



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes City Council

Tuesday, September 2, 2014

5:00 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 Daniel Guerrero at 5:02 p.m. on Tuesday, September 2, 2014 in the City Council Chambers, 630 East Hopkins, San Marcos, Texas 78666.

II. Roll Call

Council Member Prather and Council Member Thomason arrived after roll call at 5:04 p.m.

Present: 7 - Mayor Daniel Guerrero, Mayor Pro-Tem John Thomaides, Deputy Mayor Pro Tem Wayne Becak, Council Member Ryan Thomason, Council Member Shane Scott, Council Member Jude Prather and Council Member Lisa Prewitt

III. EXECUTIVE SESSION

1. 5:00PM

Executive Session in accordance with Section §551.071 of the Texas Government Code: Consultation with Attorney - regarding pending litigation, to wit: DCI Developers, LLC and Casey Development, Ltd. V. City of San Marcos; Civil No. 1:14-CV-296SS in the United States Court for the Western District of Texas; and in accordance with Section §551.087 of the Texas Government Code: Economic Development - receive an update from Greater San Marcos Partnership President Adrianna Cruz and hold discussion regarding potential Chapter 380 Economic Development Incentive Agreements for Project NAFTA II and Project Arc; Personnel matters: and in accordance with Section §551.074 of the Texas Government Code: Personnel Matters - discuss the duties and responsibilities of the City Manager.

A motion was made by Council Member Scott, seconded by Council Member Prewitt, to enter into Executive Session at approximately 5:03 p.m.. The motion carried by the following vote:

For: 5 - Mayor Guerrero, Mayor Pro-Tem Thomaides, Deputy Mayor Pro Tem Becak, Council Member Scott and Council Member Prewitt

Against: 0

Absent: 2 - Council Member Thomason and Council Member Prather

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

A motion was made by Mayor Pro-Tem Thomaides, seconded by Council Member Scott, authorizing City Manager Jared Miller to extend an offer letter to Project Arc. The motion carried by the following vote:

For: 7 - Mayor Guerrero, Mayor Pro-Tem Thomaides, Deputy Mayor Pro Tem Becak, Council Member Thomason, Council Member Scott, Council Member Prather and Council Member Prewitt

Against: 0

A motion was made by Deputy Mayor Pro Tem Becak, seconded by Council Member Scott, authorizing City Manager Jared Miller to extend an offer letter to Project NAFTA II. The motion carried by the following vote:

For: 7 - Mayor Guerrero, Mayor Pro-Tem Thomaides, Deputy Mayor Pro Tem Becak, Council Member Thomason, Council Member Scott, Council Member Prather and Council Member Prewitt

Against: 0

6:00 PM

IV. Invocation

A moment of silence was observed.

V. Pledges Of Allegiance - United States And Texas

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

VI. 30 Minute Citizen Comment Period

CONSENT AGENDA

A motion was made by Council Member Prather, seconded by Deputy Mayor Pro Tem Becak, that the consent agenda be approved. The motion carried by the following vote:

For: 7 - Mayor Guerrero, Mayor Pro-Tem Thomaides, Deputy Mayor Pro Tem Becak, Council Member Thomason, Council Member Scott, Council Member Prather and Council Member Prewitt

Against: 0

3. Consider approval of the following:
August 13, 2014 Annexation Workshop Minutes
August 15, 2014, Special Called Meeting Minutes
August 19, 2014, Regular Meeting Minutes
4. Consider approval of Ordinance 2014-48, on second and final reading, appointing John P. Burke, Jr. for a two year term as presiding Judge of the San Marcos Municipal Court of Record and reappointing Dr. Vincent Luizzi as Associate Judge of the Court for a two year term; and providing an effective date.
5. Consider approval of Resolution 2014-115R, awarding a construction contract to Cougar Construction, LLC for the Senior Center Building Expansion Project in the bid amount of \$181,500.00 contingent upon the bidder's timely submission of sufficient bonds and insurance in accordance with the City's bid documents for the project; authorizing the City Manager or his designee to execute the contract documents on

behalf of the City and declaring an effective date.

A motion was made by Council Member Prather, seconded by Deputy Mayor Pro Tem Becak, that Resolution 2014-115R be approved. The motion carried by the following vote:

For: 6 - Mayor Guerrero, Deputy Mayor Pro Tem Becak, Council Member Thomason, Council Member Scott, Council Member Prather and Council Member Prewitt

Against: 0

Abstain: 1 - Mayor Pro-Tem Thomaides

6. Consider approval of Resolution 2014-116R approving the purchase of Scott Safety Air Packs and Replacement Parts from Metro Fire Apparatus Specialists, Inc. for the Fire Department in the amount of \$259,709.36; authorizing the City Manager or his designee to execute the appropriate purchasing documents on behalf of the City; and declaring an effective date.
7. Consider approval of Resolution 2014-117R approving an agreement between the City And HDR Engineering, Inc. for the provision of professional engineering services in connection with the Pat Garrison Improvements Project in a total not to exceed amount of \$64,981.75; 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 2014-118R approving an Airport Project Participation Agreement between the City and the State of Texas acting through the Texas Department of Transportation for a Hanger Access Security Fencing and Auto Parking Project at the San Marcos Regional Airport; authorizing the City's expenditure of approximately \$135,000.00 in local participation in the project; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.

NON-CONSENT AGENDA

9. Consider approval of Ordinance 2014-45, on second and final reading, adopting a budget in the sum of \$173,012,418 for the fiscal year beginning on October 1, 2014 and ending on September 30, 2015; authorizing certain adjustments to the budget with the approval of the City Manager; and approving fiscal year 2014-2015 Capital Improvements Program Projects; and a motion to ratify the property tax increase reflected in the budget.

Mayor Guerrero stated that a Public Hearing regarding the City's 2014-2015 Budget was held on August 19, 2014, and that today's agenda item was to approve the Budget on second reading and ratify the property tax increase reflected in the Budget.

A motion was made by Mayor Guerrero, seconded by Council Member Prather, that Ordinance 2014-45 be approved on second and final reading. The motion carried by the following vote:

For: 7 - Mayor Guerrero, Mayor Pro-Tem Thomaides, Deputy Mayor Pro Tem Becak, Council Member Thomason, Council Member Scott, Council Member Prather and Council Member Prewitt

Against: 0

A motion was made by Mayor Guerrero, seconded by Council Member Scott, to ratify the property tax rate increase reflected in the budget. The motion carried by the following vote:

For: 6 - Mayor Guerrero, Mayor Pro-Tem Thomaides, Council Member Thomason, Council Member Scott, Council Member Prather and Council Member Prewitt

Against: 1 - Deputy Mayor Pro Tem Becak

10. Consider approval of Ordinance 2014-46, on second and final reading, setting the Tax Rate for the 2014 tax year at 53.02 cents on each \$100 of taxable value of real and personal 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, 2014 and ending September 30, 2015; providing a Sinking Fund for the retirement of the bonded debt of the City.

Mayor Guerrero announced that as required by State Law, two public hearings have been held on the City's 2014 Tax Rate. Today's agenda item was to approve the Tax Rate Ordinance on second reading.

A motion was made by Mayor Guerrero, seconded by Council Member Scott, that the property Tax Rate be increased by the adoption of a Tax Rate of 53.02 cents per hundred, which is effectively a 4.2 percent increase in the Tax Rate. The motion carried by the following vote:

For: 5 - Mayor Guerrero, Council Member Thomason, Council Member Scott, Council Member Prather and Council Member Prewitt

Against: 2 - Mayor Pro-Tem Thomaides and Deputy Mayor Pro Tem Becak

11. Consider approval of Ordinance 2014-47, on second and final reading, increasing rates established for Water, Wholesale Water, Reclaimed Water, Wastewater Treatment, and Sewer Surcharges; and including procedural provisions.

A motion was made by Council Member Scott, seconded by Council Member Prather, that Ordinance 2014-47 be approved. The motion carried by the following vote:

For: 6 - Mayor Guerrero, Mayor Pro-Tem Thomaides, Council Member Thomason, Council Member Scott, Council Member Prather and Council Member Prewitt

Against: 1 - Deputy Mayor Pro Tem Becak

12. Consider approval of Resolution 2014-119R adopting an Annexation and Extraterritorial Jurisdiction ("ETJ") Management Strategy; and declaring an effective date.

A motion was made by Council Member Scott, seconded by Council Member Prewitt, that Resolution 2014-119R be approved. The motion carried by the following vote:

For: 6 - Mayor Guerrero, Mayor Pro-Tem Thomaides, Deputy Mayor Pro Tem Becak, Council Member Scott, Council Member Prather and Council Member Prewitt

Against: 1 - Council Member Thomason

13. Consider approval of Resolution 2014-120R expressing the City Council's support for the proposed La Cima Development Project; extending an offer of a Development

Agreement to Lazy Oaks Ranch, L.P. pursuant to Section 43.035 of the Texas Local Government Code to defer annexation and continue the extraterritorial status of all or any part of a 634.59 acre tract of land within the proposed project until the owners of the property file any type of subdivision plat or related development document for all or any part of the property; and providing an effective date.

A motion was made by Deputy Mayor Pro Tem Becak, seconded by Council Member Thomason, that Resolution 2014-120R be tabled. The motion carried by the following vote:

For: 7 - Mayor Guerrero, Mayor Pro-Tem Thomaides, Deputy Mayor Pro Tem Becak, Council Member Thomason, Council Member Scott, Council Member Prather and Council Member Prewitt

Against: 0

A motion was made by Deputy Mayor Pro Tem Becak, seconded by Council Member Prewitt, that Resolution 2014-120R be removed from table. The motion carried by the following vote:

For: 7 - Mayor Guerrero, Mayor Pro-Tem Thomaides, Deputy Mayor Pro Tem Becak, Council Member Thomason, Council Member Scott, Council Member Prather and Council Member Prewitt

Against: 0

A motion was made by Mayor Pro-Tem Thomaides, seconded by Council Member Scott, that Resolution 2014-120R be approved. The motion carried by the following vote:

For: 5 - Mayor Guerrero, Mayor Pro-Tem Thomaides, Deputy Mayor Pro Tem Becak, Council Member Scott and Council Member Prewitt

Against: 1 - Council Member Thomason

Abstain: 1 - Council Member Prather

14. Consider approval of Resolution 2014-121R expressing the City Council's continuing support of the Paso Robles Development within Tax Increment Reinvestment Zone No. 4; directing the City Staff to proceed with preparation of all documents necessary to increase the total amount of project expenses eligible for reimbursement with tax increment by an additional \$10,000,000; and providing an effective date.

A motion was made by Council Member Scott, seconded by Mayor Pro-Tem Thomaides, that Resolution 2014-121R be approved. The motion carried by the following vote:

For: 7 - Mayor Guerrero, Mayor Pro-Tem Thomaides, Deputy Mayor Pro Tem Becak, Council Member Thomason, Council Member Scott, Council Member Prather and Council Member Prewitt

Against: 0

15. Consider approval, by motion, of an Out of City Utility Extension request for a proposed Griffith Ford Car Dealership at the corner of Interstate 35 and Riverway Avenue including a variance to City Code Section 86.003(c) which states that City Wastewater Service is only available to properties which are also served by City Water Service.

A motion was made by Council Member Scott, seconded by Council Member Thomason, that this Out of City Utility Extension request be approved. The motion carried by the following vote:

For: 7 - Mayor Guerrero, Mayor Pro-Tem Thomaides, Deputy Mayor Pro Tem Becak, Council Member Thomason, Council Member Scott, Council Member Prather and Council Member Prewitt

Against: 0

16. Consider approval, by motion, changing the Tuesday, October 7, 2014 regular meeting to Monday, October 6, 2014 due to National Night Out in San Marcos, and changing the Tuesday, November 4, 2014 regular meeting to Monday, November 3, 2014 due to the General Election.

A motion was made by Mayor Pro-Tem Thomaides, seconded by Council Member Thomason, to amend by changing the November 4, 2014 regular meeting to Wednesday, November 5, 2014. The motion carried by the following vote:

For: 6 - Mayor Guerrero, Mayor Pro-Tem Thomaides, Deputy Mayor Pro Tem Becak, Council Member Thomason, Council Member Prather and Council Member Prewitt

Against: 1 - Council Member Scott

A motion was made by Mayor Pro-Tem Thomaides, seconded by Council Member Thomason, that the change of Tuesday, October 7, 2014 regular meeting to Monday, October 6, 2014 and Tuesday, November 4, 2014 regular meeting to Wednesday, November 5, 2014 be approved as amended. The motion carried by the following vote:

For: 6 - Mayor Guerrero, Mayor Pro-Tem Thomaides, Deputy Mayor Pro Tem Becak, Council Member Thomason, Council Member Prather and Council Member Prewitt

Against: 1 - Council Member Scott

17. Consider approval, by motion, of a Position Statement from the San Marcos City Council La Cima Subcommittee regarding the La Cima Development Agreement.

A motion was made by Deputy Mayor Pro Tem Becak, seconded by Council Member Thomason, that the Position Statement of the San Marcos City Council La Cima Subcommittee be approved. The motion carried by the following vote:

For: 7 - Mayor Guerrero, Mayor Pro-Tem Thomaides, Deputy Mayor Pro Tem Becak, Council Member Thomason, Council Member Scott, Council Member Prather and Council Member Prewitt

Against: 0

18. Discuss and consider an appointment to fill a vacancy on the Parks and Recreation Board, and provide direction to Staff.

A motion was made by Council Member Prewitt, seconded by Mayor Guerrero, that the appointment of Sue Cohen to the Parks and Recreation Board, to fill a vacancy, be approved. The motion carried by the following vote:

For: 7 - Mayor Guerrero, Mayor Pro-Tem Thomaides, Deputy Mayor Pro Tem Becak, Council Member Thomason, Council Member Scott, Council Member Prather and Council Member Prewitt

Against: 0

VII. Question and Answer Session with Press and Public.

None.

VIII Adjournment.

A motion was made by Council Member Scott, seconded by Council Member Thomason, that the regular meeting of the San Marcos City Council be adjourned at 8:51 p.m. The motion carried by the following vote:

For: 7 - Mayor Guerrero, Mayor Pro-Tem Thomaides, Deputy Mayor Pro Tem Becak, Council Member Thomason, Council Member Scott, Council Member Prather and Council Member Prewitt

Against: 0

ATTEST:

Jamie Lee Pettijohn, City Clerk

Daniel Guerrero, Mayor