



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Meeting Minutes City Council

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Tuesday, August 4, 2020

6:00 PM

Virtual Meeting

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**Due to Covid-19, and as long as the State Disaster Declaration is in effect, this will be a virtual meeting. To view the meeting please go to [www.sanmarcostx.gov/videos](http://www.sanmarcostx.gov/videos) or watch on Grande channel 16 or Spectrum channel 10.**

### 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 6:07 p.m. Tuesday, August 4, 2020. This meeting was held virtually.**

### II. Roll Call

**Council Member Marquez arrived after roll call at 6:10 p.m.**

**Present:** 7 - Council Member Melissa Derrick, Mayor Jane Hughson, Mayor Pro Tem Ed Mihalkanin, Council Member Joca Marquez, Deputy Mayor Pro Tem Mark Rockeymoore, Council Member Maxfield Baker and Council Member Saul Gonzales

### III. 30 Minute Citizen Comment Period

**Kevin White, spoke as an applicant for the Parks and Recreation Advisory Board and wanted to introduce himself. He stated we have something magical here in San Marcos and wants to continue this magic. He thanked the Council for their services.**

**Adell Cavazos, "Would it be possible to add a street light (not a red light) on Aquarena Spring Drive and River Road intersection? It gets very dark at that crossing." This comment will be forwarded onto to Staff.**

**Lisa Marie Coppoletta, expressed her concerns about the Belvin Street Sidewalk and the expenses associated with the project.**

**Robert Holeman, expressed his concerns about the parks being closed in San Marcos. He noted that they are open in New Braunfels.**

### PRESENTATIONS

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

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

**Known Cases as of July 31, 2020**

**• >4.6 million U.S. cases with more than 154,000 fatalities. (More than 47,500 new cases since yesterday)**

**\*source: Center for Disease Control and Prevention**

**• >430,000 (141,000 active) cases in 250 Texas counties with 6,837 fatalities**

**\*source: Texas Department of State Health Services**

**• 4,315 in Hays County with 28 fatalities (2,861 active and 1,426 recovered)**

**- 1,409 active and 753 recovered in San Marcos (16 fatalities)**

**- 105 cases have required hospitalization, 25 current hospitalizations**

**Hospitalizations have been in the 20's recently.**

**\*source: Hays County Health Department**

**Updates to Governor Abbott's Actions**

**• July 27: Extends Early Voting Period For November 3rd Election**

**- Early voting by personal appearance will begin on Tuesday, October 13, 2020, and continues through Friday, October 30, 2020**

**- Expands the period in which marked mail-in ballots may be delivered in person**

**• July 31: Statement On School Re-Openings**

**- "The authority to decide how schools will safely open this year, again, lies with local school boards. It can be with students in schools, it can be through remote learning, or a combination of the two. In making that decision, school boards have the ability to base their decisions on advice and recommendations by local public health authorities but are not bound by those recommendations."**

**Testing Overview:**

**• 25,878 tests administered county wide**

**- 21,521 negative (83.2%)**

**- 4,315 confirmed (16.7%)**

**- 42 pending**

**• County free testing - Live Oak Clinic on Broadway**

**- CDBG-CV grant application in process to enhance these services**

**• Past TDEM testing sites - Nearly 5,000 tests completed county-wide**

**Re-opening considerations for city hall and services. The number of hospitalizations, active case count, and daily new cases will all be reviewed.**

**Council Member Baker asked if there has been target number range of cases that would trigger re-opening? Mr. Stapp stated there has not been a set number so this will be subjective. Mr. Baker appreciates the caution of re-opening.**

**Council Member Derrick asked if we have been in touch with Texas State to see what their enrollment numbers are in the fall. Would we take this into consideration when we consider re-opening. Mr. Stapp stated that the City is working closely with the University, and will share these numbers as soon as we know.**

**Tom Taggart, Director of Public Services, provided a brief presentation regarding a potential program that relates to commercial sewer surcharge fees. This would provide sewer surcharge fee relief for commercial customers affected by the COVID emergency orders:**

- Provide tiered reimbursement based on decreased water usage**
- Assess a temporary flat monthly fee based on decreased water usage**

**Mr. Taggart provided some of the relevant orders that triggered the need for a program like this, they include:**

- March 19 (statewide) - Avoid social gatherings in groups of more than 10; avoid eating or drinking at bars/restaurants or visiting gyms; closes schools**
- March 26 (Hays County)- “Stay at Home, Work Safe’ Order goes into effect; only essential activities and businesses allowed**
- March 31 (statewide) - similar Governor’s order is issued**
- April 27, May 18, June 3 (statewide) - Phased re-opening plans announced**
- June 26 (statewide) - Reinstated 50% occupancy limit for businesses, with some exceptions; bars and tubing services closed**

**Mr. Taggart stated that many businesses were adversely affected by emergency orders yet continue to pay Sewer Surcharge Fees based upon normal operating conditions. When a business is closed or operating at a reduced capacity, it discharges a lower wastewater volume than when the surcharge fee was assessed and potentially has a lower contaminant level (COD). By utilizing the water usage of the businesses during the shutdown, a new temporary flat fee can be assessed for businesses. The new temporary flat fee will be applied retroactively from 3/26/20 to the customer’s monthly bill until the following occurs: (1) all relevant emergency orders are rescinded and business operations are no longer restricted; or (2) a new sampling event is conducted by the City’s Water Quality Services Section to determine a new fee.**

The data analysis timeline is the reason this is just being brought forward to Council. As water usage for each account is metered and billed monthly after the fact, the needed consumption data to assess the effects of the shutdown and restriction orders lags by 45 to 60 days. The data was available in mid-June to have confidence in the determination of actual impact to individual businesses under the emergency orders. The analysis and policy formulation on appropriate relief was conducted June and July.

Mr. Taggart provided how the water reduction percentage is calculated. They average the monthly water usage from from March 2019 - February 2020 with help from Utility Billing. Compared this average with actual water usage by customer during the month of May 2020.

He provided the projected cost of reimbursement per month.

Council Member Derrick asked if any businesses were excluded from this program. Mr. Taggart stated that every business that was adversely affected would receive a fee reduction, but this may be on a varying basis depending on water usage. Council Member Derrick inquired about the Hotel Industry and how they were affected. Mr. Taggart noted that they are included.

Consensus from Council is to move forward with the proposed Sewer surcharge fee relief. An ordinance to implement this will be on a subsequent meeting.

## CONSENT AGENDA

A motion was made by Council Member Gonzales, seconded by Mayor Pro Tem Mihalkanin, to approve the consent agenda, with the exception of items #12, 14, and 15 which were pulled and considered separately. The motion carried by the following vote:

**For:** 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

**Against:** 0

2. Consider approval, by motion, of the following meeting Minutes:
  - A. June 25, 2020 - Joint Meeting Minutes
  - B. June 30, 2020 - Budget Workshop Meeting Minutes
  - C. July 7, 2020 - Work Session Meeting Minutes
  - D. July 7, 2020 - Regular Meeting Minutes
3. Consider approval of Resolution 2020-144R, approving Change in Service No. 5 to the

agreement with Starboard Consulting, LLC relating to the Maximo Work Order System used by the Public Services Department by adding an annual license renewal in the amount of \$47,586.30; authorizing the City Manager to execute the appropriate documents to implement the Change in Service; and declaring an effective date.

4. Consider approval of Resolution 2020-145R, rejecting the sole bid received in response to an invitation for bids from E-Z Bel Construction, LLC, for the San Marcos Downtown Accessible Pedestrian Traffic Signal Improvements Project; and declaring an effective date.
5. Consider approval of Resolution 2020-146R, approving an agreement with Davis Vision for the provision of voluntary vision insurance for City employees in an estimated annual amount of \$80,000.00 to be paid by participating employees for an initial four-year term with an option to extend up to three additional two-year terms for a total possible term of ten years; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.
6. Consider approval of Resolution 2020-125R, approving a Change in Service to the agreement with Knight Security Systems, LLC for the provision of professional high technology services, maintenance, and equipment related to security at the San Marcos Police Department in the estimated amount of \$216,680.33 through the Texas Comptroller of Public Accounts' Department of Information Resources ("DIR") program; authorizing the City Manager or his designee to execute the appropriate documents to implement the Change in Service on behalf of the City; and declaring an effective date.
7. Consider approval of Resolution 2020-147R, approving the award of a construction contract to Flasher Equipment Company for the Hunter Road Restriping project in the total amount of \$183,363.45; 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 2020-148R, approving the award of a construction contract to Lone Star Sitework, LLC, for the Wonder World Drive/Hunter Road Intersection Improvements project in the total amount of \$529,832.56; 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 2020-149R, approving the award of a construction contract to T. Gray Utility and Rehab. Co., LLC for the Wastewater Lift Station No. 28 Rehabilitation project in the total amount of \$370,500.00; authorizing the City Manager or his designee to execute the contract on behalf of the City; and declaring an effective date.
10. Consider approval of Resolution 2020-150R, approving Change in Service No. 2 to the Engineering Services agreement with K. Friese and Associates relating to the Midtown Drainage Project to provide additional design, topographic survey, geotechnical laboratory testing and structural engineering services in the estimated amount of \$63,577.00; authorizing the City Manager or his designee to execute the appropriate documents to implement the Change in Service; and declaring an effective date.

11. Consider approval of Resolution 2020-151R, approving a Change in Service to the Engineering Services agreement with Chapman Engineering, Inc. related to the Downtown Property Acquisition Project in the amount of \$22,900.00 for the installation of monitoring wells, laboratory analysis, and reporting on a chlorinated solvent plume in the vicinity of South Guadalupe; authorizing the City Manager or his designee to execute the documents necessary to implement the Change in Service; and declaring an effective date.
12. Consider approval of Resolution 2020-152R, approving a project partnership agreement with the U.S. Department of the Army (Corps of Engineers) for the San Marcos River Section 206 Aquatic Ecosystem Restoration Project; authorizing the City Manager, or his designee, to execute said easement on behalf of the City; and declaring an effective date.

**A motion was made by Council Member Baker, seconded by Deputy Mayor Pro Tem Rockeymoore, to approve Resolution 2020-152R.**

**Council Member Baker stated that he was happy to see this on the agenda. He asked if the United States Army Corp of Engineers (USACE) could give us recommendations or advice regarding recreation on the river for residents vs. non-residents. Melani Howard, Habitat Conservation Plan Manager, stated the USACE can provide recommendations and guidelines regarding recreation on the river. Ms. Howard stated we could bring this question forward to the design team and they will begin to assess what we currently have in place and what they intend to put in place. They can provide advice, but they will not add to the scope of the plan that requires more funding and could not take any action. Upon approval, this design phase takes 3-6 months to complete and Council provided direction to move forward with this request as long as it does not cost more money or take more time.**

**Council Member Baker asked how this project may inform our knowledge of the area of Cape's Dam? Ms. Howard stated this area was not considered because Cape Dam and Thompson's Island, at the time, was privately owned and USACE only planned for public land. To add this to the report would mean waiting a number of years to add. The motion to approve carried by the following vote:**

**For:** 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

**Against:** 0

13. Consider approval of Resolution 2020-153R, awarding contracts related to the San Marcos Public Library renovation project to fund Phase 1 of the Furniture, Fixtures and

Equipment (FFE) for the Library to Library Interiors of Texas through the Choice Partners Cooperative in the amount of \$51,803.24 and McCoy Rockford through the Comptroller's Texas Multiple Award Schedule Program in the amount of \$28,013.92; authorizing the City Manager or his designee to execute the agreements on behalf of the City; and declaring effective date.

14. Consider approval of Resolution 2020-154R, approving an Interlocal Agreement with the San Marcos Consolidated Independent School District (SMCISD) for the City's provision of Police Officers to the School District to serve as School Resource Officers; authorizing the City Manager, or his designee, to execute said agreement on behalf of the City; and declaring an effective date.

**A motion was made by Council Member Baker, seconded by Mayor Pro Tem Mihalkanin to approve Resolution 2020-154R.**

**Council Member Baker would like assurances that the School Resource Officers (SRO) are utilized to their full capabilities. He asked if there are opportunities for us to carve out additional training and data tracking for these officers. He noted that there have been issues in other cities and wants to ensure it doesn't happen here. Interim Police Chief Klett said we have been successful in San Marcos because we have a strict selection process and we work closely with these schools to make sure we find the best fit. There have been very few problems with this program and it has been a success for many years. Mr. Lumbreras does not recommend changing the agreement as it has been approved by the School Board already. In future years we can look at making changes because this comes forward annually. Mayor Hughson asked if this is something that can be reported without amending the contract. Mr. Stapp stated this information is a policy issue of the department and not necessarily a part of the contract.**

**Council provided consensus to bring this back at a future meeting to address these concerns.**

**Deputy Mayor Pro Tem Rockey Moore expressed his support of these SRO's in our schools. He trusts the judgment of our Police Chief and he has personal experience with the SRO's in San Marcos and he knows they love the children and he has faith in the officers. He understands the concern to discuss issues but wants to move forward as proposed. The motion to approve carried by the following vote:**

**For: 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockey Moore, Council Member Baker and Council Member Gonzales**

**Against: 0**

15. Consider approval of Resolution 2020-155R, approving a Change in Service to the agreement between the City and Axon Enterprises Inc. relating to the Police Video Upgrade Project to increase the contract in the amount of \$180,002.01 for additional equipment, and annual software maintenance, hosting and plan fees; authorizing the City Manager or his designee to execute the appropriate documents to implement the Change in Service; and declaring an effective date.

**A motion was made by Mayor Pro Tem Mihalkanin seconded by Mayor Hughson, to approve Resolution 2020-155R.**

**Council Member Baker stated that a quick Google search showed that the company Axon has a bit of a controversy regarding their camera footage storage website, evidence.com. He thinks we should be concerned about their use and distribution of this footage especially if any of it contains minors.**

**Mr. Stapp stated this software speeds up the process with how information is shared. When the City first began using AXON video services and technology, the D.A.'s office would download video evidence onto either DVDs or flash drives and turn it over to the defense in that manner. That slowed the intake process down considerably and actually proved to be an inhibitor to bringing cases to resolution as quickly as possible. About 2 years ago, we began using the AXON shareable link process wherein defense attorneys could download their own evidence using the links provided. He understands the concerns but Axon is a company that brings all information together and they are a reputable company.**

**Mayor Hughson noted that the link Mr. Baker provided has a year of 2017 and she hopes that improvements have been made since then.**

**Council Member Derrick inquired about the use of Tyler Technologies for this type of service. Mr. Stapp stated that Tyler does not provide the services that this contract with Axon covers.**

**A motion was made by Council Member Gonzales, seconded by Council Member Baker, to postpone Resolution 2020-155R to September 1, 2020. The motion carried by the following vote:**

**For:** 4 - Council Member Derrick, Council Member Marquez, Council Member Baker and Council Member Gonzales

**Against:** 3 - Mayor Hughson, Mayor Pro Tem Mihalkanin and Deputy Mayor Pro Tem Rockeymoore

16. Consider approval of Resolution 2020-156R, awarding an Indefinite Delivery Indefinite

Quantity (IDIQ) Agreement for plumbing services to Premier Comfort Service Company, Inc, as the primary provider of plumbing services, and TCS Mechanical, LLC, as the secondary provider of plumbing services, to provide plumbing maintenance services on an as-needed basis for City facilities in the estimated annual amount of \$200,000 and authorizing three additional one-year renewals for a total estimated contract price of \$800,000; authorizing the City Manager or his designee to execute the contract documents on behalf of the City; and declaring effective date.

17. Consider approval of Resolution 2020-157R, approving an Election Services Agreement with the Hays County Elections Administrator for the provision of Election Services for the City's General and Special Election to be held on November 3, 2020 and, if necessary, a Runoff Election to be held in accordance with State law; authorizing the Interim City Clerk to execute the agreement on behalf of the City; and declaring an effective date.
18. Consider approval of Resolution 2020-158R, approving a Joint Election Agreement between the City of San Marcos and Hays County for the holding of a joint election to be held on November 3, 2020; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.

## **PUBLIC HEARINGS**

19. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2020-48, annexing into the City approximately 10.1073 acres of land generally located at South Old Bastrop Highway and Rattler Road, including procedural provisions; and providing an effective date; and consider approval of Ordinance 2020-48, on the first of two readings.

**Michael Ostrowski, Assistant Director of Development Services, provided a brief presentation regarding the proposed annexation of 10.1073 acres of land at South Old Bastrop Highway and Rattler Road. The Applicant proposes to develop the property as a low income housing tax credit multifamily project. The property is adjacent to recently zoned CD-5, P zoned property and ETJ property. Applicant will be requesting CD-5 zoning.**

### **Annexation Schedule**

- **City Council Resolution (Approval of Service Agreement and set a public hearing date): June 16, 2020**
- **City Council Ordinance 1st Reading (Public Hearing): August 4, 2020 (Today)**
- **City Council Ordinance 2nd Reading: August 18, 2020**

**Mayor opened the Public Hearing at 7:56 p.m. There being no comments, the Mayor closed the Public Hearing at 7:56 p.m.**

**A motion was made by Deputy Mayor Pro Tem Rockeymoore, seconded by**

**Mayor Pro Tem Mihalkanin, to approve Ordinance 2020-48, on the first of two readings. The motion carried by the following vote:**

**For:** 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

**Against:** 0

20. Receive a Staff Presentation and hold a Public Hearing to receive comments for or against Ordinance 2020-49, amending the Official Zoning Map of the City by rezoning approximately 10.1073 acres of land, generally located at the northern corner of South Old Bastrop Highway and Rattler Road, from “FD” Future Development District to “CD-5” Character District-5 District; and including procedural provisions; and consider approval of Ordinance 2020-49 on the first of two readings.

**Michael Ostrowski, Assistant Director of Development Services, provided a brief presentation and stated this is the zoning request related to the previous item. The property is located in a medium density area. Applicant is requesting a “Character District” (CD-5) within a Medium Intensity Zone. Planning and Zoning Commission recommended this 9-0 and staff recommends as well.**

**Mayor Hughson opened the Public Hearing at 8:01p.m. There being no comments, the Mayor closed the Public Hearing at 8:01 p.m.**

**A motion was made by Council Member Gonzales, seconded by Council Member Baker, to approve Ordinance 2020-49, on the first of two readings.**

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

**For:** 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

**Against:** 0

21. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2020-50, annexing into the City approximately 83.291 acres of land located at 2519 Redwood Road; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2020-50, on the first of two readings.

**Michael Ostrowski, Assistant Director of Development Services, provided brief presentation regarding the annexation of 83.291 acres at Redwood Road.**

**Applicant proposes to develop the property with a single-family neighborhood. It is adjacent to recently zoned CD-3 and CD-4 (annexed in 2019). Applicant is requesting SF-6 zoning. The annexation schedule:**

**– City Council Resolution (Approval of Service Agreement and set a public hearing date): June 16, 2020**

**– City Council Ordinance 1st Reading (Public Hearing): August 4, 2020**

**(Today)**

**– City Council Ordinance 2nd Reading: August 18, 2020**

**Mayor Hughson opened the Public Hearing at 8:06 p.m. There being no comments, the Mayor closed the Public Hearing at 8:06 p.m.**

**A motion was made by Council Member Derrick, seconded by Mayor Pro Tem Mihalkanin, to approve Ordinance 2020-50, on the first of two readings. The motion carried by the following vote:**

**For:** 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

**Against:** 0

- 22.** Receive a Staff Presentation and hold a Public Hearing to receive comments for or against Ordinance 2020-51, amending the Official Zoning Map of the City by rezoning approximately 80 acres of land located at 2519 Redwood Road, from “FD” Future Development District to “SF-6” Single Family-6 District; and including procedural provisions; and consider approval of Ordinance 2020-51 on the first of two readings.

**Michael Ostrowski, Assistant Director of Development Services, provided a brief presentation and stated this rezoning request is associated with the previous item. Currently the lot is Vacant /Agricultural land. Surrounding uses include:**

- Single Family (El Camino Real neighborhood)**
- Agricultural / Rural (ETJ)**
- Gas Station**

**This property is located outside the City Limits (Extraterritorial Jurisdiction)**

**Mayor Hughson opened the Public Hearing at 8:16 p.m. There being no comments, the Mayor closed the Public Hearing at 8:16 p.m.**

**MAIN MOTION:** a motion was made by Mayor Pro Tem Mihalkanin, seconded by Council Member Derrick, to approve Ordinance 2020-51, on the first of two readings.

**Council Member Derrick stated that our Planning Department will typically discourage people from using SF-6. She asked why did these particular developers want to go SF-6 as opposed a character district.**

**James Ingalls, represents the owner Jim Smith, and his desire is to keep it SF-6 because it does not allow for a widespread density. They are planning to develop 50x120 single family lots and this will be consistent with surrounding**

neighborhoods. He discussed garages and stated they would be willing to include a statement that provides "In no case shall the garage be the front most protrusion of the house but it may be flush for the purpose of this condition that the front porch is considered a protrusion of the house where garages extend past the front facade of the home the front entry door may be flush with the facade and/ or but not set back to cause a recessed entry."

**MOTION TO AMEND:** a motion was made by Mayor Pro Tem Mihalkanin, seconded by Council Member Gonzales, to amend Ordinance 2020-51, by adding language to Section 4 of the Ordinance. This Ordinance will take effect after its passage, approval and adoption on second reading and the re-zoning to SF-6 will not become effective until a restrictive covenant is filed with the language provided by Mr. Ingalls regarding garages which is "In no case shall the garage be the front most protrusion of the house but it may be flush for the purpose of this condition that the front porch is considered a protrusion of the house where garages extend past the front facade of the home the front entry door may be flush with the facade and/ or but not set back to cause a recessed entry."

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

**For:** 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

**Against:** 0

**MAIN MOTION:** to approve Ordinance 2020-51, on the first of two readings, as amended.

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

**For:** 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

**Against:** 0

## **NON-CONSENT AGENDA**

23. Consider approval of Ordinance 2020-52, on first and final reading, ordering a General Election to be held on November 3, 2020 for the purpose of electing a Mayor, City Council Member, Place Three, City Council Member, Place Four, and ordering a Special Election to fill a vacancy for the one year remainder of the unexpired term of office of City Council Member Place Five to be conducted concurrently with the General Election; making provisions for conducting the election; declaring an emergency creating the need to adopt this ordinance with only one reading; and providing an effective date.

**A motion was made by Council Member Gonzales, seconded by Deputy Mayor Pro Tem Rockeymoore, to approve Ordinance 2020-52, on emergency with the adoption of this ordinance with only one reading.**

**Ms. Cook stated the statutory deadline to call the election is August 17th so due to time sensitivity this is being proposed as an emergency and will have only one reading. Ms. Cook noted a separate Ordinance will come back at the next meeting that outlines the polling locations. Ms. Cook also outlined the date of the runoff election which is December 1 and the canvass date which is December 9, if necessary.**

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

**For:** 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

**Against:** 0

- 24.** Consider approval of Ordinance 2020-53, on the first of two readings, appointing a Presiding Judge for the San Marcos Municipal Court of Record for a term of two years; and providing an effective date.

**A motion was made by Mayor Pro Tem Mihalkanin, seconded by Council Member Gonzales, to approve Ordinance 2020-53, on the first of two readings.**

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

**For:** 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

**Against:** 0

- 25.** Consider approval of Ordinance 2020-54, on the first of two readings, amending section 78.103 of the San Marcos City Code to modify the amounts of additional fees to be assessed and paid on delinquent hotel occupancy taxes and to provide for a one percent discount against the amount of taxes due when timely paid; providing a savings clause; providing for the repeal of any conflicting provisions; and declaring an effective date.

**MAIN MOTION: a motion was made by Council Member Gonzales, seconded by Mayor Pro Tem Mihalkanin, to approve Ordinance 2020-54, on the first of two readings.**

**MOTION TO AMEND: Mayor Hughson a motion was made by Mayor Hughson, seconded by Baker to strike the words "AND TO PROVIDE FOR A ONE PERCENT DISCOUNT AGAINST THE AMOUNT OF TAXES DUE WHEN TIMELY PAID" in the caption and in Section 78.103 (b) to strike the words "The city will apply a one percent discount to the total amount due per**

reporting period if the amount due is paid on or before the due date.” The section will now read: **Sec. 78.103 (b) Reports shall be filed and the full amount of taxes due shall be paid by the 20th of every month following the end of each calendar month.**

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

**For:** 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

**Against:** 0

**MOTION TO AMEND:** a motion was made by Mayor Hughson, seconded by Mayor Pro Tem Mihalkanin, to amend Ordinance 2020 54 by changing Sec. 78.103. Reporting and payment. (e) (1) a., b., and c. in 78.103 (e) (1) a. strike “\$50.00” and insert “5%”, in (b) strike \$75.00 and insert 10% and in c strike \$100 and insert “15%” and strike “61st through 90th days after the due date and” and insert “after the 61st day” and strike all of d. She is concerned about smaller hotels and Short Term Rentals and feels that the flat fees are not fair to them.

**(1) For hotel occupancy taxes required to be collected for the months of August 2020 through September 2023:**

- a. 5 percent if paid on the first through 30th days after the due date;**
- b. 10 percent if paid on the 31st through 60th days after the due date; and**
- c. 15 percent if paid on or after the 61st day after the due date**

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

**For:** 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

**Against:** 0

**MOTION TO AMEND:** a motion was made by Mayor Hughson, seconded by Mayor Pro Tem Mihalkanin, to amend Ordinance 2020 54 by changing Sec. 78.103. Reporting and payment. (e) 2 a by striking “\$100.00” to “10 percent.” and for staff to combine a and b. The section will now read: **Sec. 78.103. (e) (2) For hotel occupancy taxes required to be collected for the month of October 2023 and any month thereafter: a 10 percent if paid on or after the 30th day after the due date. [it’s still a section a and b until staff cleans up for second reading.]**

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

**For:** 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

**Against:** 0

**MAIN MOTION: to approve Ordinance 2020-54, on the first of two readings, as amended.**

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

**For:** 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

**Against:** 0

26. Consider approval of Ordinance 2020-55, on the first of two readings, amending the City's 2019-2020 Fiscal Year Budget to allocate \$148,250.00 from the Municipal Court Technology Fund to provide funding for an updated Municipal Court Case Management System and expansion of the City's Ticket Writing System; and declaring an effective date.

**A motion was made by Council Member Gonzales, seconded by Council Member Derrick, to approve Ordinance 2020-55, on the first of two readings.**

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

**For:** 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

**Against:** 0

27. Consider approval of Resolution 2020-159R, approving an agreement with Vertosoft LLC through the Interlocal Purchasing System ("TIPS") for the purchase of the LT Court Software System for the San Marcos Municipal Court in the initial amount of \$95,000.00 for the integration, installation and one year of maintenance and authorizing four additional years of maintenance at a cost of \$20,000.00 per year for a total contract amount of \$175,000.00; 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 Mayor Pro Tem Mihalkanin, seconded by Council Member Derrick, to approve Resolution 2020-159R. The motion carried by the following vote:**

**For:** 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

**Against:** 0

28. Consider approval of Resolution 2020-160R, approving Change in Service No. 5 to the

agreement with Tyler Technologies, Inc. for expansion of the Brazos eCitation Ticketwriter system in the amount of \$79,977.00 and authorizing approve four additional annual renewals in the amount of \$36,032.00; authorizing the City Manager or his designee to execute the appropriate documents to implement the Change in Service; and declaring an effective date.

**A motion was made by Mayor Pro Tem Mihalkanin, seconded by Deputy Mayor Pro Tem Rockeymoore, to approve Resolution 2020-160R.**

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

**For:** 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

**Against:** 0

29. Consider approval of Resolution 2020-161R, adopting the Community Development Block Grant (CDBG) Action Plan that provides for the allocation of \$722,904 of CDBG entitlement funds for the program year 2020-2021; authorizing the City Manager, or his designee, to act as the Official Representative of the City in matters related to the CDBG Program and Action Plan; and declaring an effective date.

**A motion was made by Mayor Pro Tem Mihalkanin, seconded by Council Member Baker, to approve Resolution 2020-161R.**

**Council Member Gonzales asked about Centro and if we can place a condition on funding that states they must own the building for the next 25 years. Mr. Ostrowski stated that CDBG requires a lien be placed on a property and that any improvements will be there for a minimum of 5 years. Placing a 25 year timeline on this is well beyond the CDBG requirement and could potentially impact the school's agreement with El Centro.**

**Council Member Derrick stated her concern with spending this much money if they relocate facilities.**

**Council Member Baker understands the concern, but thinks it is worth the investment. Dr. Espinoza of Centro stated they are in favor of a 5 year agreement with the City and San Marcos Consolidated Independent School District and this will give them time to raise capital and renovate this building. He stated this will actually help them long term.**

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

**For:** 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

**Against:** 0

30. Consider approval of Resolution 2020-162R, amending the Community Development Block Grant (CDBG) Action Plan for program year 2019-2020 adopted by Resolution No. 2019-121R to reallocate \$125,000 from the Paul Pena Park Project to a new program for Substandard Home Demolition; authorizing the City Manager, or his designee, to act as the Official Representative of the City in matters related to the CDBG-DR Program and Action Plan; and declaring an effective date.

**A motion was made by Deputy Mayor Pro Tem Rockeymoore, seconded by Council Member Baker, to approve Resolution 2020-162R. The motion carried by the following vote:**

**For:** 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

**Against:** 0

31. Consider approval of Resolution 2020-163R, amending the Community Development Block Grant (CDBG) Action Plan for program year 2019-2020 adopted by Resolution No. 2019-121R to award \$105,530.00 to Hays County to increase or improve COVID-19 testing in the City of San Marcos, authorizing the City Manager, or designee, to act as the Official Representative of the City in matters related to the CDBG Program and Action Plan, and declaring an effective date.

**A motion was made by Mayor Pro Tem Mihalkanin, seconded by Council Member Derrick, to approve Resolution 2020-163R.**

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

**For:** 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

**Against:** 0

32. Consider approval of Resolution 2020-164R, providing no objection to the submission of an application for low income housing tax credits to the Texas Department of Housing and Community Affairs for the proposed Redwood Multifamily Housing Project located in the 1600 block of Redwood Road, approving findings related to the application, imposing conditions for such non-objection, including the requirement that the applicant make an annual payment in lieu of taxes, providing authorizations for execution or submission of documents related to the application and for execution of an agreement for the annual payment in lieu of taxes, and declaring an effective date.

**A motion was made by Council Member Derrick, seconded by Deputy Mayor Pro Tem Rockeymoore, to approve Resolution 2020-164R. Council Member Derrick thanked her colleagues on the housing committee and staff for working on this and recognizing what a great opportunity this is.**

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

**For:** 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

**Against:** 0

- 33.** Consider approval of Resolution 2020-165R, approving an agreement for the provision of services in connection with the proposed owner requested annexation of approximately 89.694 acres of land generally located west of the intersection of Old Ranch Road 12 and Wonder World Drive; authorizing the City Manager, or his designee, to execute said agreement on behalf of the City; setting a date for a Public Hearing concerning the proposed annexation of said tract of land; and declaring an effective date.

**A motion was made by Mayor Hughson, seconded by Mayor Pro Tem Mihalkanin, to approve Resolution 2020 165R. This is part of the La Cima Development and as they plat each new section, they request annexation.**

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

**For:** 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

**Against:** 0

- 34.** Discuss and consider appointment(s) to fill vacancies on the following Boards and Commissions, and provide direction to staff:
- A) Airport Advisory Board
  - B) Human Services Advisory Board
  - C) Parks and Recreation Advisory Board
  - D) Veteran Affairs Advisory Committee

**Mayor Pro Tem Mihalkanin nominated Theodore Dake Jr. and Robert DeJong for consideration to serve on the Airport Advisory Board.**

**Following a roll call vote Theodore Dake Jr. and Robert DeJong were unanimously approved for appointment to the Airport Advisory Board.**

**A motion was made by Mayor Hughson, seconded by Mayor Pro Tem Mihalkanin, to postpone the appointment to the Human Services Advisory Board to a future date to confirm residency of the applicant. Following a roll call vote, the postponement was unanimously approved.**

**Council Member Derrick nominated Kevin White for consideration to serve on the Parks and Recreation Advisory Board. Following a roll call vote Kevin White was unanimously approved for appointment to the Parks and Recreation Advisory Board.**

**Mayor Hughson nominated Steven Saxon and Council Member Baker nominated David Franklin for consideration to serve on the Veteran Affairs Advisory Committee. Following a roll call vote Steven Saxon and David Franklin were unanimously approved for appointment to the Parks and Recreation Advisory Board.**

**For:** 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

**Against:** 0

### **EXECUTIVE SESSION (if necessary)**

- 35.** Executive Session in accordance with the following Government Code Sections:
- A. Section § 551.072 - Real Property: to receive a staff briefing and deliberation regarding the following:
    - 1. Acquisition of property in Downtown San Marcos for public use
    - 2. Acquisition of property for the Uhland Road CDBG-DR Project
  - B. Section §551.071 - Consultation with Attorney regarding: Legal considerations regarding the following:
    - 1. Acquisition of property in Downtown San Marcos for public use
    - 2. Acquisition of property for the Uhland Road CDBG-DR Project

**A motion was made by Mayor Pro Tem Mihalkanin, seconded by Council Member Baker, to enter into Executive Session at 9:51 p.m. The motion carried by the following vote:**

**For:** 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

**Against:** 0

### **ACTION/DIRECTION PROVIDED DURING EXECUTIVE SESSION**

- 36.** Consider action, by motion, regarding the following Executive Session items held during the Work Session and/or Regular Meeting:
- A. Section § 551.072 - Real Property: to receive a staff briefing and deliberation regarding the following:
    - 1. Acquisition of property in Downtown San Marcos for public use
    - 2. Acquisition of property for the Uhland Road CDBG-DR Project
  - B. Section §551.071 - Consultation with Attorney regarding: Legal considerations regarding the following:
    - 1. Acquisition of property in Downtown San Marcos for public use
    - 2. Acquisition of property for the Uhland Road CDBG-DR Project

**Council concluded Executive Session at 10:06 p.m. Mayor Hughson stated direction was**

**provided to staff on each item and any future action needed will be brought back at a subsequent meeting.**

IV. Adjournment.

**Mayor Hughson adjourned the regular meeting of the City Council at 10:10 p.m. on August 4, 2020.**

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

**Jane Hughson, Mayor**