



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Regular Meeting Minutes City Council

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Tuesday, October 19, 2021

6:00 PM

City Council Chambers/Virtual

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

### I. Call To Order

**With a quorum present, the regular meeting of the San Marcos City Council was called to order by Mayor Hughson at 6:02 p.m. Tuesday, October 19, 2021. The meeting was held in-person and online.**

### II. Roll Call

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

### III. Invocation

**Reverend J.D. Elshoff, with First Baptist San Marcos provided the invocation this evening.**

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

**Mayor Hughson led the assembly in the Pledges of Allegiance.**

### V. 30 Minute Citizen Comment Period

**Joseph Elhabr, spoke on walkability and safety and stated as a student he notices microbility infrastructure. He stated microbility refers to walking, biking and scooters. He stated his way of transportation is walking and some areas lack sidewalks and safety. He mentioned what he values while walking is safety and convenience. He would like to see improvement on walking conditions for pedestrians and to expand or improve bike lanes, he would like staff to take into considerations easy pathways.**

**Katie Smith Deoloz, stated she is a new resident to the city and spoke regarding walkability Ms. Deoloz shared information about herself and family. She stated she has been on numerous boards in Austin. She stated the best way for people to know a place is to go for a walk. She mentioned she has**

taken walks in neighborhoods and met wonderful people and stated there is potential for an act of transportation. She would like to help with walkability and bikeability and is excited about discussions. Ms. Deollos stated she is forming new organization focusing on transforming San Marcos into America's most walkable city. She stated she is here to serve as an advocate and will come with solutions.

Cristen Andrews, provided written comments that were read by staff. The letter spoke regarding the 5-year Pawsitive Outcomes Implementation Plan, she would like staff to work on marketing, transparency and proactive and progressive animal services that are being overlooked at the animal shelter. She would like a dedicated marketing person on-site. Visibility can be improved by hosting more off-site adoptions in new areas and promoting adoptable pets at every opportunity. Transparency on every animal's face must be seen (regardless of how they came into the shelter or whether they live or die). This builds trust in the community, dramatically improves the return to owner rate, and shines a light on the groups of animals that most need saving so people can help. She would like volunteers to have access to every area of the shelter and be empowered to help in all key operations. She stated reports being published should show all animals and all outcomes. Data is everything and it's the only way to figure out who is dying, develop a strategic plan to save them (based on specific programs that have proven success), implement, then reassess who is still dying, repeat. The recent shelter reports being published are extremely misleading, as they do not count all the animals and are missing important data (such as intake by jurisdiction and how many cats/dogs/wildlife are being euthanized, transferred to rescue, etc). The reports from years ago showed more data than the reports do now. Lastly, proactive and progressive animal services that animal control can spend on the front end trying to resolve a problem at its root (ie. knocking on doors and checking lost and found reports, repairing fences, free microchipping in the field, promotion of free spay/neuter in targeted zip codes, community education and neighborhood outreach, etc.) will decrease the shelter's intake and kill rate, save taxpayer money, and reserve a cage for animals truly in need of help. She believes animal control needs to be trained to support this new paradigm shift in sheltering that involves proactive measures rather than simply trapping animals and taking them to the shelter. Expressed concern that the shelter has been without a manager for a year.

Ryan Patrick Perkins spoke on item #14 of the agenda related to the Legacy Business program. He stated San Marcos has thrived for nearly 200 years because of small businesses. He stated in May 2020 he asked staff to look into

**San Antonio's Legacy Business Program and initiate a similar program in San Marcos. He mentioned that the Historic Preservation Commission formed a committee with three members of the Main Street Board to study the program. Mr. Perkins stated the program will recognize long time businesses for their antiquity, architecture, historical and cultural significant makes them a notable part of San Marcos landscape. The Legacy Business Program concept was intended to help preserve cultural and authenticity of the historic buffer.**

**Wayne Becak, spoke in favor of item #2 of the agenda. He stated he was pleased with the presentation at the last council meeting regarding the annexation. He mentioned growth will continue to expand along Highway 123 with new subdivisions with the new schools. Mr. Becak stated this development will create opportunities for small businesses to provide services to residents on the east side of town and Highway 123 that will be convenient. He stated the development will be a benefit and provide property and sales tax revenue to support future growth. He would like council to support the annexation and zoning.**

**Keith Cunningham, Principal at Crockett Elementary School, spoke in favor for the continued support of the School Resource Officers Interlocal Agreement. With his past experience dealing with officers have been great. He stated the officers build relationships with the students. Mr. Cunningham stated the officers are trained for the school setting and is very impressed on how the officers work with kids and sometimes difficult situations. He mentioned that they are professionals and empathic in how they work with the students and he respects the work they do. He would like council to continue their support of this program.**

**Sharri Levine Boyett, provided written comments that were read by staff. The letter spoke regarding the animal shelter and improving access for adopters and volunteers. The animal shelter hours should match the city library, seven days a week. She stated the animal shelter urgently needs more staff hired and the position of the animal shelter manager filled expeditiously. A dedicated leader is essential, yet the position remains unfilled since October 2020. She believe a Communications & Public Relations Coordinator is needed to work directly onsite at the animal shelter to improve the reputation and Community Support, gain volunteers, donations, and increase successful adoptions, thus reducing costs and the duration stay of animals. The shelter's web page must be enhanced to be much more user-friendly and vibrant. The shelter's dedicated Communications & Public Relations staff person will write biographies, a newsletter, post photographs and overall facilitate social media**

and all outreach use of promotional tools, videos, print and other media in support of the San Marcos Communications and Marketing department. The animal shelter should have a dedicated Adoption Counselor, especially during peak hours, would improve the stay duration and adoption success retention by checking with adopters after animals go home. The Counselor will arrange community outreach events, take the adoption trailer or go without the trailer, planning visibility for the animals to be seen each week to PetSmart, Petco, countywide events, football games, and festivals. She would like to have a more transparent Social Media, Facebook page dedicated to prioritizing all pets, especially urgent situations, seniors, medical cases or those with long stay status, it is essential for Rescue organizations. Ms. Boyett is suggesting to have rescue coordination support to get animals to other parts of the country where adopters seek dogs and cats. Policies, communication and response availability are in need of improvement - because staff is overworked - a clerk to assist should be considered for the processing of paperwork applications to get immediate approvals. Time is of the essence in lifesaving.

## **CONSENT AGENDA**

**A motion was made by Council Member Gleason, seconded by Council Member Gonzales to approve consent agenda items # 1, 2, 3, 4, 7, and 8. Items 5 and 6 were pulled and considered separately. Council Member Baker voted no on items # 3 and 7. The motion carried by the following vote:**

1. Consider approval, by motion, of the following meeting minutes:
  - a. September 16, 2021 - SMTX Vision Lunch and Learn Special Meeting Minutes
  - b. September 21, 2021 - Work Session Meeting Minutes
  - c. September 21, 2021 - Regular Meeting Minutes
2. Consider approval of Ordinance 2021-76, on the second of two readings, annexing into the City approximately 22.58 acres of land, generally located at the northwest corner of the Wonder World Dr and Hwy 123 intersection in Case No. AN-21-07; including procedural provisions; and providing an effective date.
3. Consider approval of Ordinance 2021-77, on the second of two readings, amending the Official Zoning Map of the City in Case No. ZC-21-16 by rezoning approximately 22.58 acres of land, generally located at the Northwest Corner of the Wonder World Drive and Highway 123 Intersection, from "FD" Future Development District to "EC" Employment Center District, or subject to consent of the owner, another less intense zoning district classification; including procedural provisions; and providing an effective date.
4. Consider approval of Ordinance 2021-85, on the second of two readings, reducing the speed limit from 30 miles per hour to 25 miles per hour along the streets in the Forest Hills Subdivision; authorizing the installation of signs and traffic control devices reflecting the new speed limit; directing that the traffic register maintained under Section 82.067 of

the San Marcos City Code be amended to reflect the new speed limit; and including procedural provisions.

7. Consider approval of Resolution 2021-209R, awarding a contract to the Cowboy Motor Company, through The Interlocal Purchasing Program, for the purchase of ten police model Dodge Chargers for use by the Police Department in the amount of \$478,677.60; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring effective date.
8. Consider approval of Resolution 2021-210R, approving the filing of an application with the Texas Water Development Board seeking financial assistance in connection with the Briarwood and River Ridge Improvements project; designating an authorized representative to act on behalf of the City for the purpose of furnishing information and executing documents that may be required in connection with the preparation and filing of the application; designating firms and individuals authorized and directed to aid and assist the City in the preparation and submission of the application for financial assistance and to appear on behalf of and represent the City in any hearing held by the Texas Water Development Board on the application; and declaring an effective date.

## **PUBLIC HEARINGS**

9. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2021-86, annexing into the City approximately 21.31 acres of land, generally located at the northwest corner of the W. Centerpoint Rd. and Flint Ridge Rd. intersection in Case No. AN-21-08; including procedural provisions; and declaring an effective date; and consider approval of Ordinance 2021-86, on the first of two readings.

**Shannon Mattingly, Director of Planning and Development Services, provided a presentation regarding the annexing of 21.31 acres located at the northwest corner of the W. Centerpoint Road and Flint Ridge Road for the La Cima Multifamily with the proposed development of 300 apartment units.**

**Mayor Hughson opened the Public Hearing at 6:32 p.m.**

**Eric Willis, Manager and Developer for the La Cima project and spoke in favor of the project. Mr. Willis clarified the information on the amended development in May 2018. He stated this project is a different plan and layout. Mr. Willis mentioned he met with residents to answer questions and receive feedback on what needs to be done differently.**

**There being no further speakers, Mayor Hughson closed the Public Hearing at 6:36 p.m.**

**A motion was made by Deputy Mayor Pro Tem Scott seconded by Mayor Hughson, to approve Ordinance 2021-86, on the first of two readings.**

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

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

**Against:** 0

10. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2021-87, amending the Official Zoning Map of the City in Case No. ZC-21-18 by rezoning approximately 21.31 acres of land located at the northwest corner of the West Centerpoint Road and Flint Ridge Road intersection from "FD" Future Development District to "MF-24" Multi-Family Residential District, or subject to consent of the owner, another less intense subject to consent of the owner, another less intense zoning district classification; including procedural provisions; and providing an effective date; consider approval of Ordinance 2021-87, on first of two readings.

**Shannon Mattingly, Director of Planning and Development Services, provided the presentation on the rezoning of approximately 21.31 acres of land for the La Cima Multifamily, located at West Centerpoint and Flint Ridge Road.**

**Mayor Hughson opened the Public Hearing at 6:43 p.m.**

**Those who spoke:**

**Eric Willis, spoke in favor of the project. Mr. Willis stated the site plan submitted states 304 units and in the development agreement for multifamily in the first phase states it will not exceed 360 units, he stated that is not the goal using MF-24 designated under the development agreement. He noted there should be a letter in the packet from several residents on Tulip Garden whose homes are closest to the proposed apartment complex who had concerns with the previous proposal but are now in support of the rezoning. He stated he is available to answer questions.**

**There being no further speakers, Mayor Hughson closed the Public Hearing at 6:46 p.m.**

**A motion was made by Deputy Mayor Pro Tem Scott seconded by Council Member Gleason, to approve Ordinance 2021-87, on the first of two readings. Mayor Hughson inquired about the letter noted by Mr. Willis as she did not see it in the packet. Ms. Mattingly stated there are other letters but this one is not in the packet.**

**Mayor Pro Tem Derrick inquired about the 75% impervious cover on multifamily commercial. Ms. Mattingly stated it is allowed per the previous**

code. The code under which La Cima is allowed to develop.

Council Member Gonzales asked if there was opposition from residents and if the developer has addressed their concerns. Ms. Mattingly stated that there were a couple of email messages today with concerns. Mr. Willis stated there was email exchange with one resident. Mr. Willis responded regarding the 75% impervious cover and stated that the proposed site plan is less than 50%. Mr. Willis stated concerns from residents were the height of the buildings, he stated the buildings will be two stories tall, not four stories.

Council Member Gleason asked about the site plan if that could provide more information for us. He asked Mr. Willis if a restrictive covenant on the general layout, maximum number of stories, etc. about the project will be acceptable? Mr. Willis stated the site plan has not been reviewed by city staff and he would like it limited to the plan to the approximate layout and unit count. Ms. Mattingly noted there could be issues with the site plan being part of the covenant.

Discussion ensued regarding how to ensure that the proposal, as shown, will be the project built.

Taylor Fields, Partner for the La Cima project, spoke in favor of the project. He stated he is fine with putting in writing that any building adjacent to residents could be restricted to two stories only. He mentioned this is a high quality development. He shared his family history and noted he has family ties to the city. Mr. Fields stated this is a renter by choice development on the higher end and helps with the quality of the development. He stated there is no change in the site plan and it is ready to be submitted with the only changes required by engineering staff.

Mayor Hughson asked if the existing Development Agreement can be amended to include the elements important to the council and the residents. This would include what the developer is proposing.

Assistant City Attorney Sam Aquirre noted that we can set the zoning ordinance to not be in effect until certain elements are met or the development agreement.

Mayor Hughson stated her preference is to modify the existing Development Agreement and not to introduce another method of requiring certain

conditions are met.

Ms. Mattingly stated that having all items in one place, such as the development agreement, would be her preference.

**MOTION TO POSTPONE:** a motion by Mayor Hughson, seconded by Council Member Gleason to postpone second reading until development agreement can be proposed addressing council concerns.

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

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

**Against:** 0

**MAIN MOTION:** to approve Ordinance 2021-87, on the first of two readings, as amended by postponing approval of second reading until development agreement can be proposed addressing council concerns.

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

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

**Against:** 0

11. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2021-88, amending Table 2.1 and Section 2.5.5.3(A)(1) to require posted notice of a Public Hearing before the Historic Preservation Commission regarding a request for a certificate of appropriateness; amending Section 4.5.2.1(N)(2) to eliminate the limitation of allowing only one demolition by neglect case to be considered per quarter; and amending Section 4.5.2.1(N)(3) to require notice by certified mail to the owner of a property being cited for demolition by neglect, including procedural provisions; providing for the repeal of any conflicting provisions; and declaring an effective date; and consider approval of Ordinance 2021-88, on the first of two readings.

**Shannon Mattingly, Director of Planning and Development Services, provided a presentation regarding the proposed amendments to Post Notice for Certificate of Appropriateness Requests and Demolition by Neglect Changes.**

**Ms. Mattingly provided a summary of amendments as follows:**

- **Posted Notice for Certificate of Appropriateness Requests:** update Table 2.1 to clearly show posted notice is required from No to a Yes and add requirement of “posted notice” to Section 2.5.5.3(A)(2)
- **Demolition by Neglect:** remove requirement for only bringing one property under consideration per quarter and add a requirement to send certified mail to property owners when citing a property with Demolition by Neglect



**Mayor Hughson opened the Public Hearing at 7:18 p.m.**

**There being no speakers, Mayor Hughson closed the Public Hearing at 7:18 p.m.**

**A motion was made by Council Member Gleason, seconded by Council Member Baker, to approve Ordinance 2021-88, on the first of two readings.**

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

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

**Against:** 0

**Upon completion of all Public Hearings, Council considered item #6 from the consent agenda.**

6. Consider approval of Resolution 2021-208R, approving a Change in Service to the agreement with Hadronex, Inc. for the provision of software used to monitor wastewater collection manholes by extending the agreement for a one-year period in the amount of \$16,544.00 for a total contract price of \$51,486.12 and authorizing three additional annual renewals; authorizing the City Manager or his designee to execute the appropriate documents to implement the Change in Service; and declaring an effective date.

**MOTION TO POSTPONE: a motion was made by Mayor Hughson, seconded by Council Member Baker, to postpone Resolution 2021-208R indefinitely. Mayor Hughson stated this item should not have been on this agenda and if needed staff will bring back to council at a later date.**

**The motion to postpone indefinitely carried by the following vote:**

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

**Against:** 0

## **NON-CONSENT AGENDA**

12. Consider approval of Resolution 2021-211R, approving an agreement with Enterprise Fleet Management, Inc., through the Texas Interlocal Purchasing System, to provide for the lease and maintenance of eighteen vehicles for use by the Police, Fire, and Public Works Departments and the purchase of miscellaneous equipment in the estimated amount of \$836,906.40; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.

**A motion was made by Deputy Mayor Pro Tem Scott, seconded by Council Member Gleason, to approve Resolution 2021-211R. The motion carried by the following vote:**

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

Against: 0

13. Receive a staff presentation and discuss City initiated amendments to the Thoroughfare Plan and Bicycle Plan exhibits of the Transportation Master Plan which include modifying road alignments and bicycle facility classifications.

**Amanda Hernandez, Assistant Director of Planning and Development Services, provided an update regarding the Thoroughfare Plan amendment process and will provide updates to the City Council, Neighborhood Commission and Planning and Zoning Commission. She stated this item tonight is for transparency purpose and to inform the public there are city initiated amendments to the Thoroughfare Plan and the Bicycle Master Plan.**

**Ms. Hernandez provided the following schedule for the amendment process:**

- **October 19th: City Council Update Item**
- **October 20th: Neighborhood Commission Update Item**
- **October 26th: Planning & Zoning Commission Update Item**
- **November 9th: Planning & Zoning Commission Public Hearing**
- **December 7th: City Council Public Hearing (no action)**
- **December 15th: City Council Public Hearing & First Reading**
- **January 4, 2022: City Council Ordinance Reconsideration (2nd Reading)**

**Council provided consensus to proceed with the Thoroughfare Plan amendment process.**

14. Hold discussion on Recommendation Resolution 2021-03RR, of both the Historic Preservation Commission and Main Street Advisory Board, recommending the City Council support and create a San Marcos Legacy Business Program; and provide direction to Staff.

**Bert Lumbreras, City Manager, stated this past summer the Historic Preservation Commission and Main Street Advisory Board approved a Resolution recommending City Council create a Legacy Business Program based on best practices from the City of San Antonio's program. The desire to establish a program to support legacy businesses was also discussed during the Visioning workshop with City Council in January, and City staff have been researching ways to implement a program. He mentioned staff has worked from the framework presented by the Historic Preservation Commission and Main Street Advisory Board and is also proposing additional support in the form of financial aid or infrastructure assistance. A proposal to address infrastructure and other assistance was also discussed at the Economic Development Policy work session in June. Mr. Lumbreras stated the proposal is not a final program. Should City Council give direction to pursue a Legacy**

**Business Program, staff will continue its work and bring it back to City Council for consideration as part of the updated Economic Development Incentive Policy. He mentioned the memo in the packet outlines some of criteria and features of the proposed legacy business program. It also mentions a second possible incentive targeted to small businesses in San Marcos that don't meet the 20-year requirement. He stated the second program is not the focus of tonight's agenda item, but wanted to inform council that staff is also exploring ways the City can support small, local businesses.**

**Mayor Hughson asked if an owner can join the program without seeking economic incentives from the city? Mr. Lumbreras stated for those business who are seeking financial incentives, a financial incentive component would be added, but it doesn't have to, it could be tailored to be flexible.**

**Council Member Baker inquired what would be the difference in terms of eligibility for small businesses if changed from 20 to 15 years. He would like the requirement regarding the age of business in San Marcos to come down to 10-15 years. He suggested to establish a goal to gather data on the how many business enrolled and how successful the program was. He would like to ensure that businesses be informed so that all can be in the program, if they choose.**

**Council provided consensus to move forward with the Legacy Business Program.**

- 5. Consider approval of Resolution 2021-173R, approving the Terms and Conditions of an Interlocal Agreement between City of San Marcos and the San Marcos Consolidated Independent School District (SMCISD) relating to the City's provision of Officers to serve as School Resource Officers; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.**

**A presentation and council discussion was held at the Work Session on this same date.**

**MAIN MOTION: a motion was made by Mayor Pro Tem Scott, seconded by Council Member Gleason to approve Resolution 2021-173R.**

**Mayor Hughson stated this is an agreement with the San Marcos and if there are any amendments approved by council, those would have to go before the school board for approval for the agreement is completed. Sam Aguirre, Assistant City Attorney, confirmed that if the school board chooses not to approve the City's proposed amendments, it would come back to council.**

**Mr. Lumbreras stated the school board has approved the agreement as**

provided to us. He mentioned this is not a city program but the school district's request to have School Resource Officers; the city is only providing officers. He stated there is a study being conducted by Texas State University and there could be some items discussed that could be considered after receiving results of the study. He stated he can't guarantee that the school board will accept amendments and the school board hasn't received a courtesy notification with information regarding concerns. Mr. Lumbreras suggested waiting for the results of the study from Texas State University then provide recommendations as the result of the study for next year's agreement.

Council Member Gleason noted that the School Board of Trustees passed this agreement 7-0 and we currently do not have an agreement because we have not approved it yet. He would like to approve this agreement in its current form.

**MOTION TO CALL THE QUESTION:** A motion by Council Member Gleason, seconded by Deputy Mayor Pro Tem Scott, to call the question.

The motion to call the question failed by the following vote:

**For:** 1 - Council Member Gleason

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

**MOTION TO AMEND:** a motion made by Council Member Baker, seconded by Council Member Garza to amend Section 1.0 Goals and Objectives under 1.1 by removing the phrase "and respect for the law and the function of law enforcement agencies" and inserting the phrase "the law and law enforcement agencies, as well as their rights and ability to file grievances;"

The section would read as follows:

**1.1 To foster educational programs and activities that will increase student's knowledge of the law and law enforcement agencies, as well as their rights and ability to file grievances;**

The motion to amend carried by the following vote:

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

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

**MOTION TO AMEND:** a motion made by Council Member Baker, seconded by Council Member Garza to amend Section 2.0 Employment and Assignment of School Resource Officer under 2.5. by inserting the phrase "Additionally, Faculty, Staff, and students will be made aware of the decision as to why an

officer was removed or reassigned."

The motion to amend failed by the following vote:

For: 0

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

**MOTION TO AMEND: a motion by Council Member Baker, seconded by Council Member Garza to amend Section 5.0 Duties of School Resource Officers, under 5.4. by removing the words "the officer deems it necessary or"**

The section would read as follows:

**5.4 To counsel public school students in special situations, such as students suspected of engaging in criminal misconduct, after authorization by the Principal or the Principal's designee or the SMCISD Superintendent, or the Superintendent's designee.**

The motion to amend failed by the following vote:

For: 3 - Mayor Pro Tem Derrick, Council Member Baker and Council Member Garza

Against: 4 - Mayor Hughson, Council Member Gonzales, Council Member Gleason and Scott

**MOTION TO AMEND: a motion made by Council Member Baker, seconded by Council Member Garza to amend Section 5.0 Duties of School Resource Officers, under 5.4. by adding another sentence at the end of this item "Any counseling will be conducted with a minimum of two people present in addition to the recipient of the counseling."**

5.4 would read as follows:

**To counsel public school students in special situations, such as students suspected of engaging in criminal misconduct, when the officer deems it necessary or it is requested by the Principal or the Principal's designee or the SMCISD Superintendent, or the Superintendent's designee. Any counseling will be conducted with a minimum of two people present in addition to the recipient of the counseling.**

The motion to amend carried by the following vote:

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

Against: 3 - Mayor Hughson, Council Member Gleason and Scott

**MOTION TO AMEND: a motion made by Council Member Baker, seconded by Mayor Pro Tem Derrick to amend Section 5.0 Duties of School Resource**

**Officers item 5.5 by adding, at the end of the section, the phrase ", as well as how to report crimes and violations of their rights."**

**The section would read as follows:**

**5.5 To answer questions that students may have about Texas criminal or juvenile laws, as well as how to report crimes and violations of their rights.**

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

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

**Against:** 1 - Scott

**MOTION TO AMEND: a motion was made by Council Member Baker, seconded by Mayor Pro Tem Derrick to amend Section 5.0 Duties of School Resources Officers under 5.11. by inserting the phrase "and the SMCISD School Board"**

**The section would read as follows:**

**5.11 All SROs shall be required to submit weekly reports to the SRO supervisor which may be made available to the SMCISD Superintendent, or the Superintendent's designee, and the SMCISD School Board excluding content related to sensitive criminal investigative information or identifiers.**

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

**For:** 3 - Mayor Pro Tem Derrick, Council Member Baker and Council Member Garza

**Against:** 4 - Mayor Hughson, Council Member Gonzales, Council Member Gleason and Scott

**MOTION TO AMEND: a motion by Council Member Baker, seconded by Mayor Pro Tem Derrick to amend by inserting a new section 12.1 under 12.0 Evaluation.**

**12.1 Additionally, an annual survey will be provided to all Students, Faculty, and Staff to evaluate the effectiveness and success of the SRO program.**

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

**For:** 3 - Mayor Pro Tem Derrick, Council Member Baker and Council Member Garza

**Against:** 4 - Mayor Hughson, Council Member Gonzales, Council Member Gleason and Scott

**MOTION TO AMEND: a motion made by Council Member Garza, seconded by Council Member Baker to amend by inserting a new section 12.1 under Section 12.0 Evaluation**

**The section would read as follows:**

**12.1 Parental Engagement**

**Create a mechanism to collect feedback from caregivers regarding SRO program.**

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

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

**Against:** 2 - Mayor Hughson and Council Member Gleason

**Abstain:** 1 - Scott

**MAIN MOTION: to approve Resolution 2021-173R, as amended. The motion carried by the following vote:**

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

**Against:** 0

**EXECUTIVE SESSION**

**15. Executive Session in accordance with the following:**

A. Sec. §551.071 of the Texas Government Code: Consultation with Attorney: - To receive advice of legal counsel regarding the Purchase and Sale Agreement with Pursuant Ventures, LLC.

B. Sec. §551.071 of the Texas Government Code: Consultation with Attorney: - To receive legal counsel regarding the pending wastewater discharge application dockets; the application of HK Real Estate Development, LLC for proposed permit for new TPDES Permit No. Q0015784001; TCEQ Docket No. 2021-0053-MWD; SOAH Docket No. 582-21-1893

C. Sec. §551.074 of the Texas Government Code: Personnel Matters: to discuss the City Manager Search Process

**A motion was made by Council Member Gonzales, seconded by Council Member Baker to enter into Executive Session at 9:57 p.m. The motion carried by the following vote:**

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

**Against:** 0

**DIRECTION/ACTION FROM EXECUTIVE SESSION**

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

A. Sec. §551.071 of the Texas Government Code: Consultation with Attorney: - To receive advice of legal counsel regarding the Purchase and Sale Agreement with Pursuant Ventures, LLC.

B. Sec. §551.071 of the Texas Government Code: Consultation with Attorney: - To receive legal counsel regarding the pending wastewater discharge application dockets; the application of HK Real Estate Development, LLC for proposed permit for new TPDES Permit No. Q0015784001; TCEQ Docket No. 2021-0053-MWD; SOAH Docket No. 582-21-1893

C. Sec. §551.074 of the Texas Government Code: Personnel Matters: to discuss the City Manager Search Process

**Executive Session concluded at 11:25 p.m.**

**Mayor Hughson stated direction was provided to staff on items A and B and any actionable items will be brought forward at a future meeting. Mayor Hughson stated for item C that council will continue the conversation after the election.**

VI. Question and Answer Session with Press and Public.

**None.**

VII. Adjournment.

**Mayor Hughson adjourned the regular meeting of the City Council on Tuesday, October 19, 2021 at 11:28 p.m.**

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

Notice of Assistance at the Public Meetings

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