



# City of San Marcos

## Meeting Minutes City Council

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Thursday, June 11, 2020

4:00 PM

Virtual Meeting

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

### I. Call To Order

**With a quorum present, the special meeting of the San Marcos City Council was called to order by Mayor Hughson at 4:02 p.m. Thursday, June 11, 2020.**

### II. Roll Call

**Present:** 6 - Council Member Melissa Derrick, Mayor Jane Hughson, Mayor Pro Tem Ed Mihalkanin, Deputy Mayor Pro Tem Mark Rockeymoore, Council Member Maxfield Baker and Council Member Saul Gonzales

**Absent:** 1 - Council Member Joca Marquez

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 an update and provided status reports in response to the COVID-19 pandemic.**

#### **Known Cases - as of today**

- **1,973,797 U.S. cases with at least 112,133 fatalities in 55 states or territories including D.C. (More than 17,376 new cases since yesterday)**

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

- **79,757 (25,423 active) cases in 236 Texas counties with 1,885 fatalities**

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

- **492 in Hays County with 5 fatalities (230 active and 257 recovered)**

**– 4,580 tests returned negative**

**– 71 active and 75 recovered in San Marcos (2 fatalities)**

**– 39 cases have required hospitalization, 10 currently in the hospital**

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

**Mr. Stapp provided a chart that indicates the active case count change from a day to day basis. Anything above the 0 line is a positive change or increase in active cases and anything below this line was a decrease in active case count.**

**The chart shows a significant increase in positive cases.**

**Update to Governor Abbott's Actions:**

- **June 3: Announced Phase III to open Texas**
  - **Businesses to operate with no more than 50% occupancy – many exceptions listed**
  - **No occupancy restrictions for:**
    - **Essential services - Child care services**
    - **Religious services - Youth camps**
    - **Local government operations - Recreational sports programs**
  - **50% occupancy limit does not apply to outdoor areas, events, or establishments, except the following:**
    - **Museums and libraries - Professional, collegiate sporting events**
    - **Swimming pools - Zoos, aquariums, natural caverns**
    - **Water parks - Rodeos and equestrian events**
  - **50% occupancy limit does not apply to salons, massage establishments, other personal care/beauty services as long as there is social distancing between work stations**
  - **Restaurant occupancy limit increased to 75% beginning June 12**
  - **Only seated customers may be served in indoor bars, similar indoor establishments**
  - **County judge or mayor may impose additional restrictions for certain outdoor gatherings over 500 people**
- **June 4: Extension of emergency Supplemental Nutrition Assistance Program (SNAP) benefits through June**
  - **Texas Health and Human Services Commission (HHSC) to provide approximately \$177 million in emergency SNAP benefits**
  - **More than 900,000 SNAP households will see the additional amount on their Lone Star Card by June 12**
- **June 8: Expanded testing in underserved and minority communities disproportionately impacted by COVID-19**
  - **Texas Division of Emergency Management (TDEM) is coordinating with local officials, public health officials, and emergency management offices in cities across the state to identify and rapidly expand COVID-19 testing**
  - **Check [www.covidtest.tdem.texas.gov](http://www.covidtest.tdem.texas.gov) to find the nearest test collection location.**

**Efforts to date:**

- **Countywide recovery document at 95% completion**
  
- **Processed Late Fee Exemptions for 139 commercial utility accounts, 93 residential utility accounts since implementation on March 26**
  - **Set up payment arrangements totaling over \$334,296 for 1381 utility customer accounts over that same time period**
  
- **Race and Ethnicity data added to COVID-19 case reporting from Hays County as of 6/9 – included on dashboard**
  
- **TDEM testing sites – Bonham 6/14, Bowie 6/18**

**Grants update:**

- **CESF (Coronavirus Emergency Supplemental Fund) grant award letter received 6/8**
  - **Just over \$51,000 is funding to reimburse City for overtime and supplies related to COVID-19**
  - **Applies to Police and Fire Department COVID-19 expenses such as PPE, overtime, other COVID-related equipment.**

**Council Member Baker stated if there are any new contact tracing efforts being made due to increase in case counts by the State or on a local level. Mr. Stapp stated there is no additional news, but he believes the State is aware of the need for additional contact tracers.**

**Council Member Gonzales asked if the testing mentioned earlier still includes the nasal test and asked about the longer turn around time on these test results. Mr. Stapp stated these are nasal tests and the testing is being conducted by the state and being sent to state labs so there is a longer turn around time to receive results. Mr. Gonzales asked about the rapid tests and what is the validity of this. Mr. Stapp stated there are numerous rapid tests, but they are not recommended. However, hospitals are using this as a presumptive test and as a screening device.**

**Deputy Mayor Pro Tem Rockey Moore asked if there is any information about the anti-body tests. Mr. Stapp stated those are being conducted and reported on a State level. They are not reliable in diagnosing current cases of COVID-19.**

**It shows that you have been exposed to a strain of the COVID disease, but not necessarily the COVID-19 strain.**

**Council Member Baker stated there is not a large spike in the number of tests we are conducting. He asked if we are comparable to other counties in terms of our percent of the population that has been tested. Mr. Stapp said we are holding true on State averages in terms of testing as of a week ago. Mr. Baker asked what kind of barriers we are experiencing to people getting tests. Mr. Stapp said he is not aware of any barriers. People are going out and getting these tests. Mr. Baker asked if we have a deadline to when we should have a certain percentage of our population tested. Mr. Stapp stated this metric has not been discussed.**

**Mayor Hughson stated these test sites often require large spaces/parking lots and asked what influence we have regarding these site locations. She stated it would be helpful if it is on a bus route if offered Monday through Friday. Mr. Stapp stated there was a request that it be on the east side of the interstate near parts of our community that are typically lower income.**

**Council Member Derrick asked about the day/time tests will be conducted for the Bonham and Bowie sites. Mr. Stapp stated the Bonham site test will occur on June 14th from 8 a.m. to 5:00 p.m. and the Bowie site on June 20th from 10 a.m. to 4:00 p.m. Council Member Derrick asked if these are the only dates? Mr. Stapp stated there are other test sites around the County.**

**Mayor Hughson asked about utility disconnects and asked if renewal of this if needed. Mr. Stapp confirmed this will be brought forward for discussion on June 18th.**

**Council Member Gonzales asked what percentage of restaurants are being closed due to an employee being exposed to the virus. Mr. Stapp stated he does not have this percentage, but it is being tracked. However, the restaurants are typically closing from two days to two weeks depending on their needs to disinfect and sanitize their facility. Does the public get notification about restaurants that are closing. Mr. Stapp stated the restaurants have been good about notifying their customers. Mayor Hughson stated the University Star has it on their page.**

- 2. Consider, by motion, approval of a joint letter from members of the City Council calling on Governor Greg Abbott to take specific actions to alleviate the disproportionate impact of COVID-19 on Latinx Texans and people of color.**

**MAIN MOTION: a motion was made by Mayor Pro Tem Mihalkanin, seconded by**

**Council Member Derrick to approve the following letter:**

**Gov. Abbott:**

**The large majority of those who have been hospitalized by COVID-19 are people of color and low-income populations. Public health experts have confirmed that this is mainly because Latinx and people of color are overwhelmingly working on the front lines. Inaction to protect our frontline workers will result in predictable consequences, including loss of life. Our local democracies are trying to take every action allowable under the law to address this reality. Clearly, it is necessary for the state to take action as well. We are calling on you to address the disproportionate impact this virus has on Latinx Texans.**

**We call on you to:**

- 1. Expand Medicaid. Texas is the most uninsured state in America. The Latinx community lacks health insurance more than any other major population in Texas. It is disturbing that you continue to refuse these federal health care dollars during the COVID crisis.**
- 2. Have the Attorney General drop the lawsuit that is blocking paid sick time policies. Paid sick time would be guaranteed for all workers in Austin, Dallas, and San Antonio if it were not for the state's lawsuit. Paid sick time is more important now, than ever.**
- 3. Use the Economic Stabilization Fund (a.k.a. Rainy Day Fund) to provide immediate and continued financial relief to working class families, regardless of immigration status. Doing so will lead to fewer people being forced to return to work if they are vulnerable or at-risk.**
- 4. Nullify SB4, the "Show Me Your Papers" law. Because of your law, many immigrants are too afraid to seek critical medical interventions or public assistance for fear of being separated from their families.**
- 5. Support Texas municipalities efforts to manage the Covid crisis. There is no "one size fits all" solution, municipalities should be permitted to enforce CDC guidelines and emergency protocols that will most protect and benefit their unique situations and constituents, which for San Marcos includes a large percentage of Latinx and low income households. We must be supported in our efforts to save lives and prevent further devastation to these communities.**

We have taken several steps at the local level to alleviate some of the economic burden faced by our citizens. However, there are many things outlined above that only you can legislate to help our community and they require your full and absolute attention. Inaction on protecting people of color or those that are low-income from COVID-19 is an affirmative decision to perpetuate racial and class injustice. It is a decision that will cost lives. We eagerly await your response.

Council Member Baker explained the contents of the letter and his reasons for asking Council to approve it. Mayor Hughson inquired about the Governor's power to expand Medicaid. Governor Abbot will need the legislature to complete that. Mayor Hughson also noted some changes for better explanation that we will need to make on item 4. She asked if the Governor actually has the power to nullify SB 4 because it was done by legislative action? Mr. Baker believes the Governor can issue an Executive Order to do that. Mayor Hughson asked Mr. Cosentino and he stated that under the Disaster Declaration, the Governor can suspend certain statutes. He noted that the key provision of SB 4 was it prohibits a City from adopting/enforcing a policy that stops its officers from inquiring about immigration status when stopping or detaining someone.

Mayor Pro Tem Mihalkanin was concerned about the word "nullify" in number 4. The word suspend would be fine. Regarding Medicaid, there likely should be some type of legislative mandate. In addition, in "Because of your law" should be re-worded. There are other items that could be improved. Mayor Hughson was concerned with the demanding tone of the letter. Mayor Pro Tem Mihalkanin was also concerned about the tone of the letter and asked if staff could work on it. Council Member Baker would like to get this letter as soon as possible.

**MOTION TO AMEND:** a motion was made by Council Member Baker, seconded by Mayor Pro Tem Mihalkanin, to remove the last sentence of item 1. The motion carried by the following vote:

**For:** 6 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

**Against:** 0

**Absent:** 1 - Council Member Marquez

**MOTION TO AMEND:** a motion was made by Council Member Baker, seconded by Deputy Mayor Pro Tem Rockeymoore, to amend Item 4 (first sentence) by removing the word nullify and replacing it with suspend and (second sentence) remove " Because of your law" and replace with "Because of this law" and removing "Show Me Your Papers" by replacing it with a descriptive legal reference.

**Item 4 will now read:**

**"Suspend SB4, (legal description will go here). Because of this law, many immigrants are too afraid to seek critical medical interventions or public assistance for fear of being separated from their families."**

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

**For:** 6 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Deputy Mayor Pro Tem Rockey Moore, Council Member Baker and Council Member Gonzales

**Against:** 0

**Absent:** 1 - Council Member Marquez

**MOTION TO POSTPONE: a motion was made by Council Member Baker, seconded by Deputy Mayor Pro Tem Rockey Moore, to postpone this item to the June 18, 2020 special meeting. The motion carried by the following vote:**

**For:** 6 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Deputy Mayor Pro Tem Rockey Moore, Council Member Baker and Council Member Gonzales

**Against:** 0

**Absent:** 1 - Council Member Marquez

## **EXECUTIVE SESSION**

3. Executive Session in accordance with Section §551.074 of the Texas Government Code: Personnel Matters - to discuss, review and finalize the Annual Appointee Evaluation goals for the City Manager.

**A motion was made by Council Member Derrick, seconded by Deputy Mayor Pro Tem Rockey Moore, to enter into Executive Session at 4:46 p.m. The motion carried by the following vote:**

**For:** 6 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Deputy Mayor Pro Tem Rockey Moore, Council Member Baker and Council Member Gonzales

**Against:** 0

**Absent:** 1 - Council Member Marquez

## **RETURN FROM EXECUTIVE SESSION**

4. Consider action, by motion, or provide direction to Staff regarding the following Executive Session item in accordance with Section §551.074 of the Government Code: Personnel Matters - to discuss, review and finalize the Annual Appointee Evaluation goals with the City Manager.

**Prior to entering into Executive Session, Mayor Hughson stated that there is no action due but Council will discuss, review and finalize the Annual Appointee Evaluation goals with the City Manager. Council will not come back into open session.**

III. Adjournment.

**Mayor Hughson adjourned the Special Meeting of the City Council at 6:13 p.m.**

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

**Jane Hughson, Mayor**