



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Regular Meeting Minutes- Final City Council

Tuesday, February 15, 2022

6:00 PM

City Council Chambers

630 E. Hopkins

I. Call To Order

With a quorum present, the regular meeting of the San Marcos City Council was called to order by Mayor Hughson at 6:02 p.m. February 15, 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 Council Member Mark Gleason

III. Invocation

Rev. J.D. Elshoff, First Baptist Church, provided this evening's invocation.

IV. Pledges of Allegiance - United States and Texas

Council Member Gleason led the assembly in the Pledges of Allegiance

V. 30 Minute Citizen Comment Period

Robert Eby CONA representative for the Oak Heights Neighborhood and CONA vice president spoke regarding item #16 on the installation of speed cushions on Franklin Street. He does support this item with consideration for amendments. He stated Franklin Street is a wide residential street that is fast that encourages He stated staff recommended 3 speed cushions with 200 yards apart. He noted that staff left out a proposed speed cushion between Girard and Perkins. He would like to see a total of four speed humps. The residents asked for speed humps and not speed cushions. He shared his experience of almost getting hit by a car passing a stop sign while he was wearing a safety vest.

Paul Cauduro spoke on behalf of the Austin Apartment Association, the City of San Marcos enacted a 90-day notice of proposed eviction requirement 22

months ago in the very early stage of the COVID-19 pandemic. The purpose of the requirement was to allow renters, who may have lost wages or employment through no fault of their own due to the pandemic. He mentioned it is time for this temporary requirement to end. At this juncture, the region has now regained all of the jobs lost due to the pandemic, and added even more, and all other economic indicators are back to pre-pandemic levels. Ending the notice requirement is in keeping with good government practice to withdraw temporary regulations, will help stop the ongoing abuse of the requirement and will eliminate any distortion in the rental housing market and that may have been created since its inception.

Ryan Perkins spoke against #2 and would like council to deny #21. He is asking not to change the super majority rules related to Planning and Zoning Commission on item #23. He expressed concern with accountability with certain departments. He expressed concern with broad changes that restrict citizens to interact with city leadership who work for the public. He would like to see support and improve the certified local government program and show volunteers of the boards and commission members that their efforts are worth it.

Robert Burwell expressed concern with item #16 to address speed cushions and speed humps. The residents requested speed humps because they believe that the speed cushions will not solve the speeding problem. He stated speed cushions reduce speed range from 5-8 miles per hour. He is suggesting for speed humps to reduce speed range to 10+ miles per hour.

Rodrigo Amaya spoke regarding the item on former Officer Hartman. He expressed concern that the city has allowed saturation of dishonest, corruption and cover ups within the police department. He expressed concern with duties and leadership of some city staff.

Lisa Marie Coppoletta stated the rest of the block doesn't like speed bumps while driving a small car could damage the vehicle. She stated with speed bumps citizens are driving in the middle of the street. She expressed concern with unfairness of speed control in different areas in San Marcos. She expressed concern with fees of consultants. She spoke against item #23 and does not want council to change the rules of super majority vote for Planning and Zoning Commission.

James Reece spoke against item #23. He would like the sponsor names of the council members that brings agenda items listed on agendas. He stated the

intent for doing away with the super majority vote was to deny a developer's project.

CONSENT AGENDA

A motion was made by Mayor Gleason, seconded by Council Member Gonzales, to approve items 1, 3-12, and item #2 was pulled and considered separately after the public hearing. Council Member Baker voted no on items # 3, 4, and 5. 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 Council Member Gleason

Against: 0 Council Member voted no on items 3, 4, and 5

1. Consider approval, by motion, of the following meeting minutes:
 - A. January 4, 2022 - Regular Meeting Minutes
 - B. January 13, 2022 - Visioning Day 1 Meeting Minutes
 - C. January 14, 2022 - Visioning Day 2 Meeting Minutes
 - D. January 18, 2022 - Regular Meeting Minutes
3. Consider approval of Ordinance 2022-10, on the second of two readings, annexing into the City approximately 105.41 acres of land generally located due north of the Rattler Rd and E. McCarty Lane intersection and commonly known as 1601 E. McCarty Ln, together with an approximately 13.55 acre road segment, in Case Number AN-22-01; including procedural provisions; and providing an effective date.
4. Consider approval of Ordinance 2022-11, on the second of two readings, amending the Official Zoning Map of the City in Case No. ZC-22-01, by rezoning approximately 17.420 acres of land, generally located due North of the Rattler Road and East McCarty Lane intersection, from "FD" Future Development District to "CD-1" Character District-1, or subject to consent of the owner, another less intense zoning district classification; including procedural provisions; and providing an effective date.
5. Consider approval of Ordinance 2022-12, on the second of two readings, amending the official zoning map of the City in Case No. ZC-22-02, by rezoning approximately 87.998 acres of land, generally located due North of the Rattler Road and East McCarty Lane Intersection, from "FD" Future Development to "LI" Light Industrial District, or, subject to consent of the owner, another less intense zoning district classification; including procedural provisions; and providing an effective date.
6. Consider approval of Resolution 2022-35R, confirming the City Manager's appointment of Wayman Mullins to the San Marcos Civil Service Commission; and declaring an effective date.
7. Consider approval of Resolution 2022-36R, approving an agreement IQ Geo America, Inc., doing business as OSP Insight, for outside plant asset management software to

support city infrastructure for an initial term of two years in the amount of \$91,800.00 and authorizing three additional one-year terms for a total contract price of \$234,797.40; authorizing the City Manager or her designee to execute the contract on behalf of the City; and declaring an effective date.

8. Consider approval of Resolution 2022-37R, accepting the award of a grant by the San Marcos Public Library from the St. David's Foundation's Libraries for Health Initiative Grant to support the community's mental wellness and health in the annual amount of \$40,000.00 and total three year amount of \$120,000.00; authorizing the City Manager or her designee to execute any and all documents as necessary to accept and implement the grant on behalf of the City as of an effective date that aligns with the grant award, and declaring an effective date.
9. Consider approval of Resolution 2022-38R, approving the partial release of an approximately 4,117 square foot area from an existing wastewater easement in connection with the West Purgatory Creek 18-inch Wastewater Project that makes such area of the easement no longer necessary; authorizing the City Manager, or her designee, to execute the partial release of easement on behalf of the City; and declaring an effective date.
10. Consider approval of Resolution 2022-39R, approving a Memorandum of Understanding with Hays County relating to drainage improvements for the Briarwood and River Ridge Improvements Project as required by the Texas Water Development Board; authorizing the City Manager or her designee to execute the memorandum of understanding on behalf of the City; and declaring an effective date.
11. Consider approval of Resolution 2022-40R, authorizing a Change in Service to the agreement with Garver LLC relating to the Airport Master Plan Project to add consultation services related to the airport zoning project in the amount of \$62,964.00; authorizing the City Manager or her designee to execute the appropriate documents to implement the Change in Service on behalf of the City; and declaring an effective date.
12. Consider approval of Resolution 2022-41R, approving a Section 3 local opportunity plan for CDBG Funded Grant Projects for the purpose of increasing employment and training opportunities for low and very low-income persons; and declaring an effective date.

PUBLIC HEARINGS

13. Receive a staff presentation and hold a Public Hearing to receive comments for or against a Resolution approving Substantial Amendment Number 12 to the Community Development Block Grant-Disaster Recovery (CDBG-DR) Action Plan re-allocating project funding and adding activities for housing projects.

Amanda Hernandez, Assistant Director of Planning and Development Services, provided a presentation regarding the Substantial Amendment Number 12 to the Community Development Block Grant-Disaster Recovery (CDBG-DR) Action Plan.

Ms. Hernandez provided the proposed Amendment No. 12 include the following:

1) For Infrastructure Projects: Move \$2,075,000 from Midtown/Aquarena Springs Project to Blanco Gardens Project.

It has been determined that a majority of Midtown/Aquarena Springs Project construction is to be paid for with funds outside of CDBG-Disaster Recovery and therefore the budget shall reflect anticipated costs.

2) For Housing Projects: Add the following as approved activities for housing projects: New Construction, Demolition, Clearance, Temporary Relocation. There is no budget implications to this change only to add transparency within the plan.

Mayor Hughson opened the Public Hearing at 6:35 p.m.

Those who spoke:

Lisa Marie Coppoletta, expressed concern that staff refused to hear input from the Blanco Garden residents. She expressed concern with trees butchered in the neighborhood. She stated residents from Blanco Garden did not want the alleyway project.

There being no more speakers, Mayor Hughson closed the Public Hearing at 6:39 p.m.

- 2. Consider approval of Ordinance 2021-45, on the second of two readings, amending Chapter 2, Administration, Article 5, Code of Ethics, by adding a new Division 5 requiring registration of lobbyists and periodic reporting of contacts made by lobbyists with elected City officials, City Board and Commission members, and City Employees; establishing penalties for violations of this ordinance; providing certain exemptions from lobbying registration and reporting requirements; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.**

MOTION TO DENY: A motion was made by Mayor Pro Tem Scott, seconded by Mayor Gleason, to deny Ordinance 2021-45, on the second of two readings. The motion to deny failed by the following vote:

For: 2 - Mayor Pro Tem Scott and Council Member Gleason

Against: 5 - Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Garza and Council Member Prather

A motion was made by Council Member Baker, seconded by Council Member Gonzales, to approve Ordinance 2021-45, on the first of two readings.

MOTION TO AMEND: A motion was made by Mayor Hughson, seconded by

Council Member Prather, to amend Ordinance 2021-45, by removing "official", board or commission member" and "city employee" and insert "council member" throughout the ordinance such that only council members are required to comply with the ordinance. The motion carried by the following vote:

For: 4 - Mayor Hughson, Mayor Pro Tem Scott, Council Member Prather and Council Member Gleason

Against: 3 - Council Member Baker, Council Member Gonzales and Deputy Mayor Pro Tem Garza

MOTION TO AMEND: A motion was made by Mayor Hughson, seconded by Council Member Baker, to amend Ordinance 2021-45, by moving "(3) San Marcos Police Officers' Association (SMPOA) San Marcos Professional Firefighters Association Local No. 3963 from the definition under Lobbying firm to Section 2.471 under Qualifying contracts, applications, and activities that can trigger lobbying registration and inserting #20. The new section will read as follows: "(20) Meet and Confer agreements between the City and the San Marcos Police Officers Association and the San Marcos Professional Firefighter's Local No. 3963. This means that if representatives of the San Marcos Police Officers Association or the San Marcos Professional Firefighter's Local No. 3963 wish to contact City Council members, they must register under this ordinance. This does not mean that representatives of the SMPOA or SMPFA are permitted to contact City Council members during Meet and Confer negotiations." The motion carried by the following vote:

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

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

MOTION TO AMEND: A motion was made by Mayor Hughson, seconded by Council Member Baker, to amend Ordinance 2021-45, under Section 2.47 all Planning and Development Services related items be placed together; to swap Sections 2.471 and 2.473; in Section 2.473(a) Disclosure Requirements to add a box on the form for NEW, UPDATE and REMOVE; and 2.472 (1): (g) Identification Number Each registration will receive an identification number which is to be used on all reports and for contacting the city council. The motion to amend carried by the following vote:

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

Against: 1 - Mayor Pro Tem Scott

MOTION TO AMEND: A motion was made by Mayor Hughson, seconded by Council Member Baker, to amend Ordinance 2021-45, by inserting the following language into Section 2.472 (1): "(h) Any campaign contributions

given to any current council member during their most recent election or since that election." The motion carried by the following vote

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

Against: 3 - Mayor Pro Tem Scott, Council Member Prather and Council Member Gleason

MOTION TO AMEND: A motion was made by Mayor Hughson, seconded by Council Member Prather, to amend Ordinance 2021-45, to strike Section 2.473 (a)(2) A statement of all municipal questions on which the lobbyist or its agents or employees have lobbied for the client in the year preceding the filing of the registration or foreseeably will lobby. 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 Council Member Gleason

Against: 0

MOTION TO AMEND: A motion was made by Mayor Hughson, seconded by Council Member Gonzales, to amend Ordinance 2021 45, by inserting under Section 2.473(b): "Updates to registration information Any changes to any items on the registration form must be reported within thirty (30) days of the change on the same registration form and check the CHANGE box." And insert under Section 2.473(c): "Removal from registration Anyone who no longer intends to lobby for any reason, must complete the name section of the registration form, provide the identification number, and check the REMOVE box. A final report is required per (d) Activity Reports below." And under Section 2.473(d) Activity Reports to strikethrough "10 business days" and insert "15 business days". And under Section 2.473(d)(1): to insert language to read "The identification number assigned by the City, name of the registered lobbyist, and the name of the client." And under Section 2.473 (b)(2): to insert the following language at the end of the item "If there is an identifying number or code assigned by the city, such as a zoning change (ZC year xxx), it should be included" 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 Council Member Gleason

Against: 0

Council held an extensive conversation regarding the definition of "Lobby or lobbying" especially the part about "economic benefit" and how an organization may "benefit" economically, but not directly. Council also discussed how this ordinance is defining the words "lobby" and "lobbyist." The difference in the terms "direct lobbying" and "grassroots lobbying" was also

discussed.

MOTION TO POSTPONE A motion was made by Mayor Pro Tem Scott, seconded by Mayor Gleason, to postpone Ordinance 2021-45 to April 5th Work Session and on the regular agenda for May 3. The motion to postponed carried by the following vote:

For: 4 - Mayor Hughson, Mayor Pro Tem Scott, Council Member Prather and Council Member Gleason

Against: 3 - Council Member Baker, Council Member Gonzales and Deputy Mayor Pro Tem Garza

NON-CONSENT AGENDA

14. Consider approval of Ordinance 2022-08, on the first of two readings, annexing into the City approximately 2.527 acres of land generally located on Centerpoint Rd approximately 340' northwest of the intersection between Centerpoint Rd and Gregson's Bend in Case No. AN-22-05; including procedural provisions; and providing an effective date.

A motion was made by Mayor Pro Tem Scott, seconded by Council Member Prather, to approve Ordinance 2022-08, on the first of two readings.

Shannon Mattingly, Director of Planning and Development Services provided a brief presentation regarding the Centerpoint Commons annexation of 2.5274 acres located on Centerpoint Road. Ms. Mattingly stated this location was the former Sportsplex site. She noted this item was postponed on the first reading on February 1st. She also noted that since this was denied at the Planning and Zoning Commission meeting that a super-majority of 6 votes will be needed if council wants to approve this item.

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 Council Member Gleason

Against: 1 - Council Member Baker

15. Consider approval of Ordinance 2022-09, on the first of two readings, amending the Official Zoning Map of the City in Case ZC-21-26, by rezoning approximately 70.89 acres, more or less, out of the Edward Burleson Survey, Abstract 63, generally located north of the intersection of Gregson's Bend and Commercial Loop, from Planning Area (PA), Future Development (FD), and General Commercial (GC) to Character District-5 (CD-5), or, subject to the consent of the owner, another less intense zoning district classification, including procedural provisions; and providing an effective date.

A motion was made by Mayor Pro Tem Scott, seconded by Council Member

Prather, to approve Ordinance 2022-09, on the first of two readings.

Shannon Mattingly, Director of Planning and Development Services, provided the presentation regarding the rezoning of 70.89 acres of land located on Gregson's Bend and Commercial Loop. The Planning and Zoning Commission denied project and needs super majority from council to pass. Ms. Mattingly stated the Sportsplex project is no longer moving forward and the applicant wishes to rezone the entire site to CD-5. She noted this item was postponed on the first reading on February 1st.

Tyler Sibling, applicant, stated with the impact of the pandemic and not moving forward with the Sportplex project, he is trying to do the next best thing for the community. He stated Planning and Zoning raised the question with what is the existing occupancy rate of non-student apartments. He stated that the data shows 97% occupied. He mentioned the second question from the Planning and Zoning was, what is the projected population increase? He answered using census data by 2030 there will a population of 100,000.

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 Council Member Gleason

Against: 1 - Council Member Baker

- 16.** Consider approval of Ordinance 2022-15, on the first of two readings, authorizing the installation of speed cushions in both directions in the 500 through 1200 blocks of Franklin Drive (from Old Ranch Road 12 and Bishop Street); and including procedural provisions.

A motion was made by Mayor Gleason, seconded by Council Member Gonzales, to approve Ordinance 2022-15, on the first of two readings.

Mayor Hughson asked what is the difference between speed cushions and speed humps. Sabas Avila, Director of Public Works stated the speed hump extends the hump across the entire width of the street. He stated the speed cushions are similar to speed humps except speed cushions maintain a gap in the middle of humps to allow emergency vehicles to straddle the humps so as to not adversely affect response times. He noted that speed cushions are the preferred design by public works and the fire department.

Mayor Hughson stated is there was a legal reason for not having speed humps and can speed humps be installed? Mr. Avila stated there is no law preventing from putting a standard speed hump. Mayor Hughson inquired if staff

provides the petition to the public? Mr. Avila stated we do provide the petition to the neighborhood and it states the final design will be determined by the city and includes speed cushions and speed humps.

Council Member Baker expressed concern that the petition is for a speed hump survey and staff recommendation is speed cushions that was not surveyed. Mr. Avila stated he spoke to Fire Chief Stephens and Chief Stephens stated the assistant chief was not aware of the difference between the two designs. Mr. Avila stated the Fire Chief Stephens informed him that on the fire department standpoint the speed cushions are a better design for all roads.

Mayor Hughson asked if after passing speed cushions or speed humps some drivers speed up for the lost of time. Mr. Avila stated studies do show that some drivers do speed after slowing down after a speed hump or stop sign. Mayor Hughson asked what is the exact numbers of effect. Mr. Avila stated in studies that speed humps can reduce speed limit from 3-7 miles per hour and the closer the speed humps are the speed is reduced to 3 miles per hour.

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 Council Member Gleason

Against: 0

17. Consider approval of Ordinance 2022-16, on the first of two readings, reducing the speed limit from 30 miles per hour to 25 miles per hour in the Vista De Los Santos Neighborhood; authorizing the installation of signs and traffic control devices reflecting the new speed limits; directing that the traffic register maintained under Section 82.067 of the San Marcos City Code be amended to reflect the new speed limits; and including procedural provisions.

A motion was made by Mayor Pro Tem Scott, seconded by Mayor Gleason, to approve Ordinance 2022-16. 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 Council Member Gleason

Against: 0

18. Consider approval of Resolution 2022-42R, approving the appointment of attorney Julia Gannaway, with the law firm of Ross Gannaway LLC, to represent the City of San Marcos in the appeal filed by Sergeant Ryan Hartman requesting an arbitrator to set aside his indefinite suspension and reinstate him, with back pay and benefits, to employment in the San Marcos Police Department; and declaring an effective date.

A motion was made by Council Member Baker, seconded by Council Member Prather, to approve Resolution 2022-42R. 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 Council Member Gleason

Against: 0

19. Receive a Staff presentation and consider approval of Resolution 2022-43R, approving a change in source of funding between the American Rescue Plan Funds and the General Fund for Human Services Grants which change will maintain the amounts awarded for projects already approved by The City Council; and declaring an effective date.

A motion was made by Mayor Gleason, seconded by Council Member Baker, to approve Resolution 2022-43R. The motion carried by the following vote:

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

Against: 0

Abstain: 1 - Council Member Prather

20. Consider approval of Resolution 2022-44R, appointing Shaun Condor to fill the vacancy on the Board of Directors of the Alliance Regional Water Authority (ARWA) created by the resignation of the former Director of Finance; reappointing members to position 5 and 7; and declaring an effective date.

A motion was made by Mayor Pro Tem Scott, seconded by Council Member Baker, approving Shaun Condor to position 8, and reappointing Council Member Gleason to position 5 and Paul Kite to position 7.

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 Council Member Gleason

Against: 0

21. Hold discussion regarding possible amendments to the Template for Standard Bylaws for City Boards and Commissions, and provide direction to Staff.

Michael Cosentino explained Section. 3.08 of the City Charter which states that the “City council not to interfere in appointments or removals” which includes “Neither the council nor any of its members shall instruct or request the city manager or any of the city manager's subordinates to appoint to, or remove from, office or employment any person except with respect to those offices which are to be filled by appointment by

the council under the provisions of this Charter. Except as provided for in Section 3.15 of this Charter, the council and its members shall deal with the administrative and management functions of the city solely through the city manager and other council appointees, as appropriate, and shall not give orders to any of their subordinates either publicly or privately.” He noted that we do not have wording in the standard bylaws prohibiting boards and commissions from the same. He stated the amendment will be adding article 11.

General Powers and Duties by inserting (A) Personnel Issues: Personnel matters are not within the purview of the Board/Commission and are not appropriate for posting on an agenda for discussion or recommendation. Neither the Board/Commission nor any of its members shall recommend, instruct or request the City Manager or any of the City Manager’s subordinates to change the job qualifications for a current employee, appoint to, or remove from, office or employment any person and shall not give orders to any of their subordinates either publicly or privately.

(B) All Boards and Commission shall adhere only to their specific general powers and duties within their Ordinance, as provided in Article 2.

Tammy Cook, City Clerk stated an amendment to article 6(b) to allow the staff liaisons to provide the orientation "prior" before first meeting. “The first meeting, after annual appointments are made, must include an orientation for all members. This orientation will include a review of the following topics: Bylaws, Specific Board Ordinance and Charge, Open Meetings Act, Public Information Act, Ethics, parliamentary procedure and how to run a meeting.” She stated she and Mr. Cosentino already holds an orientation.

Council Member Baker stated when a council member has an issue with staff and the appropriate time is only during evaluations. Mr. Cosentino stated there is an option to go to executive session as well. Mr. Baker stated for limitations can boards/commission go into executive session? Mr. Cosentino asked if personnel matters should be in the purview of the board. Mr. Cosentino stated couldn't be an instruction to fire someone or can't give direct orders to subordinates below City Manager or council appointee level. Council Member Baker stated residents should file complaints. Ms. Reyes stated complaints should go to Human Resources or to the head of the department. She stated we appreciate the volunteers and our interest is in the handbook to provide an environment of free harassment or hostility.

Council Member Baker would like to amend article 6(b) to include in the orientation information where to file complaints. Council consensus is to move

forward with Mr. Baker's amendment.

Ms. Cook recommends amending article 6(b) by adding "prior to taking office members must attend an orientation" and to add "and procedures on how to file a complaint with the city." Wording will be provided when this item is on an agenda for adoption.

Mayor Hughson stated to include discussion on particular personnel during a board or commission shouldn't be done.

Council provided consensus to move forward with the amendments provided by council and staff for a future action item.

- 22. Hold discussion relating to potential projects being presented to the Council by anyone wanting to build or start a business in San Marcos and provide direction to the City Manager.**

Deputy Mayor Pro Tem Scott would like council to be in the loop for potential projects. He would like for developers to provide a presentation or information on their idea or project.

Council Member Baker suggests for developers to come and speak during citizen comment period and suggests a how to begin a business workshop. Mayor Hughson suggests a video of the workshop to be posted on the website.

Ms. Reyes stated staff will include upcoming construction information in the City Manager's Weekly Update. She stated staff will look into posting "how to's" videos on the website. She noted the planning staff does pre-development meetings with developers and what other steps are included.

Mayor Hughson confirmed with Council Member Baker that the videos he is seeking will be for smaller businesses or first time business owners. Mr. Baker confirmed.

Council consensus is to allow developers 5 minutes to talk about their project before the public hearing. Mayor Hughson would like for the Planning and Zoning to follow the allowed 5 minutes.

- 23. Hold a discussion of the current ordinance requirement of a needed super majority council vote to overturn a Planning and Zoning Commission recommendation of denial and provide direction to the City Manager.**

Deputy Mayor Pro Tem Scott stated the board is not diverse and is one sided. He stated maybe redistricting Planning and Zoning commission members to be

able to get people from all different areas. He would also like to consider a lower number than six votes.

Mayor Hughson reminded Mr. Scott that geographic diversity is part of our guidelines and that when we are appointing Planning and Zoning Commission members we are provided a map with the home location of current members and applicants. The Council is responsible for those appointments and all the considerations that go along with each appointment.

Council Member Garza stated the commission is the voice of the people and the emails received in reaction to this item asserted the ideas. She expressed concern with reproduction of inequities and exclusion of voices. She stated the charter asserts to have diversity of perceptives and currently it is not happening.

Mayor Hughson noted that we make appointments from the list of those who apply and we need to cast a wider net for applicants from different backgrounds and areas of the city.

Deputy Mayor Pro Tem Garza would like to have a ranking system for choosing applicants.

Council Member Gleason stated he considered it an honor to serve on the Planning and Zoning Commission. He has worked hard to find applicants from the east side of town. He does suggest more robust training for the Commission.

Mr. Cosentino noted that our choices, per state law, is either a majority of four or a super majority of six, but it appears that five is not an option.

Council Member Baker would like to give a stipend to board and commission members.

Mayor Hughson noted that while City Council has many responsibilities, the Planning and Zoning Commission has fewer areas and they can take a deeper dive into the topics on their agenda.

Council consensus is not to change this item. Ms. Garza will ask for a future agenda item on the topics she brought forward.

EXECUTIVE SESSION

No Executive Session held this evening.

VI. Question and Answer Session with Press and Public.

Lisa Marie Coppoletta, she stated she offered the video for the complaint process about 2 years ago to the Ethics Commission. She asked item #2, doesn't see in the agenda packet about people having a problem with this. She would like to know which organizations had complaints? What was the complaint specific scenario on unintended consequences? Mayor Hughson stated she doesn't know what the unintended consequences until it is approved. She would like to know if any members received any complaints. Council Member Baker stated a letter was received from CLEAT in 2021 regarding the lobbying ordinance. Mayor Pro Tem Scott stated realtors and friends shown concerns. Council Member Prather stated organizations that receive economic benefits from the city would need to inform volunteers that they need to register as a lobbyist. He stated the chilling effect that volunteers serve the community and financial arrangement with the city will be considered economic benefit.

VII. Adjournment.

A motion was made by Council Member Gleason, seconded by Mayor Pro Tem Scott, to adjourn the regular meeting of the City Council on Wednesday, February 16, 2022 at 12:14 a.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 Council Member Gleason

Against: 0

Tammy K. Cook, City Clerk

Jane Hughson, Mayor