



# City of San Marcos

## Regular Meeting Minutes

### City Council

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Tuesday, March 16, 2021

6:00 PM

Virtual Meeting

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**This meeting was held using conferencing software due to COVID-19 rules.**

#### I. Call To Order

**With a quorum present, the regular meeting of the San Marcos City Council was called to order by Mayor Hughson at 6:00 p.m. Tuesday, March 16, 2021. This meeting was held online.**

#### II. Roll Call

**Present:** 7 - Mayor Pro Tem Melissa Derrick, Mayor Jane Hughson, Council Member Maxfield Baker, Council Member Saul Gonzales, Deputy Mayor Pro Tem Shane Scott, Council Member Alyssa Garza and Council Member Mark Gleason

#### III. Invocation

**Father Mike Woods from San Marcos Episcopal Church provided tonight's invocation.**

#### IV. Pledges of Allegiance - United States and Texas

**Deputy Mayor Pro Tem Scott led the assembly in the Pledges of Allegiance.**

#### V. 30 Minute Citizen Comment Period

**Lisa Marie Coppoletta, expressed concerns with the citizen comment portion of the meeting. She stated staff was not honest with the sidewalk project on Belvin Street. She expressed concern with the number of trees that are damaged during projects and the lack of staff intervention.**

**Carina Boston Pinales, thanked staff and Council for their support of private sectors and participating in relief and disaster distribution. Ms. Pinales mentioned three areas of action: (1) FEMA information outreach, our experience with flooding has shown us to be proactive in places of disaster Surveys shows 80% of critical needs have not been met and not applied to FEMA as of March 13th. She suggested more outreach with information about FEMA resources. (2) Economic Recovery due to the impact of the pandemic and winter storm. (3) Communication efforts to use all resources and ensure**

they are in English and Spanish and to accommodate for the hearing impaired and blind in the community, as this has been a challenge. She would like to see a future agenda item based on the survey and distribution on the needs of the community.

Clem Cantu, spoke in support of the Lions Club and stated they have donated to many charitable organizations within the community. She stated the Lions Club donates scholarships and money for vision exams for students, community organizations, the Women's Shelter and Youth Services Bureau and Food Bank. She asked that Council consider the youth when voting for the lease agreement.

## **PRESENTATIONS**

1. Receive status reports and updates on response to COVID-19 pandemic; and provide direction to Staff.

**Chase Stapp, Director of Public Safety, provided the presentation regarding COVID-19 pandemic.**

### **County Vaccination Update**

- For the week of March 8, approximately 14,500 doses have been administered (1st and 2nd doses)
- 39,000 total Hays residents vaccinated with at least one dose.
  - Approximately 13,500 fully vaccinated.
- County health department and local providers, SMCISD
- Vaccination pre-registration available at [www.haysinformed.com](http://www.haysinformed.com)
- Vaccinations are currently limited to tier 1a, 1b and 1c recipients
  - Expansion of tier 1c to include licensed child care and education system employees, and those over age 50

### **Known Cases – as of March 12, 2021**

- Approximately 2.34 million total cases (118k active) cases in Texas with 45,474 fatalities
- \*source: Texas Department of State Health Services
- 16,668 total cases in Hays County (446 active and 15,990 recovered) with 232 fatalities
- 764 cases have required hospitalization, 9 currently hospitalized
- 5,911 total cases in San Marcos (144 active and 5,677 recovered) with 90 fatalities
- \*source: Hays County Health Department
- 2,317 total cases at TX State (120 active)
- 2,080 students, 237 faculty/staff

**\*source: Texas State University Student Health Services**

**Mr. Stapp mentioned zero new positive cases within city employees with two employees currently positive and recovering.**

#### **Comparative Information**

- Texas – About 42k fewer active cases since the last update and 2,538 new fatalities**
- Hays – 34 fewer active cases since the last update and 19 new fatalities**
- San Marcos – 20 more active cases since last update and 7 new fatalities**
- Employee test results – 4 fewer employees currently positive from the last update**

**Mr. Stapp noted that the number of active cases in San Marcos is no longer increasing. Hospitalizations are also fewer in number.**

#### **Testing Overview**

- 149,819 tests administered county wide**
  - 133,151 negative (88.9%)**
  - 16,668 confirmed (11.1%)**
- Testing by Curative**
  - Goodnight Jr. High (near old ACC building off of Hwy 123)**
  - SM Public Library**
  - Various additional locations throughout the region**
- Abbott Labs BinaxNow Rapid Testing**
  - City Employees (Fire and Police)**
  - San Marcos CISD (employees and students)**
  - Chamber of Commerce (can be used by businesses to test employees)**

**Mr. Stapp stated there has not been an update from Governor's Abbott's Office.**

**Council Member Baker asked for an update regarding Revive SMTX and inquired if council consensus**

**for recipients of Revive SMTX will be following CDC guidelines. Mr. Stapp stated he has received an update regarding Revive SMTX from the Chamber of Commerce today but has not studied it in detail. He mentioned \$26,200 has been allocated to seven businesses. Mr. Stapp mentioned there has not been a staff recommendation to change requirements since businesses have applied and the information has been published. Council Member Baker asked if the report from the Chamber could be sent to Council members.**

Council Member Garza asked Mr. Lumbreras if the wording can be amended on the requirements or is it a legal opinion. Mr. Lumbreras stated he answered on the practical side, but the attorney is working on legal determination. He said criteria was set and any changes will come back to council. Mr. Lumbreras stated he will respond to council and will provide the status report on the practical side and any legal issues, if changes will occur. Mayor Hughson stated this is HUD money and would like to know what it would take to make the changes and what delays could occur?

Mr. Cosentino stated the form indicates no one is guaranteed funds because they applied. The program is used for money specifically for personal protection equipment (PPE) and barriers to prevent the spread of COVID. Council can change the criteria but there are policy questions but it does not have to go back to HUD. It could be applies moving forward. Mr. Cosentino stated there are no legal issues.

Council Member Baker inquired about the \$1.9 trillion dollar bill and expressed concern regarding business liability during the pandemic and would like to see the businesses receiving funds to take any measures to reduce employees getting sick. Mr. Lumbreras stated it is up to council for discussion regarding any changes. Council Member Baker asked if the City is liable if an employee gets sick. Mr. Lumbreras stated we are doing everything at the city to protect our employees by following the guidelines, required testing and provide vaccinations to essential workers. Mr. Cosentino stated he can't speak on the business aspect if the owners fail to protect employees.

Mayor Pro Tem Derrick would like to receive a list of Revive SMTX recipients and how much money is left. Mr. Stapp will provide information.

Council Member Garza asked if the program could be paused to make amendments. Mr. Stapp stated 11 businesses have been reviewed and additional documents are required to move forward. He stated 22 applications have been received without any forms, but there is no due date. Mr. Lumbreras suggested council to submit a request for a discussion item to be placed on an agenda to discuss this.

Council Member Baker expressed concern with businesses not following the safety guidelines and requiring customers and employees to wear masks and will need to comply if applying for money. Mr. Cosentino stated council can direct staff to add an action item for the next meeting.

**Mayor Pro Tem Derrick asked about the time frame since the program has started and 11 businesses are waiting. Would it require a public hearing and two readings? Mr. Cosentino stated this was not approved by ordinance and HUD approval will not be required.**

**Council consensus is to place an action item regarding the conditions of the Revive SMTX Grants as an action item on the next agenda.**

## **CONSENT AGENDA**

**A motion was made by Council Member Gonzales, seconded by Council Member Gleason, to approve the consent agenda, with the exception of item #6, which was pulled and considered separately. The motion carried by the following vote:**

**For:** 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

**Against:** 0

2. Consider approval, by motion, of the following meeting minutes:
  - A. February 24, 2021 Work Session Meeting Minutes
  - B. February 24, 2021 Regular Meeting Minutes
  - C. March 2, 2021 Work Session Meeting Minutes
3. Consider approval of Ordinance 2021-06, on the second of two readings, amending section 14.126 of the San Marcos City Code concerning Landscape Irrigation Systems to require separate irrigation meters in new development; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.
4. Consider approval of Ordinance 2021-15, on the second of two readings, amending the Official Zoning Map of the City in Case No. ZC-21-02 by designating the property at 200 West MLK Drive, currently the location of the Calaboose African American History Museum, as a local historic landmark; including procedural provisions.
5. Consider approval of Ordinance 2021-18, on the second of two readings, to approve Deeds with access easements to Hays County for FM 110 ROW and drainage easements associated with FM 110.
6. Consider approval of Resolution 2021-52R, awarding a contract to Wells Fargo, N.A., for Depository Services in the estimated annual amount of \$60,000 for a three year term and authorizing one additional extension of up to two years; authorizing the City Manager or his designee to execute the contract on behalf of the City; and declaring an effective date.

**A motion was made by Council Member Baker, seconded by Mayor Pro Tem Derrick, to deny Resolution 2021-52R.**

**Council Member Baker expressed concern with some of the ethical issues with**

**Wells Fargo. He would like the City to be a good steward of our finances and believes we should utilize a more ethical company.**

**The motion failed by the following vote:**

- For:** 2 - Council Member Baker and Council Member Garza
- Against:** 4 - Mayor Hughson, Council Member Gonzales, Deputy Mayor Pro Tem Scott and Council Member Gleason
- Abstain:** 1 - Mayor Pro Tem Derrick

**A motion was made by Council Member Gleason, seconded by Deputy Mayor Pro Tem Scott, to approve Resolution 2021-52R. The motion carried by the following vote:**

- For:** 4 - Mayor Hughson, Council Member Gonzales, Deputy Mayor Pro Tem Scott and Council Member Gleason
- Against:** 3 - Mayor Pro Tem Derrick, Council Member Baker and Council Member Garza

7. Consider approval of Resolution 2021-53R, approving a contract with Techline Pipe, LP through the Interlocal Purchasing Cooperative Agreement with the Lower Colorado River Authority for the provision of materials and supplies to be used by the Public Services Department in the estimated annual amount of \$350,000 and authorizing four additional annual renewals; authorizing the City Manager or his designee to execute the contract on behalf of the City; and declaring an effective date.
8. Consider approval of Resolution 2021-54R, approving a pedestrian underpass agreement with Union Pacific Railroad Company (UPRR) for department of Transportation Project No 97547H at Milepost 209.39; authorizing the City Manager or his designee to execute the contract on behalf of the City; and declaring an effective date.
9. Consider approval of Resolution 2021-55R, approving Change Order No. 2 in the amount of \$124,320; and Change Order No. 6 in the amount of \$67,182.31, for a total of \$191,502.31, to the Advance Funding Agreement with the State of Texas, acting through the Texas Department of Transportation for the San Marcos River Shared Use Path Project, also known as the Cross-Town Pathway Project, that provides for construction of a multi-use bike and pedestrian trail, which change orders enable work related to the construction and installation of Americans with Disabilities Act (ADA) access ramps for river access as part of the project without increasing the City's required funding contribution under the original agreement; authorizing the City Manager, or his designee, to execute the appropriate documents to implement the change orders; and declaring an effective date.

## **PUBLIC HEARINGS**

10. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2021-05, amending sections 7.2.4.1 and 7.2.4.2 and Chapter 8,

Article 1 of the City's Development Code by, among other things, including limitations on turfgrass installed in new developments, requiring the use drought-tolerant turf grass species in new developments, requiring minimum soil depths in new developments, adding a definition for turfgrass, and making other minor edits for clarification; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date; and consider approval of Ordinance 2021-05, on the second of two readings.

**Tom Taggart, Director of Public Services, is here to answer questions, as this was presented at a previous meeting and to the Sustainability Committee. Mr. Cosentino wanted confirmation the version in the packet is the correct version. Mr. Taggart confirmed the version is correct.**

**Mayor Hughson opened the public hearing at 7:07 p.m.**

**Lisa Marie Coppoletta, spoke about using the zoom platform and moving from attendee to panelist and the difficulty it creates. She spoke on the importance of public hearing and political speech. Free discussion is permitted and any restrictions are to be judged with strict standards. No one is to be muted during their speech.**

**There being no further comments, the Mayor closed the Public Hearing at 7:10 p.m.**

**A motion was made by Council Member Gleason, seconded by Mayor Pro Tem Derrick, to approve Ordinance 2021-05, on the second of two readings. The motion carried by the following vote:**

**For:** 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

**Against:** 0

11. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2021-19, annexing into the City approximately 3.62 acres of land generally located on Rattler Road, between Old Bastrop Highway and Highway 123, including procedural provisions; and providing an effective date; and consider approval of Ordinance 2021-19 on the first of two readings.

**Shannon Mattingly, Director of Planning and Development Services provided the presentation on the self storage with offices project that is located on Rattler Road. She stated this was presented at past meetings and provided a brief overview of the zoning and annexation of this property.**

**Mayor Hughson opened the Public Hearing at 7:14 p.m.**

**Lisa Marie Coppoletta, spoke about development increasing in the area. She asked how many people were notified of this project because she was caught in a flash flood near this area. She inquired about the flood zone and she wants Council to consider school traffic.**

**There being no further comments, Mayor Hughson closed the Public Hearing at 7:16 p.m.**

**A motion was made by Mayor Pro Tem Derrick, seconded by Council Member Gleason, to approve Ordinance 2021-19, on the first of two readings. The motion carried by the following vote:**

**For: 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason**

**Against: 0**

- 12. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2021-20, amending the Official Zoning Map of the City in Case No. ZC-20-16 by rezoning approximately 3.62 acres of land, generally located at 2835 Rattler Road, from Future Development (FD) to Light Industrial (LI), or subject to consent of the owner, another less intense zoning district classification; including procedural provisions; and consider approval of Ordinance 2021-20, on the first of two readings.**

**Shannon Mattingly, Director of Planning and Development Services, provided an update. The development agreement states that any use other than self storage or office will be prohibited. Ms. Mattingly illustrated the renderings of the project, and provided the environmental analysis.**

**Mayor Hughson opened the Public Hearing at 7:21 p.m.**

**Lisa Marie Coppoletta, she asked if this is not in the flood plain then why does it flood? Whose maps are we using? She inquired how many residents were notified. She also expressed concern with the traffic in that area.**

**There being no further comments, Mayor Hughson closed the Public Hearing at 7:23 p.m.**

**A motion was made by Council Member Gleason, seconded by Deputy Mayor Pro Tem Scott, to approve Ordinance 2021-20, on the first of two readings. The motion carried by the following vote:**

**For:** 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

**Against:** 0

13. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2021-56R, approving a Budget Policy Statement for preparation of the 2021-2022 Fiscal Year budget; and declaring an effective date; and consider approval of Resolution 2021-56R.

**Mr. Lumbreras introduced and welcomed Anna Miranda, Assistant Director of Finance, to the City of San Marcos.**

**Marie Kalka, Finance Director provided information regarding the General Fund Trend Analysis. She stated the FY21 Budget was adopted using \$2.8M in Fund Balance, FY22 and beyond budgets are based on numerous assumptions and creates a net deficit based on expenditures exceeding revenues each year and creating an unsustainable structural imbalance if we stay on the current trend. Based on these assumptions and projected trends, by FY22 City fund balance could be out of compliance with City finance policy requiring 25% of recurring operating expenses and by FY25 City fund balance will be depleted. We will need to increase revenues or decrease expenses.**

**Ms. Kalka stated the FY22 Budget is starting with a \$7.5M deficit based on these assumptions:**

- Ad Valorem Taxes: capped at 3.5% and may increase operating deficit with budget policy to keep rate flat**
- Assessed values: slight increase for 2022 and 8% increase for 2023-2025**
- Capital outlay: flat**
- Sales tax revenue: flat and removal of Best Buy Call Center for 2022 and increase of 3% for 2023-2025**

**Ms. Kalka stated it is important to look at the budget from a multi-year perspective:**

- Long-term planning to help avoid financial crisis**
- Understand impact of current decisions on out years**
- Allows time to address out year potential structural imbalance**
- Avoid spending down fund balance**

**Mayor Hughson opened the Public Hearing at 7:33 p.m.**

**Lisa Marie Coppoletta, spoke about the message board and she would like to see this go public. She expressed concern with the depletion of the budget by**

**FY25. She spoke on gentrification and this is caused by overspending. She expressed concern with the number of employees and the lack of program review for the sidewalk project.**

**There being no further comments, Mayor Hughson closed the Public Hearing at 7:37 p.m.**

**MAIN MOTION: a motion was made by Mayor Pro Tem Derrick, seconded by Mayor Hughson, to approve Resolution 2021-56R.**

**Mayor Hughson will provide a proposed amendment to the section pertaining to the Animal Shelter after discussion is held.**

**Council Member Gonzales asked Ms. Kalka what she means when she stated the City is out of compliance with fund balance. He asked how this affects the City when applying for a loan. Ms. Kalka said this could cause an impact, but if this is temporary and a plan is in place it likely won't affect the City's potential in getting a loan.**

**Mayor noted that we have some control over revenues and more control over expenditures and can make the determination that we will not expend all of our fund balance. She noted the General Fund Trend Analysis is only a trend and is not a prediction of the future.**

**Council Member Baker expressed concern with the Budget Policy Statement and the sections about employee pay and the market competitive component. He has concerns about the City's pay scale and comparing it to Austin.**

**MOTION TO AMEND: a motion was made by Council Member Baker, seconded by Council Member Gonzales, to amend Resolution 2021-56R by striking through "and consideration given to a market competitive component" under each section it is stated within the Budget Policy Statement.**

**Mr. Lumbreras stated we are not losing a lot of employees to Austin. Some retired, others have gone to other cities in a higher job. Market analysis is done to be competitive and not to be at the bottom of the pay scale and create a lot of vacancies. We review salaries for all employees, not just those at the top of the pay scale. This is a strategy and we are not at the highest level. Mr. Lumbreras expressed concern with removing this from the Budget Policy Statement.**

**Ms. Reyes stated, over the years, there has been trouble attracting and retaining employees. We need to remain relevant and stay competitive. The market adjustments benefit all employees and not just those at the higher level. The goal is not to have people at the top of the range just in the middle or market.**

**Council Member Gonzales inquired about a market assessment only being completed for those that make \$100,000 or less. Ms. Reyes stated it is hard to pull an arbitrary number because of the relationship of jobs. Staff would need to evaluate, if council had something they want to achieve it may be a better option for staff to review. Council Member Gonzales expressed concern with increases for employees because the funds are not available.**

**Council Member Derrick asked about the 7 million dollars in requests that we can not include in the budget. She would rather discuss this type of information in a work session to vet out these concerns instead of talking about it each meeting.**

**Council Member Baker stated his goal is to raise the salary of lower city employees and retain employees. We need to reflect on why people are leaving, because it is not just about the money.**

**Mr. Lumbreras provided information about salaries and retaining employees.**

**Council Member Gleason would like to see the statement remain in the document. In his experience as a manager and hiring people, being competitive in salaries is important.**

**Deputy Mayor Pro Tem Scott spoke on Council compensation and perhaps we should look at other cities our size regarding compensation.**

**Mayor Hughson noted that it is important to stay competitive in the market and that turnover costs the city with training and the loss of intuitional knowledge.**

**The motion to amend failed by the following vote:**

**For:** 2 - Council Member Baker and Council Member Gonzales

**Against:** 5 - Mayor Pro Tem Derrick, Mayor Hughson, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

**MOTION TO AMEND: A motion was made by Mayor Hughson, seconded by Deputy Mayor Pro Tem Scott, to amend Resolution 2021-56R by removing**

**the word "participants" and replacing with "partner agencies" in Section III. EXPENDITURES GENERAL FUND, under Animal Services in the Budget Policy Statement document. This section will now read:**

**Animal Shelter will continue with current goal of higher live outcome with a modest increase for all partner agencies. In addition, staff will continue to analyze whether veterinary services are best served as a contracted service or in-house.**

**The motion to amend carried by the following vote:**

**For: 7 -** Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

**Against: 0**

**MAIN MOTION: to approve Resolution 2021-56R, as amended.**

**The motion to approve carried by the following vote:**

**For: 7 -** Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

**Against: 0**

14. Receive a Staff presentation and hold a Public Hearing to consider an appeal by Chris Weigand of the decision of the Planning and Zoning Commission on February 23, 2021 to deny the request for Alternative Compliance (AC-21-01) to the residential garage parking requirements in Section 7.1.4.1. of the Development Code for a proposed residential development located in the 3800 Block of Hwy 123.

**Shannon Mattingly, Director of Planning and Services, provided the presentation of the appeal. Ms. Mattingly stated the Alternative Compliance request is for garage standards. The proposed lot layout was provided and the developer is proposing about 61 residential units. Ms. Mattingly stated the Planning and Zoning Commission denied the request for Alternative Compliance with a 5-3 vote at their February 23rd meeting. There were 11 conditions that were negotiated with the applicant as part of this Alternative Compliance. Ms. Mattingly discussed these conditions:**

1. **In no case shall the garage be the front most protrusion of the house, but it may be flush. For the purposes of this condition, a front porch is considered a protrusion of the house. Ms. Mattingly provided a visual that illustrated what would be accepted. Currently the code requires that the garage be setback 5-20' from the front wall plane. With this Alternative Compliance request, the garage can be flush with the front wall plane, flush with the front protrusion, such as a porch or can be behind the front protrusion, such as a porch.**

**2. When the façade of the house is flush with the garage, the front door may be recessed no more than 3 feet from the façade.**

**This condition addresses Police and Fire concerns.**

**3. A covered front porch shall be required on a minimum of 50% of the homes. The front porch shall be a minimum of 5 feet of clear space in all directions (no obstruction from porch posts) and shall have a minimum area of 50 square feet.**

**4. The total width of the garage door (including any center column between two garage doors) shall not exceed more than 55% of the width of the house.**

**5. A single overhead garage door shall not exceed 16' in width. If two overhead garage doors are proposed, each garage door shall not exceed 8' in width.**

**6. Garage doors shall include architectural trim along the top and sides of the garage.**

**7. An ornamental light fixture shall be provided flanking the doors.**

**8. Garage doors shall include windows on 25% of the homes within the subdivision.**

**9. Garage doors shall include an overhang such as an eyebrow overhang, awning, or trellis that overhangs a minimum of 12 inches over the garage doors.**

**10. A 4' concrete pedestrian sidewalk shall be provided connecting the main entrance of the home to the public sidewalk along the street. The pedestrian sidewalk shall be separated from the driveway.**

**11. The Alternative Compliance shall not expire.**

**Ms. Mattingly stated the developer has agreed to all of these conditions.**

**Mayor Hughson opened the Public Hearing at 8:38 p.m.**

**Those who spoke:**

**Lisa Marie Coppoletta, noted that the Planning and Zoning Commission stated they did not want to deviate from the adopted garage standards in the Development Code and to not set a precedence for such a deviation. Ms. Coppoletta expressed concern that 11 conditions are attached to this request.**

**Chris Weigand, spoke in favor of the project and clarified what they are requesting. Mr. Weigand provided information on the project and stated the proposed lots will be closer to 50 foot. This land is intended to be a single family development as a buffer for Cottonwood Creek. They waited for CD 2.5 to be approved with specific condition of owner occupied and no rental**

conditions. As part of this design criteria there is a garage element that is impactful to housing and cost of housing, they are respectful of the code and would like this small variance. The project blends well with the Cottonwood Creek neighborhood and taking the elements that are desirable from that area and carrying it over. He is available to answer questions.

There being no further comments, Mayor Hughson closed the Public Hearing at 8:44 p.m.

**MAIN MOTION:** a motion was made by Deputy Mayor Pro Tem Scott, seconded by Mayor Pro Tem Derrick, to approve the request for Alternative Compliance (AC-21-01) relating to the residential garage parking requirements in Section 7.1.4.1. of the Development Code for a proposed residential development located in the 3800 Block of Hwy 123.

Council Member Derrick inquired about the first condition relating to the garage standards. She stated Figure 3 does not allow for proper emergency personnel with stretchers to safely enter. Mr. Weigand stated this is only an illustration and they are required to have 4 foot detached sidewalk from the driveway to the front door. Mayor Hughson asked, in addition, to this requirement do the columns have to be 4 foot apart as well. Ms. Mattingly stated there is nothing that requires this. Mayor Hughson would like to include this in the conditions.

**MOTION TO AMEND:** A motion was made by Mayor Pro Tem Derrick, seconded by Council Member Baker, to amend condition #1, by removing Figure 3 which allows a garage to be flush with the front protrusion, such as a porch.

Council Member Gleason stated the Police and Fire have already weighed in and they do not have concerns regarding safety.

**The motion to amend failed by the following vote:**

**For:** 3 - Mayor Pro Tem Derrick, Council Member Baker and Council Member Garza

**Against:** 4 - Mayor Hughson, Council Member Gonzales, Deputy Mayor Pro Tem Scott and Council Member Gleason

Deputy Mayor Pro Tem Scott said we are making concessions with staff's approval to create affordable housing so we need to be mindful of this and consider this project.

Mayor Hughson made a statement that she agrees that we should abide by our

code, but she believes this is something that needs to be fixed within our current code regarding garages. In order to not have “snout houses” she believes our code went to far the other way. She supports the conditions presented.

Council Member Gleason asked if it is more affordable to build houses like this. Mr. Weigand stated this is typically true and they seem to be more desirable to home buyers.

Mayor Pro Tem Derrick inquired about the comprehensive plan and should we be making changes to the code at this time? Ms. Mattingly stated the preference would be to wait until the Comprehensive Plan is complete and they make all the changes to the Land Development Code that are requested. Making this change to the code would be approximately a 2-3 month process and she understands the concerns addressed by Council.

Council Member Baker expressed concern with the cost of construction for this development that was mentioned by Mr. Weigand. He inquired about the changes in the cost of the home due to the code requirements and the alternative compliance items being requested. Mr. Weigand stated it could be between 10-20 percent. He does not believe the cost savings for materials and constructing the house are ultimately passed on to the consumers.

Council Member Gleason stated if there is an additional cost there is little chance this gets passed on the buyer. Not only does the buyer set the price, it is also the seller. Every dollar has a major impact and those in construction operate on a small margin. The cost savings will more than likely get passed on than for the developer to pocket this.

A motion was made by Mayor Hughson, seconded by Mayor Pro Tem Derrick, to amend condition 10 by removing "main entrance" and inserting "front door." add to the end of the sentence, “and shall be free and clear of any porch posts” It will read as follows:

10. A 4’ concrete pedestrian sidewalk shall be provided connecting the front door of the home to the public sidewalk along the street and shall be free and clear of any porch posts. The pedestrian sidewalk shall be separated from the driveway.

The motion to amend carried by the following vote:

**For:** 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

**Against:** 0

**MAIN MOTION: to approve as amended.**

**To motion carried by the following vote:**

**For:** 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

**Against:** 0

## **NON-CONSENT AGENDA**

15. Consider approval of Ordinance 2021-16, on the second of two readings, amending Chapters 3 and 4 of the San Marcos Development Code and Appendix A, Article 1 of the Design Manual, by, among other things, updating provisions concerning nonconforming streetscapes, the Character District 5 Downtown description, the minimum two story building height in downtown, and the downtown architectural design standards and guidelines related to varied massing, transparency, blank wall area, expression elements, building elements, and contextual height stepdown; 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 Baker, seconded by Mayor Pro Tem Derrick to approve Ordinance 2021-16, on the second of two readings.**

**Andrea Villalobos, Senior Planner, provided a presentation on the amendments to the Downtown Design standards and guidelines that City Council recommended for approval at their March 2, 2021 meeting. The first amendment was to include a definition of "sensitive edge." The second amendment was to correct the naming in the design manual to clarify the Midtown Entertainment District. The third amendment was to revise the design manual regarding views to make sure it was more open ended. The fourth amendment was to remove "A combination of glass and steel framework" as a secondary material in the Residential Transition Edge and the Downtown Core. The fifth amendment was to include the following amendments recommended and approved by the Planning and Zoning Commission:**

1. Update the description of the "The Approach" so that it is defined correctly.
2. In Table 4.13, add in a fourth horizontal element of awnings/canopies.
3. Add a formal definition for "Design Context" to Chapter 8, Definitions.
4. Condense Table 4.15 and place it underneath Options 1, 2, and 3 models.

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**5. Add a formal definition for “Street Wall” to Chapter 8, Definitions.**

Council Member Derrick spoke on the definition related to design context. She would like compatibility with a Design Context be a requirement and not just a consideration for improvements in the area. Nore Winter stated he does not recommend putting a requirement into the definitions. The requirement is already established in the code and design standards.

**MOTION TO AMEND:** A motion was made by Mayor Hughson, seconded by Mayor Pro Tem Derrick, to amend Section A.1.3.1 on page A:5 by removing the word “downtown”, “Design Context” and “The five design contexts which are primarily zoned CD-5D are collectively known as downtown”.

The section will now read as follows:

**Section: A.1.3.1**

**Purpose.** This section includes goal statements for each of the Design Contexts as well as the Midtown Entertainment District (see Figure 1.1 Design Context and Midtown Entertainment District Map). These contexts are areas identified by community workshop participants as having unique character, constraints and/or design goals. Please note the Downtown Historic District area is not included, as a separate design review system is in place for the historic district.

**The motion to amend carried by the following vote:**

**For:** 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

**Against:** 0

**MAIN MOTION:** to approve Ordinance 2021-16, on the second of two readings, as amended.

**The motion carried by the following vote:**

**For:** 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

**Against:** 0

- 16.** Consider approval of Ordinance 2021-17, on the second of two readings, adopting Youth Programs Standards of Care for 2021; providing a severability clause; providing for the repeal of any conflicting provision; declaring an effective date.

**A motion was made by Council Member Baker, seconded by Mayor Pro Tem Derrick, to approve Ordinance 2021-17, on the second of two readings.**

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**Council Member Gleason noted a typo on recital 3 of the Ordinance. Staff will make the correction. The motion to approve carried by the following vote:**

**For:** 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

**Against:** 0

17. Consider approval of Ordinance 2021-21, on the first of two readings, extending the delayed effective date of Ordinance 2020-08 that provided for the Annexation into the City of Approximately 62.48 acres of land generally located at the intersection of Gregson's Bend and Commercial Loop; including procedural provisions; and providing an effective date.

**A motion was made by Council Member Gleason, seconded by Council Member Baker, to approve Ordinance 2021-21, on the first of two readings. The motion to approve carried by the following vote:**

**For:** 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

**Against:** 0

18. Consider approval of Ordinance 2021-22, on the first of two readings, extending the delayed effective date of Ordinance 2020-09 that provided for the rezoning of approximately 62.48 acres of land generally located at the intersection of Commercial Loop and Gregson's Bend from "FD" Future Development District and "GC" General Commercial District to "PA" Planning Area District; and including procedural provisions.

**A motion was made by Mayor Pro Tem Derrick, seconded by Deputy Mayor Pro Tem Scott, to approve Ordinance 2021-22, on the first of two readings. The motion carried by the following vote:**

**For:** 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

**Against:** 0

19. Consider approval of Ordinance 2021-23, on the first of two readings, amending Sections 14.006(c) and 14.372(a)(2) of the San Marcos City Code to continue the residential home improvement exemption from fees and to enable one to perform construction work on the home of an immediate family member without a contractor's license, unless a license is required by State Law; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

**A motion was made by Council Member Baker, seconded by Mayor Pro Tem Derrick, to approve Ordinance 2021-23, on the first of two readings. The motion carried by the following vote:**

**For:** 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

**Against:** 0

20. Consider approval of Resolution 2021-57R, approving the terms and conditions of an interlocal agreement between the City of San Marcos and Hays County regarding the use of City-owned property on Airport Drive for a project to provide direct access to the San Marcos Regional Airport and Gary Job Corp from FM 110; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.

**A motion was made by Council Member Gleason, seconded by Deputy Mayor Pro Tem Scott, to approve Resolution 2021-57R. Council Member Baker inquired about the traffic analysis and asked if staff could provide this report. Kirk Abbott, Project Engineer, stated this report was not included in the packet but will be provided to Council. He did state there is not a significant impact currently, but they are planning for the future. This ILA will allow continued discussions with the County and Department of Labor to ensure funding is available so we can accommodate for future growth.**

**Mayor Hughson expressed her concern with the roundabout. Mr. Abbott did say this was conceptual at this time, but Mayor Hughson said it may be the best solution for this particular location.**

**The motion to approve carried by the following vote:**

**For:** 6 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

**Against:** 1 - Council Member Baker

21. Consider approval of Resolution 2021-58R, approving an agreement with Blanco River, L.P. providing for the City to acquire 0.052 ac. of Drainage Right-Of-Way, a 0.066 ac. Drainage Easement and a 0.060-acre Temporary Construction Easement located at 1442 and 1452 River Road for a price of \$63,900.00, together with associated closing costs, in connection with the Blanco Riverine Flood Mitigation Project; authorizing the City Manager or his designee to execute the agreement; and declaring an effective date.

**A motion was made by Mayor Pro Tem Derrick, seconded by Council Member Baker, to approve Resolution 2021-58R. The motion to approve carried by the following vote:**

**For:** 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

**Against:** 0

22. Consider approval of Resolution 2021-59R, approving a first amendment to the San Marcos Conference Center Side Agreement with JDHQ Hotels, LLC for the purpose of extending the date for JDHQ's completion of certain improvements under the Conference Center property improvement plan by two years; authorizing the City Manager, or his designee, to execute this amendment on behalf of the city; and declaring an effective date.

**A motion was made by Council Member Gleason, seconded by Deputy Mayor Pro Tem Scott, to approve Resolution 2021-59R.**

**Council Member Baker inquired about the contract that began in 2018 and the reason for the extension was based on COVID and lack of business. He expressed concern with the delaying and believes they could have done better to meet expectations.**

**Mayor Hughson asked if replacing the carpet was part of this agreement. Ms. Reyes stated this was part of the agreement and she reminded Council that the Atrium took over in 2018 and they were updating the property and were unable to complete the final improvements. They had to furlough employees due to the pandemic. They are requesting an extension for final improvements for when tourism and reservations increase. Ms. Reyes stated there were some improvements made since 2018, but they were unable to complete all of them.**

**Mr. Lumbreras stated they have also invested money into their Audio Visual (AV) Equipment along with other improvements and they are needing additional time due to the current state of the economy.**

**Council Member Gleason stated COVID may have changed their business model slightly. Their needs in 2018 have changed since COVID. He expressed his full support of this extension.**

**The motion to approve carried by the following vote:**

**For:** 5 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Gonzales, Deputy Mayor Pro Tem Scott and Council Member Gleason

**Against:** 2 - Council Member Baker and Council Member Garza

23. Consider approval of Resolution 2021-60R, filling a vacancy on the Board of Directors of the Alliance Regional Water Authority (ARWA), and declaring an effective date.

**A motion was made by Council Member Gleason, seconded by Mayor Hughson, to approve Resolution 2021-60R appointing Marie Kalka, Finance Director, to fill a vacancy on the Alliance Regional Water Authority Board of**

**Directors. The motion carried by the following vote:**

**For:** 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

**Against:** 0

24. Receive a Staff presentation and hold discussion regarding the utility disconnections for non-payment and late fees, and provide direction to Staff.

**Marie Kalka, Director of Finance, provided a presentation related to Utility disconnects.**

**Ms. Kalka provided the active accounts 61 days or more delinquent:**

- Residential - \$1.26M on 1,359 accounts
- Commercial - \$1.16M on 125 accounts

**Ms. Kalka provided the source of funds which include the General Fund Coronavirus Relief Funds (CRF) in the approximate amount of \$2M and the Community Action Funds in the approximate amount of \$78K. Ms. Kalka mentioned Community Action has a backlog of applications due to staff shortage and the \$78K will probably be reduced once the applications begin processing.**

**Ms. Kalka provided the categories presented at the March 2nd meeting are homeless needs assessment, capacity building, rent/mortgage/utility assistance, business support and crisis funding. Ms. Kalka noted that currently only those affected by Covid-19 are eligible and if we want to include those affected by the winter storm we will need to specify that.**

**3.49.40 Ms. Kalka presented the staff recommendations:**

- Disconnect/late fees be reinstated August 1, 2021
- City application process
- Coronavirus Relief Funds (CRF)/Community Action Funds committed to this program would be \$1,000,000
- Maximum of \$1,500 per customer
- Develop one-page application process for residents to apply
- Priority given to oldest accounts (>60 days delinquent) on unemployment or behind in rent/bills on a first come first serve basis while funds last.

**Mayor Pro Tem Derrick expressed concern that many residents who need assistance don't meet the income threshold of Community Action Inc (CAI). She inquired about the threshold for 1 5 family members and would like to see this raised to assist our**

community better. Would like to know if CAI is having issues with people that may be eligible for funding. Ms. Kalka stated people are struggling to complete and qualify for the full application which serves as an application for multiple assistance programs which is why staff is recommending a one-page application for utility assistance. Discussion ensued about eligibility requirements for our program.

Mr. Lumbreras stated we were not trying to base this on income levels but prioritization to older accounts. He suggested not to exceed income levels but direction will need to come from Council on the income amount.

Council Member Baker suggested using the \$1.2M to pay off all residents accounts vs. applying to receive funds. Ms. Kalka stated the total amount will change monthly. Mr. Cosentino stated this is more of an administrative task and does not see a legal issue.

Mr. Lumbreras noted that we have to determine these funds are going toward a “public purpose.” We also need make the determination that there is a need for each person for whom we provide funds for their utility payments.

Council Member Gleason would like to do this as an application process.

Council Member Garza stated that historically, the City has had difficulty understanding the city’s needs including homelessness and hunger.

Ms. Kalka noted the benefit of making contact with these residents. If they can’t pay between March and August, then they will still be eligible for cut-off due to lack of payment.

Deputy Mayor Pro Tem Scott stated paying across the board and going into the right accounts and could be a kick start for the citizens.

Mayor Pro Tem Derrick suggested mailing letters that a certain amount will be paid but will need to call and schedule an appointment.

Council Member Gonzales stated he agrees with Ms. Derrick. A simple statement will be find but those who will benefit should initiate the payment action.

Mayor Hughson noted that if we pay it all off without customer input, it penalizes those who have been trying to make payments. She state that if

someone needs to take an hour to apply and is able to obtain \$1,500 to pay their utility bills, that's time well spent. She also noted that we will need to stay open late, on Saturday, or both to allow for everyone who wants this funding to apply.

Ms. Kalka inquired as to whether we want to include those on payment plans.

Mayor Hughson suggested a minimal statement with signature be obtained from citizens that have a valid need. We can also include a very short survey to determine if the need is from Covid-19, the winter storm, or both and can ask a few more questions will assist us in knowing the full needs of our residents. Other places to apply for funds should also be included, such as FEMA.

Council provided consensus to move forward with the following staff recommendations:

**Businesses are not eligible for this funding.**

- Reinstatement disconnect/late fees on August 1, 2021
- City application process with letter mailed and emailed. A one page application will be created for residents.
- Coronavirus Relief Funds (CRF)/Community Action Funds committed to this program would be \$1,000,000
- Maximum of \$1,500 per account will be applied to accounts

25. Hold discussion on Council Committee Rules of Procedure and provide direction to Staff.

**A motion was made by Council Member Gleason, seconded by Mayor Pro Tem Derrick, to postpone the discussion on Council Committee Rules of Procedure to the April 6, 2021 City Council Meeting. The motion carried by the following vote:**

**For:** 6 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

**Against:** 1 - Council Member Baker

## **EXECUTIVE SESSION**

26. Executive Session in accordance with:

A. Sec. §551.071 of the Texas Government Code: Consultation with Attorney: To receive advice of legal counsel regarding the Purchase and Sale Agreement with Pursuant Ventures Development, LLC for the San Marcos Sportsplex Project

B. Sec. §551.074 of the Texas Government Code: Personnel Matters: to discuss the duties and responsibilities of a Public Officer - to wit City Council Members

**A motion was made by Mayor Pro Tem Derrick, seconded by Council Member**

**Gleason, to the enter into Executive Session at 11:02 p.m.. The motion carried by the following vote:**

**For:** 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

**Against:** 0

**ACTION/DIRECTION FROM EXECUTIVE SESSION**

27. Consider action, by motion, or provide direction to Staff regarding the following Executive Session item held during the Work Session and/or Regular Meeting:

Executive Session in accordance with:

A. Sec. §551.071 of the Texas Government Code: Consultation with Attorney: To receive advice of legal counsel regarding the Purchase and Sale Agreement with Pursuant Ventures Development, LLC for the San Marcos Sportsplex Project

B. Sec. §551.074 of the Texas Government Code: Personnel Matters: to discuss the duties and responsibilities of a Public Officer - to wit City Council Members

**Mayor Hughson stated discussion was held and direction was provided to Staff in Executive Session earlier this evening on item A, but item B was not discussed and will be brought back at a future date.**

VI. Adjournment.

**Mayor Hughson adjourned the regular meeting of the City Council on Wednesday, March 17, 2021 at 12:28 a.m.**

**Tammy K. Cook, Interim City Clerk**

**Jane Hughson, Mayor**

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