



City of San Marcos

Regular Meeting Minutes City Council

Tuesday, May 5, 2020

6:00 PM

Virtual Meeting

This meeting was held using conferencing software due to the 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 6:04 p.m. Tuesday, May 5, 2020. This meeting was held virtually.

II. Roll Call

Observed a moment of silence.

Council Member Marquez arrived after roll call at 6:10 p.m.

Present: 7 - Council Member Melissa Derrick, Mayor Jane Hughson, Mayor Pro Tem Ed Mihalkanin, Council Member Joca Marquez, Deputy Mayor Pro Tem Mark Rokeymoore, Council Member Maxfield Baker and Council Member Saul Gonzales

III. 30 Minute Citizen Comment Period

The following comments were submitted as written comments and read aloud during the citizen comment portion of the meeting:

Anthony Cross and Margo Handwerker:

Dear members of council, I, Anthony Cross, and my wife, Margo Handwerker, are writing to address Item 6 on the agenda: the drainage, road, intersection and pedestrian improvements along Academy Street and West Sessom Drive. We own a home nearby at 1309 Alamo St, and we've taken a keen interest in the project. In particular, we've been engaged in a long-running discussion with both the San Marcos Neighborhood Commission as well as city staff about safety improvements for pedestrians and cyclists along Academy and Sessom. Margo addressed council last year when one of her students, Eden Welply, was struck by a car while crossing Sessom Drive and paralyzed. We believe that there is a strong public mandate for safety improvements in this stretch of roadway. Following Eden's injury, Margo and I became involved with MoveSM, an alternative transportation advocacy group. Together with MoveSM, we worked with the Neighborhood Commission—and with Jennifer Katz in particular—to draft and approve a

resolution calling on council to implement safety improvements on this stretch of road. The resolution passed in August, 2019 and was forwarded to council. In January, Margo and I met with Rohit Vij, the city's senior project engineer, to discuss the city's plans for improving safety for pedestrians and cyclists as part of the project. We are very pleased by the addition of a traffic signal at the intersection of Sessom and Academy as well as plans for expanded sidewalks. However, we think that the project must also involve changing the striping pattern of the roadway. In particular, we discussed the following changes with Mr. Vij: changing the striping pattern from the current pattern of four traffic lanes (two in each direction) to a three lane pattern—a center turn lane, two traffic lanes, and two bike lanes. (We've attached a striping plan proposal from MoveSM for your consideration.) We strongly support this change, and can only mention here that numerous studies have shown that such a "road diet" greatly increases safety for all road users by calming vehicular speeds without any significant impact on automobile traffic throughput. In informal discussion, Mr. Vij indicated that the city was already planning to implement this striping pattern. We noticed that the project description specifies the following in the "legislation details" section: "new pavement markings within the project limits to accommodate cyclists." However, we do not see an attached striping plan. We'd like to take this opportunity to invite city staff to clarify the respects in which the pavement would be marked to accommodate pedestrian and cyclist safety—and we'd furthermore strongly encourage council and city staff to implement the striping plan discussed above. Doing so would be an important step towards increasing safety for all road users on what is now a very dangerous stretch of road.

Lisa Marie Coppoletta:

Is Bert the City Manager or is he the Emperor of San Marcos. Bert thinks he is the Emperor because he engages in what I call "customer service harassment." His policy does not follow any policy. Or, to only follow policies when he desires.

In the middle of a global pandemic Bert has his sidewalk people come visit our houses and place leaflets on our mail box with tape. Note the city is not mailing land owners like the Land Development Code requires for developers. The city does not want land owners to know their land is being devalued that is why they do not send official notice as required by those in the business community. Note the city manager has promised proper notification and neighborhood meetings. This promise is on Soundcloud in the public domain. Note that every yard on my side of the block has been butchered for a sidewalk no one uses. The policy voted on by the city council in 2013 is NO ONE SIDED

STREET SIDEWALKS. BERT is abusing his authority and so it this council. As soon streets will be gentrified because the first thing out of a city planners mouth during re zoning is "it has sidewalks and connect ability." We all got our yards butchered on my side of the street except the city worker who makes sidewalks and fills out a survey he wanted a sidewalk on Belvin. He just does not want one in his yard, he wants one in everyone else yard so he can get over time pay and preserve his property value. We don't get that special treatment from the wanna be emperor Bert. A 50K budgeted sidewalk that has turned into well over \$300,000. Note the city worker who makes sidewalks, and got all this over time working months of Saturdays laughing as he butchered my yard is the ONLY resident not getting his yard butchered? Your city workers are not wearing masks and they are refusing to social distance. Citizens have footage of this behavior and this is because your city manager thinks that city employees can be treated differently than the taxpayer who foots the bill for his exorbitant salary special benefits to the Kissing Tree where he lives in a mansion. I'm sure the public can eat sidewalks when they have no food because they lost their jobs due to the pandemic. But, city workers gleefully push on the payroll not following basic CDC guidelines while the rest of the public is on lock down. I say let them eat sidewalks. Your agenda item on Belvin is a pure joke tonight. It was created because Bert has a special relationship with 1333 Belvin. Your city staff ignored the opposition to the sidewalk open records demonstrate secret meetings and secret emails with Bert and 1333 Belvin, who filed a false police report on me (verified by two different video cameras) are the DIRECT RESULT OF THE AGENDA ITEM REGARDING BELVIN TRAFFIC. These meetings at the activity center I was targeted by your city staff and this video is in the public domain. The city will soon find a racial discrimination law suit for its actions on my street. Thank you for your time and God Bless San Marcos.

Liz Dobbins:

Thank you for addressing the critical safety issues involving Sessoms Drive (2020-92R). The improvements identified should help decrease opportunity for additional serious injuries and help improve safety for cyclists. You may receive pushback about disrupting a major thruway at a time when another major cross town traffic area will be disrupted for several months/years (Hopkins). Regardless, it's important we move forward with the Sessoms improvements. My second short comment involves 2020-30, Parklets. It's impossible to have it both ways—removing parking spaces from the downtown area even temporarily until August 14—is going to cause most San Marcos residents who use downtown businesses great angst. Setting up a parklet for a special “day” event is one thing; however, allowing expansion will be a

detriment for additional business traffic. Summertime is often the only reliable time when parking is easily available. Parklets, while cute and trendy, can create more problems than they can hope to resolve.

John David Carson:

Mayor and City Council:

I respectfully submit this public comment regarding a variety of transportation-related items either on this agenda or hopefully on one upcoming. **Items 3 and 5 - Reducing to 25 Miles per Hour:** I categorically support speed reduction on all city streets. It is worth noting that oft-benchmarked Boulder, CO is preparing this month to reduce ALL its residential streets to 20 miles per hour as part of its Vision Zero initiative. “Twenty is plenty,” as they say. Of course, speed limit signage on its own is ineffective at changing behavior, but it communicates priorities and sets the stage for street design changes that are proven to reduce speeds, such as reducing or narrowing vehicular lanes or installing curb or on-street implements. Please note that speed cushions are not always the best tool to achieve traffic calming, and I have include below a link to an excellent graphic depicting a variety of other effective strategies¹. **Item 6 - Sessom Drive:** Site of my first (and thankfully only) speeding ticket at age 16, this is a dangerous street in an active pedestrian and cycling zone near the University. Its overbuilt width of pavement makes it ideal for a four-to-three lane reduction to slow vehicular speeds and to allow for onstreet bike lanes in lieu of cramming pedestrian and cyclist traffic into a single multi-use path. It is great to see the City and University partnering on this area. Please support Item 6, but only with the required inclusion of a four-to-three lane striping road diet. **Item 13 - Scooters:** Thank you for taking a more measured approach to this emerging form of alternative transportation. Please support Item 13 allowing privately-owned electric motor-assisted scooters and leaving the City the opportunity to pilot a shared program in the future. **Item 15 - Downtown Parklets:** As downtown businesses attempt to re-open, both additional open-air space and enhanced visibility are important. Please support Item 15 and further ask staff to be highly accommodating in processing applications from businesses for these programs. **Slow Streets:** Cities large and small are creating “slow streets” by limiting vehicular access and speeds to provide residents more space to safely physically distance while they walk, bike, or play outside. This is done with basic open barricades and signage on select streets. People should always be the priority on city streets with vehicles invited in only as cautious guests, but this is especially the case as residents and families seek to safely access the outdoors during this time at home. San Marcos should join other progressive communities in implementing a “slow streets” program as

soon as possible. **Transit:** The City was granted \$6.4MM in CARES Act funds for transit, roughly three times the current annual transit budget. What an opportunity! I look forward to hearing the City's plan to deploy these funds to make our buses more resilient to viruses and more usable for citizens after this one passes. We cannot miss this chance to invest those funds to build more transit shelters, to deploy technology to provide real-time and contactless information, and to add capacity and reduce headway for crowded routes such as those serving the University, especially as we look to combine systems. Thanks to you and staff for your service during this challenging moment in our history. I wish for all of you access to the best data and expertise available and for the community's patience and flexibility as we all navigate through this time together. Thank you. (Comments were limited to three minutes, time expired)

Sara Simpson

Mayor Hughson and San Marcos City Council Members:

We write today as individual members of the Main Street Advisory Board to encourage you to support the temporary parklet program (Agenda Item 14) to allow downtown businesses to occupy outdoor public street space and increase their visibility and ability to conduct safe operations downtown during the Covid-19 pandemic.

Furthermore, we encourage you to ensure that the requirements laid out in the proposed parklet program are appropriately flexible to allow for proper social distancing measures and also help businesses participate easily and without undue burden. Potential amendments to the temporary parklet requirements could include:

- Allow for 2 parklets per BLOCK FACE, not "per block," to allow more businesses the opportunity to participate and not restrict those that may be geographically close to one another.
- Allow multiple businesses to submit joint parklet applications should neighboring businesses want to apply and create a parklet to benefit both locations adjacent to their shared location.
- Allow for more than two spaces to be occupied by businesses to allow for meaningful capacity increases while practicing proper social distancing. Two spaces may not provide enough space for this and allowing up to three or four seems more appropriate.
- Remove the requirement for the parklets to be ADA-compliant if the business already has accessible outdoor space available to patrons OR if the spaces in front of the business already do not allow for accessible access (such as those that are located down stairs and are not on an existing ADA-compliant sidewalk).

- **Other adjustments to the ordinance that would make the parklet application process and regulation thereof accommodating and more flexible to allow both staff and participants to adapt their parklets and outdoor business presence as the Covid-19 situation evolves.**

Lastly, as many other cities small and large are doing at this time, we also encourage you to consider the implementation of a slow street program with the potential closure of select streets to through traffic to further increase safe public space available to downtown visitors as we all practice social distancing measures in the coming months. Thank you for your review of these matters.

PRESENTATIONS

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

Chase Stapp, Director of Public Safety, provided presentation on status reports and updates on COVID-19.

Updates to Governor Abbott's Actions

- April 30: Texas Workforce Commission guidance to unemployment claimants Can continue receiving unemployment benefits throughout the COVID-19

response if they choose not to return to work for certain reasons:

they or a family member is high risk (over 65)

they or a family member has been diagnosed with COVID-19 and not yet recovered

they are quarantined due to close contact exposure to COVID-19

child's school or daycare is closed and no alternatives are available

- May 1: GA 18 in Effect – Local impacts

Complaints about restaurants not in compliance

Confusion about parks being closed

Large social gatherings at apartments

Questions about enforceability

- May 5: Announced new developments to reopen businesses

Friday, May 8 - Barber shops and hair, nail and other types of salons will be able to reopen

Services will be by one-on-one appointment only

Customers will be able to wait inside a space if six feet of distance is able to be maintained

Face masks will be strongly encouraged

Monday, May 18 - Gyms will be able to reopen

Operate at 25% capacity

Workout areas must adhere to sanitizing and social distancing measures

Customers should wear gloves when using equipment

Showers and locker rooms must remain closed

Monday, May 18 - Non-essential manufacturers can reopen at 25% capacity

Must use staggered staffing to ensure people aren't moving through doorways at the same time

Currently no date for the reopening of bars

Weddings treated same as religious services, receptions must follow guidelines for restaurants

Efforts to date (updated)

- Recovery Task Force 2nd Meeting

Continued discussion to determine how best to accomplish Governor's re-opening initiatives

- City staff continue to work with businesses wishing to re-open

- Messaging from City Manager to all City staff Monday, May 4

- Processed Late Fee Exemptions for 125 commercial utility accounts, 82 residential utility accounts since implementation on March 26

Set up payment arrangements totaling over \$218,000 for 819 utility customer accounts over that same time period

- Transitioned to Council review of COVID-19 dashboard

Upcoming considerations

- Evaluate duration of parks closures

- Requirements for safety practices at re-opened businesses

- Phased approach of re-opening City services and facilities

Council Member Baker stated that there has been an increase of river activity, concerned about more citizens gathering at the river and seeing protests in other parts of the country and asked how San Marcos Police Department have organized, if a protest occurs at the river. Mr. Stapp responded that park rangers will be the first responders to calls at the park. However, park rangers can call for assistance from the police department, if needed. Mr. Stapp mentioned that between the numbers of warnings and issuing citations have been relying upon on modeling education, compliance with heavy enforcement. Mr. Stapp stated that if a protest does arise, the park rangers will peacefully disburse using education and diplomacy.

Community Development Block Grant (CDBG) Funding Options Related to COVID-19 Presentation

Michael Ostrowski, Assistant Director of Planning and Development Services, provided the CDBG funding options to COVID-19.

CDBG-COVID Information

- HUD has awarded the City \$425,261 in CDBG-CV funds (reimbursable funds).**
- Special funding allocation to prevent, prepare for, and respond to Coronavirus (infectious disease).**
- Eligible projects and programs must satisfy a national CDBG program objective, and should address one or more of the priority needs identified within the Consolidated Plan.**
- Eligible applicants may include for-profit entities (programs geared primarily to serve low- to moderate-income persons/families), non-profit organizations, government agencies, and City departments; the City is not accepting applications from individuals who need personal housing or other financial assistance.**
- Process specific changes:**
 - No 15% cap on Public Services for this or any other funds used for Coronavirus response.**
 - Substantial Amendment will be required for use of CDBG-CV funds.**
 - HUD reduced standard 30-day public comment period to 5 days.**
 - If necessary, PY2019 and PY2020 CDBG-Entitlement funding may be re-allocated for eligible COVID-19 activities.**
- Limited guidance has been provided at this time, but HUD has instructed communities to start the amendment process for needed plans.**

CDBG-Entitlement Information

- City was awarded \$722,904 in CDBG-Entitlement funds for PY2020-2021 (reimbursable funds).**
- Eligible projects and programs must satisfy a national CDBG program objective and should address one or more of the priority needs identified within the Consolidated Plan.**
- 70% of the funds must benefit low-moderate income people.**
- No more than 15% can be used for Public Services, unless funds are used for Coronavirus response.**
- No more than 20% can be used for Administration.**

Examples of Projects/Programs

- **Food Assistance Program - Financial assistance to food banks, meal delivery programs, and other food assistance programs that are serving LMI clients in need of these service because of the Coronavirus.**
- **Emergency Rental and Mortgage Assistance Program - Financial assistance, paid directly to the landlord or bank, for LMI families who have been financially impacted by the Coronavirus.**
- **Homeless Prevention Program - Resource and financial assistance (for qualifying expenses) to LMI families who are at risk of or have recently become homeless due to the Coronavirus.**
- **Microenterprise Loan/Grant Program - Small loans or grants for businesses owned by a low- or moderate-income person. The business must be able to prove financial hardship due to the Coronavirus**
- **Small Business Job Creation or Retention Program - Financial assistance to small businesses that employ LMI persons. The business must be able to prove they are hiring employees in response to Coronavirus OR they are at risk of losing employees because of the Coronavirus.**
- **Construct a facility for testing, diagnosis, or treatment.**
- **Develop non-project specific emergency infectious disease response plans (City).**

Councilmember Derrick asked why are we amending the 2015-2019 plan? Mr. Ostrowski stated it is to get the Economic Development plan in it and if we don't we will not be able to approve the funds for programs related to Economic Development grants.

Councilmember Baker stated that for-profit organizations can be funded, what percentage is for-profit organizations. Mr. Ostrowski stated that it can be limited percentage.

CONSENT AGENDA

A motion was made by Council Member Gonzales, seconded by Council Member Baker, to approve the consent agenda with the exception of item #2 (c) which was postponed to the next City Council Meeting.

Council Member Mihalkanin abstained from item #6 as he is employed by Texas State University.

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 Rockey Moore, Council Member Baker and Council Member Gonzales

Against: 0

2. Consider approval, by motion, of the following meeting Minutes:
 - A. April 16, 2020 - Special Meeting Minutes
 - B. April 21, 2020 - Work Session Meeting Minutes
 - C. April 21, 2020 - Regular Meeting Minutes
3. Consider approval of Ordinance 2020-22, on the second of two readings, reducing the speed limit from 30 miles per hour to 25 miles per hour along the 500 block of Harvey Street between North Street and Blanco Street; authorizing the installation of signs and traffic control devices reflecting the new speed limit; directing that the traffic register maintained under Section 82.067 of the San Marcos City Code be amended to reflect the new speed limit; and including procedural provisions.
4. Consider approval of Ordinance 2020-23, on the second of two readings, establishing a no parking / tow-away zone on the southside of a city easement located at 708 Peques Street pursuant to Section 82.066 of the San Marcos City Code; authorizing the installation of signage reflecting the no parking / tow-away zone; directing that the Traffic Register maintained under Section 82.067 of the San Marcos City Code be amended to reflect the no parking / tow-away zone; and including procedural provisions.
5. Consider approval of Ordinance 2020-24, on the second of two readings, amending the traffic register maintained pursuant to section 82.067 of the City Code by decreasing the speed limit in the 1300 through 1500 blocks of Belvin Street (between Bishop Street to Dixon Street) from 30 miles per hour to 25 miles per hour in both directions and authorizing the installation of speed cushions; and including procedural provisions.
6. Consider approval of Resolution 2020-92R, approving an Interlocal Agreement between the City of San Marcos and Texas State University for drainage, road, intersection and pedestrian improvements along Academy Street and West Sessom Drive; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.
7. Consider approval of Resolution 2020-93R, granting an easement to Bluebonnet Electric Cooperative, Inc. for the installation of underground electric utility facilities in a city lot used for drainage in the Hill of Hays Subdivision; authorizing the City Manager, or his designee, to execute said easement on behalf of the City; and declaring an effective date.
8. Consider approval of Resolution 2020-94R, approving a Change in Service to the agreement between the City and Knight Security Systems, LLC for the provision of professional high technology services, maintenance, and equipment related to security at the San Marcos Public Library in the estimated amount of \$130,023.82 through the Texas Comptroller of Public Account's Department of Information Resources Program ("DIR") (Contract DIR-TSO-3430); authorizing the City Manager or his designee to execute the appropriate purchasing documents on behalf of the City; and declaring an effective date.

9. Consider approval of Resolution 2020-95R, approving an agreement with SHI Government Solutions for the renewal of an antivirus software license and maintenance agreement for a three-year period through the BuyBoard Cooperative Purchasing Program in the amount of \$54,537.00; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.
10. Consider approval of Resolution 2020-97R, delaying action on an ordinance authorizing the issuance of City of San Marcos, Texas Combination Tax and Limited Revenue Certificates of Obligation in an amount not to exceed \$50,500,000; and other matters related thereto.

NON-CONSENT AGENDA

11. Consider approval of Ordinance 2020-26, amending the City's 2019-2020 fiscal year budget to allocate \$50,000 from the Asset Forfeiture Fund to augment the city's Employee Assistance Program by providing wellness resources for employees of the San Marcos Police Department and the San Marcos Fire Department; providing for the adoption of this Ordinance on only one reading as an emergency measure; and declaring an effective date.

A motion was made by Mayor Pro Tem Mihalkanin, seconded by Council Member Derrick, to approve Ordinance 2020-26, on one reading as an emergency measure. 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

12. Consider approval of Ordinance 2020-27, on the first of two readings, amending Article 6, Divisions 1 and 2 of Chapter 2 of the San Marcos City Code to revise and update the City's public records management program; including procedural provisions; and declaring an effective date.

A motion was made by Council Member Gonzales, seconded by Deputy Mayor Pro Tem Rockeymoore, to approve Ordinance 2020-27, on the first of two readings. 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

13. Consider approval of Ordinance 2020-28, on the first of two readings, amending Chapter 82, Traffic and Vehicles, of the San Marcos City Code, by adding a new Article 9 that prohibits the placement and use of Motor-Assisted Scooters owned by Commercial Scooter Companies on public property, streets and sidewalks; providing a savings

clause; providing for the repeal of any conflicting provisions; providing for penalties; and providing an effective date.

MAIN MOTION: a motion was made by Council Member Baker, seconded by Council Member Gonzales, to approve Ordinance 2020-28 on the first of two readings.

MOTION TO AMEND: a motion was made by Mayor Pro Tem Mihalkanin, seconded by Council Member Derrick, to amend in Section 82.298 (b) uses prohibited to strike \$100.00 and change to \$50.00. The section will now read:

"It is an offense for any person to operate a motor-assisted scooter that is owned, controlled, or managed by, or on behalf of, a scooter company on any public property, public park (including natural areas and open spaces), public sidewalk, public way, public street, or public highway within the city, or on any city-owned property located outside the corporate limits of the city. A violation of this subsection is a misdemeanor offense punishable by a fine up to \$50.00."

The motion to amend 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 Ordinance 2020-28, on the first of two readings, 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

14. Consider approval of Ordinance 2020-29, temporarily allowing alternative arrangements for the payment of food establishment permit fees under section 18.100 of the San Marcos City Code due to the COVID-19 pandemic; including procedural provisions; providing for adoption of this Ordinance as an emergency measure on only one reading; and providing an effective date.

A motion was made by Mayor Pro Tem Mihalkanin, seconded by Council Member Derrick, to approve Ordinance 2020-29, on one reading as an emergency measure. 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

15. Consider approval of Ordinance 2020-30, amending Chapter 74 of the San Marcos City Code by adding an addendum to Article 6 that establishes procedures and criteria for the granting of a temporary, revocable, licenses for parklets as a means to reactivate downtown following the COVID-19 stay at home orders of 2020; providing a savings clause; including procedural provisions; providing for adoption of this Ordinance as an emergency measure on only one reading; and providing an effective date.

MAIN MOTION: a motion was made by Council Member Mihalkanin, seconded by Deputy Mayor Pro Tem Rockeymoore, to approve Ordinance 2020-30.

MOTION TO AMEND: a motion was made by Council Member Derrick, seconded by Mayor Pro Tem Mihalkanin, to amend ordinance under Requirements for Temporary Parklet licenses, section (b) to insert #11 and the language "no more than two parklets shall be allowed per block face". 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

MOTION TO AMEND: a motion was made by Mayor Hughson, seconded by Council Member Gonzales, to add the provisions under General Requirements for all Temporary Parklet licenses, section (b) and insert #12 with the provision language: COVID-19 Requirements. All temporary parklet licensees shall have read and shall follow the protocols, practices, and guidelines, as applicable to their business, specified in the Governor's Report to Open Texas, and any potential amendments, all of which will support a safe and measured reopening of Texas. Violations of this section shall result in the licensee receiving a verbal warning and an opportunity to comply with this section. If a second violation occurs, the parklet license may be revoked immediately and the parklet may be removed. 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

MOTION TO AMEND: a motion was made by Mayor Hughson, seconded by Council Member Baker, to delete in the caption of the ordinance "providing

for the repeal of any conflicting provisions" and replace with the language "providing for adoption of this Ordinance as an emergency measure on only one reading. The section would read as follows:

An Ordinance of the City Council of the City of San Marcos, Texas amending Chapter 74 of the San Marcos City Code by adding an addendum to article 6 that establishes procedures and criteria for the granting of temporary, revocable, licenses for parklets as a means to reactivate downtown following the COVID-19 stay at home orders of 2020; providing a savings clause; providing for the repeal of any conflicting provisions; providing for the adoption of this ordinance as an emergency measure on only one reading; and providing an effective date.

In section 5 to delete the phrase "This ordinance will take effect after its passage, approval and adoption on second reading and will remain in effect until August 15, 2020 except that any enforcement related to this ordinance will continue until resolved." and insert the following language with the new section would read as follows, "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." 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 Ordinance 2020-30 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

EXECUTIVE SESSION

- 16.** Executive Session in accordance with the following Government Code Sections:
 - A. Section § 551.072 - Real Property: to receive a staff briefing and deliberation regarding acquisition of property in Downtown San Marcos for public use
 - B. Section §551.071 - Consultation with Attorney regarding: Legal considerations regarding acquisition of property in Downtown San Marcos for public use

A motion was made by Council Member Baker, seconded by Mayor Pro Tem

Mihalkanin, to enter into Executive Session at 8:42 p.m. 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

DIRECTION/ACTION FOLLOWING EXECUTIVE SESSION

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

A. Section § 551.072 - Real Property: to receive a staff briefing and deliberation regarding acquisition of property in Downtown San Marcos for public use

B. Section §551.071 - Consultation with Attorney regarding: Legal considerations regarding acquisition of property in Downtown San Marcos for public use

Council concluded Executive Session at 9:58 p.m. Mayor Hughson stated direction was provided to staff on Item A and B.

IV. Adjournment.

Mayor Hughson adjourned the regular meeting of the City Council at 10:00 p.m. on May 5, 2020.

Tammy K. Cook, Interim City Clerk

Jane Hughson, Mayor