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 5:03 p.m. Tuesday, June 6, 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 Ed Mihalkanin, Council Member Saul Gonzales, Council Member Scott Gregson and Council Member Melissa Derrick

III. Invocation

Mr. Lamar Hankins provided the invocation.

IV. Pledges Of Allegiance - United States And Texas

Lylah Prince Lovelace, a 3rd grade student at Crockett Elementary, led the assembly in the Pledges of Allegiance.

EXECUTIVE SESSION

1. 5:00PM Executive Session in accordance with Section § 551.087 of the Texas Government Code - Economic Development: to receive an update regarding Project World Series.

A motion was made by Council Member Gregson, seconded by Mayor Pro-Tem Hughson, to enter Closed Session at 5:08 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 City Council reconvened into Open Session at 6:26 p.m. Direction was provided to Staff in Closed Session.
PRESENTATIONS

3. Receive a presentation on the City’s long range planning efforts and adoption schedule for Code SMTX, and provide direction to staff.

Abigail Gillfillan, Planning Manager, provided the Council with a presentation on the City's long range planning efforts and adoption schedule for Code SMTX. Discussion was held regarding the adoption schedule and the possibility of scheduling special meetings to review amendments.

4. Receive the final report from the 2017 Charter Review Commission; discuss proposed amendments to the San Marcos City Charter; and provide direction to Staff.

Paul Mayhew, Chair of the Charter Review Commission, provided the Council with overview of their duties and introduced the members of the Charter Review Commission. Chair Mayhew reviewed the Commissions’ final report to the City Council. Mayor Thomaides guided the Council through cumulative list of recommended City Charter amendments. The following amendments had consensus of the City Council to move forward, except as otherwise noted:

1. Change all references to “municipal government” to “city government” [Sections 1.01 and 1.02]

2. Amend Section 1.03, Statement of Goals, to provide that the city government should:
   • Promote high quality affordable housing
   • Include protection of the San Marcos River, its springs, aquifer, and tributaries

There was an interest for language to be crafted regarding the long-term fiscal impacts of economic incentives and for that language to be placed in a different area within the Charter. Discussion was held regarding the insertion of the phrase “sound finances” within the statement of goals.

3. Allow the address shown on a person’s Texas Identification Card to be used, in additional to a current driver’s license, as proof of residence for purposes of qualifying to run for and hold office on the city council. [Section 3.02 (a)(2)(A)]

4. Council consensus was to not move forward with placing the following proposed amendment to the Charter on the ballot: Amend Section 3.02(a)(6) to require Council members to remain current on all financial obligations to the city in order to continue to hold office. Under the current city charter, only financial obligations arising from the duties of the office are considered. If this amendment is approved, having delinquent city utility accounts or delinquent
property taxes would disqualify a council member from continuing to hold office and disqualify an individual with such outstanding debts from filing an application to run for council. See also, Section 5.03 – Filing for Office.

Council consensus was to bring back language in an ordinance detailing requirements related to current council members and candidates remaining current on financial obligations to the City. This ordinance should include that written notice be provided by the City, a monetary threshold, and accepted payment plans are considered to be current.

5. Change all references to the position of “mayor pro tempore” to “mayor pro tem.” [Section 3.05]

6. Change all references to the position of “city secretary” to “city clerk” [Sections 3.09 and 6.02]

7. Require the city attorney to approve or file written objections to proposed ordinances prior to consideration by the city council. [Section 3.11(b)] There was council consensus to require the city attorney to approve or file written objections to proposed economic development incentive contracts prior to consideration by the city council.

8. Correct a reference in the first sentence of Section 3.12 from “chapter” to “charter”

9. Council consensus was to not move forward with placing the following proposed amendment to the Charter on the ballot: The city council may remove council members including the mayor who are in substantial violation of or have substantially violated provisions of this charter; provided that any such action for expulsion of a city council member shall require five affirmative votes of city council members.

10. Require the affirmative vote of at least five members of the city council to remove the city manager. [Section 4.01(b)]

11. Allow the city clerk to authenticate ordinances and resolutions by electronic signature. [Section 4.02]

12. The salary range of each city position shall be published on the city website [Section 4.07]
13. All candidates shall sign the oath of fair campaign practices provided in Section 258.004 of the Texas Election Code. All campaign contributions and reports filed by candidates shall be legible. [Section 5.03]

14. Clarify that names of candidates can be listed electronically on the ballot instead of being printed as they would be on paper ballots. [Section 5.04]

15. Amendments to Section 7.01 – Planning and Zoning Commission – Qualifications:
   • Remove all remaining references to the ETJ member
   • Eliminate property ownership as a requirement to serve on the P&Z
   • Increase residency requirement from three years to five years to serve on P & Z

The Council had consensus to omit the following recommendation from the ballot:
   • Prohibit the appointment of more than two professional realtors to the P &Z

16. Amendments to Section 7.02 – Planning and Zoning Commission – Powers and Duties:
   • Require the planning staff to follow all city ordinances rules and regulations and consult with the city attorney before making any recommendations to the Planning and Zoning Commission
   • Require the Planning and Zoning Commission to follow all city ordinances, rules, and regulations before making any recommendations to the city council

The Council had consensus to omit the following recommendation from the ballot, but instead to bring back the fee schedule and to reduce the current fee of $600 to a more affordable amount:
   • Prohibit the assessment of a fee to appeal a decision on conditional use permit to the city council

The Council had consensus to strike the words “by a three-fourths vote” and insert “by 6 votes of the council.”

The City Council will continue review of the Charter Review Commissions’ recommendations on June 20, 2017.

6:00 PM

V. 30 Minute Citizen Comment Period
Amanda Hargrave, spoke on behalf of the group San Martians for Off Leash Areas. Ms. Hargrave provided an overview of their organization and the community events that they provide such as dog waste pickups in various City Parks. She spoke in support of the proposed eastside dog park funding being requested through the Community Development Block Grant.

Lisa Metzler, spoke on behalf of CASA and provided the benefits of the services that CASA offers community children that are in foster care. She asked for support for CASA’s funding request through the Community Development Block Grant.

Joanne Germer, spoke on behalf of CASA and spoke of the 25 years of service that CASA has provided to the San Marcos community. She spoke of the need for a new building that would provide the availability for a training/meeting area, office spaces and storage. She asked that the Council support for funding through the Community Development Block Grant.

Seth Worley, spoke on behalf of CASA and their request for CDBG funds for their capital campaign and operating expenses. He asked the Council to positively consider their requests.

John Bartnel, spoke about CASA’s mission and how they help the children of the community. He asked the Council to bolster their investment by increasing their monetary support in CASA this year.

Chris Rue, addressed the Council on behalf of the Downtown Association and formally requested that the parking spots that have been identified by Staff be painted and that the LPR Program be implemented. The Downtown Association also requested that Council add a discussion item to the June 20th City Council Agenda regarding a new license agreement between the City of San Marcos and the Downtown Association in regard to use of the City Park Parking Lot Monday-Friday 8am-5pm for employee parking.

Carol Grimm, spoke on behalf of CASA and their request for CDBG funding. She provided benefits that the organization adds to lives of the children in San Marcos. She asked that the Council help CASA find a permanent home just like they help children find a permanent home.

CONSENT AGENDA

A motion was made by Council Member Gregson, seconded by Council Member Mihalkanin, that the Consent Agenda be approved, with the exception
of Item #12 which was 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) May 12, 2017 - Packet Meeting Minutes
   B) May 15, 2017 - Special Called Meeting Minutes
   C) May 16, 2017 - Regular Meeting Minutes
   D) May 26, 2017 - Special Called Meeting Minutes

6. Consider approval of Ordinance 2017-28, on the second of two readings, designating six parking spaces located at the southwest and southeast corners of Guadalupe and San Antonio Streets as loading and unloading spaces for use only by Transportation Network Company drivers who are waiting for prearranged rides between the hours of 10:00 PM and 3:00 AM each day of the week, authorizing the City Traffic Engineer to install signs identifying such parking spaces; amending the traffic register maintained under section 82.067 consistent with this Ordinance; including procedural provisions; and declaring an effective date.

7. Consider approval of Ordinance 2017-29, on the second of two readings, amending Section 82.128 of the San Marcos City Code to clarify the exceptions allowing large commercial trucks weighing more than one ton to deviate from established truck routes; and providing an effective date.

8. Consider approval of Ordinance 2017-30, on the second of two readings, amending the Official Zoning Map of the City by rezoning 0.951 acre, more or less, tract of land, out of the J. M. Veramendi Survey, Abstract 17, Hays County, Texas located at 1346 Thorpe Lane from “OP” Office Professional District to “CC” Community Commercial District, and including procedural provisions.

9. Consider approval of Resolution 2017-89R, approving a vehicle titling addendum which amends the lease-purchase agreement between the City and U.S. Bancorp Government Leasing and Finance, Inc., to add the lease-purchase of a 12-yard dump truck for the Public Services Department-Transportation Division in the total amount of $139,374.34 inclusive of financing costs; authorizing the Interim City Manager or his designee to execute all appropriate documents associated with this transaction; and declaring an effective date.

10. Consider approval of Resolution 2017-90R approving the lease-purchase of a 12-yard dump truck for the Public Services Department-Transportation Division from Grande Truck Center in the amount of $139,374.34 through the Texas Local Government Purchasing Cooperative Buyboard Contract for Vehicles, Heavy Duty Trucks, Police Motorcycles and Service Labor (Buyboard Contract #521-16); authorizing the Interim City Manager or his designee to execute the appropriate lease/purchase documents
11. Consider approval of Resolution 2017-91R, approving the purchase of a motor grader for the Public Services Department-Transportation Division in the total purchase amount of $243,467.08 from Holt Cat Texas, Ltd. through the Texas Local Government Purchasing Cooperative Buyboard Contract for Construction Equipment, Road and Bridge Equipment, Ditching, Trenching, Utility and other Equipment (Buyboard Contract #515-16); authorizing the Interim City Manager or his designee to execute the appropriate purchase documents on behalf of the City; and declaring an effective date.

12. Consider approval of Resolution 2017-92R, adopting revised Investment Policies for Operating Funds and Reserve Funds: and declaring an effective date.

A motion was made by Council Member Gregson, seconded by Council Member Mihalkanin, that Resolution 2017-92R 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

13. Consider approval of Resolution 2017-94R approving the award of an Emergency Construction Contract to Ultimate Roofing Systems, Inc. through the Interlocal Purchasing System ("TIPS") Contract #2092415 in the amount of $62,731.02 for the San Marcos Public Library Emergency Roof Repair Project; ratifying the Interim City Manager’s execution of the contract documents on behalf of the City; and declaring an effective date.

PUBLIC HEARINGS - 7:00 PM

14. 7:00PM Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2017-95R, approving a variance from the minimum distance requirement under Section 4.3.4.2 of the Land Development Code to allow Komal Latin Kitchen and Bar to serve alcoholic beverages for on-site consumption at 2550 Hunter Road, which location is less than 300 feet from Doris Miller Junior High School; and declaring an effective date; and consider approval of Resolution 2017-95R.

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

Mayor Thomaides opened the Public Hearing at 9:36 p.m.

With no comments, Mayor Thomaides closed the Public Hearing at 9:36 p.m.

A motion was made by Council Member Gregson, seconded by Mayor Thomaides, that Resolution 2017-95R 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

15. 7:00PM Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2017-96R, approving the update to the Analysis of Impediments to Fair Housing Choice 2014 to include Community Development Block Grant-Disaster Recovery (CDBG-DR) 2015 Grant activities and funding; authorizing the City Manager or his designee to act as the official representative of the City in matters related to the Analysis of Impediments to Fair Housing Choice 2014; and consider approval of Resolution 2017-96R; and declaring an effective date.

Mayor Thomaides opened the Public Hearing without receiving the Staff presentation at 9:45 p.m.

There being no comments, Mayor Thomaides closed the Public Hearing at 9:46 p.m.

A motion was made by Council Member Mihalkanin, seconded by Deputy Mayor Pro Tem Prewitt, that Resolution 2017-96R 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

16. 7:00PM Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2017-97R, approving an Amendment to the Community Development Block Grant (CDBG) 2015-2019 Consolidated Plan to include Community Development Block Grant-Disaster Recovery (CDBG-DR) 2015 Grant activities and funding; authorizing the City Manager or his designee to act as the official representative of the City in matters related to the CDBG 2015-2019 Consolidated Plan; declare an effective date; and consider approval of Resolution 2017-97R.

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

There being no comments, Mayor Thomaides closed the Public Hearing at 10:18 p.m.

A motion was made by Council Member Gregson, seconded by Deputy Mayor Pro Tem Prewitt, that Resolution 2017-97R be approved. Staff stated that the riverine project will be funded out of general fund for now and will be brought
back to the Council for consideration of funding. 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 the 2017 Community Development Block Grant Annual Action Plan, and provide direction to staff.

Stacy Brown, Housing and Community Development Manager, provided the Council with a presentation of the 2017 CDBG Program Annual Action Plan. Ms. Brown provided the Council with the public service fund requests and the recommendations from the Human Services Advisory Board. Ms. Brown continued her presentation by providing the Council with the non-public service fund requests.

Mayor Thomaides opened the Public Hearing at 10:00 p.m.

Lynnette Lombardo, spoke on behalf of CASA of Central Texas and asked that the Council support their funding request.

Tricia Snyder, Development Director at CASA of Central Texas, spoke in favor of CASA's funding requests and provided renderings of the proposed building they would like to construct with the funds they raise. She thanked the Council for their consideration.

Melissa Rodriguez, Director of Community Partnerships for Hays Caldwell Woman's Center, stated that they withdrew their public service request and would like to focus on their request for Counseling and Resource Center remodel in the amount of $22,000.

There being no additional comments, Mayor Pro Tem Hughson closed the Public Hearing at 10:07 p.m.

Council directed Staff to remove the $62,000 request that would fund an engineering feasibility study to determine if the Fire Station on Broadway can be rehabilitated into a Community Resource Center.

No further action was taken.

NON-CONSENT AGENDA
18. Consider approval of Ordinance 2017-20, on the second of two readings, amending Chapter 2, Article 5, Code of Ethics, of the San Marcos City Code; requiring updating of Financial Disclosure Forms; requiring Financial Disclosure Forms to be filed by members of temporary boards, commissions, subcommittees or similar groups; and providing an effective date.

A motion was made by Council Member Gregson, seconded by Council Member Derrick, that Ordinance 2017-20, on the second of two readings, be postponed. 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

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 10:30 p.m.

Jamie Lee Case, City Clerk        John Thomaides, Mayor