



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes City Council

Tuesday, November 15, 2016

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 Pro Tem Thomaides at 5:33 p.m. Tuesday, November 15, 2016 in the City Council Chambers, 630 E. Hopkins, San Marcos, Texas 78666.

II. Roll Call

Mayor Guerrero and Deputy Mayor Pro Tem were both absent due to travel outside of the country.

Present: 5 - Mayor Pro-Tem John Thomaides, Council Member Jude Prather, Council Member Jane Hughson, Council Member Melissa Derrick and Council Member Scott Gregson

Absent: 2 - Mayor Daniel Guerrero and Lisa Prewitt

III. Invocation

Dr. Paul Thompson with Temple Church of God in Christ provided this evening's invocation.

IV. Pledges Of Allegiance - United States And Texas

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

PRESENTATIONS

1. Receive an update from staff, hold a discussion and hear details regarding the Fall 2016 Preferred Scenario Amendment applications received and provide direction to staff:

*PSA-16-01 Mark Lindley - approximately 10.432 acres, more or less, located at North IH 35 and Mill Street - Area of Stability to Medium Intensity.

*PSA-16-02 Hermann Vigil - approximately 99.80 acres, more or less, located at Yarrington Road and Harris Hill Road - Area of Stability to Employment Center.

Shannon Mattingly, Director of Planning and Development Services, provided

the Council with Preferred Scenario Amendment (PSA) Application presentation. Staff will be looking into the traffic impact analysis on Mill Street related to PSA-16-01. Discussion was held regarding flood analysis and whether or not there is a potential for a change in the base flood elevation for the property located at N IH 35 and Mill Street. Discussion was held regarding keeping commercial business on IH 35, and regarding the consideration of the locations of future student housing complexes.

2. Receive a presentation from the Texas Department of Transportation regarding Interstate 35 Improvements, and provide direction to Staff.

Victor Vargas, Texas Department of Transportation Area Engineer, provided the Council with a presentation providing an update on the Mobility 35 project that would improve Interstate 35. Mr. Vargas reviewed the goals of the project, estimated cost, and some of the specific portions that would be improved within San Marcos. The Council voiced concerns about maintaining the connectivity of the trail system that is planned around the interstate. Mr. Vargas stated that they would look at options for that area.

6:00 PM

V. 30 Minute Citizen Comment Period

Sherwood Bishop, spoke on behalf the San Marcos Greenbelt Alliance and provided a working draft of the Greenways Trails Plan. Mr. Bishop explained the map to the Council and that we will have the best trail system in the whole world. All of these trails will connect all of the places in town. Another reason why these will be great is because of where the trails go underneath current intersections and streets. There will be a parallel transportation system. One big problem, however, is TxDOT and their plans to raise the northbound access road. From what they told us, they will not have enough room for the trails. There is no land available on the south bank of the river.

Jennifer Fischer, addressed the Council regarding the Wonder World Land Use Plan and asked that the Council add it to the current Land Use Plan. She stated that this was part of a bond that the people voted on and that this needs to be a long living document. She also thanked the Council for the solar panel rebate and explained how it has positively impacted her family.

Dianne Wassenich, addressed the Council on behalf of the San Marcos River Foundation. She provided maps with dye testing data and spoke in support of the San Marcos Greenbelt Alliance's position regarding the IH 35 improvements, and how we need a good east/west connection. She asked the

Council to direct Staff to fight hard for this good connection under IH 35. She also referenced the Craddock extension and she explained the danger to the San Marcos River due to runoff from the area. She will email the Council the full report and a video showing the runoff along the site. We cannot increase the flooding volume and consistency in this area.

CONSENT AGENDA

A motion was made by Council Member Gregson, seconded by Council Member Hughson, to approve the consent agenda, with the exception of item #6 which was pulled and considered separately. The motion carried by the following vote:

For: 5 - Mayor Pro-Tem Thomaides, Council Member Prather, Council Member Hughson, Council Member Derrick and Council Member Gregson

Against: 0

Absent: 2 - Mayor Guerrero and Council Member Prewitt

3. Consider approval of the following:
October 28, 2016 - Packet Meeting Minutes
October 31, 2016 - Special Meeting Minutes
November 1, 2016 - Regular Meeting Minutes
4. Consider approval of Ordinance 2016-48, on the second of two readings, amending the Traffic Register maintained under Section 82.067 of the San Marcos City Code by reducing the speed limit from 30 miles per hour to 25 miles per hour in both directions on the following streets in the Sunset Acres Subdivision: Peter Garza St.(Block 1700-1800, San Marcos Pkwy to Del Sol); Del Sol Dr. (Block 100-500, IH 35 to east end); Patricia Dr. (Block 200-500, Del Sol to Parker Dr.); Candlelight Ln. (Block 300-600, Patricia to Del Sol); Lockwood Dr. (Block 100-500, Del Sol to Oakdale); Parkdale Dr. (Block 400-500, Del Sol to Broadway); Parker Dr. (Block 200-500, Patricia Dr. to Sunflower Dr.); Magnolia Dr. (Block 300, Lockwood Dr. to Parker Dr.); Oakdale Dr. (Block 200-300, Patricia Dr. to Parker Dr.); and Ebony Street (Block 200, Patricia Dr. to Parker Dr.), and including procedural provisions.
5. Consider approval of Ordinance 2016-49, on the second of two readings, authorizing the installation of Traffic Diverter on Ebony St. at IH 35 access road; and including procedural provisions.
6. Consider approval of Ordinance 2016-50, on the second of two readings, amending Chapter 39 of the San Marcos City Code regarding Flood Damage Prevention by providing for enhanced Flood Damage Prevention and Mitigation Standards; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

A motion was made by Council Member Gregson, seconded by Council Member Hughson, to approve Ordinance 2016-50, on the second of two

readings. Discussion was held regarding including language applying the no harm rule to all properties within the City Limits. Discussion was held regarding moving this concept forward prior to the CodeSMTX process. Staff will look into holding a potential workshop to provide additional options regarding "no rise" restrictions. The motion carried by the following vote:

For: 5 - Mayor Pro-Tem Thomaides, Council Member Prather, Council Member Hughson, Council Member Derrick and Council Member Gregson

Against: 0

Absent: 2 - Mayor Guerrero and Prewitt

7. Consider approval of Resolution 2016-157R, approving an interlocal cooperation agreement between the City of San Marcos and the City of Buda for the City of Buda's access to the City of San Marcos' Cad/Mobile Client System; authorizing the City Manager or his designee to execute the agreement; and declaring effective date.
8. Consider approval of Resolution 2016-158R, approving an Interlocal Agreement between the City of San Marcos and the San Marcos Consolidated Independent School District for the City's provision of Police Officers to the School District to serve as School Resource Officers; authorizing the City Manager or his designee to execute this agreement on behalf of the City; and declaring an effective date.
9. Consider approval of Resolution 2016-159R, approving the purchase of a bucket truck for the Public Services Department-Electric Utilities Division from Altec Industries, Inc. through the Texas Comptroller of Public Account's Texas multiple award schedule for construction equipment and attachments (TXMAS#-11-23v050) in the amount of \$226,185.00; authorizing the City Manager or his designee to execute the appropriate purchasing documents on behalf of the City and declaring an effective date.
10. Consider approval of Resolution 2016-160R, approving the purchase of a 2017 Vactor Sewer Cleaning Truck from Freightliner of Austin for the Public Services Department - Water/Wastewater division through the Texas Local Government Purchasing Cooperative (Buyboard) contract for heavy duty trucks and options (Contract #430-#13) in the purchase amount of \$348,086.00; authorizing the City Manager or his designee to execute the appropriate purchase documents on behalf of the City and declaring an effective date.
11. Consider approval of Resolution 2016-161R, approving an agreement with the Texas Department of Transportation (TxDOT) providing for the City to maintain and operate traffic signals on state roadways with a reimbursement amount to the City of \$149,232.96; and declaring an effective date.
12. Consider approval of Resolution 2016-162R, approving a funding contract between the City of San Marcos and the Texas Department of State Health Services providing funding for the City's Women, Infants, and Children ("WIC") program; authorizing the City Manager to execute said contract on behalf of the City; and providing an effective date.

13. Consider approval of Resolution 2016-163R, approving the procurement of NeoGov Applicant Tracking Software System licenses, support and maintenance from SHI Government Solutions through and in accordance with the State of Texas Department of Information Resources Contract #DIR-SDD-2500 in the initial amount of \$29,954.00 and a recurring estimated annual amount of \$20,000.00, for a total not-to-exceed expenditure of \$129,954.00, which includes a total of six years of annual maintenance and support; authorizing the City Manager or his designee to execute the appropriate documents related to the procurement of NeoGov Applicant Tracking Software; and declaring an effective date.

Note

A motion was made by Mayor Pro Tem Thomaides and seconded by Council Member Hughson to adjourn into Executive Session at 5:39 p.m. in accordance with Section 551.087 of the Government Code, to receive a Staff briefing and deliberate regarding the possible amendment to a Chapter 380 Economic Development Agreement with Humpty Dumpty SSM, Ltd. The motion carried by the following vote:

PUBLIC HEARINGS - 7:00 PM

14. 7:00PM Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2016-51 amending Ordinance No. 2014-70 consenting to the creation of Cotton Center Municipal Utility District No. 1 within the City's Extraterritorial Jurisdiction to provide for an amendment to the Consent Agreement to extend the date for the required creation of a Subdistrict to within sixty months from the date of the confirmation election; and providing for an effective date; and consider approval of Ordinance 2016-51, on the first of two readings.

A motion was made by Council Member Gregson and seconded by Council Member Derrick to postpone Ordinance 2016-51 to the December 6, 2016 Regular City Council meeting. The motion carried by the following vote:

For: 5 - Mayor Pro-Tem Thomaides, Council Member Prather, Council Member Hughson, Council Member Derrick and Council Member Gregson

Against: 0

Absent: 2 - Mayor Guerrero and Prewitt

15. 7:00PM Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2016-52, amending Ordinance 2011-74 to extend the termination date until December 31, 2021 for Tax Increment Reinvestment Zone No. 5 in the area bounded by Concho Street, Moore Street, North Street, Comanche Street, Shady Lane, Fredericksburg Street, Hull Street, Guadalupe Street, IH-35, Mckie Street, LBJ Drive and CM Allen Street; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2016-52, on the first of two readings.

Steve Parker, Assistant City Manager/CFO, provided the Council with an update regarding the TIRZ No 5 and the current state of the Tax Increment Reinvestment Zone. He provided that the County was in support of the extension of this TIRZ.

Mayor Pro Tem Thomaides opened the Public Hearing at 8:07 p.m.

There being no speakers, Mayor Pro Tem Thomaides closed the Public Hearing at 8:08 p.m.

A motion was made by Council Member Hughson and seconded by Council Member Gregson to approve Ordinance 2016-52, on the first of two readings. The motion carried by the following vote:

For: 5 - Mayor Pro-Tem Thomaides, Council Member Prather, Council Member Hughson, Council Member Derrick and Council Member Gregson

Against: 0

Absent: 2 - Mayor Guerrero and Prewitt

- 16.** 7:00PM Receive a Staff presentation and an applicant presentation, and hold a Public Hearing to receive comments for or against Resolution 2016-164R, authorizing the City Manager or his designee to execute a Development Agreement with Walton Texas, LP as primary owner and individual owners Walton Silver Crossing, LP, Walton TX Austin land LP, Walton TX Martindale, LP, and Walton TX Martindale, LP 2 for approximately 2,358 acres of land in the City of San Marcos' Extraterritorial Jurisdiction; and providing an effective date; and consider approval of Resolution 2016-164R.

A motion was made by Council Member Gregson and seconded by Council Member Derrick to postpone Resolution 2016-164R to the December 6, 2016 Regular City Council meeting. The motion carried by the following vote:

For: 5 - Mayor Pro-Tem Thomaides, Council Member Prather, Council Member Hughson, Council Member Derrick and Council Member Gregson

Against: 0

Absent: 2 - Mayor Guerrero and Prewitt

NON-CONSENT AGENDA

- 17.** Consider approval of Ordinance 2016-29 (ZC-16-10), on the second of two readings, amending the Official Zoning Map of the City by rezoning a 6.57 acre, more or less, tract of land out of Lots 2 and 5 of the Springtown VI Subdivision, located at 200 Springtown Way, from "GC" General Commercial District to "VMU" Vertical Mixed Use District; and including procedural provisions.

A motion was made by Council Member Derrick and seconded by Council Member Hughson, to approve Ordinance 2016-29, on the second of two readings. The motion carried by the following vote:

For: 4 - Mayor Pro-Tem Thomaides, Council Member Prather, Council Member Hughson and Council Member Derrick

Against: 0

Absent: 2 - Mayor Guerrero and Prewitt

Recused: 1 - Council Member Gregson

18. Consider approval of Resolution 2016-165R, approving an interlocal agreement with the Guadalupe-Blanco River Authority in an amount not to exceed \$313,450.00 to fund the Lower Guadalupe River Flood Risk Management Interim Feasibility Study Project; and declaring an effective date.

A motion was made by Council Member Gregson and seconded by Council Member Hughson to approve Resolution 2016-165R. The motion carried by the following vote:

For: 5 - Mayor Pro-Tem Thomaides, Council Member Prather, Council Member Hughson, Council Member Derrick and Council Member Gregson

Against: 0

Absent: 2 - Mayor Guerrero and Prewitt

19. Consider approval of Resolution 2016-166R, 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.

A motion was made by Council Member Gregson and seconded by Council Member Prather, to approve Resolution 2016-266R. The motion carried by the following vote:

For: 5 - Mayor Pro-Tem Thomaides, Council Member Prather, Council Member Hughson, Council Member Derrick and Council Member Gregson

Against: 0

Absent: 2 - Mayor Guerrero and Prewitt

20. Consider approval of Resolution 2016-139R, approving an addendum to the Chapter 380 Economic Development Incentive Agreement with Humpty Dumpty SSM, Ltd. in connection with the redevelopment of Springtown Shopping Center which amends the agreement to, among other things, allow multifamily residential uses on the project site; and declaring an effective date.

Main Motion: A motion was made by Council Member Prather and seconded by Council Member Derrick, to approve Resolution 2016-139R.

Motion to Amend: A motion was made by Council Member Hughson and seconded by Council Member Derrick to amend Resolution 2016-139R by amending the following sentence in Section 3.01 Site Redevelopment to read as follows - "Storage rental facilities shall be permitted at Springtown, within the former Target building, provided that access to such facility is taken only from the building frontage adjacent to the railroad right-of-way. No outside storage shall be permitted." By amending the following sentence in Section 3.02 Capital Investment to read as follows - "The Owner, or an affiliate that is wholly owned or controlled by Endeavor Real Estate Group, shall make a capital investment for redevelopment of the Site, including land acquisition cost, and all land development costs, of at least \$52,500,000.00 if the project includes a purpose-built student housing component, or at least \$27,500,000.00 if the project does not include a purpose-built student housing component." Lastly, by amending Section 10 Student Leases to read as follows - "Residential leases for occupancy in any purpose built student housing development within the Site that are executed and effective before issuance of certificates of occupancy enabling the tenant to occupy the premises shall include a Late Delivery Provision clause providing as follows: "In the event the Leased Premises are unavailable for occupancy on or before the commencement date of this Lease, Landlord shall offer Tenant the choice of: a) accepting temporary safe, decent and sanitary housing, provided by Landlord, at an alternate location within the City of San Marcos or within a seven mile radius of the Site, with Tenant remaining bound by the terms of the Lease, or b) terminating the Lease with no financial penalty and with full reimbursement to Tenant of all deposits and pre-paid items within 10 days. Before execution of any such leases, Owner or Owner's assignee operating the residential development shall first provide a copy of its form lease to the City for review and approval consistent with this paragraph." The motion carried by the following vote:

For: 4 - Mayor Pro-Tem Thomaides, Council Member Prather, Council Member Hughson and Council Member Derrick

Against: 0

Absent: 2 - Mayor Guerrero and Prewitt

Recused: 1 - Council Member Gregson

Main Motion: to approve Resolution 2016-139R, as amended. The motion carried by the following vote:

For: 4 - Mayor Pro-Tem Thomaides, Council Member Prather, Council Member Hughson and Council Member Derrick

Against: 0

Absent: 2 - Mayor Guerrero and Prewitt

Recused: 1 - Council Member Gregson

21. Hold discussion regarding the Wonder World Drive Land Use Plan, and provide direction to Staff.

Council Member Hughson provided her reasons for the request for the discussion regarding the Wonder World Drive Land Use Plan. She stated that she would request that the Council either adopt the entire plan or a revised plan into CodeSMTX. Shannon Mattingly, Director of Development Services, provided the Council with maps illustrating the restricted access areas along Wonder World Drive. Following discussion Staff will send out the Wonder World Land Use Plan to the Council in a non-pdf format and will also bring back a potential Wonder World Drive Overlay for the Council to discuss and consider.

VI. Question and Answer Session with Press and Public.

None.

VII. Adjournment.

Mayor Pro Tem Thomaides adjourned the regular meeting of the San Marcos City Council at 8:50p.m.

Jamie Lee Case, TRMC, City Clerk

John Thomaides, Mayor Pro Tem

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