



City of San Marcos

Meeting Minutes City Council

Tuesday, July 6, 2021

3:00 PM

Virtual Meeting

This meeting was held using conferencing software due to COVID-19 rules.

I. Call To Order

With a quorum present, the work session of the San Marcos City Council was called to order by Mayor Hughson at 3:05 p.m. Tuesday, July 6, 2021. The meeting was held online

II. Roll Call

Present: 7 - Mayor Pro Tem Melissa Derrick, Mayor Jane Hughson, Council Member Maxfield Baker, Council Member Saul Gonzales, Deputy Mayor Pro Tem Shane Scott, Council Member Alyssa Garza and Council Member Mark Gleason

PRESENTATIONS

1. Hold discussion on the proposed amendments to the San Marcos City Charter; and provide direction to Staff.

Council held discussion on the proposed Charter Amendments.

Council Member Derrick expressed concern with the term limits for the Mayor and Council Members.

Mayor Hughson would like to delete Proposition B that establishes term limits for council members. She provided information during the past 20 years on how long council members have served and if they left by their choice or were defeated. She noted that there are four current councilmembers who defeated incumbents which is why she feels term limits are not needed. Council provided consensus to keep Proposition B which establishes term limits for council members by providing that a council member elected at the regular election held in November of 2022 or at any regular election held thereafter shall be ineligible to run for any city council position, other than mayor, for two years after serving three consecutive terms of office.

Mayor Hughson inquired about the time required to wait until running again. Council discussed one, two, and three years extensively and settled on two

years. Mayor Hughson would like to amend Proposition D, Section 3.09 Which reads: The amendment of Section 3.09 (Meetings of the City Council) to require all city council meeting agendas to include “Citizen Comment Period” and “Question and Answer Session with Press and Public” as agenda items.

She suggests we insert the word "regular" before "city council meeting agendas". Council provided consensus to move forward with amending Proposition D. Proposition D will now read as follows: The amendment of Section 3.09 (Meetings of the City Council) to require all “regular” city council meeting agendas to include “Citizen Comment Period” and “Question and Answer Session with Press and Public.”

Mayor Hughson noted that the proposed amendment Proposition C, Section 3.01 was to set the term limit at two (2) terms for the Mayor, with the proposed change in term to four (4) years for a maximum of either (8) years. Since council has decided to leave the Mayor’s term at 2 years, she stated we should consider changing the number of terms. Council decided to set it at four (4) terms in order to keep the eight (8) years as proposed. Council also decided to keep the rest of the proposal which includes providing that a person elected as mayor at the regular election held in November of 2024 or at any regular election held thereafter shall be ineligible to run again for mayor for a period of two years after serving four consecutive terms in that position. Council provided consensus to move forward with the changes to Proposition C.

Mr. Cosentino noted that term limits begin for council members in 2022 and for Mayor in 2024. There were no suggestions to change this.

Deputy Mayor Pro Scott suggested changing council member terms from three to four. Consensus was to retain the three year terms.

Council Member Garza inquired about the status of single member districts. Mayor Hughson explained that the Commission had discussed it but did not put it on the list of charter changes. They suggest a full discussion of the issue, which can be complex, be held before it goes on the ballot for a vote.

2. Receive a staff presentation from the San Marcos Police Department (SMPD) and the Ad Hoc Council-Appointed Use of Force Committee regarding SMPD Policy 6.1 - Response to Resistance and Aggression.

Bert Lumbreras, City Manager provided a brief introduction regarding the informational update on the work done by the Ad Hoc Council Committee

impaneled last fall to study and compare the police department's use of force policies to State and National best practices. Upon impaneling the committee, City Council provided direction that the group would select one or more spokespersons who would provide a report both to the Chief's Advisory Panel and the City Council once their work was complete and any recommendations were made. Mr. Lumbreras reminded Council that the creation, review and maintenance of the Police Department's Operational Policies are the responsibility of our Chief of Police. Chief Standridge welcomed the opportunity that this committee provided to help inform his re-write of our Use of Force policies using feedback from members of our community. Mr. Lumbreras stated the presentation will be provided by Ad Hoc Council Committee members Dr. Kathy Martinez Prather and Mr. Cherif Gacis.

Dr. Kathy Martinez Prather, Chair of Ad hoc Committee stated the mission and charge of the Ad Hoc Committee was comprised of 15 members appointed by the City Council to study the Use of Force policies of the San Marcos Police Department, compare those policies to national standards, and make recommendations. She thanked the council for appointing citizens to the committee which met six times over six months. She mentioned the committee had an in depth review of the 8CantWait, a campaign recommending several policy initiatives for cities around the use of force. In addition, the committee conducted a deep dive into the National Consensus Policy and Discussion Paper on Use of Force. The committee studied use of force from a legal perspective and the current force standard established in *Graham vs. Connor*. The committee utilized several resources to inform recommendations to the current policy, such as the Texas Best Practice Model for Use of Force Policy and other Texas municipal police departments' Use of Force policies. Every change was voted upon by the committee members.

Dr. Martinez Prather presented the key recommendations:

1. A review of the current SMPD Use of Force Policy revealed no reference of de escalation. This term was added to the definition section of the policy, as well as the procedures section of the policy.

2. The Ad Hoc committee also observed through its review of the current policy that medical aid was lacking. The committee added a section to the policy on "Medical Attention", for anyone injured after use of force has been applied. Dr. Martinez Prather stated during review of the policy SB 2212 was approved during the legislative session that relates to a duty of a peace officer to request and render aid for an injured person while use of force is administered. SB2212 law passed and will be effective on September 1, 2021

and will be integrated with the policy to be in compliance.

3. The committee added a section to the policy on “Departmental Analysis”, which provides additional language clarifying a timeframe for when the department’s use of force report will be made available and how it can be accessed by the public. She stated the report will be made available on March 1st of the following year.

Samantha Benavidez, member of the committee expressed concern with changing of the wording but the changes made are not substantial. There is a lot of work to do regarding criminal justice reform and improving the Police Department. She mentioned that de escalation was added but training is not enough and does not change behavior. She expressed her concern with the attendance of the committee members. She stated that she suggested changes and they were not seen through. Ms. Benavidez expressed concern that officers could submit the use of force report after two sleep cycles but she feels it gives officers time to put their story together and she suggested that officers submit a report before end of the shift and another report if officer remembers more details. She stated instead of changing it, it was removed from the document.

Mr. Gacis stated the committee worked hard and brought forth the best options at the moment. He stated the other aspects were not in the Ad Hoc committee purview. Dr. Martinez Prather stated she is proud of the work that the committee engaged in. She stated the policy should be reviewed on an annual basis.

Council Member Baker expressed concern with attendance of the committee and the meetings held in person and not virtually. Council Member Baker would like to know why the committee minutes were not given to council members and attendance not being recorded? Chief Standridge stated he read council meeting minutes and the direction to the committee which was to finalize a list of recommendations to present to the Chief Advisory Panel. The September Council Meeting Minutes required the committee to present the findings to the Council with no request with ongoing information. Chief stated the committee did what was required by Council. Chief Standridge mentioned attendance was not 100% with one committee member resigning. He mentioned he felt that in-person meetings was the best mechanism for discussion given the vigorous discussions.

Council Member Baker expressed concern with the lack of committee minutes.

He feels there is a systemic barrier with committee members not feeling safe and not being offered the option of attending virtual meetings. Chief Standridge stated there was virtual access to panel members only and not to those outside of the committee. Chief stated he does not believe there is systemic barrier access to the committee and many members had laptops logged in virtually while they were in person.

Council Member Garza stated she's not diminishing the work of volunteers and appreciates the work that was put in. She agreed with Dr. Martinez Prather there are different perspectives and different experiences. Council Member Garza asked what was done to receive feedback from committee members? What are we doing to capture diverse feedback? Council Member Garza would like for staff to fill in the gaps if needed, when council has charged committee with specific direction to meet other needs. Chief Standridge stated there were ample notes taken by staff and each member received the minutes a week or two prior to the next meeting. Chief Standridge stated that engaging the community about events that cause trauma throughout the community, law enforcement is exempted from public disclosure because it will circumvent justice for grand jury to review the instances.

Council Member Gonzales inquired about the 48 rule for an officer to submit their report. Chief Standridge stated this is adopted throughout the country and explained how this allows officers time that have experienced trauma. It has to do with a body's physiological response regarding fight or flight response. Chief Standridge explained that it would take two sleep cycles minimum to purge the body of these chemicals.

Council Member Baker expressed concern with the 48-hour rule and believes that will allow an officer to review the video to write a qualified report and citizens do not have that option. He stated he is not satisfied with the report from the committee and will be working with the Criminal Justice Reform Committee.

Dr. Martinez Prather reminded everyone this was a council appointed committee that included members of the community to review policy and she can't speak regarding members resigning. She noted that other members dedicated a lot of time to this effort. She mentioned that the committee had uncomfortable discussions and how citizens feel about the police department and it is not always in a positive light. She would like council to not to be dismissive and mentioned Ad Hoc members worked hard reviewing the policy. Every change was voted upon by the committee.

Mayor Hughson thanked the committee and the staff who worked on this project.

Mr. Stapp notes that Chief Standridge has some conclusions to present.

Ms. Benavides stated on March 11 staff sent out an email stating meeting will no longer be virtually. She suggested during the committee meeting to have officers submit the use of force report one before the end of shift and after two sleep cycles, if additional information needs to be added. She stated her suggestion was removed because it's in another policy.

Mayor Pro Tem Derrick shared a past experience giving testimony to police after an incident and doesn't support the wait of 48 hours to submit use of force report.

Council Member Garza asked why meetings were not recorded and would suggest they be recorded in the future.

Chief Standridge commented on Mayor Pro Tem Derrick's personal experience and he said citizens have the right to walk away and plead the 5th amendment. He mentioned the law comes from state legislature.

Council Member Baker expressed disappointment that Council does not have a copy of the redlined Use of Force Policy, the result of the committee's work. He also expressed concerns about the appointments to the committee by council members.

Deputy Mayor Pro Tem Scott stated we need to work with the community to have law and order.

Dr. Prather stated that it is important to appoint members that have a balanced view for criminal justice reform and also support law enforcement. She hopes council members have that same view.

Mr. Lumbreras expressed concern with a council member questioning the integrity of volunteers and staff. Staff came to council to appoint a citizen committee and wanted the community to be involved. He stated Chief should be given a chance and he is confident that the Chief will take us where we need to go.

Mr. Gacis stated during the George Floyd trial, he felt the need to have the proper policy and make sure that same incident doesn't occur in San Marcos. He expressed concern with statements from Council Member Baker towards the committee members. He stated members of committee and lawyers reviewed each line and completed the policy as a committee by voting on each item and the policy can be reviewed in the future.

Chief Standridge stated that he thinks the committee result is a good policy. He mentioned the highlights of the policy which include inclusive de-escalation, value the sanctity of all human lives, duty to intervene, duty to provide medical aid and the requirement of an annual comprehensive report to citizens and council on March 1st of each year. Chief Standridge stated the department is in pursuit of the accreditation of compliance and proof of 170 best practices. He mentioned he is proud of the work that the committee has done.

Council would like to receive the redline of the policy, readily available committee minutes and attendance reports. Chase Stapp, Director of Public Safety, stated the redline was not included due to the specific agenda item and reminded Council that operational policy should remain under the responsibility and purview of the Chief.

Mayor Hughson noted that our only charge today is to receive the report. The Ad Hoc Committee on the Use of Force by the SMPD has reviewed and updated the Use of Force Policy and that is considered complete.

Council Member Garza noted that the conversation today has been productive. As Deputy Mayor Pro Tem Scott said, we need to work together.

Council Member Baker asked that we next look at Campaign Zero and our policies. Mayor Hughson suggested that the Criminal Justice Reform council committee review this first. Council Member Baker may choose to place this on an agenda if he receives a second to do so.

III. Adjournment.

A motion was made by Deputy Mayor Pro Tem Scott, seconded by Mayor Pro Tem Derrick, to adjourn the Work Session meeting of the City Council at 5:27 p.m. The motion carried by the following vote:

For: 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

Against: 0

Tammy K. Cook, Interim City Clerk

Jane Hughson, Mayor