



City of San Marcos

Meeting Minutes City Council

Tuesday, January 5, 2021

6:00 PM

Virtual Meeting

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

I. Call To Order

With a quorum present, the regular meeting of the San Marcos City Council was called to order by Mayor Hughson at 6:01 p.m. Tuesday, January 5, 2021. This meeting was held online.

II. Roll Call

Present: 7 - Mayor Pro Tem Melissa Derrick, Mayor Jane Hughson, Council Member Maxfield Baker, Council Member Saul Gonzales, Deputy Mayor Pro Tem Shane Scott, Council Member Alyssa Garza and Council Member Mark Gleason

III. 30 Minute Citizen Comment Period

Lisa Marie Coppoletta, expressed concern with construction workers not wearing masks. She stated city staff has mentioned that water from Bishop Street would not go down Belvin Street, image was shown with water going down Belvin. She stated that the sidewalk should not have been added due to drainage and flooding. Ms. Coppoletta expressed concern about city staff ignoring complaints regarding the speed bump and traffic signs on Belvin Street.

Roland Saucedo, welcomed new council members and looks forward to their leadership. He thanked City Manager's Office and members of the dais for the exemplary work being done during the pandemic by providing city services and meeting the needs of the citizens. He would like Council to be aware that there non-profits organization that sustain low income families and the elderly. He stated there is an increase of need and if there is any money available for the non-profits organizations to further help the citizens please consider assisting.

Jay Stiles, spoke in regards to COVID-19 vaccine administration in San Marcos and Hays County.

Mr. Stiles complimented the City of San Marcos staff for their first class web page on the status of that project. He looked at other sites and said the City's

is the best organized for a member of the public to obtain useful information. Mr. Stiles expressed concern with the vaccine distribution throughout the city and county. Mr. Stiles wants to ensure the city is quickly prepared to open large sites for administering the vaccine in conjunction with the county. Mr. Stiles mentioned the Center for Disease Control (CDC) has checklists and guidance for setting up these larger scale locations, which in San Marcos could be in the High School, University and Outlet Mall parking lots. Mr. Stiles asked if the city and county started utilizing those resources and have plans in place.

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 the presentation regarding COVID-19.

Known Cases – as of January 4, 2021

- **Approx. 1.6m total cases (306k active) cases in Texas with 27,969 fatalities**

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

- **10,951 total cases in Hays County (1,737 active and 9,088 recovered) with 133 fatalities**

- **565 cases have required hospitalization, 39 current**

- **4,356 total cases in San Marcos (170 active and 3,754 recovered) with 53 fatalities**

***source: Hays County Health Department**

- **1,317 total cases at TX State (10 active)**

- **1,209 students, 108 faculty/staff**

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

Mr. Stapp provided additional information and stated in Texas there was 33,000 more active cases from mid-December and 4,058 more fatalities. In Hays County, had 700 more active cases than and ??? fatalities from mid-December. In San Marcos, 379 more active cases with 12 fatalities than mid-December.

Mr. Stapp stated 15 employees have tested positive. Mr. Stapp stated the amount in hospital capacity in region, Trauma Service Area (TSA) O includes Austin, Hays and Williamson Counties and surrounding areas. Mr. Stapp stated the wording in the Governor's Order GA32, if any TSA O gets greater than 15% stays for 7 days greater restrictions for business operating in 75%

capacity will be reduced to 50%. Bars will be closed that are not serving as restaurants. Mr. Stapp stated on Day 2, TSA O was at 15.2% and today it is up to 17.8%.

Mr. Stapp provided additional information received from the County before the meeting.

Active cases in San Marcos for the day: 543

New cases in San Marcos since the prior day: 65

County residents hospitalized due to COVID-19: 36 as of yesterday

Testing Overview

- 88,285 tests administered county wide
 - 77,327 negative (87.6%)
 - 10,958 confirmed (12.4%)
- Testing by Curative
 - San Marcos Outlet Malls (Premium side)
 - Toyota Stadium (Rattler Stadium)
 - Various additional locations throughout the region

Updates to Governor Abbott's Actions

- December 28: Governor Abbott, DSHS Encourage Nursing Facilities To Take Advantage of COVID-19 Treatments
 - Urges facility administrators to work with their medical directors and treating physicians to consider the use of monoclonal antibodies whenever appropriate
 - Goal of reducing hospital admissions for patients who have been diagnosed with the disease, have mild or moderate illness, and are in a high-risk group for developing severe disease.
- January 4: Governor, Texas Health and Human Services Commission (HHSC)
Announce Extension Of Emergency SNAP Benefits For January 2021
 - HHSC will provide approximately \$204 million in emergency Supplemental Nutrition Assistance Program (SNAP) food benefits for the month of January
 - Due to federal legislation, beginning in January recipients will receive a 15 percent increase in their total benefits, which will continue monthly until June 2021
 - Texans in need can apply for benefits, including SNAP and Medicaid, at YourTexasBenefits.com or use the Your Texas Benefits mobile app

Vaccination Update

Mr. Stapp mentioned the information below can change.

- **DSHS + Health Care Provider Network**
- **Tier 1a and 1b recipients now eligible***
 - **Health care front line**
 - **Public Safety-first responders**
 - **Long term care residents and caregivers**
 - **>age 65 or >age 16 with a chronic condition**
- **Limiting factor is vaccine availability**

Mr. Stapp stated they are reaching out to all providers to compile information on how and who gets it.

Mr. Stapp stated for public safety employees, appointments are being made at three different locations.

Council Member Gleason asked if there any scheduling issues with receiving the second dosage. Mr. Stapp stated that is yet to be determined, the staff who got the first shot is assigned to go back next week and we are being told it will be available. Mr. Stapp mentioned they were on a call with officials with DSHS there are some indication that providers across the state and not sure if it is local but providers interpreted the dosage instructions incorrectly. Mr. Stapp stated the second dosage is coming later.

Council Member Baker expressed concern regarding the over 15% rate, vaccination process that it is taking 30 minutes per person as opposed to a flu shot. Do any of the providers have labor issues and can we do anything to facilitate this? Mr. Stapp stated he doesn't have the answer due to labor issues, but the challenge is for the 14 providers listed have not been granted with dosages and not sure why. Mr. Stapp mentioned it takes about 30 minutes as he stated, in addition they need to schedule 10 people at one time to complete one vile.

Mayor Pro Tem Derrick inquired about the Texas State numbers. Is Hays County counting these numbers? Mr. Stapp said student and faculty cases are reported to county, if are county residents. There could be some residential discrepancies.

Mayor understand case counts are where people live, but are hospitalization numbers account for the number regardless of residency requirements. Mr. Stapp stated the hospital is only residents no matter where they have been transferred.

Council Member Gonzales stated his experience with the vaccine was pleasant and did not take much time.

Council Member Baker asked if it would be helpful, if Council write the letter we have a roll-out, is there anything policy related that Council can do. Mr. Stapp stated Judge Becerra did write a letter to them at the local government level and the state is communicating with the judge.

Council Member Gleason stated he would like the county and the city to be ready to roll-out when it happens. Mr. Stapp stated with partnership with county we will be ready and regarding locations we will use locations that are being used, for example the High School.

Deputy Mayor Pro Tem Scott asked if the City staff has asked the National Guard on how to issue the dosage in bulk. Mr. Stapp stated if using the National Guard, it would come from the state.

CONSENT AGENDA

A motion was made by Council Member Gonzales, seconded by Deputy Mayor Pro Tem Scott, to approve the consent agenda, with the exception of items #5, 6, 8, and 9 which were pulled and considered separately. The motion carried by the following vote:

For: 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

Against: 0

2. Consider approval, by motion, of the following meeting Minutes:
 - A. November 17, 2020 - Work Session Meeting Minutes
 - B. November 20, 2020 - Special Meeting Minutes
 - C. December 2, 2020 - Work Session Meeting Minutes
 - D. December 2, 2020 - Regular Meeting Minutes
 - E. December 14, 2020 - Special Meeting Minutes
 - F. December 15, 2020 - Work Session Meeting Minutes
3. Consider approval of Resolution 2021-01R, approving a contract with E.H. Wachs for the purchase of a Valve Exerciser Skid through the Texas Buyboard Purchasing Cooperative for use by the Public Services Department in the amount of \$74,594.50; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring effective date.
4. Consider approval of Resolution 2021-02R, approving the purchase of a hydro-excavation system from Freightliner of Austin through the Texas Buyboard

Purchasing Cooperative for use by the Public Services Department in the amount of \$432,741.00; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring effective date.

5. Consider approval of Resolution 2021-03R, approving a Developer Participation Agreement providing for the City to participate in the cost of extending wastewater infrastructure from the Trace Subdivision to the Posey Business Park area in the amount of \$850,248; authorizing the City Manager or his designee, to execute said agreement; and declaring an effective date.

A motion was made by Council Member Baker, seconded by Mayor Hughson, to approve Resolution 2021-03R.

Mayor Pro Tem Derrick inquired about Water/Wastewater (W/WW) extension to an area that is not annexed yet, does this lie with owner or developer?

Richard Reynosa, Senior Engineer said these are attached to the land, so they would transfer if sold.

Mayor Pro Tem Derrick asked if there is a time frame when annexation will get done. Shannon Mattingly, Director of Planning and Development Services stated staff can start the process when the Outside of City Limit Utility agreement has been completed and recorded. It will be bought before Council to set the Public Hearing schedule and then proceed with the annexation and zoning. Ms. Mattingly stated there is no timeline on when it needs to be completed. Ms. Mattingly stated with participation agreement Council can set a timeline to have the annexation move forward.

Mayor Hughson asked when the list of all potential annexations will come before them council to determine when to initiate the annexation request and will suggest to add it to a future agenda. Ms. Mattingly will get the list to Council. Ms. Mattingly stated it takes about 3 months to complete each annexation, if Council would like to add a timeline they may do so.

Mayor Hughson would like to have that list and start making determinations on when we want to initiate the annexation request for each property. The Mayor will send a formal request for this to be placed on a work or regular agenda.

Mayor Pro Tem Derrick said this has not occurred often and it seems backward, because it is usually Annexation, Rezoning, then discussing City Services.

Richard Reynosa provided a brief presentation. Laurie Moyer, Director of

Engineering stated the owners have been waiting for a long time for the extension on w/ww services.

Council Member Baker expressed concerns with the annexation timeline and would like to delay approval until property has been annexed.

Mayor Pro Tem Derrick agrees to postpone.

Deputy Pro Tem Scott asked why it was presented like this and would like to pull this item.

Ms. Moyer stated the extension for W/WW services has been in discussion since December 2015. The City has not been ready to extend the lines, however the property owners are ready to design and construct the project, with all city approvals. Ms. Moyer stated the city has the request for annexation but has not been processed, Council is just approving them for the services.

The motion to approve carried by the following vote:

For: 5 - Mayor Hughson, Council Member Baker, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

Against: 2 - Mayor Pro Tem Derrick and Council Member Gonzales

- 6. Consider approval of Resolution 2021-04R, approving the award of a construction contract to Patin Construction, LLC for the Uhland Road Improvements Project in the estimated amount of \$6,495,711.54; authorizing the City Manager or his designee to execute the contract on behalf of the City; and declaring an effective date.**

A motion was made by Mayor Pro Tem Derrick, seconded by Council Member Baker, to approve Resolution 2021-04R.

Council Member Derrick commended staff on their work and stated her question was answered earlier. She stated our construction contracts now have a liquidated damages clause that holds the contractor liable to complete projects within a certain time frame, pending any natural causes such as rain or flooding, etc. The contractor is charged a certain rate per day for every day they go past the required days.

Mayor Hughson asked if this clause costs us more money. Kirk Abbott, project engineer spoke on the Uhland Road Improvements Project and stated this will not cost the City more money unless we constrain the schedule.

The motion to approve carried by the following vote:

For: 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

Against: 0

7. Consider approval of Resolution 2021-05R, approving a Change in Service to the agreement with Sigma Technology Solutions, Inc. through the Texas Comptroller of Public Accounts Department of Information Resources program for the purchase of Nexus equipment and support services in the estimated annual amount of \$44,182.76 and authorizing four additional annual renewals; authorizing the City Manager or his designee to execute the appropriate documents to implement the Change in Service; and declaring an effective date.
8. Consider approval of Resolution 2021-06R, awarding an Indefinite Delivery Indefinite Quantity (IDIQ) Master Contract for Fiber Optic Installation, Repair and Maintenance Services to TCD2, LLC in the estimated annual amount of \$700,000.00 and authorizing two additional annual renewals; authorizing the City Manager or his designee to execute the contract; and declaring an effective date.

MAIN MOTION: a motion was made by Council Member Baker, seconded by Deputy Mayor Pro Tem Scott to approve Resolution 2021-06R.

MOTION TO AMEND: a motion was made by Deputy Mayor Pro Tem Scott, seconded by Council Member Baker, to amend Resolution 2021-06R, by removing the words "and authorizing two additional annual renewals" in the caption of the Resolution and removing the words "and two additional annual renewals are authorized." in Part 1 of the Resolution.

The motion to amend carried by the following vote:

For: 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

Against: 0

MAIN MOTION: to approve Resolution 2021-06R, as amended.

The motion carried by the following vote:

For: 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

Against: 0

9. Consider approval of Resolution 2020-267R, approving a renewal of the agreement with the San Marcos Area Chamber of Commerce in the estimated annual amount of

\$28,760; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.

A motion was made by Deputy Mayor Pro Tem Scott, seconded by Council Member Gleason, to approve Resolution 2020-267.

Council Member Baker appreciates the in depth response by Staff. What is the long term plan in housing the Economic & Business Development Manager in this facility. Mr. Lumbreras stated this is a temporary plan and there is no specific timeline at this time. Council Member Baker expressed his concern with this position being placed within the Chamber Offices.

The motion to approve carried by the following vote:

For: 5 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Gonzales, Deputy Mayor Pro Tem Scott and Council Member Gleason

Against: 2 - Council Member Baker and Council Member Garza

PUBLIC HEARINGS

10. Receive a staff presentation and hold a public hearing to receive comments for or against Ordinance 2021-01, annexing into the City approximately 73.412 acres of land out of the Joel Miner Survey, Abstract No. 321, Hays County, generally located at 2811 Harris Hill Road in Case No. AN-20-11; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2021-01, on the first of two readings.

Shannon Mattingly, Director of Planning and Development Services, provided the presentation regarding the annexation of 72+ acres of land on Harris Hill Road. The developer is proposing a manufactured home community and this is on the empty, adjacent lot to Saddlebrook Manufactured Home Community.

Mayor Hughson opened the Public Hearing at 8:13 p.m.

Roland Saucedo, expressed his support of annexation. Mr. Saucedo stated any revenue generated by the city would be beneficial.

Jose Santos, represents the developer and feels there is a demand for affordable housing. He expressed his support of the annexation.

Lisa Marie Coppoletta, expressed concern with the words “affordable housing” and wants to ensure there is no flooding. Ms. Coppoletta is concerned there is no neighborhood character study completed at this time. She thinks the public should be made aware of the concerns addressed on the message board. She thanked Mayor for having the Public Hearing at a reasonable time.

There being no further speakers, Mayor Hughson closed the Public Hearing at 8:19 p.m.

A motion was made by Council Member Gleason, seconded by Deputy Mayor Pro Tem Scott, to approve Ordinance 2021-01, on the first of two readings.

Council Member Gonzales asked if lots will be sold or rented and what is the average lot size. Mr. Santos said rent initially with lot size about 5,000 sq foot, very similar to Saddlebrook. Council Member Gonzales asked what is the average rent for the lot size? Mr. Santos stated it will be \$450-\$500 per month.

Mayor Pro Tem Derrick asked is there any way fire/police could guess what their response time is to Saddlebrook? Chief Stephens, Fire Chief provided an estimate for response time. Mayor Pro Tem Derrick asked about structures in Saddlebrook. Chief Stephens stated they have not lost a structure at Saddlebrook and all manufactured homes must adhere to certain fire materials for housing, just like this development would. Mayor Pro Tem Derrick asked about flooding. Chief Stephens said it doesn't flood early, but could potentially.

Mayor Hughson asked about lot size and noted they are more like a single family neighborhood and not what people typically think of when they think of traditional mobile home park.

Deputy Mayor Pro Tem Scott asked about a rental of property instead of owning the land. He thinks if we are wanting affordable housing then they should own the land.

Council Member Gleason mentioned the emergency response time and how this shows the need for another fire department. We are still in need with the expansion of housing and he does support annexation.

The motion to approve carried by the following vote:

For: 5 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Garza and Council Member Gleason

Against: 2 - Council Member Gonzales and Deputy Mayor Pro Tem Scott

11. Receive a Staff presentation and hold a Public Hearing to consider comments for or against Ordinance 2021-02, amending the Official Zoning Map of the City in Case No. ZC-20-22 by rezoning approximately 72.85 acres of land located on Harris Hill Road, approximately one-half mile south of Yarrington Road; from "FD" Future Development District to "MH" Manufactured Home District; including procedural provision; and providing an effective date; and consider approval of Ordinance 2021-02, on the first of two readings.

Shannon Mattingly, Director of Planning and Development Services, provided the presentation regarding the rezoning of 2811 Harris Hill Road to the proposed Mobile Home Community.

Mayor Hughson opened the Public Hearing at 8:37 p.m

Roland Saucedo, expressed his support of the rezoning. Mr. Saucedo stated Saddlebrook did not flood but he is concerned with the ability to get in and out of the property. Mr. Saucedo stated this is affordable housing but would like to see people own the land but does like that they own the mobile home. Paying \$500-\$800 is affordable. He would like council to approve the rezoning.

Jose Santos stated the community doesn't have a development agreement in place and not completely discarded the possibility of land for sale but are planning something similar to Saddlebrook with better spacing and quality homes. Mr. Santos stated they have partnerships with high quality manufacture home builders in an effort to establish a great standard in San Marcos.

Lisa Marie Coppoletta asked if the residents are aware of the 22 minute emergency response time. Ms. Coppoletta asked why was this not discussed before and are the tenants going to be aware. She stated if the people own the land, then this would be considered affordable housing. She asked Council to be careful when voting.

There being no further speakers, Mayor Hughson closed the Public Hearing at 8:45 p.m.

A motion was made by Mayor Pro Tem Derrick, seconded by Mayor Hughson, to approve Ordinance 2021-02, on the first of two readings.

Mayor Pro Tem Derrick asked for clarification regarding tenants owning the trailer, so they can build equity. Mr. Santos said they will own the trailers but the lot will be leased. Mayor Pro Tem Derrick said what is the process if someone wants to move out. Mr. Santos said the owners can sell the trailer on their own or they can do it for them. Mayor Pro Tem Derrick would like to

have it stated within the contract that emergency response time is up to 22 minutes so tenants are informed.

Mayor Hughson asked Michael Cosentino, City Attorney how can language be added to the contract for notification to the tenants of the emergency response time. Mr. Cosentino stated this project does not fall under a restrictive covenant due to the fact the land is not under ownership of property but only a land lease.

Mayor Pro Tem Scott expressed his concern with the tenant not owning the property.

Mayor inquired about people who, due to previous financial difficulties, may not qualify for the full price of a stick-built home, but could qualify to purchase the lower priced manufactured home, and due to changed financial circumstances, can also afford to rent the space. She stated this may be a number of our population and this project allows for a transition into home ownership because the house will have value when sold and it's better than renting. The house may not gain in value in the same way as a stick-built house would, but it is still better than rent because there will be some value. This can provide a path to home ownership.

Council Member Gonzales agreed with Mr. Scott and is concerned with the emergency response time as well.

Council Member Gleason noted that he would prefer ownership of the land. However, he has friends in Saddlebrook, next door, and they are happy with owning their home. He noted being able to purchase the home and having something to sell at a later date is a path to home ownership. He noted that having a home that is larger than an apartment and a yard is more space than an apartment. He also inquired as to the date of the FEMA flood map, which Ms. Mattingly confirmed is up-to-date.

Council Member Baker stated a mobile home does not appreciate in value very well and expressed concerns with the project and states it does not meet the housing needs of our community.

Mr. Cosentino stated that notices on properties that have flooding are required to be given by landowners or property managers and they are approved by ordinance. He stated the address notifications for residents on response time does not relate to this because there is no ordinance on the table and

mentioned that it could be agendaized for a future meeting date. He stated the applicant could reconsider the development plan to have a rental community or not and council can bring an ordinance forward to discuss notifications regarding response time.

Mayor Pro Tem Derrick would like to see an ordinance on the emergency response notification for tenants. This will require a request to place it on an agenda.

Mayor Hughson asked if the company will own the land and if there are plans to maintain the landscaping, mow the lawn, if there will there be a clubhouse? Will management do routine maintenance? Mr. Santos stated yes, including a pool with picnic areas and will maintain the common areas and landscaping. Mr. Santos mentioned he could set aside a portion of the land for lots to sell, if council desires. He noted that Saddlebrook is at capacity and he believes there will be a market for the product he plans to offer.

Mayor Hughson asked what is available in Saddlebrook? Do they offer lots for sale or just the homes? Mr. Santos stated the lot is leased and the tenant owns the home.

Council Member Gleason stated if the tenants own the home, they may have to pay for flood insurance. He would prefer to see them own the lot but he knows the Saddlebrook model works. Mr. Santos said they are not planning to put homes near the floodplain and will be working around the floodplain.

Chase Stapp, Director of Public Safety spoke on behalf of Chief Stephens and asked about the entry points from IH35 for the response time estimation.

Mayor Hughson asked Ms. Mattingly, if the streets will be connected with Saddlebrook. Ms. Mattingly said they will not be connected due to roads because there are no stubbed out streets for future connections in Saddlebrook.

Ms. Mattingly mentioned there needs to be entry points based on the number of units. Since there are no connections directly to IH 35, the emergency route is via Harris Hill Rd. There may be future connection opportunity through land that is not yet developed. This property will be required to have stub-out to the next development.

Deputy Mayor Pro Tem Scott stated the city is working at affordable housing so why can't we use funds for a rent to own land incentive for the people to

own the land.

Mayor Hughson asked Mr. Lumbreras if there is money for affordable housing. Mr. Lumbreras stated there is no fund dedicated to this.

Council Member Baker stated with interest rates of 8% - 9% and the applicant having lots to own there is concern for the owner to have the lower mortgage rate, there must be concrete or foundation setup that can't be moved. Is the applicant planning to have unmovable homes or tenant buys the lot and the owner can lease the lot when moving? Mr. Santos said if we offer lots for sale, the owner could sell lot at the market value.

The motion to approve failed by the following vote:

For: 3 - Mayor Pro Tem Derrick, Mayor Hughson and Council Member Gleason

Against: 4 - Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott and Council Member Garza

NON-CONSENT AGENDA

12. Consider approval of Ordinance 2021-04, granting an easement to the Bluebonnet Electric Cooperative for the installation of electric infrastructure to serve the City's new Public Service Center; authorizing the City Manager, or his designee, to execute said easement on behalf of the City; including procedural provisions; and declaring an effective date; and consider approval of Ordinance 2021-04, on the first of two readings.

A motion was made by Mayor Pro Tem Derrick, seconded by Council Member Baker, to approve Ordinance 2021-04, on the first of two readings. The motion carried by the following vote:

For: 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

Against: 0

13. Consider approval of Resolution 2021-07R, amending Resolution 2020-274R, that granted a variance from certain parking requirements for a portion of the Whisper Planned Development District by changing one of the conditions for the granting of the variance requiring 100 percent rooftop solar panels to a requirement that the rooftop structure be designed to accept future solar panel installation; and declaring an effective date.

A motion was made by Mayor Pro Tem Derrick, seconded by Deputy Mayor Pro Tem Scott, to approve Resolution 2021-07R.

Shannon Mattingly, Director of Planning and Development Services, provided

a update and reminded Council that at the December 15, 2020 meeting the approved a resolution with the following conditions:

- Over Detention of Site Runoff**
- Grass-lined channels providing water quality**
- 10 employee electric vehicle charging stations**
- 10 electric semi-truck charging stations**
- 100% rooftop solar panels**
- Hydrogen fuel system**
- Designated ride share location**

The current item for clarification and reconsideration at this time is the 100% rooftop solar panels that were discussed at the last meeting. The applicant's intent is to require construction of a roof structure that is designed to accept future solar panel installation. Ms. Mattingly stated that staff does recommend approval of this Resolution.

After council discussion, the motion to approve carried by the following vote:

For: 6 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

Against: 1 - Council Member Baker

- 14.** Discuss and consider the charge to the 2021 Charter Review Commission, and provide direction to Staff.

Michael Cosentino, City Attorney provided a brief presentation on the Charter Review process. Mr. Cosentino asked council to vote on any specific matters the council would like the Charter Review Commission to study and consider as it conducts its comprehensive review of the San Marcos City Charter.

Mayor Hughson suggested that the charter review commission complete its report by Memorial Day due to allow enough time for council to prepare an ordinance calling a charter amendment election in August. Council consensus was given.

Mayor Hughson would like for the commission to give the council an interim report after the commission has had have two or three meetings to include any proposed amendments the commission is considering that were not included in the council's charge to the commission. Council consensus was given.

Mayor Hughson stated suggested that the charge to the charter review commission will include only those matters that receive the favorable vote of at least four council members. Council consensus was given. that the specific

matters will be approved by four council members to have the commission review item.

Each of the following items received at least 4 favorable votes for inclusion in the council's charge to the charter review commission:

Mayor Pro Tem Derrick provided:

City Clerk not having to live in City limits (but in an area contiguous to or within a certain distance from the city)

Mayor Pro Tem Derrick provided:

Add language not allowing business partners or relatives of council members be appointed to Planning and Zoning Commission (PZC), if business partner or family member with a council member.

Council Member Baker provided:

Add language to prohibit the appointment of more than one real estate professional to the PZC.

Mayor Hughson provided:

Require PZC to have five votes in order to approve any motion

Deputy Mayor Pro Tem Scott provided:

Review the lengths of term for longer periods for Mayor and Council

Mayor Hughson provided:

Review with the possibility of moving the City elections to odd years

Mr. Lumbreras provided:

Consider deleting provisions requiring city council approval of assistants to the city manager, city attorney, city clerk, and court administrator. under various sections regarding Council employment approval under elected officials

Mr. Lumbreras provided:

Review language regarding removal of the city manager by majority vote in section 3.17 "Expulsion or removal of City Officials" because it is inconsistent with other charter provisions requiring the affirmative vote of 5 council members to remove the city manager

Mr. Lumbreras provided:

The Municipal Judge not having to live in City limits (but in an area contiguous to or within a certain distance from the city)

15. Discuss and consider nominations to the 2021 Charter Review Commission, and provide direction to Staff.

The following were nominated to serve on the 2021 Charter Review Commission:

Paul Mayhew - nominated by Mayor Hughson
Ed Mihalkanin - nominated by Council Member Gonzales
Chance Sparks - nominated by Mayor Pro Tem Derrick
Arthur Taylor - nominated by Council Member Baker
Zach Sambrano - nominated by Council Member Garza
Travis Kelsey - nominated by Council Member Gleason
John Thomaides - nominated by Deputy Mayor Pro Tem Scott

A motion was made by Mayor Hughson, seconded by Council Member Baker, to approve the nominations to the 2021 Charter Review Commission. The motion carried by the following vote:

For: 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

Against: 0

16. Discuss and consider an appointment to fill a vacancy for position five of the Tax Increment Reinvestment Zone (TIRZ) No. 5 (Downtown) Board of Directors, and provide direction to Staff.

Mayor Hughson noted that Mr. Bobby Warren submitted his resignation to serve on the TIRZ #5 Board of Directors. Mayor Hughson indicated that Kyle Mylius submitted interest in serving and she nominated him for position 5.

The appointment of Kyle Mylius was approved by the following vote:

For: 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

Against: 0

IV. Adjournment.

A motion was made by Council Member Baker, seconded by Deputy Mayor Pro Tem Scott, to adjourn the regular meeting of the City Council on Tuesday, January 5, 2021 at 11:22 p.m. The motion carried by the following vote:

For: 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

Against: 0

Tammy K. Cook, Interim City Clerk

Jane Hughson, Mayor