



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Meeting Minutes City Council

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Tuesday, March 17, 2020

6:00 PM

City Council Chambers

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630 E. Hopkins

### 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 6:04 p.m. Tuesday, March 17, 2020 in the City Council Chambers, 630 E. Hopkins, San Marcos, Texas 78666.**

### II. Roll Call

**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

### III. Invocation

**Rev. J.D. Elshoff, with First Baptist Church, provided this evening's invocation.**

### IV. Pledges of Allegiance - United States and Texas

**Deputy Mayor Pro Tem Rockymore led the assembly in the pledges of allegiance.**

### V. 30 Minute Citizen Comment Period

**Michelle Carbajal, spoke against the cite and release ordinance. She stated that she was born and raised in San Marcos. She stated that she is a local business owner and her family has been in San Marcos since the 1960s when her dad went to Texas State University. She mentioned that her family owns a historical building on the Square. She mentioned that in the 1980s her father and a friend purchased three buildings on the Square to help revitalized downtown San Marcos. We are invested in the community. She stated that they are part of the Downtown Association, Main Street Program and Hays County Historical Commission. She mentioned that she and several business owners oppose this cite and release ordinance. She mentioned she wants police to have discretion and they rely on the officer's authority and judgment in our community. She stated that to we need to trust the officers that they have been**

trained to make appropriate judgment calls. She mentioned that we rely on them in so many ways in our community and we do not want to tie their hands enforcing the law. She mentioned that as a business owner, she wants to feel confident if she has been a victim of a crime that San Marcos Police Department will come to investigate the crime and take appropriate actions. She gave an example of someone drew graffiti or broke a window to my family's building it is not a victimless crime. She asked if you knew if a person gets a cite and release, the numbers are 40% of the time, they do not show up to respond to the crime they have committed. This percentage in some communities, is much higher. She mentioned that she has been a licensed surety in Hays County for 15 years and she knows the side effects that cite and release can have in a community. She mentioned that her family has 40% less chance in getting restitution from the correctly identified person for the damages done to the building downtown on the Square. She asked if the City of San Marcos is doing everything in their power to protect business owners and property owners. She stated to also trust the Police Department, to let them do their job that they were trained to do.

David Mendez, stated he is a proud Rattler and a concern citizen. He provided a list of failures to appear in court to Council. He is a bondsman for over 40 years kept on the services in Hays County. He stated the cite and release ordinance to have in place will show data but also show individuals are not going to court. He mentioned that these individuals are PR in the Sheriff's Office but when they get a PR bond they are not monitored by any individual which is a lawyer or a bailbond agent. He stated that the issue is if they are getting the slap in the hand and not paying for consequences, the jail is going to be filled of individuals of bond forfeitures and failure to appears. He stated that for a bonding company when one is incarcerated that is titled a forfeiture, we are going to ask for more collateral so they can show up for court. He stated that some are not able to afford getting out because the judge is going to increase their bond and now the jail system is going to be crowded with failure to appears and this is happening and not being monitored and going to fail to go to court. He mentioned that the judge will see if the individual is on the run from the court and judge will increase bail and how many times is the judge going to increase the bail and will stay in jail. He stated that he understands that the City wants to help the system, but creating this and the data shown are going to continue fail to appear in court.

Roland Saucedo, He stated that he has been contacted by numerous citizens, life long residents of San Marcos and people that are multigenerational. He mentioned that most of the disturbing thing is how full support that four

council members are in favor of the cite and release ordinance as proposed by Mano Amigo but not proposed by the citizens nor drafted by staff. He stated that the draft was created by Mano Amigo and they do not represent the citizens of San Marcos but only a portion of citizens that live in San Marcos and do not represent the San Marcos citizenry. He mentioned that nobody in Barrio Pescado, nobody in Blanco Gardens, nobody in Rio Grande Terrace, nobody in Sunset Acres, nobody in Cottonwood Creek, nobody in Mockingbird Hill, nobody in Hill of Hays neighborhoods and those neighborhoods are affected by crime. He asked Council to hold a workshop before moving forward. He urged Council to have all the facts, coordinate with the County with regards of timeline and the process of the diversion program and how the magistrate judge will work on this. He supports the cite and release but not in support of theft of services or theft of property. He stated that he is a Christian and in the 10 commandments, it says "thou shalt not steal". He mentioned that he has been on both sides of the law, he has been arrested multiple times, lost job because he couldn't go to work the next day because he couldn't get out early. He mentioned that he doesn't blame that on the system but blames himself and that was his choice he made. He stated God gives us freewill and I made a choice to break the law so I have to suffer my consequences. He urged Council to take the San Marcos citizenry into consideration.

Rodrigo Amaya, thanked the speakers that have heard in the workshops. He stated the first thing on his list is the City Manager has a description "response to citizens that have complaints" in #4 on his duties. He stated that he has had a bad experience, he used to call his office and spoke to Karen Smith and now she has a secretary, some individual named Hayden Migl. He mentioned that he is not happy with the results that he has been getting from him. He mentioned that he has been asking if he can sit with his supervisor and I was informed that they have created an executive team. He stated that he attended the Criminal Justice Reform committee meeting and is very concerned and the statements that were coming back from the Chiefs. He recalled one statement Chief said "paperwork gets lost", he stated when you have someone in jail and the paperwork gets lost, that individual shouldn't be employed. He mentioned that paperwork shouldn't be getting lost specially when someone's freedom is on the line. He stated that US Constitution grants you get fair trials. He mentioned that he has experience in law enforcement issues. He thanked Mano Amiga for their efforts but if you want to look at something productive is to use the City of Austin Office of Police Oversight, those officers are trained to assisted with law enforcement related issues, he recommends Council to look into that. He stated that he needs a meeting with the City Manager

because his subordinates are not cutting it. He mentioned that he is concerned with agenda #15, \$300,000 for La Cima second fire station.

Jordan Buckley, spoke in favor of cite and release, he stated that the Collin County Sheriff asked not to bring petty criminals to jail. He mentioned that we should have an urgency of having a policy to keep people out of jail when it's not necessary. He stated that Ms. Carbajal wants the police department to investigate, that will take place with the cite and release but that person won't go to jail for a day or two, but there is still restitution, there will be a summons to court to deal with their criminal case. He stated Mr. Mendez who is a bailbonds man has a financial incentive not to allow cite and release. He stated that Mr. Amaya said we should look to Austin for guidance, he stated that is what they have done. He mentions that elected officials in San Antonio, Houston and Austin have said to go with an ordinance. He stated that Collin County with crimes that the Sheriff has said not to arrest are trespassing or public intoxication, our ordinance doesn't include those. He stated that the neighborhoods has not been consulted, it's been a year that the draft ordinances has been in the Criminal Justice Committee. He stated that they have forms at the Library, Cephas House, Calaboose Museum, multiple times on campus. When there was a poll taken by the San Marcos Daily Record to take away discretion, what the ordinances doesn't do, instead it guides discretion but 63% of poll correspondence will support an ordinance that did do that. He stated that the ordinance provides guidance to the officers to make citations but only in cases of disqualifying circumstances, which Chief Stapp has cited "as fairly exhaustive". That does allow officers to exercise discretion that fits the case for them to be arrested instead of cited if they have that option. He mentioned that the San Marcos Police Department leadership has had 9 months to come up with the list of disqualifying circumstances.

## **PRESENTATIONS**

1. Receive a presentation from Deloitte and Touche, LLP on the Community Development Block Grant-Disaster Recovery (CDBG-DR) Quarterly Internal Audit Report, and provide direction to Staff.

Heather Hurlburt, Finance Director, provided a brief introduction to the CDBG-DR Quarterly Internal Audit Report. Kathie Schwerdtfeger with Deloitte and Touche, LLP provided the 3rd quarter reports that include the executive summary, summary of risk assessment results, and the 2020 annual audit plan. The 4th quarter report included an executive summary, observations and recommendations, and management response and corrective action plan.

2. Receive the Annual Audit Report and highlights from the City of San Marcos' Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ended September 30, 2019 from the City's audit firm ABIP, P.C.

**Heather Hurlburt, Finance Director provided a brief introduction to San Marcos Comprehensive Annual Financial Report (CAFR). She introduced Jeremy Barboto with ABIP, P.C., who presented the audit and stated that they did not find any issues during their review. He stated that the Auditor's opinion was unmodified which is the highest level of assurance the auditor can give. He stated that the General Fund balance increased by \$978,000 due to increase of property taxes and sales tax revenues.**

3. Receive a Staff presentation of the Quarterly Investment and Financial Reports, and provide direction to City Manager.

**Heather Hurlbert, provided a presentation on the Quarterly investment and Financial Reports.**

**Revenue Highlights:**

**General Fund-Favorable \$628K or 1.7%**

- Sales tax collections above forecast \$319K due to collections above budget for the Outlet Malls and Best Buy
- Property Tax collections above forecast due to timing

**W/WW-Favorable \$467K or 4.3%**

- Primarily due to current services revenue

**Electric-Favorable \$726K or 5.1%**

- Primarily due to timing of pole attachment revenue and revenue generated by the Ferguson Power Plant

**Stormwater Management-Unfavorable \$202K or 12.1%**

- Primarily due budgeted rates different from actual rates since new rates/rate structure not implemented

**Resource Recovery-Favorable \$110K or 9.6%**

- Primarily due to customer counts higher than budgeted

**Expenditure Highlights:**

**General Fund-Favorable \$2.0M or 9.7%**

- Primarily due to personnel savings and the timing of economic development incentive payments

**W/WW-Favorable \$396K or 6.5%**

- Primarily due to contract payment timing

**Electric-Favorable \$1.4M or 10.1%**

- Primarily due to personnel savings, cost of energy savings, and contract payment timing

**Stormwater Management-Favorable \$119K or 18.4%**

- Primarily due to timing of capital purchases

**Investment Balance for First Quarter 2020 is \$276.4 Million**

**Investment Balance for Fourth Quarter 2019 was \$272.8 Million**

**CONSENT AGENDA**

**A motion was made by Council Member Gonzales, seconded by Mayor Pro Tem Mihalkanin, to approve the consent agenda, with the exception of item #8 which was pulled and considered separately. The motion 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

4. Consider approval, by motion, of the following meeting Minutes:
  - A. February 4, 2020 - Regular Meeting Minutes
  - B. February 27, 2020 - Budget Policy Workshop Meeting Minutes
  - C. March 3, 2020 - Work Session Meeting Minutes
5. Consider approval of Resolution 2020-55R, approving an agreement with the Leadership San Marcos Class of 2021 providing for its members to construct a cat barn at the San Marcos Regional Animal Shelter at no cost to the city; authorizing the City Manager, or his designee, to execute the agreement; and declaring an effective date.
6. Consider approval of Resolution 2020-56R, approving the City Council's Strategic Initiatives for Fiscal Year 2020-2021.
7. Consider approval of Resolution 2020-57R, approving an agreement with Enterprise Fleet Management, Inc. through the Texas Interlocal Purchasing System (TIPS) for the lease of thirty-seven light vehicles and the purchase of miscellaneous equipment and maintenance in the estimated amount of \$1,650,000.00; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.

8. Consider approval of Resolution 2020-59R, approving a grant agreement with the United States Department of Justice in the amount of \$50,000.00 to assist the City's Police Department by providing funding to identify and secure a Criminal Justice Information Services (CJIS) compliant information sharing platform; authorizing the City Manager or his designee to execute the grant agreement on behalf of the City; and declaring an effective date.

**A motion was made by Mayor Pro Tem Mihalkanin, seconded by Deputy Mayor Pro Tem Rokeymoore, to approve Resolution 2020-59R. The motion carried by the following vote:**

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

**Against:** 0

**Absent:** 1 - Council Member Marquez

9. Consider approval of Resolution 2020-58R, approving the sale of a tract of property identified as the Southwesterly 28 feet of Lot 5, Block 11, C.D. Wallace Subdivision, (Hays CAD Parcel ID No. R47051), City of San Marcos, Hays County, Texas acquired by the San Marcos Consolidated Independent School District for Unpaid Taxes, to Ganymede Enterprises, LLC for \$3,200.00; authorizing the execution of any deed or instruments necessary to complete the sale; and declaring an effective date.
10. Consider approval of Resolution 2020-60R, approving an agreement with Freese and Nichols, Inc. for the preparation of a Risk and Resilience Assessment and Emergency Response Plan for the City's Water Infrastructure as required by the Federal America's Water Infrastructure Act in the estimated amount of \$124,600.00; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.
11. Consider approval of Resolution 2020-61R, approving an agreement with Stanley Consultants, Inc. relating to the San Marcos Electric Utility Master Plan Project in the estimated amount of \$400,000.00; authorizing the City Manager or his designee to execute the agreement; and declaring an effective date.
12. Consider approval of Resolution 2020-62R, approving an agreement with San Juanita Rosario Vela appointing her as the Interim Finance Director in a not-to-exceed amount of \$75,000.00 through September 15, 2020; and declaring an effective date.
13. Consider approval of Resolution 2020-63R, approving a release of easements in the Cottonwood Creek Subdivision, subject to the dedication to the city of alternate easements, as appropriate; authorizing the City Manager, or his designee, to execute the release of easements on behalf of the city; and declaring an effective date.
14. Consider approval of Resolution 2020-64R, approving a release of easement in

connection with the Riverstone Apartments development at 1430 Wonder World Drive, subject to the dedication to the City of Alternate Easements, as appropriate; authorizing the City Manager, or his designee, to execute the release of easements on behalf of the City; and declaring an effective date.

15. Consider approval of Resolution 2020-65R, approving a second change order amendment to the participation agreement with Lazy Oaks Ranch, LP (La Cima) providing for the extension of a roadway to the new Fire Station in the La Cima development with a cost participation amount by the City of up to \$300,000.00; authorizing the City Manager, or his designee, to execute said amendment; and declaring an effective date.
16. Consider approval of Resolution 2020-66R, approving a change order to the construction contract awarded to Santa Clara Construction, Ltd. for construction of sewer mains in the Edwards Aquifer Recharge Zone to decrease the total contract price by \$123,929.52; authorizing the City Manager or his designee to execute the appropriate documents to implement the change order; and declaring an effective date.
17. Consider approval of Resolution 2020-67R, approving an agreement with Freese and Nichols, Inc. for engineering design services related to a new Lift Station No. Five in the estimated amount of \$100,651.00; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.
18. Consider approval of Resolution 2020-68R, confirming the City Manager's appointment of George R. Landry to the San Marcos Civil Service Commission; and declaring an effective date.
19. Consider approval of Resolution 2020-69R, directing publication of a notice of intention to issue certificates of obligation in the amount of approximately \$50,500,000 for constructing, improving, designing, acquiring and equipping the city's (1) water and waste water system; (2) electric utility system; (3) streets including related drainage, sidewalks, traffic improvements and lighting; (4) municipal buildings to include the City Hall and other city facilities, HVAC improvements, roof replacements and security improvements; (5) stormwater management and flood control facilities; (6) airport, including hangars; (7) public safety facilities to include police and fire station improvements and a new ladder truck and engine; (8) network and fiber optic infrastructure equipment; (9) recreational facilities including parks and sports fields; (10) city cemetery including land acquisition; (11) animal shelter; (12) parking including land acquisition; and (13) the payment of professional services in connection therewith including legal, fiscal and engineering fees and the costs of issuing the certificates of obligation and other matters related thereto.
20. Consider approval of Resolution 2020-70R, adopting revised Investment Policies for Operating Funds and Reserve Funds; and declaring an effective date.

## **PUBLIC HEARINGS**

21. Receive a Staff presentation and hold a Public Hearing to receive comments for or

against Ordinance 2020-08, approving annexation of approximately 62.48 acres of land generally located at the intersection of Gregsons Bend and Commercial Loop; and consider approval of Ordinance 2020-08, on the first of two readings.

**Shannon Mattingly, Director of Planning and Development Services, provided a brief presentation.**

**Mayor Hughson opened the Public Hearing at 7:20 p.m.**

**Those who spoke:**

**Ed Theriot, represented the applicant and spoke in favor of this annexation.**

**There being no further comments, the Mayor closed the Public Hearing at 7:21p.m.**

**A motion was made by Deputy Mayor Pro Tem Rockeymoore, seconded by Mayor Pro Tem Mihalkanin, to approve Ordinance 2020-08, on the first of two readings. The motion 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

- 22.** Receive a Staff presentation and hold a public hearing to receive comments for or against Ordinance 2020-09, amending the Official Zoning Map of the City by rezoning approximately 62.48 acres of land generally located at the intersection of Commercial Loop and Gregsons Bend from "FD" Future Development District and "GC" General Commercial District to "PA" Planning Area District; and including procedural provisions; and consider approval of Ordinance 2020-09, on the first of two readings.

**Shannon Mattingly, Director of Planning and Development Services, provided a brief presentation.**

**Mayor Hughson opened the Public Hearing at 7:25p.m.**

**Those who spoke:**

**Ed Theriot spoke in favor of this rezoning and thanked staff for working with them.**

**There being no further comments, the Mayor closed the public hearing at 7:26p.m.**

**The planning area district allows for uses on the property that comply with employment district requirements. It allows for light industrial, but this is not the intent. A sportsplex complex is the projected development. 8 baseball fields are projected to be built.**

**A motion was made by Deputy Mayor Pro Tem Rockeymoore, seconded by**

**Council Member Derrick, to approve Ordinance 2020-09, on the first of two readings. The motion 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

23. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2020-10, annexing into the City approximately 31 acres of land, generally located on the east side of Highway 123 between Old Bastrop Road and Monterrey Oak Road; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2020-10, on the first of two readings.

**Shannon Mattingly, Director of Planning and Development Services, provided a brief presentation.**

**Mayor Hughson opened the Public Hearing at 7:47p.m.**

**Those who spoke:**

**Chris Weigand, was present to answer any questions and spoke in support of this project.**

**There being no further comments, the Mayor closed the Public Hearing at 7:47p.m.**

**A motion was made by Mayor Pro Tem Mihalkanin, seconded by Deputy Mayor Pro Tem Rockeymoore, to approve Ordinance 2020-10, on the first of two readings. The motion carried by the following vote:**

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

**Against:** 1 - Council Member Derrick

**Absent:** 1 - Council Member Marquez

24. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2020-11, amending the Official Zoning Map of the City by rezoning approximately 12.5 acres of land generally located North of the intersection of Highway 123 and Monterey Oak Drive, from "FD" Future Development District to "CD-3" Character District 3; and including procedural provisions; and consider approval of Ordinance 2020-11, on the first of two readings.

**Shannon Mattingly, Director of Development Services, provided a brief presentation.**

**The Mayor opened the Public Hearing at 7:57p.m.**

**Chris Weigand, spoke on behalf of the applicant and in favor of this project.**

**There being no further comments, the Mayor closed the Public Hearing at 8:00p.m.**

**A motion was made by Mayor Pro Tem Mihalkanin, seconded by Deputy Mayor Pro Tem Rockeymoore, to approve Ordinance 2020-11, on the first of two readings.**

**Mayor Hughson stated her concern with CD-3 and that she cannot support it as is because this is next to a SF-6 neighborhood and the CD-3 zoning category due to the problems with CD-3 since the LDC was adopted. This is because the Character Districts only have 6 categories of housing, two of which are very low density. She asked that the Planning Department create a new CD-3 category which includes occupancy restrictions for Phase 2 of the LDC changes. She did not propose changing the existing CD-3. CD-3 allows for too many housing types.**

**Councilmember Derrick asked we can require the creation of a Home Owners Association (HOA) but we cannot.**

**Councilmember Derrick and Mayor Hughson asked that the staff and applicant work together to bring back as SF 4.5 or SF-6 at a later meeting. She also asked about waiving the reapplication fee if the developer wants to make the change. Council agreed.**

**The motion to approved failed by the following vote:**

**For:** 2 - Deputy Mayor Pro Tem Rockeymoore and Council Member Baker

**Against:** 4 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin and Council Member Gonzales

**Absent:** 1 - Council Member Marquez

- 25.** Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2020-12, amending the Official Zoning Map of the City by rezoning approximately 18.5 acres of land generally located North of the intersection of Highway 123 and Monterey Oak Drive, from "FD" Future Development District to "CD-4" Character District 4; and including procedural provisions; and consider approval of Ordinance 2020-12, on the first of two readings.

**Shannon Mattingly, Director of Planning and Development Services, provided a brief presentation.**

**Mayor Hughson opened the Public Hearing at 8:17p.m.**

**Chris Weigand, spoke in favor of the item and provided a brief presentation of**

**the proposed development.**

**There being no further comments, the Mayor closed the Public Hearing at 8:20p.m.**

**A motion was made by Mayor Pro Tem Mihalkanin, seconded by Council Member Baker, to approve Ordinance 2020-12, on the first of two readings.**

**The motion 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

- 26.** Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2020-72R, approving a Budget Policy Statement for preparation of the 2020-2021 Fiscal Year budget; and declaring an effective date; and consider approval of Resolution 2020-72R.

**Melissa Neel, Assistant Finance Director, provided a brief update to Council regarding the Budget Policy Statement for FY2020-2021.**

**Mayor Hughson opened the Public Hearing at 8:38p.m.**

**There being no comments, the Mayor closed the Public Hearing at 8:38p.m.**

**A motion was made by Deputy Mayor Pro Tem Rockeymoore, seconded by Council Member Derrick, to approve Resolution 2020-72R. The motion carried by the following vote:**

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

**Against:** 0

**Absent:** 2 - Mayor Pro Tem Mihalkanin and Council Member Marquez

## **NON-CONSENT AGENDA**

- 27.** Consider approval of Ordinance 2020-13, on the first of two readings, amending Chapter 38 of the City Code titled Fire Prevention and Protection, of the San Marcos City Code by revising the local amendments recommended in the 2015 edition of the International Fire Code to include provisions relating to mobile food vending operations, gate access, signage, location of fire extinguishers in multi-family structures and requiring buildings in certain zoned areas of the City that have been impacted by a fire event to install fire-sprinkler systems prior to re-occupancy, among other revisions, to enhance public safety in the City; providing for the repeal of any conflicting provisions; and providing an effective date.

**MAIN MOTION: a motion was made by Council Member Derrick, seconded by Mayor Pro Tem Mihalkanin, to approve Ordinance 2020-13.**

**MOTION TO AMEND: a motion was made by Mayor Hughson, seconded by Mayor Pro Tem Mihalkanin, to amend section 6804.2 (1.) by striking the words "on a daily basis" and replace with "at the end of each business day."**

**The new section will read:**

**(1.) Provide appropriate waste receptacles at the site of the unit and remove all litter, debris, and other waste attributable to the vendor at the end of each business day. The motion 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 APPROVE AS AMENDED: to approve Ordinance 2020-13, as amended, on the first of two readings. The motion 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

- 28.** Consider approval of Ordinance 2020-14, on the first of two readings, adopting fees to be charged by the City for various Parks and Recreation Facilities, including changes to existing fees; providing a savings clause; providing for the repeal of any conflicting provisions; and providing and effective date.

**A motion was made by Council Member Gonzales, seconded by Mayor Pro Tem Mihalkanin, to approve Ordinance 2020-14, on the first of two readings. Council asked staff to bring cost recovery up to at least 75% for non-residents for second reading. The motion 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

- 29.** Consider approval of Ordinance 2020-15, amending Section 34.080 of the San Marcos City Code to establish an administrative fee and provide for the collection of costs related

to the filing of a nuisance abatement lien; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

**MAIN MOTION: a motion was made by Council Member Baker, seconded by Council Member Derrick, to approve Ordinance 2020-15, on the first of two readings.**

**MOTION TO AMEND: a motion was made by Mayor Hughson, seconded by Council Member Baker, to amend section 34.080 Section 1 (b) to include the addition of a \$50 fee if the City has to file a lien.**

**This section will read as follows:**

**(b) The director will execute a statement of the costs of abatement, including an administrative fee of \$150.00 established by the city council, and file the statement as a lien with the county clerk of the county in which the lot is located. The statement will reflect all costs to process the abatement including the cost to file the lien. The statement must include the name of the owner, if known, and the legal description of the lot. When a lien is filed, there will be an additional \$50.00 fee.**

**The motion 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 APPROVE AS AMENDED: to approve Ordinance 2020-15, as amended, on the first of two readings. The motion 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

30. Consider approval of Ordinance 2020-16, on first and final reading, 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 5; 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.

**MAIN MOTION: a motion was made by Council Member Derrick, seconded**

**by Deputy Mayor Pro Tem Rockeymoore to approve Ordinance 2020-16, on first and only reading.**

**MOTION TO AMEND: A motion was made by Council Member Derrick, seconded by Deputy Mayor Pro Tem Rockeymoore, to amend the Ordinance by removing Ledgestone Senior Living as a polling location. The motion 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 APPROVE AS AMENDED: to approve Ordinance 2020-16, as amended, on first and final reading. The motion 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

31. Consider approval of Resolution 2020-73R, approving a lease agreement with Theodore Breihan, doing business as Ted Breihan Electric Company, for the lease of approximately 10,140 square feet of space along Edward Gary Street, east of South LBJ Drive with a rental rate of \$3,500.00 per year for five years; authorizing the City Manager, or his designee, to execute said lease; and declaring an effective date.

**A motion was made by Mayor Pro Tem Mihalkanin, seconded by Council Member Derrick, to approve Resolution 2020-73R. The motion 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

32. Consider approval of Resolution 2020-71R, approving the renaming of El Camino Real Park to Kenneth M. Copeland Memorial Park; authorizing the City Manager to install any signs and recognition plaques reflecting the new name of the park as may be appropriate; and declaring an effective date.

**A motion was made by Deputy Mayor Pro Tem Rockeymoore, seconded by Mayor Pro Tem Mihalkanin, to approve Resolution 2020-71R. The motion**

**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

33. Discuss and consider the appointment of Council Member Baker to fill a vacancy on the Census 2020 Complete Count Committee, and provide direction to staff.

**Deputy Mayor Pro Tem Rockeymoore nominated Council Member Baker to fill a vacancy on the Census Complete Count Committee. Mayor Pro tem Mihalkanin seconded the nomination. The motion to appoint Council Member Baker 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

34. Hold discussion regarding Arts Commission Recommendation Resolution 2019-03RR to consider amendments to the Permanent Art Rules, and provide direction to Staff.

**Charlotte Wattigny, Innovation Manager, provided a brief update on the recommendation of the art commission to amend their Ordinance regarding the allocation of hotel occupancy tax funds being utilized for public art and not just permanent display art. The commission would like to utilize funds for major art forms.**

**Council provided consensus to move forward with this recommendation. Staff will bring this back for formal adoption by Ordinance at a future meeting.**

**EXECUTIVE SESSION (if necessary)**

35. Executive Session in accordance with the following Government Code Section(s):

A. Section § 551.087 - Economic Development: to receive a staff briefing and deliberate regarding Project Barker

B. Section §551.071 - Consultation with Attorney: to discuss Legal considerations of anti-discrimination ordinance

**A motion was made by Council Member Baker, seconded by Council Member Derrick, to postpone executive session to a future available date. The motion 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

### **DIRECTION/ACTION FOLLOWING EXECUTIVE SESSION**

**36.** Consider action, by motion, regarding the following Executive Session items held during the Work Session and/or Regular Meeting:

A. Section § 551.087 - Economic Development: to receive a staff briefing and deliberate regarding Project Barker

B. Section §551.071 - Consultation with Attorney: to discuss Legal considerations of anti-discrimination ordinance

**A motion was made by Mayor Hughson, seconded by Council Member Derrick, to postpone action as there was no executive session. The motion 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

VI. Question and Answer Session with Press and Public.

**None.**

VII. Adjournment.

**A motion was made by Deputy Mayor Pro Tem Rockeymoore, seconded by Council Member Derrick, to adjourn the regular meeting of the City Council on Tuesday, March 17, 2020 @ 10:05p.m. The motion 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

