I. Call to Order

II. Roll Call

III. 30 Minute Citizen Comment Period:
Each speaker will be provided up to three minutes to speak. Persons wishing to participate (speak) during the Citizen Comment portion of the meeting virtually must email jcase@sanmarcostx.gov prior to 12:00 p.m. the day of the meeting. A call-in number/link will be provided for participation. Written comments can also be submitted to jcase@sanmarcostx.gov for distribution to the board prior to the meeting. Those wishing to speak in person may sign up in person on the day of the meeting. Each speaker signed up prior to the meeting being called to order will be called in the order in which they signed-up.

MINUTES

1. Consider approval, by motion, of the January 24, 2024, regular meeting minutes.

ACTION

2. Consider approval of Recommendation Resolution 2024-01RR recommending the amendment of Section 22.010 (f) to allow the number of cremains to be placed in a columbarium niche based on the manufacturer’s intended design.

3. Consider approval of the Tours of the Cemetery hosted by the Hays County Historical Commission and the Friends of the Cemetery.

DISCUSSION

4. Hold discussion regarding the request to establish a Jewish area in the cemetery.

REPORTS
5. Receive a brief report from scheduled commissioners who checked the condition of the cemetery and update the schedule.

6. Receive a brief staff report on the status of the cemetery expansion project.

**FUTURE AGENDA ITEMS**

7. Commission Members may provide requests for discussion items for a future agenda in accordance with the board’s approved bylaws.  *No further discussion will be held related to topics proposed until they are posted on a future agenda in accordance with the Texas Open Meetings Act.*

**IV. Question and Answer Session with Press and Public.**

*This is an opportunity for the Press and Public to ask questions related to items on this agenda.*

**V. Adjournment**

Notice of Assistance at the Public Meetings

The City of San Marcos is committed to compliance with the American with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. If requiring Sign Language Interpreters or alternative formats, please give notice at least 2 days (48 hours) before the meeting date. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 855-461-6674 or sent by e-mail to ADArequest@sanmarcostx.gov.

For more information on the Cemetery Commission, please contact the Parks and Recreation Department at parksinfo@sanmarcostx.gov.
I. Call to Order
The meeting was called to order at 4:04 pm by Chair Patsy Pohl.

II. Roll Call

Commissioners Present
Clay Sullivan
Fay Cliett Gillham
Gina Eben
Brenda Butler
Tim Bauerkemper
Patsy Pohl

Commissioners Absent
Cindy Casparis

Staff Present
Jamie Lee Case, Director
Jessica Ramos, Assistant Director
Valerie Valdez, Administrative Coordinator

III. 30 Minute Citizen Comment Period: Each speaker signed up prior to the meeting being called to order will be called in the order in which they signed-up. Each speaker will be provided up to three minutes to speak. Persons wishing to participate (speak) during the Citizen Comment portion of the meeting must email jcase@sanmarcostx.gov prior to 12:00 p.m. the day of the meeting. A call-in number/link will be provided for participation. Written comments can also be submitted to jcase@sanmarcostx.gov for distribution to the board prior to the meeting.

- No comments were made.

MINUTES

1. Consider approval, by motion, of the November 15, 2023, regular meeting minutes.

A motion was made by Fay Cliett Gillham, seconded by Gina Eben, to approve the November 15, 2023, Regular Meeting minutes.

The motion carried by the following vote:

For: 6 - Clay Sullivan, Fay Cliett Gillham, Gina Eben, Brenda Butler, Tim Bauerkemper, Patsy Pohl

Against: 0 -

Absent: 1 - Cindy Casparis
2. Consider approval of the annual renewal of the contract for Management & Operations of the San Marcos Cemetery with Gene Bagwell, DBA Maintenance Management for the term of April 1, 2024 – March 31, 2025, in the amount of $172,244.11.

Gene Bagwell excused himself while the commissioners discussed the contract. Fay Cliett Gillham asked how long Gene’s company has been in business with the city. Jamie Lee Case stated Gene has been doing this a long time. This is a 5-year contract with an annual renewal. Every five years the city puts out a bid. Gene’s company is the only applicant that applied at this time. The last bid went out in 2017.

A motion was made by Clay Sullivan, seconded by Brenda Butler, to approve annual renewal of the contract for Management & Operations of the San Marcos Cemetery with Gene Bagwell, DBA Maintenance Management for the term of April 1, 2024 – March 31, 2025, in the amount of $172,244.11.

The motion carried by the following vote:

For: 6 - Clay Sullivan, Fay Cliett Gillham, Gina Eben, Brenda Butler, Tim Bauerkemper, Patsy Pohl

Against: 0 -

Absent: 1 - Cindy Casparis

3. Hold discussion regarding the request to establish a Jewish area in the cemetery.

Patsy Pohl stated that her understanding from the minutes is that this item was postponed while staff waits to hear back from the requestors. Jamie Lee called on Tim Bauerkemper to see if he had any communication with the rabbi. Tim Bauerkemper stated he had not had any conversations but had conducted some of his own research. Patsy Pohl asked if the synagogue could buy land to create their own cemetery. Gene Bagwell explained there is a law in place that states a cemetery must be contiguous or adjacent to a current cemetery. Tim stated it would likely be vandalized if it were placed outside of the city limits, and it makes more sense to place their cemetery somewhere with more people watching. Brenda Butler asked where they buried their loved ones before this. She asked why they needed a separate section. She recalled having Jewish friends buried in the San Marcos cemetery without separation. Tim Bauerkemper stated there are a wide range of Jewish practices so there could be several reasons for the separation request. Gene Bagwell shared his insight on the practices that he has seen in other cemeteries. The separation can be done with fencing or vegetation. He stated that if they are orthodox and in good standing with the synagogue, then they would be buried in their own section as that is dictated by their religion. Jamie Lee stated she would try to contact Mr. Sergi. She needs information regarding the design plans if the request is approved. Patsy Pohl asked the commission if this item should be removed until a date is set by Mr. Sergi. Tim
Bauerkemper suggested when Jamie Lee speaks to Mr. Sergi to let him know this is now a time-sensitive issue. Fay Cliett Gillham asked what the process for the formal request is. Jamie Lee explained they are currently following ordinance as a formal request. Jamie Lee stated she would ask for a better proposal from Mr. Sergi. The commissioners agreed the requestors should be available in person to answer questions. Jamie Lee stated this item will not be placed on the agenda until there is more information.

4. Receive a staff update and hold discussion regarding the results of the ground penetrating radar project.

Jamie Lee shared the information that was provided by Dr. Davio, including a map of the discovered anomalies. The Commissioners agreed the GPR project was very interesting.

5. Receive a staff update on Wreaths Across America.

Patsy Pohl requested this item be the first discussion item to accommodate the staff. Lisa Morris, Recreation Programs Manager and the Location Coordinator for Wreaths Across America, reported to the commissioners. She stated this is the third year she has led this event, and this year’s goal of 820 wreaths was met. She explained Sharon Lawrence, a volunteer, conducted research over the summer to locate all the veterans in the cemetery. Ms. Lawrence found 850 veterans. Lisa stated she is raising the goal for next year. She listed several high school clubs, Boy Scouts, Texas State University students, Kissing Tree residents, and more come to volunteer to lay the wreaths and pick them up. Patsy Pohl suggested advertising the code that is needed when paying for the wreaths. Fay Cliett Gillham stated she did not have that information and believed her donation was not counted. Lisa Morris explained that the cemetery will receive their donations; however, adding the code would count as a double donation. Gene Bagwell stated Lisa is doing a great job in growing this event. Gina Eben agreed the program is growing and noted this is the first year the Texas Confederate Cemetery signed up for Wreaths Across America. Lisa Morris explained that people can list a grave-specific site if they would like a wreath laid for a veteran and that it does not matter what military or country they served. Tim asked how Lisa decides what number of wreaths are needed for the goal. She explained she sets the goal based on the information she has on her list. Tim suggested advertising to the public that people should notify the city staff if their family member is a veteran. Valerie Valdez explained Scott McLelland, the caretaker, and she have changed their sale process to include asking purchasers if they are veterans or to notify the staff at interment so that they can add those names to the list for the event.

6. Hold discussion regarding the request to film and/or hold special events in the cemetery.

Patsy Pohl requested this item be the second discussion item to accommodate the staff. Christie Murillo, Marketing and Outreach Coordinator, spoke to the commissioners regarding upcoming requests for cemetery use. She explained the city is working on putting out a streamlined process for public events request. She would like to receive feedback from the commissioners regarding their thoughts on the types of events they would approve of. Christie stated she received a request from the Hays County Historical Commission to conduct Tours of the Cemetery. She received a request from a sorority to hold a walk/run with vendors; however, the sorority selected a different location. Neither Christie nor Jamie had a film request at this time. Christie introduced Linda Coker to speak about the cemetery tours. Linda Coker, a member of the San Marcos Heritage Association and the Hays County Historical Commission, explained the tours were held in the past by the Friends of the Cemetery. She does not have information if the group is
getting back together. She stated the Hays County Historical Commission would take on the tours if the Friends of the Cemetery does not. She requested to hold the tours on the third week of October because they already have yard signs from the previous years. She stated they will select a date once a Texas State football schedule is made available so that they are not scheduled on the same day as a game. The money collected would be split 50/50 between the Heritage Association and the cemetery. A tent will be placed for ticket sales. Golf carts will be used for people who cannot walk the tour. Tours will include volunteer reenactors from Texas State University, San Marcos High School, and San Marcos Academy. Ms. Coker stated she believes other civic groups such as the Rotary Club, Lions Club, and The Daughters of the Texas Republic will help during the events. Gene Bagwell stated cemeteries in the surrounding areas host these events as well. He invited Ms. Coker to attend one or some of the meetings to get ideas for the process. Brenda Butler stated she always enjoyed the cemetery tour event. Patsy Pohl stated this item will be moved to an action item next month for the commission to vote on. Christie Murillo stated through the special event request process that the city staff would vet any request before presenting it to the board. She noted the discretion does go through the Parks Department and then anything Jamie Lee feels the board needs input on will be sent to them. Jamie Lee circled back to the filming request. She stated staff has received a few requests from Texas State film students in the past. She noted San Marcos is a film-friendly city; however, the cemetery is not listed on the location sites. Jamie Lee has not yet received a request for large commercial filming for the cemetery. Patsy Pohl stated she believes the request for filming will increase because of the filming degree offered at the university and the new filming studio in San Marcos.

REPORTS

7. Receive a staff update regarding the possibility of offering larger niche space to hold larger urns in future columbariums.

Valerie Valdez stated that she had reached out to Eickhof to find out if their company is seeing a trend for larger niche spaces. She is waiting to receive feedback from Eickhof. She stated she will forward any information received to the commissioners.

8. Receive a brief report from scheduled commissioners who checked the condition of the cemetery and update the schedule.

Gina Eben stated she saw trees that were cut down and mulch put out in the cemetery. Jamie Lee Case stated there are several Red Oaks that are dead or dying. Kelly Eby, the Urban Forrester, has plans to replant. Gina Eben asked if there is oak wilt spreading in the cemetery. Jamie Lee stated there has not been any reports of oak wilt.

9. Receive a brief staff report on the status of the cemetery expansion project.

Jamie Lee stated we are currently in the design phase. She reported that a detention pond may have to be installed and that she is waiting to find out about the placement of the Jewish section if it is approved.

FUTURE AGENDA ITEMS

10. Commission Members may provide requests for discussion items for a future agenda in accordance with the board’s approved bylaws. No further discussion will be held related to
topics proposed until they are posted on a future agenda in accordance with the Texas Open Meetings Act.

- Recommendation Resolution
- Approval of the Cemetery Tour
- Updated walk-through schedule

IV. Question and Answer Session with Press and Public.
This is an opportunity for the Press and Public to ask questions related to items on this agenda.

- No were no questions from the Press or Public.

V. Adjournment

Gina Eben moved to adjourn at 5:21PM. Tim Bauerkemper seconded the motion.

________________________________________________________  ____________________________________________________
Cemetery Commission Chair                                           Staff Liaison
ORDINANCE NO. 2023-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING CHAPTER 22, CEMETERIES, OF THE SAN MARCOS CITY CODE BY, AMONG OTHER THINGS, CORRECTING TYPOGRAPHICAL ERRORS IN VARIOUS SECTIONS AND AMENDING SECTIONS 22.013 AND 22.014; ADOPTING A FEE SCHEDULE RELATED TO THE USE AND OPERATION OF THE CEMETERY; PROVIDING FOR THE REPEAL OF ANY CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. Chapter 22, Cemeteries, of the San Marcos City Code is hereby amended to read as follows (Added text is indicated by underlining. Deleted text is indicated by strikethroughs.):

Sec. 22.001. Definitions.

In this chapter:

Block means a group of multiple contiguous lots.

Caretaker means the person employed by the city or by the city's cemetery maintenance contractor to oversee the operation and maintenance of the cemetery. Unless otherwise stated, the caretaker may delegate his duties and authority under this chapter to an authorized representative.

Cemetery means the San Marcos Cemetery.

Columbarium means a structure at the cemetery with niches for the placement of funeral urns.

Crypt means an area of the city-owned mausoleum for the interment of one person in a casket, or cremains for up to 12 persons.

Decoration means any item that is not a monument.

Ecofriendly means the interment of a deceased person in the soil in a manner that does not inhibit decomposition but allows the body to be naturally recycled.

Lot means a parcel of property defined as a lot on the official plat maps of the cemetery, intended for the interment of up to two persons in caskets or up to six cremains.

Monument means a headstone, grave marker or similar permanent object of stone, bronze, or concrete that serves as a memorial to a person interred in the lot.
Section 22.005. Purchase of certificates for the right of interment in lots, mausoleum crypts, or niches.

(a) All purchasers of certificates for the right of interment in cemetery lots, mausoleum crypts, or columbarium niches must first select from the available lots, crypts or niches at the cemetery. Such certificates may be purchased from the city. The placement or use of private mausoleums at the cemetery is prohibited.

(b) Upon payment of the entire purchase price for a certificate for the right of interment is a designated lot, mausoleum crypt of columbarium niche, the city will issue the certificate which reserves the cemetery lot, crypt, or niche for use by the purchaser or the purchasers heirs, successors or assigns.

(c) Each certificate for the right of interment will be issued to only one person including a designated representative under subsection (d).

(d) When there are two or more purchasers of a certificate for the right of interment in a lot, crypt, or niche, the purchasers may designate one or more persons to represent the purchasers regarding the certificate and file written notice of the designation with the city. In the absence of a notice, the city is authorized to permit an interment in a lot, crypt, or niche at the request or direction of any registered co-purchaser of the property.

(e) All cemetery certificates for the right of interment will grant to the purchaser only the right to use the lot, crypt, or niche for interment of only human remains, subject to the requirements of this chapter.

(f) The price for each certificate for the right of interment in a lot, crypt or niche is established by the city council according to the number of lots, crypts or niches reserved for use by the certificate.

(g) A person desiring to purchase a certificate for the right of interment may pay the total purchase price or choose to set up an account with the city and pay the purchase price over an extended period of time according to the terms set out in this section. However, the city reserves the right to refuse interment in any lot, crypt or niche for which the full purchase price has not been paid. A certificate for the right of interment will not be issued for any lot, crypt, or niche until the full purchase price has been paid.

(h) A person desiring to pay the purchase price over time must enter into
an agreement with the city. This agreement will provide that the city will, in a default, refund the entire amount paid by the purchaser, less an administrative fee established by the city council.

(i) A person desiring to pay the purchase price over time will be required to pay an initial deposit of at least 10 percent of the cost of the certificate. The remaining balance shall be paid within 12 months of the initial deposit. Purchases of eight or more certificates must be paid in full at the time of purchase. Purchases of 10 or more certificates are not permitted unless approved by the San Marcos Cemetery Commission.

Sec. 22.006. Transfer of lots.

(a) The purchaser of a certificate for the right of interment in a lot, crypt or niche may transfer the certificate only by a written instrument.

(b) The transferee must register the transfer of the certificate with the city. All transfers are subject to section 22.005. The city may refuse to register a transfer if the purchase price for the certificate has not been paid in full. In the event a transfer is requested when the purchase price has not been paid in full, the person receiving the certificate will assume full responsibility for such payment prior to receiving a certificate for the right of interment.

Sec. 22.007. Repurchase of certificates by city.

A the purchaser or holder of a certificate of a right of interment may apply with the city to sell the certificate to the city. The city may, at its option, repurchase certificate at the price designated by the city council and on file in the city clerk's office at the time of original purchase.

Sec. 22.008. Reserved.

Sec. 22.009. Cemetery maintenance.

(a) The city will provide for the general care and maintenance of the cemetery.

(b) The cemetery perpetual care fund maintained by the city is dissolved, subject to such funds being reallocated within the city's budget for cemetery purposes.

(c) Such care and maintenance include the cutting of the grass at reasonable intervals, the cleaning of the lots and the care and pruning of the trees and shrubs that may be placed along the walks, roadways and boundaries. Care and maintenance by the city does not include the maintenance, repair or replacement of any gravestones, monuments or memorials; the planting of flowers or ornamental plants; the maintenance or doing of any special or unusual work in the cemetery; or
the construction or reconstruction of any damaged marble, granite, bronze or concrete work on any lot.

(d) Any activity done by a contractor for the person having the lawful right of use or maintenance of a lot, or their representative, that is not part of the city's general care and maintenance will require a permit. Such permit will require payment of a fee as established by the city council.

Sec. 22.010. Interments.

(a) A completed application for interment in the cemetery must be filed with the city before excavation begins for a burial or before remains are placed in the mausoleum or columbarium.

(b) The applicant must specify the exact location of the burial space to be used. When for any reason an in-ground burial space cannot be opened where specified, the caretaker may direct the burial space to be opened in a location in the cemetery deemed by the caretaker to be best and proper, notifying the mortuary, so as not to delay the funeral.

(c) The mortuary performing interment services must secure the gravesite, must provide for the immediate cleaning of the gravesite and must remove all debris, fill or equipment resulting from or used by the mortuary.

(d) The mortuary performing interment services, for any casketed or shrouded remains, must use an outside burial container made of concrete, metal, poly, or other material approved under state law.

(e) The maximum number of burials allowed per lot is
   (1) Two casketed burials, or four shrouded burials (stacked);
   (2) One casketed burial, or two shrouded burials and six cremations, or
   (3) Six cremations or ten cremations within one outside burial container.

(f) The number of cremains to be placed in the columbarium niche shall be compliant with the manufacture’s intended design. Maximum number of placements per columbarium niche is two cremains in the Tower Addition Columbarium.

(g) The maximum number of placements in a mausoleum crypt is:
   (1) One casket; or
   (2) Twelve cremations.

(h) Ecofriendly burials must be placed in biodegradable coffin or shroud, but will be interred with a concrete outside burial container.
   (1) Embalming is not permitted if the burial is to be considered ecofriendly.
Sec. 22.013. Curbing.

(a) The person having the lawful right of use or maintenance of a cemetery lot must apply to the city and obtain a permit before installing or constructing curbing of any type within the cemetery.

(b) No curb permit may be issued before the purchase price for the lot or certificate associated with the lot to be curbed has been paid in full.

(c) Any number of lots may be curbed so long as the purchase price and perpetual care fees for the lots has been paid.

(d) Curbs must be flush with existing terrain, must be constructed entirely of steel reinforced concrete, marble, or granite and must conform to the following specifications:

(1) Concrete curbing.

   a. Curbing will be 18 inches wide along exterior lot lines in the cemetery property; six inches is to be within the lot; 12 inches is to be outside the lot.

   b. Curbing will be six inches wide along interior lot lines and must be placed within the lots being curbed.

   c. Curbing will be four inches deep.

   d. One reinforcing iron size three rebar will be installed along the entire length of the curbing.

   e. Dixon Addition, Section 1, curbing will be centered on the common boundary of the burial and must be 6 inches wide on all sides.

(2) Granite and marble curbing.

   a. Curbing will be four inches in width and must be placed within the lots being curbed.

   b. Granite or marble used for curbing must be mortared with a bonding agent of the same color as the granite or marble and designed for the purpose of bonding granite to granite, or marble to marble.

   c. Curbing will be six inches deep.
An exception to flush curbing may be granted by the cemetery commission if adjoining lots have raised curbs.

Sec. 22.014. Decoration of lots, crypts, and niches.

(a) Monuments. Monuments in the cemetery are subject to the following:

(1) No memorial, monument, or grave marker, except a temporary marker placed by a funeral home, is allowed on any burial lot until the purchase price for the right of use of the lot has been fully paid and the instrument granting the right of use has been delivered to the purchaser.

(2) The person having the lawful right of use or maintenance of a cemetery lot or their agent must apply for and obtain a permit from the city before erecting a monument, except a temporary marker placed by a funeral home.

(3) Persons erecting monuments shall not leave material or rubbish on adjoining lots. Work must be completed as soon as possible, and any material or rubbish must be removed at once.

(4) Persons erecting monuments are responsible for any damage done by them to any property in the cemetery, including grass and trees. All work is subject to the control and direction of the caretaker.

(5) Wooden planks must be used for placing and rolling stone monuments on rocks or grass.

(6) Businesses are prohibited from placing their names on any monument or placing signs within the cemetery to advertise the firm or its products.

(7) The location of any proposed monuments or curbing must be identified by city staff before construction begins. It is mandatory to coordinate in advance any such installation of monuments or curbing with the city staff. Failure to notify or consult with city staff regarding any installation or failure to comply with any city ordinances herein may result in corrective measures taken at the expenses of the responsible party.

(8) All monuments placed in areas of the cemetery must be all granite, marble, bronze, stone, or material approved by the San Marcos Cemetery Commission, and must have a reinforced concrete base. Any monument more than eight feet high is required to have an engineered foundation and be approved by the cemetery commission upon a finding that the proposed monument is suitable for the location based on such factors as safety, interference with maintenance, compatibility with the scale, height, massing and design aesthetic of surrounding monuments, or similar factors deemed relevant by the commission.

(9) The maintenance of all monuments in the cemetery is the responsibility of
the person having the lawful right of use or maintenance of the lot associated with the monument, or their surviving family members or descendants. This maintenance will include, but is not limited to, the following:

a. The cleaning of the monument,
b. Ensuring that the monument is seated properly, and
c. Repairing any damage to the monument or the structure of the monument, including replacement, if necessary.

(10) In the event that a monument is in need of maintenance, the parks and recreation director will send a letter requesting such repairs to the person having a lawful right or use or maintenance of the lot or their surviving family members or descendants, if known, advising of the necessary maintenance. If such persons cannot be located, then the parks and recreation director will publish a newspaper notice of the necessary maintenance in accordance with the procedures described in V.T.C.A., Estates Code, Chapters 51 and 202. If the necessary maintenance is not performed within the time period stated in the notice, then the city may, in the interests of safety, initiate action to have the necessary maintenance performed, or have the monument removed. The finance director will bill any cost incurred by the city for the maintenance to such persons, if known.

(b) **Flowers, shrubs, trees, or decorations.** Flowers, shrubs, trees, and decorations in the cemetery are subject to the following:

(1) Flowers, shrubs, or trees may be planted and cultivated on any lot except in the Dixon Addition, Section 1, provided that no planting or removal of shrubs or trees is allowed without first obtaining the written authorization from the caretaker.

(2) Fresh cut flowers may be placed on any lot, in the mausoleum, or near the columbarium but they must be removed within two weeks or when, in the caretaker's opinion, they become unsightly or detrimental to maintenance. The caretaker may remove flowers not so removed.

(3) Artificial flowers, sprays or wreaths are allowed, but they will be removed by the caretaker when they become unsightly or blow off the lot on which they were placed.

(4) All decorations must be firmly secured or fastened to the ground or monument. Posts or poles are not allowed to be staked into the ground.

(5) Animal feeders or animal houses are not allowed.

(6) No items may be hung from any tree, shrub, or plant.

(7) Glass containers are prohibited.

(8) Unfilled vases will not be allowed to remain on a lot unless permanently affixed to a monument.
a. Unfilled vases will be removed from lots on the first day of the month and held for the lot owner for one month.

b. After one month, unclaimed vases will be disposed of at the caretaker's discretion.

c. In addition to monuments, lots may have benches of marble, granite, concrete, or material approved by the cemetery commission. Any other structural amenities, which must also be primarily of marble or granite, must have the approval of the cemetery commission before being placed on the lot.

d. Unapproved items will be removed by the caretaker and disposed of at the caretaker's discretion. Weathered and unsightly items will be removed during the spring and fall cleanup.

e. The caretaker is authorized to enforce the provisions of this section.

SECTION 2. The fees related to use and operation of the cemetery set forth in Exhibit A, attached hereto and made a part hereof, are approved and adopted.

SECTION 3. In codifying the changes authorized by this ordinance, paragraphs, sections and subsections may be renumbered and reformatted as appropriate consistent with the numbering and formatting of the San Marcos City Code.

SECTION 4. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 5. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 6. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 7. This ordinance will take effect after its passage, approval and adoption on second reading.

PASSED AND APPROVED on first reading on March 7, 2023.

PASSED, APPROVED AND ADOPTED on second reading on March 21, 2023.

Jane Hughson
Mayor
Attest:  
Elizabeth Trevino
City Clerk

Approved:  
Barbara Quirk
Interim City Attorney
Exhibit A

“Cemetery Fee Schedule”
## Cemetery Lot Fees

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**Residents-Level 1** – Residents of San Marcos or a person that owns property inside the zoned city limits of San Marcos.

**Non-Residents-Level 2** – Any person not living in the zoned city limits of San Marcos.

## Columbarium Niche – Tier 1

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## Columbarium Niche – Tier 2

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## Columbarium Niche – Tier 3

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**Other Fees:**
- Columbarium Niche Opening/Closing Fee - $120.00
- Ossuary Placement - $150.00
- Ossuary Memorialization 12x12 Inscription - $300.00
- Sheet Bronze Urn - $210.00
- Archival Fee for buried cremains within Cemetery Lot - $50.00
- Serenity Garden Plaque & Name Archival - $225.00
- Name Archival Fee only - $50.00
- Podium Plaque in Chapel - $100.00
Payment Plan Administrative Fee - $50.00
Memorial Bench (Bench, Concrete Foundation and Plaque)- $3,700.00
Memorial Bench Plaque (Cemetery Chapel Only) - $350.00
WHEREAS, the City of San Marcos recently installed a new columbarium and ossuary within the San Marcos City Cemetery; and

WHEREAS, the current provisions within Section 22.010 (f) are specific to the older columbarium which only allowed placement of one set of cremains within the columbarium, and

WHEREAS, the new columbarium allows for up to two cremains to be placed within a niche due to the size of the niche, and

WHEREAS, by amending this section to allow for the number of cremains to be placed in a columbarium niche based on the manufacturer’s intended design, and

NOW, THEREFORE, BE IT RESOLVED that the Cemetery Commission recommends amending Chapter 22, Section 22.010 (f) to allow for greater flexibility as the City Cemetery grows over time and adds new columbaria.

Date of Approval: _____________________________

Record of the vote:

Attest: _____________________________________________

(Staff or board/commission chair can sign)
Cemetery Commission                                    February 26, 2020 5:15 pm

III. 30 Minute Citizen Comment Period: Each speaker signed up prior to the meeting being called to order will be called in order of sign-up, and will allowed three minutes to speak about items posted or not on the agenda. Two guests were in attendance and representing the Jewish community of San Marcos: Rabbi Ari Weingarten and David Sergi. David Sergi and Rabbi Ari Weingarten are members of a Jewish organization. Their organization recently purchased a center on Loop Street. A key component of faith is burial. Michael Cosentino advised a Hebrew burial society. They would like to work with City staff in outlining what is needed to establish a Jewish cemetery in San Marcos. San Marcos is the only Jewish community between San Antonio and Austin. In the past, it has been difficult for families to make arrangements. David Sergi requested that City staff begin commuting with them to work on proposal.

Cemetery Commission                                    October 28, 2020 4:00 pm

REPORTS

6. Receive a staff update from Mr. Bert Stratemann, Parks Operations Manager, will provide an update on the request made by the Chabad Jewish Center of San Marcos and recent conversation with Mr. David Sergi in regards to acquisition of cemetery lots

Mr. Stratemann updated the Commission members on his conversation with Mr. David Sergi regarding the cemetery lot acquisition requests made by the Chabad Jewish Center of San Marcos. Mr. Sergi indicated that the congregation is interested in fundraising to purchase approximately 200 lots at one time. Mr. Bagwell explained that Jewish burial tradition requires that the casket touches the ground with an inverted liner as opposed to a traditional concrete liner.

Sec. 22.005. Purchase of certificates for the right of interment in lots, mausoleum crypts, or niches.

(a) All purchasers of certificates for the right of interment in cemetery lots, mausoleum crypts, or columbarium niches must first select from the available lots, crypts, or niches at the cemetery. Such certificates may be purchased from the city. The placement or use of private mausoleums at the cemetery is prohibited.

(b) Upon payment of the entire purchase price for a certificate for the right of interment in a designated lot, mausoleum crypt of columbarium niche, the city will issue the certificate which reserves the cemetery lot, crypt, or niche for use by the purchaser or the purchasers' heirs, successors, or assigns.

(c) Each certificate for the right of interment will be issued to only one person including a designated representative under subsection (d).

(d) When there are two or more purchasers of a certificate for the right of interment in a lot, crypt, or niche, the purchasers may designate one or more persons to represent the purchasers regarding the certificate and file written notice of the designation with the city. In the absence of a notice, the city is authorized to permit an interment in a lot, crypt, or niche at the request or direction of any registered co-purchaser of the property.

(e) All certificates for the right of interment will grant to the purchaser only the right to use the lot, crypt, or niche for interment of only human remains, subject to the requirements of this chapter.

(f) The price of each cemetery lot, mausoleum crypt, and columbarium niche reserved for use by a certificate for the right of interment is established by the city council.
(g) A person desiring to purchase a certificate for the right of interment may pay the total purchase price or choose to set up an account with the city and pay the purchase price over an extended period of time according to the terms set out in this section. However, the city reserves the right to refuse interment in any lot, crypt or niche for which the full purchase price has not been paid. A certificate for the right of interment will not be issued for any lot, crypt, or niche until the full purchase price has been paid.

(h) A person desiring to pay the purchase price over time must enter into an agreement with the city. This agreement will provide that the city will, in a default, refund the entire amount paid by the purchaser, less an administrative fee established by the city council.

(i) A person desiring to pay the purchase price over time will be required to pay an initial deposit of at least ten percent of the cost of the certificate. The remaining balance shall be paid within 12 months of the initial deposit. **Purchases of eight or more certificates must be paid in full at the time of purchase. Purchases of ten or more certificates are not permitted unless approved by the San Marcos Cemetery Commission.**
Cemetery Commissioner Condition of the Cemetery Walk Sign-Up

February – Fay, Brenda

March – Clay, Tim, Cindy

April – Patsy, Gina, Fay

May – Brenda, Clay, Tim

June – Cindy, Patsy, Gina

July – Tim, Fay, Brenda

August – Clay, Cindy, Gina

September – Patsy, Tim, Fay

October – Brenda, Clay, Cindy

November – Gina, Patsy, Tim *(add to January agenda to update the schedule)

January 2025 – Fay, Brenda, Clay