



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Regular Meeting Minutes City Council

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Tuesday, January 18, 2022

6:00 PM

City Council Chambers/Virtual

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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 6:00 p.m. Tuesday, January 18, 2022. The 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

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

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

### V. 30 Minute Citizen Comment Period

**Rodrigo Amaya, expressed concern how one council member can be at two places at the same time. He mentioned the issues with the San Marcos Police Department regarding an officer who killed a woman, the Biden incident and a shooting of a man at Hooters. He expressed concern that city staff is avoiding him and would like to know how staff is improving the community. He would like city management to hold staff members accountable.**

**Darlene Starr, shared concerns of the animal shelter volunteers and mentioned a statement from a volunteer that didn't feel appreciated and alienated. She provided information on the volunteer hours and expressed concerns that volunteers are going elsewhere and the animal shelter is losing free labor. She hopes the new animal shelter manager will change things around. She stated the shelter has had no manager for 15 months and the position was poorly promoted when it was posted in November. She would like council to consider**

**postponing the meet and greet of the animal services manager candidates until the Animal Services Council Committee established.**

**Lisa Marie Coppoletta, expressed concern with item #23 regarding transparency in the agenda packets and would like more background information included. She stated item #4 is for staff not to be held accountable when staff goes over budget and would like for council reject item. She is happy about item #19 but expressed concern that it will pass the taxes to business owners who are struggling, those who have lost jobs and residents that can't pay property taxes and she suggests to implement revenue neutral. She expressed concerns with item #14 with the dollar amount being spent on a study while people are struggling in the community.**

## **CONSENT AGENDA**

**A motion was made by Council Member Gonzales, seconded by Mayor Pro Tem Scott, to approve consent agenda items, consisting of items 1-18. Council Member Prather abstained from item #10. Council Member Baker voted no on items #2, 3 and 10. 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. December 7, 2021 - Work Session Meeting Minutes
  - b. December 15, 2021 - Regular Meeting Minutes
  - c. January 4, 2022 - Work Session Meeting Minutes
2. Consider approval of Ordinance 2021-91, on the second of two readings, annexing into the City approximately 3.60 acres of land generally located at the northwest corner of the State Highway 123 and Clovis Barker Road Intersection in Case Number AN-21-10; including procedural provisions; and providing an effective date.
3. Consider approval of Ordinance 2022-01, on the second of two readings, 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 "CM" Commercial District; including procedural provisions; and providing an effective date.
4. Consider approval of Ordinance 2022-04, on the second 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.

5. Consider approval of Resolution 2022-11R, approving an agreement with Charles D. Nash Jr. for the city to purchase three parcels of land totaling 4.88 acres in the vicinity of the IH-35 Southbound Frontage Road near the intersection of Carlson Circle and River Ridge Parkway for a purchase price of \$950,000.00, plus associated closing costs, to be used for water detention facilities and water quality purposes in connection with the Briarwood and River Ridge Improvements Project; authorizing the City Manager, or the City Manager's designee, to execute said agreement and associated closing documents; and declaring an effective date.
6. Consider approval of Resolution 2022-12R, authorizing an agreement with the Texas Department of Transportation for the City of San Marcos to assume operation and maintenance of existing traffic signals due to an increased population exceeding 50,000 as required by state law and an agreement for the installation and reimbursement to the City for the operation and maintenance of traffic signals in the minimum annual amount of \$21,824.88; authorizing the City Manager or his designee to execute the agreements on behalf of the City; and declaring an effective date.
7. Consider approval of Resolution 2022-13R, awarding a construction contract to Myers Concrete Construction LP, for the San Marcos Downtown Accessible Pedestrian Traffic Signal Improvements project in the total amount of \$368,052.04; authorizing the City Manager or his designee to execute the contract on behalf of the City; and declaring an effective date.
8. Consider approval of Resolution 2022-14R, authorizing a Change in Service to the project management services agreement with Jacobs Engineering Group relating to management of City Bond Projects to extend the contract end date to December 31, 2022 at no additional cost to the City; authorizing the City Manager or his designee to execute the documents necessary to implement the Change in Service on behalf of the City; and declaring an effective date.
9. Consider approval of Resolution 2022-15R, approving an agreement with Randall Morris & Company providing for the City to purchase a drainage easement across 0.1950 acres of land located at 708 River Road, together with a temporary workspace license, for a price of \$80,882.00 plus associated closing costs, in connection with the Blanco Gardens Drainage Improvements Project; authorizing the City Manager, or his designee, to execute said agreement and associated closing documents; and declaring an effective date.
10. Consider approval of Resolution 2022-16R, approving an Assessment and Collection Agreement between the City and Hays County regarding the collection of assessments for the Whisper South Public Improvement District located in the vicinity of IH-35 and Yarrington Road; authorizing the City Manager, or his designee, to execute the agreement on behalf of the City; and providing an effective date.
11. Consider approval of Resolution 2022-17R, authorizing a Change in Service to the

agreement with AT&T Mobility II, Inc. and NetMotion Wireless to provide software maintenance for use by city employees who use their devices in locations other City property to be renewed in the estimated annual amount of \$25,920.00 and allow for the option to extend the agreement on an annual basis indefinitely upon mutual agreement of both parties; authorizing the City Manager or his designee to execute the appropriate documents to implement the Change in Service; and declaring an effective date.

12. Consider approval of Resolution 2022-18R, approving an agreement with AWS Communications, through the Department of Information Resources Purchasing Cooperative, for the purchase and installation of the Public Services Complex Cellular Distributed Antenna System (DAS) in the estimated amount of \$164,286.00; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.
13. Consider approval of Resolution 2022-19R, approving a Professional Services Agreement with Halff and Associates, Inc. to provide consulting services for development of the preliminary design report for the San Marcos Riverfront Parks project in the estimated amount of \$181,965.00; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.
14. Consider approval of Resolution 2022-20R, approving a Professional Services Agreement with Halff and Associates, Inc. to provide consulting services for the development of the San Marcos Natural Area Land Management Plan in the estimated amount of \$99,760.00; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.
15. Consider approval of Resolution 2022-21R, approving an agreement with ZNet Tech LLC, through the General Services Administration Purchasing Cooperative, for the purchase of the FARO 3D Laser Measurement System to assist the San Marcos Police Department with forensic investigations in the estimated amount of \$91,690.50 for the initial purchase and two years of maintenance and authorizing an additional three-year term; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.
16. Consider approval of Resolution 2022-22R, ratifying staff approval of a Change Order to the construction contract with Seidel Construction, LLC relating to Fire Station No. 6 to provide for a redesigned HVAC System in the amount of \$108,486.00; authorizing the City Manager or his designee to execute the appropriate documents relating to the change order on behalf of the City; and declaring an effective date.
17. Consider approval of Resolution 2022-23R, approving a contract with Stryker Sales Corporation, through the Texas SmartBuy Purchasing Cooperative, for the purchase of a Lifepak 15 Cardiac Monitor/Defibrillator and Lucas 3 Chest Compression System for use by the San Marcos Fire Department in the amount of \$62,982.05; authorizing the City Manager or his designee to execute the contract on behalf of the City; and declaring an effective date.

18. Consider approval, by motion, a recommendation by the Planning and Zoning Commission and City Council to waive the cost of the application fee for a Conditional Use Permit request (CUP-22-05) for Las Onces Colinas, LLC., in an amount not to exceed \$806.00, and provide direction to the City Manager.

### **NON-CONSENT AGENDA**

19. Consider approval of Ordinance 2022-07, on the first of two readings, amending Chapter 78, Taxation, of the City Code of Ordinances; establishing a residential homestead exemption in the amount of \$15,000; increasing the residence homestead exemption for disabled persons and persons 65 or older from \$25,000 to \$35,000; including procedural provisions; and declaring an effective date.

**A motion was made by Council Member Baker, seconded by Mayor Pro Tem Scott, to approve Ordinance 2022-07, on the first of two readings.**

**Council Member Baker would like marketing and educational resources to inform residents if they qualify.**

**Mayor Hughson confirmed with Ms. Kalka that Hays County has a homestead exemption. Ms. Kalka will follow up with council if the residents automatically qualify or if an another application is needed.**

**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 Resolution 2022-24R, awarding a construction contract to Archer Western for the Surface Water Treatment Plant Improvements project in the total amount of \$12,945,554.10 with the City's portion being \$5,863,444.05 pursuant to the terms of an interlocal agreement between the City, Alliance Regional Water Authority and Guadalupe Blanco River Authority; authorizing the City Manager or his designee to execute the contract on behalf of the City; and declaring an effective date.

**A motion was made by Mayor Pro Tem Scott, seconded by Mayor Gleason, to approve Resolution 2022-24R. 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

21. Consider approval of Resolution 2022-25R, approving an Interlocal Agreement with the

Alliance Regional Water Authority (ARWA) providing for joint participation in the design and construction of improvements related to the delivery of Carrizo Aquifer groundwater to San Marcos; authorizing the City Manager or the City Manager's designee to execute the agreement on behalf of the City; and declaring an effective date.

**A motion was made by Mayor Gleason, seconded by Mayor Pro Tem Scott, to approve Resolution 2022-25R. 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

22. Discuss and consider the creation of and appointments to an Animal Services Council Committee and provide direction to staff.

**Mayor Hughson stated the purpose for the Animal Services Council Committee is to educate and engage the community regarding animal services. She noted that staff is working on the live outcome plan and improving the rate. We would like to see the community dedicated to protecting the animals and help saving lives. She mentioned the committee will work with animal advocates that provide support for the animal shelter in promoting adoptions and fosters. The committee will also work the partners of the regional shelter within the county to ensure advertising and adoption events in their areas. This committee will not replace the Animal Services Advisory Committee nor is it to manage the aspects of shelter or personnel.**

**Mayor Pro Tem Scott volunteers himself and Deputy Mayor Pro Tem Garza. Mayor Hughson volunteered to serve on the committee.**

**Council concurred for Mayor Hughson, Mayor Pro Tem Scott and Deputy Mayor Pro Tem Garza to serve on the Animal Services Council Committee.**

23. Hold discussion regarding the City Council Packet Meetings, and provide direction to the City Manager.

**Council consensus was not to bring this item back for action.**

24. Hold a discussion regarding officer camera footage (included but not limited to body-worn camera and dashboard camera footage) and provide direction to staff.

**Deputy Mayor Pro Tem Garza stated the topic has originated from community conversations regarding recent police happenings and transparency. She stated there is confusion within the community and some council members regarding dissemination of information regarding policing but more recently community members are asking why does the police department not release body worn**

footage. Ms. Garza stated surrounding cities release video footage and would like to know of the existing policy. She would like for all council members to receive the information at the same time. She mentioned that it is her understanding the City does not have an internal policy regarding body worn footage.

Council Member Baker inquired if there is a written policy for body camera footage. Chief Standridge stated the city attorney provided legal counsel regarding this matter. Chief Standridge explained the governing statute of the Occupational Code, Section 17.01 state law has numerous reasons why a video can and can't be released. He stated there are provisions that prohibit the release of video. Chief Standridge stated the police department can release a video if it is determined to be in the best interest of the community. He stated the department does not release videos prior to grand jury review. The San Marcos Police Department does not want to jeopardize the accused or hurt the prosecution for purpose to exhibit the victim. Chief Standridge explained the process of the Hays County District Attorney Office that summons grand juries twice a year. He stated the explanation is relevant to council because 9 jurors are needed to indict. If releasing the videos before grand jury review and 4 jurors watch the video that could taint the jurors and now the district attorney can't present the case to the grand jury for review. He mentioned if video release before the grand jury review, it can contaminate the jury pool. If 4 jurors watch the video and form an opinion, and under the Criminal Code of Penal 198.253 jurors will have to recuse themselves, otherwise they are subject to a criminal penalty.

He stated we talk about transparency and everybody wants justice but there is a perception that we are not being transparent, the reason is to protect judicial system and have eligible grand jurors to review cases and were not trying to bias them before they review the case. If there are enough jurors who have to recuse and therefore the Hays County Grand Jury cannot hear the case, then there must be a change of venue to another county. That means another community will decide what is important in the City of San Marcos and we may prefer that not happen. The change of venue also costs the taxpayers of Hays County.

Chief Standridge stated it is a delay of releasing the video it is not an absolute no to release but it has be presented to the grand jury first. If there is indictment the video will not be released prior to the trial in order to not bias the jury.

Deputy Mayor Pro Tem Garza stated this information helps council and the

public understand the rationale. She asked why there is not an internal document that outlines the type of information that was just presented. Other cities have a policy on this topic. She mentioned it would be helpful to have an internal policy on record retention or information on departmental audits. Chief Standridge stated there is a policy because every Texas agency that uses bodyworn cameras is required to have one by state law. Our policy mirrors state statute and the city has had one since the city adopted bodyworn cameras. We also have a policy for dashboard systems. Chief Standridge stated the city does have these policies and the documents will be sent to council members. He stated council members may not view videos other than when the public would be able to see them.

Mayor Pro Tem Scott asked Chief Standridge if any of the footage is used for training? Chief Standridge stated yes but exclusively to the members of the agency.

Mayor Pro Tem Scott asked Chief Standridge if the footages are used for trainings? Chief Standridge stated yes but exclusively members of the agency. Mr. Scott stated we need to have policies to make it easier to explain to people since there are things we can't do per state law. Mayor Pro Tem Scott would like to be prepared to explain to citizens when a situation has happened. Chief Standridge stated elected leaders can view the videos after a case has been adjudicated but not before.

Council Member Baker asked if there is a policy that will not allow a cell phone user to post the footage online that can taint the jury? Chief Standridge stated it is not the property of the city and evidence from the cell phone can be seized under a search warrant. Chief stated we can't prohibit people posting online since they have a constitutional freedom to do so. Chief Standridge stated evidence is given by consent or under a search warrant.

Mayor Hughson asked if there is a difference on how the law is applied when a citizen is recording on the public street or recording in their home? Chief stated no difference if a search warrant is involved or on consent.

Deputy Mayor Pro Tem Garza asked if the policy has clear guidance on when videos can be released to public and/or media.

Council Member Baker stated he would like more transparency regardless of state law.



**Mayor Pro Tem Scott asked once the trial and deliberation has been completed, can the video footage be released to the public? Chief Standridge stated an open records request would trigger the item for video review and determine it if has been fully adjudicated and if there is no code defendants before the video can be released.**

**Deputy Mayor Pro Tem Garza provided comments referencing the guidebook from Texas Municipal League (TML).**

## **EXECUTIVE SESSION**

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

A. Sec. §551.072 of the Texas Government Code: Real Property - to discuss potential amendment of a lease agreement with Becerra Corp. of city-owned property located at 201 S. LBJ (intersection of Edward Gary & S. LBJ)

B. Sec. §551.072 of the Texas Government Code: Real Property - to discuss a potential lease of the San Marcos Electric Utility building located at 1040 State Hwy 123

C. Sec. §551.074 of the Texas Government Code: Personnel Matters: To discuss the City Council Evaluation of Appointee Process

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

## **ACTION/DIRECTION FROM EXECUTIVE SESSION**

**26. 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. §551.072 of the Texas Government Code: Real Property - to discuss potential amendment of a lease agreement with Becerra Corp. of city-owned property located at 201 S. LBJ (intersection of Edward Gary and S. LBJ)

B. Sec. §551.072 of the Texas Government Code: Real Property - to discuss a potential lease of the San Marcos Electric Utility building located at 1040 State Hwy 123

C. Sec. §551.074 of the Texas Government Code: Personnel Matters: To discuss the City Council Evaluation of Appointee Process

**Mayor Hughson stated direction was provided to staff on items A and B.**

**Mayor Hughson stated that item C will be brought back at a future agenda for discussion.**

## **VI. Question and Answer Session with Press and Public.**

**Lisa Marie Coppoletta, spoke regarding item #24 and wanted to know if the**

policy is available online for transparency purpose. Mr. Stapp stated currently the policies are not on website but can be released through an open records request. She would like the policies to be available on the website.

She inquired regarding tax revenue neutral or zero based budgets and why did that change? She would like to know if the item that was passed, is the cost going to be passed to the taxpayers that are not retired or disabled? Mayor Hughson asked of staff what is the increase in the tax base? She noted that is why she is supporting this item because the increase in the tax base should compensate and doesn't think the burden will be on the rest of the taxpayers. Ms. Kalka stated it will take effect until next budget year and the budget process has not begun so we don't know where we will be without knowing the property values or know the needs of the city. She noted we are required to get the homestead exemption to the County by June before our budget is adopted we have to let the County know if we are going to do this. Ms. Kalka stated we are basing it on the prior budget to see if there will be an impact or not.

VII. Adjournment.

**A motion was made by Mayor Pro Tem Scott, seconded by Council Member Prather, to adjourn the regular meeting of the City Council on January 18, 2022 at 7:30 p.m. 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

**Tammy K. Cook, City Clerk**

**Jane Hughson, Mayor**