



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Meeting Minutes City Council

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Tuesday, September 20, 2016

5:00 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 Guerrero at 5:00 p.m. Tuesday, September 20, 2016 in the City Council Chambers, 630 E. Hopkins, San Marcos, Texas 78666.**

### II. Roll Call

**Council Member Prather and Council Member Derrick arrived after roll call at 5:08 p.m.**

**Present:** 7 - Mayor Daniel Guerrero, Mayor Pro-Tem John Thomaides, Council Member Jude Prather, Deputy Mayor Pro Tem Lisa Prewitt, Council Member Jane Hughson, Council Member Melissa Derrick and Council Member Scott Gregson

### III. Invocation

**Diana Garcia, Member of the Local Baha'I Spiritual Assembly provided this evening's invocation.**

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

**Valerie Mendoza, a member of the torch club from the Texas Preparatory School led the assembly in the pledges of allegiance.**

### EXECUTIVE SESSION

1. 5:00PM Executive Session in accordance with Section § 551.087 - Economic Development: to receive a Staff briefing and deliberate regarding the possible amendment to a Chapter 380 Economic Development Agreement with Humpty Dumpty SSM, Ltd. and in accordance with Section § 551.071 - Consultation with Attorney - to receive legal advice from the City Attorney regarding pending litigation, to wit: City of San Marcos, Texas v. Sam Brannon, Communities For Thriving Water - Fluoride Free San Marcos, Morgan Knecht and Kathleen O'Connell; Case No. 15-1266 in the 274th District Court of Hays County Texas

**A motion was made by Deputy Mayor Pro Tem Prewitt, seconded by Council Member Gregson, to enter into Executive Session at 5:06 p.m. The motion carried by the following vote:**

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

**Against:** 0

**Absent:** 2 - Council Member Prather and Council Member Derrick

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

**Council reconvened into Regular Session at 6:26 p.m. Staff was given direction on matters discussed in executive session.**

## **PRESENTATIONS**

3. Receive a presentation and hold discussion regarding options for the use of City-owned property at 214 E. Hutchison Street, and provide direction to Staff.

**Kevin Burke, provided the Council a brief presentation regarding possible options for the 214 E. Hutchison property. Deputy Mayor Pro Tem Lisa Prewitt also provided the Council with a brief presentation of possible amenities that could be available. Council held discussion regarding the potential for a hybrid options that would allow for ride share car parking, like Zip Car, covered spaces for bicycles, leased parking spaces for employees downtown, landscaping and other design elements. Council held discussion regarding the property being used as a mobility hub with no parking spaces for traditional cars. Council held discussion about the installation of bicycle corrals in other areas of downtown. Council provided direction to Staff to move forward with bringing back a rendering that would incorporate a hybrid option with plumbing but no restrooms at this time, and the consideration for the potential of phasing out parking on the lot in the future.**

## **6:00 PM**

### **V. 30 Minute Citizen Comment Period**

**Carla Sisk, addressed the Council and spoke in support of the HEB project. She stated her reasoning for supporting the project. The traffic control measures being taken by HEB, the project not being in the flood plain, and the drainage filtration system being put in place were all reasons for her supporting the project. She thanked HEB for being such a great corporate citizen. She stated that she was not initially for this project, but after seeing them go above and beyond to address the Citizens concerns she is now for this project. She stated that Wimberly had the same concerns and HEB worked with them to meet and exceed their expectations. She stated that this store will be good for this area.**

Jennifer Fischer, stated that this isn't about the need for a store. She stated that this is about protecting San Marcos. She stated that the city is looking for heroes and to honor the agreement that was originally promised about there being no curb cuts along Wonder World. She asked that the Council stick to the plan. She said that there is an ordinance violation and that the Council is not above the law. She asked that the Council return it to the Planning and Zoning Commission.

Joe Ptak, addressed the Council regarding the highest and best use of the property at 214 E. Hutchison. He would like to see it as a pocket park and mobility hub that would be available to people downtown and students. He stated that right now he is on the CARTS Transit Advisory Committee and they are currently looking for sites such as this to act as mobility hub. He stated that we have a demand for public meeting places as well. He stated that having a variety of uses available to the public would be valuable, and that maybe a little amphitheater or space for art could be considered. This should not be squandered or wasted.

Christine Terrell, addressed the Council regarding what she learned about a mobility HUB at a recent event downtown. She provided a presentation to the Council regarding buildings, parking, green space, and drive thru banks, and parking details. She said that a new parking lot with just 13 spaces would only increase parking by 1% and that there is a better way to address the parking issue downtown. She referenced the parking management district, and that every master plan has called for amenities downtown.

Michelle Harper, spoke on behalf of United Way of Hays County Board and herself. She spoke in favor of the HEB project. She stated that HEB is the best corporate partner that San Marcos has. She provided statements regarding HEB's response during the floods, and how HEB would be employing our community members that would be able to have a career and not just a job, and referenced the benefits that HEB provides.

Brian Olson, read a letter on behalf Steve Thurber the Mayor of Wimberley when the Wimberley City Council voted on the HEB item, "For the past 7 years I have served as the Mayor of Wimberley. In the fall of 2012 HEB came to Wimberley and after all of the process the Mayor wanted to vote no, but after speaking to HEB and learning about the project he flipped to vote yes. He said that HEB has over designed and they have overachieved in being a community partner. He stated that HEB told the truth and over delivered in multiple ways and the community is better for it." Mr. Olson also gave his

favor for the project.

Jason Mock, addressed the Council on behalf of the Chamber of Commerce, he stated that the San Marcos Area Chamber of Commerce Board voted in favor of supporting the HEB project. He provided sales tax dollars that will be brought to San Marcos and that HEB is a strong community partner and was present during the flooding of 2015. He asked that the Mayor and Council support the new HEB store.

Phil Hutchinson, spoke in support of the HEB project and provided the history of grocery stores in San Marcos. It pains him to be on the opposite side of this issue than his friends, but he couldn't sit by and let his opinion not be heard. He asked that the Council not just listen to the people that may be good at social media. Something that he hasn't seen mentioned is the \$110,000/year in property tax that HEB pays. He urged the Council to vote for HEB.

Carina Boston Pinales, spoke on behalf of the mobility HUB and that it would actually connect the cardinal points in our community. Resources for all would be provided here. A parking lot is not an inclusive solution. She can see students utilizing a multi-modal mobility HUB. This location would allow us to express the arts and talents of our community. She said that a concrete jungle is apparent and it would benefit us to have a green space downtown. This is the only thing that the city owns downtown and that a mobility HUB is not a foreign concept to cities. She stated that in regards to HEB to not let this go forward and that we don't need another Woods on our hands.

Sherwood Bishop, addressed the council and would like to see the property donated for parkland that is not going to happen because the City does not own the property. He said that there is a way for us to get a little under 2 acres of parkland, a hiking trail, and parking lot all for free. He stated that if the Council approves this store the council will get us this parkland he asked if anyone else think of any other company that has volunteered to give us parkland before the deal is even complete. One final benefit is that both pedestrians and cyclists won't have to cross many busy thoroughfares because of the pedestrian path that goes under Hunter Road. He stated that he knows that this was not easy for the Council and that he hoped no one will vilify you for voting for this.

## **CONSENT AGENDA**

A motion was made by Council Member Gregson, seconded by Deputy Mayor Pro Tem Prewitt, to approve the Consent Agenda with the exception of items #

**9, 12, and 15 which were pulled and considered separately. The motion carried by the following vote:**

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

**Against:** 0

**Absent:** 2 - Council Member Prather and Council Member Derrick

4. Consider approval of the following:  
August 29, 2016 - Code SMTX Workshop Minutes  
September 2, 2016 - Special Meeting Minutes & Packet Meeting Workshop Minutes  
September 6, 2016 - Regular Meeting Minutes
5. Consider approval Ordinance 2016-38, on the second of two readings, amending Chapter 2, Article 5, Code of Ethics, of the San Marcos City Code; provisions; providing penalties; and providing an effective date; and provide direction to staff and the Ethics Review Commission regarding consideration of other possible amendments.
6. Consider approval of Ordinance 2016-39, on the second of two readings, establishing and confirming the current speed limits along Loop 82 (Guadalupe Street) of 30 miles per hour in both directions between San Antonio Street and Grove Street and 35 Miles Per Hour in both directions between Grove Street and IH-35; directing that such speed limits be incorporated into the Traffic Register maintained under Section 82.067 of the San Marcos City Code; and including procedural provisions.
7. Consider approval of Ordinance 2016-40, on the second of two readings, amending speed limits, including a speed limit for a school zone, to wit, a reduction to 40 mph from existing 45 mph speed limit, located from IH-35 south to the existing zone break located south of De Zavala and contains the 25 mph school zone from Ebony to south of De Zavala; and a reduction to 50 mph from existing 55 mph speed limit from south of De Zavala to the centerline of Redwood (FM 3407); and maintain current 60 mph speed limit from Redwood (FM 3407) to the South City Limit (located 0.5 miles north of the county line); and directing that such speed limits be incorporated into the Traffic Register maintained under Section 82.067 of the San Marcos City Code; and including procedural provisions.
8. Consider approval of Resolution 2016-122R, approving the filing of an application with the Texas Water Development Board seeking financial assistance for the Blanco and San Marcos Rivers Flood Mitigation Project in an amount not to exceed \$2,000,000 in 2017 Clean Water State Revolving Funds; authorizing the City Manager or his designee to act on the City's behalf with regard to the submission of the application and all other matters relative to the furnishing of information and executing documents that may be required in connection with the preparation and filing of the application for financial assistance and the rules of the Texas Water Development Board; designating firms and individuals authorized and directed to assist the City in the preparation and submission of the application for financial assistance and to appear

on behalf of and represent the City in any hearing held by the Texas Water Development Board on the application; and declaring an effective date.

9. Consider approval of Resolution 2016-123R, 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 Deputy Mayor Pro Tem Prewitt, seconded by Council Member Hughson, to approve Resolution 2016-123. Following Mayor Guerrero's request to make the contract term longer than one year the Council directed Staff to set up a meeting of a Council subcommittee, composed of the current Council Members who serve on the GSMP Board, in order to review the contract further and bring back a recommendation no later than January. The motion carried by the following vote:**

**For:** 7 - Mayor Guerrero, Mayor Pro-Tem Thomaides, Council Member Prather, Deputy Mayor Pro Tem Prewitt, Council Member Hughson, Council Member Derrick and Council Member Gregson

**Against:** 0

10. Consider approval of Resolution 2016-124R, approving the purchase of ammunition for the Police Department from GT Distributors, Inc. through the Texas Local Government Purchasing Cooperative Buyboard Contract for Public Safety and Fire House Supplies and Equipment (Contract #432-13) in the estimated purchase amount of \$137,025.22; 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 2016-125R, approving Standard Forms of Agreement with Outside Subrecipients and City Departments that establish terms and conditions regarding the expenditure of Community Development Block Grant ("CDBG") funds; authorizing the City Manager to negotiate and execute these agreements on behalf of the City; and declaring an effective date.
12. Consider approval of Resolution 2016-126R, approving the procurement of lighting components and installation from Inception Innovations, LLC on a sole source basis in an amount not to exceed \$115,000.00; authorizing the City Manager or his designee to execute the appropriate procurement documents on behalf of the City; and declaring an effective date.

**A motion was made by Deputy Mayor Pro Tem Prewitt, seconded by Council Member Gregson, to approve Resolution 2016-126. The motion carried by the following vote:**

**For:** 7 - Mayor Guerrero, Mayor Pro-Tem Thomaides, Council Member Prather, Deputy Mayor Pro Tem Prewitt, Council Member Hughson, Council Member Derrick and Council Member Gregson

**Against:** 0

13. Consider approval of Resolution 2016-127R, approving the purchase and installation of law enforcement equipment for seventeen new Ford Police Utility Interceptor Vehicles for the Police Department from Fleet Safety Equipment, Inc. through the Texas Local Government Purchasing Cooperative Buyboard Contract for Public Safety and Fire House Supplies and Equipment (Contract #432-13) in the total purchase amount of \$197,825.72; authorizing the City Manager or his designee to execute the appropriate purchase documents on behalf of the City and declaring an effective date.
14. Consider approval of Resolution 2016-128R, approving an Interlocal Cooperation Agreement with Hays County Sheriff Office for the Hay's County Sheriff's access to the city's Police CAD/Mobile Data System; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring effective date.
15. Consider approval of Resolution 2016-129R, approving the award of a construction contract to Rockin Q Construction, LLC for the Victory Gardens Subdivision-North Section, underground electric /telecommunication duct bank project (IFB 216-319) in the total amount of \$896,402.00 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 Derrick, seconded by Deputy Mayor Pro Tem Prewitt, to approve Resolution 2016-129R. Council Member Hughson inquired about why these utilities would be underground. Mr. Tom Taggart, Executive Director of Public Services, responded that it would only be parts of two streets to have underground electric feeds. There are unique circumstances with the narrow ROW widths, lot sizes, and new sidewalks. This is our best option in these circumstances. The motion carried by the following vote:**

**For:** 7 - Mayor Guerrero, Mayor Pro-Tem Thomaides, Council Member Prather, Deputy Mayor Pro Tem Prewitt, Council Member Hughson, Council Member Derrick and Council Member Gregson

**Against:** 0

16. Consider approval of Resolution 2016-130R, approving the terms and conditions of an Interlocal Agreement with the Capital Area Emergency Communications District for Public Safety Answering Point Maintenance, Equipment Upgrade and Training; authorizing the City Manager or his designee to execute this Interlocal Agreement on behalf of the City; and declaring an effective date.
17. Consider approval, by motion, of a change order in the amount of \$78,772.00 payable to LCRA Transmission Construction Services for the San Marcos Substation Transformer Replacement Project (contract# 215-003).

**NON-CONSENT AGENDA**

18. Consider approval of Ordinance 2016-34, on the second of two readings, adopting a Budget in the amount of \$193,811,647 for the Fiscal Year beginning October 1, 2016 and ending September 30, 2017; authorizing certain adjustments to the Budget with the approval of the City Manager; approving fiscal year 2016-2017 Capital Improvements Program Projects.

**Mayor Guerrero made the announcement that a Public Hearing was held on the City's 2016-2017 Budget on September 6, 2016. Notice of the Public Hearing was published in a newspaper of general circulation as required on August 19. The City Council voted to approve the Budget ordinance on first reading on September 6. Today the City Council will approve the Budget ordinance on second reading and actually adopt the City's 2016-2017 annual Budget.**

**A motion was made by Council Member Derrick, seconded by Council Member Gregson, to approve Ordinance 2016-34 adopting the City's 2016-2017 Budget, on the second of two readings. Council Member Hughson stated, for the record, "please do not interpret my yes as support of converting LBJ and Guadalupe to two way streets. We are not scheduled to spend money on this until Fiscal Year 2018". The motion carried by the following vote:**

**For:** 7 - Mayor Guerrero, Mayor Pro-Tem Thomaides, Council Member Prather, Deputy Mayor Pro Tem Prewitt, Council Member Hughson, Council Member Derrick and Council Member Gregson

**Against:** 0

19. Consider approval of Ordinance 2016-33, on the second of two readings, setting the Property Tax Rate for the 2016 Tax Year at 53.02 cents on each \$100 of taxable value of property that is not exempt from taxation; levying taxes for the use and support of the Municipal Government of the City for the Fiscal Year beginning October 1, 2016 and ending September 30, 2017; providing a Sinking Fund for the retirement of the bonded debt of the City.

**Mayor Guerrero announced that State Law requires two Public Hearings on the City's proposed 2016 Property Tax Rate. Those Public Hearings were held on September 6 and September 16. Notice of the Public Hearings was published in a newspaper of general circulation as required on August 19. Today's agenda item is the second reading of the Property Tax Rate Ordinance and the actual adoption of the City's 2016 Property Tax Rate.**

**A motion was made by Mayor Guerrero, seconded by Council Member**



**Gregson, that the property tax rate be increased by the adoption of a tax rate of 53.02 cents per hundred, which is effectively a 3.09 percent increase in the Tax Rate. The motion carried by the following vote:**

**For:** 7 - Mayor Guerrero, Mayor Pro-Tem Thomaides, Council Member Prather, Deputy Mayor Pro Tem Prewitt, Council Member Hughson, Council Member Derrick and Council Member Gregson

**Against:** 0

20. Consider approval of Ordinance 2016-35, on the second of two readings, increasing drainage utility rates as authorized by Section 86.505 of the San Marcos City Code; including procedural provisions.

**A motion was made by Deputy Mayor Pro Tem Prewitt, seconded by Council Member Gregson, to approve Ordinance 2016-35, on the second of two readings. The motion carried by the following vote:**

**For:** 7 - Mayor Guerrero, Mayor Pro-Tem Thomaides, Council Member Prather, Deputy Mayor Pro Tem Prewitt, Council Member Hughson, Council Member Derrick and Council Member Gregson

**Against:** 0

21. Consider approval of Ordinance 2016-36, on the second of two readings, increasing rates established for Water, Wholesale Water, Reclaimed Water, Wastewater Treatment, and Sewer Surcharges; and including procedural provisions.

**A motion was made by Council Member Hughson, seconded by Deputy Mayor Pro Tem Prewitt, to approve Ordinance 2016-36, on the second of two readings. The motion carried by the following vote:**

**For:** 7 - Mayor Guerrero, Mayor Pro-Tem Thomaides, Council Member Prather, Deputy Mayor Pro Tem Prewitt, Council Member Hughson, Council Member Derrick and Council Member Gregson

**Against:** 0

22. Consider approval of Ordinance 2016-37, on the second of two readings amending the rates for both Residential and Multifamily Customers of Municipal Solid Waste Programs in accordance with Section 66.028 of the San Marcos Code of Ordinances; including procedural provisions; and declaring an effective date.

**A motion was made by Council Member Gregson, seconded by Council Member Hughson, to approve Ordinance 2016-37, on the first reading. The motion carried by the following vote:**

**For:** 7 - Mayor Guerrero, Mayor Pro-Tem Thomaides, Council Member Prather, Deputy Mayor Pro Tem Prewitt, Council Member Hughson, Council Member Derrick and Council Member Gregson

**Against:** 0

23. Consider approval of Ordinance 2016-25, on the second of two readings, amending Chapter 4, Article 4, Division 2 and associated definitions in Chapter 8 of the Land Development Code to modify the standards for exterior building materials applicable to non-residential buildings in commercial, public and industrial zoning districts; 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 2016-25, on the second of two reading. The motion carried by the following vote**

**For:** 4 - Mayor Guerrero, Mayor Pro-Tem Thomaides, Council Member Hughson and Council Member Gregson

**Against:** 2 - Council Member Prather and Deputy Mayor Pro Tem Prewitt

**Absent:** 1 - Council Member Derrick

24. Consider approval of Ordinance 2016-19, on the second of two readings, approving an amendment to the Preferred Scenario Map of the City's Comprehensive Plan to change the land use designation for a 6.4 acre tract, more or less, out of the J.M. Veramendi Survey, Abstract 17, located at the northwest corner of Wonder World Drive and Hunter Road from an Area of Stability and Open Space to an Employment Center, while retaining the existing Open Space designation for a portion of said property; and including procedural provisions; and consider approval of Ordinance 2016-19, on the first of two readings.

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

**A motion was made by Council Member Gregson, seconded by Mayor Pro-Tem Thomaides, to approve Ordinance 2016-19, on the second of two readings. The motion carried by the following vote:**

**For:** 4 - Mayor Guerrero, Mayor Pro-Tem Thomaides, Council Member Prather and Council Member Gregson

**Against:** 3 - Deputy Mayor Pro Tem Prewitt, Council Member Hughson and Council Member Derrick

25. Consider approval of Ordinance 2016-27, on the second of two readings, amending the Official Zoning Map of the City by rezoning 6.4 acres, more or less, out of the J.M. Veramendi Survey, Abstract No. 17, located at the northwest corner of Wonder World Drive and Hunter Road from "FD" Future Development District to "GC" General Commercial District with an overlay district of "PDD" Planned Development District; approving standards for said Planned Development District; including procedural provisions; and providing for penalties.

**Prior to the caption being read Council Member Derrick announced that she would be abstaining and that the Council was violating their own code by voting on this item tonight and that if her colleagues would like to do so that**

that's their choice, but she will not participate. She stated that this should have been sent back to P&Z, and that she can't in good conscience vote on something that has not gone through the process according to our own code. Council Member Derrick left the Council Chambers. (Council Member Derrick did not file a disclosure affidavit abstaining for this item therefore she will be recorded as absent from the dais instead of abstaining.)

**Main Motion:** A motion was made by Council Member Gregson, seconded by Council Member Prather, to approve Ordinance 2016-27, on the second of two readings.

**Motion to Postpone:** A motion was made by Council Member Hughson, seconded by Deputy Mayor Pro Tem Prewitt, to postpone the zoning PDD item until the City procedures are followed and this item has been returned to the Planning and Zoning Commission for review and recommendation. Council Member Hughson stated that this is the proper process and our citizens expect us to follow our Ordinances just as we promised to do when we are sworn in as Council Members. I can't set a date certain because I don't know when exactly it may appear on the P&Z agenda and then returned to us. If there are major changes I would like there to be more than one week before it is on our agenda again. Mayor Pro Tem Thomaides asked City Attorney, Michael Cosentino to provide a legal explanation of the process. Mr. Cosentino explained that Section 1.5.1.2 of the Land Development Code is a provision regarding the processing of applications. It speaks to acceptance of applications by City Staff. It is not a prohibition of the Council moving forward and approving the zoning tonight. Sending it back to the P&Z does not address the concern of the application for zoning being accepted prior to the PSA amendment being approved. Only starting all over with a new application would do that. Council Member Prewitt asked is there would be any legal implication for the City of San Marcos if we violated our code and this got approved? Mr. Cosentino stated that the Code addresses the Staff's process not the Council's power to approve it. Under State Law the requirement is that the approval of a zoning change must be consistent with the Comprehensive Plan in effect. So you can't rezone until you have amended your Comprehensive Plan and you've done that, and that was done in the correct sequence as a governing body. The provision of the Code that we are talking about right now is one that governs the Staff's behavior, not the conduct of this Council. Council Member Prewitt stated that she supports this postponement and that if doesn't go through that she will also abstain from the vote because she does feel that there was a mistake made, it was a violation of Code, and if she continues personally that she will feel like she is part of that Code violation because she hasn't stopped

the process at this point. Council Member Hughson stated we spent a lot of time and just changed our ordinances so that PSA's and Zoning changes are heard together because the previous process, that was in our Code and what we have been following, is PSA goes to Planning and Zoning and then to Council. Then Zoning goes to Planning and Zoning Commission and zoning comes to us. She truly thinks that, even though we can split hairs about the application thing, she doesn't want this thing to start over completely, but we are not following what we've been doing and if there was an error that she thinks that there are many in our City that could testify to the fact that if processing a permit request for something relatively simple, and if Staff fails to do something, and it gets caught later y'all darn sure make that person go back and do all of those things. You don't say, "Oh gee, just kidding." You make them do it, and she thinks this should happen here. She said that if we were discussing the PDD that she has an amendment that she would sure like to make, but she doesn't think that it's right so she is not going to participate in it. Council Member Hughson and Deputy Mayor Pro Tem Prewitt remained for the following vote and then left the Council Chambers for the remainder of this item. (Council Member Hughson and Deputy Mayor Pro Tem Prewitt did not file a disclosure affidavit abstaining from this item therefore they will be recorded as absent from the dais instead of abstaining.) The motion failed by the following vote:

**For:** 2 - Deputy Mayor Pro Tem Prewitt and Council Member Hughson

**Against:** 4 - Mayor Guerrero, Mayor Pro-Tem Thomaides, Council Member Prather and Council Member Gregson

**Absent:** 1 - Council Member Derrick

Shannon Mattingly, Director of Planning and Development Services, provided the Council with a brief presentation of provision changes since the first reading of the Ordinance.

Council Member Gregson stated for the record that this is not The Woods Apartments, and he thinks that that has been outlined by Staff. He would like to applaud his colleagues for making certain that this particular development is held to the absolute strictest standards of development. He thanked the Citizens for actively engaging in dialogue, and he appreciates those that kept their arguments both factual and within the bounds of civility. He thanked HEB for what they do, but for stepping up and moving forward without a whimper to allow us to have a project that he thinks will be the gold standard for development in our community.

**Motion to amend:** a motion was made by Council Member Gregson, seconded

**by Mayor Guerrero, that Ordinance 2016-27 be amended to add that if the Traffic Impact Analysis necessitates, or at anytime, the need for an acceleration lane on the right lane of the truck area that it will be paid for by HEB's cost. The motion carried by the following vote:**

**For:** 4 - Mayor Guerrero, Mayor Pro-Tem Thomaides, Council Member Prather and Council Member Gregson

**Against:** 0

**Absent:** 3 - Deputy Mayor Pro Tem Prewitt, Council Member Hughson and Council Member Derrick

**Main Motion: to approve Ordinance 2016-27, on the second of two readings, as amended. The motion carried by the following vote:**

**For:** 4 - Mayor Guerrero, Mayor Pro-Tem Thomaides, Council Member Prather and Council Member Gregson

**Against:** 0

**Absent:** 3 - Deputy Mayor Pro Tem Prewitt, Council Member Hughson and Council Member Derrick

- 26.** Consider approval of Ordinance 2016-41, on the first of two readings, amending the City's 2015-2016 Fiscal Year Budget to budget expenditures in the total sum of \$3,082.00 from State Seized Asset Funds to provide funding for the purchase of three Concept 2 Model E fitness rowers from Marathon Fitness of Stafford, TX for use in the department's physical fitness program; and providing an effective date.

**A motion was made by Council Member Gregson, seconded by Council Member Prather, to approve Ordinance 2016-41, on the first of two readings. The motion carried by the following vote:**

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

**Against:** 0

**Absent:** 1 - Council Member Derrick

- 27.** Consider ratification, by motion, of the tax rate reflected in the proposed budget of 53.02 cents per \$100 valuation, which will raise more revenue from property taxes than in the previous fiscal year.

**Mayor Guerrero announced that State Law requires a separate motion to ratify the Property Tax Rate reflected in the Budget when more revenue will be raised from Property Taxes than in the previous year.**

**A motion was made by Council Member Gregson, seconded by Council Member Prather, to ratify the property tax rate reflected in the budget. The motion carried by the following vote:**

**For:** 7 - Mayor Guerrero, Mayor Pro-Tem Thomaides, Council Member Prather, Deputy Mayor Pro Tem Prewitt, Council Member Hughson, Council Member Derrick and Council Member Gregson

**Against:** 0

28. Consider approval of the reappointment of the following Downtown TIRZ #5 Board of Directors: Council Member John Thomaides, Hays County representative Commissioner Will Conley

**A motion was made by Council Member Hughson, seconded by Deputy Mayor Pro Tem Prewitt, to postpone appointment until January of 2017. The motion carried by the following vote:**

**For:** 7 - Mayor Guerrero, Mayor Pro-Tem Thomaides, Council Member Prather, Deputy Mayor Pro Tem Prewitt, Council Member Hughson, Council Member Derrick and Council Member Gregson

**Against:** 0

29. Consider approval, by motion, of the appointment of the Community Improvements Taskforce, and provide direction to Staff.

**Main Motion: A motion was made by Council Member Gregson, seconded by Mayor Pro-Tem Thomaides, that the appointments of the Community Improvements Taskforce be approved.**

**Motion to Amend: A motion was made by Council Member Hughson, seconded by Deputy Mayor Pro Tem Prewitt, that the appointments of the Community Improvements Taskforce be amended by making the 21 city resident to be voting members, and the 4 non-residents would be ex-officio non-voting members. The motion carried by the following vote:**

**For:** 7 - Mayor Guerrero, Mayor Pro-Tem Thomaides, Council Member Prather, Deputy Mayor Pro Tem Prewitt, Council Member Hughson, Council Member Derrick and Council Member Gregson

**Against:** 0

**Motion to Postpone: A motion was made by Council Member Gregson, seconded by Mayor Guerrero, to postpone the appointments to the October 3, 2016 City Council meeting to allow Mr. Miller and Mayor Guerrero the ability to review the list for the inclusion of more east side residents within the total of 25 members. The motion carried by the following vote:**

**For:** 7 - Mayor Guerrero, Mayor Pro-Tem Thomaides, Council Member Prather, Deputy Mayor Pro Tem Prewitt, Council Member Hughson, Council Member Derrick and Council Member Gregson

**Against:** 0

VI. Question and Answer Session with Press and Public.

**None.**

VII. Adjournment.

**Mayor Guerrero adjourned the regular meeting of the San Marcos City Council at 10:18 p.m.**

**Jamie Lee Case, TRMC, City Clerk**

**Daniel Guerrero, Mayor**