



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Regular Meeting Minutes City Council

Tuesday, January 4, 2022

6:00 PM

City Council Chambers/Virtual

630 E. Hopkins

I. Call To Order

With a quorum present, the regular meeting of the San Marcos City Council was called in order by Mayor Hughson at 6:06 p.m. Tuesday, January 4, 2022. This meeting was held in-person and online.

II. Roll Call

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

III. Invocation

Pastor A. D. Dillard, with First Baptist Church NBC 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

Sharri Levine Boyett, supports item for the creation of a Council Committee for Animal Services. She would like to see the committee as a bridge for all services that represent both young pets and the animal shelter that would keep pets and people together rather than surrendering or stray. Policies to reduce the numbers of animals entering the shelter by helping the community learn ways and educate them on resources available and expand the resources. Ms. Boyett provided a possible mission statement for the council committee for animal services.

Lisa Marie Coppoletta, expressed concern with the Neighborhood Services public in-person meeting on short term rentals occurring at the library when most council is not in the chamber. She stated an article regarding the funding

from the Human Services Advisory grant funding. She stated First Baptist NBC Church didn't have IRS information or volunteer hours information that is required. Ms. Coppoletta stated she would like the funding to go to organizations in San Marcos and not from out of town.

Rodrigo Amaya, stated he is ashamed with San Marcos Police Department regarding the Biden Bus incident. He expressed concern with off duty police officers for not having consequences.

James Griffin, spoke in support of item #4 regarding the property annexation located at McCarty Lane and Rattler Lane. He is working with the property owner and developer. He stated it is 105 acres of undeveloped property and has plans for an advanced manufacturing and logistic center and would like council to approve the annexation.

Brian Brooke, spoke regarding the property located at McCarty Lane and Rattler Lane. He mentioned the development is a two phase project of 700,000 sq. ft, class A industrial park that would bring in 200-500 jobs. He stated the site needs to be annexed and zoned properly.

CONSENT AGENDA

A motion was made by Council Member Baker, seconded by Council Member Gleason, to approve the consent agenda to approve consent agenda items #1-3, #6, #8-15. Items 4, 5, and 7 were pulled and considered separately. Council Member Baker voted no on items # 3, #13 and #14. The motion carried by the following vote:

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

Against: 0

1. Consider approval, by motion, of the following meeting minutes:
 - a. November 16, 2021 - Regular Meeting Minutes
 - b. November 30, 2021 - Special Meeting Minutes
 - c. December 7, 2021 - Regular Meeting Minutes
 - d. December 15, 2021 - Work Session Meeting Minutes
2. Consider approval of Ordinance 2021-94, on the second of two readings, amending the Official Zoning Map of the City in Case ZC-21-22, by rezoning approximately 12.75 acres of land, described as Lot 3A of the Replat of Lot 3A, Block 1, Section 2, McKinley Place, located at 1250 Wonder World Drive, from "GC" General Commercial District to "CD-5" Character District - 5, or, subject to consent of the owner, another less intense zoning

district classification; including procedural provisions.

3. Consider approval of Ordinance 2021-86, on the second of two readings, 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.
6. Consider approval of Ordinance 2022-02, on the second of two readings, amending certain funds in the City's 2021-2022 Fiscal Year budget for the rollover of funds and to adjust for transfers to Capital; including procedural provisions; and declaring an effective date.
8. Consider approval of Resolution 2022-01R, approving the award of a professional services agreement to HDR Engineering, Inc. for the CDBG-DR and CDBG-MIT Infrastructure support on an on-call basis in a not-to-exceed amount of \$500,000.00 for a term of three years; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.
9. Consider approval of Resolution 2022-02R, approving an Interlocal Funding Agreement with Hays County relating to the testing of drug evidence by the Texas Department of Public Safety; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.
10. Consider approval of Resolution 2022-03R, approving a contract with SHI Government Solutions, Inc., through the Texas BuyBoard Purchasing Cooperative for the purchase of Nearmap GIS Software for a term of three years in the amount of \$53,750.00; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.
11. Consider approval of Resolution 2022-04R, awarding a contract to Fleet Analytics, LLC for an annual subscription, technical support and software maintenance of an Automated Vehicle Location (AVL) System for a term of five years in the total contract amount of \$213,000.00; authorizing the City Manager or his designee to execute the contract on behalf of the City; and declaring an effective date.
12. Consider approval of Resolution 2022-05R, approving Change in Services to the agreements with the five firms previously selected to provide professional surveyor services to the City on an as-needed basis for various City projects by increasing the not-to-exceed amount of each contract from \$50,000 to \$150,000.00 for a total expenditure of \$750,000.00 for a term to be extended through 2025; and declaring an effective date.
13. Consider approval of Resolution 2022-06R, approving an agreement for the provision of services in connection with the proposed owner requested annexation in Case No. AN-22-05 of approximately 2.57 acres of land, generally located on Centerpoint Road approximately 340 feet northwest of the intersection between Centerpoint Road and Gregson's Bend; authorizing the City Manager, or his designee, to execute said

agreement on behalf of the City; setting a date for a Public Hearing concerning the proposed annexation of said tract of land; and declaring an effective date.

14. Consider approval of Resolution 2022-07R, approving an agreement for the provision of services in connection with the proposed owner requested annexation in Case No. AN-22-01 of approximately 105.41 acres of land, generally located north of the Rattler Road and E. McCarty Lane intersection; authorizing the City Manager, or his designee, to execute said agreement on behalf of the City; setting a date for a Public Hearing concerning the proposed annexation of said tract of land; and declaring an effective date.
15. Consider approval of Resolution 2022-08R, approving a Change in Services to the contract with Alliance Transportation Group Inc. through the Houston-Galveston Area Council Cooperative Purchasing Program to add services relating to a Federal Transit Administration required audit in the amount of \$70,000 bringing the total contract price to \$85,000; authorizing the City Manager or his designee to execute the appropriate documents to implement the Change in Services; and declaring an effective date.

PUBLIC HEARINGS

16. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-01, amending the official zoning map of the city in Case No. ZC-21-21, by rezoning approximately 3.59 acres of land, generally located at the Northwest Corner of Highway 123 and Clovis Barker Road intersection, from "FD" Future Development District to "HC" Heavy Commercial District, or, subject to consent of the owner, another less intense zoning district classification; including procedural provisions; and providing an effective date, and consider approval or Ordinance 2022-01, on the first of two readings.

Shannon Mattingly, Director of Planning and Development Services, provided the presentation regarding the current vacant property located at the northwest corner of the Hwy 123 and Clovis Barker Rd intersection. The proposed zoning is for Heavy Commercial (HC) which is for commercial and industrial uses with a convenience store with fuel sales proposed. The Planning and Zoning Commission denied the request for HC and recommends approval of the less intense zoning district of Commercial (CM) and with CM zoning it will not allow a gas station without a conditional use permit (CUP). She noted that the applicant will have to make a request to the Planning and Zoning Commission for a CUP in order to sell fuel. That type of CUP does not come to council for approval.

Mayor Hughson opened the Public Hearing at 6:29 p.m.

There being no speakers, Mayor Hughson closed the Public Hearing at 6:32 p.m.

A motion was made by Mayor Pro Tem Scott, seconded by Gleason, to approve Ordinance 2022-01, by approving the recommendation from the Planning and Zoning Commission of the less intense zoning district of Commercial (CM), on the first of two readings.

Council Member Baker would like to have a bicycle facility as a requirement on the conditional use permit.

The motion carried by the following vote:

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

Against: 1 - Council Member Baker

Absent: 1 - Council Member Gonzales

17. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2022-09R, providing no objection to the submission of an application for Low Income Housing Tax Credits (LIHTC) to the Texas Department of Housing and Community Affairs for the renovation of the existing Champions Crossing multifamily housing project located at 345 Champions Boulevard, approving findings related to such application, imposing conditions for such non objection; providing authorizations for execution or submission of documents related to such application; and declaring an effective date; and consider approval of Resolution 2022-09R.

Shannon Mattingly, Director of Planning and Development Services, provided a presentation on the Champion Crossing Rehabilitation Low Income Housing Tax Credit Project Amendment.

Mayor Hughson opened the Public Hearing at 6:41 p.m.

Forrest Yarbrough, supports this project and appreciates the help from staff. He thanked council for consideration of the application.

Tyler Hunt, supports this project and he is available to answer questions.

Janna Cormier, is a Tax Credit Consultant and is available to answer questions for the tax credit process.

There being no further speakers, Mayor Hughson closed the Public Hearing at 6:43 p.m.

A motion was made by Gleason, seconded by Mayor Pro Tem Scott, to approve Resolution 2022-09R.

Council Member Baker would like staff on future agendas to include income restrictions and noted the 30% is misleading for San Marcos as that number comes from the Austin Metropolitan area. He would like to have the actual income ranges instead of percentages. He is not pleased with the percentages that are 51% 60% income from Austin and not San Marcos. He feels that this project does not meet the needs of the community.

The motion carried by the following vote:

For: 6 - Mayor Hughson, Council Member Baker, Mayor Pro Tem Scott, Deputy Mayor Pro Tem Garza, Council Member Prather and Mayor Gleason

Against: 0

Absent: 1 - Council Member Gonzales

- 18.** Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2022-10R, approving a sixth amended and restated development agreement with Lazy Oaks Ranch, LP and its partial assignees in connection with the La Cima Development near the intersection of Old Ranch Road 12 and Wonder World Drive that provides additional standards for the first phase of multifamily development; authorizing the City Manager, or his designee, to execute the agreement on behalf of the City; and providing an effective date; and consider approval of Resolution 2022-10R.

Shannon Mattingly, Director of Planning and Development Services, provided the presentation on the amendment to the La Cima Development Agreement. The terms of agreement will have setbacks of 180 ft. from single-family property line to the nearest multifamily structure and 100 ft. setback from Centerpoint Rd. Also, included in this agreement is a maximum overall height of 3-stories and 2-story maximum height near single-family and Centerpoint Rd.

Mayor Hughson opened the Public Hearing at 6:49 p.m.

Eric Willis, spoke in favor of the project. He stated they amended the agreement based on the consultation from the council committee and planning staff and came up with a good plan. He stated the 180ft. setback is the closest to the neighborhood and received a letter of support from the neighbors. He stated he is available to answer questions.

There being no further speakers, Mayor Hughson closed the Public Hearing at 6:50 p.m.

A motion was made by Mayor Pro Tem Scott, seconded by Gleason, to approve Resolution 2022-10R. The motion carried by the following vote:

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

Against: 0

4. Consider approval of Ordinance 2021-87, on the second of two readings, 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.

This item was pulled so that it would be considered after the Development Agreement (Item # 18) was discussed and considered for approval.

A motion was made by Gleason, seconded by Mayor Hughson, to approve Ordinance 2021-87, on the second of two readings. The motion carried by the following vote:

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

Against: 0

5. Consider approval of Ordinance 2021-96, on the second of two readings, adopting amendments to Appendix A - Thoroughfare Plan and Appendix G - Bicycle Plan of the Transportation Master Plan to modify various roadway alignments and bicycle facility classifications.

A motion was made by Mayor Pro Tem Scott, seconded by Council Member Baker, to approve Ordinance 2021-96, on the second of two readings.

Mayor Hughson expressed concerns of losing a driving lane due to the additions of bicycle lanes. She stated staff sent a memo regarding the streets proposed for lane reductions to accommodate bike lanes are Craddock Avenue from Old RR 12 to Bishop and Sessom Dr from Holland St to N LBJ Dr.

Mayor Pro Tem Scott expressed concerns with traffic volume and would like to add speed bumps as an option to slow down traffic for the safety of bicyclists. He would like to have a shared lane without removing a driving lane.

Richard Reynosa, Assistant Director of Engineering, He couldn't speak on the

4 to 2 lanes reduction but has looked at the volume of traffic and he stated that the level of service will not be impacted for these roadways and this was initiated by the street maintenance program. Mayor Hughson inquired does the level of service include traffic counts including at which times? Mr. Reynosa stated staff has been taking counts and used traffic models to run scenarios and reviewed the level of service.

Mayor Hughson asked what is the cost to convert the lanes back if needed? Mr. Reynosa stated that it is working within our existing pavement limits so it would only require changing the striping to revert back. He mentioned that he does not have the cost of striping. Mayor Hughson inquired about the path that is already on Craddock, but may not be the entire length. Mr. Reynosa stated it is not wide enough for bikes and pedestrians.

Council Member Baker stated removing a lane is building a bicycle infrastructure and a sustainability effort. He stated that traffic relates to a result of speeding and it is important to keep in mind that we want to transform our community to be bike friendly and be safe for drivers and bicyclist. He hopes that council will approve the suggestions which will be an advantage for bike activists. He suggested asking the phone apps that provide directions and other information about traffic to geo-fence off the neighborhoods to ensure that doesn't become an alternate route to the main streets.

Mayor Pro Tem Scott doesn't think we need to reduce the travel lanes.

Council Member Gleason stated citizens that live on Craddock Ave. are concern about reducing it to one lane. He noted that most people who live in San Marcos do not need a phone app to find an alternate route as we are already aware of those routes. He also noted that when there is a disaster and we need many people to exit an area, we need the lanes. He also noted that enforcement of the speed limits will be helpful.

MOTION TO AMEND: A motion was made by Gleason, seconded by Mayor Pro Tem Scott, to approve the recommendations and amend by keeping Craddock Ave. and Session Dr. as four lane roadways.

Council Member Gonzales would like speed bumps to be installed. Mr. Reynosa stated that the speed bumps on Craddock Ave. will be evaluated and discuss with the Transportation department. Mr. Reynosa stated the Transportation Master Plan currently has Craddock Ave. with protected bike

lanes and Session Dr. has shared used path. He mentioned that no bike facilities will be provided if leaving the road with 4 lanes. Mayor Hughson confirmed if the motion will be to remove the planned changes to Craddock Ave. from Old RR 12 to Bishop and Session Dr. from Holland to N. LBJ. Mayor Hughson asked if a sharrow can be done instead of nothing? Mr. Reynosa stated the analysis showed it would not be recommended on these two roads.

Council Member Baker discussed whether we need the bike paths on both sides. He noted that sharrows are not the best option.

The motion failed by the following vote:

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

Against: 4 - Mayor Hughson, Council Member Baker, Deputy Mayor Pro Tem Garza and Council Member Prather

Mayor Hughson asked if a time frame can be set to analyze if it is working. Mr. Reynosa stated in the fall after students return we can receive better data.

MAIN MOTION: to approve Ordinance 2021-96, on the second of two readings.

The motion carried by the following vote:

For: 5 - Mayor Hughson, Council Member Baker, Deputy Mayor Pro Tem Garza, Council Member Prather and Mayor Gleason

Against: 2 - Council Member Gonzales and Mayor Pro Tem Scott

7. Consider approval of Ordinance 2022-03, on the second of two readings, amending Chapter 2, Division 18, Section 2.367 of the City Code titled powers and duties relating to the Animal Advisory Committee to expand the powers and duties of the Animal Advisory Committee as recommended by the Animal Advisory Committee; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

MOTION TO POSTPONE: A motion was made by Mayor Pro Tem Scott, seconded by Gleason, to postpone Ordinance 2022-03, on the second of two readings to March 1st Regular Meeting. The motion failed by the following vote:

For: 1 - Mayor Pro Tem Scott

Against: 6 - Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Garza, Council Member Prather and Mayor Gleason

A motion was made by Mayor Hughson, seconded by Council Member Baker, to approve Ordinance 2022-03, on the second of two readings. The motion

carried by the following vote:

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

Against: 1 - Mayor Pro Tem Scott

NON-CONSENT AGENDA

19. Consider approval of Ordinance 2022-04, on the first of two readings, amending Section 2.566 of the San Marcos City Code to authorize the City Manager or the City Manager's designee(s) to approve change orders to city contracts involving increases or decreases of \$50,000.00 or less by deleting any reference to the individual holding the position of City Manager; including procedural provisions; and declaring an effective date.

A motion was made by Council Member Baker, seconded by Deputy Mayor Pro Tem Garza, to approve Ordinance 2022-04, on the first of two readings.

The motion carried by the following vote:

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

Against: 0

20. Consider approval of Ord. 2022-05, granting the consent of the City of San Marcos, Texas, to the creation of Hays County Municipal Utility District No. 8 and the inclusion therein of approximately 567.663 acres of land located within the City's Extraterritorial Jurisdiction in the vicinity of Old Bastrop Highway between Redwood Road and the San Marcos River; approving an associated consent agreement with HK Baugh Ranch, LLC; authorizing the City Manager, or the City Manager's designee, to execute the consent agreement; providing procedural provisions; providing for the adoption of this ordinance on only one reading; and providing for an effective date.

A motion was made by Gleason, seconded by Mayor Hughson, to approve Ordinance 2022-05, on only one reading. The motion carried by the following vote:

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

Against: 1 - Council Member Baker

21. Consider approval of Ordinance 2022-06, granting the consent of the City of San Marcos, Texas, to the creation of Hays County Municipal Utility District No. 9 and the inclusion therein of approximately 475.393 acres of land located within the City's Extraterritorial Jurisdiction in the vicinity of Old Bastrop Highway between Redwood Road and the San Marcos River; approving an associated consent agreement with HK Riley's Pointe, LLC and Benchmark Acquisitions, LLC; authorizing the City Manager, or the City Manager's designee, to execute the consent agreement; providing procedural provisions; providing for the adoption of this Ordinance on only one reading and providing for an effective date.

A motion was made by Mayor Pro Tem Scott, seconded by Mayor Hughson, to approve Ordinance 2022-06, on only one reading. The motion carried by the following vote:

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

Against: 1 - Council Member Baker

- 22.** Hold discussion related to Section 2.044 - Preparation of an agenda, including but not limited to, Council Member requests and pending agenda items, and provide direction to the City Manager.

Council Member Baker stated during the preparation of the Town Hall meeting, he was looking over policies and procedures. He stated two council members can place items on the agenda. He states in Section 2.044 the Mayor and City Manager finalizes the agenda, they can't remove items from the agenda. He mentioned when council members email to place items on the agenda it should be added to the next meeting as a discussion item and with council consensus at the next meeting to decide how to move forward and provide direction to staff. Mr. Baker stated currently the way it operates has been City Manger and Mayor puts on the agenda and decides how far items can be pushed into the future due to the number of items on the upcoming agenda. He would like to have the rules followed.

Mayor Hughson explained the process. She began with the question of what does the Mayor and Council really want to accomplish? The wording for the agenda item has to be thought out clearly for council, staff and the public on the topic that is being considered. Sometimes the concept evolves into a slightly different topic so the wording is imported. She shared the agenda reviews are done by a number of people including the City Manager and City Attorney. She stated if an email is sent to get clarification please return phone calls or respond to emails regarding the topic to get the wording correct. If no response, then item may be pushed to the next meeting. Mayor Hughson explained the agenda setting process, agenda posting, and timing thereof. There are requests by staff for purchases, public hearings on annexations and zoning change requests that are generated by others. Most of the time spend on agenda setting is review of the board and commission requests and council requests. Is the wording solid? How long is this agenda? Is this item going to a council committee first? What is the status? Agenda setting is done on the Thursday that is almost two weeks prior to the upcoming council member so council members would need to submit their request two weeks in advance to ensure it gets on an agenda.

Mayor Hughson suggested when a request is placed council members need to include the following Considerations: What does the council member want, what exact wording is needed to be clear for the public and general enough to discuss related items.

What is considered at agenda setting is how long is the discussion going to be, is there is information on file that can be useful or needed, and should the item be referred to a council committee. In addition, for some items there will be fiscal consideration.

Mayor Hughson stated if amending the ordinance would like to add a deadline of two weeks prior to a meeting and identify who the items are sent. She suggested to email city manager and assistant city managers and city manager's office staff, city clerk and city attorney and unless three people have already discussed it also to send the Mayor.

Council Member Baker stated Mayor's suggestions are reasonable. He stated that all topics requested should go to the council and not to a committee. He would like to include background information on discussion items and would like to see a Powerpoint or staff notes of phone calls and attach relevant emails related to the agenda item.

Mayor Hughson noted that the only time a request item was referred to a committee is when the requestor was asked if that would be OK, noting that one of the council committees might be working on a similar topic. If the request was to go directly to a council meeting agenda, that is what was done.

Council Member Baker expressed concern that if the requester is not on the committee, but emails the committee, then there would be four council members conferring on the topic which can violate Texas Open Meetings Act (TOMA). Mayor Hughson stated she would never want to violate TOMA. Mayor Hughson asked Mr. Cosentino if two council to members have a topic and they reach out to a council committee member now more council members have discussed.

Mr. Cosentino stated depending on how much verbal exchange was taken it might. If it were just an email stating the request it might be permissible but the potential violation can be present. Mayor Hughson noted that when a request is made, it goes on the rolling agenda, and then a decision is made as to which agenda to place it. She doesn't feel she has ever removed a request from an agenda, but sometimes a request is placed on a later agenda than the

council member wanted. She has asked requesters if a delay would be OK and the requester agreed. She has had several items she waited for several meetings to place on a shorter agenda.

Mayor Pro Tem Scott noted that a request to push an item to a future agenda is reasonable and he has been fine with that in the past.

Mr. Cosentino explained Section 2.044, stating the deadline for two council members to make a request to place a discussion item on an agenda before the mayor sets the agenda for the meeting. He observed during the years the mayor or city manager have reached out to the requested two council members if they are willing to consider delaying the discussion to another meeting agenda when an agenda has a number of items already on it.

Mayor Hughson suggested to amend the ordinance by adding a deadline and who the request is sent to. Mr. Cosentino stated it could be beneficial to amend the ordinance by stating the deadline is a certain number of days prior to the meeting. Council members could include in their request that the item is not urgent if that is the case.

Council Member Baker expressed concerns with adding background information like emails which need not be in the ordinance but in our policy. Mayor Hughson stated we need the exact wording coming from the City Manager's Office and the background information identified. Mayor Hughson mentioned twenty nine days is needed to gather supporting documentation for staff items. If the request is turned in two weeks before the meeting, and the packet is posted six days before the meeting, that leaves about 5 working days to pull together the relevant documentation.

Mr. Lumbreras stated there needs to be more clarity on the wording and the timeline is essential. Mr. Lumbreras stated if council members bring forth a request, they should send an email with specific wording and the background information they would like to include. He would like council members to present the agenda item with the background information during the meeting since they placed it on the agenda, not staff. He noted that council members should include the city manager in the communications to place the request.

Mayor Pro Tem Garza asked how should council reach out to staff for more information to include with the item requested? Mayor Hughson stated the reason to place an item on an agenda for discussion is to make sure four council members are interested before a lot of staff time is spent. Mayor Pro

Tem Garza stated if more than two council members are bringing it forward then some staff time should be spent and if it is not possible then a call from city manager notifying the requester will be helpful. She noted that the request may already have information or need some help to get started.

Mayor Hughson suggested a time limit of perhaps one hour of staff time per an agenda request. She also noted that the more time needed to prepare the agenda item means that it may be necessary to push the item to a future agenda past the one upcoming.

Mayor Pro Tem Scott agrees with two council members placing items for discussion and provide direction to staff by having four council members agree for further action. He mentioned also contacting the department director helps with questions. In some cases he has received answers and he didn't need to place the item on an agenda.

Mr. Lumbreras stated it is permissible for a council member to contact department directors similar to what citizens would be asking. The only concern is if a council member is directing the director or pushing them in a particular direction. He stated if it's an inquiry on a particular project, initiative or communicating as a citizen there is no problem. He stated there is a reporting system that directors notify the city manager's office on the council's request.

Council Member Baker noted that the council member requester can work with staff as to the background information to be included in the packet. He expressed concerns with how long it takes to get stuff done. He noted the amount of time staff spends on some topics for council committees and thinks that same amount of time could be provided for council agenda items. Mayor Hughson stated when the section was written in the City Code this was about regular council meetings and that work sessions are new although workshops were held in the past, and she noted executive sessions. She would like clarification as to which type meeting is the agenda items requested. Mr. Lumbreras stated work sessions were initiated after his employment began and are intended for key policy issues on topics council would be undertaking. He provided the timeline and what preparation is needed for items added to the work session and discussion items which can be several weeks. Items has been driven by staff.

Mayor Hughson suggests to amend Section 2.044 and add "regular meetings". She suggested the discussion to determine if further discussion is needed during

a work session. Mr. Cosentino stated Section 2.044 hasn't been applied to executive sessions and in his experience council members do not place items on executive session agendas. He mentioned executive session is staff driven when there is a need to determine to purchase property and at what price personnel matters and litigation. He stated it would be helpful to get clarity as to whether or not it should apply to executive session.

Mayor Pro Tem Garza asked how items get on work sessions. Mr. Lumbreras noted work sessions are presentations that are held publicly and executive session is a closed meeting allowed under sections of the code. Ms. Garza would like a step by step guide on how to add items to work sessions, regular meetings and executive session.

Council Member Baker would like council members to add items to executive sessions to talk about personnel matters with the City Manager.

Mayor Hughson suggested maybe have three council members place an item on a work session agenda.

Council Member Gleason likes the current process of placing items on council agenda by two council members. He has concerns about the executive session which is mainly for legal advice and we need staff to tell us what is eligible. He suggests a limit on staff time, perhaps an hour, for council member discussion items. Council committee agenda items are different and preparation by staff for reports there is fine.

Council Member Prather stated an hour of staff time is a good limit for preparation until a majority of council provides direction for more time. For Council committees, what time staff feels they need is fine.

Mayor Pro Tem Garza stated if staffing is an issue we should have a discussion on hiring more staff.

Council concurred with the process for council meetings to include the following:

For agenda items under Section 2.044:

- Only addresses regular Council meetings (need to insert the word "regular"),
- Requests must be submitted at least two weeks in advance of a future council meeting to appear on the next agenda
- Limit of one hour of staff preparation, for discussion items. which may to

delay item to a following meeting)

• **Deadline of 10 days prior to the meeting for Council to provide supporting documentation to include in the packet or the agenda item will be pushed to the following agenda.**

Items requested for a work session agenda must go on a regular meeting agenda first. If a majority of Council requests it, the item will be placed on a future work session.

For an executive session item, 3 Council Members must request the item.

- 23.** Hold discussion regarding the consideration of the creation of a Council Committee for the Animal Shelter, discussion on the mission of this committee, and provide direction to the City Manager.

Mayor Hughson noted she would like to change the word from "Shelter" to "Services". She does not want to manage the shelter but the goal is to have ways to educate and engage the community regarding animal services. This includes working with animal advocates that provide support to the animal shelter and helps with promoting adoptions and fosters. She would like to work with the regional partners to ensure more advertising and adoption events in the other area cities.

Mr. Lumbreras stated on the policy level a decision from council and city staff is do we continue being a regional partner with the other governing bodies, he noted there is discussion on conducting a study from Hays County. He is suggesting that the council committee interact with other policy makers that would benefit all groups. We are operating the only facility and shouldn't leave the other partners that have an interest. Mayor Hughson mentioned the study is underway but not concluded at this time.

Mayor Pro Tem Garza would like a status update on the study before the next discussion.

Council Member Baker would like for the committee to receive public input during committee meetings.

Council concurred to place this item on a future agenda for appointments to the council committee.

EXECUTIVE SESSION

- 24.** Executive Session in accordance with the following:

A. Sec. §551.086 of the Texas Government Code: Public Power Utility Competitive Matters: - To receive staff briefing regarding the City's Wholesale Power Agreements and the cost recovery mechanism for wholesale power purchases

B. Sec. §551.071 of the Texas Government Code: Consultation with Attorney: To receive a briefing on pending litigation, to wit: Civil Action No. 1:21-CV-00568-RP; In the United States District Court; Western District of Texas; Eric Cervini, Wendy Davis, David Gins, and Timothy Holloway v. Chase Stapp, Brandon Winkenwerder, Matthew Daenzer, and City of San Marcos

C. Sec. §551.074 of the Texas Government Code: Personnel Matter: To discuss the duties and responsibilities of the Presiding Municipal Court Judge

Mayor Hughson stated Executive Session was completed during the Work Session, and was not needed this evening.

ACTION/DIRECTION FROM EXECUTIVE SESSION

25. 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. §551.086 of the Texas Government Code: Public Power Utility Competitive Matters: - To receive staff briefing regarding the City's Wholesale Power Agreements and the cost recovery mechanism for wholesale power purchases

B. Sec. §551.071 of the Texas Government Code: Consultation with Attorney: To receive a briefing on pending litigation: Civil Action 1:21-CV-00568-RP; In the United States District Court; Western District of Texas; Eric Cervini, Wendy Davis, David Gins, and Timothy Holloway v. Chase Stapp, Brandon Winkenwerder, Matthew Daenzer, and City of San Marcos

C. Sec. §551.074 of the Texas Government Code: Personnel Matter: To discuss the duties and responsibilities of the Presiding Municipal Court Judge

Mayor Hughson stated item items A and B information was presented and received. Mayor Hughson stated for item C discussion was held.

VI. Question and Answer Session with Press and Public.

Lisa Marie Coppoletta, has observed some council members have reliable internet and no one is in the chambers. She would like to see infrastructure setup so it won't disrupt the meeting. Mayor Hughson stated she offered to have council separated and made choices to work from home due to the pandemic and what is going on in the community. Mayor Hughson noted that we are following the rules and she is present in the chambers at every meeting.

VII. Adjournment.

Mayor Hughson adjourned the regular meeting of the City Council on Tuesday, January 4, 2022 at 9:36 p.m.

Tammy K. Cook, City Clerk

Jane Hughson, Mayor