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 5:01 p.m. Tuesday, February 21, 2017 in the City Council Chambers, 630 E. Hopkins, San Marcos, Texas 78666.

II. Roll Call

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

EXECUTIVE SESSION

1. Executive Session in accordance Section 551.074 of the Texas Government Code - Personnel Matters - to discuss and deliberate regarding the City Manager Vacancy; and in accordance with § 551.072 - Real Property: to receive a Staff briefing and deliberate regarding the possible acquisition of real property as follows: a) Acquisition of property in an area east of IH-35, for Public Services Facilities; b) Acquisition of property out of the Wildenthal Tract for expansion of the Purgatory Creek Natural Area; c) Acquisition of Five Mile Dam Park for parks purposes; d) acquisition of property in the vicinity of Cape Road near the San Marcos River for drainage, open space or parks purposes; and e) acquisition of property in the area of Spring Lake Preserve for open space purposes; and f) acquisition of property in the downtown area for parking purposes.

A motion was made by Council Member Derrick, seconded by Mayor Pro-Tem Hughson, to enter Executive Session at 5:07 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 7:46 p.m. Council provided direction to Staff during executive session.
PRESENTATIONS

3. Receive a Staff presentation and hold discussion regarding the 2017 CDBG Action Plan, and provide direction to Staff.

Janis Hendrix, provided the Council with a presentation regarding the 2017 CDBG Action Plan. The City Council discussed the provision of broadband service in a low/mod income area. City Council provided direction that the maximum percentage of 15% be recommended on Public Services. Public Service applications to still be vetted by Human Service Advisory Board. When Council was asked if there were any specific projects or programs that Council would like staff to prepare for their consideration, Council stated that brick and mortar projects are a high priority for them. A recommendation was provided that local partners be prioritized during CDBG housing allocations. Discussion regarding the possibility of repurposing Fire Station No. 4 as an eastside resource center. Staff to provide some options to the Council during the budget process related to the eastside resource center.

4. Receive a presentation from the Parks and Recreation Staff and Parks and Recreation Board regarding San Marcos River Parks Overcrowding and Capacity issues, and provide direction to staff.

Rodney Cobb, introduced William Ford, Assistant Director of Community Services – Parks and Recreation Division and Paul Murray, Chair of the Parks and Recreation Board, who will be providing the presentation. Mr. Ford provided a brief overview regarding overcrowding and litter control in the City River Parks. Mr. Murray, provided the Council with data related to the usage of the San Marcos River and Parks. Mr. Murray provided the Parks Board’s recommendations of some short term solutions for overcrowding of River Parks. Council provided direction to move forward with the short term recommendations as follows:

1. Move Picnic Sites Back Away From River In All River Parks (Adding 30 Additional Tables Away From The River)
2. On Street Parking Removed On Cheatham Street At Rio Vista (Weekends And Holidays Only)
3. Remove Picnic Tables And Grills On Cheatham Street (This Area Will Be For Accessing River Only)
4. No Shelter/Tents Except In Designated Picnic Sites (Tents Can Only Be Used Over A City Provided Picnic Table)
5. No Portable Grills In City River Parks (City Park to Lucio Park)

Discussion was held regarding limiting river activity advertisement. Discussion was held about parking issues along Cheatham Street and in Children’s Park.
Council directed the City Manager to work with all Staff members to ensure that everyone involved with parking issues are talking about the same issues.

6:00 PM

III. Invocation

A moment of silence was recognized.

IV. Pledges Of Allegiance - United States And Texas

Peyton Howard, 1st grade student, at Texas Preparatory School led the assembly in the Pledges of Allegiance.

V. 30 Minute Citizen Comment Period

Alisha Roberts, spoke on behalf of The Village San Marcos, to request that their previous financial request be placed on a future agenda for Council consideration.

Stewart Dale Spencer, not available to speak.

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 items # 6, 7, 8, 12, 13, and 15 which were pulled and considered separately. 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

5. Consider approval, by motion, of the following meeting Minutes:
   January 30, 2017 - Code SMTX Workshop I
   February 3, 2017 - Packet Meeting
   February 7, 2017 - Regular Meeting

6. Consider approval of Resolution 2017-24R, approving an agreement with Leathers and Associates, Inc. for the provision of professional design services in connection with the reconstruction of the San Marcos Playscape Project in the fixed fee amount of $65,300.00 contingent upon the consultant’s provision of sufficient insurance in accordance with the attached agreement; authorizing the Interim City Manager or her designee to execute this agreement on behalf of the City; and declaring an effective date.

   A motion was made by Council Member Gregson, seconded by Council
Member Derrick, to approve Resolution 2017-24R. Please note that the community will have input regarding this project. 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

7. Consider approval of Resolution 2017-25R, approving the award of a construction contract to Techline Sports Lighting, LLC for the San Marcos Little League Complex-Sports Lighting Replacement Project in the total amount of $488,600.00 through the Texas Local Government Purchasing Cooperative Buyboard Contract for Parks and Recreation equipment and field lighting products and installation (Buyboard Contract #512-16) 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 Interim City Manager or her designee to execute all contract documents on behalf of the City and declaring an effective date.

A motion was made by Council Member Mihalkanin, seconded by Deputy Mayor Pro Tem Prewitt, to approve Resolution 2017-25R. 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

8. Consider approval of Resolution 2017-26R, approving the award of a Construction Contract to Curran Contracting Company for the Sessom Bike And Pedestrian Improvements Project (IFB 217-181) in the amount of $1,767,011.95 contingent upon the contractor’s timely submission of sufficient bonds and insurance in accordance with the City’s construction contract documents for the Project and concurrence in the award of the Project from the Texas Department of Transportation; authorizing the Interim City Manager or her designee to execute all contract documents on behalf of the City; and declaring an effective date.

A motion was made by Council Member Gregson, seconded by Deputy Mayor Pro Tem Prewitt, to approve Resolution 2017-26R. Staff will look into the possibility of expediting the project and bringing back a change order if necessary. 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

9. Consider approval of Resolution 2017-27R, approving the purchase of a Bucket Truck for the Public Services Department-Transportation 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 $103,769.00; authorizing the Interim City Manager or her designee to execute the appropriate purchasing documents on behalf of the city; and declaring an effective date.

10. Consider approval of Resolution 2017-28R, awarding an Annual Contract to Thomas Trucking, Inc. for the provision of Materials and Spoilage Hauling Services (IFB 217-033) for the Public Services Department-Transportation Division in the estimated annual amount of $80,000.00; authorizing the Interim City Manager or her designee to execute the appropriate purchasing documents on behalf of the City; and declaring an effective date.

11. Consider approval of Resolution 2017-29R, approving the lease and maintenance of 36 additional light vehicles for use by the City from Enterprise Fleet Management, Inc. through the TIPS Interlocal Purchasing System in the not-to-exceed annual amount of $240,000.00 for five years; and a one-time expenditure of $110,000.00 for miscellaneous equipment for the leased vehicles; authorizing the Interim City Manager or her designee to execute the appropriate lease documents on behalf of the City; and declaring an effective date.

12. Consider approval of Resolution 2017-30R, approving the purchase of video surveillance systems and associated maintenance services for five years for various City locations from Knight Security Systems, LLC in the estimated amount of $121,539.25 through the Texas Comptroller of Public Account’s Department of Information Resources (“DIR”) Program (contract dir-tso-3430) for surveillance, security and monitoring; authorizing the Interim City Manager or her designee to execute the appropriate purchasing documents on behalf of the City and declaring an effective date.

A motion was made by Council Member Gregson, seconded by Council Member Gonzales, to approve Resolution 2017-30R. 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. Consider approval of Resolution 2017-31R, finding an inflatable boat and trailer once utilized by the City of San Marcos Fire Department to be surplus and of no value; authorizing the Fire Department to donate these items to the South Hays Fire Department and Smart Dive Team and declaring an effective date.

A motion was made by Council Member Mihalkanin, seconded by Council Member Gregson, that this Resolution be approved. The motion carried by the following vote:
14. Consider approval of Resolution 2017-32R, rejecting a bid received in response to an invitation for bids for the San Marcos River Access Point Repairs Project; and declaring an effective date.

15. Consider approval of Resolution 2017-33R, adopting Guiding Principles for the 2017 City of San Marcos Federal Program Activities; and declaring an effective date.

Main Motion: a motion was made by Council Member Gregson, seconded by Mayor Pro-Tem Hughson to approve Resolution 2017-33R.

Motion to Amend: a motion was made by Mayor Pro-Tem Hughson, seconded by Mayor Thomaides, to amend by editing the third bullet under Transportation to read: Support efforts related to regional, Lone Star Rail commuter rail, including but not limited to the Lone Star Rail Project, such as: highlighting its importance to the region and the commitment of the City to commuter rail the project with the Administration, the Congressional delegation, and appropriate agencies; supporting rail development policies in the surface transportation bill; and advocating for project specific federal funding. 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 2017-33R, 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

PUBLIC HEARINGS - 7:00 PM

16. 7:00PM Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2017-07 amending the San Marcos Smartcode by amending Section 1.5.2 and Table 5.7 to provide that Purpose Built Student Housing is allowed as a use in T4 and T5 Transect Zones only by a warrant finally decided by the City Council following a recommendation from the Planning and Zoning Commission; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date; and consider approval of Ordinance 2017-07, on the first
Abigail Gillfillan, Planning Manager, provided the Council with a brief presentation.

Mayor Thomaides opened the Public Hearing at 9:51 p.m.

There being no speakers Mayor Thomaides closed the Public Hearing at 9:51 p.m.

Main Motion: A motion was made by Council Member Gregson, seconded by Deputy Mayor Pro-Tem Prewitt to approve Ordinance 2017-07, on the first of two readings.

Motion to Amend: a motion was made by Deputy Mayor Pro Tem Prewitt, seconded by Council Member Derrick, to amend Section 1.5.2 of Ordinance 2017-07 by adding language that a denial at Planning and Zoning Commission would require a supermajority vote by Council. The motion carried by the following vote:

- **For:** 5 - Council Member Gonzales, Mayor Pro-Tem Hughson, Council Member Derrick, Council Member Mihalkanin and Deputy Mayor Pro Tem Prewitt
- **Against:** 2 - Mayor Thomaides and Council Member Gregson

Main Motion: to approve Ordinance 2017-07, 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

17. 7:00PM Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2017-08 amending the Official Zoning Map of the City by rezoning a 1.42 acre tract of land and a 2.68 acre tract of land, each located within the Cottonwood Creek Subdivision Master Plan near the intersection of State Highway 123 and Rattler Road, from “P” Public and Institutional District to “PH-ZL” Patio Home, Zero-Lot-Line Residential District and “TH” Townhouse Residential District respectively; and including procedural provisions; and consider approval of Ordinance 2017-08, on the first of two readings.

Shannon Mattingly, Director of Development Services, provided the Council with a brief overview of the request.

Mayor Thomaides opened the Public Hearing at 10:10 p.m.
Steve Ramsey, Ramsey Engineering, spoke as a representative of the owner Randall Morris and DR Horton Homes, he stated that the parkland requirements have already been met and he asked for the Council’s positive consideration.

There being no further comments, Mayor Thomaides closed the Public Hearing at 10:10 p.m.

A motion was made by Deputy Mayor Pro Tem Prewitt, seconded by Council Member Gregson, that Ordinance 2017-08 be approved, on the first of two readings. 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

18. 7:00PM Receive a Staff presentation and hold a Public Hearing to receive comments for or against a request for a Conditional Use Permit to allow insulated metal panels as an alternative exterior material for two buildings at the Hays County Jail Complex located at 1307 Uhland Road; authorizing City Staff to issue a Conditional Use Permit consistent with this Resolution; and declaring an effective date; and consider approval of Resolution 2017-34R.

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

Mayor Thomaides opened the Public Hearing at 10:17 p.m.

Clint Garza, Hays County Representative, stated that he was available to answer any questions.

There being no further comments, Mayor Thomaides closed the Public Hearing at 10:17 p.m.

A motion was made by Mayor Thomaides, seconded by Council Member Gregson, that Resolution 2017-34R be approved with conditions that Hays County adhere to vertical landscaping requirements that exceed base code. They shall maintain and install 1 irritated shade tree for every 30 liner feet along Uhland Road, instead of every 50 feet as required by the base code, and maintain and install 1 irrigated understory tree for every 30 liner feet to be located within 50 feet of the privacy fence where adjacent to any commercial or residential zoning district. A privacy fence shall be constructed of decorative
metal or masonry. 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

19. Consider approval of Ordinance 2017-09, on the first of two readings, amending the City’s 2016-2017 Fiscal Year Budget to include expenditures in the total sum of $9,000.00 from State Seized Asset Funds to provide funding for the purchase of a data interface between Computer Information Systems (CIS) and Taser/Axom Camera and Video System used by the Police Department; and providing an effective date.

A motion was made by Mayor Pro-Tem Hughson, seconded by Council Member Gregson, to approve Ordinance 2017-09, on the first of two readings. 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

20. Consider approval of Resolution 2017-35R, authorizing the naming of the alley located north of the Historic Hays County Courthouse between East Hopkins Street and University Drive “Kissing Alley”; and declaring an effective date.

A motion was made by Deputy Mayor Pro Tem Prewitt, seconded by Council Member Gregson, to approve Resolution 2017-35R. The motion carried by the following vote:

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

Against: 0

Absent: 1 - Council Member Derrick

21. Consider approval of Resolution 2017-36R, appointing Jon Clack to Board Position No. 7 of the Board of Directors of the Hays Caldwell Public Utility Agency (HCPUA) to fill a vacancy; and declaring an effective date.

A motion was made by Mayor Pro-Tem Hughson, seconded by Deputy Mayor Pro Tem Prewitt, to approve Resolution 2017-36R. The motion carried by the following vote:

For: 6 - Mayor Thomaides, Council Member Gonzales, Mayor Pro-Tem Hughson, Council Member Gregson, Council Member Mihalkanin and Deputy Mayor Pro Tem Prewitt
22. Receive an update on Senate Bill 71 (SB 71) which, if passed would authorize the State of Texas to convey ownership of the bed and banks of the San Marcos River within the corporate limits of the City to City of San Marcos, and provide direction to Staff.

Kristi Wyatt, Director of Communications and Intergovernmental Relations, provided the Council with an update regarding Senate Bill 71. The following suggested edits were provided by Deputy Mayor Pro Tem Prewitt:

Section 2.

(2) sells, creates easements or leases all or any part of the property;
(3) creates additional access points to the river from property that is wholly or partly owned, leased or managed by any entity other than the City of San Marcos;
(4) covers any part of the river bank with impermeable cover for any purpose other than erosion control; or
(5) does not adhere to best management practices set forth in State, Federal and local regulations and ordinances, including but not limited to Texas Parks and Wildlife, Texas Commission on Environmental Quality, US Fish and Wildlife Service, US Environmental Protection Agency and local water quality protections efforts (e.g. water quality buffers, riparian zones).

(b) For the purposes of this statute, ‘public purpose’ does not include economic development.

Staff and Senator Zaffirini's Staff will review and vet the proposed language.

VI. Question and Answer Session with Press and Public.

None.

VII. Adjournment.

Mayor Thomaides adjourned the regular meeting of the San Marcos City Council at 10:53 p.m.

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