



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes City Council

Tuesday, March 3, 2020

6:00 PM

City Council Chambers

630 E. Hopkins

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 6:02 p.m. Tuesday, March 3, 2020 in the City Council Chambers, 630 E. Hopkins, San Marcos, Texas 78666.

II. Roll Call

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

III. Invocation

Rev. Krista Weber Huang, with San Marcos Unitarian Universalist Fellowship, provided this evening's invocation.

IV. Pledges of Allegiance - United States and Texas

Elsa Sanchez, 2019 Miss Beautiful, led the assembly in the pledges of allegiance.

V. 30 Minute Citizen Comment Period

Eduardo Camargo, Director of Governmental Affairs for the Student Government at Texas State University, spoke on the stewardship of the environment. Students are becoming aware of the faults in efforts to divert waste, to properly dispose food waste and recyclable materials. Texas State University lobbied the state legislature to create the environmental service fee which creates a revenue of \$80,000 for environmental projects. Bobcat Blend, a student-run organization at Texas State focuses on collecting compost out of kitchens on dining locations on campus. The student government passed a piece of legislation that advocates addition post consuming composting on the Texas State University campus, which is having compost bins to compost their food scraps. Mr. Camargo mentioned that this will make Texas State University one of the very first schools in Texas to implement a post consume compost system. He mentioned the issues that students are facing and how Council can help. Students main issue when composting and diverting food

waste is lack of education and lack of culture as it relates to compost. The culture is growing day by day and we are recruiting students to become more aware and to advocate for environmental issues. We decided that it was time to put this in writing and that the Council considers implementing a zero waste plan so we have time table to meet certain standards. City of Toronto have a composting system which have been self-sufficient and self-sustaining and believes we can have something similar in San Marcos.

Tucker Thompson, Student Body Vice-President at Texas State University, addressed Council on the implementation of Zero Waste Plan and made the following comments:

"What is Zero Waste? It is a set of principles focused on waste prevention that encourages the redesign of resource life cycles so that all products are reused. The goal is for no trash to be sent to landfills, incinerators, or the ocean. Zero waste encompasses more than eliminating waste through recycling and reuse, it focuses on restructuring production and distribution systems to reduce waste. It means designing and managing products and processes systematically to avoid and eliminate the waste and materials, and to conserve and recover all resources from waste streams.

How does Zero Waste Create Jobs and effect the Economy?

- 1. Collecting, processing and preparing materials. Your discarded materials are picked up and then brought to processing facilities where they are sorted and prepared to sell to markets.**
- 2. Making new products from recycled materials (remanufacturing). Your recyclables then head to paper mills, metal smelters and plastic manufacturing facilities that use recycled materials to make new products. Compost facilities turn your discarded yard and food scraps into valuable soil amendments or energy**
- 3. Reuse and repair businesses that sell reclaimed products. These include antique stores, thrift stores, tailors, auto salvage yards, computer refurbishers, and used book stores.**

Ten times more jobs are created through reducing, reusing and recycling than through trash disposal. In addition to job growth, Zero Waste gives value back to the community by keeping materials - and dollars - out of the landfill. Every ton of trash that gets buried in your local landfill contains products like paper, plastic, and metal that could have been sold for recycling. That's money that could have supported community and local businesses. The U.S. buries \$11.4 billion every year in potential revenue from earnings. Other cities are Austin,

Dallas, Washington D. C, Oakland CA, Coulter CO, and others. Waste Management systems have not received as much attention in the city planning process as water and energy therefore gaps can be observed. He provided a number of examples.

- Restaurants Food Waste:

- Auditing how much they buy so they will not overbuy.

- Providing Composting opportunities (provided the city has a composting center available).

- Keeping leftovers to give to community centers (i.e. Southside community center).

- Providing more menu options with leftover food items that would have previously been thrown away.

(Comments were limited to three minutes, time expired)

Eric Martinez, Policy Director w/ Mano Amiga and spoke in favor of the proposed ordinance on item # 29 and read the following comments:

"Since 2007, Texas law enforcement officers have been able to "Cite and Release" , for certain low-level, non-violent offenses, like driving with an invalid license, petty theft, and possession of Marijuana, in effect treating these offenses much like a traffic ticket, where somebody still has to go through the court process, pay restitution if necessary, rather than being arrested unexpectedly. Being arrested and jailed even for short period of time can have devastating consequences. As a merely an arrest record can negatively impact employment, and housing.

To be eligible to have these offenses treated like a traffic ticket a person must be a resident of Hays County, not be publicly intoxicated, they can't be a danger to themselves or others, they can't have any outstanding warrants, or be charged with a more serious non-citation eligible offense. An ordinance ensures that 100% of people who are citation-eligible no matter their race or class will experience law enforcement in the same way. I'm certain under the direction of Director Stapp and Chief Klett that small improvements are being made, but small improvements are just that: small. We should be arresting 0% of the time for citation-eligible offenses, not 77% of the time. How long do peaceful non-violent members of our community have to wait to be free from fear by the hands of our local law enforcement? How long do we have to wait till, we say that we will stop separating parents from children for these non-violent offenses and stop ruining students' lives. As somebody who grew up in a household with family members who lived in fear of law enforcement everyday this is very real to me. My step-father, worked 3 jobs so that my mother could work 1, so we could have 1 parent in the house-hold, half the time. He drove to those 3 jobs with an invalid license, dropped me off at

school with an invalid license. We lived in fear with him and for him. Today y'all will decide whether or not everyone who has a citation-eligible, non-violent offense deserves to have their freedom, or if these people deserve to be incarcerated and locked in a cage, taken from their family, friends, loved ones, and community over merely petty offenses. An ordinance would ensure 100% of people are treated fairly and a resolution would only deny and delay justice. So it is that I humbly ask, you support what is written, as it's written, and delay justice no longer."

Khimaira Garza, spoke in favor of item #29, made the following comments: "In November of 2019 my life was at its lowest. My home life was abusive, and because I was afraid to go home I spent a large amount of time in Austin. I was seeing a woman twice my age, who was abusive and dangerous in ways that were much harder to escape from. In November of 2019, she was going onto a plane, and handed me a vial with a small amount of methamphetamine in it. I held onto it for her, afraid that if I lost it my fears would turn into realities. I was terrified of her, and to this day I'm unwrapping everything that I dealt with as a result of her entering my life. She was not the first dangerous addict in my life. The first was my father, a sociopath who's now in prison because he, like her, was in the dope game, and he, like every other addict, had time run out on him. In October of 2019, I started letting my own time run out. I found that the sands of time looked just like crushed crystals, and my time almost ended as quickly as it started. In November, I did not come home for thanksgiving. The only stretch of my waistband came in the form of her gun, and the only knives I held were the ones I sharpened for her. There was no home to go to, no grace to say with my cousins. I didn't even talk to my family on that day. On the 28th of that month, we were pulled over. I was unable to tell the police who the vial belonged to. I knew the consequences of being honest. So I lied. The officers were kind, and the amount of drugs was small enough to be considered residue. I know that the police could have arrested me. I could have been in prison like my father. Instead, they handed me a ticket. Instead, they gave me a chance to get sober. They gave me a chance at life. And I know, that for so many Latinos like my father, citations do not come often enough. I know that if I came out less blanquito and had the dark hair of my family, the caramel skin, that I could have been arrested that night. We need to pass an ordinance to ensure that every low level offender is able to get the same level of understanding as I received. We need to pass an ordinance because I know that if my father, my cousin, my friends, had been in the truck that night, that they might not have been given that chance. When black and Latino citizens are disproportionately arrested, when black and Latino citizens continue to have their lives split apart while white citizens who

commit the same times get to live outside of a cell, when black and Latino citizens lose employment and housing because they stay in jail for days, there has to be accountability. Guidance is not enough. An ordinance is the only fair and moral solution. Thank you.

Samantha Benavides, San Marcos Advocacy Fellow for Move Texas, addressed agenda item #29 and made the following comments:

"The first component of the policy I want to address is the issue of officer discretion. In the time that I have spent advocating for this policy, I've heard officers say that as long as someone is complying with them, isn't giving them a hard time, isn't lying to them, they give them a break. But when you come from a community that has been historically victimized by law enforcement, and many still are today, you may be nervous, young people especially, and may not be in total compliance, and you may lie, because you do not trust them based on their history with the community. Mandating citation by curtailing officer discretion means understanding this relationship. This is why we need an ordinance that guides officer discretion and to requires them to use it to the benefit of **all** San Martians. We've already seen dramatic racial disparities in the use of this policy. In 2018, they didn't use the policy on a single Black person; out of the 72 cases, all eligible for cite and release, every single one of them was arrested. Despite only making up 5% of the population, they accounted for 22% of citation eligible arrests. Without this ordinance guiding officer discretion, I know and I am certain that we will continue seeing racial disparities in SMPD's use of cite and release. The next thing I would like to address is the overcrowding in Hays County jail. At a recent commissioners court meeting it was stated that the county spends over \$87,000 to outsource inmates and that we have contracts with nine counties to outsource our inmates to other jails. Instead of implementing the state level framework that outlines citation eligible offenses, keeping low level nonviolent offenders out of our pretrial jail system, San Marcos has preferred a system where an arrest option is still on the table. An arrest not only separates them from loved ones, but in many cases, our overcrowded jail can mean being sent to an unfamiliar facility. At the same time, their cars may be impounded, their dependents may be left without proper care, and they could be left jobless. Young people in San Marcos should not have their lives so destabilized by a system that we can improve together, today, with the policy option on the table. You were elected to the positions you are in now because our community, young voters included, trusts you to bring justice to an oftentimes unjust system. I hope you won't accept anything but a cite and release policy that guides officer discretion, takes racially discriminatory policing seriously, and has in place diversion programs so that people can remain in their communities rather than

in jail cells."

Emma Mayers, support of cite and release, addressed agenda item #29 and made the following comments:

"Good evening council. My name is Emma Mayers and I would like to express my support for the cite and release ordinance on the agenda tonight. So I have been following the issue of cite and release since around September of 2019. Like Sam, Erik, and Khi have mentioned, implementing this ordinance is crucial for making our community a more just and equitable place. Passing an ordinance which includes all state eligible offenses, guided discretion, and data transparency will have a positive impact on marginalized populations within this community. With people under the age of 25 making up 50% of those eligible for citation, it is undeniable that young people will benefit from this ordinance. We know this, which is part of why you have seen so many organizations like Mano Amiga, MOVE, Texas Rising and countless others working together to support cite and release. It is your responsibility as council members to listen to your community and take our concerns seriously. We want this for San Marcos and have been expressing this for many months. I hope to see this version of cite and release implemented quickly by treating it like the priority that it is and moving it up on tonight's agenda. In the future I hope to see my city council supporting more initiatives that address the inequality within our own community. Thank you so much."

Faylita Hicks, spoke on behalf of Mano Amiga, read from a letter dated on June 9, 2010 to Ms. Wilson at Texas State University. " I'm currently waiting court in the Hays County Jail, on May 2, 2010 my car cut off on the side of the road. An officer pulled over a speeding truck, behind my vehicle, ticketed the driver and questioned me about my vehicle. The officer asked for driver's license and there was a warrant for my arrest. I am writing this letter because I have been arrested and detained from 10pm on May 2, 2010. Therefore, I have missed a mandatory final exam for math class, it was the last course I needed to complete my degree. The failure of this course, is going to require me to find an alternative route to graduating. I could not affordable the \$600 required for bail and can't afford another semester at Texas State right now. Not asking for any other charitable services that I have been privileged to receive from the University but would like to know some of my options. I realized that I'm asking a lot of questions. Many that have nothing to do with your position, when I realized that i was going to be in here for an extended period of time. I knew that I needed to talk to someone soon. I admit that I have been struggling with the concept of completing school at all and up to this week it

has resolved not to. These past 7 years have been so long and so hard and I didn't know if I was worth trying. Most days it feels like I'm just getting by and I'm never going to accomplish anything. But people like professors and colleagues help keep me moving. I am smart and capable but I'm lost and the thing that gives me any purpose or direction is school. Sitting in here, I feel that I have let a lot of people down. Without trying to, I have become another static and my education just took me to the place that I wanted to avoid and I don't believe it. I thought someone had gotten it all wrong, today is not simple and please tell me what you think I should do. I never wanted to be that sad little woman, crying "Woe to me" but I don't know what else to do at this point. My court date is June 18, 2010 and if all goes well, I will be released with time served. If it is alright with you, I would like to make an appointment with you to talk on how to strive forward on my out." I was released in July. When we talk about people who are being held inside the Hays County Jail for low level, non-violent offenses and misdemeanor charges. It is very likely, according to the Texas Applesseed report released in April 2019 about one in four people charged with nothing more serious than A class B misdemeanor stays in jail longer than 3 days. This is a report that has been covered all over Texas, not in one county but multiple counties in all the State of Texas. In 2019, San Marcos Police Department showed to arrest low level citations available offenses 77% of the time, only 31 people out of 134 people received citations and summons to appear in court at a later date. According to the San Marcos Police Department own numbers in 2018.

Lisa Marie Coppoletta, spoke about feeling safe in your own home and looking over the word tyrant. There is a quote "that tyrants already have some slight shade of virtue and they support the laws before destroying them". Her question is, is he the emperor or City Manager. There was a policy established back 2013 no one sided sidewalks. There was no caveat, if we had a right of way, the criteria was a right of way near grocery store, near school, or near a bus stop. None of those fit the Belvin Street sidewalk project. In fact they installed two bus stops to justify the project. Found out that the actual sidewalk where the affordable houses, where the city worker lives is not a public sidewalk but a private sidewalk. My yard got butchered is because Bert didn't follow his policy. In June on TV, under the agenda item for increase communication to protect historical resource and heritage live oaks, he stated that all future sidewalks projects will go through the Neighborhood Commission. That all future sidewalk projects would have neighborhood meetings. Instead, he held secret meeting with some neighbors and because of three junk cars in the drive way and three junk trucks in the street. Suddenly that family got a secret meeting and my yard was butchered. She stated that

she is the only Caucasian on the block finds it very odd, that every Hispanic has got everything they wanted. The City went on private land or alleging they didn't have right a way but we know they do as it is simplified by the utility poles and built up a Hispanic neighbors drive way to shut her up on the sidewalk. The City Manager is not installing a sidewalk on his employees who makes sidewalk to the point that it's dangerous. People are walking in the middle of the street. The stupidity of the sidewalks in my instance is that because he held secret meetings, now my financial assets in those beautiful trees of three different neighbors under threat. It is unsafe because people are walking on the side of the street where they have to cross the street to get to the food desert. Do I file a complaint against Kelly Eby for continuing trespassing? When I send correspondence from refraining her to do that, when she knows she didn't have a right for me to sign the form. Do file a complaint against Saul for his secret meetings? What do I do? You guys have ripped into my yard. If my trees were low level smoking weed or thieves, maybe you would have paid attention to my trees. Do not understand why you guys are not holding him accountable? The policy is that we have an open meeting with the neighbors, not a secret meeting. Most neighbors didn't get their yard butchered, I did and I'm the only one that is white on the block.

Deborah Carter, spoke in support of cite and release item. She thanked the Mayor and Council for their time and service. She stated that she was upset to read that no black people benefited in the cite and release in 2018. She stated if she was to get pulled over, she wouldn't have a problem no matter or have the least repercussions. She stated that it is very shameful, it's not justice and we need the cite and release ordinance. Mr. Carter mentioned the economic benefit of the cite and release ordinance. Talked about the cost of keeping people in jail that we don't have room and that is expensive and another aspect of the economic drain in our economy in our local employers. As Faylita Hicks said, "cite and release is an opportunity not to have your life disrupted". She stated people are struggling to find and maintain employment. She stated her friends and neighbors are barely making ends meet. Economic development has been one of the City's top initiatives. She stated from experience helping friends find jobs and seen incidents of job related disruptions. She stated unemployment rates are low but friends and neighbors are still struggling. Employers will let people go for minor attendance issues and is seen as unreliable and unstable. She stated that she has seen first hand people lose their jobs for this specific reason for spending time in jail for minor and victimless offenses. She mentioned that she has seen how it affects the whole family due to the loss of their income to pay bills. Also, the grief and anxiety to them or their children. She stated that mandatory city and release will be

good for our economy. It makes economic sense for a stable workforce that our employers will appreciate.

Ann Whitus, spoke in favor of cite and release. Ms. Whitus stated professionals tell us about preventing personal preference comfort level and past experiences from clouding one's judgment is extremely difficult in the best of circumstances. That is why in court trials, juries are questioned for bias. Today in San Marcos, we are asking San Marcos law enforcement officers to act as judge and jury for misdemeanors, taking punishment into their own hands when cases can be more fairly adjudicated by the practice of cite and release when allowed by State law. The numbers clearly tell us that in San Marcos from 2018, while black people made up only 5% of the population, there were 22% of cite eligible arrests. While white people were under criminalized relative to their population. Hispanics were over criminalized but not to the extent of our black community members. She stated that this is discrimination against people of color. She is asking Council to support the application of ordinance with only 6 disqualifying circumstances and not by resolution. The ordinance will remove intention or unintentional inclination for bias, which the numbers have shown and we all will be treated fairly regardless of color or economic background.

Alexis Duran, spoke on behalf of Texas Rising and in support of cite and release. She wanted to reiterate what the other speakers have said. She stated that no one's life should be ripped away and ruined when they can be given another chance by receiving a citation. People deserve to have hope and San Marcos Police Department has the ability to give out citations and have not been using it.

Jordan Buckley, spoke in favor of cite and release. He stated that this evening reminded him of Senate Bill 4 vote in which Mano Amigo was just born. He stated that he had been to jail three times and how humiliating can it be. He mentioned that will be hearing statistics from the Police tonight and the committee members received a report last month on how many people committed class A, B, and C misdemeanors but only certain numbers are eligible. He stated that the bigger number doesn't matter at all. He stated that he is not speaking for those that are not eligible to be cited. He stated that the smaller number on who is eligible and of those who are eligible who got arrested and cited. He stated what is important under State law, who is eligible and who got arrested and cited. He stated that three quarters who were eligible for citations, instead got arrested. He talked about discussion on discretion, disqualifying circumstances that police leadership has had 9 months to look

at. He mentioned that Chief Stapp in his memo stated, "that it is fairly exhaustive in having the opportunities to justify in making an arrest". He stated that we are not impressed 77% of people because last year it was 87% and we want 0% and it is not difficult. He stated that people shouldn't go to jail for petty offenses with citations do the trick. He asked Council to have the final vote on April 7th.

Dayann Pazmino, on behalf of POC community, she spoke in favor of cite and release, there is fear and not knowing how to interact with cops, fear in not knowing, if our family will be separated for traffic violations. She stated fear for their future that it will be undermined for minor offenses with marijuana. She stated that young people are using marijuana medically to treat anxiety, depression or chronic pain, and many other reasons. She stated that young people do not get universal health care but they are being criminalized for taking care of themselves. The DACA community is terrified for being put on a pedestal having to be perfect. She mentioned that they are just normal young people that want to live normal lives. She stated sitting in jail interacting with ICE is not the fears that we have to deal with on a daily basis. She urges Council to pass the cite and release ordinance. There are statistics that people with color are being targeted by the police. She mentioned that this is not the society that she would like to live in.

Albert Sierra, Director of the San Marcos Housing Authority, spoke on the amendment #19 on CDBG-DR, Res. 2020-49R. In June of last year, over 8 months ago, this body was told that they would have inspectors go out to Blanco Gardens to come back with an assessment of damage to receive reimbursement to the flood damage recovery. No receipts had to be proven and that has not happened. The housing authority has not received a penny, today he finds out by looking at the action plan that \$26,000 has been extracted from those funds, what that is, he doesn't know and will try to find out. He stated that it is commendable to open flood assistance to the people that were affected by the 2015 flood in the area of Blanco Gardens. He mentioned that the statements made that it would be given to provide assistance offered to city wide residents and if that would have been done then justice would have been done to the people in Blanco Gardens. He urged Council to make expedited progress on the expenditures on the funds that have been set aside for housing. He mentioned that yet, not much has been spent. He stated 1.8 million dollars for 10 homes that were raised 4 or 5 feet off the ground to be in the 100 year flood and the \$26,000 that came out of the budget for the housing authority that he doesn't know what that is for and it didn't come to us.

Karen Brown, in support of cite and release ordinance, she stated that all the comments made from personal testimonies and citing statics that it is very clear to her and clear to Council that this ordinance will bring a measure of justice to our community. Justice especially for people who are poor and working people who can get fired if they miss and people who are separated from their children. She stated that she worked with children for many years and that she is particularly concerned for the children whose parents are put in jail instead of getting a citation when they comitt a misdeameanor. She stated that they are not a danger to society or danger to anyone and should be home with their families. She urged Council to please consider this ordinance when you think about the children. She stated that with justice in the community will be better if we are a just community. She stated that we heard other statics from people that have quoted, we have heard from personal testimony that justice is not served when the vulnerable people who are low socioeconomic and people of color in our community. When people are treated differently, when they are taking advantage of we are not meeting out justice instead we are meeting out injustice. She stated to please consider voting for this ordinance, it's the right thing to do and has confidence in the Council to do the right thing to pass this ordinance.

Kristian Caballero, spoke on behalf of Texas Appleseed, addressed agenda item #29 and made the following comments:

I'm speaking on behalf of Texas Appleseed, which fully supports the adoption of a Cite & Release program in San Marcos and more importantly, an ordinance. We would like to encourage the policy decisions that council makes related to arrests and jail be designed with the goal of preventing contact with the jail whenever possible and releasing people who can safely be released as quickly as possible. Research shows that jail contact has a major negative impact on people's lives, including but not limited to: employment, housing, education, mental or physical health, and family stability. Given the major destabilizing impact that jail has on people's lives, jail stays increase a person's risk of additional charges, fines, fees and re-arrest. In short, unnecessary jail time creates a vicious cycle of involvement and debt with the criminal justice system. Not to mention the threat of deportation for undocumented immigrants. By using citations in lieu of arrest, hundreds of people charged with low-level offenses can avoid contact with the jail entirely, maintaining contact with their children, families and communities; showing up for work and maintaining their employment; and able to continue with their lives as usual. We hope that council will adopt a Cite and Release ordinance to require officers to not only notify people that they do not need to disclose their

immigration status but also to update their citation forms to accurately define race and ethnicity, publicly share cite and release data quarterly, especially in relation to the offenses, and to successfully creates the opportunity for people to avoid jail contact entirely.

PRESENTATIONS

1. Receive a staff presentation regarding City Council priority needs for drafting the 2020-2024 Community Development Block Grant (CDBG) Consolidated Plan and comment on the proposed renewal of the Citizen Participation Plan, and provide direction to the City Manager.

CONSENT AGENDA

A motion was made by Council Member Derrick, seconded by Council Member Baker, to approve the consent agenda, with the exception of item #10 which was pulled and considered separately. Mayor Pro Tem Mihalkanin stated he would abstain from a vote on item #6 and #7 as he is employed by Texas State University. The motion carried by the following vote:

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

Against: 0

2. Consider approval, by motion, of the following meeting Minutes:
 - A. February 4, 2020 - Regular Meeting Minutes
 - B. February 18, 2020 - Work Session Meeting Minutes
 - C. February 18, 2020 - Regular Meeting Minutes
 - D. February 20, 2020 - Budget Policy Workshop Meeting Minutes

A motion was made by Mayor Hughson, seconded by Deputy Mayor Pro Tem Rockeymoore, that this Minutes be postponed. The motion carried by the following vote:

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

Against: 0

3. Consider approval of Ordinance 2020-05, on the second of two readings, annexing into the City approximately 56.923 acres of land out of the John Williams Survey, Abstract 490, Hays County, being Phase 1, Section 2 of the La Cima Development, generally located west of the intersection of Old Ranch Road 12 and Wonder World Drive; including procedural provisions; and providing an effective date.
4. Consider approval of Ordinance 2020-06, on the second of two readings, amending the

Official Zoning Map of the City by rezoning approximately 56.923 acres out of the John Williams Survey, Abstract No. 490, Hays County, generally located west of the intersection of Old Ranch Road 12 and Wonder World Drive, from "FD" Future Development District to "SF-4.5" Single Family - 4.5; and including procedural provisions.

5. Consider approval of Ordinance 2020-07, on the second of two readings, amending section 2.191 of the San Marcos City Code relating to the composition of the Historic Preservation Commission; including procedural provisions; providing for the repeal of any conflicting provisions; and providing an effective date.
6. Consider approval of Resolution 2020-32R, approving an agreement with Texas State University, San Marcos Consolidated Independent School District, and Hays County providing for the joint funding of a contract with Community Action, Inc. of Central Texas to provide personnel to serve as a youth services director to administer youth services and programs for the benefit of the City and such entities; authorizing the City Manager or his designee to execute the agreement; and declaring an effective date.

Mayor Pro Tem Mihalkanin abstained from a vote as he is employed by Texas State University.

7. Consider approval of Resolution 2020-33R, approving an agreement with Community Action, Inc. of Central Texas to provide personnel to serve as a Youth Services Director to administer Youth Services and Programs for the benefit of the City, Texas State University, San Marcos Consolidated Independent School District, and Hays County in an amount not to exceed \$110,000.00, to be jointly funded by the City and such other entities, with a participation amount for the City not to exceed \$50,000.00; authorizing the City Manager or his designee to execute the agreement; and declaring an effective date.

Mayor Pro Tem Mihalkanin abstained from a vote as he is employed by Texas State University.

8. Consider approval of Resolution 2020-37R, approving an Airport Facility Lease Agreement for Non-Commercial Use with McCoy Corporation for property located at 1521 Airport Drive at the San Marcos Regional Airport for an initial term of ten years with options to renew totaling thirty years; authority the City Manager or his designee to execute the Lease Agreement; and declaring an effective date.
9. Consider approval of Resolution 2020-38R, approving the appointment of the Animal Services Manager Jeanne Saadi as the Local Rabies Control Authority as required by Texas Health and Safety Code 826.017; and declaring an effective date.
10. Consider approval of Resolution 2020-39R, approving a Change in Service to the agreement with the Quetel Corporation to provide for the renewal of evidence management software for use by the San Marcos Police Department and authorize three additional annual renewals in the amount of \$29,265.00 for a total contract price of \$161,125.00; authorizing the City Manager or his designee to execute the appropriate documents to implement the Change in Service; and declaring an effective date.

A motion was made by Council Member Derrick, seconded by Mayor Pro Tem Mihalkanin, to approve Resolution 2020-39R. The motion carried by the following vote:

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

Against: 0

11. Consider approval of Resolution 2020-40R, approving a Change in Service to the agreement with MCCI, Inc. to renew the Laserfiche software license and application in the estimated annual amount of \$30,509.15 and authorizing three one-year renewal periods for a total estimated contract price of \$154,522.35; authorizing the City Manager or his designee to execute the appropriate documents to implement the Change in Service; and declaring an effective date.
12. Consider approval of Resolution 2020-41R, approving a Change in Service to the agreement with Solid Border, Inc. to provide for additional hardware and a one-year software license to upgrade the City's security infrastructure through the Department of Information Resources Cooperative Purchasing Program (Contract No. TSO-4095) in the amount of \$49,230.00; authorizing the City Manager or his designee to execute the appropriate documents to implement the change in service; and declaring an effective date.
13. Consider approval of Resolution 2020-42R, approving a Change in Service to the agreement with LNV, Inc. relating to design and construction services for the Blanco Gardens Improvement Project to convert existing overhead electric lines to underground lines in the amount of \$61,770.00; authorizing the City Manager or his designee to execute the appropriate documents to implement the Change in Service; and declaring an effective date.
14. Consider approval of Resolution 2020-43R, approving an addendum to the Master Lease/Purchase Financing Agreement with US Bancorp Government Leasing and Finance, Inc. that adds eighteen 2020 Police Chevrolet Tahoes and two 2020 Chevrolet Silverados to be financed under the Agreement in the amount of \$678,973.23, inclusive of interest, for a three-year term; authorizing the City Manager or his designee to execute all appropriate documents associated with this transaction; and declaring an effective date.
15. Consider approval of Resolution 2020-44R, awarding a contract to Caldwell Country Chevrolet through the BuyBoard Cooperative Agreement (Contract No. 601-19) for the purchase of eight Chevrolet Tahoes and two Chevrolet Silveradoes for the police department in the amount of \$300,614.60; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.
16. Consider approval of Resolution 2020-45R, awarding an Indefinite Delivery Indefinite

Quantity (IDIQ) Master Contract for Concrete Construction Services to Ace Company in the estimated annual amount of \$200,649.00 and authorizing two additional one-year renewal periods for a total estimated contract price of \$601,947.00; authorizing the City Manager or his designee to execute the contract documents on behalf of the City; and declaring an effective date.

17. Consider approval of Resolution 2020-46R, approving the appointment of the Law Firm Davidson Troilo Ream & Garza, P.C. as special counsel during Fiscal Year 2020 to advise the Ethics Review Commission as required when the Commission receives a complaint against a member of City Council or one of the City Council's appointees; and declaring an effective date.
18. Consider approval of Resolution 2020-47R, approving a Change in Service to the agreement with MSHANA Group doing business as ARIESPRO for completion of a meter data management system designed to assist the City's water utility monitor water loss and ensure compliance with applicable regulations in the amount of \$10,000.00; authorizing the City Manager or his designee to execute the appropriate documents to implement the Change in Service; and declaring an effective date.

PUBLIC HEARINGS

19. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2020-48R, approving Substantial Amendment No. 9 to the Community Development Block Grant-Disaster Recovery (CDBG-DR) Action Plan that modifies the eligibility criteria for Single Family Housing Assistance to include any qualifying flood damage home in the City, and changes the activity category of the Blanco Riverine Project from "Construction" to "Acquisition"; authorizing the City Manager to act as the Official Representative of the City in matters related to the CDBG-DR Program and Action Plan; and declaring an effective date; and consider approval of Resolution 2020-48R.

Carol Griffith, Community Initiatives Program Administrator, provided a recap of Substantial Amendment No. 9 to the Community Development Block Grant - Disaster Recovery (CDBG-DR).

Mayor Hughson opened the Public Hearing at 9:18 p.m.

There being no comments, the Mayor closed the Public Hearing at 9:18 p.m.

A motion was made by Council Member Derrick, seconded by Mayor Pro Tem Mihalkanin, to approve Resolution 2020-48R. The motion carried by the following vote:

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

Against: 0

20. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2020-49R, adopting the Community Development Block Grant-Mitigation ("CDBG-MIT") Action Plan that provides for the allocation of the \$24,012,000 from the United States Department of Housing and Urban Development; authorizing the City Manager, or his designee, to act as the Official Representative of the City in matters related to the CDBG-MIT Program and Action Plan, and declaring an effective date; and consider approval of Resolution 2020-49R.

Carol Griffith, Community Initiatives Program Administrator, provided the Council with the Community Development Block Grant-Mitigation ("CDBG-MIT") Action Plan.

The Mayor open the Public Hearing at 9:49 p.m.

There being no comments, the Mayor closed the Public Hearing at 9:49 p.m.

A motion was made by Deputy Mayor Pro Tem Rockeymoore, seconded by Council Member Derrick, to approve Resolution 2020-49R. The motion carried by the following vote:

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

Against: 0

21. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2020-50R, approving a third amended and restated Development Agreement in connection with the La Cima Development near the intersection of Old Ranch Road 12 and Wonder World Drive to, among other things, add 129.383 acres of land to the area covered by the agreement, reduce the project density from 1.16 to 1.10 dwelling units per acre, enlarge the area within which the originally allowed 720 multi-family units may be located from 30 acres to any part of the area designated in the conceptual land use plan as community commercial, and allow Condominiums as new use only by a conditional use permit approved by the City Council, authorizing the City Manager, or his designee, to execute the agreement on behalf of the City; and providing an effective date; and consider approval of Resolution 2020-50R.

Michael Ostrowski, Assistant Director of Development and Services, provided a brief presentation.

Mayor Hughson opened the Public Hearing at 9:36 p.m.

Those who spoke:

Marvin Wills, representing the Wills tract, stated this land has been in his family since 1937. His grandmother tried to give the land back to the lender but they told her to just pay what she could, he stated there is an emotional attachment to the property. He believes La Cima fit their goal and will make effort for best use of the property. He asked Council to support this project.

Mike Dallas, broker for this property, spoke in support of this project and thanked the Council for their time.

There being no further comments, the Mayor closed the Public Hearing at 9:39 p.m.

A motion was made by Mayor Pro Tem Mihalkanin, seconded by Council Member Derrick, to approve Resolution 2020-50R. The motion carried by the following vote:

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

Against: 1 - Council Member Marquez

NON-CONSENT AGENDA

- 22.** Consider approval of Resolution 2020-51R, approving the appointment of Guillermo S. Trevino to the position of Assistant City Attorney; and declaring an effective date.

Human Resources was notified shortly before the meeting that Mr. Trevino withdrew his application for consideration of the Assistant City Attorney position.

A motion was made by Council Member Derrick, seconded by Mayor Pro Tem Mihalkanin, to postpone Resolution 2020-51R indefinitely. The motion carried by the following vote:

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

Against: 0

- 23.** Consider approval of Resolution 2020-52R, approving an agreement for the provision of services in connection with the proposed owner requested annexation of approximately 31 acres of land generally located on the East Side of Highway 123, between Monterey Oak Drive and Old Bastrop Highway; authorizing the City Manager, or his designee, to execute said agreement on behalf of the City; setting a date for a public hearing

concerning the proposed annexation of said tract of land; and declaring an effective date.

A motion was made by Council Member Derrick, seconded by Mayor Pro Tem Mihalkanin, to approve Resolution 2020-52R.

Shannon Mattingly, Director of Development Services provided a brief presentation of the proposed development between Old Bastrop Highway and Monterrey Oak Drive. The motion to approve carried by the following vote:

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

Against: 0

24. Consider approval of Resolution 2020-53R, approving an agreement for the provision of services in connection with the proposed owner requested annexation of approximately 62.48 acres of land generally located at the intersection of Gregsons Bend and Commercial Loop; authorizing the City Manager, or his designee, to execute said agreement on behalf of the City; setting a date for a public hearing concerning the proposed annexation of said tract of land; and declaring an effective date.

A motion was made by Deputy Mayor Pro Tem Rockeymoore, seconded by Council Member Derrick, to approve Resolution 2020-53R.

Shannon Mattingly, Director of Development Services, provided a brief presentation on the proposed development located at the intersection of Gregsons Bend and Commercial Loop. The motion to approve carried by the following vote:

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

Against: 0

25. Consider approval of Resolution 2020-54R, amending the Community Development Block Grant (CDBG) Action Plan for program year 2019 adopted by Resolution No. 2019-121R to reallocate \$67,142.00 from the Unsafe Structures Program to the amount allocated for the Southside Community Center Rehab Program, authorizing the City Manager to act as the Official Representative of the City in matters related to the CDBG-DR Program and Action Plan, and declaring an effective date.

A motion was made by Council Member Gonzales, seconded by Council Member Derrick, to approve Resolution 2020-54R.

Carol Griffith, Community Initiatives Program Administrator, provided a brief presentation regarding the reallocation of \$67,142.00 from the Unsafe Structures Program to the amount allocated for the Southside Community

Center Rehab Program. The motion to approve carried by the following vote:

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

Against: 0

26. Receive a Staff presentation regarding, and consider by motion, the initial authorization of Phase 2 of the San Marcos Development Code annual update, and provide direction to the City Manager.

A motion was made by Council Member Derrick, seconded by Deputy Mayor Pro Tem Rockeymoore, to approve the initial authorization of Phase 2 of the San Marcos Development Code annual update with the following changes:

- 1. Removal of the amendment to rename Neighborhood Density Districts**
- 2. Addition of the amendment to remove parking exemptions for projects with 10 or fewer units in CD-5 and CD-5D**
- 3. Addition of an amendment to remove the provision that allows on street parking to count toward multifamily requirements in CD-5D.**
- 4. Addition of an amendment to require conditional use permits for accessory dwelling units.**
- 5. Addition of an amendment to limit the height of commercial buildings to one-story when adjacent or across the street from single-family zoning districts.**
- 6. Addition of an amendment that states the city's preference for durable building materials**

The motion to approve carried by the following vote:

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

Against: 0

27. Receive a Staff presentation and consider, by motion, removal of the the San Marcos Development Code proposed amendments which were not recommended for additional analysis at the June 5, 2019 joint (Planning and Zoning Commission/City Council) work shop, and provide direction to the City Manager.

A motion was made by Council Member Derrick, seconded by Deputy Mayor Pro Tem Rockeymoore, to approve removal of the San Marcos Development Code proposed amendments which were not recommended for additional analysis at the June 5, 2019 joint (Planning and Zoning Commission/City Council) work shop with the following changes:

- 1. Addition of the amendment to rename Neighborhood Density District**
- 2. Addition of the amendment to maintain parking exemptions for projects**

with 10 or fewer units in CD-5 and CD-5D.

The motion to approve carried by the following vote:

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

Against: 0

- 28.** Consider appointments to fill vacancies on the following Boards or Commissions, and provide direction to staff:
- A. Animal Shelter Advisory Board - COSM Official (Animal Services Manager)
 - B. Historic Preservation Commission
 - C. Housing Authority
 - D. Convention & Visitor Bureau Board - Food/Beverage Establishment Representative

The following appointments were made:

- A. Animal Shelter Advisory Board - COSM Official (Animal Services Manager) - Jeanne Saadi**
- B. Historic Preservation Commission - Ryan Perkins, Laura Kennedy, and Cindy Meyer**
- C. Housing Authority - Richard Cruz**
- D. Convention & Visitor Bureau Board - Food/Beverage Establishment Representative - Monte Sheffield**

The motion to approve these appointments carried by the following vote:

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

Against: 0

- 29.** Hold discussion and receive a report from the Criminal Justice Reform Committee, including draft legislation supporting a Cite and Release Program, and provide direction to the City Manager.

Mark Rockeymoore, provided a brief update and thanked the committee and staff for their work on this Cite and Release Ordinance. He spoke of his own personal experience and the effect it had on his life. He understands the necessity of this Ordinance.

There are three decision points on this item today. They include the following: Shall we move forward with Ordinance or Resolution? Council consensus was to bring back in Ordinance form.

It was noted that no other city in Texas has adopted an ordinance on this

topic; a few have by resolution.

Should the wording in Section 1 include items 4-7? Council provided consensus to keep the entire list in the ordinance:

SECTION 1

1. Class C misdemeanors other than public intoxication, assault, or family violence.
2. Possession of Marijuana less than 4 oz, Class A or Class B misdemeanor
3. Driving while License Invalid, Class B misdemeanor
4. Criminal Mischief, Class B misdemeanor (less than \$750.00)
5. Graffiti, Class A or Class B misdemeanor (less than \$2500 or \$750)
6. Theft of Property, Class B misdemeanor (less than \$750.00)
7. Theft of Services, Class B misdemeanor (less than \$750.00)

Should the word "only" remain in Section 2?

Council provided consensus to keep the word "only" in Section 2.

An Ordinance on first meeting will be brought back at a later date that does not coincide with any student Spring Break holiday.

EXECUTIVE SESSION

30. Executive Session in accordance with Section § 551.089 - Security Devices: to discuss Security Measures and Deployment of Information Resources Technology.

Executive Session was not needed this evening.

DIRECTION/ACTION FOLLOWING EXECUTIVE SESSION

31. Consider action, by motion, regarding the following Executive Session items held during the Work Session and/or Regular Meeting:
Section § 551.089 - Security Devices: to discuss Security Measures and Deployment of Information Resources Technology.

Mayor Hughson stated direction was provided to staff during Executive Session this afternoon.

VI. Question and Answer Session with Press and Public.

None.

VII. Adjournment.

A motion was made by Deputy Mayor Pro Tem Rockeymoore, seconded by Mayor Pro Tem Mihalkanin, to adjourn the regular meeting of the City

Council on Tuesday, March 3, 2020 at 10:18 p.m. The motion carried by the following vote:

- For:** 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales
- Against:** 0

Tammy K. Cook, Interim City Clerk

Jane Hughson, Mayor