



City of San Marcos

Meeting Minutes City Council

Tuesday, May 18, 2021

6:00 PM

Virtual Meeting

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

I. Call To Order

With a quorum present, the regular meeting of the San Marcos City Council was called to order by Mayor Hughson at 6:01 p.m. Tuesday, May 18, 2021. This 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 Amy Sutherlun from First Presbyterian Church provided this evening's invocation.

IV. Pledges of Allegiance - United States and Texas

Deputy Mayor Pro Tem Scott led the assembly in the Pledges of Allegiance.

V. 30 Minute Citizen Comment Period

Jovan Marin, expressed his concern, as a business owner, with the rise in violent crimes in the downtown area. He would like to see a higher presence of downtown police patrols.

Lisa Marie Coppoletta, expressed concern with the message board messages being deleted regarding the Charter Review meetings and would like to see the videos posted on the website. Ms. Coppoletta expressed frustration that her heritage trees were butchered and has to pay to maintain them.

Eric Martinez, spoke on the Cite and Divert Ordinance and stated everyone wants a safer community. He expressed concern with families ripped apart for minor violations and the ordinance is to protect families and individuals. Mr. Martinez does not want the ordinance to be changed and asks that more time

be allowed to analyze it.

Karen Munoz, spoke on the Cite and Release Ordinance. She suggested this item should be discussed beginning with the Criminal Justice Reform (CJR) committee. She believes the ordinance has not been in place long enough to see the impact. Ms. Munoz urges Council to continue with these positive steps to reduce the contacts with incarceration and lessen the impacts to families.

Kate McCarty, spoke in support of the San Marcos' Cite & Release Ordinance. Ms. McCarty stated Cite and Release is a way to reduce incarceration for non-violent crimes, as well as the family, school and work disruption these arrests cause. The ordinance hasn't had a long enough trial in San Marcos and there are things that can be fine tuned, but the number of arrests have diminished, and it appears to have achieved a greater degree of racial equity. Ms. McCarty stated San Marcos took a bold step forward with the enactment of Cite and Release, and encourages Council to continue moving toward meaningful criminal justice reform.

Isabella Briseno, spoke on behalf of Texas Rising, regarding the Cite and Release Ordinance. Ms. Briseno stated families shouldn't be impacted by low level offenses and the ordinance helps the community. She would like Council to protect the ordinance by not amending.

Justin Martinez, spoke on behalf of the Texas Criminal Justice Coalition (TCJC). He would like City Council to continue its commitment to bettering the lives of all its residents by continuing to support the Cite and Release Ordinance. Mr. Martinez stated TCJC has spent 20 years conducting research to advance solutions to safely end mass incarceration and foster safer Texas communities. He would like City Council to have text reminders for citation due dates. Text reminders have been a proven means to ensure that people show up for their court dates.

Shirley Olgetree, spoke in support of the Cite and Release Ordinance and would like Council to support this ordinance that helps reduce jail populations, reduce disparities due to ethnicity and income, and keep families together.

Kama Davis, spoke in support of the Cite and Release ordinance. Ms. Davis stated if the "cite and release" term was really clear, she believes more people would actually support it. She would like for Council to leave the ordinance as is; not make any amendments or changes to it; and allow a third party to

review and present the data to council.

Karen & Karl Brown, spoke in support of the Cite and Release ordinance. They would like Council to delay any changes until it has been thoroughly reviewed by the Criminal Justice Reform Committee and relevant data has been gathered and analyzed by the Vera Institute of Justice.

Lexy Garcia, spoke on the Cite and Release ordinance on behalf of Texas Rising. Ms. Garcia would like to leave the ordinance as is and not add amendments.

Bucky Couch, would like Council to repeal the Cite and Release ordinance. He suggests all Council Members attend the Citizen Police Academy.

Jay Daniel, spoke in regards to Cape's Dam. Mr. Daniel stated it is not necessary to rebuild Cape's Dam to interpret what has happened there in the past. This is a wonderful area for a park and skilled park designers will place appropriate interpretive signage to acknowledge the structure and those who constructed it. He mentioned he cannot help but think increasing the capacity of the river to convey water at this critical spot would help to lower the possibility of flooding the apartment complex adjacent to the area.

CJ Cetina, spoke in support of the Cite and Release ordinance that has decreased unnecessary arrests. He would like Council to implement text reminders for court hearings and does not want any changes made to the ordinance.

Christine Terrell, spoke on the Cite and Release ordinance and would like for Council to keep the ordinance as is. She expressed concern with citizens losing their jobs for minor offenses. The State has used the San Marcos ordinance as a model. There are discussions on failure to appear rates and the county fails to send reminders through text messages.

Samantha Benavides, expressed concern with weakening the Cite and Release Ordinance. Ms. Benavides stated before the ordinance there were racial disparities which continue to be an issue. She would like Council to leave the ordinance as is.

Virginia Condie, thanked Council for placing safety and environmental considerations as the top two priorities for an East Side Park when discussing the inter-local agreement with Hays County. Ms. Condi expressed

disappointment, that the San Marcos River Foundation (SMRF) has not been engaged by the city in the discussion over the past year and a half. The San Marcos River Foundation is an East-side riverside landowner, and Cape's Dam is affixed to the property. Ms. Condi stated that SMRF will not allow access to the east side preserve property for anything associated with the rebuilding or repair of Cape's Dam. Ms. Condi mentioned that the San Marcos River Foundation supports an East Side Park for all to enjoy, but that can be accomplished without rebuilding Cape's Dam which diverts large amounts of water away from the main river channel.

Kimberly Meitzen, spoke regarding Cape's Dam, and would like Council to reconsider entering into an agreement for the rebuilding of the dam and would like to see a East Side River Park. She would like Council to place priorities for the park to include first - public safety, second - environmental, third - historic preservation and last - recreation. Ms. Meitzen expressed concern with environmental aspects, maintenance and future flooding.

Ryan Patrick Perkins, spoke regarding the potential funding sources for historic preservation projects includes the Community Development Block Grant (CDBG) program. He stated funds are primarily used to develop viable communities by providing decent housing, a suitable living environment, and opportunities to expand economic opportunities, principally for low and moderate-incomes. Historic preservation can be coordinated with a broad range of historic preservation activity that may be assisted under the CDBG program, not only to save historic structures but to use them in promoting economic development, neighborhood revitalization and the conservation of energy resources as well. Mr. Perkins mentioned historic preservation activity will concentrate on rehabilitation, preservation and selective restoration of public or privately owned properties. Mr. Perkins stated the preservation activities may be coordinated with new construction as well as with economic development, energy conservation and other objectives in a community's CDBG program.

Bryanna Salinas, spoke in support Cite and Release Ordinance and would like Council to leave it as is.

Rodrigo Amaya, spoke in favor of the Cite and Release Ordinance. He would like council to continue the progress and begin helping with the issues that have deep roots in the community.

Scott Kanski, spoke in support of San Marcos' Cite & Release Ordinance. Cite

& Release is a common sense way to reduce needless on-the-spot arrests. Mr. Kanski stated this is not a perfect solution to the vast problem of mass incarceration, this ordinance has been successful in reducing needless arrests in San Marcos. Mr. Kanski mentioned there are bills moving through the Texas legislature would institute text message reminders that would improve court appearance numbers across the state. House Bill 830 would reduce arrests during traffic stop violations. He would like Council to continue the path toward meaningful criminal justice reform, and applauds Council taking a stand to make San Marcos unique and proud of our Cite & Release Ordinance.

Kelly Stone, spoke on item #20 and #28, spoke as a river enthusiast and on the climate crisis. Ms. Stone mentioned that she has trained for Water Safari competitions, completing it twice, and has a better understanding and how dangerous dams are. She stated the dam was built by slaves and climate change is not climate neutral. Ms. Stone would like Council to maintain the Cite and Release Ordinance and free the river by removing the dam.

Erin Ckudre, spoke in favor of the Cite and Release Ordinance. Ms. Ckudre stated while not a perfect solution to the vast problem of mass incarceration, this ordinance has been successful in reducing needless arrests in San Marcos. Ms. Ckudre would like Council to leave the ordinance as is including the word “only” to eliminate discretion.

Benjamin Salinas, spoke regarding the Cite and Release Ordinance. Mr. Salinas stated Cite and Release provides law enforcement with an obligation to not arrest individuals for having committed a certain type of crime. He stated it’s a great first step to reforming our broken criminal justice system.

Jake Rankin, read by Bryanna Salinas, spoke in support of the Cite and Release Ordinance. Mr. Rankin shared his experience while being held at the County Jail and would like council to keep the ordinance as is and not be derailed by petty offenses.

PRESENTATIONS

1. Receive a presentation of the final report from the 2021 Charter Review Commission; discuss proposed amendments to the San Marcos City Charter; and provide direction to Staff.

Mr. John Thomaides, chair of the Charter Review Commission provided the presentation. He thanked the members of the Commission, Esther Garcia, Travis Kelsey, Paul Mayhew, Zach Sambrano, Chance Sparks, and Arthur

Taylor. He also thanked our City Attorney, Mr. Michael Cosentino, and Tino Moreno for their support during the process. They met for 20 hours at 7 public meetings from January to May. He noted the Charter is the basic document that defines the organization, powers, functions, and essential procedures of the city's government – comparable to a Constitution for the City. A Charter Review Commission is to meet at least every four years for review and recommendations. They reviewed the entire Charter three times. He noted that while not all votes were unanimous, there was unanimous consent in that every member was heard and this is their report.

1. Amending Section 1.03 – Statement of Goals – to replace the current section and amend it to read as attached at the end of this Cumulative List. Purpose: To bring organization and structure to the statement of goals of the city government.

Council consensus was to bring this one to the next meeting for discussion.

2. Amending Section 3.01(c) – City Council Terms – to provide that a council member may serve no more than three consecutive terms of office effective at the regular election in November 2022.

Purpose: To enhance opportunities for individuals with fresh ideas and perspectives to serve on the city council and establish limits on consecutive terms.

Council consensus was to bring this one to the next meeting for discussion.

3. Amending Section 3.01(c) – City Council Terms – to change the term of office for the position of mayor from 2 years to 4 years, effective at the regular election for mayor in November of 2024, and to provide that a person may serve no more than two consecutive terms as Mayor.

Purpose: To provide consistent and stable representation for the city in the position of Mayor, to eliminate campaigning required every two years, to place the election for mayor in the highest voter turnout years (Presidential) and to and establish limits on consecutive terms.

Council consensus was to bring the term limit portion of this one to the next meeting for discussion but not extend the term to four years.

4. Amending Section 3.09 – Meetings of the City Council – to add a provision requiring that all city council agendas contain an item listed as: “Citizen Comment Period” and “Question and Answer Session with Press and Public.”

Purpose: To promote transparency in city government by allowing citizens and the media to ask questions and comment on city practices and proposed policies or programs at all council meetings.

Council consensus was to bring this one to the next meeting for discussion.

5. Amending Section 4.01(b) – City Manager – to allow the removal of city manager by the vote of four members of the city council instead of five members.

Purpose: To make the number of votes required to remove the city manager consistent with the number required for appointment.

Council consensus was to bring this one to the next meeting for discussion.

6. Amending Section 4.01(c)(2) – City Manager – to remove the requirement for city council approval of the city manager’s appointment of assistant city managers.

Purpose: To allow the city manager to select individuals best suited to help implement the policy goals set by the city council.

Council consensus was to bring this one to the next meeting for discussion.

7. Amending Section 4.02 – City Clerk – to remove the requirement for city council approval of the city clerk’s appointment of assistant city clerks.

Purpose: To allow the city clerk to select individuals best suited for assistant city clerk positions within that department.

Council consensus was to bring this one to the next meeting for discussion.

8. Amending Section 4.02 – City Clerk – to allow appointment of a city clerk who resides in either the city limits, within Hays County, or within the city’s extraterritorial jurisdiction.

Purpose: To expand the pool of applicants to be considered for the City Clerks position.

Council consensus was to bring this one to the next meeting for discussion.

9. Amending Section 4.03(b) – Municipal Court – to eliminate the city residency requirement for appointment of the presiding judge.

Purpose: To expand the pool of potential applicants for the Municipal court judge and reduce potential conflicts of interest.

Council consensus was to bring this one to the next meeting for discussion.

10. Amending Section 4.03(b) – Municipal Court – to remove the requirement for city council approval of the presiding judge’s appointment of the municipal court clerk and assistant clerks.

Purpose: To allow the presiding judge to select individuals best-suited to administer the day-to- day operations of the municipal court.

Council consensus was to bring this one to the next meeting for discussion.

11. Amending Section 4.04 – City Attorney – to remove the requirement for city council approval of the city attorney’s appointment of assistant city attorneys.

Purpose: To allow the city attorney to select individuals best-suited to represent the city’s legal interests and provide legal services to the city council, boards and commissions, and city staff.

Council consensus was to bring this one to the next meeting for discussion.

12. Amending Section 8.02 – Preparation and Submission of Budget – to eliminate the specific deadlines of January 31st for the council visioning session, February 27th for the budget policy workshop, and March 31st to formulate the council’s budget policy statement but retaining the requirement that those actions occur every year in the budgeting process.

Purpose: To provide staff and the city council flexibility in the budgeting process and allow sufficient time to gather and analyze relevant data to assess the city’s current financial position and projected revenue.

Council consensus was not to bring this one to the next meeting for discussion.

13. Amending Section 12.12(a)(4) – Charter Review Commission – to clarify that the charter review commission shall prepare a final report and require the chair or a designated member of the commission to present the commission’s findings and recommended amendments, if any, to the city council.

Purpose: To make the preparation of a final report mandatory and provide an opportunity for the charter review commission chair or designated member to speak before the city council. Council consensus was to bring this one to the next meeting for discussion.

Council also considered three additional items

Additional items. Mayor Hughson asked the council if they would like to consider keeping Residency requirements for the city attorney since we looked at the same requirements for the City Clerk and Municipal Court Judge. Council consensus was to leave the requirement as is.

Mayor Hughson noted that one of the items sent to the Charter Review Commission for consideration was to require any motion of the Planning and Zoning Commission to receive at least five (or four) affirmative votes in order to be adopted. This is found in Section: 7.04. The Commission originally considered bringing this one forward but after reviewing the attendance records of the Planning and Zoning Commission decided this is not needed. Mayor Hughson noted that it only takes five members for a quorum and that

means that only three votes would be needed to pass an item. She feels that we need more and recommended five votes. Council consensus was to bring this one to the next meeting for discussion.

Council Member Baker asked to add another item which is: Meetings involving city council members will have a digital link for the public to participate. Council consensus was to not bring this one to the next meeting for discussion.

Mayor Hughson noted that there are changes that can be made to the Council Committee Rules.

Mr. Cosentino inquired if the council would like to review the list of items sent to the Commission that were not recommended. Council reviewed those items.

Item 3. Prohibit appointment of a relative or business associate of a council member to the Planning and Zoning Commission in Section: 7.01. This was not recommended because it is covered in Section 12.03-Nepotism. Council did not request this item move forward.

Item 4. Prohibit the appointment of more than one real estate professional to the Planning and Zoning Commission in Section: 7.01. The Commission declined to recommend this one after much discussion including how to define it. Council did not request this item move forward.

All other items have been addressed.

Mayor Hughson also thanked the Commission and staff and noted the minutes were very helpful.

Council consensus was to bring the items specified to move forward to the June or July meeting for further discussion. This will include the proposition language for each. The final decision for placement on the ballot must happen at the August 3 meeting.

CONSENT AGENDA

A motion was made by Deputy Mayor Pro Tem Scott, seconded by Council Member Baker, to approve consent agenda items #2-16. The motion carried by the following vote:

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

Against: 0

2. Consider approval, by motion, of the following meeting minutes:
 - A. March 16, 2021 Work Session Meeting Minutes

- B. April 6, 2021 - Regular Meeting Minutes
- C. April 20, 2021 - Work Session Meeting Minutes

3. Consider approval of Ordinance 2021-01, on the second of two readings, annexing into the City approximately 73.412 acres of land out of the Joel Miner Survey, Abstract No. 321, Hays County, generally located at 2811 Harris Hill Road in Case No. AN-20-11; including procedural provisions; and providing an effective date.
4. Consider approval of Ordinance 2021-02, on the second of two readings, amending the Official Zoning Map of the City in Case No. ZC-20-22 by rezoning approximately 72.85 acres of land located on Harris Hill Road, approximately one-half mile south of Yarrington Road; from "FD" Future Development District to "MH" Manufactured Home District; including procedural provision; and providing an effective date.
5. Consider approval of Ordinance 2021-30, on the second of two readings, annexing into the City approximately 23.2 acres of land generally located at the Northeast corner of Redwood Road and South Old Bastrop Hwy (Case No. AN-20-10), including procedural provisions; and providing an effective date.
6. Consider approval of Ordinance 2021-31, on the second of two readings, amending the Official Zoning Map of the City in Case No. ZC-20-25 by rezoning approximately 20 acres of land, generally located at the Northeast corner of Redwood Road and South Old Bastrop Hwy from "FD" Future Development District to "CD-5" Character District-5 District; and including procedural provisions.
7. Consider approval of Ordinance 2021-32, on the second of two readings, annexing into the City approximately 7.024 acres of land, described as Lot 1 and Lot 2, La Cima Fire Station Subdivision, generally located at the intersection of West Centerpoint Road and Flint Ridge Road, in Case No. AN-21-01; including procedural provisions; and providing an effective date.
8. Consider approval of Ordinance 2021-33, on the second of two readings, amending the Official Zoning Map of the City in Case No. ZC-21-04 by rezoning approximately 1.197 acres, described as Lot 2, La Cima Fire Station Subdivision, located at 115 Flint Ridge Road, from "FD" Future Development District to "CC" Community Commercial District, or subject to consent to the owner, another less intense Zoning District Classification; including procedural provisions; and providing an effective date.
9. Consider approval of Ordinance 2021-34, on the second of two readings, amending the Official Zoning Map of the City in Case No. ZC-21-05 by rezoning approximately 4.310 acres, described as Lot 1, La Cima Fire Station Subdivision, located at 205 Flint Ridge Road from "FD" Future Development District to "P" Public and Institutional District, or subject to consent of the owner, another less intense Zoning District Classification; including procedural provisions; and providing an effective date.
10. Consider approval of Ordinance 2021-35, on the second of two readings, amending Chapter 34, Environment, Article 5, Air Pollution, of the San Marcos City Code by adding

a New Division 4, Clean Air, that provides supplemental regulations concerning the emission of air contaminants and controlling or abating air pollution; creating associated offenses and penalties; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

11. Consider approval of Ordinance 2021-36, on the second of two readings, amending Chapter 82, Article 9 of the San Marcos City Code by exempting motor-assisted scooters provided by a commercial scooter company under the terms of a License Agreement approved by the City Council from the prohibition against commercially owned scooters on public property, streets and sidewalks in the City; providing a savings clause; providing for the repeal of any conflicting provisions; providing for penalties; and providing an effective date.
12. Consider approval of Ordinance 2021-37, on the second of two readings, amending the project plan for Tax Increment Reinvestment Zone No. 5, also known as the "Downtown TIRZ," approving an amendment to the Tax Increment Participation Interlocal Agreement with Hays County to extend the City's and the County's reduced contribution rate of the tax increment deposited into the Tax Increment Fund from 70 percent to 25 percent for one additional year; authorizing the City Manager or his designee to execute the amendment on behalf of the City; including procedural provisions; and declaring an effective date.
13. Consider approval of Resolution 2021-51R, approving an updated Council Technology Acquisition Policy, Council Member Electronic Use Policy, and a Council Policy Acknowledgement form that provides guidelines, expectations and responsibilities for the procurement and use of technology used by the City Council, and aligns hardware standards for devices used by the City Council with the city's current standards; and declaring an effective date.
14. Consider approval of Resolution 2021-92R, awarding a sole source contract to Doble Engineering Company for the purchase of Substation Test Equipment for use by the Electric Utilities Department in the amount of \$56,845.00; authorizing the City Manager or his designee to execute the contract on behalf of the City; and declaring effective date.
15. Consider approval of Resolution 2021-93R, approving an addendum to the Master Lease-Purchase Financing Agreement with US Bancorp Government Leasing and Finance, Inc. that adds a hydro excavator for use by the Public Services Water Distribution Division to be financed under the agreement in the amount of \$475,324.69, inclusive of interest, for a ten-year term; authorizing the City Manager or his designee to execute all appropriate documents associated with this transaction; and declaring an effective date.
16. Consider approval of Resolution 2021-94R, authorizing a Change in Service to the Water Treatment Facilities Operations and Asset Management agreement with the Guadalupe-Blanco River Authority to add \$25,863.84 annually through 2025 for maintenance of the McCarty Lane Wells and Elevated Storage Facility recently acquired from Crystal Clear Special Utility District; authorizing the City Manager or designee to execute the Change in Service on behalf of the City; and declaring an effective date.

PUBLIC HEARINGS

17. Receive a Staff Presentation and hold a Public Hearing to receive comments for or against Ordinance 2021-38, 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 consider approval of Ordinance 2021-38, on the first of two readings.

Shannon Mattingly, Director of Development Services provided the presentation regarding the rezoning of 6.698 acres of land located in the 100 Block of Centerpoint Road for development of a proposed multifamily apartment complex. She provided the allowable business and land uses. Planning and Zoning Commission recommended approval of this rezoning.

Mayor Hughson opened the Public Hearing at 9:11 p.m.

Those who spoke:

Pam Madere, spoke in favor of the project and is available to answer questions.

Teresa Shell, spoke on behalf of the development group and is in favor of the project.

Lisa Marie Coppoletta, expressed her concern with the start time of the Public Hearing. She expressed concern with the lack of a neighborhood plan. She spoke about concerns of development over the aquifer transition zone. She stated there are ecological impacts with development in this area.

There being no further speakers, Mayor Hughson closed the Public Hearing at 9:16p.m.

A motion was made by Deputy Mayor Pro Tem Scott, seconded by Mayor Pro Tem Derrick, to approve Ordinance 2021-38, on the first of two readings.

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

18. Receive a staff presentation and hold a public hearing to obtain the views of citizens on

housing and community development needs, including non-housing community needs, and the selection of proposed activities for \$755,351 in new funding and \$56,932.87 to be reallocated in the 2021-2022 Community Development Block Grant (CDBG) Action Plan; and provide staff direction.

Carol Griffith, Housing and Community Development Manager provided the presentation for the 2021-2022 Community Development Block Grant (CDBG) Action Plan. Ms. Griffith stated the City will be receiving an additional \$11,000 so the actual amount is \$766,482. The additional money received does not require an additional public hearing. Adding the funding \$56,933 from prior years gives us a total of \$823,415.00 to spend. Ms. Griffith provided the 2021-2022 Action Plan Process. On May 18th (today) a public hearing will be held regarding community needs. Between May 23-June 18 the application process is open. On May 27th there will be a Stakeholder Workshop/Applicant Workshop. June 26-July 25 will be the 30 day public comment period. On July 6th City Council will be provided with an update on all applications received. On August 3rd City Council will approve the 2021-2022 slate of projects.

CDBG Mission: The mission of the CDBG Program is to promote the development of viable urban communities by providing decent housing, a suitable living environment; and expanded economic opportunities, principally for persons of low and moderate incomes.

Ms. Griffith reviewed the basic criteria for CDBG funding:

- 1. Affordable Housing - such as housing rehabilitation or reconstruction, land acquisition, accessibility improvements, homebuyer loans, weatherization, transitional housing**
- 2. Public Services (no more than 15% = \$113,300) - such as programs for senior citizens, abuse victims, youth, children, homeless, treatment of drug or alcohol abuse, workforce skills development**
- 3. Public Facilities - such as parks, community centers, community gardens**
- 4. Demolition Activities - such as spot blight removal or demolition of unsafe structures**

Ms. Griffith provided the Application Evaluation Criteria, including:

- 1. Activity Need and Justification: 25 Points top priorities for San Marcos (Consolidated Plan)**
- 2. Impact and Cost Effectiveness: 30 Points overhead, leveraging other resources**
- 3. Implementation: 25 Points focus on measurable outcomes**
- 4. Past Performance or Letters of Reference: 20 Points strong record of managing funds, or potential to do so**

Staff is seeking direction on the application evaluation criteria and moving forward with the application process.

Mayor Hughson opened the Public Hearing at 9:29 p.m.

Those who spoke:

Zach Sambrano, stated there is a need for more housing. He provided average housing prices in the area and the increase seen in the last year. He expressed interest in seeing more than just single detached homes and stated we should explore other options. He also expressed interest in funding to go toward community health and mental health services and explore transitional housing for the homeless community.

Tricia Schneider, spoke on behalf of Court Appointed Special Advocates (CASA) of Central Texas. She supports the CDBG program mission to promote the development of San Marcos as a viable urban community by providing decent housing, a suitable living environment; and expanded economic opportunities, specifically for persons of low and moderate incomes. She stated CASA will be submitting a grant application for this program year.

Lisa Marie Coppoletta, spoke on the historical designations given to various neighborhoods and how the increase in taxes are pricing citizens out of their home.

There being no further comments, Mayor Hughson closed the Public Hearing at 9:38 p.m.

A motion was made by Council Member Gleason, seconded by Council Member Baker, to approve the application evaluation criteria.

- 1. Activity Need and Justification: 25 Points top priorities for San Marcos (Consolidated Plan)**
- 2. Impact and Cost Effectiveness: 30 Points overhead, leveraging other resources**
- 3. Implementation: 25 Points focus on measurable outcomes**
- 4. Past Performance or Letters of Reference: 20 Points strong record of managing funds, or potential to do so**

Council Member Baker inquired about the grouping of impact and cost effectiveness. Deputy Mayor Pro Tem Derrick stated for transparency and clarity the cost effectiveness should be separated from the impact. There was no motion

to amend so the evaluation criteria will remain as presented. 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

Ms. Griffith explained the second criteria and stated an application is not necessary but this is typically the process in order to allocate funding. She stated City departments will be asked to submit an application indicating needs that would help serve the community.

Mayor Hughson inquired about the possibility of utilizing some of these funds for historic needs. Ms. Griffith stated we are still early in the process and within the consolidated plan, historic needs would fit in any category. We can determine this after applications are received.

Council Member Baker stated that homes that are considered affordable for citizens there is typically a concern with mold in the home. He inquired about utilizing the funding for weatherization and mold remediation. Ms. Griffith stated the mold would be remediated because it was caused by the damage they are correcting.

A motion was made by Council Member Gleason, seconded by Council Member Baker, to proceed with the application process. 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

NON-CONSENT AGENDA

- 19. Consider approval of Ordinance 2021-39, on the first 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.**

A motion was made by Council Member Baker, seconded by Deputy Mayor Pro Tem Scott, to approve Ordinance 2021-39, on the first of two readings.

Mayor Pro Tem Derrick asked how a noise complaint would be handled

related to goats in the neighborhood. **Greg Carr, Director of Neighborhood Enhancement** stated these would be handled in a similar manner as other noise complaints in the community.

The motion to approve carried by the following vote:

For: 5 - Mayor Hughson, Council Member Baker, Council Member Gonzales, Council Member Garza and Council Member Gleason

Against: 2 - Mayor Pro Tem Derrick and Deputy Mayor Pro Tem Scott

20. Consider approval of Resolution 2021-95R, approving an Interlocal Agreement and Memorandum of Understanding between the City of San Marcos and Hays County related to the Cape's Dam Complex; authorizing the City Manager or his designee to execute this agreement on behalf of the City; and declaring an effective date.

MAIN MOTION: A motion was made by Deputy Mayor Pro Tem Scott, seconded by Council Member Gleason, to approve Resolution 2021-95R.

MOTION TO AMEND: A motion was made by Mayor Pro Tem Derrick, seconded by Council Member Baker, to amend Resolution 2021-95R, by removing the following: "WHEREAS, the scientific community has also pointed out that the flow rate in the main channel of the San Marcos River and the Mill Race are important factors to consider in the protection of river wildlife, including endangered species such as the Fountain Darter, populations of which have been found in both the main channel and the Mill Race."

Deputy Mayor Pro Tem Scott asked if this removal would affect the agreement. Mr. Lumbreras stated it will not affect the performance of the agreement. Mark Kennedy, Hays County Attorney, stated this will not affect the agreement.

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

Deputy Mayor Pro Tem Derrick expressed concern with the financial obligation and asked about the turnover in the City's grant staff, so who will assist with coming up for the City's share of any third party funding. Mr. Lumbreras stated staff will be tasked to assist and he is confident with the agreement in place.

Deputy Mayor Pro Tem Derrick asked if there is going to be a program manager or someone that will organize and assist with this project. Mr. Lumbreras stated there will be someone that will manage this, but it will be funded by the City and County.

Deputy Mayor Tem Derrick asked if the Burdine Johnson Foundation is involved in the project even though they are not in the Memorandum of Understanding. Mr. Kennedy stated no grants in support for analysis or dam rehabilitation or anything related to the Cape's Dam Project have been received at this time.

Council Member Baker would like to ensure there has been outreach to interested stakeholders and if the County has been granted access to the other side of the river. Mr. Kennedy stated there has been no outreach at this time but there is some diligence and analysis that will need to be done to determine what type of access is needed.

MOTION TO AMEND: A motion was made by Council Member Baker, seconded by Mayor Pro Tem Derrick, to amend Resolution 2021-95R, by including language at the end of Section 3.1 and 3.2 of Article 3 Public Engagement that states "as well as the San Marcos River Foundation." The sections will now read:

3.1 Phase 1 Engagement: The agreement with the contractor for Program Management, Services described in Section 2.2, above, shall include the responsibility of receiving and, organizing Public Comments for consideration by the Parties, during Phase 1 activities. The contractor will place priority on communications with the nearby neighborhoods of Blanco Gardens and Wallace Addition, as well as the San Marcos River Foundation.

3.2 Phase 2 Engagement: The Parties agree to prioritize public engagement as part of Conceptual Planning during Phase 2 activities. Such public engagement may include in-person or virtual community meetings designed to provide an opportunity for citizen feedback before finalization of a conceptual plan. The contractor will place priority on communications with the nearby neighborhoods of Blanco Gardens and Wallace Addition, as well as the San Marcos River Foundation.

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 2021-95R, as amended. The motion carried by the following vote:

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

Against: 2 - Mayor Pro Tem Derrick and Council Member Baker

21. Consider approval of Resolution 2021-96R, approving an agreement with Enterprise Fleet Management, Inc. through the Texas Interlocal Purchasing System (TIPS), to provide for the lease and maintenance of vehicles for the use by several City departments over a five year period and the purchase of miscellaneous equipment and maintenance in the estimated amount of \$1,206,000.00; authorizing the City Manager or his designee to execute the agreement; and declaring an effective date.

A motion was made by Council Member Baker, seconded by Mayor Pro Tem Derrick, to approve Resolution 2021-96R. The motion carried by the following vote:

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

Against: 0

22. Discuss and consider authorizing the City Manager or his designee to enter into an agreement providing a 10% greens fee discount to the Kissing Tree Golf Club for San Marcos residents.

MAIN MOTION: a motion was made by Deputy Mayor Pro Tem Scott, seconded by Council Member Gleason, to approve the authorization for the City Manager or his designee to enter into an agreement that would provide a 10% greens fee discount to the Kissing Tree Golf Club for San Marcos residents.

MOTION TO AMEND: a motion was made by Deputy Mayor Pro Tem Scott, seconded by Council Member Baker to amend the discount by increasing the fee from 10% to 25%. Chad Matheson, Kissing Tree Representative stated the discount is 10% to residents and he is unable to consent to 25% at this time but can have further discussions with their executive team.

Council Member Baker spoke about the impact a golf course has on the environment. Deputy Mayor Pro Tem Scott spoke on the environmental standard of Kissing Tree and stated they use reclaimed water and there is no interference with the Aquifer. Mr. Matheson stated they have been environmentally sensitive with relation to the golf course.

Deputy Mayor Pro Tem Scott removed his motion to amend. Mr. Cosentino stated this item could be postponed to allow Mr. Matheson an opportunity to speak with his executive team.

MOTION TO POSTPONE: a motion was made by Mayor Pro Tem Derrick, seconded by Council Member Baker to postpone this item to a meeting no later than the end of September.

The motion to postpone failed by the following vote:

For: 2 - Mayor Pro Tem Derrick and Council Member Baker

Against: 5 - Mayor Hughson, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

MAIN MOTION: to approve the authorization for the City Manager or his designee to enter into an agreement that would provide a 10% greens fee discount to the Kissing Tree Golf Club for San Marcos residents.

The motion to approve carried by the following vote:

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

Against: 2 - Mayor Pro Tem Derrick and Council Member Baker

- 23.** Consider, by motion, the creation of a City Council committee to be known as the COVID-19 Recovery Committee, including the appointment of no more than three members of Council to serve on this committee, defining the scope and purpose of the committee, and providing direction to staff.

Mr. Lumbreras provided a brief update on this item. Council discussed the creation of a Committee to allow for discussion and Council input related to COVID-19 recovery. Consensus was to bring this back as an action item to further discuss. Additionally, Council provided direction during the May 4, 2021 meeting that this committee should be limited in its duration and should serve no longer than a period of 6 months from the date of the first meeting.

MOTION TO DENY: a motion was made by Deputy Mayor Pro Tem Scott, seconded by Council Member Gleason, that this Action Item be denied.

The motion to deny 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

A motion was made by Council Member Baker, seconded by Mayor Pro Tem Derrick, to approve the creation of a Covid-19 Recovery Committee, approve the purpose statement "To assist Staff with COVID recovery and response related to health outcomes".

Deputy Mayor Pro Tem Scott, Council Member Baker and Council Member Garza volunteered to serve on the committee.

The motion to approve the creation of the committee, appointment of committee members, and approval of purpose statement 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.** Hold discussion on the Veteran Affairs Advisory Committee Recommendation Resolution 2021-01RR, supporting the Military Order of the Purple Heart-National Purple Heart Trail Program and seeking designation as a Purple Heart City on said trail, and provide direction to Staff.

A motion was made by Council Member Gleason, seconded by Deputy Mayor Pro Tem Scott, that supports the Veteran Affairs Advisory Committee recommendation to seek designation as a Purple Heart City as part of the Purple Heart-National Purple Heart Trail Program. 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.** Hold discussion on the Ethics Review Commission Recommendation Resolution 2021-1, recommending an amendment to the San Marcos Code of Ethics to require ethics training for appointed and elected city officials and city board and commission members, and provide direction to Staff.

Mr. Cosentino stated this was previously discussed and this recommendation is to formalize training, which is already in practice. This will require that appointed and elected members shall receive the ethics training within 30 days of taking office.

Council provided consensus to bring this back for consideration, as an Ordinance, at a future meeting.

26. Hold discussion on the Ethics Review Commission Recommendation Resolution 2021-2, recommending an amendment to Section 2.444 of the San Marcos City Code to require a copy of the Commission's rules of procedure for hearings to be provided by the city attorney to the complainant and to the person accused of an ethics violation within seven business days of accepting an ethics complaint, and provide direction to Staff.

Mr. Cosentino stated this is a practice that has been recently implemented. This is to ensure a copy of the Commission's rules of procedure for hearings will be provided by the city attorney to the complainant and to the person accused of an ethics violation within seven business days of accepting an ethics complaint.

Council provided consensus to bring this back for consideration, as an Ordinance, at a future meeting.

27. Hold discussion on Sec. 58.068 of the San Marcos City Code related to Possessing of or shooting spearguns in San Marcos River, and provide direction to the City Manager.

Deputy Mayor Pro Tem Scott spoke on Section 58.068 of the City Code - Possessing of or shooting spearguns in San Marcos River; permit required. He stated that his intent on this item is to remove the requirement to obtain a permit for a hand spear. He expressed concern with the term "speargun" defined as any type of device used for propelling a spear, gig or any other type of hand held spear or projectile through water as a means of shooting or taking fish.

Deputy Mayor Pro Tem Scott would like to remove the words "hand held spear" from the definition. Mr. Cosentino stated if the intention is not have the hand held spear included in the definition, the amendment could be "except a hand held spear." A spear gun does not include a hand held spear.

Council Member Baker stated part of the reason a permit is needed is because spear fishing is an easier form of fishing. A person is already required to obtain a permit to fish, so he does not see the need in amending the definition.

Council Member Gleason inquired about the process and fee to get a permit?

Council consensus is to bring this item back at a future meeting to allow staff to address permitting processes and further the discussion on the potential amendment to the definition of spear gun.

28. Hold discussion on Ordinance 2020-18, Cite and Release and provide direction to the City Manager.

Deputy Mayor Pro Tem Scott stated he has been receiving many calls regarding increases in crimes and he is not targeting the cite and release ordinance, which has been a good impact and the reform has to happen, however It is hard to pinpoint what the cause is for theis increased crime. The City recently hired a new Police Chief and he wants to allow him time to do his job and see what he can do to get a grasp of the needs of our community. He inquired if we should suspend this ordinance to give our new Chief six months to review which could improve the ordinance. His intent is not to get rid of cite and release.

Mayor Hughson asked Mr. Cosentino what a suspension of an Ordinance entails? Mr. Cosentino stated a suspension of an ordinance would be temporary and during that time the ordinance would not be in effect. A repeal of an Ordinance would get rid of the Ordinance entirely.

Mayor Pro Tem Derrick stated council approved the Cite and Release Ordinance prior to hiring the new Chief and he was in support of this. She thinks the proper process for conversations about Cite and Release should be with Criminal Justice Reform (CJR) Committee.

Council Member Gonzales stated he does not want to suspend or repeal the Ordinance. He wants to receive more data on the crime statistics. He wants to see what is working and what is not.

Deputy Mayor Pro Tem Scott stated he brought this up to get more information and maybe this could go to the CJR Committee, but they do not have the experience like a long term officer does. He stated Chief Standridge has a plan but has no room to work. He would like to see where the crime wave is coming from. He would like to allow the chief to tackle the crime and put his vision to work in the community.

Council Member Garza stated there needs to be data in order to find out where the crime increase is coming from. She noted that cite and release is not for all levels of crimes. She stated that we need the data before we make any decision on the cite and release ordinance.

Chase Stapp, Director of Public Safety, stated the conversation related to supporting the chief may be a separate discussion from the cite and release ordinance. He also stated that a dashboard on Cite and Release has been created and is active on the San Marcos Police Department's website.

Mr. Lumbreras stated our Chief can speak on his own and he is in support of the ordinance. He expressed concern with some opinions expressed by Council without knowing the Chief's vision and plan. Mr. Lumbreras has full confidence in the Chief. Mr. Lumbreras stated the Chief is working on the business plan and he will share this with the Council and the community.

Council Member Baker suggested due diligence should be done prior to placing items on an agenda and would like to see the ordinance remain as it is currently written.

Council Member Gleason stated his reasoning of why he wanted to see this as a Resolution instead of an Ordinance because it would hold staff accountable. He expressed concern with the word "must" in the Ordinance and would have liked a phased approach and more of a compromise when creating this Ordinance. He is in support of an Ordinance that mandates cite and release for marijuana possession because he knows a lot of the support was for this. He is concerned that crimes that some may consider petty are not when petty to the victims. There is damage to businesses and homeowners because of theft, damage and vandalism as those are not victimless crimes. He would like to see this brought back to Council in order to form a compromise that benefits all sides.

Chief Standridge provided a response related to a comment made earlier related to targeting. He stated this term was only used in relation to a false narrative that was made by a Council Member at a previous meeting claiming the San Marcos Police Department were murdering black and brown neighbors, and he wanted to speak against that false narrative. Statements such as that are not moving us forward and are not related to cite and release. He also noted that he is not hearing much on victim-centric focus issues at the Criminal Justice Reform committee. He said the only focus of the CJR has been on perceived social justice concerns thus far and there has been no talk about crime reduction plans. He does welcome the topic of crime reduction as he confirmed violent crime and property crime numbers are equal to one another in this community and that is a concern as that is not usual in a community. He also stated that violent crime is not being driven by cite and release. He provided statistics related to criminal activities. He believes the ordinance has been successful but COVID has skewed some facts and it has changed the number of crimes occurring. He supports the ordinance and believes this is a good remedy to keep the officers working towards reactive and proactive crime. He is supportive as long as we introduce a focus on

victims. He stated the strategic business plan will be brought forward soon.

Council Member Baker stated there is a need to discuss this further. There does need to be a focus on victims of crimes, but this is a separate topic from the Cite and Release. He would like the Cite and Release Ordinance to remain as written.

Mayor Pro Tem Derrick noted there is a balance between arrest when there is an alleged crime against victims versus the immediate effects of being place in jail – car may be impounded, children may not have a caregiver available at that time, and people may miss work or school. Those cited and released must still report in but can schedule around it.

Deputy Mayor Pro Tem Scott stated he agrees with Council Member Derrick. How can we do that in the best manner for our community and he wants to hear from Chief Standridge and his plans.

Council Member Garza thanked Chief Standridge for data he has provided to her. She noted that we need data interpretation for the public.

Mayor Hughson noted that in the past, any significant data provided to one council member was usually provided to all council members and asked that process be continued. She stated her support of city and release in concept and wishes that we had started using it the year the legislative provided for it. This is needed for the reasons Council Member Derrick stated. She would have supported a resolution and she voted against the ordinance because she wanted to allow for police officer discretion.

Mr. Lumbreras noted that not only the plan will be distributed but the list of the resources needed to go along with it. Upon completion of discussion, Council consensus was to wait on the full strategic report from Chief Standridge then additional next steps will be discussed.

29. 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.

A motion was made by Mayor Pro Tem Derrick, seconded by Deputy Mayor Pro Tem Scott, to postpone this item to the next Regular City Council Meeting. 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

EXECUTIVE SESSION

30. Executive Session in accordance with:

A. Sec. §551.074 of the Texas Government Code: Personnel Matters: to discuss the duties and responsibilities of a Public Official, to wit: City Council Members

Not needed this evening. Executive Session was held earlier during Work Session.

ACTION/DIRECTION FROM EXECUTIVE SESSION

31. Consider action, by motion, or provide direction to Staff regarding the following Executive Session item held during the Work Session and/or Regular Meeting:

Executive Session in accordance with:

A. Sec. §551.074 of the Texas Government Code: Personnel Matters: to discuss the duties and responsibilities of a Public Official; to wit City Council Members

Mayor Hughson stated this was discussed earlier this afternoon during the Work Session.

VI. Adjournment.

A motion was made by Deputy Mayor Pro Tem Scott, seconded by Council Member Gleason, to adjourn the regular meeting of the City council on Wednesday, May 19, 2021 at 12:40 a.m. The motion carried by the following vote:

Tammy K. Cook, Interim City Clerk

Jane Hughson, Mayor