



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes City Council

Tuesday, September 5, 2017

4:00 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 Thomaides at 4:01p.m. Tuesday, September 5, 2017 in the City Council Chambers, 630 E. Hopkins, San Marcos, Texas 78666

II. Roll Call

Present: 7 - Mayor John Thomaides, Mayor Pro-Tem Jane Hughson, Deputy Mayor Pro Tem Lisa Prewitt, Council Member Saul Gonzales, Council Member Ed Mihalkanin, Council Member Scott Gregson and Council Member Melissa Derrick

III. Invocation

A moment of silence was observed.

IV. Pledges Of Allegiance - United States And Texas

Council Member Gonzales led the assembly in the pledges of allegiance.

EXECUTIVE SESSION

1. 4:00PM Executive Session in accordance with Section §551.074 of the Texas Government Code: Personnel Matters - to discuss and provide Annual Appointee Evaluations to the City Attorney and City Clerk; and in accordance with Section §551.087: Economic Development - to receive an update and deliberate regarding Project Warehouse; and in accordance with Section §551.072: Real Property - Real Property - to receive an update and deliberate regarding the purchase of undeveloped property over the Edwards Aquifer Recharge Zone to mitigate nonpoint source pollution to the Edwards Aquifer and the San Marcos Springs and River.

A motion was made by Council Member Gregson, seconded by Mayor Pro-Tem Hughson, to enter into Executive Session at 4:04 p.m. The motion carried by the following vote:

For: 7 - Mayor Thomaides, Mayor Pro-Tem Hughson, Deputy Mayor Pro Tem Prewitt, Council Member Mihalkanin, Council Member Gonzales, Council Member Gregson and Council Member Derrick

Against: 0

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

Direction was provided, but Council will re-enter into Executive Session later this evening to discuss the remaining items.

PRESENTATIONS

3. Receive a presentation and hold discussion regarding a potential agreement with car2go NA, Ltd. for provision of car sharing services in San Marcos, and provide direction to staff.

Kevin Burke, Economic Development and Downtown Administrator, introduced James Emery, with Car2Go. Mr. Emery provided a brief presentation to Council regarding an extension of services from Austin into San Marcos with Car2go. Car2go is a one way car sharing service. The basic idea is a customer orders the car, pays by the minute, parks the car when finished, and leaves it for the next person to use. Mr. Emery noted since the inception of the program in Austin 7 years ago, there has been over 67,000 registered users.

Council directed Staff to continue working with Car2go and bring back some type of Memorandum of Understanding (MOU) or Agreement at a future date.

4. Receive a presentation and hold discussion regarding a potential agreement with Spin for provision of bike sharing services in San Marcos, and provide direction to staff.

Kevin Burke, Economic Development and Downtown Administrator, introduced Matt Curtis. Mr. Curtis provided Council with a brief description of Spin, which is a bike sharing business that is looking to expand to San Marcos.

Council directed Staff to bring back an MOU and cost estimates at a future date.

6:00 PM

V. 30 Minute Citizen Comment Period

Roland Saucedo, expressed his extreme gratitude to Council, giving special thanks to Council Members Prewitt and Derrick in preparation of Hurricane Harvey. He thanked City Staff, including Jamie Lee Case, Steve Parker, Bert Lumbreras, and Rodney Cobb. There were over 7,500lbs of sand given to citizens and it was greatly appreciated and very helpful. He received many calls from citizens expressing their relief from receiving these bags of sands. Many neighborhoods came together to assist in these efforts. He thanked the Mayor

for getting the debris pick up organized.

CONSENT AGENDA

A motion was made by Council Member Mihalkanin, seconded by Council Member Gregson, to approve the Consent Agenda, with the exception of item #8 and #11 which were pulled and considered separately, and the August 7, 2017 and August 22, 2017 City Council minutes were postponed to the next Regular City Council Meeting. The motion carried by the following vote:

For: 7 - Mayor Thomaides, Mayor Pro-Tem Hughson, Deputy Mayor Pro Tem Prewitt, Council Member Mihalkanin, Council Member Gonzales, Council Member Gregson and Council Member Derrick

Against: 0

5. Consider approval, by motion, of the following meeting Minutes:
 - A) July 31, 2017 - Code SMTX Workshop Meeting Minutes
 - B) August 1, 2017 - Regular Meeting Minutes
 - C) August 7, 2017 - Code SMTX Workshop Meeting Minutes
 - D) August 11, 2017 - Packet Meeting Workshop Minutes
 - E) August 15, 2017 - Regular Meeting Minutes
 - F) August 22, 2017 - Special Meeting Minutes
6. Consider approval of Ordinance 2017-44, 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 intensity designation for a 0.212 acre, more or less, tract of land located at 323 Lindsey Street from an area of stability to high intensity; amending the Official Zoning Map of the City by rezoning this tract from "MF-24" Multiple-Family Residential District to Smartcode "T5" Urban Center District; and including procedural provisions.
7. Consider approval of Resolution 2017-131R, approving an agreement with Freese and Nichols, Inc. for the provision of a professional engineering services in connection with the Community Development Block Grant - Disaster Recovery (CDBG-DR) Umland Road Improvements design amount estimated at \$677,419 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.
8. Consider approval of Resolution 2017-132R, approving the filing of an application for a loan in the amount not to exceed \$4,400,000 with the Texas Water Development Board to be used for the acquisition of undeveloped land over the Edwards Aquifer Recharge Zone to mitigate nonpoint source pollution in the Edwards Aquifer and the San Marcos Springs and River; designating an authorized representative to act on behalf of the City for the purpose of furnishing information and executing documents that may be required in connection with the preparation and filing of the application; designating firms and individuals authorized and directed to aid and 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.

A motion was made by Mayor Thomaides and seconded by Council Member Gregson to deny Resolution 2017-132R. The motion carried by the following vote:

For: 6 - Mayor Thomaides, Deputy Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Mihalkanin, Council Member Gregson and Council Member Derrick

Against: 0

Recused: 1 - Mayor Pro-Tem Hughson

9. Consider approval of Resolution 2017-133R, approving an agreement between the City and Credit Systems International, Inc. for the provision of debt collection services for an amount estimated at \$20,000.00 for each year of the five year term of the agreement; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.
10. Consider approval of Resolution 2017-134R, finding a 2.5 inch fire hose once utilized by the Fire Department to be surplus property and of no value to the City; authorizing such fire hose to be donated to the York Creek Volunteer Fire Department; and declaring an effective date.
11. Consider approval of Resolution 2017-135R, approving an Assignment and Assumption of License Agreement that assigns the license agreement with Carma Paso Robles, LLC for subdivision gateway improvements for the Kissing Tree Subdivision in the City's right-of-way to the homeowners' association for the subdivision; authorizing the City Manager to execute said agreement on behalf of the City; and declaring an effective date.

A motion was made by Council Member Gregson, seconded by Mayor Pro-Tem Hughson, to postpone Resolution 2017-135R, to a future City Council Meeting. The motion carried by the following vote:

For: 7 - Mayor Thomaides, Mayor Pro-Tem Hughson, Deputy Mayor Pro Tem Prewitt, Council Member Mihalkanin, Council Member Gonzales, Council Member Gregson and Council Member Derrick

Against: 0

PUBLIC HEARINGS - 7:00 PM

12. 7:00PM Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2017-47, amending the Official Zoning Map of the City by rezoning a 3.553 acre tract of land located within the Cottonwood Creek Subdivision Master Plan near the intersection of State Highway 123 and Rattler Road, from "DR" Duplex Restricted District to "GC" General Commercial; and including procedural provisions; and consider approval of Ordinance 2017-47, on the first of two readings.

Shannon Mattingly, Director of Development and Planning Services provided

a brief update on this rezoning request.

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

Those who spoke:

Steve Ramsey, with Ramsey Engineering, 3206 Yellow Pine Terrace, spoke in favor of the request and stated that he was there to answer any questions.

There being no further comments, Mayor Thomaides closed the Public Hearing at 7:23 p.m.

A motion was made by Council Member Gregson, seconded by Mayor Pro-Tem Hughson, to approve Ordinance 2017-47, on the first of two readings.

The motion carried by the following vote:

For: 7 - Mayor Thomaides, Mayor Pro-Tem Hughson, Deputy Mayor Pro Tem Prewitt, Council Member Mihalkanin, Council Member Gonzales, Council Member Gregson and Council Member Derrick

Against: 0

- 13. 7:00PM** Receive a Staff presentation and hold a Public Hearing to receive comments for or against the approval of Ordinance 2017-48, adopting a Budget in the amount of \$213,968,615 for the Fiscal Year beginning October 1, 2017 and ending September 30, 2018; authorizing certain adjustments to the Budget with the approval of the City Manager; approving fiscal year 2017-2018 Capital Improvements Program Projects; and consider approval of Ordinance 2017-48, on the first of two readings.

Heather Hurlbert, Finance Director, provided a presentation to council regarding the FY 2018 Budget. Staff is moving forward with the bond election results and Council directed Staff to have the City's Financial Advisor to present at the next City Council meeting.

Mayor Thomaides read the following statement: "State Law requires that the city hold a public hearing on the city's budget. This agenda item is the public hearing for the City's fiscal year beginning october 1, 2017 and ending on september 30, 2018. The public is invited to make comments for or against items in the budget. The budget has been on file in the City Clerk's office and on the City's website since July 31, 2017. Notice of this Public Hearing was published in the local newspaper on August 6, 2017. After receiving public comments, the City Council will approve the budget ordinance on first reading."

The City Council will adopt the budget on the second reading of the budget ordinance at the September 19, 2017 City Council meeting.

Mayor Thomaides opened the Public Hearing 8:08pm

Those who spoke:

Roland Saucedo, 211 Ebony Street, stated his approval of this budget, but he

asked why is a loan requested if projects aren't going to start quickly. There have been numerous comments regarding construction material costs and how they will continue to rise in price if we continue to wait. He stated he was an advocate for these bonds and said this is serious money and council needs to be completely informed and stay focused and get these projects done. This will either cost us a lot of money or save us a lot of money. He stated that Council is here to act on behalf of the Citizens.

There being no further comments, the Mayor closed the Public Hearing at 8:11p.m.

Mayor Thomaides and the City Council stated that these projects will be started and completed as soon as possible.

A motion was made by Council Member Gregson, seconded by Council Member Derrick, to approve Ordinance 2017-48, on the first of two readings. The motion carried by the following vote:

For: 7 - Mayor Thomaides, Mayor Pro-Tem Hughson, Deputy Mayor Pro Tem Prewitt, Council Member Mihalkanin, Council Member Gonzales, Council Member Gregson and Council Member Derrick

Against: 0

14. 7:00PM Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2017-49, setting the Property Tax Rate for the 2017 Tax Year at 61.39 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, 2017 and ending September 30, 2018; the 8.37 cent increase was approved by voters during the May 2017 Bond Election for debt retirement of and operational expenses for public safety and library projects; providing a Sinking Fund for the retirement of the bonded debt of the City; and consider approval of Ordinance 2017-49, on the first of two readings.

Heather Hurlbert, Finance Director, provided a brief update on the tax rate which was approved at the May 2017 Bond Election. Staff suggested the following two revisions to the Ordinance which will be completed prior to approval on second reading:

Section 1: wording change from 61.39 dollars to 61.39 cents.

Section 2: Subsection a) will read 35.85 cents and Subsection b) will read 25.54 cents

Mayor Thomaides read the following statement: "State Law requires that the City hold two Public Hearings on the City's proposed tax rate. The City Council set a proposed maximum tax rate of 61.39 cents per hundred at its August 15 meeting. This proposed tax rate was published in the local

newspaper on August 20, 2017 and is viewable on the home page of the city's website as required. This agenda item is the first Public Hearing on the tax rate and Council's vote to approve the tax rate on first reading. The second public hearing is scheduled for September 15 during the city council's work session. Council is scheduled to approve the second reading of the tax rate ordinance during its regular meeting on September 19."

Mayor Thomaides opened the Public Hearing at 8:17 p.m. There being no comments, the Mayor closed the Public Hearing at 8:17 p.m.

Mayor Thomaides made the following motion: "I move that the property tax rate be increased by the adoption of a tax rate of 61.39 cents per hundred, which is effectively a 16.87 percent increase in the tax rate." Council Member Gregson seconded this motion. Ordinance 2017-49, with the suggested revisions, was approved, on the first of two readings. The motion carried by the following vote:

For: 7 - Mayor Thomaides, Mayor Pro-Tem Hughson, Deputy Mayor Pro Tem Prewitt, Council Member Mihalkanin, Council Member Gonzales, Council Member Gregson and Council Member Derrick

Against: 0

15. 7:00PM Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2017-50, increasing drainage utility rates as authorized by Section 86.505 of the San Marcos City Code; including procedural provisions; and consider approval of Ordinance 2017-50, on the first of two readings.

Heather Hurlbert, Finance Director, provided a brief update to Council.

Mayor Thomaides opened the Public Hearing at 8:22 p.m.

Those who spoke:

Roland Saucedo, 211 Ebony Street, spoke in favor of this increase. He has spoken with many elderly citizens on fixed incomes and shared information of drainage projects in the CIP, and they see this as a necessity. They feel this will minimize or help deter drainage and flooding issues in neighborhoods.

There being no further comments, the Mayor closed the Public Hearing at 8:24 p.m.

A motion was made by Council Member Gregson, seconded by Mayor Thomaides, to approve Ordinance 2017-50, on the first of two readings. The motion carried by the following vote:

For: 7 - Mayor Thomaides, Mayor Pro-Tem Hughson, Deputy Mayor Pro Tem Prewitt, Council Member Mihalkanin, Council Member Gonzales, Council Member Gregson and Council Member Derrick

Against: 0

- 16.** 7:00PM Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2017-51, increasing rates established for Water, Wholesale Water, Reclaimed Water, Wastewater Treatment, and Sewer Surcharges; and including procedural provisions; and consider approval of Ordinance 2017-51, on the first of two readings.

Heather Hurlbert, provided a short presentation on the Water/Wastewater rates.

Mayor Thomaides opened the Public Hearing at 8:31 p.m.

Those who spoke:

Josh Simpson, 517 W. Hutchinson Street, does not oppose the rate increase, but asked council to err on the side of innovation and discussed rainwater collecting. He would like Council to consider a way to incentivize and inform citizens about rain water collection. We should not only collect this water, but use it as well. There are innovative and forward thinking ways that may be more cost effective.

There being no further comments, the Mayor closed the Public Hearing at 8:33 p.m

A motion was made by Council Member Gregson, seconded by Council Member Gonzales, to approve Ordinance 2017-51, on the first of two readings.

The motion carried by the following vote:

For: 7 - Mayor Thomaides, Mayor Pro-Tem Hughson, Deputy Mayor Pro Tem Prewitt, Council Member Mihalkanin, Council Member Gonzales, Council Member Gregson and Council Member Derrick

Against: 0

- 17.** 7:00PM Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2017-52, 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; and consider approval of Ordinance 2017-52, on the first of two readings.

Heather Hurlbert, Finance Director, provided a brief update on the 3% Municipal Solid waste rate increase. This increase covers the contractual amount with Texas Disposal Systems.

Mayor Thomaides opened the Public Hearing at 8:34pm. There being no comments, the Mayor closed the Public Hearing at 8:34 p.m.

A motion was made by Council Member Gregson, seconded by Council Member Gonzales, to approve Ordinance 2017-52, on the first of two readings.

The motion carried by the following vote:

For: 7 - Mayor Thomaides, Mayor Pro-Tem Hughson, Deputy Mayor Pro Tem Prewitt, Council Member Mihalkanin, Council Member Gonzales, Council Member Gregson and Council Member Derrick

Against: 0

NON-CONSENT AGENDA

18. Consider approval of Ordinance 2017-46, on the first of two readings, creating a designated permit area under Section 82.189 of the San Marcos City Code to require parking by permit only on the west side of the 400 Block of McGehee Street between Cheatham Street and Grove Street from 3:00 pm to 9:00 pm daily; amending the traffic register to reflect the designated permit area; and providing for an effective date.

A motion was made by Mayor Pro-Tem Hughson, seconded by Council Member Gregson, to approve Ordinance 2017-46, on the first of two readings.

The motion carried by the following vote:

For: 7 - Mayor Thomaides, Mayor Pro-Tem Hughson, Deputy Mayor Pro Tem Prewitt, Council Member Mihalkanin, Council Member Gonzales, Council Member Gregson and Council Member Derrick

Against: 0

19. Consider approval of Ordinance 2017-53R, on the first of two readings, amending section 2.566 of the San Marcos City Code to authorize City Manager, Bert Lumbreras, to approve change orders to City contracts involving increases or decreases of \$50,000 or less; including procedural provisions; and declaring an effective date.

A motion was made by Council Member Gregson, seconded by Mayor Pro-Tem Hughson, to approve Ordinance 2017-53, on the first of two readings.

The motion carried by the following vote:

For: 7 - Mayor Thomaides, Mayor Pro-Tem Hughson, Deputy Mayor Pro Tem Prewitt, Council Member Mihalkanin, Council Member Gonzales, Council Member Gregson and Council Member Derrick

Against: 0

20. Consider approval of Resolution 2017-136R, adopting, in Resolution form, the "City Council statement regarding Senate Bill 4 (SB4) and pending litigation about the bill," previously approved by motion of the Council on August 15, 2017; and declaring an effective date.

A motion was made by Deputy Mayor Pro Tem Prewitt, seconded by Council Member Gregson, to approve Resolution 2017-136R. The motion carried by the following vote:

For: 7 - Mayor Thomaides, Mayor Pro-Tem Hughson, Deputy Mayor Pro Tem Prewitt, Council Member Mihalkanin, Council Member Gonzales, Council Member Gregson and Council Member Derrick

Against: 0

21. Consider approval of Resolution 2017-137R, recognizing the uncanvassed returns and declaring results of the General Election, held on November 8, 2016, for the purpose of electing a Mayor, City Council Member, Place One, City Council Member, Place Two, and a Special Election to fill a vacancy for the one year remainder of the unexpired term of City Council Member Place Three which was conducted concurrently with the General Election.

A motion was made by Mayor Pro-Tem Hughson, seconded by Deputy Mayor Pro Tem Prewitt, to approve Resolution 2017-137R. The motion carried by the following vote:

For: 7 - Mayor Thomaides, Mayor Pro-Tem Hughson, Deputy Mayor Pro Tem Prewitt, Council Member Mihalkanin, Council Member Gonzales, Council Member Gregson and Council Member Derrick

Against: 0

22. Consider approval of Resolution 2017-138R, approving the sale of a tract of property identified as Lots 14, Block 33, Victory Gardens (Property ID No. R46543), acquired by Hays County for unpaid taxes, to Dean Cherer for \$1,100; authorizing the execution of any deed or instruments necessary to complete the sale; and declaring an effective date.

A motion was made by Council Member Derrick, seconded by Deputy Mayor Pro Tem Prewitt, to deny Resolution 2017-138R. The motion carried by the following vote:

For: 7 - Mayor Thomaides, Mayor Pro-Tem Hughson, Deputy Mayor Pro Tem Prewitt, Council Member Mihalkanin, Council Member Gonzales, Council Member Gregson and Council Member Derrick

Against: 0

23. Consider approval of Resolution 2017-139R, approving a financing agreement with Whisper Master Community Limited Partnership and Yarrington Partners Ltd. in connection with the Whisper Public Improvement District; authorizing the City Manager to execute said agreement on behalf of the City; and declaring an effective date.

A motion was made by Council Member Gregson, seconded by Mayor Pro-Tem Hughson, to approve Resolution 2017-139R. The motion carried by the following vote:

For: 7 - Mayor Thomaides, Mayor Pro-Tem Hughson, Deputy Mayor Pro Tem Prewitt, Council Member Mihalkanin, Council Member Gonzales, Council Member Gregson and Council Member Derrick

Against: 0

24. Consider approval of Resolution 2017-140R, approving a second amendment to the term sheet attached to Resolution 2014-143 regarding the advisability of the improvements in the Whisper Public Improvement District for the purpose of extending the date by which construction of the public improvements must be completed to September 1, 2018 and amending the maximum annual assessment rate as an equivalent tax rate from \$0.150 per hundred dollars valuation to a maximum rate of \$0.170 for residential property and a maximum rate of \$0.220 for non-residential property; and declaring an effective date.

A motion was made by Council Member Gregson, seconded by Deputy Mayor Pro Tem Prewitt, to approve Resolution 2017-140R. The motion carried by the following vote:

For: 7 - Mayor Thomaides, Mayor Pro-Tem Hughson, Deputy Mayor Pro Tem Prewitt, Council Member Mihalkanin, Council Member Gonzales, Council Member Gregson and Council Member Derrick

Against: 0

25. Consider approval of Resolution 2017-141R, providing nominations to serve on the Hays Central Appraisal District Board of Directors for a two year term commencing on January 1, 2018; and declaring an effective date.

A motion was made by Deputy Mayor Pro Tem Prewitt, seconded by Mayor Thomaides, to approve Resolution 2017-141R, appointing Mayor Pro Tem Hughson to serve on the Hays Central Appraisal District Board of Directors. Mayor Pro Tem Hughson, at the discretion of the Council, has agreed to resign this position should she not be re-elected to City Council in the November 2017 General Election. The motion carried by the following vote:

For: 6 - Mayor Thomaides, Deputy Mayor Pro Tem Prewitt, Council Member Mihalkanin, Council Member Gonzales, Council Member Gregson and Council Member Derrick

Against: 0

Abstain: 1 - Mayor Pro-Tem Hughson

26. Consider approval, by motion, authorizing the first Regular City Council meeting of October to be changed due to National Night Out, and authorizing the first Regular City Council meeting of November to be changed due to the General and Special Election.

A motion was made by Council Member Derrick, seconded by Council Member Mihalkanin, to approve the change of dates for the following regular meetings of the San Marcos City Council:

Tuesday October 3, 2017 to Monday, October 2, 2017 due to National Night Out and

Tuesday November 7, 2017 to Wednesday, November 8, 2017 due to the General and Special Election. The motion carried by the following vote:

For: 7 - Mayor Thomaides, Mayor Pro-Tem Hughson, Deputy Mayor Pro Tem Prewitt, Council Member Mihalkanin, Council Member Gonzales, Council Member Gregson and Council Member Derrick

Against: 0

27. Receive a Staff update and hold discussion regarding the following Fall 2017 Preferred Scenario Amendment, and provide direction to Staff:

A.) SLF II - HWY 360 & Camp Wisdom LP & SLF II San Marcos LP & ET AL :: 95 acres, more or less, located adjacent to North IH 35 and Champions Boulevard, submitting a request to change from Medium Intensity to Employment Center, and also requesting a change from General Commercial to Light Industrial.

Shannon Mattingly, Director of Planning and Development Services, provided the City Council with a presentation of the Fall 2017 Preferred Scenario Amendment request. This will be brought back for approval at a future meeting.

28. Receive a Staff presentation and hold a discussion regarding State Lobbying Services, and provide direction to Staff.

Kristi Wyatt, Director of Communication and Intergovernmental Relations, provided a brief update to Council. Direction is to go out for a Request for Proposal (RFP) for State Lobbying Services.

29. Hold discussion to consider the creation of enforcement mechanisms that would require Purpose Built Student Housing Developments to provide alternative housing options to lease holders if the development has not received a certificate of occupancy by the original agreed upon move-in date, and provide direction to Staff.

The Mayor introduced this discussion item. Shannon Mattingly, Director of Planning and Development Services, provided a brief presentation regarding Purpose Built Student Housing. Following Council discussion, they provided direction to bring back an Ordinance at the October 17, 2017 Regular City Council Meeting that includes the following language:

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 the 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.

VI. Question and Answer Session with Press and Public.

Roland Saucedo, 211 Ebony: In regards to Public Hearing item 14. He asked if he came off aggressive he wanted to apologize. He just expressed his passion and how he worked hard on the bonds. He gets concerned if the constituency gets confused. Council Member Prewitt expressed her gratitude for his hard work. Mayor Thomaides stated Mr. Saucedo's previous comments were not taken offensively by Council.

VII. Adjournment.

Mayor Thomaides adjourned the regular meeting of the San Marcos City Council at 10:50 p.m.

JAMIE LEE CASE, CITY CLERK