

MINUTES OF THE REGULAR MEETING OF THE
CHARTER REVIEW COMMISSION OF THE
CITY OF SAN MARCOS, TEXAS
MARCH 23, 2017

Members Present:	Kama Davis Paul Mayhew, Chair Amy Meeks Perry Moore Todd Salmi Shane Scott
Members Absent:	Daniel Guerrero
City Attorney:	Michael Cosentino
Recording Secretary:	Tina Moreno
Others Present:	Council Member Lisa Prewitt Lisa Marie Coppoletta

The meeting was called to order at 5:31 p.m. by Chair Mayhew.

Chair Mayhew introduced the Citizen Comment Period. None were present during the Citizen Comment Period. (Council Member Lisa Prewitt arrived at 5:50 p.m. and Lisa Marie Coppoletta at 7:02 p.m.)

Chair Mayhew introduced agenda item, "Approve minutes of the previous meeting(s)." A motion was made by Ms. Meeks, seconded by Mr. Salmi, to approve minutes of March 9, 2017. The motion passed by the following vote:

For:	5 - Davis, Mayhew, Meeks, Moore, and Salmi
Against:	0
Absent:	1 - Guerrero & Scott (Scott arrived at 5:37 p.m.)
Abstain:	0

Chair Mayhew introduced the next agenda item, "Section by section review of City Charter, including but not limited to Article 7 – Municipal Planning and Zoning, Article 8 – Financial Procedure, and Article 9 – Borrowing for Capital Improvements." A motion was made by Mr. Salmi, seconded by Ms. Davis, to amend item (b) of **Sec. 7.01. – Planning and zoning commission**, for clarity and consistency. The amendment would read as follows: "To be eligible for appointment to the commission, all ~~the nine~~ commission members must have resided in the city for a period of five years before the date of appointment. ~~To be eligible for continued service on the commission,~~ The commission members appointed must maintain residence in the city." The motion carried by the following vote:

For: 6 - Davis, Mayhew, Meeks, Moore, Salmi, and Scott
 Against: 0
 Absent: 1 - Guerrero
 Abstain: 0

Ms. Davis made a motion, seconded by Ms. Meeks, to amend **Sec. 7.02 – Powers and duties of the commission** by adding the following sentences to the end of item (1): “The Planning and Zoning staff shall follow all city ordinances, rules, and regulations and confer with the city attorney before making any recommendations to the Planning and Zoning Commission. The Planning and Zoning Commission shall follow all city ordinances, rules, and regulations before making any recommendations to City Council.” The motion carried by the following vote:

For: 5 - Davis, Mayhew, Meeks, Moore, and Salmi
 Against: 1 - Scott
 Absent: 1 - Guerrero
 Abstain: 0

A motion was made by Ms. Davis, seconded by Ms. Meeks, to amend a portion of item (4) of **Sec. 7.02 – Powers and duties of the commission** to read as follows: “Appeals to the council on conditional use permit applications will be based on the record before the Planning and Zoning Commission, Texas and Federal laws, San Marcos city ordinances and regulations, and other relevant material. ~~and~~ The decision on appeals before city council will be governed by the substantial evidence rule. Decisions of the commission to revoke or suspend conditional use permits will be final and may not be appealed to the council. Citizen appealed to the city council will not cost the appellant any money.” After some discussion, an amendment to the motion was made by Ms. Davis, seconded by Ms. Meeks, to remove the phrase “and other relevant material” from the first sentence and remove the word “Citizen” from the third sentence. The amended motion would read as follows: “Appeals to the council on conditional use permit applications will be based on the record before the Planning and Zoning Commission, Texas and Federal laws, San Marcos city ordinances and regulations, ~~and other relevant material.~~ The decision on appeals before city council will be governed by the substantial evidence rule. Decisions of the commission to revoke or suspend conditional use permits will be final and may not be appealed to the council. ~~Citizen~~ Appeals to the city council will not cost the appellant any money.” The amended motion carried by the following vote:

For: 6 - Davis, Mayhew, Meeks, Moore, Salmi and Scott
 Against: 0
 Absent: 1 - Guerrero
 Abstain: 0

A second amendment to the main motion was made by Ms. Davis, seconded by Mr. Scott to change the last sentence to read as follows: “No filing fees shall be assessed for appeals to the city council.” The second amendment to the main motion carried by the following vote:

For: 6 - Davis, Mayhew, Meeks, Moore, Salmi, and Scott
 Against: 0
 Absent: 1 - Guerrero
 Abstain: 0

The main motion carried by the following vote:

For:	6 - Davis, Mayhew, Meeks, Moore, Salmi, and Scott
Against:	0
Absent:	1 - Guerrero
Abstain:	0

Ms. Davis made a motion, seconded by Mr. Scott, to amend the end of **Sec. 8.05 – Budget a public record** by adding the following sentence: “The budget and all supporting schedules shall be published on the city’s website.” The motion carried by the following vote:

For:	6 - Davis, Mayhew, Meeks, Moore, Salmi, and Scott
Against:	0
Absent:	1 - Guerrero
Abstain:	0

A motion was made by Ms. Davis, seconded by Mr. Scott, to amend the end of item (a) of **Sec. 8.02 – Preparation and submission of budget** by adding the following sentence: “Copies of the proposed budget shall be made available at the San Marcos Public Library, at City Hall, and on the city’s website.” The motion carried by the following vote:

For:	6 - Davis, Mayhew, Meeks, Moore, Salmi, and Scott
Against:	0
Absent:	1 - Guerrero
Abstain:	0

Ms. Davis made a motion, seconded by Ms. Meeks, to amend the last sentence of **Sec. 8.11 – Effective date of budget; certification; copies made available** to have it read as follows: “The final budget shall be printed or otherwise reproduced and copies shall be made available for the use of all offices, departments and agencies and for the use of interested persons and civic organizations and shall be published on the city’s website.” After some discussion, the motion was withdrawn by Ms. Davis.

A motion was made by Ms. Davis, seconded by Mr. Scott, to amend the last sentence of item (b) of **Sec. 3.02 Qualifications** to read as follows: “The city council shall determine that the qualifications of its own member are continually met. If the council determines that any member of the council has ceased to possess any of these qualifications, has substantially violated the provisions of this charter, or has been convicted of a felony, that member shall immediately forfeit office.” After some discussion, the motion was withdrawn by Ms. Davis.

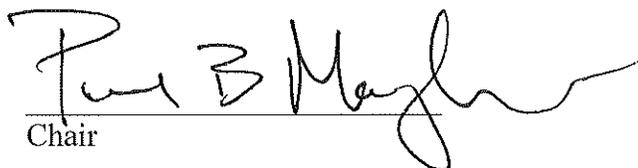
Ms. Davis made a motion, seconded by Ms. Meeks, to amend **Sec. 3.08 – City council not to interfere in appointments or removals** to read as follows: “Neither the council nor any of its members shall instruct or request the city manager to any of the city manager’s subordinates to appoint to or remove from office or employment any person except with respect to those offices which are to be filled by appointment by the council under the provisions of this Charter. Employment decisions by the City Manager regarding all employees at the Director level, or above, must be approved by the City Council. Except as provided for in Section 3.15 of this charter, the council and its members shall deal with the administrative and management functions of the city

solely through the city manager and other council appointees, as appropriate, and shall not give orders to any of their subordinates either publicly or privately. Actions taken by the city in response to directions given by council members in violation of this section are voidable either by council, or by a court.” After some discussion, the motion was withdrawn by Ms. Davis.

Chair Mayhew introduced the next agenda item, “Questions and Answers from Press and Public.” Ms. Coppoletta cheerfully stated she was at Concert in the Park and realized Charter Review was also being conducted, so she chose to attend Charter Review instead.

Mr. Scott moved for adjournment at 7:32 p.m., seconded by Ms. Davis. The motion passed with the following vote:

For:	6 - Davis, Mayhew, Meeks, Moore, Salmi and Scott
Against:	0
Absent:	1 - Guerrero
Abstain:	0


Chair