The Commission member presiding over the meeting will be present at this location.

This will be a hybrid (in-person/virtual) meeting. To view the meeting, please visit: https://sanmarcostx.gov/2861/Historic-Preservation-Commission-Videos

The Historic Preservation Commission may adjourn into executive session to consider any item on the agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made on the basis for the Executive Session discussion. The Historic Preservation Commission may also publicly discuss any item listed on this agenda for Executive Session.

I. Call To Order

II. Roll Call

III. Citizen Comment Period: Persons wishing to participate/speak remotely (online) during the Citizen Comment Period must email hpcommission@sanmarcostx.gov no later than 12:00 p.m. on the day of the meeting. Written comments received prior to 12:00 p.m. on the day of the meeting will be emailed to the Commissioners. Written comments received after the deadline will be provided to the Commissioners at the meeting. Those wishing to speak in person may sign up in advance or appear in the City Council chambers at the time the item is called. Comments shall have a time limit of three minutes each and speakers must state their name.

MINUTES

1. Consider approval, by motion, of the May 9, 2024 regular meeting minutes.

ACTION ITEM

2. Consider approval of the amended bylaws for the Historic Preservation Commission.
UPDATES

3. Updates on the following:
   a. HPC Committee Reports Concerning Recent Activities
   b. Grant Opportunities and Updates
   c. Dunbar School Home Economics Building Restoration Progress
   d. Historic Preservation Plan Update
   e. Upcoming Events and Training Opportunities

DISCUSSION ITEMS:

4. Discuss deconstruction as an alternative to demolition and provide feedback to staff.

IV. FUTURE AGENDA ITEMS

   Board 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.)*

V. 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. Persons wishing to participate remotely in the Q&A session must email hpcommission@sanmarcostx.gov beginning the day prior to the meeting and before 12:00PM the day of the meeting. A call-in number to join by phone or link will be provided for participation on a mobile device, laptop or desktop computer. If attending in person, no sign up is required.

VI. 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 Historic Preservation Commission, please contact Alison Brake, Historic Preservation Officer at 512.393.8232 or abrace@sanmarcostx.gov.
Due to COVID-19, this was a hybrid in-person/virtual meeting. For more information on how to observe the virtual meeting, please visit: https://sanmarcostx.gov/2861/Historic-Preservation-Commission-VideosA

I. Call To Order

With a quorum present the regular meeting of the San Marcos Historic Preservation Commission was called to order at 6:00 p.m. on Thursday, May 9, 2024.

II. Roll Call

   Present  6 – Commissioner Rogers, Commissioner Long, Commissioner Baker, Commissioner Dedek, Commissioner Dillon, and Commissioner Rivas

   Absent  1 – Commissioner Dake

III. 30 Minute Citizen Comment Period:

No one spoke.

MINUTES

1. Consider approval, by motion, of the April 11, 2024 regular meeting minutes.

   A motion was made by Commissioner Baker, seconded by Commissioner Dillon, to approve the minutes of the April 11, 2024 regular meeting as submitted. The motion carried by the following vote:

   For:  6 – Commissioner Rogers, Commissioner Long, Commissioner Baker, Commissioner Dedek, Commissioner Dillon, and Commissioner Rivas

   Against:  0

PUBLIC HEARINGS

2. HPC-24-09 (109 Armstead Street) Hold a public hearing and consider a request for a Certificate of Appropriateness by Victoria Caico to allow the construction of a three-foot-tall wooden fence to be located along the front and side yards.

   Alison Brake, Historic Preservation Officer, gave a presentation outlining the request. She concluded construction of a three-foot-tall wooden fence to be located along the front and side yards was consistent with the San Marcos Development Code [Sections 4.5.2.1(l)(1)(e) and 4.5.2.1(l)(1)(i)] and the Secretary of the Interior Standards for Rehabilitation [Standard Numbers 1, 2, 3, 9, and 10].
Carl Furry, 811 West San Antonio Street, stated that he was acting as the applicant’s representative and was present to answer any questions the Commission had regarding the request. He also voiced his support of the request.

No one else spoke and Commissioner Rogers closed the public hearing.

**A motion was made by Commissioner Dillon, seconded by Commissioner Baker, to allow the construction of a three-foot-tall wooden fence to be located along the front and side yards.**

The motion carried by the following vote:

- **For:** 6 – Commissioner Rogers, Commissioner Long, Commissioner Baker, Commissioner Dedek, Commissioner Dillon, and Commissioner Rivas
- **Against:** 0

3. **HPC-24-10 (1203 West San Antonio Street) Hold a public hearing and consider a request for a Certificate of Appropriateness by Bob and Shirley Ogletree to allow the construction of an eight-foot-tall wooden, vertical picket, privacy fence extending from the rear yard along the interior side yard.**

Commissioner Long recused herself from the dais to avoid the appearance of impropriety.

Alison Brake, Historic Preservation Officer, gave a presentation outlining the request. She concluded the construction of an eight-foot-tall wooden, vertical picket, privacy fence extending from the rear yard along the interior side yard was consistent with the San Marcos Development Code [Sections 4.5.2.1(I)(1)(e) and 4.5.2.1(I)(1)(i)] and the Secretary of the Interior Standards for Rehabilitation [Standard Numbers 1, 2, 3, 5, 9, and 10].

Shirley Ogletree, 812 Hillyer, stated that she was present to answer any questions the Commission had regarding the request and provided context as to why the eight-foot-tall fence was requested.

No one else spoke and Commissioner Rogers closed the public hearing.

**A motion was made by Commissioner Dedek, seconded by Commissioner Dillon, to allow the construction of an eight-foot-tall wooden, vertical picket, privacy fence extending from the rear yard along the interior side yard.**

Discussion between the Commission, staff, and the applicant regarding the height of the fence and location of sitting areas in the backyard ensued.

**A motion was made by Commissioner Dedek, seconded by Commissioner Baker to amend the main motion to include the following condition:**

1. Within the first five feet, the fence would gradually increase from six (6) feet in height to eight (8) feet in height, and the remainder of the fence may be eight (8) feet in height.

The motion carried by the following vote:
For: 4 – Commissioner Rogers, Commissioner Baker, Commissioner Dedek, and Commissioner Dillon
Against: 1 – Commissioner Rivas

The main motion to approve with the condition carried by the following vote:

For: 4 – Commissioner Rogers, Commissioner Baker, Commissioner Dedek, and Commissioner Dillon
Against: 1 – Commissioner Rivas

Commissioner Long returned to the Council Chambers.

4. 222 West Holland Street Demolition Review (Permit #2024-49701) Hold a public hearing and consider the 90-day demolition delay period and discuss alternatives to demolition and methods for potential preservation of historic character of the property.

Alison Brake, Historic Preservation Officer, gave a presentation outlining the request and reviewed the criteria for demolition delay with the Commission.

Elizabeth Wiatrek, 6519 Fair Valley Trail, Austin, TX, stated that the property had been in her family for many years. She said that she watched both of her parents age on the property. She stated her intent was to live out her remaining years on the property but that the main home was in very bad condition, and that it made more sense to rebuild a new home in its place. She was present to answer any questions the Commission had regarding the request.

Lila Knight, representing the Certified Local Government committee of the Hays County Historical Commission, urged the Commission delay the demolition request until more can be learned about and document the property’s history. She stated that Hays County is growing so rapidly and losing many of the intact farmsteads, such as this. She stated that the building that intrigued her the most as an architectural historian was the small, board and batten accessory structure.

Art Millecam, 111 West Holland Street, stated that he lives across the street from the subject property and was in favor of the demolition request. He was happy to hear that the property owners were going to rebuild a single-family home.

No one else spoke and Commissioner Rogers closed the public hearing.

A motion was proposed by Commissioner Baker, seconded by Commissioner Dillon, that the board and batten accessory structure is historically significant and met several criteria of Section 2.5.4.5 and therefore, the issuance of demolition permit #2024-49701 should be delayed for an additional 90 days to allow all potentially interested parties to take whatever steps deemed appropriate to accomplish the preservation of the building, and that the main building and shed are not historically significant and that portion of the demolition permit #2024-49701 can be issued without further delay.

Discussion between the property owner and the Commission regarding the age of the accessory structure followed.

The motion carried by the following vote:
For: 6 – Commissioner Rogers, Commissioner Long, Commissioner Baker, Commissioner Dedek, Commissioner Dillon, and Commissioner Rivas

Against: 0

UPDATES

5. Updates on the following:
   a. HPC Committee Reports Concerning Recent Activities
   b. Grant Opportunities and Updates
   c. Dunbar School Home Economics Building Restoration Progress
   d. Historic Preservation Plan
   e. Upcoming Events and Training Opportunities

   a. Nothing to report from staff.
   b. Nothing to report from staff.
   c. Staff stated that the building was back on its new foundation.
   d. Nothing to report from staff.
   e. Staff invited the Commission to the Historic Property Collective, on Saturday, May 18th. The focus of this year’s event will be on how preservation efforts are making a difference in Dunbar as well as preservation economics & Legacy Business Programs.

6. Receive a presentation from Stantec Consulting Services, Inc. regarding the nominations to the National Register of Historic Places for the Dunbar Historic District and the Dunbar School Home Economics Building and provide feedback to staff.

Emily Reed, Project Manager, Stantec, provided an update on the nominations. The nominations have been accepted by the State Board of Review and are being finalized by the Texas Historical Commission. After they are finalized, they will be sent to the National Park Service for acceptance and listing.

7. Discussion regarding the potential to move historic age resources proposed for demolition to city property and provide feedback to staff.

Staff provided information on how the city evaluates acquiring facilities and explained that relocation efforts should be considered only after exploring all other viable options for preservation. Historic structures that are moved inevitably lose significant aspects of historical character and connection to the original environment. Alternative approaches to demolition, such as deconstruction, should be explored.

FUTURE AGENDA ITEMS

No items were added.

QUESTION AND ANSWER SESSION WITH PRESS AND PUBLIC

No one spoke.

THERE BEING NO FURTHER BUSINESS CHAIR ROGERS DECLARED THE MEETING ADJOURNED AT 7:33 P.M.
Jennifer Rogers, Vice Chair

ATTEST:

Alison Brake, Historic Preservation Officer
MEMO

TO: Historic Preservation Commission
FROM: Alison Brake, CNU-A, Historic Preservation Officer – Planning and Development Services Department
DATE: May 13, 2024
RE: Amended Commission Bylaws

BACKGROUND
Section 2.073(a) of City Code requires that “All boards and commissions created and/or regulated by city charter or ordinance will adopt and adhere to a standard set of bylaws that are approved by the City Council.” At their May 7, 2024 meeting, City Council approved an amended template for Standard City Board and Commission Bylaws. At the meeting, City Council directed staff liaisons to present such bylaws for adoption by their respective boards and commissions.

COUNCIL APPROVED AMENDMENTS
The following summarizes the amendments made and approved by City Council to the bylaws template:

- Improvements were made to how to handle vacancies. (Article 3F)
- Addition of language that the presiding officer must be on-site and cannot be remote to ensure compliance with the Texas Open Meetings Act. (Article 5A)
- The time a board or commission must wait for a quorum before cancelling a meeting was changed from 30 minutes to optional at 15 minutes. While this allows for only 15 minutes to determine if the meeting has a quorum, it will allow for more if there is reason to believe that one or more Commission members might be late. (Article 7B)
- Reference adherence to Section 2.046 of the City Code – Rules of Decorum for City Council and City Board and Commission Meetings, which was recently updated (Article 10A)

NEXT STEPS
If the Commission has no changes to the bylaws, they will be adopted at the June 6, 2024 meeting, and take effect immediately. Should there be changes requested, they will first need to be approved by the Council Finance and Audit Committee, as noted in Article 12, before taking effect.

ATTACHMENTS
Included are the following attachments:

- Attachment A: Draft Commission Bylaws
BYLAWS OF THE
Historic Preservation Commission

ARTICLE 1. NAME.

The name of the board is the Historic Preservation Commission.

ARTICLE 2. PURPOSE AND DUTIES.

The purpose of the commission is to act as an advisory body to the city council and as a final or initial decision maker in deciding certificates of appropriateness; initiate an application for the establishment or expansion of historic districts and historic landmarks; and review, prepare reports upon and make recommendations concerning approval, conditional approval or denial of an application for the establishment or expansion of historic districts and historic landmarks.

ARTICLE 3. MEMBERSHIP.

A. The commission is composed of seven (7) members appointed by the city council.

B. A member serves at the pleasure of the city council and may be removed if not in compliance with these bylaws.

C. Qualifications:
   1. Members shall be residents of the city, or shall be employed in the city, and shall demonstrate an interest in the history of the City of San Marcos. The city council shall endeavor to appoint members from the disciplines of architecture, history, archaeology, or other disciplines related to historic preservation.
   2. Three members shall be property owners or residents from one of the Historic Districts designated in the Development Code. The city council shall endeavor to maintain a downtown representative and rotate appointments evenly among the districts.

D. Commission members serve for a term of three (3) years beginning March 1st on the year of appointment. If a member is appointed to fill a vacancy, that member will serve for the unexpired portion of the term to which they are appointed. All members must complete required orientation and training as applicable prior to their first meeting.

E. Prior to taking office all newly appointed members shall attend an orientation. This orientation will include, but may not be limited to, a review of Bylaws, Specific Board Ordinance and Charge, Open Meetings Act, Public Information Act, Ethics, parliamentary procedure, how to run a meeting, and procedures on how to file a complaint with the city.

F. All vacancies shall be filled in accordance with Section 2.071, Vacancies of the City Code and posted on the city council agenda.
G. Except as specifically duly authorized by their respective commission or the City Council, an individual commission member may not:

1) act in an official capacity on behalf of the commission;
2) make any representations to third party or any governing body before which such member appears that the member is authorized to speak for or on behalf of the commission; or
3) participate through written or public comment on a matter being considered by another board or commission or the city council that is an appeal of the decision of or succeeds the recommendation of the board or commission member’s respective board or commission.

H. Attendance at commission meetings shall conform to the requirements outlined in Section 2.069 - Absence from meetings of the City Code.

I. A member who seeks to resign from the commission shall submit a written resignation to the chair of the commission and the staff liaison, who shall notify the city clerk’s office. If possible, the resignation should allow for a thirty-day notice.

J. Members must comply with Chapter 2, Article 5, Code of Ethics, of the San Marcos City Code of Ordinances. If, in connection with a decision or matter before the board or commission, a conflict of interest or appearance of impropriety as to a board or commission member is identified, the affected member shall:

1) notify the staff liaison who shall provide a conflict-of-interest disclosure form to the member;
2) complete and submit the conflict-of-interest disclosure form;
3) when the matter is taken up by the board or commission, announce the nature of the conflict or appearance of impropriety;
4) thereafter, leave the room until consideration of the matter is concluded; and
5) abstain from any participation in the matter whether before the board or commission, a city department, another board or commission or the city council until the matter is finally concluded.

K. In accordance with Chapter 36 of the Texas Penal Code, members of the commission shall not accept gifts from persons in connection with the member’s official duties and responsibilities.

ARTICLE 4. OFFICERS.

A. The officers of the commission shall consist of a chair and a vice-chair.

B. Officers shall be elected annually by a majority vote of the commission at the first regular meeting on or after March 1 during the agenda item posted for this purpose.

1) In accordance with Section. 12.09 of the City Charter, if the previous chair continues on the commission they will preside over the meeting and conduct the election.
2) If the previous chair is no longer on the commission and the vice chair continues on the commission the vice chair will preside over the meeting and conduct the election.

3) If neither the chair nor the vice-chair remain on the commission the staff liaison shall conduct the election of the chair, at which point the newly elected chair will preside over the remainder of the meeting, including the election of the vice-chair.

C. In the event of a vacancy of the chair or vice-chair during the term, the commission may hold an election at the next regular meeting. As needed, the vice-chair shall conduct the election of the chair, or the chair shall conduct the election of the vice-chair.

D. The term of office shall be one year, beginning the first day of March and ending the last day of February.

E. A member may not hold more than one office at a time.

ARTICLE 5. DUTIES OF OFFICERS.

A. The chair shall be in person at the meeting location, preside at commission meetings, review each final meeting agenda, and execute approved meeting minutes.

B. In the absence of the chair, the vice-chair may preside, if in person, and shall perform all duties of the chair.

C. In the absence of both the Chair and the Vice-Chair at the meeting location, the commission should elect a temporary chair for that meeting, or until the Chair or Vice-Chair arrives. The staff liaison may conduct the election of a temporary chair, who shall serve only for the current meeting. The temporary chair must be present at the meeting location.

D. The Chair is responsible for promoting and maintaining order in meetings. The Chair should ensure adherence to the agenda for the meeting.

E. The Chair should control discussion to ensure that it focuses on the issue and not on any person. Personal remarks and attacks are not permitted. See also Article 7(B).

ARTICLE 6. AGENDAS.

A. Agenda items must comply with Article 2. PURPOSE AND DUTIES.

B. The following general order of business should be used for regular meetings of the commission:
   1. Call to order
   2. Roll call
   3. Citizen Comments – 3 minutes per speaker
   4. Consent Agenda (includes routine items which normally do not need separate discussion such as minutes from the previous meeting)
   5. Presentations by city staff or outside entities invited by the commission
   6. Public Hearings as needed
7. Items for action or discussion/direction
8. Reports (report items should be listed individually as needed to comply with Open Meetings Act requirements)
9. Executive Session (in accordance with Open Meetings Act exceptions)
10. Question and Answer Session.
11. Adjournment

C. The commission may only discuss or consider an item on the agenda that is stated within the assigned scope of work or charge of the commission as provided in Article 2.

D. The chair or two or more members may place a discussion item on an agenda for a regular commission meeting no later than 10 business days prior to the meeting. If two or more members wish to place a discussion item on a meeting agenda, they must separately contact the staff liaison and the chair in writing or by email with the specific topic. The agenda item must comply with Article 2 PURPOSE AND DUTIES.

E. After first consulting with and receiving input from the staff liaison, the chair shall review each final meeting agenda as prepared by the staff liaison. The chair may not remove an item placed on an agenda by the staff liaison, prior direction of the commission under subsection (B) above or placed on an agenda as a discussion item by two members under subsection (C) above.

F. The staff liaison will submit the meeting agenda, and packet as applicable, to the City Clerk’s Office for posting no later than 72 hours before the meeting. If the 72-hour deadline should fall on a weekend or holiday it is the responsibility of the staff liaison to provide the meeting agenda to the City Clerk’s Office by noon on the last business day before the weekend or holiday.

G. Posting of the agenda must comply with Texas Government Code Chapter 551 (Texas Open Meetings Act).

ARTICLE 7. MEETINGS.

A. The commission meetings shall comply with Texas Government Code Chapter 551 (Texas Open Meetings Act) in that discussion and action is limited to the items listed on the agenda for this meeting.

B. If a quorum (a majority of the voting members) does not convene within fifteen minutes of the posted time for the meeting, then the meeting may be cancelled. If there is not a quorum, no business can be conducted, no votes or action can be taken, and there are no minutes.

C. The commission will conduct its meetings by the rules of common courtesy and procedure identified in Article 10.
D. The Chair should introduce each item as it appears on the agenda, and in the order in which it appears on the agenda. The Chair may allow items to be considered out of order with the informal consent of the commission.

E. The following types of actions may be taken, or motions can be made during a meeting:
1. **Approval** - Means the item is approved as proposed.
2. **Conditional approval** - Means approval for the item will take effect upon the occurrence of the conditions.
3. **Approval as amended** - Means the item is approved with changes from the original proposal.
4. **To Table** - Means to temporarily delay the consideration of the item while another item is brought up for consideration.
5. **Remove from Table** – Means to bring back the previously delayed item for consideration.
6. **Postpone** - Means postponement of consideration of the item, either until a definite date or event, or indefinitely. Action on the item at a subsequent meeting requires the item to be placed on the agenda for that meeting.
7. **Reconsider** - Means to reopen discussion of an item that was already acted upon. Reconsideration may only occur at the same meeting, or at the next meeting after the one at which the original action occurred. A motion to reconsider may only be made by a person who voted on the prevailing side on the original action. Reconsideration of an item at a subsequent meeting requires the item to be placed on the agenda for that meeting.
8. **Withdraw** - Made by the person who made the motion. Does not require a formal vote unless a member objects to the withdrawal.
9. **Close debate ("calling for the question")** – Requires a motion and second and 2/3 vote. If it passes, a vote is then taken on the motion that was under discussion, without further debate. If it fails, debate resumes on the motion that was being discussed.
10. **Amend** - Usually consists of striking out, inserting, adding, or substituting words, sentences or paragraphs to the subject of the original motion. This motion is voted upon separately from the original motion.
11. **Recess** - A temporary break in a meeting may be called by the Chair. This does not require a formal vote unless a member objects to the recess.
12. **Limited discussion or debate** - The Chair may establish a reasonable time limit for consideration of an item, or a reasonable time limit on each person addressing the commission, or upon each commission member who comments on an issue. This does not require a formal vote unless a member objects to the limits.

F. The commission shall meet monthly. In October of each year, the commission shall adopt a schedule of the meetings for the upcoming year.

G. Special meetings of the commission shall be called by the staff liaison to comply with a statutory deadline or a deadline established by Council or by a vote by the commission. A special meeting may be called upon the written request of the chair or three members of the commission no more often than once a quarter.
H. Executive sessions are permitted only when they have been posted in advance and conform to those requirements of the Texas Government Code Chapter 551 (Texas Open Meetings Act) which pertain to executive sessions.

I. A majority of the voting membership of the commission members constitute a quorum regardless of vacancies.

J. To be effective, a commission action must be adopted by an affirmative vote of the number of members necessary to provide a quorum.

K. All votes shall be conducted by roll call rather than simple voice vote.

L. The chair has the same voting privilege as any other member. The voting privileges of members is defined in the Ordinance defining that commission.

M. The commission will allow citizens to address the commission during a period of time set aside for citizen communications during their regular meeting. Each speaker will be limited to three minutes, may speak only once per time period, and may not yield time to others. See Section 2.045 of the City Code for details.

N. The staff liaison shall prepare the meeting minutes. The minutes of each board commission meeting must include the vote of each member on each item before the commission and indicate whether a member voted in favor, against, abstained or is absent. Example:
   For: Member 1, Member 2, Member 3, Member 4
   Against: Member 6
   Absent: Member 5 (line only needed if someone is absent)
   Recused: Member 7 (line only needed if someone has recused)

O. The city clerk shall retain agendas, approved minutes, internal review reports and bylaws. The Planning and Development Services Department shall retain all other commission documents. The documents are public records under Texas Local Government Code Chapter 552 (Texas Public Information Act).

P. The chair shall adjourn a meeting not later than 10 p.m., unless the board votes to continue the meeting.
ARTICLE 8. RECOMMENDATIONS.

A. The commission is encouraged to provide the city council with advisory recommendations on matters of city policy within their purpose and duties provided in Article 2 as necessary.

B. In order to communicate recommendations by the commission to the City Council, the commission must develop a recommendation resolution. If the recommendation resolution is approved by a majority of the membership, the staff liaison must submit the recommendation resolution to the city clerk and city manager for distribution to the city council within 30 days. In addition, the staff liaison will prepare a cover memo including Staff Recommendations for Implementation which may include budget impacts, staff time required, and/or other considerations.

C. The commission will submit an annual report to the city clerk by February 28 of each year.

ARTICLE 9. COMMITTEES.

A. The Historic Preservation Commission does not have any standing committees but may have ad hoc committees as necessary.

B. Each committee must be established by an affirmative vote of the commission. Each committee shall consist of at least two, maximum of three commission members approved by the commission. A staff member shall be assigned to each committee by the director of the Planning & Development Services Department.

C. A committee may choose the chair, with the members’ consent, but is not required to do so.

D. Quorum requirements do not apply to committees.

E. Committees are not required to post their meetings in accordance with the Texas Government Code Chapter 551 (Texas Open Meetings Act). A quorum of the membership is not allowed to be present.

F. Each committee shall update the commission at least quarterly on their work.

ARTICLE 10. RULES OF COMMON COURTESY AND PROCEDURE.

A. During meetings, members shall preserve order and decorum, and shall not interrupt or delay proceedings. Commission meetings will adhere to Section 2.046. - Rules of Decorum for City Council and City Board and Commission Meetings of the City Code.

B. Members shall demonstrate respect and courtesy to each other, to city staff members, and to members of the public appearing before the commission.
C. Members shall refrain from rude and derogatory remarks and shall not belittle staff members, other commission members, or members of the public.

D. The Chair should exercise control over persons who abridge this policy or disrupt a meeting in the following ascending order of action:
1. Call the person to order, advising the person of the infraction.
2. Advise the person that the infraction must cease immediately, or the person will be ordered to leave the meeting.
3. Order the person to leave the meeting. If the offending person is a member of the commission, the Chair shall call for a vote on the expulsion of the member from the meeting.

ARTICLE 11. GENERAL POWERS AND DUTIES

A. Personnel Issues: Personnel matters are not within the purview of the Commission and are not appropriate for posting on an agenda, discussion at a meeting, or as a subject for a commission recommendation. Neither the 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, or remove any person from, office or employment. The Commission and its members are prohibited from giving order to subordinates of the City Manager either publicly or privately.

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

ARTICLE 12. AMENDMENT OF BYLAWS.

A bylaw amendment is not effective unless approved by the Council Finance and Audit Committee.

The bylaws were approved by the Historic Preservation Commission at their meeting held on June 6, 2024

(Signature of Executive or Staff Liaison) Historic Preservation Officer

>Title of Executive or Staff Liaison)
TO: Historic Preservation Commission  
FROM: Alison Brake, CNU-A, Historic Preservation Officer – Planning and Development Services Department  
DATE: May 13, 2024  
RE: Deconstruction as an Alternative to Demolition

BACKGROUND
During the May meeting, the topic of deconstruction as an alternative to demolition was briefly addressed. Staff thought it was important to share information on the concept of deconstructing historic resources.

Deconstruction is the process of selective dismantling structures to ensure the maximum amount of materials can be salvaged and reused. The United States Green Building Council (USGBC) explains that the deconstruction process involves taking apart an existing building element by element in reverse order of its construction (Attachment A). According to the Delta Institute, an organization that collaborates with communities on environmental challenges throughout the Midwest, up to 25% of materials can be reused and up to 70% of materials can be recycled.

SPECTRUM OF DECONSTRUCTION
A variety of approaches can be used in accomplishing deconstruction and demolition tasks. Structures can be either fully deconstructed where all the wood and valuable material is salvaged or “soft stripped” where easy-to-capture and high-value material (i.e., appliances, cabinetry, architectural items) is salvaged. The Delta Institute created a Deconstruction Go Guide which illustrates this spectrum. The guide can be found: https://delta-institute.org/publication/deconstruction-go-guide/.

BENEFITS OF DECONSTRUCTION
The Delta Institute’s guide also lists several benefits of deconstruction:

**Environmental**
- Reduced toxic dust from job site
- Reduced heavy metal leaching into soil
- Reduced waste to landfills
- Reduced consumption of virgin material

**Economic**
- Jobs from removing structures
- Jobs for hard-to-employ
- Resale of building materials
- Sale of value-added products

**Social**
- Removal of blight
- Potential workforce development partnerships
- Potential for workforce training and contractor training
• Potential for local reclaimed materials to be used in restoration and preservation of historic structures

IMPORTANT CONSIDERATIONS
The USGBC provides a list of important considerations when creating a deconstruction policy or plan, emphasizing that there is no one-size-fits-all policy as each city’s specific needs are different.

1. **Calculating Impact:** First step is to consider the scope of the building that fall under the policy with the goal being the number of affected buildings to be enough to make an impact, but also not so much that the policy – and the resulting materials saved -- overwhelm the system or local capacity. Using construction dates could help cities better calculate a reasonable number of structures the policy will apply to.

2. **Preparing the Industry:** Deconstruction is a more labor and time intensive process and could create burdens on local contractors. Existing contractors will likely need training in deconstruction techniques which can be offered through workshops. Additionally, creative incentives could be used to help relieve some of the cost burden.

3. **Planning for Material Inventory:** Having a plan for the materials to be reused is one of the most important considerations for any deconstruction policy. It is essential to create a system and set up infrastructure for collecting, storing, organizing, and reintroducing the salvaged materials back into the marketplace.

4. **Implementation:** Consideration of the necessary administrative pieces before implementing the policy is an important aspect of any effective policy. Regarding deconstruction this could include training City staff as well as creating understandable and comprehensive resources educating the public on the benefits of deconstruction.

STAFF RECOMMENDATION
Staff recommends using the Preservation Plan recommendations as a strategic approach to creating a deconstruction policy in San Marcos.

ATTACHMENTS
Included is the following attachment:

• **Attachment A:** United Stated Green Building Council Policy Brief “From Demolition to Deconstruction: City Salvage and Reuse Policies”
Cities around the nation are currently facing growing numbers of old, inefficient, and deteriorating structures in their communities. Owners of these buildings often turn to demolition because of the impractical costs of renovation. However, frequently these older homes are made of quality or historic materials that go to waste because demolition sends them straight into a landfill.

Deconstruction is a process that can salvage waste from demolition while simultaneously contributing to a city’s overall sustainability goals. The deconstruction process involves taking apart an existing building element by element in the reverse order of its construction to preserve or recycle as much of the materials as possible. Those salvaged materials can then be transformed into profitable resources, sold for future construction projects or to repair and restore similar homes that remain.

**BENEFITS OF DECONSTRUCTION**

Deconstruction benefits more than just the environment – the process can help protect public health by reducing the airborne toxic pollutants associated with demolition, create employment and new economic opportunity, foster the creation and expansion of small businesses that handle salvaged materials, and provide local and affordable access to building materials in the event of a disaster.

**According to the Delta Institute**, deconstruction can offer several environmental, economic, and community benefits for cities with high vacancy and unemployment rates. Those benefits include:

**Environmental Benefits**
- Reduced toxic dust from job site
- Reduced heavy metal leaching into soil
- Reduced waste to landfills
- Reduced consumption of new material

**Economic Benefits**
- Jobs from removing structures
- Resale of affordable building materials
- Sale of value-added products

**Social Benefits**
- Removal of blight
- Workforce development partnerships
- Workforce training and contractor training
- Local reclaimed materials that can be used in the restoration and preservation of historic structures.

**DECONSTRUCTION IN CITY POLICY**

Because cities are usually responsible for issuing demolition permits and for oversight of the demolition process, the city has the power to construct and implement a deconstruction policy. A deconstruction policy defines minimum requirements for covered buildings to be deconstructed rather than demolished through the standard procedure. These policies can be the responsibility of different city departments, like an office of historic preservation or an office of sustainability, but as with any good policy, it is important all relevant departments be involved in...
the planning process. For example, the engineering, planning, and building permit offices would likely be involved, but so should a public works, solid waste department, economic development, environmental protection, and others.

**Important Considerations**

Deconstruction has many benefits, but because the process involves more planning than standard demolition and each city’s specific needs are different, there is no one-size-fits-all policy. Drawing from research and discussions with experts, below is a list of important considerations when creating a deconstruction plan.

1. **Calculating Impact**

As with any successful building policy, a first step to consider is the scope of buildings that will fall under the deconstruction policy. The goal is for the number of affected buildings to be enough to make an impact, but also not so much that the policy – and the resulting materials saved -- will overwhelm the system or local capacity.

Investigating the inventory of targeted buildings by their construction date could help cities better calculate a reasonable number of structures the policy will apply to. For instance, a policy that applies to all homes and duplexes constructed prior to 1960 may encompass too many existing buildings in the city. This could put strain on local contractors, create an inventory of too many materials to realistically salvage or recycle, and lead to an administrative burden beyond what the city can manage. A helpful place to start is the list of demolition permits issued over the previous several years. Cities can use this data to predict potential impact by calculating what percentage of the projected number of future tear-downs each year would require deconstruction under the new policy.

2. **Preparing the Industry**

Because deconstructing buildings is more labor and time intensive than the standard demolition process, a deconstruction requirement can create burdens on local contractors. Existing contractors will likely need training in deconstruction techniques and cities can help ensure that there is a large enough pool of professionals who can perform deconstructions. The city could offer free workshops, by partnering with organizations such as [Build Reuse](#), to certify contractors to take part in the deconstruction process. Build Reuse also offers other training opportunities such as community-wide forums that bring together and educate community leaders and organizations that will be the backbone of a successful deconstruction policy.

Creative incentives from the city could also help relieve some of the greater cost burden, like offering a certain tax rebates or expedited permitting and plan reviews for companies that participate in deconstruction training.

3. **Planning for Material Inventory**

Deconstruction means giving building materials a second life. A successful deconstruction plan does not end once materials are kept out of a landfill, it is most successful when those materials are recycled or reused in future projects. Having a plan for those materials is one of the most important considerations for any city contemplating a deconstruction policy.

Creating a system and setting up the infrastructure for collecting, storing, organizing, and reintroducing the salvaged materials back into the marketplace is essential. Storage locations can be existing city-owned warehouses or salvage yards, but when this infrastructure does not already exist, cities will have to look elsewhere. Cities may want to consider turning to local nonprofit organizations for help finding space or to grant opportunities that will provide for the purchase of new, affordable storage areas.

A city could take this opportunity to create new jobs for those responsible for this process. Alternatively, many cities have salvage companies or nonprofits already involved in similar work and could come up with creative ways to bolster those existing entities to try to expand operations to meet the new demand of the deconstruction policy.

4. **Implementation**

An important aspect of any effective policy is considering the necessary administrative pieces before implementation. In the case of
deconstruction, this may include training for city staff on fielding questions from the contractors, effected homeowners, and other members of the public. Understandable and comprehensive paperwork and online resources that educate the public on the benefits of deconstruction will also make for a smoother roll-out.

SPOTLIGHT: DECONSTRUCTION POLICY IN PORTLAND, OREGON

In 2016 Portland became the first city in the country with a deconstruction requirement. The City Council unanimously adopted an ordinance, including code language, requiring projects seeking a demolition permit for a house or duplex to fully deconstruct the building if it was constructed in 1916 or earlier, or if the structure is designated as a historic resource.

Those requesting to tear down a building that meets these requirements must submit a completed pre-deconstruction form to Portland’s Bureau of Planning and Sustainability as a part of the demolition permit process. Documentation identifying the destination for all materials removed from the structure (excluding concrete) must be submitted to same office no more than thirty days after completion of the deconstruction work.

To help assist with this process, the City provides suggested Deconstruction Resources including free material pickup services and a list of Certified Deconstruction Contractors.

Portland estimates that increased deconstruction will:

- Divert 8 million pounds (4,000 tons) of materials for reuse (annually)
- Create job opportunities in the construction industry
- Increase the likelihood of discovering materials containing lead and asbestos and facilitating their safe removal and disposal

Portland Deconstruction Examples: Photos & Video

OTHER POLICY EXAMPLES

- San Antonio, Texas
  Deconstruction and Salvage Initiative
- Milwaukee, Wisconsin
  Deconstruction Ordinance

OTHER RESOURCES

- Deconstruction & Building Material Reuse Tool - Delta Institute
- A Report on the Feasibility of Deconstruction: an investigation of deconstruction activity in four cities - Partnership for Advancing Technology in Housing

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