



# City of San Marcos

## Meeting Minutes City Council

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Tuesday, June 1, 2021

6:00 PM

Virtual Meeting

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

### I. Call To Order

**With a quorum present, the Regular Meeting of the San Marcos City Council was called to order by Mayor Hughson at 6:01 p.m. Tuesday, June 1, 2021. The meeting was held online.**

### II. Roll Call

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

### III. Invocation

**Pastor Wayne Jones from University Church of Christ provided tonight's invocation.**

### IV. Pledges of Allegiance - United States and Texas

**Council Member Gleason led the assembly in the Pledges of Allegiance.**

### V. 30 Minute Citizen Comment Period

**Pamela Watts, spoke of justice for her life partner Jennifer Miller, who was killed on June 10th in an automotive accident involving San Marcos Police Officer Ryan Hartman. Ms. Watts provided the details of the accident and stated Officer Hartman has shown no remorse for his actions. Ms. Watts stated the Lockhart Police Department charged him with criminal negligence homicide and the case was turned over to a prosecutor who didn't want to judicate the case.**

**Amy Caperton, expressed concern with the lack of justice for her best friend Jennifer Miller who was killed by Officer Ryan Hartman. Ms. Caperton provided memories she shared with and the qualities of Jennifer Miller.**

**Jordan Buckley, spoke on the incident regarding Officer Ryan Hartman. He**

**expressed concern with campaign contributions made to some Council Members, that opposed the Cite and Release Ordinance, by the San Marcos Police Officers' Association.**

**Samantha Benavides, would like to see the removal of Officer Ryan Hartman that recklessly killed Jennifer Miller in a automotive accident. Ms. Benavides stated there is abuse of power from police officers and nothing has been done. Ms. Benavides mentioned other incidences that occurred in San Marcos involving other police officers.**

**Amy Kamp, would like to see the removal of Officer Hartman from the department and wants to feel safe. Ms. Kamp stated he has gotten away with murder and shows no remorse. Ms. Kamp asked Council to take Jennifer Miller's death seriously.**

**Lisa Marie Coppoletta, stated we have been in the pandemic over a year and speech has been silenced during the process. She expressed concerns with how citizen comments are conducted. She would like to see a full gallery view while virtual meetings are held. Ms. Coppoletta thanked Mayor Pro Tem Derrick for her recent advocacy for citizens and defending the historical area within the community.**

**Bobbie Garza-Hernandez, spoke in support of item #28. She provided history regarding the interest for the proposed Mexican American and Indigenous Heritage and Cultural District.**

**Ana Juarez, spoke in support of item #28. She thanked Mayor and Council for their service. She learned the history by studying the cemetery records from 1800s through 1920s. Ms. Juarez stated those who died in San Marcos used they were not listed by personal names or given names they were used by ethnic racial status. Ms. Juarez would like further investigation on the accident involving Officer Ryan Hartman.**

## **PRESENTATIONS**

1. Receive a Staff presentation of the Quarter End March 31, 2021 Financial Report, and provide direction to City Manager.

**Marie Kalka, Finance Director provided a presentation on the Quarterly Financial Report ending March 31, 2021. She provided information by fund level, including the General Fund, Electric Utility Fund, Water/Wastewater Utility Fund, Stormwater Management Fund, Resource Recover Fund, Airport Fund, and Hotel Tax Fund. The revenue and expenditures are highlighted**

**below with the percent of budget indicated:**

**General Fund:**

**Revenue: 73.2%**

**Expenditures: 46.2%**

**Electric Utility:**

**Revenue: 82.1%**

**Expenditures: 70.8%**

**Water/Wastewater Utility:**

**Revenues: 46.6%**

**Expenditures: 33.1%**

**Stormwater Management:**

**Revenues: 46.7%**

**Expenditures: 34.9%**

**Resource Recovery:**

**Revenues: 53.3%**

**Expenditures: 42.6%**

**Airport Fund:**

**Revenues: 52.1%**

**Expenditures: 50.7%**

**Hotel Tax Fund:**

**Revenues: 37.1%**

**Expenditures: 43.3%**

2. Receive a Staff presentation of the Quarter End March 31, 2021 Investment Report, and provide direction to City Manager.

**Marie Kalka, Finance Director, provided a presentation on the Quarterly Investment Report that covers the 2nd quarter of fiscal year 2020-2021 reflecting investment activity and balances as of March 31, 2021.**

**Ms. Kalka provided an overview of the Texas Economy related to recovery from the pandemic. She provided a comparison of where the City is since December 31, 2020 with pooled cash and enterprise funds. As of March 31, 2021 pooled cash was \$88.3M, reserves were \$13.9M, enterprise was \$170.6M and reserves were \$18.2M.**

**Ms. Kalka provided the investment distribution which includes Money Market Mutual Funds (46.1%), Local Government Investment Pools (42.3%), Federal Agency Coupon Securities (6.9%), and Bank Deposits (4.8%).**

**Ms. Kalka provided the average yield to maturity for all funds and the yields compared to benchmarks.**

## **CONSENT AGENDA**

**A motion was made by Council Member Gonzales, seconded by Council Member Gleason, to approve items 3-10 and items 12-15. Item 11 was pulled and considered separately after the public hearings.**

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

**Against:** 0

3. Consider approval, by motion, of the following meeting minutes:
  - A. April 20, 2021 Regular Meeting Minutes
  - B. May 4, 2021 - Work Session Meeting Minutes
  - C. May 4, 2021 - Regular Meeting Minutes
4. Consider approval of Ordinance 2021-38, on the second of two readings, amending the official Zoning Map of the City in Case No. ZC-21-01 by rezoning approximately 6.698 acres of land, generally located in the 100 Block of Centerpoint Road, from "FD" Future Development District to "CD-5" Character District-5; and including procedural provisions; and providing an effective date.
5. Consider approval of Ordinance 2021-39, on the second of two readings, amending Chapter 6, Animals, to allow for the keeping of miniature goats in Conventional Residential Zoning Districts and establish associated regulations; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.
6. Consider approval of Resolution 2021-97R, ratifying a one-year extension of line of duty injury leave for San Marcos Police Officer Claudia Cormier from May 18, 2020 - May 18, 2021; approving an additional extension of Officer Cormier's line of duty injury leave, at full pay, for up to one year from May 18, 2021 to May 18, 2022; and declaring an effective date.
7. Consider approval of Resolution 2021-98R, approving an agreement with Austin Wood Recycling, Inc. for Wood Grinding Services for use by the Neighborhood Enhancement Department in the annual amount of \$26,000.00 and authorizing three annual renewals for a total contract amount of \$104,000.00; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring effective date.

8. Consider approval of Resolution 2021-99R, approving a professional services agreement with Freese and Nichols, Inc. for the provision of preliminary engineering services in connection with the Highway 80 Utility Improvements Project in a not-to-exceed amount of \$346,053.00; authorizing the City Manager or his designee to execute the agreement; and declaring an effective date.
9. Consider approval of Resolution 2021-100R, approving a Change in Service to the agreement with Plummer Associates, Inc. in the not-to-exceed amount of \$333,215.00 for the design phase of the Blanco Vista Elevated Storage Tank Project; authorizing the City Manager or his designee to execute the appropriate documents to implement the Change in Service on behalf of the City; and declaring an effective date.
10. Consider approval of Resolution 2021-101R, seeking reimbursement from the Texas Department of Transportation for the cost of an updated master plan for the San Marcos Regional Airport; authorizing the City Manager or his designee to execute all necessary documents to finalize the request for reimbursement on behalf of the City; and declaring an effective date.
12. Consider approval of Resolution 2021-103R, approving a one year hangar lease with Olive Aviation, LLP at the San Marcos Regional Airport in the annual amount of \$14,400.00; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.
13. Consider approval of Resolution 2021-104R, rejecting the sole proposal received from Weaver and Tidwell, LLP in response to a Request for Proposals for the HUD Community Development Block Grant Mitigation Grant Internal Audit Services; and declaring an effective date.
14. Consider approval of Resolution 2021-105R, approving a third amended and restated Interconnection Agreement with the Lower Colorado River Authority Transmission Services Corporation ("LCRA TSC") to update the facility schedules that outline the use and ownership of, and responsibilities for, various appurtenances and components for the Hilltop, Strahan, Ranch Road 12, Rattler, Redwood, and San Marcos Substations; authorizing the City Manager or his designee, to execute said amendment; and declaring an effective date.
15. Consider approval of Resolution 2021-106R, approving a contract with Freeit Data Solutions, Inc., through the cooperative purchasing agreement with the Texas Department of Information Resources, in the amount of \$355,981.48 for network hardware and software at the new Public Services Complex and the Police Department Renovations and Additions project; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.

## **PUBLIC HEARINGS**

16. Receive a Staff presentation and hold a Public Hearing to receive comments for or

against Ordinance 2021-40, annexing into the City approximately 21.73 acres of land generally located 1,500 feet West of the Centerpoint Road and Center Point Court Intersection in No. AN-21-03; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2021-40, on the first of two readings.

**Shannon Mattingly, Director of Planning and Development Services, provided the presentation regarding the annexation of approximately 21.73 acres of land, located at Centerpoint Road and Center Point Court intersection. The applicant is proposing to develop an apartment project with both on-street and private alley loaded parking.**

**Mayor Hughson open the Public Hearing at 6:47 p.m.**

**Those who spoke:**

**David Holland, applicant, stated this will be called parcHaus and this first section will be used for drainage. The project will be the same density as a three story project but with spread out as individual units. He expressed his support of the annexation.**

**Charles Hager, applicant, spoke in support of the project and is available to answer questions.**

**Lisa Marie Coppoletta, thanked Mayor Hughson for beginning the public hearing at a reasonable hour. She would like procedurals of public hearing to go back in-person. She expressed her appreciation to Mr. Holland for being transparent.**

**There being no further speakers, Mayor Hughson closed the Public Hearing at 6:52 p.m.**

**A motion was made by Council Member Gleason, seconded by Council Member Baker, to approve Ordinance 2021-40, on the first of two readings. The motion carried by the following vote:**

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

**Against:** 0

17. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2021-41, amending the Official Zoning Map of the City in Case No. ZC-21-06 by rezoning approximately 10.19 acres of land, generally located 2,000 feet southwest of the of the Centerpoint Road and Centerpoint Court intersection, from "FD" Future Development District to "CD-1 Character District-1, or subject to consent of the

owner, another less intense zoning district classification; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2021-41 on the first of two readings.

**Shannon Mattingly, Director of Planning and Development Services, provided the presentation regarding rezoning approximately 10.19 acres, located 2,000 feet southwest of the of the Centerpoint Road and Centerpoint Court intersection, from “FD” Future Development District to “CD-1 Character District-1. Ms. Mattingly stated the 10.19 acres associated with this zoning case is intended to serve as the development’s detention area.**

**Mayor Hughson opened the Public Hearing at 6:58 p.m.**

**Those who spoke:**

**David Holland, applicant, spoke in favor of the project. Mr. Holland mentioned the project will not be a student housing project. He stated there is partnership with the San Marcos Housing Authority and 50% of the units are reserved at market rate. Mr. Holland mentioned 25% of the units are reserved for those making 70% area median income (AMI) and the other 25% will be reserved for those making 60% AMI. He is available to answer questions. He noted that there will be back yards and attached garages in addition to a pool, fitness center, and other amenities.**

**Charles Hager, applicant, spoke in favor of the project and is available to answer questions.**

**Lisa Marie Coppoletta, spoke in favor of the project. Would like to be back in the chambers and would like for the applicant to be able to provide presentations with screen share option. She hopes the developer is mitigating the trees and would like the applicant to keep them. She expressed concerns with the detention pond.**

**There being no further speakers, Mayor Hughson closed the Public Hearing at 7:04 p.m.**

**A motion was made by Mayor Pro Tem Derrick, seconded by Mayor Hughson, to approve Ordinance 2021-41, on the first of two readings. The motion carried by the following vote:**

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

**Against: 0**

18. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2021-42, amending the official zoning map of the city in Case No. ZC-21-07 by rezoning approximately 9.66 acres of land, generally located 1,050 feet West of the of the Centerpoint Road and Centerpoint Court intersection, from "GC" General Commercial and "FD" Future Development Districts to "CD-5" Character District-5, or subject to consent of the owner, another less intense zoning district classification; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2021-42, on the first of two readings.

**Shannon Mattingly, Director of Planning and Development Services, provided the presentation regarding rezoning approximately 9.66 acres of land, located 1,050 feet West of the of the Centerpoint Road and Centerpoint Court intersection, from "GC" General Commercial and "FD" Future Development Districts to "CD-5" Character District-5.**

**Mayor Hughson opened the Public Hearing at 7:11 p.m.**

**Those who spoke:**

**David Holland, applicant, spoke in favor of the project. Mr. Holland thanked the Planning staff for the assistance given during the process. Mr. Holland is available to answer questions.**

**Charles Hager, applicant, spoke in favor of the project.**

**Lisa Marie Coppoletta, stated she is seeing these types of apartments in Houston and wouldn't want a domino affect and it change to five-stories. Ms. Coppoletta mentioned she would like to see the comments from the Planning and Zoning Commission. She indicated her interest in seeing the trees kept and would like to have in-person meetings.**

**There being no further speakers, Mayor Hughson closed the Public Hearing at 7:16 p.m.**

**A motion was made by Deputy Mayor Pro Tem Scott, seconded by Council Member Gonzales, to approve Ordinance 2021-42, on the first of two readings.**

**Council Member Baker asked if income restrictions would apply to CD-5 and if there are plans to develop on the property or sell. Mr. Holland stated they are buying the 49 acres and will develop at a future date, the exact usage has not been determined. Mr. Holland mentioned partnering with San Marcos Housing Authority for the CD-5 project but is being determined. Council Member Baker expressed concern with unnecessary costs for pools, clubhouse,**



and gyms and would like the rent to be more manageable.

Mayor Pro Tem Derrick inquired about 5-story potential and if there is a way to grant CD-5 but request they only build 3 stories. Mr. Cosentino stated a provision could be added to the ordinance regarding restrictive covenants with the structure being allowed no more than 3 stories. Mayor Pro Tem Derrick asked if there will be pet waste stations and if it will be maintained regularly? Mr. Holland stated there will be onsite property management and will have a full maintenance staff including for the backyard. Also, a third party will be contracted for landscaping and pet waste.

**MOTION TO AMEND:** a motion was made by Mayor Pro Tem Derrick, seconded by Council Member Baker to make the effective date of the ordinance coincide with the creation and approval of restrictive covenants that prohibit structures greater than 3 stories in height.

**The motion to amend carried by the following vote:**

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

**Against:** 1 - Deputy Mayor Pro Tem Scott

Council Member Gonzales inquired about the project and its relationship with the Housing Authority. Mr. Holland referred to a page provided in the packet that notes that the project will be owned by the Housing Authority will participate in the cash flows. They will receive \$250,000 at closing and an annual \$25,000 administrative fee, plus a 15% of cash flow from any capital event should the property be sold or refinanced and commission on future sales. ParcHaus will also pay to the Housing Authority, beginning in the fourth year, the estimated equivalent of San Marcos property tax. There will be an annual \$50,000 contribution to the school district foundation. This agreement has already been completed with the Housing Authority last November. This applies only to the following item, the rezoning to CD-4 request. Property taxes will be paid to the City on the CD-5 portion unless another agreement will be made in the future.

Mayor Hughson inquired as to who will actually own the property and how will city property taxes be paid. Mr. Holland responded that they will purchase the property, then enter into an agreement with the Housing Authority who will then own the property, land plus improvements and at that time it will be exempt from property taxes.

**MAIN MOTION:** approve Ordinance 2021-42, on the first of two readings, as

**amended.**

**The motion carried by the following vote:**

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

**Against:** 0

19. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2021-43, amending the official zoning map of the City in Case No. ZC-21-08 by rezoning approximately 29.66 acres of land, generally located 300 feet West of the of the Centerpoint Road and Centerpoint Court intersection, from "GC" General Commercial and "FD" Future Development Districts to "CD-4" Character District-4, or subject to consent of the owner, another less intense zoning district classification; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2021-43 on the first of two readings.

**Shannon Mattingly, Director of Planning and Development Services, provided the presentation regarding the rezoning of 29.66 acres, located 300 feet West of the of the Centerpoint Road and Centerpoint Court intersection, from "GC" General Commercial and "FD" Future Development Districts to "CD-4" Character District-4,**

**Mayor Hughson opened the Public Hearing at 7:36 p.m.**

**Those who spoke:**

**David Holland, applicant, spoke in favor of the project. He stated staff was very helpful on this project. Mr. Holland stated the agreement with San Marcos Housing Authority is for 290 units and CD-5 portion has not been discussed or planned at this time.**

**Charles Hager, applicant, spoke in favor of the project. He noted the public improvements for the CD 4 portion including right and left turn lanes from Centerpoint Rd, a twelve foot greenway trail, public streets will be stubbed out to adjacent properties, and lots will be served from alleyways. He is available to answer questions.**

**Lisa Marie Coppoletta, expressed concern with developer not paying property taxes to offset affordable housing. She expressed concern with citizens paying high property taxes.**

**There being no further speakers, Mayor Hughson closed the Public Hearing at 7:42 p.m.**

**A motion was made by Deputy Mayor Pro Tem Scott, seconded by Mayor Pro Tem Derrick, to approve Ordinance 2021-43, on the first of two readings.**

**Deputy Mayor Pro Tem Scott expressed concern with not paying property taxes. Mr. Holland stated this is a partnership with the Housing Authority. This is not government housing for low income population but housing for workforce individuals who make \$49,000 \$70,000 yearly. This is this project is for the missing middle between low income and the upper end.**

**Council's concerns included:**

**No property taxes, due to the San Marcos Housing Authority being the property owner. This means that tenants will be using streets, the library, parks, and other City resources with no money going into the General Fund.**

**Mayor Hughson emphasized that this is a rezoning case and the agreement between the applicant and the Housing Authority is not under our authority. She pointed out that the agreement with the Housing Authority could have taken place after the zoning case was closed in which case we might not even know about it.**

**Council Member Baker would like clarification using individual income assessments and if this is a rent by the room project. Mr. Holland stated this is not a rent by the bedroom project and tax credit units are income and rent restrictive. The rent is dictated by the number of units and this project is income restrictive with 25% of units earning no more than 60% of the area median income (AMI) and 25% of the units earning no more than 70% of AMI and 50% can be market with no income restrictions. Using the tax credit project two people can combine incomes and can qualify.**

**Upon a question about the amount of taxes the city would not be receiving on this project, Mr. Holland responded that it would be about \$331,000 per year. Mayor Pro Tem Derrick would like the projections of the property taxes for the CD 4 and CD 5 projects at the next Council meeting.**

**The motion carried by the following vote:**

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

**Against:** 2 - Council Member Baker and Council Member Gonzales

20. Receive a staff presentation and hold a Public Hearing to receive comments for or against Resolution 2021-107R, authorizing the submission of the 2019-2020 Community Development Block Grant (“CDBG”) Program Consolidated Annual Performance Evaluation Report (“CAPER”) to the United States Department of Housing and Urban Development; and declaring an effective; and consider approval of Resolution 2021-107R.

**Carol Griffith, Housing and Community Development Manager, provided the presentation on the Consolidated Annual Performance Evaluation and Performance Report (CAPER). This is an annual report to HUD about Community Development Block Grant programs and it summarizes the City's performance for the year. Ms. Griffith highlighted key accomplishments for Program Year 2019.**

**Mayor Hughson open the Public Hearing at 8:20 p.m.**

**Those who spoke:**

**Lisa Marie Coppoletta, does not believe an actual presentation was given. She inquired about Cottonwood Creek not being considered an environmentally sensitive area. When looking at data, we are not actually seeing the number of people losing their homes. She stated that the City is in \$7M in debt. She thank Council Member Baker for him comments related to air particulates.**

**There being no further speakers, Mayor Hughson closed the Public Hearing at 8:24 p.m.**

**A motion was made by Council Member Gleason, seconded by Mayor Pro Tem Derrick to approve the Resolution 2021-107R.**

**The motion to approve carried by the following vote:**

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

**Against: 0**

11. Consider approval of Resolution 2021-102R, approving a commitment to support the CAPCOG Clean Air Coalition's Proposed Regional PM2.5 Emission Reduction and Planning Measures for the Austin-Round Rock-Georgetown MSA Regional Air Quality Plan; and declaring an effective date.

**A motion was made by Council Member Gleason, seconded by Mayor Hughson, to approve Resolution 2021-102R.**

**Council Member Baker expressed some concerns with the PM2.5 Proposed**

**Emission Reduction Measures table presented in the packet. Many of the items indicate not applicable or "no" to Implementing within own organization's operations, encouraging or requiring 3rd party organizations to implement, and educating and encouraging the public at large to implement. He inquired about item 9 related to installation of additional PM2.5 monitors/sensors within the region and asked if we have any in our area. Sabas Avilla, Interim Director of Public works stated we have one in San Marcos, located off Staples Rd near DeZavala Road.**

**Council Member Baker inquired about mitigating the effects of dust for construction projects and spoke on the Victory Gardens road construction project.**

**Mr. Avilla stated this is a first step. The Capital Area Council of Governments Clean Air Coalition (CAPCOG CAC) recently asked it's members to submit mitigation measures for particulate matter and these measures are proactive, voluntarily requested to get ahead of any possible rule changes in 2025. They asked partnering communities to review particulate matter reduction measures. Mr. Sabas stated the city has existing specifications and an ordinance for dust control in place. The items as answered reflect current practices. We can make plans for the future. Some items will require time and funding.**

**Mayor Hughson was concerned about the education items that are not noted as yes. She stated that CAPCOG has a number of materials for educational purposes we could acquire and publicize. Mayor Hughson asked when will Council will see the next phase and future plans. Mr. Avilla stated the next phase can be taken to the Sustainability Committee.**

**The motion to approve carried by the following vote:**

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

**Against: 0**

## **NON-CONSENT AGENDA**

- 21. Consider approval of Ordinance 2021-44, on the first of two readings, amending the City's 2020-2021 fiscal year budget to allocate \$41,705 from State Seized Asset Funds to provide funding for the purchase of equipment for the Crisis Negotiations Team, GPS trackers for CID personnel, and drone mapping software; and declaring an effective date.**

**A motion was made by Council Member Gleason, seconded by Deputy Mayor**

**Pro Tem Scott, to approve Ordinance 2021-44, on the first of two readings.****The motion carried by the following vote:**

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

**Against:** 0

22. Consider approval of Ordinance 2021-45, on the first of two readings, amending Chapter 2, Administration, Article 5, Code of Ethics, by adding a new Division 5 requiring registration of lobbyists and periodic reporting of contacts made by lobbyists with elected City officials, City Board and Commission members, and City Employees; establishing penalties for violations of this ordinance; providing certain exemptions from lobbying registration and reporting requirements; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

**MAIN MOTION: A motion was made by Council Member Baker, seconded by Mayor Pro Tem Derrick, to approve Ordinance 2021 45, on the first of two readings.**

**Michael Cosentino, City Attorney, reviewed the proposed ordinance and reminded Council the Lobbying item was first discussed at a work session in March of 2018. Council discussed most recently at the December 15, 2020 work session . He stated Jonathan Lollar, Ethics Commission Chair is here to answer questions.**

**MOTION TO POSTPONE: A motion was made by Council Member Gleason, seconded by Deputy Mayor Pro Tem Scott, that Ordinance 2021-45 be postponed to the August 17, 2021 Regular City Council Meeting. Council Member Gleason believes there are unintended consequences to this Ordinance and he stated he received concerns from citizens over the weekend and would like to have more time to review.**

**Council members held discussion and stated their support or opposition to postponement of this item. Mr. Gleason noted that council approved the Campaign Finance changes a few years ago which included a prohibition on a council member voting on an issue brought forward by someone who contributed more than \$300 to their campaign. Code of Ordinances, Article 5, Code of Ethics, Sec. 2.423. - Prohibition against involvement in actions affecting economic interests. (a) (1) h which states “A person, business entity, or association from whom the official has received a campaign contribution in an amount exceeding \$300.00. This provision does not apply to campaign contributions received prior to November 7, 2018. This provision does not apply in circumstances where four or more council members would be**

**prohibited from voting on a matter.”**

**The motion to postpone failed by the following vote:**

**For:** 3 - Mayor Hughson, Deputy Mayor Pro Tem Scott and Council Member Gleason

**Against:** 4 - Mayor Pro Tem Derrick, Council Member Baker, Council Member Gonzales and Council Member Garza

**MOTION TO POSTPONE: A motion was made by Council Member Gleason, seconded by Deputy Mayor Pro Tem Scott, that Ordinance 2021-45 be postponed to the August 3, 2021 Regular City Council Meeting. The motion to postpone failed by the following vote:**

**For:** 2 - Deputy Mayor Pro Tem Scott and Council Member Gleason

**Against:** 5 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales and Council Member Garza

**Mayor Hughson expressed her concerns with what may be missing from this Ordinance because this appears to only be concerned when there is money involved. Lobbying means influence and not just for money.**

**Mr. Lollar stated this could be more than just financial. He also stated this Ordinance is for not only transparency for citizens but also a way for City officials and City employees to cover themselves as well.**

**Mayor Hughson asked if this Ordinance covers influence when there is nothing about lobbying for money. Mr. Cosentino read the definition of lobbying and stated this is intended for any person who is doing the lobbying that is being compensated or is gaining an economic benefit. Mr. Cosentino spoke on the exceptions to registration located in Sec. 2.474 from the hypothetical question asked about a non-profit that is lobbying the City to purchase land (influence) but not directly receiving funds. Mr. Cosentino read Item 11 which states that Non-profit corporations and their representatives while generally exempt, shall nonetheless be subject to all disclosure, registration, and lobbying activity reporting requirements of this division if they contact city officials or employees to solicit public funding from the city. The hypothetical non-profit would not be required to lobby under this circumstance. Mayor Hughson remains concerned that asking the city to spend city funds is lobbying even if the funds are not going to that organization.**

**There were comments on advocacy groups versus organizations that are gaining an economic benefit and a line needs to be drawn. Mr. Lollar stated discussions can identify anyone or anything as a lobbyist, but we need to focus on who is exempt from registration to make the conversation more fruitful.**

**Comments were made regarding the campaign finance reform ordinance and how this tends to solve the part of the problem this Ordinance is trying to fix.**

**MOTION TO AMEND: A motion was made by Mayor Pro Tem Derrick, seconded by Deputy Mayor Pro Tem Scott, to amend Ordinance 2021-45 by amending Sec. 2.474 Exceptions to Registration. (11). The section would read: Social Service Non Profit organizations and their representatives.**

**The motion to amend failed by the following vote:**

**For:** 3 - Mayor Pro Tem Derrick, Council Member Gonzales and Deputy Mayor Pro Tem Scott

**Against:** 4 - Mayor Hughson, Council Member Baker, Council Member Garza and Council Member Gleason

**Mayor Hughson requested a list of the lobbying Ordinances and documents from other cities that the Ethics Commission reviewed when creating this Ordinance. Mr. Lollar will provide that list to the council.**

**Council Member Baker noted that there is a time period around elections when an ethics complaint may not be filed.**

**MOTION TO POSTPONE: A motion was made by Council Member Gonzales, seconded by Deputy Mayor Pro Tem Scott to postpone Ordinance 2021-45 to the August 3, 2021 Regular City Council Meeting.**

**The Motion to postpone, failed by the following vote:**

**For:** 3 - Council Member Gonzales, Deputy Mayor Pro Tem Scott and Council Member Gleason

**Against:** 4 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker and Council Member Garza

**Comments and concerns were discussed on Section 2.473 regarding lobbyist registration and activity reporting. These concerns will be addressed during second reading of the Ordinance.**

**Concerns were expressed regarding the \$500 criminal penalty fee. Mr. Cosentino addressed this concern and stated this is a not to exceed amount and is consistent with what is currently in the Code of Ethics. Mr. Lollar did mention a six month grace period is written into the Ordinance where no sanctions will be administered for violations.**

**Mr. Cosentino noted that the ordinance current has two blanks that will need to determine a date for the effective date of the ordinance. In the reporting**



section we need to set the first month of reports being due.

Mayor Hughson inquired about the criminal penalty of \$500. Mr. Cosentino explained this is from the Code of Ethics ordinance. Mayor Hughson noted it is \$500.00 per day. When does the day count start and when does it end? A final answer as to how this would be implemented was not determined since this is a new process.

**MOTION TO AMEND:** A motion was made by Deputy Mayor Pro Tem Scott, seconded by Mayor Hughson, to amend Section 5 of Ordinance 2021 45 by inserting the effective date of January 1, 2022. It was noted that there is a six month grace period built into the proposed ordinance.

The motion to amend failed by the following vote:

**For:** 3 - Mayor Hughson, Deputy Mayor Pro Tem Scott and Council Member Gleason

**Against:** 4 - Mayor Pro Tem Derrick, Council Member Baker, Council Member Gonzales and Council Member Garza

**MOTION TO AMEND:** A motion was made by Council Member Baker, seconded by Mayor Pro Tem Derrick, to amend Section 5 of Ordinance 2021-45 by inserting the effective date of August 3, 2021. The motion to amend carried by the following vote:

**For:** 4 - Mayor Pro Tem Derrick, Council Member Baker, Council Member Gonzales and Council Member Garza

**Against:** 3 - Mayor Hughson, Deputy Mayor Pro Tem Scott and Council Member Gleason

**MOTION TO AMEND:** A motion was made by Mayor Hughson, seconded by Deputy Mayor Pro Tem Scott, to amend Ordinance 2021-45 by changing the date of activity reporting from March to December. This is found in Section 2.473 (b) and (d). The motion to amend carried by the following vote:

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

**Against:** 1 - Council Member Baker

Mr. Cosentino addressed a previous question about the criminal penalties with more information. He noted that the six-month grace period noted earlier in this meeting was in referenced in Sec. 2.476 Complaints, review and hearings; sanctions for violations. That applies to complaints made to the ERC. The next section, Sec. 2.477. Criminal Penalties does not include the same grace period and noted that a person filing a complaint may choose instead to file a complaint directly with the Municipal Court.

**MOTION TO AMEND:** A motion was made by Mayor Hughson, seconded by

**Council Member Baker, to amend Section 2.477 of Ordinance 2021-45 to include the following language: During the first six months following the effective date of the Ordinance adopting this division, no criminal penalties will be administered for violations. The motion carried by the following vote:**

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

**Against:** 0

**MAIN MOTION: A motion was made by Council Member Baker, seconded by Mayor Pro Tem Derrick, to approve Ordinance 2021-45, on the first of two readings. The motion carried by the following vote:**

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

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

- 23.** Consider approval of Ordinance 2021-46, on first and final reading, authorizing the issuance of City of San Marcos, Texas General Obligation Refunding Bonds in the amount not to exceed \$75,000,000 in one or more series; approving an official statement, a paying agent/registrar agreement, a bond purchase agreement and an escrow agreement; establishing the procedures for selling and delivering one or more series of the bonds; providing for the approval of this ordinance on one reading only as authorized by state law; and authorizing other matters relating to the bonds.

**A motion was made by Council Member Baker, seconded by Mayor Pro Tem Derrick, to approve Ordinance 2021-46, on first and final reading. The motion carried by the following vote:**

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

**Against:** 0

- 24.** Consider approval of Resolution 2021-108R, directing publication of a notice of intention to issue certificates of obligation in the amount not to exceed \$73,670,000 for constructing, improving, designing, acquiring and equipping the City's (1) water and waste water system; (2) electric utility system; (3) streets including related drainage, sidewalks, traffic improvements and lighting, including acquisition of right-of-way; (4) municipal buildings to include HVAC improvements, roof replacements and security improvements; (5) stormwater management and flood control facilities, including acquisition of land; (6) airport; (7) public safety facilities to include police and fire improvements and technology equipment upgrades; (8) network and fiber optic infrastructure equipment; (9) recreational facilities including parks and sports fields; (10) a new public services facility, including acquisition of land; (11) parking facilities; and (12) the payment of professional services in connection therewith including legal, fiscal and

engineering fees and the costs of issuing the certificates of obligation and other matters related thereto.

**MAIN MOTION: A motion was made by Deputy Mayor Pro Tem Scott, seconded by Council Member Baker, to approve Resolution 2021-108R.**

**Marie Kalka, Finance Director, provided the presentation regarding the projects and the amounts to be funded by the debt issuance. The projects have been reviewed and determined if still needed or if the scope has changed, if the project will begin in the next 12 months, and if there is alternative funding available for the project. If the project will not be started in the next 12 months, the debt issuance is deferred to a future fiscal year. This notice will provide the citizens a not to exceed amount and the final amount of debt issued may be less than this amount once the review of projects is completed. Ms. Kalka provided the list of all changes since the CIP was approved last fall.**

**Mayor Hughson inquired about the \$1M funding for Cape's Dam and why this is included for this year. Laurie Moyer, Director of Engineering and Capital Improvements, stated this was included for either repair or removal so they included it so it would be available when needed. Mayor Hughson would like to remove the Cape's Dam funding at this time.**

**Dan Wegmiller stated the amount can be reduced and the notice can be changed.**

**Mr. Lumbreras stated this funding was allocated years ago and it carries on and since it is not needed at this time it could be removed.**

**MOTION TO AMEND: A motion was made by Mayor Hughson, seconded by Mayor Pro Tem Derrick, to amend Resolution 2021-108R by reducing the amount by \$1M with the total now being \$72,670,000. The motion to amend carried by the following vote:**

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

**Against:** 0

**MAIN MOTION: to approve Resolution 2021-108R, as amended. The motion carried by the following vote:**

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

**Against:** 0

25. Consider approval of Resolution 2021-109R, supporting and authorizing the submission of applications by the Parks and Recreation and Engineering Departments to the Hays County Parks and Open Space Advisory Commission (“POSAC”) for Hays County 2020 Parks Bond funds to fund City Parkland improvement, acquisition and flood mitigation projects; and declaring an effective date.

**A motion was made by Council Member Baker, seconded by Mayor Pro Tem Derrick, to approve Resolution 2021-109R. The motion carried by the following vote:**

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

**Against:** 0

26. Discuss and consider appointment(s) to fill vacancies on the following Boards and Commissions, and provide direction to staff:
- A) Animal Shelter Advisory Board
  - B) Historic Preservation Commissions
  - C) Library Board
  - D) Neighborhood Commission

**Diane Stapley was nominated for consideration to serve as the animal organization representative on the Animal Shelter Advisory Board. Following a roll call vote Diane Stapley was unanimously appointed to serve on the Animal Shelter Advisory Board.**

**Ms. Cook asked Council to postpone appointments to the Historic Preservation Commission, as the applicant requested to have his name removed for consideration at this time and there are no other applicants. Council consensus was to postpone to a future date.**

**The following applicants were nominated for consideration to serve on the Library Board:**

**Kate Cargill - nominated by Council Member Baker**

**Rhett Sykora - nominated by Council Member Gleason**

**Following a roll call vote Kate Cargill was appointed to serve on the Construction Board of Appeals.**

**Margaret Yackel was nominated for consideration to serve as the Division of Student Affairs representative on the Neighborhood Commission. Following a roll call vote Margaret Yackel was unanimously appointed to serve on the Neighborhood Commission.**

27. Hold Discussion regarding a temporary, in house, grant writer with experience in organizing non-profits to organize and fortify our non-profits not only to help with those recently homeless due to the fall-out of Covid, but also for any future pandemic emergencies and natural disasters, and provide direction to the City Manager.

**Mayor Pro Tem Derrick stated the goal is to assist residents that are struggling with the effects of the pandemic. She discussed a partnership with the Homeless Coalition and work with those at Village Main. The intent of the Village Main was to be a hub for services where all needs are met in one stop. The grant writer could help newer nonprofits to get started with letters of recommendations and matching funds. This would allow the City to vet the grant opportunities and work cohesively with non profits and ensure efforts are not being duplicated. She noted that American Rescue Plan dollars may be considered at our workshop on June 29.**

**Council provided consensus to move forward with a temporary, in house, grant writer with experience in organizing non-profits to organize and fortify our non-profits. Council would also like to look at the possibility of having interns assist with this effort.**

28. Hold Discussion related to Mexican American and Indigenous Heritage and Cultural District, and provide direction to Staff.

**Mayor Hughson stated this item was brought to her by Bobbie Garza-Hernandez and Ana Juarez. She indicated this is not proposing a historic district and there is no funding request associated with this, with the exception of possible signage. Mayor Hughson stated a lot of information was included in the Resolution and the FAQ.**

**Council provided consensus to move forward with the creation of a Mexican American and Indigenous Heritage and Cultural District.**

29. Hold discussion on a Recommendation Resolution submitted by the Convention and Visitor Bureau Board, requesting support of the Lights Out, Texas! initiative regarding turning off or dimming non-essential lighting during migratory peak periods, and provide direction to Staff.

**Council Provided consensus to move forward with the Lights Out, Texas! initiative that was submitted by the Convention and Visitor Bureau Board. This is an initiative to turn off or dim non-essential lighting during migratory peak periods.**

30. Hold discussion on a Recommendation Resolution submitted by the Parks and Recreation Board, requesting that the City Council to evaluate the parkland fee calculation methodology within the San Marcos Land Development Code, and provide

direction to the City Manager.

**Council provided consensus to move forward with the recommendation submitted by the Parks and Recreation Board, requesting that the City Council evaluate the parkland fee calculation methodology within the San Marcos Land Development Code. This will be reviewed during the fee structure review.**

## **EXECUTIVE SESSION**

31. Executive Session in accordance with Sec. §551.071 of the Texas Government Code: Consultation with Attorney: To receive advice of legal counsel regarding the Purchase and Sale Agreement with Pursuant Ventures Development, LLC for the San Marcos Sportsplex Project

**Executive Session was completed during the Work Session, and was not needed this evening.**

## **ACTION/DIRECTION FROM EXECUTIVE SESSION**

32. Consider action, by motion, or provide direction to Staff regarding the following Executive Session item held during the Work Session and/or Regular Meeting:  
Sec. §551.071 of the Texas Government Code: Consultation with Attorney: To receive advice of legal counsel regarding the Purchase and Sale Agreement with Pursuant Ventures Development, LLC for the San Marcos Sportsplex Project

**Mayor Hughson stated direction was to provided to staff during executive session and any formal action to be taken by Council will come forward at a future meeting.**

## VI. Adjournment.

**A motion was made by Deputy Mayor Pro Tem Scott, seconded by Council Member Baker, to adjourn the regular meeting of the City Council on Tuesday, June 1, 2021 at 11:41 p.m. The motion carried by the following vote:**

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

**Against:** 0

**Tammy K. Cook, Interim City Clerk**

**Jane Hughson, Mayor**