



City of San Marcos

Meeting Minutes City Council

Wednesday, November 4, 2020

6:00 PM

Virtual Meeting

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

I. Call To Order

With a quorum present, the regular meeting of the San Marcos City Council was called to order by Mayor Hughson at 6:01 p.m. Wednesday, November 4, 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

Douglas Beckett, spoke against the concrete channel at Blanco Gardens. Mr. Beckett expressed concerns regarding pets and the noise that could affect them and trees on his property that will be destroyed due to the project.

Inida Mack, spoke in favor of Longhorn Daiquiri and would like council to reverse the decision made by Planning and Zoning.

Marylisa Garcia stated she lives across the street from Longhorn Daiquiri, and supports the establishment.

Dolores Moncada, spoke in favor of Longhorn Daiquiri. Ms. Moncada stated the business is a family-friendly establishment and would like the business to remain open.

Roger Moncada, spoke in favor of Longhorn Daiquiri and stated the business is a place for families to have a good time and does not want the business to close down. Mr. Moncada would like council to consider the appeal.

Lisa Marie Coppoletta, spoke in favor of item #24. Ms. Coppoletta expressed concerns for flooding and tax dollars being spent.

PRESENTATIONS

1. Receive status reports and updates on response to COVID-19 pandemic; hold council discussion, and provide direction to Staff.

Known Cases – as of November 2

- **More than 909k total cases (105k active) cases in Texas with 18,097 fatalities**

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

- **6,176 total cases in Hays County (304 active and 5,784 recovered) with 88 fatalities**

- **391 cases have required hospitalization, 10 current**

- **2,971 total cases in San Marcos (60 active and 2,873 recovered) with 38 fatalities**

***source: Hays County Health Department**

- **793 total cases at TX State (26 active)**

- **744 students, 49 faculty/staff**

***source: Texas State University Student Health Services**

Mr. Stapp stated as of October 20th, in Texas there has been 2300 more cases in the state

Hays County 423 fewer cases but 27 fatalities buried in old data.

San Marcos had 16 fewer cases and 6 fatalities buried in old data

TX State had 34 fewer cases

Mr. Stapp stated 16 fatalities occurred in July were San Marcos residents, 2 fatalities in October and 2 fatalities in November.

Testing Overview

42,346 tests administered county wide

– 36,170 negative (85.4%)

– 6,176 confirmed (14.6%)

– 745 probable

- **Testing by Curative (Ramon Lucio Park)**

– Open daily from 9:00 a.m. to 5:00 p.m.

– Anticipated service through December

– Over 1,800 free tests conducted thus far

Mr. Stapp mentioned moving the van is in discussion.

- **Future testing site – Medical Parkway**

– 2nd van provided by Curative

– Possible brick and mortar site for future testing and vaccinations

Updates to Governor Abbott's Actions**• October 22: Office of the Governor, DSHS Provide Nearly 3 Million Flu Vaccines For Texas Children, Adults**

– Available at 3,000 Texas Vaccines for Children providers for children who are uninsured, underinsured, or qualify for Medicaid or the Children's Health Insurance Program

– Adult Influenza Vaccine Initiative aimed at:

- health care employees, first responders, and other critical front-line workers;
- staff and patients in long-term care facilities;
- people with underlying health conditions;
- people in racial and ethnic groups disproportionately affected by COVID-19; and
- uninsured and underinsured adults

– More information on the flu and vaccination locations can be found at [TexasFlu.org](https://www.texasflu.org)

• October 22: Surges Additional COVID-19 Resources To El Paso

• October 25: Requests to Use William Beaumont Army Medical Center for Non-COVID Patients in El Paso; State of Texas To Establish Alternate Care Site In El Paso To Expand Hospital Capacity; Announces Additional HHS Resources to Mitigate COVID-19 in El Paso.

Mayor Hughson inquired of the testing that is being conducted. Mr. Stapp mentioned various providers are doing the oral swab test and is reporting data with results coming in within 24 hours.

CONSENT AGENDA

A motion was made by Council Member Baker, seconded by Mayor Pro Tem Mihalkanin, to approve the consent agenda. 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 Rokeymoore, Council Member Baker and Council Member Gonzales

Against: 0

2. Consider approval, by motion, of the following meeting Minutes:
 - A. October 7, 2020 - Work Session Meeting Minutes
 - B. October 7, 2020 - Regular Meeting Minutes
3. Consider approval of Resolution 2020-234R, awarding contracts related to the San Marcos Public Library Renovation Project Phase 2, Furniture, Fixtures and Equipment (FFE) to Library Interiors of Texas in the amount of \$331,750.88 and to McCoy Rockford in the amount of \$414,795.75; authorizing the City Manager or his designee to execute

the agreements on behalf of the City; and declaring effective date.

4. Consider approval of Resolution 2020-235R, approving a contract between the City and Hays County for the City's provision of Library Services to residents of Hays County; authorizing the City Manager or his designee to execute the contract on behalf of the City; and declaring an effective date.
5. Consider approval of Resolution 2020-236R, approving the renewal of the agreement with Cuda Conservation, LLC for invasive plant removal from the San Marcos River to include an increase in the annual amount to \$39,520.75 and authorizing one additional one-year term; authorizing the City Manager or his designee to execute appropriate documents related to the renewal on behalf of the City; and declaring an effective date.
6. Consider approval of Resolution 2020-237R, approving a change order to the construction contract with Smith Contracting Co. Inc, for the Mill Street Reconstruction Project to decrease the total contract price by \$200,001.96; authorizing the City Manager or his designee to execute the appropriate documents to implement the change order; and declaring an effective date.
7. Consider approval of Resolution 2020-238R, approving a Change in Service to the professional services agreement with BGE, Inc. relating to the Wallace Offsite Drainage Improvements Project to advance the project to the final engineering design and bidding phase in the estimated amount of \$515,447.00 for a total contract price of \$680,552.00; authorizing the City Manager or his designee to execute the appropriate documents to implement the Change in Service; and declaring an effective date.
8. Consider approval of Resolution 2020-239R, approving an Assessment and Collection Agreement between the City and Hays County regarding the collection of assessments for the Whisper Public Improvement District located in the vicinity of IH-35 and Yarrington Road; authorizing the City Manager to execute the agreement on behalf of the City; and providing an effective date.
9. Consider approval of Resolution 2020-240R, approving a Change in Service to the agreement with Corona Software, Inc. for renewal of the Corona Solutions Discover software license in the amount of \$11,500.00 for a total contract price of \$56,100.00 and authorizing four 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.
10. Consider approval of Resolution 2020-241R, approving a Change in Service to the agreement with Conversant, LLC in the amount of \$50,000 for the creation and monitoring of a digital advertising campaign to promote tourism in the City for a total contract price of \$200,000.00 and authorize three one-year renewals in an estimated annual amount of \$150,000; authorizing the City Manager or his designee to execute the appropriate documents to implement the change in service; and declaring an effective date.

11. Consider approval of Resolution 2020-242R, expressing support of the Convention and Visitor Bureau Board recommendation resolution of the City Council of San Marcos, Texas, designating World Migratory Bird Days to be observed on the second Saturday of May and the second Saturday of October; supporting an application by the city to the Texas Parks and Wildlife Department and Audubon Texas for certification in the "Bird City Texas" program; and declaring an effective date.
12. Consider approval of Resolution 2020-243R, supporting the efforts of Dr. Mario Garza, on behalf of the Indigenous Cultures Institute and Miakan-Garza Band of Coahuiltecan People to repatriate and rebury the remains of three indigenous persons from this region presently in the possession of the University of Texas; approving a letter from the City Council expressing such support; and declaring an effective date.

PUBLIC HEARINGS

13. Receive a Staff presentation and hold a Public Hearing to hear comments for or against Ordinance 2020-80, amending the official Zoning Map of the City in Case No. ZC-20-23 (Vantage San Marcos) by rezoning approximately 12.5 acres of land out of the J.F. Geister Surveys, No. 6 and No. 7, Hays County, located near the intersection of State Highway 123 and Monterey Oak Drive from "FD Future Development District to "CD-2.5" Character District - 2.5 or, subject to consent of the owner, another less intense zoning district classification, including procedural provisions; providing for an effective date; and consider approval of Ordinance 2020-80, on the first of two readings.

Shannon Mattingly, Director of Planning and Development Services, provided the presentation for the rezoning of 12.5 acres of land located near the intersection of State Highway 123 and Monterey Oak Drive. This is a similar request to one received a few months ago for CD-3 and was denied by the City Council. The applicants are now requesting CD-2.5, a new category recently added to the Land Development Code.

Mayor Hughson opened the Public Hearing at 6:30 p.m.

Those who spoke:

Barbara Selvage, expressed concerns of the traffic that will be created by linking two communities together through Brazoria Trail as the streets are not designed for two-way traffic. Many homeowners are not aware of the potential increase in traffic. Ms. Selvage also expressed concerns with the signage not being visible to homeowners because it is posted on the fence at the end of the street. Ms. Selvage would like to have more than one entrance/exit that does not extend through Brazoria Trail and Cottonwood Creek.

There being no further comments, Mayor Hughson closed the Public Hearing

at 6:34 p.m.

Council Member Baker supports this project but expressed concern for the traffic and asked what the developer has done to address these concerns. Ms. Mattingly stated for developments that have more than 32 lots, a secondary access is required. The developer still needs to do a traffic impact analysis (TIA) throughout the process and mitigate any impact received from that analysis.

Chris Weigand, developer of the project stated there will be an access on Hwy 123 and an alternate access for Cottonwood Creek. Mr. Weigand stated he is available to answer any questions.

Council Member Gonzales inquired about the signage indicating the zoning change requested and where they were located. Ms. Mattingly stated that it is required on Hwy 123 and the back of Brazoria Trail along the roadway.

Mayor Hughson would like staff to ensure signage is still up when the project is on the agenda.

Mayor Pro Tem Mihalkanin expressed concerns with signage that is posted at the dead end of the road and not very visible. Ms. Mattingly stated the code defines where signs are posted and requires the roadways adjacent from the property. Mayor Pro Tem Mihalkanin asked about the signage size. Ms. Mattingly stated the signs are bigger and the print is larger due to a discussion with Council last year. Mayor Pro Tem Mihalkanin would like signage on the path of the connecting street when there is a dead end.

Mayor Hughson asked if we can put more signs than what the code requires. Ms. Mattingly stated staff can put up more signs at the entrance of the connecting subdivision and will seek approval from the Homeowners Association (HOA). Mayor Hughson noted that notices went out to the 400 ft. buffer. Ms. Mattingly confirmed that the letters did go out.

A motion was made by Council Member Baker, seconded by Deputy Mayor Pro Tem Rockey Moore, to approve Ordinance 2020-80, on the first of two readings. The motion carried by the following vote:

For: 5 - Council Member Derrick, Mayor Hughson, Deputy Mayor Pro Tem Rockey Moore, Council Member Baker and Council Member Gonzales

Against: 2 - Mayor Pro Tem Mihalkanin and Council Member Marquez

14. Receive a Staff presentation, hold a public hearing regarding and consider the appeal in Case No. CUP-20-13 (Longhorn Daiquiris) of the decision of the Planning and Zoning Commission to deny the request by Andrea Villescaz, for a Conditional Use Permit to allow the sale of beer and wine for on premise consumption at 1617 Aquarena Springs Drive.

Shannon Mattingly provided the presentation regarding the appeal in Case No. CUP-20-13 (Longhorn Daiquiris) which was denied by the Planning and Zoning Commission. She noted a number of issues regarding other permits and activities including revocation of the food truck permit due to multiple violations.

Mayor Hughson opened the Public Hearing at 6:57 p.m.

Andrea Villescaz, owner of Longhorn Daiquiris, spoke in favor of the CUP. She acknowledged the issues and provided explanations. Ms. Villescaz stated that the food truck has been removed and the kitchen is 90% complete. Ms. Villescaz did state that no electrical work was done without a permit but did work on the sheetrock in a walk in cooler without a permit. She stated they never had a CUP and wants Texas Alcoholic Beverage Commission (TABC) to regulate, to ensure compliance with the conditions. Ms. Villescaz mentioned they are just going to sell beer and wine and there are no plans to have a full bar. Ms. Villescaz stated they will follow the conditions to allow the business to open in San Marcos and is available to answer questions.

Martin Hernandez, owner of Longhorn Daiquiris, spoke in favor of the CUP. Mr. Hernandez mentioned that it is a family business and they want to be in compliance. Mr. Hernandez stated he would like council to consider the 6 month trial with the conditions. Please give us an opportunity to prove ourselves. The kitchen is almost complete.

There being no further comments, Mayor Hughson closed the Public Hearing at 7:03 p.m.

A motion was made by Council Member Marquez, seconded by Deputy Mayor Pro Tem Rockeymoore, to approve the appeal.

Council Member Gonzales asked Ms. Villescaz if they sell alcohol at their other business. Ms. Villescaz stated they sell beer and it is with a license for the last 5 years. Ms. Villescaz stated that per TABC rules, 60% of sales must come from food in order to hold the beer and wine license. Council Member Gonzales asked about giving out free alcohol. Ms. Villescaz stated per TABC,

if free alcohol samples are going to be given it should be for everyone that is of age and they can't be intoxicated.

Mayor Hughson stated there are not single family homes, there are apartments surrounding the property so there are people living nearby. Ms. Villescaz stated there are apartments complexes around the business and there has been no noise complaint since July.

Deputy Mayor Pro Tem Rockeymoore spoke to the owner and believes they are sincere and believes they should get another chance. He advised them how to approach council. They will bring diversity to the city regarding menu items.

Council Member Derrick echoed Mr. Rockeymoore's comments. She noted that they are experienced business owners and should be able to get past the issues and be successful.

Council Member Marquez inquired about similar businesses that are minority owned. Mr. Lumbreras stated he is unaware of the data but staff will be providing the information on the property owners for the building. She noted the importance of a family owned business and wants to support minority owned businesses when possible.

Mayor Hughson wanted confirmation from the owners that they will follow TABC and all City regulations. Ms. Villescaz stated they agree with the conditions and will be in compliance with all City and State law including recommendation for Covid-19. Mayor Hughson wanted confirmation that they will not rent out the establishment within 6 months. Ms. Villescaz agreed the facility would not be rented out within the probationary trial.

Mayor Hughson noted the list of conditions suggested by staff and she suggested adding that the facility may not be rented and the standard cleanliness statement.

A motion was made by Mayor Hughson, seconded by Council Member Baker, to add the following conditions:

1. The permit shall be valid for six (6) months from the time of Certificate of Occupancy, provided standards are met.
2. The permit shall be effective upon both the issuance of the TABC permit as described in this report only and completion of a functioning kitchen that meets all TABC license requirements and Environmental Health requirements to allow for food preparation.

3. Cleanliness. The business shall be responsible for maintaining the sidewalk, gutters, parking lot, all areas within 100 feet of any exit, and all areas of the permitted property in a clean and sanitary condition, free from litter and refuse at all times.
4. The establishment shall meet all COVID orders and guidelines pertaining to bars and restaurants when in effect, including requirements for face coverings, social distancing, and seating capacity.
5. No alcoholic beverages may be consumed on premises after the posted hours of operation.
6. No outdoor live or amplified music shall be allowed.
7. The establishment may not be rented out to a third party for the term of this Conditional Use Permit.
8. The permit shall be posted in the same area and manner as the Certificate of Occupancy.

The motion carried by the following vote:

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

Against: 0

Absent: 1 - Deputy Mayor Pro Tem Rockeymoore

The motion to approve the appeal, as amended with the conditions listed above, 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

15. Consider approval of Resolution 2020-244R, approving a Change in Service to the professional services agreement with the Jacobs Engineering Group, Inc. related to the San Marcos Wastewater Treatment Plant Project Phase 2 to advance the project to the detailed design phase in a not-to-exceed amount of \$732,129.00 for a total contract price of \$1,081,759.55; 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 Council Member Derrick, to approve Resolution 2020-244R. 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 2020-245R, approving a Change in Service to the professional services agreement with the Jacobs Project Management Company relating to management of the City's 2017 Bond Projects for the Police and Public Services Facilities to increase the amount of the contract by \$235,700.00 for additional services and to extend the agreement for a total contract price of \$2,534,700.00; 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 Council Member Derrick, to approve Resolution 2020-245R.

Council Member Baker asked about the specs of the contract and what led us to have a large addendum and why this was not seen previously. Mr. Taggart stated the contract is for two different projects, the Police Department renovations and the Public Service Center which have significantly changed since Jacobs Management services were retained for the bond projects. Mr. Taggart stated in regards to the Police Department renovations once there was a detailed investigation into the condition of the building, it was determined it would need significant changes, more than the first estimate. Mr. Taggart stated the contracted services of Jacobs Management was not addressed in the change in schedule or change of work associated with the change of scope. Mr. Taggart stated the Public Service center also had a significant change in scope with additional construction efforts which requires more time and additional money to the increased scope of work.

Council Member Derrick asked about bids and how much the bond projects are going to cost since the first company underestimated the amount of [Note it was NOT Jacobs that messed up] work for the police station. Mr. Lumbreras stated that it wasn't properly scoped and staff had to come up with alternatives for sources of funding. Staff did identify additional capacity in the Capital Improvement Project for three years to cover the amount. This does extend the project completion date.

Mr. Lumbreras stated that the engineering firm which gave us the first report was put on a "no more bid" list and will not do any work with the city. Mr. Lumbreras also stated there have been changes in the bond projects and in the future, will begin future projects only when it has properly scoped.

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

17. Consider approval of Resolution 2020-246R, confirming the City Manager's appointment of Stan Standridge as Chief and Head of the San Marcos Police Department; and declaring an effective date.

A motion was made by Council Member Baker, seconded by Council Member Derrick, to approve Resolution 2020-246R. 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, by motion, and hold discussion regarding the proposed 2021 City Council Meeting Schedule, and provide direction to Staff.

Tammy Cook, Interim City Clerk provided a proposed Council meeting calendar for 2021.

MAIN MOTION: a motion was made by Council Member Gonzales, seconded by Mayor Hughson, to approve the 2021 City Council Meeting Schedule.

Mayor expressed concerns about approving the entire year considering the number of changes we needed to make to this year's calendar.

MOTION TO AMEND: a motion was made by Mayor Hughson, seconded by Council Member Gonzales, to approve only January - June 2021 Council meetings. Ms. Cook will bring back an item at the end of January or early February for council to consider July - December 2021. 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 the 2021 City Council Meeting Schedule, 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 applications from interested citizens for service on a Comprehensive Plan Rewrite Steering Committee charged with assisting in the City's Comprehensive Plan rewrite; receive and consider Mayor Pro Tem Mihalkanin's nominations for appointment to the committee, and provide direction to Staff.

Mayor Pro Tem Mihalkanin nominated Joe Cantu, David Case and Eleanor Owen-Oshan to serve on the Comprehensive Plan Rewrite Steering Committee. Following a roll call vote all members were unanimously appointed.

20. Consider the appointment of a third city representative 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 discussion due to his employment with Texas State University.

Council Member Derrick nominated Julie Hollar to serve on the Core Four Task Force.

The motion to appoint Julie Hollar 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

21. Receive an update and hold discussion on the Blanco Gardens Utilities Project, and provide direction to Staff.

Jacquelyn Thomas, Senior Engineer, provided the update on the drainage improvements for Blanco Gardens Project.

Ms. Thomas provided the timeline of the Community Development Block Grant – Disaster Recovery (CDBG-DR) drainage project.

- **August 2, 2016 – City Council Resolution 2016-104R approved the Community Development Block Grant – Disaster Recovery (CDBG-DR) Action Plan (\$5M for Blanco Gardens)**
- **November 8, 2017 – Preliminary Engineering Contract approved by Council**
- **June 4, 2019 – Final Design Services approved by Council**
- **June 30, 2019 – HUD Approval of Amendment #8 to Action Plan (\$8.1M)**
- **September 15, 2020 – 90% Design documents complete**

Ms. Thomas stated the components are shown as three different areas regarding the drainage improvement update:

Area 1: River Road Regrading

Ms. Thomas mentioned the proposed improvement will be evacuating water in the neighborhood more efficient.

Area 2: Storm Drains and Alley Ditches

Ms. Thomas stated the Alley Drainage Considerations are the following:

Relocation Coordination – Opportunity to replace dated infrastructure

- Gas
- Electric
- Franchise Utilities

Obstructions in Public Utility/Drainage Easement:

- Mitigation for impacted trees in coordination with City Arborist
- 8 shed obstructions (out of 175 lots) moved at City expense
- Temporary fencing by City during construction
- Fencing replacement by City at completion of construction

Area 3: Diversion Channel is complete

Ms. Thomas mentioned the diversion channel benefits the following:

- Protection before Riverine project
- Reduces a portion of overflow into the neighborhood during flooding of Blanco River
- Approximately 30 existing structures to benefit directly
- Provides reduction to the 100-yr floodplain
- Funded from Woods settlement
- Grass channel provides WQ treatment

Community Outreach included

CDBG-DR Action Plan – Public meetings/notices

- Community Meetings – December 4, 2019
- Digital Media – CIP/Flood Recovery websites, Blanco Gardens Facebook
- Newspaper Notices – Multiple postings/opportunities for public input via environmental assessment process
- Direct Contact – 9/2 letter (concerned residents), 9/29 letter (reassured residents), phone and email responses to both, phone bank direct calls, door-to-door

Ms. Thomas provided the Frequently Asked Questions on the project

Q: Do we have to pay for anything?

A: No, project funds will cover fence removal and replacement, relocation of sheds or hinderances within construction areas.

Q: Is the City acquiring any of my property near the alleyway?

A: No, the project will only utilize the existing drainage easement in the alleyway as it was originally intended, and the existing public utility easement as defined by the subdivisions.

Q: Why concrete? Why can we not regrade and provide vegetative channel?

A: We did explore and prefer this option. However, it is not feasible for the conditions. Being so shallow, erosion and weathering in minor events and soil settling will cause an unfair distribution of flooding in future larger, catastrophic events for individual residents. Concrete contains the 25 and 100 year events within the channel and allows for consistent and more regular maintenance along with a feasible constructability at such a shallow slope.

Q: What about my pets?

A: Temporary fencing will be put in place during construction activities until full replacement is accomplished.

Q: What can I do to help?

A: Clear out any personal items, debris, waste, etc. that you do not wish to be disturbed, relocate a safe distance from fence/property line.

Ms. Thomas provided the timeline on the next steps of the drainage project:

- **Oct/Nov 2020:**
 - **Alley/easement staking and**
 - **Electric construction begins**
- **Nov 2020:**
 - **Environmental Clearance**
 - **HUD Release of construction funds**
- **Jan – Mar 2021: Bidding and award of construction contract**
- **April 2021: Start Construction**
- **Sept 2022: Construction complete!**

Ms. Thomas stated that the disaster recovery funds extended the COVID deadline through December 2023 but the project is on track and should be completed in 2022.

Tyler Hjorth, Assistant Director of Electric Utility, provided the update regarding the Underground Electric Conversion (UEC) Project

Mr. Hjorth mentioned that Blanco Gardens has the lowest reliability in the electric utility area, which is 9 times more likely to have an outage than average customers. Mr. Hjorth stated the drainage improvements include

construction of concrete channels within alleyways which requires relocation of approximately 60 power poles. The conversion will reduce electric outages in storm events by completing it now will avoid demolition of the alleyway drainage infrastructure in the future.

Mr. Hjorth stated the project will install underground conduit for electric and telecommunication services for the neighborhood within the public easements in and adjacent to the alleys and within River Road between Animal Shelter Road and the City's electric substation.

Mr. Hjorth stated the reason for the selection of underground option is the electric infrastructure aging requires wholesale upgrade
In Kind Replacement or Underground Conversion – A Life Cycle Assessment
– ~\$6.8M In Kind Replacement
– ~\$7.2M Underground Conversion

Mr. Hjorth mentioned that the underground option is more reliable and resilient. Mr. Hjorth stated the underground installation is now the standard for new developments throughout the City

Mr. Hjorth mentioned that notification letters have been sent to residents to clean any obstructions prior to the construction. He also noted there is no charge to homeowners for new service charges, relocating buildings and/or fences as needed because they will be paid with project funds and damage to grass will be addressed by project manager.

Mr. Hjorth expressed that with this project there will be higher reliability, better resiliency, lower maintenance costs, improved aesthetics, improved safety for public and Electric Utility and finally greatly improved customer experience.

Next Steps:

- Surveyors are working in Alley B now
- Electrical Constructors are mobilizing now and will start trenching soon
- TROE acquisition in Alley A continues
- Phase I completion in April 2021
- Phase II completion end of year 2023

Council Member Derrick inquired about looking into pavement options in areas and asked if anything has changed and if concrete is the only way to go. Ms. Thomas stated a hindrance to this is the over excavation that is required.

Because of this the permeability is less effective. Also the conduit would be deeper and the water seeping through would be on the conduit. They are not currently looking into the pavement. Ms. Derrick asked about placing the utilities underground at the front of the lot. Mr. Hjorth noted that currently since the utilities are in the alley, all of the connections are at the back of each house. To move the utilities to the street would require a lot of work and digging up yards. It would add to the cost.

Council Member Gonzales asked if the meter is no longer good, what happens then. Mr. Hjorth stated those issues are being addressed by replacing the meters under the AMI upgrade and will be addressed before going into the neighborhoods. Mr. Hjorth stated the meters are the city assets and will be replaced but if the house panel where the meter plugs into is unsafe that will be the responsibility of the homeowner. Council Member Gonzales asked if the City is going to replace the fences with the old fence or will a new fence be constructed. Ms. Moyer stated we will replace the fence equal to or better condition, staff is evaluating each fence condition and determining the condition ahead of time.

Council Member Baker inquired about the diversion channel that was funded by the Woods settlement. He asked how much in total and if funds are left over, what are we planning to do with the money. Ms. Thomas stated the escrow settlement funding was \$500K and it is using all the funds to construct the channel with the actual construction amount of \$526K.

Mayor Pro Tem Mihalkanin expressed concerns that alleys are not a priority and was concerned about the letters mailed out. Ms. Thomas stated that the first letter was standard legal language but the second letter stated reassurance to the owners about replacement or moving of property and stated whether or not there would be a need to move anything.

22. Receive an update from staff and consider referring the Sustainability Committee Strategic Initiative Ordinance changes for irrigation systems and turf grass requirements to the Planning and Zoning Commission, and provide direction to Staff.

Jan Klein, Conservation Coordinator, provided the presentation regarding ordinance changes to the Landscape Installation and Maintenance.

Ms. Klein stated San Marcos is experiencing rapid growth and needs to conserve water resources due to the growth. The large portion of water resources is being used to irrigate new lawns. Ms. Klein mentioned that standard landscaping is mostly lawns with a bed by the entrance and 2-3 trees; and the new landscaping comes standard with an automatic irrigation system.

Ms. Klein stated separate metering of irrigation increases customer awareness, and when used with Automated Metering Infrastructure (AMI) it will provide a valuable tool for conservation to the owner.

Ms. Klein mentioned the ordinance changes would require a separate irrigation service and meter for new single-family residential properties, which matches the requirement for commercial and multi-family services that was adopted in 2006.

Ms. Klein stated the other significant change is limiting the amount of irrigated turf grass that can be installed to 50% of the landscaped area in new single-family residential properties and 25% in all other new developments. Ms. Klein mentioned the 25% limitation is currently a recommendation in the ordinance and the change simply requires that limit.

Ms. Klein provided the following timeline:

- August 3, 2020 - Proposed amendments presented to COSM Planning department for comments and input.**
- August 6 and September 30, 2020 - Proposed amendments presented to Council Sustainability Committee; staff directed to move forward with amendments.**
- August 28 - September 16, 2020 - Proposed amendments provided to Austin Home Builders Association for comment; received thumbs-up.**
- November 4, 2020 - Request Council referral to P&Z.**
- December 2020 - Present proposed amendments to P&Z.**
- January 2021 - If approved by P&Z, present to Council for approval**

Mayor Hughson expressed concerns about affordable housing and would like to know what would be the increased cost to the homeowner. Ms. Klein stated in regards to pouring concrete for the patio, it would increase the cost and speaking to landscaping there will be an increase for Bermuda grass by about thirty cents per sq. ft. or mulch/gravel will be fifty cents per sq. ft. but not a massive additional cost.

Council Member Derrick asked if the city has reached out to Homeowner Associations (HOA) who sometimes require turf grass for the yards. Mr. Taggart stated this is for new construction and HOA will not be a factor and would need to be in compliance with the ordinance.

Council Member Baker expressed concerns with the price and the alternatives of the maintenance savings in the future. Council Member Baker stated that

the mulch beds is a good idea to cover the yard.

Mayor Hughson inquired on different types of grasses that would be allowed for yards. Mr. Taggart stated they are actively in discussion and staff will bring back different Land Development Code amendments in the future.

Council consensus is to move forward and present the proposed amendments to the Planning and Zoning Commission.

- 23. 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.**

Michael Cosentino, City Attorney, provided a brief introduction on the recommendation from the Ethics Review Commission (ERC) for yearly ethics training for elected city officials and board and commission members.

Lee Garcia, Chair of the Ethics Commission, stated a resolution was adopted due to a complaint and during the hearing it was expressed that the individual being questioned felt that they did not receive adequate ethics training. Mr. Garcia stated that is why ERC is recommending a yearly training. Mr. Garcia mentioned that the ERC wants to be flexible with expectations on the administrative side. He noted the recommend that it apply to boards and commissions also.

Mayor Hughson asked what if someone doesn't complete the training, what happens? Mr. Garcia stated they are open to further conversations regarding reinforcement or the individual may be open to a complaint.

Council Member Marquez suggested the ERC members have a more structured training instead of just a Powerpoint presentation. She also noted that the Texas Municipal League new council member training contains a segment on Ethics.

Mr. Lumbreras suggested to send out an electronic module that can be done at member's own time and has other ideas to discuss with staff.

Council consensus is to have training when the council member is elected (or re-elected) and when the board or commission member is appointed or re-appointed. Council provided direction to staff to begin working on the training and Council would like to see the training first before creating an ordinance requirement. Council consensus is also to have a short test to ensure comprehension.

24. 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.

Michael Cosentino, City Attorney, provided a brief introduction on the recommendation by the Ethics Review Committee (ERC) regarding the financial disclosure under the current City ordinance. Mr. Cosentino stated the financial disclosure form asks for the person to disclose what property is owned or property that is being rented but not property that is being rented or occupied and not paying rent. Mr. Cosentino stated that the ERC is dealing with situations, in regards to if property should be disclosed due to a possibility of an agenda item that would be discussed that involves the neighborhood or property being occupied, regardless of ownership or rental status.

Lee Garcia, Chair of the ERC, stated there should be transparency on the occupancy of the property and whether it is owned or rented. Mr. Garcia mentioned if someone is to vote on a matter, they would need to disclose if they are benefiting.

Mayor Pro Tem Mihalkanin stated part one of the ordinance is very broad regarding family member. Mr. Garcia stated that the code is written to have family member but it does specify immediate family members.

Mr. Cosentino suggested to strikethrough "or a family member" in part one and council consensus was to do just that.

Council consensus is to add where the person lives to the form and not include family members.

25. Receive a Staff update and hold discussion on Sights and Sounds holiday lights funding request in the Plaza Park and downtown square, and provide direction to Staff.

Rebecca Ybarra-Ramirez, Director of Destination Services, provided the presentation regarding Sights and Sounds holiday lights funding proposal.

Ms. Ybarra Ramirez stated due to COVID the traditional event will not be held this year but they will still light the trees throughout the park. Ms. Ybarra Ramirez stated a new addition will be the placing children's artwork on banners placed throughout Plaza Park and City Park and there are other smaller events being discussed. Ms. Ybarra Ramirez mentioned that the budget has decreased and does not qualify for the \$80,000 due to the new funding process for community events but is eligible for 30% of the total expense that

totals \$66,551. They are asking for the difference in the \$80,000 usually allocated and the \$66,551.00 which would be the calculated amount this year. This is \$13,449.00.

Ms. Ybarra Ramirez stated that the Sights and Sounds committee proposed using the money set aside to add lights throughout downtown along the square and from the pathway from Plaza Park up Hutchison St. leading to downtown. Ms. Ybarra Ramirez stated trees would be wrapped with LED lighting around the courthouse square, LBJ Dr to Hutchison St to CM Allen Pkwy., garland on 101 green light poles – around the square, N. LBJ Dr, CM Allen Pkwy. Hutchison St and University Dr., and wreathes on 60 green light poles and type of wreathes to be determined if electrical is accessible and cost effective.

Ms. Ybarra-Ramirez stated Main Street will decorate the mobility hub with holiday décor, place garland on 24 green light poles around the square, accent poles with red bows and place holiday banners on 41 lamp poles.

Council Member Baker asked if the garlands are reusable. Ms. Ybarra-Ramirez stated garlands and bows are reusable. Council Member Baker expressed concerns with the money being used to decorate due to the impact COVID has had on the economy.

Mayor Hughson asked for the dollar amount to spend or what we need to do with the amount of money it would take to decorate. Ms. Ybarra-Ramirez stated they have allocated the \$25,000 out of the \$80,000 for lighting the trees and the bows. Ms. Ybarra-Ramirez said any left over money will not be spent. Mayor Hughson asked if we are back to normal next year, what happens then? Ms. Ybarra-Ramirez stated we would have the garland and the wreaths for downtown area and the lighting would need to be considered with alternative funding.

David Case, Sights and Sounds President, stated that the lighting will be funded with the allocated money and will be held accountable, if council is not satisfied, then Sights and Sounds will pay back those funds. Mr. Case mentioned that they do not want to waste funds but use less and will be doing fundraising. Mr. Case stated that they will advertise San Marcos with the lights up in downtown and City park but not promote gatherings. Ms. Ybarra-Ramirez stated that Main Street and Convention Visitor Bureau will be promoting the lights and for visitors to dine and shop downtown in the evenings.

Mayor Hughson mentioned that next year maybe some funds from the downtown TIRZ can be used since downtown is being promoted.

Council consensus is to light up the park as usual plus extra lighting between the park and downtown which will cost. This mean it will cost \$13,449.00 more than they would be allocated per the new formula but the same amount as usual which is \$80,000. The extra cost takes the full cost to \$90,000 but Sights and Sounds will do fundraising as well for the extra \$10,000.

EXECUTIVE SESSION

- 26. Executive Session in accordance with Section §551.071 of the Texas Government Code: Consultation with Attorney - to receive advice of legal counsel and deliberations regarding the Chapter 380 Agreement with Best Buy.com LLC (Best Buy Call Center).**

No Executive Session was needed this evening.

ACTION/DIRECTION FROM EXECUTIVE SESSION

- 27. Consider action, by motion, or provide direction to Staff regarding the following Executive Session items held during the Work Session and/or Regular Meeting: Section §551.071 of the Texas Government Code: Consultation with Attorney - to receive advice of legal counsel and deliberations regarding the Chapter 380 Agreement with Best Buy.com LLC (Best Buy Call Center).**

Mayor Hughson stated information and advice was received and Council deliberated during the Executive Session held earlier this evening.

V. Adjournment.

A motion was made by Deputy Mayor Pro Tem Rockeymoore, seconded by Mayor Pro Tem Mihalkanin, to adjourn the regular meeting of the City Council at 11:38 p.m. on November 4, 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

Tammy K. Cook, Interim City Clerk

Jane Hughson, Mayor