



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Special Meeting - Final City Council

Tuesday, March 31, 2020

6:00 PM

City Council Chambers

630 E. Hopkins - Special Meeting

****This meeting is virtual, stream online at www.sanmarcostx.gov/videos or watch on**

Grande channel 16 or Spectrum channel 10.

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

the dial in number is 888 788 0099

I. Call To Order

II. Roll Call

EXECUTIVE SESSION

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

REGULAR AGENDA

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

III. Adjournment.

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

TAMMY K. COOK, INTERIM CITY CLERK

Notice of Assistance at the Public Meetings

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



Legislation Text

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

AGENDA CAPTION:

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

Meeting date: 3/31/2020

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

Amount & Source of Funding

Funds Required: Click or tap here to enter text.

Account Number: Click or tap here to enter text.

Funds Available: Click or tap here to enter text.

Account Name: Click or tap here to enter text.

Fiscal Note:

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

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

Choose an item.

Choose an item.

Choose an item.

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

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

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

Choose an item.

Background Information:

Click or tap here to enter text.

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Click or tap here to enter text.

Recommendation:

Click or tap here to enter text.



Legislation Text

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

AGENDA CAPTION:

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

Meeting date: March 31, 2020

Department: City Manager's Office

Amount & Source of Funding

Funds Required: Click or tap here to enter text.

Account Number: Click or tap here to enter text.

Funds Available: Click or tap here to enter text.

Account Name: Click or tap here to enter text.

Fiscal Note:

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

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

Choose an item.

Choose an item.

Choose an item.

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

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

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

Choose an item.

Background Information:

Click or tap here to enter text.

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Click or tap here to enter text.

Recommendation:

Click or tap here to enter text.

City of San Marcos

City Council Special Meeting

March 31, 2020

Status Report

Item 2

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

Updates to Governor Abbott's Actions

- **March 25 – Waiver of certain licensing and regulatory requirements**
 - Allowance for facilities with pending license applications to operate under the license of another licensed facility
 - Allowance for a remote hospital to be operated further than 30 miles away from main licensed hospital
 - Waiver of certain licensing renewal requirements for nurses to include a grace period for license renewals
- **March 26 – Executive Order related to travel**
 - Applies to people travelling to TX from or through an airport in the NY Tri-State area, the states of California, Louisiana, Washington, and the cities of Atlanta, GA, Chicago, IL, Detroit, MI, and Miami, FL.
 - Requires 14-day self quarantine

Known Cases – as of Monday 3/30 at 4:00 p.m.

- **163,549 U.S. cases with at least 2,860 deaths in 55 states or territories including D.C.**
- **3,266 cases in 122 Texas counties with 41 deaths**
- **28 in Hays County (9 active in San Marcos, 2 recovered)**
 - 219 tests returned negative
 - 6 recovered (22 active)
 - 12 still awaiting results
 - 4 cases have required hospitalization

Efforts to date (updated)

- **River parks closure**
 - park playscapes, Dog Park, Skate Park, park public restrooms are also closed
 - open spaces remain open with social distancing
- **City Council and Planning and Zoning Commission meetings held in virtual environment**
- **Business information line active: 512.393.5930**
 - Call volume has been light (10 calls on Monday 3/30 by 1:30 p.m.)
 - Calls generally center around clarification of essential business functions and “should my employer still be open?”
- **County email “hotline” active:**
CitizenComments@co.hays.tx.us
- **Daily Council email updates and message board additions**
- **Multiple State of Texas Assistance Requests (STAR) pending**

Other local efforts

- **San Marcos Consolidated Independent School District closed until at least April 13**
 - Distance education in place
- **Texas State University dorm move-out in progress**
 - Remote instruction beginning Monday, March 30 through end of semester
- **Enhanced City Website with resources**
 - Addition of COVID-19 dashboard on Monday 3/30

Additional City actions

- **Don't Touch Campaign**
 - Material packets delivered to 35 local retailers along high traffic roads on Friday 3/27
 - Monday observation showed 18 location using signage
 - New posters being developed for gas pump relevance

Do You Know Where This Handle Has Been?

Neither do we. So please wash your hands.



Questions? Visit sanmarcostx.gov or call 512-393-5525

sanmarcostx.gov

Upcoming considerations

- **Researching options to provide support for people experiencing homelessness due to many public restrooms being closed**
 - Possible partnership with Southside Community Center
- **Finalizing arrangements for potential bed space for quarantine and hospital overflow**

Upcoming considerations

- **New emergency Order considered by Mayor Hughson**
 - Intended to mimic County Order to reduce confusion
 - Discussion – should it pertain to gas stations like the City of Kyle order?
 - Occupancy limit of 10
 - Minimum distance requirements (6-feet spacing)
 - Required hand sanitizer station and/or attendant required at entrance
 - Doors remain open or opened by attendant

Implemented Strategies/Underway

- **Temporarily Halt Utility Service Disconnections for Nonpayment (evaluate after 90 days)**
- **Offer Utility Bill Payment Arrangements**
- **Waive Utility Bill Late Fees (evaluate after 90 days)**

Additional information regarding eviction moratoriums has also been added to the City website at:

<https://www.sanmarcostx.gov/3087/Resident-Resources>

Strategies Requiring Additional Analysis

- **Re-allocate CDBG Funds** - Consolidated Annual Action Plan must be amended to change any planned use of funds.
- **Grants and Loans** – Promoting Federal grant and loan programs including Economic Injury Disaster Loan (EIDL) and Payroll Protection Loans created through the Coronavirus Aid, Relief, and Economic Security (CARES) Act.
- **Strategic Initiative Funding / Special Economic Development Fund** – Focus on federally-funded programs first before considering local funding from General Fund revenues which could potentially jeopardize ability to fund current staffing levels.

Future Council action items

April 7 meeting

- Consider emergency ordinance requiring landlords to provide a notice to tenants that they have a right to cure a rent delinquency within XX days (60 or 90 depending on council's direction) before having to move out
- Consider emergency ordinance raising the City Manager's spending authority to \$500,000 during the COVID-19 pandemic
- Consider emergency ordinance waiving late fees for non-payment of Hotel Occupancy Taxes (evaluate after 90 days)
- Hold discussion on budget amendment for purchase of test kits and personal protective equipment for residents

Helpful community links

- <http://www.sanmarcostx.gov/covid19info>
- <http://haysinformed.com/health-update/>
- <https://hayscountytexas.com/covid-19-information-for-hays-county-residents/>
- <https://www.smcisd.net/>
- <https://www.dshs.texas.gov/coronavirus/>
- <https://sanmarcostexas.com/>

Executive Session

Item 1

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

Regular Agenda

Item 3

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



3rd ORDER RELATED TO COVID-19

BY

HAYS COUNTY JUDGE CITY OF SAN MARCOS MAYOR
RUBEN BECERRA JANE HUGHSON

“STAY AT HOME, ~~WORK SAFE~~ TO SAVE LIVES”

WHEREAS, on March 13, 2020, a Declaration of State of Disaster was issued by Governor Abbott to take additional steps to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of Texans; and

WHEREAS, On March 15, 2020, a Declaration of Local Disaster was issued by the Hays County Judge to allow Hays County to take measures to reduce the possibility of exposure to COVID-19 and promote the health and safety of Hays County residents utilizing state and federal resources made available with the declaration, which was continued for 120 days by the Hays County Commissioners Court on March 16, 2020; and

WHEREAS, **On March 15, 2020, a Declaration of Local Disaster was issued by San Marcos Mayor Jane Hughson to allow San Marcos to take measures to reduce the possibility of exposure to COVID-19 and promote the health and safety of San Marcos residents utilizing state and federal resources made available with the declaration, which was continued indefinitely by the City Council on March 17, 2020; and**

WHEREAS, the COVID-19 virus is contagious and spreads through person-to-person contact, especially in group settings; and

WHEREAS, the Centers on Disease Control and Prevention (“CDC”) recommends an “All of Community” approach focused on slowing the transmission of COVID-19 through social distancing to reduce illness and death, while minimizing social and economic impacts; and

WHEREAS, on March 19, 2020, Governor Abbott issued Executive Order GA 08 Relating to COVID-19 Preparedness and Mitigation stating people shall avoid social gatherings in groups of more than 10 people and closed all schools until April 3, 2020; and

WHEREAS, the ~~County Judge’s~~ previous Orders have not achieved the desired outcome in combatting COVID-19, and since there have been ~~2844~~ confirmed cases of COVID-19 within Hays County and the ~~threat~~ presence of community spread of the disease within ~~Hays County~~ San Marcos warrants this 3rd Order;

WHEREAS, because of the risk of the rapid spread of the virus, and the need to protect the most

vulnerable members of the community, this “Stay at Home, Work Safely” Order requires all individuals residing anywhere within ~~Hays County~~San Marcos to stay at home, with exceptions and clarifications provided, below;

NOW, THEREFORE, UNDER THE AUTHORITY OF TEXAS GOVERNMENT CODE SECTION 418.108, I, ~~RUBEN BECERRA~~JANE HUGHSON HEREBY ORDER AS FOLLOWS:

SECTION 1. STAY AT HOME, WORK SAFE.

Effective as of 11 p.m. on ~~March 26~~April 1, 2020, and continuing until 5 a.m. on April 17~~0~~, 2020, all individuals currently living within ~~Hays County~~San Marcos are ordered to stay at home at their place of residence. For the purposes of this Order, residences include hotels, motels, shared rentals, and similar facilities. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably as possible maintain social distancing of at least six feet from any other person when they are outside their residence. All persons may leave their residences only for Essential Activities, or to provide or perform Essential Governmental Functions, or to operate Essential Businesses, all as defined below.

All businesses operating within ~~Hays County~~San Marcos, except Essential Businesses as defined in below in Section 3, are required to cease all activities at facilities located within the ~~County~~City. For clarity, businesses may continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e. working from home). To the greatest extent possible, all Essential Businesses shall comply with the Social Distancing Guidelines attached, including maintaining six-foot social distancing for employees and the general public.

All public or private gatherings of any number of people occurring outside a single household or living unit are prohibited, except as otherwise provided herein. Nothing in this Order prohibits the gathering of members of a household or living unit.

SECTION 2. TRAVEL.

All travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit is prohibited, except for purposes of Essential Activities or to perform or obtain services from an Essential Business, Essential Governmental Function, or Critical Infrastructure, as defined below. To the greatest extent feasible, people riding on public transit shall comply with Requirements in Exhibit A.

SECTION 3. ESSENTIAL ACTIVITIES.

For purposes of this Order, individuals may leave their residence only to perform any of the following “Essential Activities”:

- i. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (for example, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies needed to work from home).
- ii. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others (for example, food, pet supplies, and any other household consumer products, and products necessary to maintain safety, sanitization, and essential operation of residences).
- iii. To engage in outdoor recreational or fitness activity, provided the individuals comply with social

- distancing requirements of six feet (for example, walking, biking, hiking, or running).
- iv. To perform work providing essential products and services at an Essential Business or Essential Governmental Functions, or to otherwise carry out activities specifically permitted in this Order.
 - v. To care for a family member or pet in another household.
 - vi. To perform or obtain services from an Essential Business, or from an Essential Government Function, as defined in this Order.
 - vii. To return home from or to another jurisdiction.

SECTION 4. ESSENTIAL BUSINESSES.

For purposes of this Order, “Essential Businesses” means:

- i. **Essential Healthcare Operations.** Healthcare operations, including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, mental health providers, substance abuse service providers, blood banks, medical research, laboratory services, or any related and/or ancillary healthcare services. Home-based and residential-based care for seniors, adults, or children are also considered healthcare operations. Healthcare operations also includes veterinary care and all health and welfare services provided to animals. This exemption shall be viewed broadly to avoid any impacts to the delivery of healthcare. Healthcare operations do not include fitness and exercise gyms and similar facilities. Healthcare operations do not include elective medical, surgical, dental, or scanning procedures.
- ii. **Essential Critical Infrastructure.** Work necessary to the operations and maintenance of the critical infrastructure sectors, including public works construction, residential and commercial construction, airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), financial institutions, defense and national security-related operations, essential manufacturing operations provided that they carry out those services or that work in compliance with social distancing requirements of six feet, to the extent possible. Essential Businesses providing Essential Critical Infrastructure should implement precautions to protect employees and all activity shall be performed in compliance with social distancing guidelines attached hereto. Construction sites should limit site visitation to a single trade at one time in order to maintain social distancing standards.
- iii. **Grocery Stores and Other Suppliers.** Grocery stores, warehouse stores, big-box stores, liquor stores, gas stations and convenience stores, and/or farmers’ markets that sell food products, household staples, office supplies, hardware (e.g. electrical, plumbing, etc.), or suppliers of Essential Businesses or Essential Government Functions. Business that provide products to those businesses, including farming, fishing, and livestock. Businesses that ship or deliver groceries, food, goods or services directly to residences.
- iv. **Food Services.** Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free services to students or members of the public on a pick-up and take-away basis only. Businesses that ship or deliver groceries, food, goods or services directly to residences. The restriction of delivery or carry out does not apply to cafes and restaurants located within hospital and medical facilities, except that all activity shall be performed in compliance with social distancing guidelines attached hereto.
- v. **Providers of Basic Necessities to Economically Disadvantaged Populations.** Businesses that provide food, shelter, and social services, and other necessities of life for economically

disadvantaged or otherwise needy individuals.

- vi. **Essential Services Necessary to Maintain Essential Operations of Residences or Other Essential Businesses.** Trash and recycling collection, processing and disposal, mail and shipping services, building cleaning, lawn and property maintenance and security, warehouse/distribution and fulfillment, trucking, storage for essential businesses, funeral homes, crematoriums and cemeteries. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities. Businesses that supply other essential businesses with support or supplies needed to operate, including laundromats, dry cleaners, and laundry service providers.
- vii. **News Media.** Newspapers, television, radio, and other media services.
- viii. **Childcare Services.** Childcare facilities providing services that enable employees exempted in this Order to work as permitted. Except that the following practices shall be observed: 1. Childcare must be carried out in groups of 10 or fewer children, each within the same group each day. Children shall not change from one group to another, and groups shall not comeingle. If a facility cannot prevent comingling of more than one group of children, then that facility should limit its total number of children to 10. Unless necessitated by overriding health and safety considerations, childcare providers shall remain solely with one group of children and not change groups. Please note that, pursuant to Section 6, subsection v, below, a municipality may provide stricter guidelines than this subsection.
- ix. **Gas Stations and Businesses Needed for Transportation.** Gas stations, automobile dealerships, auto-manufacturing and assembly, auto-supply, auto repair, RV sales/repair, bicycle sales/repair, and other related facilities. To the greatest extent possible, interaction with the public should be provided outdoors or in open areas where social distancing and compliance with Exhibit A may be maintained. Indoor activities should be limited to closing sales or other transactions.
- x. **Financial Institutions.** Banks and related financial institutions, consumer lenders, sales and finance lenders, credit unions, appraisers, title companies.
- xi. **Critical Trades.** Plumbers, electricians, exterminators, pool cleaners, HVAC providers, sign companies, and other service providers only to the extent that services are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, Essential Businesses, Essential Government Functions, and Essential Critical Infrastructure, including but not limited to utilities such as electricity, gas, water and wastewater, and other public works. Critical Trades does not include discretionary maintenance or improvements.
- xii. **Real Estate Services.** Services related to the marketing, sale, lease, or value of real estate, including but not limited to real estate brokers, title companies, surveyors, and/or appraisers, except that all activities shall be performed in compliance with Exhibit A.
- xiii. **Mail and Delivery Services.** Businesses providing mailing and shipping services, including post office boxes.
- xiv. **Certain Educational Activities.** Educational functions, including those of public and private K-12 schools, colleges, and universities, for purposes of distance education, temporary closure or maintenance of facilities, performing critical research, or performing essential administrative functions, provided that the Requirements in Exhibit A are maintained to the greatest extent possible.
- xv. **Transportation.** Airlines, taxis, and other private transportation providers (such as Uber and Lyft) that provide transportation services necessary for the performance of Essential Activities, Essential Businesses, Critical Infrastructure, and/or Essential Government Functions.
- xvi. **Home-Based Care and Services.** Home-based care for seniors, adults, or children, including

- caregivers who may travel to provide care.
- xvii. **Residential Facilities and Shelters.** Residential facilities and shelters for seniors, adults, children and animals (including students who have no other option but to remain on campus at a lower or higher education institution).
 - xviii. **Professional Services.** Professional services, such as legal services, accounting services, or insurances services, only to the extent that the activity has been ordered to continue by a state entity (such as Office of Court Administration), or to the extent that service can be provided in compliance with Exhibit A.
 - xix. **Information Technology Services/Telecommunications Services.** IT and IT services and their essential services vendors, including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, web-based services, and critical manufacturing, as well as telecommunications sales and services, internet access and broadband/communications services.
 - xx. **Moving Services.** Businesses that provide residential and/or commercial moving services and necessary moving supplies.
 - xxi. **Hotels and Motels.** Hotels and motels, to the extent used for lodging or carry-out food services, but not for use of amenities such as swimming pools, saunas, or spas.
 - xxii. **Religious Services.** Religious and worship services may only be provided by video and teleconference. Religious institutions must limit in-person staff to ten (10) people or less when preparing for or conducting video or teleconference services, and all individuals must follow the Social Distancing Guidelines including the six foot social distancing rule. Other church functions, including administrative, shall follow the guidelines in Exhibit A.
 - xxiii. **Funeral Services.** Funeral, mortuary, cremation, burial, cemetery, and related services, provided that social distancing of six feet per person is maintained to the greatest extent possible.

SECTION 5. ESSENTIAL GOVERNMENT FUNCTIONS

All services provided by local governments needed to ensure the continuing operation of the government agencies to provide for the health, safety and welfare of the public shall continue. Further, nothing in this order shall prohibit any individual from accessing “Essential Government Functions.” Each government body shall determine its Essential Government Functions and identify employees and/or contractors necessary to the performance of those functions, including but not limited to support services such as Chambers of Commerce, non-profit support services, and the like. To the extent feasible, all Essential Government Functions shall be performed in compliance with the Requirements in Exhibit A. This Order does not apply to the Federal or State Government.

SECTION 6. ADDITIONAL ORDERS

- i. **Quarantine.** If someone in a household has tested positive for COVID-19, the entire household is ordered to isolate at home. Members of the household cannot go to work, school, or any other community function. Any person who displays symptoms of COVID-19, including fever, shortness of breath, or dry cough should refrain from leaving home and call the COVID-19 Hotline at (512) 393-5525.
- ii. **Elder Care Facilities.** Nursing homes, retirement, and long-term care facilities are instructed by this order to prohibit non-essential visitors from accessing their facilities unless to provide critical assistance or for end-of-life visitation.
- iii. **Curfew.** Unless conducting or traveling to or from an Essential Activity, work at an Essential Business, or work at an Essential Governmental Function, members of the public shall remain at

their residential properties between the hours of 11 p.m. and 4 a.m.

- iv. **Homelessness.** Individuals experiencing homelessness are exempt from this Order except that, to the extent individuals are using shared or outdoor spaces, they shall, to the greatest extent feasible, maintain social distancing of at least six feet from any other person, consistent with the Social Distancing Requirements, as defined in Exhibit A. Individuals experiencing homelessness are strongly urged to obtain shelter, where it is available.
- v. **Prior Orders.** This Order, at the time and on the date for commencement of this Order cited in Section 1, above, shall replace the ~~County Judge's~~Mayor's 2nd Order, executed on March 17~~9~~, 2020; and shall be applicable on a ~~County~~City-wide basis~~;~~, ~~except that a more restrictive order duly authorized by municipal government within a city's corporate limits shall control within that municipality.~~
- vi. **Penalty.** The ~~Hays County Sheriff's~~San Marcos Police Department ~~Office,~~ ~~Hays County Constables' Offices,~~ ~~the Hays County Fire Marshal's Office,~~ and other peace officers with local jurisdiction, are hereby authorized to enforce this order, within their discretion. A person who willfully disregards or conspires to willfully disregard this order is considered to have violated an order authorized by Chapter 418 of the Texas Government Code and is subject to a fine of up to \$500 for each violation
- vii. **Notice to Public.** This Order shall be widely advertised to help accomplish the public health and safety objectives of the City of San Marcos and the Hays County Local Health Department. ~~Concerns or questions may be directed to publiccomments@co.hays.tx.us.~~

ORDERED this the ~~25th~~1st day of ~~March~~April, 2020.

~~Ruben Becerra~~Jane Hughson
~~Hays County Judge~~Mayor, City of San
Marcos

Attest:

~~Elaine Cardenas, MBA, PhD~~Tammy Cook
~~Hays County Clerk~~Interim City Clerk



EXHIBIT A

Hays County Local Health Department Social Distancing Recommendations

1) **Vulnerable Populations: Limit or Eliminate Time Outside the Home**

- Vulnerable populations include people who are:
 - 60 years old and older;
 - People with certain health conditions such as heart disease, lung disease, diabetes, kidney disease, and weakened immune systems.
- For vulnerable populations, don't go to public places unless it is essential. Find ways to telecommute. Avoid contact with people.

2) **Workplace and Businesses: Minimize Exposure**

- Suspend nonessential employee travel.
- Prohibit employees from working within six feet of one another, unless necessary to provide continuity of services.
- Minimize or cancel in-person meetings and conferences.
- Require sick employees to stay home without providing a doctor's note and maximize flexibility in sick leave benefits.
- Utilize telecommuting options and alter schedules so that employees may be present at the workplace on different shifts and at different times.
- Sanitize common work spaces regularly, especially between shifts or after departure of one group of patrons or employees.
- Ensure that queuing inside and outside of businesses or workplaces maintains a 6-foot separation between patrons and make efforts to minimize the number of people within one space to 10 or less.

3) **Public Settings: Clean, Sanitize, and Prevent Contact**

- To the extent it is possible, doors should be automated or propped open to allow public access to areas without repeated contact by members of the public.
- Hand sanitizers, wipes, and other cleaning supplies should be provided at or near points of public contact, including but not limited to shopping carts, debit/credit card readers, and bathrooms.

- Daily cleaning and/or cleaning between business hours or shifts is essential.

ORDER NUMBER 3 AND PROCLAMATION BY THE MAYOR

3/24/2020

ORDER NUMBER 3 AND PROCLAMATION BY THE MAYOR OF THE CITY OF KYLE

WHEREAS, on March 17, 2020, the Mayor of the City of Kyle issued a disaster declaration declaring a local state of disaster for the City of Kyle due to COVID-19 posing an imminent threat of disaster in the City;

WHEREAS, COVID-19 continues to spread and to pose an increasing, imminent threat of disaster throughout Texas; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) recommends an "All of Community" approach focused on slowing the transmission of COVID-19; and

WHEREAS, the CDC advises that current evidence suggests that COVID-19 may remain viable for hours to days on surfaces made from a variety of materials; and

WHEREAS, state and local authorities have issued orders to limit gatherings of individuals and to close certain locations and businesses where people gather to minimize the transmission of COVID-19; and

WHEREAS, to provide for the public health and safety and to slow the transmission of COVID-19, it is reasonable and necessary to enact the measures set forth in this Order for certain businesses that remain open and serve a substantial number of customers;

NOW THEREFORE, I, MAYOR OF THE CITY OF KYLE, TEXAS, PURSUANT TO THE AUTHORITY VESTED IN ME BY TEXAS GOVERNMENT CODE CHAPTER 418 AND THE CITY CHARTER HEREBY FIND, ORDER, AND PROCLAIM THAT:

Section 1. The findings and recitations set out in the preamble to this Order are found to be true and correct and they are hereby adopted and made a part hereof for all purposes.

Section 2. (a) Effective as of 8 a.m. on March 24, 2020, and continuing until 11:59 p.m. April 5, 2020, it is hereby ORDERED that the owner, operator, manager, or person in charge of a gas station shall:

1. Limit occupancy of the building to 10 customers, and cause customers to maintain a minimum of six feet in distance from other customers.
2. Allow entry to the building only at entrances that have a hand sanitizer station and an attendant in place.
3. Locate a hand sanitation station at at least one entrance to the building and require all customers to sanitize their hands upon entering the building. The City will cause at least one hand sanitation station and sanitizer product to be provided to each gas station.
4. Post an attendant near the hand sanitation station to ensure that customers sanitize their hands and maintain a distance of six feet from each other.
5. Methods of enforcing the six-foot distance requirements may include, but are not limited to, placing markers on the floor in locations where customers stand in line.
6. The door providing entry to the building shall either: a) remain open in accordance with Order No. 2; or b) in the alternative the attendant may open the door for customers.

(b) It is further ORDERED that gas station customers shall:

1. Sanitize their hands at the hand sanitation station located outside of the building before entering.
2. Maintain a distance of at least six feet from other customers and gas station employees while on gas station premises.
3. Refrain from entering a gas station store that has reached the maximum customer occupancy limit of ten people.

Section 3. The Kyle Police Department, the Fire Marshal, and other peace officers are authorized to enforce this Order. A violation of this Order is a misdemeanor punishable by fine not to exceed \$1,000 or confinement in jail for a term not to exceed 180 days.

Section 4. The City will post this Order on its website and Order shall be widely advertised to help accomplish the public health and safety objectives of the City of Kyle. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order on site and to provide a copy to any member of the public asking for a copy.

Section 5. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity.

Ordered and proclaimed this the 24th day of March 2020, in the City of Kyle, Texas.



Legislation Text

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

AGENDA CAPTION:

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

Meeting date: March 31, 2020

Department: City Clerk/Attorney

Amount & Source of Funding

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

Fiscal Note:

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

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

Choose an item.

Choose an item.

Choose an item.

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

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

Transportation - Choose an item.

Not Applicable

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

Choose an item.

Background Information:

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

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

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

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

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

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

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

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Click or tap here to enter text.

Recommendation:

Click or tap here to enter text.

ORDINANCE NO. 2020-XX

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

RECITALS:

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

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

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

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

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

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

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

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

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

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

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

Jane Hughson
Mayor

Attest:

Tammy K. Cook
Interim City Clerk

Approved:

Michael J. Cosentino
City Attorney

ORDINANCE NO. 2020-XX

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

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

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

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

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

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

Election Day: May 2, 2020

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

Hays CISD

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

City of Dripping Springs and DSISD

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CONSIDERED, APPROVED, AND ADOPTED on March 17, 2020

Jane Hughson
Mayor

Attest:

Approved:

Tammy K. Cook
Interim City Clerk

Michael J. Cosentino
City Attorney