



City of San Marcos

Meeting Minutes City Council

Thursday, October 29, 2020

4:00 PM

Virtual Meeting

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

I. Call To Order

With a quorum present, the special meeting of the San Marcos City Council was called to order by Mayor Hughson at 4:02 p.m. Thursday, October 29, 2020. This meeting was held online.

II. Roll Call

Council Member Baker arrived after roll call at 4:28 p.m.

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

Absent: 1 - Council Member Joca Marquez

1. Consider approval of Resolution 2020-232R, 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 Council Member Derrick, seconded by Mayor Pro Tem Mihalkanin to approve Resolution 2020-232R.

Michael Cosentino, City Attorney, provided a brief update on the settlement agreement and there were two contingencies including the rezoning which occurred on September 15th and the approval of a resolution making findings and creating the River Bridge Ranch Public Improvement District (PID). The settlement agreement has been executed by all other parties.

The motion to approve carried by the following vote:

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

Against: 0

Absent: 2 - Council Member Marquez and Council Member Baker

PUBLIC HEARING

2. Receive a Staff presentation and hold a public hearing to receive comments for or against Resolution 2020-233R, in accordance with Chapter 372 of the Texas Local Government Code: making findings as to the advisability of the improvements proposed in the petition to create the River Bridge Ranch Public Improvement District (the "District"); establishing the district; and authorizing management of the district; and consider approval of Resolution 2020-233R.

Michael Cosentino provided a brief update of the PID and provided some revisions to the Resolution that will require an amendment. Mr. Cosentino also explained this meeting was originally scheduled for October 28th, but due to an error of publication in the paper, the meeting had to be rescheduled to October 29th. The notice required notification be made in the paper 16 days before the hearing. The correct notification was published in the San Marcos Daily Record on October 13th.

Mayor Hughson opened the Public Hearing at 4:15 p.m., there being no comments, the Mayor closed the Public Hearing at 4:16 p.m.

MAIN MOTION: a motion was made by Mayor Hughson, seconded by Deputy Mayor Pro Tem Rockeymoore to approve Resolution 2020-233R.

MOTION TO AMEND: a motion was made by Mayor Hughson, seconded by Council Member Baker to amend Resolution 2020-233R by eliminating the following language in Section 3, Subsection (e): "prepared by the PID Board (as defined below)". The sentence will now read: A report will be prepared showing the special benefits accruing to property within the District and how the costs of the Regional Sewer Improvements, Buffer Improvements, and other Authorized Improvements are assessed to property on the basis of special benefit received by the property from the said improvements.

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

MOTION TO AMEND: a motion to amend was made by Mayor Hughson, seconded by Council Member Derrick to amend Resolution 2020-233R by adding the following language to Section 5: "The City will not issue bonds for the funding of the Authorized improvements until the "Agreed Judgment" is executed and entered by the Guadalupe County District Court in Cause No. 18-0985-CV-A as required by the Settlement Agreement executed between the City, The Mayan at San Marcos River, LLC, and the City of Martindale, Texas".

The motion to amend 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

MAIN MOTION: to approve Resolution 2020-233R, as amended.

The motion to approve 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

III. Adjournment.

A motion was made by Council Member Baker, seconded by Council Member Derrick, to adjourn the special meeting of the City Council on Thursday, October 29, 2020 at 4:37p.m. The motion carried by the following vote:

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

Against: 0

Absent: 1 - Council Member Marquez

Tammy K. Cook, Interim City Clerk

Jane Hughson, Mayor