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 4:31 p.m. Tuesday, January 3, 2017 in the City Council Chambers, 630 E. Hopkins, San Marcos, Texas 78666.

II. Roll Call

Council Member Mihalkanin arrived after roll call at 4:32 p.m.

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

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. 4:30PM Executive Session in accordance Section 551.074 of the Texas Government Code - Personnel Matters - to discuss the duties and responsibilities of Jared Miller, City Manager.

A motion was made by Council Member Gregson, seconded by Deputy Mayor Pro Tem Prewitt to enter into Executive Session at 4:33 p.m. The motion carried by the following vote:

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

   Against: 0

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

Council reconvened into Regular Session at 5:45 p.m. Direction was provided to staff during executive session.
PRESENTATIONS

3. Receive a Staff presentation and hold discussion regarding the approval schedule and process for CodeSMTX.

Abigail Gillfillan provided the Council with an update regarding the approval schedule and process for CodeSMTX. Staff stated that all of the revisions have been logged and that the Think Tank reviewed the responses to the draft code that were received prior to changes being made.

6:00 PM

V. 30 Minute Citizen Comment Period

Mike Dillon, thanked the Council and congratulated the new members, Mr. Gonzales and Dr. Mihalkanin. Mr. Dillon spoke against the back-in parking in the downtown area and provided some examples of his issues with it. He asked them to approve the item before them and return to head-in parking.

Matt Akins, he spoke in favor of the back-in parking downtown and provided how much safer it is for everyone involved, including bicyclists. He stated that it would cost a lot of money to reverse the parking configuration and asked that it remain the same.

CONSENT AGENDA

A motion was made by Council Member Gregson, seconded by Mayor Pro-Tem Hughson, to approve the consent agenda with the exception of item #5 and #7, which were pulled and considered separately. The motion carried by the following vote:

Council Member Gonzales abstained from voting on Item #4 and #6
Council Member Mihalkanin abstained from voting on the December 16, 2016 and December 20, 2016 meeting minutes in Item #4

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

Against: 0

Abstain: 2 - Council Member Gonzales and Council Member Mihalkanin

4. Consider approval of the following:
December 16, 2016 - Packet Meeting Minutes
December 20, 2016 - Regular Meeting Minutes
December 21, 2016 - Special Meeting Minutes
5. Consider approval of Ordinance 2016-58, on the second of two readings, amending Chapter 2, Division 15, Sections 2.351 through 2.352 of the San Marcos City Code to remove the Chair and Vice-Chair of the San Marcos Area Chamber of Commerce Board of Directors as non-voting ex-officio members on the Convention and Visitor Bureau Advisory Board; and to modify the general powers and duties of 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 Hughson, seconded by Deputy Mayor Pro Tem Prewitt, to approve Ordinance 2016-58, on the second of two readings.

Motion to Amend: a motion was made by Mayor Pro Tem Hughson, seconded by Deputy Mayor Pro Tem Prewitt to amend Section 2.351 to change the number of voting members from 13 to 14. The motion carried by the following vote:

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

Against: 0

Abstain: 1 - Council Member Gonzales

Motion to Amend: A motion was made by Deputy Mayor Pro Tem Prewitt, seconded by Mayor Pro Tem Hughson, to amend Section 2.252 (a) by striking the word "outside" and inserting the word "including" before "both nationally and internationally". The motion carried by the following vote:

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

Against: 0

Main Motion: to approve Ordinance 2016-58, on the second of two readings, as amended. The motion carried by the following vote:

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

Against: 0

6. Consider approval of Resolution 2017-01R, authorizing the submission of an application to the Office of the Governor, Criminal Justice Division for a State-Funded grant in an amount not to exceed $175,000 to fund upgrades to the San Marcos Police Department’s Records Management System for the Police National Incident Based Reporting System (NIBRS) in order to bring the Department into compliance with a State mandate before the deadline of September 1, 2019; authorizing the City Manager or his designee to execute any and all documents as necessary to accept
and implement the grant, if awarded; and declaring an effective date.

7. Consider approval of Resolution 2017-02R awarding a contract for the purchase of a Trihalomethanes (THM) Monitor (IFB 217-032) from Aqua Metrology Systems of Sunnyvale, California in the total sum of $95,950 to test the levels of disinfectant byproducts in water produced at the City’s Water Treatment Plant; authorizing the City Manager to execute said contract on behalf of the City; and providing an effective date.

A motion was made by Council Member Gregson, seconded by Mayor Pro Tem Hughson, to approve Resolution 2017-02R. The motion carried by the following vote:

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

Against: 0

PUBLIC HEARINGS - 7:00 PM

8. 7:00PM Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2017-03R approving a Conditional Use Permit (CUP) to allow for an alternative exterior material (Terra Cotta) for a multifamily development located at 401 South Guadalupe Street; and consider approval of Resolution 2017-03R.

Shannon Mattingly, Director of Planning and Development Services, provided a brief presentation and then allowed Scott Grinder, on behalf of the applicant, to present as well.

Mayor Thomaides opened the Public Hearing at 7:20 p.m.

Lisa Marie Coppoletta, spoke against the use of Terra Cotta and the debris that could be left in the event of a severe storm or flood.

There being no further comments, the Mayor closed the Public Hearing at 7:21 p.m.

Main Motion: A motion was made by Deputy Mayor Pro Tem Prewitt, seconded by Council Member Mihalkanin to approve Resolution 2017-03R.

Motion to Amend: a motion was made by Council Member Gregson, seconded by Mayor Thomaides, to amend Resolution 2017-03R to include the following conditions: To ensure that construction is started in a year upon the pulling of the appropriate permits and completing construction within two years following the start date. If a transfer of ownership occurs prior to the completion of construction the CUP will not be allowed to be transferred
without approval by the City Council. The motion carried by the following vote:

For: 6 - Mayor Thomaides, Council Member Gonzales, Mayor Pro-Tem Hughson, Council Member Derrick, Council Member Gregson and Council Member Mihalkanin
Against: 1 - Deputy Mayor Pro Tem Prewitt

Main Motion: to approve Resolution 2017-03R, as amended. The motion carried by the following vote:

For: 7 - Mayor Thomaides, Council Member Gonzales, Mayor Pro-Tem Hughson, Council Member Derrick, Council Member Gregson, Council Member Mihalkanin and Deputy Mayor Pro Tem Prewitt
Against: 0

NON-CONSENT AGENDA

9. Consider approval of Ordinance 2017-01, on the first of two readings, amending the City’s 2016-2017 Capital Improvements Program Budget to authorize an additional $865,870 of funding for the construction of San Marcos Fire Station No. 4 and thereby increasing the total authorized construction budget for the project (exclusive of land acquisition costs and architectural fees) to the sum of $4,865,870; and providing an effective date.

Main Motion: a motion was made by Council Member Mihalkanin, seconded by Council Member Gregson, to approve Ordinance 2017-01, on the first of two readings.

Motion to Amend: a motion was made by Council Member Gregson, seconded by Mayor Pro Tem Hughson, to amend Ordinance 2017-01, to show the full dollar amount of the project, including land and other costs, by replacing the currently considered Ordinance with the proposed Ordinance on page 115 of the Council packet, which replaced $4,865,870 with $5,921,869.21, and also including "Exhibit B". The motion carried by the following vote:

For: 7 - Mayor Thomaides, Council Member Gonzales, Mayor Pro-Tem Hughson, Council Member Derrick, Council Member Gregson, Council Member Mihalkanin and Deputy Mayor Pro Tem Prewitt
Against: 0

Main Motion: to approve Ordinance 2017-01, on the first of two readings, as amended. The motion carried by the following vote:

For: 7 - Mayor Thomaides, Council Member Gonzales, Mayor Pro-Tem Hughson, Council Member Derrick, Council Member Gregson, Council Member Mihalkanin and Deputy Mayor Pro Tem Prewitt
Against: 0
10. Consider approval of Resolution 2017-04R, making appointments to the Board of Directors of the Hays Caldwell Public Utility Agency (HCPUA); and declaring an effective date.

A motion was made by Mayor Pro Tem Hughson, seconded by Council Member Mihalkanin, to approve Resolution 2017-04R, appointing Council Member Gregson to Position #5 of the Board of Directors of the Hays Caldwell Public Utility Agency and inserting Mayor Pro Tem Hughson's previous appointment to Position #6 into the Resolution language. The motion carried by the following vote:

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

Against: 0

11. Consider approval of Resolution 2017-05R, appointing a member and alternate members to the Capital Area Metropolitan Planning Organization (“CAMPO”) Board; and declaring an effective date.

Main Motion: a motion was made by Council Member Gregson, seconded by Council Member Derrick to approve Resolution 2017-05R, appointing Mayor Thomaides to the Capital Area Metropolitan Planning Organization (CAMPO) Board and alternates Tom Taggart, Laurie Moyer, and Sabas Avila.

Motion to Amend: a motion was made by Mayor Thomaides, seconded by Council Member Mihalkanin, to appoint Mayor Pro Tem Hughson and Deputy Mayor Pro Tem Prewitt to serve as alternate members. The motion carried by the following vote:

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

Against: 0

Main Motion: to approve Resolution 2017-05R, as amended.

The motion carried by the following vote:

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

Against: 0

12. Consider approval, by motion, to reconfigure the back-in parking placed along N. LBJ Dr to head-in parking, and provide direction to Staff.

A motion was made by Mayor Pro Tem Hughson, seconded by Deputy Mayor
Pro Tem Prewitt, to reconfigure the back-in parking placed along N. LBJ Dr. to head-in parking. Staff will prepare a proposal and provide it to the Council for review providing the best option regarding the bike lane along N. LBJ Drive. The motion carried by the following vote:

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

Against: 0

13. Discuss and consider an appointment of a City Council Member to fill a vacancy on the Greater San Marcos Partnership Board of Directors, and provide direction to staff.

A motion was made by Deputy Mayor Pro Tem Prewitt, seconded by Council Member Gregson, to approve the appointment of Council Member Derrick to the Greater San Marcos Partnership (GSMP) Board of Directors. The motion carried by the following vote:

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

Against: 0

14. Consider approval of the reappointment of the following Downtown TIRZ #5 Board of Directors: Council Member John Thomaides, Hays County representative Commissioner Will Conley; and discuss possible recommendations to be provided to Hays County to fill Position 5 which is mutually agreed upon by the City of San Marcos and Hays County, and provide direction to Staff.

A motion was made by Council Member Gregson, seconded by Council Member Mihalkanin, to approve the reappointment of Mayor Thomaides to the Downtown TIRZ #5 Board of Directors. The motion carried by the following vote:

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

Against: 0

A motion was made by Council Member Mihalkanin, seconded by Mayor Pro Tem Hughson, to approve the reappointment of Commissioner Will Conley to the Downtown TIRZ #5 Board of Directors. Staff will ask the County for recommendations for the mutually agreed upon position. The motion carried by the following vote:

For: 7 - Mayor Thomaides, Council Member Gonzales, Mayor Pro-Tem Hughson, Council Member Derrick, Council Member Gregson, Council Member Mihalkanin and Deputy Mayor Pro Tem Prewitt
15. Discuss and consider the appointment of a Council Member to the Capital Area Council of Governments (CAPCOG) Clean Air Coalition, and provide direction to Staff.

A motion was made by Deputy Mayor Pro Tem Prewitt, seconded by Mayor Thomaides, to approve the appointment of Mayor Pro Tem Hughson to the Capital Area Council of Governments (CAPCOG) Clean Air Coalition. The motion carried by the following vote:

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

Against: 0

16. Discuss and consider the approval of the appointment of the City of San Marcos’ representative(s) on the Capital Area Council of Governments General Assembly, and provide direction to Staff.

A motion was made by Mayor Thomaides, seconded by Council Member Derrick, to approve the appointment of Deputy Mayor Pro Tem Prewitt to the Capital Area Council of Governments General Assembly. The motion carried by the following vote:

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

Against: 0

17. Discuss and consider nominations and charge to the 2017 Charter Review Commission, and provide direction to Staff.

The following appointments were made to the Charter Review Commission:

Mayor Thomaides appointed past Mayor Daniel Guerrero
Mayor Pro Tem Hughson appointed Paul Mayhew
Deputy Mayor Pro Tem Prewitt appointed Amy Meeks
Council Member Scott appointed Perry Moore
Council Member Derrick appointed Todd Salmi
Council Member Gonzales appointed Shane Scott

The appointments were approved by the following vote:

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

Against: 0

Council Members each provided items that they would like to be considered as
a charge to the commission to review. No consensus or vote was taken to finalize these requests at this time.

Mayor Pro Tem Hughson provided:
Still have “city secretary" in 3.09 – replace with "city clerk"
Sec. 3.06. - Vacancies.
(a) A special election to fill a vacancy shall be called in accordance with state law. In the event the mayor is unable to call a meeting to order the election for any reason, the mayor pro tem or deputy mayor pro tem are authorized and directed to call a meeting to order the election and perform all other required actions incident to the election.
Should be Pro tem, and if not, then Deputy.

Sec 3.09
All meetings of the city council shall be held within the city, except that the city council may conduct a meeting at a location outside the city after publishing notice of the meeting in one issue of a newspaper in general circulation in the City of San Marcos.
Add web posting,. Same location as usual meetings.

Sec 3.11 - Procedure for passage of ordinances
(b) The city attorney shall approve the legality of all ordinances adopted by the council
Should be provided to council for consideration.
(d)...Unless notice requirements are provided by other law, the city clerk shall publish a notice of each public hearing by the city council on an ordinance in a newspaper of general circulation in the city, city website or local media outlets before the public hearing.
Is “or” correct?

Sec 4.02 City Clerk
The council shall appoint a city clerk, who shall give notice of council meetings, shall keep the minutes of the proceedings of such meetings, shall authenticate by signature all ordinances and resolutions, and shall perform such other duties as city council, shall assign and those elsewhere provided for in this Charter. The city clerk's compensation shall be fixed by the city council. Allow for electronic signatures

Sec. 5.04. - The official ballot.
The names of all candidates for office, except such as may have withdrawn, died, or become ineligible, shall be printed on the official ballots without party
Sec. 5.05. - Election by majority.
The runoff election shall be held not earlier than the 20th or later than the 45th
day after the date the final canvass of the regular or special election is
completed.
Move it up so it is not so late in December.

Sec. 5.07. - Conducting and canvassing elections.
The returns of every municipal election shall be delivered by the election judges
to the central counting station immediately after the closing of the polls.
Returns of the elections, general and special, shall be presented to the city
council on any date permitted by the Texas Election Code at which time the
council shall canvass and declare the results of such election
Try to canvass before next regular council meeting.

Sec. 7.01 P&Z Commission position of ETJ person needs to be removed, as
noted effective 3/15/15.

Review the possibility of changing the term of the council from 3 years to 4
years.

Council Member Gregson provided:
Review of Nepotism rules
Review of the qualifications for council and consider indebtedness to the city
being added.

Mayor Thomaides provided:
Review the possibility of changing the term of the Mayor to 3 years instead of 2
years.
Review the possibility of term limits.

Council Member Gonzales provided:
Review the possibility of going to Single Member Districts

Mayor Thomaides, Mayor Pro Tem Hughson and Deputy Mayor Pro Tem
Prewitt:
Review the possibility of going from November elections to May elections.

Mayor Pro Tem Hughson and Deputy Mayor Pro Tem Prewitt:
Review the possibility of going to odd year elections if moving to May elections is not an option.

Council directed Staff to bring this item back to the January 17, 2017 City Council meeting to allow Council Member Mihalkanin to appoint a member, and to discuss the charge to the commission.

VI. Question and Answer Session with Press and Public.

Lisa Marie Coppoletta, asked about Item #7 and if the city would consider posting these numbers online after they are received? Jared Miller responded and said that yes, it is possible, but in most cases the numbers may be weeks old by the time they are provided back to us following testing and the report may not be easily understood. Additionally, she asked if when lines are flushed if they went into the river. Mr. Miller explained that when a line is flushed it is not always in one area but he would gather information to better answer her question.

Synda Harper, asked the what the current cost of Item #7 is. Council replied $55,000. She asked about the maintenance cost. Staff indicated that they would speak with her. Mrs. Harper also asked about Item #8 regarding the use of terra cotta in the downtown area and if the council thought it would change the aesthetics of the area. Mayor Thomaides indicated that this particular project was not in the downtown area so there would not be any impact to the area. Her final question was in regards to back-in parking and if the Council had thought of how it would impact downtown. Mayor Thomaides indicated that it has been discussed for a few years now and that all view points have been heard and taken into consideration.

VII. Adjournment.

Mayor Thomaides adjourned the regular meeting of the San Marcos City Council at 7:51 p.m.

Jamie Lee Case, City Clerk, TRMC   John Thomaides, Mayor