



City of San Marcos

Meeting Minutes City Council

Tuesday, January 19, 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 19, 2021. The 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, thanked the Mayor and Council Member Derrick for their work on the master plan and for standing up for the community. She also thanked Assistant City Manager Ms. Reyes and Mr. Pantalion and Director of Public Safety Mr. Stapp for their hard work during the pandemic. Ms. Coppoletta thanked Amanda Hernandez, Planning Manager for her work and helpfulness on the Comprehensive Master Plan. Ms. Coppoletta expressed concern with the Hunter Road project regarding drainage and the outcomes if flooding occurs.

Ann DuPont, spoke against the extension of water/wastewater service at Spring Road and Gordon Street. She expressed concern with staff ignoring the citizens and as a result of inaction will cause an overpopulated rent by the bedroom housing complex built on an environmentally critical site. She expressed concern with the wildlife in that area and the decision made could have an impact on the environment.

Jay Horton, spoke against the project on Spring Road. Mr. Horton expressed concern with the pollution of the water system, the environment, and wildlife. He stated the river needs to be protected.

Rodney VanOudekerke, spoke against the Spring Road project. He expressed concerns that it passed with no consideration to the effects it would have on property owners living on Spring Road. He expressed concern that this project is not in the best interest and of the community and would like Council to revisit this issue and have a proper discussion.

PRESENTATIONS

1. Receive status reports and updates on response to COVID-19 pandemic; and hold discussion regarding council meetings being held in Council Chambers, and provide direction to Staff.

Chase Stapp, Director of Public Safety provided the presentation on COVID-19 pandemic and discussion on council meetings being held in Council Chambers

Known Cases - as of January 15, 2021

- **Approx. 1.8m total cases (381k active) cases in Texas with 32,084 fatalities**
*source: Texas Department of State Health Services
- **12,948 total cases in Hays County (2,437 active and 10,434 recovered) with 154 fatalities**
- **636 cases have required hospitalization, 46 current**
- **5,016 total cases in San Marcos (802 active and 4,150 recovered) with 64 fatalities**
*source: Hays County Health Department
- **1,554 total cases at TX State (199 active)**
- **1,385 students, 169 faculty/staff**
*source: Texas State University Student Health Services

Comparative Information

- **Texas - About 75k more active cases since the 1/5 update and 4,115 new fatalities**
- **Hays - 921 more active cases since the last update and 21 new fatalities**
- **San Marcos - 632 more active cases since last update and 11 new fatalities**
- **Employee test results - currently 12 employees testing positive across all departments with 6 tests pending and 30 employees are being quarantined**

Mr. Stapp mentioned that the hospitalizations in the region is at 16.6%.

Testing Overview

- **102,142 tests administered county wide**
- **- 89,194 negative (87.3%)**

- 12,948 confirmed (12.7%)
- Testing by Curative
- San Marcos Outlet Malls (Premium side)
- Toyota Stadium (Rattler Stadium)
- Various additional locations throughout the region
- In-house testing of City employees
- Abbott Labs rapid test system
- Use primarily asymptomatic exposures
- Currently administered by Fire Dept. employees with planned expansion

Updates to Governor Abbott's Actions

- **January 12: State Of Texas Establishes Alternate Care Site In Austin To Expand Hospital Capacity**
- Austin Convention Center opened to provide central Texas with additional hospital beds, medical equipment, and medical personnel to assist the region's response to COVID
- Facility has a capacity of 25 beds and can expand to more beds if needed
- Partnership between Texas Division of Emergency Management (TDEM), Travis County, the City of Austin, and the Capital Area Trauma Regional Advisory Council
- **January 14: Texas First State To Administer 1 Million COVID-19 Vaccines**
- Milestone comes exactly one month to the day after the first doses arrived at vaccine providers in the state on December 14
- Texas has administered more doses than any other state and is near the top in the number of doses distributed per person
- Almost 83,000 vaccine doses were administered in Texas on January 15 (source: CDC)
- Voluntary vaccination continues for front-line health care workers, residents at nursing homes and assisted living facilities, and Texans over 65 or with a chronic medical condition

Vaccination Update

- Texas transitioning to mass vaccination hub model
- Potential for multiple hubs in Hays County
- Hays County Local Health Department
- Christus Santa Rosa SM
- Seton Hays
- Limiting factor remains vaccine availability
- Austin Public Health currently the closest hub

Council Member Baker expressed concern with the hospitalization rate of

16.6% and the recovery rate if someone is hospitalized. He asked if there is any indication of another shutdown. Mr. Stapp stated that he hasn't heard anything from the Governor's office regarding further shutdown. Council Member Baker asked what is stopping the City from further shut downs and should the City risk a potential lawsuit if we decide to enforce stricter measures. Mr. Stapp stated the Governor's Order prohibits us from enforcing it. Council Member Baker continued and asked Mr. Lumbreras if we should consider a shut down, even though there would likely be a lawsuit by the Attorney General, as we see our numbers rise, including deaths. Mr. Lumbreras stated there are legal issues, but from a policy issue, Council can adopt any policy they wish. Council Member Baker expressed concern with the Governor's order regarding the health and safety of the public. He specifically referenced concerns with allowing restaurants to serve indoors and Texas State students returning to campus.

Mayor Hughson asked if council supports a shutdown even though the Governor's order does not allow the City to make the rules. Mr. Stapp stated the mechanism for this is through an emergency order from the Mayor and Mr. Cosentino, City Attorney can answer, if the council can direct the Mayor to write the order or if this is solely the discretion of the Mayor.

Mayor Hughson asked Mr. Cosentino if the City chooses to not abide the Governor's order, can council compel the Mayor to write an executive order?

Mr. Cosentino stated Governor Abbott sued the cities of Austin and El Paso for not abiding by the order. He further explained that the City currently has an ordinance in place that allows the council as a whole to adopt an emergency order. He further explained authority is granted in Chapter 418 of the Government Code that gives a County Judge or the Mayor power to issue an executive order. However, Governor Abbott has suspended this section, so no orders can be issued that are that is inconsistent with what has been issued by his office. Mr. Cosentino stated that the Attorney General could file for lawsuit, similar to Austin and El Paso.

Council Members Baker, Gonzales, Garza, and Derrick stated they would like to pursue an order to provide stricter regulation on some businesses even though the Governor's Order prohibits this. Other discussion include information such as the responsibility of an individual to wear a mask, not the business to enforce it. Deputy Mayor Pro Tem Scott noted that many small businesses are hardly getting by now and this could have a devastating effect

on them. He also noted that the vaccines are now out. Mayor Hughson stated that much of the transmission of the virus happen at family gatherings where people let their guard down and that a shutdown would not stop the virus. Council Member Gleason stated that many of us know people affected by Covid. He would not want to risk a lawsuit by doing this and noted that vaccines are now being distributed. Council also provided consensus to send a letter to the Governor's office encouraging stronger restrictions. Council would also like to encourage our regional neighbors to participate as well.

Mr. Stapp noted in the pending cases regarding City of Austin and El Paso County, The Texas Supreme Court has so far have sided with Attorney General Paxton. Mayor Hughson asked what are the next steps, place this on a future agenda? Mr. Lumbreras stated this will be added to the February 2nd meeting agenda to approve an executive order or letter.

Council Member Garza asked how the vaccines are being distributed and tracked and would like more transparency. Mr. Stapp stated we do not have access to the records. Council Member Garza asked about moving forward to help with transparency in the upcoming roll out of the vaccines. Mr. Stapp stated HIPPA is going to prohibit names being released.

Mr. Stapp provided a brief introduction on the technology aspect of having council meetings in person and introduced Kristy Stark, Director of Communications to provide the options for short term & long term council chamber & zoom solutions. Ms. Stark stated that a demo was done by city staff on the two options being presented.

Ms. Stark provided Scenario 1 with multiple participants in chamber and all connected individually to Zoom. Using this scenario, no in chamber Audio/Visua (A/V) Equipment is used, each participant must wear headphones to eliminate feedback, microphone of each participant will be muted when not speaking with only one microphone in use at a time and an additional device will be connected to capture a wide shot of those in room for Zoom. The challenge with this option is that feedback is very high and there will be usage of noise cancelling headphones.

Ms. Stark provided Scenario 2 with participants in chamber and only one Zoom connection for ever council member in the room similar to previous meetings in the chamber. Using this scenario will consist of a mix of in chamber A/V equipment and Zoom will be used, no need for an in chamber participant to be individually connected to Zoom and would require A/V

equipment upgrade to be successful.

Ms. Stark stated, in summary, scenario 1 is the best short term option, if using current A/V equipment. Scenario 2 is the best long term option with the proposed A/V equipment upgrade.

Ms. Stark mentioned there has been a camera production upgrade used behind the scenes and second upgrade for the broadcasting system in the City Hall conference room. First upgrade was in 2016 for the camera equipment and the RFP process included specific items but due to the dollar amount only we only did some of the project. When the broadcasting system was purchased, a soundboard was also purchased to have it ready for a future sound update for the chamber and in the City Hall lobby.

Mayor Hughson inquired about the usage of microphones. Ms. Stark stated council would use wireless microphones.

Council Member Gonzales asked about the HVAC system in the chambers and is there fresh air coming in and if HEPA filters are being used and how often is testing being done on air quality? Mr. Lumbreras stated he will research and send the information to Council.

Council Member Gleason asked about scenario 2 and how this will work to open chambers for public participation during citizen comment and public hearings. Ms. Stark stated this would be a decision by Council but this could be accommodated with a plan. Council Member Gleason is in favor of scenario 2 to allow public participation in the chamber but it is up to the citizen, if they would like to use Zoom. Attendance in the chambers would not be required to participate. Scenario 1 would present more issues with the microphones. Mr. Gleason noted that there could be times in the future with natural disasters, etc. that this method would be needed.

Mayor Pro Tem Derrick asked how many citizens are allowed in the chambers at this time. Ms. Stark stated it will be for public comment not for people to stay in the audience. We will need to have a process in place with the number of citizens participating at each meeting.

Mayor Hughson confirmed that the plan under consideration is for those who are comfortable coming to City Hall Council Chambers could and those who prefer not to, due to various reasons, would be online from a remote location.

Council Member Baker is in favor of an upgrade to the sound equipment and asked if there has been public outreach on how Zoom works so that citizens can participate? Mayor Hughson stated we have had citizens call in by phone and that instructions have been provided when citizens sign up for public comment.

Council Member Gleason asked Mr. Stapp how are the surrounding cities handling council meetings. Mr. Stapp stated most cities are doing in person meetings.

Mayor Hughson noted that there is no pressure for anyone to come back to the chambers before they are ready. This presentation was to get feedback from the council as to preparations required for that time.

Council Member Gleason suggested staff bring the upgrade to the A/V equipment forward at a future meeting. Council provided consensus to proceed with the upgrade. Mr. Lumbreras stated he will work with staff on the previous proposal and if it can be handled administratively.

CONSENT AGENDA

A motion was made by Deputy Mayor Pro Tem Scott, seconded by Mayor Pro Tem Derrick, to approve the consent agenda, with the exception of item #13, which was 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. December 15, 2020 - Regular Meeting Minutes
 - B. January 7, 2021 Vision Workshop Meeting Minutes - Day 1
 - C. January 8, 2021 Vision Workshop Meeting Minutes- Day 2
- 3.** Consider approval of Ordinance 2021-04, on the second of two readings, 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.
- 4.** Consider approval of Resolution 2021-08R, approving the awarding of a construction contract to New Age General Contractors, Inc., for the South Guadalupe Street Improvements Project - Bike Lane Traffic Signals in the estimated amount of

\$183,269.46; authorizing the City Manager or his designee to execute the contract on behalf of the City; and declaring an effective date.

5. Consider approval of Resolution 2021-09R, approving the awarding of a construction contract to New Age General Contractors, Inc., for the South Guadalupe Street Improvements Project - Sidewalk and Landscaping in the estimated amount of \$793,199.25; authorizing the City Manager or his designee to execute the contract on behalf of the City; and declaring an effective date.
6. Consider approval of Resolution 2021-10R, approving an agreement with TMT Solutions, Inc., relating to the replacement of the Supervisory Control and Data Acquisition (SCADA) software system with an Ignition system to support the City's Water and Wastewater System in the estimated contract amount of \$1,579,070.00; 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 2021-11R, awarding a contract to Altec Industries, Inc., through the Sourcewell Purchasing Cooperative for the purchase of a Large Bucket Truck for use by the Public Services Department in the amount of \$249,722.00; authorizing the City Manager or his designee to execute the contract on behalf of the City; and declaring an effective date.
8. Consider approval of Resolution 2021-12R, approving the purchase of an Air Street Sweeper from TYMCO, Inc. through the HGAC Cooperative Contract in the amount of \$270,485.00, a Dump Truck from Rush Truck Center through the BuyBoard Cooperative Contract in the amount of \$154,245.10, and a Takeushi Excavator from Waukesha-Pearce Industries through the HGAC Cooperative Contract in the amount of \$76,739.80, each for use by the Stormwater Division of the Public Services Department; authorizing the City Manager or his designee to execute all documents necessary to complete these purchases on behalf of the City; and declaring an effective date.
9. Consider approval of Resolution 2021-13R, approving an addendum to the Master Lease-Purchase Financing Agreement with U.S. Bancorp Government Leasing and Finance, Inc. to add an air sweeper, dump truck, and excavator to be financed under the agreement in the amount \$521,387.35, inclusive of interest, for a seven-year term; authorizing the City Manager or his designee to execute all appropriate documents associated with this transaction; and declaring an effective date.
10. Consider approval of Resolution 2021-14R, approving an addendum to the Master Lease-Purchase Financing Agreement with US Bancorp Government Leasing and Finance, Inc. to add a large bucket truck to be financed under the agreement in the amount of \$259,652.79, inclusive of interest, for a seven-year term; authorizing the City Manager or his designee to execute all appropriate documents associated with this transaction; and declaring an effective date.
11. Consider approval of Resolution 2021-15R, awarding an indefinite delivery indefinite quantity agreement to Hi-Lite Airfield Services, LLC for the striping of three runways at

the San Marcos Regional Airport on an as needed basis in the annual estimated amount of \$75,000.00 and authorizing three additional annual renewals for a total contract amount of \$300,000.00; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring effective date.

12. Consider approval of Resolution 2021-16R, awarding a contract to Holiday Chrysler Dodge Jeep Ram (doing business as Defender Supply), through the Tarrant County Purchasing Cooperative Program, for the purchase of eleven Dodge Charger pursuit vehicles for use by the Police Department in the amount of \$270,578.00; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.
13. Consider approval of Resolution 2021-17R, awarding a contract to T.F. Harper & Associates, LP, through the Texas BuyBoard Purchasing Cooperative, for the purchase and installation of shade canopies at the Children's Park Playscape in the estimated amount of \$160,007.25; 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 Mayor Pro Tem Derrick, to approve Resolution 2021-17R.

Mayor Pro Tem Derrick inquired about the annual cost of maintenance. Mr. Wells stated maintenance would be on an as needed basis and would compile information for Council. He also stated maintenance is worked into annual budgets. Mayor Hughson stated depending on the cost of maintenance it would come before council for approval. Council Member Baker indicated his interest in a maintenance agreement.

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

14. Consider approval of Resolution 2021-18R, approving a one-year extension to the agreement with OpenGov, Inc. for software that allows multiple years of financial data to be accessible to citizens and staff through an online portal in the amount of \$12,000 for a total contract price of \$72,000; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.

NON-CONSENT AGENDA

15. Consider approval of Ordinance 2021-05, on the first of two readings, amending sections 7.2.4.1 and 7.2.4.2 and Chapter 8, Article 1 of the City's Development Code by, among other things, including limitations on turfgrass installed in new developments, requiring the

use drought-tolerant turf grass species in new developments, requiring minimum soil depths in new developments, adding a definition for turfgrass, and making other minor edits for clarification; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

A motion was made by Mayor Pro Tem Derrick, seconded by Council Member Baker, to approve Ordinance 2021-05, on the first of two readings.

Mayor Hughson inquired about Turfgrass section E(1) related to turfgrass areas and the list of other drought tolerant grasses. Since we require particular turfgrass who makes this determination? Ms. Klein, stated the specific grasses are well known, but this will be left open if there are any new species of turfgrass. Mayor Hughson asked isf someone wants to use another drought tolerant turfgrass, what is the process? Ms. Klein stated there is a landscape approval process. Mayor Hughson suggested additional language stating the use of other drought tolerant turgrass has to be approved through the landscape approval process. Mayor Hughson is concerned about the increased cost because we want homes to be affordable and asked if someone could justify the cost to potential homeowners. Mr. Taggart stated in reducing the area of turfgrass and the savings in the irrigation system the costs are off set in future utility bills.

Mayor Hughson suggested a document to provide to the builders that they could pass onto customers. Staff can make illustrative cost tables to be provided to homebuilders.

Mayor Pro Tem Derrick suggested additional language in the ordinance referencing where homebuilders can find other options for grass and where to look to ask for a variance? Mr. Taggart stated staff will modify the ordinance to reference the different grass types options and where to look.

Council Member Gonzales asked about the consequences for going to another grass? Mr. Taggart stated it doesn't matter what grass option is used, but it would need to meet ordinance requirements.

Council Member Gleason stated that he is happy that minimum soil depth is included.

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

16. Consider approval of Ordinance 2021-06, on the first of two readings, amending section 14.126 of the San Marcos City Code concerning Landscape Irrigation Systems to require separate irrigation meters in new development; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

A motion was made by Council Member Baker, seconded by Mayor Pro Tem Derrick, to approve Ordinance 2021-06, on the first of two readings.

Mayor Hughson asked if this ordinance requires a homeowner to have an irrigation system. Mr. Taggart stated there is no requirement and if the homeowner chooses to install a irrigation system that would be separately metered.

Council Member Gonzales asked if the meter has built in backflow preventers and if it is required how often do they have to get tested. Ms. Klein stated the backflow is not built-in to the irrigation meter but we require a double check of the backflow device.

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

17. Consider approval of Ordinance 2021-07, on the first of two reading, amending Chapter 2, Article V (Code of Ethics) of the San Marcos City Code; requiring ethics complaints to be sworn before a notary public; establishing a six month time period to file a complaint regarding an alleged violation; requiring city employees and officials to cooperate in hearings before the ethics review commission; prohibiting the use of intimidation to discourage employees from filing ethics complaints or testifying at hearings before the commission; prohibiting retaliation in the form of adverse personnel action against city employees who file ethics complaints or testify at commission hearings on pending complaints; and providing an effective date.

MAIN MOTION: a motion was made by Council Member Baker, seconded by Mayor Pro Tem Derrick to approve Ordinance 2021-07, on the first of two readings.

Michael Cosentino, City Attorney went over the amendments that were missed from the December 2, 2020 Work Session:

- amending the caption by striking "6 months" and inserting "12 months"
- amending Complaint Procedure under section 2.444 (a)(1)(d) by striking

"recommends should be considered by the commission" and inserting "relying on to support the alleged violation" and inserting "any subsequent evidence including documents or witnesses that come to the complainant's knowledge must also be filed in a sworn statement"

-amending Complaint Procedure under section 2.444 (a)(1)(g) by inserting "within twelve (12) months"

-amending Complaint Procedure under section 2.444 (2) by adding "A copy of any complaint filed against a city employee shall also be forwarded by the city attorney to the city manager within seven business days."

MOTION TO AMEND: a motion was made by Council Member Baker, seconded by Mayor Pro Tem Derrick, to approve Ordinance 2021-07, with the amendments as proposed by Mr. Cosentino, on the first of two readings.

The motion carried by the following vote:

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

Against: 1 - Deputy Mayor Pro Tem Scott

MAIN MOTION: to approve Ordinance 2020-07, as amended. The motion carried by the following vote:

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

Against: 1 - Deputy Mayor Pro Tem Scott

- 18.** Consider approval of Resolution 2021-19R, awarding Community Development Block Grant- Coronavirus Response (CDBG-CV) round three funding of \$567,825.00 to a designated subrecipient for the design and administration of a COVID-19 Emergency Housing and Business Relief Program; authorizing the City Manager, or his designee, to execute a funding agreement with the subrecipient in such amount and to act as the official representative of the City in matters related to the CDBG Program and Action Plan; and declaring an effective date.

A motion was made by Council Member Baker, seconded by Mayor Pro Tem Derrick, to approve Resolution 2021-19R.

Carol Griffith, Housing and Community Development Manager, provided the presentation on awarding Community Development Block Grant- Coronavirus Response (CDBG-CV) funding to a designated subrecipient.

Ms. Griffith stated the progress to date:

- **November 17, 2020 - City Council held a public hearing and approved an amendment to the Program Year 2019 CDBG Action Plan to accept \$567,825**

in CDBG-CV Round 3 Funding, to be used for a rent/mortgage/utility assistance program

• November 29, 2020 - January 11, 2021 - Notice of Funding Availability for Design and Administration of a COVID-19 Emergency Housing and Business Relief Program by a non-profit

The recommendation by staff is to provide funding for individuals and not businesses on this round of funding.

Ms. Griffith stated two applications were received from Veteran Services Office & HOME Center and Community Action Inc. and BR3T.

Ms. Griffith stated the pros of the Veteran Services Office & HOME Center that it combines resources and expertise to serve all residents and provides case management. The cons is that the program is not ready to launch and desire to build capacity - better done with other funding sources

The other application was received from Community Action Inc. and BR3T and the pros are the capacity and expertise are ready, partnership provides “bench” depth and recent experience with similar funding sources and clients.

Ms. Griffith stated the staff recommendation award of \$567,825 to Community Action Inc (CAI) for the design and administration of the COVID-19 Relief Program for individuals and families using CDBG-CV Round Three funding, with the stipulation that a minimum of \$454,260 be awarded to beneficiaries of the program. She also noted that staff is recommending that the total amount funding available be granted and no administrative fee be kept by the City. We will assist but they will be responsible for marketing and administration of the program.

Mayor Hughson inquired about the difference in amounts and what does it do. Ms. Griffith stated the difference is for administration and any money left will be given to beneficiaries for utilities or rent. The administration fee includes staff time worked and cost for marketing.

Mayor Pro Tem Derrick inquired about staff salaries? Ms. Griffith stated the CDBG employees are not funded in the general fund, with the exception of a small amount but rather funded by the grant.

Council Member Gleason expressed his support of Community Action and BR3T.

Council Member Baker asked why there is no partial funding to the other application including the Home Center. Ms. Griffith stated it would be more efficient to run this through one source. The funding source can't be split and Ms. Griffith stated their time would be much better spent pursuing funding sources and stay focused on their own mission.

Council Member Garza asked how Community Action, Inc. is monitoring their growth. Ms. Garza expressed concerns with the application process and wants to ensure this is easier for citizens. Ms. Griffith stated that can be addressed in the agreement to ensure the application is more accessible and easier to use.

Mayor Pro Tem Derrick asked what kind of technical support Community Action, Inc has because there have been concerns of their forms. She inquired about city staff providing support to Community Action. Ms. Griffith stated to a certain extent staff will assist and BR3T is a great partner and have created the forms for Hays County program. BR3T will be involved from the start and are comparing forms. Mayor Pro Tem Derrick inquired about Veterans Service and HOME Center and how they were not ready to launch. She wanted to clarify that Community Action and BR3T is to keep people from falling into homelessness with the utilities or rent assistance and Veterans Service and HOME Center specifically helps those that are currently homeless. Ms. Griffith stated both types of funds are from HUD and the City does not get emergency shelter funds directly. HOME Center is a 501 3c and can get federal funding through Texas Homeless Network. HOME Center is a 501-3c and can get federal funding through Texas Homeless Network.

Council Member Baker inquired about the CDBG funds from various rounds and when there will be further discussion. He would like Staff to reach out to various organizations to inform them about the available funds. Ms. Griffith stated this will be presented at the February 2, 2021 work session. Ms. Griffith stated we will know by mid-March how much money we got approved for through the Texas Department of Emergency Management.

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

19. Consider approval of Resolution 2021-20R, awarding contracts for On-Call Electrical

Engineering Services to Stanley Consultants, Inc., and McCord Engineering, Inc., with an initial two year term and authorizing three additional annual renewals in a not-to-exceed amount of \$5,000,000 per firm for the full five year term; authorizing the City Manager or his designee to execute the contracts on behalf of the City; and declaring an effective date.

MAIN MOTION: A motion was made by Council Member Gleason, seconded by Council Member Baker, to approve Resolution 2021-20R.

Deputy Mayor Pro Tem Scott asked about the renewal process and would like to see this come back for annual approval due to the large sum of money. Mr. Taggart stated the contracts for electrical engineering services provide services to Electric Utility, Engineering and Water/Wastewater departments. Mr. Taggart stated the concern with short term contracts for engineering services will put the consultants in a situation of a limited time frame to understand the City's system and master plans. Mr. Taggart stated what is most important is the need for continuity in relation to the services to ensure they adhere to engineering specifications to support our projects.

Mr. Lumbreras stated Council Member Scott is inquiring about the provision of the City Manager executing the extensions and mentioned that has been the standard language on contracts. Mr. Lumbreras mentioned discussion will be brought to Council for a policy decision on how to handle the renewals and extensions on contracts.

Mayor Hughson asked what are the ramifications, if we do not pre-approve the renewals? Mr. Taggart stated it will cost more money, the design will take months to complete and will be difficult to start the number of projects we have.

Tyler Hjorth, Assistant Director of Electric Utilities, stated it will not change the terms on the contract but could operationally affect how projects will be released to the firms, if waiting on the annual approval process. This is an operational concern on how we will keep the projects moving forward.

Council Member Baker stated he would like a list of contracts that are up for renewal. Mr. Lumbreras stated there is a draft list being prepared and will be discussed at an upcoming work session. There will be discussion regarding Council concerns of having short contracts with no renewals or extensions, how operations will be affected and the limitations of staff limitations with keeping up with proposals. Mr. Lumbreras stated the list can be sent to Council periodically and the operational challenge is these contracts are

needed to keep the city moving forward with projects.

Mayor Hughson asked if this agreement is a five year contract or two year contract, and if it could come back each of the three renewals? Mr. Hjorth stated the initial term of the contract is two years and if Council rejects the renewals then the contract ends but if approved the terms and pricing stay in place for the extended three years.

MOTION TO AMEND: A motion was made by Deputy Mayor Pro Tem Scott, seconded by Council Member Gonzales, to amend Resolution 2021-20R, by inserting in the caption "Requiring the City Manger to notify the City Council prior to executing each annual renewal".

Mr. Lumbreras stated it is a process issue from a policy standpoint and will need to add to the policy to avoid amending future resolutions.

Council Member Gleason stated he doesn't want to be an impediment to the CIP projects not being completed on time.

Mayor Pro Tem Derrick inquired about the list that will be discussed during a work session and if this will include a process change that will determine which contracts need council approval and others that will not? Mr. Lumbreras stated Council has an interest but has not adopted any change to the policy. There are different aspects of interest and they will be discussed at a future work session. Mr. Lumbreras mentioned staff will be work on a recommendation to provide to Council that outlines contract issues. There will be options regarding notifications or certain dollar amount that will go through the RFP process or contracts with no renewals.

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 2021-20R, 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

20. Consider approval of Resolution 2021-21R, awarding contracts for On-Call Debris Removal Services to Ceres Environmental Services, Inc., CrowderGulf, LLC and DRC Emergency Services, LLC with an initial two-year term in a not-to-exceed amount of \$300,000 and authorizing two additional two-year renewals; authorizing the City Manager or his designee to execute the contracts on behalf of the City; and declaring an effective date.

A motion was made by Council Member Baker, seconded by Council Member Gonzales, to approve Resolution 2021-21R. 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

21. Consider approval of Resolution 2021-22R, approving an update to the Service and Assessment Plan for the Whisper Public Improvement District for the purpose of reallocating assessments to three parcels of property within the District; and providing an effective date.

A motion was made by Deputy Mayor Pro Tem Scott, seconded by Mayor Hughson, to approve Resolution 2021-22R. 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

22. Discuss and consider Council Member Gonzales' nomination to the 2021 Charter Review Commission, and provide direction to Staff.

Council Member Gonzales nominated Esther Garcia to serve on the Charter Review Commission. After a roll call vote, Esther Garcia was unanimously approved to serve.

23. Hold a discussion regarding the City of San Marcos procurement card policy, as it relates to City Council usage; and provide direction to Staff.

Deputy Mayor Pro Tem Scott stated there was a policy for procurement cards in place and he does not support the staff recommendation to change the process.

Stephanie Reyes, Assistant City Manager, provided a brief summary and stated staff has been reviewing the procurement processes to ensure best practices are being followed. Ms. Reyes mentioned that during the Finance and Audit Committee meeting, staff asked members if they would consider the same

process for council members as city staff. Ms. Reyes stated the reason for change to the procurement card policy for staff is to reduce the liabilities. The proposal is to have travel cards in lieu of procurement cards for Council. Staff was directed by the committee to move forward and to send the transition plan forward for full council approval.

Mayor Hughson asked what is the difference between procurement card and travel card? Ms. Reyes stated the procurement card has a credit limit with no activation needed and travel cards have a designated amount added that will be preloaded and activated every time.

Mayor Pro Tem Derrick stated it also involves coding when a procurement card is used. Ms. Reyes stated coding will be for both cards and deciding what charge account is going to be used. The coding will be assigned to the Clerk's Office and review process will be done by the Mayor instead of staff.

Mayor Hughson asked if receipts will still need to be submitted? Ms. Reyes stated yes and but a hardcopy is not needed a picture of a receipt, taken by your cell phone, could be submitted.

Council Member Garza asked if the procurement card is only used for travel? Ms. Reyes stated that procurement was used for expenses prior to having the \$500 non-reimbursable for expenses, the intent was to cover those expenses and the procurement card was more for travel related purposes.

Deputy Mayor Pro Tem Scott expressed concern with an emergency occurring during a conference and not being able to reach staff, if using the preloaded travel card. He would like to have the procurement card to be secure in any situations.

Mayor Hughson reiterated that the travel card will have enough additional funds allocated to it such that an emergency airline ticket home could be funded and that should handle Mr. Scott's concerns. All funds not expended for the trip will be returned to the general fund upon return.

Council provided consensus to move forward with the new policy using the travel card.

EXECUTIVE SESSION

24. Executive Session in accordance with Section §551.071 of the Texas Government Code: Consultation with Attorney - to receive advice of legal counsel regarding the process for

consideration of out of city utility extension requests under Section 86.003 of the San Marcos City Code and state law restrictions on municipal regulation of land uses on development projects initiated prior to annexation.

A motion was made by Council Member Baker, seconded by Deputy Mayor Pro Tem Scott, to enter into Executive Session at 9:49 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

- 25.** Consider action, by motion, or provide direction to Staff regarding the following Executive Session item held during the Work Session and/or Regular Meeting:
- A. Section §551.071 of the Texas Government Code: Consultation with Attorney - to receive advice of legal counsel regarding the process for consideration of out of city utility extension requests under Section 86.003 of the San Marcos City Code and state law restrictions on municipal regulation of land uses on development projects initiated prior to annexation.

Council entered into Executive Session at 4:16 p.m. during Work Session and concluded at 5:36 p.m.

Council concluded Executive Session at 11:32 p.m. Mayor Hughson stated direction was provided to staff.

IV. Adjournment.

Mayor Hughson adjourned the regular meeting of the City Council at 11:33 p.m. Tuesday, January 19, 2021.

Tammy K. Cook, Interim City Clerk

Jane Hughson, Mayor