. Consider approval of Resolution 2015-134R adopting revised Investment Policies for Operating Funds and Reserve Funds; and declaring an effective date.
8. Consider approval of Resolution 2015-136R, approving a professional services agreement between the City and Surveying and Mapping, LLC for the provision of Surveying and Geospatial Services in connection with the Downtown Mobile LiDAR Survey Project in the fixed fee of \$164,734.00 contingent upon the consultant's provision of sufficient insurance in accordance with the attached agreement; authorizing the City Manager or his designee to execute this agreement on behalf of the City; and declaring an effective date.

A motion was made by Deputy Mayor Pro Tem Scott, seconded by Council Member Hughson, to approve Resolution 2015-136R. 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

9. Consider approval of Resolution 2015-137R approving a contract between the City and Hays County for the City's provision of Public Library Services to Hays County Residents; authorizing the City Manager or his designee to execute the contract on behalf of the City; and declaring an effective date.
10. Consider approval of Resolution 2015-138R, approving the purchase of Distribution Transformers as necessary for the Public Services Department-Electric Utility Division in the not-to-exceed amount of \$750,000.00 for Fiscal Year 2016 through the Lower Colorado River Authority Material Acquisition Services Program Agreement and the Texas Local Government Purchasing Cooperative Buyboard Contract for building maintenance, repair, operations supplies and equipment (Contract #415-12);

authorizing the City Manager or his designee to execute the appropriate purchasing documents on behalf of the City and declaring an effective date.

11. Consider approval, by motion, of Change in Service No. 2 with Burgess and Niple, Inc. for Engineering Services for the SSES Basin 5 Repairs Project in a lump sum amount of \$111,696.06.
12. Consider approval, by motion, of deductive Change Order No. 11 with Capital Excavation Company in a not to exceed amount of \$137,232.75 for the N. LBJ Reconstruction Project.
13. Consider approval, by motion, of Change Order #17 to the Downtown Reconstruction Phase I Project in the amount of \$746,205.30 to approve construction of the extension of storm sewer and the installation of storm inlets on University Drive and Guadalupe Street; and provides the final quantities adjustment for the Project.

Main Motion: a motion was made by Deputy Mayor Pro Tem Scott, seconded by Council Member Prewitt, to approve Change Order #17, as previously captioned.

Motion to Table: a motion was made by Council Member Thomaides, seconded by Council Member Hughson, to table this item. 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 Mayor Guerrero, seconded by Council Member Thomaides, to remove this item 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

13. Consider approval, by motion, of Change Order #17 to the Downtown Reconstruction Phase I Project in the amount of \$746,205.30 to approve construction of the extension of storm sewer and the installation of storm inlets on University Drive and Guadalupe Street; and provides the final quantities adjustment for the Project.

Main Motion: to approve Change Order #17, as previously captioned. 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

- 14.** 7:00PM Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2015-42, related to the Highpointe Investments ("Trace") mixed use development project located on 417.63 acres of land, more or less, located between South IH -35 and old Bastrop Highway and South of Posey Road: amending the official zoning map of the City by establishing a zoning classification for said tract of "PDD" Planned Development District with base zoning districts of "SF-6" Single-Family District, "MF-24" Multiple-Family Residential District, "GC" General Commercial District, "CC" Community Commercial District, "NC" Neighborhood Commercial District and "P" Public and Institutional District; approving planned development district standards for the district; including procedural provisions; and providing for penalties; and consider approval of Ordinance 2015-42, on the first of two readings.

Shannon Mattingly, Director of Development Services, and Brandon Melland, Senior Planner, provided the Council with a presentation of the Planned Development District.

Mayor Guerrero opened the Public Hearing at 8:17p.m.

Caren Williams, Highpointe Development, stated that they were here to answer any questions.

There being no further comments Mayor Guerrero closed the Public Hearing at 8:18p.m.

Main Motion: A motion was made by Council Member Prewitt, seconded by Mayor Pro-Tem Prather, that Ordinance 2015-42 be approved.

Motion to Amend: A motion was made by Council Member Hughson, seconded by Mayor Pro Tem Prather, to amend Ordinance 2015-42 be amended by adding that Conditional use permits will be required for uses within the PD-MF/GC on the Concept Plan and shall be subject to final approval by City Council. 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 Guerrero, to amend Ordinance 2015-42 by amending Section 8.5 Other Screening by specifically stating that concrete fences/walls shall also be stained and capped . 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: to approve Ordinance 2015-42 as amended. Staff will provide the street widths of residential streets in the Blanco Vista Neighborhood, Staff will clarify the wording regarding trees for small lots in the development, Staff will provide Council with a list of preferred plantings. 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: 1 - Council Member Hughson

15. 7:00PM Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2015-139R, approving the issuance of a permit to Lyft, Inc. to operate a Transportation Network Company in the City of San Marcos; and declaring an effective date; and consider approval of Resolution 2015-139R.

Jamie Lee Pettijohn, City Clerk, provided the Council with a breif overview of the request.

Mayor Guerrero opened the Public Hearing at 8:54 p.m.

There being no comments Mayor Guerrero closed the Public Hearing at 8:54 p.m.

A motion was made by Council Member Thomaides, seconded by Mayor Pro-Tem Prather, to approve Resolution 2015-139R. 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

16. Consider approval of Ordinance 2015-43, on the first of two readings, deleting Section 62.190 of the San Marcos City Code which provides for assignment pay for Fire

Department personnel performing specialized services due to inclusion of assignment pay terms in the City's Meet and Confer agreement; providing for the repeal of any conflicting provisions; and providing an effective date.

A motion was made by Deputy Mayor Pro Tem Scott, seconded by Council Member Thomaides, to approve Ordinance 2015-43, 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. Consider approval of Ordinance 2015-44, amending sections 2.131 through 2.132 of the San Marcos City Code to change the Senior Citizens Advisory Board to a City Council appointed board and to modify the qualifications for membership on the board; providing for the repeal of any conflicting provisions; and providing an effective date.

Main Motion: A motion was made by Mayor Pro-Tem Prather, seconded by Council Member Hughson, that Ordinance 2015-44 be approved on the first of two readings.

Motion to Amend: A motion was made by Council Member Hughson, seconded by Council Member Thomaides, to amend Ordinance 2015-44 by striking "five" and replacing it with "all" and striking the next sentence entirely. 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: to approve Ordinance 2015-44, on the first of two readings, 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

18. Consider approval of Ordinance 2015-45, on the first of two readings, amending Sections 2.331 through 2.336 of the San Marcos City Code to change the name of the Airport Commission to the Airport Advisory Board, to increase the number of members on the board from five to seven, to modify the qualifications for membership on the committee and to eliminate the requirement for the board to conduct an annual review of leases; providing for the repeal of any conflicting provisions; and providing an effective date.

A motion was made by Mayor Pro-Tem Prather, seconded by Council Member Hughson, to approve Ordinance 2015-45, on the first of two readings. Council provided direction for Texas Aviation Partners to provide a recommendation regarding the Appeals section of the Ordinance for second 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

19. Consider approval of Resolution 2015-129R approving a one year contract with the San Marcos Area Chamber of Commerce for tourism promotional services and providing funding for Fiscal Year 2015-16 in the amount of \$1,304,000; authorizing the City Manager to execute this agreement on behalf of the City; and declaring an effective date.

A motion was made by Council Member Prewitt, seconded by Mayor Pro-Tem Prather, to approve Resolution 2015-129R. 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 of the appointment, or appointments, of the City of San Marcos' representative(s) on the Capital Area Council of Governments General Assembly.

A motion was made by Mayor Guerrero, seconded by Council Member Thomaides, to approve the appointment of Council Member Hughson and City Clerk Jamie Lee Pettijohn to the Capital Area Council of Government General Assembly. 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

VI. Question and Answer Session with Press and Public.

None.

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 on October 5, 2015 at 8:56 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