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, March 7, 2017 in the City Council Chambers, 630 E. Hopkins, San Marcos, Texas 78666.

II. Roll Call

Melissa Derrick arrived after roll call at 5:13 p.m.

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

III. Invocation

The assembly did not have an invocation.

IV. Pledges Of Allegiance - United States And Texas

Kaitlyn Hernandez, a kindergarten student from Texas Preparatory School led this evening’s pledges.

EXECUTIVE SESSION

1. 5:00PM Executive Session in accordance Section 551.074 of the Texas Government Code - Personnel Matters - to discuss and deliberate regarding compensation for the Municipal Court Judge of the Municipal Court of Record and Associate Municipal Court Judge positions; and to discuss the appointment of an Interim City Manager.

A motion was made by Council Member Gregson, seconded by Mayor Pro-Tem Hughson, to enter Executive Session at 8:00 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.
The Council reconvened into open session at 9:07 p.m. The Council appointed Steve Parker as Acting City Manager, and will continue to work with SGR to fill the Interim City Manager role.

PRESENTATIONS

3. Receive a Staff presentation and update regarding the CM Allen Project, and provide direction to Staff.

   Greg Schwarz, Senior Engineer, provided the Council with an update regarding the CM Allen Project. Following discussion, Council stated that they were ok with not installing in pavement flashing lights at crosswalks.

4. Receive an update regarding the Downtown Parking Management Program, as well as, Downtown Employees Parking Initiatives, and provide direction to Staff.

   Kevin Burke, Economic Development Projects Coordinator, provided the Council with an update regarding the Downtown Parking Management Program, as well as, Downtown Employee Parking Initiative. Mr. Burke reviewed the near term recommendations and referenced the Privacy Policy related to the License Plate Recognition (LPR) program. Staff will bring back an ordinance regarding implementation of a time restriction. Staff will bring back a proposed employee permit system. Staff will provide the action items in the initiative to Council via email. Discussion was held regarding making CM Allen north of Hopkins Street 2 hour parking, regarding paid parking in parks and paid parking downtown, possible shuttling for downtown employees, and the CVB advertising the paid University garage.

6:00 PM

V. 30 Minute Citizen Comment Period

Kent Conine, addressed the Council regarding Item #14. He spoke about his experience with tax incentive properties and how they house the workforce population. He referenced the amenities that are available at many of these properties and the programs that are offered as well. He stated that the policy the Council has before them would weed out 80% of the developers in the State. He stated that it would create hardship on the project being financially feasible.

Sherwood Bishop, addressed the Council about San Marcos’ geography and flooding. He would like the Council to notice that the City is pretty much surrounded by very steep hills, and he provided the Council with maps showing the contours of San Marcos over the topography. He stated that the steep hills cannot hold water very well and it runs off to downtown and into
residential areas. He provided an additional map illustrating flood plains across the City, and wanted the Council to notice the things that are developed.

Travis Kelsey, addressed the Council and thanked the Council for talking about downtown parking. He stated that we have a crisis downtown. He said that he really wants the Council to think about how we are going to preserve all the mom and pops in the downtown. He wants the Council to think of downtown as a neighborhood, and said that we cannot compete with the restaurants on IH35 with the parking situation being what it is. He stated that this has to be resolved in the short term and that we don’t have time for a subcommittee or consultant. He said that we have to figure out a solution now and not later, and that this is more serious than you think. We have a very short amount of time to work towards the long term.

Kyle Mylius, addressed the Council in support of a comprehensive employee parking area. He stated that he employs around 50 employees and that there are approximately 136 businesses that operate 8-5 in the downtown area. He stated that when an employee parks they are there all day. He stated that if we are able to implement an employee permit program then that would be helpful. He suggested as short term solution to work out a lease agreement with Mr. Carson and Mr. Casey. He then suggested as a long term solution to locate a parking lot that can be served by an electric shuttle program. He stated that simply blanketing downtown with meters will not solve the issue.

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 # 6 and 14 which were pulled and considered separately. 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) February 8, 2017 - Code SMTX Workshop
   B) February 10, 2017 - Visioning Workshop
   C) February 15, 2017 - Special Meeting
   D) February 21, 2017 - Regular Meeting

6. Consider approval of Ordinance 2017-07, on the second of two readings, 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.

Main Motion: a motion was made by Council Member Gregson, seconded by Mayor Pro-Tem Hughson to approve Ordinance 2017-07.

Motion to Amend: A motion was made by Mayor Thomaides, seconded by Council Member Gregson, to amend Ordinance 2017-07 by amending Section 1.5.4 by striking "three-fourths" and replacing it with "majority" of all members. The motion failed by the following vote:

For: 2 - Mayor Thomaides and Council Member Gregson

Against: 5 - Mayor Pro-Tem Hughson, Deputy Mayor Pro Tem Prewitt, Council Member Mihalkanin, Council Member Gonzales and Council Member Derrick

Motion to amend: a motion was made by Council Member Gonzales, seconded by Council Member Derrick, to amend Ordinance 2017-07 Section 1.5.4 by inserting that property owners within 400 feet would be in the notification area. 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

Main Motion: a motion was made by Council Member Gregson, seconded by Mayor Pro-Tem Hughson, to approve Ordinance 2017-07, as amended. 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

7. Consider approval of Ordinance 2017-08, on the second of two readings, 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.

8. Consider approval of Ordinance 2017-09, on the second 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/Axon Camera and Video System used by the Police Department; and providing an effective date.
9. Consider approval of Resolution 2017-37R, approving the expenditure of $2,999.00 from the permanent art fund for the purchase of a piece of permanent display art for placement on City property; authorizing the Interim City Manager or her designee to disburse the approved funds for the purchase of this permanent display art in accordance with the City’s purchasing policies and requirements; and declaring an effective date.

10. Consider approval of Resolution 2017-38R, awarding a contract to P&H Equipment, LLC for the purchase of a used 2008 H210 forklift truck for the Public Services Department - Electric Utility Division in the total amount of $59,875.00; 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 2017-39R, approving a five-year airport facility lease agreement with Civil Air Patrol for the building located at 1915 Airport Drive; and declaring an effective date.

12. Consider approval of Resolution 2017-40R, approving the terms and conditions of a shared hangar lease agreement for use at the San Marcos Regional Airport; authorizing the Interim City Manager to execute said agreements; and declaring an effective date.

13. Consider approval of Resolution 2017-41R, approving the award of a construction contract to Insituform Technologies, LLC for the East Side Interceptor 30/36 inch Wastewater Project in the total amount of $353,745.00 through the Texas Local Government Purchasing Cooperative Buyboard Contract for Cipp, underground asset renewal and water tank asset management (Buyboard Contract #462-14) 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.

14. Consider approval of Resolution 2017-42R, approving an amendment to the Affordable/Workforce Housing Policy that establishes criteria for the City Council’s consideration of requests to provide that City Council consideration of tax credit projects for large multi family developments shall be limited to projects that provide age restricted housing or projects that provide ; and declaring an effective date.

A motion was made by Council Member Gregson, seconded by Council Member Mihalkanin, to approve Resolution 2017-42R. Staff will bring an update to the subcommittee regarding the income requirements for individuals and for families. 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

15. 7:00PM Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2017-10, annexing into the City, pursuant to a request for voluntary annexation, 1.143 acres of land, more or less, out of the Cyrus Wickson Survey, Abstract no. 474, Hays County, Texas, located on East McCarty Lane, Northwest of the intersection with Rattler Road; approving a service plan for this area; and including procedural provisions; and consider approval of Ordinance 2017-10 on the first of two readings.

Shannon Mattingly, Director of Development Services, provided a brief presentation to City Council.

Mayor Thomaides opened the Public Hearing at 7:39 p.m.

Bill Fisher, 168 12 Dallas Parkway, Dallas, TX, addressed the Council about the genesis of this request being the desire for responsible development. He stated that they have worked with Staff to meet all of the criteria and that they couldn’t meet the current standards without this new acre. He stated that they will talk to the developer about what will meet the new policy, and will look at bringing back a townhome product.

There being no further comments, the Mayor closed the Public Hearing at 7:42 pm.

A motion was made by Council Member Gregson, seconded by Deputy Mayor Pro Tem Prewitt, to approve Ordinance 2017-10, 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

16. Consider approval of Ordinance 2017-11, on the first of two readings, annexing into the City, pursuant to a request for voluntary annexation, 17.45 acres of land, more or less, out of the Cyrus Wickson Survey, Abstract No. 474, Hays County, Texas, located on East McCarty Lane, Northwest of the intersection with Rattler Road; approving a service plan for this area; and including procedural provisions.

A motion was made by Deputy Mayor Pro Tem Prewitt, seconded by Council Member Gregson, to approve Ordinance 2017-11, on the first of two readings. The motion carried by the following vote:
17. Consider approval of Ordinance 2017-12, on the first of two readings, creating a designated permit area under Section 82.189 of the San Marcos City Code that allows parking by permit on both sides of the 100 to 200 blocks of West Hillcrest Drive between Ridgeway Drive and Holland Street, Monday through Friday from 8:00 am to 5:00 pm; amending the traffic register to reflect such designated permit area; and providing for an effective date.

A motion was made by Council Member Gregson, seconded by Council Member Derrick, to approve Ordinance 2017-12, 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

18. Consider approval of Ordinance 2017-13, on the first of two readings, designating a no parking tow-away zone at all times on the North Side of Cheatham Street from Riverside Drive to Reynolds Street and on the South Side of Cheatham Street from Riverside Drive to CM Allen Parkway; and amending the traffic register maintained under section 82.067 of the San Marcos City Code to reflect such designation; and including procedural provisions.

A motion was made by Deputy Mayor Pro Tem Prewitt, seconded by Mayor Pro-Tem Hughson, to approve Ordinance 2017-13, 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 Resolution 2017-43R, approving a participation agreement with Lazy Oaks Ranch, LP providing for the City to participate in the cost of oversizing certain Public Water System improvements in an amount not to exceed $1,028,631 in connection with the La Cima Development Project; authorizing the Interim City Manager to execute said agreement; and declaring an effective date.

A motion was made by Mayor Pro-Tem Hughson, seconded by Council Member Gregson, to approve Resolution 2017-43R. The motion carried by the following vote:
20. Consider approval of Resolution 2017-44R, approving an agreement of sale with the Trust for Public Land for the City to purchase approximately 50 acres of land out of the Wildenthal Tract for the expansion of the Purgatory Creek natural area at a price of $632,000.00; authorizing the Interim City Manager to execute said agreement and related closing documents on behalf of the City; authorizing the Interim City Manager or her designee to submit a grant application to the U.S. Fish and Wildlife Service, Ecological Services program for a grant in the amount of $2,272,500.00 to fund the purchase of the remaining 152 acres out of said Wildenthal Tract for further expansion of the Purgatory Creek natural area, and to execute any and all documents necessary to accept such grant if awarded; and declaring an effective date.

Main Motion: A motion was made by Council Member Gregson, seconded by Council Member Derrick, that Resolution 2017-44R be approved. 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

Motion to Amend: A motion was made by Council Member Gregson, seconded by Council Member Derrick, that Resolution 2017-44R be amended to change in two places the following: the price of $773,632.00 and 51.567 acres of land. 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

Main Motion: A motion was made by Council Member Gregson, seconded by Council Member Derrick, that Resolution 2017-44R be approved as amended. 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

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 9:09 p.m.

Jamie Lee Case, City Clerk
John Thomaides, Mayor