1. Agenda
Documents:
   February 21, 2017 Agenda.pdf

2. Packet
Documents:
   February 21, 2017 Agenda Packet.pdf
I. Call To Order

II. Roll Call

EXECUTIVE SESSION

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PRESENTATIONS

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6:00 PM

III. Invocation
IV. Pledges Of Allegiance - United States And Texas

V. 30 Minute Citizen Comment Period

CONSENT AGENDA

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for or against Ordinance 2017-08 amending the Official Zoning Map of the City by rezoning a 1.42 acre tract of land and a 2.68 acre tract of land, each located within the Cottonwood Creek Subdivision Master Plan near the intersection of State Highway 123 and Rattler Road, from “P” Public and Institutional District to “PH-ZL” Patio Home, Zero-Lot-Line Residential District and “TH” Townhouse Residential District respectively; and including procedural provisions; and consider approval of Ordinance 2017-08, on the first of two readings.

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

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POSTED ON THURSDAY, FEBRUARY 16, 2017 AT 3:30PM

JAMIE LEE CASE, CITY CLERK

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property: f) acquisition of property in the downtown area.

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AGENDA CAPTION:
Receive a Staff presentation and hold discussion regarding the 2017 CDBG Action Plan, and provide direction to Staff.

Meeting date: February 21, 2017

Department: Planning and Development Services

Funds Required: None
Account Number: N/A
Funds Available: N/A
Account Name: N/A

CITY COUNCIL GOAL: Goal #7 Maintain Fiscal Responsibility

COMPREHENSIVE PLAN ELEMENT(s):
- Neighborhoods & Housing - Goal #4 Well-maintained, stable neighborhoods protected from blight
- Parks, Public Spacing & Facilities - Goal #1 Well-maintained public facilities that meet the needs of our community

BACKGROUND:
The City of San Marcos receives Community Development Block Grant (CDBG) funds each year from the U. S. Department of Housing and Urban Development (HUD). The new funding year, Program Year 2017, will begin October 1, 2017 and end September 30, 2018. In order to receive the funding the City must create a document called the “Action Plan” which details how the funds will be allocated, who will benefit from the funded programs and projects, and establishes goals for each project or program.

Staff will provide a brief presentation to review program eligibility regulations and funding restrictions, followed by an opportunity for Council to provide early direction to staff regarding the 2017 Action Plan. This guidance might include a request for staff to prepare applications for specific projects, direction regarding the application process, or direction regarding the type of projects/programs to be considered in this year’s Action Plan. The Action Plan process calendar is included as an attachment to this item.

Although HUD has not yet announced the CDBG Program Year (PY) 2017 funding, staff anticipates that it will be approximately $500,000; the PY 2016 allocation is $525,164.
The Action Plan process must include opportunities for citizen participation. This is accomplished in a number of ways, included staff hosting Applicant and Stakeholder Workshops and the City Council conducting a public hearing. After Council determines what programs and projects will be funded in 2017, CDBG staff members prepare the Action Plan draft. The draft is made available in print form and on the City’s website for a 30-day review period. Once the comment period is over, the document is submitted to HUD for their approval. The deadline for submitting the document to HUD is August 15th.

Other agenda attachments include the current Citizens Participation Plan, the 2016 Income Limits (HUD has not yet issued the 2017 limits), and general information about the CDBG grant.
CDBG Program
2017 Action Plan

CDBG & CDBG-DR Program Staff

- Shannon Mattingly
  Director, Planning & Development Services

- Stacy Brown
  Housing & Community Development Manager

- Dalinda Newby
  Community Initiatives Coordinator

- Vacant Position
Funding Allocation History

<table>
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<td>1994</td>
<td>$749,000</td>
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</table>

2017 Funding Announcement

- Typically, HUD announces the annual allocation amount in March or April.
- This year we anticipate an announcement in late June.
- Council’s action to award the 2017 Action Plan cannot be made until the actual funding amount is known.
- This pushes the Action Plan process later than normal.
  - **June 6th**: Action Plan Public Hearing
  - **June 20th**: Council 2017 Action Plan Funding Resolution
2017 Action Plan Funding Cycle

- Application Period: Feb. 27th - Mar. 27th
- Applicant Workshop: Mar. 8th at 9:00 am
- Stakeholder’s Workshop: Mar. 13th at 6:00 pm
- Action Plan Public Hearing: June 6th at 7:00 pm
- City Council Review of Applications & Award of Allocation: June 20th

2012-2016 CDBG Fund Allocations

- Housing: 32%
- Public Services: 13%
- Parks: 27%
- Program Admin: 19%
- Public Facilities: 8%
- Unsafe Structure Demo: 2%
Timeliness, Eligibility & Project Completion

Things to remember in making funding decisions:

- Can the project move forward quickly?
- Are there adequate funds to complete the project?
- How soon can the project be completed?
- Does the project benefit low/moderate persons?
- Does the project meet a Priority Need?

- HUD “Timeliness Test” - end of July each year
- Projects must be underway within 12 months
- Projects must be completed (beneficiaries being served) within 3 to 4 years

2015-2019 Priority Needs

- Housing
- Public Facilities
- Infrastructure
- Transportation
- Public Services (Programs Support)
- Clearance Activities (Demolition)
- Program Administration
New CDBG Requirements

- This year our Action Plan must consider **broadband accessibility** in low/mod neighborhoods; and,
- **Resiliency** in disaster recovery efforts.

Public Service Restrictions

- No more than 15% of annual allocation
- Cannot supplant other City or federal funds
- New service or documentable increase (for the first time funded with CDBG)
- Previously funded with CDBG can receive the same or less funding without showing an increase.
- Must be able to document that the program serves at least 51% low/mod San Marcos residents
Council Direction

Human Services Commission will review Public Service category applications & make a funding recommendation to Council.

▶ What is the maximum percentage (up to 15%) to be recommended on Public Services?

This meeting is Council’s opportunity to give staff direction on projects to be considered in the 2017 Action Plan.

▶ Are there specific projects or programs that Council would like staff to prepare for their consideration?

Does Council have any other questions or direction for staff?
Things to Know About the
City of San Marcos
Community Development Block Grant Program

Background
San Marcos receives Community Development Block Grant (CDBG) funds from the U. S. Department of Housing and Urban Development (HUD) each year to be used for projects and programs that primarily benefit low to moderate income residents. The City receives approximately $500,000 each year – the actual funding amount varies from year-to-year. Typically, HUD announces the funding amount for the next program year in mid-spring. The program year begins October 1st and ends September 30th.

The City began receiving these funds as an entitlement community in 1994 – this designation means we are eligible to receive funds directly from HUD instead of competing with other communities for the State of Texas funds provided the City continues to comply with all program regulations.

From 1994 through PY 2015, the City has utilized over $13,000,000 in CDBG funds to improve the quality of life, including quality of housing, for its low-to-moderate income residents. The City has installed sidewalks, created or upgraded neighborhood parks, supported services provided by local non-profit organizations, built or expanded community centers, rehabilitated owner-occupied houses, provided down-payment and closing costs loans to first-time homebuyers, and purchased land for Habitat for Humanity.

The primary objectives of the CDBG program are achieved by providing: (a) decent housing; (b) a suitable living environment; or (c) expanded economic opportunities. All projects and programs funded through the CDBG grant must address one of three National Objectives:

1. Benefit low-to-moderate income persons
2. Aid in the prevention or elimination of slum or blight
3. Address a need having a particular urgency that cannot be funded from other sources

The CDBG program provides vital funding that can be used for infrastructure, housing, public facilities, economic development, and public services.

Income Limits
HUD establishes the income limits for San Marcos each year based on the Area Median Income (AMI) for a family of four in the Austin-Round Rock Metropolitan Statistical Area. The limits are adjusted based on family size so that larger families are allowed to have more income. A person or family is considered to be “low/mod” if their annual gross income does not exceed 80% of the AMI, adjusted for family size. New income limits are released each year – typically in March or April.

5-Year Consolidated Plan & Priority Needs
One of the requirements of the CDBG program is the production of a 5-year planning document known as a “consolidated plan”. The consolidated plan (Con Plan) establishes the priorities and goals that will guide the use of CDBG funds for the next five years. It includes a Needs Assessment; a Housing Market Analysis; and a Strategic Plan. The current Con Plan covers Program Years 2015 through 2019. A copy of the Con Plan can be found on the City’s website at www.sanmarcostx.gov/cdbg.
Public input and community participation are vital elements of the CDBG program, especially when new plans are being created. The input that was received during the creation of the Con Plan helped the City determine the Priority Needs that are used to determine the goals and objects of the programs and projects that will be funded during the 5-year plan. The objectives can be amended through a process outlined in the Citizen’s Participation Plan. The Priority Needs are:

- Affordable Housing
- Public Services
- Public Facilities / Infrastructure / Transportation
- Clearance Activities to remove spot slum/blight
- Program Administration

**Timeliness**

The CDBG regulations require that grant programs be carried out in a timely manner. A grantee is considered to be in compliance with this requirement if, 60 days prior to the end of the program year (the end of July), there is no more than 1.5 times its annual grant remaining in the federal reporting system’s line of credit. Failure to comply with this requirement can result in the loss of funds in the next funding year. _When funding decisions are being made, it is important to take into account the length of time it will take a program/project to expend funds._

**Project / Program Completion**

Another consideration in determining a program or project’s viability is the time it will take to complete the project. Projects using Low/Mod Benefit as the National Objective are not considered complete until beneficiaries are being served. If CDBG funds are used to design a sidewalk, for example, no beneficiaries are being served until the sidewalk has been completed – even if CDBG funds are not used to fund the construction. If there are no beneficiaries within a reasonable time, HUD may require the City to repay all CDBG funds invested into the project using the City’s funds.

HUD requires documented progress, and generally a construction project must be completed within 3 to 4 years, preferably less.

As a general rule, CDBG funds should not be used as “Seed” money, but rather as “Gap Closing” funds. If an application does not show that all funds needed to complete the project have been secured, Council must evaluate the risk that the project will fail to meet a National Objective and/or cause the City to fail the timeliness test.

**Funding Limitations**

- At least 70% of the City’s grant allocation (excluding program administration funding) must be used for activities that benefit low to moderate income persons – typically the City’s percentage exceeds 90%.
- Funding for program administration cannot exceed 20% of the annual allocation. For example, if the allocation is $500,000, no more than $100,000 could be used for this purpose.
- Funding for public service programs cannot exceed 15% of the annual allocation. For example, if the allocation is $500,000, no more than $75,000 can be expended for this purpose. The City is not required to fund any public services, although it is one of the City’s priority needs and the Con Plan projects annual expenditures in this category.
Ineligible Expenses

- CDBG funds cannot be used to pay for fund raising expenses, entertainment, alcoholic beverages, deposits on equipment, incentives to clients (gift cards, raffle prizes), late fees or penalties, or food/meals for staff.

- The purchase of equipment, fixtures, motor vehicles, furnishings, or other personal property that is not an integral structural fixture is generally ineligible. HOWEVER, fire protection equipment, including fire trucks, protective clothing, and specialized tools such as “the jaws of life” ARE eligible expenses.

- The funds cannot be used to build, repair, or operate buildings used for the general conduct of government.

- Funds cannot be used for minor repairs, operating expenses, and general maintenance of public facilities (except as allowed as a public service). Examples of ineligible maintenance and repair activities include filling potholes in streets, repairing sidewalks, or replacing street lights.

- The construction of new housing.

Things to Know about Public Services

“Public Services” is the term the CDBG program uses for funding that supports programs benefitting low-to-moderate income persons. Eligible uses include programs that support senior citizens, youth, homeless persons, abused or neglected children, victims of family violence, education programs, job training, and health care. The expenses of providing these services, including program supplies and staff salaries, are eligible expenses. Adequate documentation must be supplied to support a request for reimbursement; such as time sheets, an approved cost allocation plan, or receipts for purchased supplies.

1. CDBG funds cannot be used to “supplant” (substitute for) funds that were previously paid by the City in support of the program.

2. The first time a new public service program is funded, the applicant must be able to show that:
   - This is a new service or program; or,
   - That this is an existing program/service that has had a quantifiable increase in the level or services or that will have a quantifiable increase if the CDBG funds are provided. For example, if funds are needed to hire an additional counselor, the applicant would have to provide an analysis that estimates the number of additional clients to be serviced by this increase. At the end of the year, the applicant must be able to document that the actual new clients served meets the expectations.

3. A program that has previously received CDBG funds may request the same amount or less than the previous year’s funding without showing a quantifiable increase.

Things to Know about Infrastructure & Public Facilities Projects

Parks and sidewalks must serve an area that has an overall low/mod population of at least 51%. HUD has calculated the low/mod percentages for each census block group in San Marcos – the majority of the block groups in San Marcos have a low/mod percentage that equals or exceeds 51%. In addition, the area must be primarily residential in nature.

Public facilities are generally defined to be buildings that are either publicly owned or owned by a non-profit and operated so as to be open to the general public during normal operating hours.

- If fees are charged for the use of the facility they must be reasonable and not have the effect of preventing low/mod individuals from using the facility;
- At least 51% of the people using the facility must be low/mod, and this must be documented;
• Net profits from the use of the facility are considered program income and must be reported and possibly returned to the City’s CDBG account. Any funds that the City allows to be retained by the public facility operators must be reinvested into programs that qualify for CDBG funding, and require approval by the City.

• If CDBG funds are invested in a public facility, it must continue to comply with all CDBG program regulations for a minimum of five years after the project is closed.

**Things to Know about Clearance Activities**

This category has been used by the City to fund the demolition of unsafe structures and cleaning / clearing the lot afterwards. Because substandard structures have a negative effect on surrounding properties, the National Objective usually used for these programs is the “Prevention / Elimination of Slum or Blight on a Spot Basis”.

• Unless funds are budgeted for relocation expenses, the building to be demolished must have been vacant for a minimum of 45 days.

• Income of the property owner does not have to be an eligibility factor if the National Objective is designated as Prevention / Elimination of Slum or Blight.

• The City must document the blighted condition of the property – usually provided by an inspection and report from the City’s Building Official or Code Enforcement personnel.

• The City may, but is not required, to place a lien on the property for the cost of the demolition. Any funds “recaptured” due to this lien must be returned to the CDBG program.

**Action Plan Process**

• CDBG staff schedule a discussion item on a Council agenda in January or February. At this meeting Council may propose projects or programs that might be CDBG-funded and direct staff to submit an application. Public Service program applications are reviewed by the Human Services Advisory Board; Council provides direction on the percentage (up to 15%) of the allocation that may be recommended for funding in this category.

• City staff accepts funding applications from local non-profit organizations and city departments, typically for a four week period.

• During the application period, the City must conduct a Stakeholder Workshop to obtain citizen comments on the Action Plan.

• City staff may also host an Applicant Workshop, although this is not mandatory.

• CDBG staff review applications for eligibility and completeness. If so directed by Council, all applications for Public Services funding are referred to the Human Services Advisory Board. CDBG staff works with this board to clarify eligibility requirements as needed.

• The City is required to take actions to support the Fair Housing Act. This is partially accomplished by publishing advisory notices in English and Spanish, maintaining a Fair Housing section on the City website, and through a Proclamation issued by the Mayor in April.

• The City Council must conduct a public hearing to receive citizen input and funding suggestions prior to reviewing applications.

• City staff prepares a summary of the applications that will be considered and provides copies of the applications for Council’s review. Staff will advise the Council of any potential issues or applicable regulations that should be taken into consideration in making their funding decision.
• Council adopts a resolution that outlines what projects and programs will be funded and the amount of each allocation.

• Staff then drafts the Action Plan using HUD’s required format. The draft must be made available for public review and comment for a minimum of 30 days. Printed copies of the draft are available for review at the Public Library, City Hall Lobby, and the Development Services office. In addition, the document can be reviewed on-line on the City’s website. All comments received are incorporated into the final Action Plan.

• The Action Plan must be received by HUD no later than August 15th. HUD then has 45 days to review the Action Plan and either approve it or request additional information or reject it.

• Once HUD has approved the Action Plan, a funding agreement is sent to the City for signature. Funds become available to the City on October 1st for the new program year.

• After the close of the program year (September 30th), staff prepares an annual report that details the City’s performance during the program year. This Consolidated Annual Performance Evaluation Report is usually referred to as the CAPER and must be made available for public review for 15 days.

• Council must hold a public hearing to accept comments on the CAPER; any comments receive are included in the final document before it is submitted to HUD.

• HUD must receive the CAPER no later than the last working day of the year and again has 45 days to review it. HUD will then send a letter to the City noting approve the document or detailing action items that must be satisfied prior to HUD’s approval of the CAPER.
A Citizen Participation Plan is a required part of the consolidated planning process. (24 CFR 91.105) Although the regulations do not require a formal structure for citizen participation, they do state that citizens shall be involved in the prioritizing and planning of Community Development Block Grant (CDBG) activities.

In an effort to permit public examination and to enhance public accountability, the City of San Marcos will make the following information available to citizens, public agencies and other interested parties upon request: (1) the amount of funds expected to be available for proposed Community Development activities, (2) the range of eligible activities that may be undertaken with such funds, including the estimated amount that will benefit persons of low and moderate income, and (3) the geographic areas which meet Community Development eligibility criteria.

The City of San Marcos will conduct all of its Community Development activities to minimize the displacement of persons. In the unlikely event that any person is displaced by Community Development activities, the City of San Marcos will provide reasonable relocation assistance as allowed by law.

To encourage ample citizen participation in the CDBG program the following steps will be taken during the development of the Five-Year Consolidated Plan:

1. Workshops will be held with local social service agencies, local government agencies, Neighborhood Associations, health care and assisted housing providers and City staff to receive input and information regarding the City of San Marcos’ needs for the Plan’s five-year period.

2. At least two general public hearings during the program year will be held within the community at central locations. One public hearing will be held during the preparation of the Consolidated/Action Plan and another in conjunction with the preparation of the CAPER. Notice for all public hearings will be published a minimum of 14 days in advance. Hearings will be held at times and locations convenient to potential and actual beneficiaries and with accommodations for persons with disabilities.
   - When possible in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate, materials to be handed out will be translated into Spanish, citizen comments written in Spanish will be translated, and Spanish translators will be present.
   - Individuals who require auxiliary aids or special assistance at public hearings should make a request at least 48 hours in advance to the City of San Marcos ADA Coordinator or the hearing impaired may call Relay Texas at 711.

3. A summary of the Consolidated Plan will be published in the local newspaper. The summary will describe the contents and purpose of the consolidated plan, and will include a list of the locations where copies of the entire proposed plan may be examined. Copies will be available at the San Marcos Public Library, government offices and other public places. In addition, the City will provide a reasonable number of free copies to citizens and groups that request it.

4. A citizens’ comment period will last for at least 30 days after the publication of the consolidated plan summary.
5. The City will consider any comments or views of citizens received in writing, or orally at the public hearings, in preparing the final consolidated plan. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons therefore, shall be attached to the final consolidated plan.

6. After the public hearing and discussion, City Council will adopt a Resolution approving the Consolidated Plan. While the citizens of the City of San Marcos will provide input and direction for the development of the Consolidated/Action Plan, City Council will have the ultimate responsibility to determine how and where the Community Development funds will be spent.

7. The Citizen Participation Plan will be evaluated every five years by City Council and will be resubmitted as part of the Consolidated Plan.

8. The City will provide technical assistance to groups representing persons of low- and moderate-income that request such assistance in developing proposals for funding assistance under any of the programs covered by the consolidated plan.

9. The City will provide a timely, substantive written response to every written citizen complaint related to the City’s CDBG Program within fifteen (15) working days.

ACTION PLAN

As part of 24 CFR Part 91, the City of San Marcos is required to develop an annual Action Plan that details the projects to be undertaken with CDBG funds for the upcoming year. The following steps must be taken with the development of the annual Action Plan:

1. Staff will conduct at least one stakeholder meeting before the application deadline. The meeting will be held at a time and location convenient to potential and actual beneficiaries and with accommodations for persons with disabilities.

   • When possible in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate, materials to be handed out will be translated into Spanish, citizen comments written in Spanish will be translated, and Spanish translators will be present.

   • Individuals who require auxiliary aids or special assistance at a meeting should make a request at least 48 hours in advance to the City of San Marcos ADA Coordinator or the hearing impaired may call Relay Texas at 7-1-1.

2. Funding applications will be made available to the public. Staff will review the applications received by the application deadline for compliance and eligibility. If deficiencies in the application are found, the applicant will be notified in writing and provided ten days in which to correct the deficiencies.

3. All eligible applications will be submitted to the City Council for their review and consideration in determining which projects will be awarded funding.

4. Council will hold a public hearing to accept comments on the Action Plan Allocation for the current program year. Notice of the public hearing will be published in the local newspaper a minimum of 14 days in advance. The hearing will be held at a time and location convenient to potential and actual beneficiaries and with accommodations for persons with disabilities.

   • Individuals who require auxiliary aids or special assistance at public hearings should make a request at least 48 hours in advance to the City of San Marcos ADA Coordinator or the hearing impaired may call Relay Texas at 7-1-1.
5. Following the public hearing, Council will award the allocation for the program year.

6. Staff will prepare the annual Action Plan and provide a 30-day citizen comment period. Notice of the comment period will be provided by publication in a local newspaper. The City will consider any comments or views of citizens received in writing, or orally at the public hearing. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons therefore, shall be attached to the Action Plan.

AMENDMENT PROCESS

The amendment process shall include at least one public hearing before the City Council and a 30-day citizen comment period. Notice of the public hearing will be provided by publication in the local newspaper a minimum of 14 days in advance. This process will only be required for a substantial amendment to the Consolidated Plan. An amendment will be considered to be ‘substantial’ under the following circumstances:

1. The addition of a new project to the current Action Plan;
2. Any funding change to an existing project in excess of 10% of the annual allocation amount of the current program year; or,
3. Any change in the priorities of the 5-Year Consolidated Plan.

CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER)

A public notice shall be published in the local newspaper to describe the contents and purpose of the performance report, to provide for a citizen comment period of at least 15 days, and will include a list of the locations where copies of the entire report may be examined.

A public hearing must be held once a year to review program performance and to obtain citizen comments and input for the direction of the CDBG program. The hearing will be scheduled at a time and location convenient to the potential and actual beneficiaries. Notice of the public hearing will be given by publication in the local newspaper at least 14 days before the hearing.

The City will consider any comments or views of citizens received in writing, or orally at the public hearing, in preparing the CAPER. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons therefore, shall be attached to the CAPER.

ACCESS TO RECORDS & AVAILABILITY TO THE PUBLIC

The Consolidated Plan as adopted, current Action Plan, current Performance Report and substantial amendments to the plan will be available for review at the San Marcos Public Library and City Hall. The City will provide a reasonable number of free copies to citizens and local groups that request a copy.

The City will provide citizens, public agencies, and other interested parties with reasonable and timely access to information and records relating to the City’s Consolidated Plan and the City’s use of program funds during the preceding five years.
City of San Marcos

FY 2016 Income Limits Summary

Median Family Income: Austin-Round Rock MSA

$77,800

Effective: March 28, 2016

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<th>3 Person</th>
<th>4 Person</th>
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<th>6 Person</th>
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PUBLIC FACILITIES FACT SHEET

“Public Facilities” are interpreted by HUD to include all facilities that are publicly owned, or that are owned by a nonprofit and open to the general public. Eligible public facility activities include acquisition, construction, and rehabilitation. Examples of public facilities are libraries, parks, and facilities for persons with special needs such as shelters or group homes for the disabled.

When a public facility is owned by a non-profit organization, the CDBG regulations stipulate that it must be open to the public during normal working hours.

Meeting a National Objective
All CDBG activities must meet a National Objective; almost all activities fall into the objective of providing a benefit low-to-moderate income (LMI) persons. This objective must be met using one of these subcategories:

1. **Area Benefit.** The public facility must benefit all residents of the identified service area. The service area must be primarily residential and must be an area where at least 51% of the residents being LMI. A public park would fall into this category.

2. **Limited Clientele.** Under this category the facility must benefit a specific targeted group of persons, of which 51% or more must be LMI. This can be achieved by meeting one of the following criteria:
   a. Documenting the income of each person served based on family size and household income.
   b. Having income-eligibility requirements that limit the services to persons meeting LMI requirement, as evidenced by procedures, intake forms, etc.
   c. Serving a group primarily presumed to be LMI, which HUD identifies as: abused children, battered spouses, elderly persons (age 62+), severely disabled adults, homeless persons, illiterate adults, persons living with AIDS, and migrant farm workers. Examples for this category would include a homeless shelter or a senior center.
   d. Being of such a nature and in a location that it may be concluded that the activity’s clientele are LMI. A daycare serving residents of public housing would fit this category.

Eligibility factors that must be satisfactorily answered in the application include

- Defining which CDBG National Objective, as explained above, applies to this project and providing evidence of how the objective will be met (i.e., which specific group of citizens who are eligible to be considered LMI limited clientele will be served by the project and how will this be documented);
- Being able to document that at least 51% of the beneficiaries or users of the facility are LMI San Marcos residents.
• Providing proof that the facility can be considered a “public facility” in accordance with local, state and federal definitions; that, is to say showing that:
  a. the facility benefits all residents of the area served (for Area Benefit projects).
  b. the facility is open for use by general public during all normal hours of operation (applies to all public facilities).
  c. any fees charged for the use of the facility are reasonable and do not have the affect of preventing LMI individuals from using the facilities.

**Program Income**

Any income (profit after expenses) directly generated from the use of the facility is considered “program income”. The organization must document and report all program income earned. Generally, program income is returned to the City’s CDBG program. The City may authorize the reinvestment of program income into programs that qualify for CDBG funding.

**Calculating Income**

To determine whether or not an individual or a family can be considered LMI, the agency will need to calculate the projected income for the person/family for the next twelve months and compare that amount to the current income maximums based on family size. HUD allows 3 slightly different methods of calculating income, but essentially they all require the collection of the following data from each individual or family:

- Most recent two years of income tax returns with W2’s
- Six months of bank statements for checking accounts
- Most current financial statements for liquid assets
- Check stubs for 3 to 6 months
- Annual benefit letters for Social Security, VA payments, etc.
- Child support receipt documentation (can include divorce decrees and/or reports from Attorney General)

**Other obligations**

After the project is complete, there will be a minimum of five years that the organization must comply with all CDBG program regulations including reporting/returning program income. An annual report will be required to show that the facility continues to serve LMI beneficiaries and meets the definition of a public facility.
CDBG FUNDING FOR PUBLIC SERVICES

“Public Services” is the term the CDBG grant uses for funding that supports programs benefitting low-to-moderate income persons. Eligible uses include programs that provide child care, health care, or job training; recreation and/or education programs; services for senior citizens, victims of family violence, or homeless persons; and drug abuse counseling and treatment. The pro rata cost of operating a facility that provides these services, including salaries, can be a public service activity.

**Funding Limits**

A. The amount of CDBG funds allocated for Public Services cannot exceed 15% of the annual allocation; for example, if the City receives $500,000 in CDBG funding, no more than $75,000 can be allocated for Public Services. The full allocation can be made for one program or spread out among multiple programs.

B. CDBG funds cannot be used to supplant (substitute for) funds that were previously paid by the City in support of the program. For San Marcos, this creates a restriction on how Human Services funds are awarded. If the program received Human Services funding the previous budget year, the amount of Human Services funding cannot be decreased if the program receives CDBG funds. The Human Services funding for other programs offered by the same organization is not impacted by this restriction.

**Program Eligibility**

The first time an applicant requests funding for a program, they must be able to show:

A. That this is a new service or program; or,

B. That this is an existing program/service that has had a quantifiable increase in the level of service or that will have a quantifiably increased if the CDBG funds are provided. An example would be using CDBG funds to hire an additional counselor to be able to serve more clients. The applicant would provide an analysis that estimates the number of additional clients to be served; at the end of the year, the applicant would document the actual new clients served.

An existing program that received CDBG funding the previous year may request the same amount or less than the previous year’s funding without showing a quantifiable increase.

**Eligible / Ineligible Expenses**

Eligible expenses include, but are not limited to labor, supplies, and materials as well as expenses necessary to operate and/or maintain the portion of a facility in which the public service is located. This includes the lease of a facility, equipment, and other property needed for the public service. Costs incurred for telephone services, postage, and computer use/access may be eligible expenses. Travel and training expenses may be authorized by the City on a case-by-case basis.

CDBG funds may not be used to pay for food/meals for staff, fund raising, entertainment, alcoholic beverages, deposits on equipment, incentives to clients (gift cards, raffle prizes), or late fees or penalties. Costs of organized fund raising are not allowable. The purchase of equipment, fixtures, motor vehicles, furnishings, or other personal property not an integral structural fixture is generally ineligible.

**Applicant Organization Eligibility**

A. Applicants can be a non-profit organization, a City Department, or other government entity.

B. Applicants must have a DUNS number and a Federal Identification number to apply.

C. If funded, the organization must be registered and in good standing in the federal System for Award Management (SAM) by the start of the new program year.

D. The applicant must be willing and have the financial capacity to meet the City's audit, insurance, and bonding requirements:

   a. The auditing level is based on the agency’s total liquid assets. The term “total liquid assets” is defined to mean the total amount of liquid assets that is documented to be available to the Subrecipient at the time
the funding is approved. The requirements are: $15,000 or less – CPA preparation of annual financial statement is not required; $15,001 - $100,000 – a compiled financial statement is required; $100,001 - $200,000 – a reviewed financial statement is required; and anything over $200,000 in assets or expenditure of $750,000 or more in federal funding (including CDBG) requires an audited financial statement.

b. The applicant must carry sufficient insurance to protect contract assets.

c. The agency must have a blanket fidelity bond covering all employees/board members with fiscal responsibilities at a level that is at least the amount of CDBG funding.

d. The organization must comply with workman’s compensation laws.

E. Faith Based Agencies are eligible to apply on the same basis as other non-profit organizations. However, CDBG funds cannot be used to support worship, proselytizing, or religious instruction. Religious activities must be offered separately, in time or location, from the CDBG supported activity. Participation in the religious activity must be voluntary for the beneficiaries of the CDBG-funded program. Programs operated by faith-based agencies must be available to all community members and not restricted to the organization’s membership or congregation.

**Beneficiary Documentation**

The organization must document that the program has satisfied the National Objective of benefitting low-to-moderate income persons. At least 51% of the people benefitting from the CDBG funding must have an annual family income that does not exceed 80% of the Area Median Income (AMI), adjusted for family size. HUD establishes the income limits annually; the limits for San Marcos are calculated for the Austin-Round Rock-San Marcos Municipal Statistical Area (MSA). Thus, San Marcos has the same limits as Austin and Round Rock. The applicable income limits are posted on the City's webpage and can be found at [www.sanmarcostx.gov/cdbg](http://www.sanmarcostx.gov/cdbg).

The documentation of income eligibility can be accomplished in various ways.

A. HUD has identified specific categories of beneficiaries that can be “presumed” to be low/mod and individual income documentation is not required. If the program uses the “presumed category” of income documentation all beneficiaries must fall into one of the “presumed” categories:

   (a) abused children, (b) elderly persons (age 62 or older), (c) battered spouses, (d) homeless persons, (e) adults who are severely disabled persons (as defined by the Census), (f) illiterate adults, (g) persons living with AIDS, and (h) migrant farm workers.

B. HUD will accept documentation that the beneficiary has been qualified under another program having income qualification criteria at least as restrictive as that used in the CDBG program. For example, evidence that shows the person is a resident of Public Housing would be acceptable documentation. The use of this form of documentation must be approved by City staff in advance.

C. In limited circumstances, the use of an applicant self-certification form may be approved by City staff. HUD requires that the City “audit” at least 20% of the self-certified beneficiaries to ensure that they are in fact low-to-moderate income persons. Income documentation for auditing purposes may include tax returns, bank statements, benefit statements, proof of receipt of child support, and wage and earnings documentation (pay stubs).

The organization must also be able to show than at least 51% of the beneficiaries are City residents.

**Community Support for Public Service Funding**

The City conducted two community need surveys as part of the 2015-2019 Consolidated Plan outreach activities.

The electronic survey received 90 responses. The public service beneficiary categories receiving the highest votes were victims of abuse/neglect (48 votes); programs for youth and children (50 votes); services for the homeless or those at risk of becoming homeless (34 votes); help with transportation for elderly/disabled persons (34 votes).

The paper survey had 161 responses. The public service beneficiary categories receiving the highest votes were programs for senior citizens (63 votes); programs for abused/neglected children (40); programs for family violence victims (30 votes); and programs for the homeless (23 votes).
AGENDA CAPTION:
Receive a presentation from the Parks and Recreation Staff and Parks and Recreation Board regarding San Marcos River Parks Overcrowding and Capacity issues, and provide direction to staff.

Meeting date: February 21, 2017

Department: Community Services-PARD, Rodney Cobb, Executive Director Community Services (By William Ford, Assistant Director of Community Services-Parks and Recreation)

Funds Required:
Account Number:
Funds Available:
Account Name:

CITY COUNCIL GOAL: City Council Goal: 4. Maintain and Protect San Marcos River

COMPREHENSIVE PLAN ELEMENT(s): [add the Plan elements and Goal # and Objective(s)]

BACKGROUND:
At the August 18 Parks Advisory Board meeting, The San Marcos Parks and Recreation Advisory Board recommended to staff short-term solutions to be implemented by the summer season of 2017 to address River Parks overcrowding. The Park Advisory Board is very concerned about public safety and City liability due to the record crowds visiting our River Parks during the summer months. This presentation will provide information on some short term solutions that can be implemented for 2017 summer season. Long term solutions will be address with citizen feedback during the Parks Open Space Master Plan update process later in the year.
WE BUILT IT AND THEY CAME
A PRESENTATION ON RIVER PARKS
OVERCROWDING/CAPACITY ISSUES
PRESENTED BY PARKS AND RECREATION STAFF AND
PARKS ADVISORY BOARD
DURING THE SUMMER OF 2016 THE CITY OF SAN MARCOS EXPERIENCED RECORD CROWDS FROM CITY PARK TO RIO VISTA PARK.
City Park

Rio Vista at Cheatham
Wildlife Habitat at Cheatham

Rio Vista at Cheatham
CITY PARK
Rio Vista at Cheatham

Wildlife Habitat at Cheatham
Summer Trash Volume from Parks
Current Summer Trash and Recycle Removal Program
Preferred Density of People When Visiting River and Parks:

- Very Many: 2%
- Many: 26%
- Few: 56%
- None: 14%
- N/A: 3%

>3,000 RESPONSES

Geographical Distribution of Visitors answering a survey performed by Graham Daly in 2015
Survey performed by Graham Daly in 2015 for his PhD project:

- Total Survey = 599
  - San Marcos Area = 335 (56%)
  - Out of Town = 264 (44%)

Source:
Graham Daly
Doctoral Student, World Regional I.R., Water Resources I.A.
Texas State University, Department of Geography
Landscape Land Use Change Institute

Survey Methodology:
- Email, In-person, Mail-out questionnaires resulting in convenience response sampling
- Stratified random sampling to target different sociodemographic populations
- Primarily forced, closed responses
- Resulted in mostly ordinal data
- 49 questions total
- 20 minute average response time
- Spring & Summer of 2015
PARKS BOARD RECOMMENDED SHORT-TERM SOLUTIONS FOR OVER CROWDING OF RIVER PARKS

1. MOVE PICNIC SITES BACK AWAY FROM RIVER IN ALL RIVER PARKS (Adding 30 additional tables away from the River)

2. ON STREET PARKING REMOVED ON CHEATHAM STREET AT RIO VISTA (Weekends and holidays only)

3. REMOVE PICNIC TABLES AND GRILLS ON CHEATHAM STREET (This area will be for accessing river only)

4. NO SHELTER/TENTS EXCEPT IN DESIGNATED PICNIC SITES (Tents can only be used over a city provided picnic table)

5. NO PORTABLE GRILLS IN CITY RIVER PARKS (City Park to Lucio Park)
LONG-TERM POSSIBILITIES TO BE CONSIDERED FOR THE PARKS MASTER PLAN AND PARK ORDINANCES

NO CHARCOAL GRILLS AND REMOVE EXISTING GRILLS

GATES TO ENTRANCES OF CITY RIVER PARKS TO HELP ENFORCE CURFEWS

ADDITIONAL RESTROOM FACILITIES

PARK USER FEES

PARKING FEES

ADDITIONAL PARKING AREAS

ADDITIONAL PARK RANGERS
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- **Graph Description**: The graph illustrates the monthly count of various events and service calls from 2010 to 2016. The x-axis represents the years, and the y-axis represents the count of events or calls. Each category is color-coded for easy identification:
  - Events
  - Calls for Service
  - Arrests
  - Parking
  - Citations
  - EMS Transports
  - EMS Calls
  - Search
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I. Roll Call

Present- Sue Cohen, Frank Contreras, Bridgett Phillips, Mary Seaborne, Robert Tobias, Derrick Lee

Absent- Larry Mock, Brad Smith

Excused- Paul Murray

Staff Present- Rodney Cobb, William Ford, Bert Stratemann, Daniel Montemayor

Due to the absence of chairperson Paul Murray Sue Cohen Vice Chair presided at meeting

II. Citizen Comment Period – (each individual will be limited to 3 minutes; no specific action may be taken on these items)

Brian Olson- came to discuss Stokes Park, recommend that it would be good to put a fence on the wall of the embankment of where Thompson's dam is.

He also inquired if there is any desire to put trash cans down there below where the waterfall is. Trash cans would be useful between Thompsons Gin and the Capes Road. Signage would be helpful to alleviate trash issues.

Mark Taylor- President of San Marcos Greenbelt Alliance. Here to listen to comments and discussion of the Crosstown trails and the Natural Area Land Study.

III. Approval of the minutes: July 28, 2016 Minutes

Bridgett Phillips motion to approve. Derrick Lee second. Minutes approved. Motion carried.

Discussion- Short Term Solutions for River/Park Overcrowding

Rodney Cobb- reported that we are staffing 15 person to work weekends from 7am-11pm. We're going to bring in two more additional people to work facility rentals. In addition we bring in a team from Easter Seals to help
alleviate the trash issues.

We have purchased trailers and placed them strategically so that trash can be collected and hauled easily.

Frank Contreras- the park on Cheatham St is overcrowded. We need to do away with the on street parking between Reynolds and CM Allen. There is space for 12 cars. He is concerned about the safety of people.

Sue Cohen- what decisions can we make that doesn't require an ordinance? Do we have it in our authority to alleviate issues at least on a short term basis?

Rodney Cobb will check with Ken Bell to implement short term solutions. When Crosstown Trails are completed, the trail to the river will be free of and off limits for shelters, picnic tables, portable tables, and pop up tents. We are also discussing designated places for pop up tents at picnic table areas. We may introduce picnic tables from trail to the road to control crowd. We also need to consider whether to ban portable pits and the use of charcoal.

Sue Cohen- in favor for no grills at all, portable grills or charcoal.

Frank Contreras- in favor of removing permanent barbecue pits on concrete slabs.

Derrick Lee- Backside of Rio Vista Pool area is almost empty. How do we move folks to use that area?

Rodney Cobb -Park Rangers recommend no barbecue grills in natural green areas.

Rodney Cobb- reported plans are in place to remove the incoming road of Rio Vista Park in an effort to move parking from the interior of the park. Rodney Cobb suggest that we have to always look at where folks are parking and wanted to voice concern of not pushing folks to park in neighborhoods.

In City parking management plan, we requested metered parking on CM Allen. I think we can be successful at using specific fees for park use that will go into a fund to improve parks.

Bridgett Phillips- recommends looking at fees. Rodney Cobb mentioned that we will be looking at fee structure over next couple of months.

Sue Cohen - recommends designated swimming areas, no picnic tables or grills allowed.

Frank Contreras restated recommendations that the board wants to implement after Labor Day.

#1-Move picnic sites back in all City River parks

#2 Remove on street parking on Cheatham St. (weekends/holidays only)

#3 Remove picnic tables and grills from Cheatham St

#4 No shelters except in designated picnic sites

#5 No portable grills in City River Parks (City Park to Lucio Park)

Robert Tobias- requested timeline.

Sue Cohen- motion to make 4 recommendations. Second by all. Motion carried.

Bridgett motion to vote on #3 recommendation separately. Frank Contreras second the motion. Motion carried.
Sue Cohen stated we are now voting on removing picnic tables and grills from Cheatham St. Motion carried. Sue Cohen requested to keep this item on next agenda to track progress on recommendations. All five recommendations for short term solutions for river overcrowding passed.

V. Update- Crosstown Pathways

Rodney Cobb reported a meeting in Austin with TXDOT took place. Project going forward with bid and whether they will allow the bridge over the river. They may request that the bridge be taken out. If the bridge is taken out we will reroute using the existing bridge. TX DOT project will want to raise the roads.

Will Ford-reported we think we came to a consensus of keeping the bridge in if we make it longer. TXDOT wants to raise the access road.

VI. Update- Natural Area Land Study

Mark Taylor reported the Land Manager position was discussed by City Council to be funded by hotel tax. Letter was sent from Parks Board chair with detail on a bullet list job description to the City Manager. We want to make sure staff understands details of this position, where funding comes from, who this position reports to, and roles of the position.

Sue Cohen recommends that the Board continue to support the position.

In reference to the Natural Area Land Study Will Ford reported that we continue to work with Texas Soil and Water Conservation Service and GVA. We would like to pull all information together and we’ll create a timetable.

Bert Stratemann - important modeling information is needed, along with the groundwork of the Land Management plan. We are trying to compile data to look at different ways to manage properties.

Will Ford - mentioned that we will continue to provide updates and put this on the agenda.

VII. Update- Trash Cans Varmint proof

Rodney Cobb reported that we have our first 30 trash cans. They are in Rio Vista Park. We are in the process of putting them in. We are putting placards on them. We are also setting recycle cans next to them that will be in blue. We can look at different locations to plan on where to place them. The plan is after October is to order another set and it may take an additional two years to complete.

VIII. Update- Soccer Fields (Solar Panels) / Tennis Courts (LED Lights)

Bert Stratemann- the solar panels puts out about 3 kilowatts and as part of the original project they installed a wind tower (10 kilowatt) by the City as part of energy study of the soccer complex.

LCRA had a grant opportunity to spend $23k on solar. They asked us to pilot the project. Installation and
engineering were free if we purchased the solar panels. Additional solar panels included two banks of solar panels producing 24 kilowatts of power. As part of the project an educational kiosk will be installed. It allows a person to read what the solar panels are producing and as an educational tool for information. The kiosk will operate also as a charging station and also have cameras.

We hope to implement the same project at the Softball complex.

Bert Stratemann reported the solar panels will provide power to the complex with the exception of the lights. This provides us a discount off our utility cost.

Tennis Court lights were replaced with LED lights. The LED version was able to simplify the hardware needed to power the lights. We also reduce the # of lights by half with LED installation.

IX. Discussion- Questions and Answers about monthly reports

No questions

X. Recommendation- Agenda Requests for next meeting-

Discuss Fee Structure for next meeting

Follow-up on Short term recommendations

XI. Question and Answers with Press and Public

No Questions or Answers

XII. Adjournment

Frank Contreras motion to adjourn and Bridgett Phillips second the motion. Meeting was adjourned at 7:35pm.

Parks Advisory Board Chairman

Facilities/Events Coordinator

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 512-398-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 512-398-8074 or sent by e-mail to ADArequest@sanmarcostx.gov
MEMO

DATE: September 12, 2016

TO: San Marcos City Council and Jared Miller, City Manager

FROM: Paul Murray, Parks Board Chair & Sue Cohen, Vice Chair

SUBJECT: SAN MARCOS RIVER PARKS OVERCROWDING ISSUES

At its August 18 meeting, the San Marcos Parks and Recreation Advisory Board recommended to staff short-term solutions to be implemented by January 2017 to address River Parks overcrowding. The Advisory Board is very concerned about public safety and City liability due to the record crowds visiting our river parks. The Parks Board will address long-term solutions in the next 1-2 years through the update process of the Parks Master Plan and by recommending revisions to City Park Ordinances.

Please be advised that this memo is for your information and no action is requested by the Park Board.

Short-term solutions are as follows:

1. Move picnic sites back away from river in all City River parks. (More picnic tables will be added away from river)
2. On-street parking removed on Cheatham Street at Rio Vista (weekends and holidays only)
3. Remove picnic tables and grills on Cheatham Street (this area will be for accessing river only)
4. No shelters/tents except in designated picnic sites
5. No portable grills in City River Parks (City Park to Lucio Park)

Long-term solutions that the Board will be looking at incorporating into the Parks Master Plan and Park Ordinances:

1. Park user fees and Parking fees
2. No portable grills and removing grills
3. Gates to entrances of City River Parks to help control curfews
4. Restroom facilities
5. Parking

Thank you for your support as we all work together to preserve the natural resources and make San Marcos Parks safe and enjoyable.
Parks & Recreation Board  
c/o William Ford  
City of San Marcos  
San Marcos, TX 78666

Dear Board Members:

Thank you all for helping make our river parks more tolerable. Your dog leash signs have really helped with the lose dog problem (however, many of the signs have been removed or thrown out now). And cutting down on parking on the road to the Pavilion near Rio Vista Falls has been good.

I use the river trails to walk my dog, or kayak on the river, most every day. I am concerned, after the past summer, about the overcrowding and the users’ lack of respect for our parks.

This last summer they arrived even earlier to “stake their claim” to their territory by erecting canopies, dragging in grills, toys and chairs. It was like an invasion. The trash they left spewed about was massive.

It’s too bad that we residents of San Marcos, who pay taxes to support our beautiful river parks, cannot even enjoy them on a hot, summer day. So many users are not from here and have no regard for our property.

Could we possibly consider implementing tougher rules, such as no alcohol at all. Most City parks do not allow the consumption of alcohol. Also, possibly closing earlier?

I have never seen a city park that allows unrestrained canopies to be erected. I know we have restricted the areas they can be put. Could those using canopies be required to get a permit to use them?

I know there are no easy answers, but these crowds are getting huge. It’s like going to an over-populated foreign country. Cars even stop on University Dr., backing up traffic, while the driver waits for the passengers to unload themselves and all of their stuff.

Any help you could give to help eliminate this ever growing mess would be appreciated.

Thank you,

Barb Payde  
San Marcos Resident
AGENDA CAPTION:
Consider approval, by motion, of the following meeting Minutes:
January 30, 2017 - Code SMTX Workshop I
February 3, 2017 - Packet Meeting
February 7, 2017 - Regular Meeting

Meeting date:  February 21, 2017

Department:  City Clerk

Funds Required:  N/A
Account Number:  N/A
Funds Available:  N/A
Account Name:  N/A

CITY COUNCIL GOAL:  N/A

COMPREHENSIVE PLAN ELEMENT(s):  N/A

BACKGROUND:
The following minutes are attached for review:
January 30, 2017 - Code SMTX Workshop I
February 3, 2017 - Packet Meeting
February 7, 2017 - Regular Meeting
I. Call To Order

With a quorum present, the joint workshop meeting of the San Marcos City Council and the Planning and Zoning Commission was called to order by Mayor Thomaides at 5:37 p.m. Monday, January 30, 2017 in the Activity Center, Room 3, 501 E. Hopkins, San Marcos, Texas 78666.

II. Roll Call

Commissioner Porterfield arrived after roll call at 5:48 p.m.

Present: 14 - Mayor John Thomaides, Council Member Saul Gonzales, Mayor Pro-Tem Jane Hughson, Council Member Melissa Derrick, Council Member Scott Gregson, Council Member Ed Mihalkanin, Deputy Mayor Pro Tem Lisa Prewitt, Shawn Dupont, Jim Garber, Kate McCarty, Travis Kelsey, Lee Porterfield, Angie Ramirez and Betseygail Rand

1. Receive a Staff presentation and participate in a joint workshop of the City Council and Planning and Zoning Commission facilitated by Diane Miller to discuss Code SMTX including, but not limited to: Development Process; New Housing Types; Neighborhood Character; Material Standards and Affordable Housing, and provide direction to Staff.

Mayor Thomaides provided a welcome and overview of how the workshop will be conducted.

Abigail Gillfillan, Planning Manager, provided a history of the Code SMTX process up to this point.

Diane Miller with Civic Collaboration stated that they would be reviewing 5 topics: Development Process; New Housing Types; Neighborhood Character; Material Standards; Affordable Housing.

Ms. Gillfillan reviewed revisions related to the Development Process and how they were primarily made to clarify and simplify processes making the chapter more accessible to applicants and the public. In summary what the staff heard was the desire for enhanced notification, increased scrutiny and streamlining processes.
Ms. Gillfillan reviewed how notifications would be improved by providing more information on the website that is automatically updated and accurate from initial submission. Require neighborhood meetings open to any and all neighborhood organizations or individuals held by the developer to describe the project. The intent of each standard is included as well as criteria to analyze any alternative way to meet that standard. Guidance for where and when certain zoning districts should be used has been included based on the location and type of request.

The following were provided when the assembly was asked, "What do you want to see the new code do to address this topic?"

Who
- Include opt-in email notification for any citizen
- Need neighborhood meeting defined (when, who presents)
- Make sure the neighborhood meetings about projects are facilitated
- Increase neighborhood meeting to allow for stakeholder input

Web
- Need web notice to be easily found on website (create short site name)
- When will the website be user friendly

Timing
- Need more notice time / More time for notification
- Increase published notice to 30 days / 15 day to 30 day

Notice Area
- Larger distance for notification / Expand notification radius to 400 ft. / Extend notification area to at least 500 ft.
- Email notices to people in the neighborhood

Violations
- Add environmental violations to fines & penalties
- Make fines and penalties proportional to the cost for the city to fix the violation

Process / Intent
- Make intent easy to understand
- Clearly define a path for the developers and the community to know expected outcomes
• When will existing neighborhoods be defined on map
• Define what developments get web notice & neighborhood meeting
• Need more {cases} “noticed” not just legislative, include quasi, etc, LDC changes proposed

Staff Recommendation / Analysis
• Provide an answer as quick as possible if it will definitely be “no” or “Not allowed”

Ms. Gillfillan reviewed revisions related to New Housing Types. Staff heard a desire to accommodate the need for diverse housing for residents and families in exhibiting neighborhoods. Diverse housing types are not appropriate in areas that are entirely single family detached housing. Diverse housing in Intensity Zones needs to be encouraged and better enabled by the zoning standards.

Staff proposed place-based zoning. Zoning districts are created based on the character of the place. Different building types at different scales are designed to fit into that type of place. Providing different zoning districts for neighborhood areas and Intensity Zones allows those places to be regulated differently while both providing opportunities for Diverse Housing. Staff also provided building types as both a regulatory tool and as guidance to encourage diverse housing and medium density housing over large multi-family development.

The following were provided when the assembly was asked, "What do you want to see the new code do to address this topic?"

Student housing
• Cottage court – these could quickly turn into Sagewood. What prevents this?
• Make certain compatibility includes the occupants not just intensity or scale of building (ex. Students vs SF)
• Create a purpose built owner occupied deed restriction for infill housing
• What about current restriction on unrelated in SF now in ND or CD areas

Housing Types in Districts
• Create apartments with stores on first floor building type for CD5D
• Need to modify 4.2.1.2 building types allowed by district. When can we do this in detail?
• Must show exactly what type of housing is allowed in each neighborhood or district
Better define what you mean by not preferred and what will happen.

What does “- -“ mean

Prevent SF-11 & SF-6 from being converted to a neighborhood district

Process

• Define ways zoning districts are initiated
• When will character studies be published

Workforce housing

• In workforce housing, price ranges create enhanced rental restricts to promote single family rentals

Standards

• Change setbacks to allow infill housing development
• Cap on proximity of multifamily units in areas of stability
• City needs to provide parking if city is going to reduce parking requirements

Ms. Gillfillan reviewed revisions related to Neighborhood Character. Staff heard a desire for buffers and transitions from Comprehensive Plan Intensity Zones to Existing Neighborhood Areas should be larger that are more meaningful. More needs to be done to encourage higher rates of home ownership in existing neighborhoods. Encourage the inclusion of condominiums as an allowable type. Better Management of the high rate of rental properties in existing neighborhoods. Transitions and buffers. Increase the buffers and transitions between high intensity areas and existing neighborhoods. Stronger protection for current neighborhoods from developments like Bowie Tract and Lindsey Hill.

Staff proposed transitions from high intensity areas where height step downs and maximum lot sizes are required where high intensity zones meet existing residential properties. Buffers are required where high intensity zones meet existing residential. Traffic circulation patterns are regulated to minimize access to high intensity areas through existing residential neighborhoods. Staff proposed compatibility standards where height step downs and setback averaging are required for infill developments. Street facing entrances and building widths are regulated for infill development in order to maintain the look and feel of a neighborhood from the street. Staff also proposed use and maintenance. Owner occupancy regulations are expanded to new building types in existing neighborhoods. Rental registration is required for new building types within existing neighborhoods. A permanent organization and funding source such as an HOA is required for the maintenance of any shared
spaces.

The following were provided when the assembly was asked, "What do you want to see the new code do to address this topic?"

Enforcement
• Maximize rental registration opportunities
• City should be a party to the HOA’s for enforcement
• Clear definition for enforcement (how/when/why

Uses
• Do not allow multifamily housing nor commercial in residential neighborhoods
• Need a full review of alcohol CUP process

Standards
• Concern about building step down not enough

Transition Zones
• Requires long/wide transition areas and buffers
• No parking garages in transition zones
• Limit uses in transition and buffer areas based on character studies
• Commercial alcohol use in appropriate locations as identified in transition areas as well as hours of operation
• Alcohol CUP restrictions in transition zones (ie. The Gumby’s level of CUP would be allowed as a max)

Ms. Gillfillan reviewed revisions related to Material Standards. Staff heard that standards should focus on prohibiting materials that don't meet durability or aesthetic goals, new building form standards, and new architectural standards. Singling out a limited list of permitted materials are not effective in ensuring quality development. In relation to building scale material standards are most effective for buildings over 3-4 stories tall. Smaller commercial buildings intended to fit into a neighborhood should have materials similar to the surrounding buildings.

Staff proposed that traditional materials of all downtown buildings, prohibited building materials have been incorporated for all developments including EIFS and metal sheet siding. The building form and articulation of all buildings located in use based districts where form standards are limited require material standards. Form and articulation standards have taken the place of
material standards for smaller building types. All buildings in the most intense
districts have material standards. All apartment buildings have material
standards.

The following were provided when the assembly was asked, "What do you
want to see the new code do to address this topic?"

Existing Multifamily / Commercial Material Standards
• P&Z & Council has recently passed a commercial material ordinance why not
incorporate in code SMTX
• Multifamily already have material standards that are in place
• Does this code prevent an all metal building in a traditional neighborhoods

Character Districts vs Transition Zones
• Define and develop style standards for character districts
• Have materials standards in transition zones fit the zones – ie. Gumby’s
• Need to determine what the material standards are for mixed use. MF vs
commercial

Small Business
• Does too much (or depth of articulation) take away from necessary square
footage from developer that may be needed for affordability to both developer
down to tenant
• Barrier for local business owners & favors national chains (supporting
changes proposed)
• Define size of smaller commercial developments that could have an
alternative material standard

Standards vs Creativity
• Fully agree with complaints – prevents creativity and doesn’t correlate with
charm

Historical Materials
• Must protect heritage areas allow wood or wood type products

City Compliance
• Is city government going to be required to follow code smtx

Ms. Gillfillan reviewed revisions to integrate affordable housing into the
existing fabric of the city. Supporting diverse housing types offered by the
market for affordable housing may not be enough due to the fact that San
Marcos is a college town. Diverse housing in a college town is often used as rental housing and if not managed correctly may further degrade a neighborhood. Affordable housing in or adjacent to existing neighborhoods should focus on opportunities for home ownership for all types of residents.

Staff proposed integrating housing criteria for location efficient areas have been included as a requirement for affordable housing. When affordable units are included within a development requirements for proportional dispersals of the units are included. Affordable housing has been limited to ownership opportunities within existing neighborhoods. Rental Registration and standards for the managements of any shared spaces have been included. Proposed development incentives include density bonuses, additional stories and parking reductions.

The following were provided when the assembly was asked, "What do you want to see the new code do to address this topic?"

Student Housing
• How can you keep student housing costs and allowances from inflating overall housing costs?
• When affordable is approved limits on renting to students is prohibited / discouraged (near or in single family residential
• Must increase by a lot purpose built student housing in appropriate zones, to take pressure off other zones
• How to convince university to build move housing on campus
• Can we designate student housing districts that are townhouse styles / condos so we keep neighborhoods more non student oriented / ownership
• How do you limit affordable housing to ownership within neighborhoods

Transportation
• Parking reduction bonuses should be within 1/4 mile of public transportation
• Bus routes should be within ¼ mile of affordable / work housing. Walk shed considered to be ¼ and ridership drops off significantly above that

Affordability
• Must target 30-40% of median income, not 80%. 80% is a typical renter. No available housing for 30-40%
• How do we ensure affordable options actually become affordable housing
• 10-20% of units is too low for density bonuses. Aim for 20–40%
• Provide distinction between affordable vs workforce housing
• Focus on a single family or smaller scale affordable housing types rather than
big MF projects
• Find a strategy to building missing middle homes for owner occupied use
• Don’t draw folks to SMTX with our affordable housing limits so we take care of current residents
• Allow for smaller square foot housing without driveways increase affordability and infill options
• Typo on 4.3.4.5 on w/ points 1 & 2. 20% is better or 30%

Incentives
• Need to review the bonus incentives. These are too much for too little return
• How will you encourage buy-in by developers to make affordable housing attractive
• Find a strategy to encourage townhome style development that’s affordable & owner occupied

Enforcement
• Define how will enforce affordability provisions
• How to limit ownership – great idea – how to enforce

Zoning & Affordable Housing
• Does code SMTX encourage lower income populations to move to San Marcos
• Can the smaller scale housing types be requested in existing neighborhoods and if so how will this happen

Parking
• Can you offer parking incentives & still keep cars off streets in residential neighborhoods
• If incentive like parking are given, ensure that it fits with larger parking plan
• Parking reduction by CUP only until culture changes

Ms. Gillfillan reviewed the next steps and the second workshop that will take place on February 8, 2017 at 5:30 p.m.
Mayor Pro Tem Hughson requested some additional work group sessions. Deputy Mayor Pro Tem Prewitt and Council Member Derrick shared Mayor Pro Tem Hughson's sentiments and requested additional work group sessions also. Following discussion, Staff will offer work sessions and will provide a schedule.

III. Question and Answer Session with Press and Public.

Lisa Marie Coppoletta, asked why affluent fees didn’t hit the code? Have we
not considered charging people? What happened to the Tree Board? Can we not put that on the table? Mayor Thomaides replied that the product is not final. Mayor Thomaides provided response regarding tree preservation. Ms. Coppoletta asked if the Tree Board could be added? Mayor Thomaides asked Staff to reply. Shannon Mattingly and Abigail Gillfillan replied that we have enhanced standards and that the Think Tank reviewed the option and that the tree board did not make it into the draft.

IV. Adjournment.

Mayor Thomaides adjourned the joint workshop meeting of the San Marcos City Council and the Planning and Zoning Commission at 8:17 p.m.

Jamie Lee Case, City Clerk

John Thomaides, Mayor
630 E. Hopkins - Public Hearing for a Voluntary Annexation & Packet Meeting

I. Call To Order

With a quorum present, the workshop meeting of the San Marcos City Council was called to order by Mayor Thomaides at 12:02 p.m. Friday, February 3, 2016 in the City Council Chambers, 630 E. Hopkins, San Marcos, Texas 78666.

II. Roll Call

Deputy Mayor Pro Tem Prewitt was absent due to travel.

Present: 6 - Mayor John Thomaides, Council Member Saul Gonzales, Mayor Pro-Tem Jane Hughson, Council Member Melissa Derrick, Council Member Scott Gregson and Council Member Ed Mihalkanin

Absent: 1 - Deputy Mayor Pro Tem Lisa Prewitt

1. 12:00PM Receive a Staff presentation and hold a Public Hearing to receive comments for or against the voluntary annexation submitted by Bill Fisher, on behalf of Jaster Edmund Hays County Partnership, of a 17.45 +/- acre tract of land out of the Cyrus Wickson Survey, Abstract No. 474, Hays County, Texas, generally located on East McCarty Lane, northwest of the intersection with Rattler Road.

Mayor Thomaides opened the Public Hearing at 12:03 p.m.

There being no comments, Mayor Thomaides closed the Public Hearing at 12:03 p.m.

Staff will provide the Council with an analysis of the cost of services vs. property tax collected and will also put something together to show what they would potentially in taxes.

No further action was taken.

2. Consider Staff briefing and Council Member discussion and questions regarding items on the agenda for the February 7, 2017 Regular City Council Meeting, to wit Items (1-19).

PRESENTATIONS
1. Presentations from Strategic Government Resources (SGR) and Waters & Company and discussion regarding the use of an executive search firm for the City Manager position

2. Staff update regarding the Hays County Hazard Mitigation Plan.

CONSENT AGENDA

3. Meeting Minutes:
   January 13, 2017 Packet Meeting Minutes
   January 17, 2017 Regular Meeting Minutes
   January 23, 2017 Community Improvement Taskforce Recommendation Workshop Meeting Minutes

4. Ordinance 2017-02, on the second of two readings, creating a Designated Permit Area under Section 82.189 of the San Marcos City Code that allows parking by permit only on both sides of the 1400 block Meadow Pkwy between Holland St. and Elm Hill Ct., and on both sides of 100 block Cypress Ct. between Meadow Pkwy and the end of the street; amending the Traffic Register to reflect such Designated Permit Area; and providing for an effective date.

5. Ordinance 2017-03, on the second of two readings, amending Section 4.3.1.1 of the Land Development Code including the legend used to interpret the Land Use Matrix to add a new category “L” for Limited Uses; amending the Land Use Matrix in Section 4.3.1.2 of the Land Development Code to establish Short-Term Rentals as a new land use; amending Chapter 4, Article 3 of the Land Development Code to create a new Division Five to establish regulations for Short-Term Rentals; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

6. Ordinance 2017-04, on the second of two readings, amending chapter 34, article 7 of the San Marcos City Code known as the Rental Nuisance Abatement Code to provide for the annual registration of short-term rentals; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

7. Ordinance 2017-05, on the second of two readings, adopting fees to be charged by the City for various city services, including changes to some existing fees and the addition of new fees; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

8. Resolution 2017-17R, approving the award of a construction contract to Dalrymple Gravel and Contracting Company, Inc. for the River Road Pavement and Bank Stabilization Project (IFB 217-051) in the amount of $328,300.00 contingent upon the contractor’s timely submission of sufficient bonds and insurance in accordance with the City’s construction contract documents for the project; authorizing the Interim City Manager or her designee to execute all contract documents on behalf of the City and
declaring an effective date.

9. Resolution 2017-18R, authorizing the submission of a grant application to the Office of the Governor, Criminal Justice Division, Victims of Crime Assistance (VOCA) program to allow for the expansion of the Victim Services program of the Police Department, authorizing the City Manager or her designee to execute all documents related to the application, and declare an effective date.

10. Resolution 2017-19R, approving the purchase of fourteen 2017 Ford Utility Police Interceptor vehicles for the Police Department from Sam Pack’s Five Star Ford through the Houston-Galveston Area Council of Governments Cooperative Purchasing Program Contract #VE11-15 for current model cars, light trucks and police motorcycles in the total amount of $383,677.38; authorizing the Interim City Manager or her designee to execute the appropriate purchasing documents on behalf of the City and declaring an effective date.

11. Resolution 2017-20R, awarding an annual contract to Texas Electric Cooperative for the provision of Residential Electric Meters (IFB 217-028) for the Public Services Department-Electric Utilities Division in the estimated annual amount of $345,420.00; authorizing the Interim City Manager or her designee to execute the appropriate purchasing documents on behalf of the City; and declaring an effective date.

12. Resolution 2017-21R, confirming the Interim City Manager’s appointment of George R. Landry to the San Marcos Civil Service Commission; and declaring an effective date.

13. Resolution 2017-22R, approving an Interlocal Agreement between the City of San Marcos and the State of Texas, acting by and through its agency, the Texas General Land Office for its administrative assistance in connection with the disaster recovery funds received by the City from the U.S. Department of Housing and Urban Development in the total not-to-exceed amount of $100,000.00; authorizing the Interim City Manager or her designee to execute this agreement on behalf of the City; and declaring an effective date.

14. Change order for the purchase of additional concrete for the completion of the City Park Parking Lot in an amount not to exceed $55,000.

PUBLIC HEARINGS

15. Staff presentation and Public Hearing to receive comments for or against a request by Kathryn C Dillon to appeal a decision made at the January 10, 2017 Planning & Zoning Commission meeting, in which the Planning & Zoning Commission granted a Conditional Use Permit (CUP-16-34) for the sale of mixed alcoholic beverages for on-site consumption to Gumby’s Pizza and Wings at 312 West Hopkins Street.

16. Public Hearing to receive comments for or against the voluntary annexation
submitted by Bill Fisher, on behalf of Jaster Edmund Hays County Partnership, of a 17.45 +/- acre tract of land out of the Cyrus Wickson Survey, Abstract No. 474, Hays County, Texas, generally located on East McCarty Lane, northwest of the intersection with Rattler Road.

NON-CONSENT AGENDA

17. Ordinance 2017-06, on the first of two readings calling a Bond Election for Public Safety Facilities and Library Improvements for May 6, 2017; establishing early voting locations and polling places for this election; making provisions for conducting the election; and resolving other matters related to such election; and providing an effective date

18. Resolution 2017-23R, approving an addendum to the Valet Parking License Agreement with Austin Street Tavern L.L.C doing business as AquaBrew Brewery & Beer Garden, that extends the term of the license agreement for one additional year; authorizing the Interim City Manager to execute this addendum on behalf of the City; and declaring an effective date.

19. Annual appointments to the various Boards and Commissions, to wit:
   A) Airport Commission
   B) Animal Shelter Advisory Committee
   C) Arts Commission
   D) Cemetery Commission
   E) Citizens Utility Advisory Board
   F) Comprehensive Master Plan Oversight Committee
   G) Construction Board of Appeals
   H) Convention and Visitors Bureau Board
   I) Economic Development San Marcos Board
   J) Ethics Review Commission
   K) Historic Preservation Commission
   L) Housing Authority Board
   M) Human Services Advisory Board
   N) Library Board
   O) Main Street Advisory Board
   P) Neighborhood Commission
   Q) Parks and Recreation Board
   R) Planning and Zoning Commission
   S) San Marcos Commission on Children & Youth
   T) San Marcos Youth Commission
   U) Senior Citizen Advisory Board
   V) Veteran's Affairs Advisory Committee
   W) Zoning Board of Adjustment

The Council received Staff briefings and held discussion regarding items on the agenda for February 7, 2017 Regular City Council Meeting, to wit Items (1-19).

Item #2 Staff to look into land conservation and acquisition upstream to assist
in mitigating flooding and for detention.

Item #5 Council discussed tightening the language to limit purchases by LLCs. Council discussed a CUP process which would require a 1 year review from the date of issuance. Staff will add a slide regarding the benefits and constraints of the process.

Item #5 Staff to provide neighborhood maps.

Item #17 Council discussed the use of campus as a polling location. Staff will add the language "replacing and relocating" to Proposition 1 of the Ordinance regarding Fire Station No. 2.

No further direction was provided.

III. Question and Answer Session with Press and Public.

Russell Wilde, San Marcos Daily Record, asked what steps were taken to make sure that the Short Term Rental ORdinance didn't look like Austin? Mayor Thomaides directed him to Michael Cosentino, City Attorney.

Dianne Wassenich, San Marcos River Foundation, asked if the Hays County Hazard Mitigation Plan item will allow for direction to Staff? Jamie Lee Case, City Clerk assured her that it was posted for direction on Tuesday's agenda.

Matthew Keeler, asked Council Member Derrick to explain why she was concerned about rental prices going up because of short term rentals. Council Member Derrick stated that you are reducing the supply of rentals if someone rents it months at a time. Mr. Keeler asked if that is why you are looking at a CUP? Ms. Derrick responded, "yes, it gives us more flexibility."

IV. Adjournment.

Mayor Thomaides adjourned the packet meeting workshop of the San Marcos City Council at 1:30 p.m.
Consider approval of Resolution 2017-24R, approving an agreement with Leathers and Associates, Inc. for the provision of professional design services in connection with the reconstruction of the San Marcos Playscape Project in the fixed fee amount of $65,300.00 contingent upon the consultant’s provision of sufficient insurance in accordance with the attached agreement; authorizing the Interim City Manager or her designee to execute this agreement on behalf of the City; and declaring an effective date.

Meeting Date: February 21, 2017

Department: Community Services-Rodney Cobb, Executive Director of Community Services

(By William Ford, Assistant Director of Community Services-Parks and Recreation)

Funds Required: $65,300.00
Account Number: C439
Funds Available: $1,350,000
Account Name: Children’s Park Renovation

City Council Goal:
Comprehensive Plan Element:

Background:
The Children’s Park Playscape is twenty plus years old. Many of the wooden posts below the surface are rotten and will be unsafe in a few years. The redesigned playscape will include a combination of plastic and wood products that will out preform the existing structure. The new play structure will boast modern recycled plastic lumber on all surfaces that are touched by humans. The new design will be totally accessible to children with special needs. The Consultant will solicit feedback in a public design session and will prepare a schematic design for approval before the project is let for construction bids. The Consultant will also provide construction supervision during the construction phase of this project until final completion.
RESOLUTION 2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, APPROVING AN AGREEMENT WITH LEATHERS AND ASSOCIATES, INC. FOR THE PROVISION OF PROFESSIONAL DESIGN SERVICES IN CONNECTION WITH THE RECONSTRUCTION OF THE SAN MARCOS PLAYSCAPE PROJECT IN THE FIXED FEE AMOUNT OF $65,300.00 CONTINGENT UPON THE CONSULTANT’S PROVISION OF SUFFICIENT INSURANCE IN ACCORDANCE WITH THE ATTACHED AGREEMENT; AUTHORIZING THE INTERIM CITY MANAGER OR HER DESIGNEE 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 agreement (the “Agreement”) between the City and Leathers and Associates, Inc. for the provision of professional design services in connection with the Reconstruction of the San Marcos Playscape Project in the fixed fee amount of $65,300.00 is approved contingent upon the Consultant’s provision of sufficient insurance in accordance with the Agreement.

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

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

ADOPTED this the day of 2017.

John Thomaides,
Mayor

Attest:

Jamie Lee Case,
City Clerk
December 5, 2016

Leathers and Associates, Inc.
1771 Hanshaw Road, Ste. B
Ithaca, New York  14850

Contract Number:  217-140

Attention: Marc Leathers, President

LETTER OF AGREEMENT

Dear Mr. Leathers:

This letter will serve as an agreement (the “Agreement”) between Leathers and Associates, Inc. (the “Consultant”) 1771 Hanshaw Road, Ste. B, Ithaca, New York  14850 and the City of San Marcos (the “City”), 630 East Hopkins, San Marcos, Texas 78666 for professional design services in connection with the Reconstruction of the San Marcos Playscape (the “Project”). The Consultant will perform its services as described in the scope of Work attached as Attachment A. The Consultant agrees to perform all of its services in accordance with the attached City of San Marcos Terms and Conditions for Professional Service Agreements (Attachment B). In the event of any conflict between the provisions of Attachment A and the provisions of Attachment B, the provisions of Attachment B will control.

The City agrees to pay the Consultant a fixed fee of $65,300.00 for the satisfactory performance of basic services in accordance with the provisions of Attachment A. Since the Consultant’s compensation is a fixed fee for basic services, including minor deviations from those described in this Agreement, compensation to the Consultant for additional services will only be for substantial deviations from the scope of services described in this Agreement. Reimbursable expenses, including such things as expenses for reproduction of documents, permit fees, auto travel mileage (at the prevailing IRS rate), lodging, delivery charges, long distance communications and freight are included in the Consultant’s basic services compensation. The City will compensate the Consultant for the performance of additional services based on the Consultant’s standard hourly rates and direct expenses as specified in Attachment A.

The City will pay the Consultant monthly following the City’s receipt and approval of the Consultant’s itemized invoices showing direct and indirect labor costs; expenses for materials and supplies and any other reimbursable expenses; and fees for additional services performed and included on the invoice submitted. The Consultant will base its invoices upon the extent of work it has completed on a percentage basis, reimbursable expenses and additional services (if any), less any disputed amounts, pending resolution thereof. Each material change (deletion or
addition) in the services to be provided by Consultant must be authorized by the City on the Authorization of Change in Services form attached to this Agreement as Attachment C. In no event will this Agreement be increased to an amount in excess of $50,000.00 without prior approval by City Council.

Please indicate your acceptance of this agreement by counter-signing both agreements, retaining one executed copy for your files and returning one fully executed original to Renate Claybourn, Contracts Manager at the address above.

City of San Marcos

Leathers and Associates, Inc.

By: ________________________________  By: _____________________________

____________________________________  __________________________________

Printed Name/Title  Printed Name/Title

__________________________________  __________________________________

(Date)  (Date)
Attachment A
Reconstruction of the San Marcos Playscape

This Project involves the Consultant’s provision of professional design services in connection with the reconstruction of the San Marcos Playscape which was originally constructed in 1992. The Consultant will provide services to include project design, administration, and post-construction documentation and analysis, and those related professional services deemed necessary by the City.

I. SCOPE OF CONSULTANT’S BASIC SERVICES

The Consultant will:

A. Task 1 – Design Development

1. Review with the City the design parameters for the new design of the Project. The Consultant will also solicit City and public feedback in a design session and prepare a schematic design. In addition, the Consultant will review the schematic design with the City and finalize any design changes. This task includes two on-site visits, one for the initial design and one for final approval.

2. Prepare a materials list and specifications for the Project for City review and approval. The Consultant will provide the City with a materials list along with the drawings and specifications identified in 3) below for inclusion in the bid documents. The Consultant is not be responsible for purchasing or delivering materials necessary for the construction of the Project.

3. Prepare the necessary working drawings and specifications setting forth the requirements for the construction of the Project in a manner that conforms with current safety and accessibility guidelines and standards as set forth in ASTM F1487, Standard Consumer Safety Performance Specification for Playground Equipment for Public Use, (“ASTM F1487”) and ASTM F1951, Standard Specification for Determination of Accessibility of Surface Systems Under and Around Playground Equipment (“ASTM F1951”) standards, United States Consumer Product Safety Commission Publication #325 (“CPSC Pub. #325”). In addition, the Consultant will ensure that the drawings and specifications prepared under this subsection comply with the Americans with Disabilities Act (“ADA”). The Consultant will provide the following plan view drawings:

   a) 1/8” plan view;
   b) 1/4” plan view;
   c) 1/8” stakeout;
   d) 1/8” plan of safety surfacing area; and
   e) any other drawings the Consultant deems necessary.
The drawings identified above are not construction drawings and are prepared for use by the Consultant and its subconsultants. The Consultant will certify the final product meets ASTM F1487-11 and ASTM F1951 standards, United States Consumer Product Safety Commission Publication #325 and current ADA requirements.

4. Marc Leathers will serve as the Consultant’s Project Manager for this Project. The Consultant will not substitute another representative for this Project unless approved in writing by the City in advance of such proposed substitution. In the event the City and the Consultant cannot agree to the substitution of the Project Manager, the City may terminate this agreement in accordance with Article 12 of the Standard Terms and Conditions, Attachment B. Prior to the start of construction, the Consultant’s Project Manager will be available from 9:00 a.m. to 6:00 p.m. Eastern Standard Time and can be reached by telephone or email. The Consultant will also provide the City with access to an on-line project management website to track progress, assign tasks and share documents. The Consultant’s Project Manager or his designee will serve as the City’s and the construction contractor’s main contact with the Consultant for the duration of the construction of the Project. This includes one on-site visit prior to construction to meet with the construction contractor to review the design and coordinate with the City and the contractor regarding the start of construction.

5. Sub-contract with Mr. Daniel Brewer, licensed Texas Architect, in order to provide stamped drawings. However, this arrangement will not diminish the Consultant’s responsibility to the City for all work product under this Agreement.

B. Task 2 - Construction Bidding and Administration

1. Perform Construction Bidding and Administration as detailed in Sections three (3) and four (4) of the City’s standard Terms and Conditions, attached as Attachment B. The construction phase of this Project will commence with the award of the construction contract and the terms of this Agreement will remain in full force and effect and the Consultant is responsible for all work included in this Agreement until the associated construction Project has been completed by the Contractor and accepted by the City except for the work referenced in Section 4(s) of Attachment B. The Consultant’s responsibility for work referenced in Section 4(s) will survive the expiration of this Agreement until such time that the specified warranty period for this Project is complete in accordance with the construction contract. The projected construction period for this Project is approximately 90 calendar days. It is anticipated that the Consultant will make two site visits during the construction phase of this Project. Additional site visits will be performed as additional services.

II. CITY RESPONSIBILITIES

The City will:
A. Provide full and accurate information to the Consultant regarding the City’s requirements for the Consultant’s services under this Agreement. In addition, the City will furnish the Consultant with copies of data and information in the City’s possession needed by the Consultant pertinent to the Consultant’s provision of services required under this Agreement at the Consultant’s request including a base file of existing conditions in Autocad format. The City will provide this information and render decisions expeditiously for the orderly progress of the Consultant's services.

B. Designate William Ford, Assistant Director of Community Services as the City’s authorized representative to act on the City’s behalf with respect to this Agreement. The City will examine all documents and information submitted by the Consultant and promptly render responses to the Consultant on issues requiring a decision by the City.

C. Provide access to and make all necessary provisions for the Consultant to access City personnel and to enter public facilities and private property as required for the Consultant to perform its services under this Agreement.

D. Hire a contractor, in accordance with the state and City procurement laws, for labor and materials for the rebuilding of the Playground. The City will be responsible for the Contractor’s compensation in accordance with the construction contract.

E. Bear all costs incidental to this Article.

III. ADDITIONAL SERVICES AND PROJECT ASSUMPTIONS

A. The City may direct the Consultant to perform services outside of the scope of the Basic Services described in Section A of this Agreement above. The Consultant will submit a written estimate of fees to the City and obtain the City’s authorization before initiating any additional services. Consultant services in connection with the installation of the safety surfacing are specifically considered to be additional services.

B. Each material change (deletion or addition) in the services to be provided by the Consultant must be authorized by the City on the Authorization of Change in Services form attached to this Agreement as Attachment C. Compensation for additional services will be in addition to that specified for Basic Services in accordance with Section of this Agreement. The approval of the San Marcos City Council is necessary for all additional services the compensation for which exceeds $50,000.00.

C. The Consultant understands that time is of the essence and agrees to provide all design work and professional services in the most expedient and efficient manner possible in order to complete the Project construction plans and specifications within 60 calendar days of the first design meeting. The City and the Consultant anticipate that construction of the Project will be complete no later than 90 calendar days from the Project Start Date established in the construction contract.
D. Both the City and the Consultant understand and agree that the Consultant is not responsible for the safety surfacing installation. However, the Consultant will assist the City in choosing the appropriate safety surfacing and ensure the proper specifications for this construction element are included in the plans and specifications.

E. The Project will be bid as a single bid contract but may include bid alternates as determined by the City and the Consultant. Preparing documents for separate or sequential bids and providing out-of-sequence services requested by the Owner are specifically not included in this scope of services.

IV. BASIS OF COMPENSATION

A. BASIC SERVICES:

The total of all fees and expenses to be paid to the Consultant for the satisfactory performance of Basic Services as described in Section A is a fixed fee of 65,300.00 based on the Consultant’s rates and reimbursable expenses as follows:

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Design Development, Pre-Construction Management</td>
<td>$10,500.00</td>
</tr>
<tr>
<td>Construction Documents</td>
<td>$26,000.00</td>
</tr>
<tr>
<td>Construction Supervision</td>
<td>$28,800.00</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$65,300.00</strong></td>
</tr>
</tbody>
</table>

B. ADDITIONAL SERVICE EXPENSES:

Compensation for additional services (all services not shown in the Scope of Services) will be computed based on the Consultant’s standard hourly rates as follows and reimbursable expenses at direct cost, if any. Additional services (all services not shown on Scope of Services) will be billed on an hourly basis plus expenses at direct cost in accordance with the following:

Design          $85.00/hr.
Clerical        $65.00/hr.

Construction Administration/Supervision - $2,100.00/day (includes travel and accommodations)
Attachment B
City of San Marcos, Texas
Terms and Conditions for Architect/Engineer Agreements Involving Construction

1. Standards of Performance

(a) The performance of all services by the Consultant under this Agreement will be by persons or persons under the supervision of persons appropriately licensed or registered under State, local and Federal laws, as applicable.

(b) In performing all services under this Agreement, the Consultant will use that degree of care and skill ordinarily exercised for similar projects by professional consulting firms who possess special expertise in the types of services involved under this Agreement in the same or similar locality and under the same or similar circumstances and professional license.

(c) Any provisions in this Agreement pertaining to the City’s review, approval and/or acceptance of written materials prepared by the Consultant and/or its subconsultants in connection with this Agreement will not diminish the Consultant’s responsibility for the materials.

(d) The Consultant will perform all of its services in coordination with the City. The Consultant will advise the City of data and information the Consultant needs to perform its services and the Consultant will meet with City representatives at mutually convenient times to assemble this data and information.

(e) In performing all services under this Agreement, the Consultant will comply with all local, state and federal laws.

2. City’s Responsibilities

(a) The City will provide information to the Consultant regarding the City’s requirements for the Consultant’s services under this Agreement. The City will furnish the Consultant with copies of official City design standards and construction standards, and other data and information in the City’s possession needed by the Consultant, at the Consultant’s request. The City will provide this information and render decisions expeditiously for the orderly progress of the Consultant’s services.

(b) The City will designate an authorized representative to act on the City’s behalf with respect to this Agreement. The City will examine documents and information submitted by the Consultant, and promptly render responses to the Consultant on issues requiring a decision by the City.

(c) The City will be responsible for any other item listed specifically as the City’s under Attachment A, Scope of Work.

3. Bidding Services

(a) Assist the City in the distribution of the bid documents to prospective bidders and the issuance of addenda (if any) following City’s prior approval.

(b) Assist the City in obtaining bids, tabulating bids, preparing bid tabulation forms, and in awarding the contract for construction following the City’s approval of the construction contract documents and of the latest detailed final cost estimate of the Project.

(c) Assist the City in conducting the pre-bid conference with potential bidders. During the pre-bid conference, the Consultant will describe the scope of work; answer pertinent questions of potential bidders and City staff address...
requests for additional information and make all necessary clarifications and interpretations of the construction contract documents.

d) Assist the City in reviewing all bids including the analysis of bid alternates/substitutions, the Statement of Bidder’s Qualifications, financial statements of bidders, lists of bidders’ proposed subcontractors, and all other documents required to be submitted with the bids for responsiveness and for bid amount. Consultant will also verify through reasonable investigation the financial and performance history documentation submitted by the low bidder and second low bidder, and their references. The City will provide copies of all of the bid documents to the Consultant within one day from the date of receipt of bids. Within ten calendar days of receiving the bid documents from the City, the Consultant will prepare a report of its review and evaluation, and include a written recommendation to the City for award of the contract for construction, or other action as may be appropriate. The City will make the final decision on the award of the construction contract and the acceptance or rejection of bids. The Consultant will provide technical (but not legal) advice in bid protest situations. Both the City and the Consultant assume that this Project will be bid as one Project and neither party anticipates that it will be necessary to re-bid the Project.

(e) Have no authority to issue a Notice to Proceed to any Contractor.

(f) Provide the City with two half size and two full size sets of conformed construction plans. Provide the Contractor with three half size and two full size sets of conformed construction plans at no additional cost to the City.

4. Construction Administration Services

During the construction phase of this project, the Consultant will:

(a) Administer the construction contract as set forth in the construction documents unless otherwise provided in this Agreement and incorporated in the construction contract documents. Consultant will not pursue a course of conduct, which might jeopardize any of the City’s rights hereunder. Minor deviations from the construction contract documents that do not affect the validity of performance bond(s) are permitted.

(b) Be a representative but not an agent of the City during the construction phase, and advise and consult with the City and provide progress reports and advice to the City in writing; serve as the City’s direct contact with the Contractor and forward the City’s instructions to the Contractor unless (1) Consultant is unavailable by telephonic communication or otherwise to issue instructions necessary for the proper progress and acceptance of work; (2) jeopardy to life and/or property exists; and/or (3) lack of instructions and/or unavailability of Consultant will result in, in City’s opinion, harm to City, in which case instructions may be forwarded directly to the Contractor by the City; have authority to act on behalf of the City only to the extent provided herein and in the construction contract documents unless otherwise modified by written instrument in accordance with the Consultant’s agreement with the City. The City will promptly advise the Consultant of any instructions issued directly by City to the construction Contractor if the Consultant was unavailable at the time of issuance of instructions.

(c) Assist the City in ensuring that all applicable permits and approvals have been obtained from the appropriate agencies prior to construction in accordance with the scope of work.

(d) Assist the City in conducting a pre-construction conference with the Contractor, members of City’s staff, representatives of affected utility providers, and federal and state agencies having jurisdiction over the Project (including City inspectors) in order to establish construction schedules and to identify key representatives of the parties and lines of communication. The Consultant will be responsible for providing an agenda and for keeping accurate minutes of this meeting. The Consultant will distribute minutes to the interested parties within five calendar days of the conference. The City will arrange for the location of the meeting.

(e) Make on-site inspections of the Project as often as required to ensure familiarity with the progress and quality of the work, to determine if the work is proceeding in acceptable conformance with the construction contract documents, and to review the work with the City’s designated representatives. On the basis of these inspections,
the Consultant, the Consultant will keep the City informed of the progress and quality of the work through written status reports and through meetings with the City’s representative. The Consultant will also be reasonably available to perform site visitations at the specific request of the City by the next business day after a request is made.

(f) In performing all services, including inspections, not have control or charge of and will not be responsible for construction means, methods, techniques, sequences or procedures, or for safety precautions and programs in connection with the work, for the acts or omissions of the construction contractor, subcontractors or any other persons performing any of the work, or for the failure of any of them to carry out the work in accordance with the construction contract documents, unless such acts or omissions are due to the negligence of the Consultant or are acts or omissions under the Consultant’s control. However, the Consultant will exercise its authority on behalf of the City in accordance herewith and particularly during the construction phase so that all work performed by the construction contractor results in a Project completed in accordance with the construction contract documents and during any phase should the Consultant become aware of the Contractor’s utilization of means, methods, techniques, sequences and/or procedures of construction which, in the Consultant’s opinion, will not result in completion of the Project in accordance with the construction contract documents or which are unsafe, the Consultant will immediately inform the City and will take all necessary action which the Consultant is authorized to take under the construction contract documents to correct the matter.

(g) At all times, have access to the work wherever it is in preparation or progress.

(h) Determine the amounts owing to the construction contractor based on its on-site professional inspections and on evaluations of the Contractor’s applications for payment, including comparisons of the construction contractor’s monthly cost reports with its applications for payment, and make recommendations for payment in these amounts, as provided in the construction contract documents, or take such other appropriate action which the Consultant deems necessary.

(i) Make recommendations for payment that constitute a representation by the Consultant to the City based on the Consultant’s inspections and on the data comprising the Contractor’s application for payment, that 1) the work has progressed to the point indicated, 2) the quality of the work is in acceptable conformance with the construction contract documents (subject to an evaluation of the work of conformance with the construction contract documents upon substantial completion, subject to the results of any subsequent tests required by or performed under the construction contract documents, subject to minor variations from the construction contract documents correctable prior to completion, and subject to any specific qualifications stated in the certificate for payment), and 3) the construction contractor is entitled to payment in the amount certified. However, the issuance of a certificate for payment will not be a representation that the Consultant has made any examination to ascertain how and for what purpose the Contractor has used the monies paid by the City.

(j) Have authority to reject work, which does not conform to the construction contract documents. Whenever, in the Consultant’s reasonable opinion, it is necessary or advisable for the proper implementation of the intent of the construction contract documents, and with the approval of the City, the Consultant will have authority to require special inspection or testing of the work in accordance with the provisions of the construction contract documents, whether or not such work is then fabricated, installed or completed. The Consultant will review the work and results of all testing laboratories as required by the construction contract documents.

(k) Review and make decisions regarding the approval or taking of other appropriate action upon the Contractor’s submittals, including, but not limited to, shop drawings, product data and samples, schedule of values and progress schedule. The Consultant will take such action with reasonable promptness, but generally not to exceed 15 calendar days or such period of time as will not cause delay of the Project.

(l) Prepare minor changes in the plans and specifications as directed by the City; and prepare necessary change orders in triplicate originals for approval by the City and execution in accordance with the construction contract documents. The Consultant will not issue change orders not previously approved in writing by the City, and no course of conduct on the part of the Consultant or the City will amend, waive or alter this provision.
(m) Answer Requests for Information from the Contractor as necessary, which may include technical questions, clarifications and interpretations of the construction contract documents.

(n) Conduct professional inspections to determine the dates of substantial completion and final completion for the Project, to evaluate the work for acceptable conformance with the construction contract documents and in light of any subsequent tests performed as referenced in the Section 4(i) to verify that any minor deviations from the construction contract documents as referenced in Section 4(i) have been corrected and that the reasons for any specific qualifications in any and all previous certificates for payment as described in this Agreement are either no longer valid or the condition(s) and/or problem(s) have been corrected. The Consultant will receive and review written warranties and related documents required by the construction contract documents and assembled by the Contractor; will issue final certificates for payment or take other appropriate action, and make a written recommendation to the City regarding the City’s acceptance of the project.

(o) Require the submission by the Contractor, and subcontractors performing work on the Project site, of periodic wage rate payment reports and, with the City’s assistance, verify compliance with federal and state wage rate requirements for the Project; and notice the City of any noncompliance, or of the failure by the Contractor or subcontractors to make submissions.

(p) Prepare or cause to be prepared, and submit to the City a set of reproducible record drawings showing significant changes in the work made during the construction phase. The Consultant will submit two full-size hard copy record drawings to the City, as well as one CD containing electronic copies in PDF and CAD formats.

(q) Ensure that all notices and signs required and provided by the City are posted in appropriate locations at the Project site by the Contractor.

(r) Conduct a final inspection with the City and prepare a punch list prior to final acceptance by the City.

(s) Prior to the end of the one year warranty period, review the completed Project with the City and the Contractor and have all deficient items corrected. The extent of the duties, responsibilities and limitations of authority of the Consultant as the City’s representative during construction will not be modified or extended after the construction contract documents have been authorized by the City to be competitively bid without written consent of the City and the Consultant and with notice to the Contractor.

5. Construction Cost

(a) The construction cost will be the total cost or estimated cost to the City of all elements of the Project designed or specified by the Consultant.

(b) The construction cost will include at current market rates, including a reasonable allowance for overhead and profit, the cost of any equipment that has been designed, specified, selected or specially provided for by the Consultant, except that used materials and equipment will be included as if purchased new for the Project.

(c) Construction cost does not include the compensation of the Consultant and the Consultant’s subconsultants, or other costs which are the responsibility of the City as provided in Article 2.

(d) Evaluations of the City’s Project budget and detailed cost estimates, if any, prepared by the Consultant, will represent the Consultant’s best judgment as a design professional familiar with the construction industry. The City recognizes that the Consultant has no control over the cost of labor, materials or equipment, over the Contractor’s methods of determining bid prices or over competitive bidding or market conditions.

(e) A fixed limit of construction cost for this Project will be established by the City’s representative after consulting with the Consultant. The Consultant will be permitted to include contingencies for design, bidding and price escalation, to determine what materials, equipment, and types of construction are to be included in the construction contract documents, to make reasonable adjustments in the scope of the Project and to include in the construction cost any additional work required by the City.
contract documents alternate bids to adjust the construction cost to the fixed limit. The fixed limit of construction cost may be increased by the City.

(f) If the lowest bona fide bid exceeds the Consultant’s most recent approved cost estimate established as a condition of this Agreement, the City will (1) give written approval of an increase in such fixed limit, (2) authorize re-bidding of the Project within a reasonable time, or (3) cooperate in revising the Project scope and quality to reduce the construction cost. During the development of the Project through the phases described by Article 1 of this Agreement and prior to the City’s final approval of construction contract documents, the Consultant will monitor the established probable construction cost in relation to the established fixed limit. If necessary, the Consultant will implement construction cost savings measures or otherwise endeavor to limit probable construction cost to the level of available funds set by the City.

6. Consultant’s Records

(a) All expense records of the Consultant related to this Agreement will be kept on a recognized accounting basis acceptable to the City and will be available to the City at mutually convenient times. (applies only if the Consultant is to be reimbursed for any expenses).

(b) The City, its auditors and federal and state agencies that have monitoring or auditing responsibilities for this Agreement will have access to any books, documents, papers and records of the Consultant which are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts, copying and transcriptions.

(c) The Consultant will furnish to the City at such time and in such form as the City may require, financial statements including audited financial statements, records, reports, data and information, as the City may request pertaining to the matters covered by this Agreement. Information provided pursuant to this subsection will be held in strict confidence to the extent permitted by applicable law.

7. Ownership and Use of Documents

(a) All documents prepared by the Consultant in connection with this Agreement are the property of the City whether any project related to this Agreement is executed or not. City agrees such documents are not intended or represented to be suitable for reuse for another project by the City or others. Any such reuse by the City or those who obtained said documents from the City without written verification or adaptation by the Consultant will be without liability or legal exposure to the Consultant.

(b) The Consultant will retain all of its records and supporting documentation relating to this Agreement, and not delivered to the City, for a period of three years, except that in the event the Consultant goes out of business during that period, it will turn over to the City all of its records relating to the Project for retention by the City.

8. Patent Fees and Royalties

(a) If applicable, the Consultant will pay all license fees, royalties, and other costs incident to the use of any invention, design, process, product or device subject to a patent right or copyright held by others in performing the work or in the completed project.

(b) The Consultant will hold harmless, indemnify and defend the City, its officers, agents and employees from and against all claims, damages, losses and expenses, including attorney’s and expert witness fees, arising out of any claim of infringement of a patent right or copyright in the performance of the work or the incorporation in the work of any invention, design, process, product or device.

9. Consultant as Independent Contractor

It is expressly agreed that the Consultant is an independent contractor, and not an employee, agent, partner or joint venturer with the City. The Consultant will not pledge or attempt to pledge the credit of the City.
10. Designation of Consultant’s Contact Person

The Consultant agrees to designate in writing a single contact person assigned to coordinate the Consultant’s performance of obligations under this Agreement. Any changes to this designation must be made by the Consultant in writing to the City.

11. Breach

The City will have the right to declare the Consultant in breach of this Agreement for cause when the City determines that this Agreement has not been performed in accordance with its written terms and conditions.

12. Term; Termination of Agreement

(a) The term of this Agreement begins on the effective date established on the first page of the Letter Agreement and will end upon the Consultant’s completion, and the City’s acceptance of all services described in this Agreement unless this Agreement is terminated under subsections (b) or (c) below. The terms of this Agreement will remain in full force and effect and the Consultant is responsible for all work included in this Agreement until the associated construction Project has been completed by the Contractor and accepted by the City except for the work referenced in Section 4(s) of this Agreement. The Consultant’s responsibility for work referenced included in Section 4(s) will survive the expiration of this Agreement until such time that the specified warranty period for this Project is complete in accordance with the construction contract.

(b) This Agreement may be terminated by either party upon 15 calendar days prior written notice should the other party fail substantially to perform in accordance with its terms through no fault of the party initiating the termination. The Consultant will provide the City with at least a 30 calendar day period of opportunity to cure before the Consultant initiates termination.

(c) This Agreement may be terminated for convenience and without cause by the City upon at least 15 calendar days prior written notice to the Consultant.

(d) In the event of termination as provided in this Section, the Consultant will immediately discontinue any and all services under this Agreement at the City’s request. The Consultant will be compensated for all services performed to the termination date which are deemed by the City to be in accordance with this Agreement. This amount will be paid by the City upon the Consultant’s delivering to the City all information and materials developed or accumulated by the Consultant in performing the services described in this Agreement, whether completed or in progress. The expense of the reproduction of these items will be borne by the City.

13. Insurance and Indemnity

(a) The Consultant will hold indemnify, hold harmless, and defend the City and its employees, agents, officers and servants from any and all lawsuits, claims, demands and causes of action of any kind arising solely from the negligent or intentional wrongful acts, errors or omissions of the Consultant, its officers, employees or agents. This will include, but not be limited to, the amounts of judgments, penalties, interest, court costs, reasonable legal fees, and all other expenses incurred by the City arising in favor of any party, including the amounts of any damages or awards resulting from claims, demands and causes of action for personal injuries, death or damages to property alleged or actual infringement of patents, copyrights, and trademarks and without limitation by enumeration, all other claims, demands, or causes of action of every character occurring, resulting, or arising solely from any negligent or intentional wrongful act, error or omission of the Consultant and/or its agents and/or employees. This obligation by the Consultant will not be limited because of the specification of any particular insurance coverage required under this Agreement.

(b) The Consultant will procure and maintain at its own expense insurance with insurance companies authorized to do business in the State of Texas, covering all operations under this Agreement, whether performed by the Consulting Firm.
Consultant or its agents, subcontractors or employees. Before commencing the work the Consultant will furnish to
the City a certificate or certificates in a form satisfactory to the City, showing that the Consultant has complied with
this paragraph. All certificates will provide that the policies will not be canceled until at least 30 calendar days prior
written notice has been given to the City. Failure of the Consultant to demand a certificate or other sufficient
evidence of full compliance with these insurance requirements or failure of the Consultant to identify a deficiency
from the evidence that is provided as proof of insurance will not be construed as a waiver of the Consultant’s
obligation to maintain the required insurance coverage specified herein. Commercial general liability and motor
vehicle insurance will be written with the City as an additional insured and will be endorsed to provide a waiver of
the carrier’s right of subrogation against the City. The kinds and amounts of insurance required are as follows:

Workers’ Compensation Insurance and/or Employer’s Liability: In accordance with the provisions of the Workers’
Compensation Act of the State of Texas and/or $500,000.00/$500,000.00 for Employer’s Liability.

Liability Insurance: (1) Commercial general liability insurance (standard ISO version) with a combined single
limit of $1,000,000 for each occurrence and $1,000,000 in the aggregate, providing coverage for, but not limited to,
bodily injury and property damage, premises/operations, products/completed operations, independent consultants as
applicable. (2) Business Motor Vehicle liability insurance (standard ISO version) in an amount not less than
$1,000,000 per occurrence (3) professional liability coverage to cover lawful claims arising in connection with the
Project in the combined single limit amount of at least $1,000,000.00 as applicable. Should the Consultant not own
any automobiles, the business auto liability requirement will be amended to allow the Consultant to agree to
maintain only Hired and Non-Owned Auto Liability. This amended coverage requirement may be satisfied by way
of endorsement to the Commercial General Liability or by separate Business Auto Policy.

(c) The stated limits of insurance required by this Section are minimum only—they do not limit the Consultant’s
indemnity obligation, and it will be the Consultant’s responsibility to determine what limits are adequate. These
limits may be met by basic policy limits or any combination of basic limits and umbrella limits. The City’s
acceptance of certificates of insurance that do not comply with these requirements in any respect does not release the
Consultant from compliance with these requirements.

14. No Waiver of Immunity

The City’s execution of and performance under this Agreement will not act as a waiver by the City of any immunity
from suit or liability to which it is entitled under applicable law. The parties acknowledge that the City, in executing
and performing this Agreement, is a governmental entity acting in a governmental capacity.

15. Remedies; No Waiver.

In the event of a default or breach of this Agreement by the Consultant, the City reserves the right to choose among
the remedies for the default or breach available to the City. These remedies may be used in conjunction with one
another or separately, and together with any other statutory or common law remedies available to the City. Any
failure by the City to enforce this Agreement with respect to one or more defaults by the Consultant will not waive
the City’s ability to enforce this Agreement after that time.

16. “Green” Procurement

It is the City’s intent to be proactive with regard to the environment. The City encourages “Value Purchasing” of
environmentally friendly products. The Consultant is encouraged to identify and utilize green solutions in
performing any services under this Agreement, as appropriate.

17. Funding Out

If applicable to this Project, the Consultant understands that funds for the payment for work performed by the
Consultant under this Agreement have been provided through the City’s budget approved by City Council for the
current fiscal year only. State statutes prohibit the obligation and expenditure of public funds beyond the fiscal year.
for which a budget has been approved. The City cannot guarantee the availability of funds, and enters into this Agreement only to the extent such funds are made available. The Consultant acknowledges and agrees that it will have no recourse against the City for its failure to appropriate funds for the purposes of this Agreement in any fiscal year other than the year in which this Agreement was executed. The fiscal year for the City extends from October 1st of each calendar year to September 30th of the following calendar year.

18. Safety

The work to be performed under this contract will be performed entirely at the Consultant’s risk. The Consultant will be responsible for initiating, maintaining, and supervising all safety precautions and programs in connection with the work to be performed under this contract. The Consultant will take all reasonable precautions for the safety of and will provide all reasonable protection to prevent damage, injury, or loss to employees, the work, the endangered species, or the property affected by this contract. All damage or loss to any property caused in whole or in part by the Consultant, any subcontractor, or anyone directly or indirectly employed by any of them will be remedied by the Consultant.

19. Notice

As required under this Agreement, notice will be delivered in writing to the parties at the following locations:

To the City:

City of San Marcos
Jared Miller, City Manager
630 E. Hopkins
San Marcos, Texas 78666

To the Consultant:

Leathers and Associates, Inc.
Marc Leathers, President
1771 Hanshaw Road, Ste. B
Ithaca, New York 14850

20. Taxes

The Consultant will not include Federal taxes or State of Texas limited sales excise and use taxes in its invoices or vouchers and statement of costs. The City is exempt from payment of such taxes and the Consultant may retrieve a resale certificate for use on this Project from the State of Texas Comptroller’s website.

21. Certificate of Interested Parties

In the event that this contract reaches an amount greater than $50,000.00 the Consultant is required to electronically create a Certificate of Interested Parties Form 1295 through the Texas Ethics Commission (“TEC”) website (https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm) and submit a signed and notarized copy of the form to the City prior to the award of the contract. A contract, including a City-issued purchase order, will not be enforceable or legally binding until the City receives and acknowledges receipt of the properly completed Form 1295 from the Consultant.


(a) This Agreement is governed by the law of the State of Texas. This Agreement is to be performed in Hays County and exclusive venue for any dispute arising under this Agreement is in Hays County, Texas.
a dispute in federal court, venue will be in the United States District Court for the Western District of Texas, Austin Division.

(b) As to all acts or failures to act by either party to this Agreement, any applicable statute of limitations will commence to run and any alleged cause of action will be deemed to have accrued when the party commencing the cause of action knew or should have known of the existence of the subject act or failure to act.

(c) The Consultant agrees not to use funds received by it under the terms of this Agreement for any partisan political activity or to further the election or defeat of any candidate for public office.

(d) The Consultant hereby affirms that neither the Consultant, the Consultant’s firm nor any of its associates or employees have made or agreed to make any valuable gift whether in the form of service, loan, thing, or promise to any person or any of his/her immediate family, having the duty to recommend, the right to vote upon, or any other direct influence on the selection of consultants to provide professional services to the City within the two years preceding the execution of this Agreement. A campaign contribution, as defined by the Texas Election Code or the San Marcos City Code will not be considered as a valuable gift for the purposes of this Agreement. The Consultant further agrees that none of its paid personnel will be employees of the City or have any contractual relationship with the City. All activities, investigations, and other efforts made by Consultant pursuant to this Agreement will be conducted by employees, associates, or independent contractors of the Consultant.

(e) In performing the services required under this Agreement, the Consultant will not discriminate against any person on the basis of race, color, religion, sex, national origin, age, disability or ancestry. The Consultant agrees not to engage in employment practices which have the purpose or effect of discriminating against employees because of race, color, sex, religion, national origin, age, disability or ancestry. A breach of this covenant may be regarded as a default of the Consultant of this Agreement.

(f) All references in this Agreement to any particular gender are for convenience only and will be construed and interpreted to be of the appropriate gender. The term “will” is mandatory in this Agreement.

(g) Should any provision in this Agreement be found or deemed to be invalid, this Agreement will be construed as not containing the provision and all other provisions which are otherwise lawful will remain in full force and effect, and to this end the provisions of this Agreement are declared to be severable. Paragraph and Section headings included in this Agreement are for convenience only and are not intended to define or limit the scope of any provisions of this Agreement.

(h) All services provided pursuant to this Agreement are for the exclusive use and benefit of the City and this Agreement will not give rise to any rights in third parties.

(i) The City of San Marcos is governed by the Texas Public Information Act (the “Act”), Chapter 552 of the Texas Government Code, as amended. This Agreement and all written information generated under this Agreement may be subject to release under the Act. The Consultant will not make any reports, information, data, etc. generated under this Agreement available to any individual or organization without the written approval of the City.

(j) In the event that the performance by either the City or the Consultant of any of its obligations under this Agreement is interrupted or delayed by events outside of their control such as acts of God, war, riot or civil commotion, then the party is excused from such performance for the period of time reasonably necessary to remedy the effects of such events.

(k) The City and the Consultant, respectively, bind themselves, their partners, successors, assigns and legal representatives to the other party to this Agreement and to the partners, successors, assigns and legal representatives of such other party with respect to all covenants of this Agreement. The City and the Consultant may not assign, sublet or transfer any of their rights or delegate or subcontract any of their duties under or interest in this Agreement in whole or in part, without the written consent of the other. Any work or services subcontracted under this Agreement will be specified by separate written agreement and will be subject to each provision of this Agreement.
The Consultant will notify the City, in writing, of any change in its partnership/ownership within 30 calendar days of such change.

(l) The Consultant will perform all services as is prudent considering the ordinary professional skill and care of a competent consultant and in all cases in accordance with the schedule negotiated with the City. The Consultant, has taken into consideration and made allowance for all hindrances and delays incident to such work, whether growing out of delays in securing material, workers, weather or otherwise. No charge will be made by the Consultant for any hindrance or delay from any cause whatever during the progress of any portion of its work contemplated by the specifications, but the City may grant an extension of time for the completion of the work, provided it has satisfied that such delays or hindrances were due to extraordinary causes or to the acts of omission or commission by the City. It is agreed that the granting of such extensions of time will in no instance exceed the time actually lost by Consultant for reason of such causes, provided that the Consultant will give the City immediate notice in writing of the cause of the detention or delay. Any such extension of time will be provided utilizing the City’s Authorization of Change in Services form included as Attachment C.

(m) This Agreement including any appendices and referenced attachments or exhibits represents the entire and integrated Agreement between the City and the Consultant and supersedes all prior negotiations, representations or agreements either written or oral. In the event of a dispute between the parties regarding the intent of this Agreement, both parties agree that this Agreement will be construed in a manner consistent with the City’s Request for Proposals, the Consultant’s Proposal Response, and the public record of the City Council’s approval of this Agreement as applicable. This Agreement may be amended only by written instrument, which must be signed by both the City and the Consultant. The San Marcos City Council must approve any such authorization of change in services or amendment if it results in a change, the compensation for which exceeds $50,000.00.

(n) Any exhibits and/or attachments attached to this Agreement are incorporated by reference into this Agreement as though included verbatim herein. In the event of any conflict between these Terms and Conditions and the provisions of any exhibit or attachment to this Agreement, these Terms and Conditions will govern and control.

(o) The Consultant’s attention is called to the fact that pursuant to San Marcos Ordinance No. 2013-57, as amended, all City of San Marcos owned and rented/leased properties are smoke free properties. All Consultants, their subconsultants and employees are prohibited from smoking while on City property. This prohibition includes the enclosed areas of public places and workplaces and within 10 feet of doors and windows of City-owned or rented buildings, all City parks and the grounds outside of any City building. This prohibition includes e-cigarettes and other inhaled vapor devices. The City may terminate this Agreement for noncompliance with this ordinance.
Attachment C

AUTHORIZATION OF CHANGE IN SERVICES
CITY OF SAN MARCOS, TEXAS

PROJECT NAME: Reconstruction of the San Marcos Playscape
CONTRACTOR: Leathers and Associates, Inc.
CONTRACT NO: 217-140

AUTHORIZATION NO: __________________________________________
CONTRACT EXECUTION DATE: __________________________________________
DATE OF THIS CHANGE: _________________________________________

WORK TO BE ADDED TO OR DELETED FROM SCOPE OF SERVICES

| Previous contract amount: | $________________ |
| Net increase/decrease in contract amount: | $________________ |
| Revised contract amount: | $________________ |

Leathers and Associates, Inc.

By:____________________________ Date:__________________

______________________________
Printed name, title

Approved by:

City of San Marcos:

Date:___________________

By:_________________________________
Jared Miller, City Manager

City only below this line.

Account Number(s): ________________________________, ________________________________
Previous Changes in Service:
#_____; date; amount
#_____; date; amount
#_____; date; amount
AGENDA CAPTION:
Consider approval of Resolution 2017-25R, approving the award of a construction contract to Techline Sports Lighting, LLC for the San Marcos Little League Complex-Sports Lighting Replacement Project in the total amount of $488,600.00 through the Texas Local Government Purchasing Cooperative Buyboard Contract for Parks and Recreation equipment and field lighting products and installation (Buyboard Contract #512-16) contingent upon the contractor's timely submission of sufficient bonds and insurance in accordance with the City's construction contract documents for the project; authorizing the Interim City Manager or her designee to execute all contract documents on behalf of the City and declaring an effective date.

Meeting date: February 21, 2017

Department: Community Services, PARD, R. Cobb Executive Director Community Services (By Cheryl Pantermuehl, Purchasing Manager)

Funds Required: $488,600.00
Account Number: 12024226.52075
Funds Available: $492,000
Account Name: MPK001 Hot Lights Lucio

CITY COUNCIL GOAL:
Goal #5 Maintain and improve City’s infrastructure
Goal #7 Maintain Fiscal Responsibility

COMPREHENSIVE PLAN ELEMENT(s): [add the Plan elements and Goal # and Objective(s)]

BACKGROUND:
The Texas Local Government Purchasing Cooperative (“BuyBoard”) has awarded a contract for Parks and Recreation Equipment and Field Lighting Products and Installation (Buyboard Contract #512-16), with Techline Sports Lighting, LLC, located in Austin Texas. This process is authorized by the Texas Government Code, Title 10, Subtitle D, Section 2155.504(b) and the Local Government Code, Section 271-101.

The project scope includes delivering and installing poles and lights at the San Marcos Little League Complex
for the Parks and Recreation Department.
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, APPROVING THE AWARD OF A CONSTRUCTION CONTRACT TO TECHLINE SPORTS LIGHTING, LLC FOR THE SAN MARCOS LITTLE LEAGUE COMPLEX–SPORTS LIGHTING REPLACEMENT PROJECT IN THE TOTAL AMOUNT OF $488,600.00 THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE BUYBOARD CONTRACT FOR PARKS AND RECREATION EQUIPMENT AND FIELD LIGHTING PRODUCTS AND INSTALLATION (BUYBOARD CONTRACT #512-16) CONTINGENT UPON THE CONTRACTOR’S TIMELY SUBMISSION OF SUFFICIENT BONDS AND INSURANCE IN ACCORDANCE WITH THE CITY’S CONSTRUCTION CONTRACT DOCUMENTS FOR THE PROJECT; AUTHORIZING THE INTERIM CITY MANAGER OR HER DESIGNEE TO EXECUTE ALL CONTRACT DOCUMENTS 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 award of a construction contract to Techline Sports Lighting, LLC for the San Marcos Little League Complex–Sports Lighting Replacement Project in the total amount of $488,600.00 through the Texas Local Government Purchasing Cooperative Purchasing Buyboard Contract for Parks and Recreation Equipment and Field Lighting Products and Installation (Buyboard Contract #512-16) is approved contingent upon the Contractor’s timely submission of sufficient bonds and insurance in accordance with the City’s construction contract documents for the Project.

PART 2. The Interim City Manager, or her designee, is authorized to execute the contract documents 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 day of , 2017.

John Thomaides,
Mayor

Attest:

Jamie Lee Case,
City Clerk
Techline BuyBoard Contract #512-16  
01/04/17

San Marcos Little League Complex
San Marcos, Texas

(3)-BASEBALL FIELDS - 225' Radius, **50/30FC Avg. Light Level**
(1)-BASEBALL FIELD - 310'/350'/310', **50/30FC Avg. Light Level**
(1)-ALL PURPOSE FIELD - 250' x 250', **30FC Avg. Light Level**

**USING ALL **METAL HALIDE-1500W Fixtures**

(EXCEPT FOR (1)-225' RADIUS FIELD, WHICH WE WILL USE 750WLED)

Includes 10-Yr Structural/10-Yr Lamp Warranty

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<td>6</td>
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<tr>
<td>2</td>
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<tr>
<td>2</td>
<td>8/9 Fixture Back-to-Back Crossarms - Integral Ballast</td>
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<tr>
<td>2</td>
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Total Inc. Turnkey Install = $479,000.00
Pymnt & Perform. Bond = $7,100.00
Electrical Engineering = $2,500.00

Grand Total = $488,600.00

Notes: * Price includes design, poles, prewired crossarms, light fixtures, and lamps.
* Price includes delivery to job site.
* Price firm for 30 days.
* Allow 1-2 weeks for delivery and 3-4 weeks for installation.
* Turnkey Installation includes:
  - Installing main distribution panel, breakers, contacts and switching based on existing 480V/3Ph service at 4-pole.
  - Installing new individual conduits and wiring for each pole sized accordingly. No more than 3% voltage drop shall be allowed.
  - All wiring to be copper THHN.
  - Includes all permits, fees and inspections associated with the project.
  - All electrical installation to meet National Electric Code requirements.
* Standard turnkey and partial install foundations assume 2000 psi soil conditions. Any other conditions that may be present upon installation (i.e. rock, water, etc.) that cause additional foundation design or modification (i.e. rebar, caisings, etc.) may require additional charges.
* Pole locations must also be accessible and not obstructed by fencing, buildings, etc.
* EcoLink Wireless Control Systems include the first 24 months of communication costs.
* Price above does not include SALES or USE taxes.
* A tax exemption certificate must be filed with Techline if applicable.
* All work to be performed that requires a license, including but not limited to electrical & plumbing will be performed by individuals currently licensed in the proper jurisdiction. All proposals are based in bids by licensed individuals anticipated to perform the work.

"The Official Sports Lighting Provider of the NAIA"

1/4/2017
AGENDA CAPTION:
Consider approval of Resolution 2017-26R, approving the award of a Construction Contract to Curran Contracting Company for the Sessom Bike And Pedestrian Improvements Project (IFB 217-181) in the amount of $1,767,011.95 contingent upon the contractor’s timely submission of sufficient bonds and insurance in accordance with the City’s construction contract documents for the Project and concurrence in the award of the Project from the Texas Department of Transportation; authorizing the Interim City Manager or her designee to execute all contract documents on behalf of the City; and declaring an effective date.

Meeting date:  February 21, 2017

Department:  Engineering and Capital Improvements

Funds Required:  $1,767,011.95  
Account Number:  C272  
Funds Available:  $3,000,000  
Account Name:  Sessom Bike Ped Peques Intersection

CITY COUNCIL GOAL:  Maintain and improve the City’s infrastructure.

COMPREHENSIVE PLAN ELEMENT(s):
Land Use Goal 1 Direct growth, compatible with surrounding uses  
LUG105 Align infrastructure plans to achieve preferred scenario

Transportation
Goal 2 A multimodal transportation network to improve accessibility, mobility, minimize congestion and reduce pollution  
TG203 Obtain "Bicycle Friendly Community" Designation  
TG205 Develop and implement a complete streets policy for coordination with other transportation related entities to properly integrate all modes of transportation into the transportation network  
TG207 Integrate the transportation system by coordinating with all related public entities, including, but not limited to CAMPO, the counties, TxDOT, the university, and the rail district

BACKGROUND:  
On February 14, 2017 four bids were received for the Sessom Bike & Pedestrian Improvements Project. Bids were evaluated by Eric Ratzman, P.E. of Halff Associates, Inc. to assure they were responsive and responsible. After evaluating the bids, Mr. Ratzman recommends awarding a construction contract to the low bidder, Curran Contracting Company in the amount of $1,767,011.95.
The project’s scope includes the construction of an 8’-10’ wide sidewalk on the north side of Sessom. The existing box culverts in Sessom Creek will be extended to allow for the addition of the sidewalk. A mid-block HAWKS signal will be installed near the Texas State parking lot. State street will be realigned with Peques Street; which will include new traffic signals. Shared use lane symbols will be added along Sessom Drive. Signal improvements will occur at Aquarena Springs to increase pedestrian safety.

The project includes participation from TXDOT and Texas State University. The project will receive $689,000 in federal funds which are being administered by TXDOT. Texas State University is contributing approximately $400,000 to the project.

Construction is expected to start in April 2017 and last about one year.

Staff recommends approval of this contract.
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, APPROVING THE AWARD OF A CONSTRUCTION CONTRACT TO CURRAN CONTRACTING COMPANY FOR THE SESSOM BIKE AND PEDESTRIAN IMPROVEMENTS PROJECT (IFB 217-181) IN THE AMOUNT OF $1,767,011.95 CONTINGENT UPON THE CONTRACTOR’S TIMELY SUBMISSION OF SUFFICIENT BONDS AND INSURANCE IN ACCORDANCE WITH THE CITY’S CONSTRUCTION CONTRACT DOCUMENTS FOR THE PROJECT AND CONCURRENCE IN THE AWARD OF THE PROJECT FROM THE TEXAS DEPARTMENT OF TRANSPORTATION; AUTHORIZING THE INTERIM CITY MANAGER OR HER DESIGNEE TO EXECUTE ALL CONTRACT DOCUMENTS 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 award of a construction contract to Curran Contracting Company for the Sessom Bike and Pedestrian Improvements Project (IFB 217-181) in the amount of $1,767,011.95 is approved contingent upon the Contractor’s timely submission of sufficient bonds and insurance in accordance with the City’s construction contract documents for the Project and concurrence in the award of the project from the Texas Department of Transportation.

PART 2. The Interim City Manager, or her designee, is authorized to execute the contract documents 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 day of , 2017.

John Thomaides,
Mayor

Attest:

Jamie Lee Case,
City Clerk
Prequalified Contractors - List C

Updated: Monday, February 6, 2017

A | B | C | D | E | F | G | H | I | J | K | L | M | N | O | P | Q | R | S | T | U | V | W | X | Y | Z | 0-9

C

C. GREEN SCAPIE, L.P.
2401 HANDLEY EDERVILLE RD.
FORT WORTH TX 76118
(817) 577-9299 Phone
(817) 577-9331 FAX

CAAN CONSTRUCTION SERVICES, INC.
P.O. BOX 77066
HOUSTON TX 77215-0696
(713) 539-5973 Phone
(281) 558-0536 FAX
ELDIRAOGU@AOL.COM

CALLAN MARINE LTD
PO BOX 17017
GALVESTON TX 77552
(409) 762-0124 Phone
(409) 762-1915 FAX
MMCGUIRE@CALLANMARINELTD.COM

CAN-FER UTILITY SERVICES, LLC
1608 MARGARET ST.
HOUSTON TX 77093
(713) 691-3516 Phone

CAPP-CAPECO CONSTRUCTION, INC.
1304 CR 192
TYLER TX 75703
(903) 561-6657 Phone

CATOOON, INC.
7124 FM 1567 W
SULPHUR SPRINGS TX 75482
(903) 348-3350 Phone
(903) 485-2329 FAX
JARRED.PICKETT@YAHOO.COM

CDM HOLDINGS, LLC
PO BOX 697
NEW BOSTON TX 75570
(903) 628-1379 Phone
(800) 864-4516 FAX
RBOXCDM@GMAIL.COM

CEN-TEX IRRIGATION SYSTEMS, INC.
PO BOX 23001
WACO TX 76702
(254) 848-4545 Phone
(254) 848-4549 FAX
ODIS@CENTEXIRR.COM

CHAMPION INFRASTRUCTURE, LLC
PO BOX 1409
SALADO TX 76571
(361) 438-2425 Phone
(866) 412-4962 FAX
AARON.CHAMPIONLLC@GMAIL.COM

CHESTER BROSS CONSTRUCTION COMPANY
P.O BOX 430
HANNIBAL MO 63401
(573) 221-5958 Phone
(573) 221-1892 FAX
MKBROSS@CROSSGROUP.COM

C&C SERVICES, LLC
PO BOX 1162
SNYDER TX 79549
(325) 234-8991 Phone

CACTUS ASPHALT, A DIVISION OF CACTUS TRANSPORT, INC.
8211 WEST SHERMAN STREET
TOLLESON AZ 85353
(623) 907-2800 Phone
(623) 907-2900 FAX

CAMINO CONSTRUCTION, L.P.
1208 METRO PARK BLVD
LEWISVILLE TX 75057
(972) 436-2868 Phone

CAPITAL EXCAVATION COMPANY
PO BOX 1301
AUSTIN TX 78767
(512) 440-1717 Phone

CASH CONSTRUCTION COMPANY, INC.
P.O. BOX 1279
PFLUGERVILLE TX 78691
(512) 251-7872 Phone
MNIKON@CCCTEX.COM

CCE, LTD.
PO BOX 631030
NACOGDOCHES TX 75963-1030
(936) 560-1696 Phone
MCC2609@GMAIL.COM

CEKRA INC.
PO BOX 7964
WILMINGTON NC 28406
(910) 338-3643 Phone

CENTURION INDUSTRIES, INC.
1107 N. TAYLOR ROAD
GARRETT IN 46738-1880
(260) 357-6665 Phone
(260) 357-6761 FAX

CHASCO CONSTRUCTORS
PO BOX 1057
ROUND ROCK TX 78680
(512) 244-0600 Phone

CHOICE BUILDERS, LLC
3805 S GENERAL BRUCE DR,STE103
TEMPLE TX 76502
(254) 534-2423 Phone
(254) 236-2998 FAX
CHARLIE@CHOICEBUILDERTX.COM
<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Phone</th>
<th>Fax</th>
</tr>
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<tbody>
<tr>
<td>CH2M Hill Engineers, Inc.</td>
<td>9127 S. Jamaica Street</td>
<td>(303) 771-0900 Phone</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Englewood CO 80112</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Civil Coatings and</td>
<td>1651 West Lincolnway</td>
<td>(219) 531-5300 Phone</td>
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<tr>
<td>Construction Inc.</td>
<td>Valparaiso IN 46385</td>
<td>(219) 531-5301 Fax</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>CMD Endeavors, Inc.</td>
<td>1510 N. Zaragosa, STE. B1</td>
<td>(915) 581-5900 Phone</td>
<td><a href="mailto:ESTIMATING@CIVICOATINGS.COM">ESTIMATING@CIVICOATINGS.COM</a></td>
</tr>
<tr>
<td></td>
<td>El Paso TX 79936</td>
<td></td>
<td></td>
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<tr>
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<td></td>
<td></td>
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<tr>
<td>Coastal Gunite Construction</td>
<td>PO Box 977</td>
<td>(410) 228-8100 Phone</td>
<td></td>
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<tr>
<td>Company</td>
<td>Cambridge MD 21613</td>
<td></td>
<td></td>
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<tr>
<td>Commercial Contractors</td>
<td>P O Box 1036</td>
<td>(402) 476-1711 Phone</td>
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<tr>
<td>Equipment, Inc.</td>
<td>Lincoln NE 68501</td>
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<tr>
<td>Constar Construction</td>
<td>349 Reid Drive</td>
<td>(314) 869-8000 Phone</td>
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<td></td>
<td>Victoria TX 77904</td>
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<td></td>
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<tr>
<td>Contract Paving Co.</td>
<td>PO Box 308</td>
<td>(940) 995-2416 Fax</td>
<td><a href="mailto:CONTRAPV@CONTRACTPAVING.NET">CONTRAPV@CONTRACTPAVING.NET</a></td>
</tr>
<tr>
<td></td>
<td>TYE TX 79563</td>
<td>(940) 995-3101 Phone</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Cornerstone Paving and</td>
<td>PO Box 2382</td>
<td>(732) 520-5199 Fax</td>
<td><a href="mailto:CornerstonePav@gmail.com">CornerstonePav@gmail.com</a></td>
</tr>
<tr>
<td>Construction, L.L.C.</td>
<td>Brenham TX 77834</td>
<td>(732) 520-5000 Phone</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Cox Paving of Texas, Inc.</td>
<td>P. O. Box 519</td>
<td>(713) 937-3081 Phone</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Blanco TX 78606</td>
<td>(713) 937-1172 Fax</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crabtree Barricade Systems,</td>
<td>P.O. Box 20195</td>
<td>(713) 937-1172 Fax</td>
<td></td>
</tr>
<tr>
<td>Inc.</td>
<td>Beaumont TX 77720</td>
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<td></td>
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<td>Cross Plus Construction,</td>
<td>PO Box 609</td>
<td>(800) 992-6207 Phone</td>
<td></td>
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<tr>
<td>LLC</td>
<td>China Spring TX 76633</td>
<td>(210) 661-6785 Phone</td>
<td></td>
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<td></td>
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<tr>
<td>Crown Civil Construction</td>
<td>PO Box 7966</td>
<td>(281) 420-9100 Phone</td>
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<tr>
<td>Corp.</td>
<td>Tyler TX 75711-7966</td>
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<tr>
<td>Cutler Repaving, Inc.</td>
<td>921 E. 27TH St</td>
<td>(281) 420-9100 Phone</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Lawrence KS 66046-4017</td>
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BID TABULATION
Sessom Bike and Pedestrian Improvements
February 14, 2017 at 2:00 P.M.

There are other Federal and State required documents for this Bid that must be confirmed to qualify any bids. The Bid documents will be reviewed for these documents before the Award is recommended.

<table>
<thead>
<tr>
<th>Bidder Name</th>
<th>Sub-contractors List</th>
<th>TxDOT Pre-Qual. Letter</th>
<th>Addendum Acknowledge</th>
<th>Bid Bond</th>
<th>Statement of Bidder Qual. &amp; Certifications Form</th>
<th>Disclosure of Lobbying Activities</th>
<th>Total of Bid</th>
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<tr>
<td>Jerdon Enterprise, L.P. San Antonio, TX</td>
<td>Y</td>
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<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>$2,299,564.95</td>
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<td>Muniz Concrete &amp; Contracting Austin, TX</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>$2,196,956.02</td>
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<td>Cox Commercial Construction Austin, TX</td>
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<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>$2,439,322.69</td>
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<td>Curran Contracting Company Converse, TX</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>$1,767,011.95</td>
</tr>
</tbody>
</table>

WITNESSED BY: [Signature]
To: Shaun Condor, PE, PMP - Senior Engineer
Engineering/Capital Improvements
630 East Hopkins
San Marcos, TX 78666
City of San Marcos

RE: Recommendation for Award – Sessom Bike & Pedestrian Improvements Project, IFB 217-181

The City opened bids for the Sessom Bike & Pedestrian Improvements Project at 2 p.m. on Tuesday, February 14, 2017 from the following four (4) contractors:

1) Cox Commercial Construction, LLC
2) Curran Contracting Company
3) Jerdon Enterprise, L.P.
4) Muniz Concrete and Contracting, Inc.

We have tabulated and checked the bids submitted and determined that all bids were responsive and no errors were made. A tabulation of the bids is attached for your records. The low bidder is Curran Contracting Company with a bid of $1,767,011.95. Based on this being the lowest responsive bid, we recommend award of this construction contract to Curran Contracting Company, Inc.

If you have any questions regarding the bids or this letter, please feel free to contact me at (512) 777-4620.

Sincerely,
HALFF Associates, Inc.

Eric J. Ratzman, PE
Senior Project Manager
<table>
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<tr>
<th>Item No</th>
<th>Spec Description</th>
<th>Unit</th>
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<td>3</td>
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<td>4</td>
<td>REMOVING CONC (SIDEWALKS (MKP))</td>
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<td>5</td>
<td>REMOVING CONC (SEESAWALS (RAMP))</td>
<td>CY</td>
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<td>6</td>
<td>RIPRAP (CONC) (5 IN)</td>
<td>CY</td>
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<td>7</td>
<td>REMOVING CONC (RAIL)</td>
<td>EA</td>
<td>27,555</td>
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<td>RC PIPE (CL III) (18 IN)</td>
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<td>9</td>
<td>CELL FBR MLCH SEED (TEMP)</td>
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<td>IRRIGATION SYSTEM</td>
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<td>REMOVING CONC (DRIVEWAYS)</td>
<td>SY</td>
<td>4,337</td>
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<td>AGGR (TY-B GR-4 SAC-A)</td>
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<td>VEGETATIVE WATERING</td>
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<td>16</td>
<td>PLANT MATERIAL (35 GALL) (FREE)</td>
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<td>FLOWABLE FILL (RET WALL FTG)</td>
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<td>REMOVING CONC (SIDEWALKS OR RAMP)</td>
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<td>D-GR HMA TY-D PG64-22</td>
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<td>EMBANKMENT (FINAL) (DENS CONT) (TY C)</td>
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<td>REMOVE STR (MANHOLE)</td>
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<td>ASPH (TIER III)</td>
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<td>RIPRAP (CONC) (5 IN)</td>
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**Total for City of San Marcos CSJ 0914-33-032:**

- **$145,900.00**
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**Total** $2,058,024.64

**City of San Marcos CSJ 0914-33-032**

**Curran Contracting Co Muniz Concrete & Contracting Inc Jerdon Enterprise Cox Commercial Construction Sessom Bike & Ped Improvements Project IFB 217-181**

**BID TABULATION**
CURRAN CONTRACTING COMPANY

11230 IH 10 EAST
CONVERSE, TX 78109

BID PROPOSAL

CITY OF SAN MARCOS
SESSOM BIKE & PED IMPROVEMENTS PROJECT

IFB NO.: 217-181

CSJ NO.: 0914-33-032

2/14/2017
Dear Ms. Pantermuehl:

The undersigned, in compliance with the Invitation for Bid for the Sessom Bike & Pedestrian Improvements Project (IFB 217-181), proposes to complete the Project for the unit prices for work in place for the items and quantities identified in the attached Bid Schedule.

The items listed in the attached Bid Schedule are the items of work that will be measured for payment. However, the bidder agrees to perform all other items specified in the technical specifications or in the other Contract Documents, all work incidental to the specified items, and all work that may be reasonably inferred from the Contract Documents for the construction of the completed Project at no additional cost to the Owner. The bidder will print or write unit prices in figures for each item in the bid in a legible manner.

The bidder acknowledges receipt of the following addenda:

Addenda 1 - 02/02/2017          Addenda 2 - 02/08/2017

The Owner reserves the right to reject any and all bids, and may reject a bid if a bidder does not acknowledge receipt of all addenda issued by the Owner.

The bidder offers to construct the Project in accordance with the Contract Documents for the contract price and to finally complete and achieve final acceptance (when fully completed and finished to the satisfaction of the Owner) of the Project within the number of days shown in the Project Schedule on page PS-1. The bidder understands and accepts the provisions of the Contract Documents relating to liquidated damages if the Project is not completed on time in accordance with Article 8 of the Supplementary Conditions.

Enclosed with this bid are the:

(a) TxDOT pre-qualification documents including the bid capacity letter;
(b) Bid Bond;
(c) Statement of Bidder's Qualifications and Certifications Form;
(d) Disclosure of Lobbying Activities Form,
    B-1
(e) Subcontractor List; and
(f) Addenda, if addenda were issued in accordance with this invitation for bids.

In submitting this bid, the bidder represents to the Owner and Engineer that it:

1) fully recognizes the time required for the completion and acceptance of this Project, and is taking into consideration all factors including, but not limited to the character of work involved in the Project, the nature of the Project site, the potential for weather-related impacts on the construction schedule and market conditions related to materials and equipment to be used in the Project.

2) has examined, read and understands the Contract Documents;

3) is familiar with the Project area and site, and all local, state and federal laws and regulations that in any manner may affect cost, progress, or performance of the work;

4) has made and studied the results of examinations, investigations, and tests of subsurface and latent physical conditions which may affect the cost, progress or performance of the work that the bidder considers necessary to assure construction of the Project at the contract price within the contract time and in accordance with the Contract Documents, and no additional examinations, investigations, tests, reports or similar information will be required by the bidder for these purposes;

5) has reviewed all information in the Contract Documents with respect to existing underground facilities at or near the Project site, and the bidder assumes responsibility for the exact nature and location of these underground facilities; and no additional examinations, investigations, tests, reports or similar information will be required by the bidder in order to construct the Project at the contract price within the contract time and in accordance with the Contract Documents;

Conditions.

6) has correlated the results of all such observations, examinations, investigations, tests, reports and studies with the terms and conditions of the Contract Documents;

7) has given the Owner written notice of all conflicts, omissions, errors or discrepancies discovered in the contract documents and the written response or resolution of the issue by Owner is acceptable to the bidder;

8) is a duly qualified, capable, and bondable business entity, that it is not in or contemplating bankruptcy or receivership and that it is not currently delinquent with respect to payment of taxes assessed by any political subdivision and that in the event of the award of a contract, it will secure bonds for the full amount of the contract; and

9) the only persons or parties interested in this bid are those named and the bidder has not directly or indirectly participated in collusion, entered into an agreement or otherwise taken any action in restraint of free competitive bidding in connection with the Project. (Item 12-Statement of Bidders Qualifications Form).

The bidder certifies that it is familiar with the statutory obligation to provide workers' compensation insurance coverage for all employees engaged in work on the Project, and that, if awarded the contract, the bidder will ensure that this coverage is maintained in full force and effect for all of its employees and for all employees of subcontractors engaged in work on this Project, and will provide certificates of insurance for all coverages to the Owner.

B-2
The bidder certifies that the bid prices contained in this bid have been carefully checked and are submitted as correct and final.

The bidder acknowledges that time is of the essence and that the Owner will be damaged if the Project is not completed on time in accordance with the Contract Documents.

Respectfully submitted,

The signatory is an authorized signatory for the organization for which the bid is submitted and it has full and complete authority to submit this bid on behalf of its company/firm.

__________________________
Curran Contracting Company
Printed Name of Bidder

By: _________________________
Signature

__________________________
Scott Hanson
Printed Name

__________________________
Vice President
Title

Mailing Address:

__________________________
11230 IH 10 East
Street, P.O. Box

__________________________
Converse, TX 78109
City, State, Zip Code

__________________________
210-819-6128
Telephone/Fax Numbers

Attest:

__________________________
Dora Bendele
Signature

__________________________
Dora Bendele

February 14, 2017
Date

B-3
Printed Name

Estimating Administrator
Title

(AFFIX SEAL AND ATTESTATION IF CORPORATION)

Corporate Address: 286 Memorial Court, Crystal Lake, IL 60014

Incorporated in the State of Illinois
## Bid Schedule

**Project: Sesson Bike/Ped and Peques Improvements Project**

*(NOTE: Legibly print or write unit and lump sum prices for each item in this bid)*

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<th>Item No</th>
<th>Spec Reference</th>
<th>Unit Description</th>
<th>Bid Quantity</th>
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<td>6058 6001</td>
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<td>1</td>
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<td>152</td>
<td>6062 6022</td>
<td>ITS RADIO SGNL (5 GHz)-I-S</td>
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<td>6089 6001</td>
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<td>435S</td>
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<td>504S-CO</td>
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<td>161</td>
<td>506S</td>
<td>FLOWABLE FILL (MANHOLE)</td>
<td>75</td>
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<td>ABANDON EXISTING PIPE (8 IN)</td>
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<td>PLUG MANHOLE</td>
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<td>LOWER 6&quot; D.I. PIPE</td>
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<td>SY</td>
<td>$ 7.70</td>
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<td>172</td>
<td>610S-D</td>
<td>TREE WELL (TREE PROTECTION)</td>
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<td>EA</td>
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<td>173</td>
<td>610S-A</td>
<td>TREE PROTECTION FENCE</td>
<td>931</td>
<td>LF</td>
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<td>$ 2,187.85</td>
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<td>Item No.</td>
<td>Spec Reference</td>
<td>Unit Description</td>
<td>Bid Quantity</td>
<td>Unit Measure</td>
<td>Unit Price</td>
<td>Unit Total</td>
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<td>174</td>
<td>610S-E</td>
<td>TREE PLANKING</td>
<td>46</td>
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<td>175</td>
<td>6285-D</td>
<td>CURB INLET PROTECTION</td>
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<td>176</td>
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<td>SILT FENCE</td>
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<td>$244.20</td>
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<td>648S</td>
<td>MULCH SOCK</td>
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<td>181</td>
<td>16550S</td>
<td>LIGHT POLE FOUNDATION</td>
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<td>TX-ST 31 23 16</td>
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**TOTAL:** $1,767,011.95

**TOTAL BID PRICE (WORDS):**

One Million Seven Hundred Sixty-Seven Eleven Dollars and Ninety-Five Cents
March 25, 2016

Curran Contracting Company
11230 E. IH-10
Converse, TX 78109

RE: TxDOT Vendor Code # 16119

Dear Contractor:

Your Confidential Questionnaire is satisfactory and qualifies you to bid on projects let by the Texas Department of Transportation (TxDOT) from the date of this letter through December 31, 2016.

Your bidding capacity has been set at $226,738,000.00. You may request and receive bidding proposals for projects on which the engineer’s estimate does not exceed your bidding capacity less any uncompleted work currently under contract with TxDOT.

If we may be of further assistance, please contact our Pre-qualification Branch at 512/416-2584.

Sincerely,

2016.03.29
17:01:05 -05'00'

Darren G. Hazlett, P.E.
Deputy Director, Construction Division
Bid Bond

STATE OF TEXAS

COUNTY OF HAYS

We, ___________ Curran Contracting Company - 11230 Interstate 10 East, Converse, TX 78109 ___________ (Contractor name and address), as Principal, and Continental Casualty Company 333 S. Wabash Ave., Chicago, IL 60604 ___________ (Surety name and address), as Surety, a corporation duly organized under the laws of the State of Illinois ___________, and duly authorized and admitted to write surety bonds in Texas, and listed as a company currently authorized under 31 CFR, Part 223 as possessing a Certificate of Authority as described thereunder, are held and firmly bound unto the City of San Marcos, Texas, as Obligee, in the sum of ________________________ dollars ($ ___________). If this bond exceeds $100,000.00 the surety certifies that it either 1) holds a certificate of authority from the United States Secretary of the Treasury to qualify as a surety on obligations permitted or required under federal law, or 2) has obtained qualified reinsurance for any liability in excess of $100,000.00 from a reinsurer that is authorized and admitted as a reinsurer in the State of Texas, and is the holder of a certificate of authority from the United States Secretary of the Treasury to qualify as a surety or reinsurer on obligations permitted or required under federal law.

The Principal has submitted a bid to the Obligee for the Sessom Bike & Pedestrian Improvements Project.

If the Obligee accepts the bid of the Principal, and the Principal enters into a contract with the Obligee in accordance with the terms of the bid, and promptly delivers all bonds, insurance certificates and other documents to the Obligee in accordance with the Contract Documents, then this obligation will be null and void, otherwise to remain in full force and effect.

Signed and sealed on ___________ February 14, 2017 ___________.

__________________________
Witness

__________________________
Witness

__________________________
Principal/Contractor signature

__________________________
Printed name, Title

__________________________
Surety signature

__________________________
Title

BB-1
ACKNOWLEDGEMENT OF SURETY

STATE OF ILLINOIS
COUNTY OF COOK

On this 14th day of February, 2017 before me personally came Susan K. Landreth to me known, who being by so duly sworn, did depose and say: that she is

Attorney-In-Fact of Continental Casualty Company

the Corporation described in and which executed the foregoing instrument; that she knows the seal of said Corporation; that the seal affixed to said instrument is such corporate seal; that is was so affixed by authority granted to him/her in accordance with the By-Laws of the said Corporation, and that she signed her name thereto by like authority.

[Signature]
NOTARY PUBLIC, Sarah E. Green

My Commission Expires:
February 17, 2020
POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That Continental Casualty Company, an Illinois insurance company, National Fire Insurance Company of Hartford, an Illinois insurance company, and American Casualty Company of Reading, Pennsylvania, a Pennsylvania insurance company (herein called "the CNA Companies"), are duly organized and existing insurance companies having their principal offices in the City of Chicago, and State of Illinois, and that they do by virtue of the signatures and seals herein affixed hereby make, constitute and appoint

Susan K. Landreth, Individually

of Chicago, IL their true and lawful Attorney-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on their behalf bonds, undertakings and other obligatory instruments of similar nature

- In Unlimited Amounts -

Surety Bond No: Bid Bond
Principal: Curran Contracting Company
Obligee: City of San Marcos

and to bind them thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of their insurance companies and all the acts of said Attorney, pursuant to the authority hereby given is hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law and Resolutions, printed on the reverse hereof, duly adopted, as indicated, by the Boards of Directors of the insurance companies.

In Witness Whereof, the CNA Companies have caused these presents to be signed by their Vice President and their corporate seals to be hereto affixed on this 1st day of December, 2015.

Continental Casualty Company
National Fire Insurance Company of Hartford
American Casualty Company of Reading, Pennsylvania

Paul T. Bruflat
Vice President

State of South Dakota, County of Minnehaha, ss:

On this 1st day of December, 2015, before me personally came Paul T. Bruflat to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is a Vice President of Continental Casualty Company, an Illinois insurance company, National Fire Insurance Company of Hartford, an Illinois insurance company, and American Casualty Company of Reading, Pennsylvania, a Pennsylvania insurance company described in and which executed the above instrument; that he knows the seals of said insurance companies; that the seals affixed to the said instrument are such corporate seals; that they were so affixed pursuant to authority given by the Boards of Directors of said insurance companies and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said insurance companies.

My Commission Expires June 23, 2021

J. Mohr
Notary Public

CERTIFICATE

I, D. Bult, Assistant Secretary of Continental Casualty Company, an Illinois insurance company, National Fire Insurance Company of Hartford, an Illinois insurance company, and American Casualty Company of Reading, Pennsylvania, a Pennsylvania insurance company do hereby certify that the Power of Attorney herein above set forth is still in force, and further certify that the By-Law and Resolution of the Board of Directors of the insurance companies printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said insurance companies this 14th day of February, 2017.

Continental Casualty Company
National Fire Insurance Company of Hartford
American Casualty Company of Reading, Pennsylvania

D. Bult
Assistant Secretary
Authorizing By-Laws and Resolutions

ADOPTED BY THE BOARD OF DIRECTORS OF CONTINENTAL CASUALTY COMPANY:

This Power of Attorney is made and executed pursuant to and by authority of the following resolution duly adopted by the Board of Directors of the Company at a meeting held on May 12, 1995:

"RESOLVED: That any Senior or Group Vice President may authorize an officer to sign specific documents, agreements and instruments on behalf of the Company provided that the name of such authorized officer and a description of the documents, agreements or instruments that such officer may sign will be provided in writing by the Senior or Group Vice President to the Secretary of the Company prior to such execution becoming effective."

This Power of Attorney is signed by Paul T. Bruffat, Vice President, who has been authorized pursuant to the above resolution to execute power of attorneys on behalf of Continental Casualty Company.

This Power of Attorney is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of the Company by unanimous written consent dated the 25th day of April, 2012:

"Whereas, the bylaws of the Company or specific resolution of the Board of Directors has authorized various officers (the "Authorized Officers") to execute various policies, bonds, undertakings and other obligatory instruments of like nature; and

Whereas, from time to time, the signature of the Authorized Officers, in addition to being provided in original, hard copy format, may be provided via facsimile or otherwise in an electronic format (collectively, "Electronic Signatures"); Now therefore be it resolved: that the Electronic Signature of any Authorized Officer shall be valid and binding on the Company."

ADOPTED BY THE BOARD OF DIRECTORS OF NATIONAL FIRE INSURANCE COMPANY OF HARTFORD:

This Power of Attorney is made and executed pursuant to and by authority of the following resolution duly adopted by the Board of Directors of the Company by unanimous written consent dated May 10, 1995:

"RESOLVED: That any Senior or Group Vice President may authorize an officer to sign specific documents, agreements and instruments on behalf of the Company provided that the name of such authorized officer and a description of the documents, agreements or instruments that such officer may sign will be provided in writing by the Senior or Group Vice President to the Secretary of the Company prior to such execution becoming effective."

This Power of Attorney is signed by Paul T. Bruffat, Vice President, who has been authorized pursuant to the above resolution to execute power of attorneys on behalf of National Fire Insurance Company of Hartford.

This Power of Attorney is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of the Company by unanimous written consent dated the 25th day of April, 2012:

"Whereas, the bylaws of the Company or specific resolution of the Board of Directors has authorized various officers (the "Authorized Officers") to execute various policies, bonds, undertakings and other obligatory instruments of like nature; and

Whereas, from time to time, the signature of the Authorized Officers, in addition to being provided in original, hard copy format, may be provided via facsimile or otherwise in an electronic format (collectively, "Electronic Signatures"); Now therefore be it resolved: that the Electronic Signature of any Authorized Officer shall be valid and binding on the Company."

ADOPTED BY THE BOARD OF DIRECTORS OF AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA:

This Power of Attorney is made and executed pursuant to and by authority of the following resolution duly adopted by the Board of Directors of the Company by unanimous written consent dated May 10, 1995:

"RESOLVED: That any Senior or Group Vice President may authorize an officer to sign specific documents, agreements and instruments on behalf of the Company provided that the name of such authorized officer and a description of the documents, agreements or instruments that such officer may sign will be provided in writing by the Senior or Group Vice President to the Secretary of the Company prior to such execution becoming effective."

This Power of Attorney is signed by Paul T. Bruffat, Vice President, who has been authorized pursuant to the above resolution to execute power of attorneys on behalf of American Casualty Company of Reading, Pennsylvania.

This Power of Attorney is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of the Company by unanimous written consent dated the 25th day of April, 2012:

"Whereas, the bylaws of the Company or specific resolution of the Board of Directors has authorized various officers (the "Authorized Officers") to execute various policies, bonds, undertakings and other obligatory instruments of like nature; and

Whereas, from time to time, the signature of the Authorized Officers, in addition to being provided in original, hard copy format, may be provided via facsimile or otherwise in an electronic format (collectively, "Electronic Signatures"); Now therefore be it resolved: that the Electronic Signature of any Authorized Officer shall be valid and binding on the Company. "
Statement of Bidder’s Qualifications and Certifications Form

Answer all questions. Provide responses that are clear and comprehensive. Attach any additional information provided on separate sheets. This statement must be notarized.

A. General Information:

1. Company name: Curran Contracting Company

2. Permanent main office address: 286 Memorial Court, Crystal Lake, IL 60014

3. Telephone Number: 210-819-6128

4. Federal Tax Identification No. 36-3506119

5. Form of ownership: Proprietorship
   □ Partnership (□ Limited or □ General)
   □ Corporation
   □ LLC
   □ Joint Venture
   □ Other (specify):

6. When organized April 6, 1987

7. If a corporation, where incorporated Illinois

B. Qualifications:

1. How many years has your company been engaged in business under its present name? 38 years. Give former names of the company, with dates of operation under each name

2. General character of work performed by your company: Heavy Highway SBQ-1
3. Has your company ever failed to complete, defaulted, or been terminated on a project?  
   yes  X no. If yes, give project name and location, owner and engineer names, and explanation:

4. Has your company been convicted of a criminal offense committed in Hays County, Texas involving fraud, theft, bribery, kickbacks or unlawful gifts to a public official(s)? If so, did the conviction occur within three years immediately preceding the date of the submission of your bid, this statement of Bidder’s qualifications, or the date identified as the contract award date in the Invitation For Bid?  
   yes  X no. If yes, explain:

5. Is your company involved in a pending investigation(s) or criminal prosecution of a criminal offense alleged to have been committed in Hays County, Texas, involving fraud, theft, bribery, kickbacks or unlawful gifts to a public official?  
   yes  X no. If yes, explain:

6. Does your company have previous final judgments filed against it by the Owner for breach of contract, fraud, misrepresentation or conversion?  
   yes  X no.

7. Has your company refused to execute a contract with the Owner following an award of the contract by the San Marcos City Council?  
   yes  X no.

8. Did your company violate the anti-lobbying provisions of a current or previous contract by making contact with a member of the San Marcos City Council prior to award of the contract?  
   yes  X no. If yes, explain:

9. Does your company have any involvement in prior, pending or threatened claims or litigation alleging 1) fraud, misrepresentation or conversion 2) non-compliance by your company with any obligations under any current contract or previous contract within the last five years, including completion and acceptance, remaining on schedule and cooperation with the Owner; or 3) any error or omission by your company in performing services under any current contract or previous contract within the last five years; and/or 4) non-payment to subcontractors and material suppliers?  
   yes  X no. If you answered yes to either 1, 2, 3 or 4 above, provide project name and location, owner and engineer names, and explanation of the nature, status and/or outcome of such claim or litigation (attach additional pages if necessary).

SBQ-2
10. Has your company or any of your subcontractors’ companies ever failed to take corrective action on items of work under warranty during the warranty period? ___________ yes ___ X ___ no. If yes, provide project name and location, owner and engineer names, and explanation of the nature, status and/or outcome of the warranty issue (attach additional pages if necessary).

11. Has your company or any of your subcontractors’ companies been cited for safety violations on any project within the last five years? ___________ yes ___ X ___ no. If yes, provide project name and location, owner and engineer names, and explanation of the nature, status and/or outcome of the safety issue. (attach additional pages if necessary).

12. Has your company failed to remit sales tax, property tax or utility payments to the City of San Marcos in a timely manner? ___________ yes ___ X ___ no. Your company certifies that it is not in arrears in the payment of any obligations to the City of San Marcos, including, without limitation, property or sales taxes, fees or utility charges ___ X ___ yes ___________ no. If no, explain ___________.

13. In order to be considered qualified for the work included in this Contract your company must have completed two (2) projects of a substantially similar character including, but not limited to the installation of drainage improvements, paving, sidewalks, erosion control, traffic control and traffic signals etc., for a public entity within the last five (5) years.

14. List ALL projects of a substantially similar character involving street construction with a cost in excess of $1,000,000.00 that your company has completed as a prime contractor or subcontractor within the last five years. You may attach your own list if it contains all of this information.

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<thead>
<tr>
<th>Project Name</th>
<th>Owner &amp; Telephone</th>
<th>Engineer Name and Telephone</th>
<th>Completion Date</th>
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<tr>
<td>Reference Firm Experience Projects Completed Within 5 Years</td>
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SBQ-3
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<tr>
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<td>64/47 Lily Lake</td>
<td>Reconstruct and Widening Excavation and Asphalt Paving</td>
<td>IDOT - District 1</td>
<td>Ron Stemier</td>
<td>847-846-2422</td>
<td>2013</td>
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<td>Bacon and Route 120</td>
<td>Road Widening Excavation and Asphalt Paving</td>
<td>IDOT - Dist 1</td>
<td>Mike Rinaldi</td>
<td>847-456-0036</td>
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<td>Bexar County, Borgfeld Drive Phase 1</td>
<td>Roadway Reconstruction and Drainage</td>
<td>Bexar County, Public Works</td>
<td>Reggie Fountain</td>
<td>210-335-6706</td>
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<td>Castroville Municipal Airport</td>
<td>Multi Unit Hangar Improvements</td>
<td>TXDOT</td>
<td>Harry Lorton</td>
<td>512-416-4535</td>
<td>2015</td>
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<td>Centegra -Hal gas Road Widening</td>
<td>Road Widening and Intersection improvement</td>
<td>Centegra Health/ Power Construction</td>
<td>Frank Salmi</td>
<td>847-214-6365</td>
<td>2015</td>
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<tr>
<td>Chicago Executive Airport</td>
<td>Excavation and Asphalt Paving</td>
<td>IL Dept of Aeronautics</td>
<td>Ron Hudson</td>
<td>630-990-3900</td>
<td>2012</td>
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<td>Chicago Executive Airport EMAS PHGA</td>
<td>Installation of Runway EMAS</td>
<td>IL DOA / Crawford, Murphy and Tilly</td>
<td>Sean Smith</td>
<td>630-620-1022</td>
<td>2015</td>
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<tr>
<td>Frio FM 1582</td>
<td>Rehab of Asphalt roadway</td>
<td>SAM-CS</td>
<td>Gregory Cleaveland</td>
<td>214-403-7064</td>
<td>2015</td>
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<td>Hanson Road</td>
<td>Reconstruction Excavation and Asphalt Paving</td>
<td>IDOT - Dist 1</td>
<td>Bob Woodlief</td>
<td>847-875-6022</td>
<td>2010</td>
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<tr>
<td>Hays County RM 12</td>
<td>Misc Construction Add Center Turn Lane &amp; Shoulders</td>
<td>TXDOT</td>
<td>Victor Vargas</td>
<td>512-282-2133</td>
<td>2016</td>
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<td>I-88 Rt 52 to Midway Road</td>
<td>Milling and Asphalt Paving with Excavation</td>
<td>Illinois Toll Highway Authority</td>
<td>Mike Wicks</td>
<td>630-241-6800 x927</td>
<td>2015</td>
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<tr>
<td>I-60 Widening and Reconstruction</td>
<td>Reconstruct and Widening of Interstate</td>
<td>Illinois Tollway/Globetrotters</td>
<td>John Szabo</td>
<td>630-241-6800</td>
<td>2014</td>
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<td>Illinois Tollway Add a Lane</td>
<td>Excavation and Asphalt Paving</td>
<td>Illinois State Tollway Hwy</td>
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<td>2012</td>
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<td>Illinois Tollway Surface Rehab-East</td>
<td>Milling and Asphalt Paving</td>
<td>ISTHA A3 Consultants of IL</td>
<td>George Malek</td>
<td>630-729-6170</td>
<td>2011</td>
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<td>Kane County 2010</td>
<td>Milling and Asphalt Paving</td>
<td>KC DOT</td>
<td>John Gudendorf</td>
<td>630-406-7382</td>
<td>2010</td>
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<td>Kane County 2013</td>
<td>Milling and Asphalt Paving</td>
<td>Kane County DOT</td>
<td>John Gudendorf</td>
<td>630-406-7382</td>
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<td>Kitty Hawk Road</td>
<td>Roadway Reconstruction and Drainage Upgrades</td>
<td>Universal City</td>
<td>Randy Luensmann</td>
<td>210-658-5364</td>
<td>2014</td>
</tr>
<tr>
<td>Lake in the Hills New Taxway</td>
<td>Taxway Excavation and Asphalt Paving</td>
<td>IL Div of Aeronautics</td>
<td>Ronald Hudson</td>
<td>630-990-3000</td>
<td>2011</td>
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<td>Rakow Road</td>
<td>Reconstruct and Widening Excavation and Asphalt Paving</td>
<td>McHenry County</td>
<td>Mike Dammyer</td>
<td>815-334-4902</td>
<td>2012</td>
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<td>Route 64 Overlay</td>
<td>Milling and Asphalt Paving</td>
<td>IDOT - Dist 1</td>
<td>Roy Poole</td>
<td>630-466-1242</td>
<td>2010</td>
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<td>Route 23- Gulfer to Route 30</td>
<td>Milling and Asphalt Paving</td>
<td>IDOT - District 3</td>
<td>Bill Turczyn</td>
<td>815-739-2159</td>
<td>2014</td>
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<tr>
<td>Route 553-290: Route 12 - Route 72</td>
<td>Expressway milling Asphalt Paving</td>
<td>IDOT - Dist 1</td>
<td>Giffon Ganek</td>
<td>630-768-5570</td>
<td>2010</td>
</tr>
<tr>
<td>Route 72, Barlett Rd - Glen Lake Rd</td>
<td>Milling and Asphalt Paving</td>
<td>IL/1 - Dist 1</td>
<td>Dave Dippin</td>
<td>847-846-4458</td>
<td>2010</td>
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<tr>
<td>RT31 and Kauasen</td>
<td>Widening and reconstruction of an intersection</td>
<td>Civil Tech</td>
<td>Martin Ebert</td>
<td>630-735-3085</td>
<td>2012</td>
</tr>
<tr>
<td>Sycamore 2015 HMA Resurfacing</td>
<td>Milling and Asphalt Paving</td>
<td>City of Sycamore, IL</td>
<td>John Brady</td>
<td>815-739-1111</td>
<td>2015</td>
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<tr>
<td>Various Streets</td>
<td>Milling and Asphalt Paving</td>
<td>McHenry (City)</td>
<td>John Wirch</td>
<td>815-385-1779</td>
<td>2010</td>
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<td>Virginia Road</td>
<td>Reconstruction Excavation and Asphalt Paving</td>
<td>IDOT - Dist 1</td>
<td>Troy Strange</td>
<td>815-334-0307</td>
<td>2010</td>
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<tr>
<td>Windtair Repairs</td>
<td>Milling and Asphalt Paving</td>
<td>Wm Charles Construction</td>
<td>Pete Capes</td>
<td>815-654-4700</td>
<td>2010</td>
</tr>
</tbody>
</table>
15. List **ALL** experience you have had as the prime contractor or subcontractor on projects with the City of San Marcos as the Owner. Give project name and engineer name and phone numbers, project status, and whether the project is on schedule. You may attach your own list if it contains all of this information.

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Engineer Name and Telephone</th>
<th>Scheduled Completion Date</th>
<th>Estimated Completion Date</th>
<th>Project Status</th>
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</table>

**NOT APPLICABLE**

16. List **ALL** projects with a cost in excess of $1,000,000.00 that your company is presently constructing as a prime contractor or subcontractor. Give project name and location, owner and engineer names and phone numbers, project status, and whether the project is on schedule. You may attach your own list if it contains all of this information.

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Engineer Name and Telephone</th>
<th>Scheduled Completion Date</th>
<th>Estimated Completion Date</th>
<th>Project Status</th>
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<tbody>
<tr>
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</tbody>
</table>

Reference Current Project List

SBQ-4
## Curran Contracting Company
### Current Project List

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Engineer Name</th>
<th>Engineer Telephone</th>
<th>Scheduled Completion Date</th>
<th>Estimated Completion Date</th>
<th>Project Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>IDOT 62A67 RT 38/64</td>
<td>Ron Stemler - IDOT</td>
<td>847-846-2422</td>
<td>06/2017</td>
<td>06/2017</td>
<td>On-Going</td>
</tr>
<tr>
<td>I-88 Rt 30 to Rt 52 RR-13-5660R</td>
<td>Anas Alkhatib - Michael Baker International</td>
<td>312-575-3907</td>
<td>05/2017</td>
<td>07/2017</td>
<td>On-Going</td>
</tr>
<tr>
<td>PACE - Park-n-Ride (233796 B)</td>
<td>Mark Youngquist - PACE</td>
<td>847-228-2369</td>
<td>04/2017</td>
<td>04/2017</td>
<td>On-Going</td>
</tr>
<tr>
<td>Bexar County Spur 53</td>
<td>Mike Clayton</td>
<td>210-403-6344</td>
<td>08/2017</td>
<td>08/2017</td>
<td>On-Going</td>
</tr>
<tr>
<td>W.T. Montgomery Bexar County</td>
<td>Reggie Fountain</td>
<td>210-335-6706</td>
<td>06/2017</td>
<td>06/2017</td>
<td>On-Going</td>
</tr>
<tr>
<td>Hays County FM 150 Center Turn Lane</td>
<td>Brad Hildebrand</td>
<td>512-201-0351</td>
<td>07/2017</td>
<td>04/2017</td>
<td>On-Going</td>
</tr>
<tr>
<td>Guadalupe County BS 123B</td>
<td>Will Lockett</td>
<td>830-609-0707</td>
<td>02/2019</td>
<td>07/2018</td>
<td>Not Started</td>
</tr>
<tr>
<td>FM 471 (Culebra Road) Pass-Through Finance</td>
<td>Jim Brennan</td>
<td>210-335-6711</td>
<td>05/2018</td>
<td>05/2018</td>
<td>On-Going</td>
</tr>
<tr>
<td>Guadalupe County FM 466</td>
<td>Bobby Pantermuehl</td>
<td>210-294-2953</td>
<td>08/2017</td>
<td>04/2017</td>
<td>On-Going</td>
</tr>
<tr>
<td>Comal County FM 306</td>
<td>Ryan Dreibrodt</td>
<td>210-216-8579</td>
<td>04/2018</td>
<td>12/2017</td>
<td>On-Going</td>
</tr>
<tr>
<td>Bexar County Perrin Beitel Bridge</td>
<td>Bert Williams</td>
<td>210-335-7077</td>
<td>08/2018</td>
<td>08/2018</td>
<td>Not Started</td>
</tr>
<tr>
<td>Luckey Ranch Units 11 -17, 18 &amp; 19</td>
<td>Jon Adame</td>
<td>210-375-9000</td>
<td>04/2017</td>
<td>04/2017</td>
<td>On-Going</td>
</tr>
</tbody>
</table>
17. List the name, position, residence address, background and experience of each principal member of your firm, including the officers: Reference attached Key Personnel List

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Address</th>
<th>Experience</th>
</tr>
</thead>
<tbody>
<tr>
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</tbody>
</table>

18. List bank references, including contact name and title, address and phone number of contact person:  
JP Morgan Chase Bank, Mindy Drogos  
111 E. Busse Avenue, Mt. Prospect, IL 60056-3250  

19. Will you provide a detailed financial statement and furnish any other pertinent information that may be required by the City of San Marcos, Texas?  X  yes  no. If no, explain why:

Certifications:

Your company certifies that:

1. You will complete the work involved in this Project utilizing no less than 30% of your own forces.

2. The Superintendent/Manager you have assigned to this Project has sufficient knowledge, skills and experience in similar Project work  X  yes  no. If no, explain

The Project Superintendent/Manager will be available at all times while work is being performed and this designee will not be changed during the Project except for causes beyond the Contractor’s control.

SBQ-5
<table>
<thead>
<tr>
<th>NAME OF INDIVIDUAL</th>
<th>POSITION</th>
<th>EXPERIENCE</th>
<th>TYPE OF WORK</th>
<th>CAPACITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>J. Rick Noe</td>
<td>President</td>
<td>29 years</td>
<td>All Types</td>
<td>Business Operations</td>
</tr>
<tr>
<td>William Curran</td>
<td>Executive Vice President and General Superintendent</td>
<td>35 years</td>
<td>All Types</td>
<td>Business Development</td>
</tr>
<tr>
<td>Daniel P. Curran</td>
<td>Executive Vice President and Manager</td>
<td>39 years</td>
<td>All Types</td>
<td>Engineering and Sales</td>
</tr>
<tr>
<td>J. Scott Hanson</td>
<td>Vice President and General Manager</td>
<td>28 years</td>
<td>Excavation, Sewer, Sanitary and Watermain</td>
<td>Project Operations</td>
</tr>
<tr>
<td>Michael S. Leopardo</td>
<td>Vice President and Manager</td>
<td>27 years</td>
<td>Agg. Base, Bituminous Paving, Milling, Recycling and Earthwork</td>
<td>Estimating, General, Materials and Plants</td>
</tr>
<tr>
<td>Marc J. Frame</td>
<td>Vice President and Manager</td>
<td>38 years</td>
<td>Agg. Base, Bituminous Paving, Milling and Recycling</td>
<td>Estimating and Project Management</td>
</tr>
<tr>
<td>Randy Roewer</td>
<td>Area Superintendent</td>
<td>31 years</td>
<td>All Types</td>
<td>Operations</td>
</tr>
<tr>
<td>Mike May</td>
<td>Area Superintendent</td>
<td>40 years</td>
<td>All Types</td>
<td>Excavation Division</td>
</tr>
<tr>
<td>Jeff Hammers</td>
<td>Equipment Manager</td>
<td>37 years</td>
<td>All Types</td>
<td>Operations</td>
</tr>
<tr>
<td>Nick Schram</td>
<td>Estimator and GPS</td>
<td>16 years</td>
<td>Excavation, etc.</td>
<td>Estimating and GPS</td>
</tr>
<tr>
<td>Broc Johnson</td>
<td>Estimator/Paving Superintendent</td>
<td>14 years</td>
<td>Drying, Asphalt, Base, Flatwork Concrete</td>
<td>Estimating and Operations</td>
</tr>
<tr>
<td>Eric Nagle</td>
<td>Senior Estimator</td>
<td>35 years</td>
<td>All Types</td>
<td>Estimating</td>
</tr>
<tr>
<td>Brad Quinn</td>
<td>General Superintendent</td>
<td>20 years</td>
<td>All Types</td>
<td>Operations</td>
</tr>
<tr>
<td>Johnny Brown</td>
<td>General Superintendent</td>
<td>26 years</td>
<td>All Types</td>
<td>Project Operations</td>
</tr>
<tr>
<td>Mike Pachta</td>
<td>Project Manager</td>
<td>22 years</td>
<td>Excavation, etc.</td>
<td>Excavation Division</td>
</tr>
<tr>
<td>Tedd O'Brien</td>
<td>Project Manager</td>
<td>25 years</td>
<td>Excavation, etc.</td>
<td>Excavation Division</td>
</tr>
<tr>
<td>Baron Hahn</td>
<td>Project Manager</td>
<td>8 years</td>
<td>All Types</td>
<td>Project Operations</td>
</tr>
<tr>
<td>Jaius Camarena</td>
<td>Project Manager - LEED Certified</td>
<td>12 years</td>
<td>Demolition, Excavation, etc.</td>
<td>Excavation and Green Environment</td>
</tr>
<tr>
<td>Robert Gallaher</td>
<td>Senior Project Manager</td>
<td>28 years</td>
<td>All Types</td>
<td>Project Operations</td>
</tr>
</tbody>
</table>
3. You are able to meet the insurance requirements and provide Certificates of Insurance as specified in the TxDOT Standard Specifications, the Special Provisions and Supplementary Conditions of this Contract especially with regard to Workers’ Compensation insurance requirements.  

X yes  no

4. FHWA Compliance. As evidenced by the submission of your bid, you have examined, understand and agree to be bound and comply with all provisions included in Form FHWA 1273, as may be amended which is included verbatim in these bid documents.

5. Child Support Statement: Under Section 231.006, Family Code, the vendor or applicant (the bidder) that the individual or business entity named in this contract, bid or application is not ineligible to receive the specified grant, loan or payment and acknowledges that this contract may be terminated and payment may be withheld if this certification is inaccurate. Contract award will be contingent upon your provision of the social security numbers of each individual or sole proprietor and each partner, shareholder, or owner with an ownership interest of at least 25 percent in your business entity. In submitting your bid you certify that you will provide this information upon request by the Owner.

6. Convict Labor and Prison Produced Materials. No construction work will be performed by convict labor at the site or within the limits of this Project from the time of award of the contract or the start of work on force account until final acceptance of the work by TxDOT unless it is labor performed by convicts who are on parole, supervised release or probation. In addition, materials produced by convict labor may only be incorporated into this Project if the materials have been produced by convicts who are on parole, supervised release or on probation from a prison.

7. Buy America: That you will comply with the latest provisions of Buy America as listed at 23 CFR 635.410. Use steel or iron materials manufactured in the United States except when:

 a) the cost of materials, including delivery, does not exceed 0.1% of the total Contract cost or $2,500, whichever is greater;

 b) the Contract contains an alternate Item for a foreign source steel or iron product and the Contract is awarded based on the alternate Item; or

 c) the materials are temporarily installed.

Provide a notarized original of the FORM D-9-USA-1 with the proper attachments for verification of compliance. Manufacturing is any process that modifies the chemical content, physical shape or size, or final finish of a product. Manufacturing begins with initial melting and mixing and continues through fabrication (cutting, drilling, welding, bending, etc.) and coating (paint, galvanizing, epoxy, etc.).

8. Title VI and Nondiscrimination Program. You meet the requirements of Special Provisions SP 000-002L, SP 000-003L,SP 000-004L, and SP 000-005L, which are set forth verbatim in these SBQ-6
bid documents. In addition, you certify that you and your subcontractors accept the following as your operating EEO policy:

"It is the policy of the Company to assure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color or national origin, age or disability. Such action shall include: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, pre-apprenticeship, and/or on-the-job training."

In addition, when recruiting employees, you will include in all advertisements for employees, the notation: "An Equal-Opportunity-Employer."

9. Debarment. You are in compliance with all of the requirements of Form FHWA-1273 related to debarment, suspension, ineligibility and voluntary exclusion. Furthermore, that you and your principals are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any Federal department or agency and that you have not been convicted or had civil judgment rendered with the past three years for certain types of offenses.

10. Subcontractors – Each subcontract arrangement is in the form of a written agreement containing all the pertinent provisions and requirements of this Contract including Form FHWA 1273 and the Contractor’s Assurance included verbatim herein. In addition, the Contractor agrees to comply with all requirements of FHWA 1273, Section VII related to subletting or assigning this contract.

11. Disadvantaged Business Enterprise Requirements. You understand the following goal for disadvantaged business enterprises is established as follows:

DBE 6.0%

In submitting the bid you certify that the above DBE goal will be met by obtaining commitments equal to or exceeding the DBE percentage or that the bidder will provide a good faith effort to substitute the attempt to meet the goal. Failure to provide commitments to meet the stated goal or to provide a satisfactory good faith effort will be considered a breach of the requirements of the bid. As a result the bid guarantee of the bidder will be the property of the City and the bidder will be excluded from rebidding on the Project if is re-advertised. In addition, you certify that you meet the requirements of Special Provision 000-007L included in these bid documents.

12. Non-Collusion Certification: All of the following are true and correct concerning your company’s bid? __ X yes _____ no.

   a) That you are fully informed of the contents of the bid and the circumstances of its preparation;

   SBQ-7
b) That your bid is genuine and is not a collusive or sham bid;

c) That neither you nor anyone else acting on behalf of your company has agreed, colluded, or conspired in any manner with any other bidder, firm or person to submit a collusive or sham bid, or to refrain from bidding, or sought by communication or conference with any other bidder, firm or person to fix the prices, overhead, profit, or any cost element in your bid or in any other bid, or to secure through any collusion, conspiracy, or agreement any advantage against the City of San Marcos or any other bidder; and,

d) The prices quoted in your bid are fair and proper and are not affected by any collusion, conspiracy, connivance or unlawful agreement on the part of your company or anyone acting on its behalf.

I authorize and request any person or firm to furnish any information requested by the City of San Marcos to verify the information contained in this Statement of Bidder's Qualifications.

________________________
Curran Contracting Company
Printed Company Name of Bidder

By: ______________________
Signature

________________________
Vice President
Printed Name, Title

________________________
February 14, 2017
Date

State of Texas

County of Bexar

________________________
Scott Hanson
Vice President, Curran Contracting Company

, being duly sworn deposes and says that s/he is

and that all of the information and responses contained in this Statement of Bidder's Qualifications are true and correct.

Subscribed and sworn to before me on ______________________

________________________
Notary Public, State of Texas

SBQ-8
**DISCLOSURE OF LOBBYING ACTIVITIES**

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. **Type of Federal Action:**
   - [ ] contract
   - [ ] grant
   - [ ] cooperative agreement
   - [ ] loan
   - [ ] loan guarantee
   - [ ] loan insurance

2. **Status of Federal Action:**
   - [ ] a. bid/offer/application
   - [ ] b. initial award
   - [ ] c. post-award

3. **Report Type:**
   - [ ] a. initial filing
   - [ ] b. material change

   **For Material Change Only:**
   - year ________ quarter ________
   - date of last report ________

4. **Name and Address of Reporting Entity:**
   - [ ] Prime
   - [ ] Subawardee
   - Tier ______, if known:

   **Congressional District, if known:** 4c

5. **If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime:**

   **Congressional District, if known:**

6. **Federal Department/Agency:**

7. **Federal Program Name/Description:**

   **CFDA Number, if applicable:** _____________

8. **Federal Action Number, if known:**

9. **Award Amount, if known:**
   - $

10. **a. Name and Address of Lobbying Registrant**
    (if individual, last name, first name, MI):

    **b. Individuals Performing Services**
    (including address if different from No. 10a)
    (last name, first name, MI):


11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

   **Signature:** ________________________________
   **Print Name:** Scott Hanson
   **Title:** Vice President
   **Telephone No.:** 210-819-6128
   **Date:** 02/14/2017

**NOT APPLICABLE**

Federal Use Only:  

Authorized for Local Reproduction  
Standard Form LLL (Rev. 7-97)
# SUBCONTRACTOR LIST

I intend to utilize the following subcontractors on this Project:

<table>
<thead>
<tr>
<th>Type</th>
<th>Name</th>
<th>Address</th>
<th>Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Signage</strong></td>
<td>Flasher Equipment</td>
<td>246 W Josephine St., San Antonio, TX 78212</td>
<td>210-736-4251</td>
</tr>
<tr>
<td><strong>Pavement Markings</strong></td>
<td>D.I.J. Construction</td>
<td>P.O. Box 1609, Bertram, TX 78605</td>
<td>512-355-2766</td>
</tr>
<tr>
<td><strong>Erosion Controls</strong></td>
<td>Fuquay Inc</td>
<td>P.O. Box 310946, New Braunfels, TX 78131</td>
<td>830-606-1882</td>
</tr>
<tr>
<td><strong>Guardrail</strong></td>
<td>Roadway Specialties Inc</td>
<td>P.O. Box 90309, Austin, TX 78709</td>
<td>512-280-6666</td>
</tr>
<tr>
<td><strong>Concrete Work (Part)</strong></td>
<td>Rucoba &amp; Maya Construction</td>
<td>35 Flint, Kyle, TX 78640</td>
<td>832-867-6673</td>
</tr>
<tr>
<td><strong>Electrical</strong></td>
<td>F &amp; W Electrical Contractors Inc</td>
<td>6880 US Hwy 181 N, Floresville, TX 78114</td>
<td>830-393-0083</td>
</tr>
</tbody>
</table>

I agree that I, the Bidder, will not substitute subcontractors without the written approval of the Owner.

Bidder/Contractor: Curran Contracting Company

By: ________________________________
Scott Hanson, Vice President
By Printed Name, Title
State of Texas Child Support Business Ownership Form

County: Hays County
TxDOT CSJ: 0914-33-032

Project Name: Sessom Bike & Ped Improv
LG Project Number: IFB 217-181

Business Entity Submitting Bid: Curran Contracting Company

Section 231.006, Family Code, requires a bid for a contract paid from state funds to include the names and social security number of individuals owning 25% or more of the business entity submitting the bid.

1. In the spaces below please provide the names and social security number of individuals owning 25% or more of the business.

   Name
   ____________________________
   ____________________________
   ____________________________
   ____________________________
   ____________________________

   Social Security Number
   ____________________________
   ____________________________
   ____________________________
   ____________________________
   ____________________________

2. Please check the box below if no individual owns 25% or more of the business.

   (✓) No individual own 25% or more of the business.

Except as provided by Section 231.302(d), Family Code, a social security number is confidential and may be disclosed only for the purpose of responding to a request for information from an agency operating under the provisions of Part A and D to Title IV of the Federal Social Security Act (42 USC Section 601-617 and 651-699).

Under Section 231.006, Family Code, the vendor or applicant certifies that the individual or business entity named in this contract, bid, or application is not ineligible to receive the specified grant, loan, or payment and acknowledges that this contract may be terminated and payment may be withheld if this certification is inaccurate.

The information collected on this form will be maintained by City of San Marcos, State of TX. With few exceptions, you are entitled on request to be informed about the information collected about you. Under Sections 552.021 and 552.023 of the Texas Government Code, you also are entitled to receive and review the information. Under Section 559.004 of the Government Code, you are also entitled to have information about you corrected that you believe is incorrect.

______________________________
Signature

Scott Hanson

Date

February 14, 2017

Printed Name

IF THIS PROJECT IS A JOINT VENTURE,
ALL PARTIES TO THE JOINT VENTURE MUST PROVIDE A COMPLETED FORM.
AGENDA CAPTION:
Consider approval of Resolution 2017-27R, approving the purchase of a Bucket Truck for the Public Services Department-Transportation Division from Altec Industries, Inc. through the Texas Comptroller of Public Account's Texas Multiple Award Schedule for Construction Equipment and Attachments (TXMAS#-11-23V050) in the amount of $103,769.00; authorizing the Interim City Manager or her designee to execute the appropriate purchasing documents on behalf of the city; and declaring an effective date.
Meeting date: February 21, 2017

Department: Public Services Department - Tom Taggart, Executive Director (By Cheryl Pantermuehl, Purchasing Manager)

Funds Required: $103,769
Account Number: CAPVP.GENERALC.VEHICLE.TRAFFIC
Funds Available: $103,769
Account Name: General Fund Capital Outlay

CITY COUNCIL GOAL:
Goal #7 - Maintain Fiscal Responsibility
Goal #8 - Provide for the efficient and effective delivery of services

COMPREHENSIVE PLAN ELEMENT(s): Transportation Goal 1: A safe, well-coordinated transportation system implemented in an environmentally sensitive manner

BACKGROUND:
The Texas Comptroller of Public Accounts (TCPA) has awarded a contract #TXMAS-11-23V050 for Construction Equipment and Attachments from the Texas Municipal Award Schedule (TXMAS) to Altec Industries, Inc., located in Birmingham, Alabama. This process is authorized by the Texas Government Code, Title 10, Subtitle D, Section 2155.504(b) and the Local Government Code, Section 217.101.

This purchase is for one (1) Bucket Truck to be used by the Public Services Department, Transportation Division. This truck is a new addition and will augment the fleet for the daily operations of the Transportation Division. We are awarding a contract to Altec Industries, Inc., as follows:
Base Price: $ 88,544
TXMAS Options: $ 8,505
Open Market Options: $ 5,164
TXMAS Fee: $ 1,556
File #: Res. 2017-27R, Version: 1

TOTAL: $103,769
RESOLUTION 2017-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, APPROVING THE PURCHASE OF A BUCKET TRUCK FOR THE PUBLIC SERVICES DEPARTMENT–TRANSPORTATION DIVISION FROM ALTEC INDUSTRIES, INC. THROUGH THE TEXAS COMPTROLLER OF PUBLIC ACCOUNT’S TEXAS MULTIPLE AWARD SCHEDULE FOR CONSTRUCTION EQUIPMENT AND ATTACHMENTS (TXMAS#-11-23V050) IN THE AMOUNT OF $103,769.00; AUTHORIZING THE INTERIM CITY MANAGER OR HER DESIGNEE TO EXECUTE THE APPROPRIATE PURCHASING DOCUMENTS 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 purchase of a bucket truck for the Public Services Department–Transportation Division from Altec Industries, Inc. through the Texas Comptroller of Public Account’s Texas Multiple Award Schedule for Construction Equipment and Attachments (TXMAS#-11-23V050) in the amount of $103,769.00 is approved.

PART 2. The Interim City Manager or her designee, is authorized to execute the appropriate purchasing documents on behalf of the City.

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

ADOPTED this the day of 2017.

John Thomaides, Mayor

Attest:

Jamie Lee Case,
City Clerk
October 11, 2016
Our 87th Year

Ship To:
CITY OF SAN MARCOS TEXAS
1040 E HIGHWAY 123
SAN MARCOS, TX 78666
US

Bill To:
CITY OF SAN MARCOS TEXAS
630 E HOPKINS
SAN MARCOS, TX 78666
United States

Attn:
Phone: 512-3988000
Email:

Altec Quotation Number: 339334 - 2
Account Manager: Arlan Wayne Smith
Technical Sales & Support: Nathan Bowman

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Qty</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>ALTEC Model AT37G telescoping/articulating continuous rotation aerial device with an insulating articulating arm, insulating telescopic upper boom, and the patented ISO-Grip insulating system at the boom tip. Includes the following features:</td>
<td>1</td>
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<td></td>
<td>A. Ground to bottom of platform height: 37.8 feet</td>
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<td></td>
<td>B. Working height: 42.8 feet</td>
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<td></td>
<td>D. Telescopic boom extension: 9 feet 8 inches</td>
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<td></td>
<td>E. Continuous rotation</td>
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<td></td>
<td>F. Insulating Aerial Device, ANSI Category C, 46kV and Below</td>
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<td></td>
<td>G. Articulating Arm: Articulation is from -7 to 90 degrees. Insulator provides 12 inches of isolation.</td>
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<td></td>
<td>H. Compensation System: By raising the articulating arm only, the telescopic boom maintains its relative angle in relation to the ground. The work position is achieved through a single function operation.</td>
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<td></td>
<td>I. Telescoping upper boom: Articulation is from -25 to 75 degrees.</td>
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<td></td>
<td>J. Master/ Slave Leveling: Platform automatically maintains level during boom articulation through a lifetime master/slave hydraulic leveling system that requires no major preventive maintenance.</td>
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<td></td>
<td>K. The INSULATING UPPER CONTROL SYSTEM includes a single handle controller incorporating high electrical resistance components that is dielectrically tested to 40 kV AC with no more than 400 microamperes of leakage. The control handle is green in color to differentiate it from other non-tested controllers.</td>
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<td>L. One set of tool outlets at the platform providing up to 5 gpm of flow for open center tools</td>
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<td>M. Hydraulic System: Open center system operating at 5gpm and 2,400 psi.</td>
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<td></td>
<td>N. Unit is painted with a powder coat paint process which provides a finish-painted surface that is highly resistant to chipping, scratching, abrasion and corrosion.</td>
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<tr>
<td>O.</td>
<td>Structural Warranty all of the following applicable major components is to be warranted for so long as the initial purchaser owns the product: Booms, boom articulation links, hydraulic cylinder structures, outrigger weldments, pedestals, subbases and turntables.</td>
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<td>P.</td>
<td>Manuals: Two (2) operator and Maintenance/Parts manuals</td>
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<td>2.</td>
<td>AT37G Unit Model</td>
<td>1</td>
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<td>3.</td>
<td>Engine Start/Stop &amp; Secondary Stowage System: 12 VDC powered motor and pump assembly for temporary operation of the unit in a situation wherein the primary hydraulic source fails. Electric motor is powered by the chassis battery. This feature allows the operator to completely stow the booms and platform. Secondary Stowage &amp; Start/Stop is activated with an air plunger at the platform and switch at the lower control station.</td>
<td>1</td>
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<td>4.</td>
<td>Post style pedestal mounting</td>
<td>1</td>
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<td>5.</td>
<td>Poly Hydraulic Reservoir, Pedestal Mounted, 7 Gallon (Includes Sight Gauge)</td>
<td>1</td>
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<tr>
<td>6.</td>
<td>Single, One (1) Man, Fiberglass Platform; End Mounted with 180 degree rotator. 24 x 30 x 42 inches, includes hydraulic tilt.</td>
<td>1</td>
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<td>7.</td>
<td>Two (2) Platform Steps</td>
<td>1</td>
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<td>8.</td>
<td>Platform Capacity, 350LBS.</td>
<td>1</td>
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<tr>
<td>9.</td>
<td>Altec Patented ISO-Grip Insulating 4 Function, Proportional Speed, Upper Control Handle - with safety interlock and interlock guard. Forward/back operates upper boom in/out, tiller operates rotation CW/CCW, up/down operates lower boom up/down, and twist operates articulating arm up/down. Platform leveling is controlled with a separate interlocked control handle.</td>
<td>1</td>
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<td>10.</td>
<td>Manual lowering valve located at the boomtip. For use in emergency situations to allow the operator to lower the boom to the ground</td>
<td>1</td>
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<tr>
<td>11.</td>
<td>Powder coat unit Altec White.</td>
<td>1</td>
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<tr>
<td>12.</td>
<td>Additional Unit Option Federal Signal 454301C-AB LED Blue/Amber mini lightbar with guard mounted at Top/Rear highest point of turntable. Ref job 40832968 Picture in TeamCenter.</td>
<td>1</td>
<td></td>
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<tr>
<td>13.</td>
<td>HVI-22 Hydraulic Oil (Standard).</td>
<td>9</td>
<td></td>
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<tr>
<td>14.</td>
<td>Standard Pump For PTO</td>
<td>1</td>
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<td>15.</td>
<td>Hot shift PTO for automatic transmission</td>
<td>1</td>
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<td>16.</td>
<td>Stanley 75&quot; Long Reach Chainsaw (Pole Saw) (Requires 4-6 GPM, 1000-2000 PSI)</td>
<td>1</td>
<td></td>
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<td>17.</td>
<td>Stanley Impact Wrench/Drill, 7/16&quot; QC (Requires 4-12 GPM, 750-2000 PSI)</td>
<td>1</td>
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<tr>
<td>18.</td>
<td>Altec Body</td>
<td>1</td>
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<tr>
<td>19.</td>
<td>Steel Body</td>
<td>1</td>
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<td>20.</td>
<td>Low-Side General Service (LGS)</td>
<td>1</td>
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<tr>
<td>21.</td>
<td>Body Is To Be Built In Accordance With The Following Altec Standard Specifications:</td>
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<tr>
<td></td>
<td>A. Basic Body Fabricated From A40 Grade 100% Zinc Alloy Coated Steel.</td>
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<td></td>
<td>B. All Doors Are Full, Double Paneled, Self-Sealed With Built-In Drainage For</td>
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<td></td>
<td>Maximum Weather-Tightness. Stainless Steel Hinge Rods Extend Full Length Of Door.</td>
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<td></td>
<td>C. Heavy-Gauge Welded Steel Frame Construction With Structural Channel Crossmembers.</td>
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<td></td>
<td>D. Integrated Door Header Drip Rail At Top For Maximum Weather Protection.</td>
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<td></td>
<td>E. Fender Panels Are Either Roll Formed Or Have Neoprene Fenderettes Mechanically Fastened.</td>
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<td></td>
<td>F. Steel Treated For Improved Primer Bond And Rust Resistance.</td>
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<td></td>
<td>G. Automotive Type Non-Porous Door Seals Fastened To The Door Facing.</td>
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<td>22.</td>
<td>108&quot; Estimated Body Length (Engineering To Determine Final Length)</td>
<td>1</td>
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<tr>
<td>23.</td>
<td>94 Body Width</td>
<td>1</td>
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<td>24.</td>
<td>40 Inch Body Compartment Height</td>
<td>1</td>
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<td>25.</td>
<td>20 Body Compartment Depth</td>
<td>1</td>
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<tr>
<td>26.</td>
<td>Finish Paint Body Altec White (Applies To Steel And Aluminum)</td>
<td>1</td>
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<td>27.</td>
<td>Undercoat Body</td>
<td>1</td>
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<tr>
<td>28.</td>
<td>5.5 Inch Drop-In Wood Cargo Retaining Board At Rear Of Body</td>
<td>1</td>
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<tr>
<td>29.</td>
<td>Stainless Steel Rotary Paddle Latches With Keyed Locks</td>
<td>6</td>
<td></td>
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<tr>
<td>30.</td>
<td>All Locks Keyed Alike Including Accessories (Preferred Option)</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>31.</td>
<td>Gas Shock (Gas Spring) Rigid Door Holders On All Vertical Doors</td>
<td>1</td>
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</tbody>
</table>

We Wish To Thank You For Giving Us The Pleasure And Opportunity of Serving You

UTILITY EQUIPMENT AND BODIES SINCE 1929
## Item Description

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<tbody>
<tr>
<td>32.</td>
<td>Chains On All Horizontal Doors</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>33.</td>
<td>Standard Master Body Locking System (Standard Placement Is At Rear. Sidepacks With A Throughshelf/Hotstick Door At Rear, Standard Placement Is At The Front)</td>
<td>6</td>
<td></td>
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<tr>
<td>34.</td>
<td>One Chock Holder On Each Side of Body With Retaining Lip In Fender Panel</td>
<td>1</td>
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<tr>
<td>35.</td>
<td>1st Vertical (SS) - 4 Inch High Pull-Out Drawer On Slides, As Wide As Possible, Latched, No Dividers Drawer kit to consist of 3 drawers, each 4&quot; high and as wide as possible. Mounted as high as possible in the compartment.</td>
<td>3</td>
<td></td>
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<tr>
<td>36.</td>
<td>1st Horizontal (SS) - Vacant</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>37.</td>
<td>Rear Vertical (SS) - Locking Swivel Hooks On An Adjustable Rail - Left Wall</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>38.</td>
<td>Rear Vertical (SS) - Locking Swivel Hooks On An Adjustable Rail - Rear Wall</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>39.</td>
<td>Rear Vertical (SS) - Locking Swivel Hooks On An Adjustable Rail - Right Wall</td>
<td>1</td>
<td></td>
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<tr>
<td>40.</td>
<td>1st Vertical (CS) - Adjustable Shelf With Removable Dividers On 4 Inch Centers</td>
<td>2</td>
<td></td>
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<tr>
<td>41.</td>
<td>1st Horizontal (CS) - Vacant</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>42.</td>
<td>Rear Vertical (CS) - Adjustable Shelf With Removable Dividers On 4 Centers</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>43.</td>
<td>Body Frame Designed For ATG Subbase</td>
<td>1</td>
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<tr>
<td>44.</td>
<td>Small Steel Grab Handle Installed At Rear</td>
<td>1</td>
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<tr>
<td>45.</td>
<td>Steel U-Shaped Grab Handle</td>
<td>1</td>
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<tr>
<td>46.</td>
<td>38&quot; L Steel Tailshelf, Width To Match Body Curbside Rear Access</td>
<td>1</td>
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<tr>
<td>47.</td>
<td>Smooth Galvanneal Steel Floor</td>
<td>1</td>
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<tr>
<td>48.</td>
<td>Smooth Galvanneal Steel Tailshelf</td>
<td>1</td>
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<tr>
<td>49.</td>
<td>Additional Steel Top Opening Storage Box Top opening box mounted on streetside compartment top, opening from cargo area. Box to be 108 Inch L x 18 Inch W x 12 Inch H, with two (2) treadplate lids, gas props, hasp locks, and two (2) grab handles. Box also to have drop down door at rear.</td>
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</table>

**Body and Chassis Accessories**

<table>
<thead>
<tr>
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<th>Qty</th>
<th>Price</th>
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</thead>
<tbody>
<tr>
<td>50.</td>
<td>ICC Underride Protection</td>
<td>1</td>
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</tbody>
</table>
## Item Description

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<tbody>
<tr>
<td>51.</td>
<td>Combination 2 Ball (10,000 LB MGTW) And Pintle Hitch (16,000 LB MGTW)</td>
<td>1</td>
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<tr>
<td>52.</td>
<td>Set Of Eye Bolts for Trailer Safety Chain, installed one each side of towing device mount.</td>
<td>1</td>
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<tr>
<td>53.</td>
<td>Front Torsion Bar Installed On Chassis</td>
<td>1</td>
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<tr>
<td>54.</td>
<td>Rear Torsion Bar Installed On Chassis</td>
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<tr>
<td>55.</td>
<td>Appropriate counterweight added for stability</td>
<td>1</td>
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<tr>
<td>56.</td>
<td>Platform Rest, Rigid with Rubber Tube</td>
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<tr>
<td>57.</td>
<td>Boom Rest for a Telescopic Unit</td>
<td>1</td>
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<tr>
<td>58.</td>
<td>Slope Indicator Assembly For Machine Without Outriggers</td>
<td>1</td>
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<tr>
<td>59.</td>
<td>Fold Over, Post Style Cone Holder (Holds up to four 15&quot;x15&quot; large cones) Mounted on streetside of tailshelf.</td>
<td>1</td>
<td></td>
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<tr>
<td>60.</td>
<td>Safety Harness And 4.5' Lanyard (Fits Medium To Xlarge) Includes Pouch and Placards</td>
<td>1</td>
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<tr>
<td>61.</td>
<td>5 LB Fire Extinguisher With Light Duty Bracket, Shipped Loose</td>
<td>1</td>
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<tr>
<td>62.</td>
<td>Triangular Reflector Kit, Shipped Loose</td>
<td>1</td>
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<tr>
<td>63.</td>
<td>Vinyl manual pouch for storage of all operator and parts manuals</td>
<td>1</td>
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<tr>
<td>64.</td>
<td>Lights and reflectors in accordance with FMVSS #108 lighting package. (Complete LED, including LED reverse lights)</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>65.</td>
<td>Altec Standard Amber LED Strobe Light with Brush Guard Post mounted at front of body, curbside and streetside, visible above cab.</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>66.</td>
<td>4-Corner Strobe Lighting, Amber LED</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>A. Two (2) Surface Mounted Lights in Front Grille</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>B. Two (2) Round Grommet Mounted Lights at Rear</td>
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<tr>
<td>67.</td>
<td>7-Way Trailer Receptacle (Pin Type) Installed At Rear</td>
<td>1</td>
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<tr>
<td>68.</td>
<td>Dash panel rocker switches supplied with Ford Chassis. Auxiliary switches supplied in upfitting package from Ford.</td>
<td>1</td>
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<tr>
<td>69.</td>
<td>Start/Stop/Throttle Module, 12 Volt System</td>
<td>1</td>
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### Electrical Accessories

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<td>66.</td>
<td>4-Corner Strobe Lighting, Amber LED</td>
<td>1</td>
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<td></td>
<td>A. Two (2) Surface Mounted Lights in Front Grille</td>
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<td>70.</td>
<td>Install secondary stowage system.</td>
<td>1</td>
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<tr>
<td>71.</td>
<td>Install Remote Start/Stop system in Final Assembly.</td>
<td>1</td>
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<tr>
<td>72.</td>
<td>PTO Indicator Light Installed In Cab</td>
<td>1</td>
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<tr>
<td>73.</td>
<td>Additional Electrical Accessory Install additional remote engine start/stop switch at curbside rear of tailshelf.</td>
<td>1</td>
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<td></td>
<td><strong>Finishing Details</strong></td>
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<tr>
<td>74.</td>
<td>Powder Coat Unit Altec White</td>
<td>1</td>
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<tr>
<td>75.</td>
<td>Finish Paint Body Accessories Above Body Floor Altec White</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>76.</td>
<td>Finish Paint Body Compartment Interiors Altec White</td>
<td>1</td>
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<tr>
<td>77.</td>
<td>Altec Standard; Components mounted below frame rail shall be coated black by Altec. i.e. step bumpers, steps, frame extension, pintle hook mount, dock bumper mounts, D-rings, receiver tubes, accessory mounts, light brackets, under-ride protection, etc. Components mounted to under side of body shall be coated black by Altec. i.e. Wheel chock holders, mud flap brackets, pad carriers, boxes, lighting brackets, steps, and ladders.</td>
<td>1</td>
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<tr>
<td>78.</td>
<td>Apply Non-Skid Coating to all walking surfaces</td>
<td>1</td>
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<tr>
<td>79.</td>
<td>English Safety And Instructional Decals</td>
<td>1</td>
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<tr>
<td>80.</td>
<td>Vehicle Height Placard - Installed In Cab</td>
<td>1</td>
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<tr>
<td>81.</td>
<td>Placard, HVI-22 Hydraulic Oil</td>
<td>1</td>
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<tr>
<td>82.</td>
<td>Dielectric test unit according to ANSI requirements.</td>
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<tr>
<td>83.</td>
<td>Stability test unit according to ANSI requirements.</td>
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<td>84.</td>
<td>Focus Factory Build</td>
<td>1</td>
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<tr>
<td>85.</td>
<td>Delivery Of Completed Unit</td>
<td>1</td>
<td></td>
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<tr>
<td>86.</td>
<td>Inbound Freight</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>87.</td>
<td>AT37G FA Installation</td>
<td>1</td>
<td></td>
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<tr>
<td>88.</td>
<td>Chassis</td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>

We Wish To Thank You For Giving Us The Pleasure And Opportunity of Serving You

UTILITY EQUIPMENT AND BODIES SINCE 1929
<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Qty</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>89.</td>
<td>Altec Supplied Chassis</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>90.</td>
<td>2017 Model Year</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>91.</td>
<td>Ford F550</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>92.</td>
<td>4x2</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>93.</td>
<td>60 Clear CA (Round To Next Whole Number)</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>94.</td>
<td>Extended Cab (Larger Cab With Half-Length Rear Doors Or No Rear Doors)</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>95.</td>
<td>Chassis Cab</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>96.</td>
<td>Ford 6.7L Power Stroke Diesel</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>97.</td>
<td>Ford 6R140 6-Speed Automatic Transmission (w/PTO Provision)</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>98.</td>
<td>GVWR 18,000 LBS</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>99.</td>
<td>7,000 LBS Front GAWR</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>100.</td>
<td>13,660 LBS Rear GAWR</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>101.</td>
<td>Hydraulic Brakes</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>102.</td>
<td>Park Brake In Rear Wheels</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>103.</td>
<td>Ford E/F250-550 Single Horizontal Right Side Exhaust</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>104.</td>
<td>98R - Operator Commanded Regeneration (OCR)</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>105.</td>
<td>No Idle Engine Shut-Down Required</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>106.</td>
<td>No California Emission Requirements</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>107.</td>
<td>Ford 40 Gallon Fuel Tank (Rear)</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>108.</td>
<td>Ford 7.2 Gallon DEF Tank (Mid Mount)</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>109.</td>
<td>AM/FM Radio</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>110.</td>
<td>Bluetooth</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>111.</td>
<td>Backup Camera, OEM Supplied</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>112.</td>
<td>Keyless Entry</td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>

We Wish To Thank You For Giving Us The Pleasure
And Opportunity of Serving You

UTILITY EQUIPMENT AND BODIES SINCE 1929
<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Qty</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>113.</td>
<td>Power Door Locks</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>114.</td>
<td>Power Windows</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>115.</td>
<td>Tinted Windshield All cab windows tinted including strip along top of windshield.</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>116.</td>
<td>Block Heater</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>117.</td>
<td>Running Boards (Supplied By Chassis OEM)</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>118.</td>
<td>Snow Plow Package</td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>

**Additional Pricing**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Qty</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>119.</td>
<td>Standard Altec Warranty: One (1) year parts warranty, one (1) year labor warranty, ninety (90) days warranty for travel charges, limited lifetime structural warranty</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>120.</td>
<td>Third Party Titling</td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Unit / Body / Chassis Total</th>
<th>102,213.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>FET Total</td>
<td></td>
<td>0.00</td>
</tr>
<tr>
<td>TXMAS FEE (1.5228%)</td>
<td></td>
<td>1,556.00</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>103,769.00</td>
</tr>
</tbody>
</table>

Altec Industries, Inc.

BY

Nathan Bowman

Notes:
## Opportunity Number:
776368

## Quotation Number:
339334-2

## Contract #:
TXMAS-11-23V050

## Date:
10/7/2016

---

<table>
<thead>
<tr>
<th>ARTICULATING TELSCOPIC AERIAL DEVICE (INSULATED)</th>
<th>$88,544</th>
</tr>
</thead>
</table>

**Per TXMAS Specifications in TXMAS Catalog plus Options below**

### (A.) TXMAS OPTIONS ON CONTRACT (Unit)

<table>
<thead>
<tr>
<th>Item</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>AT37-G-EDC</td>
<td>$1,098</td>
</tr>
<tr>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td></td>
<td></td>
</tr>
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</table>

### (A1.) TXMAS OPTIONS ON CONTRACT (General)

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>CH</td>
<td>$233</td>
</tr>
<tr>
<td>2</td>
<td>UTS2</td>
<td>$1,304</td>
</tr>
<tr>
<td>3</td>
<td>UTS6</td>
<td>$2,034</td>
</tr>
<tr>
<td>4</td>
<td>SPOT3</td>
<td>$472</td>
</tr>
<tr>
<td>5</td>
<td>FSC</td>
<td>$1,979</td>
</tr>
<tr>
<td>6</td>
<td>FE</td>
<td>$933</td>
</tr>
<tr>
<td>7</td>
<td>RM3</td>
<td>$452</td>
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</tbody>
</table>

**TXMAS OPTIONS TOTAL:** $97,049

### (B.) OPEN MARKET ITEMS (Customer Requested)

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>UNIT</td>
<td>$720</td>
</tr>
<tr>
<td>2</td>
<td>UNIT &amp; HYDRAULIC ACC</td>
<td>$1,013</td>
</tr>
<tr>
<td>3</td>
<td>BODY</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>BODY &amp; CHASSIS ACC</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>ELECTRICAL</td>
<td>$396</td>
</tr>
<tr>
<td>6</td>
<td>FINISHING</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>CHASSIS</td>
<td>$3,035</td>
</tr>
<tr>
<td>8</td>
<td>OTHER</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>DELIVERY</td>
<td></td>
</tr>
</tbody>
</table>

**OPEN MARKET OPTIONS TOTAL:** $5,164

**SUB-TOTAL FOR UNIT/BODY/CHASSIS:** $102,213

**TXMAS FEE (1.5228%):** $1,556

**TOTAL FOR UNIT/BODY/CHASSIS:** $103,769

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**Pricing valid for 45 days**

### NOTES

**PAINT COLOR:** White to match chassis, unless otherwise specified

**WARRANTY:** 12 months or 12,000 miles parts and labor, 90 days travel charges for chassis and mounted equipment (parts only for overseas customers).

**TO ORDER:** To order, please contact the Altec Inside Sales Representative listed above.

**CHASSIS:** Per Altec Commercial Standard

**DELIVERY:** No later than **300-330** days ARO, FOB Customer Location

**TERMS:** Net 30 days

**FET TAX:** If chassis over 33K GVWR, a 12 % FET may be applied

**BEST VALUE:** Altec boasts the following “Best Value” features: Altec ISO Grip Controls for Extra Protection, Only Lifetime Warranty on Structural Components in Industry, Largest Service Network in Industry (Domestic and Overseas), Altec SENTRY Web/CD Based Training, Dedicated/Direct Gov’t Sales Manager, In-Service Training with Every Order.

**BUILD LOCATION:** Elizabethtown, KY
AGENDA CAPTION:
Consider approval of Resolution 2017-28R, awarding an Annual Contract to Thomas Trucking, Inc. for the provision of Materials and Spoilage Hauling Services (IFB 217-033) for the Public Services Department-Transportation Division in the estimated annual amount of $80,000.00; authorizing the Interim City Manager or her designee to execute the appropriate purchasing documents on behalf of the City; and declaring an effective date.

Meeting date: February 21, 2017

Department: Public Services Department - Tom Taggart, Executive Director (By Cheryl Pantermuehl, Purchasing Manager)

Funds Required: $40,000 FY17
Account Number: 10006150.53010
Funds Available: $40,000
Account Name: Asphalt

CITY COUNCIL GOAL:
Goal #2 - Beautify and Enhance the Quality of Place
Goal #5 - Maintain and Improve City’s Infrastructure
Goal #8 - Provide for the efficient and effective delivery of services

COMPREHENSIVE PLAN ELEMENT(s):
Transportation Goal 1: A safe, well-coordinated transportation system implemented in an environmentally sensitive manner

BACKGROUND:
On January 12, 2017, one (1) bid was received for Materials and Spoilage Hauling Services (IFB 217-033). According to the terms and conditions of the bid, the City has the right to award a contract on the basis of best value to the City as well as responsibility of the bidder and responsiveness of the bid.

The Transportation Division has reviewed the bid submitted and recommends awarding a contract to Thomas Trucking, Inc., located in San Marcos, Texas, in the amount of $65 per hour for Materials Hauling Services and $65 per hour for Spoilage Hauling Services. The estimated annual amount of the contract is $80,000.

This is an annual contract for Materials and Spoilage Hauling Services which includes hauling of road building and related materials as well as haul-off of spoilage from construction and road building projects.
This annual contract will be effective February 27, 2017, through February 26, 2018. The total amount of the contract is estimated at $80,000; however, the estimated amount required for the remainder of FY2017 is $40,000. Purchases against this contract for FY2018 are contingent upon the approval of the FY2018 budget by City Council.

Within the terms and conditions of the contract, the City has the option to extend for four (4) additional one (1) year periods. Contract extensions may be awarded administratively in the form of a letter of agreement signed by the Purchasing Manager.
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, AWARDING AN ANNUAL CONTRACT TO THOMAS TRUCKING, INC. FOR THE PROVISION OF MATERIALS AND SPOILAGE HAULING SERVICES (IFB 217-033) FOR THE PUBLIC SERVICES DEPARTMENT–TRANSPORTATION DIVISION IN THE ESTIMATED ANNUAL AMOUNT OF $80,000.00; AUTHORIZING THE INTERIM CITY MANAGER OR HER DESIGNEE TO EXECUTE THE APPROPRIATE PURCHASING DOCUMENTS 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 award of an annual contract to Thomas Trucking, Inc. for the provision of Materials and Spoilage Hauling Services (IFB 217-033) for the Public Services Department - Transportation Division in the estimated annual amount of $80,000.00 is approved.

PART 2. The Interim City Manager or her designee is authorized to execute the appropriate purchasing documents on behalf of the City.

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

ADOPTED this the __________ day of __________ 2017.

John Thomaides,
Mayor

Attest:

Jamie Lee Case,
City Clerk
## BID TABULATION

**Materials and Spoilage Hauling Services**  
January 12, 2017, 2:00 p.m.

**IFB 217-033**

<table>
<thead>
<tr>
<th>Bidder Name</th>
<th>Item #1</th>
<th>Item #2</th>
<th>Item #3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thomas Trucking, Inc.</td>
<td>No Bid</td>
<td>$65.00 per hour</td>
<td>$65.00 per hour</td>
</tr>
<tr>
<td>San Marcos, Texas</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>WITNESSED BY:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>[Signature]</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
AGENDA CAPTION:
Consider approval of Resolution 2017-29R, approving the lease and maintenance of 36 additional light vehicles for use by the City from Enterprise Fleet Management, Inc. through the TIPS Interlocal Purchasing System in the not-to-exceed annual amount of $240,000.00 for five years; and a one-time expenditure of $110,000.00 for miscellaneous equipment for the leased vehicles; authorizing the Interim City Manager or her designee to execute the appropriate lease documents on behalf of the City; and declaring an effective date.

Meeting date: February 21, 2017

Department: Finance Department - Heather Hurlbert, Director (By Cheryl Pantermuehl, Purchasing Manager)

Funds Required: FY17-$350,000
Account Number: CAPL-GENERALN-VEHICLE, 20006301.52112, 21006322.52112, 22006335.52112
Funds Available: $350,000
Account Name: Vehicle/Equipment Finance Payments, City Fleet Leasing

CITY COUNCIL GOAL:
#7-Maintain Fiscal Responsibility
#8-Provide for the efficient and effective delivery of services

COMPREHENSIVE PLAN ELEMENT(s): [add the Plan elements and Goal # and Objective(s)]

BACKGROUND:
In 2014, the City began participating in a Fleet Management contract with Enterprise Fleet Management, Inc., through the Interlocal Purchasing System, TIPS, for the leasing of CID vehicles. Enterprise presented a citywide fleet management proposal to staff after the successful leasing of the CID vehicles. The City has over one hundred fifty (150) light vehicles in the general fund and enterprise funds fleet and has faced budgetary challenges in replacing the vehicles according to the adopted replacement schedules.

Through the Fleet Management program with Enterprise, light vehicles are directly bought from the manufacturer at government pricing or better with all applicable rebates applied. A leasing factor is applied to the purchasing price and annual lease payments are set. The City will buy any aftermarket equipment and this equipment will not be included in the recurring annual lease amount but is included in the contracted amount with Enterprise. The vehicles will be replaced on a five year schedule. At the conclusion of the lease, the vehicles are sold on the open market and the equity is rolled into the next five year lease. All maintenance is included in the annual lease payment with the exception of tires and Enterprise will contract with local...
vendors for these services. By moving the routine maintenance out of the City shop, mechanics will be able to work on larger equipment repairs that are routinely outsourced. Bringing these repairs in-house will save money on the large fleet and equipment repair.

This contract is brought to City Council each year for the approval of the annual vehicle allocation and contract increase. For FY17, the City will lease thirty-six (36) vehicles from Enterprise Fleet Management, Inc., with estimated annual lease payments in the amount of $240,000 per year, the purchase of equipment the first year estimated at $110,000 totaling an estimated $1,310,000 for the five (5) year period. The thirty-six (36) vehicles are to be distributed as follows:

- Water/Wastewater Utility-15
- Electric Utility-4
- Drainage Utility-2
- General Fund-15
RESOLUTION 2017- \textit{R}

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, APPROVING THE LEASE AND MAINTENANCE OF 36 ADDITIONAL LIGHT VEHICLES FOR USE BY THE CITY FROM ENTERPRISE FLEET MANAGEMENT, INC. THROUGH THE TIPS INTERLOCAL PURCHASING SYSTEM IN THE NOT-TO-EXCEED ANNUAL AMOUNT OF $240,000.00 FOR FIVE YEARS; AND A ONE-TIME EXPENDITURE OF $110,000.00 FOR MISCELLANEOUS EQUIPMENT FOR THE LEASED VEHICLES; AUTHORIZING THE INTERIM CITY MANAGER OR HER DESIGNEE TO EXECUTE THE APPROPRIATE LEASE DOCUMENTS ON BEHALF OF THE CITY AND DECLARING AN EFFECTIVE DATE.

RECITALS:

1. On February 4, 2014 the City approved a Master Equity Lease Agreement and Maintenance Agreement with Enterprise Fleet Management, Inc. for the lease of vehicles for the City’s Police Department (the “Agreements”).

2. The City wishes to lease an additional 36 light vehicles from Enterprise Fleet Management, Inc. in accordance with the existing Agreements in the not-to-exceed annual amount of $240,000.00 for the next five years.

3. The City wishes to purchase miscellaneous equipment in connection with the leased vehicles in the one-time amount of $110,000.00.

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

\textbf{PART 1.} The lease and maintenance of an additional 36 light vehicles from Enterprise Fleet Management, Inc. through the TIPS Interlocal Purchasing System in the not-to-exceed annual amount of $240,000.00 for the next five years is approved.

\textbf{PART 2.} The purchase of miscellaneous equipment for the leased vehicles in a one-time amount of $110,000.00 is approved.

\textbf{PART 3.} The Interim City Manager or her designee is authorized to execute the appropriate purchasing documents on behalf of the City.

\textbf{PART 4.} This Resolution shall be in full force and effect immediately from and after its passage.
ADOPTED this the day of 2017.

John Thomaides,
Mayor

Attest:

Jamie Lee Case,
City Clerk
<table>
<thead>
<tr>
<th>Vehicle #</th>
<th>Dept</th>
<th>Vehicle Type</th>
<th>Year</th>
<th>Make</th>
<th>Model year</th>
<th>OEM Type</th>
<th>Assigned Category</th>
<th>Vehicle Cost Per Yr</th>
<th>After Market Cost</th>
<th>Total Cost</th>
<th>Final Cost x month</th>
<th>Final Cost year</th>
<th>Final Equip cost final</th>
</tr>
</thead>
<tbody>
<tr>
<td>52-206</td>
<td>HLT</td>
<td>Compressed Pickup Reg 4x2</td>
<td>2007</td>
<td>Ford</td>
<td>Ranger 4x2</td>
<td>2017</td>
<td>Ford</td>
<td>5,663.64</td>
<td>$ 1,765.00</td>
<td>7,428.64</td>
<td>5,663.64</td>
<td>$ 1,765.00</td>
<td>7,428.64</td>
</tr>
<tr>
<td>122-007</td>
<td>P</td>
<td>Full Size SAV 4x2</td>
<td>2004</td>
<td>Ford</td>
<td>Excursion XLT 4x2</td>
<td>2017</td>
<td>Chevy</td>
<td>7,761.60</td>
<td>$ 1,765.00</td>
<td>9,526.60</td>
<td>7,761.60</td>
<td>$ 1,765.00</td>
<td>9,526.60</td>
</tr>
<tr>
<td>146-0063</td>
<td>95</td>
<td>1/2 Ton Pickup Reg 4x2</td>
<td>2006</td>
<td>Ford</td>
<td>F-150 4X2</td>
<td>2017</td>
<td>Ford</td>
<td>5,665.32</td>
<td>$ 3,450.00</td>
<td>9,115.32</td>
<td>5,665.32</td>
<td>$ 3,450.00</td>
<td>9,115.32</td>
</tr>
<tr>
<td>166-0058</td>
<td>P5</td>
<td>Full-size Sedan</td>
<td>2006</td>
<td>Chevy</td>
<td>Malibu 4x2</td>
<td>2017</td>
<td>Chevy</td>
<td>5,633.30</td>
<td>$ 2,400.00</td>
<td>8,033.30</td>
<td>5,633.30</td>
<td>$ 2,400.00</td>
<td>8,033.30</td>
</tr>
<tr>
<td>166-0001</td>
<td>P5</td>
<td>Chevy 1/2 ton pickup up</td>
<td>2006</td>
<td>Chevy</td>
<td>Malibu 4x2</td>
<td>2017</td>
<td>Chevy</td>
<td>5,633.30</td>
<td>$ 2,400.00</td>
<td>8,033.30</td>
<td>5,633.30</td>
<td>$ 2,400.00</td>
<td>8,033.30</td>
</tr>
<tr>
<td>166-0158</td>
<td>P5</td>
<td>Ford Expedition</td>
<td>2005</td>
<td>Ford</td>
<td>Ford Expedition</td>
<td>2017</td>
<td>Chevy</td>
<td>7,361.28</td>
<td>$ 1,765.00</td>
<td>9,126.28</td>
<td>7,361.28</td>
<td>$ 1,765.00</td>
<td>9,126.28</td>
</tr>
<tr>
<td>52-616</td>
<td>TRAF</td>
<td>Full Size SUV 4x2</td>
<td>2008</td>
<td>Ford</td>
<td>Explorer 4x2</td>
<td>2017</td>
<td>Chevy</td>
<td>5,663.64</td>
<td>$ 1,765.00</td>
<td>7,428.64</td>
<td>5,663.64</td>
<td>$ 1,765.00</td>
<td>7,428.64</td>
</tr>
<tr>
<td>117-007</td>
<td>IP</td>
<td>Full Size SUV 4x2</td>
<td>2006</td>
<td>Ford</td>
<td>Expedition XLT 4X2</td>
<td>2017</td>
<td>Chevy</td>
<td>7,761.60</td>
<td>$ 1,765.00</td>
<td>9,526.60</td>
<td>7,761.60</td>
<td>$ 1,765.00</td>
<td>9,526.60</td>
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<tr>
<td>166-0181</td>
<td>P5</td>
<td>Ford Expedition</td>
<td>2006</td>
<td>Ford</td>
<td>Expedition</td>
<td>2017</td>
<td>Chevy</td>
<td>7,761.60</td>
<td>$ 1,765.00</td>
<td>9,526.60</td>
<td>7,761.60</td>
<td>$ 1,765.00</td>
<td>9,526.60</td>
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<td>2008</td>
<td>Ford</td>
<td>Ranger 4x2</td>
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<td>Chevy</td>
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<td>Full Size SAV 4x2</td>
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<td>Chevy</td>
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<td>8,033.30</td>
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<td>Chevy 1/2 ton pickup up</td>
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<td>Chevy</td>
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<td>$ 1,765.00</td>
<td>9,126.28</td>
<td>7,361.28</td>
<td>$ 1,765.00</td>
<td>9,126.28</td>
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</table>

**Total Leased Costs:** $240,007.12 (92,318.00)
AGENDA CAPTION:
Consider approval of Resolution 2017-30R, approving the purchase of video surveillance systems and associated maintenance services for five years for various City locations from Knight Security Systems, LLC in the estimated amount of $121,539.25 through the Texas Comptroller of Public Account’s Department of Information Resources (“DIR”) Program (contract dir-tso-3430) for surveillance, security and monitoring; authorizing the Interim City Manager or her designee to execute the appropriate purchasing documents on behalf of the City and declaring an effective date.

Meeting date: February 21, 2017

Department: Information Technology - Mike Sturm, Director (By Cheryl Pantermuehl, Purchasing Manager)

Funds Required: $81,846.25; $7,938.60 FY17 (annual maintenance)

Account Number: Five Mile Dam ($1,000): 50036913.70400; Maintenance: 10001280.52395, 22006335.52395, 21006322.52395

Funds Available: $82,000, $8,000

Account Name: Software License and Maintenance, Security

CITY COUNCIL GOAL:
Goal #5 - Maintain and improve City’s infrastructure
Goal #7 - Maintain fiscal responsibility
Goal #8 - Provide for the efficient and effective delivery of services

COMPREHENSIVE PLAN ELEMENT(s): [add the Plan elements and Goal # and Objective(s)]

BACKGROUND:
The City of San Marcos is authorized by the Local Government Code, Chapter 271, to participate in cooperative purchasing programs. The Texas Comptroller of Public Accounts (“TCPA”) Department of Information Resources (“DIR”) has awarded contract #DIR-TSO-3430 for Products and Related Services for Surveillance, Security, and Monitoring to Knight Security Systems, LLC, located in Austin, Texas.

The City of San Marcos Security Team consisting of representatives from departments such as Facilities, Human Resources, Information Technology, and Police, have identified several City facilities that are a high crime risk in need of attention. These areas were identified as “High Priority” based on the number of repeated break-ins, loss of City assets, and potential areas that may put staff safety at risk due to storage of...
controlled substances or money. Below is a brief history of some issues:

**The Parks Yard - $16,397.37**
The Parks Yard has been broken into numerous times resulting in approximately $50,000 of stolen City assets, including a trailer and various Parks equipment.

**Five Mile Dam - $22,813.02**
Vandalism continuously plagues the Five Mile Dam facilities. To date, there has been approximately $10,000 in damages to golf carts; $5,000 loss due to stolen equipment; and another $5,000 spent repairing broken doors, locks, and other miscellaneous acts of vandalism. There have also been several incidents in the parking lots as well as damage to the soccer fields. San Marcos Area Youth Soccer Association (SMAYSO) will pay up to $6,000 of the initial project costs.

**Animal Shelter - $42,635.86**
The Animal Shelter constantly experiences issues in which the public intentionally enters restricted areas, disregards signs that are in place, and attempts to bypass safety/security procedures that are in place. The Animal Shelter staff has also experienced an increase in aggressive behavior from citizens, threats, and erratic behavior resulting in a corresponding increase in calls to the Police Department for assistance and issuance of Criminal Trespass Warnings. This location also stores controlled substances thereby making it a high risk target for break-ins.

**Maintenance - $39,693.00 ($7,938.60 annually)**
Maintenance of the video and surveillance equipment will include a five (5) year agreement at an annual cost of $7,938.60, which includes same day service, labor, and travel costs during normal business hours. It also includes a twenty-five percent (25%) discount on labor rates on additions, moves, changes, device repair or replacement, software system upgrades and licenses, loaner equipment, and onsite inspections and equipment testing.

The City will therefore enter into a contract with Knight Security Systems, LLC, through DIR for purchase, installation, and maintenance of security and video surveillance equipment for a total estimated amount of $121,539.25. The maintenance cost will continue annually beyond this initial purchase.
RESOLUTION 2017-________R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, APPROVING THE PURCHASE OF VIDEO SURVEILLANCE SYSTEMS AND ASSOCIATED MAINTENANCE SERVICES FOR FIVE YEARS FOR VARIOUS CITY LOCATIONS FROM KNIGHT SECURITY SYSTEMS, LLC IN THE ESTIMATED AMOUNT OF $121,539.25 THROUGH THE TEXAS COMPTROLLER OF PUBLIC ACCOUNT’S DEPARTMENT OF INFORMATION RESOURCES (“DIR”) PROGRAM (CONTRACT DIR-TSO-3430) FOR SURVEILLANCE, SECURITY AND MONITORING; AUTHORIZING THE INTERIM CITY MANAGER OR HER DESIGNEE TO EXECUTE THE APPROPRIATE PURCHASING DOCUMENTS 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 purchase of Video Surveillance Systems and associated maintenance for five years for various City locations from Knight Security Systems, LLC in the total amount of $121,539.25 through the Texas Comptroller of Public Account’s Department of Information Resources (“DIR”) Program (Contract DIR-TSO-3430) for Surveillance, Security and Monitoring is approved.

PART 2. The Interim City Manager or her designee, is authorized to execute appropriate purchasing documents 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 day of , 2017.

John Thomaides,
Mayor

Attest:

Jamie Lee Case,
City Clerk
Dear Denise,

Knight Security Systems greatly appreciates your time and for the opportunity to provide you with our recommendations for upgrading your Access Control, Video Surveillance and Intrusion/Burglar Alarm systems for the City of San Marcos facilities. Please find the Updated Summary information below that includes the various options discussed during our visits on site and the updates requested per your email:

<table>
<thead>
<tr>
<th>Site</th>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>San Marcos Animal Shelter</td>
<td>VSS upgrades 24 cameras and Milestone NVR V2</td>
<td>$38,686.95</td>
</tr>
<tr>
<td>City of San Marcos-Parks and Rec</td>
<td>Yard Cameras V1</td>
<td>$16,397.37</td>
</tr>
<tr>
<td>City of San Marcos-5 Mile Dam</td>
<td>New NVR and Cameras V.1 w/Option 1</td>
<td>$22,813.02</td>
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<tr>
<td>San Marcos Animal Shelter</td>
<td>ACS upgrade to S2-3cr</td>
<td>$3,948.91</td>
</tr>
</tbody>
</table>

**SubTotal** $81,846.25

Knight Security Systems appreciates the opportunity to provide a mission critical system to the City of San Marcos. We are eager to work with you closely with regard to the electronic security systems to enable a greater level of security, as well as continuing to support your system in the many years to come in order to maximize the long term value of these systems.

Sincerely,

Kevin Garlick  
Account Manager

Please see the following pages for a project cost breakdown by site. Further details of the scope of work are provided separately with each proposal.
January 27th, 2017

Executive Summary letter

RE: 3 sites - Security Systems “Conversion”

Ref: Prop19303

<table>
<thead>
<tr>
<th>San Marcos Animal Shelter</th>
<th>VSS upgrades 24 cameras and Milestone NVR V2</th>
<th>$38,686.95</th>
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<tr>
<td>Materials: Equipment and materials needed for installation of KSS provided equipment</td>
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</table>

Knight Security Systems (KSS) will provide and install a video surveillance system upgrade and expansion at the City of San Marcos Animal Shelter. System installation includes hardware, system licenses, programming, and configuration unless otherwise stated. 19303 (version 2)

**Video Surveillance System**

KSS will furnish and install the following:

- One Milestone Husky network video recorder (NVR) with 32 TB storage and 24 IP licenses
- 3 AXIS P1427 5MP exterior bullet front driveway cameras (Note: These cameras are not rated for LPR processing of video)
- 17 Samsung SNV-L6083R 1080p IR domes (including 2 in the sally port)
- 4 Samsung SNO-L6083R exterior bullet cameras

Ref: Prop18986

<table>
<thead>
<tr>
<th>City of San Marcos-Parks and Rec</th>
<th>Yard Cameras V1</th>
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</table>

Knight Security Systems (KSS) will provide and install a video surveillance system at the City of San Marcos Parks and Rec yard. System installation includes hardware, system licenses, programming, and configuration unless otherwise stated. 18986

**Video Surveillance System**

KSS will furnish and install the following:

- One Milestone Husky M30 network video recorder (NVR) with 8 TB storage (2 x 4TB) and 8 licenses
- One 8 port PoE switch located in the Shop Building
- Four exterior cameras with mount at the following locations:
  - One Samsung SNV-6084R camera pendant mounted on north side of the Shop Building
  - One Axis Q3708 180' FOV camera pendant mounted on west side of the Shop Building
  - Two Axis Q3708 180' FOV cameras on a single pole mounted watching East and West of the yard

Ref: Prop18977

<table>
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<tr>
<th>City of San Marcos-5 Mile Dam</th>
<th>New NVR and Cameras V.1 w/Option 1</th>
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</table>

Option 1

Add pole mounted Camera $2,855.58

Knight Security Systems (KSS) will provide and install a video surveillance system upgrade and expansion at the City of San Marcos 5 mile Dam complex. System installation includes hardware, system licenses, programming, and configuration unless otherwise stated. 18977

Austin, Corpus Christi, Dallas/Fort Worth, Houston, Lubbock, San Antonio, McAllen, Laredo

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Security License B03566 Fire Contractor License ACR1750889

Page 2 of 4
Executive Summary letter
RE: 3 sites - Security Systems “Conversion”

January 27th, 2017

Video Surveillance System
KSS will furnish and install the following:
- One Milestone Husky NVR with 8TB of storage
- One 24 port 2210 PoE switch
- One 1500 VA UPS
- Nine Samsung SNV-6084R exterior cameras:
  - New Camera will be installed at the front of building with arm bracket
  - New Camera will be installed at the rear of the building with arm bracket
  - Breezeway North hallway facing East camera will be replaced with arm bracket
  - Breezeway North hallway facing South camera will be replaced with arm bracket
  - Breezeway South end camera will be replaced surface mount
  - Breezeway South end camera will be replaced surface mount
  - West wall camera will be replaced with arm bracket
  - East wall camera will be replaced with arm bracket
  - North East Corner camera will be replaced with arm bracket
- Three interior cameras will be replaced with Samsung SNV-6084 and flush mount brackets
- Initial programming will include:
  - Enrolling the cameras and setting up basic motion detection
  - One administrative account
  - One view only account
  - Estimated days of storage 30
  - 1080p at H.264 and 10 FPS

Option #1  Pole camera  $2855.58
KSS will install an Axis Q3708 180 degree camera and Altronix Netway1DWPH outdoor POE power supply on a customer provided pole near the secured parking lot at the front of the facility. The customer will supply a wireless link and 120v constant power at that pole. A lift may be required and will be provided by the customer, or by KSS at an additional cost.

Ref: Prop17952

<table>
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<th>San Marcos Animal Shelter</th>
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<td>$1,626.30</td>
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</table>

Knight Security Systems (KSS) will provide and install access control upgrades at City Animal Shelter. System installation includes hardware, system licenses, programming and configuration unless otherwise stated.

Access Control System
KSS will furnish and install the following:
- One (1) S2 network node configured for up to 4 reader inputs installed at current panel location

Existing lock power supplies will be re-used. Back up batteries will be replaced
Network cables from the existing system will be reused

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www.KnightSecurity.com
Security License B03566  Fire Contractor License ACR1750889
Proven Security Solutions You Can Trust
Existing devices will be re-used at the 3 current door locations:
- Card readers
- Door position sensors
- Request-to-exit devices
- Electronic locking hardware or gate and elevator inputs/outputs
- Low voltage cable between node location and door locations

NOTE: Connections will be moved from the old S2 equipment panels and landed on the new S2 equipment panels. No modifications in wiring or hardware will be made at door device locations or gate operator locations.

Initial programming will include:
- Importing cardholder data from customer provided list
- Door enrollment into access levels and time schedules
- Six system user levels
- Three time schedules
- Six system access levels
- Seven holidays
Scope of Work

DIR-TSO-3430

Knight Security Systems (KSS) will provide and install a video surveillance system upgrade and expansion at the City of San Marcos 5 mile Dam complex. System installation includes hardware, system licenses, programming, and configuration unless otherwise stated.

Video Surveillance System

- KSS will furnish and install the following:
  - One Milestone Husky NVR with 8TB of storage
  - One 24 port 2210 PoE switch
  - One 1500 VA UPS
  - Nine Samsung SNV-6084R exterior cameras:
    - New Camera will be installed at the front of building with arm bracket
    - New Camera will be installed at the rear of the building with arm bracket
    - Breezeway North hallway facing East camera will be replaced with arm bracket
    - Breezeway North hallway facing South camera will be replaced with arm bracket
    - Breezeway South end camera will be replaced surface mount
    - Breezeway South end camera will be replaced surface mount
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    - East wall camera will be replaced with arm bracket
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    - Enrolling the cameras and setting up basic motion detection
    - One administrative account
    - One view only account
    - Estimated days of storage 30
    - 1080p at H.264 and 10 FPS

Option #1. Pole camera $2855.58

KSS will install an Axis Q3708 180 degree camera and Altronix Netway1DWH outdoor POE power supply on a customer provided pole near the secured parking lot at the front of the facility. The customer will supply a wireless link and 120v constant power at that pole. A lift may be required and will be provided by the customer, or by KSS at an additional cost.

Knight Security Systems (KSS) will provide and install access control upgrades at City Animal Shelter. System installation includes hardware, system licenses, programming and configuration unless otherwise stated.

Initial that you have read and understand the terms above: ___________________
Access Control System
KSS will furnish and install the following:
- One (1) S2 network node configured for up to 4 reader inputs installed at current panel location

Existing lock power supplies will be re-used. Back up batteries will be replaced.
Network cables from the existing system will be reused.

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- Card readers
- Door position sensors
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- Electronic locking hardware or gate and elevator inputs/outputs
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- Importing cardholder data from customer provided list
- Door enrollment into access levels and time schedules
- Six system user levels
- Three time schedules
- Six system access levels
- Seven holidays

Knight Security Systems (KSS) will provide and install a video surveillance system at the City of San Marcos Parks and Rec yard. System installation includes hardware, system licenses, programming, and configuration unless otherwise stated. 18966

Video Surveillance System
KSS will furnish and install the following:
- One Milestone Husky M30 network video recorder (NVR) with 8 TB storage (2 x 4TB) and 8 licenses
- One 8 port PoE switch located in the Shop Building
- Four exterior cameras with mount at the following locations:
  - One Samsung SNV-6084R camera pendant mounted on north side of the Shop Building
  - One Axis Q3708 180’ FOV camera pendant mounted on west side of the Shop Building
  - Two Axis Q3708 180’ FOV cameras on a single pole mounted watching East and West of the yard

CONFIDENTIAL INFORMATION
Knight Security Systems (KSS) will provide and install a video surveillance system upgrade and expansion at the City of San Marcos Animal shelter. System installation includes hardware, system licenses, programming, and configuration unless otherwise stated. 19303 (version 2)

**Video Surveillance System**

KSS will furnish and install the following:

- One Milestone Husky network video recorder (NVR) with 32 TB storage and 24 IP licenses
- 3 AXIS P1427 5MP exterior bullet front driveway cameras (Note: These cameras are not rated for LPR processing of video)
- 17 Samsung SNV-L6083R 1080p IR domes (including 2 in the sally port)
- 4 Samsung SNO-L6083R exterior bullet cameras

**Equipment**

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Item Nbr</th>
<th>Qty</th>
<th>Price/Unit</th>
<th>Ext. Price</th>
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</thead>
<tbody>
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<td>DIR SNV-6084R</td>
<td>9.00</td>
<td>$636.66</td>
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<td>WiseNet III Network Vandal Dome Camera, 2MP, Full HD(1080p), Motorized Simple Focus</td>
<td>DIR SNV-6084</td>
<td>3.00</td>
<td>$581.25</td>
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<td>24-Port Gigabit POE + 4 Dual Personality (GBE RJ-45/5FP) (28 Total Ports) 375W Power B</td>
<td>DIR GS2210-24HP</td>
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<td>Husky XProtect additional device license 4 pack for M20, M30 and M50</td>
<td>DIR HMCL-4</td>
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<td>$434.32</td>
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<td>Project Install Kit</td>
<td>KSS-PROJKIT</td>
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<td>Husky M30, XProtect, workstation, 2x4TB HDD, 8 device licenses included, max 32 devices</td>
<td>DIR-HM30-8T-8</td>
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<td>$3,279.67</td>
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<td>Medium Cap Adapter (Aluminum) Accessory, (SCV-6081R, SNV-8080, SNV-7084/R, SNV-4</td>
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<td>12V7AH 12 VDC Battery (7.0 Ah) from 17952</td>
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<td>KSS-PROJKIT</td>
<td>1.00</td>
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<td>Access control application extension blade: 2 reader, 4 input, 4 output. from 17952</td>
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<td>DIR SBP-300WM1</td>
<td>1.00</td>
<td>$43.77</td>
<td>$43.77</td>
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</table>

Initial that you have read and understand the terms above: ___________________
<table>
<thead>
<tr>
<th>Equipment Item</th>
<th>Ext. Price</th>
<th>Cost</th>
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<tr>
<td>axis pole Mount from 18986</td>
<td>DIR-T91A67</td>
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<tr>
<td>Weatherproof Enclosure 14x12x7 in, 120VAC tie in 4 outlets, fiberglass, NEMA3R</td>
<td>DIR-T91B61</td>
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<td>Pole Mount Kit from 18986</td>
<td>DIR PMK1</td>
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<td>SFP-1000T - Gigabit RJ-45 Copper SFP Transceiver from 18986</td>
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<td>GS1100-8HP - 8-Port Gigabit 802.3at/802.3af PoE+ (4 Ports PoE, 4 Ports GbE) 75W</td>
<td>DIR GS1100-8HP</td>
<td>$117.77</td>
</tr>
<tr>
<td>23-4P UNS SOL PLNM C6 Blu Jkt from 18986</td>
<td>556609</td>
<td>$416.36</td>
</tr>
<tr>
<td>Managed PoE+ Hardened Switch features four (4) PoE/PoE+ ports (120W max.) at 10/100M</td>
<td>DIR ALT-NETWAY4EWF</td>
<td>$578.55</td>
</tr>
<tr>
<td>PROJECT INSTALLATION KIT from 18986</td>
<td>KSS-PROJKIT</td>
<td>$599.99</td>
</tr>
<tr>
<td>WiseNet III Network IR Vandal Dome Camera, 2MP, Full HD(1080p), Motorized Simple Focus</td>
<td>DIR SNV-6084R</td>
<td>$636.66</td>
</tr>
<tr>
<td>Axis Q3708 180 FOV from 18986</td>
<td>DIR-Q3708</td>
<td>$1,570.91</td>
</tr>
<tr>
<td>husky M30 2 x 4TB with 8 device licenses from 18986</td>
<td>DIR-H30-8T-8</td>
<td>$3,279.67</td>
</tr>
<tr>
<td>Complimentary KSS System Health Monitoring Set-up Q190P Customer Consent Required</td>
<td>KSS-SHM-SETUP</td>
<td>$0.00</td>
</tr>
<tr>
<td>Compact and outdoor-ready HDTV camera for day and night surveillance, IP66-rated, varifocal</td>
<td>DIR AXIS-P1427LE</td>
<td>$627.85</td>
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<tr>
<td>PROJECT INSTALLATION KIT</td>
<td>KSS-PROJKIT</td>
<td>$999.99</td>
</tr>
<tr>
<td>WiseNet Lite Network IR Vandal Dome Camera, 2MP, Full HD(1080p) 30fps, H.264/MJPEG</td>
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<td>$265.41</td>
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<tr>
<td>23-4P UNS SOL CMP C6 Ylw Jkt</td>
<td>5566030</td>
<td>$382.00</td>
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<tr>
<td>Husky M50, XProtect, rack-mount, 8x4TB HDD, 8 device licenses included, max 128 device</td>
<td>DIR HM50-32T-8</td>
<td>$8,497.95</td>
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<td>Cat6 Gigabit Yellow Snagless Patch Cable RJ45 - 3'</td>
<td>N201-003-YW</td>
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<td>WiseNet Lite Network IR Bullet Camera, 2MP, Full HD(1080p) 30fps, H.264/MJPEG, Vari-F</td>
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</tr>
<tr>
<td>Project Discount</td>
<td>Project Discount</td>
<td>$(2,500.00)</td>
</tr>
<tr>
<td>Husky XProtect additional device license 4 pack for M20, M30 and M50</td>
<td>DIR HMCL-4</td>
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**Services Total**: $33,711.30

**Miscellaneous**: $0.00

**Travel**: $0.00

**Freight**: $0.00

**Equipment Total**: $45,279.37

**Total**: $78,590.67

---

**Quote #**: 19281

**Initial that you have read and understand the terms above**:_________________
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<thead>
<tr>
<th>Item Description</th>
<th>Amount</th>
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<tr>
<td>Subtotal</td>
<td>$78,990.67</td>
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<tr>
<td>Discount</td>
<td>$0.00</td>
</tr>
<tr>
<td>Sales Tax</td>
<td>$0.00</td>
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<td>Total</td>
<td>$78,990.67</td>
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<td>Add Option 1</td>
<td>$2,855.58</td>
</tr>
<tr>
<td>Grand Total</td>
<td>$81,846.25</td>
</tr>
</tbody>
</table>

Please review Scope of Work closely. All verbal representations disclaimed. System quote valid for 60 Days. Terms of Master System Agreement apply.

Grand Total: $81,846.25

Initial that you have read and understand the terms above: ____________________
AGENDA CAPTION:
Consider approval of Resolution 2017-31R, finding an inflatable boat and trailer once utilized by the City of San Marcos Fire Department to be surplus and of no value; authorizing the Fire Department to donate these items to the South Hays Fire Department and Smart Dive Team and declaring an effective date.

Meeting date: February 21, 2017

Department: Fire Department - L. Stephens, Chief (By Cheryl Pantermuehl, Purchasing Manager)

Funds Required: $0
Account Number: N/A
Funds Available:
Account Name:

CITY COUNCIL GOAL:
Goal #7 - Maintain fiscal responsibility

COMPREHENSIVE PLAN ELEMENT(s): N/A

BACKGROUND:
The San Marcos Fire Department has one (1) surplus inflatable boat and trailer that is no longer in use. South Hays Fire Department and SMART Dive Team has requested that the San Marcos Fire Department donate the surplus inflatable boat and trailer. The South Hays Fire Department and SMART Dive Team will utilize the inflatable boat and trailer to increase their Water Rescue, victim recovery, and dive capability.

The San Marcos Fire Department is keeping the 40HP Evinrude motor as a spare; it will fit both of our new Zodiac boats.
RESOLUTION 2017- R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS FINDING AN INFLATABLE BOAT AND TRAILER ONCE UTILIZED BY THE CITY OF SAN MARCOS FIRE DEPARTMENT TO BE SURPLUS AND OF NO VALUE; AUTHORIZING THE FIRE DEPARTMENT TO DONATE THESE ITEMS TO THE SOUTH HAYS FIRE DEPARTMENT AND SMART DIVE TEAM AND DECLARING AN EFFECTIVE DATE.

RECITALS:

1. The City’s Fire Department possesses an inflatable boat and trailer (the “items”) that are no longer in use.

2. The City has determined that these items are surplus and of no value to the City and the Fire Department wishes to donate these items to the South Hays Fire Department and Smart Dive Team.

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

PART 1. The City Council finds and determines that an inflatable boat and trailer, no longer in use by the City Fire Department, are surplus and of no value to the City of San Marcos.

PART 2. The Fire Department is authorized to donate these items to the South Hays Fire Department and Smart Dive Team.

PART 3. The City Manager or his designee is authorized to execute any necessary documents facilitating the donation of these items.

PART 4. This Resolution shall be in full force and effect immediately from and after its passage.

ADOPTED this the day of , 2017.

John Thomaides,
Mayor
Attest:

Jamie Lee Pettijohn
City Clerk
January 30, 2017

Chief Les Stephens  
San Marcos Fire Department  
100 Carlson Circle  
San Marcos, Texas 78666

Chief Stephens,

South Hays Fire Department & SMART Dive Team requesting the donation of one (1) Inflatable Boat, Motor and trailer that is no longer in use by San Marcos Fire Department. The South Hays Fire Department & SMART Dive Team could utilize this to increases our Swift Water Rescue and dive capability. Any consideration would be greatly appreciated.

Respectfully

[Signature]
Fire Chief Robert Simonson  
South Hays Fire Department
AGENDA CAPTION:
Consider approval of Resolution 2017-32R, rejecting a bid received in response to an invitation for bids for the San Marcos River Access Point Repairs Project; and declaring an effective date.

Meeting date: February 21, 2017

Department: Community Service PARD, R. Cobb, Executive Director of Community Services (by Cheryl Pantermuehl, Purchasing Manager)

Funds Required: N/A
Account Number: N/A
Funds Available: N/A
Account Name: N/A

CITY COUNCIL GOAL: Goal #5 Maintain and Improve City’s Infrastructure

COMPREHENSIVE PLAN ELEMENT(s): [add the Plan elements and Goal # and Objective(s)]

BACKGROUND:
One bid was received on January 12, 2017 for the San Marcos River Access Point Repairs (IFB 217-082). The engineer’s estimated cost of this bid was $56,000, the bid amount was $237,712.10. This bid was rejected because the bid from Myers Concrete was significantly more than the available funding for the project.

The purpose of this project was to modify seven existing access points along the section of the San Marcos River extending from Dog Beach to Ramon Lucio Park.

The estimated construction time is Thirty (30) calendar days to final completion.
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS REJECTING A BID RECEIVED IN RESPONSE TO AN INVITATION FOR BIDS FOR THE SAN MARCOS RIVER ACCESS POINT REPAIRS PROJECT; AND DECLARING AN EFFECTIVE DATE.

RECITALS:

1. On January 12, 2017 the City received one (1) bid in response to an Invitation for Bids (IFB 217-082) for the San Marcos River Access Point Repairs Project (the “Project”).

2. After review of the bid, the City determined that the bid exceeds the current amount budgeted for the Project and that proceeding with an award of a construction contract for the Project at this time is not in the City’s best interest.

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

PART 1. The bid received in response to IFB 217-082 for the San Marcos River Access Point Repairs Project is rejected.

PART 2. That this Resolution shall be in full force and effect immediately from and after its passage.

ADOPTED this the day of 2017.

John Thomaides,
Mayor

Attest:

Jamie Lee Case,
City Clerk
## BID TABULATION
San Marcos River Access Point Repair
January 12, 2017 at 2:00 P.M.

IFB 217-082

<table>
<thead>
<tr>
<th>Bidder Name</th>
<th>Total Bid</th>
<th>Addendum #1,</th>
<th>Bid Bond</th>
<th>SBQ</th>
</tr>
</thead>
<tbody>
<tr>
<td>Myers Concrete Construction, LP</td>
<td>$237,712.10</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
</tbody>
</table>

WITNESSED BY: [Signature]

[Signature]
AGENDA CAPTION:
Consider approval of Resolution 2017-33R, adopting Guiding Principles for the 2017 City of San Marcos Federal Program Activities; and declaring an effective date.

Meeting date: February 21, 2017

Department: Communications/Intergovernmental Relations

Funds Required: N/A
Account Number: N/A
Funds Available: N/A
Account Name: N/A

CITY COUNCIL GOAL: Maintain and improve the City’s infrastructure, Sound finance

COMPREHENSIVE PLAN ELEMENT(s): This resolution addresses all aspects of the City of San Marcos Comprehensive Plan

BACKGROUND:
The City of San Marcos worked with the Normandy Group, the City’s Federal Legislative consultants, to identify guiding principles to aid the City staff and elected officials in advancing the interests of the City, and its residents and businesses, with the federal Congressional delegation and with federal agencies involved in the funding and regulation of assets and services provided by the City of San Marcos to the people of our community.
RESOLUTION NO. 2017-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, ADOPTING GUIDING PRINCIPLES FOR THE 2017 CITY OF SAN MARCOS FEDERAL PROGRAM ACTIVITIES; AND DECLARING AN EFFECTIVE DATE.

RECITALS:

1. The City of San Marcos works with federal elected officials and federal agencies on issues of importance to San Marcos for the achievement of the City’s strategic goals.

2. The City Council recognizes the need for an active federal policy program to ensure that the interests of the City’s residents and businesses are protected and enhanced and wishes to establish guiding principles for this program.

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

PART 1. The attached Guiding Principles for the 2017 City of San Marcos Federal Policy Program are hereby approved and adopted.

PART 2. This Resolution is in full force and effect from and after the date of consideration.

ADOPTED on February 21, 2017.

John Thomaides
Mayor

Attest

Jamie Lee Case
City Clerk
Guiding Principles for the 2017
City of San Marcos Federal Policy Program

Introduction:

The City of San Marcos recognizes the need for an active federal policy program to ensure that the interests of the City’s residents and businesses are protected and enhanced. The City Council’s federal outreach reflects the core values found in the City Charter’s Statement of Goals and the City Council’s Strategic Initiatives. As directed by the City Council, the City will participate in advancing the City’s goals with the federal Congressional delegation and with federal agencies involved in the funding and regulation of assets and services provided by the City of San Marcos to the people of our community.

Guiding Principles

Disaster Recovery Efforts

- Support disaster recovery efforts by working with members of the Congressional delegation, Federal Emergency Management Agency (FEMA) officials, and Housing and Urban Development (HUD) officials on administering already obtained disaster related assistance and vital information on how the city could pursue additional federal funding through various federal programs at FEMA, HUD, the Economic Development Administration, etc. Additionally, in case of properties that experience repeated flooding to pursue alternatives that provide permanent solutions for both families and property owners, to include but not be limited to the acquisition or trades for said property(ies).

- Support flood reconstruction and mitigation efforts by administering federal funding received through the U.S. Department of Agriculture’s Natural Resources Conservation Service for five floodwater retarding structures, or dams, in the Upper San Marcos River Watershed.

- Support future flood mitigation strategies by working with the U.S. Army Corps of Engineers to evaluate large scale river overflow project potential on Upper Blanco River.

Transportation

- Support federal action to provide necessary transportation funding, while protecting the environment, for better connectivity and to better keep pace with the City’s priority infrastructure needs for air, highway, transit, pedestrian, bicycle, and rail transportation.

- Support the continued development of the municipal airport including: promoting new private flight training activity at facility; maintaining adequate staffing of the
control tower; identifying opportunities and challenges brought forth during the reauthorization of the Federal Aviation Administration (FAA) that may impact the Federal Contract Tower (FCT) program and municipal airport; and continued development of airport infrastructure and capabilities.

- Support transportation infrastructure through identifying and advocating for policies in the reauthorization of federal transportation legislation.
- Support efforts related to the further development of efficient and economical mass transit options in the Austin - San Antonio Corridor.

**Education and Workforce Development**

- Support educational initiatives, including Pre-K through 16 education (ages 3-25), including higher education and career readiness, and out-of-school-time programs promoting youth development. This will include identifying related opportunities and challenges as Congress moves forward with implementing the Every Student Succeeds Act (ESSA) and the coming reauthorization of the Higher Education Act (HEA).
- Support adult education initiatives including facilitating partnerships with the Gary Jobs Corps and other efforts to ensure that citizens have the skills necessary for the jobs of the future. This will include working with Gary Job Corps, the national Job Corps program, and our Congressional delegation to explore ways to expand the benefits of the Job Corps program to adults beyond the current program’s age parameters.

**Neighborhoods, Culture, Housing and Sustainable Development**

- Support continued federal funding for the Community Development Block Grant Program; support workforce housing development assisting low to moderate income residents; housing rehabilitation, veterans’ housing and employment programs, and increase the availability of affordable housing.
- Support Sustainable Development through the continuation of grant programs such as CDBG, Livable Communities Act, Choice Neighborhoods and the Strong Cities, and Strong Communities Initiative, energy efficiency and water conservation initiatives, and other programs that promote innovative planning to further community development, while sustaining environmental, economic and cultural resources.

**River and Environmental Protection**

- Support federal action to encourage the protection and preservation of spring flows and the rivers in San Marcos; to protect the community’s rare environmental resources and assets; provide new sources of funding for water infrastructure and water conservation and wastewater treatment and reuse; support reasonable
groundwater district rules related to the length of groundwater permits and
timeframes to develop related infrastructure; protect the City's investment in water
infrastructure for current and future use; and promote and develop alternative
energy sources.

- Support opportunities to address wastewater reuse issues at the federal level. This
  includes providing support for existing targeted grant opportunities and identifying
  other potential funding streams or policies that impact these activities.

**Economic Development**

- Support Congressional action to promote economic development; identify and
  pursue related economic development funding opportunities through the U.S.
  Department of Commerce's Economic Development Administration; provide
  incentives to cities to attract and retain businesses; increase funding for workforce
  training and programs to employ veterans; strengthen Pre-K to 16 education; and
  increase funding for adult education and literacy.

**Public Safety**

- Support federal grant programs that advance police and fire public safety
  programs for assistance with equipment, training and personnel.
AGENDA CAPTION:
7:00PM Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2017-07 amending the San Marcos Smartcode by amending Section 1.5.2 and Table 5.7 to provide that Purpose Built Student Housing is allowed as a use in T4 and T5 Transect Zones only by a warrant finally decided by the City Council following a recommendation from the Planning and Zoning Commission; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date; and consider approval of Ordinance 2017-07, on the first of two readings.

Meeting date: February 21, 2017

Department: Planning and Development Services

Funds Required: N/A
Account Number: N/A
Funds Available: N/A
Account Name: N/A

CITY COUNCIL GOAL: Beautify and Enhance the Quality of Place

COMPREHENSIVE PLAN ELEMENT(s): Neighborhoods and Housing; Goal #2 Housing Opportunities for Students of Texas State University in Appropriate Areas and Create and Implement a Plan to Accomplish this Vision.

BACKGROUND:
An amendment to the Smartcode district with the purpose of regulating purpose built student housing was discussed by City Council on January 17, 2017. Direction was provided during this meeting to pursue an interim amendment to the Smartcode to regulate purpose built student housing.

During the Planning and Zoning Commission meeting on January 24, 2017 the commission unanimously recommended approval of the ordinance with an amendment that the warrant receive a recommendation from the Planning Commission and final approval by City Council. Under the proposed amendment a super majority vote of the City Council would be required upon a recommendation of denial by the Planning Commission.

The proposed amendments include:

1. Modifying the procedures for Warrants and Variances to require that a warrant for purpose built student
housing be recommended by the Planning Commission and finally decided by the City Council.

2. Modifying the specific function and use table to add purpose built student housing and require a warrant to City Council in the T5 and T4 districts.
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING THE SAN MARCOS SMARTCODE BY AMENDING SECTION 1.5.2 AND TABLE 5.7 TO PROVIDE THAT PURPOSE BUILT STUDENT HOUSING IS ALLOWED AS A USE IN T4 AND T5 TRANSECT ZONES ONLY BY A WARRANT FINALLY DECIDED BY THE CITY COUNCIL FOLLOWING A RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ANY CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

1. The adoption of this Ordinance is in the interest of the public health, safety and welfare.

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

SECTION 1. The following provisions of the San Marcos SmartCode, Subpart C of the San Marcos City Code, are hereby amended as shown in Exhibit A, attached hereto and made a part hereof for all purposes. Amendments in Exhibit A are indicated by red font and underlining.

a. Section 1.5.2 is amended to provide that the City Council shall finally decide warrants for Purpose Built Student Housing following a recommendation from the Planning and Zoning Commission.

b. Table 5.7 is amended to add Purpose Built Student Housing as a type of residential use allowed in T4 and T5 Transect Zones only by a warrant finally decided by the City Council.

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 adoption on second reading.
PASSED AND APPROVED on first reading on February 21, 2017.

PASSED, APPROVED AND ADOPTED on second reading on March 7, 2017.

Attest: Approved:

Jamie Lee Case Michael J. Cosentino
City Clerk City Attorney

John Thomaides
Mayor
EXHIBIT “A”
Amendments to San Marcos SmartCode-Section 1.5.2 and Table 5.7
[Attached on following pages]
ARTICLE 1. GENERAL TO ALL PLANS

and/or mitigate the violation, or to secure a Variance to address the violation.

1.4.8. Parkland Dedication shall not be required within the Downtown area. For New Community Plans meeting the Civic Space requirements will fulfill the Parkland Dedication requirements.

1.5. WARRANTS AND VARIANCES

1.5.1. There shall be two types of deviation from the requirements of this Code: Warrants and Variances.

1.5.2. A Warrant is a ruling that would permit a practice that is not consistent with a specific provision of this Code but is justified by the provisions of Section 1.3 Intent. The Planning and Zoning Commission (P&Z) shall have the authority to approve or disapprove a request for a Warrant pursuant to regulations established, with the exception of requests for purpose built student housing or additional height. The City Council shall hold a public hearing and finally decide all Warrant requests as a negotiated agreement for purpose built student housing or heights of 6 or 7 stories after review and a recommendation has been made by the P&Z. A warrant subject to the review of the P&Z shall require a public hearing and personal notice of the public hearing be sent to property owners within 200 feet of the subject property. Personal notice shall be sent by regular mail before the tenth day before the hearing date.

1.5.3. A Variance is any ruling on a deviation other than a Warrant. Variances shall be granted only in accordance with the State of Texas Statutes, Chapter 211 of the Local Government Code, as amended.

1.5.4. The request for a Warrant or Variance shall not subject the entire application to public hearing, but only that portion necessary to rule on the specific issue requiring the relief.

1.5.5. The following standards shall not be available for Warrants:
   a. The maximum dimensions for traffic lanes.
   b. The required provision of Rear Alleys.
   c. The Base Residential Densities.

1.6. INCENTIVES

1.6.1. Applications that are not subject to mandatory provisions of the Code shall be eligible to utilize the following incentives by right:
   a. Applications under this code shall receive priority review status by the DRC, Planning and Zoning Commission, Zoning Board of Adjustment and the City Council ahead of applications that were eligible to use this code but elected not to do so
   b. Applications under this code shall be processed with priority over those under the LDC, including those with prior filing dates.
   c. The City shall waive the traffic impact analysis for all projects filed under this code.
   d. Reserved for additional Incentives.
TABLE 5.7. SPECIFIC FUNCTION & USE
This table expands the categories of Table 5.4 to delegate specific Functions and uses within Transect Zones.

<table>
<thead>
<tr>
<th>a. RESIDENTIAL</th>
<th>T1</th>
<th>T2</th>
<th>T3</th>
<th>T4</th>
<th>T5</th>
<th>SD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mixed Use Block</td>
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<tr>
<td>Flex Building</td>
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<td>Apartment Building</td>
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<tr>
<td>Purpose Built Student Housing</td>
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<tr>
<td>Live/Work Unit</td>
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<tr>
<td>Rowhouse</td>
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<td>Duplex</td>
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<td>Courtyard House</td>
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<tr>
<td>Sideyard House</td>
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<td>Cottage</td>
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<tr>
<td>Villa</td>
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<tr>
<td>Accessory Unit</td>
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<tr>
<td>b. LODGING</td>
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<tr>
<td>Hotel (no room limit)</td>
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<tr>
<td>Inn (up to 12 rooms)</td>
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<td>Bed &amp; Breakfast (up to 5 rooms)</td>
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<td>S.R.O. hostel</td>
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<td>School Dormitory</td>
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<td>c. OFFICE</td>
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<tr>
<td>Office Building</td>
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<tr>
<td>Live-Work Unit</td>
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<tr>
<td>d. RETAIL</td>
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<tr>
<td>Open-Market Building</td>
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<td>Retail Building</td>
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* BY RIGHT
☑ BY WARRANT
☒ * By Warrant finally decided by City Council

* Refer to the LDC for standards
AGENDA CAPTION:
7:00PM Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2017-08 amending the Official Zoning Map of the City by rezoning a 1.42 acre tract of land and a 2.68 acre tract of land, each located within the Cottonwood Creek Subdivision Master Plan near the intersection of State Highway 123 and Rattler Road, from “P” Public and Institutional District to “PH-ZL” Patio Home, Zero-Lot-Line Residential District and “TH” Townhouse Residential District respectively; and including procedural provisions; and consider approval of Ordinance 2017-08, on the first of two readings.

Meeting date: February 21, 2017

Department: Planning and Development Services

Funds Required: N/A
Account Number: N/A
Funds Available: N/A
Account Name: N/A

CITY COUNCIL GOAL: Protect and Preserve the San Marcos River and Edwards Aquifer Recharge Zone.

COMPREHENSIVE PLAN ELEMENT(s): Neighborhood and Housing Goal 3

BACKGROUND:

ZC-16-16 is a request to change 1.42 acres located near the intersection of Highway 123 and Rattler Road from Public and Institutional “P” to Patio Home Zero-Lot-Line “PH-ZL” in order to construct single-family residences. Surrounding uses include the San Marcos High School, Bowie Elementary School, and single-family residences. The area immediately surrounding the subject property is currently vacant.

ZC-16-17 is a request to change 2.68 acres from Public and Institutional “P” to Townhouse “TH” in order to construct single-family residences. Surrounding uses include the San Marcos High School, Bowie Elementary School, and single-family residences. The area immediately surrounding the subject property is currently vacant. There is currently a cemetery on the property which will remain in the area designated as open space on the approved Master Plan Amendment.

At their regular meeting on January 24, the Planning & Zoning Commission approved amendments to the Cottonwood Creek master plan which included: shifting of private park land; changing an area from townhomes to single-family detached homes; and changes to some internal roadways. These changes increased the total amount of private parkland and improved the road connectivity within the development.
While these two proposed zoning changes would eliminate the “P” zoning category in Phase 3, the areas designated as private parkland on the master plan will be designated as such on the plat.

Staff provides this information with recommendation of approval for the zoning change requests.

A public hearing was held on January 24, 2017 at the Planning and Zoning Commission meeting. The Planning and Zoning Commission recommended approval of both requests as submitted.
ORDINANCE NO. 2017-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING THE OFFICIAL ZONING MAP OF THE CITY BY REZONING A 1.42 ACRE TRACT OF LAND AND A 2.68 ACRE TRACT OF LAND, EACH LOCATED WITHIN THE COTTONWOOD CREEK SUBDIVISION MASTER PLAN NEAR THE INTERSECTION OF STATE HIGHWAY 123 AND RATTLER ROAD, FROM “P” PUBLIC AND INSTITUTIONAL DISTRICT TO “PH-ZL” PATIO HOME, ZERO-LOT-LINE RESIDENTIAL DISTRICT AND “TH” TOWNHOUSE RESIDENTIAL DISTRICT RESPECTIVELY; AND INCLUDING PROCEDURAL PROVISIONS.

RECITALS:

1. On January 24, 2017, the Planning and Zoning Commission of the City of San Marcos held a public hearing regarding requests to change the zoning from “P” Public and Institutional District to “PH-ZL” Patio Home, Zero-Lot-Line Residential District for a 1.42 acre tract of land and “TH” Townhouse Residential District for a 2.68 acre tract of land, each located within the Cottonwood Creek Subdivision Master Plan near the intersection of State Highway 123 and Rattler Road.

2. Subsequent to the public hearing on that date, the Planning and Zoning Commission considered the requests and voted to recommend that the requests be approved by the City Council of the City.

3. The City Council held a public hearing on February 21, 2017 regarding the requests.

4. All requirements of Chapter 1, Development Procedures, of the City Land Development Code 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, as described in Section 4.1.2.2 of the City Land Development Code, is amended to rezone the 1.42 acre tract of land described in Exhibit “A,” attached hereto and made a part hereof for all purposes, from “P” Public and Institutional District to “PH-ZL” Patio Home, Zero-Lot-Line Residential District.

SECTION 2. The Official Zoning Map of the City, as described in Section 4.1.2.2 of the City Land Development Code, is amended to rezone the 2.68 acre tract of land described in Exhibit “B,” attached hereto and made a part hereof for all purposes, from “P” Public and Institutional District to “TH” Townhouse Residential District.
SECTION 3. This ordinance will take effect after its passage, approval and adoption on second reading.

PASSED AND APPROVED on first reading on February 21, 2017.

PASSED, APPROVED AND ADOPTED on second reading on March 7, 2017.

John Thomaides
Mayor

Attest:

Jamie Lee Case
City Clerk

Approved:

Michael Cosentino
City Attorney
EXHIBIT A

BEGINNING FOR REFERENCE at a 1" iron pipe found at the southwest corner of said 272.24 acre tract, same being the northwest corner of a called 65.90 acre tract of land as described in that deed to Jonnie Lynn Kraak McClellan, et al. and recorded in Volume 1757, Page 708 of the Deed Records of said county, being on the east right-of-way line of Highway 123 (130 foot right-of-way width), from which a fence post found for the northwest corner of said 272.24 acre tract bears, N 04° 25' 19" E for a distance of 3273.82 feet;

THENCE through the interior of said 272.24 acre tract, N 50° 57' 05" E for a distance of 2005.22 feet to a calculated point for the west corner and POINT OF BEGINNING hereof;

THENCE through the interior of said 272.24 acre tract, the following eight (8) courses and distances:

1) N 26° 20' 18" E for a distance of 40.63 feet to a calculated point of curvature hereof;

2) with the arc of a curve to the right, having a radius of 165.00 feet, an arc length of 303.73 feet, a central angle of 105° 28' 09", and a chord which bears, N 84° 33' 48" E for a distance of 262.63 feet to a calculated point of non-tangency hereof;

3) N 47° 17' 52" E for a distance of 240.00 feet to a non-tangent calculated point of curvature hereof;

4) with the arc of a curve to the right, having a radius of 405.00 feet, an arc length of 64.01 feet, a central angle of 09° 03' 22", and a chord which bears, S 38° 10' 27" E for a distance of 63.95 feet to a calculated point of non-tangency hereof;

5) S 56° 21' 14" W for a distance of 240.00 feet to non-tangent calculated point of curvature hereof;

6) with the arc of a curve to the right, having a radius of 165.00 feet, an arc length of 157.53 feet, a central angle of 54° 42' 10", and a chord which bears, S 06° 17' 41" E for a distance of 151.62 feet to a calculated point of tangency hereof;

7) S 26° 27' 29" W for a distance of 40.35 feet to a calculated point for the south corner hereof, from which an iron rod found with "Byrn" cap for an angle point on the south line of said 272.24 acre tract bears, S 08° 17' 45" W for a distance of 1089.13 feet, and

8) N 63° 36' 21" W for a distance of 328.46 feet to the POINT OF BEGINNING and containing 1.42 acre of land.

Bearing basis is grid north for the Texas South Central Zone NAD 83/93 HARN, per GPS survey performed during June, 2003.

Surveyed under the direct supervision of the undersigned during March, 2004:

Margaret A. Nolen
Registered Professional Land Surveyor No. 5589
BAKER-AICKLEN & ASSOCIATES, INC.
203 E. Main Street, Suite 201
Round Rock, Texas 78664
(512) 244-9620

Job No.: 1262-4-001-74
Filename:
W:\PROJECTS\COTTONWOOD HAYS\ZONING\REVISED\METES & BOUNDS\COTTONWOOD ZONING PARK PARCEL.04.doc
EXHIBIT B

BEGINNING FOR REFERENCE at a 1" iron pipe found at the southwest corner of said 272.24 acre tract, same being the northwest corner of said 65.90 acre tract, being the east right-of-way line of said Highway 123;

THENCE with the west line of said 272.24 acre tract, same being the east right-of-way line of said Highway 123, N 04° 25' 19" E for a distance of 480.18 feet to a calculated point;

THENCE through the interior of said 272.24 acre tract, S 85° 34' 41" E for a distance of 535.89 feet to a calculated point for the southwest corner and POINT OF BEGINNING hereof;

THENCE through the interior of said 272.24 acre tract, the following six (6) courses and distances:

1) N 01° 20' 08" W for a distance of 406.93 feet to a calculated point of curvature hereof;

2) with an arc of a curve to the right, having a radius of 257.82 feet, an arc length of 24.82 feet, a central angle of 05° 31' 01" and a chord which bears, N 01° 32' 38" E for a distance of 24.82 feet to a calculated point for the northwest corner hereof;

3) S 82° 58' 17" E for a distance of 289.16 feet to a calculated point for the northeast corner hereof;

4) with an arc of a curve to the left, having a radius of 250.00 feet, an arc length of 40.85 feet, a central angle of 09° 21' 41", and a chord which bears, S 03° 20' 43" W for a distance of 40.80 feet to a calculated point of tangency hereof;

5) S 01° 20' 08" E for a distance of 348.99 feet to a calculated point for the southeast corner hereof, from which an iron rod found with "Byrn" cap for an angle point on the south line of said 272.24 acre tract, bears S 64° 15' 37" E for a distance of 931.54 feet, and

6) S 88° 39' 52" W for a distance of 284.00 feet to the POINT OF BEGINNING and containing 2.68 acres of land.

Bearing basis is grid north for the Texas South Central Zone NAD 83/93 HARN, per GPS survey performed during June, 2003.

Surveyed under the direct supervision of the undersigned during March, 2004:

Margaret A. Nolen
Registered Professional Land Surveyor No. 5589
BAKER-AICKLEN & ASSOCIATES, INC.
203 E. Main Street, Suite 201
Round Rock, Texas 78664
(512) 244-9620

Job No.: 1262-4-001-74
Filename: W/PROJECTS/COTTONWOOD HAV/BZONING/REVISEDMETES & BOUNDS/COTTONWOOD ZONING TH-2 PARCEL.02.doc
At their regular meeting on January 24, 2017 the Planning and Zoning Commission considered these items during a Public Hearing.

**Public Notification:**

*Personal notification for the January 24 P&Z Meeting was mailed on January 13.*  
*Notice for the February 21 City Council Meeting was published in the February 5 San Marcos Daily Record.*

**Correspondence:**

*There was no correspondence received for this request.*

**Public Hearing:**

*For:*

1. *Steve Ramsey, applicant – made himself available for questions*

*Against:*

1. *None*

**Planning & Zoning Commission draft meeting minutes:**

ZC-16-16 (Cottonwood Creek) Hold a public hearing and consider a request by Ramsey Engineering, LLC, on behalf of Cottonwood Creek JDR, LTD for a zoning change from “P” Public and Institutional to “PH-ZL” Patio Home Zero Lot Line for 1.42 acres out of the John F. Geister Survey and the Farnam Frey Survey located near the intersection of Rattler Road and Highway 123.

Chair Garber opened the public hearing.

Tory Carpenter, Staff Planner, gave an overview of the request.
Steve Ramsey, applicant, made himself available for questions. There were no additional comments and the public hearing was closed.

A motion was made by Commissioner Kelsey, seconded by Commissioner Dupont, that ZC-16-16 (Cottonwood Creek) be approved as submitted. The motion carried by the following vote:

- For: 6 - Chairperson Garber, Vice Chair Kelsey, Commissioner McCarty, Commissioner Rand, Commissioner Dupont, and Commissioner Porterfield
- Against: 0 -
- Absent: 0 -

ZC-16-17 (Cottonwood Creek) Hold a public hearing and consider a request by Ramsey Engineering, LLC, on behalf of Cottonwood Creek JDR, LTD for a zoning change from "P" Public and Institutional to "TH" Townhome for 2.6 acres out of the John F. Geister Survey and the Farnam Frey Survey located near the intersection of Rattler Road and Highway 123.

Chair Garber opened the public hearing.

Tory Carpenter, Staff Planner, gave an overview of the request.

Steve Ramsey, applicant, made himself available for questions. There were no additional comments and the public hearing was closed.

A motion was made by Commissioner Kelsey, seconded by Commissioner Dupont, that ZC-16-17 (Cottonwood Creek) be approved as submitted. The motion carried by the following vote:

- For: 6 - Chairperson Garber, Vice Chair Kelsey, Commissioner McCarty, Commissioner Rand, Commissioner Dupont, and Commissioner Porterfield
- Against: 0 -
- Absent: 0 -

Attachments:

1. Notification Map
2. Property Owner List
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<tr>
<td>COTTONWOOD CREEK JDR LTD</td>
<td>333 CHEATHAM ST</td>
<td>SAN MARCOS</td>
<td>TX</td>
<td>78666</td>
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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.
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.
Zoning Change
ZC-16-16
Cottonwood Creek
P to PH-ZL

Summary: The applicant is requesting a zoning change from Public and Institutional (P) to Patio Home Zero-Lot-Line (PH-ZL) for approximately 1.42 acres.

Applicant: Ramsey Engineering, LLC
3206 Yellowpine Terrace
Austin TX 78757

Property Owner: Cottonwood Creek, JDR, Ltd
333 Cheatham Street
San Marcos, TX 78666

Notification: January 13, 2017 personal notifications of the public hearing were mailed to all property owners within 200 feet of the subject property and signs were posted on the site. Additionally notice was published in the San Marcos Daily Record on February 5, 2017.

Response: There have been no citizen comments as of the staff report date.

Property/Area Profile:

Legal Description: Approximately 1.42 acres out of the Farnam Frye Survey.
Location: Near HWY 123 and Rattler Road
Existing Use of Property: Agricultural / Vacant
Proposed Use of Property: Single-Family
Preferred Scenario Map: Medium Intensity – East Village
Existing Zoning: Public and Institutional (P)
Proposed Zoning: Home Zero-Lot-Line (PH-ZL)
Utility Capacity: The property is served by City water and wastewater

Sector: Sector Five (5)

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<tr>
<th>Area Zoning and Land Use Pattern</th>
<th>Zoning</th>
<th>Existing Land Use</th>
<th>Preferred Scenario</th>
</tr>
</thead>
<tbody>
<tr>
<td>N of Property</td>
<td>PH-ZL</td>
<td>Vacant</td>
<td>Medium Intensity</td>
</tr>
<tr>
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Case Summary

The subject property is approximately 1.42 acres located near the intersection of Highway 123 and Rattler Road. The applicant is requesting a zoning change from Public and Institutional "P" to Patio Home Zero-Lot-Line “PH-ZL” in order to construct single-family residences. This property is located in the East Village Medium Intensity area as designated on the Preferred Scenario Map. Patio Home Zero-Lot-Line is an allowable zoning classification in the East Village and a Preferred Scenario Amendment is not required. Surrounding uses include the San Marcos High School, Bowie Elementary School, and single-family residences. The area immediately surrounding the subject property is currently vacant.

This request is being heard concurrently with another zoning change request, ZC-16-17.

Planning Department Analysis

The subject property is located within the East Village Medium Intensity area. Vision San Marcos Comprehensive Plan provides the following description of the future vision for East Village:

“As the site of San Marcos’ only high school, as well as an elementary school, this area has a high potential for growth. Designated as a Medium Intensity Zone, with an activity node centered around the intersection of Old Bastrop and Hwy 123, East Village will boast a mix of commercial, retail, and service oriented activity. This area will offer a variety of residential options including single family homes, duplexes, townhomes, and small multifamily projects. Some multifamily projects combined with commercial will result in vertical mixed use in the activity node. Since the area is largely on undeveloped property at the edge of town, it will become a mixed use gateway into the city, which will welcome visitors from Seguin and beyond.”

The zoning change request has been reviewed using The Comprehensive Master Plan, Vision San Marcos: A River Runs Through Us as well as the guidance criteria in Section 1.5.1.5 of the Land Development Code. A review worksheet is attached to this report which details the analysis of the zoning change using Comprehensive Plan Elements.

Staff finds this zoning change request is consistent with the Comprehensive Plan Elements as summarized below:

- The property is located within the East Village Medium Intensity district on the Preferred Scenario Map;
- The property being considered for rezoning is located in a low to moderately constrained area according to the Land Use Suitability Map;
- The subject property is not located in a wastewater or water “hot spot”. Water and wastewater service are available to the subject property.
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<td>X</td>
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<td></td>
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<td>None noted.</td>
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Additionally, the Council should consider:

(1) Is the property suitable for use as presently zoned?

*Staff evaluation: Property zoned as Public & Institutional cannot be developed with a residential use.*

(2) Has there been a substantial change of conditions in the neighborhood surrounding the subject property?
Staff evaluation: Other phases of Cottonwood Creek have continued to develop in recent years.

(3) Will the proposed rezoning address a substantial unmet public need?

Staff evaluation: The rezoning does serve a substantial unmet public need by providing additional single family housing in San Marcos.

(4) Will the proposed rezoning confer a special benefit on the landowner/developer and cause a substantial detriment to the surrounding lands?

Staff evaluation: No, there is no special benefit to the landowner as the proposed zoning district meets the intent of the Comprehensive Plan’s vision.

(5) Will the proposed rezoning serve a substantial public purpose?

Staff evaluation: The rezoning does serve a substantial public purpose by providing additional single family housing in San Marcos.

Staff provides this information with recommendation of approval for the zoning change request.

The Council’s Responsibility:
The Council is required by law to hold a public hearing and receive public comment regarding the proposed zoning. After considering the public input, the Council is charged with ultimately deciding whether to approve or deny the zoning change request.

Prepared by:
Tory Carpenter          Planner          February 13, 2016
Name  Title  Date
**LAND USE** – Preferred Scenario Map / Land Use Intensity Matrix

<table>
<thead>
<tr>
<th>Does the request meet the intent of the Preferred Scenario Map and the Land Use Intensity Matrix?</th>
<th>YES</th>
<th>NO (map amendment required)</th>
</tr>
</thead>
<tbody>
<tr>
<td>X – Yes, the property is located within a Medium Intensity Zone</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**ECONOMIC DEVELOPMENT** – Furthering the goal of the Core 4 through the three strategies

<table>
<thead>
<tr>
<th>STRATEGY</th>
<th>SUMMARY</th>
<th>SUPPORTS</th>
<th>CONTRADICTS</th>
<th>NEUTRAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preparing the 21st Century Workforce</td>
<td>Provides / Encourages educational opportunities</td>
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<td>Provides / Encourages land, utilities and infrastructure for business</td>
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<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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<td></td>
<td>X</td>
</tr>
</tbody>
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**ENVIRONMENT & RESOURCE PROTECTION** – Land Use Suitability & Development Constraints

<table>
<thead>
<tr>
<th>Constraint by Class</th>
<th>1 (least)</th>
<th>2 (moderate)</th>
<th>3 (most)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cultural</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Edwards Aquifer</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Endangered Species</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Floodplains</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Geological</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Slope</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Soils</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Vegetation</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Watersheds</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Quality Zone</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**ENVIRONMENT & RESOURCE PROTECTION** – Water Quality Model Results

<table>
<thead>
<tr>
<th>Located in Subwatershed: Cottonwood Creek Watershed</th>
<th>0-25%</th>
<th>25-50%</th>
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<tr>
<td>Modeled Impervious Cover Increase Anticipated for watershed</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

Notes:
### Neighborhoods

- **CONA Neighborhood(s):** N/A
- **Neighborhood Commission Area(s):** N/A
- **Neighborhood Character Study Area(s):** N/A

### Transportation

- **Level of Service (LOS), Access to sidewalks, bicycle lanes and public transportation**

<table>
<thead>
<tr>
<th></th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>F</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Existing Daily LOS</strong></td>
<td>Hwy 123</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td><strong>Existing Peak LOS</strong></td>
<td>Hwy 123</td>
<td></td>
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<td>X</td>
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<tr>
<td><strong>Preferred Scenario Daily LOS</strong></td>
<td>Hwy 123</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td><strong>Preferred Scenario Peak LOS</strong></td>
<td>Hwy 123</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- **Sidewalk Availability (Required to build.)**: X
- **Sidewalks to be addressed at the time of development**: YES

### Parks, Public Spaces and Facilities

- **Will Parks and/or Open Space be Provided?** Parkland has been provided in previous phases of the development.
- **Will Trails and/or Green Space Connections be Provided?** X

<table>
<thead>
<tr>
<th>Maintenance / Repair Density</th>
<th>Low (maintenance)</th>
<th>Medium</th>
<th>High (maintenance)</th>
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<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>

- **Wastewater Infrastructure**: X
- **Water Infrastructure**: X

- **Public Facility Availability**

<table>
<thead>
<tr>
<th></th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Parks / Open Space within ¼ mile (walking distance)?</strong></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td><strong>Wastewater service available?</strong></td>
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### Transportation

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

<table>
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<tr>
<th></th>
<th>N/A</th>
<th>Good</th>
<th>Fair</th>
<th>Poor</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sidewalk Availability</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
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- Adjacent to existing bicycle lane?: X
- Adjacent to existing public transportation route?: X
Zoning Change
ZC-16-17
Cottonwood Creek
P to TH

Summary: The applicant is requesting a zoning change from Public and Institutional (P) to Townhouse (TH) for approximately 2.68 acres.

Applicant: Ramsey Engineering, LLC
3206 Yellowpine Terrace
Austin TX 78757

Property Owner: Cottonwood Creek, JDR, Ltd
333 Cheatham Street
San Marcos, TX 78666

Notification: January 13, 2017 personal notifications of the public hearing were mailed to all property owners within 200 feet of the subject property and signs were posted on the site. Additionally notice was published in the San Marcos Daily Record on February 5, 2017.

Response: There have been no citizen comments as of the staff report date.

Property/Area Profile:

Legal Description: Approximately 2.68 acres out of the Farnam Frye Survey.
Location: Near HWY 123 and Rattler Road
Existing Use of Property: Agricultural / Vacant
Proposed Use of Property: Single-Family
Preferred Scenario Map: Medium Intensity – East Village
Existing Zoning: Public and Institutional (P)
Proposed Zoning: Townhouse (TH)
Utility Capacity: The property is served by City water and wastewater

Sector: Sector Five (5)

<table>
<thead>
<tr>
<th>Area Zoning and Land Use Pattern</th>
<th>Zoning</th>
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<tr>
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The subject property is approximately 2.68 acres located near the intersection of Highway 123 and Rattler Road. The applicant is requesting a zoning change from Public and Institutional “P” to Townhouse “TH” in order to construct single-family residences. This property is located in the East Village Medium Intensity area as designated on the Preferred Scenario Map. Townhouse is an allowable zoning classification in the East Village and a Preferred Scenario Amendment is not required. Surrounding uses include the San Marcos High School, Bowie Elementary School, and single-family residences. The area immediately surrounding the subject property is currently vacant. There is currently a cemetery on the property which will remain in the area designated as open space on the proposed Master Plan Amendment.

This request is being heard concurrently with another zoning change request, ZC-16-16.

Planning Department Analysis

The subject property is located within the East Village Medium Intensity area. Vision San Marcos Comprehensive Plan provides the following description of the future vision for East Village:

“As the site of San Marcos’ only high school, as well as an elementary school, this area has a high potential for growth. Designated as a Medium Intensity Zone, with an activity node centered around the intersection of Old Bastrop and Hwy 123, East Village will boast a mix of commercial, retail, and service oriented activity. This area will offer a variety of residential options including single family homes, duplexes, townhomes, and small multifamily projects. Some multifamily projects combined with commercial will result in vertical mixed use in the activity node. Since the area is largely on undeveloped property at the edge of town, it will become a mixed use gateway into the city, which will welcome visitors from Seguin and beyond.”

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   *Staff evaluation: Property zoned as Public & Institutional cannot be developed with a residential use.*

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(3) Will the proposed rezoning address a substantial unmet public need?

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Staff provides this information with recommendation of approval for the zoning change request.

The Council’s Responsibility:
The Council is required by law to hold a public hearing and receive public comment regarding the proposed zoning. After considering the public input, the Council is charged with ultimately deciding whether to approve or deny the zoning change request.

Prepared by:
Tory Carpenter     Planner     February 13, 2016
Name       Title       Date
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**ENVIRONMENT & RESOURCE PROTECTION** – Land Use Suitability & Development Constraints

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<th>3 (moderate)</th>
<th>4</th>
<th>5 (most)</th>
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<td></td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
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</tbody>
</table>

Constraint by Class

| Cultural                     | X         |
| Edwards Aquifer              | X         |
| Endangered Species           | X         |
| Floodplains                  | X         |
| Geological                   | X         |
| Slope                        | X         |
| Soils                        | X         | X            |
| Vegetation                   | X         |
| Watersheds                   | X         |
| Water Quality Zone           | X         |

**ENVIRONMENT & RESOURCE PROTECTION** – Water Quality Model Results

Located in Subwatershed: **Cottonwood Creek Watershed**

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

Notes:
**NEIGHBORHOODS** – Where is the property located

|            | \n|----------------|\n| CONA Neighborhood(s): | N/A |
| Neighborhood Commission Area(s): | N/A |
| Neighborhood Character Study Area(s): | N/A |

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

| Will Parks and / or Open Space be Provided? | X |
| Will Trails and / or Green Space Connections be Provided? | X |

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<th>Maintenance / Repair Density</th>
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<th>High (maintenance)</th>
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<tr>
<td>Water Infrastructure</td>
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<td></td>
<td></td>
</tr>
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</table>

**Public Facility Availability**

| Parks / Open Space within ¼ mile (walking distance)? | X |
| Wastewater service available? | X |
| Water service available? | X |

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

| Existing Daily LOS | Hwy 123 | \n|--------------------|---------|
| Existing Peak LOS  | Hwy 123 | \n| Preferred Scenario Daily LOS | Hwy 123 | \n| Preferred Scenario Peak LOS | Hwy 123 | \n
| Sidewalk Availability (Required to build.) | X |

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<tr>
<th>Sidewalks to be addressed at the time of development.</th>
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<tbody>
<tr>
<td>Adjacent to existing bicycle lane?</td>
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<td></td>
</tr>
<tr>
<td>Adjacent to existing public transportation route?</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>
City of San Marcos

ZONING CHANGE APPLICATION

APPLICANT
Name: RAMSEY ENGINEERING, LLC
Mailing Address: 3206 YELLOWPINE TERRACE
              AUSTIN, TX 78757
Telephone No.: 512-550-6800
E-mail address: ramsey-eng@att.net

PROPERTY OWNER
Name: COTTONWOOD CREEK JR., LTD.
Mailing Address: 333 CHEATHAM STREET
                SAN MARCOS, TX 78666
Telephone No.: 512-353-1776
E-mail address: jenny@randallmorris.com

PROPERTY DESCRIPTION:
Street Address: NEAR S.H. 123 AT RATTLE ROAD
Subdivision: COTTONWOOD CREEK
Other Description (if unplatted) SEE ATTACHED DESCRIPTION
* a metes and bounds description is required if property is a partial lot or is not platted
Appraisal District Tax ID No.: R 14-310
Acres: 16.49

Lien Holder(s) - for notification purposes:
Name: N/A
Mailing Address: 
(If more than one lien holder, please provide information on a separate page)
A certificate of no tax delinquency must be attached to this application

ZONING CHANGE INFORMATION:
Zoning Designation: Current: MEDIUM DENSITY RESIDENTIAL
Requested: PH-2.0
Master Plan Designation: Land Use Map Amendment Required? NO
Present Use of Property: Vacant
Desired Use of Property/Reason for Change: 40 FOOT WIDE SINGLE FAMILY RESIDENTIAL FRONT ACCESS LOTS

I certify that the information in this application is complete and accurate.
☐ I am the property owner of record; or
☐ I have attached authorization to represent the owner, organization, or business in this application.
Signature: RANDALL MORRIS Date: 10-24-16
Printed Name: RANDALL MORRIS

Planning & Development Services • 630 East Hopkins • San Marcos, Texas 78666 • 512-393-8230 • FAX 855-759-2843
# APPLICATION FOR CITY OF SAN MARCOS ZONING CHANGE

## FEE INFORMATION:

<table>
<thead>
<tr>
<th>Fee Schedule</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning Change to MF 12, 18, 14</td>
<td>$1,015 plus $51 acre ($3,000 maximum) + $11.00 Technology Fee</td>
</tr>
<tr>
<td>Zoning Change to all other categories</td>
<td>$762 plus $51 acre ($2,000 maximum) + $11.00 Technology Fee</td>
</tr>
<tr>
<td>Zoning variance/Special Exception</td>
<td>$609 + $11.00 Technology Fee</td>
</tr>
<tr>
<td>Renotification fee</td>
<td>$77 + $11.00 Technology Fee</td>
</tr>
</tbody>
</table>

## APPLICATION PROCESS:

**Please be advised that this is a 2-3 month process.** The Planning and Zoning Commission will conduct a public hearing to consider your request. Prior to the hearing, the City will mail notices to all property owners within 200 feet of the subject tract, to the listed applicant and property owner, to any lien holders, and to the appropriate neighborhood representative. A sign advertising the change will also be placed on the property by the City.

At the public hearing the applicant, or a representative for the applicant, should be present to answer any questions the Commission may have. Failure to appear could result in your request being tabled or denied. Those in support of the request and those in opposition will be given an opportunity to speak. Following the close of the public hearing, the Planning and Zoning Commission will make a recommendation to either approve or deny the request.

This recommendation is then forwarded to City Council for their action. A notice is published in the newspaper 15 days prior to their hearing. City Council will conduct a public hearing and either adopt an Ordinance to approve the change or deny the request. You will be notified by mail of the date of the City Council public hearing. If an ordinance is adopted, at least one further meeting is required to give Council an opportunity to reconsider the request. If there is no reconsideration, the process is complete. If there is reconsideration, a third reading of the ordinance would be required for approval.

## To be completed by Staff:

<table>
<thead>
<tr>
<th>Property is located in:</th>
<th>Edwards Aquifer Recharge Zone</th>
<th>Historic District</th>
<th>River Corridor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Concurrent Land Use Amendment is Required:</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

Meeting Date: _________ Deadline: _________ Accepted By: ____________________ Date: __________
 AGREEMENT TO THE PLACEMENT
OF ZONING NOTIFICATION SIGNS

The City of San Marcos Land Development Code provides that notification signs shall be placed on any property that is the subject of a zoning change, zoning variance, or conditional use permit. The signs shall be placed on the property by the Development Services-Planning staff prior to the 10th day before the scheduled public hearing based on the following criteria:

- Signs shall be placed on each street for property having multiple street frontages
- Signs shall be placed in a visible, unobstructed location near the front property line

Signs shall remain in place until final action is taken on the application, unless the case is formally withdrawn by the applicant prior to a final decision. Staff will remove the signs.

It is the responsibility of the applicant to periodically check the sign locations to verify that signs remain in place and have not been vandalized or removed. It is the responsibility of the applicant to immediately notify the Development Services-Planning Department of any missing or defective signs.

It is unlawful for a person to alter any notification sign, or to remove it while the case is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.

I have read the above statement and agree to allow the placement of notification signs as required on the project covered by the attached request. The Development Services-Planning staff has my permission to place these signs on my property. I will notify City staff if the sign is damaged or removed.

[Signature of Applicant]  [Owner]  [10-24-16]  [Date]

FOR STAFF USE ONLY:

Sign(s) were placed by staff on __________________________ by __________________________.

Sign(s) were removed by staff on __________________________ by __________________________.
Petition for Zoning Change, Zoning Overlay, or Historic District Checklist

✓ A pre-application conference with staff is recommended;
✓ A completed application form, including a statement verifying land ownership and, if applicable, authorization of the land owner’s agent to file the petition and required fees;
✓ Legal description of the site (metes and bounds or lot and block if platted)
✓ Certificate of no tax delinquency
✓ Subdivision Concept Plats or Site Plans as required (see Chapter 1 of the LDC)
□ Additional information as required to clarify the request

I hereby certify and attest that the application is complete and all information identified above is complete and hereby submitted for review.

Signed: Stephen Ramsey, P.E. Date: 10/24/16
Print Name: STEPHEN RAMSEY, P.E.

☑ Engineer ☐ Surveyor ☐ Architect/Planner ☐ Owner ☐ Agent: __________________________
October 31, 2016

Ms. Shannon Mattingly, AICP, Director
City of San Marcos
Planning & Development Services
630 E. Hopkins Street
San Marcos, Texas 78666

RE: Cottonwood Creek Subdivision
   Master Plan Amendment and Phase 3 Zoning Change Requests
   Project No. 16-0-2-10/11

Dear Ms. Mattingly:

Please accept this cover letter with attachments for the referenced subdivision applications. The owner, Cottonwood Creek JDR, LTD., Randall Morris, President, is working with his local homebuilder, DR Horton, on some changes to Phase 3. Therefore, the Master Plan Amendment and zoning changes pertain to Phase 3 only. The changes include a revised street and lot layout and the re-orientation of the zoning tract containing the existing on-site cemetery. This existing P: Public & Institutional 1.89 acre tract is shifting towards Rattler Road, and, will be expanded to 3.62 acres. This revised P: Public & Institutional tract will include an Amenity Center and other related improvements. The existing 17.97 acre TH: Townhouse Residential tract is to be re-zoned to PH-ZL: Patic Home Zero Lot Line Residential and will encompass the remaining affected area of 16.49 acres. The number of allowable residential lots in Phase 3 is, therefore, reduced for this change.

Attached please find the Subdivision Master Plan Amendment Plat Application and the two (2) Zoning Change Applications. All three (3) application submittals are in accordance with their respective checklists. City fee payments are also attached.

We request that all three (3) applications be processed concurrently. Further, we request that all three (3) applications be considered by the Planning & Zoning Commission (P&Z) at their December 13, 2016 meeting. We understand that the Master Plan Amendment would be or should be considered first by P&Z. The zoning changes public hearing and P&Z recommendation of approval would follow next at that meeting.
We trust you will find these applications to be complete and satisfactory. Please let us know if you need anything else.

Sincerely,

Stephen Ramsey
Stephen Ramsey, P.E.
Manager/President
City of San Marcos

ZONING CHANGE APPLICATION

APPLICANT
Name: RAMSEY ENGINEERING, LLC
Mailing Address: 3206 YELLOWPINE TERRACE
                AUSTIN, TX 78757
Telephone No.: 512-650-6800
E-mail address: ramsey-eng@att.net

PROPERTY OWNER
Name: COTTONWOOD CREEK JDR, LTD.
Mailing Address: 333 CHEATHAM STREET
                SAN MARCOS, TX 78666
Telephone No.: 512-353-1776
E-mail address: jenny@randallmorris.com

PROPERTY DESCRIPTION:
Street Address: NEAR S.H. 123 AT RATTER ROAD
Subdivision: COTTONWOOD CREEK
Other Description (if unplatted) SEE ATTACHED DESCRIPTION
Lot(s): __________

* A metes and bounds description is required if property is a partial lot or is not platted

Appraisal District Tax ID No.: R 14310
Acres: 2.68

Lien Holder(s) - for notification purposes:
Name: N/A
Mailing Address:
(If more than one lien holder, please provide information on a separate page)
A certificate of no tax delinquency must be attached to this application

ZONING CHANGE INFORMATION:
Zoning Designation: Current: P
Requested: TH
Master Plan Designation: MEDIUM DENSITY RESIDENTIAL; OPEN SPACE
Land Use Map Amendment Required? N.O
Present Use of Property: VACANT
Desired Use of Property/Reason for Change: EXISTING CEMETERY TO REMAIN; OPEN SPACE; AMENITY CENTER

I certify that the information in this application is complete and accurate.
X I am the property owner of record; or
☐ I have attached authorization to represent the owner, organization, or business in this application.

Signature: ___________________________ Date: 10-24-16
Printed Name: RANDALL MORRIS
APPLICATION FOR CITY OF SAN MARCOS ZONING CHANGE

FEE INFORMATION:

Fee Schedule:

Zoning Change to MF 12, 18, 14 $1,015 plus $51 acre ($3,000 maximum) + $11.00 Technology Fee
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Zoning variance/Special Exception $609 + $11.00 Technology Fee
Renotification fee $77 + $11.00 Technology Fee

APPLICATION PROCESS:

Please be advised that this is a 2-3 month process. The Planning and Zoning Commission will conduct a public hearing to consider your request. Prior to the hearing, the City will mail notices to all property owners within 200 feet of the subject tract, to the listed applicant and property owner, to any lien holders, and to the appropriate neighborhood representative. A sign advertising the change will also be placed on the property by the City.

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To be completed by Staff:

Property is located in: □ Edwards Aquifer Recharge Zone □ Historic District □ River Corridor
Concurrent Land Use Amendment is Required: □ Yes □ No
Meeting Date: ___________ Deadline: ___________ Accepted By: ___________ Date: ___________
AGREEMENT TO THE PLACEMENT OF ZONING NOTIFICATION SIGNS

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I have read the above statement and agree to allow the placement of notification signs as required on the project covered by the attached request. The Development Services-Planning staff has my permission to place these signs on my property. I will notify City staff if the sign is damaged or removed.

[Signature]
Signature of Applicant  Owner

[Date]

FOR STAFF USE ONLY:

Sign (s) were placed by staff on __________________ by __________________.

Sign (s) were removed by staff on __________________ by __________________.
Petition for Zoning Change, Zoning Overlay, or Historic District Checklist

☑ A pre-application conference with staff is recommended;

☑ A completed application form, including a statement verifying land ownership and, if applicable, authorization of the land owner’s agent to file the petition and required fees;

☑ Legal description of the site (metes and bounds or lot and block if platted)

☑ Certificate of no tax delinquency

☑ Subdivision Concept Plats or Site Plans as required (see Chapter 1 of the LDC)

☐ Additional information as required to clarify the request

I hereby certify and attest that the application is complete and all information identified above is complete and hereby submitted for review.

Signed: Stephen Ramsey, P.E.      Date: 10/24/16
Print Name: STEPHEN RAMSEY, P.E.

☒ Engineer ☐ Surveyor ☐ Architect/Planner ☐ Owner ☐ Agent: ____________________________

Development Services-Planning • 630 East Hopkins • San Marcos, Texas 78666 • 512-393-8230 • FAX 855-759-2843
DESCRIPTION

BEGINNING FOR REFERENCE at a 1" iron pipe found at the southwest corner of said 272.24 acre tract, same being the northwest corner of a called 65.90 acre tract of land as described in that deed to Jonnie Lynn Kraak McClellan, et al. and recorded in Volume 1757, Page 708 of the Deed Records of said county, being on the east right-of-way line of Highway 123 (130 foot right-of-way width), from which a fence post found for the northwest corner of said 272.24 acre tract bears, N 04° 25' 19" E for a distance of 3273.82 feet;

THEN through the interior of said 272.24 acre tract, N 50° 57' 05" E for a distance of 2005.22 feet to a calculated point for the west corner and POINT OF BEGINNING hereof;

THEN through the interior of said 272.24 acre tract, the following eight (8) courses and distances:

1) N 26° 20' 18" E for a distance of 40.63 feet to a calculated point of curvature hereof,

2) with the arc of a curve to the right, having a radius of 165.00 feet, an arc length of 303.73 feet, a central angle of 105° 28' 09" , and a chord which bears, N 84° 33' 48" E for a distance of 262.63 feet to a calculated point of non-tangency hereof,

3) N 47° 17' 52" E for a distance of 240.00 feet to a non-tangent calculated point of curvature hereof,
4) with the arc of a curve to the right, having a radius of 405.00 feet, an arc length of 64.01 feet, a central angle of 09° 03' 22", and a chord which bears, S 38° 10' 27" E for a distance of 63.95 feet to a calculated point of non-tangency hereof,

5) S 56° 21' 14" W for a distance of 240.00 feet to non-tangent calculated point of curvature hereof,

6) with the arc of a curve to the right, having a radius of 165.00 feet, an arc length of 157.53 feet, a central angle of 54° 42' 10", and a chord which bears, S 06° 17' 41" E for a distance of 151.62 feet to a calculated point of tangency hereof,

7) S 26° 27' 29" W for a distance of 40.35 feet to a calculated point for the south corner hereof, from which an iron rod found with "Byrn" cap for an angle point on the south line of said 272.24 acre tract bears, S 08° 17' 45" W for a distance of 1089.13 feet, and

8) N 63° 36' 21" W for a distance of 328.46 feet to the POINT OF BEGINNING and containing 1.42 acre of land.

Bearing basis is grid north for the Texas South Central Zone NAD 83/93 HARN, per GPS survey performed during June, 2003.

Surveyed under the direct supervision of the undersigned during March, 2004:

[Signature]

Margaret A. Nolen
Registered Professional Land Surveyor No. 5589
BAKER-AICKLEN & ASSOCIATES, INC.
203 E. Main Street, Suite 201
Round Rock, Texas 78664
(512) 244-9620

Job No.: 1262-4-001-74
Filename: W:\PROJECTS\COTTONWOOD HAYS\ZONING\REVISED METES & BOUNDS\COTTONWOOD ZONING PARK PARCEL.04.doc
A 1.42 ACRE TRACT OF LAND MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE at a 1" iron pipe found at the southwest corner of said 272.24 acre tract, same being the northwest corner of said 65.90 acre tract, being the east right-of-way line of said Highway 123;

THENCE with the west line of said 272.24 acre tract, same being the east right-of-way line of said Highway 123, N 04° 25’ 19” E for a distance of 480.18 feet to a calculated point;

THENCE through the interior of said 272.24 acre tract, S 85° 34’ 41” E for a distance of 535.89 feet to a calculated point for the southwest corner and POINT OF BEGINNING hereof;

THENCE through the interior of said 272.24 acre tract, the following six (6) courses and distances:

1) N 01° 20’ 08” W for a distance of 406.93 feet to a calculated point of curvature hereof,
2) with an arc of a curve to the right, having a radius of 257.82 feet, an arc length of 24.82 feet, a central angle of 05° 31' 01", and a chord which bears, N 01° 32' 38" E for a distance of 24.82 feet to a calculated point for the northwest corner hereof,

3) S 82° 58' 17" E for a distance of 289.16 feet to a calculated point for the northeast corner hereof,

4) with an arc of a curve to the left, having a radius of 250.00 feet, an arc length of 40.85 feet, a central angle of 09° 21' 41", and a chord which bears, S 03° 20' 43" W for a distance of 40.80 feet to a calculated point of tangency hereof,

5) S 01° 20' 08" E for a distance of 348.99 feet to a calculated point for the southeast corner hereof, from which an iron rod found with "Byrn" cap for an angle point on the south line of said 272.24 acre tract, bears S 64° 15' 37" E for a distance of 931.54 feet, and

6) S 88° 39' 52" W for a distance of 284.00 feet to the POINT OF BEGINNING and containing 2.68 acres of land.

Bearing basis is grid north for the Texas South Central Zone NAD 83/93 HARN, per GPS survey performed during June, 2003.

Surveyed under the direct supervision of the undersigned during March, 2004:

Margaret A. Nolen
Registered Professional Land Surveyor No. 5589
BAKER-AICKLEN & ASSOCIATES, INC.
203 E. Main Street, Suite 201
Round Rock, Texas 78664
(512) 244-9620

Job No.: 1262-4-001-74
Filename: W:\PROJECTS\COTTONWOOD HAYS\ZONING\REVISED METES & BOUNDS\COTTONWOOD ZONING TH-2 PARCEL.02.doc
SKETCH TO ACCOMPANY DESCRIPTION

FARNAM FRYE SURVEY,
ABSTRACT NO. 183

COTTONWOOD CREEK JDI, LTD.
TRACT 1
CALLED 272.24 ACRES
VOL. 2457, PG. 9

SCALE: 1" = 400'
HAYS COUNTY, TEXAS

LEGEND
• IRON ROD FOUND
  WITH "BYRN" CAP
○ 1" IRON PIPE FOUND
□ FENCE POST FOUND
△ CALCULATED POINT

POINT OF BEGINNING

BEGINNING FOR REFERENCE
JONNIE LYNN KRAAK McCLELLAN, ET AL.
CALLED 65.90 ACRES
VOL. 1757, PG. 708

DATE: MAR., 2004
JOB NO.: 1252-4-001-74
BY: M. NOLEN
PAGE 4 OF 5
AGENDA CAPTION:
7:00PM Receive a Staff presentation and hold a Public Hearing to receive comments for or against a request for a Conditional Use Permit to allow insulated metal panels as an alternative exterior material for two buildings at the Hays County Jail Complex located at 1307 Uhland Road; authorizing City Staff to issue a Conditional Use Permit consistent with this Resolution; and declaring an effective date; and consider approval of Resolution 2017-34R.
Meeting date: February 21, 2017

Department: Planning and Development Services

Funds Required: NA
Account Number: NA
Funds Available: NA
Account Name: NA

CITY COUNCIL GOAL: Beautify and Enhance the Quality of Place

COMPREHENSIVE PLAN ELEMENT(s): Parks, Public Spaces and Facilities: Goal 1 - “Well-maintained public facilities that meet the need of our community.”

BACKGROUND:

The subject property is approximately 22 acres located on Uhland Road between IH-35 and the Blanco River. This site is zoned Public (P) and is the location of the Hays County Jail, which the County of Hays recently passed a bond election to expand and improve. The first phase of the proposed improvements includes two new metal buildings.

These buildings, identified as buildings F and G, are a fleet vehicle maintenance building and a future training center respectively. As proposed, the Primary Material is insulated metal panel, while the Secondary Material is glazing/glass.

If the Council chooses to approve the request, Staff recommends that they consider adding the following conditions:

1. Vertical landscaping requirements that exceed base code.
a. 1 shade tree for every 30 liner feet along Uhland Road, instead of every 50 feet as required by the base code.
b. 1 understory tree for every 30 liner feet to be located within 50 feet of the privacy fence where adjacent to any commercial or residential zoning district.
2. Privacy fence shall be constructed of decorative metal or masonry.
Resolution 2017-34R

CUP-17-04 (Hays County)

Receive a Staff presentation and hold a Public Hearing to receive comments for or against a request for a Conditional Use Permit to allow insulated metal panels as an alternative exterior material for two buildings at the Hays County Jail Complex located at 1307 Uhland Road; authorizing City Staff to issue a Conditional Use Permit consistent with this Resolution; and declaring an effective date; and consider approval of Resolution 2017-34R.
Request is for a Conditional Use Permit (CUP) to allow insulated metal panel as an alternative primary exterior material for two proposed new buildings.

The Land Development Code states that the Public (P) zoning district shall be required to have a minimum of 80% of each building wall constructed of a Primary Material, which includes masonry, glass, and steel framework.

Architectural Metal Panel is allowed as a secondary material, and is defined as:

“Metals used for decorative architectural purposes. Includes insulated architectural metal panels, and rain screen architectural metal panels with no exposed fasteners...”

Aerial and Summary
Proposed Elevations for Building F

- Building F is proposed to be a fleet vehicle Maintenance Building
- Building F is proposed to be 92% insulated metal panel, and approximately 8% glazing.
Proposed Elevations for Building G

- Building G is proposed as a future training facility
- Building G is proposed to be 75% insulated metal panel and 25% glazing
Evaluation of a request for CUPs for alternate materials is subject to the criteria in Section 4.4.2.2(d).

1. The approved alternative meets the intent of the Exterior Design and Materials Standards to an equivalent or better degree than the minimum standards required;
   • The proposed alternative does not meet the intent of the Exterior Design and Materials Standards.

2. The request conforms to the Comprehensive Plan and adopted City Plans;
   • While the Comprehensive Plan does not address materials, the proposed expansion of the facilities at the Hays County Jail meets Goal 1 of Parks, Public Spaces & Facilities: “Well-maintained public facilities that meet the needs of our community.”

3. The request is based on a unique character of the property or proposed use;
   • This property is somewhat unique as it is the location of the Hays County Jail.

4. Financial hardship is not the basis for the request;
   • According to the applicant financial hardship is the primary basis for this request.

5. The request is offset by additional architecture treatments and increased vertical landscaping;
   • The applicant has stated that landscaping and a privacy fence will help reduce the visual impact of the structures from Uhland Road.
Surrounding Zoning
Resolution 2017-34R  
(CUP-17-04)  
Staff Recommendation

If Council chooses to approve Resolution 2017-34R (CUP-17-04) Staff recommends considering the following conditions:

• Vertical landscaping requirements that exceed base code.  
  a. 1 shade tree for every 30 liner feet along Uhland Road, instead of every 50 feet as required by the base code.  
  b. 1 understory tree for every 30 liner feet to be located within 50 feet of the privacy fence where adjacent to any commercial or residential zoning district.  
• A solid privacy fence shall be constructed of decorative masonry material.
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.
RESOLUTION NO. 2017- R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS APPROVING A REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW INSULATED METAL PANELS AS AN ALTERNATIVE EXTERIOR MATERIAL FOR TWO BUILDINGS AT THE HAYS COUNTY JAIL COMPLEX LOCATED AT 1307 UHLAND ROAD; AUTHORIZING CITY STAFF TO ISSUE A CONDITIONAL USE PERMIT CONSISTENT WITH THIS RESOLUTION; AND DECLARING AN EFFECTIVE DATE.

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

PART 1. The request by Andrew Dodson, P.E., Doucet and Associates, Inc., on behalf of Hays County, for a conditional use permit to allow insulated metal panels as an alternative exterior material for two buildings at 1307 Uhland Road is hereby approved, subject to conformance with the plans and specifications submitted with such request and conditions, if any, as imposed by the City Council. [If the City Council imposes conditions, then such conditions shall be described in an exhibit to be attached to and incorporated into this resolution.]

PART 2. City staff is hereby authorized to issue a conditional use permit consistent with this resolution.

PART 3. This resolution shall become effective immediately from and after its passage.

ADOPTED on February 21, 2017.

John Thomaides
Mayor

Attest:

Jamie Lee Case
City Clerk
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.
CUP-17-04
Conditional Use Permit
Hays County Jail
Alternative Exterior Material (Insulated Metal Panel)
1307 Uhland Road

Applicant Information:
Applicant: Andrew Dodson
7401B Highway 71 West, Suite 160
Austin, TX 78735

Property Owner: Hays County
712 South Stagecoach
San Marcos, TX 78666

Applicant Request: A request to use insulated metal panel as a primary exterior material on two buildings within the Hays County Jail property.

Notification Personal notification was mailed to all property owners within 200 feet of the property on February 10, 2017.

Response: None as of date of this report.

Subject Property:
Legal Description: Lot 1, Hays County Law Enforcement Center Addition
Location: 1307 Uhland Road
Existing Use of Property: County Jail
Proposed Use of Property: County Jail
Preferred Scenario Map: Area of Stability
Existing Zoning: Public (P)

<table>
<thead>
<tr>
<th>Zoning and Land Use Pattern:</th>
<th>Current Zoning</th>
<th>Existing Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>N of Property</td>
<td>CC/SF-6/MR</td>
<td>Church/Single Family Homes</td>
</tr>
<tr>
<td>S of Property</td>
<td>MF-24</td>
<td>Apartments</td>
</tr>
<tr>
<td>E of Property</td>
<td>MH</td>
<td>Mobile Home Park</td>
</tr>
<tr>
<td>W of Property</td>
<td>MH</td>
<td>Mobile Home Park</td>
</tr>
</tbody>
</table>
**Code Requirements:**

Section 4.4.2.1(C)(1) of the Land Development Code states that the Public (P) zoning district shall be required to have a minimum of 80% of each building wall constructed of a Primary Material, which includes masonry, glass, and steel framework. Secondary Materials may make up to 20% of each building wall in this zoning district. Additionally, the LDC allows the Planning Director the ability to use an Administrative Adjustment which would allow a 10% reduction to the Primary Material requirement. Architectural Metal Panel is allowed as a secondary material, and is defined as:

“Metals used for decorative architectural purposes. Includes insulated architectural metal panels, and rain screen architectural metal panels with no exposed fasteners…”

Section 4.4.2.4 of the Land Development Code states that Council may approve a Conditional Use Permit for alternative exterior designs or materials.

The intent of the design standards is to promote quality design and create visual interest through texture, color, and detailing. Materials should be durable so that the development will continue to be an attractive part of the community over time.

**Background**

The subject property is approximately 22 acres located on Uhland Road between IH-35 and the Blanco River. This site is zoned Public (P) and is the location of the Hays County Jail. A bond election was passed to expand and improve the jail site. Improvements include expansion of the existing building, additional parking lots, a rear access off of Pecan Street, and two new metal buildings for maintenance and training.

This request is for a Conditional Use Permit (CUP) to allow insulated metal panel as an alternative primary exterior material for these two proposed new buildings. These buildings, which are the first phase of the proposed improvements, are identified as buildings F and G on the site plan. Buildings F and G are a fleet vehicle maintenance building and a future training center respectively.

According to the applicant, Hays County intends to meet the Exterior Design Materials Standards for the expansion of all other facilities on this campus.

**Proposed Material**

The architect is proposing insulated metal panels as the primary material for buildings F and G. Building F, the fleet vehicle maintenance building is proposed to be approximately 92% insulated metal panel and approximately 8% glazing overall. Building G, the future training facility, is proposed to be approximately 75% insulated metal panel and 25% glazing overall. The exact breakdown per side is attached to this report.

The applicant has stated that Hays County intends to erect a privacy fence between Uhland Road and Building F, as seen on the attached site plan, as well as use landscaping to obstruct the view of the buildings from Uhland Road.

**Comments from Other Departments:**

There have been no comments from other departments.
Planning Department Analysis:

Evaluation of a request for CUPs for alternate materials is subject to the criteria in Section 4.4.2.2(d).

1. **The approved alternative meets the intent of the Exterior Design and Materials Standards to an equivalent or better degree than the minimum standards required;**

   The proposed alternative does not meet the intent of the Exterior Design and Materials Standards.

2. **The request conforms to the Comprehensive Plan and adopted City Plans;**

   While the Comprehensive Plan does not address materials, the proposed expansion of the facilities at the Hays County Jail meets Goal 1 of Parks, Public Spaces & Facilities: “Well-maintained public facilities that meet the needs of our community.”

3. **The request is based on a unique character of the property or proposed use;**

   This property is somewhat unique as it is the location of the Hays County Jail.

4. **Financial hardship is not the basis for the request;**

   According to the applicant financial hardship is the primary basis for this request.

5. **The request is offset by additional architecture treatments and increased vertical landscaping;**

   The applicant has stated that landscaping and a privacy fence will help reduce the visual impact of the structures from Uhland Road.

Review of the surrounding property shows that the property on the two sides of the Hays County Jail is currently zoned and used as mobile home parks. However, to the rear of the Hays County Jail, the majority of properties are zoned Community Commercial and Single-Family 6. These properties contain a church and single family homes. It is worth noting that the church is a metal building with a masonry veneer on the side visible to IH-35, but with exposed insulated metal panel on the other three sides.

If the Council chooses to approve the request, Staff recommends that they consider adding the following conditions:

1. Vertical landscaping requirements that exceed base code.
   a. 1 shade tree for every 30 liner feet along Uhland Road, instead of every 50 feet as required by the base code.
   b. 1 understory tree for every 30 liner feet to be located within 50 feet of the privacy fence where adjacent to any commercial or residential zoning district.

2. **A solid privacy fence shall be constructed of decorative masonry material.**

The City Council’s Responsibility:

The City Council may approve, approve with conditions or deny the request. In evaluating the use of the alternative material, consider the five criteria of approval listed above.

Prepared by:
Will Parrish Planner February 15, 2017

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tr>
</tbody>
</table>
January 6, 2017

Planning Department
City of San Marcos
630 E. Hopkins
San Marcos, TX 78666

RE: Conditional Use Permit- Hays County Jail Site

City of San Marcos,

Hays County has recently passed a bond initiative to expand and update the existing county jail. Part of that program will be to construct a new vehicle maintenance building and training center. These two buildings are identified as Building F and Building G on the overall master plan included with this submittal. To meet the current budget, these two buildings are being designed as metal buildings. The site is zoned “P” for Public and requires an 80/20 exterior with Type 1 materials (i.e. Masonry).

Hays County is requesting this conditional use permit to allow for the metal buildings to be constructed as shown on the attached elevation drawings. The buildings are not located near the visual frontage of the site from Uland Road and will be behind secured fence perimeters. It is the county’s intent to screen these areas from public view by use of privacy fencing and landscaping between the buildings and the public street. The fleet maintenance building will be replacing the existing metal building located onsite. The county will also be constructing water quality enhancements to treat runoff from the development before it enters the river. These improvements will be built in the area adjacent to the Blanco River. Final design will determine the most feasible and effective location.

The county and their consultants are available for discussions and look forward to meeting with the city to facilitate this request.

Sincerely,

[Signature]
Andrew Dodson, P.E
San Marcos Office Director
Doucet & Associates, Inc.
TBPE Firm # 3937
State of Texas Surveying Firm Certification # 10105800

Attachments
1. Overall site plan
2. Fleet services elevations
3. Training building elevations
FLEET MAINTENANCE BUILDING

BUILDING

FUTURE TRAINING BUILDING

UHLAND ROAD

(65' ROW)

PECAN STREET

(50' ROW)

BLANCO RIVER

200' APPROXIMATE 100

YEAR FLOODPLAIN

APPROXIMATE FLOODWAY

CRITICAL WATER QUALITY ZONE

BUFFER ZONE

0 (IN FEET)

GRAPHIC SCALE 1"=50'
NOTE:
PROPOSED LANDSCAPING TO EXCEED CITY OF SAN MARCOS REQUIREMENTS.
LANDSCAPING TO BE FOCUSED ALONG UHLAND ROAD, PECAN STREET & SINGLE FAMILY HOMES ADJACENT TO THE REAR OF THE PROPERTY.
METAL PANELS AREA: 860 SF

4" MIN. INSULATED METAL PANEL ROOF SYSTEM
ALUMINUM WINDOW SYSTEM WITH CANTILEVERED METAL PANEL OVERHANG - PAINTED WITH ACCENT COLOR
CANTILEVERED METAL PANEL OVERHANG WITH ACCENT COLOR
4" INSULATED METAL PANEL WALL SYSTEM
ALUMINUM DOOR/WINDOW SYSTEM WITH CANTILEVERED METAL PANEL OVERHANG WITH ACCENT COLOR
FABBRICATED STEEL LETTERING - PAINTED WITH ACCENT COLOR
CONTINUOUS FOLDED ROOF-TO-WALL METAL PANELS

METAL PANELS AREA: 1,136 SF

4" MIN. INSULATED METAL PANEL ROOF SYSTEM
ALUMINUM WINDOW SYSTEM WITH CANTILEVERED METAL PANEL OVERHANG - PAINTED WITH ACCENT COLOR
4" INSULATED METAL PANEL WALL SYSTEM
ALUMINUM DOOR/WINDOW SYSTEM
ALUMINUM WINDOW SYSTEM WITH CANTILEVERED METAL PANEL OVERHANG - PAINTED WITH ACCENT COLOR
CONTINUOUS FOLDED ROOF-TO-WALL METAL PANELS

METAL PANELS AREA: 1,545 SF

4" MIN. INSULATED METAL PANEL ROOF SYSTEM
4" INSULATED METAL PANEL WALL SYSTEM
ALUMINUM WINDOW SYSTEM
HOLLOW METAL DOOR/FRAME
CANTILEVERED METAL PANEL OVERHANG WITH ACCENT COLOR
CONTINUOUS FOLDED ROOF-TO-WALL METAL PANELS

METAL PANELS AREA: 1,024 SF

4" MIN. INSULATED METAL PANEL ROOF SYSTEM
HOLLOW METAL DOOR/FRAME
CANTILEVERED METAL PANEL OVERHANG
ALUMINUM WINDOW SYSTEM
4" INSULATED METAL PANEL WALL SYSTEM
FABBRICATED STEEL LETTERING - PAINTED WITH ACCENT COLOR
CONTINUOUS FOLDED ROOF-TO-WALL METAL PANELS
### FLEET MAINTENANCE MATERIAL PERCENTAGES

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<tr>
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<th>Metal Panels</th>
<th>Doors</th>
<th>Windows</th>
<th>Total SQ</th>
<th>Total Excluding Doors</th>
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<td>West</td>
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### TRAINING FACILITY MATERIAL PERCENTAGES

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AGENDA CAPTION:
Consider approval of Ordinance 2017-09, on the first of two readings, amending the City’s 2016-2017 Fiscal Year Budget to include expenditures in the total sum of $9,000.00 from State Seized Asset Funds to provide funding for the purchase of a data interface between Computer Information Systems (CIS) and Taser/Axom Camera and Video System used by the Police Department; and providing an effective date.

Meeting date:  February 21, 2017 - 1st Reading
            March 7, 2017 - 2nd Reading

Department:  Police

Funds Required:  $9,000.00
Account Number:  12055231.35015
Funds Available:  $78,441.50
Account Name:  State Seized Assets

CITY COUNCIL GOAL:
Provide for the Efficient and Effective Delivery of Services

COMPREHENSIVE PLAN ELEMENT(s):  N/A

BACKGROUND:
The police department recently implemented a department-wide body camera program using the Axon camera as its service provider. This program will soon include in-car video systems also provided by Axon. Each video clip created by this system must be tagged with pertinent case information such as the incident number and offense type at the conclusion of the video. This data is currently being entered manually by each participating officer. This process is time consuming and can lead to errors due to manual data entry. The police department’s records management system vendor, CIS, has the capacity to write an interface to automate this process and create a data migration from the CIS incident screen into the Axon camera database. This will allow pertinent case information to be automatically populated into each video’s metadata thus freeing up employee time. The cost for this interface is $9,000.00 and is a one-time expenditure.
ORDINANCE NO. 2017-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING THE CITY’S 2016-2017 FISCAL YEAR BUDGET TO ALLOW EXPENDITURES IN THE SUM OF $9,000.00 FROM STATE SEIZED ASSET FORFEITURE FUNDS FOR THE PURCHASE OF A DATA INTERFACE BETWEEN COMPUTER INFORMATION SYSTEMS (CIS) AND THE TASER/AXOM CAMERA AND VIDEO SYSTEM USED BY THE POLICE DEPARTMENT; 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 2016-2017 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 2016-2017 Fiscal Year is amended as set forth in the attached Exhibit A, in order to fund the purchase of a data interface between Computer Information Systems (CIS) and the Taser/Axom camera and video system used by the Police Department in the sum of $9,000.00.

SECTION 2. These revisions will be incorporated into the 2016-2017 Fiscal Year City Budget.

SECTION 3. 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 4. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 5. This ordinance will take effect immediately after its passage, approval and adoption on second reading.

PASSED AND APPROVED on first reading on February 21, 2017.

PASSED, APPROVED AND ADOPTED on second reading on March 7, 2017.

John Thomaides
Mayor
## Invoice

**Computer Information Systems Inc.**

Fax: 847/673-7804  
7840 Lincoln Avenue  
Skokie, IL 60077

### Invoice Details

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<thead>
<tr>
<th>DATE</th>
<th>INVOICE #</th>
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<tbody>
<tr>
<td>1/25/2017</td>
<td>235355</td>
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</tbody>
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### Billing Information

**BILL TO**  
City of San Marcos  
2300 I-35 /South  
San Marcos, TX 78666

**SHIP TO**  
San Marcos Police Department  
2300 I-35 South  
San Marcos, TX 78666

### Terms

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<th>P.O. NUMBER</th>
<th>TERMS</th>
<th>RENEWAL DATE</th>
<th>LICENSE NR</th>
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<td>10-03-00</td>
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### Description

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<th>DESCRIPTION</th>
<th>PRICE EACH</th>
<th>QUANTITY</th>
<th>AMOUNT</th>
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<tr>
<td>Taser Interface</td>
<td>9,000.00</td>
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### Summary

**Total**  
$9,000.00

**Payments/Credits**  
$0.00

**Balance Due**  
$9,000.00
Budget Amendment
Approved by Ordinance No.

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<td>$(9,000.00)</td>
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<td>Equipment</td>
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<td>$9,000.00</td>
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</table>

Description

Purchase interface to tag video from the body camera and in-car video system with pertinent case information including incident number and offence type.
AGENDA CAPTION:
Consider approval of Resolution 2017-35R, authorizing the naming of the alley located north of the Historic Hays County Courthouse between East Hopkins Street and University Drive “Kissing Alley”; and declaring an effective date.

Meeting date: February 21, 2017

Department: Planning and Development Services

Funds Required: NA
Account Number: NA
Funds Available: NA
Account Name: NA

CITY COUNCIL GOAL: Beautify and Enhance the Quality of Place

COMPREHENSIVE PLAN ELEMENT(s): NA

BACKGROUND:

This agenda item seeks approval from City Council for a request initiated by City Staff to name an alley located north of the Hays County Courthouse “Kissing Alley” as it has been colloquially known for several years. The location of the alley is depicted on the attached map.

At their regularly scheduled meeting on January 24, 2017, the Planning and Zoning Commission voted unanimously to recommend approval of the request.

The Main Street Advisory Board enacted a vision statement on July 13, 2016 “to foster a downtown that is a unique and culturally vibrant destination, where local businesses thrive and people of all ages can connect, create and celebrate.” The Kissing Alley project began in 2013 and has been used for downtown activities such as Park(ing) Day, weddings, and live music events for several Main Street events. Kissing Alley is viewed as a placemaking opportunity for Downtown San Marcos.

In addition to activating the alley, public and private improvements have been made to create a unique, safe and more attractive downtown space including a mural and permanent over-the-road lighting. These improvements and official naming of the alley help accomplish goals set for 2017 including: 1) additional street and safety amenities; 2) awareness of Kissing Alley; and 3) incorporating more music and art in public places.
Staff has reviewed the request and recommends approval as submitted.
Resolution 2017-35R
SNC-16-01 (Kissing Alley)

Hold a public hearing and consider a request by the City as recommended by the San Marcos Main Street Program to name the alley located north of the Historic Hays County Courthouse between East Hopkins Street and University Drive “Kissing Alley”; and declaring an effective date; and consider approval of Resolution 2017-35R.
Aerial and Summary

• The Main Street Advisory Board enacted a vision statement on July 13, 2016 “to foster a downtown that is a unique and culturally vibrant destination, where local businesses thrive and people of all ages can connect, create and celebrate.”

• The Kissing Alley project began in 2013 and has been used for downtown activities such as Park(ing) Day, weddings, and live music performances for several Main Street events.

• The official naming of the alley will help accomplish the Main Street goal set for 2017 of increasing awareness of Kissing Alley.

• Planning and Zoning Commission recommended approval at their regularly scheduled January 24, 2017 meeting.
<table>
<thead>
<tr>
<th>Criteria</th>
<th>Staff Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multiple names along a single street or along two streets that are in substantial alignment should be avoided.</td>
<td>Meets Criteria</td>
</tr>
<tr>
<td>Consideration shall be given to historical and geographical significance of a street or area</td>
<td>Meets Criteria</td>
</tr>
<tr>
<td>A new street name shall not duplicate or sound similar to an existing street in the city or the city’s extraterritorial jurisdiction</td>
<td>Meets Criteria</td>
</tr>
<tr>
<td>A new street name shall not differ from an existing street name by the addition of a different auxiliary designation including “avenue”, “way”, “boulevard”, etc.</td>
<td>Meets Criteria</td>
</tr>
<tr>
<td>The Planning and Zoning Commission shall also review any other pertinent criteria in its consideration of a street name change.</td>
<td>Kissing Alley is viewed as a placemaking opportunity for Downtown San Marcos.</td>
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</tbody>
</table>
Resolution 2017-35R
(SNC-16-01)
Staff Recommendation

Staff recommends approval of Resolution 2017-35R (SNC-16-01) as submitted.
RESOLUTION NO. 2017-R


RECITALS:

1. WHEREAS, the alley located north of the Hays County Courthouse has for several years been colloquially known as "Kissing Alley;" and

2. WHEREAS, since 2013 Kissing Alley has been used for downtown activities such PARK(ing) Day, weddings, and live music events for many Main Street Program events; and

3. WHEREAS, in an effort to activate this public space improvements including a mural and permanent over-the-road lighting have been installed to create a unique, safe and more attractive downtown environment; and

4. WHEREAS, Downtown San Marcos is a unique and culturally vibrant destination where local businesses thrive and people of all ages can connect, create and celebrate.

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

PART 1. The alley located north of the Hays County Courthouse between Hopkins Street and University Drive as depicted on the attached map shall be officially named and known as Kissing Alley.

PART 2. This Resolution shall be in full force and effect immediately from and after its passage.

ADOPTED on February 21, 2017.

John Thomaides
Mayor

Attest:

Jamie Lee Case
City Clerk
At their regular meeting on January 24, 2017 the Planning and Zoning Commission considered this item during a Public Hearing.

**Public Notification:**

*Public Notice was published January 13, 2017 and again February 10, 2017.*

**Correspondence:**

*Staff received a letter of support from the Main Street Advisory Board which is included in this packet.*

**Public Hearing:**

*For: Samantha Armbruster*

*Against: None*

**Planning & Zoning Commission draft meeting minutes**

SNC-16-01 draft minutes are as follows:

**SNC-16-01 (Kissing Alley)** Hold a public hearing and consider a request initiated by the City as recommended by the San Marcos Main Street Program to name the alley located north of the Historic Hays County Courthouse between East Hopkins Street and University Drive “Kissing Alley.”

Chairman Jim Garber opened the public hearing for SNC-16-01.

Will Parrish, Staff Planner gave an overview of the request.

Samantha Armbruster, 424 Settlers Drive San Marcos, Texas representing the City of San Marcos Main Street Program, spoke in favor of the request and stated that people are already starting to call the alley Kissing Alley.

No one else spoke and the public hearing was closed.
A motion was made by Commissioner Dupont, seconded by Commissioner Porterfield, that SNC-16-01 be approved. The motion Passed by the following vote:

For: 6 – Chairman Garber, Vice Chair Kelsey, Commissioner Dupont, Commissioner McCarty, Commissioner Porterfield, and Commissioner Rand.

Against: 0

Absent: 1 – Commissioner Ramirez

Attachments:
1. Location Map
2. Aerial
3. P&Z Staff Report
4. Letter from the Main Street Advisory Board
5. Application
SNC-16-01
Kissing Alley
Map Date: 12/28/2016

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.
SNC-16-01
Street Name Change
Kissing Alley

Applicant Information:

Applicant: Kevin Burke, Economic and Development Projects Coordinator
City Manager's Office
630 E Hopkins Street
San Marcos TX, 78666

Applicant's Request: Assign a street name to the alley colloquially known as “Kissing Alley”.


Comments from Other Departments:

Police Department: No opposition.
Fire Department: No opposition.
Planning and Development Services Department: No opposition.
Public Services Department: No opposition.
City Marshal: No opposition.
GIS Coordinator: No opposition.

Planning Department Analysis:

Staff has reviewed this request for a street name change for consistency with City ordinances and policies.

Staff does not have a record of this alley having been previously named. It is currently used by service vehicles and the public to access the interior of these two blocks. Additionally, a short stretch of this alley (approximately half of a block) is often used for special events. This particular section of the alley is also popular for photographs, particularly engagement and graduation photographs, due to the terminated vista of the Historic Courthouse and San Marcos themed mural.

The request supports the Main Street Program’s vision to “foster a downtown that is a unique and culturally vibrant destination, where local businesses thrive and people of all ages can connect, create and celebrate.” The Kissing Alley project began in 2013 and has been used for downtown activities such as Park(ing) Day, weddings, and live music events for several Main Street events. Kissing Alley is viewed as a placemaking opportunity for Downtown San Marcos.

In addition to activating the alley, public and private improvements have been made to create a unique, safe and more attractive downtown space including a mural and permanent over-the-road lighting. These improvements and official naming of the alley help accomplish goals set for 2017 including:

- Additional street and safety amenities
- Awareness of Kissing Alley
- Incorporating more music and art in public places.
Section 74.057 of the San Marcos City Code allows the name change of a public street to be initiated by the City. The request shall be considered initially by the Planning and Zoning Commission and shall be considered only if more than 50 percent of the owners of businesses addressed along the street and more than 50 percent of the owners of property addressed along the street in question have signed the petition in favor of the change. No businesses or property owners are addressed on this alley.

The City Council shall apply the following criteria in considering the proposed street name:

**Criteria:**

1. Multiple names along the continuity of a single street or along two streets that are in substantial alignment shall be avoided.  
   **Staff Analysis:** Meets criteria. There is another alley that continues along this same alignment on the South side of the Historic Hays County Court House. Due to the inability of the two alleys to connect, Staff does not recommend that the alley on the southern side of the Court House Square be named Kissing Alley, as this has the potential to promote confusion.

2. Consideration shall be given to historical and geographical significance of a street or area or to the recognition of a significant personal achievement.  
   **Staff Analysis:** Meets Criteria. The alley in question has been colloquially known as Kissing Alley for several years due to the prominence of engagement photographs that feature this romantic and picturesque setting.

3. A new street name shall not duplicate or sound phonetically similar to the name of a street already in use in the city or the city’s extraterritorial jurisdiction or designated as a future extension in the current thoroughfare plan.  
   **Staff Analysis:** Meets Criteria. One of San Marcos’ newest subdivisions, Kissing Tree, does have a street named Kissing Tree Lane. While this is a partial duplication, Staff feels that the addition of the word “Tree”, as well as the fact that this is an alley Downtown and not a street, creates a significant enough difference between the two.

4. A new street name shall not differ from an existing street name except by the addition of a different auxiliary designation including “avenue”, “way”, “boulevard”, etc.  
   **Staff Analysis:** Meets criteria. Kissing Tree Lane differs both in the addition of the word “Tree” and the auxiliary “Lane”.

5. The City Council shall also review any other pertinent criteria in its consideration of a street name change.  
   Staff Analysis: The City Council may hold discussions regarding any other pertinent information as part of their discretionary decision on the proposed street name change.

**Planning Departments recommendation**

The Main Street Advisory Board enacted a vision statement on July 13, to adopt the current vision statement and work goal plans. Staff has reviewed the request and recommends approval as submitted.

Application  
Prepared by:  
William Parrish, Planner  
January 11, 2017
January 19, 2017

Jared Miller
City Manager
City of San Marcos
630 E. Hopkins St.
San Marcos, TX 78666

Dear Mr. Miller,

In accordance with City Council goal: Beautify and Enhance the Quality of Place for San Marcos, the Main Street Advisory Board would like to recommend that the City of San Marcos assign a street name to the alley colloquially known as Kissing Alley in Downtown San Marcos. The alley is located on the North side of the Historic Hays County Courthouse between Hopkins Street and University Drive.

In addition to meeting the goals set forth by City Council, it also meets the strategic goals and falls in line with newly adopted Main Street vision statement: “To foster a downtown that is a unique and culturally vibrant destination, where local businesses thrive and people of all ages can connect, create and celebrate.”

Since the project began in 2013, the alley has seen park-life amenities, weddings, photographs, live music and has been the scene for several main street events. In addition to activating the alley, public and private improvements have been made to create a unique, safe and more attractive downtown space including a mural and permanent over the road lighting. These improvements and official naming of the alley help accomplish goals set for 2017 including:

a. additional street and safety amenities
b. awareness for Kissing Alley
c. incorporate more music and art in public places

The Main Street Advisory Board voted at their July 13, 2016 to adopt the current vision statement and work plan goals. We appreciate your consideration for this request.

Sincerely,

Debbie Harvey
Main Street Advisory Board Chair
CITY OF SAN MARCOS
STREET NAME CHANGE APPLICATION & PETITION

APPLICANT
Name: Kevin Burke Day-Time Phone: 512.393.8108
Mailing Address: 630 E. Hopkins

REQUESTED CHANGE
Existing Street Name: Unnamed alley
Proposed Street Name: Kissing Alley
Description of Street Location: From the intersection with
Hutchinson University to its intersection with Hopkins
Reasons for requested change: Downtown SMTX placemaking

AFFECTED PROPERTIES:
Number of Property Owners Affected: 0
Number of Businesses Affected: 0

*Note: To be accepted as complete, more than 50% of the owners of businesses and 50% of the owners of property addressed (affected) on this street must sign the accompanying petition. A filing fee of $211.00 is required. If approved, you must pay the cost of replacing street signs. This cost is determined by the Director of Public Services

Signature of Applicant: Kevin Burke
Printed Name: Kevin Burke
Date: 11.23.16

Development Services • 630 E. Hopkins • San Marcos, Texas 78666 • 512-393-8230 • FAX 512-396-9190
AGENDA CAPTION:
Consider approval of Resolution 2017-36R, appointing Jon Clack to Board Position No. 7 of the Board of Directors of the Hays Caldwell Public Utility Agency (HCPUA) to fill a vacancy; and declaring an effective date.

Meeting date: February 21, 2017

Department: City Clerk

Funds Required: N/A
Account Number: N/A
Funds Available: N/A
Account Name: N/A

CITY COUNCIL GOAL:

BACKGROUND:
The City of San Marcos holds 5 positions on the Board of Directors of the Hays Caldwell Public Utility Agency. Board Position No. 7 was recently vacated with the departure of Mr. Jared Miller. Staff is proposing that the vacancy be filled by Mr. Jon Clack, Assistant Director of Public Services - Water/Wastewater Division.

<table>
<thead>
<tr>
<th>Board Position</th>
<th>Person Appointed</th>
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<tbody>
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<td>5</td>
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<td>Jane Hughson to continue serving a two year term ending September 30, 2018.</td>
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<tr>
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<td>Steve Parker to serve a two year term ending September 30, 2017.</td>
</tr>
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<td>Tom Taggart to serve a two year term ending September 30, 2017.</td>
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RESOLUTION 2017- R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, APPOINTING JON CLACK TO BOARD POSITION NO. 7 OF THE BOARD OF DIRECTORS OF THE HAYS CALDWELL PUBLIC UTILITY AGENCY TO FILL A VACANCY; AND DECLARING AN EFFECTIVE DATE.

RECITALS:

1. The governing bodies of the City of San Marcos, the City of Buda, the City of Kyle and the Canyon Regional Water Authority have adopted resolutions (the “Concurrent Resolutions”) approving the creation of the Hays Caldwell Public Utility Agency (the “Agency”) under the Texas Local Government Code Chapter 422, as amended (the “PUA Act”).

2. The Concurrent Resolutions provide for the Agency to be governed by a Board of Directors (the “Agency Board”) to which the City is entitled to appoint five members.

3. The Agency Bylaws provide that the City’s appointees to the Agency Board will serve staggered two-year terms.

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

Part 1. The City Council hereby appoints and confirms the appointment of Jon Clack to serve as the City’s representative in Board Position No. 7 on the Board of Directors of the Hays Caldwell Public Utility Agency to fill a vacancy. The City’s current representatives on the Board are:

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Part 2. This Resolution shall be in full force and effect from and after its passage.
ADOPTED on this 21st day of February, 2017.

John Thomaides
Mayor

Attest:

Jamie Lee Case
City Clerk
AGENDA CAPTION:
Receive an update on Senate Bill 71 (SB 71) which, if passed would authorize the State of Texas to convey ownership of the bed and banks of the San Marcos River within the corporate limits of the City to City of San Marcos, and provide direction to Staff.

Meeting date: February 21, 2017

Department:

Funds Required: N/A
Account Number: N/A
Funds Available: N/A
Account Name: N/A

CITY COUNCIL GOAL:

COMPREHENSIVE PLAN ELEMENT(s):

BACKGROUND: During the 84th Texas Legislative Session the San Marcos City Council partnered with Senator Judith Zaffirini and Representative Jason Isaac on a bill to transfer ownership of the bed and banks of the San Marcos River from the State of Texas to the City of San Marcos. March 2015 the city council provided a resolution of support for the proposed legislation to both Senator Zaffirini and Representative Isaac. The legislation was not passed during the 84th Legislative Session.

In July of 2016 the San Marcos City Council adopted Guiding Principles for the 85th Legislative Session. One of the principles listed is to support legislation that protects the San Marcos River and continued progress of the Habitat Conservation Plan. At that time, Council was provided, as an attachment to the agenda item, the City of San Marcos Policy Issues Document which outlined specific issues the City would support or oppose including the Bed ad Banks issue, which would later become SB 71.
In November of 2016 Senator Zaffirini filed SB 71 to help the City of San Marcos better manage restoration and environmental protection of the San Marcos River.

The bill, if passed, would assist the City in better protecting the river, plants and wildlife by streamlining and more efficiently managing in river Habitat Conservation Plan projects. This bill will help the City balance the value of the San Marcos River as a center for recreation and the need to protect the habitat of some of the earth’s most rare species.

**Key facts:**

**City ownership of the bed and banks would give City rangers authority to protect endangered species.** Under the EAHCP, the City is responsible for increasing Texas wild-rice coverage and protecting the San Marcos salamander, fountain darter and Comal Springs riffle beetle. The City’s civilian rangers do not have direct authority to protect endangered plants and animals from tampering, but instead have to call a game warden.

**City ownership of the bed and banks would allow for a faster response in repairing city-owned facilities for public safety.** The City owns river access points, dams and bridges in upper San Marcos River, but does not have the authority to repair these structures. During bridge repairs, the City needs to shut down navigation in the river during construction, but does not have the authority to do so.

**In sum, the City has infrastructure and multiple projects on the river for which it is solely responsible.** City ownership of bed and banks will help ensure the highest success in complying with the HCP and maintaining public safety in the San Marcos River and city parks.

Once the bill was filed there were some questions raised and some misinformation disseminated including incorrect claims that this bill would prohibit or dramatically restrict river recreation, impact the Cape’s Dam project, or allow more development along the river.

This bill will NOT:

- Limit access to the San Marcos River
• Interfere with San Marcos River recreation

• Impact the pending permit application for the removal Cape's Dam

The City has worked with Senator Zaffirini’s staff to add language to the bill that would assist in clarifying the intent related to the Cape’s Dam project. The language clarified that the City will continue the sand and gravel permit process for the Cape’s Dam project specifically, regardless of the outcome of the bill. However, sand, gravel, shell and marl and mudshell would be conveyed to the City if the bill is passed. This language is based on legislation passed for the City of Waco.

The City has also clarified to Senator Zaffirini’s staff that there is no concern of increased development on the banks of the river. The conveyance would only include the banks of the river, not private property along the river. Additionally, the San Marcos River Corridor Ordinance has been in place since the 1980’s. It prohibits impervious cover within 100 feet of the banks on either side of the river (water quality zone) and further restricts impervious cover to a maximum of 30 percent within the next 100 feet from the river (buffer zone). The intent of the ordinance is to prohibit and limit development adjacent to the river. Proposed code changes will expand the boundary and water quality treatment requirements for the San Marcos River.

The suggestions have been passed on to the drafters of the bill who will make edits before it is presented to a senate committee.
By: Zaffirini  

A BILL TO BE ENTITLED
AN ACT
relating to the transfer of certain state real property to the City of San Marcos.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. (a) Subject to Section 2 of this Act, not later than January 1, 2018, the State of Texas shall transfer by deed without warranty of title to the City of San Marcos all real property owned by the State of Texas in the bed and along the banks of the San Marcos River located within the city limits of the City of San Marcos as those limits exist on the effective date of this Act.

(b) Before the real property described by Subsection (a) of this section may be transferred, a survey of the real property must be conducted by or under the direction of the General Land Office.

(c) Consideration for the transfer authorized by Subsection (a) of this section shall be in the form of an agreement between the State of Texas and the City of San Marcos that requires the City of San Marcos to primarily promote a public purpose of the state by providing protection of health and general welfare, providing recreation, beautification, and civic improvement, and providing police protection in the bed and along the banks of the San Marcos River within the city limits of the City of San Marcos.

(d) The City of San Marcos shall reimburse the General Land Office for the fees and expenses incurred by the General Land Office in connection with the transfer of the real property under this Act.

SECTION 2. (a) Ownership of the property automatically reverts to the State of Texas if the City of San Marcos:

(1) fails to promote a public purpose of the state as described by Section 1(c) of this Act; or
(2) sells all or any part of the property.

(b) The state reserves:
(1) the state's interest in all oil, gas, and other minerals in and under the real property described by Section 1 of this Act;
(2) the state's right to remove from the real property described by Section 1 of this Act any oil, gas, and other minerals in and under the real property; and
(3) the state's right to grant a lease held by the state before a conveyance of real property described by Section 1 of this Act relating to the removal of oil, gas, and other minerals in and under the real property.

(c) Sections 31.1571 and 31.158, Natural Resources Code, do not apply to the transfer of real property authorized by this Act.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS SUPPORTING THE ADOPTION OF LEGISLATION TO AUTHORIZING THE STATE OF TEXAS TO TRANSFER OWNERSHIP OF THE BED AND BANKS OF THE SAN MARCOS RIVER WITHIN THE CITY LIMITS TO THE CITY OF SAN MARCOS; AND PROVIDING AN EFFECTIVE DATE

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

PART 1. The City Council supports the adoption of legislation authorizing the State of Texas to convey the bed and banks of the San Marcos River within the corporate limits of the city to the City of San Marcos.

PART 2. The City Council respectfully requests Senator Judith Zaffirini and Representative Jason Isaac to introduce bills in substantially the same form as attached in Exhibit “A” in order to achieve the purpose set forth in Part 1 of this resolution.

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

ADOPTED on March 3, 2015.

Daniel Guerrero
Mayor

Attest:

Jamie Lee Pettijohn
City Clerk
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TAKING OF POWER FROM HOME RULE CITIES

LEGISLATIVE ACTION: Oppose legislation that attempts to take away the power of self-government granted to Texas Home Rule cities by the Texas Constitution.

During the 84th Session, 2015, legislation was introduced by Senator Huffines, SB 343, that would revert the powers of Texas cities to those found before the constitutional amendment of 1912. The bill did not pass. The bill would have provided that a city may not enact an ordinance relating to anything governed by state law, unless expressly authorized to do so. This would replicate the State of New York laws and would have removed power from the government closest to the people.

In 1912, the people of Texas adopted a constitutional amendment affirming Texas’ commitment to local decision making that overturned a federal judicial ruling known as “Dillion’s Rule” that had centralized power with the states. Federal Judge Dillon issued a ruling in 1868 that pronounced cities to only have the authority that was expressly granted to them by their state government. The 1912 amendment to the Texas Constitution, in Article 11, Section 5, authorizes cities with a population over 5,000 to adopt a “home rule charter” by election and grant the citizens the power of self-government. This form of government allows cities some measure of freedom from state control.

Citizens prefer self-government at the local level for three main reasons. The first is to allow the state legislature and governor time to devote to matters of state-wide importance. Prior to passage of home rule cities, state legislatures spent an uneven amount of time on local requests for legislation to manage items specific to a particular local government. The second reason is to allow municipalities to initiate immediate action to resolve issues that are specific to the local entity without waiting for the state legislature to convene, especially in states that have biennial legislative sessions. The final reason is U.S. Citizens have long opposed a strong centralized government that can be unwieldy and difficult to access to resolve issues.

On March 17, 2015, The City of San Marcos adopted Resolution No. 2015-42R to oppose any “super-preemption” legislation that strips powers from the local governments and returns it to a centralized and consolidated government power.
**CLARIFY TRUTH-IN-TAXATION LANGUAGE**

**LEGISLATIVE ACTION:** Amend Section 26.05(b), of the Texas Tax Code, to clarify the prescribed language of the motion a City must use to adopt the annual tax rate.

Proposed Amended Language Highlighted:

26.05(b). A taxing unit may not impose property taxes in any year until the governing body has adopted a tax rate for that year, and the annual tax rate must be set by ordinance, resolution, or order, depending on the method prescribed by law for adoption of a law by the governing body. The vote on the ordinance, resolution, or order setting the tax rate must be separate from the vote adopting the budget. The vote on the ordinance, resolution, or order setting a tax rate that exceeds the effective tax rate must be a record vote. A motion to adopt an ordinance, resolution, or order setting a tax rate that exceeds the effective tax rate must be made in the following form:

"I move that [the property tax rate be increased by the adoption of] a tax rate of (specify tax rate) be adopted, which is effectively a (insert percentage by which the proposed tax rate exceeds the effective tax rate) percent increase in the tax rate."

REVISE THIS LANGUAGE FURTHER – TALK TO Michael C.

If the ordinance, resolution, or order sets a tax rate that, if applied to the total taxable value, will impose an amount of taxes to fund maintenance and operation expenditures of the taxing unit that exceeds the amount of taxes imposed for that purpose in the preceding year, the taxing unit must:

Under the Truth-in-Taxation laws, a municipality is required to have a record vote on a motion to adopt an ordinance, resolution or order to set a tax rate. Section 26.05(b) prescribes the language that must be used. The required form language of the motion reads "that the property tax rate be increased by adoption of...". This language must be used by law even when the tax rate is not being increased, but the revenue generated is an increase from the previous year. The prescribed language is touted to provide taxpayers with better information and "Truth-in-Taxation". However, use of the term "effective" is less than clear to the general public and forces elected officials to vote on language that appears to state they have increased the actual tax rate, even when they have not.

The prescribed language requires a governing body to use the same language when the revenue generated is greater than the previous year. This increase is termed the "effective tax rate". An increase in revenue can occur when the tax rate stays the same, but abated property becomes fully taxable, or valuations are re-calculated and increased. If the entity opts not to lower the tax rate to keep the revenue equal to the previous year, then they must post that they have an "effective tax rate increase".

Truth-in-taxation is a set of requirements in the Texas Constitution and the Tax code that call for local taxing units to make taxpayers aware of tax rate proposals and to provide taxpayers the opportunity to vote to reduce or limit tax increases. A taxing unit's governing body must adopt a tax rate by official action and set it out in a written resolution, ordinance or order using specific wording set out in the Tax Code. Truth in taxation laws were intended to clarify and make the process more transparent. But the required language that must be published with tax and budget information is misleading, at best, and not comprehensible by most.
LOCAL HOTEL OCCUPANCY TAX (HOT) REVENUE FOR POLICING SPORTING EVENTS

LEGISLATIVE ACTION: Amend the statute to allow local hotel occupancy tax (HOT) revenue to be used to cover the expenses of public safety services affiliated with football games and other athletic events at Texas State University - San Marcos.

The City of San Marcos has a population of just over 50,000 and is host to Texas State University – San Marcos which has an enrollment of 34,000 students. The Bobcat Stadium seats over 30,000 people. During the Navy game on September 14, 2014 over 32,000 people attended the game (including tailgaters). More than 25,000 attended both the Prairie View A&M game and the Southern Miss game in September of 2015. Being able to use municipal HOT revenues to cover some of the expenses incurred for public safety during these games will assist the city significantly in defraying the costs.

Section 351.101, Subsection (a)(6), of the Texas Tax code currently allows municipalities located in a county with a population of one million or less to use the funds for expenses related to sporting events where the majority of the participants are tourists. It is likely the majority of a college football games participants will be on the home team as traveling teams generally do not bring the entire bench. Therefore, the subsection does not provide for the use of the funds for expenses related to these athletic events.

Amend Sec. 351.101 (a)(6), as follows, to include allowable use of the city’s hotel occupancy tax revenue to cover the expenses of public safety services affiliated with football games and other athletic events at Texas State University – San Marcos.

Sec. 351.101. USE OF TAX REVENUE.
(a) Revenue from the municipal hotel occupancy tax may be used only to promote tourism and the convention and hotel industry, and that use is limited to the following:
(6) for a municipality located in a county with a population of one million or less, expenses, including promotion expenses and policing expenses, directly related to a sporting event in which:
(A) for a municipality located in a county with a population of one million or less, the majority of participants are tourists who substantially increase economic activity at hotels and motels within the municipality or its vicinity; or
(B) for a municipality located in a county with a population of 189,000 or less and with a general academic teaching institution that is funded by state funds with a student enrollment greater than 33,000, the participants are on a team organized or sponsored by a general academic teaching institution that is funded by state funds.
LOCAL HOTEL OCCUPANCY TAX (HOT) REVENUE FOR RIVER OPERATIONS

LEGISLATIVE ACTION: Amend the statute to allow local hotel occupancy tax (HOT) revenue to be used to cover the expenses related to river protection, conservation, maintenance and cleanup.

Current law provides for the use of local hotel tax revenue to be used along bays and coastal areas that are an attraction for visitors and tourists. The following subsections of Section 351, Tax Code, permit the funds to be used by cities as follows:

- Clean and maintain adjacent public land to a bay and to mitigate coastal erosion on adjacent public land to a bay in cities with a population of less than 80,000 (Sec. 351.104) Includes Ingleside, Portland, Aransas Pass, La Porte, Seabrook, Port Lavaca, Rockport and Baytown;

- Establish and acquire facilities on coastal municipalities to attract visitors and tourists (Sec. 351.105);

- Clean and maintain public beaches, provide beach security and pay for erosion response projects for eligible coastal municipalities (Sec. 351.1055) Includes the City of South Padre Island; and

- Clean and maintain public beaches in the municipality (Sec. 351.107) Includes Corpus Christi.

Section 351, Tax Code, should be amended by adding a new subsection 351.111 which will permit the City of San Marcos to use Municipal Hotel Occupancy Tax revenue to pay for expenses related to river protection, maintenance and operations of parks along the river, maintenance and cleanup of trash and litter in and along the river, water safety and enforcement of regulations in and along the San Marcos River. The San Marcos River is one of the city’s largest attractions.

Other sections of the code provide for the use of Municipal Hotel Occupancy Tax revenue for cities along bays and coastal areas for the same purposes listed in this amendment.

Subchapter B, Chapter 351, Tax Code, is amended by adding Section 351.111 to read as follows:

Sec. 351.111. ALLOCATION OF REVENUE: CERTAIN MUNICIPALITIES WITH A RIVER. (a) This section applies only to a municipality that has a population of at least 50,000, is located on the San Marcos River and in which Texas State University is located. (b) Notwithstanding any other provision of this chapter, a municipality to which this section applies may use revenue from the municipal hotel occupancy tax to support river protection, maintain and operate parks along the river, maintain and cleanup trash and litter in and along the river, and promote water safety. The municipality may use the revenue to enforce regulations in and along the river.
CONVEYANCE OF THE BEDS AND BANKS OF THE SAN MARCOS RIVER

LEGISLATIVE ACTION: Statutorily convey the beds and banks of the San Marcos River that are within the corporate limits of the City of San Marcos.

This conveyance would not change ownership of the water in the bed and banks which will continue to reside with the state.

Statutorily convey to the City of San Marcos ownership of the bed and banks of the San Marcos River that are within the corporate limits of the city. This action would be in line with the current ownership of beds and banks within Austin, Waco, Beaumont, Dallas, El Paso, Fort Worth, Galveston, Houston, San Antonio and Wichita Falls.

The conveyance will allow city ordinances to be enforced by issuing warnings or citations to individuals who are in or on the San Marcos River within the corporate limits of the city. Many visitors and residents alike enjoy tubing and recreation on the San Marcos River. While most are respectful and law abiding, some visitors trespass on private property along the banks, disregard conservation measures, tube under the influence, create a public nuisance, litter and violate city ordinances. It has been argued that the State’s ownership of riverbeds preempts enforcement of city ordinances against any person who is using the navigable waters of the state for any purpose. Transferring ownership of the segment of a river within the corporate limits of a city to that city allows the city to protect the beds and banks, without hindering the visitor’s use of the river.

History of previous conveyance:
In 1966, the Legislature transferred the land underlying navigable streams within cities that had a population of 40,000 or more according to the 1920 census to the cities themselves (at the time that included Beaumont, Dallas, El Paso, Fort Worth, Galveston, Houston, San Antonio, and Wichita Falls). TEX. REV. CIV. STAT. ANN. art. 7467 (Vernon 1966).

Other cities (Waco and Austin) have acquired title to riverbeds within those cities by conveyance from the State as well.

There may be other cases where the public ownership resides in the municipality rather than the state.
SALES TAX SOURCING

LEGISLATIVE ACTION: Monitor legislative action that alters local sales and use tax “sourcing” to amend the current law determining which local taxing jurisdiction receives sales and use tax revenue on a given purchase.

Texas and 44 other states collect sales taxes. In FY 2015 Texas sales tax collections accounted for 26.4% of all state tax collections. In Texas, the Comptroller maintains that, “A seller who uses catalogs or the Internet to sell goods is treated the same as any other seller of taxable items.”

The national Streamlined Sales Tax Project was created by the National Governor’s Association (NGA) and the National Conference of State Legislatures (NCSL). The Agreement is designed to establish common definitions, collections and administration of sales tax across state lines and in doing so reduce costs and administration by retailers operating in multiple states. It encourages “remote sellers’ selling over the internet and by mail order to collect tax on sales to customers living in the participating Streamlined states. It is designed to bring some parity between local “brick-and-mortar” stores and remote sellers by requiring the same tax collection rules.

Texas has not participated in the project. Part of the original project required that states shift intrastate sales tax sourcing from the origin city to the destination city, although subsequent amendments permitted cities to keep origin sourcing. This project has been under discussion in Texas for well over 10 years, but no legislation has been filed in the state. It has been projected that participating in the Streamlining process in Texas will result in a tax increase, which is why most speculate the Texas legislature will never pass conforming legislation.

In 2008, several Texas cities were in lawsuits against one another over whether cities with warehouses or cities with retail storefronts are the proper “place of business” for purposes of sales taxation under Texas law. In 2009, SB 636 passed that provided when there are retailers with more than one place of business in Texas, city sales taxes are sourced where the retailer first received the order for the goods, provided the order was placed in person. In 2011, the Texas legislature passed legislation in the special session (SB 1) to address the practice of online sellers, like Amazon, that avoided collecting state and local sales and use tax. The law changed the definition of retailer to include a company that has a distribution center or any other physical presence in Texas, and by doing so, requires those companies to collect sales tax on sales delivered in Texas.

The fight for Streamlined Sales Tax Agreement has continued at the federal level. But language that permits the collection of only a state assessed sales tax to be collected by remote sellers (6.25%) vs. the collection of state and local sales taxes (8.25%) has created additional opposition to the bill from local governments. Twenty-four states, of the forty-four that have a sales tax, have passed conforming legislation and participate in the agreement to date.
LEGISLATIVE ACTION: Examine the feasibility of seeking an exemption to permit the City to charge the storm and water drainage fees to state facilities.

In 1982, Attorney General Mark White issued Opinion No. MW-551 in response to a request of Whether state agencies must pay a drainage fee imposed by the City of Austin to fund a Drainage Utility System. The question of whether the fee is a “fee” or was deemed a “tax” and thereby prohibited by the constitution was posed by the city. The Opinion states:

“We do not think it necessary to consider the question whether such an assessment is a tax within the meaning of constitutional provisions exempting property from taxation in a case, where, as here, a political subdivision created by the sovereign is attempting to impose a monetary exaction upon its creator.

Even if it be assumed that a county or municipality is subject to special assessments levied by another political subdivision of the State, it does not necessarily follow that a subordinate political subdivision can impose an involuntary monetary obligation on the sovereign. It is generally held that, in the absence of clear legislative authorization, a political subdivision of the state has no power to levy a special assessment against State property. We adopt this view at least in a case where, as here, the sovereign is neither making nor contemplating any use of the allegedly benefitted land and has neither received nor requested the services rendered by the assessing agency.”

In 2003 the Texas Local Government Code was amended by former Rep. Brian McCall adding Section 580.003(a) which prohibits all political subdivisions from collecting from a state agency or public institution of higher education any fee charged for the development or maintenance of programs or facilities for the control of excess water or storm water. (HB 2425, 78th Legislature) Note: today Brian McCall is the Chancellor of the Texas State University System, of which TSU-San Marcos is a part.

However, in 2007 Subsection (b) was adopted, setting up a bracketed exemption to this prohibition for a city with a population of 25,000 or less and through which the Bosque River runs, which is Stephenville. (HB 462, 80th Legislature, by Senator Fraser and Rep. Miller) The bill analysis states the exemption to the prohibition was adopted for the following reason:

In small communities however, this has placed an undue hardship on citizens funding these water drainage projects when a large use of the storm water drains comes from the colleges and universities in the area. Often these colleges make up a significant amount of the population in smaller communities.

The House Research Report for HB 462 noted: there was no opposition to the bill; Tarleton State wanted to be a good neighbor and recognized its impact on the city’s drainage system;
and the population of Tarleton was 15,000 with a student population of 7,000. The bill as originally filed would have applied to all cities with a population of 25,000 or less. There has been no legislation filed since 2007 seeking authority for any other political subdivision to be permitted to assess a Drainage Utility fee on a state agency or institution. In 2011 three bills were filed seeking further exemptions from the assessment in Houston for religious institutions, 501(a)s and (c)s. They did not pass.

STATE DEMANDS ON LOCAL FIRE DEPARTMENT

LEGISLATIVE ACTION: Support additional funding options to assist with additional fire equipment and personnel needed to protect high-rise apartments and buildings.

In recent years Texas State University has added several high-rise buildings, including on and off campus apartment buildings, within San Marcos that impact the city’s life safety services. The height of The College Inn (9 stories), Tower Hall (9 stories), and Jackson Hall (12 stories) Chautaugua Hall exceed the tallest buildings previously located in the City. Additionally, unlike standard apartments with simple door handle locks on interior bedroom doors, some of TSU apartments have dead bolts on each of the interior bedroom doors.

High-rise buildings are defined as a building that is more than 75 feet in height, measured from the lowest level of fire department vehicle access to the floor of highest occupiable story. High-rise buildings present several unique firefighting challenges not found in traditional low-rise buildings. They have longer egress times and distances, longer evacuation strategies generally with more occupants, more difficult fire department accessibility, smoke movement and fire control. The multiple floors of high-rise buildings create the cumulative effect of requiring additional personnel to travel larger vertical distances on stairs in order to evacuate the building. To be adequately prepared a fire department requires taller ladder trucks and additional man power to fight high-rise fires.

SOVEREIGN IMMUNITY ON GOVERNMENT VS. PROPRIETARY DISTINCTION

LEGISLATIVE ACTION: Monitor legislative action that will provide clarification on the application of sovereign immunity for a breach of contract claim when a city is performing a proprietary function.

The Supreme Court of Texas ruled on April 1, 2016 in Wasson Interests, LTD v. City of Jacksonville, that sovereign immunity does not apply when a city is performing a proprietary function, whether the city commits a tort or a breach of contract. Prior to this ruling, cities had liability, when performing a proprietary function, for any tort claims. A cities immunity does not apply to such suits. Under the recent Supreme Court decision, the courts found that under the current law, the common law distinction between governmental acts and proprietary acts (proprietary-governmental dichotomy) also applies to contract claims. Meaning, under this
ruling, cities no longer have any immunity from suit or liability for claims arising from contracts for proprietary services, either. Additionally, this distinction means there is also no limit on damages for proprietary contracts. Prior to this ruling cities generally could be sued only for amounts that are due under the written contract. Without the protection of immunity or the Texas Tort Claims Act that limit liability to a set dollar amount for tort claims, suits against a city for breach of contract may go beyond actual contract amounts due and may include damages and other ancillary costs without a cap. Lastly, this ruling could apply to more than a written contract and could lead to cities being sued for breach of alleged oral contracts, additional fees not stated in a contract, promises, etc.

A proprietary function of a city is one that is performed at the discretion of the city and performed to serve the interest of the inhabitants of the city, such as the operation and maintenance of a utility or amusement park. A governmental function is one that is imposed on the city by law and is given to the city by the state, as part of the state’s sovereignty, to be exercised by the city for the interest of the general public.

### INTENTIONAL TAKING OF PROPERTY

**LEGISLATIVE ACTION:** Monitor legislative action that would attempt to expand the elements of taking claims against cities.

On June 17, 2016, a 5-4 split decision was handed down by the Texas Supreme Court dismissing the case brought by more than 400 Harris County residents and homeowners that accused Harris County Flood Control of causing flooding by approving housing developments without planning for runoff and drainage. The Justices ruled that the plaintiffs could not rely on county inaction to claim that the government had “taken” their property. *Harris County Flood Control Dist. V. Kerr*

This ruling reversed the June 2015 Texas Supreme Court finding on the same case that a trial was necessary to determine if Harris County officials knew that deviating from a mitigation plan for 100-year floods and adopting a 10-year flood plan was certain to lead to damage to existing residential homes when additional upstream real estate projects were approved and built, and if so, if that was the same as intentional taking of the homeowners land. The houses flooded in 1998, 2001 and 2002 floods. The case had its roots in the late 1970s when flood control projects were completed for lower White Oak Bayou and the Army Corps of Engineers proposed similar mitigation efforts for upper White Oak Bayou, on the grounds that urbanization would worsen flooding absent such mitigation efforts. Harris County agreed, failed to obtain federal funding, assumed responsibility for the project, and commissioned studies that the plaintiffs used to assert the county officials knew the project needed to be done.

More than 15 governments or governmental associations filed briefs following the year old June 2015 ruling, asking the court to reconsider the ruling. Dissenting opinions by one of the justices and briefs filed by the groups asking for reconsideration warned that the June 2015 decision
encourages cities to do nothing to prevent flooding and that the ruling unnecessarily expands takings liability.

In the recent decision dismissing the suit, Justice Don Willett wrote the homeowners failed to link their flood damages to action the county did take, such as approving building permits upstream. He went on to state that ruling for the homeowners would impair governments’ ability to operate because they could face claims when a storm knocked down a city electric pole and burned down a house, or when a city’s failure to buy enough ladder trucks led to a high-rise fire. "The theory … would appear to cover many scenarios where the government has no designs on a particular plaintiff's property," he wrote, "but only knows that somewhere, someday, its routine governmental operations will likely cause damage to some as yet unidentified private property."

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**ECONOMIC DEVELOPMENT INCENTIVES AND GRANTS**

**LEGISLATIVE ACTION:** Support funding for the Texas Enterprise Fund at $200 million dollars.

The Texas Enterprise Fund (TEF) is a cash grant used as a financial incentive tool for projects that offer significant projected job creation and capital investment and where a single Texas site is competing with another viable out-of-state option. The fund is administered through the Economic Development and Tourism division of the Office of the Governor. The Fund was appropriated $90 million for the 2016-2017 biennium. Of that amount, $45 million was unexpended from the previous biennium and $45 million was taken from the Emerging Technology Fund which was abolished. This is a reduction from $120 million for the 2014-2015 biennium and $150 million for the 2012-2013 biennium. The TEF was established by legislation in 2003 as SB 1771. The TEF can be found in Chapter 481, Sec. 481.078 of the Government Code.

**LEGISLATIVE ACTION:** Support maintaining incentive programs utilized by the City of San Marcos and other local entities to promote: economic development activity; job creation; increased tax revenues; increased opportunity for input into new developments; and creation of new businesses.

Chapter 380 of the Local Government Code provides express statutory authority for municipalities to provide economic development incentives consisting of loans and grants of city funds, use of city personnel, facilities and services with or without charge for economic development. The types of incentives offered are wholly discretionary with the municipality, provided: (1) the program serves a public purpose; (2) the projects are funded by current revenue or authorized debt; and (3) the municipality complies with its Charter and applicable statutes.

Chapter 313 of the Tax Code, also known as The Texas Economic Development Act, was passed in 2001 as HB 1200. It allows a school district to offer a temporary limitation for school
property tax purposes on the property value of new investment in the state. Under Chapter 313, a local school district may defer for 8 years the time before a new investment project goes onto the tax rolls at full value. The limitation on the taxable value of a project does not take effect until the third year of the project. A taxpayer may also make a separate application to the school district for a credit for taxes paid during the first two years on the value of property in excess of the limitation amount. Projects making new investments in connection with: (1.) manufacturing, (2.) research and development, (3.) electricity generation using certain low emission technologies, and (4.) nuclear energy.

The Governor's University Research Initiative (GURI) grant program was enacted in 2015 by the 84th Legislature. GURI is a matching grant program designed to assist eligible institutions of higher education to recruit distinguished researchers who are Nobel Laureates or recipients of an equivalent honor, or members of a national honorific society. Eligible institutions are public universities or public health science centers. The program was funded $40 million for the 2016-2017 biennium.

**EDUCATION: PREKINDERGARTEN FUNDING**

**LEGISLATIVE ACTION:** Support increased funding for Prekindergarten programs, with the ultimate goal of universal prekindergarten funding for all Texas students.

The Texas Education Agency funds half-day prekindergarten through the Foundation School Program to eligible three- and four-year-old children. In 2015 the 84th Legislature created the High Quality prekindergarten Grant Program for school districts and charters that voluntarily meet the new enhanced quality standards related to curriculum, teacher qualifications, academic performance, and family engagement. Qualifying grant recipients receive $1,500 per year per student, in addition to the half day Foundations School Program (FSP) funding that is already received for each eligible prekindergarten student. The grant money is geared toward students from low-income, non-English speaking, foster and military families.

San Marcos Consolidated Independent School District is anticipated to receive $250,487 over the next two school years from this grant.

Beginning in 2013-2014, SMCISD provides a full day Pre-Kindergarten program for all of the district’s eligible students. All Pre-K students are bus eligible and participate in the free breakfast and lunch program. The Pre-K curriculum includes all elements as defined by the Texas Pre-Kindergarten guidelines and is taught by certified teachers and part-time teaching assistants.
TRANSPORTATION: REGIONAL MASS TRANSIT

LEGISLATIVE ACTION: Actively support efforts related to the further development of efficient and economical mass transit options in the Austin and San Antonio corridor.

One of the fastest growing cities in the nation, the City of San Marcos strives to provide a seamless and comprehensive transportation system for the City and within the central Texas corridor. In 2012, the City of San Marcos was defined as an urbanized area by the U.S. Census Bureau and has some congested roadways to go along with the growth. The City supports the development of multiple mass transit options including passenger rail, a comprehensive public bus system, and upgraded bicycle and pedestrian facilities.

The city supports funding for the development of mass transit options, including funding for the Lone Star Rail District and CARTS. Additionally, to relieve some of the traffic flow issues the City supports funding the Texas Rail Relocation and Improvement Fund “to provide a method of financing the relocation and improvement of privately and publicly owned passenger and freight rail facilities to: relieve congestion on public highways, enhance public safety, improve air quality, expand economic opportunity and construct railroad underpasses and overpasses if a part of the relocation of a rail facility.”

TEXAS STATE UNIVERSITY

LEGISLATIVE ACTION: Actively support efforts by Texas State University to increase funding for the Emerging Research Institutions and Hazlewood Act,

There are eight universities in Texas that have been identified as Emerging Research Institutions. Texas State University was added to the list in January of 2012. Only the schools with this designation may access various pools of incentive funding to assist the school to reach the criteria making them eligible to be identified as a top-tier, or Tier 1, school. Currently only the University of Texas at Austin, Texas A&M University and Rice University are designated as Tier 1 schools.

The funding incentives include a pool of money to match private donations for research and a pool to recruit highly qualified faculty. Additional pools of funding are available after meeting the highest criteria to help continue the high standards reached by the institution. The City supports the state’s full funding of these revenue sources for Texas State University.

The Hazlewood Act is a Texas state law that provides qualified Veterans – as well as their spouses and children – with higher education benefits including, 150 hours of tuition and fee exemptions at state supported universities and colleges. The program has outpaced available state revenue and the schools are required to find ways to balance a budget without the revenue. In 2014, the total value of the exemptions awarded for the 1,994 recipients of the benefit under the Hazlewood program at Texas State University was over $14 million.
TRANSPORTATION:
MUNICIPAL TRANSPORTATION REINVESTMENT ZONES (TRZS)

LEGISLATIVE ACTION: Support maintaining the City of San Marcos’ ability to utilize TRZs to meet the transportation needs of the community. Look at all available options to increase transportation funding for the City of San Marcos.

A statute passed in 2007 (SB 1266) provides Texas cities the authority to create zones for transportation infrastructure investment. Transportation Reinvestment Zones (TRZs) are a tool used by local entities to advance transportation projects. The local governing body designates a zone in which it will promote a transportation project. Once the zone is created, a base year is established and the incremental increase in property tax revenue collected inside the zone is used to finance a project in the zone. A TRZ does not require a local entity to create a board.

A municipality must make the following determinations in order to set up a zone: (A.) The proposed zone must be deemed underdeveloped; and (B.) The area of the TRZ will 1) promote public safety; 2) facilitate the improvement, development, or redevelopment of property; 3) facilitate the movement of traffic; and 4) enhance the local entity’s ability to sponsor transportation projects.

The TRZ has been expressly provided for in the Legislation to allow direct financing of transportation projects and primarily highway projects. After designating a contiguous area along a corridor as a TRZ, a local government entity (a city or county) can securitize the incremental tax revenues along with TxDOT Pass-Through financing to obtain the funds necessary to bring a project to fruition. Funds generated from the securitization can be used to pay for infrastructure projects in the TRZ, and investors can be repaid from the combined revenue stream—the incremental tax revenues and TxDOT Pass-Through funds. Once the securitized debt is repaid, the additional revenues generated by the TRZ are redirected toward other municipal services. The Texas TRZ model is similar in many ways to the TIF or TIRZ model in its implementation and also involves municipal bond financing.

WATER POLICY:
GENERAL OWNERSHIP INFORMATION & REUSE

LEGISLATIVE ACTION: Monitor the water policy discussions and any legislation pertaining to water reuse and water flows to maintain or enhance the City of San Marcos’ long term plans to provide for the City’s current and future water needs.

The city of San Marcos conducted a feasibility study for direct water reuse expansion in January 2014. Based on the findings of the study the city received a grant from the Texas Water Development Board in November of the same year to begin the expansion of the reclaimed water system. Under the expansion/conservation plan the water will be used to irrigate city...
parks and athletic fields at the university and will be used in the university’s thermal cooling plan. Utilization of reclaimed water at a higher level reduces the needed draws on water from the Edward’s Aquifer and the San Marcos River in excess of 224 AF annually. Reuse is a major part of the city’s long term plan to meet water needs.

Legislative issues are likely to arise over how long a water user can utilize reuse water before returning it to downstream watercourse flows. Given that the 2017 SWP places a heavy reliance on conservation and reuse, it is possible that strategies which fall under those categories and are proven successful would be viewed favorably by the legislature.

**Reuse** According to the 2017 State Water Plan (SWP) Municipal demands are projected to grow by the greatest total amount, from 5.2 million acre-feet per year in 2020 to 8.4 million in 2070. The majority of that growth will come out of the DFW and Houston metropolitan areas. Water management strategies include conservation, new reservoirs, groundwater wells, water reuse, seawater and groundwater desalination plants, and more.

**Share of recommended water management strategies by water resource in 2070**

- 45% Surface Water
- 30% Demand Management (i.e. conservation and drought management)
- 14% Reuse
- 10% Groundwater
- 1% Seawater

Water reuse is the practice of using water that has already been used. The terms reclaimed water, reused water, and recycled water are used interchangeably in the water industry. The Texas Administrative Code (TAC) defines reclaimed water as “domestic or municipal wastewater that has been treated to a quality suitable for a beneficial use,” (30 TAC §210.3).

**Reuse** is broadly categorized as either direct or indirect. Either type of reuse may be used for potable or non-potentable purposes. The availability of wastewater treated for reuse changes over time and is limited only by the amount of wastewater generated by water users at any given time unless a source water permit or agreement states otherwise. Reuse supplies are estimated to increase about 28% from 2020 to 2070. The increase in reuse existing supply is primarily due to an increase in wastewater flows associated with an increasing population and the capacity of existing reuse facilities.

If all the recommended municipal conservation and reuse strategies were implemented in 2070, the projected statewide municipal average gallons per capita per day would decline from the currently projected 163 gallons per capita per day in 2020 (without recommended conservation or reuse strategies) to approximately 124 gallons per capita per day in 2070 (with recommended conservation and reuse strategies).

**General Ownership Information**
Generally, Texas **groundwater** belongs to the landowner. Groundwater in Texas is governed by the “rule of capture”, which grants landowners the right to capture the water beneath their property. Texas courts have consistently ruled that a landowner has a right to pump all the water that they can from beneath their land regardless of the effect on wells of adjacent owners. There are some that would like to see Texas adopt the rule of “reasonable use” with respect to groundwater. The Texas legislature has historically favored the “rule of capture” over “reasonable use”. Opponents to the “rule of capture” have been known to refer to it as the “law of the biggest pump”. There are legislators that believe Texas should move away from the “rule of capture” because of concerns over scarcity of water supplies around the state.

The Legislature has attempted to strengthen the laws enabling citizens to manage groundwater disputes locally through groundwater conservation districts. However, there are many disputes over the operations of groundwater conservation districts.

**Surface water** belongs to the state of Texas. It can be used by a landowner only with the state's permission. Anyone wishing to use surface water (exclusive of drainage water) must receive permission from the state in the form of a "water right." Awarding permits for these "water rights" is a task of the Texas Commission on Environmental Quality (TCEQ).

According to the TCEQ, water rights have priority dates which indicate the seniority of one water right over another, known as "first in time, first in right". In times of drought, those with the earliest dates have the right to get water before those with newer dates. Today, priority dates for new appropriations of water are based on the date the application is declared administratively complete.

**Drainage water** (a.k.a. - diffused surface water, storm water or surface runoff) in its natural state, occurs after rainfall or snowmelt and flows across land from high elevations to lower elevations. This classification of water can be used by a private landowner so long as the water has not flowed into a clearly defined watercourse and the action doesn't interfere with the natural flow. Issues occur when there are interferences or perceived interferences with the natural flow of this type of water by capturing and holding the flow or by diverting or increasing it.

There have been substantive discussions on water policy during every legislative session in recent memory. Legislative proposals can be expected in the following policy areas: the operations and actions of groundwater districts, regional planning groups and river authorities; the appropriate use(s) of existing water resources; state and agency funding related to development of new and existing water resources; and water ownership.

It's been 28 years since any of river authorities have been under Sunset review. Senate Bill 523 (84R), puts all river authorities under review, and Sunset staff have chosen to start with the smallest four river authorities first.
Texas Association of Business (TAB)
TAB is recognized as the voice for Texas Business. They advocate on a variety of legislative policies in all areas of state government, and are highly visible at the state Capitol.

Texas Taxpayers and Research Association (TTARA)
The Texas Taxpayers and Research Association (TTARA) is a non-profit membership supported organization of businesses and individuals interested in the state and local fiscal policies in Texas and the way those policies impact our economy. Our membership is composed primarily of businesses and trade associations that represent businesses and professions. They include the entire range of economic sectors and activities in Texas and share a common belief that all participants in our state's economic life have a stake in determining its future.

Texas Renewable Energy Industry Association (TREIA)
TREIA is a trade association of companies and individuals engaged in, or considering engagement in, development, marketing, sales, installation, servicing, manufacture, of solar, wind, biomass, geothermal or hydrokinetic energy technologies. Also included are organizations and agencies involved in related research, information development and dissemination, education, or policy.

Texas Fire Chiefs Association (TFCA)
Their mission is to serve the citizens of Texas by actively participating in the advancement of the fire service through positive leadership, the sharing of information, and active legislative involvement, while maintaining the highest ethical and professional standards. They have stated objectives of proactive planning to identify innovative approaches to fire and life safety service delivery, promoting responsible fire and life safety through public education and exerting a comprehensive legislative effort designed to impact legislation affecting fire and life safety issues.

Texas Municipal Parks, Recreation and Tourism Association (TMPRTA)
TMPRTA supports the full restoration of the sporting good sales tax revenue to fund the State of Texas Local Park Grant Program. TMPRTA supports the acceptance of Federal pass through dollars to be used for local parks, trails, open space and tourism projects from the U.S. Department of the Interior Land and Water Conservation Fund (LWCF), the Sport Fish Restoration Boat Access program and the U.S. Department of Transportation Recreation Trails program. TMPRTA opposes any reduction or appropriation riders to the Texas Local Park Grant Program used to provide financial assistance for local parks, trails, open space and tourism projects. TMPRTA maintains that all candidate grant projects be subject to the established competitive grant process. TMPRTA opposes any legislation that would impose any unfunded mandate or would otherwise be detrimental to municipal parks, recreation, open space, trails and tourism.

Texas Municipal Utilities Association (TMUA)
The principal emphasis of the association is the management and the direction of municipal utilities, including the special relationship of city managers, members of
governing bodies, and boards of directors related to municipal utilities. It is a forum where members can learn from each other and benefit from professional association with other municipal utility managers in Texas.

**Texas Police Chiefs Association (TPCA)**

TPCA is a statewide law enforcement administrator's organization for Texas and, as such, it is concerned on a statewide basis with all issues involving the criminal justice system. We believe that local chiefs of police possess a thorough knowledge of the law enforcement needs within the state.

Through an organization such as TPCA, issues affecting the criminal justice system can be addressed both with local elected officials and the state legislature. Over five decades after its founding, TPCA actively seeks to promote the professional practice of law enforcement administration, to represent the membership and the profession on issues of concern, and to encourage high ethical standards of conduct among law enforcement administrators through its code of ethics.

**Transportation Advocates of Texas (TAoT)**

TAoT was organized to work with members of the Legislature and state officials to build the resolve needed to increase transportation system funding. We are working to move the discussion beyond patchwork fixes and toward development of sustainable funding sources.

**Texas Infrastructure Now/Texas Good Roads/Transportation Association**

Texas Infrastructure Now was formed to educate Texans across the state about the importance of taking care of our state’s road and water infrastructure needs. They have a stated mission of advocating with stakeholders for safer communities, promoting job creation, sustaining economic prosperity and minimizing transit time from work to home through responsible infrastructure investments.

**WateReuse Texas**

WateReuse Texas was formed in 2005 to support the ever-increasing focus on water recycling to supplement and diversify the water supplies in Texas. Members of the Texas Section include recycled water purveyors, recycled water customers, regulatory agencies, engineering consulting firms, and equipment vendors.

Note: This is just a listing of a select number of different advocacy groups that participate in the legislative process. Some are more engaged than others. Winstead consultants are working to identify specific policy priorities for these groups that are aligned with those of the City of San Marcos or may be of interest to the City.
A BILL TO BE ENTITLED

AN ACT

relating to the transfer of certain state real property to the City
of San Marcos.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. (a) Not later than January 1, 2016, the State
of Texas shall transfer to the City of San Marcos all real property
owned by the State of Texas in the bed and along the banks of the San
Marcos River located within the city limits of the City of San
Marcos as those limits exist on the effective date of this Act.

(b) The transfer

shall be in the form of a deed without warranty regarding covenants
of title that requires the City of
San Marcos to use the real property primarily to promote a public
purpose of the state by

providing protection of health and general welfare, providing
recreation, beautification, and civic improvement, and providing
police protection in the bed and along the banks of the San Marcos
River within the city limits of the City of San Marcos.

SECTION 2. (a) Ownership of the property automatically
reverts to the State of Texas if the City of San Marcos:

(1) fails to promote a public purpose of the state as
described by Section 1(b) of this Act; or

(2) the City of San Marcos sells all or any part of the
property.

(b) The state reserves:
(1) the state’s interest in all oil, gas, and other minerals in and under the real property described by Section 1 of this Act;

(2) the state’s right to remove from the real property described by Section 1 of this Act any oil, gas, and other minerals in and under the real property; and

(3) the state’s right to grant a lease held by the state before a conveyance of real property described by Section 1 of this Act relating to the removal of oil, gas, and other minerals in and under the real property.

(c) Sections 31.1571 and 31.158, Natural Resources Code, do not apply to the transfer of real property authorized by this Act.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.
SB 71, sponsored by Senator Judith Zaffirini, would transfer ownership of the riverbed and banks of the San Marcos River within the San Marcos city limits to the City of San Marcos.

The San Marcos River is home to several endangered species found nowhere else on earth. To protect these species, the City of San Marcos and four other regional entities have signed a 15-year Edwards Aquifer Habitat Conservation Plan (EAHCP). The intent of SB 71 bill is to assist the City in better protecting the river, plants and wildlife by streamlining and more efficiently managing in-river EAHCP projects. This bill will help the City balance the value of the San Marcos River as a center for recreation and the need to protect the habitat of the some of the earth's most rare species.

Key facts:

City ownership of the bed and banks would give City rangers authority to protect endangered species. Under the EAHCP, the City is responsible for increasing Texas wild-rice coverage and protecting the San Marcos salamander, fountain darter and Comal Springs riffle beetle. The City’s civilian rangers do not have direct authority to protect endangered plants and animals from tampering, but instead have to call a game warden.

City ownership of the bed and banks would allow for a faster response in repairing city-owned facilities for public safety. The City owns river access points, dams and bridges in upper San Marcos River, but does not have the authority to repair these structures. During bridge repairs, the City needs to shut down navigation in the river during construction, but does not have the authority to do so.

In sum, the City has infrastructure and multiple projects on the river for which it is solely responsible. City ownership of bed and banks will help ensure the highest success in complying with the EAHCP and maintaining public safety in the San Marcos River and city parks.

This bill is NOT intended to:

- Limit access to the San Marcos River
- Interfere with San Marcos River recreation

*This bill is not related to removal of Cape’s Dam in the San Marcos River*
A BILL TO BE ENTITLED

AN ACT

relating to the transfer of certain state real property to the City of San Marcos.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. (a) Not later than January 1, 2016, the State of Texas shall transfer to the City of San Marcos all real property owned by the State of Texas in the bed and along the banks of the San Marcos River located within the city limits of the City of San Marcos as those limits exist on the effective date of this Act.

(b) The transfer shall be in the form of a deed without warranty regarding covenants of title that requires the City of San Marcos to use the real property primarily to promote a public purpose of the state by providing protection of health and general welfare, providing recreation, beautification, and civic improvement, and providing police protection in the bed and along the banks of the San Marcos River within the city limits of the City of San Marcos.

SECTION 2. (a) Ownership of the property automatically reverts to the State of Texas if the City of San Marcos:

(1) fails to promote a public purpose of the state as described by Section 1(b) of this Act; or

(2) the City of San Marcos sells all or any part of the property.

(b) The state reserves:
(1) the state’s interest in all oil, gas, and other minerals in and under the real property described by Section 1 of this Act;

(2) the state’s right to remove from the real property described by Section 1 of this Act any oil, gas, and other minerals in and under the real property; and

(3) the state’s right to grant a lease held by the state before a conveyance of real property described by Section 1 of this Act relating to the removal of oil, gas, and other minerals in and under the real property.

(c) Sections 31.1571 and 31.158, Natural Resources Code, do not apply to the transfer of real property authorized by this Act.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.