



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Special Meeting - Final City Council

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Tuesday, March 31, 2020

6:00 PM

City Council Chambers

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### 630 E. Hopkins - Special Meeting

**\*\*This meeting is virtual, stream online at [www.sanmarcostx.gov/videos](http://www.sanmarcostx.gov/videos) or watch on**

**Grande channel 16 or Spectrum channel 10.**

**The videoconference link is <https://zoom.us/j/158281403> and**

**the dial in number is 888 788 0099**

I. Call To Order

II. Roll Call

### EXECUTIVE SESSION

1. Executive Session in accordance with Texas Government Code - Section 551.071 - Consultation with Attorney: To receive legal advice from the City Attorney regarding proposed Ordinance 2020-17 to repeal Ordinance 2020-16 that previously ordered a special election to fill a vacancy in City Council Place 5 for May 2, 2020.

### REGULAR AGENDA

2. Receive status reports and updates on response to COVID-19 pandemic; hold council discussion, and provide direction to Staff.
3. Consider approval of Ordinance 2020-17, repealing Ordinance 2020-16 that ordered a Special Election to be held on May 2, 2020 for the purpose of filling a vacancy for the remainder of the unexpired term of office of city council place five; giving public notice that a new date for conducting a Special Election to fill the vacancy will be ordered by adoption of a subsequent ordinance, with new filing deadlines, due to the current COVID-19 pandemic; declaring an emergency creating the need to adopt this ordinance with only one reading; and providing an effective date.

III. Adjournment.

**POSTED ON FRIDAY, MARCH 27, 2020 @ 12:00PM**

**TAMMY K. COOK, INTERIM CITY CLERK**

Notice of Assistance at the Public Meetings

The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 855-461-6674 or sent by e-mail to [ADArequest@sanmarcostx.gov](mailto:ADArequest@sanmarcostx.gov)



Legislation Text

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**File #:** ID#20-174, **Version:** 1

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**AGENDA CAPTION:**

Executive Session in accordance with Texas Government Code - Section 551.071 - Consultation with Attorney: To receive legal advice from the City Attorney regarding proposed Ordinance 2020-17 to repeal Ordinance 2020-16 that previously ordered a special election to fill a vacancy in City Council Place 5 for May 2, 2020.

**Meeting date:** 3/31/2020

**Department:** City Clerk's Office on behalf of the City Council

**Amount & Source of Funding**

**Funds Required:** Click or tap here to enter text.

**Account Number:** Click or tap here to enter text.

**Funds Available:** Click or tap here to enter text.

**Account Name:** Click or tap here to enter text.

**Fiscal Note:**

**Prior Council Action:** Click or tap here to enter text.

**City Council Goal:** [Please select goal from dropdown menu below]

Choose an item.

Choose an item.

Choose an item.

**Comprehensive Plan Element (s):** [Please select the Plan element(s) and Goal # from dropdown menu below]

Economic Development - Choose an item.

Environment & Resource Protection - Choose an item.

Land Use - Choose an item.

Neighborhoods & Housing - Choose an item.

Parks, Public Spaces & Facilities - Choose an item.

Transportation - Choose an item.

Not Applicable

**Master Plan:** *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

**Background Information:**

Click or tap here to enter text.

**Council Committee, Board/Commission Action:**

Click or tap here to enter text.

**Alternatives:**

Click or tap here to enter text.

**Recommendation:**

Click or tap here to enter text.



Legislation Text

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**File #:** ID#20-143, **Version:** 1

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**AGENDA CAPTION:**

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

**Meeting date:** March 31, 2020

**Department:** City Manager's Office

**Amount & Source of Funding**

**Funds Required:** Click or tap here to enter text.

**Account Number:** Click or tap here to enter text.

**Funds Available:** Click or tap here to enter text.

**Account Name:** Click or tap here to enter text.

**Fiscal Note:**

**Prior Council Action:** Click or tap here to enter text.

**City Council Strategic Initiative:** [Please select from the dropdown menu below]

Choose an item.

Choose an item.

Choose an item.

**Comprehensive Plan Element (s):** [Please select the Plan element(s) and Goal # from dropdown menu below]

- Economic Development - Choose an item.
- Environment & Resource Protection - Choose an item.
- Land Use - Choose an item.
- Neighborhoods & Housing - Choose an item.
- Parks, Public Spaces & Facilities - Choose an item.
- Transportation - Choose an item.
- Core Services
- Not Applicable

**Master Plan:** *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

**Background Information:**

Click or tap here to enter text.

**Council Committee, Board/Commission Action:**

Click or tap here to enter text.

**Alternatives:**

Click or tap here to enter text.

**Recommendation:**

Click or tap here to enter text.



## Legislation Text

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**File #:** Ord. 2020-17, **Version:** 1

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**AGENDA CAPTION:**

Consider approval of Ordinance 2020-17, repealing Ordinance 2020-16 that ordered a Special Election to be held on May 2, 2020 for the purpose of filling a vacancy for the remainder of the unexpired term of office of city council place five; giving public notice that a new date for conducting a Special Election to fill the vacancy will be ordered by adoption of a subsequent ordinance, with new filing deadlines, due to the current COVID-19 pandemic; declaring an emergency creating the need to adopt this ordinance with only one reading; and providing an effective date.

**Meeting date:** March 31, 2020

**Department:** City Clerk/Attorney

**Amount & Source of Funding**

**Funds Required:** N/A

**Account Number:** N/A

**Funds Available:** N/A

**Account Name:** N/A

**Fiscal Note:**

**Prior Council Action:** [Click or tap here to enter text.](#)

**City Council Strategic Initiative:** [Please select from the dropdown menu below]

Choose an item.

Choose an item.

Choose an item.

**Comprehensive Plan Element (s):** [Please select the Plan element(s) and Goal # from dropdown menu below]

- Economic Development - Choose an item.
- Environment & Resource Protection - Choose an item.
- Land Use - Choose an item.
- Neighborhoods & Housing - Choose an item.
- Parks, Public Spaces & Facilities - Choose an item.

Transportation - Choose an item.

Not Applicable

**Master Plan:** *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

**Background Information:**

The letter submitted by Dr. Jocabed Marquez on March 9, 2020, resigning her position as City Council Member Place 5, created a vacancy in that position as of March 17, 2020 that must be filled by special election.

By ordering the special election on March 17, 2020, through the adoption of Ordinance No. 2020-16, it was the intention of the San Marcos City Council to have the special election held concurrently with other elections to be conducted by the Hays County Elections Administrator on May 2, 2020 - the next uniform election date.

On March 18, 2020 Governor Greg Abbott issued a proclamation pertaining to the May 2, 2020 uniform election date allowing certain political subdivisions with elections set for that day to postpone their elections to the next uniform election date, November 3, 2020.

Due to the health risks posed by the COVID-19 pandemic, the existence of community spread of the virus within Hays County, and apparently in reliance upon Governor Abbott's proclamation, the Hays County Election Office provided written notice to Interim City Clerk Tammy K. Cook on March 25, 2020 that the Hays County Election Administrator will not conduct any of the city, school, or county elections previously set for May 2, 2020.

On March 24, 2020, the office of Secretary of State of Texas (SOS) issued a clarification regarding Governor Abbott's proclamation. According to the SOS, the governor's proclamation did not authorize a political subdivision with a special election to fill a vacancy set for May 2, 2020 to simply postpone the election to the November 3, 2020 uniform election date. As a result, the provisions of Election Advisory 2020-12 for the May 2, 2020 Uniform Election Date that declared the filing period for a place on the ballot closed as of March 23, 2020, will not and cannot apply to a special election to fill the vacancy for City Council Place 5.



**The attached ordinance repeals Ordinance No. 2020-16. A special election to fill the vacancy for City Council Place 5 will not be conducted on May 2, 2020. The special election will be set by subsequent ordinance for a date that minimizes the risk of exposure to and spread of the virus that causes COVID-19 and allows sufficient time to meet applicable election calendar deadlines, including new deadlines for filing an application for a place on the ballot.**

Due to the time sensitive nature of this ordinance, it is being approved on emergency and will have only one reading.

**Council Committee, Board/Commission Action:**

Click or tap here to enter text.

**Alternatives:**

Click or tap here to enter text.

**Recommendation:**

Click or tap here to enter text.

ORDINANCE NO. 2020-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, REPEALING ORDINANCE NO. 2020-16 THAT ORDERED A SPECIAL ELECTION TO BE HELD ON MAY 2, 2020 FOR THE PURPOSE OF FILLING A VACANCY FOR THE REMAINDER OF THE UNEXPIRED TERM OF OFFICE OF CITY COUNCIL PLACE FIVE; GIVING PUBLIC NOTICE THAT A NEW DATE FOR CONDUCTING A SPECIAL ELECTION TO FILL THE VACANCY WILL BE ORDERED BY ADOPTION OF A SUBSEQUENT ORDINANCE, WITH NEW FILING DEADLINES, DUE TO THE CURRENT COVID-19 PANDEMIC; DECLARING AN EMERGENCY CREATING THE NEED TO ADOPT THIS ORDINANCE WITH ONLY ONE READING; AND PROVIDING AN EFFECTIVE DATE

RECITALS:

1. On March 17, 2020 the San Marcos City Council adopted Ordinance No. 2020-16 ordering a special election to be held on May 2, 2020 to fill a vacancy in the office of City Council Place 5 caused by a letter of resignation submitted by Dr. Jocabed Marquez. It was the intention of the City Council to have the special election held on that uniform election date concurrently with other elections to be conducted in Hays County by the Hays County Elections Administrator.
2. Under the provisions of Article 16, Section 17 of the Texas Constitution, Dr. Marquez shall “hold over” and continue to perform the duties of her office until her successor is elected and qualifies.
3. Due to the COVID-19 pandemic, Texas Governor Greg Abbott issued a proclamation on March 18, 2020 allowing, but not requiring, certain political subdivisions with elections set for the May 2, 2020 uniform election date to postpone their elections to the next uniform election date occurring on November 3, 2020.
4. On March 18, 2020 the office of the Texas Secretary of State (SOS) issued “Election Advisory 2020-12 for the May 2, 2020 Uniform Election Date” that declared the filing period for elections postponed pursuant to the Governor’s proclamation to be irrevocably closed as of 5:00 p.m. on March 23, 2020.
5. On March 24, 2020, SOS issued a clarification of Governor Abbott’s proclamation. According to SOS, the Governor’s proclamation does not apply to and does not authorize a political subdivision with a special election to fill a vacancy set for May 2, 2020 to postpone the election to November 3, 2020 and it did not waive requirements in Article 11, Section 11 of the Texas Constitution for filling such vacancies.

6. The provisions of “Election Advisory 2020-12 for the May 2, 2020 Uniform Election Date” declaring the filing period for an election previously ordered for May 2, 2020 to have been irrevocably closed as of 5:00 p.m. on March 23, 2020 do not apply and cannot apply to a special election ordered after that date.
7. Due to the health risks posed by the COVID-19 pandemic, the existence of community spread of the virus within Hays County, and in reliance on Governor Abbott’s proclamation, the Hays County Election Office provided written notice via email to Interim City Clerk Tammy K. Cook on March 25, 2020 that Hays County will not conduct any city, school, or water district election previously set within Hays County for the May 2, 2020 uniform election date.
8. At the time of adoption of this ordinance, all persons living within Hays County are subject to a “Stay Home-Work Safe” order issued by Hays County Judge Ruben Becerra on March 25, 2020 in response to community spread of COVID-19.
9. The San Marcos City Council finds that conducting a special election on May 2, 2020 - with early voting beginning on April 20, 2020 - would pose an unwarranted and unreasonable threat to the health and safety of poll workers and voters and promote the spread of COVID-19 throughout Hays County.
10. The City of San Marcos has no current capability to independently conduct a separate special election to fill the vacancy in Council Place 5 on May 2, 2020.
11. For the reasons herein stated, the San Marcos City Council deems it necessary to repeal Ordinance No. 2020-16 that previously ordered a special election to be held on May 2, 2020 to fill the vacancy in City Council Place 5 and to provide public notice that a new date for the special election, with new filing deadlines, will be set by subsequent ordinance due to the current COVID-19 pandemic.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE  
CITY OF SAN MARCOS, TEXAS:**

SECTION 1. The City Council finds that the recitals above are true and they are hereby adopted as a matter of public record. The recitals shall become a part of the legislative history pertaining to the adoption of this ordinance and shall serve to document the extraordinary circumstances existing at the time of its approval.

SECTION 2. Ordinance No. 2020-16, adopted on March 17, 2020 to order a special election to fill a vacancy in City Council Place Five on May 2, 2020, is hereby repealed.

SECTION 3. An ordinance ordering a special election to fill the vacancy in City Council Place 5 shall be prepared and presented for consideration by the council to set a new date for the special election and new election deadlines, including a new deadline to file an application for a place on the ballot. The proposed special election date shall reflect a careful assessment of the current COVID-19 pandemic, available personnel and equipment resources to

conduct the election, the potential for any assistance to be provided by the Hays County Election Administrator, and legal requirements for conducting a special election to fill a vacancy.

SECTION 4. Public notice of the adoption of this ordinance shall be given within San Marcos and Hays County, on the home page of the city's internet website, to media outlets, and to each person who previously filed an application for a place on the ballot for the special election ordered by Ordinance No. 2020-16 but cancelled by the adoption of this ordinance.

SECTION 5. If any portion of this ordinance is held invalid by a court of competent jurisdiction, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 6. The importance of this ordinance creates an emergency and an imperative public necessity, and the provisions of the San Marcos City Charter requiring that ordinances be presented at two separate meetings are hereby waived and, this ordinance will take effect immediately upon adoption.

CONSIDERED, APPROVED, AND ADOPTED on March 31, 2020.

Jane Hughson  
Mayor

Attest:

Approved:

Tammy K. Cook  
Interim City Clerk

Michael J. Cosentino  
City Attorney

ORDINANCE NO. 2020-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON MAY 2, 2020 FOR THE PURPOSE OF FILLING A VACANCY FOR THE REMAINDER OF THE UNEXPIRED TERM OF OFFICE OF CITY COUNCIL MEMBER, PLACE FIVE; ESTABLISHING EARLY VOTING LOCATIONS AND POLLING PLACES FOR THIS ELECTION; MAKING PROVISIONS FOR CONDUCTING THE ELECTION; DECLARING AN EMERGENCY CREATING THE NEED TO ADOPT THIS ORDINANCE WITH ONLY ONE READING; AND PROVIDING AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. A special election is ordered to be held by the City of San Marcos (the “City”) at the various polling places and election precincts within the corporate limits of the City, as hereinafter designated, on May 2, 2020 from the hours of 7:00 a.m. to 7:00 p.m. This special city election will be conducted jointly with Hays County and will be administered for the City by the Hays County Elections Administrator. At the special election, the qualified voters of the City will elect a candidate to fill a vacancy in the office of Council Member Place 5 for the remainder of the unexpired term of that office. The official canvass of the election shall be held May 11, 2020, following Election Day. In the event it becomes necessary, a runoff election will be called by ordinance to be adopted on May 11, 2020 or within five days thereafter. The runoff election shall be held not earlier than the 20<sup>th</sup> day nor later than the 45<sup>th</sup> day after the date the final canvass of the special election is completed. Canvass of the returns of the runoff election, if necessary, shall be held no earlier than the 8<sup>th</sup> day nor later than the 11<sup>th</sup> day following the date of the Runoff Election.

SECTION 2. The vote center locations for Early Voting and Election Day for this election shall be as follows:

**Early Voting: April 20, 2020 – April 28, 2020**

Monday, 4/20/20	7 AM – 7 PM
Tuesday 4/21/20 – Friday, 4/24/20:	8 AM – 5 PM
Saturday, 4/25/20:	10 AM – 2 PM
Monday, 4/27/20	7 AM – 7 PM
Tuesday 4/28/20	8 AM – 5 PM

**Election Day: May 2, 2020**

Saturday, May 2, 2020:	7 AM – 7 PM
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Early Voting	Election Day	<b>San Marcos CISD &amp; City of San Marcos</b>	
	✓	<b>Dunbar Center</b>	<b>801 Martin Luther King Drive, San Marcos</b>
✓	✓	<b>Live Okay Health (formerly Hays County Health Department)</b>	<b>401 Broadway Street #A, San Marcos</b>
✓	✓	<b>Hays County Government Center</b>	<b>712 S. Stagecoach Trail, # 1012, San Marcos</b>
	✓	<b>San Marcos Housing Authority/CM Allen Homes</b>	<b>820 Sturgeon Drive, San Marcos</b>

**Hays CISD**

✓	✓	<b>Hays CISD Administration @ Old Transportation Bldg.</b>	<b>21003 Interstate 35, Kyle</b>
	✓	<b>Wallace Middle School</b>	<b>1500 West Center Street, Kyle</b>
✓		<b>Buda Elementary Upper Campus (Historic School Site – Kunkel Room)</b>	<b>300 San Marcos Street, Buda</b>
	✓	<b>Chapa Middle School</b>	<b>3311 Dacy Lane, Kyle</b>
	✓	<b>Tobias Elementary School</b>	<b>1005 FM 150, Kyle</b>
	✓	<b>Hays Hills Baptist Church</b>	<b>1401 FM 1626, Buda</b>

**City of Dripping Springs and DSISD**

✓	✓	<b>Dripping Springs City Hall</b>	<b>511 Mercer Street, Dripping Springs, TX</b>
	✓	<b>Hays Precinct 4 Office</b>	<b>195 Roger Hanks Parkway, Dripping Springs</b>
✓	✓	<b>Ledgestone Senior Living</b>	<b>13152 Four Star Boulevard, Austin</b>

SECTION 3. As per the contract, the Hays County Election Administrator shall appoint presiding judges and alternate judges to serve in this election, and it shall be each such judge's duty to hold the election in their respective precincts

SECTION 4. Each presiding judge may appoint up to four clerks, and with the permission of the Hays County Election Administrator, additional clerks, to serve for each precinct in this election.

SECTION 5. Jennifer Anderson is appointed Early Voting Clerk for the City.

SECTION 6. Early voting by mail ballot shall be conducted in accordance with applicable provisions of the Texas Election Code. The address of 712 S. Stagecoach Trail, San Marcos, Texas 78666, shall be the early voting clerk's mailing address to which ballot applications and ballots voted by mail may be sent for the City.

SECTION 7. All early votes and other votes to be processed in accordance with early voting procedures pursuant to the Texas Election Code shall be delivered to the Early Voting Ballot Board at the Hays County Election Administrator's office which is located in the City, in accordance with the Election Code. Early votes shall be counted at the central counting station. The Early Voting Ballot Board shall perform in accordance with applicable provisions of the Election Code.

SECTION 8. The Verity Duo Hybrid voting system, shall be utilized in connection with the election. This system shall be utilized for all early voting as well as for all voting conducted on Election Day. Ample voting equipment shall be provided for early voting and in each of the various vote centers on Election Day. The central counting station is established as the Hays County Elections Administrator's office, 712 S. Stagecoach Trail, San Marcos, Texas.

SECTION 9. The Hays County Elections Administrator will appoint the Early Voting Ballot Board, a Presiding Judge of the Central Counting Station, a Tabulation Supervisor of the Central Counting Station, and a Central Counting Station Manager.

SECTION 10. The election will be held in accordance with the provisions of the Charter and Ordinances of the City of San Marcos and the laws of the State of Texas. The deadline for filing by candidates for the vacancy in the unexpired term of Council Member, Place 5 is 5:00 p.m. on March 23, 2020.

SECTION 11. An executed copy of this Ordinance will serve as proper notice of the election.

SECTION 12. Notice of the election, including a Spanish translation thereof, will be published at least once in a newspaper published in San Marcos on or after April 2, 2020 and on or before April 22, 2020, and will be posted on the bulletin board at City Hall on or before April 6, 2020.

SECTION 13. A writ of election as required by the Texas Election Code will be delivered on or before April 17, 2020 by the Hays County Election Administrator to the presiding and alternate judges of each election precinct in which the election is ordered to be held.

SECTION 14. Testing of the automatic tabulating equipment will be performed and notice thereof will be given in accordance with Subchapter D of Chapter 127 of the Texas Election Code.

SECTION 15. The rate of compensation to be paid judges, clerks, and assistants to the Central Counting Station Presiding Judge and Tabulation Supervisor for services rendered during the election will be compensated at the rate of no more than \$12.00 per hour.

SECTION 16. The additional compensation to be paid judges who deliver returns of the election is established at \$35.00.

SECTION 17. If any portion of this Ordinance is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in full force and effect.

SECTION 18. The importance of this Ordinance creates an emergency and an imperative public necessity, and the provisions of the Charter requiring that ordinances be presented at two separate meetings be waived and, this Ordinance will take effect immediately upon adoption.

CONSIDERED, APPROVED, AND ADOPTED on March 17, 2020

Jane Hughson  
Mayor

Attest:

Approved:

Tammy K. Cook  
Interim City Clerk

Michael J. Cosentino  
City Attorney