



City of San Marcos

Meeting Minutes City Council

Tuesday, August 18, 2020

6:00 PM

Virtual Meeting

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 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 6:03 p.m. Tuesday, August 18, 2020. This meeting was held online.

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

III. 30 Minute Citizen Comment Period

Carla Flores and Matthew Marnon, expressed their concerns about the apartments being built near La Cima subdivision and to take into considerations of apartment complex limited to a two-story building, and moved to east side of West Centerpoint or deeper into the subdivision.

Betsy Robertson, spoke against item #35 on the Land Development Code. She asked Council to eliminate this requiring a Conditional Use Permit for Accessory Dwelling Units and continue to allow ADUs by right in all zoning districts that allow residential uses.

Kimberly Adams is concerned about affordable housing and, would like Council to accept the Housing Taskforce Initiative report in full or would like for Council to postpone related items, if it cannot accept the initiative in its entirety.

Lamar Hankins stated amending the Land Development Code should be the City Council seeking to satisfy the needs of the community as a whole, rather than the needs of parties whose primary interest is in making profits, often at the expense of our citizens, rather than in the interest of those citizens.

Thea Dake stated there has been a great deal of input from residents at workshops and Planning and Zoning meetings. Asked Council to make the best decisions in protecting all of the neighborhoods in the final revisions of the Land Development Code.

June Hankins would like for City Council to assure that any changes made to the Land Development Code are consistent with the Comprehensive Plan for the City of San Marcos. She hopes City Council will continue to protect neighborhoods as revisions are made on the Land Development Code.

Kendra Wesson stated there has been much input from residents at workshops and Planning and Zoning meetings. She trusts the Council will continue to make the best decisions on protecting neighborhoods in the final revisions of the Land Development Code.

Gabrielle Moore would like Council to delay the changes to the Land Development Code and reconvene the Housing Task Force to study the implications of the proposed changes. Council should avoid pushing changes that negatively impact housing access for the community. She asked Council to postpone voting on the changes and send it back to the Housing Task Force.

Joanna & Otto Tegtmeier stated the Land Development Code should meet the needs of the community as a whole, not the desires of entrepreneurs, investors, developers, land speculators, and those who profit off of them. They trust that in amending the Land Development Code, the City Council will satisfy the needs of the community as a whole, and not the needs of parties whose primary interest is in making profits, often at the expense of the citizens, rather than in the interest of the citizens.

Virginia Condie, San Marcos River Foundation would like for Council to postpone item #22 regarding Capes Dam. She asked council not to work with the county to rebuild or repair the dam and stated the fastest and cheapest answer is to remove the dam. She is concerned about the financial costs in the future for San Marcos residents.

Camille Phillips, expressed her concerns on item #24 The Barracks Townhomes being near a floodplain and the impact it could have on nearby building during future floods.

Mary Cauble stated there has been much input from residents at workshops and Planning and Zoning meetings. She trusts the Council will continue to

make the best decisions on protecting neighborhoods in the final revisions of the Land Development Code.

Karen Brown spoke on the Land Development Code. She is aware of the effort labeled “Affordable Housing” that calls for significant revisions to the Land Development Code. She and her husband are heavily involved in volunteer efforts to assist economically disadvantaged members of the community. Many developers are destroying neighborhoods by building large apartment complexes and business properties in existing neighborhoods, driving up taxes which makes it difficult for low and even middle-income people to continue to live in their neighborhoods. Some are asking the Council to dilute the Land Development Code in the interest of providing “Affordable Housing”. She feels this weakens the Land Development Code and will do more to enrich developers than to benefit the economically disadvantaged in our community. She want Council to continue to make the best decisions for protecting residents in their neighborhoods in their final revisions of the Land Development Code.

Kimberly Meitzen, spoke on the City Council’s original vote for the removal of Cape’s Dam. Council has been informed of the science on the ecological benefits of removing Cape’s Dam and she shared statistics on low head dam related deaths in Texas (20 total since 1995) and specifically the San Marcos River (7 deaths since 1995 with one of those occurring at the mill race falls in 2017). Council already had to approve costly repairs for Rio Vista Dam, and will continue to do so each time it is damaged by flooding. Cape’s Dam needs to be removed. Why when multiple agencies are working extensively to acquire grants for environmental enhancement of this reach would the City of San Marcos disregard them and make a decision to continue harming and degrading the health of the San Marcos River by repairing a dam that no longer serves its intended purpose? Why decide to sustain (and maintain) a structural hazard in the San Marcos River? Why make a decision that will continue to spend taxpayer’s money on future repairs (which will be required)? The City of San Marcos can have an east side river park that commemorates the settlement history of this region and we can tell that story without continuing to degrade the San Marcos River by keeping it dammed.

Griffin Spell, spoke in support of the recommendations made by the Planning & Zoning Commission, the Historic Preservation Commission, and members of the Department of Planning and Development Services for amendments to the City’s Development Code (Item 26). Unfortunately, the City is in competition with numerous out-of-town investors with deep pockets, who are

driving up housing prices nationwide looking for investment properties. It is disappointing that, in the discussion about “affordable housing”, helping first time homebuyers seems to have been neglected. He believes that the recommendations will start to address this urgent issue. The evidence is clear that owner-occupied housing provides stability and community in growing cities, and that owning your home is the surest way that all citizens of San Marcos can build equity and generational wealth. There are tools in our toolbox, like occupancy rules already in place for single family housing, which incentivize home ownership and owner-occupancy of our city’s limited single-family housing stock and promote equality and opportunity for all our citizens. He urges Council to continue working to provide a reliable renter-to-homeowner pathway for citizens like me to own an affordable home in San Marcos.

Haley Clements expressed her concerns on the proposed apartment complex at the entrance to La Cima neighborhood. She is concerned about the maintenance of drainage ditches on the property since apartment complex are not required to pay HOA dues. She would like Council to consider the apartment complex limited to a two-story building and the possibility of placing the apartment complex on the east side of West Centerpoint Road with its own entrance off Ranch Road 12, to preserve the beautiful and inviting entrance to La Cima.

Alfonso Sifuentes, Director of Public Sector Services & Community Relations with Central Texas Refuse, expressed his concerns on item #32 for the contract renewal with Texas Disposal System. He would like to see this go out for bid to ensure that the City gets the best deal. He noted that his company participates in the communities in which they do business.

J. Kama Davis, expressed her concerns on the changes in San Marcos’ Land Development Code. She urged the Council to continue to protect all of us residents, all of our neighborhoods, and our ability to purchase or stay in our homes, rather than be pushed into rentals. The Land Development Code should be used in a way that corrects the systemic problems that have denied people access to truly affordable housing, permanent homes, and to serve, residents with middle and low incomes.

Stephen Ramirez noted history of the river and the improvements that have occurred over the years. He expressed his concerns regarding Cape's Dam and the city council abandoning the 2016 decision to remove the old structure.

Kelly Stone expressed her concerns on items #20, 21, 22 and the impact on housing. She request that the city council remove the dam.

Amy Meeks asked city council to continue the steadfast, reasoned response to the suggestions put forth by the SMTX 4 All Taskforce and Not implement the following into the Land Development Code. She asked that in-fill housing assistance in the form of fee waivers, clear path permitting, and/or reduced parking for additional units not be allowed. Please do not allow re-zoning initiated by the city of both undeveloped and in-fill properties. Allowing new zoning in established areas would change the very fabric of that particular area which is causing it to thrive. Please allow the Comprehensive Master Plan for San Marcos to be the guide and continue to accommodate residents in all stages of life. She asked council to support the 38 recommendations made by Planning and Zoning in their meeting of June 9. As Council members who represent all of the citizens of San Marcos, she implores council to continue listening to everyone's input and then sculpting the responses and votes to reflect what is truly in the best interest of all of San Marcos.

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 August 14

- >5.4 million U.S. cases with more than 169,000 fatalities. (Nearly 42,000 new cases since the previous day)

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

- >535,000 (125,500 active) cases in 251 Texas counties with 9,983 fatalities

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

- 5,111 in Hays County with 41 fatalities (2,641 active and 2,421 recovered)

This is 212 fewer active cases but 13 more fatalities than on August 4

– 1,209 active and 1,289 recovered in San Marcos (20 fatalities)

– 127 cases have required hospitalization, 16 currently in hospital

***source: Hays County Health Department**

Updates to Governor Abbott's Actions

- **August 4: Update on PPE Distribution to Texas Schools**
 - State will continue to purchase and distribute PPE to schools at no cost to the school districts
 - The state has already distributed 59,410,640 masks, 567,948 gallons of hand

sanitizer, 24,017 thermometers, and 511,294 face shields.

- **August 8: Renews COVID-19 Disaster Declaration**

- Renews the disaster declaration for all Texas counties that was first issued on March 13

- **August 13: Texans must avoid “COVID-19 fatigue”**

- Continue to comply with health standards — including wearing a mask, social distancing, and staying home as much as possible.
- Stated in briefing with local officials in Lubbock – other stops have included El Paso, Victoria, Beaumont, Dallas and McAllen

Testing Overview

- **27,939 tests administered county wide**

- 22,801 negative (81.7%)

- 5,111 confirmed (18.3%)

- 27 pending

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

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

- **Additional free testing sites – Texas Department of Emergency Management**

- 6 consecutive days in San Marcos beginning 8/24 – San Marcos High School from 10-2pm and 300 tests per day or until supplies run out.

- 7 consecutive days in Kyle – location and date to be determined

Upcoming considerations

- **City re-opening plan**

- **Transition to in-person meetings**

Mr. Stapp asked for feedback from Mayor and Council about coming back to in-person meetings and what setup should be in place on the dais, in chambers, and technology to hold meetings. Mr. Stapp mentioned that there are several employees in offices and modifications have been made which include plexiglass dividers between desks and counters. He noted that we can consider a hybrid approach with some council members in chambers and others online.

Mayor Jane Hughson noted that the space allowed for council members at the dais is limited and council members are seated close together.

Deputy Mayor Pro Tem Rockey Moore stated that studies have shown that the 6 foot rule doesn't always help with the spread of the virus. Some are in the vulnerable population or have family members who are. He would be okay with coming back to the chambers, but he believes a hybrid approach would be effective.

Council Member Marquez asked what percentage of staff have transitioned into the office. Mr. Stapp stated it varies on the department and the nature of the services being provided. Dr. Marquez asked how many staff have been infected. Mr. Stapp stated that the numbers have been low and Human Resources is monitoring those numbers. Council Member Marquez asked if Council return to in-person meetings will the public attending be required to follow the same guidelines. Mayor Hughson stated that there are many concerns for staff and public in regards to social distancing, disinfecting and flow of the public.

Council Member Gonzales stated he doesn't feel comfortable coming back until the numbers of cases decline.

Council Member Baker stated he doesn't feel comfortable coming back and feels there have been no issues with holding the meetings remotely. Public interaction has been lost slightly but we are continuing to find better solutions.

Council Member Derrick doesn't feel comfortable coming back and having citizens sit in the building. She would like to have the numbers lower before coming back into the environment. She noted the limited space for council members at the dais.

Mayor Pro Tem Mihalkanin asked how many students are enrolled at Texas State University. Mr. Lumbreras stated that it is down to approximately 36,000. Mr. Mihalkanin asked of those students how many live in San Marcos or Hays County. Mr. Lumbreras stated that the University was struggling to get the numbers with who lives in the community or outside community. With an influx of people and a virus in the area we would want to be prudent and know the increases of active cases. Dr. Mihalkanin believes it is too early to go back to the Council Chambers due to the limited size of the room. When it is time to return he would like staff to consider strongly consider using rooms at the Activity Center. This would accommodate the 6 foot spacing for city staff and it ensures adequate spacing for citizens.

Mr. Stapp stated that there are logistics to moving to a bigger room but staff will look into it. Council consensus is that it is too soon for this.

Mayor Hughson stated that what we are doing now is easier and we will continue to utilize Zoom until the Covid numbers decline.

Mr. Lumbreras stated that reopening city hall will be done on a phased in approach perhaps some on the dais and others online. Council members agreed. There could be staggered days/shift which would allow easier contact tracing if we limit the number of people back to offices. He also made the point that we need to know who is in City Hall and when for contact tracing.

Mayor Pro Tem Rockey Moore asked about reopening of parks and a phased approach. Mr. Stapp stated that is being discussed in the reopening plan.

Council Member Baker asked about the business behavior with over capacity and not having an audit for percentages and what kind of actions are being taken. Mr. Stapp stated that we received one complaint due to the a business serving alcohol but did not having a food permit. This was closed down by the Fire Marshal. Texas Alcoholic Beverage Commission is tracking those numbers and the licenses.

Mr. Stapp concluded the presentation with a reference to Texas RioGrande Legal Aid. He mentioned they have good resources for rentals and owners and their website has been added to the City's webpage.

CONSENT AGENDA

A motion was made by Mayor Pro Tem Mihalkanin, seconded by Council Member Baker, to approve the consent agenda, with the exception of items 8,10,17,18 and 22, 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 Rockey Moore, Council Member Baker and Council Member Gonzales

Against: 0

- 2. Consider approval, by motion, of the following meeting Minutes:**
 - A. August 4, 2020 - Work Session Meeting Minutes**
 - B. August 4, 2020 - Regular Meeting Minutes**
- 3. Consider approval of Ordinance 2020-48, on the second of two readings, 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.**
- 4. Consider approval of Ordinance 2020-49, on the second of two readings, 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.

5. Consider approval of Ordinance 2020-50, on the second of two readings, annexing into the City approximately 83.291 acres of land located at 2519 Redwood Road; including procedural provisions; and providing an effective date.
6. Consider approval of Ordinance 2020-51, on the second of two readings, 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.
7. Consider approval of Ordinance 2020-53, on the second 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.
8. Consider approval of Ordinance 2020-54, on the second 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; 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 Baker, seconded by Mayor Pro Tem Mihalkanin, to approve Ordinance 2020-54.

MOTION TO AMEND: A motion was made by Mayor Hughson, seconded by Council Member Marquez, to amend Section 1. Sec. 78.103 (a) by removing "on the first through 30th days" and removing (b) and (c). The section would now read as follows:

SECTION 1. Sec. 78.103. Reporting and payment. (e) (1)

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

a. 5 percent if paid 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 Rockey Moore, Council Member Baker and Council Member Gonzales

Against: 0

MAIN MOTION: to approve Ordinance 2020-54 on the second of two reading 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

9. Consider approval of Ordinance 2020-55, on the second 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.
10. 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 Council Member Baker, seconded by Mayor Pro Tem Mihalkanin, to approve Resolution 2020-155R.

Michael Cosentino, City Attorney, stated the legal counsel for Axon did confirm the language discussed at the last meeting is not included within our contract. The contract include the following language.

Paragraph 2: Agency Owns Content: The Agency controls and owns all right, title, and interest in and to Agency Content and TASER obtains no rights to the Agency Content and Agency Content are not business records of TASER. The Agency is solely responsible for the uploading, sharing, withdrawal, management and deletion of Agency Content. TASER will have limited access to Agency Content solely for the purpose of providing and supporting the Evidencde.com Services to the Agency and Agency end users. The Agency represents that the Agency owns Agency Content; and that none of the Agency Content or Agency end users' use of Agency Content or the Evidence.com Services will violate this Agreement or applicable laws.

Paragraph 5: Data Privacy: TASER will not disclose Agency Content or any information about the Agency except as compelled by a court or administrative body or required by any law or regulation. TASER will give notice if any disclosure request is received for Agency Content so the Agency may file an objection with the court or administrative body. The Agency agrees to allow TASER access to certain information for the Agency in order to: (a) perform troubleshooting services for the account upon request or as part of

our regular diagnostic screenings; (b) enforce this agreement or policies governing use of Evidence.com Services; or (c) perform analytic and diagnostic evaluations of the systems.

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

11. Consider approval of Resolution 2020-166R, awarding a contract to Johnston Technical Services, Inc, through the Texas Comptroller of Public Accounts, Department of Information Services Purchasing Cooperative for the Public Services Communications Tower project in the total estimated amount of \$286,381.31; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.
12. Consider approval of Resolution 2020-167R, approving a contract with the Texas Health and Human Services Commission (HHSC) providing funding for the City's Women, Infants, and Children ("WIC") nutrition program with a \$14.72 per-participant reimbursement rate for a term of five years; authorizing the City Manager or his designee to execute the contract on behalf of the City; and providing an effective date.
13. Consider approval of Resolution 2020-168R, approving an agreement with Library Interiors of Texas, LLC through the Choice Partners Cooperative in the estimated amount of \$86,750.00 for moving library shelving for the renovated San Marcos Public Library; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring effective date.
14. Consider approval of Resolution 2020-169R, approving a change order to the Design-Build Construction Contract with JE Dunn Construction relating to the renovation of the San Marcos Public Library for the addition of a 65,000 gallon rainwater collection system in the net increase amount of \$247,813.14 bringing the total contract price to \$13,134,113.14; authorizing the City Manager or his designee to execute all necessary documents on behalf of the City; and declaring an effective date.
15. Consider approval of Resolution 2020-170R, approving Change in Service No. 3 to the construction contract with Cash Construction Company, Inc. for the Main Lift Station Force Main Replacement Project to increase the contract price by \$824,481.25 to add the replacement of a wastewater main on University Drive from Moon Street to North LBJ Drive; 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.
16. Consider approval of Resolution 2020-171R, approving an Advance Funding Agreement (AFA) with the State of Texas, acting through the Texas Department of Transportation

(TxDOT) for the Guadalupe Street (Loop 82) Improvements project from University Drive to Grove Street including bike lanes, parking, bike signals and signs; with an estimated cost of participation by the City in the amount of \$36,954.00; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.

17. Consider approval of Resolution 2020-172R, authorizing the use of the Power of Eminent Domain to acquire fee simple title to 0.1454 acres of land out of the J.M. Veramendi Survey No. 1, Abstract No. 17, Hays County, Texas, such parcel being at the Southeast Corner of River Road and West Uhland Road and within a larger parcel of 6.92 acres located at 1816 Uhland Road, San Marcos, Texas, for right-of-way, drainage and related improvements associated with the Uhland Road Improvements Project; determining the public necessity for such acquisition; authorizing the City Manager, or his designee, to take all steps necessary to acquire the needed interests in the property in compliance with all applicable laws; authorizing the City Attorney or his designee to institute condemnation proceedings as necessary to acquire said property interests; and declaring an effective date.

A substitute motion was made by Mayor Hughson, seconded by Council Member Baker, approving Resolution 2020-172R pursuant to which the City of San Marcos, Texas authorizes the use of the power of Eminent Domain to acquire Fee Simple Title to 0.1454 Acres of land out of the J.M. Veramendi Survey No. 1, Abstract No. 17, Hays County, Texas, such parcel being at the Southeast Corner of River Road and West Uhland Road and within a larger parcel of 6.92 acres located at 1816 Uhland Road, San Marcos, Texas, and which 0.1454 Acre parcel of land is more particularly described by metes and bounds in said Resolution, a copy of which is included in the posted agenda packet for this meeting, for right-of-way, drainage and related improvements associated with the Uhland Road Improvements project.

Council Member Baker noted that voting on a motion to use eminent domain to acquire property is difficult. However, the engineering staff have explained why this small parcel is needed to mitigate flooding and the public good will be served.

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

18. Consider approval of Resolution 2020-173R, approving an amended agreement with Community Action, Inc. of Central Texas ("Community Action") under which Community Action administers City funds to assist qualified residential utility customers with their

utility bills for the purpose of expanding the eligibility criteria for customer assistance to include emergencies, such as the current pandemic, deemed by the City Council to create a financial hardships for certain utility customers, and to increase the administration fee paid to Community Action; authorizing the City Manager, or his designee, to execute the amended agreement on behalf of the city; and declaring an effective date.

MAIN MOTION: a motion was made by Mayor Hughson, seconded by Deputy Mayor Pro Tem Rockeymoore, to approve Resolution 2020-173R.

MOTION TO AMEND: a motion was made by Mayor Hughson, seconded by Deputy Mayor Pro Tem Rockeymoore to insert "utility payment" in various sections in the Amended Fund Distribution Agreement. 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

MAIN MOTION: to approve Resolution 2020-173R 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

19. Consider approval of Resolution 2020-174R, approving the 2020 Annual Service Plan Update for the Trace Public Improvement District; authorizing the City Manager, or his designee, to execute said document on behalf of the city; and declaring an effective date.
20. Consider approval of Resolution 2020-175R, approving an Interlocal Agreement with Hays County, Texas to enable the City and the County to utilize vendors for goods and services under contracts procured through a competitive process by the other; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.
22. Consider approval of Resolution 2020-177R, directing the City Manager to begin negotiation of an Interlocal Agreement with Hays County that provides for the repair and rehabilitation of Cape's Dam and The Mill Race on the San Marcos River; and declaring an effective date.

MAIN MOTION: a motion was made by Mayor Pro Tem Mihalkanin, seconded by Council Member Gonzales

Council Member Derrick mentioned the 2017 report that was completed by

Recreation, Engineering and Planning (REP) and she would like to see this item postponed until this report can be presented to the entire Council. She believes this report holds a lot of information that will be beneficial in Council making a decision. This report was never presented to council during all the discussions there have been regarding Capes Dam.

MOTION TO POSTPONE: a motion was made by Council Member Derrick, seconded by Council Member Baker, to postpone Resolution 2020-177R until the REP report can be presented to council with time for questions and answers.

Mayor Pro Tem Mihalkanin stated he is not in agreement with the postponement of this item.

Council Member Baker would like to see a compromise on this item and would like to see postponement of this item.

Mayor Hughson asked if the REP report is followed, is there a dam at the end of the day? Mr. Lumbreras stated the report is in draft form and was never finalized. Mr. Drew Wells, Director of Parks and Recreation stated the report provided to the city in 2017 was never finalized or presented to Council from REP. During discussions in 2019 the draft report was given to Council. The report provided that no dam would be in the river, but it would be replaced with rock type structure that would provide water to maintain the Mill Race. There would need to be some modifications and dredging to lower the water levels in order to maintain the mill race.

Mayor Pro Tem Mihalkanin spoke about the report and stated the REP report entitled "Capes Dam Removal Analysis DRAFT" dated March 27, 2017 does focus on the removal of the dam. He noted the following on page 12 of the report: The Existing Conditions model was calibrated to water surface elevations in the Mill Race and the San Marcos River upstream of Capes Dam provided in the "Cape Dam and Mill Race Assessment" by Dr. Thomas B. Hardy. Dr. Mihalkanin also noted this report only references two resources one authored by Dr. Hardy and one co-authored by Dr. Hardy.

Mayor Hughson noted that she has called for a compromise for some time but none of her colleagues were interested. She was asking for a study to see if there can be a dam, with a weir at one end, perhaps, that would preserve part of the dam, continue flow to the Mill Race, at least most of the time with the weir allowing the sediment to be flushed continuously. At the last discussion,

Ms. Moyer stated that it might be possible to determine that using one of our existing reports, requiring more study. She asked if this REP report is the one that has been referenced at the previous workshop. Laurie Moyer, Director of Engineering and CIP stated this was the report referenced previously.

The motion to postpone failed by the following vote:

For: 3 - Council Member Derrick, Deputy Mayor Pro Tem Rockeymoore and Council Member Baker

Against: 4 - Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez and Council Member Gonzales

MAIN MOTION: to approve Resolution 2020-177R.

Council Member Baker asked if the intent of this Inter Local Agreement (ILA) is to tell the County all the things we don't want to pursue.

Mr. Lumbreras, stated if approved, we would receive a formal proposal from the county. Then key terms would go into ILA, what the city is willing to consider and not consider. City would come back to council at a work session and that would be the time to discuss those issues.

Council Member Baker stated that citizens are concerned and he wants to confirm this will not become another Rio Vista Dam. As we approach this agreement he hopes we can guide it in a way that does not result in another Rio Vista Dam or push people out of their neighborhoods.

Mayor Hughson stated she does not want to see a second Rio Vista Dam either. If we know we don't want it, why not specify this in the ILA now? Mr. Lumbreras stated that he understands the concerns of council, that council does not want anything such as something similar to Rio Vista Park and we have a clear path forward.

Deputy Mayor Pro Tem Rockeymoore stated his main concern is with safety. This part of the river can be a dangerous place and he is concerned that anyone might want to make this a destination or develop in this area. He would like to add some type of safety caveat to the ILA with the County.

Council Member Baker asked about protections for endangered species and if this will be included. Mr. Cosentino stated if there are endangered species then their habitat must be protected. This area has already been designated as a critical habitat. Nothing happens to this area without permits from various

organization including U.S. Army Corp of Engineers, Texas Commission on Environmental Quality, and the U.S. Fish and Wildlife. There will be environmental scrutiny no matter what is done in that area.

Dr. Mihalkanin thanked Mr. Rockeymoore for bringing up safety and he supports this throughout the process.

Council Member Gonzales wanted to support the Mayor's request for a study. He does not want anything like a Rio Vista at the Cape Dam site.

Council Member Baker, would like to ensure whatever history is preserved that it includes all people, not just the white economic history. He would like to see the full history and not just last 150 years.

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

PUBLIC HEARINGS

23. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2020-56, amending the Official Zoning Map of the City in Case No. ZC-20-09 by rezoning approximately 0.34 acres of land located at 724 Valley Street from "SF-6" Single Family-6 District to "ND-3" Neighborhood Density District-3; including procedural provisions; and consider approval of Ordinance 2020-56, on first of two readings.

Shannon Mattingly, Director of Planning and Development Services, provided the presentation on 724 Valley Street for a zoning change from Single Family-6 (SF-6) to Neighborhood Density-3 (ND-3).

Mayor Hughson opened the Public Hearing at 8:53 p.m.

Those who spoke:

Rosa and Marel Alvarado, 415 Pinafore in Buda Texas, owner of 724 Valley Street stated that the long-term intentions is to purchase the property and to retire and pass along to their children. Mrs. Alvarado is available to answer questions.

Kelly Kilber, spoke on behalf of the owners and TriTech Engineering and

appreciates the work from staff and the Planning and Zoning Commission. He is in support of the project and asked Council to follow the recommendations from staff.

Al Carroll, representative for the owners of the property, spoke in support of the project. He is available to answer any questions.

Kaili Partin, representative for the owners of the property is available to answer questions.

John Griffis, wanted to reach out to the Alvarados and welcome them to the neighborhood, but he spoke in opposition of the zoning request from Single Family to Neighborhood Density-3 in this neighborhood. Mr. Griffis stated there are six churches and lots of rich history and they are trying to preserve the family neighborhood.

Billy Ray Callihan, spoke in opposition of this proposed rezoning and would like staff to reach out to Mr. Giles who lives at 524 Valley Street. He noted that Dunbar, Willie Mack, and the Giles Family houses are part of the Dunbar history.

Benjamin Patterson, submitted a petition signed by 27 neighbors, 11 of which are within 400' of the property. He spoke in opposition of the zoning change because plans can change but the zoning will remain. He also noted that some of the neighbors do not have internet and cannot participate in this process.

Melvin Harris, noted he is a long-term resident of San Marcos as are many of the neighbors. He spoke in opposition of the zoning change. He expressed concerns that most neighbors are retired and rezoning would cause an increase in property taxes for residents. He does not oppose development but this is not the area for this type of development.

Carina Pinales, spoke in opposition of the zoning change.

There being no further speakers, the Mayor closed the Public Hearing 9:17 p.m.

A motion was made by Council Member Gonzales, seconded by Deputy Mayor Pro Tem Rockey Moore, to deny Ordinance 2020 56.

Council Member Derrick thanked the residents who spoke and understands the

reason on why the petition was submitted. She noted that Neighborhood Character Studies would have helped determine what plans would be beneficial for a neighborhood.

Deputy Mayor Pro Tem Rockeymoore thanked the residents and would like to preserve the Dunbar Historic District.

Mayor Pro Tem Mihalkanin thanked the neighbors for expressing their views on this zoning request.

Mayor Hughson made note of the petition submitted regarding the Alternative Compliance and asked if it is tied to the rezoning. The alternative compliance no longer exists for this project.

The motion to deny 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. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2020-57, amending the Official Zoning Map of the City in Case No. ZC-20-10 by rezoning approximately 109.5 acres out of the Barnett O. Kane, Cyrus Wickson, and J.M. Veramendi No. 1 Surveys, located near the intersection of Wonder World Drive and State Highway 123, from “FD” Future Development District to “PA-MI” Planning Area-Medium Intensity District; including procedural provisions; and consider approval of Ordinance 2020-57, on the first of two readings.

Shannon Mattingly, Director of Planning and Development Services, provided a presentation regarding the rezoning of 109.5 acres near the intersection of Wonder World Drive and State Highway 123, from “FD” Future Development District to “PA-MI” Planning Area-Medium Intensity District. The property may be developed in the following percentages. CD-1, 2, or 3 must be within 10-30%, CD-4 within 30-60% and CD-5 within 10-30%. The developer is primarily interested in developing for sale townhomes and multifamily. They are not interested in building purpose built student housing.

Mayor Hughson opened the Public Hearing at 9:38 p.m.

Those who spoke:

Ed Theriot, spoke as a representative of the developers and spoke in favor of the project. He is also available to answer questions.

Heath Phillips, developer of the Barracks Townhomes, spoke in favor of the project and is available to answer questions

There being no further comments, the Mayor closed the Public Hearing 9:42 p.m.

A motion was made by Mayor Pro Tem Mihalkanin, seconded by Deputy Mayor Pro Tem Rockeymoore, to approve Ordinance 2020-57.

Deputy Mayor Pro Tem Rockeymoore mentioned that the plan is in the conceptual phase and asked about the non buildable area because it does flood. Mr. Phillips stated they will have a plan in place for effective retention.

Council Member Derrick stated that she researched the project in College Station and it is student housing. Is that the intention for San Marcos? Mr. Phillips stated there is a gap in the market. They will be marketing to young families, young professionals and to students that have different needs. Council Member Derrick stated that it is a great idea to have a complex on the East side of town.

Council Member Baker would like to reduce the CD-5 portion to 10-15%. Ms. Mattingly noted that the Planning Area districts don't allow for conditions nor a restriction of this type. Hughson responded that it would be helpful to have commercial along SH 123 because there are a number of rooftops in that area but very few places to shop for groceries, etc.

Council Member Gonzales asked Mr. Phillips if there are plans to have a bathroom for every bedroom. Mr. Phillips stated that each unit will have a half bathroom for guests and a bathroom for each bedroom.

Mayor Hughson expressed concerns with the name The Barracks and if a conditional use permit (CUP) would be requested. Mr. Cosentino stated that if the developers design, market and advertise for student housing then a CUP would be required.

The motion carried by the following vote:

For: 5 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Deputy Mayor Pro Tem Rockeymoore and Council Member Baker

Against: 2 - Council Member Marquez and Council Member Gonzales

25. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2020-58, amending the Official Zoning Map of the City in Case No. ZC-20-14 by rezoning approximately 0.2938 acres of land located at 101 and 103 Lockhart Street from "D" Duplex District to "ND-3" Neighborhood Density District-3; including procedural provisions, and consider approval of Ordinance 2020-58, on first of two readings.

Shannon Mattingly, Director of Planning and Development Services, provided the presentation on rezoning 0.2938 acres of land located at 101 and 103 Lockhart Street from "D" Duplex District to "ND-3" Neighborhood Density District-3.

Mayor Hughson opened the Public Hearing at 10:42 p.m.

Those who spoke:

Andrew Nance, representative of the owner Ryan Bragg, spoke in support of the rezoning. He stated his client is planning to build a new single-family residence that would be a rental property with the existing property being re-plated. Mr. Nance stated he is available to answer questions.

There being no further comments, the Mayor closed the Public Hearing at 10:43 p.m.

A motion was made by Council Member Gonzales, seconded by Council Member Marquez, to deny Ordinance 2020-57.

Council Member Gonzales spoke against this project and stated this is similar to the Valley Street project. There are single family residents around this property and they struggle with the apartments near the property. Mr. Gonzales mentioned that it would be detrimental to the residents and does not want to start a precedent in the neighborhood.

Council Member Derrick asked if there is a lower ND category, perhaps the new ND2.5 would accommodate this without increasing density as much? Ms. Hernandez responded that ND 3.2 is higher density than the ND-3 that is proposed, which is needed to accommodate the uses they are requesting.

Mayor Hughson noted that property adjacent to this proposed rezoning is MH (Manufactured Home District) zoning to this property is individual homes on separate lots as shown on the map. If this were considered SF, it would be close to, or perhaps more than, 50% single family surrounding this lot.

Council Member Derrick asked if any communication or petitions were presented to the Planning and Zoning Commission regarding this rezoning. Mrs. Mattingly stated staff did not receive any written petitions but received one phone call for opposition and one inquiry.

The motion to deny carried by the following vote:

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

Against: 1 - Council Member Derrick

- 26.** Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2020-59, amending various sections of the City's Development Code to, among other things, address recommendations from the Alcohol Conditional Use Permit Committee, the Housing Task Force, the Historic Preservation Commission, and recommendations from City staff concerning application processing and requirements, block perimeter standards, Certificate of Appropriateness appeals, Concept Plat applicability, right-of-way dimensional standards, building type definitions, Neighborhood Density District zoning regulations, Character District zoning regulations, a new Special Events Facility use, multifamily parking standards, accessory dwelling units, neighborhood transitions, durable building materials, detention and water quality requirements for plats of four residential lots or less, detention requirements outside the Urban Stormwater Management District, delineation of water quality and buffer zones, channel design for water quality zone reclamation, sensitive geologic feature protection zones, geological assessment waivers, amending Section 14.041 of the San Marcos City Code to Adopt Appendix Q to the International Residential Code, which appendix establishes certain standards for tiny houses where allowed, providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date; and consider approval of Ordinance 2020-59, on the first of two readings.

Mayor Hughson opened the Public Hearing at 11:09 p.m.

There being no speakers, the Mayor closed the Public Hearing at 11:10 p.m.

A motion was made by Mayor Pro Tem Mihalkanin, seconded by Council Member Gonzales, as a substitute motion, to approve Ordinance 2020-59, on the first of two readings, to include amendments to Items 1, 2, 4, 13, and 15 recommended by the Planning and Zoning Commission and also including the following amendments as discussed during the Council Work Session held at 3 pm today, August 18, 2020:

- 1. Removal of Amendment #26 which was intended to add occupancy restrictions to Character District 3 (CD-3).**
- 2. Removal of Staff Proposal #7 under Amendment #32 which would require**

additional meetings for Neighborhood Density District requests in Existing Neighborhoods and only require the Neighborhood Presentation Meeting as currently required in the Development Code.

3. Add the provided table, and required associated text, to Amendment #32 which provides clarity for Character District zoning change requests in Low Intensity Areas on the Preferred Scenario map.

4. Removal of Item #35 which would require a Conditional Use Permit for Accessory Dwelling Units in certain zoning districts.

5. Removal of Item #37 which would allow an exemption for parking for small multifamily in CD-5D, but keep the conditional use permit process for properties with up to 5 units.

Mayor Hughson abstained from a vote on Item #29 regarding the addition of a new Special Event Facility because the letter in the packet indicates a request by her neighbor for this new zoning district.

The motion to approve 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

27. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2020-178R, approving a request, assigned Case No. AC-20-03, for alternative compliance to various design requirements in Section 4.4.3.2 of the Multifamily Residential Design Standards in Ordinance 2014-35 for a Multifamily Residential Project proposed to be built at the Northwest corner of West Centerpoint Road and Flint Ridge Road within the La Cima Development in Hays County; authorizing City staff to issue permits consistent with this resolution; and declaring an effective date; and consider approval of Resolution 2020-178R.

Shannon Mattingly, Director of Planning and Development Services, provided a presentation on the alternative compliance to a Multifamily Residential Project proposed to be built at the Northwest corner of West Centerpoint Road and Flint Ridge Road within the La Cima Development.

Mayor Hughson opened the Public Hearing at 11:17 p.m.

Those who spoke:

Eric Willis, spoke in favor of the project. He explained this request is for multi

family townhomes. He spoke on the requested variances including fencing, pedestrian access, and trash.

There being no further comments, the Mayor closed the Public Hearing at 11:21 p.m.

A motion was made by Council Member Derrick, seconded by Council Member Marquez, to deny Resolution 2020-178R.

Council Member Derrick stated she has been a member of the La Cima committee since 2015. She did not receive any comments about moving the multifamily within the subdivision. She stated the development agreement indicated these would be across the street on Centerpoint. Mr. Willis stated there has never been a location defined but they were told multifamily could not go on the Wills Tract or across Ranch Road 12. Ms. Mattingly stated that multifamily can only go on area designated Community Commercial.

Mayor Hughson asked if this is designated community commercial was it noted to be multifamily at the time single family lots were being sold? Mr. Willis confirmed that but explained that he went above and beyond when notifying existing residents of La Cima to inform them of this request by emailing many of the residents past the standard notification area. Since the first house was sold, this has been designated Community Commercial and Mixed Use.

Ms. Mattingly reminded council this is alternative compliance and the zoning issues would be brought back at a future date.

Council Member Derrick asked why La Cima is so different than other developments as the La Cima Committee has lasted longer than any other. Mr. Willis stated the development agreement requires they plat first then come before Council to annex and rezone.

The motion to deny carried by the following vote:

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

Against: 1 - Mayor Hughson

28. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2020-179R, approving a Third Amended and Restated Development Agreement in connection with the La Cima Development near the intersection of Old

Ranch Road 12 and Wonder World Drive to, among other things, add up to 129.383 acres of land to the area covered by the agreement, reduce the project density from 1.16 to 1.10 dwelling units per acre if all of such land is added, enlarge the area within which the originally allowed 720 multi-family units may be located from 30 acres to any area designated in the Conceptual Land Use Plan as community commercial, save and except outparcels and a 22 acre portion of land added to the agreement, and allow condominiums as a new use only by a conditional use permit approved by the City Council; authorizing the City Manager, or his designee, to execute the agreement on behalf of the City; and providing an effective date, and consider approval of Resolution 2020-179R.

Shannon Mattingly, Director of Planning and Development Services, provided a presentation approving a third amended and restated Development Agreement in connection with the La Cima Development. This would include language that governs agreement with the Wills Tract.

Mayor Hughson opened the Public Hearing at 11:44 p.m.

Eric Willis, spoke in favor of the project. He stated there was no provision regarding the Wills Tract in the prior agreement. If they do not close by May 2021, it will return to the way it was before.

Mayor closed the Public Hearing at 11:46 p.m.

Mrs. Mattingly stated this was not presented to the committee, but a memo was sent to them to confirm they were okay with moving forward and the committee agreed.

Mayor Hughson asked if the additional property, if acquired, is it subject to the agreement. Mr. Cosentino stated if it is acquired the property will be subject to the provisions of the agreement.

A motion was made by Council Member Derrick, seconded by Mayor Pro Tem Mihalkanin, to approve Resolution 2020-179R. 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

- 29.** Consider approval of Ordinance 2020-60, on the first of two readings, amending Section 2.361 of the San Marcos City Code relating to the general powers and duties of the San

Marcos Arts Commission and recommendations and decisions on funding made by the San Marcos Arts Commission; including procedural provisions; providing for the repeal of any conflicting provisions; and providing an effective date.

A motion was made by Council Member Derrick, seconded by Mayor Pro Tem Mihalkanin, to postpone Ordinance 2020-60, to a meeting prior to the end of October. The motion carried by the following vote:

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

Against: 1 - Council Member Baker

30. Consider approval, by motion, authorizing negotiations of a Development Agreement requested by Gene Eitel, on behalf of Rattler Storage for PDA-20-01 (Rattler Road Storage), approximately 3.58 acres out of the Rebecca Brown survey located on Rattler Road between Old Bastrop Hwy and Hwy 123 and consider the appointment of a Council Committee to review aforementioned Development Agreement, if desired.

A motion was made by Council Member Baker, seconded by Council Member Derrick, to approve authorization of negotiations of a Development Agreement requested by Gene Eitel, on behalf of Rattler Storage for PDA-20-01 (Rattler Road Storage). This is an approximately 3.58 acre tract located on Rattler Road between Old Bastrop Hwy and Hwy 123. Council provided consensus to allow staff to handle this and a committee is not necessary at this time.

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

31. Discuss and consider an appointment to fill a vacancy on the Human Services Advisory Board, and provide direction to Staff.

Council Member Derrick nominated Alfretta Lee for consideration to serve on the Human Services Advisory Board.

Following a roll call vote Alfretta Lee was unanimously approved for appointment to the Human Services Advisory Board.

32. Receive a Staff presentation and hold discussion regarding the City's contract with Texas Disposal Systems in preparation for an upcoming consideration of contract extension, and provide direction to Staff.

A motion was made by Mayor Pro Tem Mihalkanin, seconded by Council

Member Derrick, to postpone discussion to the September 1, 2020 Regular City Council Meeting. 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

- 33.** Receive a Staff presentation and hold discussion regarding Recommendation Resolution Number 2020-0201 of the Main Street Advisory Board regarding the Emergency Installation of Curbside Pickup Parking Spaces for COVID-19 Small Business Operations, and provide direction to Staff.

Josie Falletta, Downtown Coordinator for Main Street, provided a presentation on the Emergency Installation of Curbside Pickup Parking Spaces for COVID-19 Small Business Operations.

Linda Coker, Main Street Chair, stated when the pandemic began one-third of the businesses in downtown closed and Main Street stepped into action to assist with the temporary curbside parking pilot program. They assisted with social distancing and maintaining business structure.

Ms. Falletta stated signage is being fabricated in house by the Transportation team and they will assist with installation. Ms. Falletta mentioned that no ordinance is needed because the Traffic engineer may establish loading zones administratively.

Ms. Falletta stated that the funding of the program will be \$250 per sign. The Parking Advisory Board is considering collaboration to use the funds to assist with the program.

Ms. Falletta mentioned the new parking enforcement system is not set up to have two different time limits within adjacent parking spaces. There is an existing 2 hour limit that will be enforced. Businesses may call the San Marcos Police Department non emergency line for assistance.

Ms. Falletta stated that there will be outreach and education to both business owners and the public. Main Street will communicate this program via social media, press release, email to business owners, email newsletter to public, flyers to businesses, request downtown organizations to share with membership (Downtown Association, Chamber of Commerce, etc.)

Ms. Falletta mentioned that they will be collecting data to ensure informed decisions are being made and to continue the program to ensure the proper

spaces are marked. The data collection will be from businesses and consumer input via survey that will be reviewed and assessed after 90 days.

Ms. Falletta stated the considerations for the program is able to move forward administratively, without changes to existing ordinance or parking enforcement. There will potentially be collaboration between the Main Street and Parking Advisory Board.

Council Member Derrick stated that due to the general lack of parking downtown and Covid, the need for businesses to have services like this is important.

Mayor Hughson asked if council approval would be needed if this went beyond 90 days. Ms. Falletta stated the Traffic engineer can set loading zone signs administratively and would not need to come back before Council.

34. Hold discussion on Ethics Commission Recommendation 2019-02 regarding a code amendment to require yearly ethics training for appointed and elected city officials and city board and commission members, and provide direction to Staff.

A motion was made by Council Member Gonzales, seconded by Mayor Pro Tem Mihalkanin, to postpone discussion to a meeting prior to the end of October. The motion carried by the following vote:

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

Against: 1 - Council Member Baker

35. Hold discussion on Ethics Commission Recommendation 2020-01 regarding a code amendment to require disclosure of an interest in real property occupied by a city official or a family member as a residence, and provide direction to Staff.

A motion was made by Council Member Gonzales, seconded by Mayor Pro Tem Mihalkanin, to postpone discussion to a meeting prior to the end of October. The motion carried by the following vote:

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

Against: 1 - Council Member Baker

IV. Adjournment.

Mayor Hughson adjourned the regular meeting of the City Council on Tuesday, August 18, 2020 at 12:07 a.m

Tammy K. Cook, Interim City Clerk

Jane Hughson, Mayor