



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Meeting Minutes City Council

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Tuesday, August 22, 2017

8:00 AM

City Council Chambers

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### 630 E. Hopkins - Special Meeting

#### I. Call To Order

**With a quorum present, the special meeting of the San Marcos City Council was called to order by Mayor Thomaides at 8:00 a.m. Tuesday, August 22, 2017 in the City Council Chambers, 630 E. Hopkins, San Marcos, Texas 78666.**

#### II. Roll Call

**Council Member Gregson was in attendance via videoconference, as he was out of the State at the time of the meeting.**

**Present:** 7 - Mayor John Thomaides, Mayor Pro-Tem Jane Hughson, Deputy Mayor Pro Tem Lisa Prewitt, Council Member Ed Mihalkanin, Council Member Saul Gonzales, Council Member Scott Gregson and Council Member Melissa Derrick

1. Consider a motion to authorize the filing of an amicus curiae brief on behalf of the City of San Marcos in opposition to SB4 in Case No. 5:17-cv-404-OLG, City of El Cenizo, et al., vs. State of Texas, et al. in the United States District Court For The Western District of Texas, San Antonio Division

**Michael Cosentino, City Attorney, gave an update on the content of the brief. The main points of the brief relate to the enforcement of immigration law which many feel is a federal matter so SB4 may be preempted by federal law, the next concern is Senate Bill 4 could punish elected officials and police chiefs that do not abide by SB4. The law leaves no discretion to honor a detainer by ICE but Law enforcement could be held liable for not honoring a detainer by ICE which could set the City up for lawsuits. Mr. Cosentino noted these concerns are not unique to San Marcos, but are addressed in the many briefs that have been submitted previously.**

**Council Members directed the Legal Department to draft a brief, based on the Major Cities Chiefs Association Amicus Brief and have it filed as quickly as possible.**

**A motion was made by Council Member Mihalkanin, seconded by Council Member Gonzales, to approve the filing of an amicus curiae brief on behalf of the City of San Marcos in opposition to SB4 in Case No. 5:17-cv-404-OLG,**

**City of El Cenizo, et al., vs. State of Texas, et al. in the United States District Court For The Western District of Texas, San Antonio Division. The motion carried by the following vote:**

**For:** 7 - Mayor Thomaides, Mayor Pro-Tem Hughson, Deputy Mayor Pro Tem Prewitt, Council Member Mihalkanin, Council Member Gonzales, Council Member Gregson and Council Member Derrick

**Against:** 0

**III. Question and Answer Session with Press and Public.**

**Karen Brown, San Marcos, asked about the timeline of this brief. She wanted to ensure that the Legal team will file the brief as quickly as possible. Mayor Thomaides said this will be done quickly.**

**Frank Arredondo, San Marcos, did not ask a question but said he is proud of what the Council did. People spoke and the council listened, it was democracy at work. He thanked the Council for their decision on this matter.**

**IV. Adjournment.**

**Mayor Thomaides adjourned the special meeting of the San Marcos City Council at 8:40 a.m.**

**Jamie Lee Case, TRMC, City Clerk**

**John Thomaides, Mayor**