

MINUTES OF THE REGULAR MEETING OF THE  
CHARTER REVIEW COMMISSION OF THE  
CITY OF SAN MARCOS, TEXAS  
MARCH 9, 2017

Members Present:	Kama Davis Daniel Guerrero Paul Mayhew, Chair Amy Meeks Perry Moore Todd Salmi Shane Scott
City Attorney:	Michael Cosentino
Recording Secretary:	Tina Moreno
Others Present:	Brett Thorne

The meeting was called to order at 5:32 p.m. by Chair Mayhew.

Chair Mayhew introduced the Citizen Comment Period. Brett Thorne was present but declined to speak during the Citizen Comment Period.

Chair Mayhew introduced agenda item, "Approve minutes of the previous meeting(s)." A motion was made by Mr. Scott, seconded by Ms. Meeks, to approve minutes of February 23 and March 2, 2017. The motion passed by the following vote:

For:	4 - Mayhew, Meeks, Moore, and Scott
Against:	0
Absent:	2 - Davis and Guerrero (5:40 p.m. arrival for both)
Abstain:	1 - Salmi

Chair Mayhew introduced the next agenda item, "Section by section review of City Charter, including but not limited to Article 6 – Initiative, Referendum and Recall, Article 7 – Municipal Planning and Zoning, and Article 8 – Financial Procedure." A motion was made by Mr. Scott, seconded by Mr. Guerrero, to amend item (b) of **Sec. 4.01. – City manager**, to read as follows: "The city manager shall not be appointed for a definite term, but may be removed by a vote of ~~the~~ majority five members of the entire city council."

For:	4 - Guerrero, Mayhew, Moore, and Scott
Against:	3 - Davis, Meeks, and Salmi
Absent:	0
Abstain:	0

Mr. Salmi made a motion, seconded by Mr. Scott, to amend item (b) of **Sec. 7.01 – Planning and zoning commission** to remove ETJ residency requirement. The amendment would read as follows: “To be eligible for appointment to the commission, eight of the commission members must have resided and owned real property in the city for a period of three years before the date of appointment, and the remaining member must have resided and owned real property in the city's extraterritorial jurisdiction for a period of three years before the date of appointment. To be eligible for continued service on the commission, the commission members appointed as city residents must maintain residence and property ownership in the city, ~~and the commission member appointed as an extraterritorial jurisdiction resident must maintain residence and property ownership in the extraterritorial jurisdiction.~~” The motion carried by the following vote:

For:	7 - Davis, Guerrero, Mayhew, Meeks, Moore, Salmi, and Scott
Against:	0
Absent:	0
Abstain:	0

A motion was made by Mr. Salmi, seconded by Ms. Davis, to amend item (b) of **Sec. 7.01 – Planning and zoning commission** to eliminate ownership of real property. The amendment would read as follows: “To be eligible for appointment to the commission, eight of the commission members must have resided ~~and owned real property~~ in the city for a period of three years before the date of appointment, and the remaining member must have resided ~~and owned real property~~ in the city's extraterritorial jurisdiction for a period of three years before the date of appointment. To be eligible for continued service on the commission, the commission members appointed as city residents must maintain residence ~~and property ownership~~ in the city, ~~and the commission member appointed as an extraterritorial jurisdiction resident must maintain residence and property ownership in the extraterritorial jurisdiction.~~” After some discussion, an amendment to the main motion was made by Mr. Moore, seconded by Ms. Davis, to extend the residency requirement from three years to five years. The amendment would read as follows: “To be eligible for appointment to the commission, eight of the commission members must have resided ~~and owned real property~~ in the city for a period of ~~three~~ five years before the date of appointment, and the remaining member must have resided ~~and owned real property~~ in the city's extraterritorial jurisdiction for a period of ~~three~~ five years before the date of appointment. To be eligible for continued service on the commission, the commission members appointed as city residents must maintain residence ~~and property ownership~~ in the city, ~~and the commission member appointed as an extraterritorial jurisdiction resident must maintain residence and property ownership in the extraterritorial jurisdiction.~~” The motion to amend carried by the following vote:

For:	4 - Davis, Meeks, Moore, and Salmi
Against:	3 - Guerrero, Mayhew, and Scott
Absent:	0
Abstain:	0

And the main motion carried by the following vote:

For:	4 - Davis, Meeks, Moore, and Salmi
Against:	3 - Guerrero, Mayhew, and Scott
Absent:	0

Abstain: 0

Mr. Salmi made another motion, seconded by Mr. Guerrero, to amend **Sec. 7.01 – Planning and zoning commission** to provide that the nine members of the commission must be city residents and to remove an additional reference to the ETJ requirement. The amendment would read as follows: “To be eligible for appointment to the commission, ~~the nine~~ nine ~~eight~~ of the commission members must have resided ~~and owned real property~~ in the city for a period of ~~three~~ five years before the date of appointment, ~~and the remaining member must have resided and owned real property in the city's extraterritorial jurisdiction for a period of three~~ five years before the date of appointment. To be eligible for continued service on the commission, the commission members appointed as city residents must maintain residence ~~and property ownership~~ in the city, ~~and the commission member appointed as an extraterritorial jurisdiction resident must maintain residence and property ownership in the extraterritorial jurisdiction.”~~ The motion carried by the following vote:

For: 6 - Davis, Guerrero, Mayhew, Meeks, Moore, and Salmi  
 Against: 0  
 Absent: 1 - Scott (on break during the vote)  
 Abstain: 0

A motion was made by Mr. Salmi, seconded by Mr. Guerrero, that item (c) of **Sec. 7.01 – Planning and zoning commission** be removed due to irrelevance, and to renumber item (d) to (c) and item (e) to (d):

~~(e) To be eligible for election and continued service as chair of the commission, a commission member must reside in the city.~~

~~(d)~~ (c) The council shall establish, by ordinance, the month in which...

~~(e-d)~~ In making appointments to the commission, council shall...

The motion carried by the following vote:

For: 7 - Davis, Guerrero, Mayhew, Meeks, Moore, Salmi, and Scott  
 Against: 0  
 Absent: 0  
 Abstain: 0

Ms. Davis made a motion, seconded by Ms. Meeks, to amend item (1) of **Sec. 7.02 – Powers and duties of the commission** by adding the following statement: “The P&Z staff shall follow all city ordinances, rules and regulations and confer with the city attorney before making any recommendations to the P&Z Commission. The P&Z Commission shall follow all city ordinances, rules and regulations before presenting anything to City Council.” After some discussion, the motion was withdrawn by Ms. Davis and Ms. Meeks. Ms. Davis made a new motion, seconded by Ms. Meeks, to amend item (9) of **Sec. 7.02 Powers and duties of the commission** by adding the following statement: “The Planning & Zoning staff shall follow all city ordinances, rules and regulations and confer with the city attorney before making any recommendations to the Planning & Zoning Commission. The Planning & Zoning Commission shall follow all city ordinances, rules and regulations before presenting anything to City Council.” After more discussion, the motion was withdrawn by Ms. Davis. A new motion was made by Ms. Davis, seconded by Ms. Meeks, to have

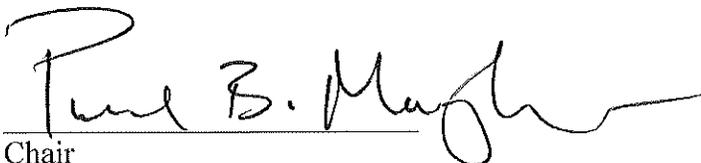
the statement read: "The Director of Planning and Development Services and the P&Z staff shall follow all city ordinances, rules and regulations and confer with the city attorney before making any recommendations to the Planning & Zoning Commission. The Planning & Zoning Commission shall follow all city ordinances, rules and regulations before presenting anything to City Council." The motion failed by the following vote:

For:	3 - Davis, Meeks, and Salmi
Against:	2 - Mayhew and Scott
Absent:	0
Abstain:	2 - Guerrero and Moore

Chair Mayhew introduced the next agenda item, "Questions and Answers from Press and Public." None were present (Mr. Thorne left early).

Mr. Guerrero moved for adjournment at 7:27 p.m., seconded by Mr. Salmi. The motion passed with the following vote:

For:	7 - Davis, Guerrero, Mayhew, Meeks, Moore, Salmi and Scott
Against:	0
Absent:	0
Abstain:	0

  
Chair