



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes City Council

Wednesday, October 7, 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 6:01 p.m. Tuesday, October 7, 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

Mike Lavengco, President and CEO and Central Texas Refuse introduced himself and stated he has 36 years of experience. He stated his company is always looking for opportunities to provide waste and recycling services in the community and would like Council to reconsider the contract this meeting. Mr. Lavengco stated he would like to be partners in the future.

Brian Richardson spoke on the Use of Force Ad Hoc Committee and expressed his interest in serving. He stated his experience in diversity training and would like Council's consideration of his appointment to the committee.

Lisa Marie Coppoletta expressed concerns about the sidewalk on her street and citizens walking on the street. She also noted concerns about the style of the speed humps on her street. Mr. Coppoletta stated she is concerned that the question and answer section of the agenda is no longer available to the public.

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 October 5**

- **More than 765k total cases (71,319 active) cases in Texas with 16,025 fatalities**
 - *source: Texas Department of State Health Services**
- **5,951 total cases in Hays County (1,277 active and 4,619 recovered) with 55 fatalities**
 - *source: Texas Department of State Health Services**
- **345 cases have required hospitalization, 9 current**
- **3,010 total cases in San Marcos (328 active and 2,652 recovered) with 30 fatalities**
 - *source: Hays County Health Department**
- **656 total cases at Texas State University (TXST) (74 active as of Monday 10/5)**
 - **614 students, 42 faculty/staff**
 - *source: Texas State University Student Health Services**

Mr. Stapp stated since the last update on September 15th, in Texas there has been 3,800 more active cases and 1,800 fatalities. Mr. Stapp mentioned in Hays County 637 fewer active cases and 4 fatalities and in San Marcos 266 fewer active cases and 1 fatality.

There have been only one new case each of the last three days which is good news.

Testing Overview

- **33,158 tests administered county wide**
 - 27,207 negative (82%)**
 - 5,951 confirmed (18%)**
- **County free testing – Live Oak Clinic on Broadway and Live Oak Primary Care clinic in Wimberley by appointment only**
- **New free testing**
 - 601 CM Allen Parkway (Ramon Lucio Park)**
 - Provided by Curative through partnership between Texas Department Emergency Management (TDEM), Hays County, and San Marcos**
 - Open daily from 9 a.m to 5 p.m.**

Mr. Stapp mentioned that this is considered a presumptive test and if the test comes back positive or if the person is symptomatic and they test negative, the person will need to take another PCR or nasal test for confirmation.

Updates to Governor Abbott's Actions

- **September 17: Expands Capacity for Certain Services in Texas**
 - Increased capacity to 75% for restaurants, offices, manufacturers, museums, libraries, gyms except in areas with high hospitalizations (San Marcos is not one of the areas with hospitals with high hospitalizations)
 - Bars and commercial rafting or tubing services were to remain closed. Last Friday the rules changed and the Governor is allowing bars to re-open with certain conditions. This is being considered for Hays County.
- **September 25: \$171 million of CARES funding allocated to TX**

Eviction Diversion Program

- Allows TX Supreme Court, Office of Court Administration, and TX Dept of Housing and Community Affairs to work in partnership with certain local governments.
- \$167 million to targeted rental assistance; \$4.2 million to help the state's legal aid providers, pro bono lawyers provide basic legal services
- Specific details not yet available but they are doing a pilot program with towns and Hays County is not one of them and there are no further details at this time. There will be a pilot program in some counties but not Hays County.
- **October 1: Proclamation related to mail-in ballot delivery**
 - All mail-in ballots must be delivered to a single location administered by the county's early voting clerk (effectively shut down satellite locations for mail-in ballots)
 - Pending litigation

Mr. Stapp stated the program for suspended utility disconnection for nonpayment or late payments has expired and we will have a staff recommendation at the next council meeting to determine when to resume utility disconnections where appropriate in January 2021. Mr. Stapp mentioned that staff will do extension outreach in November and December and there are current payment plans available and we will promote the utility assistance program through Community Action.

Mayor Hughson asked about the testing type Mr. Stapp mentioned at Lucio Park, it is a cheek swab test and results come back within 48 hours and if positive they are asking people to follow up with nasal test.

Council Member Baker asked if we are doing the right thing listening to what the state and federal are recommending regarding re-opening given the recent outbreak. Should we question their advice? Mr. Stapp stated we are looking at the Governors orders and in combination with the county numbers which are going down. Council Member Baker expressed concerns about the numbers

going down but are not testing over and over. Not everyone has been tested. He stated that the percents are remaining the same.

Mr. Stapp stated anybody can get tested at any time and at any day with or without symptoms. Council Member Baker asked if we are monitoring and testing city employees regularly. He feels we need to have constant testing in order to open in a safe way. Mr. Stapp stated if an employee is asymptomatic they are not being tested and but have tested those that are symptomatic with 39 positives since March and 400 tested negative. Mr. Stapp stated there are two city employees with test pending and both employees are quarantined. Mr. Stapp stated that we do not have the capacity to test all city employees.

Council Member Derrick expressed concerns that the City should be an example to others and thinks we may be reopening too soon. She is concerned that we should be testing more employees and more contact tracing should be done.

Deputy Mayor Pro Tem Rockeymoore asked if there are any efforts at the County level or hospitals to improve the testing methods and our outreach. Mr. Stapp mentioned that an example is the free testing site at Lucio Park and a lot of communities are not doing this. Deputy Mayor Pro Tem Rockeymoore asked if further testing on antibodies will help with the numbers or contribute to contact tracing. Mr. Stapp stated when testing antibodies, we wouldn't have an idea on when they had it; it is valuable to know how much immunity is in the population and now needs to concentrate on the diagnostic testing. Deputy Mayor Pro Tem Rockeymoore stated the numbers are going down and if in the fall or winter will there be a danger for a second wave? Mr. Stapp stated it is outside of his expertise but is concern with the flu and COVID together and is encouraging the public to get the flu shot. Mr. Stapp stated that Human Resources is organizing a flu drive thru opportunity for city employees. Deputy Mayor Pro Tem Rockeymoore asked if there are any indications from health officials that there could be a spike in numbers during the fall or winter and is there weekly meetings in regards to COVID with mayors and directors?

Mr. Stapp stated there is always a concern for a spike especially after Halloween there could be a possibility of a spike and meetings are occurring every Monday at a local level and every two weeks Hays County has an elected official's call. Deputy Mayor Pro Tem Rockeymoore stated that Mayor and

council were invited to the meetings but that stopped. Mayor Hughson stated that it was due to Texas Open Meeting Act since all council members were invited and would probably violate the Act. Deputy Mayor Pro Tem Rockey Moore stated during the meeting some council will not participate verbally and still finds a concern for openness and transparency. Mr. Stapp stated that was made by the County level and city staff take good notes. Mayor Hughson stated it is coordinated by the County Judge and makes those decisions.

Council Member Derrick stated we are getting TXST numbers but would like to know if it is from San Marcos or Round Rock campuses, how are we getting true number? Mr. Stapp stated if a student or staff get tested positive they will be reported to County of residences at the time of diagnoses. Council Member Derrick asked if TXST can divide the numbers between Round Rock and San Marcos. Mr. Stapp stated that Williamson County and Hays County are separated on the dashboard and will break down the numbers with the Hays County campus.

Mayor Hughson asked if TXST can show a breakout of San Marcos residents and the rest of the County. Mr. Stapp mentioned if they are diagnosed in San Marcos it is considered with TXST but if student or staff drive into school then they will be counted in the county they live in.

Council Member Gonzales would like to see the numbers of deaths for each month. Mr. Stapp will provide a report to Council.

CONSENT AGENDA

A motion was made by Council Member Baker, seconded by Council Member Derrick, to approve the consent agenda, with the exception of items #2, 3, 11, 15, 17, 18 and 19, 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. September 15, 2020 - Work Session Meeting Minutes
 - B. September 15, 2020 - Regular Meeting Minutes
 - C. September 23, 2020 - Special Meeting Minutes

A motion was made by Mayor Hughson, seconded by Mayor Pro Tem Mihalkanin, to postpone item 2 (A, B, and C) until the next 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 Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

3. Consider approval of Ordinance 2020-76, on the second 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 Deputy Mayor Pro Tem Rockeymoore, to approve Ordinance 2020-76. The motion carried by the following vote:

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

Against: 0

4. Consider approval of Resolution 2020-202R, approving a renewal of the agreement with the Texas Department of Transportation for advertisement in the Texas Highway Magazine to promote tourism in the estimated annual amount of \$9,735.10 to include the authorization of three one-year additional renewals in the total contract amount of \$58,680.35; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.
5. Consider approval of Resolution 2020-203R, approving the renewal of an agreement with CrowdRiff, Inc. relating to internet advertising software used by the San Marcos Convention and Visitor Bureau to promote tourism in the estimated annual amount of \$18,900.00 to include the authorization of three additional one-year renewals for a total contract amount of \$84,900.00; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.
6. Consider approval of Resolution 2020-204R, approving the renewal of an agreement with Madden Reprint Media, LLC relating to internet search engine marketing used by the San Marcos Convention and Visitor Bureau to promote tourism in the estimated annual amount of \$35,999.77 to include the authorization of three additional one-year renewals for a total contract amount of \$146,984.53; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.
7. Consider approval of Resolution 2020-205R, approving the award of a construction

contract to Montoya Anderson Construction, Inc. for the Hopkins Street Multi-Use Bike and Pedestrian Project in the estimated amount of \$1,483,214.00; authorizing the City Manager or his designee to execute the construction contract on behalf of the City; and declaring an effective date.

8. Consider approval of Resolution 2020-206R, approving a professional services agreement with Floodace, LLC for the asset management system development project in the estimated amount of \$149,885.00; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.
9. Consider approval of Resolution 2020-207R, approving a Change in Service to the engineering services agreement with American StructurePoint, Inc. relating to the Sessom Drainage Improvements Project to add engineering design services for revising traffic control, signage, and pavement markings along Academy Street and Sessom Drive from Holland Street to LBJ Drive in the estimated amount of \$96,204.00 for a total contract price of \$523,704.62; authorizing the City Manager or his designee to execute the appropriate documents to implement the Change in Service; and declaring an effective date.
10. Consider approval of Resolution 2020-208R, approving a Consent of Encroachment Agreement with Ella Lofts Funding Company, LLC that allows certain improvements to encroach within a City drainage easement in the vicinity of Chestnut Street and Live Oak Street, subject to the owner of such improvements granting a drainage easement to the City for improvements along Sessom Creek as part of the Edwards Aquifer Habitat Conservation Plan; authorizing the City Manager or his designee to execute the said agreement on behalf of the City; and declaring an effective date.
11. Consider approval of Resolution 2020-209R, approving amendments to the original Interlocal Cooperation Agreement that established the Austin Regional Intelligence Center and the Interlocal Cooperation agreement for sustainment funding for the Austin Regional Intelligence Center, that enabled the Police Department and other regional law enforcement agencies to share information, which amendments add five new partner agencies to the agreements; authorizing the City Manager or his designee to execute these amendments on behalf of the City; and declaring an effective date.

A motion was made by Mayor Pro Tem Mihalkanin, seconded by Council Member Baker, to approve Resolution 2020-209R.

After Council held a discussion about security of the information contained therein, the consensus was to have the Chief of Police review the content of the agreement and bring back information or any recommendations.

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

12. Consider approval of Resolution 2020-210R, approving an Airport Facility Lease Agreement for Commercial Use for Airport property located at 1747 Airport Drive with Surveying and Mapping, LLC for an initial five-year term in the total amount of \$203,680.00 in revenue to the City in response to Request for Proposals No. 220-141; authorizing the City Manager or his designee to execute the lease on behalf of the City; and declaring an effective date.
13. Consider approval of Resolution 2020-211R, approving a Lease of Airport Property for Agricultural Use with Curby D. Ohnheiser at the San Marcos Regional Airport for an initial three-year term with authorization for an additional three-year term in the total annual amount of \$64,474.32 of revenue to the City in response to Request for Proposals No. 220-140; authorizing the City Manager or his designee to execute the Lease Agreement on behalf of the City; and declaring an effective date.
14. Consider approval of Resolution 2020-212R, approving an agreement with Envirosight, LLC. through the Texas BuyBoard Purchasing Cooperative for sewer inspection and cleaning products in the estimated amount of \$72,222.00; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.
15. Consider approval of Resolution 2020-213R, approving an agreement with Milsoft Utility Solutions, Inc. for an Outage Management System for use by the Public Services Department to include, among other services, software and technical support for an initial five-year term in the estimated annual amount of \$235,000.00 and authorizing five optional one-year terms for a total contract term of ten years; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.

A motion was made by Council Member Baker, seconded by Council Member Derrick, to approve Resolution 2020-213R. 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

16. Consider approval of Resolution 2020-214R, opposing the relocation of retail services provided by the San Marcos Main Post Office from 210 South Stagecoach Trail to 900 Bugg Lane, San Marcos, Texas; and providing an effective date.
17. Consider approval of Resolution 2020-215R, revising the composition of the Finance and Audit Committee to limit the staff members of the committee to the City Manager, Assistant City Managers, and the Finance Director, and providing that the Council Members on the committee will be the Mayor, Mayor Pro-Tem, Deputy Mayor Pro-Tem or another City Council Member appointed by the City Council if there is no Deputy Mayor

Pro-Tem; clarifying that the role of the committee includes audit processes; and declaring an effective date.

MAIN MOTION: a motion was made by Deputy Mayor Pro Tem Rockeymoore, seconded by Mayor Pro Tem Mihalkanin, to approve Resolution 2020-215R.

MOTION TO AMEND: a motion was made by Mayor Hughson, seconded by Deputy Mayor Pro Tem Rockeymoore to amend Resolution 2020-215R by including the Director of Public Safety and adding the City Attorney as an ex-officio member to the composition of the committee and to add language to PART 1 and PART 2 of the recitals:

PART 1: "or another member of the Council, appointed by the Council, if there is no Deputy Mayor Pro-Tem" and strikethrough the Chief of Staff. Part 1 will now read as follows:

PART 1. The previously established Finance and Audit Committee's composition is revised as follows: The Mayor, Mayor Pro-Tem, Deputy Mayor Pro-Tem, or another member of the Council, appointed by the Council, if there is no Deputy Mayor Pro-Tem, the City Manager, all Assistant City Managers, the Director of Public Safety, and the Finance Director shall be voting members of the Finance and Audit Committee. The City Attorney shall be an ex-officio member of the Committee.

PART 2: "all audit processes that involve the City's financial operations." Part 2 will now read as follows:

PART 2. The Finance and Audit Committee shall provide oversight in matters pertaining to the finances of the City of San Marcos, Texas including but not limited to all audit processes that involve the City's financial operations, budget development process, design and implementation of utility rates, and review of financial policies.

The motion to amend carried by the following vote:

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

Against: 0

MAIN MOTION: to approve Resolution 2020-215R, 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 2020-217R, approving the terms of a Settlement Agreement to resolve all claims in the pending litigation styled-The Mayan at San Marcos River, LLC and the City of Martindale Texas v. City of San Marcos: Case No. 18-0985-CV-A in the 25TH Judicial District Court of Guadalupe County, Texas and on appeal to the Fourth Court of Appeals of Texas Under Case No. 04-19-00018-CV; authorizing the City Manager to sign the Settlement Agreement; and declaring an effective date.

Mayor Hughson made the following motion, seconded by Mayor Pro Tem Mihalkanin: "I move that the Council go into Executive Session under the authority of Section 551.071 of the Texas Government Code to receive legal advice from the City Attorney regarding pending litigation, to wit: The Mayan at San Marcos River, LLC and the City of Martindale V. City of San Marcos, Cause No. 04-19-00018-CV in the fourth court of appeals of Texas; on Appeal from Cause No.18-0985-CV-A in the 25th Judicial District Court of Guadalupe County, Texas." The motion to enter into Executive Session at 7:25 p.m. 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

Council reconvened into open session at 8:13 p.m. A motion was made by Mayor Pro Tem Mihalkanin, seconded by Council Member Baker, to table Resolution 2020-217R until after item #21 is considered. The motion carried by the following vote:

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

Against: 0

21. Receive a Staff presentation and hold a public hearing to receive comments for or against Resolution 2020-218R, making findings as to the advisability of the improvements proposed in the petition to create the Staples Road Public Improvement District (the "District"); establishing the district; creating the Staples Road Public Improvement District Board of Directors (the "Board"); appointing members to the board; and providing for an effective date.

Michael Cosentino provided a brief presentation regarding the proposed Public Improvement District (PID) to encompass 1,800 acres of land including property within City limits that was annexed in 2008 known as the Mayan tract. The remaining 500 acres is known as the Riverbend Ranch and Riley's

Point (Freeman Ranch).

Mayor Hughson opened the Public Hearing at 8:19 p.m.

Those who spoke:

Lisa Marie Coppoletta expressed concerns about the timing of public hearing being later than 7:00 p.m and how this causes transparency issues. Ms. Coppoletta said it is important to have dialogue between the developer or applicant and involved citizens. Concerned about flash flooding in the area.

David Earl spoke on behalf of the applicant. He noted that all parties to the lawsuit involving the Mayan, including the Cities of San Marcos and Martindale are working to resolve all issues for a settlement agreement by an upcoming deadline. He stated he would like Council to not approve the resolution because The Mayan has filed a new petition to create a PID on a reduced area that will fund the Regional Sewer Improvements to serve the Mayan Tract. This is needed because the other entities that were in the PID have dropped out. Mr. Earl stated that Council should set a date and time before October 30th to hold the public hearing to create the reduced PID and approve the Settlement Agreement to allow the end of the pending lawsuit and to have a Regional Sewer Solution in the future. Mr. Earl also noted that they are very mindful of developing near floodplains. Mr. Earl is able to answer questions.

There being no further comments, the Mayor closed the Public Hearing at 8:29 p.m.

Michael Cosentino, City Attorney, stated this item needs to be postponed indefinitely

A motion was made by Mayor Hughson, seconded by Mayor Pro Tem Mihalkanin, to postpone Resolution 2020-218R indefinitely. 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 2020-217R, approving the terms of a Settlement Agreement to resolve all claims in the pending litigation styled-The Mayan at San Marcos River, LLC and the City of Martindale Texas v. City of San Marcos: Case No.**

18-0985-CV-A in the 25TH Judicial District Court of Guadalupe County, Texas and on appeal to the Fourth Court of Appeals of Texas Under Case No. 04-19-00018-CV; authorizing the City Manager to sign the Settlement Agreement; and declaring an effective date.

A motion was made by Mayor Hughson, seconded by Council Member Derrick, to remove Resolution 2020-217R from table. 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

A motion was made by Mayor Hughson, seconded by Deputy Mayor Pro Tem Rockeymoore, to postpone Resolution 2020-217R, to a Special Meeting scheduled for October 28, 2020.

(After this meeting, the meeting was rescheduled to October 29, 2020)

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 2020-216R, 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.

MAIN MOTION: a motion was made by Mayor Hughson, seconded by Council Member Derrick, to approve Resolution 2020-216R.

MOTION TO AMEND: a motion was made by Mayor Pro Tem Mihalkanin, seconded by Deputy Mayor Pro Tem Rockeymoore, to amend the resolution by adding PART 4. City Council directs the City Staff to begin preparing a new RFP within up to 150 days for collection and disposal of solid waste and recyclable materials. And to make public its progress on this issue every three months to the Council until such a RFP is presented to the council for action.

The motion to amend carried by the following vote:

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

Against: 0

MAIN MOTION: to approve Resolution 2020-216R, 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

PUBLIC HEARINGS

20. Receive a Staff presentation and hold a public hearing to receive comments for or against Resolution 2020-219R, approving a Development Agreement with Rattler Road Storage, LLC to provide for the annexation and to regulate the future development of approximately 3.62 acres of land in the City's Extraterritorial Jurisdiction generally located on the north side of Rattler Road, between Old Bastrop Hwy and Hwy 123; authorizing the City Manager, or his designee, to execute said agreement on behalf of the City; and providing an effective date; and consider approval of Resolution 2020-219R.

Shannon Mattingly, Director of Planning and Development Services, provided a presentation regarding the Development Agreement for approximately 3.5 acres located on Rattler Road between Old Bastrop Hwy and Hwy 123 with Rattler Road Storage, LLC and the developer is not asking to be annexed or rezoned, but they are requesting to connect to wastewater facility and develop a self storage facility with 4,100 square feet of leasable office space.

Mayor Hughson opened the Public Hearing at 8:52 p.m.

Lisa Marie Coppoletta expressed concerns about the agenda items being moved and the time delay on opening public hearings. Ms. Coppoletta stated that she misspoke earlier on the flash flooding but it was on this specific item. Ms. Coppoletta noted neighbors are concerned about being impacted with the level of development and gentrification.

There being no further speakers, the Mayor closed the Public Hearing at 8:55 p.m.

A motion was made by Mayor Pro Tem Mihalkanin, seconded by Council Member Baker, to approve Resolution 2020-219R.

Mayor Hughson asked when the property will be up for annexation. Ms.

Mattingly stated it has a built-in 15-year term that automatically renews for two 15-year periods and it would not be annexed until after 45 years.

Deputy Mayor Pro Tem Rockey Moore expressed concerns with the proximity to the high school and will not support this project.

Mayor Pro Tem Mihalkanin asked about zoning and zoning classification if the property is not in the City limits. Ms. Mattingly stated they would not do any other uses on the property, it is not part of the zoning and not able to restrict outside of the development agreement.

Mayor Hughson noted that this is not a precedent she wants to set.

Mayor Hughson stated that she will place a discussion item on a future agenda regarding "LI" and "HC" and what needs to be done to get the correct zoning.

A motion was made by Mayor Hughson, seconded by Council Member Derrick, to postpone Resolution 2020-219R, to the first scheduled meeting in December. 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

NON-CONSENT AGENDA

- 22.** 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 Baker, seconded by Mayor Pro Tem Mihalkanin, to approve Ordinance 2020-60, on the first of two readings. The motion carried by the following vote:

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

Against: 0

Absent: 1 - Council Member Derrick

- 23.** Consider approval of Ordinance 2020-78, on the first of two readings, repealing Divisions 23 and 24 of Article 3, Chapter 2 of the San Marcos City Code that established the San

Marcos Youth Commission and the San Marcos Commission on Children and Youth, respectively, in connection with the transitioning of the provision of Youth Services through the Core 4 Partnership with Hays County, Texas State University and the San Marcos Consolidated Independent School District; dissolving said commissions; including procedural provisions; and providing an effective date.

A motion was made by Council Member Derrick, seconded by Council Member Baker, to approve Ordinance 2020 78, on the first of two readings. Mayor Pro Tem Mihalkanin abstained from the vote because he is employed by Texas State. Mayor Hughson noted that the Core 4 Partnership will be an improvement of what we are doing now, but expressed reservation that this leaves nothing in our code that we have a youth program. She also noted that there is not an Agreement regarding services, only a Joint Funding agreement. She asked that once the new employee has been here for a while that we create a new agreement.

The motion carried by the following vote:

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

Against: 0

Abstain: 1 - Mayor Pro Tem Mihalkanin

24. Consider approval of Ordinance 2020-79, on the first of two readings, reducing the speed limit from 30 miles per hour to 25 miles per hour along the 500-1200 blocks of Burleson Street between Moore Street and Prospect street; authorizing the installation of signs and traffic control devices reflecting the new speed limit; directing that the traffic register maintained under section 82.067 of the San Marcos City Code be amended to reflect the new speed limit; and including procedural provisions.

A motion was made by Mayor Pro Tem Mihalkanin, seconded by Council Member Derrick, to approve Ordinance 2020-79, on the first of two readings.

The motion carried by the following vote:

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

Against: 0

25. Discuss and take action on the creation, appointment, and implementation of a Comprehensive Plan Rewrite Steering Committee charged with assisting in the City's Comprehensive Plan rewrite; and provide direction to Staff.

A motion was made by Mayor Hughson, seconded by Deputy Mayor Pro Tem Rockey Moore, to postpone appointments to the next scheduled meeting. Council consensus was to accept the staff recommendation to have two City

Council members chosen by the council, two Planning and Zoning Commission members chosen by the Commission. In addition, Hays County, the San Marcos CISD, and Texas State University will chose their representative to this committee. Council decided to add a representative of the Chamber of Commerce and limit appointments to City residents only.

The motion carried by the following vote:

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

Against: 0

- 26.** Consider applications from interested citizens for service on an ad hoc committee to study the use of force policies of the San Marcos Police Department and make recommendations to the Chief of Police and City Council, hold discussion and make nominations to the committee, and provide direction to staff.

A motion was made by Mayor Hughson, seconded by Mayor Pro Tem Mihalkanin, to postpone appointments to the October 20th City Council Meeting. Direction was provided to accept only city residents and to allow the three applications that came in after the deadline to be included for consideration.

The motion to postpone carried by the following vote:

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

Against: 0

- 27.** Consider the appointment of three city representatives to the Core Four Task Force, an advisory group to the Core Four Policy Group, and provide direction to Staff.

Mayor Pro Tem Mihalkanin abstained from the discussion and vote due to his employment with Texas State University.

City Council nominated city staff Jessica Ramos and Catherine Marler to be city representatives on the Core 4 Task Force.

Council Consensus is to fill the remaining vacancy with a representative from an organization dealing with teenagers. Appointment will be made at the first meeting in November.

The motion to appoint Jessica Ramos and Catherine Marler carried by the

following vote:

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

Against: 0

Abstain: 1 - Mayor Pro Tem Mihalkanin

28. Consider the appointment of three City representatives to the Core Four Policy Group, and provide direction to Staff.

Mayor Pro Tem Mihalkanin abstained from the discussion and vote due to his employment with Texas State University.

**The following nominations were made to serve on the Core Four Policy Group
Council Member Derrick nominated Deputy Mayor Pro Tem Rockeymoore.
Mayor Hughson nominated Council Member Derrick
Bert Lumbreras nominated Stephanie Reyes, Assistant City Manager.**

The motion to appoint Council Member Derrick, Deputy Mayor Pro Tem Rockeymoore, and Assistant City Manager Stephanie Reyes carried by the following vote:

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

Against: 0

Abstain: 1 - Mayor Pro Tem Mihalkanin

EXECUTIVE SESSION

29. Executive Session in accordance with the following Government Codes:
(A) Section § 551.087 - Economic Development: to receive a staff briefing and deliberate regarding economic incentives for Project Spec and Project Lord of the Rings.

Council met during the Work Session portion of their meeting earlier this afternoon and concluded Executive Session. No additional Executive Session is needed this evening.

ACTION/DIRECTION FROM EXECUTIVE SESSION

30. Consider action, by motion, regarding the following Executive Session items held during the Work Session and/or Regular Meeting and in accordance with the following Government Codes:
(A) Section § 551.087 - Economic Development: to receive a staff briefing and deliberate regarding economic incentives for Project Spec and Project Lord of the Rings.

Mayor Hughson stated direction was provided to staff in Executive Session earlier this afternoon.

IV. Adjournment.

A motion was made by Mayor Pro Tem Mihalkanin, seconded by Council Member Gonzales, to adjourn the regular meeting of the City Council on Tuesday, October 7, 2020 at 10:42 p.m. The motion carried by the following vote:

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

Against: 0

Tammy K. Cook, Interim City Clerk

Jane Hughson, Mayor