



City of San Marcos

Meeting Minutes City Council

Thursday, June 18, 2020

4:00 PM

Virtual Meeting

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 4:07 p.m. Thursday, June 18, 2020. The meeting was held virtually.

II. Roll Call

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

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 status reports and updates on response to the COVID-19 pandemic.

Known Cases - as of today

- **2,132,321 U.S. cases with at least 116,862 fatalities. (More than 27,975 new cases since yesterday)**

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

- **96,335 (31,905 active) cases in 237 Texas counties with 2,062 fatalities**

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

- **1,238 in Hays County with 5 fatalities (903 active and 330 recovered)**

- **5,109 tests returned negative**

- **592 active and 93 recovered in San Marcos (2 fatalities)**

- **42 cases have required hospitalization, 17 currently hospitalized**

- *source: Hays County Health Department**

Mr. Stapp provided a chart that indicates the active case count change from a day to day basis.

Updates to Governor Abbott's Actions

- **June 16: Provided update on hospital capacity**
 - Noted that despite an uptick in positive cases, there continues to be abundant hospital capacity
- **27% of total reported hospital beds are available (14,993 available, 54,844 total)**
- **1,675 total ICU beds available**
- **5,869 total classic ventilators available**
Hays County has 38 ventilators capacity among the three hospitals. Patients are being housed outside of Hays County.

- **June 16: Texas Workforce Commission to reinstate work search requirement**
 - Announced job search requirements suspended temporarily during the COVID-19 crisis will be reinstated July 6th
 - Work search document required in order to continue receiving benefits

Testing Overview

- **6,419 tests administered county wide**
 - **5,109 negative (79.6%)**
 - **1,238 confirmed (19.3%)**
- **County free testing - Live Oak Clinic on Broadway**
 - **\$150,000 grant from Department of State Health Services (DSHS) through the Emergency Preparedness Program**
 - **Available to under-insured and uninsured, appointment required and must show symptoms**
 - **180 tested since end of May using the program**
- **Texas Division Emergency Management (TDEM) testing sites - Bonham 6/14 (701 tested) Bowie 6/20**
 - **Simon Middle School, Kyle 6/17 (4-8 p.m.) (more than 200 people tested)**
 - **Uhland Elementary, Uhland 6/18 (4-8 p.m.)**
 - **McCormick Middle School, Buda 6/19 (4-8 p.m.)**
 - **Bowie Elementary, San Marcos 6/20 (10am-4pm) (appointment for drive thru is required in 24 hours in advance)**
- **Future TDEM sites - July 12-15 preliminary identified, still waiting to verify dates.**

Grants Update

- **Coronavirus Emergency Supplemental Fund (CESF) 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 personal**

protective equipment (PPE), overtime, other COVID-related equipment

Upcoming considerations

- **Mandatory public mask order - Judge Becerra**

Mr. Stapp stated that the new order from Judge Becerra mandates people to wear a mask in public that can't maintain 6ft of distance between others and secondly, it mandates all businesses to require customers and employees to also wear a mask when distancing can't be maintained.

- **Parks considerations**

Mr. Stapp stated there is a concern from the public about the crowds gathering and are not maintaining social distancing and could be contributing to the increase of case counts. Mr. Stapp mentioned that staff from Parks and Recreation are discussing what could be done and what recommendations will be brought back to Council.

Council Member Baker stated that Eric Schenider, Hays County Epidemiologist has stated there is a factual link to the public being on the river and the increase in the number of cases and he asked Mr. Stapp if we are debating that concern. Mr. Stapp stated that he can't debate with Mr. Schneider's opinion.

Council Member Gonzales asked what is the consequence if a business does not comply with Judge Beccera's order. Mr. Stapp stated that he hasn't fully read the order as it was just issued a few minutes ago but it seems to be patterned after Bexar County's order which includes is a fine of up to \$1,000.

Council Member Derrick asked about the testing centers and if people have to wait 15-20 days for results or are they able to process them faster. Mr. Stapp stated that results are coming back from local testing services at a faster rate.

Mayor Hughson asked staff to put a request in to place the City at the head of the line due to the case counts going up. Mr. Stapp stated he will ask and also mentioned that certain staff have stated they were tested at the drive thru testing on Sunday and have already received their results. Ms. Rachel Ingle, Emergency Management Coordinator stated that out of the 701 testing we have over 90 results back already, 70 were Hays County and were positive but the results are coming back quickly.

Saul asked if an employee tests positive, are they required to inform the Health Department? Mr. Stapp responded that is not a requirement and that any

business with a large number of employees is likely to have positive cases.

Mayor Pro Tem Mihalkanin asked if the City has worked with local hospitals to anticipate an increase of Covid patients and secondly, is there a plan in place for hospitals to take patients from another county.

Mr. Stapp stated that staff is networking and meeting once a week to discuss. He mentioned that the regional plan for the Austin region is still pushing patients into larger hospitals in Austin and San Antonio. He stated that we can house local residents at the hospital in San Marcos.

Mayor Pro Tem Mihalkanin asked about the regional plan, if Travis County hospital is full is there a protocol to have any patients housed in San Marcos? Ms. Ingle stated the regional plan for Central Texas, only when Austin reaches capacity they have alternative locations within the region and Hays County is not chosen but they do have other sites that will be sending patients that are low risk and not COVID patients. Ms. Ingle stated that we are working on where can we send our patients if we get overloaded and to keep the COVID patients in the hospital.

Mayor Pro Tem Mihalkanin asked if hospitals in the County are letting the City know how many COVID patients they have. Ms. Ingle stated we get results every other day and discuss capacity, number of patients that are on ventilators, isolation units and trends or those sent to another hospitals or housed locally.

Mayor Pro Tem Mihalkanin asked if there is a shortage of personal protective equipment (PPE) for the health care providers. Ms. Ingle stated that she does work with both local hospitals for PPE inventory. They have all the supplies they currently need. Ms. Ingle stated that the PPE arrives between 6 to 24 hours after the order is placed and the longest turnaround was 48 hours due to large request for PPE for City and hospital staff. Ms. Ingle stated they are stock-piling for PPE due to wave anticipated in November. Mr. Mihalkanin asked if planning to do public testing every week. Ms. Ingle stated they are discussing the logistics to use the Community Development Block Grant (CDBG) grant and partner with local clinics to setup drive thru and if this can occur weekly.

Mayor Hughson requested staff to have more signs for citizens to complete the Census while they wait in line. Ms. Shannon Mattingly noted that the Planning Department has a number of signs and a few banners available.

Council Member Baker stated the new order from Gov. Abbott to enforce masks provides an opportunity to educate the public and suggested that Park Rangers and Police get equipped to hand out face covering to citizens that do not have one.

Bert Lumbreras, City Manager stated that staff is looking for another source of funding that we can use for personal protective equipment and other needs. It was noted that masks are now available in a number of stores. Council has allocated \$150,000 to explore for this purpose and make it a priority.

Council Member Gonzales is concerned that the parks still being open while we are experiencing an increase of cases. He suggested we close the parks.

Council consensus is to have City Manager close all river parks.

- 2. Receive a presentation regarding a request to partner with the San Marcos River Foundation on an application to be submitted to Lyda Hill Philanthropies for their Lone Star Prize Competition; and provide direction to Staff.**

Mayor Hughson recused herself from this item because she owns property and lives near the area where part of this project is being proposed.

Mr. Lumbreras introduced this item regarding a request to partner with San Marcos River Foundation (SMRF) on an application to be submitted to Lyda Hill Philanthropies for the Lone Star Prizes Competition.

Drew Wells, Director of Parks and Recreation, provided Council with a presentation on a discussion of the grant program, proposed project, how the application will move forward and the role of the City being a partner and the main role of SMRF as the principle organization.

Mr. Wells stated that Lyda Hill Philanthropies is an organization that is committed to funding transformational advances in science and nature, empowering nonprofit organizations and improving the Texas and Colorado communities.

Mr. Wells explained that the Lone Star Prize is a statewide competition designed to source a pipeline of philanthropic “big bets” and scale a proven, transformative solution that improves the quality of life for Texans.

• Lone Star Prize was created to award one \$10 million grant to an innovative project focused on one or more key solution categories:

- Improving Health Outcomes**
- Protecting the Environment**

- Boosting the Workforce

Mr. Wells stated that according to the eligibility rules of the competition application government agencies are not eligible to apply on their own, but can partner with any of the aforementioned eligible organizations.

- The San Marcos River Foundation (SMRF) has approached the City of San Marcos to partner on this project.
- SMRF would serve as the principle organization
- A Memorandum of Understanding would be entered into by both entities to further define award terms and condition as well as roles and responsibilities of each entity.

Mr. Wells mentioned that the applications are scored by a minimum of five reviewers that will be assigned to score each submission. The judges will offer both scores and comments against each of four distinct traits. Each trait will be scored on a 0-5 point scale, in increments of 0.1 and the scores will combine to produce a total normalized score.

The four distinct traits are:

- **Transformative** : Clear vision to improve the quality of life for Texas residents. Well-defined outcomes are expected to result in systemic change and provide direct and indirect impact over time.
- **Scalable**: Sensible and appropriate approach to scale and serve as a model for other communities. Offers clear plans to successfully scale and to impact Texas residents.
- **Feasible**: Offers a qualified, capable team with demonstrated experience and community buy-in. Shares sensible plans to address challenges and sustain impact over time.
- **Evidence-Based**: Evidence-based approach that is proven effective. Demonstrates a track record of success and the understanding needed to deliver results for communities in Texas.

Mr. Wells provided the grant selection process and timeline:

2020

- **June 23** – Registration deadline
- **July 22** – Application deadline
- **July – August** – Administrative Review – Funder checking for compliance with application requirements
- **Mid-August- Mid-September** – Peer to Peer Review (utilizing scoring rubric)
- **Late September – October** – Evaluation Panel Review (utilizing scoring rubric)
- **November –December** - Finalists Selected – Each Eligible to receive \$40,000

**planning grant
2021**

- **January – May – Proposal Strengthening**
- **May – Grant Award - Finalist Selected for \$10 million grant**

Mr. Wells explained, if awarded SMRF is proposing to:

- **Purchase parcels to complete trail connectivity**
- **Fund construction of 4.8 miles of trails with amenities**
- **Fund construction of three trail access parking lots with a proposed paid parking area**
- **Fund 5-years of City operation and maintenance (O&M) costs**
- **Fund and provide associated project management, design and permitting costs**

Mr. Wells showed a map of the proposed area of the northern part of San Marcos Springs and Meadows Center proposing to connect by trail down to the west of town into down south to Purgatory open space. This is conceptual, we do not have a trail of alignment and there are issues in land acquisitions and trail easements. Mr. Wells stated that it is not specific at this point.

Mr. Wells stated staff coordinated with SMRF to determine project estimates within \$10M award budget and provided the project estimates:

- **High level cost estimates on the construction of the trail and parking lots are estimated at \$3.2M.**
- **Land acquisition costs are \$3.5M (per SMRF)**
- **Funding for San Marcos Greenbelt Alliance (SMGA) & SMRF is \$500,000 (per SMRF)**
- **City staff positions to support the Operations & Maintenance O&M for the trail and parking areas and their annual costs have been calculated at \$465,000 annually.**
- **O&M over the 5-year period approximately \$2.3M**

Mr. Wells stated that staff evaluated with SMRF the potential parking revenues that could fund O&M costs beyond grant proceeds and discussed the paid parking system. Assumptions made were:

- **City residents would be exempt from any parking fees.**
- **Non-residents would pay \$2/hr.**
- **Parking turn-over, usage and distribution of resident & non-resident users were based on previous City studies.**
- **Three parking lots would accommodate 50 spaces each and annual potential revenue ranges from \$90k to \$355k.**
- **SMRF has committed that any revenues collected during the 5 year period**

would be provided to the City as a reserve once the grant funding ended to assist with the O&M cost.

Mr. Wells expressed concerns about unresolved issues and stated that a Memorandum of Understanding (MOU) would need to be negotiated and executed between SMRF and the City prior to application submittal on or before July 22, 2020. SMRF has been working on the document but the City needs to review.

Some obligations SMRF would have for the proposed budget:

- SMRF would administer grant and provide direction, control, and supervision of the project during the grant period. This responsibility with construction on City land, hiring of City staff and associated City requirements is not completely understood.
- SMRF would purchase the outstanding parcels but it has not been determined if they would retain ownership of the tracts and grant a trail easement to the City or if they would dedicate the parcels to the City.
- The Greenbelt Alliance would participate in design/construction of the trail, but there are state requirements with the design and construction of public trails that would have to be taken into consideration.
- According to the Lone Star Prize Team “there will be opportunity to discuss the ways in which the solution/project is managed and sustained after the grant period with those who move on to later stages of the competition.”

Another concern Mr. Wells stated is sustainability for the project must be demonstrated - paid parking is currently the identified option.

Council Member Baker asked if in the MOU would we be considering waiving impact fees on a project like this and stated he his opposition to use eminent domain for the land acquisition. He asked if we are planning to have impervious parking lots similar to other parks. He inquired about the cost of collecting a bus fare and there are cost to collecting money itself and was that fee calculated in the funding. He also asked about people walking to the park instead of paying for parking and if this will affect the projected revenue.

Mr. Wells stated that regarding the surface type on parking lot we would have flexibility and how those are designed. Mr. Wells mentioned how the fees are collected and how they will impact the attendance and participation. We would need to know what systems are available to make it user friendly for visitors. Mr. Wells mentioned that we need a sustainable component and with SMRF we are putting paid parking as an identifying option but could have other options to maintain cost after the 5 year grant period.

Laurie Moyer, Director of Engineering and CIP, stated waiving impact fees only applies when it is connected to utilities. City facilities according to the impact fee ordinance are waived and does not believe there is cost associated with this project. Ms. Moyer stated that in Austin parks, they have apps visitors use to pay for parking. Council Member Baker asked Virginia Condie, Executive Director of SMRF, if the organization supports the paid parking. Ms. Condie stated yes, it is supported and stated that the Parks department will be managing this project and can't do it for free and needs to come up with finances for the project. Ms. Condie mentioned residents can access the trail via bike, hiking and use the parking lot for a proposed \$1/hr for residents and \$2/hr for non-residents however, decisions will be made by Council on the parking fees.

Council Member Derrick asked Ms. Condie what they think on the impervious parking lot. Ms. Condie responded that SMRF is about the nature and not doing any harm to it but does like the semi impervious parking. Council Member Derrick asked if SMRF is going to reach out to private donors or have additional fundraisers every year to help maintain this specific park after the 5 year period. Ms. Condie stated the parking lot idea is to provide the cost, original goal was to pull one million to place in an endowment for parks but it is prohibited on the grant. Ms. Condie stated the sooner we have the trail and parking lot, any revenue can be added to the endowment especially for parks and another reason to charge per hour is to raise more money for the Parks department long term.

Mr. Wells responded to the concern of eminent domain and stated this could be a component in the MOU and in agreement with SMRF that the City would not be supportive of eminent domain if it was part of the potential agreement of the land acquisition strategy.

Council is in support and provided consensus to move forward to partner with SMRF on this project and authorized staff to bring back a Resolution of support for the Lone Star Prize application. Council also authorized staff to draft and negotiate a Memorandum of Understanding (MOU) between the City and SMRF and not use eminent domain when creating the MOU.

NON-CONSENT AGENDA

3. Consider approval, by motion, of the following meeting Minutes:
 - A. May 26, 2020 - Budget Work Session Minutes
 - B. June 2, 2020 - Work Session Minutes

- C. June 2, 2020 - Regular Meeting Minutes
- D. June 10, 2020 - Special Meeting Minutes
- E. June 11, 2020 - Special Meeting Minutes

A motion was made by Mayor Pro Tem Mihalkanin, seconded by Council Member Derrick, to approve the May 26, 2020 - Budget Work Session Minutes, June 2, 2020 - Work Session Minutes, and June 10, 2020 Special Meeting Minutes.

The June 2, 2020 - Regular Meeting Minutes and June 11, 2020 - Special Meeting Minutes were postponed. 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

4. Consider approval of Ordinance 2020-46, on the second of two readings, amending the project plan and reinvestment zone financing plan for Tax Increment Reinvestment Zone No. 5, also known as the "Downtown TIRZ" to add eligible projects and associated eligible project costs, including the acquisition of property for parking and other public priorities and related operations and maintenance costs up to \$2,000,000.00; approving an amendment to the Tax Increment Participation Interlocal Agreement with Hays County to reduce the City's and the County's contribution rate of the tax increment deposited into the Tax Increment Fund from 70 percent to 25 percent for one year; authorizing the City Manager, or his designee, to execute such amendments on behalf of the City; including procedural provisions; and declaring an effective date.

A motion was made by Mayor Pro Tem Mihalkanin, seconded by Council Member Gonzales, to approve Ordinance 2020-46, on the second 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

5. Consider approval of Resolution 2020-136R, approving a grant agreement with the United States Department of Justice in the amount of \$51,345.00 to assist the City's Fire and Police Departments by providing funding to purchase personal protective equipment necessary to provide public safety services during the COVID-19 pandemic in the City of San Marcos; authorizing the City Manager or his designee to execute the grant agreement on behalf of the City; and declaring an effective date.

A motion was made by Council Member Gonzales, seconded by Mayor Pro Tem Mihalkanin, to approve Resolution 2020-136R. 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 Rockey Moore, Council Member Baker and Council Member Gonzales

Against: 0

6. Consider approval of Resolution 2020-137R, supporting and encouraging implementation of the proposed cite and divert program by the Hays County Criminal District Attorney's Office for citation-eligible offenses; and declaring an effective date.

MAIN MOTION: a motion was made by Deputy Mayor Pro Tem Rockey Moore, seconded by Mayor Pro Tem Mihalkanin to approve Resolution 2020-137R.

Mayor Hughson asked if Hays County has a document that is being proposed at this point and if we have seen it. She stated at the Hays County Criminal Justice Commission meeting yesterday there was no proposed document at that meeting. Mr. Stapp stated there is a concept at this time, but no document.

MOTION TO AMEND: a motion was made by Mayor Hughson, seconded by Mayor Pro Tem Mihalkanin, to amend Resolution 2020-137R, in PART 1. strike the word "the" and replace with "a". The section will now read as follows:

The City Council supports a proposed Cite and Divert Program and encourages the Hays County Criminal District Attorney's Office to establish and implement the program as soon as possible.

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 Rockey Moore, Council Member Baker and Council Member Gonzales

Against: 0

MAIN MOTION: to approve Resolution 2020-137R, as amended.

The Mayor requested that staff send the completed program to Council as soon as it is implemented by the County.

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 Rockey Moore, Council Member Baker and Council Member Gonzales

Against: 0

7. Consider approval of Resolution 2020-138R, urging the United States Congress to adopt Criminal Justice Reform Legislation requiring local law enforcement agencies to report all deaths of citizens while in police custody to the United States Department of Justice; requiring the department to independently review and investigate each custodial death reported by a local law enforcement agency to determine if the unnecessary or improper use of force was a cause of death and expose patterns of discriminatory treatment; prohibiting the United States Government from supplying local law enforcement agencies with military hardware, vehicles, or weaponry for use against United States Citizens

A motion was made by Mayor Pro Tem Mihalkanin, seconded by Council Member Baker, to approve Resolution 2020-138R.

Mayor Hughson asked about Part 1 (C) that prohibits the United States military from transferring, selling, or donating military hardware, vehicles, or weapons to local law enforcement agencies for use against civilians. She noted that just because a vehicle was built for the military doesn't mean it always has to be used for military purposes. She inquired about one of our vehicles that we used to rescue school children and employees in the 2015 flood. Bob Klett, Interim Police Chief stated that we have a policy in place that the (Caiman) military vehicle that the Police Department has is only used for flooding or rescue.

Discussion was held on this topic, but consensus is to keep this statement, as it specifically states the transfer, selling, or donating of military hardware or vehicles is prohibited to be used by local law enforcement agencies for use against civilians.

Council Member Baker appreciates the intent and direction and just wants to know if the goal is that this will be the first of many to assist with criminal justice reform. Dr. Mihalkanin stated this is the first action we would take and if there is consensus from Council we would like to add more in the future to address criminal justice reform.

Mayor Hughson asked if this is approved, to whom are we sending this. Dr. Mihalkanin would like to send this to the entire Texas Congressional Delegation. Council agreed.

Chase Stapp, Director of Public Safety, stated that one of this first requests he said one of his first requests to the Council was to allow the department to repaint this vehicle. They take it to outreach events and wanted people to see it in the community and not see it as a threat. It was used for many positive things within our community.

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

8. Consider approval of Resolution 2020-139R, granting an easement to Pedernales Electric Cooperative, Inc. for the installation of Electric Utility facilities to serve the City's new Fire Station No. 2 in the La Cima Development; 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 Council Member Derrick, to approve Resolution 2020-139R. 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

9. 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 Deputy Mayor Pro Tem Rockeymoore, seconded by Council Member Baker to approve 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.

MOTION TO AMEND: a motion was made by Mayor Pro Tem Mihalkanin, seconded by Council Member Baker, to amend #2 by changing the first word of the section from "Have" to "Request" and to insert the word "to" after "Attorney General." The section would read: "Request the Attorney General to 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."

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 the joint letter, 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

- 10.** Receive a Staff presentation and hold discussion regarding the return to normal utility billing operations for non-payment, and provide direction to Staff.

Victoria Runkle, Interim Finance Director provided a presentation regarding the standard utility service procedures during the COVID 19 pandemic. In March Council agreed to not terminate any utility services for a period of 90 days, this expires on June 22. Staff is seeking direction on next steps.

Ms. Runkle stated that the City currently has over 1,000 customers owing \$500,000 in outstanding bills that are 60 or more days overdue. Of these, approximately 300 are commercial accounts and 250 customers are making payment arrangements.

There are a number of reasons to "restart" our normal procedures.

- * It is difficult for people to catch up, if they get too far behind**
- * There will soon be an influx of new customers, and we want consistent procedures**
- * Equity: There are customers who are paying**
- * Rating agencies review outstanding accounts as a "financial management" indicator**
- * Auditors will want to know if our late or uncollectible accounts increase - why? And remedial actions?**

There are Resources to help people

- * There are several social service agencies who can help people with their outstanding utility bills**
- * We work with both residents and businesses to make long term payment arrangements**
- * Examining options to use some COVID money to help customers**
- * City financially supports a Community Action Fund to help people pay their outstanding bill and there is currently \$93,000 available.**

Staff would restart slowly and follow standard practices that include: Working

with residents and commercial customers on payment arrangements, not terminating service during difficult weather conditions, continue to work with service agencies and others to determine if we can offer more help to customers, once school begins, we want a standard practice to ensure everyone understands the processes

Council Member Baker stated that with the count cases increasing, he does not support restarting the process and suggests extending for an additional 60 days.

Mayor Hughson inquired about a payment plan and what kind of plan can be worked out? Ms. Runkle stated that customers are sent to Community Action for eligibility and City works with the payment plan and these typically last between 3-6 months, not a long term program. The biggest challenge is when people get too far behind, that is why we like to intervene early. There can be a combination of payment plans utilized by citizens.

Council Member Rockeymoore commented on an email that he received from a citizen and shared with Council earlier today. This citizen spoke of the very topic Council is discussing and he mentioned she is on a fixed income and is staying at home because of COVID-19. She is seeing the price increase and it is hard to pay for everything with her fixed income. Mr. Rockeymoore stated there is no turning to normal anytime soon as the economy will not recover quickly. He is not in support of restarting the process during hot summer months. He would like to see payment arrangements extended into the fall.

Council Member Gonzales would like to extend the delay 60 - 90 days. However, he would like to negotiate to pay for half because in three months things may be worse and we do not need to over bill them. Mayor Hughson inquired if forgiveness is an option. Ms. Runkle stated this is not an option and if a customer doesn't pay it is turned over to collections. Council Member Gonzales asked what is the percentage that the City receives once it goes to collections? Ms. Runkle stated that at her last place of employment the collection agency received 20% plus a fee but not sure how much the city of San Marcos receives but she will find out. Council Member Gonzales suggested whatever the percentage the city would receive if sent to collections is what the customer would pay.

Council Member Derrick said we could have some type of incentive and the communication team could assist with promoting a particular payment plan. For instance we could market it like a "limited time offer" if you act now. This

may encourage customers to pay something.

Council Member Mihalkanin asked about the contract with the collection agency. He would like to see what percentage the collection agency does receive. Ms. Runkle will locate this and send the information to council. Stephanie Reyes, Assistant City Manager stated there may be pressure on the rate models and we don't know when this type of payment plan will start effecting the models. Council Member Mihalkanin stated that he is aware that we have to make sure we are obtaining enough payment from citizens to make sure services can still be provided. He is still hesitant to move forward with normal payment processing until he has further information on the collection agency contract.

Council Member Baker mentioned the lack of equity to pay because there are some people that are not able to work at this time. He asked if there is some type of pay it forward program for those that can pay a little extra to help pay for another account. Are there some philanthropic agencies that can assist, is there CDBG-CV funding to help pay for utility bills? Ms. Runkle stated that we do not have an answer for the CARES Act funding related to utilities.

Mayor Hughson asked if there is an option on the bill to donate money to a fund for assistance? Council Member Mihalkanin stated there are two boxes on utility bill and one is for parkland and the other is for utility assistance fund. Council asked if an insert could be included in the bill that highlights this option. Mayor Hughson stated that many pay online and would like to see if this same option is available online? Ms. Reyes stated that we will look into the online option as well.

Council consensus is to extend the payment arrangement for an at least an additional 30 days and a definitive resolution will be determined at the July 7th City Council meeting. Staff is to send council the collection agency percentages and see if the payment for the utility assistance fund is available for those paying online. These answers should be sent as quickly as staff can provide it.

Bert Lumbreras, City Manager, stated the message is clear and more specifics will be brought forward and the Council's questions will addressed. He noted that a resolution is not required as staff can do this administratively.

11. Hold discussion on Capes Dam, including but not limited to Hays County Parks proposals; and provide direction to the City Manager.

Mayor Pro Tem Mihalkanin provided a quick update on the steps taken this

far regarding Capes Dam. He would like Council to provide direction regarding to either repair the dam and work with the County on the proposals for the parks or remove the dam.

Council Member Gonzales inquired about studies and wanted to know if these were ever completed.

Bert Lumbreras, City Manager, stated there was a lot of discussion around studies by Council, everything from sedimentation, water levels, other amenities, what will happen downstream, and so forth. Staff started working on a request for proposal (RFP) but determined we need to define the scope and we wanted to have a focused discussion with Council in order to get this clear direction. When COVID hit in March, we advised Council to put this hold and not use the funding. We have started on the work, but it has not been completed. Awaiting council decision.

Council Member Gonzales would like to rebuild the dam and move forward with it.

Council Member Baker, does not understand why this is being presented today because Staff has not gathered the information council requested as a body. He stated that part of the scope was to identify a way to get past the misinformation that we have seen about the science. Many qualified experts showed up and stated that if you want to disprove these studies then you do one of your own to prove it wrong. So many emails have come in on both sides of the issue; he believes the science they have on hand is reliable and sees no reason why this is before us.

Mayor Pro Tem Mihalkanin, stated there was only one study completed that Council relied upon to make their decision. There was a Colorado company who used the same study. The dam continues to deteriorate. In order to see the effect of the dam on habitat, studies would have to have been completed prior to construction of the dam in 1870. He spoke of evolutionary biology and the idea of adaptability of species, he also addressed the height of the dam. So for him because the studies are going to have to deal with models they will not be able to tell us flow of the river 150 years ago. He stated that modeling is not an exact science and this is a public policy issue. He realizes that the government is always making decision on scientific information, but this doesn't need to become scientism. He doesn't believe there was misinformation, he has read the study. And the study by the Colorado company used the same modeling by the earlier study. He feels there are still too many questions.

Council Member Baker stated that all science uses model. If we think the science isn't accurate and we need more studies, then those should have been completed. We should listen to those with degrees and hydrologists on this topic. He feels we should stick with the decision we've made.

Mayor Pro Tem Mihalkanin rebutted the statement that all science is based on modeling, he provided the example of the speed of light that was measured as a constant, not a model. Like in physics there is statistical certainty not absolute certainty so not all science is based on modeling. He would like council to indicate up or down on the topic. Do we direct staff to repair it and do we request for the second time the city staff to work with the county on its park proposal?

Council Member Baker asked why requests by Council regarding the comparative studies are not being honored by Staff. Mayor Hughson stated that Mr. Lumbreras addressed this earlier this evening.

Mr. Lumbreras reiterated that Staff has not made a decision to not move forward. They have heard many things and they are trying to determine what type of study is needed so they can create the scope for the RFP. There have been numerous discussions on this topic. They were working on it and then attention had to turn to the Covid situation. Mr. Lumbreras stated that Staff is not holding back on this issue and their plan was for this to be the topic of a Work Session.

Deputy Mayor Pro Tem Rockey Moore is unclear why this is before us because the science seems clear to him. If we are still trying to determine what type of studies are needed and relevant information is still missing, why is this being discussed this evening.

Council Member Gonzales stated that his concern is for safety reasons and he hoped for information regarding the study, but ultimately it is safety.

Council Member Derrick was on the original council that voted to remove it. She was hoping that getting a second opinion might put everyone's mind at ease, but she doesn't understand why it's before us again. Decisions are made all the time based on modeling and she trusts in the science. She believes it is a safety hazard and it needs to be removed. The Park can still be created, but a dam is not needed in order to have this park. The Hays County Bond Committee is no longer seeking funding for the park project so how long is it

going to take to get through this process.

Council Member Baker said he finds it interesting that some of his colleagues that supported the removal of the dam have begun to question the science used in the initial decision. Now when presented to clarify that science we now want to rush to make the decision. He mentioned that people have actually gone to the dam with concrete to try and repair it themselves which changes the modeling that would be utilized so who is this dam for? When engagement around an environmental issue that is standing to benefit a particular business then we need to question the amount of lobbying coming from this particular organization.

Mayor Hughson said she is glad we are talking about this today. She appreciates the opinions that were sent in by citizens. She has said in the past that we were not given all the information on the mill race, the configuration and all the uses at the time the decision was made to remove the dam. She didn't ask for that information, because she didn't know what she knows now. A lot of time has been spent on this topic, she has listened to a lot of people regarding the science, the history, the uses of the river and her hesitation to remove the dam entirely is not based on any one source. She would like to explore what the County and the Hays County Historical Commission have to offer. We need to visit with residents closest to River Road and receive input and concerns of those residents and see how they can best be addressed. What she likes in the county plan is that it's not another Rio Vista fall, but a quieter park with educational information about the river endangered species and the uses of Cape's Dam. She is not in favor of everything that was in the proposed plan by the County because it's too complex and some parts would get destroyed in the next flood, but she would like to see how we make it work. When she voted to approve the removal of the dam it was based one bit of information and she has since learned a lot. She is for another study and there was a lot of input stated about what to put in a RFP. She understands why the work had to stop when COVID hit. We need to make some determinations this evening.

Council Member Marquez stated that on one side she would like to see more studies, but on the other side she wants this to be over with. This should not be an issue because of all the other things going on in our community and nation right now. Council Member Rockey Moore, stated that there were new rocks and bags of concrete, so somebody has been fixing this dam for years. That has put the historical nature in jeopardy. If we want to fix this dam, all of these updates have corrupted the process. Looking at the decision to rebuild the

dam could take a long time and we would likely not get an agreement from local and state agencies to do this. So the only option would be to remove. With the safety concerns, it needs to come down.

Council Member Rockey Moore, stated that there were new rocks and bags of concrete, so somebody has been repairing this dam for years now. If we want to fix this dam, all of these updates have corrupted the process. Looking at the decision to rebuild the dam could take a long time and we would likely not get an agreement from local and state agencies to do this. So the only option would be to remove. With the safety concerns, it needs to come down.

Council Member Derrick stated that we gave direction that they wanted another study so she believes we need to stick with that decision. Get the information to Mr. Lumbreras regarding the study we want done. She believes the science and the people in this industry and she prefers to take the dam out and work with the County to create a park.

Mayor Hughson stated she wants the study in order for us all to make an educated decision.

Council Member Gonzales stated that we need to work together as a council and make this work for our community, no matter the decision.

Dr. Mihalkanin, stated he was looking for two things with this discussion item. Repair or Remove and what is the status of the direction given to staff regarding working with the County on their park proposal. Also, we need to determine the permits needed for anything we do. He knows this is going to be a complicated process no matter what decision we make. He apologized for raising his voice earlier, but he felt his integrity was being questioned and he felt that was disrespectful.

Mayor Hughson did ask staff about the permits and she wanted to confirm that information regarding these permits are hard to get until a plan to submit is in place. Mr. Lumbreras confirmed this.

Mr. Lumbreras said a comprehensive memorandum will be submitted prior to the work session that outlines the steps taken so far in order to help guide Council.

Mayor stated she wants the work session to refine the RFP. Mayor Pro Tem Mihalkanin wants to work with the county and not have a work session.

Council Member Gonzales wants to repair the dam. His immediate concern is safety and the rebar that we need to remove. He is OK with a work session. Council Member Marquez would like to work with the county and feels there is no need for a work session. Council Member Baker is willing to have the work session to refine the RFP. Deputy Mayor Pro Tem Rockeymoore and Council Member Derrick are willing to have the work session.

Council provided consensus to bring an item forward in a work session and refine what is going to be added to the RFP, this needs to be specific and not so broad.

III. Adjournment.

A motion was made by Deputy Mayor Pro Tem Rockeymoore, seconded by Council Member Gonzales, to adjourn the special meeting of the City Council on June 18, 2020 at 8:29 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

Tammy K. Cook, Interim City Clerk

Jane Hughson, Mayor