City of San Marcos

Regular Meeting Agenda - Final

City Council

Tuesday, July 7, 2020 | **6:00 PM** | **Virtual Meeting**

Due to COVID-19, and as long as the State Disaster Declaration is in effect, this will be a virtual meeting. To view the meeting please go to www.sanmarcostx.gov/videos or watch on Grande channel 16 or Spectrum channel 10.

I. Call To Order

II. Roll Call

III. 30 Minute Citizen Comment Period

Persons wishing to speak during the citizen comment period please submit your written comments to citizencomment@sanmarcostx.gov no later than 12:00pm on the day of the meeting. The first 10 comments will be read aloud during the citizen comment portion of the meeting. Comments shall have a time limit of three minutes each. Any threatening, defamatory or other similar comments prohibited by Chapter 2 of the San Marcos City Code will not be read.

PRESENTATIONS

1. Receive a presentation from Betty Voights, Executive Director of the Capital Area Council of Governments (CAPCOG), on the “50 Years of Service” to the ten-county region.

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

CONSENT AGENDA

THE FOLLOWING ORDINANCES, RESOLUTIONS AND OTHER ITEMS MAY BE ACTED UPON BY ONE MOTION. NO SEPARATE DISCUSSION OR ACTION ON ANY OF THE ITEMS IS NECESSARY UNLESS DESIRED BY A COUNCIL MEMBER OR A CITIZEN, IN WHICH EVENT THE ITEM SHALL BE CONSIDERED IN ITS NORMAL SEQUENCE AFTER THE ITEMS NOT REQUIRING SEPARATE DISCUSSION HAVE BEEN ACTED UPON BY A SINGLE MOTION.

3. Consider approval, by motion, of the following meeting Minutes:

A. June 2, 2020 - Regular Meeting Minutes
B. June 11, 2020 - Special Meeting Minutes
C. June 16, 2020 - Work Session Meeting Minutes
D. June 16, 2020 - Regular Meeting Minutes
E. June 18, 2020 - Special Meeting Minutes
F. June 25, 2020 - Special Meeting Minutes

4. Consider approval of Resolution 2020-140R, authorizing funding in the amount of $100,000 to be transferred from the Permanent Art Fund to the Art and Cultural Grants

Programs for fiscal year 2021 as recommended by the San Marcos Arts Commission; and declaring an effective date.

5. Consider approval of Resolution 2020-141R, expressing support of the submission of a grant application to the Lyda Hill Lone Star Grant Program by the San Marcos River Foundation in partnership with the City of San Marcos and San Marcos Greenbelt Alliance to fund a trail connecting Purgatory Creek to the Spring Lake Natural Area; authorizing the City Manager or his designee to execute a Memorandum of Understanding regarding the rights and duties of each party and any other documents necessary to effectuate the project; and declaring an effective date.

6. Consider approval of Resolution 2020-142R, approving a fourth addendum to the Chapter 380 Economic Development Incentive Agreement with Humpty Dumpty SSM, Ltd. in connection with the redevelopment of Springtown Shopping Center which amends the agreement to establish the year 2022 as the first year in which application for a grant payment may be made; authorizing the City Manager to execute the fourth addendum; and declaring and effective date.

7. Consider approval of Resolution 2020-143R, supporting the Mayor's public statement regarding the killing of George Floyd; authorizing members of the City Council to join in such public statement; and declaring an effective date.

PUBLIC HEARINGS

Persons wishing to participate (speak) during the Public Hearing portion of the meeting you must email citizencomment@sanmarcostx.gov prior to 12:00PM the day of the meeting. A call in number will be provided for participation.

8. Receive a Staff presentation and hold a Public Hearing to receive comments for or against amending the Community Development Block Grant (CDBG) 2019-2020 Action Plan to add a proposed COVID-19 Testing Program as an activity, using $105,530 of the the Community Development Block Grant - Coronavirus Response (CDBG-CV) allocation of $425,261.

NON-CONSENT AGENDA

9. Receive a Staff presentation and hold discussion regarding the return to normal utility billing operations for non-payment, and provide direction to Staff.

10. Receive a Staff presentation and hold discussion regarding Recommendation Resolution Number 2020-0201 of the Main Street Advisory Board regarding the Emergency Installation of Curbside Pickup Parking Spaces for COVID-19 Small Business Operations, and provide direction to Staff.

11. Hold discussion regarding Recommendation Resolution 2020-01RR, of the Parks and Recreation Board of the City of San Marcos, Texas Supporting the creation of a River Benefit Parking District with the implementation of paid parking with this district; hold discussion to determine how such funds may be used for City parks; and provide direction to Staff.

12. Hold discussion on council policy related to placing a discussion item on an agenda; provide direction on any additional information needed, and provide direction to the City Manager.

IV. Adjournment.

POSTED ON WEDNESDAY, JULY 1, 2020 @ 4:00PM

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

File #: ID#20-417, **Version:** 1

AGENDA CAPTION:
Receive a presentation from Betty Voights, Executive Director of the Capital Area Council of Governments (CAPCOG), on the “50 Years of Service” to the ten-county region.

Meeting date: July 7, 2020

Department: City Clerk’s Office, at the request of the Mayor

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.

50 YEARS OF SERVICE

Capital Area Council of Governments

1970-2020

Presentation to San Marcos City Council

What is a “COG”?

- Councils of Government – 24 in Texas; 530 in U.S.
- Texas Regional Planning Act prompted adoption of Ch 391 of Local Government Code
- Capital Area Planning Council (CAPCO) created in 1970 to serve 9-county region
- Original Executive Committee was 15 members:

  9 city officials, 4 county officials, 2 citizen reps
- CAPCO became CAPCOG in August 2004

What is a “COG”?

Executive Committee periodically reviews our mission

- 1998 Informal survey
- 2008 Facilitated workshop

  Membership, dues, priorities, regional issues?
- 2019 June Workshop looked at four issues:

  Mission Statement

  Resiliency

  Future Regional Issues

  New Activities at CAPCOG

What is a “COG”?

RPCs statutory directive:

“…to make studies and plans to guide the unified, far-reaching development of a region, eliminate duplication, and promote economic and efficiency in the coordinated development of the region.”

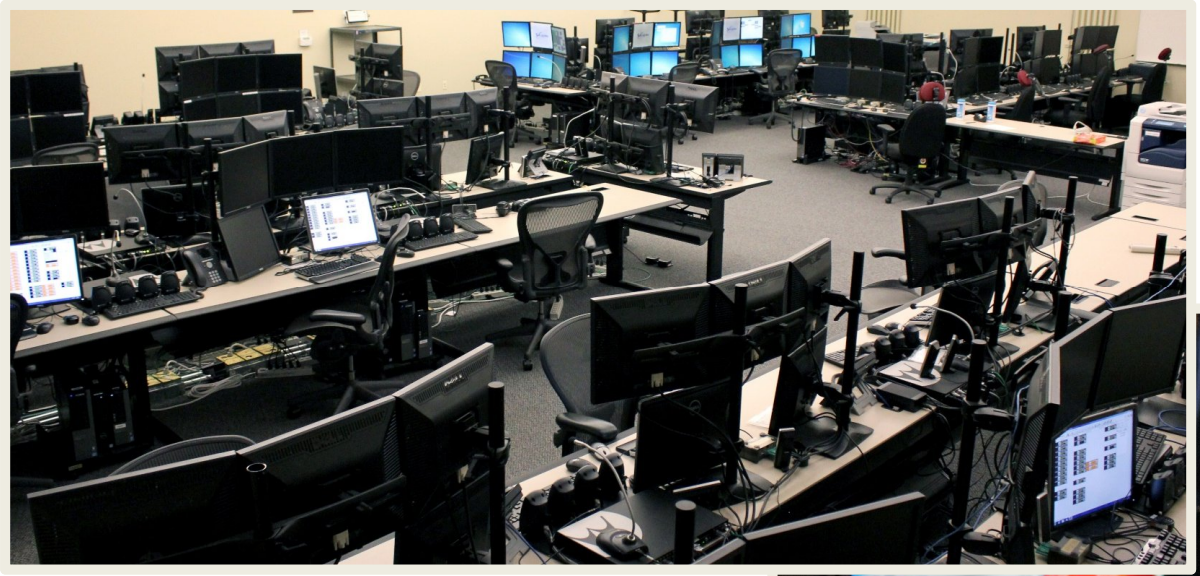
- ✓ Efficiency
- ✓ Effectiveness
- ✓ Delivery of service
- ✓ Local control

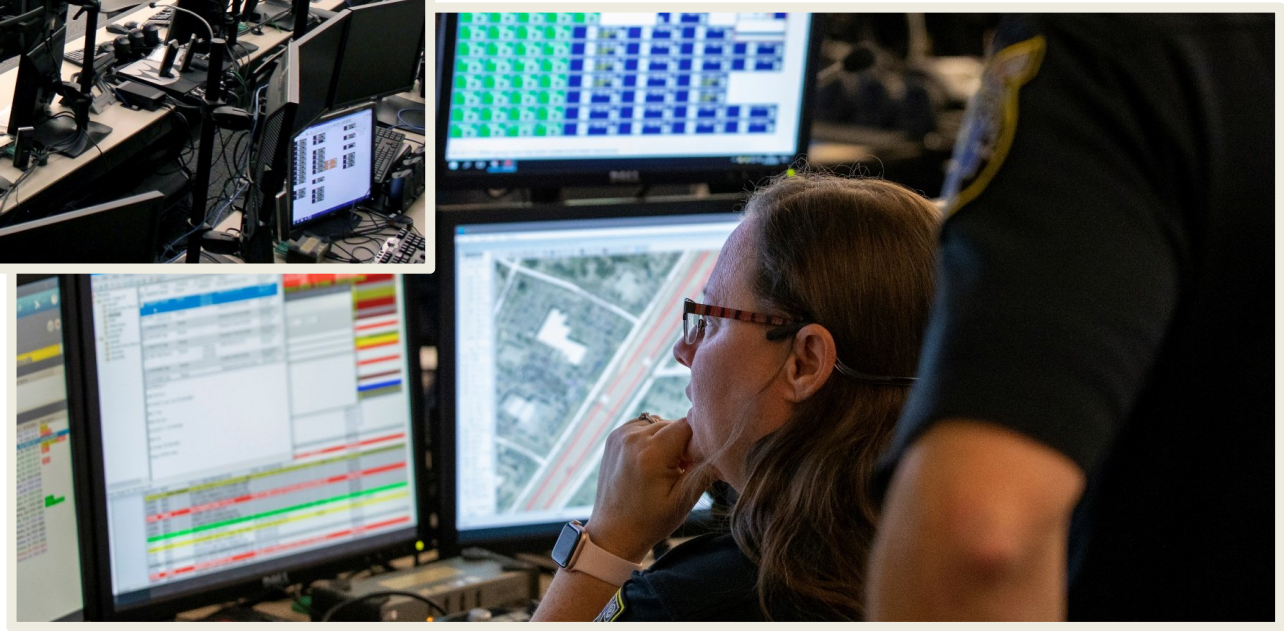
What do COGs do?

24 COGs in Texas share core programs:

- ✓ Emergency communications/9-1-1
- ✓ Area Agency on Aging
- ✓ Solid Waste Planning/Funding
- ✓ Criminal Justice Planning/Funding
- ✓ Homeland Security Planning/Funding
- ✓ Economic Development Districts

9-1-1 Call Taking and Dispatching





CAPCOG Today…

Emergency Communications

- CAPCOG was dedicated as the nation's first COG that is also an Emergency Communications District
- Budget derived from 9-1-1 fees paid by phone customers
- Redundant dedicated network to 31 Public Safety Answering Points for 9-1-1 call delivery
- Call taking equipment and recording equipment, GIS mapping, language line, pre-arrival care
- Training call takers for TCOLE licensing, continuing education & call management
- Public education
- *Budget $18 million – 88% for equip main, networks, 911 services*

Services for Seniors, Caregivers

CAPCOG Today…

Area Agency on Aging (AAA) and Aging Disability Resource Center (ADRC)

- Information, Referral & Assistance
- Care Coordination & Support – benefits counseling, in-home support, financial support, caregiver
- Ombudsman – client advocacy at assisted living facilities & nursing homes
- Contractual – senior centers, meals, transportation
- Outreach – Health & Wellness, Safety, Nutrition, Housing

Budget $6.8 million & 28 staff

Hurricanes and Floods, Fires, Pandemic

CAPCOG Today…

Homeland Security – *Budget $350K plus project budgets*

- *Coordinates regional approach to funding, planning, training, outreach via committees:*

Planning	Training & Outreach
Technology	Recovery & Resiliency
Response	Public Health & Education

- *Manages regional notification system WarnCentralTx.com and WebEOC.*
- *Works primarily through Emergency Management Coordinators*

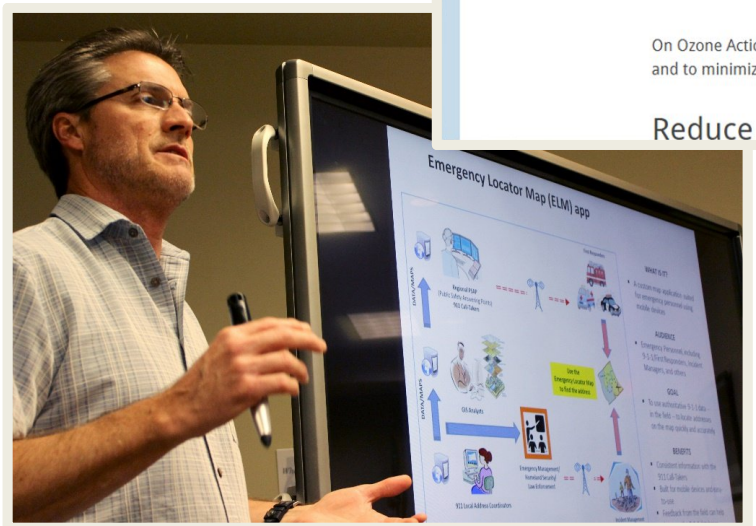
Planning and Funding

CAPCOG Today…

Community and Economic Development Budget (3.5 FTE)

• Solid Waste Planning & Projects	$ 323,836
• Criminal Justice Planning	147,157
• Transportation Planning	70,000
• Economic Development Planning	140,000
• EDA Disaster & Resiliency	43,000
• Community Planning	46,000
• Grant Management/Contractual	50,000
• Housing Navigator	18,000
• Regional Transit Coordination	35,000
• CDBG Outreach	5,614

Regional Planning, Project Development



CAPCOG Today…

Regional Planning & Services

- Air Quality $ 430,000

- GIS Services & 9-1-1 Mapping 394,000

  County contracts for GIS 911

- Regional Planning & Projects 30,000

  Broadband

  Water

Law Enforcement Training & Retraining

CAPCOG Today…

Regional Law Enforcement Academy (RLEA)

- Basic Peace Officer Courses (BPOCs)
- Jailer certification courses
- TCOLE-Mandated Inservice courses
- Use of force simulator
- TDA Gas pump skimmer project

Canine encounters	Crime scene investigation
Environmental law	Crisis intervention
Cyberstalking	Basic Instructors

Budget $477K and 3FTEs (Tuitions generate 30% of budget)

CAPCOG does Planning…

- Area Agency on Aging Area Plan
- Austin-Round Rock-Georgetown Regional Air Quality Plan 2019-2023
- Regional Solid Waste Management Plan
- Criminal Justice Plan and Priorities
- Homeland Security's Threat and Hazard Identification and Risk Assessment (THIRA)
- Emergency Communications Strategic Plan
- Regional (CEDS) Economic Development Plan

CAPCOG Today…

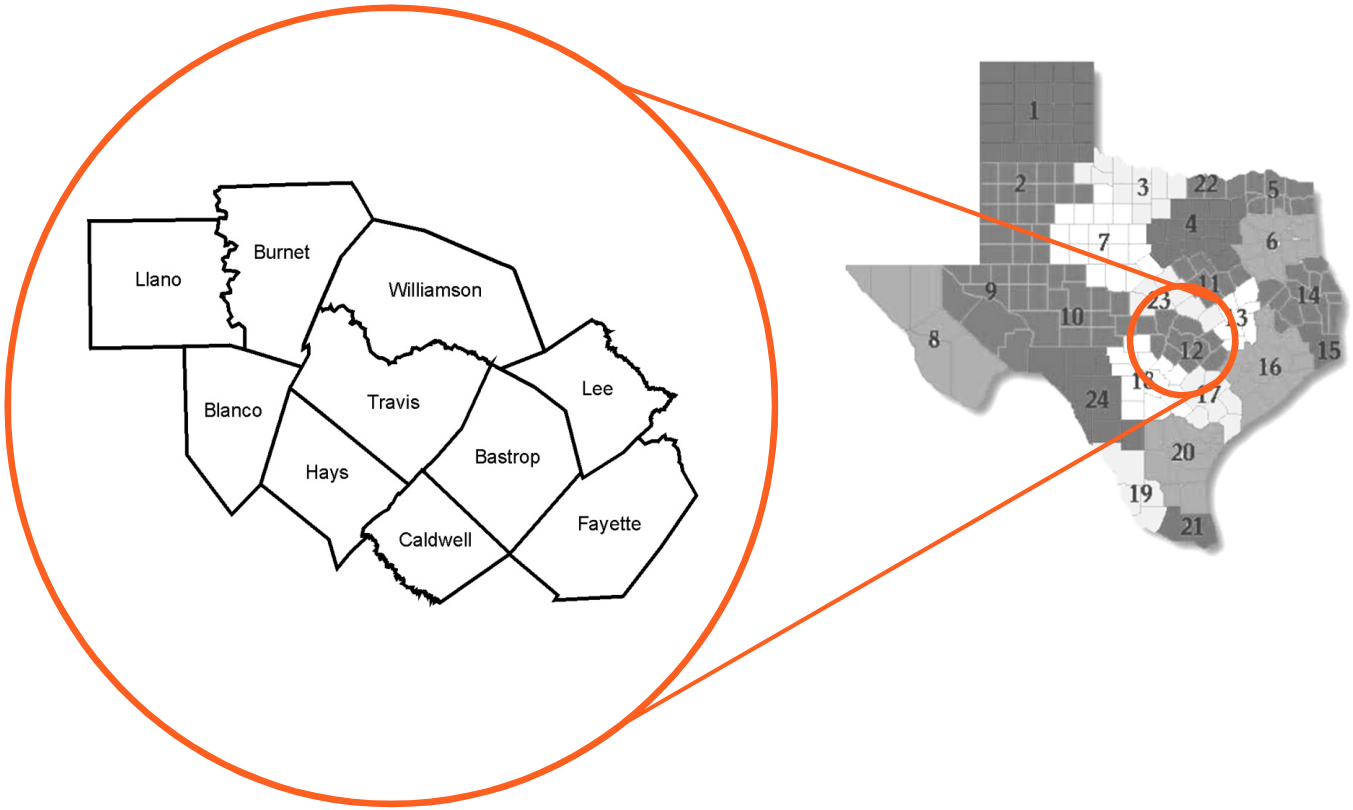
Total budget:	$32,458,078
Specific deliverables	$29,138,248
Allocated costs	$3,173,730
Flexible	$146,000

FTEs 68

CAPCOG going Forward…

- ✓ Shared services survey – 18 responses out of 222 sent
  - HR support, GIS and flooding mapping, debris management
- ✓ Collaboration with CAMPO
  - Regional transit coordination planning
  - Traffic incident management policies
  - Commute Solutions support
- ✓ Economic development funding, grant application support, and administration
- ✓ NextGen 9-1-1

Ten-county Service Area;
State of Texas Planning Region 12



CAPCOG Governance

- General Assembly: membership includes ISDs, EDCs, chambers, co-ops, special districts, local governments.
- Duties: budget, bylaws, policy issues, governing body.
- General Assembly picks Nominating Committee to develop slate of elected officials for Executive Committee – Sept-Oct.
- General Assembly elects Executive Committee every December
- Executive Committee serves Jan-Dec

  25 city and county elected officials

  4 state legislators

CAPCOG Executive Committee

Chair
Mayor
Jane Hughson
City of San Marcos

First Vice Chair
Judge
Paul Pape
Bastrop County

Second Vice Chair
Mayor
Brandt Rydell
City of Taylor

Secretary
Judge
James Oakley
Burnet County

Parliamentarian
Judge
Ron Cunningham
Llano County

Immediate Past Chair
Commissioner
Gerald Daugherty
Travis County

Council Member
Matthew Baker
City of Round Rock

Commissioner
Russ Boles
Williamson County

Judge
Brett Bray
Blanco County

Mayor
Sandy Cox
City of Lakeway

Commissioner
Joe Don Dockery
Burnet County

Council Member
Jimmy Flannigan
City of Austin

Council Member
William Gordon
City of Smithville

Council Member
Michael Guevara
City of Cedar Park

Judge
Hoppy Haden
Caldwell County

Council Member
Mike Heath
City of Pflugerville

Commissioner
Debbie Ingalsbe
Hays County

Commissioner
Cynthia Long
Williamson County

Mayor Pro Tem
Lyle Nelson
City of Bastrop

Commissioner
Maurice Pitts
Lee County

Council Member
Christine Sederquist
City of Leander

Commissioner
Brigid Shea
Travis County

Judge
Joe Weber
Fayette County

Mayor
Lew White
City of Lockhart

Council Member
Andrea Willott
City of Bee Cave

State Representative
John Bucy III

State Representative
John Cyrier

State Representative
Celia Israel

State Representative
Terry Wilson

Membership Slots

Counties	*11*
Cities: Austin	*1*
Cities > 50,000	*1*
Cities > 25,000	*4*
Cities < 25,000	*5*
At Large	*3*

Thank You

Capital Area Council of Governments

www.capcog.org

Betty Voights, Executive Director

bvoights@capcog.org

512-916-6008

File #: ID#20-419, **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: July 7, 2020

Department: City Manager's Office

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.

☒ Core Services

☐ Not Applicable

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

Choose an item.

Background Information:

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

630 East Hopkins
San Marcos, TX 78666

Legislation Text

File #: ID#20-410, **Version:** 1

AGENDA CAPTION:
Consider approval, by motion, of the following meeting Minutes:

A. June 2, 2020 - Regular Meeting Minutes

B. June 11, 2020 - Special Meeting Minutes

C. June 16, 2020 - Work Session Meeting Minutes

D. June 16, 2020 - Regular Meeting Minutes

E. June 18, 2020 - Special Meeting Minutes

F. June 25, 2020 - Special Meeting Minutes

Meeting date: 7/7/2020

Department: City Clerk

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: Approval of Previous Meeting Minutes

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

Choose an item.

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from 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 following minutes are attached for review:

A. June 2, 2020 - Regular Meeting Minutes

B. June 11, 2020 - Special Meeting Minutes

C. June 16, 2020 - Work Session Meeting Minutes

D. June 16, 2020 - Regular Meeting Minutes

E. June 18, 2020 - Special Meeting Minutes

F. June 25, 2020 - Special Meeting Minutes

Council Committee, Board/Commission Action: Click or tap here to enter text.

Alternatives:

Recommendation: Approve Minutes as attached

City of San Marcos

Meeting Minutes
City Council

Tuesday, June 2, 2020 | **6:00 PM** | **Virtual Meeting**

Due to COVID-19, this will be a virtual meeting. To view the meeting please go to www.sanmarcostx.gov/videos or watch on Grande channel 16 or Spectrum channel 10.

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 6:05 p.m. Tuesday, June 2, 2020. This meeting was held virtually.

II. Roll Call

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

III. 30 Minute Citizen Comment Period

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

Josh Hunter Simpson:
Taxing citizens more after almost 40 million people have lost their jobs in this country and many more struggles to pay monthly bills during COVID19 situation is wrong. You as a city, 9 figures in debt, have decided it necessary to even discuss raising tax rates on already hurting people. Fiscal irresponsibility is at the root of this. Voting on "bond" packages binds future generations to your debt. Voting for more debt doesn't make it acceptable. The reality is our city is notorious for being anti-business due to ideological extremism. Which lends to our dependence on retail and service industries. Forced to shut down by government and now you have turned your head toward the peoples coffers to squeeze out revenue. The individual financial irresponsibility translates to continued city policy that facilitates more debt and putting that debt on children who have NO SAY via "bond elections." Whether it be bonds or higher taxes you are where the buck stops. The appraisal district is a convenient scapegoat and it is gross behavior to blame another government agency for you as a body ignoring the obligation to adjust the tax rates to lessen the burden of appraisal district property tax pressure EVERY YEAR. None of that is going on and I'm not confident it will take place. I sincerely

hope each one of you decides against this but due to such polarizing ideological extremism present on this council I am not confident that will take place. This letter is for the record to show my disapproval as you continue to make these decisions via virtual meetings when the case rate in Hays County proportional to the population is extremely low, as well as hays county death rate. At least these things should wait until your constituents can VOICE their disapproval of these actions.

Melanie Hernandez: submitted the same comments as Mr. Josh Simpson.

Robert Holeman:
To whom it concerns,
Why does the city council flat refuse to consider reopening the children's parks? Its been mentioned at the last two weekly meetings but it has gotten zero consideration beyond the Mayor, again, expressing frustration that people weren't complying. This time, apparently people are just cutting down the children's park barriers. (Something I had considered doing myself, but my wife said to give it more time.) I've looked at Abbott's orders. I didn't see anything limiting children's parks, nor did I see anything about playgrounds. Water parks & pools are cleared hot to open. Look at the bigger picture. Keeping our kids cooped up makes no sense. Why does the council insist on slow rolling this?

Virginia Condie:
Dear Councilmembers and Mayor,
We would like to speak on the topic of the Hays County Park Proposal. There are many positive aspects to the plan, many of which we are very excited about, and we do support the county and city working together to address park solutions in the area. That said, we need to point out our concerns with regard to rebuilding Capes Dam:
· Mitch Wright (the consultant hired to create the County's plan) mentioned several times that the water level in the mill race needs to be raised so that people could get in and out easily and reduce stagnation. This involves even more water being diverted away from the natural river channel which is quite alarming. Even during high flow years stagnation occurs, and water rarely, if ever, reaches the sidewalk.
· The plan specifies that the dam would be built to its original form, a Crib Dam, allowing more flow through it. Increasing flow through the crib dam and putting more water in the mill race does not seem feasible. There is a finite amount of water available to go either direction. Especially in low flow years.
·There were no clear answers about who would pay for the management and

maintenance of the park. Rebuilding the dam will be costly, and the county or city will have to maintain and repair it after each flood. We are currently seeing this at Rio Vista. We think these details need to be addressed.
*** We also want to have the county's position clarified should US Fish and Wildlife Service (USFWS) and the Army Corps of Engineers recommend removing the dam. It is not clear if the county still wants to be involved in developing this park or if it is contingent on having the dam rebuilt.**
· It was stated multiple times in the work session with the county last year that USFWS was unsuccessful in getting a permit to remove the dam. This is simply untrue. What actually occurred was that the deadline passed to use the grant funds. Those same USFWS grant funds could be applied for again.

Why is Capes Dam Different than Other dams on the San Marcos River? We get this question a lot. Not all dams divert water in such large amounts as Cape's Dam.

·There is approximately 3500 feet of natural river channel that has less water flowing in it because of the diversion to the mill race, starting at Capes Dam and finishing where the mill race dumps back into the San Marcos River. This is 2/3 of a mile that is deprived of its full flow.
·1/3 of the River's water is diverted to the mill race during normal flow times. That percentage goes up as the water drops. This is very concerning for future droughts we will have.
· In addition, water in the mill race seeps under Thompson's Island, compromising its integrity over time and during flood events.

*** If the dam were removed then the mill race is a possible solution for the safe passage of pedestrians underneath Cape Road. This could be a nice trail allowing people to traverse different parts of the park without ever having to step foot on the road.**
*** We know that there will be droughts in the future and we need to plan for our river accordingly.**
Ultimately we want to see the park area east of I-35 open to the public. There needs to be adequate amenities including restrooms, parking and patrolling. This can be accomplished with the health of the river in mind. Thank you for considering these points.

Lisa Marie Coppoletta:
Good evening, my name is Lisa Marie Coppoletta, I reside at 1322 Belvin Street in the high priority designated portion of Belvin Street. Chicana cultural critic and theorist Gloria Anzaldúa states "All reaction is limited by, and dependant on, what it is reacting against." I want to compliment the Code

Enforcement their communication outreach last week was wonderful. It is very clear from speaking with field officer and supervisor that this crew truly has our best interests at heart. Thank you, Code Patrol, ya'll are very kind faces to see during a pandemic. However, when will the city manager have his sidewalk worker that fills out surveys he wants sidewalk on Belvin that makes sidewalks for a living and lives on Belvin but just does not want in his yard? He wants it in all of our yards but his. It is a liability situation for the city and that private land owner as well as Habitat for Humanity and its puzzling why the city attorney has not weighed in on this glaring favoritism being displayed, with legal implications. City council when will you hold Bert, the man who thinks he is the Emperor of San Marcos, but is only the overly paid City Manager? The city has admitted it mailed out post cards to my neighbors across Bishop on Belvin, but my side of the block did not get the postcards. Why is this problematic? Because the postcards alerted those neighbors, NOT directly impacted that our block would be the dump site for the Hopkins Overlay. Finely packed toxic particulates as well as noise and trucks in a residential area. The city purchased this land to protect the cave and yet it is a dumping ground of toxins. The city is telling false hoods that site is a razors edge of flood zone and the aquifer recharge zone. To add salt into the wound my neighbors across Bishop on Belvin NOT impacted by this dump site got two road blocks. The city is refusing to give us road blocks. I sent an email last week at noon warning you an 18 wheeler would get stuck if you did not install roadblocks. Three hours later 18 wheeler was stuck for 45 minutes on our block his load of brand new cars scratched from our live oaks, which did not get trimmed by the city like those across Bishop on Belvin. City has the video, and still no road blocks to keep pets, pedestrians and motorists safe. This is a residential block.

No postcards.
NO roadblocks
No tree trimming
We are the cut thru route
18 wheelers hitting our live oak roots

What do you expect from a city manager that sends the police force to shut down bars on Saint Patrick's Day but does not enforce face covering by his city workers and contractors. Citizens of San Marcos soon I will have a website launched so you can see those workers from the city that get to break the government guidelines of face coverings while on the tax payer dime, while Small businesses are struggling. If Bert wants to give preferential treatment let's say what the Governor has to say about that. Thank you for your time

and God Bless San Marcos.

Jennifer Jensen:
Good morning,
I'm writing to ask that Council vote to remove Cape's Dam. The structure is dangerous, the water below it is unpredictable (I've seen several tubers get stuck on rebar and in the hydraulics), the gifted park land is inaccessible because of the danger associated with the dam, and it the functional purpose it was built for no longer exists. Moreover, scientific studies have shown that water depth will not be negatively affected and that the biological benefits of dam removal outweigh the rationale for keeping it.

Jason Julian, PH Professor:
City Council Members,
I am writing this comment as a 7-year citizen of San Marcos who is heavily involved in the community and as a River Scientist with 20 years of experience in stream ecology, fluvial geomorphology, and the upstream and downstream effects of dams and dam removals. I have been involved with three dam removal projects and numerous studies on river processes, water quality, stream ecology, and social demand of river systems. I have published more than 30 peer-reviewed journal articles or book chapters on these issues. In all three dam removal projects I have participated, the dams were removed to provide ecological benefits to the river and because the cost of repair of each dam was well beyond what the owner/community could afford. Repairing a small dam like Capes Dam is going to cost close to a million dollars. Being an invested resident of San Marcos, I would rather see that million dollars be spent on more beneficial causes. I conduct a lot of research on the San Marcos River and use it as a teaching laboratory for my Water Resources courses. I also kayak the San Marcos River, not as much as I would like, but at least a handful of times each year. Thus, I am very familiar with the river, its water quality, its ecology, and the social-ecological system it creates. Removing Capes Dam would provide many benefits, including enhanced water quality by removing a relatively stagnant pool behind the dam, more suitable conditions for the Texas Wild Rice, and increased habitat for the fountain darter and other species. Removing the dam would also remove a significant hazard from the river. I have taken my wife and two young children kayaking along that stretch of river several times. Each time, we portage around the dam using the island, but even then it is dangerous for small children. I would prefer a stretch of river that is safer and does not require a portage. In summary, removing Capes Dam would provide many more benefits and be less costly than trying to repair it. As a history buff, I appreciate the historical significance of Capes

Dam and believe its history should be memorialized. But you do not need to keep a hazardous dam there to do that. A historical monument can be constructed at the site of the dam to preserve its memories and educate the public.

Kimberly M. Meitzen:
Dear City Council Members,
My name is Kimberly Meitzen and I live at 2022 Hearthstone Drive, San Marcos. Thank you for the opportunity to provide my input on the issue of Cape's Dam on the San Marcos River. I have provided comments on a couple occasions regarding support for the removal of Cape's Dam. My support for removal has not changed and nor has my position on the reasons for removal. Below, I provide a copy of one of the statements I've made during public comment at a prior City Council Meeting on January 7th, 2020. First however, I want to add some facts relevant to hazard's posed by dams which are particularly relevant given a recent near drowning incident which occurred on Saturday, May 30th, 2020 on the San Marcos River at Cumming's Dam. One of the primary reasons for removing dams, and the leading reason for dam removals in Texas is safety and liability. According to the Texas Commission on Environmental Quality (TCEQ) 50 dams have been removed in Texas and of these nearly 80% were removed for hazard and liability concerns, one of those being the Ottine Dam on the Lower San Marcos River. Low-head type dams similar to the concrete re-enforced rock and crib weir structure of Cape's Dam are extremely dangerous and become more so as they age. In the US, between 1950 and 2015, there have been 555 fatalities at low head dams involving 276 structures, meaning more than one death has occurred at a given dam (Kern et al., 2015). In Texas alone, 19 deaths have occurred at low head dams between 1995-2015, with some of those deaths occurring within the San Marcos River (Kern et al., 2015). Removing aging dams that pose a hazard to river users and downstream property owners is a cost-effective solution for removing liability of the structure, preventing future incidents, and providing instream ecological benefits to the river channel by restoring the riverine habitat and reconnecting a fragmented channel. Removing Cape's Dam does not remove its historical context within our city, and with thoughtful planning there are numerous ways its history can still be shared with our community and visitors to the region. As of 2019, 1,722 dams have been removed in the US primarily for reducing hazard risks and improving ecological function (American Rivers, 2020). Removing dams is a progressive step in environmental management and represents a paradoxical shift from controlling and manipulating rivers to restoring and protecting them. Our

community and many regional stakeholders through the Edwards Aquifer Habitat Conservation Plan (EAHCP) already work very hard to manage and protect the San Marcos River and the endangered species that call it home. Removing Cape's Dam and filling in the mill-race complex is one more important step in the process to ensure long term health of our river system and the safety of our community and downstream neighbors. As a citizen of San Marcos I look forward to the day this parkland is reopened to the public. I hope this day comes soon and provides an experience that we can all be proud of. Thank you.

She asked if If time permits, please read the following statement provided on January 7, 2020 with more context supporting removal of Cape's dam: "Thank you for the opportunity to speak. I am here from the perspective of a river scientist, and a recreational river and public park space user. I am here to provide a recommendation for the removal of Cape's Dam and support for the development of a river side park that serves multiple purposes; and would specifically include a demonstration site for both river restoration through dam removal and preservation of the cultural history of the site through river side educational kiosks and physical displays of the historic features preserved from the dam and mill race. (Comments were limited to three minutes, time expired)

Kelly Stone:
Hello Mayor and Council, I'm Kelly Stone, and I now currently reside at 421 W. San Antonio Street. I made this move from my downtown apartment after a developer (the one with an ethics violation from serving on City Council and using his position to financially benefit his business) well he purchased my building and started abating asbestos while my children and I were occupying our home during the shelter-in-place orders. I'm still in the middle of moving, but your agenda suddenly had a discussion regarding Cape's Dam, prompting me to have to set up my internet and get these words all typed out to be read by a city staffer. Now imagine my Kelly Stone voice in this through-out. I'm grateful that you implemented the 90 day restriction on evictions, but in case you were wondering, the answer is YES. Some landlords worked to skirt around this restriction, and that's how I learned the term: Constructive Eviction. It's a Jared Kushner-style tactic where developers implement construction tactics to make life miserable for the tenants to force them to move. The law favors the landlord, and it simply allows the tenant to move out without penalty. So, anyhoo.... I thought I'd take this moment to make sure you're aware that this is happening in town and perhaps you could help prevent this from happening to other people in the future. Here's the thing:

It's that same mentality of not caring about impacts to others that got us into this whole Cape's Dam problem in the first place. Mr. Thompson cared about money. He cared about it so much that he forced the people he enslaved to dig a huge trench and build a structure to block the natural flow of the San Marcos River to divert 1/3rd of it's flow to his mill to power it to make money. Nevermind that for tens of thousands of years the river had sustained life for thousands of species. Nevermind that it builds up sediment and methane and bacteria. Nevermind that it was wrong. What seems to matter to *some* of you is that the dam is "historic". (Reader, please note the quotation marks around historic.) NOT THE DAM. The river needs to be preserved and protected. NOT THE DAM. Now, you're discussing the proposal presented by the county. The company they contracted with sent in a snake-oil sales guy wearing a plantation owner's suit(who hadn't read the science) to present a grand proposal and here it is: It's a park! A park! But wait...the only way they can make this park is if they have a dam! That's weird. There are so many parks and parklands that serve communities very well, and they are not contingent upon destroying the river. We could very well have a park that not only the residents of the east side could enjoy, but we could all enjoy--locals and visitors alike. We would LOVE to have our park back. But we do not want a park at the expense of destroying our river. Their plans include *raising the water level* of the mill race, and THAT MEANS DIVERTING MORE OF THE RIVER FROM ITSELF. You KNOW this is a bad idea. Please FREE THE RIVER and the parkland. Do not continue to hold it hostage to developers and business interests. I believe your November elections will be counting on this decision.

Alexander Arlinghaus:
Mayor and Council, My comments tonight regard item 27. You are being asked to make decisions on a project that has huge impacts for our river without any hydrological studies, and no studies regarding the impact of our endangered species. The pictures in your presentation look lovely, and the platitudes about balancing recreation, historic preservation, and the environment are well crafted, but there has been no research into the implication of this design to support these claims. Furthermore, we are having a one-sided discussion about cape's dam. The option of dam removal dam and redevelopment of the surrounding parkland has been pushed aside, and it seems we are only considering parkland rehabilitation if it includes restoration of cape's dam. Please make informed decisions.

PRESENTATIONS

1. Receive status reports and updates on response to COVID-19 pandemic; hold council

discussion, and provide direction to Staff.

Bert Lumbreras, City Manager, provided a brief introduction and turned the presentation over to Chase Stapp, Director of Public Safety. Mr. Stapp provided status reports and updates on response to the COVID 19 pandemic.

Known Cases as of today
• 1,787,680 U.S. cases with at least 104,396 fatalities (26,177 new cases since yesterday) * source: Centers for Disease Control and Prevention
• 64,880 (19,864 active) cases in 231 Texas counties with 1,678 fatalities * source: Texas Department of State Health Services
• 371 in Hays County with 5 fatalities (161 active and 205 recovered)
- 3,914 tests returned negative
- 31 active and 61 recovered in San Marcos (2 fatalities)
- 34 cases have required hospitalization, 8 current
There are almost 100 new cases in Hays County in the last 2 weeks.
- Positive active cases declined by 3000 cases in Texas since last week.
*** source: Hays County Health Department.**

Efforts to date (updated)
• Internal and external recovery groups continue to meet. Staff will be doing site visits to discuss opening phase with public facing counters.
• Dog Park re-opening this Friday (6/5)
• Processed Late Fee Exemptions for 135 commercial utility accounts, 91 residential utility accounts since implementation on March 26
- Set up payment arrangements totaling over $302,216 for 1,249 utility customer accounts over that same time period
• Continued work on grant applications
- CDBG-CV considered at today's Council meeting, action on June 16
- San Marcos CARES Act Transit Funding update:
• Application received and approved by Federal Transit Administration (FTA)
• $6,429,168 for operating expenses
• Next steps:
- Council Resolution on June 16, 2020 - enables staff to execute grant agreement
- Continue to explore University eligibility
- Begin reimbursement of eligible transit expenses

Upcoming considerations
• Phased approach of re-opening City services and facilities - making decisions in light of the increasing case count.
• CDBG-CV public hearing, comment period, and consideration

• Policy regarding Hotel Occupancy Tax (HOT) reporting cycle, due dates, and late penalties
- Follow-up from discussion at March 24 Special City Council meeting
- Memo with survey of area communities and staff recommendation to be sent soon
- Item on June 16 Council meeting to continue waiving Hotel Occupancy Tax (HOT) late payment penalties
- Schedule item in August for Council consideration of Hotel Occupancy Tax (HOT) policy

Council Member Baker asked if staff can elaborate on what identifies a recovered patient. Mr. Stapp stated that person is deemed recovered by the health department who are monitoring and checking on the patients. If the patients are symptoms free and fever free for 72 hours they are considered to be recovered.

Council Member Baker asked about the demographic data and why are we looking at age only, why not looking at race. Mr. Stapp will follow up with Hays County Health Department and determine if they are tracking other demographics besides age and city of resident.

CONSENT AGENDA

A motion was made by Council Member Gonzales, seconded by Council Member Baker, to approve the consent agenda, with the exception of items #3,7,8,10, and 14 as they were pulled and considered separately. Dr. Mihalkanin abstained from #17, as he is employed with Texas State University.

The motion carried by the following vote:

For: 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

2. Consider approval, by motion, of the following meeting Minutes:
A. May 14, 2020 - Special Meeting Minutes
B. May 19, 2020 - Special Meeting Minutes

3. Consider approval of Ordinance 2020-31, on the second of two readings, amending the official zoning map of the city by rezoning approximately 5.217 acres of land, generally located west of the intersection of Old Ranch Road 12 and Craddock Avenue, from “FD” Future Development, “CC” Community Commercial, and “P” Public and Institutional districts to “SF-6” Single Family District; including procedural provisions; and providing

an effective date.

A motion was made by Mayor Pro Tem Mihalkanin, seconded by Deputy Mayor Pro Tem Rockeymoore, to approve Ordinance 2020-31 on the second of two readings. The motion carried by the following vote:

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

Against: 2 - Council Member Marquez and Council Member Baker

4. Consider approval of Ordinance 2020-32, on the second of two readings, annexing into the City approximately 9.61 acres of land, generally located in the 400 Block of Centerpoint Road; including procedural provisions; and providing an effective date.

5. Consider approval of Ordinance 2020-33, on the second of two readings, amending the Official Zoning Map of the City by rezoning approximately 7.959 acres of land, generally located in the 400 Block of Centerpoint Road, from “FD” Future Development District to “HC” Heavy Commercial District; and including procedural provisions.

6. Consider approval of Ordinance 2020-34, on the second of two readings, annexing into the City approximately 59.89 acres of land located at 4087 State Highway 21; including procedural provisions; and providing an effective date.

7. Consider approval of Ordinance 2020-35, on the second of two readings, amending the Official Zoning Map of the City by rezoning approximately 14.90 acres of land located at 4087 State Highway 21, from “FD” Future Development District to “LI” Light Industrial District; and including procedural provisions.

A motion was made by Mayor Pro Tem Mihalkanin, seconded by Mayor Hughson, to approve Ordinance 2020-35 on the second of two readings. The motion carried by the following vote:

For: 4 - Mayor Hughson, Mayor Pro Tem Mihalkanin, Deputy Mayor Pro Tem Rockeymoore and Council Member Gonzales

Against: 3 - Council Member Derrick, Council Member Marquez and Council Member Baker

8. Consider approval of Ordinance 2020-36, on the second of two readings, amending the Official Zoning Map of the City by rezoning approximately 44.99 acres of land located at 4087 State Highway 21, from “FD” Future Development District to “MH” Manufactured Home District; and including procedural provisions.

A motion was made by Mayor Pro Tem Mihalkanin, seconded by Deputy Mayor Pro Tem Rockeymoore, to approve Ordinance 2020-36 on the second of two readings. The motion carried by the following vote:

For: 4 - Mayor Hughson, Mayor Pro Tem Mihalkanin, Deputy Mayor Pro Tem Rockeymoore and Council Member Gonzales

Against: 3 - Council Member Derrick, Council Member Marquez and Council Member Baker

9. Consider approval of Ordinance 2020-37, on the second of two readings, approving an update to the Service and Assessment Plan for the Whisper Public Improvement District; making a finding of special benefit to the property in the district, levying additional assessments against property with the district; establishing a lien on such property; approving an updated assessment roll for the district; providing for payment of the assessments in accordance with Chapter 372, Texas Local Government Code; providing for the method of assessment and the payment of the additional assessments; providing for penalties and interest on delinquent assessments; providing for a severability clause; providing an effective date; and providing for related matters.

10. Consider approval of Resolution 2020-106R, rejecting the sole bid received in response to an invitation for bids (IFB No. 220-163) from MA Smith Contracting Company, Inc. for the Guadalupe Street Improvements Project; and declaring an effective date.

A motion was made by Mayor Pro Tem Mihalkanin, seconded by Deputy Mayor Pro Tem Rockeymoore, to approve Resolution 2020-106R. The motion carried by the following vote:

For: 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

11. Consider approval of Resolution 2020-107R, approving a Change Order to the construction contract with Cash Construction Company, Inc. for the Main Lift Station Force Main Replacement Project to increase the contract price by $526,585.00 bringing the total contract price to $6,876,093.04; authorizing the City Manager or his designee to execute the appropriate documents relating to the change order on behalf f the City; and declaring an effective date.

12. Consider approval of Resolution 2020-108R, approving a Change in Service to the engineering services agreement with Lockwood, Andrews & Newnam, Inc. relating to the Purgatory Creek Improvements Project in the estimated amount of $174,734.00 for a total contract price of $2,336,948.00; authorizing the City Manager or his designee to execute the appropriate purchasing documents to implement the change in service; and declaring an effective date.

13. Consider approval of Resolution 2020-109R, approving contracts with Hays Energy, LLC for the sale of reclaimed water for and the treatment of Wastewater from Hays Energy's Electric Power Generation Facility South of the city; authorizing the City Manager, or his designee, to execute said contracts on behalf of the City; and declaring an effective date.

14. Consider approval of Resolution 2020-110R, approving an agreement with Express Personnel for the provision of a temporary staff person to perform professional services including electrical inspections for the Development Services Department in an annual amount not to exceed $90,000.00 for up to three years; 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 Mayor Hughson, seconded by Mayor Pro Tem Mihalkanin, to approve Resolution 2020-110R. The motion carried by the following vote:

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

Against: 2 - Council Member Marquez and Council Member Baker

15. Consider approval of Resolution 2020-111R, authorizing a property tax refund of $80.73 assessed on the property located at 705 Crystal Cove, San Marcos, Texas for Tax Year 2019 as allowed by Section 33.011(k) of the Texas Property Tax Code; and declaring an effective date.

16. Consider approval of Resolution 2020-112R, directing the Interim Director of Finance of the City of San Marcos to calculate the voter-approval tax rate of the City of San Marcos in the manner provided for a special taxing unit by using an 8% threshold for new revenue instead of 3.5% as authorized by Texas Tax Code Section 26.04(C-1) due to the Governor's State-Wide Declaration of Disaster in response to the COVID-19 Pandemic; and declaring an effective date.

17. Consider approval of Resolution 2020-113R, approving the first amendment of the Interlocal Agreement with Texas State University for the provision of reclaimed water; and declaring an effective date.

PUBLIC HEARINGS

18. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2020-40, amending Chapter 86, Article 5, Division 4 of the San Marcos City Code regarding impact fees to, among other things, change the methodology for establishing impact fees for industrial and commercial uses having peak flow rates in excess of 500 gallons per minute, and to add homes constructed with federal funds awarded to the City and City facilities as projects exempt from the assessment of impact fees; including procedural provisions; providing for the repeal of any conflicting provisions; and providing an effective date; and consider approval of Ordinance 2020-40, on the first of two readings.

Laurie Moyer, Director of Engineering, provided the presentation on clarifying methodology for calculation of impact fees and minor changes clarify the situations for impact fee exemptions.

The Summary of Changes include:
• Sec. 86.294 - Definitions: Schedule 1 Table and Service Unit Table are updated with LUE calculation for flows above 500 gallons per minute.
• Sec. 86.295(b) Exemptions:

- (3) clarified exemption for Habitat and Housing Authority.
- (5) adds City HUD federally funded projects and City facilities.
• Sec. 86.295 (c): Reference Council's affordable housing guidelines
• Sec. 86.299 (b) (1) a. & b.: Updated language for computation for industrial or commercial equipment and calculation for demands over 500 gpm.

Mayor Hughson opened the Public Hearing at 7:05 p.m. There being no speakers, the Mayor closed the Public Hearing at 7:05 p.m.

A motion was made by Council Member Derrick, seconded by Council Member Gonzales, to approve Ordinance 2020-40, on the first of two readings. The motion carried by the following vote:

For: 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

19. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2020-41, amending Chapter 86, Article 8, Division 1 and 2 of the San Marcos City Code to, among other things, change the rate structure of the Stormwater Utility to an impervious basis for all customer classes, and to update provisions regarding the maintenance and repair of structural controls in connection with the municipal separate Storm Sewer System (MS4); including procedural provisions; providing for the repeal of any conflicting provisions; and providing an effective date and consider approval of Ordinance 2020-41, on the first of two readings.

Laurie Moyer, Director of Engineering, provided the presentation on the Stormwater Utility ordinance update. Mrs. Moyer stated that the effective date of the ordinance will be October 1, 2020 when the billing system is in place and public outreach has been completed.

The following is a summary of rate structure changes:
• New Equivalent Residential Unit (ERU) value = 2,575 square feet (median value for all SFR parcels)
• Residential Class:
- The 3 residential tiers change from parcel area to an impervious cover area.
- Residential parcels with 1-4 units/parcel remain in the residential class.
• Non-residential Class:
- Residential parcels with 5+ units/parcel classified as Non-Residential
- Commercial, Retail, Government, Religious, Non-Profit
- Calculated by dividing total impervious cover by 2,575 to determine ERU's.
• Exemption for only City and Texas State University owned properties.

Summary of billing changes:
• Bill for uninterrupted stormwater impervious cover even in the absence of other active utility service (electrical, water, wastewater.)
• Enforcement for non-payment in the absence of other utility connections.
• Parcels that contain more than 1 stormwater account will have fee apportioned between accounts based on impervious cover associated with each account.
• Bill owner of record for residential parcels with 5+ units.
• Clarifies credits for improvements.

Summary of Municipal Separate Storm Sewer System (MS4) Changes:
• Updates definition of stormwater facility to structural control.
• Changes frequency of inspection from annual to once every 3 years following a passing inspection in 2020.

Next Steps on Stormwater utility:
• Finalizing rate model and funding options
• Rate model update to Finance & Audit Committee
• Discussion and direction on FY 2021 rate increase with June 30th Budget Workshop
• Public outreach on ordinance changes June - September

Mayor Hughson opened the Public Hearing at 7:13 p.m. There being no speakers, the Mayor closed the Public Hearing at 7:13 p.m.

Council Member Baker requested staff to provide diagrams for the next meeting that show what the rate changes are with specific examples.

Council Member Derrick inquired about the Municipal Separate Storm Sewer System (MS4) inspections from annual to every 2 to 3 years. Mr. Taggart mentioned that owners will be requiring a professional engineer to inspect. The price for inspecting is $300 $1000.00 to conduct and document the inspections on an annual basis. Adam Rossing, Stormwater Systems Manager stated that it was being noticed that the first year of inspections the owners were repairing when there was a failed inspection and the following years the property owner have maintained their systems and have been passing inspections. For the 2020 inspections, all are still passing and staff didn't see the need for the owners to pay to have a passing inspection especially during these times.

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

Mihalkanin, to approve Ordinance 2020-41, on the first of two readings. The motion carried by the following vote:

For: 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

20. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2020-42, adopting Youth Programs Standards of Care for 2020; providing a severability clause; declaring an effective date; and consider approval of Ordinance 2020-42, on the first of two readings

Drew Wells, Director of Parks and Recreation, provided a presentation regarding the Youth Programs Standards of Care for 2020.

The standards of care include:
· Staff ratios
· Minimum staff qualifications
· Minimum facility, health, and safety standards
· Mechanisms for monitoring and enforcing the adopted local standards
· Provide notice to parents that the day camp program is not licensed by the state

This will be approved one year after the effective date and will be approved each year.

The Mayor opened the Public Hearing at 7:23 p.m. There being no speakers, the Mayor closed the Public Hearing at 7:23 p.m.

MAIN MOTION: A motion was made by Deputy Mayor Pro Tem Rockeymoore, seconded by Mayor Pro Tem Mihalkanin, to approve Ordinance 2020-42.

MOTION TO AMEND: A motion was made by Council Member Baker, seconded by Council Member Derrick, under section VIII. Health and Safety, to add a new item (B) to read as follows, " follow all Centers for Disease Control and Prevention (CDC) recommendations."
The motion carried by the following vote:

For: 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

Mayor Hughson inquired about the timing of following the guidelines because some of the guidelines could require construction or other tasks that would take time and compliance cannot be immediate. Mr. Baker wanted to keep the work he specified. Staff will review and provide a potential solution.

Council Member Baker acquired as to the source of information regarding "serve whole grain rich products" under section V. Nutrition in section A.

Council provided consensus for staff to bring back information from different resources on the nutrition items and recommendations.

MAIN MOTION: to approve Ordinance 2020-42, as amended, on the first of two readings. The motion carried by the following vote:

For: 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

21. Receive a Staff presentation and hold a Public Hearing to receive comments for or against amending the Community Development Block Grant (CDBG) 2019-2020 Action Plan to add the Community Development Block Grant - Coronavirus Response (CDBG-CV) allocation of $425,261, and proposed programs and projects.

Mayor Pro Tem Mihalkanin recused himself from discussion regarding the Texas State University funding request for the COVID 19 Collection station due to his employment with the University.

Michael Ostrowski, Assistant Director of Planning and Development Services, provided the presentation on amendments to add Community Development Block Grant-Coronavirus Response (CDBG-CV) allocation of $425,261 and proposed programs and projects.

Mr. Ostrowski stated that programs and projects must be used to prevent, prepare for, or respond to impacts of the Coronavirus, and they must fulfill one of the following national objectives of the CDBG program:
· Serving low-to-moderate income people
· Clearing slums or blight
· Urgent Need

Michael Ostrowski stated that four applications for Community Development Block Grant-Coronavirus Response (CDBG-CV) were received. They include the following:

1. City Economic Development & Main Street, Chamber of Commerce
Program: COVID-19 Small Business Recovery: Requested $200,000 in funding
Technical Assistance and Funding for small businesses and microenterprises
• Up to $5,000 per business for:
i. Operational Safety - Redesign physical space in order to ensure safety and social distancing.
ii. Sanitation Training and PPE
iii. Digital Redesign for Social Distancing
• Mandatory workshop on best practices for recovery

2. City Office of Emergency Management
Program: COVID-19 Community Recovery Specialist Position: Requested $180,000 in funding
i. Assist the community in developing long term recovery planning strategies
ii. Provide educational workshops and materials for all businesses and residents on community and economic preparedness, disaster recovery, and hazard planning
iii. Work with state agencies and federal partners

3. Court Appointed Special Advocates
Program: Advocacy Services for Abused and Neglected Children: Requested $55,600 in funding
• Partial funding for additional Case Supervisor, Team Lead, Technology
• Recruit and train volunteer caseworkers to advocate for children removed from their homes
• Advocating for mental health, medical, education, housing, and permanency in safe, stable homes
• Scalable program model depending on need
• Increased need due to family stress due to economic impact and stay-at-home orders

4. Texas State University
Program: COVID-19 Collection Station: Requested $105,530 in funding
- portable sample collecting station and staffing for the COVID-19 pandemic to be utilized for the entire community without barriers in accessibility due to age, gender, physical, economic or any other barrier
Portable COVID-19 sample collecting station and staffing from September 2020 – May 2021
• Creation of a prototype and then conversion to a working flexible-use health station
• Creates two part-time positions at $18/hour

• Samples will be sent to a lab for testing
• Implementing research done in partnership with Katerra
• By: Texas State University multi-disciplinary team

What this will provide that parking lot collection stations do not is: partially enclosed space, place to store samples appropriately, less contact between people taking the samples and the public. The building is multi-purpose in that it could be used in the future for immunizations and vaccinations that are not Covid-19 related also. It can be rapidly deployed in various locations.

5. Administration requested $65,000 (15%) that will provide technical assistance to funded programs, ensure the appropriate use and documentation of funds and monitor and report progress to HUD. Staff will need to track hours of administration work.

Staff recommends funding for administration and items 1,3, and 4 because these programs provide services to address the needs that are directly related to COVID 19 pandemic and also meets the two of the CDBG national objectives of providing services to low/moderate income individual and meeting an urgent need.
1. COVID 19 Small Business Recovery for $200,000
3. Advocacy Services for Abused and Neglected Children for $55,600
4. COVID 19 Collection Station for $105,530
5. Administration for $64,131
Program application 2 does not meet a CDBG national objective and is not recommended for funding.

Mr. Ostrowski stated that the COVID-19 Community Recovery Specialist Position does not meet a CDBG national objective because it is not serving a specific clientele who can be tracked.

The next steps are:
June 2 Public hearing on proposed programs and projects
June 7-13 Public comment period on draft action plan
June 16 Request City Council approval of action plan

The Mayor opened the Public Hearing at 8:16 p.m.

Those who spoke:

Jason Mock, President of Chamber of Commerce, spoke on behalf of the

board. Mr. Mock mentioned the board chair, Mr. David Case will be sending a letter of support. Mr. Mock thanked Scott Hardwick and Josie Falletta with the City. Since day one we have discussed; how can we help the business with this process? Mr. Mock stated that the 3 entities will be in a partnership that can help get all the business community get back on their feet. Mr. Mock mentioned that this is not a Chamber membership funding mechanism but it will be available to all businesses that in the criteria of the HUD census track is for low to moderate income. We would market this and make this an easy streamlined process for businesses to submit their application.

Tricia Schneider, Development Director with Court Appointed Special Advocates (CASA) made the following comments:
Good evening Mayor Hughson and City Council. I've prepared brief notes to present and am available for questions. In the midst of the COVID19 pandemic, we know that home is not safe for some children. The Child Protection Court judge in Hays County is currently appointing CASA of Central Texas to almost all incoming cases and experts predict a significant rise in child abuse in the months to come. Already, data supports our concerns. By the end of March, there was a 22% increase in monthly calls from people younger than 18 to the National Sexual Assault Hotline. It is clear abuse is escalating in both frequency and severity. Kids are isolated with their abusers. The pandemic further amplifies problems that may exist in homes, as contributing factors placing children at risk, such as domestic violence, drug and alcohol abuse, and mental illness. When CASA is involved, our volunteers are focused on the wellbeing of the children including their mental health, medical, education and housing needs. During this time, we are also concerned about older youth. Many lack relationships, resources and connections needed to get through the pandemic. Homelessness is common among youth exiting foster care. With the San Marcos CDBG CV funding, CASA plans to help an additional 30 children and youth, over and above our previous projections. We also submitted a similar proposal to the City of New Braunfels as the two of you present the greatest need in our service area. CASA has a scalable model that with more funding, we can train and support more volunteers who are interested in helping our local children. CASA volunteer training classes are being held virtually through Zoom and YouTube. Our next round of 5 weekly classes begin June 24, 5 8pm. And, to close, I'd like to encourage anyone listening, people who are interested in our free training, you may find our volunteer application online at casacentex.org.

There being no further comments, the Mayor closed the Public Hearing at 8:22 p.m.

Council member Derrick asked Mr. Mock who will be approving the applications for small businesses. Mr. Mock stated it will be a group decision between the applicants and others to evaluate the applications.

Council Member Baker inquired about the number of applications and were there any not qualified? Were there inquiries from anyone who did not submit an application? Mr. Ostrowski noted that there were four applications submitted.

Council Member Baker wanted confirmation that there was a back and forth conversation and we did not discourage anyone from applying. Mr. Ostrowski stated that no one was discouraged from applying. Staff reported that over 100 direct emails were sent out to various organizations, financial institutions, and the county and staff went well above what they typically do for CDBG. There were also a number of press releases and other publicity to seek applications. It was there for 20 days but was a quick turnaround time in an effort to get this money out as soon as possible. It is possible that there will be additional funding in the future. Council Member Baker stated there are a lot of expectations for liability and insurance. He asked if it was possible and promoted for the City to sign on with some businesses as a way to reduce liability. Staff stated the City did not promote this in that way. The reason the chamber was a co applicant was not for insurance purposes but to see if they qualified for this type of funding. HUD has confirmedthe qualification. Applications will not be limited to Chamber of Commerce members. Council Member Baker asked if funds are not allocated this evening, would it open it up to others? Staff confirmed it would allow these monies to be rolled over. If the City would like to make a certain condition for these funds they can do this.

Mayor Hughson asked staff about conditions on the way the money is spent and Mr. Ostrowski confirmed the city can impose conditions.

Council Member Marquez asked if Katerra and Texas State University are providing matching funds. Mr. Ostrowski they are providing certain things at cost, but with the CDBG funds, entities are not required to match funding by HUD. They are still seeking funding for the actual test kits and lab work. Council Member Marquez inquired if these structures can be used only for the San Marcos community or can they serve residents outside the city? Mr. Ostrowski stated use of the funds is limited residents of the City of San Marcos.

Mayor Hughson inquired at what point are the restrictions of the grant be considered met so the materials can be used somewhere else? For example, could a future use be as a vaccine station? Mr. Ostrowski stated there would be benchmarks that need to be met and he is not aware of any timelines. However, there is an auditing process of CDBG funds.

Council Member Baker asked about the Texas State part time position and why it is not full time? Is this a Katerra employee or Texas State University? BJ Spencer, Assistant Professor of Practice in the Engineering Technology Department, provided a brief comment and said it will be a Texas State position, could be students, and will be someone in specialized care such as nursing students. They will provide walk up testing and this are for future vaccination purposes and they are collaborating with Katerra. Council Member Baker inquired about the advantages of having this structure over a drive-up center. Dr. Spencer noted the advantages: It is secure, protected from the weather, and will be air-conditioned which will also provide a better environment for the samples. It also provides more privacy for those being tested.
Council Member Baker asked what kind of test is this module set up for and stated that the focus of the funding is to help low to moderate income people, but the test is still $90.00. Ms. Spencer said that is not yet resolved. The test will be a nasal test for COVID 19. Council Member Baker noted the requirement that this be only San Marcos residents and how would that be guaranteed? Dr. Spencer stated it will be through the registration process. Testing will not be done on campus.

Council Member Gonzales inquired about airflow to ensure the safety of those inside the structure. Council Member Marquez inquired about hiring an underrepresented minority as one of the employees and Dr. Spencer stated that would be possible.

Mayor Hughson asked why application 2 was not considered eligible. For previous CDBG funding, the determination was that given the high percentage of low-to-moderate income people in San Marcos, the projects were deemed eligible. Mr. Ostrowski responded that verification per person served would be needed. Previous projects were deemed to be a benefit to an area or neighborhood that qualified. For application 2, that cannot be verified. There are limitations on the planning aspect also. For the other projects, each person can be verified as eligible.

Council Member Gonzales inquired if there is a possibility of increasing the funding for CASA. Mayor Hughson noted that all dollars are allocated in the presentation so to increase any application would require decreasing one of the others. Mr. Ostrowski noted that CASA has requested funding from CDBG funds and that decision will be made in August.

Council Member Baker inquired about the $40,000 on application 1 for administrative expenses. Chamber of Commerce president Jason Mock responded that this is only for actual expenses and part of it will go to upgrading software to ensure that the application process works smoothly.

Regarding the application by the City and Chamber of Commerce, Council Member Baker expressed his concern that for the health and safety for the community he would like businesses that receive funds to be required to purchase Personal Protection Equipment (PPE) equipment.

Mayor Hughson stated that we agree with Council Member Baker's concept about Personal Protective Equipment (PPE) but had concerns with adding percentage to small businesses that may have been proactive and already have purchased the required PPE to meet their needs.

Council Member Baker also inquired how to distribute the funds with a fair geographic distribution of the funding perhaps via census tracts. Mayor Pro Tem Mihalkanin noted that our businesses are not evenly distributed by census tracts. Council Member Marquez wants to ensure that the distribution of these funds is equitable including attention to minority-owned businesses. Mr. Ostrowski assured the council that their direction will be implemented. Council Member Baker asked that information about this program be available in Spanish. Mr. Mock stated that will be done.

Mr. Mock said the meetings to discuss the applications can be held in an open meeting virtually and recorded, but no sensitive information will be distributed.

Council provided consensus to move forward with the recommendation proposed by Staff.

NON-CONSENT AGENDA

27. Hold discussion on Capes Dam and Hays County Parks proposals, and provide direction to the City Manager.

MOTION TO POSTPONE: A motion was made by Mayor Pro Tem

Mihalkanin, seconded by Council Member Derrick, to postpone the discussion to the June 16, 2020 regular City Council Meeting. The motion carried by the following vote:

For: 6 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore and Council Member Gonzales

Against: 1 - Council Member Baker

22. Consider approval of Ordinance 2020-43, on the first of two readings, reclassifying and increasing the rank of the firefighter position assigned to the Fire Prevention Division, from the rank of firefighter to the rank of engineer in accordance with Section 143.021 of the Texas Local Government Code; amending the Fire Department staffing table maintained by the City Clerk in accordance with Section 2.373 of the San Marcos City Code to reflect such reclassification; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

A motion was made by Council Member Derrick, seconded by Mayor Pro Tem Mihalkanin, to approve Ordinance 2020-43, on the first of two readings. The motion carried by the following vote:

For: 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

23. Consider approval of ordinance 2020-44, on the first of two readings, amending section 2.421 of the San Marcos City Code by adding a new subsection (e) to clearly state that the policy and purpose statements in that section supporting the adoption of the San Marcos Code of Ethics shall not be cited, used, or considered by a citizen or by the ethics review commission as the basis of an ethics complaint filed against any officer or employee of the city; and declaring an effective date.

A motion was made by Council Member Gonzales, seconded by Council Member Baker,to approve Ordinance 2020-44, on the first of two readings. The motion carried by the following vote:

For: 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

24. Consider approval of Ordinance 2020-45, on first and final reading, authorizing the issuance of the City of San Marcos, Texas Special Assessment Revenue Bonds, Series 2020 (Whisper Public Improvement District)"; approving and authorizing an indenture of trust, a bond purchase agreement, an offering memorandum, a continuing disclosure agreement, a landowner agreement and other agreements and documents in connection therewith; making findings with respect to the issuance of such bonds; providing for

approval of this Ordinance on only one reading as authorized by Texas Government Code, Section 1201.028; and providing an effective date.

A motion was made by Deputy Mayor Pro Tem Rockeymoore, seconded by Council Member Baker, to approve Ordinance 2020-45, on first and final reading. The motion carried by the following vote:

For: 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

25. Consider approval of Resolution 2020-114R, adopting the Community Development Block Grant (CDBG) 2020-2024 Citizen Participation Plan that sets the timing for hearings and comment periods for grants from the US Department of Housing and Urban Development (HUD); authorizing the City Manager, or his designee, to act as the Official Representative of the City in matters related to the (CDBG) Program; and declaring an effective date.

A motion was made by Deputy Mayor Pro Tem Rockeymoore, seconded by Mayor Pro Tem Mihalkanin, to approve Resolution 2020-114R. The motion carried by the following vote:

For: 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

26. Consider approval of Resolution 2020-115R, amending the Community Development Block Grant (CDBG) Consolidated plan for Fiscal Years 2015-2019 to add the Community Development Block Grant-Coronavirus (CDBG-CV) Allocation of $425,261.00 and to add Economic Development as a funding category; and declaring an effective date.

A motion was made by Council Member Baker, seconded by Council Member Derrick, to approve Resolution 2020-115R. The motion carried by the following vote:

For: 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

EXECUTIVE SESSION (if necessary)

28. Executive Session in accordance with the following Government Code Sections:
A. §Sec.551.071 of the Texas Government Code: Consultation with attorney - to receive advice of legal counsel regarding state law preemption of city ordinances regulating the

sale or use of single-use packages and containers.
B. §Sec.551.071 of the Texas Government Code: Consultation with attorney - to receive advice of legal counsel regarding pending litigation, to wit: The Mayan at San Marcos River, LLC and City of Martindale v. City of San Marcos, Docket No. 04-19-00018-CV in the 4th Court of Appeals of Texas

A motion was made by Mayor Pro Tem Mihalkanin, seconded by Council Member Derrick, to enter Executive Session at 10:15 p.m. The motion carried by the following vote:

For: 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

ACTION/DIRECTION PROVIDED DURING EXECUTIVE SESSION

29. Consider action, by motion, regarding the following Executive Session items held during the Work Session and/or Regular Meeting:
A. §Sec.551.071 of the Texas Government Code: Consultation with attorney - to receive advice of legal counsel regarding state law preemption of city ordinances regulating the sale or use of single-use packages and containers.
B. §Sec.551.071 of the Texas Government Code: Consultation with attorney - to receive advice of legal counsel regarding pending litigation, to wit: The Mayan at San Marcos River, LLC and City of Martindale v. City of San Marcos, Docket No. 04-19-00018-CV in the 4th Court of Appeals of Texas

Mayor Hughson stated that #29 (a) was postponed to the June 16, 2020 City Council Meeting and provided direction to staff on #29 (b).

IV. Adjournment.

Mayor Hughson stated that Executive Session was concluded at 11:02 p.m.

The Mayor adjourned the regular meeting of the City Council on Tuesday, June 2, 2020 at 11:06 p.m.

Tammy K. Cook, Interim City Clerk **Jane Hughson, Mayor**

City of San Marcos

Meeting Minutes
City Council

Thursday, June 11, 2020 | **4:00 PM** | **Virtual Meeting**

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

I. Call To Order

With a quorum present, the special meeting of the San Marcos City Council was called to order by Mayor Hughson at 4:02 p.m. Thursday, June 11, 2020.

II. Roll Call

Present: 6 - Council Member Melissa Derrick, Mayor Jane Hughson, Mayor Pro Tem Ed Mihalkanin, Deputy Mayor Pro Tem Mark Rockeymoore, Council Member Maxfield Baker and Council Member Saul Gonzales

Absent: 1 - Council Member Joca Marquez

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

Chase Stapp, Director of Public Safety provided an update and provided status reports in response to the COVID-19 pandemic.

Known Cases - as of today

• 1,973,797 U.S. cases with at least 112,133 fatalities in 55 states or territories including D.C. (More than 17,376 new cases since yesterday)
***source: Center for Disease Control and Prevention**

• 79,757 (25,423 active) cases in 236 Texas counties with 1,885 fatalities
***source: Texas Department of State Health Services**

• 492 in Hays County with 5 fatalities (230 active and 257 recovered)
– 4,580 tests returned negative
– 71 active and 75 recovered in San Marcos (2 fatalities)
– 39 cases have required hospitalization, 10 currently in the hospital
***source: Hays County Health Department**

Mr. Stapp provided a chart that indicates the active case count change from a day to day basis. Anything above the 0 line is a positive change or increase in active cases and anything below this line was a decrease in active case count.

The chart shows a significant increase in positive cases.

Update to Governor Abbott's Actions:

• June 3: Announced Phase III to open Texas
– Businesses to operate with no more than 50% occupancy – many exceptions listed
– No occupancy restrictions for:

- Essential services - Child care services
- Religious services - Youth camps
- Local government operations - Recreational sports programs

– 50% occupancy limit does not apply to outdoor areas, events, or establishments, except the following:
- Museums and libraries - Professional, collegiate sporting events
- Swimming pools - Zoos, aquariums, natural caverns
- Water parks - Rodeos and equestrian events

– 50% occupancy limit does not apply to salons, massage establishments, other personal care/beauty services as long as there is social distancing between work stations
– Restaurant occupancy limit increased to 75% beginning June 12
– Only seated customers may be served in indoor bars, similar indoor establishments
– County judge or mayor may impose additional restrictions for certain outdoor gatherings over 500 people

• June 4: Extension of emergency Supplemental Nutrition Assistance Program (SNAP) benefits through June

– Texas Health and Human Services Commission (HHSC) to provide approximately $177 million in emergency SNAP benefits
– More than 900,000 SNAP households will see the additional amount on their Lone Star Card by June 12

• June 8: Expanded testing in underserved and minority communities disproportionately impacted by COVID-19

– Texas Division of Emergency Management (TDEM) is coordinating with local officials, public health officials, and emergency management offices in cities across the state to identify and rapidly expand COVID-19 testing
– Check www.covidtest.tdem.texas.gov to find the nearest test collection location.

Efforts to date:

• Countywide recovery document at 95% completion

• Processed Late Fee Exemptions for 139 commercial utility accounts, 93 residential utility accounts since implementation on March 26
– Set up payment arrangements totaling over $334,296 for 1381 utility customer accounts over that same time period

• Race and Ethnicity data added to COVID-19 case reporting from Hays County as of 6/9 – included on dashboard

• TDEM testing sites – Bonham 6/14, Bowie 6/18

Grants update:

• CESF (Coronavirus Emergency Supplemental Fund) grant award letter received 6/8
– Just over $51,000 is funding to reimburse City for overtime and supplies related to COVID-19
– Applies to Police and Fire Department COVID-19 expenses such as PPE, overtime, other COVID-related equipment.

Council Member Baker stated if there are any new contact tracing efforts being made due to increase in case counts by the State or on a local level. Mr. Stapp stated there is no additional news, but he believes the State is aware of the need for additional contact tracers.

Council Member Gonzales asked if the testing mentioned earlier still includes the nasal test and asked about the longer turn around time on these test results. Mr. Stapp stated these are nasal tests and the testing is being conducted by the state and being sent to state labs so there is a longer turn around time to receive results. Mr. Gonzales asked about the rapid tests and what is the validity of this. Mr. Stapp stated there are numerous rapid tests, but they are not recommended. However, hospitals are using this as a presumptive test and as a screening device.

Deputy Mayor Pro Tem Rockeymoore asked if there is any information about the anti-body tests. Mr. Stapp stated those are being conducted and reported on a State level. They are not reliable in diagnosing current cases of COVID-19.

It shows that you have been exposed to a strain of the COVID disease, but not necessarily the COVID-19 strain.

Council Member Baker stated there is not a large spike in the number of tests we are conducting. He asked if we are comparable to other counties in terms of our percent of the population that has been tested. Mr. Stapp said we are holding true on State averages in terms of testing as of a week ago. Mr. Baker asked what kind of barriers we are experiencing to people getting tests. Mr. Stapp said he is not aware of any barriers. People are going out and getting these tests. Mr. Baker asked if we have a deadline to when we should have a certain percentage of our population tested. Mr. Stapp stated this metric has not been discussed.

Mayor Hughson stated these test sites often require large spaces/parking lots and asked what influence we have regarding these site locations. She stated it would be helpful if it is on a bus route if offered Monday through Friday. Mr. Stapp stated there was a request that it be on the east side of the interstate near parts of our community that are typically lower income.

Council Member Derrick asked about the day/time tests will be conducted for the Bonham and Bowie sites. Mr. Stapp stated the Bonham site test will occur on June 14th from 8 a.m. to 5:00 p.m. and the Bowie site on June 20th from 10 a.m. to 4:00 p.m. Council Member Derrick asked if these are the only dates?Mr. Stapp stated there are other test sites around the County.

Mayor Hughson asked about utility disconnects and asked if renewal of this if needed. Mr. Stapp confirmed this will be brought forward for discussion on June 18th.

Council Member Gonzales asked what percentage of restaurants are being closed due to an employee being exposed to the virus. Mr. Stapp stated he does not have this percentage, but it is being tracked. However, the restaurants are typically closing from two days to two weeks depending on their needs to disinfect and sanitize their facility. Does the public get notification about restaurants that are closing. Mr. Stapp stated the restaurants have been good about notifying their customers. Mayor Hughson stated the University Star has it on their page.

2. Consider, by motion, approval of a joint letter from members of the City Council calling on Governor Greg Abbott to take specific actions to alleviate the disproportionate impact of COVID-19 on Latinx Texans and people of color.

MAIN MOTION: a motion was made by Mayor Pro Tem Mihalkanin, seconded by

Council Member Derrick to approve the following letter:

Gov. Abbott:

The large majority of those who have been hospitalized by COVID-19 are people of color and low-income populations. Public health experts have confirmed that this is mainly because Latinx and people of color are overwhelmingly working on the front lines. Inaction to protect our frontline workers will result in predictable consequences, including loss of life. Our local democracies are trying to take every action allowable under the law to address this reality. Clearly, it is necessary for the state to take action as well. We are calling on you to address the disproportionate impact this virus has on Latinx Texans.

We call on you to:

1. Expand Medicaid. Texas is the most uninsured state in America. The Latinx community lacks health insurance more than any other major population in Texas. It is disturbing that you continue to refuse these federal health care dollars during the COVID crisis.

2. Have the Attorney General drop the lawsuit that is blocking paid sick time policies. Paid sick time would be guaranteed for all workers in Austin, Dallas, and San Antonio if it were not for the state's lawsuit. Paid sick time is more important now, than ever.

3. Use the Economic Stabilization Fund (a.k.a. Rainy Day Fund) to provide immediate and continued financial relief to working class families, regardless of immigration status. Doing so will lead to fewer people being forced to return to work if they are vulnerable or at-risk.

4. Nullify SB4, the "Show Me Your Papers" law. Because of your law, many immigrants are too afraid to seek critical medical interventions or public assistance for fear of being separated from their families.

5. Support Texas municipalities efforts to manage the Covid crisis. There is no "one size fits all" solution, municipalities should be permitted to enforce CDC guidelines and emergency protocols that will most protect and benefit their unique situations and constituents, which for San Marcos includes a large percentage of Latinx and low income households. We must be supported in our efforts to save lives and prevent further devastation to these communities.

We have taken several steps at the local level to alleviate some of the economic burden faced by our citizens. However, there are many things outlined above that only you can legislate to help our community and they require your full and absolute attention. Inaction on protecting people of color or those that are low-income from COVID-19 is an affirmative decision to perpetuate racial and class injustice. It is a decision that will cost lives. We eagerly await your response.

Council Member Baker explained the contents of the letter and his reasons for asking Council to approve it. Mayor Hughson inquired about the Governor's power to expand Medicaid. Governor Abbot will need the legislature to complete that. Mayor Hughson also noted some changes for better explanation that we will need to make on item 4. She asked if the Governor actually has the power to nullify SB 4 because it was done by legislative action? Mr. Baker believes the Governor can issue an Executive Order to do that. Mayor Hughson asked Mr. Cosentino and he stated that under the Disaster Declaration, the Governor can suspend certain statutes. He noted that the key provision of SB 4 was it prohibits a City from adopting/enforcing a policy that stops its officers from inquiring about immigration status when stopping or detaining someone.

Mayor Pro Tem Mihalkanin was concerned about the word "nullify" in number 4. The word suspend would be fine. Regarding Medicaid, there likely should be some type of legislative mandate. In addition, in "Because of your law" should be re-worded. There are other items that could be improved. Mayor Hughson was concerned with the demanding tone of the letter. Mayor Pro Tem Mihalkanin was also concerned about the tone of the letter and asked if staff could work on it. Council Member Baker would like to get this letter as soon as possible.

MOTION TO AMEND: a motion was made by Council Member Baker, seconded by Mayor Pro Tem Mihalkanin, to remove the last sentence of item 1. The motion carried by the following vote:

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

Against: 0

Absent: 1 - Council Member Marquez

MOTION TO AMEND: a motion was made by Council Member Baker, seconded by Deputy Mayor Pro Tem Rockeymoore, to amend Item 4 (first sentence) by removing the word nullify and replacing it with suspend and
(second sentence) remove " Because of your law" and replace with "Because of this law" and removing "Show Me Your Papers" by replacing it with a descriptive legal reference.

Item 4 will now read:

"Suspend SB4, (legal description will go here). Because of this law, many immigrants are too afraid to seek critical medical interventions or public assistance for fear of being separated from their families."

The motion carried by the following vote:

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

Against: 0

Absent: 1 - Council Member Marquez

MOTION TO POSTPONE: a motion was made by Council Member Baker, seconded by Deputy Mayor Pro Tem Rockeymoore, to postpone this item to the June 18, 2020 special meeting. The motion carried by the following vote:

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

Against: 0

Absent: 1 - Council Member Marquez

EXECUTIVE SESSION

3. Executive Session in accordance with Section §551.074 of the Texas Government Code: Personnel Matters - to discuss, review and finalize the Annual Appointee Evaluation goals for the City Manager.

A motion was made by Council Member Derrick, seconded by Deputy Mayor Pro Tem Rockeymoore, to enter into Executive Session at 4:46 p.m. The motion carried by the following vote:

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

Against: 0

Absent: 1 - Council Member Marquez

RETURN FROM EXECUTIVE SESSION

4. Consider action, by motion, or provide direction to Staff regarding the following Executive Session item in accordance with Section §551.074 of the Government Code: Personnel Matters - to discuss, review and finalize the Annual Appointee Evaluation goals with the City Manager.

Prior to entering into Executive Session, Mayor Hughson stated that there is no action due but Council will discuss, review and finalize the Annual Appointee Evaluation goals with the City Manager. Council will not come back into open session.

III. Adjournment.

Mayor Hughson adjourned the Special Meeting of the City Council at 6:13 p.m.

Tammy K. Cook, Interim City Clerk **Jane Hughson, Mayor**

City of San Marcos

Meeting Minutes
City Council

Tuesday, June 16, 2020 | **3:00 PM** | **Virtual Meeting**

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

I. Call To Order

With a quorum present, the regular meeting of the San Marcos City Council was called to order by Mayor Hughson at 3:02 p.m. Tuesday, June 16, 2020.This meeting was held virtually.

II. Roll Call

Present: 6 - Council Member Melissa Derrick, Mayor Jane Hughson, Mayor Pro Tem Ed Mihalkanin, Deputy Mayor Pro Tem Mark Rockeymoore, Council Member Maxfield Baker and Council Member Saul Gonzales

Absent: 1 - Council Member Joca Marquez

PRESENTATIONS

1. Receive a presentation and hold discussion on city programs, activities, and regional economic development; and provide direction to the City Manager.

Bert Lumbreras, City Manager provided a brief introduction regarding today's focus on economic development. Joe Pantalion, Assistant City Manager stated that San Marcos has a number of characteristics making it an attractive location for business, but it also has its fair share of challenges because we are in a highly competitive market. The main goal of the City's economic development program is to capitalize on those economic opportunities to improve the economic well-being of our community. This is done by focusing on areas that align with the priorities set by City Council. These include:
o Business Marketing and Attraction,
o Business Retention & Expansion,
o Entrepreneurial and Small Business Development,
o Downtown Development and Reuse, and
o Workforce Development.

Scott Hardwick, Economic & Business Development Manager, highlighted a number of the programs and initiatives he has been working on in each of these areas since he joined the City late last year. The response to COVID-19 has shifted some of the services the City provides, and he will also touch on

how economic development has adapted. Our location between Austin and San Antonio is a great benefit.

Economic Development components include Business Marketing and Attraction, Business Retention & Expansion (BRE), Entrepreneurial and Small Business Development, Downtown Development and Reuse, and Workforce Development.
Our Economic Development Partners include: City Departments (Planning, Engineering, and others), San Marcos Chamber of Commerce, Greater San Marcos Partnership (GSMP), Splash Coworking, Downtown Association, Texas State Small Business Development Center, and Rural Workforce Solutions

The response to COVID 19 has shifted some of the services the City provides, and he touched on how economic development has adapted.

This presentation is timely as there are a number of upcoming considerations related to economic development including:
o ensuring our incentives policy aligns with City goals,
o re-evaluating residential development financial incentives, and
o developing economic development goals for the future comprehensive plan.

Jason Giulietti, President of the Greater San Marcos Partnership (GSMP), will also participate and highlight some of the work done by the Partnership. Mr. Giulietti will provide some of the history and focus of GSMP as well as explain his organization's impact in our community.

Mr. Hardwick provided the presentation. He explained the community assets, strategy and stated the main goal is to improve the economic well being of the community including: job creation, job retention, tax base enhancements, and quality of life and place. He explained "why" Economic Development is important:
• Tax Base Diversification - real and personal property tax and sales tax
• Economic Growth - population, income, businesses
• Competitiveness - local communities drive economic development and funding and structure

Mr. Hardwick noted that we do not have an Economic Development Corporation because we do not have 4(a) or 4(b) funds which can come from sales tax. In 1988, our community voted to have property tax relief instead.

The components of economic development include:
• Business Marketing and Attraction
• Business Retention & Expansion (BRE)
• Entrepreneurial and Small Business Development
• Downtown Development and Reuse
• Workforce Development

Partners:
• City Departments (Planning, CVB, Main Street)
• San Marcos Chamber of Commerce
• Greater San Marcos Partnership (GSMP)
• Splash Coworking
• Downtown Association
• Texas State Small Business Development Center
• Workforce Solutions

Business Marketing and Attraction
Activity
• GSMP provides business marketing and attraction services for the City
• Creates new jobs and economic growth
• Involves working with site selectors to showcase available commercial space
Key Functions:
• Partner with GSMP to attract new businesses to San Marcos
• Ensure each project meets our economic development goals and objectives
• Conduct financial and cost analysis on projects
• Coordination of city staff during recruitment process

Business Retention & Expansion (BRE)
Activity
• BRE visits conducted by GSMP to businesses within target industries
• Building relationships with existing businesses
• Collect data to analyze business activity and track trends
Key Functions
• Assist BRE efforts with target industries
• Work with partners to establish a BRE program for non-target industries
• Coordinate among all San Marcos efforts
• Ensure consistent communication with local businesses, collect accurate data to meet needs and resolve issues

Downtown Development and Reuse
Activity

Business Improvement Grant (BIG):
50% matching grant up to $20,000 for real property improvements
50% matching grant up to $5,000 for signage
• 19 projects funded since 2016
• Total investment of approximately $375,000
• BIG disbursements of approximately $150,000
• Potential enhancements:
increase marketing of program
monitor timeline for improvements

Key Functions of Downtown Development and Reuse
• Work with existing property owners to facilitate redevelopment
• Assemble resources to assist commercial property owners and developers on economic feasibility of projects:
New Markets Tax Credit (NMTC)
Property Assessed Clean Energy (PACE)
Historic Tax Credits
• Evaluate and develop economic development incentives for:
residential (non-student housing) to increase density
commercial office to pursue a professional workforce
Entrepreneurial & Small Business Development
Activity
· Texas State Small Business Development Center (SBDC) offers no-cost business advising and educational workshops
· GSMP Events include an Innovation Quick Pitch competition
· Splash Coworking Programming
• entrepreneurship boot camp - intro. to entrepreneurship, validation of business concept, business finance, and marketing
• professional development workshops - time management, work/life balance, reskilling, career advancement opportunities
Key Functions
· City liaison and information clearinghouse for new startups
· Collaborate with partners to develop:
• mentoring services
• educational workshops
• technical assistance programs
• recognition events
· Work to enhance the entrepreneurship ecosystem in San Marcos
· Pursue opportunities to fund future programs for entrepreneurship

Workforce Development

Activity
Public Library in-person events and resources:
• average 32 General Education Diploma (GED) and English as Second Language (ESL) classes
• Workforce Wednesday - individual job search, resume, and career advice
• 25 locals hired at events for Census 2020 and IRS
• two job fairs with Workforce Solutions
Programming since March 16, 2020:
• GED and ESL classes went online
• online Job Fair with Workforce Solutions
• developed Facebook jobs and resource page
Key Functions
Assist with the City's Strategic Initiatives and planning
Collaborate with GSMP to develop a comprehensive workforce strategy
Work with partners and businesses to develop an action plan
Focus on bringing together all the stakeholders conducting workforce development
Implement a cohesive process which assists entrants into the workforce, trains residents, provides upskilling while recognizing and meeting the needs of local employers

Mr. Hardwick provided the next steps:
Economic Development Incentives Policy
• Review to ensure alignment with City goals
Residential Development Financial Incentives approved in 2015 and will need to review.
•Established five-year review period - ending November 2020
•Temporarily suspends financial incentives for residential development
• Assess the absorption of incentivized housing into market
Vision San Marcos: A River Runs Through Us
• Economic development goals and objectives
• Development of goals and objectives for future comprehensive plan

Council Member Baker inquired about Mr. Hardwick's time working with Greater San Marcos Partnership (GSMP) and does it limit his time to focus on more small businesses? Mr. Hardwick stated that he works with small business activities to meet the goals and objectives of the Council.

Council Member Baker asked if the mission of GSMP in conflict with small business. Mr. Hardwick said no conflict. Council Member Baker stated that

larger corporations are here to make a profit off of our community but small businesses are here to help the community. He hopes when we continue to look at economy goals and make sure they align with the needs of our community. Mayor Hughson said as a member of the GSMP Board, she sees no conflict with the city. When GSMP is looking at large corporations they are looking at jobs for our community.

Council Member Rockeymoore asked about the clearing house and being primary an online component. Will there be a place where citizens can receive resources that the city can endorse? Mr. Hardwick stated that the goal is to have a resource center and looking for funding like grants to help fund a centralized location. Mr. Hardwick would like to have a robust entrepreneur system for the city.

Council Member Rockeymoore asked about any obstacles to accomplish within a reasonable time frame. Mr. Hardwick stated that funding is the number one obstacle and always looking for opportunity with the development partners to make this project happen.

Mr. Lumbreras stated that GSMP does recruitment of companies and the city makes the determination as to if it will meet the goals, needs and values of the community.

Council Member Derrick asked about the ecosystem. If Mr. Hardwick can focus on Splash and a robust ecosystem to promote the local economy that is sustainable for the City and expand what we have and make it more centralized. Mr. Hardwick's work experience in San Antonio provides a background for this in San Marcos.

Council Member Baker inquired about types of target industries.Mr. Hardwick noted the benefit of redevelopment in downtown properties which could bring underutilized properties to highest and best use.

Mr. Giulietti provided a presentation that explained that economic development is described as creation of jobs and wealth, and the improvement of quality of life.

Economic development often includes three major themes:
(1) Policies that government undertakes to meet broad economic objectives including inflation control, high unemployment and sustainable growth.
(2) Policies and programs to provide services including building highways,

managing parks, and providing medical access to the disadvantaged.
(3) Polices and programs explicitly directed at improving the business climate through specific efforts, business finance, marketing, neighborhood development, business retention and expansion, technology transfer, real estate development and others.

Main goal of economic development is improving the economic well-being of a community through efforts that entail job creation, job retention, tax base enhancements and quality of life. Economic Development involves new companies, increased tax base (including diversification of the tax base), increased revenue, diverse industry sectors, job creation, skilled workforce and tourism.

Economic Development is collaborative and creates economic diversity that sustains each local economy throughout the business cycle and the goal is to increase the per capita income levels of local residents. The goal is to create quality of life for all.

Mr. Giulietti explained that competition is stiff and communities have to develop aggressive and innovative economic development strategies and incentives are a valuable and necessary tool that helps sway site selection decisions. Site Selection basically comes down to site elimination so communities must prove why a particular business should choose their community over others.

Business Recruitment/Expansion most important considerations are Infrastructure and talent. Next are Real Estate/Site and Amenities/Quality of Life. Last item for consideration is incentives.

Mr. Giulietti provided information on the Greater San Marcos Partnership, when it was established, mission, vision, board, target industries, and their focus for Hays and Caldwell Counties.

Established in October 2010

Mission: To enhance and diversify the regional economy by creating high quality jobs and investment
1st Five Year Strategy: 2010-2015
2nd Five Year Strategy: 2015-2020
Undertaking Vision 2025 now

Core Values
Accountability, Transparency & Integrity
Commitment to Excellence
Continuous Improvement to our Processes & Operations
Exceptional service to our Clients & Communities

Vision 2025
5-year collaborative regional economic development strategy
Guided by a diverse Steering Committee comprised of public, private and non-profit leaders from the region
Strategy will include actions and tactics designed to address challenges and capitalize on opportunities to heighten the region's competitiveness and prosperity
Leadership and staff participants include: Mayor Hughson, Council Member Ed Mihalkanin, City Manager Lumberas, Laurie Moyer, Tom Taggert, Scott Hardwick, Shannon Mattingly, Superintendent Michael Cardona

Target Industries are Aerospace, Aviation, Security & Defense, Business Services & Support, Destination Attractions, Information Technology, Life Sciences, Materials Science, and Regional Distribution

The main focus includes:
1. Marketing and Promotion
2. Business Attraction/Recruitment
GSMP focuses on Recruitment and retention of primary employers no matter the size of the operation.
Primary employers are companies whose products or services are used/sold outside the region of creation/origin (statewide, national or international markets) and infuse the local economy with imported dollars.
Focus on export-oriented primary jobs
• Create a "win/win" (ROI)
• Look at jobs AND capital investment
• Focus on high "multiplier" effects/clusters
• Utilize incentives strategically
High multiplier clusters are those that create spin-off jobs to support the industry or employee (as consumers) needs.
Economic Development San Marcos (EDSM) is a 13-member city appointed commission which includes Maxfield Baker and Bert Lumbreras. The function is to review and advise draft incentive proposals for comment and direction before going before council to ensure that the relocation of a company meets the economic goals of the city. GSMP is administrative support only for this

group.

3. Business Retention and Expansion (BRE)
• Vital component to any economic development strategy
• Existing businesses account for greatest numbers of net new jobs to communities
• More difficult to attract new companies
• Learn about their needs, opportunities and challenges
• New Director of BRE to join GSMP next week
Mr. Guilietti noted that our regions has 40 times the number of patents issued in Texas.

Mr. Giulietti provided the GSMP Economic Impact to our region:
Study conducted by Impact DataSource of GSMP supported and announced projects from 2010 to 2019
• 39 companies assisted (relocated or expanded)
• 5,441 direct new jobs
• $544 million in capital investment
• Local taxing jurisdictions are projected to add $9.6 million in sales tax revenue and $35 million in property tax revenue over a 10-year period
• Estimated $2.9 billion in annual economic output
Wages are going up.

In summary:
The main goal of economic development is to improve the economic well being of a community
• Competition is fierce for business recruitment/expansion - site selection is about site elimination
• Incentives are a necessary, valuable and compelling tool
• GSMP focuses on primary employers that import dollars into the region and create spin-off jobs
• GSMP is guided by its board and a collaborative economic development strategic plan
• Business Retention and Expansion (BRE) is vital to the strategy
• Data indicates that San Marcos is growing, and residents are benefiting

Mr. Giulietti mentioned that Barbara Thomason is the new director of Business Retention and Expansion.

Council Member Rockeymoore expressed his appreciation and work done by the GSMP. He asked Mr. Giulietti what work force means to him. Mr. Giulietti

stated all encompassing and that means anything from education or work experience needed for these companies that come to our community. Mr. Rockeymoore asked about the City of San Marcos and how we compare to other communities in our region. Mr. Giulietti stated the GSMP is basically an outsourced economic resource to the City and they respond to all inquires regarding future job creation. He explained that 80 to 90 percent of their recruitment effort is for San Marcos. They also serve as the economic development staff for Hays and Caldwell counties.

Mr. Rockeymoore stated that biotech was a large part of the future. He would like to continue this initiative. Mr. Giulietti said they will continue to seek these types of companies.

Council Member Derrick thanked Mr. Giulietti for the presentation and the work GSMP has done. She stated that she has heard that GSMP is a "pay to play" organization, that if they don't pay, GSMP will not help a company. She asked how can Scott can assist us with this. Mr. Giulietti was shocked at this information and in the 18 months he has been in this position he is unaware of this and will remedy it immediately if he sees it happen. Ms. Derrick's hope is that we are now in a position that our local economy will be paid attention to no matter how big or small the company. Mr. Giulietti said his team is looking at things holistically and hold us accountable and let's move forward.

Council Member Baker stated we hear a lot about increasing our tax base, GSMP has been bringing business that are outside the core causing sprawl which is a negative impact on our core. What is being done to refocus GSMP to bring more infill development. Mr. Giulietti stated this challenges us because that we don't have existing infrastructure to support that kind of growth. He has shown developers downtown area and tried to convince them to bring resources to help grow downtown. There is nowhere to build in the dense areas of San Marcos and no existing buildings for the purposes for those interested in San Marcos.

Council Member Baker said GSMP has been in business for 10 years, when will the mission be complete. Looking at how much has been spend on GSMP over the years. There is no doubt the return on investment has been there. Do you believe GSMP can operate in a smaller budget now that you can spend the money more effectively. Mr. Giulietti stated the mission is never done. We are going to continue to see an influx in the community due to more jobs opportunities for our residents. Our goal in organization is to further diversify more funding from the public sector to private sector. Currently it is 60%

private and 40% from the public sector. Would like to see it at 80% from private sector and 20% from public sector. The return on this investment is higher than the investment.

Council Member Baker asked how much is spent on networking. Mr. Giulietti said we don't break it out and can't provide a percentage that national publications on businesses and communities and more of putting our branding out there.

Council Member Baker asked if we are including farms or non conventional businesses. Mr. Hardwick stated no exclusions on business owners that has something to offer to the community. Council Member Baker would like to make sure that farmer's market are on the radar to be helped with any assistance.

EXECUTIVE SESSION

2. Executive Session in accordance with the following Government Code Sections:
A. §Sec.551.071 of the Texas Government Code: Consultation with attorney - to receive advice of legal counsel regarding state law preemption of city ordinances regulating the sale or use of single-use packages and containers.
B. §Sec. 551.087 of the Texas Government Code: Economic Development - to receive a briefing and deliberate regarding the following projects: Project Rx, Project Molly, Project Red Dawn, Project Free Flow, Project Focus, and Project Big Hat

A motion was made by Mayor Pro Tem Mihalkanin, seconded by Council Member Baker, to enter into Executive Session at 4:45 p.m. The motion carried by the following vote:

For:	6 -	Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales
Against:	0	
Absent:	1 -	Council Member Marquez

III. Adjournment.

Mayor Hughson stated Executive Session concluded at 5:54 p.m. and she adjourned the June 16, 2020 work session meeting of the City Council at 5:57 p.m.

Tammy K. Cook, Interim City Clerk **Jane Hughson, Mayor**

City of San Marcos

Meeting Minutes
City Council

Tuesday, June 16, 2020 | **6:00 PM** | **Virtual Meeting**

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

I. Call To Order

With a quorum present, the regular meeting of the San Marcos City Council was called to order by Mayor Hughson at 6:04 p.m. Tuesday, June 16, 2020.This meeting was held virtually.

II. Roll Call

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

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

III. 30 Minute Citizen Comment Period

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

Catherine Lindemann,
I have read the Copy of Resolution 2020-135R before the Council, and I appreciate the clarity related to the San Marcos Police Department's use of Force and concern for public safety. I would still like to make the following statement and pose the following questions:
This is in regards to ensuring equity and safety for all in regards to our Policing policies. I know that policing is a dangerous hard job, and that our San Marcos police have paid the ultimate sacrifice. My neighbors loved one was one of the officer's badly injured in the recent assault that killed Officer Putnam. I thank the SMPD for putting their lives on the line and responding day and night to keep us safe. However, with respect, that does not eliminate our city's responsibility to look at how the SMPD can be improved to ensure that police brutality and racial profiling are not a part of our city. In addition to Resolution 2020-135R, I believe additional analysis and action will protect all our citizens, and have the following questions: 1. Does the police department reflect the community it serves in terms of racial percentages? If not, what steps is the SMPD and the SMPD Academy taking to encourage

persons of color to become officers? 2. Is there a citizen review board for questionable police actions and/or to review current practices to see if improvements can be put in place to avoid the killing and arrests and profiling that have happened in other cities? And 3. Is policing the only alternative for responding to persons who are experiencing homelessness, having a mental health crisis, etc. or are alternative resources available for crisis intervention with personnel that do not use force (such as the Eugene OR model "Cahoots"? If not, can we consider such an institution for our city to support SMPD. Thank you.

Robert Holeman:
How about you stop wasting time, get back to work, and open the Children's Park? This is what they do when they should be leading. I support the police but the police need more than words. They need a reality. This resolution is a slap in the face. George Floyd was in poor health and had quite the mixture of chemicals in his system. Then he chose, repeatedly, to fight the cops. Bottom line: George Floyd contributed to his own death. We'd all be served well be recognizing that fact and letting the legal system play out in this case. Yet, none of that has anything to do with the SMPD. So to tie them together is a backhanded accusation of our own neighbors. Shame on the entire City Council and (the defacto mayor) City Manager.

Brian Olson:
Dear Mayor and Council,
Thank you for taking the time to discuss Capes Dam in your Thursday meeting. As you all know I have been involved in trying to preserve Capes Dam and the habitat that is created from such structure for 5 years now. I did not get involved until after the vote to remove the dam. At that time the citizens really got involved and fought to reverse that decision. There was a lot of information that was not given to the council prior to the vote that many past council members have acknowledged. Then parking became a topic of concern, if we have a beautiful park where would people park? The county listened to your concerns and came up with a great plan and is willing to pay for a lot of this project. The citizens on the east side should have this. A lot of good has come from Capes Dam discussions. Who would have thought that a discussion would be on the table be to double our park space on the east side of IH35? Without Capes Dam you won't have the Mill Race nor the three great swimming holes. Why not allow the county to continue to have more discussions on rebuilding Capes Dam that is appropriate for the habitat and historical perspective? By doing both the citizens win! We would have a safe place not only to swim but to navigate around the swifter waters that are on

the right channel. It's truly is a win win. Please do not waste funds you have budgeted for Capes Dam on more reports. Allow the City Manager's office to continue to work with the county to come up with the plan on rebuilding Capes Dam & Capes Park first so they can get the appropriate studies that would be needed for the specific project. The funds you have left can be used for better ADA access and bank stabilization that we all know needs to happen. If you have any questions please don't hesitate to ask. Thank you for taking the time to listen and let's give citizens on the east side a park they will always be great-full for generations to come.

Lisa Marie Coppoletta:
Item 6 - Ethics Commission, there has been no discussion on this item at past city council meetings. Is this because so many ethics complaints were filed? I dropped them taking the high road. Was another person asked to drop his complaint thinking Joca has resigned and was leaving. Now she is still up there rendering decisions, often a conflict of interest with her organizational affiliations and far left ideology. Don't you think it would be incumbent on the city to hold a workshop to explain to the citizens the expectations? Or, at least to have a conversation on the Dias?

Item 28 - I do not see anything about the death of an African American woman with a bright future that has captured worldwide attention. Breonna Taylor died at the hands of a police department "no -knock" policy. Is this policy something that SMPD engages in? Is this under review? I did not see it in the packet. Regarding the letter to the Sunday Paper regarding the privileges of Belvin Street. I want to agree with the writer of the letter and add that the separation of Belvin across Bishop is equally as concerning.

Their side of Belvin, where some of my best friend live they got:
• Road Blocks
• Trees Trims
• Postcards mailed to their house
Our side of Belvin got
• NO Road Blocks
• No Trees Trims
• No postcards mailed to our house
• A dumping ground at the end of our block with no warning
• 18-wheeler getting stuck on our street
• Speeders
• And City staff refusing to answer why we are being treated differently

This is the leadership of a city manager who thinks he is the Emperor of San Marcos and the elected officials we voted in are not holding him accountable. Bert's own employee who filled out a survey he wanted a one-sided street sidewalk, and earned months of overtime making one in my yard, but refuses to have an ADA compliant one in his yard. In your packet tonight there is a robust discussion of the Habitat for Humanity policies. I've sent you the screen capture Section 5.2 Legal Issues and it discusses ADA requirements. That is a private sidewalk in front of that street sweepers house. His new urbanism house and his private sidewalk was the SOLE reason for the butchery of our yards/ And, you are breaking the ADA, that is not an ADA sidewalk. His neighbor Angela will have her Huge Live Oak butchered and mean while his yard is unscathed. Not only is the ADA in violation but it is a liability for both the city and the land owner, a city worker. So, to the Letter to the Editor writer, we have a city manager and elected officials that treat voters different. Finally, the spike in the number of cases of COVID19 is due to the lack of face coverings. According to the article "Study: 100% face mask use could crush second, third COVID-19 wave" published June 12, 2020 it states that "As has been well-publicized, wearing a mask primarily protects others from yourself, rather than the other way around. It is not a sign that you consider others a danger." To that effect since the article says even "Homemade coverings that catch only 50 percent of exhaled droplets would provide a "population-level benefit." Thank you for your time and God Bless San Marcos.

Linda Coker:
I understand that the agenda item for Cape's Dam was pulled and will addressed at a meeting later this week, but I still feel compelled to use this time. I honestly do not understand why this is still an issue. There is no money to remove it. There are no permits to remove it. But there is a group of people wanting to do what would be a boon to our community. How in the world could a bigger park, with a repaired dam be a bad thing? The East side deserves it as does the rest of the community. There are numerous arguments about the science and the historical aspects. I am going to save making comments on that for the next meeting. But I am pleading, please stop and look at the big picture. Remove ego's and biases and see that working with the County on this project would be a feather in our cap. Believe me, when you are there and seeing the beauty you help create, the fun families will be having that you brought about and the preservation of San Marcos' story, good and bad, that you helped tell; you will know that the right decision has finally been made. I am truly asking, from the bottom of my heart. Let us make a decision and move on. It is time.

CONSENT AGENDA

A motion was made by Council Member Derrick, seconded by Deputy Mayor Pro Tem Rockeymoore, to approve the consent agenda, with the exception of item #7, 9, 10, 14, 15, 16, and 17, which were pulled and considered separately. The motion carried by the following vote:

For: 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

1. Consider approval, by motion, of the following meeting Minutes:
A. May 19, 2020 - Regular Meeting Minutes
B. May 28, 2020 - Special Meeting Minutes

2. Consider approval of Ordinance 2020-40, on the second of two readings,amending Chapter 86, Article 5, Division 4 of the San Marcos City Code regarding impact fees to, among other things, change the methodology for establishing impact fees for industrial and commercial uses having peak flow rates in excess of 500 gallons per minute, and to add homes constructed with federal funds awarded to the City and City facilities as projects exempt from the assessment of impact fees; including procedural provisions; providing for the repeal of any conflicting provisions; and providing an effective date.

3. Consider approval of Ordinance 2020-41, on the second of two readings, amending Chapter 86, Article 8, Division 1 and 2 of the San Marcos City Code to, among other things, change the rate structure of the Stormwater Utility to an impervious basis for all customer classes, and to update provisions regarding the maintenance and repair of structural controls in connection with the municipal separate Storm Sewer System (MS4); including procedural provisions; providing for the repeal of any conflicting provisions; and providing an effective date.

4. Consider approval of Ordinance 2020-42, on the second of two readings, adopting Youth Programs Standards of Care for 2020; providing a severability clause; declaring an effective date.

5. Consider approval of Ordinance 2020-43, on the second of two readings, reclassifying and increasing the rank of the firefighter position assigned to the Fire Prevention Division, from the rank of firefighter to the rank of engineer in accordance with Section 143.021 of the Texas Local Government Code; amending the Fire Department staffing table maintained by the City Clerk in accordance with Section 2.373 of the San Marcos City Code to reflect such reclassification; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

6. Consider approval of Ordinance 2020-44, on the second of two readings, amending section 2.421 of the San Marcos City Code by adding a new subsection (e) to clearly state that the policy and purpose statements in that section supporting the adoption of the San Marcos Code of Ethics shall not be cited, used, or considered by a citizen or by the ethics review commission as the basis of an ethics complaint filed against any officer or

employee of the city; and declaring an effective date.

7. Consider approval of Resolution 2020-116R, approving the Texas Department of Transportation sponsored Public Transportation Agency Safety Plan and establishing safety performance targets for the City of San Marcos Public Transit Services in accordance with 49 CFR part 673; and declaring an effective date.

A motion was made by Mayor Pro Tem Mihalkanin, seconded by Deputy Mayor Pro Tem Rockeymoore, to approve Resolution 2020-116R.

Council Member Baker asked if the policy going to apply with our partnership with the Texas State University Bus System or just CARTS? Pete Binon, Transit Manager for the City of San Marcos, stated the plan would not include the University. If the University becomes a recipient of federal funds then they would develop a safety plan of their own and the City could assist.

Council Member Baker suggested the inclusion of some type of mobile device monitoring. Mr. Binion stated this plan is a living document and part of the requirement is a yearly review and amendment to continue to improve safety. It only applies to public transportation and CARTS.

Council provided consensus, to bring back additional information regarding the addition of adding mobile device monitoring within the safety plan and bring back more details including budgetary information.

The motion carried by the following vote:

For: 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

8. Consider approval of Resolution 2020-117R, authorizing the filing of applications with the Federal Transit Administration, an operating administration of the United States Department of Transportation, for federal transportation assistance authorized by 49 U.S.C. Chapter 53; Title 23, United States Code, or other federal statutes administered by the Federal Transit Administration; and declaring effective date.

9. Consider approval of Resolution 2020-118R, approving a change in service to the engineering services agreement with Brown and Gay Engineers, Inc. (Contract No. 219-129) relating to the Briarwood and River Ridge Improvements Project in the estimated amount of $262,148.00 to add environmental and final design services bringing the total contract price to $386,183.00; authorizing the City Manager or his designee to execute the appropriate documents to implement the change in service; and declaring an effective date.

A motion was made by Council Member Baker, seconded by Mayor Pro Tem Mihalkanin, to approve Resolution 2020-118R.

Council Member Baker stated it is important to highlight when we see big budgetary changes that the community understands where that cost difference is coming from. Some of this flooding seems like it came after the development in that area, hopefully the new Development Code keeps us from seeing these after the fact stormwater projects that we have played catch up with. Rey Garcia, Senior Engineer for the City of San Marcos, stated this project started with a preliminary engineering report and there are some proposed improvements and we are currently applying for a Texas Water Development Board application in order to receive construction funds. This is fully funded from the drainage utility, but we are gearing it towards where we can utilize the Texas Water Development Board funding. With regard to future development, the Land Development Code states that we look at fully developed conditions. We will recognize in future developments upstream that we are mitigating the conveyance of those flows. Council Member Baker asked if this project will only convey water to the Blanco River or does it also have some detention qualities? Mr. Garcia stated there is infiltration testing being done and this project is a combination of detention and water quality.

The motion carried by the following vote:

For: 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

10. Consider approval of Resolution 2020-119R, approving a professional services agreement with Jones and Carter for engineering services relating to the Dunbar Utility Improvements project in the estimated amount of $311,094.00; 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 Council Member Baker, seconded by Mayor Pro Tem Mihalkanin, to approve Resolution 2020-119R.

Mayor Hughson asked when is the earliest start date for this project and does it relate to the to the Hopkins Street project, she wants to ensure these projects do not overlap. Mr. Garcia, stated this project will not receive construction funding until 2022, so these two projects will not overlap.

The motion carried by the following vote:

For: 6 - Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

Absent: 1 - Council Member Derrick

11. Consider approval of Resolution 2020-120R, approving the award of a construction contract to Insituform Technologies, LLC for the Fredericksburg Street wastewater Replacement Project in the amount of $93,300.00 through the Texas Local Government BuyBoard Purchasing Cooperative (Contract No. 555-18); authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.

12. Consider approval of Resolution 2020-121R, authorizing the execution of a Ground Lease and Acquisition Agreement between the City and Hunt San Marcos Development, LLC for the City's New Public Services Center; establishing a facility purchase price under the ground lease in an amount not to exceed $44,400,000.00; approving and authorizing the execution of amendment one to the exclusive negotiating agreement (ENA) with Hunt San Marcos Development, LLC to, among other things, provide for $62,409 of additional pre-development services for a new total amount payable under the ENA of $1,562,409.00; authorizing other matters in connection therewith; and declaring an effective date.

13. Consider approval of Resolution 2020-123R, approving Change Orders No. 1 and No. 3 to the construction contract awarded to The Brandt Companies, LLC for the Redwood, Strahan, and McCarty Substation Improvements Project (Contract No. 219-310) in the net increase amount of $91,276.77 bringing the total contract price to $1,986,449.30; authorizing the City Manager or his designee to execute the appropriate documents to implement the change orders; and declaring an effective date.

14. Consider approval of Resolution 2020-124R, approving an agreement with Simpleview, LLC for the redesign of the San Marcos Convention and Visitor Bureau website in the initial amount of $102,700.00 and authorizing up to nine annual extensions for website support in a not-to-exceed amount of $547,000.00; 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 Mayor Pro Tem Mihalkanin, seconded by Council Member Gonzales to deny Resolution 2020-124R.

Mayor Hughson asked if the $100,000 for this year comes out of the Hotel Occupancy Tax Funds. Stephanie Reyes, Assistant City Manager stated this will come out of the Hotel funds. Rebecca Ybarra Ramirez, Director of Destination Services for the City, stated this money has been budgeted for and they have been working on it for years. Mayor Hughson asked if the money has been set aside? Ms. Ybarra Ramirez stated money has been set aside this

year and some has been rolled over from previous fiscal years.

Mayor Hughson wanted confirmation that Council approved $300,000 to go from General Fund to assist with Hotel Tax expenses this year because we are not bringing in the Hotel Tax money like we usually do. Mrs. Reyes stated that is correct. Mayor Hughson asked how long are these bids good and how long can we postpone this item without having to start over? Mrs. Reyes stated that there was no time stated in the solicitation. We can go back to the bidder and ask if they can hold the prices until the fiscal year or August or September. Mayor Hughson would like to see the sales tax and the Hotel Tax numbers for the upcoming months before we spend money on a new website, even with all the improvements, since we have one now. Dr. Mihalkanin noted that the final cost, over several years is $547,000.00.

Mayor Pro Tem Mihalkanin withdrew his motion to deny. Council Member Derrick asked if we can maintain this website once built. Ms. Charlotte Wattigny confirmed that we create the content once the site is built with all the new features and functions.

A new motion was made by Mayor Pro Tem Mihalkanin, seconded by Mayor Hughson, to postpone Resolution 2020-124R to the first meeting September.

The motion carried by the following vote:

For: 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

15. Consider approval of Resolution 2020-125R, approving a Change in Service to the agreement with Knight Security Systems, LLC for the provision of professional high technology services, maintenance, and equipment related to security at the San Marcos Police Department, Trace Fire Station #6 and Rattler Electric Substation in the estimated amount of $268,684. through the Texas Comptroller of Public account's Department of Information Resources ("DIR") program (contract DIR-TSO-3430) bringing the total contract price to $623,063.37; authorizing the City Manager or his designee to execute the appropriate purchasing documents on behalf of the City; and declaring an effective date.

A motion was made by Mayor Hughson, seconded by Council Member Gonzales, to postpone Resolution 2020-125R, per request by Staff. The motion carried by the following vote:

For: 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

16. Consider approval of Resolution 2020-126R, approving an agreement with Moore Iacofano Goltsman, Inc. for services related to the City's Comprehensive Plan project in the estimated amount of $673,418; 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 Mayor Hughson, seconded by Council Member Baker, to approve Resolution 2020 126R.

Council Member Baker asked if there is support to encourage staff to do critical area plans ahead of master plan or how to do them in tandem? He doesn't want to create inconsistencies from the Comprehensive Plan but if there are plans that we like we do those first so that the Comprehensive Plan will not be in conflict.

Mayor Hughson asked for the source of this funding. Michael Ostrowski, Assistant Director of Development Services, stated this is from several funds and all funding has been appropriated in prior budgets. There is no new money needed at this time. The breakout is below:
General Fund $76,154
Electric/Water/Wastewater/Drainage Funds $327,263
General Fund (Downtown Master Plan) $100,000
Water/Wastewater (Downtown Master Plan) $100,000
Hotel Occupancy Tax (Downtown Master Plan) $100,000
Funds Needed for Architectural Standards Project ($30,000)
Total Funds Available for this Project $673,418

The motion carried by the following vote:

For: 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

17. Consider approval of Resolution 2020-127R, approving the award of a construction contract to Trimbuilt Construction, Inc. for the Police Department Building Additions and Renovations Project in the amount of $9,141,358.00; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.

MAIN MOTION: a motion was made by Mayor Hughson, seconded by Mayor Pro Tem Mihalkanin to approve Resolution 2020-127R.

MOTION TO AMEND: a motion was made by Council Member Baker, seconded by Council Member Gonzales, to amend Resolution 2020-127R by removing Alternate #5 to the contract which adds a 25-yard extension to the shooting range. Interim Chief Klett stated that the reason this has been added is because the Advanced Law Enforcement Rapid Response Training range is not as available as in the past. In addition, depending on the situation such as a school shooting or shooting at one of our malls, we need to be proficient at the 50 yard range. To make this change in the future means tearing out the range we just improved at a higher cost. Council Member Gonzales withdrew his second on the motion and Council Member Marquez seconded this motion.

The motion to amend failed by the following vote:

For: 3 - Council Member Derrick, Council Member Marquez and Council Member Baker

Against: 3 - Mayor Hughson, Mayor Pro Tem Mihalkanin and Council Member Gonzales

Absent: 1 - Deputy Mayor Pro Tem Rockeymoore

MOTION TO APPROVE: to approve Resolution 2020-127R.

The Motion carried by the following vote:

For: 5 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Baker and Council Member Gonzales

Against: 1 - Council Member Marquez

Absent: 1 - Deputy Mayor Pro Tem Rockeymoore

18. Consider approval of Resolution 2020-128R, authorizing the submission of the terms and conditions and certification documents to the State of Texas Division of Emergency Management for funding from the Federal Coronavirus Relief Fund; authorizing the City Manager to submit the required documentation and accept funds from the Coronavirus Relief Fund as authorized expenditures related to COVID-19 relief activities during the period from March 1, 2020 through December 30, 2020; and declaring an effective date.

19. Consider approval of Resolution 2020-129R, approving a Change in Service to the agreement with Strategic Government Resources (Contract No. 220-117) relating to the Interim Community Development Block Grant Administrator position in the estimated amount of $75,000.01 bringing the total contract price to $125,000.00; authorizing the City Manager or his designee to execute the appropriate documents to implement the Change in Service; and declaring an effective date.

20. Consider approval of Resolution 2020-130R, approving a Change in Service to the agreement with Strategic Government Resources (Contract No. 220-186) relating to the Interim Finance Director position in the estimated amount of $80,000 bringing the total

contract price to $125,000.00; authorizing the City Manager or his designee to execute the appropriate documents to implement the Change in Service; and declaring an effective date.

PUBLIC HEARINGS

21. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2020-46, amending the project plan and reinvestment zone financing plan for Tax Increment Reinvestment Zone No. 5, also known as the "Downtown TIRZ" to add eligible projects and associated eligible project costs, including the acquisition of property for parking and other public priorities and related operations and maintenance costs up to $2,000,000.00; approving an amendment to the Tax Increment Participation Interlocal Agreement with Hays County to reduce the City's and the County's contribution rate of the tax increment deposited into the Tax Increment Fund from 70 percent to 25 percent for one year; authorizing the City Manager, or his designee, to execute such amendments on behalf of the City; including procedural provisions; and declaring an effective date; and consider approval of Ordinance 2020-46, on the first of two readings.

Victoria Ruckle, Interim Finance Director, provided a brief presentation on the project plan and reinvestment zone financing plan for Tax Increment Reinvestment Zone No. 5, also known as the "Downtown TIRZ."

On April 29, 2020 the Board met to make changes to the project plan. These recommendations include:
*** Support of Multi-modal transportation and mobility including sidewalks and downtown shuttle services**
*** Provide overall enhancement of the downtown area, including: lighting, Safety and other aesthetic features**
*** Acquisition of property for parking and other public priorities**
*** Payment of other amounts for the required operation and maintenance costs within the Zone**
*** Ensured addresses and locations of improvements were appropriately defined**

On June 5, 2020 the Board met to alter the 2020/2021 financing agreement. These recommendations include the following:
*** Changed the City and County Property tax Contributions from 2020 Assessments from 70% to 25% for one year**
*** The property tax assessments increased from $268,922,632 to $409,464,557 (52% growth in assessed value)**

At 70% contribution:
*** City would have put in $1,311,881 from $692,450 in 2019**
*** County would have contributed $$771,359 from $387,578 in 2019**

At 25% contribution:
*** City's contribution will be $468,529 in 2021 from 2020 AV**
*** County's contribution will be $275,414 in 2021 from 2020**

Recommendation is this will change for only one year this was done to accommodate the impacts the City, in particular will have due to COVID 19 issues and other revenue shortfalls (short term positive revenue of nearly $840,000) and County will have a one-year benefit of this change of $495,745 due to this change.

Council Member Derrick inquired about the proposed shuttle bus system for downtown. Mr. Hitchcock noted that the Request for Proposal was put on hold, per the Parking Advisory Board, until more is known about the effects of Covid, but the funding is earmarked for that purpose.

Mayor Hughson, who also serves as the chair of this TIRZ board, noted that none of the projects will be detrimentally affected since the increase in assessed valuation has increased so much this year.

Mayor Hughson opened the Public Hearing at at 7:22 p.m. There being no speakers, the Mayor closed the Public Hearing at 7:22 p.m.

A motion was made by Council Member Derrick, seconded by Mayor Pro Tem Mihalkanin, to approve Ordinance 2020-46, on the first of two readings. The motion carried by the following vote:

For: 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

22. Receive a Staff presentation and hold a Public Hearing in regards to proposed projects and programs for the 2020 Community Development Block Grant (CDBG) - Entitlement allocation of $722,904 and reallocation of $125,000 in the 2019 CDBG Entitlement allocation.

Michael Ostrowski, Assistant Director of Planning and Development Services provided a presentation on the 2020 Community Development Block Grant (CDBG) entitlement allocations.

Mr. Ostrowski provided the requirements due to COVID 19. The HUD Allocation for Program Year 2020-2021 is $722,904 + $125,000 for a total of$847,904. Seventy percent must benefit low moderate income people. All can be used for Public Services if used

for COVID 19 response.

No more than 20% can be used for Administration.
Action Plan Due Date = August 16, 2021

The following steps will be taken
June 16th: Public hearing on proposed projects and programs, along with City Council direction on which projects and programs to proceed with and at what funding level.
July 5th - August 4th: Public comment period on draft action plan
August 4th: Request City Council approval of action plan and proposed projects and programs

5 non-City applications were received, these include:
1. Centro Cultural Hispano de San Marcos
Project Title: Making Centro More Accessible and Energy Efficient through Renovation
Amount Requested: $388,461
2. Court Appointed Special Advocates
Project Title: Advocacy Services for Abused and Neglected Children
Amount Requested: $60,000
3. Habitat for Humanity
Project Title: Housing Counseling
Amount Requested: $23,656
4. Habitat for Humanity
Project Title: Land Acquisition for Home Construction
Amount Requested: $151,000
5. Southside Community Center
Project Title: Owner-Occupied Home Rehabilitation
Amount Requested: $100,000
TOTAL $723,117

City programs and projects considered:
6. Code Enforcement
Project Title: Substandard Home Demolition
Amount Requested: $125,000
7. Code Enforcement
Project Title: Priority Repair
Amount Requested: $45,000
8. Parks Department
Project Title: Paul Pena Park

Amount Requested: $125,000
Project Title: Dunbar Education Building Rehab Study
Amount Requested: $25,000
9. Community Initiatives
Project Title: Homebuyer Assistance
Amount Requested: $84,000
10. Community Initiatives
Project Title: Program Administration
Amount Requested: $144,000
TOTAL $548,000

Mr. Ostrowski noted that staff found that all applications meet the threshold criteria and are eligible for funding.

Staff evaluated all applications with the following in mind: That the activity meets a Consolidated Plan priority, the impact and cost effectiveness and the ability to be implemented in a relatively short time period.
A review of the projects followed.
Application 1. Centro Cultural is located in a building that is owned by the school district and the district is in support of their application to rehabilitate the building and the building must continue to meet the qualifications for at least 5 years after the completion of construction. We will have to put a 5-year lien on the building. The programs are open to the public and making the building more safe and comfortable will be a benefit to those who participate.
2. Court Appointed Special Advocate is seeking funds to recruit and train volunteer case workers to advocate for children removed from their homes. They are seeking funds for two-thirds of the need in San Marcos.
3. Habitat for Humanity is seeking funding for Housing Counseling, to include practical salaries, marketing and class materials.
4. Habitat for Humanity is also seeking funding for Land acquisition, four lots, for Home Construction
5. Southside Community Center is seeking funding for Owner-Occupied Home Rehabilitation which includes Interior and exterior repair and rehabilitation of up to seven substandard homes performed by contractors and volunteers. This is an on-going project since the 1990's and has done over 100 homes have been included at an average cost of $15,000.
6. The City is requesting funding for Substandard Home Demolition to be used when private funds are not available. At approximately $15,000 each, this will handle about 8 structures to be identified by the Code Compliance department from an extensive list. There will be a lien on the property should it sell for a profit in the near future. This will remove blight from a neighborhood and

address safety concerns.
7. The City is requesting funding for Priority Repair Substandard to be used when private funds are not available. This will be for repairs on substandard owner-occupied homes to remove code violations, safety hazards, unfit conditions. There will be a lien on the property should it sell for a profit in the near future. This will provide a safe and suitable living environment.
8. The City is requesting funding for Parks Priority Projects
a. Improvements to Paul Pena Park, which serves Hills of Hays, to extend the existing concrete ADA walking path, include installation of updated playground and equipment, and the addition of skating area. This project received approval last year but has not moved forward yet.
b. Dunbar Educational Building Rehab Study $25,000
Assessment to determine what would be needed to renovate this historic school building as another city facility for rent by the public.
9. The City would like to continue the successful Homebuyer Assistance Program. All funds for this year have been distributed. The program provides Down payment and closing cost assistance for low- to moderate-income potential homeowners. It is a deferred forgivable loan for 5 years at 0% interest.
10. Funding of 20% is allowed by CDBG for program administration. This is to provide technical assistance to funded programs, ensure the appropriate use and documentation of funds, and monitor and report progress to HUD. Employees who performs these functions are paid partially through CDBG funds.

When evaluations occur it is preferable to select programs and projects that provide direct service to people in this time of economic need. Home maintenance and affordability ranked as high priority by data and public comments. Staff stated all proposed programs and projects are eligible. The City's CDBG housing programs are about to be remarketed and affordable lots will be needed. While extremely important, the Parks projects provide the least direct service and connection to highest priority needs. Lastly, staff recommends reducing Centro Cultural's amount and declining to fund Habitat lots and Parks projects.
Staff Recommendation is Making Centro More Accessible and Energy Efficient through Renovation for $268,000, Advocacy Services for Abused and Neglected Children $60,000 $60,000, Housing Counseling for $23,656, Owner-Occupied Home Rehabilitation $100,000, Substandard Home Demolition (Reallocate 2019 funds) $125,000 , Priority Repair $43,248 Homebuyer Assistance $84,000, and city Program Administration $144,000 for a total of $847,904.

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

Those who spoke:
Wayne Gerami, representative for Austin Habitat Humanity spoke on behalf of the land acquisition and spoke on construction. Their partnership in San Marcos began in 2017 and have opened the Habitat ReStore on IH 35. They are scaling up their engagement in the community and with the ReStore and their housing counseling and construction. They are doing two homes per year. They are a HUD certified counseling agency that can interface with banks on behalf of home owners. The Housing Counseling program is a first line effort that assists low and moderate income families facing foreclosure in keeping their homes. This is especially important during this time of layoffs due to the CoronaVirus pandemic.

Andy Alarcon, representative for Austin Habitat Humanity, stated they recently merged with San Marcos and with this merger they have committed to building at least two homes per year. The third home is underway. We have applied for land acquisition funding and he is available for any questions. Since staff is not recommending their request, they ask that Council consider a future request.

Bertie Flores Samilpa, is the head housing counselor for Austin Habitat Humanity. She stated she is looking forward to bringing services to Hays County and helping the community.

Dr. Ricardo Espinoza, representative of Centro Cultural Hispano, thanked Staff for their work. He stated Centro has a great partnership with San Marcos CISD and other entities in the community. Centro is all inclusive and all encompassing and he is here to answer any questions.

Norma Castilla Blackwell, Executive Director with CASA, thanked the Mayor and Council for their support over the years. She is here to answer any questions regarding the application.

Ruben Garza, Director of Southside Community Center, thanked Council for their support. Without this program it would be much harder to keep the houses they have up to code. Bringing houses up to code is important and we must maintain current stock.

There being no further comments, the Mayor closed the Public Hearing at 7:55

p.m.

Mayor Hughson asked if the Human Services Advisory Board reviewed these fund allocations and made recommendations. Due to a timing change in this program, that review did not happen this year.

Council Member Derrick expressed her concern that we are denying funding for habitat for humanity because this is a new partnership. Staff stated this particular request is being recommended for denial because Council approved something similar to this in 2018 and the City does not want to compete for lots with Habitat for Humanity but we do want to have a partnership going forward.

Deputy Mayor Pro Tem Rockeymoore asked what does direct service to individuals mean? Mr. Ostrowski, provided the example of the homebuyer assistance program and how this funding goes directly to the individual so this is direct service to individuals, such as CASA funding. Indirect would be park improvements which benefits the community but no one directly.

Council Member Baker, asked if all funds are expended for the homebuyer assistance program. Mr. Ostrowski, stated these CDBG allocations are always fully expended. Council Member Bakers asked that given that staff is recommending a lower amount to Centro, he wants to ensure they can still reach their goals. Dr. Espinoza, with Centro, stated they will work on getting additional funding. They will keep the projects they currently can afford and move projects that can be pushed to the future.

Dr. Espinoza said they have big plans and they will grow and flourish. Mayor said Centro is great and she is curious if this building will still be available in the future. Dr. Espinoza stated that they are working with the school district. This is a historic building they plan to keep it and renovate. They want to make it more accessible and more efficient. They want to buy the lot and build on the lot. Mayor Hughson expressed her concern for a couple of the programs that if we are using federal funds to improve a structure and then if it is sold for a profit, that would be a problem. There is a solution for that.

Council Member Gonzales asked about the home repair projects and how they will work. Staff stated that Code Enforcement would identify properties that would qualify and they would reach out to the homeowner.

Council consensus was to move forward with the staff recommendations.

NON-CONSENT AGENDA

23. Consider approval of Ordinance 2020-47, extending the temporary waiver of the 15 percent late charge and the one percent per month interest charge for delinquent hotel occupancy tax payment under section 78.103 of the San Marcos City Code to monthly payments due on July 20, 2020 due to the continuing COVID-19 pandemic; providing for adoption of this ordinance as an emergency measure on only one reading; and providing an effective date.

A motion was made by Mayor Pro Tem Mihalkanin, seconded by Council Member Gonzales, to approve Ordinance 2020-47, on first and final reading. The motion carried by the following vote:

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

Against: 0

Absent: 1 - Council Member Marquez

24. Consider approval of Resolution 2020-131R, amending the Community Development Block Grant (CDBG) Action Plan for Program Year 2019 to add the awarded Community Development Block Grant-Coronavirus (CDBG-CV) allocation of $425,261 and approving projects for the use of these funds; authorizing the City Manager or his designee to act as the official representative of the City in matters related to the CDBG Program and Action Plan; and declaring an effective date.

MAIN MOTION: a motion was made by Deputy Mayor Pro Tem Rockeymoore, seconded by Council Member Derrick, to approve Resolution 2020-131R.

Council Member Mihalkanin recused himself from discussion due to his employment at Texas State University.

Council Member Derrick asked about more testing and the turn around time on test results. Mayor Hughson mentioned testing sites and the number of tests conducted this past Sunday. Mayor Hughson asked if we decide not to approve one of these, can still accept another application at this point or is it to late? Mr. Ostrowski stated that we can accept an application but we would need another Public Hearing and have a public comment in order to allow others to apply. The process could be restarted. Mayor Hughson asked if we could approve some of applicants and hold some back to allocate later? Mr. Ostrowski said a portion can be approved.

Bert Lumbreras, stated there are numerous sites and the State has already

stepped up so what would this money be used for? Council Member Derrick wants more tests and quicker results.

Mr. Lumbreras said this is not our timeline, it is the state and they are utilizing their labs. Contact tracing is not associated with this test, but Mr. Lumbreras said an option could be that Rachel Ingle and the Emergency Management Department work with a local lab that has quicker turn around and see if a proposal for a new application could be submitted.

Staff recommends the following CDBG-CV allocations:

1. COVID-19 Small Business Recovery $200,000
2. Advocacy Services for Abused and Neglected Children $55,600
3. COVID-19 Collection Station $105,530
4. Administration $64,131

Council consensus was to proceed with looking for another lab that could provide quicker turnaround times for test results.

Mr. Ostrowski stated it would take about 30 days from the time we received the application.

MOTION TO AMEND: a motion was made by Council Member Derrick, seconded by Deputy Mayor Pro Tem Rockeymoore, to amend Resolution 2020-131R, by removing the Texas State University COVID-19 Collection Station funding and hold that money back and work with Hays County in submitting an application for testing.

Dr. BJ Spencer spoke on behalf of Texas State University and she stated a long line of people left the testing site this past Sunday. She explained the testing collection station they are proposing and there will be a/c and staff can work longer shifts. The City will own the structure. An agreement with a lab to process the testing must be completed. Mayor Hughson asked how long it takes to get this collection station built. Dr. Spencer stated the shell prototype has been built and it will be completed in 2 weeks and delivered to San Marcos soon after.

Council Member Baker asked if funding is not received this evening what is the likelihood this project would continue. Dr. Spencer stated they would have to look for funding from other sources. Mr. Baker stated that Texas State has an obligation to keep their community and their students safe. Being a State

agency, Texas State has access to these same type of funds so he is confident they can find the funding.

The motion to amend carried by the following vote:

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

Against: 1 - Mayor Hughson

Recused: 1 - Mayor Pro Tem Mihalkanin

MOTION TO AMEND: a motion was made by Council Member Baker, seconded by Council Member Derrick, to amend Resolution 2020-131R by inserting "or organization" after the word "business" in the second bullet point under the COVID-19 Small Business Recovery. So it would read "Up to $5,000 per business or organization." The motion carried by the following vote:

For: 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

MAIN MOTION: to approve Resolution 2020-131R, as amended. The motion carried by the following vote:

For: 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

25. Consider approval of Resolution 2020-132R, providing no objection to the submission of an application for low income housing tax credits to the Texas Department of Housing and Community Affairs for the proposed Lantana on Bastrop Multifamily Housing Project located at the intersection of South Old Bastrop Highway and Rattler Road, approving findings related to the application, imposing conditions for such non objection, including the requirement that the applicant make an annual payment in lieu of taxes; providing authorizations for execution or submission of documents related to the application and for negotiation and execution of an agreement for the annual payment in lieu of taxes, and declaring an effective date.

MAIN MOTION: a motion was made by Mayor Pro Tem Mihalkanin, seconded by Deputy Mayor Pro Tem Rockeymoore, to approve Resolution 2020-132R.

Shannon Mattingly, Director of Planning and Development Services, noted this was approved previously, as the developer started laying out the project, it was

determined they need a CD-5 instead of CD-4. In CD-4 they would have to break it up into multiple lots and CD-5 they would break into two lots. Units will be the same and will only be 3 stories.

MOTION TO AMEND:A motion was made by Council Member Derrick, seconded by Council Member Baker, to amend Resolution 2020-132R, by inserting a subsection "f" under part 3 that states no building in the project will be more than 3 stories.
The motion carried by the following vote:

For: 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

Shannon Mattingly stated that this item will come forward for annexation and zoning, so Council will see this item again because there was some concern about commercial in a CD-5.

There was a question about the length of time a property must remain a Low Income Housing Tax Credit (LIHTC). Mrs. Mattingly, stated this required for 30 years.

Mark Tolly, addressed the Council and stated this project has not changed in anyway from when it was originally approved. The change is a result of work that has been done in the last three months that will make this project better functioning and a lot of this had to with access and perimeter parking. This is the best zoning to make this the best project. This included a detention basins, access to Old Bastrop Road, parking considerations and 74 3-bedroom units to be placed in this project. He assured Council this is the same project that was approved.

MAIN MOTION: to approve Resolution 2020-132R, as amended. The motion carried by the following vote:

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

Against: 1 - Council Member Marquez

26. Consider approval of Resolution 2020-133R, approving an agreement for the provision of services in connection with the proposed owner requested annexation of approximately 10 acres of land, generally located at Highway 123 and Rattler Road, authorizing the City Manager, or his designee, to execute said agreement on behalf of the City; setting a date

for a Public Hearing concerning the proposed annexation of said tract of land; and declaring an effective date.

A motion was made by Mayor Pro Tem Mihalkanin, seconded by Deputy Mayor Pro Tem Rockeymoore, to approve Resolution 2020-133R. The motion carried by the following vote:

For: 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

27. Consider approval of Resolution 2020-134R, approving an agreement for the provision of services in connection with the proposed owner requested annexation of approximately 83.291 acres of land, generally located at 2519 Redwood Road; authorizing the City Manager, or his designee, to execute said agreement on behalf of the City; setting a date for a Public Hearing concerning the proposed annexation of said tract of land; and declaring an effective date.

A motion was made by Mayor Pro Tem Mihalkanin, seconded by Mayor Hughson, to approve Resolution 2020-134R.

Shannon Mattingly, Director of Planning and Development Services provided a brief presentation on the annexation of 83.291 acres of land located at 2519 Redwood Road. The applicant proposes to develop the subject property with a single-family neighborhood. This is adjacent to a recently zoned CD-3 and CD-4 property (annexed in 2019)

The Annexation Schedule is stated below:
– City Council Resolution (Approval of Service Agreement and set a public hearing date): June 16, 2020 (Today)
– City Council Ordinance 1st Reading (Public Hearing): August 4, 2020
– City Council Ordinance 2nd Reading: August 18, 2020

The Zoning Schedule is stated below:
– Planning and Zoning Commission (Public Hearing): June 23, 2020
– City Council Ordinance 1st Reading (Public Hearing): August 4, 2020
– City Council Ordinance 2nd Reading: August 18, 2020

The motion to approve carried by the following vote:

For: 6 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore and Council Member Gonzales

Against: 1 - Council Member Baker

28. Consider approval of Resolution 2020-135R, opposing the senseless death of Mr. George Floyd and supporting the San Marcos Police Department's current policies regarding the use of force; requiring annual review and updates of those policies; and providing an effective date.

A motion was made by Mayor Pro Tem Mihalkanin, seconded by Deputy Mayor Pro Tem Rockeymoore, to approve Resolution 2020-135R.

Mayor Hughson made a statement this resolution never meant to be our full statement about the killing of George Floyd and our reaction to it. She stated she has received a lot of email messages with questions regarding the policies at the Police department and this resolution is solely to record the responses to those questions. She reminded Council that she (with the help of staff) sent out a statement that expressed her concerns about the killing of George Floyd at the hands of police in Minneapolis. A couple of council members stated they wanted to sign on to that message and that was to be part of this agenda item. There was confusion about this agenda item and only the resolution that addresses the policy of SMPD got into the packet and not her message to the public. She is open to Council amending this item or postponing this item to a future date.

A motion was made by Council Member Derrick, seconded by Deputy Mayor Pro Tem Rockeymoore, to postpone 2020-135R.

Council Member Marquez expressed her appreciation of the letter and would like the Council to show their solidarity by signing.

Council provided consensus to move forward with two separate items. One will be the letter from the Mayor with the opportunity to allow Council to sign to show their support (this will be considered at the July meeting). The other item would be a Resolution, after Council is able to have a Work Session to allow Council the opportunity to give their input (this will occur in August).

The motion to postpone carried by the following vote:

For: 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

29. Receive a Staff update and hold discussion on Arts Recommendation Resolution 2020-01RR regarding a one-time withdrawal from the permanent art fund to supplement the FY 2020-2021 Arts and Cultural Grant Program, and provide direction to Staff.

Rebecca Ybarra Ramirez, Director of Destination Services, provided a brief introduction to this item. Staff recommends approval of the one time withdrawal from the permanent art fund to supplement the FY2020-2021 Arts and Cultural Grant Program.

Council provided consensus to bring this back as an action item.

30. Discussion of summer marketing efforts of the Convention and Visitor Bureau, and direction to Staff.

Mayor Hughson stated the Convention and Visitor Bureau (CVB) was directed earlier this year not to advertise tubing in the river. However, they came back with compelling reasons to do so. Ms. Ybarra-Ramirez and Charlotte Wattigny stated that CVB will not promote tubing. Ms. Wattigny stated this is way to get an itinerary to people to visit for about 2-3 days and set the expectations related to social distancing and picking up after themselves. Council consensus is to move forward with these efforts.

31. Hold discussion and consider the addition of City Council meetings for the month of July, and provide direction to Staff.

Council held a brief discussion and provided consensus to move forward with having a meeting on July 7, 2020.

EXECUTIVE SESSION

32. Executive Session in accordance with the following Government Code Sections:
A. §Sec.551.071 of the Texas Government Code: Consultation with attorney - to receive advice of legal counsel regarding state law preemption of city ordinances regulating the sale or use of single-use packages and containers.
B. §Sec. 551.087 of the Texas Government Code: Economic Development - to receive a briefing and deliberate regarding the following projects: Project Rx, Project Molly, Project Red Dawn, Project Free Flow, Project Focus, and Project Big Hat

A motion was made by Council Member Derrick, seconded by Deputy Mayor Pro Tem Rockeymoore, to enter into Executive Session at 10:05 p.m. The motion carried by the following vote:

For: 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

DIRECTION/ACTION FOLLOWING EXECUTIVE SESSION

33. Consider action, by motion, regarding the following Executive Session item(s) held during the Work Session and/or Regular Meeting:

A. §Sec.551.071 of the Texas Government Code: Consultation with attorney - to receive advice of legal counsel regarding state law preemption of city ordinances regulating the sale or use of single-use packages and containers.
B. §Sec. 551.087 of the Texas Government Code: Economic Development - to receive a briefing and deliberate regarding the following projects: Project Rx, Project Molly, Project Red Dawn, Project Free Flow, Project Focus, and Project Big Hat

Council concluded Executive Session at 10:59 p.m. Mayor Hughson stated that direction was provided to staff on item A and no action was needed for item B.

IV. Adjournment.

Mayor Hughson adjourned the regular meeting of the City Council at 11:05 p.m. on June 16, 2020.

Tammy K. Cook, Interim City Clerk **Jane Hughson, Mayor**

File #: Res. 2020-140R, **Version:** 1

AGENDA CAPTION:
Consider approval of Resolution 2020-140R, authorizing funding in the amount of $100,000 to be transferred from the Permanent Art Fund to the Art and Cultural Grants Programs for fiscal year 2021 as recommended by the San Marcos Arts Commission; and declaring an effective date.

Department: Convention and Visitor Bureau / Arts

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:

Annually, Council allocates Hotel Occupancy Tax (HOT) funds to the Arts and Cultural Grants program and the Permanent Art Fund ($137,500 to each program in FY 2020).

The Arts and Cultural Grant program is funded primarily through HOT allocations ($137,500 in FY 20) and supplemented with General Fund money for projects that do not have a tourism impact yet provide value to our residents (in FY 2020, the amounts were $20,500 for this purpose and $33,440 for diversity programs).

Due to the anticipated drop in Hotel Occupancy tax collections for FY 2021 due to COVID19 crisis, there will likely be insufficient funds available for this program. The Permanent Arts Fund has an accumulative balance of $347,716.

Council Committee, Board/Commission Action:

Arts Commission resolution attached

Alternatives:

Click or tap here to enter text.

Recommendation:

Staff recommends Council act on the Arts Commission's recommendation to allocate $100,000 from the Permanent Art Fund to the Arts and Cultural Grant program on a one-time basis for the 2021 Fiscal Year.
The Arts Commission Voted 5-0 to approve this Resolution. In favor:
Stephanie Symmes, Russell Clark, Lela Holt, Jamey Poole, Priscilla Leder
Absent: Dawn Stienecker, Kelly King-Green

RESOLUTION NO. 2020- R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AUTHORIZING FUNDING IN THE AMOUNT OF $100,000 TO BE TRANSFERRED FROM THE PERMANENT ART FUND TO THE ART AND CULTURAL GRANTS PROGRAM FOR FISCAL YEAR 2021 AS RECOMMENDED BY THE SAN MARCOS ARTS COMMISSION; AND DECLARING AN EFFECTIVE DATE.

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

PART 1. As recommended by the San Marcos Art Commission, funding in the amount of $100,000 is hereby authorized for transfer from the Permanent Art Fund to the Art and Cultural Grant program for fiscal year 2021.

PART 2. This resolution shall become effective immediately from and after its passage.

ADOPTED on July 7, 2020.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
Interim City Clerk

RECOMMENDATION RESOLUTION

Arts Commission

Recommendation Number: (2020-01RR): Allocating Permanent Art Funds to 2020 Arts and Cultural Grants

WHEREAS, the Arts and Cultural Grant program is an Arts Commission initiative that supports deserving programs and artists selected by the Commission through a rigorous application and selection process each year; and

WHEREAS, the Arts and Cultural Grant program is funded by a combination of Hotel Occupancy Tax (HOT) collections and General Fund allocations; and

WHEREAS, the COVID-19 pandemic has negatively and drastically impacted HOT collections throughout the State, including a projected loss of more than 50% of budgeted revenue in San Marcos, and our community faces a long economic recovery; and

WHEREAS; the San Marcos arts community has borne the brunt of the pandemic's economic effects, yet is proving its determination and resilience in the face of this unprecedented crisis; and

WHEREAS, the City of San Marcos has a cumulative balance of $347,716 available in its Permanent Art Fund, which receives annual allocations from the City's HOT collections;

NOW, THEREFORE, BE IT RESOLVED that the Arts Commission encourages the San Marcos City Council to allocate $100,000 on a one-time basis from the Permanent Art Fund to supplement the FY 2020-2021 Arts and Cultural Grant program during this crisis.

Date of Approval: June 3, 2020 Record of the vote: 5-0 in favor

Attest:

Trey Hatt, Arts Coordinator

File #: Res. 2020-141R, **Version:** 1

AGENDA CAPTION:
Consider approval of Resolution 2020-141R, expressing support of the submission of a grant application to the Lyda Hill Lone Star Grant Program by the San Marcos River Foundation in partnership with the City of San Marcos and San Marcos Greenbelt Alliance to fund a trail connecting Purgatory Creek to the Spring Lake Natural Area; authorizing the City Manager or his designee to execute a Memorandum of Understanding regarding the rights and duties of each party and any other documents necessary to effectuate the project; and declaring an effective date.
Meeting date: July 7, 2020

Department: Engineering/CIP

Amount & Source of Funding
Funds Required: N/A
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: Council provided direction on June 18, 2020 to move forward in partnering with SMRF on this project and authorized staff to bring back a Resolution of support for the Lone Star Prize application. Council also authorized staff to draft and negotiate a Memorandum of Understanding (MOU) between the City.

City Council Strategic Initiative: [Please select from the dropdown menu below]
Sustainability
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 - Public & Private Sector Partnership to Protect Water Quality & proper development in San Marcos and Blanco Rivers
☐ Land Use - Choose an item.

☐ Neighborhoods & Housing - Choose an item.

☒ Parks, Public Spaces & Facilities - Collection of connected and easily navigated parks and public spaces

☐ Transportation - Choose an item.

☐ Core Services

☐ Not Applicable

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

Parks, Recreation, & Open Space Master Plan

Background Information:

Council provided direction on June 18, 2020 to move forward in partnering with the San Marcos River Foundation on this project and authorized staff to bring back a Resolution of support for the Lone Star Prize application. Council also authorized staff to draft and negotiate a Memorandum of Understanding (MOU) between the City which is attached for review.

The San Marcos River Foundation (SMRF) is requesting a City partnership in the application for a $10M Lone Star Grant. SMRF will also be partnering with the San Marcos Greenbelt Alliance (SMGA). The grant would fund the completion of a long-envisioned greenbelt corridor around western San Marcos with a trail connecting Purgatory Park to Spring Lake Natural Area. If awarded the grant SMRF is proposing to:

- Purchase parcels to complete trail connectivity
- Fund construction of 4.4 miles of trails with amenities
- Fund construction of three trail access parking lots with paid parking
- Fund 5-years of City operation and maintenance (O&M) costs
- Fund and provide associated project management, design and permitting costs

The City is not eligible to apply for the grant, but partnerships are encouraged for proposals meeting three key issues: health outcomes, environmental protection, and workforce development. SMRF believes that in partnership with the City and SMGA the proposed project can meet these goals.

The trail is proposed on land currently owned by the City and on two tracts that SMRF is endeavoring to purchase known as the Elisk and Geiger tracts.

As shown on the attached map the purchases and trail project meet the intent of the grant by:

- Improving mental and physical health outcomes via access to trails and nature.
- Conserving property in one of the fastest growing areas of the country for the protection of aquifer recharge and the reduction of impervious cover associated with development.
- Increasing public understanding of the recharge zone, wildlife corridors, and hill country characteristics

through educational signage

- Providing job opportunities through the construction proposed and the establishment of City positions for stewardship of the project.

Not all the points of the project have been clearly developed including: ultimate ownership of the purchased parcels; design, permitting and construction requirements; funding of City staff after the grant period and financial responsibilities between the partners.

Applications are due for the grant on July 22nd.

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Click or tap here to enter text.

Recommendation:

Staff recommends support of the grant application

RESOLUTION NO. 2020- R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS EXPRESSING SUPPORT OF THE SUBMISSION OF A GRANT APPLICATION TO THE LYDA HILL LONE STAR GRANT PROGRAM BY THE SAN MARCOS RIVER FOUNDATION IN PARTNERSHIP WITH THE CITY OF SAN MARCOS AND THE SAN MARCOS GREENBELT ALLIANCE TO FUND A TRAIL CONNECTING PURGATORY CREEK TO THE SPRING LAKE NATURAL AREA; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A MEMORANDUM OF UNDERSTANDING REGARDING THE RIGHTS AND DUTIES OF EACH PARTY AND ANY OTHER DOCUMENTS NECESSARY TO EFFECTUATE THE PROJECT; AND DECLARING AN EFFECTIVE DATE.

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

PART 1. The City Council expresses its support of the submission of a grant application to the Lyda Hill Lone Star Grant Program by the San Marcos River Foundation in partnership with the City of San Marcos and the San Marcos Greenbelt Alliance to fund a trail connecting Purgatory Creek to the Spring Lake Natural Area "Project".

PART 2. The City Manager or his designee is authorized to execute a Memorandum of Understanding regarding the rights and duties of each party and any other documents necessary to effectuate the Project.

PART 3. This resolution shall be in full force and effect from and after its passage.

ADOPTED on June 16, 2020.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
Interim City Clerk

MEMORANDUM OF AGREEMENT BETWEEN
THE CITY OF SAN MARCOS AND SAN MARCOS RIVER FOUNDATION

The City of San Marcos, a home rule municipality ("City") and San Marcos River Foundation, Inc. ("SMRF"), a 501(c)(3) nonprofit organization, enter into this Memorandum of Agreement in recognition of the mutual benefits it will achieve for them.

Background

- SMRF is eligible to apply for the $10,000,000 Lyda Hill Foundation Lone Star Prize and desires to fund critical greenspace and trail corridor acquisitions with the participation of the City for the purposes of habitat/water quality protection and trail connectivity over a 5-year period.
- The City of San Marcos adopted the San Marcos Parks, Recreation, and Open Space Master Plan 2019 ("Master Plan") on May 21st, 2019.
- Key action plan items from the Master Plan include:
    - Action GRP-1.1. Evaluate opportunities to proactively pursue additional greenspace property acquisitions in and around the City.
    - Action GRP-1.6. Continue to coordinate with and support efforts by the SMGA and the San Marcos River Foundation (SMRF) to acquire, protect, and maintain new greenspace and/or riverfront park properties.
    - Action T-1.7 "The City should identify and prioritize any trail extension which could connect additional outlying areas to the river front parks system."
    - Action T-1.13. Add a green belt loop around the City to increase connectivity.
- From August 2016 to July 2017, approximately 100,000 people visited Purgatory Creek Natural Area.
- The City owns various parks and natural areas which nearly creates a contiguous natural area trail and loop around the city.
- Proposed acquisitions will complete critical gaps in the green belt loop.
- The City currently partners with the San Marcos Greenbelt Alliance ("SMGA") to plan, construct, and maintain natural trails and other activities in the city's natural areas.
- The City's management objective for the natural areas is to protect the natural habitats and ecology of the areas, balanced with a sustainable level of public access via a system of trails.
- The City wishes to limit recreation in natural areas to activities that have a low level of impact on the natural habitats and ecology of the areas.
- SMRF has a mission to protect and preserve a clean, flowing and accessible San Marcos River through water and land conservation, advocacy, and community engagement.

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- SMRF intends to acquire two tracts commonly known by the parties as the Geiger and Elsik tracts and will endeavor to acquire a trail corridor between the Geiger tract and another tract commonly known by the parties as the Early tract.
- SMRF may consider retaining whole or partial ownership of the Elsik tract for a SMRF/SMGA shared headquarters adjacent to the proposed trail corridor.

Purpose of Agreement

The purpose of this agreement is to establish roles and responsibilities of the City and SMRF in applying for the Lone Star Prize, together with planning, acquiring, and distributing funds for the 5-year period of the Lone Star Prize, if awarded.

1. **Article 1. City of San Marcos commitments:**
   1.1. Accept ownership, by gifted deed, of any natural areas or trail corridors acquired by SMRF for this project, including any properties with conservation provisions reserved by SMRF, such as a conservation easement, and without the right to sell or transfer the gifted properties except back to SMRF, all being subject to terms and conditions approved by the City in its sole discretion.

2. **Article 2. San Marcos River Foundation commitments:**
   2.1. Apply for the Lyda Hill Lone Star Prize, subject to the City's review and approval of all applications and representations made on behalf of the City in connection therewith.
   2.2. Manage and disburse funds for the project including all land acquisitions, trail building, and other facilities.
   2.3. Acquire the Geiger and Elsik tracts and will endeavor to acquire a trail corridor between the Geiger and Early tracts.
   2.4. Transfer partial and/or whole segments of acquisitions to the city by gifted deed.
   2.5. Fund and manage construction of multi-use trails on Geiger, Early, and Elsik tracts and the tracts commonly known by the parties as the Millican, and Buie tracts.
   2.6. Build ADA trails where possible or legally required.
   2.7. Keep the City informed of project progress and grant management and compliance.

3. **Article 3. City of San Marcos and San Marcos River Foundation mutual commitments:**
   3.1. The City will contract with SMGA to plan and build natural surface trails when deemed appropriate by the City.
   3.2. SMRF will not require the City to fund any part of the project during the initial 5-year term.
   3.3. The main multi-use corridor of the trail will be accessible to park rangers in all-terrain-vehicles.
   3.4. Eminent domain will not be pursued or considered for any land or easement acquisitions necessary for the project.

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3.5. All activities, grants awarded or funds expended for the project shall be subject to the terms and conditions of any pre-existing grant of funding restrictions in place on any land owned by the City that is part of the project.

3.6. All forms of conveyance, deeds, easements, terms and conditions regarding management of activities, maintenance, construction and similar activities, including the allocation of risk, and provisions concerning liability, insurance and indemnification shall be negotiated and agreed upon in writing before acceptance of the Lone Star Prize.

4. **Article 4. City-retained Authority and Responsibility**

4.1. The City may collect parking fees and other means of revenue to be used for the City of San Marcos Parks and Recreation Department during the initial 5-year period and beyond.

4.2. Mutual approval of trail locations.

4.3. Approval, in its sole discretion, of the final terms and conditions of the Lone Star Prize or any grant awarded for the project to the extent such final terms and conditions affect property owned or controlled by the City, or the expenditure of City funds.

4.4. Provide customary enforcement of park rules on tracts owned by the City.

5. **Article 5. SMRF-retained Authority and Responsibility**

5.1. Mutual approval of trail locations.

5.2. To cease the grant application process at any time.

5.3. Retain ownership of acquired tracts if desired.

6. **Article 6. Miscellaneous Provisions**

6.1. **Term.** Subject to either party's right to terminate earlier under 6.3, the term of this Agreement will be for the period of the project Lone Star Prize.

6.2. **Renewal.** This Agreement may be renewed for additional five-year periods thereafter upon mutual agreement of the parties.

6.3. **Termination.** Notwithstanding any other provision in this Agreement regarding the term or default and termination, this Agreement may only be terminated: a) up until the time the parties agree to the terms and conditions of the Lone Star Prize and the Lone Star Prize is accepted, this Agreement may be terminated for convenience by either party upon providing 30 days' written notice of termination to the other party; and b) for failure of the other party to comply with its obligations herein.

6.4. **Severability.** If any clause or provision of this Agreement is determined to be illegal, invalid or unenforceable, it is the intention of the parties that the remainder of this Agreement will not be affected, and the parties declare that this Agreement would have been entered into without the unenforceable portion.

6.5. **Amendments.** This Agreement may not be altered, changed, or amended, except by a written document signed by both parties. The terms, provisions, covenants and conditions contained in this agreement will apply to, inure to the benefit, and be binding upon the

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parties, and upon their respective successors in interest and legal representatives, except as otherwise expressly provided.

6.6. **Waiver.** One or more waivers of any provision of this Agreement by the City or SMRF will not be deemed to waive the authority to enforce strict compliance with this Agreement in the future.

6.7. **No Joint Venture.** Nothing in this Agreement will be deemed or construed by the parties, nor by any third party, as creating the relationship of principal and agent or of partnerships or of joint venture between the parties. The only relationship between the parties is that of independent contractors.

6.8. **No Discrimination.** Parties agrees not to discriminate on the basis of race, creed, color, religion, age, sex or national origin in its activities under this Agreement.

6.9. **Notices.** Notices required by this Agreement will be provided by the parties to one another by certified mail, return receipt requested, or by email, to the following addresses:

City Manager
City of San Marcos
630 East Hopkins
San Marcos, TX 78666
citymanagerinfo@sanmarcostx.gov

Executive Director
San Marcos River Foundation
PO Box 1393
San Marcos, TX 78667-1393
virginia@sanmarcosriver.org

6.10. **Assignment.** Parties agree to not assign or transfer this Agreement without prior written consent of the other party. This agreement is executive to be effective on the Effective Date first written above.

6.11. **Subject to Appropriations.** All expenditures by the City necessary for the performance of its obligations under this MOU are subject to the appropriation of lawfully available funds by the San Marcos City Council as part of its budget and appropriations process for the fiscal year in which the expenditure is to be made.

City of San Marcos

By:_____ Date:_____
Bert Lumbreras, City Manager

San Marcos River Foundation

By: Virginia Condie Date: 7/1/20
Virginia Condie, Executive Director

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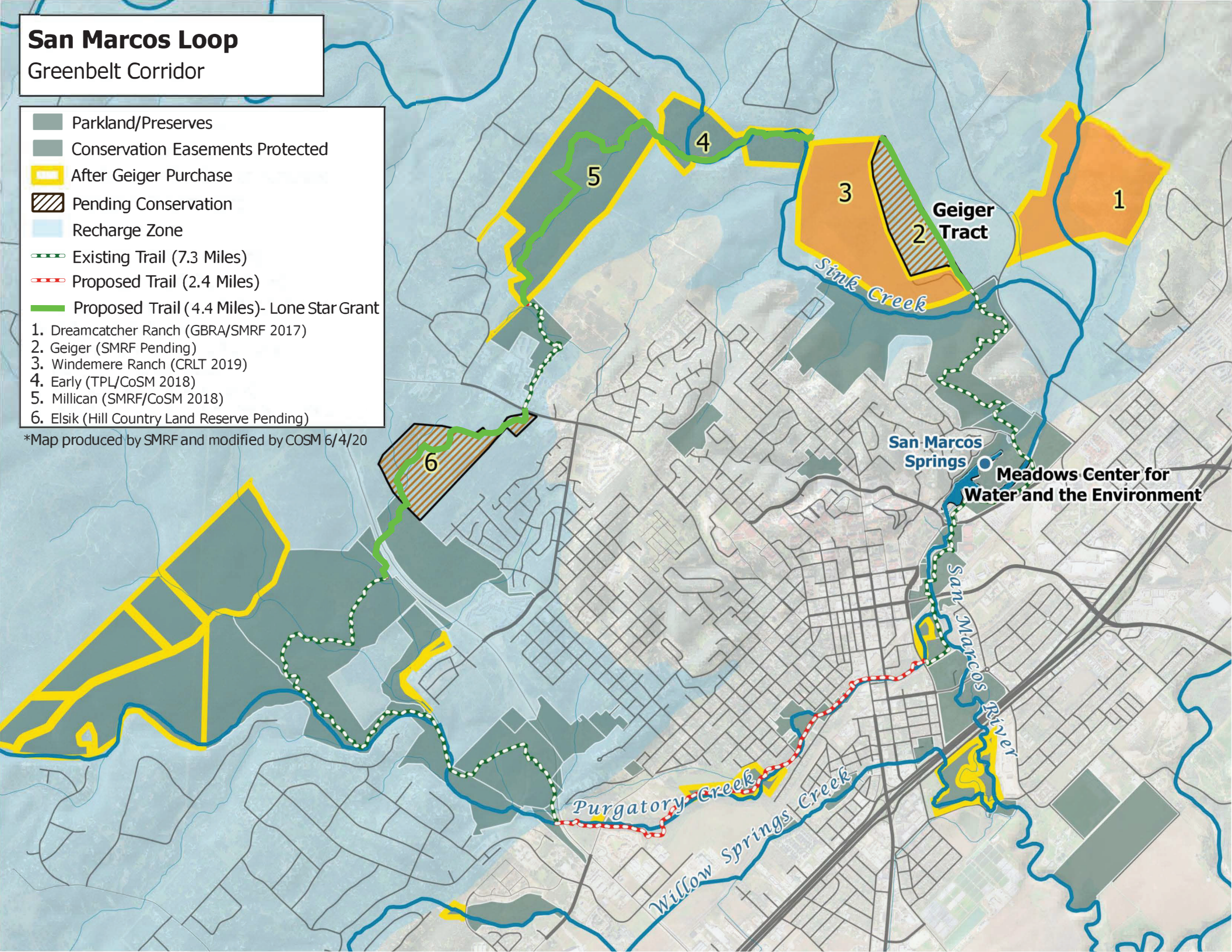

San Marcos Loop
Greenbelt Corridor
Parkland/Preserves
Conservation Easements Protected
After Geiger Purchase
Pending Conservation
Recharge Zone
Existing Trail (7.3 Miles)
Proposed Trail (2.4 Miles)
Proposed Trail (4.4 Miles)- Lone Star Grant
1. Dreamcatcher Ranch (GBRA/SMRF 2017)
2. Geiger (SMRF Pending)
3. Windemere Ranch (CRLT 2019)
4. Early (TPL/CoSM 2018)
5. Millican (SMRF/CoSM 2018)
6. Elsik (Hill Country Land Reserve Pending)
*Map produced by SMRF and modified by COSM 6/4/20
1
2
3
4
5
6
Geiger Tract
Sink Creek
San Marcos Springs
Meadows Center for Water and the Environment
San Marcos River
Purgatory Creek
Willow Springs Creek

File #: Res. 2020-142R, **Version:** 1

AGENDA CAPTION:

Consider approval of Resolution 2020-142R, approving a fourth addendum to the Chapter 380 Economic Development Incentive Agreement with Humpty Dumpty SSM, Ltd. in connection with the redevelopment of Springtown Shopping Center which amends the agreement to establish the year 2022 as the first year in which application for a grant payment may be made; authorizing the City Manager to execute the fourth addendum; and declaring and effective date.

Meeting date: July 7, 2020

Department: City Manager

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: The City Council approved a Chapter 380 Economic Development Incentive Agreement effective as of July 21, 2015, together with three amendments effective November 22, 2016, December 29, 2016; and August 3, 2017.

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

N/A

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)]*
Vision San Marcos - A River Runs Through Us

Background Information:
Due to the adverse budgetary impacts from COVID-19, consideration has been given to working with our Chapter 380 economic development agreement partners for the purpose of exploring mutually beneficial options to restructure grant payments based on the refund of property and/or sales taxes.

The Chapter 380 grants for the redevelopment of the Springtown Shopping Center are based on the refund of property and sales taxes at the project site. The developer for this project understands the City's current tax revenue impact and willingly proposed an option to provide relief for the next fiscal year. Offering to push back receipt of their first of 10 annual grant payments, will enable the City to reallocate funds in the upcoming budget cycle to other priority needs.

This amendment is to change the date of the first grant payment made by the City to the developer from 2021 to 2022.

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:
Do not approve the Fourth Addendum, or approve with different terms and conditions.

Recommendation:
Staff recommends approval of the Fourth Addendum to Chapter 380 Economic Development Incentive Agreement.

Humpty Dumpty SSM Agreement

- **Partnership between Endeavor Real Estate and the City of San Marcos**
  - redevelopment of Springtown Mall

- **Project includes:**
  - new residential housing
  - new restaurants and retail
  - an entertainment complex

- **Addendum will benefit the City by allowing the deferral of first rebate payment**
  - allows City to reprogram these funds for COVID impacted FY21 budget

Agreement Addendum

- **Original agreement adopted July 21, 2015**
  - provides rebate based on <u>increases</u> in property tax and sales tax
  - percent rebate is a sliding scale over a 10-year term
    - 100% real property and 90% sales tax in year 1
    - 20% real property and 20% sales tax in year 10
- **Current agreement requires rebates to begin in year 2021**
- **Proposed addendum to agreement**
  - amends first year of rebate payment from year 2021 to year 2022
  - maintains a 10-year rebate term
  - offered by Endeavor

RESOLUTION NO. 2020- R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS APPROVING A FOURTH ADDENDUM TO THE CHAPTER 380 ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT WITH HUMPTY DUMPTY SSM, LTD. IN CONNECTION WITH THE REDEVELOPMENT OF SPRINGTOWN SHOPPING CENTER WHICH AMENDS THE AGREEMENT TO ESTABLISH THE YEAR 2022 AS THE FIRST YEAR IN WHICH APPLICATION FOR A GRANT PAYMENT MAY BE MADE; AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE FOURTH ADDENDUM; AND DECLARING AND EFFECTIVE DATE.

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

PART 1. The attached Fourth Addendum to Chapter 380 Economic Development Incentive Agreement with Humpty Dumpty SSM, Ltd. (the "Fourth Addendum") is hereby approved.

PART 2. The City Manager, or his designee, is authorized to execute the Fourth Addendum on behalf of the City.

PART 3. This resolution shall be in full force and effect from and after its passage.

ADOPTED on July 7, 2020.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
Interim City Clerk

FOURTH ADDENDUM TO CHAPTER 380 ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT

This Fourth Addendum to Chapter 380 Economic Development Incentive Agreement (this "Fourth Addendum") is entered into between the the City of San Marcos, Texas (the "City"), a Texas municipal corporation, and Humpty Dumpty SSM, Ltd. a Texas limited partnership (the "Owner"). The Owner and the City are, collectively, referred to as the "Parties."

RECITALS

A. City and Owner entered into a Chapter 380 Economic Development Incentive Agreement dated effective as of July 21, 2015 ("Original 380 Agreement") related to the redevelopment of the Springtown Shopping Center bounded by IH -35 North, Thorpe Lane, and Springtown Way within the full purpose limits of the City.

B. City and Owner subsequently executed that certain: (i) Addendum to Chapter 380 Economic Development Incentive Agreement, acknowledged by the City on November 22, 2016, (ii) Second Addendum to Chapter 380 Economic Development Incentive Agreement acknowledged by the City on December 29, 2016; and (iii) Third Addendum to Chapter 380 Economic Development Incentive Agreement, acknowledged by the City on August 3, 2017 (the Original 380 Agreement, the Addendum, the Second Addendum and the Third Addendum are referred to herein, collectively, as the "380 Agreement").

C. In response to impacts from the 2020 COVID-19 pandemic, the Parties want to Amend the Chapter 380 Agreement to address such impacts by restructuring the schedule concerning the application for and payment of Grant Payments under the 380 Agreement.

AGREEMENT

Based on the foregoing and for good and valuable consideration, the receipt and sufficiency of which are acknowledged, the Parties agree as follows:

1. Recitals Incorporated. The foregoing recitals are incorporated herein and made a part of this Fourth Addendum for all purposes.

2. Effect of Addendum. The Parties agree that the provisions of the 380 Agreement will continue in full force and effect, except as specifically amended by this Fourth Addendum. In the event of any conflict between the 380 Agreement and this Fourth Addendum, the terms of this Fourth Addendum will control.

3. Grant Payment Schedule Modified. Section 4.02 of the 380 Agreement is hereby amended to read as follows:

> Beginning as soon as the calendar year ~~2016~~ 2022, but not later than calendar year ~~2021~~ 2022, the Owner may apply for up to ten (10) consecutive annual Grant

Payments. Upon application by the Owner, the City shall make such Grant Payments to the Owner, in accordance with the following schedule:

Year	Additional Property Taxes %	Additional Sales Taxes %
~~1~~ 2022	100	90
~~2~~ 2023	100	90
~~3~~ 2024	80	80
~~4~~ 2025	80	80
~~5~~ 2026	60	60
~~6~~ 2027	60	60
~~7~~ 2028	40	40
~~8~~ 2029	40	40
~~9~~ 2030	20	20
~~10~~ 2031	20	20

As an example, if ~~Year 1 is 2019,~~ the Owner ~~could apply~~ applies for ~~and receive~~ a Grant Payment in 2022, such Grant Payment would be in an amount equal to 100 percent of the Additional Property Taxes and 90 percent of the Additional Sales Taxes generated on the Site in ~~2018~~ 2021, with subsequent Grant ~~p~~Payments similarly being made according to the percentages above. With each application for a Grant Payment, the Owner shall provide to the City a compliance certificate, as described in the 380 Agreement.

[SIGNATURES ON NEXT PAGE]

EXECUTED to be effective as of the Effective Date.

CITY OF SAN MARCOS:

By: _____

Name: _____

Title: _____

HUMPTY DUMPTY SSM, LTD.:
By: EGP Retail Management, L.L.C., its general partner

By: _____

Name: _____

Title: _____

ACKNOWLEDGMENTS

THE STATE OF TEXAS §
§
COUNTY OF HAYS §

This instrument was acknowledged before me on the _____day of _____, 2020, by _____, _____of the City of San Marcos, in such capacity, on behalf of said municipal corporation.

_____
Notary Public, State of Texas

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the _____day of _____, 2020, by _____, _____of EGP Retail Management, L.L.C., general partner of Humpty Dumpty SSM, Ltd., in such capacity, on behalf of said entity.

_____
Notary Public, State of Texas

June 24, 2020

Bert Lumbreras, City Manager
City of San Marcos
630 E. Hopkins
San Marcos, Texas 78666

As a result of our June 10 telephone conversation we understand that Covid-19 has had an unforeseen impact on the City's 2020 budget. At Endeavor we believe that there is a shared responsibility between all of us to shoulder some of the unexpected financial pitfalls created by Covid-19. Consequently, where we have been able to we have really sought to behave in a partner-like manner with our stakeholders in an effort to get us all through these unforeseen times.

As a result and as discussed, we would like to propose that we modify our existing 380 agreement so as to extend the Grant Payment Schedule to 2022. By making this adjustment, and making it quickly, we are hopeful that we are doing our part to help a City and community that have been instrumental to our success.

If you have any questions or comments please don't hesitate to let me know. Otherwise I look forward to working with you on the amendment and want to again reiterate our appreciation for both our existing and future partnership with the City of San Marcos.

Sincerely,

Buck A. Cody
EVP – Humpty Dumpty SSM, Ltd
500 W. 5th Street, Suite 700
Austin, Texas 78701

RESOLUTION NO. 2015-91R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS APPROVING A CHAPTER 380 ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT WITH HUMPTY DUMPTY SSM, LTD. FOR THE REDEVELOPMENT OF SPRINGTOWN SHOPPING CENTER THAT PROVIDES INCENTIVES OVER TEN YEARS IN THE FORM OF ANNUAL REFUNDS OF A PORTION OF NEW PROPERTY AND SALES TAXES GENERATED FROM THE REDEVELOPMENT AND THAT WAIVES CERTAIN SIGN AND DEVELOPMENT STANDARDS UNDER THE CITY'S LAND DEVELOPMENT CODE; AND DECLARING AN EFFECTIVE DATE.

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

PART 1. The attached Chapter 380 Economic Development Incentive Agreement with Humpty Dumpty SSM, Ltd. (the "Agreement") is hereby approved.

PART 2. The City Manager is authorized to execute the Agreement on behalf of the City.

PART 3. This resolution shall be in full force and effect from and after its passage.

ADOPTED on July 21, 2015.

Daniel Guerrero
Mayor

Attest:

Jamie Lee Pettijohn
City Clerk

CHAPTER 380 ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT

As of July 21, 2015 (the "Effective Date") this Chapter 380 Economic Development Incentive Agreement is entered into between the City of San Marcos, Texas (the "City"), a Texas municipal corporation, and Humpty Dumpty SSM, Ltd. (the "Owner"). The Owner and the City are collectively referred to as the "Parties."

ARTICLE 1. RECITALS

Section 1.01. The Owner owns and operates a retail shopping center commonly known as Springtown Mall or Springtown Shopping Center ("Springtown") bounded by IH-35 North, Thorpe Lane and Springtown Way (the "Site"). A boundary map of the Site is attached hereto as **Exhibit "A,"** and made a part hereof for all purposes. For purposes of this Agreement, the terms "Springtown" and "Site" exclude the pad sites currently occupied by Logan's and IHOP restaurants, and the former Applebee's restaurant pad site.

Section 1.02. In recent years Springtown's anchor tenants relocated to newer retail centers, while other tenants also vacated. As a result, Springtown has experienced a decline in overall maintenance and repair, and property value and sales tax generation.

Section 1.03. The Owner has made an initial capital investment of at least $13,550,000.00. In furtherance of the redevelopment of Springtown, the Owner intends to make additional capital investment of at least $14,000,000.00, resulting in a substantial increase in property value and sales tax generation.

Section 1.04. The Owner intends to enter into lease agreements with anchor, junior anchor and other tenants to restore full occupancy of the Site. The Owner estimates that Springtown tenants will provide tenant capital investment of at least $7,000,000.00, contributing further toward a substantial increase in property value and sales tax generation.

Section 1.05. The City seeks to promote local economic development and to stimulate business and commercial activity in the City. The redevelopment of Springtown will advance the City's interests by attracting new and retaining existing business, creating jobs, increasing sales and property tax revenues and enhancing the image of the City.

Section 1.06. The City is authorized under Chapter 380 of the Texas Local Government Code ("Chapter 380") to offer certain economic development incentives for public purposes, including promotion of local economic development and the stimulation of business and commercial activity in the City.

Section 1.07. For the reasons stated in these Recitals, which are incorporated into and made a part of this Agreement, and in consideration of the mutual benefits and obligations set forth herein, the Parties enter into this Agreement and agree to the terms and conditions set forth in this Agreement with the understanding that the incentives provided hereunder will be the only incentives offered for Springtown during the term of this Agreement.

ARTICLE 2. DEFINITIONS

Section 2.01. "***Additional Property Taxes***" are the City's share of the ad valorem taxes received from the Hays County Tax Assessor-Collector each calendar year during the Term on the value of all Real Property Improvements on the Site (defined below) attributable to the Site and added after the Effective Date in excess of the Base Tax Year Value.

Section 2.02. "***Additional Sales Taxes***" means the Sales Tax Revenue received by the City in 2015 and each subsequent calendar year during the Term in excess of the Base Sales Tax Value.

Section 2.03. "***Base Tax Year Value***" means the ad valorem tax value, as established by the Hays Central Appraisal District for calendar year 2015, of the Real Property Improvements on the Site as of January 1, 2015.

Section 2.04. "***Base Sales Tax Value***" means the Sales Tax Revenue for calendar year 2014.

Section 2.05. "***Grant Payments***" means the City's payments to the Owner once per calendar year each year during the Term of an amount equal to the percentage of Additional Property Taxes and Additional Sales Taxes generated from within the Site during the full calendar year immediately preceding the year in which the payment is made, according to the Schedule in Section 4.02.

Section 2.06. "***Personal Property***" means all materials, supplies, equipment, inventory or other personal property on the Site subject to ad valorem taxes.

Section 2.07. "***Site***" means the real property within the city limits of the City of San Marcos, Texas owned by the Owner, the legal description of which is shown in **Exhibit "A,"** attached hereto and made a part of this Agreement for all purposes. The boundaries of the Site may be amended from time to time, subject to the advance written approval of the City.

Section 2.08. "***Real Property Improvements***" means such improvements to real property on the Project Site, other than Personal Property, subject to ad valorem tax assessment.

Section 2.09. "***Sales Tax Revenue***" means the City's share of local sales tax revenue generated from business and retail activity on the Site and paid to the City by the Texas Comptroller of Public Accounts.

Section 2.10. The "***Term***" of this Agreement shall commence on the Effective Date and continue until December 31 of the tenth year from the calendar year for which Grant Payments are first requested (unless terminated sooner, as provided in this Agreement), except that the Owner's obligation to submit a Compliance Certificate and the City's obligation, if any, to complete the Grant Payments due under this Agreement shall continue until satisfied. Thus, if the Owner requests a Grant Payment as early as 2016 (based upon revenues generated in 2015),

the end of the Term would be December 31, 2025. If, on the other hand, the Owner requests its first Grant Payment in 2019 (based on revenues generated in 2018), the end of the Term would be December 31, 2028.

ARTICLE 3. OBLIGATIONS OF OWNER

Section 3.01. Site Redevelopment. The Owner shall redevelop the site as a "Class A" retail shopping center. For purposes of this Agreement, "Class A" shall mean that the development will have a tenant mix and finished building, landscape, parking and site improvements designed to attract such tenant mix, similar in character to that within the existing developments at 1890 Ranch in Cedar Park, Texas, University Oaks in Round Rock, Texas, and Southpark Meadows in Austin, Texas. It is expressly understood that storage rental facilities are inconsistent with the meaning of a "Class A'' retail shopping center under this paragraph, and no portion of the Site shall include storage rental facilities.

Section 3.02. Capital Investment. The Owner shall make a capital investment for redevelopment of the Site, including land acquisition cost, and all land development costs, of at least $27,500,000.00. This investment shall be verified by actual receipts for costs expended by the Owner, together with associated invoices or other documentation, such as HUD-1 Settlement Statements, provided to the City by the Owner. For purposes of this Agreement, land development costs are customary costs and expenses incurred by the Owner for land acquisition, architectural, engineering and construction management services, building demolition and demising, new construction, exterior improvements, parking lot improvements, landscape improvements, signage, and the Owner contribution to interior and exterior improvements for tenants within the Site. For purposes of this Agreement, land development costs shall not include, inventory, leasing or real estate sales commissions or interest carry.

Section 3.03. Tenant Capital Investment. The Owner shall facilitate capital investment by tenants on the Site, including all land development costs, currently estimated to be approximately $7,000,000.00. The tenants on the Site are not parties to this Agreement and the Owner does not have access to or control over each tenant's capital investment expenditures.

Section 3.04. Sign Installation. After the Effective Date, the Owner shall be eligible to submit one or more sign permit applications and to receive a permit from the City for installation of signs substantially in accordance with the height and area specifications and locations in **Exhibit "B."** The City Manager of the City, or the City Manager's designee shall, first, determine whether final sign plans are substantially in accordance with **Exhibit "B"** before any associated sign permit may be issued by the City. The architectural styles of the signs in **Exhibit "B,"** however, are conceptual. Accordingly, the actual architectural style may vary from the drawings in **Exhibit "B"** provided that such signage is of the same general architectural design character. For the avoidance of any doubt, the square footage stated for each sign in **Exhibit "B"** refers to the maximum amount of square footage for the sign panels on one side of a sign. Except as specifically waived by the City under Article 4 of this Agreement, the installation of such signs shall comply with the requirements of all City of San Marcos processes, approvals, procedures, ordinances, rules, regulations and standards governing the installation of signs, including, but not limited to, the location requirements under Section 6.3.1.7 of the ("LDC").

Section 3.05. Compliance with Laws. In connection with the redevelopment of Springtown and the Site, the Owner shall comply with all applicable local, state and federal laws, ordinances, statutes, rules, regulations and standards.

ARTICLE 4. ECONOMIC DEVELOPMENT INCENTIVE PROVIDED BY THE CITY

Section 4.01. Grant Payments. Subject to other terms and conditions in this Agreement and the Owner's compliance with this Agreement, the City will make Grant Payments to the Owner in the manner set forth in this Article.

Section 4.02. Ten-Year Payment Period. Beginning as soon as the calendar year 2016, but no later than calendar year 2019, the Owner may apply for up to ten (10) consecutive annual Grant Payments. Upon application by the Owner, the City shall make such Grant Payments to the Owner, in accordance with the following schedule:

Year	Additional Property Taxes %	Additional Sales Taxes %
1	100	90
2	100	90
3	80	80
4	80	80
5	60	60
6	60	60
7	40	40
8	40	40
9	20	20
10	20	20

As an example, if Year 1 is 2019, the Owner could apply for and receive a Grant Payment in an amount equal to 100 percent of the Additional Property Taxes and 90 percent of the Additional Sales Taxes generated on the Site in 2018, with subsequent Grant payments similarly being made according to the percentages above. With each application for a Grant Payment, the Owner shall provide to the City a compliance certificate, in the form attached hereto as **Exhibit "C"** (the "**Compliance Certificate**") to verify the Owner's compliance with the terms of this Agreement.

Section 4.03. Reduction in Grant Payments. In the event that the Owner's capital investment, as defined in Section 3.02, is less than $27,500,000.00, the annual Grant Payments to the Owner will be reduced proportionate to the percentage of capital investment that can be verified by actual receipts provided to the City by the Owner. For example, if the maximum possible Grant Payment in Year 1 was $1,000,000.00 and the Owner met the target capital investment of $27,500,000.00, then the maximum possible Grant Payment to the Owner would be $1,000,000.00. If, however, the Owner's capital investment was only $26,125,000.00, which is 95 percent of the required capital investment, then the Grant Payment to the Owner would be reduced by five percent resulting in a Grant Payment of $950,000.00. Notwithstanding the

requirements of Section 3.02, if the Owner fails to meet the minimum capital investment within the time prescribed therein, but subsequently meets the minimum capital investment requirement, the Owner will be eligible to receive the maximum possible annual Grant Payment for any years after the year in which the capital investment target is satisfied (but, there shall be no retroactive payments to offset any prior reduced Grant Payments).

Section 4.04. Reduction in Grant Payments Due to Relocation of Existing Business. In the event that the Owner facilitates the relocation of a business from an existing location within the City limits San Marcos to the Site, each annual Grant Payment to the Owner shall be reduced by an amount equal to the sum of sales taxes and ad valorem property taxes attributable to the relocated business at the previous location paid to the City during the calendar year immediately preceding the relocation, but any increase in sales and ad valorem taxes above such sum will be included in calculating the amount of any Grant Payment due to the Owner.

Section 4.05. Time for Making Payment. In accordance with Section 4.02, the Owner may request, in writing to the City Manager, initiation of Grant Payments. The City shall not be required to make a Grant Payment during any applicable calendar year unless and until:

a. the Owner has submitted a compliance certificate, in the form attached hereto as **Exhibit "C"** (the "**Compliance Certificate**"), together with all information the City may request to verify the Owner's compliance with the terms of this Agreement;

b. Additional Property Taxes for the prior calendar year are received by the City from the Hays County Tax Assessor-Collector;

c. Additional Sales Taxes for the prior calendar year are received by the City from the Texas Comptroller of Public Accounts; and

d. funds are appropriated by the San Marcos City Council for the specific purpose of making a Grant Payment under this Agreement as part of the City's ordinary budget and appropriations approval process.

Provided the foregoing conditions have been satisfied and the Owner is, otherwise, in compliance with this Agreement, the City shall pay to the Owner any Grant Payments due within 30 days after the last to occur of the events in subsections (a), (b), (c) and (d) of this Section.

Section 4.06. Waiver of Certain Land Development Code Sign Requirements. Subject to the Owner's compliance with this Agreement, the City waives the following requirements of the LDC applicable to the signs in **Exhibit "B"**:

a. The requirement that on-premises attached signs not extend vertically above the highest point of the roofline under Section 6.3.3.2(a)(1) is waived in order to allow such greater height for the on-premises attached sign labeled "F."

b. The limitation on the number of signs permitted along a street frontage

under Section 6.3.3.3(a) is waived in order to allow three signs labeled "A," "B" and "C," along boundary of the Site that fronts I-35 North.

c. The provision for one monument sign in addition to a freestanding sign along a street frontage in excess of 400 feet under Section 6.3.3.3(a)(4)a.4. is waived in order to allow all three signs labeled "A," "B" and "C," along boundary of the Site that fronts I-35 North to be freestanding signs.

d. The limitation of one attached sign and one space on a freestanding sign per tenant under applicable standards of Chapter 1, Article 6, Division 3, is waived to allow individual tenants of Springtown to have space on more than one freestanding sign and on the attached building sign labeled "F" in addition to one attached building sign in front of the tenant's premises.

e. To the extent any sign in **Exhibit "B"** or any other sign in Springtown will advertise a business or tenant of Springtown located on a lot other than the lot where the sign is situated, such sign would be considered an off-premises sign. Thus, the requirements of Section 6.3.3.4 normally applicable to off-premises signs are waived to allow such off-premises sign. Any such off-premises sign, however, may not advertise a business, tenant, service, product or message of any type that is not directly related to the availability, use or occupancy of space at Springtown.

Section 4.07. Waiver of Certain Land Development Code Site Development Requirements. Subject to the Owner's compliance with this Agreement, the City waives the following requirements of the LDC:

a. Impervious Cover, Max %: Table 4.1.6.1
b. Required Landscape Area Standards: Sec 6.1.1.4
c. Parking Area Screening: Sec 6.1.2.2
d. Lighting and Glare Standards: Sec 6.5.2.1(d)
e. Sidewalks: Sec 7.4.2.3
f. Material Standards: Sec 4.4.2.1
g. Minimum Rear Yard: Sec. 4.2.2.7(d)3, for "Lot D," as shown in **Exhibit "A"**

Notwithstanding the foregoing waivers, it is understood and agreed by the Owner that: (i) existing sidewalks shall either remain, subject to periodic repair and replacement, or may be realigned as necessary to facilitate development of the Site; and (ii) the total existing landscaped area within the Site may be rearranged, but shall not be decreased.

Section 4.08. Waivers Limited. Except as specifically stated above, the City grants no other waivers of requirements under the LDC, and all signs and improvements installed by the Owner in connection with the redevelopment of Springtown, shall conform in every other respect to the requirements of the LDC and other applicable ordinances, rules, regulations and standards of the City.

Section 4.09. Subject to Funding. The Grant Payments made and any other financial obligation of the City hereunder shall be paid solely from lawfully available funds that have been budgeted and appropriated each applicable fiscal year during the Term by the City as provided in this Agreement. Under no circumstances shall the City's obligations hereunder be deemed to create any debt within the meaning of any constitutional or statutory provision. Consequently, notwithstanding any other provision of this Agreement, the City shall have no obligation or liability to pay any Grant Payments or other payments unless the City budgets and appropriates funds to make such payments during the City's fiscal year in which such Grant Payment(s) or other payments are payable under this Agreement. If the City fails to appropriate funds for a Grant Payment, the Owner may, at its option, terminate this Agreement effective upon written notice to the City, subject to any unpaid Grant Payment properly due to the Owner for which a lawful appropriation of funds has occurred. **The Owner shall have no recourse against the City for the City's failure to budget and appropriate funds during any fiscal year to meet the purposes and satisfy its obligations under this Agreement, but the City shall be obligated to make any Grant Payment that is included in a budget approved by the City Council of the City.**

ARTICLE 5. DEFAULT, TERMINATION AND REMEDIES

Section 5.01. Default; Termination or Suspension of Payments. Except as otherwise provided herein, at any time during the Term of this Agreement that the Owner is not in compliance with its obligations under this Agreement, the City may send written notice of such non-compliance to the Owner. If such non-compliance is not cured within 90 days after the Owner's receipt of such notice or, if non-compliance is not reasonably susceptible to cure within 90 days and a cure is not begun within such 90-day period and, thereafter, continuously and diligently pursued to completion on a schedule approved by the City (in either event, a "***Cure***"), then the City may, at its sole discretion and option, terminate this Agreement or withhold Grant Payments otherwise due for the calendar year or years in which the non-compliance occurred and continues.

Section 5.02. Non-Termination Election by City. If the City elects to withhold Grant Payments under Section 5.01 rather than to terminate the Agreement, then, upon a Cure by the Owner, the Owner will be eligible to receive Grant Payments in future years (provided it is otherwise in compliance and subject to other limitations of this Agreement) for the remainder of the Term. However, a Grant Payment withheld by the City shall be deemed forfeited by the Owner and the City shall not be liable for retroactive payment of such forfeited Grant Payment. For example, if the Owner is in default and has not effected a Cure in the year 2020, the Owner will not receive a Grant Payment in 2021. The Owner will, however, be eligible to receive a Grant Payment in 2022 if the default is Cured in 2021. Except as to circumstances arising from an event of *force majeure*, the Term shall not be extended as a result of any Cure period agreed to by the City under this Section.

Section 5.03. Termination for Misrepresentation. Notwithstanding any provision for notice of non-compliance and any opportunity to cure, the City may terminate this Agreement immediately by providing written notice to the Owner if the Owner, its officers or signatories to this Agreement misrepresented or misrepresent any material fact or information: (i) upon which

the City relied in entering into this Agreement; (ii) upon which the City relies in making a Grant Payment to the Owner; or (iii) as an inducement for the City to make a Grant Payment to the Owner.

Section 5.04. Other Remedies. Upon breach of any obligation under this Agreement, in addition to any other remedies expressly set forth in this Agreement with respect to such breach, the City may pursue such remedies as are available at law or in equity for breach of contract. Similarly, with regard to violations of applicable ordinances of the City, the City may seek such relief as is available for violation so such ordinances, including fines and injunctive relief.

Section 5.05. Offset. The City may deduct from any Grant Payments, as an offset, any delinquent and unpaid fees, sums of money or other fees, charges or taxes assessed and owed to or for the benefit of the City by the Owner.

Section 5.06. Force Majeure. A *force majeure* event means an event beyond the reasonable control of a party obligated to perform an act or take some action under this Agreement including, but not limited to, acts of God, earthquake, fire, explosion, war, civil insurrection, acts of the public enemy, act of civil or military authority, sabotage, terrorism, floods, lightning, hurricanes, tornadoes, severe snow storms or utility disruption, strikes, lockouts, major equipment failure or the failure of any major supplier to perform its obligations.

Section 5.07. Status of Signs and Waivers Upon Termination. Upon termination of this Agreement, the Owner agrees that the waivers of standards under the LDC granted by the City shall automatically expire and no signs or improvements may be installed after the date of termination except as permitted under the provisions of the LDC or successor ordinances and regulations then in effect.

Section 5.08. Fast Track Permitting. City shall review Springtown permit applications on a "fast track" basis using a one-stop-shop review process.

ARTICLE 6. INFORMATION

Section 6.01. Information. The Owner shall, at such times and in such form as the City may reasonably request from the City, provide information concerning the performance of the City's obligations under this Agreement.

Section 6.02. Annual Compliance Certification. Beginning in calendar year 2016 and continuing each calendar year thereafter during the Term, the Owner shall submit to the City, on or before March 1 of each such year, a duly executed Compliance Certificate in substantially the form attached as **Exhibit "C"** certifying that the Owner is in full compliance with its obligations under this Agreement or, if not in full compliance, a statement disclosing the nature of any non-compliance and any reasons therefor. After receiving a timely submitted Compliance Certificate, the City shall have 30 days to notify the Owner in writing of any questions that the City may have concerning any of the information in the Compliance Certificate, and the Owner shall diligently work in good faith to respond to such questions to the City's reasonable satisfaction.

Section 6.03. Review of Records. The Owner agrees that the City will have the right to review the business records of the Owner that relate to its performance under this Agreement in order to determine the Owner's compliance with the terms of this Agreement. Such review shall occur at any reasonable time and upon at least seven days' prior notice to the Owner. To the extent reasonably possible, the Owner shall make all such records available in electronic form or otherwise available to be accessed through the internet.

Section 6.04. Public Information. Subject to the requirements of the Texas Public Information Act (the "Act"), or order of a court of competent jurisdiction, the Owner may be required to disclose or make available to the City any information relating to this Agreement. The Owner agrees to cooperate with the City in response to any request for information under the Act or court order. The City will endeavor to provide the Owner with advance notice of any such request for information or court order so that the Owner may seek any relief to which the Owner believes it is entitled. The City's obligations under this Section do not impose a duty upon the City to challenge any court order or ruling of the Texas Attorney General to release information in response to a specific request for information under the Act.

ARTICLE 7. REPRESENTATIONS OF OWNER

Section 7.01. Organization. The Owner is a duly organized, validly existing Limited Partnership, in good standing under the laws of the State of Texas and is authorized to conduct business or own real property in the State of Texas. The activities that the Owner proposes to carry on at the Site may lawfully be conducted by the Owner.

Section 7.02. Authority. The execution, delivery and performance by the Owner of this Agreement are within the Owner's powers and have been duly authorized.

Section 7.03. Valid and Binding Obligation. This Agreement is the legal, valid and binding obligation of the Owner, enforceable against the Owner in accordance with its terms except as limited by applicable relief, liquidation, conservatorship, bankruptcy, moratorium, rearrangement, insolvency, reorganization or similar laws affecting the rights or remedies of creditors generally, as in effect from time to time.

Section 7.04. No Defaults. The Owner is not in default in the performance, observance or fulfillment of any of the obligations, covenants or conditions contained in any agreement or instrument to which they are parties or by which they or any of their property is bound that would have any material adverse effect on the Owner's ability to perform under this Agreement.

Section 7.05. Full Disclosure. Neither this Agreement nor any schedule or Exhibit attached hereto in connection with the negotiation of this Agreement contains any untrue statement of a material fact or omits to state any material fact necessary to keep the statements contained herein or therein, in the light of the circumstances in which they were made, from being misleading.

ARTICLE 8. MISCELLANEOUS

Section 8.01. Entire Agreement. This Agreement, including the Recitals and the Exhibits hereto, contains the entire agreement between the Parties with respect to the transactions contemplated herein and supersedes any prior understandings or written or oral agreements between the Parties.

Section 8.02. Amendments. This Agreement may only be amended, altered, or terminated by written instrument signed by all Parties.

Section 8.03. Assignment; Successors. Owner may assign this Agreement in whole or in part only with the advance written consent of the City.

Section 8.04. Notices. All notices required by this Agreement will be delivered to the following by certified mail or electronic mail transmission:

City:

City Manager
City of San Marcos
630 East Hopkins
San Marcos, Texas 78666
E-mail: citymanagerinfo@sanmarcostx.gov

Owner:

Humpty Dumpty SSM, Ltd.
c/o Endeavor Real Estate Group
500 West 5th Street, Suite 700
Austin, Texas 78701

With copies to:

Buck Cody
Endeavor Real Estate Group
500 West 5th Street, Suite 700
Austin, Texas 78701
bcody@endeavor-re.com

Chris Ellis
Endeavor Real Estate Group
500 West 5th Street, Suite 700
Austin, Texas 78701
cellis@endeavor-re.com

David Armbrust
Armbrust & Brown, PLLC
100 Congress Avenue, Suite 1300
Austin, Texas 78701

darmbrust@abaustin.com

Each party will notify the other party in writing of any change in information required for notice under this paragraph.

Section 8.05. Applicable Law and Venue. This Agreement will be construed under the laws of the State of Texas. This Agreement is performable in Hays County, Texas. Mandatory venue for any action under this Agreement will be in the state court of appropriate jurisdiction for the action in Hays County, Texas. Mandatory venue for any matters in federal court will be in the United States District Court for the Western District of Texas.

Section 8.06. No Liability. The Owner agrees that City assumes no liability or responsibility by approving plans, issuing permits or approvals or making inspections related to any matter arising under this Agreement.

Section 8.07. No Waiver of Immunity or Liability. Nothing in this Agreement, and no action of the City under this Agreement, will constitute a waiver of any immunity of the City to suit or to liability or of any limitations on liability granted by law or the Texas Constitution.

Section 8.08. No Joint Venture. It is understood and agreed between the parties that the City and the Owner, in executing this Agreement, and in performing their respective obligations, are acting independently, and not in any form of partnership or joint venture. **THE CITY ASSUMES NO RESPONSIBILITIES OR LIABILITIES TO ANY THIRD PARTIES IN CONNECTION WITH THIS AGREEMENT, AND THE OWNER AGREES TO INDEMNIFY, DEFEND AND HOLD THE CITY, ITS OFFICERS, AGENTS AND EMPLOYEES, HARMLESS FROM ANY SUCH LIABILITIES.**

Section 8.09. Third Party Beneficiaries. This Agreement is for the exclusive benefit of the Parties and no third party may claim any right, title or interest in any benefit arising under this Agreement. Among other things, no third party having an ownership interest in any lot on which an off-premises sign is located may pursue any claim against the City asserting the right to allow the continued the use of any such sign or any claim against the City for lost revenues due to the removal of any such sign under this Agreement.

Section 8.10. Severability. If any provision of this Agreement is held to be illegal, invalid or unenforceable under present or future laws effective while this Agreement is in effect, such provision shall be automatically deleted from this Agreement and the legality, validity and enforceability of the remaining provisions of this Agreement shall not be affected thereby, and in lieu of such deleted provision, there shall be added as part of this Agreement a provision that is legal, valid and enforceable and that is as similar as possible in terms and substance as possible to the deleted provision.

Section 8.11. Agreement not a Permit. The Owner acknowledges and agrees that this Agreement, and the waivers granted herein, do not constitute a permit under Chapter 245 of the Texas Local Government Code. For any signs proposed to be installed under this Agreement, the Owner shall be required to apply for such permits from the City as are required under

applicable ordinances of the City, subject to the waivers set forth in Part 3 above.

Section 8.12. Binding on Successors; Recording. This Agreement is binding on all successors and assigns of the Owner and shall run with the Site. The Owner hereby grants its consent to the City to record this Agreement, a memorandum of this Agreement or other instrument against the Site providing notice of the waivers granted and limitations on such waivers under this Agreement in the Official Public Records of Hays County, Texas.

Section 8.13. Estoppel. Upon written request by the Owner, the City shall execute and deliver to the Owner an estoppel certificate **certifying** as follows: (a) whether this Agreement is unmodified and in full force and effect (or if modified, disclosure of such modifications and whether this Agreement is in full force and effect as modified); (b) whether to the City's knowledge, the Owner is in default under this Agreement; and (c) any other reasonable factual inquiries a party may request regarding this Agreement.

[SIGNATURES ON NEXT PAGE]

EXECUTED to be effective as of the Effective Date.

CITY OF SAN MARCOS:

By: _____

~~Jared Miller, City Manager~~

Steve Parker, Acting City Manager

HUMPTY DUMPTY SSM, LTD.:

By: EGP Retail Management, L.L.C., BM
its general partner

By: _____

Name: Bryce Miller

Title: EVP

ACKNOWLEDGMENTS

THE STATE OF TEXAS §
§
COUNTY OF HAYS §

This instrument was acknowledged before me on the 28 day of July, 2015, by ~~Jared Miller,~~ Steve Parker, Acting City Manager, City Manager of the City of San Marcos, in such capacity, on behalf of said municipal corporation.

KAREN SMITH
Notary Public, State of Texas
My Commission Expires
April 28, 2018

Karen Smith
Notary Public, State of Texas

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 10th day of August, 2015, by Bryce Miller, EVP of EGP Retail Management, L.L.C., general partner of Humpty Dumpty SSM, Ltd., in such capacity, on behalf of said entity.

KELLEY R MARKERT
MY COMMISSION EXPIRES
November 1, 2017

Kelley R Markert
Notary Public, State of Texas

EXHIBIT A

SITE DESCRIPTION

0.955 ACRE OF LAND, MORE OR LESS, SITUATED IN THE J.M. VERAMENDI LEAGUE NO. 2, IN HAYS COUNTY, TEXAS, AND BEING THE SAME PROPERTY CONVEYED IN DEEDS RECORDED IN VOLUME 393, PAGE 47, AND VOLUME 393, PAGE 55, DEED RECORDS, HAYS COUNTY, TEXAS; FOR WHICH A MORE PARTICULAR DESCRIPTION BY METES AND BOUNDS IS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found on the northwesterly R.O.W. of Interstate Highway 35, for the S.E. corner hereof, from which point a 1/2" iron rod found at the intersection of the northwesterly R.O.W. of Interstate Highway 35 and the northerly R.O.W. of M.K.T. Railroad R.O.W. bears S39°41'00"W at a distance of 333.79 feet;

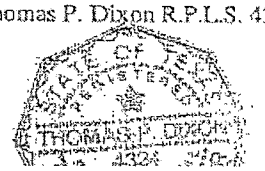
THENCE the following four (4) courses and distances crossing the Remainder of STM Partners, LTD. Clerk No. 9908146 tract as depicted on PLAT OF SPRINGTOWN V SUBDIVISION, in the city of San Marcos, Hays County, Texas, a recorded in Volume 9, Page 83 of the plat records of Hays County, Texas:

1. N83°05'00"W for a distance of 186.41 feet to a PK nail set in asphalt for the S.W. corner hereof;
2. N07°05'03"E along a common party wall for a distance of 199.03 feet to a P.K. nail set in concrete;
3. S83°05'000"E for a distance of 124.12 feet to a spindle set in asphalt;
4. S50°19'00"E for a distance of 159.61 feet to a PK nail found on the northwesterly R.O.W. of Interstate Highway 35 for the most easterly, N.E. corner hereof;

THENCE S39°41'00"W for a distance of 133.82 feet to the **POINT OF BEGINNING**, containing 0.955 acre of land.

I, the undersigned do hereby certify that the field notes hereon were prepared from an actual on-the-ground survey under my direct supervision and that they are true and correct to the best of my knowledge.

Thomas P. Dixon R.P.L.S. 4324



P.O. Box 160176
Austin, Texas 78716

Tract 1: Lot 1, SPRINGTOWN IV SUBDIVISION, according to the map or plat thereof, recorded in Book 8, Page 199, Plat Records, Hays County, Texas.

Tract 2: Lot 5, SPRINGTOWN VI SUBDIVISION, according to the map or plat thereof, recorded in Book 9, Page 278, Plat Records, Hays County, Texas.

Tract 6: Lot 1, SPRINGTOWN V SUBDIVISION, according to the map or plat thereof, recorded in Book 9, Page 83, Plat Records, Hays County, Texas.

Tract 7: Lot 2, SPRINGTOWN IV SUBDIVISION, according to the map or plat thereof, recorded in Volume 8, Page 199, Plat Records, Hays County, Texas.

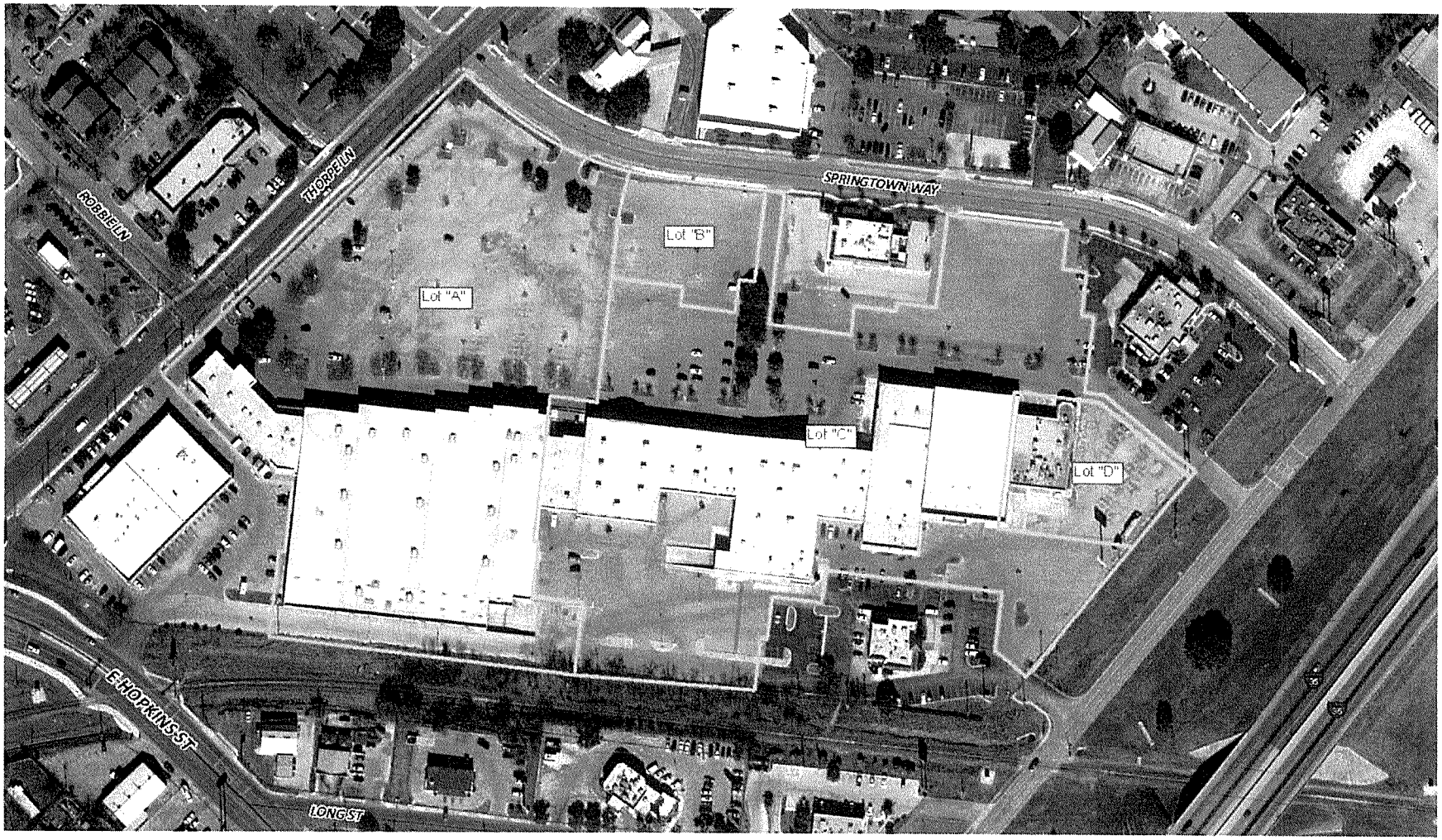

ROBBELIN
THORPE LN
SPRINGTOWN WAY
Lot "A"
Lot "B"
Lot "C"
Lot "D"
E HOPKINS ST
LONG ST

EXHIBIT "B"

Signage

[Next Page]

SPRINGTOWN CENTER SAN MARCOS

NOT USED

60 TOTAL SQ. FT
7'-0" O.A.H.

120 TOTAL SQ. FT.
25'-0" O.A.H.

120 TOTAL SQ. FT
25'-0" O.A.H.

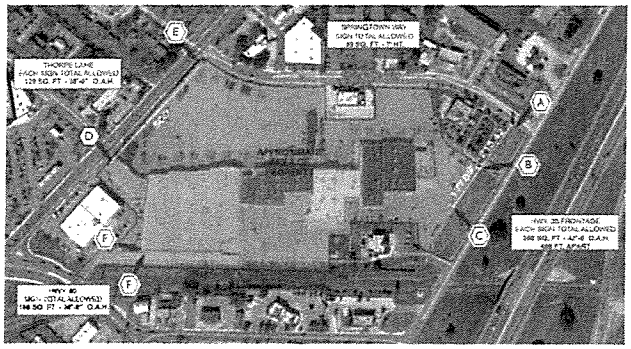
164.97 EACH FACE TOTAL SQ. FT
32'-1" O.A.H.

164.97 EACH FACE TOTAL SQ. FT
32'-1" O.A.H.

258.31 SQ. FT. PROPOSED
42'-6" O.A.H. PROPOSED

260.0 SQ. FT. PROPOSED
42'-6" O.A.H. PROPOSED

258.31 SQ. FT. PROPOSED
42'-6" O.A.H. PROPOSED



HEIGHT AND SQUARE FOOTAGE CALCULATIONS

STREET FRONTAGE	EXISTING	PROPOSED	ALLOWED HEIGHT	PROPOSED HEIGHT	PROPOSED SQ. FT.	ALLOWED SQ. FT.	DIFFERENCE
IH-35 FEEDER	1	1	42'-6"	42'-6"	774.62	786	-11.38
THORPE LN.	1	2	25'	25'	240.0	240.0	0
SPRINGTOWN WAY	0	0	7'	6'	0	30	-30
HOPKINS ST.	0	1	30'	32'	164.97	160	+4.97

ALL CABINETS TO FACE THE STREET

SPRINGTOWN CENTER

☐ Approved
☐ Approved As Noted
☐ Revise & Resubmit

By:
Date:

Client: SPRINGTOWN CENTER
Location: IH-35 @ SPRINGTOWN WAY SAN MARCOS, TEXAS
Salesperson: PETE
Pg. Mgr: PATTI
Date: 7/26/15
Designer: JASON JG
File Name: JC#21583 SPRINGTOWN CENTER
Proposal #: JC#21583

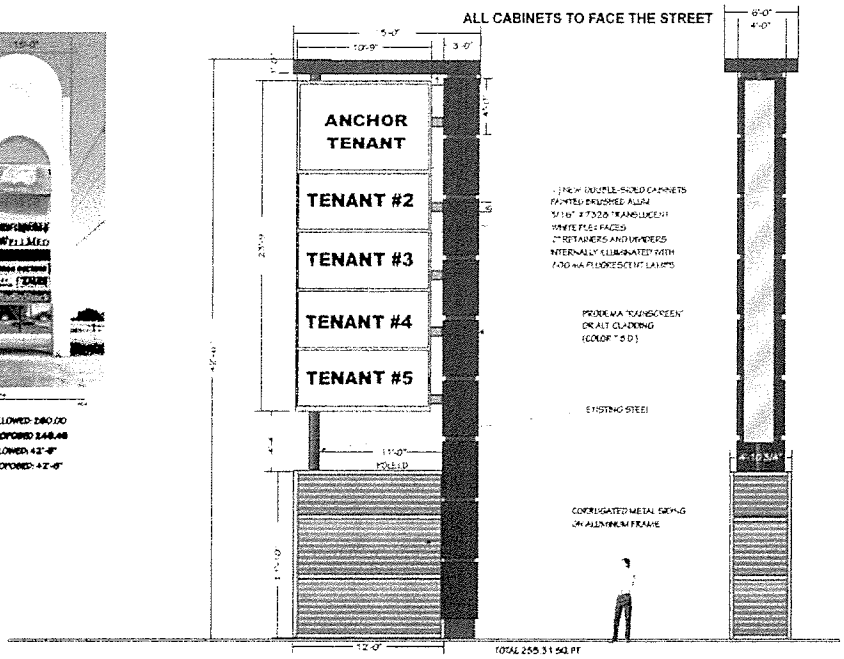
Revisions

Comet Signs
License # 18010

PAGE 1 OF 9

SQ. FT. ALLOWED: 280.00
SQ. FT. PROPOSED: 248.48
O.A.H. ALLOWED: 42'-6"
O.A.H. PROPOSED: 42'-6"

ALL CABINETS TO FACE THE STREET



(A) P/T MULTI-TENANT PYLON
(1) REQUIRED

SCALE: 3/16"=1'-0"

- FABRICATE AND INSTALL (3) NEW DOUBLE-SIDED CABINETS
- RE-INSTALL ON (2) EXISTING TRANSITIONED POLES
- O.A.H. 42'-6"
- TOTAL SQ. FT.: 417.85

SPRINGTOWN CENTER

☐ Approved
☐ Approved As Noted
☐ Revise & Resubmit

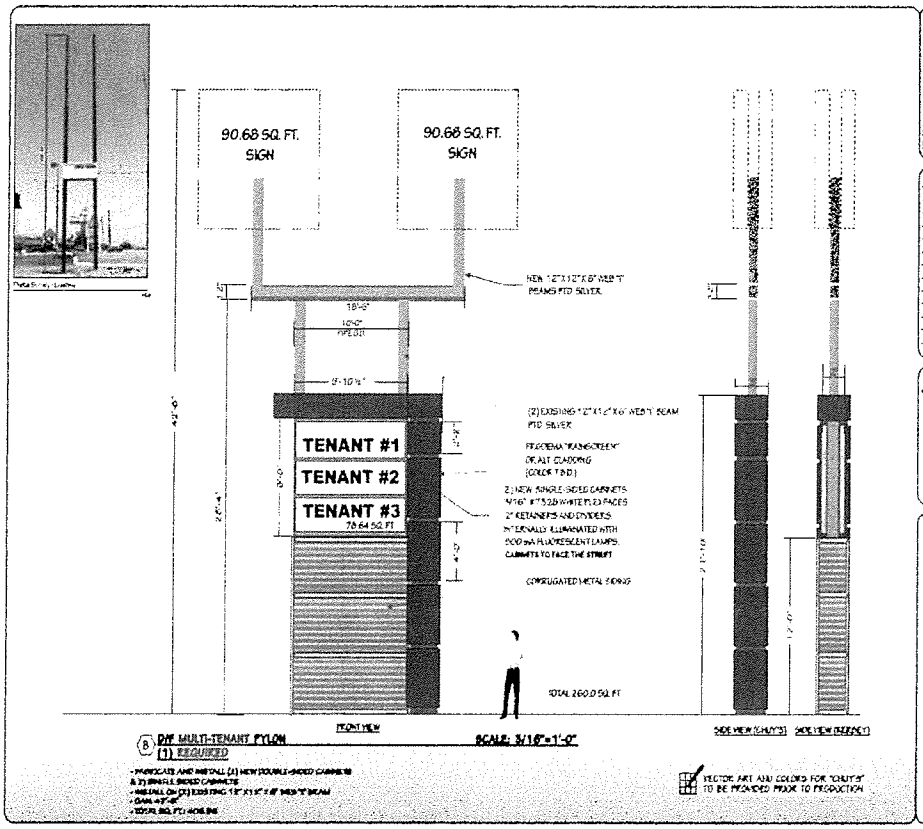
By:
Date:

Client: SPRINGTOWN CENTER
Location: IH-35 @ SPRINGTOWN WAY SAN MARCOS, TEXAS
Salesperson: PETE
Pg. Mgr: PATTI
Date: 7/26/15
Designer: JASON JG
File Name: JC#21583 SPRINGTOWN CENTER
Proposal #: JC#21583

Revisions

Comet Signs
License # 18010

PAGE 2 OF 9



SPRINGTOWN CENTER

☐ Approved
☐ Approved As Noted
☐ Revise & Resubmit

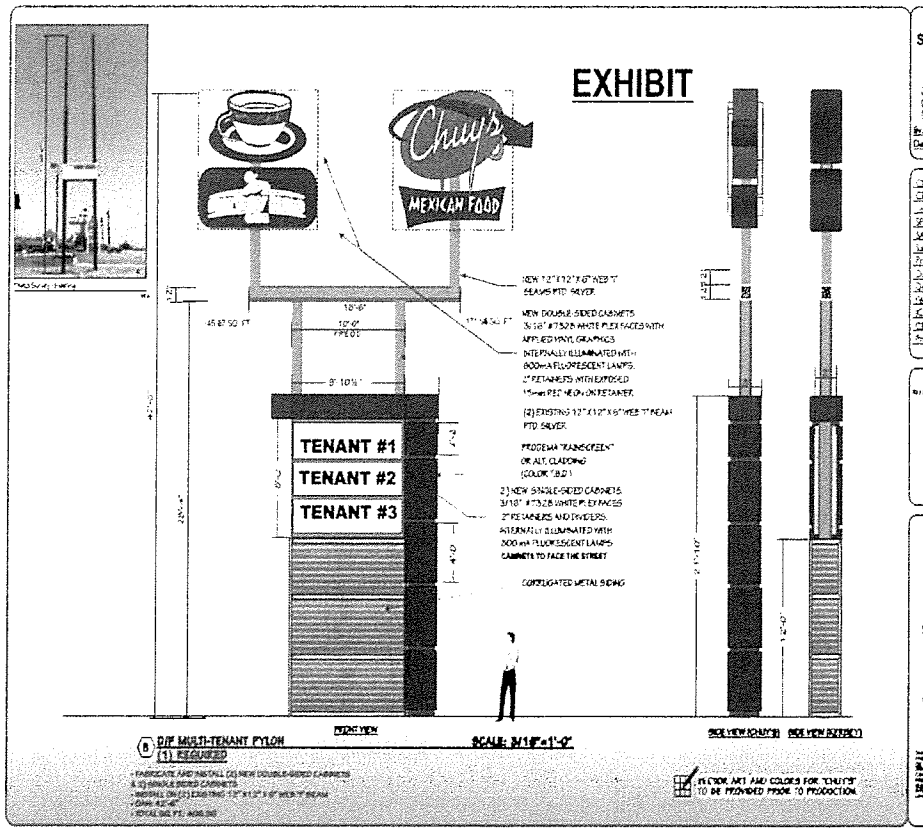
By:
Date:

Client: SPRINGTOWN CENTER
Location: IH-35 @ SPRINGTOWN WAY
SAN MARCOS, TEXAS
Salesperson: PETE
Pr. Mgr: PATTI
Date: 3/24/15
Designer: JASON, KG
File Name: JC#21583 SPRINGTOWN CENTER
Proposal #: JC#21583

Revisions

Comet SIGNS
License # 18010

PAGE 3 OF 9



SPRINGTOWN CENTER

☐ Approved
☐ Approved As Noted
☐ Revise & Resubmit

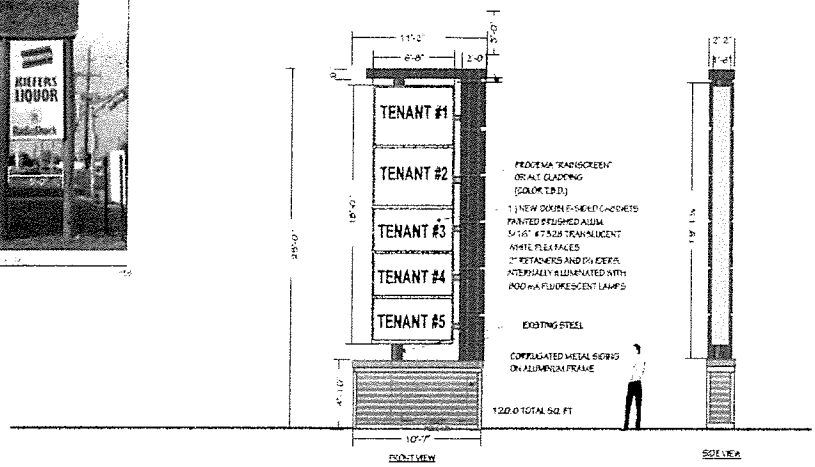
By:
Date:

Client: SPRINGTOWN CENTER
Location: IH-35 @ SPRINGTOWN WAY
SAN MARCOS, TEXAS
Salesperson: PETE
Pr. Mgr: PATTI
Date: 3/24/15
Designer: JASON, KG
File Name: JC#21583 SPRINGTOWN CENTER
Proposal #: JC#21583

Revisions

Comet SIGNS
License # 18010

PAGE 4 OF 9



D/F MULTI-TENANT PYLON — **SCALE: 3/16"=1'-0"**
(1) REQUIRED

- FABRICATE AND INSTALL (1) NEW DOUBLE-SIDED CABINETS
INSTALL ON (2) EXISTING STEEL PIPES
OAH: 30'-0"
TOTAL SQ. FT. 120.0

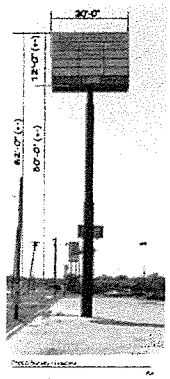
SPRINGTOWN CENTER

☐ Approved
☐ Approved As Noted
☐ Revise & Resubmit
By:
Date:

Client: SPRINGTOWN CENTER
Location: IH-35 @ SPRINGTOWN WAY SAN MARCOS, TEXAS
Salesperson: PETE
Pl. Mngr: PATTI
Date: 7/24/15
Designer: JASON, KS
File Name:
KC#21583 SPRINGTOWN CENTER
Proposal #: KC#21583

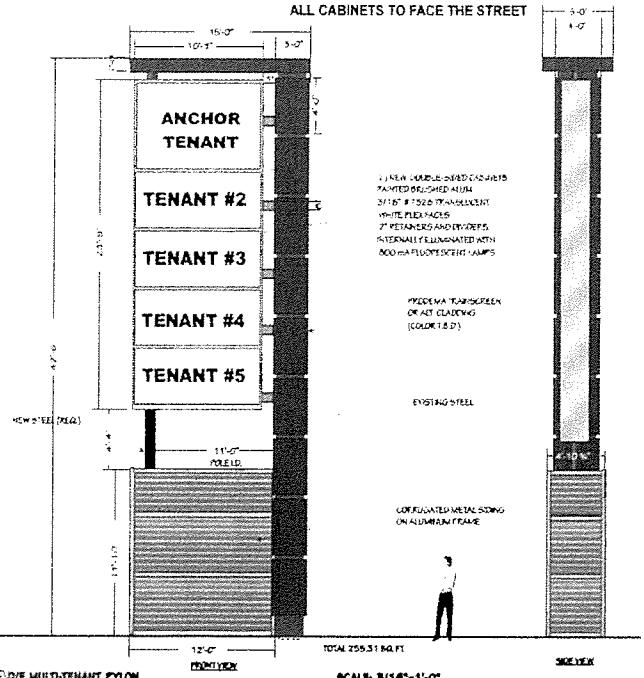
Revisions
REVISED PER PREVIOUS

Comet SIGNS
License # 18010



SQ. FT. ALLOWED: 280.00
SQ. FT. PROPOSED: 248.48
O.A.H. ALLOWED: 42'-6"
O.A.H. PROPOSED: 42'-6"

ALL CABINETS TO FACE THE STREET



D/F MULTI-TENANT PYLON — **SCALE: 3/16"=1'-0"**
(1) REQUIRED

- FABRICATE AND INSTALL (1) NEW DOUBLE-SIDED CABINETS
- INSTALL ON (1) EXISTING PIPE AND 1) ADDITIONAL PIPE
- OAH: 42'-6"
- TOTAL SQ. FT. 248.58

SPRINGTOWN CENTER

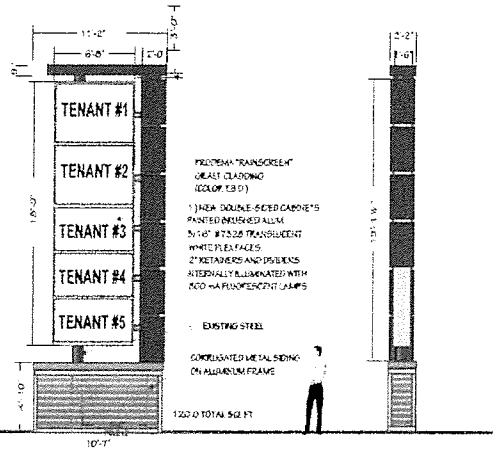
☐ Approved
☐ Approved As Noted
☐ Revise & Resubmit
By:
Date:

Client: SPRINGTOWN CENTER
Location: IH-35 @ SPRINGTOWN WAY SAN MARCOS, TEXAS
Salesperson: PETE
Pl. Mngr: PATTI
Date: 7/24/15
Designer: JASON, KS
File Name:
KC#21583 SPRINGTOWN CENTER
Proposal #: KC#21583

Revisions
REVISED PER PREVIOUS

Comet SIGNS
License # 18010

ALL CABINETS TO FACE THE STREET



(E) D/F MULTI-TENANT PYLON WITH NEW STEEL AND FOOTING (1) REQUIRED — SCALE: 3/16"=1'-0"

- FABRICATE AND INSTALL (1) NEW DOUBLE-SIDED CABINET
- INSTALL ON (2) EXISTING STEEL PIPES
- OAH: 30'-0"
- TOTAL SQ FT: 120.0

SPRINGTOWN CENTER

☐ Approved
☐ Approved As Noted
☐ Revise & Resubmit

By:
Date:

Client: SPRINGTOWN CENTER
Location: IH-35 @ SPRINGTOWN WAY
SAN MARCOS, TEXAS
Salesperson: PETE
Acct. Mngr: PATTI
Date: 2/26/15
Designer: JASON, IG
File Name: IC#21582 SPRINGTOWN CENTER
Proposal #: IC#21582

Revisions

Comet Signs
License # 18010

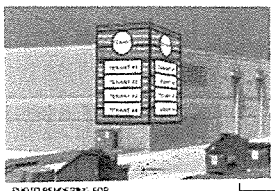
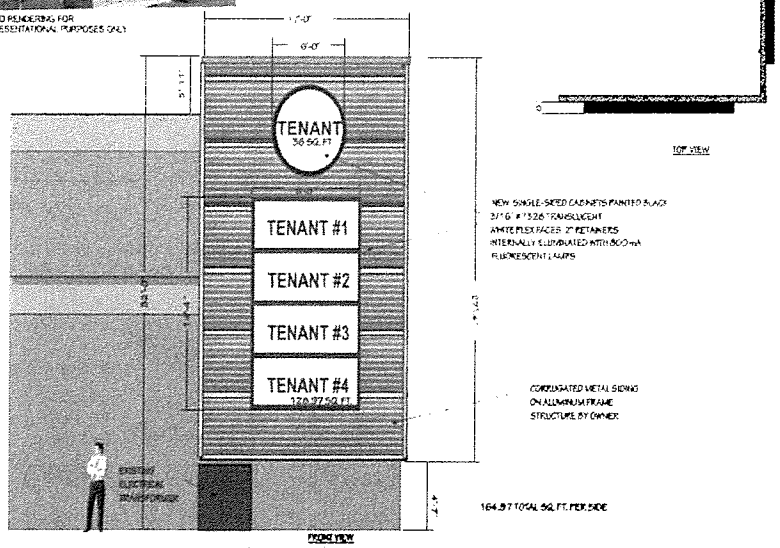


PHOTO RENDERING FOR REPRESENTATIONAL PURPOSES ONLY



(F) MULTI-TENANT SINGLE FACED CABINETS (2) REQUIRED — SCALE: 3/16"=1'-0"

- FABRICATE AND INSTALL (2) NEW SINGLE-SIDED LED ILLUMINATED CABINETS
- INSTALL ON (2) EXISTING WALLS.
- OAH: 32'-0"
- TOTAL SQ FT: 164.97

OPTION #1

SPRINGTOWN CENTER

☐ Approved
☐ Approved As Noted
☐ Revise & Resubmit

By:
Date:

Client: SPRINGTOWN CENTER
Location: IH-35 @ SPRINGTOWN WAY
SAN MARCOS, TEXAS
Salesperson: PETE
Acct. Mngr: PATTI
Date: 2/26/15
Designer: JASON, IG
File Name: IC#21582 SPRINGTOWN CENTER
Proposal #: IC#21582

Revisions

Comet Signs
License # 18010

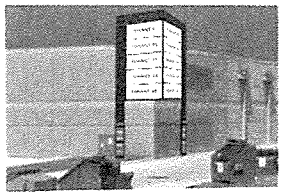
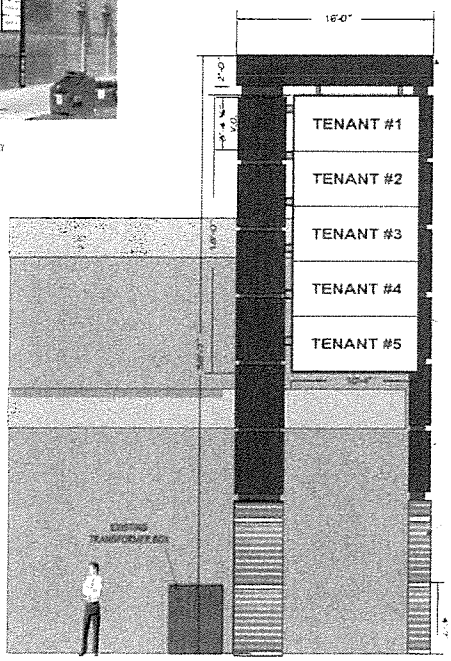
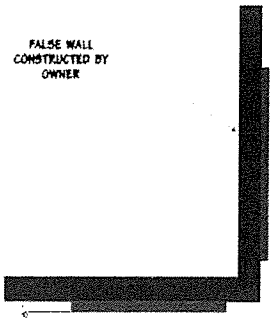


PHOTO RENDERING FOR
REPRESENTATIONAL PURPOSES ONLY



FRONT VIEW

FALSE WALL
CONSTRUCTED BY
OWNER



TOP VIEW

NEW SINGLE-SIDED CABINETS PAINTED BLACK
3/16" #7328 TRANSLUCENT
WHITE PLEX FACES, 2" RETAINERS,
INTERNALLY ILLUMINATED WITH 800 +/-
FLUORESCENT LAMPS.

PRODEMA "TRANSCREEN"
OR ALT CLADDING
STRUCTURE BY OWNER
(COLOR TBD)

CORRUGATED METAL SIDING
ON ALUMINUM FRAME (BY OWNER)

162.00 EACH FACE TOTAL SQ.FT

OPTION #2

(F) MULTI-TENANT SINGLE FACED CABINETS
(8) REQUIRED

SCALE: 3/16"=1'-0"

- FABRICATE AND INSTALL (1) NEW SINGLE-SIDED LED ILLUMINATED CABINETS
- INSTALL ON (8) EXISTING WALLS.
- OAH 3ft-7"
- TOTAL SQ.FT.: 162.00

SPRINGTOWN CENTER

☐ Approved
☐ Approved As Noted
☐ Revise & Resubmit

By:
Date:

Client: SPRINGTOWN CENTER
Location: IH-35 SP
SPRINGTOWN WAY
SAN MARCOS, TEXAS
Salesperson: PETE
Pg. Mgr: PATTI
Date: 3/26/15
Designer: JASON, IG
File Name:
JC#21583 SPRINGTOWN CENTER
Proposal #: JC#21583

Revisions

Camel SIGNS

License # 18010

EXHIBIT "C"
Form of Compliance Certificate

CHAPTER 380 ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT
ANNUAL COMPLIANCE CERTIFICATE

From: [Name of Owner]

To: City of San Marcos
Attn: City Manager
630 East Hopkins Street
San Marcos, TX 78666

Report Date:

Reporting Period: _____ to _____

Real Property Improvements:

	Base Tax Year Value	Reporting Period Value of all Improvements	Added Property Tax Value
Taxes Paid			

Sales Taxes:*

	Base Year Sales Taxes	Reporting Period Sales Taxes	Added Sales Tax Value
Taxes Paid			

* The amounts inserted above reflect the final calculations following the process described in this paragraph below. The City will file such forms and applications with the Texas Comptroller of Public Accounts for purposes of receiving Confidential Sales and Use Tax Information Reports necessary to calculate Additional Sales Taxes each year. The City will provide copies of all monthly or other periodic reports it receives from the Comptroller, subject to any confidentiality requirements under applicable laws. To the extent complete information necessary to calculate Additional Sales Taxes is unavailable to the City, the Owner shall cooperate with the City to provide such information to which the Owner has access and the Parties will reconcile all data available in order to determine the amount of Additional Sales Taxes generated for the reporting period. The City Manager may designate one or more persons to act or receive information on the City's behalf under this paragraph.

Property Tax Portion of Grant Payment = ___% X Added Property Taxes	Amount
Sales Tax Portion of Grant Payment = ___% X Added Sales Taxes	Amount
Total Grant Payment	Total

By signature of the authorized representative below, the Owner hereby certifies that it is in full compliance with the Chapter 380 Economic Development incentive Agreement with the City of San Marcos dated July 7, 2015, except as otherwise indicated.

Please explain any non-compliance with Agreement and reasons therefor and measures being taken to cure.

The City Manager may agree to an amendment to this form from time to time, provided such amended form shall be

substantially similar in reporting the information necessary to confirm compliance with the Chapter 380 Agreement and to calculate the Grant Payments.

Upon request of the City Manager, the Owner shall supplement this form with such information as is reasonably necessary for the City to audit or verify the information reported by the Owner.

The Owner acknowledges and agrees that it is a recipient of public funds. As such, the City has a special right of access to information related to the Owner's performance under the Chapter 380 Agreement. Certain information of the Owner may be subject to disclosure under the Texas Public Information Act. While the City may notify the Owner of certain requests for information from third parties, the City shall have no obligation to assert exceptions to disclosure of such information to the Texas Attorney General or other authority having jurisdiction on behalf of the Owner.

I, _____[Insert name and title], certify that the foregoing information is true and correct and that the Owner has complied with all terms and conditions of the Chapter 380 Agreement.

_____
[Name and Title]

_____
Date

Email: _____

Phone: _____

RESOLUTION NO. 2016-139R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS APPROVING AN ADDENDUM TO THE CHAPTER 380 ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT WITH HUMPTY DUMPTY SSM, LTD. IN CONNECTION WITH THE REDEVELOPMENT OF SPRINGTOWN SHOPPING CENTER WHICH AMENDS THE AGREEMENT TO, AMONG OTHER THINGS, ALLOW MULTIFAMILY RESIDENTIAL USES ON THE PROJECT SITE; AND DECLARING AN EFFECTIVE DATE.

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

PART 1. The attached Addendum to Chapter 380 Economic Development Incentive Agreement with Humpty Dumpty SSM, Ltd. (the "Agreement") is hereby approved.

PART 2. The City Manager is authorized to execute the Agreement on behalf of the City.

PART 3. This resolution shall be in full force and effect from and after its passage.

ADOPTED on November 15, 2016.

John Thomaides
Mayor Pro Tem

Attest:

Jamie Lee Case
City Clerk

ADDENDUM TO CHAPTER 380 ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT

THE STATE OF TEXAS §
§
COUNTY OF HAYS §

This Addendum to Consent and Development Agreement (this "Addendum") is entered into between the between the City of San Marcos, Texas (the "City"), a Texas municipal corporation, and Humpty Dumpty SSM, Ltd. (the "Owner").

RECITALS

A. City and Owner entered into a Chapter 380 Economic Development Incentive Agreement dated effective as of July 21, 2015 (the "380 Agreement") related to the redevelopment of the Springtown Shopping Center ("Springtown") bounded by IH-35 North, Thorpe Lane and Springtown Way (the "Site") within the full purpose limits of the City.

B. Owner may seek a rezoning for all or a portion of the Site to the City's "Vertical Mixed Use (VMU)" zoning designation so that different land uses are permitted in Springtown.

Therefore, for good and valuable consideration, the receipt and sufficiency of which are acknowledged, the Parties agree as follows:

1. **Recitals Incorporated.** The foregoing recitals are incorporated herein and made a part of this Addendum for all purposes.

2. **Effect of Addendum.** City and Owner agree that the provisions of the 380 Agreement, as supplemented by this Addendum, will apply to all or a portion of the Site in the event City approves "Vertical Mixed Use (VMU)" zoning for all or a portion of the Site and Owner sends written notification to City for the terms and conditions of this Addendum to apply to such portion of the Site. In the event of any conflict between the 380 Agreement and this Addendum, the terms of this Addendum will control.

3. **Site Redevelopment.** *Section 3.01* of the 380 Agreement is hereby deleted in its entirety and replaced with the following:

   3.01 Site Redevelopment. Owner shall redevelop the site as a Class "A" mixed-use center with compatible architectural, landscaping and signage standards throughout the project. A Class "A" development is commonly known to include new or refurbished buildings with modern infrastructure located in prime locations with good access and professionally managed. Permitted land uses for the project include but are not limited to: multifamily, office, and retail. The redeveloped site will have a tenant mix and finished building, landscape, parking and site improvements designed to attract a tenant mix of users, similar in character to that within the existing developments at 1890 Ranch in Cedar Park, Texas, University Oaks in Round Rock, Texas, and Southpark Meadows in Austin, Texas.

Storage rental facilities shall be permitted at Springtown, within the former Target building, provided that access to such facility is taken only from the building frontage adjacent to the railroad right-of-way. No outside storage shall be permitted.

The south- and west-facing exterior façades of the building used for storage rental facilities shall include substantial material change; windows or doors; or architectural expression features that mitigate the visibility of large, monotonous expanses of undifferentiated building mass (blank wall areas greater than 35 feet in either a vertical or horizontal direction) from the public right-of-way, provided that such material change shall not be required for portions of the building more than 53 feet from the south-west corner of the building.

4. **Capital Investment.** *Section 3.02* of the 380 Agreement is hereby deleted in its entirety and replaced with the following:

   3.02 Capital Investment. The Owner, or an affiliate that is wholly owned or controlled by Endeavor Real Estate Group, shall make a capital investment for redevelopment of the Site, including land acquisition cost, and all land development costs, of at least $52,500,000.00 if the project includes a purpose-built student housing component, or at least $27,500,000.00 if the project does not include a purpose-built student housing component. This investment shall be verified by actual receipts for costs expended by the Owner, together with associated invoices or other documentation, such as HUD-1 Settlement Statements, provided to the City by the Owner. For purposes of this Agreement, land development costs are customary costs and expenses incurred by the Owner for land acquisition, architectural, engineering and construction management services, building demolition and demising, new construction, exterior improvements, parking lot improvements, landscape improvements, signage, and the Owner contribution to interior and exterior improvements for tenants within the Site. For purposes of this Agreement, land development costs shall not include, inventory, leasing or real estate sales commissions or interest carry.

5. **Tenant Capital Investment.** *Section 3.03* of the 380 Agreement is hereby deleted in its entirety and replaced with the following:

   3.03 Tenant Capital Investment. The Owner shall facilitate capital investment by tenants on the Site, including all land development costs, currently estimated to be approximately $3,500,000.00. The tenants on the Site are not parties to this Agreement and the Owner does not have access to or control over each tenant's capital investment expenditures.

6. **Sign Installation.** The following language is hereby added to the end of *Section 3.04* of the 380 Agreement:

   For the avoidance of any doubt, the provisions of Section 3.04 shall apply equally to the portion of the site zoned VMU. Commercial tenants within the VMU portion of the site shall have the ability to occupy space on one or more of the signs in Exhibit "B," provided that the installation of such signs shall comply with the requirements of all City of San Marcos processes, approvals, procedures, ordinance, rules, regulations and standards governing the installation of signs.

7. **Ten Year Payment Period.** *Section 4.02* of the 380 Agreement is hereby deleted in its entirety and replaced with the following:

Beginning as soon as the calendar year 2016, but not later than calendar year 2020, the Owner may apply for up to ten (10) consecutive annual Grant Payments. Upon application by the Owner, the City shall make such Grant Payments to the Owner, in accordance with the following schedule:

Year	Additional Property Taxes %	Additional Sales Taxes %
1	100	90
2	100	90
3	80	80
4	80	80
5	60	60
6	60	60
7	40	40
8	40	40
9	20	20
10	20	20

As an example, if Year 1 is 2019, the Owner could apply for and receive a Grant Payment in an amount equal to 100 percent of the Additional Property Taxes and 90 percent of the Additional Sales Taxes generated on the Site in 2018, with subsequent Grant payments similarly being made according to the percentages above. With each application for a Grant Payment, the Owner shall provide to the City a compliance certificate, as described in the 380 Agreement.

8. **Reduction in Grant Payments.** *Section 4.03* of the 380 Agreement is hereby deleted in its entirety and replaced with the following:

4.03 Reduction in Grant Payments. In the event that the Owner's capital investment, as defined in Section 3.02, is less than $52,500,000.00, the annual Grant Payments to the Owner will be reduced proportionate to the percentage of capital investment that can be verified by actual receipts provided to the City by the Owner. For example, if the maximum possible Grant Payment in Year 1 was $1,000,000.00 and the Owner met the target capital investment of $52,500,000.00, then the maximum possible Grant Payment to the Owner would be $1,000,000.00. If, however, the Owner's capital investment was only $49,875,000.00, which is 95 percent of the required capital investment, then the Grant Payment to the Owner would be reduced by five percent resulting in a Grant Payment of $950,000.00. If the Owner subsequently meets the minimum capital investment requirement, the Owner will be eligible to receive the maximum possible annual Grant Payment for any years after the year in which the capital investment target is satisfied (but, there shall be no retroactive payments to offset any prior reduced Grant Payments).

Notwithstanding the requirements of Section 4.02, Owner shall not be eligible to receive Grant Payments for that portion of the property developed and used as purpose built student

housing. In the event purpose built student housing is constructed within a building with one or more other uses, then the uses other than student housing shall be eligible to receive Grant Payments proportionate to the ad valorem and sales tax revenues associated with the other uses. Similarly, Owner shall not be eligible to receive Grant Payments for any improvements within any area having a VMU zoning designation associated with a Bar, defined as a facility that prepares and sells food and drink that has alcoholic beverage sales in excess of 50% of total annual sales.

9. **Waiver of Certain Land Development Code Site Development Requirements.** *Section 4.07* of the 380 Agreement is hereby deleted in its entirety and replaced with the following:

Standard	Section	Applicable Zoning Designation	Intent
Impervious Cover, Max %	Table 4.1.6.1	GC, VMU	Existing conditions on Site are permitted to continue.
Required Landscape Area	6.1.1.4	GC, VMU	Existing conditions on Site are permitted to continue.
Sidewalks	7.4.2.3	GC, VMU	Existing conditions permitted to continue. Enhanced pedestrian connectivity shall be provided throughout the Site.
Parking Area Screening	6.1.2.2	GC	Existing conditions on Site are permitted to continue. VMU portion of the Site will meet code requirements.
Lighting and Glare Standards	6.5.2.1(d)	GC	Existing conditions on Site are permitted to continue. VMU portion of the Site will meet code requirements.
Material Standards	4.4.2.1	GC	Existing conditions on Site are permitted to continue. VMU portion of the Site will meet code requirements. If existing buildings or structures are demolished or damaged in an amount that exceeds 50 percent of the value of the building or structure, then the building or structure must be rebuilt in accordance with then current ordinances.
Minimum Rear Yard	4.2.2.7(d)3	GC	Waive rear yard setback for Lot D only (Chuy's).
Minimum Rear Yard	4.2.2.2(d)(1)	VMU	Waive rear yard setback for VMU portion of site only (*IH 35 frontage designated as front of lot*).
Parking Locations	4.2.2.2(d)(5) 4.4.3.2(1)(c)(ii) 6.2.1.2(f) 6.2.1.2(i)	VMU	Existing conditions on Site are permitted to continue. Waive location requirements to facilitate shared parking between GC and VMU portions of the Site.
Site Design	4.4.3.2(1)(a) 4.4.3.2(1)(b)	VMU	Waive MF Design Standards for block structure and building location.
Lighting	4.4.3.2(1)e	VMU	Waive lighting standards only for VMU portion of the Site where existing

			conditions will not be changed. If existing lighting structures are demolished or damaged in an amount that exceeds 50 percent of the value of the structure, then the lighting structure must be rebuilt or replaced in accordance with then current ordinances.

Except as specifically stated above, the City grants no other waivers of requirements under the LDC, including the Multifamily Residential Design Standards under Section 4.4.3.1.

Notwithstanding the foregoing waivers, it is understood and agreed by the Owner that: (i) existing sidewalks shall either remain, subject to periodic repair and replacement, or may be realigned as necessary to facilitate development of the Site; (ii) the total existing landscaped area within the Site may be rearranged, but shall not be decreased; (iii) a minimum of 1,000 vehicular parking spaces shall be provided on the Site.

The Site will be redeveloped in a similar manner to the Class "A" projects referenced in Section 3.01. Enhanced vehicular and pedestrian connectivity will be provided throughout the Site as well as other features including but not limited to: bicycle parking, street furniture, trash and recycling receptacles, landscape planters and trees at regular intervals.

10. **Student Leases.** Residential leases for occupancy in any purpose built student housing development within the Site that are executed and effective before issuance of certificates of occupancy enabling the tenant to occupy the premises shall include a Late Delivery Provision clause providing as follows: "In the event the Leased Premises are unavailable for occupancy on or before the commencement date of this Lease, Landlord shall offer Tenant the choice of: a) accepting temporary, safe, decent, and sanitary housing, provided by Landlord, at an alternate location within the City of San Marcos, or within a seven mile radius of the Site, with Tenant remaining bound by the terms of the Lease, or b) terminating the Lease with no financial penalty and with full reimbursement to Tenant of all deposits and pre-paid items within 10 days." Before execution of any such leases, Owner or Owner's assignee operating the residential development shall first provide a copy of its form lease to the City for review and approval consistent with this paragraph.

11. **Assignment.** *Section 8.03* of the 380 Agreement is hereby deleted in its entirety and replaced with the following:

8.03. Assignment; Successors. Owner may assign this Agreement in whole or in part only with the advance written consent of the City, except that Owner may assign this Agreement in whole or in part to an affiliate that is wholly owned or controlled by Endeavor Real Estate Group ("EREG") by providing written notice to the City. Upon such assignee's written assumption of such assignment, Owner shall be released from any further obligations arising from that assignment.

[SIGNATURES ON NEXT PAGE]

EXECUTED to be effective as of the Effective Date.

CITY OF SAN MARCOS:

By: _____

Jared Miller, City Manager

HUMPTY DUMPTY SSM, LTD.:

By: EGP Retail Management, L.L.C.,
its general partner

By: _____

Name: Andy Pastor

Title: EVP

ACKNOWLEDGMENTS

THE STATE OF TEXAS §
§
COUNTY OF HAYS §

This instrument was acknowledged before me on the 22 day of November, 2016, by Jared Miller, City Manager of the City of San Marcos, in such capacity, on behalf of said municipal corporation.

KAREN SMITH
Notary Public, State of Texas
My Commission Expires
April 28, 2018

_____
Notary Public, State of Texas

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 5 day of December, 2016, by Andy Pastor, EVP of EGP Retail Management, L.L.C., general partner of Humpty Dumpty SSM, Ltd., in such capacity, on behalf of said entity.

Cindy LaPier
Notary Public, State of Texas
My Commission Expires
June 7, 2017

_____
Notary Public, State of Texas

ENDEAVOR

December 8, 2016

Ms. Elizabeth Trevino
c/o City of San Marcos City Clerk's Office
630 East Hopkins Street
San Marcos, TX. 78666

Re: Addendum to 380 Economic Development Agreement

Dear Ms. Trevino,

Enclosed you will find a fully executed copy of the agreement between the City of San Marcos and Humpty Dumpty SSM, Ltd that was adopted by the San Marcos City Council on November 15, 2016. Please give me a call with any questions or comments. Otherwise enjoy your holiday season.

Best regards,

Buck A. Cody
Endeavor Real Estate Group
512.682.5574
bcody@endeavor-re.com

RESOLUTION NO. 2016-185R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS APPROVING A SECOND ADDENDUM TO THE CHAPTER 380 ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT WITH HUMPTY DUMPTY SSM, LTD. IN CONNECTION WITH THE REDEVELOPMENT OF SPRINGTOWN SHOPPING CENTER WHICH AMENDS THE AGREEMENT TO EXTEND BY ONE YEAR THE TIME PERIOD WITHIN WHICH THE FIRST APPLICATION FOR A GRANT PAYMENT MAY BE MADE; AUTHORIZING THE CITY MANAGER TO EXECUTE THE SECOND ADDENDUM; AND DECLARING AN EFFECTIVE DATE.

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

PART 1. The attached Second Addendum to Chapter 380 Economic Development Incentive Agreement with Humpty Dumpty SSM, Ltd. (the "Second Addendum") is hereby approved.

PART 2. The City Manager is authorized to execute the Second Addendum on behalf of the City.

PART 3. This resolution shall be in full force and effect from and after its passage.

ADOPTED on December 20, 2016.

Daniel Guerrero
Mayor

Attest:

Jamie Lee Case
City Clerk

SECOND ADDENDUM TO CHAPTER 380 ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT

THE STATE OF TEXAS §
§
COUNTY OF HAYS §

This Second Addendum to Consent and Development Agreement (this "Addendum") is entered into between the between the City of San Marcos, Texas (the "City"), a Texas municipal corporation, and Humpty Dumpty SSM, Ltd. (the "Owner").

RECITALS

A. City and Owner entered into a Chapter 380 Economic Development Incentive Agreement dated effective as of July 21, 2015 (the "380 Agreement") related to the redevelopment of the Springtown Shopping Center ("Springtown") bounded by IH-35 North, Thorpe Lane and Springtown Way (the "Site") within the full purpose limits of the City.

B. City and Owner subsequently executed an Addendum to Chapter 380 Agreement dated November 15, 2016.

Therefore, for good and valuable consideration, the receipt and sufficiency of which are acknowledged, the Parties agree as follows:

1. **Recitals Incorporated.** The foregoing recitals are incorporated herein and made a part of this Addendum for all purposes.

2. **Effect of Addendum.** City and Owner agree that the provisions of the 380 Agreement, as supplemented by this Addendum, will apply to the entire Site. In the event of any conflict between the 380 Agreement and this Addendum, the terms of this Addendum will control.

3. **Ten Year Payment Period.** *Section 4.02* of the 380 Agreement is hereby deleted in its entirety and replaced with the following:

   Beginning as soon as the calendar year 2016, but not later than calendar year 2021, the Owner may apply for up to ten (10) consecutive annual Grant Payments. Upon application by the Owner, the City shall make such Grant Payments to the Owner, in accordance with the following schedule:

Year	Additional Property Taxes %	Additional Sales Taxes %
1	100	90
2	100	90
3	80	80
4	80	80
5	60	60
6	60	60
7	40	40
8	40	40
9	20	20
10	20	20

As an example, if Year 1 is 2019, the Owner could apply for and receive a Grant Payment in an amount equal to 100 percent of the Additional Property Taxes and 90 percent of the Additional Sales Taxes generated on the Site in 2018, with subsequent Grant payments similarly being made according to the percentages above. With each application for a Grant Payment, the Owner shall provide to the City a compliance certificate, as described in the 380 Agreement.

[SIGNATURES ON NEXT PAGE]

EXECUTED to be effective as of the Effective Date.

CITY OF SAN MARCOS:

By: _____

~~Jared Miller, City Manager~~
Steve Parker, Asst City Manager

HUMPTY DUMPTY SSM, LTD.:
By: EGP Retail Management, L.L.C.,
its general partner

By: _____

Name: Chris Ellis

Title: EVP

ACKNOWLEDGMENTS

THE STATE OF TEXAS §
§
COUNTY OF HAYS §

This instrument was acknowledged before me on the 29 day of December, 2016, by Steve Parker Assit, City Manager of the City of San Marcos, in such capacity, on behalf of said municipal corporation.

ELIZABETH TREVINO
NOTARY PUBLIC-STATE OF TEXAS
COMM. EXP. 11-03-2019
NOTARY ID 12629293-8

Notary Public, State of Texas

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 10 day of January, ~~2016~~ 2017, by Chris Ellis, CVP of EGP Retail Management, L.L.C., general partner of Humpty Dumpty SSM, Ltd., in such capacity, on behalf of said entity.

Notary Public, State of Texas

Cindy LaPier
Notary Public, State of Texas
My Commission Expires
June 7, 2017

RESOLUTION NO. 2017-119R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS APPROVING A THIRD ADDENDUM TO THE CHAPTER 380 ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT WITH HUMPTY DUMPTY SSM, LTD. IN CONNECTION WITH THE REDEVELOPMENT OF SPRINGTOWN SHOPPING CENTER WHICH AMENDS THE AGREEMENT BY PROVIDING WAIVERS OF CERTAIN EXTERIOR BUILDING MATERIAL AND DESIGN STANDARDS FOR THE VERTICAL MIXED USE (VMU) PORTION OF THE DEVELOPMENT AND ALLOWING CERTAIN DEVELOPMENT WAIVERS TO EXTEND BEYOND THE TERM OF THE AGREEMENT; AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE THE THIRD ADDENDUM; AND DECLARING AN EFFECTIVE DATE.

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

PART 1. The attached Third Addendum to Chapter 380 Economic Development Incentive Agreement with Humpty Dumpty SSM, Ltd. (the "Third Addendum") is hereby approved.

PART 2. The Interim City Manager is authorized to execute the Third Addendum on behalf of the City.

PART 3. This resolution shall be in full force and effect from and after its passage.

ADOPTED on August 1, 2017.

John Thomaides
Mayor

Attest:

Jamie Lee Case
City Clerk

THIRD ADDENDUM TO CHAPTER 380 ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT

THE STATE OF TEXAS §
§
COUNTY OF HAYS §

This Third Addendum to Chapter 380 Economic Development Incentive Agreement (this "**Addendum**") is entered into as of August 1, 2017 (the "**Effective Date**") between the between the City of San Marcos, Texas (the "**City**"), a Texas municipal corporation, and Humpty Dumpty SSM, Ltd., a Texas limited partnership (the "**Owner**").

RECITALS

A. City and Owner entered into a Chapter 380 Economic Development Incentive Agreement dated effective as of July 21, 2015 ("**Original 380 Agreement**") related to the redevelopment of the Springtown Shopping Center bounded by IH-35 North, Thorpe Lane, and Springtown Way (the "**Site**") within the full purpose limits of the City.

B. City and Owner subsequently executed that certain (i) Addendum to Chapter 380 Economic Development Incentive Agreement, acknowledged by the City on November 22, 2016, and (ii) Second Addendum to Chapter 380 Economic Development Incentive Agreement acknowledged by the City on December 29, 2016 (the Original 380 Agreement, the Addendum and the Second Amendment are referred to herein collectively as the "**380 Agreement**").

C. City and Owner desire to further amend and supplement the 380 Agreement as further set forth in this Addendum.

AGREEMENT

Therefore, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **Recitals Incorporated.** The foregoing recitals are incorporated herein and made a part of this Addendum for all purposes.

2. **Effect of Addendum.** City and Owner agree that the provisions of the 380 Agreement, as supplemented by this Addendum, will apply to the entire Site. In the event of any conflict between the 380 Agreement and this Addendum, the terms of this Addendum will control. It is understood and agreed that upon the mutual execution and delivery of this Addendum, the provisions hereof shall be incorporated into and made part of the 380 Agreement. City and Owner further ratify and confirm that the 380 Agreement, as modified by this Addendum, is in full force and effect.

3. **Owner.** The term "**Owner**" in the 380 Agreement means **HUMPTY DUMPTY SSM, LTD.**, a Texas limited partnership. The rights, benefits, interests, duties, and obligations of Owner in the 380 Agreement will not automatically transfer upon the conveyance of all or a portion of the Site and may only be transferred in accordance with an assignment permitted pursuant to Section 8.03 of the 380 Agreement.

4. **Amendment of Section 4.07.** Section 4.07 is hereby amended to read as follows:

Section 4.07. Waiver of Certain Land Development Code Requirements. The City waives certain standards of the LDC as set forth in the table below:

Standard	Section	Applicable Zoning Designation	Intent
Impervious Cover, Max %	Table 4.1.6.1	GC, VMU	Existing conditions on Site are permitted to continue.
Required Landscape Area	6.1.1.4	GC, VMU	Existing conditions on Site are permitted to continue.
Sidewalks	7.4.2.3	GC, VMU	Existing conditions permitted to continue. Enhanced pedestrian connectivity shall be provided throughout the Site.
Parking Area Screening	6.1.2.2	GC	Existing conditions on Site are permitted to continue. VMU portion of the Site will meet code requirements.
Lighting and Glare Standards	6.5.2.1(d)	GC	Existing conditions on Site are permitted to continue. VMU portion of the Site will meet code requirements.
Material Standards	4.4.2.1(c),	GC	Existing conditions on Site are permitted to continue.
Material Standards	4.4.2.1(c), 4.4.3.2(2)	VMU	VMU portion of the Site will meet code requirements, except that the requirements under Section 4.4.2.1(c) and Section 4.4.3.2(2)(b) are partially waived for the limited purpose of allowing exterior metal panels and tile in strict conformance with the plans and specifications in Exhibit "D." The Director of Planning and Development Services, however, may approve minor deviations of up to 10 feet or 10 percent, as applicable, from the quantities, placement or dimensions of exterior materials or architectural features shown in Exhibit "D" when the deviation is necessary, in the Director's sole opinion, to satisfy applicable building codes.

			Additionally, Section 4.4.3.2(2) is waived for the limited purpose of allowing the pre-cast parking structure to be designed and constructed in substantial conformance with the elevations shown in Exhibit "E."
Minimum Rear Yard Setback	4.2.2.7(d)3	GC	Waive rear yard setback for Lot D only (Chuy's).
Minimum Rear Yard Setback	4.2.2.2(d)(1)	VMU	Waive rear yard setback for VMU portion of site only (*IH 35 frontage designated as front of lot*).
Parking Locations	4.2.2.2(d)(5) 4.4.3.2(1)(c)(ii) 6.2.1.2(f) 6.2.1.2(i)	VMU	Existing conditions on Site are permitted to continue. Waive location requirements to facilitate shared parking between GC and VMU portions of the Site.
Site Design	4.4.3.2(1)(a) 4.4.3.2(1)(b)	VMU	Waive MF Design Standards for block structure and building location.
Lighting	4.4.3.2(1)e	VMU	Waive lighting standards only for VMU portion of the Site where existing conditions will not be changed. If existing lighting structures are demolished or damaged in an amount that exceeds 50 percent of the value of the structure, then the lighting structure must be rebuilt or replaced in accordance with then current ordinances.
Protruding Balcony	4.4.3.2(2)(d)	VMU	Waive requirement that balcony must be within the footprint of the building, but only to allow eight balconies to project no more than three and one-half feet beyond the building footprint along the west facade of the building as shown in Exhibit "D."

Except as specifically stated above, the City grants no other waivers of requirements under the LDC, including the Multifamily Residential Design Standards under Section 4.4.3.1.

Notwithstanding the foregoing waivers, it is understood and agreed by the Owner that: (i) existing sidewalks shall either remain, subject to periodic repair and replacement, or may be realigned as necessary to facilitate development of the Site; (ii) the total existing landscaped area within the Site may be rearranged, but shall not be decreased; (iii) a minimum of 1,000 vehicular parking spaces shall be provided on the Site.

The Site will be redeveloped in a similar manner to the Class "A" projects referenced in Section 3.01. Enhanced vehicular and pedestrian connectivity will be provided throughout the Site as well as other features including but not limited to: bicycle

parking, street furniture, trash and recycling receptacles, landscape planters and trees at regular intervals.

5. **Addition of Exhibit Regarding Exterior Materials.** A new Exhibit "D" and Exhibit "E" are hereby added to the 380 Agreement for the purpose of providing the specifications and plans that establish the parameters under which specific exterior building materials may be used and dimensions adjusted pursuant to the waiver of Section 4.4.2.1(c) and Sections 4.4.3.2(2) of the LDC added by paragraph 4 of this Addendum. The new Exhibit "D" and Exhibit "E" are attached to this Addendum and incorporated herein.

6. **Amendment of Section 5.07 to Clarify Duration of Waivers.** Section 5.07 is amended to read as follows:

Section 5.07. Status of Signs and Waivers Upon Termination.

a. Generally. Upon expiration of the Term, or earlier termination of this Agreement, the Owner agrees that, except as otherwise provided herein, the waivers of standards under the LDC granted by this Agreement shall automatically expire and all uses, signs or improvements occurring or installed after the date of termination shall be in accordance with the provisions of the LDC or successor ordinances and regulations then in effect. However, any active land uses, including conditional uses, together with any existing improvements on the Site originally allowed under this Agreement, if inconsistent with the zoning ordinances and standards in effect on or after the date of expiration of the Term or earlier termination, will be allowed to continue or remain as legally nonconforming uses and structures, subject to then applicable ordinances regarding changes to legally nonconforming uses and structures and applicable terms of any associated conditional use permits.

b. Continuation of Certain Waivers in VMU Lot. Notwithstanding the limitations on waivers in subsection a immediately above, the waivers for Site Design, Impervious Cover, Max %, and Minimum Rear Yard Setback set forth in the table under Section 4.07 will continue to run with the land beyond the end of the Term or earlier termination of this Agreement, in the portion of the Site presently zoned as Vertical Mixed Use District (VMU).

[SIGNATURES FOLLOW ON NEXT PAGE]

EXECUTED to be effective as of the Effective Date set forth above.

CITY:

CITY OF SAN MARCOS

By: Charles W. Daniels

Charles W. Daniels, Interim City Manager

ACKNOWLEDGMENT

STATE OF TEXAS §
§
COUNTY OF HAYS §

This instrument was acknowledged before me on this 3rd day of August, 2017, by Charles Daniels, Interim City Manager of the City of San Marcos, in such capacity, on behalf of said municipal corporation.

Karen Smith

Notary Public, State of Texas

KAREN SMITH
Notary Public, State of Texas
My Commission Expires
April 28, 2018

[Signatures continue on next page]

OWNER:

HUMPTY DUMPTY SSM, LTD.,
a Texas limited partnership

By: EGP Retail Management, L.L.C.,
its general partner

By: _____
Name: Bryce Miller
Title: EVP

ACKNOWLEDGMENT

STATE OF TEXAS §
§
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this 3 day of AUGUST, 2017, by BRYCE MILLER, EVP of EGP Retail Management, L.L.C, general partner of Humpty Dumpty SSM, Ltd., a Texas limited partnership, on behalf of said entities.

Kelly Malley
Notary Public, State of Texas
Commission # 129905165
Expires: 08/01/2018

Kelly Malley
Notary Public, State of Texas 8/1/18

File #: Res. 2020-143R, **Version:** 1

AGENDA CAPTION:
Consider approval of Resolution 2020-143R, supporting the Mayor's public statement regarding the killing of George Floyd; authorizing members of the City Council to join in such public statement; and declaring an effective date.
Meeting date: July 7, 2020

Department: Mayor and City Council

Amount & Source of Funding
Funds Required: N/A
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:

Mayor Jane Hughson drafted a written public statement regarding the recent killing of George Floyd that has captured the nation's attention.

The Mayor seeks the support of her City Council colleagues concerning the public statement.

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.

RESOLUTION NO. 2020- R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS SUPPORTING THE MAYOR'S PUBLIC STATEMENT REGARDING THE KILLING OF GEORGE FLOYD; AUTHORIZING MEMBERS OF THE CITY COUNCIL JOIN IN SUCH PUBLIC STATEMENT; AND DECLARING AN EFFECTIVE DATE.

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

PART 1. The City Council supports the attached public statement from Mayor Jane Hughson regarding the killing of George Floyd.

PART 2. Members of the City Council are authorized to join in the Mayor's public statement by signing it, or otherwise, by publicly expressing their support of it.

PART 3. This resolution shall be in full force and effect immediately from and after its passage.

ADOPTED on July 7, 2020.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
Interim City Clerk

City of San Marcos
630 E. Hopkins
San Marcos, Texas 78666

NEWS

June 3, 2020

Contact:
Kristy Stark, Director of Communications & IGR, 512.393.8105 kstark@sanmarcostx.gov
Rebecca Beahan, Communications Specialist, 512.393.8243 rbeahan@sanmarcostx.gov

A Message From Mayor Jane Hughson

Like so many of you, I was outraged as I witnessed the horrific killing of George Floyd in Minneapolis. To be a police officer in America is to assume responsibility for the safety of one's community, and to abuse the power of the badge to endanger, and in this case kill, a resident is inexcusable. I'm still shaken, and frankly, I'm angry.

Many of you are participating in various types of peaceful protests here in San Marcos to make your voices heard. To those of you speaking, kneeling, and marching, I am listening, and I hear you. You are demanding justice, reform, and dignity for all American lives, both in Minneapolis and in towns across America. We are in a pivotal moment of our nation's history, and we have an opportunity to begin a real dialogue and foster a better, more secure future for all San Marcos residents. I am grateful that our peaceful demonstrations have been just that, peaceful.

When I learned about the details of this appalling event, my thoughts naturally turned to the fine men and women that serve in the San Marcos Police Department and who choose to put on the uniform in order to protect our residents. These brave officers have my respect and support, and they are part of a system of accountability and transparency to ensure that bad actors are never allowed to fly under the radar.

I spoke with Interim Police Chief Bob Klett to learn more about training and policies dedicated to use of force, and I was very pleased with what I confirmed. First and foremost, the use of a knee to neck during an arrest is never taught nor tolerated. All restraints that our officers are trained to use ensure that a suspect is able to breathe freely. Officers are trained to deescalate a situation and provide a person with any recovery methods they may require, such as water, medical attention, or a mental health officer for support.

Our Police Department has adopted a standard for use of force that is more restrictive than the average department requirements and provides that an officer use only the force that is reasonably necessary to effectively bring an incident under control while protecting the lives of the officer and civilians. Furthermore, the SMPD has a publicly manned Chief's Advisory Board that serves as a liaison between the police and the public (in addition to other outreach efforts), reviews summary information on citizen complaints, and gives feedback on certain policies effecting the community under consideration by the police department.

I know as well as anyone that, despite our best efforts, no system is foolproof, and we must continually review our policies to ensure they continue to serve our community. That is why as Mayor, I am committed to maintaining common sense policies that preserve the right to dignity, freedom, and safety for all San Marcos residents.

I know many of you are hurting, angry, feeling helpless and may be worried about safety. Please rest assured that your concerns are valid, you are being heard, and you are essential to the fabric of this community. I am proud to serve as your mayor. Thank you for continuing to make San Marcos Stronger Together.

###

File #: ID#20-423, **Version:** 1

AGENDA CAPTION:
Receive a Staff presentation and hold a Public Hearing to receive comments for or against amending the Community Development Block Grant (CDBG) 2019-2020 Action Plan to add a proposed COVID-19 Testing Program as an activity, using $105,530 of the the Community Development Block Grant - Coronavirus Response (CDBG-CV) allocation of $425,261.
Meeting date: July 7, 2020

Department: Planning and Development Services

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: On June 18, 2019, the City Council approved by Resolution 2019-121R the Community Development Block Grant - Entitlement - Action Plan ("CDBG Action Plan") that provides for the allocation of $680,998 awarded to the City of San Marcos by the Department of Housing and Urban Development (HUD) for the Program Year beginning October 1, 2019 and ending September 30, 2020 (Program Year 2019). On March 3, 2020, the City Council approved Resolution 2020-54R, amending the CDBG Action Plan for Program Year 2019-2020 to reallocate $67,142 from the Unsafe Structures Program to the amount allocated for the Southside Community Center Rehab Program**.** On June 16, 2020, the City Council approved Resolution 2020-121R amending the CDBG Action Plan for Program Year 2019-2020 to add the Community Development Block Grant-Coronavirus (CDBG-CV) allocation of $425,261 and approving programs for the expenditure of $319,731 of that funding.

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:

At the June 16, 2020, City Council meeting, City Council provided staff direction to research the possibility of using the remaining CDBG-CV funds of $105,530, to provide for additional COVID-19 testing or the ability to obtain faster COVID-19 testing results. Following the City Council's direction, City staff met with the Hays County Office of Emergency Services on June 30, 2020 to discuss the details of a potential program. A program proposal will be provided at the July 7, 2020, City Council meeting for a public hearing, discussion, and direction to staff.

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 COUNCIL MEETING

Tuesday, July 7, 2020

CDBG 2019-2020 Action Plan Amendment

Staff Presentation
Public Hearing

Background: June 16, 2020 Council Action CDBG-CV Funding

Project Title	Amount Approved
COVID-19 Small Business and Organization Recovery	$200,000
CASA – Advocacy Services	$55,600
Grant Administration	$64,131
TOTAL	$319,731

Unallocated: $105,530

Direction to staff re: Unallocated Funds

Research a COVID-19 Testing Program to:

- Increase testing availability, or
- Increase speed of results

San Marcos COVID-19 Testing Partnership

- Goal: Increase testing to meet demand
- Three options under review:
  i. Additional test kits
  ii. Sampling site staffing
  iii. Cost of lab testing
- Mandatory workshop on best practices for recovery
- By: City and County

Amount Requested: $105,530

NEXT STEPS – CDBG-CV Grant

July 7	Public hearing
July 12-17	Public comment period Research most effective option
August 4	Request City Council approval of an option
August 5-31	Request HUD authorization to use funds
Late August	Funding available

File #: ID#20-421, **Version:** 1

AGENDA CAPTION:
Receive a Staff presentation and hold discussion regarding the return to normal utility billing operations for non-payment, and provide direction to Staff.
Meeting date: June 18, 2020

Department: Finance

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: Council agreed to halt utility service terminations during the COVID emergency

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:

In March, 2020 the City Council agreed to halt utility service terminations for non-payment for 90 days. The 90 days will expire on June 22. Staff recommends the City return to normal payment processing procedures. This includes, but is not limited to, the following:

- Begin to inform customers of their unpaid bills
- Encourage customers to either make payment arrangements or recommend agencies who may have monies to help people pay their bills
- Terminate services, when applicable.

The City does not terminate services without letting the customer know. Also, the City funds an agreement with Community Action to help people with their outstanding utility bills. Currently, there is $93,000 available for assistance.

Finally, the standard practice is the City does not terminate any services when the heat index is over 100 degrees. We will continue that practice.

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Continue to not terminate services for a set period of time.

Recommendation:

Return to the City's normal standard operating procedures as we can begin to help people bring their outstanding bills current through assistance or through payment arrangements.

UTILITY CUSTOMER SERVICE

City Council Presentation

July 7, 2020

HISTORY OF PROCEDURES
Prior to March, 2020

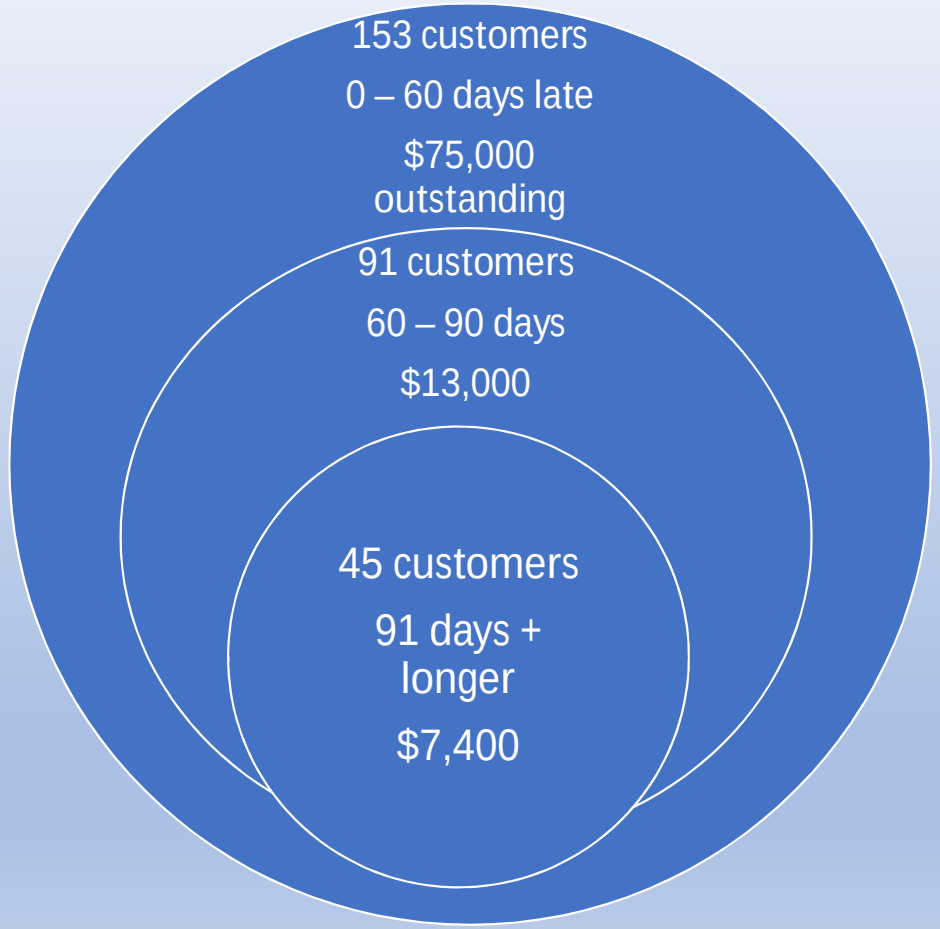
- People have 18 days to pay their Electric, Water, Waste/Water, Drainage (Stormwater) and Garbage bills
- If no payment has been made, customers receive a late notice
- Generally, after 28 days, service is terminated
- A 10% late fee is charged to customers' accounts
- City directs low income and any other residential customers to a variety of service agencies, if people need help
- City works with both residential and commercial customers on payment plans, if necessary

HISTORY OF PROCEDURES
March 2020 to Current

- City halted all termination processes, including sending accounts to collections
- Need to develop a plan to help customers and ensure our utilities do not become unstable
- Late fees are removed, upon request; system charges automatically, we have the technology to remove late fees;
- In recommendations we suggest removal of all late fees from March through end of calendar year; will cost approximately $20,000 across all utilities
- More commercial than residential customers ask for the late fee removal; probably a case of not knowing they can ask

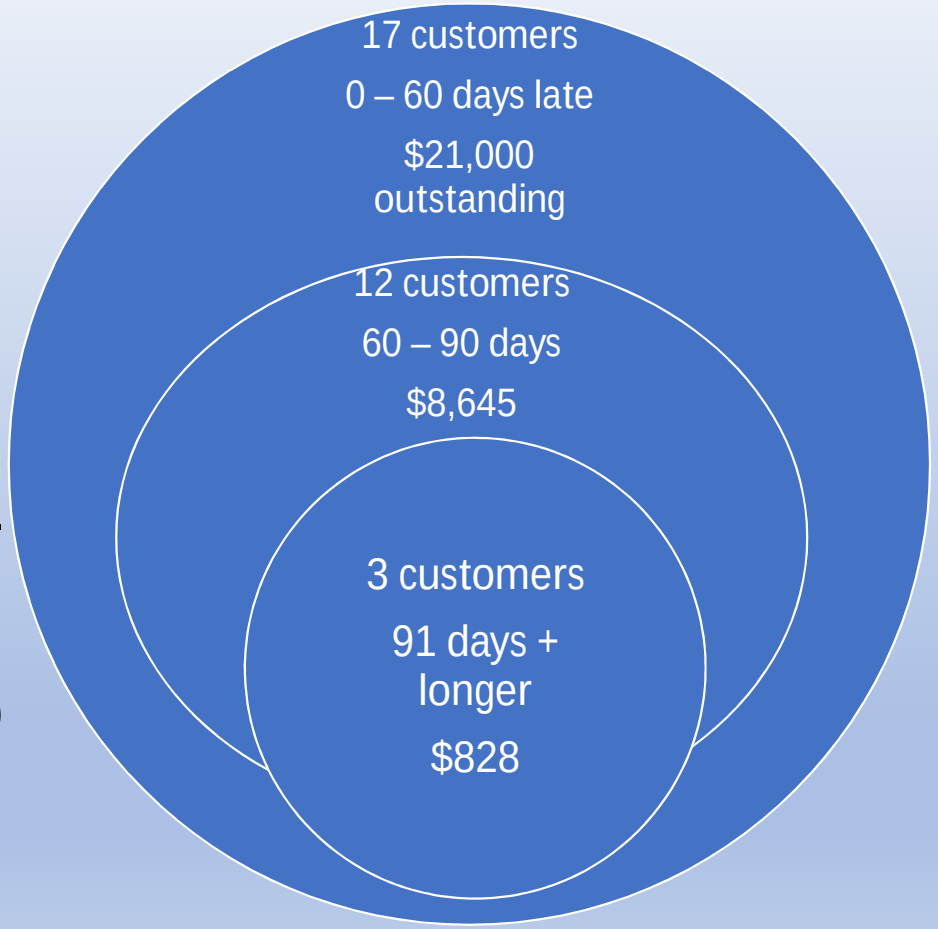
A picture of one cycle of residential customers

- Residential customers tend to be running late on their bills, but only 30% of the customers have not paid their bills after three months
- 140 of the 153 customers have deposits of $33,000
- We are holding money customers could use to pay their bills



A picture of one cycle of <u>commercial</u> customers

- Only 17% of this cycle's commercial customers (3) are three month in.... arrears
- 12 of the 17 customers have deposits of $2,800
- Commercial businesses could use their deposit to pay bills



IMMEDIATE CUSTOMER OUTREACH

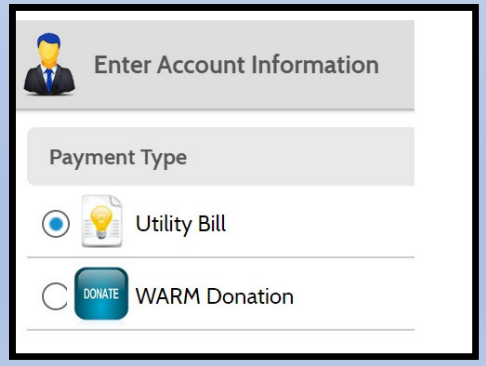
- Using all mediums, web, paper, emails: create outreach efforts: “Need help to pay your utility bills? Call us!”
- No terminations until, at least, September 30
- Monitor assistance requests as this will inform us as to the level of support our citizens need – help determine duration and level
- Determine next steps in mid September, based upon: economy, student ability to pay, other possible programs

ASSISTANCE OPTIONS

- Deposits can be applied to outstanding bills, if customers wants
- We can offer a payment plan
- City has partnership with several agencies that can help with utility payments

"CLICK TO HELP YOUR NEIGHBORS" PROGRAM

- Paper Bills already include a way for people to offer assistance
- Our new software, beginning this week, will include an electronic way to contribute
- Customers are helping more in 2020 than in prior years: $1,500 as of this period last year – this year $1,700 in same period
- As part of our program, we will market this
- We will not offer "incentives for giving" This lowers the available assistance funds



Example

OTHER ACTIONS AND CONSIDERATIONS

- Working on changing the Community Action, Inc (CAI) Agreement
  - Current contract only permits us to help low-income residents, using federal guidelines
  - Working with CA on ways to allow broader assistance
  - Any changes will require Council approval: Goal to return contract changes in August
- Working with Economic Development to determine if there are other agencies help in administering a *commercial* assistance program
- Exploring use of CARES money to dedicate to this program

SUMMARY and RECOMMENDATIONS

- GOAL: To have a clear customer process and timeline
- ACTIONS:
  - Continue the "no-termination" process until, *at least*, September 30
  - Market a "We are here to help" customer outreach program
  - Eliminate all late fees effective March – End of Calendar year
  - Assistance program includes, but is not limited to:
    - Use of deposits
    - Pay plan set up
    - Assistance to help with bills through a third-party(s)
    - No one will be sent to Collections for the remainder of calendar year
  - Working on Agreements to make the use of available assistance more accessible
  - Bring Agreements to Council for consideration in August for both residential and commercial accounts

File #: ID#20-377, **Version:** 1

AGENDA CAPTION:
Receive a Staff presentation and hold discussion regarding Recommendation Resolution Number 2020-0201 of the Main Street Advisory Board regarding the Emergency Installation of Curbside Pickup Parking Spaces for COVID-19 Small Business Operations, and provide direction to Staff.
Meeting date: July 7, 2020

Department: Destination Services / Main Street

Amount & Source of Funding
Funds Required: $4,000.00
Account Number
Funds Available: $4,000.00
Account Name: Main Street Advisory Board Account

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:

At the start of the COVID-19 pandemic mandated closures, Main Street assisted downtown businesses by creating temporary Curbside Parking signs. At the time, over 100 businesses were closed due to state stay home orders, and curbside pickup was one of the few mechanisms by which businesses could operate. Signs were laminated and taped to traffic cones as a temporary measure to encourage customers to purchase retail goods, meals and services from downtown businesses while maintaining distancing.

A downtown business owner and Main Street Advisory Board Member, requested in June that the short-term project be a long-term effort. After consulting with the businesses which utilized the temporary signage, staff learned that the curbside signs were used on a regular basis. Additionally, businesses witnessed driver behavior and reported seeing drivers unintentionally pull into a “curbside parking space,” reverse and relocate once realizing that space was allocated to curbside pickup.

After discussion at the board level, the Main Street Advisory Board supported the installation of pole and sign curbside pickup signage, and drafted a recommendation to Council requesting support. The installation of signage for curbside parking spaces is intended as a measure to encourage curbside pickup of businesses within downtown.

Council Committee, Board/Commission Action:

Attached: Main Street Advisory Board resolution recommendation.

Alternatives:

Click or tap here to enter text.

Recommendation:

Resolution Attached - Resolution passed by the Main Street Advisory Board on Wednesday, June 17, with a unanimous vote of 7-0. Main Street Staff is working in conjunction with various city departments. If approved, our Transportation Department will construct and install the signage.

RECOMMENDATION RESOLUTION

Main Street Advisory Board

Recommendation Number: 2020-0201: Emergency Installation of Curbside Pickup Parking Spaces for COVID-19 Small Business Operations

WHEREAS, the downtown business community has been strongly and negatively affected by the current COVID-19 pandemic, with over 60% of businesses having to significantly alter staffing and services; and

WHEREAS, in order to maintain social distancing, businesses have successfully altered their business models to incorporate curbside pickup to protect their customers from the spread of the novel coronavirus; and

WHEREAS, downtown businesses and their customers would benefit from the continued use of curbside pickup as a convenient method to safely provide goods and services.

NOW, THEREFORE, BE IT RESOLVED that the **Main Street Advisory Board** encourages the San Marcos City Council to allocate funds and explore all available means in order to allocate at least one parking space per downtown block face for the express purpose of 15-minute, curbside pickup. The Main Street Advisory Board understands that spaces reserved for curbside pickup under this recommendation are not guaranteed into perpetuity and hopes this recommendation will be reviewed in the context of holistic parking management practices.

Date of Approval: June 17, 2020

Record of the vote: Unanimous on a 7-0 vote

Attest: Josie Falletta

CURBSIDE PARKING FOR DOWNTOWN SAN MARCOS

BACKGROUND

At the start of the COVID-19 pandemic, Main Street assisted downtown businesses by creating temporary Curbside Parking signs. At the time, over 100 businesses were closed due to state stay home orders, and curbside pickup was one of the few mechanisms by which businesses could make sales. Signs were laminated and taped to traffic cones as a temporary measure to encourage customers to purchase retail goods and services from downtown businesses while maintaining social distancing.

In June, A downtown business owner and Main Street Advisory Board Member, requested the short-term curbside spaces become a long-term option. After consulting with the businesses, Main Street staff learned that the curbside signs were used on a regular basis. Additionally, businesses witnessed driver behavior and reported seeing drivers unintentionally pull into a "curbside parking space," reverse and relocate once realizing that space was allocated to curbside pickup.

The Main Street Advisory Board supported the installation of long-term curbside pickup signage, and drafted a recommendation to Council requesting their approval. The installation of signage for curbside parking spaces is intended as a measure to encourage the public to utilize curbside pickup when supporting downtown businesses.

PURPOSE

Dedicated, 15-minute curbside parking spaces will offer a convenient method for businesses to safely provide goods and services to their customers during the COVID-19 pandemic. It is the hope of the Main Street Advisory Board that these spaces will both stimulate sales to downtown businesses and encourage the public to make purchases in a socially distant manner.

LOCATION

One curbside parking space is recommended per block face in the downtown area. Only blocks which are highly trafficked and host to businesses which utilize curbside pick up services will be selected for a curbside parking space. Staff estimates that 12-16 signs will be needed, on the assumption that each block receives one curbside parking space.

USE & DESIGN

Customers to businesses which utilize curbside parking services will be encouraged to park in a dedicated, 15-minute parking space. Business types could include: restaurants, retailers and laundry services. Main Street communication with these business types shows that they are already promoting and utilizing curbside services to their customers. Curbside pickup spaces will be converted from 2-hour parking to 15-minute parking, with clearly marked signage.

COST

Signage and installation materials will cost $250 per sign; maximum of $4,000. Cost assumes a maximum of sixteen signs. Funds for this project will be allocated from the Main Street Advisory Board fundraising account.

ENFORCEMENT

After consulting with SMPD, staff recommends not enforcing the 15-minute time limit for curbside parking. NuPark, the system currently used for ticketing, will not accommodate different time limits for individual parking spaces. Therefore, it is not feasible to support enforcement of 15-minute parking spaces within the current 2-hour parking limits in use downtown. SMPD supports moving forward without utilizing the enforcement piece, with the understanding that parking behavior will be driven by expectation instead of enforcement.

This program is intended as a way to encourage the public to utilize curbside pickup, and businesses will be instrumental in communicating these expectations to the public and their customers. Already, businesses have witnessed drivers back out of a “curbside parking” space to park elsewhere once they saw the existing laminated signs.

PROGRAM DURATION

A temporary program is recommended, as these curbside pickup spaces are intended to address challenges due to the COVID-19 pandemic. It is difficult to determine an end date. Staff recommends installing the signs immediately, then reassessing their success every six months through 2021.

IMPLEMENTATION

The Transportation sign shop will create signs in house. Transportation staff have offered to assist with the installation of curbside parking signage.

OUTREACH PLAN for Businesses

As there is no enforcement to this parking program, businesses will play an instrumental role in educating their customer base on usage and expectations. Main Street will communicate curbside pickup signage installation and appropriate use via:

- Mailer/flyer delivered to affected businesses
- Email to affected businesses
- Main Street stakeholder newsletter

OUTREACH PLAN for Public

Main Street has several avenues available for communication with the public. Staff will provide education and outreach regarding curbside pickup signage and appropriate use via:

- Press release
- Main Street newsletter to Downtowners (public newsletter to fans of downtown)
- Main Street social media platforms: Facebook, Instagram, Twitter
- Request to Communications: social media post to City Hall platforms
- Request to Downtown Association: share information with members
- Request to Chamber of Commerce: share information with members

File #: ID#20-416, **Version:** 1

AGENDA CAPTION:
Hold discussion regarding Recommendation Resolution 2020-01RR, of the Parks and Recreation Board of the City of San Marcos, Texas Supporting the creation of a River Benefit Parking District with the implementation of paid parking with this district; hold discussion to determine how such funds may be used for City parks; and provide direction to Staff.
Meeting date: July 7, 2020

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

Amount & Source of Funding
Funds Required: N/A
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]

N/A

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)]*

Parks, Recreation, & Open Space Master Plan

Background Information:

This discussion item was placed on the agenda by Mayor Hughson.

December 19, 2019: The Parks and Recreation Advisory Board received a presentation from staff and held discussion regarding the potential implementation of the River Benefit Parking District as identified in the Kimley-Horn Parking Implementation Plan. Minutes Here <http://www.sanmarcostx.gov/AgendaCenter/Parks-Recreation-Advisory-Board-21>

January 13, 2020: The Parks and Recreation Advisory Board and the Parking Advisory Board held a joint workshop to discuss paid parking in the river parks. Video Here <https://san-marcos-tx.granicus.com/player/clip/1454?view_id=19>

January 13, 2020: The Parks and Recreation Advisory Board voted to recommend that the City Council consider creating the River Benefit District and implementing paid parking within the district.

The Why

Currently the Cost Recovery for the Parks and Recreation Department is 14%, and with the city facing funding challenges due to recent action taken by the State Legislature staff is considering options to generate additional revenue to support operations and maintenance within our parks. The Kimley-Horn Parking Implementation Plan provided a recommendation and proposed boundary for the River Benefit District for the implementation of paid parking which could produce revenue. As we continue to grow the need to mitigate and address the behavior of patrons such as litter control and park rule violations will go up and so will the need hire additional Park Rangers and Park Maintenance Crew members.

Council Committee, Board/Commission Action:

The Parks and Recreation Advisory Board discussed the proposal and approved a Recommendation Resolution on January 13, 2020.

Alternatives:

Click or tap here to enter text.

Recommendation: Hold discussion and provide direction to staff.

RECOMMENDATION RESOLUTION NO. 20 20-01RR

A RECOMMENDATION RESOLUTION OF THE PARKS AND RECREATION BOARD OF THE CITY OF SAN MARCOS, TEXAS SUPPORTING THE CREATION OF A RIVER BENEFIT PARKING DISTRICT WITH THE IMPLEMENTATION OF PAID PARKING WITHIN THIS DISTRICT.

RECITALS:

1. Within the Kimly-Horn On-Street Paid Parking Program Implementation Plan the option of having a parking benefit district related to recreational parking resources adjacent to the San Marcos River was recommended.

2. The implementation of paid parking could provide additional revenue back to the River Benefit District which may provide additional financial resources that would benefit the operations and maintenance of the river parks.

BE IT RESOLVED BY THE PARKS AND RECREATION BOARD OF THE CITY OF SAN MARCOS, TEXAS:

PART 1. It is recommended that the City Council provide direction to staff to move forward with the creation of a River Benefit Parking District with consideration for free or low-cost parking for residents.

PART 2. It is recommended that City Council consider the potential negative impact of adjacent residential neighborhoods.

ADOPTED on January 13, 2020.

Maggie Hutchins-Wagner
Chair

Attest:

Daniel Montemayor
Staff Liaison

City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Legislation Text

File #: ID#20-413, **Version:** 1

AGENDA CAPTION:
Hold discussion on council policy related to placing a discussion item on an agenda; provide direction on any additional information needed, and provide direction to the City Manager.
Meeting date: July 7, 2020

Department: Requested by Council Member Derrick and Rockeymoore

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.