I. Call To Order

II. Roll Call

III. Invocation

IV. Pledges of Allegiance - United States and Texas

V. Citizen Comment Period

NOTE: Citizen Comment sign up procedures have changed:
Persons wishing to participate remotely (speak) during the Citizen Comment portion must sign up at
www.sanmarcostx.gov/citizencommentsignup before 12:00PM the day of the meeting. A link will be
provided for participation on a mobile device, laptop or desktop computer. Those wishing to speak in
person must sign up in the City Clerk’s office between 8:00AM - 5:45PM the day of the meeting.

PRESENTATION

1. Receive a Staff presentation on Gateway Monument Signs including final concepts; and
provide direction to the Staff.

CONSENT AGENDA

THE FOLLOWING ORDINANCES, RESOLUTIONS AND OTHER ITEMS MAY BE ACTED UPON BY
ONE MOTION. NO SEPARATE DISCUSSION OR ACTION ON ANY OF THE ITEMS IS NECESSARY
UNLESS DESIRED BY A COUNCIL MEMBER OR A CITIZEN, IN WHICH EVENT THE ITEM SHALL BE
CONSIDERED IN ITS NORMAL SEQUENCE AFTER THE ITEMS NOT REQUIRING SEPARATE
DISCUSSION HAVE BEEN ACTED UPON BY A SINGLE MOTION.

2. Consider approval of Ordinance 2023-87, on second of two readings, prohibiting the use
of designated groundwater from beneath certain property and supporting certification of a
Municipal Setting Designation by the Texas Commission on Environmental Quality;
providing a penalty clause; providing a severability clause; and providing an effective date.

3. Consider approval of Resolution 2024-01R, approving a sole source contract with
Teledyne ISCO for the purchase of a LaserFlow Sensor and related equipment associated
wastewater collection in the estimated amount of $198,852.00; authorizing the City Manager, or her designee, to execute the contract on behalf of the city; and declaring an effective date.

4. Consider approval of Resolution 2024-02R, approving a contract for the purchase and installation of a dispatch console for first responder radio services to Lower Colorado River Authority (LCRA) in the amount of $160,000.00; authorizing the City Manager, or her designee, to execute the contract on behalf of the city; and declaring an effective date.

5. Consider approval of Resolution 2024-03R, approving a contract with Fischer Scientific through Omnia Partners Cooperative Purchasing for water quality laboratory equipment to perform in-house analytical testing on public drinking water in the amount of $118,654.32; authorizing the City Manager, or her designee, to execute the contract on behalf of the city; and declaring an effective date.

6. Consider approval of Resolution 2024-04R, accepting the award of special commissioners in the amount of $271,000.00 in Cause No. 23-1002-C, Hays County Court at Law No. 1, in connection with the city’s acquisition of a wastewater line easement and right-of-way from Two Rivers Interests, LP for the installation and perpetual operation of wastewater improvements in the area south and east of the intersection of Staples Road and Old Bastrop Highway; and declaring an effective date.

7. Consider approval of Resolution 2024-05R, authorizing a Change Order #1 to the construction contract with Aaron Concrete Contractors, LLC., relating to the Hills of Hays Drainage Improvements Project, to provide for necessary construction of a sanitary sewer main, increasing the contract price by $89,924.71; authorizing the City Manager, or her designee, to execute the appropriate documents to implement the change order on behalf of the city; and declaring an effective date.

8. Consider approval of Resolution 2024-06R, approving the award of a construction contract to Sullivan Contracting Services for the provision of remodel construction services for the City of San Marcos Municipal Complex in the estimated amount of $537,510.64; authorizing the City Manager, or her designee, to execute the contract on behalf of the city; and declaring an effective date.

PUBLIC HEARINGS

NOTE: Public Hearing sign up procedures have changed:
Persons wishing to participate remotely (speak) during the Public Hearing portion must sign up at www.sanmarcostx.gov/citizencommentssignup before 12:00PM the day of the meeting. A link will be provided for participation on a mobile device, laptop or desktop computer. If attending in person, no sign up is required.

9. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2024-01, amending the Official Zoning Map of the city in Case No. ZC-23-24, by rezoning approximately 18.84 acres of land, out of the John H. Yearby Survey, generally located 3,300 feet east of IH35 near Centerpoint Road, from Character District-5 (CD-5) to Light Industrial (LI), or, subject to consent of the owner, another less intense zoning district classification; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2024-01, on the first of two readings.
NON-CONSENT AGENDA

10. Consider approval of Ordinance 2024-02, on the first of two readings, amending the city’s 2023-2024 Fiscal Year budget to carry forward funds from the 2022-2023 Fiscal Year; to adjust revenue and expenditure accounts in multiple operating, special revenue, internal service, and capital improvement project funds; including procedural provisions; and providing an effective date.

11. Consider approval of Ordinance 2024-03, on the first of two readings, amending Chapter 82 of the San Marcos City Code to, among other things, define the authority of the city’s Parking Advisory Board, update the list parking violations and associated fines, and allowing for the creation of parking benefit districts; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

12. Consider approval of Ordinance 2024-04, amending Section 2.566 of the San Marcos City Code concerning the city manager’s spending authority to remove obsolete provisions related to the COVID-19 pandemic and to clarify the types of agreements to which the city manager’s authority extends; including procedural provisions; and providing an effective date.

13. Receive an update from Staff and the Comprehensive Plan Ad Hoc Council Committee, including the committee’s recommendations for additional public outreach on VisionSMTX++ with Council amendments; hold a discussion regarding such recommendations and any matters concerning the plan; and consider a motion to set a new public hearing date for approval of the Comprehensive Plan on second reading that would be after the committee’s final recommendations regarding the plan for consideration by the city council.

14. Discuss and consider appointments or reappointments to Positions Two and Four, and confirm appointments of Positions Seven, Eight, and Nine and appoint a Chair of the Tax Increment Reinvestment Zone (TIRZ) Number 4 - Paso Robles (now known as Kissing Tree) Board of Directors; and provide direction to Staff.

15. Discuss and consider appointment and/or reappointment to Position One, Two and Five, confirm Hays County appointments to Position Three, Four and appoint a Chair to the Tax Increment Reinvestment Zone (TIRZ) No. 5 (Downtown) Board of Directors; and provide direction to Staff.

EXECUTIVE SESSION

NOTE: The City Council may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The City Council may also publicly discuss any item listed on the agenda for Executive Session.

16. The City Council will convene in executive session pursuant to the following sections of the Texas Government Code:
   A. Section §551.071: Consultation with Attorney: to receive legal advice regarding:
      1. The following pending wastewater discharge application dockets: a) the application of
Fleming Farms WWTP for proposed permit for new TPDES Permit No. WQ0015817001, TCEQ Docket No. 2020-0973-MWD. SOAH Docket No. 582-21-0576; and b) the application of Rattler Ridge, LLC for proposed permit for new TPDES Permit No. WQ0016049001, TCEQ Docket No. 2022-1046-MWD, SOAH Docket No. 582-23-07913.
2. A potential solution involving a regional wastewater treatment plant in connection with the above.
3. The applicability of, and standards for exemptions from the requirement for landowner consent to annexation under Section 86.003 of the San Marcos City Code when requesting utility service outside the city limits.

DIRECTION/ACTION FROM EXECUTIVE SESSION

17. Consider action, by motion, or provide direction to Staff regarding the following Executive Session item held during the Work Session and/or Regular Meeting:

A. Section §551.071: Consultation with Attorney: to receive legal advice regarding:
1. The following pending wastewater discharge application dockets: a) the application of Fleming Farms WWTP for proposed permit for new TPDES Permit No. WQ0015817001, TCEQ Docket No. 2020-0973-MWD. SOAH Docket No. 582-21-0576; and b) the application of Rattler Ridge, LLC for proposed permit for new TPDES Permit No. WQ0016049001, TCEQ Docket No. 2022-1046-MWD, SOAH Docket No. 582-23-07913.
2. A potential solution involving a regional wastewater treatment plant in connection with the above.
3. The applicability of, and standards for exemptions from the requirement for landowner consent to annexation under Section 86.003 of the San Marcos City Code when requesting utility service outside the city limits

VI. Question and Answer Session with Press and Public.

NOTE: Question and Answer with Press and Public sign up procedures have changed:
This is an opportunity for the Press and Public to ask questions related to items on this agenda. Persons wishing to participate remotely (speak) during the Citizen Comment portion must sign up www.sanmarcostx.gov/citizencommentssignup before 12:00PM the day of the meeting. A call in number and link will be provided for participation on a mobile device, laptop or desktop computer. If attending in person, no sign up is required.

NOTICE: In accordance with Section 2.045 of the City Code, speakers must state their name, and must limit their remarks to three minutes. The allotted time will commence from the beginning of the speaker's remarks and will include any time spent in discussion between the speaker and council or board or commission members. Issues taking longer to communicate can be addressed outside the meeting to the city staff or to individual members of the council or board or commission, or submitted in writing.

VII. Adjournment.

POSTED ON WEDNESDAY, JANUARY 10, 2024 AT 8:30 AM

LUCIA CORDOVA, DEPUTY CITY CLERK
Notice of Assistance at the Public Meetings

The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. 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
AGENDA CAPTION:
Receive a Staff presentation on Gateway Monument Signs including final concepts; and provide direction to the Staff.
Meeting date: January 16, 2024

Department: Engineering & CIP

Amount & Source of Funding
Funds Required: NA
Account Number: NA
Funds Available: NA
Account Name: NA

Fiscal Note:
Prior Council Action: NA

City Council Strategic Initiative: [Please select from the dropdown menu below]
Choose an item.
Choose an item.
Choose an item.

Comprehensive Plan Element(s): [Please select the Plan element(s) and Goal # from dropdown menu below]
☐ Economic Development - Choose an item.
☐ Environment & Resource Protection - Choose an item.
☐ Land Use - Choose an item.
☐ Neighborhoods & Housing - Choose an item.
☐ Parks, Public Spaces & Facilities - Choose an item.
☐ Transportation - Choose an item.
☐ Core Services
☒ Not Applicable
Background Information:
On November 1, 2022, City Council provided feedback on Gateway Monument Signs concepts and directed staff to hire a consultant to finalize the plans. Direction to staff was to bring back other options that reflect San Marcos and the hill country with a more straightforward, classic design.

On April 4, 2023, new design concepts were presented, and City Council provided feedback and directed staff to update two design options: 1) simple hill country 2) heron image. Both revised designs should have river flowing to the bottom, stones stacked straight across bottom and more organically stacked, and established date removed.

A design contract with MWM Preliminary concepts was executed in August 2023. City staff reviewed the preliminary concepts and provided feedback. In addition, the staff provided concepts to TxDOT for review and approval. An agreement with TxDOT will be required to construct Monument Signs within TxDOT ROW.

The presentation includes the final two concepts per Council direction and staff is looking Council to pick one concept so that the design plans can be finalized.

Construction is expected to start in late 2024 or early 2025.

Council Committee, Board/Commission Action:
NA

Alternatives:
NA

Recommendation:
The staff seeks direction from the City Council
City of San Marcos

Gateway Signs

January 16, 2024

Shaun Condor, P.E.
- Director of Engineering and Capital Improvements

Charlotte Wattigny
- Creative & Marketing Manager of San Marcos Convention & Visitor Bureau
Presentation

Item 1

Receive a staff presentation on Gateway Monument Signs including finals concepts and provide direction to the staff.
Previous Council Direction

- **November 1, 2022** – City Council provided feedback on concepts and provided direction to staff to hire a consultant to finalize the plans.
  - More straight forward, classic design; horizontal words
  - Other options that reflect San Marcos and the hill country

- **April 4, 2023** – City Council provided feedback and direction to staff.
  - River flow to the bottom of monument; stones straight across bottom and more organically stacked; remove established date
  - Update two design options: 1) simple hill country 2) heron image
Next steps

- Obtain final direction on design concept (**Tonight**)
- Finalize Design with consultant
- Council Resolution approving design and maintenance
- Approve agreement with TxDOT
- Bidding/Construction (late 2024/early 2025)
Proposed Location
Placement of Signs

- Final design must avoid TXDOT Clear Zones
Direction requested

- Proceed with concept A or B?

A: Solid Background

B: Heron Background
AGENDA CAPTION:
Consider approval of Ordinance 2023-87, on second of two readings, prohibiting the use of designated groundwater from beneath certain property and supporting certification of a Municipal Setting Designation by the Texas Commission on Environmental Quality; providing a penalty clause; providing a severability clause; and providing an effective date.

Meeting date: January 16, 2024

Department: Public Works

Amount & Source of Funding
Funds Required: Click or tap here to enter text.
Account Number: Click or tap here to enter text.
Funds Available: Click or tap here to enter text.
Account Name: Click or tap here to enter text.

Fiscal Note:
Prior Council Action: Click or tap here to enter text.

City Council Strategic Initiative: [Please select from the dropdown menu below]
Environmental Protection
Choose an item.
Choose an item.

Comprehensive Plan Element(s): [Please select the Plan element(s) and Goal # from dropdown menu below]
☐ Economic Development - Choose an item.
☒ Environment & Resource Protection - Public & Private Sector Partnership to Protect Water Quality & proper development in San Marcos and Blanco Rivers
☐ Land Use - Choose an item.
☐ Neighborhoods & Housing - Choose an item.
☐ Parks, Public Spaces & Facilities - Choose an item.
☐ Transportation - Choose an item.
Background Information:

In 2020, the city acquired three properties located on South Guadalupe. Before the purchase, environmental due diligence revealed the presence of Contaminants of Concern, specifically associated with dry cleaning activities. In response to this discovery, both the property owner and the city reached an agreement to participate in the Texas Commission on Environmental Quality (TCEQ) Voluntary Cleanup Program. As part of the agreement, a sum of $225,000 was withheld from the closing to cover the costs associated with the clearance process. The city then enlisted Chapman Engineering to oversee the clearance process, which included the drilling of monitoring wells and conducting comprehensive soil and water testing. These testing efforts are not only for initial observations but also for ongoing measurements to track changes over time.

Furthermore, the city is actively seeking certification for a Municipal Settings Designation (MSD) from the TCEQ. A MSD is a zoning tool that allows municipalities to establish specific geographic areas where certain land uses are permitted or restricted. As part of the process, a supporting ordinance has been presented to restrict groundwater uses in the designated area. These restrictions include: 1. Human consumption or drinking, 2. Showering or bathing, 3. Cooking 4. Irrigation of crops intended for human consumption. Cities choose to pursue a MSD to address concerns related to public health, safety, and the overall well-being of their residents. The impact of the MSD on the property owners within the designated areas are minimal, being that there is already an ordinance that limits the use of groundwater within the city limits due to the San Marcos Water utility. The benefits of a MSD include enhanced control over the location of potentially sensitive or controversial facilities, protection of the environment, and streamlines the regulatory process for re-development projects.

Council Committee, Board/Commission Action:

Click or tap here to enter text.
Recommendation:
Staff recommends approval the Municipal Settings Designation ordinance.
City of San Marcos

Municipal Setting Designation
Supporting Ordinance

December 19, 2023
Receive a staff presentation and hold discussion regarding Municipal Setting Designation (MSD) ordinance and provide direction to staff.
Background

- City acquired 3 properties on South Guadalupe in 2020
- Dry cleaning contaminants of concern found during environmental due diligence
- Property owner and City agreed to apply to the Texas Commission on Environmental Quality (TCEQ) under Voluntary Clean-up Program (VCP)
- $225,000 withheld from closing for TCEQ clearance
- August 1, 2023 Council directed staff to pursue the MSD process
City Acquired Properties

3 parcels, 0.95 acres

sanmarcostx.gov
MSD Benefits

- Increases awareness that contamination may be present due to previous development activity
- Used in 400+ communities in the state to facilitate redevelopment
- Does not remove environmental protection of the San Marcos River & endangered species
- Consistent with current ordinances to prohibit use of groundwater wells for human consumption within City limits

Note: MSD does not eliminate groundwater assessment and/or cleanup requirements
Proposed MSD Boundary

- CM Allen to the east
- University to the north
- Moore, North, Comanche, Shady & Fredericksburg to the west
- UPRR tracks to the south
**MSD Ordinance Overview**

- Ordinance prohibits potable use of groundwater within the MSD boundary
  
  - “Ordinance is necessary to protect the public from any chemicals of concern that exceed concentrations considered safe for human ingestion.”
  
  - “Passing this MSD ordinance will encourage the safe redevelopment of the properties within this designated boundary consistent with the goals of the City.”

- Current Ordinance
  
  - Sec. 86.007(b) Within the city limits. The provision of water supply to a new development served by individual wells within the city limits is prohibited.
MSD Certification Progress To Date

- City contracted with Chapman Engineering to manage clearance process
- Drilling of monitoring wells for soil and water testing
- Preparation of required reports and responses to TCEQ comments
- Received Council direction to continue MSD process at workshop August 1, 2023
- Started notifying private well owners within 5 miles of MSD boundary (TCEQ requirement)
Next Steps

• Continue to notify well owners within 5 miles of the proposed boundary through certified letters
  – Recipients have 60 days from received date to file comments with the TCEQ
• Take MSD ordinance to Council for approval
• Submit MSD application and approved City Ordinance to the TCEQ
• TCEQ issues MSD certificate and notice
Staff recommends approval of ordinance to support Municipal Setting Designation.
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS PROHIBITING THE USE OF DESIGNATED GROUNDWATER FROM BENEATH CERTAIN PROPERTY AND SUPPORTING CERTIFICATION OF A MUNICIPAL SETTING DESIGNATION BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:


2. Pursuant to Section 551.005(a) of the Texas Local Government Code, for the purpose of establishing and enforcing a municipal setting designation, the governing body of a municipality may regulate the pumping, extraction, or use of groundwater by persons other than retail public utilities, as defined by Section 13.002, Water Code, to prevent the use of or contact with groundwater that presents an actual or potential threat to human health.

3. Pursuant to Section 551.005(b) of the Texas Local Government Code, for the purpose of establishing and enforcing a municipal setting designation, the governing body of a municipality by ordinance may extend to the extraterritorial jurisdiction of the municipality the application of municipal ordinances.

4. The City Council finds that:

   (a) The eligibility criteria of Section 361.803 of the Texas Health and Safety Code have been met;

   (b) This municipal setting designation ordinance will not have an adverse effect on the current or future water resource needs or obligations of the City of San Marcos;

   (c) There is a public drinking water supply system that satisfies the requirements of Chapter 341, Minimum Standards of Sanitation and Health Protection Measures, of the Texas Health and Safety Code and that supplies or is capable of supplying drinking water to the designated property and property within one-half mile of the designated property; and

   (d) This municipal setting designation ordinance is necessary to protect the public from any chemicals of concern that exceed concentrations considered safe for human ingestion; and

5. Passing this municipal setting designation ordinance will encourage the safe
redevelopment of the properties within this designated boundary consistent with the goals of the City.

6. The City Council held a public hearing on December 19, 2023 regarding this ordinance.

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

SECTION 1. That for purposes of this municipal setting designation ordinance, the “designated property” means the properties contained within the boundary described in Exhibit A attached to the ordinance.

SECTION 2. That for purposes of this municipal setting designation ordinance, “designated groundwater” means water below the surface of the designated property to a depth of 300 feet.

SECTION 3. That use of the designated groundwater from beneath the designated property as potable water, as defined in Section 361.801(2) of the Texas Health and Safety Code, and the following uses of or contacts with the designated groundwater are prohibited:

(a) Human consumption or drinking.
(b) Showering or bathing.
(c) Cooking purposes.
(d) Irrigation of crops for human consumption.

SECTION 4. That the City Council supports the application to the Texas Commission on Environmental Quality for certification of a municipal setting designation for the designated property.

SECTION 5. That any person owning, operating, or controlling the designated property remains responsible for complying with all applicable federal, state, and local statutes, ordinances, rules, and regulations relating to environmental protection, and that this municipal setting designation ordinance in itself does not change any environmental assessment or cleanup requirements applicable to the designated property.

SECTION 6. That approval of this municipal setting designation ordinance shall not be construed to subject the City of San Marcos to any responsibility or liability for any injury to persons or damages to property caused by any chemical of concern.

SECTION 7. That within 60 days after adoption of this municipal setting designation ordinance, the City Manager shall cause to be filed a certified copy of this municipal setting designation ordinance in the deed records of the county where the designated property is located.
SECTION 8. That the City Manager shall notify the Texas Commission on Environmental Quality 60 days prior to any amendment or repeal of this municipal setting designation ordinance.

SECTION 9. That a person violating Section 3 of this municipal setting designation ordinance, upon conviction, is punishable by a fine not to exceed $2,000.00, and that the Texas Commission on Environmental Quality shall be notified of any violations.

SECTION 10. It is the intention of the City Council that this municipal setting designation ordinance, and every provision hereof, shall be considered severable, and the invalidity or unconstitutionality of any section, clause, provision or portion of this ordinance shall not affect the validity or constitutionality of any other portion of this ordinance.

SECTION 11. That this municipal setting designation ordinance shall take effect immediately from and after its passage and publication, if required, in accordance with the provisions of the City Charter.

PASSED AND APPROVED on first reading on December 19, 2023.

PASSED, APPROVED AND ADOPTED on second reading on January 16, 2024.

Jane Hughson
Mayor

Attest: 
Approved:

Elizabeth Trevino
Samuel J. Aguirre
City Clerk
City Attorney
Attachment A
Municipal Setting Designation (MSD) Boundary
METES & BOUNDS DESCRIPTION

Being approximately 146.7 acres of land out of the Juan Martin Veramendi Survey, Abstract Number 17, Hays County, Texas, incorporating all of or portions of the right-of-way areas of Comal Street, Hopkins Street, Hutchison Street, MLK Drive, San Antonio Street, Feltner Alley, Harvey Street, Kissing Alley, Moon Street, Comanche Street, Edward Gary Street, Fredericksburg Street, Guadalupe Street, LBJ Drive, Nicola Alley, North Street, Pat Garrison Street, Porter Street, Telephone Alley, and all of or portions of the following additions and/or subdivisions with their respective recording data, Volume (Vol.) and Page (Pg.) or County Clerk's Document Number (Doc.):

- D.S. Comb Addition Vol. 42 Pg. 332, Durham Park Subdivision Vol. 16 Pg. 225, Exxon Addition Number 1 Vol. 3 Pg. 267, Graham Subdivision Vol. 5 Pg. 234, Katz's Addition Vol. 17 Pg. 229, Lindsey And Harvey Addition Of The City Of San Marcos Vol. E Pg. 416, Lot 1-A, Block 2 Of The B.F. Donaldson Addition Vol. 1386 Pg. 118, Lot 4a Of Block 2 Of The B.F. Donaldson Addition Vol. 17 Pg. 214, Lot 5-A, Block 10, Lindsey And Harvey Addition Vol. 5 Pg. 387, Lot 5a, Replat Of Lots 5, 6, 7, & 8, Original Town Of San Marcos Vol. 4 Pg. 257, Original Town Of San Marcos Vol. 46 Pg. 448, Pecan Creek Addition, Unit 2 Vol. 4 Pg. 280, Resubdivision Of Plat 1-A, Block 4 Of The Original Town Of San Marcos Vol. 3 Pg. 214, State Bank And Trust Company Addition No. One Vol. 2 Pg. 268, Tuttle Lumber Final Plat Doc. 17003362, B F Donaldson Addition Vol. T Pg. 102, Cephas House Vol. 17 Pg. 73, D P Hopkins First Addition Vol. E Pg. 416, D P Hopkins II Vol. O Pg. 201, Hartland Plaza Vol. 6 Pg. 349, J S Travis Addition Vol. 0 Pg. 203, Morris Randall Rearrangement Vol. 2 Pg. 383, Nicola Subdivision Doc. 16029425, Porter & Barbee Subdivision Vol. 53 Pg. 179, and all of the tracts of land located in the Juan Martin Veramendi Survey, Abstract Number 17, conveyed to the following land owners with their respective recording data, Volume (Vol.) and Page (Pg.) or County Clerk's Document Number (Doc.):


Said approximately 146.7 acres of land being more particularly described by the metes and bounds as follows:

BEGINNING at a calculated point on the south right-of-way line of Pat Garrison Street, a 41.67 foot wide right-of-way according to the plat recorded in Volume 5, Page 234 [P.R.H.C.T.] and being on the east right-of-way line of Comanche Street, no record information found, also being the northwest corner of a tract conveyed in a deed to Penn-Collier-Kyle, LTD., recorded in Volume 1282, Page 190 [O.P.R.H.C.T.], for the POINT OF BEGINNING of the tract described herein;

THENCE, N81°15'55"E, a distance of 356.09 feet to a calculated point on the west line of Lot 1, State Bank and Trust Company Addition Number 1, by plat or map recorded in Volume 2, Page 268 [P.R.H.C.T.], same being on the east right-of-way line of Fredericksburg Street;

THENCE, N08°57'24"W, with the common line of said Lot 1, and said east right-of-way of Fredericksburg Street a distance of 82.08 feet to a calculated point on the northwest corner of said Lot 1, same being the southwest corner of Unit 14, University Place, by the Condominium Declaration recorded in Volume 1, Page 437 of the Condominium Records of Hays County, Texas [C.R.H.C.T.];

(CONTINUED ON NEXT PAGE)
THENCE, N81°07'25"E, with the common line of said Lot 1 and said Unit 14, a distance of 329.29 feet to a calculated point on the northeast corner of said Unit 1, same being the southeast corner of Lot 1, University Plaza, by plat or map recorded in Volume 2, Page 219 [P.R.H.C.T.] same being on the west right-of-way line of Guadalupe Street;

THENCE, along the west right-of-way line of said Guadalupe Street, with the following approximate bearings and distances:

1. S12°08'26"E, a distance of 40.50 feet to a calculated point,
2. S09°56'22"E, a distance of 25.91 feet to a calculated point on the east line of The Exxon Addition Number 1, by plat or map recorded in Volume 3, Page 267 [P.R.H.C.T.];

THENCE N81°34'58"E, crossing said Guadalupe Street a distance of 85.53 feet to a calculated point on the east right-of-way line of said Guadalupe Street and on the south right-of-way line of University Drive, same being the northwest corner of Lot 5A, Replat of Lots 5, 6, 7 & 8, Original Town of San Marcos, by plat or map recorded in Volume 4, Page 257 [P.R.H.C.T.],

THENCE, along the south right-of-way line of said University Drive, with the following approximate bearings and distances:

1. N81°34'58"E, a distance of 158.01 feet to a calculated point,
2. N77°00'36"E, a distance of 12.42 feet to a calculated point,
3. N80°49'55"E, a distance of 166.71 feet to a calculated point,
4. N76°27'59"E, a distance of 85.74 feet to a calculated point,
5. N81°00'10"E, a distance of 158.20 feet to a calculated point,
6. N72°05'10"E, a distance of 15.03 feet to a calculated point,
7. N81°18'31"E, a distance of 165.44 feet to a calculated point,
8. N81°31'15"E, a distance of 79.26 feet to a calculated point,
9. N81°20'09"E, a distance of 165.96 feet to a calculated point,
10. S83°24'13"E, a distance of 18.24 feet to a calculated point,
11. N80°28'08"E, a distance of 156.42 feet to a calculated point,
12. N85°22'36"E, a distance of 74.35 feet to a calculated point,
13. N80°25'48"E, a distance of 162.69 feet to a calculated point,
14. N81°42'07"E, a distance of 17.88 feet to a calculated point,
15. N84°25'30"E, a distance of 81.14 feet to a calculated point on the north corner of a called 0.31 acre tract, conveyed in a deed to SM Block 21, LLC. in Document Number 20009699 [O.P.R.H.C.T.], same being on the south right-of-way line of said University Drive, and being on the west right-of-way line of C.M. Allen Parkway, also being the beginning of a curve to the right;

THENCE, along the south right-of-way line of said University Drive, with the following approximate bearings and distances:

1. S00°22'27"W, a distance of 3.00 feet to a calculated point,
2. With said curve to the right, having an arc length of 58.13 feet, a radius of 37.00 feet, a delta angle of 90°00'00", and a chord which bears S50°34'29"E, a distance of 52.33 feet to a calculated point at the beginning of a curve to the right,
3. With said curve to the right, having an arc length of 43.01 feet, a radius of 77.00 feet, a delta angle of 32°00'05", and a chord which bears S10°25'31"W, a distance of 42.45 feet to a calculated point at the beginning of a curve to the right,
4. With said curve to the right, having an arc length of 43.34 feet, a radius of 338.54 feet, a delta angle of 07°20'08", and a chord which bears S29°15'55"W, a distance of 43.31 feet to a calculated point at the beginning of a curve to the right,

(CONTINUED ON NEXT PAGE)
5. With said curve to the right, having an arc length of 228.68 feet, a radius of 1,569.97 feet, a delta angle of 08°20'45", and a chord which bears S30°37'27"W, a distance of 228.48 feet to a calculated point,
6. S32°36'54"W, a distance of 49.63 feet to a calculated point,
7. S22°05'36"W, a distance of 81.44 feet to a calculated point,
8. S24°31'01"W, a distance of 91.29 feet to a calculated point,
9. S14°34'07"W, a distance of 53.52 feet to a calculated point,
10. S10°14'11"W, a distance of 57.41 feet to a calculated point,
11. S08°35'22"W, a distance of 27.88 feet to a calculated point,
12. S03°08'26"W, a distance of 56.40 feet to a calculated point,
13. S01°46'38"E, a distance of 50.86 feet to a calculated point,
14. S09°03'35"E, a distance of 173.37 feet to a calculated point,
15. S07°44'29"E, a distance of 241.86 feet to a calculated point,
16. S09°58'26"E, a distance of 125.26 feet to a calculated point,
17. S08°26'52"E, a distance of 141.38 feet to a calculated point,
18. S07°01'25"E, a distance of 208.58 feet to a calculated point,
19. S08°02'03"E, a distance of 108.04 feet to a calculated point,
20. S08°01'59"E, a distance of 133.53 feet to a calculated point,
21. S00°47'32"E, a distance of 132.64 feet to a calculated point,
22. S32°10'32"E, a distance of 17.84 feet to a calculated point,
23. S22°05'05"E, a distance of 148.22 feet to a calculated point,
24. S26°50'19"E, a distance of 53.49 feet to a calculated point,
25. S31°14'22"E, a distance of 116.68 feet to a calculated point,
26. S08°01'28"E, a distance of 140.33 feet to a calculated point on the southeast corner of a tract conveyed by a deed to 312 BJ Street, recorded in Document Number 22041153 [O.P.R.H.C.T.] and being on the northwest right-of-way line of the Union Pacific Railroad;

THENCE S56°55'28"W, along the northwest right-of-way line of said Union Pacific Railroad, a distance of 917.46 feet to a calculated point on the south corner of a tract conveyed by a deed to Kim Gunnarson, recorded in Document Number 06008057 [O.P.R.H.C.T.] and also being on the east right-of-way line of L.B.J. Drive;

THENCE, S65°55'51"W, across L.B.J. Drive, a distance of 69.30 feet to a calculated point on the west right-of-way line of said L.B.J. Drive, same being on the east line of a called 0.96 acre tract, conveyed in a deed to Muzun Investments, LLC., recorded in Document Number 20033046 [O.P.R.H.C.T.];

THENCE, S08°31'48"E, with the common line of said 0.96 acre tract and the west right-of-way line of L.B.J. Drive, a distance of 126.96 feet to a calculated point on the southeast corner of said 0.96 acre tract, and on the northwest right-of-way line of said Union Pacific Railroad;

THENCE, S53°47'53"W, with the northwest right-of-way line of said Union Pacific Railroad, a distance of 602.60 feet to a calculated point on at an exterior ell corner of Lot 1-A, Block 2 of the B.F. Donaldson Addition, recorded by plat or map in Volume 4, Page 327 [P.R.H.C.T.];

THENCE, along the northwest right-of-way line of said Union Pacific Railroad and said Lot 1-A, with the following approximate bearings and distances:
1. S81°18'19"W, a distance of 17.23 feet to a calculated point,
2. S53°20'18"W, a distance of 764.66 feet to a calculated point,
3. S82°03'13"W, a distance of 92.06 feet to a calculated point,
4. N34°21'13"E, a distance of 164.34 feet to a calculated point,
5. N55°14'32"W, a distance of 28.00 feet to a calculated point,
6. N34°21'13"E, a distance of 384.06 feet to a calculated point,
7. N81°18'15"E, a distance of 22.82 feet to a calculated point,
8. N34°21'13"E, a distance of 228.18 feet to a calculated point on the northwest corner of said Lot 1-A, and on the southeast right-of-way of said Union Pacific Railroad, same being the southwest corner of, Lot 4A of Block 2 of the B.F. Donaldson Addition, recorded by plat or map in Volume 17, Page 214 [P.R.H.C.T.];

THENCE, N01°08'17"E, across said Union Pacific Railroad, a distance of 143.62 feet to a calculated point on the northwest right-of-way of said Union Pacific Railroad, and the south corner of a tract conveyed by a deed to Trustees Baptist Church, recorded in Volume L, Page 304 [D.R.H.C.T.];

THENCE, N08°09'03"W, with the west line of said Trustees Baptist Church tract, a distance of 202.56 feet to a calculated point on the west corner of said Trustees Baptist Church, and a south corner of Lot 1, Block A of the Tuttle Lumber Final Plat, recorded in Document Number 17003362 [P.R.H.C.T.];

THENCE, along the southwest boundary of said Lot 1, with the following approximate bearings and distances:
1. N70°11'54"W, a distance of 49.88 feet to a calculated point,
2. S64°13'38"W, a distance of 37.52 feet to a calculated point,
3. N48°38'26"W, a distance of 161.89 feet to a calculated point on the west line of said Lot 1, and on the southeast right-of-way line of Valley Street,

THENCE, N45°57'03"E, with the southeast right-of-way line of said Valley Street, a distance of 224.88 feet to a calculated point on an interior ell corner of said Lot 1, and on the east right-of-way line of said Fredericksburg Street,

THENCE, N08°43'58"W, with the east right-of-way line of said Fredericksburg Street, a distance of 311.08 feet to a calculated point, on the west line of a tract conveyed in a deed to San Marcos Telephone Company, Inc., recorded in Volume 936, Page 303 [O.P.R.H.C.T.];

THENCE, S81°08'02"W, across said Fredericksburg Street, a distance of 33.93 feet to a calculated point on the west right-of-way line of said Fredericksburg Street, and being the southeast corner of a tract conveyed in a deed to Wesley Chapel Afro-American Methodist/Episcopal Church, Inc., recorded in Volume 1104, Page 612 [O.P.R.H.C.T.], same being on the north right-of-way line of Centre Street;

THENCE, along the north right-of-way line of said Centre Street, with the following approximate bearings and distances:
1. S81°32'40"W, a distance of 147.51 feet to a calculated point,
2. S76°33'51"W, a distance of 14.76 feet to a calculated point,
3. S81°12'08"W, a distance of 159.60 feet to a calculated point on the southeast corner of a called 0.076 acre tract, conveyed in a deed to the City of San Marcos, Texas, recorded in Volume 375, Page 67 [D.R.H.C.T.], and being on the east right-of-way line of Comanche Street;

THENCE, S37°45'09"W, across said Comanche Street, a distance of 51.68 feet to a calculated point on the south corner of Lot 2, in a deed conveyed to Casa De Don Lorenzo, LLC., recorded in Document Number 13020414 [O.P.R.H.C.T.], and being the northeast corner of a called 0.296 acre tract, conveyed in a deed to Chance Waller Sparks and Ashley Elizabeth Sparks, recorded in Document Number 17024771 [O.P.R.H.C.T.], same being on the northwest right-of-way of said Centre Street;

THENCE, along the north right-of-way line of said Centre Street, with the following approximate bearings and distances:
1. S24°15'29"W, a distance of 80.44 feet to a calculated point,
2. S47°13'15"W, a distance of 28.65 feet to a calculated point on the south side of said 0.296 acre tract, and on the northeast right-of-way line of said Shady Lane;

THENCE, N45°17'15"W, with the northeast right-of-way line of said Shady Lane, a distance of 334.01 feet to a calculated point on the northwest corner of Lot 1, Block 6 of the D.S. Comb Addition, recorded in Volume 42, Page 332 [P.R.H.C.T.], and on the southeast right-of-way line of Martin Luther King Drive;

(CONTINUED ON NEXT PAGE)
THENCE, along the southeast right-of-way line of said Martin Luther King Drive, with the following approximate bearings and distances:
1. N45°06'45"E, a distance of 35.91 feet to a calculated point,
2. N80°29'28"E, a distance of 236.19 feet to a calculated point,
3. S87°49'03"E, a distance of 39.10 feet to a calculated point on the northwest corner of a called 0.1512 acre tract, conveyed in a deed to Waldhauser, LLC, recorded in Document Number 17011893 [O.P.R.H.C.T.], and on the east right-of-way line of said Comanche Street;

THENCE, along the east right-of-way line of said Comanche Street, with the following approximate bearings and distances:
1. N13°44'44"W, a distance of 77.42 feet to a calculated point,
2. N08°55'33"W, a distance of 220.99 feet to a calculated point,
3. N14°45'44"W, a distance of 32.76 feet to a calculated point,
4. N08°55'55"W, a distance of 254.39 feet to a calculated point on the west line of a tract conveyed in a deed to San Marcos Industrial Foundation, recorded in Document Number 13008830 [O.P.R.H.C.T.],

THENCE, N87°11'57"W, across Comanche Street, a distance of 22.06 feet to a calculated point on the west right-of-way line of said Comanche Street, and on the southeast corner of a tract conveyed by a deed to Bobby Warren, recorded in Volume 2038, Page 170 [O.P.R.H.C.T.], same being the northeast corner of Condominium Unit 3, Pecan Creek Condominiums, recorded in Volume 1, Page 69 [C.R.H.C.T.];

THENCE, along the northern boundary of said Condominium Unit 3, with the following approximate bearings and distances:
1. S83°00'00"W, a distance of 79.70 feet to a calculated point,
2. S07°57'01"E, a distance of 22.61 feet to a calculated point,
3. S83°53'33"W, a distance of 54.01 feet to a calculated point,
4. S09°22'27"E, a distance of 127.92 feet to a calculated point,
5. S81°01'51"W, a distance of 125.94 feet to a calculated point,
6. N08°29'29"W, a distance of 13.20 feet to a calculated point,
7. N64°18'41"W, a distance of 151.38 feet to a calculated point on the west corner of Lot 4, Pecan Creek Addition, Unit 2, recorded in Book 4, Page 280 [P.R.H.C.T.], and the most northerly west corner of said Condominium Unit 3, same being on the southeast right-of-way line of San Antonio Street;

THENCE, N59°06'22"W, across said San Antonio Street, a distance of 67.86 feet to a calculated point on the northwest right-of-way line of said San Antonio Street, and the south corner of Lot 2-1, Block 1 of the D.P. Hopkins First Addition, recorded in Volume 6, Page 230 [P.R.H.C.T.], same being the east corner of Tract 1, conveyed in a deed to Donald R. Vollette Jr., recorded in Document Number 06009623 [O.P.R.H.C.T.],

THENCE, S30°31'56"W, with the northwest right-of-way line of said San Antonio Street, a distance of 135.71 feet to a calculated point on the south corner of said Tract 1, and on the east right-of-way line of North Street;

THENCE, N08°33'44"W, with the east right-of-way line of said North Street, a distance of 353.00 feet to a calculated point on the southwest corner of a tract conveyed by a deed to Matt Patterson Insurance Agency, Inc., same being on the north right-of-way line of Harvey Street;

THENCE, N48°37'15"W, across said North Street, a distance of 62.10 feet to a calculated point on the south corner of a tract conveyed by a plat to Brownlee Investment Inc., recorded in Volume 1132, Page 329 [O.P.R.H.C.T.], and being on the northeast right-of-way line of Moore Street;

(CONTINUED ON NEXT PAGE)
THENCE, along the northeast right-of-way line of said Moore Street, with the following approximate bearings and distances:

1. N44°58'46"W, a distance of 175.68 feet to a calculated point,
2. N60°37'09"W, a distance of 68.28 feet to a calculated point,
3. N46°12'06"W, a distance of 270.75 feet to a calculated point on the west corner of Lot 5-A, Block 10 of the Lindey and Harvey Addition, recorded in Volume 5, Page 387 [P.R.H.C.T.], and being on the south right-of-way line of Hutchinson Street;

THENCE, along the southeast right-of-way line of said Hutchinson Street, with the following approximate bearings and distances:

1. N44°35'38"E, a distance of 389.62 feet to a calculated point,
2. N81°40'10"E, a distance of 567.40 feet to a calculated point,
3. N78°59'05"E, a distance of 28.80 feet to a calculated point on the northwest corner of a tract conveyed in a deed to Techni Center Warehouse, recorded in Document Number 09811203 [O.P.R.H.C.T.], and being on the east right-of-way line of said Comanche St.

THENCE, along the west right-of-way line of said Comanche Street, with the following approximate bearings and distances:

1. N03°53'07"E, a distance of 48.48 feet to a calculated point,
2. N09°25'29"W, a distance of 345.47 feet to the POINT OF BEGINNING of the tract described herein and containing approximately 146.7 acres;

Basis of bearings is the Texas Coordinate System, South Central Zone [4204], NAD83 (2011), Epoch 2010. All distances are grid values.
Units: U.S. Survey Feet.

This survey was performed without the benefit of a title commitment. Easements or other matters of record may exist where none are shown.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

John Barnard           Date
Registered Professional Land Surveyor
Texas Registration No. 5749
Doucet & Associates
JBarnard@DoucetEngineers.com
TBPELS Firm Registration No. 10105800
146.7 ACRES OF LAND
MUNICIPAL SETTING
DESIGNATION AREA
EXHIBIT
CITY OF SAN MARCOS,
HAYS COUNTY, TEXAS

DOUCET
Civil Engineering // Entitlements // Geospatial
7401 B. Highway 71 W, Ste. 160
Austin, TX 78735, Tel: (512)-583-2600
www.doucetengineers.com
TBPE Firm Number: 3937
TBPELS Firm Number: 10105800

POLITICAL BOUNDARY CERTIFICATION:
THIS DOCUMENT WAS PREPARED UNDER 22 TAC §663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

04/04/2023

JUAN MARTIN
VERAMENDI SURVEY
ABSTRACT NO. 17

STATE OF TEXAS
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 5749
DOUCET & ASSOCIATES
JDBARNARD@DOUCETENGINEERS.COM

04/04/2023

John Barnard
Registered Professional Land Surveyor
Texas Registration No. 5749
Doucet & Associates
jbarnard@doucetengineers.com

Date: 04/04/2023
Scale: 1" = 1000'
Drawn by: SWP
Reviewer: JB
Project: 415-007-01
Sheet: 1 of 16
Field Book: N/A
Party Chief: N/A
Survey Date: N/A
146.7 ACRES OF LAND
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Date: 04/04/2023
Scale: Custom
Drawn by: SWP
Reviewer: JB
Project: 415-007-01
Sheet: 2 of 16
Field Book: N/A
Party Chief: N/A
Survey Date: N/A
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Date: 04/04/2023
Scale: 1" = 100'
Drawn by: SWP
Reviewer: JB
Project: 415-007-01
Sheet: 3 of 16
Field Book: N/A
Party Chief: N/A
Survey Date: N/A
146.7 ACRES OF LAND
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Date: 04/04/2023
Scale: 1" = 100'
Drawn by: SWP
Reviewer: JB
Project: 415-007-01
Sheet: 6 of 16
Field Book: N/A
Party Chief: N/A
Survey Date: N/A
146.7 ACRES OF LAND
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Date: 04/04/2023
Scale: 1" = 100'
Drawn by: SWP
Reviewer: JB
Project: 415-007-01
Sheet: 10 of 16
Field Book: N/A
Party Chief: N/A
Survey Date: N/A
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Date: 04/04/2023
Scale: 1” = 100’
Drawn by: SWP
Reviewer: JB
Project: 415-007-01
Sheet: 12 of 16
Field Book: N/A
Party Chief: N/A
Survey Date: N/A
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Date: 04/04/2023
Scale: 1" = 100'
Drawn by: SWP
Reviewer: JB
Project: 415-007-01
Sheet: 14 of 16
Field Book: N/A
Party Chief: N/A
Survey Date: N/A

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METES & BOUNDS DESCRIPTION

Being approximately 146.7 acres of land out of the Juan Martin Veramendi Survey, Abstract Number 17, Hays County, Texas, incorporating all of or portions of the right-of-way areas of Comal Street, Hopkins Street, Hutchinson Street, MLK Drive, San Antonio Street, Feltner Alley, Harvey Street, Kissing Alley, Moon Street, Comanche Street, Edward Gary Street, Fredericksburg Street, Guadalupe Street, LBJ Drive, Nicola Alley, North Street, Pat Garrison Street, Porter Street, Telephone Alley, and all of or portions of the following additions and/or subdivisions with their respective recording data, Volume (Vol.) and Page (Pg.) or County Clerk’s Document Number (Doc.): D.S. Comb Addition Vol. 42 Pg. 332, Durham Park Subdivision Vol. 16 Pg. 225, Exxon Addition Number 1 Vol. 3 Pg. 267, Graham Subdivision Vol. 5 Pg. 234, Katz’s Addition Vol. 17 Pg. 229, Lindsey And Harvey Addition Of The City Of San Marcos Vol. E Pg. 416, Lot 1-A, Block 2 Of The B.F. Donaldson Addition Vol. 1386 Pg. 118, Lot 4a Of Block 2 Of The B.F. Donaldson Addition Vol. 17 Pg. 214, Lot 5-A, Block 10, Lindsey And Harvey Addition Vol. 5 Pg. 387, Lot 5a, Replat Of Lots 5, 6, 7, & 8, Original Town Of San Marcos Vol. 4 Pg. 257, Original Town Of San Marcos Vol. 46 Pg. 448, Pecan Creek Addition, Unit 2 Vol. 4 Pg. 280, Resubdivision Of Plat 1-A, Block 4 Of The Original Town Of San Marcos Vol. 3 Pg. 214, State Bank And Trust Company Addition No. One Vol. 2 Pg. 265, Tuttle Lumber Final Plat Doc. 17003362, B F Donaldson Addition Vol. T Pg. 1C2, Cephas House Vol. 17 Pg. 73, D P Hopkins First Addition Vol. E Pg. 416, D P Hopkins II Vol. 0 Pg. 201, Hartland Plaza Vol. 6 Pg. 349, J S Travis Addition Vol. 0 Pg. 203, Morris Randall Rearrangement Vol. 2 Pg. 383, Nicola Subdivision Doc. 16029425, Porter & Barbee Subdivision Vol. 53 Pg. 179, and all of the tracts of land located in the Juan Martin Veramendi Survey, Abstract Number 17, conveyed to the following land owners with their respective recording data, Volume (Vol.) and Page (Pg.) or County Clerk’s Document Number (Doc.): Ronnie L. Vasquez And Cynthia M. Vasquez, Doc. 605767, Donald R. Vollette Jr., Tract 1-2, Doc. 609623, Douglas A. Greenwood, Doc. 10004497, Yer Chang, Doc. 10004695, Carl Sinek, Doc. 10019211, Matthew J. Chambers, Doc. 10032754, Carson Diversified Properties, Lp, Doc. 12033737, San Marcos Industrial Foundation, Doc. 13008030, Matthew J. Chambers, Doc. 13018984, Casa De Don Lorenzo, Llc, Tracts 1-3, Doc. 13020414, Rother Investments Llc, Doc. 13022740, Chase Benjamin Katz, Doc. 13031914, Continental Homes Of Texas Lp, Doc. 13035923, Preston R. Dillon, Jr., And Wife Kathryn C. Dillon, Doc. 14022203, Utopiaville, Llc, Doc. 15025792, Waldauser, Llc, Doc. 17011893, Chance Waller Sparks And Ashley Elizabeth Sparks, Doc. 17024771, Germer Holdings, Llc, Doc. 19030508, Jack In The Box Properties, Llc, Doc. 19035876, Sm Block 21 Llc, Doc. 20006999, Sm Block 21 Llc, Doc. 20017093, Muzun Investments Llc Tract 1, Doc. 20031091, Muzun Investments, Llc, Doc. 20033046, 312 Bf Street, Llc, Doc. 22041553, 329 South Guadalupe Partnership, Doc. 70018474, Icon Properties, Llc, Doc. 70026072, Carson Select Investments, Lp, Doc. 80029268, Penn-Collier-Kyle, Ltd., Vol. 1282, Pg. 190, Albert M. Walker, Vo. 417, Pg. 534, Joe D. New And Julia R. New, Vol. 2350, Pg. 4, Trustees Baptist Church, Vol. L, Pg. 304, San Marcos Telephone Company, Inc., Vol. 936, Pg. 303, Wesley Chapel Afro-American Methodist/Episcopal Church, Inc, Vol. 1104, Pg. 612, City Of San Marcos, Texas, Vol. 375, Pg. 67, Yolanda F. Espinoza, Vol. 1495, Pg. 690, Bobby Warren, Vol. 2038, Pg. 170;

Said approximately 146.7 acres of land being more particularly described by the metes and bounds as follows:

BEGINNING at a calculated point on the south right-of-way line of Pat Garrison Street, a 41.67 foot wide right-of-way according to the plat recorded in Volume 5, Page 234 [P.R.H.C.T.] and being on the east right-of-way line of Comanche Street, no record information found, also being the northwest corner of a tract conveyed in a deed to Penn-Collier-Kyle, LTD., recorded in Volume 1282, Page 190 [O.P.R.H.C.T.], for the POINT OF BEGINNING of the tract described herein;

THENCE, N81°15’55”E, a distance of 356.09 feet to a calculated point on the west line of Lot 1, State Bank and Trust Company Addition Number 1, by plat or map recorded in Volume 2, Page 268 [P.R.H.C.T.], same being on the east right-of-way line of Fredericksburg Street;

THENCE, N08°57’24”W, with the common line of said Lot 1, and said east right-of-way of Fredericksburg Street a distance of 82.08 feet to a calculated point on the northwest corner of said Lot 1, same being the southwest corner o’ Unit 14, University Place, by the Condominium Declaration recorded in Volume 1, Page 437 of the Condominium Records of Hays County, Texas [C.R.H.C.T.];

(CONTINUED ON NEXT PAGE)
THENCE, N81°07'25"E, with the common line of said Lot 1 and said Unit 14, a distance of 329.29 feet to a calculated point on the northeast corner of said Unit 1, same being the southeast corner of Lot 1, University Plaza, by plat or map recorded in Volume 2, Page 219 [P.R.H.C.T.] same being on the west right-of-way line of Guadalupe Street;

THENCE, along the west right-of-way line of said Guadalupe Street, with the following approximate bearings and distances:
   1. S12°08'26"E, a distance of 40.50 feet to a calculated point,
   2. S09°56'22"E, a distance of 25.91 feet to a calculated point on the east line of The Exxon Addition Number 1, by plat or map recorded in Volume 3, Page 267 [P.R.H.C.T.];

THENCE N81°34'58"E, crossing said Guadalupe Street a distance of 85.53 feet to a calculated point on the east right-of-way line of said Guadalupe Street and on the south right-of-way line of University Drive, same being the northwest corner of Lot 5A, Replat of Lots 5, 6, 7 & 8, Original Town of San Marcos, by plat or map recorded in Volume 4, Page 257 [P.R.H.C.T.],

THENCE, along the south right-of-way line of said University Drive, with the following approximate bearings and distances:
   1. N81°34'58"E, a distance of 158.01 feet to a calculated point,
   2. N77°00'36"E, a distance of 12.42 feet to a calculated point,
   3. N80°49'55"E, a distance of 166.71 feet to a calculated point,
   4. N76°27'59"E, a distance of 85.74 feet to a calculated point,
   5. N81°00'10"E, a distance of 158.20 feet to a calculated point,
   6. N72°05'10"E, a distance of 15.03 feet to a calculated point,
   7. N81°18'31"E, a distance of 165.44 feet to a calculated point,
   8. N81°31'15"E, a distance of 79.26 feet to a calculated point,
   9. N81°20'09"E, a distance of 165.96 feet to a calculated point,
   10. S83°24'13"E, a distance of 18.24 feet to a calculated point,
   11. N80°28'08"E, a distance of 156.42 feet to a calculated point,
   12. N85°22'36"E, a distance of 74.35 feet to a calculated point,
   13. N80°25'48"E, a distance of 162.69 feet to a calculated point,
   14. N81°42'07"E, a distance of 17.88 feet to a calculated point,
   15. N84°25'30"E, a distance of 81.14 feet to a calculated point on the north corner of a called 0.31 acre tract, conveyed in a deed to SM Block 21, LLC. in Document Number 200025659 [O.P.R.H.C.T.], same being on the south right-of-way line of said University Drive, and being on the west right-of-way line of C.M. Allen Parkway, also being the beginning of a curve to the right;

THENCE, along the south right-of-way line of said University Drive, with the following approximate bearings and distances:
   1. S00°22'27"W, a distance of 3.00 feet to a calculated point,
   2. With said curve to the right, having an arc length of 58.13 feet, a radius of 37.00 feet, a delta angle of 90°00'00", and a chord which bears S50°34'29"E, a distance of 52.33 feet to a calculated point at the beginning of a curve to the right,
   3. With said curve to the right, having an arc length of 43.01 feet, a radius of 77.00 feet, a delta angle of 32°00'55", and a chord which bears S10°25'31"W, a distance of 42.45 feet to a calculated point at the beginning of a curve to the right,
   4. With said curve to the right, having an arc length of 43.34 feet, a radius of 338.54 feet, a delta angle of 07°20'08", and a chord which bears S29°15'55"W, a distance of 43.31 feet to a calculated point at the beginning of a curve to the right,

(CONTINUED ON NEXT PAGE)
5. With said curve to the right, having an arc length of 228.68 feet, a radius of 1,569.97 feet, a delta angle of 08°20’45”, and a chord which bears S30°37’27”W, a distance of 228.48 feet to a calculated point,
6. S32°36’54”W, a distance of 49.63 feet to a calculated point,
7. S22°05’36”W, a distance of 81.44 feet to a calculated point,
8. S24°31’01”W, a distance of 91.29 feet to a calculated point,
9. S14°34’07”W, a distance of 53.52 feet to a calculated point,
10. S10°14’11”W, a distance of 57.41 feet to a calculated point,
11. S08°35’22”W, a distance of 27.88 feet to a calculated point,
12. S03°08’26”W, a distance of 56.40 feet to a calculated point,
13. S01°46’38”E, a distance of 50.86 feet to a calculated point,
14. S09°03’35”E, a distance of 173.37 feet to a calculated point,
15. S07°44’29”E, a distance of 241.86 feet to a calculated point,
16. S09°58’26”E, a distance of 125.26 feet to a calculated point,
17. S08°26’52”E, a distance of 141.38 feet to a calculated point,
18. S07°01’25”E, a distance of 208.58 feet to a calculated point,
19. S08°02’03”E, a distance of 108.04 feet to a calculated point,
20. S08°01’59”E, a distance of 133.53 feet to a calculated point,
21. S00°47’32”E, a distance of 132.64 feet to a calculated point,
22. S32°10’32”E, a distance of 17.84 feet to a calculated point,
23. S22°05’05”E, a distance of 148.22 feet to a calculated point,
24. S26°50’19”E, a distance of 53.49 feet to a calculated point,
25. S31°14’22”E, a distance of 116.68 feet to a calculated point,
26. S08°01’28”E, a distance of 140.33 feet to a calculated point on the southeast corner of a tract conveyed by a deed to 312 BJ Street, recorded in Document Number 22041153 [O.P.R.H.C.T.] and being on the northwest right-of-way line of the Union Pacific Railroad;

THENCE S56°55’28”W, along the northwest right-of-way line of said Union Pacific Railroad, a distance of 917.46 feet to a calculated point on the south corner of a tract conveyed by a deed to Kim Gunnarson, recorded in Document Number 06008057 [O.P.R.H.C.T.] and also being on the east right-of-way line of L.B.J. Drive;

THENCE, S65°55’51”W, across L.B.J. Drive, a distance of 69.30 feet to a calculated point on the west right-of-way line of said L.B.J. Drive, same being on the east line of a called 0.96 acre tract, conveyed in a deed to Muzun Investments, LLC., recorded in Document Number 20033046 [O.P.R.H.C.T.];

THENCE, S08°31’48”E, with the common line of said 0.96 acre tract and the west right-of-way line of L.B.J. Drive, a distance of 126.96 feet to a calculated point on the southeast corner of said 0.96 acre tract, and on the northwest right-of-way line of said Union Pacific Railroad;

THENCE, S53°47’53”W, with the northwest right-of-way line of said Union Pacific Railroad, a distance of 602.60 feet to a calculated point on at an exterior ell corner of Lot 1-A, Block 2 of the B.F. Donaldson Addition, recorded by plat or map in Volume 4, Page 321 [P.R.H.C.T.];

THENCE, along the northwest right-of-way line of said Union Pacific Railroad and said Lot 1-A, with the following approximate bearings and distances:
1. S81°18’19”W, a distance of 17.23 feet to a calculated point,
2. S53°20’18”W, a distance of 764.66 feet to a calculated point,
3. S82°03’13”W, a distance of 92.06 feet to a calculated point,
4. N34°21’13”E, a distance of 164.34 feet to a calculated point,
5. N55°14’32”W, a distance of 28.00 feet to a calculated point,
6. N34°21’13”E, a distance of 384.06 feet to a calculated point,
7. N81°18’15”E, a distance of 22.82 feet to a calculated point,
8. N34°21'13"E, a distance of 228.18 feet to a calculated point on the northwest corner of said Lot 1-A, and on the southeast right-of-way of said Union Pacific Railroad, same being the southwest corner of Lot 4A of Block 2 of the B.F. Donaldson Addition, recorded by plat or map in Volume 17, Page 214 [P.R.H.C.T.];

THENCE, N01°08'17"E, across said Union Pacific Railroad, a distance of 143.62 feet to a calculated point on the northwest right-of-way of said Union Pacific Railroad, and the south corner of a tract conveyed by a deed to Trustees Baptist Church, recorded in Volume L, Page 304 [D.R.H.C.T.];

THENCE, N08°09'03"W, with the west line of said Trustees Baptist Church tract, a distance of 202.56 feet to a calculated point on the west corner of said Trustees Baptist Church, and a south corner of Lot 1, Block A of the Tuttle Lumber Final Plat, recorded in Document Number 17003362 [P.R.H.C.T.];

THENCE, along the southwest boundary of said Lot 1, with the following approximate bearings and distances:
   1. N70°11'54"W, a distance of 49.88 feet to a calculated point,
   2. S64°13'38"W, a distance of 37.52 feet to a calculated point,
   3. N48°38'26"W, a distance of 161.89 feet to a calculated point on the west line of said Lot 1, and on the southeast right-of-way line of Valley Street,

THENCE, N45°57'03"E, with the southeast right-of-way line of said Valley Street, a distance of 224.88 feet to a calculated point on an interior corner of said Lot 1, and on the east right-of-way line of said Fredericksburg Street,

THENCE, N08°43'58"W, with the east right-of-way line of said Fredericksburg Street, a distance of 311.08 feet to a calculated point, on the west line of a tract conveyed in a deed to San Marcos Telephone Company, Inc., recorded in Volume 936, Page 303 [O.P.R.H.C.T.];

THENCE, S81°08'02"W, across said Fredericksburg Street, a distance of 33.93 feet to a calculated point on the west right-of-way line of said Fredericksburg Street, and being the southeast corner of a tract conveyed in a deed to Wesley Chapel Afro-American Methodist/Episcopal Church, Inc., recorded in Volume 1104, Page 612 [O.P.R.H.C.T.], same being on the north right-of-way line of Centre Street;

THENCE, along the north right-of-way line of said Centre Street, with the following approximate bearings and distances:
   1. S81°32'40"W, a distance of 147.51 feet to a calculated point,
   2. S76°33'51"W, a distance of 14.76 feet to a calculated point,
   3. S81°12'08"W, a distance of 159.60 feet to a calculated point on the southeast corner of a called 0.076 acre tract, conveyed in a deed to the City of San Marcos, Texas, recorded in Volume 375, Page 67 [D.R.H.C.T.], and being on the east right-of-way line of Comanche Street;

THENCE, S37°45'09"W, across said Comanche Street, a distance of 51.68 feet to a calculated point on the south corner of Lot 2, in a deed conveyed to Casa De Don Lorenzo, LLC., recorded in Document Number 13020414 [O.P.R.H.C.T.], and being the northeast corner of a called 0.296 acre tract, conveyed in a deed to Chance Waller Sparks and Ashley Elizabeth Sparks, recorded in Document Number 1/024/71 [O.P.R.H.C.T.], same being on the northwest right-of-way of said Centre Street;

THENCE, along the north right-of-way line of said Centre Street, with the following approximate bearings and distances:
   1. S24°15'29"W, a distance of 80.44 feet to a calculated point,
   2. S47°13'15"W, a distance of 28.65 feet to a calculated point on the south side of said 0.296 acre tract, and on the northeast right-of-way line of said Shady Lane;

THENCE, N45°17'15"W, with the northeast right-of-way line of said Shady Lane, a distance of 334.01 feet to a calculated point on the northwest corner of Lot 1, Block 6 of the D.S. Comb Addition, recorded in Volume 42, Page 332 [P.R.H.C.T.], and on the southeast right-of-way line of Martin Luther King Drive;

(CONTINUED ON NEXT PAGE)
THENCE, along the southeast right-of-way line of said Martin Luther King Drive, with the following approximate bearings and distances:

1. N45°06'45"E, a distance of 35.91 feet to a calculated point,
2. N80°29'28"E, a distance of 236.19 feet to a calculated point,
3. S87°49'03"E, a distance of 39.10 feet to a calculated point on the northwest corner of a called 0.1512 acre tract, conveyed in a deed to Waldhauser, LLC, recorded in Document Number 17011893 [O.P.R.H.C.T.], and on the east right-of-way line of said Comanche Street;

THENCE, along the east right-of-way line of said Comanche Street, with the following approximate bearings and distances:

1. N13°44'44"W, a distance of 77.42 feet to a calculated point,
2. N08°55'33"W, a distance of 220.99 feet to a calculated point,
3. N14°45'44"W, a distance of 32.76 feet to a calculated point,
4. N08°55'55"W, a distance of 254.39 feet to a calculated point on the west line of a tract conveyed in a deed to San Marcos Industrial Foundation, recorded in Document Number 13008830 [O.P.R.H.C.T.],

THENCE, N87°11'57"W, across Comanche Street, a distance of 22.06 feet to a calculated point on the west right-of-way line of said Comanche Street, and on the southeast corner of a tract conveyed by a deed to Bobby Warren, recorded in Volume 2038, Page 170 [O.P.R.H.C.T.], same being the northeast corner of Condominium Unit 3, Pecan Creek Condominiums, recorded in Volume 1, Page 69 [C.R.H.C.T.];

THENCE, along the northern boundary of said Condominium Unit 3, with the following approximate bearings and distances:

1. S83°00'00"W, a distance of 79.70 feet to a calculated point,
2. S07°50'01"E, a distance of 22.61 feet to a calculated point,
3. S83°53'33"W, a distance of 54.01 feet to a calculated point,
4. S09°22'27"E, a distance of 127.92 feet to a calculated point,
5. S81°01'51"W, a distance of 125.94 feet to a calculated point,
6. N08°29'29"W, a distance of 13.20 feet to a calculated point,
7. N64°18'41"W, a distance of 151.38 feet to a calculated point on the west corner of Lot 4, Pecan Creek Addition, Unit 2, recorded in Book 4, Page 280 [P.R.H.C.T.], and the most northerly west corner of said Condominium Unit 3, same being on the southeast right-of-way line of San Antonio Street;

THENCE, N59°06'22"W, across said San Antonio Street, a distance of 67.86 feet to a calculated point on the northwest right-of-way line of said San Antonio Street, and the south corner of Lot 2-1, Block 1 of the D.P. Hopkins First Addition, recorded in Volume 6, Page 230 [P.R.H.C.T.], same being the east corner of Tract 1, conveyed in a deed to Donald R. Vollette Jr., recorded in Document Number 06009623 [O.P.R.H.C.T.],

THENCE, S30°31'56"W, with the northwest right-of-way line of said San Antonio Street, a distance of 135.71 feet to a calculated point on the south corner of said Tract 1, and on the east right-of-way line of North Street;

THENCE, N08°33'44"W, with the east right-of-way line of said North Street, a distance of 353.00 feet to a calculated point on the southwest corner of a tract conveyed by a deed to Matt Patterson Insurance Agency, Inc., same being on the north right-of-way line of Harvey Street;

THENCE, N48°37'15"W, across said North Street, a distance of 62.10 feet to a calculated point on the south corner of a tract conveyed by a plat to Brownlee Investment Inc., recorded in Volume 1132, Page 329 [O.P.R.H.C.T.], and being on the northeast right-of-way line of Moore Street;

(CONTINUED ON NEXT PAGE)
THENCE, along the northeast right-of-way line of said Moore Street, with the following approximate bearings and distances:
1. N44°58'46"W, a distance of 175.68 feet to a calculated point,
2. N60°37'09"W, a distance of 68.28 feet to a calculated point,
3. N46°12'06"W, a distance of 270.75 feet to a calculated point on the west corner of Lot 5-A, Block 10 of the Lindey and Harvey Addition, recorded in Volume 5, Page 387 [P.R.H.C.T.], and being on the south right-of-way line of Hutchinson Street;

THENCE, along the southeast right-of-way line of said Hutchinson Street, with the following approximate bearings and distances:
1. N44°35'38"E, a distance of 389.62 feet to a calculated point,
2. N81°40'10"E, a distance of 567.40 feet to a calculated point,
3. N78°59'05"E, a distance of 28.80 feet to a calculated point on the northwest corner of a tract conveyed in a deed to Techni Center Warehouse, recorded in Document Number 09811203 [O.P.R.H.C.T.], and being on the east right-of-way line of said Comanche St.

THENCE, along the west right-of-way line of said Comanche Street, with the following approximate bearings and distances:
1. N03°53'07"E, a distance of 48.48 feet to a calculated point,
2. N09°25'29"W, a distance of 345.47 feet to the POINT OF BEGINNING of the tract described herein and containing approximately 146.7 acres;

Basis of bearings is the Texas Coordinate System, South Central Zone [4204], NAD83 (2011), Epoch 2010. All distances are grid values.
Units: U.S. Survey Feet.

This survey was performed without the benefit of a title commitment. Easements or other matters of record may exist where none are shown.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

04/04/2023

John Barnard
Registered Professional Land Surveyor
Texas Registration No. 5749
Doucet & Associates
JABarnard@DoucetEngineers.com
TBPELS Firm Registration No. 10105800
146.7 ACRES OF LAND
MUNICIPAL SETTING DESIGNATION AREA EXHIBIT
CITY OF SAN MARCOS, HAYS COUNTY, TEXAS
146.7 ACRES OF LAND MUNICIPAL SETTING DESIGNATION AREA EXHIBIT
CITY OF SAN MARCOS, HAYS COUNTY, TEXAS

DOUCET
Civil Engineering // Entitlements // Geospatial
7401 B. Highway 71 W, Ste. 160
Austin, TX 78735, Tel: (512)-583-2600
www.doucetengineers.com
TBPE Firm Number: 3937
TBPELS Firm Number: 10105800

Date: 04/04/2023
Scale: 1" = 100'
Drawn by: SWP
Reviewer: JB
Project: 415-007-01
Sheet: 3 of 16
Field Book: N/A
Party Chief: N/A
Survey Date N/A
146.7 ACRES OF LAND
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Project: 415-007-01
Sheet: 7 of 16
Field Book: N/A
Party Chief: N/A
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146.7 ACRES OF LAND
MUNICIPAL SETTING
DESIGNATION AREA
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CITY OF SAN MARCOS,
HAYS COUNTY, TEXAS
146.7 ACRES OF LAND MUNICIPAL SETTING DESIGNATION AREA EXHIBIT
CITY OF SAN MARCOS, HAYS COUNTY, TEXAS
### LINE TABLE

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### CURVE TABLE

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<td>S30°37'27&quot;W</td>
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</tr>
</tbody>
</table>

---

**146.7 ACRES OF LAND MUNICIPAL SETTING DESIGNATION AREA EXHIBIT**

CITY OF SAN MARCOS, HAYS COUNTY, TEXAS

---

**DOUCET**

Civil Engineering // Entitlements // Geospatial

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Austin, TX 78735, Tel: (512)-583-2600
www.doucetengineers.com
TBPE Firm Number: 3937
TBPELS Firm Number: 10105800

---

Date: 04/04/2023
Scale: 1" = 100'
Drawn by: SWP
Reviewer: JB
Project: 415-007-01
Sheet: 16 of 16
Field Book: N/A
Party Chief: N/A
Survey Date N/A
AGENDA CAPTION:
Consider approval of Resolution 2024-01R, approving a sole source contract with Teledyne ISCO for the purchase of a LaserFlow Sensor and related equipment associated wastewater collection in the estimated amount of $198,852.00; authorizing the City Manager, or her designee, to execute the contract on behalf of the city; and declaring an effective date.

Meeting date: January 16, 2024

Department: Utilities Department - Tyler Hjorth, Director (By Veronica Bradshaw, Purchasing Manager)

Amount & Source of Funding
Funds Required: 198,852
Account Number: 22006331-60125
Funds Available: 200,000
Account Name: Equipment

Fiscal Note:
Prior Council Action: Approved with FY24 Budget.

City Council Strategic Initiative: [Please select from the dropdown menu below]
Choose an item.
Choose an item.
Choose an item.

Comprehensive Plan Element(s): [Please select the Plan element(s) and Goal # from dropdown menu below]
☐ Economic Development - Choose an item.
☒ Environment & Resource Protection - Choose an item.
☐ Land Use - Choose an item.
☐ Neighborhoods & Housing - Choose an item.
☐ Parks, Public Spaces & Facilities - Choose an item.
☐ Transportation - Choose an item.
☒ Core Services
Master Plan: [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]
Choose an item.

Background Information:
Wastewater Collection requires purchase of a TIENet 360 LaserFlow sensor and related equipment from Teledyne ISCO via C.C. Lynch & Associates for the purpose of monitoring the wastewater system for inflow and infiltration. This equipment is placed in manholes throughout the City for detection of water levels.

This sole source purchase is exempt from competitive bidding per Texas Local Government Code, Section 252.022(a)(7)(A) as this proprietary equipment is only available directly from Teledyne ISCO via C.C. Lynch & Associates as supported in the attached sole source letter.

Council Committee, Board/Commission Action:
Click or tap here to enter text.

Alternatives:
Click or tap here to enter text.

Recommendation:
Staff recommends approval of a contract for the purchase of LaserFlow Sensor and related equipment in the estimated amount of $198,852.
RESOLUTION NO. 2024-01R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, APPROVING A SOLE SOURCE CONTRACT WITH TELEDYNE ISCO FOR THE PURCHASE OF A LASERFLOW SENSOR AND RELATED EQUIPMENT ASSOCIATED WASTEWATER COLLECTION IN THE ESTIMATED AMOUNT OF $198,852.00; AUTHORIZING THE CITY MANAGER, OR HER DESIGNEE, TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY; AND DECLARING AN EFFECTIVE DATE.

RECITALS:

1. Section 252.022 (7) of the Texas Local Government Code permits a limited exemption from competitive bidding procedures if the items to be purchased are available from only one source.

2. This purchase is a sole source procurement because Teledyne is the exclusive manufacturer of the product.

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

PART 1. A sole source contract with Teledyne for Wastewater Collection in the amount of $198,852.00 is approved.

PART 2. The City Manager or her designee is authorized to execute the contract on behalf of the City.

PART 3. This Resolution shall be in full force and effect immediately from and after its passage.

ADOPTED this the 16th day of January, 2024.

Jane Hughson
Mayor
Attest:

Elizabeth Trevino
City Clerk
All freight will be Prepaid & Invoice Added unless specifically detailed otherwise.

Teledyne ISCO Federal ID # 95-488283

$198,852.00
Grand Total

$197,589.00
Subtotal

$1,263.00
Shipping and Handling

$198,852.00
Grand Total

Please address order:
Teledyne ISCO
4700 Superior
Lincoln, NE 68504

Remit to:
Teledyne Instruments
12497 Collection Center Drive
Chicago, IL 60693

Important:
Country of Origin: United States
ISCO Minimum Order is $500; For orders less than $500, see https://store.teledyneisco.com/
All orders strictly limited to ISCO Terms & Conditions:
http://isco.com/orderinfo/terms.asp
Teledyne ISCO Representative:
C.C. Lynch & Associates
800-333-2252 228-452-2563 fax
email: info@cclynch.com
October 10, 2023

Attention: To Whom It May Concern

Subject: Sole Source Letter

This is to certify that Teledyne ISCO, a business unit of Teledyne Instruments, Inc. is the sole manufacturer of Teledyne ISCO and QCEC automatic water/wastewater sampling and flow monitoring equipment. These items include but are not limited to flowmeters, samplers, rain gauges, connecting cables, and associated hardware, as well as operational and flow management software. Equipment and parts can be obtained either directly from Teledyne ISCO or through our local representative, C.C. Lynch & Associates, Inc.

C.C. Lynch & Associates, Inc., with offices located at 300 Davis Avenue, Pass Christian, Mississippi 39571, is the authorized exclusive Teledyne ISCO Sales Representative and Distributor for the following territory:

- Alabama.
- Mississippi.
- Louisiana.
- Florida including the counties of:
  - Gulf, Calhoun, Jackson, Bay, Washington, Holmes, Walton, Okaloosa, Santa Rosa, and Escambia.
- Texas south of and including the counties of:
  - Bailey, Lamb, Hale, Floyd, Motley, Cottle, and Hardeman.

This letter is valid until May 13, 2026.

Best Regards,

Sonja Zehl
Senior Contracts Manager
Teledyne ISCO, a business unit of Teledyne Instruments, Inc.
AGENDA CAPTION:
Consider approval of Resolution 2024-02R, approving a contract for the purchase and installation of a dispatch console for first responder radio services to Lower Colorado River Authority (LCRA) in the amount of $160,000.00; authorizing the City Manager, or her designee, to execute the contract on behalf of the city; and declaring an effective date.

Meeting date: January 16, 2024

Department: Police Department - Stan Standridge, Chief (By Veronica Bradshaw, Purchasing Manager)

Amount & Source of Funding
Funds Required: 160,000.00
Account Number: ARP-EC 3.4-PD04-2022 12073326-56557
Funds Available: Click or tap here to enter text.
Account Name: Click or tap here to enter text.

Fiscal Note:
Prior Council Action: Funding for this purchase comes from American Rescue Plan funds previously allocated by Council.

City Council Strategic Initiative: [Please select from the dropdown menu below]
- Choose an item.
- Choose an item.
- Choose an item.

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]
- Economic Development - Choose an item.
- Environment & Resource Protection - Choose an item.
- Land Use - Choose an item.
- Neighborhoods & Housing - Choose an item.
- Parks, Public Spaces & Facilities - Choose an item.
- Transportation - Choose an item.
**Background Information:**
The Police Department has obtained a quote from Lower Colorado River Authority (LCRA), which provides the first responder radio transmission service, to provide and install a dispatch console. This will enable more staff to have working positions in the 911 center during emergencies and as the City continues to grow.

The City is authorized through Texas Government Code, Chapter 791, to enter into interlocal agreements. The cost of this purchase and installation is $160,000.

Funding for this purchase comes from American Rescue Plan funds previously allocated for this purpose by City Council.

**Council Committee, Board/Commission Action:**
Click or tap here to enter text.

**Alternatives:**
Click or tap here to enter text.

**Recommendation:**
Staff recommends approval of the purchase and installation of the dispatch console.
RESOLUTION NO. 2024-02R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS APPROVING A CONTRACT FOR THE PURCHASE AND INSTALLATION OF A DISPATCH CONSOLE FOR FIRST RESPONDER RADIO SERVICES TO LOWER COLORADO RIVER AUTHORITY (LCRA) IN THE AMOUNT OF $160,000.00; AUTHORIZING THE CITY MANAGER, OR HER DESIGNEE, TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY; AND DECLARING AN EFFECTIVE DATE.

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

PART 1. A contract is hereby approved with Lower Colorado River Authority (LCRA) for the purchase and installation of a dispatch console for first responder radio services in the amount of $160,000.00. This purchase is authorized under Texas Government Code, Chapter 791, as an interlocal agreement.

PART 2. The City Manager, or her designee, is authorized to execute the contract on behalf of the city.

PART 3. This resolution will be in full force and effect immediately from and after its passage.

ADOPTED on January 16, 2024.

Jane Hughson
Mayor

Attest:

Elizabeth Trevino
City Clerk
This Binding Construction / Installation Proposal (this “Proposal”) is issued under and subject to that certain Interlocal Cooperation Act Agreement for Mobile Radio Services and Equipment between the Parties listed above (the “Interlocal Agreement”). This Proposal is further subject to the Terms and Conditions attached hereto.

In the event of any conflict or inconsistency between the terms and provisions of this Proposal and the terms and provisions of the Interlocal Agreement, with respect to the Project identified below only, the terms and provisions of this Proposal shall control.

**PROJECT:** San Marcos Police Department: One Console, One Desktop Control Station and Combiner System Addition  
**DATE SUBMITTED:** October 13, 2023  
**PROPOSAL EXPIRATION DATE:** November 13, 2023

**SERVICES:** LCRA will provide materials and labor necessary to complete the following scope:

Consoles and Desktop Control Stations:
- Procure, Configure, Install and Test one (1) Symphony Dispatch Console at pre-wired console position. Console includes the following:
  - Twelve (12) Talk Paths per Console
  - Windows 10
  - AES and DES Encryption License
  - Flexpath License
  - RTT/RSM Feature
  - Remote AUX Input/Output
  - Call Alert, Send Only License
  - Paging Capability License
  - Conventional Control License
  - Marker Tone License
  - Three (3) Speakers per Console
  - Footswitch
  - Two (2) Jack Boxes per Console
  - Vocoder License
  - Touchscreen Monitor
  - Keyboard
  - Mouse
  - Gooseneck Microphone
  - X-Keypad

- Procure, Configure, Install and Test ten (10) XG-75M Desktop Control Stations with Power Supplies at designated positions in Dispatch

- Procure, Install and Test ten (10) RF (Radio Frequency) decks and ten (10) Power Supplies in rack in equipment/server room.

- Install two (2) standard 19” racks in the equipment/server room
700 MHz Antenna System:
- Install two (2) 700 MHz P25, eight (8) Channel Combiners supporting up to a total of sixteen (16) Desktop Control Stations
- Remove existing 900 MHz Antennas and Coax

Backup and Dispatch Power:
- San Marcos Police Department will provide Generator and Backup Uninterruptible Power Supply (UPS) to support console and radio equipment
- San Marcos Police Department will provide a dedicated 20-amp quad power receptacle, at each of the two (2) Console positions
- San Marcos Police Department will provide space in their equipment/server room for two (2) standard 19” racks
- San Marcos Police Department will provide two (2) 4-quad receptacles (NEMA 5-20R) per rack position, feeding from two (2) 20Amp circuits that are on different phases in the electrical panel
  Example: Rack #1- 4-quad receptacle #1 - Circuit 1A
  Rack #2- 4-quad receptacle #2 - Circuit 2A
  Rack #2- 4-quad receptacle #1 - Circuit 1B
  Rack #2- 4-quad receptacle #2 - Circuit 2B
- San Marcos Police Department will provide a ground bar for equipment racks

SCHEDULE:
- **Begins:** The work can begin any time after this Proposal is signed.
- **Completion:** This Proposal will end when all services contemplated hereunder have been successfully completed, or this Proposal has been terminated.

PRICE:
- **Total Cost:** $160,000
- **Billing Method:** Invoice

PAYMENT TERMS:
The City of San Marcos will be invoiced on the following terms for this Project:
- 25% upon execution of this Proposal
- 50% upon receipt of materials by LCRA
- 25% upon delivery/installation to the City of San Marcos/San Marcos Police Department

BILLING METHOD:
Notwithstanding anything to the contrary in the Interlocal Agreement or this Proposal, the City of San Marcos will be invoiced for the amounts above upon completion of each phase.

<table>
<thead>
<tr>
<th>City of San Marcos</th>
<th>Lower Colorado River Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>By:</td>
<td>By:</td>
</tr>
<tr>
<td>Title:</td>
<td>Title:</td>
</tr>
<tr>
<td>Date:</td>
<td>Date:</td>
</tr>
</tbody>
</table>
This Proposal is subject to the following terms and conditions:

1. Agreement. This Proposal, including these terms and condition, and any other documents attached hereto (collectively, this “Proposal”), contains the entire agreement and understanding between LCRA and Customer with respect to the subject matter of this Proposal and supersedes any and all prior or contemporaneous oral and written agreements and understandings regarding the defined scope of services. Additional terms and conditions on Customer's forms (including those accompanying any purchase order, invoice or payment) are a material alteration of this Proposal and are rejected and null and void unless expressly agreed to by LCRA in writing. In the case of any conflicts between the terms of this Proposal and the terms of any applicable Customer form, the terms of this Proposal will control.

2. Services. LCRA will perform services for the Customer as detailed in the Scope of Services section of the Project Proposal (“Services”). Customer will review and respond as appropriate to all reports, studies, recommendations, requests and other submissions of LCRA so as not to delay the performance of the Services.

3. Notices. Correspondence, notices and invoices will be in writing and mailed or delivered to the other party as identified in the Customer and LCRA Contact sections of the Project Proposal, or at such other address as a party may from time to time designate in writing. All notices, correspondence or invoices will be effective upon receipt.

4. Changes Orders. Changes in the scope of the Services may only be made by written agreement of the Customer and LCRA. Verbal changes will not be given or accepted, except in cases of emergencies which pose a risk of personal injury or property damage, and such changes will be followed up with a written confirmation as soon as practicable.

5. Term; Termination. This Proposal will commence on the date of the last signature by the parties (“Effective Date”) and will govern LCRA’s performance of the Services. Either party may terminate this Proposal for its convenience at any time by providing written notice to the other party. In the event of such termination, Customer will pay LCRA for all Services performed up to the date of termination, plus (in the case of termination by Customer) any cancellation charges or other termination expenses as may be reasonably identified by LCRA.

6. Costs; Invoicing. As compensation for the Services, Customer will pay LCRA in accordance with one of the following, as identified in the Price section of the Project Proposal: (a) All (i) direct costs incurred by LCRA in performing the Services, including, (1) costs for materials and supplies, (2) labor costs, including salary and benefits, paid to LCRA employees, (3) travel, meal and lodging expenses reimbursed or paid on behalf of LCRA employees within established LCRA expense guidelines, and (4) any third party costs, plus (ii) indirect costs that LCRA normally applies to Services of this nature, including general and administrative costs and other internal expenses and contributions; or (b) A fixed price. Any changes to the scope of the Services may require an increase in the fixed price. Such change to the scope and the correlating fixed price will be agreed to in writing by the parties. LCRA may invoice Customer for progress payments for the Services completed to date during the term of this Proposal. All payments by Customer under this Proposal will be due and payable within 30 days after receipt of invoice. If payment is not timely made, interest will accrue on the unpaid balance at the lesser of the maximum lawful rate, or one percent per month, from the due date until paid.

7. Warranty; Disclaimer.

(a) During the term of this Proposal, and for a period of 30 days after completion of the Services, LCRA will correct or reperform any Services not conforming to the requirements of this Proposal. Upon completion of the Services, LCRA will assign to Customer all contractor, manufacturer and supplier warranties related to the Services, to the extent LCRA has the right to do so. After such assignment, LCRA will have no continuing obligations to Customer with respect to the good or service to which the warranty applies, and Customer will look solely to the applicable contractor, manufacturer or supplier for relief regarding any claims or remedies, whether based on a warranty or otherwise.

(b) Any law, code or standard referenced in this Proposal will refer to the version of such law, code or standard in effect as of the Effective Date.

(c) THE WARRANTIES CONTAINED IN THIS SECTION 7 ARE EXCLUSIVE AND IN LIUE OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING ANY IMPLIED WARRANTY OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, OR GOOD AND WORKMANLIKE PERFORMANCE, AND LCRA'S OBLIGATION UNDER SECTION 7(A) IS CUSTOMER'S SOLE AND EXCLUSIVE REMEDY FOR ANY BREACH OR LIABILITY OF LCRA ARISING UNDER THIS PROPOSAL.

8. Environmental Conditions. Prior to LCRA starting any Services on-site, Customer will provide documentation that identifies the presence and condition of any hazardous materials or environmental conditions existing in or about Customer’s equipment or the site that LCRA may encounter while performing the Services, and will keep LCRA informed of changes in any such conditions. If LCRA encounters hazardous materials in Customer’s equipment or on-site, LCRA is not obligated to perform any Services affected by the hazardous conditions. Customer will indemnify and hold LCRA, its affiliates and their respective directors and employees, harmless for any and all claims, damages, losses, and expenses arising out of or relating to any hazardous materials which are or were (i) present in or about Customer’s equipment or the site prior to the commencement of LCRA’s work, (ii) improperly handled or disposed of by Customer or Customer’s employees, agents, contractors or subcontractors, or (iii) brought, generated, produced or released on-site by parties other than LCRA.

9. Schedule. Unless otherwise expressly stated in the Proposal documents, time is not of the essence and LCRA will not be liable to Customer for any damages arising out of LCRA’s delay in providing the Services, including any failure to meet schedules contained in this Proposal.

10. Force Majeure. Neither party will be responsible or liable for any delay or failure in its performance under this Proposal.
to the extent such delay or failure is caused by conditions or events of Force Majeure. The term “Force Majeure” means causes or events beyond the reasonable control of, and without the fault or negligence of the party claiming Force Majeure, including (to the extent satisfying the foregoing requirements) (i) acts of God or sudden actions of the elements such as floods, earthquakes, hurricanes, tornadoes, ice storms, or wildfires; (ii) terrorism; war; riots; blockades; insurrection; strike at a regional level; labor disruption at a regional level (even if such difficulties could be resolved by conceding to the demands of a labor group); (iii) any action by a governmental or regulatory entity, including ERCOT or the PUCT; and (iv) pandemic, including the current Coronavirus Disease 2019 outbreak.

11. LIMITATION OF LIABILITY. THE TOTAL LIABILITY OF LCRA ARISING OUT OF THIS PROPOSAL AND THE SERVICES WILL NOT EXCEED AN AMOUNT EQUAL TO THE FEES PAID TO LCRA UNDER THIS PROPOSAL, AND LCRA WILL NOT BE LIABLE FOR INDIRECT, PUNITIVE, INCIDENTAL, SPECIAL, OR CONSEQUENTIAL DAMAGES, INCLUDING LOST PROFITS. IN NO EVENT WILL ANY OFFICER, DIRECTOR, EMPLOYEE OR AFFILIATE (OR AFFILIATE'S OFFICER, DIRECTOR OR EMPLOYEE) OF LCRA BE LIABLE TO CUSTOMER UNDER THIS PROPOSAL, AND CUSTOMER'S SOLE RECURS TO UNDER THIS PROPOSAL WILL BE AGAINST LCRA AND NOT AGAINST SUCH OTHER PERSONS. THE LIMITATIONS ON LIABILITY AND REMEDIES IN THIS PARAGRAPH WILL APPLY REGARDLESS OF WHETHER THE LIABILITY OR CAUSE OF ACTION ARISES IN PROPOSAL, WARRANTY, INDEMNITY, TORT (INCLUDING NEGLIGENCE), STRICT LIABILITY OR OTHERWISE. NOTHING IN THIS PROPOSAL WILL BE CONSTRUED TO WAIVE LCRA'S GOVERNMENTAL IMMUNITY.

12. Amendment. This Proposal may only be amended or modified through written agreement of the parties signed by an authorized representative of LCRA and by an authorized representative of the Customer.

13. Assignment. This Proposal will be binding upon and inure to the benefit of the parties and their respective successors and assigns; provided, however, that neither party may assign this Proposal, in whole or part, without the prior written consent of the other party.

14. Non-Waiver. No failure or delay on the part of a party to exercise any right or remedy will operate as a waiver of such right or remedy, nor will any single or partial exercise of any right or remedy preclude any further or other exercise of any such right or remedy.

15. Partial Invalidity. If any section or part of this Proposal is declared invalid by any court of competent jurisdiction, the court's decree will not affect the remainder of this Proposal, and the remainder of this Proposal will remain in full force and effect with the deletion of the part declared invalid.

16. Choice of Law; Venue; Waiver of Jury Trial. This Proposal will be governed by and construed in accordance with the laws of the State of Texas, without regard to conflict of law principles. Each party irrevocably consents and agrees that any legal action or proceeding arising out of this Proposal will be brought exclusively in a court of competent jurisdiction in Travis County, Texas. LCRA AND CUSTOMER IRREVOCABLY WAIVE ALL RIGHT OF TRIAL BY JURY IN ANY ACTION, PROCEEDING OR COUNTERCLAIM ARISING OUT OF OR IN CONNECTION WITH THIS PROPOSAL.

17. Ownership. Intellectual property and rights to intellectual property owned by any party on the Effective Date will remain the property of that party. All deliverables, including equipment, plans, drawings, designs, specifications, computer programs or applications photographs, studies, data, schedules, test readings, technical reports, and calculations developed or utilized by LCRA or its subcontractors which are developed and specified to be delivered under this Proposal and which are paid for by Customer are the property of Customer, but subject to LCRA’s intellectual property rights. Customer recognizes that no deliverables will be suitable for reuse at any Customer facility or in connection with any project other than that for which the deliverable was prepared. LCRA DISCLAIMS LIABILITY FOR ANY REUSE OF THE DELIVERABLES ON ANY OTHER FACILITY OR PROJECT THAT IS DONE WITHOUT THE EXPLICIT, WRITTEN APPROVAL OF LCRA.

18. Confidentiality. “Confidential Information” means information marked or otherwise designated as “confidential” by a party. Confidential Information may only be used by the parties for purposes related to the performance of this Proposal, and each party agrees not to disclose Confidential Information of the other party to any other person (other than its affiliates, and the party’s and affiliate’s respective employees and directors, or to contractors who agree to be bound by the provisions of this Section), provided that either party may disclose Confidential Information if and to the extent such disclosure is required by law (including the Texas Public Information Act). In the event a party is requested under law to disclose Confidential Information, such party will to the extent possible notify the other party within three business days of such request.

19. Municipally Owned Utilities. If Customer is a municipally owned utility, the following additional terms will apply: (a) This Proposal is entered into under the authority of Chapter 791 of the Texas Government Code; (b) Customer pledges the revenues of its electric utility system to pay its obligations under this Proposal. In addition, the amounts payable by Customer to LCRA under this Proposal are operation and maintenance expenses as contemplated by Section 1502.056 of the Texas Government Code and, as a result, are a first lien enforceable against any other person, except LCRA.

20. Survival. Termination or expiration of this Proposal will not relieve, reduce, or impair any rights or obligations of a party which expressly or by implication survive termination or expiration of this Proposal. Without limiting the generality of the foregoing, the following sections will survive the termination or expiration of this Proposal: Costs; Invoicing, Warranty; Disclaimer, Environmental Conditions, Schedule, Limitation of Liability, Choice of Law; Venue; Waiver of Jury Trial, Ownership, Confidentiality, and Municipally Owned Utilities
### Attachment A

<table>
<thead>
<tr>
<th>Installation Services and Materials Costs</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>San Marcos Police Department:</td>
<td></td>
</tr>
<tr>
<td>• One (1) L3Harris Symphony Maestro Consoles</td>
<td>$55,281</td>
</tr>
<tr>
<td>o Twelve (12) Talk Paths per Console</td>
<td></td>
</tr>
<tr>
<td>o Windows 10</td>
<td></td>
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<tr>
<td>o AES/DES Encryption License</td>
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<tr>
<td>o Flexpath License</td>
<td></td>
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<tr>
<td>o RTT/RSM Feature</td>
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<tr>
<td>o Remote AUX Input/Output</td>
<td></td>
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<tr>
<td>o Call Alert, Send Only License</td>
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<tr>
<td>o Paging Capability License</td>
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<tr>
<td>o Conventional Control License</td>
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<tr>
<td>o Marker Tone License</td>
<td></td>
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<tr>
<td>o Three (3) Speakers per Console</td>
<td></td>
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<tr>
<td>o Footswitch</td>
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<td>o Two (2) Jack Boxes per Console</td>
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<tr>
<td>o Vocoder License</td>
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<td>o Touchscreen Monitor</td>
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<td>o Keyboard</td>
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<td>o Mouse</td>
<td></td>
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<tr>
<td>o Gooseneck Microphone</td>
<td></td>
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<tr>
<td>o X-Keypad</td>
<td></td>
</tr>
<tr>
<td>• Configure, Install and Test Symphony Console</td>
<td>$3,694</td>
</tr>
<tr>
<td>• Ten (10) L3Harris XG-75M 700/800 MHz P25 Control Station</td>
<td>$54,175</td>
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<tr>
<td>o 700/800 MHz P25</td>
<td></td>
</tr>
<tr>
<td>o AES/DES Encryption</td>
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<tr>
<td>o Desk Mic</td>
<td></td>
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<tr>
<td>o One (1) Power Supply</td>
<td></td>
</tr>
<tr>
<td>• Configure, Install and Test Control Station and Power Supply</td>
<td>$3,694</td>
</tr>
<tr>
<td>• Two (2) Eight-Port P25 Combiners and Antenna System</td>
<td>$26,681</td>
</tr>
<tr>
<td>• Install Combiners and Antenna System</td>
<td>$4,925</td>
</tr>
<tr>
<td>• Remove Existing 900 MHz OpenSky Antenna System</td>
<td>$3,694</td>
</tr>
<tr>
<td>• Engineering Design and Prints</td>
<td>$7,387</td>
</tr>
<tr>
<td>• Mileage/Vehicle Usage</td>
<td>$869</td>
</tr>
</tbody>
</table>

**Total**: $160,000

*The pricing indicated in this Attachment A is valid through November 13, 2023.*
AGENDA CAPTION:
Consider approval of Resolution 2024-03R, approving a contract with Fischer Scientific through Omnia Partners Cooperative Purchasing for water quality laboratory equipment to perform in-house analytical testing on public drinking water in the amount of $118,654.32; authorizing the City Manager, or her designee, to execute the contract on behalf of the city; and declaring an effective date.

Meeting date: January 16, 2024

Department: Utilities Department - Tyler Hjorth, Director (By Veronica Bradshaw, Purchasing Manager)

Amount & Source of Funding
Funds Required: 118,654.32
Account Number: 22006332-60125
Funds Available: Click or tap here to enter text.
Account Name: WWW Equipment

Fiscal Note:
Prior Council Action: FY23 and FY24 Budget approvals that included increased staffing and capital outlay to stand up increased water quality lab capabilities.

City Council Strategic Initiative: [Please select from the dropdown menu below]
Environmental Protection
Public Safety, Core Services & Fiscal Excellence
Choose an item.

Comprehensive Plan Element(s): [Please select the Plan element(s) and Goal # from dropdown menu below]
☐ Economic Development - Choose an item.
☒ Environment & Resource Protection - Choose an item.
☐ Land Use - Choose an item.
☐ Neighborhoods & Housing - Choose an item.
☐ Parks, Public Spaces & Facilities - Choose an item.
☐ Transportation - Choose an item.
☒ Core Services
Background Information:
The City’s Water Quality laboratory requires purchase of Aquion IC and Gallery Aqua Master laboratory equipment from Fisher Scientific to perform in-house analytical testing on public drinking water and wastewater for EPA and TCEQ regulatory compliance.

Currently, SMTX Utilities has multiple contracts with laboratories to perform our required analytical testing which requires procurement processes, contract management, Quality Assurance/Quality Control (QA/QC) oversight, coordination, data management, incorporation of the analytical results into the Water Quality department database. These activities add 10% to 30% to the cost of commercial laboratory prices. The purchase of this capital outlay equipment for FY24 will improve customer experience because of quicker turn-around times. This, in turn, will allow SMTX Utilities to have better control of internal costs, QA/QC oversight, staffing workload, productivity, and data management.

The City of San Marcos is authorized to participate in interlocal agreements per Local Government Code, Section 271. As such, the City is utilizing its cooperative purchasing agreement with Omnia Partners, contract #2021002889, to make this purchase from Fisher Scientific.

Council Committee, Board/Commission Action:
Click or tap here to enter text.

Alternatives:
Click or tap here to enter text.

Recommendation:
Staff recommends approval of a contract for the purchase of Water Quality laboratory equipment from Fisher Scientific through the Omnia Partners cooperative contract #2021002889 in the amount of $118,654.32.
RESOLUTION NO. 2024-03R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, APPROVING A CONTRACT WITH FISCHER SCIENTIFIC THROUGH OMNIA PARTNERS COOPERATIVE PURCHASING (CONTRACT NO 2021002889) FOR WATER QUALITY LABORATORY EQUIPMENT TO PERFORM IN-HOUSE ANALYTICAL TESTING ON PUBLIC DRINKING WATER IN THE AMOUNT OF $118,654.32; AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY; AND DECLARING AN EFFECTIVE DATE.

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

PART 1. A contract with Fisher Scientific through the Omnia Partners Cooperative Purchasing (Contract No.2021002889) for Water Quality Laboratory Equipment to perform in-house analytical testing on public drinking water in the amount of $118,654.32 is approved.

PART 2. The City Manager or her designee is authorized to execute the agreement on behalf of the City.

PART 3. This resolution shall be in full force and effect immediately from and after its passage.

ADOPTED on January 16, 2024.

Jane Hughson
Mayor

Attest:

Elizabeth Trevino
City Clerk
# Sales Quotation

<table>
<thead>
<tr>
<th>*Quote Nbr</th>
<th>Creation Date</th>
<th>Due Date</th>
<th>Page</th>
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<tbody>
<tr>
<td>3284-0865-80</td>
<td>10/11/2023</td>
<td></td>
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<table>
<thead>
<tr>
<th>Payment Terms</th>
<th>Delivery Terms</th>
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</thead>
<tbody>
<tr>
<td>NET 30 DAYS</td>
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<tr>
<th>Valid To</th>
<th>Prepared By</th>
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<td>AQUION IC WITH AS-DV AUTOSAMPLER</td>
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To place an order: Ph: 800-766-7000  Fx: 800-926-1166

Submitted To: CITY OF SAN MARCOS WATER QUALITY 2217 E MCCARTY LN/BLDG D PUBLIC SERVICE COMPLEX SAN MARCOS TX 78666

Customer Account: 097135-001

**Quote Comments:** OMNIA CONTRACT 2021002889 FREESHIPPING

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*Please reference this Quote Number on all correspondence.*

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## Sales Quotation

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### MERCHANDISE TOTAL

53,524.48

### NOTES:

Returns are subject to manufacturer terms and conditions.

We now offer highly competitive financing with low monthly payments. Please contact your local sales representative for more information.

Tell us about your recent customer service experience by completing a short survey. This should take no longer than three minutes. Enter the link into your browser and enter the passcode: USA-PGH-CS2

### Sales Quotation

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#### Payment Terms
**NET 30 DAYS**

**Valid To**
11/20/2023

**Customer Reference**
GALLERY AQUA MASTER

**Sales Representative**
ROGER VIRDEN

---

**To place an order:**
Ph: 800-766-7000
Fx: 800-926-1166

**Submitted To:**
RON RIGGINS
512-393-8038

**Customer Account:** 097135-001

---

**FISHER SCIENTIFIC COMPANY LLC**
4500 TURNBERRY DRIVE
HANOVER PARK IL 60133-5491

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**Quote Comments:** OMNIA CONTRACT 2021002889 FREESHIPPING

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#### Nbr | Qty | UN | Catalog Number | Description | Unit Price | Extended Price
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| 1    | 1   | EA | NON-CATALOG    | GALLERY AQUA MASTER | 45,838.00   | 45,838.00
|      |     |    |                | Vendor Catalog # MG986100051/CPQ00552484 | List Price: 48,800.00 CDC: 051 |
| 2    | 1   | EA | NON-CATALOG    | TOUCH-BCR-US CORD-US KEYB | 2,956.80    | 2,956.80
|      |     |    |                | Vendor Catalog # MG9860121/CPQ00552484 | List Price: 3,360.00 CDC: 051 |
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| 4    | 1   | EA | NON-CATALOG    | START-UP KIT | 672.32      | 672.32
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*Please reference this Quote Number on all correspondence.*

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**MERCHANDISE TOTAL**  
65,129.84

**NOTES:**  
Returns are subject to manufacturer terms and conditions.

We now offer highly competitive financing with low monthly payments. Please contact your local sales representative for more information.

Tell us about your recent customer service experience by completing a short survey. This should take no longer than three minutes. Enter the link into your browser and enter the passcode: USA-PGH-CS2

AGENDA CAPTION:
Consider approval of Resolution 2024-04R, accepting the award of special commissioners in the amount of $271,000.00 in Cause No. 23-1002-C, Hays County Court at Law No. 1, in connection with the city’s acquisition of a wastewater line easement and right-of-way from Two Rivers Interests, LP for the installation and perpetual operation of wastewater improvements in the area south and east of the intersection of Staples Road and Old Bastrop Highway; and declaring an effective date.

Meeting date: January 16, 2024

Department: Engineering/CIP and Legal

Amount & Source of Funding
Funds Required: $271,000.00
Account Number: 52044363-70200
Funds Available: $334,830.53
Account Name: DP30-WWIF

Fiscal Note:
Prior Council Action: Council previously authorized staff to initiate proceedings to acquire the easement by use of the power of eminent domain.

City Council Strategic Initiative: [Please select from the dropdown menu below]
Stormwater
Choose an item.
Choose an item.

Comprehensive Plan Element(s): [Please select the Plan element(s) and Goal # from dropdown menu below]
☐ Economic Development - Choose an item.
☒ Environment & Resource Protection - Choose an item.
☒ Land Use - Choose an item.
☒ Neighborhoods & Housing - Choose an item.
☐ Parks, Public Spaces & Facilities - Choose an item.
☐ Transportation - Choose an item.
Master Plan: [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]
Wastewater Master Plan

Background Information:

In order to provide wastewater services in the area south and east of the intersection of Staples Road and Old Bastrop Highway the city council found that a public necessity exists and it is convenient to acquire 1.501 acres, more or less, for a wastewater line easement and right-of-way for the installation and perpetual operation of wastewater improvements. The owner of the property from which the easement must be taken is Two Rivers Interests, LP.

Pursuant to Section 251.001 of the TEXAS LOCAL GOVERNMENT CODE and Section 2.02 of the City's Home Rule Charter, the City is authorized and empowered to acquire an interest in land to, among other things, locate, construct, utilize, operate, maintain and provide reliable and continuous electric, water, and other utility services to its residents. In the furtherance of said duty and to serve the public, the City Council and staff conducted investigations and made determinations that acquisition of wastewater line easements for installation of wastewater lines that are necessary to serve the interest of the public. Accordingly, the city council also authorized staff to pursue acquisition of these interests through the city's power of eminent domain and to file a petition to condemn such interests if necessary.

Pursuant to the filing of a petition by the city to acquire such interests a panel of special commissioners was appointed for purposes of conducting a hearing to determine the value of the easement and right-of-way interests sought by the city.

On December 18, 2023, the special commissioners conducted a hearing and, a special commissioners hearing was conducted a hearing and made a finding as to the value of the real property interests to be paid as just compensation to the owner of $271,000.00. This value is equal to the City's appraised value and therefore, city staff recommends accepting this award.

The owner of the property has appealed the award. However, by accepting the award and depositing the amount of the award in the registry of the court, the city is allowed to take possession of the area and begin work on its project pending a final resolution of the appeal.

Council Committee, Board/Commission Action:
Click or tap here to enter text.

Alternatives:
Click or tap here to enter text.

Recommendation:
Staff recommends approval.
RESOLUTION NO. 2024-04R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS ACCEPTING THE AWARD OF SPECIAL COMMISSIONERS IN THE AMOUNT OF $271,000.00 IN CAUSE NO. 23-1002-C, HAYS COUNTY COURT AT LAW NO. 1, IN CONNECTION WITH THE CITY’S ACQUISITION OF A WASTEWATER LINE EASEMENT AND RIGHT-OF-WAY FROM TWO RIVERS INTERESTS, LP FOR THE INSTALLATION AND PERPETUAL OPERATION OF WASTEWATER IMPROVEMENTS IN THE AREA SOUTH AND EAST OF THE INTERSECTION OF STAPLES ROAD AND OLD BASTROP HIGHWAY; AND DECLARING AN EFFECTIVE DATE.

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

PART 1. The award of special commissioners in the amount of $271,000.00 in Cause No. 23-1002-C, Hays County Court at Law No. 1, in connection with the City’s acquisition of a wastewater line easement and right-of-way from Two Rivers Interests, LP for the installation and perpetual operation of wastewater improvements in the area south and east of the intersection of Staples Road and Old Bastrop Highway is, hereby, accepted.

PART 2. The City’s legal counsel is hereby authorized to deposit such amount into the registry of the court and to pay all costs in connection with such matter on behalf of the City.

PART 3. This resolution shall be in full force and effect immediately from and after its passage.

ADOPTED on January 16, 2024.

Jane Hughson
Mayor

Attest:

Elizabeth Trevino
City Clerk
AGENDA CAPTION:
Consider approval of Resolution 2024-05R, authorizing a Change Order #1 to the construction contract with Aaron Concrete Contractors, LLC., relating to the Hills of Hays Drainage Improvements Project, to provide for necessary construction of a sanitary sewer main, increasing the contract price by $89,924.71; authorizing the City Manager, or her designee, to execute the appropriate documents to implement the change order on behalf of the city; and declaring an effective date.

Meeting date: January 16, 2024

Department: Engineering and Capital Improvements

Amount & Source of Funding
Funds Required: $89,924.71
Account Number: 52036369-70200 & 52036378-70200
Funds Available: $18,560.24 & $200,000.00
Account Name: C681-Hills of Hays

Fiscal Note:
Prior Council Action: 2023-73R; Award of Contract

City Council Strategic Initiative: [Please select from the dropdown menu below]
Public Safety, Core Services & Fiscal Excellence
Choose an item.
Choose an item.

Comprehensive Plan Element(s): [Please select the Plan element(s) and Goal # from dropdown menu below]
- Economic Development - Choose an item.
- Environment & Resource Protection - Choose an item.
- Land Use - Choose an item.
- Neighborhoods & Housing - Choose an item.
- Parks, Public Spaces & Facilities - Choose an item.
- Transportation - Choose an item.
- Core Services
Master Plan: [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]

Choose an item.

Background Information:
The attached change order for $89,924.71 to agreement 223-025 with Aaron Concrete Contractors, LLC will allow for necessary construction of a sanitary sewer main as a part of the Hills of Hays Drainage Improvements project.

During construction, it was discovered that existing wastewater services are in direct conflict with the proposed storm sewer in Lago Vista Street. The change order scope includes construction of approximately 290-ft of new 8” wastewater main on Lago Vista. The new main will resolve the conflicts with the proposed storm sewer thereby maintaining service to the residences on the northeast side of the street.

Construction of the new wastewater main, manholes, service connections and trench repair will commence immediately following the approval of this change order.

On April 4, 2023, City Council awarded a construction contract for the Hills of Hays Drainage Improvements project to Aaron Concrete Contractors, LLC in the amount of $3,152,030.00 through Resolution 2023-73R

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Click or tap here to enter text.

Recommendation:

Staff recommends approval of this change order.
RESOLUTION NO. 2024-05R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AUTHORIZING A CHANGE ORDER (CO#1) TO THE CONSTRUCTION CONTRACT WITH AARON CONCRETE CONTRACTORS, LLC (CONTRACT NO. 223-025) RELATING TO THE HILLS OF HAYS DRAINAGE IMPROVEMENTS PROJECT, TO PROVIDE FOR NECESSARY CONSTRUCTION OF A SANITARY SEWER MAIN, INCREASING THE CONTRACT PRICE BY $89,924.71; AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE THE APPROPRIATE DOCUMENTS TO IMPLEMENT THE CHANGE ORDER ON BEHALF OF THE CITY; AND DECLARING AN EFFECTIVE DATE.

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

PART 1. Change Order #1 to the construction contract with Aaron Concrete Contractors, LLC (Contract No. 223-025), relating to the Hills of Hays Drainage Improvements Project, to provide for necessary construction of a sanitary sewer main, increasing the contract price by $89,924.71 is approved.

PART 2. The City Manager or her designee is authorized to execute appropriate documents to implement the Change Order on behalf of the City.

PART 3. This resolution shall be in full force and effect immediately from and after its passage.

ADOPTED on January 16, 2024.

Jane Hughson
Mayor

Attest:

Elizabeth Trevino
City Clerk
Request for City Manager Signature
($50,000 and higher)

<table>
<thead>
<tr>
<th>Project Name/Contract Number:</th>
<th>Hills of Hays Drainage Improvements</th>
<th>#223-025</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department Contact / Department Name:</td>
<td>Tim Wilson</td>
<td>Engineering and CIP</td>
</tr>
<tr>
<td>Date of City Council Approval: (Past or Recent)</td>
<td>January 16, 2023</td>
<td></td>
</tr>
<tr>
<td>Return Signed Document to:</td>
<td>Tim Wilson</td>
<td>Ext: 8141</td>
</tr>
</tbody>
</table>

Background/Purpose:
During construction, it was discovered that existing wastewater services are in direct conflict with the proposed storm sewer in Lago Vista Street. The change order scope includes construction of approximately 290-ft of new 8" wastewater main on Lago Vista. The new main will resolve the conflicts with the proposed storm sewer thereby maintaining service to the residences on the northeast side of the street.

Original Contract Amount: $3,152,030.00
Previous Increase/Decrease: $0.00
This Increase/Decrease: $89,924.71
Revised Contract Amount: $3,241,954.71

Funding:

<table>
<thead>
<tr>
<th>Project Number</th>
<th>Fund</th>
<th>Phase</th>
<th>GL Account</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>C681-Hills of Hays</td>
<td>WWW</td>
<td>Construction</td>
<td>52036369-70200</td>
<td>$18,560.24</td>
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<td>C681-Hills of Hays</td>
<td>WWW</td>
<td>Construction</td>
<td>52036378-70200</td>
<td>$71,364.47</td>
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</table>

Reviewed / Approved:

User Department Director: Shaun Condor

Purchasing / Contracting POC:

Finance Director: (CDBG-DR)

Purchasing Manager:

Other Depts. as needed

REV. 01/23/2023
CITY OF SAN MARCOS
CONSTRUCTION CHANGE ORDER

PROJECT: Hills of Hays Drainage Improvements
CONTRACT NO.: 223-025
CONTRACTOR: Aaron Concrete Contractors, LLC
ADDRESS: 4108 Nixon Lane
CITY/STATE/ZIP: Austin, TX 78725

Date Prepared: 12.18.23
Change Order #: 1

We are submitting this Change Order to the referenced contract. In consideration of the Change Order agreed to herein as complete equitable adjustments and full and final payment for the Contractor’s additional work, the Contractor hereby releases the Owner from any and all liability under this contract for further equitable adjustments, including additional time for performance, attributable to such facts or circumstances giving rise to the proposal for adjustment.

This authorization provides for the following modifications or additions: Installation of ~290ft of parallel sewer main on Lago Vista Street. Several wastewaters services are in conflict with the proposed storm sewer, and a parallel sewer main is necessary in order to resolve the conflict.

<table>
<thead>
<tr>
<th>ITEM</th>
<th>ITEM DESCRIPTION</th>
<th>PREVIOUS QUANTITY</th>
<th>REVISED QUANTITY</th>
<th>CHANGE IN QUANTITY</th>
<th>UNIT</th>
<th>UNIT PRICE</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>101</td>
<td>~290ft 8” WW main (Including backfill and excavation, services, manholes, and trench repair)</td>
<td>0</td>
<td>1</td>
<td>1 LS</td>
<td>$89,924.71</td>
<td>$89,924.71</td>
<td></td>
</tr>
</tbody>
</table>

Explanation of Items

Your signature below will constitute your acceptance of this Change Order:

1. Prepared By Project Manager: Bob Tomlinson - Aaron Concrete Contractors, LP
2. Contractor: P.M. - 12.18.2023
3. Recommended by Design Consultant: Tony Bugiorno - MWM Design Group
4. Recommended by Department Director: Shaun Condor
5. Reviewed/Approved - P&C | Finance:
6. Approved By: City Manager (or Purchasing Manager up to $50,000)
### Daily Report of Force Account

**Project:** Hills of Hays Drainage Improvements  
**Date:** 11/1/2023  
**Activity:** 

**Phase 1**  
Initial Pothole work—discovered several conflicts with proposed storm sewer—Sta 3+83 to Sta 11+38  
2 days work full crew, Additional time will be required when installing new storm sewer.  

**Phase 2**  
Install new 8" Wastewater Line (Mitch Storm Stations)  
sta 3+68 to 6+58 (5 days work full crew)  

**Days Requested:** 20  
**Location:** STRM-B1, C207,C208  

### LABOR

<table>
<thead>
<tr>
<th>EMPLOYEE NAME</th>
<th>CLASSIFICATION</th>
<th>Reg Hours</th>
<th>OT Hours</th>
<th>HR Rate</th>
<th>OT Rate</th>
<th>AMOUNT ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jose Cervantes</td>
<td>Foreman</td>
<td>60.00</td>
<td>10.00</td>
<td>$52.00</td>
<td>$78.00</td>
<td>$3,900.00</td>
</tr>
<tr>
<td>Manuel Reyes</td>
<td>Operator</td>
<td>60.00</td>
<td>10.00</td>
<td>$39.00</td>
<td>$58.50</td>
<td>$2,925.00</td>
</tr>
<tr>
<td>Ramiro Lima</td>
<td>Pipe Layer Helper</td>
<td>60.00</td>
<td>10.00</td>
<td>$22.00</td>
<td>$33.00</td>
<td>$1,650.00</td>
</tr>
<tr>
<td>Alan Martinez</td>
<td>Pipe Layer Helper</td>
<td>60.00</td>
<td>10.00</td>
<td>$21.50</td>
<td>$32.25</td>
<td>$1,612.50</td>
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<tr>
<td>Rangel Cervantes</td>
<td>Pipe Layer Helper</td>
<td>60.00</td>
<td>10.00</td>
<td>$20.00</td>
<td>$30.00</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>Vidal Cervantes</td>
<td>Pipe Layer Helper</td>
<td>60.00</td>
<td>10.00</td>
<td>$20.00</td>
<td>$30.00</td>
<td>$1,500.00</td>
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**TOTAL LABOR**  
$11,587.50

### EQUIPMENT

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>HOURS</th>
<th>RATE</th>
<th>WEEK/ MISC</th>
<th>AMOUNT ($)</th>
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<tbody>
<tr>
<td>Komatsu 210 Excavator</td>
<td>70.00</td>
<td>$121.50</td>
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<td>$8,505.00</td>
</tr>
<tr>
<td>Komatsu 320 Wheel Loader</td>
<td>70.00</td>
<td>$68.42</td>
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<td>$4,789.40</td>
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<tr>
<td>Foreman Truck</td>
<td>70.00</td>
<td>$46.55</td>
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<td>$3,258.50</td>
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<tr>
<td>Walk Behind Saw</td>
<td>20.00</td>
<td>$48.19</td>
<td></td>
<td>$963.80</td>
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<tr>
<td>Small Tools</td>
<td>70.00</td>
<td>$8.00</td>
<td></td>
<td>$560.00</td>
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<tr>
<td>Street Plates</td>
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<td>$170.00</td>
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<td>$340.00</td>
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**TOTAL EQUIPMENT**  
$18,416.70

### MATERIALS

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>Unit</th>
<th>Quant</th>
<th>Amount</th>
<th>AMOUNT ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>#57 Rock</td>
<td>TN</td>
<td>116</td>
<td>$19.50</td>
<td>$2,262.00</td>
</tr>
<tr>
<td>ACT</td>
<td>LS</td>
<td>1</td>
<td>$11,007.17</td>
<td>$11,007.17</td>
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**TOTAL MATERIALS**  
$13,269.17

### SUBCONTRACTORS

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>Unit</th>
<th>Quant</th>
<th>Amount</th>
<th>AMOUNT ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>#57 Rock</td>
<td>TN</td>
<td>116</td>
<td>$5.52</td>
<td>$640.37</td>
</tr>
<tr>
<td>Dump Truck for Spoil Haul Off</td>
<td>HR</td>
<td>50</td>
<td>$85.00</td>
<td>$4,250.00</td>
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<td>Lewis Concrete Coatings</td>
<td>LS</td>
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<td>$8,000.00</td>
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**TOTAL SUBCONTRACTORS**  
$12,890.32

### CONTRACT ITEMS

<table>
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<tr>
<th>DESCRIPTION</th>
<th>Unit</th>
<th>Quant</th>
<th>Amount</th>
<th>AMOUNT ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>210A &amp; 10&quot; Flex Base</td>
<td>CY</td>
<td>63</td>
<td>$123.00</td>
<td>$7,749.00</td>
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<tr>
<td>340-S-PQ, 2&quot; Type D HMAC</td>
<td>TN</td>
<td>29</td>
<td>$356.00</td>
<td>$10,324.00</td>
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**TOTAL CONTRACT ITEMS**  
$18,073.00

### ALLOTTED MARK-UPS

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<th></th>
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<th></th>
<th></th>
<th>TOTAL</th>
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<tbody>
<tr>
<td>LABOR</td>
<td>15%</td>
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<td>$1,738.13</td>
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<tr>
<td>EQUIPMENT</td>
<td>15%</td>
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<td>$2,762.51</td>
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<tr>
<td>MATERIALS</td>
<td>15%</td>
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<td>$1,950.38</td>
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<tr>
<td>INSURANCE &amp; TAXES</td>
<td>55%</td>
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<td>$6,573.13</td>
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<tr>
<td>SUBCONTRACTORS</td>
<td>15%</td>
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<td></td>
<td>$1,953.55</td>
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<tr>
<td>CONTRACT ITEMS (NO MARKUP ADDED, ONLY BOND COST)</td>
<td>0%</td>
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<td></td>
<td>$89,034.37</td>
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<tr>
<td>TOTAL BEFORE BOND MARK UP</td>
<td>1%</td>
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<td>$890.34</td>
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**TOTAL REQUESTED FOR PAYMENT**  
$89,924.71
**Konatsu PC210LC-11**  
**Crawler Mounted Hydraulic Excavators**

Configuration for PC210LC-11:

<table>
<thead>
<tr>
<th>Operating Weight</th>
<th>Power Mode</th>
<th>Rental Rate Blue Book®</th>
</tr>
</thead>
<tbody>
<tr>
<td>53662.0 lbs</td>
<td>Diesel</td>
<td></td>
</tr>
</tbody>
</table>

**Blue Book Rates**

* FHWA Rate is equal to the monthly ownership cost divided by 176 plus the hourly estimated operating cost.

<table>
<thead>
<tr>
<th>Ownership Costs</th>
<th>Monthly</th>
<th>Weekly</th>
<th>Daily</th>
<th>Hourly</th>
</tr>
</thead>
<tbody>
<tr>
<td>USD $12,274.18</td>
<td>USD $3,455.00</td>
<td>USD $865.00</td>
<td>USD $150.00</td>
<td></td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Estimated Operating Costs</th>
<th>Hourly</th>
</tr>
</thead>
<tbody>
<tr>
<td>USD $51.76</td>
<td></td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>FHWA Rate**</th>
<th>Hourly</th>
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</thead>
<tbody>
<tr>
<td>USD $21.87</td>
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**Non-Active Use Rates**

<table>
<thead>
<tr>
<th>Slowly Rate</th>
<th>IDling Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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</tbody>
</table>

**Rate Element Allocation**

<table>
<thead>
<tr>
<th>Element</th>
<th>Percentage</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Depreciation (ownership)</td>
<td>54%</td>
<td>USD $4,196.60/mo</td>
</tr>
<tr>
<td>Overhead (ownership)</td>
<td>44%</td>
<td>USD $6,486.60/mo</td>
</tr>
<tr>
<td>Indirect (ownership)</td>
<td>12%</td>
<td>USD $1,486.60/mo</td>
</tr>
<tr>
<td>Fuel (operating) @ USD 5.14</td>
<td>10%</td>
<td>USD $1,294.60/mo</td>
</tr>
<tr>
<td></td>
<td>25%</td>
<td>USD $58.27/hr</td>
</tr>
</tbody>
</table>

**Revised Date:** 1st quarter 2023

These are the most accurate rates for the selected Revision Date(s). However, due to more frequent online updates, these rates may not match Rental Rate Blue Book Print. Visit the Cost Recovery Padded Guide on our Help page for more information.

The equipment represented in this report has been exclusively prepared for DALE DETTEN (dale@aaronnconcrete.com)
**Configuration for WA320-6 (disc. 2013)**

### Operator Protection
- ROPS/OPS

### Power Mode
- Diesel

#### Blue Book Rates

<table>
<thead>
<tr>
<th>Ownership Costs</th>
<th>Estimated Operating Costs</th>
<th>FHWA Rate**</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Hourly</td>
<td>Hourly</td>
</tr>
<tr>
<td>Monthly</td>
<td>USD $18,810.00</td>
<td>USD $120.12</td>
</tr>
<tr>
<td>Weekly</td>
<td>USD $1,875.00</td>
<td>USD 120.12</td>
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<tr>
<td>Daily</td>
<td>USD $495.00</td>
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<tr>
<td>Hourly</td>
<td>USD $69.00</td>
<td>USD 0.11</td>
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</table>

**FHWA Rate is equal to the monthly ownership cost divided by 176 plus the hourly estimated operating cost.**

#### Non-Active Use Rates
- Hourly:
  - USD 50.16
  - USD 44.90

#### Rate Element Allocation

<table>
<thead>
<tr>
<th>Element</th>
<th>Percentage</th>
<th>Value</th>
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<tbody>
<tr>
<td>Depreciation (ownership)</td>
<td>40%</td>
<td>USD $2,654.00</td>
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<tr>
<td>Overhead (ownership)</td>
<td>30%</td>
<td>USD $2,213.60</td>
</tr>
<tr>
<td>CIC (ownership)</td>
<td>14%</td>
<td>USD 511.40</td>
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<tr>
<td>Indirect (ownership)</td>
<td>12%</td>
<td>USD 761.20</td>
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<tr>
<td>Fuel (operating) @$5.14</td>
<td>30%</td>
<td>USD 12.29</td>
</tr>
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</table>

*These are the most accurate rates for the selected Revision Date(s). However, due to more frequent online updates, these rates may not match Rental Rate Blue Book print. Visit the Cost Recovery Product Guide on our Help page for more information.*

The equipment represented in this report has been exclusively prepared for DALE DETTEN (dale@aaronconcrete.com)
# EquipmentWatch

**Rental Rate Blue Book®**

**Ford F-250**
On-Highway Light Duty Trucks

**Size Class:** 300 HP & Over
**Weight:** N/A

**Configuration for F-250**

<table>
<thead>
<tr>
<th>Axle Configuration</th>
<th>4.0 X 4.0</th>
<th>Cab Type</th>
<th>Power Mode</th>
<th>Crew</th>
</tr>
</thead>
<tbody>
<tr>
<td>Horsepower</td>
<td>385.0 hp</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ton Rating</td>
<td>3.0 / 4.0</td>
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</table>

**Blue Book Rates**
**FIWA Rate** is equal to the monthly ownership cost divided by 178 plus the hourly estimated operating cost.

<table>
<thead>
<tr>
<th>Ownership Costs</th>
<th>Estimated Operating Costs</th>
<th>FIWA Rate**</th>
</tr>
</thead>
<tbody>
<tr>
<td>Published Rates</td>
<td>Hourly</td>
<td>Hourly</td>
</tr>
<tr>
<td>Monthly</td>
<td>USD $260.00</td>
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<td>Weekly</td>
<td>USD $260.00</td>
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<td>Daily</td>
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</tr>
<tr>
<td>Hourly</td>
<td>USD $10.00</td>
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</table>

**Non-Active Use Rates**

- Standby Rate: USD $3.93
- Idle Rate: USD $40.84

**Rate Element Allocation**

<table>
<thead>
<tr>
<th>Element</th>
<th>Percentage</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Depreciation (ownership)</td>
<td>66%</td>
<td>USD $322,026.31</td>
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<tr>
<td>Overhead (ownership)</td>
<td>23%</td>
<td>USD $211,687.81</td>
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<td>CFC (ownership)</td>
<td>3%</td>
<td>USD $37,953.61</td>
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<tr>
<td>Indirect (ownership)</td>
<td>13%</td>
<td>USD $115,953.61</td>
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<td>Fuel (operating) @ USD 4.88</td>
<td>8%</td>
<td>USD $15,888.00</td>
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**Revised Date:** 3rd quarter 2022

These are the most accurate rates for the selected Revision Date(s). However, due to more frequent online updates, these rates may not match Rental Rate Blue Book Print. Visit the Cost Recovery Product Guide on our Help page for more information.

The equipment represented in this report has been exclusively prepared for DALE DETTEN
(dale@aaronconcrete.com)


**Rental Rate Blue Book®**

**Miscellaneous 20-48SPC**

**Concrete Saws**

Size Class: 11 - 19 hp

Weight: N/A

---

**Configuration for 20-48SPC**

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<thead>
<tr>
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<th>Power Mode</th>
<th>Gasoline</th>
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</thead>
<tbody>
<tr>
<td>Maximum Cutting Depth Type</td>
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<td>Concrete</td>
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</tr>
</tbody>
</table>

**Blue Book Rates**

**FHWA Rate is equal to the monthly ownership cost divided by 176 plus the hourly estimated operating cost.**

<table>
<thead>
<tr>
<th>Ownership Costs</th>
<th>Monthly</th>
<th>Weekly</th>
<th>Daily</th>
<th>Hourly</th>
</tr>
</thead>
<tbody>
<tr>
<td>Published Rates</td>
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<td>USD $865.00</td>
<td>USD $225.00</td>
<td>USD $54.00</td>
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<td>Region (Texas: 90.0%)</td>
<td>(USD $19.36)</td>
<td>(USD $5.43)</td>
<td>(USD $1.35)</td>
<td>(USD $0.20)</td>
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<td>Model Year (2023: 100%)</td>
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<tr>
<td>Adjusted Hourly Ownership Cost (100%)</td>
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<tr>
<td>Hourly Operating Cost (100%)</td>
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<td>Total</td>
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<td>USD $189.57</td>
<td>USD $223.55</td>
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<th>Estimated Operating Costs</th>
<th>Hourly</th>
<th>FHWA Rate**</th>
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<td>Hourly USD $29.80</td>
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<th>Non-Active Use Rates</th>
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<td>Standby Rate</td>
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<td>idling Rate</td>
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**Rate Element Allocation**

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<th>Element</th>
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<tr>
<td>Depreciation (ownership)</td>
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<td>USD $612.75/mon</td>
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<td>Overhaul (ownership)</td>
<td>50%</td>
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<td>CPC (ownership)</td>
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<td>USD $354.75/mon</td>
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<td>Indirect (ownership)</td>
<td>15%</td>
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<tr>
<td>Fuel (operating) @ USD 3.54</td>
<td>56.67%</td>
<td>USD $17.95/hr</td>
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**Revised Date: 3rd quarter 2023**

These are the most accurate rates for the selected Revision Date(s). However, due to more frequent online updates, these rates may not match Rental Rate Blue Book Print. Visit the Cost Recovery Product Guide on our Help page for more information.

The equipment represented in this report has been exclusively prepared for DAILETTEN (dale@aaronconcrete.com)
TRENCH SAFETY RENTAL ITEMS

Jack Groom <jack.groom@sunstateequip.com>

1. 4’ VHS 52" - 88" w/ FF attached including pump and tool (Shoring Jack)
   day-$45
   week-$125
   month-$275

2. 4x10 TB with spreaders (Trench Box)
   Day- $100
   week- $290
   month- $650

3. 4x8 road plate
   day- $20
   week- $60
   month-$170 two plates for one month rental

$150 each way (Delivery and Pickup)

8.25% Tax Rate (Add to rental rates)
## Quotation

**Quote ID:** 50134624  
**Quote Date:** 1/27/2023  
**Customer:** AARON CONCRETE CONTRACTORS LP  
**Attention:**  
**Project Name:** HILLS OF HAYS DRAINAGE IMP - CITY OF SAN MARCOS  
**Project Location:** 833 BENNING ST, SAN MARCOS, TX 78666  
**Project GPS:** 29.863323, -97.330115

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<th>Product Name</th>
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<th>UOM</th>
<th>Product FOB Price</th>
<th>Freight</th>
<th>Truck Type</th>
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### Additional Quote Terms and Conditions

- Material & Freight pricing expires 30 days from quote date unless signed quote is returned within 30 days.
- Material & Freight pricing will each increase 6% every 6 months from quote date.
- Fluctuating fuel surcharge applies per chart on quote. For Fuel Prices above those listed in the chart, the trend of +0.04% for every $0.05 increase in diesel price continues to apply. Fuel Surcharge Rate will be based on Fuel Price the last Monday of each month, which will then apply for the following month.
- It is the buyer's responsibility to verify quoted materials meet project specifications.
- Delivery date, tonnage, and rate per day are subject to the availability of trucks.
- Freight pricing is based on 22 ton minimum loads for end dumps & belly dumps; 12 ton minimum loads for tandems
- Quoted freight rates are for end trucks and belly dumps only; unless otherwise specified in the quote
- Tax Exemption Certificate for Tax-Exempt jobs must be sent to Sales Rep prior to 1st shipment
- Truck wait time starts after 30 minutes on job @ $1.50/min
- Prices quoted are for pickups and deliveries 6:00am - 5:00pm during a regular work week of Monday - Friday, Saturdays, Sundays, nights, and holidays are excluded.
- Quote does not apply to change orders or quantity overruns in excess of 25%, or to quantity decreases of 50% or more of quoted tonnage
- Returned loads due to customer error will be charged a freight rate of 1.75X the original freight rate

### Terms and Conditions:

1. This quotation will be valid for a period of thirty (30) days unless otherwise set forth on the face hereof. In order to make it a binding agreement, the Customer must accept all of its terms by either signing and returning a copy to Martin Marietta or by accepting products sold by Martin Marietta within that period of time. Any quotation that does not become binding prior to the quote expiration date above will lapse.

2. If the terms of this quotation are accepted, it will constitute an agreement under which Martin Marietta will sell the products shown to the Customer, and the Customer will purchase such products from Martin Marietta, for the prices indicated, during the time period specified at the time of sale or agreed to by the parties in writing.

3. At the time of shipment, Martin Marietta warrants good title and conformance to the specifications set forth on the face hereof or, if no specifications are so referenced, the customary specifications of Martin Marietta for such products from the factory of Martin Marietta indicated above. No other specifications will apply, including, without limitation, those relating to moisture. Other than the warranties stated in the first sentence of this paragraph, MARTIN MARIETTA HEREBY EXCLUDES ANY AND ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, WRITTEN OR ORAL, INCLUDING, BUT NOT LIMITED TO, WARRANTIES OF MERCHANTABILITY AND ALL WARRANTIES OF FITNESS FOR ANY PARTICULAR PURPOSE AND ALL OTHER WARRANTIES, EXPRESS OF IMPLIED, AS TO THE PERFORMANCE OF ITS AGGREGATES, WHETHER WITH RESPECT TO ALKALI-AGGREGATE REACTIVITY. IF PRODUCT IS UNSATISFACTORY, MARTIN MARIETTA'S LIABILITY IS LIMITED TO FURNISHING REPLACEMENT MATERIAL.. IN NO EVENT SHALL MARTIN MARIETTA BE LIABLE TO CUSTOMER FOR LOSS OF PROFITS OR REVENUE OR FOR ANY OTHER CONSEQUENTIAL, INCIDENTAL, SPECIAL OR PUNITIVE DAMAGES.

4. All products will be delivered FOB at the particular facility of Martin Marietta indicated above or as otherwise shown. Deliveries will occur in a manner that conforms to customary industry practice. If deliveries are to occur at a job site, a safe and secure delivery area must be provided by the Customer.
## Quotation

**Expiration Date**: 12/06/2023  
**Quote Number**: S101026947

**Act Austin Estimating**  
**1400 Grand Avenue Parkway**  
Pflugerville, TX 78660

**Act Austin Estimating**  
**Hills of Hays***  
**Sanitary Sewer Addition***  
**San Marcos, TX 78666**

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<th>Customer PO Number</th>
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<tr>
<td>87745</td>
<td>HILLS OF HAYS - SANITARY</td>
<td>HOUSE ACCOUNT -</td>
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**Writer**: Stephen Haas  
**Ship Via**: NET 30 DAYS  
**Terms**: 11/30/2023  
**Ordered By**: BOB TOMLINSON

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**Subtotal** -------  
4219.58

**(Doghouse MH)**  
**Hills of Hays***  
**Sanitary Sewer**  
**(Pipe & Accessories)**  

1 ea 15377  
7355001D 32'' SAN MARCOS SANITARY SEWER RING & COVER DOMESTIC  
539.680/ea  
539.68

2 ea 12658  
580203003 30' X 3' CONCRETE GRADE RING  
29.000/ea  
58.00

1 ea 12004  
580016202 48'' X 2' CONCENTRIC CONE  
270.000/ea  
270.00

**Continued on Next Page**

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<td>VS. PROPOSED 15&quot; WAD. PRICING IS</td>
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<td>NOT CURRENTLY AVAILABLE FROM OUR</td>
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<td>SUPPLIER FOR THE WAD. THEY HAVE</td>
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<td>SWITCHED MANUFACTURERS AND ARE IN</td>
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<td>THE PROCESS OF APPROVING THE</td>
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<td>PRODUCT THROUGH QC BEFORE QUOTING PUBLICLY</td>
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<td>RIGHT NOW. WAD PRICING CAN BE REQUESTED AT THE</td>
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<td></td>
<td>START OF 2024.</td>
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Subtotal ------- 1373.20

(If needed)
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LONG DOUBLE SERVICE ON PAGE C207

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<td>EJ 1566 CLEANOUT BOOT AND LID</td>
<td>188.360/ea</td>
<td>376.72</td>
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Subtotal ------- 1939.73

DUE TO GLOBAL SUPPLY CHAIN ISSUES, ACT PRODUCT PRICING IS SUBJECT TO CHANGE BASED ON THE CURRENT PRICE AT THE TIME OF SHIPMENT, AND AVAILABILITY IS NOT GUARANTEED.

Subtotal 12577.82
S&H Charges 0.00
Estimated Tax 1078.34

Total 14054.16
TERMS AND CONDITIONS

This quotation is based on ACT's interpretation of the engineer's plans and specifications and is not guaranteed for accuracy or completeness.

Prices do not include sales tax unless noted otherwise.

All pipe prices are subject to manufacturer's shipping schedules, availability and order terms as noted below.

NOTICE: Prices are for estimating purposes only. Prices are not firm, and the price will be the current price in effect at the time of shipment. Proposal prices are based upon order for the total quantity, for immediate shipment.

This proposal is contingent upon the Buyer's acceptance of ACT's Terms and Conditions of Sale. The complete Terms and Conditions of Sale which are applicable to this proposal can be seen on ACT's website at www.actpipe.com under 'Customer Resources' and 'Terms and Conditions' and ACT's Terms and Conditions of Sale are a part hereof and are incorporated herein by reference. ACT objects to all other terms and conditions. ACT is not responsible for delays or shortages of product due to causes beyond ACT's reasonable control.

THE BUYER'S SOLE AND EXCLUSIVE WARRANTY, IF ANY, IS THAT PROVIDED BY THE MANUFACTURER OF THE GOODS AND MATERIALS, AND SUCH WARRANTY, IF ANY, EXTENDS ONLY TO THE ORIGINAL BUYER. ACT MAKES NO EXPRESS OR IMPLIED WARRANTIES. ACT HEREBY DISCLAIMS ALL EXPRESS OR IMPLIED WARRANTIES, WHETHER IMPLIED BY OPERATION OF LAW OR OTHERWISE, INCLUDING, WITHOUT LIMITATION, ALL IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS OR FITNESS FOR A PARTICULAR PURPOSE. UNDER NO CIRCUMSTANCES ACT SHALL NOT BE LIABLE FOR ANY COSTS OF INSTALLATION OR REPAIR OF THE GOODS AND MATERIALS SOLD BY ACT.

IN NO EVENT, WILL ACT BE LIABLE FOR PERSONAL INJURIES, DEATH OR PROPERTY LOSS OR DAMAGE OR ANY OTHER LOSS, DAMAGE, COST OF REPAIRS OR INCIDENTAL, PUNITIVE, SPECIAL, EXEMPLARY, CONSEQUENTIAL, OR LIQUIDATED DAMAGES OF ANY KIND, REGARDLESS OF WHETHER BASED UPON BREACH OF WARRANTY, BREACH OF CONTRACT, STRICT LIABILITY, NEGLIGENCE (INCLUDING ACTIVE, PASSIVE, SOLE, JOINT, CONCURRENT OR GROSS NEGLIGENCE), STATUTE OR ANY OTHER CAUSE.

BUYER HEREBY ACKNOWLEDGES AND AGREES THAT UNDER NO CIRCUMSTANCES, AND IN NO EVENT, SHALL ACT'S LIABILITY, IF ANY, EXCEED THE NET SALES PRICE OF THE DEFECTIVE GOODS AND/OR MATERIALS ABOVE WHICH AMOUNT BUYER AGREES TO RELEASE, PROTECT, DEFEND, INDEMNIFY AND HOLD HARMLESS ACT.

Buyer should carefully review all takeoffs and estimates for correct quantities, calculations, and material descriptions. ACT will not be responsible for any errors and/or omissions contained within the Proposal.

With respect to PVC piping orders, Buyer acknowledges and understands that due to economic matters beyond the reasonable control of ACT, including, but not limited to, unanticipated escalation of PVC material and resin pricing, high worldwide demand and limitations on supplies of PVC piping, resin and the materials incorporated therein, the pricing and availability for all PVC, resin and products derived therefrom, shall be subject to change and/or cancellation without advance notice and regardless of whether orders have been placed and deposits paid by Buyer. In such cases, Buyer shall have the option to either (i) to agree to pay the increased pricing for all orders for which PVC piping or its derived products are involved and accept the revised schedule for delivery associate with such orders; or (ii) to cancel the order in which case and subject always to the prior consent of the PVC piping manufacturer, Buyer's deposit, if any, shall be returned to Buyer by ACT and this order shall terminate and ACT shall have no further liability to Buyer for the order. UNDER NO CIRCUMSTANCES SHALL ACT HAVE ANY LIABILITY TO BUYER FOR ANY CLAIMS, DAMAGES, COSTS, OR EXPENSE ARISING OUT OF THE SUPPLY OF PVC PIPING AND BUYER IRREVOCABLY RELEASES ACT THEREFROM AND REGARDLESS OF WHETHER SUCH CLAIMS, DAMAGES, COSTS OR EXPENSES WERE CAUSED OR CONTRIBUTED TO BY ACT'S BREACH OF WARRANTY, BREACH OF CONTRACT, STRICT LIABILITY, NEGLIGENCE (INCLUDING ACTIVE, PASSIVE, SOLE, JOINT, CONCURRENT OR GROSS NEGLIGENCE), STATUTE OR ANY OTHER CAUSE.

This Quotation is made by Seller at the request of Buyer. Buyer acknowledges that Seller is not familiar with the business practices of Buyer, specifically including Buyer's involvement with DBE participation as that term is defined and regulated by 49 CFR 26.55. Accordingly, Seller shall presume compliance by Buyer and any assignees of Buyer with all DBE requirements required by Federal or State law. Any DBE participation shall require the DBE perform a commercially useful function.
# INVOICE

**BILL TO**  
Aaron Concrete Contractors  
4108 Nixon Ln Ste A  
Austin, TX 78725

**INVOICE #** 7866  
**DATE** 08/28/2023  
**DUE DATE** 09/04/2023  
**TERMS** Net 7

**JOB NUMBER**  
23025

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<th>QTY</th>
<th>RATE</th>
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<td>08/24/2023</td>
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<td>85.00</td>
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<tr>
<td>08/24/2023</td>
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<td>08/25/2023</td>
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<td>6.50</td>
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<td>08/25/2023</td>
<td>Services (Truck#6082) Tkt#1142163 1172 Hilltop Dr San Marcos onsite</td>
<td>6.50</td>
<td>85.00</td>
<td>552.50</td>
</tr>
</tbody>
</table>

---

**BALANCE DUE**  
$7,990.00
November 29, 2023

Estimator

RE: Hills of Hays – Single Manhole
San Marcos, TX

We are pleased to submit our proposal for the surface preparation and coating of the above referenced project.

Scope of Work:

Application of Raven 405 at 80 mils on new manhole with Inspection......$8,000/LS
Estimated 5 VF

Note: Pricing Valid for 30 days. Additional waivers-$250. Additional Insurance required beyond current coverage, client to be charged full amount. All Additional/Onsite Safety classes will be charged accordingly. Registration requirements to data bases will be charged accordingly. 2 weeks’ notice prior to mobilization.

Payment: Net Due 30 Days

Lewis Concrete Restoration (LCR) will provide:
All labor, material, equipment, pre-approved insurance, water blaster, scaffolding, and supervision necessary to complete the scope of work. Testing available upon request. All material will be applied to city specifications. Water infiltration is not included. Bypass pumping is not included. LCR warrants workmanship (non-bonded) of scope of work performed for 1 year. Owner or Contractor is responsible for defects and/or changes in substrate caused by owner or acts by nature.

Client to provide: Payment Bond information required prior to mobilization.
No bypass pumping supplied by LCR. Plugs or other devices utilized for diverting water will be charged accordingly. Uninterrupted access to jobsite, suitable water source for waterblasting, Any and all traffic control, dewatering, by-pass pumping or sludge removal, restrooms, contract required or purchase order number needed to proceed, LCR job information form, and Sales Tax Exempt/Resale certificate. All change orders require signed contract or PO prior to commencement of work. Contractor to provide actual field measurements and timely notice within 30 days of LCR’s invoice date of discrepancies found.

If you have any questions regarding this quote, please contact Eric Lewis @ 512-923-6724
or Aaron Hoffman @ 512-983-4400

Phone: 512.983.4400 Email: ahoffman@lewisconcreterestoration.com
CITY OF SAN MARCOS

HILLS OF HAYS DRAINAGE IMPROVEMENTS
100% SUBMITTAL

Project Location
AGENDA CAPTION:
Consider approval of Resolution 2024-06R, approving the award of a construction contract to Sullivan Contracting Services for the provision of remodel construction services for the City of San Marcos Municipal Complex in the estimated amount of $537,510.64; authorizing the City Manager, or her designee, to execute the contract on behalf of the city; and declaring an effective date.

Meeting date: January 16, 2024

Department: Public Works

Amount & Source of Funding
Funds Required: $537,510.64
Account Number: 10006144-52535
Funds Available: $537,510.64
Account Name: 10006144-52535

Fiscal Note:
Prior Council Action: Approval of project funding in the fiscal year 2023 mid-year budget amendments

City Council Strategic Initiative: [Please select from the dropdown menu below]
Public Safety, Core Services & Fiscal Excellence
Choose an item.
Choose an item.

Comprehensive Plan Element(s): [Please select the Plan element(s) and Goal # from dropdown menu below]
☐ Economic Development - Choose an item.
☐ Environment & Resource Protection - Choose an item.
☐ Land Use - Choose an item.
☐ Neighborhoods & Housing - Choose an item.
☐ Parks, Public Spaces & Facilities - Choose an item.
☐ Transportation - Choose an item.
☐ Core Services
☐ Not Applicable
**Background Information:**

Several City departments including Information Technology, Planning & Development Services, and Engineering are exceeding the office space available to them at this time. To alleviate those restraints, reorganization of the available office space footprint is needed.

In the Spring of 2023, the Public Works department contracted FGM Architects to assess the Department’s future workspace needs and the City buildings that could be considered for reorganization. They then provided architecture plan sets to guide construction for this project.

This contract award will provide the City with remodeled workspaces for the Communications, Information Technology, Engineering and Finance departments as well as the City Clerk, Mayor’s office & Council quarters, City Manager’s office and Mail Room. The work includes demolition, wall construction, door construction, door removal, physical security upgrades, window framing/replacement, “pony” wall construction, electrical and data drop removal/replacement, flooring, carpeting, and painting.

Remodeling the existing City facilities at the current Municipal Complex will optimize the workspaces for department’s staff requirements over the next five (5) years while the New City Hall project is explored.

The City of San Marcos is authorized to participate in cooperative purchasing agreements per Local Government Code, Section 271. As such, the City is utilizing its cooperative purchasing agreement with Choice Partners, contract #21/039MR-14, to make this procurement from The Pounds Group, LLC, dba Sullivan Contracting Services.

**Council Committee, Board/Commission Action:**

Click or tap here to enter text.

**Alternatives:**

Click or tap here to enter text.
**Recommendation:**
Staff recommends approval.
RESOLUTION NO. 2024-06R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS APPROVING THE AWARD OF A CONSTRUCTION CONTRACT TO SULLIVAN CONTRACTING SERVICES FOR THE PROVISION OF REMODEL CONSTRUCTION SERVICES FOR THE CITY OF SAN MARCOS MUNICIPAL COMPLEX IN THE ESTIMATED AMOUNT OF $537,510.64; AUTHORIZING THE CITY MANAGER, OR HER DESIGNEE, TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY; AND DECLARING AN EFFECTIVE DATE.

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

PART 1. A construction contract is hereby awarded to Sullivan Contracting Services for remodel construction services for the City of San Marcos Municipal Complex in the estimated amount of $537,510.64.

PART 2. The City Manager, or her designee, is authorized to execute the contract on behalf of the city.

PART 3. This resolution will be in full force and effect immediately from and after its passage.

ADOPTED on January 16, 2024.

Jane Hughson
Mayor

Attest:

Elizabeth Trevino
City Clerk
Project: SM Misc. Interior Renovations - City Hall - CP

Scope of Work

Choice Partners Contract # 21/039MR-14

ATTENTION: Pete Binion

Pricing below reflects Job Walk 10/13/2023 and plans dated 10/09/2023

Finish Work

• Frame new walls shown on plan A1.1
• Rough in electrical needed for new walls
• Insulate and sheetrock new walls
• Tape and Float new walls
• Texture and Prime new walls
• Paint all new walls and walls shown on job walk dated 10/13/2023
• Remove approx. 8,000 SF of existing flooring and 2,160 LF of existing cove base from job walk dated 10/13/2023
• Install Armstrong Unify LVT and cove base where shown 10/13/2023
• Install Mohawk Urban Fields Carpet and cove base where shown 10/13/2023
• Move Furniture as needed (Owner will be responsible for lose items, Sullivan will move large furniture items)
• Flooring in Suite 100 will be performed on standard hours, flooring in occupied areas will be performed afterhours

**Electrical**

• Demo 24 existing light fixtures and install 19 - 2’x2’ fixtures supplied by owner
• Install access control back boxes and stub ups, 9 dual level outlets, 4 GFI outlets, 6 one pole 20 amp breakers
• Install 8 LED dimmer switches, 8 outlets, 9 power packs, 5 data boxes and stub ups (Data pull by others)
• Disconnect modular furniture, demo 5 switches and demo 7 outlets
• Ceiling ceiling grid and tile where lights are switched out

**Openings**

• Install 7 new doors, frames and hardware to match existing
• Replace broken glass in office (Approx. 69 3/4” x 105 5/16”)

**Can not guarantee glass will match existing perfectly**

**Excluded (-)**

1. Design, HVAC, Plumbing, Fire Sprinkler/Alarm, Permitting, Testing, any items not listed above.
2. Price excludes any owner mandated COVID-19 Testing, Procedures, and/or changes to normal work practices not covered above.
3. Due to current volatility in the market, proposal has potential to only be guaranteed for 30 days

**Notes**

---

**Summary**

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<th>Description</th>
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**$218,838.46**
Project: SM Misc. Interior Renovations - Building 2 - CP

Scope of Work

Choice Partners Contract # 21/039MR-14

ATTENTION: Pete Binion

Finish Work

• Demo 4 existing door location and infill wall to match existing

• Texture and paint wall to match existing (Walls with existing openings that are being infilled will be painted corner to corner to blend paint)

• Install 1 new door and frame to match existing in office A203

• Install 2 new hollow metal storefronts in hallways to match existing picture provide CoSM

• Install new flooring in Shipping/Receiving room

• Install ceiling grid and tile on one side of room to match existing

• Paint walls in Shipping/Receiving room

Electrical

• Demo 11 light fixtures, 8 switches, 8 outlets and an AC panel

• Reinstall AC panel, install 8 - owner provided 2'x2' lights and 6 LED dimmer switches
Excluded(-)
1. After Hours, Design, HVAC, Plumbing, Fire Sprinkler/Alarm, Permitting, Testing, any items not listed above.
2. Price excludes any owner mandated COVID-19 Testing, Procedures, and/or changes to normal work practices not covered above.
3. Due to current volatility in the market, proposal has potential to only be guaranteed for 30 days

Notes

Summary

<p>| | |</p>
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$ 62,185.47

Accepted By

Date
Project: SM Misc. Interior Renovations - Building 3 - CP

Scope of Work

Choice Partners Contract # 21/039MR-14

ATTENTION: Pete Binion

Pricing below reflects Job Walk 10/13/2023 and plans dated 10/09/2023

Finish Work

• Demo walls shown on A1.3
• Frame new walls shown on plan A1.5
• Rough in electrical needed for new walls
• Insulate and sheetrock new walls
• Tape and Float new walls
• Texture and Prime new walls
• Paint all new walls and walls shown on job walk dated 10/13/2023
• Remove approx. 3,300 SF of existing flooring 10/13/2023
• Install Armstrong Unify LVT and cove base where shown 10/13/2023
• Install EMSER Esplanade 12"x24" Porcelain Tile and cove base where shown 10/13/2023
•Move Furniture as needed (Owner will be responsible for lost items, Sullivan will move large furniture items that Owner can’t move)

**Electrical**

•Demo 8 switches, 25 outlets, 12 data outlets and disconnect cubical

•Install 10 - 2’x2’ fixtures supplied by owner

•Install 5 dimmer switches, 29 by level outlets, 6 power packs, 6 one pole 20 amp breakers, 2 data boxes and stub ups (Data pull by others)

•Replace ceiling grid and tile where lights are switched out

**Openings**

•Install 9 new doors, frames and hardware to match existing

**Mechanical**

•Adjust grills as need for new wall lay out

(Thermostat relocate and test/balance not included)

**Excluded (-)**

1. After Hours, Design, Electrical, HVAC, Plumbing, Fire Sprinkler/Alarm, Permitting, Testing, any items not listed above.

2. Price excludes any owner mandated COVID-19 Testing, Procedures, and/or changes to normal work practices not covered above.

3. Due to current volatility in the market, proposal has potential to only be guaranteed for 30 days

**Notes**

**Summary**

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<td>Bonding</td>
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$ 256,486.71

Accepted By

Date
AGENDA CAPTION:
Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2024-01, amending the Official Zoning Map of the city in Case No. ZC-23-24, by rezoning approximately 18.84 acres of land, out of the John H. Yearby Survey, generally located 3,300 feet east of IH35 near Centerpoint Road, from Character District-5 (CD-5) to Light Industrial (LI), or, subject to consent of the owner, another less intense zoning district classification; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2024-01, on the first of two readings.

Meeting date: January 16, 2024

Department: Planning and Development Services

Amount & Source of Funding
Funds Required: N/A
Account Number: N/A
Funds Available: N/A
Account Name: N/A

Fiscal Note:
Prior Council Action: N/A

City Council Strategic Initiative:
N/A
N/A
N/A

Comprehensive Plan Element(s):
☐ Economic Development - Choose an item.
☐ Environment & Resource Protection - Choose an item.
☐ Land Use - Choose an item.
☐ Neighborhoods & Housing - Choose an item.
☐ Parks, Public Spaces & Facilities - Choose an item.
☐ Transportation - Choose an item.
☐ Core Services
Master Plan:
Choose an item.

Background Information:
The property was zoned smart code “SC” circa 2013. In September of 2022 City Council approved a zone change from smart code “SC” to character district 5 “CD-5”. The property is currently undeveloped, and the applicant wishes to rezone to light industrial “LI” to align with adjacent parcels.

Council Committee, Board/Commission Action:
During the Planning and Zoning Commission meeting held December 12, 2023, a motion was made by Commissioner Agnew, seconded by Commissioner Burleson, to approve ZC-23-24. The motion carried 9-0.

Alternatives:
N/A

Recommendation:
Staff recommends approval of ZC-23-34 as presented.
Public Hearing
ZC-23-24
Centerpoint Road CD-5 to LI

Receive a staff presentation and hold a public hearing to receive comments for or against Ordinance 2024-01, amending the official zoning map of the City in Case No. ZC-23-24, by rezoning approximately 18.84 acres out of the John H Yearby Survey, generally located 3,300 feet East of IH 35 near Centerpoint Road, from Character District 5 (CD-5) to Light Industrial (LI), or, subject to consent of the owner, another less intense zoning district classification including procedural provisions; and providing an effective date, and consider approval of Ordinance 2024-01, on the first of two readings.
Property Information

• Approximately 18.84 acres

• Located approximately 3300 feet East of IH 35 near Centerpoint Road

• Located within City Limits
Context & History

- Currently Undeveloped

- Surrounding Uses
  - Vacant / Agricultural

- In September of 2022, City Council approved a zone change from SC to CD-5.
Context & History

• Existing Zoning:
  Character District 5 (CD-5)
  – Allows high density residential as well as pedestrian oriented commercial uses

• Proposed Zoning:
  Light Industrial (LI)
  – Allows Manufacturing and Light Industrial uses
Comprehensive Plan Analysis

Step 1: Where is the property located on the Comprehensive Plan?

- Existing Preferred Scenario: Medium Intensity – East Village

- “An area of change intended to accommodate the City’s future growth and expansion where people can meet their daily needs within a short walk, bike, transit trip, or drive” (4.1.1.6)
Comprehensive Plan Analysis

**Step 2:** Is the request consistent with the Comprehensive Plan / District Translation Table?

“Light Industrial” (LI) within a “Medium Intensity Zone.”

<table>
<thead>
<tr>
<th>District Classification</th>
<th>Comprehensive Plan Designations</th>
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</thead>
<tbody>
<tr>
<td></td>
<td><strong>Open Space/Agricultural</strong></td>
</tr>
<tr>
<td>Conventional Residential</td>
<td>NP</td>
</tr>
<tr>
<td>Neighborhood Density Districts</td>
<td>NP</td>
</tr>
<tr>
<td>Character Districts</td>
<td>NP</td>
</tr>
<tr>
<td>Special Districts</td>
<td>PSA</td>
</tr>
</tbody>
</table>

Legend: PSA = Not Allowed (PSA Required)  NP = Not Preferred  C = Consider
Zoning Analysis

• District primarily intended to accommodate Manufacturing and Light Industrial uses

• Permitted building types include General Commercial and Civic Buildings

• Intended development is Light Industrial Use
Environmental Analysis

- Not located within the Edwards Aquifer Recharge Zone, Contributing Zone, or Transition Zone

- Requested zone change will reduce the allowable impervious cover from 100% (CD-5) to 80% (LI)
Infrastructure

- **Streets**
  - Transportation Master Plan
    - Proposed Thoroughfare West of the subject property
  - Block perimeter
    - CD-5 (2,000 feet)
    - LI (5,000 feet)
- **Bicycle & Sidewalk**
  - Proposed Bicycle & Greenway Facility West of the subject property
Infrastructure

• Utilities
  – City of San Marcos Water & Wastewater
  – Bluebonnet Electric
Recommendation

• Planning and Zoning Commission recommended **approval** of ZC-23-24 as presented with a 9-0 vote.
  – Discussion Topics:
    • Property Ownership
    • Future Plans
    • Clarification on the Staff Report
• Staff recommends **approval** of ZC-23-24 as presented.
### Zoning District Comparison Chart

<table>
<thead>
<tr>
<th>Topic</th>
<th>Existing Zoning: Character District – 5 (CD-5) details</th>
<th>Proposed Zoning: Light Industrial (LI) details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning Description</td>
<td>The CD-5 district is primarily intended to provide a variety of residential, retail, service, and commercial uses. To promote walkability and compatibility, auto-oriented uses are restricted. CD-5 promotes mixed use and pedestrian-oriented activity.</td>
<td>Light industrial is intended to accommodate manufacturing and light industrial uses in order to promote economic viability, encourage employment growth, and limit the encroachment of non-industrial development within established industrial areas. Development should be operated in a relatively clean and quiet manner and should not be obnoxious to nearby residential or commercial uses.</td>
</tr>
<tr>
<td>Uses</td>
<td>Residential, Commercial, Office, etc. (See Land Use Matrix)</td>
<td>Primarily industrial uses as well as light manufacturing, offices, waste related services, and warehouse and distribution. Examples of light industrial uses include food and beverage products, breweries, contractor storage, dry-cleaning, furniture manufacturing, and welding (See Land Use Matrix)</td>
</tr>
<tr>
<td>Parking Location</td>
<td>No parking in the 1st layer; Parking allowed in 2nd layer along secondary street only</td>
<td>No location standards</td>
</tr>
<tr>
<td>Parking Standards</td>
<td>Dependent upon use</td>
<td>Depends upon use.</td>
</tr>
<tr>
<td>Max Residential Units per acre</td>
<td>N/A</td>
<td>N/A - Residential uses are not allowed</td>
</tr>
<tr>
<td>Occupancy Restrictions</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Landscaping</td>
<td>Tree and shrub requirements</td>
<td>Tree and shrub requirements</td>
</tr>
<tr>
<td>Building Height (max)</td>
<td>2 stories (min), 5 stories (max) *Additional stories can be allowed by City Council via alternative compliance</td>
<td>4 stories</td>
</tr>
<tr>
<td>Setbacks</td>
<td>0' minimum/12' max front, o' side, and o' rear</td>
<td>20' minimum front, side, and rear</td>
</tr>
<tr>
<td>Impervious Cover (max)</td>
<td>100%</td>
<td>80%</td>
</tr>
<tr>
<td>Lot Sizes</td>
<td>Allows a variety of lot sizes depending on Building Type with 1,100 sq ft in area and 15' lot in width being the smallest allowed minimums</td>
<td>Minimum 7,000 sq ft area, Minimum 70 ft lot width</td>
</tr>
<tr>
<td>Streetscapes</td>
<td>Main Street: 10' sidewalk, street trees every 35' on center average, 7' planting area between sidewalk and street required</td>
<td>Conventional Street: 6' sidewalk, street trees every 40' on center average, 7' planting area between sidewalk and street required</td>
</tr>
<tr>
<td>Blocks</td>
<td>2,000 ft. block perimeter max</td>
<td>5,000 ft. Block Perimeter max</td>
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</table>
ORDINANCE NO. 2024-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING THE OFFICIAL ZONING MAP OF THE CITY IN CASE NO. ZC-23-24, BY REZONING APPROXIMATELY 18.84 ACRES OF LAND, OUT OF THE JOHN H. YEARBY SURVEY, GENERALLY LOCATED 3,300 FEET EAST OF IH35 NEAR CENTERPOINT RD, FROM CHARACTER DISTRICT 5 (CD-5) TO LIGHT INDUSTRIAL (LI), OR, SUBJECT TO CONSENT OF THE OWNER, ANOTHER LESS INTENSE ZONING DISTRICT CLASSIFICATION; INCLUDING PROCEDURAL PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

1. On December 12, 2023, the Planning and Zoning Commission of the City of San Marcos held a public hearing regarding a request to change the zoning designation from “CD-5” CHARACTER DISTRICT 5 to “LI” LIGHT INDUSTRIAL for approximately 18.84 acres of land out of the John H. Yearby Survey, generally located at 3,300 feet east of IH35 (the “Property”), as described in Exhibit A, attached hereto and made a part hereof for all purposes.

2. On December 12, 2023, the Planning and Zoning Commission voted 9–0 to recommend approval of the request.

3. The City Council held a public hearing on January 16, 2024, regarding the request.

4. All requirements pertaining to Zoning Map amendments have been met.

5. The City Council hereby finds and determines that the adoption of the following ordinance is in the interest of the public health, morals, welfare and safety.

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

SECTION 1. The Official Zoning Map of the City is amended to rezone the Property, as described in Exhibit A from “CD-5” Mixed Use to “LI” Light Industrial.

SECTION 2. 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 3. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 4. This ordinance will take effect after its passage, approval and adoption on second reading.
PASSED AND APPROVED on first reading on January 16, 2024.

PASSED, APPROVED AND ADOPTED on second reading on January 30, 2024.

Jane Hughson
Mayor

Attest:

Elizabeth Trevino
City Clerk

Approved:

Samuel J. Aguirre
City Attorney
EXHIBIT "A"

DESCRIPTION

A 18.74 acres (816,302 square feet) tract of land, lying within the John H. Yeehby Survey, Abstract 508, Hays County, Texas, and being a portion of a called 495.23 acre tract, conveyed to Watten Texas, LP in Volume 2322, Page 206, Official Public Records of Hays County, Texas, described as follows:

COMMENCING at a 1.27' iron rod found for said corner of said 495.23 acre tract, the western corner of a called 5.138 acres tract, conveyed to Fabio Zepas in Volume 1145, Page 11, Deed Records of Hays County, Texas and also being on the northeastern right-of-way line of Centerpoint Road, from which a 1.27' iron rod found for the southern corner of said 495.23 acre tract, the eastern corner of a called 1.169 acre tract, conveyed to Felix Geiger in Document No. 2102598, Official Public Records of Hays County, Texas and also being on the northeastern right-of-way line of South Old Kountz Highway, bears N49°55'28"W, a distance of 703.63 feet;

THENCE, over and across said 495.23 acre tract, the following seventeen (17) courses and distances:

1. N20°27'56"W, a distance of 3316.61 feet to a calculated point for the POINT OF BEGINNING and the southern corner of the herein described tract,
2. S45°53'51"W, a distance of 516.61 feet to a calculated point for the western corner of the herein described tract,
3. S49°02'55"W, a distance of 1218.78 feet to a calculated point for the southern corner of the herein described tract,
4. S49°10'40"W, a distance of 606.50 feet to a calculated point,
5. S49°41'15"E, a distance of 66.94 feet to a calculated point for the eastern corner of the herein described tract,
6. S49°40'26"W, a distance of 762.76 feet to a calculated point on the arc of a curve to the right,
7. With said curve to the right, an arc distance of 178.93 feet, having a radius of 1000.00 feet, an angle of 18°15'07", and a chord bearing N49°29'14"W, a distance of 178.80 feet to a calculated point;
8. S49°13'50"W, a distance of 45.39 feet to a calculated point,
9. S49°33'25"W, a distance of 70.21 feet to a calculated point,
10. S49°59'41"W, a distance of 85.66 feet to a calculated point,
11. S49°46'25"W, a distance of 67.44 feet to a calculated point,
12. S49°53'45"W, a distance of 72.82 feet to a calculated point,
13. S49°10'35"W, a distance of 59.54 feet to a calculated point,
14. S49°00'17"W, a distance of 78.72 feet to a calculated point,
15. S49°54'34"W, a distance of 67.77 feet to a calculated point,
16. S49°24'22"W, a distance of 40.19 feet to a calculated point,
17. S49°33'04"W, a distance of 91.21 feet to the POINT OF BEGINNING.

Containing 18.74 acres or 816,302 square feet, more or less.

BEARING AND NOTE

This project is referenced for all bearing and coordinate basis to the Texas State Plane Coordinate System NAD 83 (2011 adjustment), South Central Zone (4204).

Robert J. Gettson, RE5
Texas Registration No. 6147
Avellon LLC
1661 Las Cimas Parkway, Suite 310
Austin, Texas 78748
Ph: 512-894-8205
TBP/LP Firm No. 10193726

01/30/2022
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 11/21/2023
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 11/22/2023
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 11/22/2023
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 11/22/2023
Figure 112: SMFD 8-Minute Effective Response Force

*Six fire stations with Station 2 relocated to Centerpoint, and Station 6 at Old Bastrop west of Posey with minimum staffing of 20 personnel.*

ZC-23-24 APPROXIMATE LOCATION
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 11/21/2023
Notice of Public Hearing
Zoning Change Request
“CD-5” Character District-5 to “LI” Light Industrial
Approximately 3300ft East of IH 35 along Centerpoint Road

ZC-23-24 (Centerpoint Road CD-5 to LI) Hold a public hearing and consider a request by Westwood Professional Services, on behalf of Walton Texas LP, for a Zoning Change from Character District-5 (CD-5) to Light Industrial (LI), or, subject to consent of the owner, another less intense zoning district classification, for approximately 18.84 acres of land out of the John H Yearby Survey, generally located 3300 feet East of IH 35 along Centerpoint Road. (K. Buck)

The San Marcos Planning and Zoning Commission will consider the above request at an upcoming public hearing to obtain citizen comments and will recommend approval, or denial of the request. This recommendation will be forwarded to the San Marcos City Council. Before making a final decision, the Council will hold a public hearing to obtain citizen comments. Because you are listed as the owner of property located within 400 feet of the subject property, we would like to notify you of the following public hearings and seek your opinion of the request:

- A public hearing will be held at the hybrid, virtual / in-person, Planning and Zoning Commission Meeting on **Tuesday, December 12, 2023**, at 6:00 p.m. in the City Council Chambers, 630 E. Hopkins. One may watch the public hearing on Grande channel 16, Spectrum channel 10, or by using the following link: [http://sanmarcostx.gov/541/PZ-Video-Archives](http://sanmarcostx.gov/541/PZ-Video-Archives). Or email planninginfo@sanmarcostx.gov or call 512-393-8230 to request a link or phone number to participate in the public hearing virtually by computer, mobile device, or phone.

- A public hearing will be held at the hybrid, virtual / in-person, City Council Meeting on **Tuesday, January 16, 2024**, at 6:00 p.m. in the City Council Chambers, 630 E. Hopkins. One may watch the public hearing on Grande channel 16, Spectrum channel 10, or by using the following link: [https://sanmarcostx.gov/Videos](https://sanmarcostx.gov/Videos). Or sign up at: [www.sanmarcostx.gov/citizencommentssignup](http://www.sanmarcostx.gov/citizencommentssignup) or call 512-393-8090 to request a link to participate in the public hearing virtually by computer, mobile device, or phone.

Public Hearings will be a hybrid of in-person and virtual meetings. All interested citizens are invited to attend in person, but are encouraged to watch or participate in the public hearing virtually by the means described above. If you cannot participate in the public hearing of the Planning and Zoning Commission or the City Council, but wish to comment, you may write to the below address. All written comments and requests to participate must be received before 12 PM on the day of the meeting.

**For Planning & Zoning Commission:** Planning and Development Services 630 East Hopkins San Marcos, TX 78666 planninginfo@sanmarcostx.gov

**For City Council:** www.sanmarcostx.gov/citizencommentssignup

For more information regarding this request, contact the case manager, Kaitlyn Buck, at 512.393.8234 or kbuck@sanmarcostx.gov. When calling, please refer to case number ZC-23-24.

The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. 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 512-393-8074 or sent by e-mail to ADArequest@sanmarcostx.gov.
# Notification List

<table>
<thead>
<tr>
<th>Property ID</th>
<th>Owner Name</th>
<th>Owner Address</th>
<th>Owner City/State/Zip</th>
<th>Site Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>19162</td>
<td>WALTON TEXAS LP</td>
<td>8800 N GAINEY CENTER DR, STE 345</td>
<td>SCOTTSDALE, AZ 85258-2124</td>
<td>CENTERPOINT RD, SAN MARCOS, TX 78666</td>
</tr>
<tr>
<td></td>
<td>Roland Saucedo</td>
<td>211 Ebony</td>
<td>SAN MARCOS, TX 78666</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Michael Adams</td>
<td>106 Losoya Drive</td>
<td>SAN MARCOS, TX 78666</td>
<td></td>
</tr>
<tr>
<td></td>
<td>CONA Rep Amy Thomaides</td>
<td>1131 W. MLK St</td>
<td>SAN MARCOS, TX 78666</td>
<td></td>
</tr>
</tbody>
</table>
## Summary

**Request:** Zoning change from CD-5 to LI  
**Applicant:** Westwood Professional Services  
8701 N. Mopac Expy,  
Suit 320  
Austin, TX 78759  
**Property Owner:** Walton Texas LP  
8800 N Gainey Center Dr, Suite 345  
Scottsdale, TX 85258  

## Notification

**Application:** 10/17/2023  
**Published:** 11/22/2023  
**Posted:** 11/22/2023  
**Response:** None as of the date of this report  
**Neighborhood Meeting:** N/A  
**# of Participants** N/A  
**Personal:** 10/25/2023  

## Property Description

**Legal Description:** approximately 18.84 acres of land out of the John H Yearby Survey  
**Location:** 3300ft East of IH 35 near Centerpoint Road  
**Acreage:** 18.84 acres  
**Existing Zoning:** CD-5  
**Existing Use:** Vacant  
**Existing Occupancy:** Restrictions Do Not Apply  
**PDD/DA/Other:** N/A  
**Utility Capacity:** Extension Required at Developer’s Expense  
**Floodplain:** No  
**Historic Designation:** N/A  

**Preferred Scenario:** Medium Intensity Zone  
**CONA Neighborhood:** N/A  
**Sector:** 5  
**Proposed Zoning:** LI  
**Proposed Use:** Same  
**Proposed Occupancy:** N/A  
**Proposed Designation:** Same  

## surround Area

<table>
<thead>
<tr>
<th>North of Property</th>
<th>Zoning</th>
<th>Existing Land Use</th>
<th>Preferred Scenario</th>
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<tbody>
<tr>
<td>Community Commercial (CC)</td>
<td>Single-Family (Millbrook Park)</td>
<td>Medium Intensity Zone</td>
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</tbody>
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<table>
<thead>
<tr>
<th>South of Property</th>
<th>Zoning</th>
<th>Existing Land Use</th>
<th>Preferred Scenario</th>
</tr>
</thead>
<tbody>
<tr>
<td>Light Industrial (LI)</td>
<td>Vacant/Undeveloped</td>
<td>Medium Intensity Zone</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>East of Property</th>
<th>Zoning</th>
<th>Existing Land Use</th>
<th>Preferred Scenario</th>
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<tbody>
<tr>
<td>Light Industrial (LI)</td>
<td>Vacant/Undeveloped</td>
<td>Medium Intensity Zone</td>
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</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>West of Property</th>
<th>Zoning</th>
<th>Existing Land Use</th>
<th>Preferred Scenario</th>
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</thead>
<tbody>
<tr>
<td>General Commercial (GC)</td>
<td>Hotel (La Quinta Inn &amp; Suites)</td>
<td>Medium Intensity Zone</td>
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## Staff Recommendation

<table>
<thead>
<tr>
<th>Approval</th>
<th>Date</th>
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</thead>
<tbody>
<tr>
<td>X</td>
<td>11/08/2023</td>
</tr>
</tbody>
</table>

**Staff:** Kaitlyn Buck  
**Title:** Planner  
**Date:** 11/08/2023
Zoning Request  
Centerpoint Road  
ZC-23-24  
CD-5 to LI

**Commission Recommendation**

<table>
<thead>
<tr>
<th>X</th>
<th>Approval as Submitted</th>
<th>Approval with Conditions / Alternate</th>
<th>Denial</th>
</tr>
</thead>
</table>

**Speakers in favor or opposed**
Clayton Strolle (applicant) – in favor
Lisa Marie Coppoletta – general comment

**Recommendation from the Planning and Zoning Commission Meeting held December 12, 2023:**
A motion was made by Commissioner Agnew, second by Commissioner Burleson to recommend approval of the request.
The vote passed with a 9-0 vote
- **For:** (9) Chairperson Garber, Commissioner Agnew, Commissioner Costilla, Commissioner Kelsey, Commissioner Burleson, Commissioner Meeks, and Commissioner Spell, Commissioner Case and Commissioner Rockeymoore
- **Against:** (0)
- **Absent:** (0)

**Discussion Topics:**
- **Property Ownership** – Commissioner Spell asked the applicant if they owned the surrounding properties. The applicant responded they own the adjacent property to the East that is currently zoned Light Industrial, but they do not own the property to the West that is currently zoned Smart Code.
- **Future Plans for the Property** – Commissioner Spell asked the applicant what the overall plans for the property will be. The applicant indicated the need for the zone change to light industrial is to get a better site plan, movement, and flow through the property.
- **Clarification on the Staff Report** - Commissioner Agnew asked for clarification from staff regarding the Criteria for Approval (Sec.2.5.1.4). Commissioner Agnew disagreed with staff on whether there is a need for the proposed use at the proposed location. Agnew indicated it should be marked consistent since the surrounding zoning district is light industrial.

**History**
The property was zoned smart code “SC” circa 2013. In September of 2022 City Council approved a zone change from smart code “SC” to character district 5 “CD-5”.

**Additional Analysis**
The property is currently undeveloped, and the applicant wishes to rezone to light industrial “LI” to align with adjacent parcels.

**Comments from Other Departments**
- **Police**  No Comment
- **Fire**  No objections to zoning change
- **Public Services**  No Comment
- **Engineering**  No Comment
<table>
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<tr>
<th>Evaluation</th>
<th>Criteria for Approval (Sec.2.5.1.4)</th>
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<td>Consistent</td>
<td>Inconsistent</td>
</tr>
<tr>
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<tr>
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<td>X</td>
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<td>N/A</td>
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<td>N/A</td>
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<tr>
<td>X</td>
<td></td>
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<tr>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

**Evaluation Criteria for Approval (Sec.2.5.1.4)**

- **X** Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan and preferred scenario map. *Light Industrial, is not preferred within a medium intensity zone.*
- **N/A** Whether the proposed zoning map amendment is consistent with any adopted small area plan or neighborhood character study for the area. *Studies were not complete at the time of the request.*
- **X** Whether the proposed zoning map amendment implements the policies of any applicable plan adopted by City Council.
- **N/A** Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect.
- **X** Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses shall be appropriate in the immediate area of the land to be reclassified. *The subject parcel is surrounded by light industrial zoning on 3 sides.*
- **X** Whether the proposed zoning will reinforce the existing or planned character of the area.
- **X** Whether the site is appropriate for the development allowed in the proposed district.
- **X** Whether there are substantial reasons why the property cannot be used according to the existing zoning. *Staff has not identified any reasons why the property cannot be used in accordance with Character District 5 regulations.*
- **X** Whether there is a need for the proposed use at the proposed location. *There is a ~200 acre parcel adjacent to the subject parcel that is already zoned light industrial. CD-5 zoning would provide an opportunity to serve the surrounding Light Industrial uses with retail, services, and commercial uses.*
- **X** Whether the City and other service providers will be able to provide sufficient public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, public safety, and emergency services, while maintaining sufficient levels of service to existing development. *The property will be served with City water/wastewater and Bluebonnet will provide electric service.*
- **X** Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property.
- **N/A** For requests to a Neighborhood Density District, whether the proposed amendment complies with the compatibility of uses and density in Section 4.1.2.5.
- **X** The impact the proposed amendment has with regard to the natural environment, including the quality and quantity of water and other natural resources, flooding, and wildlife management. *The site is not encumbered by any significant environmental constraints.*
- **X** Any other factors which shall substantially affect the public health, safety, morals, or general welfare.
CD-5

SECTION 4.4.3.6  CHARACTER DISTRICT - 5

GENERAL DESCRIPTION
The CD-5 district is intended to provide for a variety of residential, retail, service and commercial uses. To promote walkability and compatibility, auto-oriented uses are restricted. CD-5 promotes mixed use and pedestrian-oriented activity.

DENSITY
Impervious Cover  100% max.

TRANSPORTATION
Block Perimeter  2,000 ft. max  Section 3.6.2.1
Streetscape Type  Main Street Multi-Way  Section 3.8.1.6  Section 3.8.1.9

BUILDING TYPES ALLOWED
Accessory Dwelling  Section 4.4.5.1
Townhouse  Section 4.4.5.6
Apartment  Section 4.4.5.9
Live/ Work  Section 4.4.5.10
Mixed Use Shopfront  Section 4.4.5.13
Civic Building  Section 4.4.5.14
## Building Standards

<table>
<thead>
<tr>
<th>Building Type</th>
<th>Lot Area</th>
<th>Lot Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Townhouse</td>
<td>1,500 sq. ft.</td>
<td>15 ft. min.</td>
</tr>
<tr>
<td>Apartment Building</td>
<td>2,000 sq. ft.</td>
<td>20 ft. min.</td>
</tr>
<tr>
<td>Live/Work</td>
<td>1,100 sq. ft.</td>
<td>15 ft. min.</td>
</tr>
<tr>
<td>Mixed Use Shopfront</td>
<td>2,000 sq. ft.</td>
<td>20 ft. min.</td>
</tr>
<tr>
<td>Civic Building</td>
<td>2,000 sq. ft.</td>
<td>20 ft. min.</td>
</tr>
</tbody>
</table>

* Alternative Compliance available (see Section 4.3.4.4 or Section 4.3.4.6)

## Lot

### Building Type

<table>
<thead>
<tr>
<th>Building Type</th>
<th>Lot Area</th>
<th>Lot Width</th>
</tr>
</thead>
<tbody>
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<td>15 ft. min.</td>
</tr>
<tr>
<td>Mixed Use Shopfront</td>
<td>2,000 sq. ft.</td>
<td>20 ft. min.</td>
</tr>
<tr>
<td>Civic Building</td>
<td>2,000 sq. ft.</td>
<td>20 ft. min.</td>
</tr>
</tbody>
</table>

## Setbacks - Principal Building

<table>
<thead>
<tr>
<th>Backset Type</th>
<th>Minimum/Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Street</td>
<td>0 ft. min./12 ft. max.</td>
</tr>
<tr>
<td>Secondary Street</td>
<td>0 ft. min./12 ft. max.</td>
</tr>
<tr>
<td>Side</td>
<td>0 ft. min.</td>
</tr>
<tr>
<td>Rear</td>
<td>0 ft. min.</td>
</tr>
<tr>
<td>Rear, abutting alley</td>
<td>3 ft. min.</td>
</tr>
</tbody>
</table>

## Setbacks - Accessory Structure

<table>
<thead>
<tr>
<th>Backset Type</th>
<th>Minimum/Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Street</td>
<td>20 ft. plus principal structure setback min.</td>
</tr>
<tr>
<td>Secondary Street</td>
<td>20 ft. plus principal structure setback min.</td>
</tr>
<tr>
<td>Side</td>
<td>0 ft. min.</td>
</tr>
<tr>
<td>Rear</td>
<td>3 ft. min. or 15 ft. from centerline of alley</td>
</tr>
</tbody>
</table>

## Parking Location

<table>
<thead>
<tr>
<th>Layer (Section 4.3.3.1)</th>
<th>Surface</th>
<th>Garage</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Layer</td>
<td>Not Allowed</td>
<td>Not Allowed</td>
</tr>
<tr>
<td>Second Layer</td>
<td>Allowed along secondary street only</td>
<td>Not Allowed</td>
</tr>
<tr>
<td>Third Layer</td>
<td>Allowed</td>
<td>Allowed</td>
</tr>
</tbody>
</table>

## Build-to Zone (BTZ)

<table>
<thead>
<tr>
<th>Build-to Zone (BTZ)</th>
<th>Minimum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Facade in primary street</td>
<td>80% min.</td>
</tr>
<tr>
<td>Building Facade in secondary street</td>
<td>60% min.</td>
</tr>
</tbody>
</table>

## Durable Building Material Area

<table>
<thead>
<tr>
<th>Durable Building Material Area</th>
<th>Minimum/Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Material</td>
<td>80% min.</td>
</tr>
<tr>
<td>Secondary Material</td>
<td>20% max.</td>
</tr>
<tr>
<td>Blank Wall Area</td>
<td>25 ft. max.</td>
</tr>
</tbody>
</table>
SECTION 4.4.4.3  LIGHT INDUSTRIAL

**District Intent Statements**
LI is intended to accommodate manufacturing and light industrial uses in order promote economic viability, encourage employment growth, and limit the encroachment of non-industrial development within established industrial areas. Development should be operated in a relatively clean and quiet manner, and should not be obnoxious to nearby residential or commercial uses.

**Density**
Impervious Cover  80% max.

**Transportation**
- Block Perimeter: 5,000 ft. max.  Section 3.6.2.1
- Streetscape Type: Conventional  Section 3.8.1.7

**Building Types Allowed**
- General Commercial  Section 4.4.6.12
- Civic Building  Section 4.4.6.14

**Building Standards**
- Principle Building Height: 4 stories max.  62 ft. max.
- Accessory Structure Height: N/A  24 ft. max.
# Lot

<table>
<thead>
<tr>
<th>Building Type</th>
<th>Lot Area</th>
<th>Lot Width</th>
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<td>General Commercial</td>
<td>7,000 sq. ft.</td>
<td>70 ft. min.</td>
</tr>
<tr>
<td>Civic Building</td>
<td>7,000 sq. ft.</td>
<td>70 ft. min.</td>
</tr>
</tbody>
</table>

## Setbacks - Principal Building

| Primary Street      | 20 ft. min.   |
| Secondary Street    | 20 ft. min.   |
| Side                | 20 ft. min.   |
| Rear                | 20 ft. min.   |

## Setbacks - Accessory Structure

| Primary Street      | 50 ft. min.   |
| Secondary Street    | 20 ft. min.   |
| Side                | 5 ft. min.    |
| Rear                | 5 ft. min.    |

## Parking Location

<table>
<thead>
<tr>
<th>Layer (Section 4.3.3.1)</th>
<th>Surface</th>
<th>Garage</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Layer</td>
<td>Allowed</td>
<td>Allowed</td>
</tr>
<tr>
<td>Second Layer</td>
<td>Allowed</td>
<td>Allowed</td>
</tr>
<tr>
<td>Third Layer</td>
<td>Allowed</td>
<td>Allowed</td>
</tr>
</tbody>
</table>

## Durable Building Material and Blank Wall Area

| Primary Material | 70% min.  |
| Secondary Material| 30% max.  |
| Blank Wall Area   | 50 ft. max. |
## Use Regulations

### San Marcos Development Code   Amended: November 3, 2021

## 5:4

### Chapter

### Section 5.1.2.1 Land Use Matrix

#### Table 5.1 Land Use Matrix

<table>
<thead>
<tr>
<th>Types of Land Uses</th>
<th>Conventional Residential</th>
<th>Neighborhood Density Districts</th>
<th>Character Districts</th>
<th>Special Districts</th>
<th>Definition Use Standards</th>
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<tbody>
<tr>
<td></td>
<td>FD</td>
<td>SF-R</td>
<td>SF-6</td>
<td>SF-4.5</td>
<td>Ni-3</td>
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<td><strong>Agricultural Uses</strong></td>
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<tr>
<td>Barns or agricultural buildings</td>
<td>P</td>
<td>L</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Stables</td>
<td>P</td>
<td>L</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Community Garden</td>
<td>P</td>
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<td>L</td>
<td>L</td>
<td>L</td>
</tr>
<tr>
<td>Urban Farm</td>
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<td>C</td>
<td>C</td>
<td>C</td>
<td>L</td>
</tr>
<tr>
<td>Plant Nursery</td>
<td>L</td>
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**Legend**

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<td>Permitted Use</td>
<td>Limited Use</td>
<td>Conditional Use</td>
<td>Uses Not Permitted</td>
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San Marcos Development Code   Amended: November 3, 2021
# Table 5.1 Land Use Matrix

<table>
<thead>
<tr>
<th>Types of Land Uses</th>
<th>Conventional Residential</th>
<th>Neighborhood Density Districts</th>
<th>Character Districts</th>
<th>Special Districts</th>
<th>Definition Use Standards</th>
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<tbody>
<tr>
<td>Mobile Home Community / Manufactured Home Park / Tiny Home Village</td>
<td>FD SF-R SF-6 SF-6.4 MF-3 MF-3.2 MF-3.5 MF-4 H-CN</td>
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<tr>
<td>Community Home</td>
<td>L L L L L P P P P P P P P P P</td>
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<tr>
<td>Fraternity or Sorority Building</td>
<td>-- -- -- -- -- -- -- C C C C C P P P P P</td>
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## Commercial Uses

| Professional Office                        | -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- C L P | -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- | Section 5.1.5.1 |
| Medical, except as listed below:          | -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- | Section 5.1.5.2 |
| Urgent care, emergency clinic, or hospital| -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- | Section 5.1.5.2 |
| Nursing/retirement home                    | -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- | Section 5.1.5.2 |
| Personal Services, except as listed below:| -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- | Section 5.1.5.3 |
| Animal care (indoor)                       | C -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- | Section 5.1.5.3 |
| Animal care (outdoor)                      | C -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- | Section 5.1.5.3 |
| Funeral Home                               | -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- | Section 5.1.5.3 |

All Retail Sales, except as listed below: | -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- | Section 5.1.5.4 |
| Gasoline Sales                             | -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- | Section 5.1.5.4 |
| Truck stop                                 | -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- | Section 5.1.5.4 |
| Tattoo, body piercing                      | -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- | Section 5.1.5.4 |
| Building material sales                    | -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- | Section 5.1.5.4 |
| Vehicle Sales/ Rental                      | -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- | Section 5.1.5.4 |
| Pawnshop                                   | -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- | Section 5.1.5.4 |

Restaurant/Bar, as listed below: | -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- | Section 5.1.5.5 |
| Eating Establishment                      | -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- | Section 5.1.5.5 |
| Bar                                       | -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- | Section 5.1.5.5 |
| Mobile Food Court                         | -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- -- | -- -- -- -- -- -- -- | Section 5.1.5.5 |

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<th>Limited Use</th>
<th>C</th>
<th>Conditional Use</th>
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<th>Uses Not Permitted</th>
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**Character District - 5 vs. Light Industrial**

Amended: November 3, 2021 San Marcos Development Code

---
## Use Regulations

### Table 5.1 Land Use Matrix

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<thead>
<tr>
<th>Types of Land Uses</th>
<th>Conventional Residential</th>
<th>Neighborhood Density Districts</th>
<th>Character Districts</th>
<th>Special Districts</th>
<th>Definition Use Standards</th>
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<tbody>
<tr>
<td></td>
<td>FD</td>
<td>SF-R</td>
<td>SF-6</td>
<td>SF-4.5</td>
<td>ND-3</td>
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<tr>
<td>Sale of Alcohol for on premise consumption</td>
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<td>--</td>
<td>--</td>
<td>--</td>
<td>C</td>
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<td>Overnight Lodging, as listed below:</td>
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<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Bed and Breakfast (up to 8 rooms)</td>
<td>L</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>L</td>
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<tr>
<td>Boutique Hotel (9 - 30 rooms)</td>
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<td>--</td>
<td>C</td>
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<tr>
<td>Hotel/ Motel (more than 30 rooms)</td>
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<td>Outdoor Recreation, except as listed below:</td>
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<td>--</td>
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<td>--</td>
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<tr>
<td>Golf Course</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
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<td>Traveler Trailers/ RVs Short Term stays</td>
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<td>Shooting Range</td>
<td>C</td>
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<td>Indoor Recreation, except as listed below:</td>
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<tr>
<td>Gym/ Health club</td>
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<td>L</td>
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<td>Smoking Lounge</td>
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<td>Charitable Gaming Facility</td>
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<td>Special Event Facility</td>
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<td>C</td>
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</tbody>
</table>

### Public & Institutional

| Civic, except as listed below:                         | P  | L    | L    | L    | L    | L    | P    | P    | P    | P    | P    | P    | P    | P    | P    | P    | P    | P    | P    | P    | P    | P    | P    | Section 5.1.6.1 |
| Day Care Center                                        | C  | --   | --   | --   | C    | C    | L    | P    | --   | --   | C    | C    | C    | L    | P    | P    | --   | --   | --   | --   | --   | --   | --   | Section 5.1.6.1 |
| Major Utilities                                        | -- | --   | --   | --   | --   | --   | --   | --   | --   | --   | --   | --   | --   | --   | --   | --   | --   | --   | --   | --   | --   | --   | --   | Section 5.1.6.3 |
| Antenna                                                | See Section 5.1.6.3D   | |

### Industrial

| Light Industrial                                       | -- | --   | --   | --   | --   | --   | --   | --   | --   | --   | --   | --   | --   | --   | --   |--   | --   | P   | P   | P   | P   | P   | P   | Section 5.1.7.1 |
| Light Manufacturing                                    | -- | --   | --   | --   | --   | --   | C    | --   | --   | --   | --   | --   | --   | --   | --   | --   | --   | --   | --   | --   | --   | --   | --   | Section 5.1.7.2 |

### Legend

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<th>C</th>
<th>Conditional Use</th>
<th>--</th>
<th>Uses Not Permitted</th>
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</thead>
</table>
### Table 5.1 Land Use Matrix

<table>
<thead>
<tr>
<th>Types of Land Uses</th>
<th>Conventional Residential</th>
<th>Neighborhood Density Districts</th>
<th>Character Districts</th>
<th>Special Districts</th>
<th>Definition Use Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>FD</td>
<td>SF-R</td>
<td>SF-6</td>
<td>SF-4.5</td>
<td>ND-3</td>
</tr>
<tr>
<td>Vehicle Service, as listed below:</td>
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<tr>
<td>Car Wash</td>
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<tr>
<td>Vehicle repair (minor)</td>
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<tr>
<td>Vehicle repair (major)</td>
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<td>Warehouse &amp; Distribution</td>
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<td>Waste-Related service</td>
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<td>Wholesale trade</td>
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<td>Self Storage</td>
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<tr>
<td>Research and Development</td>
<td>--</td>
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<tr>
<td>Wrecking/Junk Yard</td>
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</tbody>
</table>

**Legend**

| P | Permitted Use | L | Limited Use | C | Conditional Use | -- | Uses Not Permitted |

(Ord. No. 2020-60, 9-1-2020; Ord. No. 2021-47, 8-3-21)
### Zoning District Comparison Chart

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<thead>
<tr>
<th>Topic</th>
<th>Existing Zoning: Character District – 5 (CD-5)</th>
<th>Proposed Zoning: Light Industrial (LI)</th>
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<tr>
<td><strong>Zoning Description</strong></td>
<td>The CD-5 district is primarily intended to provide a variety of residential, retail, service, and commercial uses. To promote walkability and compatibility, auto-oriented uses are restricted. CD-5 promotes mixed use and pedestrian-oriented activity.</td>
<td>Light Industrial is intended to accommodate manufacturing and light industrial uses in order to promote economic viability, encourage employment growth, and limit the encroachment of non-industrial development within established industrial areas. Development should be operated in a relatively clean and quiet manner and should not be obnoxious to nearby residential or commercial uses.</td>
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<tr>
<td><strong>Uses</strong></td>
<td>Residential, Commercial, Office, etc. <em>(See Land Use Matrix)</em></td>
<td>Primarily industrial uses as well as light manufacturing, offices, waste related services, and warehouse and distribution. Examples of light industrial uses include food and beverage products, breweries, contractor storage, dry-cleaning, furniture manufacturing, and welding <em>(See Land Use Matrix)</em></td>
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<tr>
<td><strong>Parking Location</strong></td>
<td>No parking in the 1st layer; Parking allowed in 2nd layer along secondary street only</td>
<td>No location standards</td>
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<tr>
<td><strong>Parking Standards</strong></td>
<td>Dependent upon use</td>
<td>Depends on use.</td>
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<td><strong>Max Residential Units per acre</strong></td>
<td>N/A</td>
<td>N/A - Residential uses are not allowed</td>
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<td><strong>Occupancy Restrictions</strong></td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td><strong>Landscaping</strong></td>
<td>Tree and shrub requirements</td>
<td>Tree and shrub requirements</td>
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<td><strong>Building Height (max)</strong></td>
<td>2 stories (min), 5 stories (max)</td>
<td>4 stories</td>
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<tr>
<td><strong>Setbacks</strong></td>
<td>0' minimum/12' max front, 0' side, and 0' rear</td>
<td>20' minimum front, side, and rear</td>
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<tr>
<td><strong>Impervious Cover (max)</strong></td>
<td>100%</td>
<td>80%</td>
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<td><strong>Lot Sizes</strong></td>
<td>Allows a variety of lot sizes depending on Building Type with 1,100 sq ft in area and 15' lot in width being the smallest allowed minimums</td>
<td>Minimum 7,000 sq ft lot area, Minimum 70 ft lot width</td>
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<tr>
<td>Streetscapes</td>
<td>Main Street: 10' sidewalk, street trees every 35' on center average, 7' planting area between sidewalk and street required</td>
<td>Conventional Street: 6' sidewalk, street trees every 40' on center average, 7' planting area between sidewalk and street required.</td>
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<td>----------------------</td>
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<tr>
<td>Blocks</td>
<td>2,000 ft. block perimeter max</td>
<td>5,000 ft. Block Perimeter max</td>
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### Character District-5 vs. Light Industrial

Section 4.2.1.2 Building Types Allowed by District

Building types are allowed by district as set forth below.

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<th>Table 4.10</th>
<th>Building Types Allowed by District</th>
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<td><strong>ACCESSORY DWELLING UNIT</strong></td>
<td>FD CD-2 CD-3 CD-4 CD-5 CD-5D HC LI HI CM</td>
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<td><strong>House</strong></td>
<td>SF-R SF-6 SF-4.5 ND-3 ND-4 N-CM CD-3 CD-4</td>
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<td><strong>COTTAGE COURT</strong></td>
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<td><strong>Duplex</strong></td>
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<td><strong>ZERO LOT LINE HOUSE</strong></td>
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<td><strong>Townhouse</strong></td>
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<td><strong>Small Multi-Family</strong></td>
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<td><strong>Courtyard Housing</strong></td>
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<td><strong>Apartment</strong></td>
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Amended: November 3, 2021  San Marcos Development Code
## Table 4.10 Building types allowed by district

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<th>SF-6 SF 4.5</th>
<th>ND-3</th>
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<td><strong>Mixed Use Shopfront</strong></td>
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### Legend

- • = Allowed
- -- = Not Allowed

(Ord. No. 2020-60, 9-1-2020)
### LAND USE – Preferred Scenario Map / Land Use Intensity Matrix

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<th>NO (map amendment required)</th>
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### ECONOMIC DEVELOPMENT – Furthering the goal of the Core 4 through the three strategies

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<th>SUMMARY</th>
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<th>Neutral</th>
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<td>Preparing the 21st Century Workforce</td>
<td>Provides / Encourages educational opportunities</td>
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<td>Competitive Infrastructure &amp; Entrepreneurial Regulation</td>
<td>Provides / Encourages land, utilities, and infrastructure for business</td>
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<td>x</td>
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<tr>
<td>The Community of Choice</td>
<td>Provides / Encourages safe &amp; stable neighborhoods, quality schools, fair wage jobs, community amenities, distinctive identity</td>
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### ENVIRONMENT & RESOURCE PROTECTION – Land Use Suitability & Development Constraints

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<td>Geological</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Slope</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Soils</td>
<td>x</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vegetation</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Watersheds</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Quality Zone</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
ENVIRONMENT & RESOURCE PROTECTION – Water Quality Model Results

Located in Subwatershed: **York Creek**

<table>
<thead>
<tr>
<th>Modeled Impervious Cover Increase Anticipated for watershed</th>
<th>0-25%</th>
<th>25-50%</th>
<th>50-75%</th>
<th>75-100%</th>
<th>100%+</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

The 2013 Comprehensive Plan predicted a 98% increase of impervious cover under the Preferred Scenario of development. Although this may seem alarming, the area is primarily rural, undeveloped, and used for agriculture so any increase in impervious cover will seem high compared to the existing amount of 1% at the time the Comprehensive Plan was adopted.

NEIGHBORHOODS – Where is the property located

<table>
<thead>
<tr>
<th>CONA Neighborhood(s):</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neighborhood Commission Area(s):</td>
<td>Sector 5</td>
</tr>
<tr>
<td>Neighborhood Character Study Area(s):</td>
<td>N/A</td>
</tr>
</tbody>
</table>

PARKS, PUBLIC SPACES AND FACILITIES – Availability of parks and infrastructure

<table>
<thead>
<tr>
<th>Will Parks and/or Open Space be Provided?</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Will Trails and/or Green Space Connections be Provided?</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Maintenance / Repair Density</th>
<th>Low (maintenance)</th>
<th>Medium</th>
<th>High (maintenance)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wastewater Infrastructure</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Infrastructure</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Public Facility Availability

<table>
<thead>
<tr>
<th>Parks / Open Space within ¼ mile (walking distance)?</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wastewater service available? Extensions are required, and developer will provide.</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Water service available? Extensions are required, and developer will provide.</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

TRANSPORTATION – Level of Service (LOS), Access to sidewalks, bicycle lanes and public transportation

<table>
<thead>
<tr>
<th>Existing Daily LOS</th>
<th>Centerpoint Rd</th>
<th>X</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>S Old Bastrop Hwy</td>
<td>X</td>
</tr>
<tr>
<td>Existing Peak LOS</td>
<td>Centerpoint Rd</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>S Old Bastrop Hwy</td>
<td>X</td>
</tr>
<tr>
<td>Preferred Scenario Daily LOS</td>
<td>Centerpoint Rd</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>S Old Bastrop Hwy</td>
<td>X</td>
</tr>
<tr>
<td>Preferred Scenario Peak LOS</td>
<td>Centerpoint Rd</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>S Old Bastrop Hwy</td>
<td>X</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Preferred Scenario Daily LOS</th>
<th>Centerpoint Rd</th>
<th>X</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preferred Scenario Peak LOS</td>
<td>Centerpoint Rd</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>S Old Bastrop Hwy</td>
<td>X</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sidewalk Availability</th>
<th>X</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sidewalks are required to be built as part of the development.</td>
<td>YES</td>
</tr>
<tr>
<td>Adjacent to existing bicycle lane?</td>
<td>X</td>
</tr>
<tr>
<td>Adjacent to existing public transportation route?</td>
<td>X</td>
</tr>
</tbody>
</table>

Notes: The closest CARTS bus route is Route 5, which is the Texas State/Outlet Malls route.
ZONING CHANGE, OVERLAY OR ESTABLISHMENT OF A HISTORIC DISTRICT/LANDMARK APPLICATION

Updated: March, 2023

CONTACT INFORMATION

<table>
<thead>
<tr>
<th>Applicant’s Name</th>
<th>Clayton Stolle</th>
<th>Property Owner</th>
<th>Walton Texas LP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Company</td>
<td>Westwood Professional</td>
<td>Company</td>
<td>Walton Global</td>
</tr>
<tr>
<td>Applicant’s Mailing Address</td>
<td>8701 N. Mopac Expwy., Suite 320, Austin, Texas</td>
<td>Owner’s Mailing Address</td>
<td>8800 N. Gainey Center Dr., Suite 345, Scottsdale,</td>
</tr>
<tr>
<td>Applicant’s Phone #</td>
<td>512-485-0891</td>
<td>Owner’s Phone #</td>
<td>832-699-8328</td>
</tr>
<tr>
<td>Applicant’s Email</td>
<td>clayton.stolle@westwoodp</td>
<td>Owner’s Email</td>
<td><a href="mailto:jbuford@walton.com">jbuford@walton.com</a></td>
</tr>
</tbody>
</table>

PROPERTY INFORMATION

Subject Property Address(es): 3,300' east of IH 35 along Centerpoint Road

Legal Description: Lot 1 and 3 Block 2 and 1 Subdivision John H. Yearby Survey, Abstract No. 508

Total Acreage: 18.841 Tax ID #: R 19162

Preferred Scenario Designation: Vacant

Existing Zoning: Character District - 5

Existing Land Use(s): Vacant

DESCRIPTION OF REQUEST

Proposed Zoning District(s): Light Industrial

Proposed Land Uses / Reason for Change: Industrial / Rezone property to align with adjacent parcels

AUTHORIZATION

I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.

Filing Fee* $1,000 plus $150 per acre Technology Fee $15 MAXIMUM COST $5,015

*Existing Neighborhood Regulating Plan Included.

Submittal of this digital Application shall constitute as acknowledgment and authorization to process this request.

APPLY ONLINE – WWW.MYGOVERNMENTONLINE.ORG/

Planning & Development Services • 630 East Hopkins • San Marcos, Texas 78666 • 512-393-8230
PROPERTY OWNER AUTHORIZATION

I, __________________________ (owner name) on behalf of
_________________________________________ (company, if applicable) acknowledge that I/we
am/are the rightful owner of the property located at
A0508 A0508 - John H Yearby Survey, ACRES 400.4827 (address).

I hereby authorize ___________________________ (agent name) on behalf of
Westwood Professional Services (agent company) to file this application for
Rezoning (application type), and, if necessary, to work with
the Responsible Official / Department on my behalf throughout the process.

OWNER: WALTON TEXAS, LP, a Texas limited partnership, on behalf of itself in its capacity as owner and on behalf of all other
owners in its capacity as manager, operator, or agent, as applicable, By: Walton Texas GP, LLC, a Texas limited liability
company, its General Partner, By: Walton International Group, Inc., a Nevada corporation, its Manager

Signature of Owner: ___________________________ Date: 08/02/2023
Printed Name, Title: Todd Woodhead, Vice President

Signature of Agent: ___________________________ Date: 07/31/2023
Printed Name, Title: Clayton Strolle

Form Updated October, 2019

Planning & Development Services • 630 East Hopkins • San Marcos, Texas 78666 • 512-393-8230
It shall be the responsibility of the applicant to periodically check sign locations to verify that the signs remain in place had have not been vandalized or removed. The applicant shall immediately notify the responsible official of any missing or defective signs. It is unlawful for a person to alter any notification sign, or to remove it while the request is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.

If, for any reason, more than one notice is required to be published it may be at the expense of the applicant. The renotification fee shall be $150 plus a $15 technology fee.

If, for any reason, more than one notice is required to be mailed it may be at the expense of the applicant. The renotification fee shall be $150 plus a $15 technology fee.

I have read the above statements and agree to the required public notification, as required, based on the attached application. The City’s Planning and Development Services Department staff has my permission to place signs, as required, on the property and I will notify City staff if the sign(s) is/are damaged, moved or removed. I understand the process of notification and public hearing and hereby submit the attached application for review by the City.

Signature: __________________________ Date: 07/31/2023
Print Name: Clayton Strolle
EXHIBIT “A”
DESCRIPTION

A 18.74 acres (816,302 square feet), tract of land, lying within the John H. Yearby Survey, Abstract 508, Hays County, Texas, and being a portion of a called 495.23 acre tract, conveyed to Walton Texas, LP in Volume 3822, Page 246, Official Public Records of Hays County, Texas, described as follows:

COMMENCING at a 1/2” iron rod found for an ell corner of said 495.23 acre tract, the western corner of a called 2.183 acre tract, conveyed to Pablo Zapata in Volume 1165, Page 11, Deed Records of Hays County, Texas and also being on the northeastern right of way line of Centerpoint Road, from which a 1/2” iron rod found for the southern corner of said 495.23 acre tract, the eastern corner of a called 1.109 acre tract, conveyed to Fleur Geiger in Document No. 21026919, Official Public Records of Hays County, Texas and also being on the northwestern right-of-way line of South Old Bastrop Highway, bears S64°35'28"E, a distance of 705.63 feet;

THENCE, over and across said 495.23 acre tract, the following seventeen (17) courses and distances:

1. N20°27'56"W, a distance of 3316.61 feet to a calculated point for the POINT OF BEGINNING and the southern corner of the herein described tract,
2. N45°55'13"W, a distance of 631.61 feet to a calculated point for the western corner of the herein described tract,
3. N48°25'30"E, a distance of 1218.78 feet to a calculated point for the northern corner of the herein described tract,
4. S43°16'46"E, a distance of 606.50 feet to a calculated point,
5. S46°41'16"E, a distance of 66.88 feet to a calculated point for the eastern corner of the herein described tract,
6. S34°46'21"W, a distance of 545.78 feet to a calculated point on the arc of a curve to the right,
7. With said curve to the right, an arc distance of 178.93 feet, having a radius of 1000.00 feet, an angle of 10°15'07", and a chord bearing N46°28'14" W, a distance of 178.69 feet to a calculated point;
8. S44°12'02"W, a distance of 45.39 feet to a calculated point,
9. S31°33'25"W, a distance of 70.21 feet to a calculated point,
10. S39°01'30"W, a distance of 76.09 feet to a calculated point,
11. S46°46'40"W, a distance of 67.44 feet to a calculated point,
12. S64°53'45"W, a distance of 72.82 feet to a calculated point,
13. S71°08'35"W, a distance of 59.54 feet to a calculated point,
14. S57°09'17"W, a distance of 78.76 feet to a calculated point,
15. S49°54'54"W, a distance of 67.77 feet to a calculated point,
16. S72°24'23"W, a distance of 49.18 feet to a calculated point,
17. S18°33'04" W, a distance of 91.21 feet to the POINT OF BEGINNING.

Containing 18.74 acres or 816,302 square feet, more or less.

BEARING BASIS NOTE
This project is referenced for all bearing and coordinate basis to the Texas State Plane Coordinate System NAD 83 (2011 adjustment), South Central Zone (4204).

Robert J. Gertson, RPLS
Texas Registration No. 6367
Atwell, LLC
805 Las Cimas Parkway, Suite 310
Austin, Texas 78746
Ph. 512-904-0505
TBPLS Firm No. 10193726

03/30/2022
18.74 ACRES
(816,302 SQ. FT.)

495.23 AC.
WALTON TEXAS, LP
VOL. 3822, PG. 246
O.P.R.H.C.T.

L=178.93'
R=1000.00'
Δ=10°15'07"
CB=N46°28'14"W
CD=178.69'

N48°25'30"E 1218.78'

N45°55'13"W 631.61'

POINT OF
BEGINNING

CENTERPOINT RD.

1.109 AC.
FLEUR GEIGER
DOC. NO. 21026919
O.P.R.H.C.T.

1/2" IRON
ROD FOUND SE
6/28/2022

POINT OF
COMMENCING

18.74 ACRE
OUT OF THE JOHN H. YEARBY SURVEY,
ABSTRACT NO. 508
HAYS COUNTY, TEXAS

DATE: 12/21/21
DRAWN: EB
CHECKED: RG
JOB NO.: 21004913
PG. OF 02 02

LEGEND
△ CALCULATED POINT
● PROPERTY CORNER
FOUND AS NOTED
O.P.R.H.C.T.
OFFICIAL PUBLIC RECORDS
OF HAYS COUNTY, TEXAS
P.R.H.C.T.
PLAT RECORDS OF
HAYS COUNTY, TEXAS

SCALE: 1"=250'

LINE DATA TABLE

<table>
<thead>
<tr>
<th>LINE #</th>
<th>DIRECTION</th>
<th>LENGTH</th>
</tr>
</thead>
<tbody>
<tr>
<td>L1</td>
<td>S46°11'16&quot;E</td>
<td>66.88'</td>
</tr>
<tr>
<td>L2</td>
<td>S44°12'02&quot;W</td>
<td>45.39'</td>
</tr>
<tr>
<td>L3</td>
<td>S31°33'25&quot;W</td>
<td>70.21'</td>
</tr>
<tr>
<td>L4</td>
<td>S39°01'30&quot;W</td>
<td>76.09'</td>
</tr>
<tr>
<td>L5</td>
<td>S46°46'40&quot;W</td>
<td>67.44'</td>
</tr>
<tr>
<td>L6</td>
<td>S64°53'45&quot;W</td>
<td>72.82'</td>
</tr>
<tr>
<td>L7</td>
<td>S71°08'35&quot;W</td>
<td>59.54'</td>
</tr>
<tr>
<td>L8</td>
<td>S57°09'17&quot;W</td>
<td>78.76'</td>
</tr>
<tr>
<td>L9</td>
<td>S49°54'54&quot;W</td>
<td>67.77'</td>
</tr>
<tr>
<td>L10</td>
<td>S72°24'23&quot;W</td>
<td>49.18'</td>
</tr>
<tr>
<td>L11</td>
<td>S18°33'04&quot;W</td>
<td>91.21'</td>
</tr>
</tbody>
</table>

03/30/2022
AGENDA CAPTION:
Consider approval of Ordinance 2024-02, on the first of two readings, amending the city’s 2023-2024 Fiscal Year budget to carry forward funds from the 2022-2023 Fiscal Year; to adjust revenue and expenditure accounts in multiple operating, special revenue, internal service, and capital improvement project funds; including procedural provisions; and providing an effective date.

Meeting date:  January 16, 2024

Department:  Finance Department

Amount & Source of Funding
Funds Required:  N/A
Account Number:  N/A
Funds Available:  N/A
Account Name:  N/A

Fiscal Note:
Prior Council Action:  N/A

City Council Strategic Initiative:  [Please select from the dropdown menu below]
Public Safety, Core Services & Fiscal Excellence
Choose an item.
Choose an item.

Comprehensive Plan Element (s):  [Please select the Plan element(s) and Goal # from dropdown menu below]
☐ Economic Development - Choose an item.
☐ Environment & Resource Protection - Choose an item.
☐ Land Use - Choose an item.
☐ Neighborhoods & Housing - Choose an item.
☐ Parks, Public Spaces & Facilities - Choose an item.
☐ Transportation - Choose an item.
☒ Core Services
Background Information:
This is the first budget amendment for Fiscal Year 2023-2024. During a fiscal year, the purchasing process will begin for certain projects, services, or operational supplies and not be completed until the following fiscal year. The purpose of this budget amendment is to carry forward purchase orders and contracts for goods and services that began in Fiscal Year 2022-2023 and were not received or completed by the end of the fiscal year. It also includes items to adjust revenue and expenditure accounts in multiple operating, special revenue, internal service, and capital improvement project funds.

Carry forward amounts tied to purchase orders and contracts by fund are as follows:
- General Fund - $2,686,681
- Special Revenue - $680,452
- Stormwater - $37,866
- Electric Utility - $775,924
- Water-Wastewater - $627,829
- Resource Recovery - $(9,189)

Cash to fund FY24 CIP by fund are as follows:
- General Fund - $863,000
- Electric Utility - $40,000
- Water-Wastewater - $2,500,000

Below is a table that shows the total requested revenue and expense amendments by Fund. Attachment Exhibit A shows the amount being amended by fund and account and includes a brief explanation.
Council Committee, Board/Commission Action:
N/A

Alternatives:
N/A

Recommendation:
City Council approve the ordinance amending the City’s 2023-2024 Fiscal Year budget.
ORDINANCE NO. 2024-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING THE CITY’S 2023-2024 FISCAL YEAR BUDGET TO CARRY FORWARD FUNDS FROM THE 2022-2023 FISCAL YEAR; TO ADJUST REVENUE AND EXPENDITURE ACCOUNTS IN MULTIPLE OPERATING, SPECIAL REVENUE, INTERNAL SERVICE, AND CAPITAL IMPROVEMENT PROJECT FUNDS; INCLUDING PROCEDURAL PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

In accordance with Section 8.16 of the City Charter, the City Council declares that a public necessity exists that requires an amendment to the City’s 2023 - 2024 Fiscal Year Budget.

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

SECTION 1. The City Budget Ordinance for the 2023-2024 Fiscal Year is amended as set forth in the attached Exhibit A, and as summarized by Fund in the following table:

<table>
<thead>
<tr>
<th>FUND</th>
<th>TYPE</th>
<th>ADOPTED FY 2024 BUDGET</th>
<th>REQUESTED AMENDMENTS</th>
<th>REVISED FY 2024 BUDGET</th>
</tr>
</thead>
<tbody>
<tr>
<td>GENERAL FUND</td>
<td>Revenue</td>
<td>$111,351,806</td>
<td>$137,791</td>
<td>$111,489,597</td>
</tr>
<tr>
<td>TIRZ 5 - DOWNTOWN</td>
<td>Revenue</td>
<td>$693,181</td>
<td>$(17,624)</td>
<td>$675,557</td>
</tr>
<tr>
<td>ELECTRIC UTILITY FUND</td>
<td>Revenue</td>
<td>$72,749,545</td>
<td>$31,312</td>
<td>$72,780,857</td>
</tr>
<tr>
<td>GENERAL FUND</td>
<td>Expense</td>
<td>$114,880,338</td>
<td>$3,549,681</td>
<td>$118,430,019</td>
</tr>
<tr>
<td>SPECIAL REVENUE</td>
<td>Expense</td>
<td>$10,169,750</td>
<td>$660,452</td>
<td>$10,850,202</td>
</tr>
<tr>
<td>STORMWATER FUND</td>
<td>Expense</td>
<td>$9,440,380</td>
<td>$37,066</td>
<td>$9,478,246</td>
</tr>
<tr>
<td>ELECTRIC UTILITY FUND</td>
<td>Expense</td>
<td>$73,934,172</td>
<td>$815,924</td>
<td>$74,750,096</td>
</tr>
<tr>
<td>WATER- WASTE WATER UTILITY FUND</td>
<td>Expense</td>
<td>$65,200,822</td>
<td>$3,127,829</td>
<td>$68,328,651</td>
</tr>
<tr>
<td>RESOURCE RECOVERY FUND</td>
<td>Expense</td>
<td>$7,243,073</td>
<td>$(9,189)</td>
<td>$7,233,884</td>
</tr>
</tbody>
</table>

| TOTAL INCREASE IN REVENUE     | $151,479  |
| TOTAL INCREASE IN EXPENDITURES| $8,202,563 |

SECTION 2. 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 3. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 4. This ordinance will take effect immediately after its passage, approval, and adoption on second reading.

PASSED AND APPROVED on first reading on January 16, 2024

PASSED, APPROVED AND ADOPTED on second reading on January 30, 2024.
Jane Hughson
Mayor

Attest:

Liz Trevino
City Clerk

Approved:

Sam Aguirre
City Attorney
<table>
<thead>
<tr>
<th>Fund / Account</th>
<th>Department</th>
<th>Increase to Budget</th>
<th>Justification</th>
</tr>
</thead>
<tbody>
<tr>
<td>10000000</td>
<td>General Fund</td>
<td>137,791</td>
<td>EMBASSY PARKING LOT RE-STRIPING</td>
</tr>
<tr>
<td>14060000</td>
<td>TIRZ 5 - Downtown</td>
<td>(17,624)</td>
<td>DECREASE TO COUNTY REVENUES</td>
</tr>
<tr>
<td>21000000</td>
<td>Electric Utility Fund</td>
<td>31,312</td>
<td>INCREASE TO INDIRECT COST ALLOCATION</td>
</tr>
<tr>
<td><strong>TOTAL REVENUE</strong></td>
<td></td>
<td><strong>$ 151,479</strong></td>
<td></td>
</tr>
<tr>
<td>10001011</td>
<td>City Clerk</td>
<td>3,181</td>
<td>FY23 BUDGET CARRYFORWARD (CFWD)</td>
</tr>
<tr>
<td>10001111</td>
<td>Human Resources</td>
<td>83,800</td>
<td>COMP STUDY; HR OFFICE MOVE / EXPANSION; FY23 CONSTRUCTION</td>
</tr>
<tr>
<td>10001117</td>
<td>Information Technology [IT]</td>
<td>638,018</td>
<td>PROJECT BACKLOG - REPLACEMENT CITY FILE STORAGE ($616K); FY23 BUDGET CARRYFORWARD (CFWD)</td>
</tr>
<tr>
<td>10001133</td>
<td>Economic Development</td>
<td>5,000</td>
<td>FY24 CASH FUND CIP ($863K); AVAYA PHONE UPGRADE ($80K); INCRIPT TO COVER FY24 INCREASED TML-IRP INSURANCE CONTRACT COSTS ($58K); COMMEMORATIVE AIR FORCE MUSEUM (CAF - $25K)</td>
</tr>
<tr>
<td>10002135</td>
<td>Fire</td>
<td>9,616</td>
<td>FY23 BUDGET CARRYFORWARD (CFWD)</td>
</tr>
<tr>
<td>10002141</td>
<td>Police</td>
<td>9,037</td>
<td>FY23 BUDGET CARRYFORWARD (CFWD)</td>
</tr>
<tr>
<td>10002147</td>
<td>Public Works - Admin</td>
<td>598,580</td>
<td>FY23 BUDGET CARRYFORWARD (CFWD)</td>
</tr>
<tr>
<td>10006144</td>
<td>Public Works - Traffic</td>
<td>147,702</td>
<td>FY23 BUDGET CARRYFORWARD (CFWD)</td>
</tr>
<tr>
<td><strong>TOTAL GENERAL FUND</strong></td>
<td></td>
<td><strong>$ 3,549,681</strong></td>
<td></td>
</tr>
<tr>
<td>12008165</td>
<td>Library - Memorial</td>
<td>9,166</td>
<td>BALANCE FROM FY ENCUMBRANCE</td>
</tr>
<tr>
<td>12007214</td>
<td>Main Street Sponsorships</td>
<td>3,500</td>
<td>MAINSTREET BOARD ORIENTATION AND WORKSHOPS</td>
</tr>
<tr>
<td>12042224</td>
<td>CVB</td>
<td>143,071</td>
<td>BALANCE FROM FY ENCUMBRANCE; EMBASSY PARKING LOT RE-STRIPING</td>
</tr>
<tr>
<td>12042226</td>
<td>Tourism</td>
<td>598,580</td>
<td>FY23 BUDGET CARRYFORWARD (CFWD)</td>
</tr>
<tr>
<td>12043369</td>
<td>Parks Improvement Funds</td>
<td>155,248</td>
<td>FY23 BUDGET CARRYFORWARD (CFWD)</td>
</tr>
<tr>
<td>12053231</td>
<td>Seized Assets - State</td>
<td>155,248</td>
<td>FY23 BUDGET CARRYFORWARD (CFWD)</td>
</tr>
<tr>
<td><strong>TOTAL SPECIAL REVENUE FUND</strong></td>
<td></td>
<td><strong>$ 680,452</strong></td>
<td></td>
</tr>
<tr>
<td>22006300</td>
<td>W/WW - Administration</td>
<td>3,500</td>
<td>FY23 BUDGET CARRYFORWARD (CFWD)</td>
</tr>
<tr>
<td>22006301</td>
<td>W/WW - Collections</td>
<td>3,500</td>
<td>FY23 BUDGET CARRYFORWARD (CFWD)</td>
</tr>
<tr>
<td><strong>TOTAL WATER-WASTEWATER UTILITY FUND</strong></td>
<td></td>
<td><strong>$ 815,924</strong></td>
<td></td>
</tr>
</tbody>
</table>

| TOTAL INCREASE IN REVENUE | $ 151,479 |
| TOTAL INCREASE IN EXPENDITURES | $ 8,202,563 |
AGENDA CAPTION:
Consider approval of Ordinance 2024-03, on the first of two readings, amending Chapter 82 of the San Marcos City Code to, among other things, define the authority of the city’s Parking Advisory Board, update the list parking violations and associated fines, and allowing for the creation of parking benefit districts; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

Meeting date: January 16, 2024

Department: Public Works

Amount & Source of Funding
Funds Required: NA
Account Number: NA
Funds Available: NA
Account Name: NA

Fiscal Note:
Prior Council Action: NA

City Council Strategic Initiative: [Please select from the dropdown menu below]
Mobility & Connectivity
Choose an item.
Choose an item.

Comprehensive Plan Element(s): [Please select the Plan element(s) and Goal # from dropdown menu below]
☐ Economic Development - Choose an item.
☐ Environment & Resource Protection - Choose an item.
☐ Land Use - Choose an item.
☐ Neighborhoods & Housing - Choose an item.
☐ Parks, Public Spaces & Facilities - Choose an item.
☒ Transportation - Multimodal transportation network to improve accessibility and mobility, minimize congestion and reduce pollution
Background Information:

Chapter 82 of the City of San Marcos Code of Ordinances contains all regulations for all parking and enforcement related ordinances. The Parking Advisory Board has made recommendations for changes to the Ordinance and staff has evaluated those recommendations. The Ordinance changes for consideration are a collaborative effort of staff and the Board in an effort to improve parking management for the City. Below is the timeline for this effort and a summary of the changes present in this Ordinance amendment.

Timeline:

- December 2018: Parking Advisory Board (PAB) established. Charge includes providing recommendations on:
  - Parking and transportation demand management
  - Creation and management of Parking Benefit Districts
  - On-Street, Off-Street, and Permit parking regulations
- April 2022: PAB approved RR 2022-01 PAB.
  - Outlines Board’s intent to request the City Council to authorize modifications to Chapter 82 (TRAFFIC & VEHICLES) where all parking codes resides.
- June 2022: PAB approved recommendations for revisions to Chapter 82.
- June 2023: Staff presented Recommended Resolution 2022-01 to Council for direction.
- December 2023: PAB approved Chapter 82 ordinance revisions.

Summary of Revisions:

- Defines the term “mobility” as the safe and convenient ability of a person or object to move throughout the City in a manner other than automotive traffic.
- Defines City’s parking manager’s roles and responsibilities.
- Makes the City’s traffic register available to the public on the City’s website.
- Revises the penalties for parking violations.
- Provides alternative means to satisfy fines.
- Establishes timeline for future review of penalties structure.
- Provides the process for creating and managing Parking Benefit Districts.
**Council Committee, Board/Commission Action:**
Click or tap here to enter text.

**Alternatives:**
Click or tap here to enter text.

**Recommendation:**
Staff recommends amending the ordinance.
ORDINANCE NO. _________

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING CHAPTER 82 OF THE SAN MARCOS CITY CODE TO, AMONG OTHER THINGS, DEFINE THE AUTHORITY OF THE CITY’S PARKING ADVISORY BOARD, UPDATE THE LIST PARKING VIOLATIONS AND ASSOCIATED FINES, AND ALLOWING FOR THE CREATION OF PARKING BENEFIT DISTRICTS; PROVIDING A SAVINGS CLAUSE; 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. Various sections of Chapter 82 of the San Marcos City Code are amended as set forth below. Added provisions are indicated by underlining. Deleted provisions are indicated by strikethroughs.

SECTION 2. Section 82.001 of the San Marcos City Code is hereby amended by adding the following definition to be inserted in alphabetical order.

Mobility means the safe and convenient ability of a person or object to move throughout the city other than as automotive traffic.

SECTION 3. Chapter 82, Article 2, of the San Marcos City is amended by modifying Division 2 as follows and creating a new Division 2 as provided in Section 4:

DIVISION 2. TRAFFIC CONTROL DEVICES PARKING ADVISORY BOARD AND PARKING MANAGEMENT

Sec. 82.037. Created Advisory Board.

There is hereby created the City of San Marcos The Parking Advisory Board, hereinafter referred to as the “board.” is created and subject to the rules governing its composition, purposes, duties and affairs under Sections 2.171 through 2.178 of the City Code.

Sec. 82.038. Composition; appointment of members.

(a) The board will be comprised of seven voting members, and two non-voting city council members. The city council shall appoint all members of the board. When considering appointments to the board, the city council shall endeavor to appoint individuals who represent the variety of downtown stakeholders, and who meet the following qualifications: One member recommended by the Main Street Advisory Board, one member recommended by
the Downtown Association of San Marcos Board, two members who are either a business owner within the Downtown Parking Benefit District, a property owner within the Downtown Parking Benefit District, or a resident within the Downtown Parking Benefit District, three members at-large, and two non-voting city council members.

(b) Upon the establishment of a parking benefit district in an area outside of the downtown parking benefit district one of the two seats on the board held by a downtown parking benefit district member will be eliminated. The seat to be eliminated will be that which is held by the member whose term is the soonest to expire with the seat being eliminated effective what that member’s term expires. After such seat on the board is eliminated, as new appointments for expiring or vacant at-large seats are made, preference such for at-large member appointments shall be given to a business owner, property owner or resident from within any parking benefit district other than the downtown parking benefit district.

Sec. 82.039. Term of office.

Members are appointed to three-year staggered terms, subject to any limitations set forth in Chapter 2, Article 3 of this Code.

Sec. 82.040. Duties and responsibilities.

(a) The board will serve an advisory function, providing recommendations to the city manager and city council regarding creation and operation of the parking and transportation demand management program including, but not limited to, the establishment, modification or termination of parking benefit districts; on street parking regulations including areas, hours of operation, time limits, rates, citations and penalties; off street parking regulations including areas, hours of operation, time limits, rates, citations and penalties; parking permit areas and rates; code and ordinances governing the planning, design, construction, operation and maintenance of parking facilities; and codes and ordinances governing mobility policies, programs, or infrastructure investments.

(b) The board will develop written guidelines regarding the process for allocation of city parking benefit district funds, and in accordance with the codes and ordinances governing city parking benefit districts, shall provide oversight for the expenditure of city parking benefit district funds for the promotion of economic development; transit supporting facilities; active and shared use transportation; community vitality; and quality of life.

(c) The board and its members have no authority to expend funds, make obligations on behalf of the city or to give instructions to city staff.
Sec. 82.041. Officers.

Unless otherwise specified in this chapter or in bylaws adopted by the board in accordance with this chapter, the board shall elect a chairperson and a vice-chairperson from among its members at the first regular meeting following any regular appointment cycle. The chairperson will preside over all meetings of the board. The vice-chairperson will serve in the absence of the chairperson.

Sec. 82.042. Compensation.

All members of the board shall serve without compensation but may be reimbursed for all expenses reasonably incurred by them in the performance of their duties as members of the board, when authorized in advance of the city council.

Sec. 82.043. Meetings.

Unless otherwise provided in the bylaws of the board adopted in accordance with this chapter, the board will meet at least quarterly and will have the authority to schedule special meetings if required to fulfill the board’s obligations or to meet deadlines set by the city council.

Sec. 82.044. Bylaws.

The board shall adopt bylaws in accordance with the requirements of Chapter 2 of this Code.

Sec. 82.045. Parking Personnel management.

Subject to annual appropriations in the city’s approved budget, the city manager will assign a staff member to serve as a parking mobility manager. The parking mobility manager will make recommendations to or assist the board in formulating proposed new or revised parking regulations and rates consistent with recommendations found in the Kimley-Horn Parking Framework plan or successor plan.

Secs. 82.046-82.065. Reserved.

SECTION 4. A new Division 3 is created by adding the following title immediately preceding Section 82.066:

DIVISION 3. TRAFFIC CONTROL DEVICES
SECTION 5. Section 82.067 of the San Marcos City Code is hereby amended as set forth below.

Sec. 82.067. Traffic register.

The traffic engineer shall develop and maintain a traffic register containing a record of every location in the city where any traffic control device or special regulation is made applicable, whether by ordinance or by the traffic engineer's authority established under this chapter. The traffic register shall be continuously maintained by the traffic engineer, and made publicly available as an interactive map on the city’s Open Data Portal or other publicly accessible location on the city’s website. The interactive map shall be accompanied by links or references to applicable definitions of each device and regulations. All persons shall be charged with notice of the contents of the traffic register. Defects, omissions or entries of the traffic register shall not constitute a defense to prosecution for traffic law violations. Whenever any traffic control device or special regulation no longer applies in the city, the record of the location shall remain in the traffic register, but shall be prominently marked "deleted" by the traffic engineer, who shall also note the date of the deletion and the authority therefor.

SECTION 6. Section 82.159 of the San Marcos City Code is hereby amended as set forth below.

Sec. 82.159. Penalties for parking violations.

(a) A person who violates this article shall be liable for a civil penalty (except for disabled parking violations) of not more than $200.00 but not less than the following (except for disabled parking violations) as follows:

(1) Level one violations ($35.00-$50.00*-$20.00)

<table>
<thead>
<tr>
<th>Violation</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parked overtime</td>
<td>($35.00-$50.00*-$20.00)</td>
</tr>
<tr>
<td>Parked within 20 feet of crosswalk</td>
<td></td>
</tr>
<tr>
<td>Wheels more than 18 inches from the curb</td>
<td></td>
</tr>
<tr>
<td>Parked on wrong side of the street</td>
<td></td>
</tr>
<tr>
<td>Parking within four feet of a residential mailbox during prohibited hours</td>
<td></td>
</tr>
<tr>
<td>Parked for sale or repair within the public right-of-way</td>
<td></td>
</tr>
</tbody>
</table>

* For the first Level 1 violation within a 12-month period, a 50 percent discount shall be applied to the penalty if paid within 1430 days of the citation.

(2) Level two violations ($100.00 $30.00)
Backed into parking space not designated for back-in parking or parked head-in into a parking space designated for back-in parking
Oversize vehicle in angle parking
Parked for sale or repair
No parking zone
Blocking alley
Blocking crosswalk
Blocking driveway of business or residence
Parked on sidewalk
Double parked
Parked in loading zone
Parked in lane of traffic
Parked in intersection
Large motor vehicle, travel trailer, personal watercraft or boat, either attached or unattached to a motor vehicle on street in a residential area
Vehicle parked across striped parking stall lines

(3) Level three violations ($250.00 $50.00 except as provided below*)

Commercial vehicle, semi-trailer, pole trailer, construction vehicle or farm equipment on street in residential area
Parked in fire zone
Parked within 15 feet of a fire hydrant
Parked in front or side yard or vacant lot
Parked in a bicycle lane

* The maximum fine/full penalty shall be assessed for each additional violation within 12 months of the most recent previous level three violation.

(4) Level four violations ($500.00* $250.00)

Violations regarding disabled parking (Pursuant to Chapter 681 of the Texas Transportation Code)

* In addition to the penalty, all applicable costs of court and related administrative fees as allowed or required by state law shall be assessed.

(b) Any penalty not paid within 30 days of the date due is subject to an additional fee of 50 per cent of the original penalty.
(c) In addition to the penalties provided for in subsection (a), a vehicle with three or more unpaid adjudicated parking violations may be immobilized by the attachment of a vehicle immobilizing device and/or impounded and towed to a vehicle storage facility at the owner's expense in accordance with the provisions of this article.

(d) An administrative fee of $50.00 to defray the city's costs in administering and enforcing orders pursuant to this article will be charged for each vehicle ordered immobilized or impounded.

(e) The board may recommend and the city manager, in coordination with the municipal court judge, may implement alternative means of satisfying payment of fines or incentives for prompt payment of fines, such as fine reductions for early payment, community service in lieu of payment, or waiver of late charges under an amnesty or similar program.

(f) No less than every three years, Staff shall conduct a comprehensive parking violation rate study. This study shall include, but not be limited to, an assessment of comparable violations in neighboring cities, the cost of enforcement, administrative expenses, and the impact on public safety and traffic management. Following the completion of the rate study the Parking Advisory Board shall review the rate study and make a recommendation to the City Council regarding any proposed parking rates.

SECTION 7. Chapter 82 of the San Marcos City Code is hereby amended by adding a new Article 10 as set forth below.

ARTICLE 10. PARKING BENEFIT DISTRICTS.

Sec. 82.300. Definitions.

In this Article:

(a) City Manager means the city manager or the city manager’s designee.

(b) District means a parking benefit district.

(c) Notice owner means the owner of real property as shown on the records of the tax appraisal district in the county in which the property is located.

Sec. 82.301. Parking benefit district.
A parking benefit district is an area defined by separate ordinance in which a percentage of the funds collected from paid parking spaces within district is used to fund improvements within the district including but not limited to those that:

(a) promote walking, cycling, and public transit use;

(b) enhance the public realm with items such as trees, shade, lighting, and street furnishings; or

(c) improve parking efficiency or availability.

Sec. 82.302. Requirements.

(a) A district must include at least 100 potential paid parking spaces.

(b) At the time that a district is created, the required paid parking spaces may include both existing and new spaces.

(c) All combined paid parking space fees within a parking benefit district shall be first expended to defray any ancillary costs associated with parking and parking management within a parking benefit district including the total administrative costs, signage, debt service, and the installation, operation and maintenance of parking management devices and technologies placed in service in a parking benefit district on or after the effective date of designation of the parking benefit district.

(d) No less than 80 percent of paid parking space fees in excess of the total costs identified in Section 82.302 (c) shall be applied to the projects recommended by the Parking Advisory Board and subject to council approval. The remaining funds shall be deposited in the City’s General Fund.

(e) The application shall include:

(1) the boundaries of the proposed district identified by streets and static land features;

(2) justification for the proposed district;

(3) anticipated parking regulations, including metered parking rates, permit parking areas, permit parking rates, and time restrictions;
(4) Plans for revenue allocation, including how funds from parking fees and permits will be reinvested in the proposed parking benefit district.

(5) Support from a majority of affected residents, businesses, and property owners within the proposed district, and

(6) Visual representation or map of the proposed block faces or lots that have paid parking spaces or that are proposed to have paid parking spaces.

(7) The application shall be accompanied by a non-refundable application fee of $250 to cover administrative costs associated with processing the application.

Sec. 82.303. Creation.

The city council may request or any city board or commission may recommend that the city council request that the city manager initiate the process to establish a district.

Sec. 82.304. Processing requests to create a district.

(a) The city manager shall review each proposal for the creation of a district or the modification of an existing district submitted under Section 82.303.

(b) The city manager shall provide the Parking Advisory Board with a recommendation on the application.

(c) The Parking Advisory Board shall hold a public hearing after the proposal is submitted to the manager and shall submit a recommendation on the application to the council.

(d) The council shall hold a public hearing and consider the recommendation of the board before adopting an ordinance for the creation of a proposed district or the modification of an existing district.

Sec. 82.305. Public Hearing Notice.

(a) The city manager shall give notice of a public hearing before the Parking Advisory Board by mailing notice not later than the 11th day before the date of the hearing to the:

(1) notice owner of real property located within the proposed district; and
(2) utility account addresses as shown in the City utility records on the date of the filing of the application that are located within the proposed district;

(b) The city manager shall give notice of a public hearing before the council by mailing notice not later than the 16th day before the date of the hearing to the:

(1) notice owner of real property located within the proposed district; and

(2) utility account addresses as shown in the City utility records on the date of the filing of the application that are located within the proposed district.

(c) Notice provided under this section must:

(1) describe the subject matter of the public hearing;

(2) identify the boundaries of the proposed district;

(3) identify the body holding the public hearing and the date, time, and place of the public hearing; and

(4) include the address and telephone number of the city department from which additional information may be obtained.

SECTION 8. 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 9. 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 10. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 11. This ordinance will take effect after its passage, approval and adoption on second reading.

PASSED AND APPROVED on first reading on

PASSED, APPROVED AND ADOPTED on second reading on
Jane Hughson
Mayor

Attest:

Elizabeth Trevino
City Clerk

Approved:

Samuel J. Aguirre
City Attorney
ORDINANCE NO. __________

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING CHAPTER 82 OF THE SAN MARCOS CITY CODE TO, AMONG OTHER THINGS, DEFINE THE AUTHORITY OF THE CITY’S PARKING ADVISORY BOARD, UPDATE THE LIST PARKING VIOLATIONS AND ASSOCIATED FINES, AND ALLOWING FOR THE CREATION OF PARKING BENEFIT DISTRICTS; PROVIDING A SAVINGS CLAUSE; 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. Various sections of Chapter 82 of the San Marcos City Code are amended as set forth below. Added provisions are indicated by underlining. Deleted provisions are indicated by strikethroughs.

SECTION 2. Section 82.001 of the San Marcos City Code is hereby amended by adding the following definition to be inserted in alphabetical order.

Mobility means the safe and convenient ability of a person or object to move throughout the city other than as automotive traffic.

SECTION 3. Chapter 82, Article 2, of the San Marcos City is amended by modifying Division 2 as follows and creating a new Division 2 as provided in Section 4:

DIVISION 2. TRAFFIC CONTROL DEVICES PARKING ADVISORY BOARD AND PARKING MANAGEMENT

Sec. 82.037. Advisory Board.

The Parking Advisory Board, hereinafter referred to as the “board” is created and subject to the rules governing its composition, purposes, duties and affairs under Sections 2.171 through 2.178 of the City Code.

Sec. 82.038. Parking Personnel.

Subject to annual appropriations in the city’s approved budget, the city manager will assign a staff member to serve as a parking mobility manager. The parking mobility manager will make recommendations to or assist the board in formulating proposed new or revised parking regulations and rates consistent with
recommendations found in the Kimley-Horn Parking Framework plan or successor plan.

Secs. 82.039-82.065. Reserved.

SECTION 4. A new Division 3 is created by adding the following title immediately preceding Section 82.066:

DIVISION 3. TRAFFIC CONTROL DEVICES

SECTION 5. Section 82.067 of the San Marcos City Code is hereby amended as set forth below.

Sec. 82.067. Traffic register.

The traffic engineer shall develop and maintain a traffic register containing a record of every location in the city where any traffic control device or special regulation is made applicable, whether by ordinance or by the traffic engineer's authority established under this chapter. The traffic register shall be continuously maintained by the traffic engineer; and made publicly available as an interactive map on the city’s Open Data Portal or other publicly accessible location on the city’s website. The interactive map shall be accompanied by links or references to applicable definitions of each device and regulations. All persons shall be charged with notice of its contents of the traffic register. Defects, omissions or entries of the traffic register shall not constitute a defense to prosecution for traffic law violations. Whenever any traffic control device or special regulation no longer applies in the city, the record of the location shall remain in the traffic register, but shall be prominently marked "deleted" by the traffic engineer, who shall also note the date of the deletion and the authority therefor.

SECTION 6. Section 82.159 of the San Marcos City Code is hereby amended as set forth below.

Sec. 82.159. Penalties for parking violations.

(a) A person who violates this article shall be liable for a civil penalty (except for disabled parking violations) of not more than $200.00 but not less than the following (except for disabled parking violations) as follows:

(1) Level one violations ($50.00*$20.00)

Parked overtime
Parked within 20 feet of crosswalk
Wheels more than 18 inches from the curb
Parked on wrong side of the street
Parking within four feet of a residential mailbox during prohibited hours
Parked for sale or repair within the public right-of-way

* For the first Level 1 violation within a 12-month period, a 50 percent discount shall be applied to the penalty if paid within 14 days of the citation.

(2) Level two violations ($100.00 $30.00)

Backed into parking space not designated for back-in parking or parked head-in into a parking space designated for back-in parking
Oversize vehicle in angle parking
Parked for sale or repair
No parking zone
Blocking alley
Blocking crosswalk
Blocking driveway of business or residence
Parked on sidewalk
Double parked
Parked in loading zone
Parked in lane of traffic
Parked in intersection
Large motor vehicle, travel trailer, personal watercraft or boat, either attached or unattached to a motor vehicle on street in a residential area
Vehicle parked across striped parking stall lines

(3) Level three violations ($250.00 $50.00 except as provided below*)

Commercial vehicle, semi-trailer, pole trailer, construction vehicle or farm equipment on street in residential area
Parked in fire zone
Parked within 15 feet of a fire hydrant
Parked in front or side yard or vacant lot
Parked in a bicycle lane

* The full penalty shall be assessed for each additional violation within 12 months of the most recent previous level three violation.

(4) Level four violations ($500.00* $250.00)
Violations regarding disabled parking (Pursuant to Chapter 681 of the Texas Transportation Code)

* In addition to the penalty, all applicable costs of court and related administrative fees as allowed or required by state law shall be assessed.

(b) Any penalty not paid within 15 to 30 days of the date due is subject to an additional fee of 50 per cent of the original penalty.

(c) In addition to the penalties provided for in subsection (a), a vehicle with three or more unpaid adjudicated parking violations may be immobilized by the attachment of a vehicle immobilizing device and/or impounded and towed to a vehicle storage facility at the owner's expense in accordance with the provisions of this article.

(d) An administrative fee of $50.00 to defray the city's costs in administering and enforcing orders pursuant to this article will be charged for each vehicle ordered immobilized or impounded.

(e) The board may recommend and the city manager, in coordination with the municipal court judge, may implement alternative means of satisfying payment of fines or incentives for prompt payment of fines, such as fine reductions for early payment, community service in lieu of payment, or waiver of late charges under an amnesty or similar program.

(f) No less than every three years, Staff shall conduct a comprehensive parking violation rate study. This study shall include, but not be limited to, an assessment of comparable violations in neighboring cities, the cost of enforcement, administrative expenses, and the impact on public safety and traffic management. Following the completion of the rate study the Parking Advisory Board shall review the rate study and make a recommendation to the City Council regarding any proposed parking rates.

SECTION 7. Chapter 82 of the San Marcos City Code is hereby amended by adding a new Article 10 as set forth below.

ARTICLE 10. PARKING BENEFIT DISTRICTS.

Sec. 82.300. Definitions.

In this Article:
(a) *City Manager* means the city manager or the city manager’s designee.

(b) *District* means a parking benefit district.

(c) *Notice owner* means the owner of real property as shown on the records of the tax appraisal district in the county in which the property is located.

**Sec. 82.301. Parking benefit district.**

A parking benefit district is an area defined by separate ordinance in which a percentage of the funds collected from paid parking spaces within district is used to fund improvements within the district including but not limited to those that:

(a) promote walking, cycling, and public transit use;

(b) enhance the public realm with items such as trees, shade, lighting, and street furnishings; or

(c) improve parking efficiency or availability.

**Sec. 82.302. Requirements.**

(a) A district must include at least 100 potential paid parking spaces.

(b) At the time that a district is created, the required paid parking spaces may include both existing and new spaces.

(c) All combined paid parking space fees within a parking benefit district shall be first expended to defray any ancillary costs associated with parking and parking management within a parking benefit district including the total administrative costs, signage, debt service, and the installation, operation and maintenance of parking management devices and technologies placed in service in a parking benefit district on or after the effective date of designation of the parking benefit district.

(d) No less than 80 percent of paid parking space fees in excess of the total costs identified in Section 82.302 (c) shall be applied to the projects recommended by the Parking Advisory Board and subject to council approval. The remaining funds shall be deposited in the City’s General Fund.

(e) The application shall include:
(1) Boundaries of the proposed district identified by streets and static land features;

(2) Justification for the proposed district;

(3) Anticipated parking regulations, including parking rates, permit parking areas, permit parking rates, and time restrictions;

(4) Plans for revenue allocation, including how funds from parking fees and permits will be reinvested in the proposed parking benefit district;

(5) Support from affected residents, businesses, and property owners within the proposed district; and

(6) Visual representation or map of the proposed block faces or lots that have paid parking spaces or that are proposed to have paid parking spaces.

Sec. 82.303. Creation.

The city council may request or any city board or commission may recommend that the city council request that the city manager initiate the process to establish a district.

Sec. 82.304. Processing requests to create a district.

(a) The city manager shall review each proposal for the creation of a district or the modification of an existing district submitted under Section 82.303.

(b) The city manager shall provide the Parking Advisory Board with a recommendation on the application.

(c) The Parking Advisory Board shall hold a public hearing after the proposal is submitted to the manager and shall submit a recommendation on the application to the council.

(d) The council shall hold a public hearing and consider the recommendation of the board before adopting an ordinance for the creation of a proposed district or the modification of an existing district.

Sec. 82.305. Public Hearing Notice.
(a) The city manager shall give notice of a public hearing before the Parking Advisory Board by mailing notice not later than the 11th day before the date of the hearing to the:

(1) notice owner of real property located within the proposed district; and

(2) utility account addresses as shown in the City utility records on the date of the filing of the application that are located within the proposed district;

(b) The city manager shall give notice of a public hearing before the council by mailing notice not later than the 16th day before the date of the hearing to the:

(1) notice owner of real property located within the proposed district; and

(2) utility account addresses as shown in the City utility records on the date of the filing of the application that are located within the proposed district.

(c) Notice provided under this section must:

(1) describe the subject matter of the public hearing;

(2) identify the boundaries of the proposed district;

(3) identify the body holding the public hearing and the date, time, and place of the public hearing; and

(4) include the address and telephone number of the city department from which additional information may be obtained.

SECTION 8. 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 9. 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 10. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.
SECTION 11. This ordinance will take effect after its passage, approval and adoption on second reading.

PASSED AND APPROVED on first reading on

PASSED, APPROVED AND ADOPTED on second reading on

Jane Hughson
Mayor

Attest: 

Approved:

Elizabeth Trevino
City Clerk

Samuel J. Aguirre
City Attorney
## Comparison of Regional Parking Violation Rates

<table>
<thead>
<tr>
<th>City</th>
<th>Overstay/Expired Meter</th>
<th>Double Parked</th>
<th>Handicap</th>
<th>Blocking Alley or Driveway</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austin</td>
<td>$ 30.00</td>
<td>$ 70.00</td>
<td>$ 300.00</td>
<td>$ 40.00</td>
</tr>
<tr>
<td>New Braunfels</td>
<td>Up to $200</td>
<td>Up to $200</td>
<td>Up to $200</td>
<td>Up to $200</td>
</tr>
<tr>
<td>San Antonio</td>
<td>$ 35.00</td>
<td>$ 35.00</td>
<td>$ 230.00</td>
<td>$ 35.00</td>
</tr>
<tr>
<td>Fredericksburg</td>
<td>$ 25.00</td>
<td>$ 50.00</td>
<td>$ 100.00</td>
<td></td>
</tr>
<tr>
<td>Waco</td>
<td>$ 32.00</td>
<td>$ 102.00</td>
<td>$ 522.00</td>
<td>$ 37.00</td>
</tr>
<tr>
<td>Denton</td>
<td>Up to $200</td>
<td></td>
<td></td>
<td>Up to $500</td>
</tr>
<tr>
<td>Bastrop</td>
<td>Up to $200</td>
<td></td>
<td>$ 500.00</td>
<td></td>
</tr>
<tr>
<td>Round Rock</td>
<td>Up to $102</td>
<td></td>
<td>$ 519.00</td>
<td></td>
</tr>
<tr>
<td>Houston</td>
<td>$ 30.00</td>
<td>$ 40.00</td>
<td>$ 500.00</td>
<td>$ 40.00</td>
</tr>
<tr>
<td>Georgetown</td>
<td>Up to $500</td>
<td>Up to $500</td>
<td>Up to $500</td>
<td>Up to $500</td>
</tr>
<tr>
<td>San Marcos (Current)</td>
<td>$ 20.00</td>
<td>$ 30.00</td>
<td>$ 250.00</td>
<td>$ 30.00</td>
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<tr>
<td>San Marcos (Proposed)</td>
<td>$50.00 (^1)</td>
<td>$ 100.00</td>
<td>$ 500.00</td>
<td>$ 100.00</td>
</tr>
</tbody>
</table>

\(^1\)For the 1st violation with a 12-month period, a 50% discount will be applied (payment must be made within 14-days from date of violation)
AGENDA CAPTION:
Consider approval of Ordinance 2024-04, amending Section 2.566 of the San Marcos City Code concerning the city manager’s spending authority to remove obsolete provisions related to the COVID-19 pandemic and to clarify the types of agreements to which the city manager’s authority extends; including procedural provisions; and providing an effective date.
Meeting date: January 16, 2024

Department: Engineering/CIP and Legal

Amount & Source of Funding
Funds Required: N/A
Account Number: Click or tap here to enter text.
Funds Available: Click or tap here to enter text.
Account Name: Click or tap here to enter text.

Fiscal Note:
Prior Council Action: N/A

City Council Strategic Initiative: [Please select from the dropdown menu below]
N/A
Choose an item.
Choose an item.

Comprehensive Plan Element(s): [Please select the Plan element(s) and Goal # from dropdown menu below]
☐ Economic Development - Choose an item.
☐ Environment & Resource Protection - Choose an item.
☐ Land Use - Choose an item.
☐ Neighborhoods & Housing - Choose an item.
☐ Parks, Public Spaces & Facilities - Choose an item.
☐ Transportation - Choose an item.
☒ Not Applicable
Background Information:
In 2020, the city council approved provisions expanding the city manager’s spending authority in limited circumstances related to the COVID-19 pandemic. These provisions were to remain in effect only for the duration of the declaration of local disaster related to the pandemic which is no longer in effect. The amendment, therefore, removes the obsolete provisions related to the pandemic. In addition, the amendment clarifies that the city manager’s spending authority extends to all spending agreements, including agreements for the purchase of real property interests.

Council Committee, Board/Commission Action:
N/A

Alternatives:
Click or tap here to enter text.

Recommendation:
Staff recommends approval.
ORDINANCE NO. 2024-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, AMENDING SECTION 2.566 OF THE SAN MARCOS CITY CODE CONCERNING THE CITY MANAGER’S SPENDING AUTHORITY TO REMOVE OBSOLETE PROVISIONS RELATED TO THE COVID-19 PANDEMIC AND TO CLARIFY THE TYPES OF AGREEMENTS TO WHICH THE CITY MANAGER’S AUTHORITY EXTENDS; INCLUDING PROCEDURAL PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. Section 2.566 of the San Marcos City Code is amended to read as follows. Added text is indicated by underlining. Deleted text is indicated by strikethroughs.

Sec. 2.566. Authority of city manager—Contracts for expenditures; limitation.

(a) Except as otherwise provided in this subsection required by state law, the city manager, or the city manager's designee, is authorized to contract on behalf of the city for the expenditure of city funds or the purchase of goods and services and real property interests without further city council approval for all budgeted items not exceeding $100,000.00. Except as required by state law, the city manager and the city manager's designee(s) are hereby authorized to approve change orders or amendments to city contracts involving increases or decreases of $510,000.00 or less.

(1) For the duration of the declaration of the local state of disaster related to COVID-19 promulgated by Mayor Jane Hughson on March 15, 2020, and extended for an indefinite period by resolution of the city council adopted on March 17, 2020, the city manager is authorized to contract on behalf of the city for the purchase of goods and services necessary for the preservation of the public health, safety and welfare in relation to COVID-19 for all budgeted items not exceeding $500,000.00 without further city council approval, provided such purchases are exempt from the competitive bidding or proposal requirements of V.T.C.A., Local Government Code, Ch. 252 or other applicable laws. The city manager shall notify the city council of any and all expenditures made under this subsection within three days of initiating the purchase.

(b) The city manager is authorized to promulgate purchasing policies and procedures for all purchases made by the city. Through such purchasing
policies, the city manager may delegate his general contracting authority for purchases previously approved by the city council. The city manager may amend these policies from time to time. All these policies shall conform to applicable requirements of the Charter, city ordinances and state laws and are subject to review and approval by the city attorney.

(c) The city manager or designee is authorized to determine the purchase method for goods and services that provides the best value to the city in accordance with state law.

(d) The city manager is authorized to approve change orders in amounts not to exceed $100,000.00 each without the approval of the city council when the city manager deems it necessary to amend contracts previously approved by the city council in order to address a public calamity, to preserve or protect the public health or safety of the city's residents, or because of unforeseen damage to public machinery, equipment or other property. The city manager shall submit a quarterly report to the city council of all change orders in excess of $25,000.00 each that were administratively approved pursuant to the authority granted in this subsection. The general authority granted by this subsection may be suspended or revoked by adoption of a resolution applicable to a particular individual who holds the position or performs the duties of city manager.

SECTION 2. 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 3. All ordinances and resolution or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 4. This ordinance shall become effective upon adoption.

PASSED AND APPROVED on first reading on January 16, 2024.

PASSED, APPROVED AND ADOPTED on second reading on ____________, 2024.

Jane Hughson
Mayor
ATTEST:

Elizabeth Trevino
City Clerk

APPROVED:

Samuel J. Aguirre
City Attorney
AGENDA CAPTION:
Receive an update from Staff and the Comprehensive Plan Ad Hoc Council Committee, including the committee’s recommendations for additional public outreach on VisionSMTX++ with Council amendments; hold a discussion regarding such recommendations and any matters concerning the plan; and consider a motion to set a new public hearing date for approval of the Comprehensive Plan on second reading that would be after the committee’s final recommendations regarding the plan for consideration by the city council.

Meeting date: January 16, 2024

Department: Planning & Development Services

Amount & Source of Funding
Funds Required: n/a
Account Number: n/a
Funds Available: n/a
Account Name: n/a

Fiscal Note:
Prior Council Action: In 2020, City Council provided direction to rewrite the Comprehensive Plan. Council approved a contract with MIG, Inc. for the Vision SMTX Comprehensive Plan and Downtown Area Plan for the amount of $341,479.66. At their regular meeting on November 6, 2023, City Council postponed the second reading of the Comprehensive Plan to January 16, 2024 and appointed a Committee consisting of Mayor Hughson, and Councilmembers Garza and Scott.

City Council Strategic Initiative:
Quality of Life & Sense of Place
Mobility & Connectivity
Environmental Protection

Comprehensive Plan Element(s):
☑ Economic Development - Choose an item.
☑ Environment & Resource Protection - Choose an item.
☒ Land Use - Choose an item.
☑ Neighborhoods & Housing - Choose an item.
Background Information:
The City Council provided direction to rewrite the City’s current comprehensive plan, Vision San Marcos, originally adopted in 2013. The Vision SMTX Comprehensive Plan kicked off in 2020 and is a vision and policy document intended to guide the growth and evolution of the City for the next 20-30 years. The Draft Plan includes the community's vision for topics such as housing, transportation, arts and culture, land use, economic development, parks, community character, and preferred growth and the types of places created for our community.

The Plan development included significant engagement from the public, stakeholders, and organizations in San Marcos throughout the planning process. The project has received over 6,100 community comments throughout the plan development and represent over 100 meetings and engagement events. The Comprehensive Plan is an instrumental document in defining and achieving the community’s vision for the future. As a growing community, the plans is a tool to be used by city leaders, businesses, organizations, and residents for the next 20-30 years and will help shape future programs, projects, policies, regulations, and provide a foundational document that can be used to seek funding and grants for initiatives.

Council Committee, Board/Commission Action:
Adoption Process:

- **February 7, 2023**: City Council received an informational presentation on the Comprehensive Plan.
- **February 14, 2023**: The Planning Commission received an informational presentation on the Comprehensive Plan.
- **February 28, 2023**: The Commission held a Public Hearing and voted to postpone action on the plan to the April 11, 2023 meeting.
  - During the meeting, a written letter was provided to the Commission with four specific revisions. In addition, a written request was provided requesting a revision to the Preferred Growth
Scenario Map. These letters were included in the packet.
  o The Commission established a subcommittee consisting of Chair Garber, Commissioner Meeks, Commissioner Agnew, Commissioner Case, and Mayor Hughson.

- **April 11, 2023**: The Commission voted to postpone the action on the plan to the May 9, 2023 Meeting. The Commission directed staff to prepare an Alternative Draft Comprehensive Plan (known as Vision SMTX+) using the redlines provided by the subcommittee.
  o Staff met with Mayor Hughson and Chair Garber to discuss staff comments and questions related to the redlines.
  o Staff prepared Vision SMTX+ for the Commission’s consideration.

- **May 9, 2023**: The Commission discussed a motion to approve Vision SMTX+ and voted on 16 amendments. Action on the plan was postponed to August 22, 2023.
  o Staff recommended a workshop with the Planning and Zoning Commission to consider the remaining details of the plan.

- **June 21, 2023**: During a Planning Commission Workshop, the Commission discussed and agreed to multiple discussion points. No formal action on the plan was made at this workshop.

- **August 22, 2023**: the Commission recommended **approval** of Vision SMTX+ with amendments. Following the August 22 meeting, staff incorporated those amendments into Vision SMTX++.

- **September 19, 2023**: The City Council held a public hearing on the Plan. No action was taken at this meeting.

- **October 17, 2023**: The City Council held a public hearing on the Plan and recommended approval of the plan with amendments. A complete list of all changes between Vision SMTX and Vision SMTX++ with Council Amendments was included in the packet within the “Summary of Changes” document.

- **November 5, 2023**: On second reading, City Council postponed consideration of the Comprehensive Plan and appointed a Committee consisting of Mayor Hughson, and Councilmembers Garza and Scott.

- **November 17, 2023**: The City Council Comprehensive Plan Ad Hoc Committee held an internal meeting, as required by the Council Committee Rules and Procedures and provided direction to staff to prepare an Outreach Campaign.

- **December 11, 2023**: The City Council Comprehensive Plan Ad Hoc Committee held a meeting open for general participation to provide direction to staff on the Outreach Campaign and directed staff to prepare a discussion item for January 16, 2024 to receive comments from the full City Council on the Outreach Campaign.

- **December 19**: Staff received direction to place a discussion item on the agenda regarding the postponed consideration of the Plan on January 16, 2024. City Council directed staff to include an update from the City Council Comprehensive Plan Ad Hoc Committee, including the committee’s recommendations for public outreach on the agenda with the ability to consider setting a new date for approval of the Plan on second reading. The date for final consideration could be at a public hearing after the committee approves its final recommendations regarding the plan.
Alternatives:

n/a

Recommendation:

- Staff is seeking Council direction on the Outreach Campaign.
- Staff is seeking direction on a new date for second reading of the Comprehensive Plan.
Presentation
Vision SMTX Comprehensive Plan

Receive an update from staff and the Comprehensive Plan Ad Hoc Council Committee, including the committee’s recommendations for additional public outreach on VisionSMTX++ with Council amendments; and consider setting a new public hearing date for approval of the Comprehensive Plan on second reading, said date being after the committee approves its final recommendations regarding the plan.
Comprehensive Plan Purpose

- 2013: Vision San Marcos, A River Runs Through Us
- 2020: Council direction to rewrite the Comprehensive Plan, Vision SMTX

Role of the Plan
- An umbrella document that integrates high level direction from past and current planning efforts.
- Establish the vision, goals, and policy direction for the next 20 years
- Establish the types of neighborhoods and districts we want that will accommodate projected population growth
- Guides regulatory documents like the San Marcos Development Code.
Vision SMTX

- January
- February
- February 28
- April 11
- May 9
- June 21
- August 22
- Sept 19
- October 17

Vision SMTX+

- P&Z Consideration & Workshop

Vision SMTX++

- Public Review Draft & Comments Received
- Council, P&Z, Neighborhood Commission Info Meetings
- City Council Public Hearing, no action
- City Council Public Hearing & Action
Vision SMTX ++ Council Amendments

- **November 6**: City Council 2nd Reading (postponed action)
- **November 17**: Ad Hoc Council Committee Meetings
- **December 11**: City Council discussion item re: postponed 2nd Reading on January 16
- **December 19**: City Council update on Outreach Campaign & postponement (today)
- **January 16**:
The Adoption Process

A detailed timeline is included in the Council packet
Council Committee Approved Outreach Campaign

Approved by the Council Committee consisting of Mayor Hughson and Councilmembers Garza and Scott at their December 11, 2023, meeting.
Survey Methods

1. Hard copy / written responses
2. Online Survey (Survey Monkey)
3. Konveio (online direct commenting)
Survey Content

• Reviewing the Summary of Changes table which includes changes between Vision SMTX and Vision SMTX++ with Council Amendments

• Respond to questions regarding:
  1. Specific items of concern
  2. Specific changes proposed
  3.Which plan they would like adopted
  4. Specific comments on content
  5. Specific comments on process
**Survey Content**

*A copy is included in the Council packet*

---

**Vision SMTX Comprehensive Plan – Summary of Changes Table**

This document provides an overview of changes made to Vision SMTX (the original Draft Plan) to create Vision SMTX++ with Council Amendments. This Summary document does not include grammatical/typo changes. To download the plans in their entirety, visit [https://www.visionsmtx.com/comprehensive-plan/](https://www.visionsmtx.com/comprehensive-plan/)

<table>
<thead>
<tr>
<th>Item #</th>
<th>Vision SMTX (original Draft Plan)</th>
<th>Pg#</th>
<th>Vision SMTX++ with Council Amendments</th>
<th>Pg#</th>
<th>Source &amp; Date of Action</th>
<th>Comment Here</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>EXPLORATION OF ALTERNATIVE GROWTH SCENARIOS</td>
<td>115</td>
<td>Change the Place Type from Neighborhood Low to Mixed Use Low on highlighted parcels along Post Road.</td>
<td>115</td>
<td>Source: Proposed by property owners and added by P&amp;Z on 5/9/2023 Approved by P&amp;Z on 8/22/2023</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>EXPLORATION OF ALTERNATIVE GROWTH SCENARIOS</td>
<td>120</td>
<td>MOVE THIS SECTION TO THE APPENDIX</td>
<td>120</td>
<td>Source: P&amp;Z Subcommittee Approved by P&amp;Z on 8/22/2023</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>The first detailed alternative (Scenario A) included a large concentration of dense development in a “Second City Center” on the east side of IH-35. The second city center would serve as a new employment center with medium and high density housing integrated within and immediately adjacent to this new mixed use place. The intent of this approach was to relieve development pressures on San Marcos’ existing downtown and existing close in neighborhoods and would establish a pattern of urban villages connected to the second city center and the rest of San Marcos.</td>
<td>120</td>
<td>The first detailed alternative (Scenario A) included a large concentration of dense development in a “Second City Center-East Village” on the east side of IH-35. The second city center-East Village would serve as a new employment center with medium and high density housing integrated within and immediately adjacent to this new mixed use place. The intent of this approach was to relieve development pressures on San Marcos’ existing downtown and existing close in neighborhoods and would establish a pattern of urban villages connected to the second city center-East Village and the rest of San Marcos.</td>
<td>120</td>
<td>Source: P&amp;Z Subcommittee Approved by P&amp;Z on 8/22/2023</td>
<td></td>
</tr>
</tbody>
</table>
Outreach Platforms

A detailed list is included in the Council Packet

- City & Comp Plan Website
- Social Media
- Flyers / Physical Ads
- Direct Emails
- Newsletters
- Press Release
- Utility Bills
- Community Partner Engagement
<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>December 11, 2023</td>
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</tr>
<tr>
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<td>Staff Update at Community Dream Session</td>
</tr>
<tr>
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</tr>
<tr>
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</tr>
<tr>
<td>January 24, 2024</td>
<td>Utility Billing Outreach #1</td>
</tr>
<tr>
<td>February 1, 2024</td>
<td>Staff Update to Historic Preservation Commission</td>
</tr>
<tr>
<td><strong>February 2, 2024</strong></td>
<td><strong>Launch Survey</strong></td>
</tr>
<tr>
<td>February 1, 2024</td>
<td>Utility Billing Outreach #2</td>
</tr>
<tr>
<td>February 8, 2024</td>
<td>Utility Billing Outreach #3</td>
</tr>
<tr>
<td>February 16, 2024</td>
<td>Utility Billing Outreach #4</td>
</tr>
<tr>
<td><strong>February 16, 2024</strong></td>
<td><strong>Reminder Outreach – 1 week notification</strong></td>
</tr>
<tr>
<td>February 23, 2024</td>
<td>Survey Closes</td>
</tr>
<tr>
<td>TBD</td>
<td>City Council Committee Meeting – discuss results &amp; make recommendations</td>
</tr>
<tr>
<td>TBD</td>
<td>City Council 2nd Reading - ADOPTION</td>
</tr>
</tbody>
</table>
Recommendation

1. Staff is seeking City Council direction on the Outreach Campaign.

2. Staff is seeking direction on new date for second reading of the Comprehensive Plan.
MEMO

TO: City Council
FROM: Andrea Villalobos, AICP, CNU-A, Assistant Director of Planning – Planning & Development Services
DATE: December 18, 2023
RE: Vision SMTX Outreach Campaign

BACKGROUND
At the November 6, 2023, City Council Meeting, the Council considered the Vision SMTX Comprehensive Plan on 2nd Reading and postponed action on the plan. The Council created a Committee to review the Plan and outreach efforts. The Council Committee met on November 17 and December 11, 2023. During the November 17 meeting, the Committee directed staff to create an Outreach Campaign to gather additional input from the community and at the December 11 meeting, the Committee approved the below Outreach Campaign.

SURVEY OPTIONS
Staff is creating the following methods for gathering input:

1. Hard copy / written responses – will be entered manually by staff.
2. Online Survey (Survey Monkey) – simple online survey with downloadable Summary of Changes Table.
3. Konveio – online direct commenting on Summary of Changes Table.

OUTREACH PLATFORMS
Staff will use the following platforms for spreading the word about the survey:

- Web
  - Vision SMTX Website
  - City of San Marcos Website – Homepage Banner
  - Planning & Development Services Webpage News Flash
  - Direct notifications to website subscribers, in conjunction with News Flash
- Social (English/Spanish)
  - Instagram
  - Facebook
  - Next Door
- Flyers/Physical Advertising (English/Spanish)
  - Library Lobby
  - City Hall Lobby and TV broadcast
  - City Facilities
  - City Events
- Direct Emails:
  - City Council
  - City Boards & Commissions
  - Comprehensive Plan Steering Committee and prior Comprehensive Plan public meeting attendees
- Other
  - Planning & Development Services Newsletter
  - Communications Newsletter/Newshub webpage
  - City Staff Update
  - Press Release
  - Utilize the Communications Department to reach community partners and encourage community partners to distribute within their organizations (school district, Chamber of Commerce, Greater San Marcos Partnership (GSMP), Centro Cultural Hispano de San Marcos, etc.)
  - Other methods, as determined.
  - Utility bills
## OUTREACH TIMELINE

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## ATTACHMENTS

1. Survey
2. Summary of Changes Table
Vision SMTX Comprehensive Plan
City of San Marcos
Hello! Thank you for your interest in the Vision SMTX Comprehensive Plan. The Plan will guide growth and long-term decision-making over the next 20 years for topics important to the community, such as housing, the environment, economic development, transportation, and land use.

The Planning and Zoning Commission and City Council have made several amendments to the Draft Plan as part of the adoption process. City Council would like your input on the amendments to ensure the Final Plan meets the needs and vision of the community. To provide your input, please read the directions below.

- Step 1: Review the Summary of Changes Table.
- Step 2: Complete the questions below to provide your feedback on the amendments.
- Step 3: If you would like to comment on more than 10 amendments, please complete the survey again.

To learn more about the project, visit www.visionsmtx.com. For questions, please email planninginfo@sanmarcostx.gov or call 512.393.8230.

1. Please review the Summary of Changes Table and provide the number of the item about which you have concerns.

   [Blank]

2. Please provide specific changes you would like to propose.

   [Blank]

3. Would you like to submit another response?
   - [ ] Yes
   - [ ] No
Vision SMTX Comprehensive Plan

4. Please review the Summary of Changes Table and provide the number of the item about which you have concerns.

5. Please provide specific changes you would like to propose.

6. Would you like to submit another response?

☐ Yes

☐ No
Vision SMTX Comprehensive Plan

7. Please review the Summary of Changes Table and provide the number of the item about which you have concerns.

[Blank]

8. Please provide specific changes you would like to propose.

[Blank]

9. Would you like to submit another response?

- [ ] Yes
- [ ] No
Vision SMTX Comprehensive Plan

10. Please review the Summary of Changes Table and provide the number of the item about which you have concerns.

   

11. Please provide specific changes you would like to propose.

   

12. Would you like to submit another response?

   ○ Yes
   ○ No
Vision SMTX Comprehensive Plan

13. Please review the Summary of Changes Table and provide the number of the item about which you have concerns.

14. Please provide specific changes you would like to propose.

15. Would you like to submit another response?

- Yes
- No
Vision SMTX Comprehensive Plan

16. Please review the Summary of Changes Table and provide the number of the item about which you have concerns.

17. Please provide specific changes you would like to propose.

18. Would you like to submit another response?

  ○ Yes
  ○ No
19. Please review the Summary of Changes Table and provide the number of the item about which you have concerns.

20. Please provide specific changes you would like to propose.

21. Would you like to submit another response?

   ○ Yes
   ○ No
Vision SMTX Comprehensive Plan

22. Please review the [Summary of Changes Table](#) and provide the number of the item about which you have concerns.

23. Please provide specific changes you would like to propose.

24. Would you like to submit another response?

- [ ] Yes
- [ ] No
Vision SMTX Comprehensive Plan

25. Please review the Summary of Changes Table and provide the number of the item about which you have concerns.

26. Please provide specific changes you would like to propose.

27. Would you like to submit another response?

☐ Yes

☐ No
Vision SMTX Comprehensive Plan

28. Please review the Summary of Changes Table and provide the number of the item about which you have concerns.

29. Please provide specific changes you would like to propose.
Vision SMTX Comprehensive Plan
Final Questions

30. Is there a specific Draft Plan that you would like to be adopted for San Marcos?
   
   ○ Vision SMTX
   ○ Vision SMTX++ with Council Amendments

31. Do you have any comments on the Comprehensive Plan? (Please provide the specific page number, section title, or topic from the Plan document, as applicable.)

32. Do you have any comments or suggestions on the process?
## Vision SMTX Comprehensive Plan – Summary of Changes Table

This document provides an overview of Changes made to Vision SMTX (the original Draft Plan) to create Vision SMTX++ with Council Amendments. This Summary document does not include grammatical/typo changes.

To download the plans in their entirety, visit [https://www.visionsmtx.com/comprehensive-plan/](https://www.visionsmtx.com/comprehensive-plan/)

<table>
<thead>
<tr>
<th>Item #</th>
<th>Vision SMTX (original Draft Plan)</th>
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<th>Pg#</th>
<th>Source &amp; Date of Action</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>The western half of San Marcos contains the original Downtown core of the City, the traditional activity and population center of the community.</td>
<td>The eastern half of San Marcos currently includes major existing and new residential neighborhoods as well as schools and major employers. However, there are many large tracts of land in this area which are rapidly developing. The western half of San Marcos contains the original Downtown core of the City, the traditional activity and population center of the community.</td>
<td>13</td>
<td>Source: P&amp;Z Subcommittee Approved by P&amp;Z on 8/22/2023</td>
<td>11</td>
</tr>
<tr>
<td>2</td>
<td>AC-1.2 Identify the need and opportunities for new arts and culture related facilities such as libraries, museums, and community theaters as the city grows. ARTS AND CULTURE OBJECTIVES Number of arts and culture-related City programs and events • Attendance at arts and culture events • Participation in arts and culture programming • Use of dedicated funding streams/ levels • Economic impact of arts and culture • Resident and visitor survey data (quantitative and qualitative), including: Awareness of programs and events • Perception of San Marcos arts and culture • Feedback on programs and events • Artist housing needs</td>
<td>AC-1.2 Identify the need and opportunities for new arts and culture related facilities such as libraries, museums, and community theaters as the city grows. ARTS AND CULTURE OBJECTIVES Number of arts and culture-related City programs and events • Increased Attendance at arts and culture events • Increased Participation in arts and culture programming • Increased Use of dedicated funding streams/ levels • Increased Economic impact of arts and culture • Monitor Resident and visitor survey data (quantitative and qualitative), including: Awareness of programs and events • Increased Perception of San Marcos arts and culture • Positive Feedback on programs and events • Address more Artist housing needs</td>
<td>45</td>
<td>Source: City Council Approved by CC on 10/17/2023</td>
<td>35</td>
</tr>
<tr>
<td>3</td>
<td>Fiscal Impact Statements</td>
<td>Delete all Fiscal Impact statements and replace them with those in the current proposed plan. Those in the plan section are correct. On this page in the appendix are the original statements. There are some errors and the dollar amounts are here. Also need Neighborhood Low split into Existing and New which was done in the Plan.</td>
<td>48 - 49</td>
<td>Source: City Council Approved by CC on 10/17/2023</td>
<td>48-49</td>
</tr>
<tr>
<td>4</td>
<td>ECD-3.4 Develop and implement a standard process for reviewing and scoring prospects for incentives. ECONOMIC DEVELOPMENT OBJECTIVES • Jobs-housing balance • Student retention rate • Unemployment / employment rates • Employment opportunities at or above a living wage • Income compared to housing affordability levels • Percent of San Marcos residents who also work in the city • Job vacancies in target industries, by income level, and compared to regional data • Workforce development program placements • Median household income</td>
<td>ECD-3.4 Develop and implement a standardized process for reviewing and scoring prospects for incentives. ECONOMIC DEVELOPMENT OBJECTIVES • Seek better Jobs-housing balance • Increase Student retention rate • Decrease Unemployment rates • Encourage Employment opportunities at or above a living wage • Increase Income compared to housing affordability levels • Increase Percent of San Marcos residents who also work in the city • Review Job vacancies in target industries, by income level, and compared to regional data • Increase Workforce development program placements • Increase Median household income</td>
<td>50</td>
<td>Source: City Council Approved by CC on 10/17/2023</td>
<td>40</td>
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<tr>
<td>5</td>
<td>ENV-1.5: Establish riparian buffer zones for resource protection of rivers, creeks, retention ponds, and flood mitigation areas.</td>
<td>53</td>
<td>ENV-1.5: Establish riparian buffer zones and enhanced setbacks for resource protection of rivers, creeks, retention ponds, and flood mitigation areas.</td>
<td>43</td>
<td>Source: Proposed by Save Our Springs and added by P&amp;Z on 5/9/2023</td>
</tr>
<tr>
<td>6</td>
<td>N/A</td>
<td>54</td>
<td>ENV-3.6: Adopt a dark skies ordinance to mitigate harassment of wildlife and preserve rural character.</td>
<td>44</td>
<td>Source: Proposed by Save Our Springs and added by P&amp;Z on 5/9/2023</td>
</tr>
<tr>
<td>7</td>
<td>ENVIRONMENTAL AND RESOURCE PROTECTION OBJECTIVES Indicators of success can be obtained by measuring and assessing changes in the following parameters for each sub-watershed: Percent impervious cover per subwatershed with quarterly update reports</td>
<td>54</td>
<td>ENVIRONMENTAL AND RESOURCE PROTECTION OBJECTIVES Indicators of success can be obtained by measuring and assessing changes in the following parameters for each sub-watershed: Percent impervious cover per subwatershed with quarterly update reports</td>
<td>44</td>
<td>Source: City Council Approved by CC on 10/17/2023</td>
</tr>
<tr>
<td>8</td>
<td>Through the promotion of diverse housing choices, San Marcos can provide varied neighborhoods that support a high quality of life and enhance and maintain the small-town feel of the community. As San Marcos grows and expands, the City must ensure continued investment in the traditional core neighborhoods. Continued investment in the form of new parks, public spaces, multimodal and transit infrastructure, and existing housing stock will help preserve the quality and value of these areas. New developments in existing neighborhoods and along existing corridors need to be compatible with the surrounding context. Strategic infill development that is compatible with the adjacent corridors and neighborhoods can enhance areas by infusing new commercial, employment, residential, and recreation opportunities that help make more complete and vibrant places. New neighborhood parks, commercial amenities, trails, and bike paths are all investments that can be incorporated into existing and new development areas to increase the quality of life of residents. Both existing and new areas offer the opportunity to create more inclusive and equitable spaces that accommodate residents of varying incomes, housing types, transportation needs, ages, and ability levels. San Marcos should strive for an appropriate mixture of housing types, commercial developments, and mixed-use places that help to enhance existing areas and create new livable neighborhoods. New and revitalized neighborhoods with access to parks and integrated trail networks and a range of other amenities for all ages can help promote healthy and active lifestyles for all residents. Revitalization of a neighborhood should not mean that the residents that have lived there the longest are forced from their homes with no options or choice to remain.</td>
<td>56</td>
<td>Through the promotion of diverse housing choices, San Marcos can continue to provide varied diverse housing choices and a variety of neighborhoods that support a high quality of life and enhance and maintain the small-town feel of the community. As San Marcos grows and expands, the City must encourage continued investment in the traditional core neighborhoods while always keeping in mind that they must be protected from inconsistent infill development. Continued investment in the form of new housing stock, parks, public spaces, multimodal and transit infrastructure, and existing housing stock will help preserve the quality and value of these areas. New developments in existing neighborhoods and along existing corridors need to be compatible with the surrounding context as per the Area Plans and Neighborhood Character Studies, applicable. San Marcos should strive for an appropriate mixture of housing types, commercial developments, and mixed-use places to enhance existing areas and create new livable neighborhoods. New and revitalized neighborhoods with access to parks and integrated trail networks and a range of other amenities for all ages can help promote healthy and active lifestyles for all residents. New neighborhood parks, commercial amenities, trails, and bike paths are all investments that can be incorporated into existing and new development areas based on Area Plans, as applicable, to increase the quality of life of residents. Both existing and Creative development in new areas is encouraged and offers the opportunity to create more inclusive and equitable spaces that accommodate residents of varying incomes, housing types, transportation needs, ages, and ability levels. Strategic infill development that is compatible with the adjacent corridors and neighborhoods can enhance areas by infusing new commercial, employment, residential, and recreation opportunities that help make more complete and vibrant places. Revitalization of a neighborhood should not mean that the long-term residents that have lived there the longest are forced from their homes with no options or choice to remain.</td>
<td>46</td>
<td>Source: P&amp;Z Subcommittee Approved by P&amp;Z on 8/22/2023</td>
</tr>
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<tr>
<td>9</td>
<td><strong>HN-2.2</strong> Streamline the development process for priority housing development and to keep pace with population growth.</td>
<td>58</td>
<td><strong>HN-2.2</strong> Streamline the development process for priority housing development and to keep pace with population growth.</td>
<td>48</td>
<td>Source: P&amp;Z Subcommittee Approved by P&amp;Z on 8/22/2023</td>
</tr>
<tr>
<td></td>
<td><strong>HN-2.3</strong> Encourage and incentivize diverse housing types.</td>
<td></td>
<td><strong>HN-2.3</strong> Encourage and incentivize diverse housing types.</td>
<td></td>
<td>Source: P&amp;Z Subcommittee Approved by P&amp;Z on 8/22/2023</td>
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<tr>
<td></td>
<td><strong>HN-2.4</strong> Encourage all neighborhood centers identified on the Preferred Scenario Map to allow for multiple diverse housing types.</td>
<td></td>
<td><strong>HN-2.4</strong> Consider all neighborhood centers identified on the Preferred Scenario Map to allow for multiple diverse housing types.</td>
<td></td>
<td>Source: P&amp;Z Subcommittee Approved by P&amp;Z on 8/22/2023</td>
</tr>
<tr>
<td>10</td>
<td>N/A</td>
<td>58</td>
<td><strong>HN-2.8</strong> Promote programs and provide education on tenant rights and responsibilities.</td>
<td>48</td>
<td>Source: P&amp;Z Subcommittee Approved by P&amp;Z on 8/22/2023</td>
</tr>
<tr>
<td></td>
<td><strong>HOUSING + NEIGHBORHOODS</strong></td>
<td></td>
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<td>Source: City Council Approved by CC on 10/17/2023</td>
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<td></td>
<td><strong>OBJECTIVES</strong></td>
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<td><strong>OBJECTIVES</strong></td>
<td></td>
<td>Source: City Council Approved by CC on 10/17/2023</td>
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<tr>
<td></td>
<td>• Number of permits and certificates of occupancy by unit size, type and location</td>
<td></td>
<td>• Monitor Number of permits and certificates of occupancy by unit size, type and location</td>
<td></td>
<td>Source: City Council Approved by CC on 10/17/2023</td>
</tr>
<tr>
<td></td>
<td>• Jobs to housing balance</td>
<td></td>
<td>• Monitor Jobs to housing balance</td>
<td></td>
<td>Source: City Council Approved by CC on 10/17/2023</td>
</tr>
<tr>
<td></td>
<td>• Number of affordable (subsidized) and senior units</td>
<td></td>
<td>• Increase Number of affordable (subsidized) and senior units</td>
<td></td>
<td>Source: City Council Approved by CC on 10/17/2023</td>
</tr>
<tr>
<td></td>
<td>• Tenancy rates (proportion of owner-occupied versus rental units)</td>
<td></td>
<td>• Monitor Tenancy rates (proportion of owner-occupied versus rental units)</td>
<td></td>
<td>Source: City Council Approved by CC on 10/17/2023</td>
</tr>
<tr>
<td></td>
<td>• Continual Periodic update of Housing Needs Assessments (frequency to be determined)</td>
<td></td>
<td>• Continual Review Periodic update of Housing Needs Assessments (frequency to be determined)</td>
<td></td>
<td>Source: City Council Approved by CC on 10/17/2023</td>
</tr>
<tr>
<td></td>
<td>• Vacancy rates of rental units</td>
<td></td>
<td>• Monitor Vacancy rates of rental units</td>
<td></td>
<td>Source: City Council Approved by CC on 10/17/2023</td>
</tr>
<tr>
<td></td>
<td>• Proportion of homes within a 15-minute walk of essential services and amenities (e.g., grocery, pharmacy, parks, etc.)</td>
<td></td>
<td>• Increase Proportion of homes within a 15-minute walk of essential services and amenities (e.g., grocery, pharmacy, parks, etc.)</td>
<td></td>
<td>Source: City Council Approved by CC on 10/17/2023</td>
</tr>
<tr>
<td></td>
<td>• Number of new residential units created through infill development</td>
<td></td>
<td>• Increase Number of new residential units created through infill development</td>
<td></td>
<td>Source: City Council Approved by CC on 10/17/2023</td>
</tr>
<tr>
<td></td>
<td>• Number of new diverse housing units built</td>
<td></td>
<td>• Monitor Number of new diverse housing units built by category/size</td>
<td></td>
<td>Source: City Council Approved by CC on 10/17/2023</td>
</tr>
<tr>
<td></td>
<td>• Cause for denied applications related to housing and certificates of appropriateness</td>
<td></td>
<td>• Monitor Cause for denied applications related to housing and certificates of appropriateness</td>
<td></td>
<td>Source: City Council Approved by CC on 10/17/2023</td>
</tr>
<tr>
<td>12</td>
<td><strong>A balanced future with equitable provision and distribution of housing, promotion of different types of businesses, and considerations for environmental impacts will help San Marcos continue to be an innovative, prosperous, and attractive community.</strong> San Marcos offers a wide variety of neighborhoods for its residents ranging from historic and highly walkable districts to suburbs and from garden apartments with shared amenities to rural living with ample acreage and privacy. The promotion and integration of new housing types, parks, and other assets into existing and new neighborhoods can provide the community with new housing options and important amenities, but it also can put pressure on the existing community fabric and Historic districts. While change is inevitable, growth and evolution in San Marcos’ historic areas must be balanced with preservation efforts and compatible development. Infill development provides an opportunity to make existing areas of San Marcos more complete and inclusive. It provides the opportunity to infuse new types of housing into an area, thereby diversifying San Marcos’ housing stock and providing housing that accommodates the needs of a diverse and growing population. The inclusion of varied housing options ranging from apartments to single family attached homes, such as townhomes, to more compact single family detached homes, provides options for lifelong residents of different backgrounds and abilities to remain in their neighborhoods.</td>
<td>60</td>
<td><strong>Land Use + Community Design and Character</strong> refers to the way in which different kinds of uses and amenities, their location, and the way they are designed can contribute to the look and feel of San Marcos. In particular, the provision and location of different kinds of housing and businesses in San Marcos are an important part of achieving the community’s vision. San Marcos offers a wide variety of neighborhoods and areas of town including Historic Districts, single-family, variations of multifamily, mixed use, and rural neighborhoods. The proximity of these neighborhoods to a variety of businesses, parks, or other amenities also differs. While change is inevitable, new growth and land uses in San Marcos should be strategic. As growth occurs, the potential inclusion of new housing types, parks, and other assets throughout San Marcos can provide the community with options on where to live based on their needs as well as recreation or basic amenities to support their needs and desires. Where an adopted Area Plan exists, land uses in the neighborhood or area should be guided by the Area Plan. In many cases, infill development provides the opportunity to make existing areas of San Marcos more complete by accommodating the needs of a diverse population and providing options for existing residents to potentially move into different housing types while also remaining in their neighborhoods.</td>
<td>50</td>
<td>Source: P&amp;Z Subcommittee Approved by P&amp;Z on 8/22/2023</td>
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<tr>
<td>13</td>
<td>Goal LU-2: Ensure all residents have safe and convenient access to nearby basic amenities, goods, and services</td>
<td>61</td>
<td>Goal LU-2: <strong>Encourage land use patterns that allow all residents the opportunity to</strong> have safe and convenient access to nearby basic amenities, goods, and services <strong>in</strong> all parts of the city, including underserved areas.</td>
<td>51</td>
<td>Source: Proposed by P&amp;Z on 5/9/2023 Approved by P&amp;Z on 8/22/2023</td>
</tr>
<tr>
<td>14</td>
<td>LU-2.1 Allow a mix of land uses in neighborhood centers.</td>
<td>61</td>
<td>LU-2.1 <strong>Allow</strong> a mix of land uses in neighborhood centers using Area Plans and Neighborhood Character Studies to guide this process, as applicable.</td>
<td>51</td>
<td>Source: P&amp;Z Subcommittee Approved by P&amp;Z on 8/22/2023</td>
</tr>
<tr>
<td>15</td>
<td>Goal LU-3: Establish a set of tools and programs, including incentives, that direct and manage growth consistent with community goals</td>
<td>62</td>
<td>Goal LU-3: Establish a set of tools and programs, including incentives, to direct and manage growth consistent with community goals.</td>
<td>52</td>
<td>Source: P&amp;Z Subcommittee Approved by P&amp;Z on 8/22/2023</td>
</tr>
<tr>
<td>16</td>
<td>LU-3.3 Encourage and incentivize a variety of diverse housing types, including, but not limited to accessory dwelling units, manufactured homes and multifamily developments.</td>
<td>62</td>
<td>LU-3.3 <strong>Encourage and incentivize</strong> a variety of diverse housing types, including, but not limited to accessory dwelling units, manufactured homes, multifamily developments. <strong>Area Plans and Neighborhood Character Studies should guide this process, as applicable.</strong></td>
<td>52</td>
<td>Source: P&amp;Z Subcommittee Approved by P&amp;Z on 8/22/2023</td>
</tr>
<tr>
<td>17</td>
<td>N/A</td>
<td>62</td>
<td>LU-3.8 <strong>Protect the pattern and character of existing neighborhoods by requiring new infill development to have complementary building forms and site features.</strong></td>
<td>52</td>
<td>Source: P&amp;Z Subcommittee Approved by P&amp;Z on 8/22/2023</td>
</tr>
<tr>
<td>18</td>
<td>LU-4.1 Establish and incentivize conservation development guidelines, green infrastructure practices, and compact development.</td>
<td>62</td>
<td>LU-4.1 <strong>Establish and incentivize</strong> conservation development guidelines, green infrastructure practices, and compact development.</td>
<td>52</td>
<td>Source: P&amp;Z Subcommittee Approved by P&amp;Z on 8/22/2023</td>
</tr>
<tr>
<td>19</td>
<td>LU-4.4 Adopt standards for impervious cover limits for all of the city and extra-territorial jurisdiction to minimize flooding.</td>
<td>62</td>
<td>LU-4.4: <strong>Proposed - LU-4.4:</strong> Adopt standards for impervious cover limits for all of the city and extra-territorial jurisdiction to minimize flooding, protect water quality, and preserve recharge of groundwater. As part of this policy development, consider using net site area in lieu of gross site area to take into account areas of site that are undevelopable and adopt lower limits for areas that are environmentally sensitive. <strong>Approved - LU-4.4:</strong> Adopt standards for impervious cover limits for all of the city and extra-territorial jurisdiction to minimize flooding, protect water quality, and preserve recharge of groundwater.</td>
<td>52</td>
<td>Source: Proposed by Save Our Springs, and added by P&amp;Z on 5/9/2023 Approved by P&amp;Z on 8/22/2023</td>
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<tr>
<td>20</td>
<td>Land Use + Community Design and Character OBJECTIVES - Share of households within a 15-minute walk, bike ride or transit trip of mixed-use neighborhood centers - Number of developments using conservation design, low-impact development, and green building practices - Surface water quality and pollutants (rivers, etc.) - Fiscal sustainability of city as growth occurs - Location of growth as it relates to the Preferred Scenario Map</td>
<td>Land Use + Community Design and Character OBJECTIVES - Increase Share of households within a 15-minute walk, bike ride, vehicle trip, or transit trip of mixed-use neighborhood centers - Increase Number of developments using conservation design, low-impact development, and green building practices - Increase Water surface quality treatment and decrease pollutants (rivers, etc.) - Monitor Fiscal sustainability of city as growth occurs - Approve Location of growth as it relates to the Preferred Scenario Map</td>
<td>63</td>
<td>53</td>
<td>Source: City Council Approved by CC on 10/17/2023</td>
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<tr>
<td></td>
<td>PPS 1.1 Create a Greenways Master Plan to improve pedestrian and bicycle access and connections between parks, open spaces and recreation facilities and to encourage active transportation.</td>
<td>PPS 1.1 Create a Greenways Master Plan to improve pedestrian and bicycle access and connections between parks, open spaces and recreation facilities and to encourage active transportation.</td>
<td>65</td>
<td>Source: P&amp;Z Subcommittee Approved by P&amp;Z on 8/22/2023</td>
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<td></td>
<td>PPS 1.5 Ensure equitable access of parks for residents across the city, particularly east of IH-35 or where park access is currently limited.</td>
<td>PPS 1.5 Ensure Provide equitable access of to parks for residents across the city, particularly east of IH-35 or where park access is currently limited.</td>
<td>55 &amp; 57</td>
<td>Source: City Council Approved by CC on 10/17/2023</td>
<td></td>
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<tr>
<td>21</td>
<td>PARKS &amp; PUBLIC SPACE + HEALTH, SAFETY &amp; WELLNESS OBJECTIVES - Parks Master Plan Actions completed or underway - Level of service standards for emergency services - Number of parks, open spaces and facilities connected to a trail or greenway - Resident access to parks and open spaces - Park maintenance funding level and staffing</td>
<td>PARKS &amp; PUBLIC SPACE + HEALTH, SAFETY &amp; WELLNESS OBJECTIVES - Recognize Parks Master Plan Actions completed or underway - Increase Level of service standards for emergency services - Increase Number of parks, open spaces and facilities connected to a trail or greenway - Increase Resident access to parks and open spaces - Increase Park maintenance funding level and staffing</td>
<td>70</td>
<td>60 &amp; 61</td>
<td>Source: City Council Approved by CC on 10/17/2023</td>
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<td></td>
<td>TR-2.4 Incorporate the Sidewalk Master Plan into other mobility initiatives and plans and review/ updated as needed.</td>
<td>TR-2.4 Incorporate the Sidewalk Master Plan into other mobility initiatives and plans and review/ updated as needed.</td>
<td>73</td>
<td>Source: P&amp;Z Subcommittee Approved by P&amp;Z on 8/22/2023</td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>TRANSPORTATION OBJECTIVES - Mode share - Congestion - Miles of continuous pedestrian / bike infrastructure - Crashes and injuries - Transit ridership and frequency - Number of Transportation Management Plan actions implemented - Share of homes within a 15-minute walk of a transit stop - Improved “walk score” grades</td>
<td>TRANSPORTATION OBJECTIVES - Increase Mode share of travel other than vehicles - Decrease Congestion - Increase Miles of continuous pedestrian / bike infrastructure - Decrease Crashes and injuries - Increase Transit ridership and frequency - Increase Number of Transportation Management Plan actions implemented - Increase Share of homes within a 15-minute walk of a transit stop - Improved “walk score” grades</td>
<td>70</td>
<td>60 &amp; 61</td>
<td>Source: City Council Approved by CC on 10/17/2023</td>
</tr>
<tr>
<td>23</td>
<td>PREFERRED GROWTH SCENARIO A key aspect of the update to the Comprehensive Plan was revisiting thePreferred Growth Scenario directing future investments and development in San Marcos. Vision SMTX builds on the community’s previous Preferred Growth Scenario, but also adjusts to the development of the past decade, new community ideas, and national best practices. This section also introduces a framework for helping to ensure that development in San Marcos is contributing to complete places and communities.</td>
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<td>61</td>
<td>Source: P&amp;Z Subcommittee Approved by P&amp;Z on 8/22/2023</td>
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<td>In addition, many participants cited examples of newer neighborhoods east and west of IH-35 that lack sufficient amenities and services within a reasonable distance. In turn, residents in many of these newer neighborhoods have no choice but to drive for nearly all of their trips. Neighborhoods that provide people with safe and convenient choices for a variety of goods and services, jobs, and housing options are more equitable and contribute to complete communities. As expressed throughout the public engagement, a key objective for this updated Comprehensive Plan is to leverage future public and private investment to help ensure all areas of San Marcos can become complete places.</td>
<td>74</td>
<td>In addition, many participants cited examples of newer neighborhoods east and west of IH-35 that lack sufficient amenities and services within a reasonable distance. In turn, residents in many of these newer neighborhoods have no choice but to drive for nearly all of their trips. Neighborhoods that provide people with safe and convenient choices for a variety of goods and services, jobs, and housing options are more equitable and contribute to complete communities. As expressed throughout the public engagement, a key objective for this updated Comprehensive Plan is to leverage future public and private investment to help ensure all areas of San Marcos can become complete places.</td>
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<td>Amended text from Vision SMTX+: Complete Communities consist of a variety of places that provide opportunities for people to live, work, and play. Many areas in San Marcos today are single use. For example, some residential neighborhoods have no nearby goods and services, or employment areas. In these areas, residents may have to travel farther and longer than they would prefer to access all of their needs.</td>
<td>75</td>
<td>Complete Communities consist of a variety of places that provide opportunities for people to live, work, and play, and meet their basic needs. Many areas in San Marcos today are single use. For example, some residential neighborhoods would not be considered part of a Complete Community since they have no nearby goods and services, or employment areas. In these areas, residents in these neighborhoods may have to travel farther and longer than they would prefer to access all of their needs.</td>
<td>Source: Proposed by P&amp;Z &amp; Approved by P&amp;Z on 8/22/2023</td>
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<td>These homogenous areas mean that the average San Marcan has to travel farther and longer to access all of their needs. This contributes to unnecessary demands on the roadway network, traffic congestion, environmental impacts, and a higher cost of living for many households. It also means that those who are not able to drive, bike, or use transit may not have their needs met. More simply put, an incomplete community with few or poorly distributed amenities and services is inequitable and impacts transportation, health, quality of life, and the environment.</td>
<td>75</td>
<td>These homogeneous areas mean that in these areas, the average San Marcan residents may have has to travel farther and longer than they would prefer to access all of their needs. This contributes to unnecessary demands on the roadway network, potential traffic congestion and environmental impacts, and a higher cost of living for many households. It also means that those who are not able to drive, bike, or use transit may not have their needs met. More simply put, in these areas, residents may have has to travel farther and longer than they would prefer to access all of their needs.</td>
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<td>Amended text from Vision SMTX+: This contributes to demand on the roadway network, potential traffic congestion and environmental impacts, and could contribute to a higher cost of living for households. It also means that those who are not able to drive, bike, or use transit may not have their needs met. With these potential impacts in mind, an incomplete community includes few or poorly distributed amenities and services that may have an inequitable impact on transportation, health, quality of life, the environment on residents or areas of San Marcos.</td>
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<td>By locating a variety of places near each other and promoting a more equitable distribution of mixed use places, communities can benefit from the proximity of complementary uses, such as homes adjacent to opportunities to shop and dine, or employment centers close to commercial areas where people can access services after work. In addition to a variety of places, a Complete Community should include a variety of amenities and benefits within each place. This means embedding high-quality parks, open space, pedestrian and bicycle facilities, parking, and other community benefits within each place that make up a neighborhood or area of the city.</td>
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<td>Many of San Marcos’ original neighborhoods, especially those closest to Downtown, benefit from access to shops, restaurants, cultural amenities, employment opportunities, civic offerings, and recreation. The streets are well connected and for the most part, daily needs can be obtained on foot, by bike, or by car. While new development cannot replicate the treasured Historic character of these neighborhoods, they do provide a model and inspiration for what new development and future investments in San Marcos can strive to achieve.</td>
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<td>Source: Proposed by P&amp;Z on 5/9/2023 Approved by P&amp;Z on 8/22/2023</td>
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<td>COMMUNITY PRIORITIES AND OVERLAYS As San Marcans articulated the desire to learn from the DNA of the oldest parts of the community, they also expressed a strong desire to minimize the impacts of new development on historic, cultural, and environmental assets.</td>
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<td>76</td>
<td>Source: P&amp;Z Subcommittee Approved by P&amp;Z on 8/22/2023</td>
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<td>These inputs were used to recalculate environmentally constrained areas on a scale of 1 to 5 with 1 being the least constrained and 5 being the most constrained. The Environmental overlay includes all areas scoring a 5 within the City Limits and all areas scoring 4 or 5 outside the City Limits, but within the Extraterritorial Jurisdiction (ETJ). For Scenario planning a maximum of 50% of areas with the environmental overlay were “developed” with allocations of housing and jobs. In addition, high level land use and land use intensity were assigned strategically to minimize the amount of land within the overlays necessary to accommodate projected development.</td>
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<td>Low Intensity: Low Intensity areas are generally lower in scale and have a lower proportion of the land area covered by buildings. In the case of Neighborhoods, this is generally reflected in detached and attached single family and smaller scale multiplex development. Accessory Dwelling Units fit within Low Intensity residential areas.</td>
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<td>PLACE TYPES Most comprehensive planning documents provide direction for future growth through only a land use map. Future land use, which informs parcel-based zoning, does not give guidance on the aspects of place like building form, streets, multimodal facilities and connections, and open space, that make it comfortable for those who use it. To achieve the goal of Truly Complete Communities, the Vision SMTX Comprehensive Plan introduces Place Types, which provide direction beyond just land use at the parcel level. A Place Type thinks about a place more holistically and at a larger scale, incorporating guidance for land use, transportation, layout, design, and more. A Place Typology defines a set of Places that are unique and authentic to the community and its needs. Utilizing combinations of High-Level Land Use and Intensity (both described above), a set of nine Place Types were developed through the planning process, including:</td>
<td>PLACE TYPES Most comprehensive planning documents provide direction for future growth through only a land use map. Future land use, which informs parcel-based zoning, does not give guidance on the aspects of place like building form, streets, multimodal facilities and connections, and open space, that make it comfortable for those who use it. To achieve the goal of Truly Complete Communities, the Vision SMTX Comprehensive Plan introduces Place Types, which provide direction beyond just land use at the parcel level. A Place Type thinks about a place more holistically and at a larger scale, incorporating guidance for land use, transportation, layout, design, and more. A Place Typology defines a set of Places that are unique and authentic to the community and its needs. Utilizing combinations of High-Level Land Use and Intensity (both described above), a set of nine Place Types were developed through the planning process, including:</td>
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| 35    | Neighborhood Low  
|       | Neighborhood Medium  
|       | Neighborhood High  
|       | Neighborhood Transition  
|       | Mixed Use Low  
|       | Mixed Use Medium  
|       | Commercial/Employment Low  
|       | Commercial/Employment Medium  
|       | Conserve/Reserve | Neighborhood Low-Existing — primarily low density single-family neighborhoods.  
|       | Neighborhood Low-New — a mix of low density residential housing types.  
| 80    | Neighborhood Medium-New — a mix of low to medium density residential housing types.  
|       | Neighborhood High — primarily high density housing types with some commercial.  
|       | Neighborhood Transition — small scale commercial, mixed use, and some diverse housing types.  
|       | Mixed Use Low — small scale mixed use.  
|       | Mixed Use Medium — higher density, larger scale mixed use.  
|       | Commercial/Employment Low — low density industrial, auto-oriented retail, and office.  
|       | Commercial/Employment Medium — office, commercial, and campus (medical, education, etc.) uses.  
|       | Conserve/Reserve/Conservation/Cluster — a place holder for potential clustered development and/or protection of environmental features.  
|       | Note: Mixed Use High and Commercial/Employment High Place Types are not included because the high-level land use and intensity are not appropriate for San Marcos. | 70 | Source: P&Z Subcommittee and added by P&Z on 5/9/2023  
|       | Approved by P&Z on 8/22/2023 |
| 36    | Place Type graphics overview | It must be noted however, that proposed changes are general in nature. The completion of Area plans and Neighborhood Character Studies may not support or recommend some types of infill development. | 71 | Source: P&Z Subcommittee  
|       | Approved by P&Z on 8/22/2023 |
| 37    | Place Type graphics overview | Update page to include the new graphics for Neighborhood Low-Existing and Neighborhood Low-New. | 73 | Source: P&Z Subcommittee  
|       | Approved by P&Z on 8/22/2023 |
| NEIGHBORHOOD LOW PLACE TYPE | NEIGHBORHOOD LOW PLACE TYPE | Split the “Neighborhood Low” Place Type into “Neighborhood Low-Existing” and “Neighborhood Low-New”.  
| 38    | | Define “Neighborhood Low-Existing” as properties within Neighborhood Low that are platted and zoned single family  
|       | | Add additional language regarding Historic Districts  
|       | | Update document accordingly to reflect this change.  
|       | | Add 4 new graphics to depict the Place Types. | 74-80 | Source: P&Z Subcommittee  
<p>|       | | Approved by P&amp;Z on 8/22/2023 |</p>
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<td>39</td>
<td>NEIGHBORHOOD MEDIUM PLACE TYPE</td>
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<td>Existing locations of Neighborhood Medium tend to include small concentrations of townhomes and/ or multifamily residences intermixed with housing types more typical of Neighborhood Low areas. Neighborhood Medium development tends to take the form of “walk-up” or garden-style apartments whereby small-scale apartment buildings sit in the middle of surface parking lots. Riverfronts, creeks, and major roadway frontages are typically underutilized. To achieve a more connected and walkable neighborhood that helps to fill the “missing middle” or diverse housing options in the community, a more cohesive development pattern should be encouraged in terms of the size and scale of housing types, as well as the relationship that the Neighborhood Medium structures have to each other. Parks, plazas, greenways, and trails should be integrated to strengthen the sense of community and quality of life for residents and visitors to the area. Riverfronts and street frontages are better utilized with building facades along the street edge, trails, and public spaces.</td>
<td>89</td>
<td>Source: Planning &amp; Zoning Commission Approved by P&amp;Z on 8/22/2023</td>
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<td>40</td>
<td>NEIGHBORHOOD MEDIUM PLACE TYPE</td>
<td></td>
<td>Primary Land Uses</td>
<td>Attached Single-Family Residential</td>
<td>Low to Medium-Scale Multifamily Residential</td>
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<td>Parks and Open Space</td>
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<td>- Pocket Parks and Plazas to help activate smaller interstitial spaces and provide opportunities for placemaking elements</td>
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<td>Mixed Use Low Commercial/Em ployment Medium Higher Density Neighborhood Neighborhood Transition</td>
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<td>Fiscal Consideration</td>
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<td>Net Positive Fiscal Impact ($1,669 per acre, $219 per new person)</td>
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<td>41</td>
<td>NEIGHBORHOOD HIGH PLACE TYPE</td>
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<td>Existing locations of Neighborhood High development tend to be auto-oriented in nature with buildings set back from the street with surface parking lots primarily fronting the street. Amenities such as plazas or open areas tend to be entirely private and intended only for residents. Most Neighborhood High areas, especially those downtown and in other areas close to campus, are mainly for-rent developments that cater to students and some young professionals. In</td>
<td>93</td>
<td>Source: Planning &amp; Zoning Commission Approved by P&amp;Z on 8/22/2023</td>
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addition, nearby commercial amenities tend to be limited with the exception of downtown.

The ideal Neighborhood High development should be a mostly self-sufficient area with plentiful housing options, well-situated shopping and dining options, walkable streets, and well-integrated recreational amenities. The place type provides an opportunity for a large number of residents to live in close proximity to a concentration of amenities and services. When strategically located with good transitions in land use and intensity, the Neighborhood High Place Type is an important component to accommodating projected residential growth in San Marcos in a manner that helps preserve and conserve natural areas and land in agricultural use.

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<td>42</td>
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<td>Fiscal Considerations</td>
<td>Net Positive Fiscal Impact ($3,348 per acre, $220 per new person) Most efficient Place Type in terms of infrastructure demand; generates highest concentration of potential service needs</td>
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<td>43</td>
<td><strong>NEIGHBORHOOD TRANSITION</strong></td>
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<td>To provide appropriate transitions between mixed use, non-residential place types and neighborhood place types. Transitions should be achieved in the form of both use and built form. Even with the three intensities applied to the Neighborhood high level land use, the transition from one place type to the next can sometimes be jarring and lead to visual and other conflicts. The Neighborhood Transition Place Type is intended to provide a more gradual transition to Neighborhood Medium and Neighborhood Low areas in terms of development form and land use between higher intensity neighborhoods and non-residential place types. The Place Type borrows elements from the adjoining neighborhoods to provide more desirable adjacencies for people living near more intense and/or active areas.</td>
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<td>Neighborhood Transition areas that exist in San Marcos today often feel like a &quot;hodge podge&quot; of uses or a &quot;no man’s land.&quot; As these areas tend to lack a strong identity, it is often difficult to delineate where a Neighborhood Transition place starts and stops. In fact, these areas typically feel like the frayed edges of the neighborhoods and districts nearby. In certain instances, higher intensity areas may appear to loom over or even encroach on lower intensity neighborhoods nearby. As Neighborhood Transition areas develop with stronger policy and regulatory guidance, there will be a more incremental transition in terms of intensity and land use from one area to another. Higher intensity multi-family housing, mixed use development and commercial development should transition to lower intensity mixed use, commercial and residential development. The heights of buildings should decrease within the Neighborhood Transition areas as they approach lower intensity Neighborhoods. Ideally, the height, lot coverage, and setbacks within the Neighborhood Transition area are approaching or matching the lower intensity Neighborhood where the two different areas meet.</td>
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<td>Existing Mixed Use Low areas tend to be a collection of smaller single use areas with little to no relationship to each other. The lack of identity and organization often results in no real center of gravity for the collection of buildings and uses. In certain instances, the lack of a legible form may be exacerbated by a large number of off-street surface parking lots, making walking to or around the place challenging or undesirable. Connectivity infrastructure is also frequently poor between destinations within the mixed use low place unless you are driving. Mixed Use Low places in San Marcos should have a more legible form that is easy and inviting to navigate no matter how people choose to travel. Mixed Use Low places will provide attractive destinations and services within close proximity to other low to medium intensity places, including neighborhoods and commercial/employment areas. Parking is still provided by on-street options and off-street surfacing parking, but it is not the dominant feature with parking lots typically situated to the side or rear of buildings. Smaller parks and plazas add to the sense of place within Mixed Use Low places.</td>
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<td>    · Mobility hub/s with transit connections embedded along or within&lt;br&gt;    · Sidewalks along, within and connecting to&lt;br&gt;    · Bike facilities typically connecting and parallel to&lt;br&gt;<strong>Mobility Characteristics</strong>&lt;br&gt;    · Mobility hub/s with transit connections embedded along or within&lt;br&gt;    · Sidewalks along, within and connecting to&lt;br&gt;    · Bike facilities typically connecting and parallel to &lt;br&gt;The area</td>
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<td>    · Pockets Parks and Plazas to create seating and dining&lt;br&gt;    · Opportunities, activate smaller intersitial spaces, and provide opportunities for placemaking elements&lt;br&gt;<strong>Parks and Open Space</strong>&lt;br&gt;    · Pockets Parks and Plazas to create seating and dining&lt;br&gt;    · Opportunities, activate smaller intersitial spaces, and provide opportunities for placemaking elements</td>
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<td><strong>Fiscal Considerations</strong>&lt;br&gt;    · Net Positive Fiscal Impact ($4,493 per acre, $398 per new person)&lt;br&gt;    · Generates greatest net positive impact (per acre and per new person)&lt;br&gt;    · Limited potential for growth in this Place Type&lt;br&gt;<strong>Fiscal Considerations</strong>&lt;br&gt;    · Net Positive Fiscal Impact ($4,493 per acre, $398 per new person)&lt;br&gt;    · Generates greatest net positive impact (per acre and per new person)&lt;br&gt;    · Limited potential for growth in this Place Type</td>
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<td>47</td>
<td><strong>MIXED USE MEDIUM PLACE TYPE</strong>&lt;br&gt;<strong>Built Form:</strong> Typically 4-8 stories with buildings situated closely together and engaging the street to create a series of active ground floor spaces and storefronts; depending on the location, parking will primarily be on-street or in parking structures, but some small off-street parking lots may exist; the typical density is 12+ dwelling units per acre and 25 jobs per acre</td>
<td>104</td>
<td><strong>MIXED USE MEDIUM PLACE TYPE</strong>&lt;br&gt;<strong>Built Form:</strong> Typically 4.83-5 stories with buildings situated closely together and engaging the street to create a series of active ground floor spaces and storefronts; depending on the location, parking will primarily be on-street or in parking structures, but some small off-street parking lots may exist; the typical density is 12+ dwelling units per acre and 25 jobs per acre</td>
<td>98</td>
<td>Source: P&amp;Z Subcommittee Approved by P&amp;Z on 8/22/2023</td>
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<tr>
<td>48</td>
<td><strong>MIXED USE MEDIUM PLACE TYPE</strong>&lt;br&gt;Existing locations of Mixed-Use Medium contain horizontal mixed use with primarily auto-oriented commercial buildings and multi-family housing, and small amounts of vertical mixed-use and other uses. While buildings are somewhat dense, a large portion of land is covered in surface parking lots and walkability is limited. Riverfronts, creeks, and major roadway frontages are typically underutilized. To achieve a more connected and walkable neighborhood, the large commercial buildings and surface parking lots should be converted into dense, pedestrian-oriented, mixed-use buildings. The addition of small parks, plazas, and bike lanes adds amenities and walkability to the neighborhood.</td>
<td>104</td>
<td><strong>MIXED USE MEDIUM PLACE TYPE</strong>&lt;br&gt;Existing locations of Mixed-Use Medium contain horizontal mixed use with primarily auto-oriented commercial buildings and multi-family housing, and small amounts of vertical mixed-use and other uses. While buildings are somewhat dense, a large portion of land is covered in surface parking lots and walkability is limited. Riverfronts, creeks, and major roadway frontages are typically underutilized. To achieve a more connected and walkable neighborhood, the large commercial buildings and surface parking lots should be converted into dense, pedestrian-oriented, mixed-use buildings. The addition of small parks, plazas, and bike lanes adds amenities and walkability to the neighborhood. Parking structures allow for less horizontal space dedicated to surface parking. Waterways/drainage areas and street frontages are better utilized with building facades along the street edge, trails, and public spaces.</td>
<td>98</td>
<td>Source: P&amp;Z Subcommittee Approved by P&amp;Z on 8/22/2023</td>
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<td>49</td>
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<td>105</td>
<td></td>
<td></td>
<td>Source: Planning &amp; Zoning Commission Approved by P&amp;Z on 8/22/2023</td>
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</table>
### PARKS AND OPEN SPACE
- Neighbors Medium
- Neighborhood High
- Neighborhood Mixed Use Low
- Commercial/Employment Medium

### DESIRABLE TRANSITIONS
- Neighbors High Mixed Use
- Neighborhood Low Commercial/Employment Medium
- Neighbors Medium Mixed Use
- Neighborhood Mixed Use Low Commercial/Employment Medium

### FISCAL CONSIDERATIONS
- **Net Positive Fiscal Impact** ($1,969 per acre, $98 per new person)
- Generates most value and revenue per acre of all Place Types
- Denser concentration and variety of uses also requires a greater level of service

### COMMERCIAL/EMPLOYMENT LOW PLACE TYPE
Commercial Employment Low places comprise much of the non-residential areas of San Marcos today. They tend to include a variety of industrial uses, distribution, auto-oriented retail, and dining options, as well as lower intensity, single use and standalone office uses, including civic, medical, and educational. It is expected that many of these existing areas will not transition to another place during the life of the plan, but there may still be opportunities to make these places better connected and more desirable.

### MIXED USE MEDIUM PLACE TYPE
- Neighbors High Mixed Use
- Neighborhood mixed use Low Commercial/Employment Medium

### DENSER CONCENTRATION AND VARIETY OF USES
- More people
- More businesses
- More services

### SOURCE & DATE OF ACTION
- **Source:** P&Z Subcommittee
- **Approved by P&Z on:** 8/22/2023
<table>
<thead>
<tr>
<th><strong>COMMERCIAL/Employment Low Place Type</strong></th>
<th><strong>Vision SMTX (original Draft Plan)</strong></th>
<th><strong>Vision SMTX++ with Council Amendments</strong></th>
<th><strong>Source &amp; Date of Action</strong></th>
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<tbody>
<tr>
<td><strong>Primary Land Uses</strong></td>
<td>Light to Heavy Industrial</td>
<td>Light to Heavy Industrial</td>
<td>Source: P&amp;Z Subcommittee</td>
<td>Approved by P&amp;Z on 8/22/2023</td>
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<td>Warehouse and Distribution</td>
<td>Warehouse and Distribution</td>
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<td></td>
<td>Lower Density Office</td>
<td>Lower Density Office</td>
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<td></td>
<td>Lower Density Retail</td>
<td>Lower Density Retail</td>
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<tr>
<td><strong>Secondary Land Uses</strong></td>
<td>Supportive Service Commercial</td>
<td>Supportive Service Commercial</td>
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<td>Parks and Open Space</td>
<td>Parks and Open Space</td>
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<tr>
<td><strong>Parks and Open Space</strong></td>
<td>Pockets Parks and Plazas to create places for outdoor seating and dining</td>
<td>Pockets Parks and Plazas to create places for outdoor seating and dining</td>
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<td><strong>Fiscal Considerations</strong></td>
<td>Net Negative Fiscal Impact (-$1,652 per acre, -$288 per new person)</td>
<td>Only Place Type with a net negative fiscal impact, but Place Type with greatest potential to capture employment growth Lower density uses generate less efficient infrastructure investment, but value of non-residential development will vary fiscal impact Impact on calls for service varies by use (e.g., retail more, industrial less)</td>
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<tr>
<th><strong>COMMERCIAL/Employment Medium Place Type</strong></th>
<th><strong>Vision SMTX (original Draft Plan)</strong></th>
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<tr>
<td><strong>In San Marcos, medical and educational campuses are the best examples of Commercial/Employment Medium place types today. They tend to have multistory buildings organized around open space and circulation amenities. There is also a critical mass of activity to help establish a true sense of place. Many other medium intensity commercial and employment developments in San Marcos are somewhat isolated from other buildings and properties nearby. In essence, the developments largely have the same characteristics as existing Commercial/Employment Low places, but with taller buildings. Commercial/Employment Low places in San Marcos should be highly walkable and compact places with concentrations of like uses organized around a variety of amenities. Instead of areas with a disconnected collection of higher intensity buildings, the Commercial/Employment Medium development of the future will work in concert to create a desirable district with employment, shopping, and entertainment opportunities for employees and residents living nearby.</strong></td>
<td><strong>In San Marcos, medical and educational campuses are the best examples of Commercial/Employment Medium place types today. They tend to have multistory buildings organized around open space and circulation amenities. There is also a critical mass of activity to help establish a true sense of place. Many other medium intensity commercial and employment developments in San Marcos are somewhat isolated from other buildings and properties nearby. In essence, the developments largely have the same characteristics as existing Commercial/Employment Low places, but with taller buildings. Commercial/Employment Low places in San Marcos should be highly walkable and compact places with concentrations of like uses organized around a variety of amenities. Instead of areas with a disconnected collection of higher intensity buildings, the Commercial/Employment Medium development of the future will work in concert to create a desirable district with employment, shopping, and entertainment opportunities for employees and residents living nearby.</strong></td>
<td>Source: Planning &amp; Zoning Commission Approved by P&amp;Z on 8/22/2023</td>
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### Vision SMTX (original Draft Plan) | Vision SMTX++ with Council Amendments
---|---
| Item # | Pg# | COMMENTS
| --- | --- | ---
| **54** |  | **COMMERICAL/EMPLOYMENT MEDIUM PLACE TYPE**
| **Parks and Open Space** |  | **Parks and Open Space**
| * Pockets Parks and Plazas to create places for outdoor seating, dining, public art and other placemaking elements | * Pockets Parks and Plazas to create places for outdoor seating, dining, public art and other placemaking elements
| **Desirable Transitions** |  | **Desirable Transitions**
| Neighborhood | Neighborhood | Mixed Use
| Medium | Medium | Neighborhood High
| Mixed Use Medium | * Commercial/Employment Medium | Mixed Use Low
| * Conserve/Reserve | * Conserve/Reserve | **Fiscal Considerations**
| Net Positive Fiscal Impact ($735 per acre, $42 per new person) | Higher density of employment uses offsets cost to serve and provide infrastructure compared to Commercial/Employment Low

| **55** | 115 | **CONSERVE/RESERVE**
| --- | | **CONSERVE/RESERVE**
| The Conserve/Reserve place type was originally developed to identify areas were development would be discouraged over the life of the Comprehensive Plan.

| **56** | 116 | **EXPLORATION OF ALTERNATIVE GROWTH SCENARIOS**
| --- | | **EXPLORATION OF ALTERNATIVE GROWTH SCENARIOS**
| ... Walkability would remain a desired condition that is mainly only realized in downtown or internally within specific subdivisions and projects. San Marcos would likely become even more of a "bedroom community", with housing demands outpacing employment growth. A large portion of environmentally sensitive areas would likely be impacted as continued pressure to develop in a piecemeal fashion grows and a reactive approach to growth in the ETJ would strain requests for water and sewer services.

| **57** | 120 | 
| --- | | The first detailed alternative (Scenario A) included a large concentration of dense development in a "Second City Center" on the east side of IH-35. The Second city center would serve as a new employment center with medium and high-density housing integrated within and immediately adjacent to this new mixed use place. The intent of this approach was to relieve development pressures on San Marcos’ existing downtown and existing close-in neighborhoods and would establish a pattern of urban villages connected to the second city center and the rest of San Marcos.

| **107** | Source: P&Z Subcommittee Approved by P&Z on 8/22/2023
| **110** | Source: P&Z Subcommittee and added by P&Z on 5/9/2023
| **Moved to Appendix** | Source: P&Z Subcommittee Approved by P&Z on 8/22/2023
| **Moved to Appendix** | Source: P&Z Subcommittee Approved by P&Z on 8/22/2023
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<td>58</td>
<td>The Preferred Growth Scenario is expected to require approximately 19,000 acres to accommodate the projected growth in housing units and employment through 2050. The proposed higher intensity mixed-use activity center east of IH-35 will help alleviate development pressures by capturing and accommodating a large portion of the future housing and employment needs.</td>
<td>122</td>
<td>The Preferred Growth Scenario is expected to require approximately 19,000 acres to accommodate the projected growth in housing units and employment through 2050. The proposed higher intensity mixed-use activity center east of IH-35 will help alleviate development pressures by capturing and accommodating a large portion of the future housing and employment needs.</td>
<td>114</td>
<td>Source: P&amp;Z Subcommittee Approved by P&amp;Z on 8/22/2023</td>
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<td>59</td>
<td>The Preferred Growth Scenario paired with the Place Types help to ensure a high level of walkability with places to walk to near most residences. Creating transit supportive development patterns is a prerequisite to establishing high-capacity transit corridors. The realization of multi‐Regional and community centers will support such investment in San Marcos and to other regional destinations moving forward. The Preferred Growth Scenario and associated</td>
<td>122</td>
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<td>Source: P&amp;Z Subcommittee Approved by P&amp;Z on 8/22/2023</td>
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<tr>
<td>60</td>
<td>PREFERRED SCENARIO MAP</td>
<td>123</td>
<td>PREferred SCENARIO MAP</td>
<td>Change the Place Type from Neighborhood-Low to Mixed Use-Low on highlighted parcels along Post Road.</td>
<td></td>
<td>Preferred Scenario Map</td>
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<td>61</td>
<td>The Preferred Growth Scenario includes 17 mixed use centers distributed throughout the community. While several of these centers already exist, many are only partially developed, undeveloped, or single use commercial areas today. Based upon extensive community input, three scales of mixed use centers were identified and mapped as a critical part of the Preferred Growth Scenario. Regional Centers, Community Centers, and Neighborhood Centers are described below, but the common thread amongst them is that these places provide vibrant destinations and opportunities for arts, culture, dining, shopping, working, and entertainment in close proximity to residences and are critical ingredients in strengthening and creating complete communities in San Marcos.</td>
<td>124</td>
<td>The Preferred Growth Scenario includes 17 mixed use centers distributed throughout the community. While several of these centers already exist, many are only partially developed, undeveloped, or single use commercial areas today. Based upon extensive community input, three scales of mixed use centers were identified and mapped as a critical part of the Preferred Growth Scenario. Regional Centers, Community Centers, and Neighborhood Centers are described below, but the common thread amongst them is that these places provide vibrant destinations and opportunities for arts, culture, dining, shopping, working, and entertainment in close proximity to residences and are critical ingredients in strengthening and creating complete communities in San Marcos.</td>
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<td>Source: P&amp;Z Subcommittee Approved by P&amp;Z on 8/22/2023</td>
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<td>62</td>
<td>Images of centers.</td>
<td>124</td>
<td>MIXED USE CENTERS REMOVE MAP IMAGES</td>
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<td>Source: P&amp;Z Subcommittee Approved by P&amp;Z on 8/22/2023</td>
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<td>63</td>
<td>Northeast Highway 110 is an undeveloped area along FM-110 where the community expressed a strong desire for new mixed use development to serve potential new residential developments. Due to the environmental assets and constraints pervasive in and near this location, the intensity of development is expected to be low to medium. Place types comprising the Northeast Highway 110 Community Center include Mixed Use Low and Neighborhood Medium.</td>
<td>126</td>
<td>Central Northeast Highway 110 is an undeveloped area along FM-110 between Highway 80 and Staples Road where the community expressed a strong desire for new mixed use development to serve potential new residential developments. Due to the environmental assets and constraints pervasive in and near this location, the intensity of development is expected to be low to medium. Place Types comprising the Central Northeast Highway 110 Community Center include Mixed Use Low and Neighborhood Medium.</td>
<td>118</td>
<td>Source: Proposed by P&amp;Z on 5/9/2023 Approved by P&amp;Z on 8/22/2023</td>
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<td>64</td>
<td>Neighborhood Centers: Neighborhood Centers are small, walkable mixed-use areas that provide convenient access to goods, services, dining, and residential for nearby residents. These areas are characterized by smaller commercial centers that are walkable and typically embedded in or near neighborhoods so that residents have convenient, safe, and equitable access to services. They should be concentrated to small geographies and distributed throughout the city. The primary place types comprising neighborhood centers include Mixed Use Low; Neighborhood Medium; Commercial/Employment Low; and Neighborhood Transition.</td>
<td>128</td>
<td>Neighborhood Centers: Neighborhood Centers are small, walkable, mixed-use areas that provide convenient access to goods, services, and dining, and residential for nearby residents. These areas are characterized by smaller commercial centers that are walkable and typically embedded in or near neighborhoods so that residents have convenient, safe, and equitable access to services. They should be concentrated to small geographies and distributed throughout the city. The primary place types comprising neighborhood centers include Mixed Use Low; Neighborhood Medium; Commercial/Employment Low; and Neighborhood Transition.</td>
<td>119</td>
<td>Source: P&amp;Z Subcommittee Approved by P&amp;Z on 8/22/2023</td>
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<td>65</td>
<td>Zoning is conservative in nature and has a bias towards maintaining the status quo. Growing cities, though, are not static; new residents move in, new businesses are established, and new technologies change the way people live. These factors create pressures that change the way land is used. The purpose of planning is to anticipate and shape this change in a way that provides opportunities for new development and redevelopment while preserving the community’s cultural and environmental heritage. A comprehensive plan articulates the community’s vision for the future; zoning and other regulatory and budget tools implement that community vision. It follows, therefore, that the first...</td>
<td>Zoning is conservative in nature and has a bias towards maintaining the status quo. Growing cities, though, are not static; new residents move in, new businesses are established, and new technologies change the way people live. These factors create pressures that change the way land is used. The purpose of planning is to anticipate and shape the change in a way that provides opportunities for new development and redevelopment while preserving the community’s historical, cultural, and environmental heritage. A comprehensive plan articulates the community’s vision for the future; zoning and other regulatory and budget tools implement that community vision. It follows, therefore, that the first...</td>
<td>131</td>
<td>Source: P&amp;Z Subcommittee Approved by P&amp;Z on 8/22/2023</td>
<td>121</td>
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<td>66</td>
<td>N/A</td>
<td>The single-family nature of traditional neighborhoods will be preserved while welcoming multiple types of housing in new developments.</td>
<td>131</td>
<td>Source: P&amp;Z Subcommittee Approved by P&amp;Z on 8/22/2023</td>
<td>121</td>
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<td>67</td>
<td>Thus, seven Area Plans are included in the Vision SMTX Comprehensive Plan planning process. While two of those Area Plans focus on higher intensity mixed use regional centers, the remaining five focus on neighborhoods around San Marcos. The Neighborhood Character Studies promised in the Vision San Marcos are included as a major component of the five Area Plans focusing on neighborhoods.</td>
<td>Thus, seven Area Plans are included in the Vision SMTX Comprehensive Plan planning process. While two of those Area Plans focus on higher intensity mixed use regional centers of Downtown and East Village, the remaining five focus on neighborhoods around San Marcos. The Neighborhood Character Studies promised in the Vision San Marcos are included as a major component of the five Area Plans focusing on neighborhoods. These Area Plans will guide future development.</td>
<td>134</td>
<td>Source: Proposed by P&amp;Z on 5/9/2023 Approved by P&amp;Z on 8/22/2023</td>
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<td>68</td>
<td>AREA PLAN APPROACH Area Plans are intended to provide a coordinated, consistent, and effective approach for the planning of neighborhoods and Regional Centers in San Marcos. A more localized and/or neighborhood-based approach to more detailed planning of San Marcos establishes an achievable approach to developing plans with detailed recommendations for specific geographies of the community.</td>
<td>AREA PLAN APPROACH Area Plans are intended to provide a coordinated, consistent, and effective approach for the planning of neighborhoods and Regional Centers in San Marcos. A more localized and/or neighborhood-based approach to more detailed planning of San Marcos establishes an achievable approach to developing plans with detailed recommendations for specific geographies of the community.</td>
<td>135</td>
<td>Source: P&amp;Z Subcommittee Approved by P&amp;Z on 8/22/2023</td>
<td>125</td>
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<td>69</td>
<td>TYPES OF AREA PLANS As suggested above, the Area Planning approach includes two types of Area Plans. The first type is for the two Regional Centers identified and briefly described in the previous section. The second type incorporates Neighborhood Character Studies and is focused on areas of the community with mainly Neighborhood Character Studies and is focused on areas of the community with mainly Neighborhood place types assigned in the Preferred Growth Scenario. With that said, there are benefits to not limiting Neighborhood Area Plans to only neighborhoods with Neighborhood Place Type designations. Planning can and should include other Planning can and should include other Place Types nearby to help ensure connectivity, compatibility, and a cohesive development pattern that will contribute to creating more complete communities throughout San Marcos.</td>
<td>TYPES OF AREA PLANS As suggested above, the Area Planning approach includes two types of Area Plans. The first type is for the two Regional Centers of Downtown and East Village, identified and briefly described in the previous section. The second type incorporates Neighborhood Character Studies and are focused on areas of the community with mainly Neighborhood place types assigned in the Preferred Growth Scenario. With that said, there are benefits to not limiting Neighborhood Area Plans to only neighborhoods with Neighborhood Place Type designations. Planning can and should include other Place Types nearby to help ensure connectivity, compatibility, and a cohesive development pattern that will contribute to creating more complete communities throughout San Marcos.</td>
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<td>70</td>
<td>Regional Center Area Plans Based upon direction from the Comprehensive Plan Steering Committee (CPCS) and City Council, the first type of Area Plans are being developed for the two Regional Centers identified in the Preferred Growth Scenario. There are two primary reasons for developing more detailed and localized direction for the Plan’s Regional Centers. In the case of Downtown San Marcos, the area signifies the historic heart of the community. The existing Downtown Master Plan was adopted in 2008 and there has been a significant amount of change in the Downtown Area and many of the factors influencing its livelihood and long-term success. The focus of that Area Plan is to continue attracting investment and diversity to Downtown San Marcos while retaining the historic character and charm that make the area unique and memorable.</td>
<td>Regional Center Area Plans Based upon direction from the Comprehensive Plan Steering Committee (CPCS) and City Council, the first type of Area Plans are being developed for the two Regional Centers identified in the Preferred Growth Scenario. There are two primary reasons for developing more detailed and localized direction for the Plan’s Regional Centers. In the case of Downtown San Marcos, the area signifies the historic heart of the community. The existing Downtown Master Plan was adopted in 2008, and there has been a significant amount of change in the Downtown Area and many of the factors influencing its livelihood and long-term success. The focus of that Area Plan is to continue attracting commercial investment, urban diversity, and historic character and charm that make the area unique and memorable.</td>
<td>136</td>
<td>Source: P&amp;Z Subcommittee Approved by P&amp;Z on 8/22/2023</td>
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<td>71</td>
<td>For the Second City Center, the Preferred Growth Scenario and associated modeling project a large amount of residential and employment growth in the area designated as a Regional Center and much of the area nearby. Although the area was already identified as a targeted growth area in the Vision San Marcos, the area is largely undeveloped and development that is occurring is not implementing the vision articulated for the East Village in the previous Comprehensive Plan. A Regional Center Area Plan for the Second City Center will evaluate and update that vision, aligning it with direction from the Preferred Growth Scenario, as well as current and projected market conditions. The approach to Regional Center Area Plans in San Marcos includes:</td>
<td>136</td>
<td>For the Second City Center East Village, the Preferred Growth Scenario and associated modeling project a large amount of residential and employment growth in the area designated as a Regional Center and much of the area nearby. Although the area was already identified as a targeted growth area in the Vision San Marcos, the area is largely undeveloped and development that is occurring is not implementing the vision articulated for the East Village in the previous Comprehensive Plan. A Regional Center Area Plan for the Second City Center will evaluate and update that vision, aligning it with direction from the Preferred Growth Scenario, as well as current and projected market conditions. The approach to Regional Center Area Plans in San Marcos includes:</td>
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<td>... Plans for existing and future higher intensity, mixed use centers in San Marcos Focus on land use, built form, connectivity, public spaces, housing and employment.</td>
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<td>Neighborhood Area Plans The CPSC and City Council also provided strong guidance for the second type of Area Plan included in the overall Vision SMTX planning effort. City Council also provided direction indicating that each distinct neighborhood included in a Neighborhood Area will have its own Neighborhood Character Study as a means of recognizing and protecting the unique character of each individual neighborhood in San Marcos. The approach to Neighborhood Area Plans in San Marcos includes:</td>
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<td>Neighborhood Area Plans The CPSC and City Council also provided strong guidance for the second type of Area Plan included in the overall Vision SMTX planning effort. City Council also provided direction indicating that each distinct neighborhood included in a Neighborhood Area will have its own Neighborhood Character Study as a means of recognizing and protecting the unique character of each individual neighborhood in San Marcos. The approach to Neighborhood Area Plans in San Marcos includes:</td>
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Lastly, the fiscal impact analysis identified a few major findings related to the location of growth that impact land use and future annexation decisions.

- The City of San Marcos' ETJ is within four different counties (Caldwell, Comal, Guadalupe, and Hays). Most of San Marcos and its future growth potential is within Hays County, which is more convenient for service provision since San Marcos is the Hays County seat. Growth within the other three counties produces greater service costs (especially for police service).
- The location of growth significantly impacts the effectiveness and cost of fire service. Fire service effectiveness is driven by a few key factors including response time to calls for service and the utilization of firefighter units and apparatus.

Lastly, the fiscal impact analysis identified a few major findings related to the location of growth that impact land use and future annexation decisions.

- The location of growth significantly impacts the effectiveness and cost of fire service. Fire service effectiveness is driven by a few key factors including response time to calls for service and the utilization of firefighter units and apparatus.
- Development that is far from existing fire stations (i.e., with a response time greater than four to six minutes) impacts response times and utilization of units. New development outside existing fire station service areas has a much greater cost to serve as it will generate the need for new stations and firefighter staffing.
- The location of growth also impacts police response as new developments are farther from the core of the city. Response times will be longer, and this generates the need for more districts and more officers. In addition, the City of San Marcos' ETJ is within four different counties (Caldwell, Comal, Guadalupe, and Hays). Most of San Marcos and its future growth potential is within Hays County, which is more convenient for service provision since San Marcos is the Hays County seat. Growth that occurs in Caldwell, Comal, and Guadalupe counties within the San Marcos ETJ (the other three counties produces greater service costs than Hays County. This includes farther distances that may need to be traveled to coordinate or process incidents, especially for police service).

<table>
<thead>
<tr>
<th>Item #</th>
<th>Vision SMTX (original Draft Plan)</th>
<th>Pg#</th>
<th>Vision SMTX+ with Council Amendments</th>
<th>Pg#</th>
<th>Source &amp; Date of Action</th>
<th>Comment Here</th>
</tr>
</thead>
<tbody>
<tr>
<td>78</td>
<td>Lastly, the fiscal impact analysis identified a few major findings related to the location of growth that impact land use and future annexation decisions.</td>
<td>160</td>
<td>Lastly, the fiscal impact analysis identified a few major findings related to the location of growth that impact land use and future annexation decisions.</td>
<td>138</td>
<td>Source: Directed by City Council at the 10/17/24 Council Meeting.</td>
<td></td>
</tr>
<tr>
<td>79</td>
<td>N/A</td>
<td>167</td>
<td>Add definition for Complete Community.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>80</td>
<td>N/A</td>
<td>167</td>
<td>Equitable Growth: An approach to public and private investment that attempts to provide community benefits for all residents and to distribute the costs and benefits (physical, financial, environmental, social, and cultural) of growth and change in San Marcos among all residents.</td>
<td>145</td>
<td>Source: P&amp;Z Subcommittee Approved by P&amp;Z on 8/22/2023</td>
<td></td>
</tr>
<tr>
<td>81</td>
<td>Cottage Cluster: A group of homes, generally one or two stories that are clustered and arranged around a common open space.</td>
<td>167</td>
<td>Cottage Cluster: A group of homes, generally one or two stories that are clustered and arranged around a common open space.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>82</td>
<td>Equitable While equality implies treating everyone the same, equity includes the understanding that each community and part of a community has different challenges when it comes to access to various opportunities, and adapting our policies and actions based on those differences to respond to unique needs and create more inclusive access.</td>
<td>167</td>
<td>Equitable While equality implies treating everyone the same, equity includes the understanding that each community and part of a community has different challenges when it comes to access to various opportunities, and adapting our policies and actions based on those differences to respond to unique needs and create more inclusive access.</td>
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<tr>
<td>83</td>
<td>Accessory Dwelling Unit (ADU) A structure contained within or separate from the main structure on a single-family or two-family lot that contains separate living quarters, including cooking, sleeping, and bathroom facilities. An ADU can be a separate structure, or attached as in a garage apartment or garden apartment which includes a separate entrance. An ADU may be occupied by extended members of a family (such as a grandparent) or by persons unrelated to the owners or occupants of the main structure on the lot. ADUs can be a relatively inexpensive way to add dwelling units in existing neighborhoods without changing its character.</td>
<td>167</td>
<td>Accessory Dwelling Unit (ADU) A structure contained within or separate from the main structure on a single-family or two-family lot that contains separate living quarters, including cooking, sleeping, and bathroom facilities. An ADU can be a separate structure, or attached as in a garage apartment or garden apartment which includes a separate entrance. An ADU may be occupied by extended members of a family (such as a grandparent) or by persons unrelated to the owners or occupants of the main structure on the lot. ADUs can be a relatively inexpensive way to add dwelling units in existing neighborhoods without changing its character.</td>
<td>145</td>
<td>Source: P&amp;Z Subcommittee Approved by P&amp;Z on 8/22/2023</td>
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<tr>
<td>84</td>
<td>Goals</td>
<td>Goals</td>
<td>168</td>
<td>N/A</td>
<td></td>
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<tr>
<td></td>
<td>Priority outcomes that the community wants to accomplish.</td>
<td>Priority outcomes that the community wants to accomplish.</td>
<td>168</td>
<td>N/A</td>
<td>Source: P&amp;Z Subcommittee Approved by P&amp;Z on 8/22/2023</td>
<td></td>
</tr>
<tr>
<td>85</td>
<td>Historic Structure</td>
<td>Historic Structure</td>
<td>168</td>
<td>N/A</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Any structure that is: 1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; 2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; 3. Individually listed on a state inventory of historic places in accordance with state historic preservation programs that have been approved by the Secretary of the Interior; or 4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by the Secretary of the Interior or by an approved state program as determined by the Secretary of the Interior.</td>
<td>168</td>
<td>N/A</td>
<td>Source: P&amp;Z Subcommittee Approved by P&amp;Z on 8/22/2023</td>
<td></td>
<td></td>
</tr>
<tr>
<td>86</td>
<td>Mid-Rise Buildings</td>
<td>Mid-Rise Buildings</td>
<td>168</td>
<td>N/A</td>
<td></td>
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<tr>
<td></td>
<td>Tends to describe buildings that are five to eight stories in height, but can be used to describe three and four story buildings as well, depending on context.</td>
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<td>168</td>
<td>N/A</td>
<td>Source: P&amp;Z Subcommittee Approved by P&amp;Z on 8/22/2023</td>
<td></td>
</tr>
<tr>
<td>87</td>
<td>Middle Density (or Missing Middle)</td>
<td>Middle Density (or Missing Middle)</td>
<td>169</td>
<td>N/A</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Development that is built at moderate density, including formats such as two-family housing (duplexes), three-family housing (triplexes), four-family housing (fourplexes), two-or-three story apartment buildings (often with street-level retail on the ground floor), and smaller-scale retail and office development that supports walkable neighborhoods. Middle-density development can be less costly to serve with infrastructure such as water and sewer than lower-density single-family development and often is compatible within and on the fringes of lower-density development such as single-family detached homes. The increased population density supports the City’s goal to create walkable neighborhoods that provide housing in a variety of formats, size, and prices and support neighborhood-level retail and smaller parks. Middle-density development fills the gap between subdivisions that are largely single-family detached homes, and large multi-story apartment buildings, large retail complexes, or office parks.</td>
<td>169</td>
<td>N/A</td>
<td>Source: P&amp;Z Subcommittee Approved by P&amp;Z on 8/22/2023</td>
<td></td>
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<tr>
<td>88</td>
<td>Missing Middle Housing</td>
<td>Missing Middle Housing</td>
<td>169</td>
<td>N/A</td>
<td></td>
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<tr>
<td></td>
<td>The residential component of middle density neighborhoods. Missing middle housing includes a range of housing types that are missing in most neighborhoods constructed in the last 70 years because they were prohibited by many zoning ordinances and disfavored by the housing development and financing market. Types of housing that qualify as the missing middle include two-family housing (duplexes), three-family housing (triplexes), four-family housing (fourplexes), townhouses, cottage homes, smaller two- and three-story apartment buildings, and live-work buildings. This type of housing often supports a variety of different sizes and price points. Individual missing-middle housing projects can be appropriate infill development in existing neighborhoods. They can gently increase density in existing neighborhoods served by utilities without impairing neighborhood identity or charm.</td>
<td>The residential component of middle density neighborhoods. Missing middle housing includes a range of housing types that are missing in most neighborhoods constructed in the last 70 years because they were prohibited by many zoning ordinances and disfavored by the housing development and financing market. Types of housing that qualify as the missing middle include two-family housing (duplexes), three-family housing (triplexes), four-family housing (fourplexes), townhouses, cottage homes, smaller two- and three-story apartment buildings, and live-work buildings. This type of housing often supports a variety of different sizes and price points. Individual missing-middle housing projects can be appropriate infill development in existing neighborhoods. They can gently increase density in existing neighborhoods served by utilities without impairing neighborhood identity or charm.</td>
<td>169</td>
<td>N/A</td>
<td>Source: P&amp;Z Subcommittee Approved by P&amp;Z on 8/22/2023</td>
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<tr>
<td>Item #</td>
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<tr>
<td>89</td>
<td>N/A</td>
<td>170 Sustainable Development Development that meets the needs of the present without compromising the resources needed for future generations.</td>
<td>146 Source: P&amp;Z Subcommittee Approved by P&amp;Z on 8/22/2023</td>
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<tr>
<td>90</td>
<td>Policies Statements that identify how goals can be reached, including the specific intent of the goal direction as it relates to more specific topics or subtopics.</td>
<td>170 Policies Statements that identify how goals can be reached, including the specific intent of the goal direction as it relates to more specific topics or subtopics.</td>
<td>N/A Source: P&amp;Z Subcommittee Approved by P&amp;Z on 8/22/2023</td>
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<tr>
<td>91</td>
<td>Transit-Oriented Development (TOD) A pattern of higher-density residential, commercial, office, and civic uses with an urban design and high-quality support for walking, bicycling, transit use and other forms of non-vehicular transportation, developed near high-performance transit stations. Transit-oriented development (TOD) is often encouraged using special development regulations around transit stations which require a higher-quality public realm, limited parking, and connections to adjoining neighborhoods.</td>
<td>170 Transit-Oriented Development (TOD) A pattern of higher-density residential, commercial, office, and civic uses with an urban design and high-quality support for walking, bicycling, transit use and other forms of non-vehicular transportation, developed near high-performance transit stations. Transit-oriented development (TOD) is often encouraged using special development regulations around transit stations which require a higher-quality public realm, limited parking, and connections to adjoining neighborhoods.</td>
<td>N/A Source: P&amp;Z Subcommittee Approved by P&amp;Z on 8/22/2023</td>
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<tr>
<td>92</td>
<td>Transit Supportive Development An alternative name for Transit-Oriented Development (see above) that places an emphasis on linking adjacent land uses and activities to a transit station or station area.</td>
<td>170 Transit Supportive Development An alternative name for Transit-Oriented Development (see above) that places an emphasis on linking adjacent land uses and activities to a transit station or station area.</td>
<td>N/A Source: P&amp;Z Subcommittee Approved by P&amp;Z on 8/22/2023</td>
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<tr>
<td>93</td>
<td>From Vision SMTX Appendix • Convert Downtown Streets into Two Way streets. Seek TxDOT cooperation in converting Guadalupe &amp; 181 to 2-way streets.</td>
<td>120 From Vision SMTX Appendix • Convert Downtown Streets into Two Way streets. Seek TxDOT cooperation in converting Guadalupe &amp; 181 to 2-way streets.</td>
<td>120 Source: City Council Approved by CC on 10/17/2023</td>
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</tr>
</tbody>
</table>
## Comprehensive Plan Adoption Timeline To-Date

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 5, 2023</td>
<td>Update to Historic Preservation Commission</td>
<td>Link to Meeting <a href="#">Agenda &amp; Video</a></td>
</tr>
<tr>
<td>January 9, 2023</td>
<td>Staff Emailed Comprehensive Plan Steering Committee (CPSC)</td>
<td></td>
</tr>
<tr>
<td>January 12, 2023</td>
<td>Staff Emailed CPSC</td>
<td></td>
</tr>
<tr>
<td>January 12, 2023</td>
<td>Public Comment Period on Draft Plan opens</td>
<td></td>
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<tr>
<td>January 12, 2023</td>
<td>Open House and Launch of Virtual Open House/Take Home Toolkits</td>
<td></td>
</tr>
<tr>
<td>January 18, 2023</td>
<td>Update to Main Street Advisory Board</td>
<td>Link to Meeting <a href="#">Agenda</a></td>
</tr>
<tr>
<td>January 19, 2023</td>
<td>Update to Parks Advisory Board</td>
<td>Link to Meeting <a href="#">Agenda &amp; Video</a></td>
</tr>
<tr>
<td>January 21, 2023</td>
<td>San Marcos Farmers Market Pop-up Booth</td>
<td></td>
</tr>
<tr>
<td>January 23, 2023</td>
<td>Comprehensive Plan Steering Committee (CPSC) Meeting</td>
<td>Link to Meeting <a href="#">Agenda</a></td>
</tr>
<tr>
<td>January 27, 2023</td>
<td>Staff Emailed CPSC</td>
<td></td>
</tr>
<tr>
<td>February 3, 2023</td>
<td>Public Comment Period on Draft Plan Closes</td>
<td></td>
</tr>
<tr>
<td>February 4 - February 17</td>
<td>Staff revised Vision SMTX based on comments received</td>
<td></td>
</tr>
<tr>
<td>February 7, 2023</td>
<td>City Council Information Meeting</td>
<td>Link to Meeting <a href="#">Agenda &amp; Video</a></td>
</tr>
<tr>
<td>February 14, 2023</td>
<td>Planning and Zoning Commission (P&amp;Z) Information Meeting</td>
<td>Link to Meeting <a href="#">Agenda &amp; Video</a></td>
</tr>
<tr>
<td>February 15, 2023</td>
<td>Neighborhood Commission Information Meeting</td>
<td>Link to Meeting <a href="#">Agenda</a></td>
</tr>
<tr>
<td>February 17, 2023</td>
<td>Staff posted Final Draft Vision SMTX on the website</td>
<td></td>
</tr>
<tr>
<td>February 27, 2023</td>
<td>Staff Emailed CPSC</td>
<td></td>
</tr>
<tr>
<td>March 1, 2023</td>
<td>Staff Emailed CPSC</td>
<td></td>
</tr>
<tr>
<td>April 3, 2023</td>
<td>Staff received redlines to Vision SMTX.</td>
<td></td>
</tr>
<tr>
<td>April 11, 2023</td>
<td>Planning and Zoning Commission (P&amp;Z) Consideration</td>
<td>Link to Meeting <a href="#">Agenda &amp; Video</a>. P&amp;Z postponed action to the May 9 meeting. The Commission directed staff to prepare an Alternative Draft Comprehensive Plan, known as Vision SMTX+, using the redlines provided by the subcommittee consisting of Chair Garber, Commissioners Meeks, Commissioner Agnew, Commissioner Case, and Mayor Hughson.</td>
</tr>
<tr>
<td>April 14, 2023</td>
<td>Staff Emailed CPSC</td>
<td></td>
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<tr>
<td>April 20, 2023</td>
<td>Staff met with Mayor and Chair Garber to discuss the Subcommittee redlines</td>
<td></td>
</tr>
<tr>
<td>Date</td>
<td>Event Description</td>
<td>Notes</td>
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<tr>
<td>April 25, 2023</td>
<td>Staff met with Mayor and Chair Garber to discuss the Subcommittee redlines</td>
<td></td>
</tr>
<tr>
<td>May 1, 2023</td>
<td>Staff Finalized Vision SMTX+</td>
<td></td>
</tr>
<tr>
<td>May 2, 2023</td>
<td>Staff sent Vision SMTX+ to Planning and Zoning Commission via email</td>
<td></td>
</tr>
<tr>
<td>May 4, 2023</td>
<td>Vision SMTX+ posted to website and in P&amp;Z packet</td>
<td></td>
</tr>
<tr>
<td>May 4, 2023</td>
<td>Staff Emailed CPSC</td>
<td></td>
</tr>
<tr>
<td>May 9, 2023</td>
<td>Planning and Zoning Commission (P&amp;Z) Consideration</td>
<td>Link to Meeting <a href="#">Agenda &amp; Video</a>. P&amp;Z postponed action to the August 22 meeting</td>
</tr>
<tr>
<td>June 14, 2023</td>
<td>Staff Emailed CPSC</td>
<td></td>
</tr>
<tr>
<td>June 21, 2023</td>
<td>Planning and Zoning Commission (P&amp;Z) Special Workshop</td>
<td>Link to Meeting <a href="#">Agenda &amp; Video</a>. No formal action was made at this meeting.</td>
</tr>
<tr>
<td>August 4, 2023</td>
<td>Staff Emailed CPSC</td>
<td></td>
</tr>
<tr>
<td>August 22, 2023</td>
<td>Planning and Zoning Commission (P&amp;Z) Consideration</td>
<td>Link to Meeting <a href="#">Agenda &amp; Video</a>. The Commission recommended approval of Vision SMTX+ with amendments. This new document is referred to as Vision SMTX++</td>
</tr>
<tr>
<td>September 11, 2023</td>
<td>Staff posted Vision SMTX++ to website</td>
<td></td>
</tr>
<tr>
<td>September 19, 2023</td>
<td>City Council Public Hearing #1 (No Action)</td>
<td>Link to Meeting <a href="#">Agenda &amp; Video</a>. No action was made at this meeting.</td>
</tr>
<tr>
<td>October 17, 2023</td>
<td>City Council Public Hearing (Action, 1st Reading)</td>
<td>Link to Meeting <a href="#">Agenda &amp; Video</a>. The Council recommended approval of Vision SMTX+ with amendments. This new document is referred to as Vision SMTX++ with Council Amendments</td>
</tr>
<tr>
<td>October 27, 2023</td>
<td>Staff posted Vision SMTX++ with Council Amendments to the website</td>
<td></td>
</tr>
<tr>
<td>November 6, 2023</td>
<td>City Council Final Consideration (2nd Reading)</td>
<td>Link to Meeting <a href="#">Agenda &amp; Video</a>. The Council postponed action on the plan to the January 16, 2024 meeting. A Council Committee was created with Mayor Hughson and Councilmembers Garza and Scott</td>
</tr>
<tr>
<td>November 17, 2023</td>
<td>Staff Emailed CPSC</td>
<td></td>
</tr>
<tr>
<td>November 17, 2023</td>
<td>City Council Committee on the Comprehensive Plan Meeting #1</td>
<td></td>
</tr>
<tr>
<td>December 11, 2023</td>
<td>City Council Committee on the Comprehensive Plan Meeting #2</td>
<td>Link to Meeting <a href="#">Agenda &amp; Video</a>.</td>
</tr>
</tbody>
</table>
AGENDA CAPTION:
Discuss and consider appointments or reappointments to Positions Two and Four, and confirm appointments of Positions Seven, Eight, and Nine and appoint a Chair of the Tax Increment Reinvestment Zone (TIRZ) Number 4 - Paso Robles (now known as Kissing Tree) Board of Directors; and provide direction to Staff.

Meeting date: January 16, 2024

Department: City Clerk

Amount & Source of Funding
Funds Required: N/A
Account Number: N/A
Funds Available: N/A
Account Name: N/A

Fiscal Note:
Prior Council Action: The Council created the TIRZ with the adoption of Ordinance 2011-68 December 6, 2011. On September 2, 2014 the Council approved Resolution 2014-121R expressing support of the Paso Robles Development (now known as Kissing Tree). Appointments have been made periodically to this Board.

City Council Strategic Initiative: [Please select from the dropdown menu below]
N/A
Choose an item.
Choose an item.

Comprehensive Plan Element(s): [Please select the Plan element(s) and Goal # from dropdown menu below]
☐ Economic Development - Choose an item.
☐ Environment & Resource Protection - Choose an item.
☐ Land Use - Choose an item.
☐ Neighborhoods & Housing - Choose an item.
☐ Parks, Public Spaces & Facilities - Choose an item.
☐ Transportation - Choose an item.
Master Plan: [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]
Choose an item.

Background Information:
On December 6, 2011 the City Council adopted Ordinance 2011-68 creating TIRZ No. 4.
Since that time the board has been reappointed a few times due to expirations or vacancies.

The board must consist of 6 City appointments, 1 County designated Appointment, our State Representative or their designee appointment and our State Senator or their designee appointment.

Positions One, Two and Four expired on December 31, 2023 and are to be appointed by the City Council.
Position One was held by Mayor Hughson, Chair
Position Two was held by Council Member Gleason
Position Four was held by Laurie Moyer

The City Council will also need to nominate and appoint a member to serve as chair for a term of one year. Currently the Mayor serves as chair and her term expired on 12/31/2023. However, the chair is appointed annually. The City Council authorizes the Board of Directors to elect from its members a vice chair and such other officers as the Board of Directors determines.

Position #1: Jane Hughson, Chair, expired December 31, 2023 (Chair through 12/31/2023)
Position #2: Mark Gleason, expired December 31, 2023
Position #3: Shane Scott, expires December 31, 2024
Position #4: Laurie Moyer, expired December 31, 2023
Position #5: Chad Matheson, Brookfield Residential, expires December 31, 2024
Position #6: Jon Locke, expires December 31, 2024
Position #7: Lon Shell, Precinct 3 Hays County Commissioner, expired December 31, 2023 (appointed on 12/19/2023 at Commissioner’s Court)
Position #8: Erin Zwiener, State Representative or her Designee, expired December 31, 2023
Position #9: Donna Campbell, State Senator has selected Monty Parker as the designee, expired December 31, 2023

Position # 1, 2, 4, 7, 8 and 9 will commence upon appointment this evening and expire on December 31, 2025.
Serving a one-year term as stated in the ordinance under Section 3. Board of Directors “The directors appointed to Positions One, Three, Five and Six shall be appointed for two year terms, while the directors appointed to Positions Two, Four, Seven, Eight and Nine shall be appointed to one year terms”.

Council Committee, Board/Commission Action:
Click or tap here to enter text.
ORDINANCE NO. 2011-68

AN ORDINANCE DESIGNATING A CONTIGUOUS GEOGRAPHIC AREA WITHIN THE CITY OF SAN MARCOS IN CONNECTION WITH THE PASO ROBLES DEVELOPMENT AT HUNTER AND CENTERPOINT ROADS AS A REINVESTMENT ZONE FOR TAX INCREMENT FINANCING PURPOSES PURSUANT TO CHAPTER 311 OF THE TEXAS TAX CODE; CREATING A BOARD OF DIRECTORS FOR SUCH ZONE; CONTAINING FINDINGS AND PROVISIONS RELATED TO THE FOREGOING SUBJECT; AND PROVIDING A SEVERABILITY CLAUSE.

********

WHEREAS, the City Council of the City of San Marcos, Texas (the "City") on May 17, 2011 received a petition from Carma Paso Robles LLC (the "Developer"), the sole land owner of the proposed Paso Robles development, requesting designation of approximately 1,338 acres and a tax increment reinvestment zone; and

WHEREAS, the City Council of the City has determined that based upon the petition of the Developer the designation of a reinvestment zone by the City, as authorized by the Tax Increment Financing Act, Chapter 311 of the Texas Tax Code, Vernon's Texas Codes Annotated (the "Act") within the area of the City as described in Exhibit "A" attached hereto, is in the best interest of the City in accordance with Article VIII, Section 1-g of the Texas Constitution as the area is predominantly open, and underdeveloped and, substantially impairs the sound growth of the City; and

WHEREAS, the City has prepared a preliminary reinvestment zone project and financing plan, a true and correct copy of which is on file with the City Clerk, which plan provides that a portion of City ad valorem taxes constituting its tax increment, within the "City of San Marcos, Texas Tax Increment Reinvestment Zone No. 4" (the "Zone No. 4") within the area set forth in Exhibit "A", are to be deposited into the hereinafter created tax increment fund, and that taxes of other taxing units may be utilized in the financing of the proposed Zone No. 4; and

WHEREAS, a notice of the November 15, 2011 public hearing on the designation of the proposed Zone No. 4 was published on November 1, 2011, in the San Marcos Daily Record, a newspaper of general circulation in the City; and

WHEREAS, at the public hearing on November 15, 2011, interested persons were allowed to speak for or against the designation of the proposed Zone No. 4, its boundaries, or the concept of tax increment financing and owners of property in the proposed Zone No. 4 were given a reasonable opportunity to protest the inclusion of their property in the proposed Zone No. 4; and
WHEREAS, evidence was received and presented at the public hearing in favor of the designation of the proposed Zone No. 4 and its boundaries under the provisions of Chapter 311, Texas Tax Code; and

WHEREAS, the Developer is the sole owner of the real property within Zone No. 4 and, therefore, no owner of real property in the proposed Zone No. 4 protested the inclusion of their property in the proposed Zone No. 4; and

WHEREAS, one historic structure within the boundaries of proposed Zone No. 4 is currently inhabited, otherwise no property within the proposed Zone No. 4 is currently used for residential purposes, as that term is defined in Section 311.006(d) of the Texas Tax Code; and

WHEREAS, the City has provided all information, given all notices and done all other things required by Chapter 311, Texas Tax Code, or other law as a condition to the designation of the proposed Zone No. 4; and

WHEREAS, the total appraised value of taxable real property in the proposed Zone No. 4 does not exceed 50 percent (50%) of the total appraised value of taxable real property in the City.

NOW THEREFORE, BE IT ORDIANED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

Section 1. Findings. a) The facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct and are adopted as part of this Ordinance for all purposes.

b) The City Council further finds and declares that the proposed improvements in Zone No. 4 will significantly enhance the value of all the taxable real property in the proposed Zone No. 4 and will be of general benefit to the City.

c) The City Council further finds and declares that the proposed Zone No. 4 meets the criteria and requirements of Section 311.005(a)(4) of the Texas Tax Code because the sole landowner of the property set forth in Exhibit "A" submitted a petition to the City Council on May 17, 2011 requesting the area be designated as a reinvestment zone.

d) The City Council, pursuant to the requirements of Chapter 311, Texas Tax Code, further finds and declare:

(1) The proposed Zone No. 4 is a contiguous geographic area located wholly within the corporate limits of the City of San Marcos;

(2) The total appraised value of taxable real property in the proposed Zone No. 4, does not exceed 50 percent (50%) of the total appraised value of taxable real property in the City and in the industrial districts created by the City;
(3) The proposed Zone No. 4 does not contain more than 50 percent (50%) of the total appraised value of real property taxable by Hays County;

(4) The development or redevelopment of the property in the proposed Zone No. 4 will not occur solely through private investment in the reasonably foreseeable future;

(5) Less than 30 percent (30%) of the property in the proposed Zone No. 4 is used for residential purposes within the meaning of Section 311.006(d), Texas Tax Code; and

(6) The improvements proposed to be implemented in the proposed reinvestment Zone No. 4 will significantly enhance the value of all taxable real property in the proposed reinvestment Zone No. 4 and will be of general benefit to the City and the County.

Section 2. Designation of Zone No. 4. The City, acting under the provisions of Chapter 311, Texas Tax Code, including Section 311.005(a)(4), does hereby designate as a reinvestment zone, and create and designate a reinvestment zone over, the area described in Exhibit "A" and depicted in the map attached hereto as Exhibit "B" to promote the development of the area. The reinvestment zone shall hereafter be named for identification as Tax Increment Reinvestment Zone No. Four, City of San Marcos, Texas.

Section 3. Board of Directors. That there is hereby created a Board of Directors for Zone No. 4, which shall consist of nine (9) members. The City Council shall appoint directors to Positions One through Six; provided, however, that Hays County shall be entitled to appoint a director to Position Seven if Hays County approves the payment of all or part of the tax increment attributable to Hays County. Failure of Hays County to appoint a director by April 1, 2012, shall be deemed a waiver of Hays County's right to appoint a director, and the City Council shall be entitled to nominate and appoint a director to such position. Positions Eight and Nine shall consist of the member of the State House of Representatives and State Senate (or their designees), respectively, in whose district Zone No. 4 is located.

The directors appointed to Positions One, Three, Five and Six shall be appointed for two year terms, beginning on January 1, 2012, while the directors appointed to Positions Two, Four, Seven, Eight and Nine shall be appointed to one year terms beginning on the effective date of Zone No. 4. All subsequent appointments shall be appointed for two-year terms. The member of the Board of Directors appointed to Position One is hereby designated to serve as chair for the period beginning January 1, 2012 and ending December 31, 2014. Thereafter the City Council shall annually nominate and appoint a member to serve as chair for a term of one year beginning January 1 of the following year. The City Council authorizes the Board of Directors to elect from its members a vice chair and such other officers as the Board of Directors determines.
The Board of Directors of Zone No. 4 shall comply with Chapter 551, Texas Government Code (the Open Meetings Act) and Chapter 552, Texas Government Code (regarding public records and information). The Board of Directors shall make recommendations to the City Council concerning the administration of Zone No. 4. The Board of Directors shall prepare or cause to be prepared and adopt a project plan and a reinvestment zone financing plan for Zone No. 4 as described in Section 311.011, Texas Tax Code, and shall submit such plans to the City Council for its approval. The City, pursuant to Section 311.010(a) of the Texas Tax Code hereby authorizes the Board of Directors to exercise all of the City's powers necessary to administer, manage or operate Zone No. 4 and to prepare the project plan and reinvestment zone financing plan, including the submission of an annual report on the status of Zone No. 4. Notwithstanding the foregoing, the Board of Directors shall not be authorized to issue tax increment bonds or notes, impose taxes or fees, exercise the power of eminent domain or give final approval to the project plan and reinvestment zone financing plan. The Board of Directors of Zone No. 4 may not exercise any power granted to the City by Section 311.008 of the Texas Tax Code without additional and prior authorization from the City.

**Section 4. Duration of Zone No. 4.** Zone No. 4 shall take effect immediately upon the passage and approval of this Ordinance, and termination of the operation of Zone No. 4 shall occur on December 31, 2041, or at an earlier time designated by subsequent ordinance of the City Council in the event the City determines in its sole discretion that Zone No. 4 should be terminated due to insufficient private investment or other good cause, or at such time, subsequent to the time that all project costs, tax increment bonds, notes and other obligations of Zone No. 4, and the interest thereon, have been paid in full.

**Section 5. Tax Increment Base.** The Tax Increment Base of the City or any other taxing unit participating in Zone No. 4 is the total appraised value of all real property taxable by the City or other taxing unit participating in Zone No. 4 and located in Zone No. 4, determined as of January 1, 2011, the year in which Zone No. 4 was designated as a reinvestment zone (the "Tax Increment Base") which is $1,969,490.

**Section 6. Tax Increment Fund.** There is hereby created and established a Tax Increment Fund for Zone No. 4 which may be divided into subaccounts as authorized by subsequent resolutions or ordinances. All Tax Increments, as defined below, shall be deposited in the Tax Increment Fund. Any expenditure to be made from the Tax Increment Fund in excess of $10,000, or any contract related thereto, must be approved by the City Council prior to such expenditure being made or contract being executed. The Tax Increment Fund and any subaccount shall be maintained at the depository bank of the City and shall be secured in the manner prescribed by law for funds of Texas cities. The annual Tax Increment shall equal forty percent (40%) of the property taxes levied and collected by the City within Zone No. 4 and ten percent (10%) of the property taxes levied and collected by the County in Zone No. 4 (as set forth in the Interlocal Agreement to participate between the City and the County dated __________, 2011) for that year on the captured appraised value, as defined by the Act, of real property located in Zone No. 4 that is taxable by the City or County, less any amounts that are to be allocated from the Tax Increment pursuant to the Act. All revenues from the sale of any tax increment bonds, notes or other obligations hereafter issued for the benefit of Zone No. 4 by the
City, if any; revenues from the sale of property acquired as part of the project plan and reinvestment zone financing plan, if any; and other revenues to be used in Zone No. 4 shall be deposited into the Tax Increment Fund. Prior to the termination of Zone No. 4, money shall be disbursed from the Tax Increment Fund only to pay project costs, as defined by the Texas Tax Code, for Zone No. 4, to satisfy the claims of holders of tax increments bonds or notes issued for Zone No. 4, or to pay obligations incurred pursuant to agreements entered into to implement the project plan and reinvestment zone financing plan and achieve their purpose pursuant to Section 311.010(b) of the Texas Tax Code.

Section 7. Economic Development. The City Council hereby finds that the designation of Zone No. 4 and the expenditure of moneys on deposit in the Tax Increment Fund are necessary or convenient to the designation of Zone No. 4 or to the implementation of the project plan for Zone No. 4, including payments pursuant to the Reimbursement Agreement between the City and the Developer and as such, constitutes a program to promote local economic development and to stimulate business and commercial activity in the City.

Section 8. Severability. If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person to set circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining provisions of this Ordinance or their application to other persons or set of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or regulations connected herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any portion hereof, and all provisions of this Ordinance are declared severable for that purpose.

Section 9. Open Meetings. It is hereby found, determined and declared that a sufficient written notice of the date, hour, place and subject of the meeting of the City Council at which this Ordinance was adopted was posted at a place convenient and readily accessible at all times to the general public at the City Hall of the City for the time required by law preceding its meeting, as required by the Open Meetings Law, Texas Government Code, Ch. 551, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter hereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.
READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of San Marcos at a regular meeting on the 15th day of November, 2011, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of San Marcos at a regular meeting on the 6th day of December, 2011, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

APPROVED this 6th day of December, 2011.

Daniel Guerrero, Mayor

ATTEST:

Jamie Lee Pettijohn, City Clerk
1,338.584 ACRES
HAYS COUNTY, TEXAS

A DESCRIPTION OF 1,338.584 ACRES:

DATED MARCH 5, 2007 AND RECORDED IN VOLUME 3122, PAGE 356 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, SAVE AND EXCEPT 5.036 ACRES, BEING A PORTION OF THE SAID 70.00 ACRE TRACT AND A PORTION OF THE SAID 425.38 ACRE TRACT;

PART 2: 60.294 ACRES OUT OF THE EDWARD BURLESON SURVEY NO. 18, ABSTRACT NO. 63, IN HAYS COUNTY, TEXAS, BEING ALL OF A 4.894 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO CARMA PASO ROBLES LLC, DATED MARCH 5, 2007 AND RECORDED IN VOLUME 3122, PAGE 377 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND ALL OF A 55.400 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO CARMA PASO ROBLES LLC, DATED MARCH 5, 2007 AND RECORDED IN VOLUME 3122, PAGE 369 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; SAID PARTS 1 AND 2 TOTALING 1,338.584 ACRES AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

PART 1, GROSS ACREAGE: 1,292.449 ACRES

BEGINNING at a 3/4" iron pipe found at an angle point in the southeast line of the said 160.033 acre tract, same being the south corner of a 5.35 acre tract described in a deed of record in Volume 227, Page 578 of the Deed Records of Hays County, Texas, also being in the northwest right-of-way line of F.M. 2439 (Hunter Road, right-of-way width varies);

THENCE with the southeast line of the 160.033 acre tract, same being the northwest right-of-way line of F.M. 2439, the following three (3) courses and distances:

1. South 59°53'31" West, a distance of 422.48 feet to a 1/2" rebar with plastic "Chaparral Boundary" cap found;

2. With a curve to the left, having a radius of 1950.08 feet, a delta angle of 13°29'07", an arc length of 458.97 feet, and a chord which bears South 53°08'58" West, a distance of 457.91 feet to a 1/2" rebar with plastic "Chaparral Boundary" cap found;

3. South 46°24'24" West, a distance of 183.31 feet to a 1/2" rebar with plastic "Chaparral Boundary" cap found at the east corner of a 5.224 acre tract described in a deed of record in Volume 251, Page 959 of the Deed Records of Hays County, Texas;

THENCE continuing with the southeast line of the 160.033 acre tract, same being the north line of the said 5.224 acre tract, the following two (2) courses and distances:

1. North 53°35'40" West, a distance of 283.89 feet to a 1/2" iron pipe found;
2. South 51°36'26" West, a distance of 703.19 feet to a 1/2" iron pipe found at the south corner of the 160.033 acre tract, same being the west corner of the 5.224 acre tract, also being in the northeast line of a 51.23 acre tract described in Volume 276, Page 322 of the Deed Records of Hays County, Texas;

**THENCE** North 45°27'10" West, with the southwest line of the 160.033 acre tract, same being the northeast line of the said 51.23 acre tract, a distance of 1138.32 feet to a 1/2" rebar found at the west corner of the 160.033 acre tract, same being the south corner of the said 464.870 acre tract;

**THENCE** North 45°30'14" West, with the southwest line of the 464.870 acre tract, same being the northeast line of the said 51.23 acre tract, the northeast line of a 82.17 acre tract described in a deed of record in Volume 1350, Page 446 of the Official Public Records of Hays County, Texas, and the northeast line of a 15 acre tract described in a deed of record in Volume 190, Page 161 of the Deed Records of Hays County, Texas, a distance of 3565.19 feet to a found corner fence post of an 8' tall game fence at the north corner of the said 82.17 acre tract, same being an interior corner of the 464.870 acre tract;

**THENCE** South 43°31'39" West, with the southeast line of the 464.870 acre tract, same being a northwest line of the 82.17 acre tract, a distance of 1186.42 feet to a found corner fence post of an 8' tall game fence at a south corner of the 464.870 acre tract, same being an angle point in the northwest line of the 82.17 acre tract, also being an angle point in the northeast line of an 80.17 acre tract described in a deed of record in Volume 1350, Page 446 of the Official Public Records of Hays County, Texas;

**THENCE** North 46°27'44" West, with the southwest line of the 464.870 acre tract, same being the northeast line of the said 80.17 acre tract and the northeast line of a 34.56 acre tract described in a deed of record in Volume 1925, Page 672 of the Official Public Records of Hays County, Texas, a distance of 2474.33 feet to a 1/2" rebar with plastic "PBS&J" cap found at the north corner of the 34.56 acre tract, same being the southeast line of Lot 2, Sleepy Hollow Subdivision, also being the west corner of the 464.870 acre tract;

**THENCE** with the northwest line of the 464.870 acre tract, same being the southeast line of Lots 2 through 28, inclusive, of Sleepy Hollow Subdivision, the following twenty-seven (27) courses and distances:

1. North 42°16'33" East, a distance of 28.53 feet to a 1/2" rebar found at the common corner of said Lots 2 and 3;

2. North 44°24'02" East, a distance of 145.42 feet to a 1/2" rebar found at the common corner of said Lots 3 and 4;

3. North 44°11'17" East, a distance of 145.74 feet to a 1/2" rebar found at the common corner of said Lots 4 and 5;
4. North 44°03'14" East, a distance of 145.72 feet to a 1/2" rebar found at the common corner of said Lots 5 and 6;

5. North 44°25'01" East, a distance of 146.17 feet to a 1/2" rebar with plastic "PBS&J" cap found at the common corner of said Lots 6 and 7;

6. North 43°58'24" East, a distance of 145.32 feet to a 1/2" rebar found at the common corner of said Lots 7 and 8;

7. North 44°06'17" East, a distance of 145.46 feet to a 1/2" rebar found at the common corner of said Lots 8 and 9;

8. North 43°56'55" East, a distance of 145.44 feet to a 1/2" rebar found at the common corner of said Lots 9 and 10;

9. North 44°05'56" East, a distance of 145.91 feet to a 1/2" rebar found at the common corner of said Lots 10 and 11;

10. North 44°29'25" East, a distance of 145.12 feet to a 1/2" rebar found at the common corner of said Lots 11 and 12;

11. North 43°40'19" East, a distance of 145.38 feet to a 1/2" rebar found at the common corner of said Lots 12 and 13;

12. North 44°20'28" East, a distance of 145.03 feet to a 1/2" rebar found at the common corner of said Lots 13 and 14;

13. North 44°13'03" East, a distance of 145.49 feet to a 1/2" rebar found at the common corner of said Lots 14 and 15;

14. North 43°53'38" East, a distance of 145.05 feet to a 1/2" rebar found at the common corner of said Lots 15 and 16;

15. North 44°14'07" East, a distance of 145.21 feet to a 1/2" rebar found at the common corner of said Lots 16 and 17;

16. North 44°24'20" East, a distance of 145.52 feet to a 1/2" rebar found at the common corner of said Lots 17 and 18;

17. North 44°06'52" East, a distance of 145.20 feet to a 1/2" rebar found at the common corner of said Lots 18 and 19;

18. North 43°58'52" East, a distance of 145.24 feet to a 1/2" rebar found at the common corner of said Lots 19 and 20;
19. North 44°39'50" East, a distance of 144.71 feet to a 1/2" rebar found at the common corner of said Lots 20 and 21;

20. North 44°38'33" East, a distance of 145.24 feet to a 1/2" rebar found at the common corner of said Lots 21 and 22;

21. North 44°16'09" East, a distance of 144.98 feet to a 1/2" rebar found at the common corner of said Lots 22 and 23;

22. North 43°41'15" East, a distance of 144.88 feet to a 1/2" rebar found at the common corner of said Lots 23 and 24;

23. North 44°15'04" East, a distance of 144.87 feet to a 1/2" rebar found at the common corner of said Lots 24 and 25;

24. North 44°00'02" East, a distance of 144.96 feet to a 1/2" rebar found at the common corner of said Lots 25 and 26;

25. North 44°23'04" East, a distance of 194.95 feet to a 1/2" rebar found at the common corner of said Lots 26 and 27;

26. North 44°04'48" East, a distance of 203.95 feet to a 1/2" rebar found at the common corner of said Lots 27 and 28;

27. North 44°36'40" East, a distance of 108.93 feet to a 1/2" rebar found at a north corner of the said 464.870 acre tract, same being the east corner of Lot 28, also being in the southwest line of a 111.9 acre tract (first 111.9 acre tract) described in a deed of record in Volume 145, Page 624 of the Deed Records of Hays County, Texas;

**THENCE** South 46°01'33" East, with the northeast line of the 464.870 acre tract, same being the southwest line of the said 111.9 acre tract and the southwest line a 111.9 acre tract (second 111.9 acre tract) described in a deed of record in Volume 149, Page 491 of the Deed Records of Hays County, Texas, a distance of 1609.75 feet to a 1/2" rebar found at an interior corner of the 464.870 acre tract, same being the south corner of the said second 111.9 acre tract;

**THENCE** North 17°08'49" East, with the northwest line of the 464.870 acre tract, same being the southeast line of the second 111.9 acre tract, a distance of 967.38 feet to a calculated point for a north corner of the 464.870 acre tract, same being the west corner of the said 70.00 acre tract;

**THENCE** North 17°08'49" East, continuing with the southeast line of the second 111.9 acre tract, same being the northwest line of the 70.00 acre tract, a distance of 842.90 feet to a calculated point for the north corner of the 70.00 acre tract, same being the west corner of the said 425.38 acre tract;
THENCE North 17°08'49" East, continuing with the southeast line of the second 111.9 acre tract, same being the northwest line of the 425.38 acre tract, a distance of 1054.36 feet to a 1/2" rebar with plastic “Chaparral Boundary” cap found at the north corner of the 425.38 acre tract, same being the west corner of the said 272.027 acre tract;

THENCE continuing with the southeast line of the second 111.9 acre tract, same being the northwest line of the 272.027 acre tract, the following four (4) courses and distances:

1. North 17°08'49" East, a distance of 402.23 feet to a fence post found;
2. North 45°41'06" West, a distance of 495.49 feet to a fence post found;
3. North 17°13'03" East, a distance of 1206.69 feet to a fence post found;
4. North 45°41'38" West, a distance of 439.64 feet to a 1/2" rebar with plastic “BYRN” cap found at the northwest corner of the 272.027 acre tract, same being the southwest corner of an 11.36 acre tract described in a deed of record in Volume 1856, Page 746 of the Official Public Records of Hays County, Texas;

THENCE North 51°25'56" East, with the north line of the 272.027 acre tract, same being the south line of the said 11.36 acre tract and the south line of a 7.78 acre tract described in a deed of record in Volume 1227, Page 592 of the Official Public Records of Hays County, Texas, a distance of 655.14 feet to a 1/2" rebar with plastic “BYRN” cap found at the southeast corner of the said 7.78 acre tract, same being the southwest corner of a 10.82 acre tract described in a deed of record in Volume 2201, Page 515 of the Official Public Records of Hays County, Texas;

THENCE South 88°07'26" East, continuing with the north line of the 272.027 acre tract, same being the south line of the said 10.82 acre tract and the south line of a 7.40 acre tract described in a deed of record in Volume 1253, Page 378 of the Official Public Records of Hays County, Texas, a distance of 804.50 feet to a 1/2" rebar with plastic “BYRN” cap found at the south corner of the 7.40 acre tract, same being in the northwest line of Lot 10, Block 3, McCarty Ranch, Phase One, a subdivision of record in Volume 7, Page 233 of the plat records of Hays County, Texas, also being at the northeast corner of the 272.027 acre tract;

THENCE with the northeast line of the 272.027 acre tract, same being the northwest and southwest lines of McCarty Ranch, Phase One, the following three (3) courses and distances:

1. South 39°48'33" West, a distance of 518.49 feet to a 1/2" rebar with plastic “BYRN” cap found;
2. South 45°52'43" East, a distance of 3715.29 feet to a 1/2" rebar with plastic “Chaparral Boundary” cap found;
3. South 42°58'06" East, a distance of 676.96 feet to a fence post found at the
south corner of McCarty Ranch, Phase One, same being the west corner of a
40.00 acre tract described in a deed of record in Volume 1960, Page 545 of the
Official Public Records of Hays County, Texas;

THENCE continuing with the northeast line of the 272.027 acre tract, same being the
southwest line of the said 40.00 acre tract, the following two (2) courses and distances:

1. South 46°10'19" East, a distance of 485.00 feet to a 9" cedar tree found;

2. South 45°58'29" East, a distance of 680.33 feet to a 17" cedar tree found;

THENCE continuing with the northeast line of the 272.027 acre tract, same being the
southwest line of the 40.00 acre tract and the southwest line of a 117.47 acre tract
described in a deed of record in Volume 1685, Page 549 of the Official Public Records
of Hays County, Texas, the following two (2) courses and distances:

1. South 47°09'51" East, a distance of 586.34 feet to a 15" cedar tree found at an
angle point in the common line of the 272.027 acre tract and the 117.47 acre
tract;

2. South 45°15'40" East, a distance of 130.55 feet to a 1/2" rebar with plastic
"Chaparral Boundary" cap found at an interior corner of the 272.027 acre tract,
same being in the southwest line of the said 117.47 acre tract;

THENCE North 45°13'32" East, continuing with the northeast line of the 272.027 acre
tract and crossing the 117.47 acre tract, a distance of 1273.67 feet to a 1/2" rebar found
at an angle point in the north line of the 272.027 acre tract, same being in the southwest
right-of-way line of McCarty Lane (right-of-way width varies), as shown on a plat of
record in Volume 12, Page 397 of the Plat Records of Hays County, Texas;

THENCE continuing with the northeast line of the 272.027 acre tract, same being the
southwest right-of-way line of McCarty Lane, the following two (2) courses and
distances:

1. South 46°57'23" East, a distance of 0.37 feet to a calculated point for a point of
curvature;

2. With a curve to the left, having a radius of 2550.00 feet, a delta angle of 1°54'05",
an arc length of 84.62 feet, and a chord which bears South 47°57'46" East, a
distance of 84.61 feet to a 1/2" rebar found at an angle point in the north line of
the 272.027 acre tract;

THENCE South 45°13'08" West, continuing with the northeast line of the 272.027 acre
tract and crossing the 117.47 acre tract, a distance of 1277.67 feet to a 1/2" rebar with
plastic "Chaparral Boundary" cap found at an angle point in the northeast line of the 272.027 acre tract, same being in the southwest line of the 117.47 acre tract;

**THENCE** continuing with the northeast line of the 272.027 acre tract, same being the southwest line of the 117.47 acre tract, the following two (2) courses and distances:

1. South 45°15'40" East, a distance of 240.99 feet to a fence post found;

2. South 43°46'45" East, a distance of 418.48 feet to a fence post found at an east corner of the 272.027 acre tract, same being the north corner of a tract of land described in deed to Herold Abel, et ux., of record in Volume 542, Page 593 of the Deed Records of Hays County, Texas;

**THENCE** South 44°30'03" West, with the southeast line of the 272.027 acre tract, same being the northwest line of the said Abel tract, a distance of 1590.38 feet to a twin 6" and 5" cedar tree found at the south corner of the 272.027 acre tract, same being the west corner of the Abel tract, also being in the northeast line of a 425.38 acre tract described in a deed of record in Volume 194, Page 320 of the Deed Records of Hays County, Texas, conveyed in a deed of record in Volume 2211, Page 789 of the Official Public Records of Hays County, Texas;

**THENCE** South 45°37'47" East, with the southwest line of the said Abel tract, same being the northeast line of the 425.38 acre tract, a distance of 1265.80 feet to a 1/2" rebar with cap set in the northwest right-of-way line of F.M. 2439;

**THENCE** crossing the 425.38 acre tract, with the northwest right-of-way line of F.M. 2439, the following five (5) courses and distances:

1. South 47°51'14" West, a distance of 149.23 feet to a TxDOT Type II disk found;

2. South 42°43'35" West, a distance of 401.81 feet to a TxDOT Type II disk found;

3. South 48°06'50" East, a distance of 3.50 feet to a 1/2" rebar with cap set;

4. South 41°52'45" West, a distance of 389.25 feet to a 1/2" rebar with cap set for a point of curvature;

5. With a curve to the left, having a radius of 2929.79 feet, a delta angle of 7°29'35", an arc length of 383.15 feet, and a chord which bears South 38°09'58" West, a distance of 382.88 feet to a 1/2" rebar with aluminum "TxDOT" cap found in the southwest line of the said 425.38 acre tract, also being in the northeast line of the said 160 acre;

**THENCE** continuing with the northwest right-of-way line of F.M. 2439, crossing the 160 acre tract, the following four (4) courses and distances:
1. With a curve to the left, having a radius of 2929.79 feet, a delta angle of 
01°40'21", an arc length of 85.52 feet, and a chord which bears South 33°35'26" West, a distance of 85.52 feet to a TxDOT Type II disk found;

2. South 39°45'01" West, a distance of 551.11 feet to a calculated point;

3. South 36°51'59" West, a distance of 703.47 feet to a TxDOT Type II disk found;

4. South 47°04'26" West, a distance of 315.41 feet to a 1/2" rebar with aluminum "TxDOT" cap found in the northeast line of the said 1 acre tract;

**THENCE** continuing with the northwest right-of-way line of F.M. 2439, crossing the 1 acre tract, the following two (2) courses and distances:

1. South 47°05'19" West, a distance of 165.17 feet to a calculated point;

2. South 48°02'07" West, a distance of 43.80 feet to a 1/2" rebar with plastic "Chaparral Boundary" cap found in the southwest line of the 1 acre tract, at an east corner of the 160.033 acre tract;

**THENCE** South 48°02'07" West, continuing with the northwest right-of-way line of F.M. 2439, same being the southeast line of the 160.033 acre tract, a distance of 89.38 feet to a 1/2" rebar with plastic "Chaparral Boundary" cap found at an angle point in the southeast line of the 160.033 acre tract, same being the east corner of the 5.35 acre tract;

**THENCE** continuing with the northwest right-of-way line of F.M. 2439, same being the southeast line of the 5.35 acre tract, the following four (4) courses and distances:

1. South 48°02'07" West, a distance of 169.34 feet to a TxDOT Type II disk found;

2. With a curve to the right, having a radius of 2160.65 feet, a delta angle of 
10°09'27", an arc length of 383.04 feet, and a chord which bears South 48°29'42" West, a distance of 382.54 feet to a TxDOT Type II disk found;

3. With a curve to the right, having a radius of 1870.08 feet, a delta angle of 
01°01'56", an arc length of 33.69 feet, and a chord which bears South 59°31'17" West, a distance of 33.69 feet to a concrete highway monument found;

4. South 59°53'31" West, a distance of 112.98 feet to the **POINT OF BEGINNING**, containing 1,292.449 acres of land, more or less.

**9.123 ACRE SAVE & EXCEPT PARCEL**

**BEGINNING** at a 1/2" rebar with plastic "RPLS 1847" cap found in the interior of the 464.870 acre tract, being the southeast corner of the said 9.123 acre tract, from which a
found corner fence post of an 8' game fence at an interior corner in the southwest line of the 464.870 acre tract, same being the north corner of the 82.17 acre, bears South 33°35'28" East, a distance of 74.52 feet, also from which a found corner fence post of an 8' game fence at a south corner of the 464.870 acre tract, same being an angle point in the northwest line of the 82.17 acre tract, also being an angle point in the northeast line of the 80.17 acre tract, bears South 33°35'28" East, a distance of 74.52 feet, and South 43°31'39" West, a distance of 1186.42 feet;

**THENCE** crossing the interior of the 464.870 acre tract, the following eight (8) courses and distances:

1. South 70°44'34" West, a distance of 418.79 feet to a 1/2" rebar with plastic "RPLS 1847" cap found;

2. North 25°59'19" West, a distance of 220.18 feet to a 1/2" rebar with plastic "RPLS 1847" cap found;

3. North 08°41'57" West, a distance of 375.09 feet to a 1/2" rebar with plastic "RPLS 1847" cap found;

4. North 53°35'29" East, a distance of 211.87 feet to a 1/2" rebar with plastic "RPLS 1847" cap found;

5. North 75°38'16" East, a distance of 443.47 feet to a 1/2" rebar with plastic "RPLS 1847" cap found;

6. South 29°55'42" East, a distance of 268.08 feet to a 1/2" rebar with plastic "RPLS 1847" cap found;

7. South 23°04'57" West, a distance of 377.19 feet to a 1/2" rebar found;

8. South 23°16'20" West, a distance of 94.71 feet to the **POINT OF BEGINNING**, containing 9.123 acres of land, more or less.

**5.036 ACRE SAVE & EXCEPT PARCEL**

**COMMENCE**ing at a 1/2" rebar with cap set at the east corner of the said 70.00 acre tract, same being in the southwest line of the said portion of 425.38 acres, also being the north corner of a 160 acre tract described in a deed of record in Volume 192, Page 368 of the Deed Records of Hays County, Texas, from which a 1/2" rebar with aluminum cap found bears South 46°41'01" East, a distance of 3014.54 feet, and a nail with shiner in a fence post found bears North 46°41'01" West, a distance of 3890.59 feet;

**THENCE** North 83°36'04" West, crossing the 70.00 acre tract, a distance of 820.34 feet to a 1/2" rebar with cap set for the south corner of the herein described tract, and the **POINT OF BEGINNING** hereof, from which a 1/2" rebar with plastic "Chaparral
Boundary” cap found in the southwest line of the 70.00 acre tract, same being at the
north corner of a 160.033 acre tract described in a deed of record in Volume 3087, Page
318 of the Deed Records of Hays County, Texas, also being at the east corner of a
464.870 acre tract described in a deed of record in Volume 3122, Page 356 of the Deed
Records of Hays County, Texas, bears South 3°10'59" West, a distance of 412.73 feet;

THENCE continuing across the 70.00 acre tract and the portion of 425.38 acres, the
following five (5) courses and distances:

1. North 29°13'22" West, a distance of 472.71 feet to a 1/2" rebar with cap set;

2. North 82°34'58" East, at a distance of 453.25 feet passing the northeast line of
the 70.00 acre tract, same being the southwest line of the portion of 425.38
acres, and continuing for a total distance of 485.81 feet to a 1/2" rebar with cap
set;

3. South 63°31'14" East, a distance of 293.44 feet to a 1/2" rebar with cap set;

4. South 9°27'27" East, a distance of 120.44 feet to a 1/2" rebar with cap set;

South 67°04'18" West, at a distance of 40.80 feet passing the northeast line of the
70.00 acre tract, same being the southwest line of the portion of 425.38 acres, and
continuing for a total distance of 579.16 feet to the POINT OF BEGINNING, containing
5.036 acres of land, more or less.

Subtracting the Save & Except acreage of 9.123 acres and 5.036 acres from the Gross
acreage of 1,292.449 acres leaves a Net acreage of 1,278.290 acres.

PART 2, 60.294 ACRES:

BEGINNING at a TxDOT Type II disk found at a point of curvature in the southeast
right-of-way line of F.M. 2439 (Hunter Road, right-of-way width varies), same being a
point of curvature in the northwest line of the said 55.400 acre tract;

THENCE with the southeast right-of-way line of F.M. 2439, same being the northwest
line of the 55.400 acre tract, the following two (2) courses and distances:

1. North 47°04'30" East, a distance of 287.89 feet to a 1/2" rebar with plastic
"Chaparral Boundary” cap found;

2. South 89°23'13" East, a distance of 31.54 feet to a 1/2" rebar with plastic
"PBS&J" cap found in the southwest right-of-way line of Centerpoint Road
(County Road No. 234, right-of-way width varies);

THENCE with the southwest right-of-way line of Centerpoint Road, same being the
northeast line of the 55.400 acre tract, the following two (2) courses and distances:
1. South 45°44'53" East, a distance of 777.45 feet to a 1/2" rebar with plastic "PBS&J" cap found;

2. South 45°30'51" East, a distance of 48.65 feet to a 1/2" rebar with plastic "Chaparral Boundary" cap found at the east corner of the 55.400 acre tract, same being in the northwest right-of-way line of the Union Pacific Railroad (212' right-of-way width), described in Volume 2056, Page 535 of the Official Public Records of Hays County, Texas;

THENCE South 46°38'59" West, with the northwest right-of-way line of the Union Pacific Railroad, same being the southeast line of the 55.400 acre tract, a distance of 2607.65 feet to a 1/2" rebar with plastic "Chaparral Boundary" cap found at the south corner of the 55.400 acre tract, same being in the northeast line of a 17.86 acre tract described in a deed of record in Volume 276, Page 322 of the Deed Records of Hays County, Texas;

THENCE North 45°27'58" West, with the southwest line of the 55.400 acre tract, same being the northeast line of the said 17.86 acre tract, a distance of 1095.36 feet to a 1/2" rebar with aluminum "TxDOT" cap found at the north corner of the 17.86 acre tract, same being the west corner of the 55.400 acre tract, also being in the curving southeast right-of-way line of F.M. 2439;

THENCE with the southeast right-of-way line of F.M. 2439, same being the northwest line of the 55.400 acre tract, the following four (4) courses and distances:

1. With a curve to the right, having a radius of 5689.65 feet, a delta angle of 00°40'04", an arc length of 66.31 feet, and a chord which bears North 46°04'22" East, a distance of 66.31 feet to a 1/2" rebar with plastic "Chaparral Boundary" cap found;

2. North 46°24'24" East, a distance of 846.88 feet to a 1/2" rebar with plastic "Chaparral Boundary" cap found;

3. With a curve to the right, having a radius of 1870.08 feet, a delta angle of 13°29'07", an arc length of 440.14 feet, and a chord which bears North 53°08'57" East, a distance of 439.13 feet to a 1/2" rebar with plastic "Chaparral Boundary" cap found;

4. North 59°53'31" East, a distance of 79.74 feet to a 1" iron pipe found at a north corner of the 55.400 acre tract, same being the west corner of the said 4.894 acre tract;

THENCE continuing with the southeast right-of-way line of F.M. 2439, same being the northwest line of the 4.894 acre tract, the following three (3) courses and distances:
1. North 59°53'31" East, a distance of 455.72 feet to a 1/2" rebar with plastic "Chaparral Boundary" cap found;

2. With a curve to the left, having a radius of 1950.08 feet, a delta angle of 01°02'45", an arc length of 35.60 feet, and a chord which bears North 59°30'17" East, a distance of 35.60 feet to a TxDOT Type II disk found;

3. With a curve to the left, having a radius of 3677.11 feet, a delta angle of 02°53'50", an arc length of 185.94 feet, and a chord which bears North 58°12'47" East, a distance of 185.92 feet to a 1/2" rebar with plastic "Chaparral Boundary" cap found at the north corner of the 4.894 acre tract, same being a west corner of the 55.400 acre tract;

THENCE continuing with the southeast right-of-way line of F.M. 2439, same being the northwest line of the 55.400 acre tract, with a curve to the left, having a radius of 3677.11 feet, a delta angle of 03°23'46", an arc length of 217.96 feet, and a chord which bears North 55°03'59" East, a distance of 217.93 feet to the POINT OF BEGINNING, containing 60.294 acres of land, more or less.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

Attachments: Drawing 500-003-WAT-EXH. Caps placed on set rebars are plastic, stamped "Chaparral Boundary".

James Redmon
Registered Professional Land Surveyor
State of Texas No. 5848
Proposed City of San Marcos, Texas Tax Increment Reinvestment Zone No. 4
AGENDA CAPTION:
Discuss and consider appointment and/or reappointment to Position One, Two and Five, confirm Hays County appointments to Position Three, Four and appoint a Chair to the Tax Increment Reinvestment Zone (TIRZ) No. 5 (Downtown) Board of Directors; and provide direction to Staff.
Meeting date: January 16, 2024

Department: City Clerk

Amount & Source of Funding
Funds Required: N/A
Account Number: N/A
Funds Available: N/A
Account Name: N/A

Fiscal Note:
Prior Council Action: Appointments have been made periodically to this board since the formation of this TIRZ in 2011.

City Council Strategic Initiative: [Please select from the dropdown menu below]
N/A
Choose an item.

Comprehensive Plan Element(s): [Please select the Plan element(s) and Goal # from dropdown menu below]
☐ Economic Development - Choose an item.
☐ Environment & Resource Protection - Choose an item.
☐ Land Use - Choose an item.
☐ Neighborhoods & Housing - Choose an item.
☐ Parks, Public Spaces & Facilities - Choose an item.
☐ Transportation - Choose an item.
☐ Not Applicable
Background Information:
On December 6, 2011, the City of San Marcos adopted Resolution No. 2011-150R, approving an Interlocal Agreement between Hays County and the City of San Marcos related to the “San Marcos, Texas Tax Increment Reinvestment Zone No. 5.” The full text of Resolution No. 2011-150R is attached.

On December 14, 2011 the Council designated the boundaries of the zone. The area is bounded by Concho Street, Moore Street, North Street, Comanche Street, Shady Lane, Fredericksburg Street, Hull Street, Guadalupe Street, Ih-35, McKie Street, LBJ Drive and CM Allen Street. A map is also attached.

On December 6, 2016 the Council voted to extend the termination date of the TIRZ to December 31, 2021.

On April 25, 2020 the Council voted to extend the termination date of the TIRZ to December 31, 2027. (Ord. 2020-46 attached)

Current Board Members:
Position #1 (CoSM) (Chair) - Jane Hughson, Expired December 31, 2023. Currently serves as Chair and term continues, but a chair must be appointed annually.

Position #2 (CoSM) - Council Member Mark Gleason, Expired December 31, 2023 (filled an unexpired term of one year) (New term will expire December 31, 2025)

Position #3 (Hays County)- Commissioner Debbie Gonzales-Ingalsbe, Expired December 31, 2023 (New term will expire December 31, 2025) Commissioner Gonzales-Ingalsbe was reappointed on December 19, 2023

Position #4 (Hays County) - Lon Shell

*Judge Becerra was appointed on December 19, 2023 at Commissioners Court. Judge Becerra will serve the remainder of the term which will expire December 31, 2024

Position #5 (Mutually Agreed Upon) - Kyle Mylius, Expired December 31, 2023 (New Term will expire December 31, 2025). (City’s turn to pick the mutually agreed upon position)
RESOLUTION 2011-150 R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS CONCERNING THE PROPOSED SAN MARCOS, TEXAS TAX INCREMENT REINVESTMENT ZONE NO. 5 IN DOWNTOWN SAN MARCOS; APPROVING AN INTERLOCAL AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF SAN MARCOS PROVIDING FOR THE COUNTY TO MAKE PAYMENTS TO THE CITY OF SEVENTY PERCENT OF THE COUNTY’S TAX INCREMENT REVENUES FROM INCREASED PROPERTY VALUES IN THE ZONE; AUTHORIZING THE CITY MANAGER TO EXECUTE THIS AGREEMENT ON BEHALF OF THE CITY; AND DECLARING AN EFFECTIVE DATE.

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

PART 1. The attached Interlocal Agreement between Hays County and the City of San Marcos Related to San Marcos, Texas Tax Increment Reinvestment Zone No. 5 is approved.

PART 2. The City Manager is authorized to execute the Interlocal Agreement on behalf of the City.

PART 3. This Resolution shall be in full force and effect immediately from and after its adoption.

ADOPTED on December 6, 2011.

Daniel Guerrero
Mayor

Attest:

Jamie Lee Pettijohn
City Clerk
INTERLOCAL AGREEMENT

Between the

CITY OF SAN MARCOS, TEXAS

AND

HAYS COUNTY, TEXAS

Relating to

City of San Marcos, Texas

Tax Increment Reinvestment Zone No. 5
THE STATE OF TEXAS §
COUNTY OF HAYS §

INTERLOCAL AGREEMENT
BETWEEN HAYS COUNTY AND THE CITY OF SAN MARCOS RELATED TO SAN MARCOS, TEXAS TAX INCREMENT REINVESTMENT ZONE NO. 5

THIS INTERLOCAL AGREEMENT ("Agreement") is made by and between the CITY OF SAN MARCOS, TEXAS (the "City"), a home rule municipality of the State of Texas, acting by and through its governing body, the City Council, and HAYS COUNTY, TEXAS (the "County"), acting by and through its governing body, the Commissioners Court. This Agreement is made pursuant to Chapter 791 of the Texas Government Code and Chapter 311 of the Texas Tax Code for the participation of the City and the County in REINVESTMENT ZONE NUMBER FIVE, CITY OF SAN MARCOS, TEXAS (the "Reinvestment Zone"), a reinvestment zone to be created by the City pursuant to Chapter 311 of the Texas Tax Code.

RECITALS:

The City Council has determined that it is necessary to create a tax increment reinvestment zone, in the area more particularly described in the attached Exhibit A and on the map attached hereto as Exhibit B. The Reinvestment Zone consists of approximately 244 acres in the downtown core of San Marcos, Texas.

The general purpose of the Reinvestment Zone is to promote the redevelopment of the property in the Reinvestment Zone and in surrounding areas in the City and County pursuant to the tax increment finance provisions of Section 311.005(a)(1) and(2) and (a-1) of the Texas Tax Code. The specific purpose of the Reinvestment Zone is to provide a financing mechanism to pay for a portion of the costs associated with the redevelopment of the site of the current Hays County Justice Center Building through a public-private partnership. A list of the projects, including but not limited to streetscape improvements, is attached as Exhibit C (the "Project Costs.")

The financial plan for the Project is to fund the costs associated with the design and construction of the Project (the "Project Costs"), and for the City, with assistance from the County as provided in this Agreement, to pay for or reimburse a private sector partner for a portion of the Project Costs from tax increment revenues derived from increases in property values resulting from new development in the Reinvestment Zone.
The City and the County wish to provide in this Agreement for the County to make payments to the City of a portion of the County's tax increment revenues derived from increases in property values resulting from new development in the Reinvestment Zone, which payments are to be used by the City to reimburse the Developer for a portion of the Project Costs under the terms and conditions described in this Agreement.

AGREEMENT:

In consideration of the mutual covenants and agreements contained herein, as well as other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and the County agree as follows:

SECTION 1. DEFINITIONS.

In this Agreement:

A. Captured appraised value for a year means the total appraised value of all real property taxable by the City or County and located in the Reinvestment Zone for that year, less the respective tax increment base of the City or County.

B. Project means, initially, the Project as set forth in Exhibit C. The Project may be revised or supplemented by amendments to the Project Plan that are adopted by the Board of Directors of the Reinvestment Zone and approved by the City Council of the City from time to time.

C. Project Plan means the Project Plan and Reinvestment Zone financing plan for the Reinvestment Zone adopted by the Board of Directors of the Reinvestment Zone and approved by the City Council of the City, and amendments to these plans that are adopted by the Board of Directors of the Reinvestment Zone and approved by the City Council of the City from time to time.

D. Tax increment for a year means the amount of property taxes levied and collected by the City or County for that year on the captured appraised value of real property taxable by the City or County and located in the Reinvestment Zone.

E. Tax increment base means the total appraised value of all real property taxable by the City or County and located in the Reinvestment Zone for the year 2011 according to the certified Hays County Tax Roll.

F. Tax Increment Fund means the tax increment fund created by the City for the Reinvestment Zone.

G. Terms other than those defined above shall have 1) their meanings as given in Chapter 311, Texas Tax Code, or 2) if not so defined, their usual and ordinary meanings.
H. References to state statutes shall include amendments to those statutes that are duly enacted from time to time.

SECTION 2. OBLIGATIONS OF THE COUNTY.

A. Payments to the City. The County agrees to make payments to the City during the term of this Agreement, for deposit in the Tax Increment Fund, in the amount of 70% of the tax increment attributed to the captured appraised value of the County in the Reinvestment Zone. The County's obligation to make these payments will accrue only as taxes on the captured appraised value are collected by the County. Payments shall be due on May 1 of each year during the term of this Agreement. No interest or penalty will be charged to the County for any payments made by the County based on collections that occur after this due date; however, the County will pay to the City, for deposit in the Tax Increment Fund, 70% of any penalty or interest received by the County on any delinquent taxes on the captured appraised value of the County. The County may offset against future payments to the Tax Increment Fund any portion of payments to the City under this Agreement that the County subsequently refunds to taxpayers pursuant to the provisions of the Texas Tax Code.

B. Limitations on Payments. The County is not obligated to make payments under this Agreement 1) unless and until taxes on the captured appraised value are actually collected by the County, or 2) from any source other than taxes actually collected on the County's captured appraised value, or 3) from any County taxes or revenues other than taxes actually collected on the County's captured appraised value. Notwithstanding any provisions contained herein, this Agreement is expressly contingent upon the availability of funds for each obligation herein for the term of this Agreement and any extension thereto. In the event that either no funds or insufficient funds are appropriated for the payments due under this Agreement for the period covered by such budget or appropriation, the contract shall terminate without penalty to the County.

C. Expansion of the Reinvestment Zone; Supplemental Projects. The County's obligation to make payments under this Agreement is limited to the county's captured appraised value on property in the Reinvestment Zone as described in this Agreement. The County is not obligated to make payments based on the addition of property to the Reinvestment Zone unless the County specifically agrees to do so by amendment to this Agreement. The County's obligation to make payments under this Agreement is also limited to use by the City for partial reimbursement of the Project Costs, as described herein. The County is not obligated to make payments towards the costs of any other improvements unless the County specifically agrees to do so by amendment to this Agreement. Any member of the County Commissioners Court may review and provide comments to the Board of Directors of the Reinvestment Zone or the City Council of the City on any proposed expansion of the Reinvestment Zone or amendment to the Project Plan prior to its approval by the City Council.
D. County Appointment to Board of Directors of the Reinvestment Zone. The Board of Directors of the Reinvestment Zone shall consist of five (5) voting members. The Commissioners Court of the County and the San Marcos City Council shall each have the unequivocal right to appoint two (2) qualified voting members. The fifth voting member shall be appointed by mutual agreement and approval of said governing bodies. Members of the Board of Directors shall meet the qualifications set forth in Section 311.009 of the Texas Tax Code. Failure of the Commissioners Court to appoint a person to the Board of Directors of the Reinvestment Zone shall not be deemed a waiver of the County's right to make an appointment at a later date. The Commissioners Court will make best faith efforts to appoint a qualified person to serve on the Board of Directors, and to fill vacancies in this position as needed.

SECTION 3. OBLIGATIONS OF THE CITY.

A. Initial Project Plan. The City agrees that the Project, as described herein will comprise the Project in the initial Project Plan to be adopted by the Board of Directors of the Reinvestment Zone and approved by the City Council of the City. The City agrees that the Reinvestment Zone financing plan in the initial Project Plan to be adopted by the Board of Directors of the Reinvestment Zone and approved by the City Council of the City shall provide for use of the County's payments under this Agreement solely to fund a portion of the Project Costs.

B. Use of County Payments. The City agrees to use payments made by the County under this Agreement solely to fund Project Costs.

C. Notice to County of Amendments to Project Plan. The City agrees to provide the County with written notice of any proposed amendments to the Project Plan at least 14 days prior to their submission to the City Council for approval. The City agrees to work with the Reinvestment Zone Board of Directors to implement the Project Plan.

D. Disposition of Tax Increments. Upon termination of the Reinvestment Zone, and after all obligations of the Reinvestment Zone have been paid, the City agrees to pay to the County, within 60 days of the termination, all monies remaining in the Tax Increment Fund that represent the County's pro rata amount of participation authorized under this Agreement.

E. Annual Reports. The City agrees to provide to the County an annual report regarding the Reinvestment Zone as required under Texas Tax Code Section 311.016.

F. Audits - Redevelopment Authority. In the event the City creates a redevelopment authority in connection with the Reinvestment Zone, the City shall provide to the County a copy of each of the audits required by the agreement between the City, the Reinvestment Zone and any such redevelopment authority within 30 days of receipt of each audit.
SECTION 4. TERM AND TERMINATION.

A. Agreement Term. This Agreement will take effect only upon designation of the Reinvestment Zone by ordinance of the City and will be in effect for the earlier of 1) six (6) years from the date of the designation of the Reinvestment Zone or 2) the date all Project Costs have been paid or reimbursed unless earlier terminated by the parties hereto. Nothing in this Agreement limits the authority of the County or City to extend the term of this Agreement. Upon termination of this Agreement, the obligation of the County to make payments to the City shall end; however, any refund obligations of the City shall survive the termination.

B. Early Termination of Reinvestment Zone. The City may terminate the Reinvestment Zone pursuant to the provisions of Section 311.017 of the Texas Tax Code.

SECTION 5. MISCELLANEOUS.

A. Cooperation. This City and the County agree to cooperate with each other, in good faith, at all times during the term hereof in order to achieve the purposes and intent of this Agreement.

B. Entire Agreement; Amendments. This Agreement contains the entire agreement between the parties respecting the subject matter hereof, and supersedes all prior understandings and agreements between the parties regarding such matters. This Agreement may not be modified or amended except by written agreement duly executed by the parties and Developer.

C. Interpretation. The parties acknowledge and confirm that this Agreement has been entered into pursuant to the authority granted under the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code. All terms and provisions hereof are to be construed and interpreted consistently with that Act.

D. Invalid Provisions. Any clause, sentence, paragraph or article of this Agreement which is determined by a court of competent jurisdiction to be invalid, illegal, or unenforceable in any respect shall not be deemed to impair, invalidate, or nullify the remainder of this Agreement if the Agreement can be given effect without the invalid portion.

E. Applicable Laws. This Agreement shall be construed in accordance with the laws of the State of Texas. All obligations hereunder are performable in Hays County, Texas, and venue for any action arising hereunder shall be in Hays County, Texas.

F. Authorization; Funding. Each party hereto acknowledges and represents that his Agreement has been duly authorized by its respective governing body, and that funding from
each party for the performance of this Agreement will be provided from current revenues available to the parties.

G. **Notices.** Notices required by this Agreement will be provided by the parties to one another by certified mail, return receipt requested, or by confirmed facsimile transmission, to the following address/fax numbers:

<table>
<thead>
<tr>
<th>City</th>
<th>Hays County</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Manager</td>
<td>Hays County Judge</td>
</tr>
<tr>
<td>City of San Marcos</td>
<td>Hays County Courthouse</td>
</tr>
<tr>
<td>630 East Hopkins Street</td>
<td>111 E. San Antonio St., Ste. 300</td>
</tr>
<tr>
<td>San Marcos, Texas 78666</td>
<td>San Marcos, Texas 78666</td>
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H. **Non-Waiver.** Failure of any party hereto to insist on the strict performance of any of the agreements herein or to exercise any rights or remedies accruing hereunder upon default or failure of performance shall not be considered a waiver of the right to insist on, and to enforce by any appropriate remedy, strict compliance with any other obligation hereunder or to exercise any right or remedy occurring as a result of any future default or failure of performance.

I. **Successors.** This Agreement shall bind and benefit the parties and their legal successors. This Agreement does not create any personal liability on the part of any officer or agent of the City or the Reinvestment Zone or any officer, agent or employee of the County.

J. **No Waiver of Immunity.** No party hereto waives or relinquishes any immunity or defense on behalf of itself, its officers, employees, and agents as a result of its execution of this Agreement and performance of the covenants contained herein.

K. **Third Party Beneficiary.** There are no third party beneficiaries to this Agreement.
IN WITNESS HEREOF, the City and the County have made and executed this Agreement in multiple copies, each of which is an original.

CITY OF SAN MARCOS

[Signature]
Mayor

12-7-11
Date

ATTEST/SEAL:

[Signature]
City Clerk

12-7-11
Date

APPROVED AS TO FORM AND LEGALITY:

[Signature]
City Attorney
HAYS COUNTY

[Signature]
Hays County Judge

[Signature]
Date

December 22, 2011

ATTEST:

[Signature]
County Clerk

[Signature]
Date

11/22/11
EXHIBIT A

THE AREA OF LAND BOUNDED BY CONCHO STREET, MOORE STREET, NORTH STREET, COMANCHE STREET, SHADY LANE, FREDERICKSBURG STREET, HULL STREET, GUADALUPE STREET, IH-35, MCKIE STREET, LBJ DRIVE AND CM ALLEN STREET, APPROXIMATELY 244 ACRES
EXHIBIT C

Project Overview and Project Costs

This Table 1 summarizes the currently anticipated Project Costs to be financed within Zone No. 5.

3% av increase with 70% contribution

<table>
<thead>
<tr>
<th>Year</th>
<th>Assessed Value</th>
<th>Tax AV Increment</th>
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<th>Hays County Revenue Share</th>
<th>Cumulative</th>
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<td>6,402,440</td>
<td>0.3714</td>
<td>$2.9736</td>
<td>$36,381</td>
</tr>
<tr>
<td>2014</td>
<td>115,514,753</td>
<td>6,437,883</td>
<td>0.3714</td>
<td>$2.9736</td>
<td>$39,453</td>
</tr>
<tr>
<td>2015</td>
<td>118,980,196</td>
<td>6,478,553</td>
<td>0.3714</td>
<td>$2.9736</td>
<td>$49,242</td>
</tr>
<tr>
<td>2016</td>
<td>122,549,602</td>
<td>6,519,229</td>
<td>0.3714</td>
<td>$2.9736</td>
<td>$50,067</td>
</tr>
</tbody>
</table>

Assumptions:
70% City Contribution (0.5302*7=0.37114)
70% County Contribution (0.4248*7=0.29736)
3% increase per year after 2011

1. Redevelopment of Hays County “Justice Center” Property
   If Hays County issues a request for qualifications, request for proposals or other similar vehicles in order to secure a public-private partnership approach or other disposition for the redevelopment or adaptive reuse of the “Justice Center” property, then tax increment revenues of the proposed Zone No. 5 shall be made available for infrastructure or other improvements allowed by law up to the amount collected by the TIRZ by capturing increment for 5 years for reimbursement of expenditures in infrastructure or other improvements by the successful entity or consortium in connection with the disposition of the “Justice Center” Property. Reimbursements shall be based on project investments that meet the priority policies delineated in the Executive Summary in coordination with Hays County.

2. Infrastructure supporting cohesive redevelopment
   Proposed Zone No. 5 tax increment revenues not used for the disposition of the “Justice Center” through the process described in Project No. 1 above shall be made available to facilitate investment in infrastructure or other improvements allowed by law that facilitate the following:
   a. Redevelopment projects adjacent to the Texas State Campus, providing improved usage of underutilized properties and better transitions between the campus and downtown.
   b. Redevelopment adjacent to Transit Oriented Development (TOD) associated with the area identified as potential future rail station by the Lone Star Rail District.
   c. Redevelopment or other projects that provide cohesive and sustainable development advancing the Downtown Master Plan and/or that improves the better linkages among the River, the future TOD/rail station area, the Square and the Texas State Campus.
ORDINANCE NO. 2020-46

AN ORDINANCE AMENDING THE PROJECT PLAN AND REINVESTMENT ZONE FINANCING PLAN FOR TAX INCREMENT REINVESTMENT ZONE NO. 5, ALSO KNOWN AS THE "DOWNTOWN TIRZ," TO ADD ELIGIBLE PROJECTS AND ASSOCIATED ELIGIBLE PROJECT COSTS, INCLUDING THE ACQUISITION OF PROPERTY FOR PARKING AND OTHER PUBLIC PRIORITIES AND RELATED OPERATIONS AND MAINTENANCE COSTS UP TO $2,000,000.00; APPROVING AN AMENDMENT TO THE TAX INCREMENT PARTICIPATION INTERLOCAL AGREEMENT WITH HAYS COUNTY TO REDUCE THE CITY'S AND THE COUNTY'S CONTRIBUTION RATE OF THE TAX INCREMENT DEPOSITED INTO THE TAX INCREMENT FUND FROM 70 PERCENT TO 25 PERCENT FOR ONE YEAR; AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE SUCH AMENDMENT ON BEHALF OF THE CITY; INCLUDING PROCEDURAL PROVISIONS; AND DECLARING AN EFFECTIVE DATE.

RECITALS:

1. The City Council (the "Council") of the City of San Marcos, Texas (the "City") adopted Ordinance No. 2011-74, which designated the San Marcos, Texas Reinvestment Zone No. 5 (the "Zone") pursuant to Section 311.005(a) of the Tax Increment Finance Act, Texas Tax Code, Chapter 311, as amended (the "Act").

2. The Board of Directors of the Zone (the "Zone Board") prepared and adopted a Project Plan and Reinvestment Zone Financing Plan (the "Project and Financing Plan") for the Zone pursuant to Section 311.011 of the Act.

3. The Council adopted Resolution No. 2011-145R on November 14, 2011, which gave effect to the Project and Financing Plan pursuant to Section 311.011(d) of the Act.

4. The City desires to amend the Project and Financing Plan to include additional anticipated projects and cost estimates designed to promote connectivity between the San Marcos River and Downtown San Marcos and encourage residential and commercial development within the Zone and amend the contribution rate from the City and the County (as defined herein), all as set forth and further described in the amended Project and Financing Plan (the "Amended Project and Financing Plan") attached as Exhibit A.

5. On April 29, 2020, the Zone Board adopted the Amended Project and Financing Plan and recommended that the City approve the Amended Project and Financing Plan pursuant to the Resolution attached hereto as Exhibit B.
6. The Zone Board made further revisions to the Amended Project and Financing Plan on June 5, 2020, as set forth in the meeting minutes of the Zone Board attached hereto as Exhibit C.

7. Pursuant to the Act, the City must amend the Project and Financing Plan by ordinance.

8. The City entered into an Interlocal Agreement Between Hays County and the City of San Marcos Related to San Marcos, Texas Tax Increment Reinvestment Zone No. 5 on February 7, 2011 (the "Interlocal Agreement") pursuant to Section 311.013 of the Act to permit Hays County, Texas (the "County") to make payments to the City of a portion of the County's tax increment revenues derived from increases in property values resulting from new development in the Zone, which payment would be used by the City to reimburse the developer for a portion of the project costs under the terms and conditions described in the Interlocal Agreement.

9. Pursuant to Section 311.013 of the Act, the City desires to approve and execute an amendment to the Interlocal Agreement (the "Interlocal Agreement Amendment") to amend the contribution rate of the tax increment attributed to the captured appraised value of the County in the Zone deposited into the Tax Increment Fund and incorporate certain revisions of the Amended Project and Financing Plan, attached hereto as Exhibit D.

10. Notice of a public hearing to be held on June 16, 2020, was duly published in the San Marcos Daily Record in its issue dated June 9, 2020, in compliance with Section 311.003(c) of the Act.

11. A public hearing was held on June 16, 2020, at 6:00 p.m. in City Hall, City Council Chambers, 630 E. Hopkins, San Marcos, Texas (the "Hearing") to consider the amendment to the Project and Financing Plan at which time the City provided a reasonable opportunity for protest in accordance with Section 311.003(d) of the Act.

12. The Council hereby finds and determines that the adoption of this Ordinance is in the best interests of the citizens of San Marcos, Texas.

13. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

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

SECTION 1. The City, after conducting the Hearing and having heard such evidence and testimony, hereby finds, based upon the testimony presented, that the Hearing on the proposed Amended Project and Financing Plan has been properly called, held and conducted and that notice of the Hearing has been published at least seven (7) days before the Hearing in the San Marcos Daily Record, a newspaper of general circulation in the City.
SECTION 2. The Project and Financing Plan is hereby amended pursuant to Section 311.011 of the Act to include additional anticipated projects and cost estimates designed to promote connectivity between the San Marcos River and Downtown San Marcos and encourage residential and commercial development within the Zone and amend the contribution rate from the City and the County, all as set forth and further described in the Amended Project and Financing Plan attached as Exhibit A.

SECTION 3. The Council hereby approves the Amended Project and Financing Plan for the Zone, which shall take effect on such approval pursuant to Section 311.011 of the Act.

SECTION 4. The Interlocal Agreement Amendment is hereby approved and the City Manager, or his designee, is authorized to execute the Interlocal Agreement Amendment on behalf of the City.

SECTION 5. The officers of the City are authorized to take any and all action necessary to carry out and consummate the transactions described in or contemplated by the documents approved hereby or otherwise to give effect to the actions authorized hereby and the intent hereof.

SECTION 6. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

SECTION 7. All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

SECTION 8. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 9. If any provision of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance and the application thereof to other circumstances shall nevertheless be valid, as if such invalid provision had never appeared herein, and this governing body hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 10. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 11. This Ordinance will take effect immediately after its passage, approval and adoption on second reading.

PASSED, APPROVED AND ADOPTED on first reading on June 16, 2020.

PASSED, APPROVED AND ADOPTED on second reading and adopted on June 18, 2020.
Attest:

Tammy K. Cook
Interim City Clerk

Jane Hughson
Mayor

Approved:

Michael J. Cosentino
City Attorney
EXHIBIT A
[Amended Project and Financing Plan]
PROJECT PLAN

AND

REINVESTMENT ZONE FINANCING PLAN

FOR CITY OF SAN MARCOS, TEXAS

TAX INCREMENT REINVESTMENT ZONE NO. 5

April ____, 2020
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The TIRZ Concept Generally

A tax increment reinvestment zone ("TIRZ") is a financing tool created by the State Legislature to assist cities and counties in developing or redeveloping unproductive, underdeveloped or blighted areas.

Cities may create a TIRZ where conditions exist that substantially impair an area's sound growth and where development or enhancements financed by the TIRZ significantly enhance the value of all the taxable real property in a TIRZ and of general benefit to the city or county.

Prior to creation, the statute requires preparation of a preliminary project plan and reinvestment zone financing plan outlining specific projects to address the existing conditions and the method and means to finance those projects.

Upon creation, the total appraised value of real property located in a TIRZ is established for the year in which it was created. This is known as the base value. As new development occurs in a TIRZ, the value of real property increases.

This additional value above the base value is known as the tax increment. Such tax increment is typically set aside to finance improvements within a TIRZ including public infrastructure. Once all projects are complete or after a defined period of time, a TIRZ is dissolved.

During the life of a TIRZ, a city and other participating taxing jurisdictions collect tax revenue on the base value of a TIRZ as well as sales and use tax revenue generated by new development (unless a city or county agrees that sales tax and use revenue are also part of the increment). When a TIRZ is dissolved, a city and other participating taxing jurisdictions collect tax revenue on the tax increment value created by new development as well.
Executive Summary

The proposed City of San Marcos, Texas (the "City") Tax Increment Reinvestment Zone No. 5 ("Zone No. 5") consists of approximately 244 acres in the downtown core. The City has addressed one challenge, zoning standards that are inconsistent and contrary to creating a downtown environment, with the adoption of the San Marcos SmartCode (the "SmartCode") in 2011, putting in place a zoning that is predictable and focused on preserving downtown character while enabling pedestrian-oriented mixed-use development. In 2018, the City updated the Development Code and relabeled the downtown core as Character District 5 Downtown (CD-5D). Some of the other downtown challenges remain: a shortage of Class A office space, parking and pedestrian mobility, lack of sufficient lighting and downtown amenities and aesthetic features, and the condition of the streetscape and sidewalks in parts of downtown.

One of the financial tools identified in the plan to help address these challenges is the creation of a tax increment reinvestment zone. Under this proposed plan, the City and Hays County (the "County") would participate equally in a tax increment reinvestment zone projected to generate approximately $15,831,450 over the current life of Zone No. 5. It is currently proposed that Zone No. 5 increment revenues will be allocated for parking, including acquisition of land, multi-modal transportation/mobility, sidewalks, safety considerations, improved lighting, and overall enhancement of downtown as allowed by Section 311.010(h) of the Texas Tax Code.

In order to be eligible for Zone No. 5 tax increment revenues, projects must (a) support multi-modal transportation and mobility including sidewalks and downtown shuttle services (b) provide overall enhancement of the downtown area including but not limited to lighting, safety and other aesthetic features and/or (c) include acquisition of property for parking and other public priorities with the amounts allocated to include the required operation and maintenance costs within Zone No. 5.

The true value of this approach is that it powerfully leverages tax increment revenues for economic development beyond streetscape or maintenance improvements on a given block. The potential increase in tax base can help in supporting possible future job creation through business relocation to the downtown area along with growth of existing businesses which create jobs. This approach also will encourage the engagement of higher education and other potential research partners through the focus on technology and research, ultimately ensuring that the site will be developed to its highest and best use.
Location
As proposed, Zone No. 5 extends from Texas State University to the North, to IH-35 to the South, CM Allen and McKie on the East and several blocks to the West.

All of the land within proposed Zone No. 5 is part of the Charter District-5 Downtown (CD-5D) and currently includes a number of different types of uses including commercial, retail, restaurants, residential and offices within the boundaries.

As provided in the April 1, 2010 economic analysis prepared for the City by Urban Advisors for the current Downtown Master Plan, the City's goal is to encourage a mix of new uses to accommodate additional housing, office space, retail, transportation, safety and parking facilities. Designation of Zone No. 5 assists the City in implementing the Downtown Master Plan and projects brought forth through future master plans.

Project Overview and Project Costs

1. Infrastructure supporting cohesive redevelopment
Zone No. 5 tax increment revenues shall be made available to facilitate investment in infrastructure or other improvements allowed by law that facilitate the following potential projects. This Project and Finance Plan will be amended as may be required by law to accommodate additional uses of the tax increment revenues within Zone No. 5:
   a. Projects that support multi-modal transportation and mobility including sidewalks and downtown shuttle services.
   b. Overall enhancement of the downtown area including but not limited to lighting, safety and other aesthetic features.
   c. Acquisition of property for parking and other public priorities with the amounts allocated to include the required operation and maintenance costs.

<table>
<thead>
<tr>
<th>ITEM</th>
<th>Proposed Activity</th>
<th>ESTIMATED ZONE NO. 5 PROJECT COSTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Multi-modal transportation/mobility including sidewalks and shuttle services</td>
<td>$1,350,000</td>
</tr>
<tr>
<td>2</td>
<td>Overall enhancement of downtown including lighting, safety, and other aesthetic features</td>
<td>$829,612</td>
</tr>
<tr>
<td>3</td>
<td>Acquisition of property for parking and other public priorities and related operations and maintenance costs</td>
<td>$2,000,000</td>
</tr>
<tr>
<td></td>
<td>TOTAL ESTIMATED PROJECT COSTS:</td>
<td>$4,179,612</td>
</tr>
</tbody>
</table>

This Table 1 summarizes the currently anticipated Project Costs to be financed within Zone No. 5.
Project and Finance Plan

The purpose of Zone No. 5 is to (a) support multi-modal transportation and mobility including sidewalks and downtown shuttle services (b) provide overall enhancement of the downtown area including but not limited to lighting, safety and other aesthetic features and/or (c) include acquisition of property for parking and other public priorities with the amounts allocated to include the required operation and maintenance costs within Zone. No. 5.

Expenditures associated with the design and construction of Zone No. 5 Projects, as well as other specific project-related costs, will be funded by tax increment revenues derived from increases in property values resulting from the new development in Zone No. 5.

The City may amend this Project and Finance Plan as may be necessary in accordance with law to accommodate the other redevelopment goals and projects outlined under "Project Overview and Project Costs."

TEXAS TAX CODE
SUBTITLE B. SPECIAL PROPERTY TAX PROVISIONS
CHAPTER 311. TAX INCREMENT FINANCING ACT
Sec. 311.011. PROJECT AND FINANCING PLANS

(a) The board of directors of a reinvestment zone shall prepare and adopt a project plan and a reinvestment zone financing plan for the zone and submit the plans to the governing body of the municipality or county that designated the zone.

(b) The project plan must include:
   (1) a description and map showing existing uses and conditions of real property in the zone and a map showing proposed uses of that property;
   (2) proposed changes of zoning ordinances, the master plan of the municipality, building codes, other municipal ordinances, and subdivision rules and regulations, if any, of the county, if applicable;
   (3) a list of estimated non-project costs; and
   (4) a statement of a method of relocating persons to be displaced, if any, as a result of implementing the plan.

(c) The reinvestment zone financing plan must include:
   (1) a detailed list describing the estimated project costs of the zone, including administrative expenses;
   (2) a statement listing the proposed kind, number, and location of all proposed public works or public improvements to be financed by the zone;
   (3) a finding that the plan is economically feasible and an economic feasibility study;
   (4) the estimated amount of bonded indebtedness to be incurred;
   (5) the estimated time when related costs or monetary obligations are to be incurred;
   (6) a description of the methods of financing all estimated project costs and the expected sources of revenue to finance or pay project costs, including the percentage of tax increment to be derived from the property taxes of each taxing unit anticipated to contribute tax increment to the zone that levies taxes on real property in the zone;
   (7) the current total appraised value of taxable real property in the zone;
   (8) the estimated captured appraised value of the zone during each year of its existence; and
   (9) the duration of the zone.
Existing Uses

1. Map showing existing uses and conditions of real property in Zone No. 5
   Zone No. 5 consists of approximately 244 acres of commercial, retail, restaurants, residential and office uses within the City's designated Charter District 5 Downtown (CD-5D).
   Development and redevelopment of the property within Zone No. 5's boundaries is necessary because the area is undeveloped or underdeveloped and because of obsolete platting, deterioration of structures or site improvements, or other factors, arrests the sound growth of the City's downtown.
   The map on this page illustrates the current condition of the land.
PROPOSED PROJECTS

1. Table showing proposed improvements for the TIRZ area.
   Improvements proposed for Zone No. 5 are primarily related to: (a) support multi-modal transportation and mobility including sidewalks and downtown shuttle services (b) provide overall enhancement of the downtown area including but not limited to lighting, safety and other aesthetic features and/or (c) include acquisition of property for parking and other public priorities with the amounts allocated to include the required operation and maintenance costs within Zone. No. 5.

<table>
<thead>
<tr>
<th>TABLE 2 – PROPOSED PROJECTS</th>
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</thead>
<tbody>
<tr>
<td>Proposed Projects</td>
</tr>
<tr>
<td>Justice Center Streetscape Improvement Project</td>
</tr>
<tr>
<td>(100 Block E Martin Luther King Street, San Marcos, TX)</td>
</tr>
<tr>
<td>Alley Redevelopment Phase 1</td>
</tr>
<tr>
<td>Cheatham Street Flats Alley Paving</td>
</tr>
<tr>
<td>Pedestrian Safety and Comfort</td>
</tr>
<tr>
<td>Downtown Reconstruction/Capital Area Metropolitan Planning Organization</td>
</tr>
<tr>
<td>Downtown Shuttle (One Year Pilot)</td>
</tr>
</tbody>
</table>

Changes to Municipal Ordinances
1. Proposed changes of zoning ordinances, the master plan of the municipality, building codes, other municipal ordinances, and subdivision rules and regulations, if any, of the county, if applicable;
   The City does not expect any changes to zoning ordinances, the master plan, building codes or other ordinances as a result of the designation of Zone No. 5.

Estimated Non-Zone No. 5 Projects
2. A list of estimated Non-Zone No. 5 Projects
   The City expects to continue developing projects included in its capital improvement plan ("CIP") that benefit areas within Zone No. 5 from CIP funds.

Method of Relocation
3. A statement of a method of relocating persons to be displaced as a result of implementing the plan.
   Designation of Zone No. 5 is not anticipated to cause relocation of any residents.
Finance Plan

List of Estimated Zone No. 5 Project Costs
1. A detailed list describing the estimated Project Costs of Zone No. 5, including administrative expenses
   Table 1 itemizes the estimated Zone No. 5 Project Costs. Currently there are no administrative expenses estimated to be incurred over the life of Zone No. 5.

Statement of Proposed Public Works
2. A statement listing the kind, number, and location of all proposed public works or public improvements in Zone No. 5
   The improvements that Zone No. 5 is designed to facilitate will be located throughout Zone No. 5. These improvements will assist with the development and redevelopment of Zone No. 5. The Map of Project Boundaries shown on the cover page hereof illustrates the location of the proposed improvements.

Economic Feasibility Study/Information
3. An Economic Feasibility Study/Information
   In connection with the proposed development of the property within Zone No. 5 the City has previously commissioned studies outlining the goals and feasibility of the redevelopment of Zone No. 5 CD-5D as set forth in Schedule A. This Finance Plan is economically feasible since all Project Costs are paid only from tax increment revenues as they become available.

Estimated Bonded Indebtedness
4. The estimated bonded indebtedness to be incurred
   The City currently anticipates paying Project Costs or reimbursing a developer for qualified Project Costs solely from tax increment revenues on an annual basis. No bond indebtedness will be incurred for Zone No. 5.

Time when Costs/Obligations Incurred
5. The time when costs or monetary obligations are to be incurred
   When payment of costs or reimbursements of costs are to be made is a function of the availability of Zone No. 5 tax increment revenues. Schedule B is a projection of tax increment revenues which are available and expected to be available in the future to pay or reimburse Zone No. 5 Project Costs.
Financing, Expected Sources of Revenue
6. A description of the methods of financing all estimated project costs and the expected sources of revenue to finance or pay Project Costs, including the percentage of tax increment to be derived from the property taxes of each taxing unit that levies taxes on real property in Zone No. 5.

Methods of Financing. The Project Costs will be paid directly for site improvements for certain Zone No. 5 Project Costs. Project Costs will be paid solely from tax increment revenues of Zone No. 5 as they are realized by Zone No. 5.

Sources of Tax Increment Revenue. The tax increment revenue necessary to pay the Zone No. 5 Project Costs is expected to come from increased property values in Zone No. 5. Schedule B displays the projected assessed valuations resulting from increases in value. These new tax increment revenues will be used to pay for Zone No. 5 Project Costs.

This Plan is based on a contribution rate (and current tax rates which are subject to change) shown from the City and County.

<table>
<thead>
<tr>
<th>Table No. 3</th>
<th>Participating Jurisdictions</th>
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<tr>
<td>Taxing Jurisdiction</td>
<td>2019 Tax Rate (1)</td>
</tr>
<tr>
<td>City of San Marcos</td>
<td>$0.6139/$100</td>
</tr>
<tr>
<td>Hays County</td>
<td>$0.3899/$100</td>
</tr>
</tbody>
</table>

(1) 2019 Tax Rate for purposes of illustration only. Tax Rate will be levied from year to year by the City and County, respectively, and will vary. The 2019 total tax rate does not include the Road and Bridge rate.

Current Appraised Value of Property
7. Current Total Appraised Value of Property in Zone No. 5

The total current appraised value within Zone No. 5 as of July 22, 2019 is $265,192,298.

Estimated Captured Value
8. Estimated Captured Value of Zone No. 5 in Each Year of Existence

The estimated captured appraised value of Zone No. 5 during each year of its existence is shown on Schedule B - Projected Assessed Valuation.

Duration of Zone
9. Duration of Zone

The duration of Zone No. 5 was through December 31, 2027. Zone No. 5 took effect on the date it was created, being December 14, 2011. The City Council established January 1, 2011 as the base year of Zone No. 5. The term of Zone No. 5 has been extended and is currently scheduled to terminate on December 31, 2027.
### Schedule A
Economic Feasibility Study/Information

### Schedule B
Projected Assessed Valuations

<table>
<thead>
<tr>
<th>Tax Year</th>
<th>Total Valuation</th>
<th>Value Increase from Base Year</th>
<th>Yearly % Increase</th>
<th>70% City Tax</th>
<th>70% County Tax</th>
<th>Total Revenue</th>
<th>Cumulative Revenue</th>
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<tbody>
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<td>2012 Actual</td>
<td>$105,083,437</td>
<td>$899,281</td>
<td>0.86%</td>
<td>$3,338</td>
<td>$2,671</td>
<td>$6,008</td>
<td>$6,008</td>
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<td>2013 Actual</td>
<td>$116,524,339</td>
<td>$12,356,933</td>
<td>10.9%</td>
<td>$45,929</td>
<td>$36,933</td>
<td>$82,862</td>
<td>$88,870</td>
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<td>2014 Actual</td>
<td>$143,130,508</td>
<td>$41,268,182</td>
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<td>$145,098</td>
<td>$116,541</td>
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<td>2015 Actual</td>
<td>$145,033,604</td>
<td>$42,341,838</td>
<td>0.7%</td>
<td>$151,841</td>
<td>$121,198</td>
<td>$269,342</td>
<td>$615,506</td>
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<td>2016 Actual</td>
<td>$151,017,107</td>
<td>$48,375,011</td>
<td>4.1%</td>
<td>$173,485</td>
<td>$136,200</td>
<td>$309,684</td>
<td>$925,190</td>
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<tr>
<td>2017 Actual</td>
<td>$190,650,978</td>
<td>$86,366,376</td>
<td>24.9%</td>
<td>$371,208</td>
<td>$242,594</td>
<td>$613,802</td>
<td>$1,538,992</td>
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<td>2018 Actual</td>
<td>$226,246,103</td>
<td>$119,056,967</td>
<td>31.3%</td>
<td>$509,532</td>
<td>$310,695</td>
<td>$820,227</td>
<td>$2,359,219</td>
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<tr>
<td>2019 Estimated</td>
<td>$248,228,788</td>
<td>$141,039,652</td>
<td>21.1%</td>
<td>$606,090</td>
<td>$384,940</td>
<td>$991,029</td>
<td>$3,350,249</td>
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<tr>
<td>2020 Estimated</td>
<td>$297,874,546</td>
<td>$190,685,410</td>
<td>20.0%</td>
<td>$819,432</td>
<td>$520,438</td>
<td>$1,339,870</td>
<td>$4,690,119</td>
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<tr>
<td>2021 Estimated</td>
<td>$327,662,000</td>
<td>$220,472,864</td>
<td>10.0%</td>
<td>$947,438</td>
<td>$601,737</td>
<td>$1,549,175</td>
<td>$6,239,293</td>
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<tr>
<td>2022 Estimated</td>
<td>$344,045,100</td>
<td>$236,855,964</td>
<td>5.0%</td>
<td>$1,017,841</td>
<td>$646,451</td>
<td>$1,664,292</td>
<td>$7,903,585</td>
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<tr>
<td>2023 Estimated</td>
<td>$361,247,355</td>
<td>$254,058,219</td>
<td>5.0%</td>
<td>$1,091,764</td>
<td>$693,401</td>
<td>$1,785,165</td>
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<td>$1,336,460</td>
<td>$848,812</td>
<td>$2,185,271</td>
<td>$15,831,450</td>
</tr>
</tbody>
</table>

**Assumptions:**
- Estimated Years
- City Tax Rate $0.6139
- County Tax Rate $0.3899
EXHIBIT B
[Resolution of the Zone Board Adopting Amended Project and Financing Plan]
REINVESTMENT ZONE NO. 5 RESOLUTION 2020-04

ADOPTING AMENDED PROJECT PLAN AND REINVESTMENT ZONE FINANCING PLAN FOR THE SAN MARCOS, TEXAS TAX INCREMENT REINVESTMENT ZONE NO. 5 IN DOWNTOWN SAN MARCOS, RECOMMENDING THAT THE CITY OF SAN MARCOS, TEXAS APPROVE THE AMENDED PROJECT PLAN AND REINVESTMENT ZONE FINANCING PLAN; AND OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the City Council (the “Council”) of the City of San Marcos, Texas (the “City”) adopted Ordinance No. 2011-150R on December 6, 2011, which designated the San Marcos, Texas Reinvestment Zone No. 5 (the “Zone”) pursuant to Section 3111.005(a) of the Tax Increment Finance Act, Texas Tax Code, Chapter 311, as amended (the “Act”), and

WHEREAS, the Board of Directors of the Zone (the “Zone Board”) prepared and adopted a Project Plan and Reinvestment Zone Financing Plan (the “Project and Financing Plan”) for the Zone in Reinvestment Zone No. 5 Resolution 2020-04 pursuant to Section 3111.011 of the Act, and

WHEREAS, the Council adopted Resolution No. 2011-145R on November 14, 2011, which gave effect to the Project and Financing Plan pursuant to Section 3111.011(d) of the Act, and

WHEREAS, pursuant to Section 3111.011(e) of the Act, the Zone Board at any time may adopt an amendment to the Project and Financing Plan consistent with the requirement and limitation of the Act, which shall take effect upon approval by the Council in accordance with Section 3111.011(e) of the Act, and

WHEREAS, the Zone Board desires to amend the Project and Financing Plan to include additional anticipated projects and cost estimates designed to promote connectivity between the San Marcos River and Downtown San Marcos and encourage residential and commercial development within the Zone, all as set forth and further described in the amended Project and Financing Plan (the “Amended Project and Financing Plan”) attached as Exhibit A,

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SAN MARCOS, TEXAS REINVESTMENT ZONE NO. 5:

SECTION 1. ADOPTING THE AMENDED PROJECT AND FINANCING PLAN. The Zone Board hereby adopts the Amended Project and Financing Plan for the Zone with modifications to conform to the final business terms as agreed to by the City Manager of the City and directs its submission to the Council for approval.

SECTION 2. RECOMMENDING THE CITY APPROVE THE AMENDED PROJECT AND FINANCING PLAN. The Zone Board recommends that the City approve the Amended
Project and Financing Plan reflecting the additional anticipated projects and cost estimates as set forth and further described in the amended Project and Financing Plan.

SECTION 3. FURTHER PROCEEDINGS. The Zone Board is authorized to take any and all action necessary to carry out and consummate the transactions described in or contemplated by the documents approved hereby or otherwise to give effect to the action authorized hereby and the intent hereof including revising any necessary documents to conform to the terms hereof or State law.

SECTION 4. INCORPORATION OF RECITALS. The Zone Board hereby finds that the statements set forth in the recitals of this Resolution are true and correct, and the Zone Board hereby incorporates such recitals as part of this Resolution.

SECTION 5. SEVERABILITY. If any provisions of this Resolution or the application thereof to any circumstances shall be held to be invalid, the remainder of this Resolution and the application thereof to other circumstances shall nevertheless be valid, as if such invalid provision had never appeared herein, and the Zone Board hereby declares that this Resolution would have been enacted without such invalid provisions.

PASSED APPROVED THIS 29th DAY OF April, 2020.

By: [Signature]
Jane Hughson, Mayor
Chairperson, Board of Directors
EXHIBIT A
Amended Project and Financing Plan
PROJECT PLAN
AND
REINVESTMENT ZONE FINANCING PLAN
FOR CITY OF SAN MARCOS, TEXAS
TAX INCREMENT REINVESTMENT ZONE NO. 5

Downtown Boundaries
February 2020

April ___, 2020
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Location
Project Overview and Project Costs
  - Table 2
Project and Finance Plan
Existing Uses
  - Map Showing Existing Uses and Conditions of Real Property in Zone No. 5
Proposed Projects
  - Map Showing Proposed Improvements to and Proposed Uses of that Property
Changes to Municipal Ordinances
Method of Relocation
Zone No. 5 Finance Plan
List of Estimated Zone No. 5 Project Costs
Statement of Proposed Public Works
Economic Feasibility Study
Estimated Bonded Indebtedness
Time when Costs/Obligations Incurred
Financing, Expected Sources of Revenue
  - Table 3
Current Appraised Value of Property
Estimated Captured Value
Duration of Zone

## Appendix

<table>
<thead>
<tr>
<th>Schedule</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Schedule A</td>
<td>Economic Feasibility Study/Information</td>
</tr>
<tr>
<td>Schedule B</td>
<td>Projected Assessed Taxable Valuations</td>
</tr>
</tbody>
</table>
The TIRZ Concept Generally

A tax increment reinvestment zone ("TIRZ") is a financing tool created by the State Legislature to assist cities and counties in developing or redeveloping unproductive, underdeveloped or blighted areas.

Cities may create a TIRZ where conditions exist that substantially impair an area's sound growth and where development or enhancements financed by the TIRZ significantly enhance the value of all the taxable real property in a TIRZ and of general benefit to the city or county.

Prior to creation, the statute requires preparation of a preliminary project plan and reinvestment zone financing plan outlining specific projects to address the existing conditions and the method and means to finance those projects.

Upon creation, the total appraised value of real property located in a TIRZ is established for the year in which it was created. This is known as the base value. As new development occurs in a TIRZ, the value of real property increases.

This additional value above the base value is known as the tax increment. Such tax increment is typically set aside to finance improvements within a TIRZ including public infrastructure. Once all projects are complete or after a defined period of time, a TIRZ is dissolved.

During the life of a TIRZ, a city and other participating taxing jurisdictions collect tax revenue on the base value of a TIRZ as well as sales and use tax revenue generated by new development (unless a city or county agrees that sales tax and use revenue are also part of the increment). When a TIRZ is dissolved, a city and other participating taxing jurisdictions collect tax revenue on the tax increment value created by new development as well.
Executive Summary

The proposed City of San Marcos, Texas (the "City") Tax Increment Reinvestment Zone No. 5 ("Zone No. 5") consists of approximately 244 acres in the downtown core. The City has addressed one challenge, zoning standards that are inconsistent and contrary to creating a downtown environment, with the adoption of the San Marcos SmartCode (the "SmartCode") in 2011, putting in place a zoning that is predictable and focused on preserving downtown character while enabling pedestrian-oriented mixed-use development. In 2018, the City updated the Development Code and relabeled the downtown core as Character District 5 Downtown (CD-5D). Some of the other downtown challenges remain: a shortage of Class A office space, parking and pedestrian mobility, lack of sufficient lighting and downtown amenities and aesthetic features, and the condition of the streetscape and sidewalks in parts of downtown.

One of the financial tools identified in the plan to help address these challenges is the creation of a tax increment reinvestment zone. Under this proposed plan, the City and Hays County (the "County") would participate equally in a tax increment reinvestment zone projected to generate approximately $15,831,450 over the current life of Zone No. 5. It is currently proposed that Zone No. 5 increment revenues will be allocated for parking, including acquisition of land, multi-modal transportation/mobility, sidewalks, safety considerations, improved lighting, and overall enhancement of downtown as allowed by Section 311.010(h) of the Texas Tax Code.

In order to be eligible for Zone No. 5 tax increment revenues, projects must (a) support multi-modal transportation and mobility including sidewalks and downtown shuttle services (b) provide overall enhancement of the downtown area including but not limited to lighting, safety and other aesthetic features and/or (c) include acquisition of property for parking and other public priorities with the amounts allocated to include the required operation and maintenance costs within Zone No. 5.

The true value of this approach is that it powerfully leverages tax increment revenues for economic development beyond streetscape or maintenance improvements on a given block. The potential increase in tax base can help in supporting possible future job creation through business relocation to the downtown area along with growth of existing businesses which create jobs. This approach also will encourage the engagement of higher education and other potential research partners through the focus on technology and research, ultimately ensuring that the site will be developed to its highest and best use.
Location
As proposed, Zone No. 5 extends from Texas State University to the North, to IH-35 to the South, CM Allen and Mckie on the East and several blocks to the West.

All of the land within proposed Zone No. 5 is part of the Charter District-5 Downtown (CD-SD) and currently includes a number of different types of uses including commercial, retail, restaurants, residential and offices within the boundaries.

As provided in the April 1, 2010 economic analysis prepared for the City by Urban Advisors for the current Downtown Master Plan, the City's goal is to encourage a mix of new uses to accommodate additional housing, office space, retail, transportation, safety and parking facilities. Designation of Zone No. 5 assists the City in implementing the Downtown Master Plan and projects brought forth through future master plans.

Project Overview and Project Costs

1. Infrastructure supporting cohesive redevelopment
Zone No. 5 tax increment revenues shall be made available to facilitate investment in infrastructure or other improvements allowed by law that facilitate the following potential projects.
This Project and Finance Plan will be amended as may be required by law to accommodate additional uses of the tax increment revenues within Zone No. 5:

a. Projects that support multi-modal transportation and mobility including sidewalks and downtown shuttle services.

b. Overall enhancement of the downtown area including but not limited to lighting, safety and other aesthetic features.

c. Acquisition of property for parking and other public priorities with the amounts allocated to include the required operation and maintenance costs.

<table>
<thead>
<tr>
<th>ITEM</th>
<th>Proposed Activity</th>
<th>ESTIMATED ZONE NO. 5 PROJECT COSTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Multi-modal transportation/mobility including sidewalks and shuttle services</td>
<td>$1,350,000</td>
</tr>
<tr>
<td>2</td>
<td>Overall enhancement of downtown including lighting, safety, and other aesthetic features</td>
<td>$829,612</td>
</tr>
<tr>
<td>3</td>
<td>Acquisition of property for parking and other public priorities and related operations and maintenance costs</td>
<td>$2,000,000</td>
</tr>
<tr>
<td></td>
<td><strong>TOTAL ESTIMATED PROJECT COSTS:</strong></td>
<td><strong>$4,179,612</strong></td>
</tr>
</tbody>
</table>

This Table 1 summarizes the currently anticipated Project Costs to be financed within Zone No. 5.
Project and Finance Plan

The purpose of Zone No. 5 is to (a) support multi-modal transportation and mobility including sidewalks and downtown shuttle services (b) provide overall enhancement of the downtown area including but not limited to lighting, safety and other aesthetic features and/or (c) include acquisition of property for parking and other public priorities with the amounts allocated to include the required operation and maintenance costs within Zone. No. 5.

Expenditures associated with the design and construction of Zone No. 5 Projects, as well as other specific project-related costs, will be funded by tax increment revenues derived from increases in property values resulting from the new development in Zone No. 5.

The City may amend this Project and Finance Plan as may be necessary in accordance with law to accommodate the other redevelopment goals and projects outlined under "Project Overview and Project Costs."

TEXAS TAX CODE
SUBTITLE B. SPECIAL PROPERTY TAX PROVISIONS
CHAPTER 311. TAX INCREMENT FINANCING ACT
Sec. 311.011. PROJECT AND FINANCING PLANS

(a) The board of directors of a reinvestment zone shall prepare and adopt a project plan and a reinvestment zone financing plan for the zone and submit the plans to the governing body of the municipality or county that designated the zone.

(b) The project plan must include:
   (1) a description and map showing existing uses and conditions of real property in the zone and a map showing proposed uses of that property;
   (2) proposed changes of zoning ordinances, the master plan of the municipality, building codes, other municipal ordinances, and subdivision rules and regulations, if any, of the county, if applicable;
   (3) a list of estimated non-project costs; and
   (4) a statement of a method of relocating persons to be displaced, if any, as a result of implementing the plan.

(c) The reinvestment zone financing plan must include:
   (1) a detailed list describing the estimated project costs of the zone, including administrative expenses;
   (2) a statement listing the proposed kind, number, and location of all proposed public works or public improvements to be financed by the zone;
   (3) a finding that the plan is economically feasible and an economic feasibility study;
   (4) the estimated amount of bonded indebtedness to be incurred;
   (5) the estimated time when related costs or monetary obligations are to be incurred;
   (6) a description of the methods of financing all estimated project costs and the expected sources of revenue to finance or pay project costs, including the percentage of tax increment to be derived from the property taxes of each taxing unit anticipated to contribute tax increment to the zone that levies taxes on real property in the zone;
   (7) the current total appraised value of taxable real property in the zone;
   (8) the estimated captured appraised value of the zone during each year of its existence; and
   (9) the duration of the zone.
Existing Uses

1. Map showing existing uses and conditions of real property in Zone No. 5

Zone No. 5 consists of approximately 244 acres of commercial, retail, restaurants, residential and office uses within the City's designated Charter District 5 Downtown (CD-5D).

Development and redevelopment of the property within Zone No. 5's boundaries is necessary because the area is undeveloped or underdeveloped and because of obsolete platting, deterioration of structures or site improvements, or other factors, arrests the sound growth of the City's downtown.

The map on this page illustrates the current condition of the land.
PROPOSED PROJECTS

1. Table showing proposed improvements for the TIRZ area.
   Improvements proposed for Zone No. 5 are primarily related to: (a) support multi-modal transportation and mobility including sidewalks and downtown shuttle services (b) provide overall enhancement of the downtown area including but not limited to lighting, safety and other aesthetic features and/or (c) include acquisition of property for parking and other public priorities with the amounts allocated to include the required operation and maintenance costs within Zone. No. 5.

<table>
<thead>
<tr>
<th>Proposed Projects</th>
</tr>
</thead>
<tbody>
<tr>
<td>Justice Center Streetscape Improvement Project</td>
</tr>
<tr>
<td>(100 Block E Martin Luther King Street, San</td>
</tr>
<tr>
<td>Marcos, TX)</td>
</tr>
<tr>
<td>Alley Redevelopment Phase 1</td>
</tr>
<tr>
<td>Cheatham Street Flats Alley Paving</td>
</tr>
<tr>
<td>Pedestrian Safety and Comfort</td>
</tr>
<tr>
<td>Downtown Reconstruction/Capital Area</td>
</tr>
<tr>
<td>Metropolitan Planning Organization</td>
</tr>
<tr>
<td>Downtown Shuttle (One Year Pilot)</td>
</tr>
</tbody>
</table>

Changes to Municipal Ordinances
1. Proposed changes of zoning ordinances, the master plan of the municipality, building codes, other municipal ordinances, and subdivision rules and regulations, if any, of the county, if applicable;
   The City does not expect any changes to zoning ordinances, the master plan, building codes or other ordinances as a result of the designation of Zone No. 5.

Estimated Non-Zone No. 5 Projects
2. A list of estimated Non-Zone No. 5 Projects
   The City expects to continue developing projects included in its capital improvement plan ("CIP") that benefit areas within Zone No. 5 from CIP funds.

Method of Relocation
3. A statement of a method of relocating persons to be displaced as a result of implementing the plan.
   Designation of Zone No. 5 is not anticipated to cause relocation of any residents.
Finance Plan

List of Estimated Zone No. 5 Project Costs
1. A detailed list describing the estimated Project Costs of Zone No. 5, including administrative expenses
   Table 1 itemizes the estimated Zone No. 5 Project Costs. Currently there are no administrative expenses estimated to be incurred over the life of Zone No. 5.

Statement of Proposed Public Works
2. A statement listing the kind, number, and location of all proposed public works or public improvements in Zone No. 5
   The improvements that Zone No. 5 is designed to facilitate will be located throughout Zone No. 5. These improvements will assist with the development and redevelopment of Zone No. 5. The Map of Project Boundaries shown on the cover page hereof illustrates the location of the proposed improvements.

Economic Feasibility Study/Information
3. An Economic Feasibility Study/Information
   In connection with the proposed development of the property within Zone No. 5 the City has previously commissioned studies outlining the goals and feasibility of the redevelopment of Zone No. 5 CD-5D as set forth in Schedule A. This Finance Plan is economically feasible since all Project Costs are paid only from tax increment revenues as they become available.

Estimated Bonded Indebtedness
4. The estimated bonded indebtedness to be incurred
   The City currently anticipates paying Project Costs or reimbursing a developer for qualified Project Costs solely from tax increment revenues on an annual basis. No bond indebtedness will be incurred for Zone No. 5.

Time when Costs/Obligations Incurred
5. The time when costs or monetary obligations are to be incurred
   When payment of costs or reimbursements of costs are to be made is a function of the availability of Zone No. 5 tax increment revenues. Schedule B is a projection of tax increment revenues which are available and expected to be available in the future to pay or reimburse Zone No. 5 Project Costs.
Financing, Expected Sources of Revenue

6. A description of the methods of financing all estimated project costs and the expected sources of revenue to finance or pay Project Costs, including the percentage of tax increment to be derived from the property taxes of each taxing unit that levies taxes on real property in Zone No. 5.

Methods of Financing. The Project Costs will be paid directly for site improvements for certain Zone No. 5 Project Costs. Project Costs will be paid solely from tax increment revenues of Zone No. 5 as they are realized by Zone No. 5.

Sources of Tax Increment Revenue. The tax increment revenue necessary to pay the Zone No. 5 Project Costs is expected to come from increased property values in Zone No. 5. Schedule B displays the projected assessed valuations resulting from increases in value. These new tax increment revenues will be used to pay for Zone No. 5 Project Costs.

This Plan is based on a contribution rate (and current tax rates which are subject to change) shown from the City and County.

<table>
<thead>
<tr>
<th>Table No. 3</th>
<th>Participating Jurisdictions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Taxing Jurisdiction</td>
<td>2019 Tax Rate (1)</td>
</tr>
<tr>
<td>City of San Marcos</td>
<td>$0.6139/$100</td>
</tr>
<tr>
<td>Hays County</td>
<td>$0.3899/$100</td>
</tr>
</tbody>
</table>

(1) 2019 Tax Rate for purposes of illustration only. Tax Rate will be levied from year to year by the City and County, respectively, and will vary. The 2019 total tax rate does not include the Road and Bridge rate.

Current Appraised Value of Property

7. Current Total Appraised Value of Property in Zone No. 5

The total current appraised value within Zone No. 5 as of July 22, 2019 is $265,192,298.

Estimated Captured Value

8. Estimated Captured Value of Zone No. 5 in Each Year of Existence

The estimated captured appraised value of Zone No. 5 during each year of its existence is shown on Schedule B - Projected Assessed Valuation.

Duration of Zone

9. Duration of Zone

The duration of Zone No. 5 was through December 31, 2027. Zone No. 5 took effect on the date it was created, being December 14, 2011. The City Council established January 1, 2011 as the base year of Zone No. 5. The term of Zone No. 5 has been extended and is currently scheduled to terminate on December 31, 2027.
### Schedule A

Economic Feasibility Study/Information

### Schedule B

Projected Assessed Valuations

<table>
<thead>
<tr>
<th>Tax Year</th>
<th>Total Valuation</th>
<th>Value Increase from Base Year</th>
<th>Yearly % Increase</th>
<th>70% City Tax</th>
<th>70% County Tax</th>
<th>Total Revenue</th>
<th>Cumulative Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012 Actual</td>
<td>$105,083,437</td>
<td>$899,281</td>
<td>0.86%</td>
<td>$3,338</td>
<td>$2,671</td>
<td>$6,008</td>
<td>$6,008</td>
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<tr>
<td>2013 Actual</td>
<td>$116,524,339</td>
<td>$12,356,933</td>
<td>10.9%</td>
<td>$45,929</td>
<td>$36,933</td>
<td>$82,862</td>
<td>$88,870</td>
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<tr>
<td>2014 Actual</td>
<td>$143,130,508</td>
<td>$41,268,182</td>
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<td>$145,098</td>
<td>$116,541</td>
<td>$257,294</td>
<td>$346,164</td>
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<tr>
<td>2015 Actual</td>
<td>$145,033,604</td>
<td>$2,341,838</td>
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<td>$151,841</td>
<td>$121,198</td>
<td>$269,342</td>
<td>$615,506</td>
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<tr>
<td>2016 Actual</td>
<td>$151,017,107</td>
<td>$49,375,011</td>
<td>4.1%</td>
<td>$173,485</td>
<td>$136,200</td>
<td>$309,684</td>
<td>$925,190</td>
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<tr>
<td>2017 Actual</td>
<td>$190,650,978</td>
<td>$86,366,376</td>
<td>24.9%</td>
<td>$371,208</td>
<td>$242,594</td>
<td>$613,802</td>
<td>$1,538,992</td>
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<td>2018 Actual</td>
<td>$226,246,103</td>
<td>$119,056,967</td>
<td>31.3%</td>
<td>$509,532</td>
<td>$310,695</td>
<td>$820,227</td>
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<td>2019 Estimated</td>
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<td>2020 Estimated</td>
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<td>2021 Estimated</td>
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<td>2022 Estimated</td>
<td>$344,045,100</td>
<td>$236,855,964</td>
<td>5.0%</td>
<td>$1,017,841</td>
<td>$646,451</td>
<td>$1,664,292</td>
<td>$7,903,585</td>
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<td>2023 Estimated</td>
<td>$361,247,355</td>
<td>$254,058,219</td>
<td>5.0%</td>
<td>$1,091,764</td>
<td>$693,401</td>
<td>$1,785,165</td>
<td>$9,688,751</td>
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**Assumptions:**
Estimated Years
City Tax Rate $0.6139
County Tax Rate $0.3899
EXHIBIT C
[Meeting Minutes of June 5, 2020 Zone Board Meeting]
EXHIBIT D
[Interlocal Agreement Amendment]
File #: ID#23-805, Version: 1

AGENDA CAPTION:
The City Council will convene in executive session pursuant to the following sections of the Texas Government Code:

A. Section §551.071: Consultation with Attorney: to receive legal advice regarding:
   1. The following pending wastewater discharge application dockets: a) the application of Fleming Farms WWTP for proposed permit for new TPDES Permit No. WQ0015817001, TCEQ Docket No. 2020-0973-MWD, SOAH Docket No. 582-21-0576; and b) the application of Rattler Ridge, LLC for proposed permit for new TPDES Permit No. WQ0016049001, TCEQ Docket No. 2022-1046-MWD, SOAH Docket No. 582-23-07913.
   2. A potential solution involving a regional wastewater treatment plant in connection with the above.
   3. The applicability of, and standards for exemptions from the requirement for landowner consent to annexation under Section 86.003 of the San Marcos City Code when requesting utility service outside the city limits.

Meeting date: January 16, 2024

Department: City Attorney, Parks and Recreation, Utilities and City Manager’s Office

Amount & Source of Funding
Funds Required: Click or tap here to enter text.
Account Number: Click or tap here to enter text.
Funds Available: Click or tap here to enter text.
Account Name: Click or tap here to enter text.

Fiscal Note:

Prior Council Action: Click or tap here to enter text.

City Council Strategic Initiative: [Please select from the dropdown menu below]
Choose an item.
Choose an item.
Choose an item.
Comprehensive Plan Element(s): [Please select the Plan element(s) and Goal # from dropdown menu below]
☐ Economic Development - Choose an item.
☐ Environment & Resource Protection - Choose an item.
☐ Land Use - Choose an item.
☐ Neighborhoods & Housing - Choose an item.
☐ Parks, Public Spaces & Facilities - Choose an item.
☐ Transportation - Choose an item.
☐ Core Services
☐ Not Applicable

Master Plan: [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]
Choose an item.

Background Information:
Click or tap here to enter text.

Council Committee, Board/Commission Action:
Click or tap here to enter text.

Alternatives:
Click or tap here to enter text.

Recommendation:
Click or tap here to enter text.
AGENDA CAPTION:
Consider action, by motion, or provide direction to Staff regarding the following Executive Session item held during the Work Session and/or Regular Meeting:

A. Section §551.071: Consultation with Attorney: to receive legal advice regarding:

   1. The following pending wastewater discharge application dockets: a) the application of Fleming Farms WWTP for proposed permit for new TPDES Permit No. WQ0015817001, TCEQ Docket No. 2020-0973-MWD, SOAH Docket No. 582-21-0576; and b) the application of Rattler Ridge, LLC for proposed permit for new TPDES Permit No. WQ0016049001, TCEQ Docket No. 2022-1046-MWD, SOAH Docket No. 582-23-07913.

   2. A potential solution involving a regional wastewater treatment plant in connection with the above.

   3. The applicability of, and standards for exemptions from the requirement for landowner consent to annexation under Section 86.003 of the San Marcos City Code when requesting utility service outside the city limits

Meeting date: January 16, 2024

Department: City Attorney, Parks and Recreation, Utilities and City Manager’s Office

Amount & Source of Funding
Funds Required: Click or tap here to enter text.
Account Number: Click or tap here to enter text.
Funds Available: Click or tap here to enter text.
Account Name: Click or tap here to enter text.

Fiscal Note:
Prior Council Action: Click or tap here to enter text.

City Council Strategic Initiative: [Please select from the dropdown menu below]
Choose an item.
Choose an item.
Choose an item.
Comprehensive Plan Element(s): [Please select the Plan element(s) and Goal # from dropdown menu below]

☐ Economic Development - Choose an item.
☐ Environment & Resource Protection - Choose an item.
☐ Land Use - Choose an item.
☐ Neighborhoods & Housing - Choose an item.
☐ Parks, Public Spaces & Facilities - Choose an item.
☐ Transportation - Choose an item.
☐ Core Services
☐ Not Applicable

Master Plan: [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]

Choose an item.

Background Information:
Click or tap here to enter text.

Council Committee, Board/Commission Action:
Click or tap here to enter text.

Alternatives:
Click or tap here to enter text.

Recommendation:
Click or tap here to enter text.