



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes City Council

Tuesday, September 17, 2019

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 6:06 p.m. Tuesday, September 17, 2019 in the City Council Chambers, 630 E. Hopkins, San Marcos, Texas 78666.

II. Roll Call

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

III. Invocation

A moment of contemplation was observed this evening.

IV. Pledges Of Allegiance - United States And Texas

Jackson Boren, 6th grade student, from San Marcos Preparatory School led the pledges of allegiance.

V. 30 Minute Citizen Comment Period

Mary Beth Harper, resides between San Marcos and Martindale and spoke on item #23. She stated this item was posted as a Public Hearing and it is now in the non-consent agenda. She asked if this land is currently in the City of San Marcos Extraterritorial Jurisdiction (ETJ). She mentioned an application to TCEQ regarding 450,000 gallons of sewer being released per day. She stated there are two RV parks across from this subdivision and numerous shallow water wells in the area. 80 acres of multifamily and 60 acres of commercial development is being planned which increases impervious cover and this will cause flooding. There are also water birds that cover the large tank that sits on Ball Ranch and site of a major fly way. The last topic she discussed was the roadways that are maintained by Hays County. She is concerned because they serve subdivisions in this area and they are narrow roads with varying speed limits.

Shannon FitzPatrick, addressed agenda Item #8 and made the following

comments:

“As always, I thank you all for your service and I wish to congratulate Chief Bob Klett for his nomination as interim Chief of Police – he has done very good work over the many years that I have known him. As we talk about the changing of the guard, however, I would like to take this opportunity to urge San Marcos Police Department to consider changes that will make it more thoughtful and engaging in community policing. As you well know, Gov. Abbott signed the Hemp Farming Act into law on June 10. This allows Cannabis sativa to be sold as long as it does not contain more than 0.3% THC. If the state now wants to prosecute cases of possession of marijuana, the DA’s office must prove that the cannabis plant, that someone was charged with possessing, had less than 0.3% THC. This requires very expensive (and currently unavailable) testing equipment, so all the major cities in Texas have stopped prosecuting most of these cases because they cannot prove their case under the law (they can’t prove it was 0.3 vs. 0.4%). Even before the new hemp law came into effect, a number of cities across the state began to offer diversion programs for possession of small amounts of marijuana. In Harris County, they started this in 2017 and although they are obviously much larger than us, it was reported that in the first year alone, they saved over \$17 million dollars by implementing a marijuana diversion program in misdemeanor possession cases. San Antonio did this, Austin did this and they are now considering not charging any misdemeanor marijuana cases because of the new law. And yet SMPD continues to arrest for this, which is a massive waste of taxpayer resources and police time – not to mention the problems with jail space and the potential damage to young people’s futures. Our police department has plenty to do with property crimes and crimes of violence. Does anyone in this room feel safer that we continue to arrest - perhaps a veteran with PTSD - for small amounts of marijuana? It costs people thousands of dollars and in many cases gives our young people a lifetime arrest record. On top of all this, data indicates that people of color are arrested for this offense at significantly higher rates than whites. Completely unacceptable. No good comes of this – for the city, the county and particularly those arrested. Please let’s support our new chief by encouraging community policing and not wasting their limited and valuable resources on arresting people for the minor misdemeanor offense of possession of marijuana. Thank you.”

Jordan Buckley, thanked PBS Lense, Move Texas and Texas rising for joining tonight. He is delighted by the progress made by Hays County regarding judicial reform. There is a pathway to optimal criminal justice and the first step is often cite and release, followed by cite and divert. In cite and release

you get a ticket and then you are released. In Cite and Divert you never get placed in the system you are diverted around it, and the gold standard is Law Enforcement Assisted Diversion (LEAD). Council Member Rockey Moore advocated for this program and on September 30th there will be a National Advocate for the LEAD program. He invited people to join Council that afternoon for the LEAD presentation. In the paper today, there was an article from Chief Stapp which challenged the County's report stating that the degree to which people were arrested in lieu of citing was overstated and his counter argument was that they only arrest 88% of the time for low level marijuana charges. This is the leading arrest charge in the City. He said going to jail for one night is not pleasurable especially for charges that can be dismissed just like traffic infractions. Hopefully the new chief will implement cite and release policies and this should be the default and go to and an arrest should be the exception to the rule. We need to commit to LEAD because this is the gold standard and introduce the Ordinance by the end of October.

Lisa Marie Coppoletta, spoke on #26 and thanked the Neighborhood Commission, Planning and Zoning Commission, Historic Preservation Commission and the many people that want to shut down the Belvin Street project. She stated that a recording of Steve Parker is on the sound cloud that states if one objection is was made they would shut down the project. Three months later (tonight) the GAP sidewalk project is on the agenda as a reactive measure because of the waste of tax payers' dollars. After three months of demolition a sidewalk was busted out in one day. The very policy implemented in 2013 by the dais stated that there will be no one sided sidewalks. The Sidewalk GAP program has been manipulated because Staff says they work in right-of-way, but staff refuses to review abstract and she claims the City does not have right-of-way. The Citizens deserve accountability and communication instead of promises being broken. Promises were made to go around heritage live oaks, promises to have neighborhood meetings, and promises to have 45 days' notice. None of these promises were kept. The policy is that we do not have one side sidewalks, that we have neighborhood meetings, that we do not touch critical tree roots, and that we would have a shovel test for native American artifacts. She claims 100s of thousands of dollars were lost by this project. She appreciates that this is on the agenda this evening.

Mike Boone, addressed agenda Item #8 and stated that he has seen Bob Klett in the school 100's of times and after 29 years in law enforcement, there isn't one Chief of Police that is in the Public School right now. He stated that since the school has been in session he has seen him numerous times. He stated that he should be named the permanent Chief of Police. He is always smiling, has a

great attitude, gets along with kids, he is what we want in a chief. He stated that he believes that an organization should promote from within by taking people that are qualified and promoting them. This is what we have with Bob Klett, a good guy, honest, so please reward him.

Emma Mayers, student at Texas State and here on behalf of Move Texas. She supports LEAD and spoke in favor of the cite and release policy as this will impact young residents. The average age in San Marcos is 23 years old so it is important to listen to these young perspectives. She provided some facts on cite and release and stated that out of 327 offenses that were eligible for cite and release only 20 were released with just a citation. She stated that for many this impacts their life and livelihood. Once booked for a non-violent crime, many can't get bond and this could mean the loss of a job, their school and housing. Mistakes shouldn't cost them their future simply because they do not have the money to make bond. This system takes advantage of the economically disadvantaged. We need to end the wealth-based detention system in our community. The people impacted are her friends, those that support themselves to work through college, pay their own tuition and housing, and do not rely on their parents. It is her hope that she doesn't have to worry about the safety of her friends and community. She looks forward to the implementation of this policy.

Sara Lee Underwood-Myers, voter, resident, public servant, volunteer, stated that she loves Texas State Students, but has zero tolerance for drugs and alcohol. She stated homeless is a problem, alcohol is a problem so please abide by the law. She is upset about a cite and release policy and does not support it. She spoke on National Night Out and expressed her support of Chief Bob Klett. Please do not tie his hands to make him chief. She stated the Council of Neighborhood Association (CONA) will have a candidate forum for Place 1 and 2 and hopes everyone votes and votes early.

Marisa Luna, spoke on behalf of Move Texas and stated that she is here to speak in favor of cite and release and LEAD. When implemented properly this will affect our community but help the County save money by keeping non-violent offenders out of our county jail. In addition, individuals that are charged will not have to pay bonds and fees as these are just extra obstacles for them to gain their freedom. Not implementing this program will affect our low income and young people in the community. For students one non-violent mistake could be detrimental to their future. We want change and her hope is that the next Police Chief direct us towards LEAD. She hopes Council will accept the ordinance on criminal justice reform and adopt it in October.

Samantha Elise Benavides, spoke in favor of cite and release and LEAD. She stated that as a student she believes they are here to better their futures. Local new update popped up on her phone last night that said San Marcos Police did not cite and release any black people in 2018. The police have the power to spare people guilty of minor offenses, high bails, and nights in jail. They were all eligible for cite and release. As a former student of a black educator that was denied cite and release after body cam shows that he requested it. Marcus Nelson, former superintendent of Laredo ISD was forced to resign from his position. This man made it a joy to attend school, he was present at events, and had a contagious smile. This should not have happened to him. The implication of a more comprehensive cite and release policy would shrink the gap between black and brown people in jail compared to white people. These statistics are unjust. Council, please take action by the end of October.

Roland Saucedo, thanked the Mayor, Council and City Staff for their support and attendance at the Diez y Seis Festival that was held this past weekend. He stated that the event had great reviews and was a huge success. He commented on cite and release and stated that he is in full support. This was something that he and a group worked together on in the 1990's. He stated that as an employee for the District Attorney he recognized that the vast majority of marijuana possession charges were by 18-22-year-olds and all under 2 ounces. This seems insignificant but the stack is huge for marijuana cases and files are backlogged because of a simple crime of marijuana possession. He stated that you don't hear in the news of anyone going on a rampage because they were on marijuana and you don't hear of traffic fatalities due to marijuana.

Kelly Stone, spoke about a story she read when she was young written by Ray Bradbury. According to this story in the future they have time travel machines and you can pick from various time eras. This particular time travel was a theme park and a young man was there for the first time. He boarded the time machine to go and see the dinosaurs, he was so enamored with what he saw, he looked down and realized he stepped off the path. When he returned home the energy was different and everything had changed. When he stepped off the path he realized he killed a butterfly and this in turn affected an election in a future time. She asked Council to remedy the mistakes made in the past by removing the noose Mr. Thompson put on the river, so please free the river. The future is counting on it.

Kathy Morris, stated that she was there to represent the Family Justice Center. Council has a letter in front of them for the purpose of creating a partnership

between the City, County, Law Enforcement, Police Department, Sheriff's Office, and District Attorney. This letter is a request for \$45,000 to create a coordinator position that will be cost shared by the County and City. She stated that the Family Justice Center is located in Village Main and was opened via private funds and grants and that they are already seeing clients and providing intake services. She stated some of the services they provide which include intake, basic needs counseling, and civil legal aid. She stated this is a first stop for anyone that is involved with domestic violence any age. Purpose is to keep the victim from encountering the perpetrator. She addressed the letter that was provided the Council today and the County included \$45,000 in their budget. She asked the Council to include this in the City's Fiscal FY20 budget. This could be a combination of funds such as sales tax revenues, reserve funds, utility funds, to mention a few. The board would like to meet if possible and she thanked Council for their service.

Naomi Narvaiz, addressed the Council and stated that "today is Constitution Day also called Citizenship Day. It is a day of observance that honors the creation and adoption of the United States Constitution; as well as all persons who are U.S. Citizens. It is observed on the 17th of September, the day that it was signed in Philadelphia Pennsylvania in 1787 by 42 of the 55 delegates to the Constitutional Convention. Ms. Narvaiz quoted R. Longley from the article What is Constitution Day in the United States. After meeting for 4 long months, it became apparent to the delegates that they must write a document that clearly defined the roles of the central government, the power of the States, the rights of the people and how our representatives should be elected by the people. Our Constitution is the greatest document written which exemplifies statesmanship and gives us the greatest form of government that has ever existed. It is our point of reference that should be used to lead our community, State and Nation. Our first President, George Washington said of the Constitution, "The Constitution is the guide which I never will abandon." We should not abandon it either or we will lose our freedoms. "This month is also Hispanic Heritage month. I am blessed to be of Mexican descent, and I am proud of my family and thankful my parents immigrated to the U.S. and I was born here. I speak two languages and I pledge my allegiance to this republic in both: Juro lealtad a los Estados Unidos de America, a la republica que representa una nacion bajo un Dios indivisible con libertad y justicia para todos. I'd also like to encourage you to confirm Officer Bob Klett as our next Interim Chief of Police. He is an individual of impeccable morals and a just man. He has proven his leadership skills and is committed to protecting our community. I'd also like to thank Chief Stapp for his leadership and dedication to our city. Congratulations to both. Lastly, I'd like to add a

comment regarding 'cite and release' reports and comments being made. Please keep in mind that our law enforcement officers make decisions based on many factors and not just one. Perhaps an individual detained has warrants, poses a threat to the community or themselves, may skip their court date. Numbers do not always tell the whole truth. One thing is certain, law breakers must be held accountable for their offenses. Our Officers are working in a hostile environment and face undue scrutiny and threats to the safety of their own lives. We must allow them to do their job and only hold them to the oath they took, and to being honest and just.

Krista Weber Huang, spoke on behalf of her community of Faith and stated that she strongly supports the cite and release movement. She stated that she has been pulled over for traffic infractions, but she has never feared for her own life because she is white and she is privileged. She recognizes that a tear from her is seen in a different light than a tear from her brothers and sisters of color. The way to change racism is through policy, love and Faith. She asked Council to support these efforts to help us have a more equal community and see the humanity in everyone. We are here to love one another, grow our families, and to be citizens of this community. How do we keep growing and building this community? It's through building relationships.

Anne Halsey, addressed the Council on behalf of the San Marcos Commission on Children and Youth regarding recommendation Resolution 2019-02RR of the San Marcos Commission on Children and Youth to allocate funding for a full-time, high level executive position that will help oversee the implementation of the Youth Master Plan. She stated San Marcos is a great place to go to school and a great place to retire, but it is also a great place to raise a family. She is the School Board's appointment to the Commission on Children and Youth and last year when she became chair it was necessary to do an assessment of the work that had been done in the previous five years since the adoption of the Youth Master Plan. The job of coordinating this community wide effort is a high level, full time job to implement this in a successful way. The original work that was done, the hiring of this position was not her idea, but she brought this recommendation resolution forward to the commission and it was passed and it is now before Council. They are requesting that Council reconvene the Core 4 partners and work together to form a shared agreement to hire and fund a Director of Youth Services. The Commission has also agreed to contribute half of their annual budget to the salary for this position.

Faylita Hicks, had an interview today with KXAN that sparked rage within

several members of this community. “Their vitriol included suggesting my hands be cut off and I leave the state. I am disappointed and saddened by their comments but understand that this a typical reaction amongst certain individuals who have not experienced incarceration. In this county, we treat our pets better than we treat our people. We give our pets free rein, taking them into stores and restaurants. We give them homes, when they need them, and cute names. We give them yards and parks and fight for their lives. But when it comes to people of color, especially black people, we do not give them such options. When officers use their discretion and still choose to arrest low-level offenders instead of citing and releasing them, they are CHOOSING to lock a human into a cage we wouldn’t even put our dogs in. Recently, the New York Times debuted a thorough and telling issue entitled 1919, in which scholars from across the country detailed the beginnings of slavery in this country and its longstanding effects on the criminal justice system. The release of the statistics provided by the County in regards to the 72 black people with Cite and release eligible offenses who were not offered citation but instead imprisoned is revealing of our local biases. I stand before you as a sixteen-year resident of San Marcos and a Texas State graduate who has volunteered in the food bank, the homeless shelter, the women’s shelter. I volunteered without a mandate. I volunteered because I care. AND now I stand before you as a person who has spent time in the Hays County Jail that so many are proud of. have been told that I would end up in the jail again by one of your staff members. I have been called a liar by one of the jail’s medical staff. I have been asked if I needed help with my broken-down car—then arrested by one of your officers. The fear I have in the presence of officers is a direct reflection of my very first interaction with them. I am telling you that there is a bias amongst the officers and that their discretion has been unfairly doled out to people who are not of color. Out of 322 people, only 20 were offered the option. This is a problem we can all acknowledge. I am asking the new police Chief to talk directly to community members about how to employ Cite and Release fairly. I am asking the new police Chief to make the L.E.A.D. Program a priority for his unit. I am asking for compassion and fairness—which is evidently not currently in existence. This is my honest request— treat all people with the same respect and compassion you would treat your loved ones. Or yourself. I believe in San Marcos. I want to trust my leaders to make the best decisions for their residents. All of them.”

Sharri Boyett, spoke on behalf of the voiceless animals. “We the residents of Hays County support the No-Kill initiative and humane best practices in the management of regional Animal Services. This includes proven solutions for community cat management such as Trap Neuter Return (TNR). Our taxpayer

dollars should be used to support proactive dog and cat sterilization programs -- measures that include adequate availability to spay or neuter unowned cats. Sterilize and vaccinate community cats and put them back, it's good for population control and community health. We speak on behalf of our friends and neighbors: Stop the Killing as a means of managing the impounded cats and dogs. Instead, provide resources for spay and neuter, programs for fostering, volunteering and adoptions, and embrace systematic countywide efforts to educate the community on animal issues and promote shelter pets. Spay and neuter services for owned pets and unsocial cats are the best initial investment the City of San Marcos can make toward the No Kill initiative. I propose the City of San Marcos offer four monthly free days spay and neuter clinics to be strategically held in high need areas where Animal Services has identified the highest intake; these mobile clinics to be provided through Emancipet veterinary services, each clinic day is \$4,000. (As is done in Austin). The Village campus partnership in San Marcos where human services agencies are co-located will be a good location for the offering of free pet Spay and Neuter clinics. Lower the number of animals coming into the shelter which, in turn, will lower the euthanasia rate. The goal is to help owners keep their animals at home or in their own environment, rather than in the animal shelter. With fewer animals coming in, there will be more resources available for the animals that need the help. We all agree on Spay & Neuter for our growing region. The shelter is managed by the city of San Marcos though it serves the entire Hays County region. Please spend wisely on proactive measures."

Esther Garcia, stated that we need to look outside of San Marcos for a new Chief of Police that has experience with cultural sensitivity. She doesn't believe that Police Chief Klett has the public relation skills and experience to serve our diverse community. She has heard of issues with the patrol division under his leadership and stated there are other issues that go unreported because citizens don't trust the current police administration. She stated that we do not have checks and balances or transparency. She claims Mr. Gonzales has been in regular clothes and has been harassed when he was pulled over. She stated that there is racial profiling in San Marcos and as a lifelong resident she has experienced it and her father has experienced it. She stated claims about a retired police officer that was hired as a park ranger. She stated again that we need to go outside of San Marcos for a Police Chief.

PRESENTATIONS

1. Receive a Staff presentation of the 3rd Quarter Investment and Financial Reports, and provide direction to City Manager.

Heather Hurlbert, Director of Finance, provided the City Council with the presentation of the third quarter investment and financial reports.

Ms. Hurlbert reviewed the revenue highlights as follows:

General Fund-Favorable \$1.4M or 2.2%

- Sales tax collections above forecast \$900K due to collections above budget for the**
- Outlet Malls and Base Sales Taxes**
- City owned Franchise Fees \$750K below forecast due to reduced utility revenue**
- License and Permits \$600K above forecast**

W/WW-Unfavorable \$2.0M or -6.6%

- Water sales 3% below same time last year**
- Usage has returned to normal in 3rd quarter-Expecting to make up a portion of the lowered usage due to dry conditions.**

Electric-Unfavorable \$1.9K or -4.4%

- Electric power sales flat compared to same time last year for the first 2 quarters**
- Usage in the 4th quarter expected to make up the a large portion of the deficit**

Hotel/Motel Tax-Favorable \$170K or 6.4%

- Revenue collections slightly higher year to date than same time last year due the new hotel collections**

Expenditure Highlights

General Fund-Favorable \$400K or 1.0%

- \$340K ED incentive payment timing**
- \$500K Street Overlay timing**

W/WW-Favorable \$1.6K or 7.2%

- \$1.0M contract timing**
- \$300K franchise fee savings due to lower revenue**

Electric-Favorable \$4.5M or 10.5%

- \$2.0M cost of power and \$300K franchise fee savings due to lower revenue**
- \$600K personnel savings**
- \$1.3M Other operating expenses**

Ms. Hurlbert reviewed the investment report. No further direction was

provided.

CONSENT AGENDA

A motion was made by Council Member Gonzales, seconded by Council Member Mihalkanin, to approve the consent agenda with the exception of items #8, 10, 12 which were pulled and considered separately. The motion carried by the following vote:

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

Against: 0

2. Consider approval, by motion, of the following meeting Minutes:

- A. June 27, 2019 - Special Meeting Minutes
- B. August 1, 2019 - Special Meeting Minutes
- C. August 6, 2019 Work Session Meeting Minutes
- D. August 20, 2019 - Work Session Meeting Minutes
- E. August 20, 2019 - Regular Meeting Minutes

A motion was made by Mayor Hughson, seconded by Council Member Mihalkanin, to postpone 2(a), the June 27, 2019 Special Meeting Minutes to the next regular Council Meeting. The motion carried by the following vote:

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

Against: 0

- 3. Consider approval of Resolution 2019-173R, approving the award of a contract to Knight Office Solutions in the amount of \$100,550.00 for City-wide printer maintenance through a cooperative agreement with U.S. Communities Government Purchasing Alliance; authorizing the City Manager or his designee to execute the contract and associated documents on behalf of the City; and declaring an effective date.**
- 4. Consider approval of Resolution 2019-174R, approving a Change in Service to the agreement with SHI Government Solutions to renew the Adobe Enterprise License in the amount of \$72,346.80; authorizing the City Manager or his designee to execute the appropriate documents to implement the change in service; and declaring an effective date.**
- 5. Consider approval of Resolution 2019-175R, approving an Interlocal Agreement with the San Marcos Consolidated Independent School District providing for the donation of surplus radio equipment to the district; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.**
- 6. Consider approval of Resolution 2019-176R, approving the award of Social Services**

funding to various organizations recommended by the Human Services Advisory Board in the amount of \$500,000, as appropriated in the Fiscal Year 2020 Budget; authorizing the City Manager or his designee to approve and execute funding agreements with such organizations; and declaring an effective date.

7. Consider approval of Resolution 2019-177R, approving an amendment to the City Support of Public Events Policy; and declaring an effective date.
8. Consider approval of Resolution 2019-178R, confirming the City Manager's appointment of Bob Klett as Interim Chief and Head of the San Marcos Police Department; and declaring an effective date.

A motion was made by Council Member Mihalkanin, seconded by Mayor Hughson, to approve Resolution 2019-178R. The motion carried by the following vote:

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

Against: 0

9. Consider approval of Resolution 2019-179R, supporting the designation of a portion of State Highway 21 within the city limits as the Private First Class Kristian Menchaca Memorial Highway; and declaring an effective date.
10. Consider approval of Resolution 2019-180R, expressing support for the Emerald Crown Regional Trail Proposal; committing not to use the City's eminent domain authority to acquire easements for the trail; and declaring an effective date.

A motion was made by Council Member Mihalkanin, seconded by Council Member Derrick, to approve Resolution 2019-180R. Sherwood Bishop with the Greenbelt Alliance, provided a brief presentation of the Emerald Crown Regional Trail Proposal. The motion carried by the following vote:

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

Against: 0

11. Consider approval of Resolution 2019-181R, approving a State Use Contract with Easter Seals-Central Texas as certified through WorkQuest for vegetation control, debris removal and landscape maintenance in the estimated amount of \$1,140,507.33; authorizing the City Manager or his designee to execute this agreement on behalf of the City; and declaring an effective date.
12. Consider approval of Resolution 2019-182R, approving a Public Transit System Interlocal Agreement with the Capital Area Rural Transportation System ("CARTS") for CARTS to provide transit services on behalf of the City in the San Marcos urbanized area, with local

funding participation by the City in the estimated amount of \$650,000; authorizing the City Manager, or his designee, to execute the agreement on behalf of the City; and declaring effective date.

MAIN MOTION: A motion was made by Council Member Mihalkanin, seconded by Council Member Derrick, to approve Resolution 2019-182R.

MOTION TO POSTPONE: A motion was made by Council Member Mihalkanin, seconded by Council Member Derrick, to postpone Resolution 2019-182R to the September 30, 2019 City Council Meeting. The motion carried by the following vote:

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

Against: 0

13. Consider approval of Resolution 2019-183R, approving Amendment No. 1 to the Design-Build agreement between the City and JE Dunn Construction setting the final guaranteed maximum price for construction phase services for the Addition and Renovation of the San Marcos Public Library at \$12,100,000 for a total Design-Build contract amount of \$12,886,300; authorizing the City Manager or his designee to execute the Amendment on behalf of the City; and declaring an effective date.

NON-CONSENT AGENDA

14. Consider approval of Ordinance 2019-25, on the second of two readings, adopting a budget in the amount of \$239,058,970 for the fiscal year beginning October 1, 2019 and ending September 30, 2020; authorizing certain adjustments to the budget with the approval of the City Manager; approving fiscal year 2019-2020 Capital Improvements Program Projects; adopting a fee schedule; including procedural provisions; and providing an effective date.

Mayor Hughson made the following announcement:

A public hearing was held on the City's proposed Fiscal Year 2019-2020 budget on September 3. In addition, City Council approved the budget on first reading on September 3. Today the City Council will consider the budget ordinance on second reading and actually adopt the City's Fiscal Year 2019-2020 budget. The City's Fiscal Year begins on October 1, 2019 and ends on September 30, 2020. The proposed budget has been on file in the City Clerk's office and on the City's website since August 16 as required by State Law.

I will entertain a motion to approve the City's Fiscal Year 2019-2020 budget ordinance on second reading and adopt the City's Fiscal Year 2019-2020

budget.

A motion was made by Council Member Mihalkanin, seconded by Council Member Gonzales, to approve Ordinance 2019-25, that approves the City's Fiscal Year 2019-2020 budget ordinance on second reading and adopt the City's Fiscal Year 2019-2020 budget. The motion carried by the following vote:

For: 6 - Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

Against: 1 - Mayor Pro Tem Prewitt

A MOTION TO RECONSIDER was made after item #16. A motion was made by Council Member Mihalkanin, seconded by Council Member Derrick, to reconsider Ordinance 2019-25. The motion carried by the following vote:

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

Against: 0

APPROVAL AFTER RECONSIDERATION: a motion was made by Council Member Mihalkanin, seconded by Council Member Gonzales, to approve Ordinance 2019-25 with the understanding that there would be funds budgeted for the Family Justice Center by the City Manager. The motion carried by the following vote:

For: 6 - Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

Against: 1 - Mayor Pro Tem Prewitt

- 15.** Consider approval of Ordinance 2019-26, on the second of two readings, increasing rates established for Water, Wholesale Water, Reclaimed Water, Wastewater Treatment, and Sewer Surcharges; and including procedural provisions.

A motion was made by Council Member Derrick, seconded by Council Member Gonzales, to approve Ordinance 2019-26, on the second of two readings. The motion carried by the following vote:

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

Against: 0

- 16.** Consider approval of Ordinance 2019-27, on the second of two readings, amending the rates for both Residential and Multifamily Customers of Municipal Solid Waste Programs in accordance with Section 66.028 of the San Marcos Code of Ordinances; including procedural provisions; and declaring an effective date.

A motion was made by Council Member Rockeymoore, seconded by Mayor Pro Tem Prewitt, to approve Ordinance 2019-27, on the second of two readings. The motion carried by the following vote:

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

Against: 0

17. Consider approval of Ordinance 2019-22, on the second of two readings, setting the Tax Rate for the 2019 Tax Year at 61.39 cents on each \$100 of taxable value of real property that is not exempt from taxation; levying taxes for the use and support of the Municipal Government of the City for the fiscal year beginning October 1, 2019, and ending September 30, 2020; providing a sinking fund for the retirement of the bonded debt of the city; including procedural provisions; and providing an effective date.

Mayor Hughson made the following announcement:

State Law requires that the City hold two Public Hearings on the City's Proposed Tax Rate. Those Public Hearings were held on August 20 and September 3. The proposed Tax Rate was published in the local newspaper on August 11 and has been viewable on the home page of the City's website as required.

City Council approved the Tax Rate Ordinance on first reading on September 3. Today's agenda item is to approve the Tax Rate Ordinance on Second Reading and actually adopt the City's 2019 Tax Rate.

We will now consider a motion to approve the Tax Rate Ordinance on second reading. The motion to approve this Ordinance must read as specified in State Law. I will entertain a motion that reads as follows:

"I move that the property tax rate be increased by the adoption of a tax rate of 61.39 cents per hundred, which is effectively a 7.97 percent increase in the tax rate."

A motion was made by Council Member Mihalkanin, seconded by Council Member Rockeymoore, that the property tax rate be increased by the adoption of a tax rate of 61.39 cents per hundred, which is effectively a 7.97 percent increase in the tax rate. The motion carried by the following vote:

For: 6 - Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

Against: 1 - Mayor Pro Tem Prewitt

18. Consider approval of Ordinance 2019-29, on the first of two readings, amending Section 34.822(A) of the San Marcos City Code, by extending the date by which an application for Long Term Rental Registration must be completed and the date that the initial term of the registration expires; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

**A motion was made by Council Member Gonzales, seconded by Council Member Derrick, to approve Ordinance 2019-29, on the first of two readings.
The motion carried by the following vote:**

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

Against: 0

19. Consider approval of Ordinance 2019-30, on the first of two readings, repealing Section 18.120 of the San Marcos City Code pertaining to the issuance of a variance to allow dogs in outdoor eating areas due to the State Law preemption of local regulation of those matters with the passage of Senate Bill 476 which amended Chapter 437 of the Texas Health and Safety Code and became effective on September 1, 2019; and providing an effective date.

MAIN MOTION: a motion was made by Council Member Derrick, seconded by Council Member Rockeymoore to approve Ordinance 2019-30, on the first of two readings.

MOTION TO AMEND: a motion was made by Mayor Hughson, seconded by Council Member Rockeymoore, to amend by replacing the ordinance with the alternate ordinance included in the packet. The caption language was expanded to read:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS REPEALING SECTION 18.120 OF THE SAN MARCOS CITY CODE PERTAINING TO THE ISSUANCE OF A VARIANCE TO ALLOW DOGS IN OUTDOOR EATING AREAS BECAUSE TEXAS HEALTH AND SAFETY CODE SECTION 437.025 NOW ALLOWS RESTAURANT CUSTOMERS TO BRING DOGS INTO OUTDOOR DINING AREAS UNDER CERTAIN SPECIFIED CONDITIONS AND PREEMPTS MORE STRINGENT LOCAL ORDINANCES ON THIS SUBJECT; AND PROVIDING AN EFFECTIVE DATE.

Section 2 now reads:

SECTION 2. Municipal Code Corporation is hereby directed to codify the following note regarding repeal of the former Section 18.120 in both the online

and printed versions of the San Marcos Code:

“Former Section 18.120, providing a process allowing a food establishment to apply for a variance to allow dogs on the premises under certain conditions, was repealed by Ordinance No. 2019-30, effective on September 30, 2019. See now, Texas Health and Safety Code, §437.025, effective September 1, 2019, allowing dogs to be present in food establishments under certain conditions.”

The motion carried by the following vote:

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

Against: 0

MAIN MOTION: to approve Ordinance 2019-30, on the first of two readings, as amended. The motion carried by the following vote:

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

Against: 0

- 20.** Consider approval of Resolution 2019-184R, adopting a revised policy for the reimbursement of Council Member expenses; and declaring an effective date.

A motion was made by Mayor Hughson, seconded by Council Member Derrick, that this Resolution be amended. The motion carried by the following vote:

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

Against: 0

A motion was made by Council Member Derrick, seconded by Mayor Pro Tem Prewitt, that this Resolution be approved. The motion carried by the following vote:

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

Against: 0

- 21.** Consider approval of Resolution 2019-186R, providing nominations to serve on the Hays Central Appraisal District Board of Directors for a two year term commencing on January 1, 2020; and declaring an effective date.

A motion was made by Council Member Mihalkanin, seconded by Council Member Gonzales, to approve Resolution 2019-186R nominating Mayor Hughson to serve on the Hays Central Appraisal District Board of Directors for a two-year term commencing on January 1, 2020. The motion carried by the following vote:

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

Against: 0

22. Consider approval, by motion, of the ratification of the tax rate reflected in the proposed budget of 61.39 cents per \$100 valuation, which will raise more revenue from property taxes than in the previous fiscal year.

Mayor Hughson made the following announcement:

State Law requires a separate motion to ratify the property tax rate reflected in the budget when more revenue will be raised from property taxes than in the previous fiscal year.

I will entertain a motion to ratify the property tax rate reflected in the budget.

A motion was made by Council Member Mihalkanin, seconded by Council Member Rockeymoore, to ratify the tax rate reflected in the proposed budget of 61.39 cents per \$100 valuation, which will raise more revenue from property taxes than in the previous fiscal year.

The motion to ratify the tax rate carried by the following vote:

For: 6 - Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

Against: 1 - Mayor Pro Tem Prewitt

23. Consider approval, by motion, authorizing negotiations of a Development Agreement requested by Paul Kuo, on behalf of HK Real Estate Development LLC for PDA-19-02 (River Bend Ranch), approximately 1,142.64 acres out of the William West Survey no. 2, the S.A. & M.G. RR Company Survey no. 10, the J.W. Wilson Survey, the J. McGuire Survey no. 60, the W. Burnette Survey no 59, the William Burnett Jr. original survey, W.A. Mathews original survey, and the John McGuire original survey located at the intersection of Old Bastrop Highway and Staples Road; and consider the appointment of a Council Committee to review aforementioned Development Agreement, if desired.

MAIN MOTION: a motion was made by Council Member Mihalkanin, seconded by Mayor Hughson to approve the authorization of negotiations of a Development Agreement requested by Paul Kuo, on behalf of HK Real Estate Development LLC for PDA-19-02 (River Bend Ranch), approximately 1,142.64

acres out of the William West Survey no. 2, the S.A. & M.G. RR Company Survey no. 10, the J.W. Wilson Survey, the J. McGuire Survey no. 60, the W. Burnette Survey no 59, the William Burnett Jr. original survey, W.A. Mathews original survey, and the John McGuire original survey located at the intersection of Old Bastrop Highway and Staples Road.

Shannon Mattingly, Director of Planning and Development Services, provided a presentation regarding the development agreement requested by Paul Kuo. The property has not been analyzed at this point, but the developer has provided what they propose. This is an opportunity to allow Council to express their interest in discussing this agreement further.

Brady Bags, Developer, stated that the River Bend Tract is located in the Crystal Clear Certificate of Convenience and Necessity (CCN) and the sewer is not located within anyone's CCN. The Freeman Tract is in the San Marcos CCN, but the sewer is not located within anyone's CCN.

Tom Taggart, Executive Director of Public Services, stated that in the area of the Freeman Tract, it was in the San Marcos Water CCN, but they chose to remove themselves from the Water CCN as they were able to do this per State Law.

Council Consensus is to allow the Workforce Housing Committee to look into this and ask any questions connected to this development.

MOTION TO AMEND: a motion was made by Mayor Hughson, seconded by Council Member Mihalkanin, to amend by sending this to the Workforce Housing Committee to look into this and ask any questions connected to this development. The motion carried by the following vote:

For: 6 - Mayor Pro Tem Prewitt, Council Member Gonzales, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

Against: 1 - Council Member Derrick

MAIN MOTION: to approve as amended and allow authorization of negotiations. The motion carried by the following vote:

For: 6 - Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

Against: 1 - Mayor Pro Tem Prewitt

24. Consider the appointment of a San Marcos Criminal Justice Committee Member to serve on the Hays County Criminal Justice Coordinating Committee, and provide direction to staff.

A motion was made by Council Member Rockeymoore, seconded by Council Member Gonzales, to approve the appointment of Mayor Pro Tem Prewitt to serve on the Hays County Criminal Justice Coordinating Committee. The motion carried by the following vote:

For: 6 - Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

Against: 0

Abstain: 1 - Mayor Pro Tem Prewitt

- 25.** Discuss an Ordinance recommendation from the Sustainability Committee that requires a certain percentage of industrial and commercial land development be placed in a land bank for local organic urban farm production, and provide direction to Staff.

Mayor Pro-Tem Prewitt, Council Member Rockeymoore, and Council Member Marquez are the current members on the Sustainability Committee and provided a brief presentation. As San Marcos continues to become more urbanized, one of the initiatives that the Sustainability committee would like to bring forward is a policy to encourage land banking for local urban farms. We recognize that many land owners that once grew crops or used for cattle ranching is being sold for commercial, industrial and residential development. We find value in health rich soils that can be used to nourish communities with healthy produce and would like to find a way to promote small urban farming.

Urban agriculture is increasingly recognized for its capacity to, strengthen the resilience of the urban food system, enhance access of the urban poor to nutritious food, generate (self-) employment and income, and help cities to adapt to climate change and reduce their ecological foot print.

Climate change and climate-related disasters add to the challenges already faced by cities and are recognized as one of the most serious environmental, societal and economic challenges facing the world today. Most cities will experience more heat waves, which leads to an increase in the amount of energy used for cooling and refrigeration purposes, more problems with air pollution and smog, and related health problems. Climate change will disproportionately affect the large numbers of urban poor and vulnerable groups. Growing urban poverty, hunger and lack of formal employment, as well as the special opportunities that a city provides for farmers (including the growing urban demand for food, herbs and plants, proximity to markets and availability of cheap resources such as urban organic wastes and wastewater) have stimulated the development of a diversity of agricultural production systems in and around cities, often specialized in perishable products, such as green leafy vegetables, milk, eggs and meat, taking advantage of vacant open

spaces in and around cities.

Urban agriculture (intra- and peri- urban) may improve both food intake and the nutritional quality of the food. Locally produced food is fresher, more nutritious and diverse than food products bought in supermarkets or in fast food chains. This is of crucial importance for young children, the elderly or sick household members

(e.g. HIV/AIDS and TB patients) and pregnant and lactating women. Urban agriculture also can play a role in the social inclusion of marginalized groups (the aged without a pension, unemployed youth, persons with disabilities, those afflicted by HIV-AIDS, refugees, female-headed households etc.) by providing them an opportunity to feed their families and raise an income, while enhancing self-management and entrepreneurial capacities.

Short food supply chains and associative value adding enterprises in many respects represent a promising approach for the generation of income streams and socio-economic tissue – social cohesion, and beneficial social networks.

Apart from creating economic livelihood opportunities for urban food producers, short food

supply chains and related agro-enterprises also are an important mechanism for building local food economies through spin-off to local shops, weekly markets, and food-related services (input supply, transport, animal health services, credit supply). An additional positive outcome of short chains is that the quality and availability of fresh locally produced food products increases at lower prices, making nutritious food better available for less endowed urban consumers. Finally, the shortening of food supply chains also potentially improves the resource efficiency of urban food systems by contributing to the closing of nutrient and energy cycles at city region level.

Council consensus is to have staff look into this further and look into money that may be available for this initiative. Also have staff assist the Sustainability committee in creating a policy and ordinance for Council to consider on land banking for small urban farms.

26. Hold discussion regarding the Belvin Street sidewalk installation between Bishop and Dixon Streets and the Sidewalk Gap Program, and provide direction to the City Manager.

Steve Parker and Tom Taggart provided an update on this project and how it initially began. Tom Taggart discussed the project expenses and why this went over budget. Discussion was held on having porous concrete in an effort to protect the tree routes.

Council provided consensus of the need for a new standard of notification. This will require a 60-day notice to resident's if a sidewalk will be installed in front of their home.

The Multimodal Transit Committee made some recommendations and these will be brought forward at a future meeting.

Discretion can be given to staff at certain times to allow sidewalks to be less than 5 feet but must maintain Americans with Disability Act (ADA) compliance.

27. Hold discussion regarding Recommendation Resolution 2019-02RR of the San Marcos Commission on Children and Youth to allocate funding for a full-time, high level executive position that will help oversee the implementation of the Youth Master Plan, with the San Marcos Commission on Children and Youth earmarking half of its City Council appropriated funding for the next two years to support this position, and provide direction to the City Manager.

Stephanie Reyes, Interim Assistant City Manager provided a brief update on the San Marcos Commission on Children and Youth recommendation request that would allocate funding for a full-time, high level executive position that will help oversee the implementation of the Youth Master Plan. The San Marcos Commission on Children and Youth would earmark half of its City Council appropriated funding for the next two years to support this position and they would like Council to place this on a future agenda for Council's approval.

Council consensus is have staff bring back an Ordinance supporting this recommendation to create this position and make sure the other Core 4 organizations which include Hays County, Texas State University, and the San Marcos Consolidated Independent School District are in support and will assist with funding.

EXECUTIVE SESSION (If necessary)

28. Executive Session in accordance with the following Government Code Sections:
- A. Section § 551.074 - Personnel Matters: discuss duties and responsibilities of the City Manager
 - B. Section § 551.072 - Real Property: to receive a staff briefing and deliberate regarding the potential acquisition of property in the downtown area for municipal use.
 - C. Section 551.087 - Economic Development: to receive a staff briefing and deliberate regarding Project World Series.

A motion was made by Council Member Derrick, seconded by Council

Member Rockeymoore, to enter into executive session at 10:39 p.m. The motion carried by the following vote:

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

Against: 0

DIRECTION / ACTION FOLLOWING EXECUTIVE SESSION

- 29.** Consider action, by motion, regarding the following Executive Session items held during the Work Session:
- A. Section § 551.074 - Personnel Matters: discuss duties and responsibilities of the City Manager
 - B. Section § 551.072 - Real Property: to receive a staff briefing and deliberate regarding the potential acquisition of property in the downtown area for municipal use.
 - C. Section 551.087 - Economic Development: to receive a staff briefing and deliberate regarding Project World Series.

Direction was provided during Executive Session. Project World Series was not discussed at this time.

VI. Question and Answer Session with Press and Public.

Roland Saucedo, asked a question regarding item 18 - Rental Registration. Mr. Saucedo serves on the Neighborhood Commission and Workforce Taskforce. He asked if the Neighborhood Commission is going to have some input in order to help Council? Mayor said there is a Council Rental Registration Committee and there are other items that need to be cleaned up in order to complete the rental registration. Council will go to Neighborhood Commission as needed.

Lisa Marie Coppoletta, asked when was the arborist report generated for the Belvin Sidewalk project? Steve Parker said there was no report, but she walked the property and made her statements. Ms. Coppoletta asked when will the onsite parking restriction signs be removed? Staff stated this will be determined tomorrow. Ms. Coppoletta made a comment that it was stated if a complaint arose the project would be pulled. The Mayor asked that she email her questions for staff response.

Sara Lee Underwood-Myers, asked if Council would consider overseeing the situation regarding the Belvin Street Sidewalk because it has gotten personal and political. She asked if the Mayor would oversee the project personally. The Mayor responded that she is not an engineer and will not be supervising the project, however, has not been ignoring the situation and will continue to read

all email messages and monitor as she has been.

VII. Adjournment.

Mayor Hughson adjourned the regular meeting of the City Council at 12:40 a.m., Wednesday, September 18, 2019.

Jamie Lee Case, City Clerk

Jane Hughson, Mayor