



City of San Marcos

Regular Meeting Minutes City Council

Tuesday, September 15, 2020

6:00 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 regular meeting of the San Marcos City Council was called to order by Mayor Hughson at 6:00 p.m. Tuesday, September 15, 2020, This 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

III. 30 Minute Citizen Comment Period

Ezekiel Enriquez expressed concerns with the police department on how some officers handle situations. Mr. Enriquez also stated concerns with tax payer's money and how it is being wasted on project delays.

John Garcia would like the city to keep it clean and safe at each intersection due to homeless individuals leaving trash behind.

Jordan Buckley spoke on cite and release and stated based on the report from Chief's Advisory Panel it that citations were issued every time it was allowed. He notes that police are still issuing warnings. Mr. Buckley stated that he is working closing with elected officials from other cities and organizations that are working on a cite and release ordinance and using San Marcos ordinance as a model. Mr. Buckley stated he feels that the ordinance is in violation by not having people participate that have been directly impacted by criminal justice to be at the meetings and would like for staff to involve other organizations to be a voice and have a seat at the table. Mr. Buckley asked Council Member Mihalkanin as a member of the Criminal Justice Reform Committee to sign an agreement like Hays County Commissioners did on Vera Institute of Justice to have access and share transparency on arrests and jail data.

Lisa Marie Coppoletta spoke on a press release from city staff regarding 30-40% tree canopy coverage goal and will be planting 500 trees. Ms. Coppoletta asked what has the city done for live oak protection under land development code for private home owners. Ms. Coppoletta expressed concern on the upcoming project at Blanco Gardens.

Randy Dethrow congratulated the city on the cite and release ordinance. He stated he has been a victim of the criminal system and unfairness. Mr. Dethrow is glad that the San Marcos Police Department are not like other departments in other cities and are good officers.

Alfonso Sifuentes, Director of Public Sector Services & Community Relations with Central Texas Refuse, expressed concerns on item #21 for the contract renewal with Texas Disposal System. He would like the contract to go out for bid.

PRESENTATIONS

1. Receive status reports and updates on response to COVID-19 pandemic, including but not limited to plans for re-opening parks; 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 September 11

- **Nearly 6.5 million U.S. cases with more than 193,000 fatalities. (>240k new cases in past 7 days)**

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

- **Nearly 660k (67,412 active) cases in 251 Texas counties with 14,190 fatalities**

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

- **5,598 in Hays County with 51 fatalities (1,914 active and 2,967 recovered)**

- 424 fewer active cases than last update and 5 fatalities**

- 716 active and 2,043 recovered in San Marcos (28 fatalities)**

- dropped to 667 active cases in San Marcos as of today**

- 158 cases have required hospitalization, as of today it is 11 currently in the hospital**

Mr. Stapp stated that one employee is recovering at home.

- *source: Hays County Health Department**

Updates to Governor Abbott's Actions

- **August 31: Extension of emergency Supplemental Nutrition Assistance Program (SNAP) benefits through September**

- Texas Health and Human Services Commission (HHSC) to provide approximately \$188 million in emergency SNAP benefits
- More than 972,000 SNAP households will see the additional amount on their Lone Star Card by September 15
- September 7: Renews COVID-19 Disaster Declaration
- Renews the disaster declaration for all Texas counties that was first issued on March 13

Testing Overview

- 31,283 tests administered county wide
 - 25,662 negative (81.7%)
 - 5,598 confirmed (18.2%)
 - 23 pending
 - County free testing – Live Oak Clinic on Broadway and Live Oak Primary Care clinic in Wimberley
- County contacted by the state opportunity through TDEM week long testing and more details will be provided.

Utility Bill Late Fees

- Per Council direction in March, all utility bill late fees have been suspended through the end of the calendar year.
- Removing late fees from customer accounts has equated to \$375,000 in late fees being waived.

Parks and Facilities Re-Opening

- City lobbies and services
 - Modified opening 9/16 at 8:00 AM
 - Encourage the public to continue to handle City business remotely
 - Continued use of Teams and Zoom for internal & external meetings
 - Use of appointments as much as possible
 - Certain services on limited days and times
 - Parks and Athletic Facilities
 - Modified opening 9/16: 8:00 AM to 8:00 PM Daily
 - Active recreation allowed in river-front parks
 - Designated entry and exit points for the river
 - Fencing re-configured to discourage passive recreation and allow use of Tennis Courts
 - Neighborhood parks and playscapes open
 - Athletic facilities, basketball courts and parks open for play
- Reminder: Portions of Rio Vista Park, Children's Park and City Park are active construction zones for the Shared Use Path Project

Deputy Mayor Pro Tem Rockey Moore expressed concerns about the active

case count the movement of case count numbers to recovered. He inquired about the different methods utilized by Travis County and San Marcos regarding how cases are moved to recovered. Mr. Stapp stated that Travis County automatically moves a person to recovered status once 21 days passes from the positive test. In San Marcos, the Health Department will check in by having an investigation over the phone and a person must be symptom free to be considered recovered. Deputy Mayor Pro Tem Rockey Moore asked if the County has been under staffed? Mr. Stapp stated that at first it was a small number of staff but there are additional positions that have assisted. Deputy Mayor Pro Tem Rockey Moore asked in regards to the current staffing and moving the active cases to recovered it lists the active cases much higher in San Marcos than other cities with more population. Mr. Stapp mentioned other cities are using other methods to move patients to recovered and Hays County does an investigation and does have a more efficient process.

Council Member Baker asked about percentages of active cases and stated it has been similar since the beginning and asked if we are better off now than before? Mr. Stapp stated mid-July did have a spike in cases but the best way to ensure safety is to remain diligent in protection and social distancing. Council Member Baker asked if Eric Schneider, Epidemiologist has advised if it is safe to open at this point. Mr. Stapp stated that the decision was made by the City team. Council Member Baker asked what specific number do we need to have a re-closure of the city. Mr. Stapp stated that they are not looking at a specific number but will be looking at the trajectory trend.

Council Member Derrick asked about exit and entry points at the river, how many entry and exits will there be and where would they be located. Jamie Lee Case, Assistant Director of Parks and Recreation, stated residents can enter city park for swimming and kayaking (recreational activities) and exit Rio Vista and there will be signage. Mrs. Case stated staff will block the actual park and remove picnic tables and BBQ areas to limit the ability for people to gather. Mrs. Case stated the fencing has been modified away from the river and it blocking more of the park areas. Council Member Derrick stated citizens were confused due to tube outfitters being closed due to the Governors order but they are allowed to bring in their own tube. Council Member Derrick asked about parking. Mrs. Case stated the City parking lot will be open for parking and Rio Vista parking lot will be closed due to construction. Residents can park at Cheatham and CM Allen and the parking lot at Rio Vista will have a trail to walk down to the new shared use path. Council Member Derrick would like to make sure it is conveyed that citizens wear masks when loading

or unloading on city property when social distancing isn't possible.

Council Member Baker asked about social distancing at the parks and if the Park Rangers and officers will be enforcing. Mrs. Case stated that they will be reminding citizens about social distancing. Council Member Baker asked if they need to report and to who do they call. Mr. Stapp stated to call police department non-emergency line at 512-753-2108.

2. Receive a staff presentation and hold discussion regarding the San Marcos Police Department use of cite and release.

Bert Lumbreras, City Manager provided a brief introduction regarding the Police Department's use of cite and release. He stated with many aspects of City operations, COVID-19 has also had an effect on the number of calls for service, traffic stops, and index offenses from previous years. He also recognized Chief's Klett leadership, the San Marcos Police Department administration and all of the officers who have helped implement this ordinance which is the first of its kind in the state. Mr. Lumbreras stated throughout the tragedies and events of this year, the staff have performed with dedication to keep our community safe.

Chief Klett provided the cite and release ordinance timeline:

- Approved on April 7, 2020
- Effective on May 31, 2020
- Chiefs Advisory Panel on August 19, 2020
- Progress update to City Council in three months

Chief Klett provided year to date comparisons from time frame January 1 to August 10

- 2018 – 48,447 Calls for Service / – 10,616 Traffic Stops
- 2019 – 48,670 Calls for Service / – 10,113 Traffic Stops
- 2020 – 40,566 Calls for Service / – 4,849 Traffic Stops

23% Drop in Index Offenses from 2019. Chief Klett stated that the FBI considers Index Offenses as major offenses for Murder, Rape, Robbery, Assault, Burglary, Larceny (Theft), Motor Vehicle Theft, Arson. Chief Klett stated that robbery and burglary went up in 2020.

Street Diversions

- 2020 Q1 (January 1 – March 31), – 153
- 2020 Q2 (April 1 – June 30), – 13
- 2020 Q3 Partial (July 1 – September 9), – 17

Chief Klett provided the Cite and Release History are as follows:

- **2017 – 11**
- **2018 – 22**
- **2019 – 30**
- **2020 – 57 (as of September 15)**

Chief Klett stated the cite and release ordinance requirements are:

- **Theft of Service less than \$375**
- **Theft of Property less than \$375**
- **Criminal Mischief less than \$375**
- **Graffiti less than \$375**
- **Possession of Marijuana less than 4 ounces**
- **All Class C Misdemeanors (Excl PI, Assault or Family Violence)**
- **Driving While License Invalid**

Cite and Release Q2 Report (May 31 through June 30)

- **Total Applicable Offenses Cited– 12**
 - **Criminal Mischief – 4**
 - **Driving While License Invalid – 3**
 - **Theft – 2**
 - **Possession of Marijuana – 1**
 - **Fighting – 1**
 - **DUI – 1**

Chief Klett stated that the Cite and Release Reporting is now online and includes address lookup on the Police Department's webpage.

Council Member Baker asked if robbery and burglary has increased and asked if staff can define how robbery/burglary and arson are different. Council Member Baker asked how violence and trespassing will be covered under cite and release. Chief Klett stated theft is when someone takes property without consent and burglary is when someone breaks in or enters a house or car that don't have a right to, robbery is theft with a threat of force with bodily injury. Chief Klett stated that the numbers were added reference to show 2020 is a different and seeing a drop in the offenses. Council Member Baker stated that there was so much concern about an increase in theft but theft has gone down and robbery and burglary are not cite and release eligible. Chief Klett stated the three highest cite and release usage is being used for theft, possession of marijuana and driving without a license invalid.

Deputy Mayor Pro Tem Rockeymoore asked if the cite and release has been helpful. Chief Klett stated many steps were taken to protect police officers during Covid and the public to decrease the amount of arrests but regarding being helpful, doesn't have an opinion on one way or the other. Deputy Mayor Pro Tem Rockeymoore asked about the street diversions and asked if cite and release might be a part of why the diversions are not happening as much. Chief Klett stated with the drastic numbers of reduction in public contact, some officers may be more lenient on street diversions and other officers are choosing to do it.

CONSENT AGENDA

A motion was made by Council Member Baker, seconded by Deputy Mayor Pro Tem Rockeymoore, to approve the consent agenda with the exception of item # 20 and 21 which were pulled and considered separately.

Dr. Mihalkanin abstained from a vote on item #23 as he receives 100% of his income from Texas State University.

The motion carried by the following vote:

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

Against: 0

Absent: 1 - Council Member Marquez

3. Consider approval, by motion, of the following meeting Minutes:
 - A. September 1, 2020 - Work Session Meeting Minutes
 - B. September 1, 2020 - Regular Meeting Minutes
4. Consider approval of Ordinance 2020-61, on the second of two readings, under Case No. AN-20-08 (La Cima Phase 2), annexing into the City approximately 89.694 acres, more or less, out of the John Williams Survey, Abstract 490, and the William Smithson Survey, Abstract 419, Hays County, generally located West of the Intersection of Old Ranch Road 12 and Wonder World Drive; including procedural provisions; and providing an effective date.
5. Consider approval of Ordinance 2020-62, on the second of two readings, amending the official zoning map of the City in Case No. ZC-20-15 (La Cima Phase 2), by rezoning approximately 89.694 acres out of the John Williams Survey, Abstract no. 490, and the William Smithson Survey, Abstract No. 419, Hays County, generally located West of the intersection of Old Ranch Road 12 and Wonder World Drive, from "FD" Future Development District to "SF-4.5" Single Family-4.5 District; including procedural provisions; and providing an effective date.

6. Consider approval of Ordinance 2020-63, on the second of two readings, amending the Official Zoning Map of the City (ZC-20-17), by rezoning approximately 38.019 acres of land, more or less, located at 2801 Staples Road, from “FD” Future Development District to “LI” Light Industrial District; and including procedural provisions.
7. Consider approval of Ordinance 2020-64, on the second of two readings, amending the Official Zoning Map of the City in Case No. ZC-20-18, by rezoning approximately 30.326 acres of land located at 2801 Staples Road from “FD” Future Development District to “CD-5” Character District-5; including procedural provisions; and providing an effective date.
8. Consider approval of Ordinance 2020-65, on the second of two readings, amending the Official Zoning Map of the City (ZC-20-19), by rezoning approximately 78.853 acres of land located at 2801 Staples Road, from “FD” Future Development District to “CD-4” Character District-4; and including procedural provisions.
9. Consider approval of Ordinance 2020-66, on the second of two readings, amending the Official Zoning Map of the City (ZC-20-20), by rezoning approximately 220.023 acre of land located at 2801 Staples Road, from “FD” Future Development District to “CD-3” Character District-3, and including procedural provisions.
10. Consider approval of Ordinance 2020-67, on the second of two readings, increasing rates established for Water, Wholesale Water, Reclaimed Water, Wastewater Treatment, and Sewer Surcharges; and including procedural provisions; and providing an effective date.
11. Consider approval of Ordinance 2020-68, on the second of two readings, amending the rates for both Residential and Multifamily Customers of Municipal Solid Waste Programs (currently known as Resource Recovery) in accordance with Section 66.028 of the San Marcos Code of Ordinances; and including procedural provisions; and providing an effective date.
12. Consider approval of Ordinance 2020-69, on the second of two readings, increasing Drainage Utility Rates as authorized by Section 86.505 of the San Marcos City Code; including procedural provisions; and providing an effective date.
13. Consider approval of Ordinance 2020-73, on the second of two readings, amending section 26.002 of the San Marcos City Code to establish that the City will implement the National Incident Management System (“NIMS”) as its model for managing public safety emergencies and incidents; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.
14. Consider approval of Ordinance 2020-74, on the second of two readings, providing for the temporary reduction in sewer surcharges for commercial utility customers during the COVID-19 Pandemic; providing procedural provisions; and providing an effective date.

15. Consider approval of Resolution 2020-192R, approving the San Marcos Transit Plan, also referred to as the Five-Year Strategic Plan for Transit Service; and declaring an effective date.
16. Consider approval of Resolution 2020-193R, approving a Public Transit System Interlocal Agreement with the Capital Area Rural Transportation System ("CARTS") for CARTS to provide transit services on behalf of the City in the San Marcos urbanized area, with a funding amount by the City not to exceed \$2,490,359.00; authorizing the City Manager, or his designee, to execute the agreement on behalf of the City; and declaring effective date.
17. Consider approval of Resolution 2020-194R, approving a Change in Service to the agreement with Freeit Data Solutions, Inc. through the Texas Comptroller of Public Accounts Department of Information Resources ("DIR") program for license renewal of security software in the estimated annual amount of \$18,512.61 and authorizing three additional annual renewals; authorizing the City Manager or his designee to execute the appropriate documents to implement the Change in Service; and declaring an effective date.
18. Consider approval of Resolution 2020-195R, approving a Change in Service to the agreement with SHI Government Solutions, Inc. for renewal of the Adobe Enterprise software license in the amount of \$41,695.00 and authorizing three additional annual renewals; authorizing the City Manager or his designee to execute the appropriate documents to implement the Change in Service; and declaring an effective date.
19. Consider approval of Resolution 2020-196R, approving an agreement with Graybar Electric through the US Communities (Omnia Partners) Cooperative for Solar LED Lighting for the Parks and Recreation Department to install outdoor lighting with solar powered, high efficiency light bulbs in the amount of \$55,498.00; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring effective date.
20. Consider approval of Resolution 2020-197R, approving a Change in Service to the agreement with Eggemeyer Land Clearing, LLC for wood grinding services to authorize an increase in the annual amount to \$62,250.00 and authorize four additional one-year terms; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.

A motion was made by Council Member Derrick, seconded by Mayor Hughson, to approve Resolution 2020-197R. There were questions as to what is the amount for this year and the total of the contract. This is the amount for this year. The motion carried by the following vote:

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

Against: 0

Absent: 1 - Council Member Marquez

21. Consider approval of Resolution 2020-198R, approving a Change in Service to the agreement with Texas Disposal Systems, Inc. for collection and disposal of solid waste and recyclable materials to extend the agreement for five years at an estimated annual increase of \$400,000.00; authorizing the City Manager or his designee to execute the Change in Service on behalf of the City; and declaring an effective date.

A motion was made to deny by Mayor Pro Tem Mihalkanin, seconded by Council Member Gonzales.

Council held discussion and staff addressed concerns regarding agreement for a five year agreement with Texas Disposal Systems (TDS).

Mayor Hughson stated she appreciates all that TDS has provided for us, including some services at no cost. It is a good idea to look around, but sometimes re-bidding results in a higher cost. Mayor Hughson asked if a two year contract could be considered while we do a request for proposal (RFP) since staff indicated this typically takes 18 months. Staff indicated they could negotiate a contract for a shorter term, but this may change the cost of the contract. We would also lose the 3% fee annual increase that TDS waived for this year.

Council Member Derrick stated the partnership with TDS seems very unique.

Amy Kirwin, Community Enhancement Initiatives Manager, highlighted extra services TDS provides for the City including some at no additional cost. She also indicated how we differ from other communities in our area due to having a large University that makes up a large a majority of the City.

Dr. Mihalkanin asked how long this contract has been in effect and if 18 months is needed for an RFP, why wasn't this on an agenda 18 months ago.

Ms. Kirwin stated 2003 when we did an RFP, the previous contractor was with BFI. She noted that 18 months ago her department was moved into an area that was being re-organized. Dr. Mihalkanin noted the value in doing an RFP more often.

Mayor Hughson asked about the expiration date of the contract. Ms. Kirwin responded September 30 of this year. She asked what will happen if the motion to deny passes. Director Stapp said that they can negotiate with TDS for a time period to cover trash pickup.

Mr. Gonzales would like to do the RFP process and is willing to contract for two years.

Mayor Hughson asked Mr. Cosentino what options we have since the agenda is posted for a five year contract. He advised we could instruct staff to inquire about a shorter contract. Whether or not the company will agree remains to be seen.

Dr. Mihalkanin rescinded his motion to deny due to the expiration date. Mr. Gonzales rescinded his second.

A motion was made by Mayor Hughson, seconded by Deputy Mayor Pro Tem Rockey Moore, to approve Resolution 2020 198R, amended by striking “five years” and inserting “two years” and authorizing staff to negotiate a two year contract with Texas Disposal System. The motion to approve as amended carried by the following vote:

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

Against: 0

Absent: 1 - Council Member Marquez

- 22.** Consider approval of Resolution 2020-199R, approving an agreement with Doucet & Associates for Preliminary Engineering and Environmental Services for the Rio Vista Drainage Improvement Project in the estimated amount of \$69,695.00; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.
- 23.** Consider approval of Resolution 2020-200R, approving an Interlocal Agreement between Texas State University and the City for the implementation of restoration work in the Sessom Creek Natural Area funded through the Texas State University Watershed Protection Plan Program; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.

PUBLIC HEARINGS

- 25.** Receive a Staff presentation and hold the second of two public hearings to receive comments for or against Ordinance 2020-70, adopting a budget in the amount of \$258,741,410 for the fiscal year beginning October 1, 2020 and ending September 30, 2021; authorizing certain adjustments to the budget with the approval of the City Manager; approving fiscal year 2020-2021 Capital Improvements Program Projects; adopting a fee schedule; including procedural provisions; providing an effective date; consider approval of Ordinance 2020-70 on the second of two readings.

Mayor Hughson stated this is this is second public hearing on the City's proposed fiscal year 2020-2021 annual budget which begins on October 1, 2020 and extends through September 30, 2021. The first public hearing was held on September 1. The proposed budget has been on file in the City Clerk's Office since August 14 as required by State law and available for review at the San Marcos Public Library. There are no changes since the last public hearing.

Mayor Hughson opened the Public Hearing at 8:04 p.m.

Those who spoke:

Lisa Marie Coppoletta, spoke on the issue of mold in City Hall and she said the City needs to remedy this situation. She spoke on the sidewalk on her block and the speed bumps on her street and the expenses associated with these projects. She mentioned the number of studies done on her street and her disappointment with certain City staff.

There being no further comments, the Mayor closed the Public Hearing at 8:07 p.m.

MAIN MOTION: a motion was made by Council Member Derrick, seconded by Deputy Mayor Pro Tem Rockey Moore, to approve Ordinance 2020-70, on the second of two readings.

MOTION TO AMEND: A motion was made by Mayor Hughson, seconded by Mayor Pro Tem Mihalkanin, to amend Ordinance 2020-70, on the second of two readings, by adding the following language to the end of (c), (d), and (e) of Sec. 3: " with notification to city council when complete"

The section will now read:

SECTION 3. The City Manager is authorized to make the following adjustments to the 2020-2021 Annual Budget without further approval from the City Council:

- (a) Transfers of funds among the accounts within each department;
- (b) Transfers of funds within an operating fund;
- (c) Transfers of funds for construction projects and equipment purchases from operating accounts to Capital Improvements Program accounts; with notification to city council when complete;
- (d) Reclassification of positions within each department; with notification to city council when complete; and
- (e) Decreases in operating accounts in response to decreases in City revenues or

other circumstances, where the decreases do not result in a transfer of funds to another account with notification to city council when complete.

The motion to amend 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

MAIN MOTION: to approve Ordinance 2020-70, on the second of two readings, as amended. The motion carried by the following vote:

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

Against: 0

Absent: 1 - Council Member Marquez

28. Consider approval, by motion, of the ratification of the tax rate reflected in the proposed budget of 59.30 cents per \$100 valuation, which will raise more revenue from property taxes than in the previous fiscal year.

Mayor Hughson stated this item is being considered before the tax rate item as required by State law. State law requires a separate motion to ratify the property tax rate reflected in the budget when more revenue will be raised from property taxes than in the previous year. Mayor Hughson noted that this is the first time the tax rate may be reduced in many years. It remained the same until the voters approved an increase for multiple bond projects in 2017.

A motion was made by Council Member Baker, seconded by Council Member Derrick, to approve the tax rate reflected in the proposed budget of 59.30 cents per \$100 valuation. The motion carried by the following vote:

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

Against: 0

Absent: 1 - Council Member Marquez

26. Receive a Staff presentation and hold a public hearing to receive comments for or against Ordinance 2020-72, setting the tax rate for the 2020 Tax Year at 59.30 cents on each \$100 of taxable value of real property that is not exempt from taxation; levying taxes for the use and support of the Municipal Government of the City for the fiscal year

beginning October 1, 2020, and ending September 30, 2021; providing a sinking fund for the retirement of the bonded debt of the city; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2020-72, on the second of two readings.

Mayor Hughson stated that although City Council meetings have been virtual meetings since the Governor enacted a Disaster Declaration several months ago, the City is holding an in person public hearing on the tax rate this evening because it is a requirement in State law that has not been waived by the Governor. Social distancing measures are being followed.

City Council approved the tax rate ordinance on the first reading on September 1. This agenda item is for the City Council to consider the tax rate ordinance on the second reading and actually adopt the 2020 tax rate. The motion to approve the tax rate ordinance must be worded as specified in State law.

Melissa Neel, Assistant Director of Finance, stated the tax rate of 59.30¢ is 4.9% higher than the no new revenue tax rate of 56.50¢. The no new revenue tax rate is the rate that effectively generates the same amount of revenue on the same properties as last tax year. A tax rate of 59.30¢ will generate 7.9% more revenue than last year or \$2.7M, of that \$1.5M was from new property. The previous tax rate was 61.39¢. The saving will be \$21.00 per \$100,000 of value.

Mayor Hughson opened the Public Hearing at 8:18 p.m.

Those who spoke:

Lisa Marie Coppoletta, spoke on property taxes and the increase property owners are seeing in the community. Low income, fixed incomes and senior citizens are being impacted.

There being no further comments, the Public Hearing was closed at 8:22 p.m.

A motion was made by Deputy Mayor Pro Tem Rockeymoore, seconded by Council Member Baker, to approve Ordinance 2020-72, on the second of two readings. The motion carried by the following vote:

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

Against: 0

Absent: 1 - Council Member Marquez

NON-CONSENT AGENDA

27. Consider approval of Ordinance 2020-76, on the first of two readings, amending Article 3 of Chapter 66 of the San Marcos City Code to transfer oversight responsibility for permitting commercial solid waste haulers from the Public Services Department to the Neighborhood Enhancement Department and increasing the permit fee to 7% of gross revenues; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

A motion was made by Council Member Baker, seconded by Mayor Pro Tem Mihalkanin, to approve Ordinance 2020-76, on the first of two readings. The motion carried by the following vote:

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

Against: 0

Absent: 1 - Council Member Marquez

29. Discuss and consider an appointment to the Alliance Regional Water Authority (ARWA) Board of Directors, and provide direction to staff.

Melissa Neel, Assistant Director of Finance, was approved unanimously to fill the vacancy on the Alliance Regional Water Alliance.

30. Discuss and consider an appointment to serve as the delegate for the Texas Municipal League Business Meeting, and provide direction to Staff.

Mayor Hughson and Council Member Baker both indicated interest in serving as a delegate for the Texas Municipal League Business meeting. After a roll call vote, Mayor Hughson received a majority of the votes and was selected at the City's delegate.

Hughson: Council Member Derrick, Council Member Gonzales, Mayor Pro Tem Mihalkanin, and Mayor Hughson.

Baker: Deputy Mayor Pro Tem Rockeymoore, Council Member Baker

31. Receive a Staff presentation and hold discussion on the formation of a Community Development Block Grant - Mitigation (CDBG-MIT) Advisory Committee; and provide direction to Staff.

Michael Ostrowski, Assistant Director of Planning and Development Services, provided a brief presentation. The City's Community Development Block Grant Mitigation Grant (CDBG-MIT) was adopted by Council in March and approved by the Housing of Urban Development (HUD) in June. The grant was allocated in approximately \$24M. The next step in the process is the creation of a Citizen Advisory Committee which is federally required. This

committee must meet twice per year at a minimum, the composition is open to citizens, not elected officials and it must be a newly created committee just for this purpose.

The Advisory Committee per HUD:

- 1) Provide increased transparency in the implementation of CDBG–MIT funds, and**
- 2) Solicit and respond to public comment and input regarding the grantee’s mitigation activities, and**
- 3) Serve as an on-going public forum to continuously inform the grantee’s CDBG–MIT projects and programs.**

The charge of this committee:

- 1) Transparency: advise on best means of keeping the public informed**
- 2) Input: consider actual and perceived project impacts on neighborhoods**
- 3) Forum: recommendations for smooth implementation**

Potential composition includes a committee of five members of the Planning and Zoning Commission because they are knowledgeable of infrastructure project selection processes, they are all citizens, not elected officials and they are familiar with neighborhood impacts and with receiving public input on projects.

Mayor Hughson inquired about the length of time this committee would be in existence. The committee will remain in place until all grant money is expended. She also inquired about membership on this board, which is not permanent, and on other boards and commissions. City Attorney Cosentino and Interim City Clerk Tammy Cook noted that we allow members on a temporary board, even if someone is already on a permanent board or commission.

Council Member Derrick would like to open this up to any members of the Planning and Zoning Commission (PZC) that would be interested in serving.

Council Member Baker would like to open this up to more than just members of the PZC and having at large members.

After Council discussion, consensus is to open up the membership to any member that is willing to serve from the PZC and two members from the Parks and Recreation Board.

- 32. Discuss and consider the creation, appointment and implementation of an Ad Hoc**

Council-appointed committee charged with reviewing the Police Department's use of force policy; and provide direction to City Manager.

Bob Klett, Interim Chief of Police stated that on July 7 during a special meeting there was discussion on Use of Force and associated policies and best practices. There was a national Town Hall meeting held by former President Obama had suggested Mayors review use of force policies with their community. Chief Klett stated that council's direction was to have an ad hoc committee.

Chief Klett stated clarification is needed on the pathway for the report to be brought before council. He is also asking the desired involvement of the Chief Advisory Panel and the Criminal Justice Reform Council Committee. Should there be a deadline

on this committee or allow it to continue until the report is complete? After council discussion, consensus is to create an ad hoc committee to take the following steps for reporting to council. The Ad Hoc Committee will meet and create a report, report will go to council and Chief Advisory Panel at the same time. The Chief Advisory Panel will meet once or twice to review and make recommendations or changes to the report. Then the Chief Advisory Panel's report will go to the Chief and a report will be made to council and when council receives the report, council will decide if it needs to be sent to Criminal Justice Reform Committee for any additional review.

Discussion was also held regarding residency requirements of applicants that wish to serve on the Ad Hoc Committee. Consensus was not reached by regarding residency requirements and if one member would be allowed to live in the Extra Territorial Jurisdiction (ETJ). Council will discuss this further at the next council meeting. to make a decision to have the ad hoc committee open to city residents only or include one extra-territorial jurisdiction (ETJ) resident.

Discussion was held regarding the time frame this committee needs to complete the report. Council consensus is to allow the committee 6 months to complete the report, but if more time is needed they will notify council in order to extend this time.

- 33. Hold discussion regarding Section 2.042 of the City Code relating to the Order of Business for Regular City Council meetings; and provide direction to Staff.**

Mayor Hughson asked to add this item to the agenda to discuss the order of business, specifically Public Hearings. There was, at one time, a specific time for Public Hearings but this has created some concerns in the past.

Mr. Lumbreras spoke briefly on the benefit of utilizing technology and videoconferencing software, such as zoom, even when meetings are held in person. This would allow staff and outside presenters to conference into a meeting virtually allowing them to participate without being physically present and for outside consultants, not having to pay for travel.

Discussion was held regarding the ability to allow citizens to participate virtually without being physically present. This is allowable by law, with restrictions, but staff will have to look into what technology would be need to be put in place to accommodate.

After discussion, consensus was to leave the order of business as is for council meetings.

- 34. Hold discussion regarding the United States Postal Service (USPS) re-location of retail services from the San Marcos Post Office.**

Mayor Pro Tem Mihalkanin and Deputy Mayor Pro Tem Rockeymoore requested a discussion item relating to the re-location of the San Marcos United States Postal Service (USPS).

Mr. Lumbreras stated the City received a letter in October 2018 that a decision had been made to relocate the postal service. Mr. Lumbreras stated that he called and expressed concerns but the USPS stated the decision had already been made. Mr. Lumbreras stated that USPS held a public meeting and they continued to move forward with the decision. Mr. Lumbreras mentioned that staff did send suggestions of different locations and in January 2019, the Mayor received a letter on a final decision of relocating the USPS.

Mayor Pro Tem Mihalkanin expressed concerns with the new location and how the driveway is badly designed with an angle to the street that has too much of a curve. Mayor Pro Tem Mihalkanin stated the people who are making the decisions on the location is creating poor access for the public. Mayor Pro Tem Mihalkanin, with support of Council, would like to submit a letter that communicates to congress that this relocation decision by the post office negatively affects the community.

Council consensus is to bring a Resolution forward at the October 7th City Council meeting indicating the displeasure of the relocation of the post office. If approved this Resolution would be sent to the entire congressional delegation.

35. Receive an update and hold discussion on the road closures connected to the West Hopkins Street project; and provide direction to Staff.

Mayor Pro Tem Mihalkanin and Mayor Hughson requested this item to be added to the agenda.

Mayor Pro Tem Mihalkanin expressed his concerns with the closure of a major street and how this causes disruption. Mayor Pro Tem Mihalkanin suggested opening streets to thru traffic on residential streets, incorporate speed limits that ensure safety and enforce them, and open multiple streets for flow of traffic. He also suggested placing stop signs with flashing lights on West San Antonio Street since they are not at every cross street. This would improve safety by attracting the driver's attention. Mayor Hughson suggested reflective strips on the stop signs, more driver feedback signs, and stated closing all the streets is not working. Heavy trucks must use the detours.

Council Member Baker stated numerous complaints are being made from businesses and individuals due to these closures. The city should enforce that heavy trucks are not to use detours through neighborhoods.

Mayor Hughson asked for the speed limits to be kept at a lower level.

Council Member Derrick noted the need to keep Harvey Street closed to through traffic.

Richard Reynosa, Senior Engineer provided a brief presentation on the Hopkins Street Improvements Project from Bishop to Moore Street. Mr. Reynosa stated the challenges of the traffic control plan is to find an alternative route to Hopkins Street traffic to assist with the 16,000 vehicles per day, as there are no nearby convenient detour routes.

Mr. Reynosa stated the goals are to look for safe routes that are efficient and have adequate capacity. Mr. Reynosa is looking for new options and will continue to adjust and he stated that success depends on driver willingness to follow detour routes safely.

Mayor Hughson asked if the police department are issuing tickets for those that are in the area who are not in their destination. Chief Klett stated that officers are patrolling but not stopping vehicles just for going through barricades. Their focus is on speeding and running stop signs. They are no longer writing tickets just for driving on those streets.

Council Member Baker suggested reducing the speed limit in the area to 20 mph to discourage people from driving through the area. Council Member Baker asked how does an officer determine if someone is going 20 mph versus 25 or 30 mph. Chief Klett stated it is easier to visualize people speeding so it will be easier for enforcement with the reduction of the speed limit.

Mayor Hughson asked if citizens have submitted petitions in order to reduce speed and if there was also a traffic study done. Sabas Avila, Assistant Director of Public Services indicated that state laws establish speed limits, the law states we have to conduct a traffic study and the city does have the ability to reduce speed to 25 mph, if the speed on that street is deemed unsafe or unreasonable. Mr. Avila stated that the traffic study has to determine higher speed is not safe or it is unreasonable to make it lower than 30 mph. Staff looks at the speed, characteristic of the road, is it residential area, does it have a narrow way or located near a school to justify the reduction of speed. Mr. Avila confirmed that the city can reduce to only 25 mph.

Mayor Pro Tem Mihalkanin asked if the city does not have to do a traffic study, if there is change due to road conditions. Mr. Avila stated staff can consider the traffic study to lower speed limit. Mayor Hughson asked if we can do a temporary speed limit. Mr. Avila stated we can do that quickly as it requires city engineer and chief of police to approve the temporary speed limit for 90 days. Mr. Avila stated that during the 90 days, staff uses the time to do a traffic study and come back to establish an ordinance for reduction of speed limit.

Joe Pantalione, Assistant City Manager, stated that they will be looking into a temporary speed reduction but will be working on a long term solution for the length of the project.

EXECUTIVE SESSION

- 36. Executive Session in accordance with §Sec.551.071 of the Texas Government Code: Consultation with attorney - to receive advice of legal counsel regarding pending litigation, to wit: The Mayan at San Marcos River, LLC and City of Martindale v. City of San Marcos, Docket No. 04-19-00018-CV in the 4th Court of Appeals of Texas.**

No Executive Session was needed this evening.

ACTION/DIRECTION FROM EXECUTIVE SESSION

- 37. Consider action, by motion, regarding the following Executive Session items held during the Work Session and/or Regular Meeting: §Sec.551.071 of the Texas Government Code: Consultation with attorney - to receive advice of legal counsel regarding pending**

litigation, to wit: The Mayan at San Marcos River, LLC and City of Martindale v. City of San Marcos, Docket No. 04-19-00018-CV in the 4th Court of Appeals of Texas.

Mayor Hughson stated that direction was provided to staff during the Executive Session held during the work session earlier this evening.

IV. Adjournment.

Mayor Hughson adjourned the regular meeting of the City Council at 11:22 p.m. on September 15, 2020.

Tammy K. Cook, Interim City Clerk

Jane Hughson, Mayor